

IMMIGRATION LAW & EMPLOYEE RIGHTS
(Spring 2021)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:321:01; Index #19429 (3 Credits)
Tuesday, 8:40 AM – 11:40 AM (U.S. Eastern Time)
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment and after class

Remote Synchronous Classes: All classes meet live during the time specified, via Zoom.

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. Excessive unexcused absences may lower your grade. Unexcused absences in excess of three (3) classes may result in a failing grade. **Please note that I do take into account any extenuating circumstances or hardships that any student may be experiencing.**

Course Materials: No textbook. Course reading materials are found on Canvas. I reserve 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 two (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 not 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:

JAN. 19: -Course Overview

NO READINGS

JAN. 26: -History of U.S. Immigration
-U.S Citizenship Status (intro)

READINGS:

-Timeline of U.S. Policy on Immigration and Naturalization

FEB. 2: -U.S. Citizenship Status (continued)

READINGS:

-Defining 'American:' Birthright Citizenship & the Original Understanding of the 14th Amendment (The Federalist, 2015)

FEB. 9: -Lawful Permanent Resident Status
-Non-Immigrant Status (Intro)

READINGS:

-Legal Immigration to the U.S. (American Immigration Lawyers Assoc)

FEB. 16: -Non-Immigrant Status (Continued)
-Work Visas

READINGS:

-*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. 23: -Undocumented Immigrants
-Deportation and Removal
-Employment Eligibility Verification

READINGS:

-*Padilla v. Kentucky*, 130 S.Ct. 1473 (2010)
-*Form I-9, Employment Eligibility Verification*

MARCH 2: -MID-TERM EXAM

NO READINGS

MARCH 9: -Labor Laws & Immigrant Workers

READINGS:

-*Hoffman Plastic Compounds v. NLRB*, 535 U.S. 137 (2002)

MARCH 16: NO CLASS (Spring Break)

MARCH 23: -Employment Laws & Immigrant Workers

READINGS:

-*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 30: -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 6: -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 13: -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)

APRIL 20: -Current Topics
-MOVIE: “Lost in Detention” (PBS Frontline 2011)

READINGS:

-TBD

APRIL 27: FINAL EXAM (not cumulative)

(Date revised: 12/11/2020)