

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](#).

13 March 2017

ERI105741.E

Eritrea: Information on exit procedures, including type of exit document issued and validity period of the document; whether exit stamps that were issued in 2012 or prior, were valid for 2016 (2011-February 2017) Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

According to a 2016 article by the BBC, "people with Eritrean passports cannot leave legally without an exit visa" (BBC 8 June 2016). A 2015 report by the UN Commission of Inquiry on Human Rights in Eritrea states that "[e]xit visas are required for any Eritrean national who wishes to leave Eritrea and for foreigners in possession of a residence permit who intend to leave Eritrea definitely" (UN 5 June 2015, para. 401). According to sources, it is "difficult" to obtain an exit visa (BBC 8 June 2016; EU May 2015, 53). A 2009 Human Rights Watch report indicates that "[t]he Eritrean government considers leaving the country without a valid exit visa a crime" (Human Rights Watch Apr. 2009, 65).

2. Legislation

The 2015 report by the UN Commission of Inquiry on Human Rights in Eritrea states that *Proclamation 24/1992* "regulates the issuing of travel documents, entry and exit visa[s] from Eritrea, and residence permits of foreigners in Eritrea. It is completed by *Proclamation No. 4/1992* relating to travel documents and immigration" (UN 5 June 2015, para. 401). According to a 2015 report by the European Asylum Support Office (EASO), *Regulation No. 4/1992* regulates "the exit visa regime" (EU May 2015, 52). *Proclamation No. 24/1992* and *Regulation No. 4/1992* are attached to this Response (Attachment 1 and Attachment 2, respectively).

Proclamation 24/1992 states the following:

11 - Formalities required to get out of Eritrea

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

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

12 - Exit visa

1. Exit visa may be issued by the Department of internal Affairs.
2. The Secretary determines by provisions the conditions required for the granting of an exit visa.
3. The validity period of an exit visa is determined by the Secretary.

4. Expired exit visa may be renewed on request; the Secretary may authorize the renewal according to the circumstances. (Eritrea 1992a)

Article 17 of *Regulation No 4/1992* states that

17 - Exit visa

1. Except as provided in Proclamation 24/1992 issued to control the granting of travel documents: the entry and exit visa, the residence permits in Eritrea, and the persons mentioned in the articles of the regulation as exempted from the requirements of visa, any other person foreigner or Eritrean shall require an exit visa when leaving the country.
2. In compliance with Proclamation No. 24/1992 for the issue of travel documents for entry into or exit from Eritrea or for the granting of residence permits, persons and foreigners or Eritreans forbidden to leave Eritrea shall not be with [*sic*] issued exit visa.
3. Exit visa shall be granted by the Immigration Authorities.
4. Application for an exit visa may be presented in Form No. 4 one week before the required date. For justified reasons the application may be presented in less than a week.
5. The person applying for an exit-re-entry visa may fill only Form 6 and shall not need to fill Form no. 7.
6. A foreigner in possession of a residence permit intending to leave Eritrea definitely is required to apply for an exit visa by filling Form No.8. His application must be accompanied by the following documents to show that he is free from liability to:
 - a. the Bank;
 - b. the Municipality or Rural Administration;
 - c. the House Renting Administration;
 - d. from the Police;
 - e. to the Electric Dept.;
 - f. to the Inland Revenue, Customs and Excise;
 - g. to the enterprise in which he served,
7. An exit visa is valid only for one travel in a month from the date of issue.
8. Eritreans who frequently travel for justified reasons may be granted exit visa that will enable them to leave for more than once within three months.
9. If an exit visa expires before being used it may be extended by an application of form 9. But if it expires for the second time, extension shall not be granted, provisions of Sub. Art. 6 of the present regulation may be applied to the new application form.
10. A foreigner who came with an entry or tourist or transit visa, unless the visa has expired, he will have no need for an exit visa.
11. Eritreans applying for exit visa are required to submit the following documents:
 - a. if they are leaving for any kind of education, support from concerned organs;
 - b. if they are sent abroad for various reasons by an organ of the Government of Eritrea or by a private organization a letter of support from the concerned body or private corporation;
 - c. if they are going abroad for work a letter of support from Labour Office;
 - d. if they are leaving for medical treatment a certificate from the Health Dept.
12. Any person leaving Eritrea is required to fill an exit card or form at the exit site. He may leave the barrier (site) only upon obtaining the stamp of Immigration.
13. Service fees are charged for exit visa and for the extension made to it. (Eritrea 1992b)

3. Validity and Format of Exit Stamps

Information on whether exit stamps issued in or before 2012 were valid for 2016 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Citing information obtained from Eritrean sources in a letter dated 1 April 2010, the British Embassy in Asmara stated that

"[e]xit visas used to be issued in sticker form but following a 2009 alleged visa scam are now stamps. They are produced in a standard format, in English only.

Exit visas are not issued free of charge. The cost is currently around £8 (GBP) [approximately C\$13.07] for a single exit visa.

... multi-exit visas are not issued. Exit visas are valid for one month and for one journey only." (UK 17 Aug. 2011, para. 28.06)

In a decision rendered on 27 May 2011, the UK's Upper Tribunal (Immigration and Asylum Chamber) cites a report dated 8 January 2011 by Professor Gaim Kibreab (UK 27 May 2011, para. 13) [1] who stated that "[e]xit visas are stamped on passports and the Immigration Department would keep records to that effect" (UK 27 May 2011, para. 20). The 2015 EASO report indicates that, according to representatives of the Department for Immigration and Nationality who were interviewed by the Swiss Federal Office for Migration (FOM) on 6 November 2013 during a "technical mission" to Eritrea, "[e]xit visas cost 200 nakfa [approximately C\$16.97] and are valid for one month and one trip out of the country. They can be extended three times for one month. The date on which the individual will leave Eritrea is fixed, but a return is possible at any time" (EU May 2015, 53). The 2015 report by the UN Commission of Inquiry on the Human Rights Situation in Eritrea cites a source interviewed for the report as stating that "[t]he visa, stamped on the passport, indicates the number of exits permitted and the dates of validity during which period the person can leave Eritrea legally" (UN 5 June 2015, para. 401). In correspondence with the Research Directorate, a representative of the Eritrean Consulate in Toronto stated that "as of 2012, the government of Eritrea has been issuing exit visas valid for 10 years. These new visas are also issued as a separate laminated document" (Eritrea 10 Feb. 2017).

4. Criteria and Conditions for Visa Issuance

The US Department of State's *Country Reports on Human Rights Practices for 2010* states that "[t]he government continually modified its requirements to obtain passports and exit visas, sometimes suspending passport or exit visa services without prior warning" (US 8 Apr. 2011, 20). *Country Reports 2011* similarly states that

[e]xit visa policies were frequently adjusted in nontransparent ways specifically to benefit the relatives of high-ranking government officials. For example, the government posted notices on current exit visa regulations in nondesignated, inconsistent, and inaccessible locations. (US 24 May 2012, 18)

Sources indicate that that applicants for exit visas or passports often had to pay bribes (US 24 May 2012, 21; UN 5 June 2015, para. 405) or secure the "intervention of acquaintances at high-level positions within the Government" (UN 5 June 2015, para. 405). According to *Country Reports 2015*, "[r]equirements for obtaining passports and exit visas were inconsistent and nontransparent" (US 13 Apr. 2016, 14). Similarly, the May 2015 report by EASO indicates that "conditions for the issuance of exit visas are unclear, subject to unannounced changes and to the arbitrariness of the authorities" (EU May 2015, 52).

According to the 2015 report by the UN Commission of Inquiry on Human Rights in Eritrea, "[t]he criteria and conditions to be granted an exit visa are not provided by law and are left to the determination of the Government" (UN 5 June 2015, para. 402). The report further states that "[s]ome witnesses indicated that it took them almost one year to obtain a passport and an exit visa" (UN 5 June 2015, para. 405).

According to a 2016 report by EASO,

"[i]n order to obtain the exit visa, Eritreans must be able to prove that they have completed the national service or that they have been granted an official exemption from it. They must also provide a reason for leaving the country. (EU Nov. 2016, 14)

According to testimony collected by the UN Commission of Inquiry on Human Rights in Eritrea,

procedures in place seem to prevent aspiring applicants from lodging an exit visa request if another member of the household has left the country or has not fulfilled the compulsory national service and militia duties. This is verified including through the coupon system. (UN 5 June 2015, para. 412)

According to the same source, "[t]he coupon system entitles families to purchase a limited amount of food at subsidised prices. It is also needed to register children in school and access services such as the renewal of passports and the issuance of exit visas" (UN 5 June 2015, para. 354). Further and corroborating information on the coupon system could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Issuing Authority

According to information obtained from "Eritrean sources," the British Embassy stated that

"[e]xit visas are issued by the Department of Immigration which has regional offices. All these regional offices have the authority to issue exit visas. Applicants must apply in person only" (UK 17 Aug. 2011, para. 28.06)

According to the 2015 report by EASO, "[l]eaving Eritrea may only be done with a valid exit visa issued by the Asmara-based Department for Immigration and Nationality or one of its branch offices, which can issue them without consent from the main branch in Asmara" (EU May 2015, 52). The 2015 report of the UN Commission of Inquiry on Human Rights in Eritrea states that

[w]hile the proclamation refers to the Ministry of Internal Affairs as the Governmental entity in charge of the question of entry and exit of country and control of foreigners, this Ministry does not seem to exist anymore. The competence seems to be exercised by the immigration authorities, as indicated in Proclamation No. 4/1992, which are under the control of the National Security Office. Anyhow, in light of the tight control exercised by the President on the Government, it is still correct to refer to the Government instead of a particular entity within. (5 June 2015, footnote 447)

6. Denial of Visa Issuance

While referencing Article 13 of the *Proclamation 24/1992*, the 2015 report by the UN Commission of Inquiry on Human Rights in Eritrea states that

the law lists specific grounds for the denial of an exit visa, i.e. if a competent court has ruled that the person cannot leave Eritrea; if a competent court has summoned the person to appear within a month before it; and if the Government "believes on valid grounds that the departure of the person might affect the security or the interest of the country." (UN 5 June 2015, para. 402)

The same source further indicates that,

[g]enerally, individuals who have a history of fall-out with the Government have little chance of being granted an exit visa. The ban often applies equally to their family members and irrespective of whether these individuals have completed the national service. (UN 5 June 2015, para. 410)

The 2015 report by the UN Commission on Human Rights in Eritrea also states that, according to testimony collected by the Commission, exit visas are issued "without difficulty" to certain people such as older women, older family members of Government opponents, and those who, having completed their national service, the nature of their occupation requires regular travel (UN 5 June 2015, paras. 403-404). However, the same report states that "[m]ale relatives of Government opponents seem not be accorded similar treatment" (UN 5 June 2015, para. 403). The same source indicates that the UN Commission heard cases of exit visas denials to Eritreans carrying foreign passports, foreign residents, and people who had been awarded scholarships to pursue studies abroad (UN 5 June 2015, paras. 405, 409). *Country Reports 2015* also states that passports or exit visas are denied to students and faculty who wanted to study or do research abroad (US 13 Apr. 2016, 12). The UN Commission on Human Rights in Eritrea indicates that "even applicants eligible for an exit visa have been denied one without the reasons for the refusal being given" (UN 5 June 2015, para. 409). *Country Reports 2015* states that exit visas are "often denied" on the grounds of not having completed military service, or arbitrarily for no given reason (US 13 Apr. 2016, 13). The same source further states that

[c]ategories of persons most commonly denied exit visas included men under age 54, regardless of whether they had completed the military portion of national service, and women younger than 30, unless they had children. The government did not generally grant exit permits to members of the citizen militia, although some whom authorities demobilized from national service or who had permission from their zone commanders were able to obtain them. (US 13 Apr. 2016, 14)

The 2016 report by the UN Commission of Inquiry on Human Rights in Eritrea quotes an Eritrea "expert" as explaining that most of those who are discharged from national service remain in the People's Army or militia or "'reserve army,'" and as such they do not qualify for Eritrean exit visas; and those who leave the country without an exit visa, "remain liable for the crime of 'desertion'" (UN 8 June 2016, para. 87). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

7. Exemptions

According to information obtained by EASO through interviews in 2016 with the Department for Immigration and Nationality and the Minister of Information,

Eritreans who have spent at least three years outside the country may, on their return to Eritrea, make an application for 'diaspora status' to the Department for Immigration and Nationality in Asmara. ... The Department issues a document called Residence Clearance Form to returnees who have 'diaspora status'. According to official information, people who hold this document are exempt from compulsory national service and – contrary to the provisions of Proclamation 24/1992 – may leave Eritrea again without an exit visa.

The Residence Clearance Form, and thus 'diaspora status', may also be obtained by people who are returning to Eritrea not just as visitors but who intend to resettle there in the long-term. However, the 'diaspora status' expires after three years of uninterrupted residence in Eritrea. Thereafter, the authorities regard the person as a resident of Eritrea once again, subject to the associated duties and obligations (national service, exit visas). (EU Nov. 2016, 30)

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

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] According to the website of the London South Bank University, "Professor Gaim Kibreab is a Research Professor and Course Director of the MSc Refugee Studies at London South Bank University, School of Law and Social Sciences in the Department of Social Science. ... He has published widely on forced migration (refugees, development-induced displacement, internally displaced persons, and environmentally-induced population displacement), development and governance in post-conflict societies. He is currently working on causes of forced migration in post-independence Eritrea" (London South Bank University n.d.).

References

British Broadcasting Corporation (BBC). 8 June 2016. "[Has Eritrea's Migration Problem been Exaggerated?](#)" [Accessed 26 Jan. 2017]

Eritrea. 10 February 2017. Consulate in Toronto. Correspondence from a Representative to the Research Directorate.

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United Nations (UN). 8 June 2016. Commission of Inquiry on Human Rights in Eritrea. [Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea](#). (A/HRC/32/CRP.1) [Accessed 16 Jan. 2017]

United Nations (UN). 5 June 2015. Commission of Inquiry on Human Rights in Eritrea. [Report of the Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea](#). (A/HRC/29/CRP.1) [Accessed 16 Jan. 2017]

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United States (US). 24 May 2012. Department of State. "Eritrea." [Country Reports on Human Rights Practices for 2011](#). [Accessed 2 Feb. 2017]

United States (US). 8 April 2011. Department of State. "Eritrea." [Country Reports on Human Rights Practices for 2010](#). [Accessed 2 Feb. 2017]

Additional Sources Consulted

Oral sources: Eritrea – Embassy in Washington, DC; Research Professor focused on forced migration in Eritrea, London South Bank University; Senior Expert in the Peace and Security Section, Global Governance Institute; Senior Research Fellow, Institute of Commonwealth Studies.

Internet sites, including: ecoi.net; Eritrea – Embassy in Stockholm, Embassy in Washington, DC, Ministry of Information; Factiva; Fédération internationale des ligues des droits de l'homme; Radio France international; Freedom House; Institute for War and Peace Reporting; IRIN; Radio Free Europe/Radio Liberty; UN – ReliefWeb.

Attachments

1. Eritrea. 1992a. [Proclamation No. 24/1992 Issued to Regulate the Issuing of Travel Documents, Entry and Exit Visa from Eritrea, and to Control Residence Permits of Foreigners in Eritrea](#). [Accessed 25 Jan. 2017]
2. Eritrea. 1992b. [Regulation No. 4/1992 of 1992 of Travel Documents and Immigration](#). [Accessed 25 Jan. 2017]

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