

Congress of the United States
Washington, DC 20515

April 27, 2016

President Jimmy Morales
Republic of Guatemala
Casa Presidencial
Guatemala City, Guatemala

In care of the Embassy of Guatemala, Washington, DC

President Morales,

We write out of concern for the situation of the Bitkov family – father Igor, mother Irina, and daughter Anastasia.

We understand they fled their native country of Russia fearing persecution, emigrating to Guatemala under conditions that have entangled them in a complex legal situation.

In our view, the Guatemalan courts and Office of the Attorney General, with the assistance and support of CICIG, have acted with diligence and independence in their investigation and prosecution of the Migration Case in which the Bitkovs are caught up, and in regard to the resulting appeals. We are strong supporters of the efforts to strengthen the judicial system and rule of law in Guatemala, and applaud the progress that has been achieved.

At the same time, the case of the Bitkovs also has a humanitarian dimension. Yesterday we learned that a decision of the Court of Constitutionality will have the practical effect of vacating the Bitkovs' January 2018 convictions on criminal charges linked to the acquisition and use of certain identity documents. As a result it appears likely that in the near future their imprisonment in Mariscal Zavala will end, at which time proceedings to deport the Bitkovs to Russia might be initiated.

We are convinced that the Bitkovs should not be returned to Russia. The factors that led them to flee in 2009 have not changed. The rule of law is weak in Russia, and the safety of persons who find themselves in conflict with the Russian state cannot be guaranteed. Guatemala is obligated under international law not to return people with a well-founded fear of persecution to their countries of origin. As president, you must ensure that your government complies with this obligation.

We received notice that you have on your desk an appeal to grant the Bitkov family refugee status, which would provide them an authorization to remain in Guatemala. In light of the fact that the Bitkovs cannot be safely returned to Russia, we believe granting

migratory relief on humanitarian grounds offers the best path forward to definitively address the problematic situation in which the family finds itself. We implore you to take action on this matter as soon as possible. Given that the National Institute of Migrants has not yet been created, we appeal to you to exercise your existing powers to resolve the Bitkovs' status. If for any reason, you should decide to deny refugee status to the Bitkov family, we urge you not to return them to Russia but instead to contact the UNHCR Commissioner in Guatemala as provided in article 45 of the Guatemalan immigration code.

In addition, we have heard from individuals who expressed deep concern for the safety and well-being of the Bitkovs in the aftermath of the court's ruling.

Mr. President, as you are surely aware, it is the responsibility of your government to guarantee the security and physical integrity of all members of the Bitkov family while they remain in the custody of the Guatemalan state. We urge you to instruct the appropriate officials in the Ministry of Interior to take all necessary measures to protect the Bitkovs during the remainder of their imprisonment.

We thank you for your attention and look forward to hearing from you at your earliest convenience.

Sincerely,

/s/

James P. McGovern
Member of Congress

/s/

Eliot L. Engel
Member of Congress