

FALL 2015
IMMIGRATION LAW AND PROCEDURE
MASSACHUSETTS SCHOOL OF LAW

Professor Linda A. Cristello
Law Office of Linda A. Cristello
50 Congress Street, Ste 519
Boston, MA 02109
(617) 742-0040
lcristello@crstellolaw.com

FINAL EXAM

This is a two-and a half hour long exam consisting of 4 essays and four short answer questions. This is an open book (Immigration and Nationality Law, statutes and regulations) and you may consult with your syllabus and the Visa Bulletin for September 2015.

Unless otherwise indicated, assume that all relationships mentioned are bona fide and that the visa bulletin given out earlier this semester is effective now.

Read the question and spot the facts as WRITTEN on the exam

LPR = Lawful Permanent Resident
CR = Conditional Resident
IR = Immediate Relative
USC = United States Citizen
US – United States

ESSAY QUESTIONS - 20 points each

1. Today a prospective client enters your office. He tells you that he and his family are from Sierra Leone. He is married and they have three children, all from Sierra Leone as well.
He and his family entered the US together on tourist visas in May of 2007. He subsequently obtain a job offer and his status was changed to an H-1B, and the family all received H-4's – in October 2007
At the time of entry the ages of his children were: Yanik, 18; Fati, 16 and Yanni was 13. He ultimately lost his job in 2012 and all the visas were terminated. The entire family no longer have valid nonimmigrant visa status. They have been residing in the US unlawfully since that time. To this date, the father never located a new sponsorship but he is more concerned about the future of his children.
Yanik is now 26, Fati is now 24 and Yanni is 20
 - a. What if anything can you do for the children?
 - b. Explain, if qualified, how they are qualified?
 - c. What documents will you require from them
 - d. Is there anything to be done for the parents at this time?

2. Rodolpho enters your office and wishes to apply for US citizenship. He details the following:
 - a. He is a native and citizen of El Salvador.
 - b. His date of birth is December 16, 1981.
 - c. He entered the US in 2000, by illegally crossing the border. He was never apprehended.
 - d. He obtained TPS in 2002.
 - e. In 2003 he applied for and was granted Advance Parole. He travelled outside the US to visit family and reentered 3 months later.
 - f. In 2010 and 2011 he was arrested on those two separate occasions. One was for simple assault, he pled guilty and received a 6 months suspended sentence. The second charge was for joyriding where he pled guilty and received a Guilty Filed.
 - g. In 2012 he tried to extend his TPS but was denied.
 - h. On February 14, 2012 he married his USC wife Lara. They filed the appropriate paperwork and he received his CR status in August 2012. Two years later they refiled and he received his LPR status in February of 2015
 - i. He and Lara have three biological children together, all born in the US ages 4, 2, and 6 months. He also has a 11 years old son, that lives in Atlanta, Georgia

During his residence in the US he has travelled around the US and he has worked in various locations. Presently his wife is not working.

- a. Is he eligible to apply for US citizenship at this time?
- b. If, so that questions do you have for him?
- c. What documents do you need from him?
- d. Do his crimes render him removable from the US?

3. Manny from Mexico comes to you for advice on how to bring his family to the US from Mexico. He entered the US in 1983 at the age of 19 and worked in Arizona at a citrus farm He applied for and was granted his LPR status, through the Special Agricultural Program (Sec 210), in 1990 During his life in the US, the majority of his residences were near the border between Arizona/Texas and Mexico. That allowed him to travel back and forth to Mexico to visit with his family.

He recently moved to Manchester, NH for a better job with benefits.

He is currently 51 years of age, he has limited English reading and writing skills. Now that he has a good job, he is ready to bring his family to the US.

He has been married since 2002 and has 5 biological children ages 19,15,12,7 and 4. All were born and resides in Nogales, Mexico. He always sends money and visits his family three to four times a year.

- a. What advice do you have for Manny?
- b. What do you do "at this moment" to assist with his foreign family?
- c. What information do you need from him to determine his eligibility?
- d. What documents are required?

4. Milo comes to your office after he has been issued a Notice to Appear (NTA) on 11-30-15. Removal proceedings have been commenced against him. His first master calendar hearing is set for Feb 3, 2016. He brings to you his passport, charging document (NTA) and his LPR card. Milo was apprehended by the Immigration and Customs Enforcement (ICE) officials when he pulled into his driveway at his home in Lynnfield, MA. on 11-30-15. Milo tells you that he had been arrested in 2011 at the Assembly Square Mall charged with an Assault and Battery with a dangerous weapon (his foot) against his brother and disorderly conduct. There were no injuries. His case was brought to Somerville District court where, on

December 12, 2011, he pled guilty to the offense and received a Guilty, 11 months suspended sentence.

Milo was arrested again in February 2014 for larceny under 250 after stealing sunglasses at the Danvers Mall. He pled guilty on March 12, 2014 at the Peabody District court and received CWOFF, six months suspended sentence, probation for 1 year.

Milo obtained his LPR in 2004 through an employment based petition when he was employed as a financial analyst with Oracle in Burlington, MA.

Later in 2006, he married Kristen a USC born in Boston, MA. She is employed as a pediatric nurse at Mass General Hospital since 2005. They have 2 beautiful children ages 9 and 3. The oldest son is active in sports; enjoys his school, takes many field trips to sports centers, the beach and goes camping. Unfortunately the youngest son was born with a heart defect. He has had four operations since his birth. Fortunately he receives the best pediatric care at The Children's Hospital here in Boston.

Milo never thought about citizenship because his life "was" fabulous and he enjoys travelling back and forth to the Ukraine to visit with family.

Now that he is in removal proceedings

- a. What is any relief/defense does he have?
Explain
- b. What will be the standard, if any, of review of his case?
- c. If he qualifies for any relief/defense, what documentation do you need to prepare for his trial?
- d. If and when he receives a favorable determination, what would-be your future advice?

SHORT ANSWERS – 20 POINTS

1. Which one of the following qualifies under the INA as a child:
 - a. A child adopted under the age of 18
 - b. A son and daughter at the age of 22
 - c. A stepchild born in Syria- who was 16 ½ when he mother married her USC husband
 - d. Orphaned at the age of 17
2. What is the purpose of filing for a Freedom of Information Request?
3. Provide the section of law that defines the following and give an example for each
 - A. Nonimmigrant
 - B. Conviction
4. Malik, an educated engineer from Pakistan enters the United States on a B-2 visitor visa, on August 4, 2015. Today he has been offered a fulltime position with Computer-Rule, Inc. as a software engineer. To accept this position you tell him he will be required to:
 - a. Demonstrate he has a U.S. equivalent of a Bachelors degree or higher
 - b. Demonstrate his admission period granted by the INS is still valid
 - c. He must relinquish his foreign residence
 - d. all of the above
 - e. A and B

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FINAL EXAM

This is a three hour exam consisting of one multiple answer and three essay question. Each question will be worth 25 points. There are two extra credit questions at the end – worth 5 points each- if you wish to answer them. This is an open book (Immigration and Nationality Law, statutes, regulations and forms) and you may consult with your syllabus and the Visa Bulletin for September 2014

Read the question and **spot the facts/issues** as WRITTEN on the exam. Do not create new facts. REMEMBER: Not every consultation will conclude in a favorable result. It is the advice and possible resolution you are giving to the client.

LPR = Lawful Permanent Resident

CR = Conditional Resident

IR = Immediate Relative

USC = United States Citizen

QUESTION 1 – (25 points)

Define by statute and give the use/ or sentence for each word/phrase

- 1) Good Moral Character
- 2) Aggravated Felony
- 3) Step-child
- 4) Nonimmigrant
- 5). FOIA

QUESTION 2 – (25 points)

Alexandro has made an appointment to inquire about an application for U.S. Citizenship.

He received his LPR status through his mother's sponsorship in September 2004. He entered the United States with his immigrant visa at that time, it was his first entry into the US. He was nineteen (19) years old when he entered. He continues to reside with his mother, since entry, on the second floor of her home!

He informs you of the following:

- He has completed his high school education at Catholic Memorial, in Malden, MA.
- He started courses at UMass-Lowell. However he dropped out after two full years.
- He is presently employed at Lynn Auto as a mechanic. For the past three years he has been paid "under the table" – cash.
- He has a side business of exporting cars to the Dominion Republic. He use to travel back and forth to be 'hands on' with his business. He has a license for this business but does NOT claim this income.
- He has 4 children, all born in the United States. Their ages are 7, 5, 4 and 6 months. They reside with their respective mothers (two different women)
- He has been arrested a few times since his entry:
 - In October 2009 for disorderly conduct. He paid a fine
 - He received three (3) speeding tickets in 2009, 2010 and 2013. He always paid the tickets and never took them to court
 - In February 2010 he was arrested for assault and battery . I t was a bar room fight with another male customer. He pled guilty and was given six (6) months' probation

He is now concerned about the application process. He needs to renew his alien registration card (expired after ten years in September 2014). He also wants to travel back to the Dominican Republic to watch over his business.

What is your first advise?

Is he eligible to apply for US citizenship?

What do you need for the application process?

What do you need for him to bring to you?

What will be required, if he is eligible , to bring to the interview?

QUESTION 3 – (25 points)

Alonso is a 25 five year old, single, young man from Spain. He has completed “the equivalent of a U.S. “associates degree in his home town of Toledo. His major study was international finance.

He entered the United States with his valid F-1 nonimmigrant visa in August of 2014 to attend Brandeis University. He has completed his first semester of study.

This month he interviewed with Merrill Lynch for a Financial Advisor’s positon. This position will be full-time; it offers full benefits and will require international travel. .He believes he will be offered this positon.

Alonso informs you of the following:

- He has travelled to the United States on many occasions for vacations to visit with family and friends since he was in high school. He has never violated his immigration status.
- He is presently living with his boyfriend, Logan, in Arlington, MA
- Logan is a native born USC and is a cook working part time at Masa Restaurant in Woburn, MA. In his free time, Logan is an aspiring artist. He has not been too successful with selling his works!

Alonso comes to for advice on the possibilities of taking the position at Merrill Lynch, without violating his immigration status.

What, if any, procedures/options does he have to prospectively accept this position?

QUESTION 4 – (25 points)

Leydi, a native and citizens of Guatemala, she illegally crossed the Mexican border with her two older brothers in 2003. At that time she was only 14 years of age. She was advised to leave their home in Guatemala and enter the United States to live with extended family.

Leydi, and her two brothers, were abused in their household by their father. Her mother had no control of the situation and she was abused as well. Her mother wanted her children to have a better life and paid a smuggler to bring them in to the United States. They were NOT apprehended by the immigration authorities upon entry.

Since 2003, Leydi has completed her high school education and has taken courses at the community center. She has never been able to attend college due to her immigration status. Leydi also tells you that she has 2 (two) USC children, ages 4 and 2. It is very difficult for Leydi to provide a good home in that she receives no support from their biological father.

Leydi works two (2) part time jobs, she is paid cash. She has no health insurance but the children are covered by WIC and Mass Health. While she is at work, the children are cared for by Leydi's LPR grandmother, Elsa. Elsa is 64 years old and is on welfare and lives in subsidized housing. She is not much financial help to Leydi – but as family support.

Leydi is asking for help.

- She needs to get a better job to provide for her children
- She does not have a driver's license
- She wants to continue with her education.

What are the possibilities, if any, to legalize her status:

EXTRA POINTS – (up to 5 points each)

What visa category, immigrant or nonimmigrant, if any, can the following two prospective clients use to enter the United States:

- 1) Siobhan, a twenty (20) year old native and citizen of Ireland with a high school education.
- 2) Elias, a thirty two (32) year old executive from Jordan who is working with Citibank/USA in Dubai for the past four (4) years

FALL 2012
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FINAL EXAM

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ESSAY QUESTION - 25 points each

1)

Victor appears in your office to discuss his desire to obtain US citizenship. He informs you that every time he travels back to the United States after briefs trips abroad he gets pulled aside and questioned about his "life".

Victor entered the United States when he was 15 years of age in 1998 with his siblings, his parents entered much earlier. He received his LPR status with his family pursuant to the NACARA program in 2004. He had work authorization since the commencement of that application process in 2001.

(NACARA is the Nicaraguan Adjustment and Central American Relief Act. It allows persons from Nicaragua to obtain LPR status if they entered before Dec 1, 1995 / or April 1, 2000 – spouses and children- no need to know any further info for this exam!)

Presently he resides in Waltham, MA with his parents (temporarily). He graduated high school and attended and graduated from Utica College in New York with a Bachelor's degree in accounting in 2005. He has been employed throughout the New England region with various accounting positions. He never quite settled into one job – but always remained in his field. Presently he has been laid off from his most recent position since May of 2012 – he is actively seeking a new position.

While he resided and worked in Vermont he met and married his present wife, Lilly a USC (from birth) in 2009. They have two USC children. Presently the family is renting a condo in Arlington, MA. Lilly is a stay at home mom.

You interrupt and ask that after all this time, why hasn't he applied for US citizenship before? He continues - - -

While in college he was arrested for disorderly conduct back in 2003, just outside to the campus.

Years ago he started his own accounting firm in Vermont, bought a beautiful home, had two cars, outstanding credit cards bills and enjoyed life. He was forced to file for bankruptcy in 2007.

He then obtained a job with Hartford Insurance Company in Connecticut. During his brief residence in Connecticut he was pulled over and charged with failure to register his automobile.

But most recently, due to his economic situation, two kids and daily finances, the household in Arlington has "not" been friendly. Two weeks ago his wife Lilly called the police for his screaming outbursts in front of the kids. He was ordered removed from the house. He does not know what is going on with this case. He has moved in with his parents in Waltham, MA until things cool off.

PHEW - - he now asks for your advice and opinion on his prospective citizenship application

1. What documentation will your need to prospectively file his N-400?
2. What further information is necessary to make an educated determination of eligibility?
3. How are you/Victor able to obtain these information/documents?
4. How, if able, will your proceed with this case.

2)

Michael is a 50 year old citizen and national of Ireland. He came to the US in 2000 on a tourist visa. He married Mary in 2002 in Newport, RI. After going through all the required procedures, he received his conditional residence status in November of 2002 and finalized his permanent resident status in 2004, based upon his marriage.

Michael and Mary have three children. Peter born in 2003, Mable born in 2004 and Douglas born in 2006. All children are born in the US. Mable is a special needs child and attends private schooling. Douglas was born with asthma and requires continuous care. Mary is a nurse, but provides home schooling for Mable and extra care at home when needed. She has informed the school teacher and nurses about Douglas's asthma – which is under control.

Michael is a mechanic with the MBTA and has wonderful benefits for his family.

In December of 2009 Michael was charged with destruction of property in the Peabody District Court. This charge were brought by Mary after he smashed her car window while parked at the mall. In February of 2010 Michael was found guilty after a trial and was sentenced to six months in the house of corrections. That sentence was suspended and he was placed on probation for 90 days.

Due to years of family problems, Michael and Mary, unfortunately, divorced in August of 2012. The divorce requires that Michael make weekly support payments for his children, pay for their private education and maintain their health insurance, until the age of 21. Michael has complied with the support order and is in full compliance with his probation.

Since Michael received his LPR status, he has traveled every year to Ireland to visit his parents. He has returned each summer without any difficulties until this year.

At the time of his last entry, the immigration inspector took Michael's alien registration card away from him and issued him a Notice to Appear to commence removal proceedings before the Immigration Court. They charged him with being inadmissible to the US because of the criminal offense. He will appear before the Immigration Court

- a. What if any defense does Michael have before the Immigration Court?
 - a. What is the likely hood of success?
 - b. What will be required of him?
- b. What documentation do you need from him?
- c. Would he ever be eligible to apply for US citizenship?

SHORT ANSWERS - 15, 15 and 20 points each

1) Justin Cooghan, an USC owner of a pub in Boston comes to ask for advice about his nephew-Patrick. Patrick is 22 years of age, unmarried and has no children and presently residing in Dublin, Ireland with his parents (Justin's brother).

Patrick wants to come to the United States on a *temporary basis*.

Justin informs you that Patrick is in his second year of university, studying accounting and is on the college soccer team.

As his uncle, Justin wants to know if there is any way he is able to assist in the immigration process and what avenues/options, if any, are available for his nephew to enter the US and if there would be a possibility of extending time in the US after his entry?

2) Sudra is a lawful permanent resident since July of 2009. He received his LPR status from his employer – BioGen Labs, Marlboro, MA

Sudra is a native and citizen of India. He travels back very frequently to visit family and friends.

As is in his custom, his parents have arranged a girl for him to meet and marry. The intended ceremony and cultural rituals will take place next February 2013. He will return to the US immediately after the ceremony – he is only allowed three week vacation.

His questions – concerns after his prospective marriage are:

How can he bring his new wife back in the US?

When will she be able to enter?

Could it be processed quicker?

What does he need to gather for you?

3) Fundamental definitions and procedural distinctions encompass U.S. immigration laws; we discussed several of them in detail during the semester, including the following:

Parts A – D: **DEFINE** the word or phrase given, according to US immigration laws; and **EXPLAIN WHY** each word or phrase given is important. **PROVIDE ONE** example for each:

- A. Child
- B. Nonimmigrant
- C. Conviction
- D. Good Moral Character

FALL 2011
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Question No. 1 (25 points)

Prospective client, Pedro, schedules a consultation in your office to discuss the possibility of filing for his United States citizenship. He arrives with only his passport and alien registration card (green card) to discuss his situation.

The information you obtain is that Pedro is a native and citizen of El Salvador. He was born on October 12, 1969. He entered the United States approximately December of 1996 when he crossed the border into Texas. A review of his card indicates that he has been granted his lawful permanent resident status in **May of 2004**. The information listed on the card also reveals that he obtained status through an **EB3** petition. He has informed you that he is married (**SINCE 2001**) and has two United States children ages 5 and 7. His immediate family resides in East Boston. His wife is also a lawful permanent resident. He has been separated from her since early 2006.

He informs you that although he is separated from his wife, he keeps in constant communication with his children and provides financial support for their expenses. He has no

know if his wife has applied for or received her United States citizenship. They are not in good speaking terms.

He has other family members in the United States, they do not live in Massachusetts and he is not sure of their legal status. He does travel to El Salvador to visit his parents, but has not departed the United States since 2006.

Pedro is employed with Lucia's restaurant as a full time cook. He has been with this employer since 2000. He has filed joint tax returns every year with his wife. However intends to file "married filing separate" for the year 2011. Since his entry in 1996 he has been employed in various other "locations".

He has not brought to you any documentation, copies of his file and no original certificates.

He wants to file for his citizenship because of concerns he has about his wife. In the past she is very negative towards him and has filed assault and battery (domestic) charges against him, He tells you that they have been "**dismissed**" He does not want to have any communication with about his application process and wants to move quickly on his application process due to fear that she may file additional charges against him.

1. What is your initial advice for Pedro?
2. What questions do you have for him?
3. What documentation do you need to evaluate his situation?
4. How quickly are you (if you are) able to file for US Citizenship
5. What supporting documents, evidence etc do you advise to bring to the interview for the officer to review?

Question No. 2 (25 points)

Some of your prospective clients wish to live and possibly work in the United States *temporarily*. They are all currently outside the United States. Below is a description of their circumstances.

QUESTION: Assume they will all get approved, **if qualified**, please indicate on which type(s), if any, nonimmigrant visa (or visas) would each of your clients be able to enter the U.S. Briefly outline the requirements, any restrictions and/or limitations that would accompany each visa.

- A. Paul is a British unmarried young gentleman who just graduated from Regional College in Waterford, England with a business degree in Sports Management. He would like to travel around the United States, on a vacation, for three months and "scout" out a prospective position with a national sports league.
- B. Victoria is fourteen years old and who resides in Costa Rica. She is finishing her 9th grade of high school and is fluent in the English language. Her entire immediate family (mother father and two siblings) live and work in Costa Rica. Her father owns his business and siblings are in university. She has relatives who reside in Wellesley,

Massachusetts. Her relatives own their own computer software company. She has vacationed in the United States on numerous occasions to visit family and friends and never violated her B-2 tourist visa status.

- C. John is a native and citizen of China. He is an international business executive with IBM-Asia. He has been employed with IBM for the past three years in the level of Executive Manager. He is married and has two children all born and residing in China. If he were able to temporarily travel to the US, would his family be able as well?
- D. Paula is unmarried and has no children. She is a native and citizen of Brasil who previously entered the United States in May of 2006. While residing in the United States she violated her tourist visa by being employed. She was arrested for larceny over \$250 in 2007. She returned back to Brazil to see her family in 2008.

Question No. 3 (25 Points)

Rosario, and her 8 year old daughter Pilar, entered the US in May of 2009 on their valid B-2 tourist visa from Uruguay. They came to visit relatives and have never departed since that time. Rosario left behind her two 12 year old twin sons who are being cared for by her mother in Costa Rica.

Rosario is presently employed at Rebecca's Café, part-time, while her daughter attends Malden Catholic Middle School. They share an apartment with friends in Malden.

Rosario has been dating Wayne, a USC for the past nine months. He works as Boston Police officer for the past eleven (11) years and **was previously married**. She has met all his family and they have taken many short trips together. Their most recent trip was in the summer to Disneyworld, with Pilar.

Rosario has never been married and is a only child. She desperately wishes to return to Uruguay to visit her family and twin sons. However, she understands he illegal status.

Wayne proposed to her while they were in Disneyworld, but she has not set a date yet for their marriage.

They are in you office to discuss her and Pilar's immigration situation.

- a. What would you advise them relative to any immigration process?
- b. What information would you need about Rosario's and Pilar's residence in the US?
- c. What information/documentation do you need from Wayne and Rosario?
- d. Any advice for Rosario's twin sons?

Question No. 4 (25 points)

Jose entered the United States **illegally**, through Mexico from El Salvador in November of 1998. He was neither encountered, nor arrested, by the Customs and Border Patrol agents of the Department of Homeland Security upon his entry. He has resided continuously in the United States since that time, and has never departed. He has worked in various locations since 1999 with a falsely created social security number (under his real name). In his twelve years in the United States he has lived and worked in California, Texas, and Michigan and presently in Somerville, Massachusetts. He married his Salvadoran wife Luz, in 1986 in El Salvador.

Luz **illegally** entered the United States in **February of 2000**. She also had no problems at her entry, crossing the border. They have three United States citizen children ages 9, 7 & 5 1/2. All the children are doing excellent in school, socially involved with community activities and are bilingual. Their youngest daughter has a small hole in her heart, with an irregular heartbeat. She, the daughter, has been under constant medical attention since her birth.

Jose's **LPR elderly mother** resides with them and provides day-care duties for the children. However his mother is a diabetic and has had her breast removed from cancer. She is under constant medical attention. Jose and Luz also work and send money back to El Salvador to assist their families

Recently the Department of Homeland security, while on an investigation for a drug smuggling gang, encountered Jose and Luz at their East Boston apartment building, They have been placed in removal proceedings and are scheduled to appear before the Immigration Judge.

Jose and his wife wish have no desire to return to El Salvador.

1. What section of law that governs the proceedings of their case?
2. By what means, application (s) if any, would they have the possibility to pursue their lawful permanent residence status?
3. Do they qualify for any "relief" "benefit" or "defense" and explain the process and requirements.
4. What documentation will be required of them?

FALL OF 2009
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Professor Linda A. Cristello
Law Offices of Linda A. Cristello
50 Congress Street, Ste 1020
Boston, MA 02109
(617) 742-0040

EXAM INSTRUCTIONS

Materials allowed to the exam : course syllabus, Immigration and Nationality Laws of the U.S. - Selected Statutes and the October 2009 Visa Bulletin.

Questions 1 through 5 are each worth 20 points. Read the facts completely and analyze the situation. Detail the advice you would give to your client

The following clients have come to you for a consultation. Use your knowledge, the Act and the October 2009 Visa Bulletin to analyze and discuss their situation. Detail the immigration process for each client and the likelihood of a favorable outcome. Spot the issues and determine which regulation[s]/statute and form[s] that is necessary in each case. Results may not be immediate.

Abbreviations:

USC = United States citizen

LPR = lawful permanent resident

BCIS & ICE = formerly Immigration Service

QUESTION 1

Bella from Belarus comes to your office, wishing to apply for her United States citizenship. She details to you that she received her asylum grant in Boston on January 5, 2003 and applied for and was granted her LPR on January 27, 2005. She has been residing in the United States since 2001, previous to her grant.

Recently she has been living in Chelsea and was working as a hostess at Ciao Bella on Newbury Street until the birth of her son. She also informs you that she married Yugo, her longtime boyfriend, in Belarus on May 20, 2007 and they have a son together born in the United States on September 8, 2008. Yugo has never been in the United States.

She tells you that *every time* she goes home she is getting pressure from her in-laws that she has not done anything to help Yugo to enter the United States. He is anxious and has tried to obtain a visa before. When she returns to Belarus he is always working and does not spend that much time with her.

What advice do you give her about her prospective application for United States citizenship and the future of her husband?

When can she apply for her United States citizenship?

What information and documentation do you need from her?

What if anything can be done at this time for her husband Yugo?

What information and documentation do you need from him (and her) for their prospective process?

QUESTION 2

Alexia entered the United States from Italy with her aunt Trina on a valid tourist visa in the summer of 2004 when she was seventeen years of age. She then was enrolled in high school in Andover, Ma and graduated in 2006. At that time she was residing with Aunt Trina and her family. She applied for and was granted admission to attend Bentley University in Waltham, MA to study business administration. She is in her fourth year of college and expects to graduate in May of 2010. She lives in the dormitory, but unbeknownst to her Aunt, she tells you that she has been living with her boyfriend James at his apartment in Belmont, MA.

Alexia informs you that she has traveled back to Italy on many occasions to visit with family and friends.

It is Christmas break and she has come to your office, with James, to discuss her future after graduation. She anticipates graduating with only a 2.5 GPA and states she was never interested in school anyway – but intends to complete! With the economy being so tough, and her grades not that promising, it has been tough to locate a job in her field of education in this area. She has been on many interviews and has been offered a job as an accountant with a resort in Scottsdale, Arizona.

She is not quite sure she wants to move away from New England and leave her family and boyfriend James. However, she wants to live in the United States and is seeking advice from you on how that can be accomplished.

Before you are able to give her legal advice, what documents do you need from her?

What do you need to know about her immigration status?

Did she maintain lawful status since her entry in 2004?

What advice can you give her about her prospective job offer and what will she have to do in order to accept that job?

Are there any suggestions that can be made for a future with James?

What information do you need to know about James?

QUESTION 3

Roma is a native and citizen of Uruguay who initially entered the United States as a F-1, graduate student in 2003

Roma and her present husband Joe had dated since 2004, four years before they got married on New Years Eve in 2007. They began to live together in 2005. They had a grand wedding where both immediate families attended, along with approximately 200 guests of family and friends

Roma has been a conditional resident alien since June, 2008. She received her status through her USC husband Joe's marital petition.

They both love the sport of soccer and have traveled extensively together following their favorite teams. Roma has a well paying professional job and together they bought their home in 2006 (before their marriage). Roma is required to spend long hours at her job and is an adjunct professor at the community college. Joe, on the other hand, only works part time and stops working in the summer to play golf. He has been arrested on several occasions for drinking in public and disorderly conduct. He does not maintain the home and waits for Roma to cook, clean and pay the bills.

Although they have been together for 5 years, this is not the life Roma envisioned. They have been separated since October 2009.

Roma is in your office to discuss the possibility of filing for a divorce and the effect it would have on her immigration status and future citizenship application.

What is your advice, based upon her present immigration status?

What process must she pursue so as not to lose her lawful status?

How will her decision affect her immigration status?

What documentation will you need from her?

Will she be able to apply for United States citizenship, and if so, when?

QUESTION 4

You have received a phone call from Carleton Michel. He has informed you that his son, Omar, has been arrested and detained by Immigration and Customs Enforcement (ICE) officers. He is presently being held at the Plymouth County House of Correction, Plymouth, MA.

Carleton and his family are from Trinidad. Carleton informs you that his entire family, consisting of his spouse and four (4) children, are all naturalized USC except Omar who is only a LPR.

He tells you that his son, Omar is single with no children. He lives with a roommate in Allston, MA.

He tells you the facts, as he knows it: Omar entered the US with his immigrant visa in 1986, when he was 14 years old. He has always resided in MA. He has completed high school from Boston Latin, a prestigious high school in Boston. He continued to college where he graduated, with honors, from University of Massachusetts in Amherst in 2006. Omar has held various jobs after college and is presently employed at Fidelity Investments.

Last Thursday, Omar was with colleagues at a nightclub in Chinatown. The group got rowdy after the closing of the club and he and three other colleagues were arrested for Disorderly Conduct. The group was taken to the Boston Police Department in Roxbury to be "booked". The other gentleman received their criminal complaints and left the department that night. Unfortunately, Omar was *held over night* and the next day was picked up by the ICE officers. He was processed by the ICE officers and is being housed at Plymouth House of corrections.

Carleton, the father, comes to tell you that he does not know why his son is being held by the immigration authorities his son is a LPR for over twelve (12) years.

HE NEEDS INFORMATION AND LEGAL ASSISTANCE.

You contacted ICE office in Burlington, MA and found out that he is being held for a prior drug possession offense that occurred in 2006. The officer is able to inform you that the incident arose out of the Quincy District Court and he pled guilty and received 6 months probation. He is being charged under section 237(a)(2)(i) of the Act and the ICE officer will be forwarding the notice to appear to the Court.

Carleton had no idea that his son was ever arrested. You have asked for a retainer and stated that you will go the House of Corrections and interview his son Omar.

He is now before the Immigration Court for removal proceedings.

What do you need to know about Omar's criminal past?
What can be done to obtain information about him?

Based upon all the information that you received (and speculating at this point) what relief, in light of the drug offense, does he have to apply for before the Court, to defend his status in the U.S.?

What documentation /evidence will you need the family to gather?

**** Are you able to get him out of jail while the case is pending before the Court?

Is there a citizenship application for him in the future?

QUESTION 5

Fundamental definitions and procedural distinctions encompass U.S. immigration laws; we discussed several of them in detail during the semester, including the following:

BRIEFLY:

DEFINE the word or phrase given, according to US immigration laws - give example;
PROVIDE the section of law; and
EXPLAIN WHY each word or phrase given is important.

- A. Step-Child
- B. Nonimmigrant
- C. Conviction

FALL OF 2008
IMMIGRATION LAW AND PROCEDURE
MASSACHUSETTS SCHOOL OF LAW

Professor Linda A. Cristello
Law Offices of Linda A. Cristello
50 Congress Street, Ste 1020
Boston, MA 02109
(617) 742-0040

EXAM INSTRUCTIONS

Materials allowed to the exam : course syllabus, Immigration and Nationality Laws of the U.S. - Selected Statutes and the September 2008 Visa Bulletin.

Questions 1 through 5 are each worth 20 points. Read the facts completely and analyze the situation. Detail the advice you would give to your client

The following clients have come to you for a consultation. Use your knowledge, the Act and the September 2008 Visa Bulletin to analysis and discuss their situation. Detail the immigration process for each client and the likelihood of a favorable outcome. Spot the issues and determine which regulation[s] and form[s] that is necessary in each case. Results may not be immediate.

Abbreviations:

USC = United States citizen

LPR = lawful permanent resident

BCIS & ICE = formerly Immigration Service

QUESTION 1

Max is a native and citizen of Jamaica who received his LPR status in 1998 at the age of 24. He informs you that he obtained his LPR status through marriage to his wife Beverly, a naturalized USC. Beverly married Max in Jamaica on January 1, 1996 and returned to the United States to process his petition. Pursuant to the approved visa petition Max received an interview at the American Consulate at which time the American Consulate approved his immigrant visa and he entered the US on February 14, 1998 at Miami, Florida.

Beverly, his wife, works as a registered nurse in Miami, Florida and they have three (3) USC children. His children were born on 12/1998; 1/2000 and 3/2001. The family resided together until Max left Miami in March of 2002 and moved to Jamaica Plain, MA.

Presently Max is living with Raquel and their six (6) months old son Gene. Raquel is from El Salvador who entered the United States three (3) years ago on a tourist visa from El Salvador. She has no legal status.

Max tells you he wants to apply for US citizenship but he has numerous concerns. His job situation since his entry into the US has been sporadic. Presently he is a Boston Cab driver and has numerous traffic violations. Also in September of 2003 he was arrested in Dorchester, MA for the charge of Assault and Battery w/a dangerous weapon (baseball bat) when he was being robbed in his cab. He pled guilty and received six months probation and paid court costs.

His last trip outside the US was in 2002 when he returned to Jamaica for his mother's funeral.

What do you need to obtain/know from Max to determine if he is statutorily eligible for US citizenship? What are the requirements?

Discretionarily: what concerns do you have about his LPR status, family and employment etc. regarding his application process?

QUESTION 2

Bruno entered the United States as an F-1 student in 2004 to attend Salem State College. His course of study is business administration. During his studies, he rented an apartment with two other classmates. Also during school breaks and long weekends he has traveled within the United States.

In 2006 he completed his Associate's Degree. In June of 2006, he traveled home to Brazil for the summer vacation. He returned to the US in September of 2006 to continue with his education. He attended school fulltime at Merrimack College and graduated in May of 2008 with a Bachelor's degree in Business Administration.

Presently he is employed with Lindt's Chocolates as a payroll supervisor.

Bruno comes from a wealthy family in Brazil. He has traveled to the United States on many occasions before attending college

He also tells you that he is engaged to Claudia who is also from Brazil. Claudia is a 2nd year student at Mass College of Art.

Bruno wants to remain permanently in the United States and seeks your advice.

What information and documentation do you need from him to review his status?

With the information you receive, what is your advice on his present status?

What can be done, if anything for him to remain in the United States, or for him to return in the future?

Can Claudia be included in his future plans?

QUESTION 3

John Grant is a 42 year old citizen of the United States, born in Palm Beach, Florida. John is presently employed as a Senior Partner with Whittier Trust Funds. He currently resides in Dover, MA. He was previously married and has one 19 year old son, David.

John tells you that on a trip to St Maarten in September of 2007, he met Andrea. Andrea was on St. Maarten with her girlfriend for an extended vacation. Andrea is from Slovakia. When he returned home to the US, he kept thinking about her and he knew that she would be in St Marten until November 30. He then booked another trip and returned for 2-3 days to visit with her again before she returned to Slovakia.

He tells you that after she returned to Slovakia they kept in communication via e-mail and telephone calls. Approximately in February of 2008, John decided that he wanted to meet her family and he traveled to Slovakia for a two (2) week vacation. The couple stayed at the Radisson Hotel in the capital city of Bratislava. They spent their time sightseeing and getting to know each other and the city.

After his return to the US, he tells you that the relationship progressed and he decided to plan a trip to meet in Paris. Paris was easy for her to travel to and he would be there on business. They met in September of 2008.

They discussed a future trip for her to the U.S. to visit but he tells you that Andrea had applied for a visitor's visa at the U.S. Consulate. However, because she is not working, they did not issue her a visa and therefore is unable to travel to the U.S.

They have talked about their future and how they could be together and start a life. This is when they discussed the possibility of marriage.

John's family has not met Andrea. Because he has so many family members in the US he wants to start his married life in the U.S.

He comes to you for advice on how she would be able to legally enter the U.S. He would like to plan a spring wedding in Palm Beach, Florida and needs to know what is to be done to accomplish this.

What is your advice on how to proceed with getting Andrea into the US?

What will be the process?

Where will the initial petitions be processed?

What can be expected after that?

What documents do you need from John and Andrea?

Ultimately, if and when Andrea arrives in the United States, what will be the continued process?

QUESTION 4

You have received a phone call from Martine Dexter who resides in New Jersey. She has informed you that her brother, Wes, has been arrested and detained by Immigration and Customs Enforcement (ICE) officers. He is presently detained in Plymouth County House of Correction, Plymouth, MA.

Martine and her family are from Haiti. Her entire family, consisting of four (4) siblings and her mother, are all naturalized USC and or LPR's living in the NJ, NY, MA and FLA

Her brother, Wes is a LPR, married to Marie (USC) since January 2001 and they have two (2) USC children. They live and own their home in Milton, MA.

She tells you the facts, as she knows it: Wes initially entered the US on a B-2 tourist visa in 1987. After his marriage to Marie in January of 2001, Marie filed for his LPR and he received his lawful status in November of 2001 at the Boston immigration office. He has always resided in MA. He has been employed at various jobs since his entry. Currently he works part time as a cab driver and is a stay at home dad to his two (2) children. His wife, Marie, is an equity trader with State Street Financial.

Recently, he was picked up by the ICE officers after his criminal case was completed in Dedham District Court. In August of 2008, he initially was charged with Assault and Battery, against his son. The story is that after having dinner with the family, Wes locked the keys in his car. In the parking lot at Applebee's, the car window was opened a bit. He was trying to get his son's small arm through the opening when the child started to cry. Patrons of the restaurant called the police on him. He was charged with A&B, against a family member.

The next day after his arraignment in Dedham District Court, Wes and his family were paying the bail. Wes started to yell at his son saying "see what trouble you got your Daddy into". The officers over heard that and informed the Clerk of Court. Wes was then charged with intimidation of a witness.

For both cases, Wes pled guilty and received a 364 days suspended sentence on each count. Due to these charges and convictions, ICE took him into custody after the sentencing. Under the immigration regulations he is mandatorily detained by the Service and is not eligible to be released on bond.

He is now before the Immigration Court for removal proceedings.

What, if anything, is he eligible to apply for before the Court, to defend his status in the U.S.? Does he qualify for any relief?

What information and documentation do you need from him and his family to prepare for your case?

What will be the standard of review the Court will be looking into before deciding his case?

QUESTION 5

Fundamental definitions and procedural distinctions encompass U.S. immigration laws; we discussed several of them in detail during the semester, including the following:

DEFINE the word or phrase given, according to US immigration laws; and **EXPLAIN** **WHY** each word or phrase given is important. Provide the section of law and example for each

- A. Step-Child
- B. Nonimmigrant
- C. Conviction
- D. Good Moral Character

FALL OF 2003
IMMIGRATION LAW AND PROCEDURE
MASSACHUSETTS SCHOOL OF LAW

Professor Linda A. Cristello
Law Offices of Linda A. Cristello
100 State Street, 11th flr
Boston, MA 02109
(617) 742-0040

EXAM INSTRUCTIONS

On this date, December 17, 2003, the following clients arrive in your office for a consultation. Use your knowledge and the September 2003 Visa Bulletin to analysis and discuss their situation. Detail the immigration process for each client and the likelihood of a favorable outcome. Spot the issues and determine which regulation[s] and form[s] that are necessary in each case. Results may not be immediate.

Abbreviations:

USC = United States citizen
LPR = lawful permanent resident
BCIS & BICE = formerly INS

1. Luz, a single 28-year-old native and citizen of Guatemala, entered the United States on a F-1 student visa to study English in 1999. She attended one semester of school to study English as a Second Language in 1999. She has never left the United States. On April 15, 2001 her mother Juana, a LPR, filed a petition on her behalf. The petition was approved on December 12, 2002.

Juana is 68 years old and has had her LPR status since 1982. She frequently travels back and forth to Guatemala to visit her family.

Luz and Juana, both do not speak English, are in your office to discuss Luz's status. Luz is concerned about the ever-changing immigration laws and wants to know what can be done, if anything, to obtain her employment authorization, LPR status and travel authorization..

2. AnnaMaria/USC has been married to Luis since 1996. It is the first marriage for both and they have 2 USC children ages 7 & 5. AnnaMaria works as a property manager since 1993 and earns 40k per year

AnnaMaria and Luis come to your office to discuss the possibility of Luis receiving his LPR status. They (nor Luis) have never filed any paperwork with the BCIS. Luis is from Peru and entered the United States with his mother on a valid tourist visa when he was 15 years old. He is now 35 and has never traveled outside the United States. He barely speaks the Spanish language. AnnaMaria and the children speak no Spanish.

The problem is that Luis was arrested in Dorchester, MA in 1997 for a first offense possession of Class D (marijuana). He was convicted and received a sentence of Guilty with 6 months probation.

They have been afraid to confront his problems but Luis lost his job and now seeks to legalize his status, if he is able.

What if anything can be done to seek a favorable outcome, hopefully, in the United States?

3. Dinesh is a 33-year-old native and citizen of India, comes to you to ask for your representation at his naturalization interview set for January 2, 2004. His immigration/corporate attorney in North Carolina has filed his papers and will be assisting you in this process.

Dinesh became a LPR on April 19, 1998 through the labor certification from his present employer, Huskey International, Inc. (Huskey). On March 20, 2003, the BCIS received his citizenship application.

The concern is that Dinesh is required to travel a substantial amount of time for Huskey to China, Japan and India. A review of the N-400 application reveals that since 1998, Dinesh has traveled outside the U.S. seven times, totaling 838 days outside the United States. You notice that on one of the trips he left the U.S. on August 16, 2001 and returned May 30, 2002, remaining outside the United States for nine (9) months.

Dinesh's wife is a LPR and they have 2 USC children who travel with him. He files his US tax returns while he is outside the United States on business. He informs you that he maintains his US bank account, credit cards and contact with the children pediatrician in Andover, MA.

To prepare him for his interview what questions do you have of him?

What information and documentation do you need to review to determine his continuing eligibility for United States citizenship?

4. Roberto is a United States citizen, working with Citi-Bank assigned abroad in Rome, Italy. His assignment will end on February 14, 2004. While living abroad he met and fell in love with Belinda. Belinda, a native and citizen of Italy, is a widowed mother of two children. The children ages are 12 and 16 from her first marriage.

Roberto has e-mailed you for advice on what procedures are necessary to have Belinda and her children return with him to the United States and the end of his assignment, to remain permanently. At the least, he would like to know how they could enter United States in the shortest period of time so that they can be together. Neither Belinda, nor her children have ever been to the United States.

What questions do you have of Roberto, Belinda?

What options are available?

What petitions or applications are necessary to commence Belinda, and possibly her children, to enter the United States?

5. Roma has been a conditional resident alien since March 2, 2002. She received her status through her USC husband Joe's marital petition.

Roma and Joe dated since 1997, four years before they got married on New Years Eve in 2001. They had a grand wedding where both immediate families attended, along with approximately 200 guests of family and friends.

They both love the sport of soccer and have traveled extensively together following their favorite teams. Roma has a well paying job and together they bought their home in 2001 (before their marriage). Roma is required to spend long hours at her job and is continuing her college education. Joe on the other hand only works part time and stops working in the summer to play golf. He has been arrested on several occasions for drinking in public and disorderly conduct. He does not maintain the home and waits for Roma to cook, clean and pay the bills.

Although they have been together for almost 6 years, this is not the life Roma envisioned. They have been separated since October 2003.

Roma is in your office to discuss the possibility of filing for a divorce and the effect it would have on her immigration status and future citizenship application. What is your advice?

6. Paul, a native and citizen of Ireland, and a former soccer coach in Dublin, will be graduating from Salem State College with a degree in business at the end of December 2003. He is seeking to change his nonimmigrant status to that of a professional worker. He has been offered a management position with the Boston Bulldogs, a Division III soccer team. He does not wish to violate his immigration status but is concerned that his studies will end in two weeks. The Boston Bulldogs wish to hire him at the conclusion of his studies. He comes to you today to discuss his immediate future.

Will he be allowed to maintain legal status in the United States?

Is he eligible to accept employment at the end of his studies?

What information/documentation do you need to obtain from Paul before deciding on which process to pursue?

What information/documentation do you require from the Boston Bulldogs?

Detail the process you believe he would qualify for?

7. Immaculada, a native and citizen of Colombia entered the United States illegally in 1988 by crossing the Texas/Mexico border. She was not apprehended by the BICE.

Immaculada has been living with her USC alcoholic boyfriend, Marty, since 1990 until they separated in June of this year. Because of his excessive drinking and sporadic behavior, they never married. Together they have four USC children ages, 14, 10, 8 & 6. She is presently living in a women's shelter with the children. All the children are doing fine in school and participate in after school activities and sports programs. Her 10-year-old son was born with a brain tumor and suffers frequent seizure that requires constant medical attention. Immaculada must care from him at a minute's notice, when called by the school officials. Marty is employed with Marston Mills and provides for the children's medical health insurance. Immaculada tries to maintain a part time job, although she is using a false social security card.

Her children have never traveled to Colombia and Immaculada has no living relatives there. The children only have a "working" knowledge of the Spanish language.

Immaculada comes to you to ask for your assistance if she can do anything on her own to legalize her status. She needs to seek a better job to care for her children and all employers are asking for her lawful permanent resident status" or employment authorization.

What procedures are available to Immaculada to petition for her own case?

What documentation is required to qualify for any application or petition she may pursue?

8. Drauseo and his spouse, Marisela are native and citizens of Brazil. They are lawfully in the United States under the visa category of H-1B and H-4, respectively. Drauseo is maintaining his H-1B status as a clinical instructor with a dental implant center in Jamaica Plain, MA. Drauseo and his spouse's nonimmigrant H status will expire in July of 2005. They initially received their status in July of 2002.

The implant dentistry center has offered Drauseo a full time permanent position with the company and is willing to sponsor him with whatever process is required. The Human Resource Director has contacted you for advice on how to commence this process.

What are the document required from Drauseo and his sponsor?

What is the responsibility of the company?

How long will this process take?

What are the processes required from beginning to completion?

Are there any measures that can be requested to speed up this process?

9. Jorge, a native and citizen of the Dominican Republic, has been a lawful permanent resident since 1997. He had resided in the United States since 1992 when he entered as a B-2 tourist. He received his LPR status through his USC spouse, Jocelyn, in Boston, MA. They are still married and have three USC children. Jorge and his family frequently travel to the Dominican Republic to visit family but he is concerned about the recent enforcement of the immigration laws. He has never had a problem in the past seeking admission back into the United States. However, recently one of his friends was returning from abroad and was detained by the BICE for a prior criminal matter.

Jorge wishes to spend the holidays in the Dominican Republic but is in your office to discuss his status and concerns about traveling. Since his entry, over eleven years, ago he has living in three different states. He and his family have resided in Massachusetts since 1999. He currently owns his own company and faithfully pays his IRS taxes. However, between the years of 1998 and 2000 he had a string of "bad luck" with the law. He was criminally charged on numerous occasions for various offenses. He tells you that he attended all his court dates and that all the matters have been "dismissed". He has never had a problem in the past traveling outside the US but understands that the BICE now has more access to other state and federal agencies that could cause him problems upon returning to the United States

He does not know exactly what he received for dispositions but IS CERTAIN that they are all closed. He recalls the following:

In 1998 he believes he was wrongfully charged with possession of cocaine while attending a party in Lawrence. He "remembers" the case being terminated and the Judge telling him "sorry and not to worry".

In 1999 he was arrested on two separate occasions for assault and battery. He does not know the exact dates, but it happened in Salem, MA. Or was it Salem, NH? He remembers that he received a Continuance without a finding (CWOFF) and the cases were closed.

In 2000, he was pulled over for a suspended license. He went to Lynn District Court and paid the fine.

He thinks "something" happened in 2001, but does not recall.

Before you can give accurate advice to Jorge about his criminal past and his immigration future, what inquiries must you make in order to advise him appropriately?

What possibilities, if any, does he have for his future? Will he be able to travel outside the US without an incident?

10.

Isabel, a native and citizen of Mexico who has resided in the United States for the past 16 years as a lawful permanent resident. He received his status, legally, through the amnesty program. He works continuously as a parking lot attendant, making \$13,500 a year. He faithfully files his IRS tax returns. He has never had any problems with state or federal laws.

He married Beatriz in Mexico in 1984 and they have five children. Beatriz and the children all reside in Mexico and never entered the US. Isabel travels twice a year to visit his family. She never wanted to leave Mexico because she was caring for her elderly parents. The children's ages range from 19, 15, 11, 10 & 6. Sadly, Beatriz parents are now deceased and she is living alone with her children. She is now ready to leave Mexico and enter the United States

Isabel filed a relative petition for his wife and five children in December of 1998. The cases have been approved.

Isabel wants to know how much longer it will take for them to enter the United States? Can he speed up the process?

What is the procedure for them to enter and what documents are required?

What information do you need to know from children in order for them to remain eligible to enter through their father's petition?

FALL 1999
IMMIGRATION LAW AND PROCEDURE
MASSACHUSETTS SCHOOL OF LAW

Professor Linda A. Cristello
Law Office of Linda A. Cristello
100 State Street, 11th flr
Boston, MA 02109
(617) 742-0040

FINAL EXAM

This is a two hour exam consisting of ten multiple choice questions, each worth four points and three essay, each worth 20 points.

This is an open book examination and you may consult with any materials that were handed in class. Please write legibly, concisely and do not use abbreviations other than those discussed and used in class. Essays should follow the questions in a coherent manner.

MULTIPLE CHOICE:

1. Raul, a naturalized United States citizen born in Mexico, wishes to petition for his 2 adult, married brothers to immigrate to the United States from Mexico. How long, if available, is the approximate waiting period:
 - a. 6 years
 - b. 11 years
 - c. 8 years
 - d. none, immediate relative

2. Immigration and Naturalization's definition of an aggravated felony does not include the following conviction:
 - a. possession of marijuana, with a sentence of Guilty, 11 months suspended
 - b. an alien previously deported on the basis of a prior conviction for an offense under 101(a)(43)
 - c. defaulting on a criminal sentencing, where the alien failed to appear for service if underlying offense is punishable by imprisonment for a term of 5 years or more

3. The only possible exception one might claim when applying for naturalization is the following:
 - a. Applicant must prove good moral character
 - b. Applicant must demonstrate physical presence in the United States for at least half the residency required, whether it be 5 years or 3 years
 - c. Applicant must demonstrate an understanding of the english language
 - d. Applicant must have a "knowledge and understanding of the US history and government"

4. Client/LPR enters your office wishing to apply for US citizenship. He has lived in "various states" throughout the United States during his residence in this country. He cannot recall, if or when, he has ever been "arrested, cited, charged, indicated, convicted, fined or imprisoned" in the U.S. The best possible avenue to obtain the criminal history for your client is to file:
 - a. CORI: Criminal Offender Record Information
 - b. FOIA: Freedom of Information Act
 - c. FBI search, with fingerprints and an \$18.00 check
 - d. A request at the local police department

5. Your client from India is in the United States on a valid H-1B visa working for Ultra-Fine Water Systems as a chemical engineer. He wishes to apply for the 2001 Diversity Immigrant Visa Program. You tell him:
 - a. He must mail his application between the dates of October 4, 1999 and November 3, 1999
 - b. Only one entry form may be submitted for each applicant
 - c. He must have a high school education or 2 years work experience within the past 5 years in an occupation requiring at least 2 years of training or experience to perform
 - d. All of the above
 - e. He is not eligible.

- 6.. A high school graduate from Ireland entered the United States and was admitted on a visa waiver. He was granted 90 days to remain in the United States. He now wishes to change his status in the United States and attend college. You advise him:
 - a. He will need to obtain a completed and approved form I-20A-B issued by a designated school and return to his native country to obtain his student visa
 - b. Complete form I-539, Applicant to extend or change nonimmigrant status, along with the approved form

I-20A-B and supporting documentation, and submit to the Service Center having jurisdiction over his residence.

- c. He will be immediately eligible to seek employment in order to assist in paying for the financial requirement of his student fiances.
7. USC married his Canadian fiance last month in Montreal, Canada who has twin, unmarried 17 year old handicap sons. USC seeks to petition for his new wife and his step children. How long, approximately, is the waiting period to bring **all** his newly formed extended family into the United States;
- a. 1 1/2 years
 - b. 4 years
 - c. No waiting period
 - d. Children not eligible
8. Malik, and educated engineer from Pakistan enters the United States on a B-2 visitor visa, on September 8, 1999. Today he has been offered a fulltime position with Computer-Rule, Inc. as a software engineer. To accept this position you tell him he will be required to:
- a. Demonstrate he has a U.S. equivalent of a Bachelors degree or higher
 - b. Demonstrate his admission period granted by the INS is still valid
 - c. He must relinquish his foreign residence
 - d. all of the above
 - e. A and B
9. Applicant entered the US on a valid B-2 visa on April 12, 1997. He never applied for an extension, nor has he ever changed his status. He now wishes to attend college and brings to you an authorized I-20A-B to commence school in the Spring, 2000. You advise him he must depart the US to obtain his visa at his native country's Consulate, but,
- a. He may be subject to the 3 - 10 year bar against reentry under 212(c)(9)(B)(i) if he departs the US
 - b. He must return to the United States with a round-trip ticket
 - c. He must demonstrate financially ability, from a US sponsor, to the US Consulate prior to his reentry.
10. LPR client tells you he obtained his permanent resident status through the 1986 Amnesty Program, in December of 1990. He wishes to travel back to Colombia, however he recalls being convicted on three separate occasions for criminal offenses that involved crimes of moral turpitude. All convictions were received between the years 1991 - 1994. You advise him:

- a. Not to travel, he may be inadmissible back to the U.S.
- b. Immediately apply for citizenship before he travels outside the US
- c. He will not have a problem because the convictions occurred more than 5 years ago.

Unless otherwise indicated, assume that all relationships mentioned are bona fide, that the visa bulletin given out earlier this semester is effective now, and that all aliens are honest, hard working and law-abiding folks.

Please write legibly, concisely and in a coherent manner.

1. Today, December 22, 1999, Carlos Recife, a 49 year old male citizen of Brazil, comes into your office and tells you that he has been in the United States since December 30, 1971, when he entered the United States at New York City as a tourist to attend a gala New Year's party thrown by his friend and former soccer mentor, Pele. On January 1, 1972, when Carlos woke up, hung over on the couch in Pele's apartment, he decided to stay in the United States.

For the past twenty eight years , Carlos has been hanging around the international soccer crowd in New York City, finding work as a coach for local college teams and as a waiter in the Brazilian restaurants. He has a son, Vilmar, born on December 30, 1978 in the United States who has always resided with Carlos, since birth and who Carlos is financially responsible. Vilmar's mother whereabouts are unknown. Recently, Carlos has been living out of wedlock with Maria Dos Santos for the past several years. Maria is a Brazilian and has been a lawful permanent resident for ten years.

They have never told each other they wanted to marry, They have never found a reason to tie the knot, until two weeks ago when the immigration service raided the restaurant that Carlos was working in and caught Carlos.

After writing him up, the INS released Carlos on his own recognizance and told him to await a hearing notice in the mail for his removal proceedings.

What are his options? What is your advice for him to do? What is your advise, if any, for Maria to do? What advise, if any for Vilmar? What will you do when the Removal proceedings have begun? Which applications, petitions, defenses are available?

2. Juanita Valdez, a citizen of Columbia, imports coffee. Juanita received her "green card" (lawful permanent resident status) over ten years ago.

Juanita's boyfriend, Benjamin, is a famous Mexican architect.

He has a bachelor's degree in Architecture and is certified to practice the profession in Mexico. He is in the United States on a valid B-2 visa. He has been searching out job opportunities and has been offered a job with "Designs with Style" as an Architectural Drafter. His duties will consist of detailing scale drawings of architectural designs and plans for buildings.

In Mexico, Benjamin has a daughter Immie, 16 years old, whose mother he had never married and is of parts unknown. Immie has always been under Benjamin's care. She is now in boarding school in Mexico. Juanita has been paying the tuition for the past three years. Benjamin wants to stay in the U.S. and have his daughter attend school in Boston. Juanita and Benjamin intend to get married, at some point.

What can you do for them? What plan of action or contingency plans can you make? Are there any immediate applications or petitions that can be filed for all of them or each of them separately?

3. Imelda Markowitz: is an adult native and citizen of the Philippines. She is married to Doc Pappas, a naturalized United States citizen. The couple live together in Brooklyn, New York. Before she even met Doc, Imelda gave birth to a daughter, Anna, born January 28, 1982, and a son Michael, born May 10, 1987, both residing in the Philippines.

Imelda has been in the US since 1988, when she arrived as a nonimmigrant student to attend the Berklee School of Music. In 1995, Imelda graduated with a Bachelor's Degree in composition. Without authorization, she began working with an advertising agency. There, she writes jingles for the commercials that the agency produces for its clients. The company has stated they will assist with whatever paper work is required to help her keep her job.

She has been married to Doc for two years and a half. She wants a green card and she wants to bring Anna and Michael to the US as Permanent Residents. However, last month, Doc ran off to save the open a coffee shop in Seattle. Doc has been ignoring Imelda for almost a year and Imelda had been seriously dating a U.S. citizen, Don Ho, for the past six months.

What advise do you give her? What are her options and what will/can you do for her? What, if anything, can be done for the children in the Philippines?

FALL 1998
IMMIGRATION LAW AND PROCEDURE
MASSACHUSETTS SCHOOL OF LAW

Cristello

Professor Linda A. Cristello
Law Office of Linda A.

100 State Street, 11th flr
Boston, MA 02109
(617) 742-0040

FINAL EXAM

Answer four of the five essay questions. Unless otherwise indicated, assume that all marriages mentioned are bona fide, that the visa bulletin given out earlier this semester is effective now, and that all aliens are honest, hard working and law-abiding folks.

You are scheduled for the following appointments. Discuss the plan of action and advice you would give your prospective clients.

9:30

Imelda Markowitz: is an adult native and citizen of the Philippines. She is married to Doc Pappas, a naturalized United States citizen. The couple live together in Brooklyn, New York. Before she even met Doc, Imelda gave birth to a daughter, Anna, born January 28, 1974, and a son Michael, born May 10, 1987.. Imelda has been in the US since 1988, when she arrived as a nonimmigrant student to attend the Berklee School of Music. In 1995, Imelda graduated with a Bachelor's Degree in composition. Without authorization, she began working for Doremus, Inc. an advertising agency. There, she writes jingles for the commercials that the agency produces for its clients. She has been married to Doc for a year and a half. She wants a green card and she wants to bring Anna and Michael to the US as Permanent Residents. However, last month, Doc ran off to join the circus. Doc has been ignoring Imelda for almost a year and Imelda had been seriously dating a U.S. citizen, Don Ho, for the past sic months. What are her options and what will/can you do for her?

11:00

Carlos Ipanema, a 39 year old male citizen of Brazil, will tell you that he has been in the United States since December 30, 1971, when he entered the United States at New York City as a tourist to attend a gala New Year's party thrown by his friend and former soccer mentor, Pele. On January 1, 1972, when Carlos work up hung over on the couch in Pele's apartment, he decided to stay in the United States. For the past twenty seven years , Carlos has been hanging around the international soccer crowd in New York City, finding work as a coach for local college teams and as a waiter in the Brazilian restaurants. He has ben living our of wedlock with Maria Dos Santos for the past several years. Maria is a Brazilian and has been a lawful permanent resident for ten years. They have never told each other they wanted to marry, They have never found a reason to tie the knot, until two weeks ago when the immigration service raided the restaurant that Carlos was working in and caught Carlos. After writing him up, the INS released Carlos on his own recognizance. The District Director of the INS had granted Carlos voluntary departure, administratively (without placing under removal proceedings) until May 4, 1998. In New York City, the INS's practice is to issue and Notice to Appear (action for removal) within days of the Voluntary Departure date if the alien has not departed. What are his options? What is your advice for him to do? What will you do when the Removal proceedings have begun?

1:30 p.m.

Juanita Valdez, a citizen of Columbia, imports coffee. She is close friend of George Papadapolous, a senior partner of the law firm you work in. George, a highly respected criminal attorney, has represented Juanita and several of her "business associates" and other high profile clients for the past ten years. Juanita is a major client of the firm. Your predecessor in the firm has been Juanita's point person for immigration work. In fact, you predecessor filed the necessary papers that got Juanita her green card over ten years ago. Juanita's boyfriend, Benjamin, is a famous Mexican architect. He has a bachelor's degree in Architecture and is certified to practice the profession in Mexico. He is her on a valid B-2 visa. In Mexico, Benjamin has a daughter Immie, whose mother never married and is of parts unknown. Immie has always been under Benjamin's car. She is now in boarding school in Mexico. Juanita has been paying the tuition for the past three years. Benjamin wants to stay in the U.S. and have his daughter for to school in Boston. They plan to get married. What can you do for them? What plan of action or contingency plans can you make?

3:00p.m.

Theresa Hanafin is the proud mother of a 24 year old man, Steve. Theresa was born in Ireland in 1919, and ave been living in the U.S. since 1960 as an LPR. Steven has been under Theresa's care since soon after Steven's admission to the U.S. as an LPR since 1987. Steven's mother is a widow show husband died in 1988. Steven is married to Maureen, also an LPR from Ireland who has been in the U.S. as an LPR since 1994. Last January. Steven and Maureen took a cruise to the Bahamas on a Carnival Line cruise ship of U.S. registry. Maureen, at the time was eight months pregnant. They were lucky to have obtained the tickets from Maureen's cousin, a local travel agent. On their was to the Bahamas, the ship encountered a tropical storm and suffered sever damage. All hands had to abandon ship. Steven and Maureen were rescued by a private yacht owned by a wealthy Egyptian and registered in Libya. The boat owner graciously agreed to bring Maureen and Steven to Port Canaveral, Florida. Two and a half miles off shore from Port Canaveral, Maureen gave birth to a beautiful baby girl, Margaret. Theresa wants to know if she, Steven, Maureen and Margaret can obtain U.S. citizenship. Please tell her the rules and procedures that will cover each of them.

4:30p.m.

Alexander Chan is a computer wiz. He is from Hong Kong. He entered the U.S. in 1995 with an F-1 visa. Next month he will graduate Suffolk with a B.S. degree in computer Science, with honors. An existing client Island Software, wishes to hire Alex as a systems analyst to design legal document assembly software, using advanced state of the art concepts in Artificial Intelligence. Alex has won several national and international awarded for innovative computer programming and intelligent computer systems. Last year, Alex was awarded a patent for one of the programming designs. Today's appointment is the first time the firm will have had contact with Alex. His prospective employer, Island Software, has already spoken with you about how badly they want to hire him. Alex's genius will help Island Software achieve and develop a new level of technological innovation in computer software application that will propel Island Software into the forefront of the computer software market. This will be the first time Alex has spoken with a legal professional. He is very afraid to return to Hong Kong because of its reversion to China. He strongly believes in free market enterprise and democracy. He fears that is he has to return to Hong Kong, he will nave no opportunities to apply his brilliance to his beloved computer field. He is a lovable, friendly, (albeit nerdy) and affable. He confides in you that he has always intended to immigrate to the U.S. since he was a child. He also confides in

you that he plans to work for Island Software for only until he gets hi green card. The ne plans to quit and start a rival company that will, according to Alex, surpass Island Software with his new patent. For Island Software, what is the plan to proceed with getting Alex on board? How do you handle Alex's intentions (both of them)?

Alex has a girlfriend, Mai, who is from Hong Kong and will be graduating from, Suffolk next year in the same field as Alex's. hat can you do for Mai?