

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. SA 1428 Sponsors: Hatch (R-UT), Nelson (D-FL), Cornyn (R-TX), Menendez (D-NJ), Bennett (R-UT), Reid (D-NV), Schumer (D-NY), Kennedy (D-MA), and Gillibrand (D-NY)

How are New Jerseyites Affected? Mrs. Osserritta Robinson became a New Jersey widow just eight months after her marriage to Louis Robinson when he was tragically killed in the Staten Island Ferry accident. In a 2-1 decision, the Third Circuit Court of Appeals recently ruled that Mrs. Robinson was no longer a spouse when her husband died, the effect of which allows Mrs. Robinson to be denied permanent resident status and face deportation despite a timely filed application. <http://www.ssad.org/litigation/robinsonlitigation.html>

How can Senator Lautenberg Help?: Senator Lautenberg carries the fate of Mrs. Osserritta Robinson, as well as future widows, widowers, and their children in his hands. He can support the Hatch Amendment (SA 1428) by insisting that it be included in the House version during Conference Committee on the DHS Appropriations Bill (S.1298/H.R.2892).