



ASIAN AMERICANS  
ADVANCING  
JUSTICE



SEAFN  
Southeast Asian Freedom Network

January 15, 2021  
President Joe Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear President-elect Joe Biden,

We, the undersigned Asian American, Native Hawaiian, and Pacific Islander allied organizations, urge you to use your executive power to place a complete moratorium on all deportations immediately upon taking office until Congress can pass robust immigration reform that would repeal sections of the 1996 immigration policies responsible for the United States' current draconian immigration enforcement system. In particular, Southeast Asian Americans (SEAA) have felt the brunt of these harsh laws along with other refugee and immigrant communities of color. A halt to deportations would provide relief for nearly 15,000 SEAs with deportation orders.<sup>1</sup>

SEAA refugees who came to the U.S. fleeing war and persecution were subjected to the same systematic marginalization as many other communities of color in the U.S. often referred to as the school-to-prison pipeline. They were resettled in impoverished neighborhoods with failing schools, racial profiling, over-policing, and mass incarceration that too often harms communities of color in this country. Like many SEAA refugees, Tung Nguyen came to this country as a child fleeing war and violence. His family arrived in the United States in 1991 and resettled as refugees from Vietnam. According to Mr. Nguyen, *"We resettled in a low-income neighborhood where I went through a broken school system... There was street violence while struggl[ing] at home due to unaddressed traumas. I did not know how to ask for help. Instead, I sought refuge in the wrong group of friends."*<sup>2</sup> At the age of 16, he followed the trajectory of many low-income youths and found himself arrested and convicted as a juvenile. Even after completing his sentence, he received a final removal order, and faces having to leave the only country he knows.

His story is not unique. Southeast Asian deportations are a direct result of the war on drugs, tough on crime era policies, mass incarceration and the rise in private prisons, which were further compounded by inhumane federal immigration laws passed in 1996 that dramatically expanded the range of convictions that made a noncitizen deportable. Tung's experience is testament to the long-term and far reaching consequences of our criminal legal system and immigration enforcement system that are based on old convictions.

We urge your administration to carry out the values and principles set forth in your plan for Strengthening America's Commitment to Justice and confirm your commitment to racial justice. We believe that the principles of (1) reducing the number of people incarcerated, (2) rooting out the racial, gender, and

<sup>1</sup> CAPAC Discusses Alarming Rise of Southeast Asian Deportations under Trump, SEARAC (Nov. 14 2019) <https://www.searac.org/immigration/capac-discusses-alarming-rise-of-southeast-asian-deportations-under-trump/>.

<sup>2</sup> Gisela Perez Kusakawa, *Giving Visibility to an Invisible Issue: The Rise of Southeast Asian Deportations*, ADVANCING JUSTICE | AAJC (Nov. 22, 2019) <https://medium.com/advancing-justice-aajc/giving-visibility-to-an-invisible-issue-the-school-to-deportation-pipeline-for-southeast-asian-543025bf3ba4>.

income-based disparities in the system, (3) focusing on redemption and rehabilitation, and (4) opposing the profiteering off of our criminal justice system apply equally to SEAs in the immigration enforcement context as they do in the criminal justice system. The incarceration and deportation of so many SEAs does not happen in isolation, but is a part of a broader and systematic problem within our criminal justice system. So many of these community members with final orders of removal found themselves as youth caught up in the same unforgiving pipeline as many of their peers without any second chances. Rather than having the opportunity to rehabilitate their lives after serving their sentence, they are funneled through what has become a school-to-prison-to-deportation pipeline that may end in deportation and permanent family separation.

Throughout the Trump Administration, Immigration and Customs Enforcement (ICE) took a dragnet enforcement approach, escalating raids and arrests across the country, and striking fear into refugee and immigrant communities. Cambodian Americans experienced a 279 percent increase and Vietnamese Americans a 58 percent increase in deportations between 2017 and 2018 alone.<sup>3</sup> In June 2018, around 43% of Vietnamese detained had lived in the United States for over two decades, with the percentage of Lao and Cambodian even higher at 86% and 75% respectively.<sup>4</sup> Since 2016, over 600 members of our community have been deported back to Cambodia, Laos, and Vietnam. As a result of these deportations, millions of families have been separated, young children are growing up without their parents, and single parents are raising their children without their partners.

As you well know, the Obama administration, with the humane intent of reducing the constant fear felt by millions of undocumented families, issued a prosecutorial discretion memo that made immigrants with felony convictions a top priority for deportations. This had a tremendous impact on SEAs who are more likely to be deported based on a conviction.<sup>5</sup> In the last two years of the Obama administration alone, ICE targeted SEAA refugee community members arresting 841 Vietnamese Americans, 378 Laotian Americans, and 249 Cambodian Americans.<sup>6</sup> As we find ourselves as a nation grappling with the systemic racism inhabiting all of our institutions, but particularly in the criminal justice system, we hope that you will consider taking a fresh look at the issue of immigrants with criminal convictions and move away from the previous Obama administration priorities.

**We urge you to exercise your prosecutorial discretion and executive power to do the following:**

- Include people with criminal convictions in any moratorium on deportations and support legislation such as the New Way Forward Act, which would address the fundamental problems that lead to the deportation of SEAs.
- Deprioritize pursuing enforcement against people who may be removable but evidence demonstrates no inadmissible or removable offense committed within the last five years, or that rehabilitation has taken place following any inadmissible or removable offense conviction, or potential post-conviction or similar relief that may render an individual non-removable.
- Eliminate the current visa sanctions on Cambodia and Laos and end diplomatic pressure that increases deportations to allow countries to freely negotiate humane and just repatriation agreements. The current visa sanctions that place restrictions on Lao, Hmong, Lu Mien, and other

---

<sup>3</sup> CAPAC Hosts Forum on Rise of Southeast Asian Deportations, CAPAC (Nov. 13, 2019)

<https://capac-chu.house.gov/press-release/capac-hosts-forum-rise-southeast-asian-deportations>.

<sup>4</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 63 (2019) available at

<https://advancingjustice-aaajc.org/index.php/publication/inside-numbers-how-immigration-shapes-asian-american-and-pacific-islander-communities>.

<sup>5</sup> Kimberly Yam, *The Forgotten Asian Refugees Fed Into The U.S. Prison System*, HUFFPOST (Jan. 29, 2018)

[https://www.huffpost.com/entry/southeast-asian-prison-deportation-pipeline\\_n\\_5a1dd48ee4b0569950233065](https://www.huffpost.com/entry/southeast-asian-prison-deportation-pipeline_n_5a1dd48ee4b0569950233065).

<sup>6</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES (2019) (citing TRAC, “Immigration and Customs Enforcement Arrests.”), available at [https://advancingjustice-aaajc.org/sites/default/files/2019-09/6\\_1153\\_AAJC\\_Immigration\\_Immigration%20Enforcement.pdf](https://advancingjustice-aaajc.org/sites/default/files/2019-09/6_1153_AAJC_Immigration_Immigration%20Enforcement.pdf).

Laotian families from reuniting with their loved ones through the family immigration system and the politically motivated Cambodian sanctions must be lifted.

- Require ICE and CBP to use all available discretionary powers to release all immigrants possible from detention utilizing humanitarian parole, release on recognizance, and including provisions allowing for release notwithstanding other provisions of law.

After four years of an administration that promoted white supremacy, xenophobia and hate, seeing you list racial justice as a top priority inspires hope in us. We believe that true racial justice requires that you go beyond the Obama-era policies that incarcerated and deported SEAA communities. We respectfully urge you to take bold, decisive, and urgent action and place a full moratorium on all deportations upon taking office. We also urge the President to provide broader protections for SEAs through refraining from pursuing enforcement against people with convictions older than 5 years, lifting visa sanctions on Laos, and ending diplomatic pressures on countries that increase deportations.

Sincerely,

*National Organizations*

AAPI Women Lead

Asian American Psychological Association

Asian Americans Advancing Justice

Asian Americans Advancing Justice - Asian Law Caucus

Asian Pacific American Labor Alliance, AFL-CIO

BPSOS

Church World Service

Defending Rights & Dissent

Detention Watch Network

Disciples Immigration Legal Counsel

Disciples Refugee & Immigration Ministries

Empowering Pacific Islander Communities (EPIC)

Faith in Public Life

Faiths for Safe Water

Familia: Trans Queer Liberation Movement

Food Empowerment Project

Haitian Bridge Alliance

Immigrant Justice Network

InterReligious Task Force on Central America (IRTF)

Japanese American Citizens League

Japanese American Citizens League, San Jose Chapter

Laotian American National Alliance (LANA)

LatinoJustice PRLDEF

ManForward  
NAPAFASA  
National Asian Pacific American Families Against Substance Abuse  
National Asian Pacific American Women's Forum (NAPAWF)  
National Association of Asian American Professionals  
National Cambodian Heritage Museum  
National CAPACD- National Coalition for Asian Pacific American Community Development  
National Council of Asian Pacific Americans  
National Federation of Filipino American Associations (NaFFAA)  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project of the National Lawyers Guild (NIPNLG)  
National Korean American Service & Education Consortium (NAKASEC)  
National Network for Immigrant & Refugee Rights  
National Queer Asian Pacific Islander Alliance  
New American Leaders Action Fund  
OCA — Asian Pacific American Advocates  
SHK Global Health  
Sikh American Legal Defense and Education Fund (SALDEF)  
South Asian Americans Leading Together (SAALT)  
Southeast Asian Freedom Network  
Southeast Asia Resource Action Center  
The Advocates for Human Rights  
Union of North American Vietnamese Student Associations  
Unitarian Universalist Service Committee  
United Stateless

*Other Organizations*

*Arizona:*

Asian Pacific Community in Action  
National Asian Pacific American Women's Forum Arizona Chapter  
AZ AANHPI for Equity

California:

Asian American Advancing Justice - Los Angeles  
Asian Law Alliance  
Center for Empowering Refugees and Immigrants  
Equality California  
Equality California  
FIRM (Fresno Interdenominational Refugee Ministries)  
Hmong Cultural Center of Butte County  
San Francisco Peninsula People Power  
Services, Immigrant Rights & Education Network (SIREN)  
Vietnamese American Organization  
Vietnamese American Organization  
Vietnamese American Roundtable  
Filipino Advocates for Justice  
AASCSC Asian American Senior Citizens Service Center  
APIENC (API Equality - Northern California)  
Center for Empowering Refugees and Immigrants  
Chinese for Affirmative Action  
Coalition for Humane Immigrant Rights (CHIRLA)  
Long Beach Immigrant Rights Coalition  
Orange County Chinese Cultural Club  
Saahas For Cause  
The Fresno Center  
Justice Reinvestment Coalition

Connecticut:

Connecticut Shoreline Indivisible

Florida:

AAFF South Region  
Florida Asian Women Alliance  
Florida Asian Service  
Friends of Broward Detainees  
OCA South Florida Chapter

Georgia:

Asian Americans Advancing Justice- Atlanta

Illinois:

Asian American Advancing Justice - Chicago  
Nikkei Uprising  
HANA Center  
Illinois Coalition for Immigrant and Refugee Rights  
OCA Greater Chicago  
South Asian American Policy and Research Institute  
(SAAPRI)

Iowa:

EMBARC

Massachusetts:

Asian American Resource Workshop  
Cambodian Mutual Assistance Association of Greater Lowell, Inc.  
Greater Boston Legal Services Asian Outreach Unit  
Inst. for Asian American Studies  
Immigrant Legal Advocacy Project  
Montgomery County Civil Rights Coalition

Cambodian Mutual Assistance Association

Michigan:

American Citizens for Justice/Asian American Center for  
Justice  
Rising Voices of Asian American Families

Minnesota:

Asian American Organizing Project (AAOP)  
Coalition of Asian American Leaders (CAAL)  
Transforming Generations  
Release MN8

North Carolina:

Equality North Carolina  
Faith Communities Organizing for Sanctuary

New Mexico:

Empowerment Congress of Doña Ana County  
iCountNM  
New Mexico Asian Family Center  
New Mexico Working Families Party  
Taos Immigrant Allies

New York:

Adhikaar  
Apicha Community Health Center  
Arab American Association of New York  
Asian American Arts Alliance  
Asian American Federation  
Chhaya CDC  
Chinese-American Planning Council (CPC)  
Council Of Peoples Organization  
DRUM - Desis Rising Up & Moving  
Laal NYC  
Mekong NYC  
MinKwon Center for Community Action  
Southeast Asian Defense Project  
OCA-NY  
Sampreshan Inc  
Queer Detainee Empowerment Project (QDEP)

New Jersey:

Wind of the Spirit Immigrant Resource Center

Ohio:

Asian Services In Action (ASIA)  
Dayton Chapter Japanese American Citizens League  
OPAWL - Building AAPI Feminist Leadership in Ohio  
Transformations CDC

Oregon:

Cambodian American Community of Oregon

Pennsylvania:

Asian Americans United  
Cambodian American Girls Empowering  
Cambodian Association of Greater Philadelphia  
Juntos  
Pennsylvania Immigration and Citizenship Coalition  
VietLead

*Rhode Island:*

Alliance of Rhode Island Southeast Asians for Education (ARISE)  
Providence Youth Student Movement

*Texas:*

Chinese Community Center  
Wilco Justice Alliance (Williamson County, TX)

*Virginia:*

Asian & Latino Solidarity Alliance of Central Virginia  
NAKASEC Virginia  
Virginia Civic Engagement Table

*Vermont:*

Migrant Justice

*Washington:*

Asian Counseling and Referral Service  
Khmer Anti-deportation Advocacy Group (KhAAG)  
Khmer Health Board  
OneAmerica