IMMIGRATION LAW & EMPLOYEE RIGHTS
(Fall 2020 - Wednesday Morning Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:321:01; Index #15983 (3 Credits)
Class Meets Online - Wednesdays, 10:20 AM – 1:20 PM (Eastern Time Zone)
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Virtual Office Hours: By appointment

Class Meeting Times: Classes will *meet virtually online* at 10:20 AM on Wednesdays. Any remaining materials for the week will be provided on an *asynchronous* basis, for students to complete at a time of their choosing.

Course Description: Contemporary immigration law in the U.S.; employer compliance issues; employee rights; immigrant employee representation and related policy debates.

Learning Objectives: At the end of the course, the student is able to:

Labor Studies & Employment Relations Department:
-Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2)

School of Management & Labor Relations:
-Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

Additional Course Objective(s) from the Instructor:
-Demonstrate basic knowledge of immigration law, underlying policies, and applicability of selected employment laws to immigrant workers.
-Demonstrate ability to comprehend court decisions and other readings on immigration law issues.
-Apply immigration law concepts to a given fact pattern.

Grading Criteria:*
(1)   Mid-term Exam (50%)
(2)   Final Exam (50%)
(*Credit is also earned for attendance and in-class contributions)

Attendance: Students are expected to attend class (virtually) on a timely and regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade.

Course Materials: Course reading materials are found on Canvas. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

Academic Records Retention: Exams, papers, and any other items submitted by students for grading are retained for 2 years before shredding and disposal. Any student wishing to review any such item must make a request prior to that time.

Academic Integrity: The conduct of all students is governed by the Rutgers University Academic Integrity Policy.

Recording: Students are <u>not</u> permitted to videotape or otherwise record any lecture or course activity, absent prior express consent and authorization by the Instructor.

Students With Disabilities: Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:
https://ods.rutgers.edu/students/documentation-guidelines
If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: https://ods.rutgers.edu/students/registration-form

Class Schedule:

SEPT. 2:   -Course Overview

               NO READINGS

SEPT. 9:   -History of U.S. Immigration
               -U.S. Citizenship Status

               READINGS:
               -*Timeline of U.S. Policy on Immigration and Naturalization*
               -*Defining 'American:' Birthright Citizenship & the Original*
                      Understanding of the 14th Amendment (The Federalist, 2015)

SEPT. 16:   -Lawful Permanent Resident Status
               -Non-Immigrant Status

               READINGS:
               -*Legal Immigration to the U.S.* (American Immigration Lawyers Assoc)
               -*Nonimmigrant Admissions* (U.S. Dept. of Homeland Security)
               -*H-1B Worker Rights* (U.S. Department of Labor)
               -*Moore v. Cognizant Tech. Solutions,* (M.D. FL 2016)

SEPT. 23:   -Undocumented Immigrants
               -Deportation and Removal

READINGS:
-Padilla v. Kentucky, 130 S.Ct. 1473 (2010)

SEPT. 30:   -MOVIE: "Wetback – The Undocumented Documentary"

NO READINGS

OCT. 7:   -Employment Eligibility Verification
-Attempts by States to Regulate Immigration Issues
-Review for Midterm Exam

READINGS:
-Form I-9, Employment Eligibility Verification

OCT. 14:   -MID-TERM EXAM

NO READINGS

OCT. 21:   -Labor Laws & Immigrant Workers

READINGS:
-Hoffman Plastic Compounds v. NLRB, 535 U.S. 137 (2002)
-Flores v. Amigon, 233 F.Supp. 462 (E.D.N.Y. 2002)
-Fernandez-Lopez v. Cervino, Inc., 288 N.J. Super. 14 (App. Div. 1996)

NO READINGS

OCT. 28:   -Employment Discrimination Laws & Immigrant Workers

READINGS:
-EEOC Compliance Manual Regarding National Origin Discrimination
-Garcia v. Spun Steak Co., 13 F.3rd 296 (9th Cir. 1993)
-EEOC v. Premier Operator Services, 113 F.Supp. 1066 (N.D.Tex. 2000)

NOV. 4:   -Economic Impact of Immigration

READINGS
*-Adding It Up: Accurately Gauging the Economic Impact of Immigration
    Reform* (Ojeda & Robinson, May 2013)
*-The Labor & Output Declines from Removing All Undocumented
    Immigrants* (American Action Forum, 2016)
-Facts About Immigration & the U.S. Economy (Economic Policy
    Institute, August 12, 2014)

NOV. 11:   -MOVIE: "Lost in Detention" (PBS Frontline 2011)

NOV. 18:   -Agricultural Workers
               -Day Laborers

               READINGS
               -*Summary of Federal Laws & Regulations Affecting Agricultural Workers*
                      (U.S. Dept. of Agriculture, 2002)
               -*All Work and No Pay: Day Laborers, Wage Theft, and Workplace*
                      Justice in New Jersey (Seton Hall Law School, January 2011)

NOV. 25:   NO CLASS (Thanksgiving Break)

DEC. 2:   -Current Topics
               -Review for Final Exam

               READINGS:
               -*TBD*

DEC. 9:   FINAL EXAM (not cumulative)

(Date revised: 07/19/2020)