



DEMOCRATS ABROAD

Immigration Equality for LGBT Americans Abroad: cleaning up the remaining problems

Immigration policy equality for LGBT families at last

This year, the LGBT community has celebrated a tremendous victory in the fight for equality and justice for LGBT families. After decades of discrimination and exclusion, LGBT family ties are finally federally recognized, allowing LGBT Americans abroad to sponsor our spouses for immigration and return home after years or even decades as "love exiles".

The Lingering Consequences of Decades of Immigration Policy Discrimination

While we celebrate this victory, we are at the same time aware that despite the U.S. Supreme Court's landmark decision "U.S. vs. Windsor", some LGBT U.S. citizens still face obstacles to living legally in America together with their families. Because of the legacy of discrimination, many lawful spouses and children still cannot get green cards.

Thousands of LGBT families are still threatened with (continued) exile, separation or deportation because of the unknowing mistakes or desperate steps that they took years ago in vain attempts to hold their families together. Some received bad legal advice, some alien partners overstayed their visas while attempting to regularize their status, some were subjected to often violent deportation proceedings that would separate them from their families, some were deported, and others foolishly entered into questionable heterosexual marriages in order to stay in America with their families.

That unfair discrimination did not begin in June 2013: it began many decades earlier. The government should acknowledge the discriminatory conditions that forced LGBT families to take these actions and adapt the various waiver provisions in those cases.

Legislative and Regulatory Remedies

We urgently need full recognition of LGBT family relationships by full repeal of the Defense of Marriage Act (DOMA). We also need humane guidance to enable US citizens and their foreign spouses who have been banned from entering the U.S. to reunite in the U.S. without delay.

For people who now enjoy bona fide same-sex marriages, we need to address the legacy of discrimination by adopting special waivers of the grounds of ineligibility for immigration that apply to aliens who overstayed temporary visas, aliens who were subject to a deportation order, and aliens who entered into questionable marriages in desperate attempts to hold their families together. We ask the State Department to issue guidance that will enable lawful spouses and fiancés to be released from bans from entering the USA so they may unite with their U.S. spouses.

We also need immigration reform that includes a pathway to citizenship for hundreds of thousands of undocumented LGBT immigrants, including LGBT DREAMers - young people who are doubly vulnerable for being undocumented and LGBT.

We need reforms for LGBT and HIV-positive people seeking asylum in the U.S. because they face persecution and violence in their home countries, including many who are needlessly suffering in immigration detention. For these members of our community, the continued need for immigration reform is real and urgent.