

African Migrants
in Israel:
Neither Safe
nor Sound

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Introduction

During the last two decades, Israel has been a destination for refugees fleeing conflict, poverty and instability from African countries - such as, Sudan and Eritrea. Over the years, tens of thousands of migrants have entered Israel through Egypt's Sinai border. Israel's relative stability and its geographical proximity led many refugees to migrate to Israel instead of pursuing the perilous Mediterranean journey to reach the shores of Europe. According to the Israeli Interior Ministry, there are currently 42,000 African refugees in the country - many of whom are children, women or men with families (The Local, 2018).

In January 2018, Israeli Prime Minister Benjamin Netanyahu declared the implementation of a policy to deport tens of thousands of African migrants who entered Israel illegally for the past 20 years. The programme gave migrants the following ultimatum: to leave Israel voluntarily by April 1, 2018 or face indefinite imprisonment with eventual forced expulsion. The plan has prompted global outcry with many critics accusing the government of violating its international obligations by deporting refugees to countries where they may face danger or imprisonment. Although earlier reports indicated that Rwanda and Uganda had agreed to accept the migrants from Israel (RCK, 2018), both countries denied the existence of such an agreement. Consequently, the fate of Israel's African migrants has continued to pose a moral dilemma for a state that was believed to be founded as a haven for the persecuted, with international refugee agencies and rights groups arguing that countries like Rwanda and Uganda are not ready to absorb migrants.

On April 2, a day after the deadline, Israel struck a deal with the United Nations Refugee Agency - UNHCR - to cancel the mass deportation plan (Yaron and Landau, 2018). The agreement stated that Western countries, such as Germany, Canada, and Italy, would host half of the refugees - approximately 16,250 - while Israel would grant the other half with temporary residency status of up to five years. However, Netanyahu changed his mind merely 24 hours after the agreement and on April 3 the deal was formally cancelled. The Prime Minister reasoned his move by stating: *"I have listened carefully to the many comments on the agreement. As a result, and after I again weighed the advantages and disadvantages, I decided to cancel the deal. Despite legal restraints and international difficulties that are piling up, we will continue to act with determination to explore all of the options at our disposal to remove the infiltrators."* (Jeffrey Heller, 2018)

Although the April 1 deadline - which Israel's Supreme Court suspended on March 15 - has passed and other efforts to resolve the issue yielded no results, the controversial plan continues to be examined, leaving many African refugees in fear of imminent deportation or imprisonment.

Africans in Israel

Israel is a preferred destination for migrants and refugees due to the belief that the Hebrew country represents a cultural bridge to Europe. Additionally, economic opportunities are far better compared to its neighbouring Arab countries. This has undoubtedly motivated migrants to enter Israel in search of a better life.

However, a closer analysis of the African migrants in Israel reveals that the majority of them originate from two countries located in the Horn of Africa, namely Sudan and Eritrea. The motivations of these refugees to seek asylum have more to do with seeking a better life - away from poverty, conflicts and state repression in their countries.

Escaping Conflict and State Repression

Since 2003, Sudan's southern Darfur region has been experiencing continuous ethnic violence, in which conflicting parties employ torture, mutilation, and rape as weapons of war. The United Nations estimates that around 200,000 - 300,000 people have died in the conflict and

more than 4 million others have been affected (UNICEF, 2008). For this reason, in 2009, the International Criminal Court (ICC) has issued an arrest warrant for Sudanese President, Omar al-Bashir, charged with crimes against humanity, genocide and war crimes (ICC, 2009).

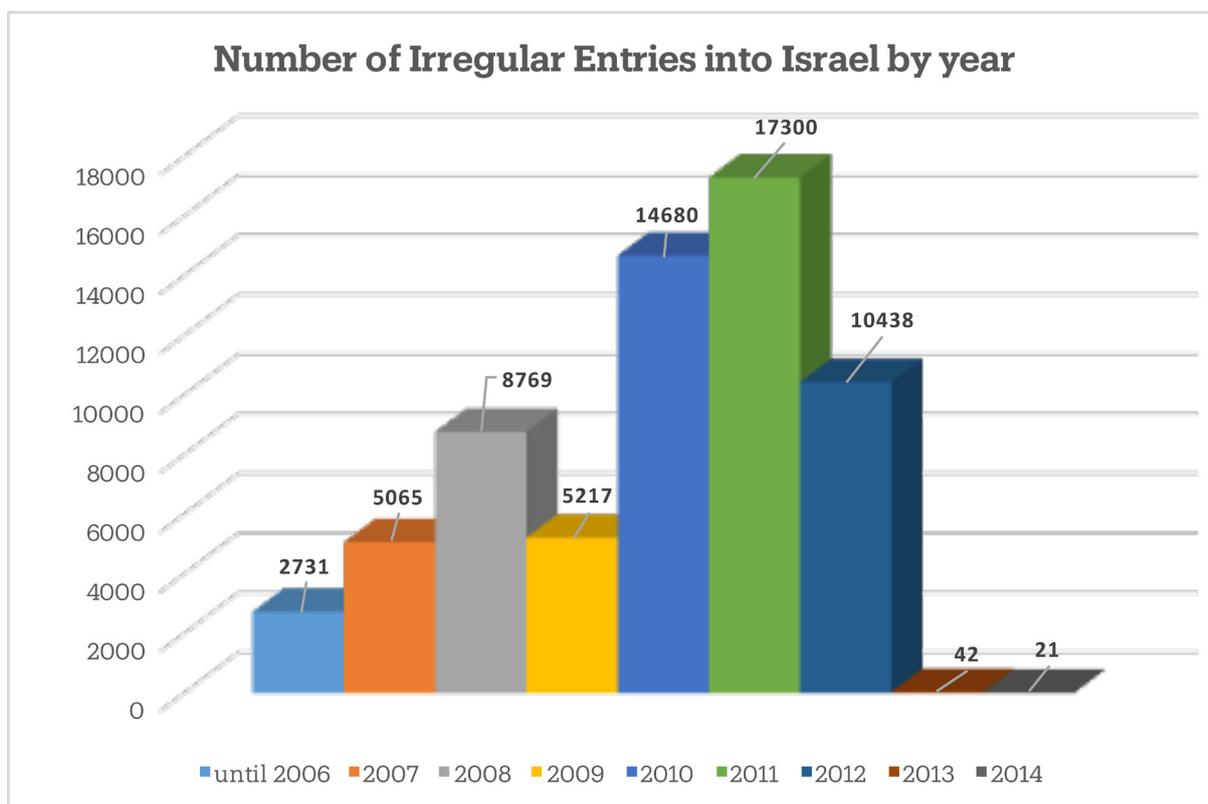


Figure 1: Number of irregular entries into Israel by year (Sabar and Tsurkov, 2015)

In 2004, eleven African migrants, who were survivors of the genocide in Darfur, entered Israel through Egypt, and in 2005, 453 more asylum-seekers crossed into Israel. In the following year, the number of migrants had reached 1,204. The asylum-seekers who crossed into Israel have reported that they were deeply affected by the political transformations in Egypt and more specifically the Mustapha Mahmoud Park Massacre in Cairo on December 30, 2005. The Sudanese refugees staged a three month peaceful sit-in demonstration in front of the United Nations High Commissioner for Refugees (UNHCR) headquarters in Egypt's capital, Cairo, to voice their opposition against UNHCR Cairo's decision to suspend refugee status determination interviews for Sudanese migrants, as well as to protest against their living conditions in Cairo. However, on December 30, 2005, Egyptian security forces attacked the demonstrators, resulting in the death of 56 refugees and the detention of hundreds of others (Dadrian, 2006). Following the violent attack, many Sudanese refugees felt they were no longer safe in Egypt and decided to seek asylum in neighbouring Israel (HRW, 2008).

Furthermore, another reason that motivated African asylum-seekers, who lived in Egypt since the mid-1990s to cross into Israel, was the deteriorating human rights situation of the Egyptian asylum system and lack of durable solutions for their plight (*Ibid*). Studies have shown that both recognised and unrecognised refugees in Egypt face social exclusion, constant harassment and lack of access to rights and social services. For this reason, although the refugees may have lived in Egypt for generations, researchers have found that the majority of them "do not see a possibility of establishing their lives in Egypt" (Grabska, 2006: 304).

Human rights groups and international refugee agencies, including UNHCR, have documented that Eritrea's extensive torture and detention of its citizens, as well as its policy of endless military conscriptions, with low salaries, have led tens of thousands of Eritreans to flee since 2001. Eritrea - one of Africa's youngest countries that gained independence from Ethiopia in 1993 after a bloody thirty-year struggle - has one of the strongest and most efficient armies in the Horn of Africa due to the prolonged military service for both men and women. In 2009, Human Rights Watch reported that the "widespread systematic human rights violations have become routine, including arbitrary arrest and detention, torture, extrajudicial killings, and severe restrictions on freedom of expression, freedom of worship, and freedom of movement" (HRW, 2009a).

Consequently in 2015, the United Nations Human Rights Council estimated that around 5,000 Eritreans leave their country every month (OHCHR, 2015).

In 2007, Eritrean migrants began to enter Israel and by 2015 they comprised 73% of all asylum-seekers in Israel. The Eritreans, unlike most of the Sudanese migrants, had spent considerable time in Egypt (and other third countries such as Ethiopia and Sudan) before their arrival to Israel. A key factor that compelled them to seek refuge in Israel was the quasi-impossibility to navigate the immigration system in other countries of asylum. Furthermore, the lack of security and the hard living conditions in the first countries of asylum have led these migrants to move onwards in search of a better life. The forceful repatriation of Eritrean refugees to their country by Sudan, Libya and Egypt - despite condemnation from the United Nations - have also contributed to the increasing numbers of Eritreans heading to Israel (HRW, 2009b).

However, a closer analysis of the African migrants in Israel reveals that the majority of them originate from two countries located in the Horn of Africa, namely Sudan and Eritrea. The motivations of these refugees to seek asylum have more to do with seeking a better life - away from poverty, conflicts and state repression in their countries.

Unwanted “Infiltrators”

Israel—a state founded as a haven for Jewish people evading persecution - does not see itself as a destination for non-Jewish refugees and asylum-seekers. The Israeli government has reiterated several times that the only route for migration to Israel is the 1950 Law of Return. This law deals with Jewish foreigners, their children and grandchildren who are, under the Citizenship Law, eligible for an Aliyah (Jewish migrant) visa and Israeli citizenship (Knesset, 1950).

In 1951, Israel signed the United Nations Refugee Convention that outlines the rights of displaced people, as well as the legal obligations of States to protect them. The most notable principle - among others such as non-discrimination and non-penalisation - of this convention is the principle of non-refoulement, which dictates that “a refugee should not be returned to a country where they face serious threats to their life or freedom” (UNHCR, 1951). However, the recent inflow of non-Jewish asylum seekers and refugees has challenged Israel’s ability to honour international commitments and most importantly to safeguard its Jewish majority.

Concerning this challenge, the Israeli authorities increased border security and efforts to address the legal aspects surrounding the status of refugees in Israel. In 1954,

the government passed the “Prevention of Infiltration Law,” which banned the illegal entry of people from the neighbouring countries (i.e. Palestine, Egypt, Lebanon, Syrian, and Jordan) citing that they may pose a threat to Israel’s security. This law was amended in 2012 to include all other unlawful border-crossings, including African asylum seekers who enter Israel through Egypt’s Sinai, to ensure the security of Israel’s Jewish majority (HRW, 2012a). This law was created following anti-African sentiments among the Israelis as well as in government circles. Ei Yishai, Israel’s former Interior Minister, was quoted saying “this country belongs to us, to the white man,” and that he wanted to use “all the tools to expel the foreigners, until not one infiltrator remains” (Weiler-Polak, Dana, 2012). Miri Regev, an Israeli lawmaker, also took a firm stance against African migrants, labelling them as “a cancer in our body” (Rickman, 2012).

The anti-African migrant rhetoric reveals the embedded racism in Israeli society, particularly in regard to people of black colour. In this context, it was asserted that the ‘use of the colour black as a metaphor for evil is found in all periods of Jewish literature’ (Law, 2010: 5). Furthermore, Israel has its own “Internal Others”. It is home of large number of Ethiopian Jews who migrated to Israel in 1980s. This community is often subject to discrimination and racism (Anteby-Yemini, 2017).

Indefinite Detention

Since 2005, Israeli authorities have detained African migrants who crossed into Israel without trial, with some of them spending more than a year in prison. The Israeli government and the UNCHR reportedly wanted to strike a deal with the Egyptian regime that would allow the migrants to return to Egypt, but such an agreement never materialised. The majority of the asylum-seekers at the time were from Sudan - an enemy state - and therefore, they could not be released from the detention centres since they were perceived to be a danger to the public.

As the number of migrants surged, the Israeli authorities built Saharonim detention facility along the Egyptian border. However, the detention period decreased from one year in 2006 to only few weeks in 2008 thanks to extensive legal battles led by human rights groups as well as refugee agencies calling on the Israeli government to halt and revise the implementation of its policy. Following pressure from the UN and human rights groups, large numbers of Eritrean and Sudanese migrants were protected from deportation; however, Israel barred the migrants from lodging asylum

requests, which prevented them from obtaining refugee status.

In 2009, the Israel Ministry of Interior took control of the entire refugee status determination (RSD) process, which was previously administered by the UNHCR. Since then, Israel has granted only five people (Four Sudanese and one Eritrean) from 17,778 asylum cases - a 0.25% rate of recognition (Lior, 2015).

A key factor behind the decrease of asylum grants could be attributed to the hostile environment created by Israel’s immigration process. In fact, public figures and political elites, including the Prime Minister and Minister of Interior, have said the vast majority of the African asylum-seekers are not genuine refugees but “illegal work infiltrators” (Ravid, 2014). In 2013, in comparison to Israel’s anti-refugee policy, 58.7% and 67.3% of Sudanese and Eritrean refugee requests respectively have received positive outcomes globally (UNHCR, 2013). Furthermore, 94.1% of Eritreans who claimed asylum in Europe were recognised as refugees in 2016 (MPI,

Following the 2012 amendment of the Prevention of Infiltration Law, which allowed the imprisonment of illegal migrants for up-to-three years without trial, the Israeli authorities began to detain large numbers of migrants - about 1,750 - and expanded the existing prisons to accommodate them (HRW, 2012b). In September 2013, Israel's High Court ruled that the amended law infringed the liberty of the "infiltrators" and asked the government to release them immediately (Sheizaf, 2013). Following this, the government developed a new law through parliament - passed on December 2013 - that overturned the High Court's decision and allowed the authorities to continue detaining the migrants without trial.

The new law mandated that migrants who enter the country illegally be detained for one year in the Saharonim detention facility. By the end of this period, migrants would then be transferred to Holot, a semi-open prison near the Egyptian border, and would be held there indefinitely until they agree to be returned to their home countries. Asylum-seekers who were already living in Israel were also told to immediately report to the detention camp upon contact with immigration authorities in order to renew their conditional release visas. The detainees, albeit free to leave during the day, are prohibited to work and required to participate in three daily roll calls and report back to prison in the evening (Tsurkov, 2013).

In September 2014, the High Court voided the law on grounds that it breached the right of migrants to liberty, autonomy and freedom of movement. Consequently, it gave the government a 90-day ultimatum to come up with a law that does not violate the basic rights (i.e. Human Dignity and Liberty) enshrined in the Israeli constitution

(Ziegler, 2014). Subsequently the government drafted a new amendment to the Prevention of Infiltration Law, which authorised a three-month imprisonment of all new asylum-seekers who came to Israel after this new amendment came into effect. Following the end of the three-month period, the prisoners are to be transferred to Holot detention camp for a further twenty months. Under this law, the prisoners are not allowed to work, are required to sleep in the prison and must take part in one daily roll call, thus discouraging them from entering into major cities. At the end of the twenty-month period, the asylum-seekers were to be released back into the country. However, most detainees in the camp have been in Israel for around 7 years and were still told to report to the camp after they came to renew their immigration visas. The ultimate purpose of this prolonged detention policy is two-fold: 1) pressure the detainees to leave Israel voluntarily or agree to be deported and 2) discourage other migrants from coming to Israel (HRW, 2014a).



Figure 2: African Asylum-seekers' Detention Centres (TRT World, 2018)

¹ This visa, which requires to be renewed every one or two months at the Immigration Authority, protects its Eritrean and Sudanese holders from deportation temporarily. It does not allow its holder the right to work, housing, government assistance, welfare services, or medical insurance.

Additional pressures to force migrants to leave Israel

The Israeli authorities have used the complex legal system to their advantage in preventing the Sudanese and Eritrean migrants who have conditional release permits to work. Although the permit is not a legal work document, some Israeli businesses began employing permit holders in 2006. However, in 2010, the government declared that the “infiltrators” who have conditional release permits would not be allowed to access employment opportunities.

According to the Human Rights Watch “Make their Lives Miserable” 2014 report, the Sudanese and Eritrean asylum-seekers with permits, were prevented access to work as well as to basic and secondary health care (ibid). As a

result, many Israeli employers fired Eritrean and Sudanese workers without prior notice, which they reasoned by claiming the asylum-seekers lacked the right to work. The report also highlights that the migrants did not have adequate access to healthcare and were offered a limited range of free services such as emergency care, pre-natal care, and treatment for infectious diseases, including lung diseases (tuberculosis), skin diseases and HIV. This systematic neglect of the health of refugees, as well as the lack of work permits, have left many Sudanese and Eritrean migrants under difficult social and economic circumstances, partially contributing to their decision to leave Israel.

Deportation

Until recently, Israel has been following the recommendations of the UN and human rights organisations to not deport the refugees to Eritrea and Sudan. However, the Israeli government has been secretly sending asylum-seekers to other African countries, namely Rwanda and Uganda. The Israeli authorities claim the repatriation is “voluntary departure”.

In 2015, the Israeli government devised a plan to increase the departure rate by announcing that those who refuse to go to a third country voluntarily will face indefinite life imprisonment. The state promised that deportees will live “a dignified life” and will at least “remain in work and make a living.” In August 2017, the Israeli High Court, although it did not find credible evidence that Rwanda is an unsafe country for the deportees, ruled that Israeli authorities cannot jail African migrants to force them leave the country as long as it concerns the “Voluntary Departure” agreement.

In November 2017, the Israeli government declared that it would enforce measures that bring about the departure of Eritreans and Sudanese without their consent, thus ending the so-called “voluntary departure” agreement.

Prime Minister Netanyahu said he had reached a deal with an African country and shortly after this announcement, the Rwanda’s Minister of Foreign Affairs confirmed the existence of ongoing negotiations between the two countries, although she refused to acknowledge whether this would include forcible deportations. However, reports have emerged that Rwanda will receive \$5,000 per deportee from Israel. The Israeli government, in order to enforce this plan, have produced a ruling that has extended the operation of Holot detention camp for a period of three months.

On January 1, 2018, the Ministry of Foreign Affairs also issued the “Regulation on Removal to the Third Countries” for the Eritrean and Sudanese asylum-seekers. It read: *“starting in February 1, 2018, an infiltrator from the state Eritrea or Sudan (sic) whom...the Border Control Officer found to fall within the population targeted by the implementation of this regulation...will receive a written notification...that he must leave Israel within 60 days”* (Lior et al, 2018). Following this announcement, which also mentioned agreements with “Two African countries”, Rwandese and Ugandan governments rebuffed the existence of such an agreement (Ssuuna, 2018).

On the Stairway to Europe

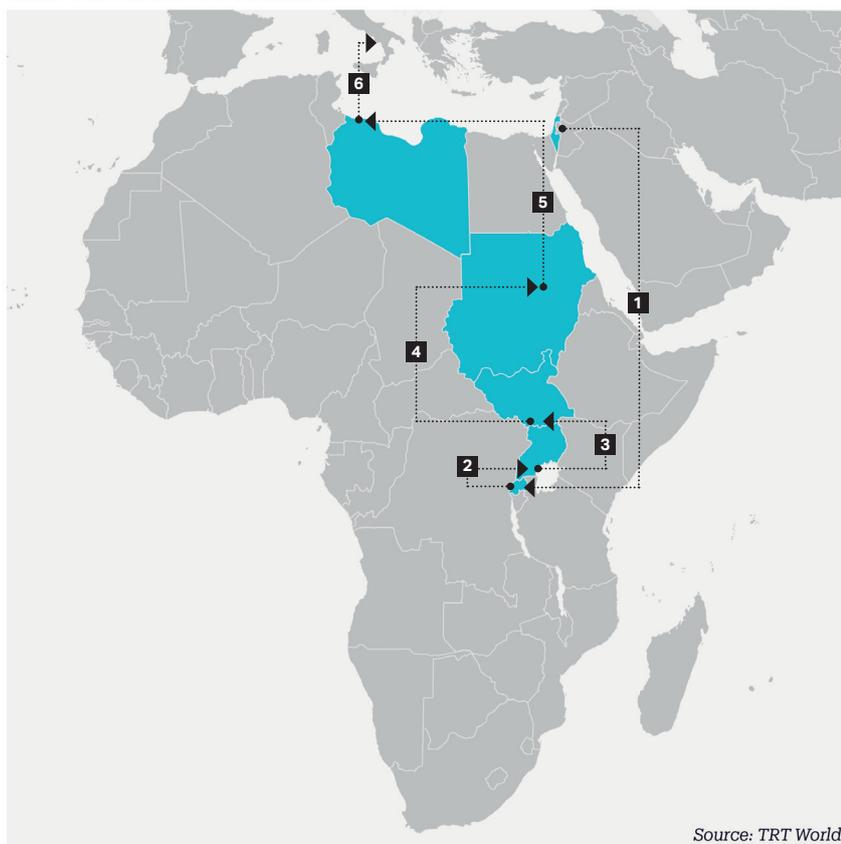
In 2015, 1,500 asylum-seekers were deported to Rwanda and Uganda (Reliefweb, 2015). As of April 2018, the number is estimated to be 4,000 (Lubell, 2018). However, some of the deportees, who ended up in Rwanda, have cited complexities in the asylum process in the host country and, most importantly, difficult living conditions (Lior, 2018).

According to the UNHCR statement released in January 2018, which conducted interviews with 80 Eritrean deportees between 2015 and 2017, the asylum-seekers were caught in a situation completely different from what they initially expected (UNHCR, 2018).

According to testimonies, the deportees did not receive due support from local authorities and felt unsafe partly due to the fact they were known to have money from Israel. This compelled many of them to embark on a new and arduous journey spanning South Sudan, Sudan and Libya to reach Europe. Some reported fellow travellers perished en route to Libya while many others experienced incarceration and were subjected to abuse (i.e. torture and violence), before taking the perilous Mediterranean Sea journey to Europe.

Similar reports have arrived with the same conclusion and have reinforced the UNHCR's study. In January 2018, Hotline - an Israeli organisation for refugees and migrants - conducted a qualitative research on the deportees and interviewed 19 Eritrean refugees who left Israel to

THE DEPORTEES JOURNEY FROM ISRAEL TO RWANDA, UGANDA AND ONWARD TO EUROPE



- 1- From Israel to Rwanda
- 2- From Rwanda to Uganda
- 3- From Uganda to South Sudan
- 4- From South Sudan to Sudan
- 5- From Sudan to Libya
- 6- From Libya to Europe

Figure 3: The deportees' journey from Israel to Rwanda, Uganda and onward to Europe (TRT World, 2018)

Africa between 2014-2016, before eventually making it to Europe (Lior et al, 2018). According to this report, the interviewees confessed that they were confronted with a situation different from what they had in mind before leaving Israel. Local authorities confiscated their travel documents once they landed. They were put in guarded hotels and prevented from leaving. They did not get an opportunity to apply for asylum. Thus lacking protection and becoming exposed to theft, they were forced to take the dangerous journey to Europe via South Sudan, Sudan and Libya and some of them perished on the way while others experienced incarceration.

Conclusion

African migrants began entering Israel in mid-2000s from Egypt. While a small number of the migrants hailed from other African countries for instance, Ethiopia, Ghana, and Nigeria, the majority of them were from two Horn of African countries—Sudan and Eritrea. The Sudanese migrants were fleeing from insecurity, violence and ethnic and religious conflict from Sudan. The Eritreans were mainly escaping from poverty, state repression and human rights violations. Additionally, their exodus to Israel were further motivated by social exclusion, difficult asylum systems and insecurities they felt in the countries of their first arrival. In particular, the 2005 Cairo sit-in incident, in which the Egyptian police killed dozens of Sudanese refugees, has been a turning point for migrants to Israel. Since that time, Israel has been a destination for African migrants. Israel's relative stability and its geographical proximity to Africa compelled the refugees to opt for Israel instead of taking the perilous Mediterranean journey to Europe. There are currently 42,000 African refugees—mainly children, women or men with families—in Israel.

The inflow of non-Jewish asylum seekers has challenged Israel's ability to honour its international commitments. To address this challenge, Tel Aviv has amended the "Prevention of Infiltration Law," by including African asylum seekers who enter Israel through Egypt's Sinai. Through this law, the Israeli government detains African migrants indefinitely without trial until they agree to 'voluntarily' leave Israel. Those who agree to leave are sent to a 'Third African Country,' which Israeli authorities have made secret deals with. Deportees report they have not received protection in these host countries, therefore, have been forced to take the dangerous journey to Europe. Some of them die on the way while others experience torture, enslavement and detention.

In January 2018, Benjamin Netanyahu, Israeli's Prime Minister, declared the enforcement of a new policy to deport tens of thousands of African migrants. Under this policy, migrants should leave Israel voluntarily by April 1, 2018 or face indefinite imprisonment with ultimate forced expulsion. The plan drew a large international condemnation as the refugees may face danger if they return to their countries of origin or even to other African states. Previous reports revealed that Rwanda and Uganda would receive the deported migrants from Israel but both countries have denied the existence of this agreement. Furthermore, international refugee agencies and rights groups say that in the current state of affairs, these countries are not ready to absorb the migrants.

On April 2 2018, the UN refugee agency (UHCR) has reached an arrangement with Prime Minister Netanyahu to relocate half of the migrants to Western countries. Under this deal, Tel Aviv would allow the other half to remain in Israel by granting temporary residences. However, Netanyahu cancelled the relocation deal barely a day later. With no durable solution visible, at least for now, the fate of tens of thousands African migrants in Israel hangs in the balance. They face imminent deportation to either their countries of origin or third African countries.

Israel gave migrants the following ultimatum: leave Israel voluntarily by April 1, 2018 or face indefinite imprisonment with ultimate forced expulsion. The plan drew a large international condemnation as the refugees may face danger if they return to their countries of origin or even to other African states.

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