



National Headquarters
40 Exchange Place
Suite 1300
New York, NY 10005
212 714-2904

Washington, DC Office
1325 Massachusetts Ave. NW
Suite 250
Washington, DC 20005
202 347-0002

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

December 10, 2012

Dear President Obama:

The undersigned LGBT and allied organizations advocate for full equality under the law for lesbian, gay, bisexual, and transgender (“LGBT”) individuals. We are heartened to see that the U.S. Supreme Court has granted certiorari in *Windsor v. U.S.*, the case challenging the constitutionality of the so-called Defense of Marriage Act (“DOMA”). We are hopeful that by June of next year, this discriminatory law will be relegated to the history books. We continue to be thankful to this Administration and the Department of Justice for its principled decision not to defend the constitutionality of a law that hurts so many people, and indeed for the Department of Justice’s request that the Supreme Court grant certiorari in this case.

We write today to urge the Administration to hold in abeyance applications for lawful permanent residence that would be approvable but for DOMA. Of the many legal areas affected by DOMA, there are few with consequences as harsh as in the area of immigration law. With no ability to apply for family-based immigration benefits because of DOMA, many foreign nationals face the untenable choice of falling out of status in the U.S., thereby accruing unlawful presence and facing the daily fear of deportation, or of leaving the U.S. and their family behind. We understand the Administration’s commitment to continue enforcing DOMA, but this commitment does not require that such applications be denied; instead we urge the Administration to take a middle path and hold marriage-based applications until the Supreme Court makes a final determination about the constitutionality of DOMA.

Prioritizing among adjudications and exercising discretion when warranted is an inherent part of U.S. Citizenship and Immigration Services (“USCIS”)’s function. In the past, USCIS has held in abeyance applications for lawful permanent residence filed by surviving spouses of U.S. citizens while litigation was being pursued on their behalf and has held in abeyance applications for HIV-positive foreign nationals seeking lawful permanent residence while USCIS waited for the Department of Health and Human Services to issue regulations ending the HIV ban on immigration. Unlike the other times that USCIS agreed to hold applications in abeyance, there is now a time certain – by June of 2013 – for a determination on whether such applications can be approved. Holding applications in abeyance would preserve the status quo and prevent irreparable, unconstitutional harm that otherwise would be caused to legally married families.

With the Supreme Court’s decision to rule on DOMA’s constitutionality, we will know by next June whether or not applications for lawful permanent residence for lesbian and gay spouses will ultimately be approvable. Therefore, we are only asking that, in the interim, these applications be held for a period of a

few months. Doing so will prevent extreme hardship to lesbian and gay immigrant families. By holding applications for lawful permanent residence in abeyance – neither granting them nor denying them – LGBT families can remain securely together in the U.S. until the Supreme Court issues its ruling next year.

We continue to be grateful to the Administration for its historic support for LGBT rights and ask that you take this small interim step to safeguard some of the most vulnerable individuals affected by DOMA.

Sincerely,

Advocates for Youth
AIDS Foundation of Chicago (AFC)
American Civil Liberties Union
American Humanist Association
American Immigration Lawyers Association
API Equality – LA
API Equality – Northern California
Asian American Justice Center, member of the Asian American Center for Advancing Justice
Asian Law Caucus, member of the Asian American Center for Advancing Justice
Asian Pacific American Legal Center, member of the Asian American Center for Advancing Justice
California Immigration Policy Center
Chinese for Affirmative Action
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Coalition of Welcoming Congregations of the Bay Area
Dolores Street Community Services (DSCS)
Equality Federation
Family Equality Council
Freedom to Marry
Gay & Lesbian Advocates & Defenders
Gay, Lesbian & Straight Education Network (GLSEN)
GetEQUAL
Heartland Alliance's National Immigrant Justice Center
Hebrew Immigrant Aid Society (HIAS)
HIV Prevention Justice Alliance (HIV PJA)
Human Rights Campaign
Immigration Equality
League of United Latin American Citizens (LULAC)
Marriage Equality USA
Mexican American Legal Defense and Educational Fund (MALDEF)
National Asian Pacific American Women's Forum (NAPAWF)
National Black Justice Coalition (NBJC)
National Center for Lesbian Rights
National Center for Transgender Equality (NCTE)
National Coalition of Anti-Violence Programs (NCAVP)
National Council of Jewish Women
National Council of La Raza (NCLR)

National Gay & Lesbian Chamber of Commerce
National Gay and Lesbian Task Force
National Immigration Law Center (NILC)
National Latina Institute for Reproductive Health
National Minority AIDS Council (NMAC)
National Queer Asian Pacific Islander Alliance (NQAPIA)
Our Family Coalition
Out4Immigration
People For the American Way
PFLAG National (Parents, Families & Friends of Lesbians and Gays)
San Francisco LGBT Community Center
Servicemembers Legal Defense Network (SLDN)
Services and Advocacy for GLBT Elders (SAGE)
Sexuality Information and Education Council of the United States (SIECUS)
South Asian Americans Leading Together (SAALT)
The Episcopal Church
Transgender Law Center

Cc: Secretary Janet Napolitano, Department of Homeland Security
Valerie Jarrett, Special Advisor to the President
Cecilia Munoz, Director, White House Domestic Policy Council
Alejandro Mayorkas, Director, US Citizenship and Immigration Services
John Sandweg, Senior Counselor to the Secretary, DHS
Phil McNamara, Executive Secretariat, DHS
Seth Grossman, Chief of Staff, Office of the General Counsel, DHS
Felicia Escobar, Senior Policy Advisor for Immigration, White House Domestic Policy Council
Tyler Moran, Deputy Policy Director for Immigration, White House Domestic Policy Council
Julie Rodriguez, Associate Director of Latino Affairs, White House
Zulima Espinel, Special Assistant to the President, White House
Gautam Raghavan, Associate Director of Public Engagement, White House
Kathleen Hartnett, Office of White House Counsel