

TO: President William Jefferson Clinton.

FROM: James E. Rivard.

DATE: January 14, 1994.

RE: Saturday talk to Embassy staff.

Dear President Clinton:

In your address tomorrow at the Embassy, please mention the responsibility entrusted to the staff of the nonimmigrant visa section in examining visitor visa applications. As an American attorney living in Moscow and working independently, I have witnessed many worthy requests for visas refused by our examiners.

Today my client Mrs. Zoya K----- was refused a visa ostensibly because she may not return to Russia when her visa expires. However the examiner admitted that her previous history of returning twice to Russia showed that she would return. The examiner simply thought that she was spending too much time in America visiting her daughter and grandchildren. This is not a reason based in our law but merely an opinion of the examiner.

Examiner's decisions are not appealable, according to the wishes of Congress. However sometimes this trust is mishandled by examiners who have become cynical about non-returning Russians. I too sometimes become frustrated and cynical. But I try to keep smiling. I do not counsel my clients to lie, but I try to present the best possible case, based on the true facts of each application.

The best publicity about America is the impression gained by an individual when visiting our wonderful country. The worst publicity is the seemingly insensitive and overworked Embassy staff who deny visas for apparently arbitrary or unfathomable reasons. We are giving the impression to the citizens here that we are constructing our own legal, but also mysterious, Berlin Wall.

I understand the policy and security concerns, but denying a visa to an old grandmother who does not speak English does not advance our interests. My next client will be the daughter of an Ostankino TV official who desires to enroll in an intensive English language course. She has been refused on three previous occasions. With three refusals, it will be very difficult for my client. However I have begun working with her to carefully document her plans in order to verify her lawful intent.

Nonimmigrant visa examiners have more power, in the sense of non-reviewability, than almost anyone in the American government. I wish that they would be a little more caring and helpful, since this may be the only interaction my clients will ever have with the American government.

I wish you and the Vice-President success in your endeavors to serve our country.

Sincerely,

James E. Rivard

P.S. I heard you speak in Seattle at the Edgewater Inn during the primary campaign, and talked with Mr. Gore at the Elliott Bay Book Store in Seattle where he was autographing his book.