

IMMIGRATION LAW & EMPLOYEE RIGHTS
(Fall 2016)

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: jcooney@work.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:
http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf

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:

SEPT. 7: -Course Overview

NO READINGS

SEPT. 14: -History of U.S. Immigration
-U.S. Citizenship Status

READINGS:

-*Timeline of U.S. Policy on Immigration and Naturalization*
-*U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)
-*Reports on Birthright Citizenship Reform Proposals* (Immigration Policy Center, 01/04/2011)

SEPT. 21: -MOVIE: “Wetback: The Undocumented Documentary” (2005)

NO READINGS

SEPT. 28: -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, March 2013)
-*Nonimmigrant Admissions* (U.S. Dept. of Homeland Security)

OCT. 5: -Non-Immigrant Worker Protections

READINGS:

-*H-1B Worker Rights* (U.S. Department of Labor)

-*Cuellar Aguilar v. Deggeller Attractions, Inc.* (8th Cir. 2015)

OCT. 12: -Undocumented Status
-Employment Eligibility Verification
-Attempts by States to Regulate Immigration Issues

READINGS:

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

-*Form I-9, Employment Eligibility Verification*

-*Arizona v. U.S.*, 567 U.S. ____ (2012)

OCT. 19: -MID-TERM EXAM

NO READINGS

OCT. 26: -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. 2: -MOVIE: "Lost in Detention" (PBS Frontline 2011)

NO READINGS

NOV. 9: -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)

NOV. 16: -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)

NOV. 30: -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)

DEC. 7: -Prospects for Immigration Reform
-Executive Action

READINGS

-*The DREAM Act* (The White House)
-*Executive Grants of Temporary Immigration Relief, 1956-Present*
(IPC, October 2014)
-*When Reagan & GHW Bush Took Bold Executive Action on
Immigration* (The Hill, October 2, 2014)

DEC. 14: FINAL EXAM (not cumulative)

(Date revised: 09/01/2016)