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UPDATED REPORT ON THE EMIGRATION LAWS AND
POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA,
MOLDOVA, AND UKRAINE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN UPDATED REPORT CONCERNING THE EMIGRATION LAWS AND
POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA, AND
UKRAINE, PURSUANT TO 19 U.S.C. 2432(b)



JUNE 3, 1997.—Message and accompanying papers referred to the
Committee on Ways and Means and ordered to be printed

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WASHINGTON : 1997

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine 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 Armenia, Azerbaijan, Georgia, Moldova, and Ukraine 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 Armenia, Azerbaijan, Georgia, Moldova, and Ukraine with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA AND UKRAINE

Pursuant to subsection 402(a) and 409(a) of the Trade Act of 1974, as amended ("the Act"), I have determined that Armenia, Azerbaijan, Georgia, Moldova and Ukraine 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 Armenia, Azerbaijan, Georgia, Moldova and Ukraine satisfy the criteria laid out in subsections 402(a) and 409(a) of the Act with respect to all matters covered in those subsections.

Armenia: The emigration regime in Armenia, among the least restrictive in the New Independent States, was further relaxed in 1996. The Ministry of Interior and National Security no longer requires Armenian citizens to have invitations from countries they intend to visit. Armenian citizens wishing to emigrate still face a requirement to "de-register," a process which can deny exit permission to those possessing state secrets, liable for military service, or having financial obligations. In general, failure to "de-register" is not a barrier to emigrating, but may cause problems for those attempting to re-enter Armenia. Under Armenia's liberal policies, over 700,000 Armenians have emigrated since independence in 1991, of which about 350,000 reside in Russia, and 300,000 live in the United States.

Azerbaijan: The government of Azerbaijan officially recognizes freedom of emigration; a law passed in June 1994 guarantees that right. This right may only be limited in cases involving military draft liability, criminal record or pending criminal charges, or previous access to state secrets. (The latter limitation does not pertain to emigration in CIS countries.) The new Azerbaijani constitution, adopted in 1995, provides for the right of all citizens to travel abroad. Active Jewish emigration to Israel continued in 1996. Germany was the second largest destination of Azerbaijani emigrants. According to official statistics, in 1996 there were 2,431 emigrants from Azerbaijan. In 1996, no one was refused permission to emigrate. The remaining Armenian population in Azerbaijan is ten to twenty thousand, mostly people of mixed descent or in mixed marriages. While official government policy is that Armenians are free to travel, low-level officials seeking bribes have harassed Armenians wishing to emigrate.

Georgia: The government of Georgia maintains a policy of unrestricted emigration. The 1993 law on emigration remains the legal basis for emigration. In addition, the constitution, adopted in 1995, guarantees all Georgian citizens unrestricted freedom of movement. In 1996, there were no recorded cases in which an individual was refused permission to emigrate. The government of Georgia adopted and maintained a cooperative attitude toward Jewish emigra-

tion. A large percentage of the Jewish population of Georgia has emigrated without incident.

Moldova: The Moldovan Constitution guarantees the right of citizens to emigrate at will. Before emigrating, outstanding financial and judicial obligations must be satisfied. In 1996, there were no recorded cases in which an individual was denied permission to emigrate. The Government of Moldova has adopted and maintained a cooperative attitude toward Jewish emigration. A large percentage of the Jewish population of Moldova has emigrated without incident.

Ukraine: Ukrainian law and the 1996 Constitution guarantee all Ukrainian citizens the right to emigrate. In 1993, Ukraine dropped requirements for exit permission and made all citizens eligible for passports that permit free travel abroad. The government of Ukraine still requires emigrants to obtain an exit visa from the local Office of Visa and Registration (OVIR). While intending emigrants may evade this technicality by using a tourist passport good for international travel, without the exit visa to emigrate, they then may face difficulty if they attempt to return to Ukraine for a visit. Passports issued before independence in 1991 must be submitted for certification of citizenship status. The processing of passport applications takes less than two months. Cases involving applicants who had or have access to secret information usually take longer, but this has not been used routinely as grounds for denying permission to emigrate.

Ukraine does not impose taxes or fees on those who exercise their right to emigrate. Tens of thousands of Ukrainian citizens emigrate annually, including over 35,000 to the United States in 1996. Some applicants have encountered difficulties assembling the old documents required for exit visas. Reports of local bureaucrats assessing bribes for routine passport and exit visa issuance are rife. However, human rights groups report that persons need only appeal to national-level authorities to resolve their status and establish their right to emigrate. There is no standard procedure for this appeal inasmuch as there are no grounds for denial of the right to emigrate.

Two individuals were denied exit visas to emigrate in 1996 because of possession of state secrets, but both were issued so-called "tourist" passports on which they traveled abroad. Also, some draft-age men have been refused the right to emigrate until their status is clarified. Ukrainian and international human rights groups, leaders of Jewish communities in Ukraine, and officials of third governments confirm that freedom to emigrate has been established in Ukraine.

Presidential Determination No. 97-27

THE WHITE HOUSE,
Washington, June 3, 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 Poli-
cies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine

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 Armenia, Azerbaijan, Georgia, Moldova, and Ukraine 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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