

SUBJECT: Regulating international matchmaking organizations

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Giddings, Elkins, Bohac, Kolkhorst, J. Moreno, Oliveira, Solomons, Zedler

0 nays

1 absent — Martinez Fischer

WITNESSES: For — Hannah Riddering, Texas National Organization for Women

Against — None

On — Barbra McLendon, Texas Council on Family Violence

BACKGROUND: In 1996 the U.S. Congress commissioned a study on international matchmaking organizations (IMOs), commonly called mail-order bride companies. The study, conducted by 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, was issued in 1999 and focused on foreign women who married U.S. citizens or lawful permanent residents as a result of meeting through an IMO.

According to the study, there were at least 200 mail-order bride companies in 1999, which listed 100,000 to 150,000 women available for marriage and arranged between 2,000 and 5,000 marriages. Most of these marriages were arranged between financially secure American men and women from the former Soviet republics and Southeast Asia. During the matchmaking process, male customers often learned personal details about the women, while women generally were provided very little information about the interested men.

Neither Texas nor the U.S. government currently regulate IMOs, although Washington State enacted a law regulating IMOs in 2002, and Hawaii is considering one.

DIGEST:

CSHB 177 would regulate IMOs. It would require IMOs to provide foreign marriage candidates, called “recruits,” information on the marital and criminal histories of their American suitors, called “clients,” along with a list of rights for noncitizens under U.S. law. This information would have to be translated at the IMO’s expense and delivered in the language of the recruit within 30 days after the IMO received the marital and criminal history information from the client. Clients would be required to obtain their criminal history information from both Department of Public Safety and Federal Bureau of Investigation (FBI) sources. IMOs would be prohibited from providing additional services to any client who failed to submit the required information.

Any IMO that violated the provisions of the bill would be subject to a civil fine of up to \$20,000 per violation and monies collected would be deposited in the crime victim’s compensation fund. The amount of the fee would depend upon the seriousness of the violation, the existence of any previous violations, and other considerations.

The bill would take effect on September 1, 2003.

SUPPORTERS
SAY:

CSHB 177 is necessary for the regulation of a rapidly growing industry that has the potential to harm many poorly informed and desperate women. For the safety of the women involved, it is essential that IMOs give information to potential brides about their rights in this country and the histories of the men who seek them.

Some IMOs specialize in arranging marriages between men who seek subservient wives and brides who come from countries where women are treated poorly. For example, IMO websites have described Asian women as “traditional, subservient, loyal, and obedient,” while American women are characterized as “egocentric, career-oriented, and unable to provide a nurturing environment.” Such marketing practices make it easier for men with bad intentions to find and exploit young women who are unfamiliar with American customs and law.

It is not uncommon for mail-order brides to be treated poorly, abused, or even killed. In fact, incidents of abuse in immigrant marriages precipitated enactment of the federal Violence Against Women Act, which allows abused female immigrants to remain in the U.S. without having to stay with their

abusive husbands. Last year, a shelter for battered women in Dallas had six Russian occupants who came to America through IMO marriages. Unfortunately, many immigrant women are not aware of such shelters or of the fact that seeking help will not lead to imprisonment or deportation. Although CSHB 177 would not prevent every instance of abuse, at least it would provide women with the necessary information to make informed decisions about whether to get married in the first place or to escape abusive situations once in this country.

Providing women with the criminal histories of their potential American spouses would be in the best interest of public safety. Some mail-order brides who bring their children to this country discover that they have married a convicted felon who committed rape, assault, or even child abuse, only after they or their children have been harmed. A woman who had such information about her potential husband ahead of time would be less likely to place herself or her children in such danger. Additionally, requiring a criminal history could be a deterrent to bad actors seeking these services, which could help prevent future crimes and associated costs to Texas.

Asking for a criminal and marital history would not be an invasion of privacy. IMOs are in the business of bartering information, and requiring the submission of basic data that is necessary for the safety of the parties would be minimally burdensome at worst. Potential husbands often learn everything about a recruit, down to her bra size, while women are told barely anything about the men. Recruits are subjected to all sorts of requirements before they can enter the U.S., from blood tests to criminal history checks. Forcing clients to provide the information required by the bill simply would help to level the playing field for the foreign women. Any client who was unwilling to provide this information would not have to seek the services of an IMO.

Fining IMOs that violated this bill would hit them where it counts — in the pocketbook. It would send the message that they cannot do business in Texas if they refused to comply with the law.

Although the Legislature cannot enact a law that would regulate IMOs doing business outside of Texas, this bill would make a good start. Other states have already enacted or currently are considering similar laws, and other countries have recognized the dangers associated with the matchmaking business. More than 10 years ago, for example, the Philippines banned agencies from

soliciting girls for marriage to foreigners. This bill would regulate and improve the practices of Texas IMOs, while providing further impetus for the federal government to enact a national law.

**OPPONENTS
SAY:**

Requiring clients to provide criminal and marital histories would be an invasion of privacy. These matters should be between the parties and not disclosed to an IMO.

Many IMOs are Internet-based, not classified as doing business in Texas, and therefore not under Texas jurisdiction. As a result, this bill would have very little success in stopping the sort of abuse it seeks to prevent.

Although the abuse of mail-order brides is tragic, it would be unfair to cast the blame on the broker for marriages that resulted in abuse. Some people prefer to meet mates through an agency, and the fact that IMOs make money is not reason enough to subject them to civil liability.

**OTHER
OPPONENTS
SAY:**

The criminal background checks required under this bill would not provide complete data to recruits. The bill only would require that Texas and FBI databases be checked, which might not include all convictions. The requirement for criminal background checks should be strengthened to ensure that all U.S. convictions would be disclosed for each person investigated.

NOTES:

The committee substitute differs from the bill as introduced by defining information about basic rights and requiring that it be provided to recruits. The substitute also would change the definition of an IMO so that it no longer would require the service to have charged a fee to be subject to the bill. It would add the requirement that an IMO disseminate the information to the recruit within 30 days of receiving it from the client and pay translation costs. It would require that fines collected be placed in the crime victim's compensation fund instead of into general revenue, as stipulated by the bill as introduced. It also would eliminate from the bill as introduced an exemption for a "traditional matchmaking organization of a religious nature."