

Why are we deporting widows of American citizens?

Marlin Coats didn't hesitate to jump in the water to try to save two drowning teens caught in a riptide at San Francisco Beach. He lost his life that Mother's Day in 2006, but because of his heroism those two teenagers survived. So why is the U.S. now responding to Coats' ultimate sacrifice by deporting his wife **Jacqueline**?

U.S. Army contractor Todd Engstrom of Illinois gave his life for his country when he was killed in Iraq, and now the federal government is telling his wife **Diana** she too must go. And so must **Dahianna Heard** of Florida, whose husband was shot in the head by insurgents in Iraq. What will happen to their children?



Because of a crack in the law, women and men who entered this country legally are facing deportation when their spouses die during the lengthy administrative visa process. There are scores of these cases across the country affecting women, mothers and children.



DON'T FORGET:

Khin Win of Nevada who lost her husband to a drunk driver, then saw her father-in-law killed by a drunk driver three months later;

Osserritta Robinson of New Jersey whose husband was killed by the negligence of a ferry captain in the 2003 Staten Island Ferry disaster;

Maria Moncayo-Gigax of California whose husband was a U.S. Border Patrol agent killed on duty in a car accident in Washington D.C.;

Raquel Williams of Florida who was left to care for the couple's now four year-old son Ian after her husband died of sleep apnea;

Maria Diaz Ruiz of Illinois whose husband suddenly died of a heart attack at age 31;

Gladys Walsh of Massachusetts whose husband also died of a heart attack at age 38, leaving her to care for their son who was born with severe bilateral club feet;

Nelly Lockhart of Ohio whose husband died of a heart attack, and has been left to care for their son, and at the same time deal with deportation proceedings.

U.S. Citizenship and Immigration Services (USCIS), claims it cannot approve an application for permanent residence (a green card) when a spouse is killed before the couple has a chance to celebrate their second wedding anniversary, and where the agency has not yet acted on the application—no exceptions. USCIS nevertheless routinely approves applications where the marriage is less than two years old, and routinely approves waivers for those whose applications happened to be adjudicated prior to the death. Administrative delay and the happenstance of a death are the reasons USCIS treats these cases differently.

Despite recent court rulings against USCIS, the agency continues to fight for the right to deny permanent resident status to widows of American citizens. After being ordered by a federal appeals court to treat **Carla Freeman** as a surviving spouse of an American, it denied her stating, "Since your late husband is deceased, denial of your admission will not have any legally cognizable effect on him." After being ordered by a United States District Judge in New Jersey to rule on **Osserritta Robinson's** case and treat her as a spouse, USCIS has instead decided to appeal the decision! Congress has failed to pass legislation to fix the Widow Penalty. USCIS continues to compound the loss of these surviving spouses, making them face deportation, lose employment authorization, and cope with separation from family members and the home they made with their American spouses.

Details on legislative and litigation efforts to end the widow penalty can be found at www.ssad.org. For media inquiries, contact **Brent Renison at 503-597-7190 • www.entrylaw.com**.