

U.S

Supreme Court's decision on same-sex marriage a new chance for gay immigrant spouses

The impact will be huge for the estimated 30,000 binational couples in the U.S., say immigrant advocates. Secretary of Homeland Security Janet Napolitano applauded the decision and said it will change how DHS awards immigration benefits.

BY [ERICA PEARSON](#) / NEW YORK DAILY NEWS

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Elmhurst, Queens married couple Santiago Ortiz and Pablo Garcia rallied outside Sen. Charles Schumer's office.

Gay Americans with immigrant spouses — who are now no longer barred by the federal Defense of Marriage Act from applying for marriage-based green cards — were among those loudly cheering the Supreme Court's decision on same-sex marriage Wednesday.

Elmhurst, Queens retiree Santiago Ortiz, who is a U.S. citizen, and his Venezuelan-born husband Pablo Garcia excitedly watched the news on television together at home and reminisced about how much has changed in the 22 years they have been together.

"It's a big relief in so many ways — we're very happy.," said Ortiz, 57, a former school psychologist.

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"I hardly slept last night — we were right in front of the TV the two of us."

Garcia's family called from Venezuela to congratulate them.

"Your vision of life changes ... I'm very happy because I've realized that I have rights. I deserve rights as a human being," said Garcia, 52, who is a playwright.

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"I can apply for a green card like any other family in the United States."

The pair were married two years ago — U.S. Citizenship and Immigration Services nixed their previous bid for a green card because of DOMA. They are eager to try again.

Garcia, who overstayed a tourist visa, has been unable to travel because of his immigration status and is hoping to visit his sick mother in Venezuela as soon as he can.

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"We expect that the government will immediately accept applications from our married couples. We anticipate that they will begin moving forward immediately with the applications they already have. We are very, very excited to see them move to reopen cases that they denied and to be able to go forward with those. It's really exciting," said Rachel Tiven, executive director of Immigration Equality.

Immigrant advocates said the impact will be huge for the estimated 30,000 binational couples like Garcia and Ortiz in the U.S.

Many had sought to add benefits for same-sex couples to the Senate's immigration reform legislation, but Democratic lawmakers backed down from introducing a gay-rights amendment to the bill this spring because conservative senators said it would be a deal-breaker. Sen. Patrick Leahy (D-Vt) told lawmakers Wednesday that, in light of the Supreme Court ruling, he would drop his bid for a floor vote on the same-sex couple amendment.

"I'm ecstatic that the Supreme Court's ruling today should guarantee all lawfully married couples equal rights in regards to immigration," said American Immigration Lawyers Association President Laura Lichter.

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Secretary of Homeland Security Janet Napolitano applauded the decision and said it will change how DHS awards immigration benefits.

"I am pleased the Court agreed with the Administration's position that DOMA's restrictions violate the Constitution. Working with our federal partners, including the Department of Justice, we will implement today's decision so that all married couples will be treated equally and fairly in the administration of our immigration laws," she said in a statement.

Many couples were already preparing to file.

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"Our couples are crying, a few of them said, 'I'm in shock.' It's a really exciting victory that has immediate impact on so many families," she said.

The court's 5-to-4 decision clears the way for those who were married in one of the 12 states that permit gay nuptials to apply for permanent residency, even if they actually live in a different state, Tiven said.

"This finally ends a chapter in American immigration history that was really, really shameful," she added.

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