



Center for
Human Rights
and

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By Emma Kane and Grace Cavanagh

On October 1, the Center hosted BC Law alumna Yliana Johansen-Méndez for a conversation about her work as the Legal Services Director of the Children's Representation Project at Immigrant Defenders Law Center ("ImmDef") in Los Angeles, California. ImmDef's work is guided by a belief that the right to counsel in

» The Center plans to offer summer research grants to BC graduate and undergraduate students again this upcoming summer! This year the Center is prioritizing the areas of human rights and migration; and transitional justice processes. Application deadline **April 5**. Details at:

»

Clockwise from top left: Reed-Hurtado, Edelbi, Liem and Duncan

September 11, 2020. Reed-Hurtado reiterated the significance of this victory, noting that the repeal of El Salvador's amnesty law allows for accountability for other victims, while also acknowledging the existence of continued resistance to this pursuit for justice.

By Tugce Tumer and Emma Kane

On November 9th, 2020

Advocating for Unaccompanied Children at the US Southern Border: Challenges and Legal Strategies (continued from page 1)

because it is aware of the influential power of legal representation on children's case outcomes. An unaccompanied child is allowed to stay in the US in three of every four cases in which the child has legal representation. Comparatively, 80% of children who lack legal representation will receive a removal order.

Various current events have impacted ImmDef's work in the last few years. First and foremost, the Trump administration's anti-immigrant policies have made ImmDef's work both more difficult and more urgent. Changes to asylum law have made it significantly more difficult for applicants to obtain asylum, forcing ImmDef to change its legal strategy when representing asylum seekers. When Trump's zero-tolerance policy made national news for separating families at the border, ImmDef launched its Family Unity Project to reunite families. COVID-19 has also impacted immigrant advocacy work, as it has "exacerbated the human rights abuses in immigration system," according to Johansen-Méndez. By September 18, 2020, 20,000 immigrants in ICE custody had tested for COVID-19. Finally, the growing support for the Black Lives Matter movement throughout the summer of 2020 also

impacted immigration work. Anti-Black racism pervades the American immigration infrastructure. According to Johansen-Méndez, Black migrants are overrepresented in the population of immigrants in removal proceedings and in ICE detention centers. Black migrants in detention are also six times more likely to be placed into solitary confinement than non-Black migrants.

Johansen-Méndez was joined by her client Ibrahim Haruna, a 20-year old originally from Accra, Ghana now residing in the Los Angeles area. Haruna spoke about his year-long journey to the US. Haruna left Ghana via cargo ship as a 14-year old after his mother passed away. Unsure of where he would land, he arrived in Colombia over two months later. Colombian immigration officials, unwilling to help Haruna, put him on a bus to Panama. In Panama, Haruna made his way through the jungle with no food or clean water and crossed the dangerous Darien Gap, eventually making it to a military camp. He was again transferred by immigration officials and eventually ended up in Mexico where he spent almost a month in a military camp. When he made it to the US in 2015, he spent three days in ICE detention, then six months in a shelter, and was later placed in long-term foster care. After a three year legal battle, Haruna was granted lawful permanent residency thanks to the help of ImmDef, and now attends community college, works as an emergenc

protections in any of the countries in which they lived, transited, or sought asylum. Because no country has taken on the responsibility of protecting these women's rights, Bianco argues that in practical terms these women represent a stateless population. Bianco's research also highlights the challenges of mothering in hostile environments and the consequent difficult decisions mothers are forced to make in order to protect their children. Many of the women she interviewed exhibited signs of depression and expressed anxiety over the possibility of being deported, of not being able to work, and of not being able to find a lawyer. Bianco believes that the psychosocial wellbeing of migrant mothers is closely related to the way asylum policies are implemented.

The case concerns the legal concept of the writ of habeas corpus, which literally means "to bring the body." Habeas corpus ensures that people are brought before a judge who determines whether what is happening to them is lawful, a step designed to prevent the executive from operating in an unrestrained way. Noncitizens have had the right to due process since a 1903 ruling in *Yamataya v. Fisher*. However, the right to due process and protections against uncontrolled executive discretion have come under attack during the Trump administration.

In a 7-2 decision in *DHS v. Thuraissigiam*, the Supreme Court ruled that the Constitution does not allow an asylum seeker to petition for a writ of habeas corpus. On top of that, the Trump administration has now sought to expand the practice.

Center co-director Dan Kanstroom followed Dr. Bianco's presentation with an analysis of the recent Supreme Court decision in *Department of Homeland Security v. Thuraissigiam*.

By Professor Raquel Muñiz, Center A lliated Faculty member, and Timothy Karcz

With the election of Joe Biden to the US presidency last November, hopes were renewed for over 600,000 people in the United States enjoying protections guaranteed to them by the Deferred Action for Childhood Arrivals (DACA) program. DACA is a policy announced by President Obama back in 2012. The policy provides young undocumented immigrants who were brought to the US before 2012 access to legal work permits and temporary protection from deportation. Applicants remain enrolled in the program by renewing their status every two years and meeting other eligibility requirements, including extensive background checks. It has, for now, survived the Trump administration's attempts to end the policy, including rescinding the policy in 2017. The Supreme Court of the United States (SCOTUS) decision in June 2020 rejected the Trump administration's rescission on grounds that it violated the Administrative Procedure Act. SCOTUS found that the administration acted arbitrarily and capriciously when rescinding DACA. But, SCOTUS left the door open for better prepared challenges in the future and for future administrations to gut or undo the policy.

Notwithstanding all the challenges, DACA remains in place for now. On December 7, 2020, the Department of Homeland Security (DHS) posted to its website that it was accepting initial DACA applications, DACA renewal requests, and applications for advance parole from DACA recipients, which would allow recipients to travel abroad. The announcement was made after a district court ruling in New York, issued subsequent to the SCOTUS ruling, ordered DHS to do so.

At the same time, the challenges continue. The Texas attorney general is leading a case, alongside other states, challenging the underlying legality of the DACA program itself. The case has been heard in a US district court in Texas. The district court judge, Andrew Hanen, could order a full hearing on the case, dismiss the case or he could rule that Obama had the legal authority to create the DACA policy. Given the passionate advocacy on both sides, whatever the ruling, opposing parties would likely appeal the ruling to the US Fifth Circuit Court of Appeals. This could leave recipients and applicants

in limbo. If Judge Hanen finds the Obama administration acted in accordance with the law when creating the policy, the Texas attorney general and other states will likely challenge the ruling. In that case, DACA recipients would keep their protections but would continue to live in limbo waiting for the Fifth Circuit or the Supreme Court to decide whether DACA is constitutional. If Judge Hanen finds the policy was created in violation of the law, the defendants in the case (US government, represented by the new Biden Administration) would have to decide whether to appeal the ruling. President Biden, who has just assumed office, has expressed his support of DACA and it seems plausible the government would appeal the ruling. For recipients, this would mean that their protections would have an expiration date, either when their protections and current permit expire or a different date decided by Judge Hanen.

For his part, President Biden has pledged his support for DACA and issued a memo his first day in office instructing the DHS to "preserve and fortify" DACA. However, given the uncertainty around the program's future with the legal challenge in Texas and that it lives at the whims of the administration in power, many consider that a legislative remedy is necessary. Congress can make the protections for DACA recipients more durable, including through pathways to legal permanent residency (green cards) in the US, which can ultimately lead to US citizenship. Judge Hanen previously

By Professor Mary Holper, Center Affiliated Faculty member

The BC Immigration Clinic at BC Law School, directed by Center Affiliated Faculty member Professor Mary Holper, recently won release for a transgender woman who was detained by ICE alongside men in a local county jail for 18 months, even though she had never been charged with a crime and her asthma placed her at a higher risk of severe illness or death in jail due to COVID-19. She had been ordered deported even though in her country, Algeria, she would face persecution. She had faced the nearly impossible task of representing herself before the immigration judge and was ordered deported.

Anh Duy Nguyen, second-year BC law student, and Danna Khabbaz, third year BC law student, led a petition for habeas corpus on her behalf, arguing that her deportation to Algeria was not foreseeable. Travel restrictions due to the global pandemic had made deportation to Algeria an impossibility. They also argued that the federal district court should exercise its authority to hold a bail hearing due to extraordinary circumstances - namely, her health concerns that could result in severe illness or death before the merits of the habeas corpus petition could be decided.

On the eve of a hearing in federal district court, the government decided to release their client. Nguyen and Khabbaz recognized that if this were to happen, she had nowhere to go, with no family or close friends in the US. They called upon the help of several local faith leaders to help. They connected her with an interfaith organization, BIJAN (the Boston Immigration Justice Accompaniment Network), which paid for a hotel for 14 days while she quarantined on her release from detention. The Reservoir Church in Cambridge also helped by providing her short-term housing in the houses of their members, in addition to bringing her food and clothing. The Brockton Area Multi-Services Inc. (BAMSI) Trans Community Outreach, Resources and Empowerment (TCORE) program is helping to ensure her access to all needed medication and long-term housing. As Nguyen commented, it was a miracle that so much community support came together for this client during a pandemic; it was a moment that restored one's faith in humanity.

Two weeks after her release, she was taken back into ICE custody, presumably because ICE now had a travel document to deport her to Algeria. That document never materialized, however, and she was again released from custody.

Upon securing her release, Nguyen and Khabbaz researched whether the client could file a motion to reopen her removal order. Upon learning that new evidence was available that would likely change the outcome, they filed a motion to reopen her removal order. The motion was granted, and the client was released from custody. She is currently in the process of applying for asylum in the United States.

2020 Kelsey Rennebohm Fellowship Recipient

“Disruptive Storytime: Teaching for Social Justice with Anti-Bias Picture Books”

Nguyen’s study sought to use anti-bias children’s picture books as a method to address various social justice topics such as racism, sexism, and homophobia. She used an intersectional framework, combining Anti-Bias Education, Critical Race Theory, and Feminist Post-Structuralism to target young children’s biases in early childhood education. She conducted the study during a three month period in a predominantly White kindergarten classroom in the northeast US, collaborating closely with the classroom teacher to develop four learning units, each focused on one issue: race, intersectionality, gender, and immigration. For each learning unit, the lead teacher read an anti-bias picture book aloud, taught new vocabulary, and posed large-group discussion questions and activities specific to the story. For her research, Nguyen collected observation data, audio recordings, artifacts of the students writing and artwork, and interviews with teachers which were later coded thematically using NVivo software.

The results of her study confirmed anti-bias picture books as potential starting points for engaging students in critical discussions of social justice topics. She found that students were able to discern a complex understanding of racial and gender issues, detect and verbally condemn unfairness shown in the stories, and make text-to-text, text-to-self, and text-to-world connections. Her research suggests that young children are not only aware of racial and gender differences, but are also capable of learning and contributing to a critical conversation related to these

topics. However, her findings also provided evidence that students already contained internalized anti-Black racial biases and gender biases that were not often disrupted by the early childhood teacher. Nguyen asserts that adults, particularly teachers, must support children to engage in meaningful action to dismantle social injustice and engage in critical dialogue of social justice issues. The early childhood teacher in this study specifically struggled with her own ideological beliefs in terms of colorblindness and preconceived notions of childhood innocence, which prevented her from investing into a long-term anti-bias project.

Ultimately, Nguyen’s case study confirmed that with a careful and strategic implementation, an anti-bias read-aloud curriculum “has the potential to engage young children and early childhood educators in thoughtful discussion of social justice issues and foster students’ development of critical consciousness and social agency.” From her research, she asserts that an anti-bias curriculum is age-appropriate at younger ages and is critical for children’s development.

Assumptions of Men and Women in STEM: Different Assumptions Underlie Male and Female Stereotypes

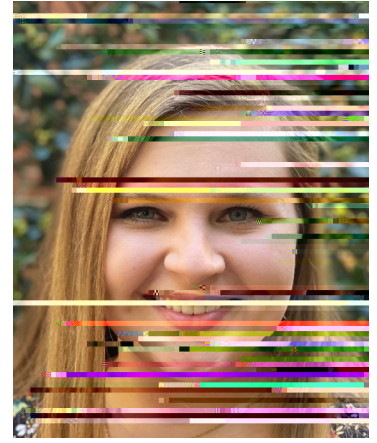
Researcher: Lindsey Hildebrand,
PhD candidate, Psychology, Morrissey School of Arts & Sciences

Hildebrand studied the underlying assumptions contributing to the gender gap in the Science, Technology, Engineering and Mathematics fields, commonly known as STEM, in the hopes of finding strategic ways to contradict stereotypes and encourage greater female participation in STEM. To understand specifically how gender biases develop from a young age and contribute to the low representation of women in STEM, Hildebrand analyzed gendered attitudes on the ability and the assurance of both males and females within two crucial STEM domains: math and spatial skills. To do so, Hildebrand formulated two samples based on age, one with adults and one with children, which each had an equal number of males and females. While sampling within the child group has not yet been completed, adult participants rated the perceived ability, enjoyment, confidence, and effort of males and females in math and spatial tasks (traditional STEM skills often associated with males), reading and foreign language (traditional non-STEM skills often associated with females) and painting (a neutral domain).

Hildebrand found clear gender biases which varied according to each assumption. In the traditionally male-dominated domains of math and spatial skills, participants perceived males as feeling greater “confidence” and “enjoyment” within these fields, but not

as possessing higher skill levels. In the traditionally female-dominated domains of reading and foreign language, participants demonstrated biases towards females in all four categories. Therefore, not only are females seen as having greater confidence within these fields, but also as performing more successfully.

To conclude, Hildebrand argues that these underlying assumptions contribute significantly to the low representation of women in the STEM field. These gendered stereotypes undervalue the enjoyment that women might feel working within the STEM field, beginning early on in their development and discouraging them from pursuing academic studies within STEM. According to Hildebrand, these findings can be used to address these gender disparities at a young age, by creating targeted action steps intended to increase the “enjoyment” and “confidence” of women in math and spatial skills. To expand on these findings, future research is encouraged, especially to compare how these stereotypes develop as participants differ in age.



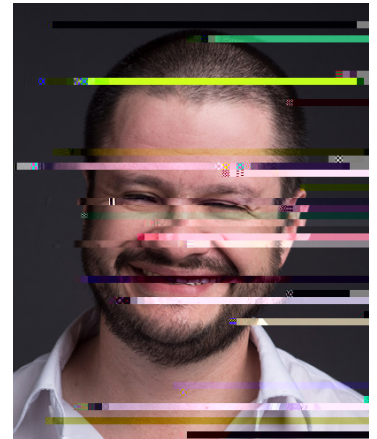
Experiences of informal women caregivers of people with disabilities in Chile. Challenges for social policies based on human rights and social justice

Grant Recipient: Carlos Andrade Guzmán, PhD candidate, School of Social Work

Carlos Andrade Guzmán sought to uncover the experiences of informal women caregivers of people with disabilities in Chile. In July 2020, Andrade Guzmán interviewed 14 women caregivers from eight different regions of Chile. His semi-structured interviews covered the types of care provided, reasons for becoming caregivers, and implications of caregiving on various aspects of the lives of his subjects.

Andrade Guzmán’s study yielded several interesting findings. Gender influenced the caregivers’ experiences on both personal and societal levels. Andrade Guzmán found that it was often assumed within the family that the woman would become the caregiver when such care became necessary, not the man. Similarly, the woman was often chosen over the man as caregiver to maximize family income, as women made less money than a man would for the same work in the traditional job market. Andrade Guzmán found that serving in this role negatively impacted the caregivers’

economic wellbeing, social life, mental and physical health. His subjects experienced decreases in incomes after becoming caregivers. They also experienced social isolation and exhibited signs of mental and physical stress. Finally, Andrade Guzmán’s study revealed some necessary reforms for social policies. He identified the need to recognize caregiving as a job, deserving of a dignified income and social security benefits, and the need for accessible mental and physical health interventions for caregivers. Andrade Guzmán concluded that “policies and care interventions based on human rights and social justice must necessarily recognize and actively address the needs of both actors involved in the arrangements: caregivers and receivers.”



Center Interns Find Ways to Press Ahead with Campus Advocacy Initiatives During COVID Pandemic Challenges

By Grace Cavanagh, Emma Kane, and Tugce Tumer

As interns at the Center one of our main goals is to increase awareness and solidarity within the Boston College community about many international human rights issues. Considering the events of the past year, the need to engage certain social justice issues has only increased as the COVID-19 pandemic has exacerbated previous issues while also raising critical new concerns. With the limitations brought on by this current pandemic, we have had to find creative ways to connect with community members to advertise our events and engage with human rights issues. In line with the Center's focus on international migration and human rights, we have made it our goal to focus on a new migration justice issue each month, with the goal of educating on key issues and encouraging activism within our community.

In November, we focused on the U.S.'s extensive immigration detention system and organized the Center's first immigrant detention letter writing campaign. In collaboration with Texas RioGrande Legal Aid, we collected 32 letters from BC students and faculty for 28 Spanish-speaking families detained at South Texas Family Residential Center in Dilley, Texas. All of the families had been in detention for over a year, with the longest detained family there for 428 days. Sending handwritten letters and drawings is a small but meaningful way to express support for detained immigrants and show solidarity in the face of the United States' harsh immigration policies. The United States manages the largest immigration detention system in the world, with an average of 50,165 immigrants detained per day in 2019. Although our letters are a small gesture, we hope that we were able to grant some semblance of hope to these families as they await their release from detention.

In February we focused our efforts on raising awareness around migration justice issues to find ways for Boston College students and community members to become active advocates for social change. We will begin in February by focusing our efforts on raising awareness for the Safe Communities Act, a Massachusetts bill that is meant to decrease state and local involvement in federal immigration enforcement, making it more likely that immigrants will feel safer to contact police for assistance in cases of harm, go to hospitals when they're sick, and enroll in necessary health benefits. We hope to spread awareness about the bill and help students find ways to advocate for its passing, be it through contacting legislators, posting on social media, or just spreading the word.

As is to be expected, this year has presented challenges to engaging the student body while maintaining social distancing. We have had to find new ways to maintain our presence on campus remotely, like keeping the Center's Instagram account active with monthly advocate posts and book recommendations. We are looking forward to another semester, with the new challenges and opportunities it presents.

