



## AJR 60 FACT SHEET 07.16.04

for questions - email: [email@eqca.org](mailto:email@eqca.org)  
phone: 916.554.7681

### **Assembly Joint Resolution 60 in Support of the U.S. Permanent Partners Immigration Act**

**by Assemblymember Sally Lieber  
Joint Author: Assemblyman Mark Leno**

Co-authors: Senators: Escutia, Figueroa, Kuehl; Assemblymembers: Berg, Chan, Chavez, Chu, Cohn, Corbett, Correa, Diaz, Dutra, Dymally, Firebaugh, Goldberg, Hancock, Jackson, Kehoe, Koretz, Laird, Liu, Longville, Lowenthal, Montanez, Nation, Nunez, Oropeza, Pavley, Ridley-Thomas, Simitian, Steinberg, Vargas, Wesson, Wiggins, Yee

**Sponsor: Equality California**

**The Permanent Partners Immigration Act will build upon our country's immigration principle of family reunification by allowing Americans to sponsor a same-sex foreign partner for immigration purposes.**

**STATUS: Passed Assembly. Currently Pending in Senate Judiciary Committee.**

#### **BACKGROUND**

AJR 60 declares the California Legislature's support for the Federal Permanent Partners Immigration Act (PPIA) currently under consideration in the U.S. Senate (S. 1510) and House of Representative (H.R. 832).

The PPIA is a bill that when enacted, would allow U.S. citizens and permanent residents to sponsor their same-sex partners for immigration to the United States.

U.S. immigration is largely based on the principle of family reunification, which allows U.S. citizens and legal permanent residents to sponsor their spouses (and other immediate family members) for immigration purposes. Same-sex partners of U.S. citizens or legal permanent residents, however, are not considered to be family, and thus cannot be sponsored by their partners for family-based immigration. Because of this inhumane policy, thousands of lesbian and gay binational couples are kept apart, torn apart or forced to stay together illegally, with one partner in constant fear of deportation.

The PPIA would simply extend to same-sex couples access to the same immigration benefits currently enjoyed by legal spouses. Sixteen countries recognize lesbian and gay couples for the purpose of immigration: Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden, and the United Kingdom. There is no excuse for the United States to lag so far behind in providing fair and humanitarian immigration rights to same-sex binational couples.

The PPIA was first introduced in the House of Representatives on February 14, 2000 by



## AJR 60 FACT SHEET 07.16.04

for questions - email: [email@eqca.org](mailto:email@eqca.org)  
phone: 916.554.7681

Representative Jerrold Nadler (D-NY). The bill garnered 59 co-sponsors during the 106th Congress, and was reintroduced on February 14, 2001. Since its reintroduction, the bill now has 122 co-sponsors in the U.S. House of Representatives.

### WHAT IS A PERMANENT PARTNER?

The PPIA proposes to add the term “permanent partner” to the list of definitions within the Immigration and Nationality Act (INA) and would enable U.S. citizens and lawful permanent residents to petition for their permanent partner to immigrate to the United States.

The bill specifies that a permanent partner is any person who meets the following criteria:

- Must be at least 18 years of age.
- Must be in a committed, intimate, relationship with another adult where both parties intend a lifelong commitment.
- Must be financially interdependent with that person.
- Must not be married or in a permanent partnership with anyone other than that person.
- Must be unable to contract with that person a marriage cognizable under the INA, and
- Must not be a first, second, or third degree blood relation of the other individual.

### THE PPIA WILL NOT INCREASE THE RISK OF IMMIGRATION FRAUD

Contrary to the arguments of PPIA opponents, the PPIA will not increase fraudulent petitions for immigration to the U.S. First, empirical evidence demonstrates that people are unlikely to claim permanent partner status to gain government benefits or privileges. One study found that “[n]ot a single case of fraud perpetrated by a person or partnership (gay or straight) has been documented in any DPB [domestic partner benefit] plan in the United States since 1982.” (Liz Winfield & Susan Spielman, *Straight Talk About Gays in the Workplace*, page 124, 2<sup>nd</sup> edition, 2001).

Second, as there is widespread and vicious discrimination against gay and lesbian people in many countries, it is highly unlikely that nationals from other countries would make a fraudulent claim to be in a same-sex relationship, thus risk being sent back to their birth country branded in a potentially-life-threatening way as homosexual.

Finally, the PPIA will provide the same restrictions and enforcement standards to same-sex couples as it does to married couples. For example, if a person is found to have entered into a fraudulent permanent partnership for the purpose of obtaining a visa for another person, that person will be subject to the same five-year maximum imprisonment, or \$250,000 maximum fine, or both, as a person who contracts a fraudulent marriage would.

### PARTIAL LIST OF REGISTERED SUPPORTER FOR AJR 60

Equality California (sponsor)  
AIDS Legal Referral Panel  
AIDS Project Los Angeles  
Anti-Defamation League

Asian Americans for Civil Rights and Equality  
Asian Pacific American Legal Center of Southern  
California  
Attorney General Bill Lockyer



Equality California | eqca.org

## AJR 60 FACT SHEET 07.16.04

for questions - email: [email@eqca.org](mailto:email@eqca.org)

phone: 916.554.7681

Beth Chayim of Chadashim's Reform Synagogue  
California Faculty Association  
California Nurses Association  
California Public Employees' Retirement System  
City of West Hollywood  
Congress of California Seniors  
Eleanor Roosevelt Democratic Club  
Equal Rights Advocates  
First Presbyterian Church of Baldwin Park  
Gay & Lesbian Center, Los Angeles  
Gray Panthers  
Immigration Equality  
KOL AMI Congregation, West Hollywood  
La Mesa Community Church  
Lambda Legal  
Lambda Letters Project  
Legal Aid Society  
Los Angeles Mayor James Hahn  
Love Sees No Borders  
Marriage Equality California (MECA)  
Metropolitan Community Church of Los Angeles  
Metropolitan Community Church of San Francisco

Mexican American Legal Defense and Educational Fund (MALDEF)  
National Center for Lesbian Rights  
Older Women's League of California  
Our Family Coalition  
Out and Equal Workplace Advocates  
People For the American Way  
PFLAG-Monterey County  
PFLAG-Pasadena  
PFLAG-San Francisco  
PFLAG-South Orange County Chapter  
PFLAG-Ventura County Chapter  
Pioneer Congregational Church, Sacramento  
Pride at Work, Southern California Regional Chapter  
Sacramento City Councilmember Dave Jones  
San Francisco AIDS Foundation  
San Francisco LGBT Community Center  
Services, Immigrant Rights and Education Network  
Stonewall Democratic Club of Greater Sacramento  
Transgender Law Center  
Wesley United Methodist Church, Fresno  
West Hollywood Presbyterian Church