

TESTIMONY OF FORMER CONGRESSMAN JIM KOLBE

SENATE JUDICIARY COMMITTEE

22 APRIL 2013

Chairman Leahy and Members of the Committee:

Thank you for inviting me to testify before you today on behalf of the Border Security, Economic Opportunity and Immigration Modernization Act of 2013. As you may know, I had the privilege of serving in the United States Congress from 1985 until 2007, representing Arizona's 5th and 8th Congressional Districts. Immigration is an issue that has always been in the forefront in this border district, with a large and vibrant immigrant community and all the strains on law enforcement and social services that accompany illegal immigration. At one point less than a decade ago, nearly half of all apprehensions of illegal immigrants in the entire country were occurring in this single congressional district.

I applaud the senators in the so-called "Gang of Eight", and especially Senator Flake from my home state of Arizona, who spent many months preparing this legislation. I am hopeful that this Committee will engage in a bipartisan effort to fix our country's broken immigration system with legislation that offers meaningful solutions. The bill currently before the Committee is an excellent start that offers many positive provisions to help U.S. businesses, our immigrant population, and our country as a whole. Others on this panel will discuss various economic considerations, but I want to talk about one particular provision—completing family unification.

I know first-hand from my days of representing my district in Arizona that immigration laws impact all of our lives. I also know, as the partner of a Panamanian immigrant, how especially difficult it can be to build a life and protect your family, under our current, cumbersome system. While the bill you are considering is an excellent starting point for reform, I submit to you that it is still incomplete. Families like mine are left behind as part of

this proposal. Equally important, U.S. businesses and our economy suffer because of the omission of lesbian, gay, bisexual and transgender (LGBT) families from the bill introduced last week.

Eight years ago, I met my partner and future husband, Hector Alfonso. Hector was born in Panama, and came to the United States on a Fulbright Scholarship to pursue graduate studies in special education. He has been a dedicated teacher for almost two decades. The schools where he taught, however, could not sponsor him for a green card, and I couldn't either. Despite being in a committed relationship and despite the fact that he remained in lawful status every day he had been here, Hector was forced to return to Panama when his work visa expired. Our twelve month separation—like that of any American from their spouse—was painful. Hector returned to Panama while he applied for another visa. Eventually, we accomplished this, but it was a long process and it was expensive—far beyond the reach of most families. Our laws should not separate American citizens from their loved ones for such unacceptably long periods of time.

On May 18th—just a month from now—Hector and I will legally marry here in the District of Columbia, surrounded by family and friends. We are immensely fortunate that Hector has now secured an investment visa that allows him to remain here with me. Many other couples, however, are not as fortunate. Even if they, like us, have a marriage, civil union or life-long commitment to each other, their ability to secure a permanent solution that would allow them to build a home, family or business together is elusive and difficult to realize. It shouldn't be that way, and this Committee has an opportunity to fix this problem.

The Uniting American Families Act (UAFAs)—legislation sponsored by Chairman Leahy and Senator Collins—would make a profound difference in the lives of many Americans and their families. By amending our immigration laws to treat lesbian and gay families as our nation treats other immigrant families, UAFAs would ensure American citizens are not torn apart from their loved ones, or forced in to exile abroad. The Williams Institute at the University of California estimates that some 36,000 couples who are raising more than 25,000 children, would be given the permanence they need to protect their families and build a life here in this

country. It is a small number overall. Including this provision would place virtually no additional burden on our immigration system. For those families and their children, however, UAFA's inclusion in the committee bill would make all the difference in the world.

The comprehensive immigration reform bill now under consideration by this Committee includes important provisions to make U.S. businesses more competitive. The UAFA does the same, which is why it is supported by Fortune 500 companies like Intel, Marriott, Texas Instruments and US Airways, who have called on lawmakers of both parties to support its passage. The failure to recognize lesbian and gay families in our immigration laws has a direct impact on American business.

A survey last year by the American Council on International Personnel (ACIP) found that ten percent of their member organizations have lost valuable employees who were forced to leave the United States because the employee's spouse or partner had no ability to remain in the country. An additional forty-two percent reported missing out on a significant recruiting opportunity because a job candidate was unable to bring their partner to the U.S. with them. Meanwhile, six of America's top ten trading partners, as well as sixty-five percent of the Organization of Economic Cooperation and Development (OECD) member countries, recognize lesbian and gay couples for immigration purposes. That puts those countries at a distinct competitive advantage over the United States.

In a letter last month to the eight Senators who authored the Border Security, Economic Opportunity and Immigration Modernization Act, a coalition of 28 of our country's most prominent companies wrote:

"We have each worked to help American employees whose families are split apart because they cannot sponsor their committed, permanent partners for immigration benefits. We have lost productivity when those families are separated; we have borne the costs of transferring and retraining talented employees to they may live abroad with their loved ones; and we have missed opportunities to bring the best and the brightest to the United States when their sexual orientation means they cannot bring their family with them."

It isn't just major corporations that lose out; small business owners are also suffering. In Columbia, South Carolina, a restaurant owner with 25 employees recently made the difficult decision to close his business in order to move so he could be with his partner. In Los Angeles, a young entrepreneur who employed 30 U.S. workers shut his doors after his Canadian partner's visa expired and they were forced into exile. These are stories that should give us all pause, and cause us to reflect on the price to both American businesses and American families when we choose to leave some of our fellow citizens out of a reform to our immigration laws.

Prior to serving as a Member of Congress, I also had the privilege to serve our country as a member of the United States Navy, including a year's tour in Vietnam on small boats alongside now-Secretary of State, John Kerry. Both my service in our armed forces, and in the U.S. Congress has reinforced my strong belief that America is unique among the nations of the world in its dedication to equality, liberty and justice for all. Our country is changing and our laws must change with it in order to protect all American citizens and their families, and to strengthen our position in an increasingly competitive, global economy. The immigration reform bill currently before this Committee is a step in the right direction, and I commend the Committee for taking up the difficult task of immigration reform. It can be made better, however, by including American citizens like me, and American businesses—like the 28 who recently wrote many on this Committee—who need your vote for this important addition of the Uniting American Families act to the bill now before you.

It is time, Chairman Leahy and members of the Committee, to fix our immigration laws. The opportunity is too rare, and the positive impact too great to leave anyone behind. Adding UAFA to the committee bill would be a big step toward making it truly comprehensive.

Thank you.