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Processing Soviet Refugees

Statement of

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Before the Subcommittee on Immigration
Refugees and International Law,
Committee on the Judiciary,
and the Subcommittee on Europe and the
Middle East,
Committee on Foreign Affairs,
House of Representatives



**PROCESSING SOVIET REFUGEES
SUMMARY OF STATEMENT BY
NANCY R. KINGSBURY, DIRECTOR
FOREIGN ECONOMIC ASSISTANCE ISSUES
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION**

The General Accounting Office in January 1989 began a review of Soviet refugee applicants to identify U.S. policies toward Soviets applying for refugee status in the United States, and to examine the procedures for processing their applications. We traveled to Rome, Vienna and Moscow in February in conjunction with that review to obtain first hand perspectives on processing procedures for Soviet refugee applicants. We testified on the results of that work before Chairman Morrison and the Immigration Subcommittee in April 1989. We returned to Rome and Moscow in July at Chairman Morrison's request, to identify changes in the program since our previous visit, and to obtain additional information on INS' processing procedures. My testimony today discusses some of the significant changes that have taken place in the Soviet refugee processing program during 1989, and implications of the Administration's plans to begin processing virtually all Soviets seeking U.S. refugee status in Moscow--effectively closing the Vienna/Rome route.

We found the overall processing times for Soviet refugees processed through Vienna and Rome remained constant at about 80-90 days during the calendar year to date. However, the proportion of time attributable to INS dropped from about 30 days early in the year to about 10 days by the end of July. The number of applicants backlogged in Moscow, the responsibility of State and INS since there are no voluntary agencies in the country, continued to climb during the year, reaching an estimated 41,600 by the end of August.

Notwithstanding large numbers of Soviet applicants in Rome and Moscow, State Department officials project a shortfall of about 6,500 from the authorized admissions level of 43,500 for fiscal year 1989. We believe the shortfall is attributable to processing delays in Rome, primarily with the understaffed voluntary agencies, and to an insufficient number of INS officers in Moscow to process the number of Soviets applying there.

We found noticeable improvements in INS processing capabilities and procedures in Rome, including an increase from 3 to 12 interviewing officers, better trained officers, expanded office facilities, and a more comprehensive review process for denied cases. There was little improvement in processing capabilities in Moscow, on the other hand. The number of INS officers increased from one to two in April 1989, and remained at two when we left Moscow in August (two additional INS administrative personnel arrived in June).

Administration officials will soon announce plans to begin processing all Soviet refugee applicants at the U.S. embassy in Moscow. We believe the plan offers some advantages for more orderly processing of refugee applicants, but there are some matters that should be considered. The plan would offer opportunities for more centralized, systematic program management, and significantly reduced refugee processing costs. Some Soviet refugee applicants would also suffer fewer hardships awaiting adjudication of their cases in Moscow as contrasted with processing through the Vienna/Rome processing route.

Substantial adjudication improvements have been made in Rome through supervisory review and provision for reconsideration of denied cases. In addition, voluntary agencies in Rome provide significant assistance in application preparation and training and advice to facilitate resettlement. These services are not currently available in Moscow. Finally, the State Department and INS would have to assign a large number of officers and administrative staff to adjudicate the number of monthly applications currently filed in Rome and Moscow--about 17,000 in August--and to reduce the backlog of cases already on file in Moscow. State is faced with both personnel ceilings and facilities limitations, either of which could limit the number of assignments necessary to maintain the program. Without sufficient staff, reduced refugee approvals and growing backlogs would be a virtual certainty.

Mr. Chairman and Members of the Subcommittees:

It is a pleasure to be here today to discuss the results of our review of Soviet refugee processing in Rome and Moscow. We initiated our work in January of this year. In February we traveled to Rome, Vienna, and Moscow to observe the refugee processing system and to meet with voluntary agency, INS, and State Department officials to discuss processing issues. We returned to Rome and Moscow in July to identify changes in the program since our previous visit, and to obtain additional information on INS' processing procedures.

Significant changes have occurred during the past five months, and important issues have emerged during that time. My testimony today will discuss:

-- Processing delays in Rome and Moscow, which will likely result in as many as 6,500 fewer refugees arriving in the United States than provided for by the fiscal year 1989 authorized refugee ceiling. This shortfall is due primarily to the voluntary agencies not expanding their capabilities sufficiently to process the growing number of Soviet applicants in Rome, and to an insufficient number of INS officers in Moscow to process the growing number of applications there.

- Improvements in INS processing capabilities and procedures in Rome and Moscow compared to our observations earlier this year; and

- Observations about the administration's plan to consolidate Soviet refugee processing in Moscow, which offers the benefits of consolidated program management and reduced costs, but will require significantly expanded staffing and facilities if refugee applicants are to be promptly processed and the Moscow backlog reduced. In addition, we identify several matters which may require further consideration, including whether adequate provision for quality control of adjudications and assistance to applicants can be provided in Moscow.

BACKGROUND

For the past 2 years, the number of Soviets seeking admission as refugees to the United States has grown dramatically as Soviet emigration policies have eased. Whereas an average of fewer than 1,500 Soviets applied for refugee admission from fiscal year 1982 through 1987, the number grew to over 20,400 in 1988 and may exceed 90,000 in fiscal year 1989. The majority of Soviets applying for refugee admission are Armenians and Jews. Soviet authorities are also permitting Pentecostals and other religious groups and nationalities to emigrate, although their numbers are relatively small.

Until mid-1988, the INS District Office in Rome, Italy was the only major U.S. processing route available to Soviet refugee applicants. Soviets with permission to emigrate to the United States, primarily Armenians, initiated refugee processing at the U.S. Embassy in Moscow and then traveled to Rome for final processing because there were no INS officers in Moscow to interview them. Soviets with permission to emigrate to Israel, mostly Jews, did not apply for U.S. refugee status until after they left the Soviet Union.

In July 1988, because of funding problems, the United States halted preliminary refugee processing in Moscow. This move stranded about 3,000 Soviets who had severed ties with the Soviet Union and were scheduled to leave for Rome. INS was directed to send officers to Moscow to interview these Soviets. INS began adjudicating the cases in mid-August and had processed most of them by November.

Although Moscow processing was initially implemented to address a specific situation, it has been continued, we were told, because it is cost effective and because it permits Soviets to know whether they qualify for refugee status before severing ties with the Soviet Union. This latter advantage is particularly relevant for Armenians, who have a low refugee approval rate.

For fiscal year 1989, the flow of the Soviet refugee applicants has been about evenly divided between Rome and Moscow. As of the end

of July, about 32,000 Soviets had submitted refugee claims in Rome and 38,000 in Moscow. Most Soviets with permission to emigrate to Israel continue to apply for U.S. refugee status in Rome. They exit the Soviet Union to Vienna, Austria, and upon arrival, choose to continue on to Israel or to apply for resettlement in the United States or elsewhere. Soviets exiting through Vienna are primarily Jews. In the past year, however, the number of Pentecostals and other non-Jews arriving in Vienna has increased. A State Department official explained that the non-Jews submit bogus Israeli letters of invitation to Soviet authorities to obtain emigration permission. For fiscal year 1988, about 10 percent of the Soviets exiting on Israeli visas were non-Jews, and as of July 1989, the percentage of non-Jews exiting on Israeli visas had increased to 21 percent.

Initially, most of the Moscow applicants were Armenians. The number of Jewish and other non-Armenian applicants has since increased. Department of State reports show that in January 1989, 80 percent of the applications accepted were from Armenians, 12 percent from Jews and 8 percent from other groups. By May 1989, Armenians still submitted the majority of the applications, 57 percent, but the percentage of applications submitted by Jews had increased to 29 percent. Soviets granted refugee status in Moscow travel directly to the United States.

Prior to October 1988, INS approved virtually all Soviet refugee applications to the United States. In October, however, INS began adjudicating Soviet applications on a case-by-case basis with some resulting denials, due to the applicants' inability to show that they had suffered persecution or had established a well-founded fear of persecution. However, at that time INS also began offering parole to all those Soviets denied refugee status. The parole offer includes permission to enter and remain in the United States, but does not include the opportunity to obtain U.S. citizenship. It also does not include many of the financial benefits of refugee status, including transportation loans or federal resettlement assistance grants. Those accepting parole offers must provide affidavits of support from U.S. sponsors. These are intended to assure that the parolee will not become dependent upon state or federal governments for support.

PROCESSING PROBLEMS AND DELAYS CONTINUE
TO CURTAIL THE NUMBER OF REFUGEES

Soviet citizens seeking entry to the United States as refugees continue to experience delays in the processing of their applications. These delays are slowing the number of Soviet refugees travelling to the United States. The number of Soviet applicants in both Moscow and Rome has increased significantly during the last 5 months, the backlog of applicants waiting for INS interviews in both locations has grown significantly, and it now appears that actual admissions of Soviet refugees in fiscal year 1989 may be as many as 6,500 fewer than authorized under the

refugee admission ceiling. The shortfall is due primarily to understaffed voluntary agencies in Rome, and an insufficient number of INS officers in Moscow.

Processing Delays in Rome

INS and voluntary agencies share the refugee processing responsibilities in Vienna and Rome. The voluntary agencies are basically responsible for meeting Soviet arrivals in Vienna, arranging their transportation to Rome, and helping them prepare their refugee claims for submission to INS for adjudication. They are also responsible for coordinating with their counterparts in the United States to arrange for sponsorship assurances. For example, the Hebrew Immigrant Aid Society (HIAS) arranges for Jewish organizations in the United States to sponsor Jewish refugees, thereby providing for the refugees' initial reception and placement in specific communities. These assurances are required before refugees are approved for travel to the United States. After INS grants refugee status, the Intergovernmental Committee on Migration (ICM) arranges the refugees' transportation to the United States.

INS' refugee processing responsibilities in Rome essentially begin when a refugee claim is submitted for adjudication. During our July visit this occurred about 40 days after the refugees' arrival in Vienna. INS then interviews the applicants, determines their refugee status, assures the case files are complete, grants final

refugee approval, and forwards the names to ICM for transportation arrangements. If voluntary agencies have provided all the required documents by the date of the interview, INS normally grants final refugee status within a few days following the interview.

Our work indicates that since January, refugee processing has averaged about 80 to 90 days, from arrival in Vienna, Austria to departure to the United States. While the total refugee processing time has remained relatively constant during that time, the distribution of the processing time between voluntary agencies and INS has changed.

Our analysis shows that from February through April, INS was experiencing delays of up to 30 days between receipt of refugee applications and the interviews. Since May, however, INS has significantly reduced its interviewing delays. During our visit in July, INS was interviewing refugee applicants in an average of 8 days following receipt of their claims.

While INS processing time decreased, the voluntary agencies' processing time increased proportionally--from about 50 to 60 days in March and April to about 70 to 80 days by the end of July. The voluntary agencies also increased their processing capabilities between February and July 1989, but the increase was not sufficient to keep pace with the increase in Soviets arriving in Rome. For

example, during the period March through July 1989, about 900 more Soviets arrived in Rome that the voluntary agencies submitted for processing. As a result, the backlog of Soviets in Italy waiting for their cases to be submitted for adjudication grew--from about 4,000 to about 4,9000 during this period.

During our July visit, we also noted that final refugee approval was pending for about 1,800 Soviets in Rome as of mid-July because voluntary agencies had not provided the necessary sponsorship assurances and medical clearances needed for INS to grant final refugee approval. (Another 200 were delayed because medical reports had not been provided to INS.) Our analysis of the 1,800 cases showed that about 1,100 had been pending at least 3 weeks, with about 400 of these pending for more than 6 weeks. By the end of July, INS reported that almost 3,250 cases were pending agency assurances, with another 340 pending medical reports. State Department and INS officials informed us that the voluntary agencies' counterparts in the United States, particularly HIAS, were becoming saturated with the number of refugees entering the United States and that, as a result, it was becoming increasingly difficult to promptly obtain sponsorship assurances.

The number of Soviets in Italy has grown substantially during 1989 from an estimated 7,600 in February to about 16,000 in July. The increase is attributable largely to the increasing number of Soviet applicants arriving in Rome, the voluntary agencies' inability to

keep pace with the growth, and the increasing proportion of Soviets denied refugee status who have not accepted parole. About 11,600 were in some stage of refugee processing in July:

-- 4,900 were waiting submission of their cases to INS;

-- 1,540 were pending interviews with INS;

-- 3,670 were pending final approval; and

-- 1,490 were pending travel arrangements.

An additional 4,400 Soviets were in Italy at the end of July who had completed processing and had been denied refugee status. Some were in the process of appealing their cases or considering accepting the offer of parole status. INS reports show that only 117 Soviets had departed for the United States as parolees as of that time. Others had exhausted their options for entering the United States. We were told by INS and voluntary agency officials in Rome that some of the latter still had the option of immigrating to Israel, but that many remain in Italy as illegal aliens.

Interview Backlog in Moscow has Grown

Refugee processing in Moscow has not kept pace with the number of Soviets submitting refugee applications. Consequently, the

backlog of applicants waiting for INS interviews has grown steadily throughout the fiscal year, reaching 41,600 by the end of August.

During the first 6 months of the fiscal year, there was usually only one INS officer adjudicating cases in Moscow. In April, a second officer was assigned, and in June two INS clerical staff were sent to assist Embassy personnel in preparing cases for processing. With two interviewing officers, INS is able to process about 480 cases, or about 2,000 Soviets per month. To keep pace with the increasing numbers of individual applications received monthly, over 6,000 in July and 10,000 in August, at least 4 additional officers are needed. Many more staff would be needed to clear the backlog that has developed.

While more INS staff are clearly needed in Moscow to handle the current workload, State Department officials told us that several factors have limited their assignment to date. Additional consular staff, Embassy support personnel, office space and housing must be available before the INS complement can be substantially increased.

State Department officials informed us recently that plans are being finalized to immediately send 20 INS personnel, including 6 interviewing officers, to Moscow in conjunction with the administration's plan to begin processing all Soviet refugee applicants there.

Soviet Refugee Admission Shortfall Expected

There are 43,500 refugee admissions allocated to Soviets for fiscal year 1989. An estimated 90,000 are expected to apply. Only 31,000 Soviet refugees had entered the United States by the end of August and a State Department official estimated that fewer than 37,000 would actually enter the United States by the end of the fiscal year. This is a shortfall of over 6,500 from the approved admission ceiling. The shortfall will result primarily because the voluntary agencies have not increased their processing capabilities in Rome to a sufficient level to accommodate the increased number of Soviet applicants there, and because an insufficient number of INS officers have been assigned in Moscow to process increased numbers of applications there. Although voluntary agencies in Rome submitted over 11,000 new refugee claims in July and August, this increased activity may have occurred too late to substantially increase Soviet admissions before the end of the fiscal year.

QUALITY OF INS REFUGEE ADJUDICATIONS

A major concern in April was the fluctuating refugee denial rates, as seen in the attached charts. During the first 6 months of fiscal year 1989, the denial rates in Rome varied from less than 10 percent in the first quarter to over 35 percent in March 1989. In Moscow the denial rate varied from 54 percent in January to 87 percent in March 1989. When we testified in April, we partially

attributed the fluctuating denial rate to various inconsistencies in the manner in which individual refugee cases were adjudicated. We cited several factors that contributed to inconsistencies including: changing INS adjudication guidance that resulted in stricter interpretation of the worldwide refugee standards after January 1989 than at the beginning of the fiscal year; knowledge and experience differences among INS officers; and the limited time scheduled for each refugee interview. At the time, INS and consular officials agreed that the quality and consistency of adjudications should be improved. INS reported that it planned to improve its adjudications through training programs and management changes.

During our July fieldwork we interviewed INS officers adjudicating Soviet refugee claims and observed some refugee interviews. We concluded that the training and management changes implemented since February in Rome have resulted in better trained officers and have improved the consistency of the interviews.

We found that all INS officers adjudicating Soviet refugee claims in July had received some training on conditions in the Soviet Union within the prior 4 months. In interviews with the officers they appeared knowledgeable about Soviet treatment of specific groups and familiar with refugee adjudication guidelines. Most also had some Russian language skills. We also noted that there

was greater consistency among the officers in the type of questions they asked refugee applicants.

INS' decision to schedule 30 minute interviews also has improved the quality of the interviews in Rome. In February we observed some interviews lasting 10 minutes with minimum time for the refugee applicants to explain the basis of their refugee claims. In July, the officers were asking more questions and allowing the refugee applicants more time to respond.

Management changes were also made in Rome to improve the quality and consistency of INS refugee adjudications. These included: requiring all new officers to observe interviews and read a continually updated background file on the Soviet Union before adjudicating cases, assigning an INS officer to review all denied Soviet refugee claims before finalizing the decision, and holding weekly meetings to discuss unusual cases and share new information.

We found that INS had not established a review mechanism in Moscow for adjudicated cases, due to the small number of personnel there. As the number of INS officers in Moscow grows, it will be important to establish such a mechanism.

CENTRALIZED MOSCOW REFUGEE
PROCESSING BEING PLANNED

Administration officials will soon announce plans to begin processing all Soviet refugee applicants at the U.S. Embassy in

Moscow. These actions, expected to become effective sometime this fall, will essentially eliminate Vienna and Rome as a processing route for emigrating Soviets, except for the estimated 40,000 people in the "pipeline" at the time the announcement is made. (This pipeline includes those in the Soviet Union already granted exit documents for travel to Vienna, those enroute to Vienna and Rome, and those in Rome awaiting or already involved in refugee processing.)

State Department officials cited several reasons for the plan. Moscow processing is expected to reduce per-refugee processing costs, and to permit more systematic planning for refugee processing. The State Department believes that such planning would avoid the problems of adjusting to an unpredictable flow of emigrating applicants, and would reduce the impacts of processing delays and denials on Soviet applicants.

Per-Refugee Cost Reductions Possible

The United States provides funding to voluntary agencies for their help in processing Soviet refugee applicants in Vienna and Rome, and for providing the applicants with transportation, food, shelter, medical exams, and medical care while they are in processing in Vienna and Rome. For example, the United States reimburses HIAS \$175 for each approved Soviet refugee, and funds an average of \$20 per day per person for room and board while applicants are in transit or their cases are being adjudicated in

Rome. In addition, the United States provides HIAS funding to pay for the medical exams required for each refugee applicant. They cost about \$98 per adult and \$24 per child.

The State Department's estimated per person cost for Soviets processed through Vienna and Rome is \$2,675 during fiscal year 1989. (This figure includes administrative processing costs, room and board costs, travel from Vienna to Rome and on to final destination in the United States, and reception grants to the voluntary agencies in the United States for their assistance in resettling arriving refugees.) Much of this cost, including processing reimbursements to the voluntary agencies, transportation from Vienna to Rome, and room and board expenses during the processing would be eliminated with Moscow processing. State Department officials estimate the cost for processing an applicant through Moscow in fiscal year 1989 is about \$825 per person. This cost includes the U.S. reception grant and the cost of onward transportation from their point of entry into the United States. (Most refugees processed in Moscow purchase ruble airline tickets to their point of entry in the United States. Refugees processed in Rome receive transportation loans through ICM for their airline tickets because they do not have the hard currency to purchase tickets in Italy.)

While we could not determine exact savings accruing from the proposed centralization of processing in Moscow, per applicant

processing costs appear to be reducible by about two-thirds. There would be some cost associated with expanding INS processing facilities and staff in Moscow, but some corresponding reductions should also be possible from the current level of staffing and operations in Rome.

Moscow Processing Could Avoid Some Current Problems But Several Matters Need to be Considered

State Department officials suggest that processing of Soviet refugee applicants in Moscow would minimize certain problems associated with the Vienna/Rome processing route. Centralized processing would permit more systematic planning for refugee processing. Uncontrolled growth in refugee applicants requiring care and maintenance in Vienna and Rome has created serious problems for INS and State Department to provide processing and support resources in a timely way. State Department officials argue that Moscow processing would permit better planning to ensure timely processing of applications.

Processing all Soviet refugee applicants in Moscow could also minimize the hardships currently experienced by some applicants who travel to Rome. These Soviets give up their lives and resources in the Soviet Union before knowing whether they will be approved for refugee resettlement in the United States. Those who do not qualify for refugee status sometimes find the alternatives offered to them unacceptable. In contrast, Soviets processed in Moscow can wait until they know their refugee status before taking steps to

sever their ties with the Soviet Union. Almost 90 percent of the Soviets submitting refugee applications in Moscow have not applied to Soviet authorities for exit permission. Applicants in Moscow who are determined by INS not to be eligible for refugee status can continue their lives in the Soviet Union, rather than be stranded without citizen status, as have some applicants in Rome.

Although there are benefits to centralizing Soviet processing in Moscow, some other matters need to be considered. First, Soviets applying in Rome have the benefit of voluntary agency assistance. The voluntary agencies help the Soviets prepare their refugee applications, including a written statement of their reasons for leaving the Soviet Union, and answer questions about the process. Voluntary agencies also advise applicants on such matters as what to expect in the United States, where to resettle, and what type of employment to seek. Some voluntary agencies also provide orientation and English language classes to help prepare them for resettlement. Voluntary agency assistance currently is not available to Soviets applying in Moscow. They prepare their own applications and rarely include a written statement of their reasons for seeking refugee status for INS to review before the interview. Consequently, INS currently adjudicates Moscow applicants solely on the basis of the interview.

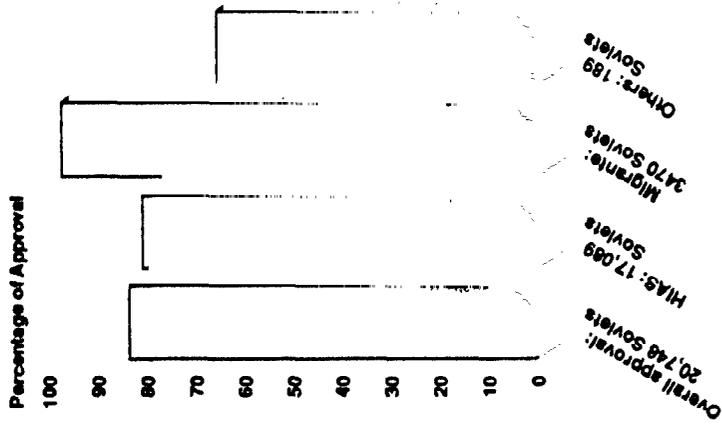
Rome refugee applicants have also benefited from the INS supervisory review of all refugee denial decisions and INS'

decision to permit voluntary agencies to submit motions to reconsider denied cases. Motions to reconsider contain new information to support their claim to refugee status. The supervisory review procedure is not in place in Moscow and reconsideration of denials has been provided to only a handful of Moscow applicants. An INS official explained that INS is not required to accept motions to reconsider but began to accept them in Rome following the change to case-by-case adjudications to help ensure the determinations were fair. We were told that INS has not encouraged Moscow applicants to submit motions to reconsider because of the limited INS staff in Moscow.

Finally, the backlog of applicants awaiting interviews in Moscow has grown to over 41,600 as of the end of August; the backlog grew by about 8,000 in August alone. The current application rate in Moscow is expected to continue or grow for the foreseeable future, and redirection of applicants currently exiting through Vienna and Rome to the Moscow Embassy would exacerbate that applicant flow. We were told that the State Department plans to immediately assign 20 INS staff, including six interviewers, to Moscow to implement the Moscow processing plan. At INS' current Moscow processing rates, about 1,000 Soviets or 240 cases per month per interviewer, six interviewers could not keep pace with the current combined Rome/Moscow monthly application rate of about 17,000 as of August, and would certainly be unable to process an increased number of applicants as well as the existing backlog.

Mr. Chairman, this concludes my prepared remarks. I will be happy to answer any questions you may have.

**ROME REFUGEE APPROVAL RATE BY
VOLUNTARY AGENCY**



Voluntary Agency

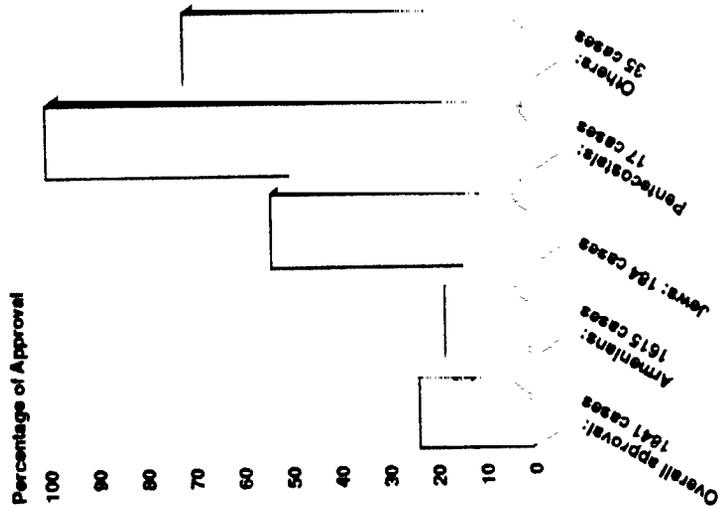
HIAS processes only Jews.

Migrants processes only Pentecostals.

"Others" may process any nationality/religious group.

Includes individual Soviets adjudicated from 5/1/89-8/31/89.

**MOSCOW REFUGEE APPROVAL RATE
BY NATIONALITY/RELIGIOUS GROUP**

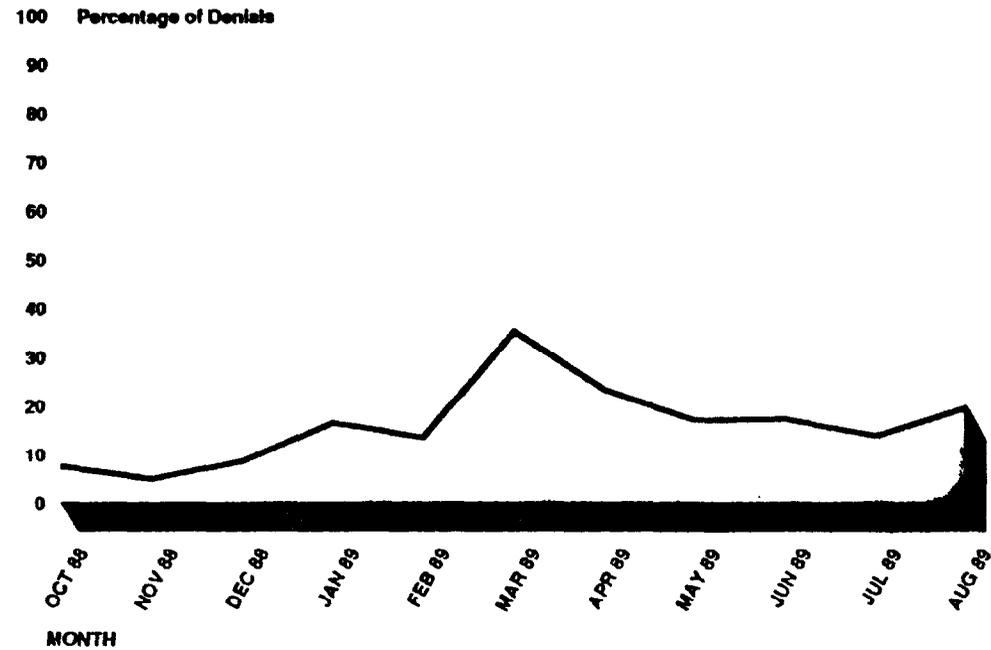


Nationality/religious Group

Includes cases adjudicated from 1/1/89-6/30/89.

Statistics are based on the number of cases, not individuals, adjudicated.

REFUGEE DENIAL RATES IN ROME

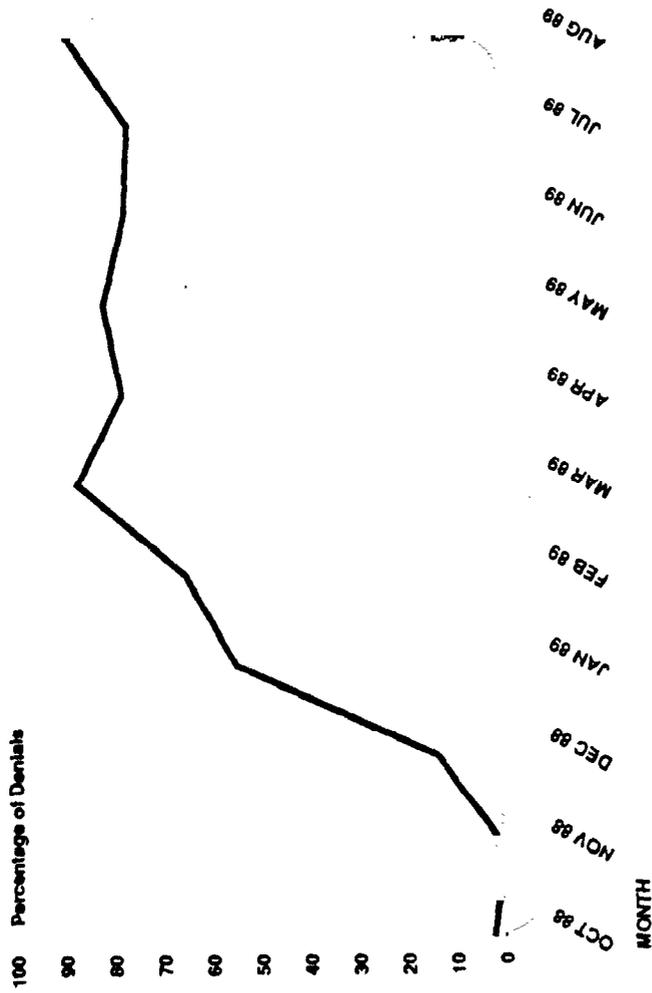


INS decisions on motions to reconsider denied cases are not included in the monthly denial rates. As of 8/31/89 voluntary agencies had submitted 2,196 motions to reconsider. INS had reviewed 1,814 and had approved 774 (43%) as refugees.

Percentage of denied refugee claims, excluding decisions on motions to reconsider initially denied claims, 10/1/88-8/31/89: 16.6%

Percentage of denied refugee claims, including decisions on motions to reconsider initially denied claims, 10/1/88-8/31/89: 14.5%

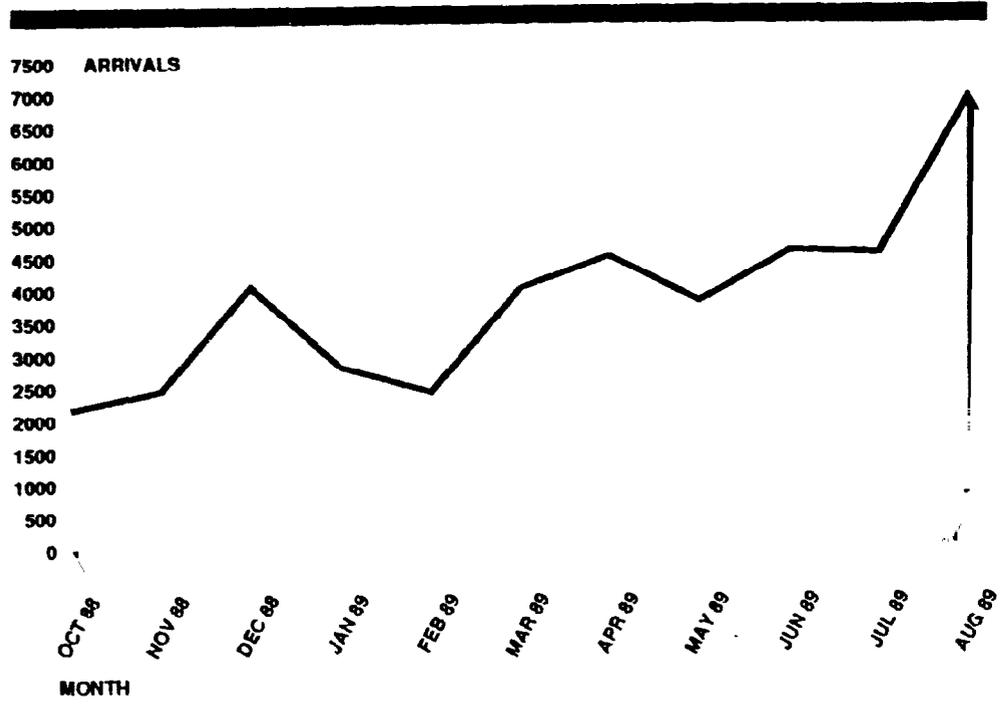
REFUGEE DENIAL RATES IN MOSCOW



Percentage of denied refugee claims 10/1/88-8/31/89: 73.6%

No cases were adjudicated in Moscow during November, 1988.

ESTIMATED SOVIETS ARRIVING IN VIENNA EXPECTED TO APPLY FOR U.S. REFUGEE PROCESSING



**NUMBER OF REFUGEE APPLICATIONS
ACCEPTED IN MOSCOW**

11000 APPLICATIONS

10000
9000
8000
7000
6000
5000
4000
3000
2000
1000
0

OCT 88
NOV 88
DEC 88
JAN 89
FEB 89
MAR 89
APR 89
MAY 89
JUN 89
JUL 89
AUG 89

MONTH

