

INTERNATIONAL MATCHMAKING ORGANIZATIONS:

A REPORT TO CONGRESS

Part I -- Introduction

This report is in response to the Congressional request under Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) that the Attorney General, in consultation with the Commissioner of the Immigration and Naturalization Service (INS) and the Director of the Violence Against Women Office at the Department of Justice, conduct a study of mail-order marriages. The report includes a review of INS records for quantitative data as to the number of marriages facilitated by international matchmaking businesses as well as evidence of domestic violence or marriage fraud in the petitionable relationships which result between U.S. citizens (USCs) or lawful permanent residents (LPRs) and the foreign-born women recruited by these companies. The report also contains a literature review of related topics.

In the course of the study it became evident that a vast array of information already exists on the subjects of mail-order marriage, domestic violence, and marriage fraud, including: academic research; national, European and international conference papers; documents and multi-media data produced by non-governmental organizations specializing in trafficking issues; data from agencies providing services to victims of domestic violence; and data from local, state and Federal law enforcement agencies. This attention to mail-order marriages reflects growing concern regarding the global recruitment and transportation of women in a variety of exploitative ways. The information on trafficking suggests that mail-order brides may become victims of international trafficking in women and girls. The global magnitude and impact of this traffic in women are already well documented.

While not all mail-order brides would be considered trafficked, public policy is shifting to reflect the need to protect people from the exploitation and violence that results from all forms of trafficking. The Department of Justice is actively investigating and prosecuting domestic and international trafficking cases. In January 1998, the Department created a Working Group on Trafficking in Women and Children to examine public policy alternatives, enhance investigation and prosecution, and improve outreach for victims and witnesses. The Working Group's findings and recommendations will be presented to the Attorney General in the coming months. Elsewhere, Austria currently holds the European Union Presidency and is using the

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presidency to focus attention on trafficking issues. An East-West Conference on Trafficking in Women was held in Vienna in October 1998 as part of that initiative. In Russia, which has become a growing source of women for trafficking purposes in the 1990's, the government is working closely with European non-governmental organizations developing strategies to create less favorable conditions for trafficking. Olega Samarina, Deputy Director of the Russian Department of the Matters of the Family, Women and Children, spoke at an international conference in November 1997 at which she outlined the importance of monitoring the agencies facilitating the recruitment of women to be sent abroad. She also acknowledged that the problem is exacerbated by the lack of quantitative measurements. Without any such data, all concerned acknowledge that it will be extremely difficult to propose any effective solutions.

With this in mind, but on a smaller scale, the Service's study sought to review applications for immigration benefits filed with INS for evidence of any correlation between the marriages resulting from mail-order businesses and either domestic violence or marriage fraud. Concerns about a link between the immigration law and domestic violence were reflected in the Violence Against Women Act (VAWA) of 1994. This important milestone created a framework of protection and assistance for victims of domestic violence and recognized the unique barriers that immigrant women and children face when they are victims of family violence.

Domestic violence cuts across all class, racial, and cultural cleavages. It has been determined that domestic violence occurs in almost half of the homes in the United States. Each year, more than one million individuals seek medical assistance for injuries caused by battering. In all, it is estimated that 3 to 4 million individuals are battered each year. The National Domestic Violence Hotline established under the VAWA operates a 24-hour, 7-days a week, toll-free telephone line, which has provided information and assistance to over 200,000 callers since its inception in February 1996. Of these, 46 percent were from victims of domestic violence, 16 percent were from a family or friend of a victim of domestic violence, 12 percent were from advocates and the general public, and 3 percent were from batterers themselves. In addition to those who have been directly battered or abused, there are the children, colleagues, neighbors, police, medical staff, teachers and social workers who witness the abuse or are called upon to respond to these problems. It is shockingly clear that the actions of these batterers affect each and every one of us.

As a result of the VAWA, the Immigration and Naturalization Service has been addressing some of the ways in which spousal abuse may be an immigration issue as much as it is a gender issue and a criminal justice issue. On March 26, 1996, INS

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published interim regulations establishing a self-petitioning process for battered spouses and children of USC's and LPRs. In partnership with the advocacy community, the Service is informing the public about the relief that is available and educating INS personnel about the dynamics of domestic violence and its impact on the victims. The number of battered spouses and children seeking relief under the self-petitioning process is small but increasing. In fiscal year (FY) 1997, nearly 2,500 self-petitions were filed with the Service. For FY 1998 over 3,300 self-petitions were filed by battered spouses or children (see chart).

This report focuses specifically on a potentially vulnerable subset of the U.S. population--immigrant women who marry U.S. citizens or lawful permanent residents as a result of meeting through an international matchmaking organization (IMO). Mail-order marriage is not a new phenomenon--it is an inseparable part of North American history and the settlement of the United States. As immigrants moved to this country and established permanent homes, relatives in their country of birth arranged marriages with local women--often performing proxy marriages. Even today, within many cultures and religions, traditions exist in which the formal practice of introducing, chaperoning, and fostering these arrangements is customary. In a modern context the use of such methods to find a partner has less favorable connotations. Objection to the "wife-import" business has developed slowly, in part because little is known about the businesses or the individuals involved.

Concern over this issue reflects the lack of power the foreign-born woman has compared to either the U.S. citizen or lawful permanent resident in these arrangements and the lack of regulations governing the way in which the international matchmaking organizations conduct their business. The phenomenon is not unique to the United States. Western Europe, Canada, and Australia are witnessing similar patterns with regard to the use of these agencies and the domestic violence that can result. Polarized views exist of the relationships and marriages that result from the use of IMOs.

At one end of the spectrum is the view that the mail-order bride business is an international personal ad service used by "consenting adults [and] competent people." In 1989, the Swedish Government appointed an Ombudsman Against Ethnic Discrimination to conduct a 9-month investigation into mail-order bride businesses. The Ombudsman concluded that the business was neither unethical nor unlawful:

"Even if a woman who comes to Sweden is treated like a slave and the man uses, abuses and violates her rights, it is not easy to cast the blame on the marriage broker.... Some people simply prefer meeting their partners through an agency. Just because

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the agencies make money is not enough cause for condemnation. Neither is the fact that some may choose partners on the basis of nationality. It would be too difficult to decide on where to draw the line in a free society."

The other end of the spectrum challenges the inequities of these transactions and identifies the mail-order bride phenomenon as an international industry that often trafficks women from developing countries to industrialized Western countries. Unlike dating services or personal ads, the mail-order bride transaction is "one where the consumer-husband holds all the cards." In using these services, the male customer has access to and chooses from a pool of women about whom personal details and information are provided, while the women are told virtually nothing about the male customer--or only what he chooses to reveal about himself. Each woman is aware that the male customer is seeking that one special woman and is eager to satisfy his expectations. Her own objectives may range from something as simple as seeking a loving partner to something more specific such as finding a partner who will facilitate her legal immigration to the United States.

Browsing through the IMO catalogs and web-sites reveals that many of these businesses are doing much more than just providing a name and address referral service. In fact, some of the web-sites are sophisticated concoctions providing both video and audio representations of the recruits. Other services-for-a-fee are available and include organized social gatherings, travel arrangements, and assistance with immigration paperwork (which may fall under the unauthorized practice of law provisions). A recent documentary produced by the Global Survival Network (GSN) reveals how mail-order bride businesses are used as fronts to recruit and traffick Russian women to Germany, Japan, and the United States for the sex industry. Specifically, GSN reports that traffickers have become interested in sending women to the United States because fiancée visas are easily obtained.

The Global Survival Network quotes an estimate that 200 mail-order bride companies arrange between 2,000 and 5,000 marriages in the United States each year (see below for the estimate developed for this report). Many of these are U.S.-based companies with Russia-based operators offering a wide range of services, depending on the amount of money the customer is willing to spend. As an example, one marriage agency which specializes in Russian women charges customers a \$1,850 membership fee which buys the right to view photos and videos of 400 women. GSN found that at least 8 U.S.-based mail-order bride companies operate in Moscow alone. The usual format is that the company publishes a catalog listing hundreds of women of various ages and includes a physical description and a brief statement of background. These

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are available either through printed material or via the Internet. For an additional payment, customers may select video presentations of the women described in the catalog. The company may then organize a package tour for a group of customers to travel to Russia to meet a wide selection of women and girls. (An additional result of the lack of regulation is that the companies frequently advertise minors to the clients.) As many as 2,000 women may show up for the "mixer" party for a group of only a dozen men. The company seizes the opportunity to photograph the women for the catalog and videotapes the evening's activities for use on late night cable infomercials.

The male customers, according to the IMOs, are generally financially secure, yet they frequently seek relationships with women from impoverished countries where women are often denied equal education and employment opportunities. The fact that the male customer is a U.S. citizen or lawful permanent resident makes him more attractive to a foreign-born bride, who may come from a society in which women are pressured to take steps that are not beneficial to them as individuals (e.g. to become a prostitute, overseas domestic worker, or mail-order bride) in order to support family members. As a citizen or LPR, the male customer holds both real and imagined power to allow a bride to enter the United States lawfully and to threaten deportation once she is in the United States.

In between these two positions are other explanations for this phenomenon, but any attempt to regulate the industry must start by recognizing that women's immigration experiences are part of a complex global story.

Since 1992, marketing of women from the newly independent states of the former Soviet Union and Eastern Europe and the number of international matchmaking businesses have grown dramatically. In response, a more organized form of protest has emerged, with leading women's organizations speaking out aggressively against what they have termed "trafficking in women." This has in turn generated enormous media interest and reporting on the mail-order bride industry. Local and national newspapers are filled with examples of the deadly ramifications of domestic violence and immigration. In March 1995, a woman was shot to death in a Seattle courthouse lobby. She was 25 years old and 7 months pregnant; she had immigrated to the United States from the Philippines as a mail-order bride and was seeking a divorce from her abusive spouse. The assailant was her husband. She had only lived with him for 10 days before she moved out due to his violence and abuse. He was seeking to have the marriage annulled and to recover the more than \$10,000 he claimed to have spent to bring her to the United States. In addition to killing his wife, he also killed the two women accompanying her.

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This type of gruesome incident may happen again somewhere in the United States. The pervasiveness of domestic violence in our society has already been documented, and with the burgeoning number of unregulated international matchmaking organizations and clients using their services, the potential for abuse in mail-order marriages is considerable.

Although research and analysis have been published on this issue, limited facts and statistical data exist which can be used to measure what is being witnessed today. Increasingly, we hear stories of exploitation and abuse from immigrant women who are brought to the United States and find themselves in abusive marriages. Conversely, the INS has received complaints from men who see themselves as victims of a conniving mail-order bride, who, perhaps in collusion with the IMOs, is only too well aware of the immigration laws and the benefits to be derived through marriage to a U.S. citizen or lawful permanent resident. Once in the United States these women make it clear they have no intention of remaining in the marriage and perhaps even manipulate the spouse in order to take control of his financial and material assets or to ensure the future immigration of their family members.

In response to these troubling reports, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, passed in September 1996, included a provision (Section 652), requiring the Attorney General to conduct a study of the mail-order bride industry. The study was to collect data regarding the number of mail-order marriages and determine the extent of marriage fraud and domestic abuse within such marriages and whether additional measures are needed to reduce the incidence of abusive and fraudulent marriages initiated through international matchmaking businesses. The statute also required international matchmaking organizations to provide information to the recruits about U.S. immigration law, suggesting that these organizations may in some ways facilitate abusive and fraudulent marriages in part because the women have little or no knowledge of immigration law and procedures.

On July 16, 1997, INS published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register. The objective of the public notice was to gather as much information as possible from divergent sources. The INS has limited knowledge of this industry beyond what is reported in the press and does not gather any information directly relating to this industry through the immigration forms and procedures through which U.S. citizens and lawful permanent residents petition for their spouses or fiancé(e)s.

The comment period yielded a mixture of responses: individuals who have used IMOs with both favorable and unfavorable results; owners of IMOs who defended their right

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to conduct such businesses, with some acknowledging the need for regulations, but fearful that severe regulatory action would drive all of these businesses off-shore; advocacy groups representing battered immigrant women; and academics who have conducted research in this field. While the public comments will be fully addressed in the proposed rule, we provide a limited example of some of the comments below.

A commenter from one IMO stated,

"As far as abuse is concerned...it seems logical that since men soliciting the help of the IIS/MA are almost exclusively well educated, have middle to upper class lifestyles, and have a higher than average paying job, that they are less likely to beat their wives than a lower class, uneducated, lower income American male. I would be surprised to find that my hypothesis is unsubstantiated by statistics."

Another commenter representing an IMO argues that,

"The overwhelming majority of the men who use such services are sincerely wanting to find a woman with old fashioned values to love and cherish....The proposed regulations are obviously a ploy of the feminists to eventually abolish such services. The feminists do not want to see men happy. The INS should not be the puppet to the feminists' strings (sic). Until the day women in America can understand and accept the true meaning of feminism there will be a continuing flood of American men who will look overseas to find that 'real' woman."

Other commenters included husbands and wives who met through IMOs writing joint letters to inform us of their happy and successful marriages.

"My wife and I were introduced over ten years ago through [XYZ]....After years of correspondence and several trips to each others' country we fell in love and were married. The results are three beautiful children and a wonderful life together."

Another commenter began his letter,

"My prayers have been answered. I am able to tell an interested audience of my sad, sad experience, gullible me, with a 'mail-order bride.'"

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The letter then goes on to provide great detail about his misfortunes at the hands of the woman he met through a mail-order bride agency.

A woman who met and married a U.S. citizen through an international matchmaking organization wrote to say,

"Now we are going to educate the entire world in the abstruse immigration laws? Spend the money on higher priority matters. Most folks can handle these other matters themselves. 'No sparrow shall fall' government is not what the American people want. It seems that you are putting a safety warning label on Americans."

An unregulated international matchmaking industry presents numerous opportunities for exploitation. These are relationships fostered by for-profit enterprises, where the balance of power between the two individuals is skewed to empower the male client who may be seen as "purchasing" a bride and a woman who has everything to gain from entering into this arrangement and staying in it, no matter what the circumstances.

As a result of the public comments and the findings of this report, INS has drafted a proposed rule to implement the statute by educating and informing the public. This information about the immigration law and the rights and obligations under those laws is directed at the IMOs, the women they recruit and the clients who use these agencies. INS is considering developing a brochure to address these issues. Congressional response to this report may lead to additional steps in regulating this industry.

Part II – Data Collection and Statistical Analysis

Marriages Involving Alien Spouses and U.S. Citizens or Lawful Permanent Residents: The Context

The Immigration and Nationality Act (INA) provides for U.S. citizens and lawful permanent residents to petition for their non-citizen spouses to join them in the United States as lawful permanent residents. In many cases, the spouse is already in the United States in a non-permanent immigration status. A large share of the count of immigrants each year results from the immigration of these spouses. In FY 1997, the most recent for which final data are available, 170,000 of the total 796,000 immigrants were the spouses of U.S. citizens, and 32,000 were the spouses of LPRs, for a total of more than one-fourth of all immigration (see Table 1).

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Table 1

Immigration of Spouses by Gender and Selected Category

FY 1997

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Spouses of Citizens	104,619	65,607	170,226
Spouses of Permanent Resident Aliens	27,529	4,047	31,576
Total Spouses	132,148	69,654	201,802
Total Immigrants*	431,947	363,690	795,635

*Excluding 2,548 immigrants who adjusted status under the provisions of the Immigration Reform and Control Act of 1986 and 195 whose gender was not recorded on the electronic data file.

The absolute number of spouses, male and female, in the immigration stream has been growing over the years, roughly keeping pace with the general growth in immigration. From 1971 through 1997, the proportion of spouses was between 20 percent and 30 percent of all immigrants. The maximum proportion of 30 percent was reached in 1985, just before the passage of the Marriage Fraud Amendments of 1986. Since that time the proportion has returned to around 25 percent.

While the majority of the persons immigrating as spouses are women, a substantial minority are men. In 1997, the total number of women directly immigrating through marriage was 132,000, or 66 percent of the spouses (Table 1). Among the spouses of U.S. citizens in 1997, 105,000 of the 170,000 (61 percent) were women. A much higher proportion of the 32,000 spouses of LPRs were women: 28,000 (87 percent).

An alternative is available to U.S. citizens under a law enacted in 1970. Citizens may petition for their alien fiancé(e)s to join them from abroad for the purpose of marriage.

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Under the terms of the law, the fiancé(e) is issued a nonimmigrant "K" visa, which is valid for 90 days. The couple must marry within that time, and then the alien spouse must apply for LPR status as the spouse of a citizen. If the couple fails to marry, the fiancé(e) must depart. During the 1970's and 1980's, a yearly average of 5,300 persons became immigrants through this route. During the 1990's through 1997, the yearly average has been 6,400, of which about 79 percent are women. The law makes no comparable provision for LPRs to bring in their fiancé(e)s.

The failure of the couple to marry within the 90-day period of admission with the K visa may indicate that fraud was involved or that abuse developed soon after the fiancé(e) arrived, although other explanations are, of course, possible. Approximately 1,100 more fiancé(e)s arrived per year on average in the 1970's and 1980's than adjusted to permanent resident alien status, and in the 1990's the average yearly excess of arrivals over adjustments has been 2,200.

Information on Marriages Based on Mail-Order Introductions

As mentioned earlier, Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) directs the Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Director of the Violence Against Women Office of the Department of Justice, to conduct a study of mail-order marriages. The purpose of this study is to determine, "among other things:

- (1) the number of such marriages;
- (2) the extent of marriage fraud in such marriages, including an estimate of the extent of marriage fraud arising from the services provided by international matchmaking organizations;
- (3) the extent to which mail-order spouses utilize section 244(a)(3) of the INA (providing for suspension of deportation in certain cases involving abuse), or section 204(a)(1)(A)(iii) of such Act (providing for certain aliens who have been abused to file a classification petition on their own behalf);
- (4) the extent of domestic abuse in mail-order marriages; and
- (5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 and the Immigration Marriage Fraud Amendments of 1986 with respect to mail-order marriages."

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The Attorney General is directed to submit a report to Congress setting forth the results of the study described in numbers 1 through 4. The findings are presented below in the order outlined above.

(1) The Number of Mail-Order Marriages

The U.S. Government does not collect data on the number of marriages in which the parties have been brought together by an international matchmaking firm. Further, information on how the couple met is not requested of U.S. citizens or LPRs petitioning for the immigration of a spouse on INS Form I-130. The petition for a fiancé(e) of a U.S. citizen (INS Form I-129F) *does* ask this question, but the answer is not captured electronically. The accuracy of the responses has not been evaluated, and under-reporting of meeting through a matchmaking agency would seem to be a significant possibility, since it might be perceived as a factor in a decision to deny the petition. The parties might also be embarrassed to disclose this fact.

In view of the absence of official information, it was necessary to estimate the number of marriages resulting from mail-order agency introductions for this report. INS researchers considered several approaches. One approach would have been to review a sample of the files of all female immigrant spouses in a recent year, in order to ascertain whether they contained enough information to classify them as having met the U.S. citizen or LPR spouse in this way, and to derive an estimate of the total number of mail-order marriages from the sample. Section 652 of IIRIRA quoted an estimate of unspecified origin that "2,000 to 3,500 men in the United States find wives through mail-order bride catalogs each year." At that level, the mail-order bride business would have accounted for 1.5 percent to 2.7 percent of the 132,000 female spouses referred to above who entered in 1997. This proportion is so small that a very large sample would have been required to produce a statistically valid estimate. The cost of conducting such a study would have been prohibitive. In addition, files from a random sample of all cases (as compared to a targeted sample) were unlikely to contain the kind of evidence necessary to identify them as mail-order marriages.

As a second approach, INS contracted with an academic expert, Robert J. Scholes of the University of Florida, who has published previous research in this area. He had studied the issue in 1996 by conducting a survey of the mail-order firms, asking how many women are listed each year as potential brides, and how many marriages take place as a result of their services. With INS support, he updated this earlier research. The resulting report is included as Appendix A. It contains a description of the mail-order marriage industry, a general characterization of the men and women who register for introduction services, and estimates, among other things, of the number of

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such marriages involving U.S. men.

In his earlier work, Professor Scholes (1997) estimated that as of 1996, the number of marriages resulting from mail-order agencies annually was 4,000. In his most recent study in the spring of 1998, he estimated the number to be within a range of 4,000 to 6,000. He attributes this increase to the growth in the number of women listed annually, from about 100,000 in 1996 to 150,000 currently. He believes that two factors are primarily responsible for this increase: rapid growth in the part of the industry featuring women from the former Soviet Union, and equally rapid growth of e-mail "pen-pal" clubs. The e-mail clubs are generally free of charge for the initial contacts and make their profits by selling travel packages to meet potential spouses, or by providing immigration assistance or other related services. A sample copy of an order form from one of the agencies is included in Appendix A.

Matchmaking services that brought women in search of husbands together with men who had settled on the frontier are part of American history and lore. In its more modern incarnation, this industry dates back about 25 years, when one agency supplying a printed catalog made up the market. In 1994, Glodava and Onizuka (1994) estimated the number of mail-order bride companies at about 100; they described an industry still relying on printed catalogs. A few firms dominated the industry; many more were small operations run from post office boxes. As of May 1998, Professor Scholes documented more than 200 e-mail listings (Appendix A), some of which also supply material in print. Current technology makes it possible to operate these businesses on the Internet as the equivalent of post office boxes only a few years ago, and agencies relying only on print seem to be a thing of the past.

Because the agency response rate to Professor Scholes' survey was extremely low, and few agencies appear to keep good statistics, the tentative nature of the estimate of 4,000 to 6,000 marriages per year must be emphasized. However, knowledgeable INS staff believe that this estimate is a reasonable range, and that it represents a logical increase over the estimates made earlier, given what is known about the growth of the mail-order bride industry. At this level, mail-order marriages account for 2.7 percent to 4.1 percent of all immigration involving female spouses. In the broader context, 4,000 such marriages yearly would represent only 0.4 percent of all immigration to the United States in 1996.

The fiancé(e) petition is believed to be a common avenue for the entry of mail-order brides. Accordingly, the INS Vermont Service Center (VSC) collected data from petitions filed at the VSC during the month of February 1998 (see Appendix B). All fiancée petitions adjudicated during that month were reviewed for evidence that the

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parties had met through a commercial service. Of a total of 741 new fiancée petitions reviewed during that period, 41 or 5.5 percent were classified as definitely or probably mail-order introductions. If this percentage is representative, about 282 of the 5,100 women who currently become LPRs each year after entering as fiancées were mail-order introductions. Applied to the estimate of 4,000 mail-order marriages in 1996, the fiancée visa route represented about 7 percent of them. At this rate, mail-order marriages are twice as prevalent among fiancées as among all immigrant wives.

(2) Marriage Fraud

Just as it is difficult to know with certainty the number of marriages contracted through the services of the mail-order bride industry, it is even more difficult to establish what proportion of these marriages are fraudulent. Section 652 of IIRIRA attributed to INS an estimate that the rate of marriage fraud is 8 percent; the source and accuracy of this estimate has not been established. By definition, *successful* instances of marriage fraud are not discovered by INS. One must also remember that fraud may take two basic forms. First, the marriage may be one in name only, for the sole purpose of securing immigration benefits; often money is exchanged in these cases. Second, the immigrant may feign interest in the U.S. citizen or LPR spouse, only to abandon him or her after the marriage. In either type of fraud, the immigrant may be a woman or a man.

In view of the barriers to establishing how many mail-order marriages involve fraud, INS elected to sample administrative records that were expected to have a high incidence of proven fraud and to examine them to see what proportion of the questionable marriages could be attributed to the mail-order bride industry. In effect, this technique asks what proportion of fraud cases originate through the mail-order bride industry rather than what proportion of mail-order cases are fraudulent, since no sampling frame of mail-order cases is available from administrative records. A targeted sample like this can be selected and reviewed efficiently and at low cost. The sampling frame for this analysis was cases denied removal of conditional immigrant status for cause in FY 1994, under the Marriage Fraud Amendments of 1986. More detail about the sampling methodology is presented in Appendix B. This technique was chosen to provide a rough estimate of the incidence of marriage fraud and the extent to which mail-order introductions are found among those cases. The reader should note that a sample of case files denied under the Marriage Fraud Amendments is not an appropriate tool for estimating the prevalence of mail-order marriages in the general immigrant population, and it was not used in this way.

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In FY 1994, the last year for which detailed data were maintained, INS reviewed 96,033 applications for removal of conditional status and removed the conditions on 90,243, or 94 percent. This means that 94 percent of the cases were judged to be valid marriages. Most of the cases denied were for failure to pursue the application to remove conditions. Only 717 of the 5,790 denied or closed cases (12 percent) were denied for cause. Of the cases denied for cause, 266 (37 percent) were foreign-born wives of U.S. citizens or lawful permanent residents.

Based on a sample of these 266 women (see Appendix B), INS researchers estimate that a minimum of 4 percent to a maximum of 9 percent of their marriages were arranged through the international matchmaking industry. INS researchers believe that the lower bound estimate of 4 percent is the most probable, based on the assumption that cases that could not be examined or classified were distributed in the same way as those whose files were examined and classified.

INS researchers then examined the sampled case files for documented evidence of fraud. Based on this review, 1 percent of the 266 conditional cases denied for cause were estimated to have been both arranged through the mail-order industry and to have involved fraudulent intent. Cases where a mail-order marriage deteriorated and the spouses traded allegations of fraud were also seen, but these allegations were not supported by evidence in the files. At a rate of 1 percent, then, this study did not demonstrate a significant role played by the matchmaking industry in marriage fraud.

(3) Adjustment of Status by Mail-Order Spouses Under the VAWA Provisions of the Immigration and Nationality Act

Section 204(a)(1)(A)(iii) of the INA, enacted in September 1994, provides for abused spouses to petition for permanent resident alien status on their own behalf (and for their children), supplementing the regular procedures which rely on the abuser to petition for them. The provision was in effect early in FY 1995, but no self-petitioning abuse cases were reported in that year. During FY 1996, 27 spouses gained immigrant status through self-petitioning, and in FY 1997, 178 were reported.

INS researchers selected for review all of the 27 self-petitioning cases involving abuse in FY 1996, to look for any evidence of mail-order arrangements. The abused spouses came from 14 countries, with the most common being Mexico (6 persons) and the Philippines (4 persons). No mail-order introductions were found among the 1996 group. INS was unable to sample the FY 1997 cases, because a complete sampling frame was not available at the time the study was conducted. Instead, INS researchers reviewed all self-petitioning spousal abuse cases in the active caseload early in FY

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1998 (described in Appendix B). The number of these petitions is continuing to grow. Of nearly 400 cases reviewed, most of which had already been approved, 2 cases, or 0.5 percent of the total, involved mail-order matches. Both cases involved women from the former Soviet Union.

Although the data available for review at this time show very few mail-order brides among those who have used these provisions to date, the number of self-petitioners does not reflect the full extent of domestic violence in mail-order marriages. There is every reason to expect the number of abused spouses, potentially including mail-order brides, who qualify to self-petition to increase in the future, as awareness of the VAWA provisions grows and organizations that provide immigration assistance and counseling to abused women learn how to present cases effectively to INS.

Section 244(a)(3) of the INA, also enacted as part of VAWA, provides for abused spouses to obtain suspension of deportation (now called cancellation of removal) under conditions similar to those described above. These cases are not identified as a discrete category of immigrants, so a count of them is not possible. INS estimates the figure to have been very small, based on the fact that only 5,812 persons obtained suspension of deportation for all reasons in FY 1996 and that a cap of 4,000 was placed on that category by IIRIRA for future years. Even if INS could identify the battered aliens who received cancellation of removal, we could not necessarily identify those who met their spouses through mail-order agencies.

(4) Domestic Abuse in Mail-Order Marriages

Most of the data advanced on this topic are anecdotal. The Department of Justice does not distinguish foreign-born persons from U.S.-born persons in its crime statistics on domestic violence. The Commonwealth Fund estimated in 1993 that 7 percent of American women who are married or living with someone are physically abused in a year's time, and it is usually assumed by experts that the incidence is higher in mail-order marriages. The argument that immigrant women in mail-order marriages are more at risk of abuse seems plausible, given the discrepancy in power between a USC or LPR and his immigrant spouse.

In view of the absence of direct data, INS again used administrative records to develop estimates of domestic abuse in mail-order marriages. Two approaches were taken. First, the sample of the 266 cases of women denied removal of conditional immigrant status for cause in FY 1994, described above under the section on marriage fraud, was reviewed for evidence of abuse as well as for fraud. INS researchers estimated that 1 percent of these marriages resulted from mail-order introductions and later resulted in

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documented spousal abuse. No cases were observed in which mail-order marriages were combined with both fraud and abuse. As before with regard to fraud, cases were seen in which the spouses traded allegations of abuse that were not documented in the file. More information on this sample is provided in Appendix B.

The second approach to an estimate of domestic abuse was facilitated by the centralization of the filing and adjudication of all applications for permanent resident alien status under the self-petitioning provision at the INS Vermont Service Center (VSC) in June 1997. INS researchers reviewed all approved, denied, and pending applications located in the VSC in January 1998. In addition, an INS Adjudications Officer with expertise in abuse cases reviewed all new claims processed there in February 1998 for evidence that the parties had met through mail-order firms. A detailed description of these samples is included in Appendix B. As above in the section on marriage fraud, this approach asks what proportion of abuse cases originated as mail-order brides, rather than what proportion of mail-order brides are abused, because no sampling frame of mail-order brides exists.

As described in Part 3, during the last week in January 1998, INS researchers conducted an extensive review of 370 cases of spouses whose self-petitions had been approved for LPR status under the VAWA provisions. Two of them were marriages resulting from mail-order introduction services; both spouses were from Russia. The researchers also reviewed 26 cases which had just been received on which no action had been taken and 34 cases for which a notice of intent to deny immigrant classification as a self-petitioning battered spouse had been prepared, for a total of 430 cases. No mail-order bride introductions were found among the proposed denial cases. Overall, 0.5 percent of the sample of self-petitioning cases were found to be mail-order brides.

The screening of all new self-petitioning cases reviewed in February 1998 yielded a similar result. Of the 740 new petitions reviewed in the VSC in February, INS researchers classified 5 or 0.68 percent as definitely or probably mail-order introductions. Both of the administrative samples based on self-petitioning cases result in the conclusion that less than 1 percent of the abuse cases now being brought to the attention of the INS can be attributed to the mail-order bride industry. Since the number of these self-petitioning abuse cases to date has been very small, it does not yet present a sound basis for generalizing to the total population of spouses. While the amount of abuse of foreign-born spouses documented in these claims is alarming, there is no empirical evidence in the INS records indicating the mail-order bride industry is responsible for bringing together most of those couples.

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It is not possible to estimate the number of mail-order marriages in which abuse has occurred but the alien spouse has not taken advantage of the self-petitioning provisions in the law.

(5) The Need for Regulation and Education

Although international matchmaking organizations as such are currently not regulated by law in conducting business in the United States, they are accountable for violations of Federal criminal statutes if they are involved in marriage fraud or trafficking in women. The following laws already address fraud in immigration whether practiced by these organizations or others:

- Immigration regulations covering marriage fraud (INA Secs. 204(c), 237(a) and 275(c); [8 U.S.C. 1154, 1227, 1325c]),
- Visa or other document fraud (INA Sec. 274C; [8 U.S.C. 1324c]),
- Unauthorized practice of law (INA Sec. 292; [8 U.S.C. 1362]),
- Racketeering laws on acquiring or maintaining businesses through criminal activity ([18 U.S.C. 1961, 1962, 1963]),
- Making false statements or possessing an identification document that was unlawfully issued ([18 U.S.C. 1001, 1028, 1546]), and
- Mail/wire fraud provisions prohibiting schemes for obtaining money through the mail or over the Internet by means of false representations ([18 U.S.C. 1341, 1343]).

When an organization holds itself out as an international matchmaking organization in order to recruit people for nefarious purposes such as involuntary servitude or prostitution, it becomes subject to an even broader range of statutes prohibiting trafficking in human beings, including:

- Alien smuggling (INA Sec. 274(a); [8 U.S.C. 1324a]),
- Importation of an alien for immoral purposes (INA Sec. 278; [8 U.S.C. 1328]),

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- Establishing a commercial enterprise for the purpose of evading immigration laws (INA Sec. 275(d) [8 U.S.C. 1325(d)]),
- Involuntary servitude ([18 U.S.C. 1584]), and
- Transporting a person in interstate or foreign commerce for the purpose of prostitution (The Mann Act; [18 U.S.C. 2421]).

Depending on whether the crime is committed by the international matchmaking organization or the alien recruit, any number of charges may be brought. For example, although there has been at least one instance of an international matchmaking organization committing mail/wire fraud, it is more common for these firms to charge a fee to assist their clients in completing the required immigration forms. When this fee is other than "nominal," the firm has engaged in the unauthorized practice of law. (A visa consultant or any other person who is not a licensed attorney or authorized representative pursuant to 8 C.F.R. 292 may only assist a person in completing preprinted INS forms in exchange for nominal remuneration, if any, and must not hold himself or herself out as qualified in the area of immigration and naturalization law and procedures.)

From the alien recruit's perspective, the most likely violation is that of obtaining admission to the United States based on a marriage contracted solely for immigration purposes. Such marriage fraud renders the alien subject to removal. An international matchmaking organization that encourages or induces the alien recruit to come to the United States to carry out marriage fraud (or any other violation of immigration law) could be considered to be engaging in alien smuggling.

In addition to criminal enforcement, public education and outreach are needed to provide assistance to mail-order brides who are the victims of trafficking or domestic violence and to ensure that IMOs and their clients comply with U.S. law. INS plans to provide greater public education on the rights and obligations under U.S. immigration law of women recruited by IMOs, the clients who use IMO services, and the agencies themselves. The Department of State has developed a brochure targeting potential victims of trafficking. The brochure describes the tactics that criminal groups use to coerce and traffick women, the risks of trafficking, how to protect themselves from the illegitimate organizations, and how to get assistance in the United States. In 1998 the brochure was distributed in the waiting rooms of the U.S. embassies in Poland and Ukraine. The Department of State hopes to expand distribution in the coming year to embassies and consulates in the Baltic States, the Czech Republic, all of the Newly Independent States, and the Philippines. INS intends to develop a similar brochure for

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distribution by the IMOs to the women they recruit to display in the brochures or sign up for their matchmaking and pen-pal services.

Summary and Conclusion

Public awareness and concern in recent years have focused on international trafficking in women and attendant problems of resulting exploitation. In the United States, Congressional attention has also been drawn to the growing international matchmaking industry and the possibility that this industry may contribute to the problems of immigration fraud and domestic violence. Congress directed the Attorney General to study marriages based on international mail-order introductions and to report on the number of these marriages and the extent to which they may be responsible for fraudulent or abusive marriages.

While no definitive data exist, INS commissioned a study of the industry that estimated the number of mail-order marriages to be in the range of 4,000 to 6,000 yearly as of 1998. Concern about immigration fraud and domestic violence involving foreign-born spouses is well founded, but the administrative sources of information available to INS for this study failed to establish that the international matchmaking industry contributes in any significant way to these problems. The subject is inherently difficult to study, and few quantifiable sources of information exist. Also, many of the marriages for which records were reviewed in this study took place in the late 1980's and early 1990's and may not reflect more recent developments.

The number of businesses engaged in some aspect of the international matchmaking industry is growing rapidly, potentially facilitated by the growth of the Internet. Likewise, the number of cases in which immigrants have successfully petitioned for permanent resident alien status without spousal sponsorship, based on a showing of abuse, has grown rapidly, as immigrants and social service agencies become aware of this relatively new remedy under the immigration law. These trends indicate a need for continued monitoring of mail-order marriages. The monitoring could include additions to the data collected on INS forms and replication of this study at intervals. Education of vulnerable women on their rights, as directed in the law, is also necessary and is being implemented in regulation.

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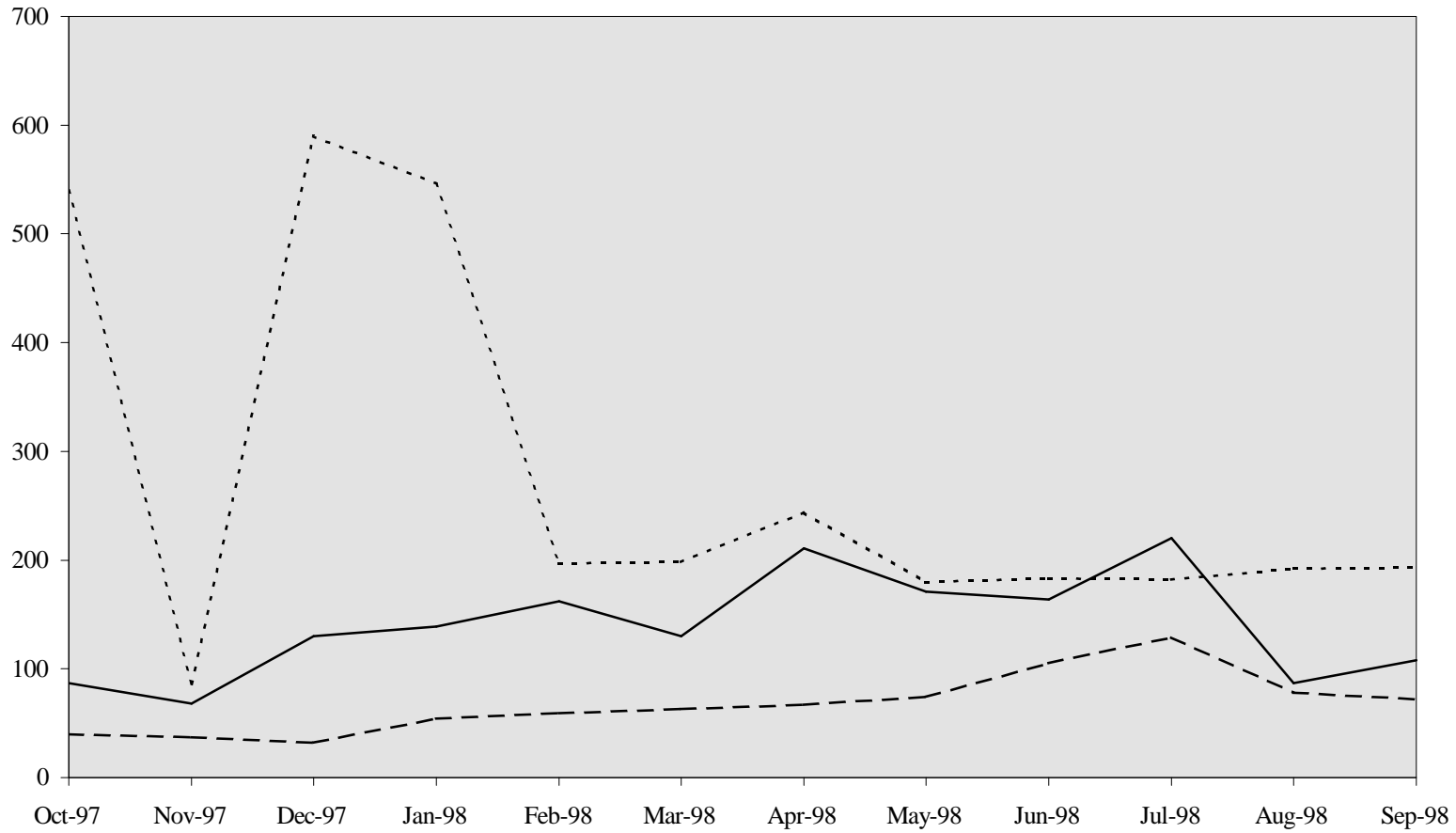
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NOTE: Sunset for 245(i) adjustment of status, initially 9/30/97, was extended to 1/15/98.

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APPENDIX A

THE "MAIL-ORDER BRIDE" INDUSTRY

AND ITS IMPACT ON U.S. IMMIGRATION

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The Industry

An American man seeking a foreign bride may avail himself of over 200 different services in which foreign women advertise for husbands. There are two types of such services. In one type, the so-called "mail-order bride" industry (representatives of the industry prefer the term "international correspondence service"), women's names, photos, biographical sketches, and addresses are presented in hard copy brochures or on the Internet. In these services, the agency provides the photos and descriptions of the women, who are not charged for this listing. Men who wish to obtain the mailing address of any of the women they would like to contact are charged a fee of from \$2 to \$5 for each of the mailing addresses.

The other way to contact potential spouses is through e-mail "pen-pal" clubs. These services are generally free of charge. In them, men and women provide biographical data, an e-mail address, and an indication of what type of relationship they seek. Some of the larger, more established of these pen-pal clubs are One-And-Only.com, Friendfinder.com, Match.com, Kiss.com, and Date.com. In these clubs, one can find nearly 10,000 foreign women seeking marriage or long-term relationships. Since these services require access to computers, the women tend to be older and better educated than those listed in the "mail-order bride" catalogs and to reside in more developed countries such as Japan and Russia.

The women are obtained through advertisements in local newspapers and popular women's magazines and, most commonly, through word of mouth.

Based on a scanning of the services listed and information provided by the agencies themselves, we may estimate that between 100,000 and 150,000 women from a variety of countries (including the United States, Canada, Europe, and Australia) annually advertise themselves as available for marriage. The great majority of these women are from two major areas: Southeast Asia, including the Philippines, and Russia and other countries of the former Soviet Union.

The Philippines provides a large number of the Asian listings, despite the fact that "mail-order bride" activities have been illegal there since 1986, while Thailand, China, Indonesia, Malaysia, Korea, and Japan are also seen often as the woman's native country.

In recent years, a large increase in listings has been due to the influx of services focused on women of Russia and the former Soviet Union. Nearly half (69) of the 153 services listed in one source feature such women. In addition to Russia itself, the Ukraine is the most common country of origin.

The agencies vary considerably in the number of women listed, the geographical origin of the women, and in the length of time they have been in business. One of the largest and oldest of them is Cherry Blossoms, which has been operating since 1974 and lists over 6,000 women at any one time. This company's listings reflect the general pattern of national origin of the women seeking husbands: of the 6,000, over 4,600 are from Asia (3,050 from the Philippines), 1,700 from the former Soviet Union (mostly from Russia and Ukraine), and others from Latin and South America and Europe.

These businesses can be highly profitable. Bob Burrows, president of Cherry Blossoms, reports that his agency serves over 1,000 men per month who pay up to \$200 each.

The growth of these services has been phenomenal. Glodava and Onizuka (1994) report that there were 100 such companies in existence at the time of their writing. In mid-March of 1998, when work on this present report began, there were 153 listings in goodwife.com and in early May, less than two months later, there were 202. This list of links breaks down the agencies into four sections--Asian, Latin, Multi-ethnic, and Soviet--based on where most of the women currently reside. As can be seen in the table below, the current rapid growth is due largely to agencies

representing women from Russia and the former Soviet Union.

	<i>March, 1998</i>	<i>May, 1998</i>
Asian	38	55
Latin	20	24
Multi-ethnic	26	28
Soviet	69	105
Total	153	202

The Women

An analysis of the listings in recent issues of five popular catalogs featuring 1,400 Asian women found that 70 percent were Filipino (despite the fact that Republic Act No. 6955 makes such listings illegal), many of whom are "in-service" as domestic workers in other countries, 16 percent Indonesian, 8 percent Thai, 2 percent Malaysian and Japanese, and 1 percent Chinese and Korean. In terms of age, 20 percent are 16-20 years of age, 41 percent are 21-25, 24 percent are 26-30, 11 percent 31-35, and just 4 percent are over the age of 35. That is, for the Asian women, 61 percent are under the age of 25. There is a large difference in ages between these Asian women and their counterparts from the former Soviet Union. For the 1,700 Soviet women listed currently by Cherry Blossoms, just 8 percent are under 20, 23 percent between 21 and 25, 25 percent between 26 and 30, 20 percent from 31 to 35, 14 percent from 36 to 40, 7 percent aged 41 to 45, and 3 percent over 45. That is, just 31 percent are under 25 compared to the 61 percent of Asian women.

Why do foreign women want American husbands? Many sources suggest that these women are searching for a "better life" in terms of socio-economic factors--they do, for the most part, come from places in which jobs and educational opportunities for women are scarce and wages are low. However, when the women themselves are asked this question, the answer generally indicates an attraction to American men (they look like movie stars) and an aversion to native men. Americans, they say, make good husbands while Filipino (Thai/Indonesian/Russian/etc.) men do not. Americans are thought to be faithful to their wives, while the native men are cruel and run around with other women. True or not, this is the perception.

The Men

David Jedlicka (1988, cited in Glodava and Onizuka, 1994) surveyed 607 American men seeking mail-order brides and received 206 responses. He found that the men were generally white (94 percent); highly educated (50 percent with two or more years of college, 6 percent with M.D.'s or Ph.D.'s, only five did not complete high school); politically and ideologically conservative; and generally economically and professionally successful (64 percent earned more than \$20,000 a year; 42 were in professional or managerial positions). Their median age was 37. The men came from 44 states, with 22 percent from California, and 84 percent lived in metropolitan areas. Fifty-seven percent had been married at least once; most had been divorced after an average of seven years of marriage, 35 percent had at least one child, and 75 percent wished to father additional children. When asked about their religious affiliations, 48 percent of the men identified themselves as Protestant, 23 percent as Catholic, 15 percent as belonging to other religions, and 14 percent as having no religious affiliation.

Why do American men want foreign wives? Most of the personal reports from American men who have married women through these agencies talk about "traditional values." That is, American women are thought not content to be wives and mothers but seek personal satisfaction through their own careers and interests, while the foreign woman is happy to be the homemaker and asks for nothing more than husband, home, and family. Again, true or not, this is the perception.

Although Jedlicka states in his conclusions that his research shows the men who choose the mail-order methods for mate selection appear ". . . above average . . . certainly in their communication skills," and "exceptional in the sense that they are trying cross-cultural marriage to improve their chances for loving and enduring relationships," he cautions that such conclusions are thin at best and such interpretations from these data are not warranted. His experience and the observations of others show that, contrary to responses in questionnaires, those who have used the mail-order bride route to find a mate have control in mind more than a loving, enduring relationship.

Of the 30 mail-order bride couples Mila Glodava (Glodava and Onizuka, 1994) encountered between 1986 and 1993, only two were close in age (4 -6 years difference). In the other 28 there was a 20 to 50 year difference in age. Older men, says Glodava, often want women "they can mold" and therefore do not want those who are too educated. "They would just become like any other American woman," they said. She concludes that, "It is apparent that power and control are critical for the men."

It is interesting to note that the views above on native and foreign men and women are not limited to the Occident--a similar attitude exists in Taiwan. According to "Taiwan Moves to Boost Women's Marriage Prospects" (The Associated Press, Aug. 30, 1996, by Annie Huang), many Taiwanese men prefer brides from other Asian countries because they feel Taiwanese women--who tend to be better educated and more affluent--expect too much from their husbands. Due to this attitude, Taiwan has imposed a limit on the number of brides from certain countries that can enter Taiwan each year--360 from Indonesia, 420 from Burma, and 1,080 from China. On the women's side, many of them are seeking Western men since, they say, Taiwanese men want to marry only hard-working obedient drudges while Taiwanese women have discarded this traditional role and are seeking equality and mutual respect in marriage.

Success Rates for International Services

In a survey done for this report we sent e-mails to 102 of the services and received replies from 28. We asked what percentage of their female clients married U.S. men.

Few agencies kept any records of engagements or marriages; some because they are too new for their clients to have had time to marry, some because they have no interest in following up on their listings. Of those that provided estimates of marriages, the ones listing predominately women from Russia and the former Soviet Union countries provided the highest figures--10 percent to 40 percent. Those whose women were largely from the Philippines and Asian countries gave lower estimates--none to 5 percent. In most cases, these estimates were for marriages to men from any country, not specifically the United States.

The only agency that provided firm statistics was Encounters International. This agency has been in business since 1993 and presents 450 Russian women in its current listing. They report 102 marriages to date between Russian women and U.S. men and, in addition, keep records of births, divorces, and locations of the couples. If it is assumed that the agency's listings have remained relatively constant at about 500 women each of the five years of its existence, then 102 of the 2,500 women, or approximately 4 percent, have found and married American men.

According to a report from the Commission on Filipinos Overseas (Paredes-Maceda, 1995) mail-order brides constitute 10 percent of the marriages between Filipinos and foreign nationals. Between 1989 and 1994, 95,000 Filipino men and women were engaged to be married to foreigners, the great majority of

whom met their partners through work or personal introductions. Of the foreign men who married Filipinos, 44 percent were U.S. citizens.

According to the women themselves (in written replies to a 1996 questionnaire from the author), approximately 10 percent of these women are successful--they find and marry a man through the service. There are, then, around 10,000 marriages a year between women listed by these agencies and men who use the services. Of these 10,000, around 4,000 involve U.S. men. The remainder is distributed among Canadian, Australian, European, and, increasingly, Japanese clients.

Based on these data, we may estimate that 4 percent of the 100,000 to 150,000 women seeking U.S. husbands through international services find them; that is, "mail-order bride" and e-mail correspondence services result in 4,000 to 6,000 marriages between U.S. men and foreign brides each year.

This figure, 4,000 to 6,000, represents an increase from previous estimates (e.g., the estimate of 2,000 to 3,500 given by Kadohata, 1990) due, no doubt, to the recent increase in both e-mail correspondence services and the agencies specializing in Russian and Ukrainian women.

Impact on U.S. Marriages

According to data supplied by the U.S. Census Bureau, there were 2,395,000 marriages in the U.S. in the 12 months ending June, 1997 (and 1,154,000 divorces in the same period). The 4,000 to 6,000 marriages involving international services represent, then, a tiny portion (.021 percent) of the women who marry U.S. men.

It is interesting to note that, based largely on data provided by the agencies themselves (along with the Commission on Filipinos Overseas report cited above), marriages arranged through these services would appear to have a lower divorce rate than the nation as a whole, fully 80 percent of these marriages having lasted over the years for which reports are available.

Impact on U.S. Immigration

Statistics provided by the Immigration and Naturalization Service for the years 1994-96 show that there have been over 800,000 immigrants per year, of whom about 18 percent enter as spouses of U.S. citizens; e.g., 169,760 of 915,900 in 1996. An additional 14 percent (130,000) of the total immigrants involves parents

and children of U.S. citizens.

In any case, the 4,000 to 6,000 women who immigrate through international correspondence agencies represent less than 6 percent of the new citizens. The majority of the women who gain permanent resident alien status through marriage do so through more traditional means, such as by meeting their spouse at work or in school or through marriage to U.S. servicemen stationed overseas.

Both U.S. citizens and permanent resident aliens may petition for their spouses. While spouses and minor children of citizens may enter without long waits once the paperwork is approved, entry for spouses and minor children of permanent resident aliens is regulated by annual ceilings. In 1996 about 54,000 spouses were sponsored by permanent resident aliens.

Fraud

There is no question that many of the alien women who advertise for U.S. husbands are far more interested in gaining permanent residence alien status than in gaining a good marriage. What portion of the women intend to use marriage to gain permanent resident alien status cannot be ascertained, of course, since we cannot know what is in the woman's mind, but a reading of the self-descriptions they offer and their willingness to marry men of advanced age and dubious character attests to this intention. The true character of the men is well expressed in Glodava and Onizuka (1994:26), who note, "those who have used the mail-order bride route to find a mate have control in mind rather than a loving and enduring relationship."

The most common times for mail-order brides to leave the marriage, according to Martin (n.d.) are "immediately, 3 months after marriage (receipt of the green card), and 2 years after marriage (receipt of nonconditional permanent residence)."

There are reports of a different kind of fraud--namely, one in which women are recruited into prostitution through the international matchmaking services. This new slave trade has not, however, to the author's knowledge, occurred in the United States, although it is a well documented trade involving Russian women imported into Israel (Specter, 1998).

Abuse

According to "The Health Care Response to Domestic Violence" (anon. 1994), "Within the last year 7 percent of American women (3.9 million) who are married

or are living with someone as a couple were physically abused, and 37 percent (20.7 million) were verbally or emotionally abused by their spouse or partner."

While no national figures exist on abuse of alien wives, there is every reason to believe that the incidence is higher in this population than for the nation as a whole. Authorities agree that abuse in these marriages can be expected based on the men's desire for a submissive wife and the women's desire for a better life. At some point, after the alien bride has had time to adjust to the new environment, to make new friends, and to become comfortable with the language, her new independence and his domination are bound to conflict. The problem, according to Mila Glodava (Glodava and Onizuka, 1994) and Uma Narayan (Narayan, 1995), is largely due to the men's unrealistic expectations. While many state a desire for a submissive wife, they find that such dependence becomes a burden. To provide some relief, the husband seeks ways (friends, activities) that will get the wife "out of the house" on occasion. The resulting independence then angers the husband who manifests the anger on the wife, who may have only been guilty of trying to please her husband.

Current INS Regulations

Immigration law concerning marriage to foreign nationals contains numerous safeguards discouraging abuse of this means of gaining U.S. permanent residence alien status. In general, the couple must be serious enough to wait for several months, to file a number of forms, and to pay sizeable fees.

The procedures, as outlined by the U.S. Department of State Bureau of Consular Affairs, are as follows.

The Immigration and Nationality Act, as amended, provides U.S. citizens with two options for facilitating the immigration of future spouses to the United States: the K-1 fiancé visa and the alien-spouse immigrant visa. In many cases, the processing time for a fiancé visa is shorter than that for an alien spouse. Fiancé(e) visa processing can take several months from the filing of the petition to the final adjudication of the visa. Total processing time for the alien-spouse visa can take 6-12 months depending on individual circumstances. While the immigrant visa route may take longer, additional processing in the United States is not required, as is the case for the fiancé(e) visa.

Marriage In the United States: Fiancé(e) Visa

U. S. citizens may file an I-129F petition with INS for the issuance of a K-1 fiancé(e) visa to an alien fiancé(e). A citizen exercising this option must remain

unmarried until the arrival of the fiancé(e) in the United States, and the wedding must take place within 3 months of the fiancé(e)'s arrival if he/she is to remain in status. Also, the alien and U.S. citizen must have met personally at least once in the 2 years before the petition was filed. For more information about K-1 visas see the Bureau of Consular Affairs' brochure [Tips For U. S. Visas: Fiancé\(e\)s](#). Legal permanent residents may not file petitions for fiancé(e) visas. They must marry abroad and then file an I-130 petition for the immigration of a new spouse.

Marriage Abroad: Alien Spouse Visa

If a U.S. citizen marries an alien abroad, an I-130 petition must be filed after the marriage to begin the immigration process for the alien spouse. This can be filed either with the Immigration and Naturalization Service (INS) in the United States, or, under certain circumstances, at U.S. Embassies or Consulates abroad. U. S. Embassies and Consulates have differing policies on approving I-130s and should be individually contacted about the availability of this service. Many posts have their own web pages which include this information and which can be accessed through the U.S. Embassy and Consulate links page. Prior to departure from this country the U.S. citizen should contact the INS or appropriate foreign service post to ascertain exactly what documents will be necessary to file the immigrant petition for a new spouse. For more information about this option, see the Bureau of Consular Affairs' brochure [Tips for U.S. Visas: Family-Based Immigrants](#). For more information on how to arrange a legally valid marriage abroad, see the Office of Citizens' Consular Services brochure [Marriage of U.S. Citizens Abroad](#).

Procedurally, the process works like this. The U.S. citizen or permanent resident must submit a visa petition (form I-130) to appropriate local INS office to prove that the marriage is *bona fide*, that is, entered into for love rather than simply for the foreign-born spouse to obtain a green card. Attached to the visa petition are the following items: (1) Biographical forms (forms G-325A) for both the husband and the wife with photos attached; (2) Proof of the citizenship status of the petitioner. This can take the form of a U.S. passport, a Certificate of Naturalization or Citizenship or a certified copy of the citizen's birth certificate; (3) A certified copy of the marriage certificate; (4) Certified copies of the documents that terminated any previous marriages of the husband or wife, including final divorce decrees, and certificates of annulment or death; and, in the case of a permanent resident alien, proof of such status. Simultaneously, the foreign-born spouse must submit an application for adjustment of status (form I-485) which is an application for a green card. Items which must accompany the green card application are a completed fingerprint chart and green card photographs, and other INS forms may be

required. The spouse can also file an OF-230 with the consulate and be issued an immigrant visa. In both the immigrant visa and adjustment of status cases, the petitioning U.S. citizen or Legal Permanent Resident must also complete an affidavit of support, INS form I-864, on behalf of the alien spouse.

In the case of a mail-order bride, a permanent resident alien would most likely marry the person abroad and then file the I-130. It would be possible for the woman to enter as a visitor or in another nonimmigrant category so the marriage could occur in the United States. The U.S. citizen spouse would then file the I-130 and the bride would file for adjustment of status using INS form I-485.

Conditions

If the marriage is less than 2 years old when the foreign-born spouse becomes a permanent resident, the green card will expire after a two-year period. Both spouses must submit a joint petition (form I-751) to remove the two-year condition within the 90-day period immediately preceding the end of the two-year period. Upon removal of conditions, a new green card is issued reflecting permanent resident status.

If the marriage has terminated by reason of divorce, death of the citizen spouse or spousal abuse, the foreign-born spouse may apply for a waiver of the joint petition requirement.

Recent Changes

Before 1986, when a citizen married a foreigner and petitioned for the spouse, the spouse was granted permanent residence fairly quickly and more or less as a matter of course. In 1986, as a result of concerns about alleged marriage fraud, Congress passed the Immigration Marriage Fraud Amendments (IMFA), which changed the legal process. Thereafter, the U.S. citizen had to petition for what is called "conditional resident status" for the spouse. The couple then had to wait for 2 years after conditional resident status obtained during which time they had to remain married, and then jointly petition INS to adjust the conditional status to that of permanent residence. Both spouses had to undergo a personal interview with the INS, to prove that the marriage was a *bona fide* one, before permanent resident status was conferred on the spouse (Anderson 1993). The two-year waiting period to apply for permanent resident status required by IMFA begins on the date the spouse obtains conditional resident status. Administrative delays can continue for four years or more.

In 1989, the House Judiciary Committee on Immigration, Refugees and International Law held a hearing on domestic violence in marriages between American citizens and foreigners. Representative Louise M. Slaughter testified that many battered conditional residents had no viable legal options. She introduced a bill, passed in 1990, which provided that battery and extreme cruelty, if alleged and proven, could qualify a conditional resident for a waiver during the waiting period. Initiation and termination of divorce proceedings was not required, if abuse could be proven. This legislation also terminated the condition that the divorce had to be for a "good cause." It held that the termination of a "good faith" marriage involving a conditional resident could itself constitute a waiver, without regard to the reasons for the divorce.

The petitioner, however, must present other evidence to support the application for waiver based on a claim of having been battered or subjected to extreme cruelty. Evidence may include, but is not limited to, expert testimony in the form of reports and affidavits from police, judges, medical personnel, school officials and social service agency personnel. The Service must be satisfied with the credibility of the sources of documentation submitted in support of the application.

Recommendations

Current INS rules and policies seem well intentioned in that they allow U.S. citizens and permanent residents to marry and bring to this country alien spouses while providing some safeguards against abuse and fraud.

The existing problems that appear to require some attention involve abuse. On the one hand, the potential husbands might need to be screened. As Sumiko Hennessy, executive director of the Asian Pacific Development Center (anon., 1996), notes, "What you have are older men, people with three divorces, alcohol problems . . .," some of whom have a history of "domestic abuse or problems with the law." To this end, I would strongly recommend that Uma Narayan (Narayan, 1995) be consulted before any new legislation focused on abuse and/or fraud is considered.

At the very least, alien spouses should be informed of their rights and be given names, addresses, and telephone numbers of agencies they may consult if they face difficulties in the marriage, agencies such as: Legal Aid for Abused Women and Children (703) 820-8393; AYUDA (202) 387-4848; National Coalition Against Trafficking in Women (814) 685-1447; NOW (707) 255-2516; and the Asian Pacific Development Center (303) 220-3398.

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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.

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 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

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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%

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Base number	266	53
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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.

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 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.