

## **David C. Baluarte**

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### **Academic Appointments**

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#### **City University of New York (CUNY) School of Law, Long Island City, NY**

Senior Associate Dean for Academic Affairs, January 2024 to present

Professor of Law, January 2024 to present

- As Senior Associate Dean for Academic Affairs, I reported directly to the Dean of the Law School on all aspects of the academic program, created the teaching schedule and make all teaching assignments, oversee the Academic Support (Skills) Program, the Bar Support Program, and work collaboratively with the Director of the Lawyering Program to deliver that program.

#### **Washington and Lee University School of Law, Lexington, VA**

Clinical Professor of Law, July 2021 to December 2023

Associate Dean for Academic Affairs, July 2019 to December 2022

Associate Clinical Professor of Law, July 2016 to June 2021 (tenure awarded in 2018)

Assistant Clinical Professor of Law, July 2013 to June 2016

Director, Immigrant Rights Clinic, July 2013 to December 2023

- As a Clinical Professor of Law, I founded the Immigrant Rights Clinic and designed a single semester and a full-year clinic curriculum, including a weekly seminar, weekly supervision, case rounds, and simulations to support student attorneys' work representing immigrants in federal removal proceedings and state court custody matters. I developed and delivered community workshops on DACA, Special Immigrant Juvenile Status (SIJS), and Violence Against Women Act (VAWA) relief. I developed a variety of partnerships with immigrant-serving, community-based organizations in Virginia as well as national and transnational organizations working to advance immigrant justice.
- As Associate Dean for Academic Affairs, I reported directly to the Dean of the Law School on all aspects of the academic program, created the teaching schedule and make all teaching assignments, hired more than 50 adjunct professors annually to teach a wide range of courses, hired visiting professors to cover courses when tenured faculty members are on leave, managed the budget to support hiring all non-tenure track faculty, developed and staffed new courses in order to meet the needs of students and capitalize on the expertise of faculty, provided assistance to faculty on a wide range of teaching issues, and provided academic advising and support to students.
- Non-clinical teaching: Immigration Law (3 credits), Transnational Law (3 credits), Refugee Protection Practicum (3 credits), Human Rights Practicum (5 credits), Civil Litigation Immersion (2 credits).
- Service: Appointments Committee (2019-20, 2020-21, 2021-22), Assessment Committee, Chair (2017-2018, 2018-19); Community-Based Learning Committee (2018-19, 2019-20); Curriculum Committee (2018-19, 2019-20, 2020-21, 2021-22, 2022-23); Dean Search Committee (2021-22); Experiential Education Committee (2014-15, 2015-16, 2016-17, 2018-19, 2019-20); Non-Tenure Track Faculty Review Committee (2021-22, 2022-23); Strategic Planning Committee (2018-2019).
- John W. Elrod Law Alumni Award for Excellence in Teaching, 2017-2018.
- Faculty Advisor, Latin American Law Students Association (LALSA).

#### **American University Washington College of Law, Washington, D.C.**

Practitioner-in-Residence, International Human Rights Law Clinic, August 2009 to June 2013

- I co-taught a year-long clinic seminar on lawyering skills and values to between 16 and 24 law students. I supervised students in their representation of individuals and communities in international human rights litigation and advocacy, as well as their representation of asylum seekers.

- Non-clinical teaching: Asylum and Refugee Law (2 credits).
- **UN High Commissioner for Refugees (UNHCR) funded project, January 2013 to June 2013.**  
I secured a \$30,000 gift to establish a pilot clinic for stateless persons in the US. I hired a post-graduate fellow and managed a docket of cases for undocumented stateless persons throughout the US
- **UNHCR funded project, January 2012 to June 2013.** I coordinated the implementation of a \$150,000 grant from UNHCR and directed a project to promote and protect nationality rights in the Bahamas through a cross clinical partnership between the IHRLC and the Eugene DePuch Law School to establish a citizenship clinic for the children of undocumented Haitian immigrants.

## **Publications – Law Review Articles**

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*Refugees Under Duress: International Law and the Serious Nonpolitical Crime Bar*, 9 Belmont Law Review 406 (2022).

*Family in the Balance: Barton v. Barr and the Systematic Violation of the Right to Family Life in U.S. Immigration Enforcement*, 27 Wm. & Mary J. Women & L. 33 (2020).

*The Right to Migrate: A Human Rights Response to Immigration Restrictionism in Argentina*, 18 Wash. U. Global Stud. L. Rev. 293 (2019).

*The Risk of Statelessness: Reasserting a Rule for the Protection of the Right to Nationality*, 19 Yale Hum. Rts. & Dev. L.J. 47 (2017).

*Life after Limbo: Stateless Persons in the United States and the Role of International Protection in Achieving a Legal Solution*, 29 Georgetown Immigration Law Journal 3 (2015).

*Strategizing for Compliance: The Evolution of a Compliance Phase of Inter-American Court Litigation and the Strategic Imperative for Victims' Representatives*, 27 American University Journal of International Law 263 (2012).

## **Publications – Short Journal Articles**

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*A New Narrative of Statelessness*, [Review of Mira Siegelberg's STATELESSNESS: A MODERN HISTORY], Cambridge Review of International Affairs (2022).

*Protecting Stateless Refugees*, Brown Journal of World Affairs (2020).

*Birthright Citizenship and Statelessness in the United States*, Atlas of the Stateless, Rosa Luxemburg Stiftung (2020).

*The Arrival of 'Statelessness Studies'?*, Statelessness & Citizenship Review, Volume 1, Issue 1 (2019).

*Perpetuation of Childhood Statelessness in the Dominican Republic*, The World's Stateless – Children, Institute on Statelessness and Inclusion (2017).

*Clinicas de Derechos Humanos en Los Estados Unidos: La Utilización del Sistema Interamericano de Derechos Humanos para Desafiar el Excepcionalísimo Estadounidense*, Suprema Corte de Justicia, DF, Mexico (2011).

*Implementation of Judgments: Making International and Regional Litigation Meaningful*, 6 Interights Bulletin 2 (2010) (with Christian De Vos).

*Challenging Mandatory Deportation Before the Inter-American Commission on Human Rights: The Hope of Smith and Armendariz vs. United States*, 12 Bender's Immigration Bulletin 23 (2007).

*Inter-American Justice comes to the Dominican Republic: An Island Shakes as Human Rights and Sovereignty Clash*, 12 Human Rights Brief 2 (2006).

*Sosa v. Alvarez-Machain: Upholding the Alien Tort Claims Act while Affirming American Exceptionalism*, 11 Human Rights Brief 1 (2004).

*Balancing Indigenous Rights and a State's Right to Develop in Latin America: The Inter-American Rights Regime and ILO Convention 169*, 4 Sustainable Development Law and Policy 2 (2004).

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## **Publications – Human Rights Reports**

*Citizens of Nowhere: Solutions for the Stateless in the US*, United Nations High Commissioner for Refugees (2012) (lead researcher).

*From Judgment to Justice: Implementing International and Regional Human Rights Decisions*, Open Society Justice Initiative (2010) (with Christian De Vos).

*From Guantanamo Detainees to Mariel Cubans: Stateless Persons in Detention in the US*, Equal Rights Trust (2009) (working paper series).

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## **Education**

**American University Washington College of Law (WCL)**, Washington, DC

JD recipient, May 2005

- Public Interest/ Public Service (PIPS) Scholar (full-tuition, three-year merit scholarship)
- Winner of the 2005 University Award for Outstanding Scholarship at the Graduate Level
- Co-Editor-in-Chief, *Human Rights Brief*

**Brown University**, Providence, Rhode Island

BA International Relations (North-South Relations), May 1999

- **PUC Madre y Maestra**, Santiago, Dominican Republic, study abroad – fall 1997.
- **Universidad de Chile**, Santiago, Chile, study abroad – spring 1998.

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## **Employment & Select Experience**

**Fulbright Scholar Program**, Mexico City, Mexico

U.S. Scholar Award, August 2023 to December 2023

- I researched the impacts of the externalization of U.S. immigration enforcement in Mexico on the rights of asylum seekers in that country. I co-taught the Refugee Clinic at the Iberoamericana University and developed a model for cross-border clinical collaboration to advocate for refugee rights to teach about transnational immigrant rights advocacy.

**Fulbright Scholar Program**, Buenos Aires, Argentina

Core U.S. Senior Scholar Award, February 2017 to May 2017

- I researched the development of Argentine immigration law, with a specific focus on the effects of a restrictive January 2017 Decree Law. I collaborated with the immigration clinic of the University of Buenos Aires Law School, housed in the Argentine Commission for Refugees and Migrants (CAREF in Spanish), providing assistance to students and presenting on comparative legal issues.

### **Open Society Justice Initiative & United Nations High Commissioner for Refugees (UNHCR)**

Lead Researcher, May 2011 to August 2011

- I researched and wrote a report on statelessness in the United States which was co-published by UNHCR and the Open Society Justice Initiative in 2012. I developed the first comprehensive review of U.S. jurisprudence relating to statelessness, helped design a national survey for immigrant service providers about statelessness. The report, *Citizens of Nowhere*, was published winter 2012.

### **Open Society Justice Initiative, New York, NY**

Lead Researcher, September 2009 to June 2010

- I researched and co-authored a report on the implementation of judgments of regional human rights Commissions and Courts as well as UN human rights bodies; authored the Inter-American and African System chapters of the report, involving extensive research and interviews with international human rights lawyers. The report, *From Judgment to Justice*, was published fall 2010.

### **Equal Rights Trust, London, UK**

Researcher – Consultant, February 2009 to April 2009

- I researched and wrote the Americas portion of a global report on the detention of stateless persons, involving extensive legal research and intensive interviews with practitioners and stateless persons in the United States. My working Paper was published by Equal Rights Trust in 2009.

### **U.S. Court of Appeals for the Second Circuit, New York, NY**

Immigration Staff Attorney, August 2007 to July 2009

- I wrote legal memoranda and proposed orders for 3-judge panels in immigration cases involving asylum, withholding of removal, and Convention Against Torture (“CAT”). I worked on a number of cases involving cutting-edge asylum and refugee law issues.

### **Center for Justice and International Law (CEJIL), Washington D.C.**

Staff Attorney, August 2005 to August 2007

- I was the attorney responsible for CEJIL’s cases from the U.S. and the Caribbean before the Inter-American Human Rights Commission and Court. I oversaw compliance litigation in ground-breaking case about abuses of Dominican children of Haitian descent before the Inter-American Court.

### **American Civil Liberties Union (ACLU), National Headquarters, Legal Department, New York, NY**

Paralegal and Internship Coordinator, August 2000 to August 2002

### **Center for the Study of Violence (NEV), University of São Paulo, São Paulo, Brazil**

Researcher, June 1999 to June 2000

### **Expert Consultations & Activities**

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Statelessness Expert Roundtable on the Dominican Republic, Nepal and Thailand, U.S. Department of State Population, Refugees and Migrants (PRM) Evaluation, November 2020.

Expert Affidavit in Asylum Proceeding in UK, Bristol Law Centre, June 2020.

Expert Roundtable on Statelessness, Gender and Intersectionality, World Conference on Statelessness, The Hague, Netherlands, July 2019.

Expert Affidavit in Statelessness Proceeding in South Africa, High Court of South Africa, Gauteng Division, Pretoria, January 2017.

Meeting of Experts on Asylum Claims by Stateless Persons, UN High Commissioner for Refugees (UNHCR) Washington Regional Office, November 2016.

Participated in Scholars on Statelessness Amicus Brief to the US Supreme Court in *Lynch v. Morales Santana*, October 2016.

Meeting on UN Human Rights Mechanisms for the Government of Kyrgyzstan, Issyk Kul, Kyrgyzstan, Open Society Justice Initiative and UN High Commissioner for Human Rights, December 2011.

International Senior Lawyer Project (ISLP), Consultation with Centro Bono on Litigation Strategy in the Dominican Republic, 2011.

Participated in Scholars on Statelessness Amicus Brief to the US Supreme Court in *Flores Villar v. USA*, October 2010.

Meeting of Experts on Regional Human Rights Mechanisms, Inter-American Commission on Human Rights (IACHR), Washington, DC, June 2010.

Expert Meeting on the Concept of Stateless Person in International Law, United Nations High Commission on Refugees (UNHCR), Monash University Prato Centre, Prato, Italy, March 2010.

### **Select Speaking Engagements**

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*“Mexico is the Border” – Externalization of U.S. Immigration Enforcement in Mexico*, National Immigration Professor Teacher and Scholar Workshop, Minneapolis, Minnesota, May 2024.

Transnational Clinic Collaboration as an Answer to Border Externalization, AALS Clinical Conference, St. Louis, Missouri, May 2024.

*Statelessness in the United States*, Center for Migration Studies, New York, New York, January 2020.

*Discriminatory Denial and Deprivation of Nationality in Dominican Republic*, World Conference on Statelessness, Institute on Statelessness and Inclusion, The Hague, Netherlands, June 2019.

Keynote Address: *Moving for Prosperity: Global Migration and Labor Markets*, Shepherd Higher Education Consortium on Poverty (SHECP) Frueauff Opening Conference, Marymount University, Virginia, June 2019.

*Derecho de Refugio en los Estados Unidos*, Regional Conference of Latin American Refugee Law Professors, Lima, Peru, November 2019.

Public Lecture: *Citizens of Nowhere: The Case for Embracing the Stateless*, Critical Issues in America Speaker Series, UC Santa Barbara, February 2018.

*Risk of Statelessness*, Latin American Studies Association, Annual Conference, Lima, Peru, March 2017.

*Gang Based Asylum Claims*, American Immigration Lawyers Association (AILA) DC Chapter, Fall CLE Conference, November 2016.

*New Ways to Talk about Statelessness*, Conference on Migration and Statelessness, Yale University Global Justice Project, October 2016.

*Americas Network on Statelessness and Nationality*, UNHCR NGO Statelessness Retreat, Geneva, Switzerland, June 2016.

*Statelessness in the United States*, Regional Statelessness Consultation Held by UN High Commissioner for Refugees (UNHCR) and Open Society Foundations (OSF), San Jose, Costa Rica, June 2015.

*Teaching Professional Identity*, American Association of Law Schools (AALS) Annual Conference on Clinical Legal Education, Rancho Mirage, CA, May 2015.

*An Experiential Asylum and Refugee Law Curriculum*, Immigration Law Professors' Workshop, Irvine, CA, May 2014.

*Vulnerabilities of Stateless Deportees*, Conference on the Draft Convention on the Rights of Expelled Persons, Boston College, May 2014.

*Denationalization as Persecution in the United States*, Global Forum on Statelessness, Tilburg University, The Hague, September 2014.

*Denationalization in the Dominican Republic*, Migrant Descendants in the Dominican Republic, Nationals or Foreigners?, Harvard Kennedy School, April 2014.

*Nationality, Discrimination, and Statelessness in the Dominican Republic*, Quebec University in Montreal, May 2012.

*Access to Nationality and Government Policies*, Statelessness and the Right to Nationality in the Dominican Republic, Georgetown Law Center, October 2011.

*Implementation of Human Rights Decisions*, "New Voices in Human Rights" at Association of American Law Schools (AALS) Annual Conference, San Francisco, CA, January 2011.

*Using the Inter-American Human Rights System to Challenge American Exceptionalism*, Conference of Supreme Court of Justice of Mexico, September 2010.

*The Experience of Human Rights Clinics in the US*, Latin American Clinical Conference, La Católica Law School, Lima, Peru, August 2010.

*Issues in Immigration Detention and Deportation in the US*, International Seminar on a Right to a Name and Nationality, Santo Domingo, Dominican Republic, November 2009.

*Contemporary Dominican-Haitian Relations Through the Lens of Haitian Migration*, Haitian-Dominican Community Dialogue in Providence, RI, Brown University, April 2007.

*Collective Expulsion as a Human Rights Violation*, Towards Comprehensive Migration Policies, Santo Domingo, Dominican Republic, March 2007.

*Litigation in the IA Human Rights System: Defending Migrants' Rights in the Dominican Republic*, Human Rights Speaker Series, Columbia University, October 2006.

### **Memberships & Affiliations**

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- Member, New York Bar
- Steering Committee Member, Americas Network on Nationality and Statelessness
- Advisory Council Member, Institute on Statelessness and Inclusion

### **Language Abilities**

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- English: Native speaker
- Spanish: Heritage; native-level fluency (spoken and written)
- Portuguese: Conversational (spoken)