

**Congress of the United States**  
**Washington, DC 20515**

**Cosponsor H.R. 6034, End the Widow Penalty**

**Current Cosponsors: Abercrombie, Bordallo, Carson, Fattah, Gonzalez, Gene Green, Grijalva, Honda, John Lewis, Lungren, Markey, James Moran, Nadler, Napolitano, Reyes, Schakowsky, Serrano, Sires, Solis, Stark, Weller, Wu**

Dear Colleague:

We would like to inform you of an unfortunate, unintended, and unjustified administrative procedure. As you may have seen in media reports, widows of American citizens who lawfully entered the country and applied for resident status are being denied if their American spouses die before administrative processing occurs. This practice is referred to as the "widow penalty."

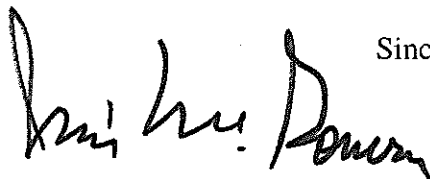
When an American applies for his or her spouse to be a resident, the application can be approved as quickly as processing times permit, but in some cases death occurs after filing but before USCIS gets to the application. If conditional resident applicants suffer bureaucratic delays or an unexpected death beyond their control, they are left to face denial and deportation simply because their application was not processed in time. Current law allows the conditional petitioner to self-petition only if the marriage lasts two years.

H.R. 6034 addresses this unjustifiable practice by allowing for a case-by-case, bona fide assessment of the marriage if the death occurred prior to two years of marriage. In other words, if the citizen spouse does die before the marriage reaches two years, the conditional resident's petition is still considered, but the marriage has to be found to be bona fide.

We believe that case-by-case consideration of these survivor's cases, and not an automatic denial, would serve the interests of justice and the American people. These individuals legally entered the country, have applied for legal status following established procedures, and absent their spouse's death, their applications would have been adjudicated and routinely approved.

To join us in ending the "widow penalty" and protecting surviving spouses of American citizens, some of which are widows of fallen soldiers, please contact Jay Lucey in Rep. Jim McGovern's office at 5-6101 or at [jay.lucey@mail.house.gov](mailto:jay.lucey@mail.house.gov) to cosponsor H.R. 6034.

Sincerely,



James P. McGovern  
Member of Congress



Mark Udall  
Member of Congress