Problematising Contemporary Criminal Deportation & Reintegration in the Pacific

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Deportation

Deportation is the sovereign right of states, who can determine the threshold by which to physically and administratively exclude a person from their borders if they do not hold citizenship of that state.

Criminal deportation is when that deportation is on the basis of one or more criminal convictions and periods of incarceration meeting an immigration administrative threshold.

Practicalities and thresholds for criminal deportation differ by state:

- 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.
Pacific Triangle Criminal Deportations to Pacific States

- **Fiji**: 61 (Australia) 107 (NZ) 314 (USA)
- **FSM**: 0 (Australia) 0 (NZ) 815 (USA)
- **Cook Islands**: 0 (Australia) 0 (NZ) 0 (USA)
- **Samoa**: 10 (Australia) 74 (NZ) 144 (USA)
- **Tonga**: 31 (Australia) 45 (NZ) 264 (USA)
Criminality prior to deportation

Length of incarceration prior to deportation to Samoa/Tonga

(Pereira, 2011)
Reintegration

The process of (re)joining the society and gaining inclusion into the community.

Successful reintegration involves “participation in economic, social, cultural and political spheres, and is linked to feelings of identity, belonging, and inclusion”

(Horyniak et al, 2017:2)
“involuntary return migration provides new avenues for considering how deportees construct notions of citizenship, belonging and their sense of where ‘home’ is, particularly those who lived [in another state] for a long period of time and/or have been forced to leave behind family members, such as spouses and children”

(Wheatley, 2011, p.57)
“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’”

-Tongan returnee (cited in Grace, 2019)
“...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”

-Samoan Police Commissioner
Fuiavailili Egon Keil, 2019
“there are serious and growing concerns about the risks posed by criminals deported to the Pacific, including risks of reoffending and links with transnational organised crime groups and Outlaw Motor Cycle Gangs” –

New Zealand Government, 2020
Problematising the issue

• Geography
• Immigration-crime nexus (crimmigration)
• Deportation and/or reintegration
• Multi-disciplinary
Fa’afetai tele lava!