

Joint Commission on Repatriation – July 7, 2017

U.S. Delegation

RELEASE IN FULL

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RGC Delegation

The Royal Government of Cambodia (RGC) relayed concerns with current Memorandum of Agreement (MOA):

1. Returnees have already paid their debt to society by serving time in prison;
3. Many have no skills or socio-cultural knowledge; 41 returnees currently reside in jail [note: according to USG, number is 14] for crimes including manslaughter;
2. Returnees are removed from their families and do not have visiting rights to America;
3. Integration is difficult for returnees, four of whom, according to the RGC, have committed suicide;
5. Deportation of refugees is against U.S. and international law, and does not reflect American values;
6. The Government of Cambodia has been facing criticism from the Cambodian–American community for its policy on accepting repatriations;
7. Therefore, the RGC considers the MOA suspended as of October 28, 2016, RGC when it sent a diplomatic note to the U.S. Embassy. The suspension will continue until a new MOA is established.
8. The new MOA should:
 - a. Mutually benefit the United States and Cambodia;
 - b. Abide by both countries' commitment to human rights in international law.

U.S. Delegation

1. The U.S. Expresses appreciation for cooperation since 2012, including recent charter flights, but hopes that we can begin scheduling interviews as soon as possible.
 1. On June 26, 2017 the Prime Minister affirmed in a meeting with the Ambassador that the MOA was not suspended;
 2. The U.S. acknowledges and recognizes the RGC's concerns, and has the utmost respect for human rights;
 3. Every country has sovereign rights in the area of immigration;
 4. Both countries are party to ICAO, which requires removal of undocumented immigrants within 30 days of interview;
 5. The U.S. maintains the same standards for all countries; this is not a policy restricted to Cambodia;
 6. Any undocumented migrant has the opportunity to present before an immigration judge all humanitarian grounds by which they believe they should be permitted to stay in the U.S., and this is weighted against all other provisions of international and domestic law before a final decision on repatriation is made;
 7. The USG also seeks improvements in the 2002 agreement, as it no longer meets the standards of current policy;
 8. The U.S. delegation did not have the opportunity to review the revised MOA submitted by the RGC, because the Embassy received the document on July 4, while the Washington delegation was en route to Cambodia; we will review as soon as possible.

9. In the meanwhile, the RGC must honor the current agreement; immigration policy is a priority for the White House, and interagency meetings are convened monthly to discuss non-compliant countries. The next meeting will be held on July 25;
10. The President has issued an executive order requiring visa sanctions against any country that fails to meet its obligation under ICAO and the INA to accept repatriations; therefore, it is critical that our discussions are successful.
11. Notes that DHS authorities act according to U.S. law, and that the U.S. cannot grant exceptions.

Returnee Integration Support Center (RISC)

U.S. Delegation

U.S Funding of Returnee Integration Support Center (RISC)
2014-2019 USAID Direct Grant to RISC: \$313,703
2010-2014 Through Project on Rights and Justice funds RISC: \$75,429
2005-2008 Through Vietnam Veterans of America Foundation: \$800,000

Cambodian Delegation

1. According to RGC statistics, RISC has only taken in 165 out of 630 total returnees;
2. The USG does not provide adequate information about RISC to RGC;
3. RGC is unaware whether RISC complies with Law on Associations and NGOs;
4. RGC can reintegrate returnees better than an NGO; reintegration should be funded by USG, carried out by the General Department of Immigration (GDI);
5. If RGC, with the benefit of USG funding, were to take responsibility for reintegration, Cambodian-Americans would accept that RGC is fulfilling its responsibilities to its citizens.

Refugees and Migrants

Cambodian Delegation

1. The RGC Draft MOA covers adult refugees who entered the U.S. between March 18, 1970 and October 23, 1991. Therefore, anyone entering the U.S. after October 23, 1991 should be subject to repatriation under the INA and international law, with travel papers issued by the Cambodian Embassy in Washington, however;
2. The RGC delegation says they are not empowered to make policy, and must confirm with their superiors first. The RGC delegation also raises the issues of extradition and treaty transfer programs with the USG.

U.S. Delegation

1. Washington delegates say they will follow up with the Cambodian Embassy immediately upon return to the U.S. to discuss repatriation of post-1991 immigrants;
2. Thanks the Cambodian Delegation and looks forward to reviewing the Draft MOA.