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U.S., CAMBODIAN GOVERNMENTS PLAN TO FORCE REFUGEES BACK TO CAMBODIA

Senior officials of the United States and Cambodian governments acknowledged on May 3 that they plan to permit the forcible deportation of Cambodians in the United States to Cambodia.

Over 200,000 people with Cambodian backgrounds live in the U.S., and nearly all of them arrived as refugees or are the children of refugees. Their flight to the U.S. followed years of misery under the infamous Khmer Rouge communist dictatorship, which was responsible for two million deaths. Before the Khmer Rouge period, during the Vietnam War, many Cambodians in the U.S. fought alongside American troops. Reflecting on the history of his people, Samkhann Khoeun, Executive Director of the Cambodian Mutual Assistance Association of Lowell, Massachusetts, reported: "Cambodians risked their lives moving to this country for freedom and a better life. They've already lost so much. Forced deportation would be devastating for them, their children, and their families who stay here."

Many Cambodians and others argue that deportation is unfair because the offenses that could trigger it were allegedly committed years before the deportation policies were announced, and because the potential deportees have already paid the criminal penalties imposed on them by judges. In addition, many say they had poor legal representation in their trials, and were pressured by Immigration and Naturalization Service (INS) staff to accept "final orders of removal" in exchange for temporary release from indefinite detention. Many continue to assert their innocence.

American and Cambodian government officials indicate that forcible deportation will be pursued against Cambodians in the U.S. who are not citizens, have been convicted of crimes determined to be "aggravated felonies," and have been issued "final orders of removal." The definition of "aggravated felony" was expanded in 1996 to include nonviolent crimes such as shoplifting, driving while intoxicated, and marijuana possession, as well as others.

Nearly 1,400 Cambodians in the United States could be deported soon if the international agreement is implemented. In addition, advocates warn that the ruling could harshly impact the tens of thousands of Cambodians in the U.S. who do not have criminal records but are not yet citizens. If found guilty of crimes, they could also face deportation and be barred permanently from re-entry to the United States.

The Southeast Asia Resource Action Center – SEARAC, the national organization for Americans from Cambodia, Laos, and Vietnam – is opposed to the forcible deportation of people to any country they fled as refugees. SEARAC predicts that forcible deportation to Cambodia would have tragic consequences for families and communities remaining in the U.S., in addition to deportees. As SEARAC's Executive Director KaYing Yang reports, "Most of the people who would be deported have families and children in the States, but no one to turn to in Southeast Asia. Since many of them left Asia as children they can't speak Cambodian well and don't know how to make a living in Cambodia." A survey recently conducted by SEARAC revealed that Cambodians who could face deportation were, on average, nine years old when they entered the U.S., and had lived in this country for twenty years. Over half of the survey respondents were their families' primary source of income.

SEARAC calls for a hold on deportation until cases can be reviewed by the INS to ensure fairness in the deportation process. Currently Congress is debating several pieces of legislation such as The Family Reunification Act of 2001 (H.R. 1452) that would allow a cancellation of an order of removal for certain permanent residents for humanitarian or family reunification reasons. As there is strong sentiment in Congress and the courts to ensure that these cases are fairly and thoroughly reviewed, SEARAC asks INS Commissioner Ziglar to delay deportation of Cambodians until a thorough review process is in place.

Southeast Asia Resource Action Center (SEARAC): www.searac.org