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MENENDEZ, NELSON, GILLIBRAND PROVISIONS FOR IMMIGRANT WIDOWS AND ORPHANS GAINS FINAL SENATE PASSAGE

Legislation helps reinforce the family immigration system

WASHINGTON – Today, provisions in the Department of Homeland Security appropriations bill to protect widows and orphans of deceased U.S. citizens and legal permanent residents who are in the family immigration system gained final passage in the U.S. Senate. The provisions, which were championed by Senators Robert Menendez (D-NJ), Bill Nelson (D-FL), Kirsten Gillibrand (D-NY) and Patrick Leahy (D-VT), among others, address the immigration-related hardships caused by the death of a sponsoring relative by allowing orphans, widows and widowers to continue their applications through the family immigration system despite the sponsor's death. Menendez and Gillibrand are the sponsors of the *Orphans, Widows and Widowers Protection Act* and Sen. Nelson has championed the issue of widow and orphan immigrants for a number of years.

Senator Menendez said: "This marks an important step toward strengthening our legal family immigration and ensuring that family unity remains at the heart of our immigration system. The law-abiding widows, widowers and orphans covered under this provision call America home and deserve continued access to our legal family immigration system. They should not be forced to leave this country because of the sudden death of a parent or spouse that was out of their control. I will continue to work hard to fix other parts of our broken immigration system through comprehensive immigration reform."

Senator Gillibrand said: "This law will be an important step towards comprehensive immigration reform. After experiencing the loss of a loved one, law-abiding people seeking legal citizenship in this country should not experience further punishment by losing their opportunity to become legal citizens of this country. This important law will protect some of the families being torn apart by our immigration system. This is a critical part of our efforts to reform America's family-based immigration system to reunite loved ones, promote family stability and foster the economic growth that immigrant families have provided throughout our history."

The orphans, widows and widowers provisions were included in an amendment to the DHS bill sponsored by Senator Orrin Hatch (R-UT) and co-sponsored by Senators Menendez, Nelson, Kent Conrad (D-ND), Gillibrand, Harry Reid (D-NV), Edward Kennedy (D-MA) and Charles Schumer (D-NY). The Hatch amendment also included immigration provisions for religious workers and physicians.

There are more than 200 surviving spouses of U.S. citizens fighting against immigration deportation and countless other legal immigrants, refugees and asylum seekers who have been deported or risk deportation because of the death of a loved one. This legislation offers a lasting solution for these legal immigrants impacted by the death of a loved one. In addition, the legislation assists relatives of other legal immigrants.

Currently, if a sponsoring relative dies, the U.S. Citizenship and Immigration Service will generally deny the petition after the sponsoring relative's death. This bill clarifies that the government should continue to process the immigration applications of immigrants who are already waiting to receive an immigrant or other visa under certain conditions.

On Tuesday, June 9, 2009, the Department of Homeland Security announced that it was granting temporary relief from deportation to the spouses and minor children of U.S. citizens. This bill extends permanent relief to orphans, widows and widowers of legal immigrants including the relatives of U.S. citizens, permanent residents and refugees subject to Department of Homeland Security discretion to deny certain cases if approval is not in the public interest.

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