

<b>Title</b>	Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia
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## Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia

### Part One

#### 1. Introduction

When Eritrea became an independent country by the Referendum held in Eritrea in 1993, persons of Eritrean origin who were Ethiopian nationals became Eritrean nationals or their right to Eritrean nationality was established.

Numerous persons of Eritrean origin have continued to reside in Ethiopia since long before the Eritrean independence. Since it has been found necessary to determine the residence status of those Eritrean nationals who have continued to live in Ethiopia, the Security, Immigration and Refugee Affairs Authority has issued this Directive.

#### 2. Objective

The objective of this Directive is to provide the means to any person of Eritrean origin who was a resident in Ethiopia when Eritrea became an independent State and has continued maintaining permanent residence in Ethiopia up until this Directive is issued to confirm whether he or she has acquired Eritrean nationality, and to determine his or her status of residence in Ethiopia.

#### 3. Basic Assumptions of the Directive

3.1. With regard to nationality, based on Article 33(1) of the Constitution of the Federal Democratic Republic of Ethiopia that states that no Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will and Article 33(2) that guarantees that any national has the right to change his or her Ethiopian nationality;

3.2. Pursuant to Article 17 of the new Nationality Law "No Ethiopian may be deprived of his or her nationality by the decision of any Government organ unless he or she losses his or her Ethiopian nationality on his or her own will;"

3.3. Based on the Universal Declaration of Human Rights, adopted by Ethiopia, that provides under Article 15(2) that no one shall be arbitrarily deprived of his or her nationality nor denied the right to change his or her nationality;

3.4. As it is established by the experience of other countries that according to international custom when a State secedes from another under any circumstance, in order to resolve conflicts

regarding nationality between the new and the existing country, individuals are given a limited period to chose their nationality;

3.5. As stipulated under Article 20 of the Ethiopian Nationality Law an Ethiopian who acquires another nationality is deemed to have voluntarily renounced Ethiopian nationality and losses his or her Ethiopian nationality;

3.6. As it is necessary to consider the historical situation whereby, before Eritrea was recognized as an independent State, its people, as they had Ethiopian nationality, established their residence all over Ethiopia and acquired wealth and property, and have also established strong ties through marriage with Ethiopians and having raised children and grand children;

The abovementioned laws and situations have been taken as the basis for the issuance of the Directive.

## **Part Two**

### **Issues of Nationality and Registration**

#### **4 Issues of Nationality**

4.1. A person having an Eritrean passport or any document conferring Eritrean nationality or a person serving the Eritrean Government in a sector reserved exclusively for Eritrean nationals is considered as having Eritrean nationality.

4.2. A person of Eritrean origin who has not opted for Eritrean nationality shall be deemed as having decided to maintain his or her Ethiopian nationality and his or her Ethiopian nationality shall be guaranteed.

4.3. An Eritrean registered in accordance with this Directive and who desires to regain his or her Ethiopian nationality may be readmitted to his or her Ethiopian nationality based on Article 22 of the new Nationality Proclamation.

#### **5. Registration**

5.1. The following persons shall be registered with the Authority.

· In accordance with this Directive, a person whose Eritrean nationality has been established based on Article 4.1 has to be registered in a place and time to be notified by the Authority.

5.2. Registration procedure for Eritreans who are required to register in accordance with this Directive:

a) An Eritrean resident in Addis Ababa, in accordance with the time schedule to be announced by the Main Department for Immigration and Nationality Affairs, shall appear and register in person before the Main Department.

b) An Eritrean who resides in the Regions shall appear and register in person before the branch offices of the Main Department for Immigration and Nationality Affairs or before a delegated organ.

## **Part Three**

### **The Residence Status of Eritrean Residing in Ethiopia**

#### **6. Residence Permit and Travel Document**

6.1. An Eritrean person residing in Ethiopia will be granted permanent residence permit in accordance with the Immigration Proclamation.

6.2. Having the permanent residence permit, if he or she is unable to obtain a travel document from his or her country, he or she may be issued a foreigner passport for the purpose of travel.

## **7. Cancellation of Residence Permit**

7.1. Residence permit may be cancelled for the following reasons:

- a) Where the residence permit was acquired by submitting fraudulent information;
- b) Where the bearer of the residence permit is found to be an undesirable foreigner.

7.2. In addition to the reasons mentioned under Article 7.1., if he or she resided continuously for more than a year out side Ethiopia.

7.3. Returning Residence Permit

· An Eritrean who has been issued a residence permit and who leaves Ethiopia permanently shall return the residence permit to the Authority.

## **8. Ownership Of Immovable Property And The Right To Use The Property**

8.1. The right to own a house and immovable property shall remain guaranteed.

8.2. The right to use the agricultural land, for a person resident in a rural area, shall be respected.

## **9. Conditions for Work**

9.1. For Government employment, he or she shall be treated in accordance with the law applicable for any foreign national.

9.2. He or she has the right to engage in a private employment without being required to have a work permit. However, he or she is not permitted to engage in private employment that may be connected with security.

## **10. Social Services**

- The right to use educational and health services shall be afforded in the same manner as the nationals of the country.

## **11. Service Charges**

- The permanent residence permit holders shall be treated in the same manner as the nationals of the country with respect to charges for different services.

## **Part Four**

### **Obligation**

- *Any Government or non-Governmental organ has the responsibility to implement this Directive.*

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