

The 2011 LatCrit South-North Exchange on Theory, Culture and Law

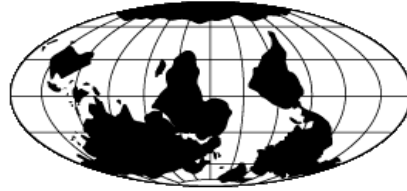


CORRIENTES MIGRATORIAS EN LAS AMERICAS

Migratory Currents in the Americas

Arte por Carlos Cochón, Publicista con una Maestría en Comunicación y Marketing en el Instituto Europeo di Design sede Madrid. Actualmente Manejo la Comunicación Online de UNIBE, e imparto docencia de Creatividad dentro de Publicidad UNIBE. Para mas información: cochoncarlos@gmail.com

The South-North Exchange on Theory, Culture and Law



WWW.LATCRIT.ORG

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Migratory Currents in the Americas

Corrientes migratorias en las Américas

Sponsored by:

LatCrit, Inc.,

University of Miami School of Law

Universidad Iberoamericana (UNIBE), Escuela de derecho

Universidad Interamericana de Puerto Rico, Facultad de derecho

Center for Global Justice, Seattle University School of Law

Facultad Latinoamericana de Ciencias Sociales (FLACSO-RD)

Institute for Puerto Rican & Latino Studies (IPRLS), Department of Political Science, and

Center for Latin American and Caribbean Studies (CLACS), University of Connecticut

SANTO DOMINGO, DOMINICAN REPUBLIC * MAY 12-13, 2011

Final Program

May 10, 2011

The 2011 South-North Exchange on Theory, Culture and Law

As the world globalizes in terms of nations' economies, trade and investment, borders are opened up more easily for "freer" flows of capital, goods and products. But globalization has also meant millions of transnational people; according to the UN's Population Division, there are now almost 200 million international migrants, doubling the figure recorded in 1980, only 30 years ago. Consequently, migrants are now to be found in every corner of the globe, some of them moving within their own regions and others travelling from one part of the world to another. Today, human migrations have reached higher volumes than ever before in history.

These migration trends present different characteristics from past times, prompting some to herald a "new" era of international migration. One key characteristic of this new era is the reconfiguration of the population movement map globally, created by a growing diversity of routes and connections—between shifting and morphing sites of origin and destination. Immigration therefore has been an increasingly complex and important issue for policy makers, historians, sociologists, jurists and many others. For these reasons, the SNX program centers international migration in the 2011 theme.

Local Host: This year's conference will be hosted by the school of law of the Universidad Iberoamericana (UNIBE), located in Santo Domingo, Dominican Republic, May 12-13.

The conference activities will take place in Auditorio , Edificio FR 1. For more information about UNIBE, please feel free to contact: Escuela de Derecho, UNIBE : 809-689-4111 exts. 2029 (Francisca Nova), 3000 (Emilia Medina) or 2028 (Sagrario Feliz).

Hotel and Travel Information: Participants are encouraged to travel to the Aeropuerto de las Americas in Santo Domingo, D.R. Participants are required to make travel arrangements from the airport to the hotel (we recommend using the official Taxi service on average cost \$35-40 each way). We are currently trying to plan some scheduled group transportation. If you would like us to include you in these plans, please send us a copy of our travel itinerary. We will be using the Mercure Hotels in the Zona Colonial and encourage all participants to reserve their rooms right away:

Hotel Mercure-Comercial El Conde, Esq. Hostos Ciudad Colonial, Santo Domingo Tel. 809-688-5500 www.mercure.com	or	Calle Las Mercedes esquina Arzobispo Merino Ciudad Colonial 10211 SANTO DOMINGO DOMINICAN REPUBLIC
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Short Conference Program

	Wednesday/ Miercoles	Thursday/Jueves	Friday/Viernes	Notes
Horario				
8:30am		UNIBE Buses will pick-up the participants at the lobby Mercure Comercial, Esquina Conde and take them to the University.	UNIBE Buses will pick-up the participants at the lobby of the Mercure Comercial, Esquina Conde and take them to the University.	
9:00- 10:30am		<p>Bienvenida de UNIBE LatCrit Welcome</p> <p>Panel 1: <i>Thinking Regionally</i></p> <p><i>Climate Change-Induced Migration in the Americas</i> Carmen Gonzalez Seattle University School of Law</p> <p><i>Promoting sustainable cultural tourism and the "war on drugs": thoughts for a saner future</i> Colin Crawford Tulane University Law School</p> <p><i>Shift Happens: Financial and Regulatory Paradigms in Crisis</i> Timothy Canova Chapman University School of Law</p> <p>Moderador/Moderator: Charles R. Venator-Santiago, University of Connecticut, IPRLS & Department of Political Science</p>	<p>Panel 5: <i>Immigración y Trabajo/Labor & Migration</i></p> <p><i>Justicia Laboral y extranjería</i> Mag. Juan Manuel Guerrero Republica Dominicana</p> <p><i>Migración y desempleo: análisis de las desigualdades laborales de los inmigrantes</i> Sagrario Feliz UNIBE, Escuela de Derecho</p> <p>Moderador/Moderator: Francisco Valdes, University of Miami School of Law</p>	
10:30-11:00am			Coffee Break	

<p>11:00am-12:30pm</p>		<p>Panel 2: Derecho internacional y derechos humanos/International Law and Human Rights</p> <p><i>The Price of Confrontation</i> Samuel Martinez Department of Anthropology, University Connecticut</p> <p><i>Approach of the Inter-American Court of Human Rights (IACHR)</i> Paola Pelletier Human Rights Clinic, Universidad Iberoamericana (UNIBE)</p> <p><i>Deportations to Post-Earthquake Haiti: Illusory Process and Humanitarian Failures in the U.S. Removal System</i> Farrin Anello University of Miami School of Law</p> <p>Moderador/Moderator: <i>Challenges And Opportunities In The Use Of The International Human Rights Framework And Mechanisms In The Dominican Republic</i> Paola Garcia Rey, Counsel, Inter-American Human Rights System Project, Human Rights Institute, Columbia Law School and Caroline Bettinger-López Director, Human Rights Clinic, University of Miami School of Law</p>	<p>Panel 6: Genero y migración/Gender & Migration</p> <p><i>Obstáculos al cumplimiento de los derechos de la mujer migrante haitiana en la República Dominicana</i> Bridget Wooding Observatorio Migrantes del Caribe, FLACSO-RD</p> <p><i>Desde Quisqueya hacia Borinquen: The Experience of Immigrant Dominican Women in Puerto Rico</i> Sheila Vélez Matínez University of Pittsburgh School of Law</p> <p><i>Particularidades de las mujeres inmigrantes victimas de violencia domestica en Puerto Rico</i> Romelinda Grullón Centro de la Mujer Dominicana</p> <p><i>Expatriation of Puerto Rican Women and the 1934 Amendment to the Jones Act of 1917</i> Charles R. Venator-Santiago, University of Connecticut, IPRLS & Department of Political Science</p> <p>Moderador/Moderator: Yanira Reyes Gil, Universidad Inter Americana de Puerto Rico, Escuela de derecho</p>	
<p>12:30-2:00pm</p>		<p>Almuerzo/Lunch</p> <p>Community Break</p>	<p>Almuerzo/Lunch</p> <p>Ponencia Magistral/Plenary Lecture: <i>Racializar al otro: haitianos en República Dominicana y dominicanos en Puerto Rico</i> Jorge Duany Universidad de Puerto Rico</p>	

<p>2:00-3:30pm</p>		<p>Panel 3: Dignidad y Justicia para todos/ Dignity and Justice for All: Moving From Tiered Personhood to Recognizing Human Dignity in Immigration Law</p> <p>Ragini Shah Suffolk University School of Law</p> <p>Yolanda Vázquez University of Pennsylvania Law School</p> <p><i>Indigenous Latina/o Migrants in the United States: A Critical Examination of the Recognition and Rights of this New Native American Population</i> Pamela Izvanariu The Graduate Center, City University of New York</p> <p><i>The Latin American Dream and Transnational Identity</i> Ezra Rosser American University, Washington College of Law</p> <p>Moderador/Moderator: Cristino Garcia-Estrella UNIBE, Escuela de Derecho</p>	<p>Panel 7: Victimización y Criminalización de Inmigrantes/Victimization and Criminalization of Immigrants</p> <p><i>Migración haitiana y ley de migración en República Dominicana: Le blocage</i> <i>Migración haitiana y ley de migración en República Dominicana: Le blocage</i> Eddy Tejada FLACSO-RD</p> <p><i>State and Local Efforts to Regulate Immigration: A Case Study of Nebraska</i> David Weber Creighton University School of Law</p> <p><i>El debido proceso en los casos de expulsión de extranjeros</i> Amaury Reyes UNIBE, Escuela de derecho</p> <p>Moderador/Moderator: Charles R. Venator-Santiago, University of Connecticut, IPRLS & Department of Political Science</p>	
<p>3:30-4:00pm</p>		<p>Coffee Break</p>	<p>Coffee Break</p>	

<p>4:00-5:30pm</p>		<p>Panel 4: Immigration and Identity</p> <p><i>Desafíos a la integración de la población migrante en países receptores: analizando el caso de los nicaraguenses en Costa Rica</i> Gustavo Gatica López Universidad Nacional, Costa Rica</p> <p><i>Migración e Identidades Transnacionales: Lucha por la identidad translocal puertorriqueña</i> Yanira Reyes-Gil Universidad Interamericana de Puerto Rico, Facultad de Derecho</p> <p><i>Immigration and Dual Nationality in the United States</i> Richard Boswell University of California-Hastings, School of Law</p> <p><i>Trafico de personas como crimen internacional</i> Julio José Rojas-Báez UNIBE, Escuela de Derecho</p> <p>Moderador/Moderator: Darren Rosenblum, Law School, Pace University</p>	<p>Panel 8: Emerging Legal Interpretations of Citizenship/Membership</p> <p><i>“Legal Fictions Regarding Personhood”</i> Patricia Mann Immigration Attorney</p> <p><i>Deportation Without Discretion: Confronting the Human Rights Failings of U.S. Immigration Policy</i> Jonathan Hafetz Seton Hall University School of Law</p> <p><i>Ethos e identidad: los desafíos de la nacionalidad dominicana frente a la inmigración haitiana</i> Dr. Juan M. Castillo Pantaleón, UNPHU-UCM, PUCAMAIMA, Escuela de Derecho</p> <p>Moderador/Moderator: Sagrario Feliz UNIBE, Escuela de Derecho</p>	
<p>6:00pm</p>		<p>Recepción y Ponencia Magistral/ Reception and Plenary Lecture:</p> <p>Professor Wilfredo Lozano UNIBE</p>	<p>Closing</p>	
<p>6:15pm</p>			<p>Buses will be returning to Mercure Commercial. Location TBA</p>	
<p>7:15pm</p>	<p>Informal</p>	<p>Buses will be returning to Mercure</p>		

	Dinner at <i>El Mesón de Bari</i>	Commercial. Location TBA		
7:30pm		Dinner on your own.	Closing Dinner <i>El Conuco</i>	
10:00pm	Hospitality Suite Held at Mesón de Bari		Hospitality Suite Held at Mesón de Bari and later Frank's Suite	

Conference Program

12 de mayo/May 12 Jueves/Thursday

- 8:30am UNIBE Buses will pick-up the participants at the lobby of the Mercure Comercial, Esquina Conde and take them to the University.
- 9:00-9:30 am Bienvenida a Escuela de derecho, UNIBE
Welcome to LatCrit 2011 South-North Exchange on Theory, Law and Culture
- 9:30-10:30 am
- Panel 1: *Reflexionando regionalmente: reconceptualizando políticas públicas sobre Economía, Ambiente y Drogas /Thinking Regionally: Reconceptualizing Economic, Environmental, and Drug Policy***
- Climate Change-Induced Migration in the Americas*
Carmen Gonzalez
Seattle University School of Law
- Promoting sustainable cultural tourism and the "war on drugs": thoughts for a saner future*
Colin Crawford
Tulane University Law School
- Shift Happens: Financial and Regulatory Paradigms in Crisis*
Timothy Canova
Chapman University School of Law
- Moderador/Moderator:** Charles R. Venator-Santiago, University of Connecticut, IPRLS & Department of Political Science
- 10:30-11:00am Coffee Break

11:00am-12:30pm

Panel 2: *Derecho internacional y derechos humanos/International Law and Human Rights*

The Price of Confrontation

Samuel Martinez

University Connecticut, Department of Anthropology

Approach of the Inter-American Court of Human Rights (IACHR)

Paola Pelletier

Universidad Iberoamericana (UNIBE), Human Rights Clinic

Deportations to Post-Earthquake Haiti: Illusory Process and Humanitarian Failures in the U.S. Removal System

Farrin Anello

University of Miami School of Law

Moderadors/Moderators: *Challenges and opportunities in the use of the International human rights framework and mechanisms in the Dominican Republic*

Paola Garcia Rey, Counsel, Inter-American Human Rights System Project, Human Rights Institute, Columbia Law School and Caroline Bettinger-López

Director, Human Rights Clinic, University of Miami School of Law

12:30-2:00pm

Almuerzo/Lunch

Community Break

2:00-3:30pm

Panel 3: *Dignidad y Justicia para todos/ Dignity and Justice for All: Moving From Tiered Personhood to Recognizing Human Dignity in Immigration Law*

Ragini Shah

Suffolk University School of Law

Yolanda Vázquez

University of Pennsylvania Law School

Indigenous Latina/o Migrants in the United States: A Critical Examination of the Recognition and Rights of this New Native American Population

Pamela Izvanariu

City University of New York, The Graduate Center

The Latin American Dream and Transnational Identity

Ezra Rosser

American University, Washington College of Law

Moderador/Moderator: Cristino Garcia-Estrella, UNIBE, Escuela de Derecho

3:30-4:00pm

Coffee Break

4:00-5:30pm

Panel 4: *Immigration and Identity*

Desafíos a la integración de la población migrante en países receptores: analizando el caso de los nicaraguenses en Costa Rica

Gustavo Gatica López

Universidad Nacional, Costa Rica

Migración e Identidades Transnacionales: Lucha por la identidad translocal puertorriqueña

Yanira Reyes-Gil

Universidad Interamericana de Puerto Rico,

Facultad de Derecho

Immigration and Dual Nationality in the United States

Richard Boswell

University of California-Hastings, School of Law

Trafico de personas como crimen internacional

Julio José Rojas-Báez

UNIBE, Escuela de Derecho

Moderador/Moderator: Darren Rosenblum, Law School, Pace University

6:00pm

Recepción y Ponencia Magistral/Reception and Plenary Lecture:

Professor Wilfredo Lozano

UNIBE

7:30pm

Buses will be returning to Mercure Commercial.

Location TBA

Dinner on your own.

10:00pm

Hospitality Suite

**13 de Mayo/
May 13
Friday/Viernes**

8:30am

UNIBE Buses will pick-up the participants at the lobby of the Mercure Comercial, Esquina Conde and take them to the University.

9:00- 10:30am

Panel 5: *Immigración y Trabajo/Labor & Migration*

Justicia Laboral y extranjería

Mag. Juan Manuel Guerrero
Republica Dominicana

Migración y desempleo: análisis de las desigualdades laborales de los inmigrantes

Sagrario Feliz
UNIBE Escuela de Derecho

Moderador/Moderator: Francisco Valdes, University of Miami School of Law

10:30-11:00am

Coffee Break

11:00am-12:30pm

Panel 6: *Genero y migración/Gender & Migration*

Obstáculos al cumplimiento de los derechos de la mujer migrante haitiana en la República Dominicana

Bridget Wooding
Observatorio Migrantes del Caribe, FLACSO-RD

Desde Quisqueya hacia Borinquen: The Experience of Immigrant Dominican Women in Puerto Rico

Sheila Vélez Martínez
University of Pittsburgh School of Law

Particularidades de las mujeres inmigrantes victimas de violencia domestica en Puerto Rico

Romelinda Grullón

Centro de la Mujer Dominicana

Expatriation of Puerto Rican Women and the 1934 Amendment to the Jones Act of 1917

Charles R. Venator-Santiago

University of Connecticut, Institute for Puerto Rican & Latino Studies

Moderador/Moderator: Yanira Reyes Gil, Universidad Inter Americana de Puerto Rico, Escuela de derecho

12:30-2:00pm

Almuerzo/Lunch

Ponencia Magistral/Plenary Lecture:

Racializar al otro: haitianos en República Dominicana y dominicanos en Puerto Rico

Jorge Duany

Universidad de Puerto Rico

2:00-3:30pm

Panel 7: *Victimización y Criminalización de Immigrantes/Victimization and Criminalization of Immigrants*

Migración haitiana y ley de migración en República Dominicana: Le blocage
Migración haitiana y ley de migración en República Dominicana: Le blocage

Eddy Tejeda

FLACSO-RD

State and Local Efforts to Regulate Immigration: A Case Study of Nebraska

David Weber

Creighton University,

School of Law

El debido proceso en los casos de expulsión de extranjeros

Amaury Reyes

UNIBE,

Escuela de derecho

Moderador/Moderator: Charles R. Venator-Santiago, University of Connecticut, IPRLS & Department of Political Science

3:30-4:00pm

Coffee Break

4:00-5:30pm

Panel 8: *Emerging Legal Interpretations of Citizenship/Membership*

“Legal Fictions Regarding Personhood”

Patricia Mann
Immigration Attorney

Deportation Without Discretion: Confronting the Human Rights Failings of U.S. Immigration Policy

Jonathan Hafetz
Seton Hall University School of Law

Ethos e identidad: los desafíos de la nacionalidad dominicana frente a la inmigración haitiana

Dr. Juan M. Castillo Pantaleón,
UNPHU-UCM, PUCAMAIMA, Escuela de Derecho

Moderador/Moderator: Sagrario Feliz UNIBE, Escuela de Derecho

5:30-6:00pm

Closing

6:15pm

Buses will be returning to Mercure Commercial.
Location TBA

7:15pm

Meet at Lobby of Mercure Commercial to take Taxis to El Conuco

7:30pm

Closing Dinner
El Conuco

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SYMPOSIUM SUBMISSION GUIDELINES DEADLINE AND INSTRUCTIONS

2011 SNX-SANTO DOMINGO

The Guidelines outlined below are designed to provide all 2011 SNX registrants and attendees with the necessary information to submit a timely essay for publication in the symposium that will be published based on this Conference. Although we expect program participants to submit symposium essays, ALL attendees or registrants are invited to do so; ***whether or not your name appears in the Conference program, you are invited to participate in the symposium by submitting an essay inspired by the Conference.***

This year's 2011 SNX symposium may be published as an edited volume. This publication departs from the previous LatCrit symposia, which have been published in law reviews with the intent most of commemorated and memorializing our gatherings. These symposia also help to nudge along the production of critical knowledge on socio-legal issues of special significance to Latinas/os and other outgroups. To review past symposia, please visit the LatCrit website at www.latcrit.org or see the LatCrit informational CD. We expect the published version of 2011 SNX will be as powerful as the live version (or more so). Please plan ahead *NOW* to make sure that you will be able to meet the **July 31, 2011 deadline**, which is ample time given the length and nature of the pieces (see below).

Generally, symposium essays are a form of "oral essay" conveying a basic sense of the Conference to those unable to attend. Essays should engage and elaborate upon comments, observations or exchanges occurring during the conference, and may address or extend to any social or legal matters affecting Latina/o or other outsider communities. Due to space limitations, **your essay should be between 20-30 pages in length (double-spaced, including footnotes)**. Footnoting is not at a premium: include footnotes wherever you think they will be useful, but do not feel compelled to footnote extensively. Please format your footnotes according to the latest edition of The Bluebook.

Once we have received all timely essays, we will work on creating "clusters" of 3-5 essays each organized around a common theme. These clusters of essays serve as the functional equivalent of program panels. Thus, each cluster will begin with a brief Introduction. In addition, the symposium as a whole will open with a Foreword designed to situate the entire publication within the landscape of critical outsider jurisprudence. Finally, the symposium will conclude with an Afterword that will highlight some particular aspect or concept from that year's conference and symposium. To become more familiar with the overall structure of the LatCrit symposia, as well as previously published essays, please visit the LatCrit website or the LatCrit informational CD, both of which contain all the past LatCrit symposia.

Once the timely received essays have been organized into thematic clusters, we will submit them as a whole to the law reviews that have agreed to publish the conference proceedings. At that time, the law review editors will make their independent decisions regarding the publication of any particular text or essay. Although we therefore cannot guarantee in advance that every submission will be published, we do endeavor to create a good working relationship with the law review editors and to help them resolve any doubts they may have regarding the publication of any piece. In the past, we have been successful in developing positive working relationships with editors of various journals to rectify perceived problems with any submissions and ensure the publication of all well-crafted essays. We hope and intend the same for this year.

All submissions must be **received** no later than **July 31, 2011** as a Word (MSWord 95 or above) attachment. If you cite materials other than traditionally used in U.S. legal scholarship, for example economic or international literature, **it is imperative that you retain and provide photocopies of unusual sources.** This advance consideration will help the editors (and us) ensure a smooth and timely publication schedule. We look forward to receiving your timely essay at the end of the fall semester, and hope that the intervening time is both enjoyable and productive! Please send your submissions to Professor Charles R. Venator-Santiago, charles.venator@uconn.edu or to University of Connecticut, Department of Political Science, 341 Mansfield Rd. Unit 1024, Storrs, CT 06269.