

**IMMIGRATION LAW & EMPLOYEE RIGHTS**  
**(Fall 2019 - Wednesday Class)**

Instructor: James M. Cooney, Esq.  
Rutgers University, Labor Studies & Employment Relations Department, SMLR  
Course #37:575:321:01 (3 Credits)  
Wednesdays (8:40 a.m. – 11:40 a.m.)  
Class Location: Tillet Hall, Room 246, Livingston Campus  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
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:** 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 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:**

SEPT. 4: -Course Overview

#### **NO READINGS**

SEPT. 11: -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 14<sup>th</sup> Amendment (The Federalist, 2015)*

SEPT. 18: -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. 25: -Undocumented Immigrants  
-Deportation and Removal

**READINGS:**

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

- OCT. 2: -MOVIE: “Wetback – The Undocumented Documentary”

**NO READINGS**

- OCT. 9: -Employment Eligibility Verification  
-Attempts by States to Regulate Immigration Issues  
-Review for Midterm Exam

**READINGS:**

- Form I-9, Employment Eligibility Verification*

- OCT. 16: -MID-TERM EXAM

**NO READINGS**

- OCT. 23: -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. 30: -Employment Discrimination Laws & Immigrant Workers

**READINGS:**

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

- NOV. 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)

NOV. 13: -MOVIE: "Lost in Detention" (PBS Frontline 2011)

NOV. 20: -Current Topics

**READINGS:**

*-TBD*

NOV. 28: NO CLASS (Thanksgiving Week Schedule)

DEC. 4 CLASS & FINAL EXAM DATE TO BE DETERMINED

*(Date revised: 08/28/2019)*

Dear Students:

Here are the course readings.

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

<https://www.libertyellisfoundation.org/immigration-timeline#1965>

-*Defining 'American:' Birthright Citizenship & the Original Understanding of the 14th Amendment:*

<http://thefederalist.com/2015/08/25/defining-american-birthright-citizenship-and-the-original-understanding-of-the-14th-amendment/>

-*Legal Immigration to the U.S.:*

<http://www.aila.org/content/default.aspx?docid=10220>

-*Nonimmigrant Admissions:*

[https://www.dhs.gov/sites/default/files/publications/Nonimmigrant\\_Admissions\\_2017.pdf](https://www.dhs.gov/sites/default/files/publications/Nonimmigrant_Admissions_2017.pdf)

-*H-1B Worker Rights* (U.S. Department of Labor)(only read section on "Employee Rights"):

<http://www.dol.gov/compliance/guide/h1b.htm#EmplRights>

-*Moore v. Cognizant Tech. Solutions:*

<http://www.leagle.com/decision/In%20FDCO%2020161013E25/MOORE%20v.%20COGNIZANT%20TECHNOLOGY%20SOLUTIONS>

-*US Undocumented Population Continued to Fall:*

<http://cmsny.org/publications/essay-2017-undocumented-and-overstays/>

-*Padilla v. Kentucky:*

[https://scholar.google.com/scholar\\_case?case=16837631125059475725&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](https://scholar.google.com/scholar_case?case=16837631125059475725&hl=en&as_sdt=6&as_vis=1&oi=scholar)

-*Form I-9, Employment Eligibility Verification:*

[https://www.uscis.gov/system/files\\_force/files/form/i-9-paper-version.pdf](https://www.uscis.gov/system/files_force/files/form/i-9-paper-version.pdf)

-*Hoffman Plastic Compounds v. NLRB* (read majority & dissenting opinions):

<http://www.law.cornell.edu/supct/html/00-1595.ZO.html>

-*Flores v. Amigon*, 233 F.Supp. 462 (E.D.N.Y. 2002)

[http://scholar.google.com/scholar\\_case?case=8974237668186686129&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](http://scholar.google.com/scholar_case?case=8974237668186686129&hl=en&as_sdt=6&as_vis=1&oi=scholar)

-*Fernandez-Lopez v. Cervino, Inc.*, 288 N.J. Super. 14 (App. Div. 1996)

[http://scholar.google.com/scholar\\_case?case=17342788393269224250&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](http://scholar.google.com/scholar_case?case=17342788393269224250&hl=en&as_sdt=6&as_vis=1&oi=scholar)

-*EEOC Enforcement Guidance on National Origin Discrimination:*

<https://www.eeoc.gov/laws/guidance/national-origin-guidance.cfm>

-*Garcia v. Spun Steak Co.* (9th Cir. 1993)

[http://www.leagle.com/decision/19932478998F2d1480\\_12256.xml/GARCIA%20v.%20SPUN%20STEAK%20CO](http://www.leagle.com/decision/19932478998F2d1480_12256.xml/GARCIA%20v.%20SPUN%20STEAK%20CO).

-*EEOC v. Premier Operator Services* (N.D.Tex. 2000)

[http://www.leagle.com/decision/20001179113FSupp2d1066\\_11094/E.E.O.C.%20v.%20PREMIER%20OPERATOR%20SERVICES,%20INC](http://www.leagle.com/decision/20001179113FSupp2d1066_11094/E.E.O.C.%20v.%20PREMIER%20OPERATOR%20SERVICES,%20INC).

-Raising the Floor for American Workers: (download full report with link provided in summary)

<https://www.americanprogress.org/issues/immigration/report/2010/01/07/7187/raising-the-floor-for-american-workers/>

-*Facts About Immigration & the U.S. Economy* (Economic Policy Institute, August 12, 2014)

<http://www.epi.org/publication/immigration-facts/>

-*The Labor & Output Declines from Removing All Undocumented Immigrants* (American Action Forum 2016)

<https://www.americanactionforum.org/research/labor-output-declines-removing-undocumented-immigrants/>

-*Summary of Federal Laws & Regulations Affecting Agricultural Employers:*

<http://www.thecre.com/fedlaw/legal19/mspasumm.htm>

-*"All Work and No Pay:" Day Laborers, Wage Theft, and Workplace Justice in New Jersey:*

<http://law.shu.edu/ProgramsCenters/PublicIntGovServ/CSJ/loader.cfm?csModule=security/getfile&PageID=177699>