



CENTER FOR HUMAN RIGHTS & INTERNATIONAL JUSTICE

BOSTON COLLEGE

POST-DEPORTATION HUMAN RIGHTS PROJECT

ANNUAL REPORT | 2009-2010

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Centro Presente



Organización Maya Ki'che'



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

Qingwen Xu BOSTON COLLEGE
Graduate School of Social Work

Kalina M. Brabeck RHODE ISLAND COLLEGE
Department of Counseling, Educational Leadership & School Psychology

SUPERVISING ATTORNEYS

Maunica Sthanki BOSTON COLLEGE
Post-Deportation Human Rights Project

Laura Murray Tjan BOSTON COLLEGE
Immigration Clinic

VISITING SCHOLAR

Erzulie Coquillon BOSTON COLLEGE
Post-Deportation Human Rights Project

ADVISORY BOARD organizations for identification purposes only

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ENGLISH TO SPANISH TRANSLATION: Carolina Carter

DESIGN: Zac Willette

about
the
POST-
DEPORTATION
HUMAN
RIGHTS
PROJECT

Longtime legal residents can now be deported from the United States on the basis of relatively minor criminal convictions **without any opportunity to present evidence of their family ties, employment history or rehabilitation.** Their family members must cope with the devastating loss of a spouse, parent, or child, and often with the financial loss of a breadwinner as well.

The Post-Deportation Human Rights Project offers a novel and multi-tiered approach to the problem of unlawful and harsh deportations from the United States.

Through direct representation, research, legal and policy analysis, training programs, as well as outreach to lawyers, community groups, and policy-makers, its ultimate goal is to reintroduce legal predictability, proportionality, compassion, and respect for family unity into the deportation laws and policies of the United States.

The Post-Deportation Human Rights Project is part of Boston College's Center for Human Rights & International Justice.

PHONE +1.617.552.9261
FAX +1.617.552.9295
EMAIL pdhrp@bc.edu
WEB www.bc.edu/postdeportation



140 COMMONWEALTH AVENUE
CHESTNUT HILL, MA 02467 USA

COVER IMAGE: detail of mural developed by the people of Zacualpa, Guatemala, in collaboration with muralist Brenda Cleary

DEAR FRIENDS,

The Post-Deportation Human Rights Project (PDHRP) has continued to grow over the past year, with direct legal representation, pro bono legal support, community-based participatory and action research, and a major interdisciplinary conference on “Deportation, Migration, and Human Rights: Interdisciplinary Theory and Practice.” This working conference (see page 4) brought together scholars, practitioners, advocates, and community organizers to think creatively about dilemmas facing immigrants to and deportees from the United States. Participants from various backgrounds including law, politics, psychology, anthropology, social work, community organizing, and health policy research were invited to reflect critically on fact patterns and case studies designed to exemplify deep tensions within the current U.S. immigration and deportation systems. Critical discussions focused on theoretical and practical problems that often elude analysis within single disciplines. We sought to:

- develop better frameworks for legislation and executive action, provide guidance for those who work with detainees, deportees, and their families, and
- lay the groundwork for the development of interdisciplinary advisories for practitioners and policy makers.

We are now collaborating with the conference participants on an edited volume arising from the conference.

As you will see in this issue, the PDHRP’s participatory and action research continues. A survey (see page 6) of over 130 Latinas/os parents sought to assess findings from the in-depth interviews of mixed-status families conducted in the first year of the project. This work has been extended to Zacualpa, Guatemala, where local activists and human rights advocates recently launched

the *Human Rights and Immigration Project* (see page 10). This new *Project* hosted a group of Boston College psychology students and Professor M. Brinton Lykes this summer. In addition, a Boston College law student will collaborate with them in the spring semester. These initiatives strengthen the transnational focus of our work. Over time, they should deepen our knowledge of the long term effects of detention and deportation on mixed-status and transnational families. They also support local families who seek information about and communication with distant relatives, as well as the development of local community and transnational networks. Locally, we have strengthened our collaborations with Centro Presente, Organización Maya K’iche’, and English for Action, focusing on developing participatory and community-driven *Know Your Rights* workshops. Mr. Marlon Cifuentes from English for Action gives us an update on that work from the perspective of his organization’s collaboration (see page 8).

Ms. Maunica Sthanki who has served as Supervising Attorney and Fellow for the past 12 months, summarizes our legal milestones, together with Professor Daniel Kanstroom (see page 7). We thank Maunica and Ms. Erzulie Coquillon who collaborated with PDHRP as a Visiting Scholar over the past year, for their multiple contributions. Finally, student collaborators, faculty, and community collaborators have been active in presenting the work of the PDHRP at a wide range of professional and community conferences and press conferences. A list of publications is available on our Center’s web site, www.bc.edu/humanrights/deportation.html

We look forward to our continuing collaborations with you and with our many other supporters.

Sincerely,

M. Brinton Lykes

Daniel Kanstroom

DEPORTATION, MIGRATION, AND HUMAN RIGHTS: INTERDISCIPLINARY THEORY & PRACTICE

A working conference hosted by the Post-Deportation Human Rights Project

What happens to deportees in their countries of origin after they are removed?

What happens to U.S. citizen children who accompany parents following removal?

What happens to U.S. citizen children who are left behind in the United States when a parent is removed?

These were among the questions discussed at the Post-Deportation Human Rights Project's working conference, *Deportation, Migration, and Human Rights: Interdisciplinary Theory and Practice*. The conference took place from March 18-20, 2010 and was hosted by the Center for Human Rights and International Justice's Post-Deportation Human Rights Project. Center Associate Directors Professors M. Brinton Lykes (Lynch School of Education) and Daniel Kanstroom (Law School) welcomed more than 30 conference participants, including scholars, community organizers, practitioners from the fields of law, psychology, anthropology, education, social work, and immigrants' rights to the conference. Together, the participants addressed problems faced by immigrants as a result of the deportation system in the United States.

The conference began with keynote addresses by Mr. Ali Noorani, the Executive Director of the National Immigration Forum, and Dr. Dora Schiro, the Commissioner of the New York City Department of Correction and the former Director of the Office of Detention Policy and Planning for the Department of Homeland Security. It also featured the screening of the new documentary, *abUSed: The Postville Raid*, which tells the story of one of the largest Immigration and Customs Enforcement raids in the history of the United States. The film's director, Mr. Luis Argueta, discussed the film after the screening.

The working section of *Deportation, Migration, and Human Rights* generated a fascinating discussion on a variety of issues including, challenges for mixed-status families facing deportation of a family member from the United States, immigrants' mental health, and immigration law and policy. Each panelist was asked to respond to one of three hypothetical case

studies involving immigrant families. The case studies reflected tensions in practice and raised theoretical issues from the perspectives of law, psychology, and community organizing. Following each multi-disciplinary panel presentation, additional participants and other panelists engaged in short, open discussion sessions in response to the issues that were raised by the case studies and the panelists' presentations.

At the conclusion of the discussions, all participants divided into multi-disciplinary groups to examine salient issues across the cases. Participants delved further into the themes raised during the panel discussions and open dialogue sessions. Among the several conference themes that the small groups identified were the "compelling narratives" embedded in the removal of non-citizens from the United States. The groups emphasized the importance of giving more space and clout in removal processes for the voices of children affected by deportation.

Participants brainstormed "action steps" related to themes that had been developed in the conference dialogue and recommended a variety of creative education, law, and mental health related approaches. Details of further outcomes of the working conference will be available on the Center for Human Rights and International Justice's website (<http://www.bc.edu/centers/humanrights>).





photo credit: Chris Soldt



SURVEY OF THE IMPACT OF DETENTION/DEPORTATION ON LATINO IMMIGRANT CHILDREN AND PARENTS

by Kalina Brabeck & Qingwen Xu

Between March and May 2009, researchers from the Post-Deportation Human Rights Project collaborated with five community-based organizations in northeastern United States to administer a survey to 132 Latino immigrant parents. The purpose of the survey was to explore how parents' legal status and experiences of detention and deportation affect Latino immigrant parents and children.

Almost 7% of participants reported that they have a current deportation order; 13.6% have been previously detained; and 4.5% were previously deported. Nearly 38% of participants acknowledged being undocumented. Among the 50 undocumented participants, 14% reported a current deportation order, 26% have been previously detained, and 8% were previously deported. Almost half the participants across legal status had family members who were deported. More specifically, more than 37% of documented participants and 60% of undocumented participants reported a family member had been detained and/or deported.

We learned the following with regards to the impact of detention and deportation on Latino parents and families, as reported by the parents:

- A substantial portion of the participants in the survey are legally vulnerable to, or have been directly affected in their families by detention and deportation.
- 40% or more of the parents who responded to the survey, across legal statuses, reported that the existence of detention/deportation policies affects how they feel, their ability to provide financially for children, their relationships with children, and how their children feel and perform in school.
- Parents with greater levels of legal vulnerability (that is, those who are undocumented or who have experienced detention/deportation personally or in the family) are more likely to report that the existence of detention/deportation affects them and their children emotionally, relationally, financially, and academically.

- Children are affected, not only by their parents' legal vulnerability, but also by the impact that detention/deportation has on their parents' emotional, financial, and relational health.
- Among our participants, three quarters of the children affected by detention/deportation are U.S.-born citizens.
- Children learn about detention/deportation from many sources, particularly from television and their parents.
- Across legal statuses, a little less than half of the parents surveyed have a plan for childcare if the parent is detained; of those who have a plan, less than half have communicated this plan directly to their children. Among the undocumented parents, 58% reported that they had a plan for childcare if the parent is detained, and among those with a plan, 40% reported that they had communicated the plan to their children.
- Service use for the child among families headed by undocumented parents did not differ significantly from use for children in families headed by documented Latino immigrants.
- The majority of undocumented parents and a substantial number (39.4%) of documented immigrants, who had a family member detained and/or deported, claimed that the existence of detention and deportation would affect their service use for their children.

Results of this survey underscore the impact that detention and deportation policies have on the Latino immigrant community at large, and on the undocumented community in particular. They further indicate that policies and practices which threaten undocumented adult immigrants harm U.S.-born citizen children, who are victims in the detentions and deportations—and fear caused by the threat of these actions—aimed at their parents. These results have been shared with community members and participants via community feedback sessions and they will be published in the August 2010 issue of the *Hispanic Journal of Behavioral Sciences*.

THE CONTINUING STRUGGLE TO REFORM OUR DEPORTATION SYSTEM AND TO REMEMBER THE DEPORTED

by Daniel Kanstroom and Maunica Sthanki

President Barack Obama promised comprehensive immigration reform during his first year in office. Unfortunately, such reform has not occurred and immigrants continue to be deported from the United States at rates that equal or exceed those of the George W. Bush era. Fortunately, the disgraceful large-scale workplace raids that were a signal feature of the previous Administration were ended, albeit amid a firestorm of criticism. Still, individual arrests—some within private homes—and deportations of those convicted even of minor crimes continues. Local law enforcement agencies have also increased their enforcement of immigration violations, and—with the recent passage of SB 1070 in Arizona and similar initiatives proposed elsewhere—many immigrant communities are deeply worried about erratic enforcement and racial profiling.

In response, the immigrant rights community has continued to push forward a reform agenda involving local community organizing, litigation, and proposed legislation. One positive result of such organizing efforts is New York State Governor David A. Paterson's recent decision to create a special "pardon panel" for immigrants with past criminal convictions. Governor Paterson's decision is based on his belief that the current immigration system is "embarrassingly wrong and inflexible" because it does not take into consideration rehabilitation and deports individuals for minor crimes.

Governor Paterson's "pardon panel" will review pardon applications for immigrants facing deportation due to their criminal history. Such pardons could eliminate the threat of deportation and allow otherwise legally resident noncitizens to remain in the country. It is also possible that an individual who has already been deported could receive a pardon and may be able to return to the United States.

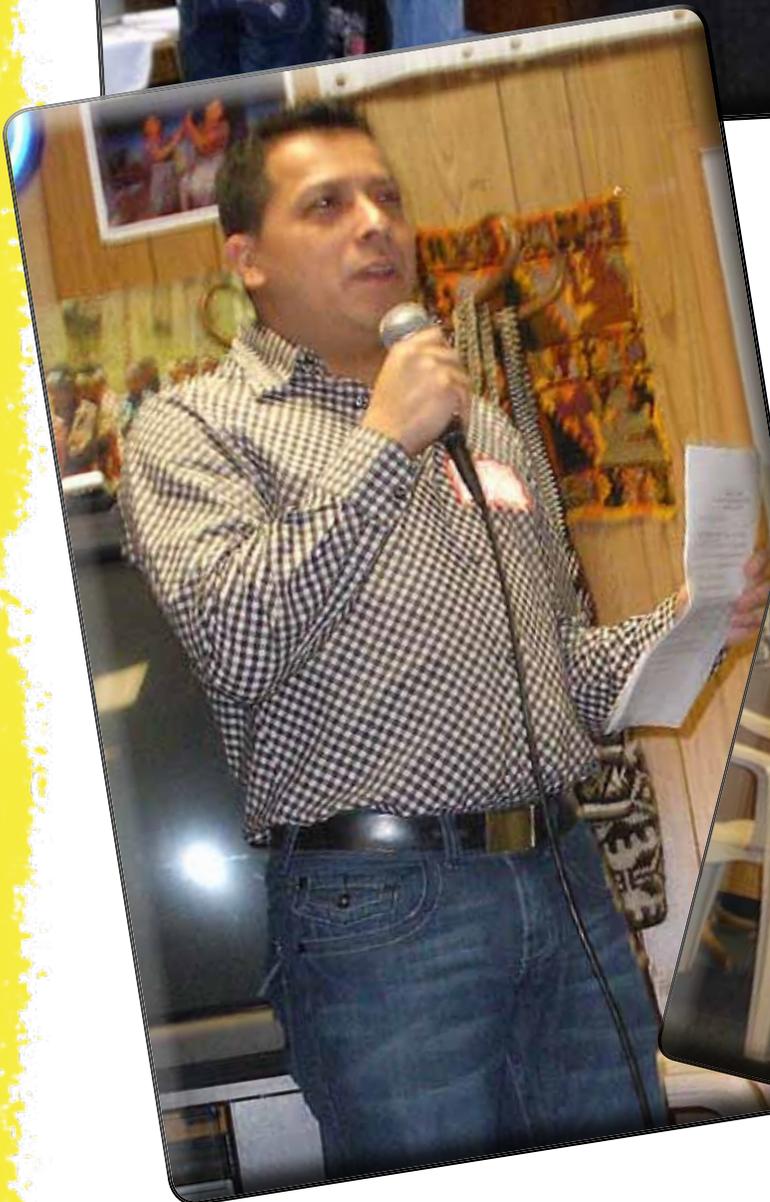
Two recent Supreme Court decisions also offer hope to those facing deportation as well as to the hundreds of thousands who have been deported. In *Padilla v. Kentucky*, the Supreme Court held that criminal defense attorneys have an obligation to inform their clients of the immigration consequences of a criminal conviction. The majority opinion, written by Justice John Paul Stevens, clearly noted the expansion of deportable offenses, the limited judicial review available, and the frequently quite harsh consequences of deportation. As a result of the *Padilla* decision, many immigrants facing deportation can now petition criminal courts to reopen their cases.

In another important recent case, *Carachuri-Rosendo v. Holder*, the Supreme Court unanimously overturned the deportation order against a lawful permanent resident of the United States who had faced deportation after committing two misdemeanor drug offenses in Texas. The government had argued that two minor drug possession offenses meant that the noncitizen was an "aggravated felon." The Court found this argument "counterintuitive," "unorthodox," and contradictory to common sense.

The "pardon panel" and the *Padilla* and *Carachuri* decisions are examples of effective advocacy from the immigrant rights community. Still, we at the Post Deportation Human Rights Project remain focused on the longtime legal residents who have already been deported. We ask that mechanisms be developed to allow them to return to their families and communities in the United States. We support the push for comprehensive immigration reform so that some form of legalization may be a possibility for the millions of undocumented individuals who live and work amongst us. However, such reform should not come at the expense of those convicted of minor criminal offenses. And the deported must not be forgotten.



photo credit: Marlon Cifuentes



ENGLISH FOR ACTION AND THE POST DEPORTATION HUMAN RIGHTS PROJECT

by Marlon Cifuentes



English for Action (EFA) works with Latino immigrant families in Providence, Rhode Island, developing participatory English language and childcare programs that link language learning, leadership development, and community-building. EFA sustains programs for adults' literacy, pre GED, Adult Basic Education for English speakers, conversation partner, and "voz mujer" (for women's leadership development). EFA strives to develop a center for community building and leadership development, where learners take on leadership roles within the organization and in the community to build a future model for community-based education and collective change. It envisions a participatory democracy in which people work collectively to promote social and economic justice, and in which immigrants are active and equal participants in society and politics. (<http://www.change.org/englishforaction/details/about>)

We at English for Action have been collaborating with Boston College, Centro Presente, and the Organización Maya K'iche' for over one year and, as a result of this collaboration, we have worked together to prepare a series of workshops which we have called "Know your Rights." These workshops are addressed to the undocumented immigrant community, although some persons with documentation have also participated and had the opportunity to share their experiences and knowledge with the rest of the group.

During the first workshop, we saw that people reacted positively to the information that we provided and to the performance of the Comité en Acción and Maya K'iche' theater group. This theater presentation contributed significantly to generating trust and allowing the spectators to identify more closely with the situation facing the latino communities in the United

States. We incorporated the "Theater of the Oppressed" developed by Augusto Boal into the second and third presentations of the "Know your Rights" workshop and invited members of the audience to participate in different scenes of the theater production. During this exercise they were encouraged to search for alternatives or solutions to the different problems experienced with the police, with Immigration and Customs Enforcement in the case of raids, or when the police stopped them to ask for papers, etc. This was done with the purpose of teaching them how to behave and respond when they are asked about their migratory status or for their documents or how to exercise their right to remain silent. As a group and as an organization, we also had the opportunity to exchange experiences and learn new ways of sharing information with the community, teaching our people and maintaining direct contact with them. We were also able to take advantage of these experiences to promote and provide training to our members in the areas of workshop facilitation, acting, directing, and script writing for the theater productions presented in the workshops. Another important aspect was the experience of working with these three organizations, learning from one another, creating bonds of friendship and companionship, and constructing community regardless of our geographic location, and thus joining together to fight the injustice facing our community every day. There is strength in numbers!

Now more than ever we need to continue preparing ourselves to fight the persecution, hate, and racism that are steadily growing throughout the country. We demand respect for ourselves as human beings, that we be treated with dignity, and that our human and civil rights not be violated.



IMMIGRATION AND HUMAN RIGHTS PROJECT ZACUALPA, QUICHÉ, GUATEMALA

by M. Brinton Lykes

In March 2010, Sister Ana María Álvarez López and a team of local volunteers launched the *Immigration and Human Rights Project*. The project will be coordinated out of a small office located alongside the Church of the Holy Spirit in Zacualpa's main plaza. Mr. José Daniel Chich Gonzáles, a local Zacualpan and university student, has joined the project as its Coordinator. Mr. Esteban Tzoy, a resident of one of the participating communities, will serve as the Fieldwork Assistant. The local coordination and support team which includes both Sister Ana María and Ana Gutiérrez, a youth organizer and advocate, will have additional support from Father Ricardo Falla, SJ, a Guatemalan anthropologist whose books about migration and youth in Zacualpa inspired much of this effort. The project's goals, developed collaboratively with the PDHRP, include:

Developing a **better understanding of transnational families** in Zacualpa through:

- Mapping migration from and return to local communities. This process will begin in collaboration with residents of El Tablón "La Vega" a village of Zacualpa.
- Identifying and mapping the location of family members in the U.S. and improving transnational communication and understanding.

Identifying **the impact of immigration and deportation** on these families through:

- Surveying households within the participating communities.
- In-depth interviews with a sub-group of participating families.
- Developing participation and leadership among families in the participating communities and beyond by:
 - Helping people understand how their stories contribute to knowledge generated by the project, clarifying through feedback sessions what we have learned from them, and discussing with them their ideas for the project's future development.
 - Facilitating the development of self-help groups for youth, women, and deportees/returnees.





Identifying, with participating communities, the actions (individual, familial, community, and national) that can **improve the quality of life** of transnational and mixed-status families, including:

- Identification of family members in the U.S. who have been detained and developing support networks for and with them.
- Developing popular education materials for local residents about, for example, recovery and return of the body of a deceased family member from the U.S.

Network with other immigrant rights organizations in Guatemala and beyond towards:

- Professional development for project staff through participation in conferences etc.
- Educating communities about the rights of immigrants
- Mobilizing communities for actions within Guatemala and beyond in defense of the rights of immigrants.

A team of students and faculty from Boston College traveled to Zacualpa in June 2010. Their work to date has included facilitating training workshops on group facilitation and research; meetings with members of the participating communities; facilitating workshops with adolescents whose parents live in New England; developing a community mapping project; and interviewing families.

Results of the work will appear in 2011.



photo credit: M. Brinton Lykes

POST-DEPORTATION HUMAN RIGHTS PROJECT

140 COMMONWEALTH AVENUE
CHESTNUT HILL, MA 02467 USA

STAFF ANNOUNCEMENTS

We are pleased to welcome the following new staff to the Post Deportation Human Rights Project.

Jennifer Barrow, Fellow

Ms. Jennifer Barrow received her J.D. from Boston College law School in 2010, and her B.A. from Boston College in 2003. As a law student, she participated in the immigration clinic and interned at the Boston Immigration Court. As a 2009 summer Legal Intern in the Greater Boston Legal Services Immigration Unit, she worked on asylum, VAWA and U-Visa cases. Before law school, Jen volunteered in Laredo, Texas through Mercy Volunteer Corps.

Jessica Chicco, Supervising Attorney

Ms. Jessica Chicco was the Arthur Helton Fellow and associate attorney at Human Rights First, where she worked with the Refugee Protection Program. In this capacity, she interviewed dozens of asylum seekers and provided legal rights presentations to immigrant detainees. She also co-authored and was the main researcher of a report on the detention of asylum seekers. Jessica has a B.S. from the School of Foreign Service at Georgetown University and a J.D. from New York University School of Law.

Christy Rodriguez, Fellow

Ms. Christy Rodriguez was an associate in the litigation department of the law firm of Ropes & Gray, LLP. While at Ropes, Christy represented several asylum seekers in immigration proceedings and coordinated the firm's involvement in the Catholic Charities Temporary Protected Status clinics for Haitians. Christy has a B.A., summa cum laude, in English and a J.D. cum laude from Boston College.

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We welcome your interest and support in every form.

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- *Consular Processing/NIV Waivers, or*
- *Post-Conviction Relief.*

BRING A POST-REMOVAL CASE TO US FOR DISCUSSION

Contact us directly with the details at the numbers, email or website below.