

Research Paper

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‘Just no future at the moment’: Examining the barriers to community resettlement for foreign national women

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Abstract

This research examines the barriers to community resettlement for foreign national women who have been convicted of a criminal offence in the UK. Providing an empirical exploration into the experiences of a group routinely overlooked within the criminal justice system (CJS), the research examines the complex web of additional and distinct challenges women face as a result of non-citizen immigration status. Drawing on interview testimony both with foreign national women living in the community and with the practitioners and probation staff supervising and supporting them, this study sheds light on the conditions of extreme material precarity which define women's daily lives, where a lack of access to housing and welfare benefits, and denial of rights to work or study render women destitute and vulnerable to severe mental health deterioration. The findings highlight the impacts of deportability and the profoundly painful mental health implications of waiting for the outcome of immigration cases, without means for survival. The findings illustrate that the conditions sustained within the community constitute a form of everyday incarceration, strongly mirroring experiences within immigration detention. Moreover, interview testimony reveals the challenges experienced by the practitioners supporting foreign national women, the overwhelming lack of resource they come up against on a daily-basis, and the inconsistent and ad-hoc nature of provision and support more broadly. Urging the need for a systematic approach and framework for supporting foreign national women in community contexts, the research concludes by making a series of recommendations for improvements to both policy and practice.

Chapter 1: Introduction

The experiences of foreign national women at all stages of the criminal justice system (CJS) in the UK remain under researched. This study examines the barriers to resettlement for foreign national women living in the community and aims to shed light on the ways non-citizen immigration status shapes the lived reality of resettlement. Foreign national women are understood here as women who have entered the UK from overseas to seek work or asylum, voluntarily or under coercion, who are not UK citizens and who have committed an offence (Gelsthorpe & Hales 2012).

Over recent years, there has been a broad acknowledgement within criminal justice policy and practice of foreign national women's vulnerability, and the uniqueness and particularity of their experience. In her 2007 review of the experiences of women in the CJS, Baroness Corston recognised foreign national women in prison as a particularly vulnerable, and over-represented cohort, describing them as 'a significant minority group who have distinct needs and for whom a distinct strategy is necessary' (Corston 2007, p28). More recently, the Ministry of Justice's Female Offender Strategy acknowledged the distinct challenges faced by foreign national women in the CJS and expressed a commitment to improve outcomes for this particularly disadvantaged group (MoJ 2018, p.14, 25).

While there are, inevitably, a greater number of foreign-born men in prison, non-UK citizens are highly represented in women's prisons with approximately 10% of the women's prison population categorised as foreign national (Prison Reform Trust 2019, Bosworth 2011). In recent years, there has been an increased focus by the UK government on the deportation of 'foreign national criminals' on completion of their sentence, an emphasis that has geared foreign national women's pathways through the CJS strongly towards the possibility of deportation, over rehabilitation and resettlement. Yet, many foreign national women *are* released into the community post sentence – indeed, 260 women in 2017 (Ministry of Justice 2019). In addition, women serving community sentences are also in a community setting. Through my work managing women's centres in South London for women affected by the CJS, I have witnessed the challenges experienced by women post-release. Building on that experience and the research I conducted with practitioners and women, this study seeks to gain insight into the time *after*; the often invisible space wherein life carries on, resumes, or begins, and the material and emotional conditions that define it. Listening to the experiences of a highly 'forgotten' group of women and the practitioners that support them (Prison Reform Trust 2004), this study draws on interview testimony to make recommendations for change to policy and current practice in resettlement.

Chapter 2: Literature review

2.1 Introduction

Often invisible, the experiences of foreign national women in resettlement warrant far closer analysis than they have thus far been afforded. In this review of literature, I begin by examining journal articles, reports and government documents which demonstrate the recent expansion and prioritisation of deportation in relation to non-citizens who commit a crime in the UK. The literature reviewed highlights that this prioritisation shapes experiences within the prison context and diverts focus away from resettlement and rehabilitation. I then examine literature addressing women's resettlement and reintegration more broadly, illustrating the insufficient attention paid to foreign national women's post-release resettlement experiences and outlining the need for an intersectional understanding of women's community resettlement.

2.2 Deportation, punishment and challenges for resettlement

In the UK, populist fears about foreigners, and 'foreign national criminals' specifically, have translated into concrete penal policies and practices which prioritise the deportation and expulsion of foreign national prisoners. The 'moral panic over outsiders' (Banks 2011, p.185) has produced a context in which political currency is gained from expelling this perceived 'threat' to national security (Mulgrew 2018). As of 2007, foreign nationals convicted of one or more crimes culminating in a sentence of 12 months or more are automatically deportable from the UK (Section 32, UK Border Agency 2007). Writing on deportation, and the vast expansion of the immigration removal estate in recent years, Bosworth argues that deportation has become the primary aim of prison where foreign national prisoners are concerned (Bosworth 2011, p.586). Echoing Bosworth, Banks reflects on the processes by which the deportation or removal of 'foreign national offenders who have no right to be in the UK' (NOMS 2015) has become an explicit priority of the UK government in recent years (Banks 2011). Interwoven with the development of policies which expand the government's powers of deportation, is the pledge to 'make the UK a hostile environment for those who seek to break our laws or abuse our hospitality' (Home Office 2010, p.10; Aliverti 2015, p.217). Oberei sums up this political climate:

There is the public fear of the shadowy 'Other' who brings crime and criminality into the country...There is the panic in the government that it will be portrayed as a 'soft touch' and the consequent scramble to appear tough (i.e. exclusionary) on immigration issues. And there is the

language that is used: 'sneaking in', the 'scourge of illegal immigration', 'flows' and 'attacks'. (Oberoi, 2009, p1).

Many scholars have noted the impact that the 2006 so called 'foreign criminal scandal' has had in creating a presumption in favour of deportation (Bosworth 2011, Fekete & Webber 2010, Kaufman 2013). In 2006, it was revealed that approximately 1000 foreign national prisoners had been released from prison without being considered for deportation. The uproar that followed resulted in the resignation of the Home Secretary at the time, Charles Clarke, and led to a significant overhaul of the immigration department (Aliverti 2012, p.514). In response, then Prime Minister Tony Blair invoked deportation as the only reasonable response to the 'vast bulk' of foreign national prisoners, 'irrespective of any claim that they have that the country to which they are going back may not be safe' (BBC 2006).

The increased emphasis on deportation has, according to Fekete and Webber, resulted in the creation of a separate CJS for 'aliens', where harsher sentences and the very real threat of deportation are experienced as a 'double punishment' (Fekete & Webber 2010). Viewing foreign national offenders through a prism of deportation has led to the introduction of several policies aimed at increasing the efficiency with which non-citizens can be removed from the UK. These developments epitomise the increasingly entangled connection between systems of immigration control and criminal law, a connection that scholars have termed 'crimmigration' (Stumpf 2006). Emerging from this entanglement, the 'Hubs and Spokes' policy of 2007 set out a new, closer relationship between the Prison Service, and (then named) UK Border Agency. In line with this policy, foreign nationals are held in specific prison facilities, within which immigration staff are 'embedded' (Vine 2012). Kaufman notes that the hubs and spokes agreement require prison staff to check prisoners' immigration statuses, with entry into the penal institution including a questionnaire about birthplace and nationality (Kaufman 2014, p.137-8). As noted by Bosworth, policy developments aimed at expanding the government's power to deport, as well as increasing the efficiency with which they can do so, demonstrate that punishment is less concerned with the seriousness of the crime itself, than it is with identity: nationality, perceived 'otherness', and the control of cross-border movement take precedence (Bosworth et al 2018, p.43).

The shadow cast by deportation and the government's heightened emphasis on expulsion has significant implications for foreign national prisoners' experiences within prison, and their prospects for resettlement after release. Gibney describes the 'immense human cost' of the threat of deportation (Gibney 2014, p.219): this group are frequently held in custody beyond their sentence end-date and often serve the course of their sentences without knowing whether or not they will be allowed to stay in the UK post-release (Clinks 2010, PRT 2012, 2018). Recent reports help to build a picture of some of the

challenges encountered by foreign nationals in custodial settings. These include inadequate access to quality legal representation and immigration advice, the costs associated with international phone calls, distance from family, issues overcoming language barriers, feelings of isolation, fear, trauma, and high levels of confusion (Prison Reform Trust 2018, Clinks 2010, Hibiscus 2014). In relation to the mental health implications of imprisonment for foreign national prisoners, a Nacro report notes that the mental health needs of this group frequently go beyond, and are different to, those experienced by the general offender population (Nacro 2010). Indeed, a 2007 report from the Chief Inspector of Prisons observed: 'One stark indicator of their predicament was the increased level of self-harm...foreign nationals described feeling suicidal due to the uncertainty of their position' (HM Inspectorate of Prisons 2007). Racism and racial discrimination have also been highlighted to shape experiences in custody (Phillips 2012). A 2017 report examining the experiences of black and minority ethnic (BAME) women and girls in the CJS advocated for an intersectional focus on the discrimination experienced by BAME women in prison. The women who contributed to the research describe discrimination attached simultaneously to their racial or ethnic identity, and to their gender (Cox and Sacks-Jones 2017).

The emergence of deportation as the dominant function of punishment has prompted reflection by scholars on the consequent relegation of rehabilitation priorities, for both men and women (Mulgrew 2018). Resettlement is understood by Mulgrew as a broad concept relating to addressing the crime committed; assistance with improving vocational and educational skills; progression to lower security settings; and steps to assist a person to reintegrate into society upon release (Mulgrew 2018). Mulgrew highlights the extent to which the implementation of the Hubs and Spokes model has led to the 'disapplication of rehabilitation' (Mulgrew 2018). This model has resulted in HMP Huntercombe and HMP Maidstone becoming designated prisons for foreign national men, with HMP Peterborough being the designated facility for foreign national women in 2015. There are, however, foreign national women in most other women's prisons in the UK, significantly in HMP Bronzefield (27%), HMP & YOI Peterborough (18%) and HMP Downview (11%). The other 44% are dispersed across the women's prison estate (Prison Reform Trust 2018). Scholars have observed that in the UK the transition from general prisons to special foreign national prisons has meant that the priorities of resettlement and rehabilitation through programmes, activities, and offender development, have been 'subsumed under the interests of immigration' with the result being that prisoners now find it 'immensely difficult to access a range of prison programmes' (Warr 2015, p.9). Mulgrew cites the Council of Europe recommendations concerning foreign prisoners which advocate equal access to a balanced programme of activities, even when a prisoner may be facing expulsion (Rule 26.1–2, in Mulgrew 2018). She highlights that despite this recommendation, foreign national offenders in removal-focused prisons do

not receive the advice or resources necessary to prepare for release and resettlement. With limited access to advice, activities and work opportunities necessary to nourish the conditions for successful reintegration (Bhui 2007, p.372) as well as restricted access to temporary release and open conditions (Mulgrew 2018; Prison Reform Trust 2018), the lives of foreign nationals are defined by their own 'deportability' (Paoletti 2010).

2.3 Women and resettlement

The literature on women's post-prison resettlement recognises that women are likely to have distinctive needs on leaving prison, which are typically more complex than those of men (Gelsthorpe and Sharpe in McIvor 2009). Following news of the tragic deaths of six women in HMP Styal, Baroness Corston conducted a review of vulnerable women in the CJS at the request of the Home Secretary. The review, in which she called for a 'radically different approach' (Corston 2007, p.4) to dealing with women in the CJS, built upon the seven pathways to women's resettlement already identified in the 2004 National Reducing Re-offending Plan (Home Office 2004), to include two more identified areas of provision. Combined, these nine pathways formulate the key support needs of women resettling in the community:

1. Accommodation
2. Education, Training and Employment
3. Health
4. Drugs and Alcohol
5. Finance, Benefit and Debt
6. Children and Families
7. Attitudes, Thinking and Behaviour
8. Support for women who have been abused, raped or who have experienced domestic violence
9. Support for women who have been involved in prostitution

Published in 2018, the Female Offender Strategy articulates a 'vision of seeing fewer women in the CJS, fewer women in custody and more women being successfully managed in the community' (MoJ 2018, p.43) The strategy sets out the need to support women on release as they transition back into the community, and to ensure they have the necessary support to 'manage and overcome such needs as mental health problems and substance misuse' (MoJ 2018, p. 19).

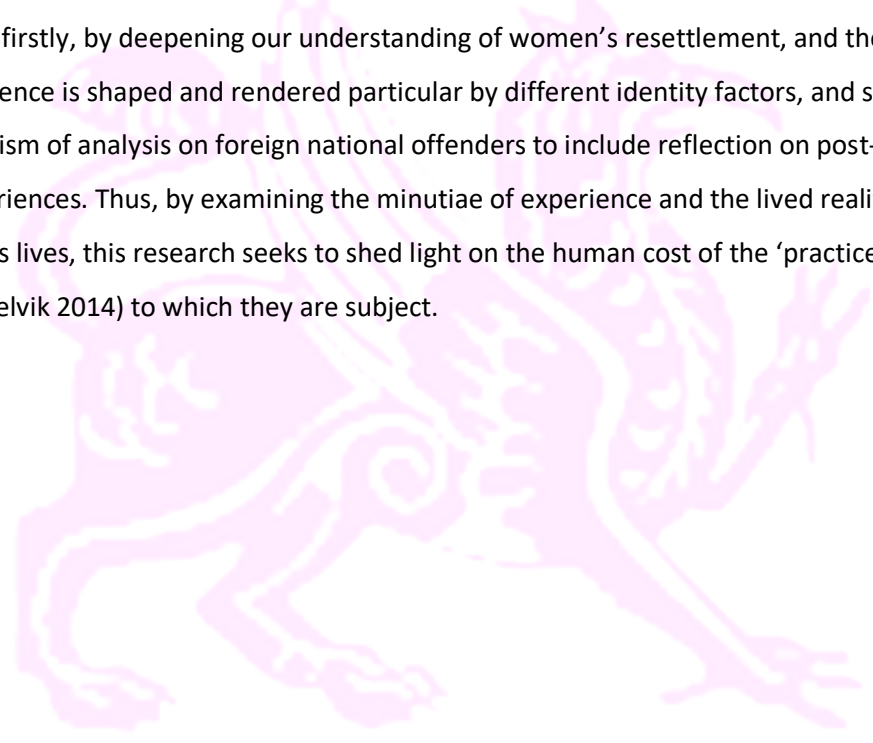
Discussing women's re-integration and desistance from crime, Carlen and Tombs make the helpful point that the idea of *re-integration* can be seen as a misnomer, as it assumes that women were previously integrated within society in the first place before going to prison, which is frequently not the case (Carlen and Tombs 2006). Examining the post-release support available for women in England and Wales, Kendall references the 'systemic inequalities' that affect women's lives both before and after custody, noting that women too often encounter 'great hardship', exacerbated by the dismantling of social services, welfare, and the lingering impacts of austerity in the UK context (Kendall 2014, p.50, 47).

Although specific references to foreign national women are scarce in literature addressing the needs of women in resettlement, they recognise that the familiar objectives of rehabilitation and resettlement bring altogether different challenges for these women in the community. The Female Offenders Strategy notes the difficulties that foreign national women have in accessing services in the community (MoJ 2018). As a consequence of being denied access to public funds, the right to work, study or claim benefits, this group of women come up against substantial barriers in accessing support to assist their resettlement along the pathways noted above. The Prison Reform Trust notes that whilst implementing the Transforming Rehabilitation reforms, the government failed to require 'through the gate' service providers to address the distinct needs of foreign national women, meaning that these women are often left to fall through the gaps. The resulting confusion over the respective responsibilities of prisons, the National Probation Service and Community Rehabilitation Companies has created additional difficulties for foreign national women, who are at increased risk of getting 'lost in the system' (Prison Reform Trust 2018).

An intersectional frame of analyses acknowledges the role that gender, race and racialisation, class, immigration status and language play in determining foreign national women's experiences at all stages of the CJS. Stemming from the work of Kimberle Crenshaw (Crenshaw 1991), feminist theorisations of intersectionality have paid attention to the ways in which inequalities are interdependent and relational (Strid et al 2016, p.558). Underlining the 'simultaneous, multiple and interlocking oppressions of individuals' (Mann and Grimes 2001, p.8), an intersectional perspective sheds light on the ways in which foreign national women are positioned at once as female, as racially 'other', and possessing insecure status. Defined and discriminated against in relation to identities including race, gender, socio-economic status and class (Bhui 2016, p.275), foreign national women in the community find their experiences shaped at once by the gendered dynamics of immigration control (Gelsthorpe & Hales 2012), fears of the racialised 'other', and classed understandings of criminals and those who commit crime.

2.4 Rationale for this research

In the UK, the experiences of foreign nationals in the CJS have been decidedly under-researched, culminating in what Ugelvik refers to as a knowledge 'blindspot' (Ugelvik 2014). Recent contributions to literature which examine the expansion of deportation and deportability, although extremely valuable, obscure the reality of community resettlement and the means by which life continues on in the community post-imprisonment. Similarly, literature examining women's resettlement in general is all too often silent on the particular experiences of foreign national women in this context. By honing in on the post-release experiences of foreign national women, I hope to contribute to the remedying of this gap in two ways: firstly, by deepening our understanding of women's resettlement, and the ways in which this experience is shaped and rendered particular by different identity factors, and secondly, by expanding the prism of analysis on foreign national offenders to include reflection on post-release community experiences. Thus, by examining the minutiae of experience and the lived realities of foreign national women's lives, this research seeks to shed light on the human cost of the 'practices of punishment' (Ugelvik 2014) to which they are subject.



Chapter 3: Research methodology

3.1 Qualitative approach

In this study, I used a qualitative approach to maximise the richness and quality of data, and to allow for emergent themes and ideas to be explored (Moriarty 2011). To best capture the minutiae of lived experiences, interviews were in-depth and semi-structured in format. This qualitative approach was also chosen so as to create space for the experiences and understandings of foreign national women to be listened to, in a context where their voices are routinely unheard and their experiences largely invisible. Interviews were semi-structured to maintain a level of consistency whilst allowing for the flexibility needed to enable speakers to share what was most important to them. For purposes of anonymity, the names of all participants, as well as any identifying characteristics, have been changed.

In total, I conducted 20 interviews between May and August 2019: seven interviews were with women categorised within the CJS as foreign national; four interviews were with support workers employed by two voluntary sector organisations in London; four interviews were with National Probation Service officers; and five were with probation officers employed by London Community Rehabilitation Company. All interviews took place in London, except for one interview which took place in Gloucester. The location of interviews were probation offices, women's centres and safe public spaces chosen by participants. The nationalities of the women interviewed were Jamaican, Polish, South African, Zimbabwean, Nigerian, Indian and Spanish. All conversations were conducted in English, without use of interpreters, as when given the choice, all participants felt comfortable expressing themselves in English.

3.2 Research design

This research was approved in the first instance by the Ethics Committee of the Institute for Criminology in Cambridge in December 2018. I then applied for research approval from the National Research Council (NRC) at the Ministry of Justice with clearance given in March 2019. Having gained approval from the NRC, I applied internally within both NPS London Division, and London CRC for permission to approach and carry out interviews with staff. Permission was granted in June 2019.

In terms of recruitment of participants, I initially set out with the intention of interviewing ten foreign national women and five practitioners (probation officers and voluntary sector workers). I was conscious

of the potential barriers involved in reaching a group of women for whom social marginalisation, a lack of connection to services and language barriers mean participation may be more difficult. With this in mind, I used multiple strategies to reach out and invite participation. Working within two Women's Centres in South London for women affected by the CJS gave me access to a small number of women concurrently affected by the CJS and immigration. Interviewing four women who accessed the service prompted thought on the dual role of worker and researcher, and I was careful to emphasise the separateness of the study from the support they received.

I also reached out extensively to contacts within the voluntary sector and in probation, inviting participation from practitioners and women they support. With permission from London CRC, I emailed all probation officers who hold women on their caseloads with information on the research, whilst the Women's Strategic Lead within London NPS helpfully connected me with a number of officers holding foreign national women on their caseloads. This approach proved fruitful in generating interviews with probation officers, with one officer also linking me with a service user who was happy to participate. Voluntary sector practitioners were from Hibiscus (3) and Advance Charity (1). The Nelson Trust kindly connected me with a woman who accessed the Gloucester Women's Centre, which is where I met her to conduct the interview.

I was determined that the decision to participate in the research be as consensual as possible. I approached the interviewees who I met through my place of work by explaining what the research was about, and the reasons for conducting it. I gave them an information sheet (appendix 2) explaining the purpose of the study and emphasised that it was voluntary and entirely separate both from the support they were receiving from the centre, as well as from probation. I encouraged women to take it away and think about it, letting them know they could ask any questions they may have. I provided the information sheet to support organisations and asked them to pass it on, along with my contact details, to the women. Once I contacted them, I explained the project in more detail, and made arrangements for the interview at a time and place comfortable for them. One woman who was recruited through her probation officer was interviewed at the probation office due to challenges in language and access to a phone. At her request, she spoke without her male probation officer present, as she preferred to speak 'woman to woman'. All participants were given (and signed) a consent form (appendix 1) where I emphasised the voluntary nature of the study, that they could stop at any time, answer only what they wanted to answer, and withdraw their participation.

3.3 Interviews

Interviews with practitioners tended to be shorter than those with the women, lasting between 20 minutes and one hour. Interviews with women lasted between 40 minutes and one-and-a-half hours. The interview questions and structure were different for practitioners and for women. The interview schedule for women charted their early experiences and expectations of life in the UK, their experiences of the CJS and of probation, their present and life in the community, community support, and hopes for the future. Each conversation ended with space for women to share anything they felt they had not been asked and wanted to say. The interview schedule with practitioners was more flexible, with some preferring to speak in depth about specific cases, and others preferring to speak more generally about the issues they encountered supporting this cohort of women.

3.4 Ethical aspects

Conducting research with a group of women experiencing high levels of precariousness in their daily lives poses many ethical challenges. The decisions I made during the processes of recruitment and interviewing were informed by the Ethics Guidelines established by the British Society of Criminology and aimed to protect participants' confidentiality, ensure their full consent and autonomy, and, so far as possible, ensure that participation in the research came at no physical or psychological harm, discomfort or stress, other than the cost of time (British Society of Criminology 2015). I scheduled interviews in local locations chosen by the women, and in some instances I arranged to meet before or after they were meeting their probation officer to minimise journeys undertaken. Although there wasn't a need for interpreting, I made plans to ensure women had access to this if required.

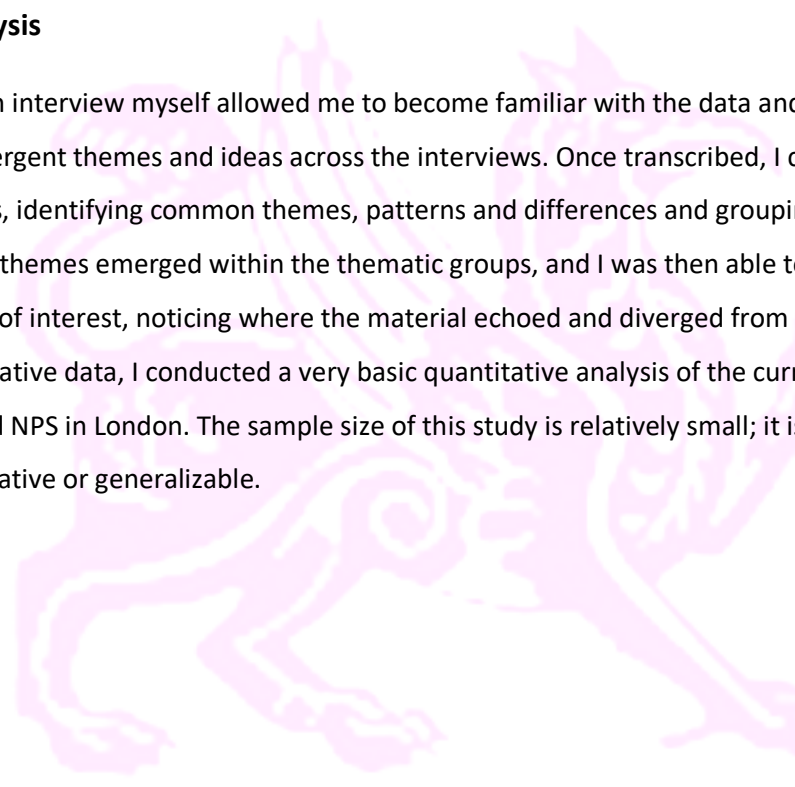
During interviews, I adopted a non-probing interview style to allow women to feel as comfortable as possible. This decision, and the awareness that asking for too many details could replicate the feeling of a Home Office interview, means that at times specifics and chronologies are left slightly unclear within the data gathered. I was mindful that personal histories for this group of women are not always easily shared; they are often 'guarded, endlessly repeated, forms of evidence' (Bosworth 2011). Due to the fact that I tried not to enquire about their immigration status and that I often had little or no information about interviewees before meeting them where they had been invited to participate by a practitioner, I interviewed a participant who was in fact a UK national. Despite also holding Nigerian nationality and being deemed foreign national at the point of entry to the CJS, she had divergent

experiences from other foreign national women in resettlement and dis-identified with this identity or speaking about herself in those terms.

To ensure that women did not leave the interview in a negative emotional state, I was careful to spend time sensitively wrapping up the interview with more day-to-day conversation so as to emotionally 'ground' participants, as well as providing and speaking through a debrief sheet with information on further support. I gave women a £10 coffee shop voucher at the end of the interview, with a small message expressing my thanks and appreciation for their time. I did not tell participants or publicise in advance that they would receive this to ensure consent was freely given.

3.5 Data analysis

Transcribing each interview myself allowed me to become familiar with the data and begin the process of observing emergent themes and ideas across the interviews. Once transcribed, I carried out a thematic analysis, identifying common themes, patterns and differences and grouping the material accordingly. Sub-themes emerged within the thematic groups, and I was then able to hone-in on particular points of interest, noticing where the material echoed and diverged from the literature. To situate the qualitative data, I conducted a very basic quantitative analysis of the current caseloads of both the CRC and NPS in London. The sample size of this study is relatively small; it is not treated as wholly representative or generalizable.



Chapter 4: Findings

4.1 Legal landscape: the sample in context

The sample of women interviewed for this study reflects the complexity and breadth of the category 'foreign national' within the CJS. Within this categorisation, some women will have lived in the UK prior to the offence, whilst others may have been arrested on entry into the UK, particularly in light of the recent growth in immigration related offences and correlating punishment (Aliverti 2012). Prior to entry into the CJS, women may have had leave to remain or indefinite leave to remain, have made applications to the Home Office for leave to remain, humanitarian protection or asylum, or may have been living without status or with expired student, visitor or working visas. For those with leave to remain, entry into the CJS can prompt the revoking of this status. Women are automatically liable to deportation if given a sentence of 12 months or more in prison, though the Home Office has power to deport for lesser sentences (Section 32 UKBA 2007). Legal aid is not available for appeals against deportation orders, save for exceptional cases.

All seven women interviewed lived in the UK prior to the offence. Three of the women interviewed received community sentences, and four received custodial sentences. Three had applied for, or been granted, asylum at the time of interview. Two women interviewed were EU nationals (Polish and Spanish), meaning that unlike women from outside the EU, they were able to access public funds as a result of their long-term residency. Despite this however, one participant, Carolina, struggled to access Universal Credit whilst resettling due to repeatedly failing the 'Habitual Residency' test, on the grounds of insufficient documentation. Yet, her receipt of settled status as part of the UK Government's Settlement Scheme in the summer of 2019 enabled her to access benefits (UK Government 2019).

Of the seven women, six were managed by CRCs, and one by NPS. Reflecting the women's cohort more broadly, the majority of foreign national women are managed by CRCs in the community, with only higher risk cases allocated to be managed by the NPS. Although common themes emerged and resonated across different interviews, variance in terms of sentence type, offence, nationality, status, entitlement, and experience of entry into the UK, evidences the complexity of the categorisation of 'foreign national.' An understanding of this complexity is critical in the development of effective provision and support.

4.2 The material conditions of resettlement

The interviews with women and practitioners focused significantly on women's lack of welfare entitlement, the day-to-day implications of this for women, and the level of support that practitioners were able to provide as a result. A lack of access to housing, the No Recourse to Public Funds condition (NRPF from here on), and the ban placed on work, study, and in many cases volunteering for those awaiting the outcome of applications for leave or asylum, was described by both groups of interviewees to shape and seep into almost every detail of women's lives in the community. As described by Stella:

'The tight net that immigration enforcement puts around you means you can't work, you can't study, and you're literally at home... I think it drives them insane because they can't do anything' (Stella, probation officer).

Although the findings of this study focus on resettlement within community settings, both practitioners and women emphasised the extent to which the resettlement process begins 'on the backfoot' for this group of women. As highlighted by Claire:

'In reality foreign national women in prison don't get day release, they aren't allowed to live in the open conditions' (Claire, support worker).

Routinely denied opportunity and progression in custody in the form of day release, open conditions, or work experience means women begin life in the community at a different starting point to their UK national counterparts.

4.2.1 No recourse to public funds

The extreme financial precariousness described by women and practitioners was attributed overwhelmingly to the NRPF condition. This condition denies access to public benefits, such as Universal Credit, and is imposed due to immigration status in line with Section 115 of the Immigration and Asylum Act 1999 which states that a person will have 'no recourse to public funds' if they are 'subject to immigration control' (Immigration and Asylum Act 1999). Reflecting on the time directly after her release from custody having served a five year sentence, Hima says:

'When I come out I need everything... I got no bras, underwear, all ripped, you know. I got still prison one... I've got glue in my shoes, it's pair of shoes from prison, I'm still wearing.'

Hima describes being entirely dependent on the money she had saved whilst in custody for her post-release survival. One year on from release, Hima's probation officer spoke about her reliance on foodbank vouchers, 'handouts' and the generosity of 'friends and sympathisers.' He explained:

'she has no money at all, she has no cash money at all, and often she needs cash money, getting stuff from the food bank is what it is, it's very basic needs. She often asks me what would she do if she needs toiletries or female hygiene things, sanitary stuff and cosmetics, because you don't get that at the food bank...and she has no money to go and buy it.' (Nick, probation officer)

Hima describes: 'You go in shop and you look things and you can't even buy...Some things you really really need', also describing her inability to pay for the medications she has been prescribed: 'What you gonna do? I've got no money to pay for that'. Similarly, Lisa explains 'I worry about a place to live, money, dental care... and I'm thinking, Okay, you're not kicking me out of the country but you're not doing anything for me'. For Lisa, the fact that she was released to the community post-custody without being deported yet was denied access to anything that might enable her to move forward was a significant source of frustration and disillusionment. This is an idea echoed by Sallie, a probation officer: 'Having them here, doing nothing, just, I just think it's cruel, to be honest.'

For support workers such as Mia working exclusively with a foreign national caseload, the NRPF condition placed on women means that 'there's actually very little you can do for people, it's very minimal what they can access... a lot of our job is emotional support.' Emily, also a support worker, noted that among women subjected to the NRPF condition, financial entitlement varies:

'I think there is a massive gap as well because asylum seekers they are at least, even if it's not much, are able to have NASS supports section 95 which provides housing and some kind of financial support around £37 per week. But then the other women who are doing any other kind of immigration application other than asylum have nothing... how are you supposed to support yourself?'

Emily also made the point that if processed through the National Referral Mechanism (NRM), women who have survived trafficking can access a small amount of financial support whilst they await a decision, whilst women who fall outside of these narrow categories are unable to access financial support.

The inability to be independent weighed heavily for many women. Helen says: 'Not being able to provide for myself. That was the biggest challenge... just being independent, I just like to be

independent.’ This idea was echoed strongly by Hima who described a feeling of shame attached to having to be dependent on foodbank vouchers for her survival: ‘And when you’re taking from charity, it’s killing you, it’s not nice... but I’m taking because I’ve got nothing. I can’t do anything. It’s killing me these things. It’s really hard taking from charity’.

For many women interviewed, living with acute financial precarity takes on gendered and racialised dimensions. Hima’s lack of funds to buy food and other basic items made her dependent on a male associate who provided her with food and ad-hoc cash in the year after her release. When he sexually propositioned and assaulted her, she forced him off and ended contact:

‘Cause I got nothing, no money at the moment, that’s why that person using me...They see you how you’re struggling, you are hopeless, and you’re not going to do anything because you’re on a licence, so they’re taking advantage.’

Here, Hima articulates the ways in which her vulnerability to abuse is directly connected to, and exacerbated by, the financial precarity imposed by the NRPf condition. She also explains how being on licence prevented her from feeling able either to tell anyone or defend herself for fear of more ‘trouble’. Compounded with the trauma of sexual violence, Hima describes the loss of the singular source of financial support she had been reliant on. Echoed across testimonies, such experiences capture the vulnerability of foreign national women to forms of exploitation and coercion, where financial dependence and precarious immigration status further increase women’s susceptibility and limit their capacity to seek protection and remedy.

4.2.2 Housing and accommodation

For women and practitioners alike, lack of access to housing was identified as the single biggest obstacle to resettlement. Stella (probation officer) explains:

‘You can’t do anything with them. And in those kinds of situations you, you have to say to them “You have to rely on a family member”. And again, I’ve seen someone’s emotional well-being just deteriorate when they’ve been sort of sponging off a family member or a friend for a really long period of time.’

For many practitioners, this reliance on family and friends was particularly concerning when it meant women were forced to stay in abusive or otherwise unsafe living situations for lack of an alternative. Stella continues:

‘I’ve got a foreign national woman, she had to stay with an abusive husband because she had no way of making any money. So she felt the only way she could survive was being with this abusive man... what do you do? Where do you go? No one is going to help you’.

This resulted in a feeling that ‘I was perpetuating and condoning what was happening in her house. But there was nothing I could do.’ Similarly, Sallie (probation officer) reflects on a woman forced to remain living in a house where she was known to be vulnerable to abuse from a male family member:

‘managing risk in this situation is very hard as you can imagine’. Expressing similar concerns, Gina (probation officer), felt that her hands were ‘tied by the government’, with women’s lack of housing options rendering them acutely vulnerable to forms of violence and enforced dependency, whilst disabling practitioners from taking steps to increase women’s safety and wellbeing.

All women interviewed described prolonged periods of sofa surfing with family and friends. For Clementine this meant that she was forced to move often between different friends’ places, never able to settle anywhere for longer than a couple of weeks. She asks:

‘How are you supposed to survive? You’re not entitled to no recourse to public funds, you can’t work you need a place to live, how are you supposed to cope? You know some people only put you up for two weeks in their houses. The third week they say you’ve got to make your way.’

For women in this study who were unable to rely on a network of family or friends, sustained periods of rough sleeping were common. Lisa describes the relief of being recalled to prison for three weeks: ‘It was a cold winter, 2017. I didn’t want to be out on the streets. It had been snowing, that’s when we had the terrible winds...when they released me from there, I had my money with me. Nothing else.’

Following her release, Lisa describes having to sleep on the streets:

‘Sometimes I just had to find a spot in Enfield and sleep there...I used to sleep in North Middlesex Hospital in Edmonton Green. And you know you got vultures that just go around looking for vulnerable women offering “oh what do you smoke, white or brown? Would you like a drink?”’

Lisa here touches on the gendered vulnerability she experienced whilst sleeping outside and the ways in which as a woman she was targeted for exploitation. Interview testimonies also revealed the absence of alternative or emergency accommodation options for this group of women. Claire, a support worker with an all foreign national caseload made clear the entangled connection between the NRPF condition and housing, noting the severe lack of refuge bed spaces open to women without recourse. Claire

explains that often ‘there’ll be one in London, if you’re lucky, and then there’s a waiting list for a month.’ Similarly, she felt that bed spaces in night shelters were desperately lacking for this cohort of women.

Mia (support worker) observed the impact of women’s criminal records on their access to alternative housing options. She says:

‘I think the label of criminal is really, like, I don't know, I feel like I'm constantly having to explain somebody's conviction or why that happened or I had a client who I was trying to get into X (*names hosting scheme for refugees*) accommodation, and obviously as soon as I mentioned the conviction they won't take her because she's seen as dangerous or whatever. So that's really difficult.’

This suggests that women who may otherwise qualify for refugee or asylum-specific housing options may be denied access to this support as a direct result of their involvement in the CJS, at the same time as their migrant-status prohibits access to the housing options available to UK national women in resettlement. Thus, sitting at the intersection of immigration and criminal justice and occupying a dual identity of ‘ex-offender’ *and* migrant, foreign national women are rendered conceptually invisible and actively excluded from accessing housing.

4.2.3 Right to work and study

Interviews made clear that the implications of being denied the right to work or pursue formal education are inextricably intertwined with the challenges that arise from women’s lack of housing options and lack of access to welfare benefits. The fact that women (from non-EU countries) are denied the right to work was emphasised by interviewees from both participant groups. Overall, testimonies were deeply attuned to the impact of this ban on women’s financial survival, noting that where women are prohibited access to local authority housing, private renting is rendered unavailable through an absolute lack of income. Gina (probation officer) explains:

‘They definitely need to be able to work, whether even if it’s capped at 16 hours a week... they’re literally left homeless, they’re not able to get housing from the local authority and they haven’t got enough money to rent privately, so then they go back into that cycle of reoffending just to keep a roof over their head.’

For Helen, who two days prior to our interview had been granted indefinite leave to remain and spoke excitedly about her aspirations to work as a nurse, not being able to work had made her feel stuck:

‘There were times where I felt like, what’s the point? And I see other women, I can see why other

women resort to, like, prostitution because they want to be independent, they want to be able to provide for themselves.’ Similarly for Lisa, the desire to work and be independent was paramount:

‘Most women that were foreign were sent straight to their countries. I wasn't. And I'm thinking you're keeping me for what? All right. I know I've sought asylum...but you obviously must be keeping me for a reason. Give me a chance then, you know? OK if I'm going to be an asylum seeker, can you not allow me to work so I can look after myself? I don't want handouts...I want to work and look after myself. Why you not giving me that chance?’

Although Hima also expressed strong frustration at not being able to earn money to look after herself, she found not being able to study equally, if not more, difficult:

‘I'm not allowed to study. That is more hard what they've done actually... I found free classes, but one lesson cost £10 because I have to take the train and bus again, and spending £10 it's not gonna happen. I've got no money...sitting in the house doing nothing is killing you more, making you more ill’.

Echoing Hima's experience, Stella reflected on the extent to which she had seen women suffer through a lack of meaningful activity, purpose and stimulation in their day-to-day lives: ‘You're not allowed to occupy your mind in any kind of way. You're inside, all the time’ (Stella, probation officer)

4.2.4 Experiences of support in the community

When discussing support for foreign national women in the community, both women and practitioners drew comparisons to UK national women and the support options available to them in the community. One year on from her release from prison, Hima told me she is still struggling whilst the UK national women she knew from prison have been able to move forward:

‘I've done a year now, out of prison, and I'm still struggling. You know people move on, I don't know where they are now, and I'm feeling still I'm in jail. Even I'm better in jail.’

Stella draws a similar comparison:

‘I don't know any sort of services for foreign national women...whereas I think sort of with my British national woman that's coming out of custody I've had discussions and it's like she can go there, she can do this, we can put her in a relationships group, she can come out to this, we can refer to this housing place...and then you've got a foreign national woman, it's like literally, what do you do with this person? And nobody knows.’ (Stella, probation officer)

Where women had been supported in the community by charities and other support services, this support was described as critical. Helen reflects:

‘To be quite honest, I don’t know how I would have been if it wasn’t for these guys here at Nelson Trust. They have like, become my second home.’

Similarly, Lisa describes the invaluable support she received from the charity Hibiscus, an organisation working specifically with foreign national women in the CJS:

‘I would wash my clothes put them down to dry and have a little space to myself where I could sleep. Food was always full in the fridge and sometimes they would look after my stuff...They tried, my keyworker was going through all the places that I could get accommodation.’

For women of faith, religious spaces and organisations were experienced as a crucial source of support, with practitioners observing that churches, mosques and temples provided women not only with community but also with food, information, and, at times, shelter. Yet, at times this can be difficult. For Hima, reliance on the temple for food was a source of shame and embarrassment, so much so that she described going to the temple less frequently, despite her need for support. She felt worried about what people would say if she ate there every day:

‘The people ask you where are you working, what you doing, I don’t want to tell them... I didn’t go there in nearly two months... You’re not going to go twice a day, or have a tea, or shower there... you have to do in the house. I still need, I need to wash my clothes, cup of tea, three meals a day...’

Thus, although a source of help, Hima’s daily needs – to wash her clothes, to eat three times a day – went beyond what a temple/faith group could provide and were associated with an acute sense of shame triggered by the questions of others.

Many women interviewed spoke in positive terms about probation and the support they had received from their probation officers. This was echoed by probation officers such as Diane who described the service as ‘a lifeline’ for this group of women. However, the limitations of probation to adequately support the needs of foreign national women emerged as a clear theme across interviews with probation officers. Many honed-in on the tokens of support they *could* provide, such as bus tickets to and from appointments, and applications for small grants. This kind of support emerged as patchy and inconsistent across boroughs and between officers. Describing the finite monthly limit on bus tickets, Stella explains that:

‘If your foreign national woman comes in at the end of the month and the bus tickets have dried up there's nothing you can have, so they're finite, we only have a certain number. They've clamped down a little bit on travel warrants, so sometimes they're a little bit more difficult to give out.’ (Stella, probation officer)

Nick (probation officer) describes that although he is able to provide such resources as bus tickets and foodbank vouchers, ‘every little thing has to be approved up the chain before we can authorize it’ which leads to delays and additional barriers. Reflecting on this, Stella (probation officer) describes the need for a ‘tailored service’ that she feels she is currently unable to provide due to lack of resources and lack of information on referral pathways.

4.3 Everyday Incarcerations: mirroring the conditions of detention

4.3.1 Emotional and mental health impacts

Interview testimonies centred heavily on the experiences of poor and fragile emotional and mental health experienced by women in the community. Women described the impact that the prolonged ‘pressure’ and ‘stress’ of their situations had on their health, with practitioners reflecting on the extent to which women’s mental health deteriorated over time. Practitioners strongly emphasised the inadequacy of current mental health provision, and the multiple barriers preventing women accessing appropriate support. Describing the way in which mental health deteriorates over time, Diane reflects:

‘You see them go from being really, really upright to, it's almost like when an apple starts off really rosy and then it scrunples (sic) because it's not being fed, it's not being watered. They're not being fed, they're not being watered emotionally, psychologically, physically. And that's how I see it for my ladies’ (Diane, probation officer).

Yulia (probation officer) similarly describes that the experience of being ‘utterly disempowered’ takes a substantial toll on mental health: ‘So, you know...there's lots of practical things that are difficult but mostly it's the internal stuff that's going on, the emotional and physical responses to the situation.’ Diane and Yulia’s accounts demonstrate that even in situations of extreme financial and material insecurity, it is ‘the internal stuff’ – sustained worry, anxiety, depression - that weighs heaviest. For Hima, the deterioration in her mental health is attributed to the experience of dealing with two sets of ‘conditions’ – i.e. those resulting from her licence, and those from immigration control:

‘When people come out of prison, they get one side condition. I’ve got both sides condition... and it really pressures on you, because that’s why I’m getting mental... my head is going, going, so many things.’

During the course of the interview, Hima described attempting suicide twice in the year since leaving prison. The anxiety she experienced as a result of living with ‘both sides condition’ manifested in extreme and constant fear of breaking the conditions of her licence and going back to prison:

‘I tried to kill myself twice... maybe people going to take advantage... anything could happen, and I can’t even argue with them, because have to do my licence. If I am angry with someone... I could be going back in jail, I don’t want to go there. Is really really pressure.’

Support workers and probation officers emphasised the difficulties they encountered in supporting women they worked with to access mental health provision. They noted funding cuts to mental health support within probation services, as well as the inadequacy of community mental health support which, for support worker Claire, was characterised by long waiting lists and additional practical barriers:

‘For most of the women we see they can’t necessarily access mental health support, it’s so expensive and the waiting lists for NHS counselling are so long...there are some services specifically for people with no recourse but very few where they reimburse travel... we’ve seen two of the main ones that we refer to in the last six months closed due to lack of funding, so it’s quite a bleak picture all round.’

The ‘bleak’ picture was also illustrated by Stella, who explains: ‘we had a contract with MIND which was absolutely amazing. But then probation cut the funding for it. So we’ve been without that for about a year now’ (Stella, probation officer). Thus, living in contexts defined by prolonged and sustained waiting and an absence of material security were seen to nourish a severe decline in mental wellbeing, an experience rendered ever more severe through the absence of suitable and accessible mental health provision.

4.3.2 Waiting

Interviews with both women and practitioners made clear that the experience of *waiting*, of living with sustained uncertainty, was a trigger for a significant deterioration in mental health. Women attributed the process of waiting, often for many years, to hear from the Home Office about the outcome of an application as contributing significantly to their experiences of stress and poor mental health. This

reveals strong parallels with immigration detention, an experience of confinement defined by waiting. Researching detainees' experiences of waiting within UK immigration detention centres, Turnbull notes that waiting in this context is oriented both around *when* detention will end, and *how* it will end – i.e. whether it will end in release into the community or expulsion from the country (Turnbull 2016). Despite maintaining their liberty in community contexts, women interviewed for this research faced similar questions around the indeterminacy of when a decision would be made, and what the decision would be. Whilst the women interviewed here are permitted the liberty denied to those in detention, individual agency and choice over how to spend time is still severely restricted in the community context due to the level of socio-economic precarity. The experience in the community thus mirrors the conditions of detention in many ways. Lisa explains:

'you're living your life in limbo. You know, you don't know what tomorrow is going to hold. Yeah, like I said, it's soul-destroying.'

That waiting is experienced as 'soul-destroying' was echoed by Hima, who uses the metaphor of a bird without wings to describe the feeling of being stuck, and unable to move forward: 'When somebody no have a wing, you can't even fly. It is really really hard...every single day is hard.' Resonating across women's reflections on waiting is the experience of limbo, and of a lack of freedom: despite being neither detained nor physically unfree, participants' lives are nonetheless contained within what Cassidy aptly refers to as a 'web of unfreedoms and dependencies' (Cassidy 2019, p.51).

Practitioners expressed disbelief and frustration at the length of time women were forced to wait for Home Office decisions with life changing effect for them. Claire (support worker) reflects:

'So many of our women say that one of the most traumatic and difficult things that they go through is the mental health impact of waiting. Just this idea of waiting and being in constant limbo... I think it can be really re-traumatizing... I've seen people kind of deteriorate mentally.'

Similarly, Mia (support worker) explains:

'One of my clients said that just having no certainty and waiting is like a demon that kills people every day...And if you've been waiting, one of my clients has been waiting for 14 years in total to regularize her status.'

Echoing Claire and Mia, Emily (support worker) describes a total lack of information, update or communication to be the greatest source of frustration:

‘I’m not saying that it has to be a positive or negative outcome but at least letting the woman know what’s going on with her immigration application. You know, waiting for years and years and obviously she is going to reoffend or go down a different route that is even worse...’

Emily here connects the length of time a woman is forced to wait as correlating with an increased likelihood of reoffending, an idea that was echoed by Sallie, who, speaking about the case of a woman appealing a deportation order, asks, ‘she wants to desist from crime, but like, how?’ That women are expected to wait, for some as long as 14 years, without financial means or the capacity to pursue work or study, was seen by Emily and Sallie to make reoffending an almost inevitability. Interestingly, this is not reflected in an analysis of recalls of women on the CRC caseload for the year ending March 2019, which shows that whilst making up 24% of the female caseload, foreign national women make up 21% of recalls to prison (London CRC data provided). This may support the suggestion made by some practitioners that the particularly high consequence of reoffending and the potential for deportation acts as a deterrent, despite the material conditions women are made to survive in.

An overall frustration at the length of time spent waiting for the outcome of immigration applications was exacerbated by a series of other delays which act as barriers to support. Christina (support worker) sees the length of time referrals to specialist agencies can take as an additional barrier in the context of urgent support needs. Similarly, when speaking about access to other statutory or voluntary sector support, long waiting times were frequently raised as an additional source of frustration, notably, waiting lists for mental health support:

Claire: ‘The waiting list for NHS counselling is so long’

Stella: ‘So we now have to rely on the community mental health team and obviously getting appointments with them, it takes about a month.’

Such references, often repeated throughout the course of interviews, highlight a strongly held perception that women’s experiences of poor mental health are compounded by the further waiting involved in accessing the support necessary to address the deteriorations in mental health brought on *as a result* of prolonged and sustained waiting.

4.3.3 Deportability

‘I haven’t heard anything, are they going to deport me, are they going to keeping me here, no idea, because it depend on them.’ (Hima)

Interviews revealed that for many women, the shadow cast by the threat of deportation marks everyday life in a multitude of ways. Women and practitioners described the impact of frequent visits to sign on at Home Office reporting centres. Due to the location of the centres, this requires women to travel long distances, without access to travel money. Claire says:

‘One of my clients has been asked to sign once a week which is crazy. She lives in Croydon and she has to go and sign the other side of London. But she has no right to work, no recourse to public funds, so absolutely no money for travel’ (Claire, support worker)

In addition to the severe practical challenges outlined by Claire, Clementine reflects on the anxiety she experienced having to sign on, not knowing whether she might be detained:

‘And they say to me that I have to come and report to them. That scared the living daylights out of me. Because you don't know what might happen. You might go there to sign on, and they put you in a detention centre, you know, so whenever I'm going there, I always have spare knickers, toothbrush, and some deodorant.’

For Lisa, the experience of signing on was felt as exhausting: ‘And having to sign on every week...it's it's tiring. Let me tell you this, it's absolutely tiring.’

The constant uncertainty sustained and nourished by signing on was compounded for some women and practitioners by a lack of knowledge of the deportation process. Speaking about her client, Sallie (probation officer) says:

‘she was really upset about not knowing. Like she was asking me, “If I go to the court hearing, and then, what happens if they decide that I get deported? Do they arrest me there? What happens to my things?” You know, and those are questions that we don't have the answers to.’

There was a notable perception amongst practitioners that the numbers of deportation orders given to women are increasing. Claire captures this perception when she explains:

‘In reality everyone is getting deportation orders. Pretty much if you're foreign national. Yeah, we're finding a lot of people that haven't served up to 12 months, maybe three or four months, and they're getting deportation orders. So there's a blanket approach.’

These testimonies make clear that living with the threat of deportation, even if it is not materialised, creates a holding effect, an enforced limbo. Regular visits to sign on and other forms of ‘invasive control

over mobilities and freedoms,' become so extensive that life in the community emerges as a form of continued imprisonment (Cassidy 2016, 58).

4.4 Practitioners' experiences

4.4.1 Impotence and conflicting roles

For both the voluntary sector and probation practitioners interviewed, supporting foreign national women was experienced as a personal burden and distinctively more challenging than working with women with UK citizenship. Probation officers revealed the emotional impact:

'My heart was bleeding for her and there's absolutely nothing that you can do' (Stella, probation officer).

High levels of emotional investment were described as making boundaries more challenging to maintain; for Lucy (probation officer), this manifested in giving her own money for a bus fare after hearing that her client would travel to a far away appointment by foot. Diane (probation officer) relayed that she sourced donations of soap, cosmetics and clothes in her free time. Tessa (probation officer) mentioned that she often continues to support women beyond the closure of their case. Tessa's feeling that 'sometimes I think we, probation officers, are the only ones', was echoed by Diane who asked rhetorically: 'without you doing your best for them, what have they got?' These quotes sum up a feeling that emerged strongly from interviews with probation officers, of having to be *more than* a probation officer and of having to be a 'lifeline' to women in a context of limited support options or referral pathways. For Diane, the fact that the Home Office denied her client the opportunity to seek employment, study, or other meaningful activity, resulted in her sense that: 'I'm containing her, I've been containing her now for three years.'

Some probation officers described feeling 'conflicted' in the role of probation officer, where the task of supervising 'offenders' is perforated and rendered more complicated through the 'closeness to human fragility and suffering' involved (Aliverti, forthcoming). Lucy uses the metaphor of a pair of weighing scales to describe the emotionally conflicting nature of her role. Yulia echoes this, explaining: 'I just feel great, great sadness, you know, and I have to balance that with the fact that I have to manage them as offenders as well.'

Throughout interviews, I became attuned to the language and turns of phrase chosen and often repeated by practitioners. Rhetorical questions were frequently woven through testimonies and seemed to denote a feeling of helplessness and disillusionment:

'She wants to desist from crime, but like, how?'

'How do people not reoffend? How do people survive?'

'How are you supposed to wait?'

'And again, if you have no recourse to public funds you cannot even access, you know, domestic violence refuges, like how can you even...?'

Similarly, a feeling of powerlessness was conveyed through use of visual metaphors, which, like the questions above, were often repeated within and across interviews. The idea of hands being tied, and of closed doors were common:

'Your hands are tied by the government'

'(When somebody is foreign national) the door shuts on a range of different establishments'

Such language captures a strong sense of impotence on the part of practitioners who felt overwhelmingly aware of the limits to the support they were able to provide.

4.4.2 Communication

Communication with the Home Office emerged as a source of frustration for practitioners, from both the voluntary sector and probation. In particular, practitioners raised the issue of changing or unallocated Home Office caseworkers, and unanswered emails and phone calls. Both Stella and Sallie expressed this frustration strongly:

'There's no communication... you get passed from person to person until your email's completely lost in the system' (Stella, probation officer)

'Another barrier is contacting Immigration. Sometimes I've been calling like 20 times a day, the Home Office... just there's no communication there. It's really no communication in my case.'
(Sallie, probation officer)

Gina explains that this can mean probation officers are on the back foot:

'So the communication between the Home Office and Probation is very, very, very bad. They don't get back to us... if we know that, okay, this person is a hundred percent going to be deported, then you can have them sort of discussions in supervision and actually prepare them... So you can be sitting there supervising someone and the next minute they're either detained or they, they've been taken back to their country, you know nothing about it' (Gina, probation officer).

For voluntary sector support workers, communication within multi-agency working was felt to be problematic, particularly when communicating with statutory services. Claire described to me encountering significant gaps in knowledge when working alongside some probation officers:

‘There are obviously knowledge gaps which are completely understandable...but it can lead to complications sometimes. So one experience I had with that I was working with a woman who wasn't allowed to work and her probation officer had been trying to find her work’ (Claire, support worker).

Claire’s comment crystallises the point that whilst the probation officers in this sample generally had a good understanding of the issues experienced by foreign national women, knowledge, awareness and skills are not consistent across the board. Sallie (probation officer) told me that she had had minimal training about the issues experienced by this group. Another newly qualified probation officer interviewed, Katrina, was unable to identify what the main barriers to resettlement were for this cohort of women despite having one on her caseload.

Thus, the experience of working with foreign national women was felt to be distinct from working with UK national women. Practitioners described heavy emotional investment in cases, a feeling of personal burden and responsibility, and encountered significant frustration around communication from the Home Office which was felt to be an additional barrier when managing this cohort. In addition, interviews suggest that it is practitioners’ individual willingness and commitment that determines the level and quality of support received by foreign national women, a dynamic that is likely to produce much variance from practitioner to practitioner, service to service.

Chapter 5: Analysis and discussion

5.1 Interconnected barriers to resettlement and support

‘But if you have support... you have someone who’s encouraging you, and who is kind of believing, that gives you hope’ (Helen)

The key challenges highlighted by both women and practitioners pivoted around the conditions of material precarity which interviewed women found themselves in, notably in relation to housing, lack of access to public funds, and the denial of the right to seek work. This study corroborates previous research which has highlighted that foreign national women are released into the community on the ‘backfoot’ with the barriers to resettlement beginning *within* the prison gates (Prison Reform Trust 2018). Conditions on release mean that the pathways to resettlement identified by Baroness Corston and followed by many organisations as a guide to developing effective support for women in the community, are rendered largely inaccessible; multiple obstacles prohibit foreign national women from progressing along almost all of the 9 pathways. To illustrate: finding *Accommodation* requires women to be eligible for local authority housing or to have access to the funds needed for private renting; for women to improve their *Finances, Benefits or Debt* requires access to public funds or the right to seek work; to access support for *Abuse, Rape, or Domestic Violence* requires eligibility for refuge spaces and therefore housing benefit. Both groups of interviewees referenced experiences of domestic or sexual violence, with practitioners particularly distressed by the lack of referral options into refuges or other supports as a result of women’s ineligibility. In sum, rather than mapping the path to resettlement and desistance, the pathways in fact catalogue the complex web of barriers and ineligibilities experienced by foreign national women within each area of their resettlement.

Support within the community was described overwhelmingly as inadequate and, in many cases, non-existent. Interview testimonies with both groups point to three themes: an understanding of support as highly individualised, i.e. heavily dependent on the sympathy and investment of individual practitioners; a perception of support as fragile, inconsistent and subject to funding and resources; and a lack of information, skills and training more broadly for those providing support. Where women were engaged in some level of support, they tended to speak of individual practitioners – ‘my probation officer’ and ‘my keyworker’. Similarly, practitioners perceived a lack of support outside of their own personal provision. Rather than an institutional or systematic framework, the level and quality of support appears to be dependent on individual practitioners. This is problematic not only because of the personal

responsibility it imposes; but because of the inconsistency of support women receive in light of the reality of staff turnover, burnout, and vicarious trauma. Funding and resources were also highlighted to impact both the quality and consistency of support provided. Funding, such as for bus tickets for women travelling to and from probation appointments, varied across probation boroughs. Similarly, where women could access psychological/counselling support in some probation boroughs, this was unavailable in others. Where it was accessible, it was subject to funding cuts which ended the provision at short notice.

In the development of trauma-informed provision, Kubiak and others highlight the need for in depth and ongoing staff training on the impacts of trauma and staff self-care (Kubiak et al 2017). Specifically, practitioners interviewed expressed a need for training on Home Office processes, and women's rights and entitlements so as to better support them. Notably, the need for training was emphasised most strongly by the three probation officers who had been in their role the shortest amount of time – between 6 months and 2 years. Claire explains why training would aid a more holistic, collaborative approach to support:

'I think also training and increased awareness for the statutory authorities working with those women so that we're not having to kind of come up against unnecessary challenges when they don't have the understanding or background both around immigration but also working from a trauma-informed perspective' (Claire, support worker).

5.2 Replicating detention

'I'm feeling still I'm in jail. Even I'm better in jail... I come out of prison and I'm doing more hard time, no money, no food.' (Hima)

The testimonies gathered through this study reveal the ways in which community resettlement for foreign national women replicates the conditions of confinement found in immigration detention centres in many ways. This was most evident in relation to experiences of mental ill-health, and in the denial of liberty and freedom. Exploring alternative sites of incarceration in everyday life, Cassidy argues that carceral spaces cannot be seen as solely located within prisons, 'but as part of a continuum between prison and other social and geographical spaces' (Cassidy 2019, p.51). Many have noted the extent to which members of BAMER communities in the UK are increasingly subject to 'bordering' practices (Balibar 2002), whereby border policy and regimes enter into everyday life, demarcating the boundaries of inclusion and exclusion. Despite not being physically detained within prisons or detention centres, it was clear that the women interviewed lived narrowly within the confines of a series of

'unfreedoms' (Cassidy 2019), and experienced levels of emotional distress and mental health deterioration which mirror those faced within detention. The process of waiting for immigration cases to be settled was experienced by women as *indeterminate* in nature, with the corresponding deterioration in mental health described overwhelmingly as the most painful aspect of life in the community. This mirrors Turnbull's description of detention centres in the UK as defined by their indeterminacy, uncertainty and unpredictability (Turnbull 2016). Reviewing literature examining the mental health impacts of detention, Bosworth finds consistent evidence of a negative impact of detention on the mental health of detainees, and that such impact increases with longer detention periods (Bosworth 2016).

For all women interviewed, immigration controls were described to seep into and control daily life, limiting their freedom and triggering anxiety about the possibility of detention and deportation. Frequent visits to Home Office reporting centres require women to travel long distances. The requirement for regular reporting, combined with women's lack of access to funds, illustrates just one way in which women's mobilities - their capacity to move freely and the right to physical liberty restored on their release – are controlled. Similarly, being subject to invasive control over finances was described to limit, and in most cases, obliterate women's options to look after themselves and their families (Cassidy 2019). Because they are denied access to shelter, women have no alternatives but to stay with friends or family to avoid sleeping on the streets. Conditions of detention and confinement are thus carried into the community context through mechanisms of control exerted over women's finances and mobilities, and as a consequence, over their health, their autonomy, their relationships, and their sense of belonging (Cassidy 2019, p.58).

5.3 The implications of identity and vulnerability in the provision of community support

'It pains me to say because I think before I came into this job I didn't believe that this system was racist but frankly, it is.' (Stella, probation officer)

Interviews touched on the many ways in which the challenges faced by foreign national women are produced at the unique intersection of vectors of disadvantage - gender, race, class, ethnicity, language and insecure status. Indeed, these 'multiplicities of experience' (Phillips 2010, 2) shape the conditions of women's resettlement and influence their treatment in the community. Nick (probation officer) described that when he puts 'together the fact that she's female and the fact that she's foreign national,' he felt he was left without referral or support options. Here, inhabiting the categories of

female and non-British produces a blindspot in the architecture of community support. Illustrating the ways identity factors shape and determine treatment in the community, support workers described instances of discriminatory practice against the women they supported: ‘just the difference if I call someone and speak to them on the phone with an English accent and one of my clients does, they’re literally hung up on’ (Mia, support worker). Compounding this, Emily reflected on the identity of ‘offender’ as further hindering women and manifesting in ‘lower class’ treatment. The axes of gender, race, class and insecure status are most poignantly captured however in women’s descriptions of the violence they faced: for example, in Hima’s experience of sexual assault by the one person providing her with financial assistance; in Lisa’s account of the (male) ‘vultures’ who targeted her when sleeping rough. It is also evident in practitioners’ testimonies who spoke of cases where women were forced to remain in domestically abusive relationships as a direct consequence of being denied access to housing on the basis of their immigration status.

At times, stark comparisons were drawn by practitioners between foreign national women and women with UK citizenship. Comparisons frequently emphasised the ‘impeccable’ engagement and compliance of foreign national women, and the ways in which support needs and attitudes to resettlement differed between these groups. When describing the offence committed and women’s lives before entry into the CJS, many practitioners used the language of ‘vulnerable’, ‘exploited’ and ‘easy targets’ to describe the ways by which foreign national women became involved in the offence. Similarly, foreign national women resettling in the community were described overall to have significantly greater support needs (‘they’re that much more vulnerable’) which changed the role of probation officers, for example, from one of risk management to ‘much more a supportive role’. Prominent within practitioner testimonies was a comparison that situated UK national women broadly as less motivated, despite access to support and entitlements, in contrast to foreign national women who *did* ‘want to get back on the ladder’ but were prevented from doing so. In contrast, when mentioned by practitioners, foreign national men were more likely to be spoken of in connection with their offence type, rather than their vulnerability or support needs, a framing that invites further analysis. These descriptions of foreign national women’s hyper vulnerability contrast the more general framing of so called ‘foreign national criminals’ in society as posing a particular risk and danger.

An emphasis on the unique vulnerability of foreign national women has implications for their treatment and experience of support in the community. It has been noted that as a concept, ‘vulnerability’ is often imbued with associations of fragility, weakness, femininity and a lack of agency (Aliverti, forthcoming). As observed by Gilson, its use holds the potential to perpetuate stereotypes and make women’s receipt

of support conditional on fitting within certain categories and proscriptive roles, for example, that of the 'compliant' foreign national woman (Gilson 2016). There is a risk too that an exclusive focus on women's vulnerability overlooks and diverts attention from the 'structural and situational factors', policies and legislative frameworks that may lead foreign national women to be more susceptible to harm (Aliverti, forthcoming). Importantly, focusing on the interlocking inequalities that define women's experiences shifts attention towards the state's responsibility to ensure that there is universal provision on a *systemic* level (Aliverti, forthcoming). Rather than a systemic or institutional support framework, this study has highlighted a patchwork system of support, almost exclusively dependent on the emotional investment of individual practitioners and probation officers.



Chapter 6: Conclusion and Recommendations

‘At the moment, just no future at the moment’ (Hima)

The findings of this research evidence the complex web of obstacles to resettlement currently experienced by foreign national women. They highlight both the urgency and the scale of change needed within current policy to ensure that this group of women experience safety, dignity and hope when resettling into the community. The government’s Female Offender Strategy promises that consideration be given ‘to addressing the barriers’ that foreign national women face in accessing services (MoJ 2018). The government must uphold its commitments to: work closely with the voluntary sector and other organisations who work with BAME and foreign national female offenders to improve their capacity to share best practice and form networks; to provide more culturally informed training for staff in offender management and rehabilitation, including training on the rights, entitlements and issues affected foreign national women specifically; and invest in women’s centres and residential support on a national scale (MoJ 2018). In addition, I make the following policy recommendations:

Recommendation 1: Build the knowledge, capacity and skills of practitioners: The practitioners interviewed who held a mixed caseload of UK national and foreign national women identified a significant need for specialist training on the issues and unique experience of foreign national women. In-depth, face to face training must be provided to all professionals across probation and voluntary sector services working with foreign national women in the CJS, specifically on the rights and entitlement of this cohort, Home Office processes, and referral pathways.

Recommendation 2: Support women by supporting practitioners: Practitioners identified the emotional cost of supporting and supervising foreign national women due to the complexity of cases, the level of distress and trauma typically experienced by this group, and lack of institutionalized bespoke support. The inadequacy of broader community support meant practitioners were likely to feel they carried the ‘burden’ of support by themselves. All practitioners supporting this cohort should have access to appropriate clinical supervision. The additional complexity and time involved in supporting foreign national women should be reflected in smaller caseloads for practitioners working with these women within their mixed caseloads to maximise the quality of support. Ultimately, support must be provided on an

institutional, rather than a personal level: there is a need for a cross-institutional framework to ensure that support is consistent across and between practitioners, service providers and boroughs.

Recommendation 3: Improve Home Office communication and transparency in decision

making: A lack of communication between the Home Office and probation staff was identified, particularly in relation to cases not having an allocated caseworker in the Home Office for lengthy periods of time, frequent changes in allocated caseworkers, and an overall absence of communication in response to attempts by practitioners via phone and email. Consistency in caseworker and regular flow of information is needed to enable probation and voluntary sector practitioners to responsibly inform and manage the expectations of women awaiting immigration outcomes.

Recommendation 4: Home Office reporting: Awareness of women's financial precarity should be reflected either in the frequency of Home Office reporting visits demanded, or in the granting of financial support for travel to reporting appointments.

Recommendation 5: Improve access to mental health support: There is an urgent need for increased mental health provision for this group through increased funding and capacity building of community mental health services. Provision must be available in multiple languages.

Recommendation 6: Time spent waiting: The length of time spent waiting for decisions on the outcomes of immigration cases was identified as the single most harmful factor in women's mental health deterioration. The findings of this study demonstrate the urgent need for increased communication from the Home Office with updates on cases for both women and practitioners.

Recommendation 7: Increase provision for people with no recourse to public funds: This research evidences the harm caused by the NRPF condition. The findings build a strong case for the condition not to be imposed on women resettling in the community; however, where the condition is imposed, there is a need for vastly increased provision for women affected:

increased financial support, greater and *consistent* access to food bank vouchers, travel warrants and other grants to enable day to day survival.

Recommendation 8: Improve access to housing/accommodation: There is an urgent need for the development of a housing pathway for foreign national women who do not qualify for NASS provisions. There is a need to drastically increase access to emergency accommodation and refuges by creating more refuge spaces for women affected by NRPF. There is a need for this cohort to be considered for alternative housing options such as hosting programmes available for refugees and asylum seekers, where currently their criminal record may prohibit them from being considered.

Recommendation 9: Increase access to meaningful activity/constructive use of time: All interviewees felt that denying women the right to work or to study was counterproductive, nourishing conditions both for reoffending and serious mental health decline. Following the findings of this study: women must be allowed the right to work, even if capped at a certain number of hours; women must be allowed to study or to seek out volunteering placements.

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Appendix 1: Participant consent form

Participant Consent Form

Examining the barriers to community resettlement for foreign national women

1. I have read the Participant Information Sheet for this study and have had details of the study explained to me
2. I have had the chance to ask questions and I understand that I can ask further questions at any point throughout the study by contacting the researcher on the details provided
3. I understand that my participation is voluntary, that I do not have to answer any of the researcher's questions if I do not wish to
4. I understand that I can withdraw at any time, without giving reasons
5. I agree to take part in the study
6. I agree for the interview to be recorded
7. I agree to let the researcher use quotes from our interviews, if all identifying information is anonymous and I cannot be identified

Participant's Signature: _____ **Date:** _____

Participant's Name (Printed): _____

Researcher's Signature: _____

Researcher's Name (Printed): _____

Researcher's contact details:

Name: Sophia Benedict

Number: 07.....

Email: Sophia.benedict@.....

Appendix 2: Participant's information sheet

Study Title

Examining the barriers to community resettlement for foreign national women

Study aim and background

You are invited to take part in this research project which aims to examine the resettlement experiences of women who have been in contact with the criminal justice system, and who are not UK citizens. It seeks to learn more about the kinds of challenges and barriers faced by women, and the support women are able to access in the community. Ultimately, the purpose of this research is to gain a better understanding of the experiences, needs and challenges faced by foreign national women who have been in touch with the criminal justice system, and to draw recommendations to improve the support available.

Researcher background

The research project is funded by the Griffins Society and it is independent from probation and the prison service. The aim of the Griffins Society is to support research which tries to improve the lives of women who are affected by the criminal justice system. The research for this study will be undertaken by me, Sophia Benedict. In my work for the charity Pecan, which is also independent from probation and the prison services, I support women who have been in contact with the criminal justice system in London. Through this research, I am looking closely at the experiences of foreign national women in the community, a group whose experiences are overlooked and little understood in debates and public policy.

Interview format

The interview will last no longer than an hour, and it will be an informal conversation between us. I will ask some questions, but it is up to you what you want to tell me, and you do not have to answer any questions that you don't want to. You can choose where you would like to meet with me for the interview. If you would find it helpful to have somebody there to help translate, that is ok.

Voluntary nature and Confidentiality

Being part of this research is voluntary; you do not have to take part, and it is ok to change your mind.

You can tell me that you don't want to be part of the research anymore, at any time. Your nonparticipation will not affect your case in any way.

Your participation will be completely anonymous. If you wish to take part, I will change your name and keep confidential any information that could identify you. It will help me to record our conversation, but once this has been transcribed, I will delete the recording.

Use of data

The audio recording of the interview will only be used by me, the researcher, for analysis to write my report. It will not be used for any other purpose, and no one outside the research will be allowed to access the recording.

Contact Details of research and supervisor

If you have any questions or concerns about any aspect of the study, or your participation in it, not answered by this participant information sheet, you can contact me here:

Sophia Benedict: mobile XXXXXXXXXX or email sophia.benedict@XXXXXXX

ENDS