

**Immigration Law /Exam One -- Spring 2025/Fiorentino**

1. Executive Office of Immigration Review for his removal proceeding. (I believe that is what the question is asking.) USCIS for his relative petition also **ICE**
2. USCIS
3. He should bring his I-94, passport, a copy of his college transcript (it should show he graduated) and his employment offer from Comcast (retainer agreement). I could not find if he needed to bring a copy of his diploma. I would bring it though because it will show his Nigerian status, and it is another official document. **Yes to the diploma**
4. She can obtain a tourist visa, a B-2 Visa, or with a passport through the Visa Waiver Program. Spain is a country in the Waiver Program, and I checked the ESTA to make sure.
5. DS-160, nonimmigrant visa
6. U.S. Consulate Office in China
7. USCIS
8. A Lawful Permanent Resident
9. Inadmissible
10. Yes, for those seeking nonimmigrant visas who are inadmissible, it is possible to obtain a nonimmigrant waiver under INA §212(d)(3).
11. Visa Waiver: **90 days** , H1-B: **6 years (with ability to expand)** , H2-B: **6 years**
12. I-20
13. Duration of Status (D/S)
14. The Student and Exchange Visitor Information System (SEVIS)
15. Operational Practical Training (OPT)
16. A total of 36 months
17. L-1A, Yes, Yes
18. Acquire a temporary certification from the DOL and must advertise the job
19. Frida should apply for the O-2 Visa and Mario may be eligible for his visa after an interview in a U.S. Consulate in Mexico
20. Yes: Margo holds an accredited baccalaureate degree from the United States, she has specialized training, her degree is a STEM degree, she has a sponsor, (UCLA Medical Center) and she has experience in researching with good references. When Margo first arrived with her F-1 Visa, it has a duration of status designation. (D/S). The SEVIS program that holds her immigration status information.
21. H-2B, the actual wage paid by the employer to employees with similar experience and qualifications within the occupation or the prevailing wage for the employee's occupation in the geographic area, forms ETA-9141 and 9165, Department of Labor, H-2B has a numerical cap
22. E-1 Visa. Germany is a treaty trader country with the United States. Her husband and children may come with her.
23. P-3 Visa ( I believe that a reggae singer is culturally unique.)

**Instructions:** This is a take-home exam, based on both the text and all class presentations and hand-outs. You *do not need to do any outside research for this exam*. Please read each question carefully. For multiple-choice questions, please circle the correct letter or letters. **Note, there may be more than one correct answer to multiple-choice questions.**

1. Mario is from Peru. He entered the United States on a tourist visa five years ago. Last year he met Sarai and they got married. Sarai is a U.S. citizen. She filed an immediate relative petition for Mario. **Mario can adjust his status in the U.S. because he was inspected and arrived with a B-2 visa.** Mario was celebrating his first-year anniversary with friends and drank a little too much; he was stopped by police. His immigration status was questioned, and he was turned over to immigration officials who placed him in removal proceedings. He was given a paper to go to U.S. Immigration Court. Since his marriage, what immigration agencies did Mario have contact with?
  - a. United States Citizenship and Immigration Services (USCIS)
  - b. United States Immigration and Customs Enforcement (ICE)
  - c. Executive Office of Immigration Review (EOIR Dept. of Justice)
  - d. United States Customs and Border Protection (CBP)
2. Which of the following agencies is/are part of the Department of Homeland Security?
  - a. USCIS
  - b. Department of Labor
  - c. Department of Health and Human Services
  - d. EOIR
3. Philippe has called an immigration lawyer's office for an appointment. He is a national of Nigeria and graduated from a U.S. college one week ago (May) with a bachelor of science degree in computer science. He has a job offer from Comcast that begins next October and would like to discuss his options with you. Which documents might you instruct Philippe to bring?
  - a. Retainer Agreement
  - b. Copy of diploma
  - c. Copy of transcript
  - d. Passport
  - e. I-94
4. A Italian-born woman Rosa who is now a U.S. citizen visits your office and asks for advice on helping her sister Francesca apply for a visit to the U.S. Francesca is 25 and a university student in Italy. Francesca wishes to visit for three months. What are two options available Francesca's sister to enter legally for such a visit?

5. Lisa is from China and teaches English in a high school there. She recently learned of a four-week English immersion course in the U.S. especially structured for foreign nationals who are English teachers. She wishes to apply for a visa to come to the U.S. to take the course and to travel for two weeks. Which form (choose one) will she be required to complete?
  - a. I-765
  - b. DS-160
  - c. I-589
  - d. N-400
6. Where will Lisa apply to come to the United States?
  - a. Mayor's office of her city in China
  - b. U.S. Consulate Office in China
  - c. Citizenship and Immigration Service in the U.S.
  - d. The organization that sponsors the course she would like to take
7. Lisa wants to know exactly where to apply for the visa? Which website would you refer her to?
  - a. [www.ice.gov](http://www.ice.gov) (ICE)
  - b. [www.travel.state.gov](http://www.travel.state.gov) (Department of State)
  - c. [www.ed.gov](http://www.ed.gov) (Department of Education)
  - d. [www.uscis.gov](http://www.uscis.gov) (USCIS)
8. Josslyn obtained her "green card" through her father, a doctor from Hong Kong. Josslyn is:
  - a. A lawful permanent resident
  - b. A citizen
  - c. A temporary immigrant
  - d. An undocumented immigrant
9. Joe Lennon is a well-known singer from Great Britain. He is also known for his open use of marijuana and his advocacy for its legalization. He grows marijuana in his home for personal use, which is illegal in England. He has been arrested, but because he is so popular, he never served time in jail and was placed on probation. Joe Lennon could be determined to be:
  - a. Inadmissible
  - b. Intellectual

- c. Indestructible
  - d. Imaginative
10. Is there any way for Joe Lennon to still come to the United States? Explain.
11. Please match the following visas with the length of time in the U.S. by drawing a line from the visa to the time limits.
- |             |                     |
|-------------|---------------------|
| Visa Waiver | 6 months to 2 years |
| H1-B        | 6 years             |
| H2-B        | 90 days             |
12. Leena Khubchandani from Hong Kong wishes to attend Pepperdine University. The college accepts her as a student. After accepting her, what form will the college send her?
13. After she receives her document from Pepperdine University and has a student visa, Leena travels to the U.S. When she exits the airport and goes through customs, how long will she be permitted to stay, as stamped on her I-94 card?
- a. Indefinitely
  - b. 4 years
  - c. Duration of Status (D/S)
  - d. 2 years
14. What is the name of the electronic tracking system the school keeps to make sure Leena maintains her status as a full-time student?
15. Leena has completed his studies, specializing in engineering. She now wants to work in the U.S. What is the name of the program she can apply for if she wishes to work?
16. How long can she remain in the program?
17. Mr. Hiroshito from Japan is an Executive with the Sony Electronics Division in Japan. Sony wishes to transfer him to an Executive position in the U.S..
- What visa may be obtained?  
Can his wife accompany him?  
Can his wife legally work in the U.S. if she accompanies him?

18. Richard Plant just signed a major contract to provide landscaping for a new development that is scheduled to open in October 2023. He estimates he needs ten workers for the job, and that the work requires six months of previous experience in landscape or related work. Which of the following is/are true?
- a. He must file a temporary labor certification with the Department of Labor.
  - b. He must advertise the position.
  - c. He can hire foreign national without interviewing U.S. workers who applied for the position after advertising it.
  - d. He can hire a friend of one of his current workers who has been working without authorization but is a very hard worker.
19. Mario Rivera, a Mexican national, has been invited to come and paint a mural in a well-known building in the United States. He is an internationally known artist of distinction who has won many awards in his country. His wife Frida Kahlo is integral to the job. Actually, she is the main designer. He cannot do the work without her. Which of the following is true?
- a. Mario Rivera should apply for an L1-B visa.
  - b. Frida Kahlo should apply for an O-2 visa.
  - c. Mario Rivera is eligible for an H-3 visa.
  - d. Mario Rivera may receive the visa for which he is eligible after an interview in a U.S. consulate office in Mexico.
20. Margo is from Senegal. She came to the U.S. on an F-1 student visa to study microbiology. After she graduated with a Bachelor of Science degree, she interned at the University of California Los Angeles Medical School, researching infectious diseases. The school was very impressed with her work and wants to sponsor her for an H-1 B.

Is Margo eligible for an H-1B?

\_\_\_ yes                      \_\_\_\_\_ no

Reason for your answer:

When Margo first arrived on her F-1 visa, what was the time period entered on her I-94 card?

The school Margo attended enters her immigration information on which computer program:

- a. E-verify
- b. SEVIS

- c. NSEERS
- d. CIStack

21. Evan Builder has a major contract to provide landscaping for a 200-home development in Florida. He needs to hire 25 workers. He is having trouble finding U.S. workers to fill the positions. However, Evan has worked with temporary workers in the past and would like to see if any are available for this job. What kind of visa will allow Evan to bring in these foreign workers?

What is term for the wage rate Evan must pay?

After Evan advertises the position in the newspaper and interviews applicants, he must file which form?

Which agency must approve the above form?

Which of the following visas or applications has/have a numerical cap?

- a. H-2A
- b. H-2B
- c. I-539
- d. B-2

22. Myla works for Siemen's, a global company based in Germany, which has a subsidy in the U.S. Siemen's develops and sells complex engineering products in healthcare, industry, and energy. Myla is a specialist in a new type of hearing aid, and the company would like to send her to its New York subsidy to train its staff on how the device operates and how it can be repaired. Myla will also work with the management team to determine a marketing plan for the new device. It is estimated that this work will take nine months and then Myla will return to Germany. What type of visa will Myla apply for?

Can Myla bring her husband and two children?

23. Stewart Markey is a famous reggae singer, who is internationally known. He is from Jamaica. His singing group, Stewart Markey and the Drifters was invited by the City of

Philadelphia to perform on several occasions in July, including at the July Fourth celebration. Which visa will he and members of his group apply for?