



# GUIDE

For journalists forced  
into exile

20<sup>th</sup> JUNE 2012

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# FOREWORD

Thousands of men and women of many nationalities flee persecution every year, leaving everything behind from one day to the next, escaping countries ravaged by war or dictatorship. They may have suffered persecution because of their religion, nationality, membership of a social or ethnic group, or their political opinions.

They include many journalists who are forced to flee their country for trying to provide their fellow citizens with news and information

These journalists pay a high price for speaking out freely. They flee abroad to avoid further arrest, violent reprisals or an arbitrary jail sentence.

Reporters Without Borders produced a first version of this “Guide for journalists forced into exile” in June 2009 to accompany, familiarize and inform refugee journalists during this difficult process. Three years later, the exodus continues. More than 200 Iranian journalists have fled their country since President Mahmoud Ahmadinejad’s disputed reelection in 2009. Dozens of journalists have fled President Assad’s violent crackdown in Syria. The violence of Somalia’s Al-Shabaab militia causes journalists to flee for their lives every month.

The advice in this guide, published on 20 June 2012, World Refugee Day, will unfortunately not remedy the emotional pain and exhaustion of those journalists who have had to uproot themselves and flee. But it will provide them with valuable support and concrete assistance with all that they have to do to start a new life.

This guide is not exhaustive. It does not set out to provide complete and tailor-made legal information. Rules governing immigration are complex and vary from one country to another, and often depend on the specific case of the asylum seeker. This guide is designed to describe the main steps and procedures for those who flee abroad, while pointing out the difficulties and obstacles.

These few pages do not moreover provide a formula for obtaining refugee status. Protection of new arrivals remains a sovereign decision of states, some of whom flout or circumvent the rules of international law, without a thought for humanitarian concerns. Reporters Without Borders’ work in this area can only have as much impact as governments and bodies responsible for asylum will allow.

This guide is designed above all to provide practical assistance and to be modified and expanded in accordance with legislative changes and on the basis of feedback from journalists who have themselves fled into exile. Please do not hesitate to share your own experiences with us.



BURMESE JOURNALISTS IN THAILAND

# JOURNALISTS FORCED INTO EXILE THE CURRENT STATE OF AFFAIRS

Around 80 journalists fled abroad in 2011, mostly from Iran and from Horn of Africa countries. During the same period, Reporters Without Borders wrote approximately 220 letters to government officials and international bodies in a position to provide protection to journalists who have had to flee their country. Reporters Without Borders also provided journalists who have fled abroad with 72 financial grants in 2011.

Around half of the refugee journalists assisted by Reporters Without Borders try to make new lives in a safe country in which they have been able to apply for asylum, chiefly France, Sweden, Norway, Switzerland, the United Kingdom, Canada or the United States.

Many end up spending years in countries of initial refuge such as Sudan, Kenya and Turkey, imagining that one day they will be able to resume a normal and stable existence. They rarely manage to integrate into these countries and most hope to be resettled or welcomed in a safe third country.

Some go back to the country from which they fled. Even if their safety is not guaranteed in their own country, the threat of further imprisonment or worse is seen, in moments of desperation, as a lesser evil than being permanently uprooted.

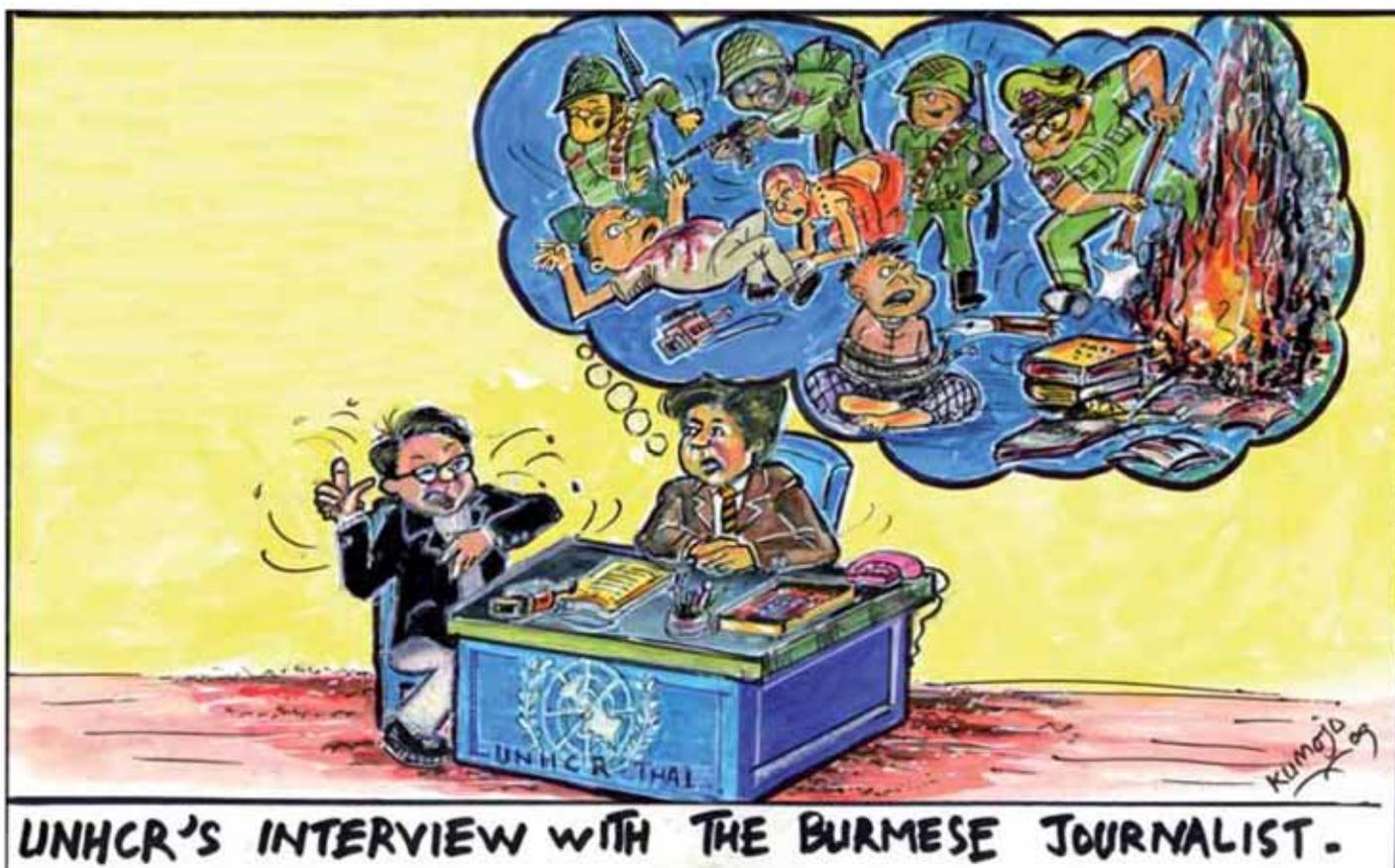
Reporters Without Borders is extremely concerned by the fact that many journalists risk their lives by using illegal immigration channels. This can end in tragedy as in the case of an Eritrean journalist who died trying to cross a desert and an Iranian blogger who ended up being imprisoned in a country in which he had hoped to find a safe haven. Most of the journalists who arrive in Europe or North America get there illegally.



Scores of journalists are driven to flee every year, usually by government reprisals, but also by terror groups, criminal gangs, drug-traffickers, religious extremists and political militants. Some countries such as Eritrea, Somalia, Iran and Sri Lanka are being emptied of their journalists, who are regarded by their governments as unwanted witnesses.

The majority of journalists seeking asylum are the victims of harassment and reprisals by the authorities in their own countries. A third of them are targeted by armed militias, political or religious groups or organized crime.

Most leave their country in haste, in a highly dangerous manner, travelling at night, sometimes crossing borders on foot at night or concealed in makeshift vehicles. They usually seek initial refuge in a neighbouring country in the hope of being safe from persecution there, but this hope is often illusory. Many of the regimes they flee have an ability to cause harm that extends far beyond their borders. The country in which they finally end up is rarely one they have chosen. The choice is determined by their material resources, the country's security situation and legislative provisions.



# PROCEDURE WITH THE UN REFUGEE AGENCY (UNHCR)

The Office of the United Nations High Commissioner for Refugees (UNHCR) is the UN refugee agency. Its job is to lead and coordinate international action for the protection of refugees throughout the world.

Registering with UNHCR on arrival in another country is essential. In most cases, it allows the asylum seeker to remain in the country legally pending the agency's decision on their application. It is therefore vital that refugee journalists should present themselves as soon as possible at the local UNHCR office in order to register and obtain information about the procedure to follow.

## 1. Procedure for refugee status determination (RSD)

The procedure for refugee status determination (RSD) varies from one UNHCR office to another, depending on the size of its operation, technical capacity, available resources and the number of asylum seekers. Waiting times, getting interviews and meetings, and the final decision procedure also vary.

The main steps in the procedure are the following:

### • REGISTRATION AND APPLYING FOR PROTECTION

This first step for UNHCR is to collect general information about the applicant and their protection needs. There can be a long wait at the front desk of UNHCR offices because of the large number of applicants.

The registration personnel will give the applicant an RSD application form that has to be filled out completely, particularly those parts about the applicant's reasons for fleeing abroad and all circumstances surrounding their departure.

### • REGISTRATION INTERVIEW

All personal documents and evidence supporting the application for refugee status must be submitted to UNHCR during an individual and confidential registration interview.

### • ISSUE OF THE "UNHCR ASYLUM SEEKER CERTIFICATE"

A "UNHCR Asylum Seeker Certificate" with a unique registration number is issued to the person registered. The certificate's validity period varies according to the country but generally cannot be for more than one year. This is a vital document because it confirms the status of asylum seeker and protects holders from being sent back to their country of origin.

### • INTERVIEW WITH A UNHCR OFFICER

During the interview with a UNHCR officer, who may be assisted by an interpreter, it is essential to describe the events supporting

the asylum request in as detailed and precise a manner as possible, preferably chronologically. At the end of the interview, the officer is supposed to set a date when a decision will be given.

UNHCR employees are obliged to respect confidentiality and no information is sent back to the country of origin. Asylum seekers have access to interpreters at every stage of the process. If they have any doubts or misgivings about the questions being put to them or the quality of the interpreting, they should not hesitate to tell the protection officer. Asylum seekers may speak freely and in detail at all the various interviews without fear of any reprisals.

### • DECISION AND POSSIBLE APPEALS

If the decision is positive and refugee status is granted, a "UNHCR refugee certificate" will be issued putting the refugee under the protection of the UN agency.

In the event of refusal, the asylum seeker will get a written explanation of the reasons for refusal and may decide to appeal within the specified timeframe (more than 30 days). The appeal will be examined by another officer. During the appeal process, the applicant continues to enjoy the rights granted to asylum seekers.

## 2. Life in exile

Life in exile can be extremely hard. Many refugee journalists have told Reporters Without Borders they live in makeshift lodgings, or share rooms with many other people. Some work unofficially by doing small jobs because they are not usually permitted to work. Many refugee journalists in countries such as Turkey, Mali, Senegal and Sudan report that their qualifications and/or professional experience are not recognised and they have to accept occasional jobs or seek work in other sectors, such as building, agriculture and caretaking or guarding in order to survive.

It is impossible to say how long the "transition" between initial departure and satisfactory resolution will take for refugee journalists. Some wait for years for a possible resettlement in a third country, others have been accepted in a more economically developed country after a long wait, and some manage to integrate in their initial country of refuge, one that was originally seen as temporary.

Reporters Without Borders advises journalists to be very wary in exile and to quickly make contact with UNHCR and local organizations that defend foreigners. In some neighbouring countries, "fugitives" may be at risk of arrest by local police or surveillance by government agents from their country of origin, operating under cover.

Non-governmental organizations (NGOs) such as the Red Cross, Red Crescent, and Amnesty International may be able to provide valuable help with protection, legal assistance, health, nutrition and education.

### 3. The outlook

Millions of refugees worldwide live with little hope of finding lasting solutions to their plight. UN High Commissioner for Refugees Antonio Guterres has often spoken out about the problem of prolonged exile. According to UNHCR figures, most refugees remain in their region of origin and do not reach a country offering better living standards and security.

This guide cannot offer any way to determine how long the UNHCR process will take. It depends on many factors including the particular situation of each applicant and the cooperation received from governments and from humanitarian and development organizations. Many refugee journalists stress the length of the process. Like thousands of refugees worldwide, they languish in countries such as Yemen, Sudan, Syria, Turkey and Thailand, waiting for their application to be processed, trapped in prolonged exile without hope of either returning to their country of origin or integrating in their country of refuge. Around half of the refugee journalists supported by Reporters Without Borders are in this situation.

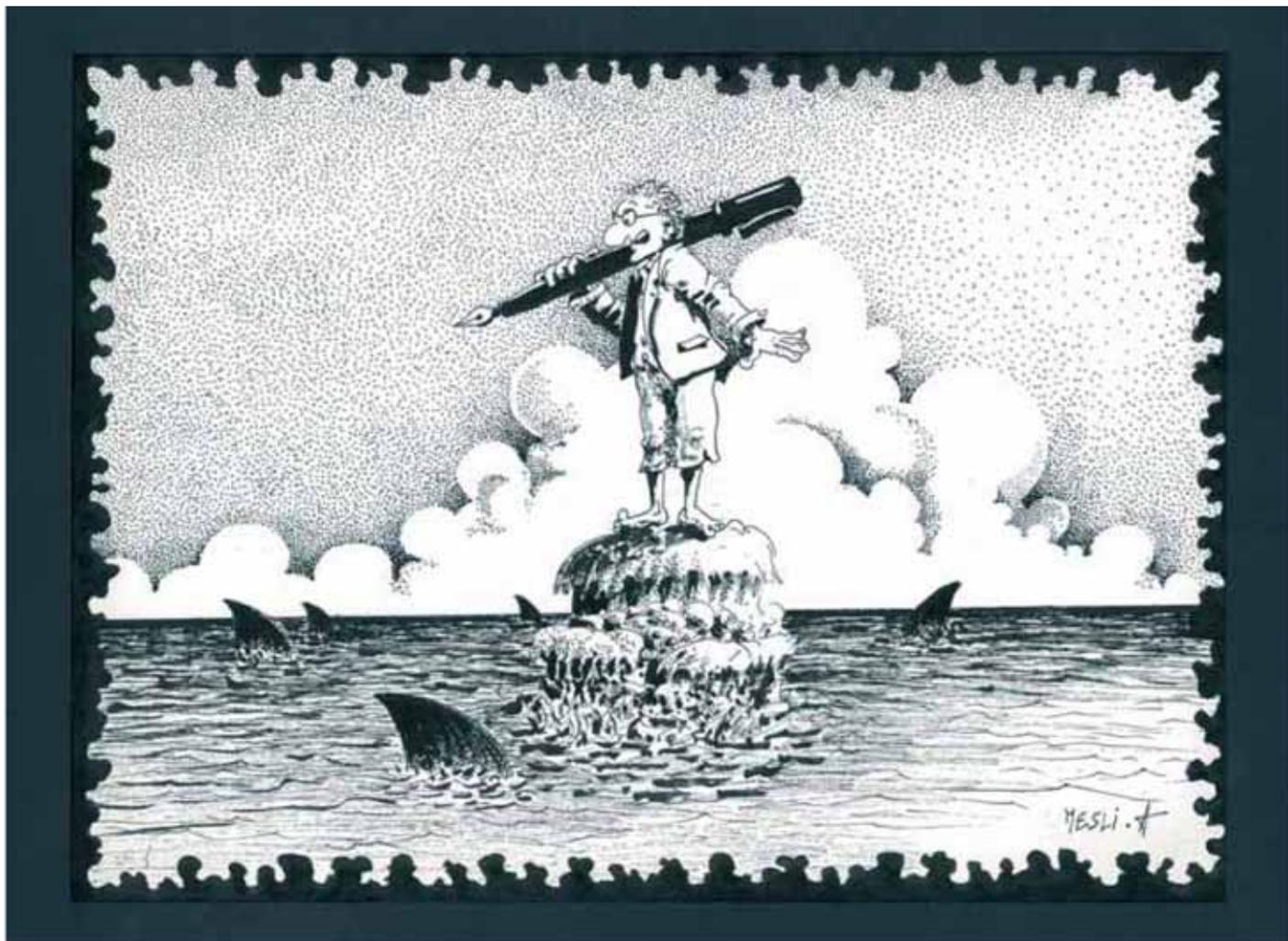
UNHCR offers three solutions to refugees: repatriation to their country of origin, integration in the country to which they fled, or resettlement in a third country.

UNHCR provides **voluntary repatriation** and reintegration only when refugees will be able to find the physical, social, legal and material security necessary for their survival in their country of origin, and when they will be able to provide for themselves and maintain their dignity there.

**Resettlement** allows refugees to leave the country in which they made an asylum application and go to a third country that is prepared to receive them. The third country usually grants them asylum or other form of long-term residence. Resettlement is offered to refugees who are able to prove that they are in danger both in their country of origin and in their initial host country. Resettlement is a long and complex process requiring the agreement of a third country. UNHCR estimates that 92,000 refugees whose situation requires resettlement will not get it in 2012. Worldwide, less than 1 per cent of UNHCR refugees are resettled.

Various criteria including threats to safety in the country of origin and host country and the asylum seeker's vulnerability are used to determine who should benefit from the resettlement programme. It is harder for refugees from a country embroiled in a war or civil war to obtain resettlement because the number of applicants and level of widespread distress is much higher.

UNHCR also promotes **integration** in the country where the refugee is already located. This sensitive and gradual process is done on a case by case basis. Its success depends on political, legal and socio-cultural conditions in the country.



## **SEEKING ASYLUM, GENERAL ADVICE**

**R**efugee journalists who find themselves in a country with rules about protection of refugees, especially European and North American countries, should request asylum immediately on arrival.

Although rules and procedures vary from one country to another (this is covered in the next chapters), the following essential advice applies in every situation:

**• ONLY TRUST YOURSELF AND COMPETENT INDIVIDUALS**

Always seek assistance from specialized organizations and lawyers during the asylum process. Many outside people, who are more or less well intentioned, offer help or advice on situations about which they are not qualified. Advice of this kind should always be verified as it may cause pointless concern or, worse still, may have a negative impact on the asylum application and could result in rejection or, at the very least, time being wasted.

**• GIVE YOUR ACCOUNT IN A DETAILED, PRECISE AND COHERENT MANNER**

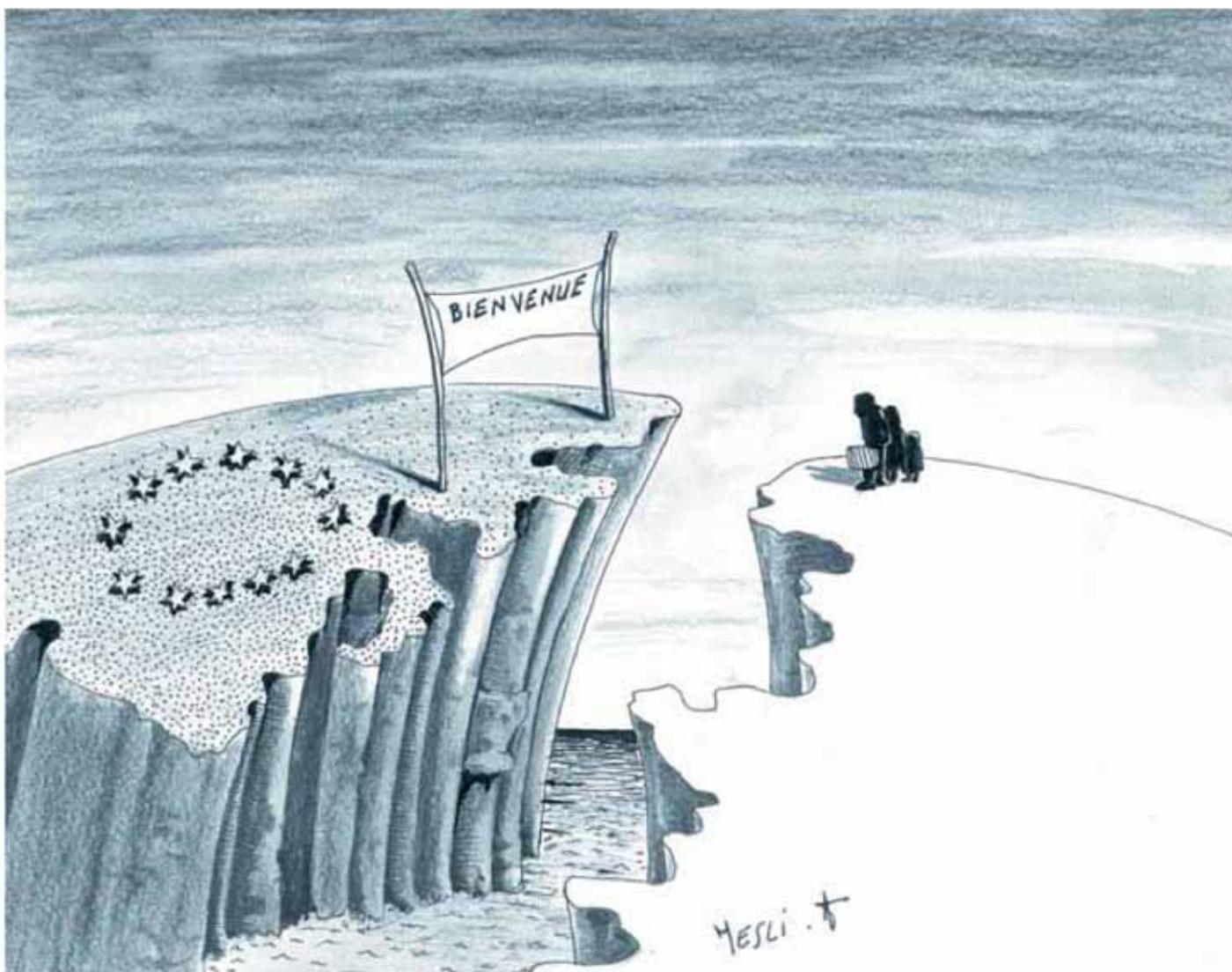
Consideration of an asylum application is always based on the applicant's oral or written account, which must be personal and individual. Do not hide anything. Since officials are required to observe confidentiality, asylum seekers can open up to them without putting themselves at risk. If any problem or misunderstanding arises during an interview, for example, due to the presence of an interpreter, the applicant should not hesitate to mention it. Your account must be clear, coherent and chronological. The least contradiction can discredit your story. Never, under any circumstances, embroider your account with claims about imprisonment or physical attacks that did not take place.

**• SUBMIT AS MUCH EVIDENCE AS POSSIBLE**

It is vital to include documentary evidence in your application, particularly evidence that is easy to obtain, without taking any serious risk. The evidence should include press cards, copies of articles and reports, letters from employers and so on.

**• BE PATIENT**

Processing applications may take a very long time. Applicants will often have to deal with government departments that are understaffed. They will probably encounter delays, postponed appointments and a general lack of responsiveness. They must be patient, but from time to time they must approach relevant officials and enquire about the progress of their application.



## SEEKING ASYLUM IN EUROPE

## ASYLUM SEEKERS IN EUROPE CANNOT CHOOSE WHICH COUNTRY GIVES THEM ASYLUM

Each European country has its own rules on asylum. The way asylum seekers are treated, the processing of applications and the decision-making vary considerably from one country to another. Europe does not have a common immigration policy although it has centralized the management of its external borders.

The “Dublin Regulation” determines the country in which an asylum application must be made. It forces refugees to apply in the country that gave them a visa or, in the case of illegal entry, in the first country entered. Asylum seekers are registered in a centralized data base called Eurodac along with the country that gave them a visa and their place of entry into Europe. Refugees can be identified from their fingerprints during any immigration or police check. Applicants who are rejected by one European Union country cannot seek asylum in another.

It is the same for journalist asylum seekers. They have to apply in the country that gave them a visa, in the case of legal entry, or failing that, in the first country they arrive in. Family or professional ties are not enough to overturn the strict regulations and exceptions to the Dublin Regulation are very rare.

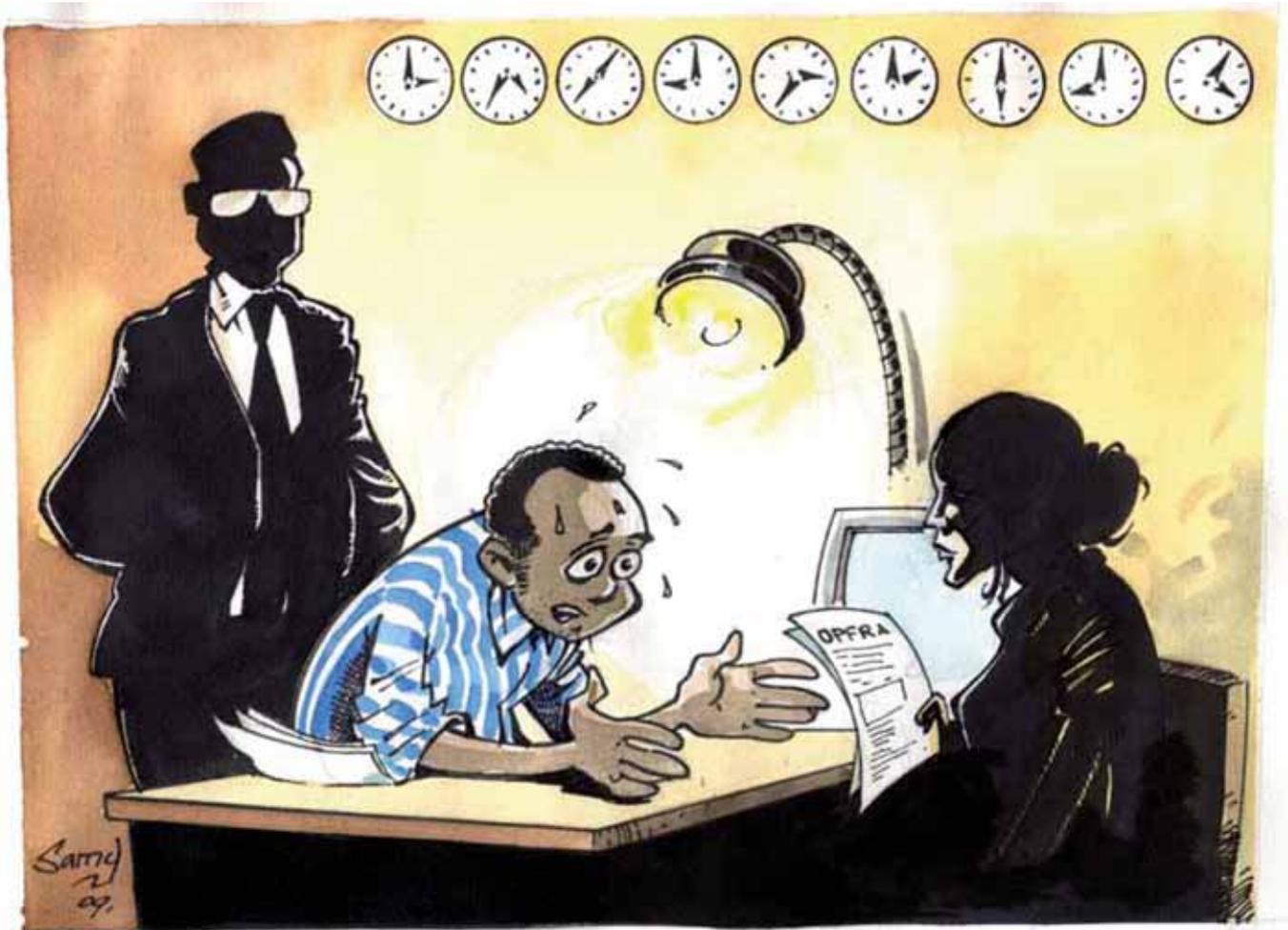
Many refugee rights organizations criticize the Dublin Regulation in the absence of any harmonization of European asylum legislation. It is not just the differences in the way asylum seekers are treated (with some European countries going so far as to provide them with either provisional residence permits or accommodation). The chances of citizens of certain countries obtaining refugee status also vary enormously according to the country where they apply. CIRÉ, a Belgian NGO, reports that: “In 2008, an Afghan applicant had a zero per cent chance of obtaining asylum in Greece, a 14 per cent chance in Belgium and a more than 40 per cent chance in Germany.”<sup>1</sup> NGOs are calling for the Dublin Regulation to be suspended for countries that do not meet minimum standards of treatment and protection.

Greece's deportation of asylum seekers has been a subject of debate for years. In September 2010 Council of Europe commissioner for Human Rights Thomas Hammarberg called for an end to any transfer of asylum seekers to Greece under the Dublin Regulation. The European Court of Human Rights ruled against Belgium and Greece on 21 January 2011 in connection with an Afghan asylum seeker's transfer<sup>2</sup>. In its ruling, the court said Greece's treatment of asylum seekers, including their almost systematic detention, violated article 3 of the European Convention on Human Rights banning any inhuman or degrading treatment. Belgium also violated the article by sending an asylum seeker to a country where he had no guarantee of his application being properly examined, the court ruled.

Several countries including the United Kingdom, Sweden, Belgium, Iceland, Norway, Netherlands, France and Germany have already suspended transfers of asylum seekers.

<sup>1</sup> Coordination et initiatives pour réfugiés et étrangers (CIRÉ), Dublin Regulation– MSS v. Belgium and Greece, March 2011.

<sup>2</sup> European Court of Human Rights, MSS v. Belgium and Greece, 11 January 2011



# 1. Seeking asylum in France

## • CRITERIA FOR RECOGNITION AND PROTECTION

The French Office for the Protection of Refugees and Stateless Persons (*l'Office français de protection des réfugiés et apatrides* – OFPRA) or, in the event of an appeal, the National Court for Asylum Rights (*Cour nationale du droit d'asile* – CNDA) may initially provide a number of different kinds of protection, depending on the applicant's situation:

- refugee status (*le statut de réfugié*), based on the Geneva Convention of 28 July 1951.
- constitutional asylum (*l'asile constitutionnel*), based on paragraph 4 of the preamble to the 1946 French Constitution.
- subsidiary protection (*la protection subsidiaire*), based on Articles L.712-1 to L712-3 of the Code for Entry and Residence of Foreigners and the Right of Asylum (CESEDA).

Asylum seekers cannot choose between the different forms of protection. This is decided by the relevant authorities in accordance with each case.

## • PROCEDURE FOR SEEKING ASYLUM

### Application to the prefecture for right of residence

Before making an application for protection, it is essential to go to the local prefecture and apply for the right to reside in France as an asylum seeker. The prefecture will give the applicant a notice of asylum (*notice d'asile*) form.

Access to the prefecture may be difficult because of the number of applicants turning up every day, especially in the Paris area.

Asylum seekers stopped at the border can be placed in a waiting area if they do not have the necessary documents to enter France. They must show during an interview that their request for asylum is not demonstrably unfounded.

If, under the Dublin Regulation (see above p.12), France is not the right country to receive the asylum request, the procedure is suspended during the wait for a reply from the country responsible. Determining which country is responsible should not take more than five months and the transfer should take place within six months of acceptance by the country responsible. During this period, which can therefore take many months, the asylum seeker cannot claim any financial assistance or housing.

A receipt confirming that an asylum application has been made, a yellow document valid for three months, allows residency in France while the application is being considered. This does not allow the applicant to work.

## OFPRA – the initial authority

The asylum application form, which must be obtained from the prefecture at the time of applying for the right to reside in France, includes an explanatory note (*note explicative*).

The application must be completed in French and any foreign-language documents must be accompanied by a translation into French by a “certified translator.” It must include a “*récit de vie*,” that is to say, an account of the harassment or persecution experienced by the applicant, and any relevant documentary evidence supporting the applicant's fears. It is important to include press cards, articles and any copies of newspapers that help to strengthen the credibility of the facts claimed. It is vital to support an application and to provide a detailed justification of one's fear of further persecution.

The completed application should be sent to OFPRA within three weeks. It is essential to meet this deadline, because otherwise the asylum application is inadmissible. It is advisable to keep copies of the completed application form and all accompanying documents.

Material can be added to the application at any time, including after the interview, until the decision is notified.

Before making a decision, OFPRA will summon the asylum seeker for an individual interview by a protection officer, who will ask questions, if necessary with the help of an interpreter. It is not compulsory for a lawyer to be present during this stage of the process, at which help can be requested from organizations that support asylum seekers. The wait for an interview appointment can be several months.

Next, OFPRA will give its decision:

- If it is positive, the applicant will be notified by registered letter.
- If OFPRA rejects the application, notification will also be sent through the post. Reasons must be given for a rejection.

### Appeal before the National Court for Asylum Rights (CNDA)

If OFPRA rejects an asylum application, an appeal against its decision can be submitted to the National Court for Asylum Rights (CNDA). At this point, having a lawyer is strongly recommended.

The appeal application must reach the CNDA within 30 days of reception of the OFPRA refusal.

**In their appeal, asylum seekers must outline**

-Their reasons for disputing the OFPRA decision (that is to say, they must respond to the reasons that OFPRA gave for rejecting the application);

-Their reasons for leaving their country of origin, and the persecution they suffered or had good reason to fear.

The CNDA hearings are usually public. Asylum seekers may speak in support of their case at the hearing, may be assisted by an adviser and an interpreter, and may be accompanied by people who are also able to speak in support of the application.

However, appeals that do not present any “serious” grounds or arguments for challenging OFPRA’s decision can be rejected by means of a written ruling, without any hearing being held. Asylum seekers should therefore send the CNDA a more detailed and personalized submission than the one provided to OFPRA, and should try to provide additional information and arguments.

An appeal to the CNDA “suspends” the legal consequences of OFPRA’s rejection of the asylum application. In other words, the asylum seeker can continue to reside legally in France until the CNDA has ruled on the appeal. The sending of a acknowledgement allows asylum seekers to get their yellow receipt renewed at the prefecture, unless they come from a country that is considered to be safe ([list of countries considered safe](#)).

**After the CNDA decision**

- If the OFPRA rejection is overturned, the asylum seeker will receive a residency document bearing the stamp “recognized as a refugee” (*reconnu réfugié*).

- If the appeal is rejected, the applicant is no longer regarded as an asylum seeker. The prefecture’s receipt is withdrawn and the former asylum seeker will be given a denial of residency notification, along with an invitation to leave the country voluntarily within one month, or notification of an obligation to do so.

CNDA decisions are rarely challenged, although a case can be taken to appeal before the State Council (*Conseil d’État*). However, the State Council cannot reexamine the reasons for the asylum application. It limits itself to checking the legality of the CNDA decision. OFPRA, and possibly the CNDA, can be asked to reexamine an application, but only if new facts have emerged since the date of the final refusal.

**• THE RIGHTS OF ASYLUM SEEKERS AND REFUGEES****During the asylum procedure**

- Asylum seekers receive a one-month provisional residency permit (*Autorisation Provisoire de Séjour - APS*), followed by three-monthly receipts (*récépissés de trois mois*) until the end of the process.

- Asylum seekers are not allowed to work. Even if they find an employer it is very rare to be given permission to work.

- During the wait for a decision on the application, asylum seekers can receive state assistance in the form of lodging, or in the form of a monthly allowance ([allocation temporaire d’attente – ATA](#))

- [La Maison des Journalistes](#) in Paris provides free accommodation for up to six months to asylum seekers who are journalists.

- There are organizations that provide various kinds of help to asylum seekers, including French lessons.

**Once refugee status is obtained**

Those with refugee status have the same rights as French nationals.

French language courses are available to them at the French Office for Immigration and Integration (*Office français de l’immigration et de l’intégration – OFII*). Learning French is vital for integration in France and for finding work.

Reporters Without Borders has found that, although some refugee journalists try to remain in the profession, the vast majority retrain or find a job in a different sector.

## LES CONTACTS

### STATE ENTITIES

Office français de protection des réfugiés et apatrides (OFPRA): <http://www.ofpra.gouv.fr/>  
 Cour nationale du droit d'asile (CNDA): <http://www.cnda.fr/>

### NGOS PROVIDING ASSISTANCE TO ASYLUM SEEKERS

#### Legal assistance

Amnesty International:

<http://www.amnesty.fr/index.php/amnesty>

L'Anafé (National Association for Border Assistance to Foreigners – waiting area):

<http://www.anafe.org/index.php>

La Cimade (NGO working with refugees):

<http://www.cimade.org/>

Le Gisti (information and support group specializing in law):

<http://www.gisti.org/index.php>

Human Rights League:

<http://www.ldh-france.org/>

#### Medical assistance

Comède (Medical Committee for Exiles):

<http://www.comede.org/>

#### Accommodation and integration

Forum Réfugiés (Refugees Forum):

<http://www.forumrefugies.org/>

- Welcome pack for asylum seekers in seven languages (*Livret d'accueil du demandeur d'asile en sept langues*)

- Asylum seekers guide in French, English and Russian: *Guide du demandeur d'asile (versions française, anglaise et russe)*

- Practical information on social issues: *Fiches techniques apportant des informations sociales*

France Terre d'Asile (NGO working with asylum seekers and refugees): <http://www.france-terre-asile.org/>

La Maison des Journalistes (The Journalists Residence offers accommodation to journalists for up to six months):

<http://www.maisondesjournalistes.org/>