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Bill Defines Homosexual Partners As Immediate Family for Immigration Purposes

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By Christopher Neefus

(CNSNews.com) - An immigration bill introduced in the House of Representatives last week would allow homosexuals to sponsor their “permanent partners” for residency in the United States in the same way that heterosexual married couples are allowed to do.

Critics say the legislation opens the door to widespread fraud.

The Reuniting Families Act classifies the children and spouses of lawful permanent U.S. residents as “immediate relatives,” allowing them to quickly qualify for a visa. It also “ends discrimination in immigration law” by allowing same-sex “permanent partners” to reunite in the United States.

The bill defines a permanent partner as an individual 18 years of age or older who “is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment.”

Rep. Michael Honda (D-Calif.), who chairs the Asian Pacific American Caucus, introduced the Reuniting Families Act on June 4, saying it will help clear the current immigration backlog of 5.8 million people and induce more people to use legal channels to join their families in the United States.

“Our family-based immigration system has not been updated in 20 years, separating spouses, children and their parents, who have played by the rules for years, often decades,” Honda says on his Web site. He described his bill as “family values” legislation that will “save taxpayer money” by streamlining the visa application process.

Honda said his bill will “reunite families with their loved ones, providing our legal citizens with the strong bonds to work harder, to give back to our economies, and to be happier.”

Hillary Shelton of the NAACP said the bill shifts the dialogue on immigration policy. “Too much of our national debate on immigration reform is focused on enforcement and undocumented workers,” he said. “[The bill will] reinvigorate one of the most crucial goals of American immigration law, the reunification of families.”

While homosexual advocacy groups hailed the Reuniting Families Act as historic because of the inclusion of “permanent partners,” other groups oppose attempts to equate homosexuals with heterosexual married couples when it comes to immigration.

In a June 2 letter to Rep. Honda, the Rev. John C. Wester – writing on behalf of the U.S. Conference of Catholic Bishops – said “family reunification” should be the cornerstone of the U.S. immigration system.

“In our view, our country should enhance opportunities for families to remain together and should resist

proposals which would erode the family-based immigration system,” Wester wrote. He said including “permanent partners” in the bill “would erode the institution of marriage and family by according marriage-like immigration benefits to same sex relationships, a position that is contrary to the very nature of marriage which pre-dates the Church and the state.”

Wester said the USCCB has withdrawn its support for Honda’s bill because of the same-sex partner provision.

However, the bishops do support a companion version of Honda’s bill, introduced in the Senate by Robert Menendez (D-N.J.) The Senate bill, at the present time, does not include the same-sex “permanent partner” provision.

Jessica Vaughan, director of policy studies at the Center for Immigration Studies, testified before the Senate Judiciary Committee that same-sex partner provisions would further stress a flawed immigration system.

“It is highly unreasonable to expect that consular officers and benefits adjudicators could perform this function as part of their review of [such a] case,” Vaughan argued. She noted that consular officers are “already hard-pressed to correctly adjudicate” applications that come with “standardized documents,” such as marriage certificates.

Without a marriage certificate, verifying the legitimacy of same-sex partnerships would be difficult -- and would “introduce the opportunity for more fraud,” Vaughan said. “It is not clear the partnerships could be substantiated in places where there is no official recognition of the union,” she told the committee.

Rep. Jerrold Nadler (D-N.Y.), who authored the “permanent partner” provision that is now attached to Honda’s bill, disputed Vaughan’s contention. “The standards would be the same,” Nadler told CNSNews.com. “The burden of proof is on you to prove the relationship to the satisfaction of [Immigration and Customs Enforcement], and the penalties for fraud would be the same.”

Asked about countries that lack formal recognition of same-sex marriage (that would include most countries), Nadler told CNSNews.com, “presenting your marriage certificate is not it ...they will ask you more questions, you will have to submit more proof.” He did not specify what kind of proof.

Rep. Honda’s Reuniting Families Act also contains a provision allowing immediate relatives of recently deceased American residents to continue their visa application process as they would if the American resident had not died.

According to Honda’s staff, the bill (H.R. 2709) already had 57 cosponsors when it was introduced. It now awaits further action in the House Judiciary Committee.

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