

# 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)

**Who is affected by the Widow Penalty?** Diana Engstrom, whose husband was killed in Iraq while working as a U.S. Contractor to the Army, Osserritta Robinson, whose husband was killed in the Staten Island Ferry disaster, Kumi Barcena, whose husband was a police officer killed by a criminal, Carla Freeman, whose husband was killed by a Pepsi truck, and many others! The legislation is also supported by a bi-partisan group of 32 Congresspersons who co-sponsored H.R. 1870 (SA 1428 was based on this) including McGovern (D-MA), Bilbray (R-CA), Grijalva (D-TX), Lungren (R-TX), Garrett (R-NJ), Pastor (D-AZ), Wolf (R-VA), and many others.

**How can Senator Tester Help?:** Senator Tester 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.