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Boston College Law School

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Newton, MA--After being separated from his U.S. citizen wife and his two young U.S. citizen sons for the past two and a half years, a client of the Post-Deportation Human Rights Project (PDHRP) at Boston College Law School was finally able to rejoin his family in Massachusetts.

The Project’s Director, Professor Daniel Kanstroom, describes this as “a great, humanitarian decision that is the fruit of much excellent hard work by our Project’s attorneys. It is one example of the type of compelling case for which the Project was designed. We hope that it can serve as a model for other lawyers and law school clinics.”

Mr. L (not his real name) fled Haiti in 2002, after being the target of threats and harassment, and applied for asylum in the United States. While his asylum application was pending, he met his wife and became the primary caretaker of the couple’s special needs son. His asylum application was ultimately denied, however, and Mr. L was detained and deported to Haiti in May 2008, leaving behind his son and his U.S. citizen wife, who at the time was expecting the couple’s second child.

Although U.S. citizens can generally petition for their spouses, individuals who have been deported or who have spent periods of time in the U.S. “unlawfully” are barred from re-entering the country for many years, and sometimes permanently. In such instances, special waivers must be granted to allow the individual to obtain an immigrant visa and to return to their families.

With the assistance of the PDHRP, Mr. L submitted applications to U.S. Citizenship and Immigration Services documenting the extreme emotional and financial hardship his wife and children were experiencing as a result of the separation, and requesting that he be granted a waiver. After waiting five months for a decision on the waiver applications, and more than two and a half years after his deportation, Mr. L was finally granted the waivers and issued his visa to return to the U.S. as a lawful permanent resident. He traveled to the U.S. and was reunited with his family in January 2011. His wife explains what the journey has been like for her family:

“When we were separated it’s like we had no life, but since he’s been back it’s like we’re living again. The kids are doing better and are so happy to have their father home.”

The PDHRP, based at the Center for Human Rights and International Justice at Boston College, aims to conceptualize a new area of law, providing direct representation to individuals who have been deported and promoting the rights of deportees and their family members through research, legal and policy analysis, media advocacy, training programs, and participatory action research. Our ultimate goal is to introduce legal predictability, proportionality, compassion, and respect for family unity into the deportation laws and policies of this country.

For more information on PDHRP, please visit www.bc.edu/postdeportation.