



DOUG MCMAINS

Land Of The Free?

Tram Nguyen On The Backlash Against Immigrants In Post-9/11 America

DIANE LEFER

Tram Nguyen was born in 1975 in the city of Qui Nhon, in central Vietnam, where her parents met after having migrated from the Communist-ruled north in 1954. During the long war that followed, her father became a major in the South Vietnamese army and, after the fall of Saigon, was detained in a Communist reeducation camp. By the time the family was allowed to visit, Nguyen didn't recognize him. She ran away from the strange, sick, sweaty man who wanted to embrace her — a memory that would return to her years later with visceral force when she began her research, writing, and advocacy on behalf of immigrants held in detention centers here in the U.S.

Once Nguyen's father was released, the family went into hiding and then fled the country. They were among the first "boat people" — Vietnamese who escaped on small, overcrowded fishing boats. These boat-borne refugees eventually numbered as many as 1 million, about half of whom died at sea. The Nguyens were lucky: Thai fishermen rescued them and brought them to a refugee camp. In 1979 an American Catholic church sponsored their relocation to Wichita, Kansas, where they struggled to rebuild their lives.

With a degree in English from UCLA, Nguyen went to work as a journalist, covering ethnic communities for the mainstream media, but she soon became frustrated with the limitations put on her: her editors were uncomfortable with her frank coverage of racial issues. Today Nguyen lives in Oakland, California, and is executive editor of *ColorLines*, a multiracial national magazine covering politics, organizing, and creative arts in communities of color. Her extensive coverage of civil-liberties issues earned her a New California Media Award in 2003.

I got in touch with Nguyen after reading her book *We Are*

All Suspects Now: Untold Stories from Immigrant Communities after 9/11 (Beacon Press). At the time, Americans were trying to make sense of news reports about abuses of prisoners at Abu Ghraib prison in Iraq and the U.S. military base at Guantánamo Bay, Cuba, but the plight of immigrants held in dehumanizing conditions right here in the U.S. remained largely unknown, despite the huge number of people affected: an estimated twenty thousand in custody on any given day, two hundred thousand detained annually, plus approximately twelve hundred "secret detainees" rounded up as material witnesses after September 11, 2001. Nguyen was working to lift the veil of secrecy, and I knew from my own experience how difficult that could be: Prior to the terrorist attacks on the U.S., I had been a volunteer paralegal and interpreter for Spanish-speaking immigrants detained by the Immigration and Naturalization Service [INS]. Outraged by the human-rights abuses I'd discovered, I'd tried — and failed — to attract media attention to their plight. In the aftermath of 9/11, INS enforcement functions were moved to the Department of Homeland Security, and the agency was renamed Immigration and Customs Enforcement [ICE]. With immigrants widely seen as potential terrorists, I was sure the veil of secrecy would be even harder to penetrate. I wanted to know how Nguyen had done it, and how she had earned the trust of the families she'd profiled.

While we made plans to meet, millions of immigrants — some documented, some not — marched to protest the highly punitive Sensenbrenner bill (named for Rep. James Sensenbrenner of Wisconsin), which would have criminalized both undocumented residents and anyone who aided them. Vigilante groups patrolling the U.S.–Mexico border received extensive media coverage. Suddenly immigration was high on

the country's political agenda.

At last Nguyen and I were able to sit down together at a Los Angeles deli she remembered from her college days. There was plenty to talk about: A week earlier, three prisoners held at Guantánamo Bay had committed suicide, and the only three journalists who had been allowed on the base were promptly expelled by the State Department as they tried to cover the story. Three days after that, a U.S. district court had ruled that, as non-citizens, immigrants could be investigated, held in detention indefinitely, and imprisoned without regard to the constitutional rights afforded U.S. citizens.

Nguyen and I continued the conversation a few months later, after Congress had authorized millions of dollars for the construction of a security fence to run for seven hundred miles along the U.S.–Mexico border and given the president the power to strip alleged “enemy combatants” of the right to habeas corpus, which allows detainees to challenge the legality of their detention in court.

Lefer: The title of your book, *We Are All Suspects Now*, applies to recent immigrants. Given the erosion of civil liberties and privacy under the current administration, does it now apply to the rest of us too?

Nguyen: Initially my sense was no; today, however, I wouldn't rule out the possibility that you or I could be questioned. A journalist I was working with was pulled off a plane because flight attendants noticed he'd written something about detention in his notebook. A significant number of activists have had similar incidents. But I'd say we're not all suspects to the same degree. For instance, a white woman in a church where I gave a talk said, “I could be taken from my bed at night.” Well, yes, it's possible, but is it likely? We have to realize that some people are much more vulnerable than others and have less legal recourse, or none at all.

Really, unless you're from one of the targeted immigrant communities, you have no idea what's going on there. Streets are empty. Stores and businesses are closed because people have been detained or deported, or their customers have disappeared, or residents are just afraid to go out. These used to be bustling, vibrant neighborhoods, but if you don't live there or have reason to visit, you would never know the impact homeland-security policies have had. In the two months following September 11, more than twelve hundred Muslim, Arab, and South Asian men were rounded up for indefinite detention. Then, starting in September 2002, there was “special registration,” where noncitizen males from Islamic countries were required to register with the INS.

Lefer: Women can't be terrorists?

Nguyen: They questioned only men. It was usually the head of the household who was taken. More than eighty thousand men already living in the U.S. went and registered, and nearly fourteen thousand of them were placed in deportation



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proceedings, most for minor status violations. For example, you can be “out of status” if your visa expires. In many cases, the person had filed for visa renewal in time, but the INS had a backlog of paperwork and didn't get it done. And after September 11, papers just weren't being processed. As a result, many people who had been trying to stay within the system were branded “criminals.” The Saeed family, whom I wrote about in my book, were dutifully renewing their visas every year on the way to regularizing their legal presence in the country. But, because of red tape and delays, their paperwork got stuck in the pipeline, and they were out of status by the time of the special registrations. Having seen what was happening in their neighborhood, the Saeeds knew that if they registered, there would be no

mercy. So they decided to flee to Canada. By fleeing, however, they gave up any chance of being granted asylum. They took a gamble that Canada would take them in, and they lost.

At *ColorLines* we started hearing about hate crimes right after September 11. In particular, I heard a lot from Desis Rising Up and Moving, a group of mostly young Indian American activists in New York and New Jersey. The way they described it, people were being rounded up and disappearing. They had already received reports from hundreds of families. At first I wondered: *Could it really be as bad as they say it is?* So I went to the Passaic County Jail in New Jersey. I found myself with a mother, a grandmother, and four little children visiting a man who had been held for five months. That's when my memory of seeing my father in the reeducation camp in Vietnam came back to me, and I ended up convincing the Applied Research Center, which publishes *ColorLines*, to hold a series of public hearings to bring attention to the detention issue. This brought me into contact with community advocates and attorneys working with families who'd been affected. When I later went to interview these families, I already had their trust.

That's how I met a Somali family named the Osmans. Their story illustrates the worst that can happen to an immigrant. Abdullah and Sukra lived in Mogadishu during the 1990s, when the country was in a state of civil war. Sukra was from a minority clan, and though she and Abdullah had feelings for each other, their relationship was forbidden. The violence got worse, Abdullah was wounded by gunfire, and he and his family fled by sea. It took Sukra longer to get out. During her escape, she saw both her brother and her sister die. Abdullah was resettled in Minneapolis, Minnesota, and went to work cleaning rental cars to support his family. He was also sending money to the refugee camp in Kenya where Sukra and her mother had eventually landed.

Lefer: What did they need money for? I thought the UN or the U.S. supplied all the necessities in the camps.

Nguyen: For the most part, it's family and friends who support refugees. And that's another effect of the “war on terror”: regulations and enforcement have made it harder to

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send money abroad, with terrible consequences. The Somalis in the U.S., for example, relied on their own money-transfer agencies, called *hawalas*. But after 9/11 these were shut down and their assets frozen, because the U.S. government accused them of funding terrorist organizations. As a result, people lost their money, and their relatives didn't receive the remittances. Then there's the chilling effect on Muslim charitable giving. Muslims are supposed to give 10 percent of their income to charity, but with the government suspecting that donations are helping terrorist groups, people are afraid to give. They're concerned that they'll end up in a government database — or worse. Some groups have lobbied the State Department to release a list of safe, approved charities, but the government refuses to do it.

It took almost ten years, but Sukra finally made it to the U.S., and she and Abdullah were married. They had gone through so much hardship: the war, and then the dangerous refugee camps. But trouble struck again: Abdullah, now working as a taxi driver, was robbed and got into an altercation with the assailants. One of them dropped a razor blade, and Abdullah managed to pick it up, slash the robber, and escape. When he returned to the scene to report what had happened to the police, they arrested him. He got a lawyer, who assured him there would be no problem — especially when it turned out the assailant had seven prior felonies, most for assault. But then September 11 happened. All of a sudden, Abdullah became a Muslim from a country that harbored terrorists who was accused of using a box-cutter-like weapon. Rather than going to a jury trial, the lawyer advised him to plead guilty and accept a work-release sentence.

Lefer: So the plea bargain kept him out of jail?

Nguyen: Yes, but no one warned him of the immigration consequences. In 1996 Congress had passed an immigration law aimed at criminal aliens. Abdullah's guilty plea now made him deportable. So he was taken into detention.

Lefer: Where did they take him?

Nguyen: He spent the next eight months in twenty-three-hour-a-day lockdown in the county jail, where he was allowed outside for less than three hours a week. On weekends he was allowed a visit with Sukra and their daughter — but no physi-

cal contact. Then he began being moved around from facility to facility. The government does this all the time, separating detainees from their families and from legal help, if they have any. For three days Abdullah had no food, no water, no blanket. He was denied medical treatment, and when he finally was offered food, it was pork, which his religion forbids him to eat. For several months he was shipped all over the country; he said the conditions in one county jail in Oklahoma were worse than in the refugee camp. After a year and eight months of this, he was allowed to go home and await the disposition of his case. It all depended on the outcome of a court case that would decide whether Somali nationals could be deported back to a country with no functioning government. Ordinarily the answer would have been no, but the U.S. government maintained that deportations to Somalia were vital to national security, and the Supreme Court agreed.

I so wanted this story to have a happy ending. I wanted to believe that someone in the government would show some mercy, would look at these people as individuals. But that doesn't happen. After the court decision, when I returned to Minneapolis to look for Abdullah and Sukra, they were gone.

Lefer: It seems an ordinary immigrant who gets caught in the system doesn't stand a chance of avoiding unfair treatment. But it's not just *ordinary* immigrants who are affected. In the foreword to your book, author Edwidge Danticat writes about how her uncle left Haiti after having been threatened with death, and landed in Miami, Florida, with a perfectly valid multiple-entry visa. Nevertheless, he was taken into detention, and his heart medication was confiscated. Danticat is a celebrity — at least in literary circles. She has access to the media; she has resources. Yet she was unable to do anything to help her uncle.

Nguyen: He died shackled to a bed, and she wasn't even allowed to see him. After 9/11, Attorney General John Ashcroft ordered the indefinite detention of all Haitian asylum-seekers as a matter of national security. Since then, it's become much harder even to make it here to ask for an asylum hearing at a port of entry.

Lefer: Doesn't this encourage people fleeing persecution to enter the U.S. illegally?

Nguyen: Yes. That's what Hortense did. I wrote about her earlier this year for the *Progressive*. After having survived interrogation and torture by soldiers in the Democratic Republic of Congo, she managed to escape and reached the U.S. via Mexico. She was able to provide medical evidence of the torture she had undergone, and she showed her ID card from the village hospital where she had worked, but under the REAL ID Act, the bar is set much higher for proving an asylum case. The judge — who was sympathetic, by the way — asked to see old pay stubs from her job as proof of her former employment. Now, even if a village hospital in the middle of a civil war in Africa were providing pay stubs, is that what you would take with you when escaping?

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