



Alien experience? A qualitative investigation into the experiences of foreign national women in English prisons: A case study.

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To Taz

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Abstract

As of 2016, the foreign national prison population stands at 9,891¹ (12% of the overall prison population) of which 420 (5% of the overall population and 11 % of total female population) are women (MoJ, 2016). For a long time dubbed ‘the forgotten prisoners’ (Prison Reform Trust, 2004), their invisibility disappeared in the aftermath of a political scandal in 2006, when then Home Secretary Charles Clarke revealed that in the foregoing seven years 1,023 foreign nationals had been released from prison without consideration for deportation. Clarke’s pronouncement provoked a media storm about the problem of ‘foreign criminals’ (Johnston, 2006), which not only ultimately led to Clarke’s resignation, but more importantly was the catalyst for an expansive and punitive legislative activity which transformed the experience of imprisonment for foreign national prisoners, with particularly daunting ramifications for women.

Grounded within the theoretical traditions of intersectionality, this dissertation seeks to explore the experiences of these women prisoners since the 2006 scandal, focusing on the effects of cultural, historical and socio-economic factors, notably matricentric family structures, economic marginalisation and the legacies of British colonialism. Institutional aspects of their experience will also be investigated, with a critical focus on the effects of the UK Borders Act 2007 and ‘hubs and spokes’ policy, both implemented in the aftermath of the 2006 scandal. Drawing upon twelve extensive, semi-structured interviews with foreign national women prisoners and a variety of criminal justice practitioners, it will be argued that the Prison Service employs an array of *othering* practices in management of FNWPs, firstly through endeavouring to *normalise* them without due appreciation of their socio-cultural identities and secondly through reiteration of crude and stereotypical articulations of *nationality*, *culture*, and *race*, epitomised within not only the daily interactions of FNWPs with other prisoners and prison staff but also within narrow and exclusionary definitions of British national belonging, which seek to widen the *immigration net* and render as many individuals as possible *unrecognisable* and deportable.

¹ This includes people of unknown or unrecorded nationality.

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List of abbreviations

EEA	European Economic Area
ERS	Early Removal Scheme
FN	Foreign National
FNLO	Foreign National Liaison Officer
FNP	Foreign National Prisoner
FNWP	Foreign National Woman Prisoner
HMP	Her Majesty's Prison
NOMS	National Offender Management Service
UKBA	UK Border Agency

I know prison is a place of punishment. I'm grateful that I'm in prison here in England, with three meals a day and not some place in.... I'm not justifying the pleasure of prison. But I think foreign nationals are made scapegoats. If you want to get rid of all the foreign nationals to free up the prisons, then... you're not doing a good job. Because from there we're going to a detention centre and some people are in a detention centre for years waiting to go. It's not working. The detention centres are full, the prisons are full of foreign nationals. Something's not working.

(Kyla, Ghana)

Introduction

Situating the research problem

In recent decades, criminological issues which fall into the purview of *punishment and society* have inspired ample intellectual discourses within criminology. For all their advances, there have been a few concerning blind spots which have received limited criminological scrutiny (Bosworth, 2012). While most of the literature has been dominated by debates on increasingly excessive use of imprisonment (with prison population in the England and Wales rising from 40, 606 at the end of 1992 to 84, 078 at the end of 2013) theorists of penalty have only recently started to examine the conceptual intersections of gender, ethnicity and other indices of difference in a penitentiary context (e.g. Hannah-Moffat, 2001; Wacquant, 2001). Within those, some attention has been paid to disproportionate representation of ethnic minorities and the distinctiveness of women's needs in prison, with ethnic belonging and gender regarded as distinguishable matters of enquiry (Harris, 1989). Surprisingly, even less attention has been paid to the relationship of penal power, gender and nationality, given that in little over a decade, the number of FNWPs has more than doubled (HMPS, 2006). With increases of 111% within the overall FNP population and 49% among FNW, non-citizens have been massively over-represented within the British penal estate, on the scale comparable, nay sometimes superior to the *racial disproportionality* that burdens African Americans in US penitentiary institutions (Wacquant, 1999).

This rapid expansion of FNWP population has led to an evolving body of research in terms of developing best practice to manage this group, documenting the distinct areas of concern pertaining to them (Cheney, 1993; Bhui, 2004, 2005; Prison Reform Trust, 2012; HMIP, 2006). Collectively, these studies have identified the most urgent problems defining FNWPs' experiences as language barriers, isolation, difficulties in maintaining family ties, discrimination, limited understanding of their immigration status, post-sentence detention and deportation. Although the above research is crucial, to some degree, in informing prison practice, the absence of theoretical grounding within it has offered little to produce new conceptual framework within which the experiences of FNWPs can be situated. Consequently, the socio-legal scholars have been slow to discern the effects of globalisation on practices and experiences of incarceration (although see Nelken, 2011; Aas, 2007; Bosworth and Guild, 2008; Bosworth and Kaufman, 2011) and have mostly viewed prison as bounded by the borders of the nation-state. This dissertation aims to disrupt that tradition and contributes to criminological perspectives which conceptualise penal institutions as exceeding their orthodox functions of punishment, deterrence and rehabilitation. With its authority to normalise foreign subjects in accordance with western understandings of 'acceptability' (Agozino, 2008), to contest personal enunciations of British nationality (Bosworth, 2008, 2012; Kaufman 2012) and finally to act as an instrument of immigration control (with rapidly expanding immigration detention apparatus also testifying to this (see Bosworth, 2012), prison is today more than ever a projection of national sovereignty and a manifestation of state power.

Research aims and questions

This study has attempted to answer the following research question:

- How does the status of a 'foreign national' affect female prisoners' experience within a British prison?

The question will be examined on two levels:

- institutional (the effects of FN-specific legislation and institutional regulation)
- cultural (issues relating to culture and socialisation).

The purpose of empirical investigation

The rationale behind the study's objectives lies in its potential to provide a deeper understanding of the field where positivistic research methods have proved unsuccessful in assisting the Prison Service to formulate a comprehensive FNP strategy. Despite efforts to assess the needs of FNWPs, the policies aimed at minimising the disadvantage of this group and to provide reliable services throughout the prison estate have been fragmented and reactionary (Bhui, 2007). Further, despite growing interest in this area, the present methods of dealing with FNPs as subjects of research have not addressed the fundamental questions of *who* the research objects *are* and what is the best approach in dealing with what is in essence the result of globalisation of criminality (Sudbury, 2005).

Bearing in mind the need for theoretical grounding, this study has also sought to situate the experiences of FNWPs within the theoretical discourses of globalisation and victimisation of the vulnerable; penal power and resistance, and constructions of the concepts of *national belonging*, *motherhood*, *economic hardship*, *culture* and *race*.

1. Methodology

This chapter is divided in two: the former parts set out the rationale for pursuing the qualitative approach, including the discussion of the epistemological and ontological stance of the study as well as the theoretical justification for the employment of qualitative perspective. The latter parts of this chapter give a step-by-step account of the process of the implementation of the methodological approach, with the aim of exposing the mechanics of the research process and thus allowing the reader to experience it: from negotiating the access, through the methods of data collection, to the methods of analysis.

Nature of the study

While quantitative research can produce vital knowledge with regards to the extent of FNWP population and general data about their access to prison services, it does not provide any insight into the effect and meaning of imprisonment among those who experience it (Cooney, 2013). Therefore, the emphasis upon individually formulated accounts formed the foundation of the ontological and epistemological orientations of this study. Having rejected the positivist approach, this study's ontological position is an interpretivist-constructivist one, which through the lens of Weber's concept of *Verstehen* sees reality as constructed and interpreted by people in their interactions with each other and social institutions (Carter and Little, 2007). In other words, at the core of the research methods adopted was the notion of imprisonment where the *selves* of FNWPs are conceptualised as interdependent *of* as opposed to independent *within* the prison sphere. Hence, in terms of epistemological considerations, the understanding of the experiences of FNWPs are a product of an interaction with the researcher, who through an in-depth engagement with the researched becomes an integral part of the research process, where the researcher and 'the researched' (prisoners, practitioners, penitentiary) are reflexively interdependent (Denzin, 1994:503). It is exactly because of the assertion of conceptual interdependence, that the researcher decided to explore not only the accounts of the FNWP but also of the prison practitioners, as through the nature of their involvement with FNWPs they were regarded as equally important *carriers of meaning* (Matthews and Ross, 2010), keeping in mind that the overriding objective of the research was to achieve a comprehensive, multifaceted picture of the experience of FNWPs in the English and Welsh prison system.

As a result in-depth, face-to-face interviews were adopted as the most appropriate approach to meet the study's objectives. Indeed, as Maxwell (1996) argues, in-depth interviewing is the most effective method in understanding the meaning participants attribute to their actions and comprehending the degree to which the context of the studied perceptions exerts influence on the subjects' experience and behaviour (in this case the effect of the physical and institutional boundaries of prison). In addition, where women's experiences are considered, feminist methods of enquiry should seek to further locate individual accounts of experience within the broader notion of *women's lives* (Chesney-Lind, 2006). The significance of this recognition lies in the resulting assertion that *women belonging to different groups lead different lives*. It is indeed upon the basis of the feminist call for recognition of *difference within difference* that differentiations between the FNWPs and the remaining female prison population can be postulated (Burgess-Proctor, 2006).

Prison research and situating of the *self*

In the course of conducting any sociological investigation within prison, consideration must be given to its uniqueness as a research environment (King and Liebling, 2000). At its heart should be the recognition of prison as an unknown *deep space*, dominated by suspicion and surveillance (Foucault, 1977), where all-pervasive threat of conflict can render the prison staff distrustful and prisoners weary and anxious (Piacentini, 2007).

The approach of the *enlarged perspective* (Liebling, 2001:478), where the perspectives of both superordinates (practitioners) and subordinates are explored, has allowed me to some extent to circumvent the trap of the researcher's *self* becoming too closely aligned with one of the groups constituting the prison realm, or 'taking sides' (Becker, 1966). Indeed, during this process, I found it necessary to adopt multiple identities in an attempt to avoid becoming excessively entangled with the conundrum of complex prison power structures. Interaction with prison practitioners required the assumption of the role of *professional outsider* (Schlosser, 2008) demonstrating willing adherence to the institutionally prescribed modes of conduct (e.g. awareness of prison security regulations, rules governing prisoner-staff relations), while simultaneously projecting a veneer of ignorance of the realities of prison work with FNWPs and willingness to learn from the *insiders*.

Conversely, interaction with the prisoners was predominantly marked by the struggle of appropriate management of the significant part of my identity which was shared with the interviewed prisoners (a foreign national woman) and an awareness of the potential risk of bias which may be subconsciously developed as a result of this shared identity. The inability to entirely suspend the *foreign self* (e.g. foreign sounding accent and name) undoubtedly educed an atmosphere of trust and thus gave me the advantage of being perceived as someone sensitive to cultural nuances crucial in shaping the experiences of imprisonment (Piacentini, 2007). Indeed, my *foreignness* was frequently internalised by the interviewed women, in comments such as: *you're foreign yourself, so you know, 'you know how it goes for us, foreigners*. Phillips and Earle (2010:364) suggest that this *emotional solidarity* evoked through amplification of the shared identity of *foreign women* is indeed *inextricably intertwined with the prisoners' social world*. Nevertheless, recognising the threat of social and cultural biases was vital in order to maintain research integrity and justify its validity. Therefore, care was taken to never divulge my own opinions or experiences and to fully focus upon uninterrupted voice of the FNWPs. Following Liebling's (2001) typology of dual researcher neutrality: theory neutrality² and value neutrality,³ the ultimate position adopted during interviews with FNWPs was one of *conscious partiality* (Mies, 1983:123), whereby the researcher maintains *value neutrality* by professionally suspending personal value judgements and is thus connected to the subjects by partial identification.

² A vision of what neutrality ought to be, which is however impossible to achieve, set against the predicaments of operationalising theory-based methodological concepts in real-life research settings.

³ A researcher's vision of what 'ought to be', which can be suspended during fieldwork.

Access

If prisoners and prison staff are take part in research is unavoidably contingent upon the goodwill of numerous institutional gatekeepers to grant access (Heath *et al*, 2007). Additional difficulties arise from the fact that the ultimate access must be secured from all gatekeepers successively. This research was no exception, indeed the structural rigidities and the mechanical nature of the bureaucratic apparatus (Weber, 1978; Gouldner, 1954) was the greatest hurdle in conducting this study. Despite the fact that I had been involved in a number of research projects for HMP X and was thus under the impression that permission to conduct my own research at the governor's discretion, it quickly became evident that this is not the case and the application process was, and remains, far more complex (see Appendix E). While I was appreciative of the fact that the purpose of these *systematic rules which define the bureaucratic procedure* (Cohen, 1970) was to protect prisoners as vulnerable research subjects and ensure that the proposed research was in consonance with the Prison Service priorities (PSI 22/2014), I could not help but note my powerless dependency upon the rigid, mechanical administrative processes during which one is at the mercy of ubiquitous risk of random and systemic *bureaucratic dysfunctions* (Merton, 1957; Munro and Huber, 2012).

My application for access to HMP X accentuated the study's potential to assist the Prison Service to fulfill its business priorities in terms of Equality Policy. It specifically aimed to address the disparities in outcomes for different groups of prisoners and develop comprehensive liaison services for prisoners with specific vulnerabilities (NOMS Business Plan, 2013). Once the permission of the first gatekeeper (NOMS) was secured, the approval of the second gatekeeper (the Acting Governor at HMP X) did not pose a challenge. It was undoubtedly helpful that I had familiarity with the prison, the staff and access to my own set of keys which enabled independent movement around the prison which in turn facilitated the next stage of the process: recruitment of participants within the prison.

Sampling and recruitment strategies

Both groups of participants were selected using purposive sampling (Silverman, 2009), where the principal criterion for selection was a characteristic they possess (i.e. foreign nationality) or a level of knowledge they have which predisposes them to assist the researcher with answering the research questions (i.e. expertise at dealing with issues surrounding FNWPs). For the purposes of transparency, the definition of a *foreign national prisoner* adopted within this study was congruent with the definition used across the Prison Service, where the foreign national prisoner is specified as:

*offender subject to custodial sentence⁴ who is not of British nationality.
(PSI, 29/2014)⁵*

Therefore this was the classification upon which the participant selection process was based.

The interviews with prisoners were arranged with the help of FNLO. These interviews were conducted at the time which did not conflict with other scheduled

⁴ This may include prisoners on remand or those detained under immigration powers after they have served their sentences (Vine, 2011).

⁵ Where foreign nationality is ascertained on the basis of a passport or national identity card. Other documents used to establish nationality include: last address outside the UK, any document indicating place of birth and family name (PSI 52/2011).

activities. Efforts were made to ensure the sample included several different countries of origin to ensure that demographic composition of the sample was congruent with the characteristics of the overall FNW prison population (discussed in the literature review). It is important to acknowledge that because the data was collected exclusively at HMP X, the findings of this study may not be uniformly applicable to the whole female prison estate in England and Wales. A total of six FNWPs were interviewed:

Table 1: FNWP sample by country of origin and ethnic background

Number of participants	Country	Ethnic background (as stated by the participant)
2	Ghana	Black
1	Nigeria	Black
1	Colombia	Hispanic
1	Czech Republic	Roma
1	Lithuania	White

The recruitment process is illustrated below:

Figure 1: Recruitment process for prisoners

Access to HMP X secured → Securing access to FNWPs through FNLO → Research introduced to FNWPs during informal discussions → Arranging the interviews with FNLO → Movement slips distributed → Informed consent → Interviews

Similarly, six practitioners were interviewed:

- 1 Foreign National Liaison Officer
- 2 Diversity Officers
- 1 member of the Independent Monitoring Board
- 2 members of an external FNWP advocacy organisation.

Each practitioner was approached individually. The two practitioners independent of HMP X were contacted by telephone and interviews arranged. As with the prisoner sample, these interviews were arranged so they did not conflict with their duties.

The figures below represent the process for securing practitioner interviews:

Figure 2: Recruitment process for practitioners outside the prison

Introduction of the research to the gatekeeper → Securing contact details of individual practitioners → Summary of research sent to each practitioner → Negotiation of time and place of the interviews → Informed consent → Interviews

Figure 3: Recruitment process for practitioners within the prison

Access to HMP X secured → Introduction of research to each practitioner → Follow-up and negotiation of time of interviews → Informed consent → Interviews

In-depth interviews

Semi-structured interviews were adopted. They were based upon Lofland's (1971:85) notion of *guided conversation*, where the participants' ideas are guided by a set of standardised, open-ended questions while concomitantly allowing for the strategy of *discovery* (Lofland, 1971:75) whereby the use of additional prompts allowed the researcher to ensure that specific aspects of the research questions were addressed. Yes/No, tick-box questions were avoided as they do not allow for the explanatory nature that grounded theory research requires, but also to avoid participants feeling that their experiences are being *batched* (Bosworth *et al*, 2005). The possibility of group interviews with prisoners was contemplated but rejected as it was felt that discussing deeply personal experiences alongside other prisoners may cause participants to be less forthcoming with deeper reflections (Creswell, 2003) but also create unnecessary and potentially negative power dynamics between the prisoners following the interview (Bosworth *et al*, 2005).

The pre-prepared interview schedules (one for practitioners, one for prisoners see Appendices C and D respectively) were constructed in line with Denzin's (1978) notion of *data triangulation*. This enabled me to address specific aspects of the research questions in a manner which compares the accounts of prisoners and practitioners, ensures cross-case comparability of the findings in the analytical process, and enabled greater theoretical saturation. The interviews were divided into three parts broadly concerned with:

- life before imprisonment,
- life in prison,
- institutional responses.

The data was gathered in July 2014. All interviews lasted between 30 minutes and 1 hour. All but two interviews were audio-recorded, as one practitioner and one prisoner did not consent to being recorded; instead detailed hand-written notes were taken.

During each interview I aimed to achieve a level of immersion sufficient to accurately interpret the meanings participants imposed on their experience. Indeed, the character of the interviews on numerous occasions transcended the question/answer format and nearly transformed into a *two-way exchange* (Patton, 2001). Although this stimulated a more relaxed tone to the interviews, the researcher remained alert to the *asymmetrical power dynamics* (Kvale, 2005) which form unavoidably on closer interaction with research subjects, (particularly prisoners). The control over the substance of the conversation, its length, the monopoly on the interpretation of the data are all potentially exacerbated by the presence of further material signifiers of power (i.e. keys) which in turn may reinforced the prisoners' status as vulnerable research subjects (Wengraf, 2001). Although these hierarchical asymmetries of power could not be eliminated, I tried to give the prisoners every opportunity to exercise agency with regard to their participation prior to the interviews (emphasising voluntary participation, clearly explaining the participant's role).

Ethical considerations

Although the subject matter is not directly related to any highly sensitive topic (e.g. bereavement), I was aware that discussing the experiences of imprisonment in a foreign country (for both prisoners and practitioners) could precipitate feelings of distress (Corbin and Morse, 2003) and therefore the approval of University of Surrey's Faculty of Arts and Human Sciences' Ethics Committee was sought and subsequently granted. Nevertheless, the rigorously regulated nature of the prison, where prisoners must be recognised as vulnerable due to their stigmatisation (Goffman, 1963) but more importantly due to:

- the threat to their ability to give informed and voluntary consent posed by the constraints of incarceration,
- fear that refusal to participate would be detrimental to their interests in the treatment they receive from prison officials.

Therefore ensuring voluntary participation, adherence of the rules governing confidentiality and data protection were particularly pressing considerations (Jupp, *et al*, 2000).

Informed consent and confidentiality

Guided by Kent's (2000) assertion that the validity of the gathered data rests with voluntary disclosure by the participants, informed consent was secured with all participants in accordance with Kent's four criteria: information, understanding, voluntariness, and actual consent. Care was taken to advise participants that their participation was voluntary; it was their right to provide as much or as little information as they wished and they had the right to withdraw consent. Final consent was secured in a written form through the use of Information Sheets (see Appendices A and B). Considering the potential language barrier, a separate, simpler Information Sheet was prepared for the prisoners, to ensure that they are fully aware of what their participation in the research entails.

Prison research also necessitates distinct considerations regarding confidentiality. Firstly, the researcher has responsibility of confidentiality to the prison institution by not compromising its security. I discussed this in detail with the prison governor and in the application submitted to NOMS. Secondly, there is a duty of confidentiality to prisoners. Prisoners were made aware that any information would remain confidential and that this will be rigorously enforced throughout the research period and into the dissemination of the findings. However, it is important to recognise that the aforementioned rules governing confidentiality are not absolute and there are instances when they can be broken (Kent, 2000). This was pertinent to this research, where I was under an obligation to report any behaviour which constituted a breach of the prison rules, such as planned illegal acts or actions harmful to the participant or any other persons (PSI, 13/2012). This was stressed in both Information Sheets.

Further considerations

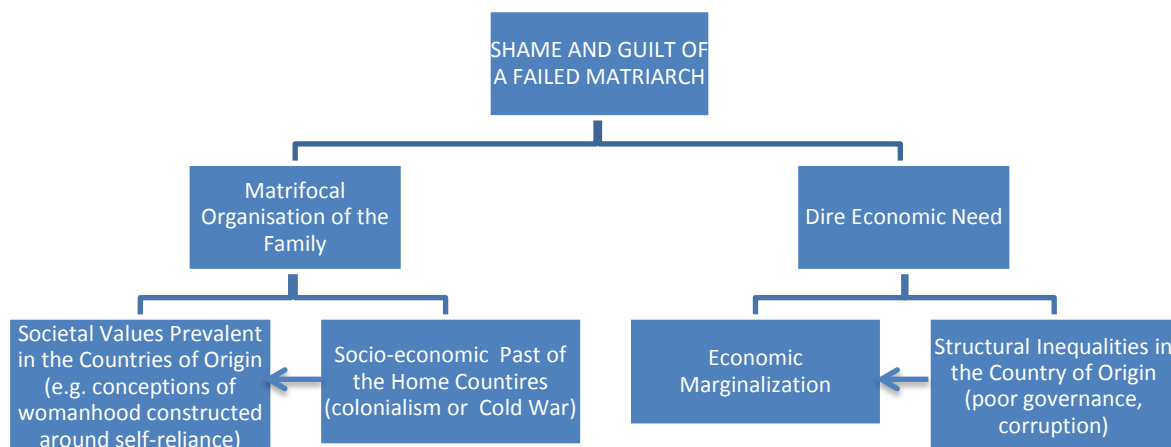
In order to minimise the risk of discomfort, the interviews were conducted in a neutral space in the prison, where neither participant nor the researcher felt vulnerable. With regard to the prisoners, the risk of discomfort was further minimised by a selection process that excluded particularly vulnerable prisoners (e.g. those with mental health issues). All participants were informed of further avenues of support (contact details of the prison psychologist).

Participants were informed that all interview recordings and notes would be kept in the strictest confidentiality using a password protected database. All data which could lead to identification of any of the participants were erased during the process of transcription and all names were replaced with pseudonyms. All other data used in the analysis was stored at all times in accordance with section 4.9 of the UEC's Ethical Principles for Teaching and Research (2013).

Coding and analytical approach

All interviews were transcribed *verbatim* and coded. The coding strategy had an analytical approach and an inductive character, based upon the grounded theory approach (Boyatzis, 1998) where the process starts by identifying open codes (grouping individual passages in accordance with semantically meaningful units (Fielding and Thomas, 2001), through to axial coding to identifying overarching themes. An example of an axial model illustrating the application of the coding approach in this study is illustrated in Figure 4:

Figure 4: Axial model illustrating the coding approach



Following from that, the analytical approach of thematic analysis was an extension of the coding strategy, where the coded data was subjected to three rigorous analytical stages to ensure reliability and validity of the ensuing findings (Golafshani, 2003). Firstly, individual passages regarding the same aspect (e.g. experiencing the issues of identity) formed initial analytical categories. This method allowed for both the comparison and contrasting of the data from the practitioners to that from the prisoners on particular aspects of research questions, thereby further increasing the comprehensiveness of the analysis (Fielding, 2008). The categories were then merged into five overarching themes. The final stage of the analysis involved developing heuristic generalisations in relation to the existing body of research.

2. Literature review

In order to understand the experiences of FNWPs it is crucial to recognise that they come from a socio-historical background that is different to that of British prisoners. This chapter will discuss the distinct social, cultural and historical realities which underlie the offending patterns among these women and influence the nature of their experiences in prison. Attention will also be drawn to institutional pressures to identify and deport FNPs and the prison's attempts to normalise foreign subjects, both of which serve to *deepen* the predicament of FNWPs (Crewe, 2011).

The socio-historical context of the experience of FNW in English prisons

Although FNWPs come from all parts of the world (161 countries or 'disputed territories' such as Western Sahara, which are classified as distinct regions in Prison Service polls (MoJ, 2013)), the largest national groups of FNWPs come from countries with colonial ties to Britain (Nigeria, Jamaica) and countries of former Eastern Bloc (see Table 2).

Table 2: Ten countries with the highest number of FNW in prison in England 2011

Nationality	Women in prison
Nigeria	61
Jamaica	52
Romania	39
Ghana	39
Irish Republic	28
Lithuania	21
Poland	18
Bulgaria	17
China	16
Netherlands	16

Source: Ministry of Justice (2011)

According to Gilroy (2006), Bosworth and Guild (2008) and Kaufman, (2012) although the rising numbers of foreign national in prison is a relatively new phenomenon, these figures hint at the wider historical context: one of British colonialism, whose character flows directly from a long tradition of recasting the relationship between the sovereign and the subject in the British history. This is evidenced in the most persistent types of offences for which FNWP are serving sentences (see Table 3).

Table 3: Population in prison establishments under an immediate custodial sentence by nationality⁽¹⁾, offence type and gender, numbers and percentages.

Offence type	Number of persons (Percentages)			
	Women		Men	
	British nationals	Foreign nationals	British nationals	Foreign nationals
Violence against a person	726 (25.4%)	44 (6.7%)	16,672 (29%)	1,450 (20.6%)
Sexual offences	38 (1.3%)	9 (1.4%)	6,745 (11.7%)	808 (11.5%)
Robbery	288 (10.1%)	6 (0.9%)	7,787 (13.6%)	640 (9.1%)
Burglary	195 (6.8%)	7 (1.1%)	7,452 (13%)	268 (3.8%)
Theft and handling stolen goods	417 (14.6%)	43 (6.6%)	3,111 (5.4%)	254 (3.6%)
Fraud and forgery	110 (3.8%)	182 (27.7%)	800 (1.4%)	903 (12.9%)
Drug offences	682 (23.9%)	308 (47%)	7,954 (13.9%)	2,014 (28.7%)
Motoring offences	21 (0.7%)	1 (0.2%)	1,210 (2.1%)	141 (2%)
Other	363 (12.7%)	50 (7.6%)	5,471 (9.5%)	533 (7.6%)
Offence not recorded	18 (0.6%)	6 (0.9%)	214 (0.4%)	15 (0.2%)
Total	2,858 (100%)	656 (100%)	57,416 (100%)	7,026 (100%)

(1) Includes persons of unknown or unrecorded nationality.

Source: Ministry of Justice, 2010.

A vast majority of FNWPs from the 'New Commonwealth' states such as Jamaica and Nigeria have been charged with drug importation (Prison Reform Trust, 2012). Indeed, 47% of the FNWP population falls within the 'drug offences' category, the majority of which are sentenced for importation of cocaine (MoJ, 2010, Prison Reform Trust, 2012). These women are also more likely to stay in prison for longer periods of time as the custodial penalties for drug importation are particularly severe (five to eight years for first offences).

This sentencing practice has been widely criticised, not only on the grounds of lack of effectiveness (Allen *et al*, 2003) but also for penalising and further marginalising the vulnerable (Agozino, 2002). It is well documented that the disproportionate involvement of these women in drug trafficking is due to them being used as 'drug mules'. It may be argued that drug trafficking presents them with an opportunity to

alleviate their severe economic marginalisation in the face of poor governance and corruption in their countries which since the dissolution of the British Empire have struggled to successfully establish and enforce the rule of law (Diamond 1991; Rose-Ackerman 1997). Increasing fluidity of international borders and the growing resourcefulness of drug barons, who use states with weak institutional structures and capitalise on the poor women's vulnerability, has presented these women with new, illegal platforms to improvement and self-actualisation (Storti and Grauwe 2009). Figure 5 illustrates the predominant cocaine supply routes to the UK.

Figure 5: Cocaine supply routes to the UK



Source: McSweeney et al (2008: 24)

The enduring effect of colonialism can also be observed in the ways in which it permeates their experience of incarceration (Paton, 2004; Klein, 2009).

Bosworth (2011; 2013) and Kaufman's (2012) work shows that the accounts of FNPs from former British colonies are often characterised by a deep sense of unfairness about the *colonial amnesia* whereby all foreigners in the British penal estate are regarded as one homogenous group, a collective *other*, uniformly defined as *non-British* with no consideration of those who until the disavowal of the Empire were indeed considered British subjects. A series of increasingly restrictive immigration laws (which since 1970s significantly limited the movement of citizens of former British colonies and their rights in the UK – see Gilroy (2006) and Wilsher (2011)) and lack of acknowledgement of those dichotomies in the application of penal policies and has been regarded by many criminologists of mobility (Gibney, 2008; Bosworth, 2008, 2012; Aas, 2007; Kaufman, 2012) as symbolic of the country's synchronised effort to *disremember* its past.

This sense of confusion and unfairness is deepened by the fact that many of these prisoners grew up in the UK had indefinite leave to stay as colonial subjects or went to British colonial schools and therefore despite various cultural affiliations perceived themselves as British. As Paton (2004) contends, the experience of punishment in colonial territories between 1780 and 1870 was not one which inclines FNWPs to perceptions of incarceration analogous to those prevalent in the First World countries. These cultural sensitivities are still present today as Klein (2009) and

Agozino (2008) have demonstrated as FNPs do not attribute the same meaning to imprisonment as authorities and prisoners in the developed global North. As Klein (2009:391) elaborates in regard to the Nigerian drug mules:

Most of the Nigerian couriers see themselves as victims of injustice. While all agree that what they were doing was not right, few accept the punishment as just.

Despite this palpable racialization of foreignness throughout the British penal estate, not all FNWPs have cultural or institutional ties to former British colonies. Another distinguishable group, most routinely forgotten is from Eastern Europe or East Asia, whose predicament is deepened by language barriers (Bhui, 2004; 2007). The socio-historic context of their imprisonment on the other hand, can be characterized a product of the Cold War politics which has brought Eastern European and East Asian migrants to the UK (Hansen, 2000; Gibney, 2008). A significant number of those women serve custodial terms for theft or “immigration offences” in relation to their immigration status and related paperwork, such as deception and fraud. Similarly to the women from post-colonial societies, these offences testify to these women’s attempts to escape the economic instability of their countries in the hope of carving out a better life in a country they deem more prosperous (Britton, 2000; Prison Reform Trust, 2012).

Foreignness and the transformation of the British penal estate

The experiences of the FNWPs also need to be contextualized in light of the foreign national prisoner scandal of 2006, when Tony Blair’s administration announced a series of initiatives with the objective of addressing public outcries about the problem of the new, globally mobile *dangerous classes* (Canton and Hammond, 2012). Firstly, significant financial investments were declared into the removal of ‘*bogus asylum seekers*’ and ‘*foreign ex-criminals*’ (Bosworth and Guild, 2008). This most notably involved a petition presented to the European Court of Human Rights which called for the reconsideration of the unconditional prohibition of the deportation of people to territories where their lives could be in jeopardy and *balancing* it against the *threat* that FNPs pose to the community upon release (Canton and Hammond, 2012; Kaufman, 2012). Secondly, the British Parliament passed the UK Borders Act 2007, which considerably widened the purpose of deportation for FNPs (UK Borders Act 2007; Gibney, 2008) which profoundly modified the effects of custodial penalties for *non-British subjects*. Since its implementation, any FNP from outside the EEA whose sentence exceeds 12 months has been subject to mandatory expulsion from the country upon the completion of his/her sentence: this also applies to FNPs from the EEA member states if sentenced to over 24 months. Furthermore, while awaiting deportation, many of these individuals undergo a second custodial term, in an immigration removal centre (IRC). On one hand, scholars such as Wacquant (1999; 2000) and Gill (2009) suggest this represents a practice of *double sentencing*, whereby foreign offenders are punished not only for the committed by them offence, but also for failing to fulfil the societal obligation of a *desirable* immigrant thus losing the status of *deserving* to remain in the country and becoming worthy of expulsion from it. On the other hand, others have noted the strength of cultural and social associations with the UK, a number of FNPs express a wish to be deported, and

make use of the Early Removal Scheme (ERS)⁶ introduced as deportation option (HMIP, 2006; 2007).

These efforts to transform the nature of border control were followed by further shifts in bureaucratic practice (Kaufman, 2012: 702-703). The administrative actions following the UK Borders Act's 2007 implementation were indicative of the Ministry of Justice and the Prison Service's reorganisation of the penitentiary estate around the priorities of migration control (Bosworth and Guild, 2008). This was most markedly apparent in a series of new policies released by the Prison Service (HMPS, 2006: 2007; 2008) aimed at equipping its staff with instructions regarding the management of *non-citizens*. With its new focus on foreign prisoners, the Prison Service entered into close relationship with UK Borders Agency which resulted in a prompt expansion of its casework division. This led to the implementation of what is commonly referred to as the *hubs and spokes* policy (MoJ and UKBA, 2009). Its principal objective was to construct a panoptic model for supervision of FNPs in England and Wales. The *hubs and spokes* arrangement meant all FNPs (including approx. 600 women) were to be concentrated in *hubs* – prisons equipped with full-time UKBA representatives more able to address their cultural and institutional needs such as access to interpreters and independent immigration advisers. However, a growing body of critical research (cf. Carter and Symonds, 2009; Bosworth, 2011, Bosworth and Kaufman, 2013) has found the practice of *identifying foreigners* is based on a very expansive definition of *foreignness*, which by adopting a place of birth as a major criterion has cast a wider immigration net. It has enforced an exclusionary vision of British citizenship that pays little regard to divergences between those who have lived in the UK for a considerable time, have established strong cultural and social links in this country (however are not in the possession of a British passport) and those who have resided in the UK for a short period or have been arrested upon entry into the UK (which is predominantly the case with FNW convicted for drug trafficking). By implication then, the Prison Service has adopted an approach whereby any prisoner who is not able to demonstrate his/her British nationality with a British passport is automatically considered a deportable foreign subject (Kaufman, 2012).

The *hubs and spokes* policy has also introduced clear procedures for prison staff. Crucially, where immigration caseworkers are not part of the prison administration (spoke prisons), prison staff are responsible for identifying all FNPs within a given establishment and passing that information to the UKBA. Consequently, prison officers have assumed a new, crucial role of immigration agents, which has supplemented their work with new obligations revolving around migration control (Kaufman, 2012).

Prison and normalisation of the foreign 'other'

Foucault's concept of normalisation and its application in a penal context is of particular interest to the discussion of experiences of FNWPs, as it can provide a theoretical matrix through which to interpret their habitual struggles in their interaction with the prison system.

Foucault conceptualises prisons as a carceral society equipped with expansive systems of surveillance, in which the norm occupies a central position in the

⁶ The scheme allows fixed-term FNPs, who are confirmed by UKBA to be liable to removal from the UK, to be removed from the country up to a maximum of 270 days before the half-way point of sentence. (PSI 38/2012).

emergence, legitimation and proliferation of power and discipline (Foucault, 1977). Within the prison staff are agents of control and coercion (Sykes, 1958; Foucault, 1977), where techniques of normalisation are enforced to *make normal* and transform ill-adjusted individuals into *normal*, law-abiding citizens. Such an intervention occurs at both, individual and group level with the aim of installing conformity with clearly codified social norms within the establishment itself as well as broader society. While it also propagates penal power relations, where norms are reproduced and legitimised to reach the point where they are viewed not as produced and promulgated but as integral to the carceral regime and necessary (Taylor, 2009). With regard to the experiences of FNWPs, theorists concerned with intersectionalities of race and culture in the carceral setting (Green, 1998; Agozino, 2002) have emphasised that the character of the norms is deeply reflective of the dominant understandings of *normality* prevalent in the society in which the prison is located. The effects of the application of those norms will be then vastly different for those prisoners who prior to their incarceration did not belong to that society (Agozino, 2002, 2008).

A simple, yet poignant illustration is the discipline around food in prison. While it is true that the highly systematic, carefully orchestrated rituals (eating collectively in a dining hall, at clearly specified times of day, with choice of foods strictly regulated by the prison) are practiced for logistic reasons, they concurrently mould and normalise prisoners' eating habits into formulae which suit efficient functioning of the institution. As observed by Bhui (2004) and Klein (2009), this has a disproportionately negative effect upon FNWPs (particularly those from outside of Europe), who are often used to radically different foods and struggle to adjust their eating rituals to those cultivated in penal institutions in the western world.

It should be remembered that in the context of FNWPs' experience, not all penal norms serve the purpose of normalisation. From a Foucauldian standpoint, norms codified either as cultural expectations or rubrics of institutional regime act as 'nodal points' within a wide grid of power (Schwan, 2002). Since the above norms are alien to many FNWPs (e.g. interactional rules of 'personal space' may vastly differ in some cultures), they represent facilitators of deeper circulation of power and normalisation forces. Norms of conduct which were on a basic level culturally accepted and performed by FNWPs prior coming to prison do not pose such problem (e.g. non-use of violence in everyday interactions). Given that Foucault conceives of power as entrenched in discourses, subjects can remove themselves from power somewhat when they can modify or even reverse those discourses, in other words i.e. resistance.

Classical studies of resistance within female penal estate (Carlen, 1983; Shaw, 1992; Bosworth, 1999) have focused on the ways the incarcerated women assert agency against *regimes of femininity*, which police their appearances and labour, thus normalising their *deviant* womanhood and creating *nice little ladies* (Devlin, 1998; Schwan, 2002). However, more pertinent to the nature of struggles experienced by FNWPs (more often relating to culture and institutional restriction (Bhui, 2007; HMIP, 2006; Banks, 2011) rather than gender) have been the postmodern and socio-legal accounts of resistance (Merry, 1990; Yngvesson, 1993), which reconceptualise it as a lens through which to analyse the voices of marginalised groups in the carceral system. The predicament of FNWPs lies in the fact that the carceral apparatus within which they are confined endeavours to normalise them with instantaneous lack of understanding of the constituents of the meaning attached to 'normality' within their cultures and patent hesitancy of the prison system to critically examine itself in terms of its institutionally enforced socio-

cultural assumptions (Melossi, 2011). Its impact can be seen in the growing difficulty facing prison authorities in finding ways of *breaking* FNWPs into compliance with the carceral regime (Home Office, 2002), but more importantly in the potential for increased punishment for FNWPs who are not familiar with the culture and standards to which the prison forces them to conform (Sudbury, 2005).

The need to normalise the behaviour of FNWPs to the standards deemed appropriate in western societies is according to Genders and Player (1989) is manifest in the increased susceptibility of FNWPs to the discrimination. Owing to poor understanding of cultural differences between FNW and other prisoners, the institutional image of FNW has been repeatedly constructed as 'unpredictable' and 'aggressive' (especially of black FNWPs). For example, Devlin's study of disadvantaged groups in female prisons, Devlin (1998) observed that any attempt at assertiveness exhibited by FNWP in defense of the nature of her crime was met with a disproportionately harsh response from male officers, who regarded FNWPs as *loud and noisy* (Devlin, 1998:220). Wacquant (2000) develops this idea and maintains that such discrimination emanates from that fact that immigrants as part of wider spectrum of de-proletarianised populations enter the criminal justice system with an already high proportion of *negative symbolic capital* (Wacquant, 2000:383; Bourdieu, 1986).

While not all normalisation techniques should be viewed through a prism of inequality, Sudbury (2005) asserts, that the fact that together with ethnic minorities, FNWPs have represented the fastest growing group within the prison population, and therefore have indeed borne the brunt of the incarceration boom, bears testimony to increasing racialisation of the British prison system. The racialised and invidious nature of normalisation processes experienced by the FNWPs is particularly present in the ways in which issues relating to language barriers are addressed by prison authorities. FNWPs from non-English speaking countries suffer an immense language barrier, especially in communicating their needs to the staff (Bhui, 2005; HMIP, 2007; Prison Reform Trust 2012). While it has to be recognised that the Prison Service has taken steps toward addressing this by such initiatives as introducing ESOL (English for Speakers of Other Languages), the system is still far from acceptable. One reason for this is that it is continually assumed that FNWPs from English-speaking countries do not need interpreters. Although English may be the official language in the country of origin for some FNWPs, it is quite often not spoken by the majority of that population, who may speak local dialects, which is a significant historical residue of British imperialism. Very often in post-colonial societies, full English is only spoken by the privileged, and FNWPs rarely come from the privileged layer of their societies (Simpson, 2008). In consequence, for many FNWPs, language (as an instrument of communication as well as a concept *per se*) which became emblematic of their disadvantage in home countries continues to demarcate the lines of disadvantage in the prison system in the UK (White, 1991).

3. Introduction to empirical findings: Socio-cultural identity of a FNWP

During the data collection stage it became evident that the interviewed women shared fundamental characteristics of their socio-cultural identities, regarded them as integral to their cultures and as a factor which distinguished them from British prisoners. Although this does not constitute an experience of imprisonment *per se*, the discussion of the FNWP socio-cultural identity is crucial in order to fully grasp how these women position themselves in relation to their predicament, particularly separation from children. This element was also recognised and emphasised by the practitioners.

Matrifocal family structure and economic marginalisation

The vast majority of the interviewed women originated from countries with histories of either indentured slavery and colonialisation (Ghana, Nigeria), where the nature of the family ties has been marked by severe economic marginalisation and the absence of husbands and fathers who were taken as stock for labour in plantations in differing locations or even countries (Reddock 1985), or post-communist countries (Czech Republic, Lithuania), where the position of a woman within the family has been a product of persistent economic hardships as an aftereffect of fragile, transforming (from collectivised to free-market) economies and traditional (also to some degree influenced by socialist gender ideology) ideals of women as proud matriarchs-protectors and workers-producers (Watson, 1993; Zembrzuska, 2000).

Although manifestly different, these socio-historic backgrounds have laid the foundations of matrifocal family structures within those societies, where women (mothers, grandmothers) have had to assume dominant roles in order for the families to survive and prosper both economically and emotionally (Stuart, 1996); and by proving this nurturing leadership have concreted their roles as the core of the family (Clarke, 1957).

Although it is important to acknowledge that not all families in the aforementioned countries bear matrifocal characteristics, it was one of the most consistent themes which occurred throughout the women's narratives and was also noted among the practitioners:

In my culture the mothers, the women are seen as the matriarchs of the family. It's like what my mother is to me- she's my mother, my counsellor, my father too [laugh]. Even though I'm very westernised, that culture is still there.
(Kyla, Ghana)⁷

Caribbean and Nigerian women, among them the figure of the mother is very strong. Also Roma, some Eastern European women have very strong family links. Because they are the providers as well, you see it goes back to their offences. And their material situations are more often than not quite serious.
(Natalia, Member of FNWPs Advocacy Group)

⁷ Where the country is specified next to the name, the quote is from a prisoner. All names as pseudonyms.

Indeed, the combination of economic marginalisation and the sense of responsibility for her family and children appeared to be a crucial facet in the narratives of the women who attempted to provide justifications for their offences and to theorise their place within those situations. This is evident in the account of Carina, who freely admitted being sentenced for drug trafficking:

It was me and my kids. Their father is not around, he never was. So, it was my burden to send the kids to school, to dress them and feed them. And I would do anything so they can go to school and are not hungry, so I did what I did. I don't feel no shame for it. Wouldn't you do everything for your kids if they were hungry?
(Carina, Nigeria)

This is not a woman who is questioning her social position or enmeshed within an identity as a breadwinning mother. She understands the economic ramifications of the absence of her partner and was prepared to fight for the survival of her family by any means, legal or illegal. Carina's account also demonstrates that the dominant position of these women within their families is in no way a reflection of the wider position of women within their societies. The responsibility of being a matrifocal mother in no way signifies her emancipation, but the stark opposite – dealing with the consequences of the absence of a male partner. This group of women recognise the forces responsible for their subjugation but equally understand that they had to engage them to sustain their children amidst arduous poverty. As Devlin (1998) and Chesney-Lind (1988) argue, the dominant societal understandings which attach a sense of abnormality to women's offending fail to accord significance to women's resistance (legal or otherwise) to symbols of male oppressiveness and indeed patriarchal organisation of the society, which often underlie their crimes. The socio-economic context in which many of the FNWPs perceive crime as an opportunity to alleviate their economic hardship (Frank, 1967) was also recognised by the practitioners:

A lot of these women come into prison for economic reasons. Although you must acknowledge that like with anything, reasons are very diverse, but when you look at their offences, it's pretty clear that a lot of them have disadvantaged backgrounds.

(Pat, Member of FNWPs Advocacy Group)

The practitioners found the use of imprisonment as an instrument of punishment for these women problematic. It is the mix of dire economic need and the identity of matrifocal mother which propels many of them to engage in offending behaviour which presents a dilemma for western polices that employ means of perceived oppression as punishment, i.e. long custodial sentences. As Paul remarked:

From their perspective it's a bit like teaching a hungry man a lesson by starving him. And there is something in that. Instead, the objective should be maybe to teach him how to fish [laugh]. If we know they become drug mules out of necessity, poverty - then it would seem logical that we should look at the root causes of the problem - the poverty. So in that sense, if they spend 10 years in jail and then they go back to the same place again....What have we done to prevent them from doing the same thing again?

(Paul, Diversity Officer)

Here emerges the problem of the differential effects of globalisation on developing countries, manifested within the dissonance in understanding between the First World perceptions of *appropriate punishment* and the lived realities of those within

those poor states (Hirst and Thompson, 1999), for whom globalisation and increasingly open borders have presented new avenues of acting against their marginalisation. It is then perhaps not surprising that despite the fact that FNWPs succumb to custodial regimes and are cognisant of the moral weight of their wrongdoing, in agreement with Paton (2004), they consider their confinement as unjust:

No, it's no fair. I know I did a bad thing. But sometimes it feel like I'm here for being alive and having children. You know, my mother always told me that it's no good to count on anyone. You have to earn your own money. But it was hard, you know...
(Tina, Colombia)

Tina's words also give credence to Agozino's (2002) and Becker's (1963) contention that incarceration of FNW for drug trafficking, immigration-related offences and theft is the enforcement of 'victimisation as mere punishment', whereby legal codes are constructed around a labelled offender thus further marginalising and as a result victimising her. Although not explicitly stated, Tina's offence evidently had an economic character, was committed as a result of her newly adopted role of breadwinner and the views passed on by her mother of womanhood anchored within the notions of responsibility and self-reliance.

Such ideas accord with Clarke's (1957), view that matrifocality constitutes a significant part of FNWPs' sense of womanhood, in both performed and ideal forms. As Marjorie suggests (below), the majority of FNWPs' native societies morally indict those women who fail to fulfil their socially imposed gender role of matriarch, i.e. could not sustain their children and send them to school, while concurrently absolving men of those responsibilities and reserving societal judgement toward them. Hence, for women from generationally poor families, in countries with a total lack or scarce social welfare provision (Johnson, 2005), the challenge to withstand the temptation to commit economically motivated offences proves difficult to overcome:

In my culture, you see, we have big families. At 11, I don't go to school, I had to cook proper meals. I was married at 16. Later, I first in my family got a certificate. And everybody said: "Oh, you go to college? And who looks after the kids now?" [grimaces to suggest that these comments were spiteful]. [...] Then when we had no money, it was hard, no help from anywhere, but I had friends. They said: "Oh, Marjorie, my sweetheart, do this and this..." And I helped them. Now I end up here, because of my friends.
(Marjorie, Czech Republic)

It is clear that prison is another attack on FNWPs' identities, which they try to perform amidst onerous economic oppression and which paradoxically were concurrently a product of that oppression. These research interviews corroborated prior research which identified economic marginalisation and specific family structures as crucial factors conducive to FNW's offending (Delvin, 1998; Agozino, 2002; Chesney-Lind, 1988). They interpreted their struggles as an element of their socio-cultural identity and their crimes and subsequent imprisonment as corollary to their disadvantaged social existence. Whilst cognisant of the fact that they were breaking the law, they remained adamant that their offending was congruent with their need for survival. Therefore, seeing a FNWP as an economically struggling matrifocal mother is not only critical in order to fully comprehend the context within which she offends, but also more importantly, the way in which she situates herself within the prison which deprives her of means to perform that identity.

4. Analysis and findings

Guilt and shame of a failed matriarch

As various academic accounts confirm, the vast majority of female prisoners throughout the British prison estate are mothers (Carlen, 1983, 2002; Green, 1998; Prison Reform Trust, 2012). This is no different with respect to the FNWPs –of the six women interviewed for this research; all but one reported having children. Their narratives revealed that their guilt and shame being an absent mother and was one of the most significant aspects that defined the nature of their prison experience. As discussed in previous chapter, the presence of matrifocal family compositions, for many FNWPs (Jamaican, some African, some Eastern European) this burden was exacerbated, particularly where the financial and everyday kinship support from the extended family they traditionally relied upon (Klein, 2009; Mberu, 2007) no longer existed. While the burden of missed motherhood can be eased in societies with more transparent systems of governance offering social aid to parents and families, this is not the case for many FNWPs, in whose homelands such safety nets are unavailable (Klein, 2009).

Many of the interviewed FNWPs confessed ‘personal guilt’ with respect to the harm their imprisonment inflicted upon their families, as the comment made by Marie illustrates:

If there's anything I feel guilty about, it's them [children]. This is what kills me in here. Being in prison doesn't bother me as much now, I'll have criminal record anyway. I fed them and made sure they do their homework, I did that and I'm not there for them now...
(Marie, Ghana)

Here Marie emphasises that her guilt is not borne out of her imprisonment *per se*, but precisely the fact that it caused her to fail in her role as a mother. As the discussion of the deep-seated principles guiding matrifocal realities shows, it is the women who are expected to be the moral bedrock of their families (Stuart, 1996; Reddock, 1985). However, coming from economically divided societies with poor governance, where illicit activities are a vehicle of survival for many and are often normalised into *just a simple thing* (Agozino, 2008), the guilt of FNWP becomes less forensic and more personal, particularly where her incarceration is perceived as an inhibitor to her ability to perform the role of family matriarch.

Across the cultural range of the research sample, the guilt of the missed motherhood was also accompanied by the shame of letting the families down by being in prison. These emotions of shame and embarrassment were expressed specifically with regard to the children knowing that their mother is in prison and the stigma attached to it:

Q⁸: Could you tell me what it was like for your kids then, when you came to prison?

Very hard. My daughter is still so young, she couldn't come to prison. She would feel embarrassed next to other people, you know, seeing your mum in prison. Such a hurt for her... And I feel ashamed and sorry for that. And I have so much to give her but she has to forgive me. She's very angry about that, very upset.

(Marjorie, Czech Republic)

The shame resulting from the internalised stigma of a failed matriarch which many FNWPs experience was also noted by one practitioner:

There were also some women who were in prison for drug importation and they were so ashamed, they would take pictures of themselves with a background that wouldn't show that they're in prison and sent them back to their families to show that they were working here.

(Pat, Member of FNWPs Advocacy Group)

The remaining practitioners however, discussed FNWP-specific family issues in terms of the constraints FNWPs' experience regarding contact with their children and families on the institutional and practical level. As previously well documented (Cheney, 1993; Bhui, 2004, 2007; HMIP, 2006, 2007; Prison Reform Trust, 2012), their accounts confirmed that lack of family visits and expensive international phone calls continue to be a source of distress for many FNWPs. The most frequent concern was that the additional telephone allowance given to FNWPs whose families live abroad was still not sufficient for them to have a long enough⁹ conversation or to compensate for lack of visits from their families:

I think in prison, family communication is a big thing. The IMB has had complaints over the years, for example about the amount of money they get to phone home. You know, they get extra phone credit to phone their countries and a lot of them complain that the money runs out in two minutes. We investigated that and we often suspect that they're ringing mobile phones and the money just goes straight out.

(Vera, Member of the IMB)

There was however, particularly among the practitioners working within the Prison Service, a palpable willingness and enthusiasm for initiatives through which the frequency and quality of contact between FNWPs and their families could be ameliorated:

We could look at things like Skype. Skype costs nothing. Of course it would be monitored and done properly, but what's to say that if a prisoner doesn't get a visit, why can't we facilitate an hour on Skype?

(Paul, Diversity Officer)

⁸ Q represents a question asked by the interviewer.

⁹ The amount of time comparable to that which British prisoners (or prisoners whose families live in the UK) spend talking on the telephone to their families.

FNWP identity and resistance

While outside of prison foreign nationals have self-determination regarding the ability to perform their cultural and social mores (e.g. those FNs who live in the UK decide upon their level of acculturation by selection of peer groups), in prison settings that power is taken away from the individual and transferred to the custodial regime which in itself becomes an agent with the power of shaping and determining the boundaries of the FN identity. These processes occur at a deeply individual level, with the broad aim of socialising and normalising prisoners into a host of *correct* and *acceptable* behaviours (Foucault, 1977), the scope of which is determined in close accord with the values and customs held in the society within which the institution is situated (Bosworth and Carrabine, 2001):

My mum died while I was here. Me and my mum were like friends. I blame the prison a little bit because I couldn't grieve like I wanted. They put me on ACCT¹⁰ and I'm not suicidal anyway but they put me on it thinking I would kill myself. And I withdrew, I couldn't scream like I wanted to. All of a sudden they were coming to check on me every 15 minutes asking if I'm sleeping. I said: "If you want me to sleep why are you asking me questions? In Africa, that's how we scream, that's how we grieve. (Marie, Ghana)

Marie's testimony provides a potent example of the normalisation processes at work. Through lack of cultural sensitivity within prison, her grieving behaviour was constructed by the prison authorities as *abnormal* and misconstrued as indicative of suicidal intentions. As the prison authorities endeavoured to 'help' Marie by meticulously monitoring the risk of further occurrence of behaviours signalling Marie's wish to harm herself, she was placed under even stricter surveillance regime (Foucault, 1977) which effectively sought to identify and eliminate any behaviour deemed 'strange', or 'detrimental to her safety' in the eyes of a British prison officer. Marie was thus deprived of means of performing her identity and subjected to practices aimed to correct her behaviour in accordance with cultural customs accepted in the UK and the British prison system. Marie's admission that she could no longer *grieve as she wanted*, characterising her subsequent behaviour as one of withdrawal, fear of unintentionally breaking prison rules and feeling of being overwhelmed by the cultural divides existing within the prison, cemented the prison system's success at her normalisation into the western modes of behaviour and thus its contribution to erasing of a part of her cultural identity.

The accounts of other FNWPs also confirmed that while prison rules were applied equally to every prisoner regardless of race, culture or nationality, this is perhaps where the problem lies. Application of penal discipline, although meted out in a systematic and consistent manner, has differential effects on different groups of prisoners (Agozino, 2002; Klein, 2009). In the case of FNWPs, it was clear that the carceral regime assisted the prison authorities in *correcting* culture-specific behaviours, in lieu of addressing the factors which led FNWPs to offending, assist rehabilitation and facilitating smooth, calm progression of their sentence.

There were however notable and frequent examples of resistance to normalisation. The strongest modes of resistance occurred with respect to language, the ability to

¹⁰ Assessment, Care in Custody, and Teamwork - a care planning system which aims to reduce the risk of self-harm among prisoners, allowing the prison to monitor closely those prisoners who are at risk of suicide or self-harm via mental health interventions, peer support or housing in a shared or safer cell (PSI 64/2011).

utilise it freely and the prison's formal and informal as well as intentional and unconscious efforts to normalise the FNWPs into speaking English:

I keep pushing them [prison officials], because they can't do this to me. I read in English but you can't say "You can read in English, now you have to read English." This is my own language, you can't do this to me! It's like you go in my country, and everybody say: "Read Lithuanian!" but you want to read English. So, it's no right, because it's the rule. If you have a prisoner, you have to supply something for them. Just now, they give me five books in Lithuanian, after a year.
(Elena, Lithuania)

The example of Elena's demands on the prison authorities to meet her needs as a foreign national and non-compliance with the prison's dismissive approach toward meeting those needs typify routine, FN-specific power interactions between these women and the prison regime (Bhui, 2004; 2007) and consequently delineate platforms of resistance FNWP pose to the custodial administration. Although initially it would appear that Elena has no control over the provision of FN-specific services within prison, by framing the ability to speak in her own language as one of her most fundamental rights, she was able to justify her demands and formulate her position of resistance to the lack of provision of means to maintain her cultural, pre-prison identity (Bosworth and Carrabine, 2001). A similar instance of FNWP strong assertion of agency against the normalisation forces which slowly erode *deviant* identities within the prison was recalled by Tina:

With prisoners, you know, because I don't speak English so well, someone told me it's rude to speak in your language because you're in England. I said: "With you I speak in English. But now I speak with my friend and they speak Spanish so we speak in Spanish."
(Tina, Colombia)

In this example, Tina was able to become a successful agent of resistance, as she successfully delegitimised the authority of her critic and, similarly to Elena, asserted her right to use her own language. Yet, one might insist that in the light of these FNWPs' struggles to negotiate an accommodation of their needs into the daily functioning of the prison, her success could have only been partial (Banks, 2011; HMIP, 2006; 2007).

Most provocatively however, both accounts suggest that the penal machinations of power, normalisation and coercion are not static, since both women were able to redefine the situations in which they were subject to the above forces and ultimately presented themselves as winners (Elena through gaining access to books in Lithuanian, Tina through continuing to speak in Spanish in spite of other prisoner's remark). These accounts reinforce the work of postmodern and socio-legal scholars' ideas that appropriate resistance is a way of reconceptualising marginalised voices in the legal process (Merry, 1990; Yngvesson, 1993): small acts can disrupt the status quo. In the words of a feminist theorist Lucie White (1991:55): *although the dominant groups may control the institutions and regulate... the languages, those groups cannot control the capacity of the subordinated peoples to speak.*

It is also worth underscoring that the modes of resistance did not only relate to FNWPs' interaction with the custodial regime, but also with their connections with the researcher. Some refused to talk to me; others refused participation when encouraged by the officers, but agreed as soon as the officers left. FNWPs were not afraid to question my legitimacy, which in itself constituted a powerful avenue of asserting agency against the prison's institutional dominance (Philips and Earle,

2010). One FNWP expressed a great deal of scepticism when introduced to the study's aims. Despite her readiness to talk with me informally, she believed that her resistance to the prison system and the way it operates was best demonstrated through her refusal to partake in anything that could benefit it, continually stressing that nothing FNWPs say could ever make any difference. Eventually I gained her permission to use the following quote:

Ok, you want to talk about our needs and experiences; how many times have heard this before? We got told on arrival, foreign nationals are entitled this and that. Then they have all those surveys, assessments and nothing ever gets done. Nothing comes out of this. I'm not gonna waste my time.

This woman's adamant opposition to engaging in anything approved by the prison should also be interpreted as deep disappointment and disillusionment with the prison's attempts to accommodate FNs' needs but also, more importantly, a potent token of resistance in a bid to retain, even a marginal, amount of control within foreign penal jurisdictions (Bosworth and Carrabine, 2001; Crewe, 2007).

Articulations of nationality, race and culture in the carceral context

Another significant theme focussed on the effects that the changing demographic composition of the female prison estate (with increasing numbers of FNs) exerts on the meaning of *race*, *nationality* and *culture*. The incongruities and tensions surfaced when the direction of the interviews with the FNWPs as well as practitioners turned to issues of adaptation, equal treatment and cultural sensitivities.

The accounts of FNWPs and practitioners confirm Kaufman's (2012) and Bosworth's (2012) contention that one of the most significant effects of the *hubs and spokes* policy and the amplification of the immigration status as a deciding factor in the access to prison services (ROTL¹¹, educational programmes) as well as the ultimate outcomes for FNPs, is a reproduction of rather obsolete, xenophobic concepts of nationality. As Kyla elaborates:

When I was given notice of deportation, they gave me a letter, that was on Friday, that on Monday I was going to Peterborough [a FN 'hub']. They said they got it from high above, which is a whole load of baloney [slang for not true]. I took the incentive to get my solicitor involved, I said: 'Hey, they're sending a whole load of women to Peterborough without any warning!'. I don't know if they've got a notice up there saying that prisoners should be treated with courtesy, but this prison has a way of doing things without heart.
(Kyla, Ghana)

Kyla's story also gives credence to Bosworth's (2012) argument that under the guise of commitment to locate FNPs in prisons where their needs and interests can be best served according to their immigration status and eligibility for deportation, the Prison Service in fact reorganises its estate around nationality and race, segregating the FN population with little recognition of the actual needs of individual FNPs. By contrast to the institutional constructions, both groups of interviewees regarded race and nationality as highly fluid notions which are deeply ingrained within the

¹¹ Release on Temporary License- a mechanism under which prisoners may be released temporarily into the community, generally towards the end of their sentence, for reasons including: visits to family members in extenuating circumstances such as attendance at funeral, marriage or religious services, attendance at training or educational courses or partaking in community service projects as part of the sentence requirements (PSI, 29/2014).

practice of incarceration. Despite the Prison Service's official commitment to equal treatment of all prisoners, as stipulated in its race relations statement, all but one of the interviewed FNWPs reported discrimination or racism from both other prisoners and staff. Consider the following fragment of conversation with Elena:

Elena: They just don't like us. Not all of them, but some English prisoners hate us.

Q: *Why?*

Elena: Because we're foreign nationals – "Oh, why are you in this country? Go in your country!" They say it to my friends, but not to me, because I have a different answer for them! [laugh]

Q: *Oh... Is there anything else, or is it just comments?*

Elena: No, it's just: "Fucking foreign nationals!"

(Elena, Lithuania)

There were also reports of more subtle forms of discrimination. Nevertheless, the subtlety in no way took away from the sense of alienation accompanying this type of incidents:

I don't know if it's about being a foreign national. But when the officers do the last role check, I know on the wing, how many foreign nationals are there. You hear the officers calling the names, and they say: "Goodnight, goodnight." When they check the foreigner, they don't say anything, just lift the flap and that's it. You can see that they always say to the white people, because you know where they live and you see it's not only you. So, it can make you feel quite.... alienated.

(Marie, Ghana)

Marie's narrative also points to blurred conceptual differentiation between race and nationality among the FNWPs. Interchanging between nationality and race, she juxtaposed her experience as a foreign national against that of 'white people'. As many criminologists have argued, this is precisely the conflation which nurtures xenophobic and racist debates around the relationship between foreignness and criminality (Hall et al, 1978; Gilroy, 2006). It also reiterates Kaufman's (2012) and Bosworth's and Kaufman's (2012) assertion that prison realigns the conventional divisions of identity across the lines of nationality and ethnicity. On one hand, it served to erode the widely accepted 'like stick with like' categorisations:

I don't like that 'sticking together' thing. You see, this is what I'm really against. I just choose my friends wisely.

(Marie, Ghana)

On the other hand, it diluted modes of identification and thus enabled some to discover a new sense of belonging, which would not have been cultivated outside the prison walls:

They just don't understand. From Latvia, they understand my jokes, how I speak. My friend is Polish, they understand. Maybe we just live different. When I was in Holloway, I felt like foreign national but not as much as I feel here. They treat you different here.

(Elena, Lithuania)

Elena's views illustrates prisoners' capacity to intersect ethnicity, nationality as well as widely conceived culture which challenges suitability of one-dimensional identity classifications often used in Prison Service policies (MoJ, 2013). What follows is that

the experiences of *foreignness, race and differential treatment* within the custodial setting are highly dependent upon the tenor of the prison regime and are inextricably intertwined with the presence and everyday conduct of prison staff.

My observations during the research process as well as numerous conversations with prison practitioners (both formal and informal exchanges) revealed both sensitive and solicitous treatment of FNWPs by prison officials. This finding is worth accentuating, as prisons in this context have been frequently depicted as institutions of unceasing coercion (Sykes, 1958; Foucault, 1977) with clear hierarchical divisions (Carrabine, 1998; 2005). In contrast, I witnessed a great deal of empathy and concern for the FNWPs from prison officers responsible for diversity issues:

I believe that if they want to come and talk to me, they can. I have an open office, people can easily come in and see me and we talk about issues.

(Paul, Diversity Officer)

Ultimately, we don't make the decision with respect to their status but again, from our perspective it's about understanding and giving them support.

(Mark, Diversity Officer)

While my interviews with practitioners revealed no explicit racism or discrimination, of the like documented by Bosworth and Kaufman (2013), some FNWPs testimony revealed that the practitioners, in the course of trying to walk a thin line between cultural awareness and stereotyping, continued to form judgements about FNWs along historically demarcated labels (Devlin, 1998). Remarks that certain nationalities *act a certain way* or indications such as *the majority of them, when they have a case, they sort of want to have an answer yesterday, but I guess that's just their culture*, featured within many narratives either to account for misunderstandings involving FNWPs or to justify answers to my queries about cultural barriers and sensitivities. Indeed, the quotes above demonstrate that stereotyping and discrimination on the grounds of nationality may often be much more subtle, contrary to archetypal constructions of institutional racism, xenophobia and sexism, which have traditionally implied their transparency (Genders and Player, 1989).

These subtleties and subjectivities of differential treatment were also found in FNWPs' discussions of their personal experience of discrimination. Whilst adamant that the incidents happened, they often found it difficult to precisely describe their nature and to justify their conviction that they were motivated by racism or xenophobia:

Elena: Sometimes, when I ask the officers to check something, they say they don't have time, but when the English come in, they do it for them.

Q: But are you sure they're doing this because you're foreign?

Elena: Yeah. We just feel that because only foreign nationals have this pressure all the time.

(Elena, Lithuania)

These sentiments undoubtedly present the Prison Service with a policy challenge as it appears that the issues recounted by the FNWPs concern an institutional environment and not specific, discernible, behaviours. These *structures of feeling* like xenophobia or racism are problematic in terms of identification but more importantly in how they should be addressed (Williams, 2001). To borrow the point raised by gender theorists (Butler, 1999), these constructions of difference make

ethnic and national identities *a political reality that is both acutely felt and never quite real, for while racism exists and affects people's lives, one's race can never be finally fixed* (Kaufman, 2012:6).

Prison as an arena of contested national belonging

Numerous scholars (Agozino, 2002; Bosworth, 2012; Bhui, 2007) have suggested the practices of incarceration have differential effects on different groups within them. The need for a differentiation of experiences penetrates even deeper into the FNP population due to the boundaries created largely by immigration status and the level of acculturation to the western/British culture; those arrested immediately upon arrival to the UK must be distinguished from those who have migrated, settled and engaged in unlawful acts in the UK, those liable for expulsion from the country from those who are not. Although it is outside the scope of this project to precisely discern these dichotomies, a final significant finding emerged from the narratives of FNWPs who had lived in the UK for a considerable amount of time, who had often migrated to Britain as infants or small children, but had not officially sought British citizenship. A number had families and children who might have been born or naturalised as British citizens. Many of these women were convinced before coming into prison that their 'indefinite leave to remain' or 'resident' status cemented their rights as inhabitants of the UK, and were not cognisant that as non-British subjects they would be deported upon the completion of their sentence in prison (UK Borders Act 2007; Gibney, 2008; Carter and Symonds, 2009). One practitioner clearly summarises their predicament:

One of the issues which does come up with some of the prisoners who are to be deported is that they feel a bit like their nationality is being disputed. They've lived here for a long time, they're basically British. And now the deportation process and all that throws that into question, doesn't it? There was a lady recently, who has a two or three year custodial sentence, who has lived in the UK from the age of four, got married, had children and towards the end of the sentence she was subject to self-harming behaviour because she couldn't understand that she's lived in the country for 40 plus years, all of a sudden subject to immigration status. At that point I think, you lose your identity but you also feel that nobody cares.

(Mark, Diversity Officer)

From this perspective suggests that beyond its traditional functions of punishment, deterrence, incapacitation and rehabilitation, the prison has expanded to assert a new and increasingly significant role as an agent of migration control alongside other government agencies (Home Office and UKBA), by drawing a line between foreigners and British prisoners to produce and enforce an exclusionary definition of British citizenship. As Kyla's account demonstrates the subjection to immigration status under the custodial conditions and the additional restrictions placed upon FNPs, create a newfound sense of *foreignness*:

Even though I'm British, when I came here I had to remember that I'm classed as foreign. Not as British with a question mark, or a possible British citizen. I was classed as foreign. And whether I like it or not, I have to put my foreign national hat on and think like a foreign national. The assessment is done on me as a foreign national, not the fact that I have lived here for over 40 years.

(Kyla, Ghana)

It is clear that incarceration has shaken this group's perceptions of their national identity and a sense of belonging in a globalised world. For Kyla prison signified not only a place of punishment for her crime, but more crucially a means by which she reconceptualised herself as a different individual – an immigrant.

To a large extent, the strict formulations of the limits to national belonging proposed by the British state stand in direct conflict with those FNWPs' personal articulations of national identity. Testimonies of the need to form new, *foreign* identities were often followed by protests against their legal citizenship status and proclamations of their deep identification with the British culture and way of life:

I've been here in the UK since I was six year old. My identity is British. When I ask the questions to some of the ladies, even about the Royal Family they don't know, but I know. And I think, at that age they don't have the kind of loyalty to Britain that I have!
(Carina, Nigeria)

Similarly there was a lack of attachment to the country the citizens to which the prison system and UKBA identified them. Deportation would erase that sense of self, displacing them in an unfamiliar territory with no recourse to any support systems:

If they're going to send me to the country I have never even visited, I'm sure it's going to put my life in danger. I don't even know where I'm going to live if I go there. My dad died and he's buried here... If they deport me, I come off the plane... where do I go?
(Kyla, Ghana)

While deep cultural connections to the UK do not preclude deportation, they do generate a palpable strain between the lived and legal constructions of foreignness. Unsurprisingly then, in trying to theorise their position amidst the dissension between their sense of national belonging and the prison system's exclusionary classifications of British citizenship, FNWPs often evoked the notion of *double sentencing* (Wacquant, 1999), stemming from the increasingly austere tenor of the government's immigration policies to *get rid of foreign criminals* (Canton and Hammond, 2012):

If you want to get rid of all the foreign nationals to free up the prisons, then... you're not doing a good job. Because from there we're going to a detention centre and some people are in a detention centre for years waiting to go. So, in that aspect it's like, we've done our sentence and we're going to another jail.
(Kyla, Ghana)

In this context deportation (and the period of waiting in immigration removal centres, which in many ways bears striking resemblance to prison environment (see Bosworth and Kaufman (2013)) was perceived as unjust, additional punishment, reserved exclusively for FNPs. On a deeper theoretical level, it represents the state's commitment to punish a foreign offender not only for her offence, but also for violating the norms and expectations of a 'good' and 'desirable' immigrant, thus depriving her of the status of 'deserving to be in the country' (Wacquant, 1999).

Perhaps more predictably, the practitioners' perspectives revealed a more utilitarian angle to the FNWPs struggles of national identification. Apart from the one example quoted above, there was uneasiness about publically recognising the nexus between national identity and penal power or differentiations between citizenship as a legal and an affective category. The FNWPs interviewed showed that while the state can determine and impose the former, it can merely try to manage the latter. Therefore, their vastly diverse stories with claims of British national belonging and *deserving*

status contained in deportation appeals are often directed and reduced to formal procedures of paperwork and immigration interviews. In so doing, the significance of the affective is reduced and brought under institutional control:

With respect to the immigration, interviews and so on, the appeal process, what I can say is that it tends to drag out. Especially if the individuals have served their sentence, they will remain in custody, usually in prison setting for the length of the duration of the process. I've had an individual who waited 3 years after their sentence has expired. She felt lost in the process, she was just a name on the paper which is sitting on someone's desk...

(Mark, Diversity Officer)

As Mark's quote indicates, the administrative and structural aspects of trying to retain the pre-custodial sense of national identity is often bound with filing numerous requests to immigration caseworkers and solicitors as well as long periods of uncertainty. Within this process, the practitioners stressed their marginal role in the immigration cases, acting merely as *middlemen* between prisoners, caseworkers and the UKBA, not as Kaufman (2012) suggests, key participants in the process of identifying FNPs and *flagging FNPs up* to the UKBA:

It's about giving them opportunity to sort of seek appropriate advice from appropriate individuals who can give that information, because ultimately we don't make the decision with respect to their status and what happens.

We're just facilitating the contact.

(Mark, Diversity Officer)

Indeed, in legal terms, FNWPs face the most difficult battles with the UKBA, as claims to protect human rights and family ties have to be balanced with the risk posed as *foreign ex-offenders* upon the return to the community (Canton and Hammond, 2012). Unsurprisingly then, the practitioners drew attention to the fact that many FNWPs struggle to tip that balance in their favour, as they have difficulties to produce appropriate documentation from behind the prison walls. As Kaufman (2012) argues, failing to provide the documents needed to demonstrate sufficient cultural ties to the UK or a convincing request for asylum is synonymous with failing to prove one's deservedness to be considered a British citizen and thus worthy of expulsion from the country:

They might have very clear reasons to stay in this country, but it's proving those reasons as well, which is very very difficult to do, and putting the information down in front of the solicitor. It's very difficult to get hold of that information... from a foreign country...

(Mark, Diversity Officer)

In such situations the *otherness* of the foreigner is no longer merely allegorical, it becomes the absolute. In Butler's (2004) and Bauman's (2004) understanding, Prison Service and UKBA are operating in tandem to identify a class of defenceless, deportable individuals who are unreservedly less *deserving* of the rights accorded to British-born prisoners, to mark them as *unrecognisable non-subjects* (Butler, 2004; 2010), merely a *waste product* of globalisation (Bauman, 2004; Kallezi and Bosworth, 2014).

Conclusion

Arguments revisited

The experience of foreign national women in British prisons continues to be one of *the other*. Building upon FNWPs' and criminal justice practitioners' narratives, it has been argued that prison remains an institution of penalisation of poverty and vulnerability (Wacquant, 1999; 2001; 2002) and a place where the cultural project of demarcating exclusive boundaries of citizenship and deservedness in an increasingly globalised world is conducted.

This research provides evidence that punitive strategies of long custodial terms have little bearing on FNWPs, the vast majority of whom commit economically motivated, trans-border offences and while trying to alleviate their economic hardship have no knowledge of the harsh sentences their offences attract. These women report onerous socio-economic circumstances and matrifocal family structures which leave them with sole responsibility for their children, and the length and the nature of their imprisonment testifies to patriarchal and institutionalised organisation of the society (Chesney-Lind, 1888; Devlin, 1998) and the legacies of British imperialism (Agozino, 2002; Reddock, 1985). The normalisation practices which the Prison Service applies to FNWPs without adequate sensitivity to the social, historical and cultural dynamics underlying these women's lives and crimes, undoubtedly serves to further increase the punishment factor as it effectively deprives them of their identities. By adopting an intersectional approach and examining the experiences of FNWPs through the collective prism of gender, nationality, culture and race, this study has drawn attention to the systemic racialisation of the English prison system, evident in not only crude implementation of the *hubs and spokes* policy but also in reproduction of antiquated constructions of *national characteristics* which circulate within prison and continue to delineate boundaries between citizens/non-citizens, *normal/abnormal*, the included/the deportable.

This study contends that the Prison Service works in tandem with the IRCs to label the FNWPs as a class of deportable individuals who are *less worthy* of the rights accorded to British citizens (Butler, 2004). While Butler's critique concentrates mainly on American foreign policy, it is resonant with today's British penal institutions which overlook the needs of FNWPs and also through their deportation play crucial role in making this group of prisoners *unrecognisable* in the eyes of the sovereign state (Bauman, 2004). This is arguably where the paradox of the treatment of FNWPs lies – the Prison Service applies the principles of normalisation to them in the same way as to British prisoners, where the delinquent subject is considered suspect but implicitly reformable (Foucault, 1977), yet it does not regard the FNWP as worthy to return to the community and places her outside of the usual expectations of legal accountability. Moreover, FNWPs have limited avenues to contest this entrenched social framework. While they can appeal their expulsion, they cannot undo the presumptions underlying the global inequities and the fact that prison has become an arena where they play out.

Recommendations for future research

In the Introduction, a number of gaps in policy and research on FNWPs were identified which this research sought to begin to fill, notably in providing a conceptualisation of the FNWPs predicament as a result of the intersection of gender, nationality, culture, economic exclusion and penal power as opposed to placing it under one-dimensional rubric of marginalisation (Philips and Earle, 2010). Thus, in order to develop more solid understanding of the issues surrounding FNWPs, future research must continue on the pathway of intersectionality, for example in examining the socio-historical dynamics which influence the daily interaction between prison officers and FNPs. Despite the ample literature on staff-prisoner relations and prison culture (Carrabine, 2005; Liebling, 2000; Zupan, 1986), this has not been examined in any academic or policy contexts.

There are however other gaps to be filled. The need remains for informed policy protocols specifying the best practice in the management of FNWPs, which acknowledge and incorporate the socio-cultural nuances as well as those emanating from the residency status. Notably, (although this has already started to happen – see *inter alia* Kaufman 2012, Bosworth 2012), this study also raises the need to explore gendered dimensions of deportation policies which must be discussed in light of the human rights of those who are deported with concurrent recognition of the effects of such practices beyond the borders of the British nation-state.

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Appendices

Appendix A: Information Sheet: Practitioners



Information Sheet: Practitioners

My name is Magdalena Tomaszewska and I am a postgraduate student at the University of Surrey. As my dissertation project, I am conducting research into experiences and needs of foreign national prisoners and I am interested in perspectives of the prisoners as well as prison practitioners who work with them. Although there is absolutely no obligation to participate in this study, it would be greatly appreciated, if you would like to take part. The main aims of this research are to: I) examine how the status of a 'foreign national' affects a prisoner's experience within prison, II) examine to what extent the experiences of foreign national prisoners and arising out of them needs are recognised within the prison system.

As a participant of this study, you would take part in an interview, which would concern your personal experiences and opinions on the above named issues. Your obligation as a participant of this study would involve providing truthful information and complying with the instructions given to you by the researcher. The interview will last approx. 30 minutes to 45 minutes and will be conducted in a place which is private, without the presence of third parties. The structure of the interview will be open. You will be able to say as much or as little as you wish or skip a question if you do not feel comfortable answering it or withdraw from the interview completely at any stage without any negative consequences. If you have any concerns, needs or questions during the course of the interview, please do tell me. The interview will be recorded using audio-recording equipment (provided from the prison supplies) with your consent and accessed only by the researcher. I will be conducting all research myself and will make sure that all of the data you provide is kept in the strictest confidentiality and that all of your personal details remain anonymous throughout the project, adhering to the guidelines set out in the Data Protection Act (1998). This means that all information, which could lead to your identification will be removed (i.e. names, geographical locations, employment details). The data you provide will be used solely for the purposes of the researcher's dissertation and the report which will be submitted to NOMS and the Acting Governor at HMP X. The final copy of the dissertation will be kept only in the University of Surrey library, in Closed Access and will be made available upon request, for library use only.

If there is any part of this information sheet you do not understand or are unsure about, please do not hesitate to me for clarification. Should you have any further questions or queries about any aspect of the project or your role in it, please contact me at If you wish to contact my supervisor, you can do so at ... Thank you for your time and consideration.

I, have read and understood the above information.
 Signed: Date:

Important!

The researcher is under obligation to report any behaviour which constitutes a breach of the NOMS and prison rules, such as planned illegal acts or behaviour harmful to the participant or any other persons (e.g. threats, self-harm or suicide attempts).

Appendix B: Information sheet: Prisoners



Information Sheet: Prisoners

1. What is the purpose of the research?

This research aims to find out about your experiences and needs as a foreign national in an English prison. The research also aims to find out what support you are getting in prison as a prisoner from a foreign country and what other support you think you need.

2. Who is conducting the research?

This research will be conducted by Magdalena Tomaszewska, a postgraduate student from the University of Surrey.

3. What would be your role in the research?

As a participant of this study, you would take part in an interview in which the researcher would ask you questions about the things you are experiencing in prison. Your obligation as a participant of this study would be to provide truthful information. The interview will last approx. 30 minutes to 45 minutes. The interview will be recorded using audio-recording equipment (provided from the prison supplies) with your consent.

4. Where will the interview take place?

The interview will be conducted in a chosen room in the prison which is private and where no other persons will be present during the interview.

5. Do I have to take part?

Participation in this research is voluntary. You do not have to participate in this research. If you do decide to take part, you will be able to say as much or as little as you wish or skip a question if you do not feel comfortable answering it or stop the interview completely. If you have any concerns, needs or questions during the course of the interview, please do tell me. A decision to withdraw from the interview at any time or not to take part will not affect your parole, the standard of care you receive or your privileges.

6. How will confidentiality and anonymity be ensured?

All information you give to the researcher will be kept strictly confidential. Your name will never be disclosed to anyone. The researcher will also ensure that all information you give will be anonymised, in line with Data Protection Act (1998). This means that all information, which could lead to your identification will be removed (i.e. names, geographical locations, employment details). Should you disclose either the intention to harm yourself, or harm another individual, attempt to escape, or act in a way that may breach security, it would be the duty of the researcher to inform relevant staff of such information. All other information you give in the interview will be used only for the purposes of the researcher's dissertation and will not be shared with anyone outside of the study.

7. What will happen to the results of the study?

The results of the study will be used only in the researcher's dissertation and the report which will be submitted to NOMS and the Acting Governor at HMP X. The final copy of the dissertation will be kept only in the University of Surrey library, in Closed Access and will be made available upon request, for library use only.

If there is any part of this information sheet you do not understand or are unsure about, please do not hesitate to ask me for clarification.

Thank you for your time and consideration.

I, have read and understood the above information.

Signed: Date:

Appendix C: Interview Schedule - Practitioners

INTERVIEW SCHEDULE

Practitioners

GENERAL

1. What are the most common difficulties you come across while working with foreign national prisoners?
2. What are the most common problems that foreign national prisoners approach you with?

PRISON LIFE/ADAPTATION

3. To your awareness, how difficult/or easy is it for the FNWPs to adapt to life in a British prison?
4. How difficult/easy is it for them to integrate with other prisoners?
5. To what extent (if any) would you say they are affected by cultural barriers/differences in their interactions with:
 - staff
 - other prisoners
6. Have you ever had any reports of any discriminatory behaviour against them?

BEFORE PRISON

7. Do you notice any differences between FNW and British women in terms of the reasons for coming into prison?
8. In your experience, do the families of FNWPs live mostly in the UK or abroad?
9. How would you describe the FNWPs you have had a chance to work with in terms of their attachment to their families?
10. In your experience, what impact does their imprisonment have on the functioning of their families?

EXPERIENCE OF WORKING WITH FNWPs

11. What is it like for you personally to work with foreign national prisoners? What are the challenges you face while trying to manage them or to meet their needs?
12. Do you feel the presence of a cultural barrier while working with foreign nationals or not? If yes, in what ways?

INSTITUTIONAL RESPONSES TO FNWPs

13. Are the specific needs of foreign national offender assessed in any way?
14. Are there any services aimed at preparing foreign national prisoners for deportation?
15. In your judgement, how effective are the foreign-national-specific services provided within the Prison Service?
16. What are the biggest challenges in trying to prepare foreign national prisoners for release?

Appendix D: Interview Schedule – Prisoners

INTERVIEW SCHEDULE

Prisoners

1. Before prison

What country are you from?

How long did you live in the United Kingdom before you came to prison?

What was it like for you living in the United Kingdom?

Did you find it easy or difficult to adapt to life in the UK? Why?

Do you have a family here in the UK or back in your country of origin?

Are you close to your family?

Do you have children?

2. In prison

How do you keep in contact with your family? Do you find it easy or difficult to keep in contact with them while you are in prison?

Do you get access to phone calls to your family back in your country?

How does it feel to be in prison in a foreign country?

How do you get along with the prison officers and the staff?

Do you find it easy or difficult to communicate your needs to them?

Do you feel you are treated fairly?

Have you ever felt discriminated against because of your nationality while in prison?

If yes, can you give specific instances?

Do you feel the prison does a lot to address your needs as a foreign national? Why?

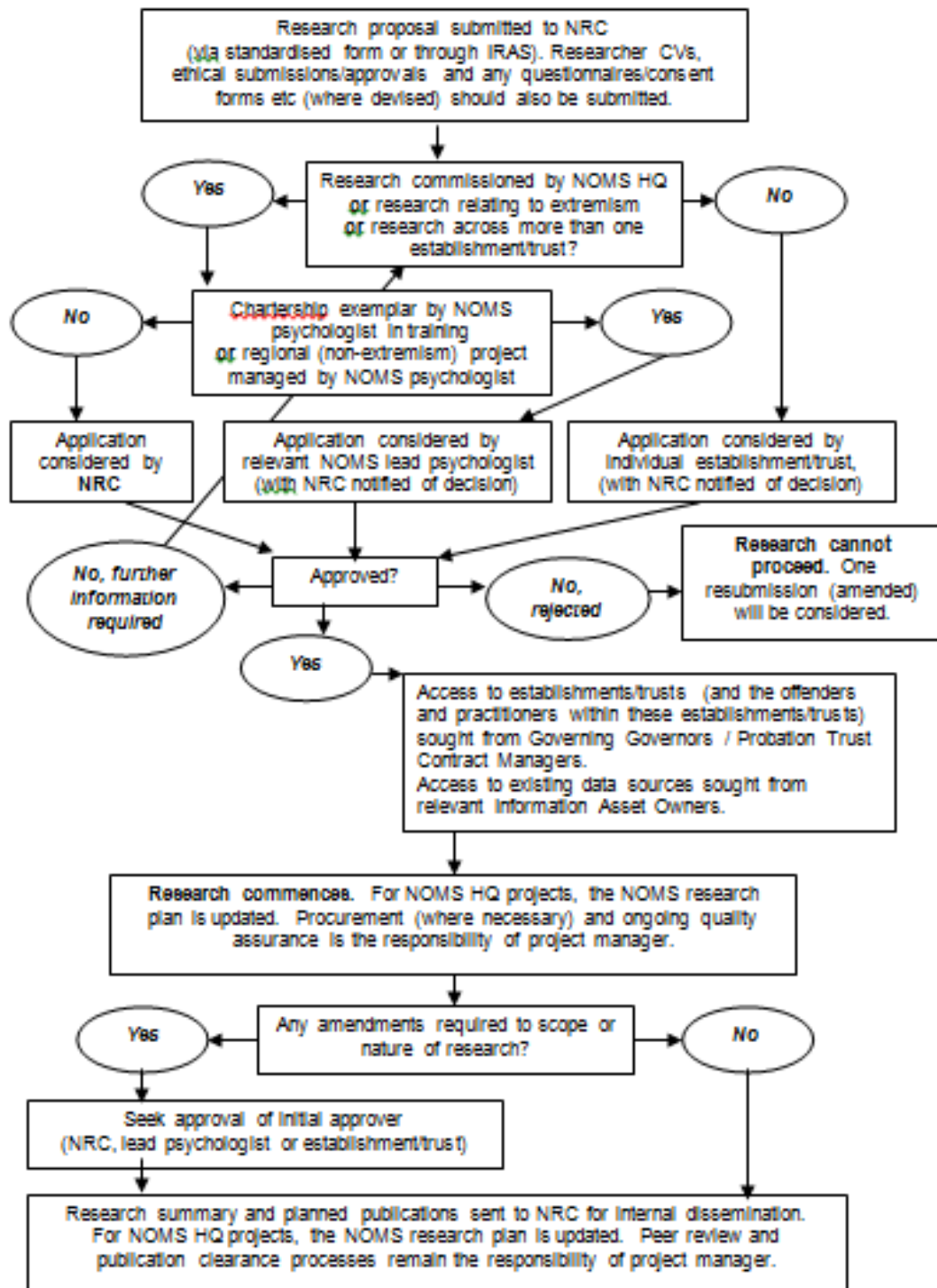
3. Immigration/Resettlement

Do you know whether you are going to be deported or released into the community in the UK?

Has it been explained to you what your immigration status is and how it will affect you? Did you understand what was explained to you?

Do you feel that the prison does enough to prepare you as a foreign national for release/deportation? Why?

Appendix E: Prison Research Application Process



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There are many individuals without whom this dissertation would never exist or have come to fruition the way it did. I am deeply indebted to my participants – six women who entrusted me with their stories and were not afraid to open up in front of a stranger who could not offer them much more but to listen. I am also very thankful to the practitioners whose experience, expertise and positive attitude have made the prison not such an unfamiliar ‘deep space’, as I am sure many would argue!

I want to thank the Prison Service for granting me permission to conduct the research, particularly the Acting Governor and the Head of Reducing Reoffending in the prison where the interviews were carried out, who have made me very welcome and expressed great attentiveness to accommodate this research.

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Big thanks to my family and friends for their patience and belief in me, for putting up with my absentmindedness or sometimes even total absence. Thank you for being there for me.

Finally, I want to thank Anita Dockley for her comments and suggestions, and the Howard League for awarding me the Sunley Prize and publishing this study.

About the author

Magdalena is currently a PhD candidate in the Department of Sociology at the University of Surrey, where she continues her research on the experiences of female foreign national prisoners in England and Wales. Her doctoral research develops some of the themes which emerged from her Masters dissertation, focusing on the ways in which foreign national women experience and make sense of living under the conditions of immigration control in the prison system. She hopes that the findings of her research will help us learn more about the conceptual linkages between gender, penal power and border control as well as aiding the development of best practice guidelines for working with migrant women in custody. Alongside her doctoral studies, she is also working at the user-led charity User Voice, where she coordinates a 3-year research project aiming to improve probation services for offenders diagnosed with anti-social personality disorder.

About the Howard League for Penal Reform

The Howard League for Penal Reform is a national charity working for less crime, safer communities and fewer people in prison. It is the oldest penal reform charity in the world. It was established in 1866 and is named after John Howard, the first prison reformer.

We work with parliament and the media, with criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change to create safer communities.

We campaign on a wide range of issues including short term prison sentences, real work in prison, community sentences and youth justice.

Our legal team provides free, independent and confidential advice, assistance and representation on a wide range of issues to young people under 21 who are in prisons or secure children's homes and centres.

By becoming a member you will give us a bigger voice and give vital financial support to our work. We cannot achieve real and lasting change without your help. Please visit www.howardleague.org and join today.

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The John Sunley Prize celebrates excellence and the impact of post graduate research into penal issues. Each year thousands of exceptional Masters dissertations are researched and written but few are even lodged in university libraries or shared with the wider penal affairs community. Many will be of publishable standard and would contribute to the pool of knowledge about penal issues. The John Sunley Prize has been established to ensure that the best of these dissertations now get the recognition they deserve.

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Please note

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.