

EMIGRATION LAWS AND POLICIES OF ALBANIA,
KAZAKHSTAN, KYRGYZSTAN, TAJIKISTAN,
TURKMENISTAN, AND UZBEKISTAN

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN UPDATED REPORT CONCERNING THE EMIGRATION LAWS AND
POLICIES OF ALBANIA, KAZAKHSTAN, KYRGYZSTAN, TAJIKISTAN,
TURKMENISTAN, AND UZBEKISTAN, PURSUANT TO 19 U.S.C.
2432(b)



FEBRUARY 3, 1998.—Referred to the Committee on Ways and Means and
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THE WHITE HOUSE,
Washington, December 5, 1997.

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

DEAR MR. SPEAKER: I hereby transmit a report concerning emigration laws and policies of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are in full compliance with subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding the compliance of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan with these emigration standards.

Sincerely,

WILLIAM J. CLINTON

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA, KAZAKHSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN AND UZBEKISTAN

Pursuant to subsection 402(a) and 409(a) of the Trade Act of 1974, as amended ("the Act"), I have determined that Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are not in violation of paragraph (1), (2) or (3) of subsections 402(a) and 409(a) of the Act. My determination is attached and incorporated herein.

All current information indicates that the emigration laws and practices of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan satisfy the criteria laid out in subsections 402(a) and 409(a) of the Act with respect to all matters covered in those subsections.

Albania: The right to emigrate is enshrined in Albanian law, and Albania has had no emigration restrictions (including exit visa requirements) since 1991. Albanian citizens have exercised this right in great numbers (several hundreds of thousands of economic refugees) since the fall of the Hoxha regime. There have been no reports of denials of the right to emigrate.

Kazakhstan: The constitution of Kazakhstan provides for the right to emigrate. The right is respected in practice. However, all intending emigrants must obtain an exit visa from the government before they are allowed to emigrate. Exit visas are only issued after a number of bureaucratic requirements have been met. For example, close relatives with a claim to support from the applicant must give their concurrence. Intending emigrants must also obtain evidence that they have no outstanding financial obligations before the government will issue an exit visa. There have been no reports of Kazakhstani citizens being denied permission to emigrate.

Kyrgyzstan: Kyrgyzstan does not yet have a law on emigration. The government currently is following procedures as outlined in a draft law on emigration, which the Parliament is expected to pass soon. This draft law is based on the emigration practices of the Soviet era. According to the draft law and current practice, citizens who wish to emigrate must present an application to the Office of Visa and Registration (OVIR). This application is filed on behalf of the intending emigrant by his/her parents or spouse and states that the person has the permission of the next-of-kin to emigrate. The applicant also must present legal documents concerning marital status, outstanding debts and other facts. The applicant should have an invitation from a relative living abroad. Once the appropriate documents have been filed with OVIR, the applicant must pay 750 soms, about U.S. \$40.

Reports from OVIR indicate that less than 10 percent of Kyrgyz citizens who applied for emigration in 1996 were refused, subject to compliance with the above listed criteria. Those refusals were

based on the fact that the applicant or the inviting party had illegally emigrated or significantly over-stayed a tourist visa. There have been no reports of denials of a significant percentage of emigration applications that comply with local laws.

Kyrgyzstan has an agreement with other members of the Commonwealth of Independent States (CIS) to ease emigration. This agreement allows for Kyrgyz citizens to move to any member of the CIS without having to go through the above mentioned process with OVIR. These citizens may simply move to another CIS member, then check in with the local OVIR office of that country and the Kyrgyz Embassy. The citizen will be expected to renounce his/her citizenship upon establishing residence in another country.

Tajikistan: The November 1994 constitution guarantees the right to emigrate. However, since no new legislation has been adopted on emigration since independence, the 1991 Soviet law remains in effect. In practice, the government has not raised any significant obstacles to emigration. Persons who wish to migrate within the former Soviet Union must simply alert the Ministry of Internal Affairs to their departure. Persons wishing to migrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy prior to the issuance of an international passport. The charge for Tajikistan citizens to obtain an international passport is around U.S. \$15, and an exit visa for the purpose of emigration costs around U.S. \$100. There have not been reports of a significant percentage of denials of emigration applications that comply with local laws.

Over 90% of Tajikistan's 20,000-strong Jewish community are estimated to have emigrated since 1990, mostly to Israel. As a result of conflict, instability and a depressed economy, an estimated 150,000 ethnic Russians or Russian-speakers and 9,000 ethnic Germans left Tajikistan in 1992 and 1993.

Turkmenistan: The Turkmen Constitution of 1994 guarantees the right of citizens of Turkmenistan to emigrate, and Turkmen citizens are permitted to emigrate without undue restriction. Many Turkmen citizens have already emigrated to other countries, including other former Soviet Republics, Israel and Germany.

Turkmen citizens who wish to emigrate must obtain permission from the Ministry of Foreign Affairs. Required documents are an application, invitation from the country of intended travel, evidence of freedom from debts and financial obligations, and written consent from parents. If the applicant is divorced, and either taking or leaving a child, an affidavit from the former spouse consenting to emigration is also required. Those with military obligations must de-register with the Ministry of Defense.

The Ministry of Foreign Affairs is legally mandated to process the application and documents for emigration within three months. The fees for Turkmen passports and exit visas are reasonable and denials for permission to emigrate have been rare. Prior to emigration, Turkmen citizens must submit their internal passports to the Ministry of Internal Affairs. Russia and Turkmenistan have a bilateral agreement giving favorable treatment to citizens emigrating to the other country. For example, exit visas are waived, they have the right to sell their property privately, and customs taxes are reduced.

Uzbekistan: The constitution of Uzbekistan guarantees citizens free movement across the country's borders and this right is generally respected in practice. Passports are generally available to all citizens and are not limited by country of destination. Exit permission is required, but the process has been vastly simplified, and permission is valid for multiple exits within two years. Potential emigrants who can find a host country willing to accept them are able to leave the country. Since independence, several hundred thousand people (chiefly ethnic Russians, but also Jews, Tatars and Germans) have emigrated. Although possession of state secrets technically is still a ground for refusal of exit permission under the law, embassies of major western emigration destinations (United States, Israel, Germany) report no instances of applicants being denied permission to emigrate. Fees associated with emigration are not excessive. There have not been reports of a significant percentage of denials of emigration applications that comply with local law.

[Presidential Determination No. 98-7]

THE WHITE HOUSE,
Washington, December 5, 1997.

Memorandum for the Secretary of State.

Subject: Presidential Determination Under Subsections 402(a) and 409(a) of the Trade Act of 1974, as Amended—Emigration Policies of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

Pursuant to the authority vested in me by subsections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a) (the “Act”)), I determine that Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are not in violation of paragraph (1), (2), or (3) of subsection 402(a) of the Act, or paragraph (1), (2), or (3) of subsection 409(a) of the Act.

You are authorized and directed to publish this determination in the *Federal Register*.

WILLIAM J. CLINTON.

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