Exiting from the Soviet Union: Emigrés or Refugees?

Zvi Gitelman

University of Michigan

Follow this and additional works at: https://repository.law.umich.edu/mjil

Part of the Human Rights Law Commons, Immigration Law Commons, Religion Law Commons, and the Transnational Law Commons

Recommended Citation
Available at: https://repository.law.umich.edu/mjil/vol3/iss1/3

This Article is brought to you for free and open access by the Michigan Journal of International Law at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Journal of International Law by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
Exiting from the Soviet Union: Emigres or Refugees?

Zvi Gitelman*

INTRODUCTION

One of the most dramatic developments in the Soviet Union during the past decade has been the mass emigration of citizens, mostly of Jewish, German, and Armenian nationality. Emigration from the USSR had not been permitted, except for a tiny handful, since the early 1920s, although in the aftermath of World War II several hundred thousand Soviet citizens managed to remain in the West. These were either prisoners of war, slave laborers, Nazi collaborators, or simply people who took advantage of wartime chaos to flee the Soviet Union. But between 1971 and the end of 1980, over 300,000 Soviet citizens immigrated to Israel, the United States, the Federal Republic of Germany, Canada, Australia, and other countries in Western Europe and Latin America.¹ About 246,000 of the émigrés are Jews; 60,000 are Germans; 10,000 are Armenians, and there are a few thousand Russians, Ukrainians, Baltic people, and others who have emigrated. Of the Jews, about 150,000 have settled in Israel and about 80,000 in the United States; all of the Germans have settled in West Germany; most of the Armenians have settled in the United States, although some have gone to the Middle East and western countries of their birth. (Most of the emigrating Armenians were born outside Soviet Armenia and immigrated to Armenia after World War II when the Soviet Government appealed to Armenians to "return to their homeland.")

Several forces seem to shape the general Soviet aversion to free emigration and account for the legal and administrative measures whose aim is to restrict emigration as much as possible. First, a system which claims to be constructed on a "scientific" basis and to be the most "progressive" in the world cannot allow people to demonstrate "with their feet" the hollowness of that claim. There is no question that the USSR has lost face as

---

¹ Director, Center for Russian and East European Studies; professor of political science, University of Michigan.
a result of mass emigration, not only in the world as a whole but possibly among its own citizens. Second, with twenty million people killed during World War II and declining birth rates among the European population (and very high fertility among Central Asians—it is likely that by the year 2000 one out of every three Soviet citizens will be of Muslim background), the USSR is confronting a shortage of skilled labor and technical expertise, especially in the industrial sector. Jews are the most highly urbanized and educated nationality in the USSR, and among the Germans there is a high proportion of skilled workers. Third, everyone who leaves the Soviet Union is, in official eyes, a bearer of secret, or at least sensitive, information. The USSR treats telephone books as sources of privileged information and, in the satellite age, still forbids photographing bridges, railroads, airports, and slums. It has ceased publishing figures on infant and male mortality, and on grain imports, for these have reached embarrassingly high proportions. Simply by having lived and worked in the USSR, émigrés are, in the Soviet view, bearers of sensitive information to enemy states. Finally, emigration is a spontaneous process, the initiative for which comes from individuals, not from the state. Leninist tradition prefers “consciousness” to spontaneity, and distrusts any manifestation of the latter. Moreover, spontaneously generated emigration, in contrast to the expulsion of dissidents, raises the specter of spillover: if one person or group is allowed to leave, why should others not do so?

Yet emigration, so distasteful to the Soviet leadership, is permitted, if reluctantly. As the leadership has not revealed its calculations and motivations in allowing limited emigration—nor is it likely to do so—one can only speculate on the reasoning and decision making. The original decision to allow emigration, beginning in March 1971, seems to have been a response to internal and external pressure for a liberalized policy. The Soviet policy makers wanted to defuse internal dissent and to make a gesture to Western public opinion for the purpose of expanding trade relations, garnering economic and technological assistance, and concluding strategic arms limitation agreements. Perhaps the Soviet leaders thought that if the gates were opened, only a small number of “malcontents” would leave, thus ridding the USSR of undesirable citizens and simultaneously placating Western opinion. The Soviet leadership and most Westerners were surprised by the rapid escalation of the emigration movement, by the profundity of Soviet Jewish alienation, and by the determination of both the internal and external forces pressing for unrestricted and expanded emigration. Certainly, they seemed to be unaware of the dynamic quality of migration whereby an initial group of migrants becomes the first link in a migration chain which continues to extend itself.

Whatever the calculus of Soviet decisions, about 1,000 people were granted exit visas in March 1971, and their numbers grew in subsequent
months. The initial emigrants were probably motivated primarily by a desire to reunite with families in Israel and by ideological commitments to Jewish nationalism and culture. As time went on it became apparent that other motivations—political alienation, economic dissatisfaction, family considerations—were impelling people to leave the country. In fact, the Soviet authorities themselves used the vehicle of emigration to expel, in effect, dissenting writers and other oppositionists. They were "persuaded" to apply for visas to Israel, even those who were neither Jews nor Zionists, and left the country under the same conditions as the Jewish émigrés, though they then settled in Western Europe or the United States for the most part. Other political dissidents, as well as those who were not actively opposing the regime but were simply alienated from it, began to use the Jewish emigration route out of the country, giving rise to the witticism popular in Leningrad that "A Jewish wife is not a luxury but a means of transportation." One might say, borrowing Albert O. Hirschman's terminology, that while "loyalty" had been the only practical option open to the Soviet citizen in the Stalinist period, and "voice" became a possibility with the rise of dissidence in the 1960s, in the 1970s "exit" was added to the list.

The three countries involved in Soviet Jewish migration—the USSR, Israel, and the United States—perceive the émigrés quite differently and are in disagreement as to whether or not they are "refugees." The conditions, discussed below, shaping the lives of most Soviet Jews seem to bring these people under the rubric of the 1980 U.S. Refugee Act: they are "persecuted or . . . [have] a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Paradoxically, however, the Soviet Union and Israel concur in disagreeing with the categorization of Soviet Jewish emigrés as refugees. The following sketches of the situation of Soviet Jewry and of the development of the movement for emigration illuminate the basis for the differing perceptions of the émigrés and facilitate an independent judgment of the status appropriate to them.

JEWS IN THE SOVIET SYSTEM

For about twenty years after the Bolshevik Revolution, Jews enjoyed complete access to all educational, vocational, political, economic, and cultural opportunities provided by the system. While Judaism, Zionism, and Hebrew were repressed, sometimes with great force, this was done as part of the drives against religions and non-Communist political ideologies and movements. There is little evidence that Jewish ideologies and movements were systematically treated worse than others. Only a Sovietized Yiddish
culture was permitted the Jews, but by the end of the 1930s, in keeping with the deemphasis of non-Russian cultures, that too was phased out or abolished by force. Following the second world war, in which two million Soviet Jews died, an explicitly anti-Jewish campaign was launched, culminating in the total closing of all Jewish cultural facilities in 1948 (with the exception of a few synagogues) and the murder of leading Jewish cultural figures in 1952. For the first time, individual Jews who had no connection with Zionism or Jewish culture and who were highly acculturated into Russian culture, were prevented from assimilating into Russian society and were singled out as "alien," "rootless" elements, denied equal educational, political, and vocational opportunities.

These restrictions were eased somewhat after Stalin's death, but only in 1961 was some semblance of Sovietized Yiddish culture restored. The excesses of Khrushchev's campaigns against religion and "economic speculation" were curbed by his successors, but most non-Soviet observers agree that Jews have been consistently and widely discriminated against by Soviet policies of the last fifteen years. Substantial evidence supports this view. First, Jews are no longer accepted into the military academies, foreign service, foreign trade ministry, or educational and research institutes which deal with foreign cultures, foreigners, or defense-related matters. The higher echelons of government, party, journalism, or other highly visible public offices are also closed to them. Second, the number of Jewish students in higher education has dropped from 111,900 in 1968 to 66,900 in 1976, and since 1971 Jews have encountered great difficulties in getting into higher educational institutions. Since the other channels for upward mobility have been closed, the severe diminution of higher educational opportunities blocks the last open channel (restricted in any case largely to science and technology) to vocational and social advancement for Soviet Jews. Third, there still is not a single Jewish school of any kind for the nearly two million Soviet Jews, though other, far smaller, peoples, including those without compact, territorially-based populations, have schools and other cultural facilities in their respective languages. Fourth, Soviet propaganda has singled out Jews and Jewish culture for especially harsh criticism. While often disguised as "anti-Zionism," this material does not differentiate between Zionists and Jews and it labels Zionism a "version of Fascism no better than the Hitlerite one." Finally, this official posture has reinforced and given license to social antisemitism, which is freely expressed despite legal strictures on it (which are never enforced).
POLICIES AND PROCEDURES
OF JEWISH EMIGRATION

Paradoxically, since 1971 one of the modes of persecution of Soviet Jews has been the harassment and deliberately created uncertainty and tension connected with their attempt to emigrate. Ironically, emigration is not a right enjoyed by all Soviet citizens, but a "privilege" of some of the more persecuted peoples of the USSR, including Jews. This privilege was not easily won. By 1969, some Soviet Jews had become aware that several hundred of their compatriots had managed to emigrate to Israel in the previous years to be reunited with family members there. In August 1969, eighteen Georgian Jewish families petitioned the United Nations to intervene with the Soviet authorities to allow their emigration to Israel. In November and December 1970, eleven persons, including two non-Jews, were tried in Leningrad for the attempted hijacking of a plane in order to get out of the country. Although the hijacking was planned, the defendants were not caught in the act. The sentences, announced on Christmas eve, included two death sentences and several long prison terms, and they aroused a strong reaction within and without the Soviet Union, placing the issues of Soviet Jewry and emigration on the agenda of world politics. A few months later the Soviets permitted 1,000 Jews to leave for Israel, and what had been a trickle from 1968 to 1970 turned into a steady stream after March of 1971.

But emigration, grudgingly conceded by the authorities, offers new opportunities for harassment and intimidation. Emigration is seen, not as a right, but as a concession to reprehensible people. Emigration is allowed on only one ground—family reunification. Emigration is "an incidence of political dispensation ... a special privilege conferred ... by the organs of the state and not something ... a person can claim unilaterally, independently of or in opposition to the regime's expressed wishes." This leads to attempts to persuade potential emigrants to reconsider, to shame them out of their decision, or even to punish them for it and to deny their applications. At the same time as individuals are discouraged, a massive media campaign aims to convince Soviet citizens that emigration is a tragic mistake, at best, and the act of ingrates or traitors, at worst. For those who persist and go through the emigration process, it is very often humiliating, demeaning, costly, risky, and exhausting. No doubt this results partially from the inherently laborious and enervating working of the Soviet bureaucracy, and partially from a calculated effort to make the process as unpleasant as possible, intended to discourage all but the most insistent and durable.

Regulations and procedures governing the granting of a passport and/or exit visa are not published in the USSR, lending credence to the assertion
expressed above about the Soviet view of emigration. A local office of the Department of Visas and Registration, known as OVIR, accepts applications for permission to leave the country. Often its hours and workdays are severely limited and made highly inconvenient. Accepted applications are forwarded to the internal affairs ministry of the republic for decision, although the local organs of that ministry may make some decisions. With the application to leave, one must submit the following documents: (1) an invitation from relatives abroad (a vyzov), since emigration is justifiable only on the grounds of reunification of families; (2) a declaration of reasons for wanting to emigrate; (3) an autobiography; (4) character certification from one's place of employment (kharakteristika) (no longer required in all cases); (5) permission from one's parents (regardless of the applicant's age); (6) permission from one's former spouse, if one is divorced; (7) a certificate from the house committee in one's place of residence; (8) copies of birth certificate, marriage license, divorce decree, educational degrees and diplomas, and certificates of death of relatives; (9) photographs of the applicant. All these documents must be submitted in person. Needless to say, these requirements present opportunities for harassment and delay, since supervisors may refuse to give a kharakteristika, house committees may do the same, and vengeful or ideologically antagonistic former spouses or parents may withhold needed permission. In 1980, authorities very strictly enforced the proviso, hitherto applied only occasionally, that the vyzov must be sent by a "first degree" relative (in most cases only a parent or child) living in Israel. By this means, the number of emigrants in 1980 was cut to 40 percent of the record-setting number (51,000) in 1979. Quite often, vyzovy sent from abroad never reach the Soviet addressee.

According to Soviet law, a decision on the application must be rendered within a month. Applicants are notified of the decision in person or by telephone, but almost never in writing. In the great majority of cases, no reason is given for the decision, and in the case of a refusal, there is no judicial recourse, though a periodic review of the application—originally limited to once a year, and since 1976 allowed every six months—may be requested.

Should the application to emigrate be approved, in addition to the application fee of thirty rubles, a passport fee of 300 to 400 rubles must be paid (it is only thirty rubles for those intending to travel to "socialist" countries). In addition, those leaving the country for permanent residence in Israel must renounce their Soviet citizenship, and pay a fee of 500 rubles to cover the expenses of a petition to the Presidium of the Supreme Soviet for release of citizenship. In 1972 and 1973 an additional fee was imposed, the so-called "diploma tax" whereby emigrants "repaid" the Soviet state for the education it had granted them, with fees varying by the amount of education received. When this barrier to emigration, very effective
against Jews who have high levels of education, was vigorously protested by Soviet Jews and foreign observers, collection of the fee was halted. The tax does, however, remain on the books. (In order to put all of these fees in perspective, one should bear in mind that the average Soviet monthly wage in the 1970s was around 150 rubles.)

Aside from financial costs, there are other erratically imposed penalties for emigration: the loss of one’s job, public condemnation at a meeting of one’s peers or colleagues or in the media, and loss of student status in universities. Emigrés are often socially isolated, except from other applicants. Usually, no more than a month is allowed for departure, and sometimes this is abbreviated to ten days, a period in which a person must liquidate possessions, ship some and pack others, settle all financial and personal affairs, obtain necessary papers, and the like. Some have sold their belongings and apartments and have proceeded to the airport or rail station for the journey out of the country, only to be told that permission has been withdrawn. They must stay in the country, now without an apartment, possessions, or income. Customs regulations are strict, and émigrés, especially those departing by train, are subjected to humiliating searches and often outright thievery by border guards, particularly at the border crossing point at Chop, where the Vienna-bound train passes. For example, in order to be taken out of the country, furniture must have been owned for at least a year; only one wedding ring of gold and one piece of jewelry, worth less than 250 rubles, may be taken out. The expense of emigration can total 1,500 rubles per adult in a family, the equivalent of an average yearly wage.

The atmosphere surrounding emigration can be perceived in the reports of the émigrés themselves. One young linguistics specialist, who had been teaching English to applicants for emigration, was called in to the KGB and told by an official “I wouldn’t say it is illegal, but I would not say it is natural to teach those who wish to leave their own country.” The official asked the linguist to report on the activities of the students, claiming that this would enable the authorities to “help them”:

You are an extremely intelligent person, you can observe them. Some of them may even have dangerous intentions and we will be able to stop them without doing them any harm. By providing information you can actually help some of your friends. I should tell you that Jewish emigration is a minor problem and we waste precious time on those light-minded people, but we have serious troubles in Lithuania and elsewhere.

The linguist, frightened and confused, tried to put off the requests that he act as an informer. The KGB persisted, introducing a second official who made some revealing statements about the KGB perception of the emigra-
tion "problem." The official's perception in 1974 was that most of the "true Zionists" had already emigrated, and those who remained were trying to persuade others to follow them out of the country. "But the others care for wealth, for adventure; they are not anxious to die for Israel or for any other cause. We should persuade them to change their minds and if we had more information, this would be easier." He then told the linguist of his troubles:

You heard about that doctor who returned from Israel. He told awful things about Israel, among them that Hebrew is like Chinese and they also write with a brush, and we let him speak on TV, which was certainly a mistake. Now we are getting hundreds of letters—Russians are indignant that such a fool could be a doctor, a professor, and Jews are furious because he slanders Israel. We really should find out how to influence people not to leave.²¹

Having refused to cooperate with the KGB, the linguist was given the choice of giving up his English lessons or of emigrating himself. He decided upon the latter, and within two months after his application, left the country.

Another young professional was born and raised in the RSFSR (Russian Soviet Federative Socialist Republic) and held a promising position in what was considered one of the most pleasant and "liberal" research institutes in the country. He had no connection with the Zionist movement, and as late as August 1971, he says, he could not conceive of the idea that all one had to do to leave the USSR would be to apply to do so. However, when his parents died, the idea of applying came to him and he submitted his papers. He made what he calls a "gentlemen's agreement" with the Komsomol, the youth organization of the Communist Party—he would resign in order not to embarrass them, and they would not denounce him. The director of his institute called him in for a cordial chat, and tried to get the young researcher to change his mind. One of the arguments he used was, roughly, as follows: "Do you realize how this will affect your colleague X's [a Jew] position? Do you know how much it took to get you in here?" These remarks, made in all sincerity and not without poignancy, only made the researcher reflect on the nature of the system he wanted to leave. Following this conversation, representatives of the district party committee (raikom) spent two entire days with the applicant, adopting first a menacing tone and later a conciliatory one, pointing out that Israel was a fascist country and that the émigré might well be unemployed. At one point, he feels, they tried to provoke him by suggesting, "perhaps you are leaving because you experienced antisemitism here." He quickly answered "of course not," in order not to expose himself to the charge of anti-Soviet slander, and in front of two "reliable" witnesses. As a result of his applica-
tion, several of his articles already in press were withdrawn, but most of his colleagues remained cordial to the very end of the stay in the USSR. 22

Others' experiences have not been so mild. A former correspondent of Literaturnaia gazeta, which has been playing a leading role in the anti-Zionist campaign, describes the hostility of his colleagues as soon as they learned that he had applied to emigrate. "No one in the office greeted me, no one bade me farewell. People with whom I had worked for years simply cut me." The correspondent's phone was bugged, he was followed and harassed by the KGB, and his application to leave was denied several times. 23 The relatives, too, of potential émigrés are adversely affected by their application to leave. One woman's father opposed her emigration, although he did not stand in her way. As a result of her emigration, the father, a scholar employed by the Academy of Sciences, could no longer publish. An article of his was removed from a scholarly journal about to go to press.

The editor of the journal told him, "you know, of course, we could have printed it but it was forbidden...." As soon as people found out that the article had been thrown out of the journal, the editors of other journals and other publishing houses heard about it and took it for a signal: They'd also be better off not printing him. 24

Not surprisingly, Soviet claims and Western reports regarding the process of emigration vary considerably. Soviet officials insist that the great majority of applicants leave routinely, with the claim made repeatedly that "out of the total number of persons who have submitted applications to emigrate, 98.4 percent have been allowed to do so." 25 But the same source, Colonel V. S. Obidin, head of the All-Union OVIR, has admitted that in 1975 and 1976 alone, over 1,000 people who had been refused permission previously were allowed to leave. 26 The present head of OVIR, Konstantin Zotov, claimed that on January 1, 1980 his office had only 11,845 applications to emigrate and that the number of those who had been "temporarily" refused permission to leave was "very small, one might say inconsequential." 27 According to Israeli sources, about 300,000 Soviet citizens have requested vyzovs but have not yet left, and some have concluded that nearly 300,000 people have been refused permission to emigrate. 28 This is misleading for two reasons: the same person may receive several vyzovs, because several different persons invite him to leave or because the same person issues an invitation several times (since many vyzovs never arrive at their destination); also, people who receive vyzovs do not always apply to emigrate, either because they have not requested the vyzovs, or because, having requested it, they decide to reconsider or to postpone their emigration. Thus in Georgia, between 1968 and 1977, 61,815 visas were
requested; according to the 1970 census, there are only 55,400 Jews in Georgia. Some are "driven to the conclusion that the 1970 population census contained inaccuracies and understated the Jewish population." An alternative explanation is that Georgian Jews received multiple *vyzvos*. In light of the strong family ties of the Georgians, on the one hand, and the absence of plausible explanations for "inaccuracies" in the 1970 census, on the other, the latter explanation seems more convincing.

Even taking into account these factors, the discrepancy between invitations issued and permissions granted seems larger than Soviet sources indicate. Of those applying, more than 1.6 percent are refused. Jewish emigration activists in the USSR estimate that the number of applications rejected grew in 1980 from about 10,000 to about 50,000. In light of the drastic reduction in emigration, these figures seem entirely plausible. A survey of 1,035 émigrés conducted under the auspices of the U.S. congressional commission created in 1976 to monitor implementation of the Helsinki agreement of August 1975, found that 278 had departed the USSR before the Helsinki accord was signed, and 757 had left after it. Of the pre-Helsinki group, nearly one-third reported that they had been refused permission to leave, whereas among the post-Helsinki émigrés the proportion of refusals declined to 15 percent. In a 1978 congressional study of 235 emigrants, 17 percent reported having been refused permission to emigrate. All three figures are considerably higher than the Soviet statistic of 1.6 percent. Moreover, of the post-Helsinki émigrés who had been refused, a quarter had been refused three to six times, and 11 percent had been refused eight or more times.

Almost one-fifth of the respondents had experienced difficulties in receiving their *vyzvos*, and this was especially true of those in the smaller cities of the RSFSR. Although most of the respondents were over eighteen at the time of application, nearly three-quarters had to document parental approval. Nearly all of the pre-Helsinki émigrés, but only 32 percent of the later wave, had to submit a *kharakterisitika*, and over a third of the later émigrés had been forced to leave their jobs as a result of their application. Eighty-five percent of the post-Helsinki applicants received their visas within a year of application, but only 68 percent of the earlier applicants did so.

The prospective post-Helsinki emigrants generally had to wait a shorter time for final approval than those who preceded them. Seventy-five percent of the later sampling reported waiting six months or less for their emigration approval, whereas only 59 percent of the earlier emigrants received approvals in that short a time. Nevertheless, nearly one post-Helsinki applicant in eight had to wait from one to six years for an exit visa, still a lower percentage than the 22 percent of the pre-Helsinki grouping.
So carefully is Soviet emigration policy making (and, of course policy making generally) veiled from public scrutiny, that one cannot be certain at what level and by whom the major decisions are made. It is striking that emigration has been disproportionately heavy from some areas, and light from others. Until 1980, about 11 percent of the total number of Jews in the USSR (1970 census) had been issued exit permits. If one compares the number of exit permits per republic with the number of Jews in the republic (as reported in the 1970 and 1979 censuses), one observes great variation. At one extreme, 51.7 percent of the Jews in Georgia have received exit permits; at the other, 0.6 percent of those in Kazakhstan received permission to leave. In Lithuania, over 40 percent of the Jews were issued permits, whereas in the RSFSR, where about 37 percent of all Soviet Jews reside, only 1.9 percent of the population have been issued exit permits. The chances of getting a permit vary significantly by republic. Thus, 83 percent of those requesting affidavits in Lithuania received an exit permit; 63 percent in Latvia; 33 percent each in the RSFSR and Belorussia; and 31 percent in Tadzhikistan. This leads to the conclusion that the disproportions in emigration from different republics are not explained solely, or even mainly, by the greater number of applications in some, and smaller number in others. The rates of granting exit permits vary so widely that one can say that it is easier to leave from the two Baltic republics (the number of Jews in Estonia is very small) than it is from Russia and Belorussia. However, it remains true that a greater proportion of the Jews in the Baltic, Georgia, and other peripheral areas apply to leave in the first place. This is no doubt due to higher levels of Jewish consciousness and, in the case of the Baltic and West Ukrainian areas, greater general alienation from the Soviet state generally and from Russian domination especially. A detailed comparison of the number of vyzovs and visas by republic can be made by studying tables I and II.

Still open is the question of how and by whom these variations are determined. Some have suggested that the variation is so great that it must be due to different local policies being pursued by republic level officials or even lower level authorities. An alternative explanation is that central directives have been issued which give higher emigration quotas to some regions, and lower ones to others, in line with national calculations. For example, it would be reasonable for the central authorities to allow Georgian officials to issue more exit visas because Georgian Jews are not very highly educated or skilled, and contribute less to the Soviet economy than, say, the scientific intelligentsia concentrated in Moscow or Leningrad. At the same time, the Georgian Jews are viewed as a disruptive element in an already troublesome republic, another reason for getting rid of them through emigration. Similar arguments may obtain for the Baltic republics, Moldavia, and the West Ukraine: each of these areas in its own way poses
### Table I

**Details by republics of vizvos sent to USSR**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RSFSR</td>
<td>807,900</td>
<td>5,457</td>
<td>6,264</td>
<td>7,479</td>
<td>11,589</td>
<td>8,638</td>
<td>8,035</td>
<td>8,943</td>
<td>17,330</td>
<td>68,556</td>
<td>8.5</td>
</tr>
<tr>
<td>Ukraine</td>
<td>777,100</td>
<td>12,530</td>
<td>23,990</td>
<td>20,938</td>
<td>14,597</td>
<td>12,457</td>
<td>17,042</td>
<td>22,735</td>
<td>60,767</td>
<td>185,056</td>
<td>23.8</td>
</tr>
<tr>
<td>Moldavia</td>
<td>98,100</td>
<td>1,351</td>
<td>4,939</td>
<td>10,756</td>
<td>6,697</td>
<td>2,290</td>
<td>2,911</td>
<td>1,452</td>
<td>6,576</td>
<td>15,134</td>
<td>10.2</td>
</tr>
<tr>
<td>Lithuania</td>
<td>23,600</td>
<td>6,583</td>
<td>2,866</td>
<td>1,253</td>
<td>414</td>
<td>189</td>
<td>255</td>
<td>1,549</td>
<td>6,510</td>
<td>31,806</td>
<td>30.9</td>
</tr>
<tr>
<td>Latvia</td>
<td>36,700</td>
<td>8,279</td>
<td>2,250</td>
<td>1,103</td>
<td>478</td>
<td>349</td>
<td>356</td>
<td>4,140</td>
<td>7,528</td>
<td>40,812</td>
<td>41.6</td>
</tr>
<tr>
<td>Belorussia</td>
<td>148,000</td>
<td>1,012</td>
<td>2,581</td>
<td>1,217</td>
<td>720</td>
<td>700</td>
<td>876</td>
<td>806</td>
<td>1,313</td>
<td>63,934</td>
<td>115.4</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>27,700</td>
<td>89</td>
<td>239</td>
<td>261</td>
<td>101</td>
<td>41</td>
<td>60</td>
<td>2,632</td>
<td>3,333</td>
<td>22,504</td>
<td>54.5</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>102,800</td>
<td>2,403</td>
<td>8,856</td>
<td>7,590</td>
<td>3,145</td>
<td>668</td>
<td>1,084</td>
<td>64</td>
<td>149</td>
<td>1,004</td>
<td>3.6</td>
</tr>
<tr>
<td>Kirgizia</td>
<td>7,700</td>
<td>42</td>
<td>153</td>
<td>296</td>
<td>69</td>
<td>38</td>
<td>26</td>
<td>637</td>
<td>1,843</td>
<td>15,295</td>
<td>41.7</td>
</tr>
<tr>
<td>Estonia</td>
<td>5,300</td>
<td>128</td>
<td>112</td>
<td>70</td>
<td>40</td>
<td>17</td>
<td>20</td>
<td>295</td>
<td>573</td>
<td>12,428</td>
<td>52.7</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>41,300</td>
<td>125</td>
<td>150</td>
<td>561</td>
<td>3,328</td>
<td>7,795</td>
<td>4,580</td>
<td>373</td>
<td>941</td>
<td>6,422</td>
<td>44.0</td>
</tr>
<tr>
<td>Tadjikistan</td>
<td>14,600</td>
<td>253</td>
<td>1,255</td>
<td>2,436</td>
<td>725</td>
<td>172</td>
<td>267</td>
<td>30</td>
<td>168</td>
<td>822</td>
<td>10.6</td>
</tr>
<tr>
<td>Turkmenia</td>
<td>3,500</td>
<td>20</td>
<td>105</td>
<td>54</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td>42</td>
<td>121</td>
<td>550</td>
<td>10.4</td>
</tr>
<tr>
<td>Georgia</td>
<td>55,400</td>
<td>40,649</td>
<td>14,719</td>
<td>4,175</td>
<td>912</td>
<td>774</td>
<td>586</td>
<td>7</td>
<td>23</td>
<td>218</td>
<td>6.2</td>
</tr>
<tr>
<td>Armenia</td>
<td>1,000</td>
<td>15</td>
<td>27</td>
<td>19</td>
<td>17</td>
<td>6</td>
<td>16</td>
<td>37</td>
<td>137</td>
<td>13.7</td>
<td></td>
</tr>
<tr>
<td>Various</td>
<td>-</td>
<td>1,500</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,500</td>
<td>-</td>
</tr>
</tbody>
</table>

Total: 2,150,700 79,711 67,895 58,216 42,843 34,145 36,104 43,062 107,212 469,188 21.8

Table II

*Invitations toyzovs* Sent and *Visas Issued, 1968-1979, By Republic*

<table>
<thead>
<tr>
<th>Republic</th>
<th>Vyzovs sent</th>
<th>Percent of Jewish Population in Republic</th>
<th>Visas</th>
<th>Percent of visas granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSFSR</td>
<td>101,989</td>
<td>12.6</td>
<td>31,478</td>
<td>30.7</td>
</tr>
<tr>
<td>Ukraine</td>
<td>240,372</td>
<td>30.9</td>
<td>87,045</td>
<td>36.2</td>
</tr>
<tr>
<td>Belorussia</td>
<td>27,646</td>
<td>18.7</td>
<td>7,265</td>
<td>26.3</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>41,477</td>
<td>40.3</td>
<td>15,668</td>
<td>37.8</td>
</tr>
<tr>
<td>Moldavia</td>
<td>48,812</td>
<td>49.7</td>
<td>23,957</td>
<td>49.1</td>
</tr>
<tr>
<td>Georgia</td>
<td>65,379</td>
<td>118.0</td>
<td>31,859</td>
<td>48.7</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>27,348</td>
<td>66.2</td>
<td>6,355</td>
<td>23.2</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>1,349</td>
<td>4.9</td>
<td>319</td>
<td>23.6</td>
</tr>
<tr>
<td>Latvia</td>
<td>19,169</td>
<td>52.2</td>
<td>11,783</td>
<td>61.5</td>
</tr>
<tr>
<td>Lithuania</td>
<td>13,304</td>
<td>56.4</td>
<td>11,109</td>
<td>83.5</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>7,457</td>
<td>51.1</td>
<td>2,725</td>
<td>36.5</td>
</tr>
<tr>
<td>Kirgizia</td>
<td>996</td>
<td>12.9</td>
<td>312</td>
<td>31.3</td>
</tr>
<tr>
<td>Estonia</td>
<td>848</td>
<td>16.0</td>
<td>393</td>
<td>46.3</td>
</tr>
<tr>
<td>Turkmenia</td>
<td>247</td>
<td>7.0</td>
<td>113</td>
<td>45.7</td>
</tr>
<tr>
<td>Armenia</td>
<td>194</td>
<td>19.4</td>
<td>79</td>
<td>40.7</td>
</tr>
</tbody>
</table>

problems of ethnic and religious dissent to the central authorities. In the first half of 1980, emigration permits were severely curtailed in the Ukraine and, to a far lesser extent, in Leningrad, but the number of permits in other areas grew. 36 This may reflect either a unilateral Ukrainian policy or a central directive to the Ukraine; most likely, the Ukrainian authorities were acting on orders from Moscow.

Even if emigration quotas are set in Moscow, republic and local officials probably welcome Jewish emigration. Because Jews overwhelmingly assimilate into the Russian, rather than local cultures (except in Georgia), their emigration removes some agents of Russification, opens up job and housing opportunities for local residents, and expands opportunities for mobility of non-Jews. Finally, in some areas, traditional antisemitism may also be at play, providing another incentive for local officials to cooperate in getting rid of the Jews, even though that is precisely what some of the Jews want. Differential levels of Jewish consciousness and nationalism, different types of family, economic, and vocational structures, and different calculations and motivations by republic and local officials all help to account for the uneven results of Soviet emigration policy. Until the authorities make explicit their policy rationales and processes, discussion of them must remain in the realm of informed speculation.

REFUGEES OR IMMIGRANTS?

Obviously, Soviet authorities do not regard émigrés from the USSR as refugees in any sense, but rather as fools, victims of Zionist propaganda, avaricious n'er-do-wells, or ingrates and traitors. As illustrated above, the government tries to keep the people in the country rather than drive them out, although in a larger sense it is government policies that drive the Jews to emigrate. "Émigré" is a word with a negative connotation in Soviet rhetoric since the revolution.

Israel's view of the émigrés is more complicated. Until 1968, it was not publicly admitted by either the Israeli Government or the press that there were Soviet immigrants coming to Israel, and the media referred to the flow as the "unification-of-families immigration." This policy stemmed from Israel's anxiety about offending the Soviet Union and causing it to halt emigration. The USSR, fearful of internal pressures for expanded emigration opportunities and under attack from her Arab allies for allowing potential soldiers to go to Israel, denied that there was any mass emigration. The Soviet media insisted for some time that only old and sick people were being allowed, on humanitarian grounds alone, to leave to be reunited with families from whom they had been separated as a result of war and other calamities. 37 As time went on, and the dimensions of the emi-
migration became widely known, this Soviet theme was muted (although not abandoned altogether), and the Israelis felt more secure about publicly acknowledging the size and significance of the Soviet immigration, publishing comprehensive data on it for the first time only in 1976.38

When increasing numbers of Soviet Jews arriving in Vienna chose to go to the United States rather than to Israel, a bitter dispute developed between Israeli and Jewish Agency officials, chagrined at the loss of potential immigrants, and the organizations, such as HIAS and the Joint Distribution Committee, which maintained the “drop-outs” (an Israeli pejorative term) in transit and facilitated their entry to the United States, Canada, and other countries.39 Most of those coming to the United States entered as political refugees under the “parole power” of the attorney general to admit them.40 When the 1980 Refugee Act seemed to make clear that in American eyes, Soviet Jewish émigrés are political refugees,41 Israeli Prime Minister Menachem Begin and Jewish Agency Chairman Aryeh Dulzin reacted angrily, arguing that since the creation of the State of Israel no Jew need be considered a refugee, since he or she had a homeland which would accept him or her as a citizen almost automatically.42 (Under the Law of Return, Jews coming to Israel can acquire citizenship within a few months, if they so desire.43) They predicted that the U.S. legislation would further accelerate the trend toward emigration to the United States and would induce Soviet Jews, already resettled in Israel, to migrate to the United States.

Of course, the Israeli reaction was based on a tacit equation of “refugee” with “homeless,” an equation not made in the U.S. law, and also ignored the fact that Soviet émigrés who had become Israeli citizens—and nearly all of them become so within three months of their arrival—would not be considered “refugees” by the Americans. Moreover, there has been no increase in the number of ex-Soviet Israelis entering the United States. In fact, some of them complain that their automatic acquisition of Israeli citizenship, done when few understand the Hebrew forms and all of the implications of this step, has effectively deprived them of the opportunity to emigrate to the United States should they change their minds about settling in Israel. Thus, a small minority of the ex-Soviet Israelis covet refugee status, and some of them claim to prefer it to Israeli citizenship. Israeli and Zionist officials are discomfited by the notion of Jews as refugees. They agree that Jews in the USSR are “persecuted” or have “a well-founded fear of persecution” but, they maintain, since there are no bars to Soviet Jews finding a home and citizenship in the country which Zionists regard as the country of all Jews, Jews should not be considered refugees. Since those in Israel are not seen as refugees even by the Americans, the disagreement is over those who are still in transit. Clearly, the Israelis would prefer that the entry of Soviet Jews into the United States
not be made easy and, perhaps, that these immigrants be denied the status of refugees.

It seems quite clear that Soviet Jews qualify as refugees under the 1980 Act, and equally clear that those who have become Israeli citizens do not qualify as refugees. The Act does, therefore, seem to provide incentives for Soviet émigrés arriving in Vienna to opt first for the United States because, as many of them point out, they can later go to Israel from the United States and easily become Israeli citizens, but if they choose Israel first, and thus become Israeli citizens in short order, they will not be "refugees" in American terms and will find it very difficult to immigrate to the United States. If Israel were to grant them "temporary resident" status, as it does to the great majority of American and West European immigrants, it might attract more Soviet Jews initially, as they could presumably protect their refugee status (although perhaps obtaining an Israeli laissez-passer would be enough to cause them to lose it). However, in the long run these people might wind up immigrating to the United States anyway.

But these speculations are beyond the scope of this article and the legal knowledge of the author. The purpose of the article has been to investigate whether the status of refugee, as defined in the 1980 Act, is appropriate to Soviet Jews. If the answer is somewhat equivocal, so is the status of Soviet émigrés. Human situations cannot always be fitted neatly into the categories of law and legislation. It is more important that immigrants and host societies try to fit themselves to each other, working out those mutual accommodations and balances that make for optimal social life.

NOTES

1 Sources of statistical information include publications of the Jewish Agency, the Israeli Ministry for Immigration and Absorption, and the U.S. Office of Refugee Resettlement and, more specifically, the Statistical Abstracts of the Hebrew Immigrant Aid Society (HIAS).


3 In 1975, when Jews were less than 1 percent of the population, they were 4.1 percent of persons with higher education active in the economy and 5.7 percent of all "scientiﬁc workers." They had declined to only 1.4 percent of students in higher education as a result of the severe diminution of higher educational opportunities for Jews which has paralleled their emigration. For data of this sort, and results of the 1979 Soviet census, see Altschuler, The Jews in the 1979 Soviet Census: Initial Data, 10 SOVIET JEWISH AFF., no. 3, at 3 (1980).

7 Hirschman, Exit, Voice and the State, 31 World Pol. 90 (1978). Carol Pateman's discussion of the consequences of frustrated political expectations ignores the "exit" option. But the experience of China, Cuba, Vietnam, Uganda, and many other countries demonstrates that "exit" may be the option most available to the politically alienated or threatened. See generally Pateman, Political Culture, Political Structure and Political Change, [1971] Brit. J. Pol. Sci. 290.
9 "Sovietized Yiddish culture" means that Jewish culture could only be expressed through use of the Yiddish language; its content had to be in strict conformity with Soviet ideology (no Hebrew, Zionist, or religious elements). On Soviet policy regarding Jews and Jewish culture in the 1920s and early 1930s, see generally Z. Gitelman, Jewish Nationality and Soviet Politics (1972).
12 See Nash otvet klevetnikam (1976).
including the two non-Jews, were still in prison as of late 1980.

17 See Ginsburgs, supra note 14, at 4.


19 Information regarding the burdens placed on émigrés is from interviews which the author has supervised or conducted since 1972 with over 1,000 émigrés, and the 174 oral histories he has read.

20 This includes 300 rubles for the exit visa, 500 for the renunciation of citizenship, about 200 for the trip to Vienna, up to 100 rubles for repairs to one’s apartment and trips to Moscow, 90 rubles exchanged into Western currency, and the rest for shipping to Vienna or to Israel. See Helsinki Report, supra note 18, at 115.

21 Recollections of an émigré linguist, written at the author’s request in March 1976, a year after he had emigrated.

22 Personal interview with author, November 1974.


25 Statement by Colonel V. S. Obidin, Chief of the All-Union OVIR Office, quoted in Itkin, Myl’nye puzyri i real’nye fakly, Izvestiia, January 23, 1976. This is one of the longest and, because of the place of publication, most authoritative Soviet articles on emigration.

26 Id.

27 Novosti interview with Zotov, quoted in Sovetishe Yidn, supra note 11, at 86. Zotov was at pains to show that the Soviet Union was complying with the provisions of the Helsinki Final Act and had greatly improved visa procedures, including reducing the time it takes to get permission to emigrate. He made the astounding claim that “in the last few years 300,000 people have immigrated to the USSR from many countries and have received Soviet citizenship.” Id. at 85.


32 Helsinki Report, supra note 18, at 3-6.

33 Id. at B-4.

34 For the results of the 1970 Soviet census, see Statisticheshoe Upravlenic Tsentral’noe Itogi Vsesoyuznoi Perepisi Naseleenia 1970 goda (1972). The results of the 1979 census have not yet been published in full, but scattered data are collected in Altshuler, supra note 3.

35 These suggestions were made in confidential interviews conducted by the author.


37 W. Korey, supra note 11, at 198.

38 Nevertheless, Israeli and Jewish Agency “sources” would “leak” data to foreign correspondents in the early 1970s, whereupon Israeli newspapers would publish the figures, attributing them to foreign sources!


42 Jerusalem Post, March 31, 1980.