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### **Ohio Federal Court Rules in Favor of American's Widow**

CLEVELAND, OH – A Richmond Heights, Ohio resident who was fighting deportation proceedings was granted a request Monday to continue her residency application despite a United States Citizenship and Immigration Services (USCIS) earlier ruling.

Nelly Lockhart had entered the country legally from the Philippines when she married her American husband. She and her husband filed a residency application for Mrs. Lockhart. But when her husband died, USCIS denied her application, stating that she was no longer a spouse, and commenced deportation proceedings against her.

On Monday, United States District Judge Kathleen M. O'Malley ruled that Lockhart had filed all the necessary paperwork required for legal residency together with her U.S. citizen husband.

But Lockhart was not alone. Members of the American Immigration Lawyers Association have long been urging the USCIS to recognize that its own delay, coupled by an unfortunate death, should not strip legal status from an applicant who followed all the rules. A non-profit advocacy organization, Surviving Spouses Against Deportation ([www.ssad.org](http://www.ssad.org)) was founded last year to fight what has been coined the "widow penalty." SSAD has discovered 120 cases of the widow penalty nationwide.

The Ohio decision follows a U.S. Ninth Circuit Court of Appeals decision issued in 2006, *Freeman v. Gonzales*, and two District Court decisions from 2007 - New Jersey District Court decision *Robinson v. Chertoff*; and Massachusetts District Court decision *Taing v. Gonzales*. Osserritta Robinson is the widow of an American killed in the Staten Island Ferry accident. The couple was simply waiting for USCIS to get to the applications when Mrs. Robinson's husband was killed in the tragedy. The federal court ordered that she be treated as a spouse, but USCIS has appealed that decision to the U.S. Third Circuit Court of Appeals. A national Class Action lawsuit was filed in August 2007 in Los Angeles federal court by Oregon attorney Brent Renison, and a hearing will be held on January 28, 2008. The lead plaintiff is Carolyn Hootkins, widow of actor Bill Hootkins of Star Wars fame. Others in the lawsuit include widows of American contractors killed in Iraq, the widow of a border patrol agent, and the widow of a man killed by a drunk driver.

Legislative efforts to end the widow penalty have been underway for several years, but the debate over immigration reform has so far hampered progress. Legislation to end the widow penalty passed the Senate in 2006, but the House failed to pass it. In 2007, Senator Bill Nelson of Florida introduced an amendment to the comprehensive reform bill that would end the widow penalty, but Senators failed to agree on a reform package. SSAD pro bono counsel Brent Renison can be reached at (503) 597-7190. Mrs. Lockhart's attorneys Barbara Firstenberg and Cathy Shibley, of Shaker Heights, Ohio can be reached at (216) 991-6200.

For more information, visit the SSAD website: <http://www.ssad.org>