

MIGRATION & HUMAN RIGHTS PROJECT

ANNUAL REPORT • 2012-2013



BOSTON COLLEGE

CHRIJ

Center for
Human Rights
and
International Justice

FACULTY DIRECTORS

Daniel Kanstroom

BOSTON COLLEGE LAW SCHOOL
Director, International Human Rights Program
Associate Director, Center for Human Rights & International Justice

M. Brinton Lykes

BOSTON COLLEGE LYNCH SCHOOL OF EDUCATION
Professor of Community-Cultural Psychology
Associate Director, Center for Human Rights & International Justice

AFFILIATED FACULTY

Kalina M. Brabeck

RHODE ISLAND COLLEGE
Department of Counseling, Educational Leadership & School Psychology

Mary Holper

BOSTON COLLEGE LAW SCHOOL
Clinical Associate Professor of Law

Rachel E. Rosenbloom

NORTHEASTERN UNIVERSITY SCHOOL OF LAW
Assistant Professor of Law

SUPERVISING ATTORNEY

Jessica Chicco

BOSTON COLLEGE
Post-Deportation Human Rights Project

VISITING SCHOLAR

Tamar Lawrence-Samuel

BOSTON COLLEGE
Post-Deportation Human Rights Project

MIGRATION & HUMAN RIGHTS PROJECT ZACUALPA, GUATEMALA

Sr. Ana María Álvarez López
Project Supervisor

José Daniel Chich González
Luisa Martina Hernández Simaj
Project Coordinators

Megan Thomas
Project Consultant

COMMUNITY PARTNERS



ADVISORY BOARD

organizations for identification purposes only

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Marcelo M. Suárez-Orozco, University of California, Los Angeles
Manuel D. Vargas, Immigrant Defense Project
Michael Wishnie, Yale Law School

PHONE 1.617.552.9261

FAX 1.617.552.9295

EMAIL pdhrp@bc.edu

WEB www.bc.edu/humanrights/projects

140 COMMONWEALTH AVENUE
STOKES HALL N410
CHESTNUT HILL, MA 02467 USA



BOSTON COLLEGE
CHRIJ Center for
Human Rights
and
International Justice

English to Spanish Translation: Carolina Carter

Design: Michelle Muccini

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FEATURED PHOTOS:

*Images from 2012-13 workshops
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ABOUT

The Migration and Human Rights Project

The Migration and Human Rights Project is part of Boston College's Center for Human Rights & International Justice. It encompasses a number of interdisciplinary projects surrounding deportation and forced migration in the U.S. and beyond, including:

The Post-Deportation Human Rights Project: Longtime legal residents can be deported on the basis of relatively minor criminal convictions without any opportunity to present evidence of their family ties, employment history or rehabilitation. Through direct representation, research, legal and policy analysis, as well as outreach to lawyers, community groups, and policy-makers, the project's ultimate goal is to reintroduce legal predictability, proportionality, compassion, and respect for family unity into the deportation laws and policies of the United States.

Human Rights of Migrants Project: Over the past two years BC has partnered with Casa El Salvador (a volunteer community organization that provides educational programs with and for the New England-based Salvadoran communities and other Latinos/as in East Boston) and English for Action (a community-based immigrant organization coordinating participatory English language, childcare, and other educational programs to link language learning, leadership development and community-building). The project brings together Central American immigrant community members, lawyers, psychologists, educators and social workers in participatory action research processes to document the effects of the upsurge of immigration enforcement on migrants and their families. A primary aim is to develop research and advocacy skills among

immigrant communities, and to publish detailed reports on the effects of detention and deportation on transnational mixed-status families that can contribute to a more comprehensive understanding, improve services available to them, and develop human rights documentation for sustained and effective advocacy.

BC has also partnered with the organization Women Encouraging Empowerment (WEE), whose mission is to educate, advocate, protect and advance the rights of immigrants, refugees, and low-income women and their families through organizing, leadership development and service delivery. By bringing together psychologists, social workers, attorneys, and staff organizers, the joint project members identified areas in which WEE staff and constituents would benefit from additional knowledge and opportunity for discussion and then organized participatory workshops on those topics.

Human Rights and Migration Project, Zacualpa Guatemala: This is a collaborative project between local Zacualpans, Guatemala-based researchers and religious leaders, and Boston College-based students, faculty, and legal staff. The project has various aims as it studies social, political and psychological factors contributing to migration among the local population and seeks to offer assistance to them where practical. The project also seeks to work with those who have returned to Zacualpa—either voluntarily or through deportation—to explore varied uses of their social capital in developing local initiatives and creating more life options for those living in Guatemala.

DEAR FRIENDS,

The dominant political reality with which we have struggled this year has been the tantalizing possibility of “Comprehensive Immigration Reform.” Unfortunately, as of this writing, that legislative hope remains tenuous. What is worse from our perspective is that, although a “pathway to citizenship” has been accepted as fair and just for many of the millions of undocumented who have long lived in the shadows of this country, most versions of federal legislation still seem likely to maintain much of the oppressive deportation machinery that gave birth to our Post-Deportation Human Rights Project seven years ago. Indeed, many proposals would lead to dramatic, unprecedented militarization of the southern border and would maintain—if not expand—detention and deportation programs that are already at record-high levels. Although the administration has crafted some positive discretionary measures—especially for young people who entered the US as children, we continue to have much work to do to bring decency, fairness, proportionality, and respect for families and human rights to our immigration system.

Our work within the United States and internationally continues to focus in two main areas: *Migration and Human Rights Participatory and Action Research and Community Collaborations* and the *Post-Deportation Human Rights Legal Project*. We continue to focus on the lived experiences of those with whom we are working as well as on rapidly developing scholarship and legal practice.

On the legal front, we have had some great victories as we continue to pursue remedies for those who have been deported. In particular, we have continued our long struggle against the federal regulation that had barred deportees from having their cases re-opened, even if they were wrongly deported. The case, *Garcia-Carias v. Holder*, was argued by PDHRP supervising attorney Jessica Chicco and *pro bono* counsel Ronaldo Rauseo-Ricupero. Rauseo-Ricupero is a Boston College Law alumnus who was also one of the first recipients the Center’s Certificate in Hu-

man Rights and International Justice, and is now an Associate with Nixon Peabody LLP. *See generally*, www.bc.edu/postdeportation. In a September, 2012 decision, the Fifth Circuit, after many years of holdings to the contrary, concluded—as the PDHRP has long argued—that the “post-departure regulation” is invalid. The legal struggle against a rigid interpretation of this regulation was one of the major issues for which the PDHRP was created, and we are quite pleased to have achieved this victory as we continue to fight for humane reform to the deportation system in this country.

In a second case, the PDHRP was able to reunite a family who had been separated for more than five years after the mother was deported for overstaying a visa. Though her U.S. citizen husband was able to file a petition for his wife’s return, obtaining an immigrant visa first required that she show extreme emotional and financial hardship to her husband and the couple’s U.S. citizen daughter. More on this family’s story on page 14.

We have also spearheaded a major law reform project: the development of an International Convention on the Rights of Deportees. The goal of this project is to concretize the PDHRP’s idea that deportees have cognizable, specific rights that nation states are bound to respect and protect. We hosted a working conference in November, 2012 in which participants reviewed a working draft and offered many important revisions and comments (see PDHRP Drafts International Convention on Rights of Deportees, p. 16, for more details).

Our community-based work has also continued apace. We have maintained our ongoing collaborations with three community-based organizations—Casa El Salvador, Women Encouraging Empowerment, Inc., and English for Action. Together with these community partners, we organized a series of workshops throughout New England. Topics included: car stops, domes-

tic violence, DACA, preparing an emergency plan in the case of detention or deportation, and immigration and racism (see *Community-University Collaborations: Onward!*, p. 8). We are currently planning a fall retreat to develop leadership and facilitation skills and to articulate a joint vision statement for our work in the upcoming year.

Finally, our unique work with migrants and deportees in Guatemala has continued and expanded. The project in Zacualpa continues to thrive and grow despite the unsettled political situation within Guatemala and, most notably, the historic, first-ever trial of a former head of state for genocide (see *Justice in Guatemala?*, p. 11). Megan Thomas's description of the work within the Southern Quiché (Human Rights and Migration Project: *Zacualpa and Beyond*, p. 10) offers a brief account of how concerted efforts by local staff and demand from families of transnational migrants have contributed to multiplying the social service aspects of the Zacualpan office in a neighboring town which also sends thousands of migrants north.

During the past year, Boston College students have collaborated with Ph.D. student Erin McDonald and with Professor M. Brinton Lykes to code and complete comparative analyses of the survey data collected by local staff and high schools in Zacualpa and three of its villages, that is, Tablón, Arriquín, and San Antonio Sinaché 1. Results suggest that despite widespread assertions in the US press of a slowdown in migrants heading North—accounted for primarily by Mexicans—those leaving Guatemala and, more specifically, Zacualpa and these three of its villages continue to risk their lives crossing borders and the desert to seek more opportunities for themselves and their children. The survey also highlights important advances in elementary school education among all children in the sample and a significant increase in the costs incurred by those migrating in 2011 and 2012 over those charged in previous years. For those who have not yet paid

off their debts, deportation is particularly costly for their families, contributing to a significant number of the deportees in our sample heading North again within less than a year of having been returned to Guatemala. Faculty and students affiliated with these projects have continued to make presentations and are preparing book chapters, articles and newsletters reporting on findings from our ongoing work (see www.bc.edu/humanrights/projects/deportation/research_and_works_in_progress.html for a partial listing).

Three undergraduate students and one graduate student (see pages 9 and 12.) will accompany Professor Lykes to Guatemala this summer to collaborate with local staff in ongoing work with survey respondents and in the development of their own research sub-projects that will be designed to contribute to the ongoing participatory and action research processes.

Please do not hesitate to contact us if you are interested in any of our work. We look forward to our continuing collaboration with you and with our many other supporters.

Sincerely,

Daniel Kanstroom & M. Brinton Lykes

Community-University Collaborations: Onward!

By Cesar Boc (BC CHRJI), Fatou Drammeh (WEE), Shaun Glaze (BC CHRJI), Ricardo Jorge (EFA), and Doris Rubio (CES)

This past year the Migration and Human Rights Project (MHRP) at Boston College and three community-based organizations—Women Encouraging Empowerment (WEE) in Revere, MA; Casa El Salvador (CES) in East Boston, MA; and English for Action (EFA) in Providence, RI—have been engaged in an exciting array of collaborations. By performing collaborative popular education workshops—often utilizing dramatic representations—on topics including immigration policies, individual rights in interactions with police, domestic violence, racism and migration, and emergency planning, these partnerships have generated knowledge for all involved. Below are some highlights of our work.

WEE's mission is to educate, advocate, protect and advance the rights of immigrants, refugees and low-income women and their families through organizing, leadership development, and service delivery. WEE and MHRP continued their collaboration, coming together for a second year. Based on feedback from its students, WEE decided to hold a workshop on domestic violence, as had been done last year, but this time WEE leaders were trained to run and facilitate the workshop (in their native languages) with support from MHRP multidisciplinary staff and students. The workshop relied on materials prepared in collaboration during the previous year, aimed not only at helping immigrant women explore the meaning of domestic violence and learn how to access available resources, but also to create a space for conversation and support. Each group in the workshop discussed the individual and community effects of violence, as well as how immigration circumstances may affect reactions to violence. WEE staff gained confidence in co-facilitating the small group discussions in their native languages, and they and the members felt the workshops were successful. Participants were actively involved in the discussions and learned how to make empowered choices as a result. WEE and MHRP look forward to continuing the collaboration.

Through participatory English language classes, childcare, and other educational pro-

grams, EFA links language learning, leadership development and community-building. EFA and the MHRP worked together to educate the Providence immigrant community about racism and immigrants' rights. Together, they offered two workshops: "Immigration Policies and Racism in the United States" and "Know Your Rights: Car Stops." These workshops helped immigrants to understand how to react in instances of racism and what to do in interactions with the police. The car stops workshop built on the previous year's workshop and included legal information regarding a new topic—the rights of civilians to record police activity. Many participants reported enjoying the dramatizations in the car stops workshop, and noted the workshop was useful. Some participants also reported that the most valuable thing they learned was their rights as immigrants living in the United States. Since EFA was actively involved in organizing and planning the workshops, EFA staff report feeling very comfortable defending themselves against racism and standing up for their rights.

The partnership between CES and MHRP this year has made it possible for CES—which provides a space for and by the Salvadoran community—to continue offering workshops to benefit the East Boston immigrant population. The ongoing collaboration has been of great benefit given the fact that this year has seen some meaningful

changes in policy that affect the immigrant community, such as the Deferred Action for Childhood Arrivals (DACA) program for immigrants who came to the U.S. as children and meet certain requirements. The workshops also have helped the East Boston immigrant community to be more aware of their rights and what to consider when planning for an emergency. The information that CES learned about these issues has been invaluable and has made it possible for CES members to personally help other community members who do not know their rights and need this information.

This past year has been busy for the MHRP because of its collaborations with these diverse community organizations and its commitment to reaching out to migrant communities throughout the region. MHRP and our community-based partners have all benefited from our joint work. Community organizations were able to draw from the knowledge and experience of MHRP staff and students and receive support planning and co-facilitating the workshops. The MHRP community learned more about working effectively with immigrant communities and about the issues that matter most to community members. We look forward to kicking off next year with a full day retreat to learn from our collaborative experience and to articulate a joint vision and map out our work for the coming year.



FEATURED PHOTOS:

Images from MHRP, WEE, CES, and EFA events from the past year.

SPOTLIGHT ON

Kelsey A. Rennebohm Memorial Fellowship

In 2013, the Center for Human Rights and International Justice established the Kelsey A. Rennebohm Memorial Fellowship. This fellowship will be awarded each year to a student, undergraduate or graduate, whose proposed research or activist scholarship is located at the interface of psychology, mental health, gender, social justice, and human rights. The first recipient of the fellowship is Ph.D. student Rocío Sánchez Ares who will travel to Guatemala this summer to work with the Human Rights and Migration project. She will also be working with staff and students at Fe y Alegría, a middle school based in Zacualpa, Guatemala, with whom Boston College students and faculty have previously collaborated. Based on this earlier work, some of which is summarized in an article by M. Brinton Lykes and Erin McDonald to appear later this year in Education

Action Research, Rocío will collaborate with teachers and administrators at the school to develop a module on migration, detention and deportation. In addition she will recruit 13- to 17-year-old Mayan girls within the school to participate in a collaborative research project incorporating photography through which they will explore their responses to parental migration and their own aspirations and desires for their futures in Guatemala or beyond. For more information about Kelsey, or on how to contribute to the Fellowship fund, see www.bc.edu/humanrights/news/kelsey.html.



Human Rights and Migration Project: Zacualpa and Beyond

By Megan Thomas

The Human Rights and Migration Project in Zacualpa, Quiché, in the Guatemalan highlands, has made major advances over the last year. The Project team—two young K'iche' high school graduates, José Daniel Chich González and Luisa Hernández Simaj, are embarking on a new stage of the work: follow-up with families in the communities that were surveyed in 2011 and 2012. They have organized two women's groups in El Tablón, each one with a backbone of women whose husbands and/or sons and daughters are in the United States. One group is engaged in literacy training, a task complicated by the fact that some of the women speak little Spanish, and the other branching out into a variety of gender focused and mutual support activities, including pine needle basket weaving. Some of the baskets are being sold through the parish in the town of Zacualpa. New women have approached the group requesting to join, a major accomplishment in this village that currently has no organizations other than around the Catholic and evangelical churches.

Organizing youth in El Tablón is posing significant challenges, as many have one or two parents in the United States, little schooling, and began working at an early age. Nonetheless, the team has acquired new skills and plans to introduce participatory techniques that will help them to better understand the need and inclinations of this young population in order to work with them around their areas of interest. The team has also visited families with migrants in another one of the surveyed villages, Arriquín, and is at an earlier stage of organizing mutual support groups with a backbone of transnational families.

Another significant development in the Project this year has been the opening of migrant support services in the Catholic parish of the neighboring town of Joyabaj. Project Coordinator Sister Ana María Alvarez from Zacualpa has been sharing information on migration and human rights in Quiché Diocesan meetings and the parish priest in Joyabaj expressed an interest in setting up services similar to those offered in Zacualpa, given that Joyabaj has a large migrant population in the United States. Following an introductory

visit, the Zacualpa team trained a young parish worker from Joyabaj in the use of the US Immigration and Customs Enforcement's (ICE) online system for locating migrants detained in the United States. The Zacualpa team also shared forms they have developed for case intake and tracking as well as knowledge and contacts of Guatemalan government services for migrants, such as help in repatriating remains of deceased migrants. The Joyabaj parish funds the staff and resources for the services provided in that municipality.

The Project has also networked with governmental and non-governmental institutions and organizations working on issues of migration in Guatemala and the Central America and Mexico region. Networking is contributing to the Project finding its own footing in the community working on migration and benefits include additional training for the team and a new donor that will fund transportation and work in the communities (mentioned above), as well as a new part-time staff member. The new donor is InterPares of Canada, through the Central America and Mexico office of the Project Counselling



Service (PCS), an organization that runs a comprehensive regional project around migration.

The Human Rights and Migration Project in Zacualpa, Quiché, is maturing, growing in depth and extension without becoming a large operation. Its strengths include the development of human resources, accompaniment of transnational families in their own communities, replicating the project and sharing resources, and finding new sources of funding and support that will aid in consolidating and extending the work.

We look forward to working on these new initiatives in the coming year.



FEATURED PHOTOS:

Images from Zacualpa.



JUSTICE *in Guatemala?*

Former Guatemalan dictator Efraín Ríos Montt was brought to trial in March 2013, in a case that has been winding its way through the Guatemalan courts for over a decade. He was charged with genocide based on the fact that he was de-facto president and commander in chief of the Guatemalan armed forces between 1982 and 1983, the years during which most of the large scale massacres took place and tens of thousands were slaughtered. The trial gained widespread national and international media coverage as numerous Ixil indigenous witnesses testified regarding their own personal suffering and the loss of family members, homes, livestock and crops. Urban middle and upper class Guatemalans and youth in general became aware of the atrocities committed thirty years ago, for the first time. The trial also sparked protest and threats of renewed violence on the part of diehard anticommunists and supporters of the military, contributing to political polarization on a scale not seen since the internal armed conflict.

The court found Ríos Montt guilty of genocide and sentenced him to 80 years in prison. By this time there were numerous unresolved appeals around the case, and one

filed by Ríos Montt's lawyers made it to the Constitutional Court. The guilty verdict was reversed on a technicality and the former dictator is again under house arrest and awaiting a new trial date set for 2014. While reversal of the verdict was a major setback for justice in Guatemala, the trial has had the effect of raising awareness of the horrendous crimes committed during the war and of the need for justice and the preservation of historic memory.

The lessons learned from the trial are being processed by human rights lawyers and activists just as they will be discussed and assimilated by populations throughout Guatemala. This is particularly true in the case of Quiché, where the worst and most widespread atrocities of the war took place. Zacualpa, the municipality in Quiché where the Human Rights and Migration Project is located, was among the worst hit areas and is one of the illustrative cases highlighted by the United Nations Historic Clarification Commission (CEH) that drew up the report on human rights violations committed during the internal armed conflict in Guatemala.

Reflections from Students

VICTORIA E. TORRES-VEGA

*Applied Psychology & Human Development, Boston College '14
Boston College Graduate School of Social Work '15*

When I first started working on the Migration and Human Rights Project, I was unaware of what I was getting myself into. The first time I learned of this project was when Professor M. Brinton Lykes spoke about it during a parents' weekend presentation. I was astounded by the amount of compassion she had for working with undocumented immigrants, and it compelled me to introduce myself so that I might join her in her efforts to empower these individuals.

This project has had such a huge impact on the person that I am today,

and who I want to be in the future. Being an immigrant myself, I built a connection with the children I worked with for the project and I saw a lot of myself in them. The workshops we were involved in opened my eyes to the many struggles these children are being forced to overcome because of the migration issues in this country. Being in contact with each unique child gave me the ability to put a face to the individuals in the data I was entering for the research project, and made each experience so much more profound. This summer, I will also be traveling with Professor Lykes to

Zacualpa, Guatemala with a grant from the CHRIJ.

The experiences these individuals are going through are extremely sensitive, but are often overlooked by people who do not know much about the immigration difficulties. This project and the experiences that I have gained so far from them have led me onto a path of social work, and I want to continue doing clinical work with individual clients to empower each person so that they too can have the same opportunity to thrive as I have migrating to this country.

NATALI SOTO

English and Business Management, Concentration in Economics, Boston College '14

Immigration law is at the forefront of political discussion in the United States. With millions of immigrants facing deportation every day, the work of the Post-Deportation Human Rights Project is more relevant than ever. Both of my parents were immigrants to this country, and learning their story motivated me to learn more about the United States' immigration history. I read articles and books about this topic, but working directly with deportees and their family members allowed me to truly understand the worries that millions of

immigrants face every day. Although I've always been interested in pursuing a career in law, working with Jessica Chicco at PDHRP helped me further define my career goal to immigration law.

My internship at PDHRP has led me to a summer internship at the PAIR Project in Boston, where I work with those who are facing deportation and/or seeking political asylum. With my experiences at PDHRP and PAIR, I am able to see both sides of deportation: the before and after effects. This

summer, I will also be traveling with Professor Lykes to Zacualpa, Guatemala with a grant from the CHRIJ to collaborate in the ongoing participatory action research with the Human Rights and Migration Project there.



FEATURED PHOTOS:

Left: Victoria, Jessica, Natali, and Rocío with José Manuel in Zacualpa; top right: students in Zacualpa with Ricardo Falla; bottom right: Victoria, Jessica, Natali in Zacualpa.

MACKENZIE HOUCK

Boston College Law School '14

Despite the record numbers of deportees in recent years, the Post-Deportation Human Rights Project is one of the only organizations that people can turn to after they or their loved one have been deported. PDHRP offers helpful information to the many people who call and email each year, many of whom have no one else they can contact. Beyond analyzing the stories that pour in from around the world, PDHRP also helps immigrant communities within the United States to know and exercise their rights. The Project also coordinates with immi-

gration advocates to participate and shape strategy for impact litigation that affects deportees and their families. It also shares its expertise widely by issuing manuals and practice advisories that help both attorneys and people seeking advice for their own cases.

I loved working with PHDRP on everything from intakes and an affirmative asylum case to community events and litigation strategy calls because I was able to witness the intelligence and heart that drives all that the project does. I was incredibly fortunate

to spend so much time with a patient and thoughtful immigration attorney, and the BC community is lucky to have such unique and necessary work being done in its midst.

The Post-Deportation Human Rights Project: Victories and Struggles that Lie Ahead

By Jessica Chicco and Daniel Kanstroom

The Post-Deportation Human Rights Project was reinvigorated this year by two important victories. In one case, following last year's oral argument before the Fifth Circuit Court of Appeals, the court issued a decision invalidating the regulatory "departure bar" and ruled that individuals who have already been removed from the country may nonetheless request that their cases be reopened. Our client still faces significant obstacles to his return, and litigation is ongoing, but the impact on the state of the law and individuals' right to seek review of their cases post-deportation is a significant one and one that we are hopeful will help many who are similarly situated.

In another case, a family who had been separated by deportation for more than five years was finally reunited just in time to spend Christmas together. Bob and his wife Carolina had been separated since 2007, when Carolina—who had overstayed a visa—was detained by immigration agents at her work. After several months of detention she was deported, leaving behind her husband and their then-two year old daughter, both U.S. citizens. The family tried to start a new life in Carolina's country of origin, but couldn't make ends meet and were forced to make the difficult decision of separating the family so that Bob could work in the US to support his wife and daughter. Because of harsh penalties imposed on individuals who have overstayed a visa and have been deported, Carolina needed special permission to return to the US. After more than five years apart—and a year and a half of paperwork—the family was finally reunited.

The PDHRP has also been responding to broader movements in the landscape of immigration law. As Congress and the country debate comprehensive immigration reform and a pathway to citizenship for the 11 million undocumented individuals in the country, relatively little has been said about the rights of deportees who are facing the harsh realities of the country's current deportation policies.



FEATURED PHOTO:

Bob and Carolina pose for a picture with their daughter and Attorney Jessica Chicco.

The PDHRP has been actively meeting with members of Congress and their staff to educate them about the hardships that individuals who have been deported and their families face and to advocate for increased discretion that would allow removed individuals to return to the US. No immigration reform would be truly comprehensive if it fails to achieve proportionality, compassion and respect for family unity. Our voice—and that of deportees and their families—must be part of the debate.

Most recently, the Supreme Court issued its decision in *Windsor v. United States* striking down Section 3 of the Defense of

Marriage Act which limits the definition of marriage to one man and one woman for federal purposes. The Court's opinion will have—and already has had—significant consequences in the application of immigration law for those who are in same-sex marriages. In the wake of the decision, the PDHRP issued a Practice Advisory focusing on the decision's implications on the availability of relief for individuals who have already been deported (available at www.bc.edu/postdeportation).

SPOTLIGHT ON

Collaboration with the Global Workers Justice Alliance

The PDHRP undertook a new collaborative project this year with the Global Workers Justice Alliance (GWJA), a non-profit organization based in New York. GWJA works to ensure that global migrant workers who have suffered labor abuses and exploitation are able to recover and achieve justice across borders, even if they are deported or leave the United States to return to their countries of origin. While working to form a network of legal advocates in several countries in Central America, GWJA staff repeatedly encountered questions about the U.S. immigration detention and deportation systems. In an effort to provide information to the legal advocates and the communities they serve, PDHRP has teamed up with GWJA to assemble a manual on the basics of the U.S. immigration detention and deportation systems to address frequently asked questions, such as how to locate a loved one who has been detained in the US. The manual—in Spanish and English—will be out soon and will be posted to our website!



SPOTLIGHT ON

PDHRP Pro Bono Attorney Receives Award for his Work

Ronaldo Rauseo-Ricupero, a 2007 graduate of Boston College Law School and a recipient of a certificate from the Center for Human Rights and International Justice, was awarded an Excellence in Pro Bono Lawyering award in May 2013 by the Massachusetts Lawyers Weekly for his work with the Post-Deportation Human Rights Project. Ronaldo has been working with PDHRP since 2011 and, along with PDHRP Supervising Attorney Jessica Chicco, successfully argued a case before the Fifth Circuit Court of Appeals (learn more about the case on p. 14). We congratulate Ronaldo and are delighted that his hard work and dedication has not gone without notice!



PDHRP Drafts International Convention on Rights of Deportees

This article was adapted, with permission, by Tamar Lawrence-Samuel from an article by Jeri Zeder which appeared in the Fall/Winter 2012 issue of the *Boston College Law School Magazine*.

Since the introduction of stricter immigration laws in 1996, the United States 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” is having devastating effects around the world in both the deporting and receiving states, subjecting immigrant communities to an increasing range of human rights abuses, including arbitrary arrest, mandatory and prolonged detention and deportation without consideration for humanitarian factors.

Expanding on its work of seven years in shaping US law and to address the international human rights violations faced by deportees worldwide, the Post-Deportation Human Rights Project (PDHRP) is drafting an International Convention on the Rights of Deportees. The Convention, predicated on fundamental notions of proportionality, fairness, state responsibility, equality and respect for family unity, recognizes deportees as a separate class, much like international law has come to recognize refugees and victims of human trafficking before them.

National immigration and human rights experts who gathered at Boston College Law School in November 2012 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. Doz-



FEATURED PHOTO:

International Convention on the Rights of Deportees Conference.

ens of activists, academics, lawyers, and students gathered in small groups for a five-hour meeting of experts coordinated by PDHRP. 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 who receive deportees, can see the advantage of implementing nationally? 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: creating an inter-

national regulatory framework and raising awareness 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.

Tamar Lawrence-Samuel, PDHRP Visiting Scholar for the 2012-2013 academic year, who was primarily responsible for organizing this initial brainstorming session, called the day “step one-and-a-half” in a long process that has gotten off to a great start. PDHRP plans to continue the research and to incorporate the ideas that were generated during the conference into a second draft. A larger, more international group will be convened to examine and react to the second draft at Boston College in the Spring of 2014.

MHRP Affiliated Faculty, Prof. Kalina Brabeck, Receives Young Scholars Fellowship

Affiliated Faculty and Rhode Island College Associate Professor Kalina Brabeck was selected as a Foundation for Child Development Young Scholar (2013-2015) to conduct a two-year research project that will explore how parent legal vulnerability influences the mental and physical health and academic performance of middle childhood US-born children of Latino immigrant parents. Her work is an important follow up to earlier collaborative participatory and action research which she completed with MHRP directors and graduate students. Her current research project will utilize a sequential mixed-methods design, with the quantitative phase preceding the qualitative phase. The quantitative research questions are: To what degree does parent legal vulnerability predict US-born middle childhood outcomes (mental health, physical health, and academic performance)? To what degree is the relationship between parent legal vulnerability and child outcomes mediated by parent mental health, parent acculturative stress, parenting, parent economic stress, and parent ability to access services? To what degree is the relationship between parent legal vulnerability and child outcomes moderated by school type, child gender, and living in a single- versus two-parent household? The qualitative questions are: How do immigrant parents and their US-born children experience, perceive, and describe in their own words the impact of US immigration policies for themselves and their families?

Once complete the study will:

- 1) Provide data on the role that parent legal vulnerability plays in determining academic and health outcomes for US-born children of Latino immigrant parents;
- 2) Explore possible mediating and moderating variables, some of which may be targets for psychosocial interventions (e.g., parent mental health and parenting) and for policy reform (e.g., service use and economic stress); and
- 3) Yield empirical data that can be used by immigrant advocates, service providers, and policymakers to argue for changes in policy that support the wellbeing of this growing segment of US-citizen children, and educate the wider public in order to dispel stereotypes and myths about children of immigrants.

We wish Kalina the best in this very worthwhile undertaking!



Professor Kalina Brabeck

“Conociendo nuestras familias”: A Workshop Designed for Children on Understanding Detention, Deportation and Familial Roots Among Children of Immigrants

By Cristina Hunter

Having spent the previous five years working with and learning from Latino immigrant families, as a first year doctoral student and newcomer to the Migration and Human Rights Project (MHRP), I knew I wanted to work more closely with the children from the participating community organizations. In close collaboration with Prof. M. Brinton Lykes we developed a workshop called “Conociendo nuestras familias” (Getting to Know our Families) designed for children whose parents attended community workshops organized through the Project. In addition to my personal research interest, the desire to work with children was motivated by two reasons: On a practical level, we wanted to enable parents, and especially mothers, to attend the workshops by providing them with child care. Secondly, our interviews and group conversations with community members suggested that parents agreed it was important that children know about issues of detention, deportation, and family heritage but did not want their children engaging in a long interview about these topics. To fulfill our interests while also respecting parents’ wishes, we crafted a creative way of engaging kids through drawings to look at how they think about themselves and their families. In addition to gauging what children of undocumented immigrants know about these topics, we were interested in understanding where they learn it, and more importantly, how they make sense of what they know.

When designing these workshops we had three specific aims in mind: First, we wanted to involve the children of parents participating in workshops in a setting where they could interact with other children from the community. Second was a desire to give children the chance to voice their experiences as children of immigrants using more creative

means such as drawing. Finally, we were interested in expanding our understanding of how young children understand and/or think about detention, deportation, and their familial roots based on their countries of birth and/or the ethnic compositions of their families.

Five workshops were held over three years, spanning from 2010 to 2013. Workshops were centered around five main activities. Children were first asked to draw a picture of their families which was followed by a large group discussion where we reviewed a poster board of flags from Latin American countries and discussed questions such as what these were and what they represented. Participants were then handed stickers of these flags and asked to put a sticker next to each person in their drawing indicating what country that person was from. Once they were finished, children were informally interviewed individually about their drawings. To conclude, we asked participating children to share as a group their thoughts on what their parents/family members who were gathered outside in the workshops were doing. The main goal of this discussion was to gauge what the group knew about detention and deportation in a subtle and indirect way.

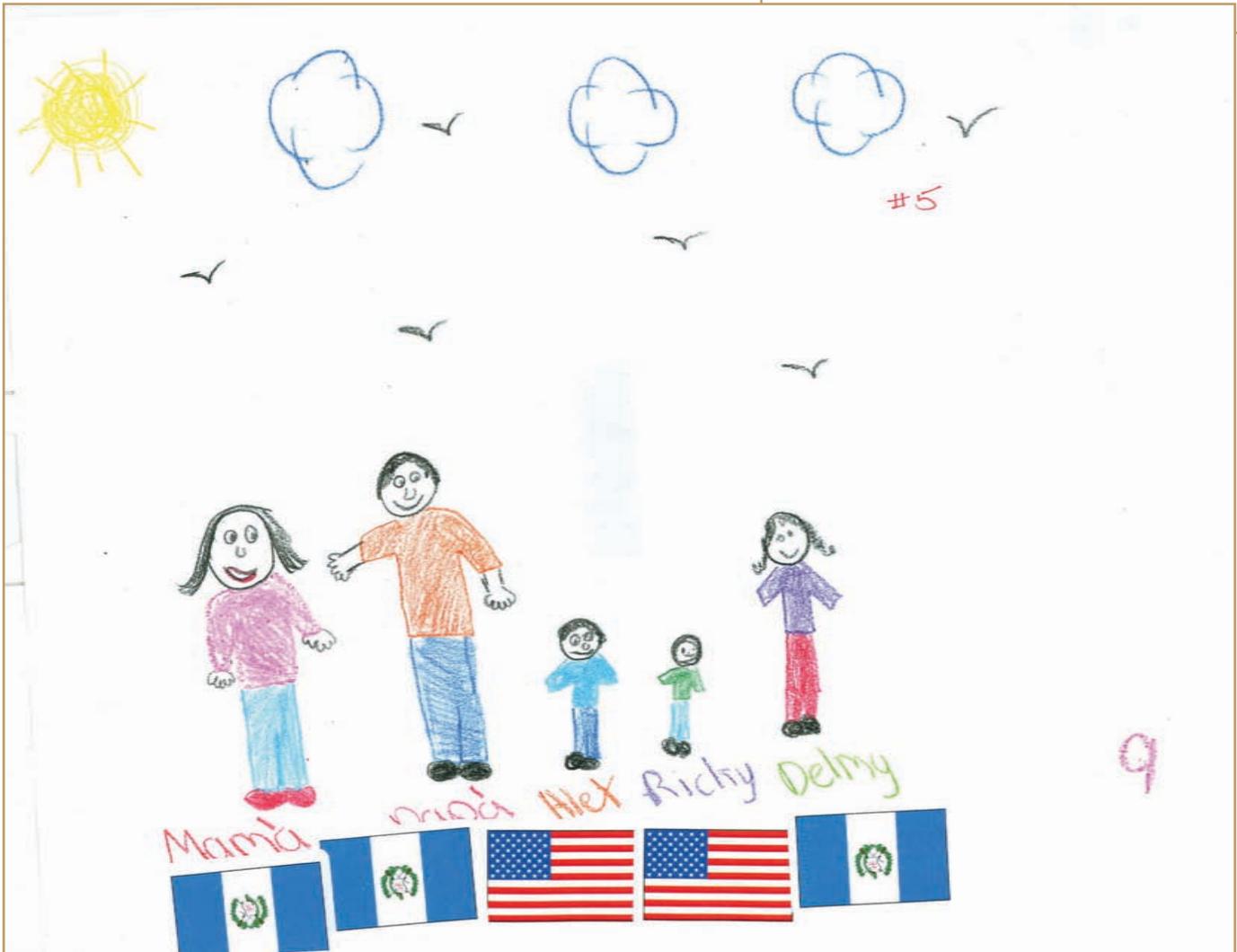
When looking across workshops at children’s drawings, interviews and group discussions we found that children across all ages associate belonging with a person’s birthplace and it is evident that even at a young age, children of immigrants understand that their parents are not from the United States even though they all live here. We see variation regarding how children talk about where they are from in addition to what they know about their parents’ countries of origin. While some participants identified each family member including

themselves with flags from their countries of birth, a smaller number of participants who were also US born, also identify with their parents countries of origin and chose to represent themselves using two flags. Additional analysis reveals that drawings are an effective means through which to engage with children about certain topics. In the current study, the complexity of how children define what constitutes family and what binds them as a unit was evident when speaking to children both individually and as a group about their drawings.

Overall, very few children displayed an understanding of detention and deportation suggesting that children have only a very basic understanding of these issues and their understanding appears to be contextualized by their families’ experiences. Moreover, to the extent to which they know what it is, children associate the term “detention” with doing something “wrong” and/or someone who was “bad”, thus reflecting their internalization of dominant views among the majority population in the US.

As a native Puerto Rican, conversing and interacting one on one with Latino immigrant parents and their children has always been a personally enjoyable experience. However, as a researcher, I feel committed to the need to better understand the experiences of immigrant families from the perspective of parents and children themselves. I view these workshops, which give children the chance to voice their experiences as children of immigrants and inform us about their understanding of nationality and sense of belonging, as a first step in developing more adequate methodologies and research questions when working with this population.

FEATURED PHOTO:
A drawing from the Children's Workshop.



SPOTLIGHT ON

Migration Film Series

This year, the Center for Human Rights and International Justice continued its Migration Film Series. Co-sponsored by the Boston College student group REACT (Rallying Efforts Against Contemporary Slavery), the Center hosted a screening of the documentary *Not My Life*. The film depicts the cruel and dehumanizing practices of human trafficking and modern day slavery and follows the story of victims throughout the world. The screen-

ing was followed by a presentation and Q&A session with Julie Dahlstrom, Managing Attorney at Lutheran Social Services of New England. Ms. Dahlstrom also serves on the Massachusetts Attorney General's Interagency Human Trafficking Task Force, and teaches the Human Trafficking Clinic at Boston University School of Law.



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140 COMMONWEALTH AVENUE
STOKES HALL N410
CHESTNUT HILL, MA 02467 USA

Thank You

A special thank you to **Tamar Lawrence-Samuel** who served as a Visiting Scholar during the 2012-2013 academic year and led our work on the convention on the rights of deportees. We wish her well in her next endeavors!

A special thanks also to the many students who worked with us this year! **Susana Alvarez** (Boston College Law School LL.M. Program, Class of 2013); **Soohyun Choi** (The Fletcher School at Tufts University, Class of 2014); **Paul Durst** (Boston College Law School, Class of 2014); **Mackenzie Houck** (Boston College Law School, Class of 2014); **Graham Cunningham** (Northeastern University School of Law, Class of 2013); **Hannah Pappenheim** (Boston College Law School, Class of 2014); **Janaya Snell** (Northeastern University School of Law, Class of 2013); and **Natali Soto** (Boston College Carroll School of Management, Class of 2014) worked with the legal team of the Post-Deportation Human Rights Project. **Cesar Boc** (School of Theology and Ministry, Class of 2013); **Jessica Franco** (Boston College of Arts & Sciences, Class of 2015); **Shaun Glaze** (Lynch Graduate School of Education, doctoral student); **Cristina Hunter** (Lynch Graduate School of Education, doctoral student); **Erin McDonald** (Lynch Graduate School of Education, doctoral student); **Rocío Sánchez Ares** (Lynch Graduate School of Education, doctoral student); and **Victoria Torres-Vega** (Lynch School of Education, Class of 2014) worked with the participatory action research teams.

Staff Announcements

We are pleased to welcome Jennifer Monnet as a fellow with the Post-Deportation Human Rights Project!

Ms. Jennifer Monnet received her J.D. from Boston College Law School in 2013, and her B.A. in Psychology from McGill University. Prior to joining PDHRP, she was an intern with the immigration firm of Fragomen, Del Rey, Bernsen & Lowey at their Washington, DC office. She was also a law clerk with Joyce and Associates in Boston, where she advocated on behalf of immigrant families seeking relief from deportation. Jennifer is a fluent French speaker.

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Bring a post-removal case to us for discussion

Contact us directly with the details at the numbers, email or website on the inside front cover.