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Mail-Order Brides in a Global World¹

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I. INTRODUCTION

One's first impression upon visiting the mail-order bride ("MOB") web sites and reading the catalogues is of personal ads for singles in the age of globalization.² The growing solitude of adults who have gone through difficult relationships, separations, and divorces-coupled with the difficulty of meeting compatible, available people- leads many to turn to specialized introduction services in the hope of meeting a soulmate. Today this phenomenon has assumed global proportions. The global quest for romance has been made possible by the growing accessibility of information technology networks and international travel. In this theoretical scenario, the ultimate goal is an intercultural marriage, with the objective of enabling the woman to immigrate.

While the first impression offered by international introduction agencies corresponds to the way the mail-order bride agencies and the First World husbands describe themselves, this first impression does not take into consideration the point of view of women.³ Indeed,

¹ The research on mail-order brides presented in this article was funded by the Status of Women Canada Policy Research Fund. For the complete report see LOUISE LANGEVIN & MARIE-CLAIRE BELLEAU, *TRAFFICKING IN WOMEN IN CANADA: A CRITICAL ANALYSIS OF THE LEGAL FRAMEWORK GOVERNING IMMIGRANT LIVE-IN CAREGIVERS AND MAIL-ORDER BRIDES 1* (2000), available at <http://www.swc-cfc.gc.ca/pubs/O66231252X/indexe.html> (last updated Sept. 16, 2003) [hereinafter *TRAFFICKING IN WOMEN IN CANADA*].

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² However, the situation of vulnerability and subordination of the immigrant mail-order bride is fundamentally different from that of a citizen. As a citizen who is looking for a partner in the personal advertisements, "you are protected. You have some rights. You have somewhere to go. You can go to the police. It's your own language. It's your own customs. You can have the person checked out." Christine S.Y. Chun, Comment, *The Mail-Order Bride Industry: The Perpetuation of Transnational Economic Inequalities and Stereotypes*, 17 U. PA. J. INT'L ECON. L. 1155, 1185 n.137 (1996) (quoting Marie-Jose Ragab of the National Organization for Women). The situation is quite different for a mail-order bride who immigrates to the First World and gets married.

³ See Eddy Meng, Note, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. MICH. J.L. REFORM 197, 216-17 (1994) (noting that those who view mail-order bride trafficking solely as a method for circumventing immigration laws fail to consider the perspective of the participating women).

anti-feminist backlash is a recurring theme on the mail-order bride web sites.⁴ A closer look at the mail-order bride practices of these introduction agencies-which I will also refer to as MOB practices-reveals multi-dimensional and interrelated inequities that place the bride in a position of dependence in relation to her First World husband. The true result of the MOB practice is a flourishing and lucrative industry involving the trafficking of women from the Third World to husbands in the First World.

The mail-order bride trade feeds on highly unrealistic and contradictory expectations about marital relationships. The First World husband is typically looking for a docile, submissive, and subservient bride whom he can control and dominate.⁵ He seeks a MOB specifically because of sexist sentiments, and his hatred and fear of the feminist movement. He rejects women of his own nationality as wives because he considers them to be aggressive and egotistical. He believes they are too ambitious, make excessive demands in marriage, and have expectations of equality with their husbands. He criticizes the desire of women for autonomy, independence, and equality. The bride, on the other hand, desires an American of the Hollywood star variety: a good, respectful, faithful, and loving husband and father.⁶ The ideal type is white, tall, and has blue eyes. This trade is founded on the crudest of stereotypes, where the merchants of dreams - the MOB agencies - get rich not only at the expense of the First World husbands, but above all at the expense of the brides.

In this paper, I will first briefly describe the legal framework of the MOB trade in Canada and in the United States as well as the different scenarios that await the bride upon her arrival in North America. Then, I will turn to the inequalities between countries and the sexism at the global level that leads to a flourishing MOB trade. I will conclude with a few recommendations.

⁴ See, e.g., DONNA HUGHES, PIMPS AND PREDATORS ON THE INTERNET: GLOBALIZING THE SEXUAL EXPLOITATION OF WOMEN AND CHILDREN 37 (1999), available at <http://www.uri.edu/artsci/wms/hughes/> (last updated Jan. 1, 2004) (revealing Internet websites that advertise mail-order brides as 'feminine, NOT feminist').

⁵ See TRAFFICKING IN WOMEN IN CANADA, *supra* note 1, at 85-89.

⁶ See *id.* at 90-92.

II. THE LEGAL FRAMEWORK OF THE MAIL-ORDER BRIDE TRADE

A. *The Law in Canada*

In Canadian law, there is no specific legislation governing the mail-order bride trade. Consequently, the various legal transactions involved in this phenomenon fall within several different areas of Canadian law - both private and public - and in both federal and provincial jurisdictions. The MOB trade raises issues relating to contract law,⁷ immigration law,⁸ marriage law,⁹ criminal law,¹⁰ and private international law,¹¹ among others. In short, the mail-order bride trade under Canadian law seems inextricably caught in a maze.

In the context of this maze, immigration law plays by far the most important role. Until recently, women immigrated to Canada with a spousal visa when the marriage had been held in the bride's country or with a fiancée's visa when the marriage was to be held in Canada.¹² In both cases, the bride or spouse acquired permanent resident status upon arrival in Canada. However, in the case of the fiancée's visa, the bride and her husband were under the obligation to marry and to prove that the marriage had been held within a period of ninety days from her entry into Canada.¹³ This condition gave tremendous power to the husband over his bride and led to increased abuse since she became an illegal immigrant in Canada if she did not meet these requirements within the ninety-day period.¹⁴ In June 2002, Canada recognized spouses and common-law partners for immigration purposes.¹⁵ With this legislative reform, Canada abolished the fiancée's visa. In addition, while under the former law the duration of the sponsoring period of the spouse by her First World husband could be up to ten years, the new regulations implementing the legislation

⁷ See *id.* at 118-35 (detailing the effect of Canadian law governing contracts entered into through the Internet on the two principal contracts involved in the mail-order bride trade: the contract between the Third World bride and the MOB agency and the contract between the First World husband and the agency).

⁸ See, e.g., Immigration and Refugee Protection Act, ch. 27, 2001 S.C. 49-50 (Can) (permitting foreign national spouses and common-law partners to be selected as members of the family class for immigration purposes).

⁹ See TRAFFICKING IN WOMEN IN CANADA, *supra* note 1, at 157-67 (explaining the substantive and formal requirements of a valid marriage and how these requirements - particularly the free consent of both parties - may call into question the legality of the union between a mail-order bride and the consumer-husband); *id.* at 167-75 (discussing the effects of divorce, separation, and annulment on the mail-order bride's immigrant status).

¹⁰ See *id.* at 175-78 (summarizing Canada's criminal laws governing spousal violence and procuring for purposes of prostitution).

¹¹ See *id.* at 123-24 (explaining that Quebec courts have jurisdiction over a contract between a Canadian consumer-husband and a foreign MOB agency-absent a clause in the contract designating the law applicable to the agreement-if at least one of the contract obligations is to be performed in Quebec). Even in those contracts that include such a clause, however, Quebec's Consumer Protection Act may apply to grant jurisdiction over the contract to Quebec courts. See *id.* at 124-25.

¹² See *id.* at 101.

¹³ *Id.*

¹⁴ See *id.* at 101-02 (indicating that once the bride loses her permanent status, she becomes extremely vulnerable to the demands of the consumer-husband, and in extreme cases may be forced into prostitution).

¹⁵ Immigration and Refugee Protection Act, ch. 27, 2001 S.C. 49-50 (Can) (effective June 28, 2002).

have reduced it to three years, thus further limiting the length of the relationship of dependency between the two¹⁶.

A critical analysis of the legal framework governing the practice of mail-order brides raises complex questions involving government immigration policy. The immigration policies of most Western countries-under the pretext of regulating trafficking in people and protecting women-are closing the doors to the most disadvantaged people in Third World countries.¹⁷ I favor the prevention of trafficking in women because it is a growing and, in my view, inevitable phenomenon in an era of increased mobility, and because it has a significant effect on the lives of women. Nevertheless, I am opposed to an outright ban on the mail-order bride industry in order to provide the women involved with complete access to measures necessary for prevention and protection.

B. *The Law in the United States*¹⁸

Unfortunately, the United States approach illustrates the disastrous consequences of conditional resident status of the bride and the control over her granted to her American husband. Like Canada, the United States regulates the MOB industry primarily through its immigration law.

In recent decades, the United States has enacted legislative changes to combat fraudulent marriages. For example, in 1986 the Immigration Marriage Fraud Amendments¹⁹ created a conditional residence scheme. Under this Act, the husband applies for a spousal or fiancée visa. The fiancée-bride must marry her husband within ninety days of her arrival in the United States.²⁰ However, the spouse or fiancée only has conditional resident status for a period of two years. During the three month period prior to the expiration of this two-year period,²¹ the husband and the bride must make a joint application for permanent resident status for her.²² Administrative delays, however, may prolong the waiting period for permanent residence status for as long as four years.²³

Conditional resident status is generally denounced for keeping the bride dependent on her husband for many years. In fact, the husband wields a great deal of power over her since he can threaten to have her deported at any moment.²⁴ In 1990, following the recommendations of a committee on spousal violence inflicted by United States citizens

¹⁶ Immigration and Refugee Protection Regulations, S.O.R.102-227, s. 83.

¹⁷ See, e.g., Meng, *supra* note 3, at 198 (criticizing United States immigration legislation enacted to regulate the trafficking of mail-order brides by placing "legal sanctions solely on those least able to bear them-the immigrant women themselves").

¹⁸ I wish to thank Professor Nancy Ota of Albany Law School for her help in updating this analysis of immigration legislation in the United States relevant to the MOB trade.

¹⁹ Immigration Marriage Fraud Amendments of 1986, Pub. L. No. 99-639, 100 Stat. 3537 (codified as amended in scattered sections of 8 U.S.C.).

²⁰ 8 U.S.C. § 1184(d) (2000).

²¹ See *id.* § 1186a(d)(2)(A).

²² See *id.* § 1186a(c)(1)(A).

²³

IMMIGRATION 10, *reprinted in* U.S. CITIZENSHIP AND IMMIGRATION SERVICES, INTERNATIONAL MATCHMAKING ORGANIZATIONS: A REPORT TO CONGRESS app. 1 (1999), *available at* <http://uscis.gov/graphics/aboutus/repstudies/index.htm> (last modified Oct. 31, 2003).

²⁴ See Chun, *supra* note 2, at 1195; Meng, *supra* note 3, at 219.

against foreign spouses,²⁵ a legislative amendment was passed to enable brides to seek exemption from the joint application and be granted permanent resident status on the grounds that their husbands had battered them or subjected them to extreme cruelty.²⁶ The burden of proof required by these new statutory provisions, however, was too heavy.²⁷

In 1994, the United States Congress acknowledged that the 1990 statute was insufficient to free a bride from the yoke of an abusive husband and enacted the Violent Crime Control and Law Enforcement Act.²⁸ The Act allows a bride to apply for exemption from the requirement of filing a joint application for permanent resident status if she proves her good character, her good faith in getting married, the battering or extreme cruelty to which she and her children are subjected by the husband, and the extreme hardship that would result if she were deported to her country of origin.²⁹ These new amendments have been criticized for the vagueness of their standards, and the resulting difficulty in proving that they have been met.³⁰ In addition, the evidentiary burden of acquiring expert evaluations makes this remedy unrealistic for brides.³¹

In an attempt to deal with some of these limitations, the United States Congress adopted the Victims of Trafficking and Violence Protection Act of 2000.³² Title V of the act - entitled the Battered Immigrant Women Protection Act of 2000³³ - was enacted as further protection to immigrant women and children victimized by domestic violence. Title V purports to improve battered immigrant women's access to the immigration protections initially established by the Violence Against Women Act of 1994,³⁴ specifically the cancellation of removal and suspension of deportation provisions of that act.³⁵ The legislation's goal is to protect battered immigrant women and children against deportation and to encourage their cooperation with law enforcement authorities against their abusers. To make these objectives realistic for immigrant women, the Act creates financial grants

²⁵ See SCHOLLES, *supra* note 23, at 11 (noting testimony given by Representative Louise M. Slaughter, which indicated that many conditional residents who were subjected to abuse had "no viable legal options").

²⁶ Immigration Act of 1990, Pub. L. No. 101-649, sec. 701, § 216(c)(4), 104 Stat. 4978, 5085 (codified as amended at 8 U.S.C. § 1186a(c)(4) (2000)).

²⁷ Chun, *supra* note 2, at 1197.

²⁸ Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, sec. 40701, § 204(a)(1), 108 Stat. 1796, 1953-55 (codified as amended at 8 U.S.C. 1154(a)(1)).

²⁹ See 8 U.S.C. § 1154(a)(1)(A)(iii) (2000).

³⁰ See Chun, *supra* note 2, at 1200 (observing that terms such as "battery," "extreme cruelty," and "good faith" have not been defined by the appropriate governmental entity); Meng, *supra* note 3, at 220 (remarking that the "good faith" standard causes confusion among applicants for conditional status waivers because it is vague).

³¹ Meng, *supra* note 3, at 221 (explaining that when an immigrant woman files a petition for removal of conditional status based on domestic violence, INS regulations require professional psychological evaluations to prove mental cruelty and evidence in the form of reports from police, judges, and medical personnel to prove physical abuse); see also Chun, *supra* note 2, at 1197-98 (commenting that few immigrant women who travel to the United States as potential MOB's have the financial resources to use the services of mental health professionals; furthermore, few professionals are able to serve immigrant women due to language barriers).

³² Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000).

³³ § 1501, 114 Stat. at 1518.

³⁴ Violence Against Women Act of 1994, Pub. L. No. 103-322, § 40001, 108 Stat. 1796, 1902 (1994).

³⁵ § 1504(a), 114 Stat. at 1522-24 (codified as amended at 8 U.S.C. § 1229b(b)(2) (2000)).

to give them access to services and legal representation.³⁶ Most importantly, the Act creates a new nonimmigrant visa classification to facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who do not have lawful immigration status.³⁷ Finally, it grants the Attorney General discretion to convert the status of a nonimmigrant to that of a permanent resident based on humanitarian grounds, preservation of the family unit, or other public interest justification.³⁸

Finally, in 1996, the United States Congress adopted an Act dealing specifically with the MOB industry.³⁹ The Act requires that MOB agencies disclose information about immigration laws and procedures to the brides they recruit and imposes fines of up to \$20,000 for each failure to comply.⁴⁰

In short, the U.S. system of conditional residence subjects the bride to the control of her husband, who may keep her in a slavery- like state by brandishing the threat of deportation. Legislative attempts to limit the abuse-from improving the protections afforded to battered immigrant women to encouraging legal prosecution of their abusers-has had little effect on alleviating the fundamental problems caused by the dependency of mail-order brides and other immigrant women. The dependency of these women stems primarily from their conditional resident status. For that reason, even with the legislative changes that have occurred, United States law should not be looked to as a model in this area.

³⁶ See § 1512, 114 Stat. at 1533.

³⁷ See § 1513(b), 114 Stat. at 1534-35 (codified as amended at 8 U.S.C. 1101(a)(15) (2000)).

³⁸ § 1513(f), 114 Stat. at 1536 (codified as amended at 8 U.S.C. 1255(1)(1)(B) (2000)).

³⁹ Illegal Immigration Reform and Immigrant Responsibility Act of 1996 § 652, 8 U.S.C. § 1375 (2000). The preamble summarizes several elements in the description of the MOB phenomenon:

(a) Findings

The Congress finds as follows:

(1) There is a substantial "mail-order bride" business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 men in the United States find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages are fraudulent under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates that the rate of marriage fraud between foreign nationals and United States citizens or aliens lawfully admitted for permanent residence is 8 percent. It is unclear what percentage of these marriage fraud cases originate as mail-order marriages.

Id.

⁴⁰ See *id.* § 1375(b)(1)-(2).

C. *The Bride's Situation Once in North America*

Several possible scenarios await the bride once she arrives in Canada or the United States. First, she may find that her marital relationship with her First World husband is a satisfying one. In such a relationship, love is an important element.⁴¹

In most cases, however, a relationship of subjugation keeps the woman under the control of her First World husband. In fact, the husband will often try hard to keep his bride in a state of dependence and vulnerability. For example, it is unlikely that the bride will know how to drive; she often does not participate in activities such as running errands or shopping; and she typically has no money.⁴² In furthering the vulnerability of his bride by making her dependent on him for life essentials, the First World husband ensures that the bride will remain in the marriage despite his abuse.⁴³ Indeed, her linguistic and cultural isolation, lack of a social network, economic dependence, and, above all, fear of deportation are factors causing her to stay in the relationship with the First World husband at any cost.⁴⁴ To illustrate the inequality of the relationship, consider the following: Empirical studies show that the difference in age between the First World husband and his bride-and I emphasize the words "difference in age"-ranges from twenty to fifty years.⁴⁵

The stigma attached to a failed marriage encourages the bride to keep any problems that she is experiencing in her relationship secret.⁴⁶ In some cases, this exercise of control leads to spousal violence.⁴⁷

⁴¹ Several authors have reported illustrative comments describing relationships based on MOB marriages that have succeeded. See, e.g., MILA GLODAVA & RICHARD ONIZUKA, *MAIL-ORDER BRIDES: WOMEN FOR SALE* 73 (1994). The following comments have been recorded in different newspapers and magazines throughout the United States by participants of the mail-order bride industry:

"It's not subservient, but she'll lay her life down for me," says quadriplegic professor John Letcham of his spouse Gertrudes Estapia.

Sue Cormick, on the other hand comments on her marriage to Jim, "Here I am appreciated. And here I have many appliances."

Don Springer (46) says.. . "The Philippines are loaded with homemakers. A man like me is not going to find a woman like this (his 26 year-old wife) here."

Id. at 73-74 (citations omitted).

⁴² See *id.* at xv.

⁴³ *TRAFFICKING IN WOMEN IN CANADA*, *supra* note 1, at 102; Meng, *supra* note 3, at 222.

⁴⁴ See Meng, *supra* note 3, at 222.

⁴⁵ See GLODAVA & ONIZUKA, *supra* note 34, at 27 (commenting that consumer husbands seek young women vulnerable to control that are not yet mature enough to assimilate into the mold of a First World woman).

⁴⁶ See *id.* at 72 (explaining through a case study the cultural stigma attached to a failed marriage that subsequently prevents the woman from telling anyone about her marital difficulties).

⁴⁷ See SCHOLES, *supra* note 23, at 8 (noting that the rate of spousal violence is higher among couples where the wife is an immigrant than in the general population). Experts agree that spousal violence in these cases is more likely because of the interaction between the desire of the man that his wife be submissive and the woman's hope to improve her life. The cycle of violence begins when the man, burdened by the complete dependence of his wife, encourages her to get out of the house. When the woman, to please her husband, becomes more independent, the man experiences frustration and takes it out on her. *Id.*

In the worst-case scenario, the First World husband assumes the role of a pimp, who takes away the bride's passport and forces her into prostitution.⁴⁸ At one extreme, the pimp may go so far as to undertake serial sponsorships of immigrant women to supply new recruits for prostitution rings. If this is the case, he will hold the bride in debt bondage because he paid for her to immigrate to North America, and then force her to participate in slavery-like practices in order to obtain her freedom.⁴⁹

In cases where the marriage fails or does not take place, returning to her home country often puts the bride in a painful and humiliating position. She is typically ostracized and condemned by her community for losing her virginity, notwithstanding the fact that she did not do so willingly.⁵⁰

In the next section, I discuss the unequal relationships that link First World and Third World countries and how this inequality provides fertile soil for the MOB trade.

III. UNEQUAL RELATIONSHIPS

MOB agencies justify themselves as meeting places for consenting adults.⁵¹ This assertion, however, fails to account for the various levels of inequality that make the bride subordinate to her First World husband.

The mail-order bride industry exploits the economic inequality between poor countries and prosperous countries, as well as the most demeaning and discriminatory cultural and ethnic stereotypes of women. This phenomenon thus fosters subordination based on ethnicity, sex, and social class within a country, between countries, and between individuals.⁵² These structures of subordination, which are closely interconnected, contribute to the isolation and vulnerability of the women being trafficked when they enter North America.

A. *Inequalities Between Countries*

In the international context, the first disparity exploited by the MOB trade is the economic inequality between First and Third World countries.⁵³ On the one hand, the economic plight of a developing country impels its government and its citizens to look abroad for solutions to enduring poverty. On the other hand, First World countries are lands of bounty sought after by people motivated by a desire to improve their lot and that of their families.

However, First World immigration admission criteria in First World countries is based primarily on educational and financial qualifications, which make it difficult-if not impossible-for Third World arrivals to acquire residence and citizenship in developed

⁴⁸ Conversation with Marie-H616ne Par6, Social Worker, in a shelter for immigrant women who are victims of spousal violence (July 21, 1999) (transcript of conversation on file with author). See also Maya Raghu, Note, *Sex Trafficking of Thai Women and the United States Asylum Law Response*, 12 GEO. IMMIGR. L.J. 145, 159-60 (1997) (stating that in addition to being sold by their parents, young girls are often lured away from home under the guise of legitimate job offers, which turn out to be a front for recruiting prostitutes).

⁴⁹ See Raghu, *supra* note 41, at 148, 162.

⁵⁰ *Id.* at 163.

⁵¹ See Meng, *supra* note 3, at 225.

⁵² See Chung, *supra* note 2, at 1170.

⁵³ See GLODAVA & ONIZUKA, *supra* note 34, at 47.

nations.⁵⁴ In this context, the MOB industry has taken advantage of North American pro-family immigration policies, which favor a traditional family unit and reunification of the members of that unit. The MOB trade uses the institution of marriage to create an express route to North America, without which it would be impossible for these women to gain access.

B. Sexism on a Global Scale

The effects of "bilateral" sexism also combine to create a situation that favors the development of the MOB trade. On the one hand, sexism in the brides' countries encourages trafficking in women.⁵⁵ Sexism leads to the stereotype that women have less value than men; and girls and women are often robbed of the right to own property by cultural and legal customs that hold boys out to be the hope of the family. Such cultural customs include the favoring of male heirs at the expense of women in the family when it comes to inheritance.⁵⁶ Similarly, the dowry system bypasses the woman by transferring ownership from a married woman's father directly to her husband.⁵⁷ Finally, legal customs restrict a woman's capacity to enter into a contract, which, when combined with a lack of access to credit, often makes it impossible for a woman to be a party to a contract, and therefore acquire property.⁵⁸

Women are also less likely to receive secondary education, let alone pursue higher education, which diminishes their ability to find paid employment at home or to obtain a U.S. visa on their own.⁵⁹ Moreover, even in the workplace they are the first to suffer the effects of instability and are rapidly being replaced by advanced technology.⁶⁰

To this generalized sexism can be added the cultural stereotype of the "old maid," whereby a young woman is considered past the age of marriage, with her prospects for starting a family diminishing with each passing year.⁶¹ For such a woman, the MOB trade can mean realizing her dream of getting married, starting a family, and ensuring both her survival and that of her family.⁶²

Women in rural communities are often more at risk of living in poverty than women in urban areas.⁶³ Consequently, the secondary role played by women in Third World

⁵⁴ TRAFFICKING IN WOMEN IN CANADA, *supra* note 1, at 104.

⁵⁵ See, e.g., Meng, *supra* note 3, at 227 (noting that sexism in the Philippines forces even educated women to work abroad as domestic laborers or marry men from more prosperous countries because their own country offers no opportunities for them).

⁵⁶ See, e.g., *id.* at 203 (including the custom of granting exclusive inheritance rights to sons rather than daughters in the Philippines as a factor that contributes to the participation of women in the mail-order bride industry).

⁵⁷ TRAFFICKING IN WOMEN IN CANADA, *supra* note 1, at 105.

⁵⁸ See Raghu, *supra* note 41, at 146.

⁵⁹ See *id.*

⁶⁰ See *id.*

⁶¹ See Meng, *supra* note 3, at 203 n.40 (quoting Fadzilah M. Cooke, Australian-Filipino Marriages in the 1980s. The Myth and the Reality, in AUSTRALIA-ASIA PAPERS NO. 37, at 30 (1986)).

⁶² However, some of these women will be excluded from catalogues and web sites because of discriminatory age and beauty criteria.

⁶³ See Raghu, *supra* note 41, at 146, 148.

societies⁶⁴ - which are often profoundly patriarchal⁶⁵ - is an incentive for brides to leave their countries.

The MOB trade can take advantage of the poor treatment suffered by women-who, as second-class citizens in many Third World countries, are essentially reduced to the role of breeders-by painting an enticing picture of a better future in First World countries.⁶⁶ These factors combine to render these women easily expendable.

In countries afflicted by economic hardship, women are even more likely to bear the costs of poverty. They are the least skilled of the workers, and therefore the least likely to find work in economies with high unemployment.⁶⁷ Moreover, some Third World countries, such as the Philippines, are economically dependent on the foreign currency sent home regularly by their nationals to family members.⁶⁸ Such women are, therefore, encouraged to leave the country to seek their fortunes elsewhere in order to help support their families.⁶⁹ These women are sometimes hailed as heroines because, by becoming mail-order brides they not only support their families economically, but they also represent an opportunity to emigrate and secure a better future for their relatives.⁷⁰ These women are therefore vulnerable to the traffickers who lure them with the prospect of better living conditions in foreign countries.⁷¹ In short, widespread sexism in the countries of emigration leads women to the MOB trade.

At the same time, sexism in the countries of immigration subsequently leads First World husbands to participate in the trafficking in women.⁷² First World husbands are embittered. They reject the women in their own countries, whom they find too demanding of them as husbands and men, too career-oriented, and too assertive. In short, they regard the women in their own countries as too feminist and insufficiently inclined to satisfy their needs as husbands.⁷³ These anti-feminist sentiments impel the First World husbands to seek, through the MOB trade, wives able to provide them with domestic and sexual services. The stereotypes of docile, submissive, and sexually uninhibited women coincide with the fantasies of domineering and controlling First World husbands.

Ultimately, mail-order brides actually become merchandise or objects of bilateral sexism. They are victims of sexism both in their countries of origin and in the countries where they settle. They provide domestic and sexual services that are profitable for their families and

⁶⁴ See GLODAVA & ONIZUKA, *supra* note 34, at 47.

⁶⁵ *Id.* at 40-42.

⁶⁶ See *id.* at 38.

⁶⁷ See Raghu, *supra* note 41, at 146.

⁶⁸ See PHILIPPINE WOMEN CENTRE OF B.C., CANADA: THE NEW FRONTIER FOR FILIPINO MAIL-ORDER BRIDES 44 (2000), available at <http://www.swc-cfc.gc.ca/pubs/0662653343/indexe.html> (last updated Sept. 16, 2003).

⁶⁹ See Meng, *supra* note 3, at 204.

⁷⁰ See Chun, *supra* note 2, at 1170-71; see also Meng, *supra* note 3, at 204 n.42 (positing the theory that families will at times persuade their daughters to participate in the mail-order bride trade so that the rest of the family will ultimately have the opportunity to emigrate).

⁷¹ See, e.g., Raghu, *supra* note 41, at 147 (remarking on the lack of education and the poor financial situation of Thai women, which makes them easy targets of traffickers).

⁷² See TRAFFICKING IN WOMEN IN CANADA, *supra* note 1, at 87-88 (noting that First World husbands seek naive, inadequately educated brides to provide "domestic and sexual services").

⁷³ See *id.* at 86, 88 n.47 (highlighting the fact that these husbands consider the women of their own countries to be too independent, and thus less willing to submit to the needs of their husbands).

the countries they leave behind, as well as for the First World husbands and the countries to which they immigrate. In this context, the MOB trade amounts to trafficking, and the women are the goods being trafficked.

IV. CONCLUSION

This research on mail-order brides was funded by the Status of Women Canada Policy Research Fund. I made many recommendations for policy and legal reform relating to the MOB trade. One such recommendation, which was followed in the Immigration and Refugee Protection Act,⁷⁴ was the abolition of the fiancée's visa in Canada.

To conclude, let me mention two policy recommendations linked to the themes of the Globalization and Comparative Family Law Symposium. The first recommendation is too obvious and too easy to make as a white woman from the First World and I apologize for it. One way to counter the MOB trade is to participate in and fund international development programs to promote economic growth in Third World countries. Canada and the United States must also continue to participate in, as well as fund, international development programs aimed specifically at educating women and girls while also giving them access to private property.

We must, however, also counter the sexism present in the First World. Indeed, we must initiate campaigns in Western countries to raise public awareness of equality issues in order to combat sexual and ethnic discrimination and minimize the anti-feminist backlash that is currently prevailing. In doing so, our goal must be to educate some men so as to encourage them to seek egalitarian relationships with women. We must be vigilant, however, to avoid making these campaigns another way to close immigration access to women from the Third World. The goal is not for men to want us, but for them to seek egalitarian relationships with women of all origins and welcome them as new citizens. These campaigns for equality should also aim at transforming immigration policies and legislation in First World countries to ensure real access to women from Third World countries. The reunification and pro-family immigration policies on the one hand, and the education and fortune immigration policies on the other, must be put to serious scrutiny and tested in relation to the gender and racial equality commitments of First World countries.

⁷⁴ Immigration and Refugee Protection Act, ch. 27, 2001 S.C. 49-50 (Can) (effective June 28, 2002).