



## **SUPPORT EQUAL IMMIGRATION PROTECTIONS FOR SAME-SEX COUPLES**

### **COSPONSOR S. 1328, THE UNITING AMERICAN FAMILIES ACT**

June 11, 2007

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**RE:** Cosponsor S.1328, the Uniting American Families Act

Dear Senator:

The American Civil Liberties Union strongly urges you to cosponsor S. 1328, the Uniting American Families Act (UAFa).

#### **S. 1328 Modifies U.S. Immigration Policy to Apply Equal Standards to the Permanent Partners of all Americans**

Under the U.S. Immigration and Nationality Act, citizens and permanent legal residents can sponsor their spouses for immigration purposes. However, because same-sex partners of U.S. citizens are not considered “spouses”, gay U.S. citizens and permanent residents are barred from sponsoring their partners. As a result, relationships and families are inevitably torn. The Uniting American Families Act helps to rectify this injustice.

Gay and Lesbian immigrants were long banned from the United States, being labeled “psychopaths” and “sexual deviates.” Thanks to Rep. Barney Frank (D-MA), the ban was eliminated. Today, foreigners who are persecuted in their home countries simply for being gay can apply for asylum in the U.S. U.S. immigration law towards gays and lesbians has improved significantly in recent decades and legislation to apply equal standards to the permanent partners of gay Americans is a next step in that direction.

UAFa doesn’t extend special benefits to same-sex partners of citizens and permanent residents, it simply works to provide equal sponsorship protections. If enacted, S. 1328 would require bi-national same-sex couples to meet the same standards as opposite-sex couples. For example, same-sex couples would be required to produce evidence of their relationship, such as affidavits from friends or family, and evidence of financial interdependence. As with opposite-sex couples, occurrences of fraud would carry harsh punishments, such as up to five years in prison and up to \$250,000 in fines.

Furthermore, under UAFIA, a permanent partner is any individual 18 or older who is:

- In an intimate relationship in which both parties intend a lifelong commitment
- Financially interdependent with the other party in that relationship
- Not in a permanent partnership with anyone other than that second party
- Unable to be married to that other party under the Immigration and Nationality Act

**S. 1328 Bolsters the Principle of Family Unification That Is Central to U.S. Immigration Law**

Around 75% of the one million green cards and visas issued each year go to the families of U.S. citizens and permanent residents. However, the INS's current definition of family excludes same-sex couples. As a result, U.S. citizens are sometimes forced to flee with their partners to countries with more equitable immigration laws. S. 1328 will protect unification rights for all families.

**The U.S. Lags Behind Other Democracies in Extending Fair Treatment in Immigration Policies to Gay Couples**

The following countries currently allow their gay and lesbian citizens to sponsor their partners to become permanent residents: Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden and Switzerland.

For these reasons, the ACLU strongly urges you to cosponsor S. 1328, the Uniting American Families Act. If you have any questions, please do not hesitate to call us at (202) 675-2308.

Sincerely,



Caroline Fredrickson  
Director



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Legislative Counsel