

Comprehensive Overview of Immigration Law (COIL) Practice Exam (Sample)

Study Guide



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SAMPLE

Questions

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- 1. What does "expedited removal" refer to in immigration law?**
 - A. A lengthy legal process for deportation**
 - B. A rapid removal process for certain undocumented individuals**
 - C. A temporary visa provision**
 - D. A process for asylum seekers**
- 2. By what date must an approvable when filed petition have been submitted for adjusting status under INA § 245(i)?**
 - A. January 1, 2000**
 - B. April 30, 2001**
 - C. March 1, 1998**
 - D. December 20, 2000**
- 3. When encountering a client with prior offenses, what should you do first?**
 - A. Advise the client to keep everything secret**
 - B. Conduct a criminal background check**
 - C. Refer them to another attorney**
 - D. Ignore the past record**
- 4. Which of the following is a protected ground for asylum?**
 - A. Gender**
 - B. Race**
 - C. Employer status**
 - D. Region**
- 5. What is a key characteristic of tourist visas like the B-2 visa?**
 - A. They allow for long-term residency**
 - B. They permit individuals to engage in temporary work**
 - C. They are specifically for individuals traveling for leisure or medical reasons**
 - D. They can lead directly to permanent residency**

- 6. An exception to the one-year filing deadline for asylum can be based on which of the following?**
- A. Changed or extraordinary circumstances**
 - B. Proof of employment in the U.S.**
 - C. A criminal background check**
 - D. Establishing a family connection**
- 7. What is the difference between Statutes and Regulations?**
- A. Statutes are rules enforced by agencies; Regulations are laws by Congress**
 - B. Statutes are laws; Regulations are rules written by agencies**
 - C. Statutes are temporary measures; Regulations are permanent laws**
 - D. Statutes and Regulations are synonymous terms**
- 8. Which statement is true regarding an applicant for adjustment of status under 245(i)?**
- A. An I-485 Supplement A form must be filed**
 - B. They must have physical presence since 1998**
 - C. They are exempt from all forms of documentation**
 - D. No forms need to be submitted since it's a waiver**
- 9. What must be included in the waiver filed by a conditional resident after divorce?**
- A. A letter from the former spouse**
 - B. Evidence of the termination of the marriage**
 - C. Proof of residency in the U.S.**
 - D. A new marriage contract**
- 10. Which individuals are eligible to submit a VAWA self-petition?**
- A. Abused spouse of a USC who died three years ago**
 - B. Abused spouse of an LPR who died last year**
 - C. Abused 26-year-old daughter of USC**
 - D. Abused parent of LPR**

Answers

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1. B
2. B
3. B
4. B
5. C
6. A
7. B
8. A
9. B
10. A

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Explanations

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1. What does "expedited removal" refer to in immigration law?

- A. A lengthy legal process for deportation**
- B. A rapid removal process for certain undocumented individuals**
- C. A temporary visa provision**
- D. A process for asylum seekers**

Expedited removal refers specifically to a rapid removal process that applies to certain undocumented individuals who are apprehended at or near the border or those who have entered the United States without proper documentation. This procedure allows for the quick removal of individuals without the same formalities as traditional deportation proceedings, which are generally more lengthy and complex. Under expedited removal, if an individual is found to be inadmissible, immigration officials can swiftly carry out the removal, typically without a hearing before an immigration judge, streamlining the process significantly. The procedural context of this option is vital; it typically applies to individuals who do not have valid immigration documents or who have misrepresented their status at the time of entry. This contrasts with lengthy legal processes related to deportation, which involve various judicial reviews and potential appeals, making that option less relevant to the definition of expedited removal. Additionally, temporary visa provisions and processes for asylum seekers are distinct from expedited removal, as they involve different legal frameworks and protections that are not applicable in this specific rapid removal context.

2. By what date must an approvable when filed petition have been submitted for adjusting status under INA § 245(i)?

- A. January 1, 2000**
- B. April 30, 2001**
- C. March 1, 1998**
- D. December 20, 2000**

An approvable when filed petition for adjusting status under INA § 245(i) must have been submitted by April 30, 2001. This provision was created to provide relief to certain individuals who were in unlawful immigration status, allowing them to adjust status while their petitions were pending, under specific circumstances. The date April 30, 2001, is significant as it marked the end of the eligibility window for adjustment of status under the provisions of 245(i). Individuals who had filed an appropriate petition by this date could benefit from the ability to adjust their status without leaving the United States, despite violating immigration laws beforehand. All other dates presented in the choices do not align with this eligibility window established by the law. The specific window for filing petitions was carefully defined, making April 30, 2001, the appropriate cutoff for filing such petitions under INA § 245(i). Understanding this context is essential for comprehending the broader scope and implications of immigration law concerning adjustment of status.

3. When encountering a client with prior offenses, what should you do first?

- A. Advise the client to keep everything secret**
- B. Conduct a criminal background check**
- C. Refer them to another attorney**
- D. Ignore the past record**

The most appropriate first step when working with a client who has prior offenses is to conduct a criminal background check. This procedure allows you to acquire accurate information about the client's legal history, which is essential in forming a strategy for their current legal situation. Understanding the specifics of past offenses helps in assessing how they may influence the client's current immigration status or any legal proceedings they may be facing. Having a complete picture of the client's background is crucial for providing informed legal advice. It allows you to identify any potential risk factors and helps in determining the best course of action. This process is integral to ensuring that any strategy developed is based on comprehensive evidence and facts, which is fundamental in immigration law where prior offenses can significantly impact a case's outcome. Taking other actions such as advising the client to keep secrets, referring them to another attorney without assessing the situation, or ignoring their past record can lead to misunderstandings, lack of trust, or missed opportunities for legal protection. Thus, conducting a criminal background check lays the groundwork for a responsible and thorough legal approach.

4. Which of the following is a protected ground for asylum?

- A. Gender**
- B. Race**
- C. Employer status**
- D. Region**

The concept of a protected ground for asylum is based on specific categories outlined in international and domestic law. Among these, race is explicitly recognized as a protected ground. Asylum seekers can claim protection if they have a well-founded fear of persecution based on their race, which is a fundamental aspect of their identity. This legal framework acknowledges the historical context in which individuals may face discrimination and violence due to their racial background. In contrast, while gender can intersect with asylum claims in unique ways, it is not universally recognized as a standalone category for asylum in the same manner as race. Employer status and region are also not considered protected grounds; rather, they may be relevant in assessing the context of an individual's situation but do not independently provide a basis for asylum claims. Understanding these distinctions is crucial for grasping the framework of refugee protections under asylum law.

5. What is a key characteristic of tourist visas like the B-2 visa?

- A. They allow for long-term residency**
- B. They permit individuals to engage in temporary work**
- C. They are specifically for individuals traveling for leisure or medical reasons**
- D. They can lead directly to permanent residency**

A key characteristic of tourist visas, such as the B-2 visa, is that they are specifically designated for individuals who are traveling for leisure, recreation, or medical treatment. The B-2 visa allows travelers to visit the United States temporarily for activities like tourism, visiting friends or family, or obtaining medical care. This visa does not confer any rights to engage in employment or long-term residency in the U.S., and it is not intended for individuals looking to establish permanent residence or work in the country. The specific purpose of the B-2 visa aligns with the general intent of providing a temporary entry for pleasure or medical reasons, making it the appropriate choice in this context.

6. An exception to the one-year filing deadline for asylum can be based on which of the following?

- A. Changed or extraordinary circumstances**
- B. Proof of employment in the U.S.**
- C. A criminal background check**
- D. Establishing a family connection**

The basis for an exception to the one-year filing deadline for asylum applications is indeed rooted in changed or extraordinary circumstances. The U.S. asylum system is designed to protect individuals who cannot return to their home countries due to persecution or a well-founded fear of persecution. However, there are specific timelines for filing an asylum application—generally within one year of arrival in the United States. Changed or extraordinary circumstances refer to significant events or changes in the applicant's situation that may affect their eligibility for asylum, such as new evidence of persecution, a shift in the political landscape of their home country, or personal circumstances that risk their safety. These changes can justify the late filing of an asylum application, allowing those who may have otherwise missed the deadline to seek protection. The other options—proof of employment in the U.S., a criminal background check, and establishing a family connection—do not serve as grounds for exceptions to the one-year deadline for asylum. While these factors may be relevant to an individual's overall immigration case or may influence other aspects of their status, they do not qualify as valid reasons for missing the asylum filing deadline.

7. What is the difference between Statutes and Regulations?

- A. Statutes are rules enforced by agencies; Regulations are laws by Congress
- B. Statutes are laws; Regulations are rules written by agencies**
- C. Statutes are temporary measures; Regulations are permanent laws
- D. Statutes and Regulations are synonymous terms

Statutes and regulations serve different roles within the legal framework. Statutes are laws passed by legislative bodies, such as Congress or state legislatures, and they set forth broad principles and mandates. These laws reflect the policy decisions of the legislative branch and create a framework for the legal system. Regulations, on the other hand, are detailed rules or guidelines established by administrative agencies to implement and enforce the statutes. These agencies, which operate within the executive branch of government, create regulations to provide specific terms and conditions that clarify how the statutes will be applied in practice. The distinction is important because statutes provide the overarching legal authority, while regulations offer practical guidance on how to comply with the laws established by those statutes. This collaborative relationship ensures that laws can be effectively and pragmatically enforced.

8. Which statement is true regarding an applicant for adjustment of status under 245(i)?

- A. An I-485 Supplement A form must be filed**
- B. They must have physical presence since 1998
- C. They are exempt from all forms of documentation
- D. No forms need to be submitted since it's a waiver

An I-485 Supplement A form must be filed for an applicant adjusting their status under section 245(i) of the Immigration and Nationality Act. This supplement is specifically designed for individuals who are applying for adjustment of status based on an immigration petition that is covered by the 245(i) provisions, which allow certain individuals who might otherwise be ineligible to adjust their status to do so, provided they meet certain requirements. Under 245(i), individuals must demonstrate eligibility through the filing of the Supplement A, which accompanies the I-485 application for adjustment. This form aids U.S. Citizenship and Immigration Services in processing the application accurately, ensuring that all relevant circumstances connected to the applicant's status and the underlying petition are duly considered. In contrast, the requirements for physical presence, documentation, and submissions vary under different immigration provisions, but particularly under 245(i), the necessity of submitting the Supplement A is crucial for completing the adjustment application process.

9. What must be included in the waiver filed by a conditional resident after divorce?

- A. A letter from the former spouse**
- B. Evidence of the termination of the marriage**
- C. Proof of residency in the U.S.**
- D. A new marriage contract**

The requirement for including evidence of the termination of the marriage in the waiver filed by a conditional resident after divorce is critical for several reasons. In the context of immigration law, one of the primary functions of the waiver is to establish that the marriage was entered into in good faith but has since ended, which significantly impacts the conditional resident's eligibility for permanent residency. By providing evidence of the termination of the marriage, such as a divorce decree or court order, the applicant demonstrates to the immigration authorities that their legal marital status has changed. This is essential because conditional residency is based on the assumption of a bona fide marriage, and without proof that the marriage has been officially ended, the authorities may not be able to assess the applicant's situation accurately. This evidence plays a crucial role in ensuring that the applicant meets the necessary criteria for waiving the conditions on their residency. Without it, the application for the waiver might be considered incomplete or invalid, leading to potential denial. Therefore, including this documentation is not just a formality; it is a fundamental aspect of the waiver process that directly influences the outcome of the application.

10. Which individuals are eligible to submit a VAWA self-petition?

- A. Abused spouse of a USC who died three years ago**
- B. Abused spouse of an LPR who died last year**
- C. Abused 26-year-old daughter of USC**
- D. Abused parent of LPR**

The eligibility to submit a VAWA self-petition (Violence Against Women Act) is established for specific relationships and circumstances regarding abuse. In this case, the correct answer is that the abused spouse of a U.S. citizen (USC) who died three years ago is eligible to submit a VAWA self-petition. Under VAWA, individuals who were abused by their U.S. citizen spouses can file for self-petitioning regardless of whether the abuser is still alive, provided that the marriage was valid and the abuse occurred during the marriage. Importantly, the law allows for individuals to petition based on past relationships with a USC, even if the USC is deceased, up to two years after the death, as long as the petition is made within the specified time limits and the marriage was bona fide. In contrast, while the abused spouse of a lawful permanent resident (LPR) who died last year could seemingly have a valid claim, their eligibility is more restricted, particularly relating to VAWA self-petitions. The time frame for submitting a petition is also critical in determining eligibility status. The other options concerning an abused daughter and a parent don't fit the criteria for VAWA self-petitioning as they do.