

Response

Eritrea: Exit visas and illegal exit

- Criteria for issuing exit visas
- Who can obtain exit visas?
- Conditions that can rule out exit visas
- Reactions to illegal exit

Introduction

This Response explains the legal, practical and political context for the issuing of exit visas and reactions against returning Eritreans that have left the country illegally. Eritrea is a closed country and the authorities disclose very few facts about various social conditions. This also applies to these questions. This Response provides an overview of available written information and presents views and assessments which Landinfo has gained in meetings with experts on Eritrean matters, Eritrean exiles and representatives of various international organisations and local sources in Asmara.

Departure from Eritrea

The vast majority of those who leave Eritrea do it illegally, and during October 2014 about 5,000 crossed the Eritrean border with Ethiopia, against an average of 2000 each month at the beginning of 2014¹ (UNHCR 2014). The majority of the new arrivals do not stay in neighbouring countries but travel further to reach their destination in Europe.²

The refugees probably avoid refugee camps because they fear being kidnapped by human traffickers and transported to the Sinai in Egypt (Siegfried 2014).

¹ UNHCR does not explain to what period of time this applies.

² In November 2014, there were more than 216 000 Eritrean refugees in the Sudan and Ethiopia (UNHCR 2014).

Eritreans departing the country illegally do this either by using professional human smugglers, people well acquainted with the local border areas or they travel on their own.³

Most people who want to go to Sudan travel via the town of Tesseney,⁴ according to an international organisation Landinfo met in Kassala in 2011. There they seek out smugglers who take them across the border. As a rule, smugglers are from the Rashaida tribe, who live in the borders between the two countries. Those who arrive in Sudan, in particular, make for the villages of Humera, Gergef and Laffa. Many do not know, however, where they cross the border because they are accompanied by smugglers. Landinfo considers that the route via Tesseney is probably still the most important today.

Eritreans going south cross the border into Ethiopia. According to the UNHCR between 800 and 1000 Eritreans arrive in Ethiopia every month (UNHCR 2014). There is a well organised network of human traffickers in Eritrea, which transports refugees from urban areas to the borders. These smugglers have good knowledge of routines at the guard posts along the road towards the Ethiopian border, and the deployment of troops along the border (diplomatic source (A), email, December 2010).

The issuing of exit visas

The terms and conditions for obtaining exit visas are regulated by the Regulation of Travel Documents and Immigration No. 4 1992. The Immigration and Citizenship Department in the Eritrean Ministry of the Interior has offices which issue exit visas in all six zobas⁵ (UK Home Office 2011).

The applicant must have a passport and the application must be brought in person. The application must be accompanied with a recommendation from the zoba administration, discharge/demobilisation papers, birth certificate, tax certificate and permission of any spouse (diplomatic source (B), email, April 2010). It is also necessary to apply for a visa to the destination country. People sometimes get their exit visas before applying for a foreign visa.

Eritreans who need medical treatment abroad must provide documentation and a recommendation of the government medical panel⁶. Eritreans who have a spouse outside Eritrea must provide evidence that the spouse has paid the two percent tax⁷ (Kibreab, as

³ Eritrean ethnic groups that live in the border areas between Eritrea and Sudan can travel back and forth across the border without exit visas. According to a human rights group in Sudan which Landinfo met in 2011 this means especially the Beni Amer, the Bilen and the Nara, but there are limits for younger Eritreans from these groups. Age was not specified.

⁴ Tesseney is a town on the border with the Sudan and is the last town before the border. However, there are no checkpoints in Tesseney, but there is a border station in Telataasher, 20 km west of Tesseney (Eritrean source, conversation in Oslo May 2013).

⁵ Zoba is the term used for a region or county.

⁶ This panel considers whether patients should/must be treated overseas due to lack of domestic expertise/possibility of treatment.

⁷ Eritrean exiles are expected to pay a two percent tax on gross income all of which goes to the Eritrean authorities. This tax, which in Tigrinya is called "Mehwey Gibri" (Rehabilitation and development), was introduced in 1994 (Ministry of Foreign Affairs of the State of Eritrea 2011, p. 26).

quoted in the Upper Tribunal 2011; diplomatic source (B), email of August 2009 and April 2010).

Exit visas are issued in the form of a stamp on the passport. Until 2009, stickers were used, but because of counterfeiting stamps were adopted instead (UK Home Office 2011).

The exit fees cost about 150 Eritrean nakfa in June 2010, which in May 2013 corresponded to about 67 Norwegian kroner. The visa is time limited and departure must take place by a certain date - usually within one month after issue (UK Home Office 2011).

Exit control

At the departure from the international airport of Asmara the passport and other necessary documents are controlled four times - at check-in, then a manual check against passenger lists and a final check against the computer, after that there is a check of the passport and a security check before it is possible to go to the gate.⁸

Entry control

The leader of an international organisation Landinfo met in February 2011 explained that the airport authorities conducted four checks upon arrival, in which passports and ID cards were checked. In January/February 2013 Landinfo itself experienced this relatively strict entry control, but when Landinfo was in Eritrea in March/April 2014 and in January 2015 the number of controls was reduced to two - one computer check and one manual check of the passport, as well as baggage control (which was not carried out). The Eritrea expert Gaim Kibreab considers that the degree of entry control is more comprehensive when the person concerned is of draft age for national service, has been deported or whenever circumstances indicate that the person in question left Eritrea after 1994 (as quoted in the Upper Tribunal 2011).

Exit permits like visas are easily recognizable in the passport, and the lack of a permit will therefore be noticeable. Although it is not possible to confirm it, it may be assumed that the Eritrean authorities have lists of people who have been given exit visas. Both the lack of an exit visa and such a list makes it relatively easy to identify people who have departed the country illegally.

Who can obtain exit visas?

The majority of those who leave Eritrea do so illegally because Eritreans in the age group of 18 to 50 are suitable for national service and therefore are not able to obtain exit visas (U.S. Department of State 2014; Kibreab, as quoted in the Upper Tribunal 2011).⁹ The leader of an international organisation in Eritrea said in 2011 that only 10 percent left the country legally (conversation in Asmara, February 2011). Landinfo's other interlocutors in Eritrea and Sudan in February 2011 corroborated this. They also pointed out that the restrictions apply even for

⁸ This was the control procedure when Landinfo's analysts departed from the international airport of Asmara in January 2015.

⁹ There is reason to believe that the age limit for women to get a valid exit visa is 47 years, while it is 50 years or more for men.

persons who are, in practice, exempt from national service (conversations in Asmara and Kassala, February 2011; UK Home Office 2011). This situation is probably unchanged in Landinfo's perception.

In addition to the restrictions applicable to all those of draft age, persons with special skills, such as doctors and lawyers, may also have severe difficulties obtaining exit visas (diplomatic source (B), conversation in Asmara in February 2011).

The terms and conditions for obtaining exit visas have sometimes changed without media announcement. Applicants receive information about the current conditions by contacting the Immigration and Citizenship Department in the Ministry of Interior.¹⁰ Furthermore, an international organisation in Asmara told Landinfo that applicants must have completed their mandatory weapon's training in order to get an exit visa (conversation in January 2013). This weapons' training (which is referred to as the People's Army) was introduced in 2012.

There are reports that corruption occurs in connection with the issuance of exit visas (U.S. Department of State 2011; international organisations, conversations in Eritrea in 2011). For example, sources have indicated that there are corrupt officials at the Immigration and Citizenship Department. There is, however, great uncertainty about the extent of such corruption.

Various sources believe that the following categories are able to obtain exit visas:

- Men over 54 years. These men no longer have obligations under the National Service Act (diplomatic source (B), email, August 2009; U.S. Department of State 2011; Kibreab, as quoted in the Upper Tribunal 2011; international representatives, conversations in Eritrea and Sudan in 2011).
- Women over 47 years. According to U.S. Department of State's annual report for 2011 women do not get exit visas before they have reached 47. One source in Asmara believes that women who were married before 1998 and who have completed military service are often granted exit visas before they are 47 (diplomatic source (B), email, August 2009). Reportedly, there are examples of exit visas having been granted to women under the age of 47 who have completed their national service.
- Children under 13. One source considers that children up to 13-14 years can receive travel documents in family reunification cases. Eritrea expert Gaim Kibreab considers that the upper limit is seven years old. Another source has claimed that children as young as five years old are refused exit visas. It is not possible in Landinfo's assessment to determine where the line is drawn. But it is reasonable to assume that there has been a tightening and that the age limit is falling rather than rising (diplomatic source (B), email, August 2009; Kibreab as quoted in the Upper Tribunal 2011; the leader of an international organisation, conversation in Kassala in February 2011, international representative (C), meeting in Asmara in January 2015).

¹⁰ A diplomat (B) Landinfo met in Eritrea in February 2011 mentioned, in particular, notices posted in the Ministry stating that all applications for exit visas which were filed between 09:00 and 09:30 on the following day would be granted. This was to avoid changes to the law and to ensure that selected groups were given rights.

- People who are exempt from national service for medical reasons (diplomatic source (B), email, August 2009).
- People who are approved for medical treatment abroad (the British Embassy in Asmara, as quoted in the Upper Tribunal 2011).
- Government employees who are to attend conferences and studies abroad (UK Home Office 2011).
- Eritreans in leading government positions and their family members (diplomatic source (B) conversation in Asmara in February 2011).

Eritrea expert David Pool said at a hearing before the Asylum Tribunal in England in 2007:

Asmara is a very small society and the top business people know the government and know the way to get visas [...]. Someone of 50 plus would be more likely than not to get an exit visa depending on his or her profile (Asylum and Immigration Tribunal 2007).

Eritreans with connections in leading government positions will have easier access to exit visas, even if they are of draft age for the national service (diplomatic source (B), conversation in Asmara in February 2011).

- Family members of former war veterans (*tegaldelti*) from the war of independence.

Conditions that can rule out exit visas

- Family member's illegal exit

A diplomatic source (B) in Asmara explained to Landinfo in 2009 that close family members of people who have left the country illegally may have trouble getting a passport/exit visa - even if that person otherwise meets the criteria.

- Activity critical of the government.

Eritreans with close family members who are arrested because of activity critical of the government risk being refused exit visas. There is reason to believe that this will apply in particular to persons with relatives who have been arrested after the liberation and probably even more to persons whose family members have been arrested since 2001. Activity critical of the government performed in exile, regardless of level, is very probably recorded by the Government and can prevent family members from getting passports and exit visas (diplomatic source (B), email, 2009 and conversation in February 2011 in Asmara).

- Lack of documentation.

Practical documentation problems can also affect a person's chances of getting an exit visa. See the point about the issuance of exit visas.

- Non-payment of the two percent tax.

Eritreans in exile have always been required to pay two percent of gross income to the Eritrean authorities. Those who do not pay this tax and who do not sign the so called retraction letter after departing the country can run the risk that their family members in Eritrea will have trouble getting exit visas and passports (Human Rights Concern Eritrea, represented by Elsa Chyrum, conversation in London in May 2010; Kibreab as quoted in the Upper Tribunal 2011).

Reactions to illegal exit

Illegal exit is an offence that could lead to up to five years' imprisonment and/or a fine of up to 10,000 birr which corresponds to approx. 3900 NOK¹¹, or both imprisonment and fine (Proclamation No. 24/1992, Article 29.2). None of the sources Landinfo met in Eritrea and Sudan in February 2011 or in January/February 2013 knew of persons who had been imprisoned or fined for illegal exit. Nor could Eritrea-experts Gaim Kibreab and David Pool point to specific examples of reactions against persons who return after illegal exit (Upper Tribunal 2011; Asylum and Immigration Tribunal 2007). Nor is it clear, in those cases where Eritreans were deported to their home country in the period 2002-2011, what impact illegal exit had in terms of possible punishment.

The Party Secretary of the People's Front for Democracy and Justice (PFDJ), and one of the most prominent leaders in Eritrea, Yemane Gebreab, has argued that the Eritrean Government will not punish those who leave Eritrea illegally, but that they will be sent on a six-week "educational programme" to enhance their national feeling.¹²

Both Gaim Kibreab and David Pool have stated that Eritreans who leave the country without exit visas can be suspected of having avoided national service, deserted their military unit or engaged in oppositional activities. Pool considers that they all risk suspicion (as quoted in the Asylum and Immigration Tribunal 2007), while Kibreab distinguishes between those who left the country before and after 1994. Those who left the country before 1994 will not be subjected to reprisals, but are welcomed home. Those who left the country illegally after 1994, however, risk detention and interrogation that includes abuse:

[...] if they have reason to suspect a returnee has left illegally [...], that person is kept in custody until they check records or interrogate him. (...) Professor Kibreab states that in cases of doubt persons are subjected to interrogation which includes ill-treatment (as quoted in Upper Tribunal 2011).

Kibreab, however, acknowledged that he did not have evidence that returning Eritreans had been treated this way, but based his statement on a general impression.

The British Embassy in Asmara (as quoted in the Upper Tribunal 2011) wrote in a letter of 11 February 2011 that even though the Eritrean Government operated with a shoot to kill policy

¹¹ The currency unit in Eritrea was the birr until 1997. From 1997 the nakfa (ERN) became the official currency in the country. The exchange rate for the Ethiopian birr on 13 April 2015 was 1ETB = 0.39 NOK (XE.COM 2015)

¹² Gebreab told this to the head of an international organisation whom Landinfo met in Asmara in February 2011.

towards Eritreans who crossed the border with the Sudan, it was hard to tell what action if any would be taken against those returning who were found to have left illegally.¹³ It seemed dependent on the circumstances of the return and the person's age, according to the Embassy. Some Eritreans have been released after questioning about their illegal exit, while those who have not completed national service have been transferred to the military units. The Embassy points out that some have received fines and that some have been kept in detention, but the Embassy also had knowledge of Eritreans who had returned illegally - without papers - and had not been exposed to any retaliation.

Landinfo's impression is that the authorities assess Eritreans returning home based on: the circumstances surrounding their departure, national service status, any political activity in exile, their network in Eritrea and the payment of the above-mentioned two percent tax. It is probably the reasons behind the illegal departure that can lead to reprisals on returning home and not the illegal departure in itself.

Persons who avoid national service and depart Eritrea illegally, but who later restore their relationship with the authorities by signing the retraction letter, pay the two percent tax in exile, and who do not participate in activities critical of the government, according to several international representatives in Asmara, are likely to be less vulnerable to reprisals from the authorities than those who do not restore their relationship with the authorities. A good network and contacts in the government apparatus and the party are probably also useful (conversations with a diplomat (C) January 2013; international representative (B) in Asmara in January 2013; international representative (C) January 2015).

The Country of Origin Information Centre (Landinfo) is an independent body that collects and analyses information on current human rights situations and issues in foreign countries. It provides the Norwegian Directorate of Immigration (Utlendingsdirektoratet – UDI), Norway's Immigration Appeals Board (Utlendingsnemnda – UNE) and the Norwegian Ministry of Justice with the information they need to perform their functions.

A Response consists of answers to specific questions presented to Landinfo by case workers within the Norwegian immigration authorities. Responses are not intended to provide exhaustive reviews of a topic or theme, and the variety of sources consulted may not be as comprehensive as in our reports. Responses are prepared within time constraints and do not necessarily include background information.

Landinfo's Responses are not intended to suggest what Norwegian immigration authorities should do in individual cases; nor do they express official Norwegian views on the issues and countries analysed in them.

¹³ Landinfo has discussed the question of the *shoot to kill* practice with various sources in Asmara in 2013 and in 2015. They all considered it doubtful that this happens (conversation, international organisation (A) February 2013; diplomatic source (D) February 2013; international organisation (C) January 2015).

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