

# IMMIGRATION LAW CLINIC PROPOSAL

Submitted by:

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## I. Immigration Law Clinic

The goal of the Immigration Law Clinic is to provide critical legal services to the public; teach law students necessary skills to successfully practice law; and develop a pipeline of immigration law attorneys.

Brandeis Law students will represent clients who are authorized to be present in the United States/Commonwealth of Kentucky but do not have the requisite documentation – such as their Employment Authorization Documentation or “EAD” – and need legal assistance to obtain the required documents.<sup>1</sup> Students, working under the supervision of a licensed, full-time attorney with extensive experience in immigration law, will take ultimate responsibility for representing clients and assisting in completing the requisite paperwork.

## II. Services to the Public

A dramatic growth in Louisville’s immigrant population in the past decade stems from the welcoming community created by refugee resettlement agencies, Metro-Louisville efforts through the Mayor’s Office of Immigrant Affairs, and the support offered by numerous nonprofit organizations. For example, as reported in the New York Times, at least 30,000 Cubans live in Louisville and many have arrived within the last two years.<sup>2</sup> Catholic Charities credits the increase in Cuban immigration to the effects of the COVID19 pandemic, economic difficulties, and a lack of human rights protections.<sup>3</sup> Similar motivations have caused increased immigration to the U.S. from many different countries over the past few years. According to the United Nations more than 21.5 million people were forcibly displaced in 2022 causing increased migration to the United States and other countries. This displacement is attributed to “human rights violations, persecution, violence, insecurity, and inequality, coupled with the economic consequences of COVID-19 and severe climate-related disasters.”<sup>4</sup>

A December 18, 2023, BBC News report highlights the critical need for immigration legal services in Louisville, especially for the Cuban population. That article noted, “In the last two years alone, more than 15,000 Cubans settled in Louisville and its surroundings, according to

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<sup>1</sup> For instance, most Cubans who need services are “paroled” into the U.S. which means they do not have “legal status” under immigration law. Parole is a legal fiction allowing noncitizens to be present in the U.S. who retain their status when parole was granted (usually they are unauthorized when parole was granted). President Biden has created multiple new “family unification” parole programs including a specific program for Cubans, Haitians, Nicaraguans and Venezuelans (Jan 2023). President Biden also has “updated” an already-existing Cuban family unification parole program. **All parolees are eligible for employment authorization in the U.S.**

<sup>2</sup> The New Little Havana: Why Cuban Migrants Are Moving to Kentucky (The New York Times, Aug. 26, 2023) <https://www.nytimes.com/2023/08/26/us/cubans-louisville-kentucky.html#:~:text=In%20a%20landlocked%20state%20with,support%20newcomers%20are%20powerful%20magnets.>

<sup>3</sup> <https://therecordnewspaper.org/catholic-charities-serves-influx-of-cuban-immigrants/>

<sup>4</sup> <https://reporting.unhcr.org/americas#:~:text=The%20Americas%20region%20hosted%20about,and%20severe%20climate%2Drelated%20disasters.>

official data, although the real figure is estimated to be higher since it ignores secondary migration, that is, those who were already in the U.S. and moved here from other states such as Florida or Texas.”<sup>5</sup> “Before 2021, about 50 Cubans arrived a month and now we receive **50 every day**,’ Daynier Adán, a social worker, tells [the reporter].”<sup>6</sup> In fact, the same news report suggests that the number of Cuban immigrants in Louisville has increased by 50% in the past decade.<sup>7</sup>

Cubans and immigrants from other countries enter the U.S. under a variety of family reunification programs, some of which were newly created by the Biden Administration and others that have existed for decades. For example, the Cuban Family Reunification Parole Program was established in 2007. Expanded humanitarian parole is available to Cubans who have a sponsor in the U.S. as of January 2023. All of these programs involve “parole” into the country making individuals eligible for employment authorization (EAD). EAD applicants may also apply for a fee waiver of the EAD application fee, currently \$400 which is a hefty fee for someone who is not working. Some Cuban parolees are eligible to adjust their status to become lawful permanent residents under the Cuban Refugee Adjustment Act (1966), and later naturalized citizens. Other Cubans may have entered under a “conditional parole” program which limits Cubans from adjustment of status. In addition, Cuban-Haitian Entrants may be eligible for some federal benefits under this separate benefits program. Cubans and other refugees who may be eligible for naturalization often face language and capacity limitations, making their applications more complicated.

Both Catholic Charities and Kentucky Refugee Ministries provide critical legal services to Louisville’s immigrant and refugee population however neither agency is adequately staffed to provide services to all those in need. Without work authorization, noncitizens cannot provide necessary labor at large employers like UPS and Ford. Having work authorization benefits the individuals and their families but also provides critical support to the Commonwealth’s economy. In this way, the immigration law clinic will be deeply beneficial to all immigrant populations in both Louisville and the Commonwealth while also ensuring that Brandeis Law students gain essential legal practice skills as required by the American Bar Association.

### **III. Description of Fieldwork/Client Representation**

The proposed Immigration Law Clinic would be open to eligible clients from all backgrounds and nationalities. Generally, students will interview clients, conduct the necessary factual investigation and legal research for their cases, draft legal documents and pleadings, prepare clients for hearings, and represent them at hearings. Students in an immigration law setting would participate in verifying the exact status of an individual to determine their needs. This could include EAD applications with accompanying fee waiver applications, and parole extension applications. Lawful permanent residents would be eligible to apply for naturalization

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<sup>5</sup> <https://www.bbc.com/mundo/articles/c2121nyn185o>

<sup>6</sup> Id.

<sup>7</sup> Id.

as a U.S. citizen. Increased citizenship is a major benefit to the Commonwealth because citizens are more likely to own their own homes, start their own businesses, and have increased contributions to the tax base of their communities.

We anticipate a fairly narrow scope of work for the Immigration Law Clinic, primarily for parolees who need EAD assistance, parole extensions, and related immigration law services which could include lawful permanent resident applications and naturalization assistance. Students must spend sufficient time to meet their service/class requirements in client representation.

#### **IV. Description of Classroom Component**

Prior to students providing any legal advice or assistance to clients, the Immigration Law Clinic students will participate in a two-week immigration law “boot camp” taught by the clinic’s supervising attorney so that they understand the basics of immigration law and understand the complexities of the documents they are competing. Thereafter, the students will meet as a group weekly with their supervising attorney to discuss their cases and any questions that arise through their representation. Additional office hour/case rounds meeting will be held each week to discuss students’ client work; students will report on a case they are preparing, report on completed cases, consult with one another on case challenges, etc.

#### **V. Request for Support**

The University of Louisville Brandeis School of Law respectfully requests annual support from the Commonwealth of Kentucky in the amount of approximately \$240,000 (see Attachment A) to provide funding for the Immigration Law Clinic. Brandeis Law is hopeful to receive this funding for a period of up to five years and during that time, will work with both public and private entities to secure funding to sustain the Immigration Law Clinic in future years. An initial commitment of support for five years will be helpful in attracting an experienced clinical supervising attorney.

**ATTACHMENT A  
IMMIGRATION LAW CLINIC PROPOSED BUDGET**

<u>Direct Expenses</u>	<u>AY 24-25</u>	<u>AY25-26</u>	<u>AY26-27</u>	<u>AY27-28</u>	<u>AY28-29</u>
Clinic Atty* Base Salary	\$110,000	\$112,200	\$114,444	\$116,733	\$119,068
Estimate Fringe (est. at 31%)	\$34,100	\$34,782	\$35,478	\$36,187	\$36,911
Operations Cost* (rent/utilities/etc.)	\$60,000	\$61,200	\$62,424	\$63,672	\$64,946
Filing Fees Fund	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
<b>Total:</b>	<b>\$224,100</b>	<b>\$228,182</b>	<b>\$232,346</b>	<b>\$236,592</b>	<b>\$240,925</b>

\*assumes conservative 2% annual COLA increase for salary and 2% increase for operations costs

AY/Academic Year runs from July 1 – June 30, e.g. July 1, 2024-June 30, 2025.  
If the budget is approved, the goal is to start the clinic fall 2024.