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July 25, 2013

John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry,

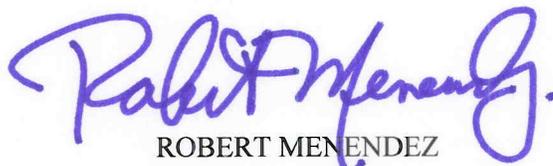
Thank you for your long-standing leadership and advocacy on behalf of same sex couples and LGBT individuals. As you know, immigration is just one of the many federal benefits affected by the U.S. Supreme Court's recent decision regarding the Defense of Marriage Act (DOMA), but the decision's immediate and serious impact on LGBT mixed status and immigrant families makes this issue one of the most important benefits impacted by the Court's decision. As you are well aware, there are thousands of lesbian and gay families who are living in exile or who are separated due to the past discrimination under U.S. federal law.

I am reaching out to you to express my concerns about foreign national spouses and fiancés who will be seeking immigration benefits through consular processing, fiancé visas, or derivative visas in countries which are hostile to the rights of lesbian, gay, bisexual, and transgender people. A 2011 United Nations report indicated that 76 countries around the world criminalize same-sex relations. As foreign nationals in countries that have laws discriminating against LGBT individuals or countries that completely lack legal protections for their LGBT citizens begin to seek immigration benefits in the U.S. through their same-sex partners, I hope that you will take immediate steps to provide for their safety.

I am concerned that for some LGBT visa applicants, filing an application could place the individual in serious risk of harm. As you know, many consulates employ local community members to work in administrative jobs and to provide translation services and exposure to the community at large may pose a serious danger to LGBT individuals. I ask that the State Department take immediate action to ensure that all applications based on same-sex relationships be treated confidentially within the consulates; that procedures be put in place to ensure that LGBT applicants in the waiting area are not "outed" to other local applicants awaiting interviews; and that all personnel in countries that provide criminal sanctions against LGBT people or otherwise fail to protect them from harm, receive training on LGBT issues and the potential dangers of violating these procedures. I also ask that you immediately implement a policy to permit foreign national spouses and fiancés to use third country processing if there is a reasonable risk that they could face criminal penalties (and in some instances even the death penalty) for acknowledging their sexual orientation.

As I know you wholeheartedly agree, the Supreme Court's decision in *Windsor* is an historic opportunity to right the wrongs suffered by LGBT couples and I look forward to working closely with you to ensure the swift and safe implementation of our immigration laws.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

ROBERT MENENDEZ
United States Senator