

PROTECTION OF REFUGEES AND ASYLUM SEEKERS IN ISRAEL

OCTOBER 2020

General numbers

According to figures presented in October 2020 by the Population and Immigration Authority as of 30 September there are 30,498 African asylum seekers in Israel, the vast majority are from Eritrea (21,890) and Sudan (6,285).¹ Referred to only as "infiltrators" in Israeli legislation, Sudanese and Eritrean refugees and asylum seekers live in Israel, some for longer than a decade, under a "non-return policy" which prevents deportations to home countries and grants temporary stay permits, pursuant to Article 2(a)(5) of the Entry into Israel Law. The State of Israel has so far formally recognized a total of 13 Eritrean nationals as convention refugees. On 13th October 2020, the Israeli Supreme Court ruled that 600 Sudanese nationals who were granted special protection in 2007 were in fact convention refugees. They join one more Sudanese national who had been given refugee status by the state of Israel so far.

A new report published by [HIAS Israel](#) in August 2020 shows that the recognition rates of refugees in Israel have continued to be extremely low reaching a rate of only 0.06%. According to this report more than half of the asylum applications submitted since 2011 are still open .

Access to Basic Social Services

The current group protection policy, despite being in force for over a decade, does not formally grant the right to work and does not entitle asylum seekers to social security benefits, public health services or social services except in extreme cases of emergency and life-risking situations.

In addition, Israel continues to deny rehabilitative care to around 4,000 asylum seekers who are survivors of torture in the Sinai Peninsula prior to their entrance to the country. This contrary to Israel's obligation under Article 14 of the UN Convention against Torture

Figures as of October 2020 (in Hebrew) ¹

https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreign_workers_report_q2_2020.pdf

(as previously observed by the UN Committee against Torture in 2016, see [CAT/C/ISR/CO/5.49](#)). In 2018 Israel's Ministry of Justice launched a limited mapping project to examine the needs of around 200 of the most acute cases of victims of torture among asylum seekers. However, as of October 2020 the project's inter-ministerial committee has not yet published its findings.

The effect of Covid-19 Pandemic on the human rights of refugees and asylum seekers in Israel

The outbreak of the Covid-19 Pandemic at the end of 2019 and the ensuing lockdowns during 2020 have devastated the African asylum seekers' community in Israel - a community already marginalized and living in poverty. The restrictions on movement, loss of earnings and extreme uncertainty have pushed the community into an ongoing crisis. Many asylum seekers are struggling to feed themselves and their families; some have already lost their homes and many more face losing their homes as they are unable to pay rent.

It is estimated that around 80% of asylum seekers in Israel are currently unemployed due to the Covid-19 crisis. As they are ineligible for unemployment benefits, many asylum seekers are left with no form of support and have become destitute. According to the data gathered by ASSAF - Aid Organization for Refugees and Asylum Seekers in Israel from March 15 to the end of August there was an increase of 97% in the number of requests for aid compared with the same period last year. Furthermore, during this period there was an increase of 195% in the number of new requests for aid compared with the same period last year. Although women asylum seekers constitute less than 20% of the community of asylum seekers in Israel, 52% of requests for aid in 2020 were from women (compared to approximately 41% in previous years). Furthermore, during 15 March to the end of August there was an increase of 70% in requests for aid made by women who are single parents (compared with the same period last year). During this period there was also an alarming increase of 400% of reports to ASSAF of violence against women asylum seekers.

The increase in requests has led to a dramatic increase in the the organization's aid supply; the following [data](#) relates to the increase in ASSAF's aid supply from March to May 2020: supply of food packages and food vouchers - an increase of 615% (compared with the same period last year); supply of baby formula, baby diapers etc. - an increase of 190% (compared with the same period last year); supply of direct financial aid transfers to disadvantaged families for assistance in health insurance and rent payments - an increase of 196% (compared with the same period last year).

Deposit Law

Under the Deposit Law, which came into force in May 2017, employers of asylum seekers were required to deduct 20% of their employees' monthly salaries and keep the money in a deposit fund, pushing asylum seekers deeper into poverty. The accumulated funds could be refunded only once an asylum-seeker has agreed to leave the country permanently. In March 2020, the Deposit Law regained attention due to the Covid-19 crisis as many asylum seekers lost their jobs and were left with no form of support. In response, community organizers and activists, as well as human rights organizations, demanded that asylum seekers would be allowed to use the money in the deposit funds to compensate for the loss of income. The government agreed to distribute a meager monthly allowance from those funds as a humanitarian stopgap measure, but it was dragging its feet for weeks on distributing the allowances.

On 23 April 2020, the Israeli High Court of Justice ruled that the deduction is unlawful and ordered the state to pay back asylum seekers their funds.. The ruling was the result of a petition submitted in March 2017 by ASSAF alongside other human rights organizations (Kav LaOved, Physicians for Human Rights-Israel, Hotline for Refugees and Migrants, Association for Civil Rights in Israel and the African Refugee Development Center). However, many asylum seekers are yet to receive their funds: an estimated NIS 700 million (\$200 million), as of May 2019, were deducted from asylum seekers salaries but were never deposited in the funds and were allegedly stolen by employers.

Access to Education

Children of Refugees and Asylum Seekers - General Data

As of today, there is no official single body in Israel that provides summary statistics on children of refugees and asylum seekers. Therefore, the data presented here is based on the assessment of various official bodies. It is estimated that Israel is home to approximately 10,000 minors who are children of refugees, asylum seekers and migrants, most of whom were born in Israel, and are below the age of 10 ([ASSAF & the Garden Library](#) "Children of asylum seekers in Israel: mapping of key educational issues and needs").

Children of asylum seekers are denied permanent legal status in Israel. Although according to the policy of the Ministry of Labor, Social Affairs, and Social Services, every at-risk child, regardless of their status, should be provided social services, in practice, not every refugee child receives the psycho-social services that they need. Moreover, because

the National Insurance Law does not apply to asylum seekers, parents are not entitled to child benefits. This is particularly challenging for families with children with special needs.

Access to Education

Children of asylum seekers are entitled to be fully integrated into Israel's education system. However, the Law of Compulsory Education in Israel only applies to children over 3 and therefore, due to the shortage in nurseries that can provide affordable care for babies and infants under three years old, the migrant and refugee communities have created their own unregulated "nurseries" for babies and infants, known as "babysitters" or "child warehouses". They are run by staff who have no training or certification to care for children or to run educational facilities. According to a research report published by the School of Psychological Sciences at Tel Aviv University, "the outcome of an extended stay in facilities in which the deficiencies are so severe, causes serious and prolonged developmental harm in a large proportion of infants."² In 2015 the Israeli government decided to allocate a four-year budget totaling 56,000,000 NIS (approximately \$16.5 million) to establish supervised facilities as an alternative to these unofficial ones. As of May 2020, five such facilities have been established in Tel Aviv. Thus, most children are still in the unofficial babysitters.

When children turn three years old they enter the national education system. However, many children of asylum seekers start pre-school lagging, on average, two or even three years behind children of Israeli citizens of the same age, largely as a result of the time they spent in the unlicensed babysitters. This results in severe difficulties in many areas, such as motor skills and delayed language development.³ In addition, some municipalities in Israel, including Tel Aviv Municipality, systematically segregate between children of asylum seekers and children of Israeli citizens in schools and pre-schools. Although this is prohibited under Israeli law, Assaf - Aid Organization for Refugees and Asylum Seekers in Israel along with partner civil rights organizations had petitioned to the courts in those cases of segregation, first - in 2011 - against the Municipality of Eilat, then - in 2019 - against the Petah-Tikva Municipality. In both cases the petitions led to the integration of asylum-seekers' children in schools and kindergartens in which Israeli citizens' children learn. As the Beer-Sheva District Court ruled in the case of Eilat: "Legitimizing segregation

² Research report: Mapping out developmental conditions in the 'child warehouses', p. 13-15.

<https://law.acri.org.il/he/wp-content/uploads/2016/02/babysitters-report0116.pdf> (in Hebrew)

³ ASSAF & the Garden Library "Children of asylum seekers in Israel: mapping of key educational issues and needs" <http://assaf.org.il/en/sites/default/files/Children>

in the education system due to the children's country of origin and their legal status is unprecedented in the western world and can not be approved by this court" (Reg. 29883-07-11 Atoush Majed Manjahn v. Eilat Municipality).

Access to Education during Covid-19 Pandemic

Following the first lockdown in March 2020 due to the outbreak of Covid-19 pandemic, the education system shifted to online learning which has continued alternately until now (October 2020) and is due to continue during 2021. The Ministry of Education estimates that there are approximately [150,000 children](#) from marginalized communities, including the refugee community, who do not have access to Internet infrastructure and computers and therefore are not able to fully participate in online learning. [NGOs](#) estimate that these numbers are as high as [400,000 children](#).

Thus children of asylum seekers, alongside other marginalized children in Israel, are effectively denied educational services and are victims of unlawful discrimination in this regard.