

"Down but not out"

*The experiences of North American
deportees in the UK*



May 1998

Summary

The report finds that the treatment of many of those forcibly returned to the UK to be an infringement of their human rights, and that the practice is both global and likely to increase in the future.

In particular it finds :

- ◆ a lack of commonsense and sensitivity by deporting authorities**
- ◆ poor coordination between countries and institutions**
- ◆ and an absence of political will in the UK to help redress the problem**

Introduction

Prisoners Abroad is the only charity providing practical support and campaigning for the welfare of Britons imprisoned abroad.

This report details the experience of Prisoners Abroad's work with deportees, principally from the USA, and reflects its concerns about the issues and the apparent inhumanity displayed towards this group of ex-offenders. It considers a number of issues including :

- ◆ background to the problem;
- ◆ problems facing deportees;
- ◆ recommendations for the UK government to consider.

Background

Each year around 500 British nationals are deported to the UK. This is not unusual or problematic in itself as the majority of these individuals have completed a prison sentence overseas and are pleased to be "back home".

There is, however, a second group of individuals for whom deportation is not a positive experience. During the post-war era many families left these shores for a better life in other English-speaking countries. This resulted in their children growing up with little or no first-hand experience of life in the UK. Some of these people having been convicted and imprisoned in their adopted country are now being forcibly deported to the UK on completion of their sentence. Prisoners Abroad sees around 150 people each year who are deported in this way and over the last two years the majority of deportees are men.

Why does this situation exist?

Britain can not stop the practice of deportation as it is common across the world and occurs in the UK regularly. Why it should be happening this way today and to these individuals in particular is a moot point. The USA has a history of expelling 'undesirable aliens' and this policy is now being extended to those who are coming to the end of their sentence.

In the past, these individuals who have repaid their debt to society would not have been considered for deportation. With spiraling welfare costs and an escalating prison population, the US authorities have found a simple solution to their problem - to dump their 'problem citizens' on the UK. In recent years the US authorities have been applying anti-terrorism legislation as a means of deporting individuals convicted of less serious offences. It is surprising that this practice also takes place amongst our commonwealth partners, such as Canada and Australia. Globally the scale of the problem is likely to be huge, though no accurate records of this form of deportation exist.

What we can be sure of is that we must begin to question emigration practices and ask ourselves a fundamental question, "when does an immigrant reasonably become a permanent resident and therefore not subject to involuntarily return to their place of origin?" The North American authorities are setting an unhealthy precedent in deporting its own residents thus undermining the very status of an immigrant.

Problems facing deportees

Culture

Growing up in the Yukon or in Texas, one is likely to have little real understanding of life in the UK, and in particular of London. Much of what the deportees know of British culture is what is seen on TV or films. Many are shocked at the pace of life in London, the pollution, the expense, the complex public transport system and the lack of quality accommodation. Differences in the use of English and a poor understanding of British institutions exacerbate their resettlement. None of the deportees who use our service has had any preparation for life in the capital.

Family life

Around half the deportees have partners and children in the country from where they have been deported. The impact is dramatic. The deportees we work with are devastated by what they perceive as an additional punishment - being effectively exiled from their family and home although they have completed their sentence. Sadly, families are fragmented more effectively through deportation than if the imprisonment itself continued. For example, North American deportees have to wait at least five years before they are eligible for a tourist visa enabling them to visit the USA. At least during their imprisonment they were near to their families and so relationships can be maintained more easily. Deported to the UK, they are *free* but thousands of miles away from their loved ones. The stress on many of the men, in part from being separated from their families, is enormous, especially as they try to rebuild their lives in another country.

Connection to the UK

Very few of the deportees have any real connection to the UK. In most cases their immediate family left with them when they emigrated. Our experience shows that extended family members in the UK are reluctant to offer a helping hand and indeed many of the deportees themselves are wary of making contact for fear of stigma. With no friends, family or other support deportees have to use each other and the staff at Prisoners Abroad as their source of emotional support. Many of the deportees feel it is a waste of time to develop meaningful relationships in the UK as their sole, and unrealistic, aim is to get out of the country as quickly as possible.

Nationality

The majority of deportees know of their British roots, and in some cases are proud of them. What they are unaware of is that whilst they are in prison the authorities checking their nationality are planning to send them to a deportation centre instead of releasing them to their loved ones. For the majority, the notice period can be as little as 2 days, whilst emergency travel documents are sought from the local British consular office. Once the documents are obtained, the deportee is off to start a 'new' life in the UK. The vast majority are unaware of the implications of their legal status and cannot believe that they are being ejected from their adopted country.

Identification

The emergency travel documents are held by the immigration authorities as soon as the deportee arrives in the UK. They have to begin their new lives with no official paperwork, which leads to many problems later on in their resettlement. For example, opening a bank account or cashing a giro is impossible without an officially recognised form of ID or appropriate references. One of the first expenses incurred by the deportee is to obtain a birth certificate, which they can not afford but ironically can not afford to be without.

Transfer of information

There is no statutory responsibility for any UK agency to work with this particular group of individuals. As a result, there is no obligation for anyone to press for the transfer of information about deportees. Information such as medical records, crime sheets, birth and marriage certificates are not only useful for the individual concerned but imperative for receiving agencies like Prisoners Abroad.

This information is needed to assist with resettlement and also to protect staff working directly with them. At present there no way of verifying information which individuals proffer. This not only puts staff in a vulnerable position but is also disadvantageous to the individual when looking for accommodation or employment. Many deportees arrive with either mental health problems or an addiction to drugs or alcohol. Information about treatment regimes is vital when making referrals to other agencies for rehabilitation.

Preparation for deportation

With an average notice period of 2 days prior to deportation, very little preparation can take place. Many of those deported have possessions, property and family which they have to leave behind requiring adequate time to sort out. The individual needs to be prepared for life in a foreign country with a different culture. The ability to speak English, is insufficient in itself, as there are huge cultural differences that will need to be addressed. Many arrive with no money or clothes - during the Autumn of 1997, one prisoner arrived back from the USA with no cash and no clothes except his prison uniform. This is hardly the best start to rehabilitation. The North American authorities do not give deportees any information about where to get help upon their arrival in the UK, even though the Prisoners Abroad leaflet - "Release and Aftercare" is freely available. Prisoners leaving long stay jails will almost certainly be institutionalised and therefore require even more preparation for independent life outside in a foreign country.

Personal resources

A handful of deportees do arrive with sufficient or appropriate clothing and money. The vast majority, however need clothes, money and somewhere to sleep. In contrast, prisoners released from UK prisons receive a grant of £40, an offer of accommodation, and in cases of serious offences, supervision in the community. Britons released from overseas prisons receive nothing. The Inner London Probation Service (ILPS) provided some financial assistance to individual ex-offenders arriving from overseas in the past, but even this fund has now been cut. This lack of statutory

help is a potential risk to both the ex-offender's rehabilitation and to the safety of the public.

Accommodation

Finding emergency accommodation in central London is always a difficult task, especially, when the deportee arrives in the afternoon. It is usual for people to sleep at the airport until the following morning when they make their way to our office. Staff at emergency hostels are often reluctant to take on ex-offenders from overseas when they lack sufficient space for prisoners released from UK prisons.

Prisoners Abroad has worked hard to develop effective referrals to hostels as many of our clients were spending at least one night sleeping rough on London's inhospitable streets. To compound the problem, many deportees are ineligible for Social Security benefits and are therefore unable to gain access to even the most basic of emergency accommodation. Hostels themselves cover the costs of accommodation by relying on the individual's claim for Housing Benefit. By being ineligible for benefit, the deportees are unlikely to be accepted by the hostels, thereby making them effectively homeless.

Social Security

The Habitual Residence Test (HRT) was introduced in 1994 by the then Social Security Secretary, Peter Lilley, in order to cut down on "benefit tourism". The result is that half the deportees who have made applications for benefits have been turned down having failed to pass the HRT. The claimant has to prove that their stay in the UK is *viable*, meaning that they have to have sufficient funds to begin with. This leaves them in a Catch-22 situation. Moreover, our experience suggests the test itself is not well understood by Social Security adjudication officers, and is often inconsistently applied.

The sad irony for many of our clients is that they are being forced to live in the UK and at the same time being denied even the most basic of benefits.

It is interesting to note that the DSS has decided not to apply the HRT requirement for claims made by evacuees from the island of Montserrat, suggesting that the DSS can apply a degree of flexibility to its rules if they want to. In the case of the deportees, there is simply insufficient political will to help.

Carlton's story

Carlton left the UK at the age of 13. After spending a few years in Jamaica, he moved with his family to New Jersey, USA, where he lived for the next 24 years.

In March 1991 he was convicted of burglary and served an eighteen month sentence. He was released in 1992 having satisfied his parole conditions and having served two and a half years of a probation order.

Being in prison allowed him time to reflect and he decided to make a success of his life once released. In prison, he embarked on a chef's course and a drug rehabilitation programme, both of which were very successful.

Since his release, more than 5 years ago, he has worked in Princeton as a chef and a personal fitness trainer. In November 1997 he took a 2 week holiday with his family. Relaxed and refreshed, he returned to work to find Immigration Service officers waiting to arrest him for deportation. He was told that although he had lived a crime-free life for the last 5 years, he was to be deported through the application of retroactive legislation. A bond of \$50,000 was required and as he did not have such an amount of money, he was detained at the Oakdale detention centre, Louisiana, until February 11th 1998 when he was deported to the UK. Carlton was advised that an appeal would not be successful and in any case, he did not have the money to finance one.

Carlton has tried to view the deportation as positively as possible, but this has not been easy as he has left behind his mother, daughter and partner. He prepared as best he could for the deportation by sending over clothes, and writing to us asking for information.

With the assistance of Prisoners Abroad and the support of other deportees he is now working and appears to be doing well. Carlton may be viewed as one of the few success stories but the events leading up to his arrival in the UK depict the emotional turmoil of many of the deportees ie being arrested at work and deported to an alien country, leaving behind both family and friends.

Carlton's story is by no means an isolated one. There are many other deportees who have been through similar experiences. However, what is unusual about his story is that he was deported 5 years after he had completed his sentence, whilst he was working and contributing to society as any other American citizen.

Recommendations

- ◆ The swift abolition of the HRT. The Labour Party committed itself to the abolition of the HRT whilst in opposition but have since been slow to remove this inequitable barrier. The current delay in reviewing the HRT is unacceptable.
- ◆ The Foreign and Commonwealth Office (FCO) needs to clarify with the North American authorities who should or can be deported. A cut-off point after which involuntary deportation can not occur needs to be agreed, even for non-naturalised residents.
- ◆ Potential deportees need to be given at least 6 months notice of deportation allowing them to check their legal status and to submit an appeal. This would also allow them time to prepare for life in the UK. The British Council and the FCO both have a unique role to play in this process.
- ◆ The deporting authorities must give sufficient notice to UK agencies that an individual is due for deportation thus allowing for the transfer of personal records and time to find adequate accommodation.
- ◆ Preparation for release to the UK can be undertaken at the deportation centre. For example, translation of qualifications and employment history into *British English* and the allocation of a National Insurance number would help enormously.
- ◆ The FCO should ensure that proper travel documents are issued, preferably a passport funded by the state, which can be held by the deportee once in the UK.
- ◆ The deporting authorities must agree to allow the individual to return as often as possible to visit their families, on a tourist visa, thus preventing further domestic breakdown.
- ◆ Information acquired through de-briefing by immigration officers or police at major points of entry into the UK, needs to be shared with other agencies, such as the Probation Service.
- ◆ Local Probation Services should be given a statutory role in the supervision of certain categories of ex-offenders.
- ◆ Statutory grants for UK released prisoners should also apply to those ex-offenders recently arrived in the UK.

Conclusion

It is Prisoners Abroad's opinion that without adequate intervention by various government departments, the plight of the deportees will worsen. The recent interest in the matter shown by the Home Office is to be applauded. What is needed however is a whole government approach to a problem that is both international yet easily remedied, and of minimal impact to the exchequer.

In its recommendations Prisoners Abroad has outlined a series of simple and practical steps the government can follow. One thing above all else which could be changed and which would have an enormous impact, is the scrapping of the HRT, as it currently applies to returning ex-offenders.

In order for change to occur there needs to be strong political will, yet time after time, we have seen that the plight of the deportees is institutionally ignored. Now is the time for a fresh approach by the government and its various departments.

Carlo Laurenzi
Executive Director

Appendix

Prisoners Abroad

Prisoners Abroad is the only charity providing practical support and campaigning for the welfare of Britons imprisoned abroad. We make no moral judgement. We help convicted and unconvicted, guilty or innocent solely on the basis of need.

Set up in 1978, we provide advice, information and support to about 1400 Britons in around 60 countries. Our free service includes: finding lawyers; negotiating with prison authorities; advice on prison transfers; providing essential needs such as medicine, food and clothing; linking prisoners with penpals and sending magazines and books to clients.

The Mission

To provide advice, information and support to British nationals, or those with close ties to the UK, detained in overseas prisons, their families in the UK, and for those prisoners released back into the UK.

General aims

- To provide the highest quality service directly to our clients.
- To provide a free services to clients, regardless of conviction, sentence, guilt or innocence.
- To assist with their transfer back to the UK, where appropriate.
- To advise and support prisoners' families in the UK.
- To provide an effective aftercare programme for returnees.
- To monitor conditions and trends and report to relevant authorities.
- To monitor the health and welfare of our detained clients.

The Organisation

Prisoners Abroad is a registered charity and is managed by a Board of Trustees through its Executive Director.

The Trustees

Ian Baker (Chair)

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Our Clients

Prisoners Abroad's client group is made up from British nationals normally resident in the UK; British citizens resident outside the UK; other nationals with close ties to this country eg normally resident here or with close family living in the UK.

The number of clients on remand varies at any one time, fluctuating between 25% and 50%. The current yield of our activities is very high, we currently support the majority of known UK detainees, ie 1400 of the 2000 held. There is an on-going upwards movement in the number of enquiries and the subsequent demand for our services. We have therefore had to tighten our eligibility criteria for both grants and access to general services. We anticipate an increase to 1500 clients before the end of the year.

Prisoner's Abroad Aftercare Service

Prisoner's Abroad offers an Aftercare service to all Britons returning to the UK after release. Deportees who have not lived in this country for many years require the most support and assistance as they have to negotiate and adapt to British culture. We provide the following services:

- Preparation for release through our leaflet and letters
- Assistance with finding emergency accommodation
- Advice on Welfare Benefits and the Habitual Residence Test
- Advice on housing and referral to appropriate agencies
- Referrals to other relevant agencies, for example, those offering advice on employment and training or drug rehabilitation.
- A drop-in facility where clients can come for informal advice and support.
- The space to talk about experiences, concerns and worries.
- Help with the production of CV's and job applications.
- Use of a computer, telephone and photocopier.
- Luggage storage facility.
- Washing and showering facilities.
- Information about Britain and how to survive in London

Country	Number of Prisoners Abroad Clients
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ABU DHABI	2
ARGENTINA	7
AUSTRALIA	29
AUSTRIA	8
BAIL - overseas	12
BARBADOS	1
BANGLADESH	1
BELGIUM	18
BERMUDA	1
BOLIVIA	2
BOSNIA	1
BRAZIL	22
BULGARIA	2
CAMBODIA	1
CANADA	23
CHILE	1
CHINA	4
COLUMBIA	5
CROATIA	1
CYPRUS	8
CZECH REP	4
DENMARK	5
DOMINICA	1
ECUADOR	2
FRANCE	284
FRENCH GUYANA	2
FRENCH W I	2
GERMANY	53
GREECE	15
GRENADA	1
GUYANA	3
HONG KONG	3
ICELAND	1
INDIA	23
INDONESIA	2
IRAN	1
IRELAND	41
ITALY	14
JAMAICA	8
JAPAN	10
KENYA	1
LATVIA	1
MALAYSIA	1

Country	Number of Prisoners Abroad Clients
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MOROCCO	45
NEPAL	2
NETHERLANDS	25
NEW ZEALAND	2
NIGERIA	1
NORWAY	7
PAKISTAN	19
PERU	3
PHILLIPINES	5
POLAND	1
PORTUGAL	22
RUSSIA	1
SAUDI ARABIA	5
SOUTH AFRICA	4
SPAIN	207
SRI LANKA	2
SWEDEN	7
SWITZERLAND	9
TAIWAN	4
TANZANIA	1
THAILAND	30
TRINIDAD	2
TUNISIA	1
TURKEY	9
UAE	3
UK- transfers	33
USA	186
VENEZUELA	8
WEST INDIES	5
ZAMBIA	1
ZIMBABWE	4

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TOTAL **1281**

AFTER CARE 168

TOTAL **1449**

Client Profile

AGE

<18	1%
19>25	10%
26>45	66%
46>65	21%
>66	2%

GENDER

Male	90.4%
Female	9.6%

OFFENCES

Fraud / forgery	5.04%
Murder	5.27%
Soft drugs	37.79%
Hard drugs	13.74%
Violence	4.43%
Sexual offences	2.67%
Not UK	0.38%
Not known	30.68%

SENTENCES

<2	5.42%
2>5	10.69%
5>10	12.14%
10>15	3.51%
15>20	1.30%
Life	4.27%
Death	0.38%
Unknown	62.29%