

# “MALE” ORDER BRIDES AND INTERNATIONAL MARRIAGE BROKERS: THE COSTLY INDUSTRY THAT FACILITATES SEX TRAFFICKING, PROSTITUTION, AND INVOLUNTARY SERVITUDE

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## INTRODUCTION

The notion of a man bringing home a foreign bride, even purchasing one, is not new in our society or even internationally.<sup>1</sup> “Mail-order brides are an inseparable part of North American history, having played a role in the settlement of Canada and the United States since colonial times.”<sup>2</sup> However, since the creation of the Internet, the mail-order bride industry has exploded into a quagmire of human rights issues and controversies, often leading to the sexual exploitation of women. Mainstream culture has brought awareness to this issue, often making light of mail-order brides—including Broadway musicals and theater performances,<sup>3</sup> television shows,<sup>4</sup> children’s books,<sup>5</sup> movies,<sup>6</sup> and even celebrity interviews<sup>7</sup>—but the reality is that these women are often victims of domestic

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<sup>1</sup> See Anne Gillespie Lewis, *Quebecois’ Origins Sound Like Fairy Tale*, STAR TRIB. (Montreal), Apr. 26, 1992, at 1G. Some of the earliest examples of mail-order brides in North America occurred in the seventeenth century where “les filles du roy” moved to marry French soldiers in Quebec. In the years between 1663 and 1673, it is estimated that roughly 1,000 French mail-order brides emigrated to this region. See *id.* Then in the twentieth century, Hawaiian Japanese and Korean men married “picture brides.” See Sucheta Mazumdar, *General Introduction: A Woman-Centered Perspective on Asian American History*, in MAKING WAVES: AN ANTHOLOGY OF WRITINGS BY AND ABOUT ASIAN AMERICAN WOMEN 1, 6-7 (Asian Women United of Cal. ed., 1989). “Mail-order brides also played a role in colonizing Australia.” See Eddy Meng, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. MICH. J.L. REFORM 197, 200 (1994).

<sup>2</sup> Meng, *supra* note 1, at 198.

<sup>3</sup> E.g., CHARLES L. MEE, *THE MAIL ORDER BRIDE* (2004); see also STEPHEN SONDHEIM, *A FUNNY THING HAPPENED ON THE WAY TO THE FORUM* (1962); FRANK LOESSER, *THE MOST HAPPY FELLA* (1956).

<sup>4</sup> E.g., *CSI: Crime Scene Investigation: Nesting Dolls* (CBS television broadcast Feb. 3, 2005); *The Oprah Winfrey Show: Marriage Around the World* (ABC television broadcast Jan. 13, 2010).

<sup>5</sup> E.g., PATRICIA MACLACHLAN, SARAH, PLAIN AND TALL (HarperCollins, 1987) (The father places a newspaper ad for a woman to join his family and help raise his motherless children).

<sup>6</sup> E.g., *BIRTHDAY GIRL* (Film4 2001).

<sup>7</sup> E.g., Mark Merueñas, *Alec Baldwin’s ‘RP Mail-Order Bride Remark’ Irks Senator*, GMA NEWS

violence, prostitution, involuntary servitude, sex trafficking, and sometimes death.<sup>8</sup> One such mail-order bride fell victim to all of these:

Jack Reeves, a retired U.S. Army officer, was convicted of killing his fourth wife, Emelita Reeves, a 26-year-old from the Philippines whom he met through an IMB called “Cherry Blossoms.” Emelita had confided to family and friends that Reeves physically and sexually abused her, and told friends she planned to leave him a day before she disappeared. Two of Reeves’ previous wives also died under suspicious circumstances (drowning and suicide). During the investigation into Emelita’s death, the State re-opened the investigation into Reeves’ second wife’s death, and obtained a further conviction against him. The State did not have enough evidence to re-open the investigation into the third wife’s murder because Reeves had cremated her body. Reeves was also suspected in the mysterious disappearance of a Russian woman with whom he had lived in 1991.<sup>9</sup>

Unfortunately, this example ending in tragedy is not rare among relationships created by international marriage brokerages (“IMB”).<sup>10</sup> These foreign women are treated as a commodity to be bought and sold by foreign suitors, where only the women are required to undergo background checks and medical examinations

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(May 18, 2009, 4:26 PM), <http://www.gmanews.tv/story/161761/alec-baldwins-rp-mail-order-bride-remark-irks-senator> (“I’d love to have more kids. I’m thinking about getting a Filipina mail-order bride at this point or a Russian,” said Baldwin on *The Late Show with David Letterman*, where “Baldwin’s remark caused the audience to break into laughter and prompted the show’s host, Letterman, to respond: ‘Get one for me [also], for later.’”).

<sup>8</sup> See Press Release, Congressman Rick Larsen, Bipartisan Legislators Restart Clock to Protect “Mail-Order Brides” (Sept. 6, 2005) [http://www.house.gov/list/hearing/wa02\\_larsen/morenews/pr\\_09062005\\_mailorder.shtml](http://www.house.gov/list/hearing/wa02_larsen/morenews/pr_09062005_mailorder.shtml) [hereinafter Rick Larsen Press Release]; see also Robert Jamieson, Jr., *Mail-Order Brides Worry Lawmakers*, SEATTLE POST-INTELLIGENCER (Jan. 20, 2001), <http://www.seattlepi.com/local/brid20.shtml>; David Fisher, *Indle King Found Guilty of Killing Mail-Order Bride*, SEATTLE POST-INTELLIGENCER (Feb. 22, 2002, 10:00 PM), [http://www.seattlepi.com/local/59387\\_king22.shtml](http://www.seattlepi.com/local/59387_king22.shtml); Andrew Buncombe, *Mail-Order Bride Killed by Husband*, THE INDEPENDENT (July 17, 2010), <http://www.independent.co.uk/news/world/asia/mailorder-bride-killed-by-husband-2028705.html>. Cf. Ebonne Ruffins, *Rescuing Girls From Sex Slavery*, CNN (April 30, 2010, 5:30 PM), <http://www.cnn.com/2010/LIVING/04/29/cnnheroes.koirala.nepal/index.html> (listing Anuradha Koirala, founder of Maiti Nepal, as one of CNN’s Heroes of 2010).

<sup>9</sup> Tahiri Justice Center, *Illustrative Cases of Women and Their Children Exploited and Abused Through the International Marriage Broker Industry* 3 (2006), available at <http://www.tahiri.org/site/wp-content/uploads/2009/03/casestories.pdf>. This report illustrates the stories of thirteen mail-order brides from twelve U.S. states who were abused and, some, murdered by their husbands. *Id.*

<sup>10</sup> The International Marriage Broker Regulation Act of 2005, 8 U.S.C. § 1375a(e)(4)(A) (2006) [hereinafter IMBRA], provides the definition of an “international marriage broker” as

a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

What is not included in the definition of an IMB is “a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates . . . .” *Id.* § 1375a(e)(4)(B)(i).

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 3

while the male customers simply require a credit card. Despite the fact that IMBs equate their services as arranging successful and happy marriages,<sup>11</sup> the issue of domestic violence still remains rampant.

A 1999 report on “International Matchmaking Organizations” conducted by the Immigration and Naturalization Service (“INS Report”)<sup>12</sup> stated that this “potential for abuse in mail-order marriages is considerable” due to “[t]he pervasiveness of domestic violence in our society . . . and . . . the burgeoning number of unregulated international matchmaking organizations and clients using their services . . . .”<sup>13</sup> In addition to the issue of reported domestic abuse found in IMB relationships, the fact that the number of IMBs has sprung up at exponential rates over the past two decades has contributed to the attention and regulation IMBs need. One can argue that the large volume of IMB services available seeks to cure a startling demand among men in the United States to have “traditional” wives.<sup>14</sup> Roughly one hundred IMBs were functioning in the United States in 1994 and five hundred sprouted up by 2004.<sup>15</sup> The IMB industry began to boom, and the number of women entering the United States with fiancée visas has increased drastically since 1998 to reflect this.<sup>16</sup> The INS Report also claims that in 1999, the IMBs cultivated between 4,000 and 6,000 American male customers.<sup>17</sup> Those figures nearly doubled by 2004.<sup>18</sup>

A Georgia federal district court, in *European Connections & Tours, Inc., v. Gonzales*,<sup>19</sup> identified the problems inherent in the IMB industry, beginning with the fact that the women who are marketed by IMBs are generally from “developing and economically depressed countries in Asia and Eastern Europe.”<sup>20</sup> IMBs are

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<sup>11</sup> See, e.g., A FOREIGN AFFAIR, <http://www.loveme.com> (last visited Dec. 1, 2010) (where a tally of engagements to date are kept; as of December 1, 2010, there were 853 engagements between its male-customers and foreign mail-order brides; as of October 30, 211, there were an additional 214 engagements announced).

<sup>12</sup> See Commissioner of the Immigration and Naturalization Service and the Director of the Violence Against Women Office at the Department of Justice, *International Matchmaking Organizations: A Report to Congress* (1999), available at <http://www.aila.org/content/default.aspx?bc=1016|6715|16871|17119|13775> [hereinafter INS Report].

<sup>13</sup> *Id.* at 4.

<sup>14</sup> Robert J. Scholes, *The “Mail-Order Bride” Industry and its Impact on U.S. Immigration*, in Commissioner of the Immigration and Naturalization Service and the Director of the Violence Against Women Office at the Department of Justice, *International Matchmaking Organizations: A Report to Congress* 4 (1999) [hereinafter Scholes Study].

<sup>15</sup> See INS Report, *supra* note 12, at 9; see also Eduardo Porter, *Law on Overseas Brides Is Keeping Couples Apart*, N.Y. TIMES, Oct. 17, 2006, at A14.

<sup>16</sup> See Porter, *supra* note 15 (“The immigration service said 37,500 women entered the country last year on fiancée visas or temporary visas for spouses . . . that was a 50 percent increase from 2002 . . . and a fourfold increase over the 9,500 who entered on fiancée visas in 1998.”).

<sup>17</sup> INS Report, *supra* note 12, at 4; see also Vanessa Brocato, *Profitable Proposals: Explaining and Addressing the Mail-Order Bride Industry Through International Human Rights Law*, 5 SAN DIEGO INT’L L.J. 225, 229-230 (2004).

<sup>18</sup> Porter, *supra* note 15 (“In 1999, a report by the immigration service found some 200 international dating agencies in the United States. A study in 2004 found 500.”).

<sup>19</sup> *European Connections & Tours v. Gonzales*, 480 F.Supp.2d. 1355 (N.D. Ga. 2007).

<sup>20</sup> *Id.* at 1362.

founded upon a power imbalance, which ultimately, creates a nesting ground for exploitation; to illustrate:

These women typically do not have access to the Internet themselves. These English-language websites are directed to the male client rather than the female recruits, who typically have limited or no English proficiency. IMBs often charge their male clients fees of up to several thousand dollars to gain access to these foreign women. The profit incentives of IMBs are presently skewed to satisfy the male client rather than to safeguard the women they recruit.<sup>21</sup>

This Article explores the IMB industry and its similarities to sex trafficking, prostitution, and involuntary servitude. Part I explores the history and origin of mail-order brides, as well as IMBs as a whole, including the regulations that guide them, and the people who use them. Part II discusses the exploitive nature of IMBs and the domestic violence almost inherent in most IMB relationships. Part III focuses on proposed legal solutions, including prosecution of IMBs and its consumer-husbands, increasing sanctions in the international community for failing to regulate the industry, and removing the two-year conditional residency requirement for foreign brides, among others. The Article concludes that the current legislation and regulations are failing our world's women; IMBs are a vehicle used to perpetuate modern-day slavery, sex trafficking, and a form of prostitution, and allowing IMBs to continue to thrive essentially condones the business of selling women. IMBs should be abolished in their entirety, leaving only Internet dating services—not organizations that receive a payment for a woman—to remain alive.

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<sup>21</sup> *Id.*

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 5

## I. MAIL-ORDER BRIDES: THE COSTLY INDUSTRY

A. IMBs vs. Traditional Dating Websites<sup>22</sup>

Congress enacted the International Marriage Broker Regulation Act of 2005 (“IMBRA”)<sup>23</sup> in response to findings of domestic violence among relationships created by IMBs.<sup>24</sup> However, IMBRA excludes in its definition of IMBs all “non-profit organizations and companies such as Match.com that operate domestic dating services where the principal business is not international matchmaking.”<sup>25</sup> In passing IMBRA, Congress relied on the INS Report<sup>26</sup> that provided compelling evidence “that commercial, for-profit IMBs contributed to the growing problem of domestic violence against particularly vulnerable foreign women.”<sup>27</sup> Of particular concern to Congress was the fact that IMBs required men to pay fees to become a member, whereas the women did not and were, instead, *paid for*.<sup>28</sup> A man who solely pays creates a dynamic where the woman is the “commodity,” which is distinctive from other “traditional” Internet dating websites, such as Match.com,<sup>29</sup> where both parties—men and women—pay the same amount to be members.<sup>30</sup> Because of this significant difference, the IMB industry is one where the “consumer-husband holds all the cards.”<sup>31</sup> Since the passing of IMBRA,<sup>32</sup> several

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<sup>22</sup> A study in 2004 conducted by Donna M. Hughes found that there were 219 active IMBs advertising 119,649 women. See Donna M. Hughes, *The Role of “Marriage Agencies” in the Sexual Exploitation and Trafficking of Women from the Former Soviet Union*, 11 INT’L REV. OF VICTIMOLOGY 49, 52 (2004); see also UNIVERSITY OF RHODE ISLAND, Women’s Studies Program, available at <http://www.uri.edu/artsci/wms/hughes/> (last visited Dec. 1, 2010) where Hughes, Endowed Chair at the University of Rhode Island, is described as “a leading international researcher on trafficking of women and children.” Today, “A Foreign Affair,” the world’s largest Internet IMB, currently has over 40,000 female profiles depicting women who are seeking foreign husbands. See A FOREIGN AFFAIR, *supra* note 11. In a 2005 report from Congress, it was estimated that “[a]t least 8,000 to 12,000 U.S. men find foreign wives through for-profit international marriage brokers (IMBs) each year.” See Rick Larsen Press Release, *supra* note 8. And in 2006, it was estimated that over 400 IMBs were operating in the United States alone. See TAHIRIH JUSTICE CENTER, *Frequently Asked Questions: International Marriage Regulation Act of 2005*, 1 (2006), <http://www.tahirih.org/site/wp-content/uploads/2009/03/frequentlyaskedquestionsaboutimbra.pdf> [hereinafter TJC FAQ]. Immigration statistics of 2007 found that “one-third to one-half (or 11,000 to 16,500 women . . .) of all foreign fiancé(e)s admitted to the U.S. each year, and many thousand more admitted foreign spouses, may have met their U.S. husbands through IMBs.” *Id.*

<sup>23</sup> IMBRA, *supra* note 10.

<sup>24</sup> *Id.*

<sup>25</sup> *European Connections & Tours v. Gonzales*, 480 F.Supp.2d 1355, 1368-69 (2007). “IMBRA exempts from its regulatory scheme two categories of matchmaking businesses: (1) ‘traditional matchmaking organizations of a cultural or religious nature that operate[ ] on a nonprofit basis;’ and (2) those *businesses whose ‘principal business is not to provide international dating services . . . and [that] charge[ ] comparable rates and offer[ ] comparable services to all individuals regardless of the individual’s gender or country of citizenship.’* *Id.* at 1377 (emphasis added).

<sup>26</sup> See INS Report, *supra* note 12.

<sup>27</sup> *European Connections*, 480 F. Supp. 2d at 1378 (citing INS Report, *supra* note 12).

<sup>28</sup> See *id.* at 1378.

<sup>29</sup> See also EHARMONY, <http://eharmony.com> (last visited Dec. 3, 2010).

<sup>30</sup> *European Connections*, 480 F. Supp. 2d at 1378.

<sup>31</sup> INS Report, *supra* note 12.

<sup>32</sup> IMBRA, *supra* note 10; see also discussion *infra* Part II(A)(i).

IMBs have argued that they are not IMBs at all. For instance, a company entitled Sunshine International, which does not appear to exist anymore, claimed not to be an IMB website; rather, it was an “online penpal dating service” that happened to have a “mail order bride services” link on their webpage.<sup>33</sup>

The IMB industry extends beyond a traditional dating service, and most include a “satisfaction guaranteed” promise, whereby a male customer will receive a full refund if he is not satisfied with his experience.<sup>34</sup> Although some IMB agencies require the woman to pay a fee if she becomes married, if the woman has children prior to signing up with the IMB, or if the woman is a certain age, this fee requirement seems to be the minority.<sup>35</sup> Moreover, IMBs *recruit* women to be advertised on their websites based on their physical appearance, and characteristics such as virginity and youth are highly valued.<sup>36</sup> Some IMBs still list women under the age of eighteen, which is illegal in the United States.<sup>37</sup>

In addition to the arguments that can be made about the power imbalance between the husband-consumers and foreign brides, the IMBs further exacerbate the criticism against them by requiring the women, once recruited, “to complete long questionnaires asking intrusive personal questions, encouraging disclosure by implying or stating that false answers could lead to cancellation of any ensuing immigration benefits.”<sup>38</sup> These questions often center around her various sexual preferences and physical attributes. For example, American Asian World Service asked of their prospective women: “Do you wear makeup?” “Which underwear do you like to wear?” “Have you experienced pre-marital sex?”<sup>39</sup> Other questions inquire as to whether she has “physical defects or has flat, medium or full breasts,”

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<sup>33</sup> At the time of writing this Article, Sunshine International was an existing company; however, its link no longer works, and the company does not seem to be in business. According to the former website, which was at <http://www.sunshine-international.com> (last visited Nov. 9, 2010), Sunshine International referred to IMBRA as “feminist endorsed” and “unconstitutional,” describing IMBRA as “a law which intrudes upon the privacy and civil liberties of men seeking foreign women.” Included on its homepage was “a link to the petition to revoke it” as well as a call to “let your senator and congressman know your feelings about this law which tramples upon your right as a man to marry whoever you want.”)

<sup>34</sup> See GETMARRIEDNOW.COM, <http://www.getmarriednow.com> (last visited Nov. 6, 2010) (“Our 100% Client Satisfaction Guarantee! We guarantee our service with the best no-nonsense guarantee in the business. Try our service for a full-year, and if you are not engaged or married by the end of your one year we will continue to provide service at no charge until you find a bride!”).

<sup>35</sup> See, e.g., *Ureneck v. Cui*, 798 N.E.2d 305, 306 (Mass. App. Ct. 2003) (holding that the “marriage brokerage contract [was] void and unenforceable as a matter of public policy,” when an IMB required the male customer to pay an additional fee once the couple married).

<sup>36</sup> See generally Lisa Belkin, *The Mail-Order Bride Business*, N.Y. TIMES, May 11, 1986; see also Home Women Links, <http://www.fortunecity.com/marina/pitcairn/89/english/index.htm> (last visited Nov. 11, 2010) (listing Helen, a 14-year-old girl, as one of the available “women”).

<sup>37</sup> See IMBRA, *supra* note 10, at (d)(1) (“An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.”).

<sup>38</sup> *Human Trafficking: Mail Order Bride Abuses: Hearing Before the Committee on Foreign Relations*, 180th Cong. 2 (2004) [hereinafter *Mail Order Bride Abuses*] (testimony of Prof. Suzanne H. Jackson), available at <http://foreign.senate.gov/imo/media/doc/JacksonTestimony040713.pdf>.

<sup>39</sup> Belkin, *supra* note 36, at 5.

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 7

as well as, “What kind of lover are you? Affectionate, shy and submissive, passionate, inhibited, uninhibited[?]”<sup>40</sup> Once the women answer these questions, and pass their medical examinations and background checks, they are then advertised online to await interest from prospective suitors.<sup>41</sup>

Most often, the advertised foreign women incorrectly assume that their prospective suitors are confronted with the same burdens they have.<sup>42</sup> They also often assume “that facts asserted in applications for immigration benefits would be checked, and that a man who had been convicted of serious violent crimes would not be permitted to bring a spouse or fiancée [sic] into the U.S. from abroad.”<sup>43</sup> However, IMBs located outside of the United States do not conduct background checks on the male customers, nor do they fill out similar extensive questionnaires.<sup>44</sup> Such IMBs also do not ascertain whether the men have criminal convictions of a violent nature.<sup>45</sup> In fact, “[t]here is not even an inquiry into whether the man is currently married.”<sup>46</sup> Since 2006, the United States requires the man to undergo a background check;<sup>47</sup> however, this is only if the male customer is utilizing IMB services that function under United States jurisdiction.<sup>48</sup>

Once the husband-consumer has paid his requisite fee to the IMB, he 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.”<sup>49</sup> He can customize his “ideal” woman based on his preferences in areas of height, weight, age, and ethnicity.<sup>50</sup> The IMB capitalizes on this marketing technique by advertising the women “as generic to their ethnicity—all Russian women are X, all Asian women are Y, all Latinas are Z—and emphasize that the women they offer . . . will all be ‘home-oriented’ and ‘traditional’ wives.”<sup>51</sup>

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<sup>40</sup> Gary Libman, *Lonely American Males Looking to the Orient for Mail-Order Brides*, L.A. TIMES, Sept. 14, 1986.

<sup>41</sup> See, e.g., *Bride Trafficking Unveiled*, CURRENT (April 1, 2010), [http://current.com/groups/on-current-tv/92357386\\_bride-trafficking-unveiled.htm](http://current.com/groups/on-current-tv/92357386_bride-trafficking-unveiled.htm) (explaining that the women are required to undergo background checks at ThaiMyLove.com, while the men are not because it is not possible).

<sup>42</sup> See *id.*

<sup>43</sup> See *id.*

<sup>44</sup> See, e.g., *id.*; *Mail Order Bride Abuses*, *supra* note 38.

<sup>45</sup> See *Bride Trafficking Unveiled*, *supra* note 41.

<sup>46</sup> See *id.*

<sup>47</sup> See IMBRA, *supra* note 10, § 833(d)(2)(A)(i) (“Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph (3)(A)(i).”).

<sup>48</sup> See *id.* § (e)(10) (“‘United States client’ means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.”).

<sup>49</sup> INS Report, *supra* note 12.

<sup>50</sup> See, e.g., A FOREIGN AFFAIR, *supra* note 11.

<sup>51</sup> *Mail Order Bride Abuses*, *supra* note 38, at 1-2.

IMBs are highly lucrative, and often “make as much as \$6,000 to \$10,000 per client, with some agencies claiming to serve as many as 15,000 clients per year.”<sup>52</sup> European Connections, a United States corporation that operates several IMBs, provides a “Fiancee [sic] Visa Do-it-Yourself Preparation Kit.”<sup>53</sup> The Fiancée Visa Kits are generally offered on IMB websites and include explanations of the entire immigration process from beginning to citizenship, including advice on how to speed up the interview process and what the immigrant woman should say at her visa interview.<sup>54</sup>

*B. The Husband-Consumers: Why Western Men Seek Foreign Brides*

The “typical” husband-consumer in the IMB industry is “usually Caucasian, typically American, Australian, Canadian, or from a Western European country.”<sup>55</sup> Of the American male customers, they tend to be “middle-aged, well-educated, and financially-sound.”<sup>56</sup> Most notably, these consumers are usually significantly older than their foreign purchases and “disdain and resent the women’s liberation movement.”<sup>57</sup> Even though some IMBs “guarantee marriage within a year of subscribing to their service. . . .,”<sup>58</sup> Western men seek foreign brides under a “perception that these women are more faithful and loyal to their husbands.”<sup>59</sup> But among the most prevalent reasons Western men seek foreign women as brides is the desire to protest the feminist movement.<sup>60</sup> Various reports where American men purchased foreign mail-order brides stated that they preferred women with “traditional values” as well as a general opinion that “American women are not content as wives and mothers, but rather seek personal fulfillment through their own careers and interests.”<sup>61</sup> To cater to this trend, IMBs market their “products” as those who aim to please their man and not as career-oriented women. Equality Now<sup>62</sup> conducted a study by creating a false email account and an email inquiry

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<sup>52</sup> Kathryn A. Lloyd, *Wives for Sale: The Modern International Mail-Order Bride Industry*, 20 NW. J. INT’L L. & BUS. 341, 345 (2000).

<sup>53</sup> *European Connections & Tours v. Gonzales*, 480 F. Supp. 2d 1355, 1360 (N.D. Ga. 2007).

<sup>54</sup> *Id.*

<sup>55</sup> Meng, *supra* note 1, at 204-05.

<sup>56</sup> *Id.* at 205.

<sup>57</sup> *Id.*

<sup>58</sup> *Mail Order Bride Abuses*, *supra* note 38, at 1-2.

<sup>59</sup> Lana Mobydeen, *Something Old, Something New, Something Borrowed, Something Mail-Ordered? The Mail-Order Bride Industry and Immigration Law*, 49 WAYNE L. REV. 939, 949 (2004).

<sup>60</sup> See EQUALITY NOW, *The Willingness of “Mail-Order Bride” Companies to Provide Services to Violent Men* (1999) [hereinafter EQUALITY NOW Report], <http://www.scribd.com/doc/51627770/Willingness-of-%E2%80%9CMail-Order-Bride%E2%80%9DCompanies-to-Provide-Services-to-Violent-Men>.

<sup>61</sup> Mobydeen, *supra* note 59, at 949.

<sup>62</sup> Equality Now is an international NGO which “documents violence and discrimination against women and mobilizes international action to support efforts to stop these abuses.” See *About Us*, EQUALITY NOW, <http://www.equalitynow.org/about-us> (last visited Aug. 1, 2011) [hereinafter EQUALITY NOW].

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 9

that was sent to various IMBs.<sup>63</sup> In the email, a fictitious male doctor disclosed a criminal record peppered with convictions of assault, battery, and disorderly conduct to find out if this would prohibit “him” from receiving the company’s services.<sup>64</sup> The director of Savanna International<sup>65</sup> responded:

I understand you as many men suffer from career-women. You know that we have good and beautiful women. Most of them are clever and they are not looking for the [sic] career. Our women are just grown up in other [sic] way. They should care of her [sic] husband, children, family, not about her work.<sup>66</sup>

Another customer service representative from Sunshine International<sup>67</sup> responded by stating: “You are among the many men we hear from every day who are tired of American women’s greediness and their ‘send-all-men-to-Mars’ attitudes.”<sup>68</sup> As one Russian IMB explained,

The attraction of Russian girls is that they’re not so feminized, not so business minded, they think about home, kids, and their appearance. Western women want to have careers, demand cash, have expensive divorces, but Russian women are very pretty, there are plenty of them, they’re [sic] not spoiled and not too demanding.<sup>69</sup>

These alarming responses from prominent IMBs illustrate both their own stance on the “inequality” of women, as well as the prevailing viewpoint of their male customers.

*C. The Woman Commodity: Why Foreign Women Become Mail-Order Brides*

The foreign bride’s desires of becoming a mail-order bride can range from finding the love of her life, to finding a way out of poverty, to finding a way to enter the United States legally.<sup>70</sup> Other studies find that male United States citizens are often “more attractive” because most foreign brides reside in countries where the pressure “to become a prostitute, overseas domestic worker, or mail-order bride[] in order to support family members”<sup>71</sup> is common. In fact, some women “consider it quite an honor to have a Western boyfriend” because Western men are “sophisticated, energetic, financially secure, and sober.”<sup>72</sup>

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<sup>63</sup> EQUALITY NOW Report, *supra* note 60, at 3.

<sup>64</sup> *Id.*

<sup>65</sup> SAVANNA INTERNATIONAL, <http://www.ukrainian-woman.com/> (last visited Nov. 9, 2010).

<sup>66</sup> EQUALITY NOW Report, *supra* note 60.

<sup>67</sup> *See* SUNSHINE INTERNATIONAL, *supra* note 33.

<sup>68</sup> EQUALITY NOW Report, *supra* note 60.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> INS Report, *supra* note 12.

<sup>72</sup> Hughes, *supra* note 22, at 6 (emphasis omitted).

Perhaps many of the reasons stem from a cultural belief that regards women as second to men.<sup>73</sup> Another common reason, tied into poverty and that culture's subordinate view of women, is the pressure on women to marry. Some women are considered to be "old maid[s]" if they are not married by the age of twenty-two.<sup>74</sup> One foreign woman stated, "[m]y plan is to marry a foreigner so that I can take care of my family. My mother really, really wants me to go abroad. She wants me to marry so that I can help my brothers and sisters and so that she can join me there."<sup>75</sup> Though the reasons women become mail-order brides are many, most women are not prepared for the reality of what their life becomes once married to their husband-consumer.

#### *D. United States Laws That Regulate IMBs*

Congress's first attempt to regulate the IMB industry came from the Mail Order Bride Act,<sup>76</sup> when Congress made a finding in 1996 that "mail-order brides find themselves in abusive relationships."<sup>77</sup> Historically, foreign brides were uneducated in the laws of the United States and, once abused, thought that they would be deported if they left their marriage or reported the abuse.<sup>78</sup> Congress enacted IMBRA, which later repealed the Mail Order Bride Act,<sup>79</sup> in response to domestic violence concerns arising from mail-order bride relationships with men.<sup>80</sup> IMBRA was passed in 2006 as a result of various findings that the IMB industry is international and growing<sup>81</sup> and that a number of the IMBs are still unregulated, which "makes the potential for abuse in mail-order marriages considerable."<sup>82</sup> Congress noted that Western men, who utilize IMB services to find a foreign woman who can be controlled, create a danger to the women who marry these men.<sup>83</sup> Most notably, 49.3 percent of these immigrants experienced domestic violence, and 72.3 percent of these abusive spouses refused to file the requisite immigration papers for their foreign bride, later using the threat of deportation over

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<sup>73</sup> For instance, the Thai culture has "three traditional Thai proverbs [that] speak directly to the subordinated status of women in Thai society: (1) To have a daughter is like having a toilet in your front yard; (2) A woman is only worthy when she has a husband; and (3) Women are buffaloes. Men are humans." See SIDDHARTH KARA, *SEX TRAFFICKING INSIDE THE BUSINESS OF MODERN SLAVERY* 173-74 (2009).

<sup>74</sup> Christina Del Vecchio, *Match-Made in Cyberspace: How Best to Regulate the International Mail-Order Bride Industry*, 46 COLUM. J. TRANSNAT'L L. 177, 190 (2007).

<sup>75</sup> Matthew Fisher, *Mail-Order Brides: Pen Pals or Prey? Why Desperate Young Filipinas Flock to the 'E-mail Sex Trade,'* TORONTO SUN, Feb. 21, 1999, at 5.

<sup>76</sup> Mail Order Bride Act, 8 U.S.C. § 1375(b)(1) (1996).

<sup>77</sup> *Id.* § 1375(a)(3).

<sup>78</sup> *Id.* § 1375(a)(4).

<sup>79</sup> See generally *id.* § 1375(b)(1).

<sup>80</sup> *European Connections & Tours, v. Gonzales*, 480 F. Supp. 2d 1355, 1362 (2007); see also IMBRA, *supra* note 10.

<sup>81</sup> *European Connections*, 480 F. Supp. 2d at 1366 (2007) ("The total number of foreign fiancées entering the United States each year more than doubled between 1998 and 2002[.]").

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 11

them.<sup>84</sup> IMBRA also created a requirement for foreign brides to receive information regarding the United States laws on domestic violence, sexual assault, stalking, deportation, and prohibitions on involuntary servitude.<sup>85</sup>

Also relevant in combating the problems posed by the IMB industry was the Trafficking Victims Protection Act of 2000 (“TVPA”),<sup>86</sup> and the subsequent reauthorizations of TVPA.<sup>87</sup> The purpose of TVPA was “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominately women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”<sup>88</sup> Through this statute, two types of visas were created to assist battered victims: the “T” visa, which is specifically for victims of sex trafficking, involuntary servitude, or other severe forms of trafficking; and the “U” visa for noncitizen victims of serious mental or physical abuse, including domestic violence, regardless of the marital status between the victim and perpetrator.<sup>89</sup>

In this statute, Congress concluded that trafficking victims were found to be unexposed to “the laws, cultures, and languages of the countries into which they have been trafficked [and] are often subjected to coercion and intimidation including physical detention and debt bondage, and . . . often fear retribution and forcible removal to countries in which they will face retribution or other hardship.”<sup>90</sup> For the mail-order brides that later become abused, forced into prostitution, or become indentured servants, these statutes and the visas they created offered women some assistance. Despite Congress’s valiant attempts to combat the evils of the IMB industry, women are still exploited, trafficked, and abused once they arrive. Regardless of any law the United States passes to combat the problem, laws such as IMBRA have no bearing on international violators without international laws being enacted.

## II. IMBS: IN THE BUSINESS OF EXPLOITING WOMEN

While IMBs are involved in a for-profit enterprise of selling and exploiting women, the industry would not survive without the men who utilize IMB services. Recall the study conducted by Equality Now<sup>91</sup> which illustrates the exploitive, and often, violent nature inherent in the IMB industry. Among the many responses Equality Now received, some of the most notable are as follows: “I don’t think that

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<sup>84</sup> *Id.* at 1366-67.

<sup>85</sup> *Id.* at 1367-68.

<sup>86</sup> Victim of Violence and Trafficking Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VVTPA].

<sup>87</sup> Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 [hereinafter TVPRA of 2003]; Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. 109-164, 119 Stat. 3558 [hereinafter TVPRA of 2005]; Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457, 122 Stat. 5044 [hereinafter TVPRA of 2008].

<sup>88</sup> VVTPA, *supra* note 86, at 1466.

<sup>89</sup> *See Id.*

<sup>90</sup> *Id.* at 1468.

<sup>91</sup> EQUALITY NOW, *supra* note 62.

criminals are allowed to be pediatricians, so unless you are banned from practicing, you shouldn't have a problem."<sup>92</sup> The director of Savanna International<sup>93</sup> responded: "It does not matter weather [sic] you was pleaded [sic] guilty or not. Do not worry about it. The main thing our women are looking [for] is a good, faithful man who is able to care about [sic] them."<sup>94</sup> And the most startling response came from this customer service representative:

As far as sponsoring your alien fiancée [sic], the government couldn't care less if you're Jack the Ripper, as long as you're out of jail and free to marry. As far as bitches go, I think I understand. They assert that "No" means "No" except when they're nagging, in which case, "No" means, "Keep nagging and try to get beaten." I think the language barrier actually helps here; it's hard to squawk through a language barrier.<sup>95</sup>

Some of the other IMBs that acknowledged the convictions suggested waiting on disclosing the convictions at all.<sup>96</sup>

#### *A. IMBs as Modern Day Slavery and Involuntary Servitude*

Both the Thirteenth Amendment<sup>97</sup> and federal statutes<sup>98</sup> prohibit involuntary servitude, as well as the importation of persons for the purpose of involuntary servitude. However, "[a]lmost one hundred fifty years after the Emancipation Proclamation, there are still slaves in the United States."<sup>99</sup> Since the *Peonage*

<sup>92</sup> EQUALITY NOW Report, *supra* note 60, at 13.

<sup>93</sup> SAVANNA INTERNATIONAL, *supra* note 65.

<sup>94</sup> EQUALITY NOW Report, *supra* note 60, at 3.

<sup>95</sup> *Id.* at 4.

<sup>96</sup> *See, e.g., Id.* at 9. "While I wouldn't recommend necessarily "hiding" . . . the accusations that were leveled against you in your previous marriages (Russian women tend to respect "candor"), I also wouldn't recommend discussing it in your first few letters. If they ask, tell them the truth. If they don't ask, don't volunteer the info." *Id.*

<sup>97</sup> U.S. CONST. amend. XIV, § 1.

<sup>98</sup> 18 U.S.C. § 1581 (2000); 18 U.S.C. § 1584 (2008). 18 U.S.C. § 1581(a) provides:

Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

*Id.*

18 U.S.C. § 1584(a): Sale into involuntary servitude:

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

*Id.*

<sup>99</sup> KARA, *supra* note 73, at 182.

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 13

*Cases* in 1903,<sup>100</sup> contract law has allowed for parties to voluntarily enter into an agreement, but if involuntary servitude occurs after the agreement, the coercer can still be liable for peonage:

A person who hires another, and induces him to sign a contract by which he agrees during the term to be imprisoned or kept under guard, and under cover of such agreement afterwards holds the party to the performance of the contract by threats or punishment, or undue influence, subduing his free will, when he desires to abandon the service, is guilty of holding such a person to ‘a condition of peonage.’<sup>101</sup>

Despite the fact that foreign brides most often choose to be advertised on IMB websites, involuntary servitude can still occur despite the initial intentions of both parties prior to the beginning of their relationship. This becomes especially applicable to mail-order brides who enter into the marriage freely—at least, initially—but through the course of the marriage, the foreign bride feels less free to leave, or stays to fulfill the two-year waiting period before she can become a permanent resident. Moreover, mail-order brides who later feel threatened to leave the marriage are not barred under the Thirteenth Amendment from meeting the definition of involuntary servitude.

Relationships based on involuntary servitude may be difficult to spot, as the foreign bride can later feel indebted to her husband, and due to the lack of alternatives, still stay in the relationship. One husband-consumer testified about his foreign bride: “She is spoiling me, though, with all of the attention I get, all of my nails manicured, gives me a shower daily, body massage nightly, shines my shoes . . . She is well worth the price of your catalog.”<sup>102</sup> The foreign bride is also so grateful to the Western man for saving her from her prior life that she performs these domestic services with no questions asked.<sup>103</sup> Thus, the foreign bride’s lack of protest is not a strong indicator that her relationship with her husband-consumer is not based on fraud, coercion, or violence.

*United States v. Kozminski*<sup>104</sup> presented the United States Supreme Court with a question as to the scope of the Thirteenth Amendment and Title 18 U.S.C. § 1584, which “makes it a crime knowingly and willfully to hold another person ‘to involuntary servitude.’”<sup>105</sup> The Court in *Kozminski* held that “[i]nvoluntary servitude consists of two terms. Involuntary means ‘done contrary to or without choice’-‘compulsory’-‘not subject to control of the will.’ Servitude means ‘[a] condition in which a person lacks liberty especially to determine one’s course of

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<sup>100</sup> Peonage Cases, 123 F. 671 (D. Ala. 1903).

<sup>101</sup> *Id.* at 682.

<sup>102</sup> See Donna R. Lee, Note & Comment, *Mail Fantasy: Global Sexual Exploitation in the Mail-Order Bride Industry and Proposed Legal Solutions*, 5 ASIAN L.J. 139, 165 (1998).

<sup>103</sup> *Id.*

<sup>104</sup> 487 U.S. 931 (1988).

<sup>105</sup> *Id.* at 934.

action or way of life'-'slavery'-'the state of being subject to a master.'"<sup>106</sup>  
Constituting involuntary servitude can be the following:

Involuntary servitude involves a condition of having some of the incidents of slavery. It may include situations in which persons are forced to return to employment by law. It may also include persons who are physically restrained by guards from leaving employment. It may also include situations involving either physical and other coercion, or a combination thereof, used to detain persons in employment.<sup>107</sup>

Involuntary servitude is also said to have existed if the victim is placed "in such fear of physical harm that the victim is afraid to leave . . . ."<sup>108</sup> Other courts have found involuntary servitude in cases even absent physical force and concluded that "[a] holding in involuntary servitude occurs when an individual coerces another into his service by improper or wrongful conduct that is intended to cause, and does cause, the other person to believe that he or she has no alternative but to perform the labor."<sup>109</sup> Even though most involuntary servitude claims arise out of forced employment claims,<sup>110</sup> it has long been established that involuntary servitude has been found in cases arising out of prostitution, even absent "physical restraint."<sup>111</sup> Courts have also recognized that threats of physical violence can be enough to show coercion.<sup>112</sup> Therefore, a foreign bride may have a claim for involuntary servitude if she is physically abused, forced into prostitution by her husband-consumer, or if the threat of deportation is used against her.

#### 1. Placing a Two-Year Conditional Residency Period Forces Mail-Order Brides to Become Involuntary Servants

Obtaining permanent residency in the United States is allowed through marriage.<sup>113</sup> For a foreign bride to obtain permanent residency, she is almost completely reliant on the husband-consumer's "continuing goodwill."<sup>114</sup> This reliance most often begins before their marriage, in situations where the couple

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<sup>106</sup> *Id.* at 936-37.

<sup>107</sup> *Id.* at 937.

<sup>108</sup> *United States v. Bibbs*, 564 F.2d 1165, 1168 (5th Cir. 1977).

<sup>109</sup> *United States v. Mussry*, 726 F.2d 1448, 1453 (9th Cir. 1984).

<sup>110</sup> *See United States v. Alzanki*, 54 F.3d 994, 1000 n.3 (1st Cir. 1995) ("Most peonage and involuntary servitude cases in recent years have involved migrant agricultural workers.").

<sup>111</sup> *Alzanki*, 54 F.3d at 1000 ("Absent proof of physical restraint, a finding of involuntary servitude is not warranted, however, unless the government establishes that the victim could only extricate herself by risking 'imprisonment or worse'" (quoting *United States v. Shackney*, 333 F.2d 475, 486 (2d Cir. 1964))). In *United States v. King*, 840 F.2d 1276 (6th Cir. 1988), for example, the Court upheld the convictions of cult leaders for involuntary servitude absent physical barriers or fences. *Id.* at 1278-79. Similarly in *United States v. Warren*, 772 F.2d 827 (11th Cir. 1985), involuntary servitude was found even when the victim was given the chance to escape. *Id.* at 833. *See also Bernal v. United States*, 241 F. 339, 341-42 (5th Cir. 1917).

<sup>112</sup> *See Bibbs*, 564 F.2d at 1167.

<sup>113</sup> 8 U.S.C. § 1186a (2011).

<sup>114</sup> *Lee*, *supra* note 102, at 166.

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 15

chooses not to marry in the woman’s country.<sup>115</sup> In this case, the husband-consumer has one of two options: either apply for a fiancée visa or evade the legal immigration process altogether.<sup>116</sup> Then after the marriage, this reliance may continue if the threat of deportation occurs.<sup>117</sup> The Court in *Kozminski*<sup>118</sup> noted that “it is possible that threatening . . . an immigrant with deportation could constitute the threat of legal coercion that induces involuntary servitude, even though such a threat made to an adult citizen of normal intelligence would be too implausible to produce involuntary servitude.”<sup>119</sup> Also relevant to the issue of involuntary servitude is “a victim’s age or special vulnerability [that] may be relevant in determining whether a particular type or a certain degree of physical or legal coercion is sufficient to hold that person to involuntary servitude.”<sup>120</sup> Thus, in the context of mail-order brides, the threat of deportation can rise to the level of involuntary servitude, and even more so, the fact that the foreign bride is in another country, speaks little to no English, and is away from friends and family, could create “special vulnerabil[ities]” as the Court in the *Kozminski* decision described.<sup>121</sup>

More recently in *European Connections & Tours, Inc., v. Gonzales*,<sup>122</sup> the Court reiterates a finding by Congress that “an American man’s control over his foreign wife’s visa, together with her lack of knowledge about domestic abuse remedies, kept many foreign women locked in abusive relationships.”<sup>123</sup> The beaten woman may remain in such a relationship solely out of fear of being deported,<sup>124</sup> and this fear often places the foreign bride in a position where she could face harmful consequences no matter what direction she takes.<sup>125</sup>

### B. IMBs as a Form of Sex Trafficking

“No country is immune from human trafficking,” and the number of trafficked women increases with each passing year.<sup>126</sup> As “the third most

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<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> See *United States v. Kozminski*, 487 U.S. 931, 948 (1988).

<sup>118</sup> *Id.* at 931.

<sup>119</sup> *Id.* at 948.

<sup>120</sup> *Id.* (internal citations omitted).

<sup>121</sup> *Id.* at 952. (“Our holding does not imply that evidence of other means of coercion . . . or of the victim’s special vulnerabilities is irrelevant in a prosecution under these statutes [18 U.S.C. § 1584]. As we have indicated, the vulnerabilities of the victim are relevant in determining whether the physical or legal coercion or threats thereof could plausibly have compelled the victim to serve.”). *Id.*

<sup>122</sup> 480 F. Supp. 2d 1355 (N.D. Ga. 2007).

<sup>123</sup> *Id.* at 1363.

<sup>124</sup> H.R. REP. NO. 103-395, at 31 (1993) (“[A] battered spouse may be deterred from taking action to protect himself or herself, such as filing for a civil protection order, filing criminal charges, or calling the police, because of the threat or fear of deportation.”); *Id.* at 33, 42.

<sup>125</sup> *Id.* (“They fear both continued abuse if they stay with their batterers and deportation if they attempt to leave.”).

<sup>126</sup> STATEWIDE INTERAGENCY COMM’N ON HUMAN TRAFFICKING, THE HIDDEN PROBLEM OF

profitable criminal activity following only drug and arms trafficking,” human trafficking generates approximately \$9.5 billion annually “with at least \$4 billion attributed to the worldwide brothel industry.”<sup>127</sup> In 1998, the United States Department of State estimated that between 700,000 and two million women and children each year fell victims to trafficking internationally.<sup>128</sup> “At present, the sex trafficking industry is akin to a mature, multinational corporation that has achieved steady-state growth and produces immense cash flows. Assuming a 3.5 percent growth rate for the next five years, there would be 1.48 million sex slaves at the end of 2012.”<sup>129</sup>

Some IMBs have been found to be “fronts for criminal organizations,” where traffickers show women as brides on their websites but discreetly sell them into prostitution.<sup>130</sup> The INS Report noted that one of the reasons for trafficking women into the United States is because fiancée visas are easily obtained.<sup>131</sup> Moreover, the IMBs who are really sex traffickers disguise some of this behavior by having their foreign brides utilize the fiancée visa application process, “which reduces governmental resources to evaluate individuals’ requests for fiancée visas.”<sup>132</sup> As a result of TVPA and its subsequent reauthorizations, the government and domestic IMBs have an obligation to notify the foreign brides of their legal rights.<sup>133</sup> Each woman who enters through the United States is provided with a pamphlet created by the Department of State, entitled *Be Smart, Be Safe. . . Don’t Become a Victim of the Trade in People*. This brochure was designed with the intention of warning foreign women against IMB organizations, in that they may be tied to trafficking organizations.<sup>134</sup>

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HUMAN TRAFFICKING: ADDRESSING MODERN DAY SLAVERY IN NEW HAMPSHIRE 10 (2008) [hereinafter NH COMMISSION ON HUMAN TRAFFICKING].

<sup>127</sup> *Id.* at 9.

<sup>128</sup> Suzanne H. Jackson, *To Honor and Obey: Trafficking in “Mail-Order Brides,”* 70 GEO. WASH. L. REV. 475, 478 (2002). A study published by the Center for the Study of Intelligence estimated that 50,000 trafficked individuals are brought to the U.S. each year. AMY O’NEILL RICHARD, CENTER FOR THE STUDY OF INTELLIGENCE, INTERNATIONAL TRAFFICKING IN WOMEN TO THE U.S.: A CONTEMPORARY MANIFESTATION OF SLAVERY AND ORGANIZED CRIME (1999) [hereinafter CENTER FOR THE STUDY OF INTELLIGENCE REPORT]. Between 2007 and 2008, there were 1,229 reported incidents of human trafficking, 83% of which comprised of sex trafficking. TRACEY KYCKELHAHN ET AL., U.S. DEP’T OF JUSTICE, CHARACTERISTICS OF SUSPECTED HUMAN TRAFFICKING INCIDENTS (2009) [hereinafter BUREAU OF JUSTICE STATISTICS], available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=550> (last visited Nov. 11, 2010).

<sup>129</sup> KARA, *supra* note 73, at 17.

<sup>130</sup> *Mail Order Bride Abuse*, *supra* note 38, at 2 (“They [IMBs] can be nothing more than fronts for criminal trafficking organizations, in which adults and girls are offered to the public as brides but sold privately into prostitution, forced into marriage (including marriages to men who then prostitute them), or held in domestic slavery.”).

<sup>131</sup> *Id.* at 4.

<sup>132</sup> *Id.*

<sup>133</sup> See IMBRA, *supra* note 10, § 1375(a)(1). “The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5).” *Id.*

<sup>134</sup> See *id.*; see also IMBRA, *supra* note 10, at (a)(4)(A) (“In order to best serve the language groups

Those foreign brides who enter the country planning on beginning a life with the “man of their dreams” are categorized as a trafficked person if, in reality, they are brought over for prostitution or indentured sex slavery to their husbands. Even absent making an argument regarding the interpretation of various statutes and protocols, various governmental agencies within the United States have held that IMBs are a form of sex trafficking, including the Center for Intelligence Agency (“CIA”)<sup>135</sup> and Immigration and Naturalization Services (“INS”).<sup>136</sup>

### C. The IMB Transaction as Prostitution

A connection can be made between IMBs and prostitution that becomes “legitimized by the legal institution of marriage.”<sup>137</sup> The most common definition of prostitution includes “engaging/agreeing/offering, to engage in sexual conduct with another person for a fee.”<sup>138</sup> However, this narrow definition fails to include a component addressing the power imbalances inherent in the sexual transaction that is prostitution; this power imbalance is also cultivated and exploited in the IMB industry. Because the definition of prostitution is so narrowly construed, it may be difficult for legislatures, and people in general, to recognize that the sexual transaction in and of itself is founded upon this inequality of power. To illustrate this broader application of the term “prostitution,” the issue of prostitution exists when one “is forced, either physically or due to adverse social and economic circumstances, to offer sexual services in exchange for material compensation.”<sup>139</sup> The material compensation a foreign bride receives is the opportunity at what she thinks may be a better life, financial stability, and the “ideal” husband. For mail-order brides to be defined as prostitutes, the definition would have to be viewed more expansively.<sup>140</sup>

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having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary’s discretion, may specify.”).

<sup>135</sup> CENTER FOR THE STUDY OF INTELLIGENCE REPORT, *supra* note 128.

<sup>136</sup> See INS Report, *supra* note 12. The INS Report also supports the notion that the IMB industry is connected to trafficking:

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 . . . . 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.

*Id.* at 1.

<sup>137</sup> See Mobydeen, *supra* note 59, at 966 (citing Lee, *supra* note 102, at 154).

<sup>138</sup> See Lee, *supra* note 102, at 158.

<sup>139</sup> *Id.* Cf. KARA, *supra* note 73, at 100 (“Opponents of legalizing prostitution argue that purchasing sex and operating sex establishments should be criminalized because prostitution can never be a choice and the ‘profession’ is inherently based on a system of male sexual dominance, appropriating the female body for pleasure and reinforcing the subordination and sexual objectification of women.”).

<sup>140</sup> Lee, *supra* note 102, at 158.

Perhaps the reluctance of others to compare marriage and the services provided by IMBs to prostitution is because most of the parties enter into the contract of marriage freely at first; the concept of being “prostituted” while in a marriage goes against the very nature of what the institution of marriage was created to represent. However, the notion that the IMB industry is likened to prostitution is not far-fetched when one looks at the way in which the foreign brides are advertised. Some of these “mail-order bride” websites advertise the women as if they were selling merely sex, where the women are scantily dressed and their physical attributes and docile personalities are emphasized.<sup>141</sup> Combine this with some of the reasons why Western men seek out foreign brides and the way the IMBs, who advertise the women, view women in general.<sup>142</sup> The very structure of the IMB transaction is similar to prostitution in that Western men, who are more affluent and from developed countries, purchase foreign brides who tend to be from developing or impoverished regions.<sup>143</sup> Like mail-order brides, traditional prostitutes often consist of unreported trafficked women also from underdeveloped countries.<sup>144</sup> Moreover, IMBs are strictly for-profit companies, interested in doing what it takes to sell their commodity: women. This fact creates a power imbalance between the husband-consumer and foreign bride, and the bride “has everything to gain from entering into this arrangement and staying in it, no matter what the circumstances.”<sup>145</sup>

While a number of the IMBs are more discreet about any involvement in outright prostitution or sex trafficking, there are also IMBs that do not hide from the stigma that they are in the business of prostituting and trafficking women. In fact, some IMBs show nude pictures of their “foreign brides,”<sup>146</sup> others offer links to escort services and pornography,<sup>147</sup> and some have been known to use photographs of models on their websites and advertise them as their prospective foreign brides.<sup>148</sup> Regardless of what is actually advertised on IMB websites, the very nature of the mail-order bride transaction can be considered a form of prostitution. While the commercial sex industry is “inherently sexually exploitative, marriage is not necessarily so . . . . Any man that sexually exploits

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<sup>141</sup> See, e.g., RUSSIANBRIDES.COM, <http://www.russianbrides.com/?afid=15497> (last visited Nov. 6, 2010) (where the women are pictured in bikinis and placed under the following categories: “bodacious brunettes,” “bathing beauties,” “wild cats,” and “lovely lingerie.”).

<sup>142</sup> See, e.g., EQUALITY NOW Report, *supra* note 60.

<sup>143</sup> See INS Report, *supra* note 12.

<sup>144</sup> *Id.*

<sup>145</sup> INS Report, *supra* note 12.

<sup>146</sup> See Hughes, *supra* note 22, at 7 (citing such examples as “The Darling Marriage Agency” in Sebastopol, Ukraine that offers escort services; “The Allure Marriage Agency” in Astrakhan, Russia offers “private nude photo sessions of Russian models from the Russian Model Agency;” “The Savva La Belle” offers opportunities for the women to be photographed nude).

<sup>147</sup> *Id.*

<sup>148</sup> *Id.* at 6.

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 19

and commodifies his wife is for all purposes akin to a pimp or ‘john.’”<sup>149</sup> From the husband-consumer’s perspective, the IMB industry may be the epitome of the male fantasy. Men who rationalize the line between searching for a wife to carry out domestic duties and a lover to fulfill his fantasies justify their actions because the foreign brides chose to advertise on the IMB website. In order for men to rationalize this juxtaposition and “have no moral qualms” about marrying a woman advertised through an IMB website, he must view the woman as advertising herself in a way that stresses “her purity, youth, and domesticity, thereby facially distinguishing herself from a prostitute.”<sup>150</sup>

Although the INS concedes that IMBs, in their truest form, are “legitimate businesses,”<sup>151</sup> the INS Report<sup>152</sup> also states that “the potential for abuse in mail-order marriages is considerable” and that “an unregulated international matchmaking industry presents numerous opportunities for exploitation.”<sup>153</sup> The INS Report also argued that IMBs, while “not traffickers per se,” should be liable as traffickers.<sup>154</sup> Whether or not each IMB is ill intended, the INS Report has found that the Russian mafia uses the databases provided by IMBs to recruit women into trafficking and prostitution,<sup>155</sup> as well as infiltrate social events set up by IMBs to make contact with these women who have expressed an interest to marry or work abroad.<sup>156</sup> While there may be some IMBs that are merely interested in creating international dating services, such as Match.com, the fact remains that their foreign brides are still exploited online.

Internationally, the majority of domestic violence abuse is not reported, and while this is true, there are many known incidents of violence against foreign brides in the United States.<sup>157</sup> The Tahirih Justice Center (“TJC”),<sup>158</sup> a non-governmental organization that assisted in drafting IMBRA,<sup>159</sup> has represented mail-order brides who were abused by their husbands in the United States.<sup>160</sup> They have reported that the rate of domestic violence against “immigrant women” is far greater than the rate of domestic violence experienced in non-IMB relationships.<sup>161</sup> In 2003, TJC conducted a survey of legal service providers in the United States that

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<sup>149</sup> Lee, *supra* note 102, at 164.

<sup>150</sup> *Id.* at 161.

<sup>151</sup> CENTER FOR THE STUDY OF INTELLIGENCE REPORT, *supra* note 128, at 37.

<sup>152</sup> See INS Report, *supra* note 12.

<sup>153</sup> *Id.*

<sup>154</sup> CENTER FOR THE STUDY OF INTELLIGENCE REPORT, *supra* note 128, at 37.

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> See, e.g., PATRICIA TJADEN & NANCY THOENNES, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY, 49 (U.S. Dept. of Justice, Nat’l Inst. Of Justice 2000), available at <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf> [hereinafter INTIMATE PARTNER VIOLENCE REPORT].

<sup>158</sup> TJC FAQ, *supra* note 22, at 1.

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

represented battered foreign women and found that 50% of the represented women met their spouses through IMBs.<sup>162</sup> TJC noted that “70% of abusive U.S. citizen spouses . . . withhold the filing of the proper paperwork necessary to validate the legal status of their immigrant female partners to cause them to fall out of legal status and to hold the threat of jail or deportation over the woman.”<sup>163</sup> These statistics provide evidence that the IMB industry propagates exploitation and domestic abuse. This business needs an international overhaul, with increased legislation and regulation, in order to more effectively address its intrinsic flaws.

### III. PROPOSED LEGAL SOLUTIONS

IMBRA<sup>164</sup> was passed with the hopes that it was “likely to reduce domestic abuse-and may actually save lives.”<sup>165</sup> With regards to accountability of and enforcement against IMBs, there was “generally no obligation for full disclosure, no liability, and no obligation to give the women information about their rights” prior to IMBRA.<sup>166</sup> Senator Herb Kohl stated:

The INS has ignored the law. It has been dragging its feet. By not doing its job, it has allowed the mail-order bride industry to flourish unchecked and rife with abuse. Meanwhile, more women walk blindly into these marriages with little or no information about their rights. The rules are in place. All the INS has to do is enforce them to prevent another senseless tragedy.<sup>167</sup>

Nor did the United States government ever acquire information on the percentage of foreign brides who married American men with the assistance of IMBs.<sup>168</sup> With IMBRA brought regulations that the IMBs had not seen before, including: a prohibition of advertising women under the age of eighteen;<sup>169</sup> a requirement that IMBs run the United States clients through the sex offender registries and criminal background checks;<sup>170</sup> a requirement that foreign women be provided with the husband-consumer’s criminal and marital background checks<sup>171</sup> and must give consent to the IMB to release her contact information to the American client;<sup>172</sup> and a requirement that foreign women must be provided with domestic violence resources.<sup>173</sup> With these new regulations,

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<sup>162</sup> *Id.* at 2

<sup>163</sup> *European Connections & Tours v. Gonzales*, 480 F. Supp. 2d 1355, 1361 (2007).

<sup>164</sup> IMBRA, *supra* note 10.

<sup>165</sup> *European Connections*, 480 F. Supp. 2d at 1381.

<sup>166</sup> CENTER FOR THE STUDY OF INTELLIGENCE REPORT, *supra* note 128, at 37.

<sup>167</sup> *Mail Order Bride Abuses*, *supra* note 38, at 6.

<sup>168</sup> INS Report, *supra* note 12.

<sup>169</sup> TJC FAQ, *supra* note 22, at 2-3.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> *Id.* (referring to the Dept. of State Brochure).

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 21

The only individuals who may no longer use IMBs under IMBRA are those American men who have a significant history of violence toward women - the very type of person that Congress is concerned about. Thus, to the extent that any men will be driven from the IMB market, it will effectuate Congress' remedial purpose.<sup>174</sup>

The passage of IMBRA<sup>175</sup> was an instrumental step for the regulation of the IMB industry, but it has not solved all of the industry's problems. Domestic violence is still prevalent among IMB relationships and foreign brides are still exploited through IMBs, either through sex trafficking, involuntary servitude, or prostitution.

To effect change in this industry, the United States must recognize and address the corruption in the industry and a dire need for effective laws to combat the problem. A documented problem in the enforcement and prosecution of traffickers of foreign brides is, in part, a result of corrupt law enforcement,<sup>176</sup> and a lack of established laws regarding trafficking. In order to better regulate and combat the industry, countries must also address the “demand of consumers and slave owners” for trafficked persons, or in the IMB industry, for marriage relationships based on gender imbalances and inequality.<sup>177</sup> To accomplish this would require an attack on the “industry's immense profitability by inverting its risk-reward economics, that is, by making the risk of operating a sex slave operation far more costly.”<sup>178</sup> Thus, to effectively transform the entire IMB industry would be to also address the demand for foreign brides, to increase prosecution of IMBs, consumer-husbands, and traffickers, as well as provide for additional safeguards and legal alternatives for the foreign brides once in the United States.

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<sup>174</sup> *European Connections & Tours v. Gonzales*, 480 F. Supp. 2d 1355, 1380-81 (2007).

<sup>175</sup> IMBRA, *supra* note 10.

<sup>176</sup> *See, e.g., KARA*, *supra* note 73, at 85 (2009) (The author interviewed a “street unit team” in Russia and was told that “The police are the main clients.”); *see also id.* at 126 (“The traffickers offer bribes to prosecutors and judges to requalify the charges . . . . The criminals pay the pimping fine, and they are released.”).

<sup>177</sup> *See id.* at 200.

<sup>178</sup> *Id.*; *see also id.* at 38:

Fortunately, the tactics that erode profitability are the same as those that increase real risk. To elevate real risk, it is necessary to understand why there is so little to begin with. The absence of real risk can be distilled to a handful of failures in the philosophical, legal, and law-enforcement approaches to sex trafficking. Those failures include: confusion over the definition of trafficking, which results in more focus on movement than exploitation; corruption in law enforcement, border control, and judicial systems; lack of international coordination and cooperation in investigating and prosecuting trafficking crimes; lack of specific law-enforcement on slave-related crimes, or underfunded special law enforcement when it exists; feebly enforcement of the law and minimal prosecution of sex traffickers; insufficient protections for victims, whose testimony is required to convict sex traffickers; and ineffective laws that have little economic effect on sex traffickers.

*A. Prosecute the IMBs and Consumer-Husbands*

## 1. Bring Suit Against the IMB Under IMBRA

As one option for combating the IMB industry, the foreign bride could facially attack the IMB itself through IMBRA, which imposes federal civil and criminal penalties for any IMB that violates the statute.<sup>179</sup> While there are several avenues one may use to bring suit against the IMB industry, the advantage of using IMBRA is that it was created and designed for the purpose of regulating IMBs and IMBs alone. Furthermore, the statute sets forth the requirements and obligations by which IMBs must abide; a foreign bride could easily use IMBRA to sue based on noncompliance with the statute.

The federal civil penalty provides that an IMB will be subject to a civil penalty between \$5,000 and \$25,000 for each violation of IMBRA paragraphs (1) through (4).<sup>180</sup> Specifically, Paragraph (1) prohibits an IMB from marketing anyone under the age of 18.<sup>181</sup> Paragraph (2) sets forth requirements that the IMBs search all of the sex offender public registries<sup>182</sup> and collect various background information, including whether the United States client has ever been subject to a “temporary or permanent civil protection order or restraining order”<sup>183</sup> and whether that client has ever been arrested or convicted of a crime.<sup>184</sup> Paragraph (3) requires IMBs to provide the three pieces of information to the foreign national client:<sup>185</sup> the background check conducted on the United States client,<sup>186</sup> the United States Department of State pamphlet,<sup>187</sup> and the foreign national client’s signed consent allowing the United States client to receive the foreign client’s contact information.<sup>188</sup> However, Paragraph (4) forbids IMBs from providing a foreign client’s personal contact information to anyone other than a United States client.<sup>189</sup> These penalties allow someone, including a foreign bride who knows of a violation

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<sup>179</sup> See IMBRA, *supra* note 10, § 833(d)(5).

<sup>180</sup> *Id.* § (d)(5)(A)(i).

<sup>181</sup> *Id.* § (d)(1).

<sup>182</sup> *Id.* § (d)(2)(A)(i).

<sup>183</sup> *Id.* § (d)(2)(B)(i).

<sup>184</sup> *Id.* § (d)(2)(B)(ii). The enumerated crimes include “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.”

<sup>185</sup> See *id.* § 833(e)(3): A “foreign national client” is defined as:

[A] person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

<sup>186</sup> *Id.* § (d)(3)(A)(iii).

<sup>187</sup> See *supra* Part III(B); see also IMBRA, *supra* note 10, § 833(d)(3)(A)(iii)(III).

<sup>188</sup> See IMBRA, *supra* note 10, § 833(d)(3)(A)(iv).

<sup>189</sup> *Id.* § (d)(4).

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 23

made by the IMB, to notify the Attorney General’s Office of the violation, whereby an investigation may begin.<sup>190</sup>

## 2. Sue Traffickers for Forgery

It is a federal crime in the United States to forge travel documents, including visas and passports, and traffickers can be in violation of this statute when foreign brides are illegally brought into the country.<sup>191</sup> One such example of being trafficked with the assistance of forged legal documents is Katia, who was trafficked into Europe in 1997.<sup>192</sup>

While [Katia] was bribed across borders the first two times she was trafficked, the third time she was trafficked exemplified a worrisome trend emerging across Central and Eastern Europe: invisibility. Every victim I interviewed who was trafficked after 2002 told me that she traveled with legal documents. In most cases, the documents were forgeries purchased on the black market, but sometimes they were authentic documents procured from embassies with bribes.<sup>193</sup>

The utilization of forged travel documents has been extremely successful in both the trafficking and IMB industry, and it will continue to be a problem unless there is an international effort to combat the issue. Specifically, forged passports and visas are used in many of the Eastern European countries. There, several of the East European countries are also part of the European Union (“EU”), and legal documents from these countries allow individuals to travel to other parts of the EU without a visa.<sup>194</sup> There is an international problem when travel documents are falsified. To illustrate, in 2005 a travel agency called Go West was raided and shut down for forging travel documents used in human trafficking,<sup>195</sup> and customs and police officers were connected to the organization.<sup>196</sup> The raid uncovered “a laboratory with high-quality printing machines, scanners, machines for copyright seals, and printed passports from twenty-nine countries. . . .”<sup>197</sup> In addition to the

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<sup>190</sup> *Id.* § (d)(5)(A)(ii).

<sup>191</sup> *See* 18 U.S.C. § 1546(a):

Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained[.]

<sup>192</sup> *See supra* note, KARA note 73, at 115-116.

<sup>193</sup> *Id.* at 116.

<sup>194</sup> *See id.* at 116-117.

<sup>195</sup> *Id.* at 139.

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

forgery violations noted, this example also depicts corruption and the connection between trafficking organizations and large criminal enterprises.

### 3. Foreign Bride Should Bring Suit Against the IMB

In situations where the foreign bride faces abuse as a result of her marriage through the IMB, the woman could bring suit against the IMB under one or more of the following theories: (1) fraud; (2) violation of the Consumer Protection Act; or (3) negligence.<sup>198</sup> As an example, a foreign bride sued the director of an IMB called Encounters International (“EI”).<sup>199</sup> The plaintiff, Fox, met her husband through EI and was abused shortly after marriage; when Fox sought advice from the director of EI, Fox was instructed to stay in the marriage or face deportation. She complied and the abuse continued until her husband broke her chest bone, after which she escaped to a women’s shelter, and brought suit against EI.<sup>200</sup>

As for a claim of fraud, the analysis is quite similar to a violation of the federal Consumer Protection Act (“CPA”).<sup>201</sup> Fraud can occur through the negligent<sup>202</sup> or fraudulent misrepresentation of information,<sup>203</sup> which allows for a civil cause of action where

one who, in the course of his business, profession or employment, or in any other transaction in which he has a pecuniary interest, supplies false information for the guidance of others in their business transactions, is subject to liability for pecuniary loss caused to them by their justifiable reliance upon the information, if he fails to exercise reasonable care or competence in obtaining or communicating the information.<sup>204</sup>

Similarly, a claim of fraudulent misrepresentation requires proof that the person who “fraudulently makes a misrepresentation of fact, opinion, intention or law for the purpose of inducing another to act or to refrain from action in reliance upon it, is subject to liability to the other in deceit for pecuniary loss caused to him

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<sup>198</sup> See, e.g., Fox v. Encounters Int’l, 318 F.Supp.2d 279, 283-84 (2002) (The plaintiff met her husband through Encounters International, an IMB, and was abused shortly after marriage. The IMB instructed the plaintiff to stay in the marriage or she would face deportation. She complied, and the abuse continued until she received a broken bone in her chest, escaped to a women’s shelter, and brought suit with these above-mentioned claims. These claims were based on Virginia state law, where the action was brought.)

<sup>199</sup> *Id.* at 282 (“Encounters International [] is a so-called ‘mail order bride service.’ It operates as a marriage bureau, arranging for women primarily of Russian and Ukrainian nationality to meet and, it is hoped, marry American men.”).

<sup>200</sup> *Id.* at 283-84.

<sup>201</sup> See 15 U.S.C. § 1601. The Federal Consumer Protection Act allows for criminal liability for one who “willfully and knowingly . . . gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this subchapter or any regulation issued thereunder.” See 15 U.S.C. § 1611(1).

<sup>202</sup> RESTATEMENT (SECOND) OF TORTS § 552 (1977).

<sup>203</sup> *Id.* § 525.

<sup>204</sup> *Id.* § 552(1).

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 25

by his justifiable reliance upon the misrepresentation.”<sup>205</sup> Also of importance in a fraud or CPA claim is that IMBs are under a statutory duty of disclosure of the required information set forth in IMBRA,<sup>206</sup> as well as a common law fiduciary duty owed to the foreign bride and its husband-consumer. The fiduciary is required to disclose “anything ‘which might affect the principal’s decision whether or how to act.’”<sup>207</sup> If such a special relationship exists, the fiduciary is liable for subsequent tortious conduct that results.<sup>208</sup> Thus, the following actions could give rise to fraud or CPA claims against the IMB: (1) if an IMB failed to perform background checks on the male consumer; (2) if the IMB falsely depicted the husband-consumer to the foreign bride; (3) if the IMB failed to disclose the man’s criminal convictions; or (4) if the IMB gave false information regarding the immigration and deportation process, meaning that the foreign bride should stay in an abusive relationship with her husband-consumer in order to avoid deportation.

The foreign bride may also sue the IMB for negligence, which is commonly defined as “conduct which falls below the standard established by law for the protection of others against unreasonable risk of harm.”<sup>209</sup> A foreign bride’s claim of negligence against an IMB may be similar to the allegations made in a fraud claim. While one does not generally have a “duty to protect another from the conduct of third persons,”<sup>210</sup> this rule is inapplicable if there is a special relationship “between the defendant and either the plaintiff or the third person.”<sup>211</sup> Accordingly, the foreign bride must show that there existed a fiduciary relationship between her and the IMB, and courts have found such a relationship to exist.<sup>212</sup> In fact, IMBs are charged with a duty to disclose pertinent information about the male consumers to the foreign brides whom the IMB represents.<sup>213</sup> The Court in *Fox* was addressed with this issue and held that when the IMB told the foreign bride that she should not leave her abusive husband or face deportation, the IMB could reasonably foresee that the foreign bride would stay with him.<sup>214</sup> The court also reasoned that because the IMB “owns and operates a marriage bureau”<sup>215</sup> and the foreign brides most-often speak little to no English, the IMB “should also know that they are vulnerable to the domestic violence that besets too many American

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<sup>205</sup> *Id.* § 525.

<sup>206</sup> See discussion *supra* Part IV(A).

<sup>207</sup> *Fox v. Encounters Int’l*, 318 F.Supp.2d 279, 289 (2002) (internal quotations omitted).

<sup>208</sup> RESTATEMENT (SECOND) OF TORTS § 874 cmt. b (1979); see also *id.* § 874 (1979) (“One standing in a fiduciary relation with another is subject to liability to the other for harm resulting from a breach of duty imposed by the relation.”).

<sup>209</sup> RESTATEMENT (SECOND) OF TORTS § 282 (1965).

<sup>210</sup> *Fox*, 318 F.Supp.2d at 295 (citing *Delk v. Columbia/HCA Healthcare Corp.*, 523 S.E.2d 826, 830 (2000)).

<sup>211</sup> *Id.* at 294 (citing *A.H. v. Rockingham Publishing Co. Inc.*, 495 S.E.2d 482, 484 (1998)).

<sup>212</sup> See *Fox*, 318 F.Supp.2d at 295 (“This Court is convinced that the alleged facts create a special relationship . . . that gave rise to a duty of care.”).

<sup>213</sup> IMBRA, 8 U.S.C. § 1375(a)(2)-(4).

<sup>214</sup> *Fox v. Encounters Int’l*, 318 F.Supp.2d 279, 295 (2002).

<sup>215</sup> *Id.*

women today.”<sup>216</sup> Thus, a negligence claim against an IMB may be a plausible cause of action so long as the foreign bride can show the existence of a fiduciary duty.

#### 4. Bring a Civil Suit Under RICO

Victims can sue the IMBs or the husband-consumer under the Racketeer Influenced and Corrupt Organizations Act (“RICO”).<sup>217</sup> In order to bring suit, the plaintiff must prove: (1) a “business or property injury;” (2) an “enterprise” engaged in interstate or foreign commerce caused the injury; and (3) that there was a “pattern” of (4) “racketeering activity.”<sup>218</sup> There are several advantages that might encourage foreign brides to initiate civil proceedings against an IMB or her husband-consumer. One reason is that RICO provides the opportunity for the plaintiff to “recover threefold the damages [s]he sustains and the cost of the suit,” which might be enough of a deterrent to IMBs, if not a motivator to abide by the law.<sup>219</sup> Another reason is that the plaintiff has a much lower burden of proof in a civil RICO cause of action—that of preponderance of the evidence—rather than the criminal standard of beyond a reasonable doubt.<sup>220</sup> More importantly, in a civil RICO suit, it is not necessary that a prospective defendant “has already been convicted of a predicate act or of a RICO violation.”<sup>221</sup> However, violations of the Mann Act<sup>222</sup> can be used as predicate acts that give rise to a civil or criminal RICO claim, whether previously convicted or not, against the IMBs or the husband-consumers.<sup>223</sup> The Mann Act makes it a crime for one to “knowingly transport[] any individual in interstate or foreign commerce . . . with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense.”<sup>224</sup> This is especially important in the context of mail-order brides because they do not need to wait for an IMB to be found guilty of trafficking, prostitution, or involuntary servitude before they bring their private cause of action. The IMB industry is likened to sex trafficking, involuntary

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<sup>216</sup> *Id.*

<sup>217</sup> 18 U.S.C. §§ 1961-1968 (1998 & Supp. V 1993); *see also* *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 491 (1985) (civil sanctions may be brought with the support of criminal statutes.). This article only provides a brief sketch of bringing a civil or criminal RICO claim. For a more in-depth discussion of RICO, *see* Symposium, *Civil RICO*, 21 CAL. W.L. REV. 09 (1985); *see also* Lan Cao, *Illegal Traffic in Women: A Civil RICO Proposal*, 96 YALE L.J. 1297 (1987).

<sup>218</sup> 18 U.S.C. § 1964(a) (2011).

<sup>219</sup> 18 U.S.C. § 1964(c) (2011).

<sup>220</sup> G. Robert Blakey, *The RICO Civil Fraud Action in Context: Reflections on Bennett v. Berg*, 58 NOTRE DAME L. REV. 237, 258 n.59 (1982).

<sup>221</sup> *Sedima*, 473 U.S. at 479.

<sup>222</sup> *See* 18 U.S.C. §§ 2421-24 (2011). This law was created with the intent to penalize one who “knowingly transports any individual in interstate or foreign commerce . . . with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense . . . .” 18 U.S.C. § 2421 (2011).

<sup>223</sup> *See* 18 U.S.C. § 1961(1) (2011) for predicate acts that constitute “racketeering activity.”

<sup>224</sup> *Id.*

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 27

servitude, and prostitution, and courts have allowed a RICO claim in the context of prostitution.<sup>225</sup>

As for the first element, “business or property” injury, mail-order brides could make a claim that her body is property and argue the injury in relation to prostitution or sex trafficking. An “enterprise” can consist of a single person,<sup>226</sup> and can be defined as one person “associated in fact.”<sup>227</sup> Therefore, there is no constraint in bringing suit against an IMB or husband-consumer, however small it may be. As for the third element, a “pattern” means at least two acts.<sup>228</sup> The list of “racketeering activity” is lengthy but includes federal crimes as indicated in 18 U.S.C. § 1961(1). To prove a “pattern” of “racketeering activity” by the IMB, the foreign bride must show that the organization engaged in two of the predicate acts defined in Section 1961 of RICO within the last ten years.<sup>229</sup> The fact that IMBs recruit women to be advertised on their website for the purpose of acquiring a foreign husband and moving to his country for marriage may fulfill the predicate act requirement of RICO to constitute “racketeering activity.” To prove these two elements against a husband-consumer, she must show that the consumer acquired two or more foreign brides. If a court agrees that IMBs fostered sex trafficking or prostitution, then violations of the Mann Act<sup>230</sup> would satisfy these elements.

There are two problems posed if a mail-order bride brings a civil RICO suit against an IMB or its husband-consumer. First, some of these foreign brides may have few resources to pursue a private cause of action, especially if they are domestic violence survivors and have fled their spouse’s home. Additionally, the RICO statute provides that if a plaintiff is successful, treble damages and attorney costs can be recovered.<sup>231</sup> Thus, the expenses of litigating the case would also be included with her claim; this is likely a huge deterrent to bringing a private cause of action under RICO. However, low-cost legal service providers around the country may alleviate that hurdle. Last, in a claim against the individual husband-consumer as opposed to the IMB itself, it may be difficult for a foreign bride to prove the male consumer’s “pattern” of “racketeering activity;” while it is not uncommon for these men to utilize IMB services more than once,<sup>232</sup> to definitively prove that he brought two or more foreign brides home consecutively in this way may present challenges.

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<sup>225</sup> *Eg.*, *United States v. Stern*, 858 F.2d 1241 (7th Cir. 1988); *United States v. St. George*, 241 F. Supp. 2d 875 (E.D. Tenn. 2003).

<sup>226</sup> *United States v. Joseph*, 526 F. Supp. 504, 507 (E.D. Pa. 1981).

<sup>227</sup> 18 U.S.C. § 1961(4) (2011).

<sup>228</sup> *Id.* at § 1961(5).

<sup>229</sup> *Id.* (“[P]attern of racketeering activity’ requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.”).

<sup>230</sup> 18 U.S.C. § 2421 (2011).

<sup>231</sup> 18 U.S.C. § 1964(c) (2011).

<sup>232</sup> *See* discussion *supra* Part I.

Despite these potential problems a foreign bride may encounter in bringing a civil RICO suit, IMBs and their husband-consumers can still be held accountable for transgressions if a state brings a *criminal* RICO claim against them.<sup>233</sup> This criminal cause of action would alleviate the requirement that a foreign bride need to prove injury to her property. Regardless of the initiation of a civil or criminal RICO claim against IMBs and its consumers, the RICO statute remains a viable option for the government and foreign brides to utilize in opposing the IMB industry.

### *B. The Alien Tort Claims Act*

Another option is for the bride to sue an IMB or its husband-consumer under the Alien Tort Claims Act (“ATCA”).<sup>234</sup> The congressionally enacted ATCA provides that “[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”<sup>235</sup> Only in the last several decades has the ATCA received greater attention and expansion among the international human rights community. Of particular importance is that private causes of action can be brought for such violations, which benefits a potential foreign bride in suing an IMB or her husband.<sup>236</sup>

In 1980, the Second Circuit held in *Filartiga v. Pena-Irala*<sup>237</sup> that alien plaintiffs could bring a private cause of action and that they had federal jurisdiction over all tort actions.<sup>238</sup> The plaintiff in *Filartiga* sued a Paraguayan man in the Eastern District of New York for torturing and killing her brother.<sup>239</sup> *Filartiga*’s ruling was remarkable because it provided alien plaintiffs a “civil remedy in federal court for severe human rights violations” that conflict with “customary

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<sup>233</sup> See, e.g., *United States v. McLaurin*, 557 F.2d 1064 (5th Cir. 1977).

<sup>234</sup> 28 U.S.C. § 1350 (2011) [hereinafter ATS]. The ATCA is a section of the Judiciary Act of 1789, and it is also known as the Alien Tort Statute. *Id.*

<sup>235</sup> *Id.*

<sup>236</sup> In determining the parameters of what the law of the nations is comprised of, courts have concluded the following:

One threshold question in *any* ATCA case is whether the alleged tort is a violation of the law of nations. We have recognized that torture, murder, and slavery are *jus cogens* violations [not requiring state action] and, thus, violations of the law of nations . . . . [F]orced labor is so widely condemned that it has achieved the status of *jus cogens* violation . . . . Another threshold question in any ATCA case against a *private party* . . . is whether the alleged tort requires the private party to engage in state action for ATCA liability to attach . . . . [T]here are a “handful of crimes,” including slave trading, “to which the law of nations attributes *individual liability*,” such that state action is not required . . . . Courts have included forced labor in the definition of the term “slavery” in the context of the Thirteenth Amendment.

*Doe I v. Unocal Corp.*, 395 F.3d 932, 945-46 (9th Cir. 2002) (internal citations omitted).

<sup>237</sup> *Filartiga v. Pena-Irala*, 630 F.2d 876 (2d. Cir. 1980).

<sup>238</sup> *Id.* at 878.

<sup>239</sup> *Id.* at 876.

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 29

international law.”<sup>240</sup> This ruling provided the human rights community with an avenue through which courts can exercise subject matter jurisdiction over human rights crimes against aliens in foreign countries.<sup>241</sup> While some ATCA cases in the past few decades, like the landmark case of *Filartiga*, allowed personal accountability for human rights abuses,<sup>242</sup> ATCA cases have been difficult to bring against some individuals because personal jurisdiction is still required.

Granted, the personal jurisdiction requirement may discourage these individuals from coming to or establishing an IMB in the United States; however, because of this, the human rights community has started suing corporations that are housed in the United States on the basis that these corporations are “aiding and abetting human rights abuses.”<sup>243</sup> As an example, the Second Circuit in *Kiobel v. Royal Dutch Petroleum Co.*<sup>244</sup> recently ruled that customary international law governs the scope of ATCA liability,<sup>245</sup> ATCA does not allow for jurisdiction over claims against corporations,<sup>246</sup> and corporate defendants are not subject to ATCA liability.<sup>247</sup> However, the United States Supreme Court has not heard, nor ruled on the issue of whether ATCA claims can be brought against corporations; therefore, the Second Circuit’s decision in *Kiobel* may be subject to change. Despite this, what remains from *Kiobel* is the reaffirmation of landmark ATCA cases that came before it: customary international law governs the scope of ATCA liability.<sup>248</sup> While the scope of ATCA is continuing to develop and receive judicial attention, the ATCA can be used as a private cause of action against an IMB principally-located in the United States or its husband-consumer for violations of human rights abuses against his foreign bride.

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<sup>240</sup> Joshua Ratner, Note, *Back to the Future: Why a Return to the Approach of the Filartiga Court is Essential to Preserve Legitimacy and Potential of the Alien Tort Claims Act*, 35 COLUM. J.L. & SOC. PROBS. 83, 84 (2002).

<sup>241</sup> The issue of personal jurisdiction must still be addressed, and it can be accomplished in ATCA cases in one of two ways: (1) as was the case in *Filartiga*, the court may exercise personal jurisdiction over a foreign defendant if he has visited the United States, *Filartiga*, 630 F.2d at 876; *Kadic v. Karadzic*, 70 F.3d 232, 246-67 (2d Cir. 1995); or (2) if the defendant operates as a corporation in the United States, and participated in or directed any of the challenged conduct, *Corrie v. Caterpillar, Inc.*, 403 F. Supp. 2d 1019 (W.D. Wash. 2005).

<sup>242</sup> See, e.g., *Kadic*, 70 F.3d 232 (where ATCA was brought against a Bosnian abuser).

<sup>243</sup> Martha Lovejoy, Note, *From Aiding Pirates to Aiding Human Rights Abusers: Translating the Eighteenth-Century Paradigm of the Law of Nations for the Alien Tort Statute*, 12 YALE HUM. RTS. & DEV. L.J. 241, 246 (2009).

<sup>244</sup> 621 F.3d 111 (2d Cir. 2010).

<sup>245</sup> *Id.* at 126.

<sup>246</sup> *Id.* at 145.

<sup>247</sup> *Id.* at 111.

<sup>248</sup> *Id.* at 126.

C. *Increase Sanctions for Countries Who Fail to Meet the International Obligations for Combating Trafficking*

In response to the international human trafficking epidemic, the United States passed the TVPA in 2000,<sup>249</sup> followed by reauthorizations in 2003,<sup>250</sup> 2005,<sup>251</sup> and 2008.<sup>252</sup> The United States Department of State's Trafficking in Persons Report 2010 ("TIP Report")<sup>253</sup> estimates that 12.3 million adults and children are known to be involved in forced labor and forced prostitution around the world, with as little as only 49,105 identified victims.<sup>254</sup> Even more prevalent is the absence of laws to prevent victims' deportation in 104 countries.<sup>255</sup> Ambassador Luis CdeBaca identified this problem in the TIP Report:

116 countries have enacted legislation to prohibit all forms of trafficking. [2009] saw more victims identified, more services provided, and more traffickers convicted than any year in history. Yet enslaving someone still carries too little risk. Remediation, fines, or warnings are too small a price to pay – those who would profit by stealing freedom should lose their own. Fighting trafficking commands too few resources, too little vision, and as a result, too few outcomes.<sup>256</sup>

The State Department assesses each country's efforts towards combating trafficking and assigns each a place on one of three tiers, with Tier 1 being the highest ranking, thus receiving higher efforts to combat trafficking.<sup>257</sup> The tier ranking takes into account many components of the effort to combat trafficking, including the efforts to protect victims, implementation of human trafficking laws in the country, and criminal penalties for traffickers.<sup>258</sup> Based on these, the country is placed on Tier 1 if the country's government "fully compl[ies] with the

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<sup>249</sup> VVTPA, *supra* note 86.

<sup>250</sup> TVPRA of 2003, *supra* note 87.

<sup>251</sup> TVPRA of 2005, *supra* note 87.

<sup>252</sup> TVPRA of 2008, *supra* note 87. It is again up for reauthorization in 2011, though that has not happened yet.

<sup>253</sup> U.S. DEP'T. OF STATE, TRAFFICKING IN PERSONS REPORT, (10th ed. 2010) <http://www.state.gov/documents/organization/142979.pdf> [hereinafter TIP REPORT 2010].

<sup>254</sup> *Id.* at 7. In the international community, the ratio of trafficked victims is 1.8 per 1,000 inhabitants and 3 per 1,000 inhabitants in Asia and the Pacific alone. *See id.* Also of significance is the fact that there were only 4,166 successful prosecutions of traffickers in 2009. *Id.* This was up from 2,983 convictions in human trafficking in 2008. *Id.* at 45. Despite the movement in the international community with treaties and protocols to combat the issue of trafficking, there are still 62 countries that have yet to convict a trafficker, as the Palermo Protocol provides. *See id.* at 7. The Palermo Protocol is more formerly known as the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, G.A. Res. 55/383, 55th Sess. (Vol. 2237), U.N. Doc. A/RES/55/25, (Nov. 15, 2000), <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf>.

<sup>255</sup> TIP REPORT 2010, *supra* note 253, at 7.

<sup>256</sup> *Id.* at 2.

<sup>257</sup> *Id.* at 20.

<sup>258</sup> *Id.*

## 2011] “MALE” ORDER BRIDES AND SEX TRAFFICKING 31

TVPA’s minimum standards for the elimination of trafficking.”<sup>259</sup> Tier 2 is for countries “whose governments do not fully comply with the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards.”<sup>260</sup> The Tier 2 Watch List includes the Tier 2 classification plus a “decreasing evidence of complicity,” the country is making “commitments. . . to take additional steps over the next year,” and the “number of victims . . . is very significant or is significantly increasing.”<sup>261</sup> According to the TVPA, if a country is designated as Tier 3, the United States may sanction them<sup>262</sup> by withholding “nonhumanitarian, non-trade-related foreign assistance.”<sup>263</sup> Any of these sanctions

can be waived if the President determines that the provision of such assistance to the government would promote the purposes of the statute or is otherwise in the national interest of the United States. The TVPA also provides for a waiver of sanctions if necessary to avoid significant adverse effects on vulnerable populations, including women and children. Sanctions would not apply if the President finds that, after this report is issued but before sanctions determinations are made, a government has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.<sup>264</sup>

Perhaps a solution to increase compliance with the international anti-trafficking effort would be to strengthen the sanctioning of non-complying countries by imposing mandatory economic sanctions against countries of specific tiers.

Despite the fact that the “intervention [by the United States] on this issue is spurring the international community to action and, most importantly, is yielding results[.]”<sup>265</sup> there are still thirteen countries that are on Tier 3, fifty-eight countries on the Tier 2 Watch List, and seventy-two on Tier 2.<sup>266</sup> These countries are not feeling very pressured. One solution for obtaining additional cooperation from countries on Tier 2 or below could include the withdrawal of trade with those countries and not merely sanctions. Yet this method of naming and shaming that the TVPA utilizes has been known to work in the efforts to combat human trafficking, as well as in other situations.<sup>267</sup> This scheme has worked because

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<sup>259</sup> *Id.* at 22.

<sup>260</sup> *Id.*

<sup>261</sup> TIP REPORT 2010, *supra* note 253, at 22.

<sup>262</sup> *Id.* at 27. For an example of the President utilizing its sanction waiver power, see Josh Rogin, *Inside the White House Conference Call on Child Soldiers*, THE CABLE (Oct. 29, 2010, 6:31 PM), [http://thecable.foreignpolicy.com/posts/2010/10/29/cable\\_exclusive\\_the\\_secret\\_white\\_house\\_conference\\_call\\_on\\_child\\_soldiers](http://thecable.foreignpolicy.com/posts/2010/10/29/cable_exclusive_the_secret_white_house_conference_call_on_child_soldiers).

<sup>263</sup> TIP REPORT 2010, *supra* note 253, at 25.

<sup>264</sup> *Id.* at 28.

<sup>265</sup> U.S. Dep’t of State, Press Release on the *Presidential Determination Regarding the Trafficking Victims Protection Act for 2003* (Sept. 10, 2003), <http://georgewbush-whitehouse.archives.gov/news/release/2003/09/20030910-2.html>.

<sup>266</sup> TIP REPORT 2010, *supra* note 253, at 48.

<sup>267</sup> See, e.g., Lesley Wexler, *The International Deployment of Shame, Second-Best Responses, and Norm Entrepreneurship: The Campaign to Ban Landmines and the Landmine Ban Treaty*, 20 ARIZ. J.

“where there is a widely held norm, like the norm against slavery, and a monitoring body can highlight the fact that a country violated this widely held norm, the rest of the international community collectively will condemn that violator’s actions.”<sup>268</sup>

Some argue that the “naming and shaming is decreasing in efficacy, particularly in countries with increasing economic growth.”<sup>269</sup> Specifically, the United States has reportedly altered a non-compliant country’s tier level if it served America’s economic interests;<sup>270</sup> for instance, India received a Tier 2 Watch List rank in the 2008 TIP report as opposed to Tier 3, and CNN reported the reason as follows:

U.S. officials told CNN the question of India’s ranking caused a heated debate between Secretary of State Condoleezza Rice and Deputy Secretary of State John Negroponte. Negroponte wanted India listed as a Tier 3 country, or worst offender. Rice overruled him out of concern about alienating the Indian government. India is on the Tier 2 watch list.<sup>271</sup>

While the United States may be attempting to maintain strong, fiscal relationships with other nations, these relationships, arguably, should not overshadow international anti-trafficking efforts. In order to ensure continued success of the naming and shaming scheme in TVPA’s tier ranking system, creating mandatory economic sanctions for non-compliant countries might provide a means of forceful encouragement, meaning that *all* non-compliant countries would be faced with the same economic sanctions, regardless of its economic ties to the United States. In order to implement this, the United States would need to take a stronger stance against trafficking in persons to the extent that the TVPA’s declarations that trafficking is a human rights violation would need to be mirrored in the application of mandatory sanctions without hesitation. To assert that human trafficking is wrong and a high priority, then subsequently not hold non-compliant countries accountable across the board out of fear that economic relations will be jeopardized is unacceptable.

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INT’L & COMP. L. 561, 568-72 (2003). The International Campaign to Ban Landmines named and shamed countries and companies that were engaged in landmine business which proved successful in forcing these entities to adjust their behavior; naming and shaming has also been used in the human rights movement to outlaw the use of child soldiers. See Mary Catherine Hendrix, Note, *Enforcing the U.S. Trafficking Victims Protection Act in Emerging Markets: The Challenge of Affecting Change in India and China*, 43 CORNELL INT’L L.J. 173, 194 (2010).

<sup>268</sup> Hendrix, *supra* note 267, at 193.

<sup>269</sup> *Id.* at 194.

<sup>270</sup> See Elise Labott & Zane Verjee, *India Escapes U.S. List of Worst Human Traffickers*, CNN.COM (June 13, 2007, 2:21 AM), <http://www.cnn.com/2007/US/06/12/human.trafficking/index.html?iref=storysearch>.

<sup>271</sup> *Id.*

#### CONCLUSION

For violence to end among the IMB industry, there must be additional regulations, education for the foreign brides, and penalties for those who abuse IMB services, including those who advertise the women. For IMBs to continue as they do sends a message that women can be purchased, and it shows that slavery is still alive in a modern day form. Even though there have been great strides in combating this industry and the problems inherent in it, the fact remains that the United States regulations only regulate IMBs in the United States; male consumers are still able to purchase women from international IMBs, who still exploit women in their advertisements, and not be put through background checks. The IMB industry should be changed internationally to mirror traditional dating websites—where both parties begin as equals—but on a global scale. Anything other than this will allow the mail-order bride industry to stay as exploitive and dangerous as it always has been.