

HOUSE BILL REPORT

HB 2667

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to foreign social referral service agencies.

Brief Description: Regulating social referral service agencies.

Sponsors: Representatives Veloria, Darneille, Haigh, Delvin, Tokuda, Chase and Santos.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/02, 2/7/02 [DPS].

Brief Summary of Substitute Bill

- Requires foreign social referral agencies offering services in Washington to be licensed.
- Requires referral agencies to provide clients with cultural information and information about another client if requested.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Conway, Chair; Wood, Vice Chair; Clements, Ranking Minority Member; Chandler, Kenney and Lysen.

Staff: Sydney Forrester (786-7120).

Background:

Foreign social referral agencies, also known as international matchmaking agencies, bring together approximately 4,000 to 6,000 couples annually who eventually marry and petition for immigration of the female spouse. Many of the female spouses come to the United States from the Philippines and from the independent states of the former Soviet Union.

The Immigration and Naturalization Service estimates over 200 international matchmaking organizations are operating in the United States. Federal law requires these

organizations to provide accurate information about immigration laws to prospective female spouses in their native language.

Summary of Substitute Bill:

Foreign social referral agencies offering services in Washington must be licensed by the Department of Licensing. To become licensed an applicant must pay the required fee and be a citizen or lawful permanent resident of the U. S., at least 18 years of age, and of good moral character.

Once licensed, a referral agency must:

- 1) Collect information from clients regarding age, employment, health status, marital history, and convictions or deferred prosecutions for domestic violence, including any history of restraining orders issued in connection with domestic violence;
- 2) Inform clients of the right to request this information about another client with whom the requesting client has been matched, and upon request must provide this information; and
- 3) Require a client who is a U. S. citizen and who is matched to a foreign client to complete an education and training course in the culture and customs of the foreign client.

A referral agency may not condition any payment or benefit to a client on marriage between its clients.

The department is authorized to set fees by rule and to investigate and take disciplinary action for unprofessional conduct and unlicensed practice. A person may appeal disciplinary decisions as provided in the Administrative Procedures Act.

A dedicated account is created in the state treasury for receipt of all fees and fines and for the payment of all expenses. Program expenses must be paid by legislative appropriation. Monies remaining in the account shall accumulate, but earnings on investments shall be credited to the general fund.

Substitute Bill Compared to Original Bill:

An attempt to obtain or maintain a license by fraud or willful misrepresentation constitutes a gross misdemeanor. The department's authority is clarified and expanded to include investigation and discipline for unlicensed practice. Unprofessional conduct is defined. The Administrative Procedures Act (APA) is made applicable to appeals of disciplinary action. The original bill provided only for appeal in superior court. The department is not charged with establishing criteria for the required cultural education courses. Licensees are not required to provide clients with specific legal and social services information. An effective date is specified.

Appropriation: None.

Fiscal Note: Requested on February 4, 2002. Revised fiscal note requested on February 8, 2002.

Effective Date of Substitute Bill: July 1, 2003.

Testimony For: Recent murders of mail-order brides indicate we shouldn't ignore this problem. Brokering of brides stems back to the settling of the west. These businesses make money by providing services in an industry that is largely unregulated. This accumulation of wealth also includes the selling of children and the trafficking of women for prostitution. The mail-order bride industry contributes to these crimes.

Testimony Against: The bill does nothing meaningful to address the real problem. International matchmaking organizations (IMO) publish profiles for men and women who want to marry. There already are trafficking laws to protect women. The premise of the bill is flawed. The IMO's don't treat women as commodities; they treat men and women as clients. Research shows abuse is not more prevalent among immigrant spouses, but is actually less than the domestic population. It will be hard to identify who the IMO's are because so many of them operate through the internet and you can't find them to regulate them. Requiring IMO's to provide cultural education is too burdensome because there is no way to address all cultures. The IMO's are separate from trafficking organizations and should be treated differently.

(With concerns) Implementation and enforcement present challenges because it appears many providers of this service do not have physical locations, and appear instead to be web-based with entities located outside Washington. The requirement to establish criteria for cultural training courses is significantly different from other licensing criteria in the department's jurisdiction. The bill should include reference to the APA and the definitions and sanctions authority in the proposed Uniform Regulation of Business and Professions bill (HB 2512). The Department of Licensing would request a delayed implementation date of at least one year due to the significant work involved in implementing this program

Testified: Representative Veloria, prime sponsor; Sandi Swarthout; John Adams, A Foreign Affair; and Alan Rathbun, Department of Licensing