

Situation Report - Asylum Seekers from Eritrea and Sudan - August 2019

“No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” 1951 Refugee Convention, Article 33

Background - According to data from the [Population and Immigration Authority](#), approximately **29,600 asylum seekers from Eritrea and Sudan** live in Israel (**23,100 from Eritrea and about 6,500 from Sudan**). Asylum seekers live in Israel legally and hold a Type 2A5 residence permit, which they must renew periodically. About 14,000 asylum seekers reside in South Tel Aviv. The rest live in significantly lower density mainly in the cities of Ashdod, Eilat, Bnei Brak, Petah Tikva and Jerusalem, and in other cities such as Netanya and Rishon Le’zion.

Although asylum seekers have been in Israel for more than a decade, their submitted asylum applications are not processed. As of May 2019, more than 15,000 Eritrean and Sudanese asylum applications were waiting to be checked.

Percentage of refugee status granted in Israel: Only 13 Eritreans and 1 Sudanese have received refugee status (**less than ½ %**); Approximately 800 Sudanese asylum seekers from Darfur, Nuba Mountains and The Blue Nile who live in Israel have been granted temporary residency status (A5), which grants them work permits, health insurance and access to welfare services - all this without Israel examining their asylum applications. [This is not a mistake. It is deliberate policy.](#)

Percentage of recognition of asylum seekers from Eritrea in Europe: About **70%** of the applicants receive refugee status; 90% including the ones who receive complementary protection (health and welfare services, Social Security, work permits and occupational/language training).

Percentage of recognition of asylum seekers from Sudan in Europe: Approximately 50% receive refugee status; 60% including the ones who receive complementary protection.

The situation in Eritrea - Eritrea is a repressive dictatorship that restricts the basic freedom of its citizens and has compulsory military service for an unlimited period. Eritrea's military service involves hard labor, exploitation, physical punishment, and even sexual exploitation. The peace treaty between

Ethiopia and Eritrea that was recently signed is a welcome move and may mark the beginning of change for both countries, and for East Africa in general. However, so far [the human rights situation in Eritrea](#) has remained severe. The UNHCR recently reiterated its [explicit assertion](#) that in the face of ongoing human rights abuses in Eritrea, the majority of Eritreans in Israel cannot safely return to their country.

The situation in Sudan - On April 11, 2019, President al-Bashir was ousted during widespread popular protests, and the military seized power. The Military Council officials are personnel and commanders with direct responsibility for the Darfur genocide, as well as for ethnic cleansing and human rights abuses in the Nuba Mountains and other areas. Since April, violent attacks against civilians across the country have occurred, in which hundreds of people have been wounded and killed, and many have been brutally raped. As of July 2019, negotiations between the ruling Military Council and opposition groups have not yet yielded results that guarantee a stable transitional period, or a real change in the brutal regime.

Following the events in Sudan, the [Interior Minister informed](#) the High Court that despite the State's obligation, the processing of asylum requests from Sudanese nationals will be **discontinued** until the regime in their country is stabilized. **Israel admits that asylum seekers cannot return to Sudan due to the danger on their lives and liberty - but refuses to fulfill its obligation to grant them refugee status.**

Israel's policy on Imprisonment and the Anti-Infiltration Law - The stated purpose of the Anti-Infiltration Law was to reduce the density of asylum seekers in the cities, especially in South Tel Aviv, and to use their lack of basic liberties to put pressure on them to leave Israel. In its initial version, which was rejected by the High Court, the law called for the indefinite imprisonment of Sudanese and Eritrean asylum seekers in a closed prison without trial. After several amendments to the law, and as a result of the Supreme Court's intervention, a maximum 12-month prison sentence was set at the "Holot" facility, which opened at the end of 2013.

Establishing the "Holot" facility, and running it for four years, cost the Israeli taxpayer over 1 ¼ billion Shekels. Such an amount, if invested in absorption and settling asylum seekers all over the country, would have solved the issues and problems in South Tel Aviv. In March 2018, the government decided to close "Holot". In four years, more than 13,000 asylum seekers passed through its gates, all Eritrean and Sudanese men, for different periods of time. In the last general election (April 2019), the Prime Minister pledged to enact a new draconian version of the Anti-Infiltration Law to allow unlimited

imprisonment of asylum seekers in a cruel and unconstitutional way, as part of his efforts to promote the [Override Clause](#).

Deportation to Third Party Countries in Africa - In November 2017, Israel announced a deportation plan for asylum seekers to Rwanda and Uganda, claiming the existence of secret agreements that facilitated this, and even began to imprison asylum seekers in advance of their deportation. However, as it turned out, both Uganda and Rwanda refused to acknowledge the existence of such agreements, [and the deportation plan collapsed](#).

UNHCR Outline - On April 2, 2018, the Prime Minister and the Minister of Interior held a press conference during which it was declared that Rwanda did not recognize the agreement and that asylum seekers cannot be forcefully deported there. Instead, they announced that an agreement was signed between Israel and the UN Commission on Refugees to solve the "refugee crisis" in Israel. According to the outline, some 16,500 Eritrean and Sudanese refugees would be resettled in Western countries, and an additional 16,500 would be granted temporary humanitarian status, enabling them to work and receive social rights. Less than a day after announcing this outline, which had clear benefits for Israel, the prime minister announced the cancellation of the agreement due to pressure.

The cancellation of the UN outline means that all asylum seekers remain in Israel deprived of basic rights, and that the hundreds of millions of Shekels promised for the rehabilitation of South Tel Aviv were canceled. Instead of an appropriately fair plan for the voluntary dispersal and integration of asylum seekers throughout the country, the State of Israel chose to continue to neglect them, as well as the rehabilitation of the neighborhoods of South Tel Aviv - to which refugees have been crowding into since arriving in Israel about a decade ago.

Employment - On the visa issued to asylum seekers by the State, is written: "This temporary license does not constitute a work permit". However, since 2011, the state has pledged to the High Court that it will not take any action against employers of asylum seekers. For most people this is a vague and incomprehensible non-enforcement arrangement and is not a substitute for a clearly defined policy. It leads to exploitation of workers and restricts their ability to earn a living. It also causes difficulties for employers.

The Deposit Law - In May 2017, the [Deposit Law](#) came into effect, requiring employers to deduct 20% from the salary of asylum seekers and deposit the amount in a special fund to be transferred to them when they leave Israel. This has led to a significant decline in the socio-economic status of asylum seekers. In July 2018, the Knesset parliament passed regulations reducing the deduction rate to 6% for women, victims of human trafficking, single parents, the elderly, minors, and seriously ill patients.

The Deposit Law rewards employers who break the law: many deduct 20% of asylum seekers wages, but do not transfer that amount to the Deposit Fund and in fact pocket the money themselves every month. The state passed a law without a supervisory authority, or any mechanism to protect employees. [According to the newspaper “Calcalist”](#), about 72% of the amount that should have been transferred to the Immigration and Population Authority for asylum seekers under the Deposit Law, has not been transferred. These amounts total more than 700 million Shekels.

Health - A policy that endangers the well-being and lives of asylum seekers - Israel does not include asylum seekers under the National Health Insurance Law and as such they have no access to public health services except in emergencies, when their lives are in danger. In order to receive treatment, asylum seekers must wait for their condition to deteriorate. Only then do they receive treatment in the Emergency Rooms. Once their condition stabilizes, they are sent home without further treatment, follow-up, or medication. [In a 2014 report](#), the State Comptroller noted that the existing limited access to health services by asylum seekers is inconsistent with the provisions of the Basic Law: Human Dignity and Liberty, as well as with the terms of the International Covenant on Economic, Social and Cultural Rights.

The Ministry of Health acknowledges that the services currently provided do not meet the medical needs of asylum seekers. However, despite the presentation to the ministry's Director General of a health insurance plan dedicated to this population group, and the approval of this plan by professional groups, political influences have prevented its implementation.

Welfare - The Ministry of Welfare deserts the most vulnerable population groups in need of care. [The State Comptroller's Report of 2014](#) required the government to allocate funds and formulate policies regarding welfare services for asylum seekers. In March 2017, the Ministry of Social Affairs published a [policy document](#) to address the deficiencies that the State Comptroller had noted, and budgets were passed to address a number of disadvantaged population groups amongst the asylum seekers: women victims of

domestic violence; homeless; disabled; eligible victims of trafficking and sex workers. However, the Ministry of Welfare's policy remained unchanged: emergency assistance only, not including community care. Most asylum seekers are still barred from welfare services that they need. In addition, despite the necessary funds transferred to treat helpless asylum seekers, many applicants are rejected or do not receive answers. Less than a third of the funds transferred have been used. **Adequate welfare and health policies for asylum seekers are not only our legal and moral duty, they will facilitate the relocation of asylum seekers throughout the country, as they will not be dependent on existing services in South Tel Aviv. They will facilitate their optimal integration into society and reduce the distress and burden in the neighborhoods asylum seekers currently reside in.**

Instead of using asylum seekers for political propaganda and exploiting the genuine plight of the residents of South Tel Aviv for the purpose of conflict with the Supreme Court, it is time to embrace humane, practical and worthwhile solutions.

The Refugee Rights Forum includes six human rights organizations, working in cooperation to promote the recognition of asylum seekers and refugee rights in Israel; to correct the inadequacies of government policy, and create policies in accordance with Israel's legal and moral obligations.

Forum Members: [ASSAF - Aid Organization for Refugees and Asylum Seekers in Israel](#) | [The Hotline for Refugees and Migrants](#) | [Worker's Hotline \(Kav LaOved\)](#) | [The Association for Civil Rights in Israel](#) | [ARDC - African Refugee Development Center](#) | [Physicians for Human Rights](#)