

Actress' Leading Role as Wife

By J. Marcel Hernandez

One of the primary means to gain permanent residence in the U.S. is through marriage to a U.S. citizen. Mexican actress, Fernanda Romero faces federal charges of entering into a sham marriage for the purposes of gaining this benefit. She faces 15 to 21 months in prison if convicted. Romero's sham marriage was exposed when former boyfriend, Markus Klinko, provided the information to U.S. Citizenship and Immigration Services (USCIS).

Klinko had previously filed a lawsuit in 2007 against Rock and Republic, a jeans company, alleging breach of contract in a photo shoot. In the lawsuit, Klinko accused owner Michael Ball of extortion. It was during this lawsuit when authorities turned attention to the possibility of Ball having arranged the sham marriage, for the purposes of bringing Romero into the country permanently.

USCIS estimates approximately 40% of marriage-based petitions for permanent residence are fraudulent. As a result of these statistics, most applicants married less than two years on the day permanent residence is granted receive a two-year conditional green card, requiring the applicant to petition for a new green card prior to the expiration of the two-year term. In addition to biographical data, petitioning couples must present evidence of a bona fide marriage, such as co-mingling of assets and/or children's birth certificates. In some instances, USCIS will request further evidence. Couples are later interviewed by a USCIS official as a means to corroborate the filed documents, and then a decision is mailed to the applicant. Due to the high level of fraudulent applications, marriage-based petitions are carefully scrutinized. Generally speaking, it is more favorable to file as much evidence as possible.