

Play by the Rules; Get Deported

Flaws in the immigration system
hurt surviving spouses

BY BRENT RENISON



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AT THE BUSY INTERSECTION OF immigration law and politics, there exists a small group of surviving spouses of American citizens. For the past 37 years, the U.S. government has been deporting widows whose citizen spouses die before the residency paperwork filed on their behalf has been processed. For the past three years, I have been fighting this so-called “widow penalty” and have come to understand through this battle how difficult comprehensive immigration reform will be to achieve.

When I met Carla Freeman three years ago in the spring of 2004, she had lost her husband Bob Freeman in a car accident. Carla, a citizen of South Africa, met Bob while in Chicago as an au pair exchange visitor, and they wed in 2001. Bob worked for Costco as a tire center manager and, in February 2002, was driving to work on his day off for an inspection of his work area. On that cold morning, a Pepsi truck crossed the center lane and collided head-on with his car, killing him. During our first meeting, Carla cried as she recounted her loss and explained what immigration authorities had said to her. Although she and Bob had filed all the necessary paperwork the year earlier for Carla to become a legal permanent resident, the government no longer considered her a spouse and was poised to deny the application and deport her.

Struck with such an inequitable situation, I took her case to court and, at the same time, began lobbying Congress to fix the widow penalty. I even found a friend in Costco. Bob Freeman’s employer wanted to do what it could to help his widow. Costco’s legal depart-

ment joined my efforts to urge a change in the law. They contacted senators and representatives in Congress and corresponded with those working on immigration reform. They periodically checked in on legislators and kept the issue alive.

I was optimistic that legislators, once aware of the hardship and injustice faced by these widows, would quickly act to remedy the situation. Three years later, I have a more realistic view. Meaningful reform may prove elusive in the short term.

On the immigration issue, Congress appears deadlocked. Some legislators want more enforcement of the laws, and others want a functioning temporary worker program and legalization for the undocumented in our midst. Employers are now facing a wave of enforcement actions and criminal charges for hiring undocumented workers, and the workers see higher deportation rates. The undocumented are criticized for circumventing the orderly visa process, and businesses who hire them are blamed for providing an economic incentive to break the law. What legislators have not realized, however, is that there is no orderly visa process for non-professional level employment. No line to wait in, no legal way to bring workers here.

As the public debate continues, many continue to suffer in anonymity. Maria Moncayo-Gigax, the Ecuadorian-born widow of a U.S. border patrol agent who died in a car accident while on duty in our nation’s capital, faces deportation because her application to be a resident was pending when her husband died.



