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THE FELLOWS CLE SEMINAR:

Communities in Crisis: The Effects of Immigration Law
and Politics on American Communities

The Fellows

Communities in Crisis: The and Politics on

The seminar was held on February 7, 2015 during the ABA Midyear Meeting in Houston, Texas. Speakers included Jamie Longazel, Assistant Professor in the Department of Sociology, Anthropology and Social Work, and a Research Fellow in the Human Rights Center at the University of Dayton; Patrisia Macias-Rojas, Assistant Professor of Sociology at the University of Illinois at Chicago; Michael A. Olivas, Williams B. Bates Distinguished Chair of Law and Director, Institute of Higher Education Law & Governance at the University of Houston; Christina A. Fiflis of Fiflis Law LLC, Denver, Colorado, Chair, ABA Commission on Immigration, Co-Chair, ABA Working Group on Unaccompanied Minor Immigrants; and Ana Kocur, Deputy Director, U.S. Department of Justice's Executive Office of Immigration Review (EOIR). The session was moderated by the Honorable Delissa A. Ridgway, of the U.S. Court of International Trade, who is also a Member of the ABF Fellows Research Advisory Committee.

Constructing Community Crisis: Lessons from Hazleton, Pennsylvania

Jamie Longazel began the seminar by discussing the politics of immigration, with a talk that included excerpts from his forthcoming book:

Undocumented Fears: Immigration and the Politics of Divide and Conquer in Hazleton, Pennsylvania.

Setting the scene, Longazel explained how the central Pennsylvania town of Hazleton (population 25,340 in 2010), like many American communities over the last few decades, has experienced a steep decline in stable manufacturing jobs. Seeking to fill this void, Longazel reported, local developers embraced a state-level corporate tax incentive

that lured warehouses, distribution centers, and a meatpacking plant to the area. These changes, accordingly, spawned a large-scale demographic shift. U.S. Census figures show that while in 2000 the city's population was 95 percent White and about 5 percent Latina/o, by 2010, it was about 69 percent White and 37 percent Latina/o. As Longazel explained, these changes, along with allegations of a Latino-on-White homicide, set the stage for the passage in 2006 of a local ordinance, the Illegal Immigration Relief Act (IIRA). This ordinance sought to punish landlords who rented to undocumented immigrants, and businesses who hired them, while also declaring English the official

language of Hazleton. As Longazel noted, Hazleton became part of a nation-wide trend with its passage of the IIRA, "one of the first in what eventually became a parade of local- and state-level ordinances seeking to 'crack down' on undocumented Immigrants (ABA Working Group on Unaccompanied Minor Immigrants)." However, the IIRA did not end debates surrounding immigration in Hazleton, nor did it end anti- and pro-immigration activism. Much of Longazel's work on this project deals with developments in Hazleton, post IIRA.

Drawing on research he conducted in 2007–2010, Longazel used Hazleton as a case study to analyze the rhetoric used by "ordinary

CLE Seminar:

Effects of Immigration Law American Communities

residents, activists, and public officials...as they mobilize[d] to preserve established social arrangements.” Longazel identified a predominant “racial narrative that absolves Whites of wrongdoing and obfuscates minority suffering,” he said. Expanding on the work of legal scholar Thomas Ross, who identified in U.S. legal history a “racial rhetoric that links Whiteness to innocence and confronts minority suffering only in the abstract,” Longazel uses the terms *White innocence* and *Latina/o abstraction* to characterize the way this narrative functioned in Hazleton. But while Ross revealed the rhetoric of White innocence and minority abstraction at work in judicial opinions, Longazel finds it “in the ongoing discourse around law, in the community context, outside the courtroom.”

Longazel identified many instances of this kind of rhetoric in action. He shared one in particular with the audience, an excerpt from the

city council meeting where the IIRA was passed. At this meeting Latina community leader Anna Arias had called the law “discriminatory, bigoted, and racist.” Also in attendance was Dr. Agapito Lopez, another local leader who had spoken at community meetings, situating Hazleton’s adoption of the IIRA in the context of “intolerant acts committed against less powerful groups throughout U.S. history.” At the end of the meeting Councilwoman Evelyn Graham spoke:

Dr. Lopez, I have tried twice to explain to you the serious problems we face and you have dismissed these problems by insisting they are just the result of a different culture... You belittle any implications of criminality...I must confess: I am dismayed by this attitude. I was hoping you would help build the bridge we need. Based on your statements in front of the City Council...I could accuse you and Anna

Arias of racism. You, not the mayor or council, are the ones who are inciting segregation instead of encouraging integration. I believe it is you who are practicing divisiveness. Look into your hearts and you may find that you are advocating separatism...I believe that most of Hazleton’s immigrants came here to be part of the community and build a better life, a new life. I believe they seek unity rather than diversity... We welcome them. And you do them a disservice when you deliberately misrepresent our actions for your own purposes.

– Councilwoman Evelyn Graham;
Hazleton City Council, July 13, 2006.

Longazel analyzed the councilwoman’s remarks, saying, “notice how Graham, who is White, turns the tables on the local immigration debate. The fact that the IIRA drove Latina/os out of the city, degraded them with unsubstantiated myths (e.g., officials claimed the ordinance was necessary to protect the public from ‘crime-prone undocumented immigrants,’ but presented no empirical evidence that crime rates actually increased), and instigated a push toward the

further subordination of Latina/o immigrants nationwide is abstracted away. Meanwhile, she portrays herself and other pro-IIRA officials as the welcoming arbiters of equality and justice and the victims of the Latina/o leaders' 'segregationist' and 'racist' demands. The rhetorical tools of White innocence and Latina/o abstraction help Graham shed the label of oppressor while at the same time making a discriminatory ordinance appear justified. By presenting 'us' as welcoming and 'them' as divisive, so-called self-interested activists are placed alongside supposedly crime-prone undocumented immigrants on the list of those who allegedly pose a threat to this harmonious community, a threat leaders claimed they sought to curb by passing the IIRA."

What are the implications of these findings for Hazleton, for communities facing similar struggles over immigration, and for the broader U.S. immigration debate? First, Longazel noted, the negative characterization of Latina/os that is part of the anti-immigrant rhetoric seen in Hazleton has serious psychological consequences for those who are its targets. Secondly, degradation further marginalizes minorities, making them even more vulnerable to exploitation. Finally, Longazel explained, "this

particular rhetoric, this particular ideology has the effect of diverting attention away from real economic problems, from the actual economic circumstances that are at the core" of the "anxious, uneasy" state native born Hazletonians find themselves in. The idea of "White injury" that predominates the anti-immigrant rhetoric in Hazleton not only "paralyzes movements for immigrant rights," but also "eliminates the possibility that there's a story about working class harm," thus keeping both racial and economic hierarchies in place.

Longazel concluded his talk with a few speculative remarks about the limitations of law in confronting the injury caused by anti-immigrant legislation and rhetoric. He pointed out that the economic policies at the root of conflicts such as those in Hazleton often go unquestioned. Further, he noted that "colorblindness" can be "an enabler." "As long as we're only able to talk about race legally as overt racism, this discourse will prevail. As long as racism only equates to blatant, overt discrimination and not these more subtle forms, not these racialized narratives, not these institutional and systemic structures, this rhetoric will continue to move forward and cause the problems that I've described," Longazel

stated. Finally, he noted that while Latina/o plaintiffs, with the help of the ACLU, successfully challenged the IIRA all the way through the Third Circuit Court of Appeals, with the U.S. Supreme Court declining to hear the case in 2014, the litigation, though "protecting countless people from discrimination...at the same time...actually inflamed resentment, actually intensified the use of this rhetoric." "So how do we grapple with that," Longazel concluded, "victory on one hand and then a step backward on the other?"

Everyday Practices of Arrest and Prosecution on the Border

The seminar's focus shifted from the nation's interior to its border with Patricia Macias-Rojas' talk, which centered on the enforcement discretion of frontline border patrol agents. Macias-Rojas shared findings from her forthcoming book, *Making Crime and Criminals: Race, Rights, and Security on the U.S.-Mexico Border*, which investigates the Department of Homeland Security's Criminal Alien Program's activities in the Tucson sector, on the Arizona-Sonora border. Beginning in 2001, Macias-Rojas conducted extensive ethnographic research in migrant shelters, and in the immigration and criminal courts. She conducted more than 150 interviews with U.S. border patrol agents, law enforcement agents from local police departments, and county sheriff's offices, officials from the office of the Mexican Consulate, legal advocacy NGOs and criminally prosecuted and deported border residents and migrants.

Macias-Rojas' research enabled her to "observe first-hand these

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everyday practices of arrest and prosecution on the border.” There, she found “frontline border agents have been given tremendous power to decide who to stop, question, arrest, criminally prosecute, detain, and deport.” Indeed, she found that, in many cases, the actions of border agents on the street level result in the arrest and prosecution of low risk, low priority targets—the reverse of official, stated policy.

Macias-Rojas noted that the U.S. now spends 18 billion per year on border security, an amount “that now exceeds the combined budgets of the FBI, the CIA and the DEA,” and “they have a mandate to direct those resources towards the highest enforcement priorities.” Those priorities derive from the “Morton memos,” written in 2011–2012 by then-director of the U.S. Immigration and Customs Enforcement John Morton. The Morton memos direct agents to target “aliens who pose a danger to national security,” those who have recently illegally entered the country, and, thirdly, aliens who are fugitives or people with standing orders of removal.

According to Macias-Rojas, her research has shown that “what we see on the ground is actually the reverse of stated policy; that arrest and prosecution in practice directly target lower priority cases,

the very people that the guidelines are supposed to remove from the docket.” Macias-Rojas explained that border agents have many high-tech tools at hand for processing those detained at the border. They routinely run fingerprint and photo checks through the databases of the FBI and the Department of Defense, and, within minutes, receive data that allows them to identify ‘recidivists’—those who cross the border frequently and get caught, and ‘lookouts’, those with prior criminal records. Yet, according to Macias-Rojas, “even with this very sophisticated technology they actually get very few hits for these high priority targets, which confirms what’s already been documented in the research on immigration and crime—that crime rates among immigrants are quite low.” Specifically, in 2011, the proportion of people apprehended by border patrol with a previous conviction for major crimes was .9 percent, according to a congressional report, said Macias-Rojas.

Agents are required to fill 34,000 beds per day in detention facilities, Macias-Rojas explained. If they are unable to meet this quota with high-priority cases, they will move down to the next priority when deciding whom to detain. “And so, the agents develop these routine patterns to assess and rank migrants according

to criminal history. Then they make decisions based on assessments of risk about how to process people.” Migrants without prior convictions get processed through the civil system, in a process that typically moves from apprehension to removal in the form of voluntary return. Those with prior convictions—often for minor offenses, Macias-Rojas noted—or who are suspected of smuggling are processed through the criminal system. Most are processed in batches without legal counsel and are deported.

As Macias-Rojas summarized, “enforcement priorities organized around crime and risk by their very logic disproportionately target people with stronger ties and longer histories of settlement...Many speak English, and have U.S. citizen children...At the border these are the folks who are most likely to violate a deportation order and to be criminally charged with re-entry; they’re the ones most likely to be arrested on smuggling charges. So while in the interior prosecutorial discretion offers some relief from deportation, at the border these policies funnel people into the criminal justice system. So while discretion may appear humanitarian in the interior, at the border, again, it’s simultaneously adding to the ranks of this criminal alien population and making many ineligible for relief from deportation, and ultimately future paths to legalization.”

Litigation Against Deferred Action for Childhood Arrivals (DACA)

Professor Michael Olivas focused his presentation on litigation against

While the numbers will never be huge, in addition to lawyers, we will have undocumented medical doctors, school teachers, and a whole variety of post-baccalaureate licensing areas. And we have to pay attention...this is where the real action is going to be.

Deferred Action for Childhood Arrivals (DACA), the prosecutorial option created by President Obama in 2012 by executive action. DACA allows prosecutors the discretion to defer removal proceedings against an individual for a certain period of time. Created as part of the attempt to streamline the immigration system to focus more on national security and public safety (as discussed by Patrisia Macias-Rojas in her presentation), DACA defers removal for young people who were under the age of 31 as of June 15, 2012, and who came to the United States before reaching their 16th birthday, among other requirements. Though DACA defers removal for only two years (subject to renewal for another two years) and in no way confers lawful status on individuals, it has been met with opposition in certain quarters. There are currently six direct court challenges to DACA, all unresolved, Olivas noted. Olivas outlined three basic legal arguments against DACA that undergird these cases, and offered his own counter arguments.

The first argument is that, by putting DACA in place, President Obama “is not enforcing the law because he has, in effect, given a waiver to all these kids.” Olivas pointed out that, contrary to this argument,

during each year of the Obama administration the United States has deported or removed or withheld at the border over 400,000 people, “a substantial enforcement of authority, pretty much maxing out on the funds we have available and the number of people we can actually remove or prohibit from coming into the United States.” These numbers do not even take into account the unaccompanied minors that came to the border in 2014; rather, they reflect “just the normal sojourners who come through,” Olivas noted. “That’s a lot of enforcement,” Olivas said. “It seems to me that it’s very difficult to maintain any kind of indication he’s not executing the laws on that theory.”

A second argument against DACA put forth in these cases is that President Obama “has exceeded the normal balance of prosecutorial discretion by making DACA so successful that 95 percent of all the applicants have actually gotten it.” To be sure, Olivas noted, “any adjudications of almost any sort, whether it’s securities and exchange or tax or almost any of the areas where we have government enforcement, 95 percent is very, very high as a success rate for applications on a discretionary program.” The difference, however,

is that the children at whom DACA was specifically aimed had school records, and “so we can prove duration of residence,” Olivas said. Thanks to *Plyler v. Doe* (1982) they have been able to stay in school, “and so we have school records, we have testimonies, we have all kinds of evidence about them, and it’s no wonder that they can apply.” About 600,000 children have been given DACA status so far, according to Olivas, which actually represents “fewer than half the people who are deemed to be eligible.”

The third argument litigants against DACA are making is that, in creating DACA, the president is “legislating.” Olivas pointed out that, however generous the program of DACA has been, these young people’s lives are still very limited, in that they are still illegally in the United States. “The President cannot wave a wand and allow them to remain here, can’t allow them to adjust status to either nonimmigrant or lawful permanent residence or anything else. They’re in this frozen state that, while it’s certainly better than the status quo ante, it’s still very difficult,” Olivas said. “And of course now they’ve got this Damocles sword hanging over their head of whether or not DACA can be renewed, whether or not they’ll be able to stay longer than a few years,” he noted.

Consequences of DACA

The 600,000 young people with DACA status are “now in databases, we have their biometrics; they get lawful presence, they get employment authorization, they

get Social Security numbers, they can leave the country and come back, which has real consequences down the road. And these kids will be at the frontline when we have comprehensive immigration reform. It's going to be very difficult for them to self-deport...or for us to remove them," said Olivas. "So there are a lot of cases with a lot of different nuances to them, a lot of moving parts, but the truth is when you have two-thirds of a million new students who spring on you with lawful presence in states where lawful presence or deferred action entitles you to benefits, these kids are now eligible for these benefits (such as drivers' licenses) and they're going to court to press it and they're going to win these cases."

As a final point, Olivas added some fascinating remarks about occupational licensing in an age of increased immigration, especially as it relates to the legal

Both the accompanied and unaccompanied children are fleeing the northern triangle countries of Central America—Honduras, Guatemala and El Salvador—where lethal gang violence, often directly targeting children, is rife.

profession. As Olivas noted, "there are twenty states that do not have any specific bar to becoming a lawyer that is immigration-related. They never assumed there'd be any undocumented claimants upon admission to the bar." Yet, in California, there is at least one undocumented lawyer, thanks to the state bar's "courageous efforts...to enroll in their bar a student who was too old for DACA." And Florida, as well, recently passed a law saying that DACA students can sit for the state bar, not a great concession since DACA students are present

lawfully, "but now it's state law," Olivas remarked. While the numbers will never be huge, Olivas predicted that, in addition to lawyers, "we will have undocumented medical doctors, school teachers, and a whole variety of post-baccalaureate licensing areas. And we have to pay attention...this is where the real action is going to be," Olivas concluded.

The Unaccompanied Children

Christina Fiflis, Chair of the ABA Commission on Immigration, focused her talk on the unaccompanied children who crossed the border with Mexico in great numbers in the summer of 2014. She recounted that after she, ABA President James Silkenat, ABA President-Elect William C. Hubbard, and others toured a temporary detention center at Lackland Air Force Base in San Antonio, Texas, that summer, President-Elect Hubbard established the ABA Working Group on Unaccompanied Minor Immigrants, which Fiflis co-chairs. Fiflis talked in depth about the experience of the children, and the Working Group's efforts to help them.

"In fiscal year 2014 there were 68,000 children who crossed the southwest border unaccompanied, and in addition to that number there



PHOTO: Central American adults and children atop a freight car in Ixtepec, Mexico, July 12, 2014. (AP Photo/Eduardo Verdugo)

were about 68,000 as well, mothers and children who crossed the border and were detained initially in Artesia, New Mexico and later in Karnes City and Dilley, Texas,” Fiflis stated. Both the accompanied and unaccompanied children are fleeing the northern triangle countries of Central America—Honduras, Guatemala and El Salvador—where lethal gang violence, often directly targeting children, is rife, Fiflis explained. After travelling the length of Mexico, they attempt to cross the U.S. border.

Unaccompanied children are statutorily defined as “children who have no lawful immigration status, have not attained age eighteen, and who have no parent or guardian in the U.S. or no parent or guardian who can provide physical custody and care,” Fiflis explained. If they are apprehended by border protection agents and if they are from non-contiguous countries (that is, not from Mexico or Canada), border agents must make a designation of them as an unaccompanied alien child within 48 hours, and they must release the child to the custody of the federal government within 72 hours. Fiflis described how the children are often held in crowded, poor quality, uncomfortable conditions while they await designation. The children routinely characterize these places as “freezers,” where they sleep on the floor with few blankets or pillows.

The children will be deported unless they can prove themselves statutorily eligible for relief from removal, Fiflis explained. Those who are able to secure representation from

There are children who are two years old who have been in removal proceedings without a lawyer, without an adult.

a lawyer experience a 73 percent success rate against removal, while those who represent themselves pro se experience only a fifteen percent success rate. The children range in age from just under eighteen to two years old. Fiflis told the audience “there are children who are two years old who have been in removal proceedings without a lawyer, without an adult.”

Fiflis spoke of the very dangerous conditions unaccompanied children encounter as they travel to the United States. Walking long distances, riding on the tops of trains through jungles, and sometimes going through gang-controlled areas, living at the mercy of smugglers, are some of the hardships these children endure. While along the way they sometimes find locals who will feed and assist them, the journey is highly risky and sometimes results in serious injury or death.

The children undertake this difficult journey “to seek protection,” Fiflis said. Quoting former ABA President Stephen Zack who spoke on immigration issues at another CLE program earlier that morning, Fiflis said, “they’re fleeing a lawless environment from countries where there is no justice system, and it’s fundamental to human nature to want to live in a society that protects your life...they come to America because they don’t want to die.”

Thus, the risks these children are willing to take to come to the United States.

As Fiflis explained, the ABA Working Group on Unaccompanied Children “wants to ensure that this arduous journey to the United States, that their journey through our legal system, is not as arduous and affords them the due process and justice that everybody deserves.” Fiflis ended her talk with an invitation to attorneys to become involved in pro bono work on behalf of these children. “I can’t tell you how great it makes you feel to be a lawyer when you work on these cases or you assist in any way; when you support your law partner taking a pro bono case. In any way that you assist, we’re defending what our obligations and responsibilities as lawyers are,” Fiflis concluded.

Undocumented Children in the Courts

Ana Kocur, Deputy Director, U.S. Department of Justice’s Executive Office of Immigration Review (EOIR), followed with a presentation on the immigration court system and what the agency did in particular in response to the same surge of immigrants discussed by Christina Fiflis. As Kocur explained, EOIR is authorized by the Attorney General to administer and interpret immigration law. The immigration

court system is very large, with fifty-eight courts, 237 immigration judges, and over 400,000 pending cases, Kocur noted. EOIR's mission is to "adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the nation's immigration laws," Kocur said.

Kocur discussed how her agency was directed by President Obama to prioritize the cases of the masses that crossed the border in the summer of 2014. The cases were categorized as follows, Kocur explained, as those the Department of Homeland Security has identified as: 1) involving unaccompanied children, 2) involving adults with children that were detained in Department of Homeland Security facilities in Artesia, New Mexico, and then in Dilley and Karnes City, Texas, as well as in Berks County, Pennsylvania; 3) involving adults with children that were on Alternatives to Detention, which is a program administered by the Department of Homeland Security; 4) involving a group of recent border crossers—mostly single adult men, but some women as well—that were put into detention.

The cases of undocumented children create special challenges

for immigration judges. Judges "commonly deal with and are trained to deal with pro se individuals, because there is no actual right to full government-paid counsel for any individuals that appear before immigration courts, who present their own set of challenges," Kocur noted. But the challenges are magnified when dealing with young children. The forms of immigration relief that children typically qualify for can be complicated, "and it can obviously be difficult and time-consuming for an immigration judge to elicit the necessary information from a pro se child," Kocur said. To address this issue, in 2014 the Department of Justice funded grants through the Corporation for National and Community Service, the AmeriCorps group. They have issued 1.8 million dollars in grants to provide legal services to undocumented children in our immigration courts. "Both the Departments of Justice and Health and Human Services are funding programs like these with the belief that improved legal access may assist children with a deeper understanding of the legal and factual basis of their cases, thereby improving the effectiveness and efficiency of the immigration court process," Kocur said.

These efforts still don't come close to covering all the need that exists, Kocur acknowledged. "So we have been engaged at EOIR in trying to assist our partners on the outside in building a pro bono representation in our immigration courts," she said. EOIR officials have traveled to various cities to meet with local nonprofits and law firms to "listen to what the barriers are to pro bono in our immigration courts, with the intent that we will take back those barriers and we will try and address them to the extent we can," Kocur said. EOIR will convey these findings to immigration judges in a series of meetings at EOIR headquarters, also providing immigration judges the opportunity to discuss with each other the specific issues they encounter in dealing with juveniles in immigration court.

EOIR has also learned that many state court judges do not fully understand the role they play in granting "special immigrant juvenile status," which involves a state court process in a juvenile court. Kocur explained that EOIR officials and immigration judges now travel and visit "the state court judges and explain to them what role they play in the process and what role we play, so that hopefully the system can work better for children."

Finally, EOIR is also engaged in efforts to better educate the lay public. Their Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC) provides legal education to custodians of children so that when these children are released from federal custody

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“those custodians have a better sense of the immigration court system, so that if the child does not have representation at least the custodian knows to an extent how to maneuver the system.”

Kocur, like Christina Fiflis, ended her presentation by encouraging attorneys in the audience to undertake pro bono work in the immigration courts.

If you are interested in supporting research on immigration or other important ABF initiatives, please contact Lucinda Underwood at 312.988.6573.



Christina A. Fiflis is the founding partner of Fiflis Law, LLC. Ms. Fiflis' practice focuses on immigration and nationality law and pro bono services. Ms. Fiflis serves frequently as a consultant and expert witness for the prosecution in cases involving undocumented crime victims.

Currently, Ms. Fiflis serves as Chairperson of the American Bar Association Commission on Immigration, Co-Chair of the ABA Working Group on Unaccompanied Minor Immigrants and Vice-Chair of the ABA GP Solo and Small Firm Division's Pro Bono and Public Service Committee. Ms. Fiflis is an active member of the American Immigration Lawyers Association (AILA), including former service as Colorado Chapter Chair. She received her B.A. from Scripps College, Claremont, California in 1978 and her J.D. from Georgetown University Law Center, Washington, D.C.



Ana Kocur was appointed as Deputy Director of the Executive Office for Immigration Review (EOIR), U.S. Department of Justice in December 2012. Ms. Kocur received a bachelor of arts degree in 1993 from Pennsylvania State University and a juris doctor in 1996 from

the American University Washington College of Law. From September 2011 to December 2012, she served as EOIR Chief of Staff. From March 2011 to September 2011, Ms. Kocur served as Acting Chief Administrative Hearing Officer within the Office of the Chief Administrative Hearing Officer, EOIR and Counsel to the Director at EOIR. From March 2006 to March 2011, she served as a senior panel attorney and team leader at the Board of Immigration Appeals (BIA). From 1996 to 2006, Ms. Kocur served as an attorney-advisor at the BIA, entering on duty through the Attorney General's

Honors Program. In 2003, she served on detail with the Office of Immigration Litigation, Civil Division, Department of Justice. Ms. Kocur is a member of the Virginia State Bar.



Jamie Longazel is an Assistant Professor in the Department of Sociology, Anthropology, and Social Work, and a Research Fellow at the Human Rights Center at the University of Dayton. Prior to this appointment, he was a Doctoral Fellow at the American Bar Foundation. Much of

his research focuses on immigration law and politics. His forthcoming Temple University Press book—*Undocumented Fears: Immigration and the Politics of Divide and Conquer in Hazleton, Pennsylvania*—examines how exclusionary local-level immigration ordinances and the politics that surround them work to entrench racial oppression and economic inequality. He was the co-editor of a recent *Law & Social Inquiry* symposium on *The Negotiated Expansions of Immigration Control*, and contributed a paper to that issue titled “Rhetorical Barriers to Mobilizing for Immigrant Rights”. His work on immigration has also appeared in *Punishment & Society*, *Theoretical Criminology*, *Sociological Compass*, and the *Chicana/o-Latina/o Law Review*. He is also co-author (with Benjamin Fleury-Steiner) of the book, *The Pains of Mass Imprisonment* (Routledge, 2014).



Patrisia Macias-Rojas is an Assistant Professor in the Department of Sociology at the University of Illinois, Chicago and past ABF Visiting Faculty. Her research interests are in the areas of race, migration, and the law. Her forthcoming book, *Making Crime and Criminals: Race, Rights, and Security*

on the U.S.-Mexico Border, investigates the roots and

implementation of the Department of Homeland Security's "Criminal Alien Program" on the Arizona-Sonora Border. It is based on ethnographic fieldwork in migrants shelters and the immigration and criminal courts as well as over 150 interviews with U.S. Border Patrol agents, law enforcement agents from local police departments and the County Sheriff's office, officials from the Office of the Mexican Consulate and the *Instituto Nacional de Migracion*, legal advocacy NGOs, and criminally prosecuted and deported border residents and migrants.



Michael A. Olivas is the William B. Bates Distinguished Chair in Law at the University of Houston Law Center and Director of the Institute for Higher Education Law and Governance at UH. He holds a B.A. (Magna Cum Laude) from the Pontifical College Josephinum, an M.A. and Ph.D.

from the Ohio State University, and a J.D. from Georgetown University Law Center. He is the author or co-author of fifteen books, including *The Law and Higher Education* (Carolina Academic Press, fourth edition, 2015), *No Undocumented Child Left Behind: Plyler v. Doe and the Education of Undocumented Children* (NYU Press, 2012), and *Suing Alma Mater: Higher Education and the Courts* (Johns Hopkins University Press, 2013), which was chosen as the 2014 winner of the Steven S. Goldberg Award for Distinguished Scholarship in Education Law. Olivas served as General Counsel to the American Association of University Professors from 1994–98. In addition to serving as President of the Association of American Law Schools (AALS) from 2011 to 2012, he has chaired the AALS Section on Education Law three times, and has twice chaired the Section on Immigration Law.



Honorable Delissa A. Ridgway has been a member of the U.S. Court of International Trade since 1998. Previously, she served in the Clinton Administration as Chair of the Foreign Claims Settlement Commission of the U.S. ("FCSC") (1994–1998). FCSC accomplishments during her

tenure included the Holocaust Survivors Claims Program, the Albanian Claims Program, and the completion of the

Iran Claims Program. Before that, she was a member of the International Practice Group at the D.C. firm now known as Pillsbury Winthrop Shaw Pittman, where she concentrated her practice in international commercial arbitration, principally representing foreign sovereigns from the developing world. She is a member of the American Law Institute and a Fellow of the American Bar Foundation (ABF), and currently serves on the ABF Fellows Research Advisory Committee. A Past Chair of the ABA Judicial Division's National Conference of Federal Trial Judges, Judge Ridgway is now a member of both the Council of the ABA Section of International Law and the ABA's Task Force on International Trade in Legal Services. Her many awards include her recognition as D.C.'s "Woman Lawyer of The Year" (2001), and her recognition as one of four "Distinguished Women in International Law." She is a candidate for an LL.M. in Judicial Studies from Duke University School of Law.



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¹ U.S. Social Security Administration, Fact Sheet. February 7, 2013.

* Including plan features, costs, eligibility, renewability, limitations and exclusions, and charitable contribution opportunity.

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