

Expert Report 6: *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

1 January 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 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 circumstances of a claimant for asylum made to the UK Home Office, hereafter referred to as the claimant.

This report considers particularly three elements:

- The credibility of the story of the claimant
- The claimant's nationality
- The claimant's religion
- The implications for consideration of her application

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

Interview 1

I have interviewed the claimant through one of my students, who is an expert on the relationship between Ethiopian and Eritrea and on the deportation policy, and an expert on religion in Eritrea including the Pentecostal church. The interviewer is Eritrean, who grew up in Ethiopia, and speaks both Amharic and Tigrinya. The interview (referred to as interview 1) was carried out in Amharic within a comfortable atmosphere to try to ensure a natural conversation. The interview format follows a format of story-telling and avoids lead questions. The student used a biographical interview approach with particular emphasis given to 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. It follows the narrative of the interviewee's life as a means of ascertaining claims made in the asylum process.

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 phone-interview was held on the 7th Sept 2018, Time: 10:15 – 11:20. I received a translation in English and I also received the opinion of the student on the facts found in the interview.

Interview 2

In order to consider some particular aspects of the interview, I requested information through interviews with three expert resource persons, who have – due to their position, extensive knowledge on Eritrea in the relevant period of the last 25 years. I asked them particular questions to verify more specific information relevant to the case. These interviews were held in December.

As a follow up to the information received through the first phone interview and through the interviews of resource persons, I requested a complementary interview (referred to as interviews 2) with additional structured questions in order to verify certain gaps in the story, which inhibited a sound opinion. The follow up interview was implemented by phone on 7th January 2019 (10:30 – 11:00). This interview was carried out by a second assistant, who also

speaks both Amharic and Tigrinya. The claimant was given the choice of language and on her request the interview was carried out in Amharic. The interview was carried out by phone and I received an English transcript.

Material available for consideration

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 two interviews (interviews 1 and 2) and compared these and considered 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.

I have checked details with other experts. Below I state my findings and conclusions.

1. Verification and the credibility of the flight story

In order to give an opinion on this case, it is crucial to understand the credibility of the claimant's statement.

This verification of the credibility of claimant's statement, is based on the material available to me, which is of the statement of claimant, the additional interviews carried out under my supervision, and fact checks with knowledgeable resource persons. My considered opinion is that the details of her story – scrutinized in terms of the time and space when the events occurred, are credible. The details of her story can be confirmed by what is known of the places where the claimant resided at the time and the specific time-related developments that happened in those places at the times indicated by claimant.

Specifically, I refer to three situations: (i) Assab and flight from Assab; (ii) Living in Khartoum (iii) Flight from Khartoum through Libya over the Mediterranean Sea, (iv) other details available concerning her use of languages and names provided.

1.a. Assab and flight from Assab

- **Situation in Assab.** Assab, a port-city, which is indicated as the birthplace (in 1995) of claimant, is well-known for its large Amharic-speaking and Ethiopian community before the Eritrea-Ethiopia war started in 1998 when the access of Ethiopia to the port was stopped. Researcher Jennifer Riggan has described the situation in Assab at the time before the 1998 war – when Assab was already legally part of Eritrea and writes: “Although Assab, with its close links to Ethiopia, was culturally peripheral to Eritrea, it was symbolically and politically important. There is no doubt that Eritreans viewed Assab as an integral part of Eritrea, but it was a hybridized place formed at the intersection of nations and cultures by people who came there from different places, different countries, largely for economic reasons.” (Riggan, 2016: 29).
- **Flight from Eritrea.** From 1998 – 2000 Ethiopia deported individuals and families who were considered of Eritrean origin to Eritrea. According to claimant her mother was Eritrean and her father's nationality is assumed Ethiopian or Eritrean. If the family would have lived in Ethiopia at the time, the family (mother and offspring) would have been deported to Eritrea if they would have fled in 1998 from Assab in Eritrea to Ethiopia.
- It is therefore entirely consistent with the facts at the time, that the mother who was Eritrean, would have fled Assab (which was in Eritrean territory) in 1998, when the war started, and not to Ethiopia but to Sudan. As the family was female-headed without

male support, and with little resources, their circumstance in Eritrea and in Khartoum would have been vulnerable.

Conclusion 1.a.: A detailed consideration of reported events, locations and time show a consistency with the facts at the time and is a credible account. The claimant cannot be assumed to have access to such information, which adds to the credibility.

1.b. Khartoum

- **Situation in Khartoum.** This description of the situation in Khartoum is consistent with what has been described as a reality in Khartoum in many interviews of Eritrean refugees in a vulnerable situation and unable to finance bribes and other related costs to get IC cards and other official forms, which the claimant states they did not have and was the cause of continuous harassment and fear. The claimant states: “We always lived under constant fear of danger from the Sudanese people, from Sudanese authorities and from under-cover Eritrean police.... *Giffa* were raids that regularly took place, and we were always scared of these. We didn’t even go to school because we had no one to take us back and forth to school and also there was fear that we would be abducted by undercover Eritreans too.” (interview 1)

The claimant speaks in some detail about her experiences in Khartoum, and her account includes a specific reference to ‘*giffas*’ (Interview 1). This is a Tigrinya word used by the claimant without prompting to refer to harassment of the Eritrean community, and which translates as ‘raids’. Such raids typically include by Eritrean security officers and the sense of insecurity, which inhibited the children to move around freely, which is consistent with many stories known from refugees in a vulnerable position in Khartoum.

The description of such harassment is consistent with what has been revealed by other reports of refugees covering the same period and corroborated with other evidence (Van Reisen & mawere, 2017): “Furthermore, the Eritrean government agents bribe the security forces or convince or persuade the Sudanese authorities to hand over any refugee they target. There are many cases in which the Sudanese security forces collaborated and arrested and handed over refugees to the Eritrean government, including in the capital, Khartoum.” (Hadgu, 2011, p. 4) Hadgu (2011) states that the Eritrean refugees continue to be controlled and put under surveillance by Eritrean government officials in Khartoum: ‘The Eritreans fall prey to the Eritrean act of exploitation whenever they apply for immigration services such as holding passport, Identity card [...]. What is worse is that all of the names of those applying for ID cards or passports are checked against the data bases they have in Khartoum and Asmara. Based on this checking, those that are on a blacklist are denied the right to the services. Not only that, this checking also serves as intelligence tool to identify the whereabouts of these people. The blacklist includes officers (including junior officers in the army) and people of specific profession such the Navy and the air force.’ (Hadgu, 2011, p. 4)

The refugees feel constantly exposed to risks, both from Sudanese security officials and police and from Eritrean intelligence agents operating in Sudan: ‘There has been mass rounding up, detention and deportations of Eritrean refugees in Sudan in the recent months carried out by the Sudanese security forces. Some are temporarily released after paying 500 USD bribes. Those deported to Eritrea face the risk of being detained, tortured and even being killed by the Eritrean security forces. There are credible information that those who have been deported have been subjected to such acts. They are held in secret torture detention facilities. The consequences for

blacklisted refugees by the Eritrean authorities are even more dangerous when they are deported to Eritrea. Journalists are among the blacklisted nationals who face severe reprisal if deported or if abducted by the Eritrean security forces.’ (Gerrima, Z, personal communication, with Van Reisen, Skype, 31 December 2016). (...) In Sudan, Eritrean refugees are afraid to go out due to harassment, persecution and exploitation. Eritrean intelligence operates in Sudan. There is a real fear of deportation and evidence that Eritreans are being forcefully deported from Sudan to Eritrea in large numbers, where they risk imprisonment and worse. Due to the unsafe situation for refugees in Sudan, many feel motivated to try their luck elsewhere and embark on even more dangerous journeys, such as to Libya and Egypt, in a desperate attempt to find a more hopeful and better place to live.” (Van Reisen & Estefanos, in Van Reisen & Mawere, 2017: 141-142, 149).

- **Church in Khartoum.** According to the claimant, in Khartoum, the church played an important role, as it was the one place available for her and her sibling sister to relate to a community. Indeed, the Pentecostal Bethel Church in Khartoum is, as the claimant describes, a large community of hundreds of church-goers, of Habeshia origin (mixed Eritrean and Ethiopian) and pictures available on-line confirm this as can be seen from the dress in pictures and language in descriptions identified in social media. It is certainly true that among less fortunate communities of Eritrean and Ethiopian origin the church visits and community play a key role in their life. According to the claimant she met her Eritrean husband in the church. A Western diplomat in Khartoum responds to the question of the veracity of the Bethel Church: “I have asked about the church you mentioned. Indeed there is a church of the Pentecostal community which is visited by many Ethiopians and Eritreans. My contacts do not visit it (because of location and denomination) but they indicate that it is very plausible that in the church Amharic, Tigrinya and Arabic is spoken.” ‘personal communication, 8 January 2019, translation MvR). A second high-level Western diplomat wrote: “I have been able to verify. There is indeed a church of the Pentecostal community in Khartoum named Bethel. The pastor is an Ethiopian and most of the members are Ethiopian but there are also quite a lot of Eritrean members. That explains why they preach predominantly in Amharic, but also in Tigrinya. By the way, most Eritreans understand Amharic. It is very possible that Arabic is spoken to the children. The children growing up in Khartoum speak Arabic with their Sudanese friends. So the story is correct.” (personal communication, 4 January 2019, transl. MvR).
- **Harassment and fear in Khartoum.** The claimant states that she left Sudan at the end of 2012 or beginning of 2013 to Libya. Growing fear over kidnappings by Eritrean security officials from among others Khartoum was growing at this time in 2012. This is described by the UN Monitoring Group for Somalia and Eritrea (United Nations Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012), para. 85 and Annex 2.2, pp. 42 – 50) which included testimonies of Eritreans kidnapped in eastern Sudan or Khartoum. These people were taken to Sinai in Egypt, where they were tortured and many saw others being killed and where high ransoms were demanded. It is consistent with the fear for kidnappings to Sinai, that the mother of claimant may have opted to travel to Libya, as described by Human Rights Watch in 2014:

“With no access to work in Khartoum and other Sudanese cities and facing widespread racism and destitution in Cairo and other Egyptian cities, Eritrean

refugees' options for building dignified and self-sufficient lives are shrinking. Anecdotal reports in 2013 suggest that since Israel effectively sealed its border with Sinai, new smuggling and trafficking routes from Ethiopia and Sudan have opened up to the west, taking increasing numbers of Eritreans on a treacherous journey across the Sahara desert to Libya, from where they hope to reach European countries, often on unseaworthy vessels.” (Human Rights Watch, 2014).

Conclusion 1.b.: A detailed consideration of events, locations and times show a consistency with the facts at the time and is a credible account. The claimant cannot be assumed to understand how the credibility of her situation as reported could be assessed, which adds to the credibility of her report. The inadvertent use of the Tigrinya word ‘giffa’ to describe a circumstance that is specific for the Eritrean community further adds to the reliability of the report.

1.c. Flight to Europe

- **Situation in Libya.** The claimant further describes some details of the situation she endured in Libya, including being extorted for ransom – which was a new phenomena that began in Libya around this time. Claimant describes that they were extorted and this is also documented. This is well described, such as for instance here:

“A total of 36% of respondents were extorted in some way. This involved anything from a bus driver charging double fares, to Eritreans being held hostage by smuggling networks in Sudan or Libya until the family had paid a ransom payment. Particularly, kidnapping, hostage-taking and extortion of Eritrean migrants seem to be increasing (Aziz et al., 2015); indeed, this had happened to almost half of the Eritrean we interviewed. Aziz et al. argue that there is an increasingly blurred line between smuggling and trafficking practices. In Libya and the Sinai, armed militias or violent groups associated with some tribes have ‘capitalised their capacity of using violence in order to exploit migrants in transit’. Consequently, those hiring a smuggler to make a journey may then for example be kept a prisoner at a smuggler camp until additional payments are made (ibid.), something a handful of our respondents also experienced.” (Hagen-Zanker, J., & Mallett, R. 2016: 21).

- **Central Mediterranean Route.** While the Central Mediterranean Route was dangerous between 2008 and 2010 – with a peak in 2011, in 2012 the Central Mediterranean Route started to gain in popularity

over the alternative routes (based on Frontex figures, Last and Spijkerboer, 2014: 88). In 2013, two major ships sank and according to UNHCR, 60.000 persons died during the perilous Mediterranean crossing in 2013; the second largest group (after Syrians) being from Eritrea (UNHCR, December 2014, available at: <https://www.unhcr.org/542c07e39.html>).

Conclusion 1.c.: The report on claimants’ flight to Europe is not inconsistent with what is known of the locations where she spent time, at the time arrived. However, the claimant offers little detail where more detail could be expected and there are also inconsistencies in her reporting of the time of events. This can be attributed to severe trauma – but due to the kind of inconsistencies or memory lapses (such as when and where she arrived in Italy), this does not appear as a credible explanation.

It is my view that parts of the flight story from Khartoum through Libya to Europe are concealed. It would appear more likely that claimant made use of human trafficking networks (as is suggested in her report) and that she fears the consequences for herself or for family members if she provides details of the network that facilitated the journey. I am of the opinion that this part of the report should not be considered by the court and that specific human trafficking related law and order agencies should be interviewing the claimant in order to be able to provide protection if necessary, if indeed the claimant was a victim of such networks.

1.d. Language and names

- **Language:** An important element of the doubt about the story of the claimant is related to her limited knowledge of Tigrinya. However, the limited knowledge of Tigrinya can be very well explained by the facts that (i) she was born in Assab where a large community speaks Amharic and in part is Ethiopian and Tigrinya is not so widely spoken – certainly not during the time-period 1995-1998; (ii) The claimant left Eritrea at the age of three and resided the rest of her life in Sudan where the main languages spoken to her were Amharic and Arabic. It is not uncommon for mixed families to use all two or three languages and it is, in the context, relevant that the claimant understands Tigrinya.

With regards to language it is common for Eritrean families with a strong Ethiopian relationship to favour Amharic and in the context of families, based in Sudan, Arabic is their first working language with the communities. Speaking Tigrinya would increase their vulnerability and draw attention to them, which they try to avoid to minimise the chances of harassment against them. A high-ranking diplomat in Khartoum verified the languages used in the church as reported and more generally among Eritrean or mixed families in Khartoum (see I.2.).

It was noteworthy that the claimant spontaneously used the word '*Giffa*' which is specific in terms of describing a situation that involves Eritrean security officials to harass Eritrean refugees. She had no way of knowing the relevance of using this word in passing during the interview, as a way of describing a situation for which there was no good Amharic concept available. The concept coined by '*Giffa*' would have had far more significance in the life of the claimant and is therefore a reliable metric. The Decision refers to her use of the word '*Birr*' (Ethiopian currency) as opposed to '*Nakfa*' (Eritrean currency), but it is clear that such currencies would have had very little significance in her life, since she left Eritrea at the age of 3. The Nakfa is not used outside Eritrea. This spontaneous use of the word '*Giffa*' which had a direct and practical impact on her life appears as a strong indicator that the claimant lived as part of the Eritrean – Ethiopian community in Khartoum as she has reported.

- **Names:** Both parents are clearly Christians, as is clearly indicated by their names, and so are the names of the claimant and her sister.

Conclusion 1.d: The report of the claimant and the languages she speaks are consistent with the locations where she grew up. The spontaneous use of the word '*Giffa*' indicates familiarity with Tigrinya, specifically as it is a concept that refers to a specific situation that concerns Eritrean nationals in Khartoum and the names of the claimant and relatives underscore that they come from a Christian background.

2. The claimant's nationality

The claimant states consistently that she is of Eritrean nationality. It is noted that the court does not dispute her stated place of birth or her matrilineal lineage.

In the considerations of the court, weight is given to several aspects as a basis for determining the nationality of claimant. The court has based its decision on considerations regarding language. These considerations may not have been interpreted correctly. More importantly, these criteria ignore the basis for determining nationality in the law, which in Eritrea is provided by Proclamation 21/1992, as will be further explained below.

- **2.a. Language**

The claim of Eritrean nationality was rejected by the decision of her asylum claim in first instance, due to the limited Tigrinya of the claimant, in the sense that she has a more passive rather than active understanding. The question, therefore arises whether language is a reliable measure of nationality (in this case or any case).

The claimant speaks three languages - living as a refugee in Khartoum and being raised in an Amharic-speaking care-family. It is not uncommon for children with bilingual or trilingual background to have more active user knowledge of the languages used in the direct context of their lives. Research in language acquisition, establishes the different factors in determining which languages are acquired at active and passive levels, factors which include the (i) context and separation of languages; (ii) amount of input of a language and (iii) the status of the language (Chevalier, 2011).

Context and separation of the language. Assab has a large Ethiopian community, and the claimant, born in Assab and living there for only three years was raised within an Amharic-speaking community. Up to 1998, Assab was a major port for Ethiopia with many Ethiopian Nationals living and working there and the language of communication would have remained Amharic. There were schools that continued to teach in Amharic. Therefore, it is very possible that one of the parents (in this case the father) was Ethiopian. Therefore, it is not convincing that claimant should have spoken more fluent Tigrinya, given the widely used Amharic in Assab, where she only stayed for a limited time and at a very young age. A former staff of the UN in Eritrea at the time recalls in an interview to me:

In Assab, if the father was Ethiopian, she would have spoken Amharic. From my experience in 2000 during the 3rd round of fighting when we received wounded, in Asmara, from Assab we had difficulty communicating with them because the wounded soldiers did not speak Tigrigna. We had to communicate using a combination of Arabic, Amharic, Tigre and when we had access to a speaker Afar. This to say Tigrigna is not a good indicator of belonging. (interview MvR, 29 December 2018)

From here, when her father died, the claimant moved to Sudan where she remained in a mixed Habeshia community and living in fear, and therefore it can be well explained that she was not expected to speak Tigrinya, even if she could understand it, as this would increase the vulnerability of the children. Her mother placed her and her sister in an Amharic speaking-household in Sudan and her interaction with other Eritrean refugees in Sudan was in Amharic and Arabic. She never really had a chance to learn Tigrigna properly. Important for the determination whether she could be considered of Eritrean origin through matrilineal line is that she does indeed understand Tigrinya passively and she also spontaneously used Tigrinya specific words in her interview, which relate to particular circumstances relevant to Eritrean refugees in Khartoum ('Giffa's').

Language, in this case, is not a very reliable determinant of nationality but more importantly, the facts of her use of language and the details of her story do not contradict her claim to Eritrean nationality, but in fact strengthen that claim as they increase the appearance of truthfulness of her story.

- **2.b. Nationality**

The decision in relation to the claimant's request for asylum has not considered appropriately that the claimant considers herself to be Eritrean and the grounds for this claim.

There is little information on the father, who died when the claimant was a toddler. The claimant does not have clear information as to the nationality of her father.

If the situation were such that the father and the mother of claimant, who is born in Eritrea, were both Eritrean there is no doubt that the nationality of the claimant would be Eritrean for the reason that the claimant would have been born in Eritrea and both parents would be of Eritrean origin.

In the alternative scenario, that of her father being of Ethiopian nationality, it is important to realise that in 1998 households who had a parent of Eritrean origin were exported from Ethiopia and were no longer accepted as Ethiopian nationals by Ethiopia. This strongly diminishes any presumption that the claimant could be considered Ethiopian, given the fact that her mother is Eritrean.

The claimant has consistently stated that her mother is Eritrean. In this case, the family could no longer have relied on Ethiopian nationality (if we assume the father could be Ethiopian). A resource person explains:

She has very scanty details as to her father who we are assuming was Ethiopian. Who died around about the time when the Eritrea Ethiopia war started and at the time when the deportation of Eritreans started. Deportations that were put in effect irrespective of the marital status. That is irrespective of the fact the Eritreans were married to Ethiopians. (Interview MvR 29 12 2018)

It is further important to consider that nationality in Eritrea is determined by either the father or the mother's line. Proclamation 21/1992 states that "Any person born to a father or a mother of Eritrean origin in Eritrea or abroad is an Eritrean national by birth." (Proclamation 21/1992, art. 1) The Proclamation further states that "A person born in Eritrea of unknown parents shall be considered an Eritrean national by birth until proven otherwise." (art 2.)

The claimant should be considered an Eritrean national on both article 1 and 2. Given that it has not been argued that claimant was not born in Assab, which grants her Eritrean nationality based on art 2, nor that her mother is Eritrean, which grants her nationality based on art. 1, she can only be considered to be an Eritrean national on the grounds of birthplace and because of her mother's Eritrean origin.

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 is therefore unreasonable to assume that the claimant could access Ethiopian nationality, which was shown by the fact that the claimant received no assistance when she visited the Ethiopian embassy to clarify her situation.

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 mother was Eritrean. In this case, the expectation that the claimant should pursue her nationality as Ethiopian is unreasonable, 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 mother is Eritrean.

As Ethiopia has relevant reasons to dispute her nationality as Ethiopian, this would potentially leave the claimant stateless – which is unreasonable given the logic in the facts that the claimant should be considered as of Eritrean nationality based on Proclamation 21/1992 art 1 and 2.

3. Determination of claimant’s membership of the Pentecostal church

The court accepted the claim for claimant to be a member of the Pentecostal Church. This is not disputed through the expert opinion and it is supported by the details provided by claimant. The names of the members of the household further underline the belonging in the Christian community, which is persecuted in Eritrea.

4. The implications for consideration of her application

From the analysis it follows:

1. Verification of the facts

The story of the claimant was considered in three parts; the specific situation in Assab during the pre-war time as reported in her statement; the specific situation in Khartoum in the subsequent period where the claimant reported she grew up and the specific situation of the flight from Khartoum to Europe. The following was concluded.

- 1.a. The details, location and timeline of the claimant relating to the situation of her and her family in Assab are credible. It can also be concluded that the details are precise in relation to the situation in Assab and that the claimant would not have access to the kind of information that would help fabricate such complicated detail, especially also taking into account that the account is not in favour for a positive decision. I consider the account as credible and verifiable with externally available reliable studies and witness report. There is no reason to doubt the information provided by the claimant on her birth and time as a toddler in Assab and when the family fled.
- 1.b. The details, location and timeline of the claimant relating to the situation of her and her family in Khartoum were verified with local diplomats and found credible in the facts. There is no reason in the facts as they are known, to doubt the account of the circumstances of the period the claimant spent in Khartoum.
- 1.c. The details, locations and timelines of the claimant relating to her flight from Khartoum to Europe are scant and at times inconsistent. The claimant provides a harrowing account of events and these are by and large consistent with the known facts. However, the inconsistencies in her reports and lack of detail cannot be adequately explained by the potential trauma she suffered. It should be considered that the claimant, almost inevitably a victim of human trafficking and smuggling to reach the UK, fears the consequences of detailing the facilitation networks on which she was dependent and the possible repercussions on family members. I consider the report incomplete and inconsistent, and I would urge that the claimant be interviewed under protection of being a potential victim of human trafficking (Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25).

1.d. The languages used by claimant are consistent with the report of a high-level diplomat in Khartoum about the church community of claimant. The spontaneous active use of relevant terms, in case 'Giffa' – which refers to explicit harassment against Eritrean refugees in Khartoum provides a credible evidence that the claimant has living knowledge of the community and used an Eritrean Tigrinya concept to refer to the specific situation. She had no knowledge of the relevance of the use of this word in her interview and used the word only in passing in lack of a better word in Amharic.

2. Language and Names

2.a. The language levels of claimant, who was raised trilingually, is consistent with outcomes of research into trilingually raised children, where active and passive acquisition is determined by context, level of input and status of the language. The indicator of language is therefore (in this case specifically) not a good determinant of nationality and is not a determinant of nationality in the law.

2.b. The names of the claimant and of family members are signifiers of their membership of the Christian community as she claims.

3. Membership of the Pentecostal Church

The claimant's membership of the Pentecostal Church is uncontested and supported in the facts she provided. Further evidence gathered for this report in Khartoum have confirmed the veracity of reported location of the church, the nature of the community, and the languages spoken in the church community as per claimants' report. The persecution of the members of the Pentecostal Church in Eritrea is a well-established fact and ground for granting of asylum.

4. Final conclusion

Based on all of the above, based on the check of the veracity of the report of the claimant and considering the law, the conclusion is that claimant's nationality is Eritrean.

The information is undisputed that the claimant was born in Assab and that her mother is of Eritrean origin.

The statement of such facts, leaves no alternative opinion than to regard the nationality of the claimant as Eritrean, based on Government of Eritrea Proclamation 21/1992.

References:

Chevalier, Sarah. Trilingual Language Acquisition: Contextual Factors Affecting Active Trilingualism. 2011, *PhD Thesis*. University of Zurich, Faculty of Arts. Available: https://www.zora.uzh.ch/id/eprint/72757/1/Chevalier_Habilitation.pdf

Government of Eritrea. 1992. Nationality Proclamation. Available: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101056/121592/F1949985633/ERI101056.pdf>

Hadgu, M. 2011. Situation of Eritrean refugees in the Sudan, June 2011. Unpublished report (available with Van Reisen).

Hagen-Zanker, J., & Mallett, R. 2016. *Journeys to Europe: The role of policy in migrant decision-making*. London, ODI.UK.

Last, T. and Spijkerboer, J. 2014. Tracking Deaths in the Mediterranean. In: *Fatal Journeys. Tracking Lives Lost during Migration*. International Organization for Migration (IOM). Edited by Tara Brian and Frank Laczko. IOM. Geneva. (pp. 85-109)

Human Rights Watch. 2014. "I wanted to lie down and die": Trafficking and torture of Eritreans in Sudan and Egypt. *Report*. New York. US.

Riggan, J. 2016. *The Struggling State: Nationalism, Mass Militarization and the Education of Eritrea*. Temple University Press. Temple.

UNHCR, December 2014, available at: <https://www.unhcr.org/542c07e39.html>

United Nations Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012), para. 85 and Annex 2.2, pp. 42 – 50

UN Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25

Van Reisen, M & Estefanos, M. 2017. The Exodus from Eritrea and Who is Benefiting. In: Van Reisen, M. & Mawere, M. (eds.) (2017). *Human Trafficking and Trauma in the Digital Era: The Ongoing Tragedy of the Trade in Refugees from Eritrea*. Langaa. Bamenda. Available: https://www.researchgate.net/publication/316989834_Human_Trafficking_and_Trauma_in_the_Digital_Era_The_Ongoing_Tragedy_of_the_Trade_in_Refugees_from_Eritrea