

**IMMIGRATION LAW & EMPLOYEE RIGHTS**  
**(Spring 2018 - Wednesday Night Class)**

Instructor: 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

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:** 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.

**Class Schedule:**

JAN. 17: -Course Overview

**NO READINGS**

JAN. 24: -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)
- Reports on Birthright Citizenship Reform Proposals* (Immigration Policy Center, 2011)

JAN. 31: -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. 7: -Undocumented Immigrants  
-Deportation and Removal

**READINGS:**

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

FEB. 14: -MOVIE: “Wetback – The Undocumented Documentary”

**NO READINGS**

FEB. 21: -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)

FEB. 28: MID-TERM EXAM

**NO READINGS**

MARCH 7: -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 14: NO CLASS (Spring Break)

MARCH 21: -MOVIE: “Lost in Detention”

**NO READINGS**

MARCH 28: -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)

APRIL 4: -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 11: -Current Topics

**READINGS:**

-TBD

APRIL 18: -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)

APRIL 25: FINAL EXAM (not cumulative)

**NO READINGS**

(Date revised: 01/12/2018)