

EMIGRATION LAWS AND POLICIES OF THE RUSSIAN
FEDERATION

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN UPDATED REPORT CONCERNING THE EMIGRATION LAWS AND
POLICIES OF THE RUSSIAN FEDERATION—RECEIVED IN THE
UNITED STATES HOUSE OF REPRESENTATIVES JUNE 28, 1996,
PURSUANT TO 19 U.S.C. 2432(b)



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THE WHITE HOUSE,
Washington, DC, June 28, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On September 21, 1994, I determined and reported to the Congress that the Russian Federation is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Russia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of the Russian Federation. You will find that the report indicates continued Russian compliance with U.S. and international standards in the area of emigration.

Sincerely,

WILLIAM J. CLINTON.

REPORT TO CONGRESS CONCERNING
EMIGRATION LAWS AND POLICIES OF
THE RUSSIAN FEDERATION

This report is submitted pursuant to sections 402 and 409 of the Trade Act of 1974, as amended ("the Act"), following Presidential Determination Number 94-51 of September 21, 1994, and the accompanying report to Congress, that the Russian Federation is not in violation of paragraphs (1), (2), or (3) of sections 402(a) and 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Russian Federation continue to satisfy the criteria set forth in sections 402(a) and 409(a) of the Act in respect of all matters covered in those subsections.

The Russian Constitution adopted by referendum in December 1993 guarantees all Russian citizens the right to emigrate. It does not restrict the emigration of citizens to any country and does not prohibit those who have left Russia from returning. A procedure in line with international standards governing citizens' travel abroad came into force in Russia on January 1, 1993. The Russian Duma, the lower house of the Russian Parliament, has held the first reading of new legislation governing exit and entry procedures. This legislation is not in force. The time for processing passport applications is three months on average, although if documentation is needed from elsewhere in the former Soviet Union, it can take much longer. Russia does not impose more than nominal taxes or fees on emigration.

Cases involving applicants who had or have access to secret information usually take at least four months to process. Between 5,000 and 6,000 persons are awaiting passports for travel because they were at one point privy to secret information or worked in the defense or security sectors. Consistent with international legal standards, the government of Russia established a body in June 1993 chaired by a Deputy Foreign Minister to hear appeals of cases in which permission to emigrate is refused on the basis of access to state secrets. The Ivanov Commission has met over 37 times and has heard over 650 cases since its inception. According to an advocacy group, from December 1995 (when the last report was submitted to Congress) to May 1996, the Interagency Commission met eight times and reviewed 162 cases -- 141 of these cases were decided in favor of the applicant, fifteen applicants were refused permission to travel until the expiration of the five-year period of prohibition against travel abroad due to an individual's previous access to sensitive secrets, and decisions on six cases were postponed

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pending the receipt of additional information. Because there is currently a backlog of approximately 250 cases before the Commission, it can take more than six months to have a case heard.

The United States has consistently urged the Russian government to resolve so-called "poor relative" cases in which permission to emigrate is refused on the basis of unresolved financial obligations to immediate relatives. A draft law on "poor relatives" has had its first reading in the Russian Duma. We have received encouraging reports that some Russian courts are now hearing these "poor relatives" cases. We will continue to follow closely the progress of the Russian courts on this issue to determine if they provide an effective mechanism for resolving these cases.

As a result of such progress, tens of thousands of Russian citizens emigrate annually. In 1995, approximately 24,000 to 25,000 Russian citizens emigrated to Israel and many more were processed by the Jewish Agency and the Israeli Embassy in Moscow. The number of cases on the listings of refuseniks maintained by American Jewish organizations has decreased from over one thousand in the late 1980's to about fifty today, including two recent secrecy refusals that were unexpectedly upheld by the Ivanov Commission. We are aware of no cases that meet U.S. Government criteria for the U.S. Representation List. Russian and American human rights groups, leaders of Jewish communities in Russia, and officials of third governments continue to tell us as they have for the past two years that freedom of emigration is a reality in Russia and that Jewish life in Russia is experiencing a remarkable renaissance.

On April 4, the Russian Ministry of Justice revoked the accreditation of the Jewish Agency, a quasi-governmental organization which assists Jews from the former Soviet Union to emigrate to Israel, effectively suspending the Agency's legal right to operate in Russia. The Jewish Agency has submitted an application to renew its accreditation and is awaiting a decision by the Ministry of Justice. U.S. officials have been in close contact with both the Russian government and representatives of the Jewish community on this issue. We continue to treat the deregistration of the Jewish Agency and possible suspension of the Jewish Agency's activities as matters of serious concern. We have been assured by senior Russian officials that the issue will be resolved soon. There have been no reports of any Jewish émigrés being prevented from leaving Russia. We also understand that Jewish Agency offices, despite the accreditation problem, have continued most of their emigration-related activities in Russia for the time being. As of June 18, no offices had been closed as a result of the accreditation problem. However, the

Jewish Agency Office in Birobidzhan in the Jewish Autonomous Oblast was closed due to problems with the Oblast's administration.

The Russian government has made firm public statements against anti-Semitism and intolerant behavior. During the May 9, 1995 events commemorating the fiftieth anniversary of the end of World War II in Europe, President Yeltsin highlighted the need to prevent the rise of fascism in Russia. In March 1995, the President issued a decree "On Measures to Ensure Coordinated Activities of State Power Bodies in Fighting Fascism and Other Forms of Political Extremism in the Russian Federation. This decree has not been implemented as the Russian Academy of Sciences has struggled for almost a year to define "fascism." During the January 1994 Moscow Summit, President Yeltsin joined President Clinton in condemning anti-Semitism and all forms of ethnic and religious intolerance. This marked the first public denunciation of anti-Semitism by Moscow's top leader in Russian history. Prime Minister Chernomyrdin has also expressed concern about anti-Semitism and has stated the "Russian people will not allow anti-Semitism on its soil." In January, leaders of the Jewish community met with Prosecutor General Yuriy Skuratov, the first meeting ever between the chief Russian prosecutor and representatives of the Jewish-community.

Some progress is being made in the legal fight against extremist groups and the over 250 fascist/anti-Semitic publications in Russia. The Moscow City Duma is considering a law which would clarify the conditions under which citizens could be arrested and tried for violating the President's anti-fascism decree, as well as the limits of sentences which might be handed down. A Moscow lawyer recently won a landmark case against the Islamic newspaper "Al Kods" for violating laws against the defamation of another nationality and the printing of materials designed to incite inter-ethnic tensions.

Although anti-Semitism is not condoned by Russian authorities, anti-Semitic incidents continue to occur. President Yeltsin's Human Rights Commission's February report cited as the third direct threat to "human rights and freedoms and civil peace" in 1994 and 1995 "the aggravation of racial and ethnic intolerance and discrimination, sometimes involving high-ranking officials. Fascist ideas are freely disseminated and extremist organizations are actively organizing their own militarized groups and issuing publications. Political and nationalist extremism is not properly condemned and resisted by government bodies charged with preventing extremism through the force of law."

Some of the more publicized incidents of hate crimes in the last six months include the approximately 40 gravestones in an ancient

Jewish cemetery in Kursk which were vandalized in May in the most recent episode of a recurring problem in this cemetery. According to news reports, an investigation is underway and the cemetery is now closely monitored. In April, a bomb exploded in the entrance of the Yaroslavl Synagogue, damaging the library and offices. The Yaroslavl police and the Federal Security Service are conducting an investigation into the incident and Yaroslavl Governor Anatoliy Lisitzin has declared he will make funds available to assist with restoration. Also in April, a Jewish center in Smolensk was robbed and sprayed with anti-Semitic graffiti. In January, members of the para-military group Russian National Unity broke up a meeting between Jewish and Israeli representatives in Orel by shouting racial epithets. Local police reportedly refused to intervene. Also in January, sixty gravestones in St. Petersburg's only Jewish cemetery were destroyed. City authorities initiated an investigation into the vandalism.

President Clinton met with leaders of the Jewish community in Russia on April 21 to discuss the situation of Russian Jews. We recognize that actions and statements by Russian leaders cannot by themselves eradicate the roots of intolerance. But they constitute a step forward toward that goal. We commend Russian government authorities at all levels for efforts they have made to discourage such behavior and will continue to work with Russian officials to ensure such efforts continue and are strengthened. We encourage Russian officials to continue working to develop and enforce laws to prosecute and punish the perpetrators of crimes of intolerance.

In addition to having made significant progress in its emigration practices, the Russian Federation has productive relations with the United States, and has taken historic steps toward the establishment of a democratic, free-market society.