Immigration Reform Must Heed LGBTIQ Voices

By RASHMI CHOKEY and PRIYA MURTHY

Immigrants from around the world come to the United States in search of a better life and a stronger future, often sacrificing much for both themselves and their families. Within the South Asian community, we intimately know the toll it takes on some immigrant workers to leave families behind for long periods of time and wait to be reunited due to visa backlogs and processing delays. South Asians do not come here just to be workers—many want to build homes and communities in this country. Yet, the current immigration system keeps families apart, forcing many to choose between being with loved ones and contributing to the economy and diversity of this country.

Now, consider the story of Amun. He arrived from the United Kingdom on an H-4 visa and worked hard while in the U.S. But every night, he would come home to an empty apartment and feel the absence of his partner. This sense of separation was the same as that of South Asian green card holders who have to wait five years to bring their spouses to the United States. The only difference is that, for Amun, he would never be reunited with his life partner, Subhash, in this country, because they are in a same-sex relationship and, thus, ineligible for sponsorship under current immigration law. Forced with making a difficult decision between working here and being with his partner, Amun chose to return to the U.K. Amun was one of the lucky ones, because unlike many South Asians who are compelled to go back to India, Pakistan or Sri Lanka, where homosexuality is criminalized, he could return to a country where his relationship could enjoy relative safety.

The stories of Amun and Subhash highlight the difficulties and obstacles they have to make are shared by thousands of committed heterosexual, gay, bisexual, intersex, and queer binational couples. There are 60,000 South Asian partners who are separated because of this country’s immigration policies. Under current laws, U.S. citizens and green card holders may sponsor family members for immigration purposes. However, LGBTIQ partners of U.S. citizens and green card holders are not considered “spouses,” even if they are legally married in the U.S. or another country, and their partners cannot sponsor them for family-based immigration. This second-class citizenship is not just a moral inconvenience, but a life-altering situation for LGBTIQ South Asian families.

Clear immigration reform must address various issues, including visa backlogs, detention, deportation, and worker exploitation. Any solution should also allow LGBTIQ binational couples, torn apart by inequitable immigration laws, to be reunited. Policies can be changed to permit U.S. citizens and green card holders to sponsor their “permanent partners” who live abroad. In fact, such a legislative fix exists in both the United States. The solution requires Congress to一下子就,

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It is crucial that such provisions be included in immigration reform legislation.

Critics may argue that there is a potential for fraud. However, as married South Asians know, the government has set high standards for evaluating each marriage’s authenticity. Under proposed bills allowing permanent partner sponsorship, immigration authorities would enforce the same standards of evidence currently applicable to heterosexual marriages, such as proof of emotional commitment, joint finances and rigorous interviews. In addition, penalties currently exists for fraudulent marriages for immigration purposes.

As a result, the LGBTIQ community can build bridges with those fighting for immigrant rights. As the story of Amun and Subhash highlights, our communities and challenges are interconnected. Through the National Coalition of South Asian Organizations, One Community United immigration and civil rights campaign, national organizations such as South Asian Americans Leading Together and local LGBTIQ organizations such as Satrang in Southern California are raising awareness and advocating around shared challenges. Rather than seeing the immigration reform and LGBTIQ rights separate movements, we need support from each other in seeking family unity.

As civil rights struggles in the United States and the United States teach us, laws can change with the times. Through mobilization of immigration communities, policies can become more fair and humane. Working towards ending discrimination under immigration law for LGBTIQ families provides us with a golden opportunity to push for reforms that benefit all communities and elevate diverse South Asian voices. By joining the One Community United campaign, South Asian community members can let policymakers know how our struggles are connected and how laws need to change. It is when we stand together against discrimination that we will have equality and justice for all.

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