

Acting Secretary Kevin McAleenan
Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

cc:

Principal Legal Advisor Tracy Short
U.S. Immigration and Customs Enforcement (ICE)
500 12th St. , SW
Washington, D.C. 20536

Dear Acting Secretary McAleenan and Principal Legal Advisor Tracy Short,

In September 2017, the Department of Homeland Security (DHS) announced its intention to expedite the removal to the State of Eritrea of some 700 Eritreans who were then under final removal orders from U.S. immigration courts. It also announced that the State Department would place visa restrictions on in-bound travelers from Eritrea in order to pressure the Eritrean government to issue travel documents for and to accept those Eritreans that DHS wished to remove.¹ We write to express our profound concern about any and all removals to Eritrea, under that announcement or otherwise, and we urge you to suspend such removals until Eritrea is safe for the individuals' return.

Eritrea is a small country located on the Red Sea. It is widely referred to as the "North Korea of Africa," due to the regime's hermetic isolation and its brutal and pervasive repression. The State Department, in its 2018 report on human rights in Eritrea, noted "unlawful or arbitrary killings; forced disappearance; torture; arbitrary detention by the government; harsh and life-threatening prison and detention center conditions; political prisoners; arbitrary or unlawful interference with privacy; restrictions on freedom of peaceful assembly and association; severe restrictions on religious freedom; [and] limits on freedom of internal movement and foreign travel",² which all constitute flagrant human rights abuses of the Eritrean citizens. The Tom Lantos Human Rights Commission,³ the U.S. Commission on International Religious Freedom,⁴ the United Nations,⁵ and major international human rights organizations⁶ have repeatedly reached the same conclusions.

Among those arrested and abused have been many Eritrean Christians, likely in the thousands. They have been detained in poor and inhumane conditions and often tortured. The Eritrean government officially recognizes only four religions: Eritrean Orthodox Christianity, Sunni Islam, Roman Catholicism, and Evangelical Lutheranism. Pentecostal churches are not regarded as legitimate, and their members face the harshest persecution. Non-Lutheran Evangelicals also face harsh detention conditions if discovered. Jehovah's Witnesses are another group that faces persecution, for its conscientious objection to joining the military service. Just in the spring of 2019, nearly two hundred such Christians were rounded up, in two sweeps.⁷

Even recognized religions face persecution. Eritrean authorities have held Orthodox Patriarch Antonios under house arrest since 2007 when he refused to comply with the regime's attempts to interfere with church affairs.⁸ In 2019 bishops loyal to the regime excommunicated the ailing Patriarch.⁹ Also in 2019 the regime forcibly closed all Catholic health clinics in the country, depriving thousands of the clinics' essential services.¹⁰ In 2017, security forces brutally dispersed a peaceful protest by Muslim community members relative to the government's recent nationalization and secularization of a religious school and the arrest of its board president and several teachers. In the crack-down, many more in the community were reportedly arrested.¹¹

Among the most daunting abuses is the notorious national service commitment that each Eritrean – regardless of gender – is required to complete. Despite the 18-month term that is prescribed by law, the Eritrean government forces citizens to serve for periods of indefinite duration, either in the military or in civilian capacities. The abuses Eritreans face in the military push even the strongest citizens to avoid service or to attempt to escape it. Soldiers are forced to labor in government and private enterprises in slave-like conditions. Ruthless punishment for minor instances of perceived disobedience is routine. Women in the military face rape and sexual harassment at the hands of their superior officers.

Eritrea's long state of war with neighboring Ethiopia had constituted the Eritrean regime's pretext for imposing its harsh national service requirements and denying its citizens civil liberties. But notwithstanding the two countries' rapprochement that began in June 2018, virtually no improvement in Eritrean human rights has appeared.¹²

As a consequence of the acute and pervasive repression, Eritreans have streamed out of the country. Many live as refugees in neighboring countries such as Ethiopia and Sudan. Many more – if they have not drowned trying to cross the Mediterranean – have found sanctuary in Europe. Some have sought, and many of those have won, asylum in the U.S. But others have been denied American asylum – often because some U.S. immigration judges lack an understanding of Eritrean country conditions or are disinclined to grant asylum to anyone of any nationality, or both.¹³ Under current DHS policies and practices, those denied asylum stand to be removed to Eritrea. For their having escaped or avoided military service and/or for their having sought asylum in the U.S., the regime considers them traitors. If they are removed to Eritrea they will almost certainly be imprisoned, probably tortured, and possibly killed.¹⁴

No other developed country is known to routinely and deliberately seek to return Eritrean asylum seekers and refugees to Eritrea. The refoulement of any Eritreans to Eritrea by the U.S. is likely a violation of the international Convention Against Torture¹⁵ and the United Nations Convention Relating to the Status of Refugees,¹⁶ to both of which treaties the U.S. is a party.

We respectfully urge DHS, as well as Immigration and Customs Enforcement, to:

- Immediately suspend all forcible removals of Eritreans to Eritrea, until such time as the country is safe for those who have fled it to return.

- If Eritreans must be removed, remove them to a third country where they will be safe, rather than to Eritrea.
- For any Eritreans who are in fact removed to Eritrea or who have previously been removed, obtain assurances from the Eritrean regime that they will not be mistreated, and implement a robust plan for monitoring compliance with those assurances.

With deepest appreciation for your attention to these matters,

Organizations

Jubilee Campaign

Christian Freedom International

Boat People SOS

Human Rights Concern- Eritrea

Montagnards Stand for Justice

ACF Foundation

Vietnam Coalition Against Torture

Con Dau Parishioners Association

Association for Advancement of Freedom of Religion or Belief in Vietnam

Portland Support Group

Seattle Support Group

Vietnamese Montagnard Support Group

Buddhist Solidarity Association

Vietnamese Women for Human Rights

All Charitable Funds Foundation

Cao Dai 1926 Support Group

Hmong United for Justice

Loc Hung Vegetable Garden Support Group

One Bread

Individuals

*Scott Morgan
President
Red Eagle Enterprises*

*Rev. Elijah M. Brown, Ph.D.
General Secretary
Baptist World Alliance*

¹ Department of Homeland Security Release, “DHS Announces Implementation of Visa Sanctions on Four Countries”, 13 September 2017, available at <https://www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries> [accessed 26 August 2019].

² Department of State. *Eritrea: 2018 Country Report on Human Rights Practices Bureau of Democracy, Human Rights and Labor*, 2018, available at <https://er.usembassy.gov/wp-content/uploads/sites/216/Eritrea-2018-Human-Rights-Report.pdf> [accessed 26 August 2019].

³ Tom Lantos Commission for Human Rights, *Letter to Secretary of State Mike Pompeo*, 19 November 2018, available at: <https://humanrightscommission.house.gov/news/press-releases/co-chairs-ask-secretary-pompeo-press-human-rights-eritrea> [accessed 26 August 2019].

⁴ U.S. Commission on International Religious Freedom, *2019 Annual Report*, December 2019. <http://eritreanrefugees.org/wp-content/uploads/2019/04/USCIRFAnnualReport2019-Eritrea-Only.pdf> [accessed 26 August 2019].

⁵ United Nations Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Eritrea*, 25 June 2018, A/HRC/38/50; UN Human Rights Council, *Report of the commission of inquiry on human rights in Eritrea*, 9 May 2016, A/HRC/32/47; United Nations Human Rights Council, *Report of the Commission of Inquiry on Human Rights in Eritrea*, 4 June 2015, A/HRC/29/42.

⁶ Freedom House, *Freedom in the World 2019 - Eritrea*, January 2019. <https://freedomhouse.org/report/freedom-world/2019/eritrea#fotn18-section-intro>. [accessed 26 August 2019]; Human Rights Watch, *World Report 2019, Events of 2018 - Eritrea*, January 2019. <https://www.hrw.org/world-report/2019/country-chapters/eritrea> [accessed 26 August 2019]; Amnesty International, *Eritrea 2017/2018*, <https://www.amnesty.org/en/countries/africa/eritrea/report-eritrea/> [accessed 26 August 2019].

⁷ “Pray with 141 Christians, including 14 Children, Arrested in Eritrea”, *Open Doors*, 15 May 2019. <https://www.opendoorsusa.org/take-action/pray/pray-with-141-christians-including-14-children-arrested-in-eritrea/> [accessed 26 August 2019]; “30 More Christians Arrested in Eritrea -- Renounce Your Faith or Go to Jail”, *Open Doors*, 4 June 2019, <https://www.opendoorsusa.org/christian-persecution/stories/30-more-christians-arrested-in-eritrea-renounce-your-faith-or-go-to-jail/> [accessed 26 August 2019]. “At Least 150 Christians Arrested in Eritrea Clampdown.” *World Watch Monitor*, 23 Aug. 2019,

<https://www.worldwatchmonitor.org/2019/08/at-least-150-christians-arrested-in-eritrea-clampdown/>. [accessed 27 August 2019].

⁸ "Patriarch Antonios," *Church in Chains*, 24 July 2019. <https://www.churchinchains.ie/prisoner-profiles/patriarch-antonios/> [accessed 26 August 2019].

⁹ "Eritrea Orthodox Church Ex-Leader Expelled for Heresy," *BBC*, 19 July 2019. <https://www.bbc.com/news/world-africa-49043953> [accessed 26 August 2019].

¹⁰ Bordoni, Linda, "Crackdown on Christians in Eritrea affecting those in need," *Vatican News*, 24 July, 2019. <https://www.vaticannews.va/en/church/news/2019-07/eritrea-christians-crackdown-catholic-run-hospitals-schools.html> [accessed 26 August 2019].

¹¹ Zere, Abraham T. "How a Rare Protest Scared the Eritrean Regime." *Eritrea | Al Jazeera*, Al Jazeera, 10 Nov. 2017, <https://www.aljazeera.com/indepth/opinion/rare-protest-scared-eritrean-regime-171109150120292.html>. [accessed 26 August 2019].

¹²The America Team for Displaced Eritreans, *Human Rights in Eritrea Following the Rapprochement with Ethiopia*, <http://eritoreanrefugees.org/wp-content/uploads/2019/08/ERITREAN-HUMAN-RIGHTS-POST-RAPPROCHEMEENT-8-14-19.pdf> [accessed 26 August 2019].

¹³ Lanard, Noah. "Inside the Courtroom Where Every Asylum Seeker Gets Rejected," *Mother Jones*, September 2019, <https://www.motherjones.com/crime-justice/2019/07/inside-the-courtroom-where-every-asylum-seeker-gets-rejected/> [accessed 26 August 2019].

¹⁴ The America Team for Displaced Eritreans, *Punishment Upon Refoulement to Eritrea*, <http://eritoreanrefugees.org/wp-content/uploads/2019/06/PUNISHMENT-UPON-REFOULEMENT-TO-ERITREA-6-18-19.pdf> [accessed 26 August 2019].

¹⁵ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: <https://www.refworld.org/docid/3ae6b3a94.html> [accessed 27 August 2019]

¹⁶ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.