

TRUMP'S CRUELTY
TOWARD IMMIGRANTS

STUCK IN TIJUANA WITH
NO PLACE TO GO

IN IOWA AND NORTH DAKOTA,
SHELTER FROM THE STORM

CECILE RICHARDS ON
RAISING FEMINISTS

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The Unforgiven

After the Vietnam War, the United States Took In Southeast Asian Refugees to Atone for Its Sins. Now They're Being Sent Back.

By Stephanie Hoo



Sophea Phea in Phnom Penh, Cambodia.

Sophea Phea grew up as a refugee from Cambodia; that is where she lives today. But she never even set foot there until she was twenty-eight.

Phea was born in the sprawling Khao-I-Dang refugee camp in Thailand—at one time home to 140,000 Cambodians fleeing the genocidal Khmer Rouge regime—and came to the United States with her mother when she was one-and-a-half years old. Like many, they were admitted as refugees, a direct result of the U.S. war in Vietnam and secret bombings of Cambodia and Laos.

Phea and her mom ended up in Long Beach, California. They struggled, and her mother didn't speak English. She also didn't talk about life back in Cambodia.

"I didn't really hear stories," Phea recalls. "All I knew back then was: She lost all her family members, she was by herself, and then had me at the refugee camp. That's all I knew . . . She never went into details about what she had to go through in the camps."

New arrivals to America are allowed few missteps in their path to full citizenship, and Phea fell short. At twenty-three, she was convicted of credit-card fraud, and she served a year in prison.

That made her eligible for deportation as long as Cambodia would agree to take her—pending a judge's ruling.

She was detained by Immigration and Customs Enforcement, or ICE, and spent another nine months in ICE detention. But Cambodia didn't issue travel documents for her, so she was released back to Long Beach.

These and other details of Phea's case were affirmed by her attorney, Kevin Lo, with Asian Americans Advancing Justice—Asian Law Caucus in San Francisco.

For the next four years, Phea reported to ICE every quarter as instructed, got on with her life, and stayed out of trouble. She assumed she was safe.

She wasn't.

Stephanie Hoo is a co-producer at Asia Pacific Forum on Pacifica's WBAI 99.5 FM in New York City.

"All of a sudden, the travel documents came in and I was deported," she says. That was in 2011. She abruptly found herself in Cambodia, an ancestral homeland she had never even visited.

"I had no luggage, I had no change of clothes, I had nothing . . . except for \$150," she says. "I didn't know how to contact my family. I didn't know anything about Cambodia."

From California, her stepfather connected Phea to family members that had remained in Cambodia. "I was lucky that they were able to take me in."

Phea adapted as best she could. "The first five months I was in Cambodia I was in the countryside, so I had to do everything manually, from washing clothes to cooking on a fire," she says. No one spoke English, "so I was forced to use the Khmer I knew."

Then, in 2016, her mother back in the United States fell ill and passed away. Phea was unable to be present; as a deportee, she has no right of return. "That was a real struggle," she says. "Being away from our families—our parents that have been ripped from their families . . . it's history repeating itself."

Southeast Asians are the largest community of refugees—more than 1.4 million—ever resettled in the United States. They've flowed in since the fall of Saigon in 1975. But more than 500 Cambodians have been deported for criminal convictions since 2002. That is when these deportations began—as the Bush Administration post-9/11 began conflating criminals with terrorists. Under President Barack Obama, the deportation machine revved still louder, leading some critics to castigate him as "the deporter-in-chief."

And then came Donald Trump.

Last October, ICE detained 150 Cambodians as well as 100 Vietnamese for possible deportation in an unprec-

edented sweep, some for decades-old convictions. They had served their sentences, been released, and moved on with their lives. Many started families and now have children.

Activists have filed a class-action lawsuit to try to slow the deportation proceedings and force the government to explain its case.

"We know that if we don't stop and challenge ICE's policy on it now, this could just be the beginning," says Lo of the Asian Law Caucus, one of the plaintiffs. "They could just do this every other month, just snatch people up."

Under a 2002 agreement with the United States, Cambodia can be asked to accept anyone convicted of a crime, while Vietnam's agreement covers only people who entered the United States after mid-1995. Laos, for its part, has simply ignored requests to take people back.

But President Trump has warned that foot-dragging by any nation will not be tolerated. He said in February: "If they don't take them back, we'll put sanctions on the countries, we'll put tariffs on the countries. They'll take them back so fast your head would spin."

The Southeast Asia Resource Action Center, based in Washington, D.C., estimates that 16,000 Southeast Asians in America have received final orders of removal since 1998. Of these, 78 percent are based on old criminal records.

Of course, most refugees never get arrested, and many thrive as they achieve their American dreams. But others find America to be an unforgiving place, as they struggle for footing in some of our poorest neighborhoods under "very limited and failed resettlement programs," says Vichet Chhuon, a professor at the University of Minnesota and himself a refugee from Cambodia.

"People who are just really coming out of some of the worst conditions you can imagine," he says, "they

don't speak the language, they don't have resources." They end up living in extreme poverty. "These are the conditions in which these young people grow up and make mistakes. Their mistakes are not that different from a lot of mistakes that [other] young people in the United States make, except they have no safety net."

What's more, a 1996 immigration law expanded the range of offenses that can lead to deportation. And it was retroactive, meaning immigrants may have accepted plea agreements in the past for offenses such as drug possession, not knowing that in future those pleas would make them deportable. (See sidebar.)

As Trump roars on about the threat of immigrants, and with ICE on the march, Lo says this is no time for complacency. Any green-card holder with an old conviction should "make it a point to check in with an attorney."

"Any student of history who knows the U.S. involvement in Vietnam should wonder why would we deport people since we had a hand in creating the refugee situation," says Bill Ong Hing, a professor at the University of San Francisco's law school and director of its Immigration and Deportation Defense Clinic. "The Cambodians were particularly dragged into this."

The Nixon Administration, he notes, went into Cambodia without authorization from Congress, spurring student uprisings that shut down universities. U.S. troops withdrew in 1973 and, amid the cascading crises that followed, more than three million people from Vietnam, Cambodia, and Laos fled their homelands. Many ended up in other parts of Asia, and large numbers were also admitted to Canada, Australia, and France, among more than a dozen countries. The largest number came to the United States.

"It's very clear that the driving force

behind those admissions are notions of American responsibility,” says Carl Bon Tempo, a history professor at the State University of New York at Albany. Politicians from Ted Kennedy to Gerald Ford recognized a sense of responsibility “to America’s old allies, who stood by the country during the Vietnam War, fought the North Vietnamese, and now cannot be abandoned to their fates as the losers in this war.”

But now that sense of responsibility is being forgotten, as Trump demonizes immigrants and ratchets up efforts to kick people out.

“For most of us in our lifetimes we have not had an administration that was this suspicious of immigrants and immigration,” Bon Tempo reflects. “You’d have to go back to the 1920s when the immigration acts and the quota system are put into place to see this degree of animus in official circles towards immigrants, which is remarkable.”

The latest ICE raids have shaken Asian communities across the country.

“There are a lot of elderly parents who are looking at losing their children,” says California resident Phal Sok, who is himself fighting deportation to Cambodia after having served sixteen years in prison for armed robbery. “And for some of them, this is now the first time that they’re finding out that their kids have been under orders of supervision for the last ten, even up to fifteen years because their children hadn’t told them.”

This newfound awareness is bringing a fair amount of angst. “I’ve seen some elderly parents cry, things like that,” Sok says. “I’ve just had to help console them. It’s been hard.”

Sok knows that many Americans look at people like him and say, “They shouldn’t have come.” But, he notes, that’s not what was being said at the

time. “It’s unfair to say: We created a problem, we’re going to bring you here, and if you can’t fit in, if you can’t make things work right, you get in trouble, you’re gone.”

The stories are all individual, but certain themes emerge: The sting of poverty and unaided trauma, the attendant problems of alcoholism, domestic violence, and broken homes. By the 1980s, some young people got caught up in the undertow of gangs and urban violence.

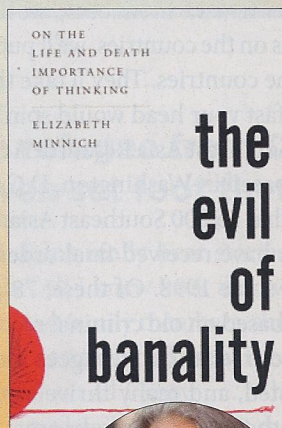
“I’ve heard this story maybe 100 times by now,” Lo says. “Hispanic gangs or African American gangs would beat up on the Cambodian and Vietnamese kids when they first arrived—you’re kind of in their neighborhood. So they join a gang for protection or they start rolling with this crowd, they get picked up on various things. And then for the rest of their lives it’s hanging over their head.”

Hing, the law professor, says he has lobbied the U.S. Office of Refugee Resettlement to do more than just offer some initial aid and training for low-wage jobs. “We really have failed refugees that we’ve admitted into the United States,” he says. “We’ve just not done a good job of helping them resettle, and we continue to make this mistake today.”

Take Calvin Hang, who was born in Thailand to Cambodian refugee parents and grew up in San Diego, California. In 1999, when he was a senior in high school, Hang got into a fight in which shots were fired. He says he didn’t have a gun but agreed to a plea deal for which he served six months in a county jail.

He didn’t realize that put him on the path to deportation. “I had no idea,” he says now.

Hang was later arrested again, this time for a fist fight, and was jailed for



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Who Is Getting Kicked Out?

Under federal rules being enforced by the Trump Administration with unprecedented fervor, legal immigrants to the United States who have been convicted of crimes—even minor ones, years in the past—are subject to deportation.

Specifically, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, or IIRIRA, dramatically expanded the range of crimes that can put an immigrant at risk of deportation—including anything deemed to be an “aggravated felony.”

As defined, an aggravated felony need not be violent and might not even be a felony, lawyers say. It can be any crime for which a person is sentenced to more than a year. The act is also retroactive, and penalties are mandatory.

At issue: Most convictions are based on state laws and IIRIRA is federal. After noncitizens serve out their sentences, their state crimes are then mapped onto federal immigration laws by a federal judge who determines whether they should be deported. This can happen years after criminal penalties have been imposed and sentences completed.

“It’s a whole separate proceeding,” says Kevin Lo, an attorney at Asian Americans Advancing Justice–Asian Law Caucus in San Francisco. “It’s somewhat disorienting for a lot of our clients who didn’t anticipate being in immigration court. It’s almost like their cases are being retried, but just with the fact of their conviction.”

Lawyers can look to see if the underlying state law still matches up with the intent of the federal law. They can argue that the government has mischarged a person. Plaintiffs can also ask their state for a pardon. California Governor Jerry Brown in December pardoned two Cambodians for old convictions for which they had served their sentences, citing their “good moral character” in recent years.

Immigrant advocates would like a return to the judicial discretion that existed before 1996, in which an immigration judge could decide if a person deserved a second chance, plus ending the retroactive nature of that law and limiting which crimes are deportable.

“I think there’s a huge humanitarian consideration that the United States needs to look at when they try to deport these individuals,” says Katrina Dizon Mariategue, immigration policy manager at the Southeast Asia Resource Action Center. “And for us, they served their sentence here, so deporting them would just subject them to double jeopardy, which we believe is incredibly inhumane.”

So far, deportations under President Trump are actually down compared to under the Obama Administration—but detentions by ICE surged by 30 percent in 2017 from 2016. As detainees fight to stay in the country, it’s too soon to say what the effects of the Trump Administration’s enforcement will ultimately be.

—Stephanie Hoo

a year. Then 9/11 happened, and he was ordered deported. He underwent supervised release, enrolled in college, and worked full time until 2004, when, at age twenty-three, he was deported to Cambodia. Like Sophea Phea, he had never been there before.

“I was just in shock really,” Hang says. “It’s just a very horrific experience to be separated from your family, from your environment where you grew up and lived most of your life, into a for-

eign world.”

Hang and Phea are part of a group called 1Love Cambodia, which is made up of deportees and has sought to persuade the Cambodian government to resist U.S. pressure on deportations.

The group is also getting ready for an expected surge.

“The numbers are just going to jump,” Hang predicts, referring to new arrivals to Cambodia from the

United States. “Instead of having thirty, forty guys being deported in a year, there’s going to be about 200 people” in 2018.

Phea, meanwhile, is now a fifth-grade English teacher in Phnom Penh, Cambodia. “When I started teaching,” she says, “it felt good to be able to be a leader to these kids and to teach them that their mistakes can have bigger consequences. I teach them what I’ve learned growing up in America.” ♦