

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 3, 2009

Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
The Uniting American Families Act: Addressing Inequality in Federal Immigration Law  
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For too long, gay and lesbian American citizens whose partners are foreign nationals have been denied the ability to sponsor their loved ones for lawful permanent residency. Under current immigration law, many citizens have been forced to choose between their country and their loved ones. No American should face such a choice. The preservation of family unity is at the core of our immigration legal system. This American value must apply to all families.

During the past several years, Americans have increasingly come to reject the notion that their fellow Americans who are gay or lesbian should not have loving relationships. Federal policy should encourage rather than restrict our opportunity as Americans to sustain the relationships that fulfill our lives.

Today, the Judiciary Committee will hear testimony on the Uniting American Families Act, a bill I introduced last Congress and have reintroduced this year with the support of several members of this Committee. Our bill will allow the committed partners of Americans the opportunity to immigrate. What we consider today with this legislation is an issue of fair treatment under Federal law. It is time for the United States to join 19 other nations, many of which are our closest allies, in providing our gay and lesbian citizens this benefit under our immigration laws.

There is no place for discrimination in our Federal law. I note that traditional civil rights leaders like Congressman John Lewis and Julian Bond, the chairman of the National Association for the Advancement of Colored People (NAACP), have said unequivocally that the issue of gay rights is an issue of civil rights. To quote Chairman Bond: "Gay and lesbian rights are not special rights in any way. It isn't 'special' to be free from discrimination. It is an ordinary, universal entitlement of citizenship."

Some have expressed concern that if Federal immigration law were to recognize committed same-sex partnerships for purposes of immigration benefits, opportunities for fraud would increase. I am confident that the U.S. Citizenship and Immigration Services will have no more difficulty discovering fraudulent arrangements between same-sex couples than heterosexual couples. Our immigration agencies are well-trained and highly experienced in this regard. I have little doubt that when this legislation is enacted, the immigration agency will safeguard against

fraud and abuse in same-sex partnerships just as it does for heterosexual couples seeking immigration benefits.

The benefits this legislation seeks to provide are not contingent upon the definition of marriage, which I believe is an issue best left to the States. Former Vice President Cheney and I are most often thought of together in terms of his greeting me with a derogatory salutation on the Senate floor a few years ago. Yet this week he said much the same thing I have about States being able to decide whether their law would recognize gay marriages.

Just last month, President Obama and Secretary of State Clinton announced a new policy to provide domestic benefits to the men and women in our foreign service who are in same sex domestic partnerships. President Obama and Secretary Clinton acknowledged what many American corporations already recognize: The happiness and stability of their employees in their personal lives is essential to success and productivity in their professional lives. I applaud this decision. There is more work to be done. It was not long ago that homosexuality barred an immigrant from entry into the United States. It is time to take that constraint off the committed same sex partners of American citizens.

Congress and the administration hope to return to a discussion of comprehensive immigration reform in the near future. Senator Schumer, who chairs our Immigration Subcommittee, has begun a series of hearing to prepare us for taking action. In my view, no effort we make can be considered comprehensive without providing gay and lesbian Americans with immigration benefits equal to those enjoyed by heterosexual citizens. I hope today's hearing will help.

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