



**BINATIONAL  
COUPLES  
FIGHT FOR  
EQUALITY**

**FOR IMMEDIATE RELEASE**

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## **SUPREME COURT TO HEAR ARGUMENTS ON DEFENSE OF MARRIAGE ACT**

### **MARRIED GAY AND LESBIAN COUPLES CONTINUE TO BE DENIED ACCESS TO GREEN CARDS BECAUSE OF FEDERAL LAW**

**Binational Couples & The DOMA Project Co-Founder  
Lavi Soloway Rally Outside the Supreme Court for an  
End to Law Which Keeps Families Apart or Exiled Overseas**

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On March 27th, the Supreme Court of the United States will hear oral arguments in the case of *Windsor v. United States*, a challenge to Section 3 of the Defense of Marriage Act (DOMA). Section 3 prohibits the Federal Government from recognizing same-sex marriages, including for the purposes of immigration. Because of DOMA, tens of thousands of legally married gay and lesbian Americans are not able to petition their spouse for a green card or apply for a fiancé(e) visa to bring their partner abroad to the United States. The result for many couples is that they are forced to live thousands of miles apart and only able to spend time with their husband or wife for weeks at a time. Other couples are exiled from the United States all together, and must relocate to another country in order to live with their spouse.

At issue in *Windsor v. United States* is whether the Federal Government was permitted to tax the estate that Thea Spyer left to her wife Edith Windsor as if the two were legal strangers. While estates left from one spouse to another are not typically taxed, Edith Windsor was given an over \$360,000 tax bill. The Supreme Court will hear arguments as to whether DOMA violates the Equal Protection clause of the United States Constitution and whether the Bipartisan Legal Advisory Group has standing to defend the

challenge to DOMA. In 8 lower Federal Court decisions, each reviewing court has found that DOMA violates the constitution because it discriminates against lesbian and gay Americans.

**"The DOMA applies as a matter of federal law whether or not your marriage is recognized under state law. Your spouse is not a person of the opposite sex. Therefore, under the DOMA your petition must be denied." – USCIS denial letter language sent to same-sex couples**

The DOMA Project has filed over 40 green card and fiancé(e) visas for same-sex couples since the campaign began in 2010. While U.S. Citizenship and Immigration Services (USCIS) has continued to deny these applications based solely on Section 3 of DOMA, the Board of Immigration Appeals (BIA) has in every case it has reviewed told USCIS that it must determine the validity of these marriages on their face, and cannot prima facially deny these applications. The Obama Administration and the Department of Homeland Security have the prerogative to hold these applications in abeyance; neither approving nor denying these applications until the Supreme Court issues a final decision in June. An abeyance policy would respect the marriages of American citizens and allow gay and lesbian foreign-born partners to be reunited with their US citizen spouses in the United States.

**For more information about today's announcement, or to schedule an interview, please contact Derek Tripp or Lavi Soloway, attorney for couples participating in The DOMA Project, and co-founder of [The DOMA Project](#).**

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