



BOSTON COLLEGE

CHRIJ

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Human Rights  
and  
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## Aftermath: Deportation Law and the New American Diaspora



On September 12, BC Professor of Law and CHRIJ Associate Director, Daniel Kanstroom, and Mary Waters, the M.E. Zukerman Professor of Sociology at Harvard University, discussed the deportation system in the United States and the social effects of U.S. immigration policy on immigrant families and communities. Prof. Kanstroom also gave commentary on his recently published book, *Aftermath: Deportation Law and the New American Diaspora*. The book brings the reader to countries that must process and readmit ever-increasing numbers of U.S. deportees, shining light on the severe hardships that deportees face after they are expelled.

Prof. Kanstroom began the presentation by providing an overview of the U.S. immigration system and the ways in which the U.S. deportation system is so peculiarly harsh when compared to our other legal systems. As part of his introduction he also shared some of his clients' experiences as examples of cases that illustrate the grim realities of deportation and how deportees are unfairly alienated by the law and permanently forbidden from returning to the U.S. In many cases, the U.S. is where deportees were raised and have spent almost their whole lives, yet they may be permanently banned from returning for committing relatively minor crimes such as shoplifting. As Kanstroom pointed out, there are presidents who have essentially admitted to doing much more than that, but for deportees who are not yet citizens although they are permanent residents of the U.S., they are immediately arrested, detained, sent to remote detention centers and ultimately barred permanently from the U.S. with no possibility of relief, no right to a lawyer, and no right to bail.

Kanstroom theorized about deportation with respect to the reasons for its implementation such as a mechanism for his term, "post-entry social control", demographic control, labor market regulation, etc. Nevertheless, as the current nature of the system begins to shift and in turn interferes with human rights, it becomes problematic. This is the basic idea behind Kanstroom's book *Aftermath*, which considers a wide range of political, social, and legal issues or consequences, when understanding whether or not the system "works" in any meaningful sense.

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Photos courtesy of Chris Soldt



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**ABOUT US** The Center for Human Rights and International Justice addresses the increasingly interdisciplinary needs of human rights work through academic programs, applied research, and the interaction of scholars with practitioners. The Center's Director is David Hollenbach, SJ, University Chair in Human Rights and International Justice. Associate Directors are Law School professor Daniel Kanstroom, and Lynch School of Education professor of Community-Cultural Psychology M. Brinton Lykes. Mr. Timothy Karcz is the Assistant Director.

*CHRIJ Review Contributors: Jessica Chicco, Matthew Dolan, Karina Dorantes, Tamar Lawrence-Samuel, Jeri Zeder*

## Center Receives Two-Year Grant from Anonymous Foundation

In December 2012, the Center was awarded a two-year grant from an anonymous foundation. The project, entitled “Continued Initiative on Research and Education on Human Rights of Migrants and Refugees in Collaboration with Practitioners, Including Jesuit Refugee Services”, represents a continuation of current Center initiatives, commencement of new initiatives, and will allow an expansion of the Center’s partnership with Jesuit Refugee Services (JRS). The foundation has also supported the work of the Center in the past.

The grant will support ongoing research, led by Center Research Professor Maryanne Loughry RSM, and Graduate School of Social Work Professor Thomas Crea, into the urban refugee phenomenon. Their research to date has focused on the situation in Johannesburg, South Africa, and has involved working with JRS to evaluate their livelihoods program there, which is a prime source of their support to urban refugees. The aim is to discern how to better serve this non-traditional, but rapidly expanding, population of refugees as their living situations, and in many ways their needs, differ markedly from the traditional refugee camp model of service delivery. A paper summarizing their findings to date is expected to be published soon.

Also in conjunction with JRS, the grant will support a conference, to be held this coming June in Cambodia, on the topic of reconciliation, an important part of JRS’ work in the many post-conflict zones in which it works. The conference will bring together theological experts in reconciliation, from Boston College and elsewhere, with practitioners from JRS field offices from various regions of the globe, to facilitate a dialogue and provide further orientation of JRS staff on the topic of reconciliation. Development of training materials for JRS staff on reconciliation based on the stories and reflections to be shared in the conference will also be a product of the conference.

The grant will also help to support an Initiative on Gender and Human Rights in Contexts of Transition. This initiative will cull key findings from the Center’s various projects in this area over the last several years, resulting in two publications to help disseminate them – one directed toward Boston College alumnae, current students and faculty, and the second, a more popular education-oriented format in Spanish and English, directed towards community participants of projects in the United States and Guatemala.

The grant will also support the Center’s ongoing research in Zacualpa, Guatemala, which has researched the effects of migration on families and on the push and pull factors involved in decisions on whether to migrate. The project, in conjunction with its Human Rights and Migration Office in Zacualpa, seeks to enhance local resources and develop Guatemala-based alternatives to migration while supporting families who have opted to respond to gross inequalities, violence and ongoing repression through transnational migration.

The grant will also help to support practice-based human rights education and training through graduate service stipends and will help the Center to make possible its many public events over the next two years. The Center is most grateful to the foundation for helping to make all of these initiatives possible.

## CHRIJ co-sponsored the following events during the Fall 2012 semester:

- The Center co-sponsored the event “Remembering to End a Forgotten War: Oral History, Art, and Activism” on November 19, 2012. CHRIJ Visiting Scholar and BC Professor Emeritus of Psychology Ramsay Liem spoke at this event focused on the Korean War and its psychological legacy.
- The Center was a co-sponsor of the AMEN (Artists Movement to Engage Nonviolence) Projects this past fall. The project created religious artwork to replace that of a church burned down in an act of religious intolerance in Khartoum, Sudan. More on the project website: <http://www.amen-projects.com/>.
- The Center co-sponsored the event “A Bishop’s Response to Climate Change Refugees” on November 14, 2012. Bernard Unabali, Bishop of the Diocese of Bougainville, Papua New Guinea, shared his experience of helping to re-settle some of those displaced from the Carteret Islands by the consequences of climate change.

## Aftermath (continued from pg. 1)



### AFTERMATH

DEPORTATION LAW AND THE

NEW AMERICAN DIASPORA

DANIEL KANSTROOM

In his analysis, Kanstroom also asks a number of under-examined legal and philosophical questions: what is the relationship between the “rule of law” and the border? Where do rights begin and end? Do (or should) deportees ever have a right to return? After Kanstroom conceptualized the issues of law and the government’s position, he also addressed the Center’s Post-Deportation Human Rights Project and its work. Lastly, Kanstroom asked the audience to consider the stories of deportees and to think about our system and the harm that it has caused so that we can truly understand who we are in this context and what we want to stand for as a nation.

Prof. Mary Waters spoke next, and began by discussing the context of society’s current legal actions and the consequences they impose on immigrants and their children. She described deportation as being a new kind of terror as immigrants live in constant fear of being deported at work, in the hospital, in their own homes, etc. Furthermore, she argued that our laws enforce this kind of terror and therefore it is legal. Waters also addressed the ways that we can understand the context in which immigrants enter a society with pre-developed institutions that have been based off of that society’s history. In the U.S. for example, we have created institutions that represent our successes as an immigrant nation and our failures as a nation that was founded on slavery and racial discrimination. According to Waters, this idea can give us perspective on what is happening today with respect to how the U.S. deals well with immigration and assimilation, yet badly with race relations. In terms of thinking about possible solutions, Waters envisions a future in which people in the U.S. begin to take human rights as

seriously as we do civil rights, more on a par with much of the world, which will allow people to better assert their rights to be in the country and participate fully in society. In closing, she called on us as a nation to think clearly about the ways in which the current immigration laws do not reflect our values, and are not consonant with the better part of our collective nature, as she feels that most American people would not support these laws if they were better informed about them.

## PDHRP Leads Effort to Draft an International Convention on the Rights of Deportees



Since the introduction of stricter immigration laws in 1996, the US has been deporting hundreds of thousands of non-citizens annually, more than ever before, and under circumstances that play unconscionably fast and loose with the spirit of the rule of law. This massive rise in the use of deportation as a mechanism for border and “post-entry social control”<sup>\*</sup> is having devastating effects in both the sending and receiving states, subjecting immigrant communities to an increasing range of systematic human rights violations, including arbitrary arrest, mandatory and prolonged detention and deportation without consideration for humanitarian factors.

Expanding on its work of seven years in shaping U.S. law, and thinking creatively and more expansively about frameworks that could work worldwide to address the international human rights violations faced by immigrants, the Center’s Post-Deportation Human Rights Project (PDHRP) has launched the drafting of an International Convention on the Rights of Deportees. The Convention is predicated on fundamental notions of proportionality, fairness, judicial discretion, state responsibility, compassion, gender and racial equality and respect for family unity and identifies deportees as a cognizable class, much as international law has come to recognize refugees and victims of human trafficking before them.

National immigration and human rights experts who recently gathered at Boston College Law School to discuss this initiative welcomed the innovation of recognizing deportees as a cognizable class and this first step toward an international standard establishing and protecting their human rights. Dozens of activists, academics, lawyers, and students gathered in small groups for a five-hour brainstorming session coordinated by PDHRP. As would be expected in any gathering of accomplished thinkers and practitioners, the scope of issues that emerged for consideration was sobering and staggering. Examples: How does one write a broad convention that encompasses the rights and responsibilities of both the (typically wealthier) sending state and the (typically poorer) receiving state? Strategically speaking, is it better to start by raising awareness and changing minds or to begin with creating a hard-law convention, which many countries, particularly those

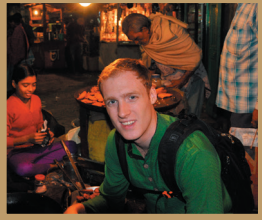
<sup>\*</sup>A term coined by Daniel Kanstroom in his first book, *Deportation Nation: Outsiders in American History* (Harvard University Press 2007).

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## 2012 Summer Research Grant Awards

Each year, the Center gives grants to graduate and undergraduate students at Boston College undertaking research on human rights and international justice issues to help students to cover travel and other costs to complete research in the field. The students then present their findings on campus events in the following academic year. Below are last year's recipients and a summary of their research and findings. Applications for the 2013 grants are being accepted until March 28. See Center website for details:



### Bennett Comerford

This past summer, Master of Divinity candidate Bennett Comerford went to the People's Republic of Bangladesh to use his research grant from the Center to augment his current graduate studies in the fields of interreligious dialogue and comparative theology. Comerford wanted to investigate how the scarcity of resources and organizations that produce interreligious dialogue in Bangladesh contributes to, or fails to effectively address, the issue of ongoing religiously motivated persecution and violence within the country. In doing so, he investigated two aspects of the religious climate in Bangladesh: (1) the broader human rights issue of religious violence, and (2) interreligious dialogue efforts and initiatives, to the extent that he was able to identify and locate them.

The overarching question that Comerford wanted to answer was, "to what extent do formal interreligious dialogue initiatives mitigate problems pertaining to religious violence if they can be said to do so at all". Although he soon discovered that existing evaluations of such a relationship are almost non-existent, he realized that the organizations he visited and studied have an important role to play. He interviewed various figures involved in human rights in the country, and researched initiatives on the governmental, institutional and grassroots levels working on interreligious dialogue as a tool for peacebuilding, citing the strengths and limitations of each. He looks forward to continuing to monitor the progress of the organizations and individuals he came to know throughout his research, as much has been accomplished through their efforts to confront the challenges of religious conflict and violence.

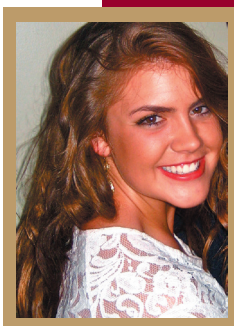


### Benjamin Miyamoto

Benjamin Miyamoto (A&S '15) employed his summer research grant to study the interplay of peacemaking efforts, human rights advocacy, social networks, and the diverse religious communities in Israel/Palestine. Originally intending to single out the "big players" of the peace and human rights advocacy movement, he wished to focus his efforts on understanding the role of religion in the formation and function of those organizations. However, he soon found that such peacebuilding initiatives are taken up by much smaller, grassroots-oriented groups in the area, rather than larger institutions one can find in other parts of the world.

Nevertheless, through his research, Miyamoto learned that religion plays a major role in both the Israeli and Palestinian understanding of the past and the roots of the conflict, and therefore must be taken into consideration when approaching the conflict. He also concluded from his research that "religion has the potential to be a powerful unifier for the advocacy of empathy in this and other conflicts, if approached respectfully and inclusively". Although Miyamoto recognized that creating a just and peaceful future for a land riddled with propaganda, wrought with violence, and divided by ideologies seems an insurmountable task, he saw hope for the future, rooted in theological considerations. The shared theological groundwork of human dignity among the major three religions in the region, Islam; Judaism; and Christianity, is an important starting point.

## Ashley Dowd



Ashley Dowd (A&S '14) used her grant to travel to Argentina, where she researched memorialization of state terrorism associated with the Argentine “Dirty War”, which lasted from 1976-1983. During this period, over 25,000 people died, including an overwhelming amount of civilians, at the hands of the military dictatorship government, many of whom were tortured and murdered. Efforts are being undertaken throughout the country to remember and try to heal from this period, by memorializing secret detention centers where prisoners were held and often tortured, before they were “disappeared”, or clandestinely killed. Dowd visited a number of these sites and interviewed various people involved in the movement, to get a sense of why they are doing this and why they feel it is important. While some who suffered through that era prefer to try to forget such a painful time, many more want the period to be brought into the public’s consciousness, both to try to begin to heal from it, and to remember it as a reminder to never let such a gross violation of human rights on so large a scale ever come to pass in the country again.

## PDHRP Helps Family to Reunite Nearly Six Years After Mother’s Deportation

Another family has been reunited thanks to the work of the Center’s Post-Deportation Human Rights Project (PDHRP). Bob (last name withheld), a U.S. citizen from Rhode Island, picked up his wife and his daughter – also a U.S. citizen – at the airport in early December. They can now look forward to celebrating the holidays together for the first time in seven years. Bob’s wife, Carolina, came to the U.S. in the late 1990’s on a visitor visa. She met Bob at work, and the couple eventually moved in together and had a daughter. When their daughter was two years old, Carolina was detained by immigration agents at work, held in a jail for four months, and ultimately deported for having overstayed her visa. The family tried to start a new life in Carolina’s country of origin, but they simply could not make ends meet. After six months, they made the difficult decision to separate the family and Bob returned to

the U.S. to work to be able to support his wife and daughter financially. Since then, their time together as a family has been limited to a single short visit each year – the only time Bob was able to afford the plane ticket to visit his wife and daughter.

Although U.S. citizens can generally petition for their spouses to be allowed to immigrate to the U.S., individuals who have overstayed a visa or who have been deported are barred from re-entering the country, often for ten or more years. In such instances, special waivers must be granted to allow the individual to obtain an immigrant visa and to return to their family’s side, but such waivers are difficult to obtain and the wait can be long. With the assistance of the PDHRP, Carolina submitted applications to U.S. Citizenship and Immigration Services documenting the extreme emotional and financial hardship her husband and daughter were experiencing as a result of the separation and requesting that she be granted a waiver. The family received good news when the waiver was granted in September, though it took an additional three months for Carolina to obtain the visa to travel.

The PDHRP aims to conceptualize a new area of law, providing direct representation to individuals who have been deported and promoting the rights of deportees and their family members through research, legal and policy analysis, media advocacy, training programs, and participatory action research. Its ultimate goal is to introduce legal predictability, proportionality, compassion, and respect for family unity into the deportation laws and policies of this country, and to achieve a just outcome for families like Bob, Carolina and their daughter, now finally together again. For more information on the project, visit [www.bc.edu/postdeportation](http://www.bc.edu/postdeportation).

## Upcoming Symposium: “Migration: Past, Present, and Future”



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The Center is proud to be sponsoring one of the upcoming academic symposia being held to celebrate the sesquicentennial anniversary of the founding of Boston College. The Center’s symposium is entitled “Migration: Past, Present and Future” and will be held on March 21-22, 2013 at Boston College. The symposium has been planned over the last two years by a committee of BC faculty members with expertise in migration issues. To help kick off the symposium, a naturalization ceremony, in which new U.S. citizens are sworn in, will be held in Robsham Theater at BC during Thursday afternoon, and is open to the public.

**BOSTON COLLEGE** The symposium will officially begin on Thursday evening with a keynote lecture by renowned author Richard Rodriguez, of *Hunger for Memory: The Education of Richard Rodriguez* and other notable works. He will deliver an address entitled “The Border is Not a Straight Line”, focusing on his experience as the child of immigrants to the U.S. and his feelings on current issues relating to the contemporary immigration discussion in the U.S.

On Friday, the symposium will begin in the morning with a panel “Forced Migration: Refugees and Economic Migrants”. The panelists will discuss the background of the refugee phenomenon and how social service agencies work with refugees to attempt to ease their plight and advocate on their behalf. In addition, gender as it pertains to the evolving concept of a refugee will be explored. The next panel Friday morning will be “Race and Class in U.S. Immigration”. The panelists will discuss if, and how, race and class considerations are important in understanding the current immigration situation in this country.

During the following lunch break, BC Professor of History James O’Toole will deliver a lunchtime address entitled “Boston College and the Immigrant Experience: The First 150 Years”. Prof. O’Toole will recount BC’s history of serving immigrant populations, starting with Irish immigrants and then changing demographics of immigrant groups throughout the last 150 years. After lunch, the symposium will wrap up with a roundtable discussion in Robsham Theater, moderated by Ray Suarez of PBS NewsHour, entitled “The Future of Migration Policy in the U.S.”. The speakers will offer their thoughts on the current immigration situation in the U.S. today and their ideas for policy recommendations to address it.

The panels and roundtable will all be followed by a question and answer session with the audience. The symposium is free and open to the public, but registration will be required. For registration and program information, visit the symposium website at <http://www.bc.edu/about/sesquicentennial/events/migrationpastpresentfuture.html>, which is also accessible through the Center’s website, <http://www.bc.edu/humanrights>.

### Convention on the Rights of Deportees continued from page 3

who receive deportees, can see the advantage of ratifying? Do we even want to use the word “deportee,” or is it better to coin a new term?

As PDHRP sees it, the strategic value of this project is two-fold. First, it can ultimately result in recognition of deportees as a cognizable class with rights claims of their own and in setting down internationally agreed-upon human rights standards for a class of people that has been distressingly invisible and underserved, legally and with regard to reintegration services, in the U.S. and around the world. Second, the very process of drafting, convening, discussing, regrouping and redrafting will serve to further raise knowledge and awareness of, and build coalitions around, issues facing deportees.

Tamar Lawrence-Samuel, PDHRP’s Visiting Scholar and organizer of this first brainstorming session, calls the day “step one-and-a-half” in a long process that has gotten off to a great start. “There is clearly a lot of buy-in already that will propel the work forward,” she says. She and her PDHRP colleagues, Supervising Attorney Jessica Chicco and Associate Director Daniel Kanstroom, plan to continue their research and to edit what they learned into a second draft. Then, a larger, more international group will be convened at BC in the coming year to examine and react to the draft, before beginning a full-fledged advocacy and promotion campaign.

--Portions of this article appeared on PDHRP’s website on December 10, 2012, in recognition of Human Rights Day. Credit for other portions, albeit modified, belongs with Jeri Zeder, for an article which appeared in the Fall/Winter 2012 issue of the Boston College Law School Magazine.

## Continuities and Discontinuities of Violence Against Indigenous Women in Guatemala

Photo courtesy of Chris Soldt



On October 18th, Dr. Irma Alicia Velásquez Nimatuj, Executive Director of the Support Mechanism for Indigenous Peoples Oxlajuj Tz'ikin, presented a lecture on her research into the types of violence suffered by indigenous women in Guatemala. As an indigenous k'iche' woman as well as an activist anthropologist, Velásquez found herself in a unique position to study the nature of the gender and cultural based violence present in Guatemalan society. After being asked to write a cultural expert witness report for the Tribunal of Conscience for Women Survivors of Sexual Violence in March, 2010, Velásquez was given access to materials documenting sexual violence against indigenous women that exceeded the information contained

in the Catholic Church's Truth Commission report, *Guatemala Nunca Más* (1998), and the United Nations' Commission for Historical Clarification Report (1999). What she found left her appalled, and inspired her to further devote herself to the complex issue.

Velásquez shared how her efforts led her to a small indigenous community in Sepur, where 15 indigenous women, through a series of interviews, narrated to her their experiences of violence at the hands of the Guatemalan military during the civil war of the 1980's. The 15, now elderly, q'eqchi' women suffered innumerable abuses at the hands of soldiers stationed at a military base that was suddenly and unexpectedly installed in their town in 1982. Velásquez illustrated how the community was systematically transformed into a ghost town through the closing of the school, Catholic and Protestant churches, and the destruction of homes and crops. The indigenous men, as well as some of the older children, were murdered or "disappeared", leaving a community of widows and infants that was uniquely vulnerable to further abuse. The women were forced into domestic and sexual slavery, which included cleaning, preparing food for an average of 400 soldiers, and washing soldiers' clothes in the river, as well as rampant sexual abuse, for the six years that the base remained active.

Even after the signing of the Peace Accords in 1996, the survivors felt they could not speak out against their aggressors. Their emotional wounds were still too fresh and the women feared a return of the violence, as some of the civil patrollers, who collaborated with the army, were still living in the community. Velásquez then illustrated how this unique violence experienced by indigenous women in Guatemala can be traced through the entirety of Guatemalan history. First, beginning with the Spanish invasion of 1524, indigenous women were turned into domestic and sexual slaves at the hands of the colonists. Then, when independence was won in 1812, indigenous women were not recipients of the new freedoms. Through the plantation system, the wealthy of Guatemala forced the indigenous into further slave labor, and the women were separated from their children and families. Economically poor, culturally marginalized, and discriminated against because of their sex, indigenous women have endured a long history of abuses at the hands of many different groups.

While the 15 indigenous women of Sepur had not been able to speak out during the Peace Accords, they courageously broke their silence 30 years later. Together, using scarves to hide their faces, the women presented their case in court. While the state is slow to bring justice, the long silence of cultural- and gender-based violence in Guatemala was finally named publicly.

Of central importance to understanding the value of the Tribunal, Velásquez closed with, was to situate what had happened in the broader social and political context of Guatemala and its history. She asserts that the structural and historical racism, which was fundamental in the construction of the Guatemalan state, has been a tool of oppression used to exploit indigenous people, and was a central mechanism at play here in the soldiers' violence against the indigenous women. Velásquez urged that understanding the human rights violations suffered in this larger analytical lens is crucial to understanding what happened in both making reparations for past suffering and for taking appropriate steps to make sure that it is never repeated.





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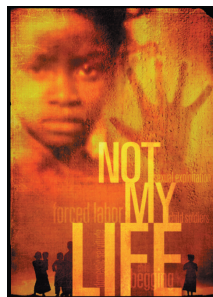
Web: [www.bc.edu/humanrights](http://www.bc.edu/humanrights)

## Upcoming Spring 2013 Events



### **Wednesday, February 6 Human Rights In History: A Roundtable**

With Prof. Samuel Moyn, Columbia U.  
Prof. Michael Rosen, Harvard U. and  
Prof. David Hollenbach, Boston College  
5:00 pm - Boston College, Devlin 101



### **Tuesday, February 26 Migration Film Series: Not My Life**

7:00 pm - Boston College, Fulton 511  
Documentary dealing with human  
trafficking around the globe.



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### **March 21 - 22 Sesquicentennial Academic Symposium**

Migration: Past, Present and Future  
Starts 7:00 pm on March 21  
Boston College, Robsham Theater



### **Wednesday, April 3 Accompaniment: Liberation Theology, Solidarity, and a Life of Service**

With Paul Farmer, founder of Partners  
in Health and Prof. Roberto Goizueta,  
Boston College  
6:30 pm - Boston College, Robsham  
Theater

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Visit <http://www.bc.edu/centers/humanrights/maillinglist.html> and simply enter your email address to join.