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## Hot Line for Eritrean and Sudanese Refugees Responds to Israeli Prime Minister's Office

BY Rabbi John Rosove (<http://jewishjournal.com/author/rabbi-john-rosove/>) | PUBLISHED Feb 11, 2018 | Blogs (<http://jewishjournal.com/category/blogs/>)

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Note: I have been a supporter of the Hotline for the past number of years. I post their letter in its entirety to correct the record and to give context to the impending Eritrean and Sudanese Refugee expulsion from Israel. The Hotline's responses are in bold. Please read and express your views directly to the Consuls General in your community.

**Dear All:**

**In recent days, following the wave of public protest, there have been many complaints from senior public officials and politicians who are trying to legalize the expulsion of asylum seekers. In response to the half-facts presented to the public, the following are some answers to a message issued from the Prime Minister's Office to reporters from abroad.**

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Safe Relocation of Migrants that Entered Israel Illegally – General Information

- In recent years, the State of Israel, like many other developed countries, has experienced an influx of migrants entering its territory illegally.

**Up until 2012, according to the Mol 64,000 Africans entered Israel. Since the building of the fence in Egypt border in 2012, up until 2016, only 300 people entered. During 2017 not even one person entered.**

- Since 2006, roughly 64,000 migrants entered Israel illegally through the Israeli-Egyptian border.

**The term “illegally” is, of course, true but misleading – According to International laws, entry through a border crossing illegally does not prevent a person from being a refugee. On the contrary, it matches refugees’ migration patterns.**

- The sheer number and the range of issues raised by the entry of these migrants present significant socioeconomic challenge for Israel, whose population is about 8.5 million.

**Right now there are only 34,000 Eritreans and Sudanese in Israel. It's below 0.5 percent of the population. While the rest of the world deals with 65 millions of refugees and internally displaced people, Israel can take its part and absorb even the whole 34,000. In addition, Israel imports about 80,000 migrant workers every year and there are almost 100,000 undocumented migrants in Israel. The asylum seekers who face deportation or indefinite detention, on the other hand, are standing in line for days every month to two months in only two offices around the country in order to preserve their legal status.**

- The Jewish people's history makes Israel highly sensitive to humanitarian issues. This sensitivity, in addition to Israel's obligations under international law and the Israeli government's commitment to human rights, lead to considerable efforts by all government agencies to protect the rights of these migrants, while addressing the challenges they pose.

**We agree that the Jewish people's history should make Israel highly sensitive to humanitarian issues. And therefore it must absorb as many people as possible asking for protection under international standards**

- Israel was among the first countries to adopt and ratify the 1951 Refugee Convention. Israel strictly applies the convention, including the basic idea that no person is to be returned to a country where he/she faces serious threats to life or freedom. Since 1970, despite its small size, Israel has saved non-Jewish people in distress and those seeking refuge from countries such as Lebanon, Egypt, Iran, Vietnam, Bosnia, Kosovo, Eritrea and Sudan.

**Israel has granted refugee status to only 11 people from Eritrea and Sudan throughout the last decade (And something like 200 from other countries) That's less than a 0.5 percent. And it obviously does not meet international standards. Israel incites against Eritreans and Sudanese who come here, refer to them as “work infiltrators” and a minister in the government called them publicly “cancer in our body”**

- Based upon regular consultations with the UNHCR and the understanding of the current events in Eastern Africa, Israel granted temporary protection to approximately 50,000 migrants from Sudan and Eritrea without requiring prima facie proof that they qualify for refugee status under international law or that they have an individual claim to stay in Israel.

**Inside Israel, the authorities do not refer the status they grant Eritrean and Sudanese “Temporary protection” and insist on “refraining from removal”. That is exactly what it is: Life without any rights – no work permit, no social rights, no health insurance and no certainty, for more than a decade! In addition, the government is deducting 20% of the net salary of all Eritrean and Sudanese to a special deposit that they can receive only when leaving the country. That in addition to 16% that their employer must deposit and to 20% pole tax. All this makes their employment extremely expensive and force them to work around the clock in order to make a living.**

- There are currently around 37,000 migrants from Sudan and Eritrea in Israel who entered the country illegally. **(34,000 according the last Mol report).**
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- 20,000 Sudanese and Eritrean migrants that entered Israel illegally have left the country voluntarily, including 4,000 in 2017.

- According to Israel's Population and Immigration, after going through the Refugee Status Determination process, the overwhelming majority of applicants have been found to be ineligible for asylum. Over the years, 1000 asylum seekers from Darfur have been afforded temporary residence status.

**And why didn't they get refugee status? Why did only one Sudanese get refugee status in Israel? And why thousands of Darfuris are still waiting for an answer to their asylum request, already more than 4 years? And how does it make sense that only in Israel Eritreans and Sudanese are not refugees? As in 2016 and UNHCR data, the percentage of recognition of Israel stands at 0.056% However, in the Western world the percentage of recognition in 2016 in Eritreans or the provision of permanent complementary protection stands on 90% The world recognition rate of Sudanese or the provision of permanent complementary protection is 57.4%. How can one explain the gap?**

- Migrants that enter Israel illegally must apply for asylum within one year. This rule was waived for all migrants from Sudan and Eritrea, who were notified that they were allowed to apply for asylum regardless of when they entered the country up until the end of 2017.

**No official message was given to the communities. The authorities just assumed that they will find out somehow or that the aid organizations will inform them. According to our knowledge as well as the State Comptroller report, up until 2013 Eritreans and Sudanese had no access to the asylum system. As of 2015, application were rejected out of hand precisely because of the regulation demanding that applications for asylum will be made within the first year of arrival. Since 2016, about 20,000 Ukrainians and Georgians were bought by manpower** (<https://hotline.org.il/en/publication/through-hidden-corridors-new-trends-in-human-trafficking-which-exploit-the-asylum-system-in-israel/>) **agencies and blocked the RSD system.**

- The terms "refugee" and "asylum seeker" are being employed in a misleading way. According to the United Nations, approximately 50% of the world's refugee population are women and children. The demographic makeup of Sudanese and Eritrean migrants in Israel suggests that the overwhelming majority are not refugees, but rather, economic migrants who have come to Israel in search of work. Data from Israel's Population and Immigration Authority show that as of 2017, over two thirds of the migrants from Sudan and Eritrean are males between the ages of 18-40.

**Anyone who understands something about immigration knows that this is incorrect. "Demographics of refugees" varies according to the region in the world and according to the circumstances from which they flee. African refugees out of refugee camps are mostly men. The main reason is the high risk of sexual violence and trafficking of women and children in refugee journeys in many parts of Africa. Most women don't dare leaving the refugee camps in Sudan, Chad and Ethiopia despite the hard life conditions. From the small percentage who dare taking the journey to Israel or Europe, many women don't survive the journey. That is why there are only 20% refugee women in Israel.**

- Israel reserves the right to relocate migrants that enter illegally, including those who applied for asylum and were found ineligible. In 2017, alone, for example, 4,000 migrants that entered illegally from Georgia and Ukraine were returned to their home countries.
- **Israel does not deport Eritrean and Sudanese asylum seekers back to their countries of origin, even if they were found in Israel's asylum policy as "non-refugees." This is because Israel knows that Eritrea and Sudan are places where their lives might be in danger. Unlike Georgia and Ukraine, which are defined as "safe countries".**
- Every country in the world has the right and the obligation to protect its borders and to determine its migration policy. Israel will continue to seek the proper balance between protecting the basic human rights of migrants that enter illegally and the government's primary obligation to protect the welfare of Israeli citizens.

#### Israel's Refugee Determination Process

- In accordance with the 1951 Refugee Convention, Israel, like all other signatories has its own national asylum system to determine which asylum-seekers qualify for international protection.
- The domestic framework for the processing of asylum requests in Israel was first established in 2002, as a coordinated effort of the UNHCR and Israel's Ministries of the Interior and Justice.
- An Advisory Committee to the Minister of the Interior examines requests for asylum and makes recommendations regarding refugee status. This Committee is headed by an independent jurist and includes representatives from the Ministry of Interior, the Ministry of Justice and the Ministry of Foreign Affairs.
- The Refugee Status Determination (RSD) unit interviews migrants applying for asylum to determine whether the migrant fulfills the criteria set by the 1951 Refugee Convention. A migrant whose request to be recognized as refugee is denied may appeal to the court; or, in the case of alleged changed circumstances, may resubmit his or her case to the RSD unit for the purpose of reassessment.
- Migrants granted refugee status receive renewable temporary residency permits. The government reserves the right to re-examine the situation in a refugee's country of origin and to determine that the refugee no longer faces danger if the situation in his/her country of origin changes.
- The Government of Israel recently directed more funds and allocated additional staff positions at the Population and Immigration Authority in order to streamline and expedite the process of examining asylum requests. Currently, priority is being given to asylum seekers from Eritrea and Sudan.

**In 2009, after a few years of increase in the number of asylum-seekers entering the country, the Ministry of Interior took responsibility for examining asylum applications.**

**The asylum requests are submitted to the RSD Unit, staffed by clerks with questionable training for identifying refugees, based on the quality of their interviews. Those whose claims are rejected, if they are not from Sudan, Eritrea or Congo, are immediately detained and deported, thus making it almost impossible for them to appeal the decision in the court system. The Mol refrain from deporting Sudanese, Eritreans and Congolese. Sudanese cannot be forcibly deported since Israel has no relation with Sudan. Eritreans are not deported due to the severe human rights violations in their homelands and Congolese are not being deported due to the war in their country.**

**At this instance, all asylum-seekers from Sudan, Eritrean and Congo who entered Israel before the Anti-Infiltration Law came into force in June 2012, were given the "Conditional Release Papers" and barred until 2013 from having their case examined by the RSD unit.**

**The way the RSD Unit interviews asylum-seekers shows that Israel categorically refuses to recognize people as refugees, in a gross violation of the Refugee Convention, which Israel is a signatory of. Instead, Israel's efforts are focused on deporting people, without differentiating between those deserving a refugee status and those that do not.**

**Asylum-seekers and lawyers who accompanied them testify that the questioning clerks present themselves as “interrogators” and perform the interview as a police interrogation. The “interrogators” have often been heard telling the asylum-seekers, even before the interview, that they are liars. Some demand the asylum-seekers to “confess” their “lies”, and the interviewees are often obligated to respond with only “yes” or “no”. The “interrogators” yell and speak rudely to the asylum-seekers during the “interrogation”. Minute details are examined to find contradictions in the asylum-seekers’ stories. This behavior is a blatant violation of the guidelines issued by the UNHCR on how to question asylum-seekers. The UNHCR guidelines call on interviewers to take into consideration the mental state of the asylum-seekers, who are often victims of persecution, arrest and torture, and also mention the inherent challenges of the human memory, especially in such difficult circumstances.**

**Instead of dealing with asylum-seekers in fair and logical manner by having fair experts examine asylum requests in a reasonable timeframe to determine who is a refugee and who can be deported, Israel adopted the policy of not examining most asylum requests are rejecting 99.85% of cases it does examine to deter new refugees from arriving and to get rid of those already in Israel.**

**Further reading:**

Until Our Hearts Are Completely Hardened: Asylum Procedures in Israel (March 2012 report by the Hotline) (<https://hotline.org.il/en/publication/until-our-hearts-are-completely-hardened-asylum-procedures-in-israel/>)

**No Safe Haven: Israeli Asylum Policy as Applied to Eritrean and Sudanese Citizens(December 2014 report by the Hotline)**  
(<http://hotline.org.il/en/publication/no-safe-haven/>)

Status of Migrants and Asylum Seekers in Israel

- In August 2017, the Israeli High Court of Justice unanimously rejected a petition by human rights groups requesting to stop the relocation of migrants that entered Israel illegally to third countries. After conducting an in-depth investigation, the Court found the third country Rwanda, to which the legal proceedings referred, and that with which Israel has reached an agreement, to be safe, and that all procedural conditions for relocation arrangements met international standards.

**Israel argues that there are agreements for forced deportation to third countries. At the moment both Rwanda and Uganda deny. The Rwandese government has announced several times in recent weeks that it will accept only those who come of its own free will and “feel comfortable” in reaching Rwanda. These denials stand in stark contrast to the “Third Country Exclusion Procedure” that was published in January.**

**Voluntary Deportation Agreement – It is known that there are voluntary transfer agreements with Rwanda that were presented to the Supreme Court (no such agreement has ever been examined with Uganda or any other country).**

**Non-implementation of agreements that exist – Israel claims that anyone who moves to Rwanda receives a legal status, a work permit, protection. There is no follow-up by Israel after the people – the state cannot tell a thing about those who passed, how many remained, what their situation is (The deputy foreign minister said this explicitly a few days ago in recordings that were revealed in the Israeli media). And when human rights organizations bring evidence that the agreements are not being met in hundreds of cases, they claim that these are tendentious evidence. Israel should not be able to claim that the deportation process provides a “safe horizon of stay” and protection for refugees in Rwanda without any proof of it. (The report with the testimonies of those leaving to Rwanda and Uganda – “It is better to be imprisoned in Israel than to die on the way”). (<https://drive.google.com/file/d/1K-0p9yvba0DNdBISvL6ZhWQ2G3Ze5b7D/view>)**

In November 2017, the government approved a bill to close the Holot open facility. The operations budget for this facility is now being used to facilitate the voluntary departure of migrants who had entered Israel illegally.

- These Supreme Court rulings and government decisions are yet another example of the Israeli justice system’s commitment to universally uphold and defend human rights.

**Israel claims that the High Court approved the expulsion –**

**The Supreme Court has never examined the final agreement with Rwanda, only the old “voluntary expulsion” agreement**

**The High Court of Justice did not review agreements with countries other than Rwanda.**

**The High Court of Justice argued that incarceration is coercion and that it is forbidden to apply pressure on a person to agree to be “voluntarily deported.”**

**The High Court of Justice claimed that if there is an agreement with a third country that will allow forced deportation, it will be possible to deport non-refugees – the clear denials of Rwanda and Uganda during the past few weeks suggest that there might not be such an agreement.**

**High Court approves transfer of non-refugees to a safe country only.**

**The HCJ expressed its inconvenience from the fact that part of the agreement with Rwanda is an oral agreement that might be difficult to uphold in the future, as a result of that.**

- Women, children, families and those whose asylum applications are pending are not a part of the relocation plan and will continue to receive a special temporary permit. The government has allowed migrants with these permits to work.
-

- **Children, women and parents – the procedure expressly states that women, children and parents of minors are protected only “at this stage” (section 3.2 of the procedure** (<http://assaf.org.il/he/sites/default/files/deportation%20policy%2029.1.18%20-%20second%20edition.pdf>)). **At the next stage these population groups might also be candidates for deportation.**
- **Young people aged 18+ will be torn from their families and deported – they came to Israel as children, grew up and were educated here, and they have parents and younger siblings who are not currently candidates for deportation. A first such older brother, who is also supporting his sick parents, was recently summonsed to sign an agreement to leave to Rwanda.**
- **Young people aged 18+ who arrived in Israel as unaccompanied minors – some who lost their parents on the way or were abducted to the torture camps in Sinai – these youngsters were integrated into boarding schools throughout the country, received an Israeli education and integrated in an amazing manner. These young people are destined for deportation!**
- **Victims of torture camps in Sinai are candidates for deportation – there are about 4000 asylum seekers in Israel who are victims of torture from camps in Sinai, including rape and brutal violence. On the one hand, the state recently recognized that this is a particularly vulnerable group and declared its intention to open a special project led by the Ministry of Justice to map and study the needs of this group. On the other hand, the state does not spare the victims of torture and intends to issue them with deportation orders in the coming months. How can the state with one hand recognize the vulnerability of this group and with the other hand expel it?**
- **Deportation of people with disabilities and chronic patients – not excluded from the expulsion procedure. How do they intend to ensure proper care and protection in a third country?**
- All migrants and asylum seekers receive access to healthcare services and their children all receive access to the education system.

**Only migrant children are covered by health insurance and only if their parents register them and pay for the insurance. Grownups are supposed to be insured in private health insurances by their employers if they work in a regular work. Yet, the private insurance is very expensive and many employers are refrained from paying it. The Ministry of Health has failed to formulate a comprehensive policy to regulate their access to health services. Partial and sporadic services offered by the Ministry of Health are in adequate, and leave many without proper medical care. Many are forced to wait until their situation deteriorated to such a degree to make them eligible to receive treatment under the Patient Right Act (emergency only). See PHR report here.** (<http://www.phr.org.il/en/painful-exclusion-report-nov-2017/>)

Safe Relocation of Migrants that Entered Israel Illegally

- Israel has concluded arrangements with two countries with regard to the safe relocation of migrants from Sudan and Eritrea that entered Israel illegally.

**Israel is not the only democracy in the world that sends unwanted migrants to a third country. Yet, Israel is the only country in the world that sends refugees under secret agreements to another unknown country. Why do not they reveal the agreements? Why do Rwanda and Uganda continue to deny? Why not expose the agreements to public and judicial review?**

- Migrants who entered Israel illegally and choose to leave the country voluntarily by the end of March 2018 will receive a monetary grant of \$3,500.
- In addition to the grant that Israel is providing migrants upon departure, the third countries have committed to providing economic migrants residence permits that allow them to work and to open businesses.

**As we wrote above – even if these conditions are specified in the agreements, they are not met in reality, based on hundreds of testimonies . Israel claims that anyone who moves to Rwanda receives “status”, work permit, protection. There is no follow-up by Israel after the people – the state cannot tell a thing about those who passed, how many remained, what their situation is (The deputy foreign minister said this explicitly a few days ago in recordings that were revealed in the Israeli media). When human rights organizations bring affidavits claiming that the agreement with Rwanda is not being met, they claim that these are tendentious evidence. Israel should not be able to claim that the deportation process provides a safe horizon of stay and protection for refugees in Rwanda without any proof of it. (The report with the testimonies of those leaving to Rwanda and Uganda – “It is better to be imprisoned in Israel than to die on the way”).** (<https://drive.google.com/file/d/1K-0p9yvba0DNdBISvL6ZhWQ2G3Ze5b7D/view>)

- The State of Israel will continue to invest resources to ensure that all migrants that entered illegally are safe upon relocation.
- The Israeli Attorney General conditioned his approval of the safe relocation policy on the following criteria:
- There are no wars or general disturbances taking place in the destination countries;
- No UNHCR recommendations exist against relocation to the destination countries;

**UNHCR issued a rare announcement** (<http://www.unhcr.org/news/briefing/2018/1/5a548e064/unhcr-appeals-israel-forced-relocations-policy.html>) **expressing deep concern of the plan. “Official statements that the plans may eventually target families and those with pending asylum claims, or that asylum seekers might be taken to the airport in handcuffs, are particularly alarming.”**

- The life and freedom of the individual are not at risk in the third countries based on race, religion, nationality or membership in a particular social or political group;

**Life is not at risk in Rwanda or Uganda, but the people’s freedom is definitely at risk since they remain there without legal status, exposed to repeating arrests and demands for ransoms for release.**

- Relocated individuals in the destination countries will have access to the asylum procedure or enjoy temporary protection, or, at a minimum, these countries are obligated to abide by the non-refoulement principle;

**From the 144 testimonies already collected by NGOs and academics, both Rwanda and Uganda refuse to grant refugee status to Eritreans and Sudanese who arrived from Israel. Only those who managed to lie well about the years they spent in Israel, received status.**

- Torture or cruel and degrading treatment are prohibited in the destination countries;

**The U.S. State Department's latest human rights report indicates that human rights violations are widespread in Uganda, including extra-judiciary killings, torture of suspects and detainees, limitations on civil liberties such as the right to protest, freedom of expression, and freedom of assembly, as well as violence against minorities. The report also lists harsh conditions of detention, arbitrary arrest for political reasons, extended administrative detention, and imprisonment in isolation.**

**According to the latest U.S. State Department's Human Rights Report, Rwanda is a country in which there were "arbitrary or unlawful killings [...] disappearances, torture, harsh conditions in prisons and detention centers, arbitrary arrest, prolonged pretrial detention" and "restricted freedoms of speech, press, assembly, and association."**

- The third countries are obligated to allow the relocated individuals the means to live in a dignified manner (or at least the possibility to stay and to work for a living).
- Israel supervises and ensures that the process of relocation is conducted according to the arrangements and the law. Israel verifies that the migrants are accorded all relevant rights, including receiving the appropriate permits and documentation in the countries they are relocated to.
- Between 2010 and 2015, 12,300 migrants that entered Israel illegally exited Israel to safe countries or to their country of origin voluntarily. Based on the information available to us, there have been no known cases of injury or harm to any of the relocated migrants in the destination countries, and they receive all the rights laid out in the arrangements.

**Reports consistently show otherwise:**

**The report with the testimonies of those leaving to Rwanda and Uganda – "It is better to be imprisoned in Israel than to die on the way".** (<https://drive.google.com/file/d/1K-0p9yvba0DNdBISvL6ZhWQ2G3Ze5b7D/view>) **(January 2018)**

**Deported to the Unknown** (<http://hotline.org.il/en/publication/deported-to-the-unknown-2/>) **(December 2015)**

**Where there is no free will** (<http://hotline.org.il/en/publication/where-there-is-no-free-will/>) **(April 2015)**

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# Keep Shekels In Your Pocket – A Poem for Haftarah Mishpatim by Rick Lupert

BY Rick Lupert (<http://jewishjournal.com/author/rick-lupert/>) | PUBLISHED Feb 9, 2018 | From The Lupertverse (<http://jewishjournal.com/category/blogs/from-the-lupertverse/>)