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Submission of evidence to the Joint Committee on Human Rights inquiry into Mental Health and Deaths in Prison.

We would like to draw the committee's attention to particular circumstances for thousands of foreign national offenders and immigration detainees held in prisons.

Medical Justice recently published a report on deaths in immigration detention between 2000 – 2015. Mental health issues were a major component in many of these deaths and some took place in prisons. The report, [Deaths in immigration detention](#), focuses particularly on those held purely under immigration powers. Many foreign national offenders face continued imprisonment at the end of their sentence as they are detained under immigration powers awaiting deportation. Foreign national offenders, who may be held under both criminal and immigration powers, are a significant group who are often overlooked group but who merit special attention by this inquiry.

There are approximately 10,000 foreign national prisoners held in prisons in the UK ([HMIP findings paper](#)) and more than [400 immigration detainees](#) held in prisons purely under immigration powers (details of total numbers and distribution throughout the prison estate can be found [here](#)). Deaths are not infrequent and the Prison and Probation Ombudsman found that 20% of self-inflicted deaths were in foreign national offenders despite these only making up around 12% of the prison population ([Bromley Briefing Autumn 2016](#)).

Additional vulnerability

Mental health issues are common amongst migrants. Research from across the world shows that migrants, due to pre and post migration stressors, have high rates of mental disorders. Despite this increased need, the provisions for mental health care in custody is often less than that offered in the community and there is little access to expert interventions or specialist therapeutic input required to treat conditions such as posttraumatic stress disorder. Much of this mental illness goes unrecognised or poorly treated. Foreign prisoners often face additional challenges such as language problems, lack of family ties, ongoing immigration issues and perhaps fear or return home which combine to create isolation, depression and confusion.

Foreign national offenders and immigration detainees differ from other prisoners in that their legal process is often still ongoing in terms of their immigration case. It is therefore vital that prison staff are aware of and give due consideration to key stressors in the immigration process which may affect a prisoners mental health and wellbeing such as the serving of deportation orders and other setbacks in their ongoing immigration case. Foreign national offenders and immigration detainees are further disadvantaged by a lack of access to legal advice in prisons and in the difficulties in communicating with legal representatives in their ongoing legal challenge due to prison regime communication restrictions.

Deaths in foreign national prisoners detained beyond normal release.

Foreign national prisoners who are given a prison sentence of 12 months or more will usually be considered for automatic deportation at the end of their sentence. Many are detained under

immigration powers even after the end of their sentence. This is not always clear to prisoners who may have been looking forward to their release date and are unable to face continued imprisonment. This can be a highly stressful time for the individual who has been looking forward to the end of their sentence but are now facing an indefinite period of detention whilst their immigration situation is resolved.

Immigration detainees are further disadvantaged by their detention in prisons, a custodial setting unprepared to deal with their particular situation. The Detention Centre Rules that govern Immigration Detention contains safeguards designed to protect those who are more likely to have suffered torture and trauma. No such safeguards exist in prisons. The attached report outlines the tragic deaths of Oleksiy Baronovsky who was kept in prison despite deteriorating mental health and Delial Kwadzo Abusah who took his life as he could not bear to stay in prison following the end of his sentence.

Deaths that take place shortly prior to deportation.

Being served with deportation papers and being notified of intention to deport are another stressor for foreign national offenders and immigration detainees. We find cases of self-inflicted deaths by prisoners who often fear being returned to the country they fled. The tragic case of Abdullah 'Joker' Idris, the 19 year old boy who took his own life on Christmas day rather than face deportation is detailed in the report. Had he received proper legal advice and support his death might have been avoided.

Death of foreign national prisoners held for immigration offences.

There are some very worrying issues and we feel this is a category of individuals who often gets forgotten about. Some are detained for 'immigration offences' which are intimately linked to their immigration process, such as trying to enter the country on a false passport. Many are considered for deportation at the end of their sentence. This category will only increase as there has been a drive to further criminalise immigration in recent years. The report details the cases of Avtar Singh and Abass Usman as examples.

It is imperative that the particular challenges facing those held under immigration powers in prisons, as well as thousands of foreign national offenders, is recognised when looking at mental health and self-inflicted deaths. This is often a particularly vulnerable group that faces ongoing legal challenges alongside of very limited support which contributes to higher than average death rates. There is a lack of central monitoring of deaths amongst those held in prisons under immigration powers. We urge this commission to pay special attention to this vulnerable group.

I attach a copy of the report. Should you need more details please don't hesitate to contact me directly.

All the best,

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