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Immigrant advocates rethink strategy

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Tired of Washington's indifference to their cause, Cambodian-American activists look overseas for help in fighting deportation

Naroen Chhin says he's one of the lucky ones. With a felony drug conviction, the Philadelphia native might have joined hundreds of other Cambodian-Americans who have been deported to the Kingdom since 2002.

"I have friends and family who got deported back, but what was interesting is that I have the same criminal conviction ... I committed the crime, I got convicted and I did my time, and I got to stay in the States," the 31-year-old, who is now a community organizer with the immigration rights 1Love Movement, said in a phone interview from the US this week.

Unlike his deported friends and family, who only held permanent residency in the US, Chhin was a naturalised US citizen. That saved him from deportation, though Chhin said the deportees, most of who came to the US as infants and have no memory of life elsewhere, ought to have the same second chance.

"It doesn't make sense. They look like me, and they also came over as refugees and grew up in America," he said.

Discouraged by political rhetoric and lack of action in Washington, Chhin and other Cambodian-American activists are looking for new strategies to fight the deportation of "exiled" Khmers after a decade of fruitless advocacy.

Under a treaty signed by Cambodia and the US in 2002, non-citizen Cambodians residing in America can be deported to the Kingdom and barred from re-entry for crimes ranging from drunk driving to murder. The Phnom Penh-based Returnee Integration Support Center puts the total number of deportees at 467. About 2,000 others back in the US, however, could be forced to repatriate.

While immigration reform is a hot topic in US politics – an executive order issued by President Barack Obama last November providing a path to legality for roughly 4 million undocumented immigrants was fiercely opposed by Republicans – the repatriation of convicted criminals is largely a non-issue for both major parties.

“There’s never been a place for there to be some understanding or policy related to people who have been deported for prior criminal convictions,” said Mia-la Kiernan, community organiser with the Southeast Asia Freedom Network (SEAFN) umbrella advocacy group, which also includes I Love, in a phone interview from Philadelphia.

Crimes committed by newly arrived Cambodians, Kiernan added, resulted from the trauma of “US militarism” in Southeast Asia and the subsequent Khmer Rouge regime, as well as a lack of public support in the poor inner-city communities where the immigrants were resettled.

“There’s such a polarisation between people who are considered the ‘good immigrants’ and people considered the ‘bad immigrants’,” she said.

American political scholars on both sides of the national immigration debate, which is largely fixated on Mexican and Central American migrants, agreed it would be difficult to garner support for convicted immigrants in either Congress or the White House.

“Immigration reform supporters have enough trouble making the case that otherwise law-abiding unlawful immigrants should stay, I don’t see much appetite for allowing convicted criminals who had green cards to return,” Alex Nowrasteh, immigration analyst at Washington-based libertarian think tank the Cato Institute, said in an email to Post Weekend, adding that deportation should be used more sparingly.

Jessica Vaughan, director of public studies at the Center of Immigration Studies, a Washington-based think tank that argues for stricter immigration controls, said public opinion in the US was not on the activists’ side.

“Right now, all the political effort and momentum is in favour of changing US law to make it easier for the government to deport criminal aliens to countries like Cambodia,” she said, adding that deportation was a “reasonable consequence” for permanent residents guilty of serious crimes.

“Why should communities in America be exposed to their proven disregard for public safety and the law?” she said.

With no political solution in sight for the deportees, Chhin and two other advocates travelled to Switzerland this month to personally petition the United Nations, whose Human Rights Council is currently conducting a periodic review on human rights in the US, to address the issue.

“We went there specifically to advocate and hold the US accountable for the lack of clarity on that process, but also to really hold the US accountable for the punitive measures they take against the Cambodian-American refugee community,” Chanravy Proeung, a community organiser with SEAFN, said in a phone interview from Providence.

Proeung, Chhin and their colleague Chhaya Chhoum from New York met with officials from countries including France, China, Thailand and Vietnam. The idea, explained Chhin, was to reach out to countries that would be interested in challenging the US on human rights.

“They were very receptive – they were very surprised at what the US is doing in terms of human rights violations,” he said.

Khan Hin, a 30-year-old who was deported from California to Cambodia five months ago over a car theft conviction in 2004, said hearing of the trip to Geneva gave him hope.

Born in a Thai refugee camp without ever stepping foot in Cambodia, he came to the US as an infant, speaks almost no Khmer and knows of no surviving family left in the Kingdom. He didn't even realise he wasn't a US citizen, he said, until he was arrested at age 18.

“Living in the States all my life and getting exiled back here, and people over there doing all that stuff for us, it's a blessing as I try to see a paved way to get back home,” he said.

One solution pitched by SEAFN members was to modify the US-Cambodia repatriation agreement along the lines of a similar deal made with Vietnam under which repatriation can only occur if the person arrived in the US after diplomatic relations were re-established in 1995.

“It is tailored in a very specific way so that people who were impacted by US militarism and refugee resettlement ... aren't impacted by repatriation,” said Proeung.

But any solution to the deportee problem, admitted Chhin, would be dependent on solving an entire array of issues affecting the Cambodian-American community, citing the “school to prison pipeline” as an example.

“I don't doubt that it's going to change in terms of immigration law, but there's a whole lot of problems here, and for that to change it's going to take quite some time,” he said.