



A STEP AT A TIME

*The Resettlement Needs of Irish People
Returning From Prison Overseas*



icpo

Irish Council for Prisoners Overseas

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Published by the Irish Council for Prisoners Overseas (ICPO), November 2015

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The report was funded by:  An Roinn Gnóthaí Eachtracha agus Trádála
Department of Foreign Affairs and Trade

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○ Executive Summary

On release from prison, ex-prisoners require a range of supports in order to successfully resettle back into the community and avoid re-offending. First and foremost, they will require access to accommodation and money, for example through the social welfare system. Some ex-prisoners may also have physical and mental health issues, including addiction issues, and may need to access relevant services as well as registering with a GP and obtaining a medical card. In the longer term ex-prisoners may have retraining and educational needs to address in order to re-enter the workplace.

Whilst these resettlement needs may be common to all ex-prisoners, the Irish Council for Prisoners Overseas (ICPO) has observed that the particular circumstances of Irish people in prison overseas, and the difficulties they face, can place them in greater need of post-release support and can put them at a particular disadvantage when it comes to preparing for release. This report was commissioned in order to further investigate the particular resettlement needs of Irish people returning to Ireland from prison overseas.

The ICPO works with approximately 1,200 Irish people imprisoned in more than 30 countries around the world. It provides information, support and advice to prisoners and their families. Part of the ICPO's work involves supporting returning ex-prisoners in their resettlement.

This research was conducted in two stages. The first was to engage in a general review of the literature on resettlement and of Foreign National Prisoners (FNPs). Particular resettlement pathways were identified and used as a prism through which the resettlement needs of returning Irish ex-prisoners was examined. The following resettlement pathways were utilised:

- Accommodation
- Education, Training and Employment
- Health and Addiction Issues
- Finance
- Family.

The second stage involved conducting a series of semi-structured interviews with ex-prisoners who had returned to Ireland, and with resettlement service providers and with ICPO staff. Their views and opinions were sought on a wide range of issues relevant to the resettlement process. These interviews proved very useful for this research as they provided an original and undocumented source of information on the topic of Irish ex-prisoner resettlement needs. They provided first-hand accounts of imprisonment abroad, as well as outlining the challenges they encountered upon their return to Ireland. Interviews with service providers working with returning FNPs allowed for an examination of the same issues from a different perspective.

A relatively small number (estimated to be less than 100) Irish ex-prisoners return to Ireland each year. However, of those that do, a significant number are acutely vulnerable and lack many of the basic social supports people take for granted. This modest figure means that any proposed changes or recommendations cited in this report do not carry substantial resource implications.

This report finds, *inter alia*, the following:

1. There is a paucity of academic research pertaining to the resettlement needs of foreign national prisoners;
2. Irish prisoners overseas seeking or being compelled to resettle in Ireland face additional challenges vis-à-vis being released from an Irish prison, in terms of their resettlement;
3. Amendments to current practice regarding the dispensation of statutory benefits are needed to better assist this group on their return from prison overseas. Consultation should be undertaken between the ICPO, the Department of Social Protection (DSP) and other interested parties (including a number of the service providers interviewed for this report) with a view to improving the means by which returning FNPs can access statutory benefits. Particular attention ought to be given to accessing Personal Public Service (PPS) numbers, medical cards and clothing grants. Taking the often difficult circumstances of returning FNPs into account, it should be possible for them to be able to access benefits more quickly, and for applications for PPS numbers and social welfare to be commenced before they return to Ireland;
4. The means by which a former overseas prisoner returns to Ireland (i.e. deportation, voluntary return, prisoner transfer, under probation supervision) will impact on their resettlement needs;
5. Many UK probation officers are seemingly unaware of the possibility of Irish prisoners returning to Ireland under the supervision of the Irish Probation Service, thus enabling them to 'resettle' here with the support of family and friends. Information work targeted at improving awareness amongst UK probation officers on this issue should be conducted by the ICPO in conjunction with other interested parties;
6. Access to suitable accommodation and pre-existing family support are of primary import in terms of resettlement. Stable and secure accommodation upon release from prison was viewed by all participants as the most important factor in moving away from criminality;
7. On their return, many prisoners possess significant mental and physical health problems associated with their imprisonment overseas. Irish FNPs should be included in any national scheme relating to the provision of medical cards prior to release from prison. Increased facilitation should be provided to returning ex-prisoners to access health care supports promptly upon their release and return to Ireland. Additional work is required to identify suitable counselling and related support services for those FNPs who require it, including around addiction;
8. Family support is important in aiding resettlement and family contact, and family prison visits should be encouraged in order to allow the prisoner and their family to maintain a relationship with one another, not just in order to cope with prison but with a view to release. The Assisted Prison Visits scheme, which exists in the UK and Northern Ireland, has much to commend it. The price of airfares to the UK has reduced significantly and a vouched scheme providing modest grants of a few hundred euro to a relatively small number of prisoner's families (€100–200 approx.) would be of considerable benefit to those who require it. These benefits will be shared by the prisoner, their family and society at large in terms of pro-social resettlement;

9. In view of the demonstrated import of maintaining familial contact during imprisonment overseas and the associated benefits to be derived from it in terms of resettlement, engagement between the ICPO and the DSP regarding Exceptional Needs Payments (ENP) for prison visits is required. The DSP should do all it can to facilitate family prison visits and ensure ENP grants are administered in a consistent way;
10. Not all ex-prisoners have supportive family networks in Ireland, and they may benefit from peer support in order to grow supportive friendships and networks. Families need support preparing for the return of a loved one from prison. They may also need additional support following the return of their loved one from prison, for example, advice on managing addiction issues;
11. Access to relevant education, training and employment opportunities can be difficult for some ex-prisoners on their return due to their poor literacy skills, distance from education and training facilities, and a lack of employment prospects in their catchment area



○ Acknowledgements

The Irish Council for Prisoners Overseas (ICPO) would like to thank all those who participated in the research interviews, for sharing their knowledge, experience and expertise.

We are most grateful to the Irish Department of Foreign Affairs and Trade (DFA) for funding this research.

Particular acknowledgement must go to the former prisoners who generously gave of their time to share quite difficult personal experiences.

We would also like to thank everyone who commented on the earlier drafts of this report.



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○ Section One: Introduction

1.1 Introduction

On release from prison, ex-prisoners may require a range of supports in order to successfully resettlement back into the community and avoid re-offending. Most immediately, they will require access to accommodation and money, for example through the social welfare system. Some ex-prisoners may also have physical and mental health issues, including addiction issues, and may need to access relevant services, as well as registering with a GP and obtaining a medical card. In the longer term ex-prisoners may have retraining and educational needs to address in order to re-enter the workplace.

Whilst these resettlement needs may be common to all ex-prisoners, the ICPO have observed that the particular circumstances of Irish people in prison overseas, and the difficulties they face, can put them in greater need of post-release support and place them at a particular disadvantage when it comes to preparing for release. This report was commissioned in order to investigate further the particular resettlement needs of returning Irish Foreign National Prisoners (FNPs)¹ to Ireland.

Whilst it is not possible to state precisely the number of Irish overseas prisoners seeking to resettle in Ireland on an annual basis, ICPO estimates it to be less than 100. This may seem a relatively small number given that ICPO assists over 1,200 prisoners overseas. However, most will have been imprisoned in the UK, and having family and other social structures in place there, they do not necessarily wish to return to Ireland. Others may have been imprisoned elsewhere overseas but may be returning to a country other than Ireland on their release, for example, in the case of dual nationals. Of those returning to Ireland, around 50-60 per year need considerable post-release assistance.

This report aspires only to begin a conversation around the resettlement needs of Irish ex-prisoners resettling in Ireland and to examine current practices. It is not intended to be a definitive or all-encompassing account. Rather, it seeks to develop an enhanced awareness and understanding amongst those working with Irish prisoners overseas, or those whose decisions directly or indirectly impact upon this group, of the needs and challenges this group encounters.

Section 1 of this report considers the difficulties associated with imprisonment in a foreign country and notes the paucity of academic research with regard to FNPs and resettlement. The difficulties Irish FNPs encounter during their incarceration do not necessarily end upon their release and more often need to be addressed and dealt with as part of their resettlement.

Section 2 considers the means by which Irish FNPs return to Ireland on the basis that this was identified by ex-prisoners and service providers alike as being particularly relevant to the resettlement needs of an individual and their ability to access appropriate services. It considers the situation of those deported to Ireland following completion of their sentences, those repatriated to an Irish prison and those who were on licence in the UK or elsewhere and have been able to transfer their licence to Ireland.

1 The abbreviation FNPs will be used throughout this report to describe Irish prisoners in a country other than Ireland.

Section 3 briefly considers literature on the topic of resettlement in the context of what this report refers to as ‘resettlement pathways,’ namely: accommodation; education; training and employment; health and addiction issues; finance; and family.

Section 4 examines a series of semi-structured interviews that were undertaken as a part of this research. These interviews were conducted with three groups. Firstly, Irish ex-prisoners who have served a term of imprisonment abroad and have since returned to Ireland. Secondly, resettlement service providers operating in Ireland who have worked with returning Irish FNPs and provide resettlement services. Thirdly, ICPO staff who work with Irish prisoners overseas and assist them in their resettlement. These interviews relate specifically to the resettlement pathways considered in Section 3.

Section 5 sets out conclusions and recommendations derived from the preceding sections of this report.

1.2 Irish Council for Prisoners Overseas (ICPO)

Irish prisoners overseas are one of the most marginalised and vulnerable groups of Irish emigrants. They face significant difficulties including discrimination, language barriers and dealing with an unfamiliar legal system. In some countries prison conditions are a major cause of concern and prisoners may experience considerable hardship, with limited access to food, water and medical treatment.

The ICPO works to help reduce the burden faced by these prisoners and their families. Established by the Irish Catholic Bishops’ Conference in 1985, the ICPO operates under the auspices of the Irish Episcopal Council for Emigrants.

ICPO works for all prisoners wherever they are, and does not make any distinction in terms of religious faith, the nature of the conviction or of a prisoner’s status.

Their services include:

- Providing information and support to prisoners in relation to a wide range of issues, including repatriation, deportation, health and legal matters, discrimination and ill-treatment;
- Keeping in contact with prisoners through letter writing, newsletters, phone calls and visits;
- A pen friend scheme which involves volunteers in Ireland corresponding on a regular basis with ICPO clients;
- Representing prisoners’ interests to relevant parties (for example, Irish embassies and consulates, welfare agencies, probation and legal officers);
- Monitoring repatriation applications with the Irish Prison Service;
- Providing assistance to prisoners in preparation for their release;

- Visiting prisoners and assisting families with travel and accommodation for prison visits;
- Providing support and advice to the families of Irish prisoners overseas who face many challenges as they deal with an extremely distressing situation.

The 2015 ICPO Annual Report informs that in the previous twelve months it worked with in excess of 1,200 Irish prisoners in more than 30 countries around the world. More than 85% of those were in prison in the UK.

1.3 Irish Prisoners Abroad

The position of Irish FNPs was considered by the Irish government in 2007² in their *Report on Irish Prisoners Abroad* which gathered information from Irish Embassies and Consulates on the numbers of Irish FNPs and the issues they encounter. It was estimated that there was a minimum of 800 Irish citizens in prison throughout the world. The figure of 800 was declared a minimum as ‘not all Irish citizens request consular assistance when detained and, therefore, may not come to the attention of the nearest Irish Embassy or Consulate.’³ The report noted that ‘the bulk of Irish prisoners are in British jails.’⁴ On 30 June, 2014 there were 798 Irish prisoners in England and Wales alone. Therefore the minimum figure of 800 Irish prisoners is an underestimate.⁵ This was noted in the 2007 report which stated that ‘it is not possible to be fully precise about how many Irish citizens are imprisoned abroad, or to give a completely comprehensive breakdown by crime and country at any particular time.’⁶ Many Irish prisoners in the UK still do not ‘register’ as Irish and therefore cannot be included in some of the aforementioned statistics. ICPO’s own figures indicate that it works with in excess of 1,000 Irish prisoners in the UK alone, and more than 1,200 worldwide. For the past number of years ICPO has noticed an increase in its annual figures. For example, between January 2013 and June 2015 the number of Irish citizens imprisoned in Australia and in touch with their service increased more than 700% – from 4 to 30.

Very little is known of the social profile of Irish prisoners abroad:

*Some are vulnerable persons who might emigrate in an attempt to escape their problems, but they find that they cannot cope with life abroad and end up in prison. Others are imprisoned after being charged with crimes or misdemeanours committed while on holiday.*⁷

There is also a large number who have been living overseas for many years. Their path to prison will often reflect the socio-economic and related variables that precipitate much criminal behaviour.

² Chris Flood, *Report on Irish Prisoners Abroad* (DFA, 2007).

³ *Ibid* 22.

⁴ *Ibid* 9.

⁵ Paul Gavin, ‘Out of sight, out of mind: Irish prisoners in England and Wales’ [2014] IPJ 11, 29-43.

⁶ Chris Flood, *Report on Irish Prisoners Abroad* (DFA, 2007) 22.

⁷ *Ibid*.

Irish Travellers are part of the Irish FNPs population and as a group they are over-represented in the prison system in England and Wales.⁸ It is difficult to determine exactly how many Travellers are in the prison system there, as many are often reluctant to identify themselves as Travellers, for a variety of reasons. Research from 2011⁹ identified at least 453 Irish Travellers in the prison system in England and Wales and it has been noted that:

*Irish Travellers suffer unequal hardship in prison. Poor levels of literacy, mental illness, limited access to services, discrimination and prejudicial licence conditions for release disproportionately affect Traveller prisoners.*¹⁰

Irish Travellers were not specifically consulted for this research and this is acknowledged as a limitation of the findings contained in this report. Given the diverse range of needs associated with Travellers in prison, their resettlement needs could warrant an independent piece of research in the future.

At this juncture, it should also be pointed out that ICPO is an all-island organisation. It provides assistance to any Irish citizen who needs it – ordinarily anyone travelling on an Irish passport. Typically, those from Northern Ireland travelling on a British passport will be supported by the Foreign and Commonwealth Office and Prisoners Abroad (a UK charity working with its citizens imprisoned abroad); whereas those travelling on an Irish passport are likely to be in contact with the Irish Department of Foreign Affairs and Trade (DFA) and the ICPO. Regrettably, it has not been possible to fully evaluate the resettlement needs of those returning to Northern Ireland in this report. In practice ICPO refers a number of returning ex-prisoners annually to NIACRO (Northern Ireland Association for the Care and Resettlement of Offenders) who provide a variety of resettlement supports and services. This relationship and the close cooperation between the two organisations is greatly valued by ICPO. This area may also warrant independent research in the future – perhaps in conjunction with the organisations referred to herein.

1.4 Problems Faced by Irish Foreign National Prisoners (FNPs)

Imprisonment as a foreign national prisoner brings with it additional challenges. Some of these are briefly considered here as they inevitably impact upon the resettlement needs of FNPs and present challenges in terms of the provision of suitable resettlement supports.

The primary problems faced by FNPs include language and communication difficulties, lack of family contact, poor mental and physical health, and concerns over immigration.¹¹ For a prisoner serving a sentence in a foreign country the most immediate difficulty is the language barrier, which has been described as ‘exacerbating all other difficulties faced by foreign nationals.’¹² Fortunately, most Irish FNPs will not suffer as a result of language difficulties as the vast majority of Irish FNPs are detained in the UK, the US and Australia. However, for those who are serving a sentence in a non-English speaking country, this language barrier can

⁸ Paul Gavin, ‘Out of sight, out of mind: Irish prisoners in England and Wales’ [2014] IPJ 11, 29-43.

⁹ Conn MacGabhann, *Voices unheard: A study of Irish Travellers in prison* (ICB, 2011).

¹⁰ Conn MacGabhann, ‘Irish Travellers in prison: The unknown prisoners’ [2013] PSJ 206, 19.

¹¹ HMIP, *Foreign national prisoners: A follow-up report* (HMIP, 2007).

¹² Hindpal Singh Bhui, ‘Foreign national prisoners: Issues and debates’ in Hindpal Singh Bhui (ed.) *Race and criminal justice* (Sage, 2009) 159.

result in their being in ‘a prison within a prison.’¹³ Language difficulties are linked with virtually every other problem ‘particularly with isolation, information about the prison, legal services, food, immigration, health, respect, culture and ethnicity.’¹⁴

Lack of family contact and the isolation of imprisonment have been highlighted as major problems affecting FNPs¹⁵ especially for female prisoners who have children.¹⁶ This isolation can contribute to mental health problems which are often greater for FNPs due to the additional strains they face in a foreign country,¹⁷ as well as the fact that FNPs are likely to receive fewer visits than domestic or homegrown prisoners.¹⁸ Reasons for a lack of visitors for FNPs include: prisoners having no family in the country in which they are imprisoned; the excessive cost that may be associated with travelling from abroad; and elderly or infirm family members simply being unable to travel.¹⁹ This needs to be considered in the context of Irish people who are travelling throughout the world at a young age, often with friends or alone. There may be visa issues in some countries whereby a travel companion must leave the country thus leaving a person in prison alone with nobody to visit them and with their family back in Ireland. For a young person who suddenly finds themselves alone in a harsh prison environment this can be particularly distressing.

FNPs often have mental health needs which go beyond, and are different to, those experienced by the general prisoner population. Depression and mental health problems are often more prevalent among FNPs.²⁰ This is particularly relevant to Irish FNPs as mental health difficulties have been a feature amongst Irish emigrants for many years.²¹ For example, in England and Wales there is research and data that indicates that the Irish population is less healthy both in physical and mental health than the English population.²² Irish-born migrants in England and Wales have high mortality and morbidity.²³ Those who suffer from poor mental and physical health outside of prison will import these factors into the prison environment, and imprisonment will exacerbate any pre-existing conditions.

There is also a risk of deportation for FNPs which can give rise to a great deal of uncertainty and stress. This is particularly relevant for Irish citizens who have been working in North America, Australia and New Zealand for many years. Many will have settled there some time ago and perhaps raised a family there. However, their legal status (i.e. citizenship) may never have been resolved. In the event that a person living illegally in another country finds themselves in prison there, they are likely to be subject to deportation upon their release. This can have a devastating impact on a prisoner and their family.²⁴

13 Martin Richards et al, ‘Foreign nationals in English prisons 1: Family ties and their maintenance’ [1995] HJ 34, 158, 203.

14 HMIP, *Foreign national prisoners: A thematic review* (HMIP, 2006) 8.

15 Deborah Cheney, *Into the dark tunnel: Foreign prisoners in the British system* (PRT, 1993).

16 Hindpal Singh Bhui, *Going the distance: Developing effective practice with foreign national prisoners* (PRT, 2004).

17 Jo Paton & Rachel Jenkins, *Mental health primary care in prison* (RSM, 2002).

18 Martin Richards et al, ‘Foreign nationals in English prisons 1: Family ties and their maintenance’ [1995] HJ 34, 158, 203.

19 *Ibid.*

20 Hindpal Singh Bhui, *Going the distance: Developing effective practice with foreign national prisoners* (PRT, 2004).

21 Dinesh Bhugra & Peter Jones, ‘Migration and mental illness’ [2001] APT 7, 216

22 Liam Delany et al, *Exporting poor health: The Irish in England* (RAND, 2011).

23 Rasaratnam Balarajan, ‘Ethnicity and variations in the nation’s health’ [1995] HT 271, 114.

24 HMIP, *Foreign national prisoners: A follow – up report* (HMIP, 2007).

Unfortunately there is a dearth of research on the resettlement needs of FNPs. However, as part of a larger piece of research, a survey was carried out by Femke Hofstee-van der Meulen of Prison Watch, into the resettlement needs of Dutch FNPs. The issues identified by Dutch prisoners overseas who responded to the survey revealed that 85% of them intended to return to the Netherlands (n= 2,561). Participants also identified the following areas of support they required upon release: housing (56%); work (56%); social welfare (47%) medical support (32%); psychological support (27%); study (24%); contact with family (23%).²⁵ These issues will be considered as they apply to returning Irish FNPs in Section 4 of this report.

1.5 Methodology

This research was conducted in two stages. The first was to engage in a general review of the literature on resettlement and of FNPs. The second was to conduct a series of semi-structured interviews with 1) Irish ex-prisoners who had returned to Ireland and 2) resettlement service providers and ICPO staff. Their views and opinions were sought on a wide range of issues relevant to the resettlement process. Engaging in these interviews proved very useful for this research as it provided an original and undocumented source of information on the topic of returning Irish ex-prisoner resettlement needs. It provided first-hand accounts of imprisonment abroad as well as the challenges they encountered upon their return to Ireland. Interviews with service providers working with returning FNPs allowed for an examination of the same issues from a different perspective. Engaging with ex-prisoners can often prove to be difficult, as many will be eager to move on with their lives and put their experiences of imprisonment behind them. However, in this case, all participants were keen to help ICPO in undertaking this report.

In total, there were thirteen interviews conducted with seventeen participants. These participants were made up of former ICPO clients who had returned to Ireland and Irish resettlement service providers who work with returning Irish ex-prisoners from abroad. There were eight interviews undertaken with former ICPO clients. Seven were face to face and one was conducted by email. Participants were selected by ICPO staff on the basis that they provided a broad and indicative profile of the resettlement issues encountered by returning Irish FNPs. Of the eight participants, six were male and two were female. Three were imprisoned in the UK, one in Spain, one in Central America, one in Australia and two in the United States.

Resettlement service providers who work closely with ICPO were also contacted to obtain their views. There were nine participants representing five service providers. These were: The Probation Service (2 participants), PACE (1 participant), Irish Association for the Social Integration of Offenders (IASIO) (2 participants), and Crosscare (2 participants). Two members of ICPO staff who work with returning Irish FNPs were also interviewed.

The topics discussed in these semi-structured interviews were based on the resettlement pathways which are examined in Section 3. The manner in which Irish FNPs returned to Ireland was raised in the majority of interviews as being of particular relevance and so is considered next.

25 http://cep-probation.org/wp-content/uploads/2015/03/Prisoners_Abroad_Conf_Utrecht_pres_Hofstee.pdf

○ Section Two: Returning to Ireland

2.1 Introduction

This chapter will consider the different routes by which an Irish FNPs can return to Ireland. It will do this by examining the policy framework which allows for FNPs to return. Specific attention is paid to the process by which a licence can be transferred from the UK to Ireland as well as commentary from interview participants on this subject. Consideration is also given to deportees and the repatriation of Irish FNPs who wish to serve their sentence in Ireland.

There are several categories of Irish ex-prisoner who may return to Ireland. For example, the person in question may have served a sentence in a country and upon completion thereof may have been deported. If this is the case, for example from the United States or Australia, there are no probation or licence conditions. This was the case with several of the interviewees. Others may simply choose to resettle in Ireland upon completion of their sentence. However, should someone return from the UK or another European jurisdiction, this will give rise to a specific set of considerations. In particular, the UK and Ireland have an interesting relationship when it comes to returning ex-prisoners. This relationship and the various means by which people return will be examined over the course of this section.

Particular attention is placed on Irish FNPs returning from the UK as the vast majority of Irish prisoners overseas are imprisoned there. Irish FNPs may return to Ireland from the UK in any one of the following situations:

1. They have served the custodial and licence portions of their sentence and may return relatively unencumbered;
2. They have completed the custodial portion of their sentence and are out on licence seeking to return to Ireland under the supervision of the Irish Probation Service;
3. They have been deported. Technically, this is possible in exceptional circumstances although the ICPO is unaware of any case where a deportation order has been carried out;
4. They have been repatriated to an Irish prison and are released from there.

The manner in which Irish FNPs return to Ireland can have a significant impact on their resettlement. Some may be compelled to come to Ireland upon deportation and not have any family or other supports here. Others may be desperately seeking to return to Ireland to be near their family and other social supports, as in the case of applicants for repatriation and those seeking to have their licence transferred.

2.2 Returning to Ireland whilst on a UK Licence

Several European countries are currently subject to Council Framework Decision 2008/947/JHA (D/947), which relates to:

1. The recognition of judgements and, where applicable, probation decisions;

2. The transfer of responsibility for the supervision of probation measures and alternative sanctions.

In practice this means that orders made for probation supervision in any EU Member State subject to D/947 would have to be recognised in another. Ireland has yet to act enact implementing legislation and the UK has withdrawn from D/947. This was viewed with some regret by a number of interviewees, as it has necessitated each Irish FNP seeking to return to Ireland and subject to probation supervision having their case dealt with on an individual or ad hoc basis.

If the UK were sending an Irish prisoner back to here and this framework decision was in both our legislation then that order would transfer in total – just like the transfer of sentenced prisoners – it would become an Irish probation order, an Irish community service order and it will be enforceable in the same way.

If a prisoner on licence in the UK wishes to return to Ireland during their licence period, they must apply to be considered for resettlement overseas. The means by which this request will be processed is set out in Prison Service Instruction 20/2014.²⁶ A licence imposed in England and Wales is not enforceable in Ireland, but in some cases the Irish Probation Service may consider voluntarily supervising a person who has been allowed to resettle in Ireland during their licence period.²⁷ This offer of supervision is not taken into account when the UK's National Probation Service is conducting a risk assessment to decide whether a prisoner should be allowed to resettle in Ireland. However, once an application for resettlement has been approved, the relevant Offender Manager or probation officer is expected to contact the Irish Probation Service to see if they can provide support on a voluntary basis following the move. If FNPs who returns under the agreed supervision of the Irish Probation Service fails to adhere to the rules and conditions prescribed by their Irish probation officer, their probation officer in the UK can be contacted and an arrest warrant issued.

If a person on licence applies to resettle in Ireland their probation officer will consider the following questions:

1. Do they have close family or residential ties in Ireland, including any compassionate circumstances? If the answer is 'no', the application will be refused.
2. Is the offence connected to or potentially connected to Ireland (for example, fraud involving Irish companies)? If the answer is 'yes', the application will be refused.

26 PSI 20/2014: 2.13: If approval for the offender to resettle abroad is given, the supervising officer must make clear to the offender that a licence itself remains in force while they are overseas, and its expiry date should be made clear to the offender. For life sentenced offenders, it must be made clear that the requirement will remain in place indefinitely, unless the licence requirements have already been suspended. If the offender returns to the United Kingdom or Islands prior to the expiry of the licence, they should contact the service which they were formerly managed by within 2 working days. Failure to do so could result in breach proceedings being instituted and the licence being revoked, with the offender being recalled to custody. 2.14 :Where an offender has resettled outside the UK and Islands but will be returning for a short period during the licence period, e.g. for a layover between international flights, s/he should be advised to contact his/her supervising officer beforehand to ensure that no accidental breach action is taken when they pass through border control. It would not be anticipated that any supervisory action would be required for these types of occurrences.

27 Given that the Irish Probation Service is not required to undertake the supervision of an Irish FNPs on their return to Ireland and do so 'voluntarily', this has led to the use of the phrase 'voluntary supervision'. Such a phrase is misleading insofar as the term voluntary applies to the non-statutory nature of the supervision. If a person does not comply, the referring jurisdiction (most often the UK) is immediately informed and they may initiate breach/revocation proceedings in respect of an individual's licence and a warrant will be issued. The supervision that is provided by the Irish Probation Service to this group is the same as the supervision an Irish prisoner would get if the probation order originated in Ireland. Therefore if an individual pursues a return to Ireland in this manner, their participation and engagement with the Irish Probation Service is not voluntary in nature.

If the application is still viable at this stage, the probation officer will consider a third question:

3. Would resettlement in Ireland undermine public protection, increase the risk of reoffending and/or undermine rehabilitation? If the answer is 'yes', the application will be refused.

Whilst the number of Irish ex-prisoners seeking to return during the licence period of their sentence in the UK is relatively small at approximately 30–40 per year, it is an issue of paramount importance to them and their family. Present practice involves prisoners or their families reaching out directly to the Irish Probation Service or being referred there by ICPO caseworkers. Typically, ICPO staff will discuss a client's resettlement plans in advance of their release and where it becomes apparent that they wish to return to Ireland as soon as possible, they provide them with a letter outlining the process and citing the relevant Prison Service Instruction.²⁸ This is done as many UK probation officers are unaware of its provisions in terms of resettlement overseas. If the UK probation officer is amenable to exploring the matter further, contact is made between the two Probation Services who will both then determine whether the prisoner or ex-prisoner is suitable. Should agreement be reached it will be necessary for the UK probation officer to get the approval of a senior member of their National Probation Service.

The process can take a number of months and ICPO encourages clients to ensure they have completed all necessary and recommended offending behaviour courses as this can impact on the decision or delay a favourable one.

In view of the fact that those interested in having their licence set aside in the UK and undergoing the supervision of the Irish Probation Service are, in the main, without many other supports in the UK, including family, housing and employment, it would seem preferable that ongoing assistance be provided to those seeking to pursue this avenue of resettlement.

The cooperation and support of the Irish Probation Service is to be commended in terms of its willingness to facilitate Irish FNPs seeking to return under supervision.

If the process can begin whilst the person is still in prison, it will minimise the period of time they are required to spend in an often vulnerable and precarious manner. This fact was stressed by one interviewee who said:

The most important thing is that it is planned well before somebody gets out of custody. ... I would say at least six months before.

The Habitual Residence Condition (HRC) was also cited by participants as a particular stumbling block for some people wishing to return, as was organising a Personal Public Service (PPS) number, medical card and related documentation. This is discussed further in Sections 3 and 4.

Findings and Conclusions

In order for someone to return to Ireland under the supervision of the Irish Probation Service it is essential that there is timely and adequate engagement with prisoners on this issue. Information work targeted at

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improving awareness amongst UK probation officers on this issue should be conducted by the ICPO in conjunction with other interested parties or, as one ex-prisoner, put it:

ICPO should get that Prison Service Institution and plaster it everywhere and anywhere that they can.

It is noteworthy that he concluded his remarks on this issue by saying:

You're in a better position of not re-offending if you go home.

In terms of the HRC and accessing PPS numbers, and given the relatively small numbers seeking to return each year and the unique and challenging circumstances that may pertain to them, it merits examination to see whether the relevant forms and assessment might be commenced and/or completed and assessed prior to their return. This may require a relatively modest amendment to current policy or practice by the administering authority, i.e. the Department of Social Protection (DSP). In view of the small numbers involved, there might also be merit in ascertaining whether an officer could be designated within the DSP to review such applications. The model of having a single point of contact within the Irish Probation Service in respect of licence transfers has proven particularly effective.

One participant gave the example of a person who went to the UK at 18 years of age. He was sent to prison at 20 and served a 15 year sentence. Despite the fact that all of his family lived in Ireland and he was only in the UK for a couple of years prior to his arrest, on his return to Ireland, he was refused access to benefits under the HRC. His future was in Ireland, as was his family, but at the time he lacked the means to support himself and so had to remain in the UK for an extended period of time.

Well ... quite a number of people are on licence in the UK or they're due out on licence and want to come back and do their licence in Ireland. It's a significant problem. A lot of them would have no family contacts there, no friends in the UK. Their family would be in Ireland. So they'll come out and they've nowhere to live now. They're really at the mercy of their probation officer. What we generally find is that the Irish Probation Service is very hands on and they're very good about agreeing to supervise people because it's at their discretion at the end of the day. The problem is more on the UK side. There seems to be a lack of awareness amongst probation officers that there is even a process by which someone can return to Ireland under supervision.

2.3 Deportation

Deportation from outside the UK

An Irish FNP deported from a country outside the scope of D/947 is not subject to any licence or probation conditions (save for sex offenders who must register on the Sex Offenders Register). Due to the fact that they have been deported, they will be deemed to satisfy the HRC upon arrival in Ireland. That being said, they are often particularly vulnerable and isolated; most return without any support and face a myriad of challenges under the various resettlement pathways. ICPO deals with a number of prisoners each year who have lived abroad for almost their entire lives, but for various reasons did not regularise their immigration status and are

deported to Ireland after a period of imprisonment or detention in immigrant detention centres (IDC). Such cases may also come to the attention of the DFA and the ICPO at very short notice, with little opportunity to put a comprehensive or detailed resettlement plan in place. Obtaining relevant information from IDC (regarding an individual's health, offending background, supports available in Ireland etc.) can also prove challenging.

Deportation from the UK

Save in exceptional circumstances Irish prisoners in the UK are exempted from deportation. As such, it is highly unlikely that an Irish citizen would be deported from the UK and ICPO is, to date, unaware of any case where such a person was, in fact, deported. The exemption exists because of the close historical, community and political ties between the UK and Ireland.

In February 2007 the then British Home Secretary, Dr John Reid announced that Irish Nationals would only be considered for deportation in exceptional circumstances; so unless the prisoner has been recommended by the court for deportation or if there are exceptional circumstances,²⁹ they will not be deported.³⁰

A number of ICPO staff stated that recent UK media commentary criticising the Irish exemption has been a source of concern to the organisation and the cause of considerable worry amongst the vast majority of Irish prisoners in the UK who wish to remain there upon release. From a resettlement perspective, it would be contrary to the best interests of the ex-prisoner, their family and society generally were they to be deported from the UK, leaving behind the very support network required for proper, meaningful and effective resettlement.

A number of interviewees advised that practically speaking, it would be unworkable to deport and bar Irish ex-prisoners from the UK in view of the Common Travel Area that exists between the two countries. Recent assurances by the UK authorities whereby deportation would not occur save in the most exceptional of circumstances is most welcome.³¹ The Irish Government's position and that of its UK counterparts on this issue is a sensible, pragmatic and humane one. It is vital that this approach be maintained.

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Section 2.5 - Irish Nationals

'Except for prisoners who are the subject of a court recommendation for deportation or where there are exceptional circumstances (see Annex H) Irish nationals, including those who also hold other nationalities, need not be referred to UKBA.'

Annex H - Deportation of Irish Prisoners

'Deportation of Irish prisoners will only be appropriate in exceptional circumstances. These cases, by definition, will be rare. However, as a guide, the following may be appropriate for deportation and should therefore continue to be referred to UKBA:

Where an offence involves national security matters or crimes that pose a serious risk to the safety of the public or a section of the public. This might be where a person has been convicted of a terrorism offence, murder or a serious sexual or violent offence and is serving a sentence of 10 years or more (a custodial period of 5 years or more). This would include life sentences and those serving other indeterminate sentences for public protection with a tariff of 5 years or more.'

30 Were Irish prisoners deemed eligible for deportation in the UK, this would introduce the possibility of early release and deportation under the Early Removal Scheme. As this is not presently the case, it has been omitted from this research.

31 <http://www.irishpost.co.uk/irish-prisoners-remain-britain-despite-eu-deal/>

2.4 Repatriation

Outside of the licence issue previously considered, another means of returning suitable Irish prisoners in a structured and planned way is by prisoner transfer, also known as repatriation.

There is a small but consistent number of Irish FNPs who wish to return and serve out their sentences in Ireland by means of a prisoner transfer. This is often the case for Irish FNPs who have no real ties to the country in which they are imprisoned and desire to serve their sentences closer to their families in Ireland. Repatriation to Ireland would certainly make the resettlement process a great deal easier, as the prisoner would be able to access resettlement services in Ireland rather than have limited access to Irish resettlement services from abroad. The aim of repatriation is to allow for social rehabilitation, so a major consideration is always whether the prisoner has close family members in Ireland who would visit them in prison. This emphasises the importance of families in resettlement.

Irish legislative provision for such transfers is contained in the Transfer of Sentence Persons Acts (1995 and 1997). These Acts provide a mechanism whereby FNPs serving sentences in Ireland may apply to serve the remainder of their sentence in their own countries and whereby Irish FNPs can apply to serve the remainder of their sentence in Ireland. In order for Irish FNPs to return home to serve the remainder of their sentence, there are six conditions that must be satisfied:

1. The FNPs must be an Irish citizen (or a permanent resident in some cases)
2. The sentence is final
3. There must be at least six months left to serve on the sentence
4. The crime the prisoner is convicted of must also be a crime in Ireland
5. The prisoner consents to the transfer
6. Both States involved consent to the transfer.

Upon receiving a transfer request initiated by the Irish FNPs and approved in principle by the sending State, the Irish Prison Service (IPS) will undertake a review of the application. This will include the preparation of reports by the Gardaí, the Probation Service and the Chief State Solicitor's Office.³² Helpfully, the IPS liaises with the ICPO in terms of the progress of applications. This allows ICPO to provide updates to the prisoner and their family as to the status of their application. Tripartite consent is required for any transfer to occur, specifically the sending State, the receiving State and the prisoner.

Between 2004 and 2014 there were a total of 241 applications for transfer to Ireland from Irish FNPs. Only 49 (20%) transfers were completed. The vast majority (164: 86%) were from Irish FNPs in the UK and of these only 23% of transfers were completed. Since 2011 there have been 80 applications for transfer

³² There are a number of other steps and procedural issues involved in this process but such is not warranted here in the context of this report.

to Ireland and only 8 (10%) have been successful.³³ Framework Decision 2008/909 provides for a more expeditious and streamlined prisoner transfer. This would be welcomed by many of the participants who cited the two-year-plus processing times for transfer applications as being a source of considerable hardship for prisoners and families alike. In fact, there is something of an impasse in existence at present. Owing to recent and pending court cases in this jurisdiction, repatriation applications from determinate and indeterminate sentenced prisoners in the UK and those with tariffs (in effect, all Irish prisoners in the UK) are not being fully processed, with applicants and their families being left in limbo. It should again be noted that the vast majority of applications come from the UK each year.

It was also highlighted during the interview process that the new Framework Decision significantly alters the nature of consent in respect of transfers, placing the decision firmly in the hands of the sending States and diminishing, if not extinguishing, the need for tripartite consent. Of this, one participant said:

Vigilance is required to ensure there is no deportation via the back door in respect of Irish prisoners in the UK.

Many of those interviewed spoke of their wish to see the Framework Decision transcribed into Irish legislation with utmost haste and that adequate resources and suitable processes be adopted to bridge the gap between the existing timeframe for transfers and that set out in the Framework Decision. Such expeditious transfers would benefit prisoners and families alike during the period of imprisonment and afterward. It would allow for regular family contact and, for repatriated prisoners, the opportunity to engage fully with the many resettlement programmes available within the Irish prison system and on their release.

33 Report by The Minister for Justice and Equality, Frances Fitzgerald TD, to the Houses of the Oireachtas on the Operation of The Transfer of Sentenced Persons Acts, 1995 and 1997 for the period 1 January, 2014 – 31 December, 2014. Available at <http://www.justice.ie/en/JELR/TOSP%20Annual%20Report%202014%20English.pdf/Files/TOSP%20Annual%20Report%202014%20English.pdf>



○ Section Three: Resettlement Literature Review

3.1 Introduction

Resettlement means ‘to settle again in a new or former place.’³⁴ There are a wide range of factors which must be considered when discussing how a released prisoner can achieve this. The core aims of prisoner resettlement involve reducing re-offending and protecting the public. However, different prisoners have different needs and requirements which must be addressed if there is to be a serious attempt to achieve these core aims. Prisoner resettlement is closely linked with rehabilitation and reintegration, yet many prisoners often come from very chaotic backgrounds and ‘have never had a settled existence, even before imprisonment.’³⁵ Many may well have been excluded from society prior to getting involved with the criminal justice system.³⁶ Resettlement refers to practical steps which can help a released prisoner be a part of a community; it ‘denotes a return to wider society’³⁷ and has been defined as:

*A systematic and evidence-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and re-offending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organisations.*³⁸

This definition is comprehensive and acknowledges that resettlement policy should be evidence-based in order to ensure best practice. It also highlights resettlement being a twofold process – one which takes place prior to and after release. It refers to the dual aims of resettlement: protecting communities and reducing re-offending. It also refers to some of the key players involved in resettlement work – prisoners, their families, and statutory and voluntary organisations. However, this definition also requires us to consider certain questions in relation to resettlement, such as:

*What kind of community are offenders going to? How will they be received by their family, friends, locality, or in those communities where they are unknown? What might their life opportunities be? In short, what might resettlement mean, not as a generality, but in the unique circumstance of the individual subject?*³⁹

These are valid questions which must be considered carefully before engaging in any acts of resettlement, for if the answers are negative, the practice must then be reconsidered. Research suggests that there are a wide variety of resettlement ‘pathways’.⁴⁰ After careful consideration it was felt that this research was best served by examining the following: accommodation; education, training and employment; health and addiction issues; finance; and family.

34 Iain Crow, *Resettling prisoners: A review* (YPS, 2006) 4.

35 David Ramsbottom, *Prisongate* (FP, 2003) 146.

36 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (CO, 2002).

37 Roger Moore, ‘Beyond the prison walls: Some thoughts on prisoner ‘resettlement’ in England and Wales’ [2011] CCJ, 12 (2)129 – 147, 130.

38 HMIP, *Through the prison gate* (HMIP, 2001) 12.

39 Roger Moore, ‘Beyond the prison walls: Some thoughts on prisoner ‘resettlement’ in England and Wales’ [2011] CCJ, 12 (2)129 – 147, 133.

40 NOMS, *The National Reducing Re-offending Delivery Plan* (NOMS, 2009); Dr Dina Gojkovic et al, *Scoping the involvement of third sector organisations in the seven resettlement pathways for offenders* (TSRC 2011); <http://www.niacro.co.uk/briefingnotes/?id=2#_ftn3>; <<http://www.recoop.org.uk/pages/pathways/>>

3.2 Accommodation

The relationship between homelessness and imprisonment is well documented, and a lack of stable accommodation has been linked in the literature to ‘a high risk of re-offending and as adversely impacting on prisoner reintegration.’⁴¹ The principal route into homelessness is poverty⁴² and there are a wide variety of risk factors associated with homelessness which are linked to poverty. These include: history of care; history of abuse; family conflict; age of first becoming homeless; social isolation; alcohol and drug abuse; mental ill-health; and imprisonment.⁴³

Homelessness relates to imprisonment in several ways. For example, being homeless may lead some to commit what is referred to as survival crime – shoplifting, begging, pick pocketing, robbery and prostitution – or to commit more serious offences which could result in imprisonment.⁴⁴ Although some may be able to keep their accommodation and return there upon release, the majority will simply lose their accommodation when they enter prison as they will be unable to pay rent or a mortgage while incarcerated. One UK study found that up to 33% of prisoners lose their housing on imprisonment and 35% of prisoners have nowhere to stay upon release.⁴⁵ Having accommodation is a very important factor for those leaving prison, as ex-prisoners are more likely to re-offend if they do not have adequate accommodation to go to upon their release.⁴⁶ An Irish study into homelessness found that there is ‘a clear relationship between release from prison and homelessness.’⁴⁷ It also found that almost 40% of respondents ‘reported that homelessness had directly contributed to their re-offending behaviour. As they returned to street living, staying in emergency accommodation or dossing with friends, they became involved in survivalist crimes once more.’⁴⁸

In England and Wales, 60% of prisoners believed that having a place to live was important to help stop them from re-offending in the future. 79% who reported being homeless prior to custody were reconvicted in the first year after their release, compared to 47% of those who were not homeless before custody.⁴⁹ Ex-prisoners view housing as being ‘important in providing a secure base from which other problems could be addressed’⁵⁰ and there is ‘a higher rate of reconviction amongst homeless offenders than those with more stable accommodation.’⁵¹ Prisoners who need help finding accommodation upon their release are more likely to be reconvicted than those who do not. One UK report found that 37% of prisoners believed that they

41 Mairead Seymour & Liza Costello, *A study of the number, profile and progression routes of homeless persons before the court and in custody* (DOJELR, 2005) 1.

42 Isobel Anderson & Julie Christianson, ‘Causes of homelessness in the UK: A dynamic analysis’ [2003] JCASP 13, 105.

43 Mairead Seymour & Liza Costello, *A study of the number, profile and progression routes of homeless persons before the court and in custody* (DOJELR, 2005)

44 Louise McCann, *Prisoners at risk of homelessness: From a cell to the street* (CRD, 2003); *Homeless Link, Better together: Preventing re-offending and homelessness* (HL, 2011).

45 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (CO, 2002).

46 Claire Hickey, *Crime and homelessness* (FI and PACE, 2002).

47 *Ibid.*

48 *Ibid.*, 23.

49 Kim Williams et al, *Accommodation, homelessness and re-offending of prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey* (MOJ, 2012).

50 Greater London Authority Research Group, *Blocking the fast track from prison to rough sleeping – A report to the Rough Sleepers Unit* (GLA, 2000) 14.

51 Mairead Seymour & Liza Costello, *A study of the number, profile and progression routes of homeless persons before the court and in custody* (DOJELR, 2005)

would need some help finding a place to live upon their release.⁵² Other related problems include the fact that without an address an ex-prisoner may have difficulty getting drug treatment and registering with a GP.⁵³ Having accommodation also allows someone to apply for social welfare and to register with a doctor.

3.3 Education, Training and Employment (ETE)

There has been considerable research undertaken on the links between unemployment and offending as offenders are more likely than non-offenders to be unemployed, to be susceptible to long term unemployment and to lack the skills and training necessary to enable them to compete in the job market.⁵⁴

Finding employment is a critical dimension of resettlement as stable employment and higher wages are associated with lower rates of criminality.⁵⁵ A further hurdle prisoners must overcome is the disclosure of any criminal record when applying for work.

One of the barriers to work and employment after imprisonment is that prisoners often lack the basic skills needed in the job market – those being reading, writing and arithmetic. Education and training while in prison is important for many released prisoners insofar as it may improve their chances of gaining employment.

Education and training can help to prevent criminal behaviour as they provide people with the capacity to earn a proper living on their release.⁵⁶ This is linked closely with the notion that education can ‘bring prisoners back into society.’⁵⁷

3.4 Health and Addiction Issues

3.4.1 Mental and physical health

The prison population represents ‘a social group that experiences poorer mental health in relation to that of the general population’⁵⁸ and many mental health issues often go undetected and untreated in prison.⁵⁹ It is well documented that the prevalence of psychiatric morbidity within the prison population is much higher than that of the general population.⁶⁰ It is also acknowledged that the impact of imprisonment on mental

52 Greater London Authority Research Group, *Blocking the fast track from prison to rough sleeping – A report to the Rough Sleepers Unit* (GLA, 2000).

53 NACRO, *Resettling prisoners with mental health needs or a learning disability* (NACRO, 2010).

54 Iain Crow, *Resettling prisoners: A review* (YPS, 2006).

55 Agnieszka Martynowicz & Martin Quigley, *‘It’s like stepping on a landmine...’ Reintegration of prisoners in Ireland* (IPRT, 2010); Kamala Mallik-Kane & Christy Vishar, *Health and prisoner re-entry: How physical, mental and substance abuse conditions shape the process of reintegration* (UI, 2008)

56 Tom Schuller, *Crime and lifelong learning. IFLL Thematic Paper 5* (NIACE, 2009).

57 Anne Costello, ‘Learning for liberation, teaching for transformation: Can education in prison prepare prisoners for active citizenship?’ [2014] *IJASS*, Vol. 14, 30 – 36, 31.

58 Melanie Jordan, ‘The prison setting as a place of enforced residence, its mental health effects and the mental healthcare implications’ [2011] *HAP*, 17, 1061, 1061.

59 OHRN, *A national evaluation of prison mental health In-Reach services* (OHRN, 2009).

60 Nicola Singleton et al, *Psychiatric morbidity among prisoners in England and Wales* (ONS, 1998).

health is not positive⁶¹ and that ‘prisoners are particularly vulnerable to developing mental health problems.’⁶² This is even more significant when you consider that people with existing mental health problems are more vulnerable to custody, as diversion initiatives are not always successful.⁶³

It is estimated that there are approximately two million prisoners in Europe, and at least 400,000 (25%) are suffering from a significant mental disorder.⁶⁴ This incorporates ‘psychotic illness, neurotic disorders, substance misuse and personality disorder and related behaviours, notably (in the prison context) self-harming behaviour.’⁶⁵

It has been stated that a period of imprisonment ‘should present an opportunity to detect, diagnose and treat mental illness in a population often hard to engage’.⁶⁶ Prison is not conducive to good mental health for a variety of reasons including a lack of privacy, over-crowding, bullying and the availability of drugs. Prison can exacerbate a pre-existing mental health condition and can have a negative effect on a person with no mental health condition. Prisoners have the same right to medical treatment as those outside of prison and in terms of resettlement it is important that any ongoing treatment received prior to release be continued outside of prison.

Poor physical health can also be a factor for those in prison as prisons are high-risk environments for disease due to overcrowding, poor diet and nutrition, limited access to health care, drug use and so on.⁶⁷ Drug and alcohol abuse is considered in the next section and can be classified as a mental health issue if considered as an addiction. In addition to the risk of overdose, substance abuse increases the risk of developing other chronic conditions, including cardiovascular disease and cirrhosis of the liver.

Deteriorating physical health is also a major concern for older prisoners. As a person gets older their health will deteriorate increasing the risk of illness. Older prisoners have been said to suffer from accelerated ageing in prison whereby a typical 50-year-old prisoner can be said to have the health of a typical 60-year-old in the community.⁶⁸

61 Lord Keith Bradley, *The Bradley Report* (DOH, 2009).

62 Luke Birmingham, ‘The mental health of prisoners’ [2003] APT 9, 191, 192.

63 Luke Birmingham, ‘Diversion from custody’ [2001] APT 7, 198.

64 Nicola Singleton et al, *Psychiatric morbidity among prisoners in England and Wales* (ONS, 1998); Seena Fazel & John Danesh, ‘Serious mental disorder in 23,000 Prisoners: A systematic review of 62 surveys’ [2002] *The Lancet*, 359, 545; Luke Birmingham, ‘The mental health of prisoners’ [2003] APT 9, 191; Don Grubin, ‘Health screening in prisons’ in Simon Wilson & Ian Cumming (eds.) *Psychiatry in prisons: A comprehensive handbook* (JK, 2010); Emmeline Taylor, ‘Prison mental health: Vision and reality’ [2011] PJ, 58, 175.

65 Jo Paton et al, *Prison officers experiences of identifying and managing mental health problems* (Unpublished Report) 12.

66 John Reed & Maggie Lyne, ‘Inpatient care of mentally ill people in prison: Results of a year’s programme of semi structured inspections’ [2000] *BMJ*, 320, 1031.

67 Jaap Veen, ‘Tuberculosis control in prison’ in Lars Møller et al (eds.) *Health in prisons: A WHO guide to the essentials of prisons health* (WHO, 2007) 73-84.

68 Ronald Aday & Jennifer Krabill, ‘Older and Geriatric Offenders: Critical Issues for the 21st Century’ in Lior Gideon (ed.) *Special needs offenders in correctional institutions* (Sage, 2013).

3.4.2 Addiction

The relationship between offending, imprisonment and substance abuse has been well documented in both criminal justice and medical spheres⁶⁹ and ‘substance dependence in prisoners has been of concern for some time.’⁷⁰

There is a higher prevalence of problem drinkers and of those who are dependent on alcohol within the prison system than in the general population, and alcohol is far more likely to be the substance from which prisoners suffer disorders when compared with other drugs.⁷¹ Prisoners often report a relationship between alcohol consumption and their offending⁷² and there are two main categories of offences which are associated with alcohol: alcohol-defined offences such as drunkenness offences or driving with excess alcohol, and offences in which alcohol consumption was a contributory factor in the committing of an offence; usually where the offender was under the influence of alcohol at the time.⁷³ Alcohol abuse amongst prisoner populations is significant. Studies have shown that the prevalence of alcohol dependency in prisoners was 30% compared with 11.5% for the general population yet ‘alcohol abuse is in danger of being overlooked because it is not illegal.’⁷⁴ Inspection surveys of 13,000 prisoners during the period 2004–2009, found that 13% of prisoners surveyed reported having an alcohol problem upon reception into prison.⁷⁵ It was stated that:

*Prisoners with alcohol problems are likely to be more problematic in general and need greater support. They were more likely than other prisoners to come into prison with pre-existing difficulties such as housing needs and health, particularly mental health issues.*⁷⁶

Use of illicit drugs is commonplace in the prison setting,⁷⁷ and research indicates that there is a much higher rate of drug use among the adult prison population than there is in the general population.⁷⁸ In England and Wales, it is estimated that between a third and a half of new receptions into prison are problem drug users – equating to approximately 55,000 prisoners.⁷⁹ High numbers of prisoners enter prison already dependent on drugs⁸⁰ and prison is also a setting where some offenders are introduced to drugs for the first time.⁸¹ One report found the prevalence of drug dependency in prisoners was 45% compared to 5.2% for the general

69 Mary McMurran & Steve Baldwin, ‘Services for prisoners with alcohol – related problems: A survey of UK prisons’ [1989] BJA 84, 1053; Nicola Singleton et al, ‘Substance abuse among prisoners in England and Wales’ [2003] IRP 15, 150; Gail Jones & Norman Hoffman, ‘Alcohol dependence: International policy implications for prison populations’ [2006] SATPP 1,33; Seena Fazel et al, ‘Substance abuse and dependence in prisoners: A systematic review’ [2006] Addiction 101, 181.

70 Seena Fazel et al, ‘Substance abuse and dependence in prisoners: A systematic review’ [2006] Addiction 101, 181.

71 Gail Jones & Norman Hoffman, ‘Alcohol dependence: International policy implications for prison populations’ [2006] SATPP 1, 33.

72 Mary McMurran & Steve Baldwin, ‘Services for prisoners with alcohol – related problems: A survey of UK prisons’ [1989] BJA 84, 1053.

73 British Medical Association, *Alcohol misuse: Tackling the UK epidemic* (BMA, 2008) 38.

74 James Tigue, ‘Managing substance misuse in prison’ in Simon Wilson & Ian Cumming (eds.) *Psychiatry in prisons: A comprehensive handbook* (JK, 2010).

75 HMIP, *Alcohol services in prisons: an unmet need* (HMIP, 2010).

76 *Ibid*, 5.

77 Annabel Boys et al, ‘Drug use and initiation in prison: results from a national prison survey in England and Wales’ [2002] Addiction, 97, 1551; John Strang et al, ‘Persistence of drug use during imprisonment: relationship of drug type, recency of use and severity of dependence to use of heroin, cocaine and amphetamine in prison’ [2006] Addiction, 101, 1125 .

78 Michael Farrell et al, ‘Substance misuse and psychiatric co-morbidity: An overview of the OPCS National Psychiatric Morbidity Survey’ [1998] AB 23, 909.

79 Prison Reform Trust, *Bromley Briefings Prison Fact file 2012* (PRT, 2012).

80 Tony Bullock, ‘Changing levels of drug use before, during and after imprisonment’ in Malcolm Ramsey, (ed.) *Prisoners drug use and treatment: Seven research studies: Research findings 109* (HO, 2003).

81 Annabel Boys et al, ‘Drug use and initiation in prison: results from a national prison survey in England and Wales’ [2002] Addiction, 97, 1551.

population.⁸² Other research has also shown that 29% of prisoners reported having a drug problem prior to imprisonment, while 6% reported developing a drug problem since their arrival to prison.⁸³ Motivation factors include previous addiction, the need to self-medicate and relief from the boredom and monotony of prison life.⁸⁴

3.5 Finance

Ensuring that ex-prisoners have sufficient money to support themselves after they are released from prison is an important component of successful resettlement. For ex-prisoners without enough money, there is an increased chance of re-offending in the first few weeks post release.⁸⁵ Many released prisoners face significant problems when it comes to attaining any form of financial stability.⁸⁶

Recently released prisoners face a wide range of financial difficulties including: delays in receiving benefits; an inadequate discharge grant; difficulties in accessing bank accounts; outstanding debts; poor financial management skills; reliance on family and friends; and trouble finding employment.

Most ex-prisoners rely on the benefits system for financial support upon release. However, the very nature of their incarceration may result in a delay between their release date and the date upon which they receive their first benefits. This is referred to as the 'finance gap' and for many this 'presents a significant challenge ... to "go straight" on release.'⁸⁷ In the UK, prisoners receive a discharge grant upon release from prison. This grant has been widely criticised for providing an inadequate level of support and being completely insufficient, especially if the released prisoner has no accommodation.⁸⁸

3.6 Family

Stable family relationships are an important factor in prisoner resettlement. Family support can link in closely with other resettlement pathways, especially those of accommodation and employment. Family members can be instrumental in helping find employment as they may have 'wider networks which penetrate other social circles to which the individual may not be able to gain access.'⁸⁹ One study found that 51% of prisoners who had either employment, training or education lined up on their release, had made these arrangements through family members.⁹⁰ This shows the importance of family support not just after release, but prior to release. The same study showed that those prisoners who received at least one visit during their incarceration were three times more likely to have accommodation arranged on release.

82 Nicola Singleton et al, *Psychiatric morbidity among prisoners in England and Wales* (ONS, 1998).

83 HMIP, *Annual Report* (HMIP, 2012).

84 Clarissa Penfold et al, *Tackling prison drug markets: An exploratory qualitative study*. Home Office Online Report 39/05 (HO, 2005).

85 Social Exclusion Unit, *Reducing Re-Offending by Ex-Prisoners* (CO, 2002).

86 Citizens Advice Bureaux, *Improving the financial capability of offenders: A guide for CAB and others* (CAB, 2010).

87 *Ibid*, 7.

88 Yvette Hartfree et al, 'Plugging the prisoner finance gap: A critical analysis of financial support for newly-released prisoners' [2010] THJ 49, 1, 31.

89 Stephen Farrall, 'Social capital and offender reintegration: Making probation desistance focussed' in Shadd Maruna & Russ Immarigeon (eds.) *After crime and punishment: Pathways to offender reintegration*, 57-82 (WP, 2004) 72.

90 Helen Codd, *In the Shadow of Prison: Families, Imprisonment and Criminal Justice* (Willan, 2008).

Importantly, families can also provide moral and emotional support to those who have been recently released. One report found that those who do not have active family support during their imprisonment are between two and six times more likely to reoffend in the first year after release than those who have family support.⁹¹ This support may help deal with offending behaviour by providing guidance, advice and encouragement. It may involve building up confidence and giving ex-prisoners a reason not to go back to prison. Ongoing social relationships, especially that of family, 'operate to restrain deviant motivations and account for conformity'⁹² and another study in this area found that adult social ties 'create interdependent systems of obligation and restraint that impose significant costs for translating criminal propensities into actions.'⁹³ Essentially, this means that the creation of strong family ties and bonds can result in the ex-offender having too much to lose by reverting to offending behaviour.

Recent research has re-emphasised the important role that families play in effective resettlement whereby:

1. More than half the offenders returned home or moved in with family and friends on release;
2. The few who had a job on release had mainly arranged this with the help of previous employers, family or friends;
3. Relationships with family and friends were too often viewed purely as a matter of visits which could be reduced or increased according to an offender's behaviour;
4. Too little account was taken of whether initial arrangements for living with a family on release were sustainable and what continuing support might be needed;
5. Sentence planning and oversight were weak and resettlement work in prisons was insufficiently informed.⁹⁴

Resettlement work should include helping the offender and his or her family maintain or rebuild relationships, as well as involving the family in plans for release. Work undertaken by the prison in the area of family relationships should be integrated with work done by resettlement service providers.⁹⁵

91 Alice Mills & Helen Codd, 'Prisoners families and offender management: Mobilizing social capital' PJ [2008] 55(1) 9-24.

92 *Ibid*, 13.

93 Robert Sampson & John Laub, *Crime in the making: Pathways and turning points through life* (HUP, 1993) 141.

94 HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, *Resettlement provision for adult offenders: Accommodation and education, training and employment* (HMIP, 2014).

95 http://www.justiceinspectorates.gov.uk/cjji/media/press-releases/2014/09/families-vital-for-prisoner-rehabilitation/#.VaTq9_IVhBc



○ Section Four: Pathways to Resettlement

4.1 Introduction

This section will consider the interviews that were undertaken for this research. Without repeating too much of what was covered in Section 1, there were thirteen interviews conducted with seventeen participants. The participants were comprised of eight former ICPO clients, seven resettlement service providers (from four resettlement services) and two ICPO staff members. Interviews were semi-structured in nature and informed consent was obtained from all participants. In order to protect the identities of the participants, all quotations are anonymised. The interviews examined the resettlement pathways discussed in Section 3.

4.2 Accommodation

Accommodation is essential. If somebody doesn't have somewhere safe to go when they come out, they're much more likely to relapse if they have an addiction problem. They're much more likely to get back into offending behaviour, and they're much more likely to end up with very negative outcomes.

4.2.1 The importance of safe and suitable accommodation

The importance of suitable accommodation for ex-prisoners in terms of preventing recidivism and aiding resettlement, has been set out in the literature review section of this report. All participants interviewed identified suitable accommodation as the most important of the resettlement pathways, and as having the highest order of priority in terms of the immediate needs of returning Irish FNPs. At the same time, the current accommodation crisis was raised as a barrier to obtaining suitable housing, and something that is placing returning ex-prisoners at risk.

Having accommodation was regarded by participants as conducive to successful resettlement. However, participants emphasised that accommodation should also be safe and suitable, which for those with addiction problems means without the presence of drugs and alcohol. One service provider noted that if a prisoner lacks a safe place to go when they are released, then they are much more likely to relapse if they have an addiction problem.

Participants also pointed out that having an address was necessary in order to apply for a Personal Public Service (PPS) number, to access social welfare benefits, to register with a GP and to apply for a medical card or access mental health services. Therefore, accommodation was seen as a stepping stone to some of the other pathways, and certainly was closely linked with all of them. One ex-prisoner stated that getting access to benefits was not too difficult because he had an address. If he had not had an address, he stated, he would not have been able to go to the Community Welfare Officer. One service provider commented that accommodation at the beginning is critical, and the importance of it cannot be over-emphasised as very often it is the key that opens the door to other services.

4.2.2 Accommodation options

The following are possible accommodation options that returning Irish FNPs may have access to, although in reality the range of options is likely to be extremely limited.

1. Staying with family or friends (either permanently or temporarily).
2. Sheltered accommodation specifically for ex-offenders.
3. Renting in the private sector.
4. Social housing and accessing homeless services.

4.2.2.1 Staying with family or friends

The ex-prisoners interviewed during this research were all fortunate enough to be able to stay with their families, either temporarily or permanently following their release. They all stated how important this was and that if it had not been for family they would have had nowhere to go. Several believed that they would have ended up on the street. Fr Peter McVerry of the Peter McVerry Trust has raised the issue of prisoners being discharged from prison into homelessness every day in Ireland.⁹⁶ It is clear how important family support is in this context. This link between the pathways of accommodation and family support is not surprising given that having suitable accommodation and family support are both identified in the literature review as helping to aid resettlement and prevent recidivism. This was reiterated by service providers, one of whom pointed out that where an ex-prisoner cannot stay with family and friends then, due to the strain on housing and the high rents in the private sector, they run the risk of slipping into the homeless system.

I had somewhere to live in my mam's house. That's the most important thing, to have a roof over your head, the most important thing. I don't know how people manage when they don't have somewhere to go.

Not all returning Irish FNPs can benefit from accommodation with family or friends. The family unit may not always be the most supportive place for an ex-offender, especially where there are addiction issues. This is discussed further in the section of this report that deals with family as a pathway. Other ex-prisoners may have no family remaining in Ireland, especially those who have been deported after a long period of imprisonment abroad. Others may be estranged from their families.

4.2.2.2 Sheltered accommodation specifically for ex-offenders

There are a number of sheltered housing facilities that are specifically for ex-prisoners providing key worker support to residents, as well as access to training and addiction services. Irish FNPs returning to Ireland may be able to access this accommodation provided they meet the criteria and there are places available.

⁹⁶ Peter McVerry, 'Homelessness', *SJ Working Notes*, Issue 76, May 2015, 6.

Priorswood House, which is a residential project of PACE and funded by the Irish Probation Service, provides accommodation for low-risk offenders. Whilst most of their clients have been released on probation in Ireland, they can accommodate a limited number of those returning from prison overseas. Those convicted of arson or sex offences cannot be accommodated at Priorswood House. The ICPO has a referral system (through the Irish Probation Service) and arranges for suitable prisoners to complete the application form prior to their release. Such a facility and the support provided there was described by one interviewee as the 'gold standard' of post-release accommodation and related supports.

TRAIL housing, which is organised through the Peter McVerry Trust, is specifically for low-risk sex offenders and the ICPO follows a similar system of referral as for Priorswood House.

Service providers were very positive about the benefits of sheltered housing for ex-offenders. One talked about how, in the environment of Priorswood House where there is staff 24/7, it makes it easier for ex-prisoners who are institutionalised to get used to semi-independent living, including basic things such as turning lights and showers off and learning to manage money. It was acknowledged that there are not sufficient placements such as those in Priorswood available for returning ex-prisoners.

High-risk sex offenders and other high-risk ex-prisoners including arsonists, are not able to access the sheltered housing currently available. This was raised as an issue by a service provider who suggested that given the situation with social housing and high rents, these high-risk ex-prisoners were more likely to fall into the homeless system and were more likely to reoffend.

In terms of referrals to organisations such as PACE and TRAIL, service providers raised a problem with gaining sufficient information on an applicant to be able to determine whether they are a suitable candidate for housing and what their needs and risk profile is. As is discussed in the section on Education, Training and Employment in relation to the Linkage Service, there may not always be an appropriate person in the foreign prison, such as an offender manager, to verify and expand on the information given in the referral form, or they may be unwilling or unable to engage in the process for some reason. These factors are exacerbated in countries where English is not spoken and where communications with the prison are difficult, for example where the postal system is unreliable or does not exist. This means that not all potentially appropriate prisoners will have the chance to apply for sheltered housing, and for those who do, there may be challenges in obtaining the correct information to verify their suitability. Every situation is different, but in western and English-speaking countries generally, additional sign-off from a suitable individual working with, or familiar with, the prisoner needs to be obtained.

4.2.2.3 Renting in the private sector

Rents in the private sector have been rising steadily over the last two years, particularly in Dublin, which is where many ex-prisoners return to. Rents in Dublin grew by 4.9% in the second quarter of 2014 compared with the first quarter of 2014. Rents for houses in Dublin increased by 3.5%, while rents for Dublin apartments

rose by 5.6% quarter on quarter.⁹⁷ Dublin house rents were up 7% over the year, from €1,216 to €1,301, while Dublin apartment rents climbed by 10.9%, from €1,051 to €1,166.⁹⁸

The implication of this is that returning Irish FNPs would need to have a significant amount of money available up front to get set up and provide for themselves until they can access social welfare payments or work. One service provider commented that in most cases prisoners are returning to Ireland with little, if anything, in the way of savings and hence the private rental market may be out of their reach until they can get themselves established financially.

4.2.2.4 Social housing and homeless services

Participants recognised that Ireland is in the grip of a social housing crisis and many people, not only returning ex-prisoners, are finding it very difficult to get access to housing through the local councils.

The social housing sector has seen a 227% increase in housing waiting lists since 1996.⁹⁹ One service provider pointed out that local councils used to apply a system whereby priority for emergency accommodation was given to local people or those with family in the area. However, they stated that in the last few years they were noticing the application of a seemingly arbitrary rule, whereby if you haven't lived in an area for the last twelve months, then you are not offered emergency accommodation on an ongoing basis. For those returning to Ireland, whether ex-prisoners or otherwise, this presents a serious problem. The result of this in Dublin is that there is a free phone number that those without housing can call each day to try and arrange accommodation for that night. Accommodation will most likely be in a hostel, which may not always be safe and where there may be alcohol and drugs being consumed. For an Irish FNPs returning to Ireland with addiction issues, this is not a safe or suitable environment.

Crosscare Migrant Project in Dublin is very involved in advising returning Irish in these types of situations and provides help and advice for accessing accommodation. One service provider commented that they try to get people into existing systems, such as supported transitional accommodation, as there they can get a key worker to assist them. However, there is huge strain on the system at present, and independent hostels outside of the conventional system are dealing with the spill over. There is no key work support in these hostels, which means that it can take longer for people to get linked in with other services, such as mental health services and getting registered with a doctor.

For those who cannot stay with family and who are returning from prison abroad with little, or more likely nothing in the way of financial resources, it is a bleak picture in terms of accommodation. The ICPO and other service providers reported that returning Irish FNPs resorted to living on the street in several cases where they cannot access accommodation. This is neither in the best interests of the ex-prisoner nor the public. While the ICPO can provide a small post-release grant of up to €100 to returning Irish FNPs who are in financial difficulty, this does not go far.

97 PTRB Index Quarter 2 2014 [http://www.prtb.ie/docs/default-source/rent-index/prtb-quarter-2-2014-final-report-\(1\)-pdf.pdf?sfvrsn=2](http://www.prtb.ie/docs/default-source/rent-index/prtb-quarter-2-2014-final-report-(1)-pdf.pdf?sfvrsn=2) > 1, accessed 3 November 2015.

98 'Rents Jump by Over €1,200 in Dublin in Just 12 months', *Irish Times*, 26 March 2015 < <http://www.irishtimes.com/news/ireland/irish-news/rents-jump-by-over-1-200-in-dublin-in-just-12-months-1.2153297> > accessed 3 November 2015.

99 Housing Agency, *Summary of social housing assessments 2013, key findings* (THA, 2013), 7.

4.2.3 Conclusions/Findings

When asked about the importance of accommodation upon release, all interviewees were unanimous in their view that having stable and secure accommodation upon release from prison was the most important factor in helping a person move away from criminality. Several ex-prisoners linked the importance of having accommodation to the importance of maintaining a close family relationship, as family is often the first port of call when someone is seeking accommodation. This is noteworthy, as family is also considered to be a motivating factor in moving away from criminality. Another pathway that ex-prisoners linked with having accommodation upon release, was the need to have an address in order to obtain their benefits. Success in terms of these pathways is more difficult when the ex-prisoner is returning to Ireland after an extended period abroad. While abroad they may have lost contact with their family, thus making it even more difficult to source accommodation upon their return. Those who are able to stay with family can avoid having to access other housing options, which are limited. However, families are not there to plug the gap in social housing and they are not always able to provide a suitable environment for a prisoner's rehabilitation. Those who stay with family will also not have access to key-worker services that those in sheltered or transitional housing have.

Sheltered housing specifically for ex-prisoners (including returning FNPs) who cannot access existing sheltered housing structures because they are 'high risk', would be beneficial in terms of supporting the individual and protecting the public.

Preparation for applying for sheltered housing should be done far in advance, in order to identify individuals such as offender managers in foreign prisons who can verify the contents of a prisoner's application and liaise with organisations in Ireland. A degree of flexibility will still be needed in some cases.

The author of this report is cognisant of the current social housing crisis that is affecting many families with children and putting them at risk of homelessness. In this context, this report does not recommend that Irish FNPs be prioritised when it comes to social housing.

'It all comes back to having somewhere.'

4.3 Education, Training and Employment (ETE)

ETE is essential, it's essential. A lot of the people that we would have worked with would have disengaged from school and education at an early age. A lot of them would have issues with literacy and numeracy. So trying to address that as an adult is really, really important in terms of trying to make a decision to have a different pathway, a different way of living and a different way of being. So it's really about giving people the skills to do that.

4.3.1 Resettlement planning, education, training and employment in prison

The Irish Prison Service (IPS) has resettlement and reintegration as one of its objectives, and as an institution it endeavours, in relation to prisoners, to ‘enhance their reintegration back into society, thus contributing to public safety and a reduction in recidivism’.¹⁰⁰ The IPS coordinates a range of programmes within Irish prisons that aim to increase the chances of successful resettlement. For example, Integrated Sentence Management (ISM) provides for a personal sentence plan being drawn up and reviewed throughout the prisoner’s time inside and then for the ISM coordinator to meet the prisoner approximately one year prior to release to establish their needs on release and to put together a plan for reintegration into society.¹⁰¹ There is also the Community Return Programme (CRP), which combines unpaid community work with early release and resettlement support and is available to those who have served 50% of their sentence. In addition to this, the IPS is also involved with providing educational services, vocational training and employment opportunities in prisons.

Irish FNPs who have been repatriated to an Irish prison, and are hence in the Irish system, will be in a position to benefit from such programmes. Other returning Irish ex-prisoners will not. Some prisoners may have been in foreign prisons where resettlement programmes exist but as they are due to be deported back to Ireland, or where the prisoner’s goal is to return to Ireland upon release, their usefulness may be limited. Therefore a number of returning Irish FNPs will have had no access to resettlement services during the period of their detention.

4.3.2 Post-release services

The Irish Probation Service provides reintegration services for prisoners. Probation officers work mainly with prisoners who will be under probation supervision on release, including life licencees. They work as part of a prison-based team in Ireland, helping prisoners manage their sentence and plan for resettlement back into the community. The probation role ranges from assessment and case planning and management, to specific anti-offending behaviour programmes, family work, seeking solutions to employment, housing and mental health needs, and generally helping prisoners prepare for release.¹⁰²

Irish FNPs who are able to resettle in Ireland whilst on licence, or who have been repatriated to an Irish prison and will be released on licence in Ireland, will be able to fully access reintegration services through the Irish Probation Service. They will be assigned a probation officer who will draw up a reintegration plan based upon their needs.

The options are more limited for other returning Irish FNPs, i.e. those who are voluntarily returning having completed their sentence and any licence period abroad, and those who are being deported to Ireland. The Irish Probation Service funds a number of community based social reintegration programmes and projects around the country, each with their own specific focus, but which work towards the goal of prisoner reintegration, for

¹⁰⁰ Irish Prison Service, *Three year strategic plan 2012–2015* (IPS, 2012), 3.

¹⁰¹ <http://www.irishprisons.ie/index.php/services-for-prisoners/integrated-sentence-management>

¹⁰² <http://www.irishprisons.ie/index.php/services-for-prisoners/reintegration>

example, addiction support or educational opportunities. All returning Irish FNPs can access these services where appropriate.

SOLAS is the Further Education and Training Authority, which is responsible for funding, planning and co-ordinating training and further education programmes for job seekers and other learners in Ireland.¹⁰³ Whilst this section has so far discussed ETE in the context of specific provisions for ex-prisoners, once someone is receiving social welfare, they will also have access to training supports organised through SOLAS.

Crosscare Migrant Project in Dublin provides signposting towards these services which are only accessible by those on social welfare, via Intreo offices.¹⁰⁴

4.3.3 Attitudes to education, training and employment

In terms of attitudes to education, training and employment, some ex-prisoners were of the view that while education and training in prison were important, the real issue was their ability to access such courses, or even information about them, upon release. Several ex-prisoners who had resettled in Ireland on licence also referred to being told initially that courses were available but then they did not materialise. Such things may happen for a variety of legitimate reasons, but it is important that the person waiting for the course understands why it has happened.

Ex-prisoners regarded post-release education and training as being very important in terms of overcoming a criminal record, getting work and moving on with their lives. Service providers viewed ETE as essential to successful resettlement, and, in relation to education, one service provider pointed out that many would have disengaged with school at an early age, and there may be literacy and numeracy problems. They also felt that participation in education and training had a significant element of socialisation and therefore people were receiving life skills training at the same time as studying.

Ex-prisoners believe that ETE would make the resettlement process easier, not just for themselves, but for those they care about:

I can't read or write so I'd like to get educated. I'd like to be educated and get a job and support my family.

However, service providers also referred to the chaotic nature of the lives of prisoners and ex-prisoners as a barrier to employment:

They might say 'I'm ready for a job' and the question is 'what stops you?' They say 'oh I can take a job tomorrow' and when you go through it they have children, they have no child minding, they assume people will help them when they haven't even asked them, nothing's organised. It's all held together by the loosest of threads ... if you organise something too quickly it will fail, it will fall apart and it will compound their already existing sense of failure, and you don't want to do that.

¹⁰³ <http://www.solas.ie/>

¹⁰⁴ <http://www.crosscare.ie/>

4.3.4 Getting back into work

A number of ex-prisoners explained how important they felt it was to get working as soon as possible after returning, in order to get used to normal life and earn some money to get them back on their feet.

The Irish Prison Service and the Irish Probation Service fund a number of services that are managed by the Irish Association for the Social Integration of Offenders (IASIO), a community-based organisation for adult offenders that focuses on alternatives to offending and re-imprisonment. One of these services, the Linkage Service, is available to Irish FNPs who are returning to Ireland. The Linkage Service aims to help ex-offenders access training, education and employment, with the ultimate objective of desistance from crime and full integration into the community. It provides support for employers, training providers, educationalists and other agencies through its network of Training and Employment Officers.¹⁰⁵ To make a referral, an application form is completed by the prisoner, which must then be signed by a probation officer or offender manager in the prison. They must be in a position to liaise with the Irish Probation Service to discuss the risk profile of the offender and what their needs and skills are. Suitable applicants are then referred by the Irish Probation Service to the Linkage Service. ICPO works as a go-between to ensure that the form is sent out to the prisoner, completed and submitted to the Irish Probation Service.

It is commendable that such excellent services are made available to Irish FNPs, although in practice, Irish FNPs face some challenges in accessing such services (nor will they be suitable for a number of them). This may be for a variety of reasons, and in many ways these reasons also represent some of the challenges of resettlement work with Irish FNPs.

One service provider described how in the UK, referrals like this are not always given priority by prison staff who are overstretched and often difficult to contact, leading to delays in referral. This could also be the case in foreign prisons that may be overcrowded and where staff are overstretched.

Different approaches to incarceration worldwide can mean that there may be no equivalent to a probation officer/offender manager, or where there is such a person they may know little about the prisoner or be unable to speak English.

In some countries, the postal system presents another challenge. There may be delays in post arriving or the postal system may be unreliable and not available at all in some prisons. For example, post sent to Morocco could take six months to arrive in a prison there, if it arrives at all. In practice this, in addition to the language barrier in non-English speaking countries, means such referrals are not possible. In the case of Australia there is also a significant time difference and officers may not be permitted to make or facilitate international phone calls.

The ICPO deals with a number of clients who experience literacy problems and are not in a position to complete such forms themselves. ICPO also deals with some prisoners who view their own offending behaviour as out of character or a 'blip'. They do not tend to want to have anything to do with ex-offender services on their return to Ireland and prefer to put the matter behind them.

¹⁰⁵ <http://www.iasio.ie/what-we-do/linkage-service/>

4.3.5 Qualifications and criminal records

Some prisoners will have had an opportunity to study or train in prison overseas, and may even have received qualifications. However, as several service providers and one ex-prisoner mentioned, qualifications received outside of Ireland tend not to be recognised by Irish companies and therefore much of the re-skilling work has to be done once ex-prisoners arrive back. One service provider pointed out that this failure to recognise foreign qualifications is not exclusive to Irish FNPs returning home, and is something that Irish people returning from a period working or training abroad can encounter too. They commented that CVs have to be adapted and written up for the Irish job market.

As supported in the literature review, the impact of a criminal record was something that was raised by both ex-prisoners and service providers as a barrier to employment. There has been some advocacy around this issue in recent years, and in 2007, Deputy Barry Andrews sponsored a Spent Conviction Bill that would expunge convictions for sentences of less than six months, after a certain period of time had elapsed. The progress of the Bill has been stalled and it is not clear whether any new legislation will be introduced. One service provider referred to their own work building relations with employers who are willing to give those with criminal records a chance. They commented that it tends to be small- to medium-sized businesses that are in a position to make the decision to give someone with a criminal record a chance, as opposed to large companies which may have a policy in place against hiring ex-offenders.

4.3.6 Conclusions/Findings

Access to relevant education, training and employment opportunities can be difficult for some ex-prisoners on their return due to their poor literacy skills, distance from education and training facilities, and a lack of employment prospects in their catchment area.

Additional resources should be put in place to raise awareness amongst ex-prisoners, or soon-to-be-released prisoners, of the services available to them on their return to Ireland in the area of ETE.

Given the problems communicating with Irish FNPs in some countries and the absence of a probation officer or offender manager to advise on risk assessments, much work may sometimes need to wait until a prisoner's return. The continued flexibility and understanding on the part of other agencies is important in these circumstances.

Although ICPO currently refers returning ex-prisoners to a number of services and, in particular, the Linkage Service, additional organisational resources should be allocated to ensure the broadest access possible to the various other support services available under this heading.

4.4 Health and Addiction Issues

Service providers assisting Irish FNPs abroad, stated that both physical and mental health issues are not always well addressed in prisons. The ICPO assist Irish people in a range of countries around the world where

conditions and access to health care can vary. Where prisoners are not given adequate health or dental care there can be long-term consequences, and this can increase their need for prompt access to health and dental facilities following release. For example, the diet in some countries may lack adequate nutrients and result in tooth decay and tooth loss. Prisons may not allow access to dentists to treat problems, or they may require the prisoner to pay for it. Where prisoners are given dental treatment in prison, it may not be of a high standard and may, in fact, create more problems that need to be fixed later. Medication for certain health conditions may not have been provided. Returning Irish FNPs may also have been unable to access diagnostic tests whilst in prison and will need to obtain them in Ireland. The ICPO recommends to all returning Irish FNPs to register with a GP and obtain a health check immediately upon return.

Returning Irish FNPs need to have an address before they can register with a GP surgery. Assuming that they have been able to arrange this they will be able to see a GP privately. As many returning Irish FNPs will not have access to much money, they are likely to want to apply for a medical card. However, they must have a PPS number first, and apply for social welfare before they can then apply for a medical card. In reality, this means that where prisoners do not have a PPS number, there is likely to be several months delay before they will be able to access free medical and dental treatment.

For those in the homeless system there is a network called Safety Net that provides a series of free GP services and nurses services around the greater Dublin area. One service provider pointed out that although you might find services like this in Dublin and other urban centres, outside of the major cities there are no comparable or similar services available.

Crosscare Migrant Project in Dublin hosts one of these Safety Net GP clinics on-site once a week to which they can refer people who have no access to a GP elsewhere. They can help with obtaining important prescriptions, for example, for conditions like diabetes. One service provider mentioned that in relation to prisoners being released from Irish prisons, systems are being introduced which amount to agreements between government departments that recognise a period of imprisonment as an 'address', which will allow prisoners to access medical cards before they leave. It is not clear whether Irish FNPs are being considered for inclusion in these agreements.

4.4.1 Mental health

As discussed in the literature review, there is an increased likelihood of mental health problems among prisoners, as compared to the general population. As with physical health, service providers referred to how mental health issues are not always well managed in prison, and that the experience of being in prison, particularly in countries where beatings and even torture can occur, can naturally create or exacerbate mental health problems.

Surprisingly, very few participants reported that they suffered from mental ill-health prior to or during their incarceration or post release. This is surprising as there is a significant amount of literature which suggests that imprisonment is not conducive to good mental health. However, those who had suffered from mental ill-health were critical of the lack of services they found upon their return to Ireland. Counselling was the

main form of treatment that participants felt was lacking on their return. A lack of mental health services was also commented on by service providers. In this instance, the commentary reverted back to the importance of accommodation and having a fixed address.

Something like therapeutic counselling to deal with the mental health issues ... they haven't yet dealt with. It would be wonderful if we had something to offer them here, just so that they could actually go somewhere confidential and talk through it all. Perhaps there's some counselling available, but it might not be specific to the experiences that people found in foreign prisons.

Access to mental health services in Ireland is based on your address, so if you do not have an address it is difficult to get assistance. For those in the homeless system there is Dublin Access Mental Health Unit, but one service provider advised that they are working over capacity, resulting in long waiting lists. They also noted that where ex-prisoners with mental health problems have been out of the country, it is difficult to get them back into mental health services. Again, the importance of family support was mentioned in that where there were returning prisoners with mental health problems and there was a family involved, the family usually had an appointment arranged with a doctor and so were assisting with their access to mental health services.

For those returning Irish FNPs who have been able to secure a place in sheltered accommodation, they should be in a position to access specialist mental health services through key workers assigned to them.

As with physical health, returning Irish FNPs who are on medication for mental health issues need immediate access to medication on their release. One ex-prisoner described how her medication was stopped two days before her deportation and this led to her suffering hallucinations and panic upon arrival in Dublin. ICPO advises those clients to request additional medication from the prison health service before they depart, and seek the assistance of the Irish Embassy or Consulate if necessary. Some prisons will help, while others will not.

4.4.2 Addiction

Drug and alcohol addiction were both highlighted by service providers as being major factors when it comes to successful resettlement and the importance of treatment in respect of same. One ex-prisoner stated how on their return:

I was just all over the place. I was shaking, I was panicking, I started hearing things and seeing things. So it was harder for everyone around me. Alcohol's never been my problem. It's more cannabis that has always been my problem.

As highlighted in the literature review, addiction amongst prisoners is generally higher than in the general population, and those leaving prison may have addiction issues that they require help with. One service provider highlighted the ongoing struggle their organisation faces with addiction by saying that around 75–80% of their clients in training would have addiction issues and within residential settings it could be as high as 95%.

There was a concern raised that ex-prisoners might not be aware of their own addiction problems. One service provider noted that those with drug and alcohol issues might not necessarily recognise themselves as addicts, or they might believe the level of their drug or alcohol consumption is not a problem. Binge drinking is socially acceptable among many young Irish abroad and the ICPO has seen a large increase in alcohol and drug related violence in countries such as Australia. In less than three years, ICPO has witnessed a 700% increase in the number of clients contacting it from Australian prisons, and the vast majority of these are in prison for alcohol- and drug-related offences.

Alcohol abuse is a pertinent issue amongst the Irish community in England and Wales, and this has been widely documented.¹⁰⁶ This is often a delicate issue with Irish people due to the stereotypical view of the Irish being portrayed as drunks.¹⁰⁷ Delicate or not, the consumption of alcohol is a prominent theme in our diaspora's story.¹⁰⁸

This report has noted the importance of safe and suitable accommodation to support people in avoiding the temptation to slip back into addiction. As has been highlighted, where returning Irish FNPs are able to access sheltered or transitional housing with key workers in place, they are more likely to be able to also access services to help with addiction issues.

As with mental health services generally, there is high demand for services to help with addiction issues, and many people will be referred to them initially through their GP. Crosscare Migrant Project assists in signposting some ICPO clients to services where they are available, e.g. Merchant's Quay Ireland and a number of others.

One service provider felt that on people's return it was more mental health issues rather than addiction issues that were being presented. Another service provider linked the two, stating that with addicts there can often be an underlying mental health issue. They suggested that there can be an assumption that they are depressed because of the addiction, but it can be the other way round too – the depression might be the cause of the addiction. They suggested that the depression is rarely treated first. Another service provider raised a concern over the treatment of those with a dual diagnosis (whereby you have both mental health issues and addiction issues). They said that there is almost always a dual diagnosis, but that Ireland does not have enough dual diagnosis centres. They pointed out that if you have addiction issues, some of the mental health services will not take you and vice versa.

4.4.3 Post-release anxiety and adjusting to normal life

Service providers talked about the period immediately prior to and after release as being a period of high anxiety. For those who have been in prison for a long time, seeing how life has changed on the outside and dealing with new technology and new ways of living can be very stressful. Ex-prisoners themselves raised this issue. One described his confusion at the new bus links, roads and trains, and the new buildings in Dublin.

106 Mary Tilki, 'The social contexts of drinking among Irish men in London' [2006], DEPP 13, 247.

107 Aiden Kelly and Karen Ciclitira, 'Eating and drinking habits of young London-based Irish men: A qualitative study' [2011], JGS 20, 223.

108 *Ibid.*

Overall, prisoners described a sense of alienation, or ‘reverse culture shock’, as one service provider put it. Another service provider described people returning to Ireland, particularly after a long period away, as being ‘completely shell-shocked on arrival’.

Some service providers were concerned that returning Irish FNPs needed counselling but didn’t necessarily recognise it themselves. It was suggested that perhaps they are putting on a brave face and simply want to forget about the past and move on. More than one ex-prisoner and service provider mentioned the need for counselling services for returning Irish FNPs. At present there are no such specialist services. In terms of general counselling services, medical card holders can be referred by their GP to the Counselling in Primary Care (CIPC) service, which is an HSE service for people experiencing mild to moderate anxiety, depression, stress and bereavement. However, there are delays involved and patients may have to wait months for an appointment. Only eight sessions are offered. If a GP decides that a person has more serious anxiety or depression, they will usually be referred to a local secondary care mental health service. It can take up to three weeks for a patient to be seen for an initial assessment. There is also low-cost community counselling outside of the HSE available around Ireland, and while these also have waiting lists, they tend to be weeks rather than months.

Several ex-prisoners mentioned the need for a peer support group, made up of people who had returned to Ireland after a long time away, that could meet and talk about how they are feeling. One ex-prisoner suggested that it didn’t necessarily have to be ex-prisoners. One service provider mentioned that there is a similar arrangement in place for homeless people, namely a forum enabling people to come together and share their experiences and take a step back from the ongoing challenges of applying for temporary accommodation. More recently, Care After Prison has sought to address the issue of post-release support for prisoners and it also provides a free counselling service.

4.4.4 Conclusions/Findings

Irish FNPs should be included in any scheme relating to the provision of medical cards prior to release.

Increased facilitation should be provided to returning ex-prisoners to access health care supports promptly upon their release and return to Ireland.

Additional work is required to identify suitable counselling and related support services for those FNPs who require it, including around addiction.

Consideration should be given to the development of peer support groups to assist returning FNPs adjust to life in Ireland.

The majority of existing services are based in Dublin.

‘It’s traumatic going in but it’s traumatic coming out too.’

4.5 Finance

Every participant, ex-prisoner and service provider highlighted the difficulties around obtaining benefits when released from prison. This was viewed as an important issue and one that was closely linked with health care (obtaining a medical card). Another concern raised was the amount of time it could take for a social welfare payment to be made. This was often exacerbated by the fact that some returning ex-prisoners may not satisfy the Habitual Residence Condition (HRC).¹⁰⁹ Furthermore, the issue of obtaining a Personal Public Service (PPS) number was raised, as was the relationship this has with obtaining accommodation.

This section investigates current policy and practice in relation to the financial challenges facing returning FNPs, alongside participant views and experiences in order to identify areas where increased assistance is needed for returning FNPs. Presently, ICPO refers returning FNPs to Crosscare Migrant Project for information, advice and advocacy in helping them to navigate and obtain statutory benefits.

4.5.1 Obtaining a Personal Public Service (PPS) number

The PPS number is crucial for people who've been out of the country. You have to go through the process and it takes a minimum of six weeks and you don't get any money. I mean, you might get something from the Community Welfare Officer. Unfortunately to get your PPS, you are supposed to go to your social welfare office. It's pretty difficult to do this when you're in prison.

The PPS number is a unique number that helps individuals access social welfare benefits, public services and information in Ireland. A service provider pointed out that many prisoners returning to Ireland have been gone so long that they do not have a PPS number or cannot recall it. It was also pointed out by a service provider that without a PPS number it is almost impossible to apply for a social welfare payment. They explained that if you don't have a PPS number at all then it takes a minimum of six weeks to obtain one, during which time you cannot receive any social welfare payments.¹¹⁰ One ex-offender who had lost his PPS number confirmed that it took some time to prove that he previously had one.

In order to apply for a PPS number a person must make an appointment at their local social welfare office. Identification is needed to obtain a PPS number. If a person is unable to attend then they can arrange to have the form sent to them by post. However, in order to process the application they are required to submit original copies of their identification. Irish FNPs rarely have access to their passport, which is often held by the authorities of the country in which they are detained. In other cases they may have been released but still require their passport for travelling back to Ireland. Other prisoners may no longer have a passport and return with only temporary travel documents. This means that returning Irish FNPs are unlikely to be able to use

¹⁰⁹ The term 'habitually resident' is not defined in Irish law. In practice it means that you have a proven close link to Ireland. The term also conveys permanence - that a person has been here for some time and intends to stay here for the foreseeable future. Proving you are habitually resident relies heavily on fact. If you have lived in Ireland all your life, you will probably have no difficulty showing that you satisfy the factors which indicate habitual residence. For more information see http://www.welfare.ie/en/Pages/Habitual-Residence-Condition_holder.aspx

¹¹⁰ In exceptional circumstances and with considerable advocacy regarding same, it may be possible to have a person's application expedited. It is also possible to contact the Department of Social Protection to retrieve the PPS number once an application has been submitted, prior to it being issued in writing.

the postal service and will, as one service provider pointed out, have to wait until their return to Ireland before applying for a PPS number, if they don't already have one. Those who have no PPS number are more likely to have been away a long time. They may not have the family links and hence the support that returning Irish FNPs who have only been abroad for a few years may have. This makes them more vulnerable in a situation where they encounter problems with accessing social welfare.

4.5.2 Accessing social welfare benefits

There is no automatic entitlement to social welfare benefits for Irish people returning home from abroad; whether or not they are returning from prison. To obtain most means-tested social welfare benefits in Ireland you must be deemed by the Department of Social Protection (DSP) to be 'habitually resident' in Ireland. The HRC essentially seeks to ascertain whether a person has established Ireland as their 'centre of interest'.¹¹¹ The HRC was introduced in 2004 following the expansion of the European Union, and sought to prevent so-called welfare tourism. Its knock-on effect is that a range of vulnerable people, including some returning Irish prisoners, can find themselves caught out and unable to qualify for benefits.

According to the DSP operational guidelines, a person who had previously been habitually resident in the State, and who moved to live and work in another country and then resumes their long-term residence in the State may be regarded as being habitually resident immediately on their return to the State.¹¹² It is up to the person to prove that their centre of interest is once again Ireland and that they have returned permanently.

The routes by which an Irish ex-prisoner returns to Ireland are relevant here. In terms of those who are deported to Ireland, one service provider explained that in the DSP operational guidelines relating to the HRC, deportees are referred to as a distinct group that ought to be found to satisfy the HRC.¹¹³ That said, it is necessary to submit a letter confirming the deportation and this cannot be provided until after the deportation has taken place, which can lead to delays. Thankfully, Irish embassies and consulates are willing to provide a letter attesting to a person's deportation.

The following are examples of returning Irish ex-prisoners who may have trouble satisfying the HRC:

- Those who worked in different countries prior to their imprisonment abroad but who have not lived or worked in Ireland for some time;

111 The five factors that are taken into consideration by the DSP when deciding if you are habitually resident are:

1. Your main centre of interest, based on facts such as:
whether you own or lease a home here, where your close family members live, whether you belong to social or professional associations here, and any other evidence or activities indicating a settled residence in Ireland
2. The length and continuity of residence in Ireland and in any other country
3. The length and purpose of any absence from Ireland
4. The nature and pattern of your employment
5. Your future intention to live in the Republic of Ireland as it appears from all the circumstances.

For more information see <http://www.migrantproject.ie/index.php/returning-to-ireland/habitual-residence-condition> and http://www.welfare.ie/en/Pages/Habitual-Residence-Condition_holder.aspx

112 <http://www.welfare.ie/en/Pages/Habitual-Residence-Condition--Guidelines-for-Deciding-Offic.aspx>

113 Ibid.

- Those without family links remaining in Ireland or with strong family links in another State may struggle to show that they have returned permanently even if it is their intention to do so;
- Ex-prisoners from the Travelling community who by virtue of their lifestyle may move between different countries. In 2010 the Travelling community were mentioned by the Free Legal Advice Centre (FLAC) as one group who were being adversely affected by the application of the HRC;
- Irish ex-prisoners who do not consider Ireland their permanent home.

One service provider had dealt with a case involving a returning Irish FNPs who was refused social welfare benefits on the basis that he did not satisfy the HRC. This individual – who had been in prison for a serious offence – had addiction issues and no family support, then ended up sleeping on the streets of Dublin until he was able to successfully appeal the decision. This highlights how important it can be for returning Irish ex-prisoners, who often lack family support and are dealing with a myriad of other issues, to have the HRC dealt with promptly.

Delay was raised as an issue in a number of interviews by both service providers and ex-prisoners alike. One ex-prisoner described how, when they returned to Ireland, they were rejected for Job Seekers Allowance due to their mental health issues, and instead they were assessed for Disability Allowance. It took four months for this to be finally granted to them. The same participant pointed out that where people are in Irish prisons, prior to release the Community Welfare Officer will meet them and talk to them about accessing welfare so they are able to prepare in advance and often have their applications made and assessed to coincide with their release.

4.5.3 Obtaining a medical card

If you have a medical card issued by the Health Service Executive (HSE), you can receive certain health services free of charge. To qualify, your weekly income must be below a certain threshold.¹¹⁴

Difficulty obtaining a medical card was an issue that came up in a number of interviews. One ex-prisoner highlighted how you could not obtain a medical card until you have an income or have received your first social welfare payment (which, as previously discussed, can take several months). What this means in effect is that those most in need of financial support for medical care (because they do not have an income) cannot obtain it.

Delay in obtaining a card was also raised by participants and service providers. Several participants referred to an eight-week review process, and one participant who returned to Ireland with mental health problems and needed prescribed medication to help them, described how they couldn't afford the medication and rang the HSE office every day until they eventually gave them a temporary medical card.

The medical card is a big one. I was in a hostel for three weeks and I rang them every day for the first two weeks and it's supposed to be an eight week review; eight weeks till your card is issued. But because I couldn't afford the medication I needed, I was ringing them every day, every day, every day, until it got to the stage where they sent me out a temporary card until I got my own one. I learned from my mother that the best form of getting anything done is harassment.

¹¹⁴ <http://www.hse.ie/eng/services/list/1/schemes/mc/about/Amieligible/> accessed 29 October 2015.

Furthermore, there are difficulties linked to obtaining a medical card if a person does not have an address. The interviewee stated that for recently released prisoners in Ireland, there are systems being introduced which recognise a period of imprisonment as an address that will allow prisoners to access medical cards before they leave.

4.5.4 Other challenges

Service providers explained that in most cases they deal with, it is not possible for prisoners to save up money to use on their release, meaning that Irish prisoners were frequently being released without much money, if any, to tide them over. They pointed out that while many prisoners are able to work in prison, the wages paid to them are usually minimal. The cost of returning to Ireland (even for some deportees) is frequently borne by the prisoner or their family, and often times they simply do not have anything left over to support themselves.

An area that was not addressed during the interviews, but which also needs to be considered, is that of the financial burden placed on prisoners and, in particular, their families when a loved one is imprisoned in a foreign country. Some jurisdictions will not have any form of free legal aid, and adequate legal representation may prove to be very expensive. Asking someone who is remanded in custody overseas to come up with the necessary amount, which may be required upfront, is usually next to impossible and it therefore falls to their families to pay. This can create a real hardship for families who are often forced to choose between paying for legal representation and paying the cost of a flight to visit their relative in prison.

Prisoners need money. In some prisons in South America, prisoners must, in effect, pay for their cell and purchase edible, nutritious food. All prisons will charge prisoners to make phone calls and, in the case of FNPs, making an international call to Ireland is much more expensive than a local call. One interviewee even had to pay for their deportation. ICPO are in a position to help some Irish FNPs by giving a small grant from time to time in order for their clients to avail of phone credit to phone home, to buy foodstuffs and clean water and to purchase basic toiletries. Although this is a relatively modest sum of money, it can make a big difference to someone in a foreign prison. Money expended during the period of imprisonment to support a prisoner and their family can considerably reduce the financial resources necessary to support an Irish FNPs on their return.

Several ex-prisoners raised the need to buy clothes after returning to Ireland, as they returned with very little, or, as one ex-prisoner mentioned, only the clothes they were wearing. In cases of acute financial difficulty, the ICPO provides those who have returned to Ireland with a small hardship grant of up to €100, and part of this is intended to buy clothes and toiletries. For ex-prisoners who have a PPS number, they can apply to their local DSP office for an Exceptional Needs Payment towards clothing. These payments are discretionary, can take time, and those without a PPS number will not be able to avail of them.

*'I had nothing when I came home; I hadn't even got a stitch of clothes.
All I had was what was on me.'*

4.5.5 Conclusions/Findings

Every participant mentioned the difficulties in obtaining benefits when released from prison, and the associated delays in accessing these benefits was an issue raised by many. This pathway links closely into several others. For example, many referred to the first pathway of accommodation – without an address it becomes difficult to claim any benefits. In order to obtain a PPS number you need to present yourself in person at the local social welfare office. Even if this is done on the first day of release, it can take up to six weeks to process. Health care is also an issue, as you cannot get a medical card due to it being based on income. One participant mentioned that it had taken him two months to obtain benefits, whilst others noted the ability of prisoners in Ireland to organise some of their statutory benefits before they are released and compared this to the difficulty (or impossibility) in doing so from a prison overseas. A number of participants believed it would be helpful if they could apply for various benefits prior to their release. Taking their often difficult circumstances into account, it should be possible for returning Irish ex-prisoners to be able to access benefits more quickly, and for applications for PPS numbers and social welfare to be started before a prisoner returns to Ireland.

Service providers emphasised the particular vulnerability of returning ex-prisoners as compared with returning Irish generally. One service provider suggested that local authorities and DSP officers should have something in place so they recognise that a person returning in this kind of situation does not have access to any other supports.

Lack of comprehensive and holistic services such as Crosscare Migrant Project for those outside of Dublin.

Returning Irish FNPs without a PPS number should be allowed to access a clothing grant from the DSP while their application for a PPS is being processed.

4.6 Family

'I wouldn't have gotten through it without my family.'

Consistent with the research in the literature review, all participants believed that having a supportive family in Ireland was extremely beneficial to returning Irish FNPs. Families can often be the strand that links together the other resettlement pathways. Service providers consistently reiterated the importance of family support, especially in terms of providing accommodation and having the potential to open other doors for returning ex-prisoners. Several ex-prisoners commented that without family support the resettlement process would have been much more difficult and could even have resulted in their complete failure to cope. They noted how the emotional support and encouragement they received helped them adjust to life on the outside.

If I didn't have a good relationship with my family I reckon I would relapse and go back to where I was five years ago. Yeah, they keep me strong. They don't realise it, but they keep me strong. They're the reason why I get up in the morning and they're the reason why I'm in college. So for me it's like they're my little push, without even realising

it, they're my little push. They're the ones I want to sit there and go 'Do you know what? She made a mistake but look what she's done.' I've done more in my life in twelve or thirteen months than in ten years.

Where returning prisoners have the opportunity to stay with their family, even just temporarily, it provides an address they can use to allow them to apply for a PPS number, social welfare benefits and a medical card. It enables them to register with a GP, to access mental health services and other services in relation to re-training and education. It also makes it easier for ICPO and other agencies to stay in contact with them.

One service provider noted where ex-prisoners with mental health problems had been out of the country, it was difficult to get them back into mental health services in Ireland. However, they said that where there was a family involved, the family often had an appointment arranged with a doctor and so were able to assist with their accessing mental health services. Another service provider felt that sustaining some family relationships can make all the difference to managing addiction, mental health difficulties and coping with the emotions that come from being in prison.

As highlighted in the literature review, family contacts can assist in finding employment. One service provider noted the importance of families as networks. They may know people that can help with finding employment for an ex-prisoner. Another service provider felt this was particularly relevant to Irish society which is small and where contacts can be extremely important to securing employment.

One ex-prisoner also mentioned the moral support his family gave him during the difficult and depressing process of applying for work.

Family always give you moral support. I was applying for about maybe ten jobs a week. I wasn't getting a call back. I was getting down and I was saying 'I don't think I'll ever find work'; they were there always pushing me on saying 'keep going, keep going, you'll get there eventually', which I did.

However, one service provider noted that the individuals they work with tend to be either completely estranged from their family or, for a variety of reasons, there are no family supports available. This suggests that where positive family support exists, there may be less of a need to access external services.

4.6.1 Family as a hindrance

Some of the service providers, whilst acknowledging the important role that families play, also attached a warning whereby families may not always be beneficial to the resettlement process. In some cases they may prove to be a hindrance. They described how sometimes the family can be part of the problem, perhaps introducing drugs in the first place, or where there may be multiple people in a household with addiction issues. Where this is the case, and where the family dynamic is problematic, it was suggested by several service providers that it may sometimes be better for ex-prisoners to separate from them in order to aid their own rehabilitation; something that could be a very frightening prospect for an ex-prisoner.

Another service provider noted that older ex-prisoners may not want to go home and live with their parents, highlighting the fact that even when there is family around, one needs to consider what kind of relationships

are actually possible. Family feuds were mentioned by another service provider as a possible reason why returning ex-prisoners might wish to stay in Dublin rather than return to their local areas. This, in turn, can present problems in terms of accessing social housing as social housing is ordinarily reserved for people originally or previously from the area.

4.6.2 Routes of return to Ireland

As was set out in detail in Section 2, Irish FNPs who are released on licence in the UK can apply to resettle in Ireland under the supervision of the Irish Probation Service. This is at the discretion of both the UK and Irish Probation Services who will consider a range of factors relating to the suitability of the applicant for such a move. One of those factors is whether the individual has a supportive family situation, as this is recognised as an important factor in determining whether an ex-prisoner will be better off in Ireland and will comply with licence conditions and succeed in their resettlement.

In a similar fashion, where an Irish FNPs applies to be repatriated to an Irish prison, the Irish Prison Service will consider where their family is based and whether they are likely to be able to offer them support and visit them in prison. Again, these particular assessments are conducted by the Irish Probation Service.

4.6.3 Preparing families for post release

One prisoner noted that having an ex-prisoner in the house can be very hard on the family, and it can take time to adjust. She described how it took time to readjust to non-institutionalised living. She couldn't sleep and also suffered from mental health problems. Her medication had been stopped two days before she left the country of imprisonment and this led to her experiencing hallucinations and panic attacks on her arrival in Ireland. One service provider mentioned that adult ex-prisoners with addiction issues and/or mental health problems returning to live with family members could create great friction and stress, particularly when the ex-prisoner has nowhere else to go and hasn't or won't access services to help them with their problems. They said that these families need support services to help them in this situation.

One prisoner also described how it was hard to re-establish close family relationships, as in prison you are used to looking after yourself. They said that when they came home they had to face the reality that every family member had an input and opinion on their situation. This was echoed by another ex-prisoner who described how in his absence the rules of the house had changed and his children were used to a different way of doing things. He said he experienced considerable difficulty in asserting any authority on his return.

The Irish Probation Service operates a family support service but it is limited. One service provider mentioned that a more intensive family support programme whereby families are given support to prepare for the return of a loved one from prison would be very beneficial. They also flagged a need to look at different definitions of family and consider the types of support needed. For example, some prisoners may have ageing parents and feel a level of responsibility or guilt for having been away.

4.6.4 Maintaining contact between prisoners and families

Since family support can be such a vital asset to a returning Irish FNPs, where appropriate it is important that the prisoner is able to maintain a relationship with their family whilst they are in prison so that they do not become estranged. Restriction on visits or communications can inhibit this and also make the period coming up to release more difficult in terms of putting post-release arrangements in place.

For Irish FNPs keeping in contact is clearly much more challenging than for those in prison in Ireland. One service provider referred to family relations often being strained before a person is even detained, perhaps due to addiction or lifestyle issues. Where a prisoner is located overseas, the lack of communication and visits may make healing these rifts more challenging. Prisoners from the Travelling community can be particularly badly affected by family separation.¹¹⁵

In terms of preparing for release, the importance of family visits and contact while on the inside was noted by several ex-prisoners. One prisoner described how his family kept him going while he was inside:

It was so important to have my family around. They kept me going when I was inside. Things were so difficult in there that I had thought of self-harming many times and was put on watch for my own safety. They brought me back to thinking straight, they helped me realise that I hadn't lost everything, I'd just lost time, and it was time to start rebuilding.

In terms of maintaining phone contact, this can be difficult for Irish prisoners abroad due to the costs of international phone calls and time differences. It is possible to ring home from some countries, for example, the UK, the USA, Australia and some European countries. Those on remand may be more restricted and in some countries a prisoner can spend over two years on remand. In other countries, for example Brazil, it is not possible for prisoners to call home unless they have access to an illegal cell phone. One service provider mentioned that those calling from UK prisons to Ireland pay a premium rate, with call costs being six times what they would cost from a public phone box. For prisoners with literacy issues, phone calls to family can be a life-line. Whilst some prisoners are able to work and earn wages, those wages are often minimal. Where prisoners have no access to other resources, the ICPO may be able to provide a grant from its hardship fund to assist them in maintaining contact with family.

In many countries, prisoners are able to send and receive mail, but in other countries the postal system, particularly the postal system within the prison can be very delayed, unreliable or non-existent. In situations where it is not possible for a prisoner to receive post (or where there are literacy issues), sometimes the ICPO will be able to send letters or emails to a prison chaplain or an ICPO prison visitor (including many Irish Missionaries) who can read or pass them onto the prisoner.

When a prisoner contacts the ICPO, it will ask if their family would like support and if so then contact will be made. The ICPO can advise the family about the processes around arrest and detention and can let the family know of any updates they might receive from the prisoner, visiting chaplains or the relevant embassy,

¹¹⁵ Liza Costello, *Travellers in the Irish prison system: A qualitative study* (IPRT, 2013); Conn MacGabhann, *Voices unheard: A study of Irish Travellers in prison* (ICB, 2011).

provided the prisoner has agreed to this. The ICPO encourages families to write to prisoners as often as possible.

4.6.5 Family prison visits

A very effective way of maintaining links with a family member in prison abroad is to visit them. Such visits – whilst expensive and emotionally difficult – will strengthen the foundations of the prisoner’s ultimate resettlement.

Visits are not always possible for family members. This may be due to a range of issues, including finance, child care responsibilities or the security situation in the country concerned. It is worth stressing that the financial strain of visiting loved ones in prison abroad can be significant.

A report by the National Social and Economic Forum in 2002 recommended that low-income families travelling long distances to visit prisoners should be given additional supports, including ‘adequate financial supports to make regular visits.’¹¹⁶

Those living in Ireland can apply to their local Department of Social Protection Representative (formerly and still commonly known as the Community Welfare Officer) for an Exceptional Needs Payment (ENP) for assistance with the cost of visiting prison. ENP can be important for families to help with the cost of prison visits. It is a single payment made to help meet essential, one-off, exceptional expenditure, which a person could not reasonably be expected to meet out of their regular weekly income. To qualify, a person must normally be in receipt of a social welfare or HSE payment. ENP are payable at the discretion of the DSP representative who will consider each application individually.

The ICPO can provide a letter of support for the family member to bring with them to their appointment. One service provider raised the fact that families are reporting that DSP representatives are often unaware that prison visits can be funded in this way, whilst others have stated that they don’t give payments for prison visits. On the other hand, some families mention DSP representatives who are very helpful and regularly provide assistance. This inconsistency in service results in a post code lottery and is unfair. There is a need for greater awareness amongst DSP representatives that they can grant these payments for prison visits and that they are important to families in maintaining a relationship with a loved one in prison. It should be stressed that the vast majority of family prison visits involve travelling to the UK and occasionally to France or Spain. It is not being suggested that trips further afield be fully funded, albeit a contribution towards the cost would be welcome.

The ENP is similar in essence (if not in practice) to the Assisted Prison Visitor Scheme in the UK, which is available to families based in Northern Ireland. This provides financial assistance to prisoners’ close relatives, partners or sole visitors who are in receipt of qualifying benefits or a low income when making qualifying visits to prisons. Assistance is normally given towards a visit every two weeks and up to twenty six assisted visits per twelve month period. Assisted visits can be saved up to allow two or more consecutive visits to take place during one return journey. A contribution towards an overnight stay will also be considered.

116 National Social and Economic Forum, *Reintegration of Prisoners* (NSEF, 2002) 79.

Where family members are not able to access an ENP or a payment through the Assisted Prison Visitor Scheme, the ICPO can sometimes assist with a small payment from its hardship fund. The amount that can be given is limited and applications can only be made once every six months.

4.6.6 Conclusions/Findings

Family support is important in aiding resettlement and family contact and family prison visits should be encouraged in order to allow the prisoner and their family to maintain a relationship with one another, not just in order to cope with prison but with a view to release. A scheme such as that which exists in the UK and Northern Ireland has much to commend it. The price of airfares to the UK has reduced significantly and a vouched scheme providing modest grants of a few hundred Euro to a relatively small number of prisoners' families (100–200 approx.) would be of considerable benefit to those who require it. These benefits will be shared by the prisoner, their family and society at large in terms of pro-social resettlement.

The Department of Social Protection should do all it can to facilitate family prison visits in a consistent way.

Not all ex-prisoners have supportive family networks in Ireland and they may benefit from peer support in order to grow supportive friendships and networks.

Families need support preparing for the return of a loved one from prison. They may also need additional support following the return of their loved one from prison, for example, advice on managing addiction issues.

*They are the gust of wind in my sails. If I did not have them
I would not be in one piece. I wouldn't have been able
to get through my sentence ... They've been the people
reassuring me that there is redemption.*



○ Section Five: Findings, Conclusions and Recommendations

5.1 Introduction

This report has sought to examine the issues relating to the resettlement of Irish people returning from prisons overseas. It considered the means by which Irish FNPs return to Ireland and noted the importance this may have on their resettlement needs. It then analysed a number of the ‘resettlement pathways’ by means of a literature review. The report notes the dearth of academic literature pertaining to the resettlement needs of FNPs.

It was intended to approach this topic from a number of different perspectives and viewpoints and a series of interviews were carried out in furtherance of this aim. Former clients who recently returned to Ireland provided first-hand accounts of their own resettlement experience. A number of key service providers provided further analysis, as did members of ICPO staff. From this primary research it has been possible to distil a number of common themes which form the basis of the report’s conclusions and findings.

What is also evident from this research is the positive interaction between a significant number of statutory and non-statutory organisations who work together, on a case-by-case basis, with the ICPO to support Irish citizens returning from prison overseas.

Given the myriad issues and difficulties that may pertain to returning Irish FNPs and the additional challenges they encounter in terms of their resettlement by virtue of their imprisonment overseas, it is evident that preparation for their return must begin well ahead of time.

A relatively small number (estimated to be less than 100) of Irish FNPs return to Ireland each year. However, of those that do, a significant number are acutely vulnerable and lack many of the basic social supports people take for granted. This modest figure also means that any proposed changes or recommendations cited herein will not carry substantial resource implications.

5.2 Findings and Conclusions

Accommodation

5.2.1 When asked about the importance of accommodation upon release, all interviewees were unanimous in their view that having stable and secure accommodation upon release from prison was the most important factor in helping a person move away from criminality. Several ex-prisoners linked the importance of having accommodation to the importance of maintaining a close family relationship, as family is often the first port of call when someone is seeking accommodation. This is noteworthy as family is also considered to be a motivating factor in moving away from criminality. Another pathway that ex-prisoners linked with having accommodation upon release, was the need to have an address in order to obtain their benefits. Success in terms of these pathways is more difficult when the ex-prisoner is returning to Ireland after an extended period abroad. While abroad they may have lost contact with their family, thus making it even more difficult to source accommodation upon their return. Those who are able to stay with family can avoid having to access

other housing options which are limited. However, families are not there to plug the gap in social housing and they are not always able to provide a suitable environment for a prisoner's rehabilitation. Those who stay with family will also not have access to key worker services that those in sheltered or transitional housing have.

5.2.2 Sheltered housing, specifically for ex-prisoners (including returning FNPs) who cannot access existing sheltered housing structures because they are 'high risk', would be beneficial in terms of supporting the individual and protecting the public.

5.2.3 Preparation for applying for sheltered housing should be done far in advance, in order to identify individuals such as offender managers in foreign prisons who can verify the contents of a prisoner's application and liaise with organisations in Ireland. A degree of flexibility will still be needed in some cases.

5.2.4 The author of this report is cognisant of the current social housing crisis which is affecting many families with children and putting them at risk of homelessness. In this context this report does not recommend that Irish FNPs be prioritised when it comes to social housing.

Education, training and employment

5.2.5 Access to relevant education, training and employment opportunities can be difficult for some ex-prisoners on their return due to their poor literacy skills, distance from education and training facilities and a lack of employment prospects in their catchment area.

5.2.6 Additional resources should be put in place to raise awareness amongst ex-prisoners, or soon to be released prisoners, of the services available to them on their return to Ireland in the area of ETE.

5.2.7 Given the problems communicating with Irish FNPs in some countries and the absence of a probation officer or Offender Manager to advise on risk assessments, much work may sometimes need to wait until a prisoner's return. The continued flexibility and understanding on the part of other agencies is important in these circumstances.

5.2.8 Although ICPO currently refers returning ex-prisoners to a number of services and in particular, the Linkage Service, additional organisational resources should be allocated to ensure the broadest access possible to the various other support services available under this heading.

Health and addiction issues

5.2.9 Irish FNPs should be included in any scheme relating to the provision of medical cards prior to release.

5.2.10 Increased facilitation should be provided to returning ex-prisoners to access health care supports promptly upon their release and return to Ireland.

5.2.11 Additional work is required to identify suitable counselling and related support services for those FNPs who require it, including around addiction.

5.2.12 Consideration should be given to the development of peer support groups, to assist returning FNPs adjust to life in Ireland.

5.2.13 The majority of existing services are based in Dublin.

Finance

5.2.14 Every participant mentioned the difficulties in obtaining benefits when released from prison and the associated delays in accessing these benefits was an issue raised by many. This pathway links closely into several others. For example, many referred to the first pathway of accommodation – without an address it becomes difficult to claim any benefits. In order to obtain a PPS number you need to present yourself in person at the local social welfare office. Even if this is done on the first day of release, it can take up to six weeks to process. Health care is also an issue as you cannot get a medical card due to it being based on income. One participant mentioned that it had taken him two months to obtain benefits whilst others noted the ability of prisoners in Ireland to organise some of their statutory benefits before they are released and compared this to the difficulty (or impossibility) in doing so from a prison overseas. A number of participants believed it would be helpful if they could apply for various benefits prior to their release. Taking their often difficult circumstances into account it should be possible for returning Irish ex-prisoners to be able to access benefits more quickly and for applications for PPS numbers and social welfare to be started before a prisoner returns to Ireland.

5.2.15 Service providers emphasized the particular vulnerability of returning ex-prisoners as compared with returning Irish generally. One service provider suggested that local authorities and DSP officers should have something in place so that they recognise that a person returning in this kind of situation does not have access to any other supports.

5.2.16 There is an apparent lack of comprehensive and holistic services such as Crosscare Migrant Project for those outside of Dublin.

5.2.17 Returning Irish FNPs without a PPS number should be allowed to access a clothing grant from the DSP while their application for a PPS is being processed.

Family

5.2.18 Family support is important in aiding resettlement and family contact and family prison visits should be encouraged in order to allow the prisoner and their family to maintain a relationship with one another, not just in order to cope with prison but with a view to release. A scheme such as that which exists in the UK and Northern Ireland has much to commend it. The price of airfares to the UK has reduced significantly and a vouched scheme providing modest grants of a few hundred Euro to a relatively small number of prisoners' families (100–200 approx.) would be of considerable benefit to those who require it. These benefits will be shared by the prisoner, their family and society at large in terms of pro-social resettlement.

5.2.19 The Department of Social Protection should do all it can to facilitate family prison visits in a consistent way.

5.2.20 Not all ex-prisoners have supportive family networks in Ireland and they may benefit from peer support in order to grow supportive friendships and networks.

5.2.21 Families need support preparing for the return of a loved one from prison. They may also need additional support following the return of their loved one from prison, for example, advice on managing addiction issues.

5.3 Recommendations

In addition to these findings and conclusions, this report recommends the following:

5.3.1 In view of the demonstrated import of maintaining familial contact during imprisonment overseas and with the associated benefits to be derived from it in terms of resettlement, engagement between the ICPO and the Department of Social Protection (DSP) regarding Exceptional Needs Payments for prison visits is required.

5.3.2 Consultation should be undertaken between the ICPO, DSP and other interested parties (including a number of the service providers interviewed for this report) with a view to improving the means by which returning FNPs can access statutory benefits. Particular attention ought to be given to accessing medical cards, clothing grants and the feasibility of applying for statutory benefits prior to Irish FNPs returning.

5.3.3 Many UK probation officers are seemingly unaware of the possibility of Irish prisoners returning to Ireland under the supervision of the Irish Probation Service, thus enabling them to 'resettle' here with the support of their family and friends. It is necessary for the ICPO to undertake a degree of information work and awareness raising with the UK Probation Service in respect of this.

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all accessed on 6 November, 2015.



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ICPO is grateful to its funders:



An Roinn Gnóthaí Eachtracha agus Trádála
Department of Foreign Affairs and Trade



Society of St Vincent de Paul