

NEW YORK CITY BAR

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May 15, 2013

Re: Support for Senator Leahy's Amendments 6 and 7 to the Border Security, Economic Opportunity, and Immigration Modernization Act, S 744.

Dear Members of the Senate Judiciary Committee:

The New York City Bar Association (the "City Bar"), and its Immigration and Nationality Law Committee, Sex and the Law Committee, Lesbian Gay Bisexual and Transgender Rights Committee, and Civil Rights Committee, write this letter to fully support Senator Patrick Leahy's Amendments 6 and 7 to S. 744, the "Border Security, Economic Opportunity, and Immigration Modernization Act."¹ Since at least 2005, City Bar has publically supported the inclusion of same sex spouses and permanent partners in our nation's family reunification immigration laws.²

We urge the adoption of Sen. Leahy's Amendments 6 and 7, and the passage of S. 744 generally, to provide long-overdue recognition of the diversity of families and the fundamental rights of individuals in committed marriages and permanent partnerships. Together, these amendments protect the rights of U.S. citizens and lawful permanent residents with same-sex spouses or permanent partners to bring their partners to the U.S. as heterosexual couples do.

These amendments update immigration law to reflect advances around the world in recognizing same-sex partnerships. Indeed, for many years, U.S. immigration law has given comity to the validity of marriages as formed under the law of the place where the marriage took place (unless such a marriage was illegal under the intended place of U.S. residence).³ Today, in

¹ See [http://www.judiciary.senate.gov/legislation/immigration/amendments/Leahy/Leahy6-\(MDM13298\).pdf](http://www.judiciary.senate.gov/legislation/immigration/amendments/Leahy/Leahy6-(MDM13298).pdf); [http://www.judiciary.senate.gov/legislation/immigration/amendments/Leahy/Leahy7-\(MDM13374\).pdf](http://www.judiciary.senate.gov/legislation/immigration/amendments/Leahy/Leahy7-(MDM13374).pdf).

² Bettina B. Plevan, President, Association of the Bar of the City of New York, *re: City Council Resolution 0591-2004* (Feb. 1, 2005) (letter to New York City Council supporting a resolution endorsing the Permanent Partners Immigration Act), *available at* http://www.nycbar.org/pdf/report/letter_to_Gifford_Miller3.pdf. The Permanent Partners Immigration Act was not adopted, and today the legislation is called the "Uniting American Families Act." See FAQ's at <http://immigrationequalityactionfund.org/legislation/faq/>

³ Thus, polygamous marriages have not been recognized. The USCIS Policy Manual "accepts the validity of marriage in cases involving transgender persons if at the time of the marriage: The person has legally changed his or her gender; the state or local jurisdiction in which the marriage took place recognizes the marriage as a heterosexual marriage; and the law where the marriage took place does not bar a marriage between a transgender

many nations of the world and twelve U.S. states, same sex marriage is fully recognized. However, if immigration law prevents a U.S. citizen or resident from sponsoring his or her spouse or partner, this perpetuates discrimination and creates enormous hardship .

Moreover, these amendments have economic benefit, in encouraging all U.S. citizens and residents to live and work in America. Additionally, immigration policies are often reciprocal, and if the U.S. does not recognize same-sex partnerships, it opens up the U.S. to reciprocal discrimination abroad. New Yorkers who have entered into valid same sex marriages may find themselves barred from temporary and permanent immigration opportunities abroad due to our nations failure to recognize these couples. In our global economy, we should not disadvantage U.S. residents and their partners from seeking opportunities, abroad or at home.



Lenni B. Benson
Chair, Immigration & Nationality Committee



Pam Zimmerman
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Jordan Backman
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Brian Kreiswirth
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