

In Support of the Uniting American Families Act

Hearing: “The Uniting American Families Act: Addressing Inequality in Federal Immigration Law”

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HIV Law Project was founded in 1989 to provide legal and advocacy services in New York City for underserved HIV-positive persons, including women and their families, undocumented and recent immigrants, and communities of color. HIV Law Project was the first, and remains the only organization in New York City focused exclusively on legal advocacy for these communities, and has therefore developed special expertise in the issues facing HIV-positive immigrants.

We commend Senator Leahy for his efforts to promote comprehensive immigration reform by holding a hearing on the Uniting American Families Act (UAFAs) and advocating for lesbian, gay, bisexual and transgender (LGBT) binational families. Family unification is a cornerstone of U.S. immigration law and allows for U.S. citizens and legal permanent residents to sponsor their spouses and immediate family members for residency in the United States. However, because of the narrow definition of “spouse” as defined by law, many families are completely excluded from petitioning for sponsorship of their life partner. LGBT families are often forced to choose between their partner and their country, with devastating impacts on family unity, finances and the minor children that the couple may have.

The UAFAs will remove a discriminatory barrier for LGBT families by allowing individuals from these families to sponsor their life partners for U.S. residency. At HIV Law Project, we serve clients from gay and lesbian families whose lives are negatively impacted in a number of ways due to current immigration policy. HIV-positive individuals in gay and lesbian committed relationships are unable to sponsor their partners, many of whom would be able to participate more fully in employment pursuits and could contribute to the care of their loved ones if they were able to



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obtain residency through sponsorship. As a result, our HIV-positive clients are often forced to rely on public assistance to survive because their partners are ineligible for work authorization, and consequently are relegated to low-income, off-the-books employment. The UAFA would allow partners of HIV-positive individuals to work and contribute to their partner's economic and emotional support. Further, a path to legalization for same sex partners would alleviate what is often one of the most stressful elements in the life of an LGBT individual living with HIV-- the constant fear of their partner's deportation. Most importantly, the UAFA has the potential to preserve families that deserve the same treatment under immigration law as any other family.

LGBT families are not seeking a shortcut or special treatment in the immigration system. They are simply asking the government to recognize that their families are just as important as those currently covered under the sponsorship process. Under the UAFA, lesbian and gay families will have to undergo the same rigors of the application process for sponsorship as current eligible families, and will be subject to the same fines and penalties for fraud and misuse of immigration laws. The foreign partner would receive an initial two year conditional residency and the sponsoring spouse would agree to support their partner for ten years, even in the event of separation. These measures are additional safeguards for the immigration system

HIV Law Project recognizes that loving families are diverse and supports the unification of families regardless of sexual orientation or gender identity. We urge Congress to pass the Uniting American Families Act and to end the discriminatory practice of excluding LGBT binational citizens and legal permanent residents from sponsoring their life partners. In doing so, the United States will join nineteen other countries that provide equal immigration benefits to gay and lesbian families and will end the current discrimination against these families in immigration policy.

Sincerely yours,

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