



SCHOOL OF HUMANITIES AND DIGITAL SCIENCES

Expert Report 8: *Claim for Asylum in the UK. A question of nationality and of religious affiliation*

Prof. Dr. Mirjam van Reisen

Professor International Relations, Innovation and Care, Tilburg University, School of Humanities, Department of Culture Studies

27 June 2019

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 numerous 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 have authored many expert reports, which amongst others, were commissioned by the Dutch Government and Parliament, the Dutch police, judges and prosecutors and UK attorneys.

This Expert report considers the asylum application by [redacted for anonymity]

This report considers particularly the following elements:

- The internal consistency of the statements of the claimant;
- The plausibility of these;
- The Claimant's nationality;
- The Claimant's religion;
- The implications for consideration of the 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 (hereafter identified as RM), who is an expert on the relationship between Ethiopian and Eritrea and on the deportation policy, as well as an expert on religion in Eritrea, including the Pentecostal church. The interview was carried out in English with Amharic translation.

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 skype-interview was held on the [date redacted].

I have considered the Statements of the Claimant and the decisions. I have considered the observations made in the statement of the Claimant, the facts revealed in the interview, as well as 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.

Below I state my findings and conclusions.

Internal consistency of the statements

The Claimant has dutifully answered the questions put to her. In the interview of 1 October 2018, the Claimant answers in Q6 that she lived in Eritrea up to when she was 4 years old, just after she was asked whether she was born in Eritrea. This seems a logical association with the

period questioned, which is related to her being born in Eritrea. She then explains in responses to Q21 – 24 that she was forcefully deported from Ethiopia after 1999. The answers appear consistent with the questions asked, following a chronological order, which is the order also followed by the respondent.

The Claimant states in the first interview that she is fleeing from Eritrea for reasons of religious persecution and political reasons. This is correct and backed up later by details of the raid. It should be considered that this specific event, which is critical to the testimony, happens in a context of severe repression, which includes the forced deportation as well as the obligation of national service, of which the Claimant was also fearful and had every reason to be so. Having fled the country, the fear for forced return, in which the Claimant would be regarded as a traitor and a deserter, as well as the fear for persecution based on her faith, are credible grounds. It is, therefore, consistent that the Claimant would refer to the situation in its entirety, as the basis for her fear for prosecution. It is consistent that she backed this up with details of persecution she experienced when requested to do so. There is no inconsistency in the responses provided and these responses have a logic in terms of their character (general versus detailed) given the nature of the questions.

With regards to the response by the Claimant to Q 54, as to whether she had had an identity document, she states this is not the case. This is correct in the sense that the document she later refers to, the Certificate provided by the Eritrean Relief and Refugee Commission, is not an identity document. This she correctly referred to as ‘paperwork’ during the oral hearing. Given that the Certificate could have proved her Identity, a confusion of the two ‘papers’ can be easily explained.

It is consistent with the reality in Eritrea that the Claimant might not have felt it was safe to return home to get the Certificate. The house was ‘sealed’ and ‘no-one was there’ is similar language to someone who is forced out of work by the government referred to as being ‘frozen’. This is an expression of a situation when one is under surveillance. The two statements might therefore be simultaneously true, the house was unsafe (given the raid) and therefore ‘sealed’ and there was no longer anyone in the house who could have given her the document.

It may also be considered that – even though the document is extremely relevant, the Claimant may not have been aware of the relevance at the time of her flight. Given that she was in a very traumatic situation, with her mother (who was ill) being taken away to prison, which in Eritrea is a severe situation, she might not have been considering the importance of the document for her future life. It is, furthermore, not at all obvious that the aunt could have gone to the house to find the document given that the house was under surveillance. Given the practice of criminalising association, which is regularly used in Eritrea and results in punishment, it could have had serious consequences for the aunt to return to the home where the raid took place, which was now under surveillance, particularly so given that she was also

hiding the daughter. Returning to the house could have compromised her safety and that of the Claimant.

I consider that the responses by the Claimant are internally consistent across the different interviews provided and that the consistency is not diminished by the content of the responses which appear consistent with testimonies of similar situations in Eritrea (relating to the same period).

Plausibility of the testimony

It is not implausible that the Claimant (the daughter of organizer) and one of the people present in the house would have been able to flee. Given that the raid seems to have been provoked by the religious activity based on the tip off of an informer, the military were likely to be interested in the main religious leaders - the priest and the organizer (the Claimant's mother) who was inviting the prayer-meetings to take place in her house. In the circumstance it is credible that the young girl and a younger man were able to get out, being of lesser interest to the military performing the raid.

The details provided in the interview of 1 October 2018 are detailed about the process of the deportation. It is not easy to obtain knowledge of the deportation and the details provided are correct and plausible. An important detail that the Claimant mentions in the interview with RM is that she and her mother were received by the Eritrean Red Cross and that her mother was issued a Certificate confirming their deportation from Ethiopia. This refers to the activity of the Eritrean Relief and Refugee Commission (ERREC) at the time (<https://www.unhcr.org/3e2d4d5315.pdf>). The elements of the narrative by the Claimant correctly include (Q 57 to 59):

- the transport by bus;
- received in public schools;
- the role of the Eritrean military upon being received at the border;
- the support packages received;
- the reason for the deportation – her parents being Eritrean and having voted for independence in 1993 (statement);
- the year of deportation 1999.

The recollections are plausible for what would be remembered by an 11-year old.

It is not improbable for the Claimant to not have sought asylum in Italy or France. In both countries the access to asylum is poor, and in Italy it is hardly accessible (<https://www.theguardian.com/world/2019/feb/14/italy-rejects-record-number-of-asylum-applications> / <https://www.hrw.org/news/2012/02/02/france-european-court-human-rights-condemns-faulty-asylum-procedure>). For the same reason, the chance-meeting of the Claimant with a neighbour at the time is not as unlikely as it may seem, given that the Eritrean community is small and connected and there are limited places to where refugees (many of whom are between a similar age range) may flee.

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.

Assab has a large Ethiopian community, and the Claimant, coming from Addis Abeba, would have been able to manage easily in Assab with Amharic as the main language. Therefore, it is not convincing that the Claimant should have spoken more fluent Tigrinya given that Amharic is widely used in Assab, and given that she did not reside elsewhere in Eritrea. Being a girl, speaking Amharic and coming from a poor family, deported from Ethiopia, it is conceivable that the Claimant did not go to school. At least it cannot be reasonably ruled out that this may have been the case.

The Claimant details in her statement:

"There was an independence referendum in 1993. And both my parents voted in the referendum."

The important sentence from this interview is underlined. Almost in passing, the Claimant mentions something that does not appear in the court considerations. 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. The claimant volunteers the information, almost as an aside, to clarify why they were deported from Ethiopia. This makes this part of the statement credible.

In the context of Eritrean and Ethiopian law, it has been established that the parents voting in the referendum is the single best proof of establishing the nationality of the parents as this would have required them to have Eritrean I.D's. (a condition for participation in the referendum), from which the nationality of the daughter has to follow by law based both on Eritrean and Ethiopian law. Such I.D.s were no longer provided after 2001 and it is therefore consistent with the facts that the Claimant would not have an I.D.

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/ERI101056.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 the Claimant, she has 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. On that basis, she is also eligible for indefinite National Service (which she fears) and for persecution, would she be returned.

Today, Ethiopia has not accepted any Eritrean deportees back to 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 the Claimant is Eritrean she would not be recognized as an Ethiopian citizen irrespective of language, history or any other criteria. Only patrilineality is recognized as a basis for Ethiopian nationality. The Claimant therefore cannot have Ethiopian nationality as her father had Eritrean nationality and this is uncontested.

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

This is not altered by the fact that that the Claimant is married to an Ethiopian citizen, given that the marriage was not conducted in Ethiopia and the husband himself a refugee from Ethiopia, was residing in Sudan.

In this case, the expectation that the Claimant should pursue her nationality as Ethiopian is not possible, 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 the Claimant, if her father signed to participate in the Eritrean Referendum.

It is therefore unrealistic to expect that the Claimant can be deported to Ethiopia, since she clearly does not fulfil the necessary elements to be awarded Ethiopian nationality.

Determination of the Claimant's membership of the Pentecostal church

The court accepted the claim of the Claimant to be a member of the Pentecostal Church. This is not disputed through the expert review, nor are the consequences for persecution of the members of the Pentecostal Churches to Eritrea.

The implications for consideration of the Claimant's application

From the analysis it follows:

- The details provided by the Claimant appear both consistent and plausible;
- The Claimant provided adequate detail on the circumstances of the deportation from Ethiopia to Eritrea consistent with the facts as they are known;
- The information that the parents of the Claimant signed for the Referendum on Eritrean independence is solid proof of Eritrean nationality of the Claimant;
- The 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.