

# Russian Political Emigres

## Political Refugees

Monitoring across the EU, December 2016 – May 2017

Political Asylum: Refugees and Asylum Seekers. Part One

France: Practices of Associations Supporting Russian Political Refugees

The main objective of this part of the survey is to study the key components of political asylum as an event, i.e. the causes, motives and practices of dealing with Russian citizens' applications.

This monitoring is a journalistic study, which allows a greater freedom of presenting information and provides the opportunity to use the resources of journalism transcending the narrow sociological bounds. We have held interviews with the refugees of recent years and human rights organizations and associations.

Procedures in West European and East European countries as well as Scandinavia may vary substantially as regards timeframe and practices, the measures and types of social support, and integration opportunities.

This part of the study looks at how this procedure is applied to refugees in France and Germany, as these countries are the current West European leaders with regard to the admission of refugees. It also reviews the types of support provided by non-governmental human rights organizations.

In France and Germany there are large organizations providing assistance to asylum seekers and refugees, such as the Red Cross ([Crois Rouge](#) in France and [Deutsches Rotes Kreuz](#) in Germany), Amnesty International ([France](#) and [Germany](#)) and [FIDH](#) in France.

Support is provided on an equal-rights basis, irrespective of refugees' nationality or their other affiliations, and this is giving rise to a massive flow of applications. In addition to these major organizations, the above countries have voluntary service associations providing more precisely targeted support to refugees.

### Association as an effective support tool

To study the practices of processing asylum applications from Russian citizens in France and carry out expert evaluation of the current situation with the integration process, we have spoken to the representatives of the [RuCI-Asile](#) association which provides support and information management to Russian asylum seekers in France.

[Elena Colombo](#), the co-founder and regional representative of the Association said it had been established in the face of a new wave of political emigres and refugees. She claims that the upsurge in politically motivated emigration resulted from the “stolen election” of 2011, following which she and her fellow activists decided to set up a civic association to provide support to Russian asylum seekers.

“The Association was established by the members of various other associations who embraced activism after the 2001 “stolen election” and passing of the anti-orphan law (forbidding the adoption of Russian orphans by foreigners), which has caused us all to stage joint protest actions. Each of the founders of our RuCI-Asile was a member of other associations, such as [Russie Libertes](#), [the Union of Russian Voters in France](#) and [the Group for Countering Political Repression](#). At some point, people who sought political asylum in France started to approach us, just because they knew someone, some human rights advocates and activists, and we understood that we could help in some way. So, in 2013 we were already taking care of several “*protégés*”, or charges, if we may put it so, although the Association was formally registered in January 2014”.

[The establishment and activities of associations](#) which can be organized and officially registered by people united by an idea they share, illustrate one of the fundamental principles of the French society: that of the freedom of association, and are governed by [the 1901 Law of Associations](#).

“This was from the start a union of volunteers who shared a common goal. They may establish an office and carry out fundraising, or, like us, act as an ad hoc group showing up where they are needed”, says Elena Colombo.

The first asylum seekers to turn to the association for support in 2013, were antifascists whose names the Association does not disclose, and St Petersburg artist Konstantin Altunin with his family, [who left Russia](#) following a crackdown on his exhibition “Rulers”, which [was shut down by the authorities](#) the day before his departure.

“Our first “*protégés*” were two antifascists who were escaping from criminal prosecution. The fact is that in Russia antifascist organizations are viewed as criminal entities, whereas nationalist movements such as *Nashi* (Our Folks), the very people that harass antifascists, are supported by the Kremlin to this day. Even now we are unwilling to disclose these two antifascists’ names because they were fleeing from great danger following several police interrogations under duress. At this time we were also approached by [Konstantin Altunin](#), an artist who arrived in France to ask for political asylum for himself and his family. We first took care of him and later dealt with the issue of his family joining him, by way of translating official documents to take his daughter out of Russia, finding connections for them to get hold of their first dwelling, and preparing their case file, a family one now, for [OFPRA](#)”.

The Association was initially conceived as an information center, one for supporting political emigres, but it soon became clear that this was insufficient.

“In fact we inform someone only planning to escape of what he or she will need to prepare to ask for asylum, what documents are to be brought along, what kind of evidence is to be put together. We remind them of what they should under no circumstances neglect”, comments Elena

Colombo. “When they turn up in France, we get in touch with other associations and organizations which officially deal with refugees as these arrive so that an asylum seeker could promptly take *a rendezvous* (as all official meetings are called in France), i.e. an interview at a prefect’s office and make an appointment with [CADA](#) or its branches in order to get his or her documents and social shelter, i.e. a refugee hostel. In other words, we are a kind of interface between refugees and various authorities which are supposed to decide on a refugee’s status”.

Further on, says Elena Colombo, the members of the Association help translate the applicants’ case files and documents which will support people’s application for asylum, try to arrange letters of recommendation on their own and translate into French the ones supplied by human rights advocates from Russia.

“We translate media stories supporting people’s cases where a person features in these stories or they prove the unconstitutional nature of the law which has forced him or her to flee. Further developments may vary depending on the history of a specific refugee. We act as intermediaries in dealing with the authorities allocating social housing and help to arrange health insurance, in a word, we take all administrative steps which may be complicated for someone who does not speak the country’s language”.

## Integration

In addition to document support, the Association tries to help integration – one of the most difficult processes for a political emigre.

“Unlike Germany, where some type of accommodation in a refugee hostel is provided very quickly, the housing allocation problem is very serious here. To get housing, one needs to be a woman with a child, or, still better, with two or three children, and even in that case it may be long in coming. The story of Nadezhda Kutepova, who has three underage children, is a case in point. One needs to bargain with the authorities for a very long time for the housing to be provided. It is not a matter of the authorities’ willingness to provide housing, it is a matter of its availability. The social housing issue is so acute in France because there seems to be a shortage of it. To absorb the entire refugee inflow and secure housing for everyone, the rate of its construction should probably be different. But this is exactly what we are here for – to prove our charges’ priority”.

Nadezhda Kutepova, whose case Elena Colombo mentions, an ecologist, activist, the head of the Planet of Hopes non-profit organization, was forced to leave Russia in July 2015, when the organization was judged to be “a foreign agent” and government-affiliated media launched a hate campaign against her. On her lawyer [Ivan Pavlov](#)’s advice, Nadezhda and her three children promptly left for France. In October 2015, she applied to French authorities for political asylum and was granted a political refugee status in March 2016. Nadezhda remembers her interview with the officers of the OFPRA, the migration service – the first and, apart from putting together his or her case file and evidence base, one of the most important to an asylum seeker – as quite genial. But some processes of integration and setting up home for the family, such as getting social housing – at first accommodation at a hotel and later at a refugee hostel – were hard. Nadezhda did not apply to any social services because she was simply not aware

of their existence. Marie Noelle Pane, an expert in Russian philology and professor of the Russian language at the University of Burgundy, co-founder and president of RuCI-Asile, was the one to take care of Nadezhda in all the initial stages in Paris.

“A situation of too many cooks spoiling the broth was the most difficult thing as a decision to apply for asylum was taken (laughing). There was no end of calls from people offering some useful hints, with every suggestion being the opposite of the previous one, although everyone wished me well and was eager to help. Finally, I called Marie-Noelle and understood that I would only listen to her because I am a lawyer myself and I know that you are better off following only one person’s advice rather than everyone’s, or you may end up far from where you are heading. From that time on, everything started developing quite predictably, if slowly”.

All matters of social security, insurance, social shelter and appointments for relevant official interviews were dealt with by the Paris social service [CAFDA](#). Nadezhda says that this organization resolves things simply and quickly, if you have an appointment for an interview. But to make this appointment one needs to wait in a huge line, one of so many in Paris.

“Everyone gets a folder of a certain colour. The colour of the folder signifies the day, when you can come to ask for something. They, however receive no more than 20 people daily, and if you are one too many, you will have to wait until next week. What upset me most was that this was the case even when you had most elementary needs. For example, we had no towels and soap when we were first accommodated at a social hotel, and to be given them we had to come and make it to this 20 people batch. I don’t think it reasonable to make people stand in such lines to ask for a towel. I got the impression that the left hand does not know what the right hand is doing at this organization, and the process of getting accommodation at a social hotel is a vivid example of this”.

Nadezhda, who had no French at this point, could not cope with the accommodation problem on her own, and Marie-Noelle Pane came to Paris to help as an interpreter and representative of the RuCI-Asile association.

Nadezhda Kutepova recalls that this was one of the hardest days in her life. “I got up very early, because I had to stand in line where people had no solidarity whatsoever, everyone against everyone. The door opened and the guard started letting people in, but when my turn came I realized, to my horror, that I had forgotten my green – according to the day of the week – folder. And the guard says ‘get out’. But I cannot get out, I have to ask for a social hotel accommodation. ‘No, leave now and come back next Monday’. But I am homeless, I have nowhere to go. At this moment the crowd started squeezing me out, and I just sat down on the ground, clutched onto the railing and said ‘I won’t leave before you let me in’. Of course they took it as aggression. ‘Madame, please leave, what are you doing?’ Suddenly they no longer understood English, while I still spoke no French back then, and they said ‘we are going to call the police’. I said ‘OK, call the police, let them come, and I will tell them that you are not letting me in because of the folder, that I am homeless and you won’t help me’. As I sat crying, another guard came, and they continued to scare me with police together, and I answered that I wasn’t afraid of police at all, what’s more, police may act more friendly and help me. After all, they called a social assistant, he recognized me, and they let me in”.

According to Nadezhda Kutepova, further process of social shelter provision was also complicated and uncoordinated. “The social adviser said: ‘expect an sms from the social service, they will let you know when you’ll get a hotel accommodation’. But time goes on, there is no sms, and no one at CAFDA answers the phone. We sat down at McDonald’s with Marie-Noelle and she started calling all these services. It’s a complicated process: give them one number, a second one, a third one, a forty fifth one, they keep switching you over, and so on and so on. When she finally got through in two hours, we were told that I had been given a hotel accommodation two days before. Basically they fail to check and communicate information, and there seems to be no feedback on what’s going on”.

Serious as the social amenities issue is, which is due to the shortage of personnel to deal with migration flows and the inadequacy of the social housing fund, all the problems are generally manageable, believes Elena Colombo.

“We occupy the Russian refugee niche, because, unlike all other associations in France, we are closely familiar with the situation within Russia: we are all former Russian residents or French subjects who for some time dealt with Russian authorities, lived or taught in Russia. In other words, our perspective of the human rights situation in Russia, which is triggering a new wave of refugees, comprises subjective judgement based on personal, first-hand experience, and impartial approach. I believe all relevant organizations welcome our association’s presence. “We are widely known in narrow circles”, as they say. Organizations which we apply to, the Red Cross or Amnesty International, are receptive to our requests. On the other hand, they do make a certain selection and provide support depending on the priority of the case. Response from officials of, let us say, OFPRA may be less than prompt, but some of our requests are, nevertheless, met.

## Appeals Court and Second Application for Asylum in France

Ru-CI Asile is a voluntary service association that has never received any grants or donations, nor has it paid any salaries. Its members carry out their activities at their own expense or at the expense of their volunteers, each choosing his or her *protégé* based, for example, on geographic location, and doing his or her best to help.

Especially difficult cases illustrate this principle very well: to secure better concentration, only one person takes charge of all the work involved in supporting the case file. Denials of asylum provide a good example. The second most important authority considering applications for asylum in France is the specialized court hearing asylum seekers’ appeals against unfavorable decisions, [CNDA](#).

Marie-Noelle Pane, the co-founder and current president of the RuCI Asile association explains the purpose and practices of this body. “CNDA is the National Court on Asylum Law, a court instance where one can appeal the initial rejection of an application for asylum. This is an administrative court, it does not fall under the jurisdiction of France’s Council of State, i.e. it is the final instance for administrative cases. It makes a ruling on whether to approve the OFPRA’s ruling or revoke it and grant asylum or subsidiary protection. The last statistics we can cite date from 2014, when this court granted asylum, i.e. revoked OFPRA’s decision, in 20% of cases”. According to Marie-Noelle Pane, 60% of asylum seekers rely on free



lawyer services at CNDA. “Of course, if one can afford it, it is best to hire a paid lawyer, because a public defender lacks time to meet with the applicants before the hearings and there is always a risk that this lawyer has little knowledge of the situation and the text of OFPRA’s ruling, and, as a matter of fact, it is always best to hire a lawyer who is well-versed in the subject. But a paid lawyer costs EURO 1000–2000. An appeal at the appeals court aims to challenge OFPRA’s decision. The lawyer may try to convince the court that OFPRA was mistaken or there was a misunderstanding, or, possibly, inaccurate translation, or prove that an OFPRA officer may have failed to understand something in a refugee’s explanation. Judges ask additional questions, and the lawyer is the last to speak”.

The RuCI-Asile association represented by Marie-Noel Pane is helping in the appeals court hearings of a case which is a follow-up on the “*Primorsky Krai Guerrillas*” case involving a brother of a member of the group, one of those killed during the assault on the group. [Alexei Sladkikh](#) fled from Russia after interrogations under duress and applied for asylum in France. Marie-Noelle Pane gave an account of the assistance she is providing to Alexei as part of an appeal against the rejection of his application.

“He arrived directly in France because he bought a ticket to Paris and had a French visa. Then he left for Holland, to internet friends who said they were willing to help him. In Holland he applied for asylum, but as he had a French visa, Dutch authorities in some time extradited him to France, in compliance with the Dublin regulation. OFPRA rejected Alexei Sladkikh’s application despite the evidence of criminal prosecution as part of the “*Primorski Krai Guerrillas*” case and of interrogations under duress”.

According to Mari-Noelle Pane, it was decided to hire a paid lawyer for Alexei Sladkikh’s appeal, as the case was difficult. “The lawyer was recommended to us, as she had been involved in the cases of Chechen refugees, but it still took a long time to brief her on the *Primorski Krai Guerrillas*” case, shed light on us police lawlessness and the geographic peculiarity of this region, making this lawlessness especially severe”, explains the human rights advocate.

She also had to tell the lawyer the details of the public’s controversial attitude to the “Guerrillas”, ranging from belief that they are heroes to the opinion that they are criminals. “I act as an interpreter at Alexei’s meetings with the lawyer” says Marie-Noelle Pane, “although after more than three years here he already has a good command of French. Note that the hearings of the case have been postponed four times already, and we have waited for them as long as two years by now. But the guerrillas case in Russia is not over either, it has been dragging on for many years, with the sentence repealed by the latest court ruling. The hearing of Alexei’s case is however appointed for March 8, and we hope this time around they won’t adjourn it again and will consider the case properly”.

Summing up the overall picture of requests for assistance from Russian asylum seekers and the Association’s practices of dealing with them, Elena Colombo recalls two cases where asylum applications were rejected, but says that such rejections are not final, as France officially allows a third attempt. One of these rejections was challenged in the second hearing (this was the “Chechen case). During the second hearing (second application due to newly arisen circumstances – *editors*) this applicant was after all

granted asylum. The second case where asylum was denied was that of Alexei Sladkikh.

Commenting on the officially allowed opportunity of second application to OFPRA due to newly arisen circumstances, to which applicants very rarely resort as it is one of the most difficult procedures, Elena Colombo says that new solid grounds and arguments, such as the applicant's eagerness to be integrated into French society, are deemed to be a key condition for positive assessment of such a case file by OFPRA:

“Our first *protégé* lost an appeal at an appeals court despite the presence of a lawyer took at hearing. He turned to the Association only after he lost this appeal. The only solution I found was enrolment in a university. First, to secure his right to bargain for staying on here, for when someone enters a university they cannot deport him or her without considering all pros and contras. Second, to OFPRA, enrolment in a university meant a strong desire to achieve integration and evolution into French society. Not only did the man speak French, he also entered a good university, and this provided an argument as the file case was considered by OFPRA for the second time, to which all asylum seekers without exception are entitled”

Answering the question about what is the key principle of this human rights association, Elena Colombo comments that a human right advocate cannot judge or choose a person to support.

“We don't have a moral right to judge whether one refugee deserves our assistance and another one does not. We are fundamentally open-minded towards whoever turns to us. At the same time, as we look into his case, some collateral circumstances may arise which may cause us to think twice about it. But such situations are extremely rare, we work with rather complicated cases and have turned for support to other well-known and influential human rights organizations. It is far from all of them and far from always that we have received support. But occasions when we receive this support are very important, OFPRA views their recommendations as a very strong argument for awarding a refugee status, therefore we act in close coordination with them and never choose objects of support”.