

# Expert Report 5: *Claim for Asylum in the UK. A question of nationality and of religious affiliation*

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## **General Considerations**

My name is Dr. Mirjam van Reisen and I am Professor in International Relations, Innovation and Care. I am a member of the Dutch Government Council on International Relations.

I am considered an international expert on Eritrea and I am the author of more than five books as well as many articles on Eritrea in the context of migration and human trafficking. I have extensive knowledge and understanding of the situation in Eritrea and in neighbouring countries. I authored many expert reports, amongst others, commissioned by the Dutch Government and Parliament, the Dutch police and UK attorneys.

This Expert report considers the circumstances of a claimant for asylum made to the UK Home Office, hereafter referred to as the claimant.

This report considers particularly three elements:

- The credibility of the story of the claimant
- The claimant's nationality
- The claimant's religion
- The implications for consideration of her application

In order to verify the claims of the applicant, I have proceeded as follows:

I have interviewed the claimant through one of my students, who is an expert on the relationship between Ethiopian and Eritrea and the deportation policy and an expert on religion in Eritrea, including the Pentecostal church. The interviewer is Eritrean, who grew up in Ethiopia, and speaks both Amharic and Tigrinya. The interview was carried out in Amharic within a comfortable atmosphere to try to ensure a natural conversation. The interview format follows a format of story-telling and avoids lead questions. The student used a biographical interview approach with particular emphasis on the networks of the claimant and on her connections, in order to give a fuller picture of her life and to shed light on some of the concerns highlighted regarding her identity, religious beliefs and language. It follows the narrative of the interviewee's life as a means of ascertaining claims made in the asylum process.

In terms of the interview carried out with the claimant the following is stated. The student performed the interview under my instruction and supervision and reported to me. The phone-interview was held on the 29<sup>th</sup> Sept 2018, from 10:40 -11:45 and from 12:00 – 12:25.

I have considered the Statement of the Claimant and the decision of the FC. I have considered the observations made in the statement of the claimant, the facts revealed in the interview, the knowledge available through literature and research.

I have paid special attention to the consideration of nationality in the context of the Eritrean-Ethiopian war of 1998-2000.

I have checked details with other experts. Below I state my findings and conclusions.

### **The credibility of the flight story**

Based on the reading of the decision of the court and court of appeal and the interview that was carried out with applicant, my considered opinion is that some elements of the story of claimant are vague and potentially unreliable. This is particularly the case in relation to the limited network of the applicant, the limited number of names recollected, and the vague indications of places and persons in those places. The similarity with another applicant gives a strong indication that the flight story is the result of instructions provided to applicant by a third party.

It could therefore be considered that applicant was apparently trafficked or smuggled and that she was pressured to providing a certain flight story as part of this process.

The route – claimed by claimant, from Sudan through Turkey, Greece to Europe is an established trafficking and smuggling route and it is, therefore, very likely that claimant would have been instructed to tell part of her story in a certain manner, as instructed by the trafficking/smuggling network.

Further investigation could identify whether claimant is a victim of human trafficking or smuggling.

### **The claimant's nationality**

The claimant states consistently that she is of Eritrean nationality.

In the considerations of the court provided so far, weight is given to several aspects as a basis for determining the nationality of claimant. These are language, education and knowledge of provinces. However, these criteria are not solid, based on the following reasoning:

- Language

The claim of Eritrean nationality was rejected due to the limited Tigrinya of claimant. Yet, on the other hand, it is accepted that Assab has a large Ethiopian community, and claimant, coming from Addis Abeba, would have been able to manage easily in Assab with Amharic as the main language. Four years later claimant moved to Sudan, and spoke Arabic there for the rest of her eleven years. Therefore, it is not convincing that claimant should have spoken more fluent Tigrinya, given the widely used Amharic in Assab, where she only stayed for a limited time.

- Education

Being a girl, speaking Amharic and coming from a poor family, deported from Ethiopia, it is conceivable that claimant did not go to school. At least it cannot be ruled out that this may have been the case.

- Knowledge of Provinces

The lack of knowledge of provinces in Eritrea is, in my opinion, not an adequate basis for determining the nationality of claimant. First of all, claimant is not formally educated. Secondly, the division of provinces is complicated and not at all clear-cut in Eritrea. For instance, Wikipedia lists six regions, which cuts across nine previous provinces.

Figure 1: List of regions based on former provinces (Wikipedia, accessed, 3 December 23:59:50)

[https://en.wikipedia.org/wiki/Regions\\_of\\_Eritrea](https://en.wikipedia.org/wiki/Regions_of_Eritrea)

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**Regions** [ edit ]

Region	Map number	Population	Capital	Governor	ISO code	Former province
Maekel Region, Central ዘባ ማክክል إقليم المركزية	1	1,053,254	Asmara	Ramadan Osman Awiliyai	ER-MA	Hamasien
Anseba Region, Anseba ዘባ ኣንባ إقليم عنسبا	2	893,587	Keren	Gegrgis Ghirmai	ER-AN	Senhit, Hamasien
Gash-Barka Region, Gash-Barka ዘባ ጋሽ ባርካ منطقة القاش وبركا	3	1,103,742	Barentu	Fesehaye Haile	ER-GB	Barka, Gash-Setit, Seraye, Hamasien
Debub Region, Southern ዘባ ደቡብ المنطقة الجنوبية	4	1,476,765	Mendefera	Efrem Gebrekristos	ER-DU	Seraye, Akele Guzay, Hamasien
Northern Red Sea Region, Semienawi Keyih Bahri ዘባ ሰሜናዊ ቀይሕ ባሕሪ منطقة البحر الأحمر الشمال	5	897,454	Massawa	Tsigereda Woldegiorgis	ER-SK	Semhar, Sahel, Akele Guzay, Hamasien
Southern Red Sea Region, Debubawi Keyih Bahri ዘባ ደቡባዊ ቀይሕ ባሕሪ منطقة البحر الأحمر الجنوب	6	398,073	Asseb	Osman Mohammed Omer	ER-DK	Denkalia

In 1996 Eritrea finalized the reconfiguration of the previous provinces into six regions or zobas; these new administrative borders cut across ethnic divisions and previous provinces (Edgar Sürth and Klara Smits, 2018) and therefore the answer to the question of ‘provinces’ is not clear-cut and depends on historic knowledge (on provinces or regions, which translate as ‘zoba’s’) and therefore the ability to answer such a question depends on adequate translation and historic contextualized knowledge (relating the correct terms to a particular time-period).

On this basis, I conclude that the lack of ability to clearly determine provinces in Eritrea is not a sufficient prove of lack of common knowledge regarding Eritrea.

The decision of the nationality of the claimant can, in my view, not be decided on the basis of language, school history or knowledge of administrative zoba’s or traditional provinces.

- Determining the nationality of claimant

In the interview that we conducted with claimant, she mentions, in an aside, a critical element that would help establish nationality.

The following is cited from the interview:

I: *What happened when you returned to Assab?*

R: *Mid morning people knocked and my father spoke to them and then told me that we have been told to return to our country on the third day they came and took us back.*

I: *Do you know why you were being sent back to Eritrea?*

R: *My father told me he signed, for Eritrea’s independence. I don’t remember anything about what he signed and when or where. I didn’t ask him either.*

*He wasn't happy about the situation as it was sudden; they gave us three days to return.*

*I: What did you think?*

*R: I was shocked as I knew nothing about it, but I was going with my father and back to our country and so I accepted it. I knew nothing about the war or anything like that. I assume that my father knew and I assume he was well connected to the situation too.*

I have underlined the important sentence from this interview. Almost in passing, claimant mentions something that does not appear in the court considerations (and as it seems not in her earlier statements, although I have not seen the statements). It is clear from the understatement of the comment that claimant is unaware of the relevance of this information.

The information provided here is related to the criterium on the basis of which Eritrean nationality was (and is) established when Ethiopia decided to deport Eritrean nationals in 2000. The criterium was whether or not someone had signed for Eritrean independence in the Referendum.

It is very unlikely that claimant would be aware of the importance of this information and her statement does not identify awareness of the importance of this information, which is provided almost in passing. It should also be noted that the interviewer did not ask whether or not the parents had signed for the referendum. The claimant volunteers the information, almost as aside to clarify why they were deported from Ethiopia. This makes this part of the statement credible.

Decisive is the claimants – in passing provided comment, that her father participated to sign for independence in the Referendum on Eritrean independence. This comment was made in passing, without the objective to make a statement on nationality. However, the observation that the father signed for the Eritrean Referendum on Independence means that claimant has Eritrean nationality, without any doubt. This is based on the following reason.

in the context of the Eritrean and Ethiopian law, it has been established that the father voting in the referendum, which (applicant would not know) is the single best proof of establishing the nationality of the father as this required him to have an I.D., from which the nationality of the daughter has to be follow by law based both on Eritrean and Ethiopian law.

The ground for Eritrean nationality was arranged by law in the Eritrean Nationality Proclamation No. 21/1992. A link to the original document is available here:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101056/121592/F1949985633/E/RI101056.pdf>

The criteria for determining Eritrean nationality are the following:

“Art. 1. Any person born to a father or a mother of Eritrean origin in Eritrea or abroad is an Eritrean national by birth.”

In the case of claimant, she received Eritrean nationality based on her father being of Eritrean origin (being Eritrean in 1933), giving her Eritrean nationality by birth (art 1, Proclamation 21/1992). Ethiopia deported the claimant on the basis of her being an Eritrean national and Eritrea received her on that basis.

Today, Ethiopia has not accepted any Eritrean deportees back in Ethiopia as Ethiopian nationals. Eritrea accepted the deportees and provided those over 18 years of age with documentation (see below), indicating without dispute that Eritrea accepted the deportees as Eritrean nationals.

It should also be noted that Ethiopia only recognizes citizenship inherited through the father (patrilineal). Given that the father of claimant is Eritrean she would not be recognized as an Ethiopian citizen irrespective of language, history or any other criteria. Only patrilinearity is recognized as a basis for Ethiopian nationality. Claimant therefore cannot have Ethiopian nationality as her father had Eritrean nationality.

With regards to determination of nationality, which is the principle matter in this case, claimant must be regarded as an Eritrean national, based on the fact that her father had Eritrean nationality.

In this case, the expectation that claimant should pursue her nationality as Ethiopian is unreasonable, as the Ethiopian state does not recognize Eritrean nationals – based on the above, as Ethiopian nationals. Such an effort would therefore be fruitless in the case of claimant, if her father signed to participate in the Eritrean Referendum.

- Determination of claimant's membership of the Pentecostal church

The court accepted the claim for claimant to be a member of the Pentecostal Church. This is not disputed through the expert review.

- The implications for consideration of her application

From the analysis it follows:

- Parts of the story of claimant suggest that she might have been instructed to alter the facts of her flight-story, and further investigation could establish whether claimant is a victim of human trafficking/smuggling, forcing her to falsify parts of her flight story;
- The – unknowingly – given information that father signed for the Referendum on Eritrean independence is a solid proof of Eritrean nationality of claimant;
- Claimant's membership of the Pentecostal Church is uncontested;
- The persecution of the members of the Pentecostal Church in Eritrea is a well-established fact and ground for granting of asylum.

References:

COA. 2018. Eritrea en Eritrese Vluchtelingen. Pp. 31-32:

<http://194.0.234.211/wp-content/uploads/2016/08/Final-Boek-eritrea-compressed.pdf>

[https://en.wikipedia.org/wiki/Regions\\_of\\_Eritrea](https://en.wikipedia.org/wiki/Regions_of_Eritrea) (accessed 3 December 2018, screenshot taken)

Eritrean Nationality Proclamation:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101056/121592/F1949985633/ERI101056.pdf>

