

**Proclamation No. 24/1992 issued to regulate the issuing of travel documents,
entry and exit visa from Eritrea, and to control residence permits of
foreigners in Eritrea**

CHAPTER I - GENERAL

1 - Short Title

This Proclamation may be cited as Proclamation No. 74/1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea.

2 - Repelling and substituting of old laws

All laws already in force to regulate the issuing of travel documents, entry and exit visa from Eritrea, concerning residence permits of foreigners in Eritrea, are repelled and substituted.

3 - Definition

The words enlisted below, unless the context in this Proclamation gives a different meaning, will mean:

- 1) "Secretary" shall mean the Secretary of the Internal Affairs;
- 2) "Concerned" shall mean the authority appointed by the Secretary;
- 3) "Foreigners" shall mean a non Eritrean person;
- 4) "Person" shall mean a natural or juridical person including Eritrean and foreigner;
- 5) "Travel document" shall mean a Passport or any other document that bears the photograph of the interested person, his nationality issued to him by the Provisional Government of Eritrea or by other Governments or international Organizations;
- 6) "Inlet" shall mean if by land or sea close to the Eritrea border; or if by air in or near the airport a control station run by the Immigration authority officials;
- 7) "Means of Transport" shall mean any ship, boat, railway, aeroplane or any other means of transport which at one may be able to carry one or more passengers;
- 8) "child" any person under the age of 15 years;
- 9) "Transit Traveller" shall mean a foreigner travelling to other countries through Eritrea or staying for a short time in Eritrea;

10) "Foreign Service Travel document" shall mean diplomatic travel documents including special travel documents;

11) "Regular Travel Document" shall mean any travel document excluding Diplomatic travel document;

12) "Unwanted Foreigner" shall mean any foreigner whom the Secretary of Internal Affairs has for one of the following motives defined as "unwanted":

a if the foreigner is without any means to support himself or is likely to be a burden to the State;

b if the foreigner has been sentenced in Eritrea or abroad for immoral offences;

c if it is proved that the foreigner is a habitual drunkard;

d if the foreigner has been found on extending acts of immorality in Eritrea;

e if the foreigner has violated the provisions of this Proclamation or provisions; enacted under this Proclamation.

4 - Delegation of power

With exception of the powers mentioned in Art. 23-24 the Secretary may delegate his other powers to other appointed authorities.

CHAPTER II - TRAVEL DOCUMENT

5 - Issuing of travel document

1) Diplomatic travel document and special travel document are issued by the Secretary of Foreign Affairs who also decides the person eligible for it and its duration. The formalities, and if payment is to be made, the amount required will be decided by him.

2) The Secretary of Foreign Affairs may at any time withdraw or cancel the Foreign Service Travel Document issued if it appears to him that the person who holds it does not deserve it.

3) Regular travel for document for work; for tourism, for education or for other valid motives are issued to travelling Eritreans by the Secretary of Internal Affairs, who also determines the validity period of the regular document. An expired regular travel document may be renewed on request.

CHAPTER III - ENTRY INTO ERITREA

6 - Entrance (inlet) spots

- 1) No person may be allowed to enter the country through spots other than those authorized by the Secretary, through provisions issued from time to time;
- 2) Any person who knows or suspects that a person has illegally entered the country should immediately inform the concerned body.

7 - Formalities required for entering Eritrea

- 1) Any foreigner is not allowed to enter Eritrea without:
 - a a valid travel document;
 - b a valid visa;
 - c a valid international health Certificate concerning diseases for which vaccination is required by the Health Dept. through legal notices from time to time;
 - d other documents which the Secretary may require by legal notices from time to time.
- 2) A foreigner in possession of a transit or tourist visa must also be in possession of a:
 - a valid ticket that will enable him to travel from Eritrea to other countries,
 - b valid visa and an international health certificate demanded in the country to which he is travelling.
- 3) Any foreign child may not enter Eritrea unless:
 - a an adult person or an Organization exists in Eritrea to assume responsibility for the child, who has a travel document or a visa;
 - b he is registered in the travel document of the person by whom the child is accompanied.

8 - Types and conditions for the issuing of visa

Visas may be issued to foreigners on the following conditions:

- 1) transit visa:

a transit visa abroad may be issued by the Representative of the Government of Eritrea and in the entrance spots of Eritrea by the Dept, Internal Affairs;

b the validity duration of the transit visa is decided by the Secretary.

2) tourist visa:

a tourist visa abroad is issued by the Representative of the Government of Eritrea;

b the validity duration of a tourist visa is determined by the Secretary;

c a foreigner who enters Eritrea with a tourist visa cannot employed in Eritrea.

3) entry visa:

a an entry visa abroad may be issued by the Representative of the Government of Eritrea and at the entrance spots of Eritrea by the Dept. of Internal Affairs;

b entry Visa may be issued to the following persons:

I to persons engaged to work for the Government of Eritrea;

II to persons engaged by private bodies or companies;

III to persons who intend to set up private enterprise or industries or engage themselves in private trade activities;

IV to persons serving in private schools or hospitals or other social services in Eritrea;

V to persons whom the Government of Eritrea has authorized to enter Eritrea for other special matters;

c the validity period of the entry visa is to be determined by the Secretary;

d an expired visa may be renewed on request, and the Secretary may authorize the renewal according to its necessity.

9 - Forbidding entry into Eritrea

- 1) Any foreigner defined "persona non grata" may not be allowed to enter Eritrea;
- 2) Any of the types of a visa mentioned in Art. 8, sub-art. (1) (2) (3) may be forbidden or if issued cancelled by the Secretary if he deems it necessary for the interest of the Country or has valid grounds to do so.

CHAPTER IV - EXIT FROM ERITREA

10 - Exit spots

- 1) No person can get out of Eritrea through spots other than the ones authorized by the Secretary under revisions issued from time to time.
- 2) Any person who sees or suspects anyone attempting to leave the country illegally should inform immediately the concerned body.

11 - Formalities required to get out of Eritrea

No one can leave Eritrea without being in possession of a:

- a valid Travel Document,
- b valid exit visa,
- c valid international health certificate.

12 - Exit visa

- 1) Exit visa may be issued by the Department of internal Affairs.
- 2) The Secretary determines by provisions the conditions required for the granting of an exit visa.
- 3) The validity period of an exit visa is determined by the Secretary.
- 4) Expired exit visa may be renewed on request; the Secretary may authorize the renewal according to the circumstances.

13 - Forbidding the granting of exit visa

The Secretary may for any of the following motives forbid anyone the granting of an exit visa:

- 1) if a competent Court has ruled that the person cannot leave Eritrea;

- 2) if a competent Court has summoned the person to appear within a month before a judicial audience to testify on civil or criminal proceedings;
- 3) if the Secretary believes on valid grounds that the person's departure might affect the security or interests of the Country.

CHAPTER V - RESIDENCE IN ERITREA

14 - Residence permit and ID cards

- 1) Any foreigner living in Eritrea must hold a residence permit.
- 2) Any foreigner who did not enter Eritrea as a tourist or on transit and has stayed for not more than six months should apply for a residence permit.
- 3) A residence permit may also serve as an ID Card.
- 4) Residence permit is granted by the Department of Internal Affairs and its validity period may be determined by the Secretary.
- 5) An expired residence permit may be renewed on request and the Secretary may authorize its renewal if deemed necessary.

15 - Residence Permit to family members

A residence permit may be granted to a foreigner's family members, i.e. to his wife, to his children and to his parents who live under his protection.

16 - Cancellation of residence permit

If the conditions for which a residence permit has been granted have come to an end or are suspended the permit will be cancelled. But if other conditions arise to justify the granting of residence permit or if there are new grounds which the Secretary accepts as valid the previous residence permit may be continued.

CHAPTER VI - REGISTRATION OF FOREIGNERS

17 - Registration of foreigners

- 1) Any foreigner living in Eritrea or authorized to enter Eritrea, has stayed not less than six months must be registered in the Dept. of Internal Affairs.
- 2) Any foreigner must present his residence permit or his travel documents to Eritrea when requested to do so by the concerned authorities.

3) Any foreigner who has not been able to submit the documents mentioned in Sub-Art. (2) will remain under surveillance until his identity and nationality are investigated and if necessary, will immediately be presented to the Court.

18 - Change of address

1) Any foreigner in possession of a residence permit and who wants to change his residence from one town to another must before doing so inform the office where he has been registered.

2) The foreigner who changes his residence must within three days register himself in the town where he has transferred his residence.

3) The foreigner who entered Eritrea as tourist or on transit, when changing his address, must within 48 hrs. inform the concerned authority.

19 - Loss of travel document and residence permit

Any foreigner who lost his travel document or residence permit, from the moment of his awareness of the loss, must within 48 hrs. inform the Police or the concerned authority.

20 - Obligations and duties of Hotel Managers and boardinghouses owners and houses leased to guests

1) Hotel managers, boardinghouses house owners or lessors of guesthouses must provide that the foreign guests fill the form prepared by the concerned authorities.

2) They must also submit the form to the concerned authorities within the specified period and in the prescribed office.

21 - Obligations of other foreigners

Any foreigner who takes up room in a place other than those registered Hotels and boardinghouses, must within 24 hrs. supply his address to the concerned office.

CHAPTER VII - EXPULSION OF FOREIGNERS FROM ERITREA

22 - Motives for which foreigners may be expelled from Eritrea

Any foreigner who enters Eritrea illegally, or is found in possession of a document not renewed or in possession of an expired permit or defined as "persona non grata" shall be expelled from Eritrea.

23 - Power of expulsion

- 1) The expulsion order of a foreigner from Eritrea shall be given only by the Secretary.
- 2) The Secretary upon giving the expulsion order will specify the reasons why the foreigner is being expelled, and will determine the date and the exit line from Eritrea.

24 - Manner of expulsion

- 1) Any foreigner who by order of the Secretary or of the Court (under the Criminal Code Art. 154-155) is to be expelled from Eritrea:
 - a may remain under arrest until his expulsion; or
 - b may stay in a determined place and at intervals decided by the Secretary may apply to the concerned authority.
- 2) Persons under the protection or responsibility of a foreigner to be expelled may by order of the Secretary be expelled.
- 3) Assets or properties owned by a foreigner to be expelled from the State may by instructions of the Secretary be used to cover the transport expenses of the expelled person or of his protégé or other expenses.

CHAPTER VIII - VARIOUS PROVISIONS

25 - Obligations binding drivers of vehicles crossing regular entrances

- 1) The driver of a vehicle transporting a foreigner entering Eritrea:
 - a has the duty of ascertaining that the foreigner has complied with the provisions of art.7 of this proclamation;
 - b the foreigner has entered the country through the authorized entrance spot.
- 2) The driver who fails to meet the demands provided in Sub-Art. (1) and (b) shall at his own expenses be compelled to force the foreigner to leave the country.
- 3) the driver of the vehicle carrying foreigners leaving or entering Eritrea upon arrival at or before departure from any entrance spot must submit to the concerned authority at the entrance a list meeting the demands required by the Dept. of Internal Affairs.

4) The driver of a vehicle carrying a foreigner leaving Eritrea has the responsibility of assuring that the foreigner has met the conditions demanded under Art. 11 of this Proclamation.

26 - Exemption from provisions of the Proclamation or from regulations

1) In compliance with international treaties and international custom accepted by the Government of Eritrea and with the reciprocity agreements with other States the Secretary.

a may exempt the citizens of those States;

b the Heads or Diplomatic or Consular envoys or other officials of the said states;

c The heads or other heads of International Organizations from all or some of the provisions of this Proclamation or from provisions issued under this Proclamation.

2) On condition that they leave within the prescribed period, the crew of ships or aeroplanes will not be required to have entry and exit visa.

3) Anyone that entered the country with an entry or tourist or transit visa will not be required to have an exit visa on condition that he leaves within the prescribed period.

27 - Immigration Authorities

1) Immigration authorities are appointed by the Secretary. They are empowered by the Secretary to control persons entering and leaving Eritrea and to carry out other tasks entrusted to them by the Secretary.

2) Immigration Authorities are given the following powers to carry out their duty:

a to inspect any vehicle or means of transport entering Eritrea;

b To inspect and control the legality of travel documents, visa, residence permits and other documents;

c To stop for investigation and enquiry any person suspected of attempting to enter or leave Eritrea in violation of this Proclamation or of the regulations issued under this Proclamation on condition that the person is to be brought before the Court of Jurisdiction without delay.

e To stop for investigation and enquiry any vehicle that has carried a person, who in violation of this Proclamation or of the provisions issued under it, has attempted to enter or leave Eritrea illegally on condition that the case be brought before a Court of Jurisdiction without delay.

28 - Power to issue regulations

The Secretary is empowered by this Proclamation to issue regulations compatible with this Proclamation and affecting the matters below.

- 1) As far as the documents and visa mentioned in this Proclamation are concerned:
 - a enact the formalities needed;
 - b prepare the forms to be filled for requesting the granting, renewal or extension of validity periods of documents;
 - c Fix service fees;
- 2) Set rules governing the registration of foreigners and establish registration offices;
- 3) in general use every available facilities to implement the responsibilities and tasks entrusted by this Proclamation.

29 - Penalty

- 1) Any foreigner who in violation of the provisions of this Proclamation enters Eritrea or after the expiry of his visa or the cancellation of his residence permit continues his sojourn or permanence in Eritrea without permission is subject to the punishments prescribed in Sub-Art. (2) of this Article.
- 2) Any person who:
 - a in violation of Art. 10-13 of this Proclamation attempts to enter or leave Eritrea;
 - b Though aware of being prohibited helps any other persons to enter or leave Eritrea;
 - c Though aware that he has no right to stay in Eritrea helps any other foreigner to leave Eritrea;
 - d By deception is found in possession of any type of visa or residence permit for his personal advantage or for other persons in Eritrea;

After conviction he shall be sentenced up to five years imprisonment or up to a fine of 10.000 Bir or to both imprisonment and fine.

3) The driver of any vehicle:

a who knowingly helps a person who has violated this Proclamation or the regulations issued under it to leave Eritrea or to enter Eritrea;

b who fails to submit a detailed list of the persons he has brought into or has taken them out of Eritrea;

c who failed to ascertain that the persons who left Eritrea or entered Eritrea were legally authorized;

d who failed to take the foreigner out of Eritrea in compliance with Art.25(2) of this Proclamation;

shall be subject to a light sentence of up to two years imprisonment or up to a fine of 5,000. = Birr or to both imprisonment and fine.

4) Any person who under this Proclamation failed to register or to renew his residence permit is subject to a light sentence of up to two years imprisonment or up to a fine of 2000 Bir or to both imprisonment and fine.

5) Any person

a who intentionally hinders, hampers, opposes or interferes with an immigration official in the performance of his duty; or

b who violates the provisions of this Proclamation not covered by this Article or regulations enacted under this proclamation shall be punished under the criminal code of Eritrea.

6) If the person to be punished under Sub-Art. 1-5 of this Article is a corporate body with a juridical personality or a company or organization, its punishment shall be up to 20.000 Bir.

30 - Entry into force

This Proclamation shall enter into force from the date of its publication in the Eritrea Gazette.