

FOR IMMEDIATE RELEASE

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**Federal Appeals Court Affirms Historic Jury Verdict Against a “Mail Order Bride” Agency**

Falls Church, Virginia—April 13, 2006. Today, the U.S. Court of Appeals for the Fourth Circuit issued a 25-page decision affirming a jury’s verdict in the so-called “mail order bride” abuse case, Nataliya Fox v. Encounters International. The Court upheld the unanimous verdict of a Baltimore, Maryland jury, which awarded \$430,500 in compensatory and punitive damages to Ukrainian-born Nataliya Fox on November 18, 2004. The Fourth Circuit found that Encounters International (“EI”) withheld critical information from Nataliya Fox, even after she turned to them for help when being abused, in order to preserve its marriage success rate, effectively making a blood for money decision resulting in life-threatening abuse.

A three-judge panel including judges Michael Luttig, Dennis W. Shedd and Clyde H. Hamilton, found that “EI engaged in intentional efforts to gain [Nataliya’s] trust, confidence, and loyalty in order that [she] would marry James Fox, continue to be married to James Fox, and create another EI success story.” The Fourth Circuit also found that Nataliya was particularly vulnerable because of “language barriers, being far from family and friends in the Ukraine, and being subject to the complexities of immigration laws” and that “EI intentionally withheld knowledge regarding the battered spouse waiver from [Nataliya] in an effort to preserve one of EI’s core promotional selling points, ie., its 95% success rate.”

This decision marks the first time in the United States that an IMB has been held liable for its role in the abuse of a “mail order bride.” This landmark case was brought by the Tahirih Justice Center and the law firm of Arnold & Porter LLP.

This case is significant because it marks:

- The first time that an IMB has been held accountable for violating its legal obligations to tell a woman it recruited about legal protections that would allow her to escape domestic violence without facing automatic deportation;
- The first time that an IMB has been held liable for falsely claiming to screen its male clients when in fact it had not done so; and
- The first time an IMB has been found liable for using a woman’s name and photo, and falsifying her personal story, to promote its business without her permission.

“This historic decision sends a clear message to the international marriage broker industry that they cannot continue to pair foreign women with predatory abusers with impunity,” said Layli Miller-Muro, the Executive Director of the Tahirih Justice Center. Randy Miller, a Partner at Arnold & Porter and chief litigator of the case, remarked, “It is our hope that women like Nataliya will be protected and no longer forced to live in abusive relationships because they do not know their options.”

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*Through direct legal services and public policy advocacy, the Tahirih Justice Center works to protect immigrant women and girls seeking justice in the United States from gender-based violence.*

*Arnold & Porter LLP is a national law firm of more than 650 lawyers practicing in Washington, DC, New York, London, Brussels, Los Angeles, Northern Virginia, and Denver.*

## FACT SHEET

### The IMB Industry

The IMB industry has grown rapidly in response to increasing demand by some American men for foreign “subservient” wives. In 1999, the Immigration and Naturalization Service (INS) estimated that over 200 US-based businesses paired 4,000-6,000 American men each year with foreign women, primarily from Asia and Eastern Europe. By 2004, those figures had more than doubled, and today women from every corner of the globe are marketed on IMB websites. *As many as one-half of the more than 28,000 foreign fiancé(e)s and many of the thousands of foreign spouses entering the United States each year may have met their American husbands through IMBs.*

The marketing practices of many IMBs can attract predatory abusers with a history of violence against women and children. IMBs may charge their American male clients significant fees to meet foreign women from developing countries who often are depicted as submissive and obedient. IMBs often market women as merchandise, with “satisfaction guaranteed” promises to their paying male clients and so-called “romance tours” that may bring together several hundred women at a time to meet a dozen men. Also, agencies do not screen their male clients for violent histories, may repeatedly pair new women recruits with violent men, and frequently fail to advise – and may even mislead – women about what they can do to escape abuse.

*“In Russia, she doesn’t have a choice to stay home to take care of her husband, house, and children—for her, it is a dream. . . she is the weaker gender and knows it.” [www.chanceforlove.com](http://www.chanceforlove.com) (last visited 12/19/05)*

*“Welcome to Intimate Submissives®™, where Western Men can find sexy submissive Asian women . . . selected for their loyalty and zero tolerance for divorce... who want a man to serve and to please. . . .” ([www.submissives.net](http://www.submissives.net)) “Our registered trademark is: It’s Good to be the King!” ([www.submissives.net/order.htm](http://www.submissives.net/order.htm)) (last visited 12/19/05)*

*“Total cost for services: \$10,500.00 U.S. A beautiful woman to sleep with at night, kiss in the morning, and love all day long, for so little – less than an economy car.” [www.armcandyinternational.com](http://www.armcandyinternational.com) (last visited 12/19/05)*

### More Details on the Significance of the Fox v. Encounters International

**I.) The case marks the first time that an IMB has been held accountable for violating its obligations under law** to tell a woman it recruited about legal protections that would allow her to escape domestic violence without facing automatic deportation. El not only withheld this information from Nataliya, but misled her by saying that she would be deported if she left her abusive husband.

- When Nataliya came to El, she did not speak English well and knew little of U.S. laws and customs. The President of El, a Russian woman, assured Nataliya that El would provide immigration advice and services, counseling, and assistance in understanding and adjusting to American culture.
- When Nataliya confided to the President of El that Mr. Fox went into wild rages and beat her, the President told her that this was “normal,” that American men were prone to violence, and that Nataliya should learn to defer to her husband. Additionally, the President told her that she had to stay in the marriage or would be deported. Since Nataliya did not know that domestic violence is a crime in the U.S. (it is not in Ukraine), and knew no one else in the U.S. upon whom she could rely for legal advice,

she resigned herself to living with the abuse. The violence escalated. After a particularly vicious episode in which Mr. Fox's violence sent Nataliya to the emergency room, she finally learned of other options from an emergency room nurse and escaped. The jury found that El's deliberate decision to withhold vital information from Nataliya about a law designed to protect her and her child, and El's intentional misrepresentations about her legal options, violated El's duty of care to Nataliya.

**2.) The case is also the first time that an IMB has been held liable for falsely claiming to screen its male clients for a violent or criminal history.** El publicly stated that it took that extra step and did screen its clients. Nataliya was told that Mr. Fox was "the best of the best," "financially and mentally stable," and "serious about family." In fact, Mr. Fox had a history of domestic violence, and his abuse of Nataliya grew much worse after she became pregnant. El's "screening" process involved chatting with Mr. Fox and taking his \$1850 membership fee. The process clearly was not intended to screen out clients with a violent past, and it did not do so in this case.

**3.) The case is the first time an IMB has been found liable for using a woman's name and photo, and falsifying her personal story, to promote its business without her permission.** Incredibly, El continued to tout her marriage to Mr. Fox as a "success" story even after El knew that Nataliya had fled to a battered women's shelter, Mr. Fox had flown to Haiti to obtain a divorce, and even throughout the trial.