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Symposium Foreword: Immigration Law Post 9/11 and Its Impact on the Human Rights Issues

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SYMPOSIUM ARTICLES

FOREWORD

On October 31, 2003, Pace International Law Review hosted a symposium entitled, "Immigration Law Post 9/11 and Its Impact on the Human Rights Issues." Pace International Law Review, along with the Pace International Law Society, have consistently sought to provide the Pace Law School Community, and the greater legal community with presentations that focus on cutting edge issues in international law. In the aftermath of September 11th, the United States government passed the USA Patriot Act as a means to help secure and fortify the homeland. While the threat of terrorism may justify heightened security and perhaps certain infringements on civil liberties, those enactments should be measured. In passing this legislation, it is arguable that Congress failed to realize the far-reaching implications the bill had not only on security but also on immigration. The symposium addressed a myriad of issues including: the plight of the asylum seeker, the government's detention regulations and recent Supreme Court decisions affecting them, and the use of "military commissions" for those associated with the 9/11 attacks & the USA Patriot Act. It also reviewed how recent restrictions have affected commercial visa categories and questioned how these new restrictions affect our labor market. The symposium finally considered whether this "fortress America" approach can work in a nation predicated on immigration as central to its identity and strength. The symposium

sium provoked thought and discussion on not only these matters, but immigration law as it has evolved since September 11th.

Contained in this issue of *Pace International Law Review* are three articles submitted by members of the panel. I invite you to read on as Professor Mark von Sternberg,¹ Professor Thomas McDonnell² and Mr. Jan Brown³ express their views on this timely topic. The editors of *Pace International Law Review*

¹ Mark R. von Sternberg is Senior Attorney at the Catholic Legal Immigration Network, Inc., where he concentrates on litigation before the Immigration Courts and the Board of Immigration Appeals. Since January 1999, Mr. von Sternberg has also served as an adjunct faculty member at Pace University School of Law where he teaches general immigration law. Mr. von Sternberg received a J.D. degree from Vanderbilt University School of Law in 1973 and an LL.M. degree (in international legal studies) from New York University School of Law in 1984. Mr. von Sternberg has lectured in law schools and at professional associations regarding immigration matters and has written extensively, particularly in the areas of refugee law, international humanitarian law, and human rights. Mr. von Sternberg is the author of a recently published treatise regarding the refugee definition as applied in the U.S. and Canada. In 2002, he received the American Immigration Lawyers Association ("AILA") Pro Bono Award.

² Before joining the Pace faculty, Professor McDonnell was director of the Department of Legal Research and Writing and Appellate Advocacy at the University of Florida College of Law. Prior to that he was acting director of the Legal Skills Program at California Western School of Law and taught legal research and writing, as well as pre-trial and appellate advocacy at University of Puget Sound School of Law. As a private practitioner, he focused on consumer immigration and social security law. For Legal Services, he practiced consumer, immigration, and housing law. As an associate with Stapleton & McDonnell, his work emphasized criminal appellate practice. He has written articles dealing with lawyering, legal research, and international human rights law. He also was the principal author on an amicus curiae brief to the New York Court of Appeals on a right to counsel issue. Professor McDonnell teaches Criminal Law Analysis and Writing, Advanced Appellate Advocacy, and International Human Rights Law, and he coaches the Jessup Moot Court Team at Pace.

³ Jan H. Brown has concentrated in the practice of immigration law since 1979. His professional background includes Chair of the New York State Bar Association ("NYSBA") International Law and Practice Section, Immigration and Nationality Committee, and Former Chair of the AILA New York Chapter Corporate Practice Committee. Mr. Brown received a J.D. degree from New England School of Law. He recently lectured on "Non-immigrant Work Visas" at the NYSBA Annual International Law Conference in Madrid Spain, and on "Structuring Corporate Transactions to Maximize Nonimmigrant Visa Benefits" for the Association of the Bar of the City of New York. Mr. Brown has published articles and made television appearances to provide legal commentary on immigration matters. He has been a continuing author for *Immigration and Nationality Law Handbook and Visa Processing Guide - Process and Procedures at U.S. Consulates and Embassies*, and is an editorial reviewer for *Kurtzban's Immigration Law Sourcebook*.

are grateful to these authors as well as the other members of our symposium panel, Mr. Ted Ruthizer,⁴ Ms. Anwen Hughes⁵ and Professor Lenni Benson⁶ who also participated in our symposium.

Michael Maggi

Editor-in-Chief

Pace International Law Review

⁴ Ted Ruthizer is a partner and the head of the Corporate Immigration Group of the international law firm Bryan Cave LLP, and is based in its New York office. He is a past President and General Counsel of the American Immigration Lawyers Association. Mr. Ruthizer is a Lecturer in law at Columbia Law School, where he teaches an advanced seminar in immigration law and policy. From 1989 until 1995, he was the Co-Chair of the Immigration Law Committee of the New York State Bar Association. He is a member of the Advisory Board of *Immigration, Refugee, and Citizenship Law Abstracts*. Mr. Ruthizer, a graduate of Columbia Law School, is a frequent lecturer on business immigration law and has authored many publications in the field.

⁵ Anwen Hughes is a Staff Attorney for the Asylum Program on the Lawyers Committee for Human Rights that oversees the Lawyers Committee's pro bono representation program for indigent asylum seekers. She provides training and support to volunteers from law firms in New York and New Jersey who represent asylum seekers through their program and assists in the Lawyers Committee's local and national advocacy on asylum issues. She also provides information and legal services to asylum seekers in Immigration and Naturalization Services ("INS") detention, and helps coordinate their legal representation. Before joining the Lawyers Committee in 1999, she was a staff attorney with the Passaic County Legal Aid Society in Patterson, New Jersey, where she represented recipients of public benefits and coordinated legal services for the elderly. She graduated *summa cum laude* from Yale University with a B.A. in classics and from Yale Law School.

⁶ Lenni B. Benson is currently a professor of law at New York Law School. She teaches three courses concerning U.S. immigration and nationality law as well as civil procedure and administrative law. In 1999, the American Immigration Lawyers Association presented her with the Elmer Fried Award for Excellence in the Teaching of Immigration Law. Prior to joining the faculty of New York Law School, she was a partner in the international law firm, Bryan Cave LLP, where she represented individuals, corporations, entrepreneurs and asylum applicants in immigration matters. She has been a frequent lecturer on immigration issues at academic and practice related conferences. For several years, she served as the editor of *Immigration Law and Defense*, a treatise on Immigration law. She has also authored more than fifteen practice related articles. She was born in Superior, Arizona, raised on a citrus farm and educated at Arizona State University, where she earned both her B.S., *cum laude*, in political science, and her J.D., *cum laude* three years later. She is currently on the board of two national immigrant rights foundations and organizations.