

# AFTER ARREST - THINGS TO CONSIDER

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**Being arrested and held in prison abroad can be a confusing and lonely experience. It can be difficult to come to terms with what has happened to you, and you may feel cut off from your loved ones and from your day-to-day life.**

**Whilst we understand that this may be a difficult time for you, we have put this factsheet together as there are certain issues you may need to start thinking about that will require your attention back at home.**

**You may believe that these kind of issues are less important or beyond your capability right now, but acting now may prevent small problems from growing, and might even make things easier for you when you are released.**

**We have kept the information here to a minimum to start you off thinking about what you need to address.**

**Please note that these issues will be your responsibility to resolve. Whilst Prisoners Abroad can make it easier for you to contact people by providing you with our freepost envelopes (and in some cases locating addresses), it is down to you to write to the relevant people or organisations and inform them of your situation. We cannot do this for you.**

**Once you have completed and returned the enclosed Authorisation Form we will send you more information about how Prisoners Abroad can help you practically while you are detained overseas. If you have any questions about any of these issues, or think that we can help in any way, please feel free to contact us.**

## Personal matters

**Family** - Consular staff are already likely to have asked you if there is anyone you want informed about your arrest (usually your next of kin). If so they will then pass these details onto the Foreign & Commonwealth Office (FCO) in London, who will be the main point of contact for the names you have given.

Enclosed with this factsheet is a form for you to fill out which gives Prisoners Abroad similar authorisation to discuss your case with named individuals.

All information given to us is kept confidential and will only be shared with another person or agency where you have given us authorisation to do so.

We will only be able to discuss your case with the family members or friends whose names and details you have given to us.



**Childcare** - A long-term separation from your children can be a highly emotional prospect; there are many issues to consider, from how and whether you want to tell them about your imprisonment, to whether you wish them to visit you whilst detained.

On a practical level, if you are the sole carer for a child or other dependant, you will also need to think about who you wish to look after them. As with the power of attorney document outlined on the next page, you may need to sign a form of authorisation to allow a friend or family member to be their guardian during the period of your detention.

The Ormiston Trust provides advice leaflets for prisoners, their children, and the carer about all of the above issues (Ormiston Trust, 333 Felixstowe Road, Ipswich, Suffolk, IP3 9BU).

## Power of attorney document

People detained overseas sometimes need the help of a friend or family member to handle their affairs in the UK (for example: accessing bank accounts, obtaining medical records, notifying authorities etc.). In these situations, you can legally authorise someone you trust to act on your behalf.

Prisoners Abroad has produced a flexible *Power of Attorney* document and accompanying notes which allow you to do this. The documents are available for your family to download from our website (or please contact us if you would like us to send them to you).

## Work

**Employer** - If you were in regular work before you were arrested, it may be a good idea to contact your employer to let them know what has happened. Some employers can be understanding about arrest and may hold your job open for you (depending on the length of time spent in custody).

Even where this is not possible, there may be occasions further down the line where you may need their assistance (e.g. for a reference or for confirmation of your employment history), so it may help to be honest.

## Medical issues



If you have any ongoing health issues which will require medical attention during your time in detention, there are some steps you will need to take in order to ensure that you get the help you need:

1. Find out how to make an appointment to see a doctor as soon as possible. The institution where you are detained may have its own medical staff, but they may need to make arrangements for an outside doctor to come and see prisoners.
2. Any doctor you see is likely to need to look at previous medical notes to see what treatment you have received in the past (e.g. if you require a repeat prescription for a chronic or ongoing condition). You may need to

contact your G.P. in the UK and give them authorisation to pass this information on to the prison doctor via the FCO.

3. If you require ongoing medication or treatment for an illness or condition, you may need to think about how to pay for it. Some prison authorities provide treatment free of charge, but in other countries prisoners are required to fund this themselves. Prisoners Abroad has a Medical Fund that can help towards covering the cost of essential treatment where an individual or their family is unable to pay. Please contact us for more information.

Prisoners Abroad has produced a factsheet called 'The Right to Health' which provides general advice about accessing medical treatment if you are having difficulties. In certain circumstances the FCO may refer your case to its Medical Panel, which is a group of UK doctors. A doctor from the Panel will examine your prison medical records and give an assessment of what treatment may be required. Speak to the British Consulate for more information.

## Financial commitments

Other ongoing financial considerations which you may need to organise/cancel include the following: bank loans, bills, overdraft agreements, credit card/store card payments, standing orders, direct debits, (pay monthly) mobile phone agreements, hire purchase agreements (for items for the home etc.).

## Benefits

If you are in receipt of state benefits, you will need to inform the Social Security office that you have been detained so that they can cancel your claim.

As a prisoner on remand, you are entitled to claim housing benefit for a period of up to 52 weeks (one year) before your claim is stopped. As a sentenced prisoner, you may claim for up to 13 weeks.

If you are the main income-earner for your family, they may be entitled to claim benefits to support themselves during your period of detention. Prisoners Abroad has a booklet available for family members which contains some information about this.

### **ID/important personal details**

In order to tackle some of the issues listed on this factsheet, you may need to provide some basic information about yourself, specifically your National Insurance number, which will assist with all queries regarding benefits.

### **UK Criminal Justice System**



If you have any outstanding legal issues in the UK (e.g. if you are on probation, serving a community order, or awaiting a court appearance for charges connected with an offence committed in the UK) you will need to inform the relevant authorities. Any person who fails to attend probation appointments or court appearances without explanation may be arrested on their return to the UK.

### **Accommodation**

Depending on your situation in the UK, you are likely to need to make arrangements with regard to your housing. If you avoid doing this, you may be putting your home and your possessions at risk.

**Housing association or council tenancy** - If you have a contract with some form of public housing you will need to contact the housing authority to explain your situation. If you wish to keep your accommodation you will need to think about how this will be possible. Some authorities may allow you to pay rent in arrears if you are only going to be away a short while.

Alternatively, if you are unable to keep up the payments of your rent (or if you are likely to be in detention for a long period of time), some housing authorities will consider keeping you on their waiting list so the chances of obtaining housing with them when you do return will be improved.



**Private rental** - As above, you will need to contact your landlord to prevent rent arrears from accumulating. If you intend to give up your rented accommodation and have signed a contract for a set period (e.g. 12 months), you are likely to lose your deposit.

**Mortgage/own home** - If you are in the process of paying off a mortgage on your home you will need to contact the mortgage provider in order to agree on what will happen now regarding your payments.

Should you be unable to keep your accommodation, you will also need to consider what will happen to your possessions should your flat or house be repossessed.

### **Bail**

Some countries provide a system of bail which allows for defendants to be released on the condition that they return for court hearings. Courts often impose other conditions such as the surrender of a passport, a surety (a sum of money which will be forfeited if you do not surrender at the next hearing) and a condition that you remain in the country until the trial is over.

If you are thinking about applying for bail, ask your lawyer about the system which operates in the country where you are detained. Some courts will not grant bail to foreign nationals because of the possibility of you absconding (leaving the country in order to escape trial). Others will require that you remain in that country until your case comes to trial, in which case you will need to think about how you intend to support yourself financially if you cannot work or claim benefits there.

If you require this leaflet in a large print format, please contact us:

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