

Appeal Number : **CC23028-2002**  
**HG (Risk - Eritrean) Ethiopia CG [2002]**  
**UKIAT 05689**  
**IMMIGRATION APPEAL TRIBUNAL**

Heard at : Field House  
on : 7 October 2002  
Dictated :

Determination Promulgated  
9 December 2002  
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Before:

**Mr D K Allen - Chairman**  
**Mr M G Taylor CBE**  
**Mr D R Bremmer**

between

**Hirut GHEBREYOHANNES**

**Appellant**

and

**The Secretary of State for the Home Department**

**Respondent**

**DETERMINATION AND REASONS**

1. The Appellant, who, as was pointed out by the Vice-President who granted leave, gives her nationality as Eritrean but has been treated by the Secretary of State as having the nationality of Ethiopia, has been granted leave to appeal to the Tribunal against the determination of an Adjudicator, Mr J J Molloy, who dismissed her appeal against the Respondent's decision giving directions for her removal from the United Kingdom, asylum having been refused.
2. The hearing before us took place on 7 October 2002. Miss J Farbey for Fisher Meredith appears on behalf of the Appellant, and Mr A Sheik appeared on behalf of the Respondent.
3. The Appellant was found to be credible by the Adjudicator. He, therefore, accepted that her parents were both born in Eritrea and that she herself was born in Addis Ababa and attended school in Ethiopia until she was around 15. Her father had

joined in the struggle for liberation in 1977, and died in 1982. In 1987 the Appellant together with her mother and her three younger brothers emigrated to Sudan, this was because of her father's involvement with the ELF. Her mother was constantly under heavy security detention by the former military government. Problems developed toward the end of 1992 between the Islamic government of Sudan and the government of Eritrea and this began to cause problems for her family who were in a refugee camp. In February 1993, she fled together with several other people to Egypt where she worked until June 1996 when she was introduced to an agent who obtained an Egyptian passport for her. She went to Ethiopia briefly and then left for the United Kingdom in August 1996.

4. She did not say anything about her nationality in that statement. In the asylum screening unit report at A1 of the bundle as she is described as Ethiopian but her current nationality on the asylum application at B1 is described as Eritrean. It seems that she came to the United Kingdom on the Ethiopian passport. On the SEF form, the word Ethiopian is crossed out against nationality and she is described as Eritrean/Ethiopian. The removal directions are to Ethiopia.
5. Though he believed the Appellant, the Adjudicator concluded that there was no real risk that she would be persecuted or that her human rights would be breached on return to Ethiopia. His first reason for this, which is challenged in ground 1 of the grounds of appeal, is because the Appellant said that she did not accept and recognise the government of Ethiopia, she could not claim to be persecuted by that government or to suffer a breach of her Article 3 rights, should Ethiopia refuse to grant her citizenship or nationality or entry to the country. We indicated in the hearing that we agreed with the contention by Miss Farbey in her grounds of appeal that, as is summed up at paragraph 1(iii) of the grounds, the Appellant's disinclination towards Ethiopian citizenship does not mean that various consequences set out in ground 1, such as denial of nationality or residency rights, should not be categorised as serious harm to her. At (ii) of ground 1, attention is drawn to various matters in the objective evidence concerning the treatment of persons perceived as having Eritrean links who are returned to, or are in, Ethiopia. We shall return to these shortly.
6. The Adjudicator went on to express the view that there were not substantial grounds for believing that there was a real risk that the Appellant would suffer serious harm if removed to Ethiopia. He did not accept that her views concerning non-recognition of the Ethiopian government would be made known to the Ethiopian authorities and that as a consequence they would not seek to deprive her of citizenship and/or nationality and/or residence. He also considered that though the documentation showed there was a risk of some continuing deportation of ethnic Eritreans in Ethiopia, the risk was not assessed or otherwise quantified and there was therefore a lack of evidence.
7. We return to the objective evidence in this regard as is indicated in the grounds of appeal and in Miss Farbey's skeleton argument before the Adjudicator which is also contained in the bundle before us. In the letter from UNHCR of 20 February 2002 at pages 89 to 90 of the bundle, there is reference to instances where Eritreans and Ethiopian nationals with Eritreans links have faced serious risks from the Ethiopian authorities, including arbitrary deprivation of Ethiopian nationality, summary expulsion to Eritrea and internment as enemy nationals. UNHCR's general understanding is that the practice of deportation persists despite the signing by both Eritrea and

Ethiopia of the Cessation of Hostilities Agreement of 18 June 2000 and the comprehensive Peace Agreement of 12 December 2000. This is clearly evidence of significance. There is also reference at page 52 of the bundle in the Human Rights Watch World Report of 2002 on Ethiopia to the forcible expulsion by Ethiopia in June 2001 of 772 people it identified as Eritreans from its territory without prior notification to the International Committee of the Red Cross as anticipated under Article 2 of the Truce Agreement. In the same report, at page 54 of the bundle, there is reference in the second paragraph to both Eritrea and Ethiopia continuing to evict those identified as the other's nationals causing great suffering to the victims and their kin and blatantly violating international human rights norms in the process.

8. In the US State Department Report for 2001, there is reference at page 26 of the Appellant's bundle to evidence that the Ethiopian government has the ability to find out whether a person has Eritrean origins. It is said that in 1999, all Eritreans and Ethiopians of Eritrean origin over 18 years of age who had taken part in the 1993 referendum on Eritrean independence were required to register with the Security, Immigration and Refugee Affairs Authority and to complete residence application forms. After registration, applicants received identity cards and residence permits valid for six months. According to the authorities, all Eritreans or Ethiopian of Eritrean descent were registered by year's end. Elsewhere in that report, at page 35 of the bundle, it is said that there were credible reports that during the 2000 national elections, citizens who tried to register to vote were told by government personnel that they had to prove their citizenship in order to register as under the law, only citizens can vote. Reportedly, Ethiopians of Eritrean origin were not allowed to register or vote.
9. In our view, the matters that we have set out above are sufficient for us to dispose of this appeal. Some time and effort was devoted to examining the relevant authorities concerning the question of whether there was a burden on the Appellant to approach the Ethiopian Embassy to see if she qualifies for Ethiopian citizenship. In our view, this is an argument better left for another day where it actually requires to be determined. In our view, the objective evidence that we have set out above is such as to show there is a real risk of the Appellant of not just denial of civic rights which by itself arguably would not give rise to persecution, but more significantly risks of detention or deportation to Eritrea which, in our view, would amount to persecution or breach of her human rights. We consider the evidence to be such that the authorities would be well able to discover her Eritrean origins and there is a real risk as can be seen from such examples as the forced expulsions of 772 people to Eritrea, and the evidence also set out in the grounds of appeal concerning persons who have not been called to renew residence permits which expired, and in particular the risk of internment as an enemy national to be risks which are such as to meet the lower standard applicable in asylum and human rights cases.
10. We consequently allow this appeal.

**D K Allen  
CHAIRMAN**