

APPENDIX B

INTERNATIONAL MATCHMAKING ORGANIZATIONS:

A REPORT TO CONGRESS

This technical appendix describes the several samples that were selected by INS researchers of INS administrative records to assist in deriving the estimates used to produce this report. Because no data exist that would allow direct identification of mail-order brides among all immigrant spouses, INS researchers focused on selected categories of petitions where they were most likely to be found. These included petitions for fiancé(e) visas, petitions for removal of conditional status, and self-petitions under the Violence Against Women Act (VAWA).

Administrative Record Sampling of Petitions for Fiancé(e) Visas

U.S. citizens may petition to bring their fiancé(e)s to the United States for the purpose of marriage by filing INS form I-129F. The fiancé(e) petition is thought to be a common route for the entry of mail-order brides. In order to estimate how many mail-order brides enter in this way, INS staff carried out a review of these petitions at the INS Service Center in St. Albans, Vermont (the VSC), during the month of February 1998. The fiancé(e) petition, uniquely among INS forms, asks the question, "Describe the circumstances under which you met," since to qualify, the petitioner must demonstrate that he or she has personally met his or her fiancé(e). All petitions adjudicated during that month were reviewed for evidence in the file that the couple had been put in touch initially through a mail-order service. A chief adjudications officer at the VSC reviewed all 741 petitions and forwarded coded data forms on those of possible interest to headquarters for further review.

The INS headquarters research team reviewed the forwarded cases and classified 12 of them as definitely mail-order cases and 29 as probable mail-order cases, for a total of 41. Cases were classified as "definitely" mail-order if they specifically mentioned an agency or an Internet service. They were classified as "probably" mail-order if they described a correspondence followed by a trip to meet or a variation on that pattern, where there was no alternative explanation of how the couple came initially into contact, such as introduction through a relative or friend. Other classifications used were "definitely not mail-order," where the file described a situation that was clearly not a mail-order introduction; "probably not mail-order," where the weight of the evidence was against it; and "unable to classify," where the file did not contain enough information to permit a classification.

The countries of birth of the 41 women classified as definitely or probably mail-order cases were as follows: 19 former USSR, 16 Philippines, and 1 each from China, Colombia, Honduras, Poland, Romania, and Scotland. All but 3 of the male petitioners were born in the United States. The mean age difference between the male petitioners and their fiancées was 15 years, with the greatest difference being 41 years; in 2 cases the male petitioners were 2 years younger than their fiancées. Four of the petitioners (9.8 percent) had previously filed petitions with INS for a different fiancée.

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The INS Service Center at St. Albans is one of four Service Centers nationwide, and this sample covered only one month, so the findings cannot be considered representative of all fiancée petitions. However, to the extent that it is, approximately 5.5 percent (41/741) of all fiancée petitions resulted from mail-order introductions. If all fiancée petitions are equally likely to be approved, that percentage would have resulted in the entry of 286 of the 5,200 women who became legal permanent residents (LPRs) in 1996 after entering as fiancées. If this estimate of 286 is applied to the estimate of 4,000 total mail-order marriages in 1996, the fiancée visa route accounted for about 7 percent of them. These are believed to be upper-bound estimates, because the denial rate for petitions based on mail-order introductions is expected to be higher than that for persons who met in other ways. In many of these cases the couple has spent minimal time together before the petition is filed.

Administrative Record Sampling of Petitions for Removal of Conditional Status

When an immigrant gains permanent resident status on the basis of a marriage of less than 2 years' duration to the sponsor, the immigrant is admitted in "conditional" status. At the end of the 2 years, the couple must file for removal of the conditions and appear together for an interview at the local INS office, to attest to the validity of the marriage. From the FY 1994 file of cases processed for removal of conditional immigrant status, the INS research team selected for review a sample of case files of female spouses whose conditional status was terminated for cause. The researchers reasoned that the cases involving clear fraud were most likely to be found in this category, and that such cases might also have a higher incidence of marriages arranged through international matchmaking organizations than others. The goal was to develop an upper-bound estimate of cases involving both the mail-order industry and fraud on the part of spouses. The researchers also reviewed the files for any documented evidence of spousal abuse.

In FY 1994 INS processed 96,033 applications for removal of conditional immigrant status and removed the conditions in 90,243 cases (94 percent). Most of the cases denied were for failure to pursue the application. Only 717 cases were denied for cause, of which 266 (37 percent) were females.

INS researchers selected 2 subsamples from this universe of 266. First, all female spouses born in the Philippines, Poland, or the former Soviet Union were sampled. This oversample of countries chosen because they are thought to represent those from which most of the mail-order brides come was designed to maximize the probability of finding a relatively rare population in a small sample. This subsample contained 37 women from the Philippines, 3 from the former Soviet Union, and 4 from Poland, for a total of 44. Second, a subsample of convenience was drawn consisting of all female spouses not selected above whose cases were under the jurisdiction of the Newark, N.J., INS district office, which had decided the largest number (25) of such cases in that year, the most common being for persons from the Dominican Republic.

The case files were requested from the INS field offices that had jurisdiction over the records, but not all of these files were received in INS headquarters by the time this study was concluded. Of the 44 cases in the oversample, researchers received and examined 35 files (79.5 percent). The spouses included 30 born in the Philippines, all 3 from the former Soviet Union, and 2 from Poland. Of the subsample of convenience from Newark, researchers received and reviewed 18 (72.0 percent), including 5 women born in the Dominican Republic and no more than one woman from any other country. In addition to the women from the Dominican Republic, the

from any other country. In addition to the women from the Dominican Republic, the continents represented were Africa (4), Europe (3), North America including Mexico and the Caribbean (3), and South America (3).

The 2 subsamples were weighted separately and recombined for analysis and presentation. Although the sample design was not random and not all cases could be obtained for review, the countries of birth of the weighted sample were distributed very similarly to those of the population of 266 from which the sample was drawn. In addition, the median age at the time of admission to conditional permanent resident status was 28 for both the population and the sample. Table B-1 compares the population and the reviewed, weighted sample on the distribution of their country of birth.

The oversample of selected nationalities resulted in a relatively high proportion of cases classified as definitely or probably mail-order brides, using the definitions outlined above in the section on fiancées. All 8 of the 35 cases reviewed and so classified were Filipinas. The subsample of convenience contained no apparent mail-order brides; in fact, all but 2 of the 18 cases reviewed were classified as definitely not mail-order brides. The use of the separately weighted and recombined subsamples, assuming that the cases sampled but not available for review are distributed the same as those reviewed, yields an estimate that 3.8 percent (rounded to 4 percent in the body of the report) of the population of 266 were mail-order brides. Using the assumptions that would result in an upper-bound estimate [namely that all cases not reviewed (9) were mail-order brides and that the few (6) that lacked enough information to classify them were also mail-order brides], at most 8.7 percent of the 266 were mail-order brides (rounded to 9 percent in the body of the report).

Table B-1

Female Spouses: Conditional Entries
Denied Removal of Conditions for Cause, FY 1994:

Country-of-Birth Percentage Distributions,
Population vs. Sample Reviewed

Country	Population	Weighted Sample
Dominican Republic	20.7%	23.2%
Philippines	13.9%	13.9%
Mexico	5.3%	4.6%
Jamaica	4.9%	4.6%
Colombia	2.6%	0.0%
India	2.6%	0.0%
China	2.3%	0.0%

Germany	2.3%	0.0%
United Kingdom	2.3%	4.6%
Poland	1.5%	1.5%
Former Soviet Union	1.1%	1.1%
All others	40.5%	46.5%
Base number	266	53

Of the 8 cases classified as definitely or probably mail-order brides, 4 contained no documented evidence of fraud or abuse, 2 contained evidence of marriage fraud, and 2 included evidence of spousal abuse. Among the other 45 cases reviewed that were not classified as mail-order brides, there were 10 cases of admitted or well documented fraud and 4 cases of spousal abuse of sufficient severity that the women were later granted LPR status under VAWA. These numbers are too small to permit generalization to the larger population with confidence, but they are presented in order to give as complete a picture as possible of the prevalence of fraud and abuse in the cases reviewed.

The fact that these case files were reviewed several years after the time when the intending immigrants received negative decisions on their applications to have their conditional immigrant status removed provided an opportunity to review and summarize later developments in their cases. Perhaps the most interesting finding is that the majority of these women later succeeded in becoming LPRs by presenting additional evidence or by qualifying in another way, such as remarriage or self-petitioning. More than 37 percent (13/35) of the women in the oversample gained LPR status through remarriage to a different man than the original petitioner; less than 6 percent (1/18) of the subsample of convenience did so. This contrast in the percentage of women who remained in the United States and entered into another marriage suggests that women from the countries in which it is not unusual to advertise for introductions to foreign men may indeed be partly motivated by the prospect of living in the United States, although all persons who marry could be said to do so for a mixture of reasons. Combining both subsamples, 5 of the 53 women (9.4 percent) whose cases were reviewed were found to have successfully self-petitioned under the VAWA provisions, but only one of these had been a mail-order bride. A total of 31 of the 53 women (58.5 percent) had received LPR status through some means at the time of the file review.

Review of the files 4 years after the women were denied removal of their conditional status also means that this is a picture of marriages that took place in the past, not the present. On average, the women in the oversample (where the Filipina mail-order brides were found) had married their original sponsors in 1990 and entered the United States in 1991. The year 1990 is significant because in that year the Philippines enacted legislation to outlaw the international matchmaking industry. Indications are that the legislation served only to drive the industry underground. Because of this, more recent mail-order marriages from the Philippines may be different in some way than those observed in this study. The women in the sample of convenience married their sponsors, on average, in 1990 after entering in 1989; many of them had overstayed tourist visas

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Administrative Record Sampling of VAWA Petitions

In FY 1995, the first year in which spouses could self-petition under the VAWA provisions, there were no successful self-petitions under these provisions. In FY 1996, a total of 27 spouses gained legal permanent resident status based on self-petitioning under VAWA. They came from 14 countries, including Mexico (6), the Philippines (4), the Dominican Republic (3), Germany (2), Peru (2), and Russia (2). INS researchers selected all of these cases for review, to gauge whether evidence of mail-order arrangements leading to the marriage could be identified in spousal abuse cases. Although there is not a direct question on the form, these cases require a narrative history for processing, which usually contains details about how the couple met, so there is little uncertainty about their classification.

The case files were requested from the offices having jurisdiction over them. As of the date of this report, 24 of the 27 files (88.9 percent) had been received. The cases reviewed included all 4 from the Philippines and both of the Russians, 2 of the countries in the sample from which mail-order brides would be expected to come. Using the classification scheme described above, INS researchers classified 19 cases as definitely not and 5 cases as probably not mail-order brides.

A similar review was not attempted of the 178 persons who received LPR status under the VAWA provisions in FY 1997, because the file was not complete at the time of the study and was unavailable for sampling and review.

Because few VAWA cases were available for review from earlier years, INS researchers examined the active case files at the VSC. In June 1997, the processing of all VAWA cases was centralized there, to be carried out by specially trained examiners. During a 3-day period in January 1998, researchers from INS headquarters reviewed every file that was in that office at the time: 370 approved cases, 34 cases for which a notice of intent to deny the claim had been sent, and 26 cases that had just been received and on which no action had been taken, for a total of 430 cases. Two of the approved cases were clearly marriages resulting from mail-order introductions; both wives were from Russia. No mail-order bride introductions were found among the denied or the new cases. Therefore, only 0.5 percent of this spot-check sample of approved VAWA cases were demonstrated to be mail-order brides. The researchers did not use the five-fold classification described above. However, in more than 90 percent of the cases, the history showed clearly that the spouses had met through family, friends, or other ordinary social channels.

The 430 VAWA self-petitioners were born in 60 countries. The most common country of birth was Mexico, with 176 (40.9 percent) of the cases reviewed. There were 21 petitions from persons born in the Dominican Republic; no other country accounted for more than 15 persons. In addition to the 176 persons from Mexico, the continents represented were Africa (31), Asia (44), Europe (31), North America including the Caribbean (103), and South America (45). A total of 8 self-petitions were filed by men; 4 of them had been approved; 2 were denied and 2 were awaiting action. Eight of the approved self-petitioning women had entered into traditional arranged marriages in which the families or a matchmaker brought the couple together.

In order to expand the sampling of VAWA self-petitioners, the review of self-petitioning cases under VAWA was extended throughout the month of February 1998. A single Chief Adjudications Officer reviewed all new petitions and forwarded

1998. A single Chief Adjudications Officer reviewed all new petitions and forwarded coded data sheets on those of probable interest to the INS research team at headquarters. The total number of petitions reviewed by the specialist was 740. The research team classified 2 of these as definitely mail-order brides and 3 as probably mail-order brides, for a total of 5. At this rate, mail-order brides made up 0.7 percent of the new caseload in that month. Combining both samples, INS researchers found that 7 of 1,170 or 0.6 percent of the VAWA petitions reviewed during the time of the study were the outcome of marriages arranged through the mail-order industry.