

The Forum of Refugee Rights Organizations in Israel

June 2023 report

For almost two decades, approximately 25,000 refugees from Africa have been living in Israel. Most of them are Eritreans and Sudanese, with a minority of them coming from the Congo and the Tigray region in Ethiopia. During the last year and a half, a new group of refugees arrived in Israel - Ukrainian refugees. . While most of the Ukrainians who entered Israel since the beginning of the war in Ukraine already left for other countries, approximately 14,000 remained, with an additional 20,000 who entered Israel before the war started.

[A district court's decision](#) dated May 16, 2022, regarding a case of two Ukrainian refugees stated:

"From the moment the State deems ... that protection should be granted to the citizens of Ukraine, even if it is a temporary protection within the framework of a non-deportation policy, **the state is obliged to provide a solution to enable the basic sustenance of the applicants, and this as long as the group protection, or the non-deportation policy is in effect.**"

This statement should be applied both in relation to the Ukrainian refugees and in regard to the African refugees who have been staying legally in Israel for many years, under protection against deportation, but without clear status and rights. The situation of the African refugees in Israel is an on-going failure. On the one hand the State recognizes the legality of their presence in Israel, and on the other hand it refuses to determine their status. The stated purpose of this policy is to make life unbearable for them in Israel. This is how Israel, a country that was established as a "safe refuge" for refugees who were persecuted for being Jewish, has become a State that has made the abuse of refugees one of its norms.

This situation report of the Refugee Rights Forum in Israel for the month of June 2023 focuses on the two main elements of the Israeli "non-asylum" policy: the failure to determine status, and the goal of making life in Israel unbearable for refugees.

Ukrainian refugees: "tourists" on a temporary visa for over a year and a half

The aid provided thus far to the Ukrainian refugees is more generous than the treatment accorded to refugees from Eritrea and Sudan upon their arrival in Israel. The mobilization of some of the Government Ministries for the refugees is praiseworthy. That being said, certain aspects of the policy towards Ukrainian refugees have spotlighted, from the beginning of the crisis, many dark corners of the State of Israel's attitude towards foreigners in need of protection. The entry of refugees was limited by the ministry of Interior with quotas and deterrents. When the deterrents were lifted, following a civil campaign, the number of those denied entry to Israel soared, and with it the number of people suffering from the harsh conditions in the 'Yehalom' detention facility at the Israeli Ben-Gurion International Airport. Appeal procedures for those denied entry to Israel were also limited.

Ukrainian refugees who manage to enter Israel receive temporary tourist visas, while the Ministry of Interior refuses to examine their asylum applications. For a long time these tourist visas were renewed for short periods, usually for one month, until on [May 7, 2023 the Minister of Interior announced the renewal of the Ukrainian refugees' tourist visas for a period of six months, until January 31, 2024.](#) This renewal was made by a spokesperson on behalf of Population and Immigration Authority; therefore, the Ukrainian refugees do not hold a valid physical document attesting to the legality of their stay. Instead of enabling their employment and granting the Ukrainian refugees work permits, a "non-enforcement" policy was announced regarding their employment - just like the "temporary" policy that was announced for the refugees from Africa back in January 2011 and is still in effect today.

The renewal of the visa for a period of six months is a welcome step, but as time passes, life as a "tourist" without a physical residence visa becomes unbearably difficult. Without an official visa Ukrainian refugees have difficulty finding work and housing, their access to banking services is limited, and receiving public services is a continuous bureaucratic battle that constantly requires ad hoc solutions. Even the temporary solutions that were used at the beginning of their arrival, and are provided through the "Tzav-Hashaa" (Present Need), the humanitarian call center for Ukrainian refugees, operated by the Ministry of Welfare and Social Affairs, are only available to those who have entered Israel since the outbreak of the war, and have become less appropriate for their needs over time: the food stamps which were given to refugees were limited to three portions and were low to begin with, housing assistance is almost non-existent, health insurance is currently only given to those 60 years of age or older, and the "Terem" health services, which are available to the rest of the Ukrainian refugee population, are basically emergency services and do not provide adequate health services over time. Refugees in vulnerable situations, those suffering from chronic or serious illnesses, those dealing with physical or mental disabilities, and those suffering from trauma and in need of mental assistance - pay a particularly heavy price for these shortcomings.

As time passes, the needs of the Ukrainian refugees in Israel are increasing - beyond medical conditions which require intervention, their savings are running out and the resources of their Israeli hosts are minimal.

The Refugee Rights Forum calls on the Ministry of Interior to **grant Ukrainian refugees official visas** under which their right to work is explicitly stated, as well as to allow them to submit asylum applications.

The Forum calls the Ministry of Welfare and Social Affairs to **expand the activity of "Tzav-Hashaa" call centers.**

In addition, the Forum calls on the Ministry of Health to immediately **apply the "Meuchedet" health services arrangement for the children of refugees from Ukraine and to find an adequate solution for the adults.**

African refugees and their children

Status

After almost two decades of legal residence in Israel under a government "non-deportation policy" the time has come to **determine the status of the refugees from Africa and grant them resident visas**. A situation in which men and women are left in a temporary status without rights for so many years, which is highly unusual among Western countries, is both a disaster for these men and women, and harmful to Israeli society as a whole.

Even in 2023, the [asylum applications debacle](#) continues. This failure, and the deliberate policy behind it, are reflected not only in the delay of examining the applications over many years and in the appallingly low recognition percentages compared to other Western countries. Even the Population and Immigration Authority itself is aware of this. In a discussion that took place about a year ago in the Knesset's Interior Committee, concerning the decision to remove the group protection of Congolese refugees, it was revealed that the decision was made within the Population and Immigration Authority, without consulting the Ministry of Foreign Affairs or the ministry of Justice. In the same discussion, a senior official at the Population and Immigration Authority also noted that the asylum requests of the Congolese asylum seekers were not examined for decades "because there was a group protection, so there was no point to it." Furthermore, following a legal proceeding regarding the duration of the examination process of asylum applications of Eritrean citizens, in March 2023, the Deputy legal adviser to the Government and the deputy state attorney [approached](#) the Minister of Interior at that time and recommended granting social rights to refugees in view of the pace of processing asylum applications.

The Government Ministries do not deny, and even admit, therefore, that the refugees from Africa are in limbo: on the one hand, their asylum requests are not examined, and on the other hand, the protection given to them is protection against expulsion and nothing more. This limbo is also imposed on the children of the refugees, and even on those of them who were born here. In any other civilized country, [the refugee children would have been naturalized long ago](#).

In the absence of resident status, the refugees from Africa and their children are indeed protected from expulsion but deprived of rights. Thus, instead of their status and rights being settled and clarified, the policy towards them is made up of patchwork, requiring ad hoc solutions from Government Ministries, local authorities, and other bodies. This conduct causes damage, confusion, and waste in all aspects: health, welfare, social security, education, and employment. These damages accumulate exponentially, and today, after almost 16 years of living without a defined status and rights, the economic, physical, and mental condition of many refugees and their children is extremely severe.

The Refugee Rights Forum calls on the Ministry of Interior **to grant resident visas to foreigners who are not subject to removal and 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 determine the status of refugee children.

The Forum calls on the Government Ministries, and especially the Ministries of Justice, Interior, and Foreign Affairs **to determine Israel's group protection policy**, and establish procedures that are in line with Israel's obligations to offer protection, to determine the rights accompanying it, and to determine under what circumstances it can be removed.

Health

Approximately two years ago, the former Minister of Health announced that he intended to initiate a health insurance program for adults who are not subject to expulsion, but the initiative was not completed before the change of governments. In the absence of a public insurance program, [the health services available to refugees are inadequate and in violation of their right to health and sometimes even their right to life](#). They have no access to public health services, except in case of emergencies when they can receive treatment in hospital emergency rooms. After treatment in the emergency room, they are released to their homes without further treatment, rehabilitation, follow-up, or medication. At the same time, they accumulate debts to the hospitals for the treatments given to them in the emergency situations. Private health insurance policies, which are conditional on work ability and employment, are not a viable solution since they provide only partial coverage and are interrupted with termination of work. Refugees in high vulnerability situations, such as: patients with chronic diseases, those with disabilities, the mentally challenged, the elderly, and others who cannot work in the physical jobs available for refugees, suffer even more from this gap between needs and available services. Women also suffer from the lack of access to appropriate women's health services, including pregnancy monitoring and even adequate services for at-risk pregnancies.

The Forum calls on the Ministry of Health to implement the health insurance program as soon as possible and to ensure that it also addresses the needs of the most vulnerable among the refugees - both in terms of overall coverage and in terms of the level of subsidy.

Social security

The refugees from Africa [are not entitled](#) to social security benefits (except "foreign worker benefits") or to community welfare services (with one exception). In recent years, following the 2014 State Comptroller's report and a petition submitted to the High Court, there are now limited possibilities of placement in out-of-home settings for three groups in emergency health situations: women victims of domestic violence, people with disabilities, and street dwellers. The disadvantages of out-of-home placements, which have negative effects on rehabilitation processes and on the

autonomy of the participants, and which in most cases are almost never applied to refugees due to various deterrents, are clear and well-known. The trend in the Western world is to close these frameworks and move to services within the community.

In 2020, the Ministry of welfare and Social Affairs announced that the centers for the prevention of domestic violence will be opened to refugees, making this the first service that is not out-of-home and available to refugees. This is a welcome step, but the damage inflicted on this service by the patchwork policy cannot go unnoted. From the preliminary studies we conducted, it appears that not all the intrafamily violence centers implement the directive, and there are centers that are not yet open to refugees. In addition, as a result of their temporary status and their temporary visas, even the refugees that are received in shelters and intrafamily violence centers encounter difficulties, sometimes insurmountable, in realizing the various rights that the women treated in these facilities deserve.

Refugees are victims of violence, and refugee women in general are increasingly harmed by the "no asylum" policy towards refugees from Africa. Women refugees are also a minority among the refugee community – accounting for only about 19%. Most of them are mothers and a considerable number of them are single mothers. The majority of them work in low paid jobs, mainly in cleaning jobs. They are not entitled to maternity benefits such as income tax credits and child allowance, nor to benefits for single mothers such as alimony, income support benefits, rent assistance, and more. Many single-parent refugees and their children are in dire straits, suffer from food insecurity, and sometimes from extreme poverty following the breakdown of the family unit. Many of them, along with their children, 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 Corona crisis proved how problematic the policy of socio-economic exclusion suffered by the refugees is. With the outbreak of the epidemic and the initiation of closures, their communities reached the [brink of a humanitarian crisis](#), which manifested itself in an increase in the number of street dwellers, in extremely high rates of food insecurity, and in women being driven to prostitution. As it appears from a [recently published study](#), the crisis is also reflected in the deterioration of the mental state of many of the refugees, both male and female. Many refugees are still finding it difficult to overcome the severe economic hardship and the debts they accumulated during the Corona years. The signs of the crisis are still evident in many families.

The Refugee Rights Forum calls on the Ministry of Welfare and Social Affairs to open all the services of the social services departments in local municipalities to "inexpellable foreigners" and to give the departments sufficient means to provide them with assistance services in the community.

The Forum calls on the Ministry of Welfare and Social Affairs and the National Insurance Institute (Bituach Leumi) to provide stipends to these refugees, and at the

very least to those who need them the most - the elderly, single mothers, and people with disabilities.

Education

Approximately 8,200 refugee children from Africa live in Israel, most of whom were born in Israel and are of primary and pre-primary school age. The older adolescents among them 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 the intergenerational transmission of the traumas of their parents' generation. In addition to this, the children of the refugees are affected by the difficulties that their parents face as a result of the state of "limbo" in which they have been living for years, the denial of their rights, and their relegation to the social and economic margins of the State of Israel.

Against this background, many of the refugee children enter the Israeli education system with significant pedagogical and developmental [deficiencies](#). These deficiencies are the result, among other things, of the time many of the children spent in unregulated preschool frameworks ("babysitters") for the first years of their lives, since there are not enough supervised and subsidized settings dedicated to this population, and the parents cannot pay for private daycares. Moreover, the supervised and State-subsidized preschool daycare centers are closed to them.

Given their background of living as refugees, trauma, and severe disparities, the children of the refugees need enhanced assistance which is, for the most part, denied to them. In addition, local authorities sometimes refuse to enroll refugee children in the educational institutions within their jurisdiction or force them to study in separate settings, apart from the children of Israeli citizens.

The phenomenon of segregation is especially noticeable in the city of Tel Aviv-Yafo. Most, if not all, of the refugee children living there are concentrated in separate kindergartens and schools. Segregation in education is wrongful discrimination that decreases the refugee children's ability to close developmental and educational gaps. It contributes to the sense of alienation of the children and their parents, leaves them exposed to manifestations of racism, and increases the risk of dropping out and adopting dangerous behaviors. Despite this, the district court chose not to recognize the segregation in educational institutions in Tel Aviv and rejected a petition filed against the municipality and the Ministry of Education in this regard. An appeal to the Supreme Court has yet to be decided, but during the procedure, and as a result of it, the Ministry and the municipality announced a two-year pilot program in which 96 first-grade students per year (only a small percentage of the refugee children living in the city) will be integrated into schools in the north of the city, where children of Israeli citizens study. The pilot program is far from sufficient since it will integrate a very small percentage of the refugee children and most of its details - which of the children will be placed in it and especially what the integration package for the children and the educational staff in the schools will include, which is essential for the success of the move - are unknown. Furthermore, the very choice of a pilot program - an experiment

the results of which must be checked - is reprehensible: there is no place to examine whether it is right to integrate the children, rather, one must examine and find the optimal ways to integrate them. In any case, separation is wrong, and integration is necessary. Moreover, it was revealed in the media that the Ministry of Education had completely different intentions for the pilot. The Ministry is currently considering a plan to create a separate pedagogical track for refugee children designed to weaken their attachment to Israeli society and "prepare" them for life outside of Israel. This plan is wrong - legally, morally, and practically.

The first refugee children born in Israel will soon reach the age of 16 - the age when children with Israeli citizenship receive an identity card and start planning their future. But it is difficult for the refugee children in Israel to dream ahead. Like their older friends, who came to Israel as minors, they also have no memory or knowledge of any country other than Israel. Israeli society has a clear interest, and a legal and moral obligation, to do everything possible to repair the damage that is the result of the state of limbo in which these children have lived ever since their birth in Israel, and to give them an equal opportunity to develop and realize themselves as young men and women growing up in Israel.

The Refugee Rights Forum calls on the Ministry of Education **to allocate the necessary resources for proper integration and enhanced support of the refugee children** in the education system in order to reduce their educational and developmental deficiencies.

In addition, the Forum calls on the Israeli government, and the Ministry of Education in particular, **to allocate resources to close the unregulated preschool frameworks and to allow the refugee children to participate in supervised and subsidized preschool daycare centers.**

Economic and bureaucratic exclusion

The reality of the lives of the refugees from Africa and their children leads them to economic hardship. Although their employment is permitted according to the "non-enforcement arrangement", their residence visa, visa 2A5 according to the Law on Entry into Israel, does not constitute a work permit. This ongoing situation creates ambiguity and a fertile ground for their exploitation by employers, apartment owners, and others.

The 2A5 visa requires frequent renewal which can only be done at one of two bureaus – one in Eilat, and the other in Bnei Brak. In 2022, as well as in the first half of 2023, the bureau's services in Bnei Brak were under a heavy load and many refugees were unable to renew their visas. In May 2023, the Population Administration returned to renewing 2A5 visas online, but this method of renewal, which saves suffering in Bnei Brak, creates many problems for the refugees in their dealings with employers, banks, and such. It seems safe to assume that when the bureau in Bnei Brak renews its operation, the unbearable loads will also return.

In addition to the livelihood difficulties arising from the type and duration of the visa, over the years the refugees have suffered from measures whose explicit intention is to harm them financially. The most famous of these measures is the "[Deposit Law](#)" which has already been partially invalidated by the Supreme Court. Three years after the verdict, many refugees have yet to receive their money. In some cases, the employers collected the money but put it in their own pockets instead of depositing it in the deposit fund, and in other cases the money was deposited in the aforementioned fund but in the absence of a bank account many refugees are unable to withdraw it. Another result of the state of limbo caused by the refugees' "non-asylum" status is the limited access of refugees to banking services and means of payment.

The refugees and their children are blocked from many occupations that require education, professional licensing, a driver's license, or even a player's card in the soccer association. In fact, life with a 2A5 visa is a bureaucratic maze with many "no entry" signs. The list of things that cannot be done with 2A5 is endless, which significantly limits the refugees' ability to earn a living, save, or make use of their money.

Another difficulty with 2A5 visas is the lack of a unique identification number - a 9-digit number. Because the identification number of the 2A5 visas includes letters, any service that requires the entry of an Israeli ID number is locked to refugees. Online systems such as "My Visit" used by government offices, local authorities, and institutions such as health insurance funds and payment applications do not allow registration in the absence of a 9-digit number.

The Refugee Rights Forum is once again calling on the Ministry of Interior **to grant residency, even if temporary, to foreigners who are not subject to expulsion** who have been living here for many years. This status will remove the many bureaucratic barriers facing the refugees and will allow them to live with dignity until their status is determined or until their safe and dignified departure from the country is possible. At the same time, until their residency is determined, **those people must be given a unique 9-digit identification number that can be used in their dealings with all government ministries, local authorities, health funds, banks, and more.**

The current government and the plans to enhance its active abuse policy

The list of active abuse measures taken against the refugees from Africa over the years with the aim of "[making their lives unbearable](#)" is long. The most famous of them, aside from the "Deposit Law," were confinement in the "Holot" detention facility, and the attempts to deport the refugees to African countries that are not their own. After a slight lull in the attempts at abuse, the composition of the current government and the coalition agreements signed about six months ago are full of ominous signs. The agreements included, among other things, the recycling of some measures of abuse

from the past, or worse versions of them, as well as advancing a proposed Basic Law: Immigration.

Although a Government bill with this name has not yet been submitted, private bills with the same name, submitted by members of the coalition, are loaded with illegal measures, according to both Israeli and international law, including the idea that a person's entry into Israel in an undocumented manner will deprive him of any possibility of obtaining status in Israel. This is a cruel idea that no democratic country in the world has adopted. Refugee populations are driven, almost naturally, to enter countries without documentation. That is what people who are fleeing for their lives do. The proposals also include the denial of the right of immigrants, whose requests for asylum have been denied, including refugees, to appeal to Israeli courts, as well as making it possible to imprison them indefinitely. Similar to clauses from the coalition agreements, other proposals include a multitude of ways of abusing refugees that have already been expressly disqualified by the High Court in the past.

To see the whole picture, it is necessary to add to these plans a host of private bills put forward by coalition members, as well as the judicial coup attempts. In Israel, as in the rest of the world, any weakening of the gatekeepers means a real danger for vulnerable populations. In light of their precarious legal status, the fact that they are not entitled to assistance or services, their living conditions that impose upon many of them poverty and abusive employment - the refugees in Israel will be among the first to be affected by the implementation, partial or full, of the coup plans.

The threats of persecution and deportation, the non-functioning 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 as cobwebs of a trap. Getting out of this trap is practically 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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