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VO - Mr. John E. Crump

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SOV - Robert I. Owen

Operation of Sanctions Imposed by Section 243(g) of the  
Immigration and Nationality Act in Case of Mrs. Marina N. Oswald

It has come to the attention of SOV that in approving the petition granting Mrs. Marina N. Oswald non-quota status the San Antonio District Office of INS did not include a waiver of the sanction against the issuance of the visa imposed by Section 243(g) of the Immigration and Nationality Act. It would, therefore, be necessary for Mrs. Oswald to proceed to a third country and there apply for a United States visa instead of receiving a visa at Moscow when her husband, Lee Harvey Oswald, is documented for a return to the US as an American citizen.

Lee Harvey Oswald is an American citizen who defected from the US and decided to reside permanently in the Soviet Union. Although he made known to the Embassy his original intention to renounce American citizenship, he never completed the formalities. When he became disillusioned with life in the Soviet Union, he requested passport facilities to return to the US. After due consideration the Passport Office made the decision that Oswald is still an American citizen; the Embassy has been authorized to issue him a passport for return to the US; and SCS has authorized a loan of \$500 to enable him to travel to the US with his Soviet wife and recently born child.

SOV believes it is in the interest of the US to get Lee Harvey Oswald and his family out of the Soviet Union and on their way to this country as soon as possible. An unstable character, whose actions are entirely unpredictable, Oswald may well refuse to leave the USSR or subsequently attempt to return there if we should make it impossible for him to be accompanied from Moscow by his wife and child.

Such action on our part also would permit the Soviet Government to argue that, although it had issued an exit visa to Mrs. Oswald to prevent the separation of a family, the United States Government had imposed a forced separation by refusing to issue her a visa. Obviously, this would weaken our Embassy's position in encouraging positive Soviet action in other cases involving Soviet citizen relatives of US citizens.

Also

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Also to be considered is the fact that we have granted a loan of \$500, sufficient only to bring the family to New York. There is a strong possibility that a New York or other welfare agency will have to support the family during a stop-over in New York and pay for their onward travel to Texas since Oswald only has a total fund of \$700. A detour to a third country would require additional United States funds.

SOV recommends that INS be asked to reconsider on an urgent basis its decision regarding the 243(g) waiver for Mrs. Oswald.

In view of the foregoing, it is recommended that a telegram be sent to the Embassy at Moscow advising it to withhold action of WO's recent OM on the subject OPERATIONS: Case of Mrs. Marina N. Oswald. In this connection, the Embassy's WIROM No. 2434 of March 15 which asked when a decision on the petition and waiver could be expected, apparently was motivated in part by the fact that Oswald is using up his funds while awaiting documentation.

EUR:SOV:VHJames:lep

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