

**“Marriage Migration, Citizenship, and Vulnerability:  
The International Marriage Broker Regulation Act (IMBRA)”**

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### **Abstract**

**In 2005, following the deaths of several marriage migrants known as “mail-order brides”, the International Marriage Broker Regulation Act was created. Designed to regulate the international matchmaking industry and provide women with the information to make informed, safe decisions about their future partnership in an attempt to decrease instances of violence, this law was the result of an increase in awareness, collaboration between interested parties, and incorporation into a broader bill. For years, marriage brokers had operated using stereotypes about submissive foreign women to attract customers, recently bringing business onto the internet and creating websites marketing women as purchases. Five years after the passage of the law, however, the International Marriage Broker Regulation Act fails to address six key vulnerabilities faced by female marriage migrants. For this reason, women immigrating to the United States to marry a spouse after introduction through a marriage broker still face an increased likelihood of domestic violence and even death. The author concludes with a discussion about future improvements in both legislation and operation to address violence against immigrant women.**

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## ***Chapter 1***

### ***Introduction***

In September of 2000, Indle King, Jr. murdered his wife, Anastasia. Indle and Anastasia met through an international marriage broker. Before marrying Anastasia, Indle had divorced another foreign fiancée and was preparing to marry a third once his relationship with Alla was terminated.

Three years later, outside a day care center in Burlington County, Pennsylvania, 24 year old Alla Barney was murdered in front of her son. The perpetrator was Alla's husband, Lester. The couple had been introduced through an international matchmaking organization. Alla was a native of Ukraine who had come to the United States to find love. In the past decade, the number of cases like that of Alla and Lester Barney has only increased. Several months earlier, Alla had been given a restraining order and was granted temporary custody of their son, who Lester took after murdering Alla.

In the same decade, two other foreign-born women, Susanna Blackwell and Nina Resier, were also murdered by their husbands. The numerous cases here show that violent attacks on foreign brides are not isolated incidents, and instead are an indication of a growing problem. All of these cases demonstrate a growing demand for brides from other countries and the potential danger for these women. Brief media attention highlighted some of the challenges and dangers faced by "mail-order brides", also known as marriage migrants.

Growing use of international matchmaking organizations and the movement of marriage brokers onto the World Wide Web has increased the number of women entering the United

States as foreign fiancées. The practices of the marriage brokers who introduce these couples puts the women in vulnerable positions, and several murders during the last two decades highlighted the increased risk of domestic violence these women face.

This thesis examines the creation and operating structure of the International Marriage Broker Regulation Act (IMBRA), a law designed to provide protection and reduce the likelihood of domestic violence. Employing interviews with five key players in IMBRA's creation, this thesis investigates what steps led to the law's success and what pitfalls might have limited IMBRA's impact.

The use of the term "marriage migrants" in this paper replaces the archaic term "mail-order brides", which often carries a negative connotation. The concept of "mail-order" brings to mind purchases of goods and encourages the vision of humans as commodities. At times the phrase "mail-order bride" will be employed if particular authors or studies have used that term. Although many marriage migrants come to the United States after meeting a partner abroad through informal means, in this paper the term marriage migrants is specifically applied to women who met their American spouse through an international matchmaking organization.

Although the idea of migrating for marriage was really highlighted in the 1990's, it is not a new concept. While many may think of mail-order brides as a contemporary and international phenomenon, life in frontier America during and after the civil war necessitated the need for matrimonial recruitment. From the 1850's to the 1890's, a popular newspaper called *Matrimonial News* published numbered personal ads, the majority of which were written by men out west seeking a partner from eastern states (Enss 2005, 23-26) . Men traveling out to the frontier in hopes of finding gold often lived alone. For decades, several newspapers advertised the opportunities for women to move out west to find a husband and experience the frontier,

making the concept of a “mail-order bride” common, acceptable, and vital for survival in America’s pioneer towns.

These nineteenth century “mail order brides” and their potential spouses, though, are different from the men and women today using an international matchmaking organization. The situation on the frontier was devoid of women, meaning that few women initially traveled out west, so the population was too small for marriage and families and therefore the continuity of the population. Ads in the newspaper were mostly written by men and the service of publishing the ad was made free to women. Women traveled to western America after responding to newspaper ads to help build families and sustain the society.

Today’s marriage brokers operate in a very different climate with different clients. For example, the men making use of international marriage brokers cite failure in current relationships and desire to partner with a particular type of woman as opposed to a severe lack of women in a particular geographic area, although many of the men do live in isolated areas. In addition, typically now it is women now advertise themselves through catalogs and websites, giving men the choice of bride. The use of the internet has opened the market for numerous marriage brokers to set up shop and provide quick, easy and affordable access to hundreds of women at a time. With many more companies now in the game, marriage brokers are also expanding their services to attract more clients.

Over 200 marriage broker agencies exist today, providing ample opportunity for American men to find a mate through the internet or catalogs. Different companies appeal to men seeking women of a particular background, ethnicity, or personality. Historically, the agencies have produced catalogs with pictures of the women, biographical and physical characteristics, and contact information. Women who were not photogenic were not placed in the magazines,

and frequently women would place the photos of friends or relatives in the catalogs to encourage the women to meet men and improve their economic mobility. Through technology innovation over the internet, men can now more easily browse and contact the women, speeding up the courtship and marriage process. In addition, the men can easily screen out unwanted candidates by choosing options not to view those women again and to put potential mates in a “shopping cart” for viewing at a later time. Despite the many changes the internet has brought to the marriage broker industry, a delayed wait for immigration still happens regularly for couples (Constable 2003, 56). Increased concern about marriage fraud has also spurred an even greater amount of paperwork and delay in the process, and legislation must now address concerns about both fraud and violence.

Tragedies like those befalling Alla Barney and Anastasia King have brought attention to immigrant women’s vulnerability and have increased interest in possible prevention of future violent murders. High profile cases about women who have been the victims of abuse or murder have helped stimulate legislation that aims to protect other women. This increased awareness about marriage migrants can be linked to news and magazine stories about women in either the most precarious or positive situations. Cases in which women have been the victims of violence or murder have helped stimulate legislative action to protect other women. Layli Miller-Muro, founder of the Tahirih Justice Center, a leader in fighting for women fleeing gender-based violence, has argued consistently in public interviews that it often takes a high-profile murder case to bring attention to the issues marriage migrants face.

Following these murders in the 1990’s, government interest in this issue was sparked. An INS report in 1999 stated that women who meet their spouses through international marriage

brokers are much more likely to become victims of domestic violence due to the nature of their relationships (Scholes 1999). The INS also wrote that it is possible the brokerage process could lead to human trafficking and exploitation if the industry continued operating unregulated. This report was created to call attention to the issue for legislators and to demonstrate whether there was enough concern to craft better laws for the protection of the women. Unfortunately, the report was not enough to demonstrate at the time that greater protections were necessary, and only several additional abuses and murders would create enough attention for these changes. Although the dangers for marriage migrants have long been present in the brokerage system, public knowledge of the severity of the problem is new.

Information from the brokerage agencies provides an estimate that approximately 100,000-150,000 women promote themselves as potential spouses through international matchmaking organizations. Annually, as many as 6,000 women are successful in their quest to marry American men and begin the process towards U.S. citizenship. The majority of these women come from the Philippines and former Soviet Union countries.

Marriage broker agencies are often highly profitable business ventures, generally charging men anywhere from \$100-\$200 monthly with services provided to almost 1,000 men. Men can also sign up for “premium” or “lifetime” services to insure high quality customer service. If successful, the man and woman in each relationship must prepare for the bureaucratic process of the female moving to the United States. Marriage migrants often enter the United States on one of two visas. A K1 visa is provided to fiancées and K3 visas are provided to females who are already married to an American citizen, many of whom are married to American servicemen.

Often in the most precarious situation, many of these marriage migrants are anxious to escape war-torn countries or nations with high unemployment and struggling economies. Posting pictures to mail order bride websites or catalogs is not only common, but encouraged among young women trying to make a better life for themselves. Lisa Loeb, a happily married bride from Ukraine, states that in her country it's a popular activity for young women, viewed by the female population as a way to exercise agency in their own future.

This is not to say that every woman who immigrates and marries an American man experiences violence. In fact, many women choose to sign up for matchmaking services do so on the advice of a friend who has ended up happy in the United States.

A June, 2009 feature in *Glamour* magazine highlighted a couple who claim they met through a marriage broker agency and are happily in love, living in New York City (Loeb 2009). The importance of this article is that it demonstrates the transfer of marriage migrant stories to popular media. It is unlikely that prior to reading such an article, many women among *Glamour's* readership were aware of the challenges facing both legitimate couples and those women plagued by violent partnerships. Although some women who meet their spouses through a marriage broker lead successful and happy lives in America, there are many who become victims of domestic violence in a country where their citizenship is tied to the abuser. The majority of these marriage migrants are between 16 and 25 years old, with little knowledge of the language, customs, or laws of their new country. Marriage migrants in abusive relationships face two battles: adjusting to a society in which abuse against women is rampant and obtaining citizenship as a spouse of a citizen or legal permanent resident.

In addition to being outsiders in the United States, marriage migrants have tenuous legal immigration status. Marriage migrants are conditional residents until their marriage has been

intact for two years. Many enter the country for an initial or second visit with the potential spouse first and must marry within three months to obtain conditional status. If the marriage is not intact after two years, the conditional resident loses status and becomes eligible for deportation. Within 90 days of the two-year anniversary of receiving conditional status, the female spouse must file an I-751 form through the USCIS (formerly INS) and wait for approval. This form is a joint petition to remove the conditional basis of the alien's permanent resident status. Both members of the couple must demonstrate that the marriage is intact and that they intend to remain together, and must also provide proof of their life together.

Although it would greatly improve their status, there would be challenges in reducing immigration barriers for marriage migrants. Despite the complicated steps couples must endure to achieve citizenship for the foreign female, public and governmental concerns about fraudulent marriages have long been popular. News stories about fraudulent marriages, or those formed with the sole purpose of receiving citizenship for the non-resident, resulted in laws that make it difficult for abused women to quickly, safely, and legally escape violence in their marriage. While these regulations do reduce the likelihood that women are entering the United States with the purpose of leaving the husband and obtaining citizenship, these same rules have made it either extremely dangerous or difficult for women being abused to escape. Those who cannot file under the I-751 form for removal of conditional status due to divorce or dissolved marriage must file until I-752.

The process of being recognized as a U.S. citizen for marriage migrants is long and confusing, particularly for women from another country who are not familiar with the language or customs of the United States. The Immigration Marriage Fraud Act covering this form allows for removal of the waiver based on one of two conditions: extreme hardship or good faith and

good cause. In order to file under the extreme hardship condition, spouses must explain why their deportation from the United States would be an extreme hardship above problems encountered by other deported people. The second condition, good faith and good cause, is what the majority of female spouses seeking to escape an abusive marriage file under. This states that the marriage was entered into with the intent of forming a permanent marital relationship and not for the purpose of obtaining citizenship and that the marriage was terminated for good reasons. The “good reasons” mentioned are not entirely clear and it is left up to USCIS to determine what those good reasons are. Although women can petition to have their conditional citizenship removed, this is not an easy process and it can take up to an entire year just for the petition to be reviewed. Many wives struggle to have the conditional status removed if the marriage remained intact for less than two years and/or if the husband filed for divorce instead of the wife. The burden of proof with regards to violence remains the woman’s challenge. For these reasons, the process of obtaining citizenship is difficult for these women.

Entering the country as conditional citizens, many female marriage migrants don’t have the language or legal understanding to realize they have a right to live free of violence. As a result, many of the women in abusive marriages stay because they are unaware of their rights or feel they will lose conditional status if they contact authorities. Sometimes, abusive husbands tell their wives that they will be deported no matter what and limit the wife’s contact with family, friends, or support and force her to remain in the house, unable to find help.

Concerns about the lack of resources available marriage migrants and the rising number of deaths resulted in the creation of the International Marriage Broker Regulation Act (IMBRA). IMBRA was created to address weaknesses in information provision to female migrants in order

to reduce the likelihood that women immigrate the United States without knowledge of their rights.

The International Marriage Broker Regulation Act was incorporated into the reauthorization of the Violence Against Women Act, and is regarded by many people involved in the process as a significant step forward in the protection of immigrant women trapped in violent marriages. IMBRA's success can largely be related to timing, interest, and cooperation among several parties. IMBRA has also benefited from a growing interest in curbing violence against women over the last 20 years.

IMBRA produced several important protections for female marriage migrants meeting their spouse through a brokerage agency. The law requires a criminal background check about the male provided to the female prior to their marriage, information obtained about the male through the sex offender registry system, a pamphlet about domestic violence victim services and protections in the United States, and the female's written consent to provide her contact information to the male. The concept of IMBRA was to reduce the chance that the woman would marry an abusive man to begin with and to provide some leniency on the U.S. end if she were to end up in a marital relationship with abuse.

Immigration has become a battleground in politics today, with many elected officials demanding a reform overhaul. While this has helped increase interest in the dangers faced by female immigrants, because of the negative attitude held by many about immigrants in general, it has become difficult to persuade legislators of the importance of protecting these women. Some argue that the social taboo of marrying a woman from another country reflects these larger feelings about immigrants in general.

Despite the importance of immigrant populations contributing to a great deal of growth in America, the word connotes negative comments and feedback in America politics. Nicole Constable accurately weaves the history of U.S. immigration history, demonstrating a demand for cheap labor versus native concerns about new immigrants (Constable 2003, 177). She argues that immigrant women entering the country as “mail-order brides” reflect social concerns that reflect past treatment towards immigrants. She says that single immigrant groups are singled out and viewed with suspicion from the native population. This treatment has remained fairly consistent throughout history, with images of foreign groups being painted in particular ways to make them feel unwelcome.

IMBRA has been an important creation for the protection of immigrant women fleeing gender-based violence in the United States. If it is successful, it will pave the way for future laws and amendments that will decrease an immigrant woman’s likelihood of experiencing domestic violence.

This thesis examines the effectiveness of IMBRA. Chapter 2 begins by the long history of mail-order marriages in the United States and notes how the internet has drastically affected the reach and scope of these arrangements. Beginning with chapter 2, the thesis examines the vulnerabilities faced by women using the services of a marriage broker and then analyzes IMBRA to determine what events led to its creation, where it’s succeeding, where it is failing, and what potential improvements might enhance it’s protections.

## *Chapter 2*

### *Background, Literature Review and Methods*

#### **BACKGROUND**

A rising interest in using matchmaking organizations coincided with the creation of the Internet to revolutionize the industry. The Internet played an important role in changing the way partners now meet one another and the ways marriage brokers operate. The World Wide Web has made it easier, faster and cheaper to reach out to hundreds of women with only a few clicks of a button. In the past, letters were exchanged between the potential spouses before an initial meeting was set up. Currently, however the Internet has enabled the process to move much more quickly with increased communication and the ease of access has increased the number of women advertising on the site.

The growth of the Internet has also encouraged a veritable community of “pen pal” or “friend finder” sites. These sites often argue that they are simply introducing international friends to one another and therefore these businesses are not required to maintain the same level of protection that IMBRA requires of an international matchmaking organization. Some women choose to meet a husband through a “pen pal” website now because the process is easier and there is less stigma about wanting to meet a new friend in another country as opposed to advertising on a marriage website.

There are dangers to using these websites, though. The pen pal websites usually don’t require a fee for membership, which means that some of these groups don’t operate for a profit and don’t provide any guarantee of satisfaction. Many men and women meet through these groups and pen pal clubs. Although this has connected many men and women with friends across

the globe, the unregulated nature of the clubs can also make them less safe for women than marriage broker websites. In addition, these sites don't offer a guarantee since the owners claim the purpose is to foster friendship. For this reason, these clubs are not held accountable by any governmental agency on the level required of marriage brokers, making women vulnerable.

The Internet has also changed the spouse introduction service in another way: the creation of online communities, chat rooms and forums where men and women can share stories and complaints about the immigration process. In this way, men have been able to share advice with one another and assist future couples in navigating the process safely and quickly. There are also many concerns about corruption on the women's end; the numerous hoops for women to jump through present financial opportunities for those holding the key to immigration. Women have shared stories about medical examiners even requesting a bribe to pass a fiancée through the physical portion of the test. At every level, corruption seems rampant, and since many of these men and women only do this process once, they are all at that levels novices with regard to the information needed to succeed. With this in mind, it's easy to comprehend the online communities formed to assist both men and women throughout this difficult period.

These changes have also encouraged marriage brokers and the local people helping women complete their applications to assist with the visa process. With more and more women having the experience of immigrating to the United States, new females can now be clued in about how to successfully answer the embassy questions. In a story related in one of the few books on the topic, a young marriage migrant from Russia named Anastasia now warns women that if they are asked about their plans in America, women must answer that they want to stay at home. She states that if women declare an interest in owning a business, the immigration officers will

assume that the woman is interested in citizenship and not a husband (Johnson 2007, 134). The entire system, therefore, seems set up to encourage women to stay at home.

Although both members of the couple can pay for the female to have assistance during the visa process, that doesn't mean her immigration will happen more quickly or easily. One marriage migrant named Anastasia from Russia followed all of the recommendations given to her, but she was forced to wait a year and two months after the filing of her green card to receive an interview with immigration services (Johnson 2007, 136). The interview was also a difficult process for Anastasia and her spouse. During the interview the couple was required to present bills with both names on it and mutual credit cards (Johnson 2007, 137). This entire process helps insure that the woman is financially dependent on her new husband and links her to possible debt if they divorce.

The Internet has also made it easier to learn about marriage brokers from a news perspective. As more news stories broke out about the potential dangers of meeting a spouse online and the violent deaths of several young women, public awareness increased. Government officials also became concerned, but were only involved initially from a research perspective.

Concerns about problems relating to immigration as a result of marriage were nothing new to the government; previously the issue had been examined from a different angle. In the early days of marriage brokers, many public officials were concerned about how many women would take advantage of this citizenship opportunity (the process being fairly easy compared to the experiences of other immigrants), to commit marriage fraud. Wild speculation about women seeking a U.S. partner only to leave him and make full use of her new U.S. citizenship sparked concerns about the ease of immigrating in this way, resulting in the Immigration Marriage Fraud Amendments of 1986.

The Immigration Marriage Fraud Amendments were an attempt to deter marriage fraud by instituting the two-year conditional status period. This act was the first example of the difficulty of representing concerns about marriage fraud while providing a safety net for women in violence partnerships.

Many people felt from the beginning that the IMFA unfairly burdened female immigrants. While previously marriage migrants were given permanent residency after moving to the United States, the new two-year waiting period forced all couples to patiently wait for important immigration documents. Those in abusive marriages had two options: wait it out or be deported. Administrative delays could also increase the waiting period up to four years. This not only burdened legitimate couples where domestic violence was not an issue, but greatly increased the likelihood of domestic violence. Although a woman could receive permanent status if she was able to prove domestic violence, if the marriage dissolved before the two years were up the woman became immediately deportable.

Several months after the enactment of the Immigration Marriage Fraud Amendments, the U.S. Attorney General was required to study how the provisions were working and affecting the people involved. Noting that the current stipulations were likely to negatively affect the female immigrant spouses, the Attorney General's review inspired Representative Louise Slaughter and Senator Mark Hatfield to sponsor bill H.R. 2580, "Immigration Reform for Battered Spouses." The goal of this bill was to make it easier for women in abusive marriages to escape and retain their right to live in the United States (Glodova 1994, 86-87). Claimants, however, must still prove that they are victims of battery and abuse.

Although there are weaknesses in government attempts to address domestic violence for marriage migrants, there are foundational problems with some of the people who use

matchmaking services. Many men who sign up for these services do so after being frustrated with experiences with American women and the male's desire to seek particular submissive qualities in a wife. Many men report their frustration with "feminists" in America being a main reason to enlist the assistance of an international marriage broker.

## **CLIENT MOTIVATIONS**

The concern about Western feminism appears to be a driving force for the interest in seeking a wife outside of the United States. This idea appears throughout most literature and examination of marriage broker websites. Men repeatedly cite problems with American feminists and their beliefs about raising a family. Constable backs up the idea that some Western men are forced to look for partners abroad because they find American women too "liberated" and more interested in pursuing a career than building a family (Constable 2003, 68). One of the men Constable spoke with, Ted, mentioned that he decided to look for a wife abroad because he was weary of "dealing with" American feminists (Constable 2003, 101). Many men using these services are disenchanted with their American relationships, seeking to find a more "traditional" wife (Anderson 1993, 1408).

In considering what foreign women thought about the process, prior references like Ericka Johnson were crucial for explaining that side of the story. Women who have had success using marriage brokers cite clear differences between themselves and American feminists: "Masha understood that the men wanted a real woman (meaning a very feminine and docile wife). But that suited us fine. We're not feminists", spoke one woman (Johnson 2007, 79). One woman named Tanya who spoke with Ericka Johnson asked the author "Is it true that American men are afraid of American women? Are American women really all feminists? (Johnson 2007, 95)."

Successful marriage migrants note that their unique “feminine” qualities helped them find and keep husbands in the United States. Wanwadee Larsen, a young Thai woman, nervous about meeting her new husband upon her arrival in the United States, tried to convince herself of her positive characteristics while on her trip:

“I did have something going for me at the moment; a quiet sort of resolve. It had always seemed to me to be a prime characteristic of Thai women entering a relationship. Thais prefer never to contest their partners, or vie in the slightest for dominance, or engage in any battles of the ego. To them, that approach is as much a mistake as trying to physically out-muscle a man. Either you or the relationship loses, eventually (Larsen 1989, 34).”

Although this underlying interest in submissive women heightens the risk for domestic violence, there are other factors at play, too. First, these women are also at risk because they are entering a country in which violence against women is relatively common (Anderson 1993, 1402.) Language and cultural barriers make communication about problems more difficult, and the female’s dependence on the male removes the possibility for an equal partnership (Anderson 1993, 1403). Many women are trapped in the home during the citizenship waiting period and are unable to work, especially without access to a vehicle, and are therefore financially dependent on their husbands.

The above-mentioned stereotypes of submissive women are crucial for fulfilling the fantasy of these American men. As soon as the Filipina bride stereotyped as “meek” begins to speak up for herself or the Eastern European bride stereotyped as a “homemaker” requests permission to work outside the home, conflict begins. Wanwadee Larsen believes that Thai women have a distinct advantage in situations like this, because they are used to accepting a “subdued and subordinate role (Larsen 1989, 34).”

The operation of many of the broker’s services also market the women as potential purchases. Speaking with John, a happily married Western man who used a marriage broker,

Ericka Johnson uncovered that in his opinion the romance tours are like a “meat market” (Johnson 2007, 130). The physical appearance is considered one of the most vital ways to attract a new husband; Vera, a woman in Russia helping young ladies to craft the perfect application cites the photograph as the most important part of the package (Johnson 2007, 78). This reliance on the physical aspect of the initial relationship while allowing women only a short space to describe themselves further puts the emphasis on physical interest and not on getting to know the potential spouse.

Although the number of households in the United States with females at the helm is certainly increasing, marriage still provides a form of protection, shelter and support in many places around the world. Since American society has changed and women have become more financially independent and able to have children without a husband, some women choose to focus on their own career and life and are not interested in marriage (Anderson 1993, 27).

The interest in creating a more traditional model in the house, where the man is employed elsewhere and the woman remains in the home rearing children, seems to be waning on the American woman’s side, referenced by scholars like Cunningham (2008). It seems plausible that in the case, why some American men might choose to seek wives outside the United States. Whether or not this is what foreign women are seeking in a partnership remains to be seen, but often the decision to marry American men met through a broker serves as an unofficial contract that the women are entering the marriage with the purpose of childbearing and homemaking.

American men’s perspectives about feminism seem to be particularly well understood by Russian women. When asked about feminism by Ericka Johnson, many Russian women also spoke against it, reinforcing the idea that it was a women’s role to be domestic and to serve the man. Russian women over the age of 20 are actually considered too old to be married, so it is

very common that Russian females between 19 and 30 are interested in American husbands, who often tend to be older.

Russian women are excited by the opportunity to live in the “land of the free” despite the costs that might come with citizenship. Abortion is extremely common in Russia because affordable birth control is often difficult to come by. Women also often have these abortions without any kind of anesthetic, because it’s often only available with a cost, and many of these women cannot afford it. For the Russian woman planning a move to the United States, her new home represents freedom in many ways (Anderson 1993, 33).

Russian women also appeal to Western men because of their young age. Russian women often marry young, so even 24 year old women posting profiles on a matchmaking website are likely to be divorced. So many of these women cite various problems with Russian men as the reasons for their divorce including marrying too young before they are mature enough and have spent enough time with the man to really know him, Russian men being a greater proportion of the population and bidding after young women to begin a family only to carry on his male name, and numerous problems with alcoholism.

The fact that Russian women don’t condone this kind of “feminism” is a great way for them to market themselves to potential buyers. The “Chance for Love” matchmaking service states: “The Russian woman has not been exposed to the world of rampant feminism that asserts its rights in America. She is the weaker gender and knows it (Arak 2003)”.

A relationship is not one-sided, however, and the majority of the time women do consent to their role in the process of meeting foreign men. There are several common reasons that foreign women choose to advertise themselves with a marriage broker, although many women felt they had no choice but to look for a husband abroad, citing problems with the behavior of

men in their own country. When asked, many of the women reported that they in particular wanted an American husband because men in their own country did not treat women well (Scholes 1999, 2). Many women are honestly looking for a partner or better economic opportunity for themselves.

Many of the women working with marriage brokers appear to be discriminating in their search for a husband. Olga, a young woman taking advantage of potential marriage opportunities, mentions getting what she believes to be form letters from the men. She believed that if a letter was too short or not personal enough, the man was wasting her time and she wouldn't answer him (Johnson 2007, 25). Although there are more women than men involved in the service, women often receive letters from many men and choose from there whom to respond to. In a way, this is in some sense like courting and the women are flattered by the many men interested in getting to know them.

Women often spend hours working on the perfect profile to attract a Western man. Vera, a woman who works with Russian women to help them craft a profile also helps women to choose which site to advertise on. She warned the women against using a catalog only approach, because she said that those men were of poor economic quality and that the ladies were more likely to find an educated and employed husband through the internet resources. Vera makes a living helping these women create a perfect profile to appeal to Western men.

One reason to work on creating an ideal profile is the high level of competition for only a few men, relatively speaking. For this reason, Vera had expanded her services to planning a romance tour to help the women she was working with. Due to the high costs of traveling abroad and the strong interest on the Russian end for an American husband, often there are many more

women than men and this reduces meeting the men to a form of competition among the women (Johnson 2007, 65).

The signing of the International Marriage Broker Regulation Act in January, 2006 was a key step for legal action protections of marriage migrants. The success of this document's adoption is credited to the highly profiled murders and abuses of several mail-order brides in the years prior. A press release in October of 2009 from the Tahirih Justice Center, a leader in the fight for immigrant women's rights, highlights Department of Justice concerns about failure to enforce IMBRA regulations. The Tahirih Justice Center was a crucial contributor and supporter of IMBRA throughout the regulatory acts development. IMBRA was incorporated into the reauthorization of the Violence against Women Act and introduced several important provisions designed to protect marriage migrants who met their spouses through international marriage brokers.

The role of waiting, however, is still central in these marriage migrant relationships. The couples must wait to be approved to speak to one another, wait to meet, and then begin the long process of waiting to receive the proper immigration documents (Constable 2003, 175). U.S. men involved in the immigration application process also referenced the problems with waiting and wading through the difficult red tape. The difficult and volume of information required to be considered a legitimate couple prompted some men to begin online communities to help other men just beginning the process (Constable 2003, 197).

Although all couples are challenged by the long wait for important immigration documents, women continue to be victims of domestic violence as a result of weaknesses in the enforcement of the provisions within IMBRA.

## LITERATURE REVIEW

Scholarly research into the experiences of marriage migrants is relatively recent. Real interest in the issue grew in the 1990's, although limited coverage can be traced to a decade earlier. In 1984, several news articles and stories about women in dangerous situations as a result of their marriage were written, thus beginning an interest in and awareness of the issue (Glodova 1996, 3). Although a fair amount of the literature tells the stories of women who have been abused or killed as a result of meeting their spouse through an international broker, little research has focused on the general challenges and particularly on the process of creating legislation to protect these women while making it adaptable to new developments, such as the popular use of the internet. The lack of research in this area denotes the need for a more comprehensive review of understand about "mail-order brides" and the laws that affect them.

The literature about the experiences of mail-order brides comes from two different sources generally. Most scholarly works are written by researchers or professional advocates who have collected information from the marriage migrants and there are also articles or books authored by female marriage migrants themselves, like Wanwadee Larsen.

The literature involving female marriage migrants using brokers is extremely limited. There are only three primary sources in the field, each failing to be comprehensive. Glodova and Onizuka's work about "mail-order brides" explores the issue from a historical understanding about the women and men who use these services. Nicole Constable's work explores what she considers to be weaknesses in the field in general, specifically a lack of credit given to the women using the service and detailed information about the bureaucratic challenges even the legitimate, non-violent couples face. Finally, Ericka Johnson uses her experience living in Russia to explain the issue from the eyes of women in the former Soviet Union, looking at the customs

developed here and the popularity of using marriage brokers. While each of these sources is important, they all approach the issue from different angles and generally don't discuss the same themes or topics. All three denote a need for more comprehensive and reflexive research.

Previous research about the experience of obtaining and living a mail-order marriage focuses on a few main themes, the first being receiving the most coverage. The first theme examines why men and women choose to use the services and how stereotypes might be in play. The second theme examines the history of government action on the issue, specifically looking at the legislative developments in immigration that led to the passage of IMBRA. The third theme uncovers the ways that this issue was introduced to the public, through violent news stories and popular media articles. The final theme looks at the experiences of couples going through this process since the enactment of IMBRA and considers men and women as free agents.

The first theme that appears throughout prior literature involves the type of women that men are seeking when they sign up for a marriage broker's services. These women are particularly vulnerable in many cases due to the qualities the men are seeking in a partner. Glodova and Onizuka, among other authors, point to research about the men involved in the process and note that of primary concern are the men's reasons for seeking a "mail-order bride." These authors are the first to point out the great potential for exploitation that exists in these kinds of relationships. The majority of the men participating in brokerage programs report that they are looking for someone who is *unlike an American woman*. They want someone to fulfill a particular wife role and often discourage their spouses from seeking employment outside the home. The men seeking female spouses from other countries noted that American women were not content to serve as only mothers and wives but often wanted to seek employment outside of the home, a request which many of the men did not support (Glodova 1994: 38). Leslye Orloff,

the director of NOW's Legal Defense Fund Immigrant Women Project at the time, argued that the women were susceptible to violence because of the stereotypes enforced on both sides by marriage broker agencies (Arak 2003). Over time, these stereotypes have become even more important.

Not all research monolithically lumps together that particular perspective. Nicole Constable critiques Glodova and Onizuka's work by noting that some American men who have sought foreign brides have warned other men that they are not likely to find a domicile wife in Asian women. Constable argues that this goes against Glodova and Onizuka's statement that men seek a particular kind of submissive wife, but it is clear that the same men she references have had some experience with Asian women and were disappointed in the women's behavior upon their arrival in the United States (Constable 2003, 79). Constable also accuses Glodova and Onizuka of grouping all Asian women together in their assumptions, which denies the different cultures and backgrounds the women represent (Constable 2003: 83). Constable doesn't mention, however, that many of the websites dedicated to advertising these women often group them in the same categories, which appeals to the male customers. For example, two popular marriage broker websites operate under the names "Orient Brides" and "Asian Brides Online", clearly catering to a particular ethnic interest.

A good portion of current literature focuses on the specific countries women are coming from. Several countries appear at the top of the list constantly, and these countries are often places where women have little to no economy opportunity without marriage. For example, although "mail-order bride" activities have been illegal in the Philippines since 1986, the majority of Asian listings in mail order catalogs of online services are Filipino women (Scholes 1999, 1). According the report given to Congress about the industry in 1999, many believe that

Philippines legislation outlawing matchmaking agencies and female marriage migrants only made the industry go underground and become more dangerous. Numbers of Asian brides are second only to Soviet brides, although the number of Asian spouse immigrants is growing every year.

Women use marriage brokers for many different reasons, and scholars argue that sometimes the motives are misunderstood. Despite the many claims that foreign women are simply seeking citizenship, women from many countries are more interested in finding a husband. Citizenship is not as high of a priority for Filipino women as the opportunity to have achieved social desirability through marriage. Previous research has studied the experiences of Filipino women seeking American husbands, concluding that these women move between ideas about “modern” and “traditional” marriages, all the while influenced the most by their desired to be married at all (Lauser 2008, 88).

What little research has been done to uncover similarities among men who use marriage brokers reveals only a few common characteristics. In 1988, a survey cited in Glodova and Onizuka conducted by Davor Jedlicka collected information about the men making use of international marriage brokers. On the whole, the 607 American men who participated in the survey were white, highly educated, ideologically conservative, economically successful, and had a median age of 37. Although it appears from these results that the men looking for marriage migrants are generally successful and intelligent, Jedlicka himself acknowledged that his results were not likely to apply to the entire population of men.

The second theme in research involves government consideration of these issues. Scholars authoring previous research often seem confused or frustrated with the tug of war between fraud and protection and much of the work seems to paint the problem as an “either/or”.

This makes it seem like both issues can't be addressed simultaneously, and this is not accurate. Often, research involving fraud or abuse within these marriages is grouped together, representing the competing interests involved in crafting legislation to address this problem. The appendix to the report to Congress on International Matchmaking Organizations reviewed petitions at the INS Service Center in St. Albans, Vermont (1999). A total of 741 petitions were reviewed during February 1988 and 12 were coded as definite "mail-order bride" relationships and a further 29 were coded as "probable mail-order brides" cases. The majority of the women came from former USSR countries but those nations were closely followed by women emigrating from the Philippines. At the time, St. Alban's Service Center was one of only four INS Service Centers in the United States.

The evaluation, however, is weak because only 8 cases were considered and the sample is too small. Researchers then reviewed 8 cases coded as definitely or probably "mail-order bride" relationships. Half of the sample had no evidence of either marriage fraud or spousal abuse, although the other half contained two cases of fraud and two cases of abuse. Understandably, it's been a challenge to craft laws that deal with both of these concerns.

The third clear theme in previous literature involves the transference of the issue from a governmental and scholarly realm to that of the public. In June, 2009, a *Glamour* magazine article focused on the experience of a 27-year-old woman from the Ukraine who now happily lives in New York City with the husband she met through a marriage broker. The inclusion of this story in such a magazine reflects a growing public interest in understanding these relationships. While this bride's experience was positive and she cites living a happy life with her new husband, the article included a section that referenced the women who have experienced violence or death as a result of meeting a man this way. Although knowledge of this issue in general is

swept under the rug, an article like this in a major publication like *Glamour* helps spotlight the experiences of marriage migrants. This magazine's readership is nearly all women, and the linking of "mail-order bride" issues to the greater concept of women's issues in the U.S. brings much-needed public awareness to the women suffering.

The final theme in current literature focuses on the stories of men and women using a marriage broker and the challenges those couples face. Only one author attempts to claim that the actions of these foreign women actually demonstrate agency. Nicole Constable argues that by considering all the negative aspects of viewing international matchmaking as the business of selling bodies or trafficking, scholars have denied men and women the opportunity to take charge of their lives in a confident direction. While this is certainly true, the current setup of the system does not allow for much agency on the part of the women, particularly after they are married.

Nicole Constable, a leading author in the research on marriage migrants, argues that not enough credit is given to the women involved in the process, the majority of whom she believes are smart enough to realize the risks involved in meeting a man from another country via correspondence (2003, 71). Constable does make a good point to demonstrate that there are genuinely happy couples who meet through a marriage broker and encounter many problems navigating the red tape of visa bureaucracy. Complications even as simple as having a child can make the visa process more difficult for women, as this heightens concerns about fraudulent marriage (Constable 2003, 109).

Although there is a history of literature available about mail-order brides and women seeking citizenship as a result of gender-based violence, there are several large gaps that provide a basis for greater research into the field. The first of three gaps in the research is that current

studies haven't completed detailed work about the challenges conquered and the challenges that remain with regard to providing protection for these women. The second gap is that previous work has focused on sensationalized stories with weak qualitative data to back up minimal anecdotal evidence. Finally, current research hasn't incorporated the problems into the greater scheme of protecting women, and especially immigrant women, from gender-based violence.

A very small portion of the current literature has focused on the challenges faced by immigrating women or incorporated elite interviews to examine the successes of current work and the remaining problems. Since the passage of the International Marriage Broker Regulation Act, most of the current literature has become dated. IMBRA's passage was important for marriage migrant protection, but many advocates believe that it is not being implemented properly or quickly enough and that there are more improvements to be made.

This thesis seeks to address crucial gaps in the current literature, including the lack of evaluation of IMBRA and a comprehensive review of how the Internet has affected this industry. This work incorporates a legislative history of IMBRA in a two pronged approach, examining how the internet has shaped the business of being a marriage broker and looking at the crucial steps leading up to IMBRA's passage. This uncovers the several factors crucial to IMBRA's existence and examines the ways in which the law can be improved and implemented more properly, relying on conversations with key players in IMBRA's creation. Undoubtedly, many immigrant women are happily married violence-free situations in the United States. However, since our laws are generally constituted to avoid harm rather than guarantee happiness, this thesis focuses a lens on women in more unfortunate situations. The operations of marriage brokers put women in a vulnerable situation, making it difficult to leave violent situations. As a result, this

thesis examines those vulnerabilities and considers how administrative and legal changes can address the problem.

## **METHODS**

Previous research has largely failed to incorporate consistent and comprehensive interviews with key people who are connected to this issue on a regular basis or those people who played an important role in promoting the issue for a certain period of time. For example, the only data cited by Glodova and Onizuka references a study completed by Jedlicka that cannot be located, and Johnson's work only examines the experiences of Russian women involved in the marriage broker process.

Interviews were chosen to help uncover the many different issues at work that led to the creation of IMBRA. Interview questions were crafted to encourage open-ended responses and allow interviewees to share their personal experience. The author is IRB certified with regard to the consent information, interview questions, and management of interview information. The application was later amended to allow a greater reach in terms of people interviewed and questions were adapted according to each person's association.

In total, the author conducted interviews with five people who assisted in developing IMBRA as it progressed from an idea to a bill to a law. A wide reach was extended to potential interviewees. The author contacted 12 people who were involved with the bill, including staffers from all four offices connected with sponsoring the bill. After communicating by telephone and email, only five people were identified willing to participate in the interviews. Due to high turnover in the staff at congressional offices, it was difficult to obtain accurate contact information for former staffers. Two of these were Congressional staffers, two were employees

of the Tahirih Justice Center, and one was an employee at Legal Momentum. Legal Momentum was identified as a key player after an initial interview with staff at the Tahirih Justice Center. Final interviews were conducted with a congressional staffer, Evan Baehr, former employee of Frank Wolf's office, Jeanne Smoot, Director of Public Policy at the Tahirih Justice Center, Leslye Orloff, Vice President and Director of Legal Momentum's Immigrant Women Program, and Deepika Allana, Senior Public Policy Attorney at the Tahirih Justice Center. At one time or another, all five of the people spoken to played a role in the creation, writing, or updating of the International Marriage Broker Regulation Act. The goal of the interviews was to speak to people who came into the issue from different backgrounds, at different times, and with different personal prior experience to this problem. The interviews were conducted by phone from December of 2009 until February of 2010.

The Tahirih Justice Center seeks to protect immigrant women and girls from violence, advocate for their legal rights, support their courage in seeking justice, and empowering them to achieve equality. The organization was founded by Layli Miller Muro and has been a key player in assisting women escaping gender-based violence since their foundation. Miller-Muro wrote a book with a woman who fled forced marriage and genital mutilation, and Miller-Muro used the proceeds from the book to found the Tahirih Justice Center. Legal Momentum is the country's oldest legal and defense education fund, and has played an important role in developing policy aimed to attack violence against women. The four sponsoring congressional offices of the International Marriage Broker Regulation Act were Representative Frank Wolf, Senator Maria Cantwell, Senator Sam Brownback, and Representative Rick Larsen. Congressional employees from all four offices were contacted about participating in the interview.

The specialized in-depth interview model was chosen to reach out to people who had been involved at a significant level in the creation of IMBRA. For that reason, it was helpful to speak with a variety of people from different organizations or offices to glean that particular group's input. It was necessary, then, to cast a broad net of people who might have potentially been involved and then weed out those people who were no longer involved or attached at a superficial level. This style also has some weaknesses, however. Although speaking with groups like the Tahirih Justice Center or Legal Momentum offers a lens inside the key problems regarding this issue, it can also appear as a bias towards those people who have had negative experiences as a result of a marriage broker. This thesis instead focuses on the potential vulnerabilities these women face while omitting the stories of the marriage brokers and women or couples themselves. Speaking to marriage brokers and the women using these services would have been a great challenge due to the sensitive nature of their problems and difficulties in locating a sample.

In addition, the websites of six popular marriage broker websites were analyzed to uncover how the Internet has affected the way these businesses operate and how that might affect the experiences of the women using their services. After a preliminary look at several marriage broker websites listed in previous literature, it became clear to the author that the internet had made the process easier, faster, and potential cheaper for male clients to reach out to many women are once while increasing the vulnerabilities female clients faced. As a result, the websites chosen belonged to marriage brokers in business eight years or longer that had moved their services from catalogues to online listings. In addition, the brokers chosen appeared in previous literature as "leaders" in the industry, purporting to have matched dozens or hundreds of couples. Websites chosen were also those who listed the stories of matched couples on their

website, accepted payment over the internet, and maintained an active website for the purpose of introducing foreign women with American men. The final selected marriage brokers include Cherry Blossoms, Asian Brides Online, Orient Brides, A Foreign Kiss/Foreign Affair, Anastasia Date, and Elena's Models. The majority of these sites also appear on numerous review websites as the "best" of the industry.

The analysis of websites was used in order to fill a large gap in previous literature, which had failed to look at how the internet and competition from other marriage brokers had altered business practices. Since women had previously been listed in catalogues, the process became much easier and faster on both ends and the ease of creating and marketing such a website allowed for greater competition from new brokers. This also meant that brokers were able to see what other promises, advertising, and models were being used on competitor's websites and how other businesses were expanding their services in an increasingly global world. The website analysis focused on how these brokers described, marketed, and guaranteed their work.

## *Chapter 3*

### *Vulnerabilities and Awareness*

The current operations of marriage brokers and the interested parties on both ends put women in a very vulnerable position. As more and more women experienced domestic violence or murder as a result of being introduced to a husband through a marriage broker, general awareness about the situation has increased. The marriage broker business makes use of stereotypes and the current rules regulating the business continue to put women in a precarious situation.

#### ***VULNERABILITY***

There are six key ways that women participating in matchmaking via brokers are vulnerable and therefore more likely to experience domestic violence. First, the operation of the broker pits the women as commodities bidding for men. The men visiting the site are also informed numerous times about the promised “obedient” and “wifely” qualities their spouses will possess. Second, the provision of information on the sites is largely one-sided; women must provide all kinds of background information about themselves without knowing much about their potential partner. Third, the creation of the internet has drastically altered the availability of advertising, searching for brides, and contacting the women in a way that makes the women look like desperate commodities. Fourth, the women are often coming from situations of economic and marital despair, seeking a better life and willing to give up whatever is necessary to achieve their perception of American “freedom”. Fifth, they are advertising themselves for an opportunity to

live in a culturally unfamiliar area often with a language barrier, making adjustment to life difficult. In addition, the men contacting the women often live in “isolated” situations, far from cultural connections important to the women and often living in rural areas without public transportation. These concerns make women literally and figuratively isolated. Finally, the rules set up to prevent marriage fraud within the United States forced any relationship between an American man and potential foreign bride to move from an initial meeting to marriage within such a brief period that it is difficult to truly know what the other partner is like as a spouse, housemate, and parent. All six of these problems contribute to marriage migrant’s increased risk of domestic violence.

These stereotypes help contribute to women’s immigrant women’s vulnerability. Although marriage brokers used to previously advertise the available women in catalogues sent to men who purchased the service, the internet has now made it cheaper, easier, and faster to both post information and provide contact between two people in different countries. While many companies still provide postal mailing addresses (largely due to the fact that the women using the service often don’t have regular or free access to the internet), email communication is allowed on some websites.

## **Vulnerability 1: Broker Operations**

The first reason that these women find themselves in dangerous situations is the very way that the broker operates. The women are listed on websites or in catalogues (although this is becoming less popular) and men can purchase access to a certain number of women or all women on the site, often called a “gold membership”. These gold memberships frequently provide access to all women on the site and give the man lifetime access to that particular broker’s offerings. In a way, there is a warranty on the relationships the man might seek- if one fails, he can always exchange one woman for another, further commodifying the females.

In some countries, even the government has gotten involved in marketing with stereotypes. One marriage broker operates from inside a Russian government social service agency that provides medial and social assistance to “families with disabled children, single-parent families, large families, and other vulnerable layers of the population.” Services they provide include “psychological consulting both to children and adults (Subcommittee on East Asian and Pacific Affairs 2004, 27)”. Marketing in this particular way invites questions about the kind of men using the service and what, exactly, they are searching for in a wife. With regular access to a portion of the population described as “vulnerable” allows men with specific interests to target agencies like this one.

Some accuse international matchmaking organizations of marketing with stereotypes. Many of the websites advertise their brides using words like “submissive”, “docile”, “faithful”, and “loving domesticated wives.” Misrepresentations like this often lead to conflict between the two partners. This also increases the likelihood that the man is not looking for an equal partnership but instead a relationship based on power and control, key factors in an abusive relationship. If the woman fails to satisfy what he was looking for in a marriage, this also

increases the chances that the man might resort to violence. Since the customer is nearly always male, this reduces the woman's worth to that of being a commodity.

Adherence to these stereotypes on behalf of the broker puts a great deal of pressure on the women to live up to what is expected. If the women fail to show a personality like what the man is expecting, he may slowly restrict her activities and even become violent.

It is more than the fact that the women are vulnerable because of the lack of information given to them; particularly disturbing is the fact that many men seek foreign wives because they are unable to locate a suitable wife in the United States. One of the main reasons that men cited frustration with women in America was that rise of feminism. These American men struggled to live with women who prioritized other aspects of their life above serving as a wife and raising a family. This lack of interest in a strong, feminist woman may be associated with potential controlling or abusive behavior in the man. Although some foreign women signing up with a marriage broker may be aware that being considered a "feminist" is negative in the eyes of these Western men, this doesn't make these women any less vulnerable.

## **Vulnerability 2: Informational Vulnerability**

The second form of vulnerability considers the weaknesses in information provision via participation in the marriage process. Since the provision of information is one-sided, women are unable to fully evaluate the safety of this potential relationship. There are no screening processes done on the part of the matchmaking organization for the men signing up. Bob Burrows, president of the Cherry Blossoms mail-order bride service, noted that "a serial murderer could write to [Cherry Blossoms] and there's no screening done (Vergara 2000)".

There are very few brokers who take a personal approach to their clients and the proliferation of the industry on the internet has made it harder to regulate and additionally much less personal. The use of the internet has also broadened the number of matchmaking organizations, allowing practically anyone to enter the industry and ultimately making it less safe and more difficult to regulate. Men can also control the situation with abuse, forced motherhood, and the looming threat of deportation. Without proper background knowledge about their rights and their potential husbands, women entering the country as new brides are extremely susceptible to domestic violence.

In recent years, marriage brokers have expanded their services to attract more customers and therefore make women more vulnerable to accidentally becoming involved in a romance tour, prostitution ring, or other form of sex trafficking. Many scholars have argued that recently, the services marriage brokers provide are very similar to other trafficking trades including tours for men to meet the women and escort programs. Some of the sex tours are advertised to the women as matchmaking for marriage, but the women are duped into becoming involved and only later find out they have been roped into a “romance tour”. Many men who participate report attending sex tours several times a year (Subcommittee on East Asian and Pacific Affairs, 2004, 44). This is disconcerting considering how many marriage brokers are extending their services into the romance tour arena and even sex trafficking.

Informational equality is a key problem putting women in a vulnerable situation as soon as the women sign up for the service. Men, as paying customers, are not required to submit any background information about themselves, whereas the women are frequently ordered to fill out long questionnaires, provide background information, and forced to submit to drug testing. While this was surely done in the interest of satisfying their paying clients, this practice by

international matchmaking organizations makes the women immediately liable to become victims.

One victim even describes her “pen pal” lying to her about his profession by leading her to believe he worked as a consultant (Subcommittee on East Asian and Pacific Affairs, 2004, 6). This same woman alleged that after her quick trip to the United States on a fiancée visa at the request of her pen pal, she was locked in his house, abused, and drugged (Subcommittee on East Asian and Pacific Affairs, 2004, 7). Her new husband was actually a doctor, and he used the skills gained working as an anesthesiologist to drug his new bride. The women have no way to prove which characteristics or statements about their future spouse were true, and this is illustrated by the above story. While the women must answer all the questions of the matchmaking agency and the potential husband, they are limited to the information that the man provides to them, which might not even be accurate.

For Wanwadee Larsen, her husband-to-be was able to describe all of his most flattering characteristics. A young woman who had just lost her brother was looking for a caring husband and new opportunities in America. Larsen stated that her pen pal, Richard, was “exactly” the kind of man she wanted to meet and spend her life with; she felt he was professional, attractive, and accomplished (Larsen 1989, 37). Once she met Richard, Wanwadee felt within hours that he was a different person than she had expected, and she ultimately became involved in helping Richard overcome his drug habit. Despite the fact that Larsen’s book is a tale of sticking by her husband during dark times, her story demonstrates the key role that lying plays in the story of many marriage migrants who meet their partner through an international matchmaking organization.

One of the most crucial reasons that these women are susceptible to domestic violence is the fact that the process makes them vulnerable from the beginning. The women must advertise themselves in catalogs or on websites, which make the women look like commodities. The women are given limited opportunity to describe themselves and what they are looking for in a relationship and must wait until receiving potential responses from men.

### **Vulnerability 3- The Internet**

A review of popular marriage broker websites demonstrates a third vulnerability for women participating in the service. The style, wording, and advertisements listed on these sites target men interested in a submissive bride and provide men an opportunity to meet many women at one time through a romance tour, forcing women to bid for men's attention. In order to examine how the internet has shaped the current industry, an analysis of popular marriage broker websites was completed.

The current operation of marriage broker websites reflects what past literature has argued: cultural and ethnic stereotypes are alive and well, even available for sale. Many different websites showcase letters from former clients referencing the client's happiness in being able to obtain a particular type of bride, and the brokers pride themselves on being able to section women off into different stereotypes. There are two key promises that appear on the marriage broker websites: the offer of satisfaction guaranteed and references to traditional values of the foreign women. These cultural stereotypes are central to the success of marriage broker websites.

## *Submissive Brides*

A brief look into the website of a popular marriage broker, Orient Brides, reveals that most customers have a particular type of woman in mind when signing up for the service. These types of websites reinforce throughout their many links that the men using the brokers have a common interest in the type of women. “Mike” from Redondo Beach, California, and a satisfied customer using Orient Brides, writes:

“Dear Orient Brides, My name is Mike from L. A. Although there’re many women here from Asia, I wanted to find someone who was native to an Asian country for their *traditional values and unspoiled attitude*. I began searching your site as you seemed to have the most attractive ladies and *your site is so easy to use*. I almost immediately found Nam, a nurse from Chiang Mai, Thailand. I emailed her, she responded. After a month I could no longer wait and booked a flight to Bangkok. We hit it off so well, after another visit I asked her to marry me. She accepted and we’re now arranging a visa for her. We’ll soon live together as man and wife here in L.A. made possible by your smart and efficient introduction service. Thank you (Orient Brides, 2010).”

There are also concerns about pedophiles on marriage broker websites who specifically target young women with children as a means of gaining access to the young children (Subcommittee on East Asian and Pacific Affairs 2004, 24). These men may find success controlling their future wives if these females are only children.

Sometimes the women listed on the marriage broker sites are minors:

*“ID # V001—Hazel; Age: 13; Height: 5’3” □(160 cm); Weight 95 lb. (43 kg); Children:none; Looking for a mate in age range 20-35. “I am now a freshman student at Saint Pius School. . . . I like outdoors having fun. I like to read magazine which is nice to me, especially to religious books. I sometime love to see a movie but not so . . . I really want to have a pen pal who is loving, caring, honest, and family-oriented person. I am a marriage minded woman.”*

*ID # Y011—Eddy Mae; Age 14; Height: 5’2” □(157 cm); Weight 98 lb. (45 kg); Children: none; Looking for a mate in age range 18 to 25; “Currently, I’m a second year student of San Lorenzo Ruiz Academy of Polomolok; . . . My hobbies are writing,*

painting, and reading books. I love reading Valentine Romance and any love story pocket books. I like watching TV Patrol and Million Dollar Movies.”

*ID # 1F12—Edrilyn; Age: 15, Height: 5'0" □ (152 cm); Weight 95 lb. (43 kg); Children: none; Looking for a mate in age range 20 to 30. “I am working in my neighbor’s house as a servant. At the same time I am studying at public school—as a sophomore student . . . I like playing (as I am a sportsminded), dancing, reading, writing. I am fond of reading magazines, especially Movie Star and Teen Star. I love to watch TV shows such as Bay Watch and Power Rangers, which is interesting too. I am self-supporting (Subcommittee on East Asian and Pacific Affairs 2004, 26)”.*

Not only are the ages obvious on these listings, but the references to hobbies and television shows denote a young woman. Listings like this increase the likelihood that pedophiles may be part of the broker situation, particularly since there is no screening process. While the IMBRA forbid posting by minors, the concern still exists that women could lie about their age. These profiles differ from many online dating websites because here the women are particularly interested in only marriage and are essentially bidding for a move to America.

### ***E-commerce marriage brokers***

Nearly all international matchmaking organizations have a website, and many of these websites appear to be no different from other e-commerce sites selling a variety of items. Popular matchmaking organization A Foreign Kiss lists sign-up information like a website advertising customer service or consulting with a button at the top of the site labeled “Ordering” and describing various levels of customer service:

“Platinum (best value!)

Access *up to 100 addresses* of your choice, each and every month. If at any time you decide you no longer wish to be a Platinum member just send us an E-mail and we will cancel your account. Once you have sent in your Platinum order it will be processed, normally within a few hours if sent by E-mail, and your account will be active. You can then go to the Platinum Members Address Retrieval Page, located on our main menu, and request as many addresses as you like (up to 100 per month). You will be able to request addresses at any time while your account is active.

As a Platinum member you will also receive Express Mail and Phone Translation discounts;

When using the Express Mail service, Platinum members pay only **\$7.49** per letter (including translations) as opposed to \$9.99 for non-Platinum members.

When using the Phone Translation Service, Platinum members pay only **\$3.99** per minute as opposed to \$5.99 for non-Platinum members.

The activation fee for your Platinum membership is only **\$95.00**, which will give you *instant access* to the addresses on the site for one month, then only **\$29.95 a month** to remain a Platinum member and access up to 100 virtual E-mail addresses each and every month. Once you become a Platinum member, the monthly renewal fee for continued access to the updates each month (600 to 1200 new profiles each month) and all of the addresses previously listed, and the substantial discounts for Express Mail and Phone Translations is only \$29.95, automatically billed to your credit card each month. The *savings you will realize* by just sending a few letters or making a call or two will more than *offset the low monthly Platinum renewal fee of just \$29.95!* If you are going to correspond at all with the beautiful women profiled on this site the Platinum membership is a must! Click here to see how to get your Platinum Membership for free (A Foreign Kiss, 2010)".

This paragraph of information offers different levels of service for clients, selling potential customers on the many benefits of having access to all the profiles on the site. It reads like a television infomercial. Now based out of the United States, A Foreign Kiss also provides assistance once the man has acquired a female partner through the website. This is an excellent example of the industry's ability to broaden and include new services relevant to their customers. A Foreign Kiss offers an even higher level of service:

## “PREMIUM SERVICE

The Premium service includes everything you would normally receive in the Basic service, plus *ongoing support for your Fiancée*. Once the Basic Service is successfully concluded your petition will have been granted and the appropriate embassy will be alerted. *At that point they will contact your Fiancée and send her a packet containing instructions and forms necessary to set the interview date.* Your Fiancée will have to fill out the forms and collect the appropriate documents, including police reports, divorce certificates, etc. etc. and have them ready for the interview. She will also be given instructions as to where and when to undergo the required medical examination.

IN ADDITION TO ALL SERVICES IN THE BASIC PACKAGE, THE PREMIUM PACKAGE INCLUDES:

**Phone consultation with Fiancée** The attorney will call your Fiancée and conduct a phone consultation with her in her native language. During the phone consultation the attorney will explain the entire process to the Fiancée and answer any questions she has.

**Embassy's packet for Fiancée** The Embassy will mail the Fiancée a packet including certain forms that must be completed by the Fiancée. Our office will complete the forms for the Fiancée and mail them to her prior to her even receiving them from the Embassy. This will help to speed up the process so the interview can be scheduled as quickly as possible.

**Embassy Communication** If necessary, our office will handle all correspondence or telephone contact with the U.S. Embassy.

**Fiancée Counseling** Attorney Ms. Jones has been through the visa process herself and knows first hand how nervous one can be about the interview and the entire process in general. *The fact that some members of the U.S. Embassy tend to view some fiancés with a skeptical eye, questioning their true motives, does not help.* Our staff will call the Fiancée and review, in depth, all the paper work and supporting documentation as well as exactly what will take place at the interview so the Fiancée knows what to expect and will feel more at ease.

**Assistance in the Embassy City** *We will have our staff meet with your Fiancée* in the Embassy city (Moscow or Kiev) and assist your Fiancée through the remainder of the process. If your Fiancée does not live in the Embassy city we can assist with making arrangements for travel and lodging. One of our staff will also meet personally with the Fiancée and go over her paperwork and discuss what will take place at the interview one final time. We will also assist with making sure that the Fiancée has no problem competing the medical examinations.

It is our goal to be sure that all the paper work and supporting documents are in proper order, and that your *Fiancée is relaxed and confident for the interview* (A Foreign Kiss, 2010).”

These marriage broker websites use popular terms from “as seen on TV” infomercials with a website address, promising that if the consumer holds up their end of the bargain, they will be satisfied with the product. The website attached to Cherry Blossoms, one of the oldest and most successful marriage brokers in the industry, states “And, if you do 100% of what we suggest and do not find your true love, we will give you your \$74.95 back, no questions asked (CherryBlossoms).”

Even the links on the websites reveal an e-commerce aspect of popular brokers. When viewing potential contacts on A Foreign Kiss’ websites, the end of the link reveals the word women\_cart, which makes it seem like the men are using any other online shopping site. Men can add women to their “cart” or purchase a premium service to have access to any women on the site.

Customer comments on these websites are also similar to e-commerce product reviews. Customers using Orient Brides aren’t just happy with the selection of women available: users write comments that don’t differentiate marriage broker websites from dozens of other internet shopping sites. One user references the simplicity and efficiency of Orient Brides versus other marriage broker websites. This happy customer also references the numerous trips he took to meet multiple women he was introduced to through the site:

“Dear Orient Brides Customer Service,

I want to recommend your site to any man out there who wants to meet an Asian woman for a relationship. ***Your website is one of the easiest, cost effective and efficient to use.*** I feel such confidence in your staff, customer service, and the ladies are out of this world. I used the services of Orient Brides to meet the ladies by email, then use the phone service to speak with them personally. The translations you provide are first class. ***Since I started I’ve been to Thailand, Vietnam and several cities in China to meet women I***

*found online.* I will return in the fall to meet a few more and perhaps propose to one in particular. Going to visit a lady is the only way to see for yourself. But I'm here to tell you that these ladies are real. Keep up the great work (Orientbrides.com, 2010)".

### ***Satisfaction guaranteed***

Although a popular company, Orient Brides is not alone in providing customer satisfaction guaranteed. Asian Brides Online understands that the first woman a man meets may not be the one he chooses for his wife, so the company has started organizing romance tours that offer men the chance to meet hundreds of women. As referenced earlier, these romance tours often have fewer men than women participating, meaning that the women are often lined up while men choose who they are interested in getting to know. Those women who fail to impress must wait for another romance tour to arrive. This process is not dissimilar to the way that prostitutes in brothels must form a lineup on the arrival of a new customer to bid for his time and money:

"You have several options to get to know these wonderful women: write to them, phone them, send flowers to them and MEET them! *During a tour, you will meet 500 to 2000 ladies (your choices and ours),* have plenty of time to spend in their company, see some of the sights in the area, and possibly find the one special lady for you! (Asian Brides Online, 2010)".

If the men are unhappy with the selection provided during the romance tour, satisfaction is still guaranteed. The company promises that men will have a variety of opportunities to meet the women in the company's database:

“Should you get to the point that you want to visit the woman or women you are corresponding with, we strongly recommend that you consider a well respected Foreign Romance Tour Company. Traveling abroad is very different and can be much more dangerous than domestic travel. With a Romance Tour all you have to worry about is meeting the women you are interested in, *the Tour Company takes care of all the other details*. Even if you are interested in only one woman it makes sense to go with a group simply for the support you will receive. You never know what it’s going to be like once you meet the woman in person. *If it doesn’t work out and you are with a Tour Group, you will have many other options to meet other women*. Of course we feel our Tours are the best in the industry, but check them out for yourself! Romance Tours. To view previous newsletters addressing this topic please click here: *Exchange policy* (Asian Brides Online, 2010).”

The accolades many of these websites receive from satisfied customers reference accomplishments that further reinforce the idea of this as a profit-earning business where the women are the commodities.

### ***Broadening services***

Although traditionally marriage brokers have only provided access to potential mates, many are increasing the range of services they offer to attract more and more long-term clients. Due to the many problems encountered by couples during the immigration process, popular

marriage brokers now offer services (for a fee) to assist the foreign bride in filling out accurate visa information and providing continuous chat assistance to the couple.

In broadening their services, many marriage brokers are pitting themselves as the best choice for male clients because of the variety of assistance they offer. It is clear that paperwork is an important part of the fiancée process and that certain responses are found unacceptable. The broker agency here is using their greater knowledge about the process to market their products.

Like many industries, marriage brokers have adapted to the market and attempted to expand their services to introduce new customers. Since many of their customers are one-time, ideally finding a wife and never using the service again, marriage brokers have tried to broaden their target population, sometimes doing so at the risk of making women more vulnerable. Suzanne Jackson, associate professor of clinical law at George Washington University, says that the Global Survival Network has found that many international matchmaking organizations in Russia have also expanded their services into trafficking or prostitution as well to increase profits. Since many of their customers are one-time visitors, ultimately hoping to find a lifetime mate, it makes sense for these programs to expand their services in the interest of expanded profits. It makes sense to expand their business in another sense, too. By marketing the business as an IMO, hundreds of women in a local area will sign up, possibly not even aware of the more dangerous services provided by the company. Providing more services to men with such a broad base of women ultimately attracts more mail (and paying) customers

The company offers many promises of satisfaction guaranteed and encourages members to take advantage of their other opportunities to meet women:

“We offer the highest commissions and maintains the best possible conversion rates in order for our affiliates to earn the highest return possible. We are the only company to offer \$500.00 *Romance Tour commissions*. In addition we *pay 30%* on all address sales, and a recurring *30% commission* on all memberships. We know that our success depends on you, the affiliate, and we do our best to *support you in every way possible* (Asian Brides Online, 2010).”

It doesn't end there, however. Whether customers are successful in finding a wife or not, Asian Brides offers employment, too. Asian Brides online also takes the opportunity to encourage potential customers to consider becoming recruiters, much like Mary Kay or Avon or other commission-based services.

“Our corporate headquarters are located in Phoenix, Arizona. We own and operate offices in all of the cities in which we conduct our world famous Romance Tours, with over 70 employees worldwide. The doors to all of our offices are always open, and we invite you to visit with us whenever you wish (A Foreign Kiss, 2010).”

Marriage brokers, sometimes with the support of former clients, team up to create websites speaking out about problems. Several popular websites provide information to interested men about the kinds of challenges they might encounter in the process. This website lists several “scams” that are apparently popular problems faced by other men. Despite the websites generally negative description of IMBRA, the site also contains helpful information. The site appears to be sponsored by two particular agencies, International Love Affair and a Foreign Kiss, as one of the first listed scams involves using agencies other than those two. There are many more “legitimate” international matchmaking organizations (which may or may not be violating IMBRA, but are in any case providing genuine contact between foreign women and paying American men), including Cherry Blossoms, one of the longest-running matchmaking organizations in existence.

The cons listed on this website include the “letter” scam, “translator” scam, “drink whore” scam, “American whore” scam, “green card whore” scam, and “money” scam. The appearance of the word “whore” three times puts a great deal of responsibility on the woman’s part for causing problems. Only two of the scams put the responsibility on the part of the agency involved. The letter scam and translator scam are ways to block contact between men and women despite a paid membership by forcing them to pay additionally to receive the letters or for assistance in translating the letters to English from another language. Although Ericka Johnson’s book describes Russian women as making extra money by offering to translate the letters into English before their departure from Russia, some women don’t have access to a translator. If this is the case, though, they are additionally unable to understand the man’s English response.

The “drink whore” scam warns men about women who are interested in expensive dinners and drinks and not a real relationship. The website warns men to instead just “hire a prostitute”. Similarly, the “American whore” scam doesn’t really appear to be a scam but instead a gripe. The website advises that American women might make fun of American men who are using these services because the foreign women are only interested in a green card. The website references the fact that American women won’t sign prenuptial agreements. The following scam, however, explains that there are some women out there simply looking for a green card and that men should be cautious about moving forward with a woman only interested in U.S. citizenship.

### ***IMBRA’s influence***

The internet has also increased awareness of IMBRA, even if posted information writes about the law negatively. Some marriage broker sites reference the law in a disclosure section, and acknowledge their willingness to adhere to the law for the protection of the women. Many of these same sites, however, adhere to the stereotypes referenced earlier in the advertising of women. For example, A Foreign Kiss references recent developments and those effects on their operation:

“Due to IMBRA (International Marriage Broker Regulation Act) we are no longer providing direct postal address for the women profiled on this site. In recent years, as more and more women have gained access to the Internet or are able to E-mail through our vast network of foreign offices, there has been less and less need to send postal letters, thus the majority of our clients will not be adversely affected by this change (A Foreign Kiss, 2010)”.

One might think that a website located at [www.imbra.org](http://www.imbra.org) might provide general background information about the law; instead it is a space on the internet to tear apart the law from a marriage broker agency's perspective. The website is full of spelling errors and looks very unprofessional, but is easily located by a Google search, much like many of the more helpful and accurate website communities where men share advice.

This site is particularly disturbing because of its clear slant against IMBRA and American "feminist" women (IMBRA.org 2010). While the website appears unprofessional, it's a likely hit for men who are beginning the process without much knowledge about how IMO's work. As far as accurate information provision, the website fails, but remains a popular choice to view. The website is also geared towards men frustrated with negative comments about their choice to use IMO's, and the top of the website even says "American men are liberators, not abusers" (IMBRA.org 2010). Unfortunately the numerous references to "whores" and American feminist women cater to just the type of men likely to become abusive. The final warning for men states that "If a woman is asking for money or any gifts, she is a prostitute" (IMBRA.org 2010).

Despite their occasional lack of accurate information and true stories, these websites have become popular places men to browse, learn about, and form communities to discuss problems. Amidst all the problems, websites like IMBRA.org often contain discussion forums where men can connect with one another talk about visa issues and advice for other couples on negotiating the bureaucratic process. The website also lists information from a Department of Justice report stating that foreign marriages have a greater success rate than domestic marriages, although the authors here fail to offer explanations for why this might be the case. They also fail to explain the challenges and dangers that might exist for women in abusive situations.

Some of the marriage brokers do attempt to convey information about recent laws to their customers: Orient Brides was one of the few websites to provide accurate information about IMBRA. While other international matchmaking organizations point to what they believe are IMBRA's flaws and limitations, Orient Brides reinforces the concept of IMBRA as a protective measure for all involved parties:

### **“Safety First”**

The first priority of orientbrides.com is and will always be the protection and wellbeing of its members. As an American-owned company, orientbrides.com is subject to and fully compliant with the *International Marriage Brokers Regulation Act (IMBRA)*, a US federal law which regulates U.S. based *International Marriage Brokers (IMBs)*.

*IMBRA*'s primary focus is the regulation of *IMBs* and their assistance with introductions, relationships, marriages and particularly the exchange of information between American citizens and foreign nationals.

The Federal statute forbids direct dissemination or facilitation by an IMB of personal information using any of its services based on speech or other forms of communication. This includes orientbrides.com's E-mail service, Live Chat or other service where the assistance of a translator is used. *IMBRA* also requires background checks on all members traveling to Asia & CIS with orientbrides.com.

In order to safeguard the orientbrides.com community and help abide by *IMBRA*, orientbrides.com requests that all members using her services refrain from the exchange of personal contact details when communicating with ladies other than directly (Orient Brides IMBRA, 2010)".

The growth of the internet has provided a one-stop shop for many men interested in communicating with a potential wife abroad. Men can “price” their purchase, communicate with women, take advantage of the variety of changes to meet women through their particular broker, and even investigate and discover assistance from other men who have gone through the process.

#### **Vulnerability 4- From Poverty Stricken to Land of the Free**

The fourth form of vulnerability the women experience comes from their very background: many of the women applying for these services come from poor families in countries stricken by economic crisis or war. These women and their families believe that success will be found in America.

It's dangerous for women to rely on stories of other friends who have had success in America to believe that they themselves will also find happiness with a new partner. Frequently, women cite stories of one or two American women they know to have found happiness with their new, American life as part of their own motivation for signing up with a marriage broker. Unfortunately, this is not standard across the board for these relationships, and by the time some women find out their life is not what they expected, it's too late.

Many women feel like they have no choice but to move abroad because of the lack of employment opportunities in their home country. The Russian job market for women is still limited to particular types of jobs and is not stable. Those women who state they have a "career" in Russia do not have employment in the Western sense (Johnson 2007, 75). Many of the women see this as their opportunity to take control of their future but fail to realize that entering this kind of relationship could also limit their future.

For some women in Russia, marriage and abusive behavior are nothing new. Women in Russia marry at a young age and are therefore seeking a husband through a marriage broker as a divorced female. A common reason for divorce from their Russian husbands is the abusive behavior these men exhibit (Johnson 2007, 92).

Having a reason to leave and search for opportunities somewhere else works in conjunction with the fact that globalization has increased the freedom of movement for capital, goods, and individuals from wealthy countries while immigration laws in many western nations have become increasingly stringent and restrictive to keep out asylum seekers and economic migrants. Feeling as though they have no opportunity for financial success and happiness, these women seek moving to the United States or other western nations as a chance to improve their lives. A social stigma about these kind of women, though, even if they have legitimately married an American citizen, draws suspicion from government officials and the general public.

Many advocates have argued that there is an inherent imbalance of power in these relationships between American men and foreign brides. The industry can exploit normal desires and capitalize on desperation and need in areas devastated by economic collapse or natural disaster (Subcommittee on East Asian and Pacific Affairs 2004, 15).

The most typical marriage arrangement organized by a broker involves a relationship between the first and the third world. The men come from wealthy, stable democracies and the women are recruited from countries with crumbling economies and little opportunity. For this reason, the women are often grateful for the opportunity to have a new life and immediately become thankful and dependent on their new spouse, making them less likely or able to leave an abusive situation.

## **Vulnerability 5- Barriers and Isolation**

A fifth way that women are vulnerable to domestic violence and problems in their new country are the language and cultural issues that form barriers and the isolated situations they face in a new country. Although some women do report back to friends about happiness with their new life, it is not an easy adjustment moving to a new part of the world with a new spouse. Tales from brides themselves reinforce the particular kind of life the women have once entering the country. Wanwadee Larsen married a man who struggled for years with a drug habit, a problem she didn't anticipate as she left her life in Thailand. Even if the husband is well-adjusted, the women are removed from their families, friends and support systems in their home countries.

Women also have trouble adjusting to the transportation in the U.S. While most people in Russia are able to travel without cars, many Russian brides come to the U.S. without experience driving or owning a car. Since a car is necessary in America unless the husband lives in an urban area, these women can become isolated. They become prisoners in their own home in a sense. If they are able to obtain a car and driving license, those things require the husband's assistance, as it is difficult to navigate for a woman on her own.

Language is a difficult barrier from the very beginning for these foreign women. From the moment they start communicating with their new partner, the women must either begin to learn English or rely on someone else for translation services. Although some men were willing to have the women's letters translated from Russian, the vast majority insisted that the Russian females write in English. Generally these are the same women that don't have access to a computer and must rely on one or two women in their community to translate and assist them with writing letters. This service comes with a fee, and when the women move to the United

States, they must eventually learn the English language. This can take a great deal of time and struggle to accomplish. Frequently, the women don't speak English very well prior to arriving in the United States. Most advice websites recommend giving her 6-8 months to learn the language. This makes women especially vulnerable. Although some receive information to call 911 in the case of an emergency, most cannot communicate well enough in English to place that call with any success. Most Russian brides carry around a "help letter" when traveling in the U.S. alone to indicate their inability to speak English and providing the phone number and name of her husband. Ericka Johnson likens this to a dog tag (2007, 121).

Another important type of vulnerability involves culture. While the women are often sought after because of the ethnic or cultural habits of their country, they give up citizenship in their home countries to move to the United States. These women arrive with little or no money in hand and immediately become dependent economically on their new husband. They are also frequently dependent on him for communication and legal advice during the citizenship process. The wife, in fact, remains dependent on him until she is able to adapt to the new culture, although in order to prove their marriage is legitimate, the man and woman must present bills in both of their names, making the woman susceptible to joint debt, as well.

This type of cultural vulnerability can be a rude awakening for those women who might have been expecting something else for their new life in America. Frequently these women have experienced a lifetime of marketing about life in the West or life as the spouse of an American man. Their hopes often do not match what their male partners are seeking. Women are drawn to the United States with promises of freedom and unlimited economic opportunity. The men are generally looking for a submissive woman and the foreign women generally are open for a free "western" style relationship. For this reason, women coming to the United States on the

hopes of economic prosperity and freedom are more likely to end up in the household of an abusive and controlling man.

Isolation sometimes plays an important role in the man's control over his new bride. This can affect her life whether she is physically limited or just slow to adapt to a new culture. Men using international matchmaking organizations have been reported as putting new locks on doors and windows, moving to a remote and rural area where the woman has no access to other people, and locking women up in basements during the initial few months of the marriage. Many of the women are not allowed to obtain employment or leave the home without the permission of their husband (Subcommittee on East Asian and Pacific Affairs 2004, 41). Many men making use of a marriage brokers services live in isolated locations, far from cultural or community activities. Young women from Russia receive many letters from the U.S, including a great deal from Alaska, a very isolated and remote part of the United States where women are unlikely to find the cultural connections to help them adjust.

In many ways, this isolated domestic situation is similar to forced labor, and advocates described situations in this way while appealing to Congress for a law that would protect these women. In particular, this committee meeting helped link marriage brokers to cases where men are more or less looking for housekeepers or women for the purpose of reproduction (Subcommittee on East Asian and Pacific Affairs 2004, 41).

## **Vulnerability 6- Procedural Vulnerability**

The final vulnerability facing these women involves the structure of the process. The rules that exist make it difficult for the women to really get to know their new partner and make a safe, informed decision about committing to a new life with him.

The pressure on the women begins the moment they meet their pen pal for the first time. After learning about her future husband, Richard, Wanwadee Larsen wanted to mold herself into the ideal Thai woman. She said “I want to tell him that I try to be (fun), that that is also the Thai in me: the acceptance of a woman’s duty, no, not duty- birthright, actually, to be everything to her husband (Larsen 1989, 63)”.

The entire process is mostly a “hurry up and wait” procedure where the couple must get married shortly after the woman’s arrival in the United States and then begin the long two-year waiting process before her conditional citizenship status is removed. Even legitimate partnerships in which domestic violence is not an issue are challenged by the long and frustrating process of waiting until the woman is considered a full citizen.

Rules developed to address both fraud and abuse came about as a result of increased government interest in both issues. Since then, the challenge has been creating and enforcing legislation that addresses both concerns. The first governmental interest in mail-order marriages came in 1999, when the Immigration and Naturalization Service (now USCIS) commissioned a study to find out how many marriages occurred through the use of a marriage broker.

The rising concern about women in dangerous situations alerted researchers about potential flaws in the current rule system. Despite the fact that women could be denied a visa or denied removal of their conditional citizenship status for a variety of reasons, it is much easier for men’s petitions to be approved without a problem. In 2005, the government found that 420

family-based petitions were filed by registered sex offenders. Of those petitions, 91 were filed as fiancée petitions (United States Government Accountability Office 2008, 1). Since this original issue was noted, The Adam Walsh Child Protection and Safety Act of 2006 has prohibited the Department of Homeland Security from approving any family-based petition, including a fiancé(e) petition, for any petitioner convicted of a specified offense against a minor (United States Government Accountability Office 2008, 9).

### ***AWARENESS***

The unique cases of women in abusive marriages following introduction through a marriage broker called for additional attention to be given to the issue. Both the greater interest in human and sex trafficking and the highly publicized deaths of several marriage migrants resulted in a flurry of Washington activity designed to tackle the issue.

In 2004, an important hearing was held before the Senate Subcommittee on East Asian and Pacific Affairs about marriage migrants who met their spouse through a marriage broker. The purpose of this hearing was to alert important officials about the increased risk Asian women face as foreign wives, particularly since women from countries in Asia make up such a large proportion of women entering the United States on fiancée visas.

Although ultimately all forms of vulnerability appeared at one point or another in the violent murders of marriage migrants, the committee hearing highlighted how procedural actions had failed to protect the women. During the committee hearing, Senator Brownback asked why women would enter into a marriage without the proper background information about their spouse. In response, Senator Cantwell referenced speaking with the family of Anastasia King following her death. The family shared that Anastasia had looked forward to starting a new life in America and her parents hoped that their daughter would provide an important link for their

own future citizenship (Subcommittee on East Asian and Pacific Affairs, 2004, 9). Although Anastasia's family was nervous about her travel and new relationship, they believed it was the best economic opportunity for a woman who grew up in the former Soviet bloc. Senator Cantwell argued that King's situation was just like that of other women listed with marriage brokers; many are poor, uneducated, and unfamiliar with the English language.

All six of these situations make foreign wives at the very least challenged by their new life and at the very worst the victims of murder at the hands of an abusive husband.

Throughout the 1980's and 1990's increasing awareness of the problems and violence that foreign female fiancées were experiencing contributed to a growing belief that something must be done. The factors mentioned above led to increased violence and murders, making the public more aware of the growing problem.

Previous work at the state level was critical for the development of a national law. Also, prior national law as a result of growing interest in human trafficking paved the way for the International Marriage Broker Regulation Act. The Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003 represented important steps in the cognizance of an international human trafficking problem.

One of the most crucial legal developments during the decade prior to IMBRA was the Violence Against Women Act. This federal law was signed by President Clinton in 1994. The most important aspect of VAWA provided \$1.6 billion dollars in assistance for the prevention of treatment of domestic violence. VAWA was written by Senator Joe Biden's office with significant assistance coming from advocacy organizations like Legal Momentum, which was also important in the development of IMBRA.

The proposed legislation focused on the fact that it would be nearly impossible to eradicate the marriage brokers and that the only possible change would be to make the system safer for the women involved, making them aware of the potential for violence.

Senator Cantwell became particularly involved in the issue because of two cases within her home state of Washington. The national legislation she proposed was based on Washington legislation. The state of Washington has in many ways been a leader in laws against trafficking. The state has put forth and passed laws that require the attorney general to study trafficking, enveloping trafficking into a criminal racketeering law, and creating an award designed to reward those who fight human trafficking or assist trafficking victims.

Cantwell's requests in the bill included new rules that would only allow one fiancée visa request per person per year, since previous standards had allowed multiple requests at once. Her second request was that the bill provide some sort of background information about the American males to the foreign women, particularly criminal information related to violent behavior. Although regulations at the time required the incoming fiancée to provide a background check, Cantwell wanted stipulations in the new law making this mandatory for the stateside partner as well.

Personal involvement of the bill sponsors was crucial for IMBRA's success. Arguing that a man hiring a marriage broker holds all the cards and the power in the relationship, Senator Cantwell and her colleagues encouraged a new law designed to protect the women involved. While making a statement to the committee, Senator Cantwell referenced three cases of domestic violence, including two which resulted in murder, which had occurred in her home state. These cases fueled her interest in the issue helped make the case for IMBRA. The first story used to illustrate the dangers in using marriage brokers was that of Susanna Blackwell, who

was murdered by her American husband after initiating divorce proceedings. Cantwell then proceeded to tell the story of the famous Anastasia King, who was also murdered by the husband she met through a marriage broker.

Some testimony in the hearing focused on the potential connection to human trafficking. The tragedy of violence and murders of many women and children contributed to an increased interest and understanding of the many people trafficked around the world.

While speaking to the subcommittee, John Miller, the director of the Office to Monitor and Combat Trafficking in Persons, referenced the fact that the majority of those people in the modern slave trade are women and children, and illustrated his concerns by linking abuse of marriage migrants to the bigger picture. Miller spoke about two key facets that frequently occur in trafficking situations, deception and vulnerability. Both these problems, Miller argued, are present in many marriage broker situations (Subcommittee on East Asian and Pacific Affairs, 2004, 10). Miller additionally argued that a third problem, that of corruption, sometimes factors into the situation.

The situation is often extremely dangerous because some of the agencies promise to help the women meet men who are not at all legitimate. Although some family members have encouraged their daughters to consider looking for a mate in another country, there are also many stories about the women who landed in an airport just to become victims of human trafficking. National coverage and interest in human trafficking helped push this issue to the forefront at a critical time.

There are many reasons that women participating in an international matchmaking organization's services are more vulnerable to domestic violence situations. Six key concerns contribute to this: the operation of the broker which sells women as commodities to potential

buyers, the provision of background information is one-sided, the development of the internet pits markets women as bodies for sale, the women using the service often come from poor economic conditions and are desperate for a new life in America, the women are moving to a country where they will face language and cultural barriers in isolated situations, and finally, the rules designed to prevent marriage fraud force the women to marry their new husband without enough time to get to know him and adjust to living with him. All six of these concerns heighten the risk for domestic violence. As more situations of abused or murdered wives became apparent, the need to do something nationally about the situation became imminent.

## *Chapter 4*

### *The International Marriage Broker Regulation Act*

The chapter investigates the International Marriage Broker Regulation Act (IMBRA). If this law is able to succeed, it must address each of the vulnerabilities identified in the previous chapter.

Despite the challenges faced since the passage of IMBRA, the creation and legislative success of the bill was due to several factors. The fact that IMBRA was able to be passed as a law was due to awareness surrounding the issue and timing, incorporation within a larger bill, and cooperation between several key players. In order for the bill to be amended properly and adaptable to new challenges, it is crucial that these same committed people remained involved to reinforce the urgency for such a bill that truly protects immigrant women. A congressional staffer working on the bill backs up these statements because she believes the bill's success came from several factors, such as local connections to the deaths of brides for representatives and the issue being in the news at that time.

The increase in awareness surrounding murders of mail order brides and the general increase in interest regarding human trafficking was critical for the development of IMBRA. The murders of four women in the decade prior to IMBRA were crucial for demonstrating the need for change. The Tahirih Justice Center, the leading organization for immigrant women fleeing gender-based violence, operates a website which references the unfortunate deaths of these women as an opportunity to change industry operations. The Tahirih Justice Center was one of the key groups that saw an increase in clients experiencing violence in marriages. For organizations involved in assisting these women for many years, the issue was not new, and the

challenge became to ensure that the public and government were aware of the many dangers facing these women.

The parties involved in IMBRA's success arrived in their positions in a number of ways. Some were congressional staffers assigned to this issue and others were drawn to immigrant advocacy groups because of a passion for helping women and children. For those involved in advocacy organizations like Orloff and Smoot, a passion for helping immigrant women brought them to their respective jobs and both cited an ability to look at the big picture to tease out where the problems were as the first step (Author Interviews, 2010). Orloff credits the grass work done on this issue as opening the door for potentially greater solutions.

In addition to awareness, collaboration was important for IMBRA from the very beginning. It became clear that women around the country were facing similar problems when different immigration assistance organizations contacted one another to learn about the scope of the issue. For the Tahirih Justice Center, this communication with other organizations determined that this was a nationwide problem that needed legislative attention.

Although many of the organizations and individuals involved were juggling a number of tasks, coming up with a solution to address this problem became a top priority. Evan Baehr, formerly employed in Frank Wolf's office, states that each morning his day began reading at least 12 US news publications, followed by a day filled with news and current event research about human rights and international events, phone calls, talking to staffers in other offices, and drafting letters to other members of Congress. Despite such busy days, Wolf's involvement in IMBRA made it clear that the bill was an office-wide priority, and many staff members were proud of its success (Author interview, 2010).

Although collaboration was an important part of the process, a great deal of credit is due to Jeanne Smoot herself. Evan Baehr notes that his involvement with the project came as a result of connections with Jeanne. Congressman Wolf at the time had a relationship with the Tahirih Justice Center, and Jeanne is credited with bringing the issue of abused foreign brides to the attention of the office. This began a longer relationship with Tahirih and other NGO's like Legal Momentum (Author Interview, 2010). After conducting research and remaining in touch with these many groups, Representative Wolf's office was spurred to take a stand. It was the inspired passion of several people connected to interested organizations that encouraged collaboration and the ultimate success of the bill.

The task was not without its challenges. Both Jeanne Smoot (Director of Public Policy at the Tahirih Justice Center) and Evan Baehr felt that in some ways IMBRA was an uphill battle despite the need for such a law. Baehr stated that the marriage brokers were obviously not in support of any law that would limit their activities and that congressional staffers were surprised at these organization's abilities to communicate their concerns to Congress (Author Interview, 2010).

There were regulatory and administrative barriers, too. Smoot notes that the bureaucracy is difficult to work in, no matter how important a law is or how passionately its advocates speak on its behalf. Congress has a limited calendar of legislative availability and merit alone doesn't ensure that certain issues will be heard. She notes that votes scheduled at particular times of day made it difficult for people to attend particularly police officers or others scheduled to speak on the law's behalf (Author Interview, 2010).

IMBRA benefited, however, from past legislation passed in the same general arena, referencing a general collaboration on trafficking and violence issues among lawmakers. Baehr

believes the Trafficking Victims Protection Act, which shone a light on sexual and labor exploitation, paved the way for future legislation (Author Interview, 2010). The TVPA called for a position at the State Department and an office with 10-15 staff members working on this issue, and one of its greatest accomplishments is a yearly report concerning trafficking issues around the world. In some ways, this made certain countries feel as though the issue of trafficking was removed from their agendas and placed in the authority of an office in Washington, D.C., so this move has also been slightly controversial.

One of the most important conclusions about the people working on immigrant women's issues is that communication with other groups and interested parties is vital. There is no one organization or office who handles ever single thing; coalitions continue to be extremely important. All of my interviewees remarked that a crucial part of their daily job is networking and communicating with those outside of their own workplace on various topics. Since it is clear that this kind of coalition-building was central to the success of IMBRA, this model will work on other issues into the future.

Another key to IMBRA's success was its incorporation into a bigger bill. In addition, a great deal of time was spent on compromising about wording to please all concerned parties. IMBRA was written into the re-authorization of the Violence Against Women Act, and a congressional staffer believes that most successful laws are the ones encompassed into greater bills.

The proposed amendments of VAWA concerning IMBRA broadened the protections for battered immigrants. One of the amendments proposed allowing battered parents of citizens eligible for self-petitioning as well as women who entered the U.S. on immigrant visas in cases where their child is battered. The most important addition regarding marriage migrants, however,

was that of rules and consequences placed into the bill for international marriage brokers (Bruno 2005, 12).

The wording of the law was central to appealing to many sponsors and voters. Jeanne Smoot noted that after a first review, some lawmakers wanted to limit or cap completely the amount of times a male could petition for a fiancée visa (Author Interview, 2010). Since all of these co-sponsors continue to have a vested interest in the law's success, they are regularly in touch with people like Smoot about the bill. According to Leslye Orloff (Vice President and Director of Legal Momentum's Immigrant Women Program), being able to find a solution that both sides of the aisle and women's rights groups and immigrant and domestic violence groups all agree on and support into law was difficult. During the process, some of the groups felt that a solution was possible, but Orloff didn't believe in taking no for an answer (Author Interview, 2010).

Working with the various involved groups, staffers, and co-sponsors is one of the central reasons IMBRA was passed. Negotiation and cooperation among all these involved parties was crucial. Orloff believes that the wording is important because everyone at the end of the day had to understand what the stakes were and how best to protect immigrant women in these situations. Jeanne Smoot, who originally got involved in this kind of advocacy work after the severity of the issue was demonstrated to her years earlier, notes that she regularly collaborates more with people outside her office than within (Author Interview, 2010).

## **REACTION TO IMBRA**

IMBRA's legislative success provides an interesting model for future legislation. Increasing news stories, passionate advocate groups, committee hearings, and collaboration

among interested parties combined to push forward for change. The reaction from marriage brokers and other members of the public was negative and the law has inspired many protest groups and the proliferation of information about the law, which is not always accurate, on the internet.

IMBRA was not without its critics. There were many opposed to the law from the time it was proposed and those critics remain vocal. Since the passage of IMBRA, many people in the marriage broker community have not surprisingly made an effort to publicize a negative image of this law. One popular website called Online Dating Rights regularly publishes what look like press releases, claiming the negative impacts IMBRA, VAWA and other related laws have on people. Like many of the websites dedicated to sharing advice between men using marriage brokers, it is poorly written and contains a lot of inaccurate information. Much like the advice websites mentioned earlier, however, this becomes a safe haven for those people who feel like IMBRA unfairly limits the actions of men, women, and marriage brokers.

Another website that also contains advice for would-be grooms states:

“[IMBRA] violates freedom of speech, privacy and association. It requires American men are not required to submit their private information to strangers if they want to communicate with foreign women. Worse, it creates a legal presumption that American men are abusers and that foreign women are stupid (IMBRA.org, 2010)”.

There has also been a legal reaction, too. Two federal lawsuits tried to have IMBRA overturned due to constitutionality. *European Connections & Tours v. Gonzales* in 2006 and *AODA v. Gonzales*, also in 2006, were unsuccessful, however. A judge in the former determined that IMBRA was perfectly constitutional because marriage brokers are like a dating company, and the plaintiffs removed their claim in the former.

The concern about American feminism rages on for those opposed to IMBRA:

“Feminists see love and marriage as tools of oppression. We see love as the ultimate experience of being human and a fundamental right of all people (IMBRA.org 2010).”

## **MEASURING SUCCESS**

For several reasons, success of the law after it was enacted has been limited. The most important reason is that the responsibility enacting various portions of the law remains unclear.

The International Marriage Broker Regulation Act was intended by the authors to be enforced through collaboration with USCIS under the Department of Homeland Security, the Department of Justice, and the Department of State. IMBRA produced seven key stipulations designed to protect women considering communication through an international matchmaking organization. A study by the United State Government Accountability Office in 2008 determined that five of the seven stipulations have not been completed or are not being implemented properly. These five stipulations regard provision of information to the woman about the man she is preparing to communicate with, provide a system of checking fiancée petitions to determine that no one is filing more than one in a certain period, and the provision of a pamphlet about domestic violence and available resources to women. The last stipulation of IMBRA is the establishment of federal and civil penalties for not following the provisions. This provision has also not been enforced. Since the other four stipulations have not been completed, this set of penalties also remains up in the air and is virtually meaningless.

The Government Accountability Office was required to study the status of IMBRA per the language of the law. In addition to reviewing the legislative history of the act, GAO interviewed officials from USCIS and Department of State Unit Chiefs from areas with high activity (United States Government Accountability Office 2008).

The Government Accountability Office recommended that USCIS develop a timeline for finalizing the pamphlet and mechanism to ensure all petitioners are checked for prior filings and that all beneficiaries are notified about previously approved petitioner filings, and that DHS work with DOS and DOJ to develop a framework for prosecuting IMBRA violations. USCIS and DHS concurred with GAO's recommendations.

The muddled process of carrying out IMBRA's regulations has proved to be a problem for many government employees. The process of providing women with the appropriate background information entails work being completed through more than one office. For example, USCIS must obtain and furnish the petitioner's criminal background information, along with the approved petition to the Department of State. At that point, the Department of State forwards this information on to the woman through the mail (United States Government Accountability Office 2008, 2).

The Department of Justice is responsible for the penalties and hearings for those who have violated IMBRA's provisions. Unfortunately, the Department of Justice cannot complete this step without the accurate implementation of the other steps and without knowledge from USCIS and the Department of State about problems. It's additionally unclear what sort of role the Department of State is to play beyond forwarding background information collected by USCIS to the foreign female. It would on first glance appear that the Department of State job

here is to maintain contact with the foreign female, it is the task of USCIS to inform the women if the petitioning U.S. citizen has filed another fiancée or spouse petition within ten years.

The guidance listed for the Department of State does not clearly state that DOS should provide a copy of the approved petition to the female beneficiary, even though this is a stipulation of IMBRA. During interviews with the GAO, USCIS officials admitted they do not check every petitioner to make sure that he has not filed another fiancée petition in the last two years (United States Government Accountability Office 2008, 5). Officials argued that their current computer system made it difficult to tell whether the name was a match with one already in the database, and that a more refined system would be helpful.

USCIS is also required to notify beneficiaries if there is a match within the system (which would be a result of the male acknowledging previous filing) but officials stated that due to inaccurate addresses, a great deal of the mail was returned to them. Due to this problem, USCIS officials plan to ask Department of State consular offices to instead notify the beneficiaries- thus adding an additional step to the process and again involving another government office.

The fourth requirement of IMBRA failing to be enacted properly is that of provision of a pamphlet that entails the visa application process and resource information for victims of domestic violence. The pamphlet has been written and opened for public comments in the Federal Register, there is no clear end date in sight. USCIS has not established goals and time frames for the pamphlet. Once the pamphlet is completed, it must go through the additional processes of being summarized, translated into other languages, and distributed (United States Government Accountability Office 2008, 5).

One of the key reasons for the enactment of IMBRA was to provide the females with enough information to make an informed decision about communication with a man they have

met through an international matchmaking organization and to have the proper resources and background about the potential for domestic violence in this relationship. Since both of these measures are in some way failing on the federal level, women continue to remain unprotected and unknowledgeable, thus risking their personal safety.

The final stipulation of IMBRA involves that of the criminal and civil penalties for IMO's who violate the provisions. Since there are so many loopholes at the United States government level, it would be nearly impossible to accuse or impose IMO's of not following their end of the bargain. This step is the most difficult to accurately implement because of the joint work required by the Department of Justice, USCIS, and the Department of State. These three groups have failed to establish a timeline and framework for investigating and prosecuting these violations. The Department of Justice has created guidelines for the assessing civil penalties, but this is useless until all three groups agree on a general framework to successfully implement this entire stipulation (United States Government Accountability Office 2008, 6).

The USCIS is attempting to complete the requirements for their part of IMBRA's success by collecting data. The data, however, are not in a summarized or reportable form. They are currently required to collect 10 elements of data. The United States Government Accountability Office determined that they were accurately collecting data for three elements, partially collecting data for another four, and not collecting any data for the remaining three elements (2008, 6).

The United States Government Accountability Office concluded that each of the three offices involved could take steps to improve their implementation of IMBRA. They recommended that the USCIS create a mechanism to check all petitioners for filings to ensure that the petitioner is not in violating of filing limits, develop a mechanism to accurately notify

the female beneficiary of the prior filing data, and introduce a time frame for the pamphlet (2008, 7). The GAO further recommended that the Department of Homeland Security work with the Secretary of State and Attorney General to create and enact a framework for the investigation and prosecution of IMBRA violations.

Evan Baehr says that after the law was passed, there were still challenges surrounding enforcement. Although women were to be notified if a filer had a criminal past history, that many was not prohibited from obtaining a visa. It was difficult to make sure that this was being carried out, and he notes that many of these pieces of information are kept classified so it's hard to tell what's been a success and what the next step should be (Author Interview, 2010).

On the whole, though, many people involved were proud to be a part of the International Marriage Broker Regulation Act. For all the people interviewed for this thesis, there were different measures of success. For some, it was simply to have these issues recognized in a national way. For Leslye Orloff, there are moments of pride but room to move forward. She is proud of the strides made in victim's ability to self-petition. She also notes that there are many ramifications that come with increasing immigration enforcement. Since there are many undocumented women working in this country and contributing to an informal economy, Orloff believes that these women deserve access to legal work authorization to decrease their vulnerability. For immigrant women across the board, vulnerability to poverty and violence are key issues that affect many different groups. Orloff is also concerned about abusive employers. Immigrant women are likely to lose jobs, homes in America, or even their children if the father reports the undocumented mother to the Department of Homeland Security. If the father remains out of sight or in jail, these children then become a part of foster care and mothers lose their

parental rights. In order to address these issues, Orloff argues, the United States needs comprehensive immigration reform.

For a congressional staffer involved in working on this bill, this was a great legislative accomplishment. While it was very time-consuming and a lot of work, it's a success that the bill exists at all in her opinion, given the many challenges that face pieces of legislation. This particular staffer feels that IMBRA is not unlike other bills in its inability to live up to the high goals set for it.

While protection for victims has been expanded over the last decade, support and structure are lacking. Funding for crucial programs is down and implementation of protocol like that within IMBRA is failing. Until the rules within IMBRA are enforced, there is little to no motivation for marriage brokers to hold up their end of the bargain, leaving women again in a vulnerable position. In order for IMBRA to be successful, it must address at a more foundational level the many vulnerabilities women face simply by working with a marriage broker. The law should incorporate involvement beyond the initial communication between a man and a woman to provide the woman with continued knowledge about her rights. Until IMBRA's enforcement becomes clear and the law expands to educate women about their rights, immigrant women will continue to be the victims of violence.

Jeanne Smoot believes there isn't enough support for the women going through this process, which has been a problem since long before IMBRA. She does state, however, that current negotiations regarding the bill are underway and that her organization is considering an amendment strategy, although that information remains private. There isn't enough support for the women going through this process. This has been a consistent problem since before IMBRA and now even after it. Jeanne Smoot, director of Public Policy.

Smoot believes that some of the greatest developments in this area over the last ten years involved a greater understand of violence in general. Legislation like VAWA was truly a beginning for future work and understanding of the kinds of problems women are facing in the United States. Deepika Allana (Senior Public Policy Attorney at the Tahirih Justice Center) believes that the most important job for the future The most important this is keeping this issue fresh in people's minds, and has therefore dedicated a lot of her work to education.

With growing momentum and concern about trafficking, it is likely that interest will remain piqued in this issue and that amendments and changes are possible.

## *Chapter 5*

### *Conclusion*

Although IMBRA was largely a legislative success for the advocates of abused women by its simple existence, its failure to be enacted properly weakens the effectiveness of the law. Without more clear stipulations and guidelines, women will continue to be victims of domestic violence.

As mentioned earlier, it's important enough that the bill was introduced and passed at all. If this continues to be a hot issue, marriage brokers are likely to be held accountable in some sense. It would also appear that the Tahirih Justice Center will continue to lead the way with future recommendations and legislation along with strong assistance from Legal Momentum. If Tahirih's clients continue to encounter the same problems, it is likely that the many people now experienced with this issue will come forward again to demand change.

While IMBRA takes an important step forward regarding marriage brokers, even full regulation of this industry will not prevent all women from entering a potentially dangerous relationship. IMBRA generally defines an international marriage broker as a for-profit entity whose principal business is to charge fees for providing dating, matrimonial, matchmaking services, or social referrals between U.S. and foreign national clients by providing personal contact information or otherwise facilitating communication between U.S. and foreign national clients. This doesn't include, therefore, the many popular pen pal websites and communities where meeting a spouse is also a popular activity. Since at least some of these organizations are harmless and operate in a legitimate manner, it would be difficult to convince Congress to

regulate this industry, and therefore more matchmaking will continue unregulated under the guise of pen pal groups.

Many agencies are leading women into abusive marriages because their end goal is about making the customer happy, and this goal isn't like to change simply as a result of IMBRA. The companies are likely to continue advertising particular kinds of women and promising satisfaction guaranteed, both of which are problems that will continue to pit women in a situation of vulnerability.

One of the key problems is that the responsibility for IMBRA seems too spread out. Agencies are supposed to work together, but as hard as it is to complete tasks within one agency's bureaucracy, it becomes a scheduling nightmare when three or four groups are supposed to collaborate on something. Holding particular agencies or offices should be in charge of certain pieces of enforcing the law, or else one agency should take the responsibility for carrying out of all IMBRA's regulations. The Government Accountability Office was also on track with its recommendations: there needs to be a timeline but there also needs to be a firmer set of guidelines and clear rules about who is responsible for the different parts of IMBRA. This will send a clear message to the marriage brokers that the issue of protecting foreign brides is being taken seriously and that there are true penalties for violating the law.

IMBRA should additionally expand to adapt to the internet. It has become even easier to communicate with these women via email or website chat services, and it is to the advantage of the agency to offer the men instant access for a higher price to avoid going through IMBRA's regulations. Since it is likely that many women do not know about IMBRA, they will be unaware that they must provide written consent of their contact information (of which email addresses ought to be included) before a man may communicate with them. In some sense, there is likely to

always be a black market, and one that will grow if IMBRA does become more heavy-handed in its enforcement.

Since one of the ways that women are vulnerable is a language barrier, there should be greater resources available in more languages. Women have difficulty adjusting to their new life in America. A book about cultural differences and language assistance might help women feel more at home and feel more comfortable in their surroundings. Translation of IMBRA's brochures needs to be implemented quickly because this process will take a great deal of time to author, translate, print, and distribute to various women. In the meantime, many women are not protected or provided with accurate background information. Women might be encouraged to create and participate in online communities of their own, sharing the challenges of moving to a new country, helping children adjust to new schools and languages, and navigating their new life easier.

No matter what changes are made on behalf of the government agencies responsible for carrying out IMBRA's protocol, the women will still be listed like commodities on these websites. These men aren't searching for a particular woman; they are searching for a type of woman. The female's failure to live up to his expectations results in conflict and possibly violence. Without drastic changes to the way the women are marketed, this will always remain an issue. Since the brokers are simply selling what is demanded, unless there is a cultural shift in the minds of the men seeking a wife, it is unlikely that these stereotypes will disappear. It seems unlikely that such a cultural shift will happen. There's an additional problem that this kind of circumstance doesn't really allow the man and woman to know each other and really develop a true relationship. Since the current regulations also encourage couples to "hurry up and wait", it is unlikely that the couples are any more likely in the future to know each other on a deep level.

The legislation also needs to be adaptable. Since most of the industry is now tied to technology, the changing demand also signals a need for legislation that is slightly adaptable or amendable. For example, someone could open a pen pal agency and avoid the challenges of keeping up with IMBRA. Also, with the internet it's not only harder to regulate but easier for the agencies to pretend that they are abiding by IMBRA even if they aren't.

In addition to amending IMBRA, the U.S. government should provide a class mandatory for women moving to the United States as marriage migrants. These classes would provide education about U.S. laws, customs, and women's rights. Run by an immigration officer, the couple would be responsible for paying for the course. This would provide women with a legal resource during the first few months of their time in the United States and would continue the education IMBRA hopes to instill from the beginning by protecting these women by increasing their knowledge. This would extend IMBRA's reach and also provide potential important cultural connections and new friends experiencing the same transition for the women, in addition to a direct government contact to ask for help, if needed.

It needs to take a continued effort to also keep the issue in the public's eye. Unfortunately, there have been many websites that have popped up and perpetrated lies about IMBRA and all the people involved, especially congress, so they are trying to suppress any future work. The success of the law was largely because it was made into an issue through the media and the fact that many people worked on it. Since many of those people are still working on the issue in some form, it is likely that over the next ten years IMBRA will be amended and hopefully adapted to be more successful. If future women become victims of domestic violence, it is likely that more representatives and Senators may become interested if such a population lives within their district or state.

This isn't the only issue affecting immigrant women, to be sure, and there is definitely room for improvement in Leslye Orloff's opinion. Like any law, IMBRA must be flexible and those involved must be open to considering how best adapt it. Keeping the issue in the public's mind is crucial for the issue to remain on the table at Congress. The two key concerns in this area involve problems of marriage fraud and protecting women from domestic violence. The law needs to be adaptable to both and not focusing on one aspect while harming another. Jeanne Smoot mentioned that there are discussions in the works to change and correct IMBRA, but that disclosing that information at this stage would ruin the potential for these changes. This is encouraging that there are changes in the works and hopefully this will improve the effectiveness of the law.

Other suggestions to reduce the likelihood of domestic violence include provide an online tutorial to be taken by both men and women prior to signing up with a marriage broker to explain how the process works, what each person's rights are, and what laws are applicable to the process. This way, all men and women are advised of their rights and their responsibilities under IMBRA and provide more information for everyone considering use of a marriage broker.

One of the biggest problems with regard to IMBRA is accountability. Although IMBRA currently has stipulations about penalties for not following the provisions, these are generally not enforced. There is no reason for marriage brokers to realistically follow the law and there is also no incentive for them to do so. Creating a licensing bureau that certifies marriage brokers after a period of compliance and denies them certification for lack of compliance would combat both of these issues. Like a Better Business Bureau system, consumers could learn about the professionalism and law-abiding practices and marriage brokers would be held accountable through the certification process.

Ultimately, no policy changes are going to address the foundational vulnerabilities faced by women. Men and women using this service have different motivations for using the services of a marriage broker. Earlier, this thesis addressed the issue that many men signing up for these services are doing so in the hopes of finding a particular type of women. It would be difficult, if not impossible, to make this situation more equal because of the competing motivations between men and women to use a marriage broker. The policy changes suggested above, however, are likely to provide more information to both men and women and provide clear guidelines that might help reduce the likelihood of violent situations.

Although this thesis was successful in evaluating the International Marriage Broker Regulation Act, the factors that led to its legislative success, and the problems encountered since then, there were challenges in attempting to create such a broad study.

One of the biggest difficulties proved to be the mobility of Congressional staffers. These employees change jobs so frequently, both within the Hill and into different offices around the government, that phone numbers and e-mail addresses were difficult to track down. Fortunately, those who I was able to locate each suggested several other people to get in touch with, and this “snowball” approach was very effective. There were many people who hadn’t worked on the issue at the time but were able to provide me with contact information for those who were.

Future studies would benefit from incorporating this issue into the greater study of trafficking, protecting women from violence, and women who are fleeing genital mutilation and seeking asylum. In many ways, women in this situation share similar experiences with marriage migrants, although the former women experience a much more difficult experience in the citizenship process.

After years of reported murders and increased interest in the related areas of trafficking, the International Marriage Broker Regulation Act was signed into law. Designed to counteract some of the ways that women are made vulnerable in the process of meeting a man through a marriage broker, the law includes provisions for information to the women about a man's background, pamphlets about domestic violence and potential resources, and requires her permission before her private contact information is shared with any male. The law fails to be enacted properly, however, so many women remain in the dangerous situation of possibly meeting a controlling or abusive husband. Crucial for effective implementation of this law are clear instructions about who is in charge of carrying out the various protocols and a streamlined system in which information is available to the women throughout the immigration process, including the two years they live in the United States as conditional citizens. Ultimately, no law can realistically tackle the problems that arise as part of the way that the brokers advertise women and the kind of women that men are seeking. While the issue of trafficking remains currently popular, it is likely that future achievements in this arena will ultimately provide greater protection for women.

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## APPENDICES

Appendix A: Interview Questions for Tahirih Justice Center Staff

Appendix B: Interview Questions for Congressional Staffers

## Appendix A: Interview Questions for Tahirih Justice Center and Legal Momentum Staff

### Questions, Organization Staff

1. How long have you worked here?
2. What brought you to the Tahirih Justice Center/Legal Momentum?
3. What is a typical day like for you?
4. What type of collaboration do you have with other organizations or people?
5. What is the hardest part about your job?
6. What do you enjoy most about your job?
7. What have been the greatest developments in the last decade regarding women fleeing gender-based violence?
8. What do you see as the most important priorities for the next decade regarding women fleeing gender-based violence?

## Appendix B, Interview Questions for Congressional Staff

### Interview Questions, Congressional Staff

1. How long have you worked in this office?
2. Can you tell me a little bit about the history of \_\_\_\_\_  
(representative/Senator)'s involvement in IMBRA?
3. What were the greatest challenges in making IMBRA a law?
4. What type of collaboration do you have with other organizations or people?
5. What have been the greatest developments in the last decade regarding women fleeing gender-based violence?
6. What do you see as the most important priorities for the next decade regarding women fleeing gender-based violence?
7. I'm curious about the process of creating IMBRA and getting to the stage of being passed. Can you tell me a little about that?
8. This seems like an enormous project to help with and cover. Were there people you worked with on a regular basis during the drafting of this? Are you still in touch with them?