



Sasa'a le fafao?: Approaches to Return and Reintegration of Criminal Deportees (Returnees) into Samoa

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Abstract

Pacific Island states face high levels of criminal deportations arriving from the United States, Australia and New Zealand—with the expectation that returnees will simply reintegrate. However, reintegration into a country that individuals often do not remember, or know the language or cultural protocols of, can be difficult. Returnees may face social stigma and/or subsequent surveillance and legal requirements on their return: the latter known in scholarly literature as ‘crimmigration creep’. In this article, we examine the case of Samoa, which has taken a unique culture-centric approach to reintegration through the establishment of the quasi-governmental Samoa Returnees Charitable Trust, rejecting external ‘one-size-fits-all’ approaches. We argue that this exertion of Samoa’s agency has led to a delay in crimmigration creep.

Keywords: Samoa; criminal deportation; criminal deportee; reintegration; Pacific Islands.

Introduction

The Samoan proverb ‘*sasa'a le fafao*’ loosely translates as ‘new beginnings’. For people deported to their state of citizenship after committing a crime, their forced migration may not necessarily come as a new beginning, but instead on arrival they can be perceived as carrying the baggage of their prior criminality and their deporting state lifestyle into the new state (Khosravi 2018; Peutz 2010; Pereira 2011). Globally, returnees¹ often experience feelings of ‘socio-cultural dislocation, bewilderment and estrangement’ once returned to their state of citizenship (Brotherton and Barrios 2009: 42; De Noronha 2020; Hafoka 2019; Weber and Powell 2018).

States of the Global South, amongst them Pacific states, including the Independent State of Samoa (hereafter, Samoa), the Kingdom of Tonga, the Republic of Fiji, the Federated States of Micronesia and the Republic of the Marshall Islands, have been on the receiving end of the global push for ‘crimmigration’—a practice of criminalising migrants, and removing migrants found to be criminal (Golash-Boza 2015; McNeill 2021a). Receiving states are forced to manage large numbers of people who have not resided there for decades. Returnees to states in the Pacific region have often been away since childhood, returning without language skills, cultural knowledge of the social structure and behaviours, or familial ties. Given the length of time returnees have spent away from their state of citizenship, they face cultural challenges in addition to the stigma of having been deported: there is often societal reluctance to accept them for their criminality and foreign upbringing, establishing barriers to forming social networks and gaining employment opportunities (Pereira 2011; Weber and Powell 2018). Returnees are often spotlighted in the media for their prior and perceived future criminality, exacerbating public fear and negative sentiment towards them (Hafoka 2019; McNeill 2023). Compounded, these factors not only create social challenges for the individual returnee in



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their new beginning, but as the returnee population grows, it can produce potential state-level concerns regarding social disharmony or reoffending (Brotherton and Barrios 2009). Therefore, returnee reintegration, understood as ‘reacceptance into the community of law-abiding citizens’, is critical to social harmony (Braithwaite 1989: 55). Successful reintegration can be as simple as ‘gestures of reacceptance’, including generally friendly gestures of welcome, development of social networks or even employment, settled accommodation, and a non-hostile reception (Braithwaite 1989: 55).

Each state approaches returnees’ reintegration differently. Samoa is a unique case in the Pacific region, as it has a sizeable returnee population compared to the general population, and the government has innovated a culture-centric approach to supporting reintegration, resisting global one-size-fits-all approaches. This has influenced community perceptions of returnees and balanced negative aspects of criminal deportations. We analyse social and policing state reintegration management approaches taken in Samoa towards returning criminal deportees and argue that localised approaches (if properly resourced) can delay crimmigration creep and offer new beginnings for returnees. Using Samoa as an example, we seek to contribute to broader discussions of how the Global South may exert agency to respond in a localised and culture-centric manner to border criminology patterns driven by external forces of deportation otherwise outside of their control. Samoa’s case may provide lessons for other Global South states experiencing high returns.

Between 1998 and 2008, 124 returnees arrived into Samoa, 80% from the United States and the rest from Australia and New Zealand (Mackenzie 2019; Pereira 2011). However, since 2010, returnees to Samoa have numbered at least 288 (although some estimates suggest another ~190 people), almost all males returning from New Zealand (which has become the highest deporting nation to Samoa) as well as the United States and Australia (McNeill 2021a; Fox 2018).² These states not only have the largest populations of Samoans outside of Samoa, but have also intensified their deportation laws (exemplifying crimmigration) leading to the increased number of deportations.³ Prior to COVID-19, approximately 4–6 individuals returned to Samoa per month, into a population of 198,000 people—becoming noticeable to community members and law enforcement agencies (Fanene 2016; Mackenzie 2019).

We draw upon our own academic and practical experiences of criminal deportations and reintegration—one author is from a state that deports to Samoa, has lived in Samoa and undertook their PhD on deportations to Pacific Island states and their reception; the other author is a Samoan national who was the former director of the Samoa Returnees Charitable Trust (the SRCT) from 2010–2017 and remains in the security and migration arena. Our experiential analysis of the Samoan case is supplemented by a corpus of 25 local media reports in the *Samoa Observer* (2010–2020), which we found by searching the phrases ‘deport’⁴ or ‘returnee’; documents sourced from the New Zealand and Australian governments under their respective freedom of information legislation about criminal deportations to Samoa; and international media about the reception of returnees to Samoa. The *Samoa Observer* is a long-standing local newspaper reporting in English which is ‘well-regarded’ both in and outside of Samoa: reports in the *Samoa Observer* are often used for scholarly analysis (Macpherson and Macpherson 2009: 22).⁵

We assess how Samoa has adapted and rejected global returnee reintegration ‘best practice’, establishing a unique approach based on its own local cultural context for more successful outcomes. Firstly, we examine the theoretical backdrop of crimmigration creep, which sees crimmigration principles applied to citizens, not simply non-citizens (Stanley 2018). Secondly, we examine the Samoan case study: the challenges faced by returnees socially; and the activities of the SRCT to encourage reintegration. Finally, we question if there has been a shift towards crimmigration creep in Samoa, and if this was delayed by culture-centric reintegration mechanisms.

Crimmigration Creep

Coined by American legal scholar, Juliet Stumpf (2006), crimmigration describes the convergence of increasingly interconnected criminal and immigration laws and practices targeting non-citizens. Crimmigration includes three components: the overlap of criminal and migration laws; immigration enforcement resembling criminal enforcement; and prosecuting immigration violations in a way that follows criminal procedure (Stumpf 2006). Criminal deportations are the ‘apex’ of crimmigration, the practice of forcefully removing non-citizens (legally residing on visas) who breach criminal laws (Bosworth 2019: 82).⁶ Deportation is ‘an important *symbolic* function, demonstrating to citizens that states are in control’ (De Noronha 2020: 7). Control is demonstrated throughout the deportation process: criminal non-citizens initially being tried and often imprisoned for crimes; subsequently incarcerated in immigration detention; and finally, physically removed from the state. Deporting states prevent deported people’s return, effectively negating any further state interactions with those people. The majority of crimmigration literature about deportation focusses on the laws and practices of the deporting state and does not often cross borders to the receiving state—unlike the individual (Khosravi 2018; McNeill 2023).

But it is not only the deporting state that exerts control over people who have been deported. While there is nascent ethnographic literature focussed on returnees' experiences of their deportation and return (see, for example, Khosravi 2018; Hafoka 2019), we seek to assess returning state approaches to reintegration and law and order. It is important to note that returnees have already 'done their time', through sentences served prior to deportation (Bainbridge 2019). However, Stanley (2018) examined the multiple layers of punishment returnees experience *following* the initial sentence for their crime because they are non-citizens—after their sentence is served, they may be subject to a period of immigration detention; subsequent deportation without the ability to return; and then further repercussions in the receiving state. These are second, third and fourth layers of punishment, which citizens should not be subject to under the principle of double jeopardy or even *habeas corpus*.

Indeed, if the receiving state monitors and socially excludes (albeit not physically) a returning citizen based solely upon their prior criminality in another state, it is a compelling illustration of state control, given that returnees would otherwise be free citizens having served their sentence in the deporting state. Some receiving states do assert exceptional control over returnees, thereby demonstrating to other citizens that they are managing a 'potential threat' posed by 'criminal' returnees. Stanley (2018: 529) describes additional monitoring and restrictions by the receiving state and subsequent forms of exclusion as 'the ever-expanding creep of crimmigration'. In receiving states, this may look like discursive constructs of groups of migrants as criminals in the media, societal exclusion regarding 'difference'; and over-surveillance by police—conditions that many migrants first experienced in deporting states (Brotherton and Barrios 2009; Khosravi 2018; McNeill 2023).

New Zealand is the first state to mirror crimmigration following deportation (McHardy 2021; Stanley 2018). In New Zealand, when the number of criminal deportations arriving suddenly jumped in 2015 following changes to Australian deportation law, deported people were discursively constructed: portrayed as an ongoing criminal threat by media and politicians (Stanley 2018). What followed was the speedy introduction of legislation (the *Returning Offenders (Management and Information) (New Zealand) Act 2015* (ROMI Act)), which recreated parole conditions for returning deportees subjecting them to ongoing monitoring and restrictions on their movements, accommodation and activities (McHardy 2021; McNeill 2021b; Stanley 2018). Crimmigration creep through the ROMI Act effectively re-criminalises individuals after they have served their time and been subject to multiple other punishments, including their deportation, by pre-empting and punishing for future criminality.

Australia's political decision to criminalise (ordinary, non-deported) citizens returning to Australia during the COVID-19 pandemic in May 2021 led justice and legal scholar Alison Gerard (2021, para.16) to question if during Stump's conceptualisation of crimmigration, it was ever 'envisaged that citizens would be ensnared so easily in crimmigration architecture'. It appears that a 'new front for crimmigration' is developing, expanding to include the application of legal restrictions intended for non-citizens who hold limited rights, to citizens—who by all intents and purposes should hold full rights (Gerard 2021; para 1). If this is the case in New Zealand (and Australia), might it also be the case in Samoa, or can cultural approaches to social reintegration combat crimmigration creep?

Reintegration in Samoa: Societal Challenges

As a typically transnational society with more Samoans living overseas than in Samoa, there have always been articulations of the differences between *tagatanu'u Samoa aumau i fafo* (overseas Samoans) and *tagatanu'u Samoa aumau i Samoa* (Samoans in Samoa). Samoans conceive that diaspora should know the cultural protocols for re-entering society and how to behave: '*ia e iloa lou ulufale ma lou ulufafo*' (knowing the way in and out). Voluntary returning Samoan diaspora can be perceived as overestimating themselves, in an otherwise very culturally-structured society where each individual has a place, and in particular if they fail to learn the language, may be seen as *palagi* (foreigners). While even voluntary return migrants to Samoa can struggle to adapt to different cultural practices, the involuntary or forced nature of deportation exacerbates the challenges faced, creating barriers to a returnee's reintegration (Macpherson and Macpherson 2009). Culturally, Samoan returnees who are perceived to have squandered their opportunities overseas and, with their forced return, have brought a sense of shame upon their families, communities and state are often described with the phrase '*o le luma le tagata lea*' (this person is a shame).

Language acquisition, and cultural knowledge and values are claimed to be the most critical elements of successful reintegration in Samoa—relating to time spent away or having been brought up overseas (Pereira 2011; Weber and Powell 2018). Returnees who cannot navigate the entry protocols stand out like tourists, bringing with them the identity of the environment they were deported from: when returnees do not speak the language, or behave like a foreigner—speaking with accented English, behaving in non-socially appropriate ways, and not understanding or following cultural protocols, while wearing distinctive clothing—it reinforces the general view that returnees are the product of their deporting nation, having lived there for the majority of their lives. This can lead to ridicule and exclusion, and stigma—the latter being one of the most significant barriers that returnees face (Fox 2018).

Weber and Powell (2018) suggest that in Samoa, like in Central America, tattoos often make returnees stand out in their receiving states, facilitating stigmatisation. We argue that the issue of stigmatisation of returnees for having tattoos is more nuanced, as Samoan society has an ingrained culture of tattoos for both men and women with appropriate markings, symbolising *mana* (wisdom, and respect commanded through wisdom). However, the images and style of the tattoo present an issue for returnees: Westernised tattoos (including gang signifiers) would indicate that a returnee hails from elsewhere in an otherwise culturally-tattooed society, and essentially ‘others’ them. The phrase ‘*e tā muamua le gutu, ona tā ai loa lea o le tataui*’ (tattoo your tongue before your body) references that a person must first understand ones’ culture and language and serve the community before getting a culturally-appropriate tattoo as a rite of passage. It is one indication that returnees with Westernised tattoos may also not fit into society linguistically or culturally. Returnees in Samoa are reluctant to remove their shirts in public, not wanting to risk community disdain for prison tattoos as they shame the village, with community members effectively asking ‘when are you going to get a *real* tattoo?’. Those subjected to this exposure may be quickly and physically ‘educated’ by the village, that their tattoos advertise their shameful former lives and previous ‘prison identity’, reflecting poorly upon their immediate community.

Many returnees find it difficult to shake the label of ‘criminal deportee’, particularly in small communities like Samoa where information is easily spread. Returnees can be the subject of scorn, or blame for any perceived criminality, despite there being no formal statistics regarding returnee reoffending (Bainbridge 2019). Local communities in Samoa blame returnees for being a bad influence on younger members of the community, encouraging under-age drinking and other anti-social behaviours (Fox 2018; Weber and Powell 2018). The perception of ongoing criminality also creates a sense of fear in the population, of the threat that returnees *may* pose, even if imagined.

It has been stated of Samoa that ‘reception of criminal deportees in the village was said to vary, but was generally expected, at least initially, to be hostile’ (Weber and Powell 2018: 212). While there have been no *officially* reported cases of violence against returnees in the relatively peaceful society of Samoa, *aumāga* (untitled men) have previously been known to conduct an ‘orientation’ for deportees, including physical harm. While this can be a rude awakening for newly-arrived returnees, to date, formal complaints have not been lodged, likely due to fear of reprisal or greater exclusion. Societal stigma also compounds challenges to gaining employment (often in informal economies where untitled men are expected to contribute to the village through informal employment) and creating bonds with social networks such as ‘*aiga* (family) and the general public who widely believe that returnees ‘got what they deserved’ (quoted in Weber and Powell 2018: 217).

Despite facing significant challenges, access to mental health services specifically for returnees is difficult (in part due to the limited resources of the Samoan healthcare system). One interviewee in Weber and Powell’s (2018: 217) study asserted that ‘from the human rights perspective, whether or not they get access to health services and training and things like that, nobody was interested’. These are services that other citizens can receive as entitlements: as such, returnees were distinguished as ‘outsiders’ or a ‘different’ segment of the population, causing them to receive differentiated support and treatment.

Seeing the societal challenges that returnees were facing, and acknowledging the potential for wider problems and reoffending if these social challenges were not addressed, the Government of Samoa sought to act by implementing a social reintegration mechanism. We now turn our attention to a discussion of this.

Reintegration in Samoa: Samoa Returnees Charitable Trust

Samoa realised relatively early that there was likely to be an increased number of returnees to the state within the global ‘crimmigration’ landscape, and that this could have a significant societal impact in a small population (Fox 2018). Following a 2008 Pacific Islands Forum report and discussion with regional law enforcement bodies that ‘criminal deportees’ were likely to become a regional law enforcement and security issue, and the subsequent release of the 2011 United Nations (UN) *Return[ed] to Paradise* report, Samoa sought to manage the reintegration of returnees in an innovative, culturally-appropriate way, creating a template for the Pacific region (Mackenzie 2019; Pereira 2011). However, there were tensions between the UN agencies that wanted to implement a generic plan, and the state which recognised that a cultural approach was needed to ensure the successful reintegration of returnees into society while simultaneously shaping societal attitudes about returnees.

There is often an assumption that externally-designed programmes intended to fit many states of the Global South will just be accepted and adopted by these states; however, externally-imposed programmes are often impractical, and lack local context or leadership (Guttenbeil-Likiliki 2022). Instead, Samoa’s rejection of the UN plan and its localisation to fit a Samoan cultural format is akin to the ‘vernacularisation’ and ‘co-presence’ of local and global human rights programmes in Fiji (Jolly 2016; Merry 2006). Jolly (2016: 344) understood these processes as mediation between two worldviews, ‘a reciprocal flow of meanings, values and powers’. If the UN plan had been simply copied in Samoa, it would not have worked, due to the lack of

fa'a Samoa (the Samoan way). *Fa'a Samoa* needed to be central to any reintegration efforts, centring local context and leadership. Importantly, practising culturally-appropriate localised reintegration also enabled support workers to continue to reside within small communities without facing challenging questions from other community members about their jobs and the people they assisted.

The first example of Samoa rejecting global suggestions involved the UN's proposal to provide a cell phone and payment of SAT\$300 to returnees on their arrival.⁷ In a state where the minimum wage is SAT\$3/hour, this equated to more than two weeks' pay. The proposal of a cash payment clashed with Samoan societal expectations of earning a wage and sharing money with the wider '*aiga*'. Both the payment and cell phone represent individual benefits, which were ill-conceived proposals for a communal society where fostering relationships and interacting is seen as more important than finances. The phone and cash proposal was therefore excluded from the Samoan plan. Instead of handouts, officials sought support from the village women's committees, the village mayors and *fai'feau* (religious leaders) to welcome the deportees into their new 'home'. In addition to providing support services such as counselling, officials facilitated community interactions with people whom returnees would typically have no positive interactions, such as police and judges. These interactions would help returnees better understand the society that they were engaging with and, conversely, allow those in power to understand the predicaments of returnees.

The Samoan government, through the Attorney-General's office, 'proactively' established the SRCT in late 2010 (Mackenzie 2019: 12). The SRCT took a holistic approach to reintegration, including government officials, deportees, representatives of the church (important in Samoan society), Chamber of Commerce, US Veterans of Samoa and non-governmental organisations on the governing Board. The SRCT's members provide counselling, spiritual guidance, classes focussing on *fa'a Samoa*,⁸ and skills for seeking employment, such as computer classes. Their endeavours were supported at a high level, with the then Prime Minister (as patron of the SRCT) providing his allocated government residence to the SRCT as a halfway house for emergency accommodation and counselling, and a base for training and other support. In addition, the SRCT's leadership garnered positive relationships with local village mayors, clergy and government officials in multiple agencies responsible for interacting with returnees. This level of connection with local leaders and positions of authority was critical to establishing trust and shaping the community narrative about returnees.

In contrast to the crimmigration creep narrative which often coincides with a rise in returnees, the SRCT undertook a positive media blitz. The first element of this was changing the discourse of 'criminal deportees' to 'returnees', removing connotations of ongoing criminality and exclusion attached to the term 'deportee', and shaping the narrative towards inclusivity. While initially there was pushback from police about 'bad boys' getting 'good press', the SRCT convinced them that societal acceptance was important in the reintegration process. To this end, the semantic shift was taken up by senior government officials, who continued to use this language when discussing successful reintegration: 're-engagement through the *matais* [chiefs], *fai'feaus* [religious leaders] and the village communities have been successful as evidenced by returnees Papalii Siva Afi and Lemalu Toilolo' (Leo 2018). This semantic shift and reiteration at high levels affected the initial perception of returnees and generated public willingness to accept them.

In addition, the SRCT rejected and shifted the 'first impression' of returnees on their arrival at Faleolo International Airport. Returnees from the US are particularly conspicuous on their arrival in Pacific state airports, as they are still handcuffed, shackled, clothed in prison attire, and accompanied by overseas police. Local police receive them in a handover, then go through a series of interviews and searches—making the returnee stand out even more, profiled before they have even officially entered the country. In addition, in close-knit communities, word gets around quickly, and it can be known in the village that a deportee has arrived before they even set foot outside of the airport, compounding challenges on arrival. The SRCT sought to change this and they worked with US officials to ensure that returnees were no longer cuffed or shackled when they were brought off the airport tarmac. They also requested that Pacific Islander police officers (or those with a close relationship to the Pacific) would manage the transfer, and that local police who received the returnees were plain-clothed and undertook the interview in a private room away from the other passengers. SRCT representatives then provided a smiling face on arrival (often a returnee with lived experience) and safe escort from the airport. This mitigated the shock and potential embarrassment for returnees, as well as the risk of stress-induced acting out.

The next step in setting the narrative of returnees as part of the community relied-upon effort from the SRCT leadership in localising the original UN reintegration guidance. Initially, there was some pushback from the community that 'deportees' were getting support despite not having contributed themselves. In Samoa, the proverb '*o le ala i le pule o le tautua*' iterates that the pathway to leadership is through service, indicating that one must be involved in the community and support communal activities to be respected. For returnees, service was a way to show that they deserved a second chance, that they belonged. To demonstrate their contribution, the SRCT organised for returnees to paint the chapel and hall of the Mapuifagalele aged care facility, in return for counsel and fellowship. The elderly and clergy are both highly respected in Samoan society, so tangible support for the Catholic nuns who run the facility was significant in changing the societal perspective towards returnees. The

facility held a ceremony to thank the returnees for their service, which in turn created the impetus for further community outreach by the SRCT.

The SRCT could then guide the tone of the public discourse about returnees by providing press releases to the local media when returnees undertook community outreach initiatives, to garner public support (Samoa Observer 2016, 2017; Tuilulu'u 2017). They were actively engaged with the local media to frame returnees positively, posting on the SRCT Facebook page even when returnees were misidentified:

we welcome a positive news story about the SRCT support of recent returnees, and thank them for clarifying recent discussions about who gets deported to Samoa. We also thank them for responding to our request for choosing a more appropriate photo that does not irresponsibly portray rehabilitated members, as new deportees. (Samoa Returnees Charitable Trust (SRCT) 2018a)

Reshaping the narrative worked, with some villages willing to 'modify community practises, to be more supportive of deportees' (Weber and Powell 2018: 212). However, most villages continued to leave it to the returnee to prove their reformation to the community.

SRCT activities with returnees were numerous and included: cleaning up beaches and public spaces; running barbeques and stalls to raise funds for gifts for children in intensive care and paediatric units at the hospital; painting a local preschool with donated supplies; and participating in working bees at the New Zealand High Commission grounds (ironically, a deporting state). The most prominent campaigns were anti-violence, and enabled returnees to display their remorse and rehabilitation from previous offending (Mackenzie 2019; Samoa Observer 2017). The *Act Right, Do Right* proactive intervention campaign took returnees into secondary schools in both urban and rural areas where young people had been fighting, and had them share their stories of incarceration and deportation, to deter young people from violent activity (Samoa Observer 2017). Two other campaigns, one called *Reality Check, Safe Man Safe Family Champions* and the other *Returnees Against Violence*, were similarly proactive intervention programmes aimed at the prevention of family violence: an issue of which many returnees had personal experience (Mackenzie 2019). These programmes were not just helpful for the participants but acted therapeutically for returnees. Returnees also regularly featured on the *Ola Toefuataiina* radio programme, discussing their hardships prior to and post-deportation and proffering messages of non-violence to the community (SRCT 2018b). This outreach had positive effects, with the message being shared amongst families, business owners and government officials, many of whom were able to offer returnees employment and opportunities to reintegrate.

Much of the SRCT rhetoric focussed on reformation and repentance: framing the returnees as worthy of a 'second chance' (Tuilulu'u 2017, para.1), and 'repair[ing] broken men' (Samoa Observer 2016, para.5)—thereby highlighting the opportunity for *sasa'a le fafao*, or a new beginning. Samoa is officially a Christian state, and much of the everyday language in meetings and media has religious connotations. This is particularly true for SRCT press releases; one of the key drivers of the SRCT, former WWF-wrestler and returnee Papaliitele Siva Afi Max Taogaga is a certified Christian minister, and the SRCT often described returnees as 'our prodigal sons from overseas' (Mackenzie quoted in Fanene 2016, para.11; Fox 2018). It is notable that these biblical verses and discourse reflected the gendered nature of deportations. Setting the narrative of returnees as 'prodigal sons of Samoa' indicated to the community that returnees were remorseful for their past transgressions and had paid their debts to society—if not *this* society. The biblical reference and message highlighted that, despite the shame the returnee may have caused to themselves and their communities by association, forgiveness is essential to reformation: that the returnees have 'wronged' but now they are home and can be 'found' by being welcomed back.⁹ The SRCT's *Operation Luke (Prodigal Sons of Samoa)* worked with the private sector to seek donations of food, clothing and gifts for sick children in hospital. This was done in the centre of Apia, the capital city—not only showing community spirit but also providing returnees with the opportunity to interact with locals who, following the interaction, found returnees less intimidating. Braithwaite (1989: 162) also argues that while 'the Prodigal Son is hardly one of our leading folk heroes', the cultures which do have 'models of adopting the repentant role will be cultures which succeed in shaming that is reintegrative'. This reintegrative approach of forgiving those that have sinned (while also showing that their sin is not acceptable) might be effective in deterring reoffending. While most returnees were not religious; they wanted to do the 'right thing' and to reintegrate, and this was one localised way of doing so.

The SRCT model worked because it adapted the initial UN plan, while localising it to ensure that cultural elements of reintegration would be central, knowing that this would make returnees more welcomed by the community. Rejecting the external plan and adopting a programme which centred cultural context appeared successful at reducing the stigmatisation of returnees by the community, and the SRCT was given an award by the European Union, Australian and Samoan Government Civil Society Support Programme for excellence in promoting community safety and rehabilitation (Mackenzie 2019).

The SRCT was promoted as a way for returnees to see that they had ‘rights as citizens of Samoa, as brothers of Samoa, fathers and sons of Samoa’ (Koria quoted in Vui-Talitu 2018, para.10). However, the ‘co-presence’ of global human rights norms with the Samoan cultural context also had its challenges. Membership of the SRCT for returnees was voluntary rather than mandatory. This meant that the SRCT only had 60 members in 2015, not the total number of returnees to the state (Samoa Law Reform Commission (SLRC) 2015). Despite there being positive outcomes for those who participated in the SRCT, the vast majority of returnees chose not to participate, and only about half those who signed up participated in the SRCT’s activities (Fox 2018). Returnees often did not want to join, or, if they did, they would not disclose their full names to the SRCT, as it was seen to be too close a link to government and law enforcement. As returnees had spent a long period institutionalised, any link to officials could be perceived as a threat to the returnees. Privacy restrictions meant that the SRCT could not ask for any details of returnees (such as full name or address), and limited information was provided by the police force, which instead ‘encourage[d] the deportee to reveal this information when they are ready to do so’ (SLRC 2015: 21). Limited provision of information made supporting individuals difficult, particularly where there were concerns about mental health, or proximity to triggers for reoffending. Limited information-sharing also posed potential safety risks for the SRCT staff (SLRC 2015). The SRCT and government considered making membership of the SRCT mandatory in 2018 (Fox 2018), but this never eventuated. By 2019, the SRCT had 200 members (Tupufia-Ah Tong 2019), and by 2023, membership was estimated at over 300.¹⁰

The Creep of Crimmigration?

In mid-2017, a number of factors collided, with increasing reoffending, diplomatic and regional involvement, and a change of leadership in both the police force and the SRCT, ultimately shifting the tone in Samoa about returnees. Under its new leadership, the SRCT refocused its operations towards individual support for returnees, resulting in a decrease in media engagement. Similarly, an American-trained Police Commissioner took the reins of the police department, and refocused approaches towards law and order. Together, these factors saw some creep towards crimmigration, particularly in the public discourse and state-led activities, although crimmigration creep did not fully eventuate, likely due to the commitment to the value of culture-led reintegration.

In a Global South state with already-limited public resources, returnees who chose not to be part of the SRCT had even less access to reintegration assistance. It is suggested that this had an effect on recidivism, as one of the authors recalls no members of the SRCT reoffending between 2010–2017. However, there were instances of reoffending from those returnees who stayed outside the programme. There were recorded instances of returnees ‘engaging in serious criminal activity on return, including by a sex offender and an armed bank robbery’ and of serious assaults by returnees (New Zealand Ministry of Foreign Affairs and Trade (MFAT) 2020). Official returnee reoffending rates are not kept in Samoa, but in 2019, the SRCT estimated that between 1–2% of returnees reoffended (Bainbridge 2019).¹¹ As returnee recidivism increased, it was reported with the typical ‘law and order’ framing, portraying the returnees’ criminal histories and overseas-learned criminality as threats to public order. The Samoan Police Commissioner also entered into this discourse, stating that ‘these people have been convicted of crimes overseas and these crimes could be violent, sexual, drugs... we are not concerned about overstayers – just those who have a criminal background’ (Keil quoted in Feagaimaali’i-Luamanu 2019, para.4).

The SRCT’s purpose and the support provided to returnees became counterbalanced with risk-based reasoning: ‘as a deterrence to prevent the participants from making bad choices and heading down the wrong path’ and to warn of ‘the negative impact of such people in the community if they are not looked after’ (Tuilulu’u 2017, para.12, 7). It began to include ‘a monitoring role aimed at preventing future offending’ (Weber and Powell 2018: 221). This shift reflected the membership fears expressed earlier by returnees, of the SRCT’s close ties to officials. Returnees were increasingly described in such terms as ‘an at-risk group who needs special attention to prevent becoming repeat offenders’ (Samoa Observer 2018). While this was always one of the underlying purposes of the SRCT, it was not previously overtly stated, with the societal reintegration put at the forefront for many years. The change was distinct, and reflected by the government rhetoric. Despite earlier efforts by the SRCT (and support by government) to redefine the cohort as ‘returnees’, the language regarding enforcement shifted back to ‘deportees’ in some media interviews with senior government officials and government documents (inter alia: Feagaimaali’i-Luamanu 2018; Government of Samoa (GoS) 2018), showing a discursive move towards crimmigration creep. While the term ‘returnees’ remains more popular in Samoa, including by most government officials to this day, the blip in reverting back to the negative construction of ‘deportees’ demonstrated a change in tone associated with increased reoffending and a change in leadership in the SRCT.

The tone of increasing criminality and risk blended with the government’s messaging stating that the community ‘should not be alarmed’ about new returnees arriving, distinguishing that ‘they are convicted of assault, armed with a dangerous weapon. There are no convicted murderer[s], drug dealers or sex offenders among the crowd’ (Leo quoted in Feagaimaali’i-Luamanu 2018, para.1, 4). While this reduces the perceived threat level, it is also couched in terms of risk in that some are violent

offenders. Selecting particular offences in statements such as this enables the government to escalate or de-escalate the perceived threat by the public. Accumulated unease of the public and government officials amounted to ‘major concerns to the security and safety of the community and the country at large’ (Leo quoted in Fox 2018) and gave rise to thoughts that ‘Samoa’s peaceful environment is not safe anymore’ (Afi quoted in Fox 2018). Notably, ‘deportees’ were included as an issue to be addressed in the *National Security Policy* in 2018 (GoS 2018). Therefore, the inherent message was that there is a significant security risk posed to Samoa by returnees. The shift in rhetoric, and subsequently in public perception, drove a shift towards crimmigration practices.

In 2018, the government started considering what it could do to manage returnees in a more state-centric traditional policing manner. Political elites noted that Samoa has ‘laws in place in case a crime is committed by these people’ (Leo quoted in Feagaimaali’i-Luamanu 2018, para.25). While this statement refers to existing laws which hold legal consequences for undertaking criminal activity in Samoa, there were tensions about how returnees who reoffended could be sentenced. Questions were raised about whether judges should be taking returnees’ prior overseas offending into account when sentencing returnees who reoffended in Samoa (as is the case in neighbouring Tonga).

In lieu of changing sentencing laws, Samoa moved further towards surveillance of returnees: ‘in the meantime, we have the Transnational Crime Unit and the Police who have access to the deportees’ criminal record and they will closely monitor them’ (Leo quoted in Feagaimaali’i-Luamanu 2018, para.20). The enforcement model is also far from the social support model promoted by the SRCT. Any other returning citizen could not justifiably have restrictions or surveillance imposed upon them, and (except in the case of reoffending) returnees (having served their sentences overseas) are otherwise free citizens. As Samoan returnees have stated, ‘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’ (Tuilolo quoted in Bainbridge 2019).

Prior to this policing initiative, the only monitoring that had occurred after returnees’ arrival at the airport was informally through the SRCT, which called returnees who were SRCT members weekly to check in on them (SLRC 2015). The SRCT’s work was mentioned during the period of heightened police interest as ‘important as it strives to ensure they don’t reoffend’, but at this point it was distinctly less prioritised than the proposed policing model (Feagaimaali’i-Luamanu 2019, para.7). Indeed, there was no financial resourcing from the government to the SRCT at this point other than to provide the premises they worked from, in contrast to government-funded police interventions (MFAT 2020). The SRCT had been reliant on donations and fundraising since 2014, when Australian aid stopped funding the project (although one-off grants were provided in 2018 to support the *Alternatives to Violence Programme Samoa*) (Department of Foreign Affairs and Trade (DFAT) 2021). In 2020, the Samoan government began funding the SRCT for the director’s salary, rent for the office space, and minimal operational costs (McNeill 2023).

In 2018, the Samoan government proposed a Sex Offenders Registry, in part to track the 32% of returnees who had been deported for sexual offences (Fox 2018). Indeed, the earlier report on a proposed sex offender’s registry had a significant section dedicated to monitoring returnees (SLRC 2015). This is likely due to one instance of reoffending, where a returnee (not affiliated with the SRCT) was charged with 13 counts of raping his biological daughter on his return to Samoa (Fox 2018).¹² The Sex Offenders Registry was signed into law in 2018, with the aim of ‘reduc[ing] re-offending by requiring people who’ve been convicted of sex crimes to provide police with their details and keep them informed of their whereabouts’ (RNZ News (RNZ) 2018). The SRCT had difficulties correlating returnees’ data and sexual offending on the register, and instead developed their own database. Interestingly, the SRCT was supportive of such a law: ‘we have been instrumental in pushing for stronger laws (legislation) such as the “Sex Offenders Registry” and something similar to the “Returned Offenders Act” between Australia and New Zealand in regard to criminal deportees having similar parole or probation conditions managed by the courts’ (Seva’aetasi 2017, para.4).

In 2019, the Samoan government (through the Minister for Police) introduced a Bill modelled upon New Zealand’s ROMI Act—presented as the *Returning Offenders Bill 2019* (Feagaimaali’i-Luamanu 2019; McNeill 2021a). The Samoan Police Commissioner stated that the introduction of the Bill was to give ‘more monitoring power around deportees coming in’ (quoted in Tupufia-Ah Tong 2019, para.5) because ‘we don’t have any laws that track the movement of these people who are deported back to Samoa’ (quoted in Feagaimaali’i-Luamanu 2019, para.3). The focus on monitoring returnees after their arrival was high. Indeed, the Bill proposed that all returnees report to a parole office on their arrival, they could be subject to detention for the purposes of gaining information, they would have their employment and accommodation approved by a parole officer, and they would be only able to interact with certain people both at home and at work (see McNeill 2021a for details). In seeking to control their lives, it sought to ensure that individuals could be tracked and their details taken, with the ability for police officers to obtain a warrant to enter the premises of any returnee. In essence, it would place returnees under parole conditions on arrival, in a state where they have not offended. This onerous measure would be extremely unusual in under-resourced developing

states and provides an example of crimmigration creep targeted towards returnees. At the time the Bill was tabled (under the new leadership of the SRCT), the SRCT stated that policing returnees was not ‘that simple’, and that the Bill proposed excessive power by police towards returnees (Tuilolo quoted in Bainbridge 2019). Feedback from the SRCT at this point was helpful in delaying crimmigration creep in Samoa.

Ultimately, the Returning Offenders Bill was removed from parliamentary sittings, and sent back to the Attorney General’s office to be revised. The Bill was deemed to be rushed and not well-considered. While a new version remained in development, an election occurred in 2021 and the new government has not prioritised the issue of returnees. At this point, it is unclear if the law will be re-tabled; however, it may become reprioritised if another serious instance of reoffending occurs. The COVID-19 pandemic, while not completely ceasing deportations to Samoa, reduced inbound returnees significantly (McNeill 2021b), with only approximately 30 people arriving between August 2022 (when borders re-opened) and September 2023. This reduction may have again appeased local concerns about an ‘influx’ of returnees. Whether crimmigration creep has been halted, we are yet to see.

Conclusion

In this article, we have offered the example of Samoa as a Global South state managing the challenge of returning deportees and explored the societal and legal mechanisms used; there remain opportunities for future research to explore how localised reintegration models can delay the onset of crimmigration creep in other areas of the Global South. With an increasing number of Global South states, particularly in the Pacific, experiencing an increase in returnee arrivals, border criminology literature should cross the border alongside deportations, and begin to look at the ‘new front for crimmigration’ and criminogenic turns in returnees’ reintegration (Gerard 2021, para.1). Samoa did not see a sudden change in laws, but instead experienced a slow creep towards considering possible changes; therefore, we suggest that the efforts by the SRCT delayed crimmigration creep and may have ultimately prevented it, given the legislation was never passed. Samoa’s case appears to be unique in the Pacific due to the localised cultural support and public outreach undertaken by the SRCT to change public perceptions and delay crimmigration creep, unlike the sudden shift towards crimmigration seen in New Zealand. But while the SRCT shows one possible example of a localised response to assist with reintegration challenges—so much so that the organisation is now returnee-led—other state-led responses in the same state show just how easy it is for crimmigration creep to occur when pushback diminishes, due to changes in funding and strategy. A noteworthy point for policymakers here is how important and sustainable localised social reintegration interventions and resourcing are when dealing with returnees. Localised voluntary reintegration support mechanisms can help establish a new beginning for returnees, despite challenges to reintegration from limited resources, and returnees arriving after long periods away without language or cultural experience.

Acknowledgements

The authors would like to thank Maualaivao Maima Koro for her feedback on an early draft; special issue editors Miranda Forsyth, Gisa Moses Faleolo and Felicity Tepper, for facilitating the article’s progress; and the anonymous peer reviewers for their assistance in improving the article.

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¹ As in Samoa, we refer to the cohort of returned citizens who have offended overseas as ‘returnees’.

² Five women are known to be amongst this returnee cohort (Interview conducted 26 September 2023). This follows global patterns of deportation. There is little known about the gendered differences of return in the Pacific region given the small female population of returnees. Anecdotal evidence suggests that women returned to Pacific states tend to ‘slip back in’ more easily and are less obvious than men, exposing them to less stigma. However, this is an area for further research.

³³ Notably, New Zealand has also received a large number of returnees deported from Australia, creating similar reintegration challenges for returnees as in Samoa, albeit with a shared language and met by additional resources (Stanley 2018; McNeill 2021a).

⁴ Inclusive of ‘deport’, ‘deported’, ‘deporting’, ‘deportee’ and ‘deportation’.

⁵ While there are other newspapers in Samoa, they are more difficult to access outside of Samoa, and some are government-run, removing media independence.

⁶ In addition to deportation, significant crimmigration literature focusses around states prosecuting the ‘illegal’ entry of migrants (Stumpf 2006).

⁷ Other countries offer similar services through welfare systems, such as New Zealand’s Steps to Freedom grant, which can support initial payments for housing, living expenses and set-up costs.

⁸ The Samoan way, inclusive of Samoan cultural values and behaviours. This included returnees learning their genealogy and lineage, which is critical to participating in Samoan culture.

⁹ This is a reference to a biblical parable about two brothers, one of whom asks for his inheritance early, leaves and squanders it in ‘wild living’, thereby disgracing the family—referred to as the prodigal son; the other who stays and serves his father loyally. When the prodigal son returns, his father celebrates while the begrudging brother feels slighted by the joyous reception of the ‘returnee’. His father explains his celebration as forgiveness, the brother learning that ‘this brother of yours was dead and is alive again, he was lost and is found’ (Luke 15:11-32, The Holy Bible, 1948).

¹⁰ Interview conducted 26 September 2023.

¹¹ This estimate excludes returnees outside of the SRCT programme.

¹² Incest and sexual abuse cases are notably ‘too common in Samoa’, including outside of the returnee community (Paese quoted in RNZ 2009).

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