

**ADVISORY FOR PROSECUTORS, ATTORNEYS, AND VICTIM-ADVOCATES:  
FEDERAL AND STATE REGULATION OF INTERNATIONAL MARRIAGE BROKERS  
AND LEGAL REMEDIES FOR ABUSED FOREIGN BRIDES**

*This information is not intended to provide legal advice and should not be relied upon in lieu of consultation with an attorney. The materials have been prepared for education and information purposes only. Transmission of the information is not intended to create, and receipt does not constitute, a lawyer-client relationship between the author(s) and you or any other user.*

## OVERVIEW

This Advisory is intended to help hold international marriage brokers (IMBs) accountable for failing to comply with federal and state laws that regulate IMBs in order to prevent the abuse and exploitation of foreign brides. The Advisory outlines for prosecutors, attorneys, victim-advocates, and others, the various legal remedies—at the federal and state level, both civil and criminal, initiated by prosecutors or pursued by the abused women themselves—that may be available when a woman is abused by a man she met through an IMB. These remedies include:

- **Federal law:** IMBs that fail to comply with the “International Marriage Broker Regulation Act” (IMBRA) can be both fined (up to \$25,000 per violation) and jailed (up to five years). **(See Part II)**
- **State law:** In addition to IMBRA, several states have their own laws regulating the IMB industry, with additional fines or penalties for an IMB’s non-compliance under state law. **(See Part III and Appendix)**
- **Private lawsuits:** Abused women can also file private lawsuits for monetary damages based on claims like fraud or negligence. **(See Part IV)**
- **Other protections and resources for abused foreign brides:** The Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA) may provide immigration remedies for women in IMB-initiated relationships who have been victims of domestic violence, sexual assault, human trafficking, or other serious crimes in the United States. **(See Part V)**

The Tahirih Justice Center (Tahirih) is a nonprofit organization that through direct legal services, public policy advocacy, and education, works to protect immigrant women and girls in the United States who are fleeing violence. Tahirih spearheaded the drafting of IMBRA, the first comprehensive federal statute to regulate IMBs, and mobilized the nationwide coalition that advocated for IMBRA’s passage. Tahirih now acts as an expert resource on IMBRA, as well as a national referral resource for women abused by men they met through IMBs.

If you encounter a situation in which a woman has been abused by a man that she met through an IMB, please contact Tahirih at 571-282-6161 (TDD-VA Relay: 711) or [justice@tahirih.org](mailto:justice@tahirih.org).

For more information on IMBRA, please see [www.tahirih.org/advocacy/policy-areas/imb-campaign](http://www.tahirih.org/advocacy/policy-areas/imb-campaign).

## PART I: THE NEED FOR REGULATION

The International Marriage Broker Regulation Act (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) (commonly called “mail-order bride” agencies). These foreign brides are especially vulnerable to abuse. They are dependent on their husbands for legal immigration status; they may be isolated from a support network of family or friends; they may have limited English skills; and they often are unaware of basic protections from abuse available to them under US law. The risk of abuse is heightened by the marketing and business practices of many IMBs (e.g., describing foreign brides as “traditional” or submissive, and promoting them as a great investment or with “satisfaction guaranteed”). While some “brokered” relationships end in happy marriages, others do not, and the abusive situations can be horrific, as the case stories below illustrate:

Susana Remerata, of the Philippines, met her husband, Timothy Blackwell, through the IMB “Asian Encounters.” Timothy physically abused her, including choking her the day after their wedding. Susana called the police and left him. After arriving at the courthouse for divorce proceedings, Timothy shot and killed Susana (who was eight months pregnant) and two of her friends.

“Olga,” a Ukrainian medical student, met “John,” a military officer, through an IMB. John’s abuse of Olga included shaking her violently and insisting that she repeat the commands he gave her. He also choked, raped, and beat her repeatedly; ripped a tooth out of her mouth; and threatened her with a knife. Olga told the IMB, which told her that abuse was a normal part of American culture, and was “very hard to prove.”

“Dina” decided to marry “Paul,” an anesthesiologist, after he visited her and her family in Ethiopia. Once back in the United States, Paul confiscated her money and passport, then took her to a series of motels, where he kept her drugged and imprisoned for weeks while abusing her physically, sexually, and mentally. Paul killed himself before he could be prosecuted.

Anastasia King, of Kyrgyzstan, was found buried in a shallow grave. Her husband, Indle, had picked her out from a catalogue of prospective brides. Two years later, wanting another wife and unwilling to pay for a divorce, Indle pinned Anastasia down while she was strangled by an accomplice. Indle’s previous wife, whom he also met through an IMB, had a domestic violence protection order issued against him and left him because he was abusive.

IMBRA regulates the IMB industry to prevent needless tragedies like these while continuing to permit well-intentioned people to find international romance through matchmaking services. IMBRA introduces common-sense safeguards, such as disclosing the marital and criminal background of prospective American husbands, and letting prospective foreign brides know about the rights and resources available to domestic violence victims in the United States. These vital disclosures will enable foreign women to make informed decisions that will help protect them and their children from domestic violence.

## PART II: FEDERAL LAW – REGULATIONS UNDER IMBRA

IMBRA was enacted in 2006 as part of the reauthorized Violence Against Women Act (codified at 8 U.S.C. §§ 1184(d); 1184 (r); and 1375a).



**Note:** Although IMBRA uses gender-neutral terms, for ease of reference and to reflect typical scenarios, this Advisory will refer to an IMB’s US client as a male, and an IMB’s foreign client as a female.

### **Under IMBRA, an international marriage broker must:**

- Not profile or provide personal contact information for anyone under age 18.
- Search the National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov)) and relevant state sex offender registries for information on the US male client.

- Ask the US male client to disclose and certify certain background information (including information about protection orders, violent crimes, and marital history).
- Provide the US male client's self-disclosed background information, together with the results of the IMB's search of sex offender registries, to the foreign female client in her primary language.
- Provide the foreign female client with a copy of a US government-prepared Fact Sheet about the legal rights and resources available in the United States to immigrant victims of domestic violence and other crimes, in her primary language (or in English or another appropriate language if there is no translation available in her primary language).
- Obtain the foreign female client's written consent to release her personal contact information to that specific US male client.

IMBRA requires IMBs to take these actions in every instance, even if the foreign female client has not specifically asked for the US male client's background information. IMBRA also requires IMBs to maintain confidentiality and adhere to other limits on the use and disclosure of the background information they obtain. IMBRA applies to all IMBs that have US citizens or residents as paying clients, even if the IMB itself is based in another country.

IMBRA also made certain changes to the process by which an American citizen may petition to sponsor a foreign fiancé(e) or spouse to come to the United States on either a K-1 (fiancé(e)) or K-3 (spouse) visa. For more information about these changes, which are beyond the scope of this Advisory, please visit <http://www.tahirih.org/advocacy/policy-areas/imb-campaign/>.

### ⚠ PENALTIES FOR VIOLATIONS OF IMBRA ⚠

**An IMB that violates any of its IMBRA obligations can face penalties of \$5,000-\$25,000 per violation (or attempted violation), and criminal penalties of up to five years in prison.**

Depending on the circumstances, other federal statutes, with additional fines and penalties, may also apply. For example, an IMB might be prosecuted for "mail fraud" (which involves use of the US postal system for the commission of a criminal offense).

### **FREQUENTLY ASKED QUESTIONS ABOUT IMBRA:**

#### **I. What types of companies are subject to IMBRA? How does IMBRA define an "international marriage broker" (IMB)?**

IMBRA applies to all "international marriage brokers," as that term is defined within the statute. An "international marriage broker" is defined as any business, partnership, individual, or other legal entity that charges fees for providing matchmaking services or social referrals between US citizens or residents and foreign clients. All such entities fall within the reach of IMBRA, unless they qualify for one of the following two exceptions:

- First, if an entity is "a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis," that entity will not be subject to IMBRA so long as it otherwise operates lawfully.
- Second, if an entity is a dating service: 1) that does not match US citizens or residents with foreign clients as its "principal business" and 2) charges "comparable rates" and offers "comparable services" to all clients (men or women, American or foreign), that entity will not be subject to IMBRA.

IMBRA differentiates IMBs from these other types of dating services because IMBs' profit models and marketing practices were perceived to place women at greater risk for abuse.

**The bottom line: A business that does not charge comparable rates OR does not offer comparable services to its male and female clients likely falls under the definition of an IMB and is regulated by IMBRA.**

Below are some concrete examples of IMBs that would be regulated by IMBRA:

- **IMBs not charging “comparable rates”:** When an IMB charges a US male client a fee to access its services—such as translating letters, providing an online “chat room,” serving as a 3<sup>rd</sup> party intermediary in phone calls, or hosting social gatherings—but the IMB does not charge a foreign female client (or charges her very little compared to what the male client is charged) for those same services (i.e., for receiving those translated letters, joining the chat room, participating in those phone calls, attending those social gatherings, etc.), then the IMB is not charging comparable rates and would be regulated by IMBRA.
- **IMBs not offering “comparable services”:** When an IMB offers profiles of foreign female clients on its website for its US male clients to peruse but does not profile US male clients at all or not to the same extent, hosts social gatherings that are skewed so that women appreciably outnumber men, or organizes travel to foreign countries to enable US male clients to meet foreign female clients but not vice versa, then the IMB is not offering comparable services to both its male and female clients and would be regulated by IMBRA.

## 2. What information is a US male client required to disclose under IMBRA?

- **Protection orders.** Any temporary or permanent civil protection order or restraining order issued against the US male client.
- **Violent crimes.** Any federal, state, or local arrest or conviction of the US male client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.
- **Prostitution-related crimes.** Any federal, state, or local arrest or conviction of the US male client for prostitution-related crimes.
- **Alcohol/controlled substance-related crimes.** Any federal, state, or local arrest or conviction of the US male client for offenses related to controlled substances or alcohol.
- **Marital history.** Marital history of the US male client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.
- **Children.** The ages of any of the US male client’s children who are under the age of 18.
- **States/countries of residence.** All states and countries in which the US male client has resided since the client was 18 years of age.

## 3. What information does IMBRA require an IMB to include when making required disclosures to the foreign female client?

- Any records retrieved from the IMB’s search of the National Sex Offender Public Website (or documentation confirming that the IMB’s search retrieved no records).
- The background information received from the US male client, in response to the IMB’s inquiry about his criminal and marital history
- A copy of a US government-prepared Fact Sheet about the legal rights and resources available in the United States to immigrant victims of domestic violence and other crimes.
- 📖 **Note:** *On October 27, 2010, US Citizenship and Immigration Services finalized and posted this Fact Sheet (“Information on the Legal Rights Available to Immigrant Victims of Domestic Violence in the United States and Facts about Immigrating on a Marriage-Based Visa”) on its website (at [www.uscis.gov](http://www.uscis.gov) > Resources > Humanitarian-Benefit Based Resources > Resources for Battered Spouses, Children and Parents). Translations into 14 languages should follow shortly. The requirement that IMBs provide a copy of the Fact Sheet to their foreign female clients takes effect 30 days after the Fact Sheet has been made available.*

#### 4. What “personal contact information” about a foreign female client is an IMB prohibited from disclosing without her consent?

IMBRA defines “personal contact information” as information, or a forum to obtain such information, that would permit individuals to contact each other. This includes name, address (residential, postal, electronic mail, or instant message address), and phone number (telephone, pager, cell phone, fax, or voice message mailbox number). It also includes facilitating face-to-face meetings.

Below are examples of IMB activities that are encompassed within IMBRA’s definition of “personal contact information,” either because they fall within one of the types of “personal contact information” specifically listed in the law, or because they provide a forum to obtain such information, which is also included in IMBRA’s definition of “personal contact information.” Before connecting clients in any of the ways listed below, an IMB must comply with IMBRA’s information-gathering/disclosure and consent requirements.

- Posting contact information for foreign female clients on a website, including email addresses, phone numbers, or mailing addresses.
- Hosting or referring clients to group message boards or online chat rooms that allow them to exchange their personal contact information directly.
- Facilitating a 3-way telephone call, with the IMB serving as an intermediary, between a US male client and a foreign female client.
- Offering video profiles of foreign female clients for its US male clients, if the videos contain any “personal contact information” of the foreign female client.
- Organizing social gatherings in a foreign country for US male clients to meet foreign female clients from that country.

### PART III: STATE LAW – REGULATIONS AND PROTECTIONS BEYOND IMBRA

The federal protections provided under IMBRA apply in all states. Some states—Hawaii, Maryland, Missouri, New Jersey, Texas, and Washington—have enacted laws that provide **additional protections** to foreign women using international matchmaking agencies that do business in that state. (See Appendix for additional state-by-state information.)

 **Note:** IMBRA introduced the term “international marriage broker” (IMB) to apply to a defined subset of all international matchmaking businesses. Some states use the term IMB, but others use the term “international matchmaking organization” (IMO), which generally means that the state regulates more types of international matchmaking businesses.

#### Depending on the state, additional regulations imposed by state law may require:

- An IMB/IMO to obtain an official criminal background check on the US male client, either automatically or upon the request of the foreign female client. (IMBRA requires an IMB to search sex offender registries and to collect self-disclosed background information from the US male client, but it does not require an official criminal background check as such.)
- An IMB/IMO to provide additional “basic rights” information to foreign female clients, such as information about the state’s domestic violence hotline.
- An IMB/IMO to register with the state, file an annual report with the state about its business activities, or subject its owners and employees to background checks so it can be “certified” by the state.
- Regulation of additional types of international matchmaking businesses that IMBRA does not cover.

In some states, the IMB/IMO regulations fall under the state’s consumer protection laws. These may allow the state and/or the injured/wronged party to bring suit for a business’ “unfair or deceptive act in trade or commerce.” Depending on the state, such consumer protection laws may grant the winning party an award of up to three times their actual damages, and may compel the losing party to pay the winning party’s legal fees.

**What if a state has no laws specifically regulating IMBs/IMOs?** A state or injured/wronged party may still be able to bring suit against an IMB/IMO under other state regulations (e.g., a general consumer protection statute), or a state may be able to prosecute an IMB/IMO or abuser under state criminal laws.

#### **PART IV: PRIVATE LAWSUITS – DIRECT REDRESS FOR ABUSED FOREIGN BRIDES**

Women who were abused by men they met through IMBs can be left emotionally, physically, and financially scarred by that experience. While the government is responsible for bringing legal action against IMBs that violate IMBRA and applicable state regulations, and for prosecuting IMBs/abusers for crimes, an abused foreign bride may bring a civil lawsuit involving state tort claims against an IMB and/or her abuser requesting monetary damages for the harm she suffered.

- **State tort claims:** Depending on her particular circumstances, an abused foreign bride may bring a civil lawsuit for the following tort claims, among other possibilities:
  - Negligence
  - Fraud
  - Intentional/reckless/negligent infliction of emotional distress
  - Defamation
  - False light publicity
  - Unauthorized appropriation of name or likeness

#### **CASE STORY: NATALIYA FOX V. ENCOUNTERS INTERNATIONAL**

Nataliya Fox, a Ukrainian woman, suffered brutal abuse by her US citizen husband—a man with a past history of domestic violence—whom she met through a Maryland-based IMB, Encounters International (EI). When Nataliya confided to EI’s president that Mr. Fox went into wild rages and beat her, the president told her that this was “normal,” that American men were prone to violence, and that Nataliya should learn to defer to her husband. Additionally, EI’s president told her that she either had to stay in the marriage and endure the abuse, or leave, be deported, and be separated from her newborn daughter.

Nataliya eventually escaped with her daughter to a domestic violence shelter, through which she was connected to the Tahirih Justice Center (Tahirih). Tahirih assisted Nataliya with a successful petition for protection under the Violence Against Women Act (VAWA), and along with the law firm of Arnold & Porter LLP, helped Nataliya file a lawsuit against both the IMB and her abuser.

In Nataliya’s case, tort claims were successfully brought for: 1) fraud, 2) unauthorized appropriation of name and likeness, 3) negligence, and 4) defamation. The unanimous jury verdict—upheld on appeal in 2006—awarded Nataliya almost \$500,000 in compensatory and punitive damages, and held the IMB liable for:

- Falsely claiming to screen its male clients. EI publicly stated that it did screen its clients, when in fact its “screening process” only involved speaking with Mr. Fox and taking his \$1850 membership fee. Nataliya was told that Mr. Fox was “the best of the best,” “financially and mentally stable,” and “serious about family.” In fact, he had a history of domestic violence, and his abuse of Nataliya grew much worse after she became pregnant.
- Providing misinformation to Nataliya about her legal rights and available resources when they learned of the abuse. The appellate court found that EI withheld critical information from Nataliya, even after she turned to them for help when being abused, in order to preserve its matchmaking success rate, and instead told her that she would be deported and separated from her newborn daughter if she left her abusive husband.
- Using Nataliya’s name and photo, and falsifying her personal story, to promote its business without her permission. Amazingly, EI continued to advertise Nataliya’s marriage to Mr. Fox as a “success” story on its website, even after knowing that Nataliya had fled to a domestic violence shelter and that Mr. Fox had flown to Haiti to obtain a divorce.

Nataliya also successfully brought a claim against EI for “deceptive and unfair trade practices” under the Maryland Consumer Protection Act, with the jury awarding her additional damages under that statute.

## PART V: OTHER PROTECTIONS AND RESOURCES FOR ABUSED FOREIGN BRIDES

Congress has recognized the particular vulnerability of immigrants to abuse and exploitation and, as a result, has created special forms of immigration protections for survivors of domestic violence, sexual assault, child abuse, human trafficking, and other crimes through the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA).

These federal protections are intended to encourage immigrant survivors who may not have legal status, or who depend on the perpetrator of the crimes against them for their legal status, to escape violence, seek help, report crimes, and cooperate with the police without fearing that they will be automatically deported.

There are several ways, depending on the circumstances, that abused foreign brides may apply under VAWA or the TVPA for legal immigration status for themselves and their children. Applications are confidential and no one, including an abuser, crime perpetrator, or family member, will be told that they applied.

### **FEDERAL IMMIGRATION PROTECTIONS:**

- The **Violence Against Women Act (VAWA)** includes provisions that allow battered immigrants to “self-petition” for legal immigration status independent of an abusive citizen or legal permanent resident spouse, and eventually to apply for legal permanent residency. If a battered immigrant has already received conditional permanent residence status through marriage, she can petition for a “battered spouse waiver,” which exempts a victim from the normal requirement that the couple must jointly apply to remove conditions on her permanent residency.
- The **Trafficking Victims Protection Act (TVPA)** includes provisions that allow victims of certain criminal activity to apply for legal immigration status in the United States:
  - *U Visa*: Victims of certain serious crimes, who have suffered substantial mental or physical harm as a result of criminal activity in the United States and who cooperate in the criminal investigation or prosecution of such crimes, are eligible to receive a U visa, and may eventually apply for legal permanent residency in the United States. The U visa is available to domestic violence victims who are not married to their abusers, or whose abusers are not US citizens or lawful permanent residents.
  - *T Visa*: Victims who have been subjected to severe forms of sex or labor trafficking and who cooperate in the criminal investigation or prosecution of such crimes are eligible to receive a T visa, and may eventually apply for legal permanent residency in the United States.

To receive these immigration protections, an applicant must meet further specific eligibility requirements.

For more information, see “Immigration Options for Victims of Crimes,” available at [www.uscis.gov](http://www.uscis.gov) > Resources > Humanitarian-Benefit Based Resources > Resources for Battered Spouses, Children and Parents.

### **SAFETY-PLANNING FOR ABUSED FOREIGN BRIDES:**

All women in violent relationships should develop a safety plan. For information on safety-planning, including a general list of items that a woman should consider taking with her if she decides to leave, please see: <http://www.thehotline.org/get-help/safety-planning/>. An immigrant victim may need to include in her safety plan additional documents beyond those that an American victim may typically think to take with her.

As noted above, a foreign bride who has been abused by a husband she met through an IMB may be eligible for certain federal immigration protections that enable her to escape abuse and secure legal status independent of her abuser. Depending on the circumstances, the victim may have to show that her abuser is a US citizen or lawful permanent resident, demonstrate that her marriage was in “good faith” (i.e., a real marriage, not entered into only to obtain legal status), and produce other types of evidence relating to their

relationship, the abuse or other elements that will help prove that she is entitled to protection under federal immigration law.

### **Documents that an abused foreign bride should take with her (if possible and safe to do so):**

- Victim's passport, birth certificate, driver's license or other identification documents.
- Marriage certificate, divorce certificate, children's birth certificates.
- Copy of abuser's passport, "green card", birth certificate, or other identification.
- Wedding photos, children's birth certificates, letters/cards/emails between the couple.
- Evidence of injuries or abuse, including medical reports, photos of injuries, protective orders, testimony of witnesses, police reports, court documents, or other legal documents mentioning abuse.
- Leases, bills, travel documentation, immigration paperwork, or other documents with the victim's name and address to show proof of residence in the United States.
- Utility bills, bank accounts, leases, tax returns, or other documents that show that the victim had some period of joint residence with the abuser.

### **ADDITIONAL RESOURCES FOR VICTIMS OF ABUSE:**

Foreign brides in IMB-initiated marriages are often particularly vulnerable to abuse, and may not know how or where to seek help in the United States. Below please find a few resources that may be especially helpful and that can help connect an abused foreign bride with other relevant resources in her area.

**Hotlines:** If a woman is in need of immediate assistance, she may call these free hotlines, which have trained operators available 24 hours a day, 7 days a week, and can connect a survivor with a wide range of services in her local area, including emergency housing, medical care, counseling and legal assistance:

- National Domestic Violence Hotline: 1-800-799-SAFE (1-800-799-7233); 1-800-787-3224 (TTY); [www.thehotline.org](http://www.thehotline.org).
- National Sexual Assault Hotline of the Rape, Abuse and Incest National Network (RAINN): 1-800-656-HOPE (1-800-656-4673); [www.rainn.org](http://www.rainn.org).

### **Informational brochures and pamphlets:**

- For an in-depth explanation of how immigration law and family law protect abused immigrant women, see the brochure at [action.legalmomentum.org/site/DocServer/Do\\_You\\_Have\\_Problems\\_At\\_Home\\_-\\_English.pdf?docID=1549](http://action.legalmomentum.org/site/DocServer/Do_You_Have_Problems_At_Home_-_English.pdf?docID=1549).
- For English, Spanish, Arabic, Chinese, Tagalog, Vietnamese, Russian, and Korean pamphlets that address basic concerns of abused immigrant women, see [www.endabuse.org/section/programs/immigrant\\_women/\\_questions\\_immigrant\\_refugee](http://www.endabuse.org/section/programs/immigrant_women/_questions_immigrant_refugee).
- For a brochure that answers the most common questions of social services providers assisting abused immigrant women, see Tahirih's "Know the Facts" brochure at [www.tahirih.org/site/wp-content/uploads/2009/02/knowthefactsbrochure.pdf](http://www.tahirih.org/site/wp-content/uploads/2009/02/knowthefactsbrochure.pdf).

### **Service Providers:**

- For a list of resources nationwide for abused immigrant women, along with descriptions of each resource, see [www.legalmomentum.org/help-center/national-resources-for.html](http://www.legalmomentum.org/help-center/national-resources-for.html).
- For state-by-state listings of state and local organizations that help women in abusive relationships, see [www.womenslaw.org](http://www.womenslaw.org) > "Where to Find Help".

## APPENDIX: ADDITIONAL PROTECTIONS UNDER STATE IMB/IMO LAWS

This Appendix contains a chart for each state law regulating international marriage brokers (IMBs) or international marriage organizations (IMOs). Because the International Marriage Broker Regulation Act (IMBRA) applies in all states, the charts only note the *additional* protections provided under state law that go *beyond* what IMBRA already requires under federal law.

The charts contain information on each state law's citation (i.e., where to find the regulations in the state code); the effective date (after which IMBs/IMOs must comply with the law); what kinds of businesses come within the scope of regulation, or are excluded from regulation; when a state has jurisdiction over an IMB/IMO; who can bring suit; and what penalties an IMB/IMO may face, as well as answers to the following questions:

- **Is an official criminal background check required of the US male client?** All states that regulate IMBs/IMOs require some form of criminal background check that goes beyond the self-disclosures required by IMBRA. The term "official," which is not used in the state statutory language, is used here to refer to a criminal background check that is obtained from a government agency such as the FBI or state police.
- **Must additional details on the US male client's marital history be provided to the foreign female client?** Some states require the US male client to self-disclose additional marital history information that is not required by IMBRA (e.g., the US male client may be required to disclose whether any of his previous marriages resulted from using the services of an IMB/IMO).
- **Must additional "basic rights" information be provided to the foreign female client?** IMBRA requires that IMBs provide certain information (e.g., regarding rights and resources available to domestic violence victims in the United States, and about the marriage-based immigration process) in the form of a federal government-prepared pamphlet. Some state laws require that IMBs/IMOs also provide *additional* "basic rights" information (e.g., about state or local domestic violence hotlines, or area shelters available for survivors of abuse) to foreign female clients.
- **Must this additional information be translated into the foreign female client's native language?** IMBRA permits translation of information into the *primary* language of the foreign female client, which may be a language in which she is fluent but that may not be her native language. However, some states may require that any additional information, including state-mandated criminal background check information, marital history information, and/or "basic rights" information, be translated into the foreign female client's *native* language.
- **What limitations are placed on the IMB's/IMO's services until the additional criminal history, marital history, and/or "basic rights" information has been provided?** Some states require the foreign female client pro-actively to request the additional criminal history and/or marital history information before it must be provided to her. In those states, *once the foreign female client has requested the information*, the IMB/IMO generally must stop facilitating contact between the foreign female client and the US male client until the requested information has been disclosed.

Other states require that an IMB/IMO provide additional criminal history and marital history information, and/or "basic rights" information, to the foreign female client automatically, regardless of whether she pro-actively requests the information. In those states, IMBs/IMOs generally cannot provide the foreign female client's personal contact information to the US male client or facilitate communications between the parties until the required additional information is disclosed. In Maryland, an IMB/IMO must get the written consent of a foreign female client after she receives state-mandated additional information before providing her contact information to a US male client.

- **Is the IMB/IMO law a part of the state's consumer protection statute?** Some states have placed their IMB/IMO law in the consumer protection portion of their legal code, and the remedies and penalties for violations of the IMB/IMO statute will be drawn from the state's consumer protection statute. Hawaii's IMB/IMO law specifically notes that a violation of the IMB/IMO law is a violation of that state's consumer protection statute, providing for causes of action and penalties under both the IMB/IMO law *and* the state's consumer protection statute.

- **Is the IMB/IMO subject to any registration, reporting, or certification requirements?**  
Some states have additional requirements for IMBs/IMOs that include registering the business with the state, submitting annual reports, or obtaining certification to own or work for an IMB/IMO.

 **Notes on Terminology:** *IMBRA introduced the term “international marriage broker” (IMB) to apply to a defined subset of all international matchmaking organizations. Some states use the term IMB, but others use the term “international matchmaking organization” (IMO), which generally means that the state regulates more types of international matchmaking businesses. Also, when reading state laws, please note that state IMB/IMO laws generally use the term “recruit” to refer to a “foreign female client” and “client” to refer to a “US male client.”*

---

## Hawaii

<b>What is the law’s citation?</b>	Haw. Rev. Stat. 489N
<b>When did the law go into effect?</b>	January 1, 2004
<b>What kinds of businesses are regulated?</b>	“International matchmaking organization” (IMO) – “a corporation, partnership, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to residents of this State, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (1) An exchange of names, telephone numbers, addresses, or statistics; (2) Selection of photographs; or (3) A social environment provided by the organization in a country other than the United States.”
<b>Are some kinds of businesses specifically excluded from regulation?</b>	No. Hawaii regulates all IMOs without IMBRA’s exceptions for cultural or religious matchmaking organizations and IMOs offering comparable rates and services regardless of gender/citizenship.
<b>Is an <i>official</i> criminal background check required of the US male client?</b>	Only if the foreign female client requests it. The IMO must inform foreign female clients that criminal history record information is available. If the foreign female client requests this information, the US male client must submit fingerprints to the Hawaii criminal justice data center and request an official criminal history record to be sent directly from the Hawaii criminal justice data center to the IMO.
<b>Must <i>additional</i> details on the US male client’s marital history be provided to the foreign female client?</b>	Only if the foreign female client requests them. In addition to the marital history information that IMBRA requires to be disclosed, at the foreign female client’s request, the US male client must also disclose the number of domestic violence protective orders issued against him and whether any of his previous marriages resulted from using the services of an IMO.
<b>Must <i>additional</i> “basic rights” information be provided to the foreign female client?</b>	No. No additional ‘basic rights’ information must be provided beyond what IMBRA requires.
<b>Must this <i>additional</i> information be translated into the foreign female client’s native language?</b>	Yes. In addition to information that IMBRA requires to be translated into her primary language, the IMO must translate into the foreign female client’s native language: <ul style="list-style-type: none"><li>• Notice that criminal history record information and marital history information regarding the US male client is available.</li><li>• If she requests it, the criminal history record information regarding the US male client.</li><li>• If she requests it, the additional marital history information regarding the US male client.</li></ul>
<b>What limitations are placed on the IMO’s services until the additional criminal history, marital history, and/or “basic rights” information has been provided?</b>	The IMO is required to provide notice to the foreign female client that the US male client’s criminal history record information and additional marital history information is available upon request. If she requests this information, the IMO must stop providing further services that would facilitate future interaction between the clients <i>until</i> the US male client has submitted his criminal history record and additional marital history information to the IMO, and the IMO has provided this information to the foreign female client in her native language.

---

<b>When does the state have jurisdiction?</b>	Hawaii has jurisdiction when an IMO contracts with a Hawaii resident or is considered to be doing business in Hawaii under any law of the state.
<b>Is the IMO law a part of the state's consumer protection statute?</b>	No. However, Hawaii's IMO law expressly states that "any person who violates this chapter shall be deemed to have engaged in an unfair or deceptive act or practice in the conduct of any trade or commerce," subjecting the party to penalties under the state's consumer protection statute.
<b>Who can bring suit?</b>	The state or an individual.
<b>What penalties could an IMO face?</b>	A willful violation of the IMO law may result in a fine of up to \$500 and imprisonment of up to 30 days. The law specifically preserves the right to other penalties and remedies available under the common law or other state or federal laws. Violations of the consumer protection statute may result in a fine of between \$500 and \$10,000 for each violation.
<b>Is the IMO subject to any registration, reporting, or certification requirements?</b>	Yes. IMOs must submit an annual report on their business activities to the Department of Commerce and Consumer Affairs.

---

## Maryland

<b>What is the law’s citation?</b>	Md. Code Ann. Bus. Reg. 19-601 through 19-607
<b>When did the law go into effect?</b>	October 1, 2010
<b>What kinds of businesses are regulated?</b>	<p>“International marriage broker” (IMB) – “a corporation, partnership, sole proprietorship, or other legal entity that does business in the United States and offers to Maryland residents dating, matrimonial, or social referral services involving recruits [foreign female clients] by:</p> <p style="padding-left: 40px;">(1) exchanging names, telephone numbers, addresses, photographs, or statistics or otherwise facilitating communication between a client [US male client] and a recruit [foreign female client]; or</p> <p style="padding-left: 40px;">(2) providing a social environment for introducing clients [US male clients] to recruits [foreign female clients] in person.”</p>
<b>Are some kinds of businesses specifically excluded from regulation?</b>	<p>Yes. An IMB does not include “(1) a traditional marriage broker that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or (2) an entity that provides dating services if its principal business is not to provide international dating services between Maryland residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual’s gender or country of citizenship.”</p>
<b>Is an <i>official</i> criminal background check required of the US male client?</b>	<p>Yes. The IMB must conduct a state and national criminal history records check of the US male client, including a search of the sex offender registry.</p>
<b>Must <i>additional</i> details on the US male client’s marital history be provided to the foreign female client?</b>	<p>Yes. In addition to the marital history information that IMBRA requires to be disclosed, the US male client must also disclose the number of domestic violence protective orders issued against him and whether any of his previous marriages resulted from using the services of an IMB.</p>
<b>Must <i>additional</i> “basic rights” information be provided to the foreign female client?</b>	<p>Yes. Basic rights information must be provided to the foreign female client, including information about human rights, immigration, and emergency assistance and resources.</p>
<b>Must this <i>additional</i> information be translated into the foreign female client’s native language?</b>	<p>Yes. In addition to the information that IMBRA requires to be translated into her primary language, the IMB must translate into the foreign female client’s native language:</p> <ul style="list-style-type: none"> <li>• Criminal history record information regarding the US male client</li> <li>• Additional marital history information regarding the US male client</li> <li>• Basic rights information</li> </ul>
<b>What limitations are placed on the IMB’s services until the additional criminal history, marital history, and/or “basic rights” information has been provided?</b>	<p>The IMB is not permitted to disclose the foreign female client’s contact information to the US male client until the IMB has provided the foreign female client with the criminal history record information and marital history information from the US male client and the basic rights information, <i>and</i> has obtained the foreign female client’s written consent (written in the foreign female client’s native language) after the disclosure of the above additional background information.</p>
<b>When does the state have jurisdiction?</b>	<p>Maryland has jurisdiction when an IMB contracts for services with a Maryland resident or is considered to be doing business in Maryland under other laws of the state.</p>
<b>Is the IMB law a part of the state’s consumer protection</b>	No

**statute?**

**Who can bring suit?**

The state. The law does not directly create a private cause of action for an individual, and Maryland courts have been unwilling to read a private cause of action into regulatory/criminal statutes, indicating that an individual will not be able to bring a private cause of action under Md. Code Ann. Bus. Reg. 19-601 through 19-607.

**What penalties could an IMB face?**

Violation of the IMB law could result in a fine of not more than \$12,000 and/or imprisonment for not more than 1 year (misdemeanor).

**Is the IMB subject to any registration, reporting, or certification requirements?**

No

---

## Missouri

<b>What is the law’s citation?</b>	Mo. Rev. Stat. 566.200, 566.221
<b>When did the law go into effect?</b>	Unknown (law passed on July 13, 2005)
<b>What kinds of businesses are regulated?</b>	“International marriage broker” (IMB) – “a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States or any other state, that charges fees to residents of Missouri for providing dating, matrimonial, or social referrals or matching services between United States citizens or residents and nonresident aliens by providing information or a forum that would permit individuals to contact each other. Such contact shall include, but is not limited to: a. Providing the name, telephone number, postal address, electronic mail address, or voice message mailbox of an individual, or otherwise facilitating communication between individuals; or b. Providing an opportunity for an in-person meeting;”
<b>Are some kinds of businesses specifically excluded from regulation?</b>	Yes. An IMB does “not include a. A traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; b. An entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender or country of citizenship or residence of the individual; or c. An organization that does not charge a fee to any party for the services provided”.
<b>Is an official criminal background check required of the US male client?</b>	Yes. The US male client must give the IMB a copy of his criminal history record obtained from the Missouri state highway patrol and FBI. The IMB must provide this information to the foreign female client within 30 days after receiving it.
<b>Are additional details on the US male client’s marital history required to be provided to the foreign female client?</b>	Yes. In addition to the marital history information that IMBRA requires to be disclosed, the US male client must also disclose whether any of his previous marriages resulted from using the services of an IMB. The IMB must provide this information to the foreign female client within 30 days after receiving it.
<b>Must additional “basic rights” information be provided to the foreign female client?</b>	Yes. Basic rights information must be provided to the foreign female client, including information about human rights, immigration, emergency assistance and resources, and legal rights and resources for victims of domestic violence. The IMB must give this information to the foreign female client within 30 days after the IMB receives the US male client’s criminal history record and marital history information.
<b>Must this additional information be translated into the foreign female client’s native language?</b>	Yes. In addition to the information that IMBRA requires to be translated into her primary language, the IMB must translate into the foreign female client’s native language: <ul style="list-style-type: none"><li>• Notice that the criminal history record information and marital history information regarding the US male client and basic rights information is available from the IMB</li><li>• Criminal history record information regarding the US male client</li><li>• Additional marital history information regarding the US male client</li><li>• Basic rights information</li></ul>

<b>What limitations are placed on the IMB's services until the additional criminal history, marital history, and/or "basic rights" information has been provided?</b>	The IMB is not permitted to provide "any further services" to the foreign female client or the US male client until the IMB has provided the foreign female client with the criminal history record information and marital history information. Provision of "further services" is not conditioned upon the IMB providing the "basic rights" information to the foreign female client.
<b>When does the state have jurisdiction?</b>	Missouri has jurisdiction when an IMB contracts for matchmaking services with a Missouri resident or is considered to be doing business in Missouri pursuant to other laws of the state.
<b>Is the IMB law a part of the state's consumer protection statute?</b>	No
<b>Who can bring suit?</b>	The state and an individual. Although the law does not directly create a private cause of action for an individual, Missouri courts have been willing to read a private cause of action into regulatory/criminal statutes, indicating that an individual with standing may be able to bring a private cause of action under Mo. Rev. Stat. 566.200, 566.221.
<b>What penalties could an IMB face?</b>	It is a class D felony to willfully provide incomplete or false information required by this law, or to fail to provide the information and notice required by this law.
<b>Is the IMB subject to any registration, reporting, or certification requirements?</b>	No

## New Jersey

<b>What is the law’s citation?</b>	N.J. Stat. 56:8-185 through 56:8-195
<b>When did the law go into effect?</b>	December 1, 2010
<b>What kinds of businesses are regulated?</b>	“International matchmaking organization” (IMO) – “a corporation, partnership, sole proprietorship, or other entity that does business in the United States and whose primary purpose is offering, including to State residents, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, such as (1) an exchange of names, telephone numbers, addresses, or statistics; (2) a selection of photographs; or (3) a social environment in a country other than the United States.”
<b>Are some kinds of businesses specifically excluded from regulation?</b>	Yes. An IMO does not include an on-line personal services organization, which is an entity that provides a for profit on-line forum for persons to post personal profiles as a means of self-referral for dating, matrimonial, or other social purpose.
<b>Is an <i>official</i> criminal background check required of the US male client?</b>	Only if the foreign female client requests it. If the foreign female client requests it, the US male client must submit to the IMO a complete transcript of his criminal history record obtained from the State Bureau of Identification.
<b>Must <i>additional</i> details on the US male client’s marital history be provided to the foreign female client?</b>	No. No additional marital history information is required to be provided beyond what IMBRA requires.
<b>Must <i>additional</i> “basic rights” information be provided to the foreign female client?</b>	Yes. An IMO must provide all foreign female clients with phone numbers for the Statewide Domestic Violence Hotline and the National Domestic Violence Hotline and with basic information on domestic violence. This may include information on what is considered domestic violence, statistics on domestic violence, legal rights of persons in abusive relationships, and suggestions about what to do in the event of domestic violence.
<b>Must this <i>additional</i> information be translated into the foreign female client’s native language?</b>	No.
<b>What limitations are placed on the IMO’s services until the additional criminal history, marital history, and/or “basic rights” information has been provided?</b>	Once the foreign female client requests the US male client’s criminal history record, the IMO must stop providing further services that would facilitate future interaction between the clients <i>until</i> the US male client has provided his criminal history record to the IMO.  While additional “basic rights” information must be provided beyond what IMBRA requires, there are no limitations placed on the IMO’s services prior to the IMO providing that information to the foreign female client.
<b>When does the state have jurisdiction?</b>	Not expressly indicated
<b>Is the IMO law considered part of the state’s consumer protection statute?</b>	Yes. The IMO law is located in New Jersey’s Consumer Fraud Act, N.J. Stat. 56:8.
<b>Who can bring suit?</b>	The state or an individual
<b>What penalties could an</b>	Violators of the New Jersey Consumer Fraud Act are liable to a penalty of

**IMO face?**

not more than \$10,000 for the first offense and not more than \$20,000 for the second and each subsequent offense.

**Is the IMO subject to any registration, reporting, or certification requirements?**

Yes. IMOs are subject to registration and certification requirements.

*Registration:* IMOs operating in New Jersey may be required to register with the Division of Consumer Affairs in the Department of Law and Public Safety and to pay an annual registration fee sufficient to defray the cost of administering the statute.

*Certification:* The Division of Consumer Affairs in the Department of Law and Public Safety will initiate criminal history record background checks of IMO owners and employees. No person may be an owner or employee unless the Division certifies that they have no criminal history record of a conviction for certain enumerated crimes, including crimes involving danger to the person; crimes against the family, children, or incompetents; certain crimes involving theft; crimes involving any controlled dangerous substance; crimes involving terrorism; and crimes involving prostitution and related offenses. IMO owners must apply for a certification that they are qualified to own an IMO and must apply for certification for their employees that they are qualified to be employees of an IMO.

The Division of Consumer Affairs in the Department of Law and Public Safety will keep a file of certifications granted to IMO owners and employees, and will make this file available to the public. It will also publicize those IMOs that are in compliance with the statute.

---

## Texas

<b>What is the law’s citation?</b>	Tex. Bus. & Comm. Code 101.001 – 101.005
<b>When did the law go into effect?</b>	September 1, 2005
<b>What kinds of businesses are regulated?</b>	<p>“International matchmaking organization” (IMO) – “a corporation, partnership, sole proprietorship, or other legal entity that does business in the United States and offers to residents of this state dating, matrimonial, or social referral services involving recruits by:</p> <ul style="list-style-type: none"> <li>(A) exchanging names, telephone numbers, addresses, or statistics;</li> <li>(B) selecting photographs; or</li> <li>(C) providing a social environment for introducing clients to recruits in a country other than the United States.”</li> </ul>
<b>Are some kinds of businesses specifically excluded from regulation?</b>	No.
<b>Is an <i>official</i> criminal background check required of the US male client?</b>	Yes. The US male client must provide the IMO with copies of his criminal history records obtained from the Department of Public Safety and the FBI. The IMO then has 30 days to provide this information to the foreign female client.
<b>Must <i>additional</i> details on the US male client’s marital history be provided to the foreign female client?</b>	Yes. In addition to the marital history information that IMBRA requires to be disclosed, the US male client must also disclose whether any of his previous marriages resulted from using the services of an IMO. The IMO then has 30 days to provide this information to the foreign female client.
<b>Must <i>additional</i> “basic rights” information be provided to the foreign female client?</b>	Yes. “Basic rights” information means information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources. The IMO must give this information to the foreign female client within 30 days after receiving the US male client’s criminal history record information and marital history information.
<b>Must this <i>additional</i> information be translated into the foreign female client’s native language?</b>	<p>Yes. In addition to the information that IMBRA requires to be translated into her primary language, the IMO must translate into the foreign female client’s native language:</p> <ul style="list-style-type: none"> <li>• Criminal history record information regarding the US male client</li> <li>• Additional marital history information regarding the US male client</li> <li>• “Basic rights” information</li> </ul>
<b>What limitations are placed on the IMO’s services until the additional criminal history, marital history, and/or “basic rights” information has been provided?</b>	The IMO is not permitted to provide “any further services” to the foreign female client or the US male client until the IMO has provided the foreign female client with the criminal history record information and the marital history information. Provision of “further services” is not conditioned upon the IMO providing the “basic rights” information to the foreign female client.
<b>When does the state have jurisdiction?</b>	Not expressly indicated
<b>Is the IMO law considered part of the state’s consumer protection statute?</b>	No
<b>Who can bring suit?</b>	The state
<b>What penalties could an IMO face?</b>	Violation of the IMB law could result in a fine not to exceed \$20,000 for each violation.

---

**Is the IMO subject to any registration, reporting, or certification requirements?**

---

No

## Washington

<b>What is the law’s citation?</b>	Rev. Code Wash. 19.220.010 – 19.220.900
<b>When did the law go into effect?</b>	September 1, 2002
<b>What kinds of businesses are regulated?</b>	“International matchmaking organization” (IMO) – “a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.”
<b>Are some kinds of businesses specifically excluded from regulation?</b>	Yes. An IMO does not include traditional religious matchmaking organizations or organizations that do not charge a fee to any party.
<b>Is an <i>official</i> criminal background check required of the US male client?</b>	Only if the foreign female client requests it. If the foreign female client requests “background check” <sup>1</sup> information, the IMO must notify the US male client of the request. He must submit his fingerprints to the state patrol in order to receive a background check and then provide a complete transcript of this background check to the IMO. The IMO must then provide the information to the foreign female client.
<b>Must <i>additional</i> details on the US male client’s marital history be provided to the foreign female client?</b>	Only if the foreign female client requests them. If the foreign female client requests “personal history” <sup>2</sup> information, the US male client must also disclose whether he has any existing orders against him under certain parts of the law dealing with sexual assault, harassment, and domestic violence; whether any previous marriages resulted from using the services of an IMO; and information on any founded allegations of child abuse or neglect.
<b>Must <i>additional</i> “basic rights” information be provided to the foreign female client?</b>	No
<b>Must this <i>additional</i> information be translated into the foreign female client’s native language?</b>	Yes. In addition to the information that IMBRA requires to be translated into her primary language, the IMO must translate into the foreign female client’s native language: <ul style="list-style-type: none"> <li>• Notice that the foreign female client may request background check information and personal history information</li> <li>• Background check information regarding the US male client</li> <li>• Personal history information regarding the US male client</li> </ul>
<b>What limitations are placed on the IMO’s services until the additional criminal history, marital history, and/or “basic rights” information has been provided?</b>	The IMO is required to provide notice to the foreign female client that the US male client’s background check information and personal history information is available. If she requests this information, the IMO must stop providing further services that would facilitate future interaction between the clients <i>until</i> the IMO has provided the background check information and personal history information to the foreign female client.
<b>When does the state have</b>	Washington has jurisdiction when an IMO contracts for matchmaking

<sup>1</sup> The Washington state law uses the term “background check information” rather than “criminal history information.”

<sup>2</sup> The Washington state law uses the term “personal history information” rather than “marital history information.”

---

<b>jurisdiction?</b>	services with a Washington resident or is considered to be doing business in Washington under any other provision of law.
<b>Is the IMO law considered part of the state’s consumer protection statute?</b>	Yes. A violation of this law is considered “an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act.”
<b>Who can bring suit?</b>	The state or an individual
<b>What penalties could an IMO face?</b>	Under the Washington State Consumer Protection Act, every person who violates the law shall pay a civil penalty of not more than \$2,000 for each violation. Injured parties may bring suit and receive up to three times the actual damages (not to exceed \$25,000) and attorney’s fees.
<b>Is the IMO subject to any registration, reporting, or certification requirements?</b>	No

---