

What is an asylum seeker?

Refugees are individuals who have fled their home country and cannot return due to a well-founded fear or persecution based on religion, race, nationality, political opinion, or membership in a particular social group. Someone who arrives in a country and claims to be a refugee needing asylum is called an asylum seeker.

How many African asylum seekers are in Israel?

Israel is home to approximately 45,000 asylum seekers from Africa, who crossed the Sinai desert and entered Israel between the years 2005-2012. 73% are from Eritrea and 19% are from Sudan (mainly from Darfur). In 2012, the construction of a fence along the border with Egypt virtually ended the influx and only around 100 have entered since.

What are the asylum seekers fleeing?

Many of the asylum seekers have fled genocide, war, and persecution. Eritrea is deemed to be one of the most repressive regimes in the world. Some religions are illegal and those who express objection to government practices risk incarceration, torture, and death. Many Eritrean refugees are fleeing forced army conscription, which involves slave labor for the Eritrean regime, unrestricted length of service under abusive conditions, and, for those who defect and are caught, imprisonment and torture.

What is Israel's responsibility to asylum seekers?

The UN Refugee Convention of 1951, which governs international refugee law, guarantees certain protections to people who are fleeing persecution. The most important of these protections is “non-refoulement”—the right not to be forcibly returned to the country one fled. Other protections include the right of asylum seekers to not be punished for entering a country illegally, and for their asylum applications to be handled quickly.

As one of the first signatories to the UN Refugee Convention, which was written to provide international protections to European refugees following World War II, Israel is both legally and morally bound to protect refugees. Unfortunately, at present, Israel is violating some of these protections.

Is Israel recognizing people as refugees?

Israel has granted temporary protection to many asylum seekers in the country, but very few have been granted asylum. Israel did not begin to process the asylum claims of Sudanese and Eritrean asylum seekers until 2013, and most claims have still not been considered. Of the claims that have been considered, less than 0.5% have been found to be “legitimate.” The rest of those considered have been determined to be migrants who entered Israel illegally for economic opportunity, and who therefore are not entitled to refugee protection under international law. Asylum applicants from Eritrea and Sudan are granted asylum at very high rates in other developed countries (82% for Eritreans, 68% for Sudanese). Given these numbers, it is highly likely that Israel is denying asylum to thousands of people who are fleeing persecution.

What is the legal status of asylum seekers in Israel, and are they allowed to work?

The Israeli government provides asylum seekers with a “Conditional Release Permit,” which grants them the right not to be deported, but it does not allow them access to welfare or medical services. The Ministry of the Interior has made it very difficult for people to renew their permits, demanding that they are renewed frequently, and limiting the locations and office hours of the offices that process renewals. This has led to the arrest of dozens of individuals who did not have valid visas.

While this permit is not a work visa, the Israeli government does not prosecute employers who employ individuals with these visas, de facto allowing asylum seekers to work in Israel. The Israeli government recently passed new laws creating new obstacles that severely restrict the ability of many asylum seekers to work. Asylum seekers typically work in the construction, cleaning, and restaurant sectors.

What about detention?

The Holot Residential Facility is one of the most controversial and visible parts of Israel’s management of the African asylum seeker population. Holot is a large “open” detention center, run by the Israeli Prison Service. It is surrounded by barbed wire and located in the desert, an hour away from the nearest city, Be’er Sheva. Holot has the capacity to hold up to 3,300 people. Its residents are not allowed to work or leave the facility at night. In addition to Holot, several hundred asylum seekers are detained in Israeli prisons.

Israel claims that the legal basis for the detention of so many people comes from the “Anti-Infiltration Law” of 1954, which was amended in 2012 to allow for the jailing of unauthorized migrants for up to three years, without trial. The Israeli High Court struck down that amendment, and since then, there has been a legal back-and-forth between the Knesset (which continues to try to enshrine some version of detention into the anti-infiltration law) and the High Court (which finds, each time, that to hold someone without trial for so long is unconstitutional). In the meantime, new guidelines passed in September 2015 allow the Israeli government to jail any single male “infiltrators” in Holot for one year, regardless of their arrival date.

Are asylum seekers in Israel leaving? Where are they going?

In 2014, 6,400 African asylum seekers left Israel. The Knesset has been very intentional about the process of making the lives of asylum seekers so difficult that they are forced to leave to seek a better life elsewhere.

Even more troubling is Israel’s practice of coercing asylum seekers to leave. In 2014, it was reported that Israel transferred 1,250 asylum seekers to Rwanda and Uganda. Israel’s transfer arrangements with Uganda and Rwanda are covert and there are no guarantees that Uganda and Rwanda will offer legal status to this population, which means that people are subject to detention and deportation there, as well. In April 2015, it was reported that three Ethiopians sent to Uganda by Israel later left for Libya, where they were beheaded by ISIS because they were Christians.

In 2015, the Ministry of the Interior announced that anyone without a pending asylum claim who did not agree to leave “voluntarily” to a third country would be imprisoned indefinitely. A petition challenging this policy is pending, and the Supreme Court has issued a temporary order preventing the detention of such persons until there has been a final ruling by the District Court.

Why should Israel want to welcome asylum seekers?

Israel was built by immigrants and refugees. In addition to Israel’s legal obligation to asylum seekers as a signatory to the UN Refugee Convention, the deep historical connection to the origin of this law and to the experience of refugees should govern how Israel responds to others fleeing persecution.

African asylum seekers are a vital part of Israel’s economy, taking the types of low-wage jobs that Israelis do not want. Rather than importing foreign workers from Asia, Israel could grant work permits to African asylum seekers, simultaneously solving deficits in the workforce and offering the opportunity for this population to live in safety and with dignity.

What work does HIAS do to help asylum seekers in Israel?

HIAS Israel provides legal aid to asylum seekers through its pro bono legal representation program. We train attorneys and law students in refugee law and mentor them as they represent asylum seekers on a pro bono basis, giving them a much higher likelihood of being granted asylum. In addition, cases handled by lawyers have the potential for broader impact: it is often through the courts that nations fully adjust their practices to meet international standards, particularly when asylum systems are first being developed, as is the case in Israel.

HIAS Israel also provides counsel to asylum seekers to help them evaluate migration options for reuniting with their families in other countries, including the US, Canada, Italy, Australia, Switzerland, and Sweden. Our office works in partnership with other NGOs, UNHCR, law clinics, the asylum seeker community in Israel, as well as the Government of Israel.

Beyond Israel—in Washington, DC, Geneva, and elsewhere—HIAS works with key NGO and Jewish community partners to raise awareness about immigration and refugee issues in Israel, advocates in support of public policies supporting the human rights of refugees, and promotes HIAS' unique and vital activities in the region.