

Home	Listen to the Show	Podcasts	Geo Quiz	Global Hit	Photos and Videos	Discussions	Music Heard on Air					
Blogs	Books	Cartoons	Economy	Environment	Health	History	Language	Religion	Science	Special Reports	Technology	Travel

HOMEPAGE FEATURE

Bi-national Gay couples struggle with US immigration law

BY THE WORLD MAY 10, 2011 [POST A COMMENT](#)

[f Recommend](#) 131 [Tweet](#)

Audio: [Play](#) | [Download](#)

Audio clip: Adobe Flash Player (version 9 or above) is required to play this audio clip. Download the latest version [here](#). You also need to have JavaScript enabled in your browser.

[Download MP3](#)

By Alex Collins

San Francisco natives jokingly refer to the intersection of Castro and 18th St. as the gayest corner of the planet. Despite living blocks away, Eric Schnabel can't remember the last time that he held his Filipino-born partner Angel's hand in public.

Unlike heterosexuals with foreign partners, federal law prohibits Eric from sponsoring Angel for a green card. Without the option to marry, gay bi-national couples face tough choices. Either leave the United States – or spend your life evading authorities.

As we drive in Schnabel's car, he explains to me that the couple have become experts at maintaining a low profile.

"You know we had to essentially pack up our whole life and move to somewhere else where immigration wouldn't find Angel," he said.



(Photo: Jamison Wieser)

I asked Schnabel if they really had to live off the grid evading the authorities.

"Yes – so in a lot of ways were basically living were living an underground life," he said. "You know we moved apartments. You now cut out some friends who we couldn't trust sharing information and moved somewhere else ... and tried to erase Angel from the system so he couldn't be found."

One step ahead

The stress of keeping one step ahead of immigration doesn't make their relationship easy. Eric knows from talking to straight friends that all Americans face challenges in sponsoring their partners, regardless of sexual orientation. But for gay couples it's worse.

Cara Jobson, an immigration lawyer in San Francisco, finds it galling that her straight clients can go to a courthouse, get married, and breeze through the immigration process.

"It's a daily stark contrast," Jobson said. "When someone comes into our office with a same sex partner and they want to file for a green card for that person we have to tell them no that they can't. When an opposite sex couple comes in and a US citizen wants to file for their spouse we file and we have the green card in about three months."

When American Liza Fulton saw that all legal avenues were closed to keep her British partner in the US – she felt she had no choice but to move to the United Kingdom – a country that legally recognizes same sex couples.

After four years the couple split. Fulton says that being forced to move for the relationship was a major factor in the break-up. Like many other bi-national couples, Fulton's demands are simple – to be given the legal option to

BBC NEWS

[Welsh towns hit by flash flooding](#)

[Nato jets target Gaddafi stronghold](#)

[Irene takes aim at US east coast](#)

[Inquest opens into cliff death](#)

SOCIAL MEDIA



sponsor a same sex foreign partner. She doesn't care about a ceremony.

"I was never concerned with gay marriage per say," Fulton said. "I was just concerned with being able to live in the US with my partner from Britain. And there was no legal way to sponsor her. There were only illegal paths and we weren't willing to do that. Unlike straight people who can just get married – I wasn't allowed to get married – and I couldn't sponsor her there was just no avenue.

Hope

But lately Fulton and others have had reason to hope ... when the Obama administration decided not to defend the "Defense of Marriage Act," or DOMA. For a short time, immigration officials didn't automatically reject green card applications from same-sex couples.

But James Edwards, from the Center for Immigration Studies, says it's unfair for the Obama administration to create a special pathway for gay Americans to work around immigration law. He says that right now marriage forms the backbone of immigration policy – and that American voters have been very clear about who they think should be entitled to get married.

"Every time there's been a vote put to the people the states have always upheld Ddefense of Marriage, have always enacted their own defences of marriage and things like that," Edwards said. "So the answer is pretty clear it's not something that the US is ready for."

Looking exasperated in his car, Eric tells me that he has heard this argument before.

But he says neither he nor Liza are pushing for a change in the law on gay marriage. But they do want same-sex bi-national couples to be able to make the same choices about where they live as straight couples do when planning for their future.



DISCUSSION

2 COMMENTS FOR "BI-NATIONAL GAY COUPLES STRUGGLE WITH US IMMIGRATION LAW"

- *aaronapro*

Four years ago, I moved to Barcelona because the Defense of Marriage Act specifically denies gays to sponsor their foreign partners for a green card. It has not been easy: I abandoned my two grown children/grandchildren, left behind a wide circle of friends, the charity work that I loved; I sold my home, gave away most of my personal belongings, gave up medicare. Once in Barcelona, I had to adapt to a new culture, learn two new languages.

Has it been difficult? Absolutely. Would I do it again? Without question. You see, I happen to believe that the US Government has no business invading our bedroom. Who I sleep with should be of no concern to anyone, so long as we are not harming others.

US Immigration policy towards bi national gay couples is an affront to human dignity. Though Tomas and I are not married, the fact that a heterosexual bi-national couple can receive a green card in just three months while gay married couples are permanently enjoined from this benefit is outrageous! For gay couples, America is NOT the land of liberty and freedom because of tyrannical laws designed specifically to penalize those of us who are born with an attraction to our own gender.

In 1657, my forefathers boarded a ship in England and fled to America in order to escape the tyranny of a government that would not allow them to worship as they pleased. 350 years later, I repeated their voyage in order to escape the tyranny of a government that would not allow me to love whomever I pleased.

The Defense of Marriage Act must be repealed so that America can truly be the land of liberty and freedom!

Aaron Ashcraft

Barcelona

- <http://www.facebook.com/Tif509> J Todd Fernandez

Thank you for this article. It's past time the WORLD points a finger back at the U.S. for the human rights violations and legal LGBT discrimination the advanced democracies have long abolished. Help us Europe! File a complaint at the Hague against the U.S. for it's failure to end discrimination against LGBT people. It's a travesty and not ONE foreign partner is saying a word! Canada? England? Help us.



© 2011 PRI's The World