

NIELS W. FRENZEN

**University of Southern California
Gould School of Law
University Park Campus
Los Angeles, California, 90089-0071 USA**

**+1 213 740 8933
+1 213 740 5502 (fax)
Skype niels.frenzen
nfrenzen@law.usc.edu**

Academic Positions

University of Southern California, Gould School of Law
Clinical Professor of Law and Director of Immigration Clinic, 2006-present
Clinical Associate Professor and Director of Immigration Clinic, 2002–2006
Clinical Assistant Professor and Director of Immigration Clinic, 2000–2002
Lecturer, Fall 1998, Fall 1999

Courses Taught: US Immigration Law;
Immigration Clinic (focus on Asylum and
Convention Against Torture claims);
Refugee & Forced Migration Law Seminar;
Terrorism and Law Seminar

Université Jean Moulin Lyon III, Faculté de Droit, Lyon, France
Maître de Conférences Invité (Visiting Professor), Feb. 2014, Oct. 2014, Nov.-
Dec. 2015

University of California, Los Angeles (UCLA), School of Law
Visiting Professor, Spring 2004, Spring 2006, Spring 2007
Lecturer, Spring 1997, Fall 1997

Southwestern Law School (Los Angeles)
Adjunct Professor, Fall 1995

Legal Practice

University of Southern California, Office of General Counsel
Of Counsel, 2006-present
INTERIGHTS – International Centre for the Legal Protection of Human Rights (London)
Visiting Attorney, 2009 (sabbatical leave from USC)
Public Counsel (Los Angeles)
Directing Attorney, Immigrants' Rights Project, 1987-2000
Haitian Refugee Center (Miami)
Supervising Attorney, 1985-1987
American Civil Liberties Union of Iowa (Des Moines, Iowa)

Legislative Coordinator, 1983-1985

Education

Drake University, Law School, Des Moines, Iowa, J.D., 1985
Beloit College, Beloit, Wisconsin, B.A. (French), 1981
Université Rennes 2, Rennes, France, Spring 1979, Spring 1982

Bar Membership

State Bar of California (admitted 1988 / active status)
Law Society of England and Wales (admitted 2006 / practising certificate not active)
The Florida Bar (admitted 1985 / license not active)
Iowa State Bar Association (admitted 1985 / license not active)
United States Supreme Court (admitted 1990 / active status)
Various US federal appellate and district courts

Professional Associations

International Association for the Study of Forced Migration
American Society of International Law
European Society of International Law
American Immigration Lawyers Association
National Lawyers Guild, National Immigration Project
Los Angeles County Bar Association
American Bar Association
Finnish American Lawyers Association

Organizational Affiliations

Global Detention Project (Geneva)
Member, Academic Advisory Council, 2014-present
Program for Torture Victims (Los Angeles)
President, 2005-2016
Member, Board of Directors, 2003-2005, 2016-present
Coalition for Humane Immigrants' Rights of Los Angeles
Member, Board of Directors, 2000-2001
President, 1993-2000
Vera Institute of Justice, Appearance Assistance Program (New York)
Member, Advisory Board, 1998-2000
Invited Participant, Advisory Board, 1998
El Rescate / El Rescate Legal Services, Inc. (Los Angeles / San Salvador)
Member, Board of Directors, 1997-1998
President, 1991-1997

Citizenship

Finland - European Union
United States

Blog

Migrants at Sea (<http://migrantsatsea.org>) (Follows migration by sea from Africa towards Europe with focus on maritime immigration enforcement, rescue at sea, and refugee protections.)

Publications

“Extraterritorial Refugee Protection,” in Nollkaemper, A and Plakokefalos, I (eds) *The Practice of Shared Responsibility in International Law*, Cambridge University Press (2017)

“The legality of Frontex Operation Hera-type migration control practices in light of the *Hirsi* judgement,” in Gammeltoft-Hansen, T and Vedsted-Hansen, J (eds) *Human Rights and the Dark Side of Globalisation: Transnational law enforcement and migration control*, London: Routledge (2017)

“Responses to ‘Boat Migration’: A Global Perspective-US Practices,” in Moreno-Lax, V and Papastavridis, E (eds) *Boat Refugees' and Migrants at Sea: A Comprehensive Approach; Integrating Maritime Security with Human Rights*, Brill | Nijhoff (2016)

“US Migrant Interdiction Practices in International and Territorial Waters,” in Ryan, B and Mitsilegas, V (eds) *Extraterritorial Immigration Control: Legal Challenges*, Leiden, The Netherlands: Martinus Nijhoff Publishers (Brill) (2010)

"Recent Developments on the INS' Use of Secret Evidence Against Aliens," Immigration & Nationality Law Handbook, 2001-02 Edition, Volume II, American Immigration Lawyers Association, Washington, DC, 2001 (co-author)

“National Security and Procedural Fairness: Secret Evidence and the Immigration Laws,” Interpreter Releases: Report and Analysis of Immigration and Nationality Law, Vol. 76, No. 45, West Group, Washington, DC, Nov. 22, 1999

“Not in Their Best Interest: A Report on the US Government’s Forcible Repatriation of Guantanamo’s Unaccompanied Haitian Children,” Florida Rural Legal Services, Miami, 1995 (contributor)

"Selected Evidentiary Issues Relating to Deportation Proceedings," Immigration & Nationality Law Handbook: Advanced Practice, Vol. II, American Immigration Lawyers Association, Washington, DC, 1994

"Selected Uses of the Habeas Corpus Petition," Immigration & Nationality Law Handbook: Advanced Topics, Vol. II, American Immigration Lawyers Association, Washington, DC, 1991

“El Salvador Under Siege: Report of Independent Legal Delegation to El Salvador,” National Lawyers Guild & Central American Refugee Center, Los Angeles, 1990 (co-author)

"Cuban-Haitian Adjustment Provisions and IRCA," Legalization - The Advocate's Guide to the New Immigration Law, Immigrant Legal Resource Center, East Palo Alto, California, 1987

"An Overview of Contesting Deportability," Contesting Deportability, National Immigration Project, Boston, 1987

Works Submitted for Publication

None pending.

Works in Progress

Paper: "Not Just a Matter of State: The Role Played by International Organizations and Non-Governmental Organizations in Immigration Detention and its Implications on State Responsibility".

Presentations, Workshops, or Consultations

"Legal and Other Barriers to Protection for Transgender Asylum-Seekers in the US", Global Health+Law presentation, USC Institute for Global Health's Program on Global Health & Human Rights, Los Angeles, November 2016

"US Interdiction Practices, Shiprider Agreements, and the CAT Non-Refoulement Obligation", "The Worldwide Migration Crises", UCLA Journal of International Law & Foreign Affairs 2016 Symposium, Los Angeles, February 2016

"Immigration Enforcement," panel discussion: "Immigration: Conversation about Civil Rights & International Relief," American Constitution Society, Southern California Regional Convening, Los Angeles, October 2015

"Experience of migrants with the US criminal justice system," panel discussion on US Immigration Policy at Human Rights Watch-California Committee South event, Los Angeles, September 2015

"Navigating the Particular Social Group Definition," Continuing Legal Education Seminar, National Lawyers Guild, Los Angeles, April 2015

"US Response to Boat Migration," Conference on Boat Refugees and Migrants at Sea: a Comprehensive Approach Integrating Maritime Security with Human Rights, Queen Mary, Law Department, University of London and Refugee Law Initiative, University of London, London, June 2014

"Jurisdictional issues pertaining to legal challenges to EU maritime interdiction practices," Conference on the Globalization of High Seas Interdiction: *Salé's* Legacy and Beyond, Yale Law School, March 2014

“Challenging the Government’s Documentary Evidence,” Conference on Evidentiary Issues in Immigration Removal Proceedings, UCLA School of Law and National Immigration Project, Los Angeles, California, January 2014

“Migration control measures by Spain in West Africa contrasted to those by Italy in North Africa: the impact of the absence of robust human rights protection,” European Science Foundation GLOTHRO Workshop: Human Rights and the Dark Side of Globalisation: Transnational Law Enforcement and Migration Control, Danish Institute for Human Rights, Copenhagen, December 2013

Consultation on Draft “Recommended Principles and Guidelines on Human Rights at International Borders,” (participant in expert consultation), Office of the High Commissioner for Human Rights, Geneva, November 2013

“Extraterritorial Refugee Protection,” Authors’ Seminar: The Practice of Shared Responsibility in International Refugee Law, SHARES Project, University of Amsterdam, Amsterdam Centre for International Law, Amsterdam, May 2013

“Human Rights at International Borders: Exploring Gaps in Policy and Practice,” (participant in expert consultation), Office of the High Commissioner for Human Rights, Geneva, March 2012

“Maritime Interdiction Practices of Southern EU Member States and Frontex,” Cutting off the Flow: Extra-Territorial Controls to Prevent Migration, Warren Institute on Law and Social Policy, UC Berkeley Law School, April 2011

“Arizona’s SB 1070,” ACLU of Iowa, 75th Anniversary Symposium, Des Moines, Iowa, Oct. 2010

“Clinical Models Compared,” Immigration Law Symposium, En / Countering Stereotypes, University of La Verne College of Law, Ontario, California, February 2010

“Immigration Trends in California,” Legal Aid Foundation of Los Angeles’ 80th Anniversary Symposium: Looking Back, Moving Forward, Legal Aid in Changing Times, Los Angeles, September 2009

“Procedural Framework in Removal Proceedings,” Regional Conference, National Immigration Project, National Lawyers Guild, Los Angeles, April 2008

“The Right of Asylum in the United States: Cuban and Haitian Refugees – Two Extremes in Treatment,” Colloque: La Liberté de Circuler de l’Antiquité à Nos Jours – Concepts et Pratiques, Ecole Normale Supérieure, Paris, March 2007

“The Rights of Immigrants in Light of the Global Response to Terrorism,” Journal on International Law and Foreign Affairs Symposium, UCLA School of Law, Los Angeles, March 2006

“Seeking Protection Under the Convention Against Torture,” Midyear Conference of the American Immigration Lawyers Association, Las Vegas, December 2005

“Recent Developments in the Implementation of the Convention Against Torture,” Annual Conference of the American Immigration Lawyers Association, Philadelphia, June 2004

“The USA Patriot Act,” Academic Honors Speakers Series, University of Southern California, February 2004

“Humanitarian Intervention and the War in Iraq,” School of Social Work Forum, University of Southern California, March 2003

“Immigration Laws and Civil Liberties,” Civil Liberties Conference, Institute for Justice and Journalism, Annenberg School of Communication, University of Southern California, March 2003

Terrorism and Civil Liberties Conference, Institute for Justice and Journalism, Annenberg School of Communication, University of Southern California, April 2003 (Served as Visiting Expert at three day conference and critiqued investigative story proposals presented by professional journalists)

“The INS’ Expanded Powers of Arrest,” California Conference, American Immigration Lawyers Association, Monterey, California, November 2002

“Suppression of Evidence in Immigration Court Removal Proceedings,” Annual Convention of the National Lawyers Guild, Pasadena, California, October 2002

“One Year After 9/11,” Student Bar Association, University of Southern California Law School, September 2002

“Constitutional and Statutory Rights of Foreign Students in the US,” National Convention of NAFSA: Association of International Educators (national organization of university foreign student advisors), San Antonio, Texas, May 2002

“Regulating Immigration in the Post-9/11 Era,” Population, Immigration, and Race Relations Conference, USC Southern California Studies Center, University of Southern California, April 2002

“Constitutional Rights of Non-Citizens,” National Fulbright Scholarship Conference, Santa Monica, California, March 2002

“The Immigration Law Provisions of the USA Patriot Act,” International Law Symposium, Whittier Law School, Costa Mesa, California, March 2002

“Immigration Law in Time of National Crisis,” Long Beach City College, Long Beach, California, February 2002

“Immigration Law in Time of National Crisis,” Multi-Cultural Center, University of California at Santa Barbara, January 2002

“Foreign Students and 9/11,” Regional Conference, NAFSA: Association of International Educators (national organization of university foreign student advisors), Palm Springs, California, November 2001

“Immigration Law in Time of National Crisis,” University of California at Irvine, November 2001

“Immigration Law in Time of National Crisis,” International Student Program, California Institute of Technology, Pasadena, California, November 2001

“The Immigration Provisions of USA Patriot Act,” Conference on the Uniting and Strengthening America By Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, International Law Section, Los Angeles County Bar Association, Los Angeles, November 2001

“Immigration Law in Time of National Crisis,” Center on Feminist Research, University of Southern California, October 2001

“Immigration and National Security Laws,” South Asian Network, Artesia, California, October 2001

“Immigration Law in Time of National Crisis,” Center for Middle East Studies, University of California at Santa Barbara, October 2001

“Recent Immigration Decisions of the U.S. Supreme Court,” Annual Conference, U.S. Court of Appeals for the Ninth Circuit Pro Se Staff Attorney and Death Penalty Clerks, Scottsdale, Arizona, August 2001

“Recent Developments on the INS' Use of Secret Evidence Against Aliens,” Annual Conference of the American Immigration Lawyers Association, Boston, June 2001

“Defending Clients in National Security Cases,” Midyear Conference, American Immigration Lawyers Association, Los Angeles, March 2001

“Recent Developments in Asylum Law,” California Training Conference, Public Law Institute, San Francisco, November 2000

“US Citizenship and Naturalization Law,” Union Nacional de Juristas de Cuba, Havana, November 1991

Field Projects

Mexican Election Monitoring – Humanitarian Law Project
Distrito Federal and Chiapas, Mexico, July 2000

Distrito Federal, Mexico, July 1997

Foreign observer in Mexican federal and state elections on behalf of the Humanitarian Law Project, an NGO with UN consultative status. Accredited by Government of Mexico, Instituto Federal Electoral (“IFE”).

Tracking Haitian Children Forcibly Repatriated from US Naval Base Guantanamo – Florida Rural Legal Services, Haiti Project
Haiti, March-May 1995

Lead investigator during three trips to Haiti to locate and assess situation of unaccompanied Haitian children forcibly repatriated by the US Government from detention camps at the US Naval Base, Guantanamo Bay, Cuba.

Guantanamo Detention Camp Conditions - Schell Center for International Human Rights, Yale Law School

US Naval Base, Guantanamo Bay, Cuba, November 1994

Participant in fact-finding trip to US Naval Base at Guantanamo Bay, Cuba to inspect conditions of detention for detained Haitian refugees.

Conditions Under Military Rule in Haiti – National Lawyers Guild

Haiti, October 1993

Member of human rights delegation to Haiti for purpose of monitoring repression directed at Haitian popular organizations in the period of time before deposed Haitian president was initially scheduled to be returned to power.

Interdiction of Haitian Boat People in International Waters - Amnesty International USA

Windward Passage, International Waters, October 1992

Consultant to and participant in Amnesty International USA fact-finding mission in international waters between Haiti and Cuba to monitor U.S. government’s interdiction program that was halting and detaining Haitian refugees fleeing Haiti.

Conditions Under State of Siege (Estado de Sitio) in El Salvador - National Lawyers Guild

El Salvador, February 1990

Member of human rights delegation to El Salvador during the 1990 State of Siege for purpose of documenting human rights conditions under the State of Siege imposed during and subsequent to FMLN offensive.

Fact Finding Mission to Las Hojas, El Salvador – El Rescate

El Salvador, November 1987

Member of human rights delegation to El Salvador to interview survivors and gather evidence from private and official sources pertaining to 1983 Salvadoran Army massacre

of 74 civilians at Las Hojas. See, *In Re: Victims and Families of Victims of the 1983 Massacre of Las Hojas, Sonsonate, El Salvador*, Informe No. 26/92, Caso No. 10.287, El Salvador (Inter-American Human Rights Commission, Organization of American States, Sept. 24, 1992).

Conditions Under Transitional Government in Haiti - International Association of Democratic Lawyers

Haiti, May 1987

Member of two person delegation to Haiti which established contact with trade unions and popular organizations for purpose of identifying potential forms of assistance from the IADL.

Opinion/Newspaper Articles

“Was the captain of the Salamis right? Legal implications of commercial ships effecting the rescue of migrants at sea,” *Malta Today*, Aug. 13, 2013

“INS Misses Mark in Nationwide Arrests,” *Los Angeles Times*, December 24, 2002

“Funneling Immigrants to Their Deaths,” *Los Angeles Times*, May 31, 2001

“INS Must Stop Using Secret Evidence,” *Los Angeles Times*, December 21, 2000

“Who’s a Citizen? Don’t Ask INS,” *Los Angeles Times*, March 26, 1997

“It’s Not LAPD’s Job to Ask Who is a Legal Resident,” *Los Angeles Times*, December 20, 1996

“Evidence, Reason Support Haitian Advocates’ Work,” *Miami Herald*, July 14, 1995
(co-author)

“A Case of Overkill to Curb Day Laborers,” *Los Angeles Times*, January 25, 1994 (co-author)

“Los niños haitianos víctimas de la política migratoria de Clinton,” *La Opinión* (Los Angeles), December 25, 1994

“Do We Want to Be Like Kuwait? Denying Citizenship to the US-Born is Un-American,” *Los Angeles Times*, August 12, 1993

“Los haitianos repatriados a merced de sus verdugos,” *La Opinión* (Los Angeles), February 9, 1992

“Immigrants’ Roundup Was a Dirty Trick - LAPD and INS Teamed Up Unjustly Under Cover of Crisis,” *Los Angeles Times*, May 11, 1992

“Los campos de detención de haitianos en Guantánamo,” *La Opinión* (Los Angeles), December 13, 1991

“Refugiados de CA: razones muy validas para el asilo,” La Opinión (Los Angeles), March 26, 1989

Awards and Fellowships

Fellow, Committee on Urban Problem Solving, Provost’s Urban Initiative, University of Southern California, 2001-2002

Constitutional Rights Award, National Coalition to Protect Political Freedom, (recognized for representing Iraqi nationals accused of posing risk to US national security), April 2001

Lawyers of the Year, California Lawyer Magazine, (recognized by legal magazine as one of State of California’s lawyers of the year), December 2000

Defense Lawyer Recognition, California Immigrant Workers Association, AFL-CIO, (recognized for work defending Mexican immigrant workers during statewide construction strike of 1992-93), September 1993

Selected Cases

Karim, et al. vs. US Immigration & Naturalization Service

San Pedro (California) Immigration Court, Board of Immigration Appeals, 1997-2000

Lead counsel representing ten Iraqi citizens who were brought to the US by the U.S. Government and then subjected to deportation proceedings on the basis of classified national security information developed by the Central Intelligence Agency and the Federal Bureau of Investigation. Case involved two separate trials lasting in excess of 150 days in total. The litigation, congressional oversight, and media coverage resulted in declassification of substantial amounts of classified evidence. All clients were ultimately released from custody.

Central American Refugee Center vs. US Attorney General Janet Reno

No. CV 93-4162, U.S. District Court, Central District California, 1993

Co-Lead Counsel in a class action challenging conditions in INS detention facilities in the Los Angeles area. Litigation lasted six years and contributed to issuance of nationwide detention standards and guidelines by the INS.

El Rescate Legal Services vs. Executive Office for Immigration Review, US Dept. of Justice

727 F.Supp. 557, US District Court, Central District California, 1989, reversed and remanded, 959 F.2d 742, US Court of Appeals 9th Circuit, 1992

Co-Lead Counsel in a class-action challenging Immigration Court use of incompetent court interpreters. Litigation resulted in the implementation of an interpreter training program, the provision of full interpretation in court, and development of an interpreter certification examination.

Haitian Refugee Center vs. US Secretary of State James Baker

789 F.Supp. 1552, US District Court, Southern District Florida, 1991) (Temporary Restraining Order), 789 F.Supp. 1579, 1991 (Preliminary Injunction), reversed and remanded, 949 F.2d 1109, US Court of Appeals 11th Circuit, 1991

Co-Counsel for Haitian plaintiffs in class-action litigation challenging U.S. Coast Guard's summary interdiction program that returned Haitians fleeing post-military coup violence in Haiti. Before the Court of Appeals reversed the preliminary injunction, the government was compelled to set up refugee camps at the U.S. Naval Base at Guantanamo Bay, Cuba that continued in operation after the injunction was dissolved. 45,000 people received interviews at the camps and 11,000 Haitians were permitted to enter the U.S. to apply for asylum.

Father Gérard Jean-Juste, et al. vs. Jean-Claude Duvalier

No. 86-459-Civ-Scott (US District Court, Southern District Florida, 1988

Co-Counsel for torture victim plaintiffs. The action was filed under the US Alien Tort Statute of 1789 to recover damages and to seek the return of funds embezzled by the Duvalier dictatorship of Haiti. Default award of \$504 million entered.