

IMMIGRATION LAW & EMPLOYEE RIGHTS  
**(Spring 2023)**

Instructor: James M. Cooney, Esq.  
Rutgers University, Labor Studies & Employment Relations Department, SMLR  
Course #37:575:321 (3 Credits)  
Tuesdays, 10:20 AM – 1:20 PM  
Location: Lucy Stone Hall, Room B269, Livingston Campus  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
Office Hours: By appointment and before/after class

**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 timely and regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of three (3) classes may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA and will receive pro-rated attendance credit.

**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 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. 17: -Course Overview

#### **NO READINGS**

JAN. 24: -U.S. Immigration History Overview

#### **READINGS:**

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

JAN. 31: -U.S. Citizenship Status

#### **READINGS:**

-James Ho, "*Defining 'American:' Birthright Citizenship & the Original Understanding of the 14<sup>th</sup> Amendment*"

-Gabriel Chin, "*The Supreme Court's Role in Defining American Citizenship*"

-*Afroyin v. Rusk*

FEB. 7: -Lawful Permanent Resident Status

#### **READINGS:**

-AILA, *Legal Immigration to the U.S.*

-*Patel v. Garland*

FEB. 14: **NO IN-PERSON CLASS THIS WEEK – CLASS IS ASYNCHRONOUS**  
-Documentary Clips (PBS American Experience):  
-“*The Chinese Exclusion Act: Chapter 1*”  
-“*U.S. v. Wong Kim Ark*”  
-Essay assignment (racial underpinnings in U.S. immigration law)

FEB. 21: -Non-Immigrant Status

**READINGS:**

-*Nonimmigrant Admissions*  
-*H-1B Worker Rights*  
-*Moore v. Cognizant Tech. Solutions*

FEB. 28: -MID-TERM EXAM

**NO READINGS**

MARCH 7: -Loss of Status  
-Undocumented Immigrants

**READINGS:**

-*Padilla v. Kentucky*  
-*DACA and the DREAM Act*  
-“*The Supreme Court Saved DACA because of a paperwork error by the Trump Administration*”

MARCH 14: NO CLASS (Spring Break)

MARCH 21: -Employment Eligibility Verification

**READINGS:**

-*Form I-9, Employment Eligibility Verification*  
-*Selected Immigrant & Employee Rights Section Cases*

MARCH 28: -Labor Laws & Immigrant Workers

**READINGS:**

-*Hoffman Plastic Compounds v. NLRB*

APRIL 4: -FLSA, Workers’ Compensation & Immigrant Workers

**READINGS:**

-*Flores v. Amigon*  
-*Fernandez-Lopez v. Cervino, Inc.*

APRIL 11: -Employment Discrimination Laws & Immigrant Workers

**READINGS:**

-*EEOC Compliance Manual Regarding National Origin Discrimination*

-*Rivera v. NIBCO*

-*Cortezano v. Salin Bank & Trust Company*

APRIL 18: -Enforcement Policy Choices

-Constitutional Rights

**READINGS:**

-*Documentary: "Lost in Detention"*

-*"Know Your Rights"*

APRIL 25: FINAL EXAM (not cumulative)

*(Date revised: 01/21/2023)*