THE POST-DEPORTATION HUMAN RIGHTS PROJECT: PARTICIPATORY ACTION RESEARCH WITH MAYA TRANSNATIONAL FAMILIES

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Introduction

As the number of immigrants in the United States has increased dramatically in recent decades, so has the number of human rights violations against immigrants in the form of arrests without warrants, detention and deportation of parents without consideration of the well-being of their children, and incarceration without bail or the right to a public attorney. The Post-Deportation Human Rights Project (PDHRP) at Boston College was developed to investigate and respond to the legal and psychological effects of deportation policies on migrants living in or deported from the United States. This unique multidisciplinary project involves lawyers, social science faculty, and graduate students—all of whom are bilingual, one of whom is trilingual, and many of whom are bicultural—working together in partnership with local immigrant organizations to address the psychosocial impact of deportation on Latino and Maya families and communities. Our work includes psycho-educational and rights education workshops with immigrant parents and their children in southern New England as well as a cross-national project based in the U.S. and Guatemala supporting transnational families through participatory research, educational workshops, and legal resources.

Although the PDHRP has utilized a number of quantitative and qualitative methodologies in our work, we emphasize collaboration with Maya community members through engagement with participatory and action research (PAR) methods. PAR has strong roots in social justice work, and is based on close collaboration with participants-as-researchers. Participants work alongside university-based researchers to determine problems facing their community and to investigate and empower themselves and the wider community to create social changes that redress social injustices. Thus those directly affected by injustices are highly involved from the conception of the project, establishing research questions, and collecting and analyzing data (Braum, McDougall and Smith 2006). Inspired by social justice advocates and educators such as Paulo Freire (2000), PAR is unique because it increases the relevance of research to members of the community, and has the potential to create opportunities through which traditionally disenfranchised populations engage their social realities as protagonists and/or activists. All phases of the PDHRP PAR process have been approved by the Human Subjects Review Board of Boston College, which is one of the host institutions.

The project benefits from its close proximity to nearby cities in Southeastern Massachusetts and Rhode Island that are home to a large number of Latino immigrants, many from Guatemala. Thus far we have collaborated with three Latino immigrant organizations in the area: Organización Maya K’iche’ (OMK) in New Bedford, Massachusetts, English for Action (EFA) in Providence, Rhode Island, and Centro Presente in Somerville, Massachusetts (See our joint logo, Figure 1). This coming year we will begin collaboration with two additional immigrant community organizations in Massachusetts: Casa El Salvador in East Boston and Women Empowering Encouragement in Revere. This close cooperation as well as long-standing ties of the first author in Guatemala has allowed for extending...
the work transnationally towards better understanding the lived experiences of families whose members live on both sides of the border. During joint community meetings, the decision was made to develop a project in order to document the effects and experiences of migration, detention, and deportation in Latino families living in both the United States and Central America. We work to support and provide legal consultation for individuals who have been threatened by or experienced deportation, investigate the effects of deportation policies on families and communities, study the psychosocial impact of detention and deportation on individuals, mixed-status families, and communities, and reframe immigration policies as a matter of human rights. Mixed status families include at least one undocumented immigrant and at least one U.S. citizen (Fix and Zimmerman 2011). In 2008, an estimated 4 million children were United States-born citizens residing in mixed status families (Passel and Cohn 2009).

The first research initiative within the PDHRP PAR project took place during the winter and spring of 2008 and involved semi-structured interviews with 18 families living in Rhode Island and Massachusetts to identify and document how they experience, interpret, and respond to detention and deportation. We also explored parents’ caretaking strategies and resilience in accessing resources for themselves and their children amidst these threats (Brabeck, Lykes and Hershberg 2011). Participants’ responses described the intersecting threats caused by poverty, migration, and violence, and the ways in which they responded to these threats through communication with their children and other family members, and community organizing. This phase was followed in the summer of 2008 with collaborative work in Zacualpa, Guatemala, home for the families of many RI and MA migrants where the majority of the population is indigenous Maya K’iche’. This round of interviews focused on identifying how families in the sending country are affected by detention and deportation. Over 100 rural peasants with family members in the United States—and key informants including community leaders, coyotes, local bank loan officers, and political leaders—were interviewed. Parents, children, and local leaders described rural poverty and the ongoing violence—two of many legacies of 36 years of civil war that disproportionately affected the Maya of the Quiché region of Guatemala (Comisión para el Esclarecimiento Histórico 1999). Interviewees described reasons why their relatives had migrated and challenges of those “left behind” including unpaid debt and diminishing remittances due to the U.S. recession as well as desires of adolescent children to join parents and/or seek a better life in the North. They also spoke about the challenges faced in their journeys North as well as humiliations and “frustrated or fractured dreams” suffered as a consequence of detention and deportation of family members. These interviews, as well as a series of workshops conducted with youth in the local school, influenced our decision to launch a collaborative migration and human rights project in Zacualpa, Guatemala, between the Center for Human Rights and International Justice (CHRIJ) and the local Franciscan Order of Religious women based there. The project is described in the 2009 and 2011 annual reports of the PDHRP (see below).

In the spring of 2009, quantitative survey data was collected from a larger group of migrant families in southern New England to provide statistical support to findings from the first two research initiatives within the project and explore the effects of detention and deportation on the wider Latino community in New England. Parents’ level of legal vulnerability was determined by asking whether the parent was undocumented, had a current deportation order, had been previously detained by immigration officers, had been deported, had a family member who was currently detained, and whether they were a U.S. citizen or legal resident. Results indicated that parents with higher levels of legal vulnerability faced greater impacts of detention and deportation on parent wellbeing, financial circumstances, and children’s wellbeing and academic achievement (Brabeck and Xu 2010). The next phase of the project was completed in the summer of 2010 during a return trip to Zacualpa during which 25 families were interviewed to examine the experiences of family members whose primary wage earners are living in the United States and are currently detained or facing the threat of detention or deportation. Throughout these multiple phases of the project, family genograms were constructed with participants thereby representing family structures on both sides of the border, and thematic coding was conducted by bilingual PHDRP team members on transcribed interviews.

During the summer research trips to Guatemala, we have also had the opportunity to collaborate with and learn from the youth of Zacualpa. In 2008, the PDHRP team was invited by leaders of the local Catholic church’s youth program to talk to adolescents attending a Fe y Alegría Catholic school in Zacualpa. To facilitate a discussion that would allow us to assess the youths’ understanding of detention and deportation, we screened the documentary film Detained, Jenny Alexander’s exploration of the 2007 Immigration and Customs Enforcement (ICE) raid on the Bianco factory in New Bedford, a city where many of the youths’ relatives in the United States lived and worked. The screenings took place in four workshops with a total of 200 youth in attendance. They facilitated small group conversations with the youths that revealed the majority had family members, especially mothers and fathers, in the United States. Most knew at least one person who had been deported. Adolescents were quick to criticize the United States as a racist environment where life was excruciatingly difficult for immigrants. As one young man observed, “The people from here make a great effort in the United States, but Immigration detains them there and returns them to their countries. The people that go want to succeed, but the government doesn’t want Latin Americans there.” Despite their criticisms of the United States,
nearly all of these adolescents expressed their desire to journey north, overwhelmingly citing economic motives.

A second set of workshops with adolescents from the same school was organized in 2010. Groups of approximately 10 boys and girls ages 13 to 14 who had at least one family member in the U.S. were invited to engage in group-based storytelling about their family’s migration experiences using a technique adapted from a creative storytelling process developed by Gianni Rodari (1996). This technique was effective at least in part because it resonated with Maya cultural practices including oral traditions and storytelling (Huff 2006). These stories powerfully illuminated the feelings of loss many of the youth felt when their parents migrated:

There was once a woman named “Table.” She left her children because she couldn’t find work, and went to the U.S. to find a job. And she had a daughter named “Car.” The daughter was sad because her mother left her with just her aunts. And every week she called her on the phone, but she said that it’s not the same when she is with her mom as when she is with her aunts.

These workshops—designed to create spaces in which youth could express the effects of migration on their everyday experiences—confirmed data from previous interviews, that is, that although many youth benefit financially from their parents’ migration, these material resources do little to assuage feelings of loss and longing due to the prolonged separation. Although these emotional responses are only infrequently voiced by youth, the creative techniques facilitated openings through which they could be expressed.

The legal team of the Post-Deportation Human Rights Project has engaged in a number of activities this academic year in its effort to challenge harsh deportation laws and practices and support individual clients. The Project represented a small number of clients who have already been deported. In December 2010, it successfully reunited a Haitian man with his U.S. citizen wife and two young sons by obtaining a “waiver of inadmissibility.” The man was “inadmissible”—meaning ineligible for a visa—because he had previously been deported from the U.S. and because he had spent time in the U.S. unlawfully. The Project is also currently litigating a case in an appellate court, alongside a team of pro bono attorneys. This case challenges a current regulation barring individuals who have already been deported from asking that their case be reopened in light of a change in law or post-conviction relief. The case involves a man who was deported pursuant to an interpretation of the immigration laws that was later found to be erroneous by the United States Supreme Court. This year, PDHRP has expanded its work with law firms, and has placed cases with teams of pro bono attorneys at law firms in the Boston area. Family reunification and the defense of the human and civil rights of migrating families are prime motivators and outcomes from these legal cases. The team in Boston also serves as consultants to families in Zacualpa, interfacing in individual cases when families there request help identifying family members in the U.S. who have been detained or who face deportation.

Each year, members of the PDHRP legal team conduct dozens of intakes with deportees and their family members to assess whether they would have any legal avenues to return to the U.S., and provide them with information on the deportation system and potential avenues for returning to the United States. In addition to direct representation, the legal team works to expand knowledge on post-deportation issues. In late 2010, the team published an updated version of their practice advisory on post-departure motions to reopen. The Project plans to publish a self-help manual for deportees that will provide an overview of obstacles faced by individuals who have been deported and who wish to return to the U.S.

Much of our participatory educational work with the community has been in the form of “Know Your Rights” (KJR) workshops. As suggested above, migrant communities confront a range of negative psychological, communal, and sociological pressures due to U.S. immigration policies and practices. BC and our community organization partners have collaborated in developing resources through these participatory workshops that foster the emergence of leaders from within immigrant communities and inform Latinos about their rights under United States immigration laws, and about how to best protect themselves and their families.

The KJR workshops are the result of collaborative work under the auspices of the Post Deportation Human Rights Project (PDHRP) at Boston College. As a PAR project, one of the innovative features of this effort is that it often operates beyond the world of the academy in carrying out research. A cooperative effort with community members, based on the needs of a specifically targeted population, can result in the empowering of individuals and communities, who will then seek solutions to their own problems.

There have been four workshops between 2010 and 2011, three of which dealt with situations that are concerned with the rights of people who may not have a legal driver’s license. Using participatory theater techniques, the immigrant organizations with the support of PHDRP team members developed a dramatization of a police officer stopping a Latino who is driving without a license (See Figure 2). After the community members presented the legal educational skit, audience members were prompted to multiply the action through taking on one or the other roles—and then to make suggestions and ask questions of the “actors.” Participants who engaged and took part in a process that they co-designed and elaborated were more likely to understand and embrace the solutions presented in the workshop. Project lawyers were also on hand to answer legal questions as they arose during the skit and post-skit discussions.

Another workshop involved participation in small group discussions to collaboratively create a financial and familial action plan in case a family
member was deported. With the help of PDHRP attorneys and team members, community members worked to develop an emergency plan, including giving power of attorney to a friend or relative to handle bank accounts and rent payments, and ensuring a legal guardian was selected to care for children. Participants were given a list of useful legal resources and put their action plan into writing. In doing this, individuals engaged in exploring several legal issues, but most importantly, realized that it is valuable to have a feasible plan of action set in place before an emergency occurs.

This type of participatory and action research aims not only to empower communities, but also to form a critical mass of scholarship that will influence social and political change. Although it is central to the PDHRP and to the KYR workshops in particular to inform communities of the rights that individuals have under the law, it is important to remember that the valuable hermeneutical principle evident in this work is that individuals develop their own workshops in collaboration with professionals/academics and community organizations, and that this may help lead to solutions to problems regarding their legal status.

Collaboration has proved fruitful in that the immigrant community has found it stimulating to think about what rights they have when they face certain situations. Participants report satisfaction with the way that the workshops have been put together, but most importantly, they demonstrate the workshops’ effects through their engagement with the issues and through discussions and activities which have contributed to actions for justice, including their demand for shaping legal policy that protects the rights of communities and individuals, but that is also compassionate in nature.

A number of changes have been made in the workshops based on the needs and suggestions of participants. During our initial Know Your Rights workshops, we noticed that the majority of our participants were men. Knowing that women, many of whom were working mothers, would likely have important stories to tell and could contribute to and benefit from the participatory activities, we incorporated childcare as well as children’s workshops to increase mothers’ attendance at the KYR’s workshop. A PDHRP team member developed a participatory arts-based methodology to explore young children’s understandings of what their parents were doing at the KYR workshops and their self-understandings as children in transnational mixed-status families. During these workshops, children are invited to draw pictures of their families and are then interviewed by a facilitator about their pictures. In the next activity, children are given stickers imprinted with the flag of many Latin American countries and are asked to place the stickers above each person in their drawing to indicate what country they are from. A 9-year old girl in one of these workshops was the only child among several dozen between the ages of 5 and 11 to use two flags to depict herself and her younger sister, clarifying that “we were born here but we are really from Guatemala” (See Figure 3). She and her sister live with their Guatemalan-born mother. Finally, the children participate in a group discussion about what their parents are learning in the adult KYR workshop in a nearby room. Initial findings indicate that some children identify with their family’s country of origin despite being born in the United States, while others choose only a U.S. flag to represent themselves. Some children use both Latin American country flags as well as the U.S. flag, suggesting their understanding of dual nationalities as constitutive of their familial identities. Finally, some children include drawings of family members who are in Latin America in their family pictures, despite having limited contact with them, while others do not. Future research questions include investigating whether children’s identities are tied more closely to life experiences in the United States rather than country of birth at different ages, and if so, how the extent of parents’ contact with family members in the country of origin influences how children identify themselves.

Our interdisciplinary approach has not stopped at collaboration with community partners. In March of 2010, PDHRP sponsored the conference
“Deportation, Migration, and Human Rights: Interdisciplinary Theory and Practice” (Center for Human Rights and International Justice 2010). Participants included scholars, immigrant community leaders, and practitioners in the fields of law, immigration, social work, and psychology who contributed their diverse knowledge and viewpoints to case studies based on the experiences of immigrant family members dealing with detention and deportation. At the conclusion of the conference, participants worked together to brainstorm action steps to deal with the many issues facing undocumented immigrant families. The project also publishes an annual report chronicling our activities during the previous year. This is posted on our website (http://www.bc.edu/centers/humanrights/projects/deportation/).

Conclusion

The Post-Deportation Human Rights Project is an example of unique collaborations among university researchers, students, lawyers, immigrant communities of New England, and, to date, one Guatemalan community of origin to which many now in New England are being deported. This work is not without multiple challenges and serious limitations. We recognize the relatively small number of immigrants reached by our efforts, the challenges in sustaining collaborative work in difficult economic times that have adversely affected individual immigrants and transnational families as well as organizational budgets, and the small size of the research samples of convenience, thereby limiting the generalizability of the findings. Despite these limitations, by focusing on a participatory approach, we have generated processes through which participants engage in research and advocacy activities. We have found our multidisciplinary approach to be highly effective because it facilitates a number of goals and outcomes simultaneously: providing legal counsel to immigrant families, providing education on the rights of immigrants, collaborating in participatory research processes to better understand the challenges confronting transnational families and enhancing participant leadership, and disseminating research on the effects of detention and deportation towards a more human and comprehensive immigration policy. Based on our collaborative experiences we urge future university-community partnerships with immigrants or other disenfranchised groups to consider participatory and action research methods to learn from and with their participants.

Notes

1A coyote is a person paid to help guide immigrants lacking appropriate documentation across the border into the United States.

References


Comisión para el Esclarecimiento Histórico 1999 Guatemala: Memoria del Silencio (Tz’ in’iil Na’ Tab’Al) Guatemala: CEH.


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