



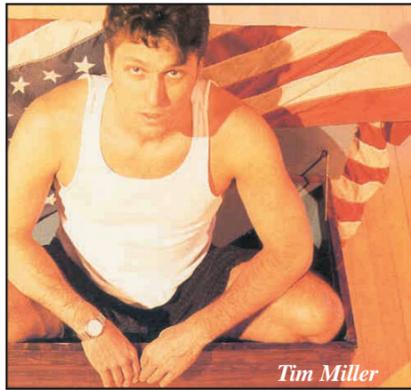
Binational Couples Shouldn't Have to Fight for Love

When Alistair McArtney and Tim Miller flirted after a workshop on performance art at London's Institute for Contemporary Art in July 1994, their attraction led them on a walk together to Trafalgar Square, and then back by taxi to Miller's hotel room. They didn't know their blossoming relationship would for years to come lead them back and forth across several continents and oceans, battling a United States immigration service that stubbornly refuses to recognize their love.

At first, the international affair seemed sexy and exciting. McArtney, an Australian, was living and studying in England. Miller, a well-known American artist and activist, lived in the Los Angeles area. The two would see each other in what Miller described as "chunks of time." Miller would get a short-term teaching gig in England, or set up a long-running show there. On school breaks, McArtney would take months of vacation and visit Miller in America.

It wasn't long, however, before the trans-Atlantic dating turned expensive on their wallets and trying on their emotions. "There were months at a time when didn't see each other," explained McArtney. They couldn't afford to call each other daily, so phone conversations were limited to once a week. "I wrote a lot of long love letters," McArtney said.

In 1997, after three years of struggling, the two men decided they could no longer bear to be an ocean apart. McArtney got accepted into a masters of fine arts program at Antioch University in the Los Angeles area, but in order to secure the visa to come here and study, he had to go back to Australia. It took nearly a year before all the paperwork was in place and the two men could be together. Even then, it



Tim Miller

was at great cost. "I'm spending \$30,000 on a degree I don't really need or want, just so I can be with Tim," said McArtney.

"We had to jump through so many hoops to stay together," said Miller, who has since become an activist on the issue of gay and lesbian binational couples separated by the United States' refusal to recognize gay and lesbian relationships as valid. "We couldn't do what some of our straight friends were doing: getting married and getting a green card."

The Lesbian and Gay Immigration Rights Task Force estimates there are approximately 100,000 gay and lesbian binational couples struggling under similar circumstances in the United States. That number may be dramatically low, however, since it's impossible to know how many couples thwart the unfair immigration laws and find ways for the international partner to stay here illegally.

In February of this year, Rep. Jerrold Nadler, a New York Democrat, for the second time sponsored a bill that would give same-sex couples the same immigration rights as straight married people. Eric Schmeltzer,

Nadler's spokesman, acknowledged that the bill wouldn't even get a committee hearing, but said the Congressman was hoping to raise the issue and slowly build support towards a solution. "Who is the American government to tear apart relationships because of outdated immigration codes?" he asked. "It's a gratuitous cruelty."

The most common way to subvert the unyielding immigration law is to arrange a fake marriage.

"Brian" and "Javier" reluctantly told me their story only on condition that their names be changed and that many of the details of their lives remain vague so they could not be identified. While they shared their story, they asked not to be quoted directly. All these precautions even though Javier is now an American citizen and they live together as an openly gay couple.

The two men met in the late 1980's while Javier, who is from South America, was getting his Ph.D. at an Ivy League university. They lived together for five years, and considered themselves married.

After Javier graduated, he had a year to work in the United States on a special visa. The couple hoped Javier could find a job that would sponsor him to stay here, so they wouldn't be torn apart by U.S. laws that negated all the years they spent as a loving couple.

But as Javier's visa came dangerously close to expiring, he found himself without a sponsorship. The couple feared they would be forced apart. If Javier returned home to South America, it would be years before he could come back to the United States and apply for residency. The two men felt they had no

choice but to take a drastic step: Set up Javier in a fake marriage.

They won't say how they found the American woman willing to marry Javier in exchange for money, an apartment of her own in the city, and other gifts. They won't say how much the deal they cut cost, except that it involved an initial fee at the time of marriage, an annual fee while the two were in the fake marriage, and a final settlement when the couple finally got divorced. During that entire time—a total of about five years—they also paid rent on two apartments. In addition to the woman's private residence, they maintained one for appearance to satisfy immigration officials, so it looked as if they lived together. As a precaution, Brian kept his own place, where Javier spent most nights. Brian never spent the night in the married couple's apartment.

Short of such a dangerous game of deception, binational couples are left with few choices, none of them good: Break up, try to survive the financial and emotional strains of a long-distance relationship, or try to emigrate to a country where both partners can work and live.

When McArtney's student visa expires in December of this year, he and Miller will likely move to Canada so they can remain together. Though Miller is justifiably angry and unhappy about rooting himself up from his home city and country, he and McArtney are determined not to let politics split the bond between them. Said Miller: "We have no intention of letting the American government break up our family

Mubarak Dahir receives email at MDahir@expressgaynews.com



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