

United States Senate

WASHINGTON, DC 20510

December 21, 2018

The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

We write to express our deep concern about recent reports that the Trump administration is pursuing the deportation of many long-term U.S. residents who emigrated from Southeast Asian countries, including lawful permanent residents from Laos, Cambodia, and Vietnam.¹ We are particularly troubled by the administration's reported efforts to deport Vietnamese immigrants who arrived in the country before the reestablishment of diplomatic relations between the United States and Vietnam on July 12, 1995, in clear violation of the 2008 repatriation agreement between the countries.²

In Fiscal Year 2018, there was an increase in deportations of Southeast Asian immigrants with more than 350 Laotian, Cambodian, and Vietnamese immigrants who were ordered to be deported.³ Those processed for deportation by the Trump administration's recent, aggressive deportation efforts include legal permanent residents who have lived in the United States for decades after fleeing violence and genocide in their home countries. Upon arriving in the United States, many found themselves in struggling neighborhoods. While most made the best of their new circumstances, a small subset made mistakes and entered the criminal justice system. Some of these mistakes date back to when they were teenagers and young adults. They have served their time and have been out of the criminal justice system for decades.⁴ The detention and deportation of these lawful permanent residents effectively repunishes them and ignores ways they may have transformed their lives to become productive community members, business owners, and loving parents supporting their families.

As noted, the administration's efforts to deport pre-July 1995 Vietnamese immigrants is particularly troubling. The United States and Vietnam entered into a repatriation agreement in 2008.⁵ The agreement takes into account the long and complex history between the two countries

¹ See, e.g., Kimberly Yam, *ICE Departs Another Group Of Cambodian Refugees While You Weren't Paying Attention*, HUFFINGTON POST (Aug. 21, 2018), available at https://www.huffingtonpost.com/entry/us-deports-cambodian-refugees_us_5b7707b9e4b05906b4135dea.

² Charles Dunst & Krishnadev Calamur, *Trump Moves to Deport Vietnam War Refugees*, THE ATLANTIC (Dec. 12, 2018), <https://www.theatlantic.com/international/archive/2018/12/donald-trump-deport-vietnam-war-refugees/577993/> (hereinafter "Atlantic Article").

³ http://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php.

⁴ See, e.g., Kimberly Yam, *The U.S. Just Quietly Deported The Largest Group Of Cambodians Ever*, HUFFINGTON POST (Apr. 6, 2018), available at https://www.huffingtonpost.com/entry/cambodians-deported-trump-immigration_us_5ac77dd9e4b07a3485e3da6c.

⁵ Dep't of State, "Agreement Between the Government of the United State of America and the Government of the Socialist Republic of Vietnam on the Acceptance of the Return of Vietnamese Citizens," available at <https://www.state.gov/documents/organization/108921.pdf>.

and provides a level of protection for the hundreds of thousands of Vietnamese immigrants who fled their home country to seek refuge in the United States in the aftermath of the Vietnam War. Many of those who fled were South Vietnamese citizens who had fought alongside or otherwise supported the United States during this conflict. Accordingly, the agreement makes clear that Vietnamese immigrants “are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S. Government and the Vietnamese Government.”⁶

Recent reports suggest that the Trump administration unilaterally interpreted the 2008 agreement in the spring of 2017 to enable it to deport certain Vietnamese refugees who arrived in the United States before July 1995—despite the agreement’s clear terms.⁷ We understand that the Department of Homeland Security is again relying on this faulty interpretation to detain Vietnamese immigrants who arrived prior to July 1995 and process them for removal.⁸

It is troubling to see Southeast Asian families being targeted in this way. We urge you to reexamine policies on the arbitrary detention and deportation of Southeast Asian immigrants who prove no threat to public safety, are interwoven into our communities, and support United States citizen families. Your agency’s finite resources should not be wasted to tear families apart and deport individuals who have transformed their lives after serving their sentences. We further urge you to restore the protections provided by the 2008 U.S.-Vietnam repatriation agreement and stop the deportation of Vietnamese refugees who arrived in the country prior to July 12, 1995.

Thank you for your attention to this matter.

Sincerely,



MAZIE K. HIRONO
United States Senator



KAMALA D. HARRIS
United States Senator

⁶ *See id.* at Article 2, Para. 2. Even for those immigrants that arrived in the United States *after* July 12, 1995, the agreement contemplates that repatriation “take into account the humanitarian aspect, family unity and circumstances” of each person being considered for repatriation and that repatriation be “carried out in an orderly and safe way, and with respect for the individual human dignity of the person repatriated.” *See id.* at Article 1, Paras. 1, 3.

⁷ Atlantic Article.

⁸ *See ibid.*



AMY KLOBUCHAR
United States Senator



PATRICK LEAHY
United States Senator



CATHERINE CORTEZ MASTO
United States Senator



CORY A. BOOKER
United States Senator



RICHARD BLUMENTHAL
United States Senator



TAMMY DUCKWORTH
United States Senator



JACK REED
United States Senator



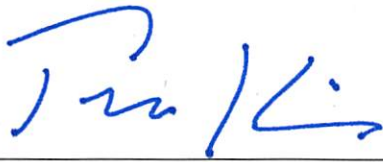
EDWARD J. MARKEY
United States Senator



BERNARD SANDERS
United States Senator



MARK R. WARNER
United States Senator



TIM Kaine

United States Senator