

**FREQUENTLY ASKED QUESTIONS:
INTERNATIONAL MARRIAGE BROKER REGULATION ACT OF 2005
(IMBRA)***

On January 5, 2006, President Bush signed the “International Marriage Broker Regulation Act of 2005” (IMBRA) into law as part of the reauthorized “Violence Against Women Act” (VAWA).¹ The motivation behind IMBRA was alarming evidence of a growing nationwide trend of abuse and exploitation of so-called “mail-order brides.” In an effort to prevent future tragedies, the new law imposed regulations on the international marriage broker (IMB) industry as well as mandated certain changes to the process by which an American citizen may petition to sponsor a foreign fiancé(e) or spouse to come to the United States (on either a “K1” (fiancé(e)) or “K3” (spouse) visa). IMBRA is a bipartisan, common-sense law that provides foreign fiancé(e)s/spouses with information about the violent criminal history of their American fiancé(e)s/spouses, as well as about the rights and resources available to domestic violence victims in the United States. These vital disclosures will enable foreign women to make informed decisions that will help protect them and their children from domestic violence.

The Tahirih Justice Center (Tahirih) helped draft IMBRA and mobilized support for its passage. Highlighted below are some of the most frequently asked questions we receive about IMBRA. For further information, including a summary of IMBRA, please see additional links at <http://www.tahirih.org/advocacy/policy-areas/imb-campaign/>.

- 1. How big is the “IMB industry?”**
- 2. How widespread is the problem of abuse?**
- 3. What does IMBRA do to address the problem?**
- 4. How does IMBRA affect the process of applying for a “K” fiancé(e) or spouse visa?**
- 5. How will IMBRA help prevent abuse?**
- 6. Will IMBRA prevent American men from marrying foreign women?**
- 7. Why does IMBRA exempt some types of matchmaking agencies from industry regulations?**
- 8. Who was involved in the movement to pass IMBRA, and how did it evolve?**
- 9. Why did the Tahirih Justice Center become involved?**
- 10. Has IMBRA taken effect?**

1. Q: How big is the “IMB industry?”

A: The international marriage broker industry has expanded significantly in recent years, branching out over the internet and expanding through affiliates both at home and overseas. In a 1999 study and report², the Immigration and Naturalization Service (INS) estimated that over 200 US-based businesses paired American men with 4,000-6,000 foreign women each year, primarily from Asia and Eastern Europe. Those figures have since more than doubled. **Today, over 400 IMBs³ operating in the United States market women from every corner of the globe. An estimated one-third to one-half (or 9,000 to 14,000 women, by 2009 immigration statistics) of all foreign fiancé(e)s admitted to the United States each year,⁴ and many thousand more of the foreign spouses who are admitted each year, may have met their American husbands through IMBs.⁵**

2. Q: How widespread is the problem of abuse?

A: The 1999 INS report concluded that there was “considerable” potential for abuse in such marriages, and “numerous opportunities for exploitation;” it also indicated that “mail-order brides may become

*Compiled by the Tahirih Justice Center (www.tahirih.org), a 501(c)(3) non-profit organization with offices in Falls Church, VA, Baltimore, MD, and Houston, TX, that through direct legal services, public policy advocacy, and education, protects immigrant women and girls in the United States who are fleeing violence. For more information, please contact justice@tahirih.org or call (571) 282-6161 (TDD-VA Relay: 711).

victims of international trafficking in women and girls.”⁶ These conclusions are supported by extensive literature on the subject and the experience of domestic violence service providers.⁷ Sadly, abuse appears to be a far greater factor in all international marriages than in those “made in America.” **Study results indicate that immigrant victims suffer more severe abuse, more often, and that abuse rates in marriages between US citizens and foreign women may be nearly three times higher than in the general US population.**⁸ A foreign woman recruited by an IMB is much more susceptible to abuse than an American woman for numerous reasons: her ability to get to know a potential spouse is greatly impaired by her limited ability to see him in person and observe him in his daily life; as an immigrant woman she may speak limited or no English and know very little about her rights under US law or resources available to her if she is abused; without family and friends in the United States she can find herself alone and isolated; the way women are often marketed to American men may create the expectation that she will be docile, subservient, or submissive, and if she does not live up to those expectations, conflict may result; other ways that IMBs do business give male clients a sense of entitlement and encourage their perception that they are “purchasing” a bride; and, finally, her dependence on her US citizen spouse for immigration status, financial support, and information about whether she has any alternatives may contribute to her being trapped in a violent situation.

Legal service providers have also documented widespread abuse. A national survey conducted by Tahirih in 2003 of legal service providers representing battered immigrant women found that over 50% of them had assisted women who met their abusers through IMBs. Through our direct work with battered immigrant women and through information like this shared with us by our colleague service-providers, as well as clergy, victim-witness advocates, law enforcement, and others nationwide, we have learned about hundreds of cases of terrible abuse and exploitation (including the abuse and molestation of the children of women who met the perpetrators through IMBs), and at least a dozen murders or attempted murders. Given the underreporting of domestic violence generally (an estimated 75% of physical assaults go unreported),⁹ and the additional reporting barriers that immigrant women face, we fear we are only seeing the tip of a terrible iceberg.

It is important to note that there are no national statistics reflecting what the prevalence of abuse is in “brokered” marriages, specifically.¹⁰ The Department of Justice, in tracking national crime victim statistics, does not ask domestic violence victims how they met their abuser; US immigration authorities (before IMBRA) had not expressly asked foreign fiancé(e)s/spouses whether they met their US fiancé(e)s/spouses through an IMB, nor tracked what happened to those couples; and legal and social services agencies helping battered immigrants have not routinely asked how the couple met. A 2006 study by the Government Accountability Office (GAO), however, showed that in FY 2005, 91 fiancé(e) visa petitions were filed by convicted sex offenders.¹¹ An additional IMBRA-mandated GAO study released in August 2008 that was required to provide national statistics on how often people with any violent criminal history are using IMBs and applying to sponsor foreign fiancé(e)s or spouses was unable to report on this information because it was not maintained as it should have been in reportable form by the relevant government agencies.¹²

3. Q: What does IMBRA do to address the problem?

A: IMBRA provides foreign women with information they need to make informed choices for their safety. The following are some of IMBRA’s key requirements:

- Prohibits an IMB from profiling girls under the age of 18;
- Requires IMBs, before they release the contact information of any foreign woman to any US client to (1) conduct a search of the National Sex Offender Public Website (www.nsopw.gov) and relevant state sex offender registries for information on that client; (2) provide the foreign woman with a copy of the results of that search as well as further criminal and marital background information the IMB has collected directly from the US client; (3) provide the foreign woman with an information pamphlet/Fact Sheet advising her of the rights and resources available to domestic

violence victims in the United States; and (4) obtain her written consent to the release of her contact information to that specific US client;

- Requires that the criminal background check information that the Department of Homeland Security (DHS) already collects on Americans petitioning for a foreign fiancé(e) or spouse visa be shared with that foreign fiancé(e) or spouse;
- Requires foreign fiancé(e)s and spouses coming to the United States to be given an information pamphlet/Fact Sheet reviewing the rights and resources available to domestic violence victims in the United States; and
- Halts the practice of Americans simultaneously seeking visas for multiple fiancé(e)s and provides a lifetime cap of two fiancé(e) visas per US petitioner (subject to DHS waiver).

For a more extensive summary of IMBRA, please see <http://www.tahirih.org/advocacy/policy-areas/imb-campaign/>.

4. Q: How does IMBRA affect the process of applying for a “K” fiancé(e) or spouse visa?

A: The vast majority of couples applying for these visas will notice only minimal changes in the application procedures, and experience about the same wait times from application to issuance, as they did before IMBRA. IMBRA necessitated changes in the I-129F petition form and in the consular visa interviews. Because of DHS’s initial delay in implementing the changes, the system initially became temporarily backlogged, but it has since been cleared. Under IMBRA, US petitioners are asked to provide information about certain criminal convictions and about whether they met their foreign fiancé(e)s/spouses through an IMB.¹³ Foreign visa applicants are also asked whether they met their American fiancé(e)s/spouses through an IMB, and whether that IMB gave them (the foreign visa applicant) the information that the IMB was required to provide under IMBRA. The foreign visa applicant is given the background information supplied by the US petitioner on the visa petition form, as well as any information that the US government obtains from its own criminal background check on the US petitioner, together with an information pamphlet/Fact Sheet advising the foreign visa applicant about the marriage-based immigration process and the rights and resources available to domestic violence victims in the United States. **IMBRA mandated no new background checks.** The US government had already instituted mandatory background checks on all beneficiaries and petitioners for all immigration benefits and services, including US citizen petitioners, back in January 2002. IMBRA simply mandated that the government share criminal background information already routinely in its possession with the foreign fiancé(e)/spouse being sponsored.

IMBRA also placed limits on how many and how often petitions may be filed for foreign fiancé(e)s, to prevent serial sponsorship by violent predators. The new caps limit a US petitioner’s sponsorship of K1 visas to 2 total, with no less than 2 years between the filing of the last approved petition and the current petition. If a US petitioner has already petitioned to sponsor multiple prior fiancé(e) visas, or is petitioning to sponsor another fiancé(e) within 2 years of the last approved fiancé(e) visa petition, then the US petitioner must seek a waiver of the limits and justify why it is appropriate. If a US petitioner has a record of violent offenses, the waiver will be denied, but even then, a waiver may be obtained if “extraordinary circumstances” can be shown.¹⁴

5. Q: How will IMBRA help prevent abuse?

A: IMBRA will help prevent abuse by providing to foreign spouses and fiancé(e)s critical background information that might help to predict abusive behavior by their potential American spouse. IMBRA will also provide them with information about where they can turn for help to escape abuse (including practical information about hotlines, shelters, etc.). These “caution” and “emergency exit” signs

will prove life-saving for many women and their children. In addition, the disclosure requirements imposed up-front on IMBs themselves may dissuade those with violent histories from using IMBs to find their next victims, and enable a woman to avoid a relationship with a man who may, in fact, be a convicted child molester, rapist, or murderer. IMBRA's visa limits will also help prevent violent predators from churning through vulnerable foreign women and their children through serial sponsorship.

6. Q: Will IMBRA prevent American men from marrying foreign women?

A: IMBRA does not prevent anyone from marrying whomever they choose – it just enables informed choices to be made, and prevents the marriage-based immigration process from being abused by serial predators. Tahirih, and many other organizations, worked very hard over several years to advocate for the right balance to be struck in IMBRA to promote a self-help protective scheme that would prevent needless tragedies while permitting people of good intentions to continue to find international romance through dating and matchmaking services. While IMBRA's industry regulations require IMBs to make some changes, these agencies are in the business of facilitating communication. Facilitating the disclosures that IMBRA requires, therefore, should be a natural extension of what they already do. The vast majority of IMB clients will hardly notice a difference as a result of IMBRA. A Foreign Affair, one of the largest IMBs in the United States, agrees that clients will feel only "minor changes" as a result of IMBRA, telling clients that they will have to fill out a "very short criminal and marital background history form" and may have to "wait a bit longer for a response."¹⁵

7. Q: Why does IMBRA exempt traditional non-profit cultural/religious matchmakers, and dating/matchmaking companies that charge clients comparable fees and offer them comparable services regardless of their gender or where they are from? Will that mean that women who meet their American fiancés/spouses through one of these other agencies will not benefit from the protections of IMBRA?

A: IMBRA differentiates IMBs from other dating services because IMBs' profit model and marketing practices uniquely place women at greater risk for abuse. The economic motivation to satisfy the American male who is the paying client, without regard for the safety of the non-paying foreign female recruit, who is typically from a poor or economically depressed country, simply does not exist with these other types of services that do not profit from the satisfaction of only one party.¹⁶ Further, the fact that men using IMBs may pay significant fees and incur considerable expenses can create a dangerous sense of entitlement or ownership. For example, around the time that IMBRA was drafted and passed, www.armcandyinternational.com/services.htm was touting its \$10,500 fee for services as a bargain to obtain the beautiful woman of one's dreams – "less than [the price of] an economy car" (last visited 6/27/06), and www.barranquillasbest.com/id41.html assured its clients that "their new Latin wife will be the greatest investment and love of their life" (last visited 9/19/06). Other ways in which IMBs firmly establish a "male as client, female as commodity" dynamic include "satisfaction guaranteed" assurances offered to male clients and so-called "romance tours" during which a dozen US male clients may be introduced to several hundred foreign women at once.

IMBs' marketing practices, which often tout foreign women as traditional or even submissive and subservient, can also attract men looking to dominate their wives. Consider this pitch:

"While many women that you are used to would never cater to you like in old-fashioned times, a filipina will insist that she make you more comfortable... There are not too many girls like this anymore (especially domestically), but rest assured that this character trait is ingrained in the mind of the average filipina." (<http://filipinasconnect.com/page.php?content=8&show=1>) (last visited 11/08/10)

"[Russian women] are much more patient and can tolerate things that Western women will never be able to bear. ... Another important difference is that Russian women (and Russians in general) have very low self-esteem. While Western women think that they are goddesses and able to cope with anything on

their own, a Russian woman will rarely leave a bad (really BAD) husband because of the fear that she won't find another one. For many years the state and men have been oppressing them, and they don't think much about themselves." (<http://www.womenrussia.com/faq.htm#husbands>) (last visited 11/08/10)

The greater risk of abuse in these sorts of “brokered” marriages was underscored in the 1999 INS report, which voiced the concern that “[t]hese are relationships fostered by for-profit enterprises, where the balance of power between the two individuals is skewed to empower the male client who may be seen as 'purchasing' a bride....”¹⁷

Importantly, foreign women who use “mainstream” or cultural dating services will also benefit from many of IMBRA’s protections. While mainstream or cultural dating services are not required to collect and distribute background information up front, foreign fiancé(e)s/spouses who use these services will still receive criminal background information on their American sponsors during the “K” visa process. Additionally, they will receive the information pamphlet/Fact Sheet required by IMBRA that provides critical information about their legal rights and resources available to assist them if they are abused. Finally, they will also be protected from serial predators by the caps on fiancé(e) visa petitions established by IMBRA.

8. Q: Who was involved in the movement to pass IMBRA, and how did it evolve?

A: IMBRA’s passage was the result of over a decade of legislative groundwork to promote protections for all immigrant women from abuse, and over a half-decade of growing recognition by federal and state governments of the vulnerabilities of women who meet men through IMBs. In 1990, the first federal provisions to help battered immigrant spouses were passed, followed in 1994 by more comprehensive protections contained in the Violence Against Women Act (VAWA), legislation that was reauthorized and expanded in 2000 and again in 2005. In 1996, a regulation responding to concerns about abuses was first imposed on the IMB industry by the “Mail-Order Bride Act” (8 USC. §1375). In 1999, the author of the study commissioned by the INS reviewed these concerns and recommended that male IMB clients be screened and female IMB recruits be informed of their rights and resources if they are abused.¹⁸ Understanding the need for further action on these findings and recommendations, and motivated by some brutal high-profile murders of women who had met their abusers through IMBs, several states pioneered legislation to protect foreign women who meet their spouses through international matchmaking agencies. In 2001, Washington State was the first to enact legislation to address the problem, followed by Texas, Hawaii, Missouri, New Jersey, and Maryland; California and Minnesota have also considered protective legislation. IMBRA itself was initially introduced to Congress in July 2003, and in July 2004, Senator Sam Brownback convened a hearing of the Senate Foreign Relations Committee on “Human Trafficking: Mail-Order Bride Abuses.” When IMBRA was reintroduced in September 2005, it was with solid bipartisan support in both chambers of Congress (lead co-sponsors were Sen. Sam Brownback (R-KS), Sen. Maria Cantwell (D-WA), Rep. Frank Wolf (R-VA), and Rep. Rick Larsen (D-WA)). IMBRA continued to enjoy widespread bipartisan support at each of the several legislative hurdles it had to pass before its enactment.

The passage of IMBRA was also the result of cooperation and coordination of efforts by a wide range of well over 200 organizations and individuals representing many political, religious, and cultural communities. In addition to Tahiri, women’s and human rights groups that had core involvement in drafting and advocating for IMBRA included the Immigrant Women Program of Legal Momentum, the National Network to End Violence Against Immigrant Women, the National Asian Pacific American Women’s Forum, the GABRIELA Network (a Filipina/US women’s solidarity association), and Amnesty International USA. Over 200 additional groups and individuals comprised the nationwide “Coalition to End Exploitation and Abuse of Women by International Marriage Brokers and Their Clients,” voicing their support for protective regulations through calls and letters to Congress, as well as meetings with legislators and their staff. The Women’s Funding Network (an international organization with over 100 member funds committed to improving the status of women) launched an online petition to Congress in support of IMBRA that garnered over 18,000 signatures. Project Keshet (a network of over 125 Jewish women’s civic groups across the former Soviet Union) also organized a

petition supporting IMBRA. Other religious and faith-based groups also rallied behind IMBRA, from the Institute on Religion and Public Policy to The Salvation Army. The media contributed to the building momentum for legislative protections: Lifetime Television in particular raised awareness about IMBRA and mobilized public support. Several private law firms and government relations groups provided advice and assistance on the development of IMBRA and the legislative campaign. Finally, some “industry insiders,” from IMB clients to IMB owners and employees, also informed and supported Tahirih’s efforts over the years, out of their alarm at the kinds of abuses they were witnessing.

9. Q: Why did the Tahirih Justice Center become involved?

A: Nearly a decade ago, we began to notice that more battered immigrant women were turning to us for help who had met their abusive husbands through IMBs. As noted above, we polled our colleagues across the country and found that our experience was not unique, learning that there was, regrettably, a growing trend of abuse and exploitation in this rapidly expanding but virtually unregulated industry. The nature of the abuse many women suffered was particularly perverse and brutal, suggesting that predators were deliberately using the industry as an easy conduit to find new unsuspecting victims overseas. **Moved to action by these horrific abuse cases, Tahirih launched a multi-prong campaign to engage in public education and outreach, to advocate for legislative protections and to promote IMB accountability.**

10. Q: Has IMBRA taken effect?

A: Yes. Most of IMBRA took effect 60 days after enactment (on March 6, 2006), with the exception of the requirements concerning the information pamphlet/Fact Sheet, which the government was required to develop and begin distributing by 120 days after enactment (on April 28, 2006). Both the IMB industry and the US government, however, have been slow to respond.

Implementation and Enforcement by the US Government

An August 2008 Government Accountability Office (GAO) report cited disturbing gaps in federal agencies’ implementation and enforcement of IMBRA. For example:

- The Department of State (DOS), Department of Homeland Security (DHS), and Department of Justice (DOJ) have not yet coordinated to determine which agency will be responsible for investigating and prosecuting IMBs who commit civil or criminal violations of obligations imposed on the industry by IMBRA. This failure has left IMBRA essentially unenforced, over four years after its enactment. (For more information about the lack of enforcement, please see <http://www.tahirih.org/2009/10/press-release-doj-imbra/>).
- DHS has failed to set up IMBRA-required procedures to prevent serial predators from sponsoring visas for multiple foreign fiancé(e)s. Prior to IMBRA, there was no limit on the number of visas applications that could be submitted to sponsor foreign fiancé(e)s, and no tracking mechanism to prevent even simultaneous sponsorship applications. Foreign spouses were also not advised about how many times before their American spouse may have sponsored such visas. IMBRA sought to close this loophole to prevent serial predators from “churning through” a succession of foreign brides. However, Tahirih has been advised that DHS’ computer systems have not been modified to ensure that multiple-sponsorship attempts are reliably detected.

In addition to the above still-outstanding concerns, the GAO report also cited other gaps in implementation that have since been resolved, including:

- The Department of State (DOS), up until the GAO report’s release, had not been providing foreign fiancé(e)s/spouses with a copy of their American sponsors’ visa applications, which contain important IMBRA-mandated disclosures about criminal convictions. The GAO also discovered that it was not until March 2008—more than two years after IMBRA’s enactment—that DOS finally issued formal guidance to consular officers processing fiancé(e)/spouse visas overseas about all the vital disclosures they are required to make under IMBRA.

- Though 4 years past the statutory deadline, the government finally released the IMBRA-mandated information pamphlet/Fact Sheet on October 27, 2010. This critical Fact Sheet will provide life-saving information about legal rights and resources for domestic violence victims to the approximately 30,000 foreign fiancé(e)s and 14,000 foreign spouses of US citizens who come to the United States each year. The Fact Sheet is now available at www.uscis.gov (RESOURCES > Humanitarian Benefits Based Resources > Resources for Battered Spouses, Children & Parents). IMBs have up to 30 days after the government has made the pamphlet/Fact Sheet available before they are themselves obligated to distribute it to their foreign female clients. (For more information regarding the Fact Sheet, please see <http://www.tahirih.org/2010/10/uscis-issues-vital-fact-sheet-to-protect-foreign-brides-from-abuse/>).

Resistance to Regulations by the IMB industry

As often happens in regulated industries, some IMBs are resisting regulation and a number of them brought suit after IMBRA became law to try to challenge IMBRA on constitutional grounds. A “temporary restraining order” (TRO) was issued by a federal district court in Georgia on March 3, 2006, that barred the government from enforcing IMBRA against the plaintiff in that case, an IMB called “European Connections,” but that TRO was dissolved on September 25, 2006, and is therefore no longer in effect. Moreover, on March 23, 2007, the Georgia Judge issued his final decision on the plaintiff’s underlying constitutional challenges, finding them all to be without merit and upholding IMBRA as a preventative measure that is “highly likely to reduce domestic abuse – and may actually save lives.”¹⁹

A second TRO requested by a group of other plaintiff-IMBs was rejected by another federal district court in Ohio on May 25, 2006, after the Ohio Judge concluded that the constitutional challenges had little likelihood of success on the merits.²⁰ Moreover, the Ohio plaintiff-IMBs on December 19, 2006, filed a motion to dismiss their case, which the judge granted on January 17, 2007.

There is now no injunction pending against IMBRA in any court, and thus **IMBRA is fully enforceable against all IMBs**. Tahirih joined both the Georgia and Ohio suits as a party to defend the constitutionality of IMBRA.

Once IMBRA is fully implemented, we are confident that it will have minimal impact on people of good intentions seeking international romance, but that it will have a powerful deterrent effect on violent predators, who will no longer be able to use IMBs or the marriage-based immigration system as an easy conduit to find new and highly vulnerable victims overseas.

ENDNOTES:

¹ IMBRA can be found in Subtitle D (Sections 831-834) of Title VIII, Public Law 109-162 (“The Violence Against Women and Department of Justice Reauthorization Act of 2005”), and was subsequently codified at 8 USC §§ 1184(d); 1184(r); and 1375a [hereinafter *IMBRA Public Law*].

² See Commissioner of the Immigration and Naturalization Service and the Director of Violence Against Women Office at the Department of Justice, *International Matchmaking Organizations: A Report to Congress* (1999), available at http://www.uscis.gov/files/article/Mobrept_full.pdf [hereinafter *IMO Report to Congress*].

³ A survey of the internet conducted by the Tahirih Justice Center in summer 2003 documented at least 400 IMB websites operating in the United States. See also Vanessa Brocato, *Profitable Proposals: Explaining and Addressing the Mail-Order Bride Industry Through International Human Rights Law*, 5 San Diego Int’l L.J. 225, 229 (2004) (citing estimates of 500 IMBs operating in the United States, and at least 2,700 worldwide).

⁴ This “one-third to one-half” formula is derived from the 1999 INS report. In 1998 (the statistical year upon which that report was based), 12,306 foreign fiancé(e)s were admitted to the United States. The INS estimated that there were 4,000-6,000 “mail-order brides” amongst those 12,306 total foreign fiancé(e)s, which represented one-third to one-half of that 1998 total. Our current estimate applies the same formula to the latest available statistics. In 2009, US Citizenship and Immigration Services reported that 27,754 foreign fiancé(e)s, and 12,937 foreign spouses, were admitted to the United States on “K1” or “K3” visas. See Column K, Rows 77 and 79, in Table 25, *Nonimmigrant Admissions by Class of Admission: Fiscal Years 1998 to 2009*, Yearbook of Immigration Statistics (2009), available at

<http://www.dhs.gov/files/statistics/publications/YrBk09NI.shtm>. Our current estimate of 9000 – 14,000 so-called “mail-order brides” coming to the United States each year represents one-third to one-half of the total number (27,754) of foreign fiancé(e)s admitted to the United States in 2009.

⁵ In 1999, when the “one-third to one-half” formula applied to fiancé(e) visas was first used, the “K3” (spouse) visa did not yet exist. However, in some areas of the world in which the IMB industry is especially active, such as Russia and the Philippines, US consular officers have estimated that perhaps 80% of women applying for K3 visas have met their spouses through IMBs. In addition, many IMB websites offer assistance with K3 visas as well as K1 visas. We estimate, therefore, that perhaps several thousand of the 12,937 K3 visas on which foreign spouses of US citizens were admitted to the United States in 2009, also may be traced to IMB introductions, as noted above.

⁶ See *IMO Report to Congress*, *supra* note 2, at 1, 6 and 8. For more on how the business model and marketing practices of IMBs heightens the potential for abuse, please see further FAQ above.

⁷ Government-funded studies, NGO reports, academic research, and other publications addressing the abuse and exploitation of so-called “mail-order brides” include: Amy O’Neill Richard, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, Center for the Study of Intelligence (Nov. 1999), at 27; Donna M. Hughes, *Role of Marriage Agencies in Trafficking in Women and Trafficking in Images of Sexual Exploitation The Impact of the Use of New Communications and Information Technologies on Trafficking in Human Beings for Sexual Exploitation*, Council of Europe (Nov. 2001); *The Willingness of “Mail-Order Bride” Companies to Provide Services to Violent Men*, Equality Now, New York; Donna M. Hughes, *The Role of “Marriage Agencies” in the Sexual Exploitation and Trafficking of Women from the Former Soviet Union*, *International Review of Victimology*, Vol. 11 (2004); Kohl-Welles, Costa and Veloria, *Mail-Order Bride Law Protects Vulnerable Women*, *Puget Sound Business Journal* (July 5-11, 2002); Donna M. Hughes, *Short Report on Trafficking in Women from Ukraine Research Project*, University of Rhode Island (Aug. 2001); Linda Kelley, *Marriage for Sale: The Mail-Order Bride Industry and the Changing Value of Marriage*, 5 J. Gender, Race & Just. 175 (2001); Tiffany E. Markee, *A Call for Cultural Understanding in the Creation, Interpretation and Application of Law: Is the United States Meeting the Needs of Russian Immigrant “Mail-Order Brides?”* 31 Cal. W. Int’l L.J. 277 (Spring 2001); Donna R. Lee, *Mail Fantasy: Global Sexual Exploitation in the Mail-Order Bride Industry and Proposed Legal Solutions*, *Asian Law Journal* 5 (1998); Christine S.Y. 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Demleitner, *In Good Times and in Bad: The Obligation to Protect “Mail-Order Brides,”* 2 Women and Int’l Human Rights Law 613 (2000); Leslye E. Orloff and Megan P. McKnight, *The International Matchmaking Industry: Consequences to Women and Recommended Policy Steps*, Ayuda, Inc. (March 1999); Eddy Meng, *Mail Order Bride: Gilded Prostitution and the Legal Response*, *Univ. of Michigan Journal of Law Reform* (Fall 2004); Louise Langevin and Marie-Claire Belleau, *Trafficking in Women in Canada: A critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers and Mail-Order Brides*, *Status of Women Canada* (February 2000); Marie-Clarie Belleau, *Mail-Order Brides in A Global World*, 67 Alb. 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In addition, there has been significant coverage of the issue in newspaper and magazine articles (e.g., Asjylyn Loder, *Mail Order Brides Find US Land of Milk, Battery*, *Women’s E-News* (June 22, 2003); Leela Jacinto, *Proposed Bill Seeks to Protect Mail-Order Brides* (July 10, 2003), available at ABCNews.com; Daren Briscoe, *Mail-Order Misery*, *Newsweek* (February 7, 2005); Nancy Traver, *The Marriage Trap*, *Chicago Tribune* (January 7, 2004); Jane Hansen, *From Russia, for Love, A Stalking, a Shooting, and a Surprise Ending, Mail-Order Bride Business is Popular, Controversial*, *Atlanta Journal-Constitution* (three-part series: December 4, 5, 7, 2004)); in op-eds e.g., Laudan Aron, *Something Borrowed, Something (Black And) Blue*, *Salt Lake Tribune* (July 25, 2006)); and in other media outlets (including NBC Nightly News, Fox News, and The O’Reilly Factor).

⁸ See Giselle Aguilar Hass, Nawal Ammar, and Leslye Orloff, *Battered Immigrants and US Citizen Spouses* (April 2006), at 2 and 5, available at <http://www.legalmomentum.org/assets/pdfs/battered-immigrants-and-us.pdf>. Though this study did not focus on couples who had met through an IMB, it is a close analogy: because only US citizens are entitled to sponsor foreign fiancé(e)s/spouses for K1/K3 visas, the two typical routes for women who meet men through IMBs to come to the United States, it is reasonable to expect that abuse rates in marriages between US citizens and immigrant women generally would be indicative of abuse rates in marriages between US citizen/IMB’s US male clients and immigrant women/IMB’s foreign female clients specifically.

⁹ See Patricia Tjaden and Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, National Institute of Justice and the Centers for Disease Control and Prevention (2000), available at <http://www.ncjrs.gov/pdffiles1/nij/183781.pdf> (empirical study based on a nationally representative sample of 8000 men and 8000 women).

¹⁰ That said, the US government has imposed regulations and oversight on other sectors based on compelling non-statistical evidence of abuse and exploitation, in consideration also of the special vulnerabilities of the groups to be protected from harm: for example, au pair agencies, foreign exchange student programs, and international adoption agencies are all subject to protective regulations. On August 12, 2005, the Department of State proposed tougher regulations of foreign exchange student programs, to require among other things

that all adults in host families be screened through a sex offender registry. See Federal Register Notice, Volume 70, Number 155 (August 12, 2005), at 47152-47155.

¹¹ See *Immigration Benefits: Circumstances under Which Petitioners' Sex Offenses May Be Disclosed to Beneficiaries*, United States Government Accountability Office, [GAO-06-735](#) (June 14, 2006), available at <http://www.gao.gov/new.items/d06735.pdf>.

¹² *International Marriage Broker Regulation Act of 2005: Agencies Have Implemented Some, but Not All of the Act's Requirements*, Government Accountability Office, [GAO-08-862](#) (August 8, 2008), available at http://www.gao.gov/docsearch/locate?searched=1&o=0&order_by=rel&search_type=publications&keyword=08-862.

¹³ Notably, for years, foreign fiancé(e)s/spouses applying for visas have been required to pass extensive criminal and health background checks. Among other checks, foreign fiancé(e)s must produce police clearance certificates for everywhere they have lived since the age of 16 for more than 6 months, and must submit to a medical exam.

¹⁴ See *IMBRA Public Law*, *supra* note 1, at Section 832(a)(1).

¹⁵ See <http://www.loveme.com/information/qna.shtml> (last visited 11/08/10).

¹⁶ Just a few examples demonstrate the stark differences in the status and power of the parties posting profiles on “mainstream” dating services versus IMBs. According to calculations done by the Tahirih Justice Center in April 2006, 97% of all the women with profiles on the mainstream dating site “Match.com” came from high income countries such as the United States, and only 3% came from low- and middle-income countries. The percentages, however, were reversed amongst women using IMBs, with virtually none coming from high-income countries. Similarly, women recruited by IMBs typically speak little to no English. By definition, they need the services of an intermediary agency to communicate with a prospective US mate. For example, based on further calculations done by the Tahirih Justice Center in March 2007, 71% (3188/4518) of the Russian women featured on the www.russianladies.com website of the IMB “European Connections” at that time (using the “search ladies by parameters” tool) spoke little to no English or only knew a few words or phrases and the alphabet (rated at levels 0-1 out of 5 in English proficiency). See www.Russianladies.com (last visited 03/06/07).

¹⁷ See *IMO Report to Congress*, *supra* note 2, at 8.

¹⁸ *Id.* at Appendix A, at 11.

¹⁹ *European Connections and Tours v. Gonzales*, 480 F.Supp.2d 1355, 1381 (N.D.Ga. 2007).

²⁰ *American Online Dating Association and Mark Strickler v. Gonzales*, No. 3:06-cv-123, slip op. at 7 (S.D. Ohio. May 26, 2006).