

Illegal Migrants & Refugees in Israel

Major Trends and Background Information

Updated February 2018

Executive Summary

Many countries around the world, including Israel, are grappling today with how to deal with migrant and refugee populations. For Israel this issue is especially charged, touching on moral and ethical questions regarding the country's identity as both a democratic and Jewish state and the obligation of Jews to help other oppressed peoples. **This document provides a brief update on major events and trends on this complicated and controversial topic. A more detailed background paper, including a brief description of Federation-supported activity and a list of NGOs working in the field, as well as a glossary of key terms, is available from the JFNA Israel Office.**

To fully understand the issues it is important to distinguish between different but related populations of international migrants in Israel:

- ***Economic Migrants*** - who primarily entered the country at Israel's request to fill gaps in the labor market, and who sometimes remain in the country after their legal status expires, and therefore find themselves subject to deportation; and
- ***Asylum Seekers*** - who entered the country illegally or as tourists, and who are requesting safe haven from persecution in their home countries.

Economic Migrants

Economic migrants (*often referred to in Israel as "foreign workers"*) have been arriving in Israel since the 1990s from a variety of countries to fill labor gaps, primarily in the construction, agriculture and caregiving sectors. Today there are over 100,000 migrant workers in Israel in these sectors, approximately 80% of whom are documented legal workers. While Israel continues to welcome their contributions to the economy the government has enacted a series of policies to prevent them from remaining permanently, and to hinder their integration into the mainstream of Israeli society.

Human rights organizations have been critical of some of these policies, which they claim enable exploitation of migrants by brokers and some unscrupulous employers, and which they

see as failing to respect the basic human rights of migrants. These organizations are also outspoken against detention and deportation policies which have been deployed by the government. In recent years, Israel has taken certain measures to address these concerns but many in Israel feel there is still a great deal more to be done.

Asylum Seekers and Refugees

Large numbers of asylum seekers and refugees arrived in Israel between the years 2007 - 2012. Israel took a number of steps to stem the tide and reduce the number of new arrivals, including construction of a border fence with Egypt. These efforts have proven highly effective and no new asylum seekers entered Israel via Egypt in 2017. Today this population numbers approximately 38,000, most of whom are Eritrean and Sudanese nationals who illegally crossed the Egyptian-Israeli border. The Israeli government has been working to formulate a national policy which ensures the protection of these individuals without creating a precedent that might encourage renewed migration.

Here too, rights groups within Israel have been increasingly critical of various strategies that the government has sought to employ, including those which relate to the refugee application process itself, given that only a very small number of people have been granted asylum over the years. In response, government officials claim that most African asylum seekers are actually economic migrants and do not qualify as refugees. Israel's High Court of Justice has recognized the government's legal right to deport illegal migrants to any safe third country.

Not all Israelis have welcomed these asylum seekers and refugees with open arms. There have been significant tensions in neighborhoods where many migrants have settled, with some local residents blaming the migrants for increased crime and deteriorating neighborhood conditions. The situation is particularly charged in south Tel Aviv and in a few cases the tensions have escalated to include violence. Over the past few years some elected public officials have made highly unfavorable comments about asylum seekers, exacerbating this tension.

Israel has deemed Eritrea and Sudan unsafe and does not deport migrants from these countries back home, even if they entered Israel illegally. However, the government actively encourages their "voluntary repatriation" to third countries, including providing financial

incentives. Israel has recently given these migrants an ultimatum - either leave the country voluntarily by the end of March 2018 or be subjected to long-term imprisonment. The government is also considering a plan for forced deportation.

The decision on the ultimatum has triggered heated public debate and widespread and growing opposition in Israel and, increasingly, in the North American Jewish community. Immigration officials have publicly stated that they are not equipped to carry out a mass forced deportation, and many in Israel do not believe such a plan is likely to be implemented in practice.

In addition, Israel has recently experienced an upsurge in asylum applications from Ukrainian and Georgian nationals who entered the country as tourists. It is widely believed that most of these applications are filed on fraudulent grounds, with the aim of taking advantage of the right of asylum seekers to work pending resolution of their applications. Israel has developed policies to enable the summary review and dismissal of most of these claims and their numbers have dropped dramatically.

Israel's treatment of these migrant populations continues to occupy an important place on the national agenda. This is an issue which calls upon Israel to balance its identity as a homeland for Jews and as a democratic nation in the international community.

JFNA has refrained from issuing statements related to migrant challenges both in the United States and in Israel. JCPA sent a letter to Prime Minister Netanyahu requesting that the government suspend its plan to deport Eritrean and Sudanese Asylum-Seekers and issued a statement in mid-January which can be viewed [here](#). In addition, HIAS published an open letter together with ADL to Prime Minister Netanyahu which can be seen [here](#).

To receive the more detailed briefing document please contact Yedida Wolfe at Yedida.Wolfe@JewishFederations.org

Introduction & Background

Introduction

Israel is currently home to a large numbers of both legal and illegal migrants. The population includes economic migrants seeking to improve their living conditions as well as a large number of people seeking political asylum. In recent years, debate around the status and treatment of these groups has risen multiple times on the national agenda. At its heart are questions about what it means to be a Jewish and democratic state and how the long history of Jews as refugees in other lands should inform public policy.

Many Israelis believe the country has a moral and ethical obligation to treat foreign nationals with dignity and respect, regardless of religion, especially those who came to Israel seeking refuge from persecution. They point to the history of the Jews as a persecuted people and the biblical ordinance to help the “stranger in your midst”. Others view foreign migrants as a threat, alleging they bring with them crime and disease and threaten the demography of Israel as a Jewish homeland. The Israeli government continues to develop and adjust national policies about treatment of foreign workers and asylum seekers - with highly divisive consequences.

Background

Israel was established as the national homeland for the Jewish people nearly 70 years ago. Since then, it has absorbed over three million Jews from around the world including refugees from war-torn Europe, those seeking asylum from anti-Semitic persecution, and others who came in pursuit of Zionist ideals.

All Jews have the right to enter Israel and claim citizenship through the Law of Return. In addition, relatives of Jewish immigrants and persons who are not considered Jewish according to Jewish law (*halakhah*) but have Jewish ancestry can gain citizenship under this same law¹. This situation is unique and does not apply to other non-Jewish populations. For ideological and demographic reasons, Israel has not considered itself to be a destination for non-Jewish migration. Yet, in spite of this, Israel is home to over 140,000 non-Jewish migrant workers and asylum seekers.

All economic migrants and asylum seekers are considered 'international migrants' - a broad term that describes anyone who crosses national boundaries (legally or illegally) with the intention of settling (temporarily or permanently) in a different country. "Economic migrants" are people who leave their countries due to bad economic conditions; while the terms "refugees" and "asylum seekers" refer to individuals who fled their home countries due to fear of persecution.

There is a great deal of confusion about these two populations and the differences between them. In some salient respects, they are indeed similar. In Israel, both economic migrants and asylum seekers are non-Jewish foreign nationals who take up residence in Israel hoping to build a better life for themselves. And Israel has taken measures to discourage both of these populations from taking up permanent residence within the country. Moreover, foreign nationals from either category may find themselves subject to the same detention and deportation procedures if their stay in the country is considered unlawful.

Still, in other important ways, these populations are distinct. International law provides specific protections for asylum seekers, and there are different legal frameworks governing the stay and treatment of these two classes of people within Israel.

Economic Migrants – General Overview

There are over two hundred million international migrants living worldwide today². Migrants arrive in other countries for a variety of reasons, often motivated by wage differences and higher standards of living. In some countries, public opinion has recently turned against economic migration, with local citizens viewing migrants as a threat to a country's national security, cultural heritage or economy. Others welcome the positive contribution of migrants to their countries in terms of social capital, innovation, cultural diversity, and the intensification of international linkages through trade.

As a nation, Israel has had an ambivalent approach to economic migrants. In the early years of the state, Jewish laborers were prepared to do all forms of work needed to build the country - including physically strenuous tasks related to agriculture and construction. Over time, Israelis came to rely heavily on Palestinian laborers in these industries. After the outbreak of the first

Intifada, due to security concerns, Israel sought to reduce its reliance on Palestinian labor and began issuing visas to foreign nationals to enter the country to work in these sectors. Since that time, Israel has become increasingly reliant on these economic migrants (which it terms “foreign workers”) to fill these labor gaps³.

Most foreign workers in Israel have come at the country's invitation. Israel hosts over 100,000 foreign workers of whom over 80% are documented legal workers. Some 60% of these foreign workers serve in the caregiving industry, about 22% in agriculture and 10% in construction⁴. Employers in these industries must hold a permit to employ foreign workers.

The majority of these workers hail from Thailand, Moldova, Sri Lanka, the Philippines, China or India and the Israel government has signed bilateral agreements with most of these countries to regulate the recruitment of workers in their countries of origin and their transfer to Israel.

The variety of countries and trades has broadened Israel's economic prospects internally and externally while the influx of workers has created a national increase in demand for housing, living essentials and other economy-boosting items, triggering a positive financial impact throughout the country. Furthermore, many people with disabilities and the elderly population living in Israel who are attended to by caregivers, depend on foreign workers for the ability to live in dignity.

Although Israel has welcomed foreign workers with open arms, the government has openly declared its interest in ensuring these workers do not take up permanent residence or integrate into Israel society and has enacted a series of policies to ensure that they do not do so. The government's primary strategy entails restricting the duration of work permits. Economic migrants working in the construction and agricultural sectors are entitled to a maximum nonrenewable work visa for five years and three months. Foreign workers in the caregiving sector are subject to the same rule but are entitled to remain in the country for a longer period in cases in which terminating their employment would result in significant harm to the patient.

While in Israel, documented foreign workers are entitled to the same labor rights as Israeli employees. They are also entitled to health insurance and proper housing provided by their

employer. Despite these protections, foreign workers are sometimes exploited.

Many within Israeli society have expressed strong sympathy for migrant workers and have spoken out on their behalf. Israeli human rights organizations have expressed concern that the government is failing to respect and defend the full labor rights of foreign workers⁵ and is creating an environment that enables their exploitation by tying their status to specific employers⁶. Rights' groups have also criticized government detention and deportation policies regarding foreign workers whose legal status has expired⁷. The government, in turn, has defended its right to take necessary measures to prevent foreign workers with temporary visas from laying roots in Israel.

Asylum Seekers & Refugees – General Overview

There is a great deal of confusion surrounding the terms “asylum seekers” and “refugees” in Israel. Generally speaking, a "refugee" is anyone who crosses national boundaries and is unable to return to his/her home country safely. Indeed the term "refugee" is used in that fashion in many contexts. Legally speaking, however, "refugee status" is awarded in a smaller subset of circumstances in accordance with a strict definition prescribed in international conventions. That definition covers only persons persecuted and unable to return to their home country by virtue of belonging to a specific race, religion, nationality, social group or political opinion.

Refugee status is not automatic even for those who meet the strict legal definition. It must be conferred by a country through a process called Refugee Status Determination. Both the exact manner in which cases are adjudicated and the way the "refugee" definition is interpreted and applied varies considerably by location. Thus, although the definition is universal, the same individual might successfully apply for refugee status in one country after having been rejected in a different one. Under international law, persons who apply for refugee status are called "asylum seekers" in the countries in which they have submitted applications.

Israel is a signatory to the Convention Relating to the Status of Refugees, and its related Protocol. In theory, this means that Israel is obligated to consider all asylum requests from foreign nationals, whether they entered the country legally or illegally. In addition, Israel is

bound by the principle of “non-refoulement” which prohibits the forcible return of refugees to a place of persecution. This principle, however, does not prohibit a country from transferring refugees to third party countries with respectable human rights records.

In practice, a relatively limited number of asylum requests have been filed in Israel by the tens of thousands of African migrants who arrived since 2007. There are also a series of technical and procedural impediments to filing an asylum application. This situation has been heavily criticized and the government has recently taken steps to alleviate some of these challenges. When filed and reviewed, the chances of receiving refugee status are extremely small in Israel. **Of 13,764 asylum requests** submitted by Sudanese and Eritreans before July 2017, **only 10 were awarded refugee status**⁸.

Israel’s seeming reluctance to award refugee status to Eritrean and Sudanese migrants stands in sharp contrast to that of many other Western nations. Thus, while Eritrean and Sudanese asylum seekers have a refugee status acceptance rate of 60-90% in countries like Germany, America and Great Britain, Israel has an approval rate of less than 1%. Israeli government officials also take pains to underscore how cases that have been recognized are unique and therefore should not be seen as a precedent on the rights of any large groups to refugee status.

Within Israel, people tend to refer to all African migrants as “asylum seekers”. Technically speaking, this is something of a misnomer as within this group there are many African migrants who have already submitted asylum requests and had them rejected. This population is therefore, in fact, legally considered illegal aliens⁹.

Although refugee status has been granted on only a few occasions, Israel routinely grants protection against forced deportation when lives are at risk. In the past, when Israel granted “temporary” or “group protection” to citizens of Liberia, Sierra Leone, Ivory Coast and the Congo, it granted them a B/1 visa which does not confer social rights but permits the holder to work. Under these rules, approximately 2000 Eritreans and 500 Sudanese migrants received such visas in 2007. However, since 2007, visas are granted under Article 2(a)(5) of the Entry into Israel Law which does not confer a right to work, *per se*.

These migrants have nonetheless been able to work in Israel within certain limitations¹⁰. While a temporary stay permit under Article 2(a)(5) of the Entry into Israel Law does not technically confer any rights including the right to work, Israel has recognized such a right by publicly announcing that it will not enforce prohibitions on working with regards this population.

However, it can be difficult for holders of 2(A)(5) visas to find work because the visas do not indicate the bearer can be legally hired.

While most of the public debate about asylum seekers in Israel relates to African migrants, recent refugee applications come from two different populations: (A) Eritrean and Sudanese nationals who arrived prior to 2013 and (B) Ukrainian and Georgian nationals who entered the country since 2014. Over 80% of applications for refugee status between 2014-2016 fell into one of these two categories.

(A) Eritrean and Sudanese Asylum Seekers

In the mid-2000s, worsening conditions in Eastern Africa (primarily in Sudan and Eritrea) led to a dramatic rise in the flow of individuals fleeing to Israel. While in 2006, fewer than 3,000 people entered Israel illegally, approximately 15,000 illegal migrants entered Israel in 2010¹¹.

Since December 2013, when the border wall between Israel and Egypt was completed, the number of individuals crossing into Israel illegally via Egypt has declined dramatically with no new migrants arriving in 2017. In addition, thousands of migrants have left Israel, leading to a reduction in the overall population of African migrants residing in Israel illegally which today totals approximately 38,000. Israeli government officials attribute the dramatic decline in illegal migration both to the completion of the border fence and the amendments to the “Prevention of Infiltration Act.”¹²

Upon arrival, most illegal African migrants moved into Israel’s urban centers - in particular, south Tel Aviv. Large populations also live in Eilat, Rishon Letziyon and Netanya.¹³ This resulted in significant changes to neighborhood demographics and considerable friction with the local Israeli population in some areas where residents have complained of increased levels of crime and vandalism as a result. This tension has at times risen to the level of violent attacks against migrant populations.

(B) Ukrainian and Georgian Asylum Seekers

In 2011 and 2014, in an effort to improve diplomatic relations and increase tourism, Israel signed visa waiver agreements with the countries of Ukraine and Georgia respectively. Since that time, there has been an increasing phenomenon of Eastern European nationals arriving in Israel on tourist visas and subsequently filing applications for asylum. In fact, contrary to popular belief, the majority of asylum requests filed in the past two years were submitted by Eastern European nationals.

The overwhelming majority of these petitions are considered to have been registered in bad faith in order to take advantage of the rules permitting asylum seekers to work in Israel pending resolution of their asylum requests.¹⁴ Indeed, there are brokerage agencies who advertise coaching services to Eastern European nationals to guide them through the process of entering the country as tourists in order to submit asylum petitions after arrival, in order that they might take advantage of administrative delays to access employment opportunities. Israeli officials have detained and deported many Ukrainian and Georgian nationals suspected of planning to overstay their tourist visas while others have been turned them away at Ben Gurion Airport¹⁵.

Israel has never granted refugee status to any of the petitioners in this category. Over the course of 2017, the government of Israel approved a policy by which all refugee petitions from nationals of countries which are not deemed dangerous can be reviewed under an abbreviated procedure¹⁶. Through this ruling, the Population and Immigration Authority has summarily dismissed virtually all petitions from Georgia as well as petitions from Ukrainian nationals from anywhere outside of Ukraine's Donetsk and Luhansk districts where fighting is ongoing.

In recent years, some human rights groups in Israel have been vocally supportive of asylum seekers and refugees and critical of government policies. Criticism has been levied around a number of issues including:

1. Challenges in Processing Asylum Requests.

Rights organizations and the community of African migrants have criticized the Ministry of Interior for failing to accept asylum applications as well as imposing logistical and bureaucratic

obstacles to filing. They also complain of high levels of summary dismissal of requests without full consideration and of extreme delays in processing those requests that are not summarily dismissed¹⁷.

2. *Bias towards Non-Recognition of Refugees.*

Low levels of refugee recognition (less than 1% in Israel) have been cited as proof of bias. Some allege the government's treatment of African migrants is motivated by racism or Islamophobia. In response, government officials claim that most African asylum seekers are in fact economic migrants and do not qualify as refugees.

3. *Detention as a Tool for Deterrence, Isolation or "Extorting" Consent to Leave Israel.*

In the context of immigration, detention is theoretically a tool to facilitate deportation pursuant to an expulsion order. In Israel, however, immigration authorities have routinely detained African migrants even while there are official policies in place that prevent deportation to their home countries and there is no immediate intent to deport¹⁸. Beginning in 2012, the State of Israel began passing controversial legislation to justify detention without an effective expulsion order. These laws have been challenged and in several cases some provisions were overridden by Israel's High Court of Justice¹⁹.

Rights groups claim the government is using detention as a tool to deter further migration, isolate migrants to ensure they do not integrate into society, and strong-arm consent to leave the country voluntarily. These groups argue that detention is inhumane and does not provide a dignified solution to the human needs of the migrants.

4. *Refoulement (expulsion or returning)*

Some organizations also criticize the state for coercing migrants to leave Israel for an unsafe third country. In support of these claims, they cite government policies to detain illegal migrants pending deportation and to withhold portions of their earnings in escrow until they leave the country²⁰.

In recent years, Israel embarked on a campaign to encourage migrants to voluntarily repatriate to "third countries", specifically Uganda and Rwanda²¹ which includes monetary incentives for

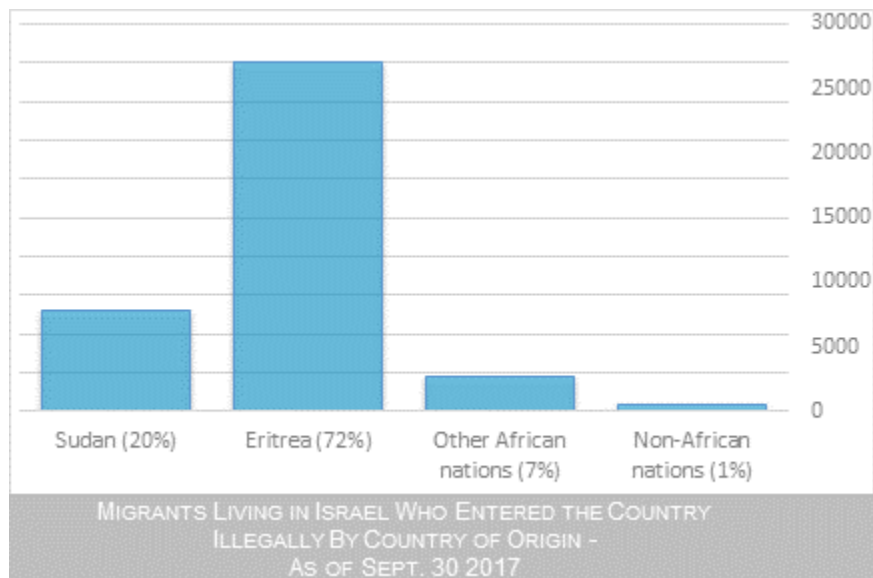
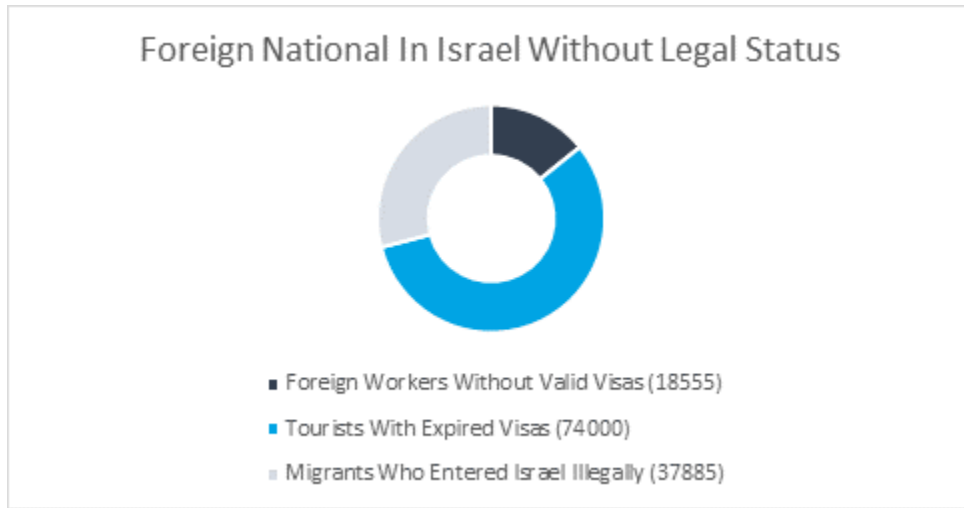
migrants who agree to leave the country. Rights organizations claim that contrary to assurances made by the government of Israel, most migrants have left to Rwanda and Uganda without genuine prospects for safety, legal residency or work permits. Some groups have shared disturbing stories about the fate awaiting those who left Israel for Rwanda, giving rise to strong concerns about the morality of such a policy²².

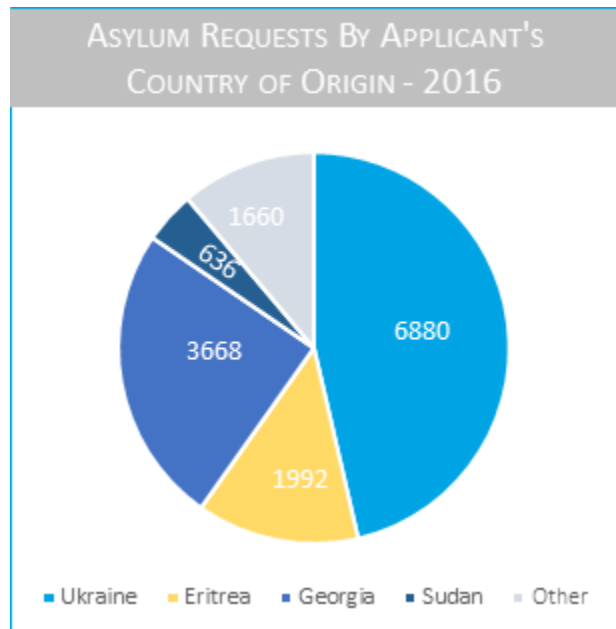
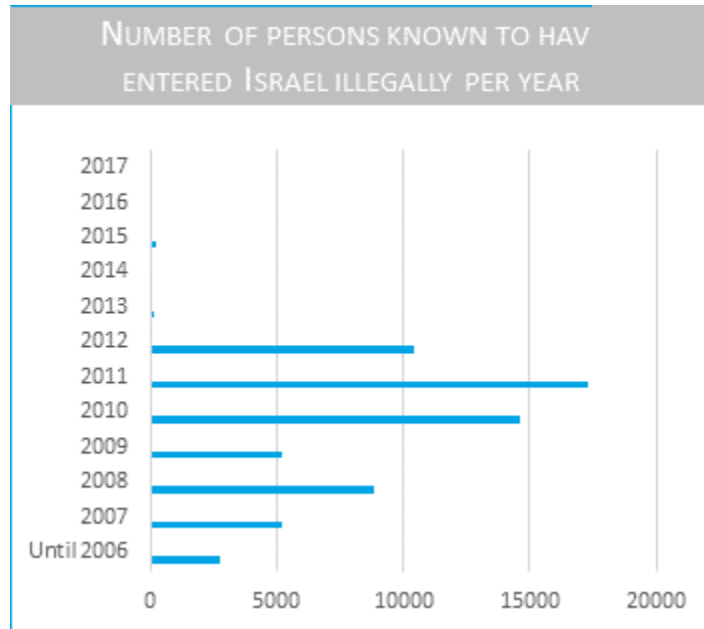
In response, the Israel government has reported that there are “no known cases of injury or harm” to any of the migrants relocated thus far. The High Court of Justice has recognized the government’s right to deport any illegal migrants to a safe third country and found the third countries with which Israel has reached an agreement to be legitimate destination countries under international law²³.

The Israeli government has not publicly confirmed the terms of its arrangements with Rwanda or Uganda. In late 2017, Rwandan and Ugandan officials denied the very existence of these agreements²⁴.

Recently, the government announced that Israel would close its main detention facility before April, 2018 and forcibly deport or imprison any illegal migrants who stay after that date²⁵. Certain groups have been specifically exempted from deportation, including women, children, seniors, the ill and those with pending asylum applications²⁶. Government officials have yet to confirm the identity of the intended destination countries for mass deportation. While many have assumed the intended destinations are Uganda and Rwanda, Israel has thus far only confirmed they are two safe countries on the African continent.

Key Facts & Figures





SOURCE: FOREIGNERS IN ISRAEL - QUARTERLY UPDATE OCTOBER 2017 [HEBREW],
POPULATION IMMIGRATION AND BORDER AUTHORITY, MINISTRY OF INTERIOR, GOVERNMENT OF ISRAEL

Israeli NGOs in the Field

Several non-governmental organizations in Israel work to protect the welfare of economic migrants and asylum seekers. Some are dedicated primarily to serving immediate welfare concerns of these populations while others work to advocate for their rights vis-a-vis the Israeli government. Modest support was provided by Jewish Federations for some of these efforts.

[CIMI*](#)

The Center for International Migration and Integration (CIMI) was founded by JDC in 1998 and works to assist Israel in its migration challenges. By educating and advising the Government of Israel on international methods for dealing with migration, leveraging partnerships between organizations to facilitate efficient cooperation and raising awareness with the migrant community,

CIMI works to ensure a safe and dignified return to migrants who desire assisted voluntary return and reintegration to their home country. CIMI is unique in providing targeted assistance to asylum seekers in Israel's periphery. The organization also works to bring foreign workers to Israel, in ways that are transparent and meant to eliminate the abusive recruitment practices used by some manpower agencies²⁷. CIMI also endeavors to build bridges between local Israeli communities and new migrant populations throughout the country.

[HIAS ISRAEL*](#)

The Israel office of HIAS (formerly the Hebrew Immigrant Aid Society and a member of the National Federation Agency Alliance) provides a range of legal services to migrants and asylum seekers. HIAS established Israel's first-ever refugee law course in 2001 and a refugee law clinic in 2013, both at Tel Aviv University. HIAS sponsored a training program for government officials in Refugee Status Determination and trained lawyers in refugee law. HIAS employees provide individual assistance to refugees to help them evaluate options for reuniting with family in other countries. In 2014, HIAS launched the Michael B. Rukin Refugee Law Fellows program to train and mentor young Israeli lawyers to provide *pro bono* legal assistance to asylum seekers.

[Aid Organization for Refugees and Asylum Seekers in Israel \(ASSAF\)*](#)

Provides aid and advocacy services.

[African Refugee Development Center \(ARDC\)*](#)

Provides aid, advocacy and community development services.

[Amnesty International – Israel Office](#)

Human Rights campaigns, research and advocacy services.

[Association for Civil Rights in Israel \(ACRI\)](#)

Advocates for the fair treatment of asylum-seekers and refugees. In particular, ACRI actively protests the deportation or incarceration of asylum seekers and refugees.

[Elifelet – Citizens for Refugee Children*](#)

Aims to rescue babies and children in south-ern Tel Aviv from the devastating cycle of poverty and hunger in which they are trapped in Israel.

[Eritrean Women’s Community Center](#)

Provides Eritrean women with a safe space as well as access to important services.

[Hagar and Miriam](#)

Guides, counsels and supports the women and their families during pregnancy, birth and after-birth.

[Hotline for Refugees and Migrants*](#)

Defends the rights of migrants and refugees through a combination of client advocacy, h
impact litigation, policy initiatives and public outreach.

[Kav LaOved](#)

Aims to protect the rights of the most disadvantaged workers in Israel, addressing violations through individual assistance, advocacy and outreach.

[Mesila*](#)

Helps administer kindergartens for refugee children. Founded by the Tel Aviv-Yafo Municipality and the Jewish Agency.

*Physicians for Human Rights**

Advocates for health rights for migrants and asylum seekers.

Definitions of Terms

Various terms are used to describe migrants, many of which are politically charged, and none of which effectively apply to all groups. Below is an explanation of these various terms, along with other terms central to this issue.

Asylum Seekers

Asylum seekers are foreign nationals who have submitted a claim for refugee status under the 1951 Convention on Refugees but whose status has not yet been adjudicated. Applications might be lodged under the Convention either by persons who entered the country legally or those who entered illegally. If approved, the asylum seeker gains Refugee Status. In Israel, the term “asylum seeker” is often used erroneously to describe all African migrants who entered the country seeking safe haven, whether they have filed applications or not.

Economic Migrants

An economic migrant is one who takes up temporary or permanent residence in another location in order to improve his/her standard of living. Because a person’s intentions in relocating are not always clear, it can be difficult to distinguish between good faith asylum applications and those motivated by economic concerns. Many in Israel have claimed that large numbers of asylum seekers are in fact economic migrants.

Foreign Workers

Israelis colloquially refer to economic migrants as “foreign workers”. Since the 1990s, Israel has permitted the arrival of thousands of migrants to fill labor gaps in the agriculture, construction and care-giving sectors. While these individuals enter the country at Israel’s invitation, they sometimes lose their legal status - either because their visas expire or because their employment is terminated. Of the 105,425 foreign workers in Israel as of October 2017, 18,555 had no legal status and were subject to deportation.

Holding Facility

Immigration officials in Israel often detain unlawful residents in detention centers or holding facilities, pending deportation. There are four such facilities in Israel: Yahalom, Givon, Saharonim and Holot (an “open facility”). As noted above, Israel recently announced its plans to close the Holot facility by the end of March 2018 and to either imprison or deport large numbers of Eritrean and Sudanese migrants.

Infiltrators

Persons who enter the country illegally are referred to in Israel as “infiltrators” - a loaded term which until recently was reserved for those entering the country intent on harming its citizens²⁸. Most Sudanese and Eritrean migrants who entered Israel via Egypt are referred to in this manner by government officials. No African migrants entered Israel in this manner in 2017.

Migrants

A generic term used to describe anyone who moves from one location to another, for any purpose. Commonly, people use this term to refer specifically to persons who cross international boundaries to relocate for long periods of time

Non-Refoulement

This fundamental principle of refugee law forbids a country receiving asylum seekers from expelling them to a country in which they are likely to be persecution based on "race, religion, nationality, membership of a particular social group or political opinion". This obligation does not prevent a country from removing an asylum seeker to a safe “third country”.

Population Immigration and Border Authority

PIBA is the arm of Israel's Ministry of Interior responsible for the administration of matters relating to citizenship, entry and exit from the country, and the treatment of foreigners staying in Israel, including migrant workers and refugees. It was established in 2008. The government recently announced that PIBA has added 45 new positions to streamline and expedite the process of examining asylum requests.

Refugees

In popular usage, the word “refugee” refers to anyone who crosses national boundaries and is unable to return to his/her home country safely. Under international law, however, a person is recognized as a refugee only if the inability to return home stems from fear of persecution based on "race, religion, nationality, membership of a particular social group or political opinion". Israel was among the first countries to adopt and ratify the 1951 Refugee Convention. Refugee applications are examined through a process called Refugee Status Determination (RSD). Both the exact manner in which cases are adjudicated and the way the "refugee" definition is interpreted and applied varies considerably by location.

Although Israel rarely grants refugee status, the country has provided temporary protection over the years to several groups. Since 1970, despite its small size, Israel has offered protection to those seeking refuge from countries such as Lebanon, Egypt, Iran, Vietnam, Bosnia, Kosovo, Eritrea and Sudan.

It is worth noting that “Palestinian Refugees” hold a unique status according to the United Nations and are served by UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) which utilizes a broader definition of the term “refugee”.

Unlawful Residents

All persons who lack legal standing in Israel are considered “unlawful residents” and are subject to deportation. These include: (i) foreigners who entered under tourist visas and remained in Israel after those visas expired (ii) migrant workers who entered under work permits and remained in Israel after their work visas expired and (iii) migrants who entered the country illegally.

Endnotes

1. See Israel's Law of Return 5710-1950 and the Citizenship Law 5712-1952.
2. The term "migrant" is sometimes used to refer to anyone who relocates from one place to another. In this paper, the term is used to refer specifically to international migrants - i.e. persons who cross international borders and take up temporary or permanent residence in a different country.
3. Recently, in an attempt to reduce its reliance on foreign workers, the government began providing incentives to young Israelis, particularly recently discharged soldiers, to encourage them to enter these industries.
4. Figures are current as of September 30, 2017. Source: Population Immigration and Border Authority '[Foreigners in Israel](#)' 2017 report [Hebrew].
5. Specifically, rights groups have pointed to unwillingness to revoke an employer's permit to bring in foreign workers when such violations have been found to exist.
6. In the past, there was a strict "binding policy" whereby a migrant worker could not switch employers. Under this rule, if the employment ended for any reason (including termination or death of the employer), the migrant would automatically lose his/her legal status. This imbalance of power led to high levels of exploitation by some employers who violated labor rights of migrant workers with impunity, aware that foreign workers wouldn't complain and risk deportation. In 2006, the High Court of Justice struck down the binding arrangement referring to it as "a form of modern slavery. See [HCJ 4542/02 Kav Laoved v. Government of Israel](#) (March 30, 2006). Over the years, there was a slow loosening of these regulations; however the principle remained in practice to a large extent.
7. See e.g. Hotline for Refugees and Migrants, [Immigration Detention in Israel](#), Annual Monitoring Report 2016.
8. Source: Hotline for Refugees and Migrants. [December 2017 Update](#)
9. This distinction is important inasmuch as legal claims for certain types of protections (e.g. the protection from deportation) are far more compelling when an asylum application is pending. As of October, 2017, 6514 asylum requests from African migrants had been considered and closed. As of December 2017, 8588 applications were still pending. Source: HCJ 2293/17 [Esther Gresgher et al v. Knesset et al, Government notice to the court dated December 12, 2017](#). Israel has announced it will not deport asylum seekers with pending application but has restricted this rule to applications filed prior to January 1, 2018. See Population, Immigration

and Border Authority Regulation 10.9.2005 'Deportation to Third Countries Regulation', (Jan. 30, 2018) [Hebrew].

10. The ability of asylum seekers to work stems was recognized pursuant to a High Court of Justice ruling on the subject. That ruling stipulated that the “non-enforcement” policy on the prohibition of working (which the government applies to persons eligible for “group protection”) should also apply to asylum seekers pending resolution of their applications. See: HCJ 6312/10 Kav LaOved v. Government of Israel (January 16, 2011) [Hebrew].

11. Source: Population Immigration and Border Authority 'Foreigners in Israel' 2017 report [Hebrew].

12. The Prevention of Infiltration Law was enacted in 1952 to protect Israel's borders from hostile individuals who might cross the border illegally with malicious intent. Beginning in 2006, government authorities began to detain and imprison migrants based on its provisions.

13. Based on 2012 estimates of illegal migrants by geographic area from the Knesset Research and Information Center. See Dr. Gilad Natan, “Geographic Dispersion of Infiltrators and Asylum Seekers”, [Hebrew]” April 16, 2012. Knesset Research and Information Center. Settlement of migrant in south Tel Aviv can be attributed in large part to government practices which included bussing African migrants to south Tel Aviv after their arrival in the country and limiting the geographic locations in which they were permitted to work.

14. For a comprehensive discussion on this phenomenon and its impacts of the asylum process and other asylum seekers in Israel, see Hotline for Migrants and Refugees “Knocking at the Gate” – Flawed Access to the Asylum System due to the influx of applicants from the Ukraine and Georgia” November 2017.

15. See Melanie Lidman, “Think Most Asylum Seekers in Israel are African? Try Ukrainian”, Times of Israel November 7, 2017.

16. See Ilan Lior, “New Israeli Policy Allows Summary Rejection of Georgians Seeking Asylum”, Haaretz, February 27, 2017.

17. See Hotline for Refugees and Migrants, Association for Civil Rights in Israel and Physicians for Human Rights The 'Labyrinth: Migration Status and Human Rights', December 2015.

18. Since 2005, Israel has a policy not to return citizens of Sudan to their home country. Beginning in 2007, the government declared that it will return Eritrean citizens to their home country.

19. Most of the controversy regarding this law revolved around provisions for long-term detention, with or without hearings.
20. See Article 1M1 to the Foreign Workers Law 5751-1991 which requires employers of migrants who entered the country illegally to set aside 20% of their earnings to be returned to the migrants only upon departing the country. [Hebrew]
21. See Special Track for Voluntary Departure from Israel of Infiltrators. Population Immigration and Border Authority website which promises a grant of \$3500 per person, airfare, and assistance in arranging travel documents. The website also states that asylum requests submitted after January 1 2018 will not postpone departure to a third country.
22. See Hotline for Refugees and Migrants, "Deported to the Unknown": Testimonies of Asylum Seekers who left Israel to a Third Country", December 2015.
23. See AA 8101/15 Almasgad Griusus Zegta et al vs. Minister of Interior et al, August 28, 2017.
24. See Shoshana Kranish, "Rwanda, Uganda Deny Deal with Israel to Take in Asylum Seekers" Jerusalem Post, January 5, 2018.
25. This is not the first time Israel has made announcements of this type. See Ilan Lior "Israel Readies for Mass Deportation Campaign Targeting Refugees" Haaretz August 28, 2013. While previous announcements have also threatened incarceration, this is the first time the government has formally requested a plan be formulated for mass involuntary deportation. See Noa Landau "Israeli Officials Told Netanyahu Plan to Deport Asylum Seekers by Force is Unrealistic" January 4, 2018. This announcement also carries more weight due to the Knesset's December 2017 approval of the plan to close the Holot detention center.
26. See Population, Immigration and Border Authority Regulation 10.9.2005 'Deportation to Third Countries Regulation', (Jan. 30, 2018) [Hebrew]. See also Ilan Lior, "Thousands of Asylum Seekers to be Given 90 Days to Leave Israel or Face Prison" Haaretz. Dec. 28, 2017
27. Many migrant workers from low income countries are keen to come to Israel to work. In the past, recruiters would exploit this fact, charging tens of thousands of dollars for the privilege to work in Israel. Foreign nationals entered into high levels of debt, at times mortgaging all of their family possessions at exorbitant interest rates, believing they would earn enough money to repay the debt shortly after arriving in Israel. This situation left migrants very vulnerable to exploitation and led to circumstances sometimes termed "debt bondage".

In an effort to rectify the situation, the Government of Israel entered into bilateral agreements with specific countries which regulated the recruitment of migrant workers in their home countries including the collection of brokerage fees.

28. Government officials routinely refer to African migrants as “infiltrators” - a term historically used to refer to terrorists who illegally crossed the border with malicious intent. Some have publicly warned that African migrants represent a danger to Israel demographically as a Jewish state. In addition, a few senior government officials have claimed migrants are endangering public health and are responsible for soaring crime rates and have referred to them as a “cancer” or complained of their “filth” and “stench”. One minister said about African migrants that he would “make their lives miserable” until they agreed to leave the country. For a full discussion on the topic, see Hotline for Refugees and Migrants, “Cancer in Our Body: On Racial Incitement, Discrimination and Hate Crimes against African Asylum Seekers in Israel”, July 2012.