



SAME-SEX MARRIAGES RECOGNIZED BY U.S. IMMIGRATION AND CONSULAR POSTS

On June 26, 2013, the U. S. Supreme Court found unconstitutional Section 3 of the Defense of Marriage Act, which defined marriage under federal law as a legal union only between a man and a woman. In response to this decision, United States Citizenship and Immigration Services (USCIS) and U.S. consular posts now recognize same-sex married couples.

On July 1, 2013, Janet Napolitano, Secretary of the Department of Homeland Security, announced that United States Citizenship and Immigration Services (USCIS) would immediately begin processing petitions and applications filed by same-sex spouses under the same rules as those applied to heterosexual spouses.

On July 17, the Board of Immigration Appeals, part of the Department of Justice, ruled in a precedential case that same-sex spouses are eligible for all the benefits available to married persons under the Immigration and Nationality Act.

On August 2, Secretary of State [John Kerry announced](#) that all U.S. consular posts around the world would begin considering visa applications from same-sex spouses in the same manner that they consider applications from opposite-sex spouses.

[USCIS](#) and the [Department of State](#), with reference to the USCIS website, have issued frequently asked questions (FAQs) about same-sex spouses. The FAQs make clear that the full range of immigration benefits are available to same-sex couples, such as fiancé and fiancée visas, immigrant visas for one's spouse and step-children, non-immigrant visas, and waivers of inadmissibility because of hardship to a spouse, to name a few. When determining the marriage's legality, the agencies will look to the law in effect where the marriage was celebrated, not where the couple resides. The agencies will not yet extend benefits to same-sex couples in civil unions or registered domestic partnerships.

The attorneys at FosterQuan have decades of experience helping married couples and their families achieve their immigration goals. FosterQuan attorneys have already begun offering that same knowledge and expertise to same-sex married couples. FosterQuan will continue to monitor immigration related implications and will provide additional information in future Immigration Updates®, and on our firm's website at www.fosterquan.com.