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Race & Ethnicity in American Politics

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Issue Brief: LGBT Immigration

Key Words: LGBT, Immigration, Defense of Marriage Act (DOMA), Documentation, Deportation, Equality

Description: Often when LGBT immigrants are deported from the United States, harsh punishments such as death and exile await them in their native lands. Because of strict and antiquated marriage laws that do not account for same-sex relationships, LGBT immigrants are not treated with the same privileges as opposite-sex couples, and these people generally find it much harder to successfully immigrate into the US. This unfortunate reality has caused several LGBT identifiers to attempt to reform US immigration legislation via protest in hopes of making the immigration process fairer.

Key Points:

- 1) LGBT immigration is one of the most overlooked issues in all of American politics despite the current discussion surrounding immigration during the 2016 presidential race.
- 2) There are approximately 267,000 undocumented LGBT people living in the US.
- 3) Several US born LGBT individuals have friends and family members that are negatively affected by immigration policies.
- 4) When placed in detention, LGBT immigrants often become the targets of gender-based violence and even rape.
- 5) Up until June of 2013, same-sex couples were legally treated differently from opposite-sex couples seeking American asylum because of DOMA. LGBT immigrants still feel the effects of this now unconstitutional and unlawful act.

Brief:

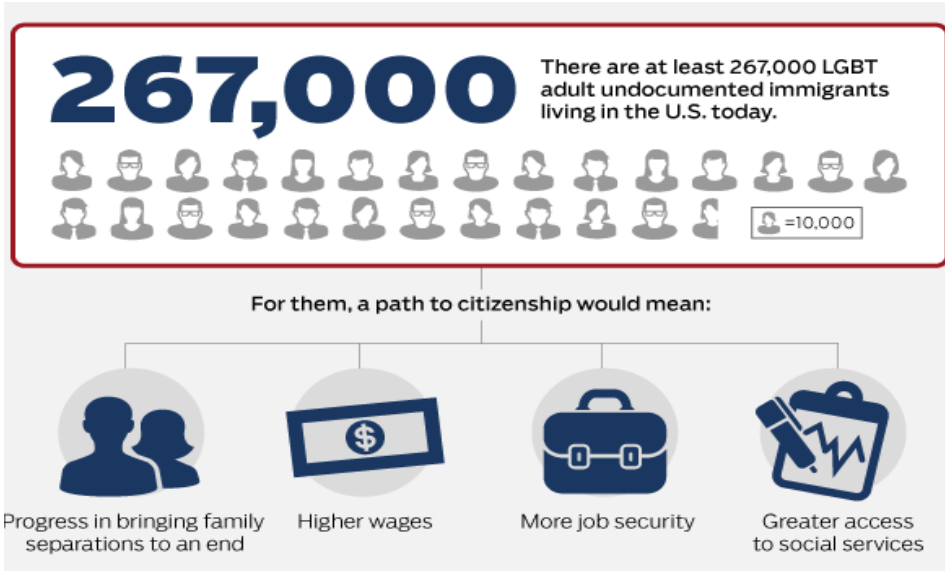
Immigration has been a popular topic of discussion amongst Americans for decades, and this conversation has not shown any signs of dissipating in recent years. Despite all the time devoted to debating the issue however, several dynamics of the immigration argument have not yet been touched upon in great detail. Arguably more so than any other aspect of immigration, the LGBT dimension of the debate has been largely overlooked and seen as non-existent by many lawmakers. It has received little to no media coverage, and the public does not seem to be very interested in it.

Nevertheless, the issue surrounding LGBT immigration is one that boils down to a matter of inequality. In the American immigration process, same-sex couples and members of the LGBT community that are seeking US citizenship are simply not treated equally as their heterosexual and opposite-sex couple counterparts. While the Defense of Marriage Act (DOMA) recognizes heterosexual couples in matters of immigration, LGBT relationships were not met with the same recognition until June of 2013. This discrepancy in treatment between people of varying sexual orientation and gender identity factored largely into the difficulty it took to successfully immigrate to the US as couples. As a result, heterosexual individuals were given citizenship in far greater numbers than members of the LGBT community. While DOMA was eventually ruled unconstitutional and outlawed in 2013, its legacy still sets a negative precedent that prevents LGBT immigrants from fully integrating into American society.

This matter of immigration continues to be problematic for several reasons. Firstly, LGBT foreigners often seek American citizenship in order to escape gender-based persecution from their native lands. Punishments such as death and exile are very real and certain realities for many members of the LGBT community across the world. As one might assume, these people are willing to do whatever is necessary in order to distance themselves from these hostile and unaccepting environments. For the US to establish laws that conflict with these desires for immigrants to seek better lives and safety for themselves is dishonorable and counterintuitive. By preventing an LGBT immigrant from successfully settling into America based solely on gender identity, the US is no different from the intolerant countries that they claim to be morally above. While they do not overtly persecute LGBT individuals like in other countries, they still communicate the message, albeit subtle, that LGBT people and heterosexual people are essentially unequal, which is a serious problem.

Secondly, because LGBT immigrants are prevented from immigrating to the US in such great numbers, there are several thousands of undocumented immigrants that are forced to illegally bypass the immigration process and sneak into the country. According to the William Institute, there are 267,000 undocumented adult immigrants in the US. All of those people are linked in their communal desire for citizenship, but to their detriment, legislations are in place to make that goal extremely difficult to achieve. Lastly, LGBT immigrants make up a sizeable portion of the US population. With about 1 million LGBT immigrants in total, all of their needs cannot continue to be ignored. It seems the same problem that has plagued the US throughout its history continues to rear its ugly head: inequality via discrimination. Until legislators decide to pay attention to the plight and struggle of LGBT immigrants, there will continue to be division and distrust amongst people, which would only worsen the immigration issue in America.

Images:



This info-graphic depicts the number of undocumented LGBT immigrants living in the United States. March, 2013. Photo by The Williams Institute.



Immigration Equality and LGBT immigrant activists nationwide gather in NYC to protest the Obama administration. June 17, 2014. Photo by Julieta Salgado.

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