

[Rutland Herald](#)

Vermont's congressional delegation sent a letter asking the Department of Homeland Security to reconsider its policy on marriage-based immigration petitions for same-sex couples, specifically Frances Herbert and Takako Ueda, who live in Dummerston.

Herbert and Ueda are married in Vermont, but because their marriage is not recognized by the department, Ueda, a native of Japan whose student visa expired in July, is at risk of being deported.

In a letter to Secretary of Homeland Security Janet Napolitano, Sens. Bernie Sanders and Patrick Leahy and Rep. Peter Welch asked that the department "maintain consistency" in family unity policies.

"Particularly in states such as Vermont, where same sex marriages are legally recognized, we believe that family-based cases such as Ms. Herbert's and Ms. Ueda's are deserving of full consideration of the exercise of prosecutorial discretion," wrote the delegation.

In December, Herbert and Ueda were denied a spousal petition by the U.S. Citizenship and Immigration Services that would have given Ueda a green card.

If they were an opposite-sex married couple, there would be no deportation because if one spouse is a U.S. citizen, the other spouse can remain in the country. The federal law that is pivotal in this case is the Defense of Marriage Act, under which marriage is defined as a legal union between one man and one woman.

The delegation went on to say that USCIS has the authority to hold cases like Herbert and Ueda's pending legislative action on the marriage law or until litigation that seeks to overturn it is settled in the judicial branch.

"We are deeply concerned about the toll that this policy is exacting on families," wrote the delegation.