

United States Senate

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March 27, 2012

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
U.S. Naval Security Station
3801 Nebraska Avenue, N.W.
Washington, D.C. 20393

Dear Secretary Napolitano,

I am writing on behalf of Ms. Jacquelyn [REDACTED] and her foreign national spouse, Ms. Gloria [REDACTED]. Ms. Jacquelyn [REDACTED] and Ms. Gloria [REDACTED] are constituents of mine from [REDACTED] Massachusetts.

Ms. Jacquelyn [REDACTED] and Ms. Gloria [REDACTED] are filing an I-130, Petition for Alien Relative, with U.S. Citizenship and Immigration Services. I respectfully request that their petition be held in abeyance pending a legislative repeal of the Defense of Marriage Act (DOMA), or a final determination of federal court litigation challenging DOMA's constitutionality. Multiple factors in Ms. Jacquelyn [REDACTED] and Ms. Gloria [REDACTED]'s case warrant discretion, and as such, I urge you to hold their petition in abeyance.

Ms. Jacquelyn [REDACTED] and Ms. Gloria [REDACTED] began their relationship almost four years ago in college, where their affection for one another grew. After their first year of school together, Ms. Gloria [REDACTED] was forced to move to [REDACTED] due to her financial situation. Ms. Jacquelyn [REDACTED] accompanied Ms. Gloria [REDACTED] and they moved in together. After living together for a period of time in Texas, Ms. Jacquelyn [REDACTED] and Ms. Gloria [REDACTED] decided to move back to Massachusetts where there were legally married on October 23, 2011.

Recently, Ms. Gloria [REDACTED] was informed by her school that if she did not re-enroll for classes, they would be forced to revoke her student visa and force her return to Pakistan. Ms. Gloria [REDACTED] no longer has the money to remain in college due to the high cost of tuition, but fears returning to her native country. She is afraid that being a lesbian woman married to an American will jeopardize her safety. Additionally, Ms. Gloria [REDACTED] and Ms. Jacquelyn [REDACTED]'s personal and financial lives are intertwined in the United States, and they do not want their loving household torn apart.

As we know, real uncertainty exists for many families following the February 23, 2011, announcement that the administration had determined Section 3 of DOMA to be unconstitutional when applied to same-sex married couples. The Attorney General announced that the Justice Department would no longer defend DOMA in litigation challenging its constitutionality across the country, leaving same-sex couples wondering how that will apply to their pending cases.


Among those harmed by the discrimination enshrined in law by DOMA are many of my constituents in Massachusetts who face separation from husbands, wives, grandparents, grandchildren, extended family, colleagues, and community. With this awful reality in mind, in April 2011, I was joined by several Senate colleagues appealing to you in the hopes that DHS could hold marriage-based immigration petitions of same-sex spouses in abeyance pending a legislative repeal or a final determination on DOMA litigation.

I was encouraged that your response promised agencies within the Department of Homeland Security, including USCIS, would "continue, where appropriate, to exercise discretion in individual cases based on the unique factors presented by that particular case." In my judgment, Ms. Gloria [REDACTED]'s case clearly justifies a positive exercise of discretion. She is certain that if she is forced to return to Pakistan, her life will be in danger, not only because of her sexual orientation and her marriage to a United States citizen, but for religious reasons as well.

I know that you and I both believe that every family is worthy of recognition and respect, and that no family should be torn apart based on a discriminatory law. Therefore, I ask USCIS to consider holding Ms. Gloria [REDACTED]'s petition in abeyance pending resolution of DOMA's constitutionality in the courts. Abeyance will allow this remarkable young married couple to move forward with their dream of building a life together at home in Massachusetts.

I greatly appreciate your strong consideration of this request. If you have any questions about Ms. Jacquelyn [REDACTED] and Ms. Gloria [REDACTED]'s case, please contact [REDACTED] in my Boston office. She can be reached at [REDACTED].

Sincerely,



John F. Kerry
United States Senator

JFK/tt

CC: Lavi S. Soloway, Esq., Stop the Deportations - The DOMA Project