

EMIGRATION LAWS AND POLICIES OF THE
RUSSIAN FEDERATION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

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



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Committee on Ways and Means and ordered to be printed

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To the Congress of the United States:

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 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.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 30, 1995.*

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 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 12, 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 more than nominal taxes or fees on emigration.

Consistent with international legal standards, the Government of Russia established a body in June 1993 to hear appeals of cases in which permission to emigrate is refused on the basis of access to state secrets. This Interagency Commission, chaired by a Deputy Foreign Minister, met fourteen times and reviewed 198 secrecy refusals between June 1994 and June 1995. According to an advocacy group, 182 of these cases were decided in favor of the applicant. The remaining 16 applicants were refused permission to travel. Two were told they must wait six months, one was told he must wait four years and the remaining applicants were told they must wait two to three years. Because there is currently a substantial backlog of cases before the Commission, it can take six months or longer 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. 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 1994, 25,198 Russian citizens emigrated to Israel. 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 a much smaller number today. Russian and American 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 and intolerant behavior. During the May 9 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, 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." 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. In September 1994, he sent an unprecedented Rosh Hashanah greeting to Russian Jews. 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 actions and 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 practices, the Russian Federation has productive relations with the United States, and has demonstrated its commitment to the transition to a democratic, free market society.