

EXHIBIT "C":

APPEAL OF UNIVERSITY OF MARYLAND
RESIDENCY DETERMINATION DATED SEPTEMBER 15, 2017

MINIJIONG WU

BY HAND

September 15, 2017

Residency Review Committee
Office of the Registrar
Mitchell Building (First Floor)
University of Maryland
College Park, Maryland 20742

Re: Mr. Minijiong Wu
University I.D. 114844088
Appeal of Initial Non-Resident Classification (August 31, 2017)

Gentlepersons:

I am a full time second year civil engineering graduate student in the A. James Clark School of Engineering at the University. I was competitively admitted to the University as a doctoral candidate in June 2016 upon receipt of a master's degree from Zhejiang University of Technology in Hangzhou, China. I reside and have resided with my mother and stepfather at 1616 Park Avenue, Baltimore, Maryland 21217 since admission to the University in June 2016. My parents have been my sole means of support as a student in China as well as in the United States. My stepfather (born January 6, 1945) is retired and has owned and resided in the Bolton Hill section of Baltimore City for more than ten (10) years. I am the beneficiary of an approved first preference immigrant visa petition filed by my mother, a permanent resident of the United States. My current "duration of stay" "F-1" status is the only visa available because the Chinese immigrant visa category has been and remains "oversubscribed." Copies of the current U.S. Visa Availability Bulletin, my duration of stay ("D/S") U.S. Visa No. 20161691650181 (expiring June 16, 2021) and my resume are collectively attached for the ready reference and review of the Residency Review Committee as Exhibit "A."

On August 25, 2017, a signed "Petition for Change in Classification for Tuition Purposes" accompanied by the "Declaration of Victor H. Sparrow, III" and additional supporting materials was submitted at the Office of the Registrar in College Park. It was signed by me as well as by my stepfather, a citizen of the State of Maryland and the United States. After examination for completeness by Residency Evaluator Brian Leak, it was notarized by Ms. Toya Garrett Williams, a notary public and

APARTMENT TWO
1616 PARK AVENUE
BALTIMORE, MARYLAND 21217-4290
CELL PHONE (445) 547-1927

E-MAIL: 983409076@QQ.COM

MINJIONG WU

employee of the University (the "Petition"). A copy of the Petition is attached and incorporated by reference as Exhibit "B" as if fully set out herein.

On August 25, 2017, a Maryland Freedom of Information and Records Act request was submitted to the Office of the Registrar ("Records Request"). A copy of the Records Request is attached and incorporated by reference as Exhibit "C." The purpose of the Records Request was to elicit and obtain pertinent and relevant information on University residency practice throughout the University of Maryland system and policy including matters such as the recent **Gomes** decision and other instances granting "in state" tuition status to students who are neither veterans of the United States military or employees of the University or their dependents.

On August 31, 2017, the Petition was denied by the Office of the Registrar (the "Preliminary Denial"). A copy of the Preliminary Denial is attached and incorporated by reference as Exhibit "D."

On September 2, 2017, an initial e-mail response and appeal of the Preliminary Denial was filed with the Office of the Registrar ("Initial Response"). A copy of the Initial Response is attached and incorporated by reference as Exhibit "E" as if fully set out herein. The Initial Response concerned the preliminary objections to my adjudication as a non-resident student for tuition purposes dated August 31, 2017 ("Preliminary Adjudication") on factual, procedural, policy, and "equal protection" grounds.

The Initial Response also sought a postponement in the date for submission of a definitive substantive appeal pending a complete response by the University to the Records Request.

The postponement request was denied by e-mail on September 12, 2017. A copy of the denial is attached and incorporated by reference as Exhibit "F."

The Preliminary Denial cites four (4) reasons for the denial of my petition as well as putative formal and substantive omissions in the "Declaration of Victor H. Sparrow, III."

1. Payment of and filing of Maryland State Income Taxes. Prior to my admission to the University in July 2016, I was a full time graduate student at Zhejiang University of Technology with no U.S. or Chinese earned income. In fact, as a foreign national lacking

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United States Bureau of Citizenship Services employment authorization, it would be against the law for me to be employed in the United States. Moreover, my stepfather (born January 6, 1945) receives Social Security as his sole income. Under the relevant Federal and Maryland authorities, he is not and has not been required to file United States Income Tax Returns given his meager income and status during seven (7) years as a visiting foreign volunteer teaching expert in Hangzhou, China.¹

2. Legal Ability to Live Permanently and Reside in Maryland and the United States for Twelve Month Period. As the holder of an "F-1" student visa, my understanding from the BCIS website is that I may remain in the United States for the duration of my doctoral program of studies that "... [u]nless canceled or revoked, a visa is valid until its expiration date. Therefore, a valid U.S. visa in an expired passport is still valid. If you have a valid visa in your expired passport, do not remove it from your expired passport. You may use your valid visa in your expired passport along with a new valid passport for travel and admission to the United States." (<https://travel.state.gov/content/visas/en/study-exchange/student.html>). An anticipated program of graduate study in civil engineering will last more than twelve (12) months. It is my intent to reside permanently in the United States upon the completion of my doctoral program.²

3. Presumption that you are in Maryland Primarily to Attend an Educational Institution. To be sure, I lived and attended school outside of the State of Maryland at the time of [my] application for admission to the University. Any aspiring non-residential candidate for matriculation at the University could reside outside of Maryland at the time of his or her application. High school and graduate students attend school for at least a twelve (12) month period as a full-time vocations and avocations. My undergraduate and graduate school education since 2011 was at the Zhejiang University of Technology in Hangzhou, China. The Clark School of Engineering is a fine school but my primary purpose in residing in the metropolitan Baltimore-Washington corridor is and was to reside with my mother and stepfather. It is a fortuitous

¹http://taxes.marylandtaxes.com/Individual_Taxes/Individual_Tax_Types/Income_Tax/Filing_Information/If_You_Are_a_Senior_Citizen/Filing_Requirements_for_Seniors.shtml.

² By that time, I shall be eligible to apply for adjustment of status under Section 246 of the "Immigration & Nationality Act" based upon the approved 2015 "Petition to Classify" filed by my mother to that of a permanent resident

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E-MAIL: 983409076@OOCOM

MINJIIONG WU

circumstance my parents happen to reside in Baltimore, Maryland where my stepfather has owned a home for more than ten (10) years. It is respectfully submitted that such a speculative rebuttable presumption would never arise if I were a United States citizen or permanent resident applying for admission to a Maryland university.

Missing Information.

The Preliminary Denial incorrectly asserts that "Declaration of Victor H. Sparrow, III" is legally insufficient because it does not "... verify the dates you resided at 1616 Park Avenue. The submitted document does not verify this."³ This is patently incorrect.

At the time my signature and that of my stepfather, Victor H. Sparrow, III were notarized on the Petition by Ms. Toya Garrett-Williams, we requested that Ms. Garrett-Williams also notarize the Declaration. After conferring with Residency Evaluator Brian Leak, she refused. This seemed of little moment at the time since Mr. Leak assured us that all of the materials in or attached to the Declaration would be considered in reaching a decision on the merits of the Petition. Out of an abundance of caution the "Declaration of Victor H. Sparrow, III" was prepared as a declaration under penalty of perjury within the meaning of 28 **United States Code** §1746(2), the legal and functional equivalent of a notarial attestation within the United States.⁴

³ Paragraph One of the "Declaration of Victor H. Sparrow, III" states:

Comes now, Victor H. Sparrow, III, under penalty of perjury under the laws of the State of Maryland and those of the United States of America including but not limited to 28 **United States Code** §1746(2) based upon my own personal knowledge makes and declares this "Declaration in Support of the Petition for Change in Classification for Tuition Purposes" of Minjiong Wu ("Petitioner") filed with the Office of the Registrar of the University of Maryland on or about August 25, 2017.

1. That I am fully competent to make and declare this declaration having been born on January 6, 1945 in the City of Philadelphia in the Commonwealth of Pennsylvania and currently reside with my wife, Ying Jin, a permanent resident of the United States and my stepson, the Petitioner at 1616 Park Avenue, Baltimore, Maryland 21217.

⁴ 28 **United States Code** §1746(2) provides in pertinent part as follows:

"Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such

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It is respectfully submitted that any University "residency verification requirement" as well as the requirements set out in Section 2 of Title VIII-2.70—"Policy on Student Classification for Admission and Tuition Purposes" of the USM Bylaws have been fully met.

A postponement in the date for the submission of a definitive substantive appeal in this matter was sought to allow the marshalling of supplemental materials in support of additional factual and policy arguments in support of this appeal. For example, it would seem that the equities in my case exceed those of the "dreamers" and those described in Section 4 of Title VIII-2.70—"Policy on Student Classification for Admission and Tuition Purposes" of the USM Bylaws.⁵

I, Minijiong Wu and Victor H. Sparrow, III, in our personal capacities based on our own personal knowledge state and declare under penalty of perjury including but not limited to 28 **United States Code** § 1746 under the laws of the State of Maryland and the United States, that I have read and am thoroughly familiar with each of the statements in the foregoing "Appeal of Initial Classification Decision." Each of the statements are true and correct based upon on our own personal knowledge. Each of the documents attached to this letter is a true xerographic copy of a document which is now or has been in our possession. Executed on this 14th day of September 2017 at the City of Baltimore within the State of Maryland.

person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

⁵ For example, it would appear that certain Maryland "non-resident students" other than those described in this paragraph have been accorded residency status by the University for tuition purposes. Please refer to the copy of an e-mail from the University Office of General Counsel dated September 14, 2017 attached hereto and incorporated by reference as Exhibit "G." Petitioner should be afforded the opportunity to understand and explore these cases in a manner consistent with the privacy rights of the students involved.

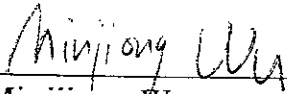
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In conclusion, my position is that I have met all of the relevant requirements for classification as a resident of the State of Maryland for tuition purposes given the letter and intent of the "Policy on Student Classification for Admission and Tuition Purposes" of the USM Bylaws.⁶

Sincerely,



Minijiong Wu



Victor H. Sparrow, III

⁶ I also seek the opportunity to support my position through complete and more extensive responses to the August 25, 2017, Maryland Freedom of Information and Records Act request submitted to the Office of the Registrar ("Records Request"). A copy of the Records Request is attached and incorporated by reference as Exhibit "C" to this letter.

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