

Report on the discussion of subgroup 2

Rehabilitation Services and the needs of Foreign National Prisoners in light of the impact of the EU Frameworks Decisions on prisoner and community sentence transfers.

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Group discussed what the resettlement needs were for this group of foreign national prisoners, acknowledging that the term 'foreign nationals' covers a wide spectrum of individuals in terms of their particular circumstances. For instance, the situation of a foreign national offender, arrested at an Airport for drug trafficking who had never lived in the country where they were imprisoned was significantly different to those of an offender who was established and settled in that State at the time of their arrest.

- length of residency in the country where they have been sentenced,
- strength of community, social and family ties in their country of residence
- strength of community, social and family ties in the country of their nationality to which they might be deported/removed
- potential for deportation following their imprisonment and sentencing and likelihood of it being carried out,
- stage during their sentence in which deportation will be confirmed by immigration authorities.

It was felt that the resettlement needs of a FN Offender would depend to an extent on the answers to the above questions combined with other factors specific to their legal situation. The resettlement needs of a foreign national offender would be delivered by a combination of statutory agencies and voluntary groups, in the holding country and in the State to which they could be transferred or deported. For a FNO sentenced to imprisonment who is either applying voluntarily to serve their sentence back in their own State or who will be compulsorily deported under the new EFD, their resettlement needs will be need by the receiving country as they will be released from prison under the arrangements pertaining to that State. Groups such as Prisoners Abroad, the ICPO and BB, may be involved with the prisoner while they remain in the holding countries prison system but will usually stop contact once they are transferred except in particular situations where the returned prisoner seeks voluntary contact in additions to any compulsory licence conditions imposed on them on release.

The resettlement needs of foreign national offenders and foreign national prisoners are dependant on whether they are to remain in the State sentencing them or whether they are transferred, compulsorily or voluntarily, to another Member State. The resettlement role of specialist agencies such as Prisoners Abroad (UK), the ICPO (Ireland) or BB (The Netherlands) depends on whether the prisoner is going to be transferred as a serving prisoner, to complete their sentence 'back home', and be released as would any other prisoner from that State, or whether they will be deported on completion of their sentence and when they would not usually be eligible for resettlement support from Statutory agencies under release licence arrangements and when the support of voluntary agencies will be key to their successful resettlement. What is clear, is that the role and services of groups represented in the CEPs Foreign National Prisoners Special Interest Group, will remain key to the successful settlement or resettlement of offenders who return voluntarily or who are returned compulsorily, under new EFDs.

To outline the various pathways there are for the processing of foreign national offenders and foreign national prisoners through criminal justice systems the following matrix was drawn up. Country 'A' is the State where the foreign national offender is being sentenced and Country 'B' is the State of their nationality.

Country 'A' (sentencing country)	Country 'A' Resettlement Services	Legal processes/Relevant EU Framework Decisions	Country 'B' (receiving country)	Country 'B' Resettlement Services
FNO sentenced to imprisonment				
During sentence;				
Compulsorily transferred while serving prisoner	Link up with relevant statutory & voluntary organisations in receiving country	Prison Transfer (EFD 2008/909)	Released under licence regulations pertaining to that State	Statutory & voluntary services as available
Transferred under voluntary prisoner transfer scheme	Link up with relevant statutory & voluntary organisations in receiving country	CoE Prisoner Transfer Scheme	Released under licence regulations pertaining to that State	Statutory & voluntary services as available

MoJ/Immigration decide not to transfer	Statutory & voluntary agency services provided by Country 'A'	n/a	n/a	n/a
On completion of prison sentence				
Deported to Country 'B'	Contact with specialist agencies such as Prisoners Abroad, ICPO or BBU	Under Member State Immigration Rules and Regulations	No formal licence requirements as time-served prisoner.	Voluntary sector, organisations such Prisoners Abroad, ICPO or BB or general voluntary support groups
Released & remains in Country 'A' on licence	Managed by Probation , post-release, under licence conditions	n/a	n/a	n/a
Released on licence & requests voluntary return to Country 'B'	Managed by holding state Probation agency until licence transfer completed via 'Competent Authority'	Community Penalty Transfer (EFD 2008/947) which includes transfer of licence.	Transfer of licence conditions to relevant statutory agency	Statutory & voluntary services as available
FNO sentenced to community penalty				
Remains in Country 'A'	Supervised by local Probation agency	n/a	n/a	n/a
Requests voluntary transfer of penalty to Country 'B'	Probation agency make transfer request via Competent Authority	Community Penalty Transfer EFD 2008/947	Competent Authority of Receiving State determines transfer request	Relevant Probation Agency