

Issues & Ideas

Between Two Nations

By Bruce Stokes

■ The U.S. is deporting ex-offenders to a Cambodia they never knew.

■ Immigration law gives judges little discretion.

■ A U.S.-funded program offers help with housing, jobs, health care, and learning Khmer.

PHNOM PENH, Cambodia—Many Uch, a 30-year-old Cambodian refugee living in Seattle, doesn't know it yet, but a refurbished four-story concrete town house on a trash-strewn street in a rundown neighborhood here may soon be his new home.

Uch, who arrived in the United States from a refugee camp in 1984 at the age of 8, is awaiting deportation. He is likely to end up in this halfway house, operated by the Returnee Integration Support Program, where the staff will help him look for work; teach him some Khmer, which he barely reads and cannot write; and try to ease his integration into a culture that is as alien to him as it would be to any native-born American.

Uch, once a permanent legal resi-

dent of the United States, is being deported because he was convicted of first-degree robbery in 1994. Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Uch's felony conviction stripped him of his green card and made him eligible for deportation. He had already spent nearly three years in prison for his crime. After languishing in custody for an additional two and a half years awaiting deportation, Uch is now free—thanks to a 2001 Supreme Court ruling banning indefinite detention. But immigration officials could pick him up at any time and ship him to Cambodia.

He says the hardest part of living in limbo is relating to his 6-month-old daughter. "I want to have a good relationship with her," Uch said in a telephone interview. "But I also think I may have to distance myself from her. If she is too much attached to me, it will be hard to let go."

Uch's situation, and that of thousands of others vulnerable to deportation to Cambodia and elsewhere, could be hurt or helped by proposed changes in U.S. immigration law that will be the topic of hot debate this year on Capitol Hill. Immigration reform is one of the Democrats' top priorities. But detention and deportation issues got short shrift in the immigration debate in the last Congress, and they risk being overshadowed again by more-controversial topics such as guest-worker programs. What's going on in Cambodia suggests that we ignore the consequences of immigration law enforcement at great human cost.

If and when Uch is deported, he will join scores of other returnees who are more American than Cambodian in their experience, outlook, and values. Aun Kloeung, 37, spent nearly two decades in Texas before being deported

■ Barely Here



■ Many Uch has spent 22 of his 30 years in the U.S., but he awaits deportation to Cambodia. He worries about his baby daughter. "If she is too much attached to me, it will be hard to let go."

to Phnom Penh in 2002, one of the first group of six. Thol Try, 34, lived in California for 25 years before being deported to Cambodia in 2004.

These returnees are among the 130,000 Cambodians whom the United States took in between 1985 and 1995. Accepting them as refugees was Washington's tacit acknowledgement of American complicity in the destabilization of Cambodia in the early 1970s. U.S. bombing and the two-month American invasion in 1970 aggravated a civil war that the murderous Khmer Rouge eventually won.

Because the Khmer Rouge had systematically killed off the country's educated city dwellers, many of these refugees were children of uneducated peasants and many came from broken families. Uch's father disappeared during Vietnam's invasion of Cambodia in 1978. Both Kloeung and Try lost parents in the Khmer Rouge genocide.

Sent into mostly poor communities in the United States, they faced racial and ethnic tensions and lacked strong familial, social, and religious ties that might have given them stable lives. Many of the young people turned to the gang life and drug addiction that led to their deportable offenses.

Complicating matters, for one reason or another, the parents or guardians of many of these refugees never obtained U.S. citizenship for them, possibly because they believed that the permanent legal resident status accorded them as green-card holders was all they needed. Or perhaps because, as one returnee offered, American officials "never sent my parents citizenship information in Khmer."

The 1996 immigration law rewrote the rules to require the deportation of most green-card holders convicted of a felony. Uch and Kloeung were convicted of robbery and Try was convicted of marijuana trafficking. But the new law also expanded the list of crimes, including misdemeanors, for which a green-card holder can be deported. Under the law, Cambodians have been booted out of the United States for writing a bad check or, in the case of one deportee who was a construction supervisor in Houston, for two charges of public urination. In addition, the act stripped judges of nearly

■ Sanctuary



■ Bill Herod (left), founder of a returnee support program in Phnom Penh, shows visitors the facility for clients who need psychological services.

all discretion in determining whether permanent legal residents in the United States deserve to be deported, regardless of their offense, their rehabilitation, or their family and employment situations.

Deportations to Cambodia began in June 2002, after Phnom Penh and Washington finalized a deportation accord. So far, the United States has sent 163 Cambodians here, ranging in age from 21 to 84. But they are only the trickle before the flood. As many as 2,100 Cambodians may already be in the deportation pipeline. The Phnom Penh government assumes that the number will grow as the immigration crackdown in the United States intensifies.

If recent experience is any foretaste, future returnees will face formidable challenges.

One in seven returnees have never before set foot in Cambodia, because they were born in refugee camps in Thailand. Many don't speak Khmer, and almost none read or write the language. Cambodians often ostracize the newcomers because of their American mannerisms, dress, and gang tattoos.

"How do they adapt to residing in a country where they have no emotional, psychological, or even relationship ties?" asked George Ellis, an American psychologist who runs the support program, which grew out of private efforts in 2002 to help the first returnees overcome some of these problems. It is now aided by an \$800,000, three-year grant from the U.S. Agency for International Development, the only such American government-funded effort in the world.

Ellis recalls that in 2004, when he offered the returnees a chance to watch a U.S. presidential debate, the room was full. That same autumn, when he invited them to view the coronation of Cambodia's new king, only the 84-year-old showed up.

"From a legal perspective," Ellis said, "returnees are not Americans. But, from a psychological perspective, they still are."

Upon arrival in Cambodia, returnees are held in detention at the Phnom Penh airport until a relative or a friend can vouch for them. If no sponsor can be found, the support program assumes responsibility. Returnees can bunk at the halfway house for up to three months while they look for a job and housing. In return, they sign a contract promising to meet certain obligations regarding their behavior and job search. The program pays for two years of health insurance, provides Khmer literacy classes, helps returnees obtain their Cambodian citizenship, and offers treatment for drug and alcohol abuse.

Returnees who need psychological services are cared for at a separate facility. It currently shelters several patients, including a violent psychopath who should be in a locked facility for the rest of his life, according to a U.S. immigration service psychiatrist. "When he goes off," recalled Bill Herod, the founder of the support program, "it takes three of us to hold him down. If he went off on the street here, he would be shot down." But Cambodia has no facility for mentally ill returnees.

The support program centers on helping returnees find work, and that's where their Americanism and English language skills can be a plus. "They bring an ability to abstract, they know what customer service is," Ellis said. Many have found work in the tourist industry. Others work in Web design or

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other Internet-related jobs. One returnee serves as a Khmer translator for *Sesame Street*.

After four years, the returnees' integration into Cambodian society is a mixed bag. About a third have jobs, are not abusing drugs, and are living on their own, Ellis estimated. Another third are staying free of criminal behavior or heavy drug abuse, but are not working; they live off money sent by their families back in the United States. Most of the rest are unemployed, and many of them are drug users or criminals. One unexpected lesson that Ellis and other program leaders have learned is that the longer returnees were in prison in the United States, the easier it is for them to adapt to life in Cambodia—possibly because their incarceration taught them to accept whatever situation they are in.

Last year's immigration debate in Washington largely ignored detention and deportation issues. Ellis finds that unacceptable. "It is essential that there is a public dialogue within the United States about what America does with these young refugees, who were accepted into the United States legally and are essentially the products of American, not Cambodian, culture and society," he said. "When they have legal problems in the United States, what is the U.S. role and responsibility to these young people?"

Organizations that work with depor-

Deportations for Felonies

The number of people ordered deported for aggravated felonies rose after the 1996 immigration law expanded the list of crimes requiring deportation.

1992	10,303
1993	12,833
1994	15,539
2003	24,789
2004	24,702
2005	26,074

SOURCE: Transactional Records Access Clearinghouse, Syracuse University

tees say that the Phnom Penh experience highlights four goals that they will try to inject into the debate in Congress.

First, they seek to halt any further broadening of the definition of a deportable offense and, hopefully, to narrow it somewhat. Both the House and the Senate immigration reform bills in the 109th Congress contained provisions that would have expanded the list of offenses that merit deportation to include more misdemeanors, such as multiple convictions for driving under the influence of alcohol or drugs.

Second, they want to block efforts to permit indefinite detention of people awaiting deportation. A proposal last

year would have allowed indefinite incarceration of people who have been ordered deported if their home countries will not take them back or are slow in repatriating them. Under that provision, Laotians and Vietnamese, for example, could be locked up for years, because their governments refuse to sign deportation agreements with Washington.

Third, the advocates want to change the 1996 immigration law that stripped judges of most of their discretion in handling immigration cases and denied those facing deportation an opportunity to make their case for staying in the country.

"Our primary goal is to restore some judicial discretion," said Kerri Sherlock, the director of policy and planning at the Rights Working Group, a Washington-based organization. "Judges need some ability to weigh all the circumstances and forgo deportation if it is in the nation's interest, or the families' interest, or for some other reason."

Finally, immigration activists want the government to use the Phnom Penh returnee support program as a model for U.S. government-funded efforts elsewhere. "For those people that are deported," Ellis said, "a program like [ours] could help them integrate into a society that they may barely remember."

The Phnom Penh program has government funding for two more years. At the current pace of deportations, more than 1,000 returnees will yet come from the United States, so the program will probably need to be renewed. And given the refugee legacy from a generation of war in Southeast Asia, Congress or the administration may also consider returnee assistance programs for Laos and Vietnam, if only as incentives to get those governments to sign deportation agreements.

Congress won't likely be eager to consider the fine points of detention and deportation, however, because they raise unsettling moral questions about the human consequences of making broad changes in laws that decree who gets to stay in the United States and who must go.

For Many Uch, and thousands like him, these are not abstract concerns. The details of future immigration rules and procedures will determine where they live for the rest of their lives.

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Foreigners



COURTESY OF RISIP CAMBODIA/BILL HEROD

Support program Director George Ellis (right, with mustache) and staff meet with a group of returnees in Phnom Penh. "How do they adapt to residing in a country where they have no emotional, psychological, or even relationship ties?" Ellis asks.