The Center had the privilege of welcoming acclaimed poet and Georgetown University Professor of English Carolyn Forché of on November 19. She shared a presentation entitled “A Poet’s Journey from El Salvador to 2014: Witness in the Light of Conscience” in commemoration of the 25th anniversary of the assassination of six Jesuits and their two companions in San Salvador on November 16, 1989. The Jesuits worked to alleviate poverty, change structures that divided the world, and ultimately contributed to peace and justice by helping to end the civil war in the region. In his introduction, Center Director David Hollenbach SJ stated that the presentation was intended to honor the courage of the victims, show gratitude for their commitment, and provide inspiration for the audience. He went on to introduce Professor Forché as a poet renowned for her witness to the struggles of the oppressed.

Prior to the start of the civil war in El Salvador in the early 1980s, death squads were responsible for the disappearance of more than a thousand civilians each month. These civilians included priests, nuns, doctors, activists, and students who were believed to work and care for the poor. Despite the violence, Forché, who lived in El Salvador in years leading up to the civil war, found that people in the area would readily give their lives for one another, describing this unique capability as a sort of spiritual protection. During her first few weeks in the country, Forché learned about the recent implementation of a law which prohibited any acts that were in opposition to the military regime. Such offenses were punishable by imprisonment. To civilians and activists alike, the law was seen as a means to legalize repression. Furthermore, local Salvadorans lamented that only the lucky ones would have an actual trial for their offenses; the unlucky ones simply disappeared. Such disappearances left family members and communities unaware of the fates of the missing.

In her presentation, Forché shared poetry and excerpts from her memoir-in-progress in an effort to detail her journey in El Salvador. She traveled to the region in 1978 to translate the work of Salvadoran poets, which vividly documented incidents of repression. She stated that the writings were so poignant that she often found it difficult to separate literal from figurative truth found in the poems. Her initial visit correlated with the first human rights investigation in the country and she continued to document reports of the atrocities after the investigators departed. After sending her research to Amnesty International, she was encouraged to continue to investigate the fates of those who disappeared. Over the
Center Notes & Events

Selected stories and events the Center hosted in collaboration with other Boston College departments and groups in the Fall 2014 semester.

Notes:

» The Center’s partnership with the Jesuit Refugee Service (JRS) produced a new publication on the Values of JRS. The publication pairs poignant stories of refugees’ lives and struggles with theological reflections on their significance, highlighting seven of JRS’ key values from their strategic plan: compassion, hope, dignity, solidarity, hospitality, justice, and participation. It can be viewed on the new Resources section of the Center’s website: www.bc.edu/humanrights/resources

» This fall, the Center released its English for Speakers of Other Languages (ESOL)/Know Your Rights toolkit. The toolkit is available for use by ESOL teachers to help incorporate concepts of human rights and practical legal guidance into immigrant language learners’ curriculum. Read more about the toolkit and find the link to it in the story on page 4.

» The Center is looking for two BC undergraduate interns for the summer of 2014. Application deadline is March 9. See the Center website for details.

» The Center is once again offering summer research grants to a select number of BC undergraduate and graduate students in 2014. Application deadline March 16. Details available on the Center website.

» BC undergraduate students that received summer research grants from the Center over the last year will be presenting their findings on campus at BC’s Undergraduate Research Symposium on January 30, 2015.

» To keep up with Center news and to receive reminders of upcoming events, sign up for the Center’s listserv (electronic mailing list) at www.bc.edu/humanrights/mailinglist.

Events:

» On October 21, 2014, the Center co-sponsored a presentation entitled “From Hollywood to Haiti: A Filmmaker’s Journey with the Poor,” with Gerard T. Straub, Founder and President of Pax et Bonum Communications.

» On October 24, the Center hosted a panel presentation entitled “Crossing Borders: Organizing in El Salvador and the U.S. for Alternatives to Immigration.” Activists from both El Salvador and the Greater Boston area, and a recently arrived ten-year-old boy from El Salvador presented on the issues in El Salvador driving migration to the US and possible responses to mitigate factors driving the migration. Also discussed was how to humanely respond to the influx of migrants from these areas to the US, many fleeing rampant violence and poverty.

» On October 27, 2014, the Center co-sponsored a talk by the Most Rev. Archbishop Thomas Wenski of Miami, FL, entitled “I was a stranger and you welcomed me: A Catholic Vision for Immigration Reform.” The talk explored the Catholic Church’s position on what would constitute a fair and humane version of reform to the immigration system in the US.
Center Affiliated Faculty Member Leads Legal Team to Key Victory Preventing Deportation of Mentally Ill Client

Center affiliated faculty member Mary Holper, Associate Clinical Professor at Boston College Law School, and an interdisciplinary team of students at BC, recently won a remarkable decision in a Massachusetts immigration court to allow a young Jamaican man with mental illness to avoid deportation and remain in the US.

The Immigration Clinic at the BC Law School, supervised by Holper, received a referral at the beginning of the fall semester. The client, not yet 21, had previously been before the court unrepresented by legal counsel and issued a deportation order by a judge. He was in detention and was soon to be sent back to Jamaica. Upon taking the case, Holper and her team of two law students on the case, Jonathan Bard and Xing-Yin Ni, suspected the judge had not properly considered the mental illness of the client, given he did not raise that in his defense, unrepresented as he was. They quickly moved to file a motion to reopen the case, which is rarely granted and which Holper said is generally regarded as akin to bringing a case “back from the dead.”

The team quickly scrambled to put together medical records demonstrating the client’s mental illness, including declarations from the client and his sister, who was the only family member he had left in the US after his father was deported. All within a couple of days, the team presented the case and the judge granted the motion to reopen.

The team then moved to file for a withholding of removal under the non-refoulement provision of the Refugee Convention, and under Article 3 of the Convention against Torture, as well as an asylum claim on human rights grounds. These are all international laws adopted by the US as domestic statutory and regulatory law. Under asylum law and the Refugee Convention, a successful claim must prove that the claimant fits into an accepted definition of a persecuted social class in his or her home country. In this case, Holper and the team made the argument that the client’s mental illness would cause him to be persecuted by the authorities in Jamaica. The team tracked down an expert witness on Jamaican law enforcement they had read about in another case, and she testified to the brutal treatment of the mentally ill by law enforcement authorities. Central to the evidence she provided was a study by a Jamaican governmental commission that found that an astonishing 75% of confrontations between the police and the mentally ill result in the death of the mentally ill person. The team was able to show that if deported, the client would most likely end up in the law enforcement system and significant harm would come to him as a result.

The client had been shuttled among several jails in Massachusetts, but was still provided treatment for his mental illness. The help of a BC Social Work graduate student, Jane Margolis, who is also part of the Immigration Clinic, helped to manage this aspect of the case and her supervisor, Lynn Barenberg, Lecturer in Law at the BC Law School, was also prepared to testify on the client’s behalf at the hearing.

The ultimate decision of the judge was to grant the withholding of removal and the Convention Against Torture claims, but the asylum claim was denied. Weeks later, the government declined to appeal and the client was released from detention. The next step for the team is to try to get the client Special Immigrant Juvenile status, with the help of the Juvenile Rights Advocacy Project, another clinic at the law school. Given the client’s precarious family situation in the US and his youth, he may be eligible for this status which would entitle him to permanent resident status, sometimes known as a "green card", and give him a more secure status to stay in the US over the long term.

Asked about the human rights significance of the case, Holper said, “I think it’s really important partially just to show the importance of representation...if everybody actually had free representation, much more could be done in terms of getting eligible petitioners to stay in the United States. So I think that’s a basic human rights issue that is demonstrated here.” Holper added that there is also an important issue in the implementation of the Torture and Refugee conventions under US law, as the provisions in the conventions themselves are generous, but the implementation here in the US is very restrictive. She also highlighted the injustice in the narrow way torture is defined in the US in considering who can apply for protection under the convention’s auspices, but at the same time accepting a broader definition in prosecuting torture-related crimes in US courts. As Holper observed, citing this discrepancy, “It seems to me that if we are talking about protection, we should be a little bit more generous in that area in the definition of what torture is.”
Following months, Forché worked closely with Salvadorans, who provided unconditional support and guided her to discover her own country’s complicity in the abuses in the region.

During her time in the country, Forché witnessed numerous human rights abuses and tragedies firsthand. She shared with the audience her reaction to witnessing an abduction and visiting a prison with inhuman conditions. She was shocked by the instances of injustice that she discovered and found her fate intricately tied to those she worked with in El Salvador. Through her work, Forché stated that she was charged with imparting hope even during instances when she herself was not hopeful. In doing so, she made silent vows that she would find those who were missing and continuously searched for the faces of those who disappeared amongst the deceased. Forché stated that her work was influenced by the belief that we are responsible not for what befalls us, but for our response to each moment and called the audience to refrain from hopelessness by meeting each moment according to this belief.

Video of this event may be viewed online at [www.bc.edu/humanrights/Videos](http://www.bc.edu/humanrights/Videos).
Center Visiting Scholar Conducts Participatory Action Research Project with Guatemalan Community in Greater Boston

Center Visiting Scholar Rogelia Cruz Estrada is currently undertaking research here in the Greater Boston area on Guatemalan immigrants and some of the characteristics of this population in the area. A social anthropologist, and from Guatemala herself, Cruz Estrada is conducting a mapping exercise with a participatory and action component on the Guatemalan communities in the Greater Boston area, in conjunction with the Center’s Migration and Human Rights Project (MHRP). Recent MHRP research conducted together with three migrant rights organizations in Greater Boston suggests that area Guatemalans are not very involved in community organizations, and that churches where Guatemalans gather to pray and seek community are often not very well informed about the threats their congregants, many of whom are undocumented immigrants, may face in their lives.

To help address this, Cruz Estrada has been doing field research to get data on characteristics of Guatemalan immigrants in Massachusetts such as: where they live in Massachusetts; what is their ethnic and economic makeup; what are the problems they identify as facing, including but not limited to those related to possible issues with undocumented immigration status; and how they socialize and organize themselves in the community. Cruz Estrada, however, did not want to simply follow a traditional research model, where a researcher comes to collect data from a community and then the findings are later dispersed only in academic journals and academic circles. As she says, “I wanted this research to be one of both research and action. I believe in the vision of a researcher not just taking but also having something to offer as well”.

To this end, Cruz Estrada plans to share her findings with the community when the mapping portion of the project is done later this year, especially with church leaders, who sometimes serve as the de facto sources of support and information for many in the Guatemalan immigrant population. This will include information related to unique issues faced by transnational and mixed status families, which has been a focus of MHRP research in recent years. Additionally, when in the community, she is sharing resources the Center has developed such as guidelines on making a plan to have in place in case of a deportation of a family member, and also information on effects of deportation on families. With this methodology, she hopes the community can be better informed about itself and its characteristics to help better understand and organize itself, and also for them valuable information to help them navigate an often precarious living situation they have here in the US.

Center statement on President Obama’s Announcement of Executive Action on Immigration

On November 21, 2014, the Center released the following statement to offer its response to President Obama’s planned executive actions on immigration announced the prior evening. We share it again here.

We applaud President Obama’s announced Executive Action on Immigration but reiterate the need for comprehensive immigration reform

Last night, President Barack Obama announced long-awaited plans for executive action that is expected to shield approximately five million individuals from deportation and provide many of them with work permits. The new policy extends to parents of US citizens and lawful permanent residents who have been living in the US for five years. It also expands the current Deferred Action for Childhood Arrivals (DACA) program, which was created by the administration two years ago to grant a reprieve from deportation to undocumented youth who came to the US as children. In addition, the President announced a Priority Enforcement Program to replace the current Secure Communities program—which institutionalized information-sharing among local, state and federal law enforcement agencies. Though narrower in focus, the new program will continue the practice of collaboration

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Works in Progress Colloquium Series

Aspen Brinton

On October 15, 2014, BC Professor of International Studies and of Philosophy, Aspen Brinton presented on the writings of Jan Patocka, a 20th century Czech dissident, and the way in which his thinking provides relevant insight into a contemporary and future understanding of dissidents. The presentation was part of the Center’s Works in Progress colloquium series this past fall. Patocka’s political philosophy is rooted in existentialism and Platonism, which positions him in a contradictory framework. However, Brinton argued that this very positionality enables Patocka to shed valuable light on the nature of dissidence. She highlighted three concepts that are the most useful when seeking to understand how and why groups of people are able to stay together in contexts where unity appears impossible to maintain. In order to be a dissident, Patocka argues that an individual must possess care for the soul, live in truth, and maintain solidarity with the shaken. Brinton argued that this solidarity separates dissidents from other forms of protest, as dissidents are willing to unmask illusions and subsequently confront the powers that construct such illusions.

Brinton stated that dissident movements often subject themselves to risk even when there is no potential for immediate political change. As such, they maintain hope amongst hopelessness. Brinton drew upon the term “existential recognition” to explain this capability. She argued that, in the context of fragility, a sort of solidarity emerges which grants members of the group an existential understanding of human life, essence, existence, and shared destiny. The achievement of such a recognition serves to reinforce the bonds within the group in the face of adversity. Brinton hopes to expand her research on dissidents by exploring works and relevant insights from other philosophers. In doing so, she hopes to come to a better understanding of the ways in which dissident groups endure and the factors that serve to distinguish differences in their fates.

Cathy Kaveny

On October 31, 2014, the Center had the pleasure of hearing BC Professor Cathy Kaveny speak on the topic “Corporations, Individuals, and the Common Good: The Uncertainties of Religious Freedom after the Supreme Court Hobby Lobby Decision”, as part of the Center’s Works in Progress colloquium series this past fall. Kaveny is the Darald and Juliet Libby Professor at BC, which includes appointments to both the Law School and Theology Department. In her discussion, Kaveny drew upon law, religion, and ethics to explore the uncertainties of religious freedom in the US after the Supreme Court’s Hobby Lobby decision.

Kaveny argued that the opinion of the Supreme Court in the Hobby Lobby decision proved troubling for the future of religious liberty protections in the United States. She highlighted that Congress did not pass the Religious Freedom Restoration Act of 1993 in order to expand the religious liberty claims available to citizens; instead, the statute was intended to protect vulnerable minority religious groups. Nevertheless, the Supreme Court drew upon the Act to justify its decision in the Hobby Lobby case. In doing so, the decision lifted the Act free from its intended principles and opened the door for an increasing number of religious liberty claims. Kaveny stated that, now, the statute may act as a weapon that the politically powerful may use to continue to press for their causes in the political arena. The opinion is particularly troubling in light of the Founding Fathers’ desire to avoid religious factionism, as these claims are increasingly made by groups that represent a large proportion of the population.

Furthermore, the opinion creates uncertainty in the extent to which accommodations for religious liberty are required and to whom these liberties may be granted. The ruling recognizes that corporations have free exercise rights, but identifies these rights as remaining functionally with the owners of the corporation. In doing so, the Court pays little attention to the interests of corporate stakeholders, particularly employees who may not have the same religious view as their employers. Kaveny warns that the decision may lead to a tendency to grant to those with more money and ownership stakes greater degrees of religious freedom and subsequent power to infringe upon the freedoms of others. Therefore, Kaveny argued that the uncertainty presented by the Hobby Lobby decision is ultimately both unsettling and potentially dangerous. As per the colloquium format, a robust discussion ensued among attendees and the speaker to explore further directions the scholarship may take as it progresses.
Works in Progress Colloquium Series (continued)

Brian Conannon, Jr.

Brian Conannon, Jr. joined the Boston College community for a presentation entitled, “Tweeting in the Time of Cholera: Networking, Social Media and Justice in Haiti.” Conannon began his presentation by discussing his involvement with the Institute for Justice and Democracy in Haiti (IJDH), of which he is Executive Director and which is the U.S. affiliate of the Haitian public interest law firm, Bureau Des Avocats Internationaux (BAI). The groups work together to build the rule of law in Haiti, help Haitians to enforce basic human rights, and bring Haitians’ fight for justice to the international community. Conannon specifically highlighted his work to bring justice to cholera victims in Haiti. In October 2010, a UN base leaked sewage into Haiti’s largest river system, resulting in the largest preventable cholera outbreak in modern times. Reports state that more than 9,000 people have died from the illness and 750,000 have fallen sick as a result.

The UN has protection from international courts, but it assumes the obligation to offer alternative mechanisms for victims of UN conduct to receive justice. IJDH and BAI filed a federal court lawsuit arguing that the UN could not claim immunity from its actions because it failed to provide alternative mechanisms to the victims of the cholera outbreak. Conannon believes that a just response to the outbreak would be for the UN to put in place water and sanitation systems necessary to stop the cholera epidemic, to compensate the victims, and to offer an official apology. The campaign has had some success, as the UN has accepted a moral responsibility for a just response to the outbreak and has begun plans to create a new sanitation system. However, they have not yet agreed to fund the new sanitation system. Conannon concluded his presentation by discussing the importance of social media in social justice advocacy. He challenged the Boston College community to participate in the campaign by using Twitter to share their thoughts on the cholera issue using the hashtag #ICareBecause. He said that efforts of networked groups and individuals have the ability to influence the UN to accept responsibility for the cholera outbreak in Haiti and pressure them to grant justice to victims of UN conduct in Haiti.

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between local law enforcement and immigration authorities, threatening ongoing erosion of police-community trust. The President’s actions are a welcomed—though partial and long overdue—step towards addressing the harsh and disproportionate effects of recent deportation policies, and will change for the better the lives of millions of currently undocumented immigrants as well as their US citizen and lawful permanent resident spouses and children.

However, many more will be left without relief, including parents of young people who have been granted a reprieve from deportation through the DACA program. The recommended policies continue to divide the migrant community, selecting some as “deserving” while further marginalizing the “undeserving” and fails to address root causes underlying what the vast majority of people agrees is a broken system. Thus, the need for comprehensive immigration reform continues—not only to provide pathways to regularizing status and to citizenship for undocumented individuals who are long-term residents of the US, but also to eliminate punitive features of our immigration law that make deportation based on increasingly minor criminal offenses mandatory even for long-term green card holders.

The CHRIJ supports President Obama’s executive order while continuing to actively advocate for a more permanent and just solution through comprehensive immigration reform.
Upcoming Spring 2015 Events

TUESDAY, JANUARY 27
Screening of Abrazos and Discussion with Filmmaker Luis Argueta

Acclaimed filmmaker presents his latest film about US-raised children going to Guatemala to meet long-lost relatives

7:00 PM • Boston College, Fulton Hall, Room 511

THURSDAY, MARCH 26
Book discussion: Immigration Outside the Law

With Professor Hiroshi Motomura of the University of California, Los Angeles

7:00 PM • Boston College, Fulton Hall, Room 511

Visit BC.EDU/HUMANRIGHTS for the latest information and events or to view videos of past events.

Join the CHRIJ listserv to receive news and reminders of CHRIJ events via email. Go to BC.EDU/HUMANRIGHTS/MAILINGLIST or scan the code on the left and simply enter your email address to join.