

Congress of the United States
Washington, DC 20515

June 6, 2019

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Secretary Pompeo:

We are deeply concerned by the U.S. Department of State's refusal to recognize the citizenship at birth of the children of U.S. citizens in same-sex marriages. We strongly urge you to change this discriminatory and cruel policy.

The Immigration and Nationality Act clearly states that the children of a married U.S. citizen are entitled to citizenship at birth, regardless of whether the spouse is a U.S. citizen or the child is born abroad. No biological link between the married U.S. citizen parent and their children is required. The State Department is now misapplying the Immigration and Nationality Act by treating the children of same-sex couples as born "out of wedlock." We find this to be deeply offensive. Welcoming a new child into a family should be a time of joy and excitement, but instead it is being met by your Department treating these couples differently than their different-sex counterparts.

The Supreme Court made clear in *Obergefell v. Hodges* that same-sex married couples are entitled under the Constitution to all the rights of different-sex couples, yet the State Department does not treat them equally. When a U.S. citizen in different-sex marriages applies for a passport for their child, they are presumed to be the parents and able to pass on birthright U.S. citizenship. However, same-sex couples are subjected to invasive questioning and DNA testing to prove a biological link to their children. As you know, every federal court that has addressed this issue has found that no biological requirement exists. We agree and find it disturbing that the State Department is continuing to push its misapplication of law on innocent children.

The State Department policy harms same-sex couples and their families, preventing them from enjoying the full range of rights to which they are entitled. We urge you to promptly change your policy so that no more families endure its discriminatory effects.

Sincerely,



Deb Haaland
Member of Congress



David N. Cicilline
Member of Congress



Tom Malinowski
Member of Congress



Mark Pocan
Member of Congress



Angie Craig
Member of Congress



Katie Hill
Member of Congress



Chris Pappas
Member of Congress



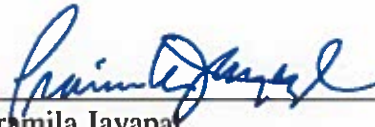
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Pramila Jayapal
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Barbara Lee
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Linda T. Sánchez
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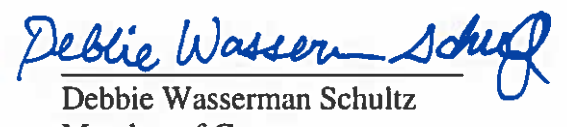
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Mike Quigley
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Chellie Pingree
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Raúl M. Grijalva
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Eric Swalwell
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Member of Congress



Tim Ryan
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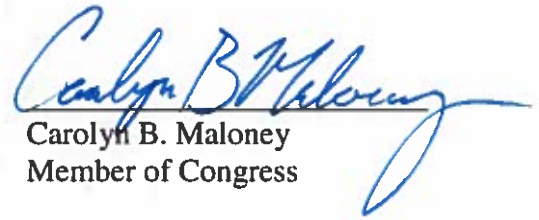
Juan Vargas
Member of Congress



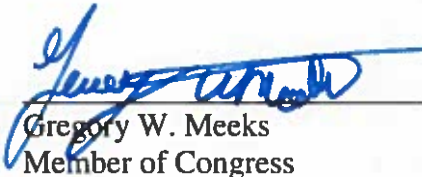
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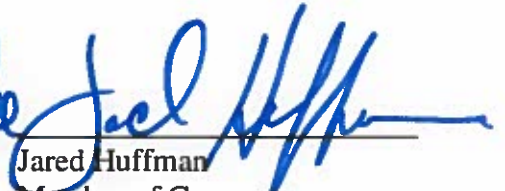
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Sheila Jackson Lee
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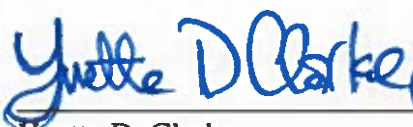
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Dina Titus

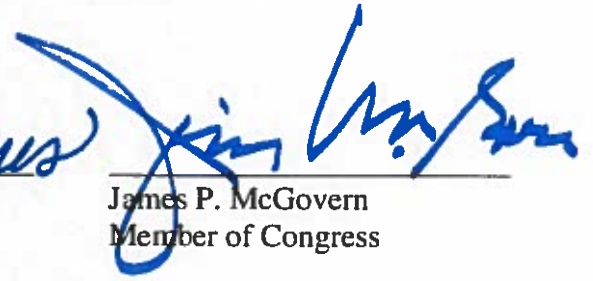
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