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From: Diptel ASMARA (Sensitive) [mailto:]
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To: Diptel FCO (Sensitive)
Subject: OFFICIAL_SENSITIVE ERITREA: MIGRATION: OFFICIAL VISIT TO ERITREA [DIPTTEL 1410195]

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Foreign & Commonwealth Office Diplomatic Telegram

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Summary

FCO and Home office officials visit Eritrea to discuss reducing Eritrean migration. Eritreans say they share the objective of reducing Eritrean migration by 80-90%. Say they are committed to reforming national service and open to written exchanges on how returnees will be treated, both often highly significant in determining whether someone qualifies as a refugee or not.

1. James Sharp, Director Migration, FCO and Rob Jones, Head of Asylum and Family Policy, Home Office led a delegation of six officials to Asmara on 9 and 10 December to discuss follow up to the Khartoum Process Ministerial meeting in Rome of 28 November, which saw political agreement on the need to manage trafficking and illegal migration from the Horn of Africa. They met key Eritrean policy-makers – Foreign Minister Osman Saleh, Head of Political Affairs of the ruling party, Yemane Gebreab, and Director of the President's Office, Yemane Ghebremeskel – immigration officials, a judge, an independent legal expert, young professionals in Asmara and representatives of the international community in Asmara.

Political will

2. The Eritreans showed clearer political will to tackle migration than has recently been the case. Yemane Gebreab said Eritrea wanted to reduce it by 80-90% within five years. They agreed it was right to address both the push and pull factors. They spoke of the need to address social and economic drivers in Eritrea, often asking for a contribution to development here. They also lobbied for recipient countries to review their asylum policies, which were overgenerous, and stimulated the flow of people.

National Service

3. When pressed on reform to the National Service regime, all government and Party representatives said the government of Eritrea had decided that from the current intake onwards, no individual would be obliged to serve more than eighteen months of national service. But all National Service would henceforth be military, not civilian. Ministers and others had been told to pass on this decision to the relevant individuals and families through public meetings, but the government did not intend to make a public announcement, as this change was merely a reversion to the standard terms of National Service. No decision had yet been taken on how to treat those already several years into national service, who are often doing civilian jobs in government and state-owned industry and which the government cannot yet afford to replace at market salaries.

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4. Yeman Gebreab also conceded that the government had a problem with Jehova's Witnesses, who refused to do National Service, and had not yet worked out how to deal with them (comment: these are small in number, but as there is no provision for conscientious objection, are often detained for refusal to do national service).
5. The Embassy Honorary Legal Adviser told the visitors that the legal provisions for National Service, together with the penalties for avoiding it were clear in law and proportionate, with judges obliged to consider both mitigating and aggravating factors when passing sentence, which could range from ten days' to three or more years' detention. However, many of those who avoided National Service were treated informally by local security chiefs, though the penalties in practice varied over about the same range as those provided for in law.

Returns

6. Government and party representatives said the government was not in favour of forced returns but would accept the possibility of limited enforced removals if it was part of a wider programme that reduced grants of asylum and was designed to support voluntary returns. Yemane Gebreab was open to the proposal of a Memorandum of Understanding on how those returned might be treated, and if a Voluntary Assisted Returns Programme would contribute to the reducing the outflow, then they could accept it. The Minister of Foreign Affairs later confirmed the same position: Eritrea could give written assurances to the UK on returnees, as long as we identified them properly. All government and party representatives were clear that in practice no-one returning to Eritrea, even if they had left illegally without completing national service, would face punishment on return, despite the law providing for that possibility (up to 5 years in prison). They might still be required to complete national service but there was no mention of the need to write a letter of apology or pay a 'diaspora tax'. Representatives were also adamant that many Eritrean emigrants returned to Eritrea for holidays once they had secured status abroad and were made welcome.

Identification and redocumentation

7. All interlocutors stressed the risk of Ethiopians and others (even, reportedly, one Iranian) passing themselves off as Eritreans in order to increase their likelihood of being granted asylum on arrival in the UK. Yemane Gebreab suggested that treating Eritreans by the same standards as these other nationalities would reduce this problem. Immigration and Nationality Department officials confirmed that a new biometric identity card system was now being introduced in Eritrea, which would make it possible to identify all Eritrean nationals against a central database. They would complete roll-out within three years. Before then, though, they said they were happy to check the identity details of any illegal migrants claiming to be Eritrean on the basis of biographic information.

COMMENT

8. There is clear political will in Eritrea now to tackle this problem. Changes to the National Service regime will also make it much harder for migrants to base an asylum application solely on it. But we may still need to clarify some points – particularly how a failed asylum applicant will be treated in Eritrea once returned – in order to make any decision to refuse defensible in law. We should explore whether a Memorandum of Understanding can do that, bearing in mind Yemane Gebreab's closing comment that while an MoU was possible, it

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should be part of a comprehensive agreement which addressed all aspects of the various push and pull factors.

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