



## Frequently Asked Questions About The U.S. and Vietnam Repatriation Agreement

**Q: *What is the repatriation agreement between the U.S. and Vietnam?***

A: On January 22, 2008, the Department of Homeland Security's Immigration and Customs Enforcement (ICE) agency announced that the governments of the United States and Vietnam signed a repatriation agreement. This agreement now makes it possible for Vietnamese nationals who arrived in the United States on or after July 12, 1995, and who have received final orders of removal, to be deported to Vietnam. Prior to this, the Vietnamese government did not have a formal agreement with the United States to accept deportees from this country.

**Q: *Who will be deported?***

A: ICE states that this new agreement will impact nearly 1,500 Vietnamese individuals currently living in the U.S. This agreement will *only* affect those who:

- arrived in the U.S. *on or after* July 12, 1995; *and*
- have received orders for removal for a violation of U.S. laws (including criminal offenses *and* immigration violations); *and*
- who *is not* a citizen of the U.S. or any other country besides Vietnam; *and*
- who currently *does not* have residence in another country.

Vietnamese citizens who arrived in the U.S. before July 12, 1995 are not affected by this repatriation agreement. Vietnamese Americans who have not broken any U.S laws and/or individuals who are already U.S. citizens will also not be subject to deportation.

In the event that an individual who immigrated to the U.S. from a third country where that person has permanent residence is ordered removed from the U.S., the agreement states that "*the U.S. government will seek to return that person to the third country or consider allowing that person to stay in the U.S., before requesting removal to Vietnam.*"

**Q: *How long will this agreement last?***

A: The agreement will be valid for five years and will be automatically extended every three years afterwards unless one government provides written agreement not to extend it.

**Q: *Can the agreement be changed in the future?***

A: Yes. The agreement may be amended or supplemented in the future through written agreement between the U.S. and the Vietnamese governments.

**Q: If I have an order of removal but came to the U.S. as a refugee before July 12, 1995, should I apply for my citizenship now to avoid deportation in the future?**

A: The repatriation agreement does not affect those who arrived in the U.S. before July 12, 1995, even if you have an order of removal. However, if you already have an order of removal, you are not eligible for naturalization. If you do not have an order of removal and would like to obtain your citizenship but you have a criminal background, you should consult an immigration lawyer before applying. Please keep in mind that not all lawyers are knowledgeable about immigration law. If you have questions about your specific situation, you should seek an immigration lawyer who is knowledgeable of deportation issues.

**Q: Why should I care about deportation issues?**

A: Current deportation laws deny individuals who are not yet citizens (including immigrants and refugees who have their green cards) due process. In 1996, Congress passed the *Antiterrorism and Effective Death Penalty Act* (AEDPA) and the *Illegal Immigration Reform and Immigrant Responsibility Act* which significantly impacted deportation laws in the following ways:

- The number of deportable offenses increased through the expanded definition of what constitutes an “aggravated felony.” Individuals can now be ordered deported for a number of criminal offenses, even minor ones such as shoplifting, minor drug possessions, writing a bad check—an individual was even deported to Cambodia for urinating in public.
- The laws were made retroactive, meaning that individuals who committed their crimes many years ago, even if they have served all of their court ordered sentence, can still be ordered deported.
- Immigration judges no longer have the ability to consider individual circumstances of those being ordered deported. For example, even if an individual committed a minor crime eight years ago, has served all of their time and have since lived a law abiding life, started a family and is the primary provider for his family, immigration judges are unable to take factors such as these into consideration, and the individual can automatically be subject to deportation.

**Q: What can I do?**

A: SEARAC encourages Southeast Asian Americans to learn and educate others about immigration and deportation policies and how they impact Southeast Asian refugee communities. You can also educate your members of congress about the impact unfair deportation policies have on our families and our communities.

**Q: Where can I find additional resources on deportation?**

- Additional information on the impact of deportation on Southeast Asian American communities can be found at: <http://www.searac.org/advocacy.html>, click on *Issue Area: Deportation* on the right column.
- *A Toolkit for Change*, which is complete with a timeline of one young Southeast Asian American deportee’s experience, fact sheets and a sample letter to members of congress, can be found at: <http://www.searac.org/sentencedhome-toolkit.pdf>.
- *Sentenced Home*, a documentary showing the impact deportation laws have on three young Cambodian American men and their families can be found at: <http://www.pbs.org/independentlens/sentencedhome/film.html>
- General information on detention and deportation issues can be found at: [www.detentionwatchnetwork.org](http://www.detentionwatchnetwork.org), [www.rightsworkinggroup.org](http://www.rightsworkinggroup.org), and <http://www.ilrc.org/immigrantjusticenetwork/>.

If you have additional questions, please feel free to contact Helly Lee at [helly@searac.org](mailto:helly@searac.org) or Naomi Steinberg at [naomi@searac.org](mailto:naomi@searac.org) or you may contact the SEARAC office at 202-667-4690. The Asian American Justice Center ([www.advancingequality.org](http://www.advancingequality.org)) contributed to this FAQ.