

No same-sex marriage provision in Senate immigration bill

By: Leslie Berestein Rojas – April 19, 2013

Shaun Stent is a British citizen, and his husband, John Catuara, is a U.S. citizen. For the first eleven of their thirteen years together, Stent spent much of his time traveling on a visitor visa between his native England and their home in Redondo Beach.

After they married in New York in early 2012, Stent decided to pursue a green card. But he can't get one through his husband. The federal Defense of Marriage Act doesn't recognize same-sex marriages for immigration purposes. Like others in their situation, they had hoped that the Senate immigration reform bill introduced this week might offer a solution.

"We're kind of slightly annoyed that the government enacted DOMA, which doesn't allow our marriage to be recognized," says Stent, 46, who struggled to help run a family construction business in England during the years he spent traveling back and forth. "And then they did not even place anything in this immigration reform bill that covers gay, same-sex couples."

Gay and lesbian advocates were cautiously optimistic after President Obama mentioned same-sex couples when he unveiled his immigration reform blueprint in January. But the fact that these couples aren't included in the bill should be no surprise, says Alex Nowrasteh of the Cato Institute, a libertarian public policy think tank in Washington, D.C.

"To be successful, it needs to be a bi-partisan bill that includes both Republicans and Democrats, especially at the opening phase," Nowrasteh says. "And a same-sex couples provision in there would be a poison pill that would likely force out a lot of support from the Republican side."

A decision is expected in June from the U.S. Supreme Court on the Defense of Marriage Act. A ruling against DOMA would pave the way for same-sex marriages to be recognized for immigration purposes. But there's no guarantee the court will make such a ruling says Lavi Soloway, an immigration attorney and a founder of The DOMA Project, which advocates immigration reform for same-sex couples. Getting these couples included in a final bill approved by Congress is still a goal, he says, even if the Senate bill has excluded them.

"The effort to change that obviously depends on being able to pressure key Senate Democrats to fight for it in the amendment process," Soloway says. "We do have a bi-partisan bill, so long term it's going to be an uphill battle, but it's one that we have no choice but to fight."

A bi-partisan group in the House of Representatives is still working on its own immigration reform bill.