

## **A BITTER BON VOYAGE**

### **America Puts Foreign Criminals on the Fast Track Home**

By Joe Cochrane

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Andy and Mau never thought they'd return to Cambodia this way. Like tens of thousands of other Cambodian war refugees, the two young men fled a genocidal campaign to begin new lives in the United States. Resettled with their families in places like Virginia and Texas, they attended public schools, listened to rap music and wore the latest styles. They were as comfortable with American life as any native teenagers. But Andy and Mau made two mistakes. First they ran afoul of the law and served prison sentences for separate robberies. Second, perhaps because they felt so at home in the States, they never bothered to fill out the paperwork to become U.S. citizens. The second mistake proved to be the more costly. Last June they were informed by U.S. Immigration agents that they would be deported to Cambodia within 24 hours. Andy, 31, and Mau, 27, who did not want to give their full names, are not alone. Citing a 1996 law that mandates automatic deportations for aliens convicted of a felony, the United States plans to deport about 1,400 more Cambodians who have been convicted of such crimes, as well as aliens from other countries. The decision to begin large-scale deportations, made only with Phnom Penh's acquiescence last March, seem to be part of a general stiffening of U.S. immigration policy — part of a series of measures that include increased monitoring of aliens, whereabouts and beefed-up law-enforcement powers. U.S. Immigration officials deny that these deportations are part of any post-9-11 crack down. "If you are living in the United States, you are agreeing to abide by the laws of the United States," says an INS spokeswoman. "This is a choice an individual makes."

Cambodia, on the other hand, did not have a choice. Cambodian officials claim they were strong-armed into signing the agreement. A senior Cambodian official indicated that Phnom Penh's acceptance of the terms was linked in their minds to vital World Bank and IMF assistance, which could be torpedoed by diplomatic pressure from Washington. "If we don't have help from behind the scenes from the United States, how could we get assistance?" says the senior official. The Cambodian government also claims that had it not gone along, the U.S. Attorney General could have imposed a number of sanctions, including freezing visas to the United States.

Cambodia isn't the only country being asked to put out a welcome mat. But the Cambodians are arguably a special case "because of the circumstances under which they left and the lack of contact they've had since they left," says one American aid worker in

Phnom Penh. Most of these new arrivals lost family and friends during the bloody rule of the Khmer Rouge. In recent years, while many countries have accepted deportees, U.S. officials have appeared reluctant to ship Cambodians back to the country that once was home to the killing fields. But the new agreement is a measure of just how much has changed since 9-11. Today any reluctance to send Cambodians back to a country only several years out of violence has been put aside.

Kimly Tan's brother is one of the many Cambodians sitting behind bars waiting to be sent away and she is deeply worried. As a child in Cambodia, she remembers playing with other kids and hearing that a family had been summoned to a meeting that night. "All of a sudden the next morning, the whole family would be gone. You would hear rumors that they had all been killed, and we knew they were true." Now her brother, who cannot read or write Khmer, must return to the land of his childhood nightmares. Cambodia is no longer the regime Pol Pot made infamous, but rather a poor, developing country that is as stable as it is corrupt. Tan admits, "It's much better than the Khmer Rouge era." And then adds, "But we still hear horror stories." The story being told by immigrant advocacy groups is that it's easier to be thrown out of post-9-11 America than ever before. "You have a lot more requirements for registrations, a lot more possibilities for being deported and a lot more secrecy," says Judy Golub, senior director at the American Immigration Lawyers Association, "and all that boils down to is people being afraid." Rep. Barney Frank (Democrat of Massachusetts) wants to give courts more discretion to judge alien felons. But he admits that since 9-11 anything that promotes immigrants' rights makes his congressional colleagues nervous.

Andy and Mau haven't been back long, but they have already heard how immigrants are reacting in the States. "A lot of Cambodians didn't get [citizenship]," Andy says. "Now with this deportation news, everyone is lining up to get it." Ironically, Washington's new measures will probably have the net effect of simply creating more first-generation Americans. That's cold comfort for Andy, Mau and the 1,400 Cambodians waiting for their numbers to be called up.

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*With Adam Piore in New York*

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