

Asylum Seekers from Sudan and Eritrea – Situational Report, May 2021

“No Contracting State shall expel or return (“refouler”) 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.”

Article 33 in the International Convention Relating to the Status of Refugees

According to the [data of the Population and Immigration Authority](#) there are currently **28,000 asylum seekers from Eritrea and Sudan residing in Israel (including approximately 21,000 from Eritrea and 6,100 from Sudan)**. Additionally, according to the estimates of the Population and Immigration Authority, there are currently approximately 7,000 children of asylum seekers residing in Israel, most of whom were born in Israel. **Israel recognizes that the lives of these asylum seekers would be in danger if they were to be refouled to their countries of origin, and therefore has refrained from deporting them.** Their residency in Israel is legal and therefore regulated under government policy of non-refoulement to Eritrea and Sudan: The refugees hold type 2A5 visas, which they must renew annually or every six months. **Approximately 10,000 of the adult asylum seekers reside in south Tel Aviv.** The rest reside (in significantly lower numbers) primarily in the cities Ashdod, Eilat, Bnei Brak, Petah Tikva, Jerusalem and Netanya.

Despite the fact that asylum seekers have been living in Israel for nearly a decade – and some of them for even longer – and despite the government’s recognition that asylum seekers would be in danger should they be deported to their countries of origin, **Israel still denies them recognition as refugees; Therefore, their applications for asylum, which have already been submitted, have failed to be reviewed. As of May 2019, over 15,000 applications for asylum, submitted by Eritreans and Sudanese, remain pending; Some of these applications for asylum have been awaiting resolution for many long years.** In the ruling of the Israeli Supreme Court concerning asylum seekers from Darfur, Judge Esther Hayut, President of the Supreme Court, stated that “in the absence of a ruling concerning their applications, asylum seekers are left for many years in a ‘normative fog’, which forces them to a harsh life of uncertainty”.

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Israel's immigration policy in the last 15 years has left asylum seekers in a state of limbo – On the one hand, the state of Israel recognizes the fact that it cannot deport asylum seekers back to Eritrea and Sudan, but on the other hand, Israel does not grant them their basic rights, such as health insurance or social services.

Health: A Policy Endangering the Well-Being and Lives of Asylum Seekers

Israel does not apply the National Health Insurance Law to asylum seekers and as a result they have no access to public health services, except during emergencies or in life-threatening situations. In order to receive treatment, asylum seekers are forced to wait for their condition to deteriorate, since only then will they receive treatment in the hospital's emergency room. Moreover, once their condition stabilizes, they are released from the hospital without further treatment, follow-up or medications. In the absence of financial means, most asylum seekers remain in great financial debts for their hospital treatments. Private health insurances, which are limited for those who are fit for work, do not serve as a satisfactory alternative for asylum seekers, since these insurances exclude their "former medical cases", and since they tend to expire once the asylum seeker stops working or falls ill. Thus, the Covid-19 crisis and its subsequent massive dismissals led to the loss of many private insurance policies among asylum seekers. This naturally led to a halt of ongoing medical treatments, in a way which left many, including chronic patients, without any communal or medical services. **As of today, around 60% of all asylum seekers in Israel do not hold any health insurance.**

[In his 2014 report](#), the State Comptroller of Israel noted that the existing limited access to health services for asylum seekers is inconsistent with the provisions of the Israeli Basic Law: Human Dignity and Liberty, and also with the provisions of the International Covenant concerning economic, social and cultural rights. In the State Comptroller's 2018 follow-up report, the Ministry of Health admitted that the services currently provided for asylum seekers do not meet all their medical needs. **The Ministry of Health also claimed that it has already formulated a subsidized insurance arrangement plan for asylum seekers, which was even presented to the Ministry's Director General; However, further promotion or implementation of the new plan was halted due to political reasons.**

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Social Services: Limited Access to Social Services by the Majority of the Vulnerable Populations

In general, asylum seekers in Israel are ineligible for any benefits or allowances of the Bituach Leumi (Israel's National Social Security), and that despite the fact that they are one of the most vulnerable and poor communities in Israel. Following [the State Comptroller's report from 2014](#) and [a petition submitted to Israel's Supreme Court](#), the social services regarding out-of-home placements for certain groups of asylum seekers who are in at-risk situations were expanded in recent years. These out-of-home placements were made more eligible for women who are victims of domestic violence, persons with disabilities, homeless persons and recognized human trafficking victims. **However, the asylum seekers' access to these services still remains very limited.** Sometimes it is even impossible to make use of the few services that are ostensibly accessible to them due to various barriers such as lack of health insurance. **Except for victims of domestic violence, asylum seekers in general are ineligible for any community social services.** This situation undermines any effort made by those who are most vulnerable among asylum seekers to become rehabilitated, to reduce the support they need and to maintain an independent life. Furthermore, the annual budget allocated by the Ministry of Social Services for assistance to the marginal groups among asylum seekers has been only partially utilized and is even on a downward trend. **In practice, most of the asylum seekers in need of social services and assistance currently receive these services from aid organizations.**

The Covid-19 Crisis has Caused a Deterioration in Asylum Seekers' Condition in Israel

In the past year we have witnessed an increase in the number of asylum seekers applying for aid, including requests for food and baby formula, and that is mainly due to massive layoffs or release for unpaid leave of asylum seekers. Those, who until recently were just barely able to provide for their families, have now joined the circle of persons in need of social assistance and housing – a kind of assistance that Israel does not currently provide them. Unlike laid-off Israeli employees, or those on unpaid leave, laid-off asylum seekers in Israel are ineligible for unemployment benefits or severance pay. As to severance pay, it is ineligible because asylum seekers' severance pay is deposited in its entirety in a deposit fund which becomes eligible only if and when they leave Israel. **The Covid-19 crisis has proven how problematic is Israel's policy concerning asylum seekers, which systematically deprives a whole community of legal status and basic social rights for over a decade.** This community is on the verge of a humanitarian crisis, resulting in an increase in the

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number of persons experiencing homelessness, in high rates of families suffering from nutritional deficiencies, and also in a large number of women drawn to prostitution. Many asylum seekers are still having difficulties overcoming their financial troubles which have worsened during the Covid-19 crisis and many of their families are still showing signs of distress due to the crisis.

Employment: Ongoing Ambiguity is Responsible for Exploitation of Workers

The 2A5 type visa held by asylum seekers does not grant them a work permit; However, as early as 2011, the Israeli government committed before the Supreme Court to refrain from enforcing punitive actions against their employers. This vague non-enforcement policy, incomprehensible from the start, led eventually to exploitation of employees, damaging their ability to earn a decent living, and also raised many difficulties for their employers. Therefore, this non-enforcement arrangement fails to serve as an alternative to an orderly, transparent employment policy.

A proper welfare, employment and health policy for asylum seekers is not only our legal and moral duty – it would also be beneficial in enabling asylum seekers to live in dignity and to disperse freely across the country. Thereby, a new policy would also facilitate their optimal integration into society and would reduce distress and crowding in the neighborhoods in which they live today.

Israel's Asylum System Fails to Function

Throughout the world, asylum seekers from Eritrea and Sudan are recognized as refugees. However, the percentage of asylum seekers that were recognized as refugees in Israel is very low in comparison to other places in the world: **Up to now, only 18 asylum applications from Eritreans and only one asylum application from a Sudanese have been approved (less than half a percent of all applications).** 600 Sudanese from the Darfur region received refugee status (A/5) as a result of the Minister of Interior's 2007 decision, without their asylum applications ever being examined. Also, a few hundred Sudanese asylum seekers from Darfur, the Nuba Mountains and the Blue Nile regions were granted temporary residency (A/5) for humanitarian reasons. These A/5 visas enabled them to procure work permits, health insurance and access to social services – however, this also took place without Israel having examined their applications for asylum. Today there are about 1,000 asylum seekers from Sudan who are living in Israel with a temporary residency visa. This negligence in examining applications and recognizing asylum seekers as refugees is not a mistake made by the state, [but an intentional policy.](#)

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In Europe, approximately **70%** of all Eritrean asylum seekers were recognized by the different states as refugees. If we add the number of Eritreans who were entitled to supplementary protection – such as health and welfare services, social security services, work permits and assistance with employment and with adapting to a foreign language – it seems the percentage of Eritreans recognized in Europe as refugees reaches as high as **90%**. As for the recognition in Europe of asylum seekers from Sudan: Approximately **50%** of them were recognized by the different states as refugees. If we add the number of Sudanese who were entitled to supplementary protection, the percentage of Sudanese recognized in Europe as refugees reaches as high as **60%**.

In April 2021, [Israel's Supreme Court ruled](#) that the state is obliged to determine by the end of 2021 in the case concerning the recognition as refugees of 2,500 asylum seekers from Darfur, the Nuba Mountains and the Blue Nile regions, who have submitted their applications before the 11th of June, 2017. If the state fails to do so, or otherwise establish a comprehensive policy concerning those asylum seekers, they will automatically be granted temporary residency (A/5). In their ruling, the judges mentioned the state's procrastination in examining the asylum applications: "Not only was there never established an organized policy concerning the examination of asylum applications [...] the few decisions that were made concerning those asylum seekers indicated an atmosphere of randomness and arbitrariness, which only deepened the feeling of frustration. This in turn worsened the situation for the applicants from Darfur, whose cause seems to drag on and on".

The Situation in Eritrea: Eritrea is an oppressive dictatorship, second only to North Korea, which is restricting the basic freedoms of its citizens and is instituting compulsory military service for an indefinite period. The military service in Eritrea involves hard labor, exploitation, corporal punishment and even sexual abuse. The UN High Commissioner for Refugees has [explicitly stated](#) that, in view of the ongoing human rights violations in Eritrea, the vast majority of Eritreans living in Israel cannot return safely to their home country.

The Situation in Sudan: On April 11, 2019, President Omar al-Bashir was ousted, following a widespread popular protest, and the military has seized power in Sudan. Senior members of the military council are military personnel and militia commanders, who bear direct responsibility for the genocide in Darfur and for the ethnic cleansing and the human rights violations in the Nuba Mountains, in the Blue Nile region and in other areas in Sudan. Since April, 2019, the military regime

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has carried out violent attacks on civilians across the country, in which hundreds of people have been injured and murdered, and many others have been brutally raped. In July, 2019, the formation of a transitional government was declared and elections were scheduled for November, 2022; However, [additional violent incidents](#) have continued to occur since then, leading, among other things, to the displacement of tens of thousands from their homes. As of today, the situation in Sudan is far from safe for refugees and displaced persons.

Diplomatic Agreement with Sudan does not Allow the Deportation of Asylum Seekers

In October 2020, the establishment of a diplomatic agreement between Israel and Sudan was declared. However, it is important to note that this does not allow the deportation of asylum seekers back to Sudan. **Israel must examine asylum applications according to the Refugees Convention and grant status to those who are entitled to it, regardless of diplomatic relations with the country from which they fled.** In January 2021, the Director of the Population and Immigration Authority of Israel, Prof. Shlomo Mor-Yosef, [announced that the deportation of asylum seekers back to Sudan is not on the agenda](#). It should also be noted that many countries around the world maintain diplomatic relations with Sudan, and some even hold Sudanese diplomatic representation – And yet, they host Sudanese refugees in their territory, mostly due to the rising violence in the region, and to the dangers that await the refugees should they return.

Outline Agreement of the UN High Commissioner for Refugees

On April 2, 2018, after [the deportation plan of asylum seekers to Rwanda and Uganda collapsed](#), the Israeli Prime Minister and the Minister of the Interior held a press conference, during which it was conclusively declared that Rwanda does not recognize the agreement plan, and that it is not possible to forcibly deport to Rwanda asylum seekers from Israel. Instead, it was announced that [a new agreement](#) was signed between Israel and the United Nations High Commissioner for Refugees, which aims to resolve the "refugee crisis" in Israel. According to the new outline agreement, it was agreed that some 16,500 Eritrean and Sudanese refugees would be resettled in Western countries, while another 16,500 would receive a temporary humanitarian status, allowing them to work and receive social rights. However, less than a day after the announcement of this outline, which had clear benefits for the State of Israel, the Prime Minister announced the [cancellation of the new agreement](#) due to pressure from right-wing elements in his government.

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The cancellation of the UN outline means that all asylum seekers remain in Israel, while still being deprived of their basic rights. It also means the cancellation of the investment of hundreds of millions of shekels in the rehabilitation of the south Tel-Aviv neighborhoods which was promised if the outline agreement was to be carried out. The UN High Commissioner for Refugees in Israel [announced in December 2019](#) that the outline was – and still remains – the best way to proceed in the matter. However, instead of establishing a fair and worthy plan for the voluntary dispersal of asylum seekers in the country and their integration, **the State of Israel has chosen to continue neglecting them, as well as neglecting the rehabilitation of the south Tel Aviv neighborhoods – where most of the asylum seekers were driven into, from their time of arrival in Israel, more than a decade ago.**

In conclusion, instead of using asylum seekers as a tool for division and sedition – and instead of exploiting the true distress of the residents of south Tel Aviv, as a means for confronting the Israeli judicial system – it is time to adopt the [already existing solutions](#) which are humane, practical and worthy.

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