

## **The Eritrea report: Symbolic uses of expert information in asylum politics** DAMIAN ROSSET and TONE MAIA LIODDEN

*This paper discusses the role of country of origin information (COI) in asylum policies by examining the debate about a controversial Danish report on Eritrea that has been used to attempt to legitimise a restrictive turn in Danish asylum policy. Following substantial criticism, Danish authorities changed their policy interpretation of the report and returned to their former practice when dealing with asylum applications made by Eritreans. Nevertheless, the number of Eritrean applications lodged in Denmark has since dropped sharply and the report has influenced other asylum receiving states in Europe. The Eritrea case suggests that COI may function as a potential means of deterrence and that the boundaries between COI and policy goals blur easily, such that the production of knowledge becomes a site of political negotiation.*

On 25<sup>th</sup> November 2014, the Danish Ministry of Justice issued a press release stating that information gathered in a recent government report would make it more difficult for Eritrean nationals to receive refugee status in Denmark. The Danish government decided that fleeing the national service and/or leaving Eritrea illegally would no longer constitute a ‘systematic risk of persecution upon return’ (Danish Ministry of Justice 2014). The report (Danish Immigration Service 2014a) was based on two fact-finding missions to Ethiopia and Eritrea in late 2014. The report was produced in the context of heightened political controversy over increasing numbers of Eritrean asylum applications in Denmark. In anticipation of the publication of this report, Denmark suspended refugee status determination for Eritrean asylum seekers.

After its publication, the report came under harsh criticism from several organisations (e.g., AI 2014; HRW 2014; UNHCR 2014), as well as from Professor Gaim Kibreab, the only non-anonymised source mentioned in the paper (Legarth Schmidt 2014). There was also controversy within the government body responsible for the report: Shortly after its publication, two of the three participants from the Danish fact-finding mission went on sick leave due to disagreements with their superiors about the report.<sup>3</sup> One of them later stated that there had been pressure from ‘above’ to produce certain conclusions (Lange Olsen 2015). The report was also criticised for methodological errors. It presented incomplete and selective quotations and arrived at conclusions that relied primarily on information gathered from anonymised international organisations and Western embassies that were based in Asmara (but did not have access to the field).<sup>4</sup> Danish media picked up the story and elevated it to a headline news story known as the ‘Eritrea Case’ (‘Eritrea-sagen’). In the aftermath of

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<sup>3</sup> The two officials first went on sick leave and subsequently agreed to resign in March 2015 in exchange for substantial financial compensation from the Danish Immigration Service.

<sup>4</sup> UNHCR has explicitly stated that it is not the ‘UN agency’ quoted in the report; UNHCR considered the report’s sourcing to be ambiguous (UNHCR 2014).

the scandal, Danish authorities backpedalled on their use of the report, stating that they would revert to former practices when handling asylum applications lodged by Eritrean nationals.

### **The instrumental and symbolic functions of COI in asylum adjudication**

Country of origin information (COI) is considered to be a necessary and increasingly important tool in asylum adjudication. Decision-makers use it as background information when they assess the credibility of asylum claims and when they evaluate the future risk of persecution (Gyulai 2011). Over the past two decades, almost all asylum administrations in Europe have set up units that gather and share COI. The rationale behind COI units is to provide information to decision-makers who do not have the time, skills, or resources to seek information themselves. Since the COI units are usually separated from the asylum procedure, they also contribute to the perception that information is *neutral*, i.e., not biased by asylum policies.

This description of the role of COI in asylum adjudication corresponds to what Christina Boswell (2009) has termed the *instrumental* function of expert knowledge—where decision-makers use knowledge as a tool for rational problem-solving based on facts and sound reasoning.

Boswell also argues that expert knowledge can serve two *symbolic* functions in policy-making. First, expert knowledge can have a *legitimising* function by suggesting that decisions that reference COI are well-informed and rational, thus affirming the legitimacy of policy actors and institutions involved (Boswell 2009). This function is particularly important in the highly sensitive and politicised context of asylum (Thomas 2007).

When expert knowledge is deemed falsified, partial, or incorrect, it can serve a *de-legitimising* function. Such a scenario was revealed when Jens Weise Olesen, one of the members of the Danish fact-finding mission, acknowledged the damaging ramifications of the report for the legitimacy of the Danish Ministry of Justice (DMJ), describing it as a ‘torpedo into the work that we have done over the past 20 years to build credibility and transparency’ (Lange Olsen 2015).<sup>5</sup>

A second symbolic function of expert knowledge is that it can be used to *substantiate* pre-existing policy preferences (Boswell 2009). The Danish report has been interpreted, and thus criticised, as commissioned work that legitimises a more restrictive approach to evaluating Eritrean asylum seeker claims (Group of scholars 2015; NTB 2014; Yohannes 2014). The impartiality of COI was called into question. Jens Weise Olesen cast additional doubt by declaring that the head of the fact-finding mission in Eritrea hinted at a possible pay raise if the team produced the ‘right’ conclusions—those that would substantiate the government’s policy preferences. Danish immigration authorities have denied this accusation (Lange Olsen *et al.* 2014).

Brekke (2004:45) suggests that politicians may use asylum policies as a means to create an impression of a restrictive country. Thus, in addition to the actual changes that a government puts into effect, policies have an equally important communicative and symbolic function. We suggest that COI can play a similar role in an asylum policy tool kit. First of all, COI has a direct impact on the number of applicants who are accepted as refugees. Secondly, when COI signals a restrictive turn, it may serve to deter asylum seekers’ decisions about a

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<sup>5</sup> All quotes from Danish, Norwegian, and Swiss media have been translated into English by the authors.

destination country. Eritrean asylum claims in Denmark dropped dramatically after the report was published—from 606 at their peak in August 2014<sup>6</sup> to just three in January 2015 (Danish Immigration Service 2014b, 2015)—which lends support to the hypothesis that the Danish authorities successfully communicated a restrictive turn to future applicants.

The policies of one country tend to influence the behaviour of other countries which adapt in order to appear less attractive to asylum seekers. This has raised concerns about ‘a race to the bottom’ in European asylum policies, where countries influence each other in an increasingly restrictive direction (see e.g., Thieleman 2004; Hatton 2005). One could therefore expect that the Danish report on Eritrea, and its observed outcomes, would trigger reactions in other countries. The following section examines how the report impacted the policies of other countries.

### **The international repercussions of the Eritrea Case**

COI reports and country guidance documents are not publically accessible in most countries and methodological disparities between COI reports make them difficult to compare. It appears, nevertheless, that other European countries picked up the Danish report quickly. The impact of the report has varied, as the following examples show.<sup>7</sup>

The impact of the Danish report for Eritrean asylum seekers appears to be most visible in the UK. The Home Office published two country information and guidance documents on Eritrea in March 2015 that quote the Danish report extensively, without any caveats or acknowledgement of concerns surrounding the validity of the report (UKHO 2015a, 2015b). For example, one of the UK documents refers to the Danish report as the ‘most up to-date information available from inside Eritrea’ (UKHO 2015a:4). The Danish report has been (mis)used by authorities to support conclusions within current UK guidance which state very clearly—in fact much more so than the Danish report—that illegal exit from Eritrea and draft evasion from military service are no longer considered grounds for protection (UKHO 2015a, 2015b).

The Norwegian COI unit, Landinfo, published three papers on Eritrea in March and April 2015 (Landinfo 2015a, 2015b, 2015c). The reports are based on a fact-finding mission to Eritrea that was conducted in January 2015, two months after the Danish report was published. None of the Norwegian reports quote the Danish report directly, and Landinfo has criticised the Danish report for its poor quality. However, some of the information in the Norwegian reports does point (more cautiously) in the same direction as the Danish report. For example, in the report about the Eritrean National Service, Landinfo writes that there have allegedly been positive changes with regard to the national service, but they conclude that it ‘remains to be seen’ whether these changes are followed through (Landinfo 2015b). It is clear that the content in the reports were produced in a similar context as the Danish one, where the political focus has been on deterring asylum seekers. Jøran Kallmyr,<sup>8</sup> State Secretary in the Norwegian Ministry of Justice, pronounced: ‘In the Danish report, we can

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<sup>6</sup> The number of asylum applications by Eritrean nationals fluctuated in 2014, as the figures of the Danish Immigration Service (2014b: 5) show: there were seven in January; seven in February; 12 in March; 30 in April; 57 in May; 150 in June; 513 in July; 606 in August; 523 in September; 314 in October; 64 in November; and ten in December.

<sup>7</sup> The information in this section presents the situation at the time of submitting the paper in early May 2015.

<sup>8</sup> Kallmyr is a member of the populist, right wing party ‘Fremskrittspartiet,’ which is currently part of a coalition government in Norway.

read about signals that may point in the direction of positive change in Eritrea. If it is safe to reject and send people back to Eritrea, then that is an opportunity which is of great interest to the Norwegian government' (Crone *et al.* 2014). After a meeting with the Foreign Minister of Eritrea,<sup>9</sup> Kallmyr warned Eritreans against coming to Norway, saying that their 'dream may not come true' (Andreassen 2015).<sup>10</sup>

Other European countries have been more cautious about accepting the conclusions of the report. The Swedish COI unit Lifos has published the Danish report on its online COI database, but with a warning about the limited selection of sources. It asserts that 'large parts of the report consist of statements taken out of context, leading the reader to form an inaccurate picture,' that 'the internationally renowned Professor Gaim Kibreab completely rejected the report,' and that 'the report is not written according to the [European Asylum Support Office]'s guidelines for reporting methodology' (Lifos 2014).

### Conclusion

The Danish report on Eritrea cannot be considered representative of the COI work in all European countries, but it does illustrate the importance of paying close attention to the ways in which information is produced and used in a field that is markedly politicised. The case also illustrates how quickly information is circulated and how it is sometimes reproduced uncritically, as seen in the actions of the UK's Home Office. Even though conclusions may be heavily disputed, we observe the ways in which the Danish report began to take on 'a life of its own' in the international sphere. Information that can legitimise restrictions seems to be picked up very quickly, especially by political actors with a populist and/or anti-immigrant agenda.

The Eritrea case also illustrates how COI can become an instrument to discourage asylum seekers from going to a specific country. While we cannot claim that the Danish report was intentionally produced to act as a deterrent, official documentation shows that the number of Eritrean asylum claims in Denmark dropped dramatically after the report was published. Therefore, the report may have served a political purpose even though the original conclusions were not actually put into practice. The Eritrea report seems to have fulfilled the *substantiating* function of expert knowledge described by Boswell (2009), supporting the short term policy preferences of the Danish authorities to curb the number of asylum seekers. In the long run, however, such use of expert knowledge may undermine the other symbolic function of expert knowledge that Boswell identifies: to bolster the legitimacy of the institution and its decision-makers. The debate over the Danish report raises doubts about the reliability and objectivity of expert knowledge used in decision-making and may therefore undermine the *legitimising* function of this knowledge. This is a perilous path to go down if immigration authorities in Europe seek to maintain the legitimacy of the asylum system. Questioning the mere existence of an unbiased, neutral knowledge is beyond the scope of this paper, but immigration authorities do have the power to prevent boundaries between expert knowledge and policy preferences from become increasingly blurred. If they fail to do so, the credibility of the asylum institution may be undermined in the long run.

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<sup>9</sup> The meeting took place on 28<sup>th</sup> November, three days after the publication of the Danish report.

<sup>10</sup> Ann Margit Austenå, the general secretary in the Norwegian Organisation for Asylum Seekers (NOAS) pronounced that until there is concrete documentation of the fact that Eritrea has changed its practice, she considers Kallmyr's statements to be propaganda to deter applicants ('skremselspropaganda').

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