

Key Amendments to Strengthen and Enforce the International Marriage Broker Regulation Act (IMBRA)

The International Marriage Broker Regulation Act (IMBRA) was passed as part of the 2005 reauthorization of the Violence Against Women Act (VAWA), and signed into law by President Bush on January 5, 2006. IMBRA was motivated by alarming evidence of a growing nationwide trend of abuse and exploitation of foreign women who meet American husbands through international marriage brokers (IMBs) (so-called “mail-order bride” agencies). In an effort to prevent future tragedies, IMBRA imposed commonsense regulations on IMBs and made critical changes to the process by which American citizens petition to sponsor foreign fiancé(e) or spouse visas. Among other things, IMBRA:

- Prohibited IMBs from marketing children (individuals under age 18);
- Required IMBs to search public sex offender registries and collect relevant criminal and marital history information on a US client, provide this information to the foreign national client that the US client wishes to contact, and obtain the foreign national client’s consent before giving the US client her contact information;
- Mandated disclosures to provide immigrating foreign fiancé(e)s/spouses with information about whether their American fiancé(e)s/spouses have violent criminal histories, and to advise them about their legal rights and resources available to them in the United States if they are abused; and
- Placed reasonable lifetime limits (subject to waiver, unless the petitioner has a violent criminal record) on how many and how often fiancé(e) visa petitions could be filed by a single petitioner, to prevent predators from serially sponsoring a succession of foreign brides.

Today, over 400 international marriage brokers (IMBs) operating in the United States market women from every corner of the globe. An estimated one-third to one-half of all foreign fiancé(e)s admitted to the United States each year (about 10,000-15,000 women, based on 2010 immigration statistics), and many thousand more of the foreign spouses who are admitted each year, may have met their American husbands through IMBs.

Despite these growing numbers, and repeated reports of IMBRA violations, in the 7 years since IMBRA’s enactment, no IMB has been prosecuted for violating the law, enabling industry regulations to be flouted with impunity and exposing women using IMBs’ services to continuing risk of abuse and exploitation.

Amendments in S. 47, the “Violence Against Women Reauthorization Act of 2013,”¹ make technical corrections and close gaps in IMBRA to enable Congress’ protective intent in enacting the law to be realized. Among other things, these amendments:

- Require the Attorney General to designate a particular office to be responsible for bringing civil and criminal enforcement actions against IMBs that violate IMBRA*;
- Provide for two possible venues for enforcement (i.e., not only in an administrative hearing before an Administrative Law Judge, as IMBRA had prescribed, but also in federal court);
- Clarify the culpability standard and level of penalties that apply to particular types of violations, and create a way to differentiate the most serious violations;
- Require IMBs to keep records of their compliance with IMBRA’s prohibition on marketing children*, and clarify other IMB obligations re: background checks and disclosures;
- Require disclosures of additional violent history information by US clients of IMBs*, and by US petitioners during the fiancé(e)/spouse visa application process*, and ensure that the US government’s background check on those US visa petitioners includes a search of the FBI’s NCIC Protection Order Database; and
- Penalize US clients of IMBs for lying about or withholding their criminal or violent history information.

¹ Some of these same amendments (indicated with an asterisk) passed the House last Congress in HR 4970, the “Violence Against Women Reauthorization Act of 2012.” All were included in S.1925, the VAWA reauthorization bill passed by the Senate last Congress.