

**Testimony submitted to the United States Senate Committee on the Judiciary
“The Uniting American Families Act: Addressing Inequality in Federal Immigration Law”
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I am a demographer and the Williams Distinguished Scholar at the Williams Institute on Sexual Orientation Law and Public Policy, UCLA School of Law. The Williams Institute advances sexual orientation law and public policy through rigorous, independent research and scholarship, and disseminates it to judges, legislators, policymakers, media and the public. I have studied the geographic, economic, and demographic characteristics of the lesbian, gay, and bisexual (LGB) population for more than fifteen years and have a particular expertise in analyses of same-sex couples using data from the U.S. Census Bureau. I am pleased to offer testimony for this UAFA hearing showing that, like their different-sex married counterparts, the nearly 36,000 same-sex bi-national couples living in the U.S. are in stable relationships, raising children, and making positive contributions to the economic and social life of this country. I commend Senator Leahy for advocating for inclusion of gay and lesbian bi-national families through comprehensive immigration reform.

A large body of research has shown that same-sex “unmarried partners” identified in the U.S. Census are primarily composed of lesbian and gay couples. The Census includes questions about citizenship status and country of origin and offers valuable information about same-sex couples who may be affected by UAFA. In October 2005, I authored a report entitled *Bi-national Same-sex Unmarried Partners in Census 2000: A demographic portrait*¹ that provides important information about the size and demographic characteristics of bi-national same-sex couples where one partner is a U.S. citizen and the other is not. In this testimony, I will summarize the key findings from that report.

¹ See http://www.law.ucla.edu/williamsinstitute/publications/Binational_Report.pdf

Census 2000 data identified nearly 36,000 same-sex bi-national couples where one partner was a U.S. citizen. This amounts to 1.3% of all such bi-national couples in the U.S. Approximately 6% of same-sex couples are bi-national compared to 4.6% of different-sex couples. The lack of immigration rights for same-sex partners of U.S. citizens may be one reason that same-sex couples are more likely to be bi-national than their different-sex married counterparts. Naturalization options for the non-citizen partner in same-sex couples are much more limited than those available to comparable different-sex spouses. If UAFA were to pass and same-sex couples behaved as their married counterparts (meaning 4.6% remained bi-national rather than 6%), then approximately 8,500 same-sex couples would likely seek immigration rights for the non-citizen partner.

Mexico is the home country for 30% (10,766) of the non-citizens in same-sex bi-national couples, compared with 38% of all non-citizens in the United States. Canada, the second highest country of origin, is home to 6% (2,159) of the non-citizen partners in same-sex bi-national couples, followed by El Salvador, Germany, and the Philippines.

California ranks first in the total number of same-sex bi-national couples. Nearly 30% of same-sex bi-national couples in the United States, more than 10,000 such couples, live in California. Nearly 5,000 bi-national same-sex couples live in New York; 3,500 live in Texas; 3,000 live in Florida; nearly 2,000 live in Illinois; and more than 1,000 live in New Jersey and Massachusetts.

Large portions of same-sex couples are in long-term relationships and many are raising children. Nearly a third of same-sex bi-national couples (29%) have lived in the same home together for at least five years. This is similar to the 41% of bi-national married couples who have lived together five years or more. Nearly half (46%) of bi-national same-sex couples are raising children under age 18 in their homes.

The non-citizen partners in same-sex bi-national couples are clearly contributing in a variety of productive ways to U.S. society. A quarter of these individuals have college degrees, 71% are in the labor force and, of that group, 96% are actively employed. Notably, they are more likely than their different-sex married counterparts

to have served in the U.S. military. Among male non-citizens in same-sex bi-national couples, 4.2% have served in the military (compared to 3.6% of comparable different-sex married couples). Among their female counterparts, 2% of those in same-sex couples are veterans of the U.S. military compared to only 0.4% of women in different-sex marriages.

The lack of immigration rights for same-sex partners means that same-sex bi-national couples and their children may need to separate when one partner cannot obtain permanent residency. The Census data show that this is likely a serious problem for the vast majority of these couples. In more than 79% of bi-national same-sex couples, the non-citizen partner comes from a country that does not provide immigration rights to unmarried couples. For these couples, neither partner lives in a country that will allow the other partner to immigrate based on their relationship. No doubt this situation creates both fear and anxiety among many bi-national same-sex couples.

In closing, I urge you to support UAFA and remedy the inequity that exists between same-sex couples and different-sex married couples within our immigration policies. Demographically, same-sex bi-national couples are similar to their married counterparts who have spousal immigration rights. Many are in long-term relationships, raising children, working and contributing to the economic and social fabric of our nation (including military service). Yet unlike their married counterparts, same-sex couples often live in fear that their families may be separated when one partner can no longer legally remain in the country. UAFA offers a fair and equitable process under which lesbian and gay families can have the same stability and security that other immigrant families enjoy in our nation.