

Federal Court Ends County Official's Policy Of Denying Marriage Licenses Based On Immigration Status (2/12/2008)

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SCRANTON, PA – A federal court in Pennsylvania yesterday approved a consent order ending a Luzerne County official's policy of denying marriage licenses based upon applicants' immigration status. The order, issued in the case of *Buck v. Stankovic*, makes permanent a previous court ruling holding that the Luzerne County Register of Wills violated the constitutional rights of marriage license applicants by requiring that they show a green card or current visa in order to obtain a license.

The consent order follows a lawsuit brought by the American Civil Liberties Union, the ACLU of Pennsylvania and cooperating counsel Langer, Grogan and Diver, P.C., in April 2007 against Dorothy Stankovic, the Register of Wills for Luzerne County, on behalf of Pennsylvania native and U.S. citizen Heather Buck and Jose Arias-Maravilla, a citizen of Mexico.

“This is a wonderful Valentine’s victory,” said Mary Catherine Roper, a staff attorney with the ACLU of Pennsylvania. “In this country, a person has the fundamental right to marry the person she loves regardless of where her fiancé is from or what his immigration status is.”

The couple attempted to obtain a marriage license on April 17, 2007 at the Register of Wills Office in Wilkes-Barre, Pennsylvania. Buck presented her birth certificate and photo identification, and Arias presented his birth certificate, passport and immigration papers. They were refused the license, however, because Arias-Maravilla did not have either a green card or a current visa.

“These proceedings underscore the basic fact that a couple’s right to marry simply cannot be held hostage to officials’ views on immigration,” said Omar Jadwat, an attorney with the ACLU Immigrants’ Rights Project.

As part of the order, the Register of Wills has agreed to abandon the policy of requiring immigration documentation from foreign nationals who seek a marriage license, will publicize the change in policy, and will pay Buck and Arias-Maravilla \$10,000 in damages.

On May 1, 2007, Judge A. Richard Caputo of the United States District Court for the Middle District of Pennsylvania ordered the Register of Wills to provide Buck and Arias-Maravilla a marriage license, noting that Buck and Arias would suffer “irreparable injury” if they were not allowed to marry before Arias-Maravilla was required to return to Mexico in mid-May. The couple has a one year-old son together.

The case, *Buck v. Stankovic*, was filed on behalf of the couple by Roper and Witold “Vic” Walczak of the ACLU of Pennsylvania; Jadwat, Lucas Guttentag and Jennifer Chang of the ACLU Immigrants’ Rights Project; John Grogan and Ned Diver of Langer and Grogan, P.C.; and Philadelphia attorney Seth Kreimer.

Documents related to the lawsuit, including legal documents and background information, are available online at:
www.aclupa.org/legal/legaldocket/coupledeniedmarriagelicens.htm