



# EQUAL JUSTICE AMERICA

## Summer 2022 EJA Fellow:



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**Update 1:** I recently started my work as a law clerk at Migrant Legal Action Program (MLAP), a nonprofit organization that provides legal representation and a national voice to the poorest group of working people in the United States: migrant farmworkers. While MLAP as a whole works to enforce rights and improve public policies related to the general welfare of farmworkers, I mentioned in my interview that I have a background in education and would love to work at the intersection of immigration and education. So far, I have been able to do just that: I have been conducting research on state laws related to immigration and education. We have packets of information that are used to educate on current laws in a way that is palatable to all, so I have been doing research and updating the packets.

In the packets, there is a wide range of information and data such as laws relating to mandatory interpretation services, ICE policies related to protected areas, policies and laws related to emergent bilingual students, laws related to required documentation for school enrollment, and more. There have been a lot of things changing over the past few years that I was previously unaware of, so I am grateful for the opportunity to be able to do such interesting research while aiding in the education and understanding of current laws.

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**Update 2:** I am still in the process of conducting research and writing memos to update the information for MLAP to use to educate! I have been immersed in Pennsylvania law since my last update, utilizing WestLaw, and other sources, to find information related to English learners that would be beneficial to the migrant community. A lot of Pennsylvania education statutes and BECs were updated in 2017, so I have been researching and writing updates related to those changes.

With the recent passing of Dobbs, my research will come to a brief pause as I read and analyze Dobbs and any other cases mentioned (particularly in Justice Thomas' concurrence such as Obergefell, Griswold, and Lawrence). While Loving wasn't explicitly mentioned as a case to be revisited, I will also be reading and analyzing that case as well. With a focus on constitutional analysis, what does this recent decision mean for cases such as the Supreme Court case Plyler v. Doe where undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents? This right



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isn't necessarily in the Constitution, the seeming focus of the majority opinion in Dobbs, so what does this mean for Plyler, and will schools suddenly be able to deny admission to students because of their undocumented status? There has been discussion regarding Plyler being challenged before Dobbs, so my research will now focus on a memo relating to the constitutional analysis and any other analysis needed relating to this topic.

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**Update 3:** Since my last update, I have been researching and conducting constitutional analysis on Plyler v. Doe based on a similar analysis of Dobbs. I am currently in the process of analyzing what a “person” means under the Constitution and specifically the 14th amendment. Who is afforded the protections that “all persons” get? Although “no state” can deprive any person of life, liberty, or property, what, exactly, is a person? I’ve found statutes and definitions, but I have been continuing to research to see how this applies to immigrants (especially those who are undocumented). I am particularly interested in ensuring that immigrants are considered persons, constitutionally, and that they get the rights and privileges that they deserve as human beings within the United States. Apparently, this topic of discussion has been had since the early 1800s—especially as it pertains to immigrants. Currently, the topic of personhood seems to revolve around fetuses and unborn babies, which is unsurprising, yet still interesting. From what I’ve found, it does seem that these constitutional rights apply to immigrants, and can’t be taken away, but, being that stare decisis does not perhaps have the same impact as it did before Dobbs, I will be compiling my research so that it can be used for future research and analyses.

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**Update 4:** I am currently working on a memo that pulls together the research that I have been conducting as far as anything related to Plyler v. Doe. I am looking into the current defenses of the case, as well as anything that may be used against the case. This project began as an initial look at Plyler in light of Dobbs, but has evolved into something larger related to constitutionally defining a “person” and equal protection of the law that should reach immigrants as they are within the jurisdiction of the United States.

I have been having a great time working this summer! I was not sure what to expect, and I initially thought that I would be doing direct services, but I have really enjoyed the opportunity to do research and writing because I truly enjoy doing both. Knowing that I have been contributing to the education of immigrants on the laws that apply to them has been great, but further, knowing that my research will be used by the organization in conversations that may come up as related to Plyler v. Doe and other Supreme Court cases is even better. My internship will be ending soon, but I will continue my research and I look forward to finding out more useful information.

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**Update 5:** This summer has been extremely exploratory in a way that was unexpected. I expected to work directly with clients. Coming from a background where I worked previously in nonprofits, and was also a teacher for a few years in a few different countries, I expected my legal career to center around human interaction and direct services. However, I was pleasantly surprised to find out how much I enjoy doing



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research. I already began to understand that there was a large part of myself that was really interested in legal research and writing after my legal practice class, but this internship gave me the opportunity to hone those skills while helping the communities I want to serve.

The first thing this summer I did was research a bill related to COVID-19 recovery. I was tasked with researching how the bill impacted immigrants (and undocumented immigrants), and once the research was conducted, I wrote a memo on the purpose of the bill and its impact. This is something that was a recurring theme, but the information was not easily found or accessible on the website. I think this speaks to a larger issue found regarding information for the immigrant community—information is often difficult to find and pinpoint. For important and large bills such as this one, I think it would be beneficial for the community to have easily accessible information on one site. Nonetheless, the memo that I wrote will be used to educate those within the community on the bill and those who are able to apply to the program that the bill implements.

The bulk of my summer was spent researching state education laws. MLAP does a lot of work educating the community on general immigration laws by dispersing information and utilizing large packets of information. My primary job was updating the packets with any new laws that may have been passed and ensuring that the state has not updated general policies that were included in the packet. I dealt a lot with individual state education laws, the Every Student Succeeds Act, and a variety of general immigration laws such as specific memos related to protected areas. I updated both Pennsylvania and Texas before moving on to my final project. Pennsylvania was particularly hard as the information was scattered on a few websites.

My final project was birthed due to the Dobbs' decision. After Dobbs, we were particularly concerned about the effect, if any, on Plyler v. Doe. The other intern and I began diving into any potential arguments, partially due to the potential effect of Dobbs and the right of undocumented immigrants to be educated (without discrimination) not being an official Constitutional right, and partially due to threats from Texas political leaders that Plyler would be attacked. I had a great time diving into the constitutional analysis of Plyler and then moving forward from Plyler and into a few other cases to explore any potential arguments that could be used against the case, and arguments related to preemption and personhood to protect the case.

This summer showed me that I genuinely love research and writing, and I look forward to exploring more legal research as I dive into working on two journals this semester. I also know that I will be pursuing a career centered on legal research, and I would not have known that without the work that I conducted this summer.