

# AAPI Heritage Month: Asian-Americans Under the new Immigration Guidelines - AvvoStories

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### Immigration

From [travel bans](#) to the arrests and deportations of [green card applicants](#) to sanctuary state legislation, immigration crackdowns and issues all but dominate today's headlines. But not all communities affected by immigration crackdowns have received equal attention in the press. Thousands of Asian Americans and Pacific Islanders who have lived in the United States for up to 40 years are now finding themselves at risk of deportation.

### Asian Immigration History

Westward expansion required cheap labor, which led to waves of immigration from China, Japan, and the Philippines, each of which was followed by anti-Asian backlash, from the [Chinese Exclusion Act](#) to [Korematsu v. United States](#). The [Hart-Celler Act](#) in 1965 eliminated nationality-based [immigration law](#). This allowed a new wave of labor [migration from the Philippines](#) in the 1970's. Beginning in 1975, refugees fleeing war in the Southeast Asian countries of Vietnam, Cambodia, Burma, and Laos began to enter the United States. All told, roughly one million [Southeast Asian refugees](#), including about 30,000 children of American servicemen and their families, entered the U.S. through refugee resettlement programs. Since 2010, immigrants from Asian nations make up the [largest group](#) of new arrivals to the U.S. each year. Fewer than 1,500 per year are estimated to arrive [without authorization](#).

### Pacific Islanders

The immigration of Pacific Islanders, who [make up less than 1 percent of the total U.S. population](#), is specially regulated. Guam is an unincorporated United States territory. The [Immigration and Nationality Act](#) of 1952 defines those born on Guam as U.S. citizens at birth. People born in [American Samoa](#) are U.S. nationals, with the right of free entry into the United States. People from the Marshall Islands, the Federated States of Micronesia and the Republic of Palau have permission to work and reside in the U.S. as non-immigrants through a [Compact of Free Association](#).

### Repatriation

Repatriation agreements allow the U.S. to return people to their country of origin under certain circumstances. [Cambodia](#) has had a repatriation agreement with the U.S. since 2002. Since 2008, [Vietnam](#) has accepted deported Vietnamese who entered the U.S. after 1995, but not those who entered the country during the years the U.S. and Vietnam did not have diplomatic relations.

These agreements tend to be broadly written to allow repatriation of any deportable alien in the United States. The U.S. Immigration and Nationality Act [defines](#) deportable alien. In addition to undocumented entry and expired visas, noncitizens living in the country legally can be deported for committing crimes. The law allows deportation of noncitizens for a wide range of criminal activity, but it does not require it. Until recently, only violent and repeat

offenders were targeted for deportation. Legal residents who were convicted of lesser crimes were often allowed to serve their time in prison and return to society.

## Current Conflicts

The current administration has changed that approach. Now thousands of permanent residents with criminal records have been given final order of removal, and actual [deportations have spiked](#) in the past two years. In 2017, only 29 Cambodians were deported; in 2018, there were 110, including a group of [more than 40](#) people who were removed in one day. [Most Cambodians](#) targeted for deportation fled genocide by the Khmer Rouge regime with their families when they were small children.

Cambodians are not the only ones being targeted. A recent [court case](#) revealed that the U.S. has been in secret talks with Vietnam to expand its repatriation agreement to include people who arrived in the U.S. prior to 1995, affecting [up to 7,000 people](#) who have been in the U.S. for over 25 years. Up from 71 in the previous year, ICE [deported 122 Vietnamese](#) nationals in the year ended Sept. 17, 2018, including 11 who arrived in the U.S. before 1995. [At least two](#) of those eleven are the sons of American soldiers.

Laos and Burma/Myanmar (which do not have repatriation agreements with the U.S.) have [faced sanctions](#) for resisting mass deportations. As a result, more than [4,000 Laotian immigrants](#) are essentially stateless, living in the United States with orders of removal.

Among those at [risk for deportation](#) are many who arrived in the U.S. as children and speak only English. Some are the now-middle-aged children of South Vietnamese soldiers who fought alongside U.S. servicemen in Vietnam, or of the American soldiers themselves. Many of those who have received deportation orders committed crimes as youth and have served their time and maintained a clean record for decades after their release. Most of them have families in the U.S., and do not have any known relatives in their birth country.

## Resistance

There have been [public protests](#) over the detention of Southeast Asians who responded to summons to the Immigration and Customs Enforcement office. Nonprofits like [Asian Americans Advancing Justice](#) are providing legal representation for some Southeast Asians who have been detained under the new immigration policies. Despite evidence that many sheriff's departments in California are intentionally [out of compliance](#), the state has a strong [sanctuary law](#), as do many [local governments](#). Even at the federal level, there is opposition to the administration's extreme approach to immigration. Earlier this year, 19 Senators sent a [letter](#) to the Appropriations Committee opposing funding for "cruel immigration policies."

Tagged [AAPI Heritage Month](#), [immigration](#)

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