

United States Senate

COMMERCE, SCIENCE, AND TRANSPORTATION FINANCE FOREIGN RELATIONS SMALL BUSINESS

COMMITTEES:

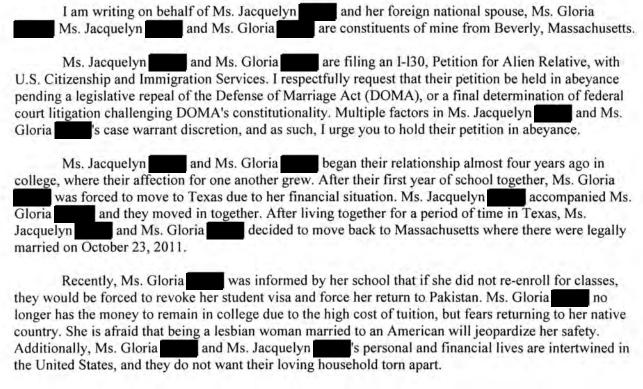
WASHINGTON, DC 20510-2102

One Bowdoin Square Tenth Floor Boston, MA 02114 (617) 565-8519

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,



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 scase 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 tom apart based on a discriminatory law. Therefore, I ask USCIS to consider holding Ms. Gloria specification 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 and Ms. Gloria scase, please contact Tristan Takos in my Boston office. She can be reached at (617) 565-8519 or Tristan_Takos@kerry.senate.gov.

Sincerely,

United States Senator

JFK/tt

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