

EMIGRATION LAWS AND POLICIES
OF THE RUSSIAN FEDERATION

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF
THE RUSSIAN FEDERATION, PURSUANT TO 19 U.S.C. 2432(b).



JANUARY 4, 1995.—Referred to the Committee on Ways and Means and
ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

99-011

WASHINGTON : 1995

THE WHITE HOUSE,
Washington, DC, December 29, 1994.

Hon. THOMAS S. FOLEY,
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 a 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 ON PROGRESS 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 paragraphs (1), (2), or (3) of section 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 on December 7, 1993 guarantees all Russian citizens the right to emigrate. A new procedure in line with international standards governing citizens' travel abroad came into force in Russia on January 1, 1993. The time for processing passport applications is three months on average. Cases involving applicants who had or have access to secret information usually take at least four months to process. Russia does not impose taxes or fees on emigration.

As of March 1994, only 180 intending emigrants were refused passports over the preceding 12 months. According to an advocacy group, 50 of these refusals were due to access to secret information. The total number of passport refusals over the same period, including those for non-emigrants, was between 5,000 - 6,000.

Consistent with international legal standards, the Government of Russia has established a body to hear appeals of cases in which permission to emigrate is refused on the basis of access to state secrets. As of November 1994, this Interagency Commission, chaired by a Deputy Foreign Minister, has met 17 times and reviewed 190 cases since its establishment in June 1993. Since March 1994, the Commission, which meets on a monthly basis, has reviewed 90 cases, of which 77 were approved for passport issuance, nine were refused and four were postponed pending the receipt of more information. The Commission met last on November 29 and overturned 17 refusals and postponed one case pending the receipt of more information.

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. We have received encouraging reports that the Russian courts are now hearing these "poor relative" cases, and in two instances, courts in St. Petersburg decided in favor of the applicants seeking to emigrate. 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 1993, the Russian Passport and Visa Service issued a total of 3 million passports for temporary travel abroad and 114,000 passports to intending emigrants. The number of cases on the listings of refuseniks maintained by the United States Government and American Jewish organizations has decreased from over 1,000 in the late 1980's to a much smaller number today. As requested by the Senate Foreign Relations Committee, a brief case summary for one of these outstanding cases is attached to this report. Russian human rights groups, leaders of Jewish communities in Russia and officials of third governments have told us repeatedly in recent months that freedom of emigration is a reality in Russia.

Moreover, the Russian Government has made firm public statements against anti-Semitism. 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. Within hours of his arrival in the United States in June 1994, Prime Minister Chernomyrdin met with American Jewish leaders at his official residence to hear their concerns about human rights and the treatment of Russian Jews. He later visited the Holocaust Museum, an event which was widely reported in the Russian media.

We recognize that statements by Russian leaders cannot by themselves eradicate the roots of intolerance. But they constitute a crucial step forward toward that goal. We commend Russian government authorities at all levels for efforts they have made to discourage anti-democratic behavior and will continue to work with Russian officials to ensure such efforts continue and are strengthened.

In addition to having made great progress in its emigration and related human rights practices, the Russian federation has close relations with the United States and has demonstrated repeatedly its full commitment to the transition to a democratic, free market society.

SELECTED CASE SUMMARY

YURIY KOMAROVSKIY

STATUS

Yuriy Komarovskiy was added to the United States Representation List of Refuseniks on July 7, 1993 on the basis of information provided by Jewish advocacy groups in the former Soviet Union. Since Mr. Komarovskiy has never personally contacted any U.S. government representatives in Russia about his passport refusal, the U.S. Embassy in Moscow has tried repeatedly to contact him. The Embassy sent him a letter on August 4, 1994 to his address in Yoshkar-Ola, a city southeast of Nizhniy Novgorod in Central European Russia, requesting that he contact the Embassy to provide details on his case. When they received no answer, the Embassy sent him a second letter on August 18. In September, the Embassy also sent him a telegram. As of December 15, Mr. Komarovskiy had not responded.

BACKGROUND

According to information we have received from Jewish advocacy groups in the former Soviet Union, Mr. Komarovskiy first applied in September 1992 for a passport to emigrate. He was denied permission to receive a passport by the Russian Passport and Visa Service in October 1992 based on his access to state secrets during his employment as a physics teacher in the radio industry.

Such secrecy refusals normally are in effect for five years from the date of termination of employment. Since Mr. Komarovskiy left his work in 1989, it would appear that if he were to reapply for a passport or to appeal his case before the Interagency Commission, that he would most likely receive permission to emigrate.

Mr. Komarovskiy and his wife have a son and a daughter. They have expressed the desire to emigrate to Israel. An application for refugee status in the U.S. was submitted by him or on his behalf to the Washington Processing Center.

