

Testimony of
Shirley Tan

June 3, 2009

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United States Senate Committee on the Judiciary

"The Uniting American Families Act:
Addressing Inequality in Federal Immigration Law"

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Chairman Leahy, members of the committee, thank you for your invitation to appear before you this morning. My name is Shirley Tan, and I am a 43-year-old mother and housewife from Pacifica, California. I am grateful for the opportunity to share my story with you, and grateful, too, for Chairman Leahy's leadership on an issue that is so critically important to my family and the tens of thousands of others across the country.

I am honored to be here today with my 12-year-old twins, Jashley and Joriene, and my partner of 23 years, Jay Mercado. I met Jay when, as a graduation present, my father brought me to the United States. We met through our parents, who knew each other through the rotary club, and our love was instantaneous. Since that day, we have been committed to each other, and our family, unequivocally. Our relationship continued even after I returned to the Philippines following the expiration of my six month visa. Our relationship was expensive, given the long distance bills.

When I returned to the Philippines, I learned that the man who had, ten years before, brutally murdered my mother and sister, and almost killed me as well, was released from prison. I feared for my safety and I knew I was in danger and understood that in order to live, I had to leave the Philippines. Without anywhere else to go, I decided to go to Jay where I would be safe.

In 1995, I hired an attorney to apply for asylum and legalize my stay in the United States. When my application was denied, my attorney appealed the decision and Jay and I diligently inquired on a regular basis about the status of the appeal. Again and again, we were told "It is good that we have not heard anything yet, let's just wait."

I did not know it, but my appeal had also been denied. All the while, Jay and I went about building our life together. I gave birth to Jashley and Joriene, the biggest joy in our lives and became a full-time mom.

Our family has always been like every American family, and I am so proud of Jay and the twins. The boys attended Catholic school through 6th grade and are now in Cabrillo Elementary School. They excelled in their classes and has always been in the top of their class. I volunteer in every activity at their school, and when the school needs a parent to pitch in, I have always been the first one they call. Jay was a member of the school board at their Catholic school. I am a

Eucharistic minister at Good Shepherd church, where Jay and I both sing in the Sunday mass choir.

Our family is fortunate. We have never felt discriminated against in our community. Our friends, mostly heterosexual couples, call us the "model family," and even said we are their role models. We try to mirror the best family values, and we attribute the fact that our children are so well-adjusted to the love, security and consistency that we, as parents, have been able to provide. Jashley and Joriene's classmates at school know they have two moms, and it has never been an issue.

Our lives, I can say without any doubt, were almost perfect until the morning of January 28, 2009. That morning, at 6:30 a.m., Immigration Custom Enforcement agents showed up at my door. They were looking for a "Mexican girl," and, having nothing to fear, Jay did not think twice about allowing them into our home when they asked permission to search it. It turned out they were really looking for me.

The agents showed me a piece of paper, which was a 2002 deportation letter, which I informed them I had never seen. Before I knew it, I was handcuffed and taken away, like a criminal, as Jay's frail mother watched in hysterics. I was put into a van with two men in yellow jump suits and chains and searched like a criminal, in a way I have only seen on television and in the movies.

All the while my family was first and foremost the center of everything on my mind.

How would Jay work and take care of the kids if I was not there?

Who would continue to take care of Jay's ailing mother, the mother I had come to love, if I was not there?

Who would be there for my family if I was not there?

In an instant, my family, my American family, was being ripped away from me.

And when I did return home, I had an ankle monitoring bracelet. I went to great lengths to hide it from my children.

I have a partner who is a U.S. citizen, and two beautiful children who are also U.S. citizens, but not one of them can petition for me to remain in the United States with them. Because my partner is not a man, she cannot do anything to help me. Nor can my children, who keep asking why this happened to us and what will ultimately happen to our family.

Passage of the Uniting American Families Act, UAFA, will not only benefit me, but the thousands of people who are also in the same situation as I am. And so I respectfully submit to the committee today that changing the immigration laws of this country to include permanent partners will serve in the long run to keep families like ours together. Americans will be able to live at home with their partners rather than living in fear or in exile.

After 23 years building our life together, Jay and I know that our family is still at great risk of separation. We have a home together. Jay has a great job. We have a mortgage, a pension, friends and a community. We have everything together and it would be impossible to re-establish elsewhere. We have followed the law, respected the judicial system and simply want to keep our family together.

For my children, and couples and families like ours, it is critically important that we end discrimination in U.S. immigration law. So I ask that you please look closely at UAFIA and how important its passage is for the thousands of couples who are affected by the unjust discrimination we are facing in the immigration process.

Before I close, I would like to take this opportunity to extend my gratitude to Congresswoman Jackie Speier and her staff, who have shown so much compassion especially for my children. Congresswoman Speier has been supportive throughout this ordeal and went out of her way to help me and my family. And I would like to extend a very special thank you to Senator Dianne Feinstein, a member of this committee, for everything she also did for Jay, myself and our children. Because of Senator Feinstein's efforts and the efforts of her staff, my deportation has been temporarily delayed until 2011. It is because of her great compassion that I am able to be with you today.

Chairman Leahy, and members of the committee, it is a great privilege to be here with you today. I was honored to receive your invitation and before you today not only because of my own family, but on behalf of the thousands of permanent partners who deserve equal treatment and to be able to remain with their loved ones and their children.

I humbly ask for your support of the Uniting American Families Act which would allow me to remain with my family and to strive for citizenship in this wonderful country that has been so good to me and my partner and such a blessed home to our children.

Thank you.