

**Immigration, Employment and Public Policy**  
**LER 590-IM**

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**Course Description:** Immigration courses are common in American law schools, but their focus tends to be broad and introductory. Often, they touch on employment issues but spend more time on refugees, asylum, and the deportation process. In contrast, this course explores the intersection of immigration and employment. Materials include statutes, administrative regulations, and court decisions; plus business, demographic, and political trends that bear on the employment of immigrants in the U.S. In this course, we study how U.S. immigration and employment laws apply to these sub-populations:

- Birthright Citizens (268.5 million);
- Lawful Permanent Residents— 12.4 million “LPRs” [also known as green card holders] who are classified as EB-1, EB-2, EB-3, EB-4, or EB-5;
- Temporary Workers— 1.7 million aliens who hold H-1B, H-1C, H-2A, H-2B, O, P, R, P, E-1, E-2, E-3, TN visas; and
- 11.2 million unlawful aliens [people who overstay a visa, or cross the border unlawfully], many of whom hold jobs.

The course begins by examining the historical relationship between slavery and forced immigration, as well as various servitudes [voluntary and involuntary] that utilized immigration to America. The second class provides an overview of immigration trends and statistics, and an explanation of the primary legal classifications for temporary and permanent migrants who hold jobs in the U.S. The next several chapters explore immigration classifications, arranged from permanent to temporary forms. Class 3 is titled “Permanent Workers and Employment Visas: Preferences Based on Achievement and Skill.” Chapter 4 is “Highly Skilled Temporary Workers: Non-Immigrant Status and Special Conditions.” Moving down the labor-skill continuum, Class 5 is “Less Skilled Temporary Workers: Non-Immigrant Status and Special Conditions.” Class 6 examines an emerging tension between federal and state law: “State Regulation of Immigration and Employment.” Class 7 juxtaposes current efforts to severely restrict immigration with historical precursors. It is titled “Birthright Citizens and Minors Who Immigrate Unlawfully: Deportation, Deferred Action, and Citizenship.” Class 8 explores the role of organized labor in challenging and supporting immigration policies (“U.S. Labor Unions and Immigration”). Focusing on the worst abuses in the employment context, Class 9 is “Exclusion and Exploitation of Immigrant Workers in the U.S.” The remaining classes are devoted to two mock arbitration cases that arose in unionized workplaces. In the first case, a large employer of janitors and vending employees discharged more than 40 workers who were identified by the Social Security Administration as having a mismatch between their name and card number. Due to certain immigration regulations, the employer terminated these people when they could not re-verify their identity or immigration status—but the timeline provided by the employer was short. In the second case, a worker from Honduras was detained in his employer’s parking lot, placed in a jail, and processed for deportation. He was fired for failing to call-in his absence. Two

months later, immigration authorities determined that he was lawfully present in the U.S. and authorized to work. The employer offered to reinstate him but with no backpay, while the union argued for compensation for his lost time. Students will be assigned to union or employer teams for one case, and will serve as mock arbitrators for the other case.

### **Expectations for Students:**

1. **Attendance in all classes is mandatory.** I will excuse an absence only if you have extenuating circumstances (contact me). An attendance record will be kept for each class period.
2. Disagree with ideas, but not people. The topics are interesting and often controversial, and likely to engender spirited debate. State your disagreements in an effective yet respectful manner.
3. Come to class prepared to think, discuss, and share. Read your assignments before coming to class, and think about discussion questions before you get to class.
4. No orthodoxy or dogma rule: I will share my views. My views are not to be taken as dogma or course orthodoxy. **Key to note, your grade is not correlated to your strength of agreement or disagreement with me. The only line never to cross, in discussion or in course writings, is expressing intolerance for any group of people.**

**Reading Assignments:** This PDF-based “coursebook” is the primary source for reading assignments. The book is free to students. **Elements of these readings are to be used for a future casebook, so these materials are to be treated as my intellectual property.** This format provides a portable reader. All chapters embed questions for weekly response papers. These provide the basis for your writing assignments.

**NOTICE:** Check your university e-mail regularly. I may revise reading assignments. I would typically do this if there is some new or breaking development.

**Grading:** Your grade will be the sum of these components:

1. **Pre-Submit Questions (40%):** Each class has a unique reading set, accompanied by questions. Pick one or more questions (you choose), and develop a thoughtful response. **Write a two-page answer (you can exceed the minimum; use double spacing, 12 point font, standard margins).** **Submit to my e-mail address by 11:59 p.m. Sunday, and copy yourself on the correspondence to create a back-up record of your submission.** If you pre-submit before the start of each scheduled class, 40% of your course grade is an A. If you do not pre-submit before one class, this part of your grade will drop to a B+; for two classes, a B; for three classes, a B- and so forth. **When you pre-submit, please use this heading in the subject line: 590IM.**
2. **Post-Submit Questions (40%) (Called “Compiled Paper”):** Class time will be used to improve and expand our understanding of the materials. Thus, you will take your

readings (example, Chapter 1), and during class or sometime after class, **add another page with another question, or a “deeper” answer to a pre-submit. Put this revised response in a file new file. Thus, your post-submit (due at the end of the semester) will be three pages per assignment.**

As each class goes by, you will copy a new pre-submit paper in this developing file. You will also extend each response to reach a three page minimum for each assignment. My hope is that you will have a laptop or similar in class; that you will have your pre-submit paper in front of you; that you will volunteer to answer a few questions; that you will listen to my presentation of materials; and that you will also listen to your classmates. **During this time, you should work on and complete the extension part of your pre-submit paper. The Compiled Paper is not due until the end of the course** (I will give you a more specific deadline later). Papers are graded using these criteria: (a) extent to which readings are specifically incorporated into answers; (b) analytical quality; (c) comprehension of course materials; and (d) grammar, spelling, professional appearance, and proofreading. **A note on papers: There is no penalty for exceeding the page guidelines, though there is no guarantee, either, that this paper will be graded more favorably than a standard submission.** To a limited degree, objective measures such as footnotes or internal citations, page length, and word count may be used as grading factors in this comparison.

**3. Participation (10%):** Attendance is mandatory and tracked every class. If you cannot attend a particular class, e-mail me in advance with your reason. I will use reasonable discretion to excuse or not to excuse an absence. **Attendance problems may result in a course grade reduction. For the participation element, we will flip the class and have a panel of peers lead the discussion for a set of readings (for about half the class [I will present material in the other half]). You will be expected to participate on one panel during the semester. Note: Good-faith participation will result in an “A” for this element, though non-performance or weak performance will be significantly downgraded. You are expected to participate and share your thoughts—you are not expected to be an expert. When material is confusing or unclear, you are expected to present this as a problem for peers to address, and we will work on a solution together.**

**4. Mock Arbitration Case (10%):** You will prepare and present one mock arbitration case dealing with an employment-related immigration issue in a unionized work setting. You will observe other teams prepare and present a different case. **You will have a writing assignment of the same length (i.e., three pages) for the compiled submission. Note: There is no pre-submit element to this part of the course—you must be in class and observe your peers put on their case. The point is that the mock arbitration element is not separately graded, but counted toward your compiled paper and course participation elements. Note: Good-faith participation will result in an “A” for this element. You are expected to participate—you are not expected to be an expert.**

**My Availability:** If you have any question or concern, or e-mail me or call me (244-4092, or 766-5012 [cell]).

**Concluding Thought:** I aim to create a culture of shared learning, where I set the agenda and we all contribute to the intellectual content of the course.

**Course Dedication:** I dedicate this course to my father, Robert LeRoy, an unlawful immigrant from Hungary.



**ROBERT LeROY, 80**  
**Holocaust survivor spent life working to end hatred**

By Glenn Jeffers

Tribune staff reporter  
Published April 12, 2005

The 1945 quarter Robert LeRoy wore around his neck meant more than 25 cents. It reminded him of humble beginnings.

It reminded him of the day he stepped off a steamer in 1949, one of the few members of his family to survive the Holocaust. That quarter was all the money Mr. LeRoy had. It was a first step toward building a new life, first with his Elgin-based construction company, then through charitable deeds and talks to children about the dangers of hatred.

Mr. LeRoy, 80, died Saturday, April 9, from complications from pneumonia and congestive heart failure in his Elgin home. But before that, he took a hard life and 25 cents and made a wonderful, generous life for his family, said his wife, Carol.

"He believed that he had survived for a reason, and that reason was his children and his grandchildren and to give back to the community," she said.

It was 1944 when the Nazis rounded up Mr. LeRoy, then a 19-year-old named Otto Lefkovits, and his family in his hometown of Nyirmada, Hungary. They were taken to Auschwitz, where Mr. LeRoy and three of his siblings were separated from the rest of his family.

Mr. LeRoy was shipped to Bunzlau, where he built aircraft decoys to fool Allied bombardiers. His mother, father and a brother, Mr. LeRoy recalled, were led into a showering area.

"No one knew it was a gas chamber," Mr. LeRoy said in a Tribune interview in February. The man once known as No. 46288 spent more than a year suffering through repeated beatings and starvation before the Germans abandoned the camp and Russian tanks broke through the walls in 1945.

Mr. LeRoy would come to mark that day— Feb. 11— as the end of his imprisonment. But it also spawned a 60-year journey to understand why he had survived and 26 members of his family had not. "You ask yourself, `Why am I singled out?'" Mr. LeRoy had said. "'Why did they do this to

us? Why did they give us a horrible fate?' No one could answer."

Mr. LeRoy immigrated to the United States. He spent two years in the Army before he was discharged in 1953. He then moved west. After marrying the former Carol Schultz, Mr. LeRoy and his bride moved to Elgin, where they started a construction and remodeling business.

He said he owed those skills to a very unlikely instructor. "Hitler," he said. "I learned to push a wheelbarrow."

But images from Bunzlau haunted Mr. LeRoy, sometimes in his dreams, other times when he was awake. He would cry sometimes when he walked into a shower, his wife said. He'd combat those memories by surrounding himself with family, Carol LeRoy said. "I don't think there was a day he didn't think about it and miss his family," she said.

But when LeRoy heard about a Northwestern University professor who claimed in the 1970s that the Holocaust never occurred, he began a crusade to educate people on the horrors of the Holocaust. His target: children.

Mr. LeRoy believed children could be taught not to hate. And for the next 30-plus years, he taught that message to children in grade school and high school. Even after he retired from construction in 1989, Mr. LeRoy continued the talks. They helped answer those questions that plagued him. He survived to help others, be it with lessons or with the ambulance his family bought and sent to Israel back in 2001. Last year, Mr. LeRoy bought Grape View Farm, a century-old vineyard west of Hoffman Estates, saving it from developers. "I have no doubt he made a very strong impact," his wife said. "Not just here, but in Israel, in Hungary, in Champaign, in anyone who ever heard him speak."