

HOUSE BILL REPORT

ESSB 6412

As Reported by House Committee On:

Commerce & Labor

Title: An act relating to international matchmaking organizations.

Brief Description: Regulating disclosure of information by international matchmaking organizations.

Sponsors: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Kohl-Welles, Costa, Prentice, Winsley, Long, Keiser and Benton).

Brief History:

Committee Activity:

Commerce & Labor: 2/25/02, 2/26/02 [DPA].

Brief Summary of Engrossed Substitute Bill (As Amended by House Committee)

- Requires international matchmaking organizations doing business in Washington to facilitate the exchange of client information.
- Requires a client who is a Washington resident to provide background information.
- Directs the Department of Licensing to study the licensing of international matchmaking organizations.
- Makes it a violation of the consumer protection act to violate notice requirements, or to provide services if background information is withheld.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Clements, Ranking Minority Member; Chandler, Kenney, Lysen and McMorris.

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 there are over 200 international matchmaking organizations operating in the United States. Federal law requires these organizations to provide accurate information about immigration laws to prospective foreign spouses in their native language. There is no federal or state requirement to notify a foreign prospective spouse about the availability of background checks on a citizen prospective spouse.

Summary of Amended Bill:

International matchmaking organizations must notify foreign prospective spouses that background checks and marital history information are available for prospective spouses who are Washington residents. Upon a request for such information, the organization must notify the Washington resident prospective spouse. The Washington resident must obtain a background check report from the Washington State Patrol, and must provide the report and his/her marital history information to the organization.

The organization must forward the background report and marital history information to the foreign prospective spouse. Organizations may not knowingly provide continued services to facilitate further interaction between the prospective spouses until the organization has received the information from the Washington client and forwarded it to the foreign client.

Failure to provide notice, to forward requests and information, and to curtail services until such information is provided constitutes a violation of the consumer protection act.

Amended Bill Compared to Engrossed Substitute Bill:

Notice to a prospective foreign spouse regarding the availability of background checks and marital history information must be provided by separate letter and must be developed in cooperation with the Department of Licensing. The department must convene a stakeholder group to study licensing of international matchmaking agencies and must report back to the Legislature.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on September 1, 2002.

Testimony For: This bill addresses the value of assisting recruits in making informed choices. International matchmaking organizations would be required to provide to a foreign prospective spouse the background and marital history information of a citizen prospective spouse upon request by the foreign prospective spouse. Federal law requires that information regarding immigration visas be provided to foreign recruits, and the notice regarding background check and marital history information would compliment the federal information. A visa applicant who is a foreign prospective spouse must provide background check information to obtain a visa, but there is no corresponding requirement for the citizen prospective spouse. Foreign nationals may have little support once they are in the United States, and may come from a culture very different from the United States. Foreign nationals may lack an understanding that this information is available or that the information is accessible. Having this information would allow the recruit to make a better-informed decision. The bill meets mutual goals without being unduly burdensome on matchmaking agencies. Domestic violence is a problem and by assisting recruits in getting background information, the matchmaking organizations can be part of the solution.

Testimony Against: None.

Testified: Senator Jeanne Kohl-Welles, prime sponsor; Representative Veloria; and Sandi Swarthout, A Foreign Affair.