



Tel Aviv, 25 July 2018

**Switzerland's policy towards Eritrean asylum seekers**

*Prepared for the Knesset committee discussion planned for July 25th, 2018*

- The Embassy of Switzerland has the pleasure to share with the Members of Committee the experience of Switzerland regarding the treatment of asylum seekers from Eritrea.
- As of June 30<sup>th</sup>, 2018: **23'177 Eritreans had received refugee status and been granted asylum in Switzerland (permits B and C), 9529 had received temporary admissions (6111 as refugees with retroactive grounds for asylum and 3418 without refugee status) and 3580 are still in the procedure → recognition rate: 58.3%, protection rate: 75.2%.**
- There are **two distinct types of temporary admission** status in Switzerland, one for refugees with retroactive grounds for asylum - personal risk created through or after the flight - and the other for people not recognized as refugees but whose expulsion is considered not permitted, not reasonable or not possible.
- **Switzerland proceeds to a case by case analysis** of each applicant's story; no global policy can affect individuals without individual reviews.
- **Eritrean evaders and deserters recognized as refugees in Switzerland: Eritrean evaders** (persons having received a marching order but having refused to join the national service) **and deserters are recognized as refugees in Switzerland, as they risk inhuman punishment upon return.**

*Remark: whether they are granted asylum or temporary admission as refugees depends on the origin (chronologically) of the probable persecution. In the first case, the situation of persecution is preexisting, before the flight (ex: person received a marching order but refused to obey while still being in Eritrea and therefore was suffering from political persecution in Eritrea before the flight). In the second case, the situation of persecution is induced by the flight or by reasons after the flight (ex: person received marching order but refused to obey by fleeing from Eritrea and therefore is threatened by a future political persecution).*

- 2 recent court cases have led to many discussions in Israel. Here are some clarifications about the cases:
  - o Federal Administrative Court 17.08.17: the return of Eritrean nationals cannot be generally considered as unreasonable. Illegal exit is not a sufficient ground for asylum on its own, in the absence of an additional risk factor. Persons who have already accomplished their national service and "diaspora members" who settled their situation with the Eritrean government are not necessarily at risk of being convicted, recruited for national service or persecuted. Forced removals to Eritrea are not possible.
  - o Federal Administrative Court 10.07.18: concerns specifically an Eritrean who was denied refugee status and whose return, according to the court, might be permitted. This case concerns a person who never received a marching order as he was very young when he left Eritrea. **The decision does not affect people who are recognized as refugees.** The expulsion of rejected asylum seekers is permissible and reasonable, even if they might be called to national service upon return. Conditions of life in the national service are painful. There are reports of ill-treatments and sexual abuses during the national service but not necessarily in a generalized way. Eritrean national service can be qualified as forced labor. Conditions in the national service are problematic, but not to the point that they would render an expulsion illegal. There is no legal obstacle to a return to Eritrea of this person.

- **Switzerland will continue to examine each case individually, seriously and fully to check that there is no concrete risk to the individual concerned.** Eritreans facing a risk of persecution upon return will be given protection in Switzerland. The possibility of return will only be considered if it is considered as permitted ( i.e. there are no legal barriers such as the principle of non-refoulement), reasonable (in relation to all humanitarian aspects of the personal situation, including age, health, capacity to survive upon return economically, socially, existence of networks) and feasible (technically).
- **Switzerland does not return Eritreans nationals by force.**