



Legislation Text

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Res. No. 197

Resolution urging Congress to pass the Uniting American Families Act and to consider the elements of the Uniting American Families Act when preparing a comprehensive immigration reform bill.

By Council Members Dromm, Chin, Comrie, Ferreras, James, Koslowitz, Lander, Rose, Van Bramer, Williams, Rodriguez and Mark-Viverito

Whereas, The principle of “family unification,” by which United States citizens are entitled to sponsor immediate family members for legal immigration, is purported to be the sacred cornerstone of United States immigration law, intended to protect and promote the sanctity of family; and

Whereas, Current United States immigration law grants married opposite-sex partners full consideration and highest priority for the foreign partner’s permanent resident status but does not recognize the legitimacy or validity of same-sex lesbian, gay, bisexual, or transgender (LGBT) relationships; and

Whereas, According to the 2000 United States Census, there were 35,820 same-sex binational couples in the United States; and

Whereas, Although these couples are not recognized under United States immigration law they have established stable homes together, developed joyful loving bonds and, in many cases raised children together, shared dreams together, celebrated anniversaries together, mourned losses together, built lives together, and created in every way a family; and

Whereas, Regardless of length of cohabitation, of investment in their communities, of state-sanctioned domestic partnership, civil union, or marriage, these couples are not a “family” by United States immigration law definition; and

Whereas, These couples live each day in a chronic state of fear, facing the constant specter of eventual

deportation and decimation of their cherished family unit because their same-sex status denies them protections under immigration law; and

Whereas, Many such couples, because of their same-sex partnership, have been both physically and emotionally torn apart, or have chosen to leave the United States as a family in order to avoid their own nation's discriminatory immigration policy; and

Whereas, Forcing American citizens and legal permanent residents to make inhuman choices such as deserting their own homeland, families and friends is contrary to American immigration policy's professed reverence of family unification, as well as the profoundly American principle of equal treatment under the law; and

Whereas, Rather than persisting with such discriminatory behavior, the United States should further the international pursuit of human rights, joining with the progressive policies of leading democracies worldwide, including Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland and the United Kingdom, all of which recognize and celebrate same-sex partners' rightful claim to be considered "family" in terms of legal immigration; and

Whereas, As a means to eliminate discrimination in immigration legislatively, New York Representative Jerrold Nadler and Vermont Senator Patrick Leahy introduced the Uniting American Families Act (H.R.1024/S.424) in the 111th Congress; and

Whereas, Furthermore, Representative Mike Honda included the provisions of the Uniting American Families Act in H.R. 2709, the Reuniting Families Act, a bill that addresses all families and the impacts of current immigration law; and

Whereas, If enacted, the Uniting American Families Act would expand the Immigration and Nationality Act to define a "permanent partner" in a way that includes same-sex couples and would allow them the same protections under the Immigration and Nationality Act (INA) as are provided to married opposite sex couples;

and

Whereas, In order to qualify as a “permanent partner” under the Uniting American Families Act, an individual 18 years of age or older must establish (i) that he or she is in a committed, intimate relationship with another adult in which both parties intend a life long commitment; (ii) that there is financial interdependence, (iii) that neither party is married or in a permanent partnership with another person, and (iv) that he or she is unable to enter in a marriage in a manner that is recognized under the INA; and

Whereas, New Yorkers rely upon their elected legislators in the United States House of Representatives and Senate to develop and pursue reasoned, fair, and just legislation reflecting our ideals as New Yorkers, as American citizens, and as citizens of the world with an unqualified, vested interest in the promotion of human rights; and

Whereas, Chairman of the Immigration Subcommittee, Senator Charles E. Schumer stated during the 2009 6th Annual Immigration Law and Policy Conference that comprehensive immigration reform must include seven fundamental principles, including family reunification; and

Whereas, As mentioned in President Obama’s State of the Union Address he is committed to confronting our broken immigration system in practical and effective ways; and

Whereas, As the Obama administration and Congress move forward with drafting a meaningful and effective comprehensive immigration reform package, the bill must encompass unifying all family members and keeping all families, including bi-national families intact; now, therefore, be it

Resolved, That the Council of the City of New York urges Congress to pass the Uniting American Families Act and to consider the elements of the Uniting American Families Act when preparing a comprehensive immigration reform bill.

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