

**Statement on New Arizona Immigration Law**  
**Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues**  
**Division 44 of the American Psychological Association**

As members of Division 44, the Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender (LGBT) Issues of the American Psychological Association (APA), we wish to issue the following statement in response to Arizona's SB 1070. This statement is intended to represent the members of Division 44 and does not necessarily represent the American Psychological Association as a whole or any of its other subsidiary groups.

Arizona's SB 1070 law gives police the authority to inquire about a person's immigration status during a stop, detention, or arrest. Our response to this law underscores common threads that connect our social justice movements and reaffirms our commitment to work collaboratively with our allies in calling upon the field of psychology to advance the public interest through continued advocacy and dialogue with the general public that reflects our research, education and training, and clinical practice regarding the value of all forms of diversity.

Division 44's statement of Mission and Goals asserts that our organization is committed to (a) the understanding of LGBT issues through research, education, and training; (b) affirmative psychological practice with LGBT individuals; and (c) the use of psychological knowledge to "advocate for the advancement of the public interest and the welfare of lesbian, gay, bisexual, and transgendered people;" and (d) informing the general public about research, education and training, practice, and advocacy regarding LGBT issues. Moreover, Division 44 explicitly acknowledges that "multiple dimensions of diversity including race, ethnicity, gender, ability, age, and class affect lesbian, gay, bisexual and transgendered issues."

Division 44's commitment to advocacy for the advancement of the public interest, specifically in regard to multiple dimensions of diversity, compels us to comment on the new Arizona immigration law giving police the authority to inquire about a person's immigration status during a stop, detention, or arrest. As members of a class of individuals historically marginalized on legal, political, and social fronts due to our sexual orientation and gender identity, we stand in solidarity with those who experience discrimination based on immigration status or perceived immigration status.

While many immigrants may not be racial/ethnic minorities, people of color (especially Latinas/os in Arizona) may be unduly targeted by the new laws, regardless of actual documentation status. As Dovidio explained in a recent American Psychological Association media release (2010), automatic processes like "stereotyping, prejudice, and biases" may occur when people feel "threatened or are under time pressure" and lead to "systematic and racially/ethnically biased profiling." Given the potential mental health consequences of this law for immigrants and those perceived to be immigrants (namely, people of color), we wish to voice our firm opposition to any law that disproportionately targets minority segments of the population.

We stand in opposition to laws that institutionalize racial/ethnic discrimination on principle and in solidarity with our colleagues of color. We also wish to acknowledge the multiple dimensions of diversity that exist within Division 44. As LGBT individuals, we represent a range of national, racial, ethnic, class, ability, religious, and other backgrounds. This statement is also intended to highlight the ways in which such laws uniquely affect LGBT immigrants and their partners as well as LGBT individuals perceived to be immigrants.

Below, we outline our concerns in detail:

### **Mental Health Consequences of Institutionalized Discrimination**

In 2007, the American Psychological Association (2007) approved a policy, the Resolution on Opposing Discriminatory Legislation and Initiatives aimed at Lesbian, Gay, and Bisexual Persons. The policy acknowledged the social and psychological harm done to lesbian, gay, and bisexual people who were targeted by legislation that singled them out for discrimination (Russell, 2000; Russell & Richards, 2004). The policy also called upon psychologists to oppose discrimination based on sexual orientation.

(<http://www.apa.org/about/governance/council/policy/discriminatory-legislation.aspx>)

While understanding that there are important differences between stigma based on sexual orientation and gender identity and stigma based on ethnicity and national origin, we also know that there are common elements in all forms of stigma (Goffman, 1963; Levin & van Laar, 2006). Those of us who are lesbian, gay, bisexual, and/or transgender people and those of us who are allies to LGBT people recognize the echoes of anti-LGBT discriminatory legislation in the Arizona law and of anti-LGBT rhetoric in the discourse about that law. This law carries a profoundly negative psychological and social message to many in Arizona, most especially to immigrants and people of color, particularly but not exclusively Latinos/as.

Indeed, social science research suggests that such discriminatory legislation and anti-immigrant rhetoric may result in significant mental health consequences for immigrants, those perceived to be immigrants, and the communities in which they live (e.g., Casas, 2010; Dovidio, 2010). Already at risk for mental health stresses depending on the circumstances and context of their migrations, immigrants who encounter additional challenges upon arrival in their host country may experience significant psychological consequences (Lustig et al., 2004; Espin, 1999). Discriminatory legislation that disproportionately targets immigrants and people of color for scrutiny and regulation to which others are not routinely subjected can produce traumatic reactions and acculturation stress that result in depression, anxiety, disordered eating, and behavioral problems (Kohatsu, Concepción, & Perez, 2010; Suárez-Orozco, 2007).

The new immigration law, therefore, has the potential to threaten family stability and cohesion as well as to strain relationships within the larger community. Legislation that relies upon stereotypes and other forms of implicit bias for enforcement may result in racially/ethnically biased profiling even by public officials who try to be fair (Dovidio, 2010), potentially dividing Arizona residents into factions bound by mutual suspicion rather than by cooperative and interdependent bonds. A separate but related Arizona law regarding courses designed primarily to teach students about their cultural heritage may fuel growing tensions by depriving some members of the community access to information that has been empirically associated with

resilience and well-being (Dovidio, 2010) while simultaneously limiting the access of others to information that promotes understanding of their neighbors and colleagues.

As members of Division 44, we stand in firm opposition to the new Arizona laws that further institutionalize discrimination and consequently raise the risk of mental health problems among immigrants, people of color, and other marginalized populations.

### **Effect of Immigration Laws on LGBT Populations**

Many LGBT immigrants face a unique obstacle with regard to current U.S. immigration law because it does not recognize same-sex partners or spouses of U.S. citizens or permanent residents (Human Rights Watch/Immigration Equality, 2006). Even if a U.S. citizen gets married in a state where same-sex marriage is legal, he or she cannot sponsor a same-sex spouse for immigration as it is one of over 1,000 federal rights of marriage denied to same-sex couples (U.S. General Accounting Office, 2004). This government sanctioned exclusion means that same-sex binational couples have to either separate, try to obtain a green card for the non-U.S. partner through other means (e.g., employment), live in the U.S. out of status, or leave the U.S. to immigrate to a country that permits both partners to live there (Human Rights Watch/Immigration Equality, 2006).

In 2000, an estimated 35,820 binational same-sex couples lived together in the United States, representing some 6% of all lesbian or gay couples counted in the country (Human Rights Watch/Immigration Equality, 2006). An estimated 47% of binational same-sex couples are raising children (Human Rights Watch/Immigration Equality, 2006). These numbers do not take into account couples and families who are separated because of immigration problems, those who did not disclose their relationship status due to fears about being reported for overstaying their visas or living in the U.S. undocumented, and those couples who have left the United States to remain together.

In addition to the exclusion faced by same-sex binational couples, transsexual people may face invalidation of their gender identity in the process of immigration. Opposite-sex marriages involving transsexual people may be deemed to be same-sex marriages, essentially treating transsexuals as members of their birth gender rather than as the gender they identify as, excluding them from spousal immigration rights (Immigration Equality/Transgender Law Center, 2008).

### **Next Steps**

We recognize that reasonable people struggle with the social, political, and legal complexities surrounding immigration policies in the United States. However, social science research compels us to consider the psychological impact of these laws on those who are disproportionately affected as well as on the state of Arizona as a whole. Legislation that systematically disadvantages immigrants and people of color perpetuates institutional discrimination, significantly increases the risk of mental health disorder, threatens family stability and cohesion, and causes irreparable harm in communities that are divided by race/ethnicity and immigration status.

As lesbian, gay, bisexual, and transgender individuals and allies, we stand in solidarity with our colleagues and friends who are disproportionately affected by legislation that further institutionalizes discrimination against immigrants, people of color, and other marginalized groups. Acknowledging multiple dimensions of diversity, we recognize and affirm those among us who struggle with discrimination on several fronts and are legally challenged by these laws in specific ways.

## References

- American Psychological Association. (2007). *Resolution on opposing discriminatory legislation and initiatives aimed at lesbian, gay, and bisexual persons*. Retrieved <http://www.apa.org/about/governance/council/policy/discriminatory-legislation.aspx>
- American Psychological Association. (2010). *Implicit bias may make evenhanded application of new immigration law impossible, psychologist says*. Retrieved from <http://www.apa.org/news/press/releases/2010/05/immigration-law.aspx>
- Casas, M. (2010). *Confronting immigration challenges in a nation of immigrants: A call for APA action* (Communiqué). Retrieved from American Psychological Association Office of Ethnic Minority Affairs website: <http://www.apa.org/pi/oema/resources/communique/2010/04/confronting-immigration.aspx>
- Division 44 Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues. (n.d.). *Our mission and goals*. Retrieved from American Psychological Association Division 44 website: <http://www.apadivision44.org/about/>
- Espín, O. (1999). *Women crossing boundaries: The psychology of immigration and the transformations of sexuality*. Florence, KY: Taylor & Francis/Routledge.
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. Englewood Cliffs, NJ: Prentice-Hall.
- Human Rights Watch/Immigration Equality. (2006). *Family, unvalued discrimination, denial, and the fate of binational same-sex couples under U.S. law*. Retrieved from <http://www.immigrationequality.org/uploadedfiles/FamilyUnvalued.pdf>
- Immigration Equality/Transgender Law Center. (2008). *Immigration law and the transgender client*. Retrieved from <http://www.immigrationequality.org/template3.php?pageid=1135>
- Kohatsu, E. L., Concepción, W. R., & Perez, P. (2010). Incorporating levels of acculturation in counseling practice. In J. G., Ponterotto, J. M. Casas, L. A. Suzuki, & C. M. Alexander (Eds.), *Handbook of Multicultural Counseling* (3rd ed.), pp. 343-356. Thousand Oaks, CA: Sage.
- Levin, S., & can Laar, C. (2006). *Stigma and group inequality: Social psychological perspectives*. Mahwah, NJ: Lawrence Erlbaum.
- Lustig, S., Kia-Keating, M., Knight, W. G., Geltman, P., Ellis, H., Kinzie, J. D., Keana, T., & Saxe, G. N. (2004). Review of child and adolescent refugee mental health. *Journal of the American Academy of Child and Adolescent Psychiatry*, 43,24-36.

Russell, G. M. (2000). *Voted out: The psychological consequences of anti-gay politics*. New York: New York University Press.

Russell, G. M., & Richards, J. A. (2003). Stressor and resilience factors for lesbians, gay men, and bisexuals confronting antigay politics. *American Journal of Community Psychology*, *31*, 313-327.

Suárez-Orozco, C. (2007, March). Commentary: The challenges of immigrant families. [Special section] *Communiqué*, 6-14. Washington, DC: American Psychological Association.

United States General Accounting Office. (2004). *Defense of Marriage Act: Update to Prior Report*. Retrieved from <http://www.gao.gov/new.items/d04353r.pdf>