

April 2016

Eritrean Asylum Seekers in Israel

According to the Israeli Ministry of Interior (MOI), by the end of October 2015 there were 44,599 African asylum seekers in Israel, among them 32,595 Eritreans and 8,531 Sudanese. From the beginning of 2015 until October 2015, 2,028 asylum seekers left Israel under the "voluntary return" process, joining the 9,026 asylum seekers who had already left the country during the previous two years.¹

In the last three years the Israeli MOI has used various methods to coerce Eritreans and Sudanese to leave Israel and return to their homelands or to third countries. The systematic pressure used includes:

- Imprisonment in Saharonim prison²
- Detention in the Holot facility³
- Withholding of legal status⁴
- Withholding of work permits⁵
- Requirement to frequently renew the permits and conditioning the renewal in obtaining documents such as salary slips and apartment rent contracts that many asylum seekers cannot obtain
- Spreading false information about agreements with third countries (Uganda and Rwanda) that agree to accept asylum seekers from Israel
- Offering \$3,500 in cash to those who "agree" to leave

Furthermore the Israeli Immigration Authority continually subjects asylum seekers to degrading and humiliating treatment.⁶

The Legal Situation of Asylum Seekers in Israel

Since June 2012, the authorities started implementing amendments to the Anti-Infiltration Law on asylum seekers. The third version of the Law, allowed asylum seekers who entered through the Egyptian desert, to be held for three years in administrative detention and asylum seekers from enemy states, such as Sudan, to

¹ Population, Immigration and Border Authorities, Foreigners in Israel - version 3/2015, Table A2 and A3 (October 2015), available in Hebrew at:

<http://www.piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/oct2015.pdf>

² Hotline for Refugees and Migrants, Immigration Detention in Israel, Yearly Monitoring Report 2015, February 2016, available at: <http://hotline.org.il/en/publication/detentionmonitoring2015/>

³ Hotline for Refugees and Migrants, [From One Prison to Another](#), June, 2014, available at: <http://hotline.org.il/en/publication/holotreporteng/>

⁴ Hotline for Refugees and Migrants, [No safe Haven](#), December 21, 2014, available at: <http://hotline.org.il/en/publication/no-safe-haven/>

⁵ Hotline for Refugees and Migrants, [Streaming the Process](#), March, 2014, available at: <http://hotline.org.il/en/publication/streamlining-the-process/>

⁶ For more details see: <http://hotline.org.il/en/the-ministry-of-interiors-abuse-of-married-asylum-seekers/>

be held indefinitely.⁷ The High Court of Justice abrogated the third amendment on September 2013,⁸ and on December 2013 the Israeli Knesset legislated the fourth amendment⁹ allowing one year's administrative detention of new comers and an indefinite imprisonment of asylum seekers already residing in Israel in an "open" facility, called Holot, run by the IPS. Individuals held in the Holot facility are not allowed to work and were subject to a roll call three times a day, thus restricting travel outside of the immediate area where the facility is located. The "open" facility is closed at night. The HCJ abrogated the fourth amendment on August 2014,¹⁰ and on December 2014, the Israeli Knesset legislated another amendment allowing the detention of new comers for three months, and the detention of others in the Holot facility for 20 months, and reduced role-calls to only one a day.¹¹ On August 2015 the High Court of Justice found the section that allowed detention in Holot for 20 months un-proportional and ordered its reduction, temporarily setting a maximum detention period of 12 months. A new version of the anti-infiltration law that complies with the HCJ's order passed on February 8th, 2016.¹²

Although there are only 3,360 beds in Holot, the MOI admitted to have summonsed 12,425 asylum seekers to the facility during 2015, leaving all those who did not submit to detention in Holot exposed to incarceration in Saharonim prison, and having to find a way to make a living while their employers are liable to pay heavy fines.

The Rwanda or Saharonim Policy: According to a policy announced by the Israeli MOI at the end of March 2015, "infiltrators" who reside in Holot and have no asylum claim will have to choose within a month between leaving to Rwanda or an indefinite detention in Saharonim prison. According to Israeli authorities, the detention can be justified under article 13F(b)(1) to the Entry to Israel law (1952) that states that "a detainee will not be released if (1) his removal from Israel is prevented or delayed as a result of lack of full cooperation on his side, including revealing his identity or arranging his removal from Israel procedures." A petition served by the Human rights

⁷ The 3rd amendment to the Anti-Infiltration Law, January 9, 2012 (Hebrew):

www.knesset.gov.il/privatelaw/data/18/3/577_3_2.rtf. Info about the 3rd amendment in English: Tsurkov, Elizabeth, Knesset passes Bill on prolonged detention of refugees without trial, 972 Magazine, January 10, 2012: <http://972mag.com/knesset-passes-controversial-bill-on-prolonged-detention-of-asylum-seekers/32487/>

⁸ HCJ 7146/12 Adam v. the Knesset, September 16, 2013:

http://elyon1.court.gov.il/files_eng/12/460/071/b24/12071460.b24.pdf

⁹ The 4th amendment to the Anti-Infiltration Law, December 10, 2013:

www.knesset.gov.il/privatelaw/data/19/3/817_3_1.rtf

¹⁰ HCJ 8425/13 *Gebrselassie v. Knesset et al*, September 23, 2014: <http://hotline.org.il/wp-content/uploads/Gabrislasi-English-Summation.pdf>

¹¹ *The Amendment to the Anti-Infiltration Law and to Ensure the Departure of Infiltrators from Israel (2014)*: https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf (Hebrew)

¹² The Amendment to the Anti-Infiltration Law, February 8, 2016 (Hebrew):

organization to Beer Sheva district court was rejected on November 2015 and the NGOs appealed the HCJ.¹³ In a hearing held on March 15, 2016, Judge Naor expressed her concern regarding the safety of Rwanda and the nature of its Judicial system. A second hearing will be held at the end of April in the presence of the government only.

Since May 2013, the MOI rejected the asylum requests of hundreds and maybe even thousands of Eritreans with solid asylum claims. On all the rejection letter appears the same paragraph:

"By decision of the Minister of the Interior, evasion of army service or deserting of army duties in and of themselves or with no connection to any of the grounds listed in the Refugee Convention, are not enough to establish grounds for political persecution in accordance with the convention, and requests founded solely on draft dodging or desertion of the Eritrean army do not constitute a foundation for refugee status."

There are more than 10,000 pending asylum requests. Yet, since the summer of 2015, the MOI summarily rejected hundreds of asylum requests if the asylum seekers entered the country more than a year before submitting the request. The HRM served a petition to the court of appeals, demonstrating that until the end of 2012 Eritreans and Sudanese had no possibility to apply for asylum and that up until now, the MOI did not publish in a proper way how to apply for asylum.

This present policy threatens to force thousands of Eritreans to make the difficult choice between unlimited detention in the Saharonim prison or deportation to Rwanda, which offers the Eritreans no legal status; those who arrive there, find themselves immediately deported to neighboring Uganda, forced to look for refuge elsewhere.¹⁴

http://knesset.gov.il/privatelaw/plaw_display.asp?LawTp=2

¹³ For more details see: <http://hotline.org.il/en/press/israeli-district-court-rejects-legal-petition-from-human-rights-organizations-and-allows-asylum-seekers-who-refuse-to-leave-israel-to-be-imprisoned-indefinitely/>

¹⁴ For more details see: Hotline for Refugees and Migrants, [Rwanda or Saharonim](http://hotline.org.il/en/publication/rwanda-or-saharonim/), July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/> and [Deported to the Unknown](http://hotline.org.il/en/publication/deported-to-the-unknown-2/), December 2015, Available at: <http://hotline.org.il/en/publication/deported-to-the-unknown-2/>