

FINAL EXAM

IMMIGRATION LAW (LAW 842A, SECTION LS1)

PROFESSOR FALSTROM

FALL 2006

1. This is a **Closed Book Exam**. No materials may be brought into the examination room or consulted during the examination, **with the following exception:** You may bring your copy of *Immigration and Nationality Laws of the United States: Selected Statutes, Regulations and Forms*.
2. This exam has **one time limit of three hours**. I estimate that it should take you 90 minutes to complete each Question, but you may divide your time as you see fit. There are **80 points** available. Questions 1 and 2 are each worth 40 points.
3. In grading these questions, considerable weight will be given to the organization of your answers. I therefore suggest you **devote at least 25% of your time to analyzing and outlining each answer before you begin writing**.
4. If you believe that any material fact is lacking, state explicitly the assumption of fact you are making in answering the question and why it is necessary to make such an assumption. **Do not assume facts that will preclude the discussion of possible issues.**
5. Keep your answers to the point, but fully discuss the issues presented.
6. Write your exam number on your exam envelope. Put your exam number at the top of this page, each page of questions, and each bluebook. Do not use your name, student ID number, Social Security Number, or in any other way identify yourself on any exam materials.
7. At the conclusion of the exam, **return all exam materials to the exam envelope and submit it to the proctor**. Do not seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

QUESTION 1 (40 points)

Boris and Natasha have come to you for immigration advice.

Boris received his advanced degree in nuclear physics in 2002 and promptly went to work for a prestigious company in his native Russia. About a year ago, Boris came to the U.S. on an F-1 visa as a visiting scholar on leave from his company. However, after only a few months, he decided he needed a break and in fact has spent most of the last year surfing instead of fulfilling his scholarly duties. In the meantime, Boris' company expanded its operations into the United States and now wants Boris to join its newly created U.S. office. However, a paper that Boris submitted to an influential journal shortly after his arrival in the United States has now been published, and major American universities are interested in hiring him as a researcher despite his slacker habits. He tells you that he would like to maintain some flexibility with respect to his professional life, but he does know he wants to remain in the U.S. for the foreseeable future. He also says that he believes that about six or seven years ago a U.S. company run by a cousin of his filed papers on his behalf to get him a green card, but he does not know whatever became of the case.

Natasha, Boris girlfriend, was born in Bulgaria to one Bulgarian parent and one American parent. Six years ago she came to the United States on an immigrant visa. She was recently placed in removal proceedings because of a 2004 conviction for receiving stolen property (jewelry). However, she tells you that she committed the crime only because she was trying to provide for her four-year-old U.S. citizen son from a previous relationship, who was born with various birth defects, has required numerous costly medical procedures, and needs ongoing care by specialists. Natasha and Boris are willing to get married if it will help with their respective cases, but Natasha confides in you that she really does not see herself spending the rest of her life with Boris.

What are Boris' and Natasha's immigration options and which ones would you recommend as the best ones? Be sure to discuss all relevant nonimmigrant and immigrant possibilities, as well as potential claims of or avenues towards U.S. citizenship. If any grounds of inadmissibility and/or removability apply to one or both of them, be sure to note them and discuss what effect (if any) they might have on the options you identify and the recommendations you make. Finally, if any additional information might be helpful to you in order to discuss options and/or make recommendations, be sure to state what it would be.

QUESTION 2 (40 points)

High-ranking members of the new Iraqi government, having heard of the expertise in the U.S. immigration system that you gained by taking Professor Falstrom's class, have asked you to advise them as they develop new Iraqi immigration laws and policies. Write a memo which details the advice you would give the Iraqis. You may wish to consider the following in connection with this task:

- how much power the government should have to regulate immigration, and who should wield that power
- what kind of due process and equal protection rights immigrants should enjoy
- under what circumstances immigrants should be subject to detention
- how much access to the courts immigrants should have
- what kind of enforcement regime would work best for the government
- how the government should deal with undocumented Iraqi immigrants
- how the Iraqi immigration system should best account for national security considerations

If any U.S. Supreme Court or other federal court cases are relevant to your advice, be sure to refer to them by name and discuss their relevance.