

Question 1 (thirty minutes)

John, a citizen of Canada, owns a truck. To earn extra money, he would like to transport the products of several Canadian manufacturers from Canada to the United States. He is an owner-operator, not an employee of a Canadian trucking company. Should John be granted a B-1 visa to transport products from Canada to the United States?

Suppose John is an employee of a Canadian trucking company, instead of an owner-operator. He will regularly drive the company's trucks back and forth between Canada and the United States. John will deliver goods from Vancouver, Canada to Seattle, Washington. Once in the U.S., he will make several stops, picking up and dropping off goods from manufacturers in Seattle, Portland and Los Angeles before returning to Canada. Should he be granted a B-1 visa?

Question 2 (thirty minutes)

Jose was born and has lived his entire life in Mexico. Jose comes to see you because he would like to apply for a student visa to get an advanced degree in the United States. Jose was born on July 21, 1986 in Mexico. Jose's father was born on November 23, 1950 in Los Angeles, CA. His father's parents (Jose's paternal grandparents) were both of Mexican descent and they moved back to Mexico with Jose's father in December, 1952. Jose's father never returned to the U.S.

Jose's mother was born in Mexico on August 11, 1951. Her mother (Jose's maternal grandmother) was born in Houston, Texas on April 30, 1921. Her father (Jose's maternal grandfather) was born in Mexico on March 23, 1920. He came to work in Houston, Texas from 1945-1948 for an import/export company. There he met his wife, and got married. Jose's maternal grandparents both moved to Mexico on December 5, 1950 where they raised their family. They never moved back to the U.S.

Is Jose a U.S. citizen?

Acquisition of Citizenship

Date of Birth of Child	Residence Required of Parent(s) to Transmit Citizenship	Residence Required of Child to Retain Citizenship
Before 5/24/34	[Parent] is citizen who resided in U. S. before birth.	None
On or after 5/24/34 and before 1/13/41	a. Both parents are citizens one with prior residence. b. One parent is citizen with prior residence.	None Same as immediately below
One or after 1/13/41 and before 12/24/52	a. One parent is citizen with 10 years of prior residence in U.S., at least 5 of which were after age 16. b. Both parents are citizens, one with prior residence in U.S.	2 years continuous presence in U.S. between ages 14-28, except no retention requirement if born on or after 10/10/52. None
On or after 12/24/52	a. Both parents are citizens, one with prior residence in U.S. b. One citizen parent with 10 years of prior physical presence in U.S., at least 5 of which were after age 14 (for births 12/24/52 to 11/13/86) or One citizen parent with 5 years of prior physical presence in U.S., at least 2 of which were after age 14 (for births on or after 11/14/86).	None None. The retention requirement was abolished effective 10/10/78. Persons still citizens on that date have no retention requirements.

[In this chart, all references to “prior” residence or physical presence mean residence or physical presence prior to the birth of the citizenship claimant.]

Question 3 (one hour)

Clare is a citizen of Ireland where she lives with her two children, Michael (16 years) and Anne (9 years). Michael and Anne are also citizens of Ireland. Clare's prior husband and the father of her children died of cancer four years ago. John is a citizen of the United States. John travelled to Ireland on a one month vacation to research his family history. On the second day of his vacation, John and Clare met. They started dating and fell in love. John would like to petition for Clare and her two children to enter the U.S. as a legal permanent resident.

1. What are their options if John would like to petition for Clare to become a legal permanent resident? Please explain the process and wait times. Can Clare apply for adjustment of status in the U.S.? At the U.S. consulate in Ireland?
2. Can John petition for Clare's children to become legal permanent residents?
3. Suppose Michael becomes homesick after coming to the U.S. and wants to return to Ireland to finish his high school education. Can he return to Ireland for 2 years, and then move back to the U.S. as a legal permanent resident to join his mother and sister?
4. Clare would like to petition for her sister, Shannon to become a legal permanent resident. How long will it take?

Visa Bulletin For August 2016

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22MAY09	22MAY09	22MAY09	08MAR95	22MAR05
F2A	15NOV14	15NOV14	15NOV14	01SEP14	15NOV14
F2B	08JAN10	08JAN10	08JAN10	08SEP95	15SEP05
F3	01DEC04	01DEC04	01DEC04	22OCT94	15MAR94
F4	15SEP03	01JAN03	01JAN01	15APR97	01FEB93