

2008 Ethnic Media Fellowships on Immigration
Supported by the McCormick Foundation

The Story Behind the Story
"The Widow's Penalty"

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The original idea for my project was to do a multi-media project in which I could use audio and photos to create photo reportage of the emotional items immigrants carry along with them. In the desert, along the immigrant's path, you can always find photos, bibles, letters, toys and other items and I wanted to find out why these items meant to the people crossing the border. I had done other audio-slide shows for La Opinión, my publication, and they were displayed boldly on our Web page. What I did not count on, was the fact that, half way through 2008, La Opinión brought in people to revamp the Web site, and in the process got rid of all archived stories, photos and, yes, the photographer's space to put our multi-media work. As I write this in November, I'm still waiting for "Phase II" of the site, where they promise to give space to photographers.

So, having to change my plans, I decided to work on a written story that I felt was important to explore. My subject was "the widow's penalty," as it is commonly known in the immigration attorney's lingo. It operates like this: a spouse who has been married to a U.S. citizen and is in the process of becoming a resident becomes subject to deportation if the citizen spouse dies before a two-year time frame. Having a spouse die of cancer, in the Iraq war or other causes were not considered excuses for many widows in deportation proceedings. But thanks to a resolute attorney, the widows were recently granted class action status and they are suing the government.

The story was very difficult to report. I only had very few names of the cases made public in the class action lawsuit. Once I identified the widows who lived in the southern California area, they were not interested in speaking to the media, for fear of repercussions in their legal cases. I found addresses and knocked on their doors; hand delivered letters asking to hear their stories and kept waiting, but no reply ever came. Here's where the Institute for Justice and Journalism's help came in handy. I contacted Dan Kowalski, a speaker at the IJJ fellowship conference in Arizona. Dan is editor-in-chief of Bender's Immigration Bulletin and he put an ad on his Web site, which is seen by hundreds of immigration attorneys throughout the country. I was able to get in touch with some widows who were willing to tell me what they were going through.

My editor was very flexible and gave time and space to complete my story. We held the story until a couple of days before the 9th U.S. District Court in Los Angeles was scheduled to rule on the class action lawsuit. The story ran on La Opinión's front page and I did a second story, which was also front page on the day after the court granted the class action status. Unfortunately, it did not include any multi-media elements.

I had very positive response to the stories. I was contacted by about 25 widows who had read my story and were in a similar situation but did not know what to do or had been misled by attorneys. One man called me from Arizona and told me that he had learned more from my story than from his \$4,500-fee attorney, who had no idea about the class action lawsuit for people like him. I referred all the callers to the lead pro-bono attorney who has been handling the lawsuit, and he told me some of them would qualify and be helped by the ruling.

The story had many confusing legal terms, loops and twists. My goal was to try to help our Spanish-language readers to understand the complexity of these cases. I hope my story helped to influence what has been going on in Congress. One of the people I interviewed for this story is Congresswoman Hilda Solis, who is a supporter of a bill currently sitting in the House Judiciary committee (H.R. 6034) to end, once for all, the widow's penalty. The bill has received bipartisan support but unfortunately it's still dormant, and it might be attached to a future immigration reform bill.

Due to our daily deadlines and lack of time and space, I don't think I would have been given the time to pursue and publish this story, but because of La Opinión's commitment to have IJJ Fellows complete their projects, I received lots of time and support from my editor to publish this story.

This fellowship has been an incredible experience. I always felt I had a personal commitment to report on immigration issues, but the truth is I didn't have a clue about how to go about it. Having been exposed to so many tools, sources, and issues, I feel I have grown professionally as I'm more prepared and more committed to report on immigration matters. Thanks so much to all the IJJ staff for your help and commitment to journalism and the issues that matter.