



GUIDE

For journalists forced
into exile

20th 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.

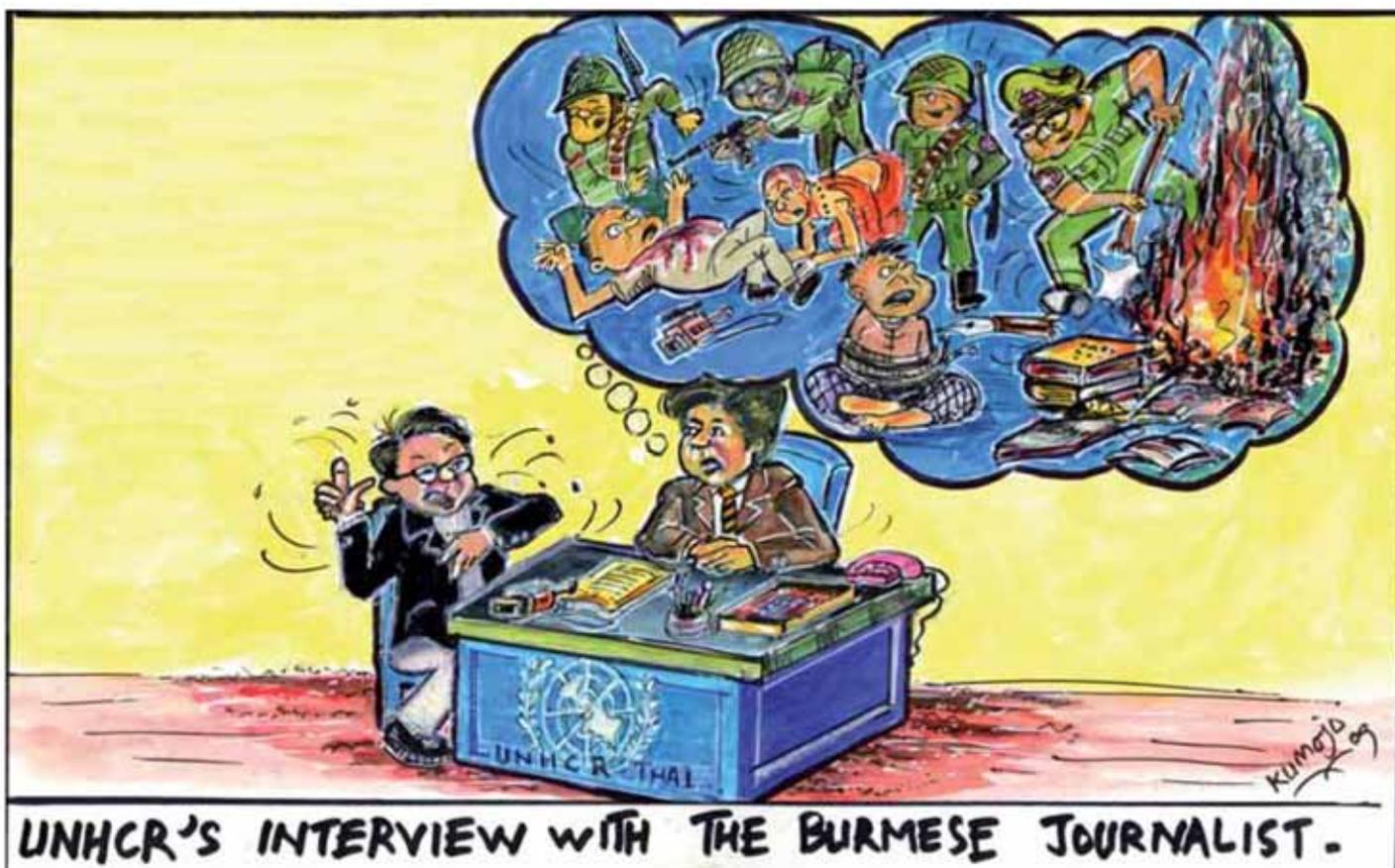
These few pages do not moreover provide a formula for obtaining refugee status. Protection of new arrivals remains a sovereign decision of states, some of whom flout or circumvent the rules of international law, without a thought for humanitarian concerns. Reporters Without Borders’ work in this area 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



PROCEDURE WITH THE UN REFUGEE AGENCY (UNHCR)

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.

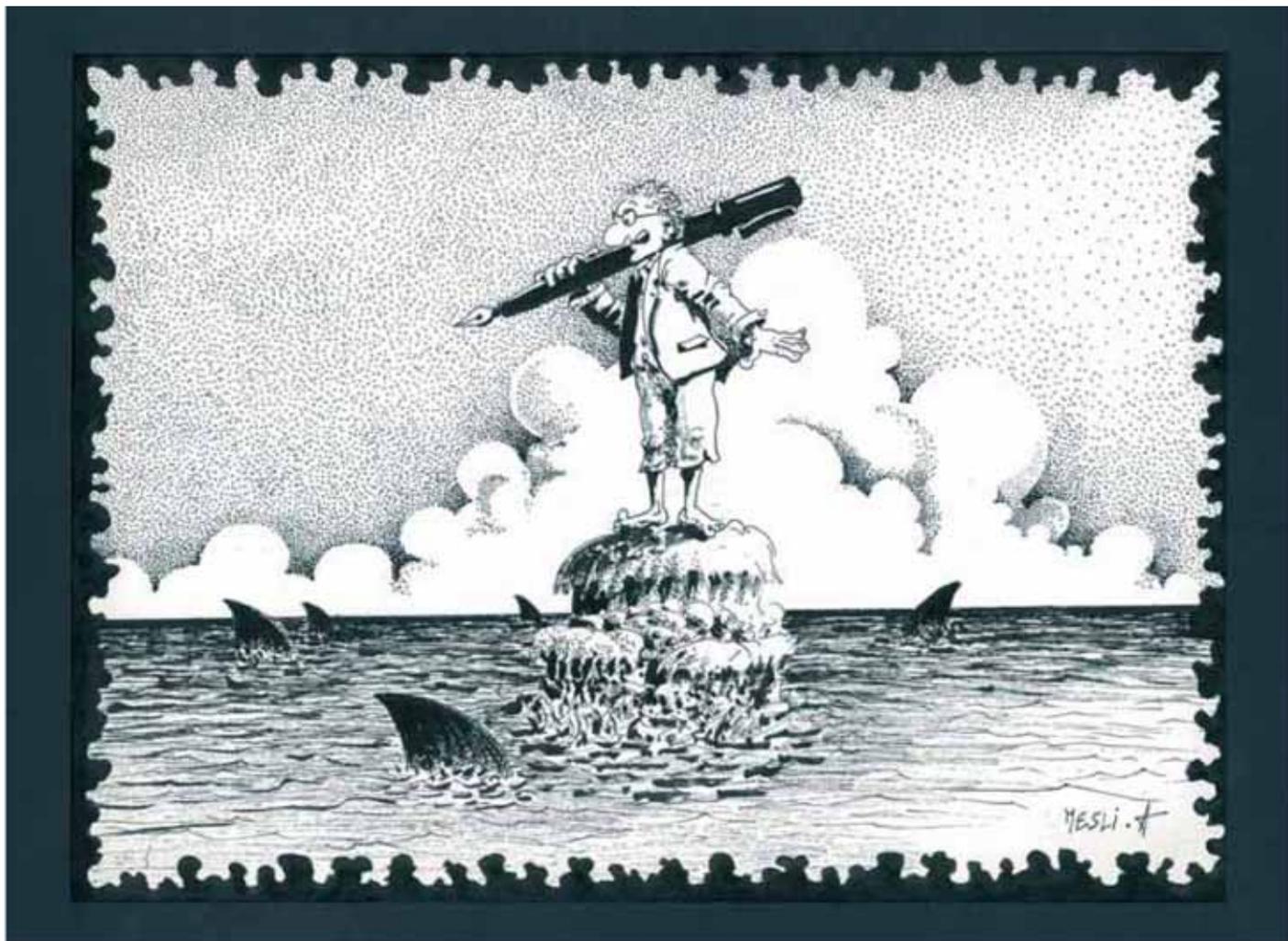
UNHCR offers three solutions to refugees: repatriation to their country of origin, integration in the country to which they fled, or resettlement in a third country.

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

Refugee 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

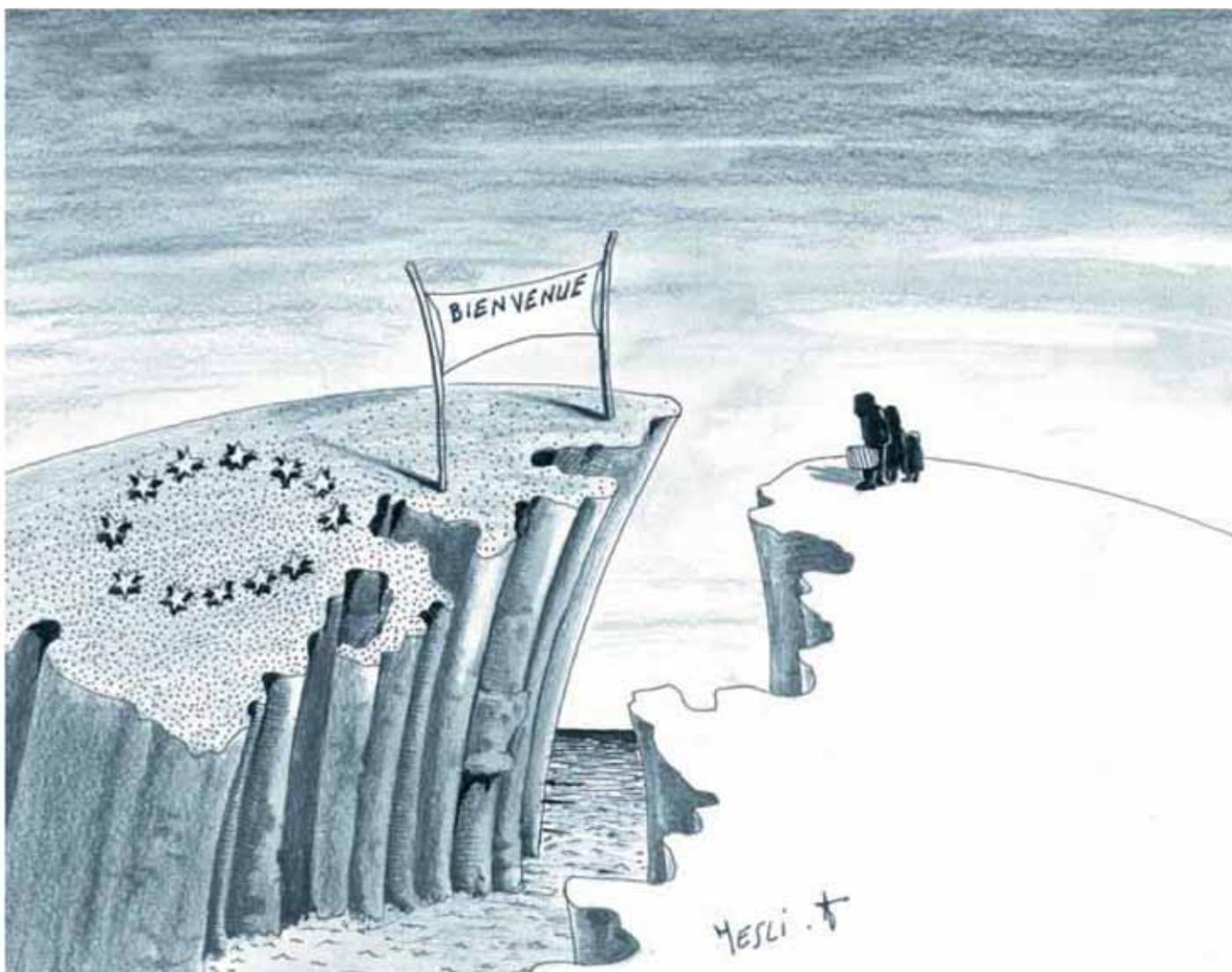
Consideration of an asylum application is always based on the applicant's oral or written account, which must be personal and individual. Do not hide anything. Since officials are required to observe confidentiality, asylum seekers can open up to them without putting themselves at risk. If any problem 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.

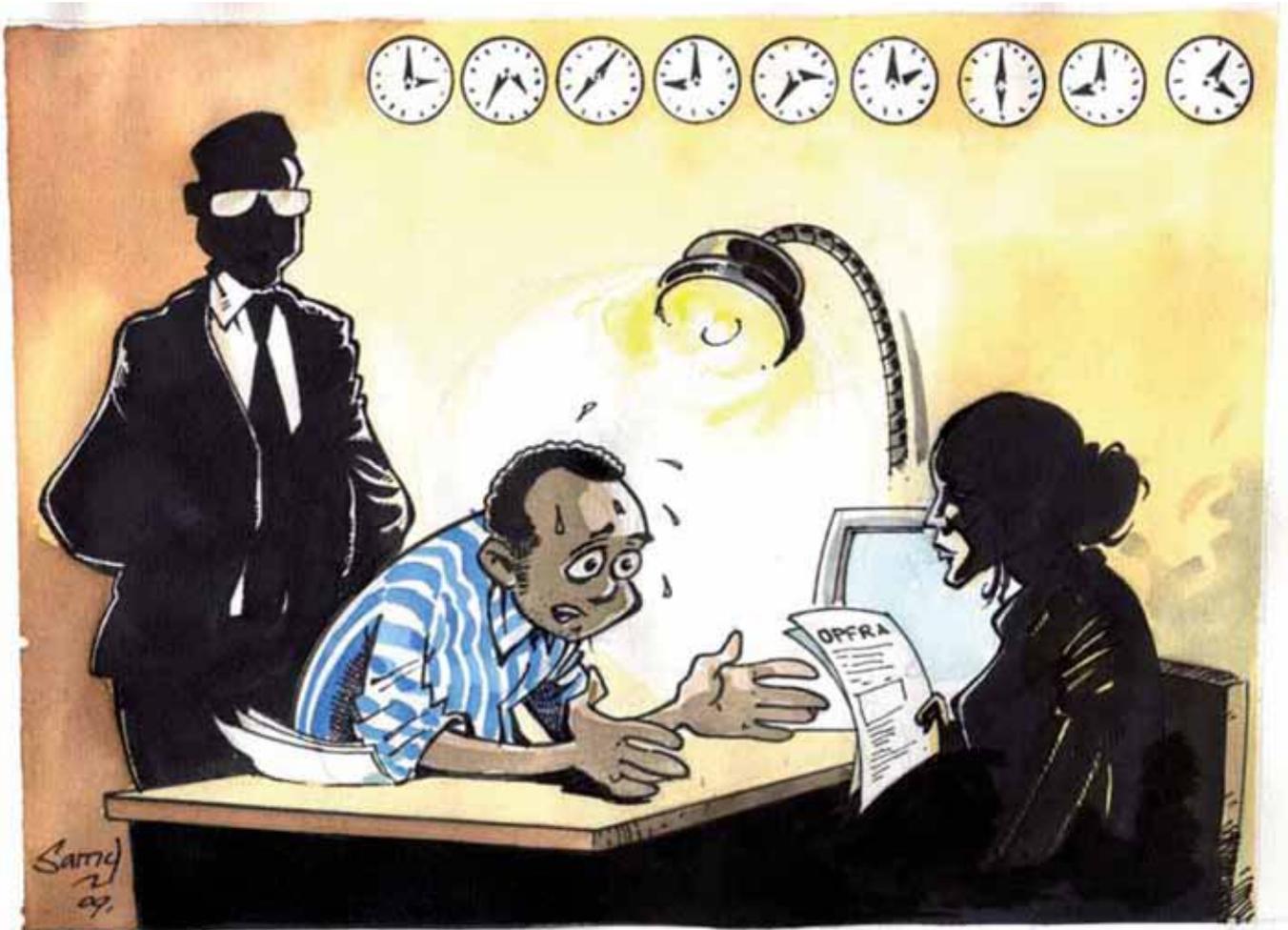
Many refugee rights organizations criticize the Dublin Regulation in the absence of any harmonization of European asylum legislation. It is not just the differences in the way asylum seekers are treated (with some European countries going so far as to provide them with either provisional residence permits 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.”¹ 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 transfer². 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.

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

² 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 L.712-3 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.

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/>