



COLUMBIA HUMAN RIGHTS LAW REVIEW

50th Anniversary Symposium Series

The *Columbia Human Rights Law Review* is celebrating its 50th, and *A Jailhouse Lawyer's Manual* its 40th, anniversary this year. To celebrate our respective milestones and achievements, we are hosting a Symposium Series throughout the Spring.

We will be holding five lunch events with different authors who are publishing their human rights advocacy scholarship in the 50th Volume of the *Columbia Human Rights Law Review*. Each event will focus on issues related to the forced displacement and movement of persons, with topics including the unlawfulness of prolonged detention, the violation of due process in varying nations' immigration systems, and the abilities of local governments to provide sanctuary to immigrants.

We will conclude this series on March 27, 2018 with a keynote speech from Chief Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit, who has advanced efforts to improve the quality and accessibility of legal services provided to immigrants.

Please find descriptions of the following five events below:

Monday, February 11, JG 102B: Professor Kit Johnson, University of Oklahoma College of Law, *Pereira v. Sessions: A Jurisdictional Surprise for Immigration Courts*

Tuesday, February 19, JG 103: Professor Ashley Binetti Armstrong, Georgetown Law Human Rights Institute, *Chutes and Ladders: Nonrefoulement and the Sisyphean Challenge of Seeking Asylum in Hungary*

Monday, March 4, JG 107: Professors Toni Massaro and Shefali Milczarek-Desai, University of Arizona James E. Rogers College of Law, *Constitutional Cities: Sanctuary Jurisdictions, Local Voice, and Individual Liberty*

Tuesday, March 12, JG 101: Professor Anita Sinha, American University Washington College of Law, *Defining Detention: The Intervention of the European Court of Human Rights in the Detention of Involuntary Migrants*

Thursday, April 18, JG 107: Professor Lindsay Harris, University of the District of Columbia David A. Clarke School of Law, *Withholding Protection*

Pereira v. Sessions: A Jurisdictional Surprise for Immigration Courts

Kit Johnson, Associate Professor of the University of Oklahoma College of Law

Monday, February 11, 2018, at 12:10 pm

JG 102B

On June 21, 2018, the U.S. Supreme Court issued a bombshell opinion regarding immigration court procedure: *Pereira v. Sessions*. On its face, the case is a boon for certain noncitizens seeking relief from deportation. Yet, as Professor Johnson will explain, *Pereira*'s implications are far greater. Although the Court's opinion never mentions jurisdiction, *Pereira* necessarily means that immigration courts lack subject-matter jurisdiction over virtually every case filed in the last three years, plus an unknown number of earlier-filed cases. This situation arises from the chronic failure of the Department of Homeland Security (DHS) to comply with the law in commencing deportation proceedings.

Professor Johnson will discuss in this lunch event how, with the clarity afforded by *Pereira*, the result is that these pending removal cases against thousands of immigrants should be dismissed. She will also discuss ongoing litigation regarding the *Pereira* case, and how events have developed since June 2018.

Chutes and Ladders: Nonrefoulement and the Sisyphean Challenge of Seeking Asylum in Hungary

Ashley Binetti Armstrong, Dash-Muse Teaching Fellow, Georgetown Law Human Rights Institute

Tuesday, February 19, 2019 at 12:10 PM

JG 103

Hungarian asylum law has devolved since the height of the 2015 refugee crisis, and Hungary's government has violated its obligation not to refoule refugees, which goes against international human rights law. These recent developments in Hungary's asylum law and policy demonstrate an extraordinary undermining of the refugee rights regime and serve as a case study of how a State can pervert its national laws to shirk its international and regional treaty obligations.

Professor Binetti will evaluate Hungary's nonrefoulement duty in the context of international and European law, and will more closely focus on Hungary's noncompliance with those nonrefoulement obligations in designating Serbia as a safe third country. Professor Binetti ultimately will demonstrate that the international community cannot ignore Hungary's egregious conduct. If there is to be any hope for coordinated efforts to manage refugee crises and uphold the rights of asylum seekers enshrined in the 1951 Refugee Convention and human rights treaties, the international community must study how countries evade the global norm of responsibility sharing and devise solutions to hold rogue States accountable.

Constitutional Cities: Sanctuary Jurisdictions, Local Voice, and Individual Liberty

Toni M. Massaro, Regent's Professor, Milton O. Riepe Chair in Constitutional Law, and Shefali Milczarek-Desai, Director, Workers Rights Clinic and Professor of Practice of the University of Arizona James E. Rogers College of Law

Monday, March 4, 2019 at 12:10 PM

JG 107

The United States is deeply divided on matters that range from immigration to religion to fracking. "Blue" states resist "red" federal policies, and intra-state disputes pit state legislatures against recalcitrant local governments. One of these intergovernmental policy flare-ups involves so-called "sanctuary jurisdictions"—government actors that object to more aggressive immigration enforcement by slow walking their voluntary compliance or denying it altogether. In some cases, they have filed lawsuits to voice their dissent.

Professors Toni M. Massaro and Shefali Milczarek-Desai of University of Arizona James E. Rogers College of Law will discuss the recent wave of sanctuary jurisdiction lawsuits in detail and identifies ways in which they undermine claims that local governments are powerless in the face of federal or state authority. They will demonstrate how structural and civil liberty constitutional rights may protect local governments from some state and federal mandates, and how local residents too may have resistance options beyond the voting booth and the moving van.

Defining Detention: The Intervention of the European Court of Human Rights in the Detention of Involuntary Migrants

Anita Sinha, Assistant Professor of Law and the Director of the International Human Rights Law Clinic, American University of Washington College of Law

Tuesday, March 12, 2019 at 12:10 PM

JG 101

European states have resorted to "carceral migration control" in response to a migration "crisis," implementing shortsighted migration policies, entrenching caricatures of migrants as threatening, and emphasizing punitive rather than humanitarian responses. The European Court of Human Rights has since intervened in the prolonged detention of migrants throughout Europe, often using its power to advance the rights of migrants.

In this talk, Professor Sinha will interrogate the foundational principles of the European human rights system with respect to migrants. She will then review the Court's recent decisions regarding the prolonged detention of involuntary migrants illustrate the potential of the European system to extend human rights protections to migrants. More specifically, she will discuss how the European Court of Human Rights has held steadfast to the principle that migration detention is possibly unlawful detention, and that the European Convention on Human Rights prohibits such deprivation of liberty.

Withholding Protection

Lindsay M. Harris, Assistant professor of Law & Co-Director of the Immigration and Human Rights Clinic at the University of the District of Columbia - David A. Clarke School of Law

Thursday, April 18, 2019 at 12:10:00 PM

JG 107

In June 2018, President Trump wrote a pair of tweets en route to his golf course, calling for “no judges; no court cases” at our border and swift deportation of immigrants, essentially without due process. While immigrant advocates were quick to explain the myriad constitutional problems with this proposal, elements of Trump’s dream are already a reality.

Professor Harris will discuss how a single Customs and Border Protection officer can short-circuit the checks and balances prescribed by U.S. and international law to protect refugees from being returned to harm, and cast a long shadow over a future, meritorious asylum claim. She will examine the disastrous interplay between two “speed deportation” processes—expedited removal and reinstatement of removal—insufficient safeguards that leave refugee screening at our borders in the shadows, and the absence of judicial review. Professor Harris will also explore, as an immediate first step to implement the humanitarian protections enshrined in law, the merits and risks of using readily available technology—more specifically, the use of Body Worn Cameras by Customs and Border Protection officers conducting screenings of potential refugees at the border.