

Exam # _____
Return Exam and Answer
to Student X

**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW**

**FINAL EXAMINATION: IMMIGRATION LAW
(COURSE # 40011)**

PROFESSOR RICHARD BOSWELL

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FALL SEMESTER 2005

TWENTY-FOUR HOUR TAKE-HOME EXAM

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OPEN BOOK EXAMINATION

(Directions and Certification on Next Page)

DIRECTIONS

This is a take-home examination which must be completed within twenty-four (24) hours. You may use any materials in answering your exam. Once you have received this examination you may not discuss the exam with anyone. The examination consists of three questions. You must answer all three questions. If possible your exam should be typed and should be no longer than five (5) pages, double-spaced per question. You will be expected to answer each question thoroughly and concisely.

Each question is weighted equally. Please organize your answer carefully before writing. Credit will be awarded on the basis of organization, clarity of thought, content, and depth of analysis.

Before beginning, please be sure to write your examination number on the cover of your paper.

Good luck and have a very enjoyable break.

Certification

I certify that I have read the foregoing directions for this examination and that I have fully complied with the instructions. I further certify, that following my receipt of these questions, I have not discussed the questions with anyone. I further certify that I completed my answers to these questions within 24 hours.

Examination Number

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**Question 1
Max's Dilemma**

Max is a native and citizen of country A. He came to the United States on a tourist visa which he purchased from an underground operation in Country A which sold fraudulent travel documents. He was admitted to the U.S. on August 1, 1999 at JFK International Airport (New York) on the fraudulent B-2 visa. According to his admission documents (I-94) Max's period of authorized stay expired on November 1, 1999.

After being admitted to the U.S. Max met Mary, who is a citizen of the United States. After a very short "courtship" they were married on August 1, 2000 in a civil ceremony in New York City where Max and Mary were living. Mary filed an immediate relative petition and adjustment of status on behalf of Max on that same day (August 1, 2000). The petition was finally approved on December 1, 2001. Max was eligible for adjustment under Section 245(i) of the INA, 8 U.S.C. §1255(i) which allowed persons who had entered the U.S. without inspection or were otherwise ineligible for regular adjustment of status upon payment of a special fee of \$1,000 where they had priority dates prior to April 30, 2001.

In the application for adjustment of status, Max instead of providing information that he had been inspected and admitted with false documents indicated that he had entered the U.S. without inspection on August 1, 1999 at a location along the Canadian-U.S. border. He had been concerned about telling the truth because the false document had the name of someone else.

Max remained married to Mary and they lived together as husband and wife until recently when they separated. Apparently, Mary and Max continue to be friends but decided that they cannot stay together.

Max comes to you because he is interested in applying for citizenship given the strong anti-immigrant sentiment that pervades the country. He is finding it increasingly oppressive having to deal with immigration authorities every time he returns to the U.S. Max is doing very well financially and would like to petition for his parents who are living in Country A.

Provide Max with advice and counsel on how he might deal with his immigration problems, making sure that you provide him with a strategy for how you propose to deal with these problems.

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