

IMMIGRATION LAW & EMPLOYEE RIGHTS
(Spring 2019 - Wednesday Night Class)

Prof. James M. Cooney, Esq.

Rutgers University, Labor Studies & Employment Relations Department, SMLR

Course #37:575:321:01 (3 Credits)

Wednesdays, 7:15 p.m. – 10:05 p.m.

Class Location: Cook-Douglass Lecture Hall, Room 109, Douglass/Cook Campus

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Office Hours: Before & after class or by appointment

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

Learning Objectives: 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 on a 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. Students arriving late to class, or departing class early, must sign-in/out with a TA.

Course Materials: Course reading materials are found in the Sakai Announcements section. 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.

Laptops/Cell Phones: Students are permitted to bring and use laptop computers in class, for taking notes and viewing class readings. However, please do not engage in laptop-related activities that may distract other students. Students should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

Recording: Students are not permitted to videotape or otherwise record any classroom lecture or 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:

JAN. 23: -Course Overview

NO READINGS

JAN. 30: -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)

-*Reports on Birthright Citizenship Reform Proposals* (Immigration Policy Center, 2011)

FEB. 6: -Lawful Permanent Resident Status
-Non-Immigrant Status

READINGS:

- Legal Immigration to the U.S.* (American Immigration Lawyers Assoc)
- Why Don't They Just Get In Line?* (IPC, 2013)
- 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)

- FEB. 13: -Undocumented Immigrants
-Deportation and Removal

READINGS:

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

- FEB. 20: -MOVIE: "Wetback – The Undocumented Documentary"

NO READINGS

- FEB. 27: -Employment Eligibility Verification
-Attempts by States to Regulate Immigration Issues
-Review for Midterm Exam

READINGS:

- Form I-9, Employment Eligibility Verification*
- Arizona v. U.S.*, 132 S.Ct. 2492 (2012)

- MARCH 6: MID-TERM EXAM

NO READINGS

- MARCH 13: -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)

- MARCH 20: NO CLASS (Spring Break)

- MARCH 27: -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)

APRIL 3: -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)

APRIL 10: -Current Topics

READINGS:

-TBD

APRIL 17: -MOVIE: "Lost in Detention"

NO READINGS

APRIL 24: -Agricultural Workers
-Day Laborers
-Review for Final Exam

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)

MAY 1: FINAL EXAM (not cumulative)

NO READINGS

(Dated: 12/22/2018)