

qp.001 "Binational same-sex couples and the Defense of Marriage Act"
TRANSCRIPT

ACT I

Sounds [CLICKING of computer mouse, repeated]

*NBC Theme music This is an NBC News Special Report — and welcome to this NBC News Special Report. Breaking news now from the Supreme Court of the United States. — theLet's get right to NBC's — (ABC) just struck down the federal Defense of Marriage Act. This was the law passed — (DEMOCRACY NOW) it was an obvious victory for marriage equality. The Supreme Court ruled same sex couples were entitled to federal benefits as it struck down the 1996 Defense of Marriage Act. In addition they paved the way for same sex marriages to resume in California

[music - light, ambient]

Erin McGregor: Today, for the first time ever, we bring you stories from the queer public. We bring you tales of families torn apart, and of immigrants once unwelcome in America. Their crime? Falling in love with an American citizen. Actually, Gay American citizens. You're listening to the first ever episode of the Queer Public Podcast. This episode is about the effects of the defense of marriage act, or DOMA on Binational Couples and their families, but it's also about grassroots organizing and change. I'm your host Erin McGregor. Stay tuned.

The Defense of Marriage Act was signed into law by President Clinton in 1996 as a way to define and protect the institution of traditional marriage in America. Section three of DOMA defined marriage as that between a man and a woman, thereby excluding same sex couples from being considered 'spouses.' Ultimately, this meant that DOMA denied gay couples marriage equality at the federal level, which denied them federal rights and benefits. Some of those 1100 benefits — that's right — one thousand, one hundred different federal benefits included being able to add your partner to company health insurance, social security and a marriage based path to immigration.

Recognizing same sex marriage as legitimate marriage was especially important for one group of individuals. In fact, a kind of large group. Like 40,000 people large, or rather 40, 000 COUPLES. But even that number is complicated so more on that later. The folks we are referring to are binational gay couples, that is, gay couples where one person is an american citizen and the other, is from another country. So, while DOMA was in existence, even if they were legally married in a state that recognized same sex marriage, same sex binational couples could not apply for a green card so the foreign born spouse could not obtain legal status to stay in the States with their spouse.

Under DOMA, the federal government saw two legally married individuals as strangers. And that's not all. There were additional complications for people trying to legally adopt the children of their same sex partners and for Gay Americans with partners not currently residing in the States. For example, you can't apply for fiance visas to cross the border and get married if the country doesn't recognize same sex marriage. They simply couldn't do those things with DOMA in existence. So, DOMA had to go.

Getting DOMA out was another matter. Its very existence was affecting same sex binational couples in a lot of different ways. Some couples couldn't enter the country to be together without breaking the law by lying about their intentions at the border. Other couples spent 6 months of the year out of the country to avoid breaking immigration law. Some of those families have kids. Some of those foreign nationals, that is, the person not born in the U.S., overstayed the their visas to be with their families, and were at direct risk for deportation. There are so many stories that can paint a better picture. That's where Brynn comes in.

Bryan Gelbard: My name is Brynn Gelbard, I am a writer and filmmaker. I lived in San Francisco for 10 years before I moved to L.A., and during that time, I never did really much for my rights as a gay woman. For the last 11 years I've been in a relationship with a woman who was born in Dublin in Ireland and luckily, she won a green card in the lottery and so I have always understood how lucky I am that I don't have to deal with what other gay binational couples have to deal with. She and I were supposed to get married, we were talking about getting married in 2009 and we were all pumped up and we decided to do this the summer that marriage was legalized in the state of California. When suddenly out of the blue Prop 8

passed, we were like ohhh. We were shocked. And we hadn't done much to prevent it from passing and I know that as a writer and as a filmmaker, that I had an opportunity to get stories out there.

I have a project called The Devote Campaign. It is a collection of films featuring people from all walks of life who have been inspired to take a stand for equality, for LGBT equality.

Erin: This first story was produced Brynn's Devote Campaign. Becky and Sanne's journey starts on the other side of the world, in India.

[music - rhythmic, shakers]

Becky: I'm Becky. I was raised in Raleigh North Carolina.

Sanne: I'm Sanne. I'm from the Netherlands, and this is our daughter Willow.

Becky: We met in 2008 in India. I was leading a group of teenagers on an alternative education trip.

Sanne: And I was there, learning about local woodcrafts doing my internship.

Becky: The moment I saw Sanne, I really knew that you were my life partner.

Sanne: We knew that we were meant to be together. At first we were able to live in the Netherlands. Our relationship is fully recognized.

Becky: And I was able to go there as an immigrant.

Sanne: Mmhm. Yah, and she had all the rights.

Becky: After we had lived in the Netherlands for a few months, we decided it was time to come to America for Sanne to meet my family and my friends and my community.

Sanne: Arriving in North Carolina, it was a big contrast because it was wonderful to get to know where Becky comes from, but at the same time realizing that we are not welcome here as a couple.

[music - solemn, slow melody]

Becky: There was so much that was uncertain about visas and about how to be together as a couple and be recognized that way so we started our journey together in the Netherlands in Belgium. At some point, we decided to create a family and it became clear to us that Asheville North Carolina was where we experience our community and our home and our connections to the mountains. We really had to think about how to pave this way because it really wasn't a clear path.

Sanne: As long as I remember, gays and lesbians have had equal rights in the Netherlands. It's been so integrated in our culture. So that was a big

decision, to leave all of that because our hearts feel that we are meant to be here.

Becky: Just the thought, that one day we could get a knock on our door and an immigration agent could remove Sanne. My friends will ask “well, Becky, why don’t you just get Sanne here on a student visa” and for us, that’s a non-option. We are a family and this is about Sanne coming here legally as my spouse.

Erin: This next couple, Daniel and Yohandel, you might recognize from the internet. They got married in Washington and their wedding pictures went viral.

Yohandel: My name is Yohandel. I’m here with my husband, Daniel and we live in Miami, Florida.

[music - latin, rhythmic]

Daniel: The night I met Yohandel, I was visiting Miami for the first time. I was with a friend, we decided to go out that night. I walk into the bar and literally the only person that I looked at from all the crowd, was him.

Yohandel: I remember he was wearing this ‘I love New York’ tee-shirt, and the heart was a rainbow flag, so I knew that that was kind of my cue to go and dig up the courage to talk to him.

Daniel: I told him I was on vacation, and I just had a few days here.

Yohandel: A little voice in my head just told me ‘you have to invite this guy out to dinner.’

Daniel: We exchanged numbers, he picked me up. He said this thing about “Well now that we’ll get married, would you like the ring in gold, in silver’ and I’m like ‘It’s our first date!”

Yohandel: Before we knew it, it was 2 o’clock in the morning and we had talked about our families, our travels, our plans for the future. The fact that he was leaving wasn’t even an issue anymore.

Daniel: The minute I got off the airplane in Monterey, I just texted him again like ‘hey, I’m here.’ Yeah, so we stayed in touch and that’s when I realized it was not only, you know, this date in Miami.

[music - light, playful]

Yohandel: We talked back and forth, on a regular basis everyday for five to six hours a day. And at this point, he’s introducing me to his family so I meet his mother for the first time online for the first time. I’ll be home

sitting having dinner with my family and he'll be with his family having dinner and I kind of get to participate in that although we're so far apart. And then we start thinking what happens next.

Daniel: We wanted to find a way of now being and staying together, so the first option that we thought was getting sponsored by a company. I come here for what was supposed to be a week, which then turned into a month.

Yohandel: He went on several interviews and although they really loved him and wanted to offer him a job, they realized the minute he said 'You need to sponsor me, I'm from Mexico' that it was going to be really difficult because no one was willing to sponsor, to sponsor Daniel.

[music - sad, mournful]

Yohandel: Just because we are a gay couple, we don't have the resources to make this happen. If we would have been a straight couple, we would have been able to petition for a fiance visa and I would have at least be able to begin the paperwork to be able to get the person that I love into this country. When I look back and think at what my parents did to give me a better life. We immigrated from Cuba, we came to the U.S., and I remember my father saying to me as a kid 'we're going to a land where you're going to be able to be free and have everything you don't have in this country.' And I remember my father telling me 'you're never going to need anything and you're always going to have everything you've ever wanted.' The one thing that I want is to be able to be with Daniel and to be able to share our life together. Everything else doesn't matter if I can not share my life with the person that I love.

[music - sad, piano]

Erin: The problems with DOMA came down to a series of smaller things LGBT families couldn't do. They couldn't leave the country without risking not getting back in. And not leaving the country meant not traveling home to be with family. It meant the foreign born spouse often couldn't work. No visa, no social, no job. No money. And not leaving the country to go home to visit sick family members. Daniel's grandfather died after Daniel had made the commitment to stay in Miami with Yohandel and he couldn't go home for the funeral. On top of that, [Daniel speaks underneath narration] Daniel's mother was diagnosed with cancer, and he couldn't fly home to be with her. I talked to Daniel on Skype in June of 2013.

Daniel: She had six months of treatment, but she just finish her treatment and she has her hair back again.

Erin: But you've haven't been back there since her diagnosis?

Daniel: The last time I saw her was December 2011.

Erin: All of this strains relationships with friends and families back home. Daniel describes what he struggles with.

Daniel: I live up here with my husband and all the people I met up here in Miami too. I consider this my new home and I love my life here, but right now is the forced disconnection that I have from my hometown and my culture and my people.

Erin: Becky expressed how the stress and the unknowing looked in their lives.

Becky: It was always there, constantly. I mean just to give you an idea. I had a job interview for my dream job and like, and I got really far into the process, and I said to them "Look, I have to be forthright, like I don't know if you want to hire me because I don't know if I'll have to leave this country."

Erin: So just to clarify, Becky is the American citizen. She's talking about having to leave the US, leave the country where she was born and where she and Sanne and their daughter Willow have made a life, if immigration for Sanne doesn't become an option.

Becky: It's just, it was a part of everything that we did, every decision we made. You know, whether we would make a purchase for our home, or where we would live, it was the backdrop to our whole experience.

Daniel: So that would be like how we feel is just anxious. Personally I would just like to fast forward and just have the news already.

Erin: This is Brynn again. After talking to so many couples, she really got a sense of what people were going through.

Brynn: I can't explain to you how heart wrenching it was for me to meet these couples who literally from day to day never know what's going to happen. And what every single one of them said was "All we want is to just be able to live a normal life together, all we want is to be able to plan a

future together. We don't know if we can get a car, we don't know if we can buy a house, we don't know if we can get a dog, how can we necessarily plan to have children if we can't know where we're going to be tomorrow, much less in a year. And that is so inhumane and unfair especially when you know, there are so many unwanted children and there are so many ended marriages like, how is it fair that two people who just love each other and just want to be together, don't have that right.

Sounds [RINGING on Skype]

Sveta: HI, this is Sveta.

Erin: For this next couple, what should have been a routine renewal of a visa and passport, turned into a living nightmare. This Sveta Apodaca. I talked to her in early 2014 and the tape is a little hard to understand, but just hang in.

Sveta: My name is Sveta Apodaca, I am from a town in Kazakhstan. I was born in the U.S. Kazakhstan back in the day when it was still part of the USSR—the last decade of USSR. The town was pretty significant at the time because remember EURO which separated Europe from Asia so we could cross the river and suddenly it ended up being Europe or Asia just by crossing the bridge. My wife Andrea is from a much smaller town called Rocky Ford, Colorado. We met in 2000 pretty much 14 years ago [laughs] by now we met online on a online forum dedicated to a tv show called Xena Warrior Princess.

Erin: Our Skype audio got a little garbled here but I thought you should know. Sveta just said that she and Andi met in a Xena Warrior Princess chat room. I'm not kidding. That's amazing.

Sveta: In February of 2000 and by August...

Erin: Sveta was going to school in Illinois when Andi came to visit her.

Sveta: I was studying for my Bachelors Degree in Computer Science. Everything else kind of happened, we started a long distance relationship...

Erin: They started out long distance and got more serious and eventually, Andy moved to Illinois to be with Sveta. In 2005 they had a commitment

ceremony. Remember, this was before you could get gay married, you could really only get gay commitment “cerimonied”. “Ceremonied?” They had the ceremony at Avondale lake in Avon, where they had shared their first date and first kiss.

Sveta: Pretty much everything held together for a few years until 2009 when I had to renew my work visa I had to also renew my Kazakhstani passport. And when I travelled to the embassy to do so, I didnt hide the fact that I had a US spouse. We went in, me and Andi, and I presented the request to renew my passport and suddenly the embassy officials not only refused to do so but also left me with the paper saying they were revoking my citizenship.

Erin: Did you catch that? They revoked her passport because she had a same sex partner.

Sveta: When we left the embassy, Andi and I, it didn't hit us yet, I was suddenly stateless, which meant without citizenship or without a country. And that quickly put me in a dangerous position with the US immigration.

Erin: So when the Kazikstani embassy took Sveta's passport, she couldn't renew her work visa to stay. Sveta lost her job, and she and Andi were forced to live on Andi's income alone. And then it got worse. Andi and Sveta both started showing symptoms of PTSD. It was a really stressful time.

Sveta: I had applied for asylum in 2010 and I was directed after the first asylum interview. At the first asylum interview with USCIS, the interviewing officer first asked me why didn't i just go to Russia in order to escape persecution in Kahzicstan and that question was very strange to me back then.

Erin: Yah, its strange. It's f***in' Russia.

Sveta: I had to stay here because my family is here, my Andi is here. On the asylum application, that I filled out the name of my spouse, and I put down Andi's name and that she was a US citizen and the fact that we were in a long term relationship, that we had a commitment ceremony, but at the time it was not recognized by our state or any state around us

Erin: On the asylum application, Sveta listed andy's name under Spouse. The officer cited the Defense of Marriage Act as a reason why Sveta could not list a same sex spouse on her application and he made her cross it out and initial. She then had to explain the persecution she would face if she were to be deported, and she couldn't use her long term relationship with a US citizen to argue why she should be able to stay. Under DOMA, their nearly decade long relationship — didn't exist.

Sveta: The first and final interview did not go over well, I was redirected to the courts and deportation proceedings were initiated against me.

[music - intense, electronic]

ACT II

Lavi Soloway: My name is Lavi Soloway, I'm an immigration and gay rights attorney. I am also the cofounder of The DOMA Project.

Erin: So, what do you do when you are in a relationship with an American citizen, the law doesn't recognize your rights, you're broke, you have a family and you aren't legally allowed be with them in the US for longer than a few months? What if you can't even get into the US to be with your fiance? You call this guy.

Lavi Soloway is an LA based immigration lawyer at Masliah and Soloway. Originally from Canada, he knows all too well the struggles of gay folks trying to come to America, but especially the stories gay binational couples trying to stay together. Lavi is the connection between all these couples. He's their lawyer. Lavi and Brynn collaborated to create the DEVOTE campaign videos we heard earlier that featured participants of The DOMA Project in an effort to increase visibility for binational families affected by DOMA. I sat down with Lavi in June of 2013.

Lavi Soloway: The DOMA Project is a campaign that focuses specifically on the way in which the DOMA harms the families of gay and lesbian Americans with foreign spouses. The idea behind the DOMA project was born largely from the first ruling by federal judge that struck down DOMA in July 2010. When that happened we determined that the best of way forward to fight for equality and to protect all LGBT families in the immigration context was to focus on the way in which DOMA acts as a barrier to family unification provisions about spouses and the children of

spouses to immigrate.

The DOMA project is a pro-bono campaign that is run by members of our law firm but also by a team of volunteers internationally. Couples who want to become involved and will be given an opportunity to share their story or to volunteer, in many ways help get the message out. Much of what we do in terms of grassroots movement building is really about involving mass numbers of couples and families in the work so that they can forge the message themselves, and make it specific to them.

Erin: What is The DOMA Project?

Lavi Soloway: I mean the purpose of The DOMA Project is to empower lesbian and gay binational couples and to create a community of individuals who are experiencing the same types of harm so that they can derive mutual support by sharing the stories, the lived experience of grappling with the challenges and sometimes the crisis caused by DOMA but also to provide a platform for those stories to reach elected officials, to reach media, to reach other members of our community, and other communities so that there is a far better understanding of how the Defense of Marriage Act actually is destroying our families.

Erin: Remember when we mentioned that the number of binational gay couples — 40,000 couples — is a complicated number? Here's why.

Lavi Soloway: Approximately 40,000 same sex binational couples live in the United States but we do not have good numbers on the population that is outside the United States. So many gay and lesbian americans are living in Europe, they're living in Canada, they're living in Asia, and in South America, over the years have been forced to relocate to other countries, often not the country even that their partner or spouse is from but a third country that would take them in so that they can make a life for themselves and those are not well counted because they become invisible by virtue of the fact that they leave. The other group of gay and lesbian americans that are impacted by DOMA that are not visible are those who are separated from their partners, so those individuals who live in the United States, who have foreign partners abroad whose partners can't get visas to come here, and they rarely see each other, they see each other 1 or 2 times a year, over the course of many years and sometimes even decades.

Erin: So Lavi works with mostly with binational gay couples, some of which are together in the U.S. and some of which aren't. And he started filing for marriage based green cards and petitioning for fiance visas before it was

even legal or permissible to do so. Which to me sounds crazy, but its actually kind of cool.

Lavi Soloway: we have couples in three different categories. We have couples that are already filed, some of whom will be awaiting decisions immediately after the ruling, some of whom we filed for in the past couple of weeks who wanted to get ahead of the crowd and who are very optimistic obviously that this will happen. We have a stack of cases in our office that are ready to go out on the day of the day of the decision, and we have a lot of couples who have held off marrying for for fear that if they did marry that it might somehow make it more difficult for them to qualify for some kind of non-immigrant visa but um, but would certainly marry if there was a green card path available to them and their long term partner, so we will have a number of couples who will marry immediately after the ruling and then we will file those cases as well. We anticipate that there will be enormous demand for green cards and particularly for fiance visas, I think that is a really big part of this, that people in the U.S. whose partners have been abroad for a really long time will be able to bring that person to the United States.

Erin: And it worked! Some of those couples, the married gay couples who the federal government didn't even recognize as "legally married" — well, they got in for interviews. Sidebar —the thing you need to know is that there are a few different phases when it comes to petitioning for a marriage based green card.

first you have to save for the federal filing fee and fill out the forms, which you can't make any mistakes on.

Then you send it off, and you get a notice from USCIS saying they got it.

Then you get a series of other notices, one for each form that you filled out.

One is for a doctors appointment. Eventually, months go by and they finally send you an interview date. In that time, you have to collect proof of your relationship, that is letters from friends and family that will testify to you bonafide relationship and find every picture ever taken of the two of you, the two of you with family, with friends. Ticket stubs, playbills, basically anything that you did together, they want proof of.

So, they got through a lot of steps and got all the way to the final step where inevitably, their case would be denied on the basis of a same sex petition, or it would be put on hold. Can you imagine, having your marriage recognized by an individual states law, applying for a green card and getting all the way to the end, only to be denied on the premise that

your marriage isn't recognized by the federal law?

Lavi Soloway: What we'll see almost immediately after the ruling are the palpable affects of equality. What does it mean to be equal? Well, equal means coming home, equal means being at the Thanksgiving dinner table next November with family where you've not been for 10 years. Equal means, mom #2 lives in the UK comes back to Delaware and gets back with her two sons and her spouse. We have so many families where, you know, same sex couples who are raising children but have not been able to have the stability that is necessary to give children all of the opportunities to reach their potential in life. You know that is a cost exacted on families by DOMA that can not be measured and can not be refunded. We'll start to see moms and dads returning and families intact and elderly parents you know once again seeing their adult children take care of them and be with them in the later of their lives.

Erin: But there was a little light at the end of the tunnel, and her name was Edie Windsor. 83 year old Edie Windsor. And although Edie's story isn't about a relationship with someone from another country, it is about her 40 year long relationship with her long term partner Thea Spire. And when Thea died, the I.R.S. taxed Edie three hundred and sixty three thousand, and fifty three dollars on the house that she and Thea had shared, she was shocked. If the government had recognized their same sex marriage at the federal level, that tax on their family house, wouldn't have existed in the event of a death. So Edie did what any grieving spouse would do. She took that matter all the way to the Supreme court and argued that the denial of federal benefits on the basis of sexual orientation was discriminatory. The Supreme Court heard her case but they put off announcing their decision until the very last day — June 26, 2013. And even then there were no guarantees about when or how the Supreme court would rule.

Lavi Soloway: there have been very few moments of such great significance as this week for the LGBT community over the last 44 years, since the stonewall riots. The Supreme Court has never entertained the substantive question of whether or not the constitution extends the right to same sex couples to be treated equally when married and it certainly never substantively entertained the questions as to whether the constitution protects the rights of gay and lesbian couples to marry and both of those questions are before the court. They may not both be answered but they

are both before the court and that in and of itself makes this an incredibly exciting week. Also somewhat in anxiety provoking since excitement and celebration can turn to disappointment if we are not completely successful but the acknowledgement that same sex couples who are married should be treated as all other married couples is so at such overwhelming significance for a society that not very long ago felt that homosexuality was a perversion or a sin, and that relationships should be between people of the same sex were something that could be tolerated but not celebrated or seen. This really would be a finally inviting gay and lesbian Americans to join the human family in a very profound way so its hard to understate the enormity of such a ruling. Unfortunately, we will have to wait to see what the court says house wording and legal doctrines upon which it rests its decision but the plaintiff in this case, the 83 year old widow in this case named Edie Windsor is probably, she's probably all you need to know, to know how significant this leap is going to be. We've never had a plaintiff who was such an unusual character such a bold and courageous and unique person and she's carrying the torch for us, and I think that when the Supreme Court hands down its decision she will forever take her place in history as having been one of the most significant players in the last 4 decades of the LGBT civil rights movement.

The way I understand it which is that the Supreme Court is not omnipotent. It does not have all the power of our lives; we have the power over our own lives and the Supreme Court is going to reach a decision, we hope, to strike down DOMA, because of the work that we've done not just this year, or last year or even the last 20 years that binational couples have built a grassroots movement but at least for the past 44 years since the Stonewall Riots, we've changed the perception, we've changed the legal status, we have changed the social status, we've changed our culture, we have changed every thing that relates to how LGBT families are understood and treated in our society and on this one question, about the recognition of our marriages, there is a constitutional issue because congress passed a law. We are not at the Supreme Court because we need the Supreme Court to pat us on the head and tell us we are okay, we're actually telling the Supreme Court because congress did something heinous and we need communicate to congress that they violated the constitution. I think that a lot of the couples really do understand that they have contributed to this moment, that we've been on this journey for decades and that the collective momentum of couples, of moms and dads and their children, grandparents and aunts and uncles, families exiled across the world, Edie Windsor's

story all of that contributes to the momentum to bring us to the final outcome of the ruling but i don't view, I think that many of the couples do see the Supreme Court as having joined our long march towards progress.

Erin: I asked Lavi what he thought people were going through in the days leading up to the ruling.

Lavi Soloway: Well I know what couples are going through because they send me messages and emails and post on our Facebook page. There is tremendous anxiety. There is frustration. There is anger. Couples look at the Supreme Court as holding the reigns over their lives and having all the power over them and they're on the edge of their seat waiting for a decision that they know if it goes one way will mean that they have a whole life ahead of them to live just like any other person. Take this concern away so they can have the regular concerns away that people have in their lives. And if it goes badly, their situation is not only the status quo, but they would not have any sort of new foreseeable changes in the situation for many years and they I don't think many of them would know how they would cope with the bad decision. So there is a tremendous amount of anxiety. People are obviously prepared to celebrate, they are prepared to be elated, prepared to be relieved, a dam will burst and there is just a tremendous amount of people holding their breath. Everyday as we get close to the end of June and the Supreme Court announced that it was a day that they would render decisions and we felt the odds were that we probably would end up being the last day but still it could happen, you know today for example is one of those days.

Erin: But despite this possible near end, with the rights of same sex couples in the hands of the supreme court, there is still a sense of restlessness and uncertainty. Daniel put it this way, the night before the decision.

Daniel: So in general, yup, its been very smooth and very supportive, you know the process. But still you know, we're still waiting for tomorrow.

Act III

Sounds [CLICKING of computer mouse, repeated]

Erin: That noise? That's the sound of browsers refreshing. The sound of people waiting for news. Refreshing the Supreme Court website. Waiting to find out if DOMA had been overturned. Waiting to find out how the supreme court had ruled on Windsor. So imagine, you and your spouse, your girlfriend or boyfriend, waiting to find out the fate, and the status of your relationship. Waiting to find out if you'd be able to stay with your spouse, your children, your family. Waiting to hear if you'd have to leave. Waiting to hear that you'd have a way to stay. It'd all come down to this.

(audio from NBC) NBC Theme music "This is an NBC News Special Report — and welcome to this NBC News Special Report. Breaking news now from the Supreme Court of the United States. — Let's get right to NBC's — (audio from ABC) just struck down the federal Defense of Marriage Act. This was the law passed — (audio from DEMOCRACY NOW) it was an obvious victory for marriage equality. The Supreme Court ruled that same sex couples were entitled to federal benefits as it struck down the 1996 Defense of Marriage Act. When the five to four decision on DOMA was announced an enormous cheer went up outside the courtroom and the crowd started cheering "DOMA IS DEAD" as couples hugged and cried.

Erin: On June 26, 2013 the Supreme court ruled in favor of the plaintiff, Edie Windsor, and found that section three of the Defense of Marriage Act did in fact discriminate against same sex couples and the US government could no longer deny them federal rights and benefits. LGBT families suddenly gained protection under the law and for binational gay couples, that meant they could apply for marriage based green cards and fiance visas for their same sex partners. I met with Lavi 100 days after the ruling.

Lavi Soloway: The moment that I realized, I had confirmation that the Supreme Court had struck down DOMA, probably was the feeling that I had was just of this tremendous sense of relief. By that morning I had expected that outcome but of course somewhere in the back of my mind I knew that it was possible that we would not prevail. And so I think I had, you know, a lot of adrenaline pumping at 10 o'clock and like so many other people just refreshing the screen and waiting for that decision to be handed down. And when I saw that that was the result, you know, I knew instantly that the ripple effects were gonna be enormous, that you know, this was gonna impact lives of millions of people.

Erin: Remember — there are three categories of couples who were involved The DOMA Project's legal campaign. First, couples who applied for marriage based green cards and were flat out denied. Second, couples who applied for marriage based green cards and were put on hold as the supreme court decision was awaited. And third, couples who applied for green cards and fiance visas immediately after the ruling. Lavi gives us the breakdown of how the Supreme Court handled those cases.

Lavi Soloway: After the Supreme Court ruling was announced, some of the cases that the DOMA project had filed in 2010, 2011, and 2012 started to be reopened and approved. We had some cases approve within days of the Supreme Court ruling. You know, one case in in Denver on July 3rd, which was just 5 days later. The immigration office in Denver approved a case for a lesbian couple so we had we had a few cases that were approved immediately. The vast majority of the DOMA project cases had been denied because of DOMA and so it needed to go through a process of reopening that took some time, meaning it wasn't immediate, but it was very fast, within weeks the cases be-began to be reopened one after another and scheduled for interviews and approved for green cards. So we're now at 100 days since the Supreme Court decision and just today was notified of interviews scheduled for a case that was reopened after the supreme court decision and that interview will take place in November.

Erin: The following reactions of our binational gay couples are from a few months after the ruling.

Becky: Back in June when it was struck down, it was immediate relief. In fact, after the decision we were both laying in the hammock together and we were, we were both crying and we were like, why are we, why, why shouldn't we feel like like extreme joy right now but the thing is we were too busy releasing and also really feeling in that moment just how much it had impacted us.

Sanne: Somehow we never really allowed ourselves to fully feel what it all meant. Like, we just went step by step and did what felt good to us, what we were meant to be doing but we couldn't like, I don't know, fully realize what the impact would be or the... I think we felt everything afterwards, after DOMA got struck down, what it all meant.

Daniel: I know, I know, I know! I mean we were actually in this same place in front of the computer. We were like, in that chat from the Supreme Court and we actually, I don't know if we said we were going to go to work late but we just stayed here. We wanted to get the news together so when we say it, I mean, I will never forget. We went crazy, we went screaming and laughing and crying. Like, the first that Yohandel said was "we're going to go meet your family!" and I was like, "Yes! Finally!" You won't believe it but literally I dream every other night about being in Mexico. I mean it's crazy. [laughs] You know how we latinos are about family. You know like, it's all about the family. Weekends, you know, we have like family reunions and barbecues and stuff like that, I was raised like that my whole life. I knew stuff like that was going to happen, I knew when I made the decision to stay here, I was not going to see my family for a long time but I just, I'm just in this phase that I'm really anxious and I really want to, I want to be there. You know so, for example, October has been one of the longest months in my life [laughs]. And you know it's just a matter of putting public together, well you know, we were this far apart but now we know that we can be together, you know? Really, since you know, we got the permit, my family got really excited and they started planning more stuff for his arrival for our coming back so I don't know, we're just so so so excited for this December.

Erin: Becky gave us her final thoughts on how she felt the ruling would trickle down and impact the life of her daughter, Willow.

Becky: I think that oddly enough, I think she's, like she's aware that something's going on. Like she's only two and a half but I just can't wait to talk with her and like "you were a part of this moment in history when things really shifted you know. And for us, you know, she was so much a part of the impetus to risk everything and to come here in the first place. You know, we were clear that we wanted to come here and raise Willow in Asheville, we realized just waiting for the law the change we could squander our daughter's childhood. We wanted to be, to model for her what we want her to do which is live true to herself in her heart so yeah, we weren't going wait [laughs].

Lavi Soloway: What we are now really focused on doing is telling the stories of the couples who have achieved the dream that they had, which was to move past this and go on with their lives and to really spell out in narrative form, learning and meeting the couples that have gotten their

green cards and have been able to move forward how love ultimately triumphs. The discrimination lasted far, far too long but ultimately the discrimination that we put behind us is replaced by, you know, loving committed couples and their families and their ability to go and make a future together. and It's important for us to tell the stories as well if for no other reason than the greatest incentive for any individual to become involved in social change is to see the product of the work and to see that it actually that you can actually change the world and change laws one at a time.

I think it's really important to just sort of reflect back on how much cruelty and harm was inflicted on people who wanted nothing more than to pursue, you know, a loving, stable interdependent relationship, where they cared for one another and, you know, really contributed to their community. What we did to those people in the name of the Defense of Marriage Act and what congress allowed to happen, you know, there's really no way ultimately to quantify the toll but it's important to reflect back on it and to understand how out of hand the situation was and how far the rhetoric got ahead and how the politics were so divisive and destructive to peoples lives and their marriages and now that we have, you know, put an end to it that, you know, we should not rest or relax and think that that's all that needs to be done to preserve it. If you cherish equality and freedom and you think that the Defence of Marriage Act being struck down by the Supreme Court was this country moving in the right direction and ensuring the constitutional protection for all, then you should be concerned that that continues to be reality and we continue to move in that direction. If we let down our guard it's possible for us to regress, it's possible for those hard fought successes to, you know, once again come under attack, and its possible we'll be back fighting for those various simple right to be treated equally under the law.

Bryan: The gay rights movement is not just about gay rights and I think these stories do a lot to point out that ultimately, if you are LGBTQI — whatever like, we have a shared humanity. And it's only when we get to know each other and we hear each other's stories and we listen to each other that we discover that and these stories really stop us from taking boxes and sticking people into different classifications that take away from who we are as individuals and what we have in common.

[Music - upbeat, uplifting]

Erin: I conducted these interviews leading up to the Supreme Court ruling in 2013 into 2014. And since then some things have changed and I've got updates.

Brynn married her partner Lisa on a beach in Northern California during the winter solstice 2013. Their dogs were their bridesmaids. Becky and Sanne finally got to buy a house. Daniel and Yohandel got to visit Daniel's family in Mexico after immigration reopened their case and approved their green card. They've been traveling since. Sveta got her green card too although not because of the ruling. She was granted asylum by Chicago immigration court in 2011: She and Andi challenged the judge to rule on their marriage-based green card petition. It was finally approved two years later, in August 2013, just a few weeks after the Supreme Court ruling. Sveta and Andi moved to the San Francisco Bay area last year. Masliah + Soloway continue to provide immigration services to same sex binational couples.

The DOMA Project continues to share the immigration stories of binational same sex couples on their website at thedomaproject.org. You can also go there to see the videos that Brynn and Lavi produced together.

And there's more from the Supreme Court too — As of early 2015, they are actually about to address two more questions on the matter of marriage equality. The first, do individual states maintain the right to decide if they can exclude same sex couples from the right to marry. And second, do individual states have to recognize same sex marriage licenses issued from other states, under the 14th amendment. We'll continue to follow it as more information becomes available.

and me... well I got married and filed for my green card too, so for now, you are all stuck with me.

This episode was produced by myself, Erin McGregor and Andy Alseri. Engineering and mixing also by Andy. Mastering by Arturo Brisindi.

Music in this episode was graciously provided by Hard Science. You can hear more at hardscience.ca. We also used music from incompetech.com.

Carly Clayton does our Social Media. Our gorgeous website is provided by BraveKind Creative Agency.

Visit queerpublic.org and subscribe for more news from us. And we are new! So if you haven't yet, subscribe to us on iTunes, share us with your friends, like us on Facebook, Follow us on twitter and Instagram, talk to us on all the social medias and most of all, stay tuned for more episodes from the queer public. Up next — Friends with Exes.

Dani Buncher: Scott has funny little line that he likes to say.

Scott Simons: You say that like we're a 75 year old couple. Your grandfather has a little joke he likes to tell, tell her Murray. Tell them what's so funny.

Dani Buncher: Alright you lost your chance. I'm leaving the room now.

Erin: Thanks for listening.