

# N.J. Indonesian immigrants facing deportation for overstaying tourism visas

By Chris Megerian/Statehouse Bureau

**MIDDLESEX** — For Harry Tuwo, home is a second-floor apartment in Edison, where Disney characters dance on the television and his wife, Rita Pauned, clips coupons to save money. The couple's wedding picture, taken by a lake near Stone Mountain in Georgia, hangs above the couch, across the room from the Last Supper.

Home is where Tuwo returns after double shifts as a hibachi chef at a Japanese restaurant. It's where their 9-year-old daughter Angela's artwork is tacked to the wall and where their daughter Georgia, 2, receives regular therapy for Down syndrome.

Tuwo and Pauned are Indonesian immigrants who have lived in the United States for more than a decade — working, paying taxes and raising their two American-born daughters.

But according to the U.S. government, their home is 10,000 miles away in Indonesia, and they must leave this country.

Tuwo and Pauned are among roughly 60 Indonesians in New Jersey who are facing deportation in the next few months for overstaying their tourism visas years ago.

"We love this country," Tuwo said. "I know I made a mistake. I overstayed. But not everyone is the same."

The Indonesians were ordered deported but allowed to stay under federal supervision agreements in 2009. Now those agreements are expiring, and each has been assigned a date to show up with plane tickets in hand.

Still, Tuwo and others in his situation have some cause for hope. Earlier this year, the Obama administration said it will focus on deporting criminals instead of undocumented immigrants with strong community ties and children born in the U.S. And immigration officials announced Thursday they will begin reviewing thousands of pending cases to meet that goal, part of a series of changes to the country's deportation procedures.

It remains to be seen how the Obama administration will carry out its new policies and if the members of New Jersey's Indonesian community will be spared deportation. A spokesman for U.S. Immigration and Customs Enforcement said the agency will consider each appeal individually.

For those who favor strict enforcement of immigration laws, the only option is deportation. But advocates say that will only divide families and tear a hole in one of the state's close-knit immigrant communities.

"It's cases like these that have people scratching their heads," said Brittney Nystrom, director of policy and legal affairs at the National Immigration Forum in Washington, D.C. "There's a mismatch between what the government said it was going to start doing and what people are experiencing in real life."

### **A harder line**

Most of the Indonesian immigrants came to the United States in the 1990s, when their country was wracked with internal turmoil as the Suharto regime teetered and collapsed. Christians, particularly those of Chinese descent, were targeted by the Muslim majority. Churches and businesses were burned and looted, and jobs were scarce.

When they reached the United States, immigration enforcement was more lax than it is now. They were able to get driver's licenses and jobs, working in factories or driving forklifts at warehouses. And when their visas expired, they stayed. The statewide Indonesian community was pegged at 1,635 in the 2010 Census, primarily in Middlesex County.

Providing people who overstayed their visas years ago with a way to remain in the country legally — alternately called a "pathway to citizenship" or "amnesty" — has been a nonstarter in Congress.

"The problem is that you're rewarding what was, by definition, illegal behavior," said Nick Schulz, who studies immigration at the American Enterprise Institute, a conservative think tank.

After the Sept. 11 attacks, the government toed a tougher line and required men — noncitizens who were here either legally or illegally — from predominantly Muslim countries such as Indonesia to register with the government.

Many men in New Jersey's Indonesian community reported in, hoping to become legal residents, said Seth Kaper-Dale, a Highland Park pastor who has helped the immigrants.

Instead, the government started removal proceedings and the men received deportation orders. In 2006, ICE conducted predawn police raids in Middlesex County. Fathers were deported to Indonesia, leaving families behind.

The community's situation improved in 2009 when Kaper-Dale worked with immigration authorities to secure supervision agreements allowing them to work and live in the United States for two years.

Harold Ort, a spokesman for ICE in New Jersey, said the orders of supervision allowed the Indonesians "to seek to reopen their cases or to make final preparations for their removal."

When President Obama took office, the community hoped Congress would approve legislation that would allow them to become citizens or receive asylum. But nothing passed.

"We were hopeful something would change in two years," said Harry Pangemanan, 41, an Indonesian immigrant who lives in Highland Park with his wife and two U.S.-born daughters. "What we hope for is not here yet."

## **‘Pushing the limits’**

The current policy of "prosecutorial discretion," laid out in a June memo from the ICE director, urges authorities to focus on deporting criminals rather than people who overstayed their visas.

Opponents say the Obama administration is simply trying to circumvent Congress, where immigration legislation has stalled. Jessica Zuckerman, a research assistant at the Heritage Foundation, another conservative think tank, said prosecutorial discretion is simply "backdoor amnesty."

"We need to be enforcing the laws that are on the books," she said. "We do want immigrants coming here. We just want them coming here legally."

However, immigrant advocates said new laws should provide more ways for those without documents to stay in the country legally. Prosecutorial discretion has been applied unevenly, they said, and cases can be decided by a simple thumbs up or thumbs down from ICE.

"There have been some successful cases, but for the most part we continue to hear of people with very compelling circumstances being deported," said Amy Gottlieb, director of the Immigrant Rights Program with the American Friends Service Committee in Newark.

A report issued earlier this month by the American Immigration Lawyers Association and the American Immigration Council said the June memo remains too vague. The "overwhelming conclusion is that most ICE offices have not changed their practices," according to the report.

ICE, in its Thursday announcement, said it will train agents and lawyers to ensure they are correctly using discretion to focus on criminal cases.

Still, it remains unclear how the policy will affect the Indonesian community in New Jersey. Ort, the ICE spokesman, said the agency will do a "case-by-case review of the individuals."

He added, "ICE is focused on smart, effective immigration enforcement that prioritizes the removal of criminal aliens, recent border-crossers and egregious immigration-law violators, such as those who have been previously removed from the United States."

Almost all of the roughly 60 Indonesians facing deportation have, with the help of Paterson lawyer Melinda Basaran, filed requests for prosecutorial discretion.

"We're right now pushing the limits," Basaran said. "These next few months are very critical."

Tuwo, 41, and Pauned, 37, are among her clients. They fear that if they are forced to return to Indonesia, their daughter Georgia won't get the health care and education she needs as a child with Down syndrome. They know what happened to another of Basaran's clients, who moved back to Indonesia with a 14-year-old daughter with cerebral palsy. Basaran said the girl died within a month.

Georgia is named for the state where Tuwo and Pauned were married and bought a five-bedroom house they shared with Tuwo's family. But in 2008, Tuwo heard immigration authorities were looking for him. They fled to New Jersey, abandoning the house and never looking back.

"Thanks to God, we still live in the United States," Pauned said.

### **Knocks at the door**

Other Indonesians in New Jersey have been less fortunate.

Before dawn one day in 2006, ICE officers swarmed a three-building apartment complex in the Avenel section of Woodbridge and went door to door seeking undocumented immigrants. Some answered the knocks and were detained. Others huddled silently in their apartment until the police left.

Amanda Toar, who was 16 at the time, said her father, confused and frightened, jumped barefoot out their apartment's window, only to be caught by the police outside.

Federal officials said they detained 32 undocumented immigrants in Middlesex County that day, and the raids threw the Indonesian community into a tailspin. That winter, Christmas celebrations were canceled. No decorations were hung in the windows, which were kept shut with the shades drawn. One woman said she wouldn't answer knocks at the door unless the visitor called ahead first.

Some wives and children, including Toar, haven't seen their fathers and husbands since the deportations.

Toar and her mother now face deportation themselves. They still live in the same Avenel apartment complex, and the refrigerator is covered with "God bless America" magnets.

"We're just here to work and live," Toar said. "We want to be normal as well."

### **Out of the shadows**

After the 2006 raids, many Indonesians wouldn't go home and started sleeping in various churches, including the Reformed Church of Highland Park, where Kaper-Dale is the pastor.

By 2009, Kaper-Dale convinced ICE to grant two-year orders of supervision to people with roots in the community and clean records.

"None of them would be here now if it wasn't for what Pastor Seth did," Basaran said.

For Kaper-Dale, who personally baptized some of the Indonesians' children, protecting immigrant members of his congregation is an extension of his religious obligations.

"The thought of having broken families because of a broken policy is completely unacceptable," he said, adding, "If Arizona and Alabama and Georgia can be so anti-immigrant and get away with it, there ought to be room for others to be pro-immigrant and get away with it."

Thanks to the supervision arrangement, the Indonesians were able to get work permits, and they stopped avoiding eye contact with police officers they passed on the street.

Three years after the raids, the Christmas decorations went back up at the Avenel apartment complex.

"When you passed in the streets, you could see the lights, the windows open," said Mariyana Sunarto, 47, Pangemanan's wife.

### **Obeying the rules**

Every few months, the roughly 60 Indonesians would check in with immigration authorities in Newark to comply with their supervision orders. But recently, each was told to bring tickets with them to their next meeting.

Sen. Robert Menendez's (D-N.J.) office has filed inquiries into their cases. Kaper-Dale has burned up the phone lines calling the White House, ICE officials and members of Congress.

Around Middlesex County, lives have been put on hold as people wait for decisions from immigration officials.

"I don't know what to do. I'm not prepared," said Devie Kalangi of Avenel. Kalangi's husband was deported in the 2006 raid, and now she and her two children — Geldof, 22, and Denza, 19 — are facing deportation also.

Denza Kalangi is a student at Middlesex County College, and she's supposed to sign up for another semester of classes. But immigration authorities have told her to report on Feb. 7 with tickets to leave the country by March 7.

"I'm the mother," Devie Kalangi said. "But I don't know what to say."

Also facing deportation are Sunarto and her husband, Pangemanan. Pangemanan was detained and nearly deported in 2009 but was released after Kaper-Dale pleaded with authorities.

Now facing the very real possibility they will be deported this time, the couple still remains hopeful they can stay in the United States.

"Here, we can raise our children in peace and be sure they have a future," Sunarto said.

[http://www.nj.com/news/index.ssf/2011/11/nj\\_indonesian\\_immigrants\\_facin.html](http://www.nj.com/news/index.ssf/2011/11/nj_indonesian_immigrants_facin.html)