

Professor Ansley  
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## **Community Development – The New Immigration in Tennessee Possible Projects**

Set out below are some ideas about possible projects that we might undertake this semester. It is not an exhaustive list, but is intended to be food for thought. The basic idea is that we hope to conduct investigations that will help us better understand the new upsurge of Latino/a immigrants now beginning to settle in Tennessee. We will also be looking for opportunities to provide law-related education or other appropriate assistance to new immigrants in Tennessee or to the service provider networks that are also beginning to emerge in response to these demographic changes.

### **1. Spanish language capacity of basic services and public offices in Tennessee**

Many observers have pointed out that Tennessee lacks even minimal Spanish language capacity in many of the most basic institutions that immigrants sometimes have no choice but to come in contact with. For instance, hospitals, schools, courts, prisons, driver's license stations, banks, retail stores, the public transportation system, insurance agencies, and more, often have no one on staff who can understand Spanish, no system for obtaining quick translation, and very little capacity for handling the unplanned encounter. One project that has been suggested for our class is to conduct an audit in one or more nearby counties to determine the existing state of language capacity in key agencies and institutions.

There might be future legal implications to such an audit. Title VI of the Civil Rights Act of 1964 bans discrimination on the basis of national origin by agencies or government entities that receive federal funding. This ban has been interpreted by the relevant administrative agencies to require that such organizations must provide information and services in languages other than English if there is a sufficient population of persons in the area who speak a given language. But for now, the suggestion has been that we should just try to determine what is in fact going on in our state with regard to these practices.

### **2. Access to banking services for Latino/a immigrants**

Many observers have pointed out that Latino/a immigrants have an extremely low rate of utilization of bank services. In some cases, the lack of Spanish language capacity at many banks in this state and region is the reason for these low rates of banking. In other situations, immigrants may be unaware of the services a bank can provide and the advantages enjoyed by customers. For "undocumented immigrants" (those who are present in the U.S. without permission, and who are unable to obtain a social security card because they are not legally authorized to work here), the main barrier to banking is often the lack of the social security number that many banks request as a standard step in opening any kind of account.

In the meantime, immigrants pay a price for their low rates of bank utilization. Many of them carry large amounts of cash on their persons or hide it in their homes, rendering them vulnerable to theft at the hands of petty criminals or corrupt public officials. Most immigrants regularly send a significant portion of their pay checks home to their country of origin. Lacking a relationship with a bank means that they often pay unconscionably high rates to effectuate these transfers, and they often lose as well on unfavorable exchange rates.

One possibility for a project would be to find out if these patterns exist in Tennessee, and to put together an educational packet that could be shared with bank officers in the area as part of a longer-term strategy to reform banking practices here. If any of you have a background in banking, this might be a logical project for you, but anyone is welcome.

### **3. Problems with access to the driver's license for undocumented persons**

The law in Tennessee was recently changed to require that people applying for a driver's license must now show a social security number. People who work with Latino/a immigrants around the state report that this is one of the hottest subjects on people's minds. It has blocked access to the driver's license for anyone who does not have a social security number.

Some people see this as only logical. After all, why should the state issue a license to someone who is not even supposed to be here? We will certainly discuss the policy implications of this state of affairs in class. For now, let me simply say that several service providers in the Latino/a community have asked us to research this new law, to determine the background to its passage, and to see if there may be some way to change it. They see it as an important civil rights and human rights question, and say that the current situation makes the highways unsafe and subjects immigrants to unwarranted fear, insecurity and abuse.

### **4. Access to health care for undocumented persons**

Another group of immigrants rights advocates has asked us to look into the question of health care for undocumented persons. Can an undocumented person get help for a sick child from the public health department? From a hospital emergency room? Can he purchase health insurance on his employer's plan? Are there private clinics who will see pregnant women for prenatal care even if they do not have a social security card and cannot get insurance?

### **5. Access to public schools for undocumented children**

The U.S. Supreme Court has held that undocumented children have a right to attend public schools through the 12<sup>th</sup> grade. Nevertheless, immigrants rights advocates say that many schools in Tennessee insist on requesting a social security card from parents of all children before they will enroll them. Is this true, or just an urban legend? What could be done about it if it is true? Even if the school lets the undocumented child register and attend, there are remaining questions we have been asked:

Could a school official turn in the parent to the INS once their status is brought to that official's attention?

What are the schools in Tennessee doing to integrate children with limited English skills into the system? Are there English acquisition classes for them? Are they held back? Do local schools have access to trained people who can help them learn what such children need, and what they may be going through? Do children have any enforceable rights with regard to all this?

## **6. Facts and figures on Tennessee population trends**

As soon as you start talking with anyone about these issues, someone will start asking for numbers. All knowledgeable observers say that the only numbers we have from the census are hugely inaccurate, since so many immigrants either fall through the cracks or actively seek to avoid being counted due to fear about contact with government authorities. Nevertheless, anyone who wants to be an effective advocate on immigration issues needs to know about whatever numbers we do have. A foundational research task for the class will be finding out the latest census figures for Tennessee and figuring out some good ways to represent those figures for educational purposes.

## **7. Education about the criminal justice system**

Church staff people and others who work with the local Latino/a immigrant community say they would like to understand a great deal more than they do about the rights of the criminally accused, as well as the rights of a person who is questioned by the police pursuant to a traffic stop, a search, or some similar situation.

It appears that we will have several opportunities to conduct educational sessions on this subject if there are people in the class who would like to put together the research and the materials. For instance, on this topic and most of the others mentioned here, the Catholic Hispanic Ministry would invite us to speak at the Fellowship Hour after their Hispanic Mass, and there are several teachers of English acquisition classes who would invite us to make presentations to their classes. We will need to find criminal defense specialists who will review our research and our educational materials, and perhaps come with us so that we will have someone on hand able to respond in an informal Q and A session.

I am quite interested in exploring theater as a way of conveying this kind of information for non-English-speaking audiences, so if that idea intrigues any of you, I would be pleased. But it will be up to the students who choose this topic how they would like to proceed.

## **8. Battered immigrant women**

I am learning that immigrant women have their own special problems with battering. As in other abusive relationships, issues of domination and control are evident, but abusive husbands of battered immigrants have extra tools of isolation and control. In many situations, an abusive

husband of an immigrant women – whether he himself is a U.S. citizen, a legal permanent resident, or an undocumented immigrant – will take advantage of special vulnerabilities of an immigrant spouse. For instance, he may confiscate her passport or other documentation, or he may try to prevent her from learning English. In cases where the husband is legally entitled to petition to have his wife’s status adjusted, he may refuse to do so.

In recognition of these problems, the U.S. Congress has enacted some special exceptions to normal immigration procedures in cases where an immigrant woman can show she is in an abusive relationship. Some advocates tell me that there is a need for community legal education about these matters, both among battered women’s advocates and within the immigrant community. If some of you are interested, this would be an opportunity for research and education. We can get plenty of advice and guidance from the very active network of immigrant battered women’s advocates that exists around the country. That network is interested in helping people in “new” jurisdictions like ours.

### **9. Special tax issues for immigrant wage-earners**

Despite the angry talk we sometimes hear about immigrants not paying taxes, immigrant workers pay huge amounts of federal taxes, and often are not able to collect any benefits from having done so. Sometimes this is simply a product of their illegality, and there is little that can be done short of immigration reform. For instance, an immigrant worker who uses a false social security number to get a job in a factory, has taxes withheld from every pay check for social security. His parents in Mexico, however, draw nothing from our social security reserves, and neither will he as long as he is unable to adjust his status.

However, some immigrants lose out on benefits that they are entitled to, simply because they do not understand the law and their rights under it. There is a strong need for better bilingual materials available for immigrants themselves, and for people who advise them, to alert them to ways that tax law applies to immigrants. If we have anyone in the class who feels comfortable working on tax issues, this could be a great project.

### **10. Unpaid wage claims**

One of the most distressing patterns reported around the country about the experiences of low-wage immigrants is the widespread failure to pay wages at all. Too many employers apparently conclude that immigrants, at least those who are undocumented, are in such a precarious position that they will choose not to protest even if they are outright cheated of their pay. An East Tennessee attorney who represents farm workers in the state has asked if someone in the class might be able to help him with research concerning whether or not the Tennessee Department of Labor has an obligation to pursue unpaid wage claims on behalf of immigrant workers who are here under the government’s special guest worker program for migrant farm workers. This should be a relatively straightforward and standard research assignment, but could deliver concrete help to a lawyer who would appreciate the support.

## **11. A website**

Several people have suggested that a website would be a great way we could make some of the results of our work public, and might be an appropriate way to provide information to the newly emerging networks of immigrant-rights advocates in our state. I know nothing about the technical side of this myself, but I hear rumors that some of you in the class may have the technical expertise for this.

## **12. Spanish-language radio stations in Tennessee**

Others have said that new radio stations are usually one of the first ways that immigrant communities establish communication networks for themselves. This might be an immigrant-friendly outlet for educational materials we develop. We do not yet have such a station in Knoxville, but I understand that stations have begun to spring up elsewhere. One task might be to create a list of these stations in our state.

## **13. “Prose” materials on topics relevant to low-wage Latino/a immigrants**

Many legal services offices make a point of producing and/or distributing educational materials on a range of legal issues that tend to come up regularly for low-income people. For instance, if you were to walk into the offices of the Knoxville Legal Aid Society, you would likely be able to find brochures on landlord-tenant law, domestic violence, bankruptcy, garnishment, consumer fraud, divorce, etc. At this juncture it appears that there are very few such materials generally available in Spanish. Further, immigrants have a whole additional range of legal issues that are particular to their situation, and few places in Tennessee yet have materials in any language on this special range of issues. One project could be gathering Spanish language materials of this kind, flagging other publications that should be translated into Spanish (especially Tennessee-specific materials), and then working to get these things into the hands of appropriate people.

## **14. Outreach to the Knoxville bar**

One need that many people have mentioned is simply more lawyers willing and able to represent low-income immigrants for free or at a reduced rate. The problems are steep: lack of Spanish language capacity by most lawyers and law firms, unfamiliarity with the ways that immigration status can affect other rights and responsibilities, lack of knowledge about immigration law proper, lack of information about immigrants, their history or their culture. There has been a suggestion that we might conduct a briefing for interested members of the bar toward the end of the semester, in hopes of interesting more local lawyers in volunteering pro bono time to provide direct service to individual immigrants in need. What do you think?