

HUMAN RIGHTS OBSERVER



International Women's Day 2009

The 14th annual International Women's Day Celebration on March 14th drew a diverse crowd of participants eager to explore the day's theme of "Transforming the World through Women's Voices." Presented by The Advocates and the Human Rights Program at the University of Minnesota, and co-sponsored by 66 local non-profit organizations, the day-long program is one of The Advocates' largest community outreach events. More than 550 women and men engaged in activities throughout the day, and more than 90 volunteers donated their time to make the event run smoothly.

The keynote plenary confronted the theme of women and war, featuring Professor Fionnuala Ní Aoláin of the University of Minnesota Law School and Fahima Vorgetts, longtime women's rights activist in her native Afghanistan. Professor Ní Aoláin described the ways in which women's voices are unheard or unheeded in war and post-conflict situations. Women are disproportionately affected by the socio-economic impact of conflict, and are "massively excluded" from all phases of resolving conflict and establishing peace agreements, despite two UN resolutions (1325 and 1820) requiring women's involvement. Professor Ní Aoláin asserted that the end of conflict can be "a deeply regressive moment for women," with a re-entrenchment of traditional conservative

notions of the family and a shift from public violence to private, domestic violence.

Fahima Vorgetts challenged the audience to be "the voice of the voiceless," saying that women in Afghanistan are the most oppressed in the world. Afghani



Keynote Speakers Fahima Vorgetts and Fionnuala Ní Aoláin



Musicians Barbara McAfee and Maryam Yusefzadeh

(Continued on page 8)

Save the Date!

The 2009 Human Rights Awards Dinner

Tuesday, June 23, 2009

The Marriott Hotel – City Center

2009 Don and Arvonne Fraser Human Rights Award Recipient and Keynote Speaker:

Dr. Sima Samar

Dr. Samar is Chairperson of the Afghanistan Independent Human Rights Commission and United Nations Special Rapporteur on the situation of human rights in Sudan.

For more information, please call Sarah Herder at (612) 341-3302 ext. 126.

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The Observer is published by

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**The Advocates for
Human Rights**

The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights here at home and worldwide.

We are a non-profit, volunteer-based organization that investigates and exposes human rights violations; represents immigrants and refugees in our community who are victims of human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy in Minnesota to engage the public, policymakers and children about human rights and cultural understanding. The Advocates holds Special Consultative Status with the United Nations.

From the Director's Desk

The economic crisis is shining a spotlight on the need for greater respect for fundamental human rights in the United States. As friends, neighbors, and colleagues lose their jobs, homes, and health care, our country is confronted with the question: Who should be responsible for meeting these needs? According to human rights laws and treaties, the government is ultimately responsible for its people and should be held accountable for keeping its people safe, not only from arbitrary arrest, but also from preventable death, severe hunger, and homelessness.

The Universal Declaration of Human Rights sets forth the basic rights to which all human beings are entitled. They range from the right to security and due process to the right to food and shelter. As the United Nations worked to incorporate these principles into binding treaties, the division between political rights and economic rights became more acute. In the end, they were separated into two different treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The United States has ratified the International Covenant on Civil and Political Rights and protects the right to vote, access to a lawyer in a criminal matter, and children's access to education. These rights are written into our constitution and enforced through our criminal justice system. The United States is vocal and persistent in criticizing other countries for not protecting these rights. However, the United States has not ratified the Covenant on Economic, Social, and Cultural Rights and similarly, has not created government protections for the even more fundamental rights to shelter, food, and medical services.

Leaving these fundamental human rights to be addressed largely by the private sector reduces them to "acts of

charity" or "handouts" and degrades the people using the services. I was talking with a volunteer at a food bank a few weeks ago. She told me that a young woman who was presented with a bag of groceries had taken out one of the items and returned it to her. The volunteer was indignant that someone who needed to use the food bank would be so "picky." This sentiment is common, but needing to use services does not mean that someone is no longer a person. People who have fallen on hard times should not have to give up all of their choices or their dignity, nor should the services be accompanied by hostility or judgment.

In addition, the United States' reliance on the private sector to address these needs is unsustainable. Approximately 750,000 people are homeless each night. Beds in homeless shelters are full. People are sleeping on the streets and in their cars. In 2008, more than 45 million people in the United States did not have health insurance. Millions are hungry, and food shelves are overburdened. The revenues of non-profit agencies are falling sharply and are thus limiting the services they are able to provide. At the same time, the economic crisis ensures that the demand for these services will continue to rise.

The Universal Declaration of Human Rights recognizes that "all are born equal in dignity and right" regardless of race, ethnicity, nationality, sex, or economic status. As we move forward, it is time for the United States to ratify, and more importantly, respect and implement the protections found in the International Covenant on Economic, Social and Cultural Rights.



Robin Phillips
Executive Director

The Advocates Hosts Premiere of *Pray the Devil Back to Hell* in New York and Minnesota

The Advocates recently hosted screenings of the award-winning film *Pray the Devil Back to Hell* in New York and Minneapolis. Deputy Director Jennifer Prestholdt moderated post-film Q&A sessions to discuss the documentary and issues of women’s rights, current country conditions in Liberia, and truth and reconciliation in post-conflict societies at both premieres. Panelists for the post-film discussion at the premiere in Minneapolis included Ahmed Sirleaf, Rita Apaloo, and Williametta Piso Saydee-Tarr.

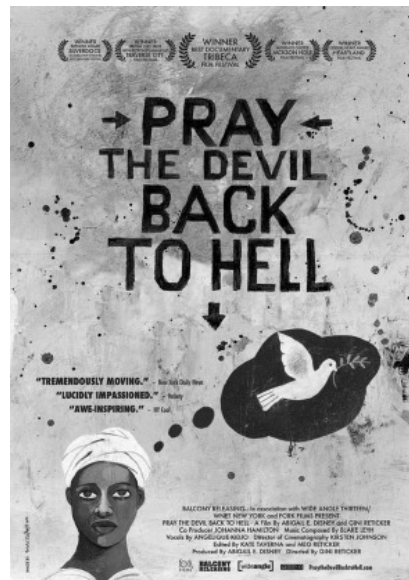
Pray the Devil Back to Hell chronicles the remarkable story of the courageous Liberian women who came together to end a bloody civil war and bring peace to their shattered country. After nearly 20 years of egregious violations of human rights, including arbitrary killing, torture, use of child combatants, sexual violence, and destruction of property, a peace movement emerged. Thousands of women – ordinary mothers, grandmothers, aunts and daughters, both Christian

and Muslim – began to come together to pray for peace. Armed only with white t-shirts and the courage of their convictions, they demanded a resolution to the country’s civil war. Their actions helped to bring about a peace agreement during gridlocked negotiations.

Pray the Devil Back to Hell honors the strength and perseverance of these women of Liberia. Inspiring, uplifting, and most of all motivating, it is a compelling

testimony of how grassroots activism can alter the history of nations. The film has won several awards, including Best Documentary in the Tribeca Film Festival. It has received praise from movie critics from Los Angeles to Boston, including an excellent review in *The New York Times*. This story is especially pertinent to Minnesota, home to the largest population of Liberians outside of West Africa.

If your community organization is interested in hosting a screening of the film, see <http://www.praythediabacktohell.com/nonflash/hostscreening.htm>.



Ahmed Sirleaf and Rita Apaloo of African Women Connect at a post-show discussion of *Pray the Devil Back to Hell*

Many Ways to Give

Monthly Giving

Did you know that The Advocates for Human Rights has a monthly giving option?

Gifts of any amount can be automatically processed each month. This method of giving creates steady and sustainable support for our programming.

Go to www.theadvocatesforhumanrights.org and click on "Support Us." You may change your monthly giving option at any time by contacting The Advocates.

Planned Giving

The Advocates for Human Rights operates on the generosity of its supporters.

Please consider including The Advocates in your estate.

Combined Federal Campaign

Employees of the federal government may choose to select The Advocates for Human Rights through the Combined Federal Campaign.

Please go to <http://www.opm.gov/cfc/donors/> to learn more.

Thank you to all of our donors!

To learn more about these options, contact Sarah Herder at (612) 341-3302 ext. 126 or at sherder@advrights.org.

Human Rights Education: Making an Impact Globally, Nationally, and Locally

Based on the premise that education is one of the best ways to ensure long-term improvements in respect for human rights everywhere, The Advocates works globally, nationally, and locally to provide human rights education resources and tools that help people understand and apply international human rights standards in their daily lives, their workplaces, their schools, and their communities.

Globally

The Advocates designs their materials and trainings to be easily replicated and used in a variety of contexts and for different audiences to “get informed, get involved, and get others interested” in human rights. Most of our educational resources are available online and can be accessed anywhere in the world. Hundreds of people from around the globe, including such places as Adelaide, Australia, and Accra, Ghana have ordered or downloaded our most recent publication, *The Road to Peace: A Teaching Guide on Local and Global Transitional Justice*. Deputy Director Jennifer Prestholdt also taught lessons from *The Road to Peace* for a children’s workshop sponsored by the Liberian Truth and Reconciliation Commission in Monrovia, Liberia.

The Advocates’ Energy of a Nation immigration curriculum was selected for publication in a compendium of good practices in human rights education in the school system to be published in 2009 by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation

in Europe, the Office of the UN High Commissioner for Human Rights, the Council of Europe, and the United Nations Educational, Scientific and Cultural Organization. The review process for individual entries included considerations of quality, originality, and transferability to other national contexts.

In response to the February United Nations Human Rights Council meeting to discuss a draft UN declaration on human rights education, The Advocates endorsed a joint submission statement to the Council on behalf of civil society organizations from around the world. The statement, entitled: *The UN framework for human rights education and civil society participation: Draft UN declaration on human rights education and training, the World Programme for Human Rights Education, and Special Procedures* was prepared by the NGO Working Group on human rights education and learning and the Human Rights Education Associates.

Nationally

The Advocates continues to expand its national educational outreach. In December, staff participated in the National Council for Social Studies (NCSS) Conference in Houston where they presented a special poster session that highlighted The Advocates’ human rights educational materials. They also recruited more than 100 new teachers from around the nation to join our *Rights Sites* listserv.

(Continued on next page)

A Picture of Child Labor

“Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development.”

-Kofi Annan, Ghanaian diplomat, seventh secretary-general of the United Nations, 2001 Nobel Peace Prize

Throughout March, The Advocates’ staff and volunteers led five talkback discussions on child labor at the Children’s Theatre Company for performances of the play, *Iqbal*. The play is inspired by the life of a young Pakistani boy who was forced into child labor, became an international activist against child labor, and ultimately was murdered for his activism. It is a “true story of amazing courage and spirit that celebrates the life of the 12-year-old hero who took thousands of children from a world without hope to a world of possibilities.”

Since 1999, The Advocates for Human Rights has been working against child labor by providing an education to at-risk children in Nepal at the Sankhu-Palubari Community School. The Advocates has created Nepal School Project



Photo by Dr. David L. Parker

House Party Kits that are available for supporters to hold their own gatherings for family and friends to talk about the Sankhu-Palubari Community School and to help raise funds to educate children. For more information about how to help children in Nepal who are at risk of child labor, please visit The Advocates’ website at www.theadvocatesforhumanrights.org.

(Continued from previous page)

In January, The Advocates was invited to the UN in New York to attend the conference “Protecting Human Rights: The United Nations and Our Schools,” organized by The Committee on Teaching about the United Nations in cooperation with the UN Department of Public Information. Over 800 people attended the conference. The Advocates distributed hundreds of educational materials and resources to K-12 teachers.

The Advocates recently created a Women’s Rights Toolkit that includes a lesson plan on examining gender stereotypes, tips and tools for teachers who want to establish gender equity in the classroom, a resource and book list for teachers interested in teaching about the rights of women, and names of local and national organizations that support young women and their communities.

Locally

Locally, The Advocates has continued to work with its *Rights Sites* partners. These partnerships with local schools provide important pilot sites for our curricular resources. With the help of The Advocates, the Minneapolis-based Lake Harriet Community School’s Diversity Team developed a schoolwide focus on human rights using the school mascot, Dragons, as the acronym. Themes included: Diversity; Respect for self, others, and property; Accountability; Get involved; Open minds; Negotiation; and Social Justice. The Advocates created age-appropriate lesson plans based on these themes and provided training for the teachers at the school.

In St. Paul, The Advocates is working with an after-school program for at-risk youth – the East St. Paul YMCA’s Future Leaders Group – to instill human rights education throughout



Education Staff Members Becca Riedell and Kathy Seipp at the National Social Studies Conference in Houston

their curriculum. Staff worked with the YMCA to create lesson plans and continues to conduct monthly visits to check on progress and facilitate activities.

Sandburg Middle School, located in Golden Valley, has been a Rights Sites partner since 1995 and has been infusing human rights into their existing curriculum ever since. Current projects include a successful food drive and working with the Shanti Village program to research and fundraise for children at the Sankhu-Palubari School in Nepal, which is supported by The Advocates.

For more information about The Advocates’ educational resources, please visit <http://www.theadvocatesforhumanrights.org> and click on the “Human Rights Education Program.”

The Emily Sandall Memorial Fund for the Sankhu-Palubari Community School

In January 2009, the family of Emily Sandall established the Emily Sandall Memorial Fund for the Sankhu-Palubari Community School. Prior to her untimely death in November 2006 at the age of 25, Emily was a passionate volunteer for the students at the Sankhu-Palubari Community School in Nepal. From an early age she began to advocate for the children at the school, fundraising for the school in high school and college. To raise awareness about child labor, Emily hosted a 5K Brick Run in which runners could elect to carry bricks to remind them of the hundreds of bricks carried by child laborers every day. Emily worked at the Sankhu School in her junior year of college while living with a host family. She is lovingly remembered by students and staff.

To honor Emily and her legacy, the Sandall family established the fund to ensure that the children in Sankhu continue to receive an education.

To learn more about Emily and the Sankhu-Palubari Community School, please visit the Emily Sandall Foundation’s website at www.emilysandall.org and The Advocates website at www.theadvocatesforhumanrights.org.



Human Rights Here and on the Hill:

A Bill for an Act to Combat Sex Trafficking in Minnesota

The Advocates released a report on sex trafficking in Minnesota last September that identified several obstacles to protecting the human rights of trafficked women in the state. The staff has been working with a committee of the statewide Human Trafficking Task Force to draft and pass a bill to strengthen the law. The bill, which drew from the recommendations of the report, would better protect the girls and women who are exploited in the commercial sex industry by providing prosecutors and law enforcement with stronger tools to prosecute sex traffickers and patrons. The bill is a progressive model that could be used by other states and is consistent with recommendations for state action in the federal Wilberforce Act, currently being promoted by the U.S. Department of Justice.

The bill was carefully drafted during months of thoughtful deliberation by a committee of the state's Human Trafficking Task Force. The Task Force itself is a remarkable collaborative

effort, with representatives from the Minnesota Department of Public Safety, city and county attorney offices, city police departments, and a number of local non-profit organizations. The group fully endorsed the bill in January, 2009.

Chief author Senator Sandy Pappas held a press conference to introduce the proposed legislation on March 2nd. Joining the senator were members of the Task Force, including Heather Weyker and others from the St. Paul Police Department, Senator Mee Moua, officials from the Bureau of Criminal Apprehension, officials from the Department of Public Safety, and others from the Minneapolis Police Department. The bill was introduced in the House of Representatives on March 9th.

To learn more about the issue of sex trafficking and the current status of the bill in the Minnesota Legislature, please visit our website at www.theadvocatesforhumanrights.org and click on the Women's Program link.

Immigration Bills to Watch

The **Immigration Oversight and Fairness Act (H.R. 1215)** would help ensure the human rights protections for people detained by U.S. immigration authorities. The bill makes important reforms to the oversight of the immigration detention system and to the standards of treatment for those in detention. In recent years, immigration detention rates have risen dramatically, with more than 30,000 people in detention on any given day. This bill would improve detainee access to telephones and medical care, promote alternatives to detention, and protect unaccompanied children apprehended by the Department of Homeland Security. H.R. 1215 is sponsored by Rep. Lucille Royball-Allard (D-CA).

The **Child Citizen Protection Act (H.R. 182)** would help ensure the right to family unity and the protection of the family unit, which are guaranteed under international human rights law. The Child Citizen Protection Act would restore discretion to immigration judges to consider the best interests of U.S. citizen children when determining whether to deport the parent. The Department of Homeland Security estimates that the parents of more than 100,000 U.S. citizen children were deported in the last decade. The bill is sponsored by Rep. Jose Serrano (D-NY).

The following people have been remembered through *in memoriam* gifts to The Advocates for Human Rights:

Emily Frederick

Olaf Ofstad

Jeanette Howard

Emily Sandall

Jimmy Lewis

Seeking Silent Auction Donations!

We are currently seeking donations for our Human Rights Awards Dinner silent auction to be held in June.

Please contact Min Chong at (612) 341-3302 ext. 127, or mchong@advrights.org for more information.

Maslon Volunteers Win Remand: Eighth Circuit Finds Reliance on State Department Investigation Violates Due Process

Volunteers from Maslon, Edelman, Borman & Brand won remand from the Eighth Circuit, which found that the Immigration Court's reliance on an unsubstantiated report from the State Department violated due process. The Court in *Banat v. Holder* held that "[r]eliance on reports of investigations that do not provide sufficient information about how the investigation was conducted are fundamentally unfair because, without that information, it is nearly impossible for the immigration court to assess the report's probative value and the asylum applicant is not allowed a meaningful opportunity to rebut the investigation's allegations." The Court went on to say that the report in this case was glaringly deficient in providing the most basic indicia of its circumstantial probability of reliability.

The Advocates for Human Rights welcomes the decision. "The Eighth Circuit's recognition that reliance on unsubstantiated reports violates due process guarantees for asylum seekers and brings much needed fairness to asylum proceedings," said Michele Garnett McKenzie, advocacy director at The Advocates for Human Rights.

Mark Lee, a longtime volunteer and member of The Advocates' Refugee and Immigrant Program Steering Committee, has represented Mr. Banat since 2002. Mike McCarthy argued the case before the Eighth Circuit, joined by JoLynn Markison on brief. Matt Lewis, now with the office of general counsel of 3M, briefed the case on appeal to the Board of Immigration Appeals.

IWD House Party: Thank you to Jan Conlin and Gene Goetz!



Natalie Volin and guest speaker Fahima Vorgetts, Director of the Afghan Women's Fund



Host and Advisory Committee member Jan Conlin and Women's Program Director Cheryl Thomas



Host Committee member Lynn Anderson and Jay Wilkinson



Pearl Mitchell Jackson, Margot McManus, and Susan Sell



Melissa Wendland and Melissa Goodman



David Michael, Jeffrey Edleson, and Roger Heegaard



Host Jan Conlin, Kate Jaycox, Kelly McLain, and Board Member Marlene Kayser



Katherine Barrett Wiik and Host Committee Member Laura Provinzino



(Continued from page 1)

women face health care issues, forced marriages, domestic violence, illiteracy, and a lack of job skills. In her work with the Afghan Women's Fund and the organization Women for Afghan Women, Ms. Vorgetts has been instrumental in building schools, shelters, family guidance centers, and women's shoras (cooperatives) to teach women skills and establish programs to help them be self-sufficient. She has also provided medical supplies for local clinics established through the Afghan Women's Fund. "War is not the answer," she emphasized. "Helping women and children is how to bring peace."



Volunteer Sarah Hunt with staff member and IWD Coordinator Mary Hunt (top)

Volunteers Courtney and Jane Gerber (middle)

Volunteers Suzanne Chevalier and Melanie Witthoft (bottom)

Several workshops offered throughout the day continued to explore the theme of women and war, including the impact of sanctions and war on



"We Will Harbor You" co-producers Terri Hawthorne and Kathleen Laughlin (Photo by Nancy Chakrin)

the women and children of Iraq and ways to provide people-to-people connections between Iraqi women and American women, the impact of rape as a weapon of war, and the effect that the continued presence of small arms has on women in post-conflict regions.

Other workshops focused on issues such as: Minnesota's response to sex trafficking on both the grassroots and legislative levels, using the fair trade movement to empower women, exploring men's involvement in primary prevention of sexual and domestic violence, and the effect of recent immigration raids on mothers and children. Workshop presenters and co-sponsoring organizations helped empower attendees to become activists for women's human rights by providing information and resources on a number of issues. Many participants expressed an interest in bringing what they learned back to their schools, church groups, workplaces, and community groups.

The closing event featured a portion of the documentary film *We Will Harbor You: Minnesota's Battered Women's*



Human Rights Program Director Barbara Frey with interns Alisha Hilde and Margot Goodnow



Marilyn Cuneo and Dorothy Crabb of Women's International League for Peace and Freedom



Executive Director Robin Phillips and Director of Research, Rosalyn Park at The Advocates' table



Workshop presenters from Casa de Esperanza: Kimberly Cedillo, Lumarie Orozco, Alejandra Ortiz, and Jessica Limontitla (Photo by Nancy Chakrin)



Kalsang Wangdu and Tenzing Lhazey from the Regional Tibetan Women's Association of Minnesota

Movement, with co-producers Kathleen Laughlin and Terri Hawthorne on hand to introduce the film. They acknowledged two women in the audience who are featured prominently in the film: Eileen Hudon and Aida Tosca, both of whom were active in establishing culturally appropriate shelters for women of color.

Additional highlights of the day included local musicians, Barbara McAfee and Maryam Yusefzadeh who lead the audience in song; screenings of short films on women's global

activism on violence against women and on environmental issues; an art exhibit with works from the Center for Victims of Torture's "Between Worlds" exhibit and Iraqi women's and children's art from the Iraqi American Reconciliation Project; and women artisans and businesses providing vendor tables.

At the end of the day, Women's Program Director Cheryl Thomas challenged the audience to recognize and embrace "the beauty in the struggle" for women's human rights as they continue to work toward gender equality and justice.

Thank You!

Special thanks to **Kathleen Murphy** for designing our print materials, **Alex Philstrom** for photography (all photos by Alex unless otherwise indicated), **Bob Vaaler** for video projection and taping, the IWD Steering Committee, the staff and interns of The Advocates and the Human Rights Program at the U of M, and the many volunteers who helped on the day of the event.

Financial support for IWD was provided by TCF Bank and the following groups at the University of Minnesota: Institute for Global Studies, through a Title VI grant in International Studies from the U.S. Department of Education, and with funding from Carnegie Corporation of New York; Women's Center; Center on Women and Public Policy; Humphrey Institute of Public Affairs; Human Rights Center; Department of Gender, Women and Sexuality Studies; Interdisciplinary Center for the Study of Global Change; Department of Political Science; Immigration History Research Center; Graduate and Professional Student Assembly; The University of Minnesota Academic and Activity Initiatives in Partnership with Coca-Cola; Amnesty International Legal Support Network; Global Studies Student Association; United Nations Student Association; and the Diversity Education Fund of the Minnesota Student Association.

Funding support was also provided through donations from our co-sponsoring organizations and from individual participants.

Food and coffee for IWD were provided by the following generous donors: Au Bon Pain, Bread and Chocolate, Breadsmith, Coffee News Café, Cosi, Cub Foods, D. Brian's Deli, Equal Exchange, Franklin Street Bakery, Good Earth Restaurant, Great Harvest Bread Company, Hampden Park Co-op, Key's Café, Kowalski's, LUNA Bars, Peace Coffee, The Produce Exchange, The Salty Tart, Target, Trotter's Café and Bakery, Wedge Co-op, and Whole Foods Market.

Standing in Solidarity: Beyond Deferred Enforced Departure for Liberians

On March 20, 2009, President Obama announced a 12-month extension of Deferred Enforced Departure for Liberians in the United States. The extension keeps alive efforts by Liberians and allies, including The Advocates, to secure a path for Liberians in the U.S. to seek permanent residence in the United States.

Earlier this year, The Advocates released *Liberia Is Not Ready 2009*, a human rights assessment by the Minneapolis office of Dorsey & Whitney, LLP. The report found that although the war ended in 2003, Liberia's economy, infrastructure, and social services remain devastated. "We need to be concerned about helping solve the problems in Liberia, not adding to Liberia's challenges and putting people's lives at risk by sending people back," says Robin Phillips, executive director of The Advocates for Human Rights. Thanks to report authors Lisa Ellingson, Gabrielle Mead, Emily Willits, and Mark Kalla.

Creating a path to permanent status is vital to ensuring that asylum seekers in the U.S. on prolonged temporary status can finally rebuild their lives. The U.S. has a duty to provide asylum to those who have a well-founded fear of persecution on account of race, religion, nationality, membership

in a particular social group, or political opinion. Many Liberian asylum seekers were effectively denied access to asylum through lengthy delays for asylum interviews or by administrative closure of cases by the immigration court.

The Advocates has worked on this issue as part of the Coalition for Permanent Residency. The coalition was formed in response to the announcement that TPS for Liberians, first extended in 1991, would end in September 2007. Together the coalition has supported efforts to extend short-term protection and to enact legislation to provide permanent resident status to Liberians. Today it includes a diverse group of Liberians and their allies; the coalition also supports other communities on Temporary Protected Status who are seeking permanent residency in the United States.

Liberian Permanent Resident Status Legislation

S. 656: Liberian Refugee Immigration Fairness Act of 2009 (introduced March 19, 2009, by Senators Reed (RI), Whitehouse (RI), Kerry (MA), Mikulski (CA), Klobuchar (MN), and Kennedy (MA)). Companion legislation in the House is expected to be introduced.

Asylum Victories

The Advocates' clients and staff are grateful to our many volunteer attorneys who dedicate hours to preparing and defending asylum applications. As one client aptly stated, "I would not be here if I didn't get these lawyers to help me." Regarding The Advocates' services, another client said "I will not be the first or the last one to benefit...because of your help." The Advocates appreciates the efforts of all of our volunteers; please make sure you let our program staff know when you win your case so we can properly recognize your hard work. The Advocates wants to recognize the following attorneys for their efforts on recently concluded cases:

Asylum Office Victories:

Kahla Bunde and **Jessie Collings** of Dorsey & Whitney won asylum for a woman from Mali and her two children, based on her fear of domestic violence. **Jana Bruder** of Dorsey & Whitney won asylum for a man from Bolivia whose claim was based on his political opinion. **Amelia Jadoo** of Robins, Kaplan, Miller and Ciresi won asylum for a man from Cameroon who also sought asylum based on his political opinion. **Scott Uhl** and **Kate Gehl** of the University of Minnesota Immigration Law Clinic won asylum for their client from Cameroon who had suffered persecution because of his political opinion.

Immigration Court Victories:

Heather McElroy of Robins, Kaplan, Miller and Ciresi won Withholding of Removal for a man from Sierra Leone whose case had been reopened by the government, due to the change in country conditions. After an appeal to the 8th Circuit and subsequent remand to the Board of Immigration Appeals and Immigration Judge, the client has Withholding status and can legally stay in the United States.

Thank you to the following consulting attorneys who provided support on recently approved cases: **Colleen Beebe**, **Sally Silk**, **Jeff Larson**, and **Lesley Guyton**.

The Advocates is grateful to our volunteer attorneys who spent hours working on cases that recently concluded, including: **Diane Bratvold** and **Dan Supalla** of Briggs and Morgan who advocated for their Nigerian client at the 8th Circuit; **Heather McElroy** of Robins, Kaplan, Miller and Ciresi; **Bethany Krueger** and **Jeff Bryan** who argued for a Somali client at the 9th Circuit; and **Sara Lathrop** who argued for a woman from Cameroon at the Board of Immigration Appeals.

Death Penalty House Party: Thank you to John Getsinger and Cathy Powell!



Ginny and Cliff Anderson



Hosts John Getsinger and Cathy Powell



Bill and Connie Cameron



Keala Ede, Prairie Bly, and Tom Johnson



Kathleen Graham, Jeanette Lee, and
Terry Carlson



Brian Felton, John Getsinger, and
Steve Pincus

Thank you to the following volunteer attorneys, consulting attorneys, and interpreters who have recently taken new cases or completed interpreting assignments:

Ross Abbey	Ken Fekuda	Nav Jhaj	Heather McElroy	Counseling and	University of
Gerardo Alcazar	Mike Feller	David Johnson	Bryan Mechell	Legal Services	Minnesota,
Chris Amandsen	Evan Fetters	Michael Krauss	Alex Mertens	Deb Schneider	Immigration
Paul Amla	Alan Goldfarb	Elaine Kumpula	Angela Munoz	Britta Schnoor	Clinic
Tony Beasley	Lesley Guyton	Charlie LaPlante	Joel O'Malley	Lauren Schrero	Brandon Vaughn
Amy Bergquist	Amy Hanf	Jeff Larson	Annie O'Neill	Sarah Shuler	Catherine
Angela Bortel	Helkei Hemminger	Mark Lee	Liz Odette	Craig Sieverding	Verschelden
Kate Bruce	Kirsten Hibbard	David Leishman	Rachel Osband	Stacy Slaughter	Regan Waller
Daniel Buechler	Michael Holden	Matt Lewis	Naomi Perman	Amy Slusser	Michelle Weinberg
Ben Carpenter	Kim Hunter	William Libby	Nancy Peterson	Akeem Soboyede	Melissa Wendland
George Carroll	Chris Huntley	Maggie Lockner	Joe Rotondi	Sarah Solz	Dan White
Victor Chan	Loan Huynh	Ryan Marth	St. Thomas	Adam Steinert	Sarah Wolff
Laura Danielson	Amanda Igbani	Molly Matsumoto	Interprofessional	Elizabeth	Lauren Wood
Lisa Ellingson	Leigh-Erin Irons	Alison McElroy	Center for	Streefland	Anne Zorn

2009 UPPER MIDWEST IMMIGRATION CONFERENCE



Immigration & Asylum Conference 2009: Maximizing the Act

Two Full Days of Everything Immigration

Thursday, April 30 and Friday, May 1, 2009

Bloomington Hilton Hotel
Bloomington, Minnesota

Panels include:

A Year of Aggressive Compliance
How to Practice Ethics in a Crisis—*Ethics CLE*
The Anti-Discrimination Provision of the INA
Working with Mentally Ill Clients—*Ethics CLE*
Proving Relationships
Citizenship and Naturalization

Criminalizing Immigration
Asylum Law
Maximizing the Act
E-Verify/No-Match
Perm
Anti-Immigrant Sentiment—*Bias in the Law CLE*

Chapter Members may register with a credit card at <http://www.ailamndak.org/>.

Non-Chapter Members who wish to pay by credit card must first contact the Chapter's AILA Treasurer DeAnne Hilgers at 612-371-2462 or dhilgers@lindquist.com.

If not paying with a credit card, please send registration and payment (checks made payable to AILA MN/Dakotas) to: DeAnne Hilgers, AILA Treasurer, Lindquist & Venum PLLP, 4200 IDS Center, 80 S. 8th Street, Minneapolis, MN 55402.

Jointly Sponsored by

**American Immigration Lawyers Association (AILA), MN/Dakotas Chapter and
The Advocates for Human Rights**

Seventh Annual Human Rights Law and Policy Conference

Refugee Protection around the World: Durable Solutions or Durable Suffering?

Monday, June 22, 2009
8:30 a.m. – 5:00 p.m.

Dorsey and Whitney LLP
50 South Sixth Street
Minneapolis, Minnesota

The Advocates for Human Rights will host its seventh annual human rights law and policy conference, *Refugee Protection around the World: Durable Solutions or Durable Suffering?* This year's conference will bring together local, national, and international experts and advocates to examine the current refugee protection system, its shortcomings and possible durable solutions.

The conference will address topics such as:

- Overview of international refugee law
- Refugee warehousing
- Local integration
- Forced repatriation
- U.S. refugee resettlement program
- Viable alternatives for Liberian and Sudanese refugees

Conference speakers include: Dr. Sima Samar of the Afghan Independent Human Rights Commission and the U.N. Special Rapporteur on the situation of human rights in Sudan, Mark Hetfield of the Hebrew Immigrant Aid Society, Jessica Eby of Church World Service, and Jennifer Prestholdt of The Advocates for Human Rights.

CLE credits will be applied for.

For more information on how to register,
please visit www.theadvocatesforhumanrights.org or call (612) 341-3302.

Making Morocco Safer for Women

In late January, Women’s Program Director Cheryl Thomas, Representative Michael Paymar, Board Member Marlene Kayser, and Executive Director Robin Phillips traveled to Rabat, Morocco to present a training on best practices in drafting laws on violence against women. The presentation was part of a two-day workshop for representatives from women’s rights NGOs throughout Morocco to build their legislative advocacy skills. On the third day, the group also met with members of the Moroccan Parliament. The training was an integral piece of an ongoing campaign sponsored by Global Rights Partners for Justice to promote comprehensive legislation on violence against women in Morocco. Such a policy would be the first of its kind in Morocco and the region. The women’s groups involved are committed to leading the Arab world on legal reform on violence against women. They have already started a public education campaign, and they are working to enact a new law within twelve months.



The following people have been honored through gifts to The Advocates for Human Rights:

- Lauren Archer
- Antonio Benevento
- Bobby Brabant
- Mary Ellingen
- Don Fraser
- James Hamilton
- Paul Huggenvik
- Matthew and Tracy Huggenvik
- Tasya and Robert Kelen
- Mark Kiisa
- Kenzie Kramer
- Kristin and John Loney
- Maria Heliana Ramirez
- Marilyn Robertson
- Ellen Sampson
- Anise and Biff Sanders
- Max Schott
- Anah and Paul Sellers

Supreme Court Overturns *Negusie*, Urges Better Definition of “Persecutor”

A recent Supreme Court decision may provide clarification of a confusing provision in asylum law. Asylum law prohibits people who have persecuted others from being granted asylum in the United States. Unfortunately, recent applications of this provision were overly broad and included even those individuals who had been forced to persecute others. The Supreme Court decision, *Negusie v. Holder*, 555 U.S. ___ (2009), found the interpretation of this provision in Mr. Negusie’s case was erroneous.

Daniel Girmai Negusie was forced to serve as a guard in the prison camp where he personally had been imprisoned and tortured, due to his refusal to serve in the Eritrean military. He managed to escape Eritrea and sought asylum in the United States. After his request for asylum was denied because of his activities as a prison guard, he appealed to the Board of Immigration Appeals (BIA), and then to the U.S. Court of Appeals for the Fifth Circuit, and finally the Supreme Court.

The Fifth Circuit and the BIA both stated that because the effect of Mr. Negusie’s involuntary conduct as a prison guard contributed to the persecution of others in the camp, he was not eligible for asylum because he was a persecutor. This interpretation of the law by both courts relied on a 1981 Supreme Court decision in *Fedorenko v. United States*, which interpreted a similar provision of the 1948 Displaced Persons Act. That 1948 act however, is not exactly the same as the current law which prevents persecutors from receiving asylum. Therefore, the Supreme Court found that the BIA and the Fifth Circuit mistakenly relied on the language in *Fedorenko* when they found Mr. Negusie not eligible for asylum.

The Supreme Court decision instructs the BIA to interpret the statute, free from this mistaken legal premise, in the first instance. It requires adjudicators to examine the intent and culpability of asylum seekers who may have participated in “persecution” activities before deciding they are ineligible for asylum. “Although the Court’s ruling does not answer the question of what the appropriate role of individual culpability is in asylum eligibility, today’s decision is an important first step to ensuring that all who fear persecution have access to asylum,” said Michele Garnett McKenzie, advocacy director at The Advocates.

Volunteers Benjamin Casper (St. Paul, MN) and Heather McElroy (Robins, Kaplan, Miller & Ciresi, LLP) filed an *amicus curiae* brief to the Court on behalf of The Advocates arguing against continued reliance on *Fedorenko* in favor of a standard which takes into account individual culpability in persecution.

Volunteer Corner: Kahla M. Bunde

I recently helped obtain asylum for a woman from Africa and her children. I took this case as a first-year attorney and it was the first time I had true client contact. It was also my first big victory!

Asylum was approved at the interview stage, so I did not have to appeal the decision and the process was relatively quick. Yet, I gained invaluable experience, skills, and confidence working on this case. I found it particularly rewarding to be able to use my legal knowledge to help a family that desperately needed assistance.

Going through it for the first time, I learned how confusing the asylum application process is and how daunting it must feel to our clients. It also made me realize how difficult an undertaking like this would be for an asylum applicant, like my client, to go through this process on her own. The legal barriers alone would be insurmountable without the added physical and emotional trauma that asylum seekers face.

One of the most difficult issues I encountered was a significant language barrier. Initially, I had trouble communicating with my client. She brought her own translator to our meetings, which was very helpful, but it required an enormous amount of patience on both sides, as miscommunication was common and

I often had to ask questions numerous times.

One of the things that surprised me was the closeness of the immigrant community. I was impressed with the extensive support network my client developed. She was able to rely on her community for help. Her housing situation changed often and she was able to utilize this network for support in terms of living arrangements, translation services, and transportation. While I believe this is largely attributable to cultural and community values, one contributing factor may be the dearth of resources available to asylum applicants. I found this extremely frustrating. Although my work on her application was very important, I struggled with a feeling that I was not doing enough.

Overall, however, this was an extremely positive experience. I have greatly enjoyed being a volunteer with The Advocates for Human Rights and highly recommend taking an asylum case.



Staff and Intern Update

Beatriz Menanteau

has joined The Advocates as a Staff Attorney with the Women's Human Rights Program. Prior to joining The Advocates, Beatriz practiced general corporate litigation at the law firm of Maslon, Edelman, Borman & Brand, LLP in Minneapolis. She previously clerked for the Honorable Franklin L. Noel, Magistrate Judge, District of Minnesota and the Honorable Susan R. Nelson, Magistrate Judge, District of Minnesota. Born in Chile, Beatriz interned with the human rights organization PROVEA in Caracas, Venezuela as an Upper Midwest International Human Rights Fellow and received her law degree cum laude from the University of Minnesota Law School in 2003.



Thank you to our current interns!

Casey Schultz (University of St. Thomas Law School), **Kori Tudor** (University of Minnesota), **Katrina Viegas** (University of St. Thomas Law School), **Zoe Whaley** (Macalester College), and **Sara Wilkinson** (University of Minnesota Law School) with the Women's Program;

Ashley Arends (Bethel College), **Ellen Evans**, **Hodges Edward Glen** (University of Minnesota), **Margot Goodnow** (University of Minnesota), and **Bassam Khawaja** (Macalester College) with the Education Program;

Simone Bak (University of Minnesota), **Alisha Bodin** (University of Minnesota), **Anna Croft** (University of Minnesota), **George Norris** (University of Minnesota) **Saren Steigel** (NYU), **Soukeyna Sylla** (Macalester College), **Al Wepsala** (University of Minnesota), and **Page Whitmore** (Bard College) with the Liberian Truth and Reconciliation Project; and

William Borene (St. Thomas Law School), **Myriam Fullard** (University of Minnesota), **Doua Keita** (University of Minnesota), **Molly McLane** (Macalester College), **Amelia Nielsen**, and **Iryna Postolovska** (Macalester College) with the Refugee and Immigrant Program.

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