

## **Sudanese Asylum Seekers Living in Israel: Situational Report, October 2020**

**Today there are approximately 6,200 asylum seekers from Sudan living in Israel:**

According to estimates, most of them are survivors of the genocide in Darfur and survivors of ethnic cleansing in the Nuba Mountains and Blue Nile regions. According to the Israeli Ministry of the Interior, there are 5,119 asylum applications from Sudanese citizens still to be examined and considered. Most have been waiting examination for years. To date, only one asylum application that was submitted by a Sudanese citizen has been accepted by the Refugee Status Determination Unit of the Population and Immigration Authority in Israel, and this was only after six legal proceedings.

**Israel refrains from deciding on Sudanese asylum applications:** In fact, the Population and Immigration Authority has contradicted its own opinion paper that it wrote in 2014 in which it stated that Darfuri asylum seekers from Sudan living in Israel should be granted refugee status: In 2014, the Population and Immigration Authority formulated an opinion stating that Darfuri asylum seekers from non-Arab tribes may find themselves persecuted on return to Sudan. And since 2009, most countries in the world have automatically recognized non-Arab Darfuris as refugees, due to ethnic persecution. This opinion has been hidden from the public and the courts for over two years.

**Most asylum seekers from Sudan have been living in Israel without status and without rights for a decade and a half:** For years, Israel has denied Sudanese asylum seekers the ability to apply for asylum; has imprisoned them in Saharonim and Holot; tried to force them to leave to Rwanda or Uganda — which did not grant them asylum; and to this day deprives them of access to health, welfare and social services and imposes taxes and deposits on their employers. For all these years, Israel has refused to examine and decide on their asylum applications.

**Legal proceedings:** Following legal proceedings that assailed the government's delay in deciding on asylum applications, the Ministry of the Interior granted "humanitarian" status (visa A/5 - temporary resident) to some asylum seekers from Darfur, the Nuba Mountains, and the Blue Nile region, but continued to refrain from deciding on their asylum applications. Although humanitarian status entitles them to social security, access to health and social services and a work visa, it is determined according to arbitrary criteria that can easily be revoked and is subject to renewal every year. Today, there are approximately 800 Sudanese

citizens living in Israel who have been granted such status without their asylum applications being examined, which is in direct violation of Israel's obligation under the Refugee Convention.

**Following the Minister of Interior's 2007 decision, during the years 2008-2009, type A/5 temporary resident visas were granted to about 600 asylum seekers from the Darfur region who had arrived in Israel by the end of 2007; this was given as non-binding and without forming precedent but also without examining their asylum applications. In legal proceedings the State has argued that the status granted to these 600 Darfuris is a humanitarian status and not a refugee status. In October 2020, the Israeli Supreme Court ruled that contrary to the State's claim, the government's decision clearly stated that this group held refugee status.**

**In October 2018, the High Court of Justice held a hearing on petitions demanding that the State decide on asylum applications of Darfur refugees.** At the time the State declared that it would stop issuing humanitarian status to Darfur asylum seekers and instead review refugee applications and determine status based on individual applications. In July 2019, even before one refugee status was given, and at the time of the resumption of violent incidents in Sudan, the Minister of Interior informed the Court that despite its previous commitment, it was stopping all examinations of refugee status, at least until stabilization of the regime.

**In September 2020, prior to the Court decision, the State requested a further extension claiming that agreements being formed with Sudan affect the manner asylum applications were to be examined.** The State also admitted that in the two years since it undertook to start examining Darfur asylum applications, it had only heard six applications — none of which were decided.

**It is important to clarify that even when a normalization agreement is reached and even if diplomatic relations are established, it will not "pave the way to resolving the issue of asylum seekers from Sudan" as Israeli sources have stated.** The massacre in Darfur continues and Sudan is not a safe country for those who have fled it. Israel must examine asylum applications under the Refugee Convention and grant status to those who are entitled to it, regardless of the diplomatic relations with the country from which they fled. For example, Sudan maintains diplomatic ties with most European countries, a fact that does not prevent these countries from granting refugee status and complementary protection in high percentages (about 60%) to asylum seekers from Sudan who have reached European borders.

**The situation in Sudan:** Sudan is a country with a long history of military coups, dictatorial authorities, and civil wars. In 2003, following an uprising in the Darfur region against the repressive regime, the government led by President Omar al-Bashir armed militias to fight the rebels — militias who committed horrific crimes including large scale rape, massacres, and genocide against the civilian population. The International Criminal Court in The Hague has issued arrest warrants against the president for his part in the massacre and crimes in Darfur. In April 2019, al-Bashir, who has ruled since 1989, was ousted during a widespread popular protest. During the "changing of the guards," brutal attacks against civilians took place throughout the country and hundreds of people were murdered and injured and masses were brutally raped. In July 2019, a transitional government was announced and elections were scheduled for November 2022, but since then, more violent incidents have continued to be recorded, leading to the displacement of tens of thousands of people from their homes.

**Warming of relations with Israel and its impact on asylum seekers:** As early as February 2020, Prime Minister Netanyahu met with General Abdel Fattah al-Burhan, who is currently heading the Sovereignty Council in Sudan, the country's temporary governing body. The two declared to cooperate with the aim of leading to the normalization of relations between the two countries. Netanyahu stressed that at the meeting the two spoke about deporting Sudanese asylum seekers living in Israel to Sudan, but these statements have not received official validation from Sudan. As mentioned, many countries in the world maintain diplomatic relations with Sudan and have a Sudanese diplomatic mission, and still host Sudanese refugees in their territory due to the rising violence in the region and the dangers that await them in Sudan upon their return. **Even if several positive steps have been taken since the creation of the interim government, the ruling body in Sudan is composed of ex-military and ex-militias who directly took part in the genocide in Darfur, ethnic cleansing and violence in the Nuba Mountains, the Blue Nile and other areas in Sudan and the situation is far from being a safe solution for refugees and displaced persons.**

**The UN warns that asylum seekers cannot be returned to Sudan -** In June 2018, the [UN High Commissioner for Refugees issued an opinion on the issue](#), stating that due to the difficult situation in Darfur, the UNHCR is not encouraging or promoting the return of asylum seekers to Sudan. In addition, the Commission stated that non-Arab tribes (to which most Sudanese asylum seekers in Israel belong), as well as opposition supporters, political activists, and others, are considered at risk groups and have no safe alternative within Sudan —thus, they cannot be returned to Darfur or other areas in the country. In October 2019, the

UN further stated that despite the formation of a transitional government, the situation in Darfur is far from safe or stable.

**The British Home Office warns that asylum seekers cannot be returned to Sudan** - In November 2019, the British Home Office issued a policy document confirming that the situation in Darfur and in all of Sudan for groups who are from Darfur and are not Arabs. Moreover, the document recognizes the complexity of the current political situation in Sudan and the dangers preventing a safe and genuine transition from dictatorial-military rule to democratic rule in Sudan.

**Time has come for Israel to fulfill its role, examine asylum applications of Sudanese according to international standards and grant refugee status to those who are entitled.**

For further details please contact,

Adi Drori-Avraham

Head of Public Advocacy

ASSAF- Aid Organization for Refugees and Asylum Seekers in Israel

[adi@assaf.org.il](mailto:adi@assaf.org.il)