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03 September 2009

ERI103223.E

Eritrea: Procedures for obtaining Eritrean nationality for persons born outside Eritrea; whether new nationality legislation is being drafted or enacted

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Article 3 of the Constitution of Eritrea states:

(1) Any person born of an Eritrean father or mother is an Eritrean by birth.(2) Any foreign citizen may acquire Eritrean citizenship pursuant to law.(3) The details concerning citizenship shall be regulated by law. (Eritrea 23 May 1997)

The Eritrean Nationality Proclamation No. 21/1992, in discussing Eritrean nationality by birth, states that "any person born to a father or mother of Eritrean origin in Eritrea or abroad is an Eritrean national by birth" (Eritrea 6 Apr. 1992, Art. 2.1). The Proclamation also states that "[a]ny person who is Eritrean by origin or by birth, shall, upon application, be given a certificate of nationality by the Department of Internal Affairs" (ibid., Art. 2.4).

The Proclamation discusses in detail the requirements for obtaining Eritrean nationality by naturalization, making a distinction between the period from the beginning of 1934 to the end of 1951 and for the period from 1952 to present (ibid. Art. 3, 4). According to Article 3 of the Proclamation, which addresses nationality by naturalization from 1934 to 1951,

Eritrean nationality is hereby granted to any person who is not of Eritrean origin and who entered, and resided in, Eritrea between the beginning of 1934 and the end of 1951, provided that he has not committed anti-people acts during the liberation struggle of the Eritrean people. (ibid., Art. 3.1)

The Proclamation also states:

Any person born to a person mentioned in sub-article 1 [3.1 above] of this article is Eritrean by birth. The Department of Internal Affairs shall, upon his application, issue him a certificate of nationality. (ibid., Art. 3.2)

According to Article 4 of the Proclamation, which addresses nationality by naturalization for the period after 1952, "the Secretary of Internal Affairs will grant Nationality by Naturalization" (ibid., Art. 4.2) to "[a]ny person who is not of Eritrean origin and had entered, and resided in Eritrea in 1952 or after ..." (ibid., Art. 4.1) and on condition that [the person] "has entered Eritrea legally and has been domiciled in Eritrea for a period of ten (10) years before 1974 or has been domiciled in Eritrea for a period of twenty (20) years while making periodic visits abroad" (ibid., Art. 4.2a). Other conditions for obtaining nationality include having "high integrity" and not having "been convicted of any crime" (ibid., Art. 4.1b); understanding and speaking an Eritrean language (ibid., Art. 4.1c); having "renounced the nationality of another country, pursuant to the legislation of that country" (ibid. Art. 4.2e); and not having "committed anti-people acts during the liberation struggle of the Eritrean people" (ibid., Art. 4.2g).

The Proclamation also declares that a person must sign an oath of allegiance before obtaining a certificate of naturalization (ibid. Art. 4.3) and that a parent can apply for naturalization for their minor children at the same time as the parent's own application (ibid., Art. 4.5). The Proclamation also affirms that the child of a naturalized Eritrean "becomes an Eritrean by birth" (ibid., Art. 4.6). In addition, the Proclamation details the requirements to obtain Eritrean nationality by adoption and by marriage (ibid., Art. 5.6), as well as the reasons that could bring about the deprivation of Eritrean nationality (ibid., Art. 8)

According to a document from the Eritrean Embassy in London detailing steps for obtaining Eritrean nationality from the United Kingdom (UK), "[a] person who is with an Eritrean father/mother would be eligible for Eritrean nationality as long as the person provides three witnesses" (UK 21 Apr. 2009, Sec. 31.02). The document also states that "[a]ll application forms are filled in person by the applicant at the Embassy's consular section and has [sic] to be authorised by the Ministry of Foreign Affairs in Eritrea" (ibid).

A report from a British fact-finding mission to Eritrea published in April 2003 states that "the three witnesses must be Eritrean nationals who hold an Eritrean identification card or passport" (ibid., 29 Apr. 2003, Sec. 7.2.1). According to the report, the witnesses must know the applicant personally and "[t]he person abroad will have to go

to the Eritrean embassy [of that country] in order to answer questions [about the applicant and their relationship]". (ibid., Sec. 7.2.5).

The website of the Embassy of the State of Eritrea in Washington, DC requests applicants to obtain a twelve-page application form to acquire an Eritrean National ID Card and lists the documentation an individual must submit when applying for Eritrean nationality (Eritrea n.d.). These required documents consist of a completed application, two photographs (passport-size), a two-sided copy of the applicant's passport or green card, copies of their birth certificate and the Eritrean ID Cards of their parents, and a \$50.00 US processing fee together with a "self-addressed stamped envelope" (ibid.).

The Embassy website also states:

The applicant must provide 3 witnesses and sign the application form in front of the authorized representative. All relevant documents that support the statement given in the application form must be submitted with the application form. (ibid.)

Information on whether new nationality legislation is being drafted or enacted could not be found among the sources consulted by the Research Directorate.

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.

References

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Additional Sources Consulted

Oral sources: Attempts to obtain information from the Eritrean embassies in Ottawa and Washington were unsuccessful within the time constraints of this Response.

Publications: "Ethiopia-Eritrea: Statelessness and State Succession," *The Lasting Struggle for Freedom in Eritrea*.

Internet Sources, including: Amnesty International (AI), Awate.com, Dehai.org. European Country of Origin Information Network (ecoi.net), Factiva, Human Rights Watch (HRW), International Labour Organization (ILO), Library of Congress Guide to Law Online: Eritrea, Library of Congress Legal Research Guide: Eritrea, Migration Information Source, Refugees International, United Nations High Commission for Refugees (UNHCR) Refworld.

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