

Making Migration Sexy: How LGB Policies Influence International Migration*

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Abstract

Both internationally and in the U.S., the policy landscape for same-sex couples is changing rapidly, and surveys report swiftly increasing numbers of immigrant same-sex couples in the U.S. Yet few researchers have studied the relationship between LGB rights and immigration on a large scale. Using the American Community Survey from 2008 to 2019 and original datasets indexing LGB policy changes in 121 countries and all U.S. states over 29 years, this study characterizes and assesses the scale of LGB migration to the U.S. as well as the role of LGB policy. Compared to different-sex immigrant couples, immigrants in same-sex couples come from richer, more democratic countries that are less represented in the U.S. Contrary to previous work focusing on LGB immigrants from repressive contexts, statistical models show that these immigrants are more likely to come from LGB-friendly countries, especially in the years since the federal government began recognizing same-sex marriages in 2013. They are also more likely to live in progressive U.S. states. These findings highlight how sexuality as well as state policies seemingly unrelated to migration can shape migratory pathways.

Introduction

In 2013, the U.S. Supreme Court overturned the Defense of Marriage Act and required the U.S. government to begin recognizing marriages between same-sex spouses. Among many consequences, this decision radically changed the immigration landscape: For the first time, same-sex spouses of U.S. citizens and legal permanent residents were eligible to file a spousal petition for an immigrant visa ([Edwards, 2013](#)). In the years since, the U.S. population of immigrants in same-sex couples has grown rapidly, according to American Community Survey data ([Ruggles et al., 2021](#)). While numbers of different-sex couples including immigrants increased by 13 percent from 2013 to 2019 (from 8.4 million to 9.5 million), those of corresponding same-sex couples grew from 61 thousand to 107 thousand in the same period, an increase of 76 percent. While some descriptions of this

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burgeoning population exist (Gates, 2013a; Goldberg & Conron, 2021), there is a pressing need to understand the forces influencing their migration into the U.S.

The Supreme Court ruling occurred against a backdrop of rapidly changing laws concerning same-sex couples – and LGB communities, generally – both in the U.S. and abroad. As some countries expanded rights and social recognition, others imposed new forms of repression (Hadler & Symons, 2018). These varied dynamics raise an important question: How do changing policy environments influence the migration patterns of individuals in same-sex couples into and across the U.S.? Migration scholarship has begun to recognize the role of the state to shape both the aspirations and capabilities to migrate through social policies, even those unrelated to migration itself (de Haas, 2021; Fitzgerald et al., 2014). Moreover, while gender is increasingly recognized as an integral part of the migration process (Hondagneu-Sotelo, 2012; Lutz, 2010), sexuality receives relatively scant attention. Emerging qualitative work has demonstrated that both sexuality and the policies governing it are highly salient factors influencing migration decisions to the U.S. (Ahmad, 2013; Carrillo, 2018; Gorman-Murray, 2009; Mai & King, 2009). Studying the migration of same-sex couples into and across the U.S. allows us to make broader inferences into how the interaction between sexuality and policy shape migration decisions, underscoring the importance of political and “lifestyle” considerations into understandings of migration (Benson & O’Reilly, 2012; Fitzgerald et al., 2014).

To address our research question, we evaluate how LGB policies at country of origin and U.S. state of residence relate to the migratory patterns for immigrants cohabiting with a same-sex partner. We do so by integrating two types of data. First, we rely on American Community Survey (ACS) data from 2008 to 2019 (Ruggles et al., 2021), which allows the identification of individuals in cohabiting same-sex couples as well as their country of origin, U.S. state of residence, and potentially confounding individual characteristics. Second, we harness original datasets indexing LGB policy changes in 121 countries and all U.S. states from 1991 to 2019. We merge these two primary data sources with country- and state-level control variables from the UN, World Bank, U.S. government, and other sources.

Our analytic strategy proceeds in four parts. First, we descriptively understand who these cohabiting LGB immigrants are. This first step is important because little is known about this growing population. Second, we focus on country-of-origin effects, modeling how representation of immigrants in same-sex partnerships changes over time in relation to the LGB policy context of the country of origin. Third, we factor in the role of changing state LGB policy context in models at the U.S. state level. Lastly, we shift our attention to the individual, assessing how being an immigrant in a same-sex couple, net of other individual factors, bears upon choice of LGB policy context by state. We also consider how this relationship is moderated by LGB policy context in the country of origin.

Our investigation finds that origin countries with more LGB-friendly policies send higher proportions of immigrants in same-sex couples into the U.S. In line with the aspirations-capabilities framework (de Haas, 2021), affirming policies enable the migration projects of LGB individuals and provide the necessary material and symbolic resources, whereas oppressive policies hinder such ambitions. This finding is unexpected given existing queer migration scholarship which largely focuses on asylum seekers seeking entry into the U.S. and other countries in the Global North from repressive origin-country contexts. Our findings also indicate that immigrants in same-sex couples are more likely to reside in U.S. states with progressive policies, especially as they come from countries with more supportive policies as well. By showing how policies seemingly unrelated

to migration can shape migration decisions and actions, this projects shows how identity – and the state’s governance of it – can interact with broader institutional contexts to yield unexpected results.

Background: Changing Policy Landscapes and Same-Sex Immigrant Couples

The U.S. continues to undergo significant shifts in the policies governing LGB populations at both state and federal levels. Since 2003, the U.S. Supreme Court has ruled sodomy laws and the Defense of Marriage Act unconstitutional, federally recognized same-sex marriages, and curtailed employment discrimination. In response, though, several U.S. states implemented new policies hindering LGB communities on top of existing discriminatory practices (Kazyak et al., 2018). These dynamics create a varied landscape in which state lines significantly demarcate the types of rights and legal environments LGB people experience. Now, a burgeoning area of scholarship exists to understand the causes of these transformations (Lax & Phillips, 2009; Soule, 2004) and their distinct consequences on the lives and well-being of LGB people (Boertien & Vignoli, 2019; Carpenter, 2020; Kail et al., 2015; Levy & Levy, 2017).

Although this changing policy landscape affects LGB populations of all types, particular subgroups within this broad umbrella are differentially impacted. Same-sex immigrant couples represent a population especially vulnerable to recent changes. This is because prior to being able to experience recognized rights like marriage or non-discrimination protections, immigrants in same-sex couples must first be able to enter into the U.S. While single queer migrants could potentially enter the U.S. through some existing visa pathways (e.g., employment-sponsored, family-sponsored, asylum), federal U.S. law historically hindered LGB couples’ ability to enter the country due to the government’s lack of recognition of their relationship (Human Rights Watch, 2006). While, in theory, queer asylum seekers could enter with a same-sex spouse through the “derivative asylee status,” lack of spousal recognition by sending countries and invasive requirements to “prove” one’s sexuality rendered this avenue effectively inaccessible (Human Rights Watch, 2006; Ritholtz & Buxton, 2021).

The federal environment governing immigration significantly changed after 2013. The U.S. Supreme Court decision ruling the Defense of Marriage Act (DOMA) unconstitutional opened the door for same-sex immigrant couples to enter the U.S. through the same process long governing different-sex couples (Edwards, 2013). Now, couples could enter together, or one partner already in the U.S. could sponsor their same-sex fiancé(e) or spouse. As Figure ?? highlights, the number of same-sex immigrant couples in the U.S. grew significantly following this ruling – especially when compared to different-sex couples. Aside from allowing gay and lesbian families to remain unified, this national opening creates an important moment for the scholarly community to begin investigating the factors motivating this emerging population to migrate to the U.S.

Broad legal exclusions of queer migrants, and especially those in existing relationships, often carry over to academic scholarship as well. Citizenship and migration research usually presents migrants as heterosexual (Luibhéid, 2008), and studies that does acknowledge the realities of queer migrants are overwhelmingly qualitative and often center either asylum seekers or the subjective consequences of migration for one’s sexuality (Fournier et al., 2018; Vogler, 2016). Such studies provide important insights into the interactions between law, sexuality, and migratory experiences,

especially for some of the world’s most marginalized. One consequence of this focus, however, is that queer migration research presently offers a shallow understanding of the broader population of who queer migrants are and the factors influencing their migratory patterns, especially for those in same-sex relationships. This omission is especially stark considering that family-related migration tends to overshadow work-related and other categories overall (Kandel, 2018). Another restriction on understanding queer migrants is the dearth of high-quality, representative statistics within the U.S. – making interview-based studies a necessity in order to gain any understanding at all. Therefore, this study seeks to add a necessary contribution to scholarship on queer migration by taking advantage of the recent Supreme Court decision and by tapping into underutilized data to provide representative insights on this segment of the queer migrant population.

Finally, it is important to situate the scope of this study. Namely, we focus on migrants in same-sex relationships in light of the changing legal environment due to DOMA decision. Consequently, we do not thoroughly investigate how policy environments influence single queer migrants. Because scholarship on queer migration is limited, however, we pull on existing studies of all queer migrants, including those who are single, and of non-migrant same-sex couples to ground our theorization and motivate our hypotheses below. In the Discussion, we outline potential implications of our findings for single migrants and discuss how their incorporation within future analyses may alter our present contribution.

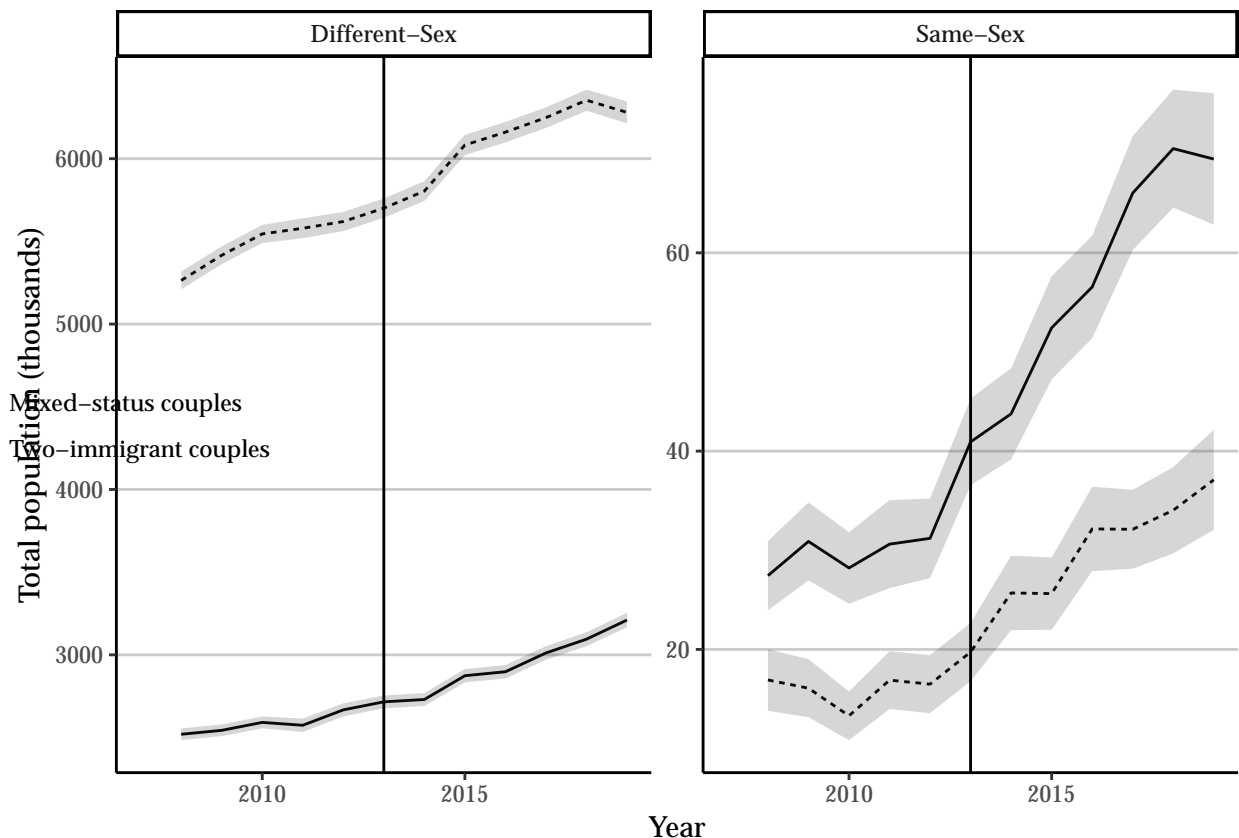


Figure 1: Estimated totals of different- and same-sex couples containing one (“mixed status”) or two immigrants, 2008-2019, with 95% confidence intervals. Vertical line placed at the year 2013, when DOMA was overturned.

Understanding Influences on Migration Patterns

Conventional Explanations

Our analysis compares conventional explanations for migration to political ones related to LGB policy. Massey et al. (1999, p. 50) provided an influential synthesis of migration theories from sociology, economics, and anthropology, arguing that “causal processes relevant to international migration might operate on multiple levels simultaneously.” Our investigation incorporates insights from their work as well as assesses how sexuality and LGB policy complicate migration research. At one level, neoclassical economic theories underscore that promise of material gain is a frequent motivation to migrate (Hatton & Williamson, 2005; Todaro, 1980), predicting that migrants will follow wage and unemployment differentials across countries. To account for migration costs, these models often adjust for distance: Immigrants are more likely to migrate between proximate countries, especially those that share a border. At another level, migration streams often continue in a process of cumulative causation even after wage differentials decrease (Massey, 1990); this is due in large part to immigrant networks that share information and resources to lower the cost of migration and settling in the destination country (Massey et al., 1987) as well as institutions that arise to ease entry and settlement (Hernández-León, 2013).

The theories synthesized by Massey et al. (1999) remained largely materialistic. Our study heeds Garip’s (2016) call to explore migrant heterogeneity, assessing what the theories of migration synthesized by Massey et al. (1999) might miss when accounting for the migration of this LGB subpopulation. Recent research has shown that not only physical but cultural proximity can matter to the migration process; scholars have shown that shared language, colonial history, and democracy matter in the sending country (Karemera et al., 2000; Mayda, 2010), and immigrant rights matter in the receiving country (Fitzgerald et al., 2014). Work on the relationship between welfare policies and immigration suggests that social policies not explicitly related to the latter can impact the migration and settlement processes. Historically, welfare and immigration were tightly linked in the U.S. (Fox, 2012), and welfare generosity may play a role in shaping choice of destination for prospective emigrants today (Ferwerda & Gest, 2021; Razin & Wahba, 2015). Our research builds on these insights to test how non-welfare social policy specific to LGB individuals may influence their migration and settlement.

Previous scholarship has not explicitly applied these analyses and insights to the migration of same-sex couples on a large scale in the U.S. context, but previous demographic research on non-immigrant same-sex couples suggests characteristics salient to the migration process may still relate to their migration. In the labor market, men in same-sex couples tend to earn less than their heterosexual counterparts, but women tend to earn more (Klawitter, 2015), although the gap for the latter has decreased in recent years (Badgett et al., 2021). On average, married same-sex couples are older and have higher earnings than their different-sex counterparts (Fisher et al., 2018), while results for unmarried couples are mixed (Badgett et al., 2021; Baumle et al., 2009). If immigrants in same-sex couples similarly have higher earnings than heterosexual immigrants, then the typical economic push and pull factors of immigration may affect them differently. As discussed below, one difference is that these higher earnings may open pathways for lifestyle factors to influence their migration decisions (Benson & O’Reilly, 2009; Dixon, 2020). Same-sex couples also tend to be less homogamous in age, education, and race/ethnicity than their different-sex counterparts (Schwartz & Graf, 2009).

Finally, although same-sex romantic relationships between men generally have higher levels of instability than between two women or different-sex relationships (Joyner et al., 2017), the dissolution rates for cohabiting same- and different-sex couples are similar (Manning et al., 2016). If LGB immigrants experience higher rates of union dissolution, then our estimates of the proportion of immigrants who are in same-sex couples represents a lower bound. Overall, sexuality may interact with processes of migration in ways not anticipated by the conventional migration theories synthesized by Massey et al. (1999) or recent work on political and cultural factors. We seek to intervene within migration scholarship by explicitly considering how sexuality, and the governance of it, expand our comprehension of migration atop this previous work.

Sexuality in an Aspirations-Capabilities Framework

We incorporate the conventional migration theories discussed above into a broader aspirations-capabilities framework (Carling & Collins, 2018; de Haas, 2021; Schewel, 2020). De Haas (2021, p. 17) defines migration as “a function of aspirations and capabilities to migrate within given sets of *perceived* geographical opportunity structures” (emphasis added). This framework blends individual, agentic motivations for migration (e.g., subjective desires and imaginations of well-being) with structural factors that condition these aspirations and the capabilities to act upon them (e.g., policy). Thus, we use this framework to situation our intervention: to demonstrate why sexuality, and the state’s governance of it, meaningfully contributes toward understandings of migration (Cantú, 2009; Carrillo, 2018; Suen, 2021).

The state plays an important role setting structural conditions that influence migratory pathways. One direct route is by establishing law governing migration itself. Indeed, significant scholarship details how such laws and policies are used to target distinct populations – whether based on labor market needs (Castles, 2006; Hahamovitch, 2014), assistance following local disaster (Bekaert et al., 2020; Hunter et al., 2015), or familial ties (Kofman, 2004). However, de Haas (2021) offers a more expansive view of the state. He contends that the state influences migration through policy that shapes individual’s life aspirations and well-being – whether real or imagined – and by conditioning the capacity to migrate based on Berlin’s (1969) negative and positive “liberties.” For example, explicit migration policy represents a “negative liberty,” whereby the state externally imposes opportunities and constraints, but liberal telecommunications policy that allows for the transnational flow of news, media, and information is a “positive liberty” that influences the capacity to migrate – in this case by increasing knowledge of alternatives and the “capacity to aspire” (de Haas, 2021). Therefore, the aspirations-capabilities framework is not a rejection of previous theories of migration, but a more expansive framework that acknowledges the subjective role of individuals to determine if migration advances their well-being within given conditions.

Sexuality has long factored into migratory decisions. However, as the global awareness of LGB rights expands, sexuality is increasingly an important factor shaping the aspirations and capabilities to leave one’s home country (Mole, 2018; Murray, 2016). This is partly due to international organizations’ construction of sexuality as a legitimate basis for leaving. For example, in 2008 the United Nations High Commissioner for Refugees issued a new guidance note for why and how countries should consider sexual orientation and gender identity when granting asylum claims (UNHCR, 2008). The note continues to guide various authorities to consider discriminatory domestic policies when evaluating asylum claims as such policies “can create or contribute to an oppressive atmosphere of intolerance and generate a threat of prosecution” (UNHCR, 2008, p. 8).

International organizations such as the European Union and several countries now incorporate this guidance (Giametta, 2020).

Therefore, the globalization of LGB rights – along with the transnational flow of information, cultural content, general visibility, and changing policy environments that accompany it (Ayoub, 2016; Ayoub & Garretson, 2017) – are likely to influence the migration of LGB communities by changing aspirations and capabilities to migrate. Current research on the types of policy environments likely to influence the migration of those in same-sex couples, however, is both limited in scope and mixed in outcomes. Although family-related migration has long overshadowed work-related among permanent migrants to the U.S. (Kandel, 2018), theorization on the former has largely ignored same-sex couples (e.g. Kofman, 2004). Additionally, emerging scholarship at the intersection of sexuality and migration is overwhelmingly qualitative, preventing generalizations about this population. Thus a broader portrait for how policy environments influence queer migration is urgently needed.

How Policies at Country of Origin Influence Migration

Much queer migration research suggests that migrants in same-sex relationships are largely escaping repressive contexts. This is reflective of the fact that most scholarship within this area focuses on asylum processes, especially after the U.N. guidance note in 2008 and after then-President Obama made queer refugees a “population of concern” for the U.S. in 2011 (Lewis & Naples, 2014; Luibhéid, 2008; Vogler, 2016). Although the U.S. is less progressive and inviting compared to many other Western states, high-profile developments such as marriage equality can contribute to an imagined openness relative to many locations around the world. For example, access to gay content in film and on the Internet contributed toward Iranian refugees’ decision to seek sexual freedom in the West (Karimi, 2020). These asylum seekers assumed, or aspired to live in, more affirming environments and knew such countries allowed sexual orientation as a basis for asylum. Additionally, another strand of research documents people in more oppressive contexts seeking out partners in more equitable locations who can then sponsor them through the immigration process (Carrillo, 2018; Corey-Boulet, 2019). Consequently, as Adur (2018, p. 321, emphasis theirs) summarizes, “sexuality also shapes migration as LGBTI immigrants relocate in pursuit of spaces that they *imagine* will be safer and more liberal.” Though such studies suggest immigrants in same-sex couples are largely fleeing repressive contexts, to what extent is this representative of immigrants in same-sex couples more generally?

Alternatively, immigrants in same-sex couples may come from countries with greater recognition and access to sexuality-related rights and services. There are two interrelated reasons for this. First, affirming policy environments are likely to enable people’s capacity to make such an important, expensive move. Long-standing research on immigrant selection demonstrates that migrants typically occupy stronger social positions – more formal education, higher incomes, and more prestigious occupations (Feliciano, 2020). Given the high barriers to migrating, supportive policies such as access to full marriage equality and protections against employment discrimination may enable the capacity to migrate by providing the necessary social, human, and economic capitals. Second, same-sex coupledness, like marriage, is a culturally contingent artifact (Philpot et al., 2016). Consequently, the interactive dynamics between policy and culture within an immigrant’s country of origin is likely to influence both their decision to “come out” and then their desire to be

part of a couple (Baiocco et al., 2014; Flores & Barclay, 2016; Ocobock, 2020; Suen, 2021). Policies supportive of LGB communities normalize and validate the disclosure of such identities and partnerships (Ocobock, 2020) – influencing those with same-sex attractions to imagine and aspire such possibilities for themselves. And, relatedly, being from a country where the state recognizes one’s sexuality and validates these relationships may make survey respondents, once in the U.S., more comfortable disclosing their relationship. As such, immigrants from countries without this cultural and political background may be more reticent to desire or disclose same-sex partnership.

Scholarship on lifestyle migration supports these arguments. Benson and O’Reilly (2009, p. 608) refer to lifestyle migration as the “relocation of relatively affluent people within the developed world searching for a better way of life.” Lifestyle migration is conceptualized as a highly individualized decision-making process as conceptualizations of “better way of life” differ drastically (Benson & O’Reilly, 2016). Supportive LGB policies may offer a structural opening by which same-sex couples have the opportunity and bandwidth to consider these individualistic choices.

How Policies at U.S. State of Residence Influence Migration

While these country-of-origin policies may enable the movement of same-sex couples out of their home country, the varied policy environments across U.S. states are likely to differentially encourage the entry of these couples. Though research often focuses on either country of origin or destination, part of our intervention is to study these in tandem to provide a more comprehensive understanding of migration (FitzGerald, 2008; Luthra et al., 2018).

Typically, a strong predictor of where migrants locate within the U.S. are network effects – they locate where their family, friends, and other social relations are located (Massey et al., 1987; Palloni et al., 2001; Portes, 1998). Existing research highlights that gay and lesbian couples within the U.S. were likely to leave states without marriage equality prior to national recognition (Beaudin, 2017) and that queer migrants often have strong cross-national networks for relaying information (Stella & Gawlewicz, 2020). This likely results in a greater concentration of same-sex couples in states with marriage equality and other protective policies. Additionally, if migrants are coming from a country with greater legal protections, they are unlikely to want to relocate to a state where such rights are no longer recognized – rendering the political environment acutely important. Of course, this is predicated on the assumption that migrants take such distinct sub-national variations into account – which they very well may not. Consequently, the “pull” to individual states may operate independently from specific state laws affirming LGB people and their relationships.

Though limited, existing demographic research does give some insights into how immigrants in same-sex couples might choose their state of residence once in the U.S. Cohabiting same-sex couples already within the U.S. are more likely to reside in states in the Northeast and West, such as Vermont, Massachusetts, California, and Oregon (Gates, 2013b), that have often been at the forefront in safeguarding LGB rights. The same-sex population is growing most rapidly, however, in the Midwest and South (*ibid.*). Regardless of state, same-sex couples are more concentrated in urban areas, although this is truer for men than women (Baumle et al., 2009). This evidence suggests that if immigrants in same-sex couples are like their U.S.-born counterparts, they are likely to choose progressive states and cities as their place of residence.

In sum, it is evident that sexuality and the policies governing it are salient factors driving migratory decisions – either enabling the opportunity and flexibility for same-sex couples to make decisions that are best for them or by erecting an environment so repressive that it forces migrants

to flee to where imagination of opportunity awaits. Despite qualitative examinations into queer migrants, especially asylum seekers, there is no large- N investigation into how significant transformation of LGB policies – both globally and across U.S. states – influence migration into the U.S. Therefore, this research seeks to fill this gap in the literature by providing such an analysis and to further understand how the changing policy landscapes are differentially influencing the lives of queer people depending on their social positions.

Data and Methods

Identifying Same-Sex Couples in the ACS

We merge individual-level data on immigrants in the U.S. with state- and country-level variables from a variety of datasets. The individual data come from the 2008 to 2019 ACS ([Ruggles et al., 2021](#)). Each year, the ACS surveys a 1-percent representative sample of the U.S. population about their education, occupation, income, family structure, immigration status, country of origin, location, and a variety of other individual and household attributes. It is important to note that the ACS is currently the only representative, public-use dataset to inquire about both partner sex and immigrant status which is, in part, why queer migration scholarship has been limited. We define a same-sex couple as two individuals of the same sex in the same household who report their relationship as “spouse” or “unmarried partner.” We limit the sample to individuals who immigrated at the age of 18 or older and in 1991 or later.¹ Hence this analysis considers four types of couples: (1) two-immigrant couples who came to the U.S. together; (2) two-immigrant couples that formed once in the U.S.; (3) mixed status couples where an immigrant migrated to be with their U.S.-born partner; and (4) mixed status couples that formed in the U.S. As shown in the Supplementary Material, results do not differ substantively for one- or two-immigrant couples. We are unable to differentiate between couples that partnered or married abroad and those that did so in the U.S. We elaborate on the implications of these scope conditions in the Discussion.

The 12 years of survey data contain 6,349 same-sex couples that include at least one immigrant, for a total of 7,077 immigrants in same-sex couples with complete data. These immigrants are compared to 641,521 corresponding different-sex couples containing 900,571 individual immigrants. Below, we outline how we use these data to construct dependent variables based on each analysis. All analyses incorporate ACS sampling weights.

Measuring the prevalence of same-sex couples in the U.S. is difficult ([Michaels, 2013](#)). As in most nationally representative demographic work on same-sex couples ([Baumle, 2013](#); [Baumle & Dreon, 2019](#)), we are able to identify only LGB couples that cohabit; unpartnered LGB individuals and those who do not live with their partner are not included in the analysis ([Baumle et al., 2009, p. 6](#)). In addition, LGB individuals who do not feel comfortable with the partner labels of the ACS are not in the sample. Another pitfall is measurement error: Misreporting may result when different-sex couples accidentally misspecify the gender of one of the partners ([Gates & Steinberger, 2009](#); [Goodnature & Neto, 2021](#)). Beginning in 2008 the Census Bureau made changes to ACS gender and partnership questions in order to prevent such errors ([U.S. Census Bureau, 2013](#)), so we rely on data only from 2008 onward, but difficulties remain. If even a small number of different-sex couples misreport one partner’s sex, the counts of same-sex couples will be inflated. Following

¹The exception is for for Figure ??, where we include those who immigrated in any year, at age 18 or older.

Gates & Steinberger (2009), we remove all respondents that had either their relationship or sex variable allocated by the Census Bureau, which results in dropping 606 immigrants in same-sex couples and 49,204 in different-sex couples, or 5.2 percent of the sample. This is the strategy used by most studies of same-sex couples in the ACS (e.g. Boertien & Vignoli, 2019; Christafore & Leguizamon, 2019; Gates, 2013a; Goldberg & Conron, 2021; Martell & Nash, 2020). We also include robustness checks to test the sensitivity of our results to high rates of misreporting.

Explanatory Variables

Our variables of interest are the LGB policy contexts in country of origin and U.S. state of residence. To create the U.S. state policy index, we compile data from the Movement Advancement Project, a leading LGB organization in the U.S. that collects data on a number of relevant policies. Our state index encompasses both progressive policies (full marriage equality, state recognition of civil unions and domestic partnerships, ban on all employment and housing discrimination based on sexual orientation, hate crime protections based on sexual orientation, legal joint adoption by same-sex couples, and a ban on conversation therapy for minors) and regressive policies (criminalization of sodomy, state constitutional bans of marriage equality, religious freedom exemptions to discriminate against same-sex couples in adoption, and state-level bans on local non-discrimination ordinances encompassing sexual orientation). The state index ranges from -1 to 7, and the mean score of country of origin for immigrants in our sample is 3.2.

We measure the origin country policy environment using a modified LGBT Policy Index (Velasco, 2018). The index comprises 16 policies, many similar to those above, but including additional policies like the death penalty for homosexual acts, propaganda laws limiting free speech for LGB communities, and equal age of consent between same-sex and different-sex couples. We remove policies targeting gender identity and transgender communities from the original index. Both state and country indices are created by summing the net total of progressive policies (scored +1) over regressive policies (scored -1). For the 121 countries of origin for our sample, country index ranges from -3 to 10, and the mean score of country of origin for immigrants in our sample is 1.7. Immigrants are assigned U.S. state index scores based on their state of residence as reported in the ACS, and they are assigned country-of-origin index scores based on their birthplace and year of immigration.

Aside from the country and state indices, we also include a binary variable to indicate the change in national policy environment within the U.S. following the overturning of DOMA. This represents an important shift opening up traditional pathways of immigration to same-sex couples. We also include an interaction term between this post-DOMA indicator and country-of-origin index because we theorize that the effects will be more pronounced following this period.

Analytic Strategy

We construct three dependent variables: one for each set of analyses. Our first goal is to isolate the effects of country-of-origin LGB policy on the immigration of immigrants in same-sex couples. The ideal survey would follow potential immigrants over time and have information about sexual orientation, allowing us to estimate how the probability of migrating and choice of U.S. state of residence vary by sexual orientation. This ideal dataset does not exist, but we approximate it by