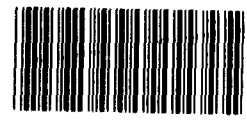


GAO

Testimony



138291

For release
on Delivery
Expected at
10:30 a.m. EST
Thursday
March 30, 1989

Processing Soviet Refugees

Statement of
Nancy R. Kingsbury, Director,
Foreign Economic Assistance Issues,
National Security and International Affairs
Division

Before the Commission on Security and
Cooperation in Europe (Helsinki Commission)



045009/138291

We appreciate the opportunity to meet with you today to discuss our on-going work on the processing of Soviet refugees. We began work on this issue in January of this year. We are now completing our data gathering and preparing to draft a report.

The objectives of this review were to identify U.S. policies toward Soviets applying for refugee status in the United States, and to examine the procedures for processing their applications. The scope of our work included reviews of pertinent legislation, regulations, and files pertaining to refugees, as well as indepth interviews with Department of State and Immigration and Naturalization Service officials, and representatives of voluntary agencies working with Soviet refugee applicants.

To obtain first-hand perspectives on processing procedures and conditions in Europe we visited Rome, Vienna and Moscow to observe refugee processing. We worked approximately 8 -10 days in each location and met with officials and representatives of all U.S. and voluntary agencies involved in refugee processing. In both Rome and Moscow we monitored INS interviews with refugee applicants.

Soviet Refugee Applications
Have Grown Dramatically

After relatively large numbers of Soviets came to the United States at the end of the last decade, the number of Soviet refugees entering the United States declined markedly during most of the 1980s. Recently, due to the success of U.S. and world community efforts to encourage more open Soviet emigration and changing circumstances in the Soviet Union, an unprecedented number of Soviets have been applying for refugee status. From fiscal year 1975 through 1987, about 108,900 Soviet refugees were admitted to the United States. In fiscal year 1988, the number of refugee applications began to increase and over 20,400 Soviet refugees were admitted. This year, due to the continually increasing number of Soviets applying for refugee status, an estimated 90,000 to 100,000 for the fiscal year, we were told the number of Soviet refugee admittances may double. (See table 1.)

Table 1: Number of Soviet Emigrants Entering the United States as Refugees

<u>Fiscal year</u>	<u>1975</u>	<u>1978</u>	<u>1980</u>	<u>1982</u>	<u>1985</u>	<u>1987</u>	<u>1988</u>
	6,200	10,600	28,400	2,700	640	3,690	20,400

The initial fiscal year 1989 budget allocation for Soviet refugees was 18,000. However, in recognition of the increasing number of Soviet applicants during the early part of the fiscal year, the President, in December 1988, increased the number by 7,000 by reallocating unused allocations from other areas. These 25,000

refugee allocations will not be sufficient for the anticipated numbers of refugees and accordingly, the Administration is preparing a supplemental budget request for \$85 million which, according to the U.S. Coordinator for Refugee Affairs, will support an additional 18,000 refugee allocations.

U.S. Policy Toward Soviet Emigrants

U.S. practice for years has been to offer all Soviets who could obtain permission to leave the Soviet Union entry to the United States as refugees. This changed in August 1988. As a result, a significant percentage of Soviet applicants are currently unable to qualify for refugee status. Although each applicant denied refugee status is offered an alternative form of entry into the United States, most who receive those offers are unable or unwilling to accept them.

Table 2 shows the number of Soviet applicants processed in Europe during the first 5 months of fiscal year 1989. The majority of applicants in Vienna and Rome are Jewish and Pentecostal; in Moscow the majority are Armenians.

Table 2: **Soviet Refugee Applications Processing In Europe During Fiscal Year 1989 through February 1989**

<u>Location</u>	<u>Interviews</u>	<u>Approvals</u>	<u>Denied</u>	<u>Denial Rate</u>
Vienna/Rome	11,823 ^a	10,383	1,345	11.4
Moscow	3,141	1,592	1,549	49%
Totals	<u>14,964^a</u>	<u>11,975</u>	<u>2,894</u>	

^aSome interviewed applicants' approvals are pending.

The charts attached to this testimony show the numbers of Soviets processed in Rome/Vienna and Moscow by month in fiscal year 1989.

Overall, for fiscal year 1989 through March 17, 1989, a total of 12,108 Soviets were processed in Rome. Of this total, 10,489 were approved as refugees, and 1,619 were denied. The overall fiscal year 1989 denial rate in Rome was 13.3 percent as of March 17, 1989. The denial rate for Jewish applicants was 13.5 percent; for others, mostly Pentecostals, it was 10 percent.

Denial Rates Are Increasing

Until July, 1988, most Soviets seeking refugee status in the United States travelled to Rome, via Vienna, where their cases were adjudicated at the INS District Office. Those applying to the U.S. Embassy in Moscow, primarily Armenians, were referred to Rome to have their cases heard. In August, 1988, however, INS began adjudicating cases in Moscow.

We found that, until August 1988, applicants were automatically awarded refugee status. Although the Refugee Act of 1980 and the Attorney General's 1981 interpretation of the Act required all refugee cases to be adjudicated by INS on a case-by-case basis, Soviet applicants were determined to be refugees without consideration of individual circumstances. The decision to adopt case-by-case adjudications was based on the legal interpretation of

the 1980 Refugee Act. We were told that INS officers had, historically, expressed concerns about not adjudicating Soviet applicants on a case-by-case basis and that their concerns increased as it became easier for Soviets to emigrate. Whereas, in the past, Soviets applying to emigrate waited years for the opportunity, usually under adverse conditions, some of the Soviets emigrating in 1988, particularly Armenians, had applied for exit permission only a few months before their INS interview and denied ever being persecuted. We were told that these concerns were not being addressed until high-level attention was focused on the Soviet refugee situation in mid-1988. When attention was focused, it became apparent that changes had to be made in the Soviet refugee admissions program to assure that it operated in compliance with the Refugee Act of 1980. In August 1988, the Attorney General announced that INS would begin case-by-case adjudications for Soviets.

The first denials by INS officers in Rome occurred in late October 1988. By the end of January 1989 the denial rate had grown to 11 percent, and by the end of February to 19 percent. In Moscow the denial rate was 45 percent at the end of January 1989, and up to 71 percent at the end of February. When case-by-case adjudications were first adopted, implementing guidance recommended that INS officials involved be "as generous as possible" in their application of the refugee definition. Subsequent guidance has encouraged that Soviet refugee determinations be adjudicated under

uniformly applied worldwide standards. This has resulted in stricter interpretation of refugee eligibility for Soviets. The worldwide standard requires that each applicant establish a well-founded fear of persecution, based upon their race, religion, nationality, membership in a particular social group, or political opinion. We were told by consular and INS officials, as well as voluntary agency representatives, that some of the Soviet applicants, including most Armenians, were economic rather than political refugees.

Most Denied Soviets Do Not Accept Parole

All Soviets denied refugee status are offered humanitarian parole into the United States. To accept this offer, the applicant must obtain an affidavit of support from a relative or sponsoring organization in the United States. Because parole status does not include resettlement assistance or, under current legislation, the possibility of U.S. citizenship, an affidavit of support is needed to assure the applicant does not become a public charge. We found that most Soviet applicants in Rome and Moscow who were offered parole were either unwilling or unable to accept. While we were in Rome, some voluntary organizations were advising denied applicants against accepting parole in the hope that their status would be reversed. In Moscow and Rome, many could not obtain affidavits of support because they had no relatives in the United States, or those relatives they had were not financially willing or able to support them. For fiscal year 1989 through March 17, 1989, only 21

(1 percent) of 1,619 applicants denied refugee status in Rome had accepted parole. In Moscow, as of February 28, 1989, only 168 (11 percent) had been denied of the parole offer.

Adjudications of Refugee
Cases Inconsistent

We found various inconsistencies in the manner in which individual refugee cases were adjudicated in Rome and Moscow. As described above, the manner in which cases were adjudicated changed in August 1988 from automatic approval to case-by-case adjudications and application of the worldwide standards has changed from a more generous approach. As a result, denial rates have increased steadily since the beginning of fiscal year 1989. Also, there has been a 36-percent reversal rate (187 of 527) on denials which were appealed so far in fiscal year 1989. This suggests that many cases are not correctly processed. We also found inconsistencies in the depth of interviews and types of questions asked by the INS interviewers. Finally, we were told that INS in Rome is reexamining its denial decisions on all Pentecostals' applications to determine if the decisions were appropriate, because an unexpectedly high denial rate as of January for this group could not be adequately explained in comparison to the widely held view that many Pentecostals are persecuted in the Soviet Union.

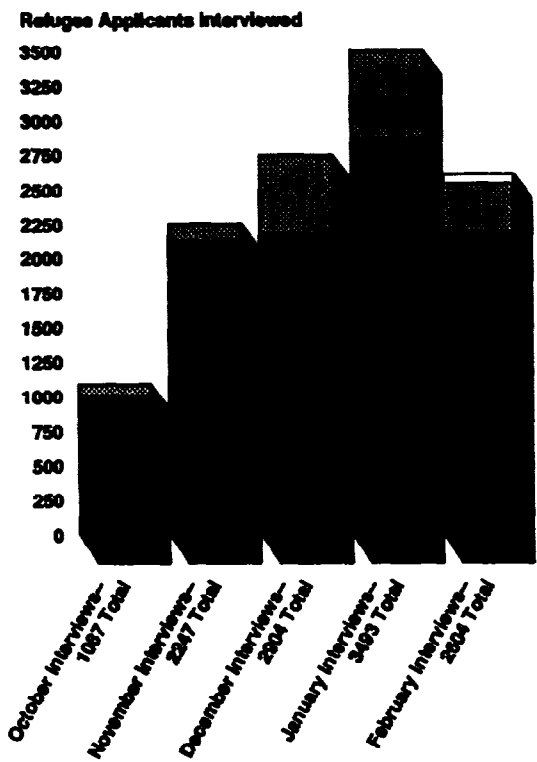
Several factors appear to contribute to the inconsistent adjudications. First, we found a mix of knowledgeable officers, experienced in adjudicating Soviet cases, and temporary duty

officers who were not trained in Soviet country conditions had no experience in adjudicating Soviet cases. Second, the heavy workload caused by increased numbers of applicants forced voluntary agency and INS officials to work quickly to complete the case loads. Also, there is a lack of physical evidence to support refugee claims. As a result, decisions are made subjectively, almost solely on the basis of the testimony of applicants.

INS and consular officials, both in Europe and Washington, agreed that cases were not being adjudicated in a consistent manner. During our visit in Rome, INS held a training program aimed partly at achieving greater consistency. We were also told that meetings have been held recently in Washington among INS, Justice, and State Department officials to see what can be done to bring about greater consistency in the adjudication process.

Thank you again for the opportunity to share our observations with you. This concludes my prepared remarks, and I will be happy to answer any questions you may have.

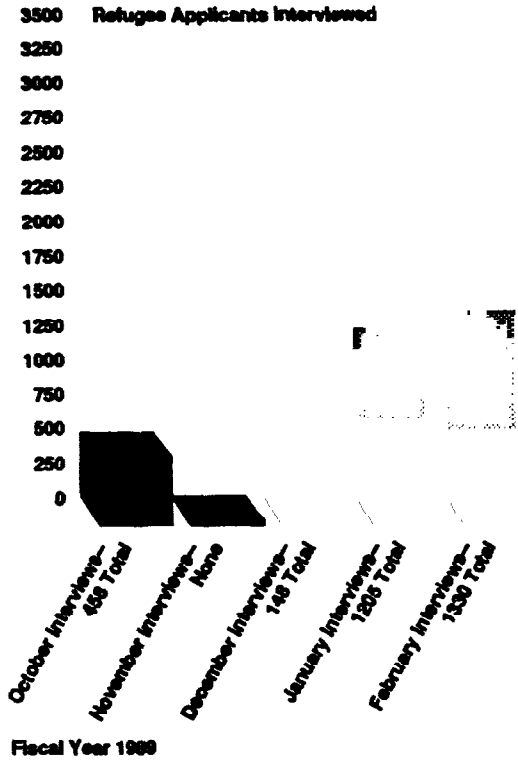
**SOVIET REFUGEE APPLICANTS
 PROCESSED IN VIENNA AND ROME -
 FISCAL YEAR 1989 THROUGH
 FEBRUARY**



Fiscal Year 1989

- Other (closed or deferred).
- Offered parole.
- Refugees.

**SOVIET REFUGEE APPLICANTS
PROCESSED IN MOSCOW - FISCAL
YEAR 1989 THROUGH FEBRUARY**



Other (closed or deferred).
 Offered parole.
 Refugees.