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EMIGRATION 1

~~CONFIDENTIAL~~

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P.D.

DEPARTMENT OF STATE
UNITED STATES OF AMERICA

BUREAU OF INTELLIGENCE AND RESEARCH

ASSESSMENTS AND RESEARCH

(U) JEWISH EMIGRATION FROM THE USSR: AN OVERVIEW OF SOVIET POLICY

(C) Summary

In the early 1970s, the Soviet regime initiated a policy of allowing Jewish emigration from the USSR. It did so in response to organized demands by Soviet Jews and international Jewish organizations, but also with the calculation that this action could be manipulated to serve state goals. In effect, Moscow regards emigration as both a safety valve to relieve internal pressures and a possible trade-off in obtaining US concessions in the context of "detente." After cutting emigration sharply in 1980, primarily in retaliation against US policies, Soviet authorities now appear to see advantage in showing flexibility on this issue.

* * * * * *

(U) Attitudes Toward Emigration

The Soviet regime acceded to Jewish emigration pressures in spite of its deep and even emotional aversion to emigration as an affront to its self-image. Authorities regard the desire to emigrate as evidence of disloyalty toward the "world's first socialist state." Official attitudes also reflect currents of anti-Semitism at both the official and the grassroots level, and concern that Jewish emigration pressures may get out of hand and may encourage demands by other groups for a similar right to emigrate. As a result, emigration applicants often experience deliberately arbitrary and vindictive treatment by emigration authorities.

The USSR has no law on emigration, nor does it recognize the right of Soviet citizens to emigrate by choice. Authoritative statements by Soviet

RDS-1 3/31/01 (Baumann, C.)

Report 103-AR
March 31, 1981

officials list family reunification and marriage to a foreign national as the only valid grounds for departure. They obfuscate this limitation, however, by claiming that Soviet citizens do not emigrate for other reasons because the Soviet Union "lacks objective conditions for the development of emigration as a social phenomenon." Thus, family reunification with relatives in Israel is the principal formal justification for emigration by Soviet Jews.

Whether this rule is enforced loosely or strictly, and how it is applied in individual cases, depends on policy considerations of the moment. The actual level of emigration permitted reflects pre-set quotas rather than the number of eligible applicants. Because of the intense emigration pressures, authorities resort to intimidation and arbitrary disapproval of applications to bring the number of applications accepted to desired levels. Even Jews who have close relatives in Israel and are not otherwise disqualified (e.g., by past access to classified work) have no assurance that they will be permitted to leave. At the same time, the authorities use the Jewish emigration channel for getting rid of undesirable citizens, whether Jewish or non-Jewish.

The Ups and Downs of Emigration

(C/NF) Monthly and annual emigration levels are closely controlled at the highest political level and reflect the authorities' fluctuating perceptions of how manipulating the figures can advance the regime's domestic and international interests. The Jackson-Vanik Amendment to the 1974 US Trade Act provides a prime illustration. The amendment required a high level of Jewish emigration as a condition for extending most-favored-nation (MFN) treatment to the Soviet Union. Moscow denounced the amendment as unacceptable interference in Soviet internal affairs and retaliated by cutting the number of Israeli exit visas from 34,780 in 1973 to 20,200 in 1974, and 13,209 in 1975. Having registered its objections to a formal, overt linkage between emigration and trade, Moscow then allowed emigration levels to rise gradually. Indeed, Soviet leaders may have found that prolonged retaliation was undercutting the other purposes of emigration: its role as a safety valve for domestic pressures, and its possible use as an inducement to the US for accommodation on other issues.

(U) Although Soviet officials regard the desire to emigrate as a manifestation of dissent, they treat Jewish emigration and the organized human rights movement as separate problems, showing relative flexibility toward the former and unyielding rigidity toward the latter. The harsh repression of organized dissent during 1978 and 1979 did not have a negative effect on Jewish

emigration. On the contrary, emigration increased sharply during that period--conveniently dampening protests in the West over the trials, repressions, and outcroppings of anti-Semitism in the USSR, as well as weakening the solidarity between Soviet Jewish and non-Jewish activists.

(C/NF) Emigration peaked in 1979 with the issuance of 50,461 Israeli visas. By mid-year, however, emigration offices gradually had begun to limit eligibility to applicants with first-degree relatives in Israel and to treat the required formal "invitations" from Israel as documents requiring strict verification, rather than as a bureaucratic formality as had previously been the case.

(C) Processing procedures also tightened steadily, and emigration dropped precipitously to about 20,000 in 1980, evidently because of a mix of foreign policy and domestic considerations:

--The erosion of US-Soviet relations over human rights, SALT II, and the US decision to extend MFN to China but not to the USSR, followed by Afghanistan and its after-effects--the Olympic boycott and suspension of cultural and scientific exchanges--persuaded Moscow to abandon use of a high emigration level as an inducement. It retaliated as in 1974.

--Internally, the heavy exodus of 1978 and 1979 reportedly had an unsettling effect, especially in the Ukraine (an area of heavy Jewish concentration and strong grassroots anti-Semitism) where republic officials reportedly pressed Moscow to cut back. Soviet authorities also began to feel pressure from non-Jewish groups for the right to emigrate.

(C) The high dropout rate of Jewish emigres arriving in Vienna (which reached a new high of almost 85 percent in February 1981) probably has relatively little effect on Soviet emigration policy, even though the authorities occasionally complain that Jews emigrate under false pretenses. Moscow would be similarly embarrassed vis-a-vis its Arab friends if all emigres elected to go to Israel.

The Dilemma of Soviet Jews

(U) The emigration of almost 250,000 Soviet Jews since 1971 has radically changed the status of the remaining Jews as Soviet citizens.* Before Soviet Jews were offered the opportunity to

* According to Soviet census figures, the number of Jews in the USSR decreased from 2,151,000 in 1970 to 1,811,000 in 1979, a drop of 15.8 percent during a nine-year period.

emigrate, they faced the choice of assimilating into the predominantly Russian culture of Soviet society or seeking to preserve their group identity despite official encouragement of the assimilation process. The regime's decision to allow emigration--a third choice--reduced the viability of the other two alternatives as practical options.

(U) As the resulting exodus gained strength, it activated a resurgence of anti-Semitism. The authorities tended to regard all Jews as potential emigrants and therefore disloyal, and some citizens showed resentment, tinged with envy, that Jews enjoyed a right available to no one else. The resulting discrimination against Jews in employment and education not only stopped the assimilation process, but actually reversed it by forcing upon all Jews both an awareness of their second-class status as Soviet citizens and the possibility of escaping it through emigration. As a result, emigration pressures escalated.

(C/NF) When Moscow slashed emigration last year, Jews found all three alternatives virtually closed. Even if Jewish activists appear quiescent now, the pressures leading to a new phase of activism are visibly building up. Authorities evidently sought to head off possible Jewish demonstrations during the 26th Party Congress in February by issuing an increased number of exit visas in January and early February, primarily to Moscow residents. (After the Congress, emigration rates resumed their decline.)

(C) Toward a New Flexibility?

Having cut emigration to a trickle for the second time within a decade, Moscow may find it more difficult to sustain that position now than it did in 1974-75. Soviet leaders face a large and increasingly alienated Jewish population at home and must simultaneously cope with the stiff posture of a new administration in Washington. For the moment, they have evidently elected to try to salvage "detente" by holding out offers of trade, renewed contacts, and resumption of negotiations on difficult issues. In this context, Soviet officials have used the pre-Congress emigration spurt to remind US Jewish leaders--and the Reagan administration--that an improved bilateral climate could also revive Soviet flexibility on the emigration issue. And when Brezhnev himself delivered a rare high-level condemnation of anti-Semitism during his keynote speech at the Party Congress, his remarks were probably intended to reassure the apprehensive Soviet Jewish community as much as to encourage the expectations of his American audience.

Prepared by I. Belousovitch
x29204

Approved by M. Mautner
x20536

~~CONFIDENTIAL~~

Emigration 5

April 1, 1981

TO: HENRY NAU

FROM: RICHARD PIPES RP

SUBJECT: Comment on Log. 1643: Soviet Jewish Emigration

The emigration policies practiced by the Soviet Government have been characterized by two qualities:

1. Political considerations: By and large, the USSR lets out Jewish citizens in order to gain the sympathy or at least the neutrality of the Jewish population of the United States. The high figures for emigration in 1979 almost certainly are related to the signing of SALT II and the Soviet desire to have the treaty ratified by the Senate. The low figures for 1980 and 1981 are "punishment" for the tough stance taken by the U.S. Government since the invasion of Afghanistan, and are designed to impel the Jewish voters to apply pressure on Washington.

2. Arbitrariness: It is difficult to discern any consistency behind the procedures used to issue emigration visas to individual Jewish citizens, which strongly suggests that the matter is in the hands of high-placed bureaucrats who act on the basis of their personal "feelings" and even whims.

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NSC/S PROFILE [redacted] UNCLASSIFIED ID 8101643

RECEIVED 28 MAR 81 10

TO ALLEN FROM BREMER DOCDATE 27 MAR 81

KEYWORDS: EMIGRATION ISRAEL BUSH, G

USSR

SUBJECT: BRIEFING MEMO REQUESTED BY VP OFC ON SOVIET JEWISH EMIGRATION

ACTION: PREPARE MEMO LENZ TO DYKE DUE: 01 APR 81 STATUS S FILES

FOR ACTION	FOR COMMENT	FOR INFO
NAU	KEMP	PIPES

COMMENTS

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NSC# 1643 1
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DEPARTMENT OF STATE

Washington, D.C. 20520

March 27, 1981

MEMORANDUM FOR MR. RICHARD V. ALLEN
THE WHITE HOUSE

SUBJECT: Current Status of Jewish Emigration from the Soviet Union

Enclosed is a briefing memorandum on Soviet Jewish emigration as requested by the Office of the Vice President. Materials submitted to the Department with the request from the Vice President's office are also enclosed.

L. Paul Bremer, III
Executive Secretary

Enclosures:
As stated.

DEPARTMENT OF STATE
BRIEFING PAPER

Current Status of Jewish Emigration from the USSR

The recent sharp decline in Jewish emigration from the Soviet Union beginning in late 1979 has led to increased public and Congressional concern over the issue. The Department regularly monitors and analyzes developments in emigration from the Soviet Union, based on information available here and to our Consulate General in Leningrad and Embassy in Moscow. There is no conclusive evidence that the downturn in Jewish emigration is based entirely on Soviet foreign policy considerations. The current decline coincides with a general intensification of Soviet repression of internal dissent in its many forms, and available information suggests this is motivated by Soviet domestic concerns. The inconsistent application across different regions of the USSR of Soviet emigration procedures, which are clearly intended to discourage or impede emigration, suggests that local concerns also are a significant factor in the emigration process.

Although the 1979 year showed a record number of 51,331 arrivals in Vienna, the first stop outside the Soviet Union for all emigrants with exit permission for Israel, the number of exit visas issued monthly by Soviet authorities began to decline late that year and has generally continued to decline since. This decline is reflected in the Vienna arrival figures after a one to two month delay, because of the interval between the issuance of exit permission and departure for Vienna during which the emigrant completes preparations for leaving the Soviet Union. The 1980 total of 21,470 emigrant arrivals in Vienna is of particular concern because it is a dramatic 58% decline from the 1979 total and because it reverses a pattern of annual increases in emigration figures since 1976. In absolute terms the 1980 total is still larger than any other years except 1979, 1978, 1973 and 1972.

The 1981 monthly figures are being studied carefully for any indications of the emergence of a new pattern or trend. Hopes in the Soviet Jewish community, in Israel and in the United States were temporarily raised by the reports and rumors in February of a widespread upsurge in the numbers of exit visas granted throughout the Soviet Union.

As the actual figures came in on Vienna arrivals it became evident that the increase was limited almost exclusively to Moscow, and coincided with the meeting there of the twenty-sixth CPSU Party Congress, an event that has often in the past been accompanied by temporary relaxation of restrictive policies. The figures available for March indicate a return to the decline of previous months.

Over the years Soviet authorities have applied their emigration procedures with considerable arbitrariness to serve national or local policy interests. A "vyzov" (letter of invitation) has always been required for an emigration applicant, but such measures as the "first-degree relative" (immediate family member) rule and procedures governing re-application after a refusal have been applied with broad inconsistency. Recent figures on emigration from some regions have shown virtually no decline. On the other hand, some Ukrainian cities, such as Odessa and Kiev, show drastic reductions in the number of emigrants and Kharkov now appears virtually closed, while the Ukraine as a whole still contributes a large percentage of the overall emigrant total.

Soviet motivations for the current decline in emigration are not clear nor is there a clear pattern on which to predict future trends. The Soviet authorities have always declined to discuss or make known their policies on emigration, insisting that their policies are purely an internal matter which brooks no outside interference. The current emigration decline pre-dated the Afghanistan invasion and there is no evident correlation with external developments. The long-standing practice of periodic official US representations to the Soviet government on individual cases and emigration in general continues, although the Soviet authorities have not generally proven responsive. Although private official diplomacy and pleas from prominent individuals and groups have produced some favorable results in the past, this has been the exception rather than the rule and has seemed to be connected in these instances with Soviet expectations of some desired concession in return.

10

MEMORANDUM ON SOVIET JEWRY

Current Emigration Situation; While 1979 was a record year for Jewish emigration from the USSR -- 51,320 Jews arrived in Vienna, with Israeli visas, for a monthly average of over 4,200, the number of visas issued in 1980 dropped to 21,471. This drop in visas has continued, the lowest rate in years. The new restrictions implemented months before the Soviet invasion of Afghanistan, were not necessarily connected to changes in Soviet foreign policy. While we cannot ignore the impact on emigration of the present international climate, we do not see a cutback as a reaction to US measures undertaken after the Soviet invasion of Afghanistan. Nor can we fault Jews beacuse of the state of bilateral affairs. This would be misunderstood in the USSR, and would have a deliterious affect on the Jewish minority.

ARRIVALS IN VIENNA **

	1979	1980	1981
January	3,722	2,803	805
February	3,837	3,023	1,407
March	4,418	3,049	672(2 weeks)
April	4,296	2,469	
May	4,163	1,967	
June	4,358	1,767	
July	4,068	1,205	
August	4,711	770	

The sharp drop essentially reflects the introduction of a new demand for an invitation (~~visov~~ vyzov) from a "close (or first degree) relative in Israel", as well as administrative and bureaucratic obstacles. Applications have been rejected if the invitation is signed by a relative other than spouse, parents, children or siblings. In addition, exit visas were denied to those able to apply. (In Kiev, only parents and children). As a result, Odessa, Kiev and Knrakov (Kharkov) are virtually closed to emigration. The total

number of Jews affected by the new restrictions has reached the tens-of-thousands, including those who receive a refusal, as well as those whose initial applications are not accepted. After the introduction of the new restrictions, many Jews decided to postpone submitting their applications.

The number of Jews who left the Soviet Union during the first 15 days of March was 672. This number does not suggest a possible surge of exit permits reflecting promises in Moscow before and during the 26th Congress of the Communist Party, February 26-March 3.

Because of bureaucratic backup, some of the visa recipients have been delayed in getting their papers processed and flight reservations made. Their departure maybe be held up for several months.

In the meantime, Jewish emigration experts report that a number of Jews have been summoned to Moscow OVIR offices, and then told to go home to wait for another call. They point out that the number of permits granted in the first half of March had declined to its former level. Speculations are that the monthlong increase in permissions in February was to assure that Jewsih refusenik-activists would refrain from demonstrating while the Congress was in progress.

** For complete emigration statistics see attached sheet.

Soviet Jewry Research Bureau

12

JEWISH EMIGRATION FROM THE USSR

STATISTICS

1965 - June 1967	4,498	1974	20,628
Oct. 1968 - 1970	4,235	1975	13,221
1971	13,022	1976	14,261
1972	31,681	1977	16,736
1973	34,733	1978	28,864

	1978	1979	1980	1981
January	1,761 (49.1)*	3,722 (39.4)*	2,803 (39.6)*	850
February	1,812 (46.7)	3,837 (35.9)	3,023 (42.1)	1407
March	2,038 (44.8)	4,418 (34.7)	3,049 (40.9)	625
April	1,938 (39.0)	4,296 (29.9)	2,469 (37.3)	(2 wee
May	1,958 (50.7)	4,163 (35.4)	1,976 (37.3)	
June	1,983 (38.7)	4,358 (35.7)	1,767 (31.8)	
July	1,899 (42.9)	4,068 (30.0)	1,205 (23.8)	
August	2,275 (37.9)	4,711 (32.3)	770 (28.1)	
September	2,523 (33.7)	4,663 (29.1)	1,307 (24.3)	
October	3,286 (42.9)	4,746 (33.8)	1,424 (22.0)	
November	3,194 (39.3)	4,193 (34.7)	789 (26.4)	
December	4,197 (41.8)	4,145 (34.3)	889 (23.1)	
TOTAL	28,864 (41.8)	51,320 (33.7)	21,471 (34.4)	

From October 1968 - December 1980, 250,172 persons left the Soviet Union with Israeli visas. Approximately 160,000 of them came to Israel.

*Figures represent the percentage of those who proceeded to Israel.

NATIONAL CONFERENCE ON SOVIET JEWRY

10 East 40th Street, New York, N.Y. 10016 (212) 679-6122

NATIONAL CONFERENCE ON SOVIET JEWRY
10 East 40th St., N.Y. N.Y. 10016

SOVIET JEWRY RESEARCH BUREAU
(212) 679-6122

1m

REFUSENIK PROFILE

NAME:

Viktor Brailovsky

ADDRESS:

Vernadsky Prospekt 99-1-128
Moscow 117526
RSFSR
USSR

FAMILY BACKGROUND:

Relationship	First Name	Date of Birth	Occupation/Profession
	Viktor	1935	Doctor of Computer Science
Wife	Irina	1936	Doctor of Computer Science
Son	Leonid	1961	Student
Daughter	Dalia	1974	

RELATIVES ABROAD:

Brother: Mikhail Brailovsky
Azar 4-1
Haifa, Israel

VISA APPLICATION HISTORY:

Date of First Application: March 10, 1972

Reason for Refusal: Wife's "secrecy"

Date of First Refusal: January 1973

Most Recent Refusal: Refused repeatedly

Permission:

CASE HISTORY/ADDITIONAL COMMENTS:

In October 1972, Viktor and Irina Brailovsky, both Doctors of Computer Science, first applied for permission to leave the USSR. In January 1973, their request was denied because the government felt that Irina had had access to "secret information" as a computer scientist at Moscow University. Since this refusal, Viktor and Irina have been involved with the Jewish emigration movement and Viktor is an organizer of the Moscow Seminar of Jewish Scientists.

In 1973, the Brailovskys, along with eight other scientists, held a 17-day hunger strike to protest the absence of free emigration of Jews. Viktor also joined Professor Mark Azbel's seminar for unemployed Jewish scientists awaiting permission to emigrate to Israel.

In 1974, Viktor and other activists were imprisoned for 15 days for attempting to hold an international session of the seminar.

In 1976, Viktor was granted permission to emigrate, but he refused to leave without his wife and children.

In October of 1976, Viktor was arrested at a Moscow sit-in demonstration and later released.

In December of that same year, the Brailovsky home was searched in connection with the start of the Moscow Cultural Symposium. KGB officials confiscated books on Jewish history and culture, along with Jewish and Israeli music tapes.

over

In May 1977, Viktor was interrogated for twelve hours at Lefortovo Prison in connection with the case against Anatoly Shcharansky.

In October 1978, the Rector of Moscow University stated that the university had no objection to Irina's emigration and would inform the appropriate officials. Despite this, she was once again denied an exit visa, this time without explanation.

In December 1978, the local Ministry of Finance demanded that Viktor submit a "teacher's certificate" issued by the local Ministry of Education. The educational authorities refused to give him a certificate and also warned him about tutoring pupils in mathematics. As a result, Viktor is not allowed to teach and may be charged with "parasitism."

On December 21, 1978 the KGB conducted an eight-hour search at the Brailovsky home. Scientific papers and materials relating to the Sunday seminar, which the Brailovskys host, were confiscated. The scientific seminars which Viktor leads play an important role in the lives of Moscow refusenik scientists.

On April 10, 1980, on the eve of the fourth International Seminar on Collective Phenomena, Viktor was arrested and told he was being investigated in regard to the illegal magazine "Jews in the USSR." Although released, he remains under investigation.

On November 11, 1980, the opening day of the Madrid Conference, Brailovsky, along with 237 other refuseniks, signed an appeal to President Leonid Brezhnev demanding exit permits. On November 13 he was arrested for allegedly "slandering the Soviet state." If officially charged, this could mean up to three years of labor camp.

11/80

NSC #1643

Dupes file H.R. 15

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 13, 1981

INFORMATION

MEMORANDUM FOR THE VICE PRESIDENT

FROM: RICHARD V. ALLEN

SUBJECT: Soviet Jewish Emigration

Attached is the briefing paper from the Department of State on Soviet Jewish Emigration requested by your office.

The emigration policies practiced by the Soviet Government have been characterized by two qualities:

1. Political considerations: By and large, the USSR lets out Jewish citizens in order to gain the sympathy or at least the neutrality of the Jewish population of the United States. The high figures for emigration in 1979 almost certainly are related to the signing of SALT II and the Soviet desire to have the treaty ratified by the Senate. The low figures for 1980 and 1981 are "punishment" for the tough stance taken by the U.S. Government since the invasion of Afghanistan, and are designed to impel the Jewish voters to apply pressure on Washington.

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16

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July	1,899 (42.9)	4,068 (30.0)	1,205 (23.8)	
August	2,275 (37.9)	4,711 (32.3)	770 (28.1)	
September	2,523 (33.7)	4,663 (29.1)	1,307 (24.3)	
October	3,286 (42.9)	4,746 (33.8)	1,424 (22.0)	
November	3,194 (39.3)	4,193 (34.7)	789 (26.4)	
December	4,197 (41.8)	4,145 (34.3)	889 (23.1)	
TOTAL	28,864 (41.8)	51,320 (33.7)	21,471 (34.4)	

From October 1968 - December 1980, 250,172 persons left the Soviet Union with Israeli visas. Approximately 160,000 of them came to Israel.

*Figures represent the percentage of those who proceeded to Israel.

NATIONAL CONFERENCE ON SOVIET JEWRY

10 East 40th Street, New York, N.Y. 10016 (212) 679-6122

NATIONAL CONFERENCE ON SOVIET JEWRY
10 East 40th St., N.Y. N.Y. 10016

SOVIET JEWRY RESEARCH BUREAU
(212) 679-6122

REFUSENIK PROFILE

NAME:

Viktor Brailovsky

ADDRESS:

Vernadsky Prospekt 99-1-128
Moscow 117526
RSFSR
USSR

FAMILY BACKGROUND:

Relationship	First Name	Date of Birth	Occupation/Profession
	Viktor	1935	Doctor of Computer Science
Wife	Irina	1936	Doctor of Computer Science
Son	Leonid	1961	Student
Daughter	Dalia	1974	

RELATIVES ABROAD:

Brother: Mikhail Brailovsky
Azar 4-1
Haifa, Israel

VISA APPLICATION HISTORY:

Date of First Application: March 10, 1972

Reason for Refusal: Wife's "secrecy"

Date of First Refusal: January 1973

Most Recent Refusal: Refused repeatedly

Permission:

CASE HISTORY/ADDITIONAL COMMENTS:

In October 1972, Viktor and Irina Brailovsky, both Doctors of Computer Science, first applied for permission to leave the USSR. In January 1973, their request was denied because the government felt that Irina had had access to "secret information" as a computer scientist at Moscow University. Since this refusal, Viktor and Irina have been involved with the Jewish emigration movement and Viktor is an organizer of the Moscow Seminar of Jewish Scientists.

In 1973, the Brailovskys, along with eight other scientists, held a 17-day hunger strike to protest the absence of free emigration of Jews. Viktor also joined Professor Mark Azbel's seminar for unemployed Jewish scientists awaiting permission to emigrate to Israel.

In 1974, Viktor and other activists were imprisoned for 15 days for attempting to hold an international session of the seminar.

In 1976, Viktor was granted permission to emigrate, but he refused to leave without his wife and children.

In October of 1976, Viktor was arrested at a Moscow sit-in demonstration and later released.

In December of that same year, the Brailovsky home was searched in connection with the start of the Moscow Cultural Symposium. KGB officials confiscated books on Jewish history and culture, along with Jewish and Israeli music tapes.

over

In May 1977, Viktor was interrogated for twelve hours at Lefortovo Prison in connection with the case against Anatoly Shcharansky.

In October 1978, the Rector of Moscow University stated that the university had no objection to Irina's emigration and would inform the appropriate officials. Despite this, she was once again denied an exit visa, this time without explanation.

In December 1978, the local Ministry of Finance demanded that Viktor submit a "teacher's certificate" issued by the local Ministry of Education. The educational authorities refused to give him a certificate and also warned him about tutoring pupils in mathematics. As a result, Viktor is not allowed to teach and may be charged with "parasitism."

On December 21, 1978 the KGB conducted an eight-hour search at the Brailovsky home. Scientific papers and materials relating to the Sunday seminar, which the Brailovskys host, were confiscated. The scientific seminars which Viktor leads play an important role in the lives of Moscow refusenik scientists.

On April 10, 1980, on the eve of the fourth International Seminar on Collective Phenomena, Viktor was arrested and told he was being investigated in regard to the illegal magazine "Jews in the USSR." Although released, he remains under investigation.

On November 11, 1980, the opening day of the Madrid Conference, Brailovsky, along with 237 other refuseniks, signed an appeal to President Leonid Brezhnev demanding exit permits. On November 13 he was arrested for allegedly "slandering the Soviet state." If officially charged, this could mean up to three years of labor camp.

11/80

NSC #1643

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

April 9, 1981

SIGNED

MEMORANDUM FOR RICHARD V. ALLEN

FROM: HENRY R. NAU

SUBJECT: Soviet Jewish Emigration

The attached forwards to the Vice President briefing materials requested by his office on Soviet Jewish Emigration.

RECOMMENDATION: That you sign the memo at Tab A to the Vice President.

APPROVE ✓ JWN for 4-13-81 DISAPPROVE _____

NSC# 1643
8109774

DEPARTMENT OF STATE

Washington, D.C. 20520

March 27, 1981

MEMORANDUM FOR MR. RICHARD V. ALLEN
THE WHITE HOUSE

SUBJECT: Current Status of Jewish Emigration from the Soviet Union

Enclosed is a briefing memorandum on Soviet Jewish emigration as requested by the Office of the Vice President. Materials submitted to the Department with the request from the Vice President's office are also enclosed.

L. Paul Bremer, III
Executive Secretary

Enclosures:
As stated.

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Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]
B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

Pipes file Emigration 2056

NATIONAL SECURITY COUNCIL 30

April 17, 1981

TO: ALLEN J. LENZ

FROM: RICHARD PIPES

SUBJECT: SR-77 re Emigration of Ghinis Family

Attached (Tab A) for your signature is a self-explanatory memorandum to Ronald Peterson of OMB.

RECOMMENDATION

That you sign the memorandum at Tab A.

Approve____ Disapprove___

MEMORANDUM

NATIONAL SECURITY COUNCIL

April 17, 1981

MEMORANDUM FOR RONALD K. PETERSON

FROM: ALLEN J. LENZ

SUBJECT: State Proposed Report on SR-77 Relating to Boris and Irina Ghinis

The NSC Staff has no objection to Senate Resolution 77 relating to the emigration of the Ghinis family.

2056

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 13, 1981

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-
National Security Council

SUBJECT: State proposed report on S.Res. 77, relating to Boris and Irina Ghinis

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than May 11, 1981.

Questions should be referred to Tracey Cole Lawler (395-4710), the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures
cc: Jim Barie

DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. Chairman:

This report is in response to your request of March 6 for Executive Branch comments on the proposed Senate Resolution 77.

The operative sections of this resolution concerning Boris and Irina Ghinis and their children are consistent with both the past actions taken by the United States on this case and our current policy.

We have been in touch a number of times by letter and by phone with Dr. Alexander Litvin of Birmingham, the father of Irina Ghinis. Dr. Litvin has assured us that the emigration applications of the Ghinis family have shown Israel as the country of destination (as you know, Soviet practice requires applicants to specify the country to which they desire to emigrate and to identify the family-reunification purpose that would be served). On that basis, we have continued to carry Boris Ghinis and his dependents on our list of Soviet Jews who have been denied emigration despite repeated applications. The list is presented periodically to Soviet officials to stress our continuing concern for those denied the right to emigrate from the USSR. This list was presented to the Soviet Government most recently in December, 1980. While we cannot make direct representations in instances of Soviet citizens seeking emigration to Israel or other third countries, we consider submission of the list to be an effective vehicle for emphasizing our concern over those who remain in the Soviet Union against their will.

We have worked assiduously to bring about more flexible practices on the part of the Soviet Government with regard to family reunification and freedom of movement. The question of Jewish emigration from the Soviet Union has been raised repeatedly with the Soviets, in particular by the U.S. Delegation to the Madrid Review Meeting on CSCE and at the meeting of the UN Human Rights Commission. The Soviet Government thus continues to be made aware of the importance we attach to emigration as an essential element of security and cooperation in Europe and as a major issue in US-Soviet bilateral relations.

The Honorable
Charles H. Percy,
Chairman,
Committee on Foreign Affairs,
United States Senate.

We appreciate and share the concern expressed for the plight of the Ghinis family and others like them in the Soviet Union. We will continue to seek opportunities to encourage the Soviet government to liberalize its policies on emigration and freedom of movement. Regrettably, however, the Soviets consider emigration to be an issue of internal policy. This factor, added to the current tensions prevailing in our bilateral relations, works to reduce the effectiveness of our endeavors in support of the emigration of Soviet Jews to Israel.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

Richard Fairbanks
Assistant Secretary
for Congressional Relations

Enclosure:
Correspondence Returned.

97TH CONGRESS
1ST SESSION

S. RES. 77

Relating to the granting of exit visas for Irina and Boris Ghinis and their children, Julia and Allis Ghinis, for departure from the Soviet Union.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, FEBRUARY 16), 1981

Mr. HEFLIN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

RESOLUTION

Relating to the granting of exit visas for Irina and Boris Ghinis and their children, Julia and Allis Ghinis, for departure from the Soviet Union.

Whereas the Universal Declaration of Human Rights and the Final Act of the Conference on Security and Cooperation in Europe recognize that all individuals have a right to freedom of movement and freedom of religion;

Whereas Soviet authorities have refused exit visas for Irina and Boris Ghinis and their children, Julia and Allis Ghinis, four times since January 1979;

Whereas Irina Ghinis' parents, Valentin and Clara Litvin, and her brother and his family live in Birmingham, Alabama, and Boris, Irina, Julia, and Allis Ghinis seek entry into the

United States for the purpose of reuniting with these other members of their family; and

Whereas Boris and Irina Ghinis have directed a Jewish kindergarten in Moscow which has been harassed by Soviet authorities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should strongly urge the Government of the Union of Soviet Socialist Republics to grant exit visas for Boris, Irina, Julia, and Allis Ghinis in order that they may reunite with other members of their family in the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

○

INR/See - Bracy 4758

DEPARTMENT OF STATE

Washington, D.C. 20520

MEMORANDUM

April 29, 1981

TO: CA - Ambassador Asencio

FROM: PA - William J. Dyess

SUBJECT: Public Favors Discouraging Immigration to the U.S.

Americans favor restricting immigration into the U.S., according to a Washington Post/ABC poll conducted in early March. The support for restrictions stems largely from concern that immigrants are "taking jobs" away from American citizens.

The public opposes immigrants from some countries much more than from others: Cuban and Iranian immigrants are the most opposed; Northern Europeans and Italians are the least opposed; Vietnamese and Haitians fall in between. The Post asked this question:

> "Here are some groups which have recently been immigrating to this country. For each, please tell me if you feel that the government should encourage them to enter this country or discourage them from doing so."

	Discourage	Encourage	Don't Know
Iranians fleeing their country	79%	16%	5%
Cubans	77	18	5
Iranian students	74	21	5
Vietnamese	67	27	6
Haitians	63	27	10
Russian Jews	57	34	9
Northern Europeans	54	38	8
Italians	52	40	8

The highest levels of opposition to immigration are found among those having the least income and education. Most of those without any college education opposed European immigrants, as well as Haitians and Cubans. College-educated respondents were inclined to favor European immigrants, and they opposed Haitians and Cubans by much smaller majorities than those without college education:

	College Education		No College Education	
	Discourage	Encourage	Discourage	Encourage
Cubans	65%	30%	83%	13%
Haitians	51	40	67	21
Northern Europeans	41	51	61	32
Italians	41	53	57	35

Views on Immigration Reflect Concerns About Jobs

Those having low income and education are much more concerned than higher socioeconomic groups about competing for jobs with immigrants. A two-to-one majority of those with no college education believed that "immigrants are taking jobs that could go to Americans" (66%), rather than that "there are enough jobs for all who really want to work" (30%). College-educated respondents tended to believe that there were enough jobs to go around (52%) rather than that immigrants were "taking jobs" (43%).

Drafted: PA/OAP:ARichman:sch
ext. 22257 4/28/81

~~CONFIDENTIAL~~

DEPARTMENT OF STATE
UNITED STATES OF AMERICA

BUREAU OF
INTELLIGENCE
AND RESEARCH

ASSESSMENTS
AND
RESEARCH

(U) SOVIET CITIZENSHIP AND EMIGRATION: PROCEDURES, LINKAGES, IMPLICATIONS

(LOU) Summary

According to USSR legal doctrine, only the state can decide if a Soviet citizen may change citizenship. The 1979 Law on Soviet Citizenship empowers the government to withdraw citizenship as punishment for disloyalty. It also permits an individual to petition for withdrawal of citizenship. But Soviet emigration policy is inconsistent in that only Jewish emigrants are required to renounce their citizenship as a condition of emigration. The failure of the authorities to deprive other emigrants of citizenship when they leave means that they remain Soviet citizens in the eyes of Soviet law.

A curious but so far rarely used feature of the law permits withdrawal of citizenship prior to emigration; this has the effect of transforming a Soviet citizen into a stateless person with the legal status of a foreign national while still in the USSR. Travel of such a person abroad is then governed not by Soviet emigration procedures, but by the Law on the Status of Foreigners in the USSR. This provision is of interest as a potential method for resolving difficult emigration cases, especially those involving dual citizenship or where the authorities are prepared to allow the emigration of a citizen but find the use of conventional emigration procedures awkward.

The Law on Soviet Citizenship and the Law on the Status of Foreigners in the USSR have interlocking provisions. They allow, for example, Soviet authorities to exercise a degree of special control over Jews who renounce their citizenship as part of the emigration process but then fail to emigrate, remaining in the USSR as stateless persons. The Law on Soviet Citizenship can also

GDS 4/30/88 (Baraz, R.)

Report 378-AR
April 30, 1982

place in jeopardy emigres and their children who travel to the USSR believing that they hold only the citizenship of their adopted country. USSR law regards a person as a Soviet citizen regardless of place of birth or length of residence abroad if both parents were Soviet citizens when the child was born.

* * * * * *

(U) Soviet Citizenship: The USSR Decides

The 1979 Law on Soviet Citizenship[1] lists three ways a person may lose citizenship: at the initiative of the government, by application to the government, or as a result of international agreements concluded by the USSR (such as the post-World War II treaties with East European states involving shifts of boundaries and the options of affected populations).

These formulations reflect Soviet legal doctrine that a citizen does not have a unilateral right to change citizenship: "It is the sovereign right of the Soviet state alone to decide whether or not a Soviet citizen may change his citizenship."[2] Accordingly, Article 8 of the 1979 law incorporates a longstanding Soviet position of refusing to recognize dual citizenship. Neither marriage to a foreign national, nor extended residence abroad, nor acquisition of another citizenship results in loss of Soviet citizenship. The government continues to regard a Soviet citizen exclusively as a Soviet citizen--even if another state also claims him--unless the USSR has formally denaturalized him.

(U) Deprivation of Citizenship

Article 18 of the citizenship law authorizes the Presidium of the USSR Supreme Soviet to deprive a person of citizenship as an exceptional measure for "actions bringing discredit on the title of USSR citizen and damaging the prestige or national security of the USSR." The Presidium's decision appears in the form of a decree (ukaz) published in the official gazette (Vedomosti) of the USSR Supreme Soviet. A supplementary decree dated June 15, 1979, detailing procedures for the implementation of the Law on Citizenship stipulates that "persons deprived of USSR citizenship in accordance with Article 18...may be expelled from the USSR."[3]

1/ (U) The Law on Soviet Citizenship was passed by the USSR Supreme Soviet on December 1, 1978, and went into force on July 1, 1979.

2/ (U) V. Shevtsov, Citizenship of the USSR, Moscow, Progress Publishers, 1979, p. 94.

3/ (U) Vedomosti Verkhovnogo Soveta SSSR, No. 25, June 20, 1979.

Like most aspects of Soviet life, implementation of Article 18 involves a degree of unpredictability. In practice, citizenship is usually revoked after an undesirable individual has been expelled or allowed to leave the USSR legally with a Soviet passport. The action thus effectively bars his return and is tantamount to permanent foreign exile. Many Soviet nonconformists receive permission to go abroad with the full expectation that their citizenship will be revoked after their departure. But Yelena Bonner--a member of the Moscow Helsinki Group and Andrey Sakharov's wife--has traveled abroad for medical treatment and returned uneventfully. On the other hand, human rights activist Gen. Peter Grigorenko received permission to go abroad for medical treatment with assurances that he could return if he refrained from political activities while abroad. Even though Grigorenko intended to return and observed his side of the understanding, Soviet authorities revoked his citizenship.

Article 18 also stipulates that "revocation of a person's Soviet citizenship does not affect the citizenship of the spouse or children." Spouses, of course, may be deprived of citizenship on the basis of their own activities, as was the case with the wives of Solzhenitsyn and Rostropovich. In other instances, however, Soviet authorities took no action to revoke the citizenship of wives who accompanied their husbands into foreign exile; they remained citizens in the eyes of Soviet law and were technically free to return to the USSR at any time.

(U) Voluntary Termination of Citizenship

Article 17 of the Law on Soviet Citizenship authorizes the Presidium of the USSR Supreme Soviet to consider voluntary requests for termination of citizenship. A similar provision also existed in the Citizenship Law of 1938, but the language of the new law is more detailed and precise. In providing grounds for denying requests to terminate citizenship, the 1979 law obviously envisioned frequent use of the procedure in the context of Soviet emigration policy:

> "The surrender of USSR citizenship may be refused if the person applying to surrender his citizenship has not fulfilled his obligations to the state or if he has material obligations that are connected to the vital interests of other citizens or with the vital interests of state, cooperative, and other public organizations.
>
> "The surrender of USSR citizenship is not allowed if the person applying to surrender his citizenship is involved as the accused in legal proceedings, or if there is a court sentence with respect to him that has taken force legally and is subject to execution, or if the person's surrender of USSR

citizenship is contrary to the national security interests of the USSR."

Article 27 requires all applications concerning citizenship to be directed to the Presidium of the USSR Supreme Soviet or to the Presidium of the Supreme Soviet of a Union Republic. The decree on implementation of the law designated the USSR Ministry of Internal Affairs as the agency responsible for handling all paperwork in citizenship matters, including the preparation and acceptance of applications. In practice, this function is performed by the ministry's office in charge of visas, registrations, and emigration matters: the OVIR.

Loss of Citizenship as an Element of Emigration Procedures

(LOU) The USSR has no law on emigration, nor does it recognize the right of citizens to emigrate by choice. Authoritative statements by Soviet officials list family reunification and marriage to a foreign national as the only valid grounds for departure. They obfuscate this limitation, however, by claiming that Soviet citizens do not emigrate for other reasons because the Soviet Union "lacks objective conditions for the development of emigration as a social phenomenon." Thus, whenever Soviet authorities for reasons of policy permit certain ethnic groups to emigrate--such as Jews, Germans, and Armenians--they do so in the guise of family reunification and require applicants to submit a formal "invitation" from a relative abroad.

(LOU) Whether this rule is enforced loosely or strictly, and how it is applied in individual cases, depends on policy considerations of the moment. The actual level of emigration permitted certain groups at any given time seems to reflect pre-set quotas rather than the number of eligible applicants. At the same time, the authorities occasionally use the Jewish emigration channel for getting rid of undesirable citizens, whether Jewish or non-Jewish.

(LOU) Not all citizens who leave the Soviet Union on grounds of family reunification (i.e., those who emigrate) lose their citizenship when they depart. Loss of citizenship applies only to those who leave with an Israeli visa for ostensible residence in Israel. All others leave with a valid Soviet passport and remain citizens who are technically free to return to the USSR; they remain citizens in the eyes of Soviet law even if they become citizens of another state. In practice, Soviet authorities rarely allow such emigres to return unless it serves regime interests. In any event, requests for return are examined on a case-by-case basis.

(LOU) In processing Jewish emigrants, the authorities apply a special variation of the procedure authorized by Articles 17 and 27

of the Law on Soviet Citizenship. Jewish emigrants are required to renounce their Soviet citizenship just prior to departure, on the alleged grounds that their application for an Israeli visa involves travel to a state with which the USSR does not have diplomatic relations; the requirement is probably also calculated to prevent their return to the USSR. They are, moreover, required to pay the established--and exorbitant--fee of 500 rubles per person to execute the required documents for renouncing Soviet citizenship.

(LOU) But the language of Articles 17 and 27 is broad. It permits any Soviet citizen to apply for renunciation of citizenship, and it does not require such a petition to be part of an emigration application. This procedure, however, has been used so rarely that Soviet authorities at present clearly regard it as appropriate only for exceptional cases, not as a channel for mass emigration. Nevertheless, it is of considerable interest as a potential method for resolving difficult emigration cases--especially those involving dual citizenship or where Soviet authorities are prepared to allow the emigration of a citizen but find the use of the Jewish emigration channel awkward for one reason or another.

(LOU) The official procedure under Articles 17 and 27 should not be confused with the action taken by Soviet opponents of the regime in moments of despair or bravado. Unilateral declarations renouncing Soviet citizenship and sent to Brezhnev and/or Western correspondents in Moscow do not change the legal status of Soviet citizens. Such actions may make their lives more difficult, however, and could be used as evidence of their disloyalty if they ever faced criminal charges under Article 70 (anti-Soviet activities) or Article 190 (slandering the USSR) of the RSFSR Criminal Code.

(U) The legal status of a person whose citizenship has been withdrawn changes significantly, especially if he remains in the USSR. Technically, he becomes a stateless person unless he is already recognized by another state as its citizen. In the latter case, his loss of Soviet citizenship leaves him holding only his other citizenship. While the USSR does not recognize dual citizenship, its denaturalization action allows it--indeed, obligates it--to recognize another citizenship as valid. Moreover, in the eyes of Soviet law, such a person's status in the USSR is no longer governed by the Law on Soviet Citizenship, but by the Law on the Status of Foreign Citizens in the USSR. The latter law makes no distinction between the status of foreign nationals and that of stateless persons. USSR legal doctrine on this point was recently and clearly stated by a Soviet legal scholar in the following formulation: "The legal status of stateless persons in the USSR is analogous to the status of foreign citizens"; hence,

"the norms of the law under discussion apply as well to stateless persons, unless specified otherwise by Soviet legislation."4/

(U) In short, travel out of the USSR by a person whose citizenship has been withdrawn is governed by his new status. If it is that of a stateless person, any foreign embassy in Moscow willing to do so can provide him with appropriate documentation allowing him to request a Soviet exit visa. If he is recognized as a citizen by another state, its embassy can issue him a passport and act on his behalf without running into Soviet refusal to recognize dual citizenship. The Soviet Government also has the option of simply expelling him in accordance with the decree of June 15, 1979, without waiting for completion of these formalities.

(LOU) The convenience of the procedure for the Soviets lies in the fact that a citizen who has been transformed into a stateless person is no longer subject to the policies, procedures, and restrictions applicable to citizens who wish to emigrate. Thus, Articles 17 and 27 provide the government with a procedure for allowing any Soviet citizen to emigrate, regardless of nationality or reason for wishing to leave. It allows the authorities to circumvent their own longstanding policy of recognizing only family reunification as a valid justification for granting exit visas to Soviet citizens.

(LOU) Admittedly, the authorities could interpose various obstacles to departure even after approving an application for withdrawal of citizenship. They could, for example, refuse to issue an exit visa, or they could initiate criminal charges. However, their initial action of approving the application would in itself signal a willingness to follow through with subsequent actions leading to emigration. Taking the initial action would have the effect of placing Soviet authorities in a much weaker position if they then refused to follow through.

Implementation of Articles 17 and 27: The Record and the Possibilities

(C) The Canadian Precedent. Only one documented instance is known thus far of Soviet authorities approving an application for withdrawal of citizenship under the new legislation: a dual-citizenship case involving a Soviet citizen who also held Canadian citizenship. The Soviet action in this instance paved the way for emigration. Moscow's handling of the case suggests that Soviet authorities regarded it as a precedent for resolving other difficult emigration cases. During discussions of long-pending cases

4/ (U) N. V. Mironov, "The Legal Status of Foreign Citizens in the USSR," Sovetskoye Gosudarstvo i Pravo, No. 3, 1982, p. 99.

with Embassy Moscow, foreign ministry officials cited the Canadian case but then did not pursue the matter, leaving the impression that they only intended to call US attention to it and were prepared to wait until the US had time to consider the merits of the procedure.

(U) Several other instances have been reported of favorable Soviet action on applications for withdrawal of citizenship, but they are not well documented. Apparently they were followed by increased harassment of the applicants rather than by their emigration.

(C) The Embassy Pentecostals. Soviet approval of applications for withdrawal of citizenship is one of the available methods for resolving the cases of the two Pentecostal families--the Vashchenkos and the Chmykhalovs--who are now staying in the American Embassy in Moscow, and of their relatives in Chernogorsk. In 1980, OVIR authorities accepted formal applications for withdrawal of citizenship from members of the Vashchenko family in Chernogorsk. The Vashchenkos attempted to file emigration applications in February 1982, but OVIR officials refused to accept them on the grounds that a decision was still pending on their earlier applications for withdrawal of citizenship; if those were favorable, they were told, "it would not be necessary to file new documents." That decision has not yet materialized, even though it was promised by the end of March.

(C) Lidiya Vashchenko also attempted to apply for renunciation of citizenship after she returned to Chernogorsk following her hunger strike in the Embassy and recovery in a Soviet hospital. OVIR officials sidestepped her request, but did ask her how she would prefer to go abroad: "...as a Soviet citizen, or stateless?" This question was equivalent to asking whether--if emigration were possible--she preferred to emigrate by submitting an emigration application or by renouncing her citizenship.

(C) Thus, it appears that Soviet authorities are still undecided whether to allow the Pentecostal families to emigrate--and which emigration method would be preferable if the decision were to be a favorable one. Moscow may find the conventional emigration procedure awkward in this case. The two families have no relatives abroad to provide the necessary figleaf justification of family reunification. Moscow, moreover, balks at approving the emigration of individuals claiming religious persecution and may find it easier to disown and then to expel them.

The Hidden Levers in Soviet Laws

(LOU) A recent Soviet decree revealed how provisions of the Law on Soviet Citizenship and the Law on the Status of Foreign

Citizens in the USSR were coordinated during drafting in such a way as to provide Soviet authorities with a degree of special control over persons who became stateless residents in the USSR as a result of losing citizenship.

(LOU) On December 4, 1981, the USSR Supreme Soviet Presidium issued a decree that strengthened some provisions of the Law on the Status of Foreign Citizens even before it went into force on January 1, 1982.5/ While ostensibly directed against foreigners, the new decree seemed to be aimed primarily against those luckless individuals who had renounced their Soviet citizenship during processing for emigration but then failed to emigrate.

(LOU) The Law on the Status of Foreign Citizens, passed by the Supreme Soviet on June 24, 1981, ended the privileged status of resident or visiting foreign nationals. It provided authorities with broad discretionary power to act against foreigners who were found to transgress "rules of the socialist community" and the "traditions and customs of the Soviet people," or who endangered state security. It had the effect of subjecting foreigners to the same legal and extralegal constraints experienced by all Soviet citizens in their daily lives.

(U) Specifically, the new decree stiffened the language of Article 29 by increasing the punishment for its repeated violation. The original article dealt with violations by foreigners of transit, travel, and residence regulations and provided for a "warning or a fine of up to 50 rubles as a measure of administrative punishment." The decree specified, in addition, that "malicious" violation of such regulations "by foreign citizens and stateless persons" (emphases added) was punishable by deprivation of freedom for one year, corrective labor for one year, or a fine of up to 200 rubles if during the preceding year such individuals had been subjected to an "administrative penalty" for a similar violation. Like the Law on the Status of Foreign Citizens, the decree went into effect on January 1, 1982.

(LOU) The number of foreigners likely to fall victim to the terms of the new decree stands to be small:

--Visiting foreigners, including tourists and transit passengers, can easily run afoul of transit and travel regulations, but they are not likely to be repeat offenders within a year.

--Foreign journalists and members of the foreign business community resident in the USSR are potentially endangered. Such

5/ (U) Vedomosti Verkhovnogo Soveta RSFSR, No. 50, December 17, 1981, p. 1161.

individuals, however, are usually experienced in avoiding breaches of Soviet law and are not likely to make the same mistake twice.

--Exchange students and others in exchange programs involving extended residence in the USSR may be more vulnerable, especially during periods of heightened international tension and during internal "vigilance campaigns" by Soviet authorities.

--Also potentially affected are members of Moscow's expatriate community, some of whom are technically stateless. The expatriate community includes refugees from the Spanish and Greek civil wars as well as assorted ideological refugees, many of whom have worked and lived within the Soviet system for decades as resident aliens. Expatriates tend to stay out of trouble and rarely are principal targets of regime pressure.

(LOU) The decree's characterization of the envisaged violations as "malicious" and its specific application against the additional category of "stateless persons" suggest the real purpose of the authorities. In recent years, a small but growing new category of stateless persons has appeared in the USSR: Soviet citizens who renounced their citizenship as part of the emigration process to Israel, but who--for one reason or another--decided not to emigrate or were prevented from doing so at the last minute by the authorities.

(LOU) Such individuals become social and legal outcasts to a far greater extent than those who merely incur official displeasure by applying to emigrate. Having relinquished their apartments and their internal passports, they have neither a place to live nor the right to remain in their city of residence. Nor can they legally work or move elsewhere. Finding shelter with friends while continuing efforts to emigrate inevitably involves violations of residence regulations. With the new decree the authorities now have the legal instrument for charging such "stateless persons" with repeated "malicious" violations of travel and residence regulations.

(LOU) Another Hidden Lever: The Status of Emigres' Children

Soviet emigres have expressed apprehension that the language of the Law on Soviet Citizenship also places their children--whether born in the USSR or abroad--in jeopardy if they ever travel to the USSR.

In most respects, the citizenship law follows the principle of jus sanguinis (citizenship based on the rule of blood or parentage rather than place of birth). According to Article 11, a person becomes a Soviet citizen regardless of place of birth if

at the time of birth both parents were Soviet citizens. And as noted above, Soviet emigres do not lose their Soviet citizenship unless they leave the USSR with an Israeli visa. Even in the latter case, there is room for ambiguity, because Jewish emigres who renounce their citizenship do not normally receive a Soviet document of denaturalization and therefore emigrate without any evidence in hand that they are no longer Soviet citizens.

Thus, in both cases but especially in the first, emigre children can grow up in the mistaken belief that they hold only the citizenship of their adopted country or country of birth. But if they travel to the USSR, they can discover, especially if they get into trouble, that Soviet law and Soviet authorities regard them as USSR citizens regardless of their length of residence abroad or of any other citizenship. Indeed, the Soviet Government can even claim their descendants as Soviet citizens, unless the third generation has one parent who is not a Soviet citizen. Article 12 then stipulates that the citizenship of the child is determined by agreement of the parents.

There is little doubt that the ambiguities of the citizenship law were designed to provide the regime with a legal instrument flexible enough for manipulation in a variety of circumstances. The possibility of arbitrary, unpredictable, or intimidating treatment of US citizens of Soviet origin who travel in the USSR may become a live and painful issue if appropriate clarifications and bilateral understandings are not forthcoming.

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