

# After run-in with law, Cambodian immigrant's permanent residency is at risk

By [Tara Bahrapour](#), Published: October 3

Back in 2000, Lundy Khoy was just another young person who had made a stupid mistake.

The George Mason University freshman, a green card holder, had a boyfriend who was dabbling in Ecstasy. He gave her some pills, and during a night of partying she was arrested and charged with possession with intent to distribute the drug. She pleaded guilty, served three months and was on probation for four years.

End of story, for most people. But for Khoy, now 31, it was the beginning of a 12-year saga of incarcerations, deportation proceedings and the specter of being sent to live in a country she has never even visited.

The difference between Khoy and others whose youthful indiscretions led to criminal charges is that she was not born in America. The consequences can be catastrophic.

“There is a misconception among some immigrants that once they have a green card they can no longer be deported, and that’s simply not true,” said Ben Winograd, staff attorney at the American Immigration Council, an immigrant advocacy organization in the District. “All it takes is one criminal conviction. Regardless of whether it results in jail time, it can be the basis for deportation.”

In 1996, Congress passed laws that limited judicial discretion for immigration judges and broadened the scope of what is considered an aggravated felony for the purposes of federal immigration law. The category includes a wide range of crimes, from murder to nonviolent offenses such as theft or fraud.

Mark Krikorian, executive director of the Center for Immigration Studies, which advocates for stricter immigration controls, acknowledged that the law can unfairly target less serious offenders but added that it was necessary because otherwise the government would allow more serious criminals to evade deportation.

“The abuse of discretion makes it impossible to give the executive this kind of wiggle room, because they can’t be trusted,” he said.

Last year, the government deported nearly 400,000 people, the largest number ever. It’s unclear how many among that number had been green-card holders.

Unlike illegal immigrants, many of whom try to keep a low profile in order to evade detention, legal permanent residents who commit a crime are often cavalier, unaware that the stakes are starkly different for them than for their citizen peers.

This presumption that they cannot be deported appears to be especially true of young green-card holders such as Khoy, who grew up here.

Khoy's story is not unusual in Southeast Asian communities. Her Cambodian mother gave birth to her in a Thai refugee camp a year before they moved here. She and her parents received green cards; her siblings, born after they arrived, are U.S. citizens.

Often, Southeast Asians who came in the 1970s and 1980s escaped war or genocide, and worked long hours in low-paying jobs.

"They are traumatized, shell-shocked, and can't understand how to effectively raise adolescents in impoverished America," said Jay Stansell, an assistant federal public defender in Seattle who has defended many Cambodians in this situation.

A spokeswoman for U.S. Immigration and Customs Enforcement said that 1,894 Cambodians are in deportation proceedings. Since Cambodia started accepting deportees in 2002, it has taken only about 500. More were deported last year than ever before: 97 compared with 55 in 2010 and 48 in 2009.

Often the deportation proceedings don't begin until years after they immigrants have served sentences and cleaned up their lives, getting jobs and starting families.

"Years later . . . ICE would catch up with them and say, 'Hey, you were supposed to have been deported years ago,' and send them back to Cambodia, which many of these youngsters had never been to," said Pang Houa Toy, deputy director of the D.C.-based Southeast Asia Resource Action Center.

Many don't speak the language, and don't have friends or relatives in their parents' homeland. They also face discrimination. "They're stigmatized," Toy said.

Khoy says she was obedient and responsible while growing up as the eldest child of strict parents who forbade nighttime events during high school. By the time she started college, she was thirsting for more freedom and took up with a "bad crowd," she said, adding that because she didn't want her mother to think she was using drugs, she falsely told the arresting officer that she planned to sell the pills to her friends, a statement that resulted in a more serious charge.

Because her crime was an aggravated felony, she lost her green card and was put into deportation proceedings.

"I didn't believe it," said Khoy, a delicate-featured woman perched on her living room couch in the Southwest Washington townhouse she shares with three roommates. "I was like, 'There's no way that my country could just kick me out.'"

Her entire adult life has been colored by the arrest and its consequences. Men she dated were often scared off by her situation. She was arrested again in 2004, as her probation was ending, during a sweep targeting "removable aliens" on probation, according to ICE records. After several months in jail, her request for voluntary departure, asylum or withholding of removal was denied by a judge, who ordered her deported.

Cambodia accepts only a few requests for travel documents each year, however, so she was released from prison and put on an order of suspension, reporting regularly to the ICE office in Fairfax. She did so for the next eight years, while studying at Northern Virginia Community College, getting a job as an enrollment adviser at the University of Phoenix's Northern Virginia campus and working toward her bachelor's degree in communications and cultural diversity there. She moved to the District in December because it was easier there for someone in her situation to get a driver's license.

From the outside, her life seemed normal. Few people knew about her situation — until April, when she went in for a routine visit to ICE. There, she said, she was told to re-apply immediately for a travel document from the Cambodian embassy.

She was also fitted with an electronic ankle monitor. She had to stay close to an electric outlet for hours at a time to keep it charged.

With the help of her sister, Linda, a U.S. citizen, Khoy has gotten more than 3,000 signatures on a petition to stop her deportation. She has letters of support from Rep. Frank R. Wolf (R-Va.) and from longtime friends. On Wednesday night, SEARAC hosted an event at Busboys and Poets to raise awareness about her case and played [a nine-minute film](#) about her situation.

On Sept. 21, her request for deferred action was denied. That day, the ankle monitor was removed because of the low likelihood that she would be deported in the future, according to ICE spokeswoman Gillian Christensen.

If eventually deported to Cambodia, Khoy said, "I wouldn't know where to start."

[http://www.washingtonpost.com/local/after-run-in-with-law-cambodian-immigrants-permanent-residency-is-at-risk/2012/10/03/3ecf7ad2-0cd7-11e2-bb5e-492c0d30bff6\\_story.html](http://www.washingtonpost.com/local/after-run-in-with-law-cambodian-immigrants-permanent-residency-is-at-risk/2012/10/03/3ecf7ad2-0cd7-11e2-bb5e-492c0d30bff6_story.html)