



Highlights of [GAO-08-862](#), a report to congressional committees

Why GAO Did This Study

The International Marriage Broker Regulation Act of 2005 (IMBRA) was enacted to address issues of domestic violence and abuse against noncitizens (beneficiaries) married or engaged to U.S. citizens (petitioners) who have petitioned for them to immigrate to the U.S., including those who met through an international marriage broker (IMB). IMBRA mandated that GAO study the act's impact on the visa process for noncitizen spouses and fiancé(e)s. This report addresses the extent to which the U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS); the Department of State (DOS); and the Department of Justice (DOJ) have implemented IMBRA, and the extent to which USCIS and DOS have collected and maintained data for this GAO report as required by IMBRA. To address these objectives, GAO reviewed the act and related legislation, analyzed IMBRA implementation guidance and available data on applications filed, and interviewed officials at USCIS, DOS, and DOJ.

What GAO Recommends

GAO recommends 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.

To view the full product, including the scope and methodology, click on [GAO-08-862](#). For more information, contact Richard M. Stana at (202) 512-8777 or stanar@gao.gov.

INTERNATIONAL MARRIAGE BROKER REGULATION ACT OF 2005

Agencies Have Implemented Some, but Not All of the Act's Requirements

What GAO Found

USCIS, DOS, and DOJ have implemented two of seven key IMBRA requirements identified by GAO, but five key provisions intended to provide beneficiaries with information about the petitioners seeking to bring them to the United States have yet to be completed. First, although IMBRA requires DOS to mail a copy of the approved petition to each beneficiary, the agency is not currently fulfilling this requirement. Second, IMBRA limits the number of petitions a person may file for a noncitizen fiancé(e) unless USCIS grants a waiver of the filing limits. However, USCIS officials told GAO that they do not check all petitioners against records to determine if a petitioner has previously filed a fiancé(e) petition. USCIS adjudicators are required to check the record if the petitioner self-attests that he or she has previously filed a petition. By limiting its checks to those petitioners who acknowledge prior filings, USCIS increases the risk that it will approve more fiancé(e) petitions than allowed under IMBRA. Third, IMBRA mandates that after two approved petitions, upon filing of a third petition within 10 years of the first, USCIS is to notify both the petitioner and beneficiary of previously approved petitions filed by the petitioner. USCIS officials told GAO that they no longer try to notify beneficiaries because of the difficulty in obtaining accurate overseas mailing addresses. Thus, beneficiaries are left without all required information for making a decision about the person petitioning on his or her behalf. USCIS officials told GAO that they plan to ask DOS to notify beneficiaries during their visa interview with a DOS consular officer. Fourth, the requirement to provide beneficiaries with a pamphlet that discusses the visa application process and available resources if the beneficiary encounters domestic violence or abuse is not being met. USCIS has drafted the pamphlet, but has not established time frames for finalizing the pamphlet. Until the pamphlet is finalized, translated, and distributed, USCIS increases the risk that beneficiaries are not being made aware of their rights or the resources that are available should they encounter domestic violence. Lastly, IMBRA establishes federal criminal and civil penalties for IMBs who violate its provisions. Although DOJ has drafted IMBRA-related regulations regarding how civil penalties would be administered, these regulations cannot be finalized until DOJ, USCIS, and DOS decide which agencies will be responsible for investigating, referring, and prosecuting potential IMBRA violations. Until the agencies resolve these issues and establish an enforcement framework, it will be difficult for IMBRA violators to be penalized.

USCIS is collecting and maintaining some of the data for this report as required by IMBRA; however, most of the data are not in a summary or reportable form and other required data have not been collected. For example, GAO could not determine the extent to which petitioners with a criminal history or history of violence have filed petitions because USCIS does not capture this data electronically. USCIS officials told GAO that they are considering modifying their data management system to collect data that is currently not being collected. However, no decisions have been made.