

Beyond Borders: Immigration Policy in the New Century

Robert L. Bernstein International Human Rights Fellowship Symposium

April 2-3, 2009

Orville H. Schell, Jr. Center for International Human Rights
Yale Law School, 127 Wall Street, New Haven, CT

Immigration policy in the United States is in a perpetual state of crisis. At every moment, significant demands for reform are met by equally powerful voices of resistance. The problem is both immediate and long-term. We debate whether to give driver's licenses to illegal immigrants even when we think they should not be here, but behind that is the much larger question of whether we have a moral obligation to open a path to citizenship for people who have long been members of our community.

As a nation of immigrants, we all can see our own family narratives in the contemporary immigrant. We wonder what right we have to keep anybody out of a country to which we belong only by virtue of the good luck of our forebearers. For many, immigration policy poses the problem of dirty hands: We worry that our sense of political necessity cannot meet the demands of justice. For others, the problem is one of moral hypocrisy: We know that even as we create a legal regime of exclusion, the nation depends upon the availability of cheap immigrant labor. We all should worry about our personal involvement in an unhealthy arrangement that produces economic benefits by tolerating a regime of illegality.

This year's Bernstein conference will examine the dimensions of the moral and legal issues we confront.

Thursday, April 2

4:30 p.m. The Morality of Borders (Rm. 127)

Although open borders are not on the political agenda, we need to understand whether they should be. If there is no adequate moral justification for a closed border, it does not necessarily follow that we must give up all immigration limitations, but surely that moral judgment will color how we approach the claims of others. The morality of the border will, for example, bear on the nature of our obligation toward those whom we exclude.

- **Bruce Ackerman**, *Sterling Professor of Law and Political Science, Yale University*
- **Thomas Pogge**, *Leitner Professor of Philosophy and International Affairs, Yale University*
- **Paul Kahn**, *Robert W. Winner, Professor of Law and the Humanities, Yale Law School*
(moderator)

Friday, April 3

10:00 a.m. Discussion with Current Bernstein Fellows (Rm. 129)

The three current Bernstein Fellows will talk about their work. **Kristina Scurry Baehr** ('08) is working with the Carter Center in Liberia to launch a Gender Crimes Prosecution Unit; **Alisha Bjerregaard** ('08) is working with the Center for Reproductive Rights on a documentation and advocacy project to support proposed legislative and other efforts to improve reproductive health services in Kenya; and **Matiangai Sirleaf** ('08) is working for the International Center for Transitional Justice in Cape Town, South Africa, on a series of transitional justice initiatives in western and southern Africa.

1:00 p.m. A U.S. Immigration Policy Reform Agenda for the Obama Administration (Rm. 129)

What should an immigration policy for the next administration look like? What are the most pressing issues and the realistic possibilities for reform? What priority should this issue have in a period beset with multiple crises?

- **Lucas Guttentag**, *Founder and National Director, Immigrants' Rights Project, American Civil Liberties Union Foundation*
- **Serena Hoy**, *Counsel, Office of Senator Harry Reid*
- **David Shahoulian**, *Counsel, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, US House of Representatives Committee on the Judiciary*
- **James Ziglar**, *Former Commissioner of the Immigration and Naturalization Service (2001-2002)*
- **Susan Benesch**, *Dean's Visiting Scholar, Georgetown University Law Center, and Senior Legal Advisor, Center for Justice and Accountability* (moderator)

3:15 p.m. Local Responses to Immigration and National Immigration Policy (Rm. 129)

How should local communities respond to the federal regime of immigration regulation? Some states and communities have passed ordinances or launched local programs that would go beyond the federal enforcement effort, seeking to drive unwanted immigrants out of their jurisdictions. Others have sought to extend local benefits to undocumented immigrants, at times replacing benefits denied under federal law. New Haven's own Elm City Resident card program has become a flashpoint in this debate. What is the role of local and state government in recognizing immigrants or enforcing immigration restrictions?

- **Donald Cresitello**, *Mayor of Morristown, New Jersey*
- **John DeStefano**, *Mayor of New Haven, Connecticut*
- **Craig E. Ferrell, Jr.**, *Deputy Director, HPD/MCC General Counsel*
- **Michael Wishnie**, *Clinical Professor of Law, Yale Law School* (moderator)

5:30 p.m. Reception and Introduction of 2009-2010 Robert L. Bernstein Fellows (Faculty Lounge)