

# The Problem of Criminal Deportation and Reintegration in the Pacific

## *Working paper*

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### Abstract

*Criminal deportations to the Pacific have risen over the last decade, due to changes in deporting legislation within the Pacific Triangle (the US, New Zealand and Australia). With an influx of deportees, many of whom face linguistic and cultural barriers having lived overseas for most of their lives, many Pacific states struggle to reintegrate these deportees into society. There are consequences to poor reintegration, including reoffending, gang membership and ongoing policing. I seek to understand and problematise the overarching issue of criminal deportations and reintegration in the Pacific.*

### Introduction

*loane (not his real name), a Samoan national, moved to Australia when he was 5. He attended school in Australia, and lived an Australian life. All his ties were in Australia - he got married, split from his wife, and had a child with his new partner. loane also got in a bit of trouble in Australia, he committed a series of offences including repeatedly driving while disqualified, and crimes of violence such as robbery, assault with a weapon, and assault of police officers. When loane was sentenced for his involvement in the armed robbery of a vehicle, Australian police and immigration officials decided that this crossed a line where he was no longer welcome in Australia: loane was to be deported to Samoa at age 31. He had spent 26 years in Australia, the majority of his life: growing up, establishing relationships, and learning his criminality. He knew very little of Samoa, did not understand its culture and language, and would have to leave his family and all he knew behind in Australia. Samoan officials now had to decide how to deal with loane, a man they did not know much about, except for the extensive criminal record Australian officials provided. How might he reintegrate to a new and unfamiliar home? Would he reoffend? What would he do now?*

Supreme Court Justice Brennan once stated “prisoners are persons most of us would rather not think about.... banished from everyday sight, they exist in a shadow world that only dimly enters our

awareness”.<sup>1</sup> Those who are deported are further banished from sight – to another state, after which they are not thought about again by the state they called home for many years. In the Pacific, that state is an island – often considered peripheral or marginal to the deporting state, and therefore ‘out of sight and out of mind’.<sup>2</sup> These states often receive disproportionate numbers of criminal returnees compared to their overall populations, due to the immense diaspora. Mountz describes islands as “microgeographies of sites in the enforcement archipelagos where these exclusions transpire, where migrants enter into extended periods of spatial, temporal, and legal limbo”.<sup>3</sup> Put more simply, “islands are often used as dumping grounds for the unwanted”.<sup>4</sup> It is the Pacific islands and the unwanted that I seek to understand.

We know very little about those who have been deported to the Pacific following a criminal conviction and period of incarceration, and particularly about their reintegration. There is some media and political discourse insinuating concerns about criminal returnees’ likelihood of reoffending; however, there is very little data on recidivism or understanding why the securitisation of identity may play a role in returnees’ reintegration. This paper will draw from existing literature to understand better the issues faces within the criminal deportation and reintegration process in the Pacific. While there is some academic research in this area, it tends to focus on the individuals rather than the macro issues that exist within the deportation and reintegration process. Therefore, this paper will draw not only from academic works but also media reporting, blogs and government documents.

As Dinnen states, “criminal laws define and proscribe certain behaviour and provide for the punishment of convicted offenders”.<sup>5</sup> Deportation is the sovereign right of states, who can determine the threshold by which to exclude a person from their borders if they do not hold citizenship of that state. Criminal deportations are made on the basis of criminal laws being broken and the punishment exceeding the threshold of the immigration administrative law for deportation. Deporting states are thus “exporting a problem”.<sup>6</sup> Each state has a differing threshold, meaning that deportees from different countries will likely have differing levels of criminality when they arrive in the receiving state,

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<sup>1</sup> Quoted in César Cuauhtémoc García Hernández, *Migrating to Prison: America's Obsession with Locking Up Immigrants* (New York: The New Press, 2019). P.15

<sup>2</sup> Daniel Kanstroom, *Aftermath: Deportation Law and the New American Diaspora* (Oxford University Press, 2012).

<sup>3</sup> Alison Mountz, *The Death of Asylum: Hidden Geographies of the Enforcement Archipelago* (University of Minnesota Press, 2020). P.60

<sup>4</sup> Alastair Bonnett, *The Age of Islands* (London: Atlantic Books, 2020). P.11

<sup>5</sup> Sinclair Dinnen, Anita Jowitt, and Tess Newton Cain, *A kind of mending: restorative justice in the Pacific Islands*, ed. Dinnen Sinclair (Canberra: ANU E Press, 2010). P.5

<sup>6</sup> New Zealand Police Officer cited in Leanne Weber and Rebecca Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa," in *After Deportation: Ethnographic Perspectives*, ed. Shahram Khosravi, Global Ethics Series (Switzerland: Palgrave Macmillan, 2018). P.219

and have had differing deportation experiences. It is notable that the threshold for deportation based on severity of crime committed and significance of criminal history is reducing in many deporting states: thereby expanding the number of persons for whom deportation is an applicable sentence. This impacts Pacific states with small populations and large diasporas.

### Deportation to the Pacific

Islanders have traditionally migrated, whether it was to find new islands, work, study and follow family. Pacific Islanders tended to move to the United States (US), New Zealand, and Australia: described by Helen Lee as the 'Pacific triangle'.<sup>7</sup> However, as migration increased due to globalisation and citizenship of independent nations, so did removal by deportation,<sup>8</sup> due to policy and legislative changes leaving "the 'drastic measure' of deportation or removal is now virtually inevitable for a vast number of non-citizens convicted of crimes".<sup>9</sup> That global trend affected the Pacific region.<sup>10</sup> Deportation from the Pacific triangle is not a new phenomenon: the Australian Pacific Islanders Labourers Act 1901 in Australia sent some 4,500-7000 people back to the Pacific, following a period of indentured labour known as blackbirding.<sup>11</sup> States of the Pacific Triangle all have over a centuries' engagement with Pacific migration, and have dealt with deportation in different ways throughout that period, including: following periods of indentured labour; mass immigration 'Dawn Raids' on overstaying Pacific Islanders for the purpose of deportation; and locating immigration detention centres on third-state Pacific islands (Australia has Nauru and Manus Island; the United States has Guam). Historical trajectories have led towards more securitised deportation policies from the Pacific Triangle: while the reasons for migration are no longer forcible, the return of Pacific Islanders is – deportation is not the choice of the migrant.

Returns to the Pacific<sup>12</sup> have rapidly increased in recent years due to changes in government policy which have been increasingly securitised. Australia sent three returnees to each of Samoa and Tonga

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<sup>7</sup> Helen Lee and Steve Tupai Francis, eds., *Migration and Transnationalism: Pacific Perspectives* (Canberra: ANU E Press, 2009).

<sup>8</sup> David C. Brotherton and Luis Barrios, "Displacement and stigma: The social-psychological crisis of the deportee," *Crime, media, culture* 5, no. 1 (2009), <https://doi.org/10.1177/1741659008102061>.

<sup>9</sup> Hernández, *Migrating to Prison: America's Obsession with Locking Up Immigrants*. P.101

<sup>10</sup> Jioji Ravulo and Julia Ioane, "Approaches with Pacific adult offenders," in *Pacific Social Work: Navigating Practice, Policy and Research*, ed. Jioji Ravulo, Tracie Mafile'o, and Donald Bruce Yeates (Routledge, 2019).

<sup>11</sup> Clive Moore, ""Good-bye Queensland, good-bye White Australia; Good-bye Christians": Australia's South Sea Islander Community and Deportation, 1901-1908," *The new federalist: the journal of Australian federation history* Issue Files, no. 4 (1999).

<sup>12</sup> Under s201 or s501 of the Australian Migration Act 1958 (which includes provisions of poor character); or s157(5)(b), s161, s157(5)(c) or s160 of the New Zealand Immigration Act 2009; or United States Illegal Immigration Reform and Immigrant Responsibility Act 1996.

for the period 1998-2008;<sup>13</sup> by contrast, in 2017 Australia detained 57 Tongan-born returnees in custody for eventual removal.<sup>14</sup> From 2013-2018, New Zealand returned over 400 returnees to the Pacific (38.5% of New Zealand's total returns during that period); of those criminal deportations, Samoa received 145 returnees (36.25%) and Tonga 120 returnees (30%).<sup>15</sup> Data on deportations to Pacific states (as in the below graph) is known to be inaccurate<sup>16</sup> despite being provided by deporting states through official reporting); however, it can help us to get a general snapshot of the issue. It should also be noted that while the Marshall Islands is not listed on this graph, despite the pandemic and border closures in 2020/21 they are looking to receive the highest number of deportees from the US in history.<sup>17</sup> This is indicative of increasing numbers of deportations to the Pacific. When looking at these states by Pacific sub-region, there are representatives from each area; however, it is notable that Melanesia is not particularly prominent, other than Fiji.<sup>18</sup> As Batley notes, there are difficulties for Melanesians to gain access to Australia (the closest state geographically and politically, and most likely migration destination for Melanesians) creating small Melanesian populations in Australia compared to Polynesian populations;<sup>19</sup> therefore, small numbers of deportations to these states may be reflective of small migrant numbers.

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<sup>13</sup> Natalie Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*, MOST-2 Policy Papers, (Thailand: United Nations Educational Scientific and Cultural Organisation, 2011).

<sup>14</sup> "Australian prisons held 57 Tongan-born inmates in 2017," *Matagi Tonga* (Nuku'alofa), 12 September 2018.

<sup>15</sup> Immigration New Zealand, Official Information Act Request: DOIA 1819-0100, (Wellington 2018).

Note that this is contrary data to the data provided directly to the research through a separate Official Information Act request which suggests only 300 returnees 2009-2020

<sup>16</sup> Interestingly, data from the Pacific Triangle deporting states does not show the high level of returns to the Cook Islands, despite personal communications with Cook Islands officials showing the contrary and Australian Administrative Appeals Tribunal data showing at least one (2012) appellant who was deported back to the Cook Islands following their declined appeal – this data anomaly will be examined elsewhere.

<sup>17</sup> Giff Johnson, "US deportations likely up in FY2020," *RNZ News*, 26 October 2020, <https://www.rnz.co.nz/international/pacific-news/429192/us-deportations-likely-up-in-fy2020>.

<sup>18</sup> "Visa Cancellation Statistics," Australian Government, 2019, accessed August 13, 2020.

<sup>19</sup> James Batley, *In Brief 2017/23: What Does the 2016 Census Reveal about Pacific Islands Communities in Australia?*, Australian National University (Canberra, Australia, 2017).

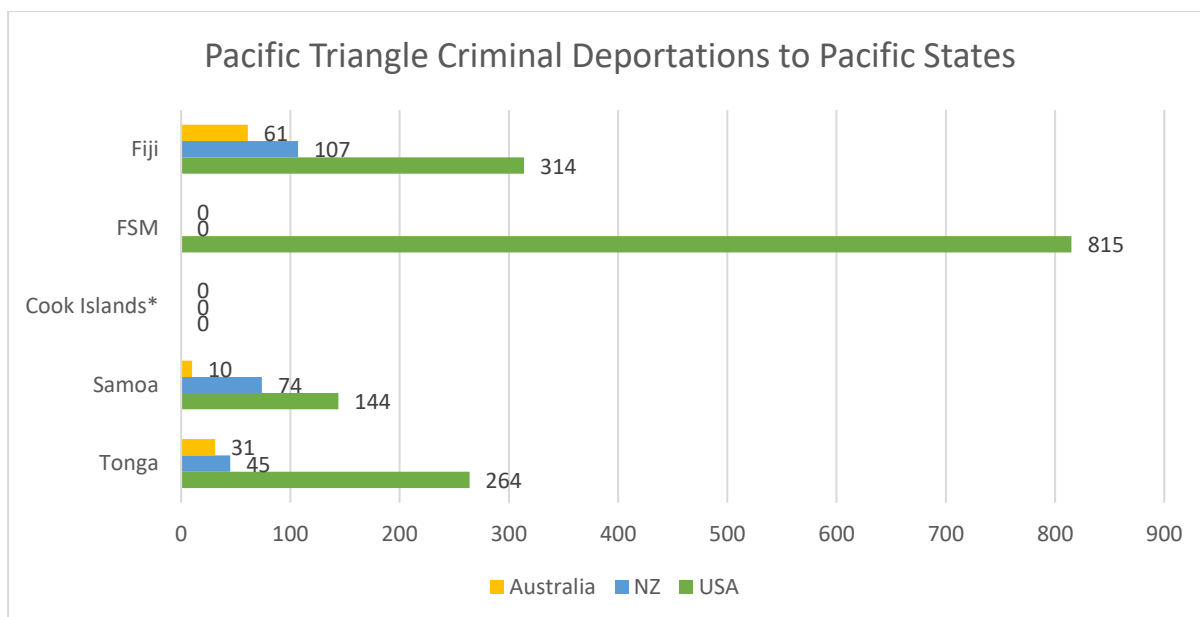


Figure 1: Criminal Deportations to Pacific Island states from the Pacific Triangle 2009-present

Overall, Pacific deportee criminality ranges the full spectrum: from driving under the influence, to serious and/or sexual assault, and grievous bodily harm. Many returnees have significant criminal histories, and time incarcerated both in prison and subsequent immigration detention; while some were deported on ‘bad character’ grounds and have never been to prison. Pereira has done the most in-depth study on Tongan and Samoan deportees in 2011, and detailed the length of incarceration (likely linked to level of criminality) prior to deportation;<sup>20</sup> however, with legislative changes from deporting countries, this has likely changed – for example, with Australia’s law enforcing deportation at a 12 month (cumulative) sentence, there are likely to be more deportations of people who have been incarcerated for less than 2 years. Levels of criminality then differ by deporting states; for example, a Tongan police analysis suggests that “deportees from Australia and the US had more links to organised crime and drug trafficking compared to those from New Zealand”.<sup>21</sup> These state-based decisions on who to remove tell us much about who is excluded and included in society, and what is considered a ‘threat’.

### Reintegration in Pacific States

While islands are often seen as peripheral or marginal, “for those who reside on islands, whether by choice or force, they lie at the centre of daily life, not its periphery”.<sup>22</sup> Therefore, deportees to the Pacific are more noticeable on their arrival. Billings and Hoang have stated (of Australian deportations) that “removal of New Zealanders and British residents to their country of nationality has caused

<sup>20</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*.

<sup>21</sup> Ministry of Foreign Affairs and Trade (MFAT), *Official Information Act Response 27007*, (Wellington: 2020).

<sup>22</sup> Mountz, *The Death of Asylum: Hidden Geographies of the Enforcement Archipelago*. P.93

considerable suffering for individuals who are effectively Australian, notwithstanding the shared language, and socio-cultural similarities between those countries".<sup>23</sup> However, Pacific returnees do not have the luxury of shared cultures and similar socio-cultural similarities when deported from the Pacific Triangle. Persons of Pacific citizenship who are returned often face challenges in reintegration. Chief amongst these challenges is that they often moved from their Pacific home at a very young age,<sup>24</sup> and do not share the language or cultural traditions of their Pacific state. In addition, there is a "widespread lack of sympathy for deportees" in some Pacific states: returnees were perceived to have wasted opportunities overseas, perhaps a reflection on lost opportunities to earn (and remit) while imprisoned.<sup>25</sup> On their arrival in small, developing states with limited opportunities, most returnees face stigma, and are once more excluded, this time from village and family life, and face challenges in finding work, accommodation, and social support.<sup>26</sup> Tongan returnees have stated that "I've had people who tell me they're scared of me and they don't even know who I am, I'm like 'why are you scared' and they're like 'because you're a deportee'".<sup>27</sup> This exclusion and shame can lead to returnees not perceiving the state they have returned to as 'home', and feeling excluded from the society that they are citizens of.<sup>28</sup>

To be removed from a state is to have a social circle and life dislocated: "it is hard to express in words the feelings of loss and the pain of separation that the subjects felt when they realized that were being deported from the land wherein lived their spouses and children and sometimes mothers, fathers, brothers, and sisters and the vast majority of their friendship circles".<sup>29</sup> The Royal Australian and New Zealand College of Psychiatrists has stated that this has a particular effect on Māori and Pacific deportees, stating "strong connections to whānau are crucial to Māori and Pasifika's social and emotional wellbeing, and in many cases deportation is separating families and returning individuals to a place where they have no close supports... [and] is seriously detrimental to the health and

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<sup>23</sup> Peter Billings and Khanh Hoang, "Characters of Concern, or Concerning Character Tests? Regulating Risk through Visa Cancellation, Containment and Removal from Australia," in *Crimmigration in Australia* (2019). P.139

<sup>24</sup> Based on analysed Australian Administrative Appeals Tribunal data, for this research

<sup>25</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*.

Weber and Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa." P.210

<sup>26</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*.

Weber and Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa."

<sup>27</sup> Ursula Grace, *Gangsters in Paradise: the Deportees of Tonga, Zealandia: Stories from Aotearoa and the South Pacific* (VICE, 2019).

<sup>28</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*.

<sup>29</sup> Brotherton and Barrios, "Displacement and stigma: The social-psychological crisis of the deportee." P.36

rehabilitative needs of affected individuals and their whanau".<sup>30</sup> This leads to many returnees managing long-distance relationships, which come with their own challenges.<sup>31</sup>

Often governments neither have the capacity nor resources to reintegrate the returnee adequately, and the onus is then placed on non-governmental organisations, which also have limited resources. In Samoa, while the Samoa Returnees Charitable Trust meets returnees on arrival and supports them to obtain identification, bank accounts, and emergency accommodation. There is limited success with ongoing participation in the programme and it receives no funding from the Government of Samoa other than provision of an office.<sup>32</sup> However, reintegration should not just involve administrative support, but also sourcing long-term accommodation, developing support networks, enabling any health and wellbeing needs to be met, assisting with (re)learning the language and culture, and gaining employment (which can be difficult in developing countries given a returnee's past). Weber and Powell suggest that returnees to the Pacific require significant reintegration support and without it could create insecurity.<sup>33</sup>

While there are no significant opportunities through under-resourced rehabilitation programmes in the Pacific, it remains the returnees' choice whether or not to reintegrate. Braithwaite suggests that shaming from society can be in order to show disapproval and pressure the returnee to positively change their behaviour, and may be rewarded when they do so.<sup>34</sup> In Samoa, there was discussion of some successful reintegration of returnees with support from *matai* (chiefs) and *faiifeau* (ministers of religion) when returnees express remorse and work with their village communities.<sup>35</sup> Agency is expressed when returnees make a decision as to the extent they wish to reintegrate, and shows that 'returnees' are not a homogenous group – they are individuals with different life experiences, thoughts and opinions. From the outset, we must remember that "migrants are just people. They are

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<sup>30</sup> Royal Australian and New Zealand College of Psychiatrists, "Psychiatrists Calls On Australian Government To Rethink Deportation Policy," news release, 2021, <https://www.scoop.co.nz/stories/PO2103/S00186/psychiatrists-calls-on-australian-government-to-rethink-deportation-policy.htm?fbclid=IwAR37PN8-d2UhxBtu88GE-ayrOGddRWvEoEkg4eijgWEmMEM4OpUP7Mb96Bk>.

<sup>31</sup> Sarah Turnbull and Ines Hasselberg, "Foreign national prisoners: precarity and deportability as obstacles to rehabilitation," in *The Routledge Companion to Rehabilitative Work in Criminal Justice*, ed. P. Ugwudike et al. (Routledge, 2019).

<sup>32</sup> (MFAT), *Official Information Act Response 27007*.

<sup>33</sup> Weber and Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa."

<sup>34</sup> John Braithwaite, *Crime, shame and reintegration* (Cambridge; Sydney;: Cambridge University Press, 1989).

<sup>35</sup> J. Feagaimaali'i-Luamanu, "Suspects in Main assault were deported by the United States," *Samoa Observer*, 23 August 2018, <https://www.samoobserver.ws/category/article/4680#:~:text=The%20two%20suspects%20charged%20with,questions%20from%20the%20Samoa%20Observer>.

fallible, imperfect human beings. Their passports may differ from [ours], but the skeletons in their closets don't".<sup>36</sup>

Ravulo and Ioane suggest that deportation to the Pacific has flow-on effects and some former offenders can seek anti-social behaviour and as a way to meet socio-economic challenges, which in turn has cyclic effects for reincarceration.<sup>37</sup> On return to Pacific states, concern by government officials and the public in relation to the possibility of returnee recidivism is apparent in government documentation and media discourse which securitises returnees as a threat.<sup>38</sup> While approximately 30 per cent of returnees to New Zealand from Australia reoffend on their return,<sup>39</sup> there is currently no parallel data in the Pacific showing the reoffending rate. However, the Samoa Returnees Charitable Trust estimate recidivism is between 1-2 per cent.<sup>40</sup> There is acknowledgement of returnees from New Zealand to Samoa "engaging in serious criminal activity on return, including by a sex offender and an armed bank robbery",<sup>41</sup> and local media reports of US returnees involved in a serious assault.<sup>42</sup> Weber and Powell suggest that Pacific returnees are blamed for societal unrest on their return, like encouraging underage drinking; however, there are no statistics to prove or disprove this anecdote or note trends of more serious crime.<sup>43</sup> Pereira analysed experiences of returnees to Samoa and Tonga in 2011, which found that lack of family ties and money in their home country had led some of the deportees to re-offend by selling drugs; however, this was a relatively small sample, and she suggests that recidivism be looked into in future research.<sup>44</sup>

Balancing returning offenders' freedom and reintegration opportunities with possible reoffending is a challenge for Pacific states. While on the one hand members of the Samoa Returnees Charitable Trust state that "we've paid our debts to society and I believe we come here for a brand new start, we are no longer under the gun... we've lost a lot of years incarcerated, therefore we just want to jumpstart our lives and be productive",<sup>45</sup> on the other, the law keeps an eye on returnees. States such as Samoa

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<sup>36</sup> Hernández, *Migrating to Prison: America's Obsession with Locking Up Immigrants*. P.16-17

<sup>37</sup> Ravulo and Ioane, "Approaches with Pacific adult offenders." P.95

<sup>38</sup> L. Tupufia-Ah Tong, "Bill to give Police monitoring powers of returnees," 23 March 2019, <https://www.samoaoobserver.ws/category/samoa/39138>.

<sup>39</sup> Jamie Ensor, "Influx of criminal deportees from Australia a 'major irritant' to relationship - Jacinda Ardern," *Newshub* (New Zealand), 1 October 2019, <https://www.newshub.co.nz/home/politics/2019/10/influx-of-criminal-deportees-from-australia-a-major-irritant-to-relationship-jacinda-ardern.html>.

<sup>40</sup> Bill Bainbridge, *ABC: Pacific Beat*, podcast audio, Samoa looking to monitor criminal returnees 2019, <https://www.abc.net.au/radio-australia/programs/pacificbeat/samoa-looking-to-monitor-criminal-returnees/10820786>.

<sup>41</sup> (MFAT), *Official Information Act Response 27007*.

<sup>42</sup> Feagaimaali'i-Luamanu, "Suspects in Main assault were deported by the United States."

<sup>43</sup> Weber and Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa."

<sup>44</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*.

<sup>45</sup> Bainbridge, *ABC: Pacific Beat*.



are beginning to propose bills to police returning offenders, indicating their perception that returnees will likely reoffend.<sup>46</sup> This bill would allow for increased police surveillance, and restrictions on all returning offenders in Samoa who would have to report to a parole officer; require consent to change accommodation; and would have their employment dictated, along with the people they are permitted to live, work, and engage with.<sup>47</sup> Media reporting stated “Police Commissioner, Fuiavaillili Egon Keil said the bill will give Police ‘a bit more monitoring power around deportees coming in’ and will be able to track them. ‘We all know these deportees returned to Samoa, these countries don’t want them because they committed violent crimes, sexual assault and some serious crimes’”.<sup>48</sup> This statement confirms that the Bill was developed because returnees were bringing new crime to Samoa, and that the intention of the Bill was to give law enforcement more information when offenders return so that they could prevent reoffending.<sup>49</sup> Tongan officials too have discussed developing legislation on criminal deportees with the New Zealand Government, and were pointed towards the experience of other small Pacific Island countries such as Samoa; however, they have so far refrained from policing reintegration approaches – focussing on social means such through the church and drug addiction services.<sup>50</sup>

Pereira states that “forced repatriation/return can create trans-national identities that continue through ongoing relationships with family and friends that have remained in the departing country”.<sup>51</sup> This can include gang links. There are around 40 gangs in Australia,<sup>52</sup> and a similarly large gang presence in New Zealand,<sup>53</sup> several of which have set up chapters in the Pacific, including Fiji. The New Zealand Customs Service Pacific Strategy holds that “Outlaw Motorcycle Clubs are extending their reach into the Pacific, with many chapters in New Zealand. Criminal deportees from New Zealand, Australia and the US are a concern for Pacific law enforcement and pose a challenge for Pacific Island communities”.<sup>54</sup> For example, the Tongan experience shows that the 2006 Nuku’alofa riots involved 1000 arrests, 500 of whom identified as Crips (the US-based gang) – the group was made up of deportees from the US and young people who had been voluntarily sent by their parents from Auckland to spend time in Tonga.<sup>55</sup> Savage suggests that there are strong Tongan connections with

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<sup>46</sup> Henrietta McNeill, "Oceania's 'cimmigration creep': are deportation and reintegration norms being diffused?," *Australian & New Zealand Journal of Criminology* forthcoming (2021).

<sup>47</sup> McNeill, "Oceania's 'cimmigration creep': are deportation and reintegration norms being diffused?."

<sup>48</sup> Tupufia–Ah Tong, "Bill to give Police monitoring powers of returnees."

<sup>49</sup> Bainbridge, *ABC: Pacific Beat*.

<sup>50</sup> (MFAT), *Official Information Act Response 27007*.

<sup>51</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*. P.33

<sup>52</sup> Roderic Broadhurst, Mark Lauchs, and Sally Lohrisch, "Transnational and Organised Crime in Oceania," in *The Handbook of Transnational Crime and Justice*, ed. Jay Albanese and Paul Reichel (New York: Sage, 2013).

<sup>53</sup> Jared Savage, *Gangland: New Zealand's Underworld of Organised Crime* (New Zealand: HarperCollins, 2020).

<sup>54</sup> New Zealand Customs Service, *Official Information Act Response 20-147* (New Zealand Government, 2020).

<sup>55</sup> Michael Field, *Swimming with sharks: tales from the South Pacific frontline* (Auckland, N.Z: Penguin, 2010).

several of the gang chapters in New Zealand made up of Australian deportees.<sup>56</sup> Given the risk posed, often returnees who have been members of gangs are subject to more stringent restrictions on return to their home country, and can be stigmatised due to their gang associations.<sup>57</sup> While there is balance to be had, this approach can further exclude the returnee from the country of origin, and draws them back to the gang as a means of inclusion.

Poor reintegration may not just lead to recidivism on a local scale, but also an international scale. Pereira notes “the deportation experience makes an impact at the local, national and international level demonstrating that deportation is not the end of the ‘problem’, but the start of a new and on-going dilemma”.<sup>58</sup> Weber and Powell noted that some receiving government officials alluded to post-return transnational crime in their interviews, but given that this type of crime was not the core of their research, they did not question further in this area.<sup>59</sup> New Zealand Government documents released under the Official Information Act state “there are serious and growing concerns about the risks posed by criminals deported to the Pacific, including risks of reoffending and links with TNOC [transnational organised crime] groups and Outlaw Motor Cycle Gangs [*sic*]”.<sup>60</sup> While there is no definitive evidence that these factors are linked, there are allusions by law enforcement officers both in the official reporting and in interviews that increased transnational crime concerns are linked with criminal deportations to the Pacific. A Tongan Government analysis suggests that “deportees from Australia and the US had more links to organised crime and drug trafficking compared to those from New Zealand”.<sup>61</sup>

## Conclusion

Fundamentally, criminal deportations to the Pacific have risen over the last decade, due to changes in deporting legislation within the Pacific Triangle (the US, New Zealand and Australia). With an influx of deportees, many of whom face linguistic and cultural barriers having lived overseas for most of their lives, many Pacific states can struggle to reintegrate these deportees into society. The issues are growing and becoming prominent in the discourse and policy approaches – and yet under-researched and often without evidence. As a current real-world problem, the above-described situation provides a wealth of evidence from which to draw upon. Some of these micro-issues require further data collection and problematising in themselves, while others can already provide additional empirical

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<sup>56</sup> Savage, *Gangland: New Zealand's Underworld of Organised Crime*.

<sup>57</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*.

<sup>58</sup> Pereira, *Return[ed] To Paradise: The Deportation Experience in Samoa & Tonga*. P.11

<sup>59</sup> Weber and Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa."

<sup>60</sup> New Zealand Ministry of Business Innovation and Employment (MBIE), *Official Information Act Request DOIA 201920-1667*, (Wellington: 2020).

<sup>61</sup> (MFAT), *Official Information Act Response 27007*.

information to existing deportation and reintegration literature. Geographically, most existing deportation and reintegration literature is focussed on US and UK deportations, particularly to Latin America, and some to the Caribbean. While Weber and Powell suggest that returns from the US to the Caribbean are similar in their challenges to Pacific Triangle returns to Samoa,<sup>62</sup> this claim should be substantiated. There is very little reintegration literature focussed on small island developing states, let alone in the Pacific – where each state and culture has its own cultural nuances and language. The Pacific region has a group of receiving states with high numbers of deportees received compared to the existing population, and therefore provides a microcosm and a wealth of undiscovered evidence of these elements, as well as an additional geographic application of deportation and reintegration theories. These are some of the many practical and academic research questions to be answered relating to criminal deportation and reintegration in the Pacific.

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<sup>62</sup> Weber and Powell, "Ripples Across the Pacific: Cycles of Risk and Exclusion Following Criminal Deportation to Samoa."

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