



# The specific needs of foreign national prisoners and the threat to their mental health from being imprisoned in a foreign country



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## ARTICLE INFO

### Article history:

Received 26 April 2012  
 Received in revised form 3 November 2012  
 Accepted 6 November 2012  
 Available online 22 November 2012

### Keywords:

Prisoners  
 Ethnicity  
 Needs  
 Isolation  
 Mental Health

## ABSTRACT

Foreign national prisoners represent an increasingly significant and vulnerable proportion of the prison estate in England and Wales, accounting for 13% of the population in custody (Prison Reform Trust, 2010). They are ever present in the Safer Custody statistics, accounting for nearly a quarter of self-harm incidents and self-inflicted deaths (HM Inspectorate of Prisons, 2009). Recent Inspectorate Reports (2006, 2007, 2010) and a handful of research studies outline the lack of support facing many foreign national prisoners, in terms of language problems, social and cultural isolation, family support, immigration uncertainties and diversity issues. This paper reviews the current context of the foreign national prisoner population in England and Wales, paying particular attention to their experiences, specific needs, and potential threat to their mental health from being imprisoned in a foreign country. We then offer suggestions as to how these issues can be addressed by reviewing existing initiatives and making recommendations for future research.

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## 1. Introduction

As early as 1995, Richards, McWilliams, Batten, Cameron, and Cutler (1995a) highlighted that foreign nationals made up a significant

proportion of the prison population in England and Wales. Using figures supplied by the Home Office, the authors estimated that almost a third of female and about 7% of male convicted prisoners were foreign nationals. Of these, over half were serving sentences of at least four years and most were subject to deportation orders (Richards et al., 1995a). However, until recently, this group of prisoners was largely disregarded within the criminal justice system. Previously labeled as ‘the forgotten prisoners’ (Prison Reform Trust, 2004a,b), their

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anonymity in the prison system suddenly disappeared in April, 2006. Over 1000 foreign national prisoners were released from custody before immigration authorities could assess whether or not they should be deported (Banks, 2011). This discovery caused damning media, public, and political reactions, exacerbating concerns about immigration and crime (Banks, 2011; BBC News, 2006). Foreign nationals were portrayed in the media as dangerous individuals, managed by incompetent criminal justice and immigration professionals (Banks, 2011; Bhui, 2009), leading to damaging outcomes for an already disadvantaged group in the prison population (Bhui, 2009; HM Inspectorate of Prisons, 2006).

The need to address the issue of foreign national prisoners was subsequently highlighted by two investigations carried out by the HM Inspectorate of Prisons (HM Inspectorate of Prisons, 2006, 2007). The results were damning for the Prison Service who were accused of failing to meet the needs of foreign national prisoners regarding family contact, immigration uncertainties and language difficulties (Bhui, 2009). Foreign national prisoners' multiple identities lead to experiences of disadvantage on multiple levels, including socio-economic status and cultural differences (Bhui, 2009). It became apparent that they should be considered a distinct category of individuals with particular management and welfare needs which were unaddressed within the Prison System (Bhui, 2009). Since the HM Inspectorate of Prisons investigations (2006, 2007), there has been some advancement in operational practice and policy to address the needs of foreign national prisoners (Ministry of Justice, 2012). However, the most recent Annual Report addressing foreign national prisoners (HM Inspectorate of Prisons, 2010) records faltering progress towards equitable provision for this group across the prison estate in England and Wales.

More worryingly, since the HM Inspectorate of Prisons investigations (2006, 2007) and changes in practice and policy, foreign national prisoners have occupied a larger place in the safer custody statistics. Indeed, in 2007 there was a marked increase in the number of deaths of foreign national prisoners, from around six per year from 2000 to 2006, to 24 in 2007. In terms of percentage, foreign nationals accounted for 16% and 28% of self-inflicted deaths in 2007 and 2008 respectively, (HM Inspectorate of Prisons, 2009). In 2008, it was hinted some feared that policy changes affected the psychological well-being of foreign national prisoners (Borrill & Taylor, 2009), but little research addressed the issue. However, the need to ascertain whether foreign national prisoners are *uniquely* vulnerable to suicide and self-harm has also been noted (Borrill & Taylor, 2009).

In this context, we review existing literature on the needs and potential threats to the mental health of foreign national prisoners across the prison estate. We specifically focus on: outlining the key characteristics of the current foreign national prisoner population; summarizing findings from research regarding their needs, vulnerabilities, and risks; and providing recommendations for future research. Throughout this

paper, we refer to a foreign national prisoner using prison service definitions (i.e., any offender who does not hold a British passport; HM Inspectorate of Prisons, 2006), held in HM Prisons and Immigration Removal Centers in England and Wales.

## 2. Characteristics of the current foreign national prisoner population

### 2.1. The growth of the foreign national prisoner population

Since 2000, the number of foreign national prisoners in England and Wales has increased by 98%, compared to a 25% increase in British nationals (Ministry of Justice, 2011). Table 1 illustrates the growth of the foreign national prisoner population in England and Wales since 2000. On 31st December 2011, there were 11,077 foreign nationals in prison, representing 13% of the current prison population. Of these, 10,463 (94.5%) were males and 614 (5.5%) were females.

In 2011, foreign national prisoners held in England and Wales originated from 159 different countries. Just over half came from one of 10 countries (Nigeria, Somalia, Irish Republic, Lithuania, Poland, Romania, India, Pakistan, Vietnam, and Jamaica; Ministry of Justice, 2011). Of this population, 70% were from an ethnic group other than white, and foreign nationals made up 40% of the total number of ethnic minorities in prison (Ministry of Justice, 2010a).

### 2.2. Sentences and detention

The vast majority of foreign nationals serve sentences of four or more years for drug-related offenses (Bhui, 2009; Richards et al., 1995a). Of foreign national women, 58% are serving custodial sentences for drug offenses, compared to 24% of British women (Ministry of Justice, 2010b). In male prisons, 38% of foreign nationals are serving sentences for drug offenses while the most common offense for British men (28%) is violence against the person (Ministry of Justice, 2010a). There has also been a sharp increase in the number of foreign national women imprisoned for fraud and forgery offenses (1995 in 2005; Prison Reform Trust, 2010). In 2006, 12% of all sentenced foreign nationals were convicted of fraud or forgery offenses compared to 1.5% of sentenced British nationals (Bhui, 2009). This may be in part due to immigration controls becoming tighter (Bhui, 2009).

At the end of 2011, the vast majority of foreign national prisoners (90.6%) were being held in Category B (medium secure) and C (low secure) conditions; 8.5% were held in high security conditions, 0.9% of foreign national prisoners were held in Category D (open) conditions and just under 6% were held in Immigration Removal Centers (Ministry of Justice, 2011). Foreign nationals in custody are unlikely to be given home detention curfew, release on temporary license, or Category-D status if they are subject to deportation, regardless of index offense or good behavior (Bhui, 2009). Since

**Table 1**  
Population in prison by nationality, 2000–2011.  
Source: Banks (2011), Ministry of Justice (2008, 2011).

Year	All	British nationals	Foreign nationals	Unrecorded nationality	Foreign nationals as a percentage of total population
2000	65,194	59,043	5586	564	8.57%
2001	66,403	58,732	6926	745	10.43%
2002	71,218	62,553	7719	946	10.84%
2003	73,657	63,614	8912	1132	12.10%
2004	74,488	64,379	8942	1167	12.00%
2005	76,190	65,670	9651	869	12.67%
2006	77,982	66,160	10,879	944	13.95%
2007	79,734	67,767	11,093	874	13.91%
2008	83,194	70,751	11,498	946	13.82%
2009	83,454	71,231	11,350	874	13.60%
2010	85,002	71,016	11,135	2851	13.10%
2011	86,172	73,620	11,077	1475	12.85%
Percentage increase	32.18%	24.69%	98.30%	161.52%	

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