Home Office

Country Information and Guidance

Ethiopia: People of mixed Eritrean/Ethiopian nationality

Version 1.0

31 August 2016

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 with 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 email the Country Policy and Information Team.

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. IAGCI may be contacted at:

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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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1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the authorities because of mixed Eritrean/Ethiopian nationality and/or that they have been arbitrarily or unfairly denied Ethiopian citizenship on account of their Eritrean descent.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of 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 Assessment of risk

Treatment of Ethiopians of Eritrean origin

2.2.1 During the border conflict with Eritrea (1998 to 2000) the government expelled approximately 70,000 Ethiopians of Eritrean origin. Deportations, however, ceased shortly after the conflict and there is no evidence of further deportations having taken place since the early 2000s (see Treatment of persons of mixed Eritrean/Ethiopian nationality).

2.2.2 As well as facing the threat of deportation or actual deportation during the border conflict and the years immediately afterwards, Ethiopians of Eritrean origin were subject to arrests, harassment and discrimination. However, in 2003/4 the government introduced laws which regularised the position of Ethiopians of Eritrean origin remaining in Ethiopia, and subsequent to this state harassment diminished. There is no recent evidence that Ethiopians of Eritrean origin living in Ethiopia are at risk of persecution. (See Background and Treatment of persons of mixed Eritrean/Ethiopian nationality).

Denial of citizenship

2.2.3 During the border conflict, a number of Ethiopians of Eritrean origin were stripped of their Ethiopian nationality and expelled from the country. Additionally those outside of the country at the time of the conflict may also have been deprived of their Ethiopian nationality.

2.2.4 In the country guidance case of ST (Ethnic Eritrean – nationality – return) Ethiopia CG [2011] UKUT 00252(IAC), the Upper Tribunal found that:

'(2) A person whose Ethiopian identity documents were taken or destroyed by the authorities during [the border war between Ethiopia and Eritrea] and who then left Ethiopia is as a general matter likely to have been arbitrarily deprived on Ethiopian nationality. Whether that deprivation amounted to persecution (whether on its own or combined with other factors) is a question of fact (3)…Findings on the credibility and consequences of events in Ethiopia, prior to a person's departure, will be important, as a finding of past persecution may have an important bearing on how one views the present attitude of the Ethiopian authorities. Conversely, a person whose account is not found to be credible may find it difficult to show that a refusal on the part of the authorities to accept his or her return is persecutory or based on any Refugee Convention reason…

'(4) Although, pursuant to MA (Ethiopia), each claimant must demonstrate that he or she has done all that could be reasonably expected to facilitate return as a national of Ethiopia, the present procedures and practices of the Ethiopian Embassy in London will provide the backdrop against which judicial fact-finders will decide whether an appellant has complied with this requirement. A person who is regarded by the Ethiopian authorities as an ethnic Eritrean and who left Ethiopia during or in the immediate aftermath of the border war between Ethiopia and Eritrea, is likely to face very significant practical difficulties in establishing nationality and the attendant right to return, stemming from the reluctance of the Ethiopian authorities to countenance the return of someone it regards as a "foreigner", whether or not in international law the person concerned holds the nationality of another country…

'(5) Judicial fact-finders will expect a person asserting arbitrary deprivation of Ethiopian nationality to approach the embassy in London with all documentation emanating from Ethiopia that the person may have, relevant to establishing nationality, including ID card, address, place of birth, identity and place of birth of parents, identity and whereabouts of any relatives in Ethiopia and details of the person's schooling in Ethiopia. Failing production of Ethiopian documentation in respect of such matters, the person should put in writing all relevant details, to be handed to the embassy. Whilst persons are not for this purpose entitled to portray themselves to the embassy as Eritrean, there is no need to suppress details which disclose an Eritrean connection…(6) A person who left Ethiopia [during or in the immediate aftermath of the border war between Ethiopia and Eritrea] is unlikely to be able to re-acquire Ethiopian nationality as a matter of right by means of the 2003 Nationality Proclamation and would be likely first to have to live in Ethiopia for a significant period of time (probably 4 years)…(7) The 2004 Directive, which provided a means whereby Eritreans in Ethiopia could obtain registered foreigner status and in some cases a route to reacquisition of citizenship, applied only to those who were resident in Ethiopia when Eritrea became independent and who had continued so to reside up until the date of the Directive. The finding to the contrary in MA (Disputed Nationality) Ethiopia [2008] UKAIT 00032 was wrong…(8) The 2009 Directive, which enables certain Eritreans to return to Ethiopia as foreigners to reclaim and

manage property in Ethiopia, applies only to those who were deported due to the war between Ethiopia and Eritrea and who still have property in Ethiopia.' (para 129)

2.2.5 The Tribunal also held that:

'(9) A person who left Ethiopia…[during or in the immediate aftermath of the border war between Ethiopia and Eritrea if] returned to Ethiopia at the present time, would in general be likely to be able to hold property, although the bureaucratic obstacles are likely to be more severe than in the case of Ethiopian citizens. Such a person would be likely to be able to work, after acquiring a work permit, although government employment is unlikely to be available. Entitlement to use educational and health services is, however, much more doubtful. At best, the person will face a bureaucratic battle to acquire them. He or she will have no right to vote…(10) Such a person would be likely to feel insecure, lacking even the limited security afforded by the 2004 Directive. Tensions between Ethiopia and Eritrea remain high.' (para 129)

2.2.6 A small number of persons may claim to have been denied Ethiopian citizenship during the border conflict, and not to have been able to reacquire their Ethiopian nationality or residency (and do not have status in another country), and that as a result they assert they will face persecution or serious harm on return. Decision makers will need to consider each case on its facts, with the onus on the person to demonstrate that they have done everything possible to re-obtain Ethiopian citizenship in Ethiopia and, if they are denied citizenship, that the denial of this amounts to persecution.

2.2.7 For further guidance on assessing risk, see Asylum Instruction on Assessing Credibility and Refugee Status

2.3 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 Asylum Instruction on Assessing Credibility and Refugee Status

2.4 Internal relocation

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 guidance on internal relocation, see Asylum Instruction on Assessing Credibility and Refugee Status

2.5 Certification

2.5.1 Where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because in general the mistreatment feared, even if it did occur, is unlikely to amount to persecution or serious harm.

2.5.2 For further guidance on certification, see the Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy summary

3.1.1 The government stopped its policy of forced deportation of persons of Eritrean heritage from Ethiopia to Eritrea in the early 2000s after hostilities between the two countries ceased, and began to regularise the position of Eritreans remaining in Ethiopia in 2003/4. There is no evidence that persons of mixed Eritrean/Ethiopian origin are at risk of being deported to Eritrea and/or are subject to treatment that amounts to persecution or serious harm.

3.1.2 There may be cases of persons who claim to have been deprived of their Ethiopian nationality during the border conflict. Each case will need to be considered on its merits, with the onus on a person to demonstrate that they have done everything possible to obtain Ethiopian citizenship and that, if they are unable to reacquire citizenship, that they will face treatment that amounts to serious harm or persecution on return to Ethiopia.

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4. Background

4.1 Border conflict: 1998-2000

4.1.1 An article by Katherine Southwick published in the Forced Migration Review explained that tensions between Ethiopia and Eritrea, which had built up over a number of years, finally:

'… erupted into armed conflict in May 1998. By the end of the fighting in December 2000, both sides had lost tens of thousands of soldiers and around one million people were displaced.

'In 1998, an estimated 120,000 to over 500,000 persons of Eritrean origin were living in Ethiopia. During the course of the war the Ethiopian government sought to justify denationalising and deporting them on the basis that they had acquired Eritrean citizenship by voting in the referendum. Individuals had not been informed that participation in the referendum would amount to renunciation of their Ethiopian citizenship. Around 70,000 people were expelled, initially individuals deemed to be security threats (including those prominent in business, politics, international organisations – including the UN – and community organisations with links to Eritrea). In July 1999, the Ethiopian government declared that all those who had been expelled to Eritrea were Eritrean citizens, having acquired citizenship by voting in the 1993 referendum. In August 1999, all those who had voted in the referendum and remained in Ethiopia were ordered to register for alien residence permits, which had to be renewed every six months.' [1]

4.1.2 The Human Rights Watch report, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', provided detailed information about the deportation of Eritreans following the start of the border conflict between Eritrea and Ethiopia in 1998:

'Ethiopian authorities launched a vast campaign to round up and expel people of Eritrean origin from Ethiopia in June 1998. Most had been born in Ethiopia when Eritrea was still held to be a part of that country—and had no other recognized citizenship other than Ethiopian. Most adults had spent all or most of their working lives in Ethiopia, outside of Eritrea. Ethiopian authorities in June 1998 announced the planned expulsion of residents who posed a security risk to the state, to include members of Eritrean political and community organizations, and former or current members of the Eritrean liberation front.

'The Ethiopian authorities moved almost immediately to carry out arrests and to expel Eritreans and those of Eritrean origin in a manner that became increasingly indiscriminate over time. No meaningful steps were made to

[1] Forced Migration Review, 'Ethiopia-Eritrea: statelessness and state succession', Katherine Southwick, undated, http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/FMR32/15-17.pdf, date accessed 27 July 2016

determine “risk” on a case-by-case basis—or to distinguish between those who had formally assumed Eritrean nationality and Ethiopian nationals distinguished only by their Eritrean origin.

‘The first wave of arrests and deportations began on June 12, 1998, targeting people of Eritrean origin in Ethiopia who were prominent in business, politics, or community organizations. In conjunction with this campaign, the Ethiopian government revoked business licenses and ordered the freezing of assets of thousands of individuals of Eritrean origin. Those with bank accounts were informed that their accounts had been frozen and were inaccessible. The government provided no avenue for affected individuals to challenge these actions. The main targets of the deportation campaign after June 1998 were tens of thousands of ordinary people who were deported and dispossessed on the sole basis of their national origin…

‘While the detainees were in custody at police stations, officials searched for and confiscated their Ethiopian identification documents, including identity cards, passports, work papers, and driving licenses. Some detainees managed to hold on to some of their identification documents by hiding them—or because they had not had a chance to bring the documents with them when they were detained. The systematic removal or destruction of such documentation was a peremptory measure to deny the individuals concerned basic evidence to substantiate claims to Ethiopian nationality at any future time…By stripping deportees of their Ethiopian papers the government was in a sense validating their claims to Ethiopian nationality by foreclosing the option of their close and independent examination…

‘The Ethiopian government arrested, detained, and deported approximately 75,000 people of Eritrean origin without due process of law. Most were told they being detained because they had voted in the referendum regarding Eritrea's independence—with this cited as evidence they were “Eritreans.” Self-identity with others of the same national origin within Ethiopia’s multi-ethnic, multi-national state, the essential criterion for voting in the referendum, was reinterpreted as having been an affirmation of citizenship. Membership in Eritrean cultural, social, or political community organizations was also cited as evidence that people of Eritrean ethnicity had lost their Ethiopian nationality. Classification as “Eritrean” and decisions to deport appeared to have been determined by the processing committees even before most individuals were called in for questioning—with a space on forms identifying nationality routinely filled in as “Eritrean” in advance.’ [2]

4.1.3 A Refugees International report, published in 2008, provided some background information about the nationality issues between Ethiopia and Eritrea:

[2] Human Rights Watch, ‘The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)’, January 2003, pages 5-6, https://www.hrw.org/sites/default/files/reports/ethioerit0103.pdf, date accessed 4 March 2016

'Since the 1998-2000 border conflict during which both countries deported thousands of people - Ethiopians from Eritrea and Eritreans from Ethiopia - relations have remained bitter, with both sides stationing troops along the border. Weak enforcement of the Eritrea-Ethiopia Boundary Commission's decision awarding Eritrea the disputed town of Badme has left the conflict unresolved…

'During the 1998-2000 conflict, Ethiopia denationalized individuals of Eritrean origin, claiming that they were a security risk or that they had renounced their citizenship by voting in the 1993 referendum on Eritrean independence. An estimated 75,000 individuals were deported to Eritrea, ripping families apart and forcing those left behind to hide their identities. Without citizenship, Eritreans in Ethiopia faced restrictions on work, travel, education, and access to social services…Sources suggest that many, perhaps most, Eritreans living in Ethiopia reacquired citizenship under a nationality proclamation enacted in 2003…Some interviewees reported problems obtaining national identification cards, including 3-year delays and interrogation by immigration officials. RI observed national IDs showing 'previous nationality' as Eritrean. Eritreans with Ethiopian citizenship said they still feel compelled to conceal their background, even among close friends. They rarely congregate as a community, nor are they politically engaged. Some spoke of employment discrimination.' [3]

4.1.4 An Open Society Foundations report, 'Struggles for Citizenship in Africa,' by Bronwen Manby, published in 2009, stated:

'Those of Eritrean descent who were not expelled and remain in Ethiopia (an estimated 150,000) are not considered Ethiopians, but have not acquired another nationality. They are excluded from exercising citizenship rights, such as voting. They face lack of access to employment and education, and remain potentially subject to deportation. A 2002 law that bestowed special rights and privileges on "foreign nationals of Ethiopian origin" singled out Eritreans who forfeited Ethiopian nationality and expressly excluded them from enjoying the new rights and privileges.' [4]

4.2 Residence Status of Eritreans in Ethiopia Directive (2004)

4.2.1 In January 2004, the Ethiopian Ministry of Foreign Affairs issued a directive, entitled, 'Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia'. This was intended to address the status of persons of Eritrean origin who continued to live in Ethiopia following the independence of Eritrea.

4.2.2 A Canadian Immigration and Refugee Board response to an information request, published in 2004, stated:

'Two sources report that the Ethiopian government issued a directive in January 2004 allowing Eritreans in Ethiopia to become Ethiopian citizens or

[3] Refugees International, (reliefweb), 'Ethiopia-Eritrea: Stalemate takes toll on Eritreans and Ethiopians of Eritrean origin', 30 May 2008, http://reliefweb.int/report/eritrea/ethiopia-eritrea-stalemate-takes-toll-eritreans-and-ethiopians-eritrean-origin, date accessed 25 May 2016

[4] Open Society Foundations, 'Struggles for Citizenship in Africa', Bronwen Manby, 2009, https://www.opensocietyfoundations.org/publications/struggles-citizenship-africa, date accessed 9 August 2016

to take up official residency (AFP 23 Jan. 2004; Ethiopian News Agency 19 Jan. 2004). In an official statement by the Security, Immigration and Refugee Affairs Authority, government officials stated that the directive did not apply to bearers of Eritrean passports or of any other document proving Eritrean citizenship, or those persons who served in the Eritrean government; these persons, according to the government statement, are considered Eritrean citizens (ibid.). The directive further states that those who did not choose Eritrean citizenship will be considered Ethiopian citizens (ibid.). The directive also allows for eligible Eritreans to own property and the right to own a private business without a work permit (ibid.). Another Ethiopian News Agency report adds that the directive only applied to those Eritreans who resided in Ethiopia prior to the independence of Eritrea and "afterwards permanently...and doesn't include those Eritreans deported from Ethiopia posing [a] threat to the national security of the country" (22 Jan. 2004). Furthermore, the directive does not apply to those Eritreans who voted in the referendum on Eritrean independence (ibid.). The stated objective of the government policy was to ensure that Eritreans did not find themselves in a situation where they were the subject of both the Eritrean and Ethiopian governments; Ethiopian nationality law forbids dual citizenship (ibid.). A senior researcher at Human Rights Watch, Africa Division, stated that he has no information as to how this Ethiopian government policy has operated in practice and is unaware of any applications for Ethiopian citizenship being denied (29 July 2004).' [5]

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5. Ethiopian nationality

5.1.1 The Ethiopian Nationality Law Proclamation No 378/2003 provides for the acquisition of Ethiopian nationality by descent, naturalisation, marriage, and adoption, but does not recognise dual nationality for its citizens.

5.1.2 The 'Refugees and Asylum Seekers From Mixed Eritrean-Ethiopian Families in Cairo' report, by Louise Thomas, published in June 2006 by the Forced Migration and Refugee Studies Programme, stated:

'The term Eritrean can be used to denote someone who is 'ethnically' Eritrean, or someone who is a national of Eritrea. While Eritrea was still a part of Ethiopia before 1991, "Eritrean" was used to denote someone who was from the region of Ethiopia known as Eritrea. Because in Ethiopia nationality is traditionally inherited from the father, someone whose father was born in the region known as Eritrea could often also be regarded as Eritrean, even though they may have been born and brought up in another area of Ethiopia and consider themselves to be Ethiopian. Since Eritrea became an independent state in 1993 "Eritrean" could also denote someone who held Eritrean nationality whether they lived in Eritrea or Ethiopia. However, in Ethiopia, even those people of Eritrean origin who were not Eritrean citizens can be known as Eritreans, especially if they or their father

[5] Immigration and Refugee Board of Canada, response to an information request, 'Ethiopia: Recent information on the deportation of Eritreans to Eritrea by Ethiopia, including who is considered an Ethiopian (2002-July 2004)', 6 August 2004, http://www.refworld.org/docid/41501c062a.html, date accessed 14 July 2016

was born in Eritrea. Ethnic federalism in Ethiopia divides all public life, from youth groups to political parties, on an ethnic or "national" basis. Eritreans formed one of these officially sponsored "nationalities", whether they were formerly Eritrean citizens or had remained as Ethiopian citizens.' [6]

5.1.3 The same report also noted:

'Eritrean and Ethiopian law both provide for automatic conferment of nationality on the basis of jus sanguinis, or nationality by descent from either or both parents. Therefore, under law, people of mixed Eritrean-Ethiopian parentage can be nationals of both Eritrea and Ethiopia through their parents. However, Ethiopia does not provide for the possession of dual nationality and so an individual can only be Eritrean or Ethiopian, not both. An Ethiopian official has confirmed that if a person born to Ethiopian parents acquires another nationality at birth, then they would be considered an Ethiopian subject. But in order to be considered an Ethiopian citizen, they would have to renounce their other nationality and be formerly naturalised in Ethiopia (UNHCR 2003)…Testimonies of the participants in this research have revealed that the jus sanguinis principle, rather than allowing people of mixed parentage the option of either Eritrean or Ethiopian citizenship, seems to have made it possible for Ethiopia to claim that these individuals are Eritrean and Eritrea to claim that they are Ethiopian, thereby leaving them de facto stateless despite being entitled to either of two citizenships under the operation of the law of those countries.' [7] (page 18)

5.1.4 The Open Society Foundations 'Struggles for Citizenship in Africa' report stated:

'A 2002 law that bestowed special rights and privileges on "foreign nationals of Ethiopian origin" singled out Eritreans who forfeited Ethiopian nationality and expressly excluded them from enjoying the new rights and privileges. In late 2003 and early 2004 the situation improved as relations between Ethiopia and Eritrea also eased somewhat, with the publication of a new Proclamation on Ethiopian Nationality that made naturalization easier, and the adoption by the immigration authorities of an internal directive on the residence status of Eritrean nationals living in Ethiopia. But although many people of Eritrean origin living in Ethiopia were able to reacquire citizenship under this proclamation, problems are still reported in obtaining national identification cards, including delays of several years and interrogation by immigration officials. Moreover, the directive states that a residence permit may be cancelled "'where the bearer…is found to be an undesirable foreigner". An Ethiopian of Eritrean descent interviewed in early 2008

[6] Forced Migration and Refugee Studies Programme, 'Refugees and Asylum Seekers From Mixed Eritrean-Ethiopian Families in Cairo', Louise Thomas, published in June 2006, http://www.aucegypt.edu/GAPP/cmrs/reports/Documents/Mixedfamilies.pdf, date accessed 9 November 2015

[7] Forced Migration and Refugee Studies Programme, 'Refugees and Asylum Seekers From Mixed Eritrean-Ethiopian Families in Cairo', Louise Thomas, June 2006, http://www.aucegypt.edu/GAPP/cmrs/reports/Documents/Mixedfamilies.pdf, date accessed 9 November 2015

observed that 'the gap between law and implementation is like the space between the sun and the moon, and no one knows how to close it.' [8]

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6. Treatment of persons of mixed Eritrean/Ethiopian nationality

6.1 Deportations

6.1.1 The Human Rights Watch (HRW) report, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', published in January 2003, stated:

'On June 11, 1998, approximately one month after the war between Eritrea and Ethiopia began, the Ethiopian government issued a "policy" statement. According to the statement, the "550,000 Eritreans residing in Ethiopia" could continue to live and work peacefully there. The Ethiopian government was committed to ensuring "good and brotherly relations and peaceful coexistence with Eritreans residing both in Ethiopia and Eritrea." However, as a "precautionary measure," the statement ordered members of Eritrean political and community organizations to leave the country on account of their suspected support of the Eritrean war effort. It ordered a mandatory leave of absence of one month for people of Eritrean origin occupying "sensitive" jobs. Those expelled would be allowed to appoint agents to administer their properties, the statement pledged, and their dependents would be given the choice of either staying behind or accompanying them.

'The first wave of arrests and expulsions began the following day, on June 12, 1998. In this first wave, the Ethiopian government targeted people of Eritrean origin in Ethiopia who were prominent in business, politics, or community organizations…However, despite the Ethiopian government's policy statement of June 11 [1998] that only individuals deemed to pose "a security risk to the state" faced expulsion, after June 1998, the Ethiopian government was expelling mostly ordinary people. The justification for these expulsions was simply the expellees' suspect status as "Eritreans"—a determination usually arrived at without input from the expellees and which they were not permitted to challenge administratively or judicially.

'In many cases, people were identified to the local authorities as "Eritrean" by co-workers, neighbors or other informants. Lists of people identified as "Eritrean" were occasionally published in newspapers and other periodicals. For example, on June 10, 1998, the newspaper Fiameta published an article calling the U.N. ECA in Addis Ababa a second "Embassy of Eritrea" and naming people of supposed-Eritrean origin who were prominent within the organization. A letter to the editor published the following month in the same newspaper listed another fifteen "Eritreans" employed at ECA.

[8] Open Society Foundations, 'Struggles for Citizenship in Africa', (page 104), Bronwen Manby, 2009, https://www.opensocietyfoundations.org/publications/struggles-citizenship-africa, date accessed 9 August 2016

'By the middle of 1999, the Ethiopian government no longer routinely justified the expulsions on national security grounds, but increasingly characterized the expulsions as part of a program of "family reunification" or "voluntary repatriation." Many of the first expellees were male heads of household; their wives and children were expelled subsequently. For some individuals, it was preferable to depart Ethiopia under these "programs" than to continue being forcibly separated from family members who had already been expelled or to continue being subject to governmental discrimination against people of Eritrean origin. The Ethiopian government's assertion that these programs were purely voluntary is untenable in light of the government's aggressive campaign of harassment, expulsion and discrimination against people of Eritrean origin. Also framing the expulsion campaign was the Ethiopian government's contention within a month of the first expulsions that the targets of the campaign were not Ethiopian citizens. As early as July 1998, the Ethiopian prime minister used the term "foreigners" to characterize those destined for expulsion.

'In July 1999, the strategy of expulsions crystallized: the government issued a press release declaring that those who had registered to vote in the 1993 referendum on Eritrean independence had thereby acquired Eritrean citizenship and that the Ethiopian Government was therefore justified in rescinding their citizenship rights…Finally, on August 14, 1999, the Ethiopian government ordered people of Eritrean origin aged eighteen and older, who had voted in the 1993 referendum on Eritrea's independence, as well as those who had formally acquired Eritrean citizenship, to register for alien residence permits with the Security, Immigration, and Refugee Affairs Authority within two weeks or face unspecified legal action. Prior to this time, the Ethiopian government had not applied the alien registration rule to Eritreans in Ethiopia. The order seems to have been motivated in part by the desire to justify after the fact the deportation of people of Eritrean origin by formally categorizing them as aliens, as well as to drive those of Eritrean origin who remained in Ethiopia to leave.' [9]

6.1.2 The HRW report, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', further stated:

'Coming after periods of days or months in harsh conditions of internment, the long bus trip to the northern border, where the majority of expellees crossed into Eritrea, was for many the hardest part of the expulsion ordeal. The expellees were transported in bus convoys. An average convoy from Addis Ababa took between three and five days to reach the border. Conditions during the trip to the border were extremely crowded and uncomfortable. Many of the most vulnerable, including breast-feeding mothers, small children, and the elderly, were on the verge of collapse by the time they crossed the border.

'The bus convoys regularly stopped en route for hours at a time in order to coordinate with buses travelling from other points. During these periods,

[9] Human Rights Watch, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', published in January 2003, (pages 18-21), https://www.hrw.org/sites/default/files/reports/ethioerit0103.pdf, date accessed 18 August 2016

which routinely lasted for several hours, expellees were not allowed outside the buses. The Ethiopian authorities also limited the expellees' access to toilet facilities. Expellees were generally allowed to leave the bus only late at night to sleep in the courtyards of schools and other public buildings along the route to the border. The Ethiopian authorities supplied the expellees on the bus convoy with only limited water and food…Like the initial arrests, the departures of the buses full of internees to collection centers and to the border occurred mostly at night or in the early morning hours. This appeared to be out of concern of possible public backlash against the expulsion process. The orchestration of bus movements indicated a centrally commanded and controlled operation. A convoy of five buses originating in Addis Ababa would generally be joined by twenty to twenty-five additional buses by the time it reached the border. Ethiopian security personnel and policemen on each bus guarded the expellees throughout the trip. A team of three to five policemen and security agents which traveled in four-wheel drive vehicles at the head of the bus convoy maintained communication with the guards on the buses via radio.

'During the first few months of the expulsion campaign, the convoys transported the expellees to border crossings with Eritrea at Assab, Zalembessa, Mereb, or Humera. By late 1998, Ethiopian authorities were transporting most expellees to the Assab border crossing, the most difficult and isolated of the four routes. Bus convoys traveled from Addis Ababa to the northern border crossings, including Assab, for days through the Danakil desert to reach the border. The expellees then were made to cross the border on foot before reaching the first Eritrean post on the other side of the border.' [10]

6.1.3 As regards how the deportees were received in Eritrea, the HRW report, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', stated:

'By and large, while the government of Eritrea gave deportees from Ethiopia a warm reception, the governments of other neighboring countries, including Djibouti, Kenya, Malawi, and Sudan, did not…The Eritrean government mobilized quickly to assist the deportees. The government-run Eritrean Relief and Rehabilitation Commission (ERREC) was put in charge of assisting the deportees and facilitating their resettlement in Eritrea. A month after the arrival of the first deportees, the ERREC had set up reception centers for them near the main border crossings with Ethiopia. In addition to offering the deportees emergency aid and counseling, the ERREC registered them as refugees…Once registered, the deportees were entitled to the standard government assistance for returning refugees: including short-term housing, food, and settlement aid; medical coverage; and job placement assistance.

'The first waves of expellees from Ethiopia, largely made up of urban professionals and business people, resettled in Eritrea relatively quickly and easily. Jobs and government services were much harder to come by for

[10] Human Rights Watch, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', published in January 2003, (pages 24-25), https://www.hrw.org/sites/default/files/reports/ethioerit0103.pdf, date accessed 18 August 2016

those expelled from Ethiopia in later stages of the expulsion campaign because of the strain on Eritrea's economy of both the war and the influx of newcomers.' [11]

6.1.4 The United States Bureau of Citizenship and Immigration Services, in a response to information request, dated 20 October 2000, stated:

'The expulsion of people of Eritrean origin or heritage from Ethiopia - which took place mainly in 1998 and 1999 - was not subject to due process of law. Individuals were, in most cases, detained by police or other security officials, held for a period of time (which varied from a day to weeks or months), and then put on buses for the journey to the Eritrea-Ethiopia border which they were forced to cross, often under very difficult conditions. There was no right of appeal against deprivation of liberty or property or for the suffering caused in the process. Though the decision to expel Eritreans from Ethiopia was made at the highest levels of government, it appears that much regarding the actual operation of the expulsions depended on decisions made at lower levels.

'The most common situation concerning an Ethiopian spouse (with no connection to Eritrea beyond marriage to a person of Eritrean origin or heritage) was for the spouses to be divided, with the Eritrean partner expelled and the Ethiopian spouse remaining-in some cases even if s/he wanted to leave too, for example if the family breadwinner was being expelled. One study found "many cases of mixed Eritrean-Ethiopian marriages in which the Eritrean spouses were methodically plucked out of their families and expelled, leaving the Ethiopian spouses behind and their children in legal and emotional quandary. Research reveals that of all the people expelled from Ethiopia in 1998, there were 12 percent such cases or more than 800 such couples. In each of these cases the couple was broken up and the Eritrean half was expelled" (Legesse, 30 Mar. 2000, p.32). In some cases, the same study found, "the deportation authorities also violate Ethiopian law by sometimes deporting Ethiopians married to Eritreans" (Legesse, 22 Feb. 1999, p.18). According to this study, there have been cases where both spouses and their children were deported for being a "Sha'biya [term used for Eritreans by Ethiopian authorities] family" (Legesse, 22 Feb. 1999, p.27). However, it appears that the more common situation where there was a marriage between Ethiopian and Eritrean partners was for the Eritrean spouse to be expelled and the Ethiopian spouse to have to remain. (See, for example, Amnesty International, "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict," 21 May 1999, p.14).

'The situation in respect to children of expelled Eritreans is more complex and the criteria apparently more arbitrary for whether they would stay in Ethiopia or be expelled with a parent. According to one study of the expulsions, "the Ethiopian police have exercised complete random discretion to decide which family members stay and which are deported" (Klein, 1999, p.13). This appears to be borne out from other studies of the expulsions. A United Nations Development Programme study found that among two

[11] Human Rights Watch, 'The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 – April 2002)', published in January 2003, (pages 28-29), https://www.hrw.org/sites/default/files/reports/ethioerit0103.pdf, date accessed 18 August 2016

groups of people expelled from Ethiopia (totaling about 250 people, of whom about two-thirds were men, and including only 11 children) "almost all adults who were married or had children had been separated from their spouses and children." Most of the men reported that they had "left their wives and children behind. Many had pleaded to bring their children but had been refused. One man was able to bring his six year old son because the boy's mother was dead, but he had other children left behind" (UNDP, 22 July 1998, p.4). But among another group of 1,987 expelled people, 511 were children under the age of eighteen. "It seemed that the decision about whether to let children accompany was arbitrary and depended on the attitudes of local officials, some of whom were more lenient than others" (UNDP, 22 July 1998, p.4).

'It appears that in some cases family members were expelled at different times, thus exacerbating the suffering caused to families. Amnesty International stated that "In some cases mothers were taken away without being allowed to arrange for the care of their children and families, and families were deliberately and systematically split up and expelled in different batches, months apart" (AI, 21 May 1999).

'There is little evidence of a systematic policy directed from the top regarding what to do about family members of expelled people of Eritrean origin or heritage-thus, as the above studies suggest, local officials had a good deal of discretion in whether to expel an Eritrean parent alone or to allow (or even force) children to accompany the parent on the journey to Eritrea. One indication of the existence of a government policy regarding family members (at least for a period) is provided in the UNDP study of expelled Eritreans, which reported that "a number [of those being expelled]…had heard on Ethiopian radio while waiting in the transit camp in Adwa that the government had announced that children with one Ethiopian (non-Eritrean) parent would be considered Ethiopian and by no means allowed to depart Ethiopia. Many of the men interviewed expressed concern about this new policy, stating that their wives and families would not be able to survive without their salaries" (UNDP, 22 July 1998, p.6).

'It is clear that many children were expelled from Ethiopia with their parent or parents and there are even some cases of children being expelled alone (see UNDP, 22 July 1998. p.8-citing the case of a twelve-year-old boy who was expelled alone). There are also numerous reports of children being left behind in Ethiopia-in many cases without any relative to look after them-when a parent was expelled. The fate of children in the expulsion process appears to have depended heavily on momentary and seemingly arbitrary decisions by local Ethiopian officials in charge of the expulsions.' [12]

6.1.5 The United States State Department 'Country Reports on Human Rights Practices for 2000', published on 23 February 2001, stated:

[12] United States Bureau of Citizenship and Immigration Services, response to information request, 'Ethiopia: Information on the possible arrest and deportation of Ethiopian-citizen spouses and dependants of "ethnic Eritreans"', 20 October 2000, http://www.refworld.org/docid/3dee061d4.html, date accessed 5 August 2016

'The Government continued to detain and deport without due process Eritreans and Ethiopians of Eritrean origin [in 2000]. Since the outbreak of the border conflict in May 1998, as many as 75,000 such persons have left Ethiopia for Eritrea; the vast majority were deported, although a small number left voluntarily. However, the Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June [2000]. Another 1,200 male Eritreans and Ethiopians of Eritrean origin were being held in internment camps at Dedesa at year's end. Although prompted by national security considerations, the expulsions and detentions raised fundamental concerns regarding arbitrary arrest and detention, forced exile, the forcible separation of families, and nationality issues, as well as the hardships and financial losses suffered by those who were detained or expelled.' [13]

6.1.6 A Canadian Immigration and Refugee Board response to an information request, published in 2004, about the deportation of Eritreans from Ethiopia to Eritrea, stated:

'The most recent information on deportations of Eritreans to Eritrea by Ethiopia was found in Human Rights Watch's 30 January 2003 report entitled The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998-April 2002). The report states that a group of 100 Eritreans, 92 from the Tigray region and eight from the Addis Ababa area, were deported on 16 March 2002 (HRW 30 Jan. 2003)…In 29 July 2004 correspondence, a senior researcher in the Africa division of Human Rights Watch (HRW) stated that he was unaware of any deportations of Eritreans to Eritrea by the Ethiopian government in the last two years.' [14]

6.1.7 The Home Office has not been able to identify reports of deportations of Ethiopians of Eritrean origin since the early 2000s.

6.2 Treatment in Ethiopia

6.2.1 Katherine Southwick, in an article published in the Forced Migration Review in April 2009, stated that:

'On the fate of people of Eritrean origin in Ethiopia, reports are mixed. Between 2000 and 2004, individuals of Eritrean origin or from mixed families were allegedly arrested, detained and sometimes beaten or raped by Ethiopian authorities on suspicion of collaborating with or spying for Eritrea. To its credit, the Ethiopian government quietly introduced a new nationality proclamation in 2003, which apparently enabled many Eritreans living in Ethiopia to re-acquire Ethiopian citizenship. With a national ID card, persons of Eritrean origin are presumably no longer restricted from work, travel, education and other social services. However, many individuals still conceal their Eritrean background for fear of discrimination and harassment.

[13] United States State Department, 'Country Reports on Human Rights Practices for 2000', Ethiopia, 23 February 2001, http://www.state.gov/j/drl/rls/hrrpt/2000/af/789.htm, date accessed 5 August 2016
[14] Immigration and Refugee Board of Canada response to an information request, 'Ethiopia: Recent information on the deportation of Eritreans to Eritrea by Ethiopia, including who is considered an Ethiopian (2002-July 2004)', 6 August 2004, http://www.refworld.org/docid/41501c062a.html, date accessed 14 July 2016

'Families of mixed heritage continue to suffer from prolonged separation as the war ended all travel and communication between the two countries. In 2008 on a research trip for Refugees International, a colleague and I met one woman in Addis Ababa who recently visited her father in a third country, having not seen him in the ten years since his deportation. An elderly Ethiopian widow cannot visit the grave of her husband in Asmara. We also met Ethiopians who had lost touch with Eritrean friends and loved ones after the deportations. A 2006 study of Ethiopian-Eritrean refugee families in Cairo found that "people who are of mixed parentage have often found it impossible to gain recognition of either nationality on account of their parentage or administrative obstacles," concluding that such persons "are at least de facto if not de jure stateless."' [15]

6.2.2 The Australian Department of Foreign Affairs and Trade (DFAT) report on Ethiopia, released on 1 April 2016, based on on-the-ground discussions with government representatives, diplomatic missions, non-government organisations, multilateral institutions and international organisations, observed:

'During the border war with Eritrea in the late 1990s, the Ethiopian government withdrew the citizenship of people who were of Eritrean origin, either on the grounds that Eritrean Ethiopians were a security risk or because the government considered those who had voted in the 1993 referendum on Eritrean independence to have renounced their Ethiopian citizenship. It is estimated that 75,000 people were arrested and forcibly deported from Ethiopia to Eritrea during the conflict. These deportations stopped around 2000-2001. According to a 2008 Refugees International report, 'many, perhaps most, Eritreans living in Ethiopia reacquired citizenship under a nationality proclamation enacted in 2003. Some of these people reportedly have identity cards that show a 'previous nationality' as Eritrean. According to the UK Home Office Operational Guidance Note on Ethiopia from 2013, there is now "no indication of any real risk…for persons of Eritrean descent of deportation from Ethiopia to Eritrea". DFAT agrees with this assessment.' [16]

6.2.3 The Home Office has not been able to identify reports of documenting the treatment and position of Ethiopians of Eritrean origin after 2009.

Version Control and Contacts

[15] Katherine Southwick, 'Ethiopia-Eritrea: Statelessness and State Succession', April 2009, http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/FMR32/15-17.pdf, date accessed 14 July 2016

[16] Australian Department of Foreign Affairs and Trade, Country Information Report on Ethiopia, 1 April 2016, hard copy available on request, accessed on 27 July 2016

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

Below is information on when this version of the guidance was cleared:

- version 1.0
- valid from 31 August 2016

Changes from last version of this guidance

First version in updated template.

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