



Query response

Sudan: Exit permit and border control

- Exit permit
- Control on exit
- Penalty for illegal exit
- Entry control at Khartoum's International Airport

Introduction

The information in this response is partly based on written source material, and partly on information from meetings held with various sources in Khartoum, autumn 2014, and from other fact finding trips to the country.¹

An important backdrop is that tens of thousands of young Sudanese leave Sudan every year because of the difficult financial situation in the country. Many of them have been given work permit in Saudi Arabia or one of the other Gulf states. They receive exit permits, like to most other Sudanese who can document a purpose for their trips. There are also some Sudanese who leave the country irregularly, i.e. without exit permits. Most of these cross the land border to Egypt, Libya or Chad without being checked at the border crossing. The reason why some people leave irregularly could be that they don't meet the conditions for an exit permit.

Exit permit

Sudanese citizens (and foreigners with residence permits) must have an exit permit from the Ministry of Interior in order to leave the country. This permit is called a *Certificate of Eligibility* (Arabic: *shahadat istifa'*) and is regulated in § 12 of the Passport and Immigration Act of 2015. However, many Sudanese still call it an exit visa (*ta'shirat khuruj*).² § 12 of the Act of 2015, is

¹ Landinfo carried out trips to Sudan in April-May 2008, September-October 2012, October 2014, November 2015 and October-November 2017. The majority of the sources Landinfo has met since 2012 have wished to remain anonymous. A number of sources in the source list have not been quoted directly, but have contributed with information that makes the theme and context of the response clear.

² A Sudanese newspaper referred to an argument in the Sudanese parliament in May 2017, when the Home Secretary made a rhetoric point that there is no exit visa in Sudan, but stated that "in all developed countries, after

otherwise almost identical to the same section in the Act of 1994, which it replaces, although with three exceptions: The change of the name of the permit from Exit Visa to Certificate of Eligibility, and two other additions.

The following categories are not to be given a Certificate of Eligibility (Passport and Immigration Act 2015, § 12.3³):

- a. Aliens who hold a temporary or permanent residence permit in Sudan who is accused of a crime, or owes money to someone.*
- b. Sudanese national accused of a crime and some competent authority requested his banning.*
- c. Sudanese national convicted of drug trafficking or smuggling more than once.*
- d. Sudanese national against whom there is credible evidence that he is engaged in activities hostile to the Sudan or undermines its reputation in any manner.*
- e. Sudanese national who is not able to pay the costs of his trip to the country of destination, of residence there, and of return to the Sudan.*
- f. The child who is under 18 years of age except with the consent of his legal guardian.*
- g. The Sudanese national or alien who is in the Black (Control) list.*

The two additions to the Act of 2015, compared to the Act of 1994, is 1) "and some competent authority requested his banning" in § 12.3b, and 2) all of § 12.3g.

In practice, men must have fulfilled their national service, or carry a document of exemption or deferment, in order to be given an exit permit (international organisations, meeting in Khartoum in May 2008; local NGOs in Khartoum, meetings in October 2014). Women must have a written permit from a guardian (her husband or, if she is unmarried, from her father or elder brother) to get both a passport and an exit permit. Further more, applicants must confirm that they have paid tax. The security service (NISS) must approve all applications.

The way Landinfo interprets the regulations, § 12.3b is used when someone is sought by the police or has not fulfilled his national service, while § 12.3d or § 12.3g are used when politicians from the opposition or other political activists are denied an exit permit.

NISS's practice when handling applications for exit permits is unpredictable. During longer periods most people are given exit permits, including politicians from the opposition and regime critics. (Some local sources indicated during conversations with Landinfo in Khartoum, autumn 2014, that authorities were almost in favour of critics leaving the country.) At the same time there are examples when both prominent politicians from the opposition and other activists have been given a permit, but despite this, are denied exit at the airport. This is probably done to

a check up on personal details, one is given a Certificate of Eligibility at the airport in order to make sure that no travel restrictions have been issued" (Hamid 2017, Landinfo's translation).

³ This excerpt is taken from an unofficial English translation circulating among western embassies in Khartoum and Landinfo has received it from the Norwegian embassy in Sudan. The Arabic version of the Act from 2015 is, as per today, not available on the website of the Sudanese Ministry of Justice.

create unpredictability and insecurity. It is not a sign of lack of coordination between authorities or absence of control in connection with the issuing of permits.⁴

Control on exit

Travel documents are thoroughly checked at the Khartoum International Airport. Only travellers have access to the airport building and must show travel documents and tickets in order to have access. Thereafter there are four to five check points after the check-in, including at a counter operated by NISS. The last check point is at the gate for boarding when both passports and tickets are checked.⁵ At several check points, the controllers have access to a computerised database. It is not known what information is available, but Landinfo assumes that the security services have electronic lists over persons "against whom there is credible evidence that he is engaged in activities hostile to the Sudan or undermines its reputation in any manner" (Passport and Migration Act of 2015, § 12.3d), those who have been denied exit by another authority, such as the Ministry of Defence does against men who have not fulfilled their national service (§ 12.3b) or those who have been entered on "the Black (Control) list" (§ 12.3g).

Despite this thorough control, it is not impossible to leave the country without an exit permit or with forged travel documents (international representatives and human rights activists, meetings in Khartoum, October 2014). This is also the case at Khartoum's International Airport, even if Landinfo considers it very likely that the controls are much more thorough there than at other smaller airports or land border crossings with neighbouring countries. In such cases, bribes and personal contacts are important. The financial situation in Sudan has gradually deteriorated since South Sudan was given independence in July 2011 and employees at the different functions of the authorities in charge of control at airports and border crossings are poorly paid. They can therefore be receptive to bribes. Personal contacts seem to be most important, but a combination of contacts and money is probably decisive.

Penalty for illegal exit

Officially it is illegal to leave Sudan without an exit permit. This is punishable by up to 6 months imprisonment and/or a fine (Passport and Migration Act of 2015, § 28.3). To give false information, or in any other way mislead the authorities when applying for a passport or exit permit, is punishable by up to two years imprisonment and/or a fine (§ 28.1), while forging a passport or exit permit is punishable by up to one year imprisonment, or fine (§ 28.2).

⁴ A local human rights activist has pointed out that the coordination between central NISS office in Khartoum and the NISS office at the airport is not always the best and that the practice of the NISS airport office periodically appears to be more amenable than the NISS central office (meeting in Khartoum, November 2017).

⁵ When leaving the Khartoum's International Airport in October 2014, November 2015 and November 2017, Landinfo was faced with having to show the passport on seven different occasions before boarding the plane. We emphasise that this took place before flights to Istanbul and Addis Ababa, both destinations outside the Schengen area. This control is probably only a consequence of orders from Sudanese authorities, and not a result of instructions or wishes by authorities in the countries of destination.

See Cedoca 2018, pp 16–18 for more information on arrival control.

The Belgian country of origin information centre, Cedoca, found no mention of Sudanese citizens being convicted for having left Sudan without an exit permit when they compiled information for their report on return conditions for Sudanese citizens (Cedoca 2018, p 19).

Local sources in Khartoum informed Landinfo, autumn 2014, that when, on return, an exit permit is missing in the passport, the individual must expect to be held for further questioning and investigation. Also, none of the sources Landinfo has talked to, had any information on any severe convictions against persons who had left the country irregularly.

Entry control at Khartoum's International Airport

On entry into Sudan through Khartoum's International Airport, travel documents for all passengers are checked on arrival, first by the border police and then by NISS, to see if they can be identified as someone the authorities wish to interview or apprehend. Also persons who are wanted for any crime or avoidance of paying tax, run a possible risk of being apprehended.

Persons having worked abroad, must on entry show receipts for tax paid in Sudan. This receipt is issued by the Sudanese embassy in the country of residence and shows the amount of tax paid. One of Landinfo's meeting partners in Khartoum, autumn 2014, a human right activist who had worked abroad, said that this receipt was important to have in order to avoid problems when reentering Sudan. This also corresponds with earlier information (DIS 2000; 2001).

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Country of origin information presented in Landinfo's Query responses does not contain policy recommendations nor does it reflect official Norwegian views.

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