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Congress of the United States

March 31, 2011

Chair
Select Intelligence Oversight Panel
Committee on Appropriations

Committee on Education
and Labor

Permanent Select Committee
on Intelligence

Committee on Natural Resources

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Naval Security Station
3801 Nebraska Avenue, NW
Washington, D.C. 20393

Dear Secretary Napolitano,

I write to you today to ask that you work with me to immediately resolve a deportation case that illustrates the injustice and unconstitutionality of the Defense of Marriage Act.

One of my constituents, Josh Vandiver married his husband, Henry Velandia, in 2010 in the state of Connecticut, where same-sex marriage is legal. Henry is from Venezuela and came to the United States in 2002 on a visitor visa. However, as a result of DOMA, Henry is ineligible for a spouse visa and will be deported unless the courts rule on the unconstitutionality of DOMA or a bill passes in Congress challenging DOMA. As a U.S. citizen, Josh should receive the full rights granted to all citizens and should not be singled out based on his sexual orientation, which is what is occurring by not allowing Josh to sponsor Henry for a visa. Our immigration policies must work to unite families, not rip them apart.

In a statement released on February 23, 2011, Attorney General Eric Holder said, "After careful consideration, including a review of my recommendation, the president has concluded that, given a number of factors, including a documented history of discrimination, classifications based on sexual orientation should be subject to a more heightened standard of scrutiny. The President has also concluded that Section 3 of DOMA, as applied to legally married same-sex couples, fails to meet that standard and is therefore unconstitutional. Given that conclusion, the President has instructed the Department not to defend the statute in such cases." I could not agree more and support efforts to repeal DOMA. In the interim, you must not apply this unconstitutional law to tear apart families.

In 2009, the Department of Homeland Security made the decision based on humanitarian grounds to put a moratorium on deportations of the widows of U.S. citizen husbands who were killed during the wars in Afghanistan and Iraq before they received their green cards. In light of Attorney General Holder's new guidance, I am asking you to suspend the deportation of all spouses of citizens in a same-sex marriage until a decision is

reached on DOMA. This is the right thing to do for Henry, Josh and countless others who are being victimized by this discriminatory and unconstitutional law.

I appreciate your expeditious consideration of this matter, and my thanks for your dedicated service to our nation.

Sincerely,



RUSH HOLT
Member of Congress