

DesMoinesRegister.com

July 18, 2008

Lawmakers discuss fate of 'widow penalty'

By JANE NORMAN
jnorman@dmreg.com

Washington, D.C. -- Anca Braniste left her native Romania in 2005 for love and marriage in the United States.

Three years later, she is living with a friend in Omaha and in immigration limbo. Braniste is facing deportation because her husband -- a dentist and a U.S. citizen of Romanian descent -- died just four months after their wedding.

"I came here legally," a weeping Braniste, 43, said in a telephone interview. "Everything we did, we did legally. He was an American citizen for 20 years. He was a reputable person. He had a business here.

"We are normal persons," she said. "Why can't I move on in a normal way with my life?"

Braniste is among about 160 widows and widowers who, under U.S. law, automatically face deportation because their U.S. citizen spouses died less than two years after their marriages and before the survivors' permanent residency applications were approved. Lengthy delays in immigration processing contribute to the problem.

A bipartisan group of lawmakers is pushing to ease the law and instead require case-by-case reviews of applications to ensure marriages are legitimate.

The change would also allow the survivors to apply if they had not begun the green card process before their spouses' deaths.

But the most intense opposition in Congress has come from Rep. Steve King, a Kiron Republican and a leading conservative voice on immigration in the U.S. House.

While the House Judiciary Committee on Wednesday night on a voice vote approved elimination of the so-called "widow penalty," King objected, sparking a 37-minute debate. He said he is unhappy Congress has not moved to place a limit on legal immigration into the United States.

"I'm concerned about an overall cap so we don't have a runaway immigration policy," he said.

King also said more protections were needed to ensure immigrant spouses have good moral character or that they planned to come to the United States prior to the spouse's death.

"A soldier, man or woman, could get drunk in Bangkok, wake up in the morning and be married, as will happen sometimes in places like Las Vegas or Bangkok, be killed the next day, and the spouse

who was a product of the evening's celebration would have then a right to claim access to come to the United States on a green card," King said.

He said he agreed with the sentiment in the bill but Congress cannot take care of "every sad story that we have and if we do that, we are going to create a lot more sad stories in the United States from the people that will take advantage."

His position has befuddled advocates of changing the penalty, which they say has left grieving families in anguish, some with children to care for while they fight deportation.

"I've never come across anybody who actually voiced opposition," said Brent Renison, an Oregon immigration lawyer who said he's spent many pro-bono hours over the last four years representing widows facing deportation. Court cases also are pending.

Rep. Zoe Lofgren, D-Calif., who sponsored the bill in committee, said the "widow penalty" is one of the top reasons for private relief bills in Congress.

Other Republicans split from King, including Rep. Lamar Smith, the top Republican on the Judiciary Committee. "This bill is a reasonable response to tragic circumstances," Smith said. A co-sponsor is Rep. Brian Bilbray, R-Calif., a leading opponent of illegal immigration.

Rep. Dan Lungren, R-Calif., recounted the story of a police officer in his district who died and left behind a widow who faced deportation.

"This is not something that is going to be a foot in the door or some opportunity for fraud," Lungren said.

King offered an amendment that would have required the married couple to have shared a residence together in the United States. He said a "bond to the United States" should be shown. "That is not too much to ask," King said. It was ruled not relevant.

He and Rep. Sheila Jackson Lee, D-Texas, sparred over whether the bill might allow multiple foreign-born widows of polygamists to seek green cards.

The bill now will go to the full House for approval. But it might not help Braniste, who recently completed a certified nurse assistant degree and wants to become a registered nurse but has no work permit. She is so low on money she likely will have to return to Romania soon.

Braniste said she understands some marriages between citizens and foreign nationals are fraudulent, but hers to Mihai Braniste, her "perfect match," was not. "I know there are marriages for papers," Braniste said. "In my case, can they believe my husband would even need money from me, my husband with his own business?"

She added: "For me, it's kind of late, but hopefully these guys will understand it's not a good law, and they have to change it."
