

Kriss Worthington

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CONSENT CALENDAR

April 30, 2013

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Supporting the Uniting American Families Act (HR 519 and S 296) to

Include LGTB Families in Immigration Reform

RECOMMENDATION

Adopt a Resolution supporting the Uniting American Families Act (HR 519 and S 296) to include LGTB families in comprehensive immigration reform. Copies of the resolution shall be sent to Senators Dianne Feinstein, Barbara Boxer and Harry Reid; Representatives Barbara Lee, George Miller and House Speaker John Boehner; and Vice-President of the United States Joseph Biden.

BACKGROUND

Current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so.

This discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners, where the inability to sponsor a same-sex partner leaves the couple with the following limited options: 1. Choose to remain in a costly long-distance international relationship; 2. Choose to live abroad in the foreign partner's country, if allowable; 3. Seek a visa, independent of the partnership, for the foreign-born partner, creating a limited duration of legal stay; 4. Choose to allow the foreign-born partner to remain undocumented or allow a visa to lapse, creating daily uncertainty and fear of deportation; or, 5. terminate the relationship.

The Uniting American Families Act treats same-sex relationships equal to opposite sex relationships and all legal requirements of proving the good faith nature of their relationship would remain. Moreover, this Act would bring U.S. immigration law in line with the 31 countries already recognizing same sex partnerships for immigration purposes, including: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom.

FINANCIAL IMPLICATIONS: None.

CONTACT PERSON:

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Attachment:

1. Resolution

RESOLUTION NO.

SUPPORTING UNITING AMERICAN FAMILIES ACT (HR 519/S 296) TO INCLUDE LGBT FAMILIES IN COMPREHENSIVE IMMIGRATION REFORM

WHEREAS, a driving goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civil traditions and form of government; and

WHEREAS, the City of Berkeley celebrates and respects all immigrant groups and all families, including gay and lesbian families; and

WHEREAS, current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and

WHEREAS, this form of discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners; and

WHEREAS, the inability to sponsor a same-sex partner leaves the couple with the following limited options: 1. Choose to remain in a costly long-distance international relationship; 2. Choose to live abroad in the foreign partner's country, if allowable; 3. Seek a visa, independent of the partnership, for the foreign-born partner, creating a limited duration of legal stay; 4. Choose to allow the foreign-born partner to remain undocumented or allow a visa to lapse, creating daily uncertainty and fear of deportation; or, 5. Terminate the relationship; and

WHEREAS, the limited legal options for same-sex partners to keep their relationship unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples in bi-national relationships; and

WHEREAS, beyond the personal challenges to same-sex couples, the City of Berkeley and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in another country; and

WHEREAS, currently pending in the United States Congress is the Uniting American Families Act (H.R. 519/S.296), reintroduced by Representative Jerrold Nadler (D-NY-10) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships"; and

WHEREAS, the Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain; and

WHEREAS, the Uniting American Families Act would bring U.S. immigration law in line with the 31 other countries that already recognize same sex partnerships for immigration purposes, including: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and

WHEREAS, the City of Berkeley fully supports the measures in Congress to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite sex partners who currently enjoy such legal rights.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that we, the members of the Council, do hereby express our strong support for the passage of the Uniting American Families Act, and its inclusion in comprehensive immigration reform legislation, or other laws that will end discrimination for bi-national same-sex partners under the immigration laws and will allow gay and lesbian residents of the State of California fair and equal access to immigration benefits through their permanent partnerships.

BE IT FURTHER RESOLVED that suitable copies of this resolution be prepared and sent to Senators Dianne Feinstein, Barbara Boxer and Harry Reid; Representatives Barbara Lee, George Miller and House Speaker John Boehner; and Vice-President of the United States Joseph Biden.