FALL 1998
IMMIGRATION LAW AND PROCEDURE
MASSACHUSETTS SCHOOL OF LAW

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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 six 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's 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 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. 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 Papadopolous, 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 have 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 his green card. The rest 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?