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## **An Organizational Analysis of Foreign National Prisoners' Participation Possibilities in Flanders (Belgium)**

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**Abstract:** *This mixed-method study first provides insight into the Belgian prison population — particularly foreign national prisoners — based on an analysis of the penal database SIDIS Suite (N = 10,356). Second, qualitative telephone interviews have been conducted with the activity coordinators of all Flemish and Brussels prisons (N = 17) to investigate which prison activities (e.g., cultural, educational, and health-related activities, sports, vocational training, and forensic welfare services) are available to, and accessible by, foreign national prisoners. This article demonstrates several initiatives that have been taken to enhance foreign nationals' participation in prison activities and highlights the struggles that activity coordinators face in offering activities that are suitable for this population.*

**Keywords:** *Foreign national prisoners, profile, participation, prison activities, organizational analysis*

### **Introduction**

Research on foreign national prisoners mostly focuses on their pains of imprisonment (e.g., Ugelvik & Dasa, 2018; Warr, 2016) or the problems they experience during incarceration, such as their problems in maintaining family contact, language difficulties, immigration uncertainties, and a lack of resettlement support (Barnoux & Wood, 2013; Bhui, 2009). However, up until now, only scarce attention has been paid to their opportunities to participate in prison activities (Croux, Brosens, Vandeveldel & De Donder, 2018). This study explicitly aims at providing insight into the foreign national prison population in Belgium and their opportunities to participate in prison activities. For instance, previous research on prisoners in general has demonstrated that participating in educational programs allows prisoners to retain a sense of agency within the controlled and coercive prison environment (Behan, 2014), while participating in sports activities improves their physical health (Gallant, Sherry, & Nicholson, 2015) and psychological functioning (Martos-García, Devís-Devís, & Sparkes, 2009). Moreover, participating in prison activities contributes to a better dynamic security (Edgar, Jacobson, & Biggar, 2011) and reduces prisoners' involvement in disciplinary violations during their time of incarceration (Meek & Lewis, 2014).



According to various international conventions and recommendations (e.g., European Prison Rules — Council of Europe, 2006; the Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules — United Nations, 2015), prison activities like cultural, educational, and health-related activities, sports, vocational training, and forensic welfare services are basic human needs and rights for prisoners. In Flanders (Belgium), participation in activities in prison is a right for all prisoners (Flemish Government, 2013) and is thus implicitly a right for foreign national prisoners as well.

In Flemish prisons, for all prison activities (such as cultural, educational, and health-related activities, sports, vocational training, and forensic welfare services), the ‘import model’ is introduced. This implies that all services available in broader society need to be made available in Flemish prisons. Thus, the services or activities offered in prison are the equivalent of those available on the outside. For instance, the same teacher can provide courses both inside and outside prison (Brosens, 2015), public libraries have branches in local prisons, etc. Although participation is a right and not an obligation, it is important to provide participation opportunities and remove barriers to participation because non-participation is not always a conscious choice of the non-participants (Brosens, 2015).

In this study, a mixed-method design has been used to (1) analyze information about the Belgian prison population (particularly foreign national prisoners) based on an analysis of the penal database SIDIS Suite, and (2) provide insight into which activities are available for foreign national prisoners and their accessibility based on qualitative interviews with the prison activity coordinators of all Flemish and Brussels prisons.

### **The Foreign National Prison Population**

Foreign national prisoners in Belgium are overrepresented when compared to the European average. According to the SPACE I survey, the mean percentage of foreign national prisoners in European countries was 22.1% in 2015, whereas 40.1% of the total prison population in Belgium was comprised of foreign nationals at that time (Aebi, Tiago, & Burkhardt, 2016). Despite these prevalent figures, “it is startling how little we have until recently known about foreign nationals in prison and the challenges they experience and represent. The question of foreign national has in many ways been under-researched; a knowledge ‘blind spot’” (Ugelvik, 2014, p. 4). Or, as Warr (2016) argues, what happens with and to foreign national prisoners should be followed more intently.

The limited research about foreign national prisoners has mainly documented the problems they experience. For instance, they have problems in maintaining family contact, experience language difficulties, have immigration uncertainties, lack resettlement support (Barnoux & Wood, 2013; Bhui, 2007, 2009), and suffer from harsher and longer punishment (Bosworth, 2011). In addition, if foreign national prisoners do not have an official residential address in the country in which they are imprisoned, they are excluded from open custodial conditions (Turnbull & Hasselberg, 2017; van Kalmthout, Hofstee-van der Meulen, & Dünkel, 2007) and conditional release (van Kalmthout et al., 2007). These problems pose serious obstacles to their constructive participation in prison life and their gradual return to society (Durnescu et al., 2017). For instance, language barriers prevent foreign national prisoners’ equitable participation in prison activities (Atabay, 2009) and many prison authorities decide not to invest in reintegration programs for this population because many foreign national prisoners choose to return to their home country after their release from prison (van Kalmthout et al., 2007).

### **The Organizational Structure of Activities for Foreign National Prisoners**

Some European countries (i.e., Norway, the Netherlands, and the UK) have separate prisons or particular wings for foreign national citizens without the right to remain in the country (Mulgrew, 2018), while other European countries house foreigners together with national citizens (Brosens & De Donder, 2016; Ugelvik, 2014). Recent research explicitly focuses on all-foreign prisons (e.g., Mulgrew, 2018; Ugelvik & Damsa, 2018) and underscores the benefits of staying in one of these facilities. For instance, living with people who are in a similar situation (e.g., facing deportation), having access to specialist information about immigration and support available to them upon release, and not becoming frustrated by differences in national prisoners’

rights (such as the possibility to progress toward lower security facilities and their better educational rights) are benefits linked to staying in one of these facilities (Mulgrew, 2018).

Research demonstrates that all-foreign prisons make efforts to offer the best possible range of activities (Mulgrew, 2018). For instance, Kongsvinger prison in Norway differs from other prisons in the country in the sense that its educational department teaches English instead of Norwegian. This prison also has a library with books in different languages, and one of the professional librarians has Lithuanian and Russian language skills (Ugelvik, 2017). Despite all of these efforts to offer the best possible range of activities, for many all-foreign prisons, it remains difficult to reach the same standard of activities as those that are offered in other prisons, and fewer prison activities are offered due to their lower budgets. In Ter Apel (the Netherlands), for instance, this means that there are no activities in the evenings and no possibilities for weekend visitations (Mulgrew, 2018).

Belgium does not separate national and foreign national prisoners. Foreign national prisoners stay in the same prisons and in the same prison wings as national prisoners without any differences in the prison routine and activities offered. However, concerning the organization of activities for prisoners, there are differences between the Flemish (i.e., the northern region of Belgium) and the Walloon communities (i.e., the southern region). Each community is responsible for providing activities within their prisons. In Brussels, both the Flemish and the Walloon communities provide activities. In Flanders (including prisons in Brussels), there is a Decree (i.e., Flemish law) concerning 'the organization of services and assistance for prisoners,' specifying that all prisoners should have access to several activities like cultural, educational, and health-related activities, sports, vocational training, and they can make use of the forensic welfare service. This Decree makes no distinction between nationalities of prisoners and specifies that all prisoners — implicitly encompassing foreigners — should have access to those types of activities (Flemish Government, 2013). This is in line with the recommendation of the Council of Europe (2012) that foreign national prisoners should have equal access to a balanced offering of activities, suitable work and vocational training, and that exercise and recreational activities are arranged flexibly to enable foreigners to participate in a manner that respects their culture. They recommend that member states take specific measures to counteract the difficulties that foreign national prisoners might face.

Previous research in Belgian prisons has recognized that institutions' living conditions vary (e.g., in terms of the conditions of available materials, the level of overcrowding), and that there are both more liberal and authoritarian regimes resulting in different degrees of autonomy and choices for prisoners (van Zyl Smit & Snacken, 2009). All prisons in the northern region of Belgium (i.e., Flanders) are subject to the same Decree concerning 'the organization of services and assistance for prisoners,' but each prison can work out strategic options for the future through which there are substantial differences in how they put the policy regulations into practice.

Despite the efforts and regulations on international and national levels, some previous studies have shown that foreign national prisoners do not have the same opportunities to participate in prison activities as national prisoners (van Kalmthout et al., 2007). For instance, foreign national prisoners have fewer opportunities to participate in education (Brosens, De Donder, Smetcoren & Dury, 2019; Westrheim & Manger, 2014), reintegration activities (van Kalmthout et al., 2007), and vocational training (Atabay, 2009), while foreign national prisoners participate as much as national prisoners do in sports and recreational activities (van Kalmthout et al., 2007). In our study, we will focus on the participation opportunities for foreign nationals imprisoned in Flanders and Brussels from the perspective of prison activity coordinators.

Based on the preceding literature, the current study hypothesizes that although foreign national prisoners should have equal access to a balanced activity offering, prisons are confronted with difficulties in organizing and offering activities for foreign national prisoners who do not speak Dutch and those foreign nationals who do not have the right to stay in Belgium.

## Methodology

The goal of this mixed-method study was twofold. First, this study aimed at analyzing information about the Belgian prison population, particularly foreign national prisoners, based on an analysis of the penal

database SIDIS Suite. This database contains administrative information about all prisoners in Belgium. Information about personal and prison-related characteristics from all people that were imprisoned in Belgium on 24 October 2017 (N = 10,356) were extracted. Second, this study aimed at providing insight into which activities were available for foreign national prisoners and what was their accessibility based on qualitative interviews with prison activity coordinators (N = 17). The aim of this article is thus to provide an answer to the following research questions:

1. What is the profile of the foreign national prisoner population in Belgium (in terms of personal characteristics and prison-related features)?
2. What activity offerings are available for foreign national prisoners in Flemish and Brussels prisons?
3. To what extent are these activity offerings accessible for foreign national prisoners (e.g., in terms of language and right of residence)?

The study was approved by the Ethical Commission in Human Sciences of the Vrije Universiteit Brussel (Belgium) (reference number ECHW\_134) and by the Belgian Directorate General of Penitentiaries, as the latter provided access to the penal database SIDIS Suite.

### **Phase 1: Analysis of the Penal Database SIDIS Suite**

Permission was obtained from the Belgian Directorate General of Penitentiaries to gain access to data on the prison population included in the penal database SIDIS Suite. The following personal characteristics were extracted on 24 October 2017 (N = 10,356). Prisoner age was extracted as a continuous variable that has been recorded into a variable with six categories (1 = < 18 years; 2 = 18–25 years; 3 = 26–35 years; 4 = 36–45 years; 5 = 46–55 years; 6 = 55+). Gender was a dichotomous variable (0 = male; 1 = female). Marital status had four different answer categories (1 = unmarried; 2 = married; 3 = divorced; 4 = widowed). Concerning nationality, almost 120 different nationalities were registered in the database, which were recoded into a dichotomous variable (1 = Belgian; 2 = foreign nationality) and a variable with seven categories (1 = Belgian; 2 = African; 3 = Asian; 4 = other European; 5 = American; 6 = Oceanian; 7 = refugee). Information regarding right of residence was also extracted. This variable only related to foreign national prisoners since Belgian prisoners have the right to stay in Belgium. Foreign national prisoners could have one of three different residential statuses (1 = with the right of residence; 2 = without the right of residence; 3 = insecure status).

Besides the personal characteristics, the SIDIS Suite database also contains information about three prison-related features. First, it provides insight into which of the 36 Belgian prisons the person was detained in. These prisons were recoded into one of the three Belgian regions (1 = Flemish region; 2 = Brussels region; 3 = Walloon region). Second, the start date of the most recent period of imprisonment was used to calculate how many (continuous) months a prisoner had already been in prison. A prisoner's conviction status was also included (1 = awaiting trial; 2 = convicted; 3 = criminally irresponsible offender; 4 = other). The category 'other' was included to describe prisoners whose conditional release was suspended, those who were placed at the disposal of the sentence implementation court, and provisionally arrested prisoners, for example.

Bivariate analyses were used to make comparisons between Belgian and foreign national prisoners. Intergroup differences were evaluated using Chi-square tests for categorical variables, and a Mann–Whitney U-test was used for the only non-normally distributed continuous variable (i.e., number of months in prison). All data have been analyzed using SPSS version 25.

### **Phase 2: Qualitative Interviews**

The first and second authors conducted 17 interviews with the coordinators of activities for all prisons in Flanders and Brussels between June and September 2017. In each prison, there was one person who coordinated the activities. The Brussels prison was spread over three locations but had only one prison activity coordinator. All 17 activity coordinators from the Flemish and Brussels prisons agreed to participate in our research. The activity coordinators are employed by the Flemish Department of Welfare and Families. Their main task is to coordinate the activity offerings concerning cultural, educational, and health-related activities,

sports, vocational training, and forensic welfare services in the local prison. To organize the prison activity offerings, they work closely with the activity organizers who are all employed by the general social services operating in Flanders.

The interviews were conducted by telephone and in Dutch. The first author translated the quotations used in this article into English. Although the accepted norm for qualitative interviews is to conduct them face-to-face, recent research underlines that telephone interviews allow respondents to feel comfortable in their natural context, and nowadays, many people are used to using a telephone as a means of communicating (Ward, Gott, & Hoare, 2015).

To engage the respondents in an in-depth discussion, the main interview questions were sent to them several weeks in advance. This process ensured that respondents understood the research objectives before the interviews took place. It also facilitated the conversation, because respondents could read the questions and prepare their thoughts beforehand. The activity coordinators could also discuss the questions with their prison’s activity organizers (e.g., educational providers, sports providers, and people working for the forensic welfare service) before the interview took place in order to provide the most complete information possible.

In general, three topics were discussed: (a) information about the respondents; (b) participation initiatives for foreign national prisoners; and (c) the policy and budgetary context. This article mainly focuses on the second topic. The semi-structured interview schedule enabled the interviewers to explore additional issues mentioned by the respondents. There was considerable variation in the duration of the interviews, with the shortest interview lasting 34 minutes and the longest lasting 79 minutes. All interviews were audio-recorded; the interviewers made detailed notes and an extensive summary of each interview shortly after the interview. Once all the interviews had been completed, the interview notes and summaries were analyzed by the first author, making use of a qualitative software program called MAXQDA. Audiotapes were reviewed again. A thematic analysis was performed to identify the main themes (King & Horrocks, 2010), combining a deductive (i.e., theory-driven) and inductive (i.e., data-driven) approach (Fereday & Muir-Cochrane, 2006). Table 1 provides an overview of the thematic categories, key terms codes, and examples from the analysis.

Table 1

*Thematic Categories of the Analysis*

| Thematic category                                      | Key terms                            | Examples  |
|--|--------------------------------------|---|
| Population composition                                 | Amount of foreign national prisoners | “Not so long ago, we analyzed our population. It turned out that we have about 35 different nationalities within a population of 170 to 180 prisoners.”   |
|  | Requirements                         | “In Prison X, we have two foreign national prisoners among our population of 58. In Prison X, prisoners should master Dutch before they can come [to this prison], two years before their release.” |
| Importance of language for participating in activities | Dutch activities                     | “We do not exclude anyone. But when the offer is language-sensitive, mastering Dutch is a requirement, and then they cannot take part. Unfortunately, that is a major part of our offerings.”       |
|  | Foreign language activities          | “The film discussion can be held in English or Spanish or French. The supervisor needs to speak one of these languages.”  |
|  | Language-less sensitive activities   | “Foreign national prisoners can participate in all sports activities. That is the advantage of sport, that it is very accessible for foreigners as language is not really a barrier.”               |

|  |                  |   |
|--|------------------|---|
| Importance of residence status for participating in activities | Right to stay    | “You can have another nationality, but you can have the right of residence. In this case, you can sign up for public housing and everything that has to do with it. In case they have the right of residence, you can apply for a monthly allowance, for instance.”                                     |
|  | No right to stay | “Depending on the situation of the guy, we can contact or cooperate with external services or persons, like the Special Needs program.”   |
|  | Insecure         | “In the past, we had a project in cooperation with Organization X for prisoners with an insecure status. Not to send people back and say that they have to follow the advice of the Federal Public Service of Foreign Affairs, but to let them reflect on the consequences of [the choices they made].” |

### Quantitative Results

During the first phase of our study, we aimed to gain insight into the Belgian prison population — particularly the foreign national prison population — based on an analysis of the penal database SIDIS Suite.

#### The Foreign National Prison Population

In Belgium, 10,356 individuals were in prison on 24 October 2017. Among them, 56.1% (N = 5,768) were Belgian nationals and 43.9% (N = 4,522) were foreign nationals. The foreign national prison population was very diverse in terms of citizenship. The largest groups of foreign national prisoners had a nationality of an African country (44%) or were citizens of a European country other than Belgium (42.2%). Furthermore, 10.7% had a nationality of an Asian country, 2.3% had an American nationality, and 0.8% held refugee status.

Table 2 shows that there were significant differences between the Belgian regions. The correctional institutions in the Brussels region had the largest population of foreign national prisoners (65%), while the prison population in the Flemish region consisted of 44.3% non-Belgian prisoners, and 38.4% ( $\chi^2 = 249.438$ ,  $df = 2$ ,  $p = .000$ ) of prisoners in the Walloon region were foreign nationals. Within the Flemish region, there were also large differences between correctional institutions. Some prisons almost had no foreign national prisoners (e.g., Ruiselede: 1.6%), while others had a large proportion (e.g., Mechelen: 53.7%). Remand prisons had higher rates of foreign nationals (e.g., Antwerpen and Mechelen) compared to prisons where sentences were executed (e.g., Hoogstraten and Ruiselede).

Within the population of foreign national prisoners, there was diversity in whether someone had the right of residence. The largest group, 65.2%, did not have the right to stay in Belgium and was facing deportation during or after their incarceration period, while 31.5% had the right to stay after their release. The remaining 3.3% had an insecure status, implying that they did not know yet if they could stay in Belgium or if they would be deported. In other words, the Federal Public Service of Foreign Affairs still needed to make that decision. Moreover, with regard to the right of residence, differences were observed between regions and prisons. For instance, Table 2 shows that the Walloon region had more foreign national prisoners with the right of residence (37.4%) compared to the Flemish (28.6%) and Brussels regions (28.5%). The latter two regions had more prisoners without the right of residence (67.8% and 68.8%, respectively) than the Walloon region (59.3%) ( $\chi^2 = 39.010$ ,  $df = 4$ ,  $p = .000$ ).

| Prison                   | Belgian prisoners (%) | Foreign national prisoners (%) | Foreign national prison population |                                    |                     |
|--------------------------|-----------------------|--------------------------------|------------------------------------|------------------------------------|---------------------|
|                          |                       |                                | With the right of residence (%)    | Without the right of residence (%) | Insecure status (%) |
| Antwerpen                | 47.2                  | 52.8                           | 34.4                               | 63.9                               | 1.9                 |
| Beveren                  | 57.7                  | 42.3                           | 30.2                               | 64.3                               | 5.6                 |
| Brugge                   | 59.9                  | 40.1                           | 18.8                               | 77.6                               | 3.6                 |
| Dendermonde              | 55.8                  | 44.2                           | 26.1                               | 69.6                               | 4.3                 |
| Gent                     | 59.2                  | 40.8                           | 31.7                               | 63.4                               | 4.9                 |
| Hasselt                  | 54.8                  | 45.2                           | 35.6                               | 60.3                               | 4.0                 |
| Hoogstraten              | 84.0                  | 16.0                           | 96.2                               | 3.8                                | 0.0                 |
| Ieper                    | 56.1                  | 43.9                           | 28.0                               | 72.0                               | 0.0                 |
| Leuven-Centraal          | 70.8                  | 29.3                           | 23.3                               | 64.0                               | 12.8                |
| Leuven-Hulp              | 50.3                  | 49.7                           | 18.4                               | 78.2                               | 3.4                 |
| Mechelen                 | 46.3                  | 53.7                           | 28.8                               | 71.2                               | 0.0                 |
| Merksplas                | 53.0                  | 47.0                           | 27.2                               | 69.7                               | 3.1                 |
| Oudenaarde               | 68.5                  | 31.5                           | 37.0                               | 58.7                               | 4.3                 |
| Ruiselede                | 98.1                  | 1.9                            | 100                                | 0.0                                | 0.0                 |
| Tongeren                 | 0.0                   | 100                            | 0.0                                | 100                                | 0.0                 |
| Turnhout                 | 46.3                  | 53.7                           | 28.1                               | 69.3                               | 2.6                 |
| Wortel                   | 38.0                  | 62.0                           | 19.1                               | 78.7                               | 2.2                 |
| <i>Subtotal Flanders</i> | <i>55.7*</i>          | <i>44.3*</i>                   | <i>28.3*</i>                       | <i>68.2*</i>                       | <i>3.5*</i>         |
| Berkendaal               | 43.7                  | 56.3                           | 35.0                               | 62.5                               | 2.5                 |
| Forest                   | 45.9                  | 54.1                           | 26.1                               | 67.4                               | 6.5                 |
| St. Gilles               | 32.1                  | 67.9                           | 28.1                               | 70.0                               | 1.9                 |
| <i>Subtotal Brussels</i> | <i>35*</i>            | <i>65*</i>                     | <i>28.2*</i>                       | <i>69.2*</i>                       | <i>2.6*</i>         |
| Andenne                  | 45.6                  | 54.4                           | 22.0                               | 74.0                               | 4.0                 |
| Arlon                    | 49.6                  | 50.4                           | 21.0                               | 77.4                               | 1.6                 |
| Dinant                   | 82.3                  | 17.6                           | 22.2                               | 66.7                               | 11.1                |
| Huy                      | 81.0                  | 19.0                           | 56.3                               | 43.8                               | 0.0                 |
| Ittre                    | 51.2                  | 48.8                           | 38.9                               | 56.6                               | 4.4                 |
| Jamioulx                 | 56.8                  | 43.2                           | 32.7                               | 63.0                               | 4.2                 |
| Lantin                   | 61.0                  | 39.0                           | 36.8                               | 60.6                               | 2.6                 |
| Leuze-en-Hainaut         | 54.0                  | 46.0                           | 31.9                               | 65.2                               | 2.9                 |
| Marche-en-Famenne        | 73.0                  | 27.0                           | 42.7                               | 51.2                               | 6.1                 |
| Marneffe                 | 77.7                  | 22.3                           | 100.0                              | 0.0                                | 0.0                 |
| Mons                     | 69.8                  | 30.2                           | 43.6                               | 51.8                               | 4.5                 |
| Namur                    | 66.5                  | 33.5                           | 45.5                               | 54.5                               | 0.0                 |
| Nivelles                 | 64.1                  | 35.8                           | 43.4                               | 53.9                               | 2.6                 |
| Paive                    | 66.7                  | 33.3                           | 62.5                               | 37.5                               | 0.0                 |
| St. Hubert               | 82.0                  | 18.0                           | 66.7                               | 30.6                               | 2.8                 |
| Tournai                  | 62.1                  | 37.9                           | 21.5                               | 76.9                               | 1.5                 |
| <i>Subtotal Wallonia</i> | <i>61.6*</i>          | <i>38.4*</i>                   | <i>37.0*</i>                       | <i>59.7*</i>                       | <i>3.2*</i>         |

Note: \* p = 0.000



### Comparison of Belgian and Foreign National Prisoners

Belgian and foreign national prisoners were compared based on a number of personal characteristics. Table 3 shows that females were less represented among the foreign national prison population (2.7%) than in the Belgian prison population (4.9%) ( $\chi^2 = 34.365$ ,  $df = 1$ ,  $p = .000$ ). With regard to marital status, foreign national prisoners were more frequently married (21.4%) as compared to Belgian prisoners (10.8%). They were also less frequently divorced or widowed (7% and 0.5%, respectively) than Belgian prisoners (9.9% and 1.2%, respectively) ( $\chi^2 = 197.837$ ,  $df = 3$ ,  $p = .000$ ).

The majority of all prisoners were aged between 26 and 35 years. This was the case for both foreign national (37.3%) and Belgian prisoners (34.2%). However, foreign national prisoners were more represented than Belgian prisoners in the larger, younger age groups until the age of 45 (93.1% versus 74.6%) ( $\chi^2 = 168.163$ ,  $df = 5$ ,  $p = .000$ ).

|                       | Belgian prisoners (%) | Foreign national prisoners (%) |
|-----------------------|-----------------------|--------------------------------|
| <b>Gender</b>         |                       |                                |
| Male                  | 95.1*                 | 97.3*                          |
| Female                | 4.9*                  | 2.7*                           |
| <b>Marital status</b> |                       |                                |
| Unmarried             | 78.2*                 | 71.1*                          |
| Married               | 10.8*                 | 21.4*                          |
| Divorced              | 9.9*                  | 7.0*                           |
| Widowed               | 1.2*                  | 0.5*                           |
| <b>Age</b>            |                       |                                |
| < 18                  | 0.0*                  | 0.2*                           |
| 18–25                 | 16.5*                 | 17.3*                          |
| 26–35                 | 34.2*                 | 37.3*                          |
| 36–45                 | 23.9*                 | 28.3*                          |
| 46–55                 | 16.0*                 | 13.0*                          |
| 55+                   | 9.4*                  | 3.8*                           |

Note: \*  $p = 0.000$

Belgian and foreign national prisoners were also compared based on prison-related features (see Table 4). The mean number of months in detention was one-third lower for foreign national prisoners ( $M = 24.32$  months,  $SD = 34.17$ ) than for Belgian prisoners ( $M = 36.66$  months,  $SD = 53.51$ ) (Mann–Whitney  $U = 11207015$ ,  $p = .000$ ). This was also reflected in their conviction status. Foreign national prisoners were more frequently awaiting trial (44.2%) than Belgian prisoners (30%), while Belgian prisoners were more frequently convicted (59.8% compared to 51.5% among the foreign national prison population). The percentage of criminally irresponsible offenders (i.e., people that are not responsible for the criminal offences they have committed due to mental or intellectual disabilities) was lower among the foreign national (3.7%) than it was among the Belgian prison population (8.4%) ( $\chi^2 = 292.631$ ,  $df = 3$ ,  $p = .000$ ).

|                               | Belgian prisoners |          | Foreign national prisoners |          |
|-------------------------------|-------------------|----------|----------------------------|----------|
|                               | %                 | <i>M</i> | %                          | <i>M</i> |
| Conviction status             |                   |          |                            |          |
| Awaiting trial                | 30.0*             |          | 44.2*                      |          |
| Convicted                     | 59.8*             |          | 51.5*                      |          |
| Criminally irresponsible      | 8.4*              |          | 3.7*                       |          |
| Other                         | 1.9*              |          | 0.6*                       |          |
| Number of months in detention |                   | 36.66*   |                            | 24.32*   |

Note: \*  $p = 0.000$

### Qualitative Results

Recalling the quantitative results, it is important to point out that the prisons differed in terms of their population composition. The activity coordinators of the only two prisons with an open regime<sup>1</sup> mentioned that they had (almost) no foreign national prisoners and consequently had no offerings available for foreign national prisoners specifically. These prisons had the requirement that only people with Belgian nationality, or the right of residence who had mastered the Dutch language, could be imprisoned there because they actively prepared prisoners for their release. The remand and (more) closed prisons had a more diverse population in terms of nationality; in some of the institutions, more than half of the population had a non-Belgian nationality, comprising a large variety of nationalities. In the words of one of the activity coordinators: “Not so long ago, we made an analysis of our population. It turned out that we have about 35 different nationalities within a population of 170 to 180 prisoners” (Activity coordinator, remand prison). The number of foreign national prisoners had an immediate influence on how much attention had to be/was paid to offering activities for this target group. Almost all respondents discussed the fact that in principle no one was excluded from participating in the general activities in prison, but in practice they were confronted with difficulties in realizing participation. Several respondents emphasized that it was not nationality that diminished a prisoner’s participation opportunities, but their residence status and linguistic ability were particularly linked with their level of participation in prison activities.

### The Importance of Residence Status

For some activities, right of residence was a legal necessity enabling participation. This mainly related to activities that could help prisoners to prepare their life after release from prison (e.g., preparing for a job and following a part of the reintegration trajectory for newcomers):

The residence status is the decisive factor. Nationality or language are less important. You can have another nationality and have the right of residence. In this case, you can sign yourself up for public housing and everything that has to do with it. If they have the right of residence, they can apply for a monthly allowance, for instance. Resettlement encompasses three aspects: a house, a daily activity (the preference goes to work), and an income. (Activity coordinator, prison with separate wings for people awaiting trial and convicted people)

Many activity coordinators shared the opinion that for prisoners without the right of residence, preparing for resettlement was very difficult. Almost all activity coordinators mentioned that there were no programs available to support this group. Only one coordinator indicated that they had made use of the Special Needs program of the Federal Public Service of Foreign Affairs to support vulnerable people — most often people lacking criminal responsibility — during their detention period, repatriation, and sometimes also after

<sup>1</sup> In Belgium, there are remand prisons and open, half-open, and closed prisons where sentences are carried out. The division between open, half-open, and closed prisons is based on the level of security (Snacken & Tournel, 2014).

being returned to the country to which they were being deported. This program enables developing a reintegration trajectory for a maximum of one year after deportation. This support did not exist for the majority of prisoners who were facing deportation.

For those who were deported directly from prison, they were first brought to one of the three prisons from which the deportations were organized. A coordinator of one of those prisons estimated that 600 to 700 deportable prisoners passed through her institution on an annual basis. These prisoners stayed for a few days and were not prepared for their release from prison. In the near future, the activity organizers of this prison will further deliberate on what can be done for this group:

That does not mean that we will link big programs to it [this population]. It can also be that we say: we want these people to be able to make phone calls and arrange everything on the home front. We are not able to do more, I don't think. That can also be a result... But the goal is that we will think about what we can mean for this target group. (Activity coordinator, remand prison)

Besides those prisoners who faced deportation, there was a group of foreign national prisoners whose status was uncertain, implying that they did not know yet if they had the right to stay in Belgium or if they would be deported. The Federal Public Service of Foreign Affairs still needed to take a formal decision on their possibility to remain in Belgium or not. In the past, one of the prisons had organized group sessions for these people to allow them to reflect on the consequences of their different options (i.e., following the advice of the Federal Public Service of Foreign Affairs or not) and think about possible solutions. At the time of the interviews, these sessions were no longer being organized. For some staff members from the forensic welfare service, the input of these group sessions was now being used as 'guidelines' during their conversations with individual prisoners. Several coordinators also mentioned that some of their staff members were frequently asked questions about the right of residence, preparation for expulsion, etc. Several activity coordinators pointed out that the right of residence was also relevant for the Flemish service for employment and vocational training. This service only supports Belgian nationals or those who have the right to stay in Belgium to prepare them for a job after their release from prison. This meant that foreign national prisoners without the right to stay in Belgium and those with an insecure status could not rely on this service.

Lastly, there was also a group of foreign national prisoners who had the right to stay in Belgium. In cooperation with the agency that is responsible for the integration of newcomers in Belgium, one remand prison organized the module 'social orientation' once every year. This module was part of the integration program available on the outside. Elements including the Belgian educational system, how to find work and housing, social security, and mobility were discussed over six thematic evenings. Depending on the languages understood by the participating prisoners, those evenings were held in English and/or French. As the activity coordinator mentioned:

They are very professional. After signing up, everyone has an individual intake conversation with the teachers. They try to clarify what they [the prisoners] expect from the informational evenings; what their specific questions are. And afterwards, they see how they can achieve these goals. These conversations take almost one hour per person, so that is quite extensive. They also talk about the personal situations of these people. Afterwards, the informational evenings take place, in English or French, or both. And after these evenings, an individual evaluation takes place. (Activity coordinator, remand prison)

At the time of the interviews, this module was offered in one of the 17 prisons, but one other activity coordinator was also considering implementing this module.

### **The Importance of Language**

A second aspect linked with opportunities to participate in prison activities was language. The majority of the activity coordinators mentioned that nationality and the languages that prisoners had mastered could not be considered synonymous. There were foreign national prisoners who did not speak Dutch (i.e., the dominant language used in the prison), while others had mastered this language sufficiently in order to

participate in activities for which Dutch was required. In practice, activity coordinators divided activities based on the language level that was required to be able to participate. There were Dutch, foreign language, and language-less sensitive activities. This latter means that language does not play an important role. In addition, a distinction could be made between regular group activities, regular individual activities, specific group activities, and specific individual activities. 'Regular activities' implied that no explicit attention was paid to foreign national prisoners, while 'specific activities' were targeted at this population. Figure 1 provides an overview of the different combinations that existed in prisons in Flanders and Brussels. The thicker the line, the more often such activities were organized.

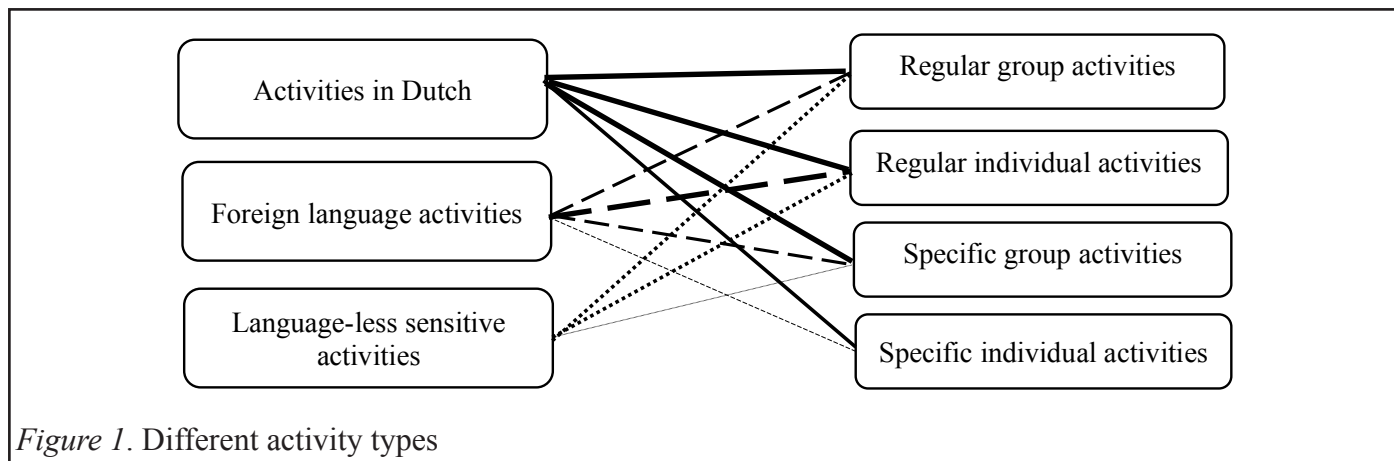


Figure 1. Different activity types

**Activities in Dutch.** In this part, we describe the activities that were exclusively offered in Dutch, which is the dominant language used in the prisons. The activity coordinators mentioned that the majority of the regular group and individual activities were exclusively for Dutch-speaking prisoners, in which foreign national prisoners who had not mastered Dutch could not participate. Examples of regular group activities offered by several activity coordinators were courses like 'being a parent in prison' or 'dealing with frustrations,' while regular individual activities included sessions with staff members from the forensic welfare services or centers for mental health care. If those staff members were multilingual, then foreign national prisoners could also participate. Some activity coordinators reflected that this was quite difficult to achieve for staff members from the mental health care service. Since this service guides in-depth therapeutic sessions, staff members need to have a strong command of a certain language if they want to reach non-Dutch-speaking prisoners. For instance, one activity coordinator said:

Some of them [staff members from the mental health care service] say that they try to follow up with English- and French-speaking prisoners, but you hear that this is more difficult for them. They do in-depth conversations. To guide this as a social worker in a language that is not your mother tongue, and also with someone for whom it might not be their mother tongue either, that is hard. So, I think that it is not the same conversation [compared to when it would be in their mother tongue]. (Activity coordinator, prison with separate wings for people awaiting trial and convicted people)

In addition, the forensic welfare service in some prisons made use of telephone interpreters. Not all activity coordinators were in favor of this approach as it was not easy to practically implement due to the possible absence of telephones or the practicalities involved in requesting an interpreter. In one prison, fellow prisoners were asked to translate during conversations with the forensic welfare service. Other activity coordinators had doubts about involving other prisoners as translators because personal or confidential matters were discussed during those talks.

Related to the specific activities (i.e., activities specifically targeted at foreign national prisoners) in Dutch, both the group and individual activities aimed at foreign national/foreign language-speaking prisoners learning the Dutch language. Several prisons offered group courses in Dutch as a second language. In some prisons, this was transformed into a course called 'Dutch on the prison floor,' in which specific prison jargon was explained: "Dutch on the prison floor, we have offered that since last school year. Actually, that is learn-

ing Dutch as a second language, but that is specifically meant to give prisoners guidelines to function inside the prison,” (Activity coordinator, prison for convicted people). In one prison, an educational goal was added to the sports activities by experimenting with ‘learning Dutch while sporting.’ As an individual offering, several prison libraries had a so-called language point, which included dictionaries, easy-to-read Dutch books, and audiobooks with headphones.

**Foreign language activities.** A much smaller offering of activities was available in foreign languages (i.e., languages other than Dutch). For example, a few prisons offered regular foreign language group activities. An example was the MOOOV film festival in four prisons during which several movies in foreign languages were shown (e.g., in Arabic, French, and Spanish). Afterwards, a jury of prisoners discussed the films, mostly in different languages. Another example was the singing atelier in one prison with its exclusively Gregorian repertoire. As Gregorian was a language that no one in the prison had mastered, this activity was equally accessible for all prisoners.

A minority of the prisons also organized a proactive welcome session in groups for all newly arrived prisoners, including foreign national prisoners. Although the information provided during the welcome session was still mainly given in Dutch, activity coordinators mentioned making adaptations for foreign national prisoners such as on-the-spot translations provided by prisoners who were multilingual or using pictograms during the Dutch presentation to explain the activities offered. One prison activity coordinator explained:

Recently, we started with a welcome session in groups. So, all prisoners who have just arrived at our prison are invited to come to our general welcome session about all our prison activities. We know that there will be a lot of foreign-speaking prisoners, so [...] we have worked out a whole concept with pictograms. (Activity coordinator, remand prison)

In other prisons, the staff members of the forensic welfare service proactively welcomed all foreign-speaking prisoners during a regular individual face-to-face conversation. The activity coordinators of the prisons where this was done were positive about this approach, with the exception of one. She mentioned that after an evaluation of what was discussed during these conversations, they decided to stop. On many occasions, they could not help these foreign-speaking prisoners or those prisoners did not want to receive help. At the time of the interviews, they offered a leaflet about the procedures of the forensic welfare work service in ten different languages instead, which all newly arrived prisoners received in their cell. If any of them wanted to speak with this service, they had to contact it themselves.

Another example of a regular individual foreign language activity was that all prisons offered the possibility of borrowing materials from the library. Some prisons had an extensive collection of foreign language books, while this offering was rather limited in others. Collaborating with the local municipal library facilitated the offering of books in different languages. The prisons that did not cooperate with a local library had to make careful decisions about their budget and reflect on whether it would be worthwhile to spend money on buying books in a particular language. Different prison libraries not only offered books but also CDs and DVDs as they were less language sensitive. For instance, DVDs mostly include subtitles in different languages. Besides the regular foreign language activity offerings, there was only one prison that had a specific group foreign language offering. The prison organized the module ‘social orientation’ once a year (see section ‘the importance of the right of residence’).

Lastly, a specific individual foreign language offering was indicated by a minority of the activity coordinators in which foreign national prisoners could follow an educational course from their home country in their own language. Between January and July 2017, some prisons participated in the pilot phases of the European FORINER project through which foreign national prisoners could take a distance course from their home country. For more information about this project, see the website of Meganexus (2019).

**Language-less sensitive activities.** The majority of the respondents noted that language-less sensitive activities were available in prison. This did not mean that no language was needed in order to participate, but rather that a universal language could be used. The regular language-less sensitive group activity offerings

mainly consisted of sports activities. All activity coordinators shared the view that there was no language barrier to participation in these activities: “Foreign national prisoners can participate in all sports activities. That is the advantage of sport, that it is very accessible for foreigners since language is not really a barrier,” (Activity coordinator, prison for convicted people).

Other language-less sensitive group activities were leisure activities such as concerts, a barbecue, or a multicultural market/workshop week during which activities around music, cooking, and sports were offered. In one prison, several sports and cultural activities were organized over one week, with each day focusing on one continent. Examples of workshops in other prisons were Chinese calligraphy, laughter yoga, and figure drawing.

In addition, many prisons also had a regular individual language-less sensitive activity offering as they offered the possibility to engage in prison work. In places where uncomplicated piecework needed to be done, mastering Dutch was not required because visual instructions could help foreign national prisoners learn the job. However, institutions differed in whether foreign national prisoners were allowed to engage in certain prison work where a level of trust and confidentiality was needed (for example, working in the visiting room, cleaning the desks of the staff, or being involved in organization activities). Some prisons only gave those tasks to Dutch-speaking prisoners, while in other institutions foreign language prisoners also engaged in them.

Another example of a regular individual language-less sensitive activity is that a few prisons offered prisoners the possibility to ‘be active’ in their cell during periods when the activity offerings were limited. For instance, one activity coordinator mentioned that prisoners could request sudokus, drawing, and fitness exercises during the summer. In addition, there was one prison in which there had been no group activities since June 2016 due to a shortage of prison officers. Once a month, prisoners got a ‘brain-train paper’ including a word search, sudoku, or labyrinth that they could make in their cell.

Lastly, a few specific language-less sensitive group activities responded to prisoners’ specific cultural backgrounds. A minority of the prisons organized a Sugar Festival to celebrate the end of Ramadan:

We have opened it up, not only to people who follow Ramadan, but to all prisoners, and then we organized a type of Sugar Festival. [...] It will take place again on Tuesday and an Arabic group will perform. And then it will be explained what Ramadan means, but also what it means to fast in different cultures. There are a lot of sweets and it is a cozy gathering. (Activity coordinator, prison for convicted people)

One activity coordinator also noted that they once organized a group activity in which backgammon was played. They organized this after some Turkish prisoners informed them that they were interested in playing this game. The activity coordinators did not mention any example of specific language-less sensitive individual activities.

## Discussion

The aims of the current study were to explore (1) the profile of the foreign national prison population in Belgium; (2) the activity offerings that are available for foreign national prisoners in Flemish and Brussels prisons; and (3) the extent to which these activity offerings are accessible for foreign national prisoners.

### The Foreign National Prison Population in Belgium

For the first aim, we focused on administrative data from the penal database SIDIS Suite. It turned out that almost 44% of the prisoners in Belgium have a foreign nationality, which is far above the European average of 22.1% (Aebi et al., 2016). In comparison to previous research (Aebi et al., 2016; Ugelvik, 2014), our study shows that foreign nationals are overrepresented in pre-trial detention. A side note is that in these institutions, rehabilitation and reintegration activities are often not a high priority (Ugelvik, 2014). Moreover, more than 65% of the foreign national prison population in Belgium does not have the right to stay and thus faces deportation. Due to the high percentage of foreign national prisoners in Belgian prisons, their overrepresentation in pre-trial detention, and their lack of residence rights, this research aimed at gaining insight into

the availability and accessibility of prison activities for this population.

### **The Availability and Accessibility of Prison Activities for Foreign National Prisoners**

As previous research only scantily focused on the opportunities for foreign national prisoners to participate in prison activities (Croux et al., 2018), the aim of our study is to shed light on the availability and accessibility of prison activities for foreign national prisoners. For this, we conducted 17 interviews with the activity coordinators of all the prisons in Flanders and Brussels. In Belgium, some prisons almost have no foreign national prisoners, while others are confronted with a high proportion. The latter is mainly the case for remand prisons. Consequently, the extent to which attention is paid to this group is locally determined. Although several initiatives are being taken, there are large differences between prisons, and many activity organizers are still struggling with finding effective ways to offer activities to foreign national prisoners. Activity providers working in institutions where (many) foreign national prisoners are imprisoned are confronted with two important factors to consider when organizing activities: the prisoners' right of residence and their language skills.

**The importance of the right of residence.** More than 65% of the foreign national prison population does not have the right to stay in Belgium and thus faces deportation. Results demonstrate that it is very difficult — or even impossible — to offer rehabilitation and reintegration preparation to those prisoners without the right to stay in Belgium. For instance, previous research has demonstrated that foreign national prisoners are frequently excluded from sentence implementation modalities that facilitate reintegration into society like day leave, semi-detention, electronic monitoring (De Ridder, 2016), or conditional release (van Kalmthout et al., 2007). Foreign national prisoners that do not have an official home address in the country in which they are imprisoned are excluded from open custodial conditions (Turnbull & Hasselberg, 2017; van Kalmthout et al., 2007). The main reasons for those exclusions are the fear of escape and not being able to make a risk assessment since prior criminal and prison records of foreign nationals are frequently unavailable (Ugelvik, 2014). Almost no foreign national prisoners without the right to stay in Belgium are actively supported during their detention period, repatriation, or after returning to the country to which they have been deported. Because of this, foreign national prisoners are perceived as potential deportees instead of potentially rehabilitated members of society, and therefore they are considered prisoners that need to be managed and expelled rather than individuals with specific needs (Ugelvik, 2014). Moreover, they face two penalties: imprisonment and deportation to their country of origin, which is often against their will (Atabay, 2009).

However, 31.5% of the foreign national prisoners have the right to stay in Belgium. For example, one remand prison organizes the course 'social orientation' in cooperation with the agency that is responsible for the integration of newcomers in Belgium. In this course, foreign national prisoners gain more knowledge about several aspects of life that can facilitate their reintegration into society (e.g., information about the Belgian educational system, how to find work and housing, and information about social security). It could be valuable to consider implementing this type of courses in all prisons that are confronted with a population of foreign national prisoners.

**The importance of language.** A second factor linked with a prisoner's opportunities to participate in prison activities is language. Our findings are in line with previous research that shows that foreign national prisoners experience language difficulties (Barnoux & Wood, 2013; Bhui, 2007, 2009). Since many foreign national prisoners do not speak the official language of the country in which they are detained, language courses are organized in many prisons in Flanders and Brussels. However, because learning Dutch takes some time, activity providers could promote more activities for which language proficiency is less important in order to increase non-Dutch-speaking prisoners' opportunities for participation (Croux et al., 2018).

Good practices emanating from our research results focus on organizing language-less sensitive activities (e.g., sports activities, leisure activities like concerts and barbecues, and market/workshop weeks with activities around music, cooking, and sports), or the activity 'learning Dutch while sporting.' Previous re-

search has also shown that taking part in sports activities can be helpful in the development of language skills (Doherty & Taylor, 2007). In addition, several prisons offer foreign language activities. For instance, all prisons involved in our research have a library including materials in several languages, and a minority of the prisons provide a few foreign national prisoners with the possibility to follow an educational course from their home country in their own language. Mainly for those foreign national prisoners planning to return to their home country, the possibilities of pursuing (online) distance education can be further explored (Brosens et al., 2019).

### **Implementation of Culturally Sensitive Interventions**

If we link the organizational challenges to implement activities for foreign national prisoners to the literature on culturally sensitive interventions, we can conclude that if efforts are made to adapt the activities to the foreign national prison population, there is a major focus on surface structure interventions. Cultural sensitivity on the level of surface structures involves tailoring interventions/activities to observable, social, and behavioral characteristics (e.g., language, clothing, and music) (Hodge, Jackson, & Vaughn, 2010). Examples of such interventions revealed in our research all relate to language. Prisons offer Dutch language courses, provide library materials in different languages, organize language-less sensitive activities (such as sports or workshops about cooking or music), make use of professional telephone interpreters during individual conversations, employ professionals who speak other languages, and fellow prisoners sometimes translate conversations. Culturally sensitive interventions on the deep structure level include elements that influence the behavior of a target group (e.g., cultural, social, and environmental factors) (van Mourik, Crone, de Wolff, & Reis, 2017). Those interventions are almost non-existent in Flemish and Brussels prisons. The only exception is the course ‘social orientation’ in which foreign national prisoners who have the right to stay in Belgium are prepared for reintegration after their release from prison. The specific questions, expectations, and personal situations of the participating foreign national prisoners are considered. Although several scholars such as Osemene, Essien, and Egbunike (2001) and Rynne and Cassematis (2015) have appealed for more attention to be paid to cultural sensitivity in prison, we have to conclude that culturally sensitive interventions in prisons in Flanders and Brussels are rather scarce, despite the fact that almost 44% of the prison population in Belgium has a foreign nationality. Additional efforts are highly necessary to effectively implement the recommendations of the Council of Europe (2012) so that foreign national prisoners have equal access to a balanced activities offering, suitable work and vocational training, and so that exercise and recreational activities are arranged flexibly to enable foreigners to participate in a manner that respects their culture.

### **Limitations and Future Research**

This study has some limitations that should be taken into consideration when interpreting the results. First, our research only focuses on gaining insight into the types of activities that are available for foreign national prisoners and how accessible these activities are from the perspective of activity coordinators. Since many activities in prison are closely tied to the welfare system that is available outside of prison and it is expected that many foreign national prisoners will leave the country after their incarceration period, many activities are not considered as relevant for them (Atabay, 2009; Ugelvik, 2014). From this perspective, including the perspectives of policymakers and foreign national prisoners themselves might be interesting to do in future studies. Also, the reasons why activity coordinators do or do not find it important to offer activities to foreign national prisoners might be a consideration for future research. In addition, interviews could be conducted with prison officers, teachers, prison managers, etc. to gain insight into their lived experiences.

### **Implications for Policy and Practice**

Notwithstanding the above limitations, this study shows that an examination of the availability and accessibility of prison activities for foreign national prisoners contributes to a better understanding of the challenges, needs, and pains of this under-researched population. Foreign national prisoners are frequently overlooked in research (Ugelvik, 2014), but research shows that participating in prison activities has posi-



tive effects on retaining a sense of agency in the controlled and coercive prison environment (Behan, 2014), improves physical health (Gallant et al., 2015), and contributes to a better dynamic security in prison (Edgar et al., 2011). Therefore, policy and practice should not only pay close attention to this vulnerable group of foreign national prisoners because they have specific needs and difficulties, but also because of the positive effects that they experience by participating in prison activities. The results of this study have three implications for policy and practice. The first two relate to those prisoners without the right of residence and the third is linked with language.

First, since the majority of the foreign national prison population in Belgium does not have the right to stay in Belgium, how these prisoners can be better supported in developing a rehabilitation and reintegration trajectory in their home country should be explored. At the moment, there are almost no programs available to support this group in their reintegration abroad.

Second, although only 31.5% of the foreign national prisoners are allowed to stay in Belgium, the support offered to them in their rehabilitation and reintegration into society could still be increased. One possible way of doing this is by offering them a social orientation course in prison that is similar to what is offered for all newcomers in Belgium. For newcomers, this course is obligatory. Offering this course to prisoners will provide them with the information they need on the Belgian education system and how to find work, housing, etc., which will promote their reintegration into society.

And third, related to the issue of language, many Flemish prisons offer courses in Dutch as a second language for foreign national prisoners that do not speak Dutch. At the same time, our study reveals that the vocational training possibilities for these prisoners are limited as these courses are exclusively offered in Dutch and require a basic knowledge and understanding of the Dutch language. One option to open up the possibility for these prisoners to engage in vocational training might be to organize vocational training as an applied language course.

In conclusion, organizations offering prison activities and policy-making authorities should make additional efforts to ensure foreign national prisoners' rights to have access to a well-balanced offering of activities during their period of incarceration, taking into consideration their language difficulties and immigration uncertainties.

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