

U.S. IMMIGRATION DETENTION:
POLICY AND PROCEDURE FROM A
HUMAN RIGHTS PERSPECTIVE

Intercultural Human Rights Law Review Annual Symposium

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THE PRESIDENT'S WELCOME ADDRESS

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It is with a particular sense of satisfaction and gratitude that I welcome to St. Thomas University, laborers in the vineyard of justice who have done so much to help people who often cannot help themselves, in particular, those who came from outside our borders and are not formally part of our community.

Those who knock at our doors for a variety of reasons – many of these people referred to as aliens – flee horribly oppressive political or social environments, material destitution or despair, or cultural dispossession. Admittedly, they have no papers; they did not get the official pass of entry into our “promised land.” Our general policy used to be one of welcome.

Granted, times have changed since Emma Lazarus wrote her stirring words for our Statue of Liberty – “[s]end these the tempest-tossed to me” –, but one thing that has not changed is respect for the dignity of the human person no matter where he or she comes from.

We have replaced the golden door with the iron door of detention that greets the unwelcome entrants today. We raid businesses, farms, car washes, and factories to enforce senseless and antiquated deportation policies. When so-called illegal immigrants are collected behind the iron gates of no return, they have no right to counsel, no right to challenge their detention before an independent

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judicial body, no right to collect information for defense, as in a situation reminiscent of Kafka's trial.

In some cases, they simply cannot return home. If they do, they will face the certain prospect of torture or degrading treatment. Yet, even in our jails, conditions are sub-par and immigrants face daily degradation, without provision of medical care.

Ours is a country of laws and we do need just laws that regulate the flow of people in and out of our borders. But our laws, as they exist now, are burdensome and intolerable for too many people. This country needs sweeping immigration reform based on our Catholic social teaching of respect and dignity for all people, no matter how they got here.

The Compendium of the Social Doctrine of the Church, says: "God created man in his own image . . . [and] being in the image of God the human individual possesses the dignity of a person, who is not just something, but someone. He is capable of self-knowledge, of self-possession and of freely giving himself and entering into communion with other persons."¹ This communion transcends borders and nationality.

I am most grateful to Professor Roza Pati, the Executive Director of our Graduate Program in Intercultural Human Rights, who has guided our students in putting together a program that highlights the issue of this often bruising conflict between individual rights and national interest. Ludys Garcia, the Co-Editor-in-Chief; Sweta Patel, the Symposium Editor; and Brandon Stein, the Managing Editor of the *Intercultural Human Rights Law Review* have continued our tradition of bringing together the best experts in the field from academia, civil society and government to present and discuss the issues at a forum that only a university can offer. I am proud that our University offers this important event today.

I also thank our law school faculty Professors Lauren Gilbert, Michael Vastine, Lydie Pierre-Louis and John Kang for sharing their

¹ PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH* (United States Conference of Catholic Bishops Publ'n. 2004).

expertise with our guest speakers, our students and with all of you joining us today.

So, again, I welcome our learned guests and invite you all to a spirited day of debate, of listening to each other and of a constructive dialogue.

