

situation remained a "spouse" and that she should not be penalized because CIS didn't adjudicate the case quickly enough.



Although we rest our holding on entirely legal grounds, we note that our decision comports with common sense. We do not believe that Congress intended for the speed at which immigration authorities attend to a pending application to be dispositive in determining when a surviving spouse like Mrs. Taing, who has diligently followed the rules, can qualify as [a spouse.] As our sister court has recently noted, the result the government seeks would "create [] an arbitrary, irrational and inequitable outcome in which approvable petitions will be treated differently depending solely upon when the government grants the approval." Lockhart, 561 F.3d at 620 (quoting Robinson, 554 F.3d at 371 (Nygaard, J., dissenting)).

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Posted by Elaine Martin at [2:29 PM](#)

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to her work as an immigration lawyer - she immigrated to the United States from Ireland in 1994.

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