

Dreams Detained, in Her Words

The effects of detention and deportation on
Southeast Asian American women and families



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A project of:

The National Asian Pacific American Women's Forum

The National Asian Pacific American Women's Forum (NAPAWF) is the only multi-issue, progressive, community organizing and policy advocacy organization for Asian and Pacific Islander women and girls in the United States. NAPAWF's mission is to build a movement to advance social justice and human rights for Asian & Pacific Islander women and girls.

Southeast Asia Resource Action Center

Southeast Asia Resource Action Center (SEARAC) is a national civil rights organization that empowers Cambodian, Laotian, and Vietnamese American communities to create a socially just and equitable society. As representatives of the largest refugee community ever resettled in the United States, SEARAC stands together with other refugee communities, communities of color, and social justice movements in pursuit of social equity.

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“... this interview comes at a time where I’m really examining the labor of women and carrying our men throughout communities and within our communities. And how a lot of that is invisibilized, a lot of our pain and our suffering is invisibilized ...‘Yeah, Dad, you went through all this stuff, and who helped you through it? How are you still here? ... It really was my mom.”

- Janit

Foreword

Dear Reader,

In the last two years, our country has witnessed countless attacks on the immigrant community, from the separation of children from their parents at the border to revoking protections for young undocumented immigrants to attacks on family-based visas. However, many of these conversations have excluded the narratives of Asian American and Pacific Islander (AAPI) immigrant families. And yet, hundreds of Southeast Asian Americans have been detained and deported, with thousands more at risk of being separated from their loved ones.

For years, SEARAC has been at the forefront of fighting the harmful immigration policies that have torn apart Southeast Asian American families through detention and deportation. SEARAC has worked directly to support and uplift the voices of impacted community members to ensure that their advocacy is grounded in the hope, strength, and resilience of the largest refugee community to ever be resettled in America.

This year, SEARAC and NAPAWF have joined forces to release a historical report. With NAPAWF's focus on advocacy and organizing using a reproductive justice framework, SEARAC and NAPAWF came together to create a report to highlight the effects of detention and deportation on a woman's human right to parent and raise a family without fear of violence or family separation. Our inspiration for this report comes from the experiences of women who have endured detention or deportation in their families, and we hope to center and elevate their stories.

Together, we interviewed women whose family members were detained or deported in order to capture their experiences of grief and anxiety, financial hardship, and hope and resilience. We hope their stories not only put names and faces to those affected by particular policies, but also motivate a shift in how we think about immigration: centering immigrant women and children's ability to thrive.

In solidarity,



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Immigrant families in crisis

In the summer of 2018, the world watched in horror as immigration enforcement at the US-Mexican border separated thousands of immigrant children from their parents as they were seeking asylum. When the Trump administration responded to bipartisan demands of stopping family separation with the cruel plan to detain immigrant families together, many activists began calling for an end to immigration enforcement altogether.¹

Yet, for almost two decades, immigration enforcement has been separating immigrant families, both documented and undocumented, through detention and deportation. And while the topic of immigration increases in visibility within the mainstream political agenda, the Asian American community remains consistently overlooked in larger conversations about immigration policy and reform. In 2015, India and China ranked among the top 10 countries whose nationals were apprehended by immigration authorities.² Despite making up roughly one seventh of the undocumented population, Asian American immigrants suffer disproportionately and astoundingly low rates of application to the Deferred Action for Childhood Arrivals (DACA) program due to a lack of outreach and isolation from the larger immigrant community.³ When it comes to internal enforcement, many remain unaware that Southeast Asians, most of them lawful permanent residents (LPRs) who arrived to the US as refugees, have been quietly detained and deported in large numbers under the current administration.

In April 2018, US immigration enforcement executed the largest deportation of Cambodians in the country's history.⁴ The Vietnamese community also mourned a surge in detentions the previous fall.⁵ While the current repatriation agreement allows only for the deportation of individuals who came into the United States after 1995, many refugees who came prior to that year were suddenly targeted as well.⁶

1 At the time that this report is going to print, hundreds of migrant children remain separated from their families.

2 Bryan Baker and Christopher Williams, "Annual Report, Immigration Enforcement Actions: 2015," last modified July 2017, https://www.dhs.gov/sites/default/files/publications/Enforcement_Actions_2015.pdf.

3 Sanam Malik, "More Work is Needed to Increase DACA Applications from Asian American and Pacific Islander Immigrants," last modified June 22, 2016, <https://www.americanprogress.org/issues/immigration/news/2016/06/22/140146/more-work-is-needed-to-increase-daca-applications-from-asian-american-and-pacific-islander-immigrants/>.

4 In fall of 2017, about 100 Cambodians were detained after the United States issued visa sanctions on Cambodia to strong-arm the country into speeding up removals, leading to mass deportation in the spring. See Agnes Constante, "US-Cambodia Sanctions Cause Anxiety for Some Facing Deportation," last modified October 13, 2017, <https://www.nbcnews.com/news/asian-america/u-s-cambodia-sanctions-cause-anxiety-some-facing-deportation-n810286>. See also "43 Cambodian nationals deported from US," Associated Press, last modified April 6, 2018, <https://www.cambodiadaily.com/news/43-cambodian-nationals-deported-u-s-136192/>.

5 Katrina Dizon Mariategue, "Joint Community Alert: Vietnamese Vulnerable to Deportation," October 30, 2017, <http://www.searac.org/take-action/immigration-campaigns-take-action/joint-community-alert-vietnamese-vulnerable-deportation/>.

6 "Trinh v. Homan: Community Advisory," Southeast Asia Resource Action Center, last modified April 2018, <https://www.searac.org/wp-content/uploads/2018/05/Trinh-Community-Advisory.pdf>.

Finally, although the Lao community has been affected by deportation in smaller numbers due to the lack of a repatriation understanding with the United States, the Trump administration has been persistent in forcing an agreement. In July 2018, the Department of Homeland Security announced the implementation of visa sanctions for Laotian and Burmese nationals as a direct result of their refusal to accept deportees⁷—signaling a possible wave of deportations should Laos succumb to US pressure.⁸ With ramped up deportation enforcement, Southeast Asian LPRs with orders of deportation and their families find their limbo status in more grave danger than ever before.

SEAs with Orders of Removal

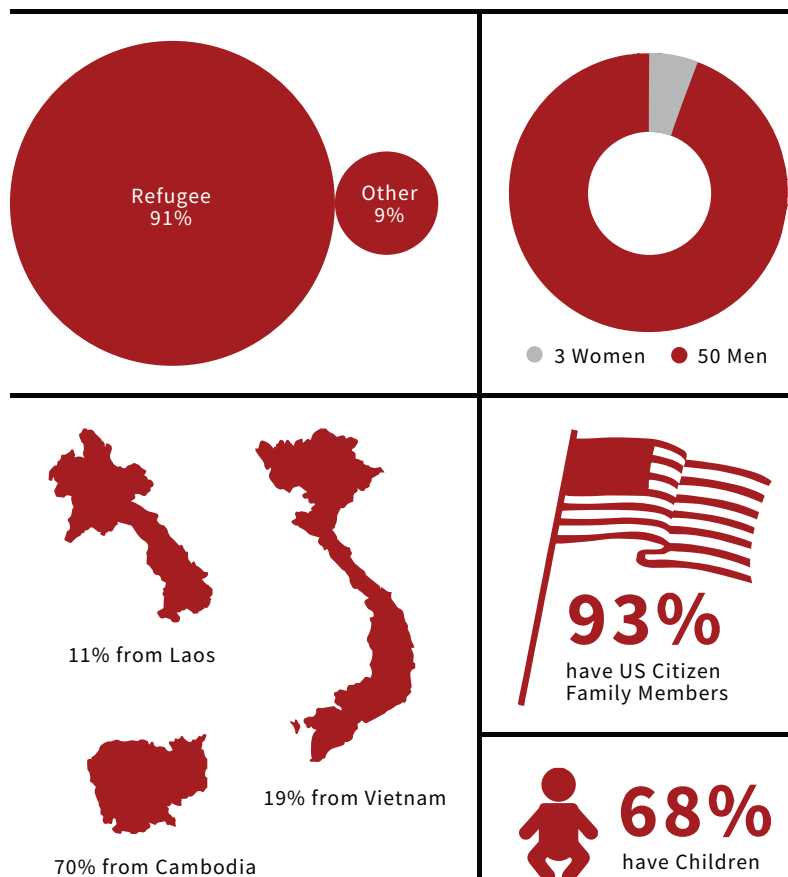


Figure 1: SEAA Removal Orders (graphic credit: Alyssa Shea)

Source: 2017 SEARAC Advocacy Data Collection Forms. Figures are based on a subset of over 50 SEAA respondents who sought support and are not a representative sample of all Asian Americans and Pacific Islanders with deportation orders nationwide.

⁷ "DHS Announces Implementation of Visa Sanctions," United States Department of Homeland Security, July 10, 2018, <https://www.dhs.gov/news/2018/07/10/dhs-announces-implementation-visa-sanctions>.

⁸ Due to the Vietnam War legacy, Laos, Cambodia, and Vietnam did not begin accepting deportees until the early 2000s when the United States signed a repatriation agreement with Cambodia in 2002 and Vietnam in 2008. While repatriation agreements are not technically needed to deport people, they provide guidelines to help facilitate the removal process.

The toll of family separations

The morning Montha's brother got detained, she frantically gathered their family members for the check-in. Montha had heard from her friend, Jenny, the possibility that her brother would get detained at the next check-in, yet she was at a loss for how to handle the impending separation her family would experience. Officials at the detention center gave Montha's brother and their family a mere five minutes to say their goodbyes while separated by a window. Montha remembers her four-year-old niece holding her hand up against her father's on the glass before they were forced to leave.

The detention of a family member often happened during routine check-ins with Immigration and Customs Enforcement (ICE). Other times, immigration officers would arrest individuals immediately after they finished their sentences in prison, leaving little reprieve for families who had suffered separation during years in prison only to face indefinite time apart due to detention and deportation. One interviewee noted that immediately following the US government's repatriation agreement with Cambodia to accept deportees, law enforcement transferred her sister from prison directly to a detention center.

Detention always happened unexpectedly, with little to no mental and physical preparation. Jenny lamented that after ICE took away her husband in a check-in, officials would not even allow her to hug him before moving him to a detention center for months. Women drove hours and hundreds of miles to make regular visits to detention facilities and see their loved ones on the other side of a window.

While battling the legal and administrative barriers of fighting their family member's detention, women struggled financially with one less income and the increased responsibility of caring for children and family members alone. As a result, women and their families sometimes faced severe trauma and depression that often lasted long after their loved one's release from detention. Suddenly, their family member's immigration status rocked every aspect of their lives and their ability to thrive.

Parenting and caring for family members during crisis

In a majority of cases, detention stripped away a parent from children, leaving another spouse to endure a twofold struggle: fighting the deportation case while emotionally providing for their children and other family members. Jenny, a social worker, shared how the extra burden of caring for four children on her own took an extra toll on the emotional labor that she was already performing at work. In the absence of a family member, women stepped in with additional caregiving roles for which they were often unprepared.

“And so my mom was stuck with a 10-year-old, a nine-year-old, a newborn and still having to try to figure out how to get to my father because they detained him.”

- Janit

“Since the age of 16, I’ve had to do a lot. Until today, I have to do a lot. I don’t blame anyone for that besides immigration. I think it’s tough that I had to grow up so fast. I have to take care of my mom and make sure she’s mentally and physically and emotionally okay. I have to take care of my dad to make sure he’s mentally and physically and emotionally okay. And I have to take care of my sister because she’s my baby sister and make sure she’s okay.”

- Tina

Not only were women left to care for their own children or a detained family member’s children, many of them young or newborns, they carried the double burden of looking after their children’s emotional and mental health needs as a result of family separation. Many women expressed regret at their inability to be fully present for their children and parent at their fullest potential due to the time spent dealing with legal challenges and financial difficulties. For them, having to battle an unjust immigration system while being a mother suffocated their agency and their ability to parent with dignity.



Photo courtesy of Montha Chum

“Yeah, the kids, you know, I said to my kids one time, I just said, ‘You know, I’m sorry. I’m sorry I’m not prioritizing your needs right now,’ and my oldest son, he looked at me and said, ‘It’s okay, you should be focused on Ched right now. You should be doing that, like, it’s okay,’ and I remember thinking, ‘Oh my gosh,’ my kids are just... I can’t believe he said that.”

- Jenny

“It’s taken away a lot of time from my family I’ll never get back with my own children. It was a really important time in my oldest daughter’s life and plays a huge role in why she’s treating me the way she is now. Over the last couple of years, she was preparing for her final year of high school, and she told me I neglected her when she needed me the most. ... I feel like not only did my niece lose her dad, at times my kiddos lost their mom during this fight.”

- Montha

“Well, one thing that keeps me going is my kids of course. I think about their state, their future, and what I live by, is what I tell myself every day. I should not live in fear because if I do, I will lose out on every opportunity given to me. I learned that the hard way, I gave up opportunities that both my husband and I had, and it led us to nowhere. So I try to live by faith, not by fear. And I try to be strong for my kids because we are their future as well. Without us they wouldn’t have any future. ... So that’s how I get past my day. It’s looking at my kids. I have to try. I can’t give up. I’m not going to let that fear get to me. That’s how I live—hope—every day.”

- Linda

“We were so poor then”: The financial effects of detention and deportation

A study by the Center for American Progress noted that immigrant families entered poverty very easily immediately following detention or deportation.⁹ Similarly, many of the Southeast Asian family members interviewed also suffered the economic impact that resulted from a loss of income, legal fees, and the costs of living apart from a family member. Families spent thousands of dollars at once on one or multiple lawyers, even when fees did not guarantee any progress in the courts. Anna,* who was still in school while fighting her sister Emily’s* deportation case, provided the sole income through her work with a local community-based organization. Her family already poor, Anna’s entire paycheck went toward paying for her sister’s lawyer while her second sister, still in college, became the primary caregiver of Emily’s children.

In addition to legal costs, women witnessed what little income they had left disappear in the form of transportation expenses to visit detention centers, expensive phone calls to the detained family member, healthcare costs due to losing insurance from their spouse’s employer, and therapy for the unrelenting toll on their mental health. For Jenny, all of these costs added up to approximately \$20,000 during her husband’s detention, despite medical assistance and free school lunches. Detention and family separation can also lead to housing insecurity due to the sudden inability to afford rent, as was the case for Sokha, who moved in with her mother and suffered additional anxiety from having to rely on others for financial stability.



Photo courtesy of Jenny Srey

⁹ “How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities: A View from the Ground,” August 2012, <https://www.americanprogress.org/wp-content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf>.

* Names have been changed to protect anonymity.

“I didn’t notice how [the deportation] was impacting my family until I started asking my mom if she could buy me school supplies or uniforms or if I could go on some field trips. I needed money to do all this, and she started turning me down slowly. That’s when I started realizing that there is a problem.”

- Stephanie

“I had to get a job because now my mom was the only one bringing in money. I had to get a part-time job so I could at least pay for my own things, and my mom didn’t have to worry about that. The hardest part about all of that is once my dad was deported, we were also sending money back to him in Laos. So the financial impact was really rough.”

- Tina

“Our business was only two years old when he was first taken. So that full year he was gone, literally almost exactly our sales split in half. So, I mean our business lost—we lost a lot. And then the next year I was able to basically keep it about the same as I did that first year he was gone, but, you know, it’s... financially, it’s been pretty devastating.”

- Lisa



Photo courtesy of Lisa Kum

“I mean, trying to find a lawyer, you know, the first lawyer we paid \$3,000 to, and we ended up getting our I-130 approved, which is how we were able to get Ched released ... financially, it’s hard because those application fees and everything, even though I was able, I had three attorneys. ... So all of that is really expensive, and I feel bad because I’m talking to people who are impacted now, and people are just not prepared to pay this large amount of money.”

- Jenny



Photo courtesy of Sokha Kul-Nhean

“I just told them that I couldn’t afford to pay rent anymore. ... My sister in-law would help me out with the rent and stuff and then money that I needed, and I didn’t want to burden her by just taking money from her. I decided it would be better if I’d go live with my mom. ’Cause I didn’t know how long Sam was going to be...”

- Sokha

“It’s been hard to get back on track. I’m still trying to pay off credit cards I used to support my brother while he was in detention. ... It was very expensive when they were in detention. Phone calls were 45 cents a minute. But when you speak to them, it helps them keep their sanity, that they can hear their loved ones’ voices.”

- Montha

In some cases, women took on extra jobs or overtime to their current jobs, leaving less attention to care for children: Lisa noted that due to how expensive and infeasible it was to send her 14-month-old daughter to daycare, she had to bring her to work instead while also dealing with a drastic loss in business. Without her husband's support in their business, Lisa rarely took days off despite having a baby and enduring two surgeries. Janit also recalls watching her mother taking extra jobs while attending school so she could further support her family during Janit's father's detention.

“I’ve had three days off [from work] in four years: the day I gave birth to Emma, the day I had my elbow surgery, and the day I had the hernia surgery a week and a half ago.”

- Lisa

“Yeah, sometimes she was working two jobs at a time. I still remember—yeah, I remember when it was just my sister and me, before my youngest sister was born, she started off at Payless...and then after that she left and she decided to apply for a medical billing position, just on a whim. And she started off with just data entry with them, and from there she worked her way up. ... She’s done so much with so little. I remember she graduated with her AA degree. She was doing all of this while also going to school, by the way. ...



Photo credit: Stephen Bobb Photography

She graduated with her AA degree at, I think, seven months pregnant with my youngest sister and walked the stage pregnant.”

- Janit



For many Southeast Asian women, supporting their family with a single income can be more difficult than it is for other women: Southeast Asian American women are more likely than white women and other Asian American women to be employed in low-wage occupations in the restaurant, personal care, and service industries.¹⁰ While AAPI women are on average paid around 87 cents for every dollar paid to white men, disaggregated data shows that Southeast Asians experience some of the widest wage gaps: for every white male dollar, Vietnamese and Cambodian women are paid 62 cents, Laotian women paid 60 cents, and Hmong women 59 cents.¹¹ In addition to the spiraling costs of detention and deportation, Southeast Asian American families are often hit twice with a lack of pay equity and economic support. For these women, gendered economic oppression further hampers their ability to control their lives and raise families on their own terms.

“I was so depressed”: Struggling with anxiety and trauma

Suffering financially, navigating a complicated legal system for immigrants, and taking on increased caregiving roles while separated from their loved ones, women experienced toxic levels of stress, anxiety, and constant mental and emotional exhaustion. One woman, Jenny, despite losing health insurance from her husband’s job, sought therapy for her and her children to deal with the mounting stress of raising four children, fighting her husband’s deportation case, and organizing a community of other women whose family members were detained. Family members never know how long detention might last or if their loved one will eventually be deported, heightening the anxiety of living in a constant limbo of unknown outcomes while pursuing different avenues of legal action.

Many mothers of detainees, who came to the United States as adult refugees and experienced trauma from war and their resettlement journeys, already suffer from latent anxiety and depression, and watching their adult children get detained resurfaced fears of government authority and law enforcement. Anna’s mother suffers from anxiety, post-traumatic stress disorder (PTSD), and vertigo and couldn’t psychologically bear to go to her daughter Emily’s deportation hearings; instead, Anna and her second sister had to commute the long hours to San Francisco to fight Emily’s deportation case. For many, engaging in the legal battles forced women and their families to relive the trauma of detention during hearings and meetings with lawyers.

¹⁰ NAPAWF calculations based on US Census Bureau, 2011-2015 American Community Survey, Table C24010.

¹¹ Kayla Patrick and Jasmine Tucker, “Equal Pay for Asian and Pacific Islander Women,” February 2018, <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/02/Asian-Women-Equal-Pay-Feb-2018.pdf>.

“A lot of people get kind of stuck or have anxiety, especially people within our Cambodian community. I remember my mom, my mother-in-law, she has a lot of fear of authority. I had asked her to go to DC with me one of the times. ... She couldn’t pack her bag, and I had to walk her through all of the packing because she just kind of was in shock. She was in shock because her son was getting taken away from her. Another child you, know? That she might not be able to see.”

“It’s sad because she [my mother-in-law] was going to be one of the witnesses for my husband’s hearing, and it was really hard for her to have to open up. She said it’s in her heart, and she tied it up really tight, and now it’s kind of unraveling, and that it’s difficult for her but she would try her best to talk about it. I felt bad. In the end, she didn’t have to, they just didn’t want to re-traumatize her by bringing her up to the stand, but it was really intense for her to talk about it.”

- Jenny

“Well, [the immigration case] brings up a lot of trauma, but during this fight for my brother, we had to re-traumatize them [my parents] [because] we had to prepare for the hearings. We had to talk about some of the stories when we were doing a mock trial with my mom.”

- Montha

Trauma from immigration enforcement lasts long after detention: women and their family members are likely to continuously experience exacerbated anxiety at future check-ins with ICE and other encounters with immigration enforcement. Even after being released from detention, many are still fighting final orders of deportation and continue to live in a state of limbo. Lina, whose husband still reports to ICE for routine check-ins, expressed fear at the possibility that her children, ages four and six, could potentially grow up without their father at any moment.

“I think for all of us, we carry our own traumas with it. So my mom, to this day, because her husband was detained and deported, she lives in fear of getting picked up by the police. She lives in fear every day thinking about if the police pull her over, if they’ll take her away, or if the police knock on the door, will they take her away? For a long time, when people will visit our house, they’d call and say they’re coming over. For a while, when we got a knock on the door, and we didn’t know who it was, we literally had a system of turning off all the lights and pretending we weren’t there. I think that stems from her being afraid of it being the police who was there, who were coming to take her. I think she still lives with that in terms of everyday things she does.”

- Tina

“I hope that one day I can live life freely, knowing that we are free from this, knowing that my husband will not be taken away by anyone in the future. That is probably the only thing that I wish and pray for now, is to get that feeling of freedom. And that can give us a better future, a brighter future for our kids even if we can give them the future that we want, but having that in the back of our heads can affect a lot of things as well. Everything can be taken from us. So that would be how I want our future to be—is to be free.”

- Linda



Photo courtesy of Linda Chang

“They’d cry to me”: Childhood trauma and mental health

Loved ones shared not only the struggles of having to raise children while their spouse or sibling was detained but also the resulting anxiety and trauma that detention or deportation inflicted on their children. Studies agree that early exposure to traumatic experiences and fearful events negatively impact brain development, specifically one’s learning capability and capacity to manage emotions.¹² In one study, children whose parent was detained or deported by immigration enforcement showed changes in eating and sleeping habits, increased anxiety and sadness, and many were more withdrawn, aggressive, or angry.¹³ Children with a deported parent are also at an increased risk for emotional disorders, educational failure, and substance abuse.¹⁴

Children who watch their parents get detained or deported experience heightened trauma, as did Sokha’s children when they witnessed ICE take their father away for the first time in a van on their street. Though they were young enough not to fully understand what happened that day, the heartbreaking separation from their father they experienced immediately following that incident was enough to revive immediate trauma the second time they watched ICE detain their father years later.

Women whose spouses were detained all noted the devastating changes in their children’s mental health during detention, leading at least one to seek therapy for her teenage children. Lisa, who was raising a 14-month-old during her husband’s detention, also shared painful experiences of watching her baby confused about her father’s continued absence. In addition to losing emotional support from one parent, children of detainees experience increased anxiety from witnessing their parent’s stress and resulting inability to meet children’s caregiving needs.¹⁵ Though her brother’s deportation happened when she was still too young to understand the impacts of his departure, Stephanie watched her parents struggle financially and mentally. Emotionally frustrated, she and her siblings spent their childhood with feelings of blame and anger toward their brother while stepping in to support their parents.

Even after being released from detention, parents struggled to rebuild relationships with their children after losing months and years away from their family. After detention, Montha’s brother struggled to reconnect with his family while also spending time with their ailing father, who passed away eight months following his release. Janit, who had spent much of her youth without her father, harbored resentment toward her father for missing out on the most critical parts of her childhood.

12 “Persistent Fear and Anxiety Can Affect Young Children’s Learning and Development,” National Scientific Council on the Developing Child, February 2010, <https://46y5eh-11fhgw3ve3ytpwxt9r-wpengine.netdna-ssl.com/wp-content/uploads/2010/05/Persistent-Fear-and-Anxiety-Can-Affect-Young-Childrens-Learning-and-Development.pdf>.

13 “Facing Our Future: Children in the Aftermath of Immigration Enforcement,” The Urban Institute, February 2010, <https://www.urban.org/sites/default/files/publication/28331/412020-Facing-Our-Future.pdf>.

14 “Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families,” Human Impact Partners, June 2013, <http://www.familyunityfamilyhealth.org/uploads/images/FamilyUnityFamilyHealth.pdf>.

15 Lorraine M. McKelvey, Hiram E. Fitzgerald, Rachel F. Schiffman, and Alexander Von Eye, “Family Stress and Parent-Infant Interaction: The Mediating Role of Coping,” *Infant Mental Health Journal* 23, no. 1-2 (February 2002): 164-181, <https://doi.org/10.1002/imhj.10010>.

“The kids were in therapy, and it was really hard for me to sit down and talk to them without crying, so... I remember the therapist said, you know, 'Aiden said it was really hard to see me cry.' And then he got teary in that session, and so I was like, I felt... it was really sad for me to hear that, but the kids were really hurting just by seeing me so hurt. And they were hurting themselves, but it's just making it worse because their person that they go to all the time for support is just not able to support them, you know?”

- Jenny

“With Emma, it worries me because little girls bond with their fathers. The important time for them is six to 18 months. And he was only home for two months of that timeframe. So it worries me about her future and how that's going to impact her, with that bonding with her dad. ... And when he was taken away for about three weeks she still called for him in the morning. And that was the hardest thing, to see her confused and not understanding why he wasn't coming. And how do you explain that to a 14-month-old?”

- Lisa

"[The deportation] hasn't happened yet, and they're already having a hard time sleeping. ... I'd tuck them into bed, they'd cry to me, they'd tell me that they don't want daddy to go. ... Of course you tell them that everything's okay, but just the fact that they're bringing it up every single night tells me that, you know, they would not know what to do, how to live, if daddy's not here. So, you know, it's things like that. It breaks my heart."

- Linda

“I was very resentful because it was like, ‘I’m happy you’re home, Dad, and like, dang you missed out on so much of my life! What do we do? Where do we go now? How do I respect you as a person when I feel like my mother has been the person who has shown up for me in every moment of my life and never left me? Just like she’s done with you.’ You know? So I think, I think that took a toll on our relationship as well, and I’d say even until now it’s a part that we’re working through in our relationship. You can think about how my youngest sister, you know, she didn’t grow up with the absence of her father. So I see how different their relationship is, as opposed to how my relationship is with him and my second sister, my middle sister—how her relationship is with him.”

- Janit

The toll of detention on family planning

For some, the financial stresses, emotional trauma, and potentially having a parent indefinitely separated from the rest of the family can disrupt partners’ family planning needs. Jenny and her husband Ched had intended on having a child together right before his detention but had to delay their plans. While thankful that Jenny did not get pregnant and have a newborn during Ched’s detention, even after his release the couple had to postpone their plans to have a child due to the resulting financial difficulties and a decline in health from stress. For many, the immigration enforcement and the potential family separation, economic constraints, and health situations that result negatively impact the reproductive choices and freedom of immigrant families.

Immigration and law enforcement also often tear families apart during infancy. Emily gave birth to one of her children in prison before her baby was promptly taken away from her and left with her sister for care. For both Emily and the children, the traumatic experience of separation shortly after birth took an enormous physical and emotional toll during a crucial stage of early child development. In addition, both prisons and detention centers are notorious for their poor treatment of women, especially during pregnancy, and often fail to provide women with adequate access to reproductive health services.¹⁶

16 Monifa Bandele, “Here’s How Prison and Jail Systems Brutalize Women, Especially Mothers,” October 23, 2017, <https://www.aclu.org/blog/womens-rights/women-and-criminal-justice/heres-how-prison-and-jail-systems-brutalize-women>; Victoria Lopez, “Working to Uncover How ICE Treats Pregnant Women in Detention,” May 3, 2018, <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/working-uncover-how-ice-treats-pregnant-women>.

“So we were really trying [to have a baby], and then he got detained, and it just wasn’t a good time, and I’m glad I didn’t get pregnant because it would have been horrible to go through all this with a newborn or being pregnant. And then when he got home, we were like, no, we can’t try right now because we’re so unhealthy.”
- Jenny

“I’m going to fight back”: Hope, resilience, and activism

Despite the lack of legal assistance in navigating an unrelenting and convoluted immigration system, women impacted by the detention and deportation of their family member have organized their own communities and become leaders in grassroots advocacy. After finding other women who had lost family members to detention, Jenny Srey began organizing Cambodians in her community to form the Release MN8 campaign, which sought to end the detention and deportation of seven other Cambodian immigrants in Minnesota who were being detained. As a result of the campaign, three of the eight were released from detention and reunited with their families.

Other women became engaged in organizations such as Khmer Girls in Action, as well as campaigning against detentions and deportations within the larger Southeast Asian American community. Anna noted that community organizing was healing for her, and many others also developed a continued dedication against attacks on immigrants and their community. In the resistance against immigration enforcement, Southeast Asian women and allies have been leading the charge to advocate for their communities—their stories and experiences must be centered in the fight for more humane and just immigration.

“But, for me, no matter what position or career I’m doing, I will always make time for social justice work. I’m going to be there for my community and fight back, and tell my story, and make people aware of the problems in my community.”
- Stephanie

“I’ll definitely do anything I can to just even bring awareness. Even if it doesn’t save him, but help other people.”
- Lisa

Photo credit: Stephen Bobb Photography



"Just the way that we had to struggle throughout all of these years as a result of just this violence that has happened to our community. I don't want that anymore...and knowing that my community deserves better, and knowing that my people deserve better ...I just see myself in whatever ways that I'm pulled to: dedicating

my life and my work to elevating the stories and the narratives of my people, making sure that our culture is still here for our future generations to understand and witness and be a part of years from now."

- Janit

"My husband is a lot more involved in advocacy. He is telling his story and really wanting to help other people going through what he went through. ... [He says], 'I want to be a part of helping others fight because I want to do this, like I'm doing this for them. There could be an opportunity for laws to change and for those guys to come back.' And he wants to see that."

- Jenny



Photo credit: Stephen Bobb Photography



Photo credit: Stephen Bobb Photography

“When I said that this happened, I didn’t know my parents were undocumented and could be deported. So now it’s just important to me that I do the work of immigrants’ rights and educating others about what the life of immigrant families is like and the importance of working on my parents’ papers and status, as fast as I can. Even though it’s like the longest process in the world.”

- Tina



Photo credit: Stephen Bobb Photography



Photo credit: Stephen Bobb Photography

Story summaries

Anna and Emily*

Anna and Emily are sisters, both born in Thai refugee camps. Their parents are Cambodian refugees who fled from the Khmer Rouge, a traumatic experience that left them with PTSD and other mental health complications.

Anna and Emily were forced to raise themselves as their single mother worked constantly. As the eldest, Emily was left with the brunt of the responsibility, and the pressure led teenage Emily to turn to gangs and drugs, eventually leading to her arrest and a life in and out of prison.

Following Cambodia's repatriation agreement with the US in 2003, Emily was arrested again for drug use and moved to a detention center to be deported. Their family paid for lawyers and commuted to the detention center despite their father's failing health. Anna and her younger sister faced difficulties focusing on their studies in high school and college, respectively. Emily filed for asylum and was released, but her deportation case from over 10 years ago was never closed. Anna now has two children and campaigns against deportation to support her community.

* Names have been changed to protect anonymity

Janit

Janit Saechao's family came to the United States as refugees from the Secret War in Laos. At age seven, Janit's father left Laos with his family and stayed in a Thai refugee camp before resettling in Boston. There, her father grew up bullied for his race and was the target of racial slurs. Janit's maternal Mien grandparents also fled Laos to escape the war and ended up in a Thai refugee camp before adopting her mother and moving to the United States together.

Janit's father was incarcerated when Janit was one year old and her younger sister was a newborn, so she was raised by her single mother and extended family. To support the family, Janit's mother worked two jobs and graduated with a degree to become a medical coder, even while seven months pregnant with Janit's third sister. Janit's father was released in time for the birth of their third child, but was detained shortly after at one of his monthly INS reports. ICE detained him for two years, leaving Janit's mother to care for the children by herself once again. Janit's family was unable to visit her father because he was detained in another state.

Although Janit felt resentment toward her father's absence for the first 10 years of her life, she has reconciled with her father and now aims to dedicate herself to the Southeast Asian American community.

Jenny

Jenny Srey is the daughter of a Cambodian refugee. Her husband Ched Nin was born in a Thai refugee camp after his family fled Cambodia, and they came to the United States in 1986 when Ched was six. Ched grew up with an abusive father who suffered from lingering trauma from the Cambodian Civil War.

In August 2016, ICE detained Ched during a check-in. Experienced in violence prevention and youth organizing, Jenny stepped up and organized other Cambodians whose family members were detained or deported, forming the Release MN8 campaign.

In fighting Ched's detention, Jenny paid thousands of dollars in legal fees to lawyers and lost vacation days and paid leave in order to visit Ched and organize her community. Without Ched's job, Jenny and their children lost their health insurance while having to pay for therapy for her and her children's increased anxiety and depression. Due to the financial strain, health issues, and continued stresses of fighting Ched's detention, even after Ched's release Jenny and Ched delayed their plans to have another child. Both Ched and Jenny are grateful for the support of the community and increasingly committed to immigration advocacy.

Lina

Lina Dao came to the United States 10 years ago as an international student from Vietnam. At age eight, her husband Nam fled Vietnam by boat and spent several years in a refugee camp before arriving to the US as an unaccompanied child. He lived in government housing in California without his parents, as his father did not immigrate to the United States until years later. Growing up amidst street violence pressured Nam to join a gang to protect himself from bullies and other gang members.

In 1997, Nam was detained by ICE for four years. Lina met Nam a few years later and has been accompanying him to his annual ICE check-ins, and their family still lives in uncertainty. Lina fears that her children, who are too young to understand deportation, could lose their father, and she could lose her husband. Lina and Nam have a six-year-old son and a four-year-old daughter.

Linda

At age four, Linda Chang's husband fled from the war in Laos with his family. He and his mother were the only ones who made it to the United States; his other family members were executed or sold at the Mekong River, a trauma with which he still lives.

Linda's husband served his prison sentence more than 10 years ago. He was released to INS shortly after, and ICE detained him for a year after receiving a deportation order. After they got married and had children, her husband did not tell Linda the full implications of his status for fear of worrying her. After her own research on the US immigration system, Linda began to realize the risks of deportation and detention

and began to fear for her family. She heard accounts of other Southeast Asians, some of whom were her husband's friends, already being deported. She informed her children of the risk to emotionally prepare them and was pained to see how visibly distressed they became despite their young ages. Linda and her husband have an eight-year-old son and nine-year-old daughter.

Lisa

Lisa Kum's husband, Sothy, fled Cambodia with his mother, siblings, and cousins in the 1970s to escape the Cambodian civil war. His family lived in Thailand for two years and in the Philippines for another two years before immigrating to the United States in 1981. They settled in a predominately white suburb in Madison, WI. In grade school, Sothy grew up being called racial slurs and bullied for being Asian.

After completing his sentence for drug possession, ICE detained Sothy for eight months, while Lisa was pregnant. Lisa and Sothy's business was two years old at the time. Over the next year, they lost half of their sales in Sothy's absence and now plan on selling the business so that Lisa can join Sothy in Cambodia. In order to support her family, Lisa has only taken three days off in four years and cannot afford daycare, forcing her to bring her baby daughter to work. Lisa remarks that the most painful part of her husband's deportation is seeing her daughter grow up while missing her father.

Montha

Montha Chum's family members fled the Khmer Rouge genocide in Cambodia. Her parents were separated during the war and reunited in a Thai refugee camp, where Montha and her two younger brothers were born. Her family lived in the camp for five to six years before coming to the United States in 1984 as refugees. Montha's family lived in subsidized housing with no knowledge of American culture or support for dealing with the trauma of war. Montha and her siblings grew up being bullied for their race, called racial slurs, and labeled as gang members.

In 2016, Montha's brother was detained at one of his ICE check-ins. He received a deportation order for an old crime he had already served time for: breaking three windows at a bar. His daughter was four years old at the time. Montha's brother was released in September 2017 after being detained for a year, but she is still paying off credit card bills from the financial support she provided while her brother was in detention. Montha regrets not having the time to both advocate for her brother and raise her children with the support and attention they needed.

Sokha

Sokha Kul-Nhean's husband Sameth was born in a Thai refugee camp after his family fled the Khmer Rouge in Cambodia. His family resettled in the United States in 1985. Sokha was born in the United States, and her family is also Cambodian.

Sameth was detained by ICE in 2010 for six months for a crime he committed in 2002. Their children, who

were nine and five years old at the time, witnessed ICE agents arrest Sameth on their street. While being taken away, Sameth asked the ICE officers to drive past the house so he could see his kids one last time, but they didn't. ICE detained Sameth again in 2016. Without Sameth's income, Sokha could not afford rent and was left with no choice but to move in with her mother, where Sokha and her three kids shared a one-bedroom apartment. Following his release, Sameth now lives with his family, but they live in a limbo of court appeals, uncertain of and anxious for the future. Sokha and Sameth have three children.

Stephanie

Stephanie Sim is 19 years old and the youngest of nine children in her family. Her parents fled the Cambodian genocide and lived in Thai refugee camps for a few years, where her older brother Sarob was born. Stephanie's family resettled in the United States in 1989 as refugees. Her parents have worked as seamstresses ever since, relying on Stephanie and her siblings to translate bills and other paperwork for them.

Stephanie's brother Sarob served time in prison for nonviolent crimes, which eventually led to ICE detaining him at a check-in. Stephanie's older siblings raised her and her sister in their parents' preoccupation with work and Sarob's case. Stephanie learned to grow up quickly and mature at a young age in the midst of her family's distress. In 2010, Sarob was deported to Cambodia despite having never been there. Sarob's son was one month old at the time. Following his deportation, Stephanie's parents worked constantly to send him money overseas.

With support from community organizations such as Khmer Girls in Action, Stephanie has transformed the traumatic experiences of her brother's deportation into self-love and activism. Stephanie is currently studying sociology and hopes to continue to create a better life for her community through social justice work.

Tina

Tina Meetran's mother emigrated from Laos to the United States in 1989, and her father followed shortly after. Tina did not know her parents were undocumented until ICE detained her father in September 2009 at a check-in. Tina was 16 years old at the time. As the eldest child, Tina helped her mother navigate the complex immigration system and legal jargon and was forced to mature quickly as a result. ICE detained her father for four months before deporting him to Laos in January 2010 with less than a week's notice.

Tina's mother was forced to raise Tina and her 12-year-old sister without her husband, previously the breadwinner of the family. At times, her mother had to support her family and pay lawyer fees with an annual income of \$15,000 by doing piece work for jewelers. As a high school student, Tina worked part-time to provide her mother some relief. Since her father struggled to settle in Laos and reconnect with his family there, Tina's family sends him financial support as well. To this day, Tina's mother lives in fear of being arrested by the ICE, just as her husband was.

The detention and deportation of Southeast Asian Americans: a political history

The 1996 immigration laws

In 1996, Congress passed the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Although AEDPA was passed in response to a terrorist attack carried out by US citizens, it expanded mandatory immigration detention and opened the door to deportation proceedings against noncitizens—including LPRs. Five months later, the passage of IIRIRA expanded the definition of “aggravated felony” under immigration law to encompass a wider range of crimes, many of which were neither “aggravated” nor “felonies” under state criminal laws, but could be used to deport a noncitizen. Under this definition, immigrants could suddenly be deported for offenses as minor as public urination, filing a false tax return, or possessing \$10-worth of marijuana.¹⁷ These laws were retroactive, punishing those who committed their crimes even before the law was passed. According to the Immigration Policy Center, in 2010, 68 percent of lawful permanent residents who were deported were deported for minor, non-violent crimes.¹⁸

These 1996 laws also dismantled certain protections for noncitizens facing deportation by allowing officers within the Department of Homeland Security to bypass the immigration court system: as a result, many noncitizens are deported without ever seeing an immigration judge.¹⁹ When noncitizens do appear before an immigration judge, the 1996 laws severely restrict the ability of judges to consider the individual circumstances of a person before ordering deportation. Thus, immigrants, even if they are refugees, are often deported back to countries in which they sometimes have never set foot. Because the 1996 laws are so restrictive, most Southeast Asian Americans don’t qualify for many forms of relief.

17 “Aggravated Felonies: An Overview,” American Immigration Council, last modified December 16, 2016, <https://www.americanimmigrationcouncil.org/research/aggravated-felonies-overview>.

18 “The Ones They Leave Behind: Deportation of Lawful Permanent Residents Harm US Citizen Children,” American Immigration Council, last modified April 26, 2010, <http://www.immigrationpolicy.org/just-facts/ones-they-leave-behind-deportation-lawful-permanent-residents-harm-us-citizen-children>.

19 Bobby Hunter and Victoria Yee, “Dismantle, Don’t Expand: The 1996 Immigration Laws,” accessed August 2, 2018, http://immigrantjusticenetwork.org/wp-content/uploads/2017/05/IJN1996LawsReport_Final.pdf.

The school-to-prison-to-deportation pipeline

Following the Vietnam War, over 1 million Southeast Asian refugees fled to the US from Vietnam, Cambodia, and Laos, making up the largest refugee community to ever settle in the US. However, US refugee resettlement policies emphasized values of self-sufficiency and economic independence, overlooking other social services that addressed the struggles of cultural, linguistic, and psycho-social integration.²⁰ Without holistic resettlement services that took into consideration their broader needs, Southeast Asian refugees received little assistance to achieve socioeconomic stability much less alleviate their trauma. Today, Southeast Asians have some of the highest rates of poverty within the AAPI community²¹ and some of the lowest rates of educational attainment compared to all racial groups.²² Battling with systemic poverty and an education system unprepared to accommodate immigrant children, refugee youth remained marginalized and traumatized, sometimes turning to gangs for protection and belonging—exposing them to criminal activity that could be used to deport them decades later.

IIRIRA specifically harms Southeast Asian refugee communities by expanding the grounds of deportation for old criminal records so that many Southeast Asians who have long reformed their lives can be deported. Of the 16,000 orders of deportation issued in the Southeast Asian community since 1998, 68 to 87 percent of them are based on old criminal records, compared to just 29 percent of all immigrants with deportation orders.²³ Advocates call this trajectory the school-to-prison-to-deportation pipeline, in which the combination of the US government’s resettlement failure and a flawed immigration detention system sends Southeast Asians down a path toward failure and family separation.²⁴

In most cases, Southeast Asian Americans with orders of deportation arrived in the United States as young refugees with little to no recollection of their birth country. In many instances, they grew up in refugee camps and have never set foot in the countries to which they are being deported. A majority have built careers, businesses, and families, including raising US citizen children. In 2013 alone, Immigration and Customs Enforcement (ICE) removed more than 72,000 noncitizens who were parents to US citizen children.²⁵ Yet due to the 1996 laws, LPRs can be deported regardless of their family situation and other life circumstances.

20 Anastasia Brown and Todd Scribner, “Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States,” *Journal on Migration and Human Security* 2, no. 2 (2014): 101-120, <https://doi.org/10.14240/jmhs.v2i2.27>.

21 Karthick Ramakrishnan and Farah Z. Ahmad, “Income and Poverty (Part of the “State of Asian Americans and Pacific Islanders” Series),” July 21, 2014, <https://cdn.americanprogress.org/wp-content/uploads/2014/08/AAPI-IncomePoverty.pdf>.

22 Scott Jaschik, “The Deceptive Data on Asians,” last modified June 7, 2013, <https://www.insidehighered.com/news/2013/06/07/report-calls-end-grouping-asian-american-students-one-category>.

23 Calculated from “Outcomes of Deportation Proceedings in Immigration Court,” Transactional Records Access Clearinghouse, last modified June 2018, http://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php.

24 “Southeast Asian Americans and the School-to-Prison-to-Deportation Pipeline,” Southeast Asia Resource Action Center, accessed August 2, 2018, http://www.searac.org/wp-content/uploads/2018/04/SEAA-School-to-Deportation-Pipeline_0.pdf.

25 Elise Foley, “Deportation Separated Thousands of US-Born Children from Parents in 2013,” last modified June 26, 2014, https://www.huffingtonpost.com/2014/06/25/parents-deportation_n_5531552.html.

A vision forward

Immigration reform must center the lived experiences of women

Southeast Asian American women's experiences with financial struggle, trauma, and reproductive oppression during their fight against loved ones' deportations have demonstrated the need to focus on the real-life impact of immigration policies at the individual and family level. Moreover, focusing on women's stories of detention and deportation has illustrated the ways in which family separation due to harmful immigration policies is a threat to women's agencies and their ability to control their and their families' destinies. Their experiences with immigration status and enforcement cannot be separated from their ability to decide if, when, and how to raise a family with dignity. Advocates and policymakers must take into consideration the financial, physical, and emotional burdens that certain immigration policies impose on immigrant women. Furthermore, they must adopt a framework for immigration reform that not only acknowledges but also centers the idea that immigration is a women's rights issue—that regardless of immigration status in the family, women deserve to parent their children free from fear of violence or family separation.

Asian Americans and Pacific Islanders must be elevated in the immigration conversation

The AAPI immigrant community—especially Southeast Asians—is often excluded from the typical immigrant narrative due to the lack of targeted outreach for services and isolation from the larger immigrant community. Interviewees noted the dearth of legal aid that addressed the specific needs of their community and the circumstances of their deportation orders, given that Southeast Asians are disproportionately affected by deportation based on old criminal records. Immigration services for AAPIs must include linguistic services for the more than 100 languages represented in the community, in addition to culturally competent aid that takes into consideration the unique experiences of trauma and enforcement that Southeast Asian refugees have endured. Lastly, advocacy for immigrant rights and immigration justice specifically in the AAPI community must not prioritize only authorized immigrants and their family reunification—it must work to ensure that the rights of all immigrants, regardless of their past criminal records and immigration status, are protected.

Immigration policy and decision-making must become explicitly intersectional

Immigration policy and conversations must be intersectional and consider not only individuals but also the entire family. Policy solutions must acknowledge the effects of our broken immigration system on family members of detainees and deportees and work to create a holistic solution to address their needs as well as restore the detainee or deportee back to their families. Not only do immigration policy conversations need to center the experiences of women and children, women must be present at the table where these conversations are held. Southeast Asian women who experienced detention or deportation in their families have already taken leadership roles in their communities—their experiences, expertise, and activism must inform the policies that influence their community. Immigration and women’s issues cannot be viewed as explicitly separate issues, and having women leaders in immigration policymaking must be prioritized to that end.



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