



PASSPORT PAGES TELL OUR TALE:

*The Personal Story of a Binational
Same-Sex Couple's Struggle to be Together
Under Current Immigration Laws*

APRIL 2013

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THE PERSONAL STORY OF A BINATIONAL
SAME-SEX COUPLE'S STRUGGLE TO BE TOGETHER
UNDER CURRENT IMMIGRATION LAWS**

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BY JUDY RICKARD

ABOUT PERSPECTIVES ON IMMIGRATION

The Immigration Policy Center's *Perspectives* are narratives written by leading academics, researchers, and advocates who bring a wide range of multi-disciplinary knowledge to the issue of immigration policy.

ABOUT THE AUTHOR

Judy Rickard, author of *Torn Apart: United by Love, Divided by Law*, Findhorn Press, 2011, has worked to promote civil rights since 1973 as a lesbian, gay, bisexual and transgender (LGBT) activist. She has extensive experience working with politicians and educators in San Jose/Santa Clara County, California where she lives. Speaking engagements, a blog, and a website continue her advocacy for comprehensive immigration reform that will include the recognition of same-sex binational families in the United States. She is a pioneer in applying for a green card for her wife, UK national Karin Bogliolo, with The DOMA Project. She continues to volunteer for comprehensive immigration reform that includes same-sex binational families with Immigration Equality, Out4Immigration, Love Exiles Foundation, The DOMA Project. She speaks to groups, attends dialogue sessions and educates about the need to include same-sex binational families in CIR. A blog/web site continue the work of her book at <http://tornapart.findhornpress.com> A Facebook page for her book and portrait project of same-sex binational families created with David W. Ross (I DO: The Movie) share information and give affected families hope and information.

ABOUT THE IMMIGRATION POLICY CENTER

The Immigration Policy Center, established in 2003, is the policy arm of the American Immigration Council. IPC's mission is to shape a rational conversation on immigration and immigrant integration. Through its research and analysis, IPC provides policymakers, the media, and the general public with accurate information about the role of immigrants and immigration policy on U.S. society. IPC reports and materials are widely disseminated and relied upon by press and policymakers. IPC staff regularly serves as experts to leaders on Capitol Hill, opinion-makers, and the media. IPC is a non-partisan organization that neither supports nor opposes any political party or candidate for office. Visit our website at www.immigrationpolicy.org and our blog at www.immigrationimpact.com.

PASSPORT PAGES TELL OUR TALE

Today in the United States, Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans who fall in love with and marry foreign nationals are being asked to choose between country and spouse, country and career, and country and family. I know this because I have spent the last several years in a battle with my own government to recognize my wife for immigration purposes. Trying to keep my marriage to a British national together has cost me my career and a full pension, time away from my American family and friends, as well as a great deal of stress over finances and my future.

Gay Americans who are legally married in the U.S. have a marriage that is not recognized by the federal government. Therefore, the [28,500](#) same-sex binational couples in America, in which one spouse is an American citizen, are in a situation where they cannot sponsor their husbands and wives for immigration purposes. This also means they do not receive the 1,138 federal rights, benefits, protections, and obligations that automatically come with marriage and serve to protect and support families.

The culprit behind this injustice is the Defense of Marriage Act (DOMA), penned into law in 1996 by President Bill Clinton. DOMA has since been tearing families apart and forcing many to leave America. Thousands of aspects of American life are affected by DOMA's stranglehold on people like me, and with more lesbian and gay couples marrying each year, this problem only grows.

My immigration story began when I met my Karin—a British citizen. She was born in Germany and survived World War II by being taken to Austria and then returning to Germany to live in refugee camps. Her father, a conscripted German soldier, was killed in Russia when she was a newborn. Her mother later married an occupying British officer, who moved them to the United Kingdom, where Karin was raised. Karin has never committed a crime and is now retired.

Karin and I met and fell in love in 2005 in America. We got to know each other over months and began a committed relationship in 2006. We then became domestic partners in 2007 and were legally married in 2011 in Vermont.

Thumbing through passport pages tells our tale, measuring both life together and apart. After we met in late 2005, Karin had to leave. Her passport records a 2006 re-entry in May and September. Feeling brave, Karin applied for a visa extension in 2007 after returning from a short visit to Canada. After paying legal fees, plus application costs, the extension was denied. She had to leave again. We went to Mexico the next year and returned safely. Then Karin left again. I joined her for some unpaid vacation time in 2008, at the end of which we experienced our life-changing episode at the San Francisco International Airport.

Karin was pulled from immigration and detained in a cell at the airport. Questioned for three hours by three uniformed Immigration and Customs Enforcement (ICE) agents, Karin was told

she was visiting America too often, and that she needed to leave the country for an extended period. She was given a four-month visa, but told to get her affairs in order and go. Numb and stunned, I was waiting with the luggage, wondering what had happened to my wife.

This incident forced me into early retirement in 2009, at age 61, with a reduced pension for the rest of my life. While the move saved our relationship, it brought new financial challenges to our future as retirees. With less income and extra expenses related to immigration, things have gotten tighter. However, after realizing we were dealing with something many other gay and lesbian couples were facing, and with more time on my hands, I decided to become a vocal advocate and fight these policies that tear families like mine apart. I began speaking to anyone who would listen about the immigration problem that many don't know about—the DOMA discrimination that faces same-sex binational families.

I found groups that work on these issues and aligned myself with them—donating as much time and money as I could. At first I worked with Immigration Equality, then Out4Immigration and the Love Exiles Foundation. My work on comprehensive immigration reform (CIR) took off in 2009 when Karin and I flew to Washington, DC, to attend a Senate Judiciary Committee hearing on the Uniting American Families Act (UAFB). It was the first traction the bill had achieved in years and it was a watershed moment for us and many others. I went to my Congressman, Mike Honda, and told him about having to take early retirement because of my immigration problems stemming from DOMA. He added our issue to his immigration bill, the Reuniting Families Act (RFA). With Senator Patrick Leahy, Representative Jerrold Nadler, and Representative Mike Honda working on the issue, we began to feel like we might have a chance.

Next, I decided we needed a book about this topic to help people understand the issue and to stir up support. I hoped to get the well-known author Elizabeth Gilbert (*Eat, Pray, Love*) to write it. She was an ally, I had learned, and had written a book about her own immigration problems (*Committed*) with her then-boyfriend. Karin and I met her in New York at the Immigration Equality Safe Haven Award gala. Gilbert was intrigued, but committed to a new book deal and too busy to take on the project. Six weeks later I sat down at my laptop and pounded out the beginnings of what would be the first, the only, book on immigration discrimination against same-sex binational couples: *Torn Apart: United by Love, Divided by Law* (Findhorn Press, 2011). This book shares the stories of families and couples struggling with immigration law, provides how-to information, and shares resources and a bibliography.

As the book was moving toward publication, Karin and I had to repeat our separation. This time, we had driven to Los Angeles to meet with the publisher and publicists. I drove Karin to the airport the following day with extra sadness. We had agreed I would stay in San Jose for six months to help my sister Joan and her husband John, who was dying of pancreatic cancer. It was a terrible time and family separation made it even worse. The promise and excitement of the book made it bittersweet, but tearing your family apart is never fun. This separation was the worst all the way around.

The hit our family took was unbelievable. Before I could drive back to San Jose, my brother-in-law had died. I was there to help my sister with all the arrangements and we both moved forward without our spouses. Joan had it worse—John had died. But I suffered, too. Karin could not be with us for the memorial service or any of the preparations. She was not there for Thanksgiving, Christmas, or my birthday. I kept busy with our issue, trying to get more and more attention for it before the book came out.

In 2011 the book was born. I was so thrilled! It was an easy way to share the issue with people, and we did. The paperback includes nearly two dozen stories of families facing every iteration of the DOMA issue.

After that, Karin and I decided to marry - so in April 2011 we eloped! We had a romantic wedding at a bed and breakfast in Vermont in front of a roaring fire. The hosts were our witnesses for the ceremony. It was wonderful. We will never forget that day, but it was bittersweet in that it still doesn't bring us the federal recognition we need for immigration purposes and so much more.

Since then I have become a busy, unpaid advocate. I travel all around the country to attend conferences and give talks and sit on panels with journalists, faith groups, teachers, seniors, youth, and the parents, friends, and families of gays and lesbians. I attend book fairs and have won awards. I have received significant media exposure. People email me and call me to ask for help and resources. It feels great to help. But it is exhausting and expensive.

With the assistance of our lawyer Lavi Soloway and The DOMA Project, in January 2012 I boldly filed a petition for a green card for Karin. By September, Karin had completed her required physical and biometric appointments and we went for our marriage interview. That took hours and ended with the one-page form that showed our case was "under further review." Karin will not get her green card while DOMA remains the law of the land. But we haven't been denied either. As part of The DOMA Project, we are fighting for all couples in the same situation who, like us, have their green-card petitions held in abeyance until DOMA is struck down by the Supreme Court or repealed by Congress.

For now, Karin and I are together in America. But she can't leave the country. This means we had to watch our son get married in Scotland via Skype. It means we could not go to England to help our daughter after major surgery. Instead of being *love exiles* as before, we now call ourselves *prisoners of love*. Karin is not out of status, but while we are under further review with U.S. Citizenship and Immigration Services (USCIS), we remain in a holding pattern. We miss family and friends outside the U.S., but they are fighting for us, too.

As of now, the Supreme Court has heard oral arguments on the constitutionality of DOMA and we expect a decision before the end of June. Simultaneously, Congress is working on a CIR bill, which at introduction did not include provisions for same-sex couples. The President included same-sex binational families in his immigration reform proposal and has challenged Congress by saying he would do something if they didn't.

As we wait for Congress and the Supreme Court, Karin and I will continue fighting to defeat DOMA in the court of public opinion and reminding our elected officials of the hardships faced by same-sex couples who are excluded from our family-based immigration system.

I'm 65 now. My wife is 72. I sure hope to spend whatever remains of my golden years doing other things than fighting to keep my wife with me. The American dream is life, liberty, and the pursuit of happiness. I'd like an unimpeded chance at that. So would millions of others, many of them LGBT undocumented immigrants and same-sex binational families.