

S J R

61

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SJR 61

SPONSOR FAIKS

BILL TITLE

DATE REFERRED 2.7.90

HEARING SCHEDULED 2.23.90

FISCAL NOTE PREPARED

SPONSOR CONTACTED - Cheryl-4523

INTERESTED PARTIES CONTACTED

NO

Teleconference: Gary Johnson - Dist¹ Director for Immigration; Immigration

271-5029

Eng. Speaking: Depress 1
Depress 6

P H O N E M E M O	TO	<u>Susie</u>	DATE	<u>2/14</u>	TIME	<u>12:15</u>	AM
	FROM	<u>Peggy Bergsrud</u>	AREA CODE				PM
	OF	<u>Holy Spirit Retreat</u>	NO.				
	RE:	<u>SJR 61</u>	EXT.	<u>346-2343 (w)</u>			
M E S S A G E	1. Please notify when scheduled for hearing						
	2. Urge you to schedule it if you haven't						
	SIGNED						<u>P.T.</u>
OTHER	PHONED <input checked="" type="checkbox"/>	CALL BACK <input type="checkbox"/>	RETURNED CALL <input type="checkbox"/>	WANTS TO SEE YOU <input type="checkbox"/>	WILL CALL AGAIN <input type="checkbox"/>	WAS IN <input type="checkbox"/>	URGENT <input type="checkbox"/>

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/7/90

FURTHER:

Date of 5-Day Notice: 2-15-90
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: _____

State Affairs _____ Committee considered _____ SJR 61

Relating to persons immigrating to and requesting asylum in the United States

and recommended:

- replace with _____ CS SJR 61 same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) SA 2-26-90

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Tim Kell
Bill Adams
Tim Kell (DO PASS)
Jan Felt

Pat Lambert do Pass

SJR 61, relating to persons immigrating to and requesting asylum in the United States.

House companion bill, HJR 63, Terry Martin's. (PAT, SEE AMENDMENTS FOR THE SENATE BILL ATTACHED, THEY MATCH THE HOUSE STATE AFFAIRS CS)

TESTIMONY;

*Senator Faiks

*Peggy Bergsrud: Anchorage via telephone

*Andy Lis: Anchorage, via telephone

Gary Johnson: District Director for Immigration and Naturalization Services has been contacted but can't testify. (I don't think they would have supported it)

I call your attention the pages titles POMs concerning HJR 63, I didn't put in packet but have them available.

*change and
instructions*

SJR 61	CS SJR 61	CS HJR 63
Page 1, Line 13	Amended to refer to general changes in Eastern Bloc countries	Specifies change from communism to democracy
Page 1 Line 15	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
Page 1 Line 15	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 (Page 1, line 24)
Page 1 Line 26	Amended to match CS HJR 63 from BE IT RESOLVED forward.	Identical to SJR 61 from BE IT RESOLVED forward.

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 change from communism towards democracy in the Eastern
14 Bloc countries 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 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.

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

Indicates portions
amended or eliminated

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 ^{may 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

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)
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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 change from communism towards democracy in the Eastern
14 Bloc countries 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 ~~aspirable~~ ^{distracted} 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;

27 BE IT RESOLVED that the Alaska State Legislature

28 (1) declares that it welcomes immigrants from foreign countries
29 and is willing to serve as a refuge for persons who are seeking political

1 asylum in the United States; and

2 (2) urges the United States Immigration and Naturalization
3 Service

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

7 (B) not to use the recent political changes in the Eastern
8 Bloc countries

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

12 (ii) to revoke the political asylum already granted to
13 persons from those countries;

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

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

BY SEN. FAIKS, Szymanski

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 61

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 change ^{URGENT} ~~from communism towards democracy~~ in the Eastern

14

Bloc countries 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} 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, ^{the AK State Legislature} it recognizes that the governments of the Eastern Bloc coun-

26

tries will ^{may} be ^{subject to change} 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) not to use the recent political changes in the Eastern
12 Bloc countries

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

16 (ii) to revoke the political asylum already granted to
17 persons from those countries;

18 (B) to grant political asylum on humanitarian grounds to
19 each person who is on United States soil, who has submitted an appli-
20 cation for political asylum in the United States, and who would have
21 been eligible for asylum except for the recent political changes in
22 the Eastern Bloc countries.

23 COPIES of this resolution shall be sent to the Honorable Gene McNary,
24 Commissioner-Designate of the U.S. Immigration and Naturalization Service;
25 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
26 Senators, and the Honorable Don Young, U.S. Representative, members of the
27 Alaska delegation in Congress.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Relating to persons immigrating
 and requesting asylum in the US.
 Sponsor: Falks
 Requestor: _____

Agency Affected: _____
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-					

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee Phone: 465-4522
 Division: _____ Date: _____
 Approved by Commissioner: Senator Pat Pourchet Date: 2/26/90
 Agency: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

2/27/90

Original sponsor(s): SEN. FAIKS, Szymanski

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE JOINT RESOLUTION NO. 61 (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

Economies cannot be considered
countries
North
persecution

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

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

country conditions reports

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

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

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

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

26 BE IT RESOLVED that the Alaska State Legislature
27 (1) declares that it welcomes immigrants [from foreign countries]; and
28 (and is willing to serve as a sanctuary for persons who are seeking polit-
29 ical asylum in the United States; and

cannot designate

refuge *totally the wrong word*

where else?
refuge

1 (2) urges the United States Immigration and Naturalization
2 Service

3 (A) to halt the process of deportation from the United
4 States of persons from [Eastern Bloc] countries who have requested
5 political asylum and are on United States soil;

6 (B) not to use the recent political changes in the Eastern
7 Bloc countries

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

11 (ii) to revoke the political asylum already granted to
12 persons from those countries;

13 (C) to grant ~~asylum~~ ^{is out} or political asylum on humanitarian
14 grounds to each person who is on United States soil, who has submitted
15 an application for political asylum in the United States, and who
16 would have been eligible for asylum except for the recent political
17 changes in the Eastern Bloc countries, unless the person could be
18 considered a threat to national security or is otherwise determined to
19 be undesirable under current United States immigration law.

20 COPIES of this resolution shall be sent to the Honorable George Bush,
21 President of the United States; the Honorable Dan Quayle, Vice-President of
22 the United States and President of the U.S. Senate; the Honorable Thomas S.
23 Foley, Speaker of the U.S. House of Representatives; the Honorable Gene
24 McNary, Commissioner-Designate of the U.S. Immigration and Naturalization
25 Service; and to the Honorable Ted Stevens and the Honorable Frank
26 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
27 members of the Alaska delegation in Congress.

*asking for
president
& resident*

*you don't grant
asylum on general
humanitarian
grounds*

*These three have
to be a threat
in the side of
these who bring
for immigrants*

Alaska State Legislature



Senate Judiciary Committee

February 9, 1990

MEMORANDUM

TO: Senator Pat Pourchot, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks

SUBJECT: SJR 61 - Relating to Persons Immigrating To Requesting
Asylum in the United States

Senate Joint Resolution 61 has been referred to your committee for consideration. Because of the timeliness of the issue, I would appreciate your scheduling it at your earliest convenience.

In the past two years, as many as 152 Polish and Soviet seamen have defected to Alaska and requested asylum. In the meantime, they have been processed by the Immigration and Naturalization Service, have obtained work permits and become part of their Alaskan communities.

Because of the apparent changes taking place in Poland and other Eastern European countries, the United States Department of State has determined that persons seeking asylum from those countries are no longer qualified and its directive is retroactive for the past 18 months. While INS is not required to comply with the State Department's directive, it has decided to do so and has begun proceedings against approximately 84 of the immigrants living in Alaska with the intention of deporting them back to Poland and Russia.

On the House side, several changes were made by the State Affairs Committee. I have attached a version which highlights them and encourage your committee to also consider making the same changes.

Because of the timeliness of the issue, prompt action by the Legislature is important. As a result, I would greatly appreciate SJR 61 being scheduled as soon as possible.

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
P. O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

January 29, 1990

To: Rep. Red Boucher, Chairman
House State Affairs Committee

From: Rep. Terry Martin *TJM*

Subject: HJR 63 - Immigration and asylum in U.S.

Thank you for scheduling HJR 63 for a committee hearing. I think, given the gravity of the situation in which a number of Polish immigrants find themselves, that time is of the essence in this particular case.

As you may know, as many as 152 Polish and Soviet seamen have in the past two years defected throughout Alaska and requested asylum. These men (and one woman) have been awaiting the granting of asylum, and have in the meantime been processed by the Immigration and Naturalization Service (INS), have obtained work permits and have become assimilated into the Alaskan community. And, because of the pride of these people, all are working, and none has applied for public assistance.

Now, however, because of the apparent changes taking place in Poland and other Eastern European countries, the U.S. State Department has determined that persons seeking asylum from those countries are no longer qualified. And their directive denying asylum is retroactive for the past 18 months. Although INS is not obliged to obey the State Dept. directive, they are following it in this case, and have begun proceedings against approximately 84 of those immigrants living in Alaska, with the intention of deporting them back to Poland and Russia.

I hope the committee will act expeditiously on HJR 63, so that we may positively effect the lives of the immigrants. In light of the Federal administration's recent action to allow the Chinese students to remain in America, I think it only reasonable to allow the Poles and Russians who so desire to stay in Alaska.

Also, in regard to the L&C referral, I would request that the committee remove the first WHEREAS clause occurring on the second page, so that the referral might be waived.

Thank you again for your timely consideration of this issue.



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 . . .

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

Taken from Anchorage Daily News
November 22, 1984

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.



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 nationalist 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 Dailie Park, an Anchorage immigration lawyer. Defectors automatically receive 15 years imprisonment in their homelands

See Defectors, page B-8

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 1988. 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, 1969, 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 have 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."

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
P. O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

February 8, 1990

MEMORANDUM

To: Senator Pat Pourchot, Chairman
Senate State Affairs Committee

From: Rep. Terry Martin *TMM*

Subject: SJR 61 - Immigration and asylum

The above-referenced resolution by Senator Faiks was waived from the HESS committee to your's yesterday. As I have introduced an identical resolution in the House, I am forwarding the attached background material for your use in the State Affairs Committee.

Attached are:

Memo to Rep. Boucher, explaining the resolution's purpose
A copy of State Affairs CS, showing that committee's additions
Text of POMs received supporting the resolution

I would appreciate your early consideration of SJR 61, as would, I am sure, those Eastern European immigrants who stand to lose so much if the INS deports them back to their home countries. Thank you.



POMs CONCERNING HJR 63 - IMMIGRATION & ASYLUM

"I think these men would be a great asset to our community. They are all honest and hard-working people. I think they took a big chance in coming to the United States, leaving their families just to get freedom. I feel they should have freedom. I have friends and family in Poland who say things haven't changed there one bit."

- Kathy Cowitz, Box 771435, Eagle River 99577 694-5054

"I feel that the Polish seamen have the right to remain in the United States, as long as they have no criminal record. They are an asset to our community, as they are hard workers. They will work on jobs that Americans will not take. Thus I feel that they are not taking jobs away from anyone. Please remember that at one time all of us were not U.S. citizens, and they have a right to be free too. Please make a fair decision."

- Karen Ayers, 16510 Centerfield Dr, Eagle River 694-7587

"Things are seldom what they seem. Polish immigrants now under threat of deportation are fearful for their families in their lives. Some threaten suicide to stay in this country forever. They wonder why we don't believe them. Please let them stay."

"I would like HJR 63 to pass especially for the Polish people. They have been living here, working, paying taxes and many have been warned by family that things are not as they seem. I think it is unfair to send back working people who pay taxes when there are so many in this country who have immigrated to this country and are now living off the welfare rolls."

- Diana Robbins, 3209 Baxter #3, Anch. 99504 563-6363

"We want the Polish people to stay in Alaska that want to and not be deported."

- Ruth & Joseph Chmielowski, 168 Burton #B, Anch 746-1337

"In regard to the 150 Polish immigrants currently in Anchorage seeking asylum. I believe they should be assisted in every way possible to remain in the United States. These people would be an asset to our society because of their honest, sincere working drive to be true Americans. Thank you."

- Melinda Padgett, 9210 Elgin Circle, Anch 99515 248-7701

"I want the Polish defectors to stay here in Anchorage."

- Marie McEntire, 6400 E 15th Ct #4, Anch 99504 333-7754

"I strongly urge you to allow the refugees that are now in Anchorage from Poland and the Soviet Union to remain."

- Jerry Rutoski, Box 220503, Anch 99522

"Complete passage [of HJR 63] as written by Terry Martin and also the release of Senator Pat Rodey's gun amendment to be enacted. For the gun amendment issue I am the National Director for the No Compromise Majority."

- Mark Chryson, Box 142702, Anch 99514 338-6744

"I am concerned about the Polish fishermen's deportation. I am a citizen, also Polish, and I think they are not abusing hospitality of this government because they are not costing us through any of our programs. They are hard workers and don't ask for welfare. All help they receive comes from Poland. I think it would be to our advantage to let them stay. The main power in Poland is still communist."

- Jan Kluska, 7736 Snowview Dr, Anch 99507 349-5956

"Please allow the Polish seamen who have applied for asylum in 1989 to remain in the United States. We were in Poland in July of 1989, and saw what they are afraid to go back to. Anything you can do on their behalf is greatly appreciated. We are currently housing 3 of the seamen in our home, and would be greatly distressed by their deportation."

- Dennis Draper, 3703 Westminster Way, Anch 99508 338-3486

"I was in the same situation a few years back. Now I am a U.S. citizen and I am proud. I think that if the other Polish fishermen are let in the United States, they will also be a citizen like me. They are hard workers and will build a future for a good Alaska."

- John Rybczynski, 3840 Young St., Anch 99508 563-3192

"Easterners and Mexicans far outnumber the few Polish defectors in this country, so why is Immigration sending 60 of them from Anchorage back to Poland? They are very hard workers, and very nice. Also, most of them are fishermne, and so are not taking jobs away from American men because American men don't care to work so hard for such small wages. Many of these men are still afraid to return to Poland."

- Vera Johnson, 635 W 45th Ave Apt 3, Anch 99503 265-8880

"I support this resolution, and, as an interim measure, to put a stop to any deportation activity immediately. These people are fearful as hell that they're going to be deported. I've employed a number of them over the years and they're some of the best workers I've ever had. Please insure that this resolution is passed as quickly as possible."

- Hank Schaub, 3605 Arctic Blvd #1091, Anch 99503 344-3560

"I desire that you support this resolution so that the Eastern Block persons that have requested asylum in the United States be granted asylum unless it is found through investigation that these individuals may be detrimental to the U.S. I fear their lives will be in danger upon their return."

- Lucy Brecht, 13501 Carita Lane, Anch 99516 345-0111

"I support HJR 63. Please pass this bill. Immigrants are good for Alaska's economy. They fill low-paying job positions that no one else is willing to take, are hard working, and stick with a job longer than most Americans."

- Spec 4 Wayne Johnson, 118 Grand Larry St #15, Anch 99504

"I am a 13 year resident of Alaska originally from Poland. I returned from a visit to Poland 3 months ago and can honestly say the situation there is still very shakey. The economy is going downhill instead of up. The city of Lodz had police located everywhere due to the unrest of the people. All of the Polish immigrants I have met in Alaska are hard working and stable. Please support HJR 63."

- Izabela Zielinska, 3605 Arctic Blvd, Ste 1105, Anch 99503

"I fully support HJR 63 as amended. Urge Senate resolution be amended to read the same. It is important to pass this resolution immediately if deportation is to be halted. Thank you."

- Peggy Bergsrud, 3412 Wesleyan Dr, Anch 99508 338-1210

"In my opinion the resolution is very smart. I appeal to you to please pass this resolution as soon as possible. It is very important to those immigrants involved in the fishing industry and for Alaska's economy."

- Richard Wysocki, 2440 E Tudor Rd, Ste 202, Anch 99507

"I fully support the amended resolution. It is urgent to stop the deportation. Please pass HJR 63 as soon as possible."

- Andy Lis, 4307 Harrison St, Apt 3, Anch 99503 561-4295

Anch. Times 3/10/90

U.S. may curtail granting asylum to Nicaraguans

By RICHARD COLE
Associated Press

MIAMI — A successful switch to democracy in Nicaragua could sharply reduce U.S. granting of asylum to that nation's refugees, but there is little chance political exiles will be forced to return, immigration officials say.

In theory, people granted asylum are subject to review each year, and could have that status revoked, says Duke Austin, spokesman for the Immigration and Naturalization Service in Washington.

"But I know of no single case since political asylum has been an avenue in the United States when we have involuntarily returned someone because conditions in their homeland improved," Austin said last week. "It's in the law, but it's never been done."

What is more likely is that new applicants will get tougher scrutiny of their applications.

An estimated 80,000 to 90,000 Nicaraguans are in the United States legally, including both po-

litical and non-political cases. Some advocates believe twice that number live in the United States if the count includes illegal immigrants — many of whom were pinning their hopes on political asylum to eventually normalize their status.

In fiscal 1989, the INS granted just under 6,000 requests from Nicaraguans for asylum, while it denied more than 10,000. Between October 1989 and January of this year, about 500 were granted and 650 denied.

In the week since U.S.-backed Violetta Chamorro beat the Sandinistas' Daniel Ortega in Nicaragua's presidential election, Miami immigration officials noted a decrease in the asylum requests.

Dozens of Nicaraguan exiles have either dropped their petitions to stay, or have stopped fighting deportation orders.

The State Department cautions it is too early to be assured that democracy will stick in Nicaragua, but a spokesman says its asylum policy will be reviewed.

portedly ill-treated; some were tried and sent to prison. One hundred imprisoned conscientious objectors, including at least 14 prisoners of conscience, were released after the introduction of an alternative to military service.

In July the Polish Parliament, the Sejm, approved changes to the military draft law to allow three years' alternative service for conscientious objectors - two years' for students - in non-military institutions. Fourteen prisoners of conscience whose cases had been taken up by Amnesty International - all members of the unofficial peace movement *Wolność i Pokój* (WiP), Freedom and Peace, were released from prison after agreeing to perform the new form of service. The official Polish Press Agency announced that 88 other imprisoned religious conscientious objectors - probably Jehovah's Witnesses - had also been freed. In June the authorities issued the text of a new oath of allegiance which omitted reference to the Soviet army. In the past a number of prisoners of conscience had been imprisoned for refusing to swear the oath because of its reference to "fraternal alliance" with the Soviet army.

Amnesty International investigated complaints about the application of the new alternative service law. In at least one case a conscript was not given the opportunity to apply for alternative service. Jan Tomasiwicz, from Warsaw, was arrested in December and charged with evasion of military service. In 1986 he had returned his draft card on grounds of conscientious objection to military service and a warrant had been issued for his arrest. In June 1988 he was detained by the police and in the course of interrogation was told that the proceedings against him were no longer valid. Until his arrest in December Jan Tomasiwicz was not aware he still faced charges of evading military service. He had not been given the option of doing alternative service.

In June the "accelerated procedure" for certain offences was included in the Code of Penal Procedure. The procedure, which had been established under legislation passed by the Sejm in May 1985 and which was valid for a three-year period (see Amnesty International Report 1986), provides for the investigation of certain offences by the police, without involvement of the Public Prosecutor's Office, and requires that investigation be complete with-

In 48 hours of a suspect's arrest; a trial then takes place immediately before a single judge with the police acting in place of the public prosecutor. By not allowing defence lawyers enough time to prepare cases the procedure often severely restricts defence rights.

The procedure is most frequently applied to prosecutions by misdemeanour courts, before which, since 1986, people arrested for participating in "activities designed to foster public disquiet", unauthorized publishing activities and membership of banned organizations have been tried (see Amnesty International Report 1988). "Accelerated procedure" has been applied to many cases of people prosecuted for non-violent exercise of their right to freedom of expression.

There were reports of dozens of arrests during strikes throughout Poland in April and May and again in August. The authorities declared the strikes illegal and a number of people throughout the country, including activists in the banned trade union Solidarity, were arrested and detained. Most were released after periods of detention under a provision which allows the police to hold people for up to 48 hours without charge - a mechanism often used to prevent people from taking part in demonstrations. Others, however, were sentenced to up to three months' imprisonment. For example, Solidarity spokesperson, Janusz Onyszkiewicz, a mathematics lecturer from Warsaw, was arrested at his home on 5 May. Two days later he was sentenced to six weeks' imprisonment by a Warsaw misdemeanour court. He was apparently accused of having told foreign journalists about two incidents on 1 May when police entered a Gdansk church in order to attack demonstrators and dispersed a Warsaw demonstration with truncheons. He was convicted of spreading false information, released on 16 May without official explanation, and on 19 May his sentence was changed on appeal from imprisonment to public labour - a punishment normally imposed for offences such as absenteeism.

During the May strikes four members of the illegal *Polska Partia Socjalistyczna* (PPS), Polish Socialist Party, were detained and charged with assaulting an industrial guard at the Dolmel electronics factory in Wroclaw. The four - Józef Pinior, Czesław Borowczyk, Jolanta Skiba and Aleksandra

Sarala - had attempted to organize a strike at the factory. They denied the charges, stating that the guard had been injured when he tried to evict them forcibly from factory premises. They were found guilty, heavily fined and given suspended prison sentences of up to a year.

There were reports of ill-treatment of detainees, often prisoners of conscience, held in short-term detention on account of their non-violent exercise of the right to freedom of expression. Władysław Fus was detained in Wroclaw in March during a demonstration demanding the release of Kornel Morawiecki, leader of the banned opposition group Fighting Solidarity who was then in prison. Władysław Fus was reportedly taken to a police station, beaten, bound and gagged, thrown against a wall so he lost consciousness, revived and put in a straitjacket with a noose around his neck and again beaten. He was eventually taken to hospital, apparently because of injuries sustained in detention.

At least one person was sentenced to death for murder but it was not known whether the sentence was carried out.

Throughout the year Amnesty International appealed for the release of prisoners of conscience and investigated cases of possible prisoners of conscience. The organization twice sent representatives to observe the trial in Wroclaw of the four PPS members charged with assaulting a factory guard. Amnesty International also urged the Polish authorities to investigate allegations that detainees had been ill-treated.

1989

POLAND



Many critics and opponents of the government were subjected to arrest, short-term detention or other forms of harassment for their non-violent exercise of the right to freedom of expression. Some were re-

The rapid political changes under way in the Soviet Union have altered the U.S. State Department assessments of the human rights situation there. Now, asylum is getting harder to come by for those seeking a new life in the U.S.

ASYLUM DENIED

ADN 3/03/90

By HAL BERNTON
Daily News reporter

Two Soviet seamen who defected to Alaska are losing their bids for asylum because the federal government says they failed to demonstrate well-founded fears of persecution.

The rejections appear to be based largely on State Department assessments of an improving human rights situation in the Soviet Union.

U.S. Immigration and Naturalization Service officials declined to comment, but official correspondence supplied by the two men document the agency's decisions.

Radio operator Igor Yelkov defected last July after he was airlifted from Dutch Harbor to Humana Hospital in Anchorage suffering from stab wounds. He claims the ship-board assault was the last in a series of harassment resulting from his refusal to toe the line of seagoing Communist Party officials.

Motor operator Sergey Bystroff defected Nov. 7 in Dutch Harbor, claiming to have been badly beaten while in the army, and then persecuted on ship for his efforts to practice Catholicism.

Both men say they face at least five years of prison if they are forced to return to the Soviet Union.



Defectors Sergey Bystroff, left, and Igor Yelkov



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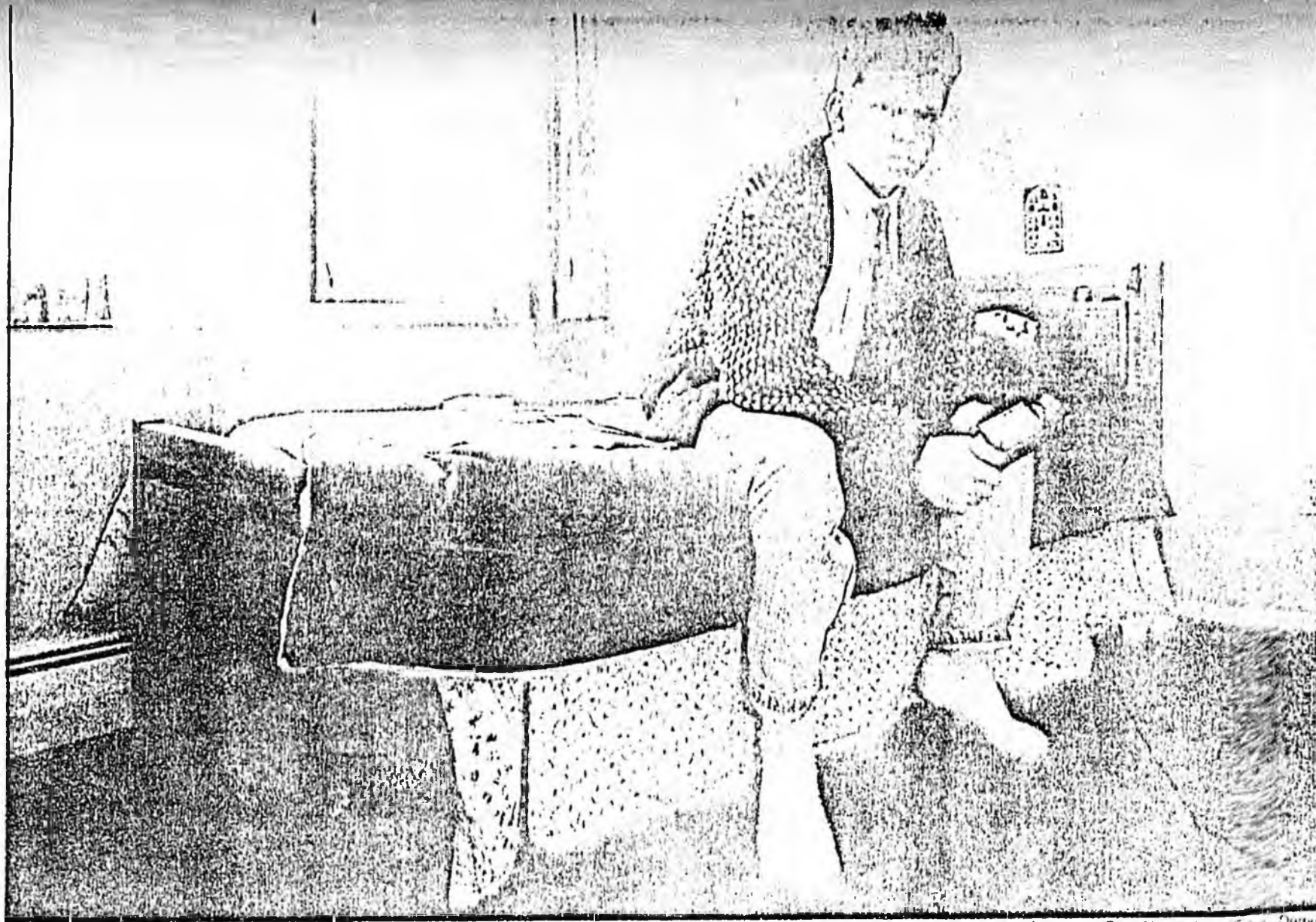
Motor operator Sergey Bystroff defected Nov. 7 in Dutch Harbor, claiming to have been badly beaten while in the army, and then persecuted on ship for his efforts to practice Catholicism.

Both men say they face at least five years of prison if they are forced to return to the Soviet Union.

"I am a simple man. I want to live without any control from government, or the KGB or anybody else," said Bystroff in a Friday interview.

The two men have been quietly residing in an Anchorage residence while their requests are processed. They are part of a rapidly expanding wave of Soviet defectors seeking asylum in the United States, including a Moscow film producer, Evgueni Prokhorenko, who defected in Anchorage on Feb. 14.

Prokhorenko says he was harassed and received death threats for investigative re-



Anchorage Daily News photos by *For* *Daniel*

Please see Back Page, ASYLUM

Evgueni Prokhorenko, who is waiting in Anchorage for an asylum ruling, holds a videotape he produced in the Soviet Union.

Kohl offers Polish border pact

But German leader says Poles must drop any reparation claims

By **TERRENCE PETTY**

The Associated Press

BONN, West Germany — Chancellor Helmut Kohl's government on Friday of-

pecially astonished that the question of the German minority has been brought up. We have settled this matter, and we keep our word."

other problems."

"But if the West German side wishes to broaden these subjects, we will raise the problem of compensation.



Some assemblymer push new ATU vote

By **STEVE RINEHART**

Daily News reporter

Some assembly members, with backing from Mayor Tom Bink, have moved to

day. Both John Wood, who is leading the pro-sale assembly group, and Municipal Manager Larry Caravito predicted there would be

On the edge

A young German peers over a still-standing section of the Berlin Wall near the Brandenburg Gate.

ASYLUM: Drastic changes in U.S.S.R. might have affected defectors' requests

Continued from Page A-1

porting efforts into the Soviet fascist movement. With the aid of forged documents and bribes, he said, he was able to board an Aeroflot jet last January that brought a delegation of Magadan officials to Anchorage. No decision has been made on his case.

More than 240 Soviet citizens sought asylum in the United States last year, nearly three times the number of the year before. The two seamen in Alaska are in the small minority of Soviets whose asylum requests were rejected. In 1989, there were 11 denials, compared to eight in each of the two years earlier.

Last year's successful applicants included two Soviet journalists who defected at Little Diomed. Unlike the seamen, the journalists made no claims of physical harassment. Their main complaint was that they were unable to freely pursue their careers in the Soviet Union.

"In general, this is not a good time to be seeking immigration from any place other than China," said Dan Kowalski, a Denver attorney specializing in immigration issues. Given the radical changes sweeping through communist nations, immigration officials are much less likely to give credence to asylum claims, he said.

Peggy Bergsurd, an Anchorage woman who assists defectors, says the INS office in Anchorage last year began to reject asylum for Polish seamen who defected to Alaska, and is now moving against the Soviet seamen.

But Jerry Ficklin, an INS spokesman in Washington, said, "Our asylum policy has not changed. We look at requests on a case-by-case basis."

SOVIET ASYLUM REQUESTS 1987-1990

Year	Requests	Granted	Denied
1987	62	32	8
1988	92	43	8
1989	243	109	11
1990	127	56	1

Source: U.S. Department of Immigration and Naturalization. 1990 numbers cover only first three months.

Decisions, however, may be influenced by major shifts in a country's political system, Ficklin said.

Immigration rejected Yelkov's request in a Jan. 21 letter sent by Anchorage District Director Gary Johnson.

"Although there are problems or abuses in certain countries, including very serious ones, that does not imply that all nationals of those countries are subjected to systematic policies of persecution," Johnson wrote in explaining his decision.

Johnson notified Bystruff on Jan. 22 of an intent to deny asylum, a step that precedes formal notification. Johnson said his action "is based on a review of human rights in the U.S.S.R." Recent State Department reports speak of improvements in Soviet human rights.

State Department officials said they obtained no information to verify or dispute any of the claims made in Bystruff's request. But, in a Dec. 13 letter to INS, a State Department official said those claims failed to demonstrate "a well-founded fear of persecution . . . on the basis of race, religion, nationality, membership in a particular social group, or political opinion."

In Friday interviews, both Soviet seamen

offered accounts of a dark side of life in the Soviet Union that has continued in the age of glasnost.

Ukrainian-born Bystruff said his troubles began when he joined the Red Army in 1985 and wanted to continue to practice Catholicism.

"I was beaten with fists and a red belt buckle with a red star. I was two weeks in the hospital. I had a concussion and broken nose," he wrote in a letter to immigration officials. "I was beaten because I said I believe in God and also because I am Ukrainian."

Bystruff says his religion caused him more problems aboard a Soviet processing ship last summer. He tried to worship with an American fishery observer who was stationed on the ship to monitor catches, he said. The ship's commissar — a political officer — warned that unauthorized contacts with the American would cause him problems when he returned to the Soviet Union, Bystruff said.

When the ship pulled into Dutch Harbor, Bystruff turned himself into the local police station.

Siberian-born Yelkov said he became a practicing member of the Russian Orthodox religion while stationed in a fishery complex on Sakhalin Island in the Soviet Far East. He said he had to worship secretly because of his membership in a communist youth organization.

His problems with the government, he says, began in 1988, when he refused to join the Communist Party. "I said I didn't see any future in the Communist Party. And with glasnost and perestroika, didn't see any reason to join the party," Yelkov said.

Yelkov said he then was declared morally

rights of its German minority would be guaranteed.

In the statement delivered by Vogel, Kohl again carefully avoided stating outright that a united Germany would never lay claim to land ceded to Poland.

unfit for sea duty, with its coveted calls at foreign ports. He said was banished to shore and forced to perform menial tasks, he said.

But in February 1989, he got a second chance at sea duty when another radio operator became ill. His ship headed for Alaska waters, where it processed its U.S. quota of fish in 10 days, then headed for fishing grounds in international waters.

Yelkov said he was a ringleader of the disgruntled crewmen who wanted a port call. In early July — after six months at sea — the ship finally reached Dutch Harbor. But the captain refused to allow shore leave, according to Yelkov.

Despite the ban, Yelkov said he was able to visit a U.S. processing boat. When he returned to his ship, Yelkov said he was placed under guard and accused by the ship commissar of saying bad things about perestroika, the restructuring of Soviet society.

Yelkov alleges the commissar stirred up crewmen to attack him. On the night of July 6, one crewman put a pillow in his face while another stabbed at his abdomen, Yelkov said.

Yelkov was then airlifted to Humana Hospital-Alaska, where he announced his defection.

He bears an 8-inch-long scar that reaches below his belt line.

In a Friday interview, Johnson of the INS raised the possibility that the stab wound might have been self-inflicted.

"I'm not going to comment but there is a case where that is an issue," Johnson said.

Even it wasn't self-inflicted, Johnson said it isn't unusual for seamen to get stabbed in fights.

"I don't mean to be disparaging to sailors, but go out and spend some time on the waterfront," Johnson said.

ATU: Some assembly members want to put sale plan before voters once again

Continued from Page A-1

Crawford said the administration still wants to sell

Faulkner said the proposal breaks an assembly prom-

Kubitz voted to put the sale on the ballot last year.

The company and other sale backers played up the

he thinks the \$400 million minimum required last year

MEMORANDUM

FROM: Loren K. Stanton
TO: Senator Pourchot
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 refugee 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 fishermen 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 ne evoked

Section (C) delete "amnesty or' t... 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.