A forensic psychological perspective on sham marriages as a form of trafficking, terrorism, and trauma: Implications for homeland security

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**Abstract:** Trafficking through sham marriages in its broadest context functions to circumvent immigration laws. Forensic psychology conceptualizes sham marriage as a falsely contrived union between couples that has psycho-legal implications whereby someone seeks to gain benefit from that relationship. Internationally, the prevalence of sham marriages often coincides with trauma. A recent border crisis in the United States is a circumstance that fuels sham marriages. Sham marriages can function as a blend of cultural, political, and religious sanctioned terrorism with homeland security implications. Biopsychic social cultural elements of sham marriages are discussed and reviewed through a prism of terrorism and trauma with an overview of sham marriage as a homeland security matter. Trafficking, terrorism, trauma, and forensic psychology are integrated with the issues related to sham marriages internationally. Finally, implications for policy, forensic practice, research, and homeland security are assessed.

**Keywords:** Sham marriages; trafficking; terrorism; trauma; forensic psychology; homeland security

**Introduction**

Attention to sham marriages is slowly rising despite the fact that trafficking in all age groups is probably underreported. Sham marriages, a falsely contrived union between couples whereby one seeks to gain from the relationship, functions to circumvent immigration laws in today’s society. Internationally, sham marriages exist for children whereby they are coerced into early marriages, childbearing, and sexual acts (Bott, Jejeebhoy, Shah, & Puri, 2003; Lee Rife, Malhotra, Warner, & Ginski, 2012; United Nations Children’s Fund [UNICEF], 2001; United Nations Children’s Fund [UNICEF], 2007; Wondie, Zemene, Reschke, & Schröder, 2011). The values of universal human rights and social work ethics is well articulated in the Universal Declaration of Human Rights (Article 4), the International Covenant on Civil and Political Rights (Article 8), and the International Covenant on Economic, Social, and Cultural Rights (Article 7; Jani & Anstadt, 2013).

Similar to how acts of terror have no age, national, or religious boundaries (Johnson, 2013), and human trafficking occurs in all ages globally (Alvarez & Alessi, 2012; Cecchet & Thoburn, 2014; Gajic-Veljanoski & Stewart, 2007; Hodge & Lietz, 2007; Macy & Graham, 2012). A failure to recognize the complexity and diversity of trafficking behavior can reflexively result in mistaken assumptions regarding the nature of the sham marriages and how best to respond to them. For example, every country employs its own statutory definitions of sham marriages, trafficking and terrorism. Yet, from a Homeland Security (HS) standpoint, the integration of sham marriages as a vehicle for terrorism does take on public safety significance. Obviously, the potential legal options may include pros-
execution, mandatory arrest policies, and various court actions that are ostensibly aimed at reducing the potential threat. In addition, one does not need to be a licensed mental health professional in order to recognize that sham marriage has produced a laundry list of risk factors that certainly includes an unwanted post-trauma response that may be observed on a global basis.

From a forensic psychological perspective, there is an interesting relationship between trafficking, trauma, terrorism, and legal responsibilities for the victims. Clinically examining and diagnosing (e.g., DSM-5 or ICD-10) trauma in children and adults subjects must also be a central part of the clinical-forensic practice for a range of culturally responsive service providers. To demonstrate, there must be an understanding of culture in terms of tradition, which means that sham marriages are seen within a context where individuals exchange ways of being, religious beliefs and various prejudices.

With the aforementioned theoretical arguments in mind, this article aims to identify a collection of connecting factors that are most relevant to sham marriages, trafficking, terrorism, and trauma on more of an international basis. The article seeks to develop a culturally relevant approach that can be used to shape the evidenced based practices resulting from a fuller understanding of the contexts or circumstances under which sham marriages may occur.

The Role of Sham Marriages in Human Trafficking

The Profits of Human Trafficking
Disappointedly, a form of human trafficking affects every region of the world (Chung, 2009). Defined by the United Nations (2000), human trafficking is the recruitment, harboring, and transportation of humans with force or threats for exploitation. Even with methodological difficulties related to the collection of reliable data and accurate statistics of this population, it is estimated that between four million and 27 million individuals have been victims of trafficking (U.S. Department of State, 2007), and currently enslaves over 20.9 million people worldwide (International Labour Organization [ILO], 2012). Within the literature, discussions of interventions for the human trafficking epidemic have been increasing (Alvarez & Alessi, 2012; Hodge and Lietz, 2007; Kaye, Winterdyk, & Quarterman, 2014). Examining levels of the individual, programmatic, and policy levels can establish the development of a systemic understanding of the problem. This establishment allows change at the micro-, mezzo-, and macro levels to suggest a framework that is more grounded in human rights values and social justice (Alvarez & Alessi, 2012; Jordan, Patel, & Rapp, 2013).

Openly, human trafficking for sexual exploitation is considerably profitable due to the existing penalties is lenient compared to drug trafficking and trafficking of firearms (Chung, 2009). With global earnings estimated at more than US$31 billion, the contemporary form of slavery (i.e., human trafficking) constitutes human rights violation and the rising global public health crisis (Alvarez & Alessi, 2012; Cecchet & Thoburn, 2014; Gajic-Veljanoski & Stewart, 2007; Hodge & Lietz, 2007; Macy & Graham, 2012). With 500,000 to 2,000,000 individuals trafficked annually worldwide (U.S. Department of State, 2004), it is estimated that approximately 15,000 to 50,000 individuals are trafficked into the United States each year (U.S. Department of State, 2007), making the United States one of the top destinations for human trafficking (Jordan et al., 2013). As a profitable illegal activity, worldwide annual revenues of human trafficking are estimated to be US$44.3 billion (Jordan et al., 2013). With 98% of victims being women and children (ILO, 2012), women and children have one of the highest profit margins and lowest risks of most types of illegal activity (e.g., human trafficking; Hughes, 2000; Jordan et al., 2013). Women and children victims can be kept alive in poor and insuffi cient living conditions with very little investment with the option of being used more than once, sold and/or resold (Jordan et al., 2013). As a form of human trafficking, sex trafficking consists of, “the entrapment of an individual for the purpose of a commercial sex act or a sex act that occurs in exchange for anything of value” (Cecchet & Thoburn, 2014, p. 482) and is currently the most rapidly growing form of global criminal activity (ILO, 2012). This can include prostitution, exotic dancing, exotic stripping, and pornography (Jordan et al., 2013).
Cultural Motivations

Participants of human trafficking are often overlooked with the notion that it is consensual with norms, customs, and social context in mind. Many of the females involved in “consensual” trafficking are compelled by a combination of obligations to family, inability to escape the narrow gender-based roles, economic hardship, and poverty. This is evident in countries in Asia, a major destination for sex-trafficked females (e.g., India; Human Rights Watch, 1996; United States Department of State, 2008), specifically Nepalese, Bangladeshi, and rural Indian females trafficked to Indian cities (Jani & Anstadt, 2013). In the Western world (e.g., United States), human trafficking can be separated from smuggling where the individual who choose to migrate for a better future are considered participants in the crime. In contrast, in the Eastern context, human trafficking is operated by a multitude of factors (e.g., gender bias, paucity of education, insufficient family support, poor economy; Jani & Anstadt, 2013).

The Eastern culture emphasizes family (Chung, 2009) and the concept of filial piety stresses that children must be obedient, submissive, respectful, and to self-sacrifice for the greater good of the family (Leong et al., 2007). The aforementioned values can be seen as obligations to children causing them to feel it necessary to make sacrifices through commercial sex (Chung, 2009). The young children may not like what they are doing, but feel as if they will disappoint their families in terms of making financial contribution to provide financial support for their aiding the growing problem of child marriages and trafficking. For example, the Islamic State of Iraq and al-Sham (ISIS) attracts young jihadists from around the world in Syria, and parents of young females offer their daughters to foreign fighters without asking to be close to the ISIS emirs, prestige, and power. Additionally, Chung (2009) found some girls refusing to leave prostitution and return to their family because, “they hadn’t saved enough money to return without shame or embarrassment about the lack of savings” (p.87). The connection of culture and human trafficking can be universal.

Trafficking can occur in various ways in all parts of the world. Some children are deceived into leaving their homes with promises of good opportunities (e.g., employment, modeling, marriage, payment for body parts) with false documentation and upon arrival, their passports are confiscated and forced to work under conditions of slavery (e.g., organized begging, prostitution, labor work, marriage, and trafficking for body parts; International Labour Organization, 2009; Rafferty, 2013). Other children are trafficked through when they leave their homes voluntarily. Although these individuals voluntarily cross international borders, they often are vulnerable to exploitation by traffickers en route to their destination with unclear immigration status, loss of finances, and disconnection with natural support systems (Popova, 2006; Rafferty, 2013; Van de Glind, 2010). The process of migration is a result of social exchange including a strong financial motivation (Jani & Anstadt, 2013). Participants of human trafficking are experts in creating debt-trap situations causing illiterate females to accept the role of a slave. Many child survivors of child prostitution describe their experiences as deceit by “pimps” to enter brothels on the pretext that they are being offered to work (e.g., housemaids, sellers of liquor) internationally (Wondie et al., 2012). Escaping these situations may include dishonor to their family, killing of family members, or kidnapping of their children from the aftermath of unsafe prostitution (Jani, 2010; Wondie et al., 2012). The International Labour Organization (2012) reports 20.9 million victims of forced labor exploitation, but does not include those who were trafficked for non-work related activities (e.g., organ removal, forced marriage, or adoption).

The traumatic impact of trafficking is detrimental with physical (e.g., long work hours, sleep deprivation, HIV/AIDS, starvation, exposure of toxic chemicals or dangerous machinery, extreme violence, communicable diseases, abuse), psychological (e.g., verbal threats and abuse, isolation, threats against family members and friends, threat of deportation, PTSD, anxiety and fear), and sexual abuse (Rafferty, 2008; Rafferty, 2013). Once immersed into the trafficking network, victims remain entrapped by an organized effort to raise fear against looking for alternatives through social isolation (i.e., physical and psychological confinement in their living space), and diminish self-efficacy for independent daily living (Logan, Walker, & Hunt, 2009). Those who were trafficked by their families
with promises of employment opportunities for the female through marriage often result with exacerbation by their being in a foreign land and culture with and language and other cultural barriers to assimilate. The sham marriages of those who are trafficked are placed in a framework of perceived helplessness with only basic needs, including psychological confinement and control of the victim’s money and identifying documents, and threats of their family being harmed (Logan et al., 2009).

In an effort to avoid societal scrutiny, incarceration, and possible death, sham marriages occur due to sexual orientation. Since Lawrence v. Texas, same-sex couples in the United States no longer suffer coercion of the criminal law for adult and consensual sexual conduct (Henley, 2008). In 2008, California’s Proposition 8 made a significant progress on marital equality for same-sex couples in the United States (Sherkat, de Vries, & Creek, 2010). Even though the issue of same-sex marriage is relatively new in many parts of the world, issues of marriage fraud amongst same-sex individuals have subsisted as a source of gains for individuals (e.g., benefits of marriage, avoidance of hate crimes; religion; Sherkat et al., 2010).

Religious denominations play a strong role in developing and structuring attitudes towards the morality of homosexuality and support for specific policies of toleration (i.e., same-sex marriage; Van Geest, 2007). Members of sectarian Protestant denominations (e.g., Southern Baptist Convention, the Church of God in Christ, the Assembly of God) often view sacred texts literal; therefore, undergird opposition to civil rights of those who are homosexual and believe homosexuality is morally wrong (Bolzendahl & Brooks, 2005). In contrast, members of mainline Protestant denominations and Catholics are supportive of granting civil rights to gays and lesbians, including same-sex marriages (Burdette, Ellison, & Hill, 2005). Some religious extreme and totalitarian countries, although significantly improved throughout the years, may force couples into sham marriages in an effort to escape incarceration or even death due to sexual orientation (Melikian & Prothro, 1954; Sakalli, 2002); therefore, utilize sham marriages to avoid attitudes towards homosexuality.

Trauma Related to Sham Marriages
Although trauma is an international experience, traumatic events for the Western world may be a part of the norm for the Eastern world. However, within the parts of the world where trauma is unobserved, there is a paucity of mental health services available for the communities. Countries with higher rates of human trafficking, sexual exploitation, and marriage fraud (e.g., India; Jani, 2010) are deprived of resources for mental health services and mental health providers; therefore, trauma and related issues (e.g., Posttraumatic stress disorder [PTSD]) are not diagnosed, assessed, and treated. When victims of human trafficking and sexual exploitation, both commonly related to sham marriages (Jani, 2010; Jordan et al., 2013; Rafferty, 2008; Wondie et al., 2012), adopt behavioral submission to the traffickers, cognitive dissonant changes occur as part of the process in favor of the traffickers’ power structure (Jani & Anstadt, 2013). Individuals’ cognitions can become unfocused, narrowed, or numbed when they are focusing on survival and/or possible threat vigilance. This state of mind gives individuals the ability to accept their situation as acceptable and begin to embrace their lifestyle.

Child Marriages
Child marriage—marriage before the legal age of 18—has been recognized as an accumulative psychosocial problem and severe violation of human rights both nationally and internationally within communities (Lee-Rife et al., 2012). On a national level, child marriage affects governments and its social and economic development with the decline in contribution to the growth and development of their countries by the girls whose education are interrupted by marriage (Lee-Rife et al., 2012). According to Lee-Rife and colleagues (2012), “national and international indicators regarding maternal health, education, food security, poverty eradication, HIV/AIDS, and gender equality are all negatively associated with high rates of child marriage” (p.288). Along with the increase of child marriages worldwide, countries are dealt with fewer citizens to contribute to the growth and development of their country, which also increases poverty and child marriage in the forthcoming years. Although child marriage has begun to decline in some parts of the world due to the improvement of socioeco-
nomic conditions, the process of the decline and change has been slow and ineffective globally (e.g., no significant change in the percentage of women aged 20 to 24 married by age 18 was indicated; five countries experienced a decrease of more than ten percentage points worldwide; UNICEF, 2007).

The root cause of child marriage can vary throughout the world. Poverty has been identified as a key driver of child marriage: Parents are relieved of economic burden with benefits through bride wealth, or responsibilities of rearing them when their daughters are married (Lee-Rife et al., 2012; Logan et al., 2009; Rafferty, 2013). Also, younger brides are more likely to be virgins, which signify purity in many countries, and may result in higher value to the husband’s family. Some families prefer child marriages to avoid the risk of losing a suitable husband later in life for their daughter, or some families fear damage to their family’s reputation with an unmarried and older daughter who may face scrutiny regarding their sexual purity (Lee-Rife et al., 2012). In many cultural contexts, families use marriage with children to forge strategic alliances with other families and/or clans (Bott, Jejeebhoy, Shah, & Puri, 2003; Logan et al., 2009; UNICEF, 2001).

Considerably, child marriages significantly impact girls and their families, their communities, and their countries (UNICEF, 2001; UNICEF, 2007). With a western perspective, forcing young girls to enter adulthood with adult roles and responsibilities despite their developmental, educational, and emotional readiness is a deprivation of human rights and marks the end to their short-lived childhood (UNICEF, 2001). In most societies where child marriages occur, childbearing is expected, which increases the risk of maternal mortality, infant mortality, and trauma from childbearing at a young age (Bott et al., 2003; UNICEF, 2001). Also, the young girls are at greater risk of partner violence and HIV/AIDS (Lee-Rife et al., 2012). With diminished power within their marriages and families and prevalent partner violence, girls married at a young age can develop psychological distress (e.g., depression, dissociation, posttraumatic stress disorder [PTSD], substance use, anxiety and fear; Beitchman, Zucker, Hood, & DaCosta, 1992; Kendall-Tackett, Williams, & Finkelhor, 1993; Wondie et al., 2011).

In contrast, some parts of the world (e.g., Ethiopia), traumas suffered by young girls as a result of early marriages, childbearing, and premature sex are viewed as an inevitable part of a woman’s life and those who escape back to their family and home are beaten and sent back to their husbands (Wondie et al., 2011). With child marriage being embedded in traditional cultural practices, it is assumed that prostitution or “sex work” is nothing but marriage approved by parents and the community at large (Wondie et al., 2011). Culturally, early marriage is not assessed as a form of abuse by parents, the community, or the victims; moreover, all children believe they are continuing the tradition of what was done by their ancestors, grandmothers, mothers, and older sisters (Wondie et al., 2011). Internationally, the early marriage may be culturally sanctioned but nonetheless can result in trauma and function as a portal of terrorism.

Shame Marriages as a Potential Gateway for Terrorism

In the twentieth century, the World Health Organization has estimated 191 million deaths, 60% of them not related to trauma, to a form of mass violence (Krug, Dahlberg, Mercy, Zwi, & Lozano, 2002; Wadsworth, 2010). Since the terrorist attack on September 11, 2001 of the bombings of the World Trade Center in the United States, terrorism has shown to damage national security for the United States and stability through large-scale death and destruction, as well as, significantly damage to national economies (Wadsworth, 2010; Wilkinson, 2003). Johnson (2013) describes decentralized and perpetual terrorism attempts as, “the most significant public safety threat of the twenty-first century” (p. 1). In legal terms, terrorism is defined as, “premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents,” under Title 22 of the United States Code, at Section 256f(d). Although most terrorist attacks have been found to occur in Muslim countries (Johnson, 2013), domestic attacks of terror (e.g., gun attack on a Sikh mosque in Oak Creek, Wisconsin; gun attack on a movie theater in Aurora, Colorado; bombings of the Boston Marathon in Boston, Massachusetts) have raised awareness to terrorism around the world.
and elicited the demand to understand the mindset of a terrorist for preventative measures for future attacks.

Internationally, the forensic psychological assessment of the issues coinciding with sham marriages is set in the context of shifting circumstances that include its use as a form of terrorism. Although there are many identified types of terrorism (e.g., biological, cyber-terrorism, suicide bombings, lone wolf terrorists, etc.), the 21st Century has marshalled in a form of terrorism that can actually take place through trafficking. Internationally, terrorists tend to share a universal objective, which centers on the instillation of fear through all means necessary. For example, in Nigeria, several Islamic sects have been seeking political and religious reforms in the country and the international community has been alarmed to abort its possible transnational terrorist potential (Onuoha, 2012). In 2014, a Muslim terrorist group known as Boko Haram (i.e., Nigerian Taliban) kidnapped and transported more than 200 young female students from the Government Girls Secondary School in 2014. They were reportedly sold as sex slaves or as sham marriages (Okeowo, 2014).

Outside of the increased risk for traumatization from the aforementioned incident, the human trafficking allows the terrorist to achieve a three-fold outcome. First, it permits the terrorist group to demonstrate its prowess over government authorities. Second, it allows them to strike at the one thing that they fear, education, and its role in creating an unwanted equality of the sexes. Third, individuals locked into these seemingly inescapable sham marriages could also be forced or persuaded to engage in acts of terror.

While most research related to terrorism focus on the aftermath with descriptions, focusing on types of organizations, strategies, and leadership (Johnson, 2013), there is a paucity of literature on practices to prevent terrorism at hand. According to Johnson (2013), “acts of terror with different operational elements are difficult to prevent in the absence of an informed effort to understand core elements of the elusive mindset of a terrorist” (p. 3). Wadsworth (2010) presents three types of terrorist goals: nationalist (e.g., Basques seeking self-determination in Europe); ideological (e.g., a dictator attempting to change the political system); or religio-political (e.g., the Islamic Jihad establishing a religious government in Uzbekistan; Wilkinson, 2003).

United States Efforts against Illegal Immigration

When the September 11, 2001 attack occurred in the United States, naturally, much focus on human trafficking has been international terrorism and homeland security in the United States (Farrell & Fahy, 2009; Okech, Morreau, & Benson, 2012). Following the September 11 (9/11) tragedy, the Trafficking Victims Protection Act (TVPA) of 2000 was reauthorized in 2003, 2005, and 2008 in an effort to fund and support existing programs for anti-trafficking (Okech et al., 2012), but basic goals of the Trafficking Victims Protection Act seem to be “unbalanced as emphasis is mostly on legal and prosecution aspects rather than humanitarian needs” (Okech et al., 2012, p. 494) even though improvements have been made with every reauthorization of the Act.

With identification of victims being the most difficult hurdle, victims trafficked into the United States has moved downwards from 50,000 individuals annually to about 17,000 (Roby, Turley, & Cloward, 2008). This can be an indication of success through the Act, yet also an indication of national security’s failure to identify victims. Documented immigration laws fail to define key terms relating to United States citizenship and visa through marriages developing an ease to attempt marriage fraud (Bray, 2014) allowing easy and simple access of immigration. Law enforcement and prosecution agencies should work domestically and across borders to fight against criminal organizations of trafficking (Rafferty, 2013). In relation to legal documents, penalties for human trafficking for sexual exploitation are comparatively lenient to penalties of trafficking drugs and firearms (Chung, 2009). Immigration through sham marriages to the United States and to Europe has increased, but the ties that bind the citizen to the nation (i.e., United States, Europe) have weakened; however, the ties (e.g., patriotism) to nations of the immigrants’ origins have remained strong throughout the years (Edwards, 2007).
Due to the ease of obtaining United States lawful permanent residence (i.e., green card) through marriage, couples and individuals have abused the United States immigration laws by entering in sham marriages, and for money or other benefits (Bray, 2014). Without clear definition of the terms “marriage,” “spouse,” “husband,” or “wife,” in the United States Immigration law (i.e., Immigration and Nationality Act [INA]), the law only states the possible rejection if the alien has in the past or is currently attempting to evade the immigration laws (Bray, 2014). With the United States immigration laws favoring spouses of United States citizens (i.e., immediate relatives), spouses of lawful permanent residents are eligible for an immigrant visa or green cards immediately following the application process (Bray, 2014). The ease of the immigration laws through marriage has developed aliens to aim marriages with citizens, marriage fraud by marrying friends, and marriage with strangers in exchange of money for the service. Individuals found to have committed marriage fraud are removed from the United States (i.e., deportation) and could not be able to obtain a United States visa or green card in the future. As a criminal penalty, the alien, and the United States petitioner will be, “imprisoned for not more than five years, or fined not more than US$250,000, or both if any individual knowingly enters into a marriage for the purpose of evading any provision of the immigration laws” (I.N.A. Section 275[c]) and also punished under Title 18 of the United States Code, at Section 1546, which prohibits making false statements under oath and has a sentencing starting at ten years (Bray, 2014).

According to Woods and Bak (2009), “the number of persons sentenced to prison for immigration offenses increased over 1,800 percent from 1987 to 2005, rising from 791 to 15,068” (p.11) demanding homeland security. Initiated by Clinton’s administration, the federal government continued to direct significant resources to the Southwest border districts, which was continued by the Bush administration (Woods & Bak, 2009). In an effort to decrease illegal immigration, Operation Gatekeeper in San Diego, California, and Operation Hold the Line, in El Paso, Texas were initiated in 1994, which were followed by Operation Rio Grande in McAllen, Texas, and Operation Safeguard in Tucson, Arizona (Woods & Bak, 2009). With the development of the operations throughout the country, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was authorized to increase staffing to 5,000 positions in the United States Immigration and Naturalization Service with two-thirds of them in the Border Patrol (Bak, 2008; Woods & Bak, 2009). Following the operations and the increase in staffing, records of violation in immigration laws in the Southwest Border districts increased 912% (i.e., 1,292 in 1995 to 13,080 in 2005; Woods & Bak, 2009).

Inter-country Adoption (ICA) and Global Surrogacy

While inter-country adoption (ICA) is decreasing since 2004 due to ethical dilemmas (i.e., 50% globally; Freundlich, 2000), the injustice and oppression related to inter-country adoption exist through global surrogacy (Rotabi & Bromfield, 2012) and constitutes a substantial risk for future terrorism. Russia, China, and Guatemala has been the top three nations that are engaged in “sending” children to other countries for adoption, but due to social policy environment and ethical dilemmas, they have been experiencing a significant drop in adoptions (Rotabi & Bromfield, 2012). With a series of scandals, Russia had several deaths of Russian children from child abuse in the United States after adoption (Rotabi & Heine, 2010), and China was found to only release unwanted children with “special needs” and/or developmental issues for inter-country adoption (Dowling & Brown, 2009). Lastly, Guatemala has a moratorium placed on inter-country adoption due to illegal payments to birth mothers and sales of children years following the exchange (Bunkers, Groza, & Lauer, 2009; Rotabi & Bunkers, 2008; Rotabi & Bromfield, 2012), crimes related to the abduction of children, and forcible housing of pregnant women with midwives (Rotabi & Bunkers, 2008; Rotabi & Bromfield, 2012).

The aforementioned problems related to inter-country adoptions and national issues have been related to the growing demand for young, healthy children, the ease of the process, and the low costs (Freundlich, 2000). The cost of adoption related to supply and demand and resulted with the fees for adoptions of children ranging from US$25,000 to US$40,000 (U.S. Government Accountability Office, 2005) or more for United States families during the peak of the inter-country adoption baby
boom. The high demand also has affected women in developing or low-income countries who are living in extreme poverty and under oppressive conditions, which results with dismal maternal and child health outcomes and violence (Rotabi & Bromfield, 2012).

In an effort to solve the problem of infertility, Robert Edwards introduced the world with In Vitro Fertilization (IVF) therapy through his Nobel Prize award in 2010 (Nobelprize.org, 2010) emerging movements of global surrogacy. Surrogacy (i.e., traditional or gestational), defined as, “an arrangement in which a woman agrees to become pregnant and deliver a baby for another couple or individual,” (Rotabi & Bromfield, 2012, p.132), allows the surrogate to receive payment in exchange for her service in commercial arrangements. Global surrogacy is a commercial arrangement, in which a couple or an individual hire a surrogate internationally (Rotabi & Bromfield, 2012). According to Rotabi and Bromfield (2012), reasons for seeking global surrogacy vary, but most often are related to, “the illegality of commercial surrogacy in the intended parents’ country (as in much of Western Europe); the dramatically reduced cost of surrogacy in developing nations compared with the West; limited legal complications and/or governmental interference in surrogacy arrangements in developing nations; the ability of a gay couple to pursue surrogacy and to arrange for a low-cost egg donor and surrogate; and the ability of a couple to complete almost the entire surrogacy transaction via the Internet through an agency with little, if any, personal relationship or continued ties with the surrogate mother, who most likely will not be able to communicate in the language of the intended parents” (p.132).

For example, compared to the price of US$70,000 for commercial surrogacy in the United States, a couple or an individual can arrange a commercial surrogacy in India for about US$12,000 (Haworth, 2009). During the time of the pregnancies for surrogates, they endure various forms of trauma (e.g., physical and psychological isolation, abandonment from their families; Rotabi & Bromfield, 2012). There are growing concerns for surrogates, especially in India, who are impoverished, illiterate, and often recruited from rural villages. During the time their pregnancy, surrogates are often brought to the clinic by “head hunters,” who call themselves social workers and are forced to stay in the clinic’s living quarters (e.g., guarded dormitory; Carney, 2010). The recruitment process is similar to processes used by human traffickers to coerce women into sex work (e.g., sham marriages; Bromfield 2010) and women have to sign documents in languages that they cannot read (e.g., English for illiterate Indian female) and kept under supervision until the obligations in the contract are fulfilled (Bromfield, 2010). Comparable to a brothel, the surrogates’ behaviors and activities are monitored, but seen as an act of protection from their families who view surrogacy as “dirty and immoral” (Rotabi & Bromfield, 2012). In contrast, women may voluntarily enter into the network of surrogacy. Due to the high earnings of surrogacy in developing countries (i.e., US$5,000 to US$7,000—equivalent to about 10 years of work for rural women), which also include food and housing during the pregnancy, there is no shortage of surrogates (Haworth, 2009). The transaction once the child is born is simple for parents in the United States: when the child is the offspring genetically either half or whole of a United States citizen, the child is automatically a United States citizen (Rotabi & Bromfield, 2012). Issues follow when the child is genetically linked to the Indian surrogates (e.g., egg donor). The surrogate could desire citizenship (Carney, 2010), there are multicultural issues with the child (Rotabi & Bromfield, 2012), and can be a form of human trafficking (Bromfield, 2010). With the undeniable growing demands for healthy young children, global surrogacy rapidly increases with multiple ethical concerns and homeland security issues.

Implication for Homeland Security

As a multidimensional problem, sham marriages and related international and domestic trafficking of human require changes amongst all facets to make a difference. Governments must acknowledge that trafficking is a violation of human rights and ensure safe migration instead of preventing migration (Rafferty, 2008; Rafferty, 2013). The countries with higher rates of emigration need to examine current practices and have the responsibility to ensure availability of information, education, and support
that seeking job employment in other countries. Rafferty (2013) suggests, “affordable, fast, and transparent job placement and migration services and the licensing, registration, and monitoring of agencies be involved in the recruitment of facilitation of labor migration” (p. 13). All factors contributing to the sham marriages (e.g., pervasive poverty; gender inequality and discrimination; paucity of education and employment; demand for labor and sex) need to be alleviated (Rafferty, 2013). Macro level interventions demand the understanding of all possible vulnerabilities that render exploitation, abuse, and neglect, while micro level interventions demand all forms of protection (e.g., protection from trafficking; protection from violence, discrimination, and abuse; Rafferty, 2013). In forensic practices, guidelines, with training and education, for officials must be established in order to assess possible sham marriages with respect to terrorism. It is necessary for risk-management algorithms to be developed through evidence-based criminological and psychological theories (Ashish, Zaniewski, & Subramani, 2011; Johnson, 2013).

Conclusion
This paper represents a more expanded way of thinking about the significance of an international perspective on sham marriages. It is argued that sham marriages emerge from complex underlying structures, and it is not possible to equate a certain one unifying cultural risk factor that leads to its presence. Rather, through the simplicity of current immigration laws, acquiring a visa, a permanent residency, or citizenship has been exploited with sham marriages. Sham marriages originate and occur commonly during human trafficking, specifically, child trafficking for sexual exploitation due to existing transnational child marriages. Human trafficking is also utilized for labor, retail of body parts, and sexual labor. In the United States, recent border crisis and gay laws of faith-based and/or totalitarian countries fuels the upsurge of marriage fraud internationally. The growing demand of young children not only elicits trafficking, but also inter-country adoption and global surrogacy. The physical and psychological abuse related to inter-country adoption and global surrogacy is detrimental and can be traumatizing for the women involved. In cases where surrogates are genetically/biologically related to the offspring and demand a relationship with the child, result in human trafficking, or attempt to acquire citizenship through the relationship of the child, national security for the United States is in jeopardy. A similar dynamic may be observed globally. This article sheds important light on sham marriages as a form of an international struggle. Focusing on a forensic psychological link between sham marriages, terrorism, and trauma exposes the potential—and, even more compellingly, limitations—of the international effort to curtail this illegal phenomenon. The findings empirically support the importance of understanding sham marriages another method used for terrorism. With ongoing attacks of terror around the globe, trafficking has received renewed focus by Homeland Security for it terrorist potential. The analysis here therefore offers an alternative exploration and understanding that can be useful in addressing this issue on an international basis.

References


