

DEFENDING THE UNPOPULAR IMMIGRANT

By Bill Ong Hing

I. Bill Ong Hing

A. Immigration Attorney Hing

(1) Undocumented immigrants and immigrants convicted of crimes have never been popular. Bill Ong Hing is an immigration attorney. An immigration attorney is a person who defends people in immigration court.

(2) He has spent many years representing and working with people who are among the most unpopular groups in the United States today. He has worked with undocumented immigrants from all over the world, including Mexico, Hong Kong, and Cambodia. He has also worked with legal residents (“green card” holders) who have been convicted of crimes.

B. Anti-Immigration Sentiments

(3) The United States is a nation of immigrants. Unfortunately, the United States is also a nation that goes through evil cycles of anti-immigrant sentiments. This is a story of immigrants told from the eyes of immigration attorney Bill Ong Hing. Even in the best of times, so-called “illegal” immigrants and criminal aliens don’t have much support in the eyes of the public.

II. Mexican Immigrants

A. La Migra Bangs on the Door at 4 a.m.

(4) In 1974, the Cabral family hired a coyote to smuggle them from Mexico to San Jose, California. Living undocumented for a few years, someone reports all six of them (father, daughter, and four children) to *la migra*, or federal immigration agents. At 4 a.m., *la migra* storms in to the house and drags the entire family to immigration prison (federal detention). In detention, immigration attorney Hing meets the Cabral family. Hing decides to defend them in immigration court.

1) What does an immigration attorney do?

An immigration attorney **is a person who defends people in immigration court.**

1) Draw an immigration attorney in court.

(3) Circle Map

Undocumented Immigrant

(3) Q. What groups do not have much support from the public?

A. “**undocumented**” immigrants

B. “**illegal**” aliens

(4) Summarize by drawing “*la migra* storms into the house and drags the entire family to federal detention.”

B. Undocumented Under Federal Law

(5) List three (3) powers the U.S. has for people who cross the border.

1) to exclude

2) to punish

3) to criminalize

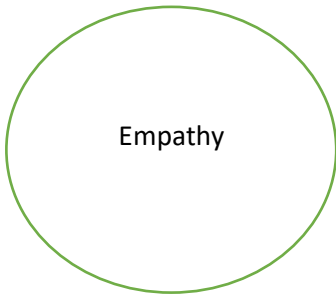
(5) The United States’ federal government has the power to exclude, punish, and criminalize people who cross the border. However, this power must be used morally and ethically with the understanding that immigrants are real human beings.

(7) Multiple Choice (MC). Circle the best answer. What was the Cabral family upset about?

A. They could not work.

B. *La migra* stormed into their house and arrested the family.

(6) Circle Map



(6) Undocumented immigrants do not have very many rights today. However, in the 1970s immigration judges had more empathy. They would release immigrants from detention. The Cabral family was released on \$2,000 bail. Immediately, they began working with attorney Hing to create a plan to defend the family against deportation.

(7) The Cabral family was very upset that immigration officials had stormed into their house and arrested everyone. They felt the storming into the house by the agents was a violation of the U.S. Constitution. The family and Hing decided to defend themselves by arguing that the agents’ “search and seizure” of the family was unconstitutional, or against the law.

(9) True or False: The immigration judge decided to deport the Cabral family.

TRUE

(8) After spending time with the Cabral family, attorney Hing describes them as “kind, warm-hearted, friendly, hard-working, and decent.” Hing compares their fight for the “American Dream” much like the “Gold Mountain” image of America many Chinese migrants he knew had.

(9) Ultimately, the immigration judge ruled for the deportation of the Cabral family. But attorney Hing did not stop fighting for them. For a decade he filed many motions and judicial appeals (including one to the U.S. Supreme Court) to get the U.S. federal government interested in their case.

(10) What law helped the Cabral family stay in the U.S.?

Answer: The law that helped the Cabral family stay in the U.S. is the **Immigration Reform Control Act (IRCA)** .

(10) Fortunately, in 1986 the U.S. Congress enacted the Immigration Reform Control Act (IRCA), which granted legalization (amnesty) for undocumented individuals who were in the United States for at least five years. Under this law, the Cabral family was able to obtain legal status and stay in the country. To this day, attorney Hing and the Cabral family stay in touch.

III. Chinese Immigrants

A. Runnin’ in Chinatown

(11) Bill Ong Hing attended college at Berkeley from

(8) How is the Cabral

(11) Where did Bill Hing work?

1) Chinatown YWCA kids summer camp

2) the neighborhood branch of San Francisco Neighborhood Legal Assistance Foundation.

1967 to 1971. Immediately after graduating in 1971, he started going to law school in San Francisco. After his first year of law school during the summer of 1972, Hing began working in Chinatown. He worked in two different places – the Chinatown YWCA kids summer camp and the neighborhood branch of San Francisco Neighborhood Legal Assistance Foundation (SFNLAF).

(12) It was with SFNLAF where Hing began working with the Youth Guidance Center, a gang counseling organization. Working as a young immigration attorney, Hing met a young gang member by the name of John Suey.

B. Child Immigrant – John Suey

(13) John Suey was born in Hong Kong. Being one of six kids, his parents were originally from mainland China, but they immigrated to Hong Kong after 1949 when the Communist Party took over. From Hong Kong, John and his family were sponsored to come to the United States by his aunt; John was seven years old.

(14) In 1963, they settled in San Francisco’s Chinatown. Here, John’s parents worked twelve to sixteen hour days in his aunt’s restaurant, mostly washing dishes. They were grateful to work and earn money. However, John’s parents had little time to spend with their children and could not find other jobs because they could not speak English.

C. Troubles Begin

(15) The family was poor, and the parents had to work long hours. The long hours kept John’s parents from providing much supervision as John and his siblings faced complicated cultural and economic adjustments. John was the youngest boy in the family and had a lot of time on his hands.

(16) In grade school, John made friends with other kids who were newly arrived immigrants and poor. They too had little supervision from their parents. At school, the American-born Chinese (ABCs) children would pick on the foreign-born kids. This was another reason for John to hang out with children more like him. He often got into fights with the ABCs. John did not see the rivalries as a racial thing, but simply the way things were in the neighborhood in which he grew up.

(12) Summarize. Draw Bill Hing working with young gang members at the Youth Guidance Center.

(13) How old was John when arrived to the U.S.?
John was seven years old.

(15) Why did the parents not have time for John?
The parents did not have time for John because his parents worked long hours so couldn’t provide much supervision for John and his siblings.

(13) Where was John Suey born?
John Suey was born in Hong Kong.

(14) Compare

John’s Parents	Your Parents
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- Work 12-16 hours a day.
-worked in restaurant, washing dishes.
 - Grateful to work.
- little time to spend with kids.
 - Do not speak English

(17) John gradually lost interest in school and began to skip class with his friends. They started stealing from local stores for fun. John’s parents could not afford to give him spending money. As a result, stealing became an easy and exciting way to get the small things John wanted.

(18) Smoking, drinking, and fighting became a regular occurrence in the neighborhood. John was caught participating in these activities several times. His parents would hit him after getting in trouble, but they could not control him. Soon, John ended up in Juvenile Hall a total of eight times by the time he turned eighteen years old. Juvenile Hall – or prison for children -- made John tougher and meaner. Things got worse for him.

(19) At the age of nineteen, he was convicted for armed robbery and sent to “Soledad”, a maximum security state prison. John has said, “If you’re not a criminal and you’re sent to state prison, you become a criminal.” John found himself in a place dominated by Blacks, Whites, and Latinx. In Soledad, many of the inmates were serving sentences for murder. John was new and still a teenager.

(20) With very few Asians, he made friends who would watch his back, and he did the same for them. At the same time, these friends exposed John to drugs. This world taught him to sell drugs and cause him to have a heroin addiction. John was involved in several fights and spent most of his time in lock-down and solitary confinement. After three years in state prison, he was released on parole for good behavior.

(21) John spent six months at a halfway house that helped him receive training in electronics. He was able to get a job at General Electric. After his parole ended, he moved back to San Francisco to be close to his family and his girlfriend. He wanted to be with people who knew and loved him. However, John reverted to hanging out with old friends, using drugs and getting into fights. He was caught and arrested for selling drugs.

(22) He pleaded guilty and was sent to federal court. John learned that federal prison was much different from Soledad. In federal prison, many of the inmates were educated. They had not committed violent crimes, but were instead serving time for

(17) Why did John steal?
 John stole because his parents couldn’t give him spending money, so stealing was a way to get small things.

(16) Describe John and his friends.
 - New immigrants
-little supervision
 - poor
 - Fights with the ABCs.

(19) Why was John sent to prison?
 John was sent to prison because he was convicted of armed robbery.

(18) Draw John in his neighborhood.

(22) Compare Inmates

Federal Prison	Soledad State Prison
- Educated - <u>non-violent crimes</u> - <u>white-collar crimes</u>	- Not educated - Murder - <u>maximum security prison</u>

(20) List three (3) things John was exposed to in prison.

- drugs
- involvement in fights
- solitary confinement

embezzlement, smuggling, and other white-collar crimes.

(23) This different environment led John to think more clearly about himself and his future. He completed his GED while serving time. He also attended a drug rehabilitation program. He met a 73-year-old man who became his friend and mentor. This man, an Asian minister, taught John to value his life and the life of others. John learned the importance of self-discipline.

(24) What happened to his mother while John was in federal prison?

While in federal prison, John learned of his **mother's death.**

(24) John learned of his mother's death while he was still in federal prison. This caused him to feel great remorse for what he had done and how he had missed being with those he loved. "It hurt me a lot. I [would always] return [from jail] badder and badder." Upon release in 1981, John, now age twenty-five, decided to do things right.

(25) John was now married, and he was determined to stay out of trouble. He wanted to find steady work. An old friend helped him get a job at City Hall as a minimum wage clerk. After a year, he was accepted into a program for mechanic assistants. His life was changing for good.

(25) List three things John did to stay out of trouble.

- 1) **Found a steady job**
- 2) **Entered program for mechanic assistants**
- 3) **was married.**

(23) What did the Asian minister teach John?

He taught John to value **his life** and **the life of others.**

D. Deportation Proceedings

(26) While his life appeared to be on track, immigration officials took him into custody. They wanted to deport him because of his criminal record.

(27) John had been in the United States for more than 25 years. He thought he had paid for his crimes by serving time in prison. "I did my time, I don't deserve getting deported."

(28) What arguments did attorney Hing want to use to stop John's deportation?

- 1) John is **a changed man, now rehabilitated.**
- 2) John deserves a **second chance.**

(23) Circle Map



(28) It was at the local immigration detention center where Attorney Hing met John. John was able to make bail of \$5,000, and Hing began to prepare John's case. John and attorney Hing knew that their only chance to stop deportation was to persuade the immigration judge that John was now rehabilitated, or a changed man, and deserved a second chance.

(29) Since arriving to the U.S at the age of seven, John had never returned to Hong Kong. He knew no relatives or friends in Hong Kong. If deported, John would have an extremely difficult time adjusting. His life, his home, his work and family were in the United States. He was also the only caretaker of his elderly father. Dozens of

(26) Why did immigration officials want to deport John?

Immigration officials wanted to deport John because of his criminal record.

(27) Why does John think he should not be deported?
John thinks he should not be deported because he did his time and didn't think he deserved to be deported.
since coming to the US.

letters supporting John came from friends, family, a supervisor, co-workers, a parole officer and a court-appointed psychologist.

(30) In 1985, John was granted a waiver of deportation. This means John would not be deported. Attorney Hing and John won the immigration judge over by establishing that John was a changed man, along with the likely hardship to himself and his family if he was deported. John was given a second chance to establish a life in the United States.

(31) Today, John Suey is a naturalized citizen of the United States. He is married and has three teenage daughters. His children are his inspiration – he is clean from all drugs and works daily to keep his life on track.

(32) Attorney Hing checks in with John regularly because he inspires Hing to keep battling for others who deserve a second chance.

(30). Did the judge deport John?

The judge **decided not to** deport John. He was given a second chance.

IV. Cambodian Immigrants

A. From Pol Pot to Hot Pot

(33) Many Uch (pronounced the same as “Manny”) is a different client that attorney Hing worked with. He is a policy client. This means that his case or situation represents a policy, or law, that attorney Hing and others are trying to change to this day.

(34) In 1996, Congress amended, or changed, the immigration laws so that someone like John Suey, namely an immigrant convicted of an aggravated felony, could no longer ask for a second chance. Now deportation is essentially automatic once you have been convicted of anything classified as an aggravated felony.

(35) Many is one of these poor souls who was convicted of an aggravated felony after 1996. He has a pending deportation order. This means that he could get deported at any moment.

(36) Attorney Hing met Many through a federal public defender in Seattle. While Many was awaiting deportation he started a Little League Baseball team for some Cambodian youth in Seattle.

(34) What did the changed 1996 immigration laws do for people like John?

- No more second chances.

- Automatic deportation for aggravated felonies.

B. Early Life in Cambodia

(37) At the age of seven, Many, his mother, and two older brothers came to the United States under horrific conditions. Their home country of Cambodia was pulled into war when the U.S. began bombing along the Vietnam/Cambodia border. It was after this bombing that the brutal Pol Pot-led Khmer Rouge regime came to power. Many and his family were captured by the Khmer Rouge army and separated from their father. Many's family was then forced from their home into the jungle.

(38) It was in the jungle that Many and his family spent almost an entire year roaming and foraging for enough food to survive. In 1980, Red Cross workers found the family among the sick and the dead and put them in a refugee camp.

(39) Over the next four years the family bounced around from camp to camp, ultimately landing at a refugee camp in the Philippines. Here Many began to pick up English and realized he was "a pretty smart kid." Yet life in the camps was difficult and dreary. He would sit through incomprehensible "Jesus movies" just to take his mind off tragedy.

C. Many Arrives to the United States

(40) On April 14, 1984, Many's family arrived in the United States as refugees. Their first destination was Richmond, Virginia. This was a place where nobody was like them. The family was scared and alone. They were placed in low-income housing, given a welfare check, and left to fend for themselves.

(41) A year later, Many's family decided to move to Seattle where other Cambodians they knew had been placed. They found solace with other people who could understand their trauma. These bonds helped, but they could do little to help Many when it came to actually succeeding in the United States.

D. Refugee Status

(42) "Refugees face many more obstacles than immigrants who voluntarily come here to work," says Many. Forced from their homes to escape death, they are often not ready for a new life and are still troubled by the nightmares of war.

(37, 38) Draw a picture of Many and his family in the jungle.

(42) Draw Many "not ready for a new life."

(40) Describe Many's family in Richmond, Virginia.

- Nobody was like them.
- Scared and alone.
- placed in low-income housing.

(43) The move from Cambodia to the United States was very tough for Many and his family. Both countries have very different traditions. Many's mother could not speak English and did not understand American customs. As a result, she could not help Many with school nor could she ask for help from others. She had no formal education and most elders had been farmers back home. None of them knew what dreams Many could have here.

(44) School also did not help Many. He was placed in an "alternative school" that was unfit to teach him. "I didn't learn anything there, it was just too damn easy. They didn't expect anything from us, just to not cause any trouble." Half the girls were pregnant and almost all the guys were involved in something illegal. "How do I fit in with that?" Many questioned.

(45) Meanwhile in his neighborhood, Many faced the frustrations of poverty and discrimination. He always wondered why he could not have the things that other kids had. Kids would pick on Many for being different and poor. Riding the bus home from school, they would make fun of him for getting off in the "projects." Many did not know how to respond. Sometimes he would get into fights over it.

(46) In his elementary school English as a Second Language (ESL) class, Many befriended a group of guys from similar backgrounds who had similar problems. Growing up together they became very close. If other kids would pick on them, they would stand up for each other. "If our friend got jumped, we didn't think twice. We'd go get those guys." Soon Many became trapped in this "tough mentality." If he didn't fight, the other guys might look at him as weak. Sometimes he would have to steal to prove himself. And if someone would get in trouble with the law, he would never snitch.

(47) Many and his large group of friends began to look like a gang to police. "We were never a gang, that title was given to us," he explained. As Many grew older, fighting and stealing became a way of life; Many felt he had no other options. "You don't really think you're wrong 'cause everyone in the neighborhood is doing the same things," he explained. As his life of crime escalated, Many found himself trapped. When Many was 18, he was convicted of robbery and sent to prison for the next six years.

(43) Compare customs

U.S. Customs	Many's Mother
- English	- No English
- Communication	- <u>didn't understand American customs</u>
- Education	- <u>no formal education</u>
- Dreams	- <u>family of farmers</u>

(45) Draw "kids would pick on Many for being different and poor."

(47) Draw Many being arrested for robbery.

44) Compare Schools

Your School	Many's School
- _____	-- <u>alternative school</u>
- _____	-- <u>too easy; not learning</u>
- _____	-- <u>other students into</u>

	trouble
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(48) Ironically, it was here that Many would have the opportunity to cultivate himself in a manner that he was unable to do in his neighborhood. In prison, he read books, went to school, and learned the law. He used this knowledge to petition for his release. After a tough battle, Many eventually won his freedom.

(48) List three things Many did in prison.

- 1) read books.
- 2) Went to school.
- 3) Learned the law.

(49) Many is the unique success story of a criminal justice system that has abandoned rehabilitation as a goal. But in 2002, the U.S. forced Cambodia to sign a repatriation agreement. This gave the U.S. government the authority to deport many refugee youths like Many. He finds the separation and breaking of Cambodian families unnecessary, especially after the debt to society has been paid through imprisonment.

(46) Draw Many and his "tough friends."

(50) Many has not let this threat stop him from working to improve lives of kids from his neighborhood who might fall victim to the same troubles he did. In addition to the Little League Baseball team he started, Many tutors at a local elementary school. "I want to show them the options nobody showed me. These kids relate to me because I know what they're going through."

(49, 50, 51, 52)
Discussion Questions for Academic Conversations.

- 1) What does the 2002 repatriation agreement do? **US given authority to deport refugee youths**
- 2) Should the U.S. deport ex-criminals like Many? **(Answers may vary)**
- 3) Has Many paid for his errors though prison time? **(Answers may vary)**
- 4) Do deportations break apart families? How? **(Yes. Part of family deported, part stays in the US)**
- 5) Why is breaking families apart a problem? **(Answers may vary)**
- 6) Does Many deserve a second chance? **(Answers may vary)**

(51) Many's life now is very different than it was before. He is engaged to be married and runs his own delivery business. Growing up, Many never realized how tough life was in his neighborhood because his only other comparison was a life of war. People say that his deportation and separation from his family "would be a disaster." It would be a disaster to all who have families. But that is why Many works tirelessly to help those families. "I just wish someone would've gave me these tools back then, I really think I could have made it."

(48) Multiple Choice.
What did Many use his knowledge for?
A. To win his freedom and be released from prison.
B. To read for fun.

(52) This is why attorney Hing works with Many. Hing and other immigration attorneys continue to try to convince Congress to give immigrants second chances like they used to before 1996.

V. Arab, Muslim, and South Asian Immigrants after 9/11

A. The War on Terrorism

(53) The events of September 11, 2001 were tragic. They served as a reminder that the United States is a

(50) Draw Many tutoring kids at an elementary school.

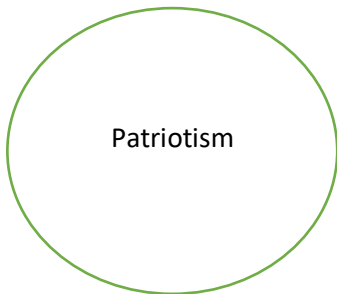
nation of immigrants more diverse now than ever before. As the nation reeled from the attacks, Americans regrouped in incredible demonstrations of unity and patriotism. But an ugly side to that patriotism also emerged.

B. Patriotism and Hate Speech

(54) Hate speech and hate crimes directed at Arab-Americans, Muslims, Sikhs, and Pakistani-Americans surged immediately after 9/11. The aggressive targeting of these communities was supported by the government under the pretext of homeland security. U.S Attorney General John Ashcroft authorized the immediate detention of 1,500 to 2,000 as “suspected terrorists.” To this day, none of those people have been charged with a terrorist act. Another 6,000 immigrants from countries identified as al-Qaeda strongholds were arrested for ignoring court orders to leave the country.

(54) Draw the detention of 2,000 human beings.

53) Circle Map

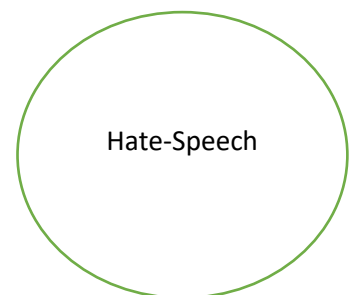


(55) Then in late 2002, immigration officials demanded that everyone with a temporary visa from Iran, Iraq, Libya, Syria, and Sudan had to report for new registration. This led to the unexpected detention of at least 450 individuals on technical immigration violations. Many people in this group were about to receive their legal residency card (green card).

C. State Sponsored Detention and Deportation

(56) Citizens of fifteen other countries, including North Korean, Saudi Arabian, Indonesian, Pakistani and North African nations, had to register to the U.S. government by February 2003. Many of those were held in secret without access to family or legal counsel. Others were deported even if minor immigration violations were found.

54) Circle Map



(54) Multiple Choice.

2,000 people were imprisoned as “suspected” terrorists. How many of them were convicted of terrorism?

- A. 2,000
- B. 1,500
- C. 0**

(57) In all, U.S. government officials screened about 7,500 non-citizens (people) under this effort, with none ever being charged with terrorism.

(58) And so it goes. There is plenty of work today and tomorrow for anyone willing to serve as attorneys for immigrants.