

# United States Senate

WASHINGTON, DC 20510

January 18, 2013

The Honorable Eric Holder  
Attorney General  
Department of Justice  
Washington, DC 20520

The Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, DC 20393

Dear Mr. Attorney General and Madam Secretary:

We continue to applaud the President for his decision not to defend the constitutionality of the Defense of Marriage Act ('DOMA') in federal court. We also applaud the Department of Homeland Security (DHS) for including "long-term same-sex partners" under the Administration's policy that suspends deportations of some immigrants who pose no security risk. These developments are steps in the right direction, but DOMA is still the law of the land and continues to discriminate against a class of Americans.

Following the 2012 election, there are now nine states and the District of Columbia recognizing same-sex marriage with several other states granting similar rights. However with DOMA as law, we are creating a tier of second-class families in these States. DOMA prevents same-sex immigrant spouses of U.S. citizens from successfully applying for permanent resident visas. Fortunately, the U.S. Supreme Court has granted certiorari in *Windsor v. U.S.* and will determine the constitutionality of DOMA in the next term; by June we will know whether or not applications for lawful permanent residence for lesbian and gay spouses will ultimately be approvable.

Given the historic nature of *Windsor v. U.S.*, we urge DHS to hold marriage-based immigration petitions in abeyance until the Supreme Court issues its ruling on same-sex marriage. Holding these cases in abeyance for a few months will prevent hardship to LGBT immigrant families. We also call upon the Department of Justice to institute a moratorium on orders of removal issued by the immigration courts to married foreign nationals who would be otherwise eligible to adjust their status to lawful permanent resident but for DOMA. By taking these interim steps, vulnerable families affected by DOMA can remain together until the Supreme Court issues its decision.

Preserving family unity is a fundamental American value and is the cornerstone of our nation's immigration law. Thank you for your decision not to defend the constitutionality of a law that hurts so many families and for your consideration of this request.

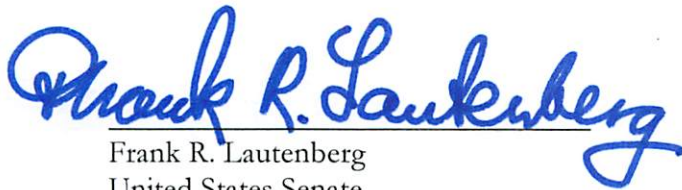
Sincerely,



Kirsten E. Gillibrand  
United States Senate



Ron Wyden  
United States Senate



Frank R. Lautenberg  
United States Senate



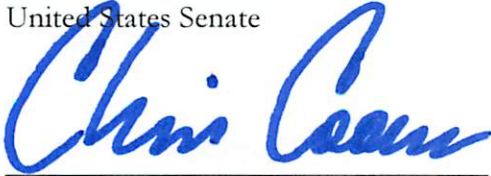
Al Franken  
United States Senate



Barbara Boxer  
United States Senate



Barbara A. Mikulski  
United States Senate



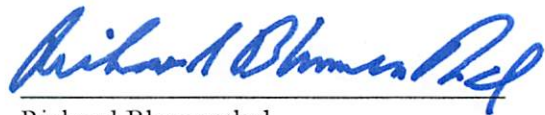
Christopher A. Coons  
United States Senate



Jeanne Shaheen  
United States Senate



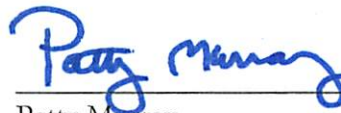
Sheldon Whitehouse  
United States Senate



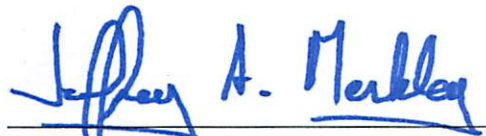
Richard Blumenthal  
United States Senate



Bernard Sanders  
United States Senate



Patty Murray  
United States Senate



Jeff Merkley  
United States Senate