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Trump Administration Changes Visa Policy for Same-Sex Couples

BY CHELSIE A. VOKES • OCTOBER 4, 2018

On Monday, October 1, the Trump administration stopped granting visas to non-married same-sex partners of foreign diplomats and officials and employees of the United Nations (“UN”). This policy change applies equally to foreign same-sex couples already in the U.S., requiring they submit proof of marriage to the State Department by December 31, 2018 in order to remain in the country.

In support of its [decision to change its visa policy](#), the administration cited *Obergefell v. Hodges, Director, Ohio Department of Health*, the 2015 Supreme Court decision that legalized same-sex marriage in the U.S. The administration expressed its belief that since same-sex couples can legally get married in the U.S., they should be treated the same as heterosexual couples (i.e., they must obtain a marriage visa) when entering the U.S.

Critics immediately challenged the policy change, arguing that unlike the U.S., the [majority of UN countries do not recognize same-sex marriage](#). While individuals whose home countries do not recognize same sex marriage can obtain a [fiancé \(K\) visa](#), which gives the foreign partner 90 days in the U.S. before the couple must be married, individuals from certain countries who do get married in the U.S. could face [criminal charges](#) once they return home.