

**Final Examination**  
**BUSINESS IMMIGRATION**  
**Professors Joel Marsh and Penelope Chronis**  
**Spring 2007**

You have two (2) hours to complete this exam.

This is an open book exam.

This exam is worth 100% (100 points) of your final grade. The exam consists of one fact pattern with three (3) essay questions:

Question 1 (50%): 50 points

Question 2 (25%): 25 points

Question 3 (25%): 25 points

Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.

Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, and each blue book. **Do not** use your name, student ID number or Social Security Number on any exam materials.

At the conclusion of the exam, return all test materials, including blue books, scratch paper, and this exam packet to the 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.

**GOOD LUCK!**

## ESSAY QUESTIONS

### FACT SITUATION

You are the head of the immigration department of the San Francisco law firm of Greene & Cardoni. The date is May 1, 2007, you arrive at your office at 8:30 am and receive yet another e-mail from Bob Knowzall, who, as you know, is Human Resources Manager of Clonewell, Inc., the well known multinational Biotechnology firm with 5000 employees in the U.S. and gross annual receipts of \$5 billion in 2006. Earlier this year you successfully assisted Clonewell, Inc. in bringing 3 key employees to the U.S. from its wholly-owned subsidiary, Cloneall, Ltd. of India which has been developing products similar to those of Clonewell, Inc. Mr. Knowzall explains that Clonewell, Inc is doing so well with the launch of their new product that they want to begin training workers from their three wholly owned foreign subsidiaries, respectively located in India, Germany and Canada. Their new U.S. Director of Research and Development, Dr. Maltet, wants all training done in the United States, and wants the 3 foreign workers to remain in the U.S. as employees of Clonewell, Inc. in positions similar to those they hold abroad after their training, if possible. In addition, Mr. Knowzall informs you confidentially that because of anticipated security issues, the company may sell off its overseas subsidiaries and perform all research and development solely in the United States. Therefore he would like to know how he can bring over the three key employees immediately for training and possible employment, and how Clonewell, Inc. can keep them permanently in the U.S. if necessary.

### CANDIDATE #1: DEVELOPMENT MANAGER

Rajiv Gill of the Delhi office is a citizen of India. He has a Masters Degree in Molecular Biology from Harvard University and has worked for Cloneall, Ltd in India for six months. During that time he has proven himself to be a brilliant researcher and manager. He previously worked in the United States temporarily for one of Clonewell's competitors after his graduation from Harvard. During that time he worked initially in F-1 status with an Employment Authorization Document (EAD), and then in H-1B status for two years. You immediately send your comprehensive Nonimmigrant Visa Questionnaire for Mr. Gill, and begin working on your strategy to bring Mr. Gill to the United States for training, temporary employment, and permanent employment and residence.

Your task: Please provide Bob Knowzall with an overview of the prospects for meeting the company's needs, indicating what strategy or strategies you recommend. Your response may be in narrative or outline format, or a combination thereof. Please also indicate what further information and documents you will require in order to proceed with the strategy. Please be sure to identify any problems or issues that might arise. In

this regard, please state any assumptions that you are making in order to develop your strategy and/or to identify problems or issues.

### CANDIDATE #2: PROJECT PURCHASING MANAGER

Ms. Sarah Andersen, a citizen of Germany, works as a Project Purchasing Manager at the German subsidiary, Cloneall A.G. Ms. Andersen worked at Cloneall, Ltd. of India for six years before transferring to the German facility. She has 15 years of experience in purchasing equipment and electronics in bioinformatics and bioengineering. She does not have a bachelor's degree but completed post secondary training and an apprenticeship in Germany. Ms. Andersen is married to a citizen of India and has made it very clear to the company, that while she is willing to come to the U.S. for short term training, she will not join Clonewell, Inc. on a long term basis unless her husband can join her and work legally in the United States. You immediately send your Nonimmigrant Visa Questionnaire to Ms. Andersen and begin working on your strategy to bring Ms. Andersen to the United States for training, temporary employment, and permanent employment and residence.

Your task: Same as Candidate #1 above, but for Ms. Andersen.

### CANDIDATE #3: SOFTWARE ENGINEER

The third candidate, Mr. Jean Point, currently holds the position of Software Engineer at the Canadian subsidiary, Cloneall, Ltd., Canada, where he has worked for six months as a Software Engineer. He has a Ph.D. in Bioinformatics and a Masters in Genetics and is a brilliant software developer with eight years of experience outside the company. He is very anxious to immigrate to the United States on a permanent basis, and Mr. Knowzall is concerned that if they are not able to offer him a position permanently, he may be offered a lucrative position in the U.S. with his former employer. You immediately send your Nonimmigrant Visa Questionnaire to Mr. Point and begin working on your strategy to bring Mr. Point to the United States for training, temporary employment, and permanent employment and residence.

Your task: Same as Candidate #1 above.

END OF EXAM