

Expert Report 3: *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 Prof 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 neighboring 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 asylum application by the Claimant. It considers particularly two elements which are contested:

- The claim to be an Eritrean national
- The claim to be a practicing Pentecostal

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

1. 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 interviewee is Eritrean, who grew up in Ethiopia, and speaks both Amharic and Tigrinya.
2. 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.
3. I have paid special attention to the consideration of nationality in the context of the Eritrean-Ethiopian war of 1998-2000.
4. I have given special consideration to the modus operandi of practicing as a converted Pentecostal in Eritrea and in other countries.
5. I have checked details with other experts.

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 interview was held on 11/07/2018. The interview time was from 15:00 -16:00. The interview was carried out by phone. Although an interpreter was present at the request of the claimant, the interview was conducted in Amharic and neither the interviewee nor the claimant needed an interpreter. 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.

Below I state my findings and conclusions:

Claim of Eritrean nationality

The deportations of Eritrean nationals from Ethiopia that started during the 1998 – 2000 war and claimant was almost sixteen when she was deported from Ethiopia to Eritrea in May 2000. She clarified, additionally, that she lived her first year in Tesseney, when it was under Ethiopian occupation and this is consistent.

After the liberation war was over in 1991, Tesseney became part of Eritrea. Persons who were born under Ethiopian occupation in Eritrean territory are considered Eritrean nationals under international law and based on the Eritrean National Proclamation for Eritrean nationality. In addition to all of the above, Tesseney, where claimant was born, is undisputed Eritrean territory. It should, therefore, be excluded as a consideration in this case, that claimant was born in Tesseney while under Ethiopian occupation.

The ground for Eritrean nationality were 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 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, both Eritrea and Ethiopia have acted in a consistent manner in their decision to regard claimant as an Eritrean national, based on the fact that her father had Eritrean nationality.

Deportation

The description of the claimant of the deportation from Ethiopia to Eritrea is consistent with many accounts: deportations would be prompted by a visit by night, a stay in some collection place for few days and a long drive to Eritrea. To Bada first then to Assab and Massawa and then to Asmara by bus. She then moved to Tesseney.

Identification Documents

The Repatriants Refugee Cards (ERREC) were issued to adults; at the time of the deportation, claimant was still underaged and would not have received the ERREC card.

In the interview additional evidence is given of the nationality of the father as Eritrean.

Additional proof of Eritrean nationality of the father

In the interview, the claimant describes that she remembers the Eritrean referendum as a particularly joyful event. She explains that her father voted in the referendum in 1993 (when they were still in Ethiopia). Her father's voting with the referendum shows that he had been given Eritrean nationality and he would have had an ID card in order to be able to vote.

Her memory of this event is consistent with that of the experience of many children her age at the time she said 'we were happy that our parents were happy, we didn't think it had any relevance for us as such. Those who wanted, went to vote as did my Dad'. She is referring to 'parents' in plural, to refer to the general joy of celebration in the Eritrean community. The joyful celebration at that time was not affected by knowledge of the later situation, which ended in the deportations which start in 1998 in Ethiopia.

To vote in the referendum her father would have had his Eritrean identification card issued but there weren't any similar provisions for issuing children with similar identification documents. It is clear that claimant would not have been given such a card.

Language

The claimant states that she was raised in Addis Abeba, in Ethiopia, and this is consistent with thousands of people who resided in the city and throughout Ethiopia prior to the border war in 1998. Her father was employed in the construction industry and he was stationed in various parts of the country and the family decided to be based in the capital and they seem to have settled well there. Despite her mother's leaving the family at a young age, a fact that claimant mentions several times to emphasize for a lot of the gaps in information stating the fact that if she had a mother she would know more about her background and family more, in general Maria seems to have had a normal childhood and had a lot of Eritrean families around her. They were her father's acquaintances. During the interview, claimant remembers a lot of social events and holidays that were celebrated together. She was mostly brought up by a woman who was hired to look after her by her father as he worked away from home most of the time.

In many circumstances like this it is normal that she would speak Amharic, even to Eritrean friends and acquaintances of her father, this was usual in many Eritrean families in Ethiopia at the time. This could be because many Eritreans didn't want to come under scrutiny during the on-going independence struggle and speaking Amharic helped them blend better and avoid being accused of holding 'secessionist tendencies'.

There are many Eritreans who grew up in Ethiopia and whose first language is Amharic, even though they identify as Eritrean and were identified as Eritrean by Ethiopia and by their social networks and who were deported under the deportation law in 2000 (or would have been deported if they had been in the country). In my network, I have knowledge of similar stories in which children grew up with their father (without their mother) and grew up speaking only Amharic, even if they were considered to be fully Eritrean. They later learned Tigrinya as a second language.

In Tesseney the claimant was of the age where she could have integrated and gone to school and make friends and pick up the language, but her father got ill and was first partially and then fully paralysed and hence she became a fulltime carer and didn't have much time for socialising and didn't get to go to school either.

Moreover, in Tesseney the main language is not Tigrigna but, more likely, Tigre. In Tesseney, she would not have been exposed necessarily to very much Tigrinya in the local context.

Language can therefore not be considered a decisive element, or an element at all, in the determination of nationality in this case, because the explanation that Tigrinya of the claimant

is poor is explained by the fact that claimant was raised by a carer in Addis Abeba and spoke Amharic with her and with her father, which was not an unusual situation at that time. After deportation to Eritrea, claimant looked after her father with whom she spoke Amharic and lived in Tesseney; she only lived there for a short time and then fled from Eritrea to Sudan. Moreover, Eritreans in her network may well have understood Amharic which is a language that many Eritreans understand, even if it is not recognized as an official language by the authorities.

Pentecostalism

Through an acquaintance of the father of the claimant, who used to come and visit him and pray for him when he was severely ill, she became convinced that if she converted and started praying with this man and his group, her father could get healed, so she converted and got baptised and started attending their meetings. Few months into her joining, the church was outlawed and a meeting she was attending got raided.

Claimant's knowledge of the theological elements of the faith is not as high as some people in similar groups, however her description of services is accurate and very consistent with the practice in Eritrea. Her lack of theological understanding could be due to the fact that at the time she was too busy looking after her father and then she spent much of the rest of the years until her arrival here in the UK, in Islamic countries where she may not have had time to deepen her knowledge in her faith.

Conclusion

Having considered the statement and inquired the claimant in an interview to provide further background on her claims, the following is concluded:

1. It is not disputed that the father of claimant has Eritrean nationality. This is evidenced by the following undisputed facts:
 - the joyful memory of the Eritrean referendum for independence in 1993;
 - the narration of the memory that the father voted in the referendum, which would require that he had Eritrean nationality and was in possession of an Eritrean I.D. card;
 - the origin of the family in Tesseney, which is undisputed as Eritrean territory, where claimant was born;
 - the deportation of the family in May 2000 after the Eritrea – Ethiopia war.
2. The claimant has Eritrean nationality. This is evidenced by the following undisputed facts:
 - Eritrean nationality is based on patri- and matrilineage; in this case the patrilineage link to Eritrean nationality is established (see point 1);
 - Ethiopian nationality is ruled out as Ethiopia only recognises patrilineage, which is not the case (see point 1).
3. Other considerations are irrelevant to the main argument which is that claimant has Eritrean nationality. These considerations are:
 - language: the claimant learnt to speak Amharic as many, in the context of that time, this was considered safe and normal, and in Tesseney, Tigrinya is not the main language;
 - unavailability of documents: claimant was underage and would not have been provided with such documents.
4. Pentecostalism. It is credible that claimant converted to Pentecostalism in her challenging circumstance and it is consistent with the story of her arrest and detention and subsequent flight story from Eritrea to Sudan. Her lack of deep theological insights can be explained.

Being a practicing Pentecostal, it is undisputed that her safety and her life would be in danger and this would be the case if she was deported to Eritrea.

5. The statement of claimant is consistent and the details she provided during her interview did not show inconsistencies with the statement provided, while claimant provided new additional information readily and without hesitation.

Based on this analysis, I conclude that claimant has provided an honest statement, which is based on her being an Eritrean national and with a genuine fear for inhumane behavior if she was deported/returned to Eritrea.