

MIGRATION & HUMAN RIGHTS PROJECT

ANNUAL REPORT • 2011-2012



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Center for
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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

ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW
Associate Professor of Law; Director, Immigration Law Clinic

Rachel E. Rosenbloom

NORTHEASTERN UNIVERSITY SCHOOL OF LAW
Assistant Professor of Law

Qingwen Xu

TULANE UNIVERSITY SCHOOL OF SOCIAL WORK
Associate Professor

SUPERVISING ATTORNEY

Jessica Chicco

BOSTON COLLEGE
Post-Deportation Human Rights Project

FELLOW (2011-2012)

Larry L. Sandigo

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

Ana María Álvarez López

Project Supervisor

José Daniel Chich González

Victor Suar Manuel Ramos

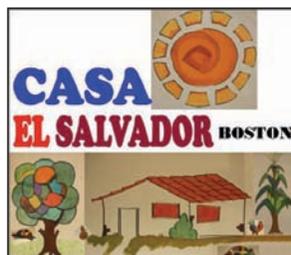
Luisa Martina Hernández Simaj

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 1.671.552.9295

EMAIL pdhrp@bc.edu

WEB www.bc.edu/humanrights/projects

**140 COMMONWEALTH AVENUE
CHESTNUT HILL, MA 02467 USA**



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Center for
Human Rights
and
International Justice

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● DEAR FRIENDS,

The past year has been one of continuity and change for the Center for Human Rights and International Justice. Our work within the United States and internationally has been reorganized around two main topics: *Migration and Human Rights*, within which is situated the *Post-Deportation Human Rights Project*, and *Gender and Human Rights in Contexts of Transition*. Through this re-organization we have sought to better represent the lived experiences of those with whom we are working as well as the rapidly developing scholarship and legal practice within the field of migration, transnational families, and border spaces. The CHRIJ is sponsoring two projects that focus on Africa and urban refugees coordinated by Professors David Hollenbach and Maryanne Loughry (see [Ethical Issues Raised by the Plight of Displaced Persons and Refugees](#) and [Forced Migrants and Urban Refugees](#)) as well as the ongoing psychosocial, educational, legal and research work in the United States and Guatemala with undocumented migrants and their families who are often transnational and/or of mixed immigration status. Those programs are described in more detail on our website at [Human Rights of Migrants: Transnational and Mixed-Status Families](#) (Participatory Action Research and Community-based Education as Resources for Documentation, Activism and Policy Change, led by Professor M. Brinton Lykes and Attorney Jessica Chicco), [Human Rights and Migration Project, Zacualpa, Guatemala](#) (Community-based Participatory Action Research and Legal Advocacy, led by Professor M. Brinton Lykes, Sister Ana María Álvarez and Attorney Jessica Chicco), and the [Post-Deportation Human Rights Project](#) (led by Professor Daniel Kanstroom and Professor M. Brinton Lykes). In the latter context, we have recently been joined by Visiting Scholar Tamar Lawrence-Samuel. After several years working with the United Nations Mission in Haiti, Tamar has returned to the United States and will be working with the legal staff of the Migration and Human Rights Project in the development of a new Convention on the Rights of Deportees. This work is an extension of the work in which the legal team has been involved this year (see Kanstroom & Chicco, this issue) challenging the legal obstacles faced by those seeking to rejoin their families here in the United States after hav-

ing been deported. Professor Kanstroom has also published a second volume on deportation entitled *Aftermath: Deportation Law and the New American Diaspora* (Oxford University Press, 2012) in which he closely examines the effects of the harsh turn taken by U.S. deportation law since the 1990s on individuals, families, and communities. Much of the book's focus is on legal issues that arise for those in the "new American diaspora" who were wrongly deported (there are estimated to be tens of thousands) (see Spotlight on *Aftermath*).

Our community-based and educational work has moved in two overlapping directions this year—with Casa El Salvador in East Boston and with Women Encouraging Empowerment in Revere. The work with Casa El Salvador (see Rubio & Boc, this issue) reflects a collaboration of a broad range of volunteers in East Boston. The organization is hosted by the Salvadoran Consul on the second floor of their building on Bennington St. As part of their monthly community "Tertulia Popular" the university-based team of students, faculty and lawyers have continued participatory Know Your Rights workshops with many documented and undocumented migrants facing increased intensification due to the "Secure Communities Program" whose widespread enforcement this year has generated increasing fear and uncertainty in many local communities. The staff and Board of Women Encouraging Empowerment (see Drammeh & Sims, this issue) invited our collaboration with women from North Africa and the Middle East who have been granted asylum and undocumented migrants from Mexico and Latin America who share a concern about domestic violence and how to negotiate the complex interface of their "status" and the need to protect themselves and their children from abuse. We look forward to continuing these relationships over the upcoming year and to working with these and other groups in the design of educational and informational workshops with youth who qualify for the recently announced relief for "DREAMers," that is, undocumented youth who came to the United States as children (see Kanstroom & Chicco, this issue).

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 United States 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:** 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.
- **Women Educating Women Towards Empowerment and Leadership:** This project was launched 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.
- **Migration and Human Rights 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.



Finally, the transnational participatory and action research continues with the *Human Rights and Migration Project* in Zacualpa (see Lykes, McDonald & Thomas, this issue). A team of k'iche' high school and college students completed community surveys of all households in two more villages of Zacualpa and in the town itself. The goals of the work are to document the incidence and prevalence of migration from and deportation to these communities—and the effects on families and the wider community. Through collaboration with local community leaders, we have sought to identify questions that can help frame the community's needs to which they can respond, as well as identify new areas for future organizing and response. The office continues to respond to the needs of local families whose loved ones have been detained within the United States, helping Zacualpans to locate them and, when possible, secure legal representation for them. Rachel Hershberg, a Lynch School of Education Ph.D. student, recently completed her dissertation with nine transnational families who are “present when forced to be absent” (see Hershberg, this issue). Faculty and students affiliated with these projects have continued to make presentations and publish 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).

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,

M. Brinton Lykes

Daniel Kanstroom



CASA EL SALVADOR AND BC'S HUMAN RIGHTS OF MIGRANTS PROJECT

BY DORIS RUBIO AND CÉSAR BOC

Casa El Salvador (CES) opened its doors in July 2011 and since then it has hosted educational events including English, literacy, and computer classes, as well as cultural programs such as theater events, art exhibits, singing classes, theater classes for children, and Karate classes. CES is a place developed especially for and by the Salvadorian community. It is a community organization that was conceived and organized by a group of 40 Salvadorians who joined forces in the spring of 2011 with the aim of being a fully functional organization by the end of that summer. Since then it has been governed by 10-12 volunteers who constitute a group of leaders and who have taken on the responsibilities in the areas of Education, Finances and Cultural Events, among others. The organization is not governed by a vertical hierarchical structure, but in a horizontal way in which all members share in the leadership of the organization as needed. We also participate in city-wide events alongside other organizations such as this year's "Worker's Day" events. In a short amount of time we have been able to also forge a union with students, professors, and professionals from Boston College in order to inform the members of the Salvadorian and Latino communities in East Boston—both the documented and undocumented—about their legal and civil rights. We have been delighted to work with Boston College's Human Rights of Migrants Project during this past year and will be looking to continue working with members of the Boston College community in the future.

CES and Boston College began collaborating during the summer of 2011, right as CES was getting off the ground. This partnership was born out of a need and desire to develop educational projects focused on legal rights with the Latino and immigrant communities. The objectives of Boston College's project and CES are closely aligned. CES is an entity run entirely by volunteers, seeking to serve the Salvadorian and Latino communities in East Boston. Similarly, the *Human Rights of Migrants Project* at Boston College is also committed to helping disenfranchised communities. Given the difficulties that the Latino community faces in Boston, this partnership has proven crucial in empowering individuals and community members to assimilate knowledge of their rights and responsibilities.

The collaboration between CES and Boston College is in part a reaction to the increased immigration enforcement and the expansion of the Secure Communities program (commonly referred

to as S-Comm) that the U.S. government has enacted across the country, including in Boston. Under this program, when an individual is detained by the police, the fingerprints are also checked against a national database and immigration authorities can then issue a "hold" on the individual, requesting that the person not be released, but instead be turned over to immigration. This program has exacerbated the enforcement situation immigrants already faced in Boston, such as home and workplace raids. Latino immigrants have also constantly been the victims of racial profiling, and a great number of them have been deported. Thus, CES and Boston College's *Human Rights of Migrants Project* developed Know Your Rights (KYR) workshops in order to educate immigrants about their rights and how to respond to an encounter with a police officer or an immigration agent.

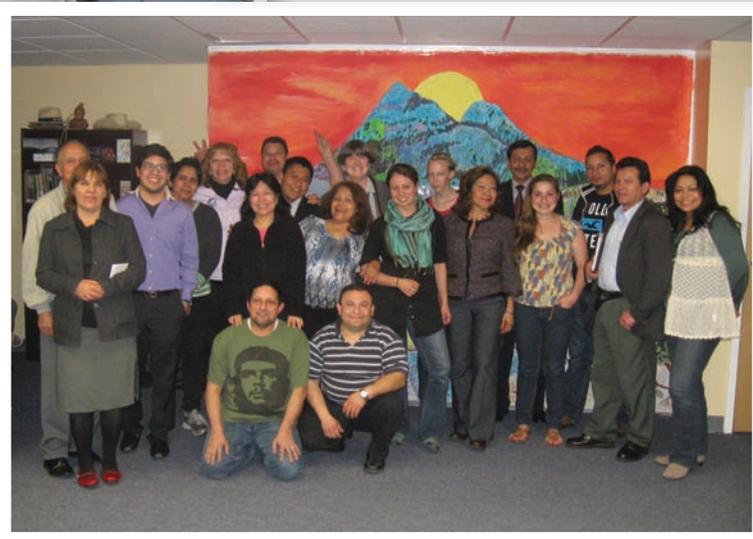
CES and its members decided to use their acting skills in constructing dramatic representations of encounters between Immigration and Customs Enforcement (ICE) officers and undocumented immigrants. The members of Boston College's *Human Rights of Migrants Project*—including students, professors, and attorneys—provided legal and psychological guidance in order to assist the members of CES and its theater group in crafting an effective and engaging way of teaching people their legal rights. Through Participatory Action Research (PAR), both CES and BC came together a number of times to create two workshops, one in the fall and one in the spring. These workshops helped community members to be engaged in their learning, as opposed to having someone lecture them about their rights. By participating in the learning process, participants were able to assimilate and interiorize legal concepts, which were used in encounters with immigration authorities, in order to know how to act correctly in such a situation. One of the major points of satisfaction in our workshops was that people were able to know with confidence their legal rights. People participated actively in the workshops by volunteering in the skits, by providing feedback in small group discussion, and by asking questions to our legal team.

Overall, this experience was very positive for both CES and Boston College. Given the difficult situation that many immigrants face in East Boston, our partnership in developing KYR workshops has proven immensely useful in helping to create a more just society with laws that apply equally to all individuals regardless of their legal status.



PHOTOS FEATURED:

Images from CES workshops conducted in fall 2011 and spring 2012.



SPOTLIGHT ON ●

KELSEY A. RENNEBOHM ¡PRESENTE!

Kelsey Rennebohm, native of Seattle, Washington, MA student in the Mental Health Counseling Program at the Lynch School of Education, Boston College and member of the Center for Human Rights and International Justice's *Migration and Human Rights Project* was tragically killed while riding her bicycle on Huntington Avenue on June 1, 2012. At the time of her death Kelsey was collaborating in the *Know Your Rights Workshops* with Casa El Salvador and the Boston College CHRIJ team, serving as a research assistant on the *Human Rights of Migrants: Transnational and Mixed-Status Families* where she was collaborating in qualitative data analysis in the participatory action research and community-based education project, led by Professor M. Brinton Lykes and Attorney Jessica Chicco. She was to have traveled to Guatemala with Professor Lykes in July to facilitate a community organizing workshop with youth in Zacualpa and to assist in the *Gender and Reparations Project on Understanding women's struggles for justice, historical memory and redress in postwar Guatemala*, with Professor Lykes and Professor Alison Crosby of York University in Toronto. The CHRIJ extends its condolences to Kelsey's many family and friends. She will be deeply missed by all of us who had the privilege to know and work with her.





COLLABORATIONS WITH WOMEN ENCOURAGING EMPOWERMENT, INC.

BY FATOU DRAMMEH AND JACQUELINE SIMS

Women Encouraging Empowerment Inc. (WEE) is a community-based organization founded in 2010 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. Its vision is the social and economic success of immigrant women based on leadership development and collective empowerment. WEE concentrates its skill building and leadership development work through the following activities: English for Speakers of Other Languages (ESOL), domestic violence prevention, organizing/leadership development, and advocacy and support to families in Revere, East Boston, Winthrop, Chelsea, and surrounding areas. WEE members are committed to providing a supportive community where immigrant, refugee and low-income women will organize and lead the social change required to live in just communities where their contributions and diversity are appreciated and promoted. WEE members are women from Mexico, Puerto Rico, El Salvador, Morocco, Algeria, Congo, India, Brazil, Haiti, Pakistan, Ecuador, Peru, and numerous other countries.

WEE Inc. and Boston College are working together to provide support and resources to WEE members and its staff. In this collaboration, Boston College has helped WEE develop resources and workshops on domestic violence, immigration/deportation and other topics of interest to WEE members. This past year, WEE and Boston College organized a series of three workshops that took place at WEE with the primary goals of: (1) providing information on domestic violence, (2) encouraging students to utilize resources if applicable, and (3) creating a space where collaborative and participatory conversation could take place. The three workshops were facilitated in Arabic, Spanish, and English and were held during WEE's regular English class times to encourage attendance.

During the workshops, participants developed group guidelines for the workshop conversations. Although guidelines varied by group, they generally included ideas such as confidentiality and respect, and all facilitators and participants honored the guidelines throughout the duration of the workshops without fault. Using these collaboratively decided upon guidelines, facilitators invited participants to share their understandings of domestic violence at the commencement of the workshops. Given the variety of generational and cultural backgrounds present in each work-

shop, the definition of domestic violence sometimes differed and invited animated conversations among participants. Together, participants and facilitators ultimately developed a shared understanding of domestic violence, that is, that it is a pattern of coercive and controlling behaviors used by one person over another to gain power and control. This may include verbal, financial, emotional, sexual, and physical abuse.

Using this definition, a variety of fictional scenarios was introduced during each workshop. In the scenarios, women faced different kinds of difficult situations with spouses and/or partners and were often conflicted on how to handle the situation based on familial, community, or cultural values. After reading each scenario together, the group collaboratively discussed whether it was a situation of domestic violence, what was going on in the situation that may affect how a woman reacts to this violence, and the effects of domestic violence on the woman, her family, and her community. Facilitators on hand helped to conclude each scenario by inviting discussion about what a woman can do if she finds herself in similar situations. Facilitators utilized discussion questions to stimulate conversation only when necessary, as participants drove the discussion during workshops. Resources and safety planning tips were distributed to participants at the conclusion of the workshops.

At the culmination of these workshops, it was clear that participants were better able to define domestic violence, identify different kinds of abusive behavior that constitute domestic violence, and understand that domestic violence is often a crime in the United States and that it is a violation of women's human rights. Through this understanding, and through the participatory nature of the workshops, participants were able to speak more openly about domestic violence in order to work for change in their communities. In order to support this work, the workshops provided important information on possible resources if participants or members of their communities decided to reach out for help.

The WEE Inc. and Boston College communities look forward to continuing their partnership throughout the coming year by creating more workshops that address the needs and interests of the WEE community together.



PHOTOS FEATURED:

Images from WEE workshop on domestic violence conducted in fall 2011.



SPOTLIGHT ON ●

MIGRATION FILM SERIES

This past year, the Center for Human Rights and International Justice launched a Migration Film Series, co-sponsored by the BC Film Studies Program, with two events in the fall and two in the spring open to the BC and local community. The first screening featured two short films exploring the personal and legal challenges of undocumented immigration intimately through the eyes of the families who have migrated. The screening of *Sin País* (2010) and *Letters from the Other Side* (2006) was followed by a question and answer session with the Center's Associate Directors, Prof. M. Brinton Lykes and Prof. Dan Kanstroom. The second event in the fall featured the screening of *abUSed: The Postville Raid* (2010), a documentary chronicling the largest and most brutal immigration raid in history, and a conversation with a worker who was detained in the 2007 immigration raid in New Bedford, MA. In the spring, we screened *Sentenced Home* (2006), a documentary film following the stories of young men who were brought to the U.S. as refugees when they were children and who were later deported to Cambodia. The last film, *Which Way Home* (2009), narrated the stories of unaccompanied child migrants on their journey through Mexico as they try to reach the United States, and was followed by a discussion with a young man from El Salvador who traveled North at age 16. We are planning to continue the series this upcoming year!



RETURNING TO THE U.S.: LEGAL COMPLEXITIES AND LOGISTICAL REALITIES

BY DANIEL KANSTROOM AND JESSICA CHICCO

This year has been marked by some major—if incomplete—victories. Federal courts have increasingly accepted our arguments that individuals who have been deported nonetheless have the right to move to reopen their cases to challenge errors and to seek discretionary relief to which they may have been entitled. In the past year, three federal courts of appeals (the highest federal courts below the Supreme Court) have invalidated the so-called “post-departure bar” regulation that had barred such motions to reopen, bringing the total number of courts to have done so to eight: a clear majority. The *Post-Deportation Human Rights Project* (PDHRP) has continued its lead work on this issue, publishing an updated *Practice Advisory* reflecting the new case law (available at www.bc.edu/postdeportation), and litigating the issue in individual cases around the country. PDHRP attorney Jessica Chicco, joined by pro bono counsel from Nixon Peabody LLC, (including BC Law alum Ronaldo Rauseo-Ricuero) engaged in oral argument in New Orleans before the Fifth Circuit Court of Appeals—one of the few circuits that has yet to invalidate the regulation. A decision in that case has not yet been issued, but we are cautiously optimistic, and ready to continue the legal battles as necessary.

This issue, however, is just the beginning. Those deportees who do prevail on appeals of their cases after deportation still face additional hurdles in seeking to return to the United States. In February, the Department of Homeland Security released a “policy directive” describing when it would facilitate the return of an individual who had been deported and who subsequently prevails on an appeal. The directive appears to have been released, somewhat hastily, at least in part as a response to ongoing litigation. In 2009, the PDHRP, along with other national organizations and represented by the New York University Immigrant Rights Clinic, filed a request under the

federal Freedom of Information Act. The request sought documents related to the government’s representation to the Supreme Court that it had a “policy and practice” to return individuals who prevail on their appeals back to the United States and grant them the status they had prior to deportation. Just a month after a federal judge issued an opinion stating that the government may have been “engaged in a bit of a shuffle” when it made these representations to the Supreme Court, Immigration and Customs Enforcement issued the policy directive on returning individuals to the U.S. The directive indicates the government will facilitate the return of individuals in some cases, but it also highlights severe limitations, such as stating that it will not pay for the individual’s return, and that it may not return an individual if it determines that continuing immigration proceedings via video-conferencing is sufficient. This work, too, is continuing.

The year ended on a more hopeful note with the June 15, 2012 announcement by the Obama Administration that it would grant Deferred Action to some young people (“DREAMers”) who came to the United States before age 16 and have lived here for at least 5 years, if they meet certain criteria. The new policy is poised to offer relief—in the form of a temporary reprieve from deportation and employment authorization—to hundreds of thousands of undocumented youth. It is no substitute, however, for comprehensive immigration reform, as it does not provide a path to citizenship or long-term stability even for those who may benefit from it. The PDHRP has taken part in community forums and liaison meetings to assemble as much information as is available on this issue and to form relationships with local legal and community-based organizations. We plan to take an active role in assisting eligible youth to apply for Deferred Action once a process is announced in the coming weeks.

SPOTLIGHT ON METROPOLIS CONFERENCE IN THE AZORES

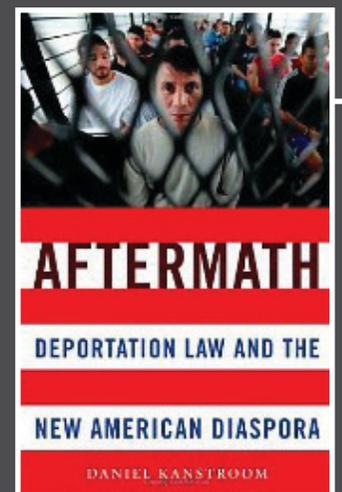


In September 2011, Post-Deportation Human Rights Project attorney Jessica Chicco traveled to the Azores for the *International Metropolis Conference*. The *International Metropolis Project* aims to enhance academic research on migration and diversity issues and promote the use of that research by governments and non-governmental organizations. Last fall's conference explored the impact of migration and deportation policies on "sending countries," and the effects of return migration. Ms. Chicco participated in the conference and presented at a workshop alongside academics and officials from the Azorean government. The presentation, titled "Returning to the U.S. After Deportation: Hopes & Hurdles" focused on the nature of the U.S. detention and deportation system and in particular on the obstacles faced by those who have been wrongly deported and seek to return to the U.S. to be reunited with their families.

SPOTLIGHT ON

AFTERMATH: DEPORTATION LAW AND THE NEW AMERICAN DIASPORA

Professor Dan Kanstroom's second book, *Aftermath: Deportation Law and the New American Diaspora* (Oxford University Press, 2012), released in July 2012, explores the current deportation system of the United States with a focus on deportation's aftermath: the actual effects on individuals, families, U.S. communities, and the countries that must process and repatriate ever-increasing numbers of U.S. deportees. Coining the phrase "new American diaspora," Prof. Kanstroom recounts what happens to deportees, many of whom are alone and isolated, with strong ties to their former communities in the United States, once they are expelled from the United States. In doing so, he addresses a wide range of political, social, and legal issues and poses a number of 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"?* The book concludes with specific reform proposals for a more humane and rational deportation system.



The book is available for purchase from Oxford University Press and on Amazon.com.

CONTINUING TRANSNATIONAL COLLABORATIONS

BY M. BRINTON LYKES, ERIN MCDONALD,
AND MEGAN THOMAS

2012 was an eventful year in Guatemala, with Presidential elections that saw Otto Pérez Molina, a former military general who has been accused of responsibility for massacres in the Ixil area of the Northern Quiché region of Guatemala in the early 1980's, elected to the presidency while a courageous young attorney general, Claudia Paz y Paz Bailey, brought charges against Efraín Ríos Montt, a former military dictator. The latter was ordered by a Guatemalan judge to stand trial on charges of genocide and crimes against humanity. The film *Granito: How to Nail a Dictator* (www.skylightpictures.com/films/granito/) describes some of the evidence that is currently being presented before the Guatemalan courts as thousands of rural peasants seek justice for family and community members who lost their lives during more than 36 years of armed conflict. Zacualpa was not untouched by these events and saw historically high electoral tensions, resulting in the occupation of the town's center by the Army for many weeks in the wake of armed aggression and the destruction of town property.

Participatory Research with Local Communities.

These political challenges as well as ongoing conditions of impoverishment contribute to local Zacualpans continuing to make the difficult decision to leave family and community and head North in search of a "better life" for themselves and their children. The decision to continue surveying households in Zacualpa and some of its villages was made by the on-site team of the *Human Rights and Migration Project* who seeks to better serve these families—hoping that through generating more systematic information they will be better able to advocate for themselves and create conditions for generating a sustainable life project within the local community. Thus, a team of local high school and college students was trained in research ethics and data collection procedures and administered a survey to 62 families in Arríquin, 303 in San Antonio Sinaché I, and 549 in the urban center of Zacualpa. If we include the 137 families surveyed last year in Tablón-El Cerrito-LaVega II, the total number of families surveyed in Zacualpa and its villages is 1,051. The area's overall population has been estimated to be approximately 40,000 individuals or 6-7,000 families.

We have completed preliminary descriptive analyses of the data from Arríquin and San Antonio Sinaché I and the findings have been reported back to local communities and their leaders. Although only 14% of the 352 community members of Arríquin live in the United States, 47% of Arríquin families have had at least one member migrate North. Similarly, although only 5.5% of the



1,507 individuals from San Antonio Sinaché I are in the U.S., this represents 30% of families with at least one migrant.

Seventy-six percent of those from Arríquin living in the U.S. are undocumented and four have been detained, whereas one person has been deported back to Guatemala. Seven returned voluntarily during the previous few years. Of the 130 people from San Antonio Sinaché I who migrated to the U.S., 85.5% are undocumented and 28 of these 130 people have been detained, of which 17 were deported. Six of these 17 had returned to the U.S. at the time of the interview. Families reported that 15 people returned from the U.S. voluntarily, thus leaving 104 people from San Antonio Sinaché I in the U.S. at the time of the census.

Most government reports of the effects of migration focus on remittances and we too sought to understand what remittances families receive and what indebtedness they have incurred from family members traveling North. In Arríquin, 91% of families receiving remittances reported receiving between \$25.45 and \$572.52 (Q200-Q4500) monthly whereas in San Antonio Sinaché I, 88% of families with migrants receive between \$25 and \$763.36 each month. Similar to the wide variation in the amounts received, we noted variability in the amount of indebtedness which remained unpaid at the time of the surveys. Forty-nine percent of migrants from Arríquin financed their journey through borrowing money with interest and 35% reported that they had to use their homes or land as collateral to guarantee the loan. In San Antonio Sinaché I, 78.5% reported loans with in-



PHOTOS FEATURED:
Images from Zacualpa, Guatemala.



terest and 26.1% indicated that they had to use their homes or land as collateral. Several families whom we interviewed in 2008 and again in 2010, including one widow and member of the human rights group CONAVIGUA (the *National Coordination of Widows of Guatemala*) whose land and home had been secured as reparations for the brutal torture and death of her husband, had their homes confiscated by a bank due to failure to pay interest on these loans. Indebtedness affects a relatively small number of families but those with debt suffer disproportionately from migration—and indebtedness remains a relatively untold story in the annals of transnational family life. The project continues to collaborate with local leaders seeking to use this knowledge to advocate for enhanced services for residents and their families.

Direct Services to Families and Deportees.

The project’s visibility has grown over the past several years. The local office is open several hours per day for consultation and local staff responds to local inquiries. BC attorney Jessica Chicco and students under her supervision are also available to the Zacualpa staff for consultation which included approximately 55 consultations between July 2011 and June 2012, with the large majority being about individuals (virtually all male) having been detained by authorities in the United States.

In the majority of cases, men had been detained by immigration authorities, usually along the border, while crossing or soon after crossing. Unfortunately, local families seeking help often lack basic information about their family member, thus making identification in the U.S. challenging. The BC office helps in a variety of ways including by attempting to locate the person and to gather information, such as about an existing order of deportation, possible relief for those in immigration detention, or specific charges for those in criminal court. They also reach out to family or friends in the U.S. forwarding them contact information about local organizations and, when possible, contacting local organizations with the individual’s information and a request for a personal visit and orientation. BC legal staff provides the Zacualpa office staff information about what is likely to happen to the individual. Feedback from local Zacualpa families indicates that they are grateful for and relieved to have information about family members within the U.S., even when the latter is not eligible for any relief and will be deported.



A DISSERTATION JOURNEY BETWEEN THE U.S. AND ZACUALPA, GUATEMALA

BY RACHEL HERSHBERG

As a veteran member of the *Human Rights of Migrants Project*, a graduate of the CHRIJ's Certificate Program in Human Rights and International Justice, and a Ph.D. student at the Lynch School of Education, I was committed to completing a doctoral dissertation that reflected my human rights values and was aimed to enhance the rights of migrants in the United States. Building on the work of the *Human Rights of Migrants Project*, and the ties I have developed to members of the Maya k'iche' community in the Northeastern U.S., and in Zacualpa, Guatemala, I chose to continue exploring the experiences of migrants who are part of mixed-status and transnational families. These families are often neglected in the psychological research with migrants in the U.S. From June 2010 to February 2012, I traveled between the Northeastern U.S. and Zacualpa to recruit and collect data from Mayan families who were interested in sharing their knowledge about and experiences of family separation and migration. Each family was composed of undocumented migrant parents who had been living in the U.S. for 5-12 years, and children who were over eight years old who had remained in Guatemala, as well as their caregivers in Guatemala. When I finished recruiting families, I had a sample of nine transnational, mixed-status Maya k'iche' families who were living across the U.S. and Guatemala. With these families I explored how twenty-first century immigration and deportation policies and practices influence family separation experiences, as well as the cross-border family processes through which members of transnational families maintain ties during physical separations. Toward the end of the research process, I shared findings with families and community members in Guatemala and incorporated their feedback in the write-up of my dissertation.

As part of the dissertation, I employed a qualitative, grounded theory analysis to the data I collected, and developed a theory that identified the central process through which transnational, mixed-status families maintain bonds. I titled this theory: "Being present when forced to be absent." This theory describes how family members in Guatemala and the U.S. make efforts to be present in each other's lives despite physical separations, as well as to what degree they view the "transnationalization" of their families—and their prolonged separation experiences—as related to U.S. immigration and deportation systems.

I found that family members engaged in a number of cross-border activities during their families' migration and family separation experiences in an effort to be present in each other's lives. These activities included: (1) cross-border communication; (2) the sending or receiving of remittances; and (3) the provision or receiving of life advice or *consejos*. Families expressed that utilizing these strategies mitigated the difficulties encountered in their transnational family relationships, yet they viewed cross-border family processes as an insufficient substitute for living in the same household or even country together.

Families also identified contextual factors in Guatemala and the U.S. as continuing to *force* family separations on the family. In particular, they described continual poverty in Guatemala as *forcing* Mayan migrant parents to remain living and working in the U.S. in order to support their children and other relatives in Guatemala. Families also identified immigration and deportation policies and migrant parents' undocumented statuses as forcing parents to remain in the U.S. and away from their family in Guatemala. Participants specifically spoke of the limited mobility undocumented migrants experience between the U.S. and their countries of origin and the risks migrants encounter when trying to cross the U.S.-Mexico border as part of their narratives about family separation and cross-border relationships in the twenty-first century.

The findings from my dissertation highlighted the sociopolitical and socioeconomic challenges transnational families currently experience, as well as some of the resources the Maya k'iche' leverage to confront these challenges. Drawing from findings from this dissertation and my previous experiences working with the Center for Human Rights and International Justice and the *Human Rights of Migrants Project* throughout my doctoral career, I concluded this work by highlighting areas ripe for future research as well as several implications from the findings for reforming U.S. immigration policy, including considering ways to limit family separation experiences during migration processes. I also discussed arguments in favor of legalizing undocumented Mayan migrants in the U.S., many of whom view their migration as a necessary response to violence and poverty in Guatemala, which they in turn view as resulting from the armed conflict in which the U.S. government played a part.



PHOTO FEATURED:

*Image of Rachel conducting re-
search in Zacualpa, Guatemala.*

The dissertation represents the culmination of my studies at Boston College and with the Center for Human Rights and International Justice. It is my hope that it reflects the knowledge I have gained from the Mayan and Central American families and communities with whom I have worked as part of the *Human Rights of Migrants Project*, who continue to partner with Boston College students and faculty, as well as the wider Boston community, to educate about the effects of punitive immigration and deportation policies and practices on migrant families and communities. I am grateful to them and to the Center for Human Rights and International Justice for supporting my research interests and human rights commitments since I began my studies at Boston College five years ago. It's been an incredible journey!





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140 COMMONWEALTH AVENUE
CHESTNUT HILL, MA 02467 USA



THANK YOU S

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A special thanks also to the many students who worked with us this year. **Alexandra Bonazoli** (Northeastern University School of Law, Class of 2013); **Alma Colchado Segovia** (Northeastern University School of Law, Class of 2014); **Simon Craven** (Boston College Law School, Class of 2012); and **Cara Sgobba** (Boston College Law School, Class of 2013) worked with the legal team of the Post-Deportation Human Rights Project. Boston College students **Ana Alvarez-Keese** (Lynch Graduate School of Education, Class of 2013); **Kaitlin Black** (Lynch Graduate School of Education, Class of 2012); **Cesar Boc** (School of Theology and Ministry, Class of 2013); **Allison Bravo** (Lynch School of Education, Class of 2013); **Matthew Dolan** (Boston College, Class of 2013); **Rachel Hershberg** (Lynch Graduate School of Education, Ph.D. 2012); **Cristina Hunter** (Lynch Graduate School of Education, doctoral student); **Erin McDonald** (Lynch Graduate School of Education, doctoral student); **Jacqueline Sims** (Lynch Graduate School of Education, doctoral student); **Irza Torres** (Lynch School of Education, Class of 2012); **Victoria Torres Vega** (Lynch School of Education, Class of 2014); **Elizabeth Wall** (Boston College, Class of 2013); and **Kristen Zale** (Boston College, Class of 2012) worked with the participatory action research teams.

STAFF ANNOUNCEMENTS

We are pleased to welcome Tamar Lawrence-Samuel as a visiting scholar!

Ms. Tamar Lawrence-Samuel was a Judicial Affairs Officer at the United Nations (UN) Stabilization Mission in Haiti, where she provided technical legal assistance to the government of Haiti. She assessed and recommended legislative reform needs, monitored and reported on the justice sector's functioning and created UN policies to help strengthen accountability, access to justice and legal protection for human rights. Prior to serving with the UN, Ms. Lawrence-Samuel was a Legal Fellow at the International Human Rights Clinic of The George Washington University Law School where she worked on a labor trafficking case in federal court.

Ms. Lawrence-Samuel is interested in international human rights law and women's civic and political participation. She holds a B.A. in political science from California State University, Chico and a J. D. from The George Washington University Law School.

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