



keeping multi-national families together - the supreme court's ruling in favor of same-sex marriage confirms the federal government's continued recognition of the right to u.s. immigration benefits for same-sex couples

MSK Client Alert

June 29, 2015

On Friday, June 26, 2015, the U.S. Supreme Court ruled that there is a constitutional right to same-sex marriage under the 14th Amendment ("equal protection under the law" and the right to "due process of law"), striking down state-level bans. In a 5-4 decision authored by Justice Anthony Kennedy, the court majority ruled that marriage is a fundamental right supported by the 14th Amendment, regardless of whether a marriage involves same-sex or opposite-sex partners, and that states must license a marriage between two people of the same sex. This also means that states must recognize same-sex marriages licensed out-of-state.

This important ruling follows the Supreme Court's 2013 decision holding that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional, which led to a declaration from President Obama in June 2013 directing federal departments to ensure the decision and federal benefits for same-sex legally married couples were implemented swiftly and smoothly.

Since that time and through the present, U.S. Citizenship and Immigration Services (USCIS) continues to accept and adjudicate green card applications filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse.

Should you have any questions regarding the topic(s) of this alert, please contact the MSK Immigration attorney with whom you work, or you may contact the author

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