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Examination No _____

**IMMIGRATION LAW 667-370
Semester II, 2003-2004**

UNM School of Law
Final Examination
Three Credits

Prof. Valencia-Weber
Monday, May 3, 2004

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 will show your grasp of the problem. I will give credit for outline ideas that are correct and that you did not have time to address in your written 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. Not using the facts will cost points even if your bald conclusions about the law are valid.

For all problems the date is January 1, 2004.

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: Ahmad's Life in America in January 1, 2004 (190 points)

Ahmad arrived in New Mexico in 1995, after fleeing for his life from Algeria. In the 1993 the disputed election prevented a religious party committed to restoring a "true Moslem government and society" from taking the leadership positions. In the aftermath, persons resisting this party's vision for Algeria were attacked by self-appointed moral guardians. Ahmad's sister, an attorney, was among the random female victims killed on a public street because she dressed in contemporary professional clothing. The conservative Moslem political movement had warned women they must cover their bodies. Ahmad figured out who were the assassins and pressed the police to seek prosecution. Immediately, while his mother (Mother) was shopping she was seized by men who phoned Ahmad that if he valued his mother's or younger brother's lives, he would stop his efforts to prosecute his sister's killers. Moreover, the men said that only way Ahmad could live would be if he joined the insurgent movement to eradicate the secular government of Algeria. Ahmad somehow talked the men into releasing his mother. Then he took Mother and brother, Isam, away to a trusted "Uncle" (not mother's biological brother, but part of an extended family network) who could shelter the two in Uncle's home because of his political connections. Thereafter, Ahmad left Algeria, traveled through circuitous routes, and arrived in the U.S. He immediately asked for and received asylum; he became an LPR in 1997.

Ahmad came to New Mexico because the only person he knew in the U.S. lived here. This choice led to his completing an engineering degree at UNM. Ahmad began working for Intel part time during his studies and accepted a full time job with Intel upon graduation in May 2003. He is 31 years old and now makes \$60,000 a year. He faces some future pay and job limits in Intel positions that are restricted to citizens because of national security. Yet, Ahmad feels he is a fortunate man. His expenses were paid by his part-time and summer work at about \$25,000 in the last two years of his B.S. Now Ahmad is positioned to help his widowed Mother and Isam, now 14 years old, escape a bad situation. They became dependent on Uncle for financial support, as until last year, Ahmad was limited in funds he could send. In the unresolved political disorder in Algeria it is foreseeable that the brother would be drafted and then not be permitted to leave. Ahmad always planned to bring Mother and Isam to live in the NM.

New complications have arisen. First, Ahmad became involved with Licia, 29 years old, a graduate student from Guatemala who is one year and half away from completing a degree in anthropology. They met at an international students group years ago, initially were friends, and became lovers only in the past two years. Upon completion of her degree Licia had always planned to return to Guatemala. However, Licia has just informed Ahmad that she is two months pregnant. She emphatically said that abortion is unthinkable and she plans to have the baby.

Second, Ahmad's mother, 65 years old, has begun losing her eyesight. After checking with a UNM Medical School specialist, Ahmad is sure that his mother has not received nor can receive the timely medical treatment in Algeria that could save her remaining vision. It is urgent that he get her to NM. Uncle in Algeria agreed to help at his end with the paperwork, but also requested reciprocity for the assistance that he provided to Mother and brother. Uncle has a daughter, Delila, who Ahmad knew in Algeria as a friend six years younger than he is. Uncle wants his daughter to have an opportunity her talents would not have in Algeria. Uncle wants Ahmad to marry Delila so she can come to America. Uncle said, "You and Delila already know each other. She would make a marvelous daughter for your mother as they already get along so well." Such a marriage could fit the old custom of family arranged marriages.

Ahmad and Licia were letting their relationship be "worked out" in the remaining time she has in the U.S. as a student. The baby is unplanned and has forced them to think about their relationship. They deeply care about each other, are monogamous as their cultural views on this are similar, and provide intellectual and emotional support to each other. He is both pleased about the baby, yet fearful that he cannot do everything he needs to do right now. A friend consoled him by saying that even if Ahmad did not marry Licia, the baby would be born a U.S. citizen, which would assure that Licia could remain in the U.S.

Ahmad is a troubled and confused man. He comes to see you as your first client after you passed the bar exam. He asks you for advice on the following questions:

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

Part 2 (80 points):

"How can I get Mother and Isam to New Mexico as soon as possible, hopefully at the same time? I worry about Mother's eyesight and any delay that makes Isam officially conscripted by the military draft."

Part 3 (120 points):

"Under immigration law, what happens if I marry Licia? Is anything different under the law if I do dutifully marry Delila? My heart is with Licia, but I am troubled about how to properly repay Uncle. I want to do the 'right thing' and be a responsible father to my baby in this country."

End of the Exam

Thank you for a lively class. Enjoy your summer