

April 2014

## **The effects of the Anti-infiltration law and detention at 'Holot' on the asylum seeker community in Israel**

### **Background – the passing of the fourth amendment to the Anti-infiltration law:**

On September 2013 the Israel Supreme Court determined that the Anti-infiltration law (third amendment) is unconstitutional, for it violates the Constitutional right for Human Dignity and Freedom. This law, which was overturned by the court, allowed the imprisonment of asylum seekers for a period of no less than three years, without trial. In light of the Supreme Court Ruling, the state needed to release all the asylum seekers that were incarcerated under the unlawful law. Instead of speeding the release procedures of those incarcerated, the government quickly drafted a new amendment (fourth) of the Anti-infiltration law, with the purpose of bypassing the ruling of the court. The new law was passed in second and third reading on 10 December, 2013, less than three months after the previous amendment was overturned, and six days before the state was mandated to release the last of the detainees under the overturned law.

According to the fourth amendment to the Anti-infiltration law, asylum seekers that enter Israel illegally are detained for a period of one year (unlike three years in the previous amendment). Furthermore, a 'detention facility' was constructed under the rule of the law – a new open-prison in the vicinity of Ketziot and Saharonim, wherein the detained are allowed to leave during the daytime, but need to report for attendance three times a day – morning, afternoon and evening. According to the new amendments, any asylum seeker can be summoned to this detention facility, and detained indefinitely. Moreover, the new amendment does not list any circumstances under which an asylum seeker will be released from this detention facility. **The reality is that the only way one can be released from the detention facility is by agreeing to return 'voluntarily' to their country of origin.**

Two days after the passing of the fourth amendment to the law, the state started moving asylum seekers to the new 'detention facility', the first being those who were incarcerated in Saharonim under the authority of the previous, overturned amendment, and who were to be released according to the court ruling. Additionally, as of December 2013, asylum seekers that came to renew their visas began receiving a summons for detention that orders them to report to the detention facility. As of March 2014, over 4,000 asylum seekers were summoned to the detention facility, despite the fact that the detention facility itself can only hold 3,360 people. Furthermore, the Minister of Interior stated in the end of March its intention to expand the 'Holot' detention facility in 2014.

### **Difficulties renewing visas of asylum seekers due to cuts in Interior Ministry offices:**

In the end of December 2013, the Immigration and Border Authority announced that it will cut the number of offices in which asylum seekers can renew their visas. Renewal of visa process was limited to two days a week in the four cities: Tel-Aviv, Beer-Sheba, Haifa and Petah-Tikva, between the hours of 4-6:30 pm only. In the course of January 2014 two more offices were included in the procedure – in

Rishon-Lezion and Eilat. Moreover, in some of the offices a cap was placed on the number of visas issued each day. In light of the unreasonable overload that was recently formed, another office opened, but even that cannot answer the need of over 50,000 people that need to renew their visas. At the same time, the state has increased enforcement against asylum seekers whose visas are not valid, despite the fact that many were not even able to renew their visas due to the operational changes made in the Immigration office. On 19 March, 2014 the Immigration authority announced that it will not take enforcement measures against asylum seekers that were not able to renew their visas due to long lines in at the Interior Ministry offices.

As a result of the cuts in reception hours at the Interior Ministry offices that renew visas, hundreds and thousands of asylum seekers waited in the last few months outside the offices in desperate attempts to renew their visas, without success. **Asylum seekers, at times mothers with children and babies, spent days and weeks, rain or shine, standing in lines outside the Interior Ministry offices, and consumed weeks traveling across the country, trying to find an office that where they will be able to renew their visa, without which they cannot work and can be arrested and sent to prison.** Some asylum seekers tried their luck in a number of offices in different cities day-after-day, others were sent by the clerks to offices in other cities under the pretense that they will be given service there.

Asylum seekers complained before the staff at ASSAF about the demeaning treatment at the Interior Ministry offices – including receiving randomly only tens of applicants a day out of the hundreds of applicants waiting, sometimes from the early morning hours, outside the offices; sending applicants day-after-day to offices in different cities in Israel; threatening to send to ‘Holot’ detention facility people who dare stand for their rights, and renewing visas for short periods only – such as a month. Due to the situation at the Interior Ministry offices and due to the fact that many of those who actually managed to eventually renew their visa were also summoned to ‘Holot’, we were approached by asylum seekers that were afraid to continue their attempts to renew their visas, and by those who found it pointless to continue trying.

### **The effect of incarceration at the ‘detention facility’ on the whole asylum seeker community:**

The opening of ‘Holot’ detention facility resulted in each and every asylum seekers in Israel being under threat of arbitrary, unpredictable incarceration, which will tear them from their lives indefinitely, without them having any control of it. Although it is known that the detention facility cannot hold the entire asylum seeker community in Israel, no one knows where things are heading, and there are known plans to expand the facility. The fact that guiding criteria on the identity of those likely to be sent to Holot were published also does little to quiet the anxieties, since those are not necessarily practically applied. Under these circumstances of uncertainty and constant threat of incarceration, wherein each and every asylum seeker knows at least one person that was summoned to/detained at the detention facility, the level of threat and distress among all members of the asylum seeker community is extremely high. The high level of anxiety manifests itself, among others, in ASSAF staff members receiving repeated phone calls from asylum seekers terrified that they will be sent to Holot – that includes heads of family that are concerned for their children, as well as single persons and women. Similar fears come up during ASSAF reception hours in the last few months.

As of now families are not sent to the detention facility. Nevertheless, in recent years, the policy concerning asylum seekers has been inconsistent and regulations were altered frequently and unpredictably. Hence, it is clear to many in the community that the procedures regarding who is sent to the facility may change at any given moment, and no person feels safe. Many are concerned that they will be next to be sent to the detention facility, among them fathers and even mothers, who are aware that as of now at least, the policy is that they will not be detained. Furthermore, despite the official policy of detaining only single men in the facility, parents and married asylum seekers also received detention summons. Withdrawing these summons involves numerous and complex bureaucratic demands, that in some cases required lawyer assistance. Spouses, for instance, were required to present translated and notarized marriage certificates, which goes against the Immigration Authority's legal department guidelines. A number of fathers arrived to Holot because they did not know how to overturn the summons that they received, or because they were unable to overcome the bureaucratic demands to prove their paternity.



"Holot" detention center, March 2014

It should be added that many asylum seekers were fired from their jobs and plummeted into great distress following the events of the last few months. First, the lack of clarity regarding the hiring of asylum seekers led many employers to assume that the opening of the detention facility meant that one can no longer employ asylum seeker, resulting in some of them being fired. Second, the inability to renew visas, and the fact that issued visas were limited to a short period, resulted in asylum seekers losing their jobs, because employers were concerned to hire someone whose visa is valid for only a short period of time. Moreover, hundreds of asylum seekers spent days traveling throughout the country and waiting to have their visas renewed – during which time they did not work and were required to spend substantial amounts of money on traveling, believing that this will allow them to be employed.

### **Dismantlement of mutual community support mechanisms as a result of detention of asylum seekers in Holot:**

The asylum seeker community is excluded from national social services and deals with distresses of survival on a daily basis. In the absence of state support, the community developed a network of mutual support of weaker individuals, and there is a great significance in the possibility of community members to support one another, financially as well as socially and mentally.

The almost random detention of many of the asylum seekers in Holot, led to the dismantlement of mutual support and aid mechanisms. For example, the Sudanese community center that operated in South Tel Aviv was closed after many of those who supported its maintenance were detained in Holot. The center

also operated a kindergarten. In some cases the impact is on asylum seeker households that are not necessarily part of the same family. It should be mentioned that many of the victims of torture that arrived in Israel from Sinai in the last few years and suffer from post-trauma and severe difficulty acclimating to the new environment, are unable to financially support themselves and are dependent on their acquaintances, some of which were summoned to Holot.

Many of the asylum seekers who are in Israel suffered harsh and traumatic life circumstances in their countries of origin. Many are also victims of torture and trafficking. Ripping a person from their known environment, depriving them of freedom, limiting their movement and enabling them to work or take part in other consistent activity, all that for an indefinite length of time, is a traumatic experience and threatens the entire community. The biggest threat is to those who are in the midst of mental rehabilitation and treatment. These individuals are exposed and drastically vulnerable to changes. Hence, merely the threat of detention is enough to unravel their mental state and impair their rehabilitation process. Among those turning to ASSAF for services, we recognize an increase in the number of people suffering from anxiety and stress, and who are experiencing diminished functioning capacities as a result of post-traumatic-stress-disorder symptoms linked to absence of stability in their lives due to the fear of being summoned to Holot or separation from family members and friends. As mentioned, fear of incarceration is prevalent in populations that are not yet summoned to Holot facility, such as married men and mothers.

**To summarize, the negative impact of the new policy, mainly operating Holot facility, manifests in several levels and affects the entire Eritrean and Sudanese asylum seeker community. Since the government policy has worsened, operating of the Holot facility and cutting of Interior Ministry offices' operations, one can recognize a new trend of extreme despair and helplessness among community members. Many express uncertainty and anxiety about the future, as well as an inability to control and affect the course of their lives.**

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M. is an asylum seeker from Sudan living in Israel without his family. After arriving to Israel, M. lost his vision as a result of inadequate treatment of tuberculosis, and he is now being cared for by volunteers and ASSAF in the city of Beer-Sheba. Until recently, M. was living with his friends who cared for and assisted him. Since his friends were detained in Holot, he was left without support. The loss of familiar support systems and fear of incarceration has led to deterioration in his mental condition that required psychiatric intervention. With the help of volunteers, he was given a temporary living solution as well as access to medical assistance through "Gesher" mental health clinic. As of today, in the absence of status and access to health and social services available to other people in his condition, and following the loss of his support networks, he is dealing with instability, subject to the mercy of his community and lacking permanent living accommodation.

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