

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1838-97]

RIN 1115-AE77

International Matchmaking Organizations

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice announces the intent of the Immigration and Naturalization Service ("the Service") to promulgate regulations implementing section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. 104-208, Div. C, 110 Stat 3009 (1996), which became effective on September 30, 1996. That provision requires international matchmaking organizations to provide certain immigration and naturalization information to recruits. This new provision also requires the Attorney General to conduct a study of this industry to collect data regarding the number of mail order marriages, the extent of marriage fraud and domestic abuse within such marriages, and whether additional measures are needed to reduce the incidence of abusive and fraudulent marriages initiated through this industry. By issuing this advance notice, the Service is providing an opportunity for the public to submit comments and make suggestions prior to promulgating any regulations. This will result in a proposed rule that is more comprehensive in its scope and more understandable to the public.

DATES: Written comments must be submitted on or before September 15, 1997.

ADDRESSES: Comments on this notice of intent must be submitted, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW,

Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS number 1838-97 on your correspondence. Comments are available for public inspection at this location by calling (202) 514-3291 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

Karen FitzGerald, Staff Officer, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536. Telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION:

Background

Congress has determined that there is a large and unregulated "mail order bride" industry in the United States in which the participants earn substantial profits. IIRIRA section 652(a)(2). Furthermore, Congress has indicated that there is evidence to suggest that these "international matchmaking organizations" may in some ways facilitate abusive and fraudulent marriages because many "mail order brides come to the United States unaware or ignorant of United States immigration law." *Id.* section 652(a)(4). Specifically, Congress has determined that many "mail order brides" who find themselves in abusive relationships think that, if they flee an abusive marriage, they will be deported from the United States. *Id.* This belief is often the result of threats by the abusive spouse to have the victim deported if the abuse is reported to law enforcement authorities. *Id.*

In response to these concerns, Congress enacted section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), to require international matchmaking organizations to disseminate certain immigration information to recruits under pain of civil penalty.

Definitions

The following terms are defined in section 652(e) of IIRIRA.

"*International matchmaking organization*" is defined as "a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or aliens lawfully admitted for permanent

residence, dating, matrimonial, or social referral services to nonresident noncitizens" by: an exchange of names, telephone numbers, addresses, or statistics, selection of photographs, or a social environment provided by the organization in a country other than the United States. This term does not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States.

The term "*recruit*" means "a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or aliens lawfully admitted for permanent residence."

Information Dissemination

Section 652 of the IIRIRA requires that all international matchmaking organizations doing business in the United States provide certain immigration and naturalization information to recruits "upon recruitment." The immigration information to be disseminated would explain: conditional permanent resident status and the battered spouse waiver under that status; permanent resident status; marriage fraud penalties; the unregulated nature of the matchmaking industry; and provide information relating to the study of the industry as required by this provision. In addition, the Service has the discretion to require the dissemination of additional information by these organizations. All of the information disseminated under this provision must be provided to the recruit in the recruit's native language.

Failure to comply with the information dissemination provisions of section 652 of the IIRIRA can result in the imposition of a civil monetary penalty of up to \$20,000. Violators of the provision must be given notice and the opportunity for a hearing prior to imposing such a penalty.

Public Input Requested

The Service invites all interested parties, including representatives of the international matchmaking industry, private and public organizations that provide shelters and safehouses for battered individuals, state and local law

enforcement agencies, social service agencies, and immigrant and victims' rights groups to submit comments relating to the implementation of the information dissemination provision of section 652 of the IIRIRA.

Although the Service seeks comments with respect to all aspects of the information dissemination provision, the following categories are offered as a guide to some of the specific comments the Service is seeking.

1. Content of the Information

A. The statutorily required information.

B. Additional information.

C. Information currently being provided to recruits by international matchmaking organizations.

D. Information that may be beneficial to immigrants who find themselves the victims of domestic abuse perpetrated by their United States citizen or lawful permanent resident spouses.

E. Information that will serve to deter marriage fraud.

2. Form of the Information

A. Ensuring proper and effective translation of the information in the recruits' native languages.

B. Languages in which international matchmaking organizations communicate with recruits.

C. Form in which international matchmaking organizations provide information to recruits.

3. Manner of Dissemination

A. When recruits should be given the required information.

B. How international matchmaking organizations communicate and share information with recruits.

C. How recruits should be given the required information.

4. Monitoring and Enforcement

A. How the Service can identify and locate all international matchmaking organizations subject to this provision.

B. How the Service should monitor these organizations to ensure that the information is disseminated.

C. How the Service should ensure compliance with the information dissemination provisions.

D. Procedures for fining organizations not in compliance.

Dated: May 28, 1997.

Doris Meissner,

*Commissioner, Immigration Service
Naturalization Service.*

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-97-031]

RIN 2115-AE46

Special Local Regulations: Hurricane Offshore Classic, St. Petersburg, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent special local regulations for the Hurricane Offshore Classic. This event will be held annually during the third Saturday and Sunday of August, between 11 a.m. and 5 p.m. Eastern Daylight Time (EDT). There will be approximately 400 participants and spectator craft. The resulting congestion of navigable channels creates an extra or unusual hazard in the navigable waters. These regulations are necessary to provide for the safety of life of navigable waters during the event.

DATES: Comments must be received on or before 20 days after date of August 5, 1997.

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group St. Petersburg, 600 8th Ave. S.E., St. Petersburg, Florida 33701-5099, or may be delivered to the Operations Department at the same address between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (813) 824-7533. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

FOR FURTHER INFORMATION CONTACT: LTJG B. V. Howard, Coast Guard Group St. Petersburg, FL at (813) 824-7533.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names, addresses, identify this rulemaking (CGD07-97-031), and the specific section of this proposal to which their comments apply, and give reasons for each comment.

The Coast Guard will consider all comments received during the comment period. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public

hearing is planned, but one may be held if the written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will add to the rulemaking process.

Discussion of Regulations

The proposed regulations are needed to provide for the safety of life during the Hurricane Offshore Classic. These regulations are intended to promote safe navigation on the waters off St. Petersburg during the races by controlling the traffic entering, exiting, and traveling within these waters. The anticipated concentration of spectator and participant vessels associated with the Hurricane Offshore Classic poses a safety concern, which is addressed in these special local regulations. No anchoring will be permitted west of turns 1 and 4 nor west of turns 2 and 3, from 10 a.m. to 6 p.m. EDT. Approximately 300 spectator craft will be permitted near the race area, but will be required to stay clear of the race lanes. The proposed regulations would also permit anchoring for spectators north of the northern straightaway and south of the southern straightaway, but only in the designated spectator area defined in 2(b)(2) below.

All vessel traffic, not involved in the Hurricane Offshore Classic, entering or exiting the Vinoy Basin between 10 a.m. and 6 p.m. EDT must transit around the race course, taking action to avoid a close-quarters situation until finally past and clear of the racecourse. All vessel traffic, not involved with the Hurricane Offshore Classic, transiting the area off Coffeepot Bayou, The Pier, and Bayboro Harbor should exercise extra caution and take action to avoid a close-quarters situation until finally past and clear of the racecourse.

Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the potential costs and benefits under Section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The proposed regulation would last for only 4 hours each day for two days.