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The multi-year efforts of an Oregon immigration attorney to end the “widow penalty” will be featured on “This American Life” the immensely popular public radio show beginning Friday, March 28, 2008. Ira Glass will discuss how United States Citizen and Immigration Service, the chief government immigration agency, denies legal status to spouses of Americans because the citizen spouse died while waiting for USCIS to process the case. Over 100 foreign citizens who came to this country legally and applied properly for legal status are being told that they must leave the U.S. following the death of their American spouse, including widows with children of the marriage. The appearance on “This American Life” highlights the frequently unjust policies in our immigration system.

Those who are ensnared by the widow penalty include Diana Engstrom of Bloomington, Illinois, whose husband Todd Engstrom was killed in Iraq while supporting U.S. troops as an American contractor, Khin Win of Las Vegas, whose husband was killed by a drunk driver, Ana Maria Moncayo Gigax of Los Angeles, whose husband was a U.S. Border Patrol Agent when he died in a car accident while on duty, and Carolyn Robb Hootkins of Los Angeles, who served as Head Chef for Prince Charles and Princess Diana, and whose actor husband Bill Hootkins died of pancreatic cancer. A very few with political connections have been able to obtain private bill relief, such as Anisha Foti, widow of Seth Foti who was a diplomatic courier for the U.S. State Department when he died in a Gulf Air crash. Her private bill was signed into law in 2003 by President Bush. Over 130 other widows and widowers from over 30 states and representing over 50 countries, however, continue to be victims of the widow penalty.

One such widow, Carla Freeman, took her case to court in 2004. Carla’s husband Bob Freeman was killed in Merrillville, Indiana by a Pepsi truck that veered into his lane and struck his car head-on. The couple had been married three weeks of their first wedding anniversary. After the U.S. Ninth Circuit Court of Appeals ruled that she should be treated as a spouse, having filed all the necessary paperwork for her residency, the immigration service nevertheless denied her application. In the denial, U.S. Citizenship and Immigration Services stated, “Since your late husband is deceased, denial of your admission will not have any legally cognizable effect on him.” Because of the REAL ID Act of 2005, no court has jurisdiction to review the denial. The years of legal battle with the government exacted a heavy toll on Mrs. Freeman, and she gave up her fight to stay last year. The groundbreaking decision in her case, however, has given hope to many others affected by the widow penalty. In August 2007, Mr. Renison, who was also Mrs.

Freeman's attorney, filed a class action lawsuit in a Los Angeles federal court on behalf of other widows to challenge the government's interpretation of the law.

For a link to the program, and also to listen online, go to this link:

http://www.thislife.org/Radio_Episode.aspx?episode=353

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