



Southeast Asia Resource Action Center

CONCERNS ABOUT

THE DEPORTATION OF SOUTHEAST ASIANS

IN THE UNITED STATES

TO SOUTHEAST ASIA

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SUMMARY OF CHALLENGES FACING SOUTHEAST ASIAN AMERICANS

- In 1996 laws were put into place requiring that non-citizens who were convicted of crimes called “aggravated felonies” be deported from the United States. At the same time and since 1996, the definition of “aggravated felony” has been expanded to include crimes that carry sentences of two years or more – even if no actual time was spent in jail because of suspended sentences or parole.
- In 2002, Cambodia and the U.S. signed an agreement making it possible to deport non-citizens to Cambodia. As of December 2004, 126 people had been deported to Cambodia. As far as we know, no deportations of refugees to Laos or Vietnam have taken place yet, although the U.S. and Southeast Asian governments are negotiating agreements.

DETENTION BEFORE DEPORTATION

- Before they are deported from the United States people from Southeast Asia and other parts of the world are often kept in “detention,” where they have little access to visits from family or friends, and where they have few legal rights.
- Hundreds of people are in detention, and thousands are in danger of being deported to Cambodia, Laos, and Vietnam (if and when agreements are made between the U.S., Laos, and Vietnam).

HOW MANY PEOPLE MIGHT BE DEPORTED?

The latest information we have from the Immigration and Naturalization Service (2003) stated that the following numbers of people have been issued “final orders of removal” and are potentially deportable:

- Cambodia: Approximately 1,400
- Laos: Approximately 1,900
- Vietnam: Approximately 4,000

Now, the number of people in the United States with “final orders of removal” to Cambodia, Laos, and Vietnam is probably over 9,000.

SEARAC'S MAIN CONCERNS ABOUT DEPORTATION

SEARAC and other advocates have many concerns about deportation. These include the following, which are described on the following pages:

- a. Deportees Receive Double or Triple Punishment
- b. People Fighting Deportation Lack “Due Process”
- c. Deportation Hurts Families
- d. Deportation Laws Are “Retroactive”
- e. Minor Crimes Can Trigger Deportation
- f. Low-Income People Often Lack Good Legal Representation
- g. Deportees Often Lack Support in Southeast Asia
- h. Many People Fear Human Rights Violations in Southeast Asia
- i. Deportation Often Stems from Educational and Economic Hardship Common to Resettled Refugees

DEPORTEES RECEIVE DOUBLE OR TRIPLE PUNISHMENT

- It is unfair that people are being punished twice for their convictions – once according to the penalties of the courts, and once by deportation.
- In fact, many Southeast Asians in the U.S. are punished three times for convictions: once through penalties from the courts, once in detention while they are waiting for deportation, and then again by deportation.

PEOPLE FIGHTING DEPORTATION LACK “DUE PROCESS”

- People facing deportation have very few opportunities to argue for themselves, and immigration judges have very few opportunities to make judgments that could save people from deportation.
- Immigration judges are unable to make case-by-case judgments to help people facing deportation, even if they were convicted of their crimes many years ago, if they are now model citizens, if their families depend on them, or for other reasons.

DEPORTATION HURTS FAMILIES

- Most people in danger of deportation are the main wage-earners for their families.
- Who will provide support for these families?
- Who will explain to the children, parents, and spouses of deportees that the people deported will never be able to visit them in the U.S. again?

DEPORTATION LAWS ARE “RETROACTIVE”

- The laws that require deportation are “retroactive.” In other words, they are applied to people who had convictions before the laws were put into place in 1996, as well as people convicted after 1996.
- Some Southeast Asians in the U.S. claim that they pled “guilty” to charges before 1996 because they could not have known about the deportation consequences and because their lawyers encouraged them to plead guilty.

MINOR CRIMES CAN TRIGGER DEPORTATION

- In 1996, the U.S. Government expanded the range of crimes that people can be deported for. Now they can be deported for any crime that carries a sentence of two years or longer – even if no actual time was spent in prison because of parole or for other reasons.
- One woman is facing deportation to Cambodia because she used un-lit incense sticks to discipline her children (as her own parents had done). One man was deported to Cambodia after he was convicted of indecent exposure: He was caught urinating at a construction site.

LOW-INCOME PEOPLE OFTEN LACK GOOD LEGAL REPRESENTATION

- In the U.S., when people who are facing criminal convictions are not able to afford a lawyer the courts will appoint one to represent them.
- Some people facing deportation say that the lawyers the courts appointed for them were not very good, and that they would have fought for their innocence if they had known they could be deported.

DEPORTEES OFTEN LACK SUPPORT IN SOUTHEAST ASIA

- Many Southeast Asians face being deported to countries where they have few – or no – supportive relationships or job skills, and where they often do not speak, read, or write the languages well.
- Many people facing deportation were born in refugee camps or left Southeast Asia as young children. They have no memory of living in Cambodia, Laos, or Vietnam.
- Some people have been deported to Cambodia without the treatment support they need for serious illnesses – for example diabetes, or mental illness.

MANY PEOPLE FEAR HUMAN RIGHTS VIOLATIONS IN SOUTHEAST ASIA

- Many people who are facing deportation to Southeast Asia are afraid they could face human rights violations, or persecution based on their personal or family histories.

DEPORTATION OFTEN STEMS FROM EDUCATIONAL AND ECONOMIC HARDSHIPS COMMON TO RESETTLED REFUGEES

- Many people who are facing deportation have experienced educational, economic, and social problems that have their roots in the refugee experience.
- For example, many have parents who are unable to help them in school (because they themselves have little formal education), and many were resettled as refugees into low-income neighborhoods with high crime rates and substandard schools.

WHAT CAN WE DO?

1. Educate more community members about deportation so they will be able to avoid it, and so the laws can change.
2. If you or someone you know is facing a criminal charge, or deportation, get a lawyer. A list of “pro bono” lawyers is available on SEARAC’s website:
http://www.searac.org/probono_legal.html
3. Learn more about deportation by visiting SEARAC’s website:
http://www.searac.org/cambrepbak6_02.html
4. Support organizations that work with deportees and their families in the U.S. and Southeast Asia. Organizations in the U.S. can be found by searching the keyword “deportation” at <http://www.searac.org/maa/>. The Returnee Assistance Project, of Cambodia, can be visited at <http://www.rapcambodia.org/>