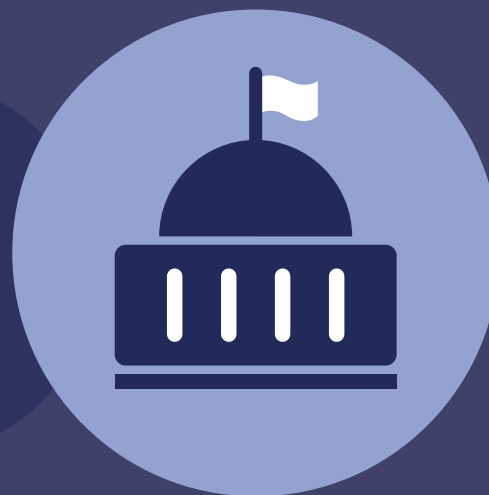


Foreign National Prisoners and Irish Prisons

Evaluating the Need for a Dedicated Service



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Foreign National Prisoners and Irish Prisons: Evaluating The Need for a Dedicated Service

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Acknowledgements

We are grateful to the Irish Research Council New Foundations Scheme (2020) for funding this research, Maynooth University School of Law and Criminology for covering the translation and publications costs, and to Dr Diarmuid Griffin (University of Galway), Dr Roisin Mulgrew (University of Galway), Rosemary Mangan (University College Dublin), Joanna Joyce (Debra Ireland), Nuala Kelly (Pavee Point), Patricia Gilheaney (former Inspector of Prisons), Imelda Wickham, Leslie Alcock (Irish Council for Prisoners Overseas), Brian Hanley (formerly Irish Council for Prisoners Overseas) and Catherine Kenny (Irish Council for Prisoners Overseas) for their assistance, advice, and comments on previous drafts. We acknowledge and are thankful for the insights of Petra Pavlas (Directorate General for the Prison Service, Federal Ministry of Justice of Austria/EuroPris), Dr Luisa Ravagnani (University of Brescia), Dr Femke Hofstee-van der Meulen (PrisonWatch/Dutch Prison Service), Nick Hammond (formerly coordinator EuroPris/CEP Foreign Nationals in Prison & Probation Expert Group) and Theresa Gilson (Prisoners Abroad). Particular thanks are also due to the Irish Prison Service for granting access and facilitating the research, and to the teachers in the respective prisons in which the fieldwork was conducted. Finally, we are especially obliged to all the interviewees who participated in this study.

Introduction

‘I’d like to see key workers come to jail and ask you for your problem and help you with things, you know? And help you with anything that you have to do’ (T23).¹

This report presents the findings of the first comprehensive investigation of the needs and perspectives of Foreign National Prisoners in the Irish Prison System. Drawing on semi-structured interviews conducted with 82 FNPs, the research has three specific goals:

- to investigate the specific issues and challenges experienced by FNPs in the Irish Prison System.
- to identify the particular areas where supports are required and the types of services that could deliver them.
- to evaluate the need for a dedicated service, which could provide supports similar to those provided by the Irish Council for Prisoners Overseas (ICPO)² to Irish people in prison abroad.

The report draws on “promising practice” from prisons in other jurisdictions (Slade 2015) and makes seven practical recommendations that would go some way towards ameliorating the specific issues raised by FNPs based on their lived experiences. Notably, participants reported that they received no information and/or substantive assistance from consular staff where requested. Moreover, the interviewees revealed that they, or their families, had not received support from any charities or non-profit organisations and that they would welcome this type of assistance. The pressing need for this type of external service was captured by a number of participants. As one African participant observed:

‘If the Irish prison can try and get some other bodies, like organisation outside, to come here and try and talk to the foreigners. Because some of us are scared to talk about our problems . . . but it’s not scary when someone outside comes in and talks to you’ (T37).

These insights, derived from the prisoners’ themselves, speak to the critical but often neglected perspectives and concerns about the experiential rupture and isolation of being imprisoned in an “alien environment”, the needs and experiences of FNPs, and how the establishment of a dedicated service and the provision of appropriate supports could potentially empower a marginalised and “forgotten” socio-economic group who suffer multiple layers of disadvantage (Prison Reform Trust [PRT] 2004).

The Report sets out a number of feasible and implementable recommendations that would assist the Irish state in practically meeting the obligations imposed by domestic, European and International law (Doyle et al. 2022). These would also, if implemented, simultaneously enhance the social and moral climate of the prison system (Auty and Liebling 2020) which is integral to the fulfilment of the Irish Prison Service (IPS) mission statement of providing “safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities”(Irish Prison Service 2019: 7).

1. In this report, we use “T” as a shorthand for “Transcript”.

2. The Irish Council for Prisoners Overseas (ICPO) was established by the Irish Catholic Bishops’ Conference in 1985 to work on behalf of Irish prisoners overseas and their families

Methodology

Our analysis draws on semi-structured interviews conducted in eight Irish prisons with 82 FNPs – 69 male and 13 female – over a 12-month period between late 2021 and 2022. These interviewees were recruited by teachers in the respective institutions and the interviews were facilitated by the IPS. Most of these interviews were conducted in person in the respective prisons, but a small number were carried out via the IPS online calling facilities with the assistance of professional interpreters. This software is secure and is currently used by inmates for private calls with family members and legal representatives. The vulnerability of the interviewees was a primary concern and the interviews were conducted in line with international best practice and as sensitively as possible (Van Liempt and Bilger 2009). The participants were alone in either a classroom, or a visitors' or professional box, for the duration of the interview. A small number of interviewees – who wished to participate but were unable to speak English – were assisted at their request by fellow prisoners who acted as informal interpreters.

Till and others (2019: 14) note that “broad variations in numbers of detained FNPs are observed between countries occupying traditional Western and Eastern territories” and our interviews suggest that Ireland is not an exception in this regard. The participants in this study came from 22 different countries and the age range of the interviewees varied from 22 to 61 years.³ The duration of the interviews ranged between 8 minutes and 75 minutes. The interviews were transcribed, stored on institutional servers in an encrypted format and analysed thematically (Braun and Clarke 2006). Ethical approval was granted by the Maynooth University Social Research Ethics Committee and the IPS Research Ethics Committee. These perspectives were supplemented by a small number of international expert interviews in Ireland and internationally.

Having briefly outlined the methodology used in this “bottom-up” analysis, the sections that follow set out the key qualitative findings of the report in a practical format that links the research findings, promising practice and the key recommendations. It should be noted, however, that despite the increase in FNP populations internationally (Council of Europe 2017; European Prison Observatory 2020: 8), the search for “best practice” pertaining to their treatment has been characterised as “naïve” (Rich 1997: 2). By contrast, searching for “promising practice” is perceived to be a much more feasible endeavour (Slade 2015: 3). Accordingly, the report has strived to engage in “learning from abroad” (Ettelt 2012: 491) and each of the respective sections is interspersed with segments on “promising practice” with respect to the treatment of FNPs in other jurisdictions.

Despite evidence of initiatives in multiple jurisdictions, the inconsistency, local and ad hoc nature of much of the promising practice presented challenges in both identifying and assessing the transferability or adaptability of many initiatives. Furthermore, it is important to highlight that the promising practice sections included in the report may not be representative of all promising practices with respect to FNPs. Rather, the examples presented throughout the report solely reflect the promising practice that is pertinent to the research findings. The final section contains seven practical recommendations to address the issues reported by the prisoners themselves.

3. More specific detail is not provided to protect the anonymity of the participants.

Findings

Having set out the methodology, the following sections engage in a thematic discussion of the qualitative findings.

LANGUAGE

It has been well-rehearsed in the academic scholarship and policy documents that language barriers permeate many FNPs' prison experience, and impede their ability not only to access services but also to communicate with officers and fellow prisoners (PRT 2004; Bhui 2009; Iversen et al. 2013; Croux et al. 2021). Finding appropriate solutions to overcome this challenge is crucial as the link between language barriers, mental health issues, self-harm and isolation has been documented (Cohen 2008; Bhui 2009).

Lack of proficiency in the English language exacerbated the difficulties encountered by many of the prisoners interviewed for this study, which included, for example, booking visitation slots,⁴ and discussing their cases with their legal team (T52). Moreover, over half the sample, 44 FNPs, specifically discussed how language barriers impacted their capacity to communicate with prison officers and fellow prisoners.⁵ While other participants did not focus specifically on language challenges, the varying capacities became evident to the researchers throughout the interviews. Furthermore, diverse perceptions of "proficiency" were manifest and it is noteworthy that the capacity to make oneself understood may indeed be insufficient to build rapport with staff and/or peers. This was often further compounded by poor literacy skills in their national language. A Polish participant, for example, noted:

'It's difficult to like speak with someone in prison, you know? It's hard for some people who don't speak English . . . I no really good speak English. My English is like 50-50. That's why I need some help to speak' (T29).⁶

As language barriers permeate almost all aspects of FNPs' experience, they frame and pervade the findings that follow.

ISOLATION

Isolation is a feature of prison life by design as prisoners are physically and psychologically removed from the community and confined to an environment that, despite often being housed with overcrowded populations, engenders feelings of loneliness and detachment (Johnson 2005; Crewe 2009). The isolation that many prisoners experience is frequently exacerbated by language challenges (Bhui 2009; NACRO 2010) and renders FNPs particularly vulnerable due to their capacity to communicate, participate and maintain connections with the outside world (Schliehe et al. 2021; Doyle et al. 2022). In a study of 19 FNPs in a Norwegian prison, to take a comparative example, the everyday routines of "the inmates" were carried out in silence and the use of verbal communication was almost "nonexistent" (Iversen et al. 2013: 72). The level of isolation experienced by certain FNPs in the Irish prison estate was succinctly encapsulated by one Nigerian interviewee:

'For those who are not so clear when it comes to communication and you know, their English is not too strong, they will feel intimidated because if they go up to someone they can't express themselves . . . you can't talk to your roommate, you can't talk to your class officer because you can't explain it properly . . . the only people you have to explain it to is your fellow countrymen and then you have no choice but to move in with them because you speak the same language and can communicate with them' (T46).

4. T24, T25, T27, T28, T29, T30, T34, T41, T45, T50, T52, T55, T57, T62, T78.

5. T3, T4, T5, T6, T10, T15, T16, T17, T19, T21, T24, T26, T27, T29, T30, T33, T34, T35, T36, T37, T38, T42, T43, T44, T45, T46, T47, T50, T51, T54, T55, T57, T58, T63, T67, T70, T71, T72, T75, T77, T79, T80, T81, T82.

6. T8, T19, T20, T23, T37, T46, T47, T48, T50, T61, T71, T75, T76, T78, T80.

Similar views were expressed by a Brazilian participant who stressed the need to be proactive in grasping an understanding of the local language:

'Nobody spoke my language, only my friends in the same country . . . no officers, no governor or chief, is nobody speak my language. I have learned English in here, so it is possible to talk to these people' (T18).

The exclusion experienced by FNPs as a result of linguistic barriers not only exacerbates the recognised pains of imprisonment but also creates a “distinct and separate pain” (Croux et al. 2021: 251).

The findings of comparable studies identify the risk of anger and frustration that develop from the inability of FNPs to communicate or to be understood by fellow prisoners/staff (Bhui 2009). One interviewee in the abovementioned Norwegian study (Iversen et al. 2013: 72) expressed his exasperation that “it was really impossible to explain what I felt without having a translator. I was irritated and angry”. The pre-emptive conditions for these emotions were captured in the findings of this study with one West African participant observing that “You feel isolated because you cannot mingle . . . and communicate with them [other prisoners] because of the language barrier . . . it's very hard” (T37). However, a number of South American participants maintained that residing with fellow prisoners who speak the same language can somewhat alleviate this feeling of isolation (T75, T76, T77, T80). One participant stated, for instance, that “if she have no Brazilians here, she be more lonely because the girls sometimes try communication but they can't. If she no have the Brazilian girls, she feel alone” (T47). Nevertheless, this did not negate the isolation experienced more generally in prison life.

At the extreme end of the spectrum, other participants reported that they were subject to ridicule (T31, T38, T42, T52) or comments such as “speak English here” and “it is not appropriate to speak different language around people” from other prisoners when they conversed in their native language (T38). More worryingly, this participant expressed the view that the lack of proficiency in English rendered certain FNPs particularly vulnerable because some prisoners can “become kind of bullies” and start “picking on you if you don't really speak English” (T38).

Croux et al. (2021: 251) identified a new pain of imprisonment for FNPs labelled “the pain of (non) participation”. This refers to the participation barriers encountered by FNPs when endeavouring to access services and programmes to address their specific needs. The participation of FNPs in prison programmes across many jurisdictions is frequently hindered by the limited languages through which such activities are offered (Croux et al. 2018; Croux et al. 2021). This inability to access necessary services and supports within the prison was borne out by a number of the participants in this study.⁷

Under the Prison Education Strategy 2019-2022 (IPS/Education and Training Boards Ireland 2019: 1), “programmes are adapted to take account of the diversity of the prisoner population and the complex nature of prison life”, but an Eastern European participant recalled that because their “English is not good, that I stop school” (T52). Relatedly, a South American participant stated “she like the hairdressing but she can't because she don't have the English” (T79).

7. T2, T3, T9, T11, T12, T14, T22, T25, T27, T29, T30, T33, T34, T36, T37, T38, T39, T40, T41, T43, T44, T46, T47, T49, T50, T51, T61, T62, T71, T75, T82.

This dynamic is not particular to the Irish Prison System. In England and Wales, FNPs experienced exclusion on a daily basis due to the fact that they were unable to understand staff instructions or questions (PRT 2004), while FNPs within Belgian prisons reported missing out on work opportunities due to a lack of information in their native language (Croux et al. 2018). By contrast, prisoners who understood everything had more options (Croux et al. 2021: 80). In this context, a substantial number of participants emphasised that participation in the English classes facilitated by the IPS was vital.⁸ Notably, one Asian prisoner observed that these classes were “easy to access” (T21), while a European prisoner referred to the importance of participating in English language classes “because if you can speak English, you able to communicate or navigate things around . . . if you don’t have English, you don’t have nothing” (T40). However, the frequency of, or access to English classes, due to school closures, work schedules and hours worked, raised concerns among a small number of participants who pointed out that only completing one or two classes per week for those without proficiency was insufficient. These and related issues will be further addressed below in the Education/Training and Work section.

Promising Practice

The ICPO has put in place a number of initiatives to combat isolation among Irish people abroad, which could be replicated to reduce the isolation experienced by FNPs in Irish prisons. In addition to its extensive prison visitation programme (e.g. 1,300 prisoners in 2019), the ICPO made 9,000 contacts – mainly by email, post, phone and videocalls – to, from and on behalf of clients in 2021 (ICPO 2022). It also operates a successful penfriend scheme whereby volunteers write to Irish people in prison worldwide. As well as reducing loneliness and isolation, the penfriend scheme helps to keep Irish people in contact with Ireland during a sometimes long imprisonment which can aid their eventual resettlement.

Moreover, the ICPO provides a newsletter three times a year to Irish prisoners worldwide with a range of articles, stories and poems from prisoners, information pieces, puzzles, book reviews, Irish language phrases and sports news. In 2021, this scheme was complemented by a well-being guide (entitled *Beo Beathach* or *Alive and Well*) which contains sections on exercise and fitness, mental health, spirituality, puzzles and activities and literacy.

Besides these types of initiatives, the development of “one-way” language assistance technology would help alleviate the isolation experienced by non-English speaking FNPs in Irish prisons. These handheld devices can be programmed with hundreds of pre-recorded phrases in several languages and allow the user to select a phrase through a pointer or a vocal prompt in order to “speak” in the target language. Furthermore, these devices have been found to be particularly useful in correctional facilities for communicating instructions to FNPs. Of course, one-way translation does have its limitations, not least because it does not amount to a conversation (Rahman et al. 2007), but technology like this can help to negate some of the participation obstacles that exacerbate the pains of imprisonment for these “forgotten” prisoners (PRT 2004).

8. T5, T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T18, T19, T20, T21, T26, T40, T47.

COMMUNICATIONS AND INFORMATION PROVISION

Information Provision

A substantial body of international research has pointed out that FNPs are not provided with appropriate information in a language that they understand (Bhui 2004a; HMIP 2006; Croux et al. 2018) and similar findings emerged from this study. Only approximately one-third of the participants in this study were given information regarding their rights in prison⁹ including the prison rules.¹⁰ This information deficit was a particular source of frustration to an East Asian prisoner who recounted that “For me, no information everywhere. Not information in the Mountjoy. No information in the Wheatfield” (T43). Similarly, a European prisoner stated:

‘When you arrive in prison, you should receive a booklet of know your rights, I never received that . . . I arrive in Cloverhill, my first prison didn’t receive anything. I arrive in Wheatfield, didn’t receive anything’ (T40).

Understanding the penal system including rights, rules and banal routines can be more challenging for FNPs (Turnbull and Hasselberg 2017) and this was borne out by one Nigerian prisoner who reported that “when I came in . . . there wasn’t any rules or instructions or guidance. You know, the dos and the don’ts. There was nothing” (T46), while another African participant stated that “they don’t even provide . . . for you to know your rights, what you can get, or what can you not get, what can you do, you cannot do this, or you can do that. They don’t even give you that” (T23).

On 30 September 2022, there were 612 FNPs in Irish prisons representing all regions of the globe with the largest populations deriving from Poland (139), Romania (73), Lithuania (69), Britain (68), and Brazil (38) (IPS 2022), but it is unclear the extent to which the IPS has produced the abovementioned material in English and whether it has – despite publicly committing to a tendering process – translated this information into these high-frequency languages.

Procedural justice, and by extension the legitimacy of the prison regime, is undermined when prisoners lack an understanding of the rules to which they are subject (Beijersbergen et al. 2016) and this was compounded by the fact that when such information is provided, it tends to be in the local language (Bhui 2004a; HMIP 2006; Slade 2015; Croux et al. 2018). The Council of Europe’s Committee for the Prevention of Torture (CPT) Report (2020: 40) on Ireland found that while “all persons entering prison underwent a proper reception and first night procedures which included being provided with information on the establishment”, few of the FNPs in this study were given information regarding the prison rules and their rights, and only a small minority received this information in a language that they understood.¹¹ Similar findings emerged from a recent report by the Office of the Inspector of Prisons (OIP 2021b) which identified that access to information was an issue for FNPs who lacked proficiency in the English language. One of the few exceptions was a Romanian participant who explained that an officer “went through it and he explain like everything, all the rights and everything” (T5), while similarly, a Polish prisoner recalled:

‘When I first arrived in this prison, I been instructed very well, what’s gonna happen, what I’m supposed to do, what my rights, what the rules’ (T1).

9. T1, T5, T6, T7, T8, T9, T10, T11, T14, T21, T25, T26, T29, T30, T31, T35, T47, T48, T52, T54, T55, T59, T61, T63, T64, T65, T68, T70, T71, T72, T76.

10. T1, T5, T6, T7, T8, T9, T10, T11, T14, T25, T26, T29, T30, T31, T35, T38, T47, T48, T52, T54, T59, T61, T63, T64, T65, T68, T70, T71, T72.

11. T1, T5, T7, T8, T9, T10, T11, T14, T21, T25, T29, T30, T35, T54, T59, T63, T68, T70, T71, T72.

These were not the only prisoners who confirmed that they received this information in an accessible manner, but most participants reported that they did not receive information pertaining to their rights in prison or the prison rules. According to one Lithuanian prisoner, “they never gave me in my language and they never give in English language, even if you ask you won’t get it” (T12). Furthermore, even fewer of the participants in this study received this information in their native language (T1, T5, T11, T59). Rule 55(1) of the United Nations Standard Minimum Rules for Prisoners provides that such information “shall be available in the most commonly used languages in accordance with the needs of the prison population” and that “if a prisoner does not understand any of those languages, interpretation assistance should be provided”, but other prisoners complained that “nothing whatsoever” was translated into their native language (T23, T19). Accordingly, many participants expressed an interest in receiving information in their native language,¹² but in the absence of such information were left with little alternative but to seek to gain an understanding of their rights and the prison rules through other means, primarily “from the prisoners” (T44),¹³ and by “going and learning the ropes yourself” (T46).

The provision of information and accompanying facilitation of FNPs’ right to consular assistance is established in both the Revised European Prison Rules (rule 30.1) and the Mandela Rules (rule 54(a)). However, most participants did not receive assistance and if provided, this was experienced as a perfunctory exercise rather than a meaningful acknowledgement of the circumstances and/or offer of support or services. Of the few participants who received any sort of support from consular staff, this amounted to the provision of a set of clothes (not including shoes) that arrived after four months of incarceration, and was not accompanied by any further information and/or offer of further support from the Embassy.¹⁴

Translators/Interpreters

The necessity of providing interpretation services for FNPs at the various stages of the criminal process has recently been the subject of controversy. According to District Court Judge, Miriam Walsh, foreign nationals “know more English than we know ourselves”, while she also added that she is “sick to the back teeth of people hiding behind interpreters” (Phelan and Barrett 2022). These comments have been described as “reckless and unhelpful” by the Irish Network against Racism (INAR) and are flatly contradicted by the findings of the CPT, who during its visit to Ireland in 2019, spoke with a number of FNPs who “did not have a command of the English language and could not make themselves understood” (CPT 2020: 43). This, regrettably, is not a case of Irish exceptionalism. Reinforcing the findings of a recent Irish study (Doyle et al. 2022: 37-8), the use of interpreters or formal translators has been found to be limited in jurisdictions such as England and Wales and Norway, with informal peer translators being the primary route of much information and communication (Iversen et al. 2013; Warr 2016). Indeed, several participants in this study asserted that they had acted as translators for their fellow prisoners,¹⁵ and some acted in this capacity for the purposes of this study. This was captured by an FNP in a Belgian prison, who indicated that “from the moment you come into the system, everything [information] goes automatically through other people [prisoners]” (Croux et al. 2021: 80). The over-reliance on fellow prisoners for translation was also identified recently in a number of OIP reports on specific Irish prisons (OIP 2021a, b, c, d), with one female prisoner reporting that “it’s usually the girls that tell ya” (OIP 2021d). These findings correspond with those of the CPT (2020: 40) delegates who reported that FNPs in Irish prisons often had to “rely on a translation provided by other prisoners”.

12. T6, T16, T21, T26, T30, T31, T33, T34, T35, T36, T42, T47, T48, T50, T55, T63, T68.

13. See also T2, T16, T24, T27, T33, T34, T35, T40, T42, T43, T44, T45, T46, T49, T55, T67, T69, T79, P80, T81, T82.

14. T19, T35, T60, T65, T67, T68, T76.

15. T19, T35, T60, T65, T67, T68, T76.

This practice has also been highlighted in the international literature (Martínez-Gómez 2014; Doyle et al. 2022: 37), while a similar view was articulated by a Polish prisoner in this study who recalled that certain prisoners have “issues with talking to officers” and who noted that if fellow prisoners speaking the same language were not present on the landing to translate “then that’s a problem” for the prisoner in need of this translation (T35). Furthermore, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) and the European Prison Rules state that where a prisoner is not proficient in the local language they should be provided with the services of a “competent interpreter” when conversing with their lawyer (Mandela Rules, 61(2); European Prison Rules, rule 30.1), but as one Eastern European prisoner recounted no formal interpretation was forthcoming in this regard: “Me have visit for solicitor, me no have translation . . . me no understanding nothing” (T52; see also Doyle et al. 2022: 37-8). Of course, this is not to suggest that FNPs who are fluent in English cannot be resourceful, particularly as translators, but a key issue highlighted both in this study and the literature is that informal translators may not necessarily have sufficient knowledge of particular areas in order to assist others, not to mention that they may receive backlash from the prisoner for whom they are translating (Slade 2015; Warr 2016).

Promising Practice

In order to reduce the concern surrounding the use of informal translators, as well as to ensure FNPs can communicate sufficiently, certain prisoners could be trained and appointed to this role. Indeed, within Wandsworth Prison in the UK and Penitentiary Institution Alphen aan den Rijn (PI Alphen) in the Netherlands, there are “foreign national orderlies” or ‘hosts’ respectively, who are fellow prisoners that are approved and trained to communicate useful information, such as the prison rules and the prison regime, where FNPs do not speak the local language (Slade 2015).

This peer-based initiative, as Bhui (2004a: 16) points out, has been found to be an effective method of promoting communication:

‘The orderlies systematically visited new arrivals, helped to identify those greatest in need, distributed important information (including translated leaflets), kept lists of inmate interpreters, and visited vulnerable prisoners on a daily basis. These posts were a tremendous success, contributing to a calmer, more co-operative regime, because frustrated foreign national prisoners had an effective means of voicing concerns and obtaining help on a reasonably immediate basis.’

Similarly, in PI Alphen, this group of prisoners wear identifiable vests (orange coloured with the PrisonWatch logo) and are trusted to move between landings to assist FNPs (Hofstee-van der Meulen 2015). It is noteworthy, and reflective of initiatives for FNPs more broadly speaking, that this scheme exists solely in this Dutch prison and has yet to receive the organisational support for a national roll-out (Interview with Femke Hofstee-van der Meulen, PrisonWatch, June 2022). Nevertheless, it is crucial to emphasise that such a role needs to be limited to the provision of general information, and should not extend to sensitive matters pertaining to the legal case, immigration status, or indeed the mental and/or physical health of the person in need of interpretation support.

Staff Diversity

A recent report has highlighted the lack of diversity among IPS staff (Doyle et al. 2022: 46). Although there have been efforts to recruit more diverse criminal justice agency workforces in recent years (Beirne 2022; Cooke 2022), many of the FNPs highlighted that there were no prison staff from their country of origin, or that could speak their language. As one Polish interviewee put it: “It would be great if the staff was someone to translate or help” (T26). A similar sentiment was expressed by the Italian expert who noted that “The first big problem . . . in Italy . . . we don’t have a prison staff that can speak different languages, and even English is a problem”. “I think that first of all”, she continued, “we need to have frontline staff that is able to speak a different language . . . otherwise we are not in a position to help those people” (Interview with Pavlas Petra, June 2022). This issue has been alleviated somewhat in Sweden through the appointment of staff who spoke a variety of languages. For example, in Storboda prison, 16 staff members spoke 21 languages, including Italian, Russian and Arabic (Slade 2015). Furthermore, in the Netherlands, staff volunteers from diverse foreign backgrounds who speak different languages support FNPs. Notwithstanding the need to recruit more staff from diverse ethnic, cultural, religious and linguistic backgrounds (Doyle et al. 2022: 63), the IPS should seriously consider establishing staff volunteer schemes to alleviate the issues and challenges experienced by this section of the prisoner population.

Promising Practice

Introducing practical measures to counteract isolation and improve communication are inexorably linked to addressing the linguistic challenges faced by FNPs in the Irish Prison System rendering both vital as they “permeate and exacerbate almost all other problems faced by this section of the prison population” (Barnoux and Wood 2013: 242) and place these prisoners in a particularly vulnerable position. As well as implementing their commitment to diversifying their workforce in practice, the IPS should consider introducing a pocket-sized dictionary - analogous to that developed by PrisonWatch - for FNPs and prison staff in an effort to address the communication and language barriers identified in this study. To take one example, “Picture it in Prison” consists of over 500 pictures and translations of basic terminology and sentences into 20 high-frequency languages (Picture it 2022). This is a valuable tool which is used to aid conversation between FNPs and prison staff and has been utilised in prisons worldwide (Slade 2015; Picture it 2022). For instance, the “Picture it in Prison” dictionary has already been successfully utilised by the ICPO for Irish nationals abroad, and therefore, would be a useful resource for FNPs in Irish prisons.

Furthermore, demonstrating their experience in this regard, the ICPO has developed prison focused language resources in 5 languages. These resources contain basic words and phrases which prisoners can use to communicate with prison staff and other prisoners (either alone or in conjunction with the Picture It Dictionary developed by PrisonWatch). These resources are available in French, Spanish, German, Portuguese and Hindi. While certainly promising, these practices illustrate the ad hoc nature of many initiatives supporting FNPs in various jurisdictions. Their potential is unquestioned, yet the reluctance to expand these initiatives beyond individual prisons and/or groups of motivated staff is indicative of general apathy towards addressing the longstanding issues experienced by this cohort.

Promising practice concerning the provision of information comprises standardised translation of all documentation relating to prison rules, rights and everyday life received by FNPs upon committal as practiced in Sweden (translation of information), the Netherlands (prison rules translation in seven languages in addition to the provision of an interpreter) and Belgium (information brochures for immigration detainees in seven different languages) (EuroPris 2022). The IPS have made welcome progress in this area through the provision of information on visits in eight languages in audio-visual and text formats (English, Irish, French, Spanish, Russian, Polish, Romanian, and Cantonese) (IPS, n.d.). Additionally, an information booklet on the role of the OIP and prisoner rights in relation to Rule 44 (Irish Prison Rules, 2007) has been developed by the OIP in English, Irish, Cantonese, French, Polish, Romanian, Russian and Spanish. These are very welcome developments, although it is not clear the extent to which this material has been made available to prisoners.

Peer support schemes represent proven promising practice in prisons in England and Wales and the Netherlands. Whether “foreign national orderlies” in England and Wales or “hosts” in The Netherlands, these approved and trained fellow prisoners to communicate useful information to FNPs, including the prison rules and the prison regime, while providing mentoring and support as appropriate. The role is a defined job for FNPs and is particularly essential for those who do not speak the local language (Hofstee-van der Meulen 2015; Slade 2015). It is encouraging to see a burgeoning version of such a scheme established and running in Loughan House Prison. This scheme - which is a collaboration between volunteers within the prisoner population, Loughan House School (ETB), Prison management, Integrated Sentence Management (ISM) and the IPS Psychology Service - aims to provide a “safety net” and forms part of the induction for FNPs (Loughan House Policy Document shared with Garrihy 2022: 1).

Participation in the peer induction is voluntary, adheres to an agreed structure and ideally takes place within the first three days after transfer to the open prison (Ibid). Contents of the peer support induction include general information, site layout and facilities, suggested daily routine and structure, information on the school, exercise and work. Finally, the peer support volunteers encourage a reflective process, listing positive and negative approaches, before important sentence management or sentence compliance decisions (Ibid). This initiative is an additional service for FNPs and does not replace existing IPS operational or medical inductions, or committal interviews.

FOOD AND RELIGIOUS EXPRESSION

Food

In an environment characterised by severe material deprivation (Sykes 1958), the actions of acquiring, preparing and consuming food are of particular consequence (Valentine and Longstaff 1998). Heightened in importance for FNPs, food not only presents the occasion to practice religious and cultural traditions (Godderis 2006) but may become a means of “escape” (Ugelvik 2011: 57), and a mechanism to connect with the world outside and remind prisoners of their families (Doyle et al. 2022: 39). In this regard, the Irish Prison Rules 2007 outline that a prisoner’s religious dietary preferences should be accommodated. Rule 23(2) states that “provision shall be made to enable a prisoner to observe dietary practices of a religion or culture of which he or she professes to be a follower”. However, a substantial body of research in prisons in other jurisdictions has detailed the difficulties encountered with the provision of food in line with religious beliefs (Richards et al. 1995; HMIP 2006). These include, inter alia, limited access to halal food during Ramadan, the mixing of halal foods with non-halal foods, and prisoners resorting to buying food in the tuck shop as a substitute (HMIP 2016a: 7-10).

Food in prisons is associated with health and well-being, and is symbolically linked to the construction and maintenance of identity, possessing agentic qualities while simultaneously facilitating social reintegration (Richards et al. 1995; Godderis 2006; Earle and Philips 2012). An interviewee in a recent Irish study asserted that the IPS “need to take them serious in terms of the food that they have to have” [to satisfy religious adherence or dietary requirements] (Doyle et al. 2022: 39) and equally certain participants in this study aired their grievances at the length of time that it took to receive halal products. Although these requests were ultimately facilitated, one African prisoner reported that “you wait a week or two to even get halal” (T23), while a Nigerian participant also complained that “you have to keep asking them like one week before you get it” (T37). The World Health Organisation has recommended that “special diets must be provided for prisoners with specific cultural, religious or medical needs” (WHO 2014), but approximately one quarter of the comments in an English study pertained to prisons not recognising or catering for specific religion’s dietary needs.

This was summarised succinctly by one prisoner who observed that “there is a limited selection of goods; there was nothing for Ramadan” (HMIP 2006: 3). Although the provision of food from a religious dietary perspective in English prisons has improved considerably in the intervening period, a more recent HMIP report detailed that prisoners occasionally go hungry due to cross-contamination issues when the produce was not correctly “labelled as Halal” (HMIP 2016a: 10).

Analogous to other studies where FNPs had to rely on canteen foods (Richards et al. 1995), three of the FNPs in this study observed that they had little option but to buy additional food in the tuck shop to satiate their appetites due to the small portions of halal food provided by the prison, especially during Ramadan (T22, T37, T66). This was compounded during daily fasting for Ramadan – approximately 14 hours – when food was delivered late and cold by staff (T66). This is one area where the provision of food from a religious dietary perspective could be enhanced, albeit it has been suggested elsewhere that the IPS are generally progressive in facilitating prisoners’ religious dietary preferences (Doyle et al. 2022: 39).

Finally, a Lithuanian participant wished to access home food products as for him it “is difficult is because before prison, I just, my food was really different” (T16), while a Romanian prisoner observed in the same vein:

‘My main cost is food and the shop. Because you don’t get fed well. You can’t make like, you can’t cook your own food. So, I mostly just live off chocolates, biscuits, crisps, junk food, just sweets mostly’ (T31).

The cultural variance of food is particularly salient for some prisoners with adaptations ranging across a spectrum from simply unpleasant to inedible (T82). One participant noted that they avoid the meals provided due to unfamiliarity and are sustained by processed foods:

‘They don’t have African food . . . I eat pot noodles every night because sometimes the tea is not what I like . . . I’ve never eaten it before . . . I just have to force myself to eat . . . if I don’t I starve’ (T27).

Admittedly, it would not be feasible to provide food variants from an extensive range of jurisdictions in a prison environment, but some facilitation in this respect would be highly valued by FNPs.

Religious Expression

Richards and others (1995: 201) argue that FNPs “experience a double burden – “a prison within a prison” – being imprisoned within an unfamiliar culture”. This additional burden encompasses religious expression for those who may not profess or practice the jurisdiction’s dominant religion. As one Nigerian prisoner put it:

‘There’s no imam and imam is like the equivalent of a priest . . . you feel more comfortable talking about religious stuff to someone who is from the religion. And when you’re talking to a chaplain, they don’t have a clue. They might have a little bit of understanding but when you get into it they don’t understand fully . . . There’s no place for us to pray, we have to do it in the cell . . . there’s none of that in any prison here’ (T66).

Similar views were expressed by another Nigerian prisoner who opined that “the prison is just for the Catholics” (T39). There are several prison rules relating to the encouragement, and facilitation, of religious expression nationally and internationally. Rule 34(6) of the Irish Prison Rules 2007 states that “a prisoner shall not, in so far as is practicable, be refused access to a chaplain of any religious denomination”, while Rule 34(1) stipulates that a prisoner is entitled to receive spiritual or pastoral visits in the absence of a chaplain belonging to their religious denomination. A similar provision is set out in the Mandela Rules (2015), which specifies that “if the prison contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved”. The importance of the chaplaincy service has been well-documented in the prison literature (Shaw 1995; Sundt, Dammer and Cullen 2002; Van Denend 2007). A Muslim prisoner emphasised the importance of receiving a private visit from their religious representative: “It should be a law that says if you are a Muslim, they bring Muslim priest, for him to come in here and teach you” (T37).

Robinson-Edwards and Kewley (2018: 130) have written that “faith-based activities play an integral role within society” and accordingly, “it is critical that faith-based interventions are a key component within the prison regime”. A Nigerian interviewee, for instance, recalled that “the only thing I have is my faith, or my God. And I just keep praying” (T28). He also outlined the critical role that religious expression can play during imprisonment:

‘All I can say is please, let me study my Bible at my free time to keep myself busy . . . And that’s the only thing that keeps me going . . . I’ve seen the people that don’t have the grace of religion to encourage them and I’ve seen what they have turned to’ (T28).

These findings have been mirrored in a number of other studies which highlight the seminal role that religious expression can play in easing the adjustment period and lessening some of the deprivations inherent in imprisonment (Dammer 2002; Kerley and Copes 2009). Female FNPs in Spanish prisons, for instance, reported that “religion functions as a support mechanism or adaptive strategy” (Ruiz-García and Castillo-Algarra 2014: 596), whereas an FNP in an English study observed that while prison “takes your self-esteem, your dignity, and everything about you. Religion helped me to regain this” (Clear et al. 2000: 62). FNPs in Ireland wishing to practice their faith often lack basic materials such as a Bible in a language that they understand with only Bibles in English provided (T82). Furthermore, uncertainty concerning the accessibility of prayer groups, and the desire to participate in such gatherings, caused distress among certain FNPs (T19, T82).

A thematic study conducted by HMIP in the UK revealed a glaring lack of consideration for minority religions. This was captured by the words of one prisoner who opined that “if you are not [Christian] or a Muslim, your religion is not understood” (HMIP 2006: 10). This sentiment resonates with the experiences of a cohort of Muslim prisoners in this study who were bereft of the supports and space to engage in meaningful religious practice. One Eastern European prisoner complained: “If I ask for a Muslim mat to pray on, you don’t get it. You have to wait for five, six months for you to get a mat” (T39), while another African prisoner pointed out “I have to pray in my cell. There is no room for prayer for Muslims. You can’t come together” (T37). A Muslim prisoner also stressed the significance of having an appropriate space for Muslim prisoners to congregate and pray together:

‘Only one hour is all I ask, only one small little room. We are not too many, so we are only three or four. So all what I ask is for one little for us that we can go on Friday to pray all together for few minutes, and then we can go back into our cell’ (T13).

A recent Irish report revealed that “tensions between Muslim prisoners and prisoners of other religious persuasions, or of none at all, manifest in the prison environment and are exacerbated during periods of religious observance” (Doyle et al. 2022: 40) and similar encounters were borne out by a small number of the participants in this study. These negative experiences included issues surrounding a prisoner “reading his Bible” (T28), while a Muslim prisoner reported that they refrain from displaying religious symbols due to bullying:¹⁶

‘You know why I . . . [look] like this? [It’s not my preference] . . . But you know why put like this? I cry every day in the night about my religion. Because just for bullying. Like I going to be a target for bullying’ (T78).

Such intolerance was attributed to the fact that the transgressing prisoners “are not believers” (T28) and a lack of understanding of diverse religions (T13).

Promising Practice

There is a dearth of research with respect to catering for religious requirements from a dietary standpoint. However, within the now defunct NOMS Catering Operating Manual for England and Wales (2010), it was highlighted that good practice relating to catering for prisoners from minority religious groups includes labelling equipment appropriately in order to reduce the possibility of cross-contamination, inviting relevant faith chaplains into the kitchen, facilitating the provision of food for religious festivals and involving FNPs from different religions and ethnicities in the cooking and preparation of these meals. Ensuring that menu choices and meal provisions reflect the religious needs of all those detained should be immediately implemented consistently across the Irish prison estate.

16. More specific details were omitted to protect the participant’s anonymity.

There are some practical means of negating some of the issues identified by the prisoners with respect to the lack of “home foods”. In HMP Maidstone in England and Wales, self-cook areas are provided for the inmates, thus allowing FNPs to cook their own cultural foods. This is a promising initiative and has been described as one of the few places where “ethnicity flourished independently” (Earle and Phillips 2012: 146). Furthermore, this initiative does not necessarily require the provision of self-cook units, but rather could be facilitated by simply permitting FNPs to cook in the prison kitchen at designated times, or in the relevant accommodation in the Dóchas Centre. Indeed, a number of prisoners expressed a desire to have the ability to either cook, or be provided, with food from their own cultures.¹⁷ As one interviewee put it, the prison “could let one . . . cook for all of the six and the rest can cook whatever” (T41), while an Eastern European prisoner highlighted that “in the cooking class, sometimes we . . . cook the dishes from the different country” (T43). A similar desire was expressed by an African prisoner:

‘One thing is that we don’t have access to African food . . . if they could give us opportunity to get it, make it in the kitchen, and bring it to our room, you know? That would be very, very good, you know? . . . the way we season, cook our own meat, food is different, you know?’ (T27).

The provision of self-cook areas, allocated kitchen time and meal menus that reflect the dietary preferences of all prisoners, could thus go some small way in fostering an appreciation of the different cultures of FNPs among Irish prisoners, and potentially help reduce the level of discrimination endured by FNPs on a recurring basis. Finally, a programme for cultural exchange through food preparation and/or provision provides an opportunity to enhance integration while reducing misinformed prejudice and potential discrimination in diverse prison communities.

There is also evidence of promising practice with respect to facilitating religious expression and practice in prisons in other jurisdictions that could potentially be incorporated into the Irish prison regime. The ICPO, for instance, provide spiritual materials, prayer cards, Bibles, rosaries and other religious and spiritual materials to Irish prisoners imprisoned internationally. Similarly, lessons could be learned from the initiatives of the Irish Chaplaincy in UK prisons (e.g. “Traveller Equality Project”), many of which are both adaptable and transferable to the Irish prison system, while in Estonia, chaplains of several religions are represented in prisons (EuroPris 2022).

Additionally, in Bucharest Jilava Prison, there is a multi-faith room that prisoners may visit according to a schedule of faith activities and use for individual spiritual meditation, while the standard practice in prisons in England and Wales includes the provision of “multi-faith rooms” for all denominations (Biddington 2020; National Offender Management Service (NOMS) 2016) and HM Inspectorate of Prisons operates on the expectation that such areas are “accessible and permit contemplation, reflection and prayer” (Her Majesty’s Inspectorate of Prisons Online). Finally, language barriers were reported to impede religious practice (e.g. the provision of Bibles in English only) but this could be easily remedied through the provision of religious materials in multiple languages (T82).

17. T27, T41, T62, T75, T76.

FAMILY

The maintenance of family ties is vital to the psychological and emotional well-being of FNPs in custody (Sykes 1958; Adams 1992; Barnoux and Wood 2013: 243) and separation from family and friends can have a detrimental impact on FNPs' mental health and well-being (Richards et al. 1995; HMIP 2006). This was captured succinctly in a recent Irish study with one participant observing that detachment from family is "the most difficult thing for me" (Doyle et al. 2022: 48). Similarly, a Nigerian interviewee in this study observed that "family is playing a huge part in every foreign national life. So, if you can't get to come engage with your family while you are in prison, it's very bad" (T27). Folk and others (2019: 455) emphasise that "families are a key source of support for many incarcerated individuals", but in juxtaposition to local prisoners who are normally incarcerated in prisons relatively closer to their homes (Brouwer 2020), many of the FNPs in this study reported that their family members were not residing in the state.¹⁸

A variety of studies conducted in other jurisdictions have reported that FNPs rarely receive visits, particularly if their family live abroad, due to the high cost associated with travel (HMIP 2006; HMIP 2016b; Croux et al. 2018; Brouwer 2020) and a small number of the participants in our study alluded to the financial implications faced by family members travelling to Ireland for face-to-face visits (T31, T40, T49, T55). One European participant noted, for instance, that he couldn't see the point of his daughter spending "thousands of money to come over here only to stay 15 minute" (T40), while an English prisoner discouraged his family from visiting because "it's money, for a 20 minute/half hour visit . . . by the time we got the flights, hired a car, hotel for the night, some food, you're talking 500 quid, and that's doing it on the cheap" (T49).

Other international studies have also found that "all methods of maintaining contact with family and friends proved to be more difficult because of distance and cost for foreign nationals" (Richards et al. 1995: 174). The aforementioned English research revealed that 32% of male and 16% of female FNPs had not received any visits in the six months preceding the commencement of the study (Richards et al. 1995), while Slade (2015) found that only 40% of FNPs in Spain had received visits. As one Romanian prisoner put it, my "family is abroad now . . . who is gonna come over to visit for 15/20 minute visit? . . . what's the point of coming all the way over from Romania?" (T31).

A substantial number of FNPs interviewed for this study had some family members residing in Ireland,¹⁹ but despite wishing to have visits, the cost of visiting the prison in-person was still prohibitive for some of these families who were living in "very difficult circumstances" (Barnoux and Wood 2013: 243). Of course, these concerns are not exclusive to FNPs, but one Brazilian prisoner, for example, noted that "you have to pay like €100 for the petrol and it's a 12 hour drive 2 ways for 20 minutes" (T55). A Romanian interviewee arrived at a similar conclusion:

'It's different because of the distance like. Even though you're in prison anyways, but you still feel the difference. Just even being closer to home like, you just feel better. And even with visits like. You can't visit, you can get visits like . . . Down here, if they were to come visit, it would cost them about two to three hundred euro. The cost of come and go, like going back, the petrol, like getting something to eat. It would cost about two to three hundred euro' (T31).

18. T3, T4, T5, T6, T7, T8, T10, T11, T12, T15, T18, T28, T34, T35, T36, T37, T38, T39, T40, T42, T44, T46, T47, T48, T49, T50, T51, T53, T54, T58, T57, T62, T67, T70, T72, T75, T77, T79, T80, T81, T82.

19. T1, T2, T4, T9, T13, T16, T19, T20, T23, T24, T25, T26, T27, T28, T30, T31, T32, T33, T35, T36, T41, T42, T43, T52, T54, T55, T57, T58, T60, T61, T63, T68, T71, T73, T76, T77, T78.

A considerable number of participants reported that their families had lost a source of income as a result of their imprisonment,²⁰ and for many that practicality superseded the desire for more family contact in these circumstances. Indeed, the financial strain caused by the removal of a family member to prison was highlighted by a Polish participant who explained that “my parents and her parents help her [his wife] to survive” (T29), while another Polish prisoner outlined that “my wife now have to work much more and it’s very hard to her now to pay bills, rent house. And my daughters stop studying too because they have to work as well” (T26). Again, these concerns are not solely the preserve of FNPs. As Maruna (2016: 100) put it, “[i]t is impossible to isolate punishment as practiced in most societies to a single individual, when we are all connected in families, communities and societies”.

Research has revealed that these types of difficulties can result in strained relationships (Finney Hairston 2003) and two of our participants emphasised the emotional consequences that their imprisonment had on their children. One Romanian prisoner revealed that his 8-year-old child told him “‘I’m kind of upset on you . . . because you left us alone” . . . that breaks my heart” (T30), while a European prisoner stated that he had “to cover up and pretend I was okay just to not make [my daughter] feel worse” (T40). The European Health Committee enunciated that “[o]ne of the inevitable consequences of imprisonment is the temporary weakening of social contacts” (CoE, n.d.) and two prisoners interviewed recollected that their relationships with their respective families had become “weaker” (T33, T47) as a result of their imprisonment. The latter participant also noted that his family are “crying every time” he converses with them and their “hearts are broken” (T30).

Contrariwise, other participants outlined that their relationships with their spouses and parents have become “stronger” since their imprisonment (T8, T10, T16). One Brazilian participant, for instance, affirmed that “Our bond got stronger, and our communication got a lot better. We’re there for each other more” (T24), while a Portuguese prisoner observed “It brought me closer to everyone in the sense of, I suppose, they’re a bit more worried about me now, do you get me?” (T25). Families, after all, are a prisoner’s “link to the outside world” (Condry 2007: 4) and critically the preservation of such “family ties” has important implications for the successful resettlement of these prisoners (Richards et al. 1995; Barnoux and Wood 2013; Slade 2015; CoE, n.d.).

Although the provision of videocalls and in-cell telephone facilities are timely initiatives, a number of prisoners in the open prisons reported experiencing difficulties contacting their family members due to the cost of making international calls on their mobile phones.²¹ Reminiscent of the findings that emerged from two older English studies which emphasised the “difficulties of cost” (Richards et al. 1995: 171; HMIP 2006), one Brazilian participant recalled, “sometimes I struggle with that, you know, because sometimes I have no money, I have no credit” (T47). Similar issues emanated from more recent research conducted in the UK and the Netherlands, where FNPs – who were entirely reliant on phone calls due to the geographical distance between them and their families – noted that international phone calls are extremely expensive (HMIP 2016b; Brouwer 2020). Additionally, the family members of certain interviewees also experienced difficulties contacting the prison authorities (T30, T34, T50, T52).

20. T2, T3, T4, T6, T8, T9, T12, T13, T15, T16, T17, T24, T26, T27, T28, T29, T30, T31, T36, T47, T49, T51, T52, T53, T59, T73, T75, T78, T82.

21. T40, T43, T44, T47, T57.

As one Polish participant pointed out:

‘To organise the visit because if you ring up the jail and some of the parents may not speak English. It would be very hard for them to organise the visit so it would be good to have an organisation to, just to organise the visits. Tell them if they want to come over, organise their place to stay if they are coming from abroad . . . that kind of help, you know?’ (T50).

Even in prison regimes considered to be more humane than most, language compounds FNPs’ isolation and disconnection from families as the research from Halden Prison in Norway attests (Jewkes 2022). One example includes a “young man who wept through much of our hour-long interview” (Jewkes 2022: 129) as he had not spoken to his mother in Istanbul for four years as prison authorities’ monitoring of prisoner communication required all calls to be in Norwegian or English.

The introduction of dedicated supports and services for the families of FNPs imprisoned in Ireland – including but not limited to facilitating visits, liaising with the respective prisons on their behalf and providing information on regulations and requirements – is thus vital (Doyle et al. 2022: 65). The registration of dedicated skype numbers, analogous to prisons in other jurisdictions, would also allow prisoners to call their family members anywhere in the world for the price of a local call.

Promising Practice

The introduction of videocalls during the public health crisis alleviated some of the pressure placed on family members in terms of travelling long distances for a short visit (Doyle et al. 2022: 49) and provided FNPs with a technological way of “seeing” their family (Slade 2015: 22), but a number of the FNPs interviewed for this study voiced their desire to have face-to-face visits with their loved ones (T9, T24, T26).

Other prisoners also stated that they would benefit from longer visits,²² while a Polish prisoner observed that “coming from abroad, we should be allowed to get like 2/3 visits in 3 days in the row . . . or even extended 2 hour visit in the room that we can spend with our families, that we can chat . . . makes us strong in jail” (T50). Significantly, the IPS have been reported to be quite accommodating and flexible in this regard (Doyle et al. 2022: 48).

Prisons in other jurisdictions have permitted prisoners to combine their visit entitlements in order to optimise in-person family contact. In Sweden and Norway, apartments and rooms are provided for visits inside the prison walls. Moreover, the facilities in Sweden are prioritised for FNPs who are afforded extra time when family members have travelled from abroad. Likewise, 24-hour long-time visits in Estonia are extended for prisoners whose family members are living in another country, while in HMP Huntercombe in the UK, day-long family visits are arranged for the families of foreign prisoners who have travelled a long distance to visit their loved ones. These initiatives provide some semblance of normality by enabling families to eat together and offering children the opportunity to participate in activities with their parents (EuroPris 2022).

Previous research conducted in the UK and the Netherlands have identified the challenges encountered by FNPs with respect to accessing telephone calls (Richards et al. 1995; HMIP 2006; HMIP 2016b; Brouwer 2020), but the continued provision of videocall and the installation of “in-cell telephony” across the country’s 12 detention facilities will provide FNPs in Irish prisons with a number of avenues to maintain contact with family and friends while in custody (McDonagh 2022). The importance of these initiatives was emphasised by a number of participants,²³ including one Nigerian prisoner who stated that “when I speak with my family, it makes a difference, you know? They should give us opportunities to have contact with our family more. So, when I do that, it helps” (T27).

22. T27, T29, T37, T43, T45, T49, T51, T52, T55, T73, T76, T77, T79.

23. T4, T10, T12, T13, T20, T22, T25, T50, T51.

As noted above, the provision of videocalls and in-cell telephone facilities since the outbreak of COVID-19 are very welcome initiatives. Organisations such as the ICPO and Prisoners Abroad have also taken advantage of the increased use of technology such as video visits both during and after COVID-19, and provided information and support to families in accessing these technologies. Other flexible forms of communication – such as the “Prisoner Voicemail” initiative in HMP Huntercombe (funded by the families themselves) which enables relatives who are abroad to leave a “voicemail” message for their loved ones, the UK based “Email a Prisoner” initiative (HM Gov, n.d.) and prisoner email services like Corrlinks (n.d.) in the US – could also potentially be offered to FNPs imprisoned in Ireland if the necessary funding could be secured (EuroPris 2022). Finally in the Netherlands, the introduction of a facility whereby FNPs’ families can record their videocall is a novel practice that provides several positive opportunities including the replaying of the call to absent family members or on demand for children in between calls (Interview with Femke Hofstee-van der Meulen, PrisonWatch, June 2022).

External to the prison, in the Netherlands, Bureau Buitenland supports families and friends of Dutch people in prison abroad by organising quarterly meetings for them (EuroPris 2022). This provides the family with an opportunity to meet and support each other. Information is provided on a range of issues including repatriation, while travel expenses are reimbursed and families are provided with lunch. Similarly, Prisoners Abroad provide Online Family Support Groups as well as Family Information Meetings. The latter provides information on themes (e.g. repatriation) or a specific country (Prisoners Abroad n.d.). In comparable initiatives, the ICPO currently provides a range of services to families. It hosts a twice yearly Family Information Day at which families have the opportunity to hear talks on various issues relating to imprisonment, release and resettlement; have the opportunity to speak to their caseworker and also meet other families in the same situation (ICPO 2021). In addition, the ICPO hosts an online monthly coffee morning for families of prisoners. It also provides information on a range of issues and assists families seeking to visit loved ones in prison with practical information and advice.

EDUCATION/TRAINING AND WORK

A number of recommendations and conventions outline that prison activities “like cultural, educational, and health-related activities, sport, vocational training, and forensic welfare services are basic human needs and rights for prisoners” (Brosens et al. 2019: 145). In this regard, Rule 110(3) of the Irish Prison Rules 2007 explicitly provides that “each prisoner shall, in so far as is practicable, be permitted to participate in education as provided in the prison”, while similarly Rule 104(1) of the Mandela Rules (2015), states that “provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible”. Moreover, Annex II of the Model Agreement on the transfer of foreign prisoners and recommendations for the treatment of foreign prisoners recommends that FNPs should have the same access as national prisoners to education, work and vocational training, but it appears, however, that FNPs do not always have equal access to education, prison programmes, and job opportunities (HMIP 2006; Atabay 2009; Croux et al. 2018; Brosens 2019) and are seldom able to exercise these rights as effectively as other prisoners (Van Kalmthout et al. 2007). Key identified barriers to participation included language, long waiting lists, discrimination and literacy issues (HMIP 2006: 44; Westrheim and Manger 2014; Croux et al. 2018). This is an alarming trend as education, and work opportunities, are crucial for the resettlement and reintegration of FNPs into society (Barnoux and Wood 2013; Slade 2015). The value of participating in education, in its various guises, was emphasised by a number of prisoners,²⁴ including one interviewee who stated:

‘I think education is the best way to take your mind away from anything that would harm yourself or makes you feel under depression and make you think more and more about your mistake that you did and you try to blame yourself more and more and more’ (T13).

24. T10, T16, T23, T25, T31, T34, T50, T55, T67, T68, T77, T82.

Similarly, other participants (T9) emphasised the benefits of engaging in work for a variety of reasons including inter alia that it helped “keep my head busy” (T47), ensured that “my mind was occupied” (T44), “it’s helping the head not to stay in the prison” (T27) and because the “time goes faster” (T36).

FNPs are particularly motivated to engage in education and work (HMIP 2006; Croux et al. 2018) and this was borne out by a number of the interviewees in this study who – analogous to FNPs in other jurisdictions (Croux et al. 2021) – were participating in a variety of programmes.²⁵ Primarily, FNPs’ rationale for participating in education and work opportunities revolved around preparing for life after release (van Kalmthout et al. 2007; Atabay 2009; Manger et al. 2010; Croux et al. 2018). This was stated explicitly by one Portuguese interviewee who participated in education to increase his opportunities for work upon release: “I kind of do a bit of Spanish there now . . . Maybe become a translator or something down the road” (T25). Other prisoners in this study explained that their plans for release included finding a job, or returning to previous employment.²⁶ The significance of prison work was also succinctly captured by a Nigerian prisoner, who noted that “if I come out and I don’t have a job, there is no way I can provide” (T53), while the abovementioned Portuguese prisoner expressed his desire to desist from crime:

‘Get out anyway and live a normal life . . . go to school, get an education, and get a job . . . And just don’t repeat the same things in life’ (T25).

The importance of facilitating FNPs with appropriate training and educational opportunities in prison cannot be overstated given that “finding sustained employment is an important component of the transition from prison to the community for exiting prisoners” (Visher et al. 2010: 699) and a primary feature of successful integration (Sampson and Laub 1993; Uggen 2000).

The relative absence of waiting lists for English classes and the benefits of meaningful activity through employment in prison are somewhat offset by the impact that employment schedules have on reducing the opportunities to attend classes in the respective schools. FNPs reported a high level of commitment to their jobs in terms of hours worked, and understandably wished to increase their remuneration, but work timetables also restrict their capacity to attend English classes, or other educational courses, which has a negative impact on their educational development, their access to rights and prospects for reintegration post-release. Suggestions to manage this conflict include the provision of evening classes and/or classes during breaks from working (Professional Correspondence with Garrihy, July 2022). Finally, the frequent closure of prison schools due to the redeployment of prison officers required to oversee the location remains a consistent issue and significantly reduces the provision of education for FNPs (Ibid).

Promising Practice

The opportunity to learn the dominant language of the country in which one is imprisoned is vital in adapting to prison life. Moreover, the legitimacy of the prison regime rests partially on the capacity of those subject to it to engage meaningfully with its rules, policies and community life. Accordingly, many jurisdictions contain basic provision of language courses for FNPs in the host nations’ predominant language but the development of innovative and bespoke initiatives for FNPs remains less developed. An example of promising practice in this area includes the “FORINER Project” that aimed at “better educational opportunities for foreign prisoners” based in Belgium but with international collaboration (EuroPris 2022). With European Union (EU) funding, this project explored possibilities in long-distance learning for FNPs in digitised or non-digitised formats. Through innovative international cooperation, materials are provided by countries of origin for their citizens imprisoned in the host country and vice versa.

25. T8, T9, T10, T11, T13, T15, T22, T24, T25, T27, T29, T30, T31, T33, T45, T47, T53, T67, T79, T80.

26. T9, T12, T19, T26, T59, T61, T70, T71, T72, T75, T77.

Indeed, there is an opportunity for an organisation such as the ICPO – with its international network and familiarity with diverse prison authorities – to work with the Education and Training Boards (ETBs), who are responsible for prison education in Ireland, to either link with this project and/or develop a service analogous to it as appropriate.

RELEASE AND RESETTLEMENT

Although it is acknowledged that effective re-entry is a challenge for all prisoners, there is little doubt that the resettlement needs of FNPs are more complex (Bhui 2004b). As Slade (2015: 16) notes, “there is an extraordinarily casual attitude to resettlement and reintegration of foreign prisoners” and a number of participants in this study reported that they had received no support from the prison, or outside organisations, with regard to their reintegration plans. These can be partially explained by the fact that approximately one-third of our participants were still on remand, but a number of sentenced prisoners also indicated that they felt totally unprepared for release.²⁷ One Lithuanian prisoner observed:

‘Because as a foreigner, I get a deportation. So, I’m not allowed have TR,²⁸ I’m not allowed to get released on any scheme. You even not allowed to go to open prison. I say “why?”, “because you run”. I ask to explain, where? They say “no, just in case if you hide into Ireland if you don’t want to go home’ (T45).

A considerable amount of research carried out elsewhere has focused on the deportation of FNPs (Fekete and Webber 2010; Bosworth and Kaufman 2011) and a number of the prisoners in this study were awaiting, or fighting deportation, extradition and transfer to their country of origin.²⁹ Notably, repatriation issues were reported by only ten participants.³⁰

The low number of prisoners applying for transfer out of the jurisdiction is indicative of the situation at a national level where only 13 applications were received by the Department of Justice in 2021. The sentiments of one Polish prisoner suggest that the low numbers may be partially attributable to delays in the process:

‘I’m waiting . . . I just waiting. I don’t know. They don’t tell me nothing . . . I want to go back to my country’ (T29).

The Department of Justice liaises with the ICPO with respect to inward applications, and it seems reasonable to surmise that similar cooperation could be initiated concerning outward applications.

Uncertainty surrounding deportation, repatriation or immigration status not only caused these FNPs significant anxiety (Bhui 2009; Slade 2015), but it also inevitably rendered the process of making resettlement plans somewhat futile. This was captured perfectly by a prisoner in an English study who pointed out “I can’t make plans; I need to know if I am going to be deported” (HMIP 2006: 4). Additionally, some FNPs experience feelings of shame and are concerned about how their offence and deportation will be perceived in their country of origin (Barnoux and Wood 2013: 243). Although this was not highlighted as a concern among the participants who indicated that they would “like to go home” (T18, T22), other interviewees were adamant that they wished to remain in Ireland on release (T5, T12, T21, T76, T78). Of the FNPs interviewed, 21 reported either awaiting or fighting deportation, while 49 discussed their plans to remain in Ireland upon release with a limited number planning to return to their country of origin by choice.

27. T4, T5, T6, T9, T10, T15, T22, T71.

28. Temporary Release.

29. T1, T3, T9, T14, T22, T29, T39, T45, T47, T48, T52, T53, T54, T58, T60, T68, T69, T74, T79, T80, T81, T82.

30. T22, T29, T47, T51, T60, T69, T79, T80, T81, T82.

The shift in migration patterns into Ireland in recent decades has culminated in a considerable demographic cohort of foreign nationals, particularly from accented EU member states, who are settled in Ireland and/or who arrived in the jurisdiction as children. Therefore, their lives and social networks are based in Ireland, which is reflected in their strong desire to remain and their right as EU citizens to do so barring any applicable EU removal orders. A key challenge for these prisoners was the uncertainty around their immigration status. As one Romanian participant put it, “if I want to stay here in Ireland, I need proof of residence or where to live. And I don’t have something like this” (T14; also T21). It is reasonable to deduce from the interviews that those FNPs wishing to remain in Ireland do not receive any specific support that recognised their complex needs in comparison to their Irish peers in preparation for resettlement. ISM officers are required to meet a prisoner one year before release “to establish his/her needs on release and a plan is put in place to assist his/her re-integration into the community” (IPS n.d.: Online) but, much like the issue with prison school officers, ISM officers are often redeployed to security roles which further reduces the support available to FNPs.

The desire to remain and resettle in Ireland is not without trepidation for FNPs who recognise the challenges for people with criminal convictions. The pernicious effects of a criminal conviction are profound and well documented (Stewart and Uggen 2019), and the life-long stigmatisation experienced by people with convictions - including but not limited to FNPs - impacts access to education, employment, housing, and impedes reintegration (Maruna 2001; Healy 2017; Burch 2021). One participant opined as much:

‘But if you have criminal convictions, it’s very hard for you to get a proper job and something that you can live on. So, it’s not easy like because I have a previous conviction before and I couldn’t get a job so that’s what you’re looking into like, you know? You have to look into and see what options you have, but there’s not much like, you know?’ (T23)

Resettlement and reintegration was also a pressing concern for the following participant who was conscious of the need for supports and services to facilitate his desistance ambitions:

‘Make us more active with education and training and preparing the prisoners, when we get released at least we are prepared. We are ready to face the world with a different perspective. I think they need a little bit more work and organisation’ (T71).

These observations reaffirm the viewpoint that “work provides meaning to individual lives and helps people to avoid becoming involved in offending behaviour again” (IPRT 2017: 13).

Promising Practice

In England and Wales, a community migrant organisation, Praxis Community Projects, has been tasked with designing and maintaining an electronic resettlement toolkit for the resettlement of foreign prisoners called Tracks. The purpose of this resource is to assist FNPs – as well as prison and probation officials, and other professionals working with FNPs – in planning for resettlement in the UK, prison transfer, or expulsion abroad. This online toolkit contains information in several languages on the immigration process and resettlement options (EuroPris 2022). Similarly, in Kongsvinger Prison in Norway, a pilot project for foreign inmates was launched in 2016 called Planning for Resettlement with the goal of providing FNPs “with further knowledge, insight and tools that can contribute to better integration, independent of the destination after release” (EuroPris 2022). This programme complemented Norway’s Safe Way Home initiative which assists prisoners who will be deported to make plans for their reintegration into their home country. It was reported that, through this programme, “In the last four years, 52 men have been helped to resettle in around 21 countries” (Slade 2015: 26).

Additionally, there is a programme in Switzerland that prepares FNPs for expulsion from the country at the end of their sentence. It helps FNPs to establish contact with social services in their country of origin who can subsequently assist them locally on their return post-release. The merits of these initiatives include furnishing FNPs with accurate information about what awaits them after release while enabling them to plan and improve their resettlement options (EuroPris 2022). This, in turn, negates the anxiety associated with the unknown and enhances the reintegration process. A number of the FNPs in this study expressed a desire for this type of assistance.³¹ The importance of this kind of support was particularly captured by a West African prisoner who observed that “something to plan, to get somewhere to sleep and get some bit of money . . . and where to put your head is very important. Don’t just leave me to go do another crime to come back. So, there has to be something outside there to help prisoners when they’re out” (T37).

Other examples of promising practice include ensuring that the qualifications and skills that FNPs acquire in prison are practical, recognised, and transferable regardless of country post-release. For instance, in Mariefried Prison in Sweden since 2014, FNPs can participate in a training workshop in order to learn how to weld iron. This trade, as the Director of Mariefried Prison, pointed out, “can be used wherever a prisoner goes back to” (Slade 2015: 20). Other promising initiatives include the aforementioned EU Funded project based in Belgium that is investigating innovative methods of distance learning for European prisoners in European Prisons (EuroPris 2022). The possibility of providing these online courses to all FNPs, irrespective of origin, should be meaningfully explored. These types of initiatives take on particular significance, as one Nigerian interviewee observed, given the difficulties experienced by persons with criminal convictions in securing employment:

‘After the prison, you know, they will tell you that you can’t get a job here because of criminal record and everything . . . if there’s anything they can do about that . . . Because we want a life, want to do something more meaningful. I want to do more work, but I won’t be able to get it because of the record’ (T27).

Preparing FNPs for release in a meaningful and timely manner is integral to the reintegration process (EuroPris 2022), and the ICPO has existing expertise in this area through the provision of a range of information leaflets to prisoners, including on issues such as repatriation, returning while on licence as well as a resettlement guide for people returning to Ireland at the end of their sentence. More specifically, the ICPO works closely with Irish prisoners abroad who have 9-12 months left on their sentence to support these prisoners to prepare for their release and resettlement. These prisoners are invited to complete the Resettlement Assessment Form and based on that the ICPO caseworker is then in a position to identify the supports that can be put in place, including making referrals to appropriate agencies. A resettlement guide is also provided to prisoners which contains information on areas from social welfare to addiction and mental health, while support is provided to the families of prisoners returning home.

Similarly, Prisoners Abroad (n.d.) provide a comprehensive service to British nationals resettling after serving a sentence overseas. They provide practical advice on welfare benefits and accommodation as well as assisting former prisoners to deal with the emotional impact of returning to the UK. Prisoners Abroad have a work preparation programme and assist people to overcome the barriers of seeking work with a criminal record. They also have an online Resettlement Network for prisoners returning to the UK, which affords prisoners the opportunity to speak to others in a similar situation.

³¹. T2, T3, T4, T5, T8, T11, T12, T15, T16, T19, T22, T23, T24, T25, T26, T29, T30, T31, T34, T36, T37, T38, T39, T46, T47, T49, T50, T51, T53, T54, T55, T59, T63, T64, T68, T70, T71, T75, T76, T77, T79, T80, T81.

Finally, an innovative Swiss initiative assists FNPs “in launching micro-economic initiatives in their countries of origin during their time in detention” (EuroPris 2022: Online). Through the establishment of contacts with local social services, assistance and follow-ups on projects after release are provided. In partnership with the Swiss branch of the International Social Service (ISS), the initiative is implemented as part of their program “reintegration in the country of origin” (EuroPris 2022: Online). Local implementation of the individual projects is facilitated through the ISS worldwide network (EuroPris 2022).

Conclusion

The deleterious effects of imprisonment are well known and FNPs experience compounding challenges and issues. Participants’ lived experiences are permeated by language barriers that generate and exacerbate feelings of isolation, lack of communication and cultural integrity, family connections, vocational and employability, and preparations for release and resettlement. The “bottom-up” approach that underpinned this study brings the voices and experiences of FNPs in Ireland to the fore and sets out a compelling case for the establishment of a dedicated service. The urgent need for action in developing such a service would offer immediate amelioration of conditions for FNPs in Irish prisons while laying the foundation for long-term systematic structures to effectively support this vulnerable population.

The international promising practice discussed through the report offers insight and constructive material while existing promising policies and practices in Ireland provide solid foundations to build on. Examples of staff - prison officers, teachers and others - going above and beyond their professional obligations highlight the need for appropriate systems and resources to provide such services as standard. Doing so will work towards meeting the needs of FNPs and demonstrate the Irish State and IPS’ commitment to their espoused values of integrity, potential, safety and support for some of the most marginalised people confined across the prison estate (IPS n.d.).

Recommendations

Based on the findings outlined above, the Report concludes that the IPS should implement the following practical recommendations to address the issues raised by this cohort of FNPs based on their lived experiences:

- 1 Support the establishment of a service - similar to that provided to Irish prisoners abroad by the ICPO - to address the needs of FNPs imprisoned in Ireland.
- 2 Support the development of services for FNP families similar to those provided by Prisoners Abroad, Bureau Buitenland and the ICPO.
- 3 Formalise a policy across the prison estate regarding extended and accumulated family visits for those travelling long distances, and communicate this effectively to FNPs.
- 4 Facilitate prison visiting schemes (perhaps from fellow countrypersons living in Ireland) akin to those overseen by the ICPO, Bureau Buitenland and the Society of St. Vincent de Paul.
- 5 Establish a dedicated post of Foreign National Liaison Officer within each prison with responsibility for FNP related issues. A staff volunteer programme should also be initiated across the prison estate.
- 6 Formalise peer support schemes for FNPs in Irish prisons similar to the roles that 'Foreign National Orderlies' and 'Hosts' play in prisons in the UK and the Netherlands respectively.
- 7 Ensure the consistent and systematic provision of language classes and resources, as well as professional interpretation for legal consultations and disciplinary proceedings, for non-English speaking FNPs as a matter of urgency.

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