



## Legislation Text

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### Res. No. 366-A

Resolution calling upon the United States Congress to reintroduce and pass the Uniting American Families Act, which would provide a mechanism under the Immigration and Nationality Act to allow United States citizens and legal permanent residents in binational same-sex relationships to sponsor their foreign-born partners for immigration to the United States in a manner consistent with the legal requirements and rights currently enjoyed by opposite-sex couples.

By Council Members Stewart, The Speaker (Council Member Quinn), Brewer, Fidler, James, Koppell, Liu, Mark-Viverito, Foster, Mendez, Weprin, Gonzalez, Avella, de Blasio and The Public Advocate (Ms. Gotbaum)

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, The 2000 United States Census indicates that there were at that time 35,820 same-sex, binational couples in the United States whose relationships were not recognized under United States immigration law; and

Whereas, These couples, having established stable homes together, developed joyful loving bonds and, in many cases raised children together, shared dreams together, celebrated anniversaries together, mourned loss together, built lives together, and created in every way a family, must, regardless of length of cohabitation, of investment in their communities, of state-sanctioned domestic partnership, civil union, or marriage, nevertheless live each day in a chronic state of fear, facing the constant specter of eventual deportation and decimation of their cherished family unit because of their same-sex status, and therefore are not a “family” by

United States immigration law definition; and

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

Whereas, Forcing American citizens and legal permanent residents to make such inhuman choices as deserting their own homeland, families and friends stands completely contrary to the 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, Canada, Denmark, Finland, France, Iceland, Israel, the Netherlands, Norway, South Africa, Sweden, 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, In order to rectify such glaring injustice, New York Representative Jerrold Nadler and Vermont Senator Patrick Leahy introduced the Uniting American Families Act (H.R. 3006/S.1278) in the 109<sup>th</sup> Congress, which would expand the Immigration and Nationality Act to define same-sex "permanent partners" as family members, with the same immigration implications as opposite-sex couples; and

Whereas, Both bills languished in their respective house's respective Judiciary Committee until the 109<sup>th</sup> Congress recessed; since the commencement of the 110<sup>th</sup> Congress, these bills have yet to be introduced; and

Whereas, New Yorkers rely upon the wisdom of 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, In the words of the Rev. Dr. Martin Luther King Jr., "Where there is injustice for one, there is

injustice for all;” now, therefore, be it

Resolved, that the Council of the City of New York calls upon the United States Congress to reintroduce and pass the Uniting American Families Act, which would provide a mechanism under the Immigration and Nationality Act to allow United States citizens and legal permanent residents in binational same-sex relationships to sponsor their foreign-born partners for immigration to the United States in a manner consistent with the legal requirements and rights currently enjoyed by opposite-sex couples.

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