

## **Procedures for Work permits in Eritrea**

Any non-Eritrean nationals who want to RESIDE in Eritrea on an EMPLOYMENT bases need to fulfill certain procedures.

The ministry which is processing and issuing work permit for non-Eritrean nationals is Ministry of Labor and Human Welfare (MLHW). Before the non-national arrived to Eritrea, the employer shall submit educational qualification, work experience and copy of at least one year valid passport to MLHW. Confirmation from the ministry is vital before arrival.

### **Basic DUTIES after arrival**

Non- national shall obtain work permit within three months and keep the card with him/her and show to an authorized person when required.

For issuance a new work permit card, renewal or substitution, shall pay due fee to the MLHW.

All non-nationals shall respect Eritrean laws and values.

Non- nationals shall get registered every first month of the year.

Non-nationals are expected to work for the employer mentioned in the work permit card, they shall not engage on other profession.

Non-nationals shall undertake to transfer their skills to Eritrean work mates.

When the employment contract is terminated the work permit card should be returned to MLHW.

In addition, the general duties of all employees stated in the Labor Proclamation are also applicable to non-nationals.

## **Procedure for Entry Visa and Residency in Eritrea**

All non-nationals coming to Eritrea under a contract of employment shall only enter into the country on an employment visa. Eritrean Embassies issue this type of visa after they make sure the person is accepted by the MLHW.

After three months of arrival, work permit from MLHW and residence permit from Department of Immigration and Nationality is granted.

## **Child custody**

The Eritrean Government has signed and ratified the Convention on the Rights of the Child (CRC). This move helps to ensure the protection of the rights, freedom and dignity of children in the country. Based on that, a National Program of Action has been developed as a framework of working to implement the Convention.

The Ministry of Labor and Human Welfare (MLHW) is responsible to implement and monitor the CRC policy in the country. The parents, the society and government have collective responsibility to provide appropriate care to children.

Among the vast policy of child rights and protection, the following are the major once.

- A child has the right from birth to a name and the right to acquire a nationality.
- The right to security, adequate food, basic health and social services.
- No deprivation of family environment and protection from abuse.
- The right of the child to be protected from labor exploitation. A child should not be exposed to hazardous forms of child labor. Children should not be required or admitted to employment which is likely to be harmful to their education, health or development.
- A child who is in conflict with the law should be treated in a manner which takes into account the age and developmental capacities of the child.

In general, the concept of the child is defined properly as – a child shall attain the legal age of majority on attaining 18 years of age.

Parents have the right to protect their children from arbitrary intervention by any administrative body. However, there is an issue on the role of the government if the child is an orphan or if parents are unfit to raise a child. Under such circumstances, the child is entitled to alternative care. According to the relevant article of the CRC the government has an obligation to establish child-care institutions.

## **Legitimization of child born out of wedlock**

A Child Born out of Wedlock is when it is born to parents who are not married to each other. In Eritrea children born IN and OUT of wedlock have equal rights. It is believed that children can not be blamed for their statuses.

The Transitional Civil Code of Eritrea was basically drafted so as to reflect the rights of all human beings, and makes no distinction based on age. Therefore, a child is protected under this civil code.

### **Maternity**

By the mere fact of birth, the maternal relationship is established.

**Paternity:**

When there is no marital relationship between the man and the mother, to establish paternity, some presumptions are considered.

- If the man acknowledges the child as his child
- If the mother of the child declares who the father is there presumption that this man is the father.
- If the mother was abducted or raped the paternity of the child can be established by the decision of the court.

Once the paternity is established, the child is legitimate and acquires all the rights.

## **Procedures of Marriage Eritrea**

The Draft Civil Code of Eritrea states that the marriageable age for both sexes is 18 unless the woman is pregnant and declaration is made by a doctor.

In Eritrea there are three types of marriages legally accepted.

- Religious marriage
- Customary marriage
- Civil marriage

Marriage is a contract between couples. To enforce its legality there needs two witnesses from bride and two witnesses from bridegroom and one person middleman, a person selected by both parties. This works for the three types of marriages.

At this moment the Civil Marriage is taking place in zonal administration offices (Zobas), therefore, the middle person is always the zonal administrator.

Documentations needed for the contract of marriage is letter from the zonal administration that confirms the person is single. If one of the couples is a foreigner, needs birth certificate from place of born in addition.

Marriage is not allowed between persons related by consanguinity. Marriage between affinities is also not allowed.

A married person can not get remarried unless the previous marriage is dissolved legally. In short no Bigamy is allowed.

A detained person can not get married unless a judge allowed.

Marriage by proxy or representation is not allowed. Unless dispensation be given by the General Attorney for good cause.

## Procedures of Divorce in Eritrea

The term divorce refers to the dissolution or the legal end of a marriage. Each state has its own requirements governing when a divorce may be granted, including a residency requirement and grounds or a reason for the divorce. In Eritrea there are certain rules and procedures for dissolving a marriage.

Marriage may be *terminated* automatically when one of the spouses has been died. This can be legalized only if a request is made by the spouse to the court.

Unilateral repudiation by wife or husband will not be effect.

Mutual consent by both husband and wife is not allowed.

Divorce can be made by no other person.

A petition should be written based on good causes or faults

**Divorce** – When a divorce petition is made by one of the spouses based on good causes or faults. Some of the major good causes are:

- Adultery
- Desert of the conjugal residence and does not know when he is.....
- Physical disability not able to make love, mental disorder, leprosy, heart attack and other communicable deceases approved by a doctor.
- When the absence of one of the spouses has been judicially declared.

The first step of the divorce procedure is to formulate a “Family Council”. This contains of 4 members or more from both sides. The court forwarded the divorce petition to this Family Council. They try their best to narrow the gab, reconcile the difference and normalize things. If they are successful then there will no be divorce, if not, they come up with their findings to the court and provisional measures of separation are taken.

- Child Custody and visitation
- Payment half of the income of the family (Alimony)
- Temporary evacuation from the residence of one of the spouses.

The next step is to determine and divide the common property. Mostly known common properties are more or less the following.

- Salaries of both spouses
- All properties acquired during marriage
- Property donated for both spouses during marriage.

The final stage is official to dissolve the marriage and make equal and fair division of property. In Eritrea properties are divided equally to both spouses. If some fixed properties can not be divided, the court decided the property to be sold and money to be shared equally.

## **Dual Nationality**

The State of the Government of Eritrea has issued a proclamation on Nationality in 1992 cited as “**Eritrean Nationality Proclamation No. 21/ 1992**”. For any detailed case, this proclamation can be referred.

Any person who is Eritrean by birth, resides abroad and possesses foreign nationality shall apply to the Department of Internal Affairs if he wishes to officially renounce his foreign nationality and acquire Eritrean nationality or wishes, after providing adequate justification, to have his Eritrean nationality accepted while maintaining his foreign nationality.

Any non-Eritrean person who is legally married to Eritrean national can acquire Eritrean nationality when such person applies to the Secretary of Internal Affairs and should abide by the following conditions.

- He/she has to live with the spouse for at least three years
- Has to renounced his foreign nationality
- Signs, an oath of allegiance and given certificate of nationality.

Dual nationals who enter the country on Eritrean documents are treated as Eritrean citizens, regardless of their other citizenship. Other citizens born in Eritrea, or who otherwise are considered to have acquired Eritrean citizenship, may be subject to certain obligations.

All dual nationals are required to obtain exit visa prior to their departure.

All foreign nationals in Eritrea are required to apply for permits to travel outside of Asmara. The Ministry of Tourism located at Harnet Avenue facilitates the permission. The travel permission out side of Asmara applies also to all diplomatic personnel and they are required to submit their application to the Ministry of Foreign Affairs 10 days in advance of the travel.

## Customs Regulations

There is a general proclamation cited as “*The Customs Proclamation No. 112/ 2000*” issued in 2000. Any one can refer this for any details.

This short briefing about customs applies to foreigners and Eritreans obtain foreign nationality that came for a visit or for employment. Right now the working customs regulation can be explain as follows.

Eritrean with foreign nationality, payment of 2% tax and proof of residence of the foreign country is compulsory. They can bring all their Personal Effects one of each item. Make sure they haven't imported any items for the last 6 months.

### **Allowed:**

Furniture – it can be classified by set (one bed room set), one Dining room set etc...

Electronics - Computer and its accessories but not a printer.

- Washing machine
- Other electronic house hold items

Automobile - One per one passport holder.

All items are taxed according to the existing customs regulations.

Foreign currency – They can have as many as they want but need to be declared up on arrival. They are obliged to collect receipts for their expenditures. At the end of the trip during departure if they remain with a lot of Nakfa, they can change it in the Banks down town two three days before departure. There is no Bank which gives such kind of service in the Airport.

### **Not allowed:**

- Any items for commercial purposes. (Only business men can bring commercial goods)
- Health related items, numerous medicines, any medical materials with out the consent of Ministry of Health (MOH) are not allowed.
- Food items particularly unprocessed like raw chicken, fruits, any kind of seeds, live plants with its root are not permissible. Otherwise it is required to be certified by the MOH Quarantine department.
- Pornography in the form of films, CDs, DVDs, Books and Magazines. Any of this type items are first examined by the Ministry of Information and Media.

**N:B** It is always advisable to consult the customs office in case if there is any change of the working regulation.

## **Penalties for Drug offences**

In Eritrea all foreigners are subject to the Eritrean laws and regulation. The following Article is used for the drug abusive penalties.

In Article 510, it is stated as “**Production, Making or Distribution of Poisonous or Narcotic Substances**”.

Whoever, without lawful authority, produces or makes, transforms imports, exports or transports, acquires or receives, stores, offers for sale or distributes, or procures for another, poison, drugs or narcotic substances, is punishable with simple imprisonment for not less than three months, and with fine not exceeding twenty thousand dollars.

The same punishment may be inflicted upon anyone who knowingly places at the disposal of another, even privately, premises where the taking of drugs or narcotic substances is practiced.

Punishment of five years or more and thirty thousand dollars or more may be imposed for offence committed by a band or association organized of trafficking or committed by professional felonious activities or else forbidden toxic substances are accessed, furnished knowingly or gain for improper motive to an infant, mental defective or drug addicted persons.

## **References:**

1. Ministry of Labour and Human Welfare (MLHW) Dep. Of Labour: “Important Information for Non-Nationals coming to work in Eritrea” (2007)
2. Ministry of Labour and Human Welfare (MLHW): “Report on the Implementation of the Convention on the Rights of the Child”, October 2002, Asmara.
3. Interviews with members from Ministry of Justice and Ministry of Finance for the legal and customs aspects respectively.