

## Sudanese Asylum Seekers Residing in Israel – an overview – December 2019

Israel is home to about [6,400 asylum seekers from Sudan](#). According to estimates of human rights organizations, most of them are survivors of the genocide in Darfur and ethnic cleansing in the Nuba Mountain and Blue Nile regions. According to statistics of the Israeli Ministry of Interior, as of May 2018, there are 5,119 pending asylum applications of Sudanese citizens, of them about 3,500 requests filed by asylum seekers from Darfur, the Nuba Mountains and the Blue Nile state in Sudan. As of the writing of this update, only one Sudanese citizen was granted refugee status, after a prolonged legal battle.

**Israel avoids issuing determinations on asylum applications filed by Sudanese nationals** – The Immigration Authority did not disclose a legal opinion report formulated by its staff, which found that most Sudanese asylum seekers residing in Israel should be granted refugee status. In 2014, the Immigration Authority issued an [internal legal opinion](#), determining that asylum seekers from non-Arab tribes may face persecution upon returning to Sudan, and that since 2009, most countries around the world have automatically granted refugee status to Darfuris who are not Arabs, due to persecution based on their ethnicity. This opinion was not disclosed for over two years, hidden from the public and even the courts. After the opinion was [exposed](#) in the media, the Director of the Immigration Authority, Yossi Edelstein, stated in a [Knesset hearing](#) that the Immigration Authority never even sent the opinion to the minister of interior.

**Most asylum seekers from Sudan have been residing in Israel without legal status and basic rights for over a decade:** For years, Israel denied them the possibility to file asylum claims; jailed them in Saharonin and Holot; and is denying them health and welfare services, deducts 20% of their pay under the Deposit Law, and heavily taxes their employers. Throughout these years, Israel avoided issuing decision on their asylum applications.

**The legal proceedings** – Following petitions filed against the delays in issuing decisions on the asylum applications, the Ministry of Interior granted temporary residency (A/5 visa) based on “humanitarian grounds” to some asylum seekers from Darfur, the Nuba Mountains and the Blue Nile regions, but avoided making any determination on their asylum applications. This humanitarian status grants them the right to national social security, access to health and welfare services and a

work permit, but this status was granted based on arbitrary criteria, can be annulled easily and is subject to annual renewals. As of today, about one thousand Sudanese citizens received such a legal status without their asylum applications being examined, contrary to Israel's obligations under the Refugee Convention.

**In October 2018**, the High Court of Justice held a hearing on the petitions demanding that the State issue decision on the applications of asylum seekers from Darfur. During the hearing, the State announced that Israel will stop granting humanitarian status to Sudanese citizens, and will instead focus on examining and issuing decision on their individual asylum applications. **In July 2019**, and before refugee status was granted to anyone since that commitment was made in 2018, during the violent repression of protests in Sudan, the minister of interior [informed](#) the High Court of Justice that despite the prior commitment, Israel will entirely halt examining asylum applications of Sudanese nationals, at least until the regime is stabilized in their country. A hearing on the petitions demanding a determination on the asylum applications, which was set to December 2019, was postponed to an unknown date, after a government is formed in Israel.

**The State admits that asylum seekers should not be returned to Sudan due to a real threat to their lives and liberty – and yet refuses to grant them refugee status.**

**The situation in Sudan** – Sudan is a country with a history of military coups, dictatorial regimes and civil war. In 2003, following a rebellion that broke out in the Darfur region against the oppressive military regime, the government of President Omar al-Bashir armed militias to fight the rebels. These militias, known as the Janjaweed, carried out horrific crimes, including rape, massacres and genocide of civilians. The International Criminal Court issued an arrest warrant against al-Bashir for his part in the genocide and crimes against humanity in Darfur, but he is yet to be apprehended. In 2011, South Sudan announced its independence from the Republic of Sudan, which remained under the dictatorial rule of al-Bashir. In April 2019, al-Bashir, who has been in power since 1989, was ousted following a mass popular uprising. During the uprising, forces aligned with the authorities, both under al-Bashir, and afterwards, under the Transitional Military Council attacked protesters and civilians across the country, injuring and murdering hundreds of civilians, and brutally raping many others. In July 2019, a transitional government was announced and elections are set to be held in November 2022.

The senior leaders of the council currently ruling Sudan are military men and militia commanders who played a direct role in the genocide in Darfur, and the ethnic cleansing and violence in the Nuba Mountains, the Blue Nile and other regions across Sudan. The bottom line is that despite several positive steps that have been made by the transitional government, the current institutions at the moment are yet to guarantee a real change in the nature of the regime, which could offer a safe solution for the millions of Sudanese IDPS and refugees worldwide.

**Asylum seekers cannot be returned to Sudan** - Israel and Sudan do not maintain diplomatic relations. Under Sudanese law, the mere entry to Israel, an enemy state of Sudan, is a criminal offense punishable by ten years in prison. In June 2018, the UN High Commissioner for Refugee (UNHCR) published a [legal opinion](#) on the matter, determining that due to the harsh conditions in Darfur, they discourage return of refugees to the area. The UNHCR also determined that Darfuris from non-Arab ethnic groups, as well as opposition supporters, political activists and others are considered to be at-risk groups, and no place is safe for them in Sudan, whether Darfur or any other region. In October 2019, the UN further [determined](#) that despite the institution of a transitional government, the situation in Darfur continues to be unsafe and unstable. In November 2019, the British Home Office published an [information note](#), confirming that Darfuri non-Arab groups face danger in both Darfur and Sudan as a whole. In addition, the report recognizes the complex political situation in Sudan and the precariousness of a real and safe transition from a military dictatorship to democratic rule in the country.

**The time has come for Israel to do its job, examine the asylum applications of Sudanese nationals according to globally accepted standards, and grant refugee status to those entitled to it.**