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Home Office

# Country Information and Guidance

## Eritrea: Illegal Exit

March 2015

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Eritrea. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

Date Updated: 12 February 2015

## 1.1 Basis of Claim

- 1.1.1 Fear of harm or mistreatment by the state, amounting to persecution, because the person left Eritrea illegally.
- 1.1.2 Decision makers must also note that the issue of illegal exit from Eritrea is often inherently linked with issues related to compulsory national (including military) service. Therefore, this country information and guidance report should be read alongside the one on [Eritrea: National \(incl. Military\) Service](#).

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## 1.2 Summary of Issues

- 1.2.1 Is the person's account a credible one?
- 1.2.2 Are Eritreans at risk of harm or mistreatment for leaving Eritrea illegally?
- 1.2.3 Are those at risk able to seek effective protection?
- 1.2.4 Are those at risk able to internally relocate within Eritrea?

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## 1.3 Consideration of Issues

### Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's claim of illegal exit from Eritrea and of their experiences as such is reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

For further information on these and assessing credibility more generally, see section 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### Are Eritreans at risk of harm or mistreatment for leaving Eritrea illegally?

- 1.3.2 Those seeking to leave Eritrea need official permission to do so legally. This entails obtaining an exit visa which is stamped in a passport. Failure to obtain permission is regarded as illegal exit. However, there are large numbers of Eritreans – reportedly thousands each month – who leave the country illegally (see [Law on Illegal Exit and Numbers](#) in the country information section).
- 1.3.3 In the country guidance case of [MO \(illegal exit - risk on return\) Eritrea CG \[2011\] UKUT 190 \(IAC\) \(27 May 2011\)](#), the court held that:  
  
'Whilst it also remains the position that failed asylum seekers as such are not generally at real risk of persecution or serious harm on return, on present evidence the great majority of such persons are likely to be perceived as having left illegally and this fact, save for very limited exceptions, will mean that on return they face a real risk of persecution or serious harm'. This is generally because it was found that they would be regarded as a draft evader or political opponent.

- 1.3.4 However, MO was promulgated in 2011. The most up-to-date information available from inside Eritrea – notably the Danish Immigration Service 2014 Fact-Finding Mission Report (‘the Danish FFM Report’) – indicates that those who refuse to undertake or abscond from military/national service are not viewed as traitors or political opponents (see [Penalties for Leaving Illegally and Treatment on Return](#) in the country information section). As a result, Eritreans who left illegally are no longer considered per se to be at risk of harm or mistreatment amounting to persecution on return.
- 1.3.5 The Danish FFM Report also indicates that a person is able to return to Eritrea legally provided they pay the Diaspora tax and sign a “letter of apology” at an Eritrean embassy. This includes those who evaded or deserted National Service. Once this has been done, a passport application can be made (see [Penalties for Leaving Illegally and Treatment on Return](#) and [Diaspora Tax](#) in the country information section).
- 1.3.6 Although use of the money raised through the Diaspora tax is subject to United Nations Security Resolutions (see [UNSCRs](#) in the country information section), for states to levy a tax on its citizens overseas is not in itself persecutory, providing it is not at a punitive level or levied in a discriminatory way.
- 1.3.7 Therefore, provided the request is made without threats of violence, fraud and other illicit means, payment of the levy is not considered to be persecutory.
- 1.3.8 Consequently, the guidance outlined in [MO](#) above should no longer be followed and failure of a person to comply with a reasonable request to pay Diaspora tax would not, in itself, give rise to a well-founded fear of persecution or serious harm.
- 1.3.9 Those who are unable or unwilling to pay the tax would not be issued with a travel document. However, this would not place them at risk of mistreatment or harm that amounts to persecution.

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#### Are those at risk able to seek effective protection?

- 1.3.10 As the person’s fear is of ill treatment/persecution at the hands of the state, they would be unable to avail themselves to the authorities for protection.

For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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#### Are those at risk able to internally relocate within Eritrea?

- 1.3.11 As the person’s fear is of ill treatment/persecution at the hands of the state, it is neither reasonable nor realistic to expect them to relocate to escape that risk.

For further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Internal Relocation](#).

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## 1.4 Policy Summary

- Eritreans need official permission to leave Eritrea legally. This entails obtaining an exit visa which is stamped in a passport. Failure to obtain permission is regarded as illegal exit.
- Previous country guidance indicated that those who had left illegally were at risk on return to Eritrea. However, up-to-date information from inside Eritrea suggests this is no longer the case.

- Those who left Eritrea illegally are not at risk of harm provided they have paid the income tax Eritreans living abroad have to pay, and have signed a “letter of apology” at an Eritrean embassy. It is considered a reasonable requirement and a refusal or failure to comply with this will not, in itself, give rise to a well-founded fear of persecution or harm.
- Those who have not paid the tax would not be issued with an Eritrean passport and may therefore be unable to return to Eritrea. However, this does not form the basis for a grant of protection.
- However, there may be reasons related to their illegal exit that may mean the person is at risk of persecution or serious harm and decision makers must consider each case on its facts and the individual circumstances of the person.
- Effective state protection is not available and internal relocation is not a reasonable option. However, both of these factors need to be considered in the context of the conclusion(s) regarding risk.
- Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

For further information on making asylum decisions, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Humanitarian Protection](#) and the [Asylum Instruction on Discretionary Leave](#).

For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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# Section 2: Information

Date updated: 12 February 2015

## 2.1 Numbers Leaving Illegally

- 2.1.1 In October 2013, the United Nations Special Rapporteur on Eritrea, Sheila B. Keetharuth, estimated that around 3,000 people flee every month, many of them unaccompanied children<sup>1</sup>. In October 2014, she stated that 'In recent months, we have seen a considerable increase in Eritrean asylum seekers and refugees crossing into neighbouring countries with almost 4,000 fleeing on a monthly basis'.<sup>2</sup>
- 2.1.2 The United Nations High Commission for Refugees also pointed to a three-fold increase in asylum applications in Europe from Eritrean nationals in the first ten months of 2014 compared to the same period in 2013.<sup>3</sup>

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## 2.2 The Law on Legal Exit

- 2.2.1 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:
- 'The law and unimplemented constitution provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted all these rights. It often denied national service recruits passports and exit visas on grounds they had not completed their military duties ... The government has the ability to restrict foreign travel, and requirements for obtaining passports and exit visas were inconsistent and nontransparent.
- 'The government requires citizens and some foreign nationals to obtain exit visas to depart the country. Categories of persons most commonly denied exit visas included men under the age of 54, regardless of whether they had completed the military portion of national service, and women younger than 47. Some relaxation of exit visa requirements appeared to take place, including for medical purposes, allowing an unknown number of persons below the age cutoffs to leave the country. Those persons who reportedly had a better chance at obtaining exit permits included individuals who completed and whom authorities demobilized from national service, those exempt from national service, and those registered and participating in the citizen militia.
- 'To prevent emigration, the government generally did not grant exit visas to entire families or both parents of children simultaneously. Some parents avoided seeking exit permits for children approaching the age of eligibility for national service due to concern that they would be denied permission to travel, although other adolescents were

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<sup>1</sup> UN News Centre, [www.un.org](http://www.un.org/apps/news/story.asp?NewsID=46331#.VIWer_mUnMq), 'Situation in Eritrea "desperately bleak," UN expert warns urging aid for fleeing refugees', [http://www.un.org/apps/news/story.asp?NewsID=46331#.VIWer\\_mUnMq](http://www.un.org/apps/news/story.asp?NewsID=46331#.VIWer_mUnMq), 24 October 2013. Date accessed: 8 December 2014.

<sup>2</sup> UN Office of the High Commissioner for Human Rights, [www.ohchr.org](http://www.ohchr.org), 'We know how many Eritrean children reach Europe on their own, but not how many die trying – UN Expert', [http://www.un.org/apps/news/story.asp?NewsID=46331#.VIWer\\_mUnMq](http://www.un.org/apps/news/story.asp?NewsID=46331#.VIWer_mUnMq), 28 October 2014. Date accessed: 8 December 2014.

<sup>3</sup> UN Office of the High Commissioner for Refugees, [www.unhcr.org](http://www.unhcr.org), 'Number of Eritreans seeking asylum in Europe soars over figures for last year', <http://www.unhcr.org/546606286.html>, 14 November 2014. Date accessed: 8 December 2014.

granted exit permits. Diaspora members who visited the country reported being required to pay a 2 percent tax on foreign earned income before being given exit visas.<sup>4</sup>

## Passports

2.2.2 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information about passports:

‘Individuals working in a government ministry or agency must obtain ministerial permission before applying for a passport. Other individuals must obtain authorisation from a local government administrator and present a birth certificate, any military/national service medical exemption documents, and an ID card. The administrator will then instruct the Department of Immigration (which has offices in regional capitals) to issue a passport. All of the Department of Immigration’s regional offices can issue passports. There is a fee for this service. For some time now, it has been very difficult to obtain first-issue passports. In practice, those individuals who are exempt from military/national service, such as people who are ill or old, as well as government officials who need to travel abroad on official business, will find it easier to obtain passports. Even in these cases, however, there is no guarantee that a passport application will be accepted.’<sup>5</sup>

## Exit Visas

2.2.3 The British Embassy in Asmara, in the same letter, provided the following information about exit visas:

‘Exit visas used to be issued in sticker form but following a 2009 alleged visa scam are now stamps. They are produced in a standard format, in English only.

‘Exit visas are not issued free of charge. The cost is currently around £8 (GBP) for a single exit visa. If government officials are travelling on official business we assume, but cannot confirm, that they do not pay fees.

‘Exit visas are issued by the Department of Immigration which has regional offices. All these regional offices have the authority to issue exit visas. Applicants must apply in person only... in practice, the majority of Eritreans wishing to travel abroad are not issued with exit visas and therefore cannot leave the country legally. Government officials and ministers can certainly obtain exit visas provided they have been given authorisation to travel abroad on official business. People who need medical treatment abroad can also obtain exit visas. Businessmen will almost always have to satisfy the age limit. In other words, they would have to be over the age of 57 before they would be allowed to apply for an exit visa. Women are not given preferential treatment or dispensation. For example, we know of many Eritrean women who have undergone military service, or are married and have children, but have still been refused exit visas for bona fide journeys abroad. Religious ministers or clerics can obtain exit visas if they need to travel abroad to attend meetings or events in connection with their religious faith, but they would have to belong to one of the officially recognised religions, such as the Roman Catholic Church... multi-exit visas are not issued. Exit visas are valid for one month and for one journey only... People wishing to travel overseas for medical treatment are required to have a medical certificate provided by a government medical panel. The medical panel is made up of doctors who have the authority to carry out a medical examination on the person concerned. Medical certificates are only issued after a medical examination has been carried out. Depending on the age of the person

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<sup>4</sup> United States State Department, <http://www.state.gov/>, ‘Country Reports on Human Rights Practices for 2013’, Eritrea section, 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 1 December 2014

<sup>5</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 1 April 2010, [Annex C](#)

concerned and severity of the condition, the normal requirement for military/national service exemption papers may be waived. We do not believe that letters from foreign doctors are also required as it is local medical opinion that carries weight in these matters.’<sup>6</sup>

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## 2.3 Penalties for Leaving Illegally and Treatment on Return

2.3.1 The sources consulted by Danish Immigration Service’s Fact-Finding Mission (FFM) Report, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published in November 2014 and updated in December 2014, recorded the following observations on the penalties for illegal exit and likely treatment on return:

‘International organisation (A) believed that ‘It was stated that the right way to legalize a stay abroad, should one have left Eritrea illegally, is to pay the two percent income tax and sign an apology letter. Having done so, one can be issued a passport and legally enter and leave Eritrea without facing harassment or repercussions. ... Obviously, it cannot be excluded that there may be authorities who refuse to accept an apology letter if the person in question is a common criminal. However, the general feeling is that the authorities within the past year have become more relaxed and understanding towards their young people who have left the country.’<sup>7</sup>

‘International organisation (B) observed that ‘There is information to suggest that Eritreans abroad, including those who left the country illegally, are able to obtain Eritrean passports at Eritrean Embassies if they sign an “apology” letter and start to retroactively pay the two percent income tax levied on all Eritrean citizens living abroad. However, there was no information available to those consulted on the specific profile of persons who are able to benefit from this practice, i.e. whether deserters or evaders could benefit. It was deemed very unlikely that those who have a fear of persecution would be approaching Eritrean Embassies to acquire a passport and consequently try to re-enter the country. There were no known cases of prosecution for illegal exit for individuals who acquired an Eritrean passport based on the above-mentioned procedure.’<sup>8</sup>

‘a UN Agency added that ‘the government does not consider emigrants as traitors.’<sup>9</sup>

A regional NGO based in Asmara cited an example. ‘Three years ago Egypt returned a large number of Eritreans by plane. The returnees had been arrested by the Egyptian authorities on the border to Israel and they were deported to Eritrea. Egypt filled up several commercial planes each carrying more than 150 passengers. Upon arrival in Eritrea the women were free to enter Eritrea while the men were taken to a detention camp for questioning on why they had left Eritrea. The men were detained for approximately two weeks after which they were free to return to their own communities. However, only half a dozen or so were tried at the criminal court for perceived illegal economic activities.’<sup>10</sup>

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<sup>6</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 1 April 2010, [Annex C](#)

<sup>7</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 25-26). Date accessed: 1 December 2014.

<sup>8</sup> *ibid* (page 29).

<sup>9</sup> *ibid* (page 33).

<sup>10</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published

‘A well-known Eritrean intellectual stated that ‘persons who left Eritrea illegally can return to their country without fearing any consequences. According to the law illegal exit is penalized, but the government has a somewhat relaxed ‘amnesty’ attitude toward such people and in reality they are not penalized. The reason for this relaxed attitude is that the government wants people to return to Eritrea. Such persons have to pay the two percent income tax and sign an apology letter. Having done this no one will be arrested upon return.’<sup>11</sup>

‘Western Embassy (A) stated that ‘Many members of the Eritrean Diaspora have been recognized as political refugees in Europe and many of these people travel to Eritrea on visits and they leave the country again legally without experiencing any kind of problems. However, prior to such visits in Eritrea they have to pay the two percent Diaspora tax and sign an apology letter whereby they restore their relations with the Eritrean government. It is probably not true that people who have done so are at risk of being detained upon arrival in Eritrea.’<sup>12</sup>

‘A western embassy (C) stated that National Service draft evaders and deserters who have left Eritrea illegally can choose to regularize their relationship with the government by signing an apology letter and by paying a two percent Diaspora tax. By doing so they will be issued an Eritrean passport and they can enter the country legally for family visits or other purposes. Paying the two percent Diaspora tax is a prerogative for obtaining an exit visa in order to leave Eritrea again. National Service evaders and deserters are not punished upon return to Eritrea if they have regularized their status in this way. It was added that almost all Eritreans have a very strong sentiment of their nation and belonging to Eritrea.’<sup>13</sup>

‘A western embassy (D) stated that ‘Many Eritreans who live abroad at some point return to Eritrea either to visit family and friends or to start up some business or invest in some project. This includes people who have either evaded National Service or deserted from the service. It is not completely clear in all cases what happens to National Service evaders or deserters when they return to Eritrea. However, in some cases National Service evaders and deserters have restored their relations to the authorities prior to their return to Eritrea by paying the two percent Diaspora tax and by signing an apology letter. In some of these cases people have returned to Eritrea even shortly after they evaded or deserted from the service and left the country illegally. It was emphasized that evaders and deserters are not considered political opponents by the government and at present, there are no reports that deserters are imprisoned or otherwise severely punished.’<sup>14</sup>

‘a Western Embassy (E) stated that ‘Eritreans who have left the country illegally and who may have evaded or deserted from national service have the option of returning home if they pay a fee and sign a letter of apology. If the person’s relation to the government has been duly re-established, he or she would not be persecuted or risk reprisals upon return to Eritrea. However, it cannot be ruled out that the government would find desertion from the military an aggravated circumstance. But there is no specific information to support that particular concern.’<sup>15</sup>

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November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 39).

<sup>11</sup> ibid (page 40).

<sup>12</sup> ibid (page 41-42).

<sup>13</sup> ibid (page 49).

<sup>14</sup> ibid (page 53).

<sup>15</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 53).

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## 2.4 Diaspora Tax

- 2.4.1 Eritreans living abroad are required to pay ‘income tax on [their] earnings working abroad’. This is set at a flat 2% rate. This was set into law under Proclamation No 17/1991 & 67/1995<sup>16</sup> and described as a “Rehabilitation and Recovery Tax” (Mehwey Gibri)<sup>17</sup>.
- 2.4.2 A ‘New Statesman’ report, ‘Britain leaves its Eritrean community at the mercy of government extortion’, dated 5 August 2013, about the income tax Eritreans living abroad have to pay, stated:
- ‘The British government is ignoring the threats and demands being made by the Eritrean government on its countrymen and women living in Britain. The Eritrean community in the UK faces a relentless campaign to pay taxes both to the Eritrean government and to its armed forces on income they earn in Britain ... Without proof that a two per cent tax on all income has been paid, Eritrean passports are not renewed, visas are not issues [sic], businesses not permitted and money cannot be transferred to relatives.’<sup>18</sup>

### United Nations Security Council Resolutions

- 2.4.3 The Diaspora tax has been condemned by the United Nations Security Council (UNSC) as being in violation of Security Council Resolutions 1844 (2008), 1862 (2009) and 1907 (2009). The UNSC decided that they shall cease such practices<sup>19</sup>.
- 2.4.4 The same resolution also decided that Eritrea “shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent.”<sup>20</sup>

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<sup>16</sup> Embassy of the State of Eritrea in the United States, <http://www.embassyeritrea.org/>, 2% Tax Form, [http://www.embassyeritrea.org/consular/PDF-docs/mehwey\\_gibri\\_2012.pdf](http://www.embassyeritrea.org/consular/PDF-docs/mehwey_gibri_2012.pdf), Date accessed: 10 December 2014

<sup>17</sup> Ministry of Foreign Affairs of the State of Eritrea, Eritrea’s Response to the Report of the Somalia Eritrea Monitoring Group Report, [http://www.aigaforum.com/articles/eritrea\\_text\\_of\\_response-un-somalia.pdf](http://www.aigaforum.com/articles/eritrea_text_of_response-un-somalia.pdf), 17 October 2011. Date Accessed: 10 December 2014.

<sup>18</sup> ‘New Statesman’, <http://www.newstatesman.com/>, ‘Britain leaves its Eritrean community at the mercy of government extortion’, 5 August 2013, <http://www.newstatesman.com/international-politics/2013/08/britain-leaves-its-eritrean-community-mercy-government-extortion>. Date accessed: 4 December 2014

<sup>19</sup> United Nations Security Council, <http://www.securitycouncilreport.org/>, United Nations Security Council Resolution (‘UNSCR’) 2023 (2011), paragraph 10, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%20RES%202023.pdf>, 5 December 2011. Date accessed: 10 December 2014.

<sup>20</sup> Ibid, paragraph 11.

# Annex A: Caselaw

MO (illegal exit – risk on return) Eritrea CG UKUT 00190 (IAC) [2011]

The Immigration Upper Tribunal allowed this appeal stating:

‘(i) The figures relating to UK entry clearance applications since 2006 – particularly since September 2008 – show a very significant change from those considered by the Tribunal in MA (Draft evaders-illegal departures-risk) Eritrea CG [2007] UKAIT 00059 and are among a number of indications that it has become more difficult for Eritreans to obtain lawful exit from Eritrea.

‘(ii) The Eritrean authorities continue to envisage lawful exit as being possible for those who are above national service age or children of 7 or younger. Otherwise, however, the potential categories of lawful exit are limited to two narrowly drawn medical categories and those who are either highly trusted government officials or their families or who are members of ministerial staff recommended by the department to attend studies abroad.

‘(iii) The general position concerning illegal exit remains as expressed in MA, namely that illegal exit by a person of or approaching draft age and not medically unfit cannot be assumed if they had been found wholly incredible. However, if such a person is found to have left Eritrea on or after August/September 2008, it may be, that inferences can be drawn from their health history or level of education or their skills profile as to whether legal exit on their part was feasible, provided that such inferences can be drawn in the light of the adverse credibility findings.

‘(iv) The general position adopted in MA, that a person of or approaching draft age (i.e. aged 8 or over and still not above the upper age limits for military service, being under 54 for men and under 47 for women) and not medically unfit who is accepted as having left Eritrea illegally is reasonably likely to be regarded with serious hostility on return, is reconfirmed, subject to limited exceptions in respect of (1) persons whom the regime’s military and political leadership perceives as having given them valuable service (either in Eritrea or abroad); (2) persons who are trusted family members of, or are themselves part of, the regime’s military or political leadership. A further possible exception, requiring a more case-specific analysis, is (3) persons (and their children born afterwards) who fled (what later became the territory of) Eritrea during the war of independence.

‘(v) Whilst it also remains the position that failed asylum seekers as such are not generally at real risk of persecution or serious harm on return, on present evidence the great majority of such persons are likely to be perceived as having left illegally and this fact, save for very limited exceptions, will mean that on return they face a real risk of persecution or serious harm.’

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# Annex B: Letter dated 1 April 2010 from British Embassy in Asmara



Foreign &  
Commonwealth  
Office

British Embassy  
Asmara  
66-68 Mariam Ghimbi  
Street  
Asmara  
Eritrea

1 April 2010

## ERITREA COUNTRY INFORMATION

This note has been produced by officials at the British Embassy in Asmara in response to a series of questions about national service and exit from Eritrea sent by the Country of Origin Information Service of the United Kingdom Border Agency (UKBA). Any further enquiries regarding its contents should be directed to UKBA. The information in this note has been obtained from local sources in Eritrea and is publicly disclosable. The note does not reflect the opinion of officials of the embassy, nor any policy of the Foreign and Commonwealth Office.

## CAVEAT

Embassy officials wish to make it clear that it is virtually impossible to be categorically certain about military/national service practice and exit procedures in Eritrea. The official rules/regulations are mostly obscure, liable to subjective interpretation, and can be changed without notice, consultation or public information campaigns. The information contained in this note, provided by local sources and contacts in Eritrea, is what embassy officials believe to be true.

## National Service/Military Service

Does the Eritrean Ministry of Defence run the military/national service programme?

If so, can one assume that officials in that department decide when and where military service round-ups occur, rather than the president or a senior government official from another department?

Officially, the Eritrean Ministry of Defence runs the military/national service programme. However, in practice other ministries are involved in the assignment of people to national service positions in ministerial dependencies. It is impossible to confirm who decides when and where military service round-ups occur. However, it is assumed that the Eritrean Ministry of Defence decides this, possibly on instructions from the president.

How often do military service round-ups (Giffas) occur? Do they start on an exact date every year?

It is important to note that there are no set government policies or standard procedures regarding how round-ups are organised. Military service round-ups take place usually around 4 to 5 times a year but can occur more frequently or less frequently, and usually coincide with public holidays when large numbers of people are out and about. They can occur in various parts of Eritrea and are not confined to one particular part of it. Once rounded up, people are sent from Asmara to the Adi Abeto camp for processing and onward assignment.

In general, are all documents relating to military or national service printed in one language only, e.g. Tigrinya? If not, in what other languages are these documents printed in? Can these documents be obtained by bribing the relevant officials or can forgeries easily be obtained?

Documents are mostly printed in Tigrinya and Arabic. There have been reports of fake documentation but the general view is that it is difficult to forge these documents.

Are call-up papers issued to individuals who have to undergo military or national service? Do they always name individuals specifically? If call-up papers are not issued, how are individuals informed that they have to undergo military or national service?

When students finish school in the Sawa military/school camp, they are automatically assigned to either military service, another type of national service or further education, and are given the relevant documents to that effect at that time. Other Eritreans are forcefully brought into military/national service as a result of round-ups or house searches. Military service or national service call-up documents are not issued to these individuals and they are not informed in advance that they have to undergo military/national service.

Are siblings or other family members called up to serve in the armed forces if their brothers or sisters have deserted or evaded military service?

We have no information to suggest or indicate that this occurs.

Is it possible for wealthy individuals to bribe military officials to avoid undergoing military or national service? If so, have there been actual cases of this happening? Can individuals close to the political ruling class avoid military or national service?

If so, have there been actual cases of this happening?

Wealthy conscripts and individuals who are close to the political ruling class may be able to influence the decision as to where they will be located (e.g. Asmara, living at home but working for military/ministry) but cannot avoid military/national service altogether. Individuals who can

afford it, and do not want their children to undergo military/national service, may try to send their children overseas to study. But it is notable that even respected and senior government officials send their children to military/national service assignments. It is thought that the children of dead fighters, especially children responsible for the support of the remaining parent, may be excused from military/national service, and in some cases may receive some sort of preferential treatment.

Are there any categories of people exempt from military or national service, such as disabled people, pregnant women, or full-time religious clerics? Are such individuals given military/national service exemption documents? If so, who has the authority to issue them?

People who are disabled or medically unfit for military/national service, and pregnant women can and have been exempted from military/national service. To be exempted, these individuals have to be medically certified by a doctor at a military base as disabled/medically unfit. Full-time religious clerics/nuns can be required to do military/national service although in previous years they have been exempt. It is believed that some churches or mosques are limited to having a minimum of serving religious members who are exempt from military/national service.

Regarding military service exemption on medical grounds, are doctors allowed to issue exemption documents following a medical examination, or are they only allowed to make a recommendation to the military authorities, who then make a decision?

Doctors produce the medical reports needed and then make a recommendation as to whether a particular individual should be exempted from military/national service. The military authorities make the decision regarding exemption and issue the relevant exemption documents.

Whilst in military service, can individuals apply for leave? If so, are there standard written rules that must be followed or is this a matter for local commanders who judge each case on its merits? Are leave papers issued if leave is granted and are these documents issued in a standard format? Can local military commanders be bribed to grant leave?

There are no standard rules with regard to leave. Individuals have no entitlement to leave, and cannot request it, but can be given it arbitrarily by local commanding officers. If a military commander authorises leave for an individual, documents are issued specifying where that person may travel to and for how long (usually one month maximum). We do not know whether leave papers are issued in a printed standard format or are handwritten. We can only assume that they would have to name the individual concerned, and be signed by a military commander at the relevant base, to have any validity. It is rumoured that military commanders accept bribes to grant leave by the more wealthy conscripts but this cannot be substantiated.

Do individuals have any say in what type of national service they may be required to do or where in the country they may be required to go? Can individuals change from undergoing one form of national service to another? For example, can a person working for a nationalised company ask to be transferred to a government department?

In principle, individuals have no choice about their military/national service assignment though some may be able to influence where (e.g Asmara). Individuals are generally arbitrarily transferred by their commanders or supervising officers. There are no standard rules with regard to such transfers.

Are individuals who have completed military/national service given an official document as proof that they have completed military/national service, such as a "Completion of National/Military Service" certificate? If so, who has the authority to issue them?

There is no such thing as a "Completion of National/Military Service Certificate". In the absence of such documents, a person's age gives an indication regarding whether they should be in military/national service - under 57 for men, or under 47 for women who are unmarried.

Are women treated differently when it comes to military/national service? Are they assigned different types of work to men? If they are married, or have children, are they treated any differently from single women or women without children? If they are Muslim, are they treated with more consideration than Christians, or are they exempt from some types of national service?

Generally speaking, single women are not treated very differently to men (though we have heard that their rations, for example, may be less meagre). Married women and women with children are exempt from military/national service. Single women who become formally engaged are also exempt. Muslims and Christians are treated the same (they are given no special allowances for prayers, etc) although it is believed that Muslim women in rural areas are rarely called up. This may be due to early marriages and the fact that those communities are made up of mostly poor, subsistence-farming families.

## Obtaining a Passport and Exit from Eritrea

What are the procedures for obtaining an Eritrean passport? What government office or agency issues passports? What documents are needed to be submitted before a passport can be issued? Is there just one passport-issuing office or several in various locations around Eritrea? Is it always necessary for an individual to have completed his national service or military service obligations first before being issued with a passport? Are they always issued in a standard format, if so, in what language? Can officials be bribed to issue passports?

Individuals working in a government ministry or agency must obtain ministerial permission before applying for a passport. Other individuals must obtain authorisation from a local government administrator and present a birth certificate, any military/national service medical exemption documents, and an ID card. The administrator will then instruct the Department of Immigration (which has offices in regional capitals) to issue a passport. All of the Department of Immigration's regional offices can issue passports. There is a fee for this service. For some time now, it has been very difficult to obtain first-issue passports. In practice, those individuals who are exempt from military/national service, such as people who are ill or old, as well as government officials who need to travel abroad on official business, will find it easier to obtain passports. Even in these cases, however, there is no guarantee that a passport application will be accepted. Passports, which are due to go biometric at some point, are printed in English, Tigrinya and Arabic. There were rumours in 2009 that staff in the Immigration Department and Asmara Airport were running a passport/papers/exit visa stamp scam to facilitate illegal exit from the country. The general belief is that bribery occurs but is not a widespread practice.

Can local authorities issue passports?

See above answer on passport issuing.

Are exit visas stamped in passports, or are they stickers that are stuck on a page of a passport, or are they issued as a separate paper document? Are they always issued in a standard format, if so, in what language?

Exit visas used to be issued in sticker form but following a 2009 alleged visa scam are now stamps. They are produced in a standard format, in English only.

Are exit visas issued free of charge? If payment is required, are

government officials or other categories of people exempt from payment?

Exit visas are not issued free of charge. The cost is currently around £8 (GBP) for a single exit visa. If government officials are travelling on official business we assume, but cannot confirm, that they do not pay fees.

Where can Eritreans obtain exit visas? Is there only one government office that issues them? If so, do Eritreans always have to apply in person at this office? Can exit visas be obtained illegally by bribery or can they be forged?

Exit visas are issued by the Department of Immigration which has regional offices. All these regional offices have the authority to issue exit visas. Applicants must apply in person only. Without expert knowledge, we can only assume that the stamp/signature can be forged, and that the demand for false exit visas will increase.

Can certain categories of people obtain exit visas more easily than others, such as government ministers, prominent businessmen, people who need medical treatment abroad, or religious clerics?

In practice, the majority of Eritreans wishing to travel abroad are not issued with exit visas and therefore cannot leave the country legally. Government officials and ministers can certainly obtain exit visas provided they have been given authorisation to travel abroad on official business. People who need medical treatment abroad can also obtain exit visas. Businessmen will almost always have to satisfy the age limit. In other words, they would have to be over the age of 57 before they would be allowed to apply for an exit visa. Women are not given preferential treatment or dispensation. For example, we know of many Eritrean women who have undergone military service, or are married and have children, but have still been refused exit visas for bona fide journeys abroad. Religious ministers or clerics can obtain exit visas if they need to travel abroad to attend meetings or events in connection with their religious faith, but they would have to belong to one of the officially recognised religions, such as the Roman Catholic Church.

Do people who need medical treatment abroad need to obtain a letter or medical certificate from a doctor to prove that they have the disease or condition they claim to have, as well as a military/national service medical exemption document before they are issued with exit visas? Do they also need other documents to obtain exit visas, such as letters from foreign hospitals or foreign doctors confirming that the medical treatment needed is available in a specific hospital in a specific country?

People wishing to travel overseas for medical treatment are required to have a medical certificate provided by a government medical panel. The medical panel is made up of doctors who have the authority to carry out a medical examination on the person concerned. Medical certificates are only issued after a medical examination has been carried out. Depending on the age of the person concerned and severity of the condition, the normal requirement for military/national service exemption papers may be waived. We do not believe that letters from foreign doctors are also required as it is local medical opinion that carries weight in these matters.

Are multi-exit visas ever issued (valid for more than one journey)?

Multi-exit visas are not issued. Exit visas are valid for one month and for one journey only.

Have there been cases of Eritrean military officials/immigration officials/border guards accepting bribes or otherwise assisting in illegal exits?

We do not have substantive evidence to prove this but it is widely believed that officials, border officers and military/police at checkpoints, have and do accept bribes, and help facilitate the escape of very large numbers of young Eritreans to other countries (Sudan mostly).

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# Change Record

| Version | Date          | Change References                                                   |
|---------|---------------|---------------------------------------------------------------------|
| 1.0     | February 2015 | First version of new country information and guidance-style report. |

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