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Examination No. \_\_\_\_\_

**IMMIGRATION LAW 667-370**  
**Semester II, 2002-2003**

UNM School of Law  
Final Examination  
Two Credits

Prof. Valencia-Weber  
Monday, May 12, 2003

**INSTRUCTIONS**

**TIME ALLOWED ON THIS EXAM: 3 HOURS**

**TOTAL NUMBER OF POINTS: 200 POINTS**

(Note the credit to be allocated per question; divide your time accordingly).

**1. THIS EXAM HAS ONE PROBLEM WITH THREE PARTS**

**Part 1 is the outline or guide you should prepare for answering the parts 2 and 3.**

**Parts 2 and 3 are the exam questions.**

**YOU ARE REQUIRED TO ANSWER ALL PARTS OF THIS PROBLEM.**

Number your answers.

**2. This exam is an open book exam.** You may consult the statute supplement, casebook and any student prepared materials. No other materials, including commercial outlines, are permitted.

**3. Writing instructions:** Write legibly in the blue book and please SKIP A LINE between each written line. Writing only on the page on the right will make it easier for you to amend your answer. If typing, please double space.

**4. Think and plan before you write. "Outline" your answers to parts 2 and 3 for 10 points.** The outline does not need to be very formal and detailed. Draft some structured approach, perhaps a list of key points for each answer, some form of organization for your answers 2 and 3. You have enough time in this exam to think and plan. The outline of the answers can show your grasp of the problem, even if you did not write everything in your answer. Your outline for the course will not serve this purpose.

**5. Use the facts of the problem; relate them to your reasoning and argument.**  
**For all problems the date is January 1, 2003.**

**6. Return your answers and this exam** to the test monitor at the end of the test.

**END OF INSTRUCTION**  
[Exam begins on next page]

**PART 1 (10 points)**

Draft an outline or brief plan for your answers to Parts 2 and 3 below. Make sure that this plan is handed in with your exam answers.

**PARTS 2 AND 3: Sharif, Alex, and Mary in January 1, 2003. (190 Points)**

Sharif makes an appointment in the office that you opened as a new attorney. In 1989 Sharif, an Egyptian of the ancient Coptic Christian faith, married Alia, a Palestinian Christian. They migrated to live in Jordan as the radical politicization of Muslims and Arabs spread. Jordan offered a more tolerant society. In 1997, Sharif came to UNM as a research fellow at the engineering school. Alia was to follow, with their son Alex (then seven years old), after she helped members of her family settle in Jordan. The family was fleeing violence between Israel and the Palestinians. However, Alia never came to New Mexico (NM) as she fell under the influence of a brother with unrelenting commitment to regain the family's lands on the West Bank.

Alia renounced her Christianity when she and her brother reclaimed their "Muslim heritage." Because of their incompatible views, Sharif and Alia divorced and made a custody agreement for Alex. The son was to stay in Jordan until he was ten years old and then Alex was to join Sharif in NM. Alia did not send Alex when he was ten. The parents were unable to resolve their custody dispute. Sharif's emotions and finances prevented him seeking a new custody decree. In this uneasy truce between the parents, Alex continued to spend his summers with Sharif.

About ten weeks ago, Alia suddenly died after neglecting her serious health problems. Sharif flew immediately to Jordan for his son, but in the frantic ten days spent there Sharif was unable to find Alex. Alia's brother had taken Alex and hid him. Sharif then hired a Jordanian lawyer to find Alex and obtain exclusive and actual custody. The attorney has advised that Alex is now with a great aunt who is likely to cooperate with Sharif and that the final custody proceeding has been scheduled. The attorney urges that the U.S. immigration procedures be completed ASAP so that Alex can enter the U.S.

Sharif states there are some facts to consider as you construct advice for him. First, the UNM engineering project was quite promising. To further promote its success with Sharif's expertise, in 1999 UNM filed an immigrant employment petition for him that was granted in 2000. With his marriage in shambles, Sharif thought the new status would make a better future for himself and his son. He has prospered professionally. The only blemish was when he had to complete the interview and special registration that INS ordered after 9/11 for males from Arabic countries. It was an ordeal, but he is past it now.

Second, Alia's brother has continuously tried to influence Alex. Sharif's relatives warned him that the brother organized an armed unit that sporadically goes to the West Bank to help Hamas in fighting Israel. To nurture the next generation of Palestinian warriors, the brother has been recruiting and training teenage boys. Sharif fears that his son, now thirteen years old, may have been taken on one of these dangerous ventures.

Third, in January 2002 Sharif began dating Mary, a U.S. citizen. He tells you, "We are in a serious relationship." Mary met Alex during one of his summer visits. Mary wants to marry Sharif and has stated that she would help financially and emotionally to make a life for Alex with Sharif as her husband. Financially, Sharif's fellowship earnings were only \$35,000 yearly, but in his new status he now earns \$70,000 yearly. Mary earns \$35,000 annually.

Sharif says he is most concerned about two matters [Parts 2 and 3 of the exam]. He tells you the following:

**Both Parts 2 and 3 must be answered in this exam. Number your answers.**

**Part 2 (120 Points):**

"My son is my priority. I have many fears about him. I work hard and have saved money for getting Alex out of Jordan. What is the best and fastest way to get Alex into the U.S.?"

**Part 3 (70 points):**

"I love Mary, but do not want anything to interfere with my getting Alex to NM to live with me. What legal or immigration problems do I need to avoid in this relationship with Mary?"

**End of the Exam**

**Have an enjoyable summer.**