

HJR

63

PASSED OUT

3.12.90

CS HJR 63, sponsored by Representative Martin.

TO TESTIFY;

Representative Martin

NOTES;

PAT, you may need a road map to understand what we are doing in today's hearing. The key is: WE ARE PROPOSING A SENATE CS FOR THE HOUSE CS FOR HJR 63 THAT IS IDENTICAL TO THE CS WE PASSED OUT OF COMMITTEE FOR SJR 61 WITH TWO ADDITIONAL CHANGES; which are adding "and certain other countries" to Page 1, Line 10 and replacing the word "sanctuary" with the word "refuge" on Page 1, lines 25 and 29.

Proposed SCS for CS for HJR 63:

Relating to persons immigrating to and requesting asylum.

Committee packets contain a proposed Senate CS for HJR 63, which matches the Senate resolution (SJR 61) we passed out with TWO ADDITIONAL CHANGES;

Page 1, Line 10: added the words "and certain other countries".
(This addition was recommended by the woman, Peggy Bergsrud, who initiated the resolution out of Martin's office and is based on a congressional resolution concerning immigrants)

Page 1, Lines 25 and 29: replaced the word "sanctuary" with the word "refuge". (This change was recommended based on the word sanctuary being too closely tied with the "Sanctuary Movement" which the Immigration and Naturalization Service (INS) seems to interpret as a movement that encourages immigrants to stay in the country illegally. In other words, it is a red flag to the INS and could weaken the resolution's impact.)

Changes to SJR 61/In comparison to the CS for HJR 63 prior to developing the Senate CS for the House CS for HJR 63:

CS SJR 61	CS HJR 63
Amended to refer to general changes in Eastern Bloc countries	Specifies change from communism to democracy
Eliminated reference to consideration of changes when evaluating applications	States that consideration of changes may prevent asylum being granted because they "may not need it anymore"

The 4th Whereas in CS HJR 63
was eliminated from SJR 61

Refers to applicants'
fear of persecution
by communist controlled
military, police and
leadership

Amended to read Legislature
recognizes governments
may be subject to change
during political unrest

States legislative
support for glasnost &
perestroika and that
Eastern Bloc governments
will be unstable until
changes are complete

*Amended to match CS HJR 63
from BE IT RESOLVED forward.

*Identical to SJR 61
from BE IT RESOLVED
forward.

*See next page for specific amendment language.

NOTES:

I have spoken with both Faiks and Martin's
offices on changes -

Martin's Office: John Manley's response "Sounds OK, as
long as Peggy Bergsrud agrees and she does."

Faiks office: Cheryl... when I briefly explained, she
said it didn't sound like a problem.

Amendments: to SJR 61
to match CS HJR 63.

PASSED by SEN. STATE AFFAIRS

SJR 61

Amendment #1: Change Page 2, (2) (A) to read (2) (B)

Add under (2):

(A) to halt the process of deportation from the United States of persons from Eastern Bloc countries who have requested political asylum and are on United States soil:

Amendment #2: Page 2 Line 21 (C)

change to read

(C) to grant amnesty or political asylum on humanitarian grounds to each person who is on United States soil, who has submitted an application for political asylum in the United States and who would have been eligible for asylum except for the recent political changes in the Eastern Bloc countries, unless the person could be considered a threat to national security or is otherwise determined to be undesirable under current United State immigration law.

Amendment #3: Page 2, Line 28

change to read

Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable . . .

Previous Sen. St. Affairs Actio.
Indicates portions
amended or eliminated
IN SJR 61.

Original sponsor(s): REP. MARTIN, Zawacki, Leman, Gruenberg

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE JOINT RESOLUTION NO. 63 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to persons immigrating to and
6 requesting asylum in the United States.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the Eastern Bloc countries of Hungary, Poland, East Germany,
9 the Union of Soviet Socialist Republics, Czechoslovakia, Bulgaria, and
10 Romania are moving away from communism towards democracy; and

11 WHEREAS some individuals from these countries have requested political
12 asylum and freedom in the United States; and

13 WHEREAS the changes from communism towards democracy in the Eastern
14 Bloc countries ^{are} [is] being considered by the Immigration and Naturalization
15 Service when it evaluates the political asylum applications of persons from
16 the Eastern Bloc countries, [and this approach may prevent some persons from
17 receiving asylum in the United States because they may not be considered to
18 need political asylum any more;] and

19 [WHEREAS elements of the military, police, and leadership in some of
20 the Eastern Bloc countries still remain under the control of communist
21 authorities and, if applications for political asylum from these countries
22 are denied, the applicants fear persecution by the communist-controlled
23 elements after they are deported from the United States] and

24 WHEREAS, although the Alaska State Legislature supports glasnost and
25 perestroika, it recognizes that the governments of the Eastern Bloc coun-
26 tries [will be subject to change during a period of political unrest
will be unstable until the political changes are complete] and

27 WHEREAS the United States is a strong supporter of human rights and
28 was founded on the principle of the individual's right to life, liberty,
29 and the pursuit of happiness; and

1 WHEREAS Alaska has benefited from the immigrants who have already come
2 to the state; and

3 WHEREAS Alaska can provide a sanctuary for persons who seek political
4 asylum in the United States;

5 BE IT RESOLVED that the Alaska State Legislature

6 (1) declares that it welcomes immigrants from foreign countries
7 and is willing to serve as a sanctuary for persons who are seeking polit-
8 ical asylum in the United States; and

9 (2) urges the United States Immigration and Naturalization
10 Service

11 (A) to halt the process of deportation from the United
12 States of persons from Eastern Bloc countries who have requested
13 political asylum and are on United States soil;

14 (B) not to use the recent political changes in the Eastern
15 Bloc countries

16 (i) to deny political asylum to persons from those
17 countries, even if an application for asylum was submitted before
18 the changes began; or

19 (ii) to revoke the political asylum already granted to
20 persons from those countries;

21 (C) to grant amnesty or political asylum on humanitarian
22 grounds to each person who is on United States soil, who has submitted
23 an application for political asylum in the United States, and who
24 would have been eligible for asylum except for the recent political
25 changes in the Eastern Bloc countries, unless the person could be
26 considered a threat to national security or is otherwise determined to
27 be undesirable under current United States immigration law.

28 COPIES of this resolution shall be sent to the Honorable George Bush,
29 President of the United States; the Honorable Dan Quayle, Vice-President of

1 the United States and President of the U.S. Senate; the Honorable Thomas S.
2 Foley, Speaker of the U.S. House of Representatives; the Honorable Gene
3 McNary, Commissioner-Designate of the U.S. Immigration and Naturalization
4 Service; and to the Honorable Ted Stevens and the Honorable Frank
5 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
6 members of the Alaska delegation in Congress.

6-1835H
Bannister
3/9/90

Original sponsor(s): REP. MARTIN, Zawacki, Leman, Gruenberg, Boucher,
M. Davis

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 63 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to persons immigrating to and
6 requesting asylum in the United States.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the Eastern Bloc countries of Hungary, Poland, East Germany,
9 the Union of Soviet Socialist Republics, Czechoslovakia, Bulgaria, and
10 Romania, and certain other countries are moving away from communism towards
11 democracy; and

12 WHEREAS some individuals from these countries have requested political
13 asylum and freedom in the United States; and

14 WHEREAS the changes in the Eastern Bloc countries are being considered
15 by the Immigration and Naturalization Service when it evaluates the politi-
16 cal asylum applications of persons from the Eastern Bloc countries; and

17 WHEREAS the Alaska State Legislature recognizes that the governments
18 of the Eastern Bloc countries may be subject to change during a period of
19 political unrest; and

20 WHEREAS the United States is a strong supporter of human rights and
21 was founded on the principle of the individual's right to life, liberty,
22 and the pursuit of happiness; and

23 WHEREAS Alaska has benefited from the immigrants who have already come
24 to the state; and

25 WHEREAS Alaska can provide a refuge for persons who seek political
26 asylum in the United States;

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25 McNary, Commissioner-Designate of the U.S. Immigration and Naturalization
26 Service; and to the Honorable Ted Stevens and the Honorable Frank
27 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
28 members of the Alaska delegation in Congress.

MEMORANDUM

FROM: Loren K. Stanton
TO: Senator Pouchot
DATE: March 5, 1990
RE: ANALYSIS OF SJR 61

NECESSARY background:

Asylees or Refugees are aliens who have established a fear of persecution based on religion, nationality, political opinion, or membership in a particular social group, if they are returned to, or remain in their country of origin. As a result of this fear of persecution, aliens are allowed to remain in, or enter the United States.

An asylee is an alien who, having made a lawful or undocumented entry into the U.S., files an application for asylum which is granted, either by the INS or by an Immigration Judge. A refugee is an alien who applies for, and is granted permission to enter the U.S. as a refugee by an INS office abroad. The determination that the refugee has a fear of persecution is made by an immigration officer outside the U.S prior to the alien's application for entry into the U.S.

Refugee refers only to aliens in the U.S. who have already been granted refugee status by an INS office abroad. The word "refugee" is commonly used to refer to aliens who have fled from their home countries seeking refuge from oppression, persecution, or the ravages of war. A person may be applying for refugee status at a U.S. border post, or asylum if within the U.S., but if their status remains undetermined, they are not yet either refugees or asylees as defined by the Immigration and Nationality Act.

Please note that "Political Asylum" is a term that is commonly used to denote all types of asylum, even though asylum may be granted to those fearing persecution because of religious, nationality, ethnic origin, or membership of a social group, as well as for political opinions and associations.

POLITICAL CONSIDERATIONS

Whether or not an alien is granted asylee or refugee status is often determined by prevailing political considerations. The U.S. government will generally deny asylee or refugee status to aliens from countries whose governments the U.S. currently supports (e.g. Chile, El Salvador, Haiti) on the grounds that there is little persecution in those countries.

The Refugee Act of 1980 established a nonideological standard for refugee and asylum determinations. In practice, however, it remains much less likely that someone fleeing a "friendly" country will gain asylum than someone fleeing an "unfriendly," especially a Soviet bloc, country.

The Nationals from each of these countries have been treated extremely well by the Attorney General and the Immigration and Naturalization Service (INS) for the last decade. Approval rates for Eastern bloc countries have averaged around 40% while individuals from countries with overwhelming persecution (e.g.) Haiti, El Salvador, and Guatemala) have had a 1% success rate. This resolution asks for preferential treatment for people who have been receiving preferential treatment for many years. Many of the applications that have been approved from Polish, Czech, Romanian, and Hungarian nationals have not met the standard of proof required for "fear of persecution." Most of these people are fleeing economic conditions just as are the nationals of Mexico. Think about hockey and tennis players.

One example will be of interest: Not long ago nine Polish fisherman jumped ship in Alaska and they all applied for and received asylum. Only one stated, during the interview period, that he had any possibility of persecution for any reason upon returning to Poland. His stated reason was that he was one of 100,000 people at a "Solidarity" rally. This was the only rally he had attended. All were granted asylum! During the same time a young man from El Salvador was interviewed. He had testimony and documentation that his wife and babies had been killed by army units and he had escaped from those same units after extensive torture which he showed to the interviewers. He was denied asylum! He later was deported back to El Salvador, where a study showed that 30% of those sent back were killed.

This brings me to another point relating to "refoulement." In U.S law, "The Attorney General shall not deport or return any alien...to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion."

It must be noted that WAR, CIVIL DISTURBANCE, and FAMINE, which up to 1922, were the MOST IMPORTANT FACTORS for immigrating to the U.S., are not a basis for asylee or refugee status.

I appreciate any attempt to get the INS to follow the laws of the United States, as they are now! This resolution, as written, asks that the INS give preferential treatment to a group of people, who under the present laws of this country, were not even qualified to enter this country. Additionally, the resolves ask for a temporary end to the recognized worldwide qualifications and burden of proof needed to prove refugee status. This for just a few specific countries. This could be called an amnesty for Eastern Europeans.

It would be more appropriate for the legislature to ask that the present laws relating to asylum be followed. Specifically, nationals from countries such as, Haiti, El Salvador, Vietnam, Cambodia, Guatemala, and China could be allowed a lesser burden of proof because of the difficult conditions there. Unfortunately, the INS, only looks at the country conditions as a starting point for an asylum application. The reason for this is that an asylum application is personal. It is for one person only. Each applicant must show that the persecution or potential persecution is meant for the individual applicant.

When conditions in a country are particularly bad and the Attorney General determines that conditions are unsafe for anyone to return he may, in his discretion, grant "Extended Voluntary Departure" (EVD) status to nationals of that country that are in the United States. EVD means that you do not have to leave the U.S. One "extends" their voluntary departure, which means they stay. During part of the last ten years, Polish nationals have benefitted from EVD. Other countries, in worse condition, have not been granted EVD status.

The resolution mentions "amnesty." Amnesty was a program that has filled volumes of books. The application deadline was November 6, 1987. It was a one shot deal. The political energy that was needed to enact the Immigration Reform and Control Act of 1986, of which amnesty was a part, cannot be recreated.

Additional subjects: New legal immigration bill, Hong Kong, interdiction.

My comments on and contributions to SJR 61.

First whereas: comments above on appropriate countries.

Second whereas: delete the words "and freedom"

Third whereas: delete entirely, insert "country conditions are in upheaval"

Fourth whereas: delete

Fifth whereas: OK

Sixth whereas: This is OK, however, it should be known that no asylee can be forced to live in a particular state and because of this Alaska cannot be designated a refugee for immigrants.

Seventh whereas: Same analysis as above. Additionally, if this resolution goes forward "as is" the word sanctuary must be changed to refuge or some other word. The INS has for over a decade been fighting a battle against "The Sanctuary Movement" and they despise the word and the sentiment behind it. The sanctuary movement actively worked to have immigrants stay in the country illegally. These nationals did not receive asylum and should have.

In the resolves:

Line 27 delete "from foreign countries" where else?
delete the rest of number (1)

Page 2

Section (2) (A) delete "Eastern Bloc"

Section (2) (B) delete because this would be to ignore the world wide acceptable standard for granting asylum, one must always take into account the "country conditions" as they are not as the were or as you would like them to be.

(i) because it offers preferential treatment for some countries

(ii) because it follows the preferential treatment above however I believe that asylum should never be revoked

Section (C) delete "amnesty or" they are over and an additional note, asylum is not granted on general "humanitarian grounds" and delete starting with "and who..." on line 15

Generally, I want to know why the United States should allow persons to continue to come from a country or countries where conditions are much better than they were and are going to get even better? We cannot just ignore that the Solidarity Government in Poland is now a "friendly" government. EVD status and special amnesty status were realized for Polish nationals in the last decade when there were 14 million refugees in the world that have much more pressing cases for humanitarian treatment. This includes over 56,000 Vietnamese in camps or "jail" in Hong Kong and hundreds of thousands of Salvadorans and Guatemalans who qualify for refugee or EVD status and have been turned away. If Alaska is concerned, let us be concerned about equal treatment and justice. Let us ask the INS for impartial and equitable treatment for all nationalities.

March 3, 1990

The Honorable Terry Martin
3111 C Street, Suite 415
Anchorage, Alaska 99503

Congressman Martin,

This letter is written to voice my opinions regarding the passage of Resolution No. 61. I understand that you cosponsored this resolution and I personally want to thank you for your efforts.

The Anchorage office of Immigration and Naturalization Service alleges that these asylee applicants have no well-founded fears of persecution upon return to these Eastern Bloc countries due to the recent changes in the governments there. This same office assures that these applicants receive individual attention of claims for fear of persecution. Yet all of these applicants have received zerox copies of notice of intent to deport.

I have enclosed a 1989 copy of a report from Amnesty Internation siting recent beatings for peaceful demonstrations. I have listened to many of these applicants tell of horror stories that sound like something I'd see on T.V. and find offensive there, too. But there's something about hearing it from a true story that left me quite upset. It also left me acutely aware of how very precious my own freedoms were now to me.

It is my opinion that it would be a moral injustice for us to send these applicants back to very uncertain futures. In addition to whatever they did before defecting, now they are traitors. I cannot believe that one election makes a democracy nor a safe environment for these applicants to return to their homeland.

Thank you for everything that you have accomplished and please continue to use any influence that you have to pass this resolution.

Sincerely,

Sharon Robinson
Sharon Robinson
2914 East 42nd St. #1
Anchorage, Alaska 99504
(907) 5618706

Hungarians, Poles to lose refugee rank

By ROBERT PEAR
The New York Times

WASHINGTON — The United States will sharply curtail the admission of Poles and Hungarians as refugees because most of them no longer have any reason to fear persecution in their homelands, Bush administration officials said Tuesday.

Officials from the National Security Council and the White House outlined their plans at a meeting Monday with Polish-American and Hungarian-American groups.

The administration is expected to announce the changes later this week.

Nancy Bearg Dyke of the National Security Council staff told representatives of the ethnic organizations that under the new policy, "we will not consider any Poles or Hungarians for the refugee resettlement program unless they have relatives in the United States," face immediate threats to their lives or have exceptionally strong ties to this country, according to three people who were at the meeting.

Please see back Page, CHANGE

CHANGE IN EUROPE: United States to curtail refugee status

Continued from Page A-1

The likely effect is to bar refugee status for at least 19,000 of the 20,000 Poles and Hungarians who already have filed applications at American embassies and consulates in Western Europe, U.S. officials said.

They said that perhaps 1,000 people with family or other ties to the United States would be interviewed and that some would qualify for refugee status.

Ted Kontek, founder of the Friends of Solidarity, in Washington, said, "This is a major change, and it was very poorly received by ethnic groups represented at the meeting."

Poles and Hungarians could seek visas to come to the United States as regular legal immigrants, rather than refugees, but most would have to wait several years because of the backlog of applications.

The new policy resembles one adopted earlier this year to limit the admission of Soviet refugees, but it is much more restrictive.

The Roman Catholic Church and Polish-American groups say that at least 100,000 Poles are spread through Western Europe and

are potential refugees but have not registered with the U.S. government and therefore have little chance of coming here.

Dawn Calabria of the U.S. Catholic Conference, who attended the White House meeting, said:

"Because of government changes at the top in Poland and Hungary, the administration seems to assume that nobody from those countries is a refugee."

Federal law defines a refugee as a person with "a well-founded fear of persecution" on account of race, religion, nationality, political opinion or membership in a particular social group.

Gerald Coyle, acting chief of staff at the Immigration and Naturalization Service, said:

"Conditions in Poland and Hungary have markedly improved. Most Poles and Hungarians leaving their countries of origin and seeking asylum in Western Europe and North America are unlikely to have very substantive claims to U.S. refugee status."

Administration officials acknowledged that the new policy had been prompted, in part, by financial constraints.

They say they do not have enough money to finance resettlement of the 125,000 refugees who could be admitted to the United States under the worldwide ceiling set by President Bush for the current fiscal year.

Of that number, 50,000 places are for the Soviet Union and 6,500 are for Eastern Europe.

The Polish American Congress, the Hungarian Reform Federation of America and other groups denounced the proposed policy.

In Poland, they said, communists still control the police, the militia, security forces and many local government offices, and people are still harassed for their political views and activities.

"We welcome Poland's progress toward a free and democratic society," Kontek said. "But based on evidence collected by Solidarity's own human rights commission, we are convinced that human rights violations and persecution of political activists continue."

Myra Lenard, executive director of the Polish American Congress, who also attended the meeting, said:

"It will take years for the system to change. People in

some provinces of Poland still feel the brunt of discrimination at the hands of Communist Party members."

In congressional testimony on Oct. 11, Richard Schifter, the assistant secretary of state for human rights and humanitarian affairs, reported that "there are no political prisoners" in Hungary, and he said the authorities there generally allowed freedom of speech, religion and association.

But "a secret police with a long history of violations of privacy is still in place," he said.

George Dozsa, vice president of the Hungarian Reform Federation of America, said the new restrictions on refugee admissions were "unfair to Hungarians in Western Europe who have been waiting for several years" to come to the United States.

Administration officials said some of the places denied to Poles and Hungarians might be made available to other Eastern Europeans, like Romanians or Bulgarians.

In the last eight years, 33,000 Poles and 5,459 Hungarians have come to the United States as refugees.

Taken from Anchorage Daily News
November 22, 1989



Soviet refugee Jenia Prokhorenko said he was caught secretly filming a racist nationalist group which threatened to burn him alive.

Man stabbed on trawler requests political asylum

By DOUG FORD
Times Writer

Someone stabbed Igor Yelkov on the Soviet fishing trawler after he dared to discuss politics with the crew of a U.S. ship. When members of a racist nationalistic group caught Jenia Prokhorenko secretly filming their meeting, they threatened to burn him alive.

At least, that's what they claim.

Both of these men are seeking political asylum in Alaska. If the United States refuses their requests and deports them, they believe they will face years of imprisonment or even death in the Soviet Union.

Prokhorenko, 23, and Yelkov, 24, both single, are staying with an Anchorage family who has helped refugees in the past. The family asked to remain anonymous.

Yelkov has exchanged letters with his family in the Soviet Union since arriving here. He received an angry letter from his father and a supportive note from his sister.

"My father said I did wrong," Yelkov related. "You didn't think about what would happen with me, about what would happen with the family," his father wrote him.

His father is a member of the Communist Party, Yelkov said, and the KGB has been to the family's house to investigate his defection.

"I have had no contact with my family," Prokhorenko said, "but no parent wants to see his or her child go away.

Neither of them advised their parents

See Asylum, page B-8

East bloc 'openness' closing America's doors to defectors

By Doug Ford
Times Writer

While Glasnost, or openness, is good news in Eastern Europe, it may be bad news for Soviet-bloc defectors in Alaska.

Defectors awaiting immigration decisions in Anchorage say they are wary of their chances to remain in the United States because the warming trend in the East-West Cold War also could put an end to their quest for freedom.

Gary Johnson, the Anchorage district immigration director, insists the criteria for granting political asylum have not changed.

The defectors and their lawyers see matters differently and claim the U.S. government is turning away more and more of those who seek political asylum. They said two Soviet and 60 Polish defectors have been denied asylum by the Im-

migration and Naturalization Service's Anchorage office in the last two months.

"Gorbachev is laughing at the people," said Jenia Prokhorenko, a Soviet who defected in January. The KGB supports Gorbachev and continues to persecute the Soviet people, he said.

After receiving threats from the KGB, Prokhorenko said he fled the Soviet Union. He fears his Feb. 14 application for political asylum in the United States will be denied and he will be deported, he said, condemning him to years in prison.

"They (the INS) put out a rosy picture of the state and don't seem to realize the security forces still control things," said Daille Park, an Anchorage immigration lawyer. Defectors automatically receive 15 years imprisonment in their homelands

See Defectors, page B-8

Times
ANCHORAGE
& ALASKA

Monday, March 5, 1990

B

Defectors

Continued from page B-1

just for seeking political asylum abroad, he said.

Prokhorenko joined four other Soviets and 170 Poles in Alaska who have sought political asylum since October 1968. While two Soviets and a small number of Poles were granted asylum, the majority probably face deportation.

"The vast majority of the asylum applications from Poles in the last year have been denied," Johnson said. In most cases, the applicants did not prove "a well-founded fear of persecution," he said Friday.

The Anchorage INS office has denied asylum to at least 60 of the 170 Poles and two of the five Soviets in the last two months, said Peggy Bergsrud of Anchorage. Bergsrud, who is of Polish descent,

has assisted Polish and Soviet defectors since 1984.

"I think about immigration problems and I feel sad. I know if I go back they find 100 reasons to put me in jail," said Igor Yelkov, who defected from a Soviet trawler July 6, 1989, in Dutch Harbor. The INS office in Anchorage rejected his asylum application late last year. He is awaiting a hearing, before an immigration judge.

Bergsrud and others in the local community do not believe the local INS office has treated all the defectors fairly or individually.

"It's patently wrong. It's an error," said Park, referring to the INS denial of Yelkov's application. Park has taken the Soviet's case.

It is much harder for the Polish and Soviet defectors of the past year to gain asylum than it was earlier this decade, Andy Lis said. Lis was awarded political asylum in 1984 and now has his work and residency permits.

"They have the same motives, the same facts as I did," Lis said. Since INS

policies have changed, it is not granting asylum to these new defectors, he said.

"Fifteen poles received in the same envelope denials of asylum dated Dec. 24," Bergsrud said. While they all did list the same address, the fact that INS mailed the letters out in the same envelope on Christmas eve, demonstrates that the INS is "batch processing" these defectors, she said.

Johnson denied this charge. The INS continues to evaluate each application individually, he said. While unusual, he said, it was possible that a group listing the same address could have their asylum denial letters bunched in one envelope.

The policies governing political asylum have not changed, Johnson said. Persecution based on "race, religion, nationality, political opinion or membership in a social group" must be likely, Johnson said.

"Many applicants have very little substantive information that they have been persecuted — very little beyond opinions," Johnson said.

The political situation has changed in both Poland and the Soviet Union, and the

required State Department recommendations regarding individual asylum cases reflect this, Johnson said. The condition of the defector's country at the time his application is processed is part of the decision process.

"It's as if they are saying, 'I sure hope they adjudicate my case before the situation gets better,'" Johnson said.

But Bergsrud said the INS should give defectors "the benefit of the doubt." The difficulty these newcomers have with the language, obtaining jobs and securing legal counsel warrants special consideration, she said.

"I believe our government bureaucracy at best is difficult for Americans, and these people coming here and not speaking English are voiceless people. And that is the simple reason I'm involved," Bergsrud said.

"I have no doubt that there are some individuals who have defected for economic reasons. But I also know some have been persecuted," Bergsrud said. "I have seen the scars."

Asylum

Continued from page B-1

in advance of their plans to flee the Soviet Union. Each of them here an escape story.

"I thought I could speak my mind," Yelkov said. I spoke about God and criticized the Komsomol, the communist youth league, he said.

Yelkov spoke quietly, tensely in halting English. Andy Lis, a Pole who gained asylum in 1984, sat at the table to translate any misunderstandings.

As a result of his outspokenness, Yelkov, second radio officer on a Soviet trawler, was reprimanded by both the ship's captain and the communist party commissar on board, he said. On his last voyage, Yelkov served on the trawler Tigil, out of Sakhalin Island off the Soviet

Far East coast.

After three months of fishing in the Bering Sea, he and other sailors agitated for a U.S. port call, instead of returning to a Soviet port, Yelkov said. This further alienated him from the captain and commissar, he said.

When Tigil's captain decided to dock in Dutch Harbor, Yelkov made the acquaintance of Americans on a neighboring boat. The Americans invited him aboard and they freely discussed perestroika, he said.

"The captain and commissar pulled me off," Yelkov said. Back on the Tigil, he was denied shore leave, depriving him the thought of his chance to flee.

"Nobody gave you permission to talk like that without control. You're just a worker. You can work and I can talk," the commissar told me," Yelkov said.

Later, while he slept in his cabin, "somebody opened the door and put the pillow on my face and stabbed me," Yelkov said.

He was taken ashore in Dutch Harbor and then flown for treatment to Humana

Hospital in Anchorage. There he announced his intention to seek asylum here.

Unlike Yelkov, he had to invent his own escape route, Prokhorenko said. He paced the floor and spoke passionately as he related his escape. He said he was "nervous."

He resided in Moscow where he worked for the state-run Picture Productions and helped film "Is There Going to be Communism," Prokhorenko said.

Secretly he attempted to film Pamyat, a Russian nationalistic extremist group but was discovered, Prokhorenko said.

Pamyat discovered him secretly filming their meeting, Prokhorenko said. He likens the group to German Nazis and racists who count communist party officials among its members.

"They threatened to burn me alive in my own apartment if I did not leave Moscow immediately," Prokhorenko said.

A month after the Oct. 10, 1989 incident, he flew to Magadan because he had heard of a Soviet delegation leaving from there for Alaska, Prokhorenko said. He did not,

however, know when the group would leave, he said.

"Since I would have to wait over a month for a flight out (with the delegation), I convinced a doctor to fake a medical excuse for me so that I could wait in Magadan instead of having to return to Moscow."

Travel to Magadan is restricted as it is in much of the Soviet Far East, Prokhorenko explained. Visitors must have a reason and official permission to remain there, he said.

He also forged a KGB document from the Popular Science and Educational Studio Center in Moscow allowing him to travel abroad, he said.

"I showed the document to the head of the Soviet delegation and he permitted me to board the plane heading for Anchorage."

"With my forged documents, I bought and sneaked myself into a large delegation of people who were leaving for Alaska for a Rotary Exchange."