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IRB – Immigration and Refugee Board of Canada

Eritrea: Requirements and procedures to obtain a birth certificate, both within and outside the country; information on regional differences (2014-May 2017) [ERI105812.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

A 2015 article on the considerations of the UN Committee on the Elimination of Discrimination Against Women (CEDAW) on the fourth and fifth periodic reports of Eritrea, posted on the website of the Office of the High Commissioner for Human Rights (OHCHR), cites a member of the Eritrean delegation, which included representatives of the National Union of Eritrean Women and Permanent Mission of Eritrea to the UN Office at Geneva, as stating that since 2002 "more women gave birth in hospitals and clinics and a birth certificate was given at that point" (UN 26 Feb. 2015). The US Department of State's *Country Reports on Human Rights Practices for 2016* states that "CEDAW reported that authorities registered almost all children born in urban hospitals, but not those born in rural areas, where there were few hospitals" (US 3 Mar. 2017, 20).

In correspondence with the Research Directorate, the Eritrean Canadian Community Centre (ECCC) of Metropolitan Toronto, a non-profit organization that provides services for the Eritrean community including "settlement services, language classes, day care, and community programs for seniors" (Voices-Voix 1 Oct. 2012), stated that in Eritrea, there is no national birth registry system and that registration of a newborn is not mandatory (ECCC 26 May 2017). The website of the UNICEF office in Eritrea indicates that less than forty per cent of births are registered in Eritrea and "huge gaps still exist in specific regions" (UN n.d.). A 2016 report entitled *Citizenship Law in Africa: A Comparative Study* from the Open Society Foundations (OSF), a network that "work[s] to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people" (OSF n.d.), states that in Eritrea, issuing a "birth certificate can involve major bureaucratic hurdles" (OSF 25 Jan. 2016, 117). A 2013 UNICEF report states that issuing a birth certificate costs "the equivalent of one week's average rent in rural areas of the country" (UN Dec. 2013, 12).

2. Obtaining a Birth Certificate

A 2010 interview with the Head of the Public Registration, Cemetery and Social Rehabilitation office in the Central region of Eritrea, posted on the website of the Eritrean Ministry of Information, cites the Head of Office as stating the following regarding "the criteria required to get a birth certificate":

The office is striving to provide a birth certificate to every new baby born in Eritrea despite his or her nationality within 90 days. The required documents are birth or vaccination certificates, filling registration form, residential card of parents and ID card of either parent. However, if the new-born baby isn't registered within the given time, she/he is required to bring copy of birth document from administrative area, filling registration form, copies of residential card and nationality cards of both parents, as well personally signing a paper in the Public Registration office. The same procedure applies to a person under 17 years old. For a person over 18 years old, she/he is required to bring birth documentation from the administrative area, copy of residence card and his/her national ID cards or of either parent. (Eritrea 5 Nov. 2010)

The 2013 UNICEF report indicates that in Eritrea, "issuance of birth certificates after 90 days requires a government-issued clearance paper to confirm the parenthood and date of birth" (UN Dec. 2013, 12). According to the US *Country Reports 2016*, if a birth is registered within the three months of the birth, only a hospital certificate is required, but after that period, "parents must present themselves to judicial authorities with their child and three witnesses" (US 3 Mar. 2017, 19-20).

The information in the following paragraph was provided by the ECCC:

Municipal registrar offices issue birth certificates and the "most popular one" is the office in the Municipal City of Asmara. To get a birth certificate, an individual needs to provide information that shows their full name (given name, father's name and grandfather's name), information about the birth mother and the place of birth. For Christians, a baptism certificate issued by the church where they were baptized can "often" be used to establish that. Based on information provided by "some" members of the ECCC, to use a baptism certificate for birth registration, the registration has to be done within a month of the baptism. In absence of a baptism certificate, a local district committee in a town or village can issue a confirmation of the birth date, and the municipality will issue a birth certificate. In most cases, birth certificate applicants will need to apply for a court declaration that establishes their full identity and birth information. Before the court, applicants will have to present three witnesses who can testify of their birth. The court declaration can be used to apply for a birth certificate at the municipal office (ECCC 26 May 2017).

Based on information from the interview with the Head of the Public Registration, Cemetery and Social Rehabilitation office in the Central region posted on the website of the Eritrean Ministry of Information on 5 November 2010 and from information collected in an interview conducted with representatives of the Civil Status Office (CSO) of the Municipality of Asmara during a technical mission by the Swiss Federal Office for Migration (FOM) on 7 November 2013, a 2015 report by the European Asylum Support Office (EASO) indicates that documents such as "a print-out from the electronic population register, an identity card (or copies thereof) and a filled-out application form" are "normally" required for the issuance of a civil status document (EU May 2015, 55). The same source adds that other documents may also be required, depending on the type of civil status document to be issued, including birth documentation and vaccination certificates for the issuance of birth certificates (EU May 2015, 55). The US Department of State's Reciprocity Schedule for Eritrea indicates that the following documents have to be presented to the municipal authorities when a person applies for a birth certificate: hospital birth records, baptismal certificate, and a statement by witnesses familiar with the birth that is notarized by the zonal court (US n.d.).

According to a 2013 report by the African Child Policy Forum (ACPF), a "not for profit, Pan-African institution for policy research and advocacy on children in Africa" (ACPF 25 Aug. 2009), "the Civil Status Office (CSO) of Eritrea in collaboration with the six regions of Eritrea has introduced birth registration mechanisms by utilizing existing administrative structures" (ACPF Dec. 2013). The 2015 EASO report indicates that in *zoba* [region] Maekel [the Central region], the CSO of the municipality of Asmara is responsible for issuing all civil status documents, while in the other regions, the *nus-zoba* [sub-region] administrations are responsible (EU May 2015, 55). Similarly, the US Department of State's Reciprocity Schedule for Eritrea states that copies of birth certificates need to be requested from the Office of Civil Status of the municipality of Asmara, or the equivalent office of the municipality where the birth was registered (US n.d.).

Based on information collected from interviews with Eritrean representatives from the CSO of the municipality of Asmara and from the administration of nus-zoba Mendefera during the Swiss FOM technical mission in 2013, as well as information from the Norwegian ID Center from March 2015, the 2015 EASO report states that procedures for issuing civil status documents are different throughout the country; residents from other regions "may therefore also request civil status documents from the Asmara civil status office (e.g. to use abroad)" (EU May 2015, 55). Similarly, the 2015 article on the CEDAW considerations of the fourth and fifth periodic review of Eritrea cites a member of the Eritrean delegation as stating that "[r]egional Governors were responsible for registering births and deaths, although there may be discrepancies in rural areas" (UN 26 Feb. 2015).

According to the 2015 EASO report, based on information collected from interviews with Eritrean representatives from the CSO of the municipality of Asmara and from the administration of nus-zoba Mendefera during the 2013 Swiss FOM technical mission, as well as information from the Norwegian ID Center in March 2015, the appearance of civil status documents varies (EU May 2015, 55). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Obtaining a Birth Certificate from Outside of Eritreah

The 2010 interview with the Head of the Public Registration, Cemetery and Social Rehabilitation Office in the Central region posted on the website of the Eritrean Ministry of Information cites the Head of Office as stating that in order to obtain a birth certificate, in addition to the documents required for all birth certificate requests, Eritreans residing abroad need to provide the following documents: certificate of two percent tax [1], copies of national ID and a passport (Eritrea 5 Nov. 2010). The website of the Consulate of Eritrea in Melbourne, Australia, lists the following documents that people born in Eritrea but residing abroad must provide in order to obtain a birth certificate:

1. Birth documentation from the Office of Area administration in Eritrea (if available)
2. Filling/Lodging a birth registration form

3. Copy of Eritrean National ID Card
4. Evidence of up-to-date recovery tax payment clearance
5. Copy of Passport
6. Power of Attorney (If applying through a representative in Eritrea) (Eritrea n.d.)

In correspondence with the Research Directorate, The America Team for Displaced Eritreans, an organisation registered in the US as a public charity that assists Eritrean refugees and asylum seekers in the US and worldwide (The America Team for Displaced Eritreans n.d.a), explained that applications for birth certificates from outside of Eritrea are "normally" made at an Eritrean embassy or consulate (The America Team for Displaced Eritreans 26 May 2017). The same source indicated that the applicant must have a valid ID card, have paid the tax on income and have not left Eritrea illegally or be "somehow in disfavour of the government, such as being an oppositional activist" (The America Team for Displaced Eritreans 26 May 2017). The US *Country Reports 2016* indicate that to be eligible for some government services and documents, including birth certificates, Eritreans residing abroad had "to show proof they paid the 2 percent tax on foreign earned income" (US 3 Mar. 2017, 14). The same source states that there were "reports of local officials refusing to register the birth of children" because they had a parent living abroad who did not pay the tax (US 3 Mar. 2017, 20). An undated document by The America Team for Displaced Eritreans further states that "[u]nless in good stead with the government, including up-to-date payment of the [2 per cent] tax", an Eritrean living abroad will not be able to obtain official documents, such as birth certificates (The America Team for Displaced Eritreans n.d.b). The same source explains that if a person is not in compliance with the government's requirements, to obtain official documents that person needs to complete the "Form of Regret" (The America Team for Displaced Eritreans n.d.b). A copy of the "Form of Regret" translated into English by the America Team for Displaced Eritreans and provided on their website, is attached to this Response. For further information on the Form of Regret, see Response to Information Request ERI105740 of February 2017.

The 2010 article posted on the website of the Eritrean Ministry of Information, cites the Head of the Public Registration, Cemetery and Social Rehabilitation Office in the Central region as stating that the request to obtain a birth certificate for Eritreans residing abroad can be made through a legal representative (Eritrea 5 Nov. 2010). Similarly, the US Department of State's Reciprocity Schedule for Eritrea states that the request to obtain a birth certificate can be made "in person or through a third party having a power of attorney through the Eritrean Embassies/Consulates overseas" (US n.d.). Based on information in emails from the Honorary Consulate of Switzerland in Eritrea in 2014 and the Norwegian ID Center in 2015, the 2015 EASO report explains that "Eritrean foreign representations do not issue civil status documents, but an individual in Eritrea may be authorised via the Eritrean foreign representation to collect the required document from the relevant authority in the recipient's former place of residence" (EU May 2015, 55).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The Eritrean government "demands that members of the Eritrean Diaspora pledge allegiance to the government and provide financial support in the form of a 2 [percent] tax on net income" (The America Team for Displaced Eritreans n.d.b).

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Additional Sources Consulted

Oral sources: Action Group for Eritrea; Citizenship Rights in Africa Initiative; Eritrea – Consulate General in Toronto, Consulate in Australia, Embassy in Belgium, Embassy in London, Embassy in the United States, Ministry of Information; Eritrean Canadian Community Association of Calgary; Eritrean-Canadian Human Rights Group of Manitoba; Eritrean Community in Australia; Eritrean Community in the UK; Eritrean Relief Association; former Eritrean Ambassador; United Nations – UNHCR Representative in Eritrea, UNICEF Eritrea.

Internet sites, including: Amnesty International; ecoi.net; Factiva; Fédération internationale des ligues des droits de l'homme; Human Rights Watch; United Nations – Refworld.

Attachment

Eritrea. N.d. "Immigration and Citizenship Services Request Form." Translated by the America Team for Displaced Eritreans. Sent to the Research Directorate by The America Team for Displaced Eritreans, 26 May 2017.

ecoi.net summary:



Query response on requirements and procedures to obtain a birth certificate within and outside the country (2014 - May 2017)

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Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
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