

Asylum Seekers from Africa: Situation Report June 2022

The approach towards foreigners in need of protection in Israel

No comprehensive, just solution for asylum seekers from Eritrea, Sudan and Congo has been implemented in the past year. At the same time, this year, a new refugee group was formed in Israel: war refugees from Ukraine. The policy implemented so far towards Ukrainian refugees is indeed immeasurably better than the one implemented towards refugees from Eritrea and Sudan in the period after their arrival in Israel. The actions taken by some government ministries and many Knesset members for (some) refugees, deeming them as entitled to aid, is admirable.

At the same time, certain aspects of the policy implemented towards Ukrainian refugees have shed light on many of the dark corners in the State of Israel's approach towards foreigners in need of protection. Refugee entry was restricted by various and varying quotas and barriers. Those who were denied entry suffered from the harsh conditions at the Yahalom Detention Center and from limited access to appeal proceedings. Due to the new demand to fill a request form prior to boarding an aircraft to Israel, hundreds of asylum seekers were denied entrance and access to appeal proceedings.

Those who managed to enter Israel were granted a temporary "tourist" visa. Instead of granting the refugees work permits, a "non-enforcement" policy was announced regarding their employment (just like the "temporary" policy announced for asylum seekers from Africa as early as January 2011, which is still in effect today). In general, the policy implemented towards them is devised ad hoc, with frequent changes and without any baseline in law or procedure and produces a distinction between different groups. While all Ukrainian citizens residing in Israel are protected from deportation, only some enjoy certain rights and assistance. The help center established by the Ministry of Welfare is only officially catering for those who entered Israel after February 24, 2022.

The decision of the District Court of 16.5.2022, made in the case of two Ukrainian citizens who entered Israel before February 24th, states: "Once the state believes ... that protection should be granted to Ukrainian citizens, even temporary protection under the non-expulsion policy, the state is obligated to offer a solution allowing applicants basic livelihood, while the group protection, or the non-expulsion policy, is in effect. It is unacceptable that a person will starve and have no roof over their heads, and the only solution for them would be illegal employment or leaving for another country." These words are also true concerning asylum seekers from Africa, who have been living here for over a decade. They are protected from deportation but denied rights.

Legal Status

After more than a decade of residing legally in Israel under the official group "non-expulsion" policy, it is time to regulate the status of asylum seekers from Africa, known as "non-deportable foreigners" by some state authorities, and grant them resident permits. A situation in which men and women are left in a temporary status for so many years is disastrous for these men and women, extremely unusual among Western countries and undesirable for Israeli society as a whole.

The asylum requests fiasco has continued into 2022. The few asylum seekers who were granted temporary resident status only received it because the Supreme Court recognized the consequences of that fiasco. In December 2021, the deadline set by the court for the state to examine the asylum applications of Sudanese people submitted before June 2017 expired. Due to this, the court ordered for them to be granted a resident visa, A5. Those who received the visa are taken off the periodic list of "infiltrators" published by the Ministry of the Interior, so the list currently includes 3,788 people from Sudan and 20,479 from Eritrea.

The Minister of the Interior recently announced the removal of the group protection from about 400 Congolese citizens living in Israel, some of them for over twenty years. In a petition filed against the decision, the court issued an interim order and now asylum seekers from the Congo are awaiting a decision, with uncertainty and fear. In a discussion held on the subject in the Knesset's Interior Committee, a senior Population Authority official casually noted that their asylum applications had not been examined for decades because they were protected from deportation anyway.

In the absence of a fair examination of asylum applications, and with no resident status, asylum seekers are protected from deportation but deprived of their rights. Thus, instead of their status and rights being regulated and clarified, the policy towards them is patchy, requires ad hoc solutions from government ministries and authorities and causes damage and confusion in all areas: health, welfare and social security, education, and employment. These damages accumulate exponentially, and today, after 10 to 16 years of living without regulated status and rights, the economic, physical, and mental condition of many asylum seekers is distressing.

We call on the Ministry of the Interior to grant a resident visa to non-deportable foreigners who have lived here for many years and to fundamentally repair the asylum system so that asylum applications are examined fairly and efficiently.

Health

One year ago, the Minister of Health announced that he intended to act to apply a public health insurance arrangement for non-deportable adults. The move has not yet been completed and full details remain unknown. If and when the arrangement will enter into effect, it will have to address the most vulnerable of asylum seekers, who after more than a decade of neglect and denial of rights will find it difficult to meet high participation fees, including single mothers, the elderly, people with disabilities, homeless persons, victims of domestic violence, people with illnesses and victims of trafficking and torture.

Today, in the absence of a public insurance arrangement, the health services available to asylum seekers are far from adequate. They have no access to public health services except in emergencies, to hospital emergency rooms. After receiving treatment in the emergency room, they are released without further treatment, rehabilitation, follow-up, or medication. At the same time, they are accumulating debt to the hospitals for the emergency room treatment. Private insurances, which are conditional on employment, only include partial coverage and are terminated upon termination of employment. Thus, M., who needed radiation and surgery due to cancer and A. who needed chemotherapy, had to knock on doors, try to raise donations and live with a constant doubt whether they will be able to get the lifesaving treatment they need.

We call on the Ministry of Health to implement the public insurance arrangement as soon as possible and to ensure that the arrangement addresses the most vulnerable among asylum seekers - both in terms of the services and the costs.

Minors who are children of asylum seekers are insured under the "Meuhedet Arrangement for the Provision of Health Services to Children of the Foreign Community." However, during the Covid 19 crisis, many families accumulated debt to the health provider and found it difficult to cover it at the same time as paying the current insurance premiums. Meuhedet has recently begun denying children whose parents have accumulated debt medical services, and dozens of children, especially those suffering from chronic problems or special needs, are not receiving proper medical care despite being insured.

We call on the Ministry of Health to formulate a systemic solution to deal with debt accumulated during the years of the Covid 19 crisis, in a way that will prevent harm to hundreds of insured minors and allow them to have regular and full access to health services.

Social Security

Asylum seekers are generally not entitled to social security allowances (excluding foreign worker allowances) or to community-based welfare services. In recent years, following the State Comptroller's report from 2014 and a petition submitted to the Supreme Court, the possibility of placing three groups in welfare institutions was partially opened. These three groups are victims of domestic violence, people with disabilities and homeless persons. The deficiencies of institutional solutions (which are hardly ever implemented regarding asylum seekers due to various barriers) are well known. The trend in the Western world is to close these establishments and exchange them for community-based services.

Last year, the Ministry of Welfare announced that the community centers for prevention of domestic violence will open to asylum seekers. This is a welcomed step and the first community-based service opened to asylum seekers, but the harms of the patchwork policies, implemented separately instead of a comprehensive regulation of their status and rights, are revealed also here. Our recent enquiries reveal that not all centers are implementing the directive. In some cities the centers still do not admit asylum seekers.

Asylum-seeker women who are victims of violence, and asylum seeker women in general, are especially vulnerable to the harms of the exclusion policy towards asylum seekers. Most asylum seeker women in Israel are mothers and many of them are single mothers. Most work in low-wage jobs, mostly cleaning. They are not entitled to mother benefits such as income tax credits and child allowance, nor to single-mother benefits such as alimony, income support benefits, rent assistance and more. Many single-mother asylum seekers experience severe distress and extreme poverty. Many of them share a living space with others, and the lack of their own safe space leaves them and their children vulnerable to harm and exploitation. Asylum-seeker children have been eligible for welfare services since 2016, but their parents' distress and their constant struggle for survival have left their marks on the children by now.

The Covid 19 crisis has demonstrated the harms of the decade-long exclusion policy towards asylum seekers. With the outbreak of the pandemic and the first quarantines,

asylum-seeker communities reached the brink of a humanitarian crisis. The number of homeless persons increased, the rates of food insecurity skyrocketed, and more than few women were pushed into the cycle of prostitution. Many asylum seekers still find it difficult to overcome the severe economic hardship and debt accumulated during the Covid years. The grave consequences of the crisis are still evident in many families.

We call on the Ministry of Welfare to open the social services departments in the local municipalities to asylum seekers and to give the departments the means and resources to provide asylum seekers with community-based services and aid. We call on the Ministry of Welfare and the National Insurance Institute to act towards providing asylum seekers access to benefits, and to the very least to those who need them the most - the elderly, single mothers, and people with disabilities.

Education

There are as many as 8,000 children of asylum seekers living in Israel, most of them of primary and pre-school ages. Those who are a little older have experienced firsthand the escape from their country and the long and traumatic journey to Israel. Even those who do not remember the journey, or who were born in Israel, sometimes suffer from an "intergenerational transfer" of their parents' trauma. In addition, the children of asylum seekers are affected by the difficulties their parents face as a result of the denial of their rights and the manner in which they are pushed out to the social and economic margins of Israel.

With the above background, many asylum-seeker children get to the Israeli education system with significant pedagogical and developmental gaps, which often also stem from their time in the illegal childcare facilities known as "babysitters". Like any child with immigration background, and especially when this background intersects with other difficulties such as poverty or trauma, they need increased assistance which they do not receive. In addition, local authorities often refuse to enroll children of asylum seekers in educational institutions and / or force them to study in separate settings, without any Israeli children.

Separated education is particularly noticeable in the city of Tel Aviv-Yafo. Most children of asylum seekers living there are concentrated in separate preschools and schools. Separation constitutes illegal discrimination and impairs the ability of asylum seekers' children to overcome developmental and educational gaps. It contributes to the sense of alienation of the children and their parents, leaving them exposed to manifestations of racism and increasing the risk of them dropping out and adopting dangerous behaviors.

The first children of asylum seekers to be born in Israel will reach the age of 16 this year, the age at which citizen children receive an Identity Card and begin to plan for their future. Israeli society has a clear interest and a legal and moral obligation to do everything in its power to repair the damage of the limbo that has accompanied them since their birth here in Israel and to give them a truly equal opportunity.

We call on the Ministry of Education to allocate resources to integrate the children of asylum seekers into the education system and to ensure that no local authority maintains separate schools.

Economic and bureaucratic exclusion

Asylum seekers in Israel are prone to severe economic hardship. Their visa (a visa under section 2A5 of the Entry into Israel Law) is a temporary one, requiring frequent renewal, and does not constitute a work permit, even though their employment is permitted. This limbo situation creates ambiguity and exposes asylum seekers to exploitation by employers, apartment owners and others.

Over the years, measures have been taken against asylum seekers, explicitly intended to harm them financially. The most widely known measure is the "Deposit Law" which was partially annulled by the Supreme Court. Two years after the ruling, many asylum seekers have yet to get their money back. Some of the employers took the money instead of depositing it in the deposit fund. Others' money has been deposited in the fund, but they are unable to withdraw it because they are unable to open a bank account. In general, the access of asylum seekers to banking services and means of payment is very limited.

Many occupations, such as those that require education, professional licensing, a driver's license, or even a player card in a football association, are not an option for asylum seekers. In fact, life with a 2A5 visa is a bureaucratic maze of multiple "no-entry" signs. The list of things that cannot be done with 2A5 is endless, which significantly limits their ability to make a living, save money or make use of their money.

We call on the Ministry of the Interior once again to grant temporary residence permits to non-deportable foreigners who have lived here for many years. This will remove the many bureaucratic barriers that asylum seekers face and allow them to live with dignity, until their status is regulated or until they are able to leave the country safely.

Needed: A Change

Dysfunctional asylum system, economic exclusion, temporary status, constant instability, lack of access to adequate health services and lack of welfare support are like cobwebs woven together into a trap. The few asylum seekers who manage to get out of the webs and stabilize their situation are constantly drawn back in because many women and men from their community need their help.

A true and complete escape from the webs is almost impossible in the current situation. Only a significant change in the policy of the State of Israel towards asylum seekers will allow it.

For further information: Dr. Shani Bar-Tuvia, Refugee Rights Forum, 0524336487, shani.refugeeforum@assaf.org.il.