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For some gay couples, fight goes on to marry — and stay in the US

For binational gay couples, New York's same-sex marriage law doesn't help



Ashley Abraham-Hughes
Ashley Abraham-Hughes, left, and her wife, Corinne.



By **Miranda Leitsinger** Reporter

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NEW YORK— While many gay couples in New York tie the knot on Sunday, when same-sex marriage becomes legal in the state, Ashley Abraham-Hughes and her wife, Corinne, will be watching the festivities from the other side of the Atlantic.

That's because since U.S. federal law still does not recognize same-sex marriage, and since Corinne is British, the couple was forced to

move to Britain, where their union — they wed in Connecticut in 2009 — is legal.

“While I do still love the U.S. and I always will, I am very resentful of the fact that I was effectively forced to become an expat,” said Abraham-Hughes, a 27-year-old who grew up in Pittsford in western New York and now lives in Manchester. “It’s absolutely ridiculous, and I just think the thinking on this whole issue is completely wrong.”

The couple’s plight is one likely facing many of the estimated 36,000 binational gay couples in the U.S., where the foreign partner in the relationship can face deportation and a 10-year ban from returning to America if they don’t already have or find a legal way to stay in the country.

Story: NBC: Panetta to OK end of military's gay ban

The Defense of Marriage Act, or DOMA, enacted by Congress in 1996, blocks federal recognition of same-sex marriage, thereby denying various benefits given to heterosexual couples — such as the right to immigrate. Thirty-seven states have defense of marriage acts, while six states and the District of Columbia allow same-sex marriage, according to the [National Conference of State Legislatures](#).

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(California has also ruled in favor of same-sex marriage, but the state currently does not allow them to be performed because Proposition 8, which defined marriage as being between a man and a woman, was passed six months after the initial ruling. A judge then ruled the Proposition 8 amendment as being unconstitutional, and that ruling is now under appeal.)

“There are little more than 100,000 same-sex couples who are lawfully married in the United States. As to the federal government, they are complete strangers to each other,” said Lavi Soloway, a lawyer who has worked in this area since 1993 and is a cofounder of [Immigration Equality](#).

So for couples in which one partner is not American, state-level approvals of same-sex marriage do little to change their immigration status. Some of those who have overstayed their visas have been deported, though in recent months a number of couples have won reprieves from judges who have indicated they are waiting to see how the law regarding these kinds of cases may evolve, Soloway said.

[Story: Everyone wins in NYC gay marriage lottery](#)

“It (DOMA) was a pre-emptive rollback of civil rights that is unique in our history,” he said. “In the case of immigration, it has its cruelest manifestation because it means that somebody’s husband or wife is going to be deported only because they are gay.”

Calls to the Justice Department seeking comment on the DOMA same-sex marriage cases were not immediately returned. An official of the U.S. Citizenship and Immigration Services said the agency would continue to

enforce the existing law.

But in a significant shift, President Barack Obama — who supports repealing DOMA — has given his backing to the proposed Respect for Marriage Act, [White House spokesman Jay Carney said Wednesday](#).

“I can tell you that the president has long called for a legislative repeal of the so-called Defense of Marriage Act, which continues to have a real impact on the lives of real people — our families, friends and neighbors,” Carney said. “He is proud to support the Respect for Marriage Act ... which would take DOMA off the books once and for all. This legislation would uphold the principle that the federal government should not deny gay and lesbian couples the same rights and legal protections as straight couples.”

But in the current legal reality, some same-sex binational couples are going into [exile](#), plunking down a lot of money to remain in the U.S. or fighting [deportation](#).

Sunday will be bittersweet

Mark Morgan, a 32-year-old South African, has found a way to stay in the country to be with his partner, Jaime Singson, a 34-year-old New Yorker whom he met in 2007: going to school. He is now on his second master’s degree, jokingly noting that the money he spends is akin to some couples who would pay thousands of dollars on a wedding.

The couple is ready to wed but faces a conundrum: Getting hitched would highlight Morgan’s intent to stay in the U.S. after his visa ends in 2013 — even though they would also need such documentation to prove their commitment is legitimate.

“We’re definitely ready, but we’re not going

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Courtesy of Mark Morgan
Mark Morgan, 32, and his partner, Jaime Singson, 34, would like to wed but are holding off since it could affect Morgan's ability to stay in the country after his visa expires. The South African is thrilled for gay couples who can wed in his adopted home of New York, but just wishes he could do the same.

to take that step, mainly because ... that's even a bigger flag for me to be put on a watch list once my visa expires," he said. "So that's something we're not going to do until DOMA gets repealed or deemed unconstitutional."

Since it would be difficult for him to get work with a student visa and juggle his studies, the situation puts a financial stress on the relationship. The couple could return to South Africa, where Morgan was a strategic logistics manager and same-sex marriage is legal.

His family tries to "convince me to come back home and not put myself through this here," Morgan said. But the couple's life is in New York: "We want to make our home here."

Morgan and Singson celebrated when New York state lawmakers approved gay marriage on June 24, but Sunday, when the law takes effect, will be bittersweet.

"We are going to be watching with pride and joy all of these couples getting married," Morgan said. "But at the same time, it's that yearning for wanting to be in their situation, but knowing we cannot be. We cannot take

that step and be that bold and just get married."

For other couples, the fragility of their legal relationship has them living day to day. Cristina Ojeda's wife, Argentinean Monica Alcota, 36, was removed from a bus in New York two years ago by authorities who said she overstayed her visa. She was detained for three months.



Courtesy of Cristina Ojeda
Cristina Ojeda, left, and Monica Alcota, right, wed in Connecticut in 2010. Though their marriage is recognized in New York, where they now live, Alcota, an Argentinian, is facing possible deportation.

"She was in this horrible, horrible place," said Ojeda, 25. "I couldn't touch her, like hug her or anything. Everything was through a glass. She was in jail pretty much."



It took months for the couple, who live in Queens, to recover from that experience — and from not knowing if Alcota could be taken away again. They got married in Connecticut last year, but they have another court date in December to review Alcota’s deportation case.

“A heterosexual couple, they can choose ... where they want to live ... but in our case we can’t,” said Ojeda, a social worker. “They’re just basically giving us the option of separating or just leaving the country and leaving everything that I have here, my career, my family.”

So decisions about whether to buy a television or move to a bigger apartment take on more importance, even though they try to live as normal a life as possible.

“We still have that, you know, in the back of our minds ... what if things don’t go the way that we want them to go, what are we going to do?” she said. “That’s how we live our lives right now, kind of day by day.”

'Soul searching'

Argentina last year approved same-sex marriage, [joining a number of other countries](#), such as the Netherlands, Canada, Belgium, Norway and Sweden. Attitudes toward gay marriage are changing in the United States, where a [Gallup poll](#) released in May showed that for the first time a majority of Americans — 53 percent — think the law should recognize gay marriage and that gay and lesbian couples should have the same rights as heterosexual ones. That was up sharply from 1996, when only 27 percent of Americans supported gay marriage.

The poll noted that Republicans and older Americans remain opposed, but an exception is Ashley Abraham-Hughes’ father, a 68-year-

old who described himself and his wife as conservative Republicans.

“This issue has, you know, caused us to really do a lot of soul searching. Our ideas and our opinions are that the way things are today, there’s a place for all of us in God’s world,” said Brian Abraham. “We feel very strongly that gay people should have the same rights as anyone else.”

He said the family missed his daughter — the oldest of three children — “terribly” and “if we had our way she would be living stateside.”

He hoped his daughter and her wife would soon share the same benefits as heterosexual couples: “I think we’ll be a stronger nation for it.”

For the Abraham-Hughes couple, they’ve rejoiced in the approval of same-sex marriage in New York, but also endured the many questions from loved ones about when they can move back to the U.S. — to which the answer is for now, they can’t.

“So many people don’t realize that the choice of whether to get married or not, that’s just one part of what marriage equality means. It’s not just whether you can marry the person you love, it’s whether you can share all of the benefits that you should be able to have,” said Corinne, 28, who works for a finance company. “It comes down to which country we can live in. Can Ashley come home to her country, to a country that I love, too, and would love to move back to.”

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