

## Why is the United States making it so difficult for foreign conflict reporters to obtain visas?

### Introduction

Over the past several months, Reporters Without Borders (RSF) has interviewed several foreign correspondents who have been unable to obtain United States visas in recent years after reporting on armed conflict, terrorism, or traveling to global conflict zones. Most of these visa applications simply remain pending indefinitely, whereas those whose applications were denied were done on the grounds of “engaging in terrorist activities” though the reporters have never engaged in anything of the sort.

When RSF inquired about the cases of specific journalists who have been accused of “engaging in terrorist activities,” a State Department official said they are prohibited from commenting on individual visa cases. However, the official affirmed the State Department promotes a free press as a “fundamental value of the United States,” but that national security remains a top priority. Thus, all visa applicants undergo “extensive” security screenings that draw from information from across all US government agencies against US law enforcement and counterterrorism databases. The official told RSF consular officers refer to several sources when vetting visa applicants, including information provided in the application, information gathered through security checks, and information gathered during the applicant’s interview. Visas cannot be issued until all concerns raised by those screenings are fully resolved.

Reporters describe the procedure for appealing denied visa applications as burdensome, and those whose applications remain pending have nothing to appeal, thus without any process for resolution. Some reporters told RSF it is wiser to remain silent and wait until the application is approved, while others have expressed their concerns publicly (and in some cases obtained more positive results). RSF is alarmed by the prevalence of these issues among communities of foreign conflict reporters, and by the lack of transparency from the State Department in the process that goes into granting or denying visas.

### Reporters left in limbo

French freelance journalist **Dastane Altair** never had an issue traveling abroad and until recently he journeyed to the United States using a visa waiver. But in November 2015 when he planned to attend an exhibition in Canada featuring photographs by his girlfriend, Belgian photojournalist **Virginie Nguyen Hoang**, Altair was denied entry to his flight at Paris Orly Airport. According to Altair, airport staff told him he was forbidden from flying over American airspace. He was forced to stay behind, and Hoang traveled to Canada for her photo exhibit alone.

In the weeks following Hoang's trip, both she and Altair received notice that their travel authorization status—which allowed them to travel to the United States with a visa waiver—had been revoked. When Hoang intended to travel to California for a long-term reporting project in October 2017, she and Altair had applied for two non-immigrant, foreign media visas. Their visa applications remain pending today, leaving them incapable of traveling to the United States. Though they have received no explanation for the delay, Hoang and Altair have reason to believe it may be related to their work reporting on military conflict in Syria, Turkey, and elsewhere. Stories like Hoang and Altair's have been shared within journalist communities for years, and given the Trump administration's exclusionary immigration policy these stories are all the more resonant today.

“At least the people who get [their visa application] denied outright then have the ability to do the next application,” said **Jane V.**, a journalist with knowledge of this issue who preferred that we not use her real name. On the other hand, Jane V. said the dilemma is often worse for journalists like Hoang and Altair, whose applications remain pending indefinitely and thus have nothing to appeal.

### **A burdensome process**

Spanish journalist **Manuel Martorell**, whose story RSF [first reported in January 2016](#), was denied a visa to the United States in 2015 because he was alleged to have participated in “terrorist activities.” Martorell has attempted to appeal the visa denial several times, but described the process as difficult and expensive, requiring trips across Spain to the US Embassy in Madrid. He told RSF he cannot afford the attorney he would need to hire from a specialized law firm in order to appeal the decision.

Other journalists agree the visa process is onerous. Jane V. described a phase of the visa application in which applicants must document the past 15 years' worth of addresses and travel information as a “massive burden,” and a financial burden for freelance journalists in particular. Even completing all of the required documentation doesn't guarantee a positive outcome. Hoang and Altair filled out this same document with 15 years' worth of travel information in 2017, and yet they remain without visas today.

### **National security concerns**

In late 2015 the Obama administration implemented new restrictions on the United States visa waiver program. The legislation, known as the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, barred those who had traveled to Iran, Iraq, Syria, and Sudan in the past five years from being eligible for the visa waiver program. By February 2016, the administration added Somalia, Libya, and Yemen to that list of “countries of particular concern.” While the legislation includes a special waiver for journalists who have traveled to those seven countries for reporting purposes, some have reported that this exception has been irregularly or arbitrarily implemented and suspect their time spent reporting in those countries has contributed

to their issues obtaining visas for which they are otherwise eligible. Hoang has done extensive work in Syria and Libya, Martorell in Iraq and Syria.

**James Harkin**, director of the Center for Investigative Journalism in London, first noticed his own visa issues after the Obama-era legislation was implemented and he was no longer eligible for a visa waiver. The Irish journalist applied for a visa in April 2017 and it remained “in process” for several months, prohibiting him from traveling to the United States for both a conference and, months later, a fellowship he was offered at Harvard University. Harkin was detained in Turkey in 2016 while reporting on the Syrian Kurds and was eventually expelled from Turkey. In a March 2018 *New York Times* [editorial](#), Harkin said that through conversations with Syrian journalists he concluded the Turkish government—which regularly shares low-level NATO intelligence with the United States—likely shared information about Harkin’s legal troubles with American authorities, whose systems then flagged him as a “potential terrorist” when he was applying for the visa. Such reliance by US authorities on dubious and politically-motivated intelligence from foreign governments fits a pattern that RSF has observed in other cases.

Like Harkin, Altair was arrested and detained by Turkish authorities in 2015 while covering a battle between the Islamic State and a Kurdish militant group in northern Syria. Altair was expelled from Turkey during a visit the following year and received documentation from Turkish customs claiming he was a threat to Turkish national security. And though the United States never provided an explanation for his classification as “having engaged in potential terrorist activities,” Martorell suspects the accusation may be linked to his 30-year career reporting on Kurdish issues in Iran, Iraq, Syria, and Turkey.

*“RSF has long been concerned about the United States’ opaque processes for granting foreign correspondents visas to travel,”* said Daphne Pellegrino, RSF’s North America advocacy officer. *“We call on the State Department to be transparent in the process by which it screens these journalists, and not to confuse reporters who cover the news in conflict zones with hostile actors. When foreign correspondents are labeled as terrorists and denied access, this mirrors the behavior of governments that are notoriously hostile toward journalists, and as long as it continues it serves as an encouragement for such repressive behavior.”*

### **Problem without a solution**

In January 2014 the highly-acclaimed British journalist **Karl Penhaul**, [another case RSF previously reported](#), was apparently placed on the No-Fly List as a result of US authorities’ misplaced suspicions generated by his work as a reporter in Colombia for nearly two decades. While in Colombia, Penhaul reported extensively on the Revolutionary Armed Forces of Colombia (FARC), a US-designated foreign terrorist organization. Though the Department of Homeland Security notified him in 2016 that it had made corrections to its records—presumably a reference to his removal from the No-Fly List—Penhaul is still unable to travel to the United States more than two years later as his visa application remains pending.

There's no agreed upon "best practice" for addressing these issues, and some journalists prefer not to go public with their struggles for fear that it could only further complicate their chances. Harkin, on the other hand, received a notification that his visa application was approved just five days after publishing his *Times* editorial. Today, he is based in Cambridge, Massachusetts, where he is a Shorenstein fellow at Harvard University. But while Martorell's case has garnered support from journalists' associations, political parties, and the regional parliament of his home region in Spain, Navarre, unanimously approved a declaration of support for his case, he remains unable to travel to the United States.

"The only answer I get is that they do not have this kind of information," Martorell told RSF. "Therefore, I still do not know, after three years, why they accuse me of terrorism. I cannot defend myself from an accusation I do not know."

### **RSF recommendations**

RSF has the following recommendations for the Departments of State and Homeland Security:

- Better familiarize those reviewing visa applications with the work of journalists so they can distinguish legitimate professionals from hostile actors
- Increase transparency throughout the visa approval process
- Provide clarity in opportunities to appeal visa denials, ensuring they are not financially burdensome

We encourage both departments to engage with RSF and the Committee to Protect Journalists (CPJ) for training opportunities in order to implement these recommendations.