

## *Race, Sovereignty, and Immigrant Justice*

The history of immigration law in the United States, from the infamous 1889 *Chinese Exclusion Case* to the present, has been one of race-based exclusions and preferences enshrined in statute, regulation, and enforcement bureaucracy. While its specific targets have shifted over decades with the political winds, the exceptional role of race in this area of U.S. law has been sheltered by the courts through the plenary power doctrine, which is rooted in the Supreme Court's nineteenth century conception of national sovereignty. Relying on this doctrine, the Court has held repeatedly that Congress may create classifications and procedures in immigration law that would be unconstitutional as applied to citizens under domestic law; immigration policy has continued to be aggressively discriminatory; and immigration jurisprudence has continued to uphold discrimination on the basis of race and other grounds otherwise proscribed under domestic law. As scholars have shown, the common roots, functioning, and purpose of the plenary power doctrine reveal a history of systemic racial discrimination and human rights violations.

In both national and international public law, however, conceptions of rights and sovereignty have shifted dramatically since the late nineteenth century, especially after the founding of the United Nations in 1945 and evolution of international human rights law and treaty regimes, including the Refugee Convention of 1951. Despite these developments, the legacy of the *Chinese Exclusion Case* continues to play out in U.S. constitutional theory and practice, and we are still only beginning to confront and eradicate invidious effects of racism in the law. This symposium will explore the racialized history of immigration in the U.S. and beyond. It will explore ways that international and historical frames can challenge entrenched conceptions and open new possibilities for rethinking immigrant justice, sovereignty, and human rights.

Together with, and in recognition of the establishment of, the Chacón Center for Immigrant Justice, the *Maryland Journal of International Law* is hosting its Spring Symposium, *Race, Sovereignty, and Immigrant Justice*, on February 3 and 4, 2022.

The symposium will feature the 2022 Gerber Lectures from Professor E. Tendayi Achiume, the inaugural Alicia Miñana Chair in Law at UCLA School of Law and the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance and Dean Jaya Ramji-Nogales, Associate Dean for Research and I. Herman Stern Research Professor at Temple University Beasley School of Law.

The symposium will consist of panel discussions broken down into three distinct but intertwined perspectives. First, the symposium will explore the legal doctrine and history behind immigration and racial justice. Second, we will discuss immigration, race, and criminal law as they pertain to immigrant rights in an era of mass incarceration. Finally, we will engage with those on the front lines of immigration practice who know first-hand the struggle for immigrant justice in American law.

The *Maryland Journal of International Law* and the Chacón Center for Immigrant Justice invite you to join us as we explore these important topics.

## **Thursday, February 3, 2022**

5:30 p.m.—Welcome and Opening Remarks by Hannah Aponte, Editor-in-Chief of the *Maryland Journal of International Law*

5:45 p.m. – 6:15 p.m.—Celebration of the Chacón Center for Immigrant Justice

6:15 p.m. – 7:30 p.m.—2022 Gerber Lecture by Professor E. Tendayi Achiume, the inaugural Alicia Miñana Chair in Law at UCLA School of Law and the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, with an introduction by Professor Matiangai Sirleaf, Nathan Patz Professor of Law at the University of Maryland Francis King Carey School of Law

## **Friday, February 4, 2022**

9:00 a.m.—Welcome and Opening Remarks by Dean Donald Tobin, Dean of the University of Maryland Francis King Carey School of Law, and Paul Edwards, Executive Articles Editor of the *Maryland Journal of International Law*

9:30 a.m. – 10:45 a.m.—Immigration and Racial Justice: Legal Doctrine and History

Speakers:

Professor Karla McKanders, Clinical Professor of Law and Associate Director, Legal Clinic at Vanderbilt Law School

Professor Hiroshi Motomura, Susan Westerberg Prager Distinguished Professor of Law and Faculty Co-Director, Center for Immigration Law and Policy at UCLA Law

Professor K-Sue Park, Associate Professor of Law at Georgetown Law

Moderator: Professor Matiangai Sirleaf, Nathan Patz Professor of Law at the University of Maryland Francis King Carey School of Law

11:00 a.m. – 12:15 p.m.—Immigration, Race, and Criminal Law: Immigrant Rights in an Era of Mass Incarceration

Speakers:

Professor Jennifer Chacón, Professor of Law at UC Berkeley School of Law

Professor Eisha Jain, Assistant Professor of Law at UNC School of Law

Professor Amelia Wilson, Lecturer in Law and Staff Attorney and Associate Research Scholar with the Immigrants' Rights Clinic at Columbia Law School

Professor Yolanda Vázquez, Professor of Law at University of Cincinnati College of Law

Moderator: Professor Maneka Sinha, Assistant Professor of Law at the University of Maryland Francis King Carey School of Law

1:30 p.m. – 2:45 p.m.—2022 Gerber Lecture by Dean Jaya Ramji-Nogales, Associate Dean for Research and I. Herman Stern Research Professor at Temple University Beasley School of Law, with an introduction by Dean Peter Danchin, Associate Dean for Research and Faculty Development, Jacob A. France Professor of Law, and Director of the International and Comparative Law Program at the University of Maryland Francis King Carey School of Law

3:00 p.m. – 4:15 p.m.—The Struggle for Immigrant Justice in American Law

Speakers:

Mr. Barry Dalin, University of Maryland Francis King Carey School of Law '18

Dr. Benjamin Gonzalez-O'Brien, Assistant Professor of Political Science at San Diego State University

Ms. Kara Hartzler, Federal Public Defender, Federal Defenders of San Diego, Inc.

Ms. Gabriela Kahrl, Associate Director of the Chacón Center for Immigrant Justice at the University of Maryland Francis King Carey School of Law, University of Maryland Francis King Carey School of Law '08

Mr. Jairo Sanchez, former client of the University of Maryland Francis King Carey School of Law Immigration Clinic

Moderator: Professor Maureen Sweeney, Professor of Law and Faculty Director of the Chacón Center for Immigrant Justice at the University of Maryland Francis King Carey School of Law