

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

27 January 2017

### ETH105722.E

Ethiopia: Information on Eritrean nationals residing in Ethiopia, including residency rights, freedom of movement and access to education, employment and social services; residency documents issued to Eritrean nationals residing in Ethiopia, including appearance, security features, and requirements and procedures for renewal (2015-January 2017)

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#### 1. Background

An April 2009 report entitled *Discrimination in Access to Nationality*, submitted to the UN Human Rights Council by the Open Society Justice Initiative, a program of the Open Society Institute (OSI) [1], states that "[s]ince the independence of Eritrea, and in particular since the 1998-2000 war, many tens of thousands of people of Eritrean origin have been trapped in a stateless limbo" in Ethiopia (OSI Apr. 2009, para. 2). An article on Eritrean identity in Ethiopia published by Migrant-Rights.org, "an advocacy organization that aims to advance the rights of migrant workers in the Middle East" (Migrant-Rights.org n.d.), states that

[t]he long and complex history of Eritrean and Ethiopian relations has resulted in a state of confusion regarding national identity for several thousands of people. Individuals seen as traitors, such as those who voluntarily qualified to vote for Eritrean independence in 1993 or those who were involved in Eritrean Community Associations, were denied Ethiopian citizenship. (ibid. 15 Jul. 2011)

The OSI report explains that of the approximately 150,000 people of Eritrean descent living in Ethiopia in April 2009,

[m]ost are not considered Ethiopian citizens, because they voted in the referendum on the independence of Eritrea that was held in 1993—having no idea at the time that this would jeopardize their Ethiopian citizenship. Ethiopia has consistently insisted that Ethiopians who registered to vote in the referendum acquired Eritrean nationality and thus lost their Ethiopian citizenship. Eritrea, however, does not recognize these people as Eritrean citizens. They are thus *de jure* stateless. (OSI Apr. 2009, para. 9)

Similarly, Migrant-Rights.org adds that at the time of the referendum, the Eritrean administration was only a "provisional" government and thus not capable of issuing legal documents such as passports, only identity cards. Therefore many of these cases fell under the definition of "stateless", that is, they were not formally recognized as either nationality. (Migrant-Rights.org 15 Jul. 2011)

The same source further adds that,

[a]fter Eritrea's attack on Ethiopia in May of 1998, individuals of Eritrean ties residing in Ethiopia were issued with yellow "alien" identification booklets. These individuals were again denied their Ethiopian citizenship and were not issued with legal Eritrean documents, as they were seen as enemies of the state [by Eritrea]. This

resulted in tens of thousands of cases of denationalized citizens. To add to the confusion, those Eritrean nationals who left Ethiopia were issued with an Ethiopian alien passport which did not show evidence of Eritrean origins. (ibid.)

## 2. Nationality and Access to Citizenship

According to the OSI Statement, the *Proclamation to Provide Foreign Nationals of Ethiopian Origin with Certain Rights to be Exercised in their Country of Origin* of 2002,

explicitly excludes people who 'forfeited Ethiopian nationality and acquired Eritrean nationality'. This proviso thus excludes most people of Eritrean origin in Ethiopia who are considered Eritrean nationals by the Ethiopian government. (OSI Apr. 2009, para.10)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A country of origin information report on Ethiopia prepared by the Dutch Council for Refugees, an NGO which offers support for refugees during their asylum procedure, provides information and advice to refugee lawyers, and information on refugee policy to Members of Parliament in the Netherlands (Dutch Council for Refugees n.d.), explains that:

[t]he nationality rights of people of Eritrean descent are determined in the 2003 Proclamation on Ethiopian Nationality (378/2003) [the nationality law] and the 2004 Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia. (ibid. 18 May 2016, 52)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Article 22 of the 2003 *Proclamation on Ethiopian Nationality* states the following:

### Re-Admission to Ethiopian Nationality

1. A person who was an Ethiopian national and who has acquired foreign nationality by law shall be readmitted to Ethiopian nationality if he:
  - a. returns to domicile in Ethiopia;
  - b. renounces his foreign nationality; and
  - c. applies to the Authority for re-admission. (Ethiopia 2003)

However, the OSI report states that

[w]hile a stateless person of Eritrean origin may in theory naturalize under the Ethiopian Nationality Proclamation of 2003, in practice this is very difficult since the person is obliged to show that she has been released from her previous nationality (which is impossible since Eritrea, the state of which they are assumed by Ethiopia to have nationality, will not issue proof of non-citizenship) or that she is stateless (which is equally impossible since Ethiopia considers her an Eritrean national by virtue of having registered for the 1993 referendum, rather than on the basis of documentation). (OSI Apr. 2009, para. 11)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources also note that the 2003 *Proclamation on Ethiopian Nationality* does not provide for the acquisition of Ethiopian nationality for stateless children born in Ethiopia (OSI Apr. 2009, para. 5; CRAI 23 Dec. 2003).

The *UK Country Information and Guidance Report* on people of mixed Eritrean and Ethiopian nationality residing in Ethiopia, further states that the 2004 *Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia*, issued by the Ethiopian Ministry of Foreign Affairs, "was intended to address the status of persons of Eritrean origin who continued to live in Ethiopia following the independence of Eritrea" (UK 31 Aug. 2016, para. 4.21). The *Directive*, which is attached to this Response (Attachment 1), indicates that:

### 4. Issues of Nationality

4.1. A person having an Eritrean passport or any document conferring Eritrean nationality or a person serving the Eritrean Government in a sector reserved exclusively for Eritrean nationals is considered as having Eritrean nationality.

4.2. A person of Eritrean origin who has not opted for Eritrean nationality shall be deemed as having decided to maintain his or her Ethiopian nationality and his or her Ethiopian nationality shall be guaranteed.

4.3. An Eritrean registered in accordance with this Directive and who desires to regain his or her Ethiopian nationality may be readmitted to his or her Ethiopian nationality based on Article 22 of the new Nationality Proclamation. (Ethiopia 2004a)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3. Freedom of Movement

Article 32 of the *Constitution of the Federal Democratic Republic of Ethiopia* reads that "[a]ny Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to" (Ethiopia 1995). However, the US Department of State's *Country Reports on Human Rights Practices for 2015* states that "[a]lthough the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government restricted some of these rights" (US 13 Apr. 2016, 17). Further and corroborating information on freedom of movement as it relates to Eritrean nationals in Ethiopia could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 4. Access to Education, Employment and Social Services

Part three of the 2004 *Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia* entitled "The Residence Status of Eritrean [sic] Residing in Ethiopia" provides the following information:

#### 8. Ownership Of Immovable Property And The Right To Use The Property

8.1. The right to own a house and immovable property shall remain guaranteed.

8.2. The right to use the agricultural land, for a person resident in a rural area, shall be respected.

#### 9. Conditions for Work

9.1. For Government employment, he or she shall be treated in accordance with the law applicable for any foreign national.

9.2. He or she has the right to engage in a private employment without being required to have a work permit. However, he or she is not permitted to engage in private employment that may be connected with security.

#### 10. Social Services

- The right to use educational and health services shall be afforded in the same manner as the nationals of the country.

#### 11. Service Charges

- The permanent residence permit holders shall be treated in the same manner as the nationals of the country with respect to charges for different services. (Ethiopia 2004a)

However, according to the OSI report,

[d]ue to their legal status [Eritrean nationals in Ethiopia] suffer deprivation of a range of fundamental human rights, including those linked to citizenship (i.e., political participation through voting or holding office) and those which are not (i.e., access to employment and education). (OSI Apr. 2009, para. 9)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

For information on the treatment of *Eritrean asylum seekers and refugees* in Ethiopia, including their freedom of movement, please refer to Response to Information Request ZZZ105147 of April 2015.

### 5. Residency and Travel Documents Issued to Eritrean Nationals

The 2004 *Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia* states the following:

#### 6. Residence Permit and Travel Document

6.1. An Eritrean person residing in Ethiopia will be granted permanent residence permit in accordance with the Immigration Proclamation.

6.2. Having the permanent residence permit, if he or she is unable to obtain a travel document from his or her country, he or she may be issued a foreigner passport for the purpose of travel.

#### 7. Cancellation of Residence Permit

7.1. Residence permit may be cancelled for the following reasons:

- a. Where the residence permit was acquired by submitting fraudulent information;
- b. Where the bearer of the residence permit is found to be an undesirable foreigner.

7.2. In addition to the reasons mentioned under Article 7.1., if he or she resided continuously for more than a year outside Ethiopia.

#### 7.3. Returning Residence Permit

An Eritrean who has been issued a residence permit and who leaves Ethiopia permanently shall return the residence permit to the Authority. (Ethiopia 2004a)

Further details concerning the registration of foreigners and the issuance of residence permits can be found in Part Five of the *Council of Ministers Regulations on Immigration, Regulations No. 114/2004* (Ethiopia 2004b). The *Regulations* are attached to this Response (Attachment 2).

Article 7 of the *Regulations* also states that "[a]n alien passport shall be issued to a resident foreigner who is unable to obtain his national travel document or who is stateless" (ibid.). The same source adds that applications for the issuance of an Alien Passport shall be done through the Security, Immigration and Refugee Affairs Authority (ibid., art. 22 (3)).

Information on the requirements and procedures for Eritrean nationals residing in Ethiopia to obtain and renew resident and travel documents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 5.1 Appearance and Security Features

Information on the appearance and security features of the Alien Passport, including images of the document, as found on the website of the Public Register of Authentic Travel and Identity Documents Online (PRADO) of the European Union is attached to this Response (Attachment 3).

Information on the appearance and biometric details of the Ethiopian permanent resident ID card, including images of the document, as found on Keesing's Reference Systems website is attached to this response (Attachment 4). Information on the security features of the permanent resident ID card from the same source is also attached to this Response (Attachment 5).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### Note

[1] The Open Society Justice initiative, an operational program of OSI, describes itself as pursuing "law reform activities grounded in the protection of human rights, and contribut[ing] to the development of legal capacity for open societies worldwide" (OSI Apr. 2009, 6).

### References

Citizenship Rights in Africa Initiative (CRAI). 23 December 2016. "[Proclamation No.378/2003 on Ethiopian Nationality](#)." [Accessed: 17 Jan. 2017]

Dutch Council for Refugees. 18 May 2016. [Country of Origin Information Report Ethiopia](#). [Accessed: 17 Jan. 2017]

Dutch Council for Refugees. N.d. "[Dutch Council for Refugees](#)." [Accessed: 19 Jan. 2017]

Ethiopia. 2004a. Ministry of Foreign Affairs. [Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia](#). [Accessed: 17 Jan. 2017]

Ethiopia. 2004b. [\*Council of Ministers Regulations on Immigration, Regulation No. 114/2004\*](#). [Accessed: 17 Jan. 2017]

Ethiopia. 2003. [\*A Proclamation on Ethiopian Nationality, Proclamation No. 378/2003\*](#). [Accessed: 19 Jan. 2017]

Ethiopia. 1995. [\*A Proclamation to Pronounce the Coming Into Effect of the Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995\*](#). [Accessed: 17 Jan. 2017]

Migrant-Rights.org. 15 July 2011. Zoe Peck. "[Challenges To Establish Eritrean Identity](#)." [Accessed: 17 Jan. 2017]

Migrant-Rights.org. N.d. "[About](#)." [Accessed: 18 Jan. 2017]

Open Society Institute (OSI). April 2009. [\*Discrimination in Access to Nationality Statement. Submitted by the Open Society Justice Initiative for Consideration by the United Nations Human Rights Council at its Sixth Session, on the Occasion of its Universal Periodic Review of Ethiopia November 30 – December 11, 2009\*](#). [Accessed: 17 Jan. 2017]

United Kingdom (UK). 31 August 2016. Home Office. "[Ethiopia: People Of Mixed Eritrean/Ethiopian Nationality](#)." *Country Information and Guidance Report*. [Accessed: 17 Jan. 2017]

United States (US). 13 April 2016. "[Ethiopia](#)." *Country Reports on Human Rights Practices for 2015*. [Accessed: 17 Jan. 2017]

## Additional Sources Consulted

**Publications:** *Citizenship Law in Africa; Struggles for Citizenship in Africa*.

**Oral sources:** Ethiopia – Embassy in Ottawa, Embassy in Washington, DC; Forum for Social Studies; Human Rights Council Ethiopia; Lecturer, School of Oriental and African Studies, University of London; Research Fellow, University of Leeds.

**Internet sites, including:** Amnesty International; Asylum Research Consultancy; Australia – Department of Foreign Affairs and Trade, Refugee Review Tribunal; Austrian Red Cross; ecoi.net; Ethiopia – Ethiopian Government Portal, Ministry of Foreign Affairs, Ministry of Justice; Ethiopian Diaspora Community Web Portal; Ethiopian Legal Brief; Ethioservices; Factiva; Freedom House; Germany – Federal Office for Migration and Asylum; Human Rights Watch; International Labour Organization – NATLEX; International Refugee Rights Initiative; IRIN; Minority Rights International; Right to Remain; UN – Refworld, UNHCR; Vital Events Registration Agency.

## Attachments

1. Ethiopia. 2004a. Ministry of Foreign Affairs. [\*Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia\*](#). [Accessed: 17 Jan. 2017]
2. Ethiopia. 2004b. [\*Council of Ministers Regulations on Immigration, Regulation No. 114/2004\*](#). [Accessed: 17 Jan. 2017]
3. European Union (EU). N.d. Public Register of Authentic Travel and Identity Documents Online (PRADO). "[Document: ETH-AO-02001](#)." [Accessed: 13 Jan. 2017]
4. Keesing's Reference Systems. N.d.a. "[Ethiopia - ETH - Permanent Residence ID – General](#)." [Accessed: 13 Jan. 2017]
5. Keesing's Reference Systems. N.d.b. "[Ethiopia - ETH - Permanent Residence ID - Security Features](#)." [Accessed: 13 Jan. 2017]

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