

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

House Bill 596
Economic Matters

(Delegate Benson)

International Marriage Brokers - Regulation

This bill requires an international marriage broker to notify international recruits that the criminal and marital history of the broker's Maryland clients, as well as basic rights information, is available to the recruit on request. The bill establishes procedures the client must follow in providing the requested information. Information provided to the recruit is confidential and must be provided in the recruit's native language, with all translation costs borne by the broker.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. If the Consumer Protection Division of the Office of the Attorney General receives fewer than 50 complaints per year stemming from the bill, the additional workload can be handled with existing resources.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: An international marriage broker is required to notify each recruit who is not a citizen or resident of the United States of the availability of the criminal record information of a potential partner; the marital history of the potential partner; and information about human rights, immigration resources, and emergency assistance. The required notification must be conspicuously provided to the recruit in his or her native

language. Any translation costs resulting from the request are the responsibility of the marriage broker.

At the recruit's request, the broker's client must obtain a State and national criminal history report at his or her own expense. The client must submit the report to the marriage broker with marital history information that includes all marriages, divorces, annulments, and domestic violence protective orders occurring in Maryland or elsewhere. The broker must provide this information to the recruit in his or her native language within 30 days of receipt of the information from the client. Other basic rights information must be provided as soon as possible. The marriage broker may not provide other services to either party until the requested information has been provided.

An international marriage broker is subject to the provisions of the bill if the broker contracts with a State resident to provide services or is otherwise considered to be doing business in Maryland. Marriage brokers that operate on a not-for-profit basis for religious purposes are not subject to the bill. A person who violates the bill is guilty of a misdemeanor and is subject to a fine of up to \$12,000 and/or imprisonment for up to one year.

Current Law: The federal International Marriage Broker Regulation Act of 2005 prohibits a marriage broker from providing a United States client with the contact information of a foreign national until the broker has provided the foreign national with specified information related to the client's criminal and marital history, number of dependents, and states of residence since age 18. The marriage broker then must obtain the consent of the foreign national before releasing his or her contact information.

The Act also requires the U.S. Department of Homeland Security to distribute pamphlets to foreign applicants for fiancée visas informing them of the nonimmigrant visa application process, their legal rights and obligations, and domestic violence and sexual abuse services. The pamphlets must be provided in a minimum of 15 specified languages, with other translations provided as necessary.

The Act further requires that petitions for fiancée visas include information on the criminal convictions of the petitioner. The Secretary of Homeland Security is required to maintain a database that tracks multiple fiancée visa petitions by a single individual. A consular officer must verify that the individual has not simultaneously petitioned for multiple fiancée visas and that another fiancée visa has not been approved on behalf of the petitioner within the past two years.

Background: In 1999, the Immigration and Naturalization Service estimated that 200 international marriage brokers operated around the world, arranging between 4,000 and 6,000 marriages each year between American citizens and foreign nationals.

After several publicized accounts of domestic abuse of women who met their husbands through international marriage brokers, Washington lawmakers passed laws to regulate international marriage brokers operating in that state. Hawaii, Missouri, and Texas have enacted similar legislation. These statutes, as well as the federal law, generally work to provide foreign nationals with information about their potential spouses and the resources available to them in the United States. Advocates maintain that this information levels the field for prospective immigrants who themselves are subject to a background check before being approved for legal entry into the United States.

Additional Information

Prior Introductions: HB 1568 of 2008 was heard by the House Economic Matters Committee, but no further action was taken.

Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

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Analysis by: Michael T. Vorgetts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510