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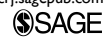
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Trajectories and identities of foreign national women: Rethinking prison through the lens of gender and citizenship

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Raquel Matos

Catholic University of Portugal, Portugal

Abstract

In Portugal, the proportion of foreign nationals among women inmates [rose significantly in the first decade of the 21st Century](#) [rose from 11.4 per cent to 31 per cent in the past 10 years](#) (Matos et al., 2013). **TAQII** This [ratio-increase](#) draws attention to the need for understanding foreign women's pathways and their identity (re)construction while in custody. Those were the aims of the research project presented in this article, which comprised in-depth interviews with 41 foreign national women in prison. Results show several migratory paths before custody, where gender plays a crucial role. In the experience of imprisonment, citizenship seems to be essential as it can be an obstacle for accessing the outside or the explanation for an expulsion sentence. At the same time, nationality and ethnicity play an important role as organizers of social relations in prison. In light of these results, it is suggested that prison should be rethought from a lens of gender and citizenship.

Keywords

Citizenship, foreign nationals, gender, migration, prison

Introduction

In 2007, when completing a research project about the life trajectories of young women in Portuguese prisons (Matos, 2008), I found that while there had been a decrease in the numbers of women prisoners in the country, there was a dramatic increase in the rates of foreign nationals among them. In response to this finding, I designed a new study focused on foreign national women's pathways to imprisonment in order to understand better how they make sense of their incarceration and the threat of removal to their countries

Corresponding author:

Raquel Maria Navais de Carvalho Matos, Catholic University of Portugal – Centre for Studies in Human Development, Faculty of Education and Psychology, Rua Diogo Botelho, 1327, 4169-005 Porto, Portugal.
Email: rmatos@porto.ucp.pt

of origin. I also explored their migration patterns to Portugal. Of particular interest in the study was the degree to which migrant groups were represented in the country's prison system.

In Portugal, as in other countries, foreign nationals are overrepresented in prisons where they make up more than 15 per cent of the total population behind bars.¹ For women in prison, rates are far higher, with nearly 25 per cent of the female prison population recorded as foreign national by the end of 2014 (Directorate-General of Reinsertion and Prison Services, 2007–2014). Such rates raise a number of questions. How did these people end up in prison in Portugal? In what ways does their imprisonment relate to their citizenship?

According to official statistics, more than 80 per cent of the foreign-born women prisoners have been convicted of drug trafficking (Moreira, 2014). However, it is largely unknown whether these women have familial or other ties to Portugal – and the extent of such ties – and whether their mobility is in fact related to diverse migration goals. Relatedly, we know little about how they make sense of their imprisonment as foreign nationals.

Drawing on in-depth interviews with foreign national women in Portuguese prisons, this article explores participants' pathways to custody and their experiences of imprisonment with particular emphasis on gendered circumstances and on their identity (re)construction while imprisoned. I begin by outlining the recent changes in migration flows in Europe and how the criminalization of many aspects of migration underpins the overrepresentation of foreign nationals in European prisons. I then consider the role of gender and citizenship in the process of identity reconstruction that foreign national citizens undertake while in custody. I conclude the article by discussing participants' adjustments in their conformity to the expected female roles when incarcerated as non-national citizens.

Mobility, Punishment and Citizenship in Europe

Since the 1980s, globalization and development of human trafficking networks that followed the end of the 'iron curtain' have created new migration flows in Europe (Zedner, 2010). In response, national cross-border agencies have increased in size, complexity and scope of action. As Lucia Zedner (2010) points out, in an era of globalization, countries tend to resist the influx of migrants and a paradox emerges between the freedom of movement advocated by globalization and the restriction of movement allegedly required for public safety. In addition, new social imageries and categories of persons, such as the 'resident', 'temporary', 'legal' or 'illegal' immigrant, the 'refugee' and so on, have emerged (Ferin, 2008). Although immigrants contribute culturally to the countries they migrate to, and can help to combat unfavourable changes in European demography (Almeida et al., 2004), they are often perceived by the general ('native') population as a source of competition in the job market, and are associated via political and populist discourse with crime and social disorder (Kalmthout et al., 2007; Lages et al., 2006).

As a number of scholars have demonstrated (e.g. Aliverti, 2013; Warner, 2005), the social construction of the 'immigrant criminal' has been accompanied by an effective criminalization of many aspects of migration. European official statistics show that

foreign citizens have more contacts with the criminal justice system when compared to national citizens (Kalmthout et al., 2007), and are overrepresented in prisons throughout Europe. Foreigners may also be discriminated against in the European penal justice systems, as they are often denied access to alternatives to imprisonment (Cunha, 2010).

As Salvatore Palidda (2009: 1) argues,

in the last two decades the number of arrests, imprisonments and detentions of citizens of foreign origin, has gone up considerably in all the 'old' and recent immigration countries in Europe, but also in North America, Australia, Japan and recently even in countries that continue to function as emigration or transit countries.

The percentage of foreign citizens in European prisons has increased over the last decades even in countries that already presented extremely high rates of foreign national prisoners. For example, according to the official figures, between 2000 and 2008 the rates of foreign inmates increased from 62.6 per cent to 69.7 per cent in Switzerland, from 59.1 per cent to 74 per cent in Luxembourg and from 88.2 per cent to 91.2 per cent in Monaco (Aebi and Delgrande, 2010; Tournier, 2001).

In Portugal, the proportion of foreign nationals in the prison system has undergone some variation in the last decade (Matos et al., 2013), with an increase that has been particularly remarkable for women (see Figure 1). Since at least the 1950s, Portugal has witnessed a steady stream of immigration. Initial arrivals, coming from Brazil and former African colonies, were brought over by promises of greater opportunity and wealth. Such people were joined, from the 1980s until the financial crisis in 2008, by citizens from Western and Eastern Europe and North America in a segmented and racialized labour market (Esteves and Malheiros, 2001; Kalmthout et al., 2007). Although the number of new arrivals has slowed in recent years, and emigration rates have increased, Portugal continues to allow some immigration through legal routes, contrary to the European tendency (Eurostat, 2010). Nonetheless, numbers remain small. Thus, according to official data, by the end of 2014 there were 395,195 foreign citizens who were legal residents in Portugal (3.8 per cent of the total population), mainly from Brazil, Cape Verde, Ukraine and Romania (Portuguese Immigration and Borders Service, 2015).²

Official prison statistics reveal a notable increase in the proportion of foreign national women behind bars since 2000, with the sum rising from 11.4 per cent that year to a peak of 31.2 per cent in 2007. While stable for a few years, numbers have been falling since 2009 (31 per cent) to the current rate of 24.4 per cent (Directorate-General of Reinsertion and Prison Services, 2007–2014). Over the same period, the proportion of men rose from 12.2 per cent in 2000 to 19.7 per cent in 2007, where it has since remained stable (Directorate-General of Reinsertion and Prison Services, 2007–2014).

The majority (56.5 per cent) of male and female foreign inmates in Portugal come from a selection of African states. However, in recent years, among foreign women in prison, European nationalities are increasingly common, equalling or at times surpassing the proportion of African women (Directorate-General of Reinsertion and Prison Services, 2007–2014). Wherever they are from, most foreign prisoners are more



Figure 1. Percentage of foreign national women and men among prisoners, in Portugal.

Source: official statistics of the Directorate-General of Reinsertion and Prison Services. Available at: <http://www.dgsp.mj.pt/>.

convicted of drug offences than Portuguese prisoners, whose crimes most commonly relate to property. It must, however, be noted that the proportion of foreign nationals among the inmates detained for drug trafficking has been dropping considerably in the last years, corresponding to 26.4 per cent in 2014 (Directorate-General of Reinsertion and Prison Services, 2007–2014). Drug trafficking is, in any case, the main crime for which foreign women serve prison sentences in Portugal (80.6 per cent in 2012), with other types of offences far less significant (e.g. offences against property – 9.2 per cent; offences against the person – 8.2 per cent; other offences – 2 per cent). Among male foreign inmates, although the most common crime is also drug trafficking (36.5 per cent in 2012), the proportions of other types of crimes are significant: offences against property (24.3 per cent), offences against the person (22.2 per cent), offences against society (6.6 per cent) and other non-specified offences (10.5 per cent).

Incarceration, Citizenship and Identity

Although there is not much written specifically on Portugal, evidence from elsewhere suggests that foreign national prisoners find it difficult to access the same protections and rights as national citizens (Bhui, 2009; Kaufman, 2014). These difficulties tend to occur whether they are long-term, short-term or non-residents (Zedner, 2010). As they pass through the criminal justice system, including remand and post-sentence imprisonment, foreign nationals face additional and obvious barriers. A substantial body of work, mainly on British prisons, has evidenced the difficulties and needs shared by foreign national prisoners when compared to their citizen counterparts (Bhui, 2007, 2009; Bosworth, 2011). The main problem areas, as outlined by Hindpal Singh Bhui (2007: 368–369), include:

a lack of information about and understanding of the prison and criminal justice systems, immigration-related problems, including post-sentence detention, language barriers, isolation and lack of family contact, lack of preparation for release and lack of respect and racism.

How might such matters shape the processes of identity reconstruction that such citizens undertake while in custody?

It is widely known that incarceration acts on and through prisoners' sense of self and belonging (Bosworth, 1999). Current literature on the administrative detention of foreign nationals provides a significant set of conclusions on the impact of confinement on identity (e.g. Bosworth, 2012; Bosworth and Kaufman, 2011), and builds on the literature on foreign nationals' imprisonment in the penal system (e.g. Kruttschnitt and Hussemann, 2008). According to Mary Bosworth (2012: 128),

citizenship, unlike a criminal sentence or conviction, is (meant to be) an absolute: you either have it and its attendant rights and obligations or you do not. There are no (legal) degrees of citizenship upon which decisions about where individuals could be detained or the length of their detention could be based.

Although different from imprisonment, the detention of foreigners for immigration purposes reveals the importance of identity when analysing foreign citizens' confinement. If identity is crucial when it comes to decide who may or may not move freely (Weber and Bowling, 2008), it should also be taken into account when people are simultaneously classified as criminals and non-nationals. In fact, there is strong evidence that foreign national prisoners identify more readily the impact of imprisonment on their sense of individuality and their self-perceptions as 'the other' (Kruttschnitt and Hussemann, 2008). If the evolution of prison practices has highlighted the sense of 'otherness' with regard to prisoners, the diversity of nationalities and ethnicities may have enhanced it even more (Bhui, 2006). Overall, citizenship seems to be much more part of the prison life than it used to be. As Kaufman (2014: 138) argues, there is an 'institutional emphasis on citizenship' that makes it difficult for foreign nationals to forget their non-national condition.

In Kaufman's work on how punishment and identity are intertwined in the context of foreign national men's imprisonment, she found that gender conformity is a way to claim national identity (Kaufman, 2014). Other studies that consider gender, citizenship and identity reveal that many foreign national women in prison wish to go back to their countries of origin, and that their family is one of their primary concerns (Toner, 2009). Research on the administrative detention of non-nationals likewise highlights that women present distinctive ways of dealing with confinement, reflecting the gendered circumstances of their life trajectories – with frequent stories of abuse – and the gendered nature of their migration paths (Bosworth, 2012). In the remainder of this article, I consider the implications of these insights for foreign national women in Portuguese prisons.

A Methodological Note

This article draws on qualitative research with foreign national women prisoners in Portugal. The study explored the following questions: how do gender and migration

intersect in women's pathways to custody? Considering the purpose of migration and women's identities as foreign citizens, how do they make sense of punishment? What were the impacts of being foreign citizens on their experiences of the criminal justice system? What does 'doing time' mean? And what does it mean to be deported?

Forty-one women were selected from a universe of nearly 200 foreign national women in the Portuguese prison system.³ To ensure the diversity of mobility and criminal experiences, I interviewed women from different nationalities and those serving sentences for a variety of crimes. I included women with prior residence in Portugal and women with no previous connection to the country. Four forms of association of those characteristics prevailed: European women without previous residence in Portugal, serving sentences for drug trafficking ($n = 10$); women from South America who were non-resident in Portugal and serving sentences for drug trafficking ($n = 10$); African women living in Portugal and serving sentences for domestic drug trafficking ($n = 10$); and European women living in Portugal and serving sentences for other types of crimes – mainly against property and against the person ($n = 6$). Those were the most common paths of mobility and crime among foreign women serving prison sentences in Portugal, but other combinations of nationalities, crimes and residence were considered ($n = 5$).

The interviews took place in the two main female prison facilities in Portugal in the first trimester of 2011. I used a semi-structured interview script that was flexible enough to access women's narratives concerning their mobility, crime and identity construction through the lens of gender. The interviews were audio-recorded and later transcribed. Data resulting from the transcriptions of the interviews were analysed through grounded analysis procedures (Strauss and Corbin, 1990).

The Impact of Gender and Citizenship in Women's Paths to Imprisonment

Early scholarship on women and migration tended to deny female agency, presenting women migrants as having reactive rather than proactive roles in the migration process (Mahler and Pessar, 2006; Ross-Sheriff, 2011; Tastsoglou et al., 2005). Until the 1970s, most of the literature on this topic was based on the assumed tendency of women to migrate following a male decision or as the only way to meet family basic needs instead of their own desires or interests. As Mahler and Pessar (2006: 27) stress, 'the field had eschewed female migrants owing to the widely shared assumption that women (and children) migrate to accompany or to reunite with their breadwinner migrant husband'. In the last several decades, however, studies on migrant women have conceptualized migration as a gendered process, showing that gender roles must be considered as an integral part of all social structures in order to understand the specificities of international migration flows (Mahler and Pessar, 2006; Ross-Sheriff, 2011). Some of this work has argued that women's migration can be a means of escaping dependence on husbands, achieving new rights or as an opportunity for self-development (Mahler and Pessar, 2006). For example, Mirjana Morokvasic (1983: 24) observed in the early 1980s that women's migration is

not simply an enforced response to economic hardship by single, widowed or divorced women, but also a deliberate calculated move on the part of individual gendered actors to escape from a society where patriarchy was an institutionalized and repressive force.

The women I interviewed had a range of migratory paths before entering custody. While some sought a better life in Portugal, others arrived more haphazardly. Among those who hoped for better living conditions, several came from Portuguese-speaking African countries during childhood or adolescence, as part of a wider family group. Others came later to Portugal, looking for labour opportunities. While some had decided autonomously on their migration, others came due to someone else's decision. On the other hand, for many women the decision to travel was suddenly made in an effort to solve pressing financial problems and Portugal was no more than an accidental destination. These were women with no migration aspirations who were caught up when travelling to the country carrying drugs.

Whether coming as children or as adults, whether Portugal has been a planned or a random destination and whether or not women were caught as drug couriers, their trajectories up to imprisonment in a foreign country have been shaped by circumstances of gender and citizenship. In this section I seek to discuss and illustrate with excerpts from women's narratives, the experiences of discrimination based on nationality and ethnicity as well as agency, autonomy and self-assertion on women's mobility trajectories.

To begin with, experiences of discrimination arise essentially in the narratives of women who migrated to Portugal during childhood. It was when talking about that period of their lives that some women described episodes of discrimination based on their ethnicity. Daniela, for instance, narrated how she came from Cape Verde to study, but consistent discrimination at school, where classmates constantly called her 'black', resulted in endless fights between them, making it difficult for Daniela to pursue her schooling:

I came here to study but didn't study much ... just until the 4th grade. It was awful. I even like to study, but I gave up because it was awful. I was beating other girls all the time, 'cause the girls called me black and such. And I felt badly and beat them. And every day my mother received a complaint. Then my mother gave up and pulled me out of school. And I didn't study more.

Other episodes, which took place in adulthood, illustrate the difficulty of migrant women to have professional stability in the host country. This was the case of Maria, a 40-year-old Cape Verdean woman:

I came here 10 years ago. I wanted to find a home, a job and then bring my son. But I couldn't ... When I came to Portugal I think he was 12 and he wanted to come. But at the time I had no documents and you need a document that you have a house, a job and a salary ... but I hadn't. It always lacked something, things were not as I wanted ... always lacked some money to buy a loaf of bread, rice, these things ... At some point I owed the bank €1800 and was out of work. Also my son was in school and I thought 'I'll wait that he finishes studying'. And when he finished studying I came to prison [...]

Regardless of women's previous condition as immigrants, in Portugal or in another host country, or as residents in their home country, social vulnerabilities and exclusion tend to precede incarceration. Gender plays an important role in the way it intersects with other markers of identity, such as ethnicity, and structures social relations both in the host and sending societies (Tastoglou et al., 2005). If for both migrant men and women work opportunities are narrow, women's opportunities tend to be worse, frequently in low-income jobs or in the sex industry, rendering migrant women more vulnerable to exploitation (Ross-Sheriff, 2011). The data presented here show that for most women achieving education or a good job in the host country was difficult, and instances of discrimination were reported. In addition, a few women were caught up in networks where they were powerless. This was the case for Amelia, a 28-year-old citizen of Ukraine, who found herself caught in a human trafficking network and exploited for sexual labour:

I wanted to know the world, to open new things and to be independent [...] wanted to buy a house, to buy a car and to live by myself. I thought I was coming to work in a restaurant [...] Then they took my passport, took everything I had ... and I was afraid to call the police ... it was very difficult. I used to cry a lot and I cut myself sometimes.

For some women, the decision to migrate or to carry drugs abroad was made by someone else. That was the case for Hanna, a 30-year-old South African citizen:

It was his idea. When I swallowed the dope he knew ... and he knew it could kill me. He never said 'I won't let my wife do it'. But I believe he never did it 'cause he had no passport. I have passport, so I can do it. If he really loves me he wouldn't send his wife, his son mother, do it. So ...

For others, however, to migrate was the result of an individual decision-making process whose centre was either the woman herself or other people. Among those who planned to migrate, some were motivated to move by the chance to be independent and to escape from violent relationships where they felt powerless and subjugated by a male partner. This is well illustrated in the words of Vania, a 44-year-old woman from Cape Verde who told us: 'I wanted to come to Portugal [...] mostly to run away from him.' More broadly, the coming decision may have resulted from the desire to live in a country where women can be more independent. This is the argument of Maria, also from Cape Verde, who explains that came to Portugal to escape the Cape Verdean gender norms: 'I wanted to come here [...] In Cape Verde there is a different rule; parents want their daughters to get married. My sister is married and I'm not. I am very independent; I don't like anyone to boss me!' This kind of self-centred decision is also found in the narratives of several women serving sentences for carrying drugs. Drug couriership was part of the trajectories of a set of women who faced sudden financial difficulties, including dealing with vulnerabilities such as unemployment, the loss of close relatives (e.g. husband, parents) or health problems. Faced with these problems, several women I interviewed took the opportunity to earn money by entering the drug trade. Consequently, international drug trafficking became, for some women, a steady source of income until their arrest. It became a professional occupation that enabled them to provide for their families and have some sense of achievement, as illustrated in the words of Zita and Nelia:

They told me about the 'business' and I wanted to know more. When I knew it was drugs I just said 'oh, it's drugs business. Ok, I'll do it.' [...] I used to save money to build a new house ... and I had some extra money at the bank to my son ... (Zita, 40, Brazil)

It was my seventh trip. The previous six were successful. My trips were always well succeeded [...] I was one of the boss trusted women. Once I took ninety thousand euros to Brazil. I had guts. (Nelia, 33, Brazil)

They reported an autonomous decision-making process to get involved in this business. In such cases, decisions were based on arguments where women played themselves a central role. Take, for instance, the words of Jordana and Elisabet:

I was out of work and I asked myself 'what am I going to do?' As I was already using drugs I moved on to sell it! [...] I used to use heroin and then the newspaper [where she worked] closed and I started to sell it. (Jordana, 52, Spain)

He asked me if I could travel to Brazil and then carry drugs. I said yes ... I didn't want to move a hand to work. (Elisabet, 30, Spain)

Agency in women's decision to migrate, however, is not tantamount to self-assertion and independence in their migratory path. For many, the motivation to migrate was grounded on their families' needs rather than related to their personal advancement. Ofelia, for instance, came from Cape Verde seeking better health care for her daughter who needed to go through several surgical procedures. Others came to reunite with their husbands or other family members, or as in the case of Camila, to open the ground for future family migration:

I came to Portugal ahead to bring my husband and my children later. We had already three children when I came. Usually the man comes first, but I decided to come and would ask my husband and children to come later. (Camila, 42, Cape Verde)

Among women serving sentences for international drug trafficking, several explained that the decision to travel could in no way be associated with autonomy and independence, since it was deeply rooted in their drug addiction. In such cases, their involvement with drugs extended from the 'simple' domain of consumption to include the more complex domain of business. Other women, although seeming to have autonomy and self-assertion in the decision to enter the drug trade, sometimes end up losing control over their lives. In fact, several report that if at first they chose to carry drugs, later on they started to be manipulated by the people that connected them to the drug trade. Sonia, a 33-year-old Venezuelan national, narrated how her drug trafficking contacts would not allow her to stop trafficking, constantly claiming that her debt to them was not yet paid. She was often told that her next trip was her last, but there was always another trip to make, a bit more debt to be repaid. They threatened her family and dominated her life to the point that she claimed to feel freer inside prison.

Such testimonies show how gender relations are one of the crucial dimensions in the trajectories of foreign national female prisoners. Women's migratory pathways may not be a coerced and passive response to male demands or gendered situational factors, but can be an individual rational choice (Morokvasic, 1983). As shown above, women's

migration can be an act of escaping from abusive husbands, and starting a new life in a more egalitarian context where women have more rights (Mahler and Pessar, 2006).

But concepts of agency and passivity should not be dichotomized. Agency is present in the way women are able to make decisions to escape violent relationships or are proud of being successful in the drug trade, as shown in the cases of Vania and Nelia, respectively. At the same time, however, the agency prevalent in some women's decision to travel or migrate may be minimized during their actual migration, as exemplified in the case of Amelia above. Some women narrated how they felt coerced by others into leaving their country and couriering drugs but later appeared to take the control over their lives when deciding, for example, to delay their return; or how they were focused on their relatives when deciding to migrate, but later on focused on their own lives and changed the initial plans. Camila, who came to Portugal planning that her husband and children would meet her later, explained how things changed:

I went to Cape Verde after two years of life here ... I went there to see the kids, and came back again [...] They never came [...] Then I started to live with my current husband who I met when I first came to Portugal. (Camila, 42, Cape Verde)

As Ross-Sheriff (2011) argues, like in the case of Camila, women tend to change their migration plans, for instance postponing or avoiding return, or even preventing family reunification, because of the 'new rights' available to them in the host country.

In the next section, the analysis and discussion focus on women's experiences of confinement as foreign national citizens. Nevertheless, the paths towards prison, punctuated by gender and citizenship, are not forgotten. In women's narratives of imprisonment, which I explore in the section, hierarchies and relationships among prisoners are shaped by references to ethnicity and citizenship.

'Doing time' as foreign national women

The experience of imprisonment, and the identity reconstruction that ensues, were dependent on participants' citizenship and the purpose of their migration journeys. When asked about the meaning of 'doing time' in a foreign country, women referred to a range of topics, from their experiences of the Portuguese criminal justice system to systematic discrimination and daily life in prison.

The length of sentence was repeatedly mentioned as a negative aspect of being detained in Portugal, particularly with regards to drug offences. On the other hand, many viewed the justice process and the conditions of confinement positively when compared with the situations in their countries of origin:

In Spain I would be in custody until the end of the sentence ... here I can go out with half. (Pilar, 31, Spain)

In Venezuela you are beaten, maltreated, you can die 'cause they won't give you food ... not here! (Elisa, 22, Venezuela)

Participants also discussed the challenges of managing family relations at a distance. Many women have no visits while in prison which contributes to their isolation. Their inability to take care of their children and relatives was particularly upsetting.

In addition, women described the challenge of explaining the criminal justice process to their relatives once arrested, ~~and having to ask for their assistance in filing requests for transfers to a prison in their home country.~~ They discussed how hard it was to explain that ~~requesting for transfers to a prison in their home country such a process~~ is neither easy nor desirable in many cases. For some participants, the fact that they are in a foreign country provides the opportunity to hide from the family the fact that they are serving a custodial sentence. When they take advantage of such an opportunity, maintaining a 'cover story' was described as an extremely demanding emotional and cognitive process.

Many women felt they had fewer rights in the criminal justice process on account of their nationality. As Bhui (2007) found in the UK, they faced difficulties in securing legal representation, felt discriminated against for being unable to access day parole or probation and found that their language needs were unmet, making it hard for them to, for instance, obtain information from prison staff. In addition, women felt they faced more bureaucratic procedures resulting in delayed judicial decisions. Some women reported that it is possible to wait several months for the required documents to travel to their country of origin. Take the words of Eva, Rita and Elisa below:

It is outraging because we are immigrants; we have no support ... no one supports immigrants who are in jail [...] one of these days I was looking at an officer ... if you ask anything about your process ... they know nothing! (Eva, 49, Moldova)

they denied my probation twice ... because I'll go to the house of a former inmate. (Rita, 40, Angola)

A concern here, at least for us ... foreigners ... is to have a person who supports us and who can be responsible for us, think they should at least consider the possibility ... the possibility of giving us day parole. (Elisa, 22, Venezuela)

Furthermore, foreign national women felt their bureaucratic procedures were constantly facing delays from the point of judicial decision to the process of release. Women also expressed how they had less control over their custody, as they were more often subjected to sudden prison transfers than citizen inmates.

Doing time as foreign nationals also affected women's sense of self. The detention of foreign citizens, as Mary Bosworth (2012) argues, entails the loss of identity. This idea was very clear when women stated how they felt they were losing their identity. As some of them described, being a foreign national in prison is 'being nobody, nowhere' or 'not having a life'.

Women spoke of their feelings of failure and disappointment, particularly when the journeys that ultimately led them to prison were devised to achieve better living conditions for them and their families. As some women stressed, their plans failed and being imprisoned meant worse living conditions for their families.

Furthermore, being a foreign national in prison means rethinking the place where women want to live, independently of their initial plans on arrival:

I don't want to stay in Portugal anymore [...] Things are not working here. (Ofelia, 42, Cape Verde)

I have eight years of expulsion [...] But I may come back. If I have a good reason to come back, I'll come. Lately I have not really wanted to leave Portugal. (Nelía, 33, Brazil)

Foreign nationals face a high probability of being deported (Bosworth, 2012), having to deal with both the penalty of imprisonment and the impossibility of choosing to stay in the host country after custody. In Portugal, this can be decided during the trial, by an additional penalty of deportation,⁴ or it can be determined after sentencing by the border and immigration service, thereby keeping the inmate in a state of uncertainty about such decision during her period of imprisonment. Most women participating in this study had mandatory deportation after their sentences, even when they were previously residents in Portugal. The way women make sense of being imprisoned depends on the extent to which they reject the possibility of returning to the country of origin. Although recent migration studies stress that women tend to postpone the return home, specific studies about foreign national women in prison reveal that many of these women want to go back to their country of origin (Toner, 2009). While in prison, foreign national women tend to rethink the place where they want to live. Remains of identity thus emerge through historical and cultural references to the country of origin (Bosworth, 2012). Rethinking the place where women want to live emerges as a way of gaining some control over their lives after custody, especially when they have mandatory deportation pending.

The role of citizenship in the organization of prison life

Nationality and ethnicity shape relationships within the prison, with categories such as 'the European foreigners', 'the Africans', 'the Portuguese', 'the northern Portuguese' or 'the gypsies' identified as being part of the way inmates are grouped and labelled by other inmates and by prison officers. Such categories translate into hierarchical relationships in a very stratified institution, as has already been shown in previous research on the incarceration of foreign nationals (e.g. Bosworth, 1999; Cunha, 2010; Kaufman, 2014; Phillips, 2008). In [The her](#) recent work [of Kaufman \(2014: 138\)](#) on gender and identity in foreign national male prisoners [Kaufman \(2014: 138\)](#) has argued that 'citizenship mattered in the prison hierarchy, both to the relations between prisoners and to the dynamics between prisoners and staff'. Focusing particularly on ethnicity and race, Corretta Phillips (2008) concluded that, in the British multicultural prison where she carried out her research, there was an ethnic separation among prisoners based more on shared cultural beliefs than on racial matters. She also evidenced that when ethnic issues did not arise, nationality could be a cause of conflict in the relationship between inmates.

The words of Daria and Pilar illustrate how nationality and ethnicity play an important role in the structure of prison relations, both between prisoners and between prisoners and staff:

Sometimes, here, when things are a little tense, we hear very easily 'hey you fucking foreigner'; It's hard ... (Daria, 30, Romania)

For me ... there are Portuguese and Portuguese. I'm not racist because for me it's the same, a Nigerian ... African or Portuguese ... I don't have problems with race ... but the northern Portuguese just kill me [...] they don't like gypsies, but ... well, foreigners just don't like them. (Pilar, 31, Spain)

There are also instances of solidarity and support. Women described how some prison officers were concerned with the difficulties foreign nationals faced. They also mentioned how other inmates at times provided them with food and clothing or offered to be hosts in case they were granted day parole. Overall, women's narratives of daily routines in prison gave particular emphasis to the ways in which both prison officers and inmates use nationality and ethnicity to deal with the inmate population.

Research participants gave several examples of discrimination with particular emphasis to the way both officers and inmates use nationalities to deal with the foreign women. Nationalities shape the incarceration experience as foreign prisoners categorize and are themselves categorized by other inmates and by ~~the prison staff officers~~ according to their nationality. In fact, the prison daily routines, organized by the staff or by the inmates, seem to follow nationality differential codes (Bosworth, 2012). Ethnicity also seems to shape the relationships within prison, as several labels are used to categorize prisoners. As prison is a very stratified institution, those categories are used to determine hierarchies and to organize routines day by day (Cunha, 2010; Phillips, 2008). It is interesting to see that it is not just about nationalities, as narrower codes are used to differentiate women from the same country. For example, Portuguese women are divided into 'northern' and 'southern' or they may be differentiated based on ethnicity (e.g. 'the gypsies'). Regardless of nationalities, prison will always be a hierarchical setting; indeed, having a high percentage of foreign national women in prison encourages such stratification. From the perspective of the non-citizen inmates, using or dealing with these categories is part of the negotiation of power relationships, a key issue in the process of their identity reconstruction (Bosworth, 1999).

Conclusion

The testimonies analysed here reveal how the prison should be rethought from a lens of gender and citizenship. Gendered migration pathways impact both how foreign national women experience imprisonment and how they reconstruct their identities. Gender is crucial in the way women's migratory paths are marked by an apparent paradox between agency, self-determination and autonomy on the one hand, and passivity, hetero-determination and dependency on the other. When foreign women in prison construct narratives about their migratory paths and experiences of custody, conformity to the expected gender roles emerges, as women talk about family and about their experience in asymmetric (violent) relationships. But being a woman seems to comprise also an 'unexpected' and 'less female' agency, self-determination and rationality in choosing to migrate or to engage in criminal activity. Citizenship is also fundamental as it can be the reason for differential treatment during incarceration, an obstacle in accessing resources outside the prison or the justification for deportation.

Citizenship and gender must be considered in a complex relationship when it comes to understanding foreign national women's pathways, confinement and identity. Women participants construct their mobility paths, incarceration experiences and sense of self by making adjustments in their gender conformity. In some cases, women decided to migrate to escape contexts where their opportunities as women were narrow, yet when they reach the new context in Portugal, they faced social vulnerabilities and exclusion when trying to accommodate to the expected gender roles. In other cases, the migratory decision was the result of being coerced by others, but later these women gained control over their lives when deciding, for example, to delay their return to their countries of origin. In both cases, women make several adjustments in their conformity to the expected gender roles, when trying to respond to the social vulnerabilities, exclusion and incarceration they face as non-national citizens.

It is known that prison is part of a broader system of control and regulation of social vulnerabilities (Wacquant, 2009). As this study shows, in the intersection of gender, nationality and migration, prison is increasingly present in the pathways of those who as women and migrants face greater difficulties in their social, cultural, linguistic and professional integration.

While in prison, both gender and citizenship play important roles as organizers of social relations and so mark women's experiences and identity.

As seen above, some practices of prison staff as well as foreign national women's experiences of confinement and opportunities of contact with the outside are determined by ethnicity and by nationality. Consequently, women who have decided to migrate and who have faced several difficulties in the host country, find themselves in a context where they are seen not only for the crimes they committed, but also for their conformity (or not) to gender and for daring to distance themselves from their context of origin. While in custody these women face identity challenges where they deal with questions like 'Who am I?' and 'How did I end up in prison?' Furthermore, when compared to their national counterparts, these women face specific decision-making processes that impact not just on their future but also on their sense of self – this is particularly so in that the choice of where and how their life after prison will develop is considered and their past strategies and goals are reassessed, even if in the end whether they remain in Portugal or not may be largely determined by immigration authorities.

To conclude, I also raise some questions. Should prison practices be blind to the specific experiences of foreign national women both as migrants and as women? What if the migratory paths were used as a basis to understand the life stories of foreign women in prison instead of being used as a reason to reinforce their punishment? The constructs of gender and citizenship are inevitably part of the construction of social relations in any context; prison is no exception. However, it cannot be a context where gender and citizenship are in themselves grounds for punishment.

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Notes

1. According to official data, by the end of 2014 foreign citizens represented 3.8 per cent of the residents in Portugal (Portuguese Immigration and Borders Service, 2015).
2. <http://www.sef.pt/portal/V10/EN/asp/page.aspx>.
3. Participants were assigned pseudonyms to preserve anonymity and confidentiality.
4. Law no. 23/2007, 4 July – Juridical regime for the entrance, stay and withdrawal of foreign citizens from the Portuguese national territory / Art. 151 – Additional penalty of expulsion.

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Author biography

Raquel Matos (PhD) is Associate Professor at the Catholic University of Portugal. She has been developing research on gender, crime and punishment and has several publications on that topic. Being currently interested in gender and migration control, Raquel Matos recently coordinated a book on 'gender, citizenship and imprisonment'.

