

Immigration, Employment and Public Policy
LER 590-IM

Professor Michael H. LeRoy
244-4092/ e-mail: m-leroy@uiuc.edu

Fall 2019

All rights to lecture materials and class simulations developed by Michael H. LeRoy are expressly reserved. No photographic, other copy, or electronic reproduction or transmission of these materials is authorized without the express, written consent of Michael H. LeRoy. Michael H. LeRoy also expressly prohibits any person or entity from using lecture materials or simulations for any form of pay or other consideration without his express, written consent.

Course Description: Immigration courses are common in American graduate degree programs and 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: I will circulate a PDF-based “coursebook” as 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.

SPECIAL NOTE: A SUBSTANTIAL AMOUNT OF THIS MATERIAL IS IN LEGAL FLUX DUE TO PRESIDENTIAL TWEETS AND UNILATERAL POLICY ACTIONS, MUCH OF WHICH IS UNRESOLVED IN COURTS. AS TIME ALLOWS, I WILL TRY TO UPDATE OUR CLASS WITH LATE-BREAKING MATERIALS.

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 email address (mhl@illinois.edu) before class.**

Between approximately Week 3 through Week 8, you will make a brief PowerPoint

presentation in lieu of writing a pre-submit paper. For grading purposes, it will count the same as a pre-submit paper. Your presentation will be about five minutes and limited to 3-4 slides.

Go the end of this syllabus for PowerPoint suggestions.

I'll suggest topics but I also encourage you to choose your own topic, as long as it relates to the course. These presentations will broaden our discussions, help you refine presentation skills, and give you another outlet for thinking independently about challenging immigration issues.

You will not be graded on any kind of ideological scale—I welcome the full range of thought on immigration issues as they relate to work and employment.

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. On a week when you make a presentation, submit your PowerPoint slides just as you would for a paper.**

- 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).**

Your compiled paper will be accepted between the end of the last class (**Monday, December 9th**) and one week later (**Monday, December 16th, 11:59 p.m.**).

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 either (a) 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]), or (b) have class presentations and related Q & A as half of each class period.

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. The 10% grading component applies to your preparation for, and participation in, the mock arbitration. 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 (this element is graded as part of your compiled paper). 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.**

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, who emigrated to the U.S. from Hungary illegally on falsified documents.



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.”

Table of Contents

CHAPTER 1: IMMIGRANTS AND COERCED WORK: THEN AND NOW	14
<i>A. Immigration and Coerced Labor: Slavery and Involuntary Servitude</i>	14
Race and Citizenship.....	15
David Walker’s Appeal, In Four Articles: Together With A Preamble To The Coloured Citizens Of The World, But In Particular, And Very Expressly, To Those Of The United States Of America.15	
Questions.....	19
Dred Scott v. Sandford, 60 U.S. 393 (1857)	20
Question.....	25
Overview of Citizenship.....	25
Question.....	26
Adjusting the Status for Descendants of Illegal Immigration.....	26
The Persistence of Involuntary Servitude in the U.S.....	27
<i>B. Immigration and Coerced Labor: The Role of Debt and Voluntary Servitude</i>	
27	
William P. Quigley, Work or Starve: Regulation of the Poor in Colonial America, 31 University of San Francisco 35 (1996)	27
Questions.....	31
U.S. v. Sou.....	33
Notes and Questions	38
<i>C. Authorized Immigration: Citizenship and Employment</i>	38
Sherally Munshi, Race, Geography and Mobility, 30 GEO. IMMIGR. L.J. 245 (2016).....	38
Notes and Questions	43

Chae Chan Ping v. U.S., 130 U.S. 581 (1889)	44
Question	48
Takahashi v. Fish & Game Commission, 334 U.S. 410 (1948).....	48
Question	53
Strangers in Their Own Land: Children of Unwelcome Immigrants.....	54
Wong Kim Ark, 169 U.S. 649 (1898).....	55
Notes and Questions	59
CHAPTER 2: The Workforce, Immigration Trends, and the Regulatory Framework	51
John Sides, Race, Religion and Immigration in 2016, DEMOCRACY FUND (June 2017),	32
Sherally Munshi, Race, Geography and Mobility, 30 GEO. IMMIGR. L.J. 245 (2016).....	32
<i>A. Citizenship</i>	51
Figure 1: U.S. Population Estimates by Immigration Status.....	52
<i>B. Permanent and Temporary Employment for Immigrants</i>	53
Statistical Overview.....	53
Permanent and Temporary Employment of Immigrants	55
Table A. Nonimmigrant Admissions (I-94 only) by Class of Admission: FY 2012.....	55
Unlawful Aliens	56
The Immigration Ladder: Status Adjustment	56
The U.S. Labor Market	57
Figure 2: U.S. Department of Labor, Bureau of Labor Statistics, Economic News Release (August 1, 2014)	58
Notes and Questions	58
The Distinction between Immigrant and Nonimmigrant Workers	59
Davon M. Collins, Toward a More Federalist Employment-Based Immigration System, 25 Yale L. & Pol’y Rev. 349 (2007).	59
Figure 3: Persons Obtaining Legal Permanent Resident Status by Class of Admission.....	62
Notes and Questions	62
How Public Policy Alters Migration Patterns	63
Nicole Jacoby, “America’s DeFacto Guest Workers: Lessons from Germany’s Gastarbeiter for U.S. Immigration Reform,” 27 Fordham Int’l L.J. 1569 (2004).....	63

Questions.....	64
<i>C. Demographic Trends in Immigration and Employment</i>	64
Foreign-Born Population by Legal Status.....	64
Jeffrey Passel and D’Vera Cohn, Immigration Projected to Drive Growth in U.S. Working-Age Population through at Least 2035 (Pew Research Center, March 8, 2017).....	65
Asians: The Largest Group of Immigrants to the U.S.....	68
Notes and Questions	68
The Pew Research Center: The Rise of Asian Americans	69
Notes and Questions.....	74
<i>D. Federal and State Approaches to Regulating Immigration Via Employment Laws</i>	75
Huyen Pham, The Private Enforcement of Immigration Law, 96 Geo. L.J. 777 (2008).....	75
Questions.....	77
Déjà Vu: An Overview of the Immigration Reform and Control Act of 1986 (IRCA)	78
Michael J. Wishnie, Prohibiting the Employment of Unauthorized Immigrants: The Experiment Fails 2007 U. Chi. Legal F. 193 (2007).....	78
Notes and Questions	81
The Policy of Self-Deportation	81
Imtiaz Hussain, Arizona’s SB 1070, Copycat Bills, and Constitutional Conundrums: Costly Collisions? 6 FIU L.REV. 201 (2011).....	82
Questions.....	87
CHAPTER 3: PERMANENT STATUS WORKERS AND EMPLOYMENT BASED VISAS: THE ROLE OF ACHIEVEMENT AND SKILL	88
<i>A. Overview of “EB” Work Visas</i>	88
Table 3.1: Permanent Worker Visa Preference Categories (USCIS)	89
<i>B. EB-1 Visa: Extraordinary Scientific and Scholarly Achievement</i>	90
Statistical Overview	90
Table 3.2: EB-1 Visas (New Arrivals and Total by Year).....	91
EB-1 and Extraordinary Ability.....	91
Lee v. Ziglar, 237 F.Supp.2d 914 (N.D. Ill. 2002).....	92
Questions.....	95

EB-1 and Outstanding Researcher.....	95
Niu v. United States, 821 F.Supp.2d 1164 (C.D. Cal. 2011).....	95
Notes and Questions.....	98
EB-1 Executive and Managerial Employee: The “Ladder” from L-1A/L-1B Intracompany Transfers.....	99
Jilin Pharmaceutical USA, Inc. v. Chertoff, 447 F.3d 196 (3d 2006)	99
Notes and Questions.....	103
<i>C. EB-2 Visa: Exceptional Ability</i>	104
Fraud and the Labor Certification Process.....	104
Revocation of the EB-2 Visa.....	105
Mohammad v. Napolitano, 680 F.Supp.2d 1 (D.D.C. 2009).....	105
Notes and Questions.....	108
<i>D. EB-3 Visa: Skilled and Other Workers</i>	109
Employment-Based Immigration: Third Preference EB-3.....	109
Table 3.3: EB-3 Eligibility Criteria	109
Kayleigh Scalzo, American Idol: The Domestic and International Implications of Preferring the Highly the Highly Educated and Highly Skilled in U.S. Immigration Law, 79 Geo. Wash. L. Rev. 926 (2011).....	110
Notes and Questions.....	112
Professional Employees and the EB-3 Visa	112
General Requirements.....	112
Annual Worldwide Limits.....	112
Ruth Ellen Wasem, Numerical Limits on Employment-Based Immigration: Analysis of the Per-Country Ceilings (Congressional Research Service, 2011).....	113
EB-3 Allocation by Country of Origin	114
Zixiang Li v. Kerry, 710 F.3d 995 (9th Cir. 2013).....	114
Notes and Questions.....	118
Skilled Employees and the EB-3 Visa	119
Construction and Design Co. v. U.S. Citizenship and Immigration Services, 563 F.3d 593 (7th Cir. 2009).....	119
Notes and Questions.....	120
Other Employees and the EB-3 Visa.....	120

Aliens for Better Immigration Laws v. U.S., 871 F.Supp. 182 (S.D.N.Y. 1994)	121
Question	123
<i>E. EB-4 Visa: Religious Workers</i>	123
Ruiz-Diaz v. U.S., 618 F.3d 1055 (9th Cir. 2010).....	124
Note.....	127
<i>F. EB-5 Visa: Investors</i>	128
Table 3.4: EB-5 Petitions, Approvals, and Denials (by Year).....	128
Chang v. U.S., 327 F.3d 911 (9th Cir. 2003)	129
EB-5 Fraud	132
Office of Inspector General, Department of Homeland Security, USCIS, Employment Based Fifth Preference (EB-5) Regional Center Program (2013)	132
Question	134
Statistical Summary of EB Visas	134
Table 3.5: EB-1 through EB-5 Visas (Includes New Arrivals and Status Adjustments, with Eligible Family Members).....	134
Notes and Questions.....	135
CHAPTER 4: TEMPORARY WORKERS: HIGHER SKILLS AND SPECIAL CONDITIONS	136
<i>A. Introduction</i>	136
Graphical Overview.....	137
Table 4.1: Highly Skilled Temporary (Nonimmigrant) Workers by Visa Classification ..	138
Table 4.2.A: Highly Skilled Temporary (Non-Immigrant) Workers by Visa	138
Table 4.2.B: Highly Skilled Temporary and EB Visa (Annual)	139
<i>B. TN NAFTA Professional</i>	139
dePape v. Trinity Health Systems, Inc., 242 F.Supp.2d 585 (N.D.Iowa 2003).....	140
Question	147
<i>C. L-1A Visa</i>	147
Job Portability and Retrospective Review of Managerial/Executive Duties	147
Table 4.3: L-1 Transferees by Region (2012)	148
Brazil Quality Stones, Inc. v. Chertoff, 531 F.3d 1063 (9th Cir. 2008)	148
Notes and Questions.....	152
<i>D. H-1B Visa</i>	152

Are Immigration Authorities Tone Deaf?	153
Louisiana Philharmonic Orchestra v. I.N.S., 248 F.3d 1139 (5th Cir. 2001).....	153
Notes and Questions.....	155
H-1B Placing Employer	155
Cyberworld Enterprise Technologies, Inc. v. Napolitano, 602 F.3d 189 (3d Cir. 2010).....	155
Notes and Questions.....	159
The H-1B Visa Program in Broad Context	160
H-1B Visa: Multifaceted Challenges Warrant Re-examination of Key Provisions	160
Does H-1B Cater to Too Few High Tech Companies?	163
Table 4.4: Top Ten H-1B Employers (FY 2014)	163
<i>E. F-1 Student and H-1B Visas</i>	163
Programmers Guild, Inc. v. Chertoff, 338 Fed.Appx. 239 (3d Cir. 2009)	164
Notes and Questions.....	167
<i>F. E-1 and E-2 Treaty Trader Visa</i>	167
Incalza v. Fendi North America, Inc., 479 F.3d 1005 (9th Cir. 2007)	167
Notes and Questions.....	170
Matter of Walsh and Pollard, 1988 WL 312511 (1988).....	172
Notes and Questions.....	175
<i>G. P-1/P-3 Athlete or Entertainer Visa</i>	175
P-1A Athlete Case	176
Petition for a Nonimmigrant Worker under Section 101(a)(15)(P)(i) of the Immigration and Nationality Act, 2011 WL 5023703 (INS).....	177
Notes and Questions.....	179
P-3 Artist or Entertainer as Part of a Culturally Unique Program	179
Celtic Touring Group Case: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(P)(iii) of the Immigration and Nationality Act, 2010 WL 4089115 (INS)	179
Notes and Questions.....	183
<i>H. O-1 Visa: Individuals with Extraordinary Ability or Achievement</i>	183
Fashion Models and the O-1 Visa.....	184
Kit Johnson, Importing the Flawless Girl, 12 Nev. L. J. 831 (2012)	184
CHAPTER 5: LESS SKILLED TEMPORARY WORKERS: NON-IMMIGRANT STATUS AND SPECIAL CONDITIONS	188

A. Overview	188
Table 5.1: Less Skilled Temporary (Nonimmigrant) Workers by Visa Classification	188
Table 5.2.A: Less Skilled Temporary (Nonimmigrant) Workers by Visa Classifications, Including B-1	189
Table 5.2.B	
Less Skilled Temporary (Nonimmigrant) Workers by Classifications, Excluding B-1	189
B. B-1 Visa	190
Palmer v. Infosys Technologies Ltd. Inc., 888 F.Supp.2d 1248 (M.D.Ala.2012)	190
Greyhound Lines, Inc. v. I.N.S., 1995 WL 663185 (D.D.C. 1995)	194
Notes and Questions	197
C. H-2A Temporary Agricultural Workers	198
Livestock Farming Case: Consecutive Seasonal Work on Ranch, 2012 WL 8526655	199
Perez–Farias v. Global Horizons, Inc., 668 F.3d 588 (9th Cir. 2011)	206
Notes and Questions	209
In re Global Horizons Inc. and Mordechai Orian, 2011 WL 2341260 (2011)	210
Notes and Questions	213
D. H-2B Temporary Non-Agricultural Workers	213
Castellanos-Contreras v. Decatur Hotels, LLC, 622 F.3d 393 (5th Cir. 2010)	213
Notes and Questions	219
The Agricultural Paradox for H-2B Workers: The Migrant and Seasonal Agricultural Worker Protection Act and Fair Labor Standards Act	219
De Leon-Granados v. Eller and Sons Trees, Inc., 497 F.3d 1214 (11th Cir. 2007)	220
What Is Agricultural Employment?	222
Morante-Navarro v. T&Y Pine Straw, Inc., 350 F.3d 1163 (11th Cir. 2003)	223
Department of Labor Regulation of H-2B Workers	229
Bayou Lawn & Landscape Services v. Sec. of Labor, 713 F.3d 1080 (11th Cir. 2013)	229
Louisiana Forestry Ass’n, Inc. v. Solis, 889 F.Supp.2d 711 (E.D.Pa. 2012)	232
Notes and Questions	237
E. P-2 Visa: Performers	239
Alexa K. Fang, U.S. Immigration Law: A Barrier to Effective Cultural Diplomacy, 19 Cardozo J. Int’l & Comp. L. 201 (2011)	239

CHAPTER 6: STATE REGULATION OF IMMIGRATION AND EMPLOYMENT	242
<i>A. State Regulation of the Employment Relationship</i>	242
Truax v. Raich, 239 U.S. 33 (1915)	242
Rasidescu v. Commissioner of Economic Sec., 644 N.W.2d 504 (Minn. 2002).....	246
Abel Verdon Const. v. Rivera, 348 S.W.3d 749 (Ky. 2011).....	248
Coque v. Wildflower Estates Devs., Inc., 867 N.Y.S.2d 158 (N.Y. 2008)	252
Notes and Questions.....	256
<i>B. State Licensure of Businesses and Occupations</i>	257
Licensing Occupations.....	257
Dandamudi v. Tisch, 686 F.3d 66 (2d Cir. 2012).....	257
Notes and Questions.....	266
Licensing Corporations	266
Chamber of Commerce of U.S. v. Whiting, 563 U.S. 582 (2011)	266
Notes and Questions.....	278
<i>C. State Criminalization of Employment of Unlawful Aliens</i>	279
Arizona v. U.S., 132 S.Ct. 2492 (2012).....	279
<i>D. State and Municipal Regulation to Create “Sanctuary” for Aliens</i>	292
City of Chicago v. Sessions, __ F.Supp.3d __, 2017 WL 4081821 (N.D. Il. 2017)	292
Questions.....	299
Illinois SB 31 (Illinois Trust Act).....	299
CHAPTER 7: LABOR UNIONS AND IMMIGRATION	309
<i>A. Labor Union Paradox: Protecting Low Wage Workers by Excluding Aliens</i>	309
Amal. Meat Cutters & Butcher Work. v. Rogers, 186 F.Supp. 114 (D.C.D.C. 1960).....	309
Notes and Questions.....	312
The Continuing Controversy over Alien Commuters	313
<i>B. From Union Opposition to Representation of Alien Workers</i>	313
Hoffman Plastic Compounds, Inc. v. N.L.R.B., 535 U.S. 137 (2002).....	314
Questions.....	321
Palma v. N.L.R.B., 723 F.3d 176 (2d Cir. 2013)	321
Notes and Questions.....	328
Agri Processor Co., Inc. v. N.L.R.B., 514 F.3d 1 (D.C. Cir. 2008).....	328

Notes and Questions.....	335
<i>C. NLRB Enforcement Proceedings Involving Alien Workers</i>	335
N.L.R.B. v. Domsey Trading Corp., 636 F.3d 33 (2d Cir. 2011).....	336
Notes and Questions.....	339
<i>D. Unions and Rulemaking Involving Alien Workers</i>	340
Muniz-Muniz v. United States Border Patrol, 869 F.3d 442 (6th Cir. 2017)	340
Notes and Questions.....	347
CHAPTER 8: EXPLOITATION OF MIGRANT WORKERS IN THE UNITED STATES	348
<i>A. Choice of Law</i>	348
Figueroa v. Williams, 2010 WL 5387599 (S.D.Tex.2010).....	348
Notes and Questions.....	354
<i>B. Peonage and Involuntary Servitude</i>	355
U.S. v. Farrell, 563 F.3d 364 (8th Cir. 2009).....	355
Notes and Questions.....	363
Zavala v. Wal-Mart Stores, Inc., 393 F.Supp.2d 295 (D.N.J. 2005)	364
Notes and Questions.....	367
<i>C. Less Than Peonage: Indebtedness and Exploitation</i>	368
Singh v. Jutla & C.D. & R's Oil, Inc., 214 F.Supp.2d 1056 (N.D.Cal. 2002).....	368
Notes and Questions.....	373
<i>D. Exploitation of Workers and Labor Market Effects</i>	373
Trollinger v. Tyson Foods, Inc., 370 F.3d 602 (6th Cir. 2004)	374
Notes and Questions.....	378
CHAPTER 9: PROFESSIONAL SKILLS: PREPARING AND PRESENTING FOR ARBITRATION	379
Arbitration.....	379
Mock Arbitration: The Hearing.....	380
Just Cause: The Seven Key Tests	389
Contract Interpretation: Principles	391
Arbitration between Martinez v. Tasty Beef, Inc.	393
Arbitration between Clean Sweep Facility Services & Janitorial Workers Union	402
Arbitration between United Indus. Workers Local Union #547 & ACME Foundry Co. ..	412

SOME SUGGESTED TOPICS FOR POWERPOINT PRESENTATIONS

CHAPTER 3: PERMANENT STATUS WORKERS AND EMPLOYMENT BASED VISAS: THE ROLE OF ACHIEVEMENT AND SKILL

**China and the EB-5 Investor Visa: Does It Have a Future?
Melania Trump and the EB-2 Visa**

What Other Countries Compete Against the U.S. for Highly Skilled Immigrants?

The EB-4 Religious Worker: Is Its Denominational Composition Changing?

Status Adjustments for Family Members of EV Workers: Is the U.S. Less Welcoming Than Competing Countries?

Should EB Visas Be Denied to Foreign Athletes to Allow American Athletes More Opportunities?

How Is Online Conferencing Affecting the L-1A/L-1B Intracompany Transfer Visa?

Do E-1 and E-2 Treaty Visas Have a Future in a World That Resists Globalism?

CHAPTER 4: TEMPORARY WORKERS: HIGHER SKILLS AND SPECIAL CONDITIONS

Emerging Proposals for the H-1B Visa

Is Vancouver, B.C. a Logical Alternative for Seattle Employers Who Have H-1B Visa Problems?

How Does the End of NAFTA Affect the TN-NAFTA Professional Employee?

What Are Impacts of the Buy American, Hire American Executive Order for H-1B Visas?

What Nations Offer Better Alternatives to the H-1B Visa for Highly Skilled Employees?

What's New with Fraud and the H-1B Visa?

Is the STEM Shortage a False Narrative? Research from Hal Salzman

The Disney H-1B Narrative: Truth or Hype as an Example of the Displaced American Worker?

Do Indian Tech Workers Face Discrimination?

What's the Impact of Denying H-4 Visas to Spouses of H-1B Workers?

What's a "Denizen"? How Might This Immigration Status Work in the U.S.?

CHAPTER 5: LESS SKILLED TEMPORARY WORKERS: NON-IMMIGRANT STATUS AND SPECIAL CONDITIONS

What's the Future of Planting and Harvesting Crops in the U.S. with Foreign Workers?

How ____ (Pick a Tourism Industry or Employer) Is Affected by Current Immigration Policies

What Was the Impact on Agriculture in Alabama (or Similar State) After Passage of "Self-Deportation" Laws?

Comparing Legal Immigration of Low-Skilled Workers and Hiring of Undocumented Workers: Do Law-Abiding Employer Face Unfair Competition?

How Would an English-Entry Immigration Test Affect a U.S. Meat Processing Plant (Or Other Industry)?

The ICE Raid at Mississippi Meat Processing Plants: Were the Employers Being Treated Too Leniently?

CHAPTER 6: STATE REGULATION OF IMMIGRATION AND EMPLOYMENT

Do Sanctuary Policies Correlate with Stronger Local Economies?

How Should Employers Regard State-Imposed E-Verify Laws?

Should Employer Hiring of Undocumented Workers Ever Be a Criminal Offense?

Is Gig Work a Loophole for Undocumented Workers?

Extreme Policy Proposals for Immigration: From Open Borders to Racial Quotas

CHAPTER 7: LABOR UNIONS AND IMMIGRATION

What Role Did Unions Play in the 2016 Presidential Elections?

Do Tariffs Help or Harm Union Workers?

How Did NAFTA Fail Unionized Workers?

Denis Kearny and the Chinese Exclusion Movement: A Portrait in Labor Union Bigotry

How SEIU (or ____ Union) Is Representing Undocumented Workers

CHAPTER 8: EXPLOITATION OF MIGRANT WORKERS IN THE UNITED STATES

Foreign Sex Workers in America

Are Foreign-Born Home Health Care Workers Exploited by Employment Agencies?

Never Mind the Mexican Border: How Workers Who Fly Into the U.S. Are Exploited

State and Federal Exclusion of Welfare Benefits for Undocumented People: Some Effects on Workers and Their Employers

Bogus ICE Detentions: Effects for Employers Who Have Lawful Employees

The Survivor Effects on Workers and Employers Whose Workplace Was Raided by ICE