

Matter of Paul Wilson DORMAN, Respondent

Decided by Attorney General April 26, 2011

U.S. Department of Justice
Office of the Attorney General

The Attorney General vacated the decision of the Board of Immigration Appeals and remanded for the Board to make specific findings with regard to the respondent's eligibility for cancellation of removal.

BEFORE THE ATTORNEY GENERAL

Pursuant to my authority set forth in 8 C.F.R. § 1003.1(h)(1)(i), I order that the decision of the Board of Immigration Appeals ("Board") in this case applying Section 3 of the Defense of Marriage Act ("DOMA"), 1 U.S.C. § 7, be vacated, and that this matter be referred to me for review.

In the exercise of my review authority under that regulation, and upon consideration of the record in this case, I direct that the order of the Board be vacated and that this matter be remanded to the Board to make such findings as may be necessary to determine whether and how the constitutionality of DOMA is presented in this case, including, but not limited to: 1) whether respondent's same-sex partnership or civil union qualifies him to be considered a "spouse" under New Jersey law; 2) whether, absent the requirements of DOMA, respondent's same-sex partnership or civil union would qualify him to be considered a "spouse" under the Immigration and Nationality Act; 3) what, if any, impact the timing of respondent's civil union should have on his request for that discretionary relief; and 4) whether, if he had a "qualifying relative," the respondent would be able to satisfy the exceptional and unusual hardship requirement for cancellation of removal.