

INTERNATIONAL MARRIAGE BROKER REGULATION ACT OF 2005

Dear Clients, Friends and Supporters,

President Bush recently signed into law the "International Marriage Broker Regulation Act of 2005". This law was attached to the Violence Against Women and Department of Justice Reauthorization Act of 2005 up for renewal (passed by the House and Senate) No public hearings were conducted, nor any witnesses questioned. There was no statistical evidence submitted regarding International marriages, subsequent divorces or incidences of domestic violence. In fact, all informal studies suggest that intercultural couples enjoy a divorce rate percentage of much smaller than the national domestic rate of 50%. More discussion will certainly result from this as individuals learn of this law's enactment.

For the text of the final version of this new law, see this link:
<http://usimmigrationattorney.com/images/IMBRA2005.pdf>

WHAT IS THIS NEW LAW? WHAT DROVE IT?

Based on a very few unfortunate cases around the country of a foreign lady spouse who became a victim of domestic abuse, Congress passed a law to, understandably, offer some protection for these immigrant women. The law was passed as part of the passage of the Violence Against Women Act Reauthorization of 2005.

The new law is called the "International Marriage Broker Regulation Act of 2005". It requires all U.S. gentlemen who petition for a fiancée or spousal visa to provide more personal background information to Immigration Service and the State Department than ever before. It creates more restrictions in the process such the number of fiancée or spousal petitions one can file, and how quickly a gentleman can file some visa petitions.

The law also requires a U.S. gentleman who wishes to meet his future fiancée or spouse through an "International Marriage Broker" to first submit extensive personal background information to the broker agency. The broker must then share that information with a future lady fiancée or spouse who must consent before the couple can start a communication and relationship.

WHY IS THIS LAW IMPORTANT? WHAT DOES IT MEAN FOR ME?

For the foreign ladies, the law is important because it tries to protect immigrant women by allowing them to review a potential gentleman suitor's background before starting a relationship. For the gentlemen, it means that they must be prepared to forego some privacy and offer some extensive background data. Perhaps, the best way to view this law is simply to acknowledge the obvious: in the long run, full disclosure is the best "relationship" policy.

WHAT EXACTLY ARE SOME OF THE PROVISIONS?

Some highlights of the new law:

1. **NEW PETITION FORMS:** New I-129F Fiancée and Spousal Visa petitions will require that the petitioner provide information on his criminal convictions for specified crimes, including violent offenses, domestic abuse and sexual assault.

2. **LIMIT ON NUMBER OF PETITIONS:** Some petitioners will need to wait before they can successfully file for a fiancée visa. For example, if you filed two (2) or more fiancée visa petitions in the past, and at least one of them was approved, you must wait two (2) years from the filing date of the last approved petition before you can be successfully approved for another fiancée visa petition. (Exception: Under some circumstances, a petitioner may be able to obtain a "waiver".)

3. **MULTIPLE VISA PETITION DATABASE:** Any person approved for a second visa petition or filing a third visa petition will be notified by Immigration that their case has been put into a special visa petition database which will track multiple petition filers and help identify those who might be abusing the system.

4. **DOMESTIC VIOLENCE PAMPHLET BROCHURE:** Homeland Security will develop and make available on USCIS, State Department and Embassy websites a domestic violence pamphlet brochure in 14 languages and revised every 2 years which discusses the visa process, adjustment of status, conditional residency, marriage and visa fraud, domestic violence abuse rights, where and how to get help and other warnings and notifications.

5. **CONSULAR INTERVIEW:** The Consular Officer at interview will provide the visa applicant with a copy of the fiancée or spousal petition, and information and documents in her native language on any past marital and divorce history, past criminal history and past domestic violence history of the petitioner. The Consular Officer will also answer any questions about the domestic violence pamphlet brochure. The Consular Officer will also ask the visa applicant if the relationship was facilitated by an International Marriage Broker and, if so, confirm that the broker provided the applicant with information or documents about the petitioner's background.

6. **REGULATION OF INTERNATIONAL MARRIAGE BROKERS (IMBs):** IMBs are required to check the National Sex Offender public registry and state public registry for each U.S. client, and to gather mandatory background information and documents on the U.S. client's past criminal history, including prostitution offenses, past domestic violence history, past marital and divorce history, past visa petition history, ages of any children under age 18, and all states and countries where the U.S. client lived since age 18. IMBs must then provide that information to the foreign client lady in her native language and secure a signed, written consent from her before releasing her personal contact information to the U.S. client.

WHEN DOES THE LAW GO INTO EFFECT? WHAT SHOULD I DO?

Most of the new law's provisions go into effect in sixty (60) days after date of enactment, which is early March 2006. The bottom line for gentlemen and foreign ladies with an international romance and courtship is, if possible, to finalize their engagement and file their visa petitions as soon as possible.

WHAT IF I DISAGREE WITH THIS LAW? HOW DO I COMPLAIN ABOUT IT?

Many gentlemen value their rights of privacy. Many men feel that the law might unduly impinge on their rights of free speech and free association as U.S. citizens. Perhaps, the law may also intrude on equal protection rights of U.S. citizens who are required to provide extensive background data for foreign romances but not for domestic dating. If you wish to register and voice your concerns and complaints about this law, **please contact your federal Senator or local Congressman's office.**

SEE THIS LINK : "CONTACTING THE CONGRESS"
<http://www.visi.com/juan/congress/>

WHAT NEXT?

Needless to say, this new law mandates a significant change in the way the fiancée and spousal visa process will take place. It poses new challenges to brokers, U.S. clients and foreign clients alike in the international romance field. In the coming weeks and months, we will together monitor and follow the roll-out of this new law.

Hoping for your continued happiness,

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Special Note: Unfortunately, due to the large volume of questions and callers, we cannot take any phone calls about this law. But as laws change and the Visa process becomes more complicated, our office is still your best choice for professional attorney assistance in securing a fiancée or spousal visa. Please contact us for more information on Visas.