

Supreme Court Ruling on Defense of Marriage Act (DOMA) Should Give Equal Immigration Rights to Lawfully Married Same Sex Couples

	<p><i>Cuevas & Associates, P.A.</i></p> <p> VANTAGE PROPERTY TITLE COMPANY</p> <p>Andrew Cuevas, Esq. - President e-mail: acuevas@cuevaslaw.com</p> <p>Tel: (305) 461-9500 Fax: (305) 448-7300</p>
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Intro:

Mr. Andrew Cuevas, Esq., is the President of Cuevas & Associates, P.A., and Vantage Property Title Company. Mr. Cuevas has been practicing law since 1993 in the area of Business Immigration Law and Commercial transactions, including commercial and residential real estate transactions and business acquisitions for foreign investors. If you have any questions regarding this article or any other questions, you can contact Mr. Cuevas at (305) 461-9500 or at acuevas@cuevaslaw.com. If you are interested in reading previous newsletters, please visit www.cuevaslaw.com, select the icon for **Newsletters**, and then choose the area of law you are interested in.

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Statement from Secretary of Homeland Security Janet Napolitano:
(Monday, July 1, 2013)

“After a decision by the Supreme Court holding that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional, President Obama directed federal departments to ensure the decision and its implication for federal benefits for same-sex legally married couples are implemented swiftly and smoothly. To that end, effective immediately, I have directed U.S. Citizenship and Immigration Services (USCIS) to review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse.”

A US Citizen or Lawful Permanent Resident in a same- sex-marriage to a foreign national can now file a petition form family residency petition on behalf of his/her spouse and any applicable accompanying application.

As a general matter, the law of the place where the marriage was celebrated determines whether the marriage is legally valid for immigration purposes. Just as USCIS applies all relevant laws to determine the validity of an opposite-same-sex marriage. The domicile state's laws and policies on same-sex-marriages will not bear on whether USCIS will recognize a marriage as valid one.

This article is solely a partial explanation of all the issues related to the topic of this newsletter, and is not to be considered legal advice. Persons interested in obtaining more information should consult with their legal counsel to obtain explanations of all issues addressed herein.