

## PROTECTION OF REFUGEES AND ASYLUM SEEKERS' RIGHTS IN ISRAEL

### Status Report October 2022

#### Eritrean and Sudanese Refugees and Asylum Seekers

##### Access to Refugee Status

According to figures presented in July 2022 by the Population and Immigration Authority, as of 30 June there are 26,159 African asylum seekers in Israel, the vast majority are from Eritrea (19,984) and Sudan (3,651).<sup>1</sup> Referred to only as "infiltrators" in Israeli legislation, Sudanese and Eritrean refugees and asylum seekers live in Israel, some close to 16 years, under a "non-return policy" which prevents deportations to home countries and grants temporary stay permits, pursuant to Article 2(a)(5) of the Entry into Israel Law.

The percentage of asylum seekers that were recognized as refugees in Israel continues to be very low in comparison to Europe (less than 0.5% in Israel as opposed to about 70% of recognized Eritrean refugees and about 50% recognized Sudanese refugees in Europe). The State of Israel has so far formally recognized approximately 20 Eritrean nationals as Convention Refugees. As to Sudanese nationals, on 13 October 2020, the Israeli Supreme Court ruled that 600 Sudanese nationals who were granted special protection in 2007 were in fact Convention Refugees. To the best of our knowledge one Sudanese national had been given refugee status by the state of Israel so far. Following another petition<sup>2</sup> close to 2,500 Sudanese asylum seekers from conflict areas (Darfur, the Nuba Mountains and the Blue Nile region) were granted an A5 temporary residence permit.

On 18 October, 2022, the Minister of Interior, Ayelet Shaked, [announced](#) that according to a study conducted by the Population and Immigration Authority, Sudanese asylum seekers are no longer persecuted in their country of origin and can safely return to Sudan from Israel. According to the Minister's announcement the study was handed to the

<sup>1</sup> Figures as of July 2022 (in Hebrew)

[https://www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/zrim\\_q2\\_2022.pdf](https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/zrim_q2_2022.pdf). It should be noted that the number of Sudanese asylum seekers has decreased significantly due to a High Court of Justice (HCJ) decision (4690/18 Tagal and others vs. the Minister of Interior and others (April 25, 2021)), according to which a deadline was set for the state to examine about 2,500 Sudanese asylum applications, which were filed prior to June 2017 by individuals who have fled Darfur, the Nuba Mountains and the Blue Nile region. The HCJ ordered that these 2,500 asylum seekers be granted an A5 temporary residence permit if their asylum applications were not decided upon until December 2021. Since the State did not meet the deadline, this group of Sudanese citizens received an A5 residence permit and were taken off the periodic list of "infiltrators" published by the Mol.

<sup>2</sup> See footnote 1.

Ministry of Foreign Affairs and Israel's National Security Council in order to formulate their opinion on the matter. ASSAF - Aid organization for Refugees and Asylum seekers in Israel (hereinafter: ASSAF - Aid Organization for Refugees) and partner human rights organizations are closely following this disturbing latest development and demands to publicize the said study have already been referred to the MoI.

### Access to Employment

The 2(a)(5) visa held by most refugees and asylum seekers from Africa does not grant a work permit. The Israeli government however, has declared that it would refrain from enforcing punitive actions against their employers. This refusal to issue explicit work permits exposes refugees and asylum seekers to abusive employment and exploitation as well as to survival sex and human trafficking.

On 30 June, 2022, the Minister of the Interior published [a new regulation](#) which states that refugees and asylum seekers that hold the 2A5 visas are restricted to work in only four forms of employment: hotels, construction, agriculture, and institutional nursing. Those who worked in a restaurant up to June 2022 will be allowed to continue their work. Any asylum seeker who does not fall into those permissible forms of employment will have to look for a job located outside the 17 cities listed in the regulation. These 17 cities are where most asylum seekers in Israel live.

This new regulation, which will come into effect for most refugees and asylum seekers on 1 January 2023, is a continuance of an abusive policy and is expected to lead to their material deterioration. The "strongest" of them, including the few who managed to reach more lucrative and stable jobs, will lose their livelihood while the most vulnerable, some of whom cannot work in the four types of physical work allowed by the regulation, will suffer not only from unemployment but also from an increased risk of abusive employment and exploitation, including exploitation for trafficking and survival sex.

The regulation is not limited in time and therefore is expected to seriously harm young people too, as every child whose parents are asylum seekers, even if they were born in Israel, will know that the day after high school graduation they would have to work in construction, a nursing home, or a hotel, or will be forced to leave their city.

On 21 July, 2022, the MoI announced that the regulation will also apply to Ukrainian refugees.

[A petition against the Mol's decision was filed](#) by several asylum seekers and human rights organizations, including ASSAF - Aid Organization for Refugees and is pending (as of October 2022).

### Access to Social Services

The current group protection policy (non-return policy), despite being in force for over a decade, does not entitle African refugees and asylum seekers to social security benefits and hardly to any social services. It should be noted that although almost all Covid-19 restrictions in the public domain were cancelled in 2022, many refugees and asylum seekers still find it difficult to recover from the severe economic hardship created by the pandemic as is reflected in the increasing number of homeless people, the high rates of food insecurity (about 85%), the rates of women being forced into survival sex<sup>3</sup> and the increasing severity of anxiety symptoms and rates of suicidal ideation among women within the community.<sup>4</sup>

According to the Ministry of Welfare and Social Affairs' policy only three groups of vulnerable asylum seekers are entitled to limited social services: women victims of domestic violence, persons with disabilities and homeless persons (Director General [instruction No. 168](#) (in Hebrew)). According to this policy, these groups will be catered to almost always by emergency out-of-home placements alone (shelters for women victims of violence and institutions for persons with disabilities and homeless persons), instead of community-based solutions that could prevent escalation and allow these vulnerable people to maintain their home and community lives.

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<sup>3</sup> **State Department's Annual Trafficking in Persons Report** (July 2022), 306 "Economic distress among women in this population, especially Eritrean women, greatly increases their vulnerability to sex trafficking. Approximately 400 female asylum-seekers engaged in survival sex prior to the pandemic; the government estimates that figure tripled during 2020."

<sup>4</sup> Blay Benzaken, Y., Zohar, S., Yuval, K., Aizik-Reebs, A., Gebremariam, S. G., & Bernstein, A. (2022) COVID-19 and mental health among people who are forcibly displaced: the role of socioeconomic insecurity. *Psychiatric Services*. <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.202200052> This is a study conducted by the University of Haifa in collaboration with ASSAF - Aid Organization for Refugees on the impact of the pandemic crisis and the lockdowns on the mental state of asylum seekers in Israel. The study shows a significant increase in the severity of anxiety disorders among this population, as well as a significant increase in suicidal thoughts among women within the community. Moreover, during the pandemic, a close correlation was found between the socioeconomic insecurity that the asylum seekers were in and an increase in the severity and frequency of symptoms of anxiety, depression, post-traumatic stress disorder, and suicidal thoughts. The results of the study are consistent with the growing evidence of the existence of a mental health crisis among the asylum seeker community related to the government's policies in the management of the pandemic and residential status policies.

Moreover, even these limited emergency services are only partially implemented: often institutions refuse to admit disabled or homeless asylum seekers as they have no health insurance.

Furthermore, on 3 July 2022, a new law regarding welfare services to people with disabilities was published (Welfare Services for People with Disabilities Law, 5782-2022). The new law lists among its goals the anchoring of the right of a person with a disability "to an independent and autonomous life and his freedom... [and]... to his equal and active participation in society and the community" (Section 2). However, according to the law it will only apply to residents as defined in the National Insurance Law. This means that the new law excludes from its scope without reservation all those who are not "residents", including refugees and asylum seekers who have been lawfully living in Israel under group protection from deportation for more than a decade.

Without access to social security benefits and with MoWS's Instruction 168 being almost the only social response to the needs of the vulnerable asylum seekers – in practice, most refugees and asylum seekers in need of welfare and social services receive them from aid organizations.

In 2021 MoWS announced that it will provide women refugees and asylum seekers access to Domestic Violence Prevention Centers which provide rehabilitation services throughout the country to women who are at risk of suffering from domestic violence. From information gathered by ASSAF - Aid Organization for Refugees, as of October 2022 some Centers have become accessible to this group of women while others have still not opened their gates to refugee and asylum seeker women.

Furthermore, although in November 2021 Israel has [announced](#) that it intends to adopt the Istanbul Convention (Convention on preventing and combating violence against women and domestic violence), it has retracted and in June 2022 [announced](#) that it will not adopt the Convention.

As to torture survivors, Israel continues to deny rehabilitative care to around 4,000 refugees and asylum seekers who are survivors of torture in the Sinai Peninsula prior to their entrance to the country. This, contrary to Israel's obligation under Article 14 of the UN Convention against Torture (as previously observed by the UN Committee against Torture in 2016, see [CAT/C/ISR/CO/5, 49](#)). In 2018 Israel's Ministry of Justice launched a limited mapping project to examine the needs of around 200 of the most acute cases of torture victims among refugees and asylum seekers. However, although the project's recommendations were approved and 4 million NIS were allocated at the beginning of

2022 for that year (about 2 million NIS to MoWS and close to another 2 million to MoH), as of 28 October, 2022 the project has not yet been launched.

It should be noted that because this group of people has gone without any form of rehabilitation for more than a decade - with no suitable support to help deal with PTSD and other effects of the abuse that they have endured - their ability to continue facing the ongoing instability and hardship in Israel deteriorates. As the years go by, with no rehabilitation, they become more vulnerable, physically and emotionally, and they are often less able to support their families and themselves and more susceptible to further abuse.

MoWS's Director General's Directive No. 100 for at-risk children and their families grants access to social services to at-risk children of refugees and asylum seekers. However, since neither the children nor their parents are entitled to social security benefits, including child allowances and disabled child allowances, and since the parents themselves are not entitled to most social services, at-risk families are not entitled to receive the full, holistic services that families with civil status receive. Naturally, the absence of such services to the family unit directly affects the children.

### Access to Health Services

Adult refugees and asylum seekers are not eligible for public health services and therefore are denied access to health care or medical treatment, except in emergency situations. In the absence of health services and preventive treatment, they arrive at hospital emergency rooms when their condition is critical and requires urgent care. Since they are not eligible for public health services, their access to mental health services is very limited and consists only of one public clinic located in Tel-Aviv.

In August 2021 the Ministry of Health published a statement according to which it intends to formulate a public health insurance scheme for adult asylum seekers that will enable them to receive regular and continuous health services. As of October 2022, such a scheme has not yet come into effect. Furthermore, even if such a scheme comes into effect it is not clear whether the most vulnerable groups of refugees and asylum seekers - single mothers, people with disabilities, homeless persons, torture and trafficking victims etc. - will be able to join the scheme through discounts and subsidies.

Children of refugees and asylum seekers are entitled to subsidized health insurance which provides access to national health services, but vulnerable parents, such as single mothers or families with both parents unable to work, are unable to pay the subsidized insurance fees for their children. Many parents have stopped paying their children's insurance since

the Covid-19 pandemic and debts that have been accumulated are estimated at a few million NIS. Many children are therefore at risk of being prevented from receiving adequate health treatment.

### Access to Education

Children of African refugees and asylum seekers, the vast majority Israeli-born, continue to live in Israel without a cohesive legal identity until the age of 16, and there is no one formal census to determine how many of them live in Israel. According to PIA (Population and Immigration Authority) as of June 2022 there are 8,252 children of Eritrean and Sudanese citizens, most of whom are below the age of 10.

The children are entitled to be fully integrated into Israel's education system. However, the Law of Compulsory Education in Israel only applies to children over three years old and therefore, due to the shortage in affordable nurseries, the migrant and refugee communities have created their own unregulated "nurseries" for babies and infants, known as "babysitters" or "child warehouses". They are run by staff untrained to care for children or to run educational facilities. According to a research report published by the School of Psychological Sciences at Tel Aviv University, "the outcome of an extended stay in facilities in which the deficiencies are so severe, causes serious and prolonged developmental harm in a large proportion of infants."<sup>5</sup>

When children turn three years old they enter the Israeli national education system. However, many of them start pre-school lagging, on average, two or even three years behind children of Israeli citizens of the same age, largely because of the time they spent in unlicensed facilities ("babysitters"). This results in severe difficulties in many areas, such as lack of motor skills and delayed language development.<sup>6</sup>

In addition, some municipalities in Israel, including Tel Aviv Municipality, systematically segregate between children of refugees and asylum seekers and children of Israeli citizens in schools and pre-schools although this is prohibited under Israeli law. Segregation is not only illegal, it also makes it more difficult for the children to close developmental and academic gaps, and further exposes them to racism directed at them in public spaces. As a result, in 2022 incidents of racist remarks, graffiti and public shaming online by anti-refugee activists continued. Many of them had taken place in and around the vicinity of

<sup>5</sup> Research report: Mapping out developmental conditions in the 'child warehouses', p. 13-15. <https://law.acri.org.il/he/wp-content/uploads/2016/02/babysitters-report0116.pdf> (in Hebrew)

<sup>6</sup> ASSAF - Aid Organization for Refugees & the Garden Library "Children of asylum seekers in Israel: mapping of key educational issues and needs" <http://assaf.org.il/en/sites/default/files/Children>

segregated kindergartens and schools in Tel-Aviv, and were intended to harm and shame the children.

A petition against the segregation in Tel-Aviv's education system was filed in August 2021 by Israeli and refugee parents as well as ASSAF - Aid Organization for Refugees and other civil rights organizations. On the 26 July 2022 [the petition was rejected](#)<sup>7</sup>. An appeal to Israel's supreme court is due to be submitted in November 2022.

### **Congolese Refugees and Asylum Seekers**

On 6 April 2022, the Minister of the Interior announced the removal of the group protection from about 400 Congolese citizens living in Israel, many of them for over twenty years. Following a petition against the decision filed by several asylum seekers and human rights organizations, including ASSAF - Aid organization for Refugees, minors and their nuclear families were excluded from the removal of group protection. The MoI also made a commitment to undertake a "more careful" examination of asylum requests of those who came from the conflict zones in the DRC, including a commitment not to deport to the conflict zones at all. The decision to cancel the group protection will enter into force 3 months from the date of the court's ruling in the petition (8 December 2022), instead of 30 days given in the original decision.<sup>8</sup>

Access to employment, social and health services and education - see above relevant paragraphs regarding Eritrean and Sudanese refugees and asylum seekers.

### **Ukrainian Refugees and Asylum seekers**

Ukrainian citizens fleeing the war started arriving in Israel at the end of February 2022. Their entry was restricted by various quotas and barriers.<sup>9</sup> Those who managed to enter Israel were granted a temporary tourist visa which is since then renewed every month or two. From 24 February until August 2022, about 29,000 Ukrainians entered Israel - mostly women and children - half of them left the country during this period. Israel has granted Ukrainian citizens - both those who arrived in the country since the war broke out and those who were in Israel before (about additional 15,000) - temporary group protection from deportation.

<sup>7</sup> Reg. 7240-08-21 Brown (minor) et al. v. Tel-Aviv-Jaffa Municipality and the Ministry of Education

<sup>8</sup> Administrative petition (Jer. District court) 7436-05-22 HRM and others vs. the Minister of Interior and others (ruling 8 September 2022)

<sup>9</sup> The information in this summary pertains only to Ukrainian citizens who are not eligible for Aliya (i.e., to immigrate to Israel and receive citizenship due to ethnic Jewish origin) according to Israel's Law of Return, 5710-1950.

Up until May 2022, all Ukrainian citizens who entered Israel after February 2022, were forbidden from working. In May, the MoI declared that it will not enforce measures against employment of this group. This policy does not constitute a permit to work but is rather the state's declaration to temporarily overlook the issue – thus, still leaving the refugees in a state of uncertainty. This uncertainty intensifies as Ukrainians' tourist visas are prolonged on a monthly basis only. Israel's refusal to issue work permits together with its refusal to issue tourist visas for more than a per month period increases Ukrainian refugees' vulnerability - mostly female refugees' - to exploitation, survival sex, human trafficking and slavery. ASSAF - Aid organization for Refugees is already receiving dire reports from this community, concerning lack of food amongst families, offensive and illegal employment of its members, exploitation and attempts at turning female members to prostitution.

Following their arrival in Israel, a special "Order of the Hour" humanitarian support center was established by the MoWS for Ukrainian refugees. This humanitarian support included mainly food vouchers and urgent medical treatment. As for housing, one of the conditions for the entry of war refugees from Ukraine to Israel was the existence of an Israeli host who will host the refugee in his/her home during the refugee's stay in the country. Alternative housing assistance is hardly provided and when they are it is for up to 30 days from entering the housing - in accordance with the duration of the visa.

As of October 2022 - 8 months since the first war refugees arrived in Israel - their needs are increasing, and the limited aid Israel provides is decreasing. According to Ukrainian refugees' reports even the little support that was given in the first months after arrival - mostly food vouchers - has ended. ASSAF - Aid organization for Refugees has been receiving reports of refugees who are not sure when they will be able to buy food and of mothers skipping meals for the sake of their children, alongside a growing uncertainty and distress. As to medical care, after eight months and with the end of the war not in sight - the urgent medical treatment which Israel provides to the war refugees is not sufficient as other medical conditions, such as chronic illnesses, various disabilities, etc., need tending.

Furthermore, there is evidence of a growing need for housing solutions as many Israeli hosts can no longer host the refugees in their apartments and because the stay permits (visas) refugees are given are short-termed, making it difficult to rent an apartment or find a job. Even the housing solutions provided by the state to a few of the most vulnerable ones (the elderly, sick and disabled) have an imminent expiration date - with the expiration of the short-term visa. Thus, even those who receive housing assistance are in



severe uncertainty knowing that within a month they may find themselves again in the same danger of eviction without alternative housing.

Ukrainian children - it is estimated that about 5,000 children have arrived in Israel since 24 February 2022. In May, the Ministry of Education declared that children who have been staying in the country for 3 months are entitled to register to the state's education system. However, as of October 2022, the number of Ukrainian children who have started attending school remains low, [estimated at 10% of the total school-aged children](#).