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NATIONALITY OF FOREIGN-BORN INMATES

Executive Summary

The increasing number of foreign-born inmates represents a major issue for the Department at this time. The purpose of this report is to provide a statistical profile of the number and nationalities of these foreign-born inmates.

As of August 1, 1986, a total of 3,371 inmates reported birth in a foreign country. These foreign-born inmates represent 9% of the Department's total inmate population.

The majority (2,031) of these foreign-born inmates report birth in Caribbean countries, particularly the Dominican Republic (731), Cuba (502), and Jamaica (456).

The Department is often asked what percentage of these foreign-born offenders were born in predominantly Spanish-speaking countries. At this time, 61% (2,068) of these offenders report birth in Spanish-speaking countries.

In addition to providing a statistical overview of the foreign-born offenders, this report concludes with a brief discussion of the Department's efforts to address this growing problem through Federal reimbursement programs and expedited deportation programs.

The annual cost of incarcerating these 3,371 foreign-born offenders (using a per capita cost of \$20,000) is estimated at approximately \$67,000,000. In view of the fiscal impact of incarcerating these foreign-born offenders, the Department has actively supported (and continues to pursue) Congressional legislation to enact Federal reimbursement programs to states for incarcerating specified categories of foreign-born offenders. Federal legislation was enacted in 1985 to establish a Federal reimbursement program for Mariel Cuban inmates. Under this program, the Department has secured over \$900,000 in both 1985 and 1986.

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## NATIONALITY OF FOREIGN-BORN INMATES

Foreign-born inmates represent a major emerging issue for the Department at this time. The diverse nationalities, cultural backgrounds, and languages of the increasing number of foreign-born inmates pose significant policy, security, and programmatic problems to the Department.

Purpose of Report. The objective of this brief survey is to highlight the number of foreign-born inmates who are currently under the Department's custody and their varying nationalities.

Prior to providing this statistical profile, an overview of the Department's procedures for identifying these inmates and verifying their nationalities is presented.

Inmate Self-Report Upon Reception. At the Department's Reception Centers, newly received offenders are asked about their birthplace. This self-report data is then entered onto the Department's computerized data file.

As the number of foreign-born inmates increased in recent years, the Department has focused on (a) improving the specificity of the Department's data base on the country of origin, and (b) developing a standardized verification for country of birth (and alien status).

Development of Specific Country of Birth Coding System. In the past, the Department utilized a birthplace coding system which included a number of general region categories. For example, all Central American countries were grouped together under a very broad "Central America" code. Similarly, all South American countries were grouped under a regional label (with the exception of Columbia which was listed separately). Regional categories were also used for European, Asian, and African countries.

As the number of foreign-born inmates grew, these regional categories proved increasingly unsatisfactory.

In recent years, the Department has received an increasing number of requests from the embassies of various nations to provide data on its citizens. The recent enactment of treaties with numerous nations, with respect to the exchange of prisoners, has further increased these requests. Moreover, security and program staff have raised questions on specific nationalities of inmates since inmates from different countries may pose varying security and/or programmatic problems.

In view of this need to more accurately identify birthplace, the Division of Program Planning, Research and Evaluation developed a country specific code for birthplace to replace the regional categories. A copy of this detailed code is attached as Appendix A. As illustrated by this code sheet, such general regional categories as "Central America" were replaced by a series of country specific codes. In this case, the "Central America" category was replaced by separate codes for the 7 nations in Central America.

This country specific code became effective on the Department's computer system in November, 1985. Directions were forwarded to Department facilities (especially the Reception Centers) on the use of this new coding scheme.

In addition to utilizing this new coding scheme on a prospective basis with new commitments, an extensive review of case records of foreign-born inmates under custody was conducted to identify their specific country of birth. Inmates categorized as "Central America," "South America," "Asia," "Africa," and "Europe" were reviewed to determine their birthplace. Inmates classified as "Born in Unidentified Foreign Country" were also reviewed. (This vague category was deleted from new coding scheme.) Corrected data on specific nation of birth was added to the computer data file for over 1,000 inmates.

Using this improved coding system, monthly computer listings are provided to facility Superintendents on the number and nationality of foreign-born inmates in their respective facilities. Concerned Main Office staff are provided with this data as well as summary statistical information.

Verification of Birthplace: Liaison with U.S. Immigration and Naturalization Service (INS). The formulation and implementation of a country specific birthplace code was the necessary first step in this process in improving the Department's basic information on foreign-born inmates. The second step was the development of a standardized verification process involving the appropriate Federal agency: the U.S. Immigration and Naturalization Service (INS). Since INS has responsibility for all foreign-born persons in this country, the Department has established a standardized procedure for securing verification of the nationality and alien status of all foreign-born inmates in its custody from INS.

On a monthly basis, the Department transmits to INS a computerized listing of all foreign-born inmates under its custody. This listing provides available information on the foreign-born inmates, such as self-reported birthplace and birthdate. INS is asked for verification of country of birth as well as the individual's alien number (which is issued by INS) and alien status (such as naturalized U.S. citizen or illegal alien). This INS verified data is then entered on the Department's computerized data base.

Total Foreign-Born. As of August 1, 1986, 3,371 inmates report having been born in a foreign country. These foreign-born inmates represent 9% of the Department's total inmate population of 36,374.

Country of Birth: Diversity of Nationality. The table on pages 8 and 9 presents, in rank order, the country of birth of these 3,371 inmates who report being born outside the United States.

It is noteworthy that these inmates report birth in 99 different countries.

Majority from Caribbean Countries. The majority of these foreign-born inmates report birth in Caribbean countries.

<u>Region</u>	<u>Number</u>	<u>Percent</u>
North America	62	2%
Caribbean	2,013	60%
Central America	247	7%
South America	560	17%
Europe	328	10%
Near East	40	1%
Africa	18	*
Asia	96	3%
South Pacific	7	*
TOTAL	3,371	100%

\* Less than 1%

Of the total 3,371 foreign-born inmates under the Department's custody, 60% (2,013) report birth in Caribbean nations.

Inmates from the Dominican Republic. It should be noted that over one-third (36% or 731) of these 2,013 inmates from Caribbean countries claim that they were born in the Dominican Republic.

The impact of these foreign-born commitments on the Department may be highlighted with respect to these offenders who claim birth in the Dominican Republic. From a housing capacity perspective, these 731 self-reported Dominicans alone require the entire capacity of one of the Department's new 500 bed facilities and half of another 500 bed institution. From a security and programmatic perspective, the language and cultural background of these individuals pose institutional problems.

Inmates from Cuba. The next largest number of inmates from the Caribbean region report birth in Cuba (502).

For various reasons, these Cuban inmates (particularly Mariel Cubans) have been the subject of considerable public and legislative attention. In view of the continuing interest in this subgroup of foreign-born inmates, a separate report will examine this category of foreign-born inmates in detail.

Inmates from Other Non-Spanish Speaking Caribbean Countries. In addition to these inmates from Cuba and the Dominican Republic, another 780 inmates claim birth in other Caribbean countries, which are typically non-Spanish-speaking.

For example, 604 inmates stated that they were born in the English-speaking Caribbean islands of Jamaica (456) or Trinidad and Tobago (148). Another 88 reported birth in French-speaking Haiti.

Inmates from South and Central American Countries. South and Central American countries represent the next largest group of foreign-born commitments. A combined total of 807 offenders report birth in typically Spanish-speaking South (560) and Central American (247) countries. Of these inmates, 332 report birth in Columbia, while 147 report birth in Panama. Only 20 inmates claim to be born in Mexico.

Inmates from Spanish-Speaking Countries. Often the Department is asked how many of these foreign-born individuals born in Spanish-speaking countries.

As of August 1, 1986, 2,068 inmates reported birth in predominantly Spanish-speaking nations. The countries included in this category and the number of inmates from each country is presented on the following page.

Inmates from European Countries. The third largest category of self-reported foreign-born inmates are offenders who claim to be born in European countries. As of August 1, 1986, 328 inmates report birth in Europe. England with 60 cases accounts for the largest number. Another 21 inmates state that they were born in Russia.

Inmates born in Asian Countries. The fourth and last significant group of foreign-born inmates claim birth in Asian countries. At the time of the survey, 96 inmates report birth in Asian countries (including 50 Chinese, 11 Korean, 4 Vietnamese, and 2 Japanese). Although the number of these individuals is relatively very small, difficulties presented to institutional staff by some of these inmates are considerable. An illustrative example is the basic communication problem presented by a monolingual Korean inmate.

Planned Research Series on Foreign-Born Inmates. To supplement this statistical overview of foreign-born inmates, two additional reports in this area are being prepared.

- (1) Analysis of Criminal Histories of Foreign-Born. This report examines the criminal histories of foreign-born inmates with a special focus on the concentration of drug crimes among certain national groups; and
- (2) Mariel Cuban Inmates. As noted earlier, the report on Mariel Cuban inmates is being prepared in response to the continued public interest on this category of foreign-born inmates.

Conclusion. As illustrated by the preceding statistical overview, the Department currently has under custody a substantial number of foreign-born offenders (3,371 as of August 1, 1986). These foreign-born offenders comprise 9% of the Department's total inmate population. While the majority of these offenders report birth in Caribbean countries, these foreign-born inmates represent 99 different countries.

Fiscal Impact. In addition to posing significant security and programmatic problems, the fiscal impact of incarcerating these foreign-born offenders warrants consideration. The annual cost of incarcerating these 3,371 foreign-born offenders (using a per capita cost of \$20,000) is estimated at approximately \$67,000,000.

Federal Reimbursement Programs. In view of the fiscal impact of incarcerating these foreign-born offenders, the Department has actively supported (and continues to pursue) Congressional legislation to enact Federal reimbursement programs to states for incarcerating specified categories of foreign-born offenders. In this effort, the Department has worked in close cooperation with the Governor's Office of Federal Affairs in Washington.

Federal Reimbursement for Mariel Cubans. Federal legislation was enacted in 1985 to establish a Federal reimbursement program for Mariel Cuban inmates. A total appropriation of \$5,000,000 was established for this national program. This legislation allows reimbursement at \$12,000 per capita. Due to the number of Mariel Cubans incarcerated on a national basis, the actual rate of reimbursement was roughly \$3,000 per capita. In 1985, the Department received \$916,000 under this program at this rate of reimbursement.

Due to the national support of this program, this reimbursement program was continued in 1986. However, Gramm-Rudman resulted in a decrease of the already insufficient appropriation of \$5,000,000 to \$4,785,000. Furthermore, an increased number of states (27 according to the U.S. Department of Justice) applied for reimbursement under this program. Due to a significantly greater number of verified Mariel Cubans under Department custody, the Department received \$944,000 in 1986 under this program.



Through ongoing legislative efforts, it appears this program will be continued in 1987. While this program represents a significant reimbursement program to the Department, the continued appropriation of \$5,000,000 remains a notable problem. Despite the efforts of this and other states, no increase in the appropriation level was included in the 1987 program legislation.

Federal Reimbursement for Other Categories of Foreign-Born Offenders. In addition to supporting this Mariel Cuban reimbursement program, the Department has actively worked for the enactment of broader legislation with the Governor's Office of Federal Affairs.

In view of the significant number of inmates from nations other than Cuba (over 2,800), the potential fiscal impact of a broader Federal reimbursement program is obviously substantial. Although various bills have been drafted and have progressed increasingly far into the Congressional process, no such legislation has been enacted to date.

Expedited Deportation/Repatriated Programs. While a precedent has been established for beneficial Federal reimbursement programs, the potential impact of expedited deportation/repatriation programs remains uncertain at this time.

From an operations viewpoint, the Department is interested in the possibility of transferring the custody of a significant number of aliens to Federal authorities pending deportation or repatriation. The Department is working with the involved Federal judges, INS, and the Division of Parole in the identification of appropriate cases for consideration and the scheduling of expedited immigration hearings while the offender is under Department custody.

However, the immediate impact of these programs in facilitating the early release of a large number of alien inmates is uncertain. Federal authorities appear reluctant to take custody of a substantial number of state inmates pending deportation/repatriation due to the crowded nature of their facilities. The New York State Board of Parole appears to be understandably hesitant to parole alien inmates convicted of serious crimes when the certainty of deportation or continued incarceration in their homeland is uncertain. While State legislation has been enacted to facilitate the release of foreign-born inmates for the purpose of deportation, these factors combine to raise questions on the impact of expedited deportation/repatriation programs in the near future.

In closing, it appears that the issue of foreign-born inmates will not be significantly resolved through expedited deportation/repatriation programs in the near future. On the other hand, Federal reimbursement programs may provide a certain amount of fiscal assistance to the State in dealing with the issues raised by these foreign-born inmates.

INMATES FROM SPANISH-SPEAKING COUNTRIES  
August 1986

<u>North America</u>		20
Mexico	20	
<u>Caribbean</u>		1,244
Dominican Republic	731	
Cuba	502	
West Indies (Unspecified)	11	
<u>Central America</u>		247
Belize	11	
Costa Rica	10	
El Salvador	26	
Guatemala	11	
Honduras	31	
Nicaragua	9	
Panama	147	
Central America (Unspecified)	2	
<u>South America</u>		550
Argentina	13	
Bolivia	2	
Chile	7	
Columbia	332	
Equador	77	
Guyana	80	
Paraguay	-	
Peru	25	
Uruguay	5	
Venezuela	9	
<u>Europe</u>		7
Spain	7	
TOTAL		<hr/> 2,068

(Country of Birth)  
FOREIGN-BORN INMATES  
August 1986

1	Dominican Republic	731
2	Cuba	502
3	Jamaica	456
4	Columbia	332
5	Trinidad and Tobago	148
6	Panama	147
7	Haiti	88
8	Guyana	80
9	Equador	77
10	Italy	74
11	England	60
12	China	50
13	Canada	42
14	West Germany	39
15	Honduras	31
16	Greece	27
17	Barbados	26
18	El Salvador	26
19	Yugoslavia	26
20	Peru	25
21	Poland	22
22	USSR	21
23	Israel	20
24	Mexico	20
25	Argentina	13
26	Belize	11
27	Guatemala	11
28	South Korea	11
29	West Indies	11
30	Costa Rica	10
31	Albania	9
32	Brazil	9
33	France	9
34	Nicaragua	9
35	Venezuela	9
36	British Virgin Islands	8
37	Hong Kong	8
38	Bahama Islands	7
39	Chile	7
40	Grenada	7
41	India	7
42	Jordan	7
43	Spain	7
44	Turkey	7
45	Antigua	6
46	Ireland	6
47	Portugal	6
48	St. Vincent	6
49	Pakistan	5
50	Uruguay	5

(Country of Birth)  
FOREIGN-BORN INMATES  
August 1986 continued

51	Bermuda	4
52	Hungary	4
53	Netherlands Antilles	4
54	Nigeria	4
55	Philippines	4
56	Vietnam	4
57	Dominica	3
58	Romania	3
59	St. Lucia	3
60	Bolivia	2
61	Bulgaria	2
62	Cambodia	2
63	Central America (Specific Country Not Coded)	2
64	Czechoslovakia	2
65	Ethiopia	2
66	Europe	2
67	Ghana	2
68	Japan	2
69	Laos	2
70	Lebanon	2
71	Morocco	2
72	New Hebrides	2
73	Singapore	2
74	South Africa	2
75	Sweden	2
76	Yemen	2
77	Australia	1
78	Austria	1
79	Bangladesh	1
80	Belgium	1
81	Burma	1
82	Cameroon	1
83	East Germany	1
84	French Guiana	1
85	Finland	1
86	Iceland	1
87	Iran	1
88	Iraq	1
89	Ivory Coast	1
90	Liberia	1
91	Malaysia	1
92	Martinique	1
93	Netherlands	1
94	Sierra Leone	1
95	Somalia	1
96	St. Christopher	1
97	Switzerland	1
98	Turks and Caicos	1
99	Uganda	1
	TOTAL	3,371

APPENDIX A

PLACE OF BIRTH CODES

FOREIGN COUNTRIES (by Continent or Region)

NORTH AMERICA	=	Canada	CD
		Saint Pierre & Miquelon	PQ
		Mexico	MM
		United States (see codes for Individual States and Territories)	
CARIBBEAN	=	Antigua	AI
		Bahama Islands	BD
		Barbados	BB
		Bermuda	BM
		British Virgin Islands	BS
		Cayman Islands	CI
		Cuba	CC
		Dominica	DM
		Dominican Republic	DR
		Grenada	GJ
		Guadeloupe	GP
		Haiti	HT
		Jamaica	JM
		Martinique	MT
		Netherlands Antilles	NX
		Saint Christopher, Nevis, Anguilla	NA
		Saint Lucia	XS
		Saint Vincent	SV
		Trinidad and Tobago	TT
		Turks and Caicos	TC
CENTRAL AMERICA	=	Belize (formerly British Honduras)	BH
		Costa Rica	CR
		El Salvador	EL
		Guatamala	GT
		Honduras	HD
		Nicaragua	NU
		Panama	PM
SOUTH AMERICA	=	Argentina	AT
		Bolivia	BV
		Brazil	BZ
		Chile	CQ
		Columbia	CB
		Equador	EQ
		French Guiana	GZ
		Guyana	GY
		Paraguay	PV
		Peru	PU
		Surinam	ZC
		Uruguay	UY
		Venezuela	VZ

APPENDIX A continued

PLACE OF BIRTH CODES

FOREIGN COUNTRIES (by Continent or Region)

EUROPE	=	Albania	AA
		Andorra	AD
		Austria	AU
		Belgium	BG
		Bulgaria	BU
		Czechoslovakia	CK
		Denmark	DK
		East Germany (includes East Berlin)	EM
		England	EN
		Estonia	ES
		Finland	FD
		France	FN
		Great Britain (see England, Scotland and Wales)	
		Greece	GC
		Greenland	GN
		Holland (see Netherlands)	
		Hungary	HU
		Iceland	IC
		Ireland (Republic of Eire)	IE
		Italy (includes Sardinia and Sicily)	IT
		Latvia	LT
		Liechtenstein	LI
		Lithuania	LH
		Luxembourg	LX
		Malta	MY
		Monaco	MJ
		Netherlands	NL
		Northern Ireland	NI
		Norway	NW
		Poland	PO
		Portugal	PT
		Romania	RU
		Russia (see USSR)	
		San Marino	SH
		Scotland	SS
		Soviet Union	SX
		Spain	SP
		Sweden	SQ
		Switzerland	SZ
		USSR (Soviet Union)	SX
		United Kingdom (see EN, SS, WL or NI)	
		Wales	WL
		West Germany (includes West Berlin)	WG
		Yugoslavia	YG

APPENDIX A continued

PLACE OF BIRTH CODES

FOREIGN COUNTRIES (by Continent or Region)

AFRICA	=	Algeria	AN
		Angola	AO
		Benin	BY
		Botswana	BT
		Burundi	BI
		Cameroon	CM
		Cape Verde	CV
		Central African Republic	CW
		Chad	CF
		Congo	CX
		Dahomey	DH
		Djibouti	DJ
		Equatorial Guinea	EK
		Ethiopia	ET
		Gabon	GB
		Gambia	GK
		Ghana	GG
		Guinea	GI
		Ivory Coast	IY
		Kenya	KE
		Lesotho	LE
		Liberia	LB
		Libya	LY
		Malagasy Republic (includes Madagascar)	MP
		Malawi	MF
		Mali	ML
		Mauritania	MU
		Mauritius	MR
		Morocco	MQ
		Mozambique	MB
		Namibia (formerly South West Africa)	SJ
		Niger	NN
		Nigeria	NG
		Reunion	RE
		Rhodesia (see Zimbabwe)	
		Rwanda	RW
		Senegal	SG
		Seychelles	SE
		Sierra Leone	SA
		Somalia	SM
		South Africa	SF
		South West Africa (see Namibia)	SJ
		Sudan	SU
		Swaziland	SW
		Tanzania	TZ
		Togo	TO
		Tunisia	TU

APPENDIX A continued

PLACE OF BIRTH CODES

FOREIGN COUNTRIES (by Continent or Region)

AFRICA	=	Uganda	UG
(continued)		Upper Volta	UV
		Western Sahara	WH
		Zaire	ZA
		Zambia	ZM
		Zimbabwe (formerly Rhodesia)	ZB
NEAR EAST	=	Bahrain (Bahrein Isands)	BW
		Cyprus	CS
		Egypt	EY
		Iran	IR
		Iraq	IQ
		Israel	IS
		Jordan	JO
		Kuwait	KU
		Lebanon	LN
		Oman & Muscat	OM
		Qatar	QA
		Saudi Arabia	SB
		South Yemen	ST
		Syria	SY
		Turkey	TY
		United Arab Emirates	UA
		Yemen	YE
ASIA	=	Afghanistan	AF
		Bangladesh	BL
		Bhutan	BN
		Brunei	BX
		Burma	BR
		Cambodia	CJ
		Ceylon (see Sri Lanka)	CY
		China	CN
		Hong Kong	HK
		India	II
		Indonesia	ID
		Japan	JA
		Laos	LS
		Malaysia	MZ
		Maldives	MV
		Maucau	MC
		Mongolia	MG
		Nepal	NP
		North Korea	NK
		Pakistan	PK
		Sikkim	XK
		Singapore	SR
		South Korea	SK



APPENDIX A continued

PLACE OF BIRTH CODES

FOREIGN COUNTRIES (by Continent or Region)

ASIA	=	Sri Lanka (formerly	SL
(continued)		Ceylon)	
		Taiwan	TW
		Thailand	TH
		Tibet	TB
		Vietnam	VM
SOUTH PACIFIC	=	Australia	AS
		Fiji Islands	FJ
		French Polynesia	FP
		Gilbert Islands	GL
		Nauru	NR
		New Caledonia	NQ
		New Hebrides	NB
		New Zealand	NZ
		Palau	PL
		Papua New Guinea	NO
		Philippines	PI
		Solomon Islands	SI
		Tonga	TG
		Western Samoa	WS
		Place of Birth Not Known	YY