



National Gay and Lesbian Task Force Action Fund testimony submitted to the United States Senate Committee on the Judiciary hearing titled “The Uniting American Families Act: Addressing Inequality in Federal Immigration Law”

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**Statement by Rea Carey, Executive Director
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Chairman and Members of the Committee,

We thank Chairman Leahy and the committee for holding a hearing on the Uniting American Families Act (UAFAs). On behalf of the National Gay and Lesbian Task Force Action Fund — the oldest national advocacy organization for the rights of lesbian, gay, bisexual and transgender (LGBT) people — we urge you to support this important legislation. Keeping families intact and ensuring the well-being of children are core values of our nation’s immigration policies. They are values that arise from our nation’s immigrant history and heritage. UAFAs is consistent with those values.

For years, there has been debate about how to repair our nation’s flawed immigration policies. As Congress considers comprehensive immigration reform, it is vital that the needs of LGBT people are addressed. There can be no comprehensive immigration policy without the inclusion of UAFAs. Currently there are approximately 36,000 binational same-sex couples in long-term, committed relationships. Forty-six percent of those couples are raising children. All of these couples and families are adversely affected by the non-recognition of their relationship in immigration law. Consequently, American citizens are at risk of being forced to uproot their lives and families, abandon aging parents, leave brothers and sisters, and leave their jobs in order to stay with their partners. As a nation of immigrants, the United States should not require its citizens to choose between family and country. A simple alternative exists: recognize those partnerships and families within existing immigration law.

UAFAs is consistent with current immigration policy and creates no radical changes in immigration law or its administration. Nor will UAFAs affect other areas of law. UAFAs simply amends the Immigration and Nationality Act to treat same-sex couples and opposite-sex couples in essentially the same way. UAFAs creates a new category of relationships recognized in immigration law: “permanent partnership.” A permanent partnership is defined by five criteria. A permanent partnership exists when two people are in a committed, intimate relationship in which both parties intend a lifelong commitment. They should be financially interdependent and they cannot be married or in a permanent partnership with anyone else. They must also be unable to marry each other in a manner recognized already under the Immigration and Nationality Act. In addition, they cannot be blood relatives.

Opponents claim that UAFAs will lead to an increase in immigration fraud. This is baseless. Same-sex partners will be subject to the same stringent scrutiny as opposite-sex couples. To

show a genuine partnership, same-sex couples will have to be interviewed and provide evidence of a substantial emotional and financial commitment to each other. The sponsoring partner will have to submit an affidavit of support. Such an affidavit will permit the U.S. to sue the sponsoring partner if his or her partner accesses means-based government benefits before working for 40 quarters. Immigration fraud, generally, is subject to severe fines and up to five years imprisonment. In essence, the strong deterrents already present in the immigration system against fraud by opposite-sex couples will apply equally to same-sex couples.

In addition, UAFA is sound economic policy. UAFA makes it unnecessary for citizens to leave jobs and communities behind in order to be with loved ones and to maintain their families. On average, same-sex binational couples are in their late thirties. Binational gay male households earn an average of over \$40,000. Binational lesbian households earn an average of over \$30,000. UAFA will protect working couples who contribute to the U.S. economy, their employers and their communities. As previously mentioned, many of these couples are raising children. Forcing binational same-sex couples to leave their homes and jobs results in a substantial loss of economic and human capital for employers, communities and the country. UAFA would make such a loss avoidable and create a net benefit to the economy.

At a time when the United States cannot afford to waste hard work and talent simply because of prejudice against same-sex couples or because of outdated legal impediments, we certainly cannot afford to put families and children at economic risk. To do so would go against the United States' own proud heritage of immigration and family unification. We respectfully ask that this committee support UAFA.