NRI Marriages
Vanishing Brides and Abandoned Grooms

- RAKSHAK

Dr. Anupama Singh
Aug 9th, 2007

All Broken Marriages are not fraudulent marriages

- Marriage do fail ‘everywhere’ due to various reasons
  - Temperament differences, Expectations mismatch, Health issues, Family interference, etc
  - Resident Indian marriage divorce rate is rapidly increasing.

- Inability of spouse to cope with marriage problems cannot be reasons to classify a marriage as fraudulent

Fraudulent Marriages – Major reasons

- Concealment of material facts
  - Marital status
  - Education
  - Age
  - Health conditions/medical history
- Fulfilling academic ambitions of acquiring foreign degree at expense of spouse
- Leading a lavish lifestyle
- Flaunting an NRI status in community
- To gain entry into foreign lands to reunite with their paramours
- Extort money by filing false and frivolous charges/cases
- To seek hefty alimony by resorting to divorce

Special privileges provide leverage for committing fraud

- Assumptions
  - Special privileges to married Indian women
  - Women would not resort to fraud
  - Women would not level false accusations
- Fallacy
  - Above assumptions are not valid

- Violation of human rights
  - False implications
  - Illegal detention under gender biased laws
  - Corruption makes it more easy
  - Elder abuse

- Loss of Dignity
  - False accusations also results in
    - loss of job
    - Social harassment
    - Mental and economic abuse
    - Major health implications

- Loss of Faith
  - Loss of trust in institution of marriage
  - Psychological problems in next relationship
Modus Operandi

- Gender biased laws provide necessary leverage to pose NRI spouse as fraudsters
- Gullible NRI spouse succumb to pressure, family held at ransom
- Out of Court settlements are resorted to (Ref. Dr. Ambati’s case, $500,000 were asked)
- Alternative for NRI is
  - to see their family in India suffer proving themselves innocent
  - long drawn criminal cases in India
  - police harassment
- If you were in place of NRI, would you settle, or would you
  - Leave your job, come to India for years in search of justice and prove yourself innocent
  - Cost and outcome?

Troubled NRI marriages – Major fallouts

- Divorce
  - Western countries are lenient in granting divorce
  - Futile for two unwilling partners to force
  - Complications with foreign divorces
- Child Custody
  - Children suffer most in broken marriage
  - Child abduction by spouse to India
  - Legal complications
  - Different countries
  - Private international laws
- Jurisdiction
  - Women jump to favorable jurisdiction
  - Inability of husband to take vacation to fight long legal battles
  - Women get support from laws, NGOs and government, husband does not
- False cases under foreign laws
  - VAWA in United States
  - Immigration benefits by false DV case
  - Child custody by false child harassment

Troubled NRI marriages – Major fallouts

- False cases under Indian laws
  - False 498a (dowry harassment)
  - False domestic violence accusations
  - False dowry death accusation (Russian case)
- Malafide Intentions & Ulterior Motives
  - NRIs are gullible and easy prey (money)
  - Extortion victims in broken marriage
  - False allegations hurts
    - Social status, pride and dignity
    - Mental and financial harassment
- Ineffective counselors
  - Lack of knowledge of foreign counselors
  - Culture and traditions
  - Importance of marriage for Indians

Impact of Gender Biased laws on NRIs

- Passport and Visa Issues
  - Revocation or impoundment of Passport by MEA → leads to loss of livelihood
  - Interpol Red Corner Notice (IRCN) issued
  - Problems in renewal of passport (pending criminal 498a case)
  - Visa Renewal problems with Non-bailable warrant or IRCN
  - Problems obtaining permanent residency of foreign citizenship
- Family Issues
  - Alienation of NRIs from India and family
  - Unjustified arrest to Indian family members
  - Complicated child custody issues
  - Divorce issues – Foreign decree
- Employment Issues
  - Harassment at workplace (letters etc sent to employer and peers)
  - Dealing with legal cases effects performance at work
  - Employer would not like to employ a person with Interpol red corner notice

Effect on India’s Global Image

- US official travel website warning
- Canadian Website warning

Ineffective counselors

- Lack of knowledge of foreign counselors
- Culture and traditions
- Importance of marriage for Indians
Impact of Gender Biased Laws on NRIs

NRI family found innocent in Russia, arrested in India for Dowry Death

Investigation done by Russian police finds NRI family innocent in accidental death of wife

Indian Police arrests the whole family at airport at the charges of dowry death

Abandoned Brides

- Women Deserted by NRI spouses
- Legislation being considered to punish erring partners
- Foreign Govts implementing tighter controls for marriage based immigration
  - Britain’s new Policy

US government travel website warning

United Kingdom’s new law to bar Indian wives from entering the country

LONDON: Britain has announced double “strength” immigration controls, with a bold new focus on tackling individuals who are manipulated into marriage in a bid to evade immigration rules. Up to 10,000 mainly Indian women will be barred from coming to the UK. The British Home Office announced on Wednesday that it was raising the minimum age at which foreign men can marry a British woman from 18 to 21. This is expected to plug the perceived gap in Britain’s immigration regime, mainly with respect to Indian girls imported into the country as wives of British Indian men. Climates vary about 15,000 British nationals marry non-Europeans each year, the large majority being on the India sub-continent and half India featuring as the largest single provider of wives.
Abandoned Brides - Statistics

Nirmal Singh, Secretary, Ministry for Overseas Indian Affairs (OIAs), has said that through the registration of weddings involving non-residents of India (NRIs) is a social problem, a legal remedy is needed to deal with the issue. Speaking at the workshop of Problems relating to NRIs marriage, and suggested measures, the Secretary said that precise numbers are not available but information gathered from various sources reveals that there are more than 30,000 cases as the county in which the brides have been abandoned by the respective grooms on marriage grounds.

- Data from MOIA
- Reported in the July 2006 "Pravasi Bhartiya" booklet by the Ministry

Abandoned Brides - Statistics

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:
(a) whether a number of cases of NRIs getting married in India and deserting their brides have come to the notice of Government?
(b) if so, the number of cases reported during the last two years and till date;
(c) the steps taken by the Government to provide protection and render necessary assistance to these helpless women; and
(d) the success achieved in this direction?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) IN MINISTRY OF OVERSEAS INDIAN AFFAIRS (SHRI JAGDEESH TAYLOR):
(a) Some cases have been brought to the notice of Government.
(b) Out of these, 18 cases have been brought to the notice of the Government.

- Lok Sabha Starred Question No. 160 (3rd August 2005)
- 18 cases reported

Abandoned Brides - Statistics

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:
(a) whether the number of women abandoned or cheated by their NRI husbands has increased;
(b) if so, the number of complaints received from such women, State wise,

ANSWER

MINISTER OF THE STATE IN MINISTRY OF OVERSEAS INDIAN AFFAIRS (SHRI VAJEE RAO):
(a) R & Q: Yes. A number of women who have been abandoned by their NRI husbands have also filed complaints.

- Lok Sabha UnStarred Question No. 2104 (14th March 2007)
- 100 cases reported
Abandoned Brides - Statistics

- Data from WCD and MOIA
- 30,000 abandoned brides
- 15,000 from Doaba region of Punjab
- Lok Sabha Questions on Aug 3, 2005
- 18 Abandoned Brides
- Lok Sabha Question on March 14, 2007
- 100 Abandoned Brides

- The figure of 30,000 abandoned brides is unsubstantiated
  - Attributed to "various sources" by Secretary, MOIA
  - Mere Receipt of a Complaint can not be reason enough to classify someone as an "Abandoned Bride"
  - Huge Gap in number of cases quoted by MOIA vs. number of cases mentioned in responses to questions in the Parliament

NRI marriages – Suggestions and Recommendations

- Gender Neutrality in laws related to marriages (involving NRIs)
- Gender biased laws must be made civil (not criminal) and bailable and compoundable
- Permission to return to place of employment – right to earn livelihood
- No revocation/impoundment of passport
- No Lookout Cards (LoC)/No Interpol Red Corner Notice (IRCN) for marriage related cases.
- Time bound trial in marriage related NRI issues
- Strict and stringent penalties for false cases
- No arrest of NRI family in India
- Assistance in legal representation in India [video conferencing/ other electronic means]
- Affidavits under penalty of perjury by spouses should be exchanged

NRI marriages – Suggestions and Recommendations

- Mandatory prenuptial agreement
- Compulsory registration of marriage and list of gifts exchanged
- No Arrests unless absolutely necessary
- Fair and balanced reporting and studies by Indian government
- Respect the jurisdiction – eg. Spouse cannot file DV case in India for offence in USA
### Conclusions and Recommendations

- Obsession to migrate to foreign shores is one of the root causes for abandonment.
- Illegal Travel Agents and Marriage Bureaux have flourished because of the strong desire to migrate abroad.
- The contention that every case of abandoned bride is due to harassment/dowry demand is oversimplified.
- Failure of NRI marriages happen due to a variety of reasons and both men and women are responsible for the same.

- MOIA should have well documented evidence of number of women victims of fraudulent NRI marriages before proposing any laws.
  - 100 complaints from a diaspora of 45 million cannot be called alarming.

- MOIA needs to be gender neutral.
  - NRI Marriage Fraud is committed by both men and women.
  - Govt should extend necessary support to abandoned spouse, regardless of gender.
  - Any study undertaken or legislation proposed should be gender neutral.

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**Thank you!**
# Efforts of NRIs to reach out to the Govt.

- **Personal Meeting with MOIA Minister**
  - Briefed multiple times
- **Personally meeting with Ambassador of India in United States: Ronen Sen**
- **Several Communications to Secretary and other MOIA officials.**
- **Counselor General of India in foreign Countries**
- **Memorandums to MOIA and Ambassador**
- **Comments (spanning a period of 18 months) through Interactive forum on the Website of Ministry of Overseas Indian Affairs**

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## NRIs Efforts to reach out to MOIA

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Mode of Communication</th>
<th>Party Communicated to</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 24th, 2006</td>
<td>Consul General BS Prakash</td>
<td>email</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>Invitation to discuss the misuse of 498a and biased booklet</td>
</tr>
<tr>
<td>May 12th, 2006</td>
<td>10 Rackshak Members</td>
<td>Personal meeting with Consul General of India, SF, USA</td>
<td>Prabhak Kumar, Vice Consul</td>
<td>Family harassed by other members</td>
</tr>
<tr>
<td>June 15th, 2006</td>
<td>2 Rackshak Members</td>
<td>Personal meeting with Consul General of India, CGISF</td>
<td>Prabhak Kumar and CG</td>
<td>Gender biased booklet by MOIA and misuse of 498a</td>
</tr>
<tr>
<td>June 19th, 2006</td>
<td>Suresh Dhar, Member</td>
<td>email</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>not concerned about MOIA meeting with CG on 20-21st June 2006 without any getting NRIs involved.</td>
</tr>
<tr>
<td>June 21st, 2006</td>
<td>email</td>
<td>Consul General of India, SF, USA, CGISF, <a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>Prabhak Kumar and CG</td>
<td>comments of NRIs from the USA who are arrested through share of IPC 498A fraud against</td>
</tr>
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<tr>
<td>November 17th, 2005</td>
<td>Suresh Kumar, Rackshak Member</td>
<td>email</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>Briefed multiple times in response to highly pro-women booklet prepared by MOIA</td>
</tr>
<tr>
<td>January 4th, 2007</td>
<td>Vandana Singh, TV Asia</td>
<td>email</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>Gender biased booklet by MOIA and misuse of 498a</td>
</tr>
<tr>
<td>February 14th, 2006</td>
<td>Rackshak Member</td>
<td>email</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>False dowry cases by women of Indian origin</td>
</tr>
<tr>
<td>April 18th, 2006</td>
<td>2 Rackshak Members</td>
<td>Personal meeting at Stanford University</td>
<td>Consul General BS Prakash</td>
<td>Handover 2 booklets: “Misuse of 498a booklet” and “Guidance booklet for NRI marriages prepared by Rakshak”</td>
</tr>
<tr>
<td>April 19th, 2006</td>
<td>4 Rackshak Members</td>
<td>Personal meeting with MOIA ex-Prime Minister Prabhat Kumar and His Staff</td>
<td>Prabhak Kumar and CG</td>
<td>Family harassed by wives accusing husbands of IPC 498A fraud against</td>
</tr>
<tr>
<td>April 24th, 2006</td>
<td>4 Rackshak Members</td>
<td>Personal meeting with MOIA ex-Prime Minister Prabhat Kumar and His Staff</td>
<td>Prabhak Kumar and CG</td>
<td>Family harassed by wives accusing husbands of IPC 498A fraud against</td>
</tr>
<tr>
<td>June 29th, 2006</td>
<td>2 Rackshak Members</td>
<td>Personal meeting with CGS office SF, USA</td>
<td>Prabhak Kumar and CG</td>
<td>Family harassed by wives accusing husbands of IPC 498A fraud against</td>
</tr>
<tr>
<td>November 20th, 2005</td>
<td>Prabhak Kumar</td>
<td>e-mail</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>acknowledged that our issues have been forwarded to ministry</td>
</tr>
<tr>
<td>December 17th, 2006</td>
<td>10 Rackshak Members</td>
<td>Letter sent to MOIA Minister Prabhat Kumar</td>
<td>MOIA Minister Prabhat Kumar</td>
<td>Compliance for Pravasi Bharatiya Divas: Misuse of Indian Dowry Law and unfair treatment of NRIs by MOIA</td>
</tr>
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<td>January 24th, 2007</td>
<td>Rakshak Members</td>
<td>e-mail</td>
<td>Consul General BS Prakash</td>
<td>Request to consider joint Consul General meetings and meeting with Ambassador to look at NRIs tortured misuse of 498a and MOIA not returning requests to consider the matter</td>
</tr>
<tr>
<td>January 7th, 2007</td>
<td>Rakshak Members</td>
<td>Personal Meeting</td>
<td>Ambassador Ronen Sen, Consul General BS Prakash</td>
<td>Discussion about Gender biased MOIA marriage guidance booklet, unilateral policies and laws for abandoned brides, misuse of 498a against NRI families</td>
</tr>
<tr>
<td>February 15th, 2007</td>
<td>Rakshak Members</td>
<td>e-mail</td>
<td>Ambassador Ronen Sen, Consul General BS Prakash, JS Rajya Sabha Secretariat</td>
<td>Letter to Consul General about misuse of 498a against NRIs</td>
</tr>
<tr>
<td>March 19th, 2007</td>
<td>Rakshak Members</td>
<td>Personal Meeting</td>
<td>CG BS Prakash</td>
<td>Letter to Consul General about misuse of 498a against NRIs</td>
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### Comments on MOIA’s website

- March 2005: Reports made responses to concern raised re: 498a misuse and planning to introduce changes to prevent misuse.
- April 2005: Contacted by e-mail followed up on the matter.
- May 2005: Answered about the e-mail response and mentioned the contact details of NRI families affected.
- May 2005: Answered regarding the e-mail response and regarding the contact details of NRI families affected.

### NRI marriage – Unique Challenges, Issues and Ramification

- **Expectations**
  - NRI
  - Hold on to Indian values
  - Keep connected to roots
  - Resident Indian
  - Easy route to immigration
- **Cultural differences**
  - Difficult to adapt to foreign culture
  - Abrupt change
  - Unfamiliar environment
- **Employment restrictions**
  - Spouse of visa holder not allowed to work
  - Frustration due to loss of job opportunity
  - Feeling of living a life with constraints
- **Complete dependency on spouse**
  - Independent — dependent
  - Dependent for basic and higher needs
  - Loss of self-esteem in dependent spouse
### NRI marriage – Unique Challenges, Issues and Ramification

<table>
<thead>
<tr>
<th>socks-toes</th>
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</thead>
<tbody>
<tr>
<td><strong>Visa issues and delays</strong></td>
</tr>
<tr>
<td>- Paperwork delays for getting spouse visa</td>
</tr>
<tr>
<td>- Foul play suspected by resident Indian</td>
</tr>
<tr>
<td><strong>Lack of social support system</strong></td>
</tr>
<tr>
<td>- Lack of emotional support in foreign land</td>
</tr>
<tr>
<td>- Limited social support from friends</td>
</tr>
<tr>
<td>- Absence of mediation of elders and siblings</td>
</tr>
<tr>
<td><strong>Unfulfilled expectations</strong></td>
</tr>
<tr>
<td>- Misconceptions about NRIs (bollywood)</td>
</tr>
<tr>
<td>- Enormous money, relatively easy</td>
</tr>
<tr>
<td>- Life is fun and without hardships</td>
</tr>
<tr>
<td><strong>Homesickness</strong></td>
</tr>
<tr>
<td>- Separation from friends and family</td>
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<tr>
<td>- Psychological stress in new environment</td>
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<tr>
<td>- Having to deal with issues alone</td>
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</tbody>
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### Abandonment in Doaba, Punjab

<table>
<thead>
<tr>
<th>socks-toes</th>
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<tbody>
<tr>
<td><strong>Doaba Leads in Immigration</strong></td>
</tr>
<tr>
<td>- Out of the 3.18 lakhs people traveling abroad from Punjab, 75% are from Doaba</td>
</tr>
<tr>
<td><strong>Socio – Economic Phenomenon</strong></td>
</tr>
<tr>
<td>- Agriculture no longer sustainable</td>
</tr>
<tr>
<td>- Thousands of Punjabis risk life, limb, property and pride to move abroad</td>
</tr>
<tr>
<td>- Frontline (Jun 02-15, 2007)</td>
</tr>
<tr>
<td><strong>Flourishing Immigration Racket in Punjab</strong></td>
</tr>
<tr>
<td>- Locals call it “kabootarbaazi” (Indian Express, July 24, 2007)</td>
</tr>
<tr>
<td>- Obsession for Migration leads to tragedies</td>
</tr>
<tr>
<td>- Malta Boat tragedy, Daler Mehendi Case</td>
</tr>
<tr>
<td><strong>Foreign Govts. tightening immigration</strong></td>
</tr>
<tr>
<td>- UK explicitly mentions Punjabi immigrants</td>
</tr>
<tr>
<td>- All legal and illegal Avenues explored</td>
</tr>
<tr>
<td>- Marriage, cultural and religious visits</td>
</tr>
<tr>
<td>- Abandonment – not a deterrent for migration</td>
</tr>
</tbody>
</table>