

END THE WIDOW PENALTY

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Hatch Amendment (SA 1428) to S. 1298 / H.R. 2892 (DHS Appropriations)

Background: “For hundreds of unlucky immigrants, the death of a wife or husband has been quickly followed by an order to leave the country. It’s called the “widow penalty,” a tragic quirk in federal law that unfairly punishes recently married immigrants whose citizen spouses die before their green-card paperwork is processed.” – *New York Times Editorial, April 28, 2009.*

“The amendment contains several important provisions, including my bill to put an end to what has become known as the ‘widow penalty.’ This bipartisan support for this amendment has brought out the best in the Senate, and the Senate action today represents a great achievement.”
Senator Bill Nelson (D-FL), Congressional Record S7305, July 9, 2009.



“The administration supports legislation to make it clear that widows and widowers who didn't get their paperwork completed before their American spouse died, should still be allowed to remain in the U.S.” **Bob Simon,**
CBS News 60 Minutes, June 14, 2009

Need for Legislation: The pace of immigration adjudication and the happenstance of death should not control the fate of law abiding immigrants who marry Americans in good faith. A change in law is needed to allow for a case-by-case adjudication of the validity of the marriage instead of the automatic denial policy currently in place.

How are West Virginians Affected?: As reported on the front page of the Charleston Gazette May 9, 2009, Joseph Neal of Huntington was an “All American boy and he grew up to be an All-American man, joining the Army when he was 18 years old. Joseph Neal’s patriotism ran deep, his father said, and so did his love for his Japanese wife and their son.” Neal drowned in the Ohio River in June 2006, before paperwork was completed for his wife, and his widow Miwa and their son Liam are not allowed to remain in the United States, separated from Jack and Anna, Liam’s American grandparents. <http://www.wvgazette.com/News/200905090143>

How can Senator Byrd Help?: Senator Byrd carries the fate of these widows, widowers and their children in his hands. He can support the Hatch Amendment (SA 1428) during Conference Committee on the DHS Appropriations Bill, and ensure its safe passage into the final version.