

# New Abolitionism

Ending Civil Immigration Detention and Criminalization—  
Policy, History, and Legal Strategies

February 26 and 27, 2021  
10:00 a.m.-1:00 p.m.



WESTERN NEW ENGLAND  
**LAW REVIEW**

The Western New England Law Review  
is pleased to present the Symposium:

# **New Abolitionism: Ending Civil Immigration Detention and Criminalization—Policy, History, and Legal Strategies**



**This virtual Symposium will explore various arguments that challenge the systemic use of civil detention of migrants and asylum seekers entering the United States**

The WNE Law Review would like to acknowledge the generous support of the Western New England University School of Law administration and staff. We would like to thank Dean Sudha Setty, Director of the Center for Social Justice Ariel Clemmer, Professor Harris Freeman, Professor Lauren Carasik, Admissions Office Manager Marcella Haynes, the Members of Volume 43, and the Law Review Advisory Committee for their assistance in planning this event. The WNE Law Review also extends its gratitude to the Western New England Marketing Department for materializing our vision for this event.

Most importantly, the WNE Law Review is grateful for all panelists and speakers who have generously contributed to our program and made a difference toward the goal of ending immigration detention and criminalization.

# SCHEDULE

## FRIDAY, FEBRUARY 26

**10:00 a.m.** Welcome Remarks and Introduction by Moderator Megan Kludt, Managing Partner at Curran, Berger & Kludt Immigration Law

**Panel One:** Panelists will consider immigration detainees' rights and liberty restrictions, and the ways that gender and race drive decisions and institutional responses. The discussion will cover the new forms of restrictions on immigrant detainees' liberty interests in the form of e-carceration through electronic monitoring, how the detention system particularly fails to protect women, and how Covid-19 has impacted detention and *habeas*.

**10:20 a.m.** Ghita Schwarz, Senior Staff Attorney at Center for Constitutional Rights

**10:40 a.m.** Shannon Johnson, Managing Attorney at Florence Project

**11:00 a.m.** Mary Holper, Associate Clinical Professor and Director of the Immigration Clinic at Boston College Law School

**11:20 a.m.** Q&A and Break

**Keynote Speaker at 12:00 noon** César Cuauhtémoc García Hernández, Professor of Law and author of *Crimmigration Law* and *Migrating to Prison: America's Obsession with Locking Up Immigrants*

**Keynote Address:** Author, Professor, and Attorney García Hernández will discuss how the United States rarely imprisoned people for violating immigration law in the past, but today runs the largest immigration prison system in the world. He will further discuss how political opportunism and profit have shaped government policy at an enormous cost to human life and the legal system, and argues that the detention system for migrants should be abolished.

**12:40 p.m.** Q&A

## SATURDAY, FEBRUARY 27

**10:00 a.m.** Welcome Remarks and Introduction by Moderator Claudia Quintero, Staff Attorney at Central West Justice Center

**Panel Two:** Panelists will discuss how to challenge government's actions. The discussion will cover how habeas corpus can be used to temporarily stay noncitizens' deportation to protect their rights conferred by Congress, the importance of representation, and how to effectively organize the community to accomplish legal challenges.

**10:10 a.m.** Ravi Ragbir, Executive Director of the New Sanctuary Coalition

**10:30 a.m.** Eloa Celedon, Principal Attorney at Celedon Law

**10:50 a.m.** Harvey Kaplan, Immigration Attorney and Professor Emeritus at Northeastern University School of Law

**11:10 a.m.** Sangyeob Kim, Immigration Staff Attorney at ACLU of New Hampshire and Ragini Shah, Immigration Clinical Professor of Law at Suffolk Law University

**11:35 a.m.** Q&A and Break

**Keynote Speaker at 12:00 noon** David Hernández, Associate Professor of Latina/o Studies at Mount Holyoke College and co-editor of *Critical Ethnic Studies: A Reader*

**Keynote Address:** Professor David Hernandez will reflect on four years of Trumpism in migration enforcement, during which the administration used both blunt and refined instruments to terrorize migrants and their families, as well as assail lawful forms of migration, including but not limited to its suppression of the asylum system. He will situate the "Trump era" in the context of previous administrations and the long-term consolidation of power over noncitizens.

**12:40 p.m.** Q&A and Closing Remarks

# Keynote Speakers

## César Cuauhtémoc García Hernández



César Cuauhtémoc García Hernández is a professor of law at the University of Denver who writes and teaches about the intersection of criminal and immigration law. Professor García Hernández earned an AB with Honors in American Civilization, and English from Brown University and his Juris Doctor degree from Boston College. He has published two books, *Migrating to Prison: America's Obsession with Locking Up Immigrants* (2019), and *Crimmigration Law* (2015). His scholarly articles about the right to counsel for migrants in the criminal justice system, immigration imprisonment, and race-based immigration policing have appeared in the *California Law Review*, *UCLA Law Review*, *BYU Law Review*, *Maryland Law Review*, and *Georgetown Immigration Law Journal*, among others. He also publishes the blog *crimmigration.com*. His accomplishments have been widely recognized. In 2020, he delivered the Buck Colbert Franklin Memorial Civil Rights Lecture at the University of Tulsa, named after the pioneering African-American lawyer who devoted countless hours to assisting victims of the Tulsa Race Riots. In 2019, the Civil Rights Education and Enforcement Center honored him with its Challenging Discrimination Award. He is a past Fulbright Scholar and has been a scholar-in-residence at the University of California, Berkeley and Texas Southern University. He is also a past recipient of the Derrick A. Bell, Jr. Award by the Association of American Law Schools Section on Minority Groups, an honor issued to a "junior faculty member who, through activism, mentoring, collegueship, teaching, and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice." His current project focuses on the arbitrariness of the border between the United States and Mexico. Attorney García Hernández is of counsel to García & García Attorneys at Law, P.L.L.C.

## David Hernández



David Hernández is an Associate Professor of Latina/o Studies at Mount Holyoke who specializes in Immigration policy, detention and deportation, and Latina/o history. Professor Hernández earned his Bachelor of Arts in Business Economics Conferred with High Honors from the University of California at Santa Barbara, Master of Arts in American Studies from the University of New Mexico, and Doctorate degree in Comparative Ethnic Studies from the University of California at Berkeley. Professor Hernández's research focuses on immigration enforcement, in particular, the U.S. detention regime. He is completing a book manuscript on this institution tentatively entitled *Alien Incarcerations: Immigrant Detention and Lesser Citizenship*. The book examines the racial genealogy of immigrant detention in the United States, traces the long-term consolidation of detention and deportation powers, and situates this mostly obscured institution at the crossroads of migration and prison scholarship. Professor Hernández is also the co-editor of the anthology *Critical Ethnic Studies: A Reader* (Duke University Press, 2016). His work has been published in *Latina/o Studies*, the *Journal of Race and Policy*, *NACLA: Report on the Americas*, and *Perspectives in Mexican American Studies*. His article "Pursuant to Deportation: Latinos and Immigrant Detention" was recently reprinted for the second time in *Governing Immigration Through Crime: A Reader* (Stanford University Press). He has written numerous reviews and review essays in *American Quarterly*, *Aztlán*, *Contemporary Sociology*, and the *Law and Society Review*. He has received research fellowships from the National Science Foundation, the Ford Foundation, the Social Science Research Council, and the Center for Latina/o Initiatives at the Smithsonian Institution.

# Guest Speakers

## Eloa Celedon



Eloa Celedon is the principal attorney at Celedon Law in Massachusetts. Attorney Celedon graduated from Assumption College with a Bachelor of Science in Liberal Studies and holds a Juris Doctor, from Massachusetts School of Law. She represents clients across the United States through consulting and expertise on immigration through a family member, asylum, and court representation and assists companies with their immigration needs. Attorney Celedon has worked for nonprofit organizations and private entities, where their primary work involved issues pertaining to immigration, contracts, disability law, and family law. In 2019 and 2020, she was presented with the Rising Star Super Lawyer award. In 2020 she was also awarded Top Attorney: Massachusetts' Outstanding Young Women Lawyers. Recently, with the assistance of ACLU-NH, she argued before the First Circuit.

## Mary Holper



Mary Holper is an associate Clinical Professor and Director of the Immigration Clinic at Boston College Law School. Professor Holper earned her Bachelor of Arts from the University of Illinois and her Juris Doctor from Boston College Law School. Prior to joining the BCLS faculty, Professor Holper was an Associate Professor of Law at Roger Williams University School of Law in Rhode Island, where she founded and directed the Roger Williams University School of Law Immigration Clinic. Throughout her career, she has represented immigration detainees who face removal and has participated in impact litigation challenging the overuse of mandatory detention and indefinite detention, as well as the classification of certain crimes as “aggravated felonies” in immigration law. In addition, Professor Holper has represented other vulnerable noncitizen populations such as refugees, juveniles, victims of domestic violence, and victims of violent crime. Professor Holper has spoken on numerous panels about immigration issues, particularly on the intersection of immigration law and crimes and removal proceedings. She also has written and co-authored articles for various handbooks, reference guides, and law reviews regarding immigration issues.

## Shannon Johnson



Shannon Johnson is the Managing Attorney at Florence Immigrant & Refugee Rights Project. Attorney Johnson represents asylum seekers detained in Arizona. She earned her Bachelor of Arts in Political Science and Global Studies from Providence College and her Juris Doctor from Boston College Law School. Prior to law school, she worked as an advocate for domestic violence survivors at the Los Angeles Center for Law and Justice. After law school, she was a public service fellow in Worcester, Massachusetts, working with adolescent youth and young adults in their family law and immigration matters. Currently, she provides representation to detained asylum seekers and people who fear return to their countries of origin. Attorney Johnson focuses on bond representation and representation at merits hearing for individuals applying for asylum, withholding of removal, and protection under the Convention against Torture. She aspires to find strategies to make asylum law more just and more clearly protective of vulnerable populations who fear harm based on their gender, sexual orientation, race, socio-economic status, personal convictions, and individuals historically prevented from seeking protection and safety.

## Harvey Kaplan



Harvey Kaplan is an Immigration Attorney and Professor Emeritus at Northeastern University School of Law. Attorney Kaplan received his undergraduate degree from Clark University and his Juris Doctor from Boston University. He was an immigration practitioner for over 35 years and the founding member of the immigration law firm Kaplan, O'Sullivan & Friedman. He specialized in immigration appellate work in federal court. He has been the recipient of numerous national awards.

Most recently, he received the 2018 Humanitarian Rights Award from the Open Avenues Foundation. Attorney Kaplan taught an immigration law course at Northeastern University School of Law for 25 years. After retiring from private practice in 2014, he began volunteering in the immigration law unit of Greater Boston Legal Services. As an Access to Justice Fellow, Attorney Kaplan continues to volunteer work with Greater Boston Legal Services (GBLS).

## Sangyeob Kim



SangYeob Kim is an immigration staff attorney at the American Civil Liberties Union of New Hampshire (ACLU-NH). Attorney Kim earned his Bachelor of Arts in International Affairs from George Washington University and his Juris Doctor from the University of Iowa College of Law. For the ACLU-NH, Attorney Kim runs the New Hampshire Immigrants' Rights Project, which is committed to providing legal services for bond representation and federal litigation, as well as Know Your Rights training for concerned communities. Prior to joining the ACLU,

Attorney Kim gained extensive experience in detention and removal defense in New Jersey and New Hampshire, providing pro bono consultation and legal representation to detained immigrants.

## Ravi Ragbir



Ravi Ragbir is the Executive Director of the New Sanctuary Coalition (NSC) in New York, one of the largest coalitions in the city focused on immigrant rights. Through his own struggle to remain in the U.S., Ragbir became active in supporting other immigrants who were facing similar challenges. Today, Ragbir is a nationally recognized leader in the immigrant rights movement. Ragbir is a community educator, spokesperson, and advocate for immigrants. When Ragbir was released from immigration custody, he immediately volunteered with Families for Freedom, a network of immigrants facing and fighting deportation. He went on to serve as Chair of the Board of Directors for the organization. He has trained other advocates, allies, community organizers, and elected officials about immigration issues and how to reform the deportation system. He has met with members of Congress and administration officials, and has testified in front of the New York City Council to discuss detention and deportation policy.

## Ghita Schwarz



Ghita Schwarz is a Senior Staff Attorney at Center for Constitutional Rights and author of *Displaced Persons*. Attorney Schwarz received her undergraduate degree from Harvard College and her Juris Doctor from Columbia Law School. Attorney Schwarz works on racial justice, immigrants' rights, and government misconduct and transparency. She worked at LatinoJustice PRLDEF, the Door Legal Services Center, and Legal Services for New York City prior to the Center for Constitutional Rights. Her recent writing includes "Why New York is Still the Capital of Immigrant America," published in *The Nation*, and she has appeared on NY1, NY1 Noticias, Univision, Telemundo, CUNY TV's Ronnie Eldridge & Co, and numerous radio programs. Her past work includes *Aguilar v. ICE*, fighting ICE's practice of warrantless home raids, and *NDLON v. ICE*, challenging government secrecy regarding DHS' Secure Communities program. Some of her current cases include the challenge to the Trump administration's public charge rule, *Make the Road New York v. Cuccinelli*; the Freedom of Information Act cases *Detention Watch Network v. ICE* and *Immigrant Defense Project v. ICE*, seeking government transparency about controversial immigration detention and enforcement practices.

## Ragini Shah



Ragini Shah is an Immigration Clinical Professor of Law at Suffolk Law University. Professor Shah received her undergraduate degree from Northwestern University and her Juris Doctor from Northeastern University School of Law. Professor Shah also teaches Immigration Law and has supervised a number of students conducting internships with law offices working on immigration issues. Her scholarship examines the effectiveness of enforcement in the immigration context focusing on rights for undocumented youth, and the connections between international trade and migration. In 2012, she was granted a Fulbright award to deepen her research into these connections and from 2012-2013 conducted over 70 interviews with former migrants and their families in Mexico. In 2017, Professor Shah returned to Mexico to examine the impact of the Trump administration's heightened border enforcement measures on unauthorized migrants' decision making. This research, combined with the research from 2012-2013, will be featured in a forthcoming book on unauthorized migration. She has published two law review articles: "No Matter What: The Inevitability of Mexico-U.S. Migration and Its Lessons for Border Control Strategies" and "Sharing the American Dream: Towards Formalizing the Status of Long-Term Resident Undocumented Children in the United States."



# Moderators

## Megan Kludt



Megan Kludt is a Managing Partner at Curran, Berger & Kludt Immigration Law. Attorney Kludt holds a BS in Foreign Service from Georgetown University, a Master of International Relations from Boston University, and a JD with an international concentration from Boston University School of Law. She specializes in complex immigration cases in the areas of business, academia, scientific research, and the arts. She is an expert in client representation at USCIS interviews and in the Immigration Courts in Boston and Hartford. Attorney Kludt co-authored

an article on federal litigation in the context of DOL labor certification. In August 2014 and April 2015, she was selected by AILA to provide emergency legal aid to children at the U.S./ Mexico border, and in 2016 was honored as one of AILA New England's Pro Bono Champions.

## Claudia Quintero



Claudia Quintero is a Staff Attorney for at Central West Justice Center. At CWJC she runs the Migrant and Seasonal Farmworker Project where she represents farmworkers across Massachusetts in a range of legal issues, including immigration, labor and employment, housing, family, and benefits law. She routinely provides know-your-rights trainings to the community on issues relating to immigration and worker's rights, conducts outreach to farmworkers directly, and engages in legislative advocacy on behalf of farmworkers. Attorney

Quintero is a proud alumna of Western New England and the Western New England Law Review. In 2018, Attorney Quintero published "Ganging Up on Immigration Law: Asylum Law and the Particular Social Group Standard - Former Gang Members and Their Need for Asylum Protections" (2018) with the University of Massachusetts Law Review. In 2017, she was recognized by the Massachusetts Supreme Judicial Court with the Adams Pro Bono Publico Award for her work on behalf of immigrants, and by the Massachusetts National Lawyers Guild Chapter as Student of the Year. While in law school she clerked for the City of Springfield in their Labor Relations Department, the Equal Employment Opportunity Commission, Office of Legal Counsel in Washington, D.C., Community Legal Aid in their Housing Unit, and with Public Counsel in their Immigrants' Rights Project in Los Angeles. Attorney Quintero was on the coordinating committee of Immigrant Protection Project operated through the ACLU of Massachusetts, a founding board member of the Pioneer Valley Worker's Center, and previously on the board of the Rosenberg Fund for Children. Currently she is teaching Law and Social Change at Western New England University School of Law as an adjunct professor. Attorney Quintero received her B.A. in Communication Studies from California State University Los Angeles, and her M.S. in Rhetoric from the University of Utah in Salt Lake City.



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