



Samoa Deportees with criminal conviction/Returnees.

- 1. FUNCTION:** **Samoa Deportees with Criminal Conviction/Returnees.**
- 2. MANDATE:** Cabinet Directive.
- 3. EFFECTIVE DATE :** When approved by Cabinet.
- 4. APPLICATION :** This Policy shall apply to all Foreign Governments Responsible for Returning Suspected Samoan Nationals who have and do not have any travel documents. And to Samoan Nationals who commit a crime under the laws of the Host Government.

5. BACKGROUND :

Returnees are now seen as a growing issue that Samoa needs to address. The difficult situation that Samoa is facing is that countries overseas are returning suspected Samoan nationals that have little or no knowledge of Samoa, our culture and most have little or no previous contact with their families in Samoa throughout their whole lives.

Furthermore, we have noticed from past cases that most of the returnees have committed crimes in foreign countries before deportation therefore Samoa is unaware of the following conditions surrounding the returnee's personal record and wellbeing:

- i. Proof that they are really Samoan citizens
- ii. Whether they are still in lock up, on parole or have served their time
- iii. The severity of the crime they've committed.
- iv. Would they be able to fit well in society, (need a psychological report)
- v. Do they have any medical condition that may hinder their interaction within society?
- vi. Whether these people have any disease that maybe contagious and could affect the population of Samoa.

Security and safety of its citizens is one of the Government's national priorities, the Government then takes precautionary measures in response to issues raised pertaining to returnees as fortification of its people. The Samoan Government henceforth sets out the following criteria's that Overseas Governments need to comply with in order to grant entry for any suspected Samoan returnee without any travel documents from foreign countries.

6. DEFINITIONS:
Returnee



According to Oxford Dictionary returnee is a person who returns to a place, especially after a prolonged absence.¹

Deportee

A deportee is a non-citizen in a country whose permission to remain has been terminated due to a criminal offence.²

Deportation

"*Deportation* is the removal of an alien out of the country, simply because his presence is deemed inconsistent with the public welfare and without any punishment being imposed or contemplated either under the laws of the country out of which he is sent or of those of the country to which he is taken."³

Host Country

Refers to the country where the foreigner committed the crime or overstayed at. The host country is responsible for processing the foreigner out of their country for violating immigration laws or criminal laws.

7. RULES AND POLICIES:

6.1. Requirements before entry into the country:

Entry will only be granted to any returnee upon compliance with the following requirements. Failure to comply will result in the returnee being returned to the country they were deported from or port of departure.

REQUIREMENTS PRIOR TO TRAVEL/REPATRIATION.

RESPONSIBILITY OF THE HOST COUNTRY	
i.	Provide confirmation of Samoan citizenship
ii.	Submission of full medical and psychological records/reports
iii.	Submission of full criminal history and specific convictions and whether the person was sentenced to life imprisonment and therefor still liable for ongoing parole.
iv.	Confirmation of name, address and contact details of the family here in Samoa to which the returnee is going to live with. (This can be done by TCU and Immigration).

¹<https://en.oxforddictionaries.com/definition/returnee> Accessed 17/05/2017.

²Samoa Returnees Charitable Trust Integration Assistance Programme http://www.samoaljs.ws/english/index.php?option=com_content&view=article&id=162:srct-integration-assistance-programme&catid=59:current-projects&Itemid=95 Accessed 09/05/2017.

³Duhaime's Law Dictionary, <http://www.duhaime.org/LegalDictionary/D/Deportation.aspx> Accessed 8/05/2017.



6.2. Noncompliance:

- i. Entry will not be granted to any suspected Samoan deportee/returnee if the Government deporting them does not comply with the above requirements.

6.3 Responsibility of Samoan Embassies Overseas.

Samoa Embassies Overseas are responsible for informing and forwarding requirements to their Host countries regarding this policy on Deportees/Returnees.

8. CHECKLIST

HOST GOVERNMENT	YES	NO, if no give reason(s) why
Confirmation of Samoan citizenship		
Medical and psychological records/reports		
Criminal history and specific convictions and whether the person was sentenced to life imprisonment and therefor still liable for ongoing parole.		
Confirmation of name, address and contact details of the family in Samoa to which the returnee is going to live with.		

8.1. Requirements upon entry into the country:

Process upon arrival for those with criminal conviction.

- 1. Immigration Officer will note name down in registry
- 2. TCU (Transnational Crime Unit) will be notified as soon as possible for their database
- 3. If the returnee has served their time they will be monitored by TCU

Process upon arrival for those without criminal convictions.

- 1. Immigration Officer will note name down in registry
- 2. TCU (Transnational Crime Unit) will be notified as soon as possible for their database

Role of the Immigration Officer.

- 1. Facilitate usual inward clearance and screening of the deportee
- 2. Cease /surrender CI issued to facilitate entry; if deportee is travelling using his/her national passport, scan onto the system, and release passport to bearer
- 3. Make copies of all relevant documents, for file records
- 4. Update immigration Deportee Registry where all personal particulars will be recorded.
- 5. Refer deportee to members of the TCU and the Returnee Trust for their usual interviews.

Role of the Transnational Crimes Unit.

- 1. Receives Notification for Criminal Deportees from Overseas (PTCCC, INTERPOL Apia, U.S Embassy etc.)
- 2. Registered in our Database and inform Samoa Returnees Charitable Trust (SRCT) on need to know bases.
- 3. Actively facilitate and attends the handover of criminal deportees at the Faleolo International Airport.



4. Interviewing them upon arrival in relation to their plans i.e. where they are going to live, family, general attitude to being deported, offences they committed follow by referral to SRCT. This allows our Unit to form a risk assessment of the criminal deportee and assign resources accordingly.
5. Provide update of any newly arrived criminal deportee records to Samoa Police Records Division.
6. Monitoring of high risk criminal deportee based on initial assessment.
7. Provides the Office of the Attorney General (AG) with the criminal history from country the criminal deportee has been deported from when they reoffend. This allows the judge to take into account the previous offending when sentencing in relation to offences committed in Samoa.

The Ministry of the Prime Minister and Cabinet can be contacted should further information or clarification is needed.