

Refugees from Africa: Situation Report December 2022

The approach towards foreigners in need of protection in Israel

The past year offered no comprehensive, just solution to nearly 25,000 refugees from Eritrea, Sudan, and Congo. At the same time, a new group of refugees was formed in Israel in 2022 - refugees of the war in Ukraine, fleeing bombings and Russian persecution. The aid that the latter have received was more generous than the aid granted to refugees from Eritrea and Sudan when they first arrived in Israel. The actions taken by some government ministries and many Knesset members for (some) refugees, deeming them as entitled to aid, was admirable.

However, 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. The entry of refugees was limited by the Ministry of the Interior (MoI) with various and changing quotas and barriers. Since these barriers were officially lifted, the number of people denied entry to Israel has actually grown. Those refused entry suffer from the harsh conditions at the Yahalom detention facility, limited access to appeal procedures and complete lack of access to the asylum system. Those who do enter receive temporary tourist visas that are extended for short periods each time. Instead of providing war refugees with work permits, a "non-enforcement" policy was announced regarding their employment (similar to the "temporary" policy that was announced towards refugees from Africa back in January 2011, and is still in effect today).

The policy towards Ukrainian refugees is all patchwork, created ad hoc, with frequent changes, without any laws or regulations. It creates distinctions between different groups within the population of refugees. Thus, while all Ukrainian citizens staying in Israel are protected from deportation, only some of them enjoy certain rights and aid. The Ministry of Welfare's (MoW) "Tsav Hashaa" hotline only officially assists those who entered Israel after 24/2/22 and it is evident that its resources are dwindling anyway. As time passes, the needs of the Ukrainian refugees in Israel are growing, among other reasons because their savings are running out and so are the resources of their hosts. Despite this, aid from the government is only decreasing. The similarity between the policy towards refugees from Ukraine and the policy towards refugees from Africa is growing.

A [decision](#) of the District Court from May 16, 2022, states: "Once the state believes... that protection should be granted to Ukrainian citizens, even if it is temporary protection within the framework of a non-refoulement policy, it is obliged to enable the applicants to provide for their basic needs, as long as the group protection, or non-refoulement policy, is in effect." These words also apply to the refugees from Africa, who have been living here for over a decade, protected from deportation, but deprived of rights. On top of this omission, from which refugees from both groups suffer, African refugees have been suffering from a deliberate and pro-active policy of hostility, policy whose declared goal is to pressure them to leave Israel.

"Forbidden Cities" regulation: the most recent version of the policy of hostility

Ever since The Minister of Interior Eli Yishai expressed his desire to make the lives of the refugees from Africa "[miserable](#)" because he could not deport them, the MoI tried to achieve this goal using a variety of measures, most of which were deemed

unconstitutional after legal and public battles. The most recent attempt by the MoI to make the lives of African refugees miserable was announced by the outgoing Minister of the Interior on the day of the Knesset's dissolution in June. According to the announced regulation, asylum seekers, 2A5 visa holders and refugees from Ukraine are permitted to work in four industries only: hotels, construction, agriculture, and institutional nursing. Those who worked in restaurants before June 2022 will be allowed to continue their work there. The rest will have to look for work located outside the 17 cities listed in the new regulation, which are the cities where the majority of the refugees from Africa live.

The new regulation—the petitions against which are still pending at the District Court—will dismantle the already fragile fabric of the refugee communities and lead to sweeping economic deterioration and worsening feelings of despair. The "strongest" members of the communities will lose their livelihood and their struggle to survive and progress will go down the drain. The most vulnerable, some of whom cannot work in the four types of physical jobs allowed by the regulation, even if they wanted to, will suffer not only from unemployment but also from an increased risk of abusive employment, exploitation, trafficking, and prostitution. The regulation is expected to seriously harm young people and children whose parents are refugees. Every child whose parents are refugees, even if they were born here and/or educated in the Israeli education system from the age of 3, and even if they graduated from high school with honors, will know that the day after high school graduation they will have to find work in construction, at a nursing home or a hotel, or leave their city.

The regulation is expected to harm many Israelis as well, including private employers, public institutions and civil society organizations who will lose essential workers. Moreover, the neglect of the refugees, and the steps taken to deliberately weaken and abuse them, harm Israeli society as a whole and residents of the areas where the refugees live in particular.

As usual, the real goal of the regulation, to cause despair to those that they cannot deport, was revealed in the [media](#) and not in court. This is a fundamentally wrong goal, because the distance between forcing a person to leave in order to survive and deporting them is a very small one. The goal of the regulation is all the more wrong after over a decade of living in Israel under group protection. This regulation also violates Article 17(2) of the Refugee Convention, is extremely unusual compared to other countries, ignores explicit instructions of the Supreme Court in previous procedures, was approved in a way that raises serious questions, with problematic timing, along with the dissolution of the Knesset. Even worse: this regulation is activated against those who would have been granted official status a long time ago in any law-respecting country, a status that would have protected them from political whims and interests.

We call upon the MoI to immediately cancel the forbidden cities regulation and stop the policy of hostility.

Legal Status

After more than a decade of legal residence in Israel under a government policy of group "non-refoulement", it is time to regulate the status of the refugees from Africa, referred to as "non-deportable foreigners" by some of the State authorities, and grant them resident visas. A situation when men and women are kept under temporary status

without rights for so many years is a disaster for these men and women, highly unusual among Western countries, and harmful to Israeli society as a whole.

[The failure of the Israeli asylum system](#) is ongoing. The few refugees who received temporary resident status only received it because the Supreme Court recognized the consequences of this failure. In December 2021, the deadline set by the court for the state to examine the asylum applications of asylum seekers from Sudan that were submitted before June 2017 has expired. Because of this, the court ordered for them to be granted a resident visa, A5.

In April, the Minister of Interior announced her decision to remove the group protection from approximately 400 Congolese citizens living in Israel, some of them for over twenty years. In the discussion that took place on the subject in the Knesset's Interior Committee, it was revealed that the decision was made within the Population Authority, without consulting the Ministries of Foreign Affairs or Justice. In the same discussion, a senior official of the Population Authority casually noted that the asylum requests of the Congolese asylum seekers have not been examined for decades "because there was the group protection, so there was no point to it." This is not the first time that an official from the Population Authority actually admits: the limbo which the refugees from Africa have dwelled in since their arrival in Israel is the result of a deliberate policy. On one hand, their asylum requests are not examined. On the other hand, the protection granted to them is protection against deportation and nothing beyond. This limbo is also imposed on the children of the refugees, even those who were born here. In any other proper country, they [would have been naturalized](#) a long time ago.

In the absence of resident status, the refugees from Africa and their children are indeed protected from deportation, but deprived of rights. Thus, instead of their status and rights being settled and clarified, the policy towards them is made up of patchwork, requires ad hoc solutions from government ministries, municipalities and other institutions and causes damage, confusion and waste 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 a regulated status and rights, the economic, physical and mental condition of many refugees and their children is extremely difficult.

We call upon the MoI to grant resident visas to non-deportable foreigners who have lived here for many years, to reform the asylum system from the ground up so that asylum applications are examined fairly and efficiently, and to regulate the status of refugee children.

Health

In June 2021 the then Minister of Health announced that he intends to apply a health insurance arrangement for "non-deportable foreigners". This initiative is yet to be materialized. If and when the arrangement comes into force, it will be necessary to make sure that it also addresses the most vulnerable refugees, who after more than a decade of neglect and denial of rights will have difficulty meeting high participation fees, including single mothers, the elderly, people with disabilities, homeless people, victims of domestic violence, critically ill people and victims of trafficking and torture.

Today, in the absence of a public insurance arrangement, the health services available to refugees are [far from adequate](#). They have no access to public health services, except hospital emergency rooms. After receiving treatment in an emergency room, they are

released to their homes without further treatment, rehabilitation, follow-up or medication. At the same time, they accumulate debt to the hospitals for the treatments received there. The private insurances, which depend on employment, are not an adequate solution, since they include only partial coverage and are interrupted when the person insured loses their job.

We call on the Ministry of Health to implement the insurance arrangement as soon as possible and to make sure that the arrangement provides for the most vulnerable among the refugees - both in the services offered and in the level of subsidy.

Minors who are the children of refugees are insured under the "Meuhedet Arrangement for the Provision of Health Services to the Children of the Foreign Community". However, during the Covid 19 crisis, many families accumulated debts to Meuhedet health services and are finding it difficult to cover them at the same time as paying the current insurance premiums. Recently, Meuhedet began to withhold services from children whose parents have accumulated debt, and subsequently announced that those who do not cover their debt will be excluded from the arrangement. Thousands of children, including those suffering from chronic problems or have special needs, will be left without access to essential medical treatment.

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

Social Security

The refugees from Africa are generally not entitled to social security benefits (except for "foreign worker benefits") nor to community-based welfare services. In recent years, following a State Comptroller's 2014 report and a petition submitted to the Supreme Court, three groups in emergency situations were granted an option of treatment in out-of-home placements: victims of domestic violence, people with disabilities and homeless people. The disadvantages of out-of-home placement are known, as those can harm the rehabilitation and the autonomy of the treated and in any case, refugees are rarely placed in such institutions due to various barriers. The trend in the Western world is to close down these facilities and to operate services and offer treatment in the community.

Last year the MoW announced that the centers for prevention of domestic violence will open to refugees. This is a welcomed step, but it has also suffered from the damage caused by the patchwork policy. It appears that not all centers implement this directive and that some remain closed to refugees.

Victims of violence, and refugee women in general, greatly suffer from Israel's no-asylum policy. Most of the women refugees in Israel are mothers and many of them are single mothers. Most of them work low paid jobs, mainly cleaning. They are not entitled to maternity benefits such as income tax credits and child allowance, nor benefits for single mothers such as alimony, income support benefits, rent assistance, etc. Many single-parent refugees and their children live in hardship, food insecurity and sometimes extreme poverty. Many of them share a living space with other people, and the lack of their own safe space leaves them and their children vulnerable to harm and exploitation.

The Covid 19 crisis has demonstrated just how problematic the policy of socio-economic exclusion that the refugees have been suffering for more than a decade is. With the

outbreak of the pandemic and lock-downs, their communities came to the brink of a [humanitarian crisis](#), which was also manifested in the increase in the number of homeless people and of women in prostitutions, as well as in extremely high rates of food insecurity. As it appears from a [recent study](#), the crisis is also reflected in the deterioration of the mental state of many of the refugees. Many refugees are still finding it difficult to overcome the severe economic hardship and the debt they accumulated during the Covid years. The aftermath of the crisis is evident in many families.

We call upon the MoW to open the municipal social services to "non-deportable foreigners" and to give the departments the means to provide them with aid and community-based services. We call upon the MoW and the National Insurance Institute to provide these refugees with allowances, at the very least those who need them the most - the elderly, single mothers, and the disabled.

Education

There are approximately 8000 refugee children living in Israel. Most of them were born in Israel and are of primary school and pre-school age. The older children experienced the escape from their country and the long, traumatic journey to Israel firsthand. Even those who do not remember the journey, or were born in Israel, sometimes suffer from the intergenerational transmission of their parents' trauma. In addition, the children of the refugees are affected by the difficulties that their parents face in light of the limbo situation that they have been living in for years, the denial of their rights and their banishment to the social and economic fringes of Israel.

With all the above in the background, many of the refugee children arrive at the Israeli education system with significant [pedagogical and developmental gaps](#), which are often also the result of their time at unsupervised daycare (the "babysitters"). Like any child with an immigrant background, especially when immigrant background intersects with other difficulties such as poverty or trauma, they are in need of increased assistance, which they do not receive. In addition, municipalities often refuse to enroll refugee children in educational institutions within their jurisdiction and/or force them to study in separate institutions that no Israeli children attend. The phenomenon of segregation is especially noticeable in the city of Tel Aviv-Yafo. Almost all refugee children living there are concentrated in separate daycare facilities and separate schools. Segregation is a form of illegal discrimination that harms the refugee children's ability to bridge the developmental and educational gaps. It contributes to the children and their parents' sense of alienation, leaving them exposed to racism and increases the risk of them dropping out and adopting dangerous behaviors. Despite this, the District Court chose to ignore the segregation in educational institutions in Tel Aviv-Yafo and to reject the petition filed against the municipality and the Ministry of Education in this regard. An appeal to the Supreme Court was recently filed.

The first refugee children born in Israel will soon turn 16, the age at which Israeli children receive their identity cards and begin to plan their future. Israeli society has a clear interest and a legal and moral obligation to do everything in its power to repair the damage caused by the limbo that has accompanied refugee children since their birth here in Israel and to give them a truly equal opportunity.

We call upon the Ministry of Education to allocate resources for the integration of refugee children into the Israeli education system and to make sure that no municipality maintains segregated institutions.

Economic and bureaucratic exclusion

The refugees from Africa and their children are prone to economic hardship. Their visa ("2A5" visa) is temporary, requires frequent renewal and does not constitute a work permit, even though their employment is permitted. This intermediate situation creates ambiguity and is a fertile ground for their exploitation by employers, apartment owners, etc.

Over the years, measures against the refugees were implemented with the explicit intention to harm them financially. The best known is the "[Deposit Law](#)" which was partially invalidated by the Supreme Court. Two and a half years after the verdict, many refugees have not yet received their money back. In some cases the employers collected the money but put it in their pockets 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 cannot open a bank account. In general, the accessibility of banking services and means of payment to refugees is extremely limited.

Many occupations that require education, professional licensing, a driver's license, or even a player membership in the football association are not even an option for refugees and their children. In fact, life with a 2A5 visa is a bureaucratic maze with many "no entry" signs. The list of things that one cannot do with a 2A5 is endless, and this significantly limits the refugees' ability to make a living, save money, or even use their money.

We call upon the MoI once again to grant foreigners who cannot be deported and have lived in Israel for years proper residence permits. This status will remove the many bureaucratic barriers that the refugees face and will allow them to live with dignity, until their status is settled or until their safe and dignified departure from the country becomes possible.

Time for change

The dysfunctional asylum system, the economic exclusion, the temporary status, the constant instability, the lack of access to adequate health services and the lack of a social safety net are spider webs woven together to create a trap.

A true and complete escape from the spider's trap is almost impossible in the current state of affairs. Only a significant change in the policy of the State of Israel towards refugees will make it possible.

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