

US judges issue temporary stays of deportations for Christian Indonesians

Tim Avery**17 February 2018**

Federal courts in Boston, Massachusetts and Newark, New Jersey have temporarily stayed the deportations of over one hundred Christian Indonesian immigrants recently targeted by US Immigration and Customs Enforcement (ICE). The rulings, issued February 1 in Boston and February 2 in Newark, are in response to two lawsuits by the American Civil Liberties Union (ACLU) arguing that the immigrants have the right to reopen their cases due to increasing hostility toward Christians in Indonesia.

Ethnic Chinese in general have been scapegoats in the Southeast Asian, majority-Muslim country since the period of Dutch colonial rule in the 1700s. After the bloody anti-communist coup of 1965, the Suharto regime banned Chinese names and cultural expressions and made it difficult for ethnic Chinese to find jobs.

Several thousand Chinese Christian Indonesians fled to the northeastern US throughout the 1990s, especially during the Asian Financial Crisis in 1998, when rioters assaulted ethnic Chinese and vandalized their businesses based on the reactionary stereotype that they were universally affluent. Many of these refugees arrived on and overstayed temporary visas and were not made aware of an arbitrary one-year deadline to apply for asylum passed under the Illegal Immigration Reform and Immigrant Responsibility Act, signed by President Bill Clinton in 1996.

In 2009, ICE field offices in Boston and Newark advertised programs (crassly entitled “Operation Indonesian Surrender” in Boston) encouraging Christian Indonesians with “final” orders of removal to identify themselves to ICE. Provided they had no criminal records and consented to regular check-ins with immigration, officials would grant employment authorizations and tolerate their undocumented status. Families lived in relative stability under these terms for

nearly a decade. But ICE reneged on this agreement following a pair of executive orders issued just five days into the Trump administration, instructing officials to prioritize, among other categories, “removable aliens [immigrants] ... subject to a final order of removal, but who have not complied with their legal obligation to depart the United States.”

In May 2017, Ahok, the former governor of the largest city in Indonesia, Jakarta, was sentenced to two years in jail for blasphemy against Islam, answering the demands of rallies organized by hardline Islamist groups. He is a Chinese Christian. Just weeks later, ICE suddenly detained and subsequently deported four Christian Indonesian men during their regular check-ins with Newark district offices, including Arina Massie, who left behind a wife and 13-year-old son.

Three months later, beginning August 1, roughly 70 Christian Indonesians living in New Hampshire were instructed during their regular check-ins with Boston-district ICE to purchase one-way plane tickets to Indonesia and prepare to leave home within just 60 days: a casual sentencing to probable persecution, torture, or death.

ICE’s Newark jurisdiction has been even less civil. On the morning of January 25, the anniversary of President Donald Trump’s executive orders, ICE agents attempted to arrest three Indonesian men, pouncing upon Roby Sanger and Gunawan Liem after they dropped off their daughters at school. Harry Pangemanan, a noted leader in his church who has led disaster relief trips across the US, spotted a black vehicle with tinted windows stalking outside his home in time to call his pastor, who chased the vehicle away and took Pangemanan into sanctuary. There he, his wife and his two daughters joined Yohanes Tasik and Arthur Jemmy, two other undocumented Indonesians who took

refuge there for over three weeks and over four months, respectively.

It is illegal under international and US immigration law to deport an immigrant to a country where their “life or freedom would be threatened... because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.” Deportations of Christian Indonesians clearly fit this description.

The Trump administration and ICE beneath it are pushing these illegal deportations based on orders of removal not reviewed for a decade or more, in many cases targeting parents with US citizen children.

“Our Constitution and laws recognize that people must not be jailed or deported without an opportunity to seek court review of these harsh actions,” said ACLU of New Jersey Senior Staff Attorney Farrin Anello in a statement, referring to the Fifth Amendment. “Nowhere is this right to due process more important than in the government’s decision to send people to a country where their lives would be in danger.”

The ACLU joined a lawsuit on behalf of the New Hampshire-resident Indonesians on October 30. US District Judge Patti B. Saris halted the deportations via restraining order on November 27, and granted a preliminary injunction on February 1. The equivalent lawsuit for the New Jerseyans was filed the next day, and Judge Esther Salas granted a temporary restraining order within hours. Those who made it to sanctuary have since walked free, but Sanger and Liem remain in prison along with Parlin Sinaga, a father of three detained by ICE in October.

No faith should be placed in the courts to protect immigrant rights. When courts intervene, it is usually at a jurisdiction below the Supreme Court or only to correct the most blatantly unconstitutional acts in an effort to stave off mass opposition. Last year, during the ongoing refugee crisis—the largest since World War II—the Supreme Court unanimously upheld Trump’s anti-Muslim travel ban.



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