

The Brandeis Human Rights Advocacy Program: Advancing the Human Rights of the Immigrant, Noncitizen and Refugee Community in Louisville, Kentucky

**Enid Trucios-Haynes, J.D.¹*

Affiliations: ¹Louis D. Brandeis School of Law, University of Louisville, Louisville, KY

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Website: <https://www.louisville.edu/rgh>

Introduction

The Human Rights Advocacy Program (HRAP or the Program) at the Brandeis School of Law, University of Louisville, represents a unique collaboration of law faculty and students providing critical resources to the local immigrant, noncitizen and refugee community in Louisville, Kentucky, as well as local service providers to this community. The Program, established in Spring 2014, is distinctive because of its non-hierarchical internal model and the participatory action research and policy focus of its work. The Program is distinguished from the typical law school clinical model in its focus on community engaged research, policy advocacy, and service, as well as its innovative funding and institutional support.

The Program began with a Louisville Bar Foundation grant and was transformed by institutional support in the form of admissions-based student fellowships, public service graduation requirements providing the opportunity for wider student involvement, and related public service placement opportunities for students. Currently, the Program operates with direct law school funding and law school admissions scholarships competitively granted to qualifying students. The competitive selection criteria focus on student interest, experience, and capacity for human rights advocacy work. HRAP supports law students in their development as human rights advocates, researchers, and leaders. The Program offers students the opportunity to pursue their own interests in this field, gain subject matter expertise, and become leaders on projects that have a meaningful social justice impact in the local community.

In Louisville, the Program directly advances the human rights interests of the local immigrant, noncitizen and refugee community¹ and supports the work of local service providers. The policy work of the Program addresses those areas where there is a gap in services provided to the local community and expands the capacity of local service providers to identify and meet the needs of the local community. HRAP's participatory action research projects address language access, educational access, the implications of media and other rhetoric on policy, and cultural competency. In collaboration with the local community, the Program has assessed community needs, conducted policy research, linked community and providers, created a critical community resource guide, and hosted annual community roundtables and other educational events. The Program has achieved these outcomes by leveraging law school and University resources. The result is an inclusive and collaborative partnership between local service providers, local community, and the law school focused on identifying human rights needs and potential policy and action solutions.

HRAP's work furthering the human rights of the local Louisville immigrant, noncitizen and refugee community received an exemplary distinction award from the 2017 W.K. Kellogg Foundation Community Engagement Scholarship Awards. HRAP was selected as University of Louisville's nominee for the C. Peter Magrath Community Engagement Scholarship Award. The award recognizes programs that demonstrate how colleges and universities have redesigned their learning, discovery, and engagement missions to become even more involved with their communities. HRAP was selected by the Kellogg Foundation and Magrath Award committee as an "exemplary designee" for

¹Correspondence To: Enid Trucios-Haynes, J.D.
Work Address: Louis D. Brandeis School of Law, University of Louisville,
2301 S 3rd St, Louisville, KY 40208
Work Email: ethaynes@louisville.edu

¹As a law school program, the Program strives to use accurate terminology. The term "noncitizen" is often used by immigration lawyers to avoid using the pejorative term "alien" which is the term of art of the Immigration and Nationality Act. Noncitizen is an inclusiveness term accounting for the different visa categories including temporary residents (nonimmigrants), permanent residents (immigrants), undocumented or unauthorized individuals (unlawfully present), and humanitarian entrants (refugees, battered spouses, children or parents under the immigration provisions of the Violence Against Women Act, etc.). The Program refers to the "immigrant, noncitizen, and refugee community" to adopt the common terminology. Often the term "New Americans" is used to describe all foreign born individuals which includes those who have become naturalized citizens, as well as their children who may or may not be citizens; for example, at the American Immigration Council. The term "foreign-born" is used by the U.S. Census Bureau to include individuals who are immigrants (permanent residents) and U.S. citizens who were not U.S. citizens at birth and who have completed the naturalization process. See HRAP Final Report: Identifying Opportunities 2015 (discussing appropriate terminology) <https://louisville.edu/law/bhrap/our-publications>.

the admissions-based fellowships, faculty and student interest, as well as a public service requirement which are used to assemble a community of activists, researchers, and leaders to generate scholarship that responds to the urgent need for legal outreach in the undocumented immigrant community.

Overview of the Brandeis Human Rights Advocacy Program

The Brandeis Human Rights Advocacy Program is a community engaged effort of law students, law faculty, and community members working together to identify persistent issues and urgent needs of the local immigrant, noncitizen and refugee community. HRAP's primary focus is conducting timely research leading to important policy solutions, offering capacity-building support to local community organizations and service providers, and engaging in community outreach and education through topical events, the research-to-action projects, and community clinics.

HRAP's community reflects the intersecting interests of faculty, students, and community members as well as key stakeholders, both within and outside of the University of Louisville whose support is essential to the Program's success. The Program provides funded fellowships for law students to gain subject matter expertise, leadership skills, and experience meaningful community engagement. The mission of the Program is to identify, support, and advocate relating to the human rights needs of the local immigrant, noncitizen and refugee community in Louisville. HRAP fulfills its mission through its participatory action research projects, annual programs, community roundtables, the development of community resources, and community outreach, education, and engagement.

The Program addresses several Louisville community audiences representing a web of interconnected stakeholders. These include: the local immigrant, noncitizen and refugee community; local nonprofit, governmental and other service providers; local lawyers who already work with the community or share this interest; and immigrant rights advocates. The internal community with which the Program engages includes: the University; the law school administration; the funded student fellows; other law student volunteers; and the broader campus community including faculty, staff, and students. The Program organizes regular events to educate, inform, and discuss the status of human rights on the local level. The events prominently feature students, law faculty, and community advocates as subject-matter experts addressing current developments in particular areas of the law. HRAP invites members of the local community, local legal and other service providers, and the general public.

HRAP was conceived by two law faculty, one with significant immigration law and policy expertise and roots in the local community, and was designed to build on an expanding student interest that aligned with University of Louisville and Brandeis School of Law goals. The University of Louisville is a Carnegie Community Engagement University recognizing its unique connection to the Louisville community. In addition, the social justice focus of HRAP's work has appealed to a diverse group of law students and is viewed by the law school administration as an important effort to attract and retain a diverse student

body and address the growing student interest in public service careers.

Expanded opportunities for law students interested in immigration law and policy were created over the past two decades at the law school. Law students' opportunities include first-hand experiences with the Louisville immigrant, noncitizen and refugee community. Students interested in immigration law and related human rights issues can participate in:

- Public service placements offered by the law school's Samuel L. Greenebaum Public Service Program to all law students at local nonprofits such as Kentucky Refugee Ministries, Catholic Charities and other organizations working with the local community
- Regular "Know Your Rights" legal orientation presentations at the immigration detention center located within the Boone County Jail, Florence, KY. This legal orientation program is certified by the U.S. Department of Justice, Executive Office of Immigration Review, managed by the U.S. Department of Homeland Security, and coordinated with the National Immigrant Justice Coalition.
- An annual immigration law moot court competition at New York University Law School
- Immigration law externship placements for academic credit with local nonprofit organizations

The initial funding creating HRAP came from a Spring 2014 Louisville Bar Association grant to establish funded student fellowships and from the Assistant Dean of Professional Development at the law school. The Assistant Dean viewed HRAP as a professional development opportunity for the growing number of students interested in human rights, immigration law, and public service careers. One major challenge of this one-year grant was the need for sustained funding. In Spring 2015, the faculty co-directors proposed to the law school administration the creation of admissions scholarships for incoming law students tied to human rights with a focus on immigrant, noncitizen and refugee issues. Targeted admissions fellowships have been successful at other law schools and represented an opportunity to institutionalize the HRAP Program. HRAP has identified a signature partner, La Casita Center, and works with this and other local community organizations and government agencies to offer HRAP fellows a unique opportunity at the law school. In Spring 2015, the dean committed to a three-year pilot funding proposal. In Spring 2018, this funding was continued by the dean.

The Brandeis Human Rights Advocacy Program was founded and co-directed by Professor Enid Trucios-Haynes and Professor Jamie Abrams from Spring 2014 to Spring 2017. The current co-directors include Professor Enid Trucios-Haynes and Professor JoAnne Sweeney. There are twelve student fellows in the Program including the most recent cohort of four student fellows who began in August 2017.

Identifying and Responding to the Needs of the Louisville Immigrant, Noncitizen and Refugee Community

HRAP's initial work involved a comprehensive needs assessment

of the immigrant, refugee, and noncitizen community in Louisville.² The needs assessment surveyed local community organizations and service providers about their services and understanding of human rights needs, and outlined how the Program could leverage the University's resources to support the local community. In order to further the participatory action research goals, the preliminary findings were shared with the local community and service providers in Spring 2015 to prioritize HRAP's work and identify next steps.

HRAP's initial research identified some important opportunities to support the local community. First, we realized there was a lack of comprehensive understanding about the very diverse local immigrant, noncitizen and refugee community in Louisville.² Second, we needed to identify best practices for our participatory action research projects in our local community. Third, we explicitly sought to distinguish the interests of HRAP's different stakeholders including both community members and local service providers, as well as the internal University stakeholders. Finally, we wanted to provide needed legal services to the local community through one-day clinics and to provide legal services opportunities for the HRAP student fellows.

The iterative action-research cycle stemming from the initial needs assessment led to several HRAP research and policy initiatives. These participatory action research projects and policy initiatives include the:

- Community Resource Guide³: a regularly updated, reliable source identifying local community/education organizations, legal organizations, and medical organizations
- Educational Access Project
- Language Access Project
- Rhetoric & Policy Project
- Community Engaged Service Project
- Human Trafficking Research Project (added in Fall 2017 by Co-director Professor JoAnne Sweeny)

Identifying the diversity of the immigrant, noncitizen and refugee community in Louisville

Numbers tell one story about the immigrant, noncitizen and refugee community in Kentucky. It is easy to get lost in the data, however it also is important to sift through the myriad reports and charts to understand the characters and plot of the immigration story in Kentucky.⁴

The data about Louisville Metropolitan Statistical Area (MSA) is derived from the U.S. Census Bureau. The Louisville MSA includes seven Kentucky counties (Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer and Trimble) and five counties in Southern Indiana (Clark, Floyd, Harrison, Scott and Washington). The U.S. Census Bureau also gathers data about Metro Louisville, referred to as Louisville-Jefferson County.

Louisville is a refugee resettlement city; there is a significant foreign-born population and more than half of the population arrived in last 20 years.⁵ Foreign-born here means the Census Bureau definition which includes both all noncitizens, both permanent and temporary residents, and naturalized U.S. citizens. Most foreign-born individuals live in Metro Louisville (Louisville-Jefferson County), and the second largest group lives in Shelby County.⁶

Foreign-born individuals in the Louisville MSA are less likely to be naturalized citizens than the national average indicating a significant need for legal and related services.⁷ Nearly half of the Louisville MSA foreign-born population is from Latin America (45%) which is lower than the national average (55%). Ten percent of the Louisville MSA foreign-born population is from Africa.⁸ The number of foreign-born from Africa living in Louisville MSA is more than double the national average and includes refugee populations from Somalia and Sudan. In addition, there are sizeable foreign-born populations from India, Vietnam, China, and Bosnia-Herzegovina.

Foreign-born residents of Metro Louisville have significantly lower median earnings than native-born individuals in full-time, year-round positions with just over \$10,000 difference among males and over a \$9,000 difference among female workers in 2013.⁹ Among all foreign-born residents in Louisville-Jefferson County, just less than half owned their own homes (46.2%). The primary occupations and industry differ among the foreign-born and native-born populations in Metro Louisville. The foreign-born population (both citizen and noncitizen) is overrepresented in natural resources, construction, maintenance, manufacturing and transportation compared to the native-born. The U.S. born population is overrepresented in sales & office management, and business occupations.

Language access also is an issue in Metro Louisville. Just over thirty percent of foreign-born households have no one over the age of 14 who speaks English only or English very well. Among foreign-born noncitizens, nearly 40% live in households where no one over the age of 14 who speaks English only or English very well.¹⁰

²HRAP Final Report: Identifying Opportunities 2015 at <https://louisville.edu/law/bhrap/our-publications>.

³The Community Resource Guide, most recently updated in January 2018, is available on HRAP's website at <http://louisville.edu/law/bhrap/for-service-providers/community-resource-guide>.

⁴The numbers also tell another story about how difficult it is to compare apples-to-apples because of the different terminology and datasets used in various reports. Some reports rely on U.S. Census data for the Louisville Metropolitan Statistical Area (MSA). The Louisville MSA covers many counties: seven Kentucky counties (Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer and Trimble); and five counties in Southern Indiana (Clark, Floyd, Harrison, Scott and Washington). Other reports use U.S. Census data on Metro Louisville which is Louisville-Jefferson County. We rely on demographic data of the state, Louisville MSA and Louisville-Jefferson County (Metro Louisville).

⁵Ruther, Louisville: Immigration Rebirth (2015). U.S. Census Bureau data indicates the total Louisville MSA foreign-born population is 61,776 in 2012, and 56.7% arrived in the past 20 years.

⁶Id. 78% of the foreign-born live in Louisville MSA and 5% live in Shelby County. To compare, Louisville MSA contains only 60% of total Louisville MSA population and Shelby County only 3%.

⁷Id.

⁸45% of the foreign-born in Louisville MSA are from Latin America; nationally 55% of the foreign-born are from Latin America. 10% of foreign-born in Louisville MSA is from Africa and total US FB from Africa is 4%.

⁹American Community Survey Reports, United States Census Bureau, KENTUCKY FOREIGN & NATIVE-BORN POPULATIONS (2009-2013). The median earnings for native-born full-time, year-round workers in Louisville/Jefferson County was \$44,993 for males and \$36,280 for females compared to foreign-born median earnings for males of \$33,392 and for females \$27,353.

¹⁰Background Memo prepared by Matt Ruther, Department of Urban and Public Affairs, University of Louisville for Louisville Roundtable Meeting on Economic Competitiveness and Immigration: Strategies for a Globally Competitive Louisville (Private Roundtable Discussion) organized by Americas Society/Council of the Americas in collaboration with GLI and Metro Louisville (hereinafter Ruther, Louisville: Immigration Rebirth (2015)).

The poverty rate among foreign-born is 23%, which is significant and higher than the national average poverty rate which is 18.7%.¹¹ In Louisville MSA, the median household income of foreign-born-headed households is approximately 84% of median household income of native-born. This median income for foreign-born individuals is lower than the national average.¹² Finally, the Louisville MSA foreign-born population also is more likely than the native-born population to live below the federal poverty line.¹³

Citizenship status matters in the Louisville area among foreign-born individuals. The noncitizen population living at the poverty line is more than double the rate for foreign-born U.S. citizens. In 2012, nearly 60% of noncitizens lived in low income households, with just over 30% living at the poverty line. To compare, only 15% of foreign-born U.S. citizens live at the poverty line.¹⁴

Louisville MSA is home to over half of the immigrants (permanent residents) residing in Kentucky who are eligible to apply for citizenship. Most applicants for citizenship reside in either Louisville MSA or Lexington-Fayette County, indicating a need for legal and other services related to applying for citizenship.¹⁵ The need for legal services and public education about the benefits of citizenship are some of the barriers to citizenship in Louisville for the nearly 13,000 immigrants in Metro Louisville eligible to apply for citizenship.¹⁶ Additional barriers include the cost of the naturalization application and related fees and limited English language proficiency.

The Jefferson County Public School (JCPS) District in Metro Louisville is the largest school system in the state of Kentucky with 123 languages spoken by students.¹⁷ The percentage of students participating in the JCPS English as a Second Language Program, at 5%, is similar to the percentage of foreign-born in Metro Louisville.¹⁸ In 2011 the percentage of students in the ESL program was 3.3%, indicating an increased need for the ESL program. This increased demand is reflected throughout the state. ESL enrollment dramatically increased from 2000-2001 to 2010-2011 by 306% from 4,030 students to 16,351 students.¹⁹ During this decade, Kentucky had the second-fastest growing ESL population nationwide.²⁰ JCPS has opened more ESL units, now more than 60, although mostly in elementary schools. Pre-enrollment surveys are used to identify students with ESL needs and the districts actively watch enrollment trends to identify the growing need for ESL units across the county.

HRAP has identified a particular need in the local Latino community for these human rights services. It comprises 45%

of the local foreign-born population. Many in the local Latino community are fearful of interacting with local law enforcement, regardless of whether they are lawfully present in the U.S., and do not seek protection or report crimes because of the concern that LMPD officers work hand-in-hand with federal immigration officials.²¹ This fear can result in exploitation by local employers, local landlords, and others who threaten to report individuals to immigration officials. Latinos who are perceived to be undocumented often become targets for criminal activity.²² Many Latinos live in mixed status families in which some family members are U.S. citizens or lawfully present and others in the family are undocumented. This impacts the quality of life as well as access to social services and other resources for the U.S. citizen children in these families. Families often are reluctant to seek social services to which they may be entitled because of a fear of interactions with any government officials.

Latinos in Louisville, as the largest immigrant group, represent just over 5% of the population in Metro Louisville, and 3.4% of the total state population, which more than doubled from 2000 to 2010. Nearly 1 in 20 people in Louisville are Latinos. Latinos live in poverty in the same percentages of the African American community according to the U.S. Census Bureau. The average salaries for Latinos in Kentucky are significantly lower compared to both African Americans and whites, and the Latino childhood poverty rate is comparable to the African American community in Kentucky. Latino students are largest group receiving ESL services within JCPS (52.7% Spanish speaking). There are other indications of lower achievement for Latino students: the percentage of Latinos high school students achieving proficiency or distinguished levels in English is only 42.5%; in Math the percentage of proficiency or distinguished levels is 36%.

Many Latinos live in mixed status families in which some members are either citizens or lawfully present, and other family members are undocumented. U.S. citizen children with at least one parent who is undocumented make up 81% of all children of unauthorized immigrants enrolled in grades K-12 in 2014. (Well under 1% of children of unauthorized immigrants were lawful immigrants in 2014.) Nationally, it is estimated that over two-thirds of the 5 million children who live with unauthorized parents are U.S. citizens. Latinos represent 95% of the children living in mixed status families, based on the estimated number of Latinos within the undocumented population in the United States. According to a Pew Hispanic Center survey, over half of all Latino adults worry that they, a family member, or a close relative could be deported.

¹¹Ruther, Louisville: Immigration Rebirth (2015).

¹²Id. at 4. The foreign-born median household income in Louisville MSA is \$42,027 and the native-born median household income of \$50,093.

¹³Ruther, Louisville: Immigration Rebirth (2015).

¹⁴American Community Survey Reports, United States Census Bureau, KENTUCKY FOREIGN & NATIVE-BORN POPULATIONS (2009-2013).

¹⁵From 2008-2013, approximately 5,200 individuals became permanent residents annually in Kentucky and approximately 65% of these individuals live in Louisville MSA or Lexington. 66.5% of individuals obtaining LPR status in Kentucky in 2012 resided in one or other of the state's two largest cities. United States Department of Homeland Security, Yearbook of Immigration Statistics: 2012 Naturalizations (2015) <http://www.dhs.gov/yearbook-immigration-statistics-2012-naturalizations>. Supplemental table 3. 68.3% of those who naturalized statewide, both refugees and other immigrants, in 2012 resided in Louisville (1,295) and Lexington (541) represents.

¹⁶Louisville Metro Government, Citizenship and Naturalization White Paper (draft). See also, Interactive Map: Eligible-to-Naturalize Populations in the U.S., Center for the Study of Immigrant Integration, University of Southern California (2016) <http://dornsife.usc.edu/csii/eligible-to-naturalize-map/>.

¹⁷Jefferson County Public Schools, 2016. Facts- District Profile- Student Demographics. Retrieved from <https://www.jefferson.kyschools.us/about/newsroom/jcps-facts>.

¹⁸JCPS Student Demographics Slideshow. (2015). Board Orientation. Retrieved from <https://portal.ksba.org/public/Meeting/Attachments/DisplayAttachment.aspx?AttachmentID=238272>

¹⁹Loosemore, B. (2014). ESL programs skyrocket with need at JCPS. Retrieved from <http://www.courier-journal.com/story/news/education/2014/12/17/jcps-sees-increaseenglish-language-learners/20534777/>

²⁰Voices in Urban Education, Annenberg Institute for School Reform (Brown University).

²¹Howard, K. "Louisville Police Don't Enforce Immigration - But Help The Feds Do It." Kentucky Center for Investigative Reporting, September 7, 2017 at <http://kycir.org/2017/09/07/louisville-police-dont-enforce-immigration-but-they-help-ice-do-it/>

²²HRAP uses the term undocumented or unauthorized person to refer to those who are present in the United States either by overstaying on a visa or entering without inspection by an immigration officer. More about terminology and the diversity of the local immigrant, noncitizen, and refugee community can be found in HRAP's Final Report: Identifying Opportunities (2015) at <http://louisville.edu/law/bhrap/our-publications>.

A significant number of Latino undocumented noncitizens live in Kentucky, currently estimated at 35,000. Nationally, 77% of the total undocumented population is Latino, primarily from Mexico. At least 20% of the Latino population in Kentucky is undocumented, but many think that number is perhaps 2 to 3 times higher. Undocumented individuals represent 2.6 percent of Kentucky's workforce, according to the Migration Policy Institute. According to the Migration Policy Institute and Pew Hispanic Research Center, the estimated number of undocumented people in Kentucky in 2014 was 50,000 and was as high as 80,000 in 2010.

One HRAP challenge is making sense of the varying terms used in reports, media, and other publications. The different terminology affects public perceptions and has policy implications. In addition, as a legal education program, HRAP strives to be precise in our description and understanding of the varied terms. One outcome of the Rhetoric and Policy Project is a pending Terminology Guide to inform the broader public and the media about these issues and to promote greater cultural competency. The Rhetoric and Policy Project Report is published on HRAP's website and the Terminology Guide will be available on the HRAP website in Fall 2018.

Adopting a Participatory Action Research Methodology

The participatory action research (PAR) methodology informs HRAP's policy projects on Educational Access, Language Access, and Rhetoric and Policy. PAR requires equal participation of community to shape the research process and identify the next steps in any research project (Walter, 2009). The Program uses several methods to ensure full community participation and direction for these projects including annual community roundtables to update on the status of the research projects, ongoing meetings with our signature partner, La Casita Center, and timely consultations with local service providers.

Action research involves a process, working collaboratively with community members, to address social issues. Kurt Lewin (1946) promoted this type of research after World War II believing that the best solutions to social problems involved people engaged in democratic inquiry about the issues they faced in their own lives. The goal of participatory action research (PAR) is to create a collaboration of researchers and stakeholders engaged in critical reflection about social problems (Baldwin, 2012). In addition, participatory action research involves an iterative cycle of planning, acting, observing, and reflection which leads to a new inquiry cycle.

Participatory action research is distinguished from more traditional research methodologies in which the principal goal is to investigate. The PAR methodology has two objectives: "to produce knowledge and action directly useful to a group of people through research, adult education and sociopolitical action [...] ... [and] to empower people at a second a deeper level through the process of constructing and using their own knowledge," (Reason, 2008, p. 71). As a result, community

engaged scholarship adopting the PAR methodology inevitably involves long-term projects.

HRAP is focused on community engaged participatory action research, also distinct in legal education from the clinical educational model of providing direct client services. In law schools, students generally have the opportunity to engage in direct client services within faculty-supervised clinics. HRAP's focus on community engaged scholarship, a form of participatory action research, involves a collaboration of students, faculty, and community partners to identify solutions to social issues and to build academic scholarship (Gelmon, 2013). Community engaged scholarship is distinct from the clinical education model by its emphasis on working with communities to identify solutions to modern day problems (Jones & Jones, 2011). It is best understood as "a cluster of applied research methods, namely, participatory research, collaborative inquiry, action learning, and community-based research," (Jones & Jones, 2011, p. 383).

Other Challenges

The Program has chosen an expansive definition of community due to our non-traditional goal of providing leadership opportunities for HRAP student fellows, as well as community engaged scholarship and service. Other universities and law schools have created their own versions of immigration fellowships and clinics primarily focused on live-client counselling opportunities for students. This traditional clinic model usually involves third year law students, with limited practice licenses, representing clients under the close supervision of a professor.²³ Most clinics represent noncitizens seeking U.S. citizenship or another lawful status, and students typically "engage in client counseling and interviews, fact investigation, legal research, preparation of affidavits, writing legal arguments, and submitting applications for immigration benefits" for their clients.²⁴

One challenge is meeting the expectations of diverse constituencies. HRAP's community includes an "interconnected web of stakeholders" whose participation is integral to the Program's success and which necessarily includes members of the local immigrant, noncitizen, and refugee community, local legal and other service providers, local advocacy organizations, community organizations, and advocacy groups.²⁵ This web also includes key stakeholders within the University of Louisville, e.g., the law school administration, both the dean and admissions committee; the funded student fellows; other law student volunteers; and student, staff, and faculty collaborations across the University.

Another challenge has been providing needed services to the local community and offering HRAP fellows some exposure to live-client and other legal services opportunities. Individual HRAP fellows have participated in law school opportunities noted above including the legal orientation program at the ICE detention center within Boone County Jail. HRAP also organizes unique opportunities for the fellows. For example,

²³University of Miami School of Law. (2016). Prospective student requirements: Immigration clinic. Retrieved from <http://www.law.miami.edu/academics/clinics/prospect-tive-student-requirements-immigration-clinic>.

²⁴University of Tennessee College of Law. (2016). Immigration clinic. Retrieved from <http://law.utk.edu/clinics/immigration/> University of Texas at Austin. (2016). Immigration clinic. Retrieved from <https://law.utexas.edu/clinics/immigration/>

²⁵This web of community partners advancing the human rights of the immigrant, noncitizen, refugee community includes the Louisville Bar Association, Kentucky Refugee Ministries, the ACLU, Mayor's Office of Globalization, Russell Immigration Law Firm, Ellie Kerstetter, Esq., Doctor's & Lawyers for Kids, Presbyterian Church Hispanic/Latino Outreach Ministry, Mijente Network, Alerta Roja Immigrant Advocates Group, Adelante Hispanic Achievers, Americana Community Center, National Immigrant Justice Center, and other local immigrant, noncitizen and refugee service providers and community groups.

HRAP fellows participated as a group in the legal orientation program, as well as cultural competency training with our signature partner, La Casita Center. HRAP fellows also have participated in wage theft and labor trafficking training.

In 2017, as a result of Trump administration immigration policies, the need for outreach, education and direct client counselling in the local community became critical. HRAP has refocused its efforts to expand its footprint in the local community and within the University by organizing one-day immigration law clinics for the campus community, actively participating in local efforts to support the community, organizing public education campaigns, and seeking grant funding to host regular Latino Community Clinics. Each of these efforts is described in greater detail below.

HRAP Projects: Meeting the Needs of the Louisville Immigrant, Noncitizen, and Refugee Community

The Program's action research projects were developed after preliminary findings from the 2015 needs assessment report were shared with the local immigrant, noncitizen and refugee community and service providers in Spring 2015. The report revealed several key findings and led to the creation of the Community Resource Guide, a resource that did not exist in our community. The collaborative inquiry process for sharing the preliminary findings with community members confirmed a need for focused research relating to language and educational access.

HRAP is currently focused on three participatory action research projects, and a fourth community engaged service project. The Language Access Project evaluates compliance by local agencies and entities receiving federal funds with Civil Rights Act, Title VI, requirements to provide language access to Limited English Proficient individuals seeking their services. The Educational Access Project examines state-wide public-school compliance with legal requirements of K-12 access to noncitizen children regardless of immigration status.

The Rhetoric and Policy Project assesses rhetoric used by media and its influence over local public policy and public perceptions relating to the immigrant, noncitizen and refugee community. A Terminology Guide designed as a community resource to enhance cultural competency will be released in 2018. Reports from each project are currently available on HRAP's website. The fourth HRAP project is the Community Engagement Project which includes one-day *pro bono* legal services clinics, community outreach and education events, and regularly scheduled collaborative lawyering events for which additional grant funding is sought. This additional funding is sought to create a structure for regular Know Your Rights Presentations in the local community focused on undocumented noncitizens and other marginalized immigrant groups; a community discussion board to report issues and concerns relating to employers, local law enforcement officers, and federal immigration officials; and to establish the Program as a liaison for the local community with local immigration enforcement officials.

The Program received a Louisville Bar Foundation grant in 2017

to create training videos based on the three action research projects. These videos will be produced in 2018 and made widely available to the local community and service providers. HRAP received a second grant in 2017 to enhance community outreach in the local undocumented community, as well as identify best practices and local services gaps in collaboration the University of Louisville Kent School of Social Work and HRAP's signature partner, La Casita Center.

All of these projects and outcomes are discussed below.

HRAP's Final Report: Assessing Needs & Identifying Opportunities (2015)

The 2015 needs assessment provided student fellows the opportunity to engage local and regional organizations to identify human rights issues, and to work with the local immigrant, noncitizen, and refugee community. The key goal was to understand the range of available services and to begin identifying potential gaps in information and services available to the local community. The scope of the report was expanded beyond legal services as it became apparent that the need for multiple services is often interrelated and this requires a holistic assessment.

The report, titled Final Report: Identifying Opportunities 2015, identifies nonprofit organizations and service providers in Kentucky and the neighboring region addressing the human rights needs of the immigrant, noncitizen and refugee community. One immediate observation was that this basic information was not easily accessible to the local community or to the service-providers. This led to the creation of the Community Resource Guide discussed below.

The Report was created from interviews, in-person and telephonic, conducted by the HRAP fellows about the services provided, as well as other relevant matters such as language services, outreach, publications, advertisement of services, and criteria for eligibility for services. The interviews included broader questions regarding perceptions of the human rights needs, providing an important insider view of some of the key challenges. These interviews were used to craft the preliminary findings shared with the local community at HRAP's first annual community roundtable forum held in April 2015.

The preliminary findings included:

1. Service providers with limited human and economic resources face challenges conducting consistent outreach to the immigrant, noncitizen, and refugee community;
2. The language access limitations of service providers are widespread, largely due to budget cuts and resource constraints;
3. There is a need for more collaboration and communication among service providers and in their outreach to the local community;
4. The local immigrant, noncitizen, and refugee population identifies its needs holistically for services in the medical, legal, and educational domains and it lacks readily available information about these services indicating a critical need for more comprehensive outreach; and
5. There is a need for shared information to develop a comprehensive understanding of the diversity and needs

of the local immigrant, noncitizen and refugee community, including a critical need for expanded cultural competency information and training.

Outreach to the local immigrant, noncitizen and refugee was a consistent challenge identified by service providers. Most organizations were inconsistent in their outreach efforts, and advertising did not occur due to limited time and resources. Organizations relied upon word-of-mouth, sporadic Internet announcements, and social media. More than half of the organizations in the survey relied in whole or in part on word-of-mouth “advertisement” or client referrals. One key concern about this limited outreach is that many noncitizen groups may lack access to critical resources given the diverse, changing and growing immigrant, noncitizen, and refugee community in the Louisville region. As a major refugee resettlement city, Louisville is more diverse than most as noted above. For service providers, client referrals maintain a steady client flow, but there may be inaccessible groups that lack a referral source. This may be especially true for newer members of the immigrant, noncitizen, and refugee community, particularly refugees and limited or non-English speakers.

Interpretation services to communicate with some clients is another major challenge facing organizations and confirmed by the local community. Many organizations have at least some staff members who speak languages other than English, most often Spanish. Only three organizations surveyed could to support language services in several languages. Language access is provided by most organizations through a wide variety of mechanisms, from using professional interpreters to having clients bring family members to provide informal interpretation services.

Language access challenges, including this lack of interpretation services, extended to government agencies, medical service providers, and other organizations including domestic violence intake centers, complaint windows at the courthouse, and other areas. Those service providers handling these needs rely on the Language Line, or other telephonic interpretation services. This lack of consistent access to interpretation services and the lack of interpreter and cultural competency training were key concerns expressed by community members and service providers.

Other needs and challenges were identified in the 2015 Final Report including: (1) a need for more collaboration and communication among service providers to develop informal referral agreements and other low-cost outreach mechanisms; (2) a lack of educational resources provided for immigrant, noncitizen, and refugee adults; (3) a need for regularly available medical services for the entire immigrant, noncitizen, and refugee community because existing services rely almost entirely on volunteer services leading to long wait times and limited capacities; and (4) a lack of reliable sources of information about immigration-related issues in Kentucky to counter misinformation and to provide comprehensive information beyond the sporadic, limited circulation materials produced by local organizations, such as newsletters, or annual reports; and (5) a critical need for cultural competency information and training.

Community Resource Guide

The needs assessment project led to the creation of a much-needed comprehensive Community Resource Guide after an initial determination that many in the local community were often misinformed about available services and resources in Louisville. The Community Resource Guide was developed to address this need and to provide a tangible resource for the local immigrant, noncitizen, and refugee community. It lists all local service and support organizations including the names, contact information, and a description of services provided by local legal, medical, social, and educational service providers.

The Community Resource Guide empowers the immigrant, noncitizen, and refugee community by providing ready access to critical information. The Guide is updated annually, posted on HRAP’s website, and regularly distributed to local groups, most recently in January 2018. The goal is to regularly distribute it to school systems, churches, medical offices, and community centers throughout the state. The Guide was distributed by direct mail to local organizations, including Jefferson County Public Schools, service providers, and community groups in Fall 2015. It was distributed at Louisville’s “Worldfest”, a three-day celebration of cultures over the Labor Day weekend holiday in September 2016.

Action Research Projects

Participatory action research projects led by the HRAP fellows and faculty co-directors have assessed key human rights issues in the local immigrant, noncitizen, and refugee community. Community guidance for these projects was achieved primarily through annual community roundtables of both service providers and members of the local immigrant, noncitizen and refugee community; each having a key part of HRAP’s action research cycle. At each event, HRAP fellows shared updated findings about the Program’s projects. At the initial community roundtable, held in April 2015, small group discussions identified two issues that have been longstanding concerns: language access and compliance with Civil Rights Act, Title VI federal requirements; and educational access barriers to K-12 education including compliance with U.S. Department of Education requirements. The Rhetoric and Policy Project, and related cultural competency issues, also was created from feedback at the initial community roundtable event. These HRAP Projects have involved extensive research in 2016 and 2017 to develop a solid and informed understanding of the scope of these issues.

a. The Language Access Project

The critical need for adequate language access in the Louisville region was confirmed by the community participants at the 2015 annual roundtable. Title VI of the Civil Rights Act (42 U.S.C. 2000d et seq.) requires recipients of federal financial assistance to provide language access mechanisms to avoid discrimination on the basis of race, color, or national origin, including limited English proficiency. Federally-funded and federally-conducted activities must be accessible to all persons who, as a result of national origin, are not proficient or are limited in their ability to communicate in the English language. “Limited English Proficient” (LEP) individuals may be eligible for mandatory language assistance with respect to a particular service, benefit,

or encounter. LEP includes those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

The Language Access Project surveyed dozens of local federal-funds recipients to assess their compliance with these federal civil rights requirements. This research revealed that many entities are out of compliance and existing compliance has occurred by happenstance, rather than from an informed understanding of legal requirements. The preliminary findings of the Language Access Project from the survey of local service providers - medical, law enforcement, and others - revealed only 6% had a language access plan in 2016. These preliminary findings were assessed and analyzed at the 2016 annual community roundtable. Updated findings from this ongoing action research project are published on HRAP's website.

b. The Educational Access Project

The Educational Access Project responds to *Plyler v. Doe* (1982), a U.S. Supreme Court case holding there is a constitutional right of access to K-12 public education for all noncitizen children regardless of immigration status.²⁶ The Program investigated the barriers to educational access and compliance with U.S. Department of Education access regulations in public schools throughout Kentucky. This requires schools to deploy enrollment procedures that do not create a chilling environment for noncitizens, particularly undocumented students. The Educational Access Project surveyed hundreds of public schools state-wide to understand enrollment procedures and identified regional differences in compliance and related concerns about cultural competency. Some schools had compliance issues, and others were in compliance but whom treated our surveyors (whom they believed to be non-citizens) in concerning ways that requires further inquiry. This research follows a model used by the American Civil Liberties Union (ACLU) of New Jersey to identify barriers that undocumented children and their families may experience when enrolling in public schools.

c. The Rhetoric and Policy Project

The Rhetoric and Policy Project studied how the mainstream media has depicted immigrants, noncitizens, and refugees from 2012 to present in Kentucky, Tennessee, Indiana, and Ohio. The Rhetoric and Policy Project conducted a media survey spanning four years of media coverage to identify specific areas for concern in media depictions of immigrants, noncitizens, and refugees. One key issue identified in this project was the consistent focus on "insiders" who assist the immigrant, noncitizen, and refugee community rather than on community members themselves. We believe this media coverage contributes to the barriers to individuals accessing legal and other services. The project identified shifting narratives and reactions to the local community, and has sought to identify if, when, and why media coverage has become more negative and alarmist surrounding the community. An important outcome from this project is the creation of a Terminology Guide with a glossary of immigration-related terms and guidance on usage to be published on HRAP's website in 2018.

d. The Community Engagement Project

In 2017, to respond to dramatic changes in immigration policy under the Trump administration, HRAP managed, directed or participated in several one-day immigration clinics for the local community, including the University of Louisville campus community. These community engagements bring together local immigration attorneys, law school faculty experts, and community partners. The education and outreach collaborative lawyering one-day clinics are the model for ongoing and expanded community engaged service. HRAP has sought several grants for this ongoing outreach and received a one-year grant in 2017 to begin creating regular one-day clinics serving undocumented populations in Louisville.

Community Engaged Events & Programming

HRAP's annual community roundtable forums have been the key vehicle to ensure community input and direction for the participatory action research projects. In addition, HRAP has hosted numerous outreach and education programs for the campus and local community including "hot topics" events. These events also have helped gather additional information from community members about HRAP's action research projects. HRAP participated in the "Day of Dignity" organized by the University of Louisville Muhammad Ali Institute for Peace and Justice, Kentucky Refugee Ministries, Catholic Charities, and the Muhammad Ali Center in February 2015. HRAP fellows surveyed members of the community regarding their experiences accessing medical, legal, and social services, distributed copies of the Community Resource Guide, and gave a [presentation](#) about HRAP's work and the preliminary findings of the needs assessment.

HRAP community and outreach events connect the campus community to local human rights organizations and immigrant rights advocates. For example, the Program organized two events about humanitarian and migration issues examining the connection between United States and global migration challenges. The first in October 2014, "*Women and Children at the Border: The Humanitarian Crisis*" focused on the large number of woman and children fleeing violence and poverty in Guatemala, Honduras and El Salvador, the legal protections available in the United States, and the barriers to humanitarian protection in the United States. Panelists included U.S. Congressman John Yarmuth, local attorneys and medical service providers, and HRAP fellows. In January 2016, a second HRAP program, "*Fleeing Conflict: Refugees & Migrants of Syria and Central America*," compared the media coverage and rhetoric about refugees and migrants and examined the local impact of the increasingly negative public perception at the time, connecting the challenges faced by migrants from Central America to those fleeing conflict in the Middle East. The program also included a presentation about the failure of international law to address the Syrian humanitarian and refugee crisis by Co-director, Professor Trucios-Haynes. All of these events feature HRAP fellows as subject-matter experts and

²⁶*Plyler v. Doe*, 457 U.S. 202 (1982).

are organized by the fellows, providing value and organizational management experience.

In February 2017, HRAP hosted a community-campus education and outreach event, *“Trump on Immigration,”* addressing the Executive Orders issued by President Trump relating to the changes in the refugee program, as well as interior and border immigration enforcement efforts. HRAP’s Community Engagement Project also hosted a campus community *pro-bono* one-day legal clinic offering the opportunity to consult with local immigration lawyers, and information about the impact of the Executive Orders in our community and nationwide. Throughout 2017, HRAP participated in ongoing local immigrant rights advocacy in partnership with other local organizations. HRAP’s Co-directors, Professors Trucios-Haynes and Abrams, also collaborated with local groups and organizations on campus and in the local community in public education and outreach events.²⁷

Training and Educational Outreach Videos

HRAP’s ongoing support of the local immigrant, noncitizen, and refugee community includes the creation of videos and related training materials to promote legal compliance and to support organizations engaged with the community in 2018. HRAP received a grant to produce professional-quality videos to be distributed widely throughout Louisville on: (1) cultural competencies in working with the immigrant, noncitizen, and refugee community; (2) civil rights laws requiring language access compliance for Limited English Proficiency speakers; and (3) U.S. constitutional educational access rights governing K-12 public school enrollment.

The three videos, related to HRAP’s action research projects, will provide essential training on cultural competency, language access, and educational access. The Program will disseminate these videos widely with appropriate legal compliance materials. This effort will provide critical training tools to public entities that are resource-strained and in which turnover is high to be sure that every school, agency, and entity is equipped with the knowledge it needs to address the human rights needs of the immigrant, noncitizen and refugee community.

One-Day Clinics and Other Legal Services Outreach

The Community Engagement Project is designed to provide a structure for regularly scheduled collaborative *pro bono* legal clinics and Know Your Rights Presentations in the local community and related events. HRAP links local attorney resources with its own education and outreach resources to host events providing the opportunity for one-on-one attorney consultations. HRAP has used this successful model for community outreach and education, as well as collaborative legal services providing *pro bono* legal consultations, to seek external funding. This collaborative lawyering model was successfully

implemented in 2012 by a partnership of local immigration lawyers and immigrant rights advocates, including Co-director Professor Trucios-Haynes, for Deferred Action for Childhood Arrivals (DACA) applicants. In 2012, one-day *pro bono* clinics were hosted by the Brandeis School of Law, University of Louisville and Bluegrass Community and Technical College in Lexington, Kentucky.

In 2017, HRAP received a grant from the University of Louisville Cooperative Consortium for Transdisciplinary Social Justice Research to work with Dr. Adrian Archuleta of the Kent School of Social Work and provide regular one-day clinics, assess gaps in legal, health and other social services, as well as identify best practices for outreach. This grant has a particular focus on undocumented noncitizens, primarily in the Latino community which represents 45% of the foreign-born population in the Louisville region. The grant provides funding to host several Know Your Rights presentations and one-day clinics in local neighborhoods and, at La Casita Center, HRAP’s signature partner. The key research outcome of this project is to identify best practices for outreach to the local undocumented community, as well as any gaps in local services for this community. In addition, the research will include the identification of culturally competent outreach and education methods to be published, shared with local agencies including the Louisville Metro Police Department and the Metro Louisville Office of Globalization, and presented at national conferences such as the annual Coalition of Urban Metropolitan Universities (COMU) Conference where HRAP has previously presented its work in 2016.

Future HRAP Opportunities

HRAP seeks to broaden its reach and enhance our collaboration with other nonprofit organizations dedicated to advancing the human rights interests of our community. Our work to date has focused on the local immigrant, noncitizen and refugee community. In Fall 2017, HRAP expanded its human rights focus to include human trafficking issues and concerns working with the Kent School of Social Work’s Human Trafficking Research Institute.

Ongoing Work with the Immigrant, Noncitizen & Refugee Community

In 2018, relying on existing grant funding, HRAP’s community engagement will focus on undocumented immigrants. The grant funding for this work ends in 2018 and there are opportunities to continue this work and expand to other marginalized immigrant groups within the local immigrant, noncitizen and refugee community. HRAP’s 2015 Report determined there was a need for up-to-date Know Your Rights materials and community outreach and education about these issues. Although some local organizations had some materials, most were outdated.

One proposed expansion to serve the entire immigrant, noncitizen and refugee community would include a community

²⁷HRAP participation in developing of “Safety Plan” legal documents addressing family law issues for detained, undocumented noncitizens with a local immigrant rights community group (March 2017) (Co-director, Professor Abrams); Presentation, Immigration Issues in Kentucky in collaboration with the Americana Community Center at the Adun Jesuruth Temple (March 2017) (Co-director, Professor Trucios-Haynes); Immigration- Know Your Rights in collaboration with Adelante Hispanic Achievers, Beuchel Baptist Church (March 2017) (Co-director, Professor Trucios-Haynes); Louisville Bar Association Pro-Bono Network for Immigration Representation (February 2017) (Co-director, Professor Trucios-Haynes) Teach-In: Current and Historical Reality of U.S. Immigration Policy (April 2017) organized by University of Louisville’s Americas Research Group & Undocumented Students Resource Group (Co-director, Professor Trucios-Haynes); Rauch Planetarium Social Justice Series, Empowerment: Making and Shaping History - The 360 Journey into Latinx Resistance” on Latino immigration to the U.S. (April 2017) (Co-director, Professor Trucios-Haynes); Presentation, Latino Civil Rights and Immigration Issues, University of Louisville Cultural Center, Hispanic-Latino Initiatives Program (January 2017) (Co-director, Professor Trucios-Haynes)

discussion board to report issues and concerns relating to employers, local law enforcement officers, and federal immigration officials. HRAP has pursued grant funding for this initiative with the goal of becoming a key community resource on these issues as well as a trusted liaison with local immigration and law enforcement officials in order to raise the concerns of the local immigrant, noncitizen and refugee community.

Another goal is to translate HRAP's videos on education access, language access, and cultural competency into Spanish as a permanent resource housed on our website. These videos could also be used to host one-day pro bono legal clinics relating to language and educational access rights. HRAP recognizes a need for a local Spanish-speaking community engagement fellow on a part-time basis to: develop a trusted relationship and engage in outreach within local Latino communities; organize one-day clinics, and maintain communication among the partner organizations.

Human Trafficking Concerns

In Fall 2017, HRAP has expanded its outreach to include human trafficking issues. As part of this initiative, HRAP fellows have been working with U of L's Human Trafficking Research Institute in the Kent School of Social Work and local nonprofits such as Dare2Hope and the Kristy Love Foundation. HRAP fellows have also worked on research projects such as gathering data from legal cases brought under human trafficking statutes to better understand the demographics of both victims and perpetrators. HRAP fellows are also focusing their research efforts on the problem of child marriage and the law's deficiencies in preventing these often predatory marriages.

In Spring 2018, HRAP fellows have also planned several events such as a screening of *I Am Jane Doe*, a documentary about human trafficking in the U.S., which also included a Q & A with local human trafficking activists. Another event in March 2018 focuses on human trafficking and the Kentucky Derby and brings local experts from the community to the law school. These projects and events are all student-led and organized.

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