



Home Office

# Country Information and Guidance

## Eritrea: Illegal Exit

Version 2.0e

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# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. 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 within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

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

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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/>

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# Guidance

## 1. Introduction

### 1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm by the state because the person left Eritrea illegally.

### 1.2 Other Points to Note

1.2.1 Decision makers must note that illegal exit from Eritrea is often connected to compulsory national service. Therefore, this document should be read alongside the country information and guidance on [Eritrea: National \(incl. Military\) Service](#).

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## 2. Consideration of Issues

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

2.1.1 For guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also ensure that each asylum application has been checked to establish if there has been a previous UK visa or other application for leave. Asylum applications matched to visas should be investigated prior to the asylum interview: see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)

2.1.3 Decision makers should also consider the need to conduct language analysis testing: see the [Asylum Instruction on Language Analysis](#).

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### 2.2 Are Eritreans at risk of persecution or serious harm for leaving Eritrea illegally?

2.2.1 A person seeking to leave Eritrea needs 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 (see [Law on Legal/Illegal Exit](#) in the country information section).

2.2.2 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:

‘(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 18 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' (para 133)'.

- 2.2.3 The categories of persons who are likely to be granted an exit visa remains limited (see [Exit Visas](#)) and there are large numbers of Eritreans – reportedly thousands each month – who leave the country illegally (see [Numbers Leaving Illegally](#)).
- 2.2.4 The UNHRC Report of the Commission of Inquiry on Human Rights in Eritrea, published 4 June 2015 ('the Commission of Inquiry Report'), concluded that, with a few exceptions, those who have been forced to return to Eritrea have been arrested, detained and subjected to ill-treatment and torture. It also found that Eritreans who attempt to leave the country are perceived as traitors and that 'individuals forcibly repatriated are inevitably considered as having left the country unlawfully and are consequently regarded as serious offenders and also as "traitors"'.
- 2.2.5 It also stated a common pattern of treatment of returnees is their arrest upon arrival in Eritrea and that returnees are harshly interrogated about their escape, systematically ill-treated to the point of torture during the interrogation phase and then imprisoned for 8 months to 3 years in severe conditions. Upon release draft age men are sent to military training and others are sent home (see [Penalties for Leaving Illegally and Treatment on Return](#)).
- 2.2.6 However, MO was promulgated in 2011 and the UN Report is based on the testimony of Eritreans living abroad.
- 2.2.7 The most up-to-date information available from inside Eritrea – notably the Danish Immigration Service's 2014 Fact-Finding Mission Report ('the Danish FFM Report') and the EASO Eritrea Country Focus Report ('the EASO Report') which, along with publicly available COI, includes information from the Danish FFM Report, information collected from the Norwegian Landinfo report following their fact-finding mission to Eritrea and information collected during a November 2013 Swiss Technical Mission – indicates that:
- (a) it is unclear as to the whether persons of draft age who have left Eritrea illegally may be perceived as draft evaders or deserters upon return. Some sources indicate they might; others indicate that they would not,

- (b) there have been no new objective findings since 2008 on the treatment of repatriated deserters and draft evaders. Therefore, any punishment currently imposed is difficult to establish,
  - (c) the Eritrean leadership has stated on several occasions that those returning to the country will not be punished as long as they have not committed any offences but it is unclear whether illegal exit is regarded as an offence; and that
  - (d) in the reported cases of punishment, it is generally unclear if the punishment was meted out for illegal exit or due to other circumstances, such as draft evasion. There are no reports on the treatment of people who merely have left the country illegally without having deserted or evaded conscription (see [Penalties for Leaving Illegally and Treatment on Return](#)).
- 2.2.8 There is evidence that many of the Eritrean diaspora return each year to visit friends and family and it would appear that if punishment is imposed for illegal exit per se, it is not systematic and is applied arbitrarily, the exceptions are in practice wider than those identified in MO.
- 2.2.9 Some sources in the Danish FFM Report also indicate that some persons are able to return to Eritrea without punishment for their illegal exit provided they pay the Diaspora tax and sign a “letter of apology” at an Eritrean embassy. However it is not clear if interlocutors’ responses also apply to persons who have claimed asylum abroad, or just visiting members of the diaspora. Some report that this includes those who evaded or deserted National Service, whilst other sources suggest that this provision is primarily for Eritreans who are temporarily returning as visitors (although many are likely to be draft evaders). Other interlocutors note that there is no information available on the specific profile of persons who are able to benefit from this practice.
- 2.2.10 The Eritrean constitution states that any person born of an Eritrean father or mother is an Eritrean by birth and the National Service Proclamation states that all Eritreans are required to perform national service. Several sources report that a person who paid the diaspora tax would still have to complete national service on return (see [Penalties for Leaving Illegally and Treatment on Return](#) and [Diaspora Tax](#)).
- 2.2.11 Although use of the money raised through the Diaspora tax is subject to United Nations Security Council Resolutions (UNSCRs), for states to levy a tax on its citizens overseas is not in itself persecution, providing it is not at a punitive level or levied in a discriminatory way.
- 2.2.12 The UNSCRs were also concerned with what the tax was being used for and the methods used to collect the tax (threats of violence, fraud and other illicit means); they do not explicitly criticise the imposition of the tax (see [UNSCRs](#)).
- 2.2.13 Therefore, provided the request for payment is made without running contrary to the above, the requirement to pay the tax is not considered to be persecution.

2.2.14 Those who are unable or unwilling to pay the Diaspora tax would not be issued with a travel document. However, this would not amount to persecution or serious harm.

2.2.15 For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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

2.3.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.3.2 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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### 2.4 Are those at risk able to internally relocate?

2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.

2.4.2 For further information on the factors to consider and 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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### 2.5 If refused, is the claim likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002?

2.5.1 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.

2.5.2 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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## 3. Policy Summary

3.1.1 **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.**

3.1.2 **Previous country guidance (MO) in 2011 held that, apart from some limited exceptions, those who had left illegally would be at risk on return to Eritrea. This was because they would be viewed with hostility and faced arrest, detention and mistreatment.**

3.1.3 **However, more recent information suggests that not everyone who left illegally is detained on return (or that all draft evaders are detained) and that the Eritrean authorities have neither the will nor means to imprison every returnee. The evidence suggests that whilst some are detained/imprisoned (with the length of time appearing to vary), some are fined, others are simply re-assigned to national service. If**

disproportionate punishment amounting to serious harm is imposed, it is applied arbitrarily.

- 3.1.4 **Many people return to Eritrea each year, for example to visit friends and family. Given the Eritrean constitution states that every person born in Eritrea is an Eritrean, and that all Eritreans are required to complete national service, the fact that they have e.g. acquired foreign citizenship is not a reason, in itself, to exempt a person from that requirement. This suggests that either those leaving Eritrea have completed national service and/or there is no real risk of a penalty being imposed for having previously left illegally.**
- 3.1.5 **The evidence suggests that a person who has left Eritrea illegally, even a draft evader, can return to Eritrea provided they sign a “letter of apology” and pay any outstanding (2%) diaspora tax at an Eritrean embassy. The diaspora tax is considered a reasonable requirement and a refusal or failure to comply with this will mean the person is not issued with a travel document to return to Eritrea voluntarily, but this would not amount to persecution or serious harm.**
- 3.1.6 **For these reasons, MO is too proscriptive about everyone being at risk and/or the exceptions appear to be wider than those listed.**
- 3.1.7 **It is for the person to set out the specific factors in their particular case to show why they are at risk of serious harm on return on account of leaving illegally. As more recent evidence suggests that not everyone who leaves illegally or is a draft evader is considered a traitor, where a person is at real risk of serious harm, a grant of Humanitarian Protection will be appropriate.**

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# Country Information

## 4. Requirements to Leave Eritrea Legally

### 4.1 Law on Legal/Illegal Exit

#### 4.1.1 The United States State Department 'Country Reports on Human Rights Practices for 2014', published on 26 June 2015, 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 restricted foreign travel. The government required citizens, including dual nationals, to obtain exit visas to depart the country. Requirements for obtaining passports and exit visas were inconsistent and nontransparent.

During the year the government imposed new exit visa restrictions. Authorities generally did not give exit visas to children ages five and older. In September members of the civilian militia were told that any man or unmarried woman in the civilian militia would be unable get an exit visa until further notice. Categories of persons most commonly denied exit visas included men under age 54, regardless of whether they had completed the military portion of national service, and women younger than age 47. The government did not generally grant exit permits to members of the citizen militia, although some whom authorities demobilized from national service or who had permission from their zone commanders were able to obtain them. Authorities arrested persons who tried to cross the border and leave without exit visas. A shoot-to-kill policy was in effect for those attempting to cross the border to exit the country without authorization.

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 granted exit permits. In the past diaspora members who visited the country reported being required to pay a 2-percent tax on foreign earned income before being given exit visas. This was not consistently enforced.'<sup>(1)</sup>

#### 4.1.2 The EASO Eritrea Country Focus report of May 2015 ('the May 2015 EASO Report'), citing Proclamation 24/1992, an interview with Representatives of the Department for Immigration and Nationality by the Swiss Federal Office for Migration during a 2013 technical mission and a response by the Research Directorate of the Canadian Immigration and Refugee Board (IRB) stated:

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<sup>1</sup> United States State Department, 'Country Reports on Human Rights Practices for 2014', Eritrea, 26 June 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> (section 1d). Date accessed: 29 June 2015

‘According to Proclamation 24/1992, a valid passport, an exit visa and an international health certificate are required in order to leave Eritrea legally. Border crossings are only possible at one of the allocated border control points, which include Asmara airport, Massawa sea port and several border crossings into Sudan (Talatasher, Adebra, Girmayka and, according to one source, Omhajer and Karura).’<sup>(2)</sup>

## 4.2 Passports

4.2.1 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>(3)</sup>

4.2.2 The May 2015 EASO Report, citing a range of sources added:

‘Since 1 May 2010, machine-readable (but not biometric) passports have been issued, initially valid for only two years, but since 2011 valid for five years. They cost 4,000 nakfa in Eritrea, [c. £245<sup>(4)</sup>]. Although the old passports could be issued directly by foreign representations, the new passports are only issued in Asmara. Applicants must submit a supporting letter from the kebab administration, their identity card (or the parents’ identity cards in the case of children) and a completed application form at the relevant branch office when applying for a passport. A supporting letter from their employer or proof that they have completed national service must also be submitted. Once the application has been checked, the passport is issued in Asmara and forwarded to the branch office. Passports are not issued to those engaged in national service.

‘An identity card, application form and proof that national service has been completed must also be submitted when applying for a passport at a foreign representation. Usually, the payment of the diaspora tax is required for the issuance of a passport abroad. Also deserters and draft evaders are issued

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<sup>2</sup> EASO Country of Origin Information report, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 6.4.2). Date accessed: 16 June 2015.

<sup>3</sup> Letter from the British Embassy in Asmara, 1 April 2010, Annex A.

<sup>4</sup> Xe.com currency converter, ERI Nakfa to GBP, <http://www.xe.com/currencyconverter/convert/?Amount=4000&From=ERN&To=GBP>. Date accessed: 16 June 2015.

passports if certain conditions are met, such as the signing of the letter of repentance; sometimes also when bribes are paid. Passports may also be collected by family members in Eritrea if they are authorised to do so by the Eritrean embassy.’<sup>(5)</sup>

### 4.3 Exit Visas

4.3.1 The UN Report of the Commission of Inquiry on Human Rights in Eritrea, published 4 June 2015 (‘the UN Commission of Inquiry Report’) stated:

‘Proclamation No. 24/1992 regulates the issuing of travel documents, entry and exit visa from Eritrea...It is completed by Proclamation No. 4/1992 relating to travel documents and immigration. Exit visas are required for any Eritrean national who wishes to leave Eritrea...The visa, stamped on the passport, indicates the number of exits permitted and the dates of validity during which period the person can leave Eritrea legally.

‘The criteria and conditions to be granted an exit visa are not provided by law and are left to the determination of the Government. However, the law lists specific grounds for the denial of an exit visa, i.e. if a competent court has ruled that the person cannot leave Eritrea; if a competent court has summoned the person to appear within a month before it; and if the Government “believes on valid grounds that the departure of the person might affect the security or the interests of the country.”’<sup>(6)</sup>

4.3.2 In its April 2010 letter, the British Embassy in Asmara, 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

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<sup>5</sup> EASO Eritrea Country Focus report, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 6.3). Date accessed: 16 June 2015.

<sup>6</sup> UN Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>, (para 401-402). Date accessed: 16 June 2015.

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 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>7</sup>

#### 4.3.3 The UN Commission of Inquiry Report noted:

'Testimony collected by the Commission reveals that exit visas are issued to certain individuals without difficulty. Older women may be granted exit visas readily; even older family members of Government opponents have been permitted to travel outside Eritrea. Male relatives of Government opponents seem not to be accorded similar treatment.

An exit visa is also issued to individuals who have completed national service when the nature of their occupation requires regular travel. A witness employed by a foreign- owned shipping company indicated that due to his work, the authorities would not refuse him an exit visa. Individuals have obtained visas as well for medical reasons.

On the other hand, the Commission collected testimony reporting difficulties to obtain exit visas. Some witnesses indicated that it took them almost one year to obtain a passport and an exit visa. In such cases, obtaining the documents often required bribing immigration officials or the intervention of acquaintances at high-level positions within the Government. The Commission also heard cases of Eritreans carrying foreign passports or residents who had been denied exit visas.

Proclamation No. 82/1995 regulating national service prohibits Eritrean citizens of military age to go abroad unless they can prove that they have fulfilled their national service duty or that they are permanently exempted. They might also show their registration card and leave a bond of 60,000 Nakfa [c. £3,600<sup>8</sup>] as security that they will return to Eritrea to perform their national service when they will be called for conscription. However, the system that was supposed to deliver registration cards to citizens ahead of

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<sup>7</sup> Letter from the British Embassy in Asmara, 1 April 2010, [Annex A](#).

<sup>8</sup> Xe Currency Converter, ERI Nakfa to GBP, <http://www.xe.com/currencyconverter/convert/?Amount=60000&From=ERN&To=GBP>. Date accessed: 22 June 2015.

their national service has never been put in place. Proclamation No. 82/1995 also obliges applicants for a visa to identify another person as “guarantor”. The “guarantor” commits to pay a specified amount should the visa holder not come back to the country.

‘It appears however that the system described in the Proclamation has been made available only to conscripts travelling for official businesses for the Government. Moreover, it is applied arbitrarily. Some individuals are required to sign a bail bond, others are not. Moreover, the amount of the bail varies. The Commission heard figures between 100,000 and 300,000 Nakfa [c. £6,000–£18,000<sup>(9)</sup>] being required as security. ...

The Commission collected information revealing that even applicants eligible for an exit visa have been denied one without the reasons for the refusal being given. For instance, the Commission heard that young individuals awarded scholarships to pursue their studies abroad had been denied permission to leave.

Generally, individuals who have a history of fall-out with the Government have little chance of being granted an exit visa. The ban often applies equally to their family members and irrespective of whether these individuals have completed the national service.’<sup>(10)</sup>

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## 5. Numbers Leaving Illegally

- 5.1.1 The UN Commission of Inquiry Report estimated that ‘5,000 people leave Eritrea each month, mainly to neighbouring countries. The trend has been upwards, with a marked spike during the last months of 2014 ... The total Eritrean population of concern to UNHCR in mid-2014 was 357,406 – depending on estimates of the current population, this would constitute between 6 per cent and 10 per cent of the national population.’<sup>(11)</sup>

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<sup>9</sup> Xe.com Currency Converter, ERI Nakfa to GBP, <http://www.xe.com/currencyconverter/convert/?Amount=100000&From=ERN&To=GBP>. Date accessed: 22 June 2015.

<sup>10</sup> UN Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>, (para 403-4010). Date accessed: 16 June 2015.

<sup>11</sup> UNHRC Commission of inquiry report (para 151). Date accessed: 16 June 2015.



## 6. Penalties for Leaving Illegally and Treatment on Return

- 6.1.1 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.
- 6.1.2 'International organisation (A) reported that 'there are indications of Eritreans having been repatriated from Israel and other places to Eritrea. However, no one really knows what may happen to people returning. Concern was expressed as to what could happen if the Nordic countries conclude that the situation in Eritrea has improved. The official statement is that all Eritreans are free to return to Eritrea, but of course they would have to participate in the development of the country including the National Service. [...] 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>(12)</sup>
- 6.1.3 'International organisation (B) observed that 'The international community in Eritrea is unable to monitor the situation of National Service evaders and deserters who have left the country. Therefore, those consulted were unable to comment on treatment upon return or the accuracy of publicly available reports on this issue. 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. It was added that those who re-enter Eritrea with their passports acquired abroad and re-establish their residence in Eritrea would

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<sup>12</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.

most likely be obliged to perform their National Service or join the People's Army.'<sup>(13)</sup>

- 6.1.4 International organisation (C) stated that 'If a National Service evader or a deserter who has left Eritrea illegally returned to Eritrea, he or she would be detained for a short period of time, i.e. a couple of days or one week, and then re-enrolled in National Service. As an additional punishment, they could be sent off to duties at military posts near the Ethiopian border.'<sup>(14)</sup>
- 6.1.5 'A UN Agency added that 'the government does not consider emigrants as traitors.'<sup>(15)</sup>
- 6.1.6 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>(16)</sup>
- 6.1.7 '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. In addition such persons will not be recruited to the National Service. The source explained that he has a close relative living abroad and this relative has been visiting Eritrea repeatedly after having paid the two percent tax and signed an apology letter. The relative can travel in and out of Eritrea without consequences.'<sup>(17)</sup>
- 6.1.8 '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

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<sup>13</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/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 29). Date accessed: 1 December 2014.

<sup>14</sup> Danish FFM Report (page 31). Date accessed: 1 December 2014.

<sup>15</sup> Danish FFM Report (page 33). Date accessed: 1 December 2014.

<sup>16</sup> Danish FFM Report (page 39). Date accessed: 1 December 2014.

<sup>17</sup> Danish FFM Report (page 40). Date accessed: 1 December 2014.

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>18</sup>

- 6.1.9 '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>19</sup>
- 6.1.10 '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>20</sup>
- 6.1.11 '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>21</sup>
- 6.1.12 IOM, Addis Ababa stated that it 'had not heard of Diaspora Eritreans travelling to Eritrea. However, IOM-staff are regularly travelling in and out of the Eritrea. According to IOM it is only those Diaspora Eritreans who have

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<sup>18</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 41-42). Date accessed: 1 December 2014.

<sup>19</sup> Danish FFM Report (page 49). Date accessed: 1 December 2014.

<sup>20</sup> Danish FFM Report (page 53). Date accessed: 1 December 2014.

<sup>21</sup> Danish FFM Report (page 57). Date accessed: 1 December 2014.



paid the 2 % income tax and cooperate with the government that can travel in and out of the country.’<sup>(22)</sup>

6.1.13 Tamrat Kebede, Executive Director, InterAfrica Group (IAG) stated that ‘some members of the Eritrean Diaspora could go back to Eritrea on family visits or because they feel obliged to fight for their country. However, those who return are probably connected with the government and some are allowed to return because they have businesses that the government has an interest in.’<sup>(23)</sup>

6.1.14 Western embassy (F) stated that ‘the available information suggests that evasion of National Service and desertion is punished severely as is illegal exit of Eritrea, but the information is not factual information based on empirical work and it does not necessarily reflect the entire reality on the ground in Eritrea.’<sup>(24)</sup>

6.1.15 The May 2015 EASO Report noted:

‘Violations of the exit rules laid down in Proclamation 24/1992 or attempts to cross the border illegally or to help others to do so are — according to the law — punishable by prison sentences of up to five years and/or fines of up to 10,000 birr.

In reality, however, punishment for illegal exits is generally imposed on an extrajudicial and arbitrary basis. Human rights organisations state that people who are caught attempting to leave the country illegally are detained without charge and without being told the grounds for, or duration of, their imprisonment. The reported detention periods vary, but are generally between one and two years according to Amnesty International, whereas Human Rights Watch states that they are between three and five years. Minors are sometimes also recruited for military service. The British embassy in Asmara reported in 2011 that returnees who had left the country illegally are recruited into military units, detained, fined or not punished at all.

In the reported cases of punishment, it is generally unclear if the punishment was meted out for the illegal exit of the person or due to other circumstances. There are no reports on the treatment of people who merely have left the country illegally without having deserted or evaded conscription.’<sup>(25)</sup>

6.1.16 The same report also noted:

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<sup>22</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 63). Date accessed: 1 December 2014.

<sup>23</sup> Danish FFM Report (page 70). Date accessed: 1 December 2014.

<sup>24</sup> Danish FFM Report (page 76). Date accessed: 1 December 2014.

<sup>25</sup> EASO Country of Origin Information report, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 6.4.4). Date accessed: 16 June 2015.

'In practice, according to most sources, deserters and draft evaders are imprisoned if they are caught within the country before being able to leave, or at the airport after returning. They are frequently kept in incommunicado detention without charges, proceedings or fixed sentence, and sometimes even tortured. Periods of detention vary between several days and several years. According to one report, punishments are more severe in the case of deserters who have dropped out of military national service. However, for the punishment, it does not make a difference whether the desertion has taken place during the legally prescribed service period of 18 months or afterwards.

The information on the treatment of returning deserters and draft evaders is based primarily on the experiences of failed asylum seekers repatriated to Eritrea between 2002 and 2008. There have been no new empirical findings since then on the treatment of repatriated deserters and draft evaders. Therefore, the punishment currently imposed on deserters and draft evaders is difficult to establish. However, most sources state that punishment is imposed arbitrarily on an extra-judicial basis without regard for the law.

Eritreans were repatriated from Egypt in 2009 and 2011 and there have been many instances of overland repatriations from Sudan in recent years. No information is available on the fate of those repatriated after their return, however. Some of the respondents contacted in Eritrea during Denmark's and Norway's fact-finding missions in late 2014 and early 2015 believed that deserters and draft evaders were held in prison for several weeks or months and were then reassigned to national service (see above). However, several of the Eritrean experts consulted in 2013 and 2014 by Norway, the Netherlands and Denmark believed that repatriated deserters and draft evaders may still be subjected to interrogations, punishments and mistreatment. Since human rights monitors have no access to Eritrea and the International Committee of the Red Cross (ICRC) is not allowed to visit prisons, it is impossible to verify such statements.

The Eritrean leadership has stated on several occasions that those returning to the country will not be punished as long as they have not committed any offences but it has not yet been made clear whether desertion, draft evasion or illegal exits are regarded as offences. No amendments have been made to the country's laws and no other documents have been issued to substantiate these announcements. ...

Also individuals of draft age, who have left Eritrea illegally, may be perceived as draft evaders upon return'<sup>(26)</sup>

#### 6.1.17 The EASO report further notes that

'Prison sentences are imposed in Eritrea on general criminal grounds as well as political grounds and religious grounds and in connection with military crimes such as desertion and draft evasion or attempts to leave the country

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<sup>26</sup> EASO Country of Origin Information report, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.8.1 and 3.8.2). Date accessed: 16 June 2015.

illegally. Human rights reports describe the conditions of detention in Eritrean prisons as precarious. Given the lack of access to Eritrea, the quoted human rights reports are based on a range of sources abroad ... Therefore the information cannot be verified on-site.<sup>(27)</sup>

- 6.1.18 For more on prison conditions, see section 4.1 of the EASO Country Report and paragraph 890 of the UNHRC Commission on Inquiry report.
- 6.1.19 See also the country information and guidance on [Eritrea: National \(incl. Military\) Service](#) for more on availability of information and source assessment.
- 6.1.20 The UN Commission of Inquiry Report observed that ‘Individuals forcibly repatriated are inevitably considered as having left the country unlawfully and are consequently regarded as serious offenders and also as “traitors” and that Eritreans fleeing the country are labelled as ‘traitors and collaborators of the enemy’.<sup>(28)</sup>
- 6.1.21 The report continued with regards to individuals forcibly repatriated:

‘...The forced repatriation in 2014 of Eritreans from [country D] was reported by a witness. The latter had been held in prison for several years before his deportation. Another 40 Eritreans were also allegedly forced to return from [country E] in 2014. ...

A common pattern of treatment of returnees is their arrest upon arrival in Eritrea. They are questioned about the circumstances of their escape, whether they received help to leave the country, how the flight was funded, whether they contact with opposition groups based abroad, etc. Returnees are systematically ill-treated to the point of torture during the interrogation phase.

After interrogation, they are detained in particularly harsh conditions, often to ensure that they will not escape again. Returnees who spoke to the Commission were held in prison between eight months to three years...Witnesses who spoke to the Commission noted the severe conditions during their detention ...

After their release, women and accompanied children are usually allowed to go home. Male unaccompanied minors and those of draft age are sent to military training.

‘The Commission found however two exceptions to the rule that returnees are arrested, detained and forced to enlist in the national service upon their arrival in Eritrea. A group of Eritreans was returned from [country D] with a letter certifying that they had paid the 2 per cent Rehabilitation Tax and had

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<sup>27</sup> EASO Country of Origin Information report, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 4.1). Date accessed: 16 June 2015.

<sup>28</sup> UN Human Rights Council, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>, (para 1070 and 1130). Date accessed: 16 June 2015.

already been detained several years in [country D]. The witness had himself been imprisoned for three years in [country D]. He was given a permit to return to his hometown, but which had to be renewed every two months. He left Eritrea again shortly after being deported. The other case concerned forced repatriations to Eritrea in 2014, where seven older men were reportedly freed while the younger men who were returned in Eritrea at the same time were not released.’<sup>(29)</sup>

6.1.22 The U.S. Department of State report covering 2014 notes that ‘Many persons who fled the country remained in self-imposed exile due to their religious and political views and fears that they would be conscripted into national service if they returned. In general citizens had the right to return, but citizens residing abroad had to show proof they paid the 2 percent tax on foreign earned income to be eligible for some government services, including passport renewals and real estate transactions. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their visas and visa requests to enter the country considered with greater scrutiny than others.’<sup>(30)</sup> The 2014 Trafficking in Persons Report from the same source notes that ‘Eritrean nationals who were deported back to the country and those fleeing Eritrea—some of whom may be trafficking victims—were highly vulnerable to being arrested, detained, tortured, forced to pay fines, and even shot on sight by military forces.’<sup>(31)</sup>

6.1.23 In August 2013 the Research Directorate at the Immigration and Refugee Board of Canada contacted an Eritrean professor of sociology who is both a senior research fellow at the University of Oslo, Norway, and a Senior Advisor within an Eritrean research group at the International Law and Policy Institute (ILPI), a Norway-based (ILPI n.d.a) independent institute that conducts research in the field of good governance, peace and conflict, and international law (ILPI n.d.b). In correspondence with the Research Directorate, the Professor opined that ‘[g]enerally, all Eritreans who fled from the mandatory and time unlimited national service as draft evaders or deserters face incommunicado detention of undefined periods without due process, torture and other cruel forms of treatment, if they are forcibly returned to Eritrea. ... Similarly, in correspondence with the Research Directorate, an Amnesty International (AI) representative stated that “all returnees, of whatever ethnic identity, are treated with suspicion and hostility if forcibly returned to Eritrea; most, according to reports we receive, are

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<sup>29</sup> UN Human Rights Council, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>, (paras 430-3 and 435-6). Date accessed: 16 June 2015.

<sup>30</sup> United States State Department, ‘Country Reports on Human Rights Practices for 2014’, Eritrea section, 26 June 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> (section 1d). Date Accessed: 29 June 2015.

<sup>31</sup> U.S. Department of State, Trafficking in Persons Report 2014 – Eritrea, 20 June 2014 <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 29 June 2015.

arbitrarily detained and tortured for information about their attempts to claim asylum abroad" (3 Sept. 2013).<sup>(32)</sup>

- 6.1.24 In a May 2014 report, Human Rights Watch claimed that 'Sudan is forcibly returning Eritreans to serious risk of detention and abuse at the hands of a brutal government. ... Anyone of draft age leaving the country without permission is branded a deserter, risking five years in prison, often in inhumane conditions, as well as forced labor and torture.'<sup>(33)</sup>
- 6.1.25 Amnesty International similarly noted in a May 2013 report that 'Individuals of conscription age who left the country, whether legally or illegally, are also suspected of draft evasion upon return'.<sup>(34)</sup> It further notes that 'According to testimonies and other information received by Amnesty International, asylum seekers whose applications have been rejected or who have not been granted access to asylum procedures, who have been forcibly-returned to Eritrea by various other countries have been arbitrarily arrested and detained without charge. ... Amnesty International has received information, from former detainees and Eritrean human rights defenders in exile, as well as other sources, on numerous cases of individuals and groups of returned asylum-seekers who have reportedly been arbitrarily detained and subjected to torture or other ill-treatment, and it is believed that this may apply to a significant majority of forcibly-returned asylum seekers.'<sup>(35)</sup>
- 6.1.26 The Research Directorate of the Canadian Immigration and Refugee Board, using publically available sources – including some of those utilised in this country information and guidance – produced a September 2014 'Response to Information Request' which provides information on the situation for returnees.<sup>(36)</sup>

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## 6.2 Number of Returnees

- 6.2.1 Sources cited in the Danish FFM Report noted the number of Eritreans who visit the country each year.
- 6.2.2 Western Embassy A noted that 'Many members of the Eritrean Diaspora have been recognized as political refugees in Europe and many of these

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<sup>32</sup> Immigration and Refugee Board of Canada: Eritrea: Treatment of Jeberti people by government authorities, including Jeberti returnees (2010-August 2013) [ERI104540.E], 17 September 2013, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454791&pls=1>. Date Accessed: 29 June 2015.

<sup>33</sup> Human Rights Watch, Sudan: Stop Deporting Eritreans, 8 May 2014, <http://www.hrw.org/news/2014/05/08/sudan-stop-deporting-eritreans>. Date Accessed: 29 June 2015.

<sup>34</sup> Amnesty International, Eritrea: Twenty years of Independence, but still no freedom, 9 May 2013, <http://www.amnestyusa.org/sites/default/files/afr640012013.pdf> (page 27). Date Accessed: 29 June 2015.

<sup>35</sup> AI, 'Eritrea: Twenty years of Independence, but still no freedom', (page 30). Date Accessed: 29 June 2015.

<sup>36</sup> Canadian IRB, 'Situation of people returning to the country after they spent time abroad, claimed refugee status, or sought asylum (2012-August 2014) [ERI104941.E], 10 September 2014, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455496&pls=1>. Date Accessed: 14 July 2015.



people travel to Eritrea on visits and they leave the country again legally without experiencing any kind of problems<sup>(37)</sup>

- 6.2.3 They also gave an example. ‘In June 2014 the Swedish air carrier Fly Olympic went bankrupt leaving approximately 400 Eritreans with Swedish passports stranded in Asmara. The majority of the stranded passengers had originally left Eritrea illegally and had either evaded or deserted from National Service. It took some time to organize new tickets, but eventually they were all able to fly back to Sweden. It is not known if they had restored their relations with the government by paying the two percent tax and by signing an apology letter, but they were all allowed to leave Eritrea.’<sup>(38)</sup>
- 6.2.4 On 8 April 2015, during a discussion at the Bruno Kreisky Forum for International Dialogue, Presidential Adviser Yemane Gebreab stated that:  
‘For Eritrea the policy is all the Eritreans that have left the country; even illegally; even those deserted from National Service, from their own units in their military. For us, we welcome them back. They will not be punished. They can come back to the country anytime. They don’t have to come permanently to the country, they can come and visit. In fact, thousands ...  
**GEORG LENNKH (Moderator):** Which they do.  
**YEMANE:** Yeah, which they do.  
... thousands of them come every summer to visit the country.’<sup>(39)</sup>
- 6.2.5 The Guardian newspaper’s article ‘Africa’s ‘Little Rome’, the Eritrean city frozen in time by war and secrecy’, part of its “inside Eritrea” series also stated that ‘Each summer Eritrea’s population swells with visitors from the country’s diaspora’<sup>(40)</sup>

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## 7. Diaspora Tax

### 7.1 Requirement

- 7.1.1 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

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<sup>37</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 41-42). Date accessed: 10 August 2015.

<sup>38</sup> Danish FFM Report (page 41-42). Date accessed: 10 August 2015.

<sup>39</sup> Madote, ‘Yemeane Ghebreab speaks on Eritrea Limiting National Service to 18 months’, April 2015, <http://www.madote.com/2015/04/yemeane-ghebreab-speaks-on-limiting.html#ixzz3Y3MHIJzz>. Date Accessed: 22 June 2015.

<sup>40</sup> The Guardian, ‘Africa’s ‘Little Rome’, the Eritrean city frozen in time by war and secrecy’ 18 August 2015, <http://www.theguardian.com/world/2015/aug/18/eritrea-asmara-frozen-in-time-africas-little-rome>. Date accessed: 24 August 2015.

Proclamation No 17/1991 & 67/1995<sup>(41)</sup> and described as a “Rehabilitation and Recovery Tax” (Mehwey Gibri)<sup>(42)</sup>.

## 7.2 Payment and Non-Payment

7.2.1 A ‘New Statesman’ report, 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. A United Nations report plus documents from the Eritrean community in Britain provides evidence of the activities undertaken by agents of the state, many of them operating from the Eritrean embassy in London. This, despite British nominal support for action to end this extortion, and assurances from the Foreign Office that action has been taken to end the practice. ...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>(43)</sup>

7.2.2 In June 2015, the Guardian reported that ‘The Metropolitan police are examining allegations that the Eritrean embassy in London is illegally using a controversial diaspora tax to “punish and control” Eritreans living in the UK.’<sup>(44)</sup>

7.2.3 The May 2015 EASO Report noted, ‘The Eritrean authorities claim that people who have left the country illegally may return without fear of punishment after they have paid the diaspora tax and signed the repentance form but they may be sent to a six-week training course to ‘enforce their patriotic feelings’<sup>(45)</sup>

7.2.4 The same source further notes that ‘According to recent observations, however, it has apparently been possible for exiled Eritreans to enter the country for holidays and to visit family without suffering any consequences. In order to do so, they need to rehabilitate themselves vis-a-vis the Eritrean state by paying the diaspora tax (also known as ‘reconstruction tax’ or ‘2%

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<sup>41</sup> Embassy of the State of Eritrea in the United States, 2% Tax Form, undated 2012, [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>42</sup> Ministry of Foreign Affairs of the State of Eritrea, ‘Eritrea’s Response to the Report of the Somalia Eritrea Monitoring Group Report’, 17 October 2011, [http://www.aigaforum.com/articles/eritrea\\_text\\_of\\_response-un-somalia.pdf](http://www.aigaforum.com/articles/eritrea_text_of_response-un-somalia.pdf) (para 59). Date Accessed: 10 December 2014.

<sup>43</sup> ‘New Statesman’, ‘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>44</sup> Guardian, Diaspora tax for Eritreans living in UK investigated by Metropolitan police, 2 June 2015, [http://www.theguardian.com/global-development/2015/jun/09/eritrea-diaspora-tax-uk-investigated-metropolitan-police?CMP=share\\_btn\\_tw](http://www.theguardian.com/global-development/2015/jun/09/eritrea-diaspora-tax-uk-investigated-metropolitan-police?CMP=share_btn_tw). Date Accessed: 29 June 2015.

<sup>45</sup> EASO Country of Origin Information report, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 6.4.4). Date accessed: 16 June 2015.

tax') and signing a letter of repentance as well as abstain from any anti-government activities while abroad. These measures provide no guarantee against punishment, however; signing the letter of repentance implies directly confessing to an offence and declaring a willingness to accept the relevant punishment. It is important to note that most of those who have returned to Eritrea have visited the country rather than relocated for good.<sup>(46)</sup>

#### 7.2.5 The UN Commission of Inquiry Report stated:

'Many Eritreans no longer have an Eritrean passport which is delivered only after payment of the 2 per cent Rehabilitation Tax, collected through Eritrea's diplomatic representations abroad. The Government has established the Tax levied on the revenues earned abroad by its citizens, arguing that it falls under its sovereign right to levy taxes on its citizens.'<sup>(47)</sup>

#### 7.2.6 However, the report continued that "in order to ensure the payment of the Tax, the Eritrean Government uses methods which have been considered illicit by the United Nations Security Council."<sup>(48)</sup>

See [UNSCRs](#).

#### 7.2.7 'The Commission obtained information that one of the methods of coercion that is used by the Eritrean Government to force members of the diaspora to pay the 2 per tax Percentage Tax is the denial of access to basic consular services which largely impacts their enjoyment of the right to freedom of movement. While Eritreans living abroad are required to provide proof of payment of the 2 per cent Rehabilitation Tax to have their passports and travel documents renewed, the non-payment of the Tax presents a risk for arrest and detention for those who travel back to Eritrea ...

'Moreover, in addition to paying the Tax, Eritreans who have left the country unlawfully have to sign an "Immigration and Citizenship Services Request Form" to regularise their situation before they can request consular services. By signing the Form, individuals admit that they "regret having committed an offence by not completing the national service" and are "ready to accept appropriate punishment in due course."<sup>(49)</sup>

### 7.3 United Nations Security Council Resolutions (UNSCRs)

#### 7.3.1 The Diaspora tax has been condemned by the United Nations Security Council (UNSC) as being in violation of Security Council Resolutions 1844

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<sup>46</sup> EASO Country of Origin Information report, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.8.2). Date accessed: 16 June 2015.

<sup>47</sup> UN Human Rights Council, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>, (para 440). Date accessed: 16 June 2015.

<sup>48</sup> UNHRC Commission of inquiry report, (para 440). Date accessed: 16 June 2015.

<sup>49</sup> UNHRC Commission of inquiry report, (para 441-2). Date accessed: 16 June 2015.



(2008), 1862 (2009) and 1907 (2009). The UNSC decided that they shall cease such practices.<sup>(50)</sup>

- 7.3.2 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>(51)</sup>

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<sup>50</sup> United Nations Security Council, United Nations Security Council Resolution ('UNSCR') 2023 (2011), 5 December 2011. <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%20RES%202023.pdf> (paragraph 10). Date accessed: 10 December 2014.

<sup>51</sup> UNSCR 2023 (2011) (paragraph 11). Date accessed: 10 December 2014.

# Annex A: Correspondence from British Embassy in Asmara, 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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# Annex B: Correspondence from British Embassy in Asmara, 11 October 2010

## INFORMATION ABOUT PASSPORT CONTROLS, MILITARY TRAINING IN SAWA, NATIONAL SERVICE ROUND-UPS AND EXEMPTIONS, AND TREATMENT OF HOMOSEXUALS

This note has been produced by officials at the British Embassy in Asmara in response to a series of questions about passport controls, military training in Sawa, national service round-ups and exemptions, and treatment of homosexuals, 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 not possible to be categorically certain about how the rules and regulations relating to passport controls, military training in Sawa, and national service round-ups and exemptions are implemented in practice. Likewise, it is not possible to be categorically certain about how homosexuals are viewed and treated in Eritrea. The information contained in this note, provided by local sources and contacts in Eritrea, is what embassy officials believe to be true.

We have answered the most recent questions as fully as we are able, please find our responses below:

### Treatment of Ethiopians and treatment of returned failed asylum seekers and other Eritreans at airport immigration control points

#### **Q. Would Ethiopians find it more difficult to enter and exit Eritrea through Eritrean airports than other nationalities?**

A. Ethiopians cannot enter or exit Eritrea through Eritrean airports. Ethiopian refugees are kept separately from others and normally do not have access to UNHCR. If they chose to leave, they would normally exit Eritrea through the Sudanese border after a laissez-passer is granted from an immigration office. The Red Cross are involved in the repatriation of Ethiopian refugees.

#### **Q. Would the Eritrean immigration authorities view Ethiopians with suspicion?**

A. Yes, as mentioned above, Ethiopians are separated from other nationalities and are usually held in detention or in designated areas.



**Q. Would it make any difference if they had been born in Eritrea and had lived in the country for many years?**

A. They would not be treated differently if they had been born in Eritrea and had been issued with an Eritrean ID card giving them the right to live and work in Eritrea.

**Q. Would Ethiopians need any other documents, apart from passports?**

A. As there is no Ethiopian government representation in Eritrea, they would need to obtain a laissez-passer from the Eritreans to enable them to travel back to Ethiopia.

**Q. How would the Eritrean immigration authorities view returned failed Eritrean asylum seekers, independent journalists, and leaders or active members of opposition political parties? [These would be individuals with valid passports or travel documents]. Is it likely that they would have to undergo lengthy questioning about their political activities and loyalties, whether they had paid the required income tax or completed their national service duties, and then let through immigration control? Or is it more likely that they would be questioned, arrested and detained for an indefinite period?**

A. This is a grey area as there is little experience of failed asylum seekers returning to Eritrea. However, the Eritrean authorities tell us that if they return and have not committed a criminal offence, no action would be taken. But we have to put this into context. It is an offence to leave the country illegally, so returnees would be liable to detention and questioning. Some have been released without further action but those who have not undertaken military service could be sent to a military training camp.

National service round-ups and exemptions and military training in Sawa

**Q. What is the precise role of the Kebelles (local authorities) in national service round-ups?**

A. Occasionally, the local authorities issue letters to those who have not entered into the military urging them to do so. Round-ups are normally carried out by the military.

**Q. How do they assist the military authorities? Do they routinely issue national service call-up papers to people in their jurisdiction, under instructions from the Ministry of Defence? Or do they just inform the military authorities of the home addresses of people required to undergo national service, thus making it easier for house-to-house round-ups to be made?**

A. The most common form of assistance is through informing the military of any individuals who have not undertaken military training. They usually get this information through 'informants'. The Kebelles distribute call-up papers to those found in breach of the rules on military training.

**Q. Does military training at Sawa always last six months, or can it vary according to how well resourced the camp is at any given time, or at times of war?**

A. Another grey area. Military service normally lasts 18 months - 6 months military training at Sawa before being deployed in other areas. During times of conflict or heightened security threat, this period can be extended. We have no information on the resources available in camps.

**Q. Do military commanders at Sawa have any freedom to vary the length of the training period?**

A. We have no information concerning the freedom military commanders have to vary the length of the training period.

**Q. Are there any other military training camps currently used?**

A. Yes.

**Q. If so, what are their names and where are they located?**

A. The camps we are aware of are at Weah and Meater in the Northern Red Sea Region, Kiloma and Alla in the Southern Red Sea Region.

**Q. Can people be required to undergo military training at Sawa or forced into military service more than once, perhaps as a form of punishment for some misdemeanour?**

A. Anyone who deserts the military and are then captured will be punished and then required to undertake a full period of military training.

**Q. Certain categories of people can be given official exemption from national service duties such as the disabled, elderly people or pregnant women. More generally, can military commanders or supervising officials exercise discretion in exempting individuals from national service duties, including military training and military service? For example, can an individual from a poor family who is the only working person in that family be exempted, or can an individual who has to look after relatives who are severely ill, disabled, or elderly, be exempted, although this is not strictly permitted by the rules?**

A. Normally, married women or women with young children are exempt from military service as are those registered disabled. The elderly have usually completed their national service, but if conflict ensues they could be expected to take up arms. Military commanders are able to authorise medical exemptions, with a report from a military medical officer. There are no exemptions for those from a poor background or those who have family members dependent on them through age or illness.

## Societal and official government attitudes to homosexuals

**Q. Homosexual acts are illegal in Eritrea and the punishment is imprisonment. Have there been any known prosecutions and convictions in Eritrean courts during the last ten years?**

A. We cannot find any details on prosecutions or detentions without trial specifically involving homosexual acts.

**Q. If not, can one conclude that the authorities tolerate practising homosexuals to a certain extent?**

A. Homosexuality is not tolerated to any extent.

**Q. What are societal attitudes to known homosexuals?**

A. The attitudes are negative. No one will admit to being homosexual or admit to knowing anyone rumoured to be homosexual.

**Q. Are they likely to encounter hostility, lose their jobs, experience family ostracisation, or be discharged from the army (if they are soldiers)?**

A. Soldiers would be arrested. It is difficult in the climate of secrecy in Eritrea to know if anyone has lost their job but it can be expected they would. No evidence is available on how families would react.

**Q. Can homosexuals avoid prosecution or societal hostility if they conduct themselves discreetly and do not draw attention to themselves?**

A. Yes.

I hope the above information is useful.

Regards,

HM Ambassador

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# Annex C: Correspondence from British Embassy in Asmara, 3 October 2011

This letter is a response to questions 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 letter has been obtained from local sources in Eritrea and is publicly disclosable. This letter does not reflect the opinion of officials of the British Embassy in Asmara, nor any policy of the Foreign and Commonwealth Office. Whilst we make every effort to ensure the replies are accurate, the answers given are based on common practice, which the government of Eritrea does not always follow.

Below are responses to the Eritrean COI questions for September 2011.

## National service and marriage

- Would the Eritrean authorities allow a woman to get married whilst on a national service work programme or in military service? If so, would that woman become exempt from national service duties as soon as she married, and could produce a marriage certificate as proof?

Women are able to marry whilst on a national service work programme, but not during military service, which normally is the first six months of the national service programme.

Following her marriage, a woman may apply for demobilisation, a decision on whether to grant lies with the relevant dept/ministry. It is not standard practice for a woman to be demobilised on marriage, some are expected to continue their national service for various reasons.

- Are there any formal procedures to be followed by the woman concerned after the marriage ceremony to allow her to be exempt, or is a woman automatically exempt as soon as she is married?

Women are not automatically exempt on marriage. They have to formally apply for demobilisation, if on national service, or exemption if national service has not yet started.

- Are national service exemption documents issued to such women?

Yes, firstly they will be issued with a certificate releasing them from duty, followed by a demobilisation card.

## Exit visas

- We understand that the Eritrean government requires some foreign nationals (eg long-term residents) to obtain exit visas before leaving the country. Are the exit visas stamped in the passports of foreign nationals of the same type and format as the exit visas stamped in Eritrean passports? If not, in what way do they differ? Would such individuals have to go to a local immigration office to obtain an exit visa, just as Eritreans are required to do?

Exit permits for foreign nationals are the same type and format as those for Eritrean nationals. All exit permits are issued by the local immigration office.

Yours sincerely

HM Ambassador

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# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

- version **2.0**
- valid from **September 2015**
- approved on: **7 September 2015**

## Changes from last version of this guidance

1. Inclusion of relevant extracts from updated reports, in particular: the UN Report of the Commission of Inquiry on Human Rights in Eritrea, published 4 June 2015 ('the UN Commission of Inquiry Report') and the EASO Eritrea Country Focus Report of May 2015 ('the May 2015 EASO Report') and additional COI on the treatment of refused asylum seekers.
2. Removal of 'Summary of Issues to Consider' list at the outset.
3. Updated numbering to reflect revised template.
4. Inclusion of pointers to relevant Asylum Instructions, rather than overlapping or repeating text, guidance or instructions contained within them.

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