

Discussion Five

Franca from **Brazil** comes in to see you because he wants to marry his American girlfriend but wants to do things the right way so that he will have no problems with his immigration application. On questioning, he tells you that **he met her here when he entered eight weeks ago**. She is **pregnant**. They had not planned things this way, but now they feel **they have no choice but to marry and to do it soon so that Franca can work legally to help prepare for the baby**.

What information can you give to Franca about any issues he might expect to encounter and how might he overcome them? Please use the material from Chapter 6 to help you answer this question. After your initial post, please respond to two of your colleagues. State more than you agree or disagree, but specifically state what points of their assessment that you are reacting to.

If married, because Franca will have his wife a U.S. citizen wife to sponsor him, the chances are better for a positive immigration status outcome. Because they are married, he will be an immediate relative and thus is eligible to have preferential treatment. The issue at hand is if their recent marriage is a *bona fide relationship*. Considering that they have known each other for only eight weeks is a red flag as to their reason for marriage in the first place. Most likely a *Stokes* interview will be conducted because the newness of their vows. Unless there is a special situation or hardship waiver to approve a LPR, there is a likelihood their petition will be denied. Perhaps their pending child will help and be a special situation but his desire to work can be a double-edged sword. It would be helpful to know what visa he entered the United States with because it is not known if he has overstayed his visa. It's a toss-up in my humble opinion. It would be helpful to get advice of an lawyer that specializes in immigration law.