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OPERATIONAL GUIDANCE NOTE

ETHIOPIA

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1. Introduction

- 1.1** This document provides UK Border Agency case owners with guidance on the nature and handling of the most common types of claims received from nationals/residents of Ethiopia, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Case owners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** Case owners **must not** base decisions on the country of origin information in this guidance; it is included to provide context only and does not purport to be comprehensive. The conclusions in this guidance are based on the totality of the available evidence, not just the brief extracts contained herein, and case owners must likewise take into account all available evidence. It is therefore essential that this guidance is read in conjunction with the relevant COI Service country of origin information and any other relevant information.

COI Service information is published on Horizon and on the internet at:

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instruction on Article 8 ECHR. If, following

consideration, a claim is to be refused, case owners should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

2. Country assessment

- 2.1** Case owners should refer the relevant COI Service country of origin information material. An overview of the country situation including headline facts and figures about the population, capital city, currency as well as geography, recent history and current politics can also be found in the relevant FCO country profile at:

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/>

2.3 Actors of protection

- 2.3.1** Case owners must refer to the Asylum Policy Instruction on ‘considering the protection (asylum) claim’ and ‘assessing credibility’. To qualify for asylum, an individual not only needs to have a fear of persecution for a Convention reason, they must also be able to demonstrate that their fear of persecution is well founded and that they are unable, or unwilling because of their fear, to avail themselves of the protection of their home country. Case owners should also take into account whether or not the applicant has sought the protection of the authorities or the organisation controlling all or a substantial part of the State, any outcome of doing so or the reason for not doing so. Effective protection is generally provided when the authorities (or other organisation controlling all or a substantial part of the State) take reasonable steps to prevent the persecution or suffering of serious harm by for example operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.
- 2.3.2** The Federal Police Commission reports to the Ministry of Federal Affairs, which is subject to parliamentary oversight; however, this oversight was loose in practice. Each of the country’s nine regions has a state or special police force that reports to the regional civilian authorities. Local militias operated across the country in loose coordination with regional and federal police and the military, with the degree of coordination varying by region. In many cases these militias functioned as appendages of local Ethiopian People’s Revolutionary Democratic Front (EPRDF) political bosses.¹
- 2.3.3** Security forces were effective, but impunity for human rights abuses remained a serious problem. There were credible reports that security officials tortured and otherwise abused detainees.² In January 2011 the UN Committee Against Torture expressed its concern about the “numerous, ongoing and consistent allegations concerning the routine use of torture by the police, prison officers and other members of the security forces, as well as the military, in particular against political dissidents and opposition party members, students, alleged terrorist suspects and alleged supporters of insurgent groups such as the Ogaden National Liberation

¹ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1 d: Arbitrary Arrest or Detention: Role of the Police and Security Apparatus.](#)

² [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1c Torture](#)

Front (ONLF) and the Oromo Liberation Front (OLF). Particular concern was expressed about credible reports that such acts frequently occur with the participation, at the instigation or with the consent of commanding officers in police stations, detention centres, federal prisons, military bases and in unofficial or secret places of detention. The Committee also took note of consistent reports that torture is commonly used during interrogation to extract confessions when the suspect is deprived of fundamental legal safeguards, in particular access to legal counsel”.³ The committee further noted the absence of information on cases in which soldiers and police or prison officers were prosecuted, sentenced, or subjected to disciplinary sanctions for acts of torture or mistreatment.⁴ According to Amnesty International, “torture is commonplace in pre-trial detention centres around the country, including police stations and military camps”.⁵ Numerous credible sources confirmed in 2009 that in Maekelawi, the central police investigation headquarters in Addis Ababa, police investigators often used physical abuse to extract confessions. Authorities continued to restrict access by diplomats and NGOs to Maekelawi.⁶

2.3.4 The 2009 Anti-terrorism Proclamation defines terrorist activity very broadly and gives great discretion to the security forces, allowing the detention of suspects for up to four months without charge. It was used in 2011 to detain more than 100 members of opposition parties; terrorist suspects were denied legal assistance while they awaited trial.⁷ The government continued its efforts to provide human rights training for police and army recruits. The Ethiopian NGO Justice for All-Prison Fellowship Ethiopia (JFA-PFE) and the Ethiopian Human Rights Commission (EHRC) conducted human rights training for police commissioners, prosecutors, judges, prison administrators, and militia.⁸

2.3.5 The judiciary is officially independent, but its judgments rarely deviate from government policy.⁹ Although the civil courts operated with a large degree of independence, the criminal courts remained weak, overburdened, and subject to political influence. A severe lack of experienced staff in the judicial system sometimes made the application of the law unpredictable. There was a large backlog of juvenile cases, and accused children often remained in detention with adults until officials heard their cases. There were also credible reports that domestic violence and rape cases often were delayed significantly and given low priority. Many citizens residing in rural areas generally had little access to formal judicial systems and relied on traditional mechanisms of resolving conflict.¹⁰

2.3.6 The law provides legal standing to some pre-existing religious and traditional courts and allows federal and regional legislatures to recognize decisions of such courts. By law all parties to a dispute must agree to use a traditional or religious court before such a court may hear a case, and either party can appeal to a regular court at any time. Sharia (Islamic) courts may hear religious and family cases involving Muslims. In addition other traditional systems of justice, such as the Council of Elders, continued to function. These customary mechanisms resolved disputes for

³ [UN Committee against Torture, Consideration of reports submitted by States parties under article 19 of the Convention Concluding observations of the Committee against Torture, 20/01/2011 para 10](#)

⁴ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1 d: Arbitrary Arrest or Detention: Role of the Police and Security Apparatus.](#)

⁵ [Amnesty International, Submission to the United Nations Human Rights Committee, 30/06/2011](#)

⁶ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1c Torture](#)

⁷ [Freedom House, Freedom in the World 2012 - Ethiopia, 8 June 2012](#)

⁸ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1 d: Arbitrary Arrest or Detention: Role of the Police and Security Apparatus.](#)

⁹ [Freedom House, Freedom in the World 2012 - Ethiopia, 8 June 2012](#)

¹⁰ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1e Denial of Fair Public Trial](#)

the majority of citizens who lived in rural areas. Some women complained of lack of access to free and fair hearings in the traditional justice system because they were excluded by custom from participation in the Council of Elders and because there was strong gender discrimination in rural areas.¹¹

- 2.3.7** If the applicant's fear is of ill treatment / persecution by the state authorities, or by agents acting on behalf of the state, then it is improbable that they can apply to those authorities for protection. Particular attention should be made in applications from sole females / female heads of households in light of the gender discrimination in the Ethiopian justice process.
- 2.3.8** If the ill treatment / persecution is at the hands of non state agents then case owners should assess the availability of effective protection on a case by case basis taking into account the specific characteristics of the claimant, the area of operation of the group and evidence of state willingness and ability to provide protection against human rights violations by these agents.

2.4 Internal relocation.

- 2.4.1** Case owners must refer to the Asylum Policy Instructions on both internal relocation and Gender Issues in the asylum claim and apply the test set out in paragraph 339O of the Immigration Rules. It is important to note that internal relocation can be relevant in both cases of state and non-state agents of persecution, but in the main it is likely to be most relevant in the context of acts of persecution by localised non-state agents. If there is a part of the country of return where the person would not have a well founded fear of being persecuted and the person can reasonably be expected to stay there, then they will not be eligible for a grant of asylum. Similarly, if there is a part of the country of return where the person would not face a real risk of suffering serious harm and they can reasonably be expected to stay there, then they will not be eligible for humanitarian protection. Both the general circumstances prevailing in that part of the country and the personal circumstances of the person concerned including any gender issues should be taken into account, but the fact that there may be technical obstacles to return, such as re-documentation problems, does not prevent internal relocation from being applied.
- 2.4.2** Very careful consideration must be given to whether internal relocation would be an effective way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unduly harsh to expect them to do so, then asylum or humanitarian protection should be refused.
- 2.4.3** Although the law provides for freedom of movement within the country, foreign travel, emigration and repatriation, the government restricts these rights in practice. The government relaxed but did not completely remove restrictions on the movement of persons into and within the Ogaden area of the Somali region, continuing to argue that the ONLF posed a security threat. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens.¹²

¹¹ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1e Denial of Fair Public Trial](#)

¹² [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 2 Freedom of Movement:/](#)

- 2.4.4** The government did not recognize IDPs as a distinct group, and there was no specialized office charged with managing matters such as IDP protection, return, resettlement, or durable solutions. Many persons who had been displaced due to conflict in Gambella, Oromia, SNNPR, and the Somali region remained displaced. Drought also caused displacements during the year. Government restrictions on the access of human rights organizations, the media, humanitarian agencies, and diplomatic missions to conflict-affected areas significantly decreased in comparison with previous years. Access to conflict-affected IDPs often was difficult and limited; hence assistance provided to them was often inadequate.¹³ The total number of IDPs in the country during the year was not known. However, as of December 2011, humanitarian organisations estimated that about 300,000 people remained internally displaced and that nearly all of these IDPs had reportedly sought shelter with relatives or safety in the bush, rather than gathering in organised camps.¹⁴ The UN Human Rights Committee noted in August 2011 that there is no comprehensive mechanism established by the government to address the protection needs of internally displaced persons, and in particular for those who are displaced as a result of conflict.¹⁵
- 2.4.5** A prolonged drought, the worst to hit the Horn of Africa in 60 years, left nearly 5 million Ethiopians in need of assistance at the end of 2011. Over 270,000 refugees fleeing famine in Somalia had crossed into Ethiopia, adding to the crisis. Ethiopians' difficulties were compounded by large rises in the price of food; the annual rate of inflation reached 41 percent in August.¹⁶
- 2.4.6** Given the ongoing conflict and humanitarian scenarios within Ethiopia, when assessing the reasonableness of internal relocation, careful consideration must be given to the personal circumstances of the individual applicant, the conditions in the area of proposed relocation and how it will be accessed, taking account of the latest information about the security and the humanitarian situation. A Country of Origin Information request should be submitted to the Country of Origin Information Service if more information is needed.

2.5 Country guidance caselaw

MB (OLF and MTA – risk) Ethiopia CG [2007] UKAIT 00030

- 1) As at February 2007, the situation in Ethiopia is such that, in general:-
 - (a) Oromo Liberation Front members and sympathisers;
 - (b) persons perceived to be OLF members or sympathisers; and
 - (c) members of the Maccaa Tulema Association;
 will, on return, be at real risk if they fall within the scope of paragraph (2) or (3) below.

- (2) OLF members and sympathisers and those specifically perceived by the authorities to be such members or sympathisers will in general be at real risk if

[Internally Displaced Persons, Protection of Refugees.](#)

¹³ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 2 Freedom of Movement:/ Internally Displaced Persons, Protection of Refugees.](#)

¹⁴ [Internal Displacement Monitoring Centre “Ethiopia: Monitoring of conflict, human rights violations and resulting displacement still problematic” Overview 31/12/2011](#)

¹⁵ [UN Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant Concluding observations of the Human Rights Committee, 19/08/2011](#), para 14

¹⁶ [Freedom House, Freedom in the World 2012 - Ethiopia, 8 June 2012](#)

they have been previously arrested or detained on suspicion of OLF involvement. So too will those who have a significant history, known to the authorities, of OLF membership or sympathy. Whether any such persons are to be excluded from recognition as refugees or from the grant of humanitarian protection by reason of armed activities may need to be addressed in particular cases.

- (3) Given the proscription of the MTA and the current state of tension on the part of the Ethiopian authorities, the Tribunal considers that MTA members will also be at real risk on return if they have previously been arrested or detained on suspicion of MTA membership and/or of OLF membership or are known or suspected of membership of the MTA. Despite the banning of the MTA, the Tribunal does not consider that the evidence is such as to show a real risk where the extent of the authorities' knowledge or suspicion about an individual relates to something less than membership of the MTA.

[HB \(Ethiopia EDP/UEDP members\) Ethiopia CG \[2004\] UKIAT 00235](#)

State persecution of members of opposition political parties (EPD/UEPD). The Tribunal found that the objective evidence does not support a claim that UEDP (formerly EDP) members are subject to routine persecution [para 31]. [These two parties are closely aligned and partnered the AEUP to form the opposition CUD coalition that contested the parliamentary elections in May 2005].

2.5.1 Nationality (CG and Other) caselaw

[ST \(Ethnic Eritrean – nationality – return\) Ethiopia CG \[2011\] UKUT 00252\(IAC\)](#)

Law:

- (A) There is nothing in MS (Palestinian Territories) [\[2010\] UKSC 25](#) that overrules the judgments in MA (🇪🇹 Ethiopia 🇪🇹) [\[2009\] EWCA Civ 289](#) Where a claim to recognition as a refugee depends on whether a person is being arbitrarily denied the right of return to a country as one of its nationals, that issue must be decided on an appeal under section 82 the Nationality, Immigration and Asylum Act 2002 (paragraphs 69 to 72).
- (B) Although the question of whether a person is a national of a particular state is a matter of law for that state, the question whether a national of a particular state has been lawfully or unlawfully deprived of the nationality of that state is a legitimate issue for a court or tribunal to determine, in the course of deciding a person's entitlement to international protection (paragraph 74).
- (C) Whether arbitrary deprivation of nationality amounts to persecution is a question of fact. The same is true of the denial of the right of return as a national; although in practice it is likely that such a denial will be found to be persecutory (paragraphs 76 and 82 to 89).

Country Guidance:

- (1) Although the process established by the Ethiopian authorities in 1998 for identifying ethnic Eritreans who might pose a risk to the national security of Ethiopia, following the outbreak of war between the countries, was not arbitrary or contrary to international law, in many cases people were arbitrarily expelled to Eritrea without having been subjected to that process. Those perceived as ethnic Eritreans, who remained in Ethiopia during the war, and who were

deprived of Ethiopian nationality, suffered arbitrary treatment, contrary to international law. Those who left Ethiopia at this time or who were then already outside Ethiopia were arbitrarily deprived of their Ethiopian nationality. Also during this time, the Ethiopian authorities made a practice of seizing and destroying identification documents of those perceived as ethnic Eritreans in Ethiopia (paragraphs 60 to 65).

- (2) A person whose Ethiopian identity documents were taken or destroyed by the authorities during this time and who then left Ethiopia is as a general matter likely to have been arbitrarily deprived of their Ethiopian nationality. Whether that deprivation amounted to persecution (whether on its own or combined with other factors) is a question of fact (paragraphs 76 to 78).
- (3) The practices just described provide the background against which to consider today the claim to international protection of a person who asserts that he or she is an Ethiopian national who is being denied that nationality, and with it the right to return from the United Kingdom to Ethiopia, for a Refugee Convention reason. Findings on the credibility and consequences of events in Ethiopia, prior to a person's departure, will be important, as a finding of past persecution may have an important bearing on how one views the present attitude of the Ethiopian authorities. Conversely, a person whose account is not found to be credible may find it difficult to show that a refusal on the part of the authorities to accept his or her return is persecutory or based on any Refugee Convention reason (paragraphs 79 to 81).
- (4) Although, pursuant to MA (Ethiopia), each claimant must demonstrate that he or she has done all that could be reasonably expected to facilitate return as a national of Ethiopia, the present procedures and practices of the Ethiopian Embassy in London will provide the backdrop against which judicial fact-finders will decide whether an appellant has complied with this requirement. A person who is regarded by the Ethiopian authorities as an ethnic Eritrean and who left Ethiopia during or in the immediate aftermath of the border war between Ethiopia and Eritrea, is likely to face very significant practical difficulties in establishing nationality and the attendant right to return, stemming from the reluctance of the Ethiopian authorities to countenance the return of someone it regards as a "foreigner", whether or not in international law the person concerned holds the nationality of another country (paragraphs 93 to 104).
- (5) Judicial fact-finders will expect a person asserting arbitrary deprivation of Ethiopian nationality to approach the embassy in London with all documentation emanating from Ethiopia that the person may have, relevant to establishing nationality, including ID card, address, place of birth, identity and place of birth of parents, identity and whereabouts of any relatives in Ethiopia and details of the person's schooling in Ethiopia. Failing production of Ethiopian documentation in respect of such matters, the person should put in writing all relevant details, to be handed to the embassy. Whilst persons are not for this purpose entitled to portray themselves to the embassy as Eritrean, there is no need to suppress details which disclose an Eritrean connection (paragraph 105).
- (6) A person who left Ethiopia as described in (4) above is unlikely to be able to re-acquire Ethiopian nationality as a matter of right by means of the 2003 Nationality Proclamation and would be likely first to have to live in Ethiopia for a significant period of time (probably 4 years) (paragraphs 110 to 113).

- (7) The 2004 Directive, which provided a means whereby Eritreans in Ethiopia could obtain registered foreigner status and in some cases a route to reacquisition of citizenship, applied only to those who were resident in Ethiopia when Eritrea became independent and who had continued so to reside up until the date of the Directive. The finding to the contrary in MA (Disputed Nationality) Ethiopia [2008] UKAIT 00032 was wrong (paragraphs 115 and 116).
- (8) The 2009 Directive, which enables certain Eritreans to return to Ethiopia as foreigners to reclaim and manage property in Ethiopia, applies only to those who were deported due to the war between Ethiopia and Eritrea and who still have property in Ethiopia (paragraphs 117 and 118).
- (9) A person who left Ethiopia as described in (4) above, if returned to Ethiopia at the present time, would in general be likely to be able to hold property, although the bureaucratic obstacles are likely to be more severe than in the case of Ethiopian citizens. Such a person would be likely to be able to work, after acquiring a work permit, although government employment is unlikely to be available. Entitlement to use educational and health services is, however, much more doubtful. At best, the person will face a bureaucratic battle to acquire them. He or she will have no right to vote (paragraphs 119 to 124).
- (10) Such a person would be likely to feel insecure, lacking even the limited security afforded by the 2004 Directive. Tensions between Ethiopia and Eritrea remain high (paragraph 125).
- (11) The following CG cases on Ethiopia are superseded or replaced, as the case may be, by the present determination: GG (Return – Eritrean) Ethiopia CG [2002] UKIAT 05996; NB (Mixed Ethnicity – Ethiopian – Eritrean) Ethiopia CG [2002] UKIAT 06526; AA (Children – Eritrean) Ethiopia CG UKIAT 06533; TG (Mixed Ethnicity) Ethiopia CG [2002] UKIAT 07289; and DA (Ethnicity – Eritrean – Country Conditions) Ethiopia CG [2004] UKIAT 00046.

MA (Ethiopia) v Secretary of State for the Home Department [2009] EWCA Civ 289 (02 April 2009)

The appellant (MA) appealed against the decision of the AIT, MA (Disputed Nationality) Ethiopia [2008] UKAIT 00032, (below) dismissing her appeal against the decision of the Secretary of State refusing her asylum claim. The following points were held:

- The AIT had perceived the issue to be whether MA would face the risk of being denied her status as a national; it was assumed that would, if established, constitute persecution. Having recourse to concepts of legal and factual nationality was likely to obscure that question (EB (Ethiopia) SSHD [2007] EWCA Civ 809 (2009) considered). It followed that the AIT's analysis of how MA would be treated if returned to Ethiopia was wrong in law (paragraphs 41 and 42).
- The case was unusual, in that it became apparent during the hearing before the AIT that the outcome of the appeal was dependent upon whether the Ethiopian authorities would allow MA to return to Ethiopia. Normally, if the essential issue before the AIT was whether someone would be returned or not, the AIT should usually require the appellant to have taken all reasonable and practical steps to obtain the requisite documentation for return. There

may be cases where it would be unreasonable to require this, such as if disclosure of identity might put the applicant at risk, or perhaps third parties, such as relatives of the applicant who may be at risk in the home state if it is known that the applicant has claimed asylum. There was no reason why MA should not visit the embassy to obtain the relevant documents however. Such an approach entailed no injustice to MA; it did not put her at risk, but was consistent with the principle that, before an asylum applicant could claim protection from a surrogate state, he should first have taken all reasonable steps to secure protection from the home state (*R v SSHD Ex p Bradshaw* (1994) Imm. AR 359 considered). The AIT did not approach matters in that way (paragraphs 49 to 52).

- Lacking evidence as to how MA would have been treated had she made a proper application, the AIT sought to resolve the issue by considering whether someone in her position was likely to be allowed to be returned or not. It followed that the AIT had erred in law as it ought not to have engaged in that enquiry without first establishing that MA had taken all reasonable and practical steps to obtain authorisation to return. Generally, remittal would be appropriate; however the position in respect of MA's efforts to obtain permission were known, since she had given evidence that she had gone to the Ethiopian embassy and asked for a passport, but told staff there she was Eritrean. That could not constitute a reasonable or bona fide attempt to obtain necessary documentation. Therefore, there was no ground to enable the AIT to find that she had acted in good faith and taken all reasonable and practical steps to obtain a passport, and any remission would be futile.
- (Obiter) it was not possible to state as a universal proposition that deprivation of nationality had to be equated with persecution (EB considered). Persecution is a matter of fact, not law. Whether ill treatment amounts to persecution will depend upon what results from refusing to afford the full status of a de jure national in the country concerned (para 59).

MA (Disputed Nationality) Ethiopia [2008] UKAIT 00032

In any case of disputed nationality the first question to be considered should be: "Is the person de jure a national of the country concerned?". This question is to be answered by examining whether the person fulfils the nationality law requirements of his or her country. Matters such the text of nationality laws, expert evidence, relevant documentation, the appellant's own testimony, agreement between the parties, Foreign Office letters, may all legitimately inform the assessment. In deciding the answer to be given, it may be relevant to examine evidence of what the authorities in the appellant's country of origin have done in respect of his or her nationality.

If it is concluded that the person is de jure a national of the country concerned, then the next question to be considered is purely factual, i.e. "Is it reasonably likely that the authorities of the state concerned will accept the person, if returned, as one of its own nationals?"

This decision replaces MA (Ethiopia – mixed ethnicity – dual nationality) Eritrea [2004] UKIAT 00324

KA (statelessness: meaning and relevance) Stateless [2008] UKAIT 00042

1. Statelessness does not of itself constitute persecution, although the circumstances in which a person has been deprived of citizenship may be a guide to the circumstances likely to attend his life as a non-citizen.
2. The Refugee Convention uses nationality as one of the criteria of the identification of refugees: there is no relevant criterion of 'effective' nationality for this purpose.

EB Ethiopia CoA [2007] EWCA Civ 809 Ethiopia – Nationality.

This was a Court of Appeal case against a Tribunal (AIT) decision to refuse asylum or leave to remain on human rights grounds. The appeal gave rise to the general issue of treatment of persons with Eritrean ancestral connections who had left Ethiopia.

It had been accepted by the AIT that the appellant (EB), an Ethiopian national of Eritrean descent, had had her identity documents taken by the Ethiopian authorities around the year 2000, had left Ethiopia in 2001 and had subsequently visited the Ethiopian embassy in London on two occasions who had refused to issue her with a passport because she did not have the required documents. In their findings on the case, the Tribunal referred to **MA and others [2004] UKIAT 00324** which stated that loss of nationality on its own did not amount to persecution. The Tribunal concluded that EB's loss of nationality was a result of her leaving Ethiopia and the deprivation of her documents in Ethiopia was not of itself an activity which resulted in ill treatment to her whilst she was in Ethiopia.

On referral of EB to the Court of Appeal, the Court of Appeal looked at the case of **Lazarevic [1997] 1 WLR 1107**, upon which the Tribunal in **MA** based their decision. The Court of Appeal noted that the Tribunal in **MA** found that if a State arbitrarily excludes one of its citizens such conduct **can** amount to persecution in that a "person may properly say both that he is being persecuted and that he fears persecution in the future." The Court of Appeal noted that in **MA**, the Tribunal emphasised the word 'can' and that it was not the act of depriving someone of their citizenship that was persecutory but the consequences of such an act could amount to persecution. The Court of Appeal disagreed with this position in **MA**. The Court of Appeal said that in the case of **Lazarevic** the deprivation of citizenship had not been found to be persecutory due to the fact that the situation in that case did not include a convention reason. In EB's case the identity documents were removed for a convention reason – therefore the question to be answered was "whether the removal of identity documents itself constituted persecution for a Convention reason or could only be such persecution if it led to other conduct which could itself be categorized as ill-treatment" (paragraphs 64 and 65)

The Court of Appeal findings in EB were as follows:

- By arbitrarily depriving someone of their citizenship, that person lost their basic right to freely enter and leave their country which was at odds with Article 12 of the International Covenant on Civil and Political Rights 1966 and Article 15 of the Universal Declaration of Human Rights (Paragraph 68). There was no difference between the removal of identity documents in EB's case and a deprivation of citizenship – the "precariousness is the same; the "loss of the right to have rights" is the same; the "uncertainty and the consequent psychological hurt" is the same." The act of depriving EB of her identity documents amounted to persecution at the time it occurred and that persecution would last as long as the deprivation itself (paragraph 70).

Therefore contrary to the position of the Tribunal in EB and that of the Tribunal in MA; “the taking of EB's identity documents was indeed persecution for a Convention reason when it happened and the AIT in MA were wrong to conclude that some further (presumably physical) ill treatment was required” (paragraph 70).

FA Eritrea CG [2005] UKIAT 00047. Eritrea – Nationality.

This appellant claimed to have been born in Asmara but moved to Ethiopia when she was a child. The Adjudicator considered objective evidence and found that the appellant was entitled to Eritrean nationality and would be able to relocate there.

The Adjudicator was entitled to take into account all evidence when concluding that this appellant is entitled to Eritrean nationality. She did not fail to attach weight to the 1992 Nationality Proclamation and did not err in accepting the evidence in the Home Office Report (Fact-Finding Mission to Eritrea 4-18 November 2002) when considering how the Proclamation was interpreted and applied by the authorities (paragraphs 20-21). The Tribunal follow the case of **YL, (and in turn Bradshaw [1994] ImmAR 359)** in considering the correct approach to determining nationality (para 24). The test identified as “one of serious obstacles” in YL is followed and a claimant would be expected to exercise due diligence in respect of such a test’ (paragraph 26).

3. Main categories of claims

- 3.1** This Section sets out the main types of asylum claim, humanitarian protection claim and discretionary leave claim on human rights grounds (whether explicit or implied) made by those entitled to reside in Ethiopia. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the instructions below.
- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in Karanakaran should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction on ‘considering the protection (Asylum) claim’ and ‘assessing credibility’).
- 3.3** If the applicant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the applicant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4** All Asylum Instructions can be accessed via the on the Horizon intranet site. The instructions are also published externally on the Home Office internet site at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/>

3.5 Credibility

- 3.5.1** This guidance is **not** designed to cover issues of credibility. Case owners will need to consider credibility issues based on all the information available to them. For guidance on credibility see 'establishing the facts of the claim (material and non-material facts)' in the Asylum Instruction 'considering the protection (asylum) claim' and 'assessing credibility'. Case owners must also ensure that each asylum application has been checked against previous UK visa applications. Where an asylum application has been biometrically matched to a previous visa application, details should already be in the Home Office file. In all other cases, the case owner should satisfy themselves through CRS database checks that there is no match to anon-biometric visa. Asylum applications matches to visas should be investigated prior to the asylum interview, including obtaining the Visa Application Form (VAF) from the visa post that processed the application.

3.6 Members of the ONLF or OLF

- 3.6.1** Applicants may make an asylum and/or human rights claim based on a fear of ill-treatment amounting to persecution at the hands of the state authorities due to membership of, involvement in or perceived involvement in, one of the main armed opposition groups: the Oromo Liberation Front (OLF), or the Ogaden National Liberation Front (ONLF).
- 3.6.2 Treatment:** Ongoing internal conflicts with insurgency groups including the Ogaden National Liberation Front (ONLF) in the Ogaden area of the eastern Somali region and the Oromo Liberation Front (OLF) in the south of the country have continued to affect people's lives and livelihoods.¹⁷
- 3.6.3** Since it was outlawed in 1994, the ONLF has engaged in low-intensity armed conflict with government forces. Human rights organisations, international NGOs, and the media have reported that both the Ethiopian National Defence Force (ENDF) and the ONLF have been responsible for human rights violations and abuses, and have used violence to intimidate the civilian population. ONLF attacks on police and military targets over the years have led to severe disruption and loss of lives.¹⁸ In June [2011] parliament declared the ONLF, the OLF and three other entities as terrorist organizations.¹⁹
- 3.6.4** In 2010 the ONLF split in two, with one faction signing a peace deal and winning the release of 400 members from prison in January 2011. Military operations continued against the other faction.²⁰ The 2010 peace agreements that the government signed with the United Western Somali Liberation Front and the Salahdin Ma'ow faction of the ONLF held during 2011.²¹

¹⁷ [Internal Displacement Monitoring Centre "Ethiopia: Monitoring of conflict, human rights violations and resulting displacement still problematic" Overview 31/12/2011](#)

¹⁸ [Internal Displacement Monitoring Centre "Ethiopia: Monitoring of conflict, human rights violations and resulting displacement still problematic" Overview 31/12/2011](#)

¹⁹ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 2g Use of Excessive Force and Other Abuses in Internal Conflicts.](#)

²⁰ [Freedom House, Freedom in the World 2012 - Ethiopia, 8 June 2012.](#)

²¹ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 2g Use of Excessive Force and Other Abuses in Internal Conflicts.](#)

- 3.6.5** In March [2011], 15 Oromo men and women were convicted of membership of the OLF in a group trial and given sentences ranging from 10 years' imprisonment to death. The 15 – arrested in 2008 along with other Oromos who were subsequently released – came from a variety of professions, and many did not know each other before being arrested and tried as a group. There were concerns that the trial fell short of international standards and was politically motivated in the run-up to the elections. Many of the detainees reported that they had been tortured. Two male detainees who were released before the trial died immediately after their release, reportedly as a result of their treatment in detention.²²
- 3.6.6** Low-level conflict continued [2011] between the OLF and government forces. Ethiopian refugee children reported that they had been forcibly recruited by the OLF in Kenya and trafficked back to Ethiopia to serve as porters and cooks.²³ Amnesty International reported in its 2012 annual report that “Hundreds of Oromos were arrested, accused of supporting the Oromo Liberation Front. The rights of detainees were often not respected. Many were held arbitrarily without charge or trial”.²⁴ Amnesty International further noted that “In recent years thousands of ethnic Oromos throughout the Oromia region have been detained and tortured, on accusations of being a member of, or supporting, the Oromo Liberation Front (OLF). Those arrested are detained in police stations, prisons, and military camps throughout the region where they are often subjected to torture and other ill-treatment, including beatings, kicking and burning with hot objects. Female detainees have been raped, including with glass bottles and other objects. Many of these detainees are held in poor conditions.”²⁵ More than 120 suspected members of the OLF were rounded up after evidence emerged that Eritrean officials were behind a failed plot to bomb an African Union summit and other high-profile targets in Addis Ababa in January. In July, 14 were found guilty of involvement in the bomb plot and received lengthy prison terms.²⁶ On 27 August, Bekele Gerba, deputy chairman of OFDM; Olbana Lelisa, a spokesman for OPC; and seven other opposition party members were arrested on charges of involvement with the OLF. They were held in pre-trial detention at the Federal Police Crime Investigation Department, also known as Maekelawi, where torture is reportedly common. At least 20 other ethnic Oromo were arrested in this same sweep.²⁷ In January 2011, the UN Committee Against Torture expressed its concern about the numerous and consistent allegations concerning the routine use of torture by the members of the security forces and the military against “alleged supporters of insurgent groups such as the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF)”, amongst others.²⁸
- 3.6.7** The “Admiral Osman faction” of the ONLF, consisting of hard-core fighters and supported by the Eritrean government, was believed to be responsible for an attack against aid workers on May 13 [2011] and attacks against the government. Deliveries of food and medicine were temporarily halted in the limited areas affected

²² [Amnesty International Annual Report 2011 State of the World's Human Rights, Prisoners of conscience and political prisoners.](#)

²³ [Amnesty International Annual Report 2011 State of the World Human Rights, Conflicts in the Somali and Oromia regions](#)

²⁴ [Amnesty International Annual Report 2012 State of the World's Human Rights, Arbitrary arrests and detentions, 24/05/2012](#)

²⁵ [Amnesty International, Submission to the United Nations Human Rights Committee, 30/06/2011](#)

²⁶ [Freedom House, Freedom in the World 2012 - Ethiopia, 8 June 2012.](#)

²⁷ [Human Rights Watch, World Report 2012 Ethiopia, 22/01/2012](#)

²⁸ [UN Committee against Torture, Consideration of reports submitted by States parties under article 19 of the Convention Concluding observations of the Committee against Torture, 20/01/2011](#) para 10

by fighting due to security concerns. Amnesty International's 2012 report notes that "Many civilians were also reportedly arrested and arbitrarily detained in the Somali region on suspicion of supporting the Ogaden National Liberation Front (ONLF). Torture and extrajudicial executions of detainees in the region were regularly reported".²⁹

- 3.6.8** Human Rights Watch (HRW) reported on 28 May 2012 that an Ethiopian government-backed paramilitary force summarily executed 10 men, killed at least 9 residents in ensuing gunfights, abducted at least 24 men and looted dozens of shops and houses during a March 2012 operation in eastern Somali region. Detailed information on the killings and other abuses by the force known as the "Liyu police" (which was formed in 2007 when armed conflict between the insurgent Ogaden National Liberation Front (ONLF) and the government escalated) only came to light after a HRW fact-finding mission to neighboring Somaliland in April.³⁰ Human Rights Watch reported that they continue to receive credible reports of arbitrary detention and serious abuses of civilians alleged to be members or supporters of ONLF. These civilians were being held in detention facilities in Ethiopia's Somali region.³¹
- 3.6.9** Civilians, international NGOs, and other aid organizations operating in the Somali region reported that government security forces, local militias, and the ONLF committed abuses such as arbitrary arrest to intimidate the civilian population. In contrast with the previous year, there were no reports that special police and or militias forcibly relocated whole villages believed to be supportive of the ONLF. Most allegations of human rights abuses involving government actors came from ONLF sources, typically conveyed via Diaspora blogs, and could not be readily investigated. Some villagers continued to report that local authorities threatened to retaliate against anyone who reported abuses by security forces. The number of reports of such human rights abuses continued to decline.³²
- 3.6.10** Restrictions that limited the access of NGOs and journalists to conflict regions continued, although these were relaxed significantly in comparison with previous years and large portions of the region were opened to diplomatic visitors. At year's end no areas of the region were officially off-limits, and the government generally encouraged travel in the region as a means of spurring potential investment. Authorities arrested and convicted two Swedish journalists who entered the Somali region after crossing the border from Somalia illegally; the journalists were in the company of ONLF fighters when they were arrested. The government continued to ban the ICRC [Red Cross] from the region, having previously alleged that it cooperated with the ONLF.³³

See also: [Actors of protection](#) (section 2.3 above)
[Internal relocation](#) (section 2.4 above)
[Caselaw](#) (section 2.5 above)

²⁹ [Amnesty International Annual Report 2012 State of the World's Human Rights, Arbitrary arrests and detentions, 24/05/2012](#)

³⁰ [Human Rights Watch, Ethiopia: 'Special Police' Execute 10, 28 May 2012](#)

³¹ [Human Rights Watch World Report 2012 Ethiopia](#)

³² [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 2g Use of Excessive Force and Other Abuses in Internal Conflicts.](#)

³³ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 2g Use of Excessive Force and Other Abuses in Internal Conflicts.](#)

3.6.11 Conclusion: The Tribunal in **MB (Ethiopia) [2007] (CG) UKAIT 000300** found that OLF members and sympathisers and those specifically perceived by the authorities to be such members or sympathisers, will in general be at real risk if they have been previously arrested or detained on suspicion of OLF involvement. So too will those who have a significant history, known to the authorities, of OLF membership or sympathy. Consequently if it is accepted that a claimant has been involved in or is suspected of membership or sympathising with the OLF or ONLF and has previously come to the adverse attention of the authorities, then they are likely to be at risk of persecution and a grant of asylum will be appropriate. The available evidence also suggests that perceived members or sympathisers of the OLF or ONLF are likely to be targeted and should they come to the attention of the authorities, are likely to be at risk of persecution.

3.6.12 Ethiopian citizens are generally able to travel freely within the country and change their place of residence without obtaining official permission. However, as this category of applicants' fear is of ill-treatment/persecution by the state authorities, and the government administers tight control of the entire state, then in general internal relocation to escape that persecution will not be an option.

3.6.13 Case owners should note that members of the OLF and ONLF have been responsible for serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for the OLF or ONLF and the evidence suggests he/she has been involved in such actions, then case owners should consider whether one of the exclusion clauses is applicable. Case owners should refer all such cases within this category of claim to a Senior Caseworker in the first instance.

3.7 Members of opposition political parties

3.7.1 Some applicants may make an asylum and/or human rights claim based on ill-treatment amounting to persecution at the hands of the state authorities due to membership of, or involvement with, political opposition groups.

3.7.2 Treatment: The government is run by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), an alliance between four parties – the Tigray People's Liberation Front (TPLF), the Amhara National Democratic Movement (ANDM), the Oromo People's Democratic Organisation (OPDO) and the Southern Ethiopian Peoples' Democratic Movement (SEPDM) – along with six other smaller affiliated ethnic parties. The largest opposition movement is the coalition known as the Ethiopian Federal Democratic Unity Forum (Medrek in Amharic) which comprises the Oromo Federalist Congress, Arena Tigray, the Unity for Democracy and Justice Party, the South Ethiopia Peoples' Democratic Coalition and the Ethiopian Social Democratic Party. Other major opposition parties include the Ethiopian Democratic Party and the All Ethiopian Unity Party.³⁴

3.7.3 Ethiopia's current constitution was adopted in December 1994, with executive powers vested in the prime minister, the post Meles Zenawi has occupied since 1995. In a decisive break with Ethiopia's tradition of centralised rule, today's institutions are based on the principle of ethnic federalism, designed to provide self-determination and autonomy to Ethiopia's different ethnic groups. General elections on 15 May 2005 revealed a sharp increase in public support for opposition parties

³⁴ [UK Foreign & Commonwealth Country Profile, Ethiopia, 27/02/2012.](#)

and in the aftermath, the political atmosphere deteriorated. Street demonstrations in Addis Ababa in June 2005, following the disputed elections, and a further wave of violent protests around the country in November 2005, resulted in 199 people killed (according to the official inquiry) including several policemen. Opposition leaders continued to face intimidation, harassment and the arrest of party activists in the difficult post-election period. Local elections in 2008 were largely uncontested with the ruling EPRDF sweeping the board and winning 99% of the 3.7 million seats. National elections were held on 23 May 2010 which saw the EPRDF win 90% of the popular vote and 545 of 547 parliamentary seats, 99.6% of the total. The poll was peaceful, but many, including the EU's Election Observation Mission, expressed concerns that restrictions placed on political space had critically hampered the opposition. The next parliamentary elections are scheduled for 2014.³⁵

- 3.7.4** Political parties were predominantly ethnically based. Membership in the EPRDF conferred advantages upon its members; the party directly owned many businesses and was broadly perceived to award jobs and business contracts to loyal supporters. The opposition reported that in many instances local authorities told its members to renounce their party membership and join the EPRDF if they wanted access to subsidized seeds and fertilizer; food relief; civil service job assignment, promotion, or retention; student university assignment and postgraduate employment; and other benefits controlled by the government. During the year there were credible reports that teachers and other government workers had their employment terminated if they belonged to opposition political parties. According to opposition groups such as the OFDM and the OPC, the Oromia regional government continued to threaten to dismiss opposition party members--particularly teachers--from their jobs. At the university level, however, members of Medrek and its constituent parties were able to teach.³⁶
- 3.7.5** HRW reported that in March 2011, authorities arrested more than 200 members and supporters of registered Oromo opposition parties—the Oromo Federal Democratic Movement (OFDM) and the Oromo People's Congress (OPC)—during mass roundups. Those arbitrarily arrested and detained included former members of parliament, long-serving party officials, and candidates in the 2010 regional and parliamentary elections. They were publicly accused of being involved with the banned OLF; at least 89 have been charged with a variety of offenses, some relating to terrorism. In September popular actor Debebe Eshetu was arrested and accused of belonging to the banned opposition party Ginbot 7. That same month Andualem Aragie, vice-chairman of the opposition party Unity for Democracy and Justice (UDJ), two other active members of UDJ, and the general secretary of another opposition party, the Ethiopian National Democratic Party (ENDP), were arrested in Addis Ababa, the capital, on similar accusations.³⁷
- 3.7.6** A second wave of arrests between June and September included a number of prominent journalists, political opposition figures, and activists, many of whom the government alleged were involved with terrorism.³⁸ Estimates on the number of political prisoners varied. Domestic and international NGOs estimated that there were 200 to 300 political prisoners and detainees at year's end. The government did not permit access by international human rights organizations.³⁹ There were no

³⁵ [UK Foreign & Commonwealth Country Profile, Ethiopia, 27/02/2012.](#)

³⁶ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 3 Respect for Political Rights, Elections and Political Participation.](#)

³⁷ [Human Rights Watch World Report 2012 Ethiopia](#)

³⁸ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012, Political Prisoners and Detainees](#)

³⁹ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1e, Denial of Fair Public Trial](#)

reports that the government or its agents committed politically motivated killings during the year.⁴⁰

3.7.7 The Anti-Terrorism Proclamation contains an overbroad and vague definition of terrorist acts and makes the publication of statements “likely to be understood as encouraging terrorist acts” punishable by imprisonment for 10 to 20 years.⁴¹ Long-term pre-trial detention without charge, often without access to counsel, is common, notably under the Anti-Terror law, which allows police to request additional investigation periods of 28 days each from a court before filing charges, for up to four months.⁴²

3.7.8 In 2012, the African Commission on Human and Peoples’ Rights passed a resolution in which it stated that it was “deeply concerned at the frequent allegations of the use of torture in pre-trial detention in Ethiopia particularly in the Federal Police Crime Investigation and Forensic Department of Maikelawi in Addis Ababa, where political prisoners are detained, interrogated and frequently subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment.”⁴³ Amnesty International also reported that “political detainees, including journalists and political opposition members, are detained in Maikelawi and subjected to interrogation before being charged with an offence. Some detainees in Maikelawi are never charged with an offence and are detained for arbitrary periods of time. Numerous current and former detainees have reported the use of torture against them during interrogation, including several defendants in recent high profile trials of dissidents”.⁴⁴

See also: [Actors of protection](#) (section 2.3 above)
 [Internal relocation](#) (section 2.4 above)
 [Caselaw](#) (section 2.5 above)

3.7.9 Conclusion: The political profile of the applicant must be carefully considered, together with up to date country information, to determine whether the Ethiopian authorities are likely to view the applicant adversely. If a claimant has a sufficient profile within one of the opposition parties, is known to the Ethiopian authorities and likely to be/remain of adverse interest, then a grant of asylum is likely to be appropriate as internal relocation would not be a viable option.

3.7.10 In the Country Guidance case of **HB (Ethiopia EDP/UEDP members) Ethiopia CG [2004] UKAIT 00235** the Tribunal found that members of the UEDP/EDP are not subjected to routine persecution. Low-level party members with involvement limited to attending meetings and paying contributions are not reasonably likely to result in being monitored or identified.

[Political Prisoners and Detainees.](#)

⁴⁰ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1a, Arbitrary or Unlawful Deprivation of Life](#)

⁴¹ [Human Rights Watch, Crackdown on Dissent Intensifies, 16/09/2011](#)

⁴² [Human Rights Watch World Report 2012 Ethiopia, 22/01/2012](#)

⁴³ [African Commission on Human and Peoples’ Rights, 218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia, meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012](#)

⁴⁴ [Amnesty International, African Union must ensure implementation of vital resolution on human rights in Ethiopia, 19/06/2012](#)

3.8 Persons of mixed Ethiopian/ Eritrean origin

3.8.1 Some applicants may seek asylum on the grounds that they consider himself/ herself to be Ethiopian or Eritrean, and the state authorities' treatment of those who consider themselves of mixed ethnicity. Applicants may also consider that they have been arbitrarily denied Ethiopian citizenship on account of their Eritrean descent.

3.8.2 Treatment: The US State Department report of 2000 stated that the Ethiopian government stopped forcibly deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June 2000, although 1,200 male Eritreans and Ethiopians of Eritrean origin were being held in internment camps at Dedesa at year's end [2000].⁴⁵ According to the UNHCR, as of January 2006, deportations from Ethiopia of persons of Eritrean origin have not happened since June 2001. In January 2004 directives were issued by the Ethiopian immigration department to regularise the status of Eritreans remaining in Ethiopia.⁴⁶

See also: [Actors of protection](#) (section 2.3 above)

[Internal relocation](#) (section 2.4 above)

[Caselaw](#) (section 2.5 above)

3.8.3 Conclusion: The Ethiopian government has stopped its policy of forced deportation of those of Eritrean descent from Ethiopia to Eritrea and there is no real risk for persons of Eritrean descent of deportation from Ethiopia to Eritrea on return. Any claimant who cites a risk of forced deportation on account of their Eritrean descent will not be able to demonstrate treatment amounting to persecution within the terms of the 1951 Convention. The grant of asylum in such cases is therefore not appropriate. However, case owners should still consider whether an applicant is at risk of treatment amounting to persecution in Ethiopia on account of their Eritrean ethnicity and each case should be considered on its individual merits.

3.8.4 The assessment of an applicant's case must also include consideration of any wider claim from them relating to deprivation of citizenship in Ethiopia on account of Eritrean descent. As the Tribunal concluded in **ST (Ethnic Eritrean – nationality – return) Ethiopia CG [2011] UKUT 00252(IAC)** key considerations will be credibility and the consequences of events prior to departure from Ethiopia as indicators as a finding of past persecution may have an important bearing on how one views the present attitude of the Ethiopian authorities. It will be expected that a person asserting arbitrary deprivation of Ethiopian nationality to approach the Ethiopian Embassy in the UK stating all relevant details and there is no need to suppress details which disclose an Eritrean connection. A person whose Ethiopian identity documents were taken or destroyed by the authorities during this time and who then left Ethiopia is as a general matter likely to have been arbitrarily deprived on Ethiopian nationality. Whether that deprivation amounted to persecution (whether on its own or combined with other factors) is a question of fact. A person who is regarded by the Ethiopian authorities as an ethnic Eritrean and who left Ethiopia during or in the immediate aftermath of the border war between Ethiopia and Eritrea, is likely to face very significant practical difficulties in establishing nationality and the

⁴⁵ [U.S. Department of State, 2000 Human Rights Report, Ethiopia, 23/02/2001/ Introduction.](#)

⁴⁶ Immigration and Refugee Board of Canada Research Directorate Response to Information Request. ETH100909.E. Ethiopia: The deportation of Eritreans to Eritrea by Ethiopia, including who is considered an Ethiopian (August 2004-January 2006) http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?l=e&id=449824

attendant right to return, stemming from the reluctance of the Ethiopian authorities to countenance the return of someone it regards as a “foreigner”, whether or not in international law the person concerned holds the nationality of another country. The 2004 Directive, which provided a means whereby Eritreans in Ethiopia could obtain registered foreigner status and in some cases a route to reacquisition of citizenship, applied only to those who were resident in Ethiopia when Eritrea became independent and who had continued so to reside up until the date of the Directive

- 3.8.5** An applicant of Eritrean descent who has been deprived of Ethiopian citizenship but does not qualify for citizenship in Eritrea, may qualify for asylum, unless there are reasons why on the facts of the individual case they do not. This is because in the case of *EB Ethiopia 2007*, the Court of Appeal found that arbitrarily depriving someone of their citizenship was contrary to Article 12 of the International Covenant on Civil and Political Rights 1966 and Article 15 of the Universal Declaration of Human Rights. There was no difference between the removal of identity documents in *EB’s* case and a deprivation of citizenship – the “precariousness is the same; the “loss of the right to have rights” is the same; the “uncertainty and the consequent psychological hurt” is the same.”
- 3.8.6** However, case owners should note the subsequent findings of the Asylum and Immigration Tribunal in **KA (statelessness: meaning and relevance) Stateless [2008] UKAIT 00042**. The Tribunal found that statelessness does not of itself constitute persecution, although the circumstances in which a person has been deprived of citizenship may be a guide to the circumstances likely to attend his life as a non-citizen.
- 3.8.7** Case owners should also note the obiter findings in **MA (Ethiopia) [2009] EWCA Civ 289** that “it is not possible to state as a universal proposition that deprivation of nationality must be equated with persecution. Persecution is a matter of fact, not law. Whether ill treatment amounts to persecution will depend upon what results from refusing to afford the full status of a de jure national in the country concerned. (*EB* considered)”. Lord Justice Stanley Burnton agreed that deprivation of a person’s nationality *can* amount to persecution but that such deprivation, while relevant to the determination of refugee status, is not necessarily in itself sufficiently serious as to amount to persecution....”It will do so if the consequences are sufficiently serious. And clearly, deprivation of nationality may be one aspect of ill treatment by the state that in its totality amounts to sufficiently serious ill treatment as to constitute persecution.”
- 3.8.8** Applicants of mixed parentage who have lived in Ethiopia for most of their lives but consider themselves Eritrean, usually by virtue of them having been deported to Eritrea and claim to fear persecution in Eritrea, should be considered as Eritrean and their wider claim assessed accordingly. Reference should be made to the OGN and COI report for Eritrea.

For guidance on mixed or disputed nationality cases and returns see [Returns](#) paragraph 5.3.

3.9 Treatment of Journalists / Human Rights Activists

- 3.9.1** Some applicants may claim fear of ill-treatment amounting to persecution at the hands of the Ethiopian authorities due to perceived criticism of the government in their roles as journalists or human rights activists.

Journalists

- 3.9.2 Treatment:** Whilst the constitution and law provide for freedom of speech and of the press, the government did not respect these rights in practice.⁴⁷ Despite the country's apparently democratic mechanisms, the authorities are inflexible and use political, legislative and administrative measures to harass journalists, who are often provocative and often allied with the opposition. As a result, the climate for the media is poor and self-censorship is common. Meles Zenawi's Ethiopia is a far cry from the Stalinist-style dictatorship that existed under Mengistu, who was overthrown in 1991. Privately-owned newspapers have helped to sustain intellectual exercise in the capital, Addis Ababa, and other growing regional cities. But the climate, which has significantly deteriorated since 2005, is hostile to media independence and self-censorship is very common. The laws on media provide for long prison sentences for those found guilty of defamation or publishing false information, as well as for those found guilty of "terrorist activities" under the July 2009 anti-terrorist law. Foreign reporters based in Ethiopia apply utmost caution not to embarrass the government over their coverage of news or face harsh repercussions that include deportation.⁴⁸
- 3.9.3** Ethiopia's independent press was barely able to function. Journalists worked in a climate of fear because of the threat of state harassment and prosecution. Information was closely controlled by state bodies including the Radio and Television Agency (ERTA) and Ethiopian Press, the state publisher. In January [2010], Ezedien Muhammad, editor and publisher of Ethiopia's largest Islamic weekly, Hakima, was sentenced to one year's imprisonment for "incitement" in connection with a 2008 column criticizing comments made by the Prime Minister. In September, Ezedien Muhammad was released, but his 17-year-old son Akram Ezedien, who had been acting as editor during his father's detention, was arrested on the same day. He was later released and the case against him dropped. In March, the Supreme Court reinstated fines imposed in 2007 on four independent publishing companies in the wake of a post-election crackdown in 2005, but overturned by a presidential pardon the same year. The publishers could not pay the re-imposed fines. The High Court was asked by the government to freeze the assets of the publishers and their spouses. The National Electoral Board introduced a press code which restricted journalistic activities during the elections, including a ban on interviews with voters, candidates and observers on Election Day. The Mass Media and Freedom of Information Proclamation remained in force, giving the government disproportionate power to launch defamation cases, issue financial penalties and refuse media registrations and licences.⁴⁹
- 3.9.4** Use of security arguments as grounds for gagging dissenting voices increased sharply in 2011. Two journalists with Amharic language weeklies - Fitih columnist Reyot Alemu and Awramba Times reporter and deputy editor Woubeshet Taye - were arrested on security grounds in June. A month later, in a separate incident, Swedish journalists Martin Schibbye and Johan Persson were arrested after crossing from Somalia into the Ogaden, a southeastern region sealed off by the state to foreign and local media. All four journalists were charged with "terrorist activities" in September. The two Swedish journalists were sentenced to 11 years in

⁴⁷ [US Department of State Human Rights Report 2011, Ethiopia 25/05/2012, section 2a, Freedom of Speech and Press](#)

⁴⁸ [Reporters Without Borders, World Report - Ethiopia, March 2012](#)

⁴⁹ [Amnesty International Annual Report 2011 State of the World's Human Rights, Ethiopia, Freedom of Expression, Journalists.](#)

prison and the two Ethiopian to 14 years' imprisonment. At least three journalists left the country at the end of 2011 for fear of arrest.⁵⁰ Eskinder Nega was found guilty in January [2012] under Ethiopia's anti-terrorism laws - which criminalise commentary that is critical of the government - and could face the death penalty when he is sentenced. He had published a column questioning the government's claim that a number of journalists it had detained were suspected terrorists, and for criticising the arrest of well-known Ethiopian actor and government critic Debebe Eshetu. Mr Eskinder, and his wife Ms Serkalem Fasil were both jailed in 2005 for criticising the government's violent crackdown of protests following disputed elections.⁵¹

- 3.9.5** In 2012, the African Commission on Human and Peoples' Rights passed a resolution on Ethiopia which stated that it was "Gravely alarmed by the arrests and prosecutions of journalists and political opposition members, charged with terrorism and other offences including treason, for exercising their peaceful and legitimate rights to freedom of expression and freedom of association".⁵² According to the Committee to Protect Journalists, as of 1 December 2011, 7 journalists were imprisoned in Ethiopia and between 2001 to 2011, 79 journalists in exile.⁵³

Human Rights Activists

- 3.9.6** A few domestic human rights groups generally operated, although with significant government restriction. The government was generally distrustful and wary of domestic human rights groups and international observers. State-controlled media were critical of international human rights groups such as Human Rights Watch. The government strongly criticized Human Rights Watch on several occasions during the year for what it described as biased and inaccurate. The government generally cooperated with international organizations such as the UN.⁵⁴
- 3.9.7** The government-established EHRC (Ethiopian Human Rights Commission), which is funded by the parliament and subject to parliamentary review, investigates human rights complaints and produces both annual and thematic reports, although it did not release any reports during the year. The EHRC, however, is not a body independent of government influence, as it is controlled by parliament. The Office of the Ombudsman has the authority to receive and investigate complaints with respect to administrative mismanagement by executive branch offices.⁵⁵
- 3.9.8** The Charities and Societies Proclamation, passed in 2009, imposed strict controls on civil society organizations and provided for criminal penalties, including fines and imprisonment. Local NGOs were barred from working on issues of human rights and democracy if more than 10 per cent of their income came from foreign sources. The law made human rights defenders fearful of working and led to self-censorship. Some organizations significantly altered their mandates and ceased their work on human rights. Several human rights defenders fled abroad fearing government harassment following the implementation of the law. A small number of

⁵⁰ [Reporters Without Borders, World Report - Ethiopia, March 2012](#)

⁵¹ [BBC News Jailed Ethiopian journalist Eskinder Nega honoured 2 May 2012](#),

⁵² [African Commission on Human and Peoples' Rights, 218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia, meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012](#)

⁵³ [Committee to Protect Journalists, Attacks on the Press in 2011, 21/02/2012](#)

⁵⁴ [US Department of State Human Rights Report Ethiopia 25/05/2012 section 5 Governmental Attitude regarding International and Non governmental investigation of alleged violations of Human Rights](#)

⁵⁵ [US Department of State Human Rights Report Ethiopia 25/05/2012 section 5 Governmental Attitude regarding International and Non governmental investigation of alleged violations of Human Rights](#)

organizations continued working on human rights and democracy issues, including the Ethiopian Human Rights Council (EHRCO) and the Ethiopian Women Lawyers Association (EWLA), although both were forced to reduce staff numbers and close offices due to the new funding rules.⁵⁶ Amnesty International reports that Ethiopia's authorities have demonstrated hostility to human rights organizations for many years, including numerous threats and warnings being made to human rights defenders by state agents, surveillance of offices and individuals, arrests and prosecutions of human rights activists.⁵⁷ The World Organisation Against Torture reports that "In 2010 and until April 2011, drastic restrictions continued to affect the activities of civil society in Ethiopia, confronted with funding restrictions undermining their very existence, but also with hindrances as regards the monitoring of the elections. Human rights activities were further hampered by a prevailing climate of fear, surveillance and denial of access to zones of rebellion".⁵⁸ In August 2011, a visiting delegation from Amnesty International was expelled following a meeting with opposition leaders, who were subsequently arrested.⁵⁹

See also: [Actors of protection](#) (section 2.3 above)
[Internal relocation](#) (section 2.4 above)
[Caselaw](#) (section 2.5 above)

3.9.9 Conclusion: Journalists and human rights activists perceived to be active or influential in opposition to the Government and those perceived to be government critics are at risk of ill treatment by the state. Internal relocation will not be a viable option to avoid such risk. Case owners must be satisfied that individuals claiming persecution on this basis are known to the authorities as having been, or perceived to have been, engaged in these activities and that the treatment they face on return would breach Article 3.

3.10 Prison conditions

3.10.1 Applicants may claim that they cannot return to Ethiopia due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Ethiopia are so poor as to amount to torture or inhuman treatment or punishment.

3.10.2 The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason or in cases where for a Convention reason a prison sentence is extended above the norm, the asylum claim should be considered first before going on to consider whether prison conditions breach Article 3 if the asylum claim is refused.

3.10.3 Consideration: The country has three federal and 120 regional prisons. There also are many unofficial detention centres throughout the country; most are located at military camps. According to the US State Department, prison and pre-trial detention centre conditions in 2011 remained harsh and in some cases life threatening. Severe overcrowding was common, especially in sleeping quarters. The government provided approximately eight birr (\$0.46) per prisoner per day for food, water, and health care. Many prisoners supplemented this with daily food

⁵⁶ [Amnesty International Annual Report 2011 State of the World's Human Rights, Ethiopia, Human Rights Defenders.](#)

⁵⁷ [Amnesty International, Stifling human rights work: The impact of civil society legislation in Ethiopia, 12/03/2012, Operating in fear](#)

⁵⁸ [World Organisation Against Torture, Steadfast in Protest; Annual Report 2011, October 2011](#)

⁵⁹ [Freedom House, Freedom in the World 2012 - Ethiopia, 8 June 2012](#)

deliveries from family members or by purchasing food from local vendors. Medical care was unreliable in federal prisons and almost nonexistent in regional prisons. Water shortages caused unhygienic conditions, and most prisons lacked appropriate sanitary facilities. Many prisoners had serious health problems in detention but received little treatment. Juveniles sometimes were incarcerated with adults who were awaiting execution. Male and female prisoners generally were separated. Authorities generally permitted visitors⁶⁰

3.10.4 During 2011 the International Committee of the Red Cross (ICRC) visited regional prisons but, like all international organizations and NGOs, remained barred from visiting federal prisons, which held persons accused or convicted of crimes against national security, and all prisons in the Somali region. Regional authorities allowed NGO representatives to meet regularly with prisoners without third parties being present. The Ethiopian NGO Justice for All-Prison Fellowship Ethiopia (JFA-PFE) was granted access to various prison and detention facilities, including federal prisons. JFA-PFE ran a "model" prison in Adama with significantly better conditions compared with other prisons. The government and prison authorities generally cooperated with JFA-PFE to improve prison conditions.⁶¹

3.10.5 According to the U.S. State Department, "there were credible reports that security officials tortured and otherwise abused detainees".⁶² In 2012, the African Commission on Human and Peoples' Rights passed a resolution on Ethiopia which stated that it was "deeply concerned at the reported use of unofficial and ungazetted places of detention in Ethiopia, including military camps and private buildings, wherein torture is reported to take place, and the unofficial nature of which also increases the risk that detainees will be subjected to torture or other forms of ill-treatment".⁶³ It also stated that it was "concerned with the difficulties encountered by independent monitors, legal representatives and family members to visit prisoners and to access places of detention in Ethiopia, which increases the risk of being subjected to torture and other forms of ill-treatment".⁶⁴

3.10.6 In August 2011, the UN Human Rights Committee noted "numerous reports suggesting that torture and cruel, inhuman or degrading treatments are widespread in the State party and used against detainees by the police, prison officers and military, especially with regard to alleged members of armed insurgent groups active in certain regions of Ethiopia (the Somali Regional State and the Oromia Regional State of Ethiopia). Moreover, perpetrators reportedly very often go unpunished".⁶⁵

3.10.7 A large number of political prisoners and possible prisoners of conscience remained in detention. Prisoner of conscience Birtukan Mideksa, leader of the Unity for Democracy and Justice Party, was released in October [10]. She had been detained

⁶⁰ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1c Prison and Detention Centre conditions.](#)

⁶¹ [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1c Prison and Detention Centre conditions.](#)

⁶² [U.S. Department of State, 2011 Human Rights Report, Ethiopia, 25/05/2012 Section 1c Torture](#)

⁶³ [African Commission on Human and Peoples' Rights, 218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia, meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012](#)

⁶⁴ [African Commission on Human and Peoples' Rights, 218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia, meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012](#)

⁶⁵ [UN Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant Concluding observations of the Human Rights Committee, 19/08/2011, para 16](#)

since December 2008 following a previous two-year imprisonment. The government continued to imprison numerous ethnic Oromos on accusations of supporting the OLF. These charges often appeared to be politically motivated.⁶⁶

3.10.8 Conclusion: Conditions in prisons and police custody are harsh and potentially life threatening with overcrowding and a lack of medical care, food and sanitation. Conditions are likely to breach the Article 3 threshold and in such cases a grant of Humanitarian Protection would be appropriate.

3.10.9 Where case owners believe that an individual is likely to face imprisonment on return to Ethiopia, they should also consider whether the applicant's actions merit exclusion by virtue of Article 1F of the Refugee Convention. Where case owners consider that this may be the case they should contact a senior caseworker for further guidance.

4. Discretionary Leave

4.1 Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instructions on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instructions on Article 8 ECHR.

4.2 With particular reference to Ethiopia the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instructions on Discretionary Leave and the Asylum Instructions on Article 8 ECHR.

4.3 Minors claiming in their own right

4.3.1 Minors claiming in their own right who have not been granted asylum or HP can only be returned where (a) they have family to return to; or (b) there are adequate reception and care arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, support and care arrangements in place for minors with no family in Ethiopia. Those who cannot be returned should, if they do not qualify for leave on any more favourable grounds, be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.

4.4 Medical treatment

4.4.1 Applicants may claim they cannot return to Ethiopia due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.

⁶⁶ [Amnesty International Annual Report 2011 State of the World's Human Rights, Ethiopia, Prisoners of conscience and political prisoners](#)

- 4.4.2** The Ethiopian Ministry of Health (MOH) has developed the national [health] policy and the Health Sector Development Plan (HSDP) which has been in place since 1997/8. The general goals of the HSDP are to reduce child mortality, improve maternal health and combat HIV/AIDS, malaria, TB and other diseases. Infectious and communicable diseases account for about 60-80 % of the health problems in the country. The national adult HIV prevalence is 2.2%. Data shows that relatively higher prevalence among females (2.6%) than males (1.8%). Ethiopia ranks 7th out of the world's 22 high burden countries for TB. In addition, malaria is one of the leading causes of morbidity and mortality in Ethiopia. Leprosy, onchocerciasis, leishmaniasis, schistosomiasis, soil-transmitted helminthiasis, lymphatic filariasis, and trachoma are also prevalent in different parts of the country in various extents. Violence against women and harmful traditional practices (female genital mutilations, abductions, early marriage, etc.) are prevalent, and are among the main factors that contribute to the high maternal mortality and disability.⁶⁷
- 4.4.3** In 2003, the Ethiopian Federal Ministry of Health (FMOH) launched a new health care plan, the "Accelerated Expansion of Primary Health Care Coverage," through a comprehensive Health Extension Program (HEP). Recognizing the huge gap between need and health care services available, the FMOH has focused on "providing quality promotive, preventive, and selected curative health care services in an accessible and equitable manner to reach all segments of the population, with special attention to mothers and children. The policy places particular emphasis on establishing an effective and responsive health delivery system for those [84% of the population] who live in rural areas. As a preventive health program, the HEP promotes four areas of care: Disease Prevention and Control, Family Health, Hygiene and Environmental Sanitation, and Health Education and Communication.⁶⁸ Nearly 34,000 health extension workers have been trained and sent out to rural areas to advise women that free medical help is available. Nearly 15,000 health posts have been set up throughout the country.⁶⁹
- 4.4.4** The US Global Health Initiative reported that many national policies and strategies are in place including the Population Policy, Policy on Women, Policy and Strategy for the Prevention and Control of HIV/AIDS, the Drug Policy, and strategies addressing child survival, nutrition, malaria prevention and control, and reproductive health. The report also noted that "In addition to being the largest recipient of Global Funds, Ethiopia has been among the top recipients of US Government health resources in the world with a total FY 2010 funding level of \$400 million including PEPFAR (President's Emergency Plan for AIDS Relief), PMI (President's Malaria Initiative); MCH (Maternal and Child Health) family planning, tuberculosis, food and nutrition, and water and sanitation programs."⁷⁰
- 4.4.5** The UN Committee on Economic, Social and Cultural Rights concluded in May 2012 that "The Committee is concerned that there is no universal health-care coverage. It is also concerned about the low number of qualified health-care professionals per capita in certain regions and critical shortages at health centres, both in medical equipment and staff. The Committee also notes with concern the high rate of maternal and infant mortality, and the low number of births that are

⁶⁷ [WHO country profile: Updated May 2011 Ethiopia;](#)

⁶⁸ [Ethiopia's Health Extension Programme, February 2008,](#)

http://www2.pathfinder.org/site/DocServer/CBRHAs_HEWs_REVISED_REPRINT_2_.pdf?docID=11303

⁶⁹ [UNICEF, Ethiopia: 6/08/2010: Health extension workers bring care to new mothers.](#)

⁷⁰ [Global Health Initiative: Ethiopia Strategy](#)

assisted by a skilled attendant, especially in rural areas. It is concerned that access to maternal and infant health care remains poor, in particular in the Somali National Regional State of Ethiopia” (art.12)⁷¹

4.4.6 Conclusion: Although the health care system in Ethiopia is still relatively basic and is unlikely to provide treatment for all medical conditions, the government has shown great commitment to improvements. The Article 3 threshold will not be reached in the majority of medical cases and a grant of Discretionary Leave will not usually be appropriate. Where a case owner considers that the circumstances of the individual applicant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

5. Returns

- 5.1** There is no policy which precludes the enforced return to Ethiopia of failed asylum seekers who have no legal basis of stay in the United Kingdom.
- 5.2** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules.
- 5.3** The Immigration (Notices) (Amendment) Regulations 2006 came into force on 31 August 2006. These amend the previous 2003 Regulations, allowing an Immigration Officer or the Secretary of State to specify more than one proposed destination in the Decision Notice (this entails a right of appeal). Where there is a suspensive right of appeal, this will allow the Tribunals Service to consider in one appeal whether removal to any of the countries specified in the Decision Notice would breach the UK’s obligations under the Refugee Convention or the European Convention on Human Rights, thus reducing the risk of sequential appeals. More than one country, e.g. Ethiopia and Eritrea, may only be specified in the Notice of Decision where there is evidence to justify this. Evidence may be either oral or documentary. Caseworkers are advised that their Decision Service Team/admin support unit must be instructed to record both countries on the Notice of Decision/Removal Directions for relevant cases.
- 5.4** Ethiopian nationals may return voluntarily to any region of Ethiopia at any time in one of three ways: (a) leaving the UK by themselves, where the applicant makes their own arrangements to leave the UK, (b) leaving the UK through the voluntary departure procedure, arranged through the UK Immigration service, or (c) leaving the UK under one of the Assisted Voluntary Return (AVR) schemes.
- 5.5** The AVR scheme is implemented on behalf of the UK Border Agency by Refugee Action which will provide advice and help with obtaining any travel documents and booking flights, as well as organising reintegration assistance in Ethiopia. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Ethiopian

⁷¹ [UN Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant Concluding observations of the Committee on Economic, Social and Cultural Rights, 18/05/2012](#)

nationals wishing to avail themselves of this opportunity for assisted return to Ethiopia should be put in contact with Refugee Action. Details can be found on Refugee Action's web site at:

www.refugee-action.org/ourwork/assistedvoluntaryreturn.aspx

Country Specific Litigation Team,
Operational Policy and Rules Unit,
Strategy and Intelligence Directorate,
UK Border Agency.
July 2012.