



Welcome the stranger.
Protect the refugee.

Talking Points: Asylum Seekers in Israel

CONTEXT

- Israel is currently home to approximately 38,000 asylum seekers from Africa, all of whom entered the country through the Sinai desert between the years 2005-2012. Twenty percent of them arrived from Sudan (mainly from Darfur) and 72% from Eritrea.
- In 2012 Israel completed the construction of a secure fence along the border with Egypt, virtually ending the arrival of migrants. In 2016 only 18 migrants entered the country through its southern border and none entered in 2017.
- Since 2013, when the Minister of Interior (MOI) started adjudicating these claims, only ten Eritreans have been granted refugee status, and only one Sudanese. In other developed countries, however, the average recognition rate of Eritreans is 82%, and of Sudanese is 68%.
- In 2012, the Knesset passed Amendment No. 3 to the Prevention of Infiltration Law of 1954 (or “Anti-Infiltration Law”), defining anyone entering Israel irregularly as an “infiltrator”. Since the definition does not question an individual’s motivation for coming, it also applies to persons seeking asylum.
- After judicial and additional legislative action, an “open” detention facility called Holot was established, in which asylum seekers may be held for 12 months. The government recently announced that it will close the facility by April 2018, and in the interim, implement “accelerated removal” of migrants.
- In the last two years, nearly 8,000 asylum seekers left Israel. Many of them left due to the pressures of detention, lack of status and a proper work permit, and the heavy bureaucratic obstacles associated with frequent visa renewal.
- Since 2014, over 3000 asylum-seekers were coerced to leave to third countries– Uganda and Rwanda. Israel’s transfer agreements with Uganda and Rwanda have remained covert.
- Testimonies collected by NGOs and UNHCR indicate that those sent to third countries do not have access to any formal protection mechanisms or ways to earn livings. Many of them risked their lives by taking dangerous onward journeys to Europe via Libya.

RECENT DEVELOPMENTS

- In March 2015, the Israeli Ministry of Interior announced that Eritrean and Sudanese migrants who do not have pending asylum claims and who do not agree to leave “voluntarily” to a third country will face indefinite imprisonment. This was challenged in the Supreme Court.
- In August 2017, the Supreme Court issued its judgement, finding that in principle, there are no legal grounds to prevent the transfer of asylum seekers to a third country.
- Importantly, the Supreme Court ruled that if asylum seekers are to be imprisoned indefinitely so long as they do not consent to departure, any cooperation with departure cannot be considered voluntary.
- According to the ruling, the State can only imprison those who do not consent to depart Israel for up to 60 days. Israel recently declared that it has amended the agreement with at least one African country –

believed to be Rwanda – so that voluntariness on the part of the asylum seekers is no longer necessary. Rwanda, for its part, has denied this to be the case.

- The Anti-Infiltration Law was amended in May 2017 to include heavy employment restrictions. Asylum seekers are now required to pay a monthly deposit of 20% of their salaries, only retrievable when they leave Israel.
- Employers must deposit an additional 16% of asylum seeker's salary amounts, making it more expensive to employ asylum seekers.
- On January 1st 2018, the MOI announced a plan to forcibly transfer asylum seekers to third countries. According to the procedure, beginning on February 1st, 2018, every asylum seeker who arrives to renew his visa, and who does not fall into a stated exclusion, will be notified that he must depart Israel within 60 days. The excluded categories are women, children, fathers who financially support minor children, and those who have been recognized as victims of trafficking.
- Under the new policy, the asylum seeker will have a short period of time to request that the MOI reverse its decision. Many thousands are expected to receive this notice within a short timeframe.
- The guideline further state that any asylum claim filed after January 1st 2018 will not deter transfer - despite the current impediments to filing claims. Finally, the guideline alludes to the future expansion of forced transfer – and thus could eventually include women and children. The state has applied further pressure by announcing that it will soon decrease the financial grant it offers to those who leave.
- Current transfer arrangements offer no enforceable assurances regarding admissions, access to full and fair asylum procedures and protection from *refoulement*.

RECOMMENDATIONS

- Urge the Government of Israel to stop referring to asylum seekers with prejudicial terminology such as “illegal work migrant” or “infiltrator.”
- Urge the Government of Israel, specifically Prime Minister Benjamin Netanyahu, to not forcibly deport or otherwise coerce the departure of tens of thousands of Eritrean and Sudanese asylum seekers.
- Encourage Israel to respect the rights of refugees and asylum seekers as enshrined in the 1951 Refugee Convention and implement a humane strategy for refugees and asylum seekers within the country rather than transferring asylum seekers to other countries.
- Encourage resettlement countries to assist Israel by generously accepting refugees and asylum seekers with links to those countries, or who remain particularly vulnerable in Israel, and urge Israel to ensure that those who remain in Israel are given asylum or some other humanitarian status with full economic and social rights, until it is safe for them to return home.
- Urge Israel to develop full and meaningful access to a well-functioning asylum system involving fast and fair decisions that meet international standards.
- Urge the government of Israel to ensure that refugees and asylum seekers should only return to their home countries, or third countries, when they can do so voluntarily and in safety and dignity.