



How you can help keep U.S. families together and uphold our American system of justice:

A TOOLKIT FOR CHANGE

Many Uch and his daughter, Chandhrea

Toolkit Contents:

- Loeun Lun's Life Story: From Refugee to Deportee, Did you know Facts about Detention and Deportation, Solutions, and Actions
- Frequently Asked Questions about Detention and Deportation
- Sample Letter to Send to Elected Officials
- Resources: Where you can get more information

This toolkit is made possible through a collaboration between:

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 Immigrant Justice Network

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Southeast Asia Resource Action Center

Permanent Exile: How the American Deportation System Stole Loeun Lun's Life



July 3, 1975, Loeun Lun is born.

While an infant, Loeun and his family were forced to flee, wandering from labor camp to labor camp. The family was violently persecuted.

The Khmer Rouge devastates Cambodia. Millions killed, tortured, and died from starvation and disease. Refugees flee for their lives, hiding in jungles for years

At the age of 6, **Loeun and his family enter the U.S. as refugees.** And soon receive greencards. Loeun grew up in crime-ridden housing project in **Tacoma, Washington.**



Loeun's father dies. Mother suffers from depression and trauma. She works day and night to support family.

Lost and struggling, Loeun **drops out of high school.**

At age 19, Loeun is **convicted** of two counts of assault for shooting a gun in the air during a confrontation. No one was hurt. He **serves 11 months in jail.**

After his release from criminal custody, Loeun changes his life.

- **Marries** his US citizen girlfriend, Sarom Loun, in a Cambodian ceremony
- First **daughter Emily** is born
- Pays off debts and rebuilt credit
- **Bought** two cars and moved to **suburbs**
- Becomes primary **caretaker** for his mother
- Works at factory jobs
- Wife studies for her **MBA**

1981

1980-1986. 113,000 Cambodian refugees admitted to US. Resettlement program considered a failure.

1980s

1992

In 1996 Congress dramatically changed immigration laws, expanding the list of crimes that trigger deportation and severely restricting a judge's power to hear cases of longtime legal residents like Loeun and consider whether they deserved to remain in the U.S. with their families.

1995

1996-1999

1999. Applies for US citizenship

May 2003

At the age of 28, Loeun is deported to Cambodia.

- Laws **do not allow Loeun to return**, even for a visit.
- Wife Sarom **declares bankruptcy**, loses car and is forced to move in with her parents.
- Sarom sees Loeun once a year.
- Loeun's mother has no one to care for her and believes she will die before she sees her son again.

Repatriation treaty requires Cambodians to be deported home.

Dec 2002

ICE keeps Loeun in detention. He is released when he files lawsuit.

April 8, 2002

Immigration judge is forced to order Loeun **deported** to Cambodia. **Judge can't consider circumstances of Loeun's life and family because of 1996 changes to immigration laws.** Loeun decides not to appeal because it could mean years in detention.

2002

After inquiring about his US citizenship application. Loeun is **immediately arrested by ICE** and taken away to **immigration detention at a local jail.**

Government says he is deportable because his crime is an "aggravated felony." He is ineligible for release from detention.

Second **daughter Ashlee**, is born.



Photos by Howard Shack



DID YOU KNOW?

In the last 15 years, the U.S. categorized about **300,000 immigrants as "aggravated felons"** and ordered their deportation. Loeun Lun was on of these casualties.

Green card holders facing deportation as "aggravated felons" have lived in the U.S for an average of 15 years. Like Loeun, many came to the U.S. as young kids and have a spouse and children who are U.S. citizens.

Low-level Homeland Security bureaucrats now make deportation decisions for most people with an aggravated felony conviction. If a person is allowed to see an immigration judge, the judge is not allowed to consider individual circumstances - this is what happened in Loeun's case. In all cases, more than 80% of immigrants are deported without assistance from a lawyer.

The U.S. detains/jails more than 230,000 immigrants, like Loeun, each year - even children. This civil immigration detention averages \$85 per person per day and cost American taxpayers \$90 million in 2006.

WHAT ARE SOME SOLUTIONS?

Current reactionary laws against immigrants are **not working** and hurt America while they eviscerate due process and blindfold the Statue of Liberty. Right now the government is **undermining our system of justice** by triggering the most terrible immigration consequences for even minor violations. **The solution is for government to uphold our laws and traditions by restoring due process.** Our government must:

- Narrow the definition of "aggravated felony" under immigration law to reflect common sense, proportionality, and the American system of justice and not mandate life exile for an overly broad range of offenses nor target minor violations of the law.
- Restore a sense of fairness and balance to the U.S. system of justice so that people have a fair day in court and judges are given back their power to hear cases and make individual determinations.
- Ensure that rules are not changed in the middle of the game, the punishment fits the crime, common sense and our system of checks and balances are restored.

WHAT CAN YOU DO?

Write your Member of Congress to urge them and the Administration to change these unfair laws. A sample letter is attached here as well as a list of Congress persons in your area. Just fill in the information of your representative, sign, and send it. You can also send this letter via the web by going to www.ilrc.org and clicking on *Contact Congress* in the upper right hand corner. You will see the letter under *Action Alert* where there is a link to *Oppose Detention and Deportation*.

Join the Liberty and Justice Campaign of the Rights Working Group which works to create a grassroots movement to pass immigration laws that respect our civil liberties and human rights and to end hurtful, regressive legislation. Go to www.rightsworkinggroup.org.

Support pending legislation proposals such as HR 1176, the Child Citizenship Protection Act, that would allow an immigration judge to consider the best interest of U.S. citizen children before deporting their parent. Go to www.familiesforfreedom.org for more information.



What You Should Know

about Detention and DEPORTATION



Frequently Asked Questions:

Q: What is immigration detention and deportation?

A: Immigration detention is the lock-up of non-citizens in a federal immigration detention center, jail facility, or a private corporate-owned and run prison while a determination is made whether or not these non-citizens are to be deported. The time spent in detention can last many years and for some last indefinitely. The U.S. detains more than 230,000 immigrants, including young children, each year. Deportation is the forced return (at government expense) and exile to one's country of origin. Since 1996, the U.S. has deported more than 1.5 million people.

Q: Who can be deported?

A: *Anyone* who is not a U.S. citizen can be deported. This includes refugees, student visa and business visa holders. Even longtime legal residents with green cards who only have been convicted of a first-time minor criminal offense without serving any time in jail can be deported regardless of their individual circumstances, although their spouse and children are U.S. citizens, they have been in the U.S. since they were children, or they can demonstrate rehabilitation.

Q: What does a detention center look like and how are detainees treated?

A: Immigrants are detained in places that look, smell, and feel like prisons and in some instances are even worse. They are often detained in state and local jails. They consistently face inadequate medical care, poor food, overcrowding, no programs, and little access to phones, legal materials, and fresh air. Detainees also often face difficulties and interference in communicating with their lawyers. The government regularly moves immigrant detainees to remote locations that separate them from their families, communities, and lawyers.

Q: Why is detention a waste of your tax dollars?

A: Immigrant detainees are the fastest growing portion of the U.S. prison population. The government annually spends \$1.2 billion of taxpayer money on detention, and continually requests increased levels of funding for more detention beds. Why? Colleen Rowley, an FBI special agent, explains: "After 9-11, FBI Headquarters encouraged more and more detentions for what seem to be essentially PR purposes." Meanwhile, the government ignores less costly alternatives to detention that have proven to be effective, such as home-visits.

Q: Why should I be care about detention and deportation?

A: In 1996, Congress passed legislation that significantly changed the immigration laws. These changes eliminated important legal rights that immigrants previously had to challenge their deportation. These laws also eliminated important due process protections that helped ensure that our government treated immigrants fairly and justly under the law. This is important to you – and everyone – because when the government has the power to deny legal rights and due process to one group of people (immigrants) it endangers **everyone's** legal rights and due process protections.

SPOTLIGHT on due process: How the detention and deportation system gets it wrong

Siphone's story

Siphone was born in a refugee camp in Thailand where his family was living after they fled the war in Laos. In 1984, when Siphone was 5 years old he and his entire family were brought to the U.S. as refugees. Siphone had a difficult adolescence and got in trouble with the law on several occasions for car theft and vandalism. When Siphone was 20 he was convicted of burglary and served one year in jail. While in jail, Siphone received counseling, finished his high school diploma, and began taking college classes. When he got out of jail, he got his Associate's Degree in counseling and worked with young refugee boys. He married an American citizen and has a 3-year-old citizen daughter. At his citizenship interview, his case was denied and he was taken into immigration detention. The immigration judge's only option under the 1996 laws was to deport Siphone to Cambodia, a country where he never has lived. He will never be able to return to the U.S. to his wife and daughter.

How did this happen to Siphone?

In 1996, Congress eliminated a judge's power to both consider the individual circumstances of a case and to grant a waiver of deportation where a legal resident's crime was classified as an "aggravated felony" under immigration law. It also expanded the list of offenses classified as aggravated felonies, including crimes that were neither aggravated nor felonies. Because Siphone's crime was designated an "aggravated felony," the judge could not consider Siphone's new family and life changes.

Sources:

2004 Yearbook of Immigration Statistics, Table 42 and 43, by the U.S. Department of Homeland Security, Office of Immigration Statistics (OIM).

Critics Decry Immigrant Detention Push, Associated Press, June 25, 2006.

Deportation 101, Families for Freedom & NYSDA Immigrant Defense Project, revised 3/ 2006.

Detaining America's Immigrants: Is this the best solution?, authored by Scott Lewis and Paromita Shah; part of The Real Deal fact sheet series, a project of Detention Watch Network, the National Immigration Project, and the Rights Working Group.

Detention and Removal of Illegal Aliens, Office of Inspector General, Department of Homeland Security, April 2006. Also www.ice.gov, August 7, 2006.

The President's Fiscal 2003 Immigration Budget, February 4, 2002

Note: Graphic art courtesy of Jeeun Lee

Q: What are the arguments against the current deportation and detention laws and policies?

Not allowing judges or immigration officials to consider the particular circumstances of an individual's case hurts America because it denies due process protections, a cornerstone of the American system of justice. When the government violates the Constitution and denies due process for some, all of our freedoms are at risk.

The government's blanket policy of automatically imprisoning thousands of immigrant families while they await deportation hearings is costly, cruel, and does nothing to solve the immigration problem. We don't need to take people out of their communities and pay millions of dollars to jail families who have been contributing to our society. In 2006, the U.S. government spent \$90 million on detention alone at an average daily cost of \$85 per bed. When the government denies due process, wastes money, and treats people unfairly, it hurts all of us.

America is a pro-family nation and government policies that separate families are not the American way. Deportation and detention devastates families and hurts communities by taking away primary wage-earners and in some cases the only parent. This, in turn, increases evictions, and the need for public assistance, including foster care, and physical and mental health problems.

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Southeast Asia Resource Action Center

Today's Date: _____

Dear _____:

As Congress considers reforming our immigration laws, I urge you to support changes that would uphold our laws and traditions by restoring basic due process to lawful permanent residents (LPRs) and also oppose measures that either maintain the unacceptable status quo or make our laws even harsher than they are today. Specifically, I urge you to support legislation that would allow LPRs facing deportation to have a fair day in court and change our laws to restore proportionality.

Two 1996 laws, the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), dramatically increase the number and kinds of offenses (and retroactively applied them) for which noncitizens can be mandatorily detained and deported. They also severely restrict a judge's power to hear cases of longtime legal residents and consider whether they deserve to remain in the U.S. with their families.

These radical changes have sharply increased the number of LPRs being deported (with no hope of reunification with their families) including breadwinners, refugees who fled persecution, and people who came to the U.S. as children and know no other home. Many long ago completed their sentences and now find themselves in immigration detention, facing permanent banishment from the U.S.

Rather than solving the problem of illegal immigration or fixing our broken system, these laws undermine the U.S. system of justice and eviscerate due process. We need to uphold our laws and traditions by:

Restoring Judicial Discretion: We urge Congress to support provisions that would restore immigration judges' authority to weigh the circumstances of individual cases and determine whether longtime residents deserve to stay in the U.S. Our justice system is supposed to provide an opportunity for people to be heard and serve as a check on government power. Yet today people are denied their fair day in court because judges cannot consider the merits of individual cases nor waive deportation for those who either demonstrate rehabilitation or hardship, have lived in the U.S. since they were young children, support U.S. citizen family members and dependents, employ U.S. citizen workers, or have honorably served in the U.S. military. These restrictions are un-American and go against our values and our Constitution.

Restoring Proportionality: We urge Congress to narrow the "aggravated felony" definition under immigration law to reflect common sense, proportionality, and the American system of justice and not mandate life exile for an overly broad range of offenses nor target minor violations of the law. Individuals now can be deported for minor offenses even though they served their sentence. A single misdemeanor conviction can be labeled an "aggravated felony," resulting in individuals, who have already paid their debt to society and put their lives back together, being automatically and permanently banned from this country and their families.

Our American system of justice is out of whack with our traditions and values. I urge you to restore basic fairness to our immigration laws.

Sincerely,

Please include your address above



the *Injustice* of Detention and Deportation

Educate yourself by visiting the websites of these organizations that work on deportation issues

Detention Watch Network

c/o Center for Community Change
1536 U Street, NW
Washington, DC 20009
Ph: (202) 339-9354
www.detentionwatchnetwork.org

Families for Freedom

2 Washington Street, 766 North
New York, NY 10004
Ph: (212) 363-8533
www.familiesforfreedom.org

Hate Free Zone

1227 S. Weller Street, Suite A
Seattle, WA 98144
Ph: (206) 723-2203
www.hatefreezone.org

Immigrant Justice Network

(a collaboration between the Immigrant Legal Resource Center, the National Immigration Project, the Immigrant Defense Project, and the Washington Defender Association's Immigration Project)
1663 Mission Street, Suite 602
San Francisco, CA 94103
www.ilrc.org/immigrantjusticenetwork

Many Uch's Website

www.deportableguy.org

Rights Working Group

1140 Connecticut Ave., NW, Suite 1200
Washington, DC 20036
Ph: (202) 296-2300 ext. 123
www.rightsworkinggroup.org

Southeast Asia Resource Action Center (SEARAC)

1628 16th St. NW
Washington, DC 20009
Ph: (202) 667-4690
www.searac.org

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