

IMMIGRATION LAW & EMPLOYEE RIGHTS
(Fall 2025)

Prof. James M. Cooney, Esq.

Rutgers University, Labor Studies & Employment Relations Department, SMLR

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

Class Meets: Mondays, 10:20 AM–1:20 PM (U.S. Eastern Time)

Class Location: Janice Levin Building, Room 107C (Livingston Campus)

Contact Info: Canvas messaging system preferred or you can send email to:

jacooney@rutgers.edu

Campus Phone: 848-932-8560

Virtual (or Actual) Office Hours: By appointment

(Please note that this is an abbreviated version of the course syllabus. More detailed information can be found on the Canvas course site.)

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

Grading Criteria:*

- (1) Personal Introduction (5%)
- (2) Academic Integrity Quiz (5%)
- (3) Mid-term Exam (45%)
- (4) Final Exam (45%)

(*Credit is also earned for 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 3 classes may result in a failing grade. Students arriving to class late or departing early must sign-in/out with the TA and will receive partial credit for attending that class.

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

Use of “AI” Strictly Prohibited: The use of generative Artificial Intelligence (“AI”) such as ChatGPT, Grammarly, etc., is not permitted at any stage of the writing process during exams or on any assignment. **GPTZero or similar tools will be used to detect student use of AI.**

Academic Integrity: The conduct of all students is governed by the Rutgers University Academic Integrity Policy. Students will take a graded quiz to demonstrate their knowledge of the policy and the course syllabus.

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

No Individual “Extra Credit:”

I do not offer extra credit to individual students upon their request, since this is unfair to other students who do not receive the same opportunity. However, I sometimes may offer extra credit to the class as a whole, since that is fair to all students.

Disability Accommodations:

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 they are officially enrolled, participate in an intake interview, and provide supporting documentation. *See the Canvas course site for further details and to view other applicable policies.*

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.

COURSE TOPICS & CLASS SCHEDULE:

- SEPT. 8: Course Overview
Post Your Personal Introduction (**due by Sept. 14th**)
Take Academic Integrity Quiz (**due by Sept. 14th**)

READINGS:

Rutgers University Academic Integrity Policy
Course Syllabus
Become familiar with Canvas course site

- SEPT. 15: U.S. Immigration History Overview

READINGS:

U.S. Immigration Timeline (History.com)

- SEPT. 22: U.S. Citizenship Status

READINGS:

"The Supreme Court's Role in Defining American Citizenship"
(Gabriel Chin, SCOTUS Blog, 01/27/2021)
"Defining 'American:' Birthright Citizenship & the Original Understanding of the 14th Amendment" (James Ho, Green Bag, Summer 2006)
"Can Birthright Citizenship Be Changed?" (Gerald Neuman, Harvard Law Today, 01/24/2025)

- SEPT. 29: Lawful Permanent Resident Status

READINGS:

Legal Immigration to the U.S. (American Immigration Lawyers Association)
Patel v. Garland (U.S. 2022)

- OCT. 6: Non-Immigrant Status

READINGS:

Nonimmigrant Admissions (Office of Homeland Security Statistics)
H-1B Worker Rights (U.S. Dept. of Labor)
Moore v. Cognizant Tech. Solutions (M.D. Fla. 2016)

- OCT. 13: TBD

OCT. 20: MID-TERM EXAM

NO READINGS

OCT. 27: Loss of Status
Undocumented Immigrants

READINGS:

Padilla v. Kentucky (U.S. 2010)

The DREAM Act: An Overview (American Immigration Council)

DACA: An Overview (American Immigration Council)

NOV. 3: Employment Eligibility Verification
Form I-9 Violations
Discrimination based on Citizenship or Immigration Status

READINGS:

Form I-9, Employment Eligibility Verification

Selected Immigrant & Employee Rights Section Cases

NOV. 10: Labor Laws & Immigrant Workers

READINGS:

Hoffman Plastic Compounds v. NLRB (U.S. 2002)

NOV. 17: FLSA, Workers' Compensation & Immigrant Workers

READINGS:

Flores v. Amigon (E.D.N.Y. 2002)

Fernandez-Lopez v. Cervino, Inc. (App. Div. 1996)

NOV. 24: Employment Discrimination Laws & Immigrant Workers

READINGS:

EEOC Compliance Manual Regarding National Origin

Discrimination (Sections I, II, V & VI)

Garcia v. Spun Steak (9th Cir. 1993)

EEOC v. Premier (N.D. Tex. 2000)

DEC. 1: Enforcement Policy Choices
Constitutional Rights

READINGS:

Documentary: “Lost in Detention” (PBS 2011)
“Know Your Rights: Immigrants’ Rights” (ACLU)

DEC. 8: FINAL EXAM (not cumulative)

(Date revised: 08/15/2025)