

OPERATIONS MEMORANDUM

TO: Embassy EUSSELS Date: March 16, 1962

FROM: Embassy MOSCOW

SUBJECT: VIAS: Third Country Shelter Arrangement

REF: Our OM, January 21, 1962, and previous correspondence; Department's OM-35, December 5, 1961, and OM-61, March 9, 1962, to Moscow (copies attached)

Transmitted herewith are pertinent portions of the case file of Marina Nicholaevna OSWALD, nee FEGASOVA, the wife of American citizen Lee Harvey OSWALD. As you will note, the Immigration and Naturalization Service approved Mr. Oswald's petition for nonquota status for his wife, but refused to lift the sanctions imposed by Section 213(g) of the Immigration and Nationality Act. Therefore, no visa can be issued to Mrs. Oswald at this office. The Department suggested in its OM-61 to Moscow that Mrs. Oswald apply for her visa in a third country.

For your information, Mr. Oswald is a former U. S. Marine who came to the Soviet Union in 1959 with the intention of settling here. He subsequently experienced a change of heart and is now attempting to return to the United States with his Soviet wife and infant daughter (born in February, 1962). The Department has authorized renewal of Oswald's passport valid for direct travel to the United States, and has also authorized a repatriation loan for him and his family. A Soviet foreign passport and exit visa has been received for Mrs. Oswald and Oswald himself has apparently been promised that he will receive permission to leave the Soviet Union whenever he is ready to travel.

It will be noted from the attached case file that the Department has previously rendered an advisory opinion that Mrs. Oswald's affiliation with the Soviet trade union can be considered involuntary as defined by Section 212(a)(25)(1)(i) of the Immigration and Nationality Act. Therefore, there appear to be no security grounds for refusing her a visa, provided of course that no further derogatory information comes to light during the formal visa interview.

Perhaps the most questionable aspect of Mrs. Oswald's application is the weak evidence which has been presented to overcome the public charge provision of the Act. The Embassy has conducted considerable correspondence with Mr. Oswald concerning this point. It appears that he can find no one in the United States who is able and willing to execute an affidavit of support for his wife. Furthermore, Oswald has been

able to obtain no

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able to obtain no concrete offer of employment in the United States. (On the other hand, he is trained in a trade which should make him readily employable and he and his family will be able to live with his mother in Texas until he has found work and become otherwise settled. Taking into consideration the better interests, Oswald's legal obligation to support his wife, and the unusual circumstances of the case which make it difficult for Oswald to provide the usual financial evidence, the responsible consular officer would have been willing to accept Oswald's unsubstantiated affidavit as sufficient to overcome the public charge provisions of the law.

It would be appreciated if Mrs. Oswald's file could be reviewed from the standpoint of the following questions:

- 1) Does your office have any objection to using the Third Country Shelter Arrangement for Mrs. Oswald?
- 2) Assuming a satisfactory medical examination and no further derogatory information, does it appear likely that a visa could be issued to Mrs. Oswald at your office without delay?
- 3) If so, approximately how long would processing of her visa case take? (The cost of remaining in Brussels while waiting for Mrs. Oswald's visa must be considered in determining the amount of the repatriation loan.)

Enclosures:

- 1) Moscow's OM-35 to Department, August 26, 1961.
- 2) Department's WUPON 850 to Moscow, October 1, 1961.
- 3) Moscow's OM-68 to Department, January 16, 1962.
- 4) Unsubstantiated Affidavit of Support executed by Lee H. Oswald.
- 5) Moscow's OM-37 to Department, January 21, 1962.
- 6) Department's OM-15 to Moscow, January 26, 1962.
- 7) Visa petition approved February 21, 1962.
- 8) Letter from Immigration and Naturalization Service of February 20, 1962.
- 9) Department's OM-61 to Moscow, March 9, 1962.
- 10) Department's OM-35 to Moscow, December 5, 1961.

cc: Department of State (VO)

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