



# Legal Status of Children of Asylum Seekers In Israel and Worldwide

*Hotline for Refugees and Migrants*



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**June 2022**

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We are grateful to the law firms of Orrick, Herrington & Sutcliffe LLP and White & Case LLP for their assistance in conducting the comparative research that appears in this report. Special thanks to Attorney Perry Teicher of Orrick who led the pro bono research effort.

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**In the photo:** Young athletes of the Alley Runners Athletics Club, integrating asylum seekers in their activity.

## **About the Hotline for Refugees and Migrants**

The Hotline for Refugees and Migrants is a non-partisan non-profit organization that aims to protect and promote the human rights of refugees, migrants, and human trafficking victims in Israel. The organization provides information and client services including counseling and legal representation, detention monitoring, and leading public policy initiatives.

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Published with the generous support of the Mazer Family Foundation

Table of Contents

***Legal Status of Children of Asylum Seekers in Israel ..... 3***  
*Granting Status to Migrant Children in Israel..... 8*  
***Legal Status of Children of Asylum Seekers Worldwide ..... 9***  
*Residency and Citizenship Programs for Children in Various Countries .....9*  
*Citizenship Programs for Children Based on their Parents’ Legal Status.....10*  
*Paths to Citizenship for Children Based on Residence in Various Countries .12*  
***Summary and Recommendations..... 14***

## Legal Status of Children of Asylum Seekers in Israel

In Israel, children's legal status is generally derived from their parents.<sup>1</sup> Therefore, children of asylum seekers who came to Israel as minors or were born in Israel suffer the consequences of their parents' precarious status. Approximately 27,500 adult African asylum seekers currently legally reside in Israel and are the parents of about 8,000 children who were either born in Israel or arrived as children. Although most of them have been in Israel for a decade and a half, the majority hold a restricted release visa (visa 2A5), which grants them nothing more than protection from detention and deportation.<sup>2</sup>

This oddity stems from two main factors:

First, Israel's nonfunctional asylum system prevents nearly all applicants from gaining refugee status, including individuals from countries known for producing refugees recognized worldwide. Therefore, most asylum seekers never receive refugee status, even in cases where they would be granted this status elsewhere. Most asylum seekers in Israel come from Eritrea and Sudan: Eritrea is the most repressive dictatorship in Africa, and the percentage of refugees among its citizens is very high. Last year in the European Union, the refugee recognition rate for Eritrean citizens was 79%; only Venezuelan citizens were recognized at a higher rate.<sup>3</sup> Meanwhile, Sudanese citizens from the Darfur, Nuba Mountains, and Blue Nile regions—areas where genocide and ethnic cleansing take place to this day—are also recognized as

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<sup>1</sup> Regulation 12 of the Entry into Israel Regulations, 1974.

<sup>2</sup> A visa granted under section 2A5 of the Entry into Israel Law is a residence visa under restrictive conditions. It does not confer social rights nor permission to work as long as the restraining order against the visa holder is pending.

<sup>3</sup> Eurostat, File: T7 [First instance decisions](#) by outcome and recognition rates, 30 main citizenships of asylum applicants granted decisions in the EU, Q2 2021 new.png

refugees at high rates worldwide.<sup>4</sup> Nevertheless, there are very few refugees from these countries recognized in Israel.<sup>5</sup>

Second, unlike most countries in the world, Israel has no limit on the amount of time that the government may take to adjudicate an asylum request.<sup>6</sup> Nearly two decades after the first asylum seekers crossed into Israel and six years after new entries through the border with Egypt completely ceased<sup>7</sup>, over 12,000 Eritrean and 4,000 Sudanese citizens' asylum applications have yet to be decided. Approximately two-thirds of the Eritrean and Sudanese asylum seekers living in Israel have never received any response to their asylum requests.

As children's status is derived from their parents, the Israeli authorities' failure to grant status to parents' asylum applications leaves their children at a dead end, without any possibility of regulating their status and acquiring rights in the only country they have ever known. Even if Israel's asylum system began today to operate according to international standards, there still may be no point in examining whether asylum seekers' children have independent claims to asylum, because so many of the children were born in Israel. Due to the passage of time, they may find it difficult to prove that they would be persecuted in their parents' countries of origin, even when their parents undoubtedly still would be.

Most of the children of asylum seekers in Israel are still too young to understand or be aware of the consequences of their status as children of "restrictive release visa" holders, even though this hugely impacts their lives. Their parents are forced to work long hours to scrape together high rent payments and a family livelihood, both because most asylum seekers work in physical labor that pays meager wages and because they are required to

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<sup>4</sup> HCJ 2293/17 Gershgar et al. V. Knesset, [Judgment dated 23.4.20](#), in paragraph 46 it is stated that the number of asylum seekers from Eritrea is 13,467 while the number of asylum seekers from Sudan is 4,673. In the year and a half that has passed since then, Sudanese's application has not been denied, but 1,100 applications from Eritrean citizens have been denied.

<sup>5</sup> Thus, for example, out of 1,063 Eritrean asylum applications examined since June 2019, only 16 asylum seekers were granted refugee status in Israel. See: Bar Peleg, "[Israel Rejected 98.5 Percent of Eritrean Asylum Requests Over Two Years](#)" Haaretz January 5, 2022.

<sup>6</sup> Hotline for Refugees and Migrants, [Trapped in Limbo: Israel's Policy of Avoiding Making Decisions in Well-Founded Asylum Claims](#), September 2020, p. 13.

<sup>7</sup> Population and Immigration Authority, [Foreign Data in Israel, Summary of 2019](#), March 2020, page 7.

invest a significant portion of their wages in high taxes and discriminatory deposits.<sup>8</sup> Most children spent the first three years of their lives in crowded preschools that are not regulated by the authorities, under conditions that the State Comptroller characterized as "continuous neglect."<sup>9</sup> In addition, asylum seekers are not entitled to financial assistance nor discounts for early childhood education, as are granted to underprivileged citizens and residents of Israel. Welfare authorities provide nothing more than emergency services to asylum seekers<sup>10</sup> (except for those residing in Tel Aviv-Jaffa, where the Mesila organization assists the foreign community under the municipality's welfare department<sup>11</sup>). Approximately 4,000 Eritrean and Sudanese asylum seekers were tortured en route to Israel in "torture for ransom" camps in the Sinai Desert.<sup>12</sup> Authorities do not work to identify survivors or grant them special status (except for those who endured a specific type of abuse and are therefore eligible for recognition as victims of human trafficking).<sup>13</sup> The children of torture survivors and other asylum seekers suffering from severe trauma are particularly vulnerable if their parents do not receive the rehabilitation they need.<sup>14</sup>

The children of asylum seekers learn in the Israeli education system, speak Hebrew as their mother tongue, and are fully integrated into Israeli culture—but they live without security or any real ability to plan for the future. Studies show that this instability coupled with the threat of deportation impairs childhood development.<sup>15</sup>

Israel's existing legal infrastructure does not provide any solution to the plight of asylum seekers' children: naturalization is nearly impossible for

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<sup>8</sup> Each "infiltrator"'s employer is forced to pay an additional 20% income tax in exchange for the right to employ an "infiltrator" and in addition, set aside an additional 16% of the asylum seeker's salary for a special deposit account that the asylum seeker can redeem only when he leaves the country.

<sup>9</sup> State Comptroller's Report 63C from 2013, "[Treatment of Minors Without Civil Status in Israel](#)", page 1872

<sup>10</sup> According to the Director General of the Ministry of Welfare No. 100, [Procedure for the Treatment of Welfare Services on Unemployed Minors](#), 19 April 2016.

<sup>11</sup> See more information about [Mesila's](#) services.

<sup>12</sup> For more information about the survivors of the Sinai torture camps, see the [Hotline for Refugees and Migrants](#) website

<sup>13</sup> Hotline for Refugees and Migrants, [Tortured in Sinai, Jailed in Israel](#), October 2012

<sup>14</sup> Levinsky Garden Library, [This is Not a Place for Children](#), November 2017. Pages 6-8.

<sup>15</sup> Luria, E., Meir, Y., Karon, S., Zamir, R., Hamiel, D., Daoud, A., Bloch, Y., Davidson-Arad, B., and Sarna, N. (2019.)

Position paper: Psychological and psychosocial consequences of deporting children born in Israel to migrant workers. Tel Aviv.

someone who is not Jewish or married to an Israeli citizen. Even many years of legal residence in Israel do not establish grounds for naturalization or other permanent legal status.<sup>16</sup>

The Convention and Protocol Relating to the Status of Refugees recommends facilitating asylum seekers' assimilation in receiving countries. In most receiving countries around the world, there is indeed a clear and transparent path for refugees to become naturalized citizens.<sup>17</sup> In Israel, however, those who fall under the non-exclusion policy, also known as group protection, can live in the country for many years legally but without social rights or long-term security. If the group protection policy is revoked, these individuals and their children become candidates for deportation, regardless of the length of their legal residency in Israel and the extent of their integration into society.<sup>18</sup>

For most asylum-seeking children born in Israel, the inability to obtain status in Israel means that they will never be able to obtain stable and secure status in any other country in the world. These children cannot receive protection from their parents' countries of origin, even if they are theoretically entitled to obtain citizenship there. The vast majority of children of Eritrean citizens in Israel cannot register as Eritrean citizens at all, because their parents oppose the dictatorial regime and do not pay the exile tax, full payment of which is a requirement for receiving services from the Eritrean Embassy in Israel. Children of Sudanese citizens cannot acquire Sudanese citizenship in Israel regardless of their parents' positions on the Sudanese regime, because in practice there are still no diplomatic relations between the two countries. Even after diplomatic relations are established, if that occurs, only those Sudanese citizens who do not oppose the regime will be able to benefit from embassy services and obtain Sudanese citizenship for their children. For most asylum seekers—who fled their home countries as a result of persecution—their countries of origin are unable to provide a safe home for them or their children. These children, who cannot acquire citizenship from

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<sup>16</sup> [Citizenship Law](#), 1952

<sup>17</sup> Article 34 of the [Convention and Protocol Relating to the Status of Refugees](#): "States Parties shall facilitate, as far as possible, the assimilation and naturalization of refugees."

<sup>18</sup> For more information about populations deported from the country after the expulsion policy in their case ended, see: The Center for Refugees and Immigrants and the Center for the Advancement of African Refugees, [Do Not Send Us Back to Become Refugees Again](#), December 2012. Pages 13-15.

their parents' countries of origin and are not entitled to citizenship in any other country, can therefore be considered de facto stateless.

The State of Israel is a signatory to both the 1954 Convention Relating to the Status of Stateless Persons<sup>19</sup> and the 1961 Convention on the Reduction of Statelessness<sup>20</sup>—and even stipulates in the Citizenship Law that a child without citizenship born in Israel may apply for Israeli citizenship upon adulthood and before reaching the age of 21.<sup>21</sup> However, Israel's official position is that the protection afforded by these conventions does not apply to "de facto" stateless persons, such as the children of asylum seekers from Eritrea and Sudan.<sup>22</sup> Therefore, the possibility of acquiring the status of statelessness in Israel is almost non-existent, and even this path will not be able to provide a solution to the children of asylum seekers in Israel.

Even the former Director General of the Population and Immigration Authority, Professor Shlomo Mor-Yosef, expressed his concern about the lack of status for asylum seekers' children in an interview with Israel's Public Broadcasting Corporation:

*These children, under these conditions, are pushed to the margins of society ... These are children who will not be able to study at university or get a driver's license, and their jobs will be low paying. Some, I suppose, would want to be accepted into Israeli society and serve in the army if they were given the opportunity. So instead of being adolescent children in a society in which they can be helpful, they are entering into a society in which they will be on the fringes by definition."<sup>23</sup>*

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<sup>19</sup> [Convention Relating to the Status of Stateless Persons](#), 1954

<sup>20</sup> [Convention on the Reduction of Statelessness](#), 1961

<sup>21</sup> See footnote 14, above.

<sup>22</sup> Israel's official position on de facto citizenship can be learned from the words of the President of the Supreme Court, the Honorable Justice Esther Hayut: "The world does not regard them as its citizens (see, for example: CA 65/67 Kurz v. Kirshan, P.D. 21 (2) 20 (1967)), and those who have not yet succeeded in the factual clarification of the question of their citizenship. Citizenship in which the Convention deals with the status of stateless persons, CA 245, 553 (opened for signature in 1954) [...]". No. 4204/13 State of Israel v. Didier Tony Solo 27.7.2014), para. 1 of the PSD. 15573-11-17 Isaka Diallo v. Population and Immigration Authority (published in Nevo, granted on 8.8.2018), para. 5 of the judgment.

<sup>23</sup> Prof. Shlomo Mor-Yosef in an interview with Gili Cohen from the "[Another Day](#)" radio show, 4.4.2021.



## Granting Status to Migrant Children in Israel

The State of Israel has previously granted permanent status to children of migrants who resided in Israel illegally. In 2005,<sup>24</sup> 2006,<sup>25</sup> and in 2010,<sup>26</sup> government decisions allowed children of migrant workers who were at that time illegally residing in Israel to apply for permanent residency according to established criteria. The criteria were: the child remained in Israel for 6 consecutive years (5 years in the decision made in 2010), the child entered Israel up to the age of 14 (age 13 in the decision made in 2010), the child's parents entered Israel legally, and the child studied in the public education system and was proficient in Hebrew.

The government's decisions were each defined as one-time humanitarian decisions and were described by the Sharon and Netanyahu governments as arrangements designed to balance the need to find a solution for culturally Israeli children born in Israel with the need to deter migrant workers from staying in Israel illegally. In several rulings after government decisions, courts have recognized that the deportation of children born and raised in Israel is contrary to the children's best interests, which Israel is bound to uphold as a state signatory to the Convention on the Rights of the Child.<sup>27</sup> At the same time, courts have tended to accept the State's position and typically avoided forcing the State to regulate the status of migrant children, even when the judges express discomfort with the results.<sup>28</sup>

The decisions of the Sharon government in 2005 and 2006, and particularly the decision of the Netanyahu government in 2010, were made in years when many asylum seekers crossed the Israel-Egypt border every month.<sup>29</sup> Nevertheless, the children of asylum seekers were excluded from the

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<sup>24</sup> [Government Resolution 3807](#) of June 26, 2005: "Temporary arrangement for granting status to children of illegal residents whose parents and siblings are in Israel"

<sup>25</sup> [Government Resolution 156](#) of 18.6.2006: "Temporary arrangement for granting status to children of illegal residents whose parents and siblings are in Israel - Amendment of a resolution"

<sup>26</sup> [Government Resolution 2183](#) of 1.8.2010: "Temporary arrangement for granting status to children staying illegally their parents and siblings who are in Israel"

<sup>27</sup> For example, Ltd. 9094/07 Astrid Sanchez Fund v. Ministry of the Interior (Nevo 04.03.2013).

<sup>28</sup> Thus, for example, in B.M. Population and Immigration Authority (Nevo 26.4.2018), page 23127-08-19 Perez et al. V. Israel (PSD dated 19.9.2019 unpublished)

<sup>29</sup> According to data from the Population and Immigration Authority, a concluding edition for 2019, March 2020: by the end of 2006, 3,278 "infiltrators" entered Israel, while in 2010, 14,554 "infiltrators" entered Israel.

decisions because their parents entered through the Egyptian border in an unregulated manner, contrary to the terms of the decisions. Despite the fact that the movement at the border stopped completely as early as the beginning of 2016,<sup>30</sup> the authorities continued to refrain from regulating the status of the children of asylum seekers.

## Legal Status of Children of Asylum Seekers Worldwide

In order to understand how other countries handle the challenges posed by the second generation of asylum seekers, we conducted a comparative study of a variety of other Western countries' policies with the help of law firms Orrick, Herrington & Sutcliffe LLP and White & Case LLP. The study provides a meaningful overview of the protections for asylum seekers' children in ten countries, focusing on situations similar to those of asylum seekers in Israel. The surveyed countries are: France, Germany, Italy, the United Kingdom (prior to Brexit), the United States, Australia, Finland, New Zealand, Sweden, and Canada.<sup>31</sup>

It should be noted that Israel's long-standing avoidance of processing and deciding on asylum applications created a unique situation that is dissimilar to other Western countries: a population that is Israeli in every cultural sense, but lacks permanent legal status. For this reason, we also sought to examine the situation of stateless children and children whose parents received only provide temporary protection, categories that are relatively similar to the exceptional situation in Israel. We also searched for methods for obtaining residency based on the length of stay and level of integration into the country. Finally, we inquired into methods of granting residency to particularly vulnerable groups such as children of victims of human trafficking, survivors of torture, and people with disabilities.

## Residency and Citizenship Programs for Children in Various Countries

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<sup>30</sup> Cross-check with the footnote in the Hebrew version.

<sup>31</sup> The study in the ten countries was conducted in early 2020. The study concerning the United States was updated in 2021.

Many countries recognize the sense of national identity acquired by children of asylum seekers, their integration into society, and the duration of their stay in the country as grounds for granting permanent status and even citizenship. The legal residence of the children's parents—whether because they have been recognized as refugees or stateless persons or as part of temporary protection—is also a significant consideration toward granting permanent status and even naturalization in many countries. The study reveals that in none of the countries surveyed would children born and legally residing in the country lose their legal status or be candidates for detention and deportation, regardless of stabilization in their parents' country of origin. Moreover, many countries allow children's status to be regulated regardless of their parents' status, as required by their signing of the Convention on the Rights of the Child, a convention to which the State of Israel is also a signatory.<sup>32</sup>

### Citizenship Programs for Children Based on their Parents' Legal Status

**France:** Since March 2019, those residing in France under supplementary protection or who were formally recognized as stateless are entitled to temporary residency for four years, a status which is also granted to their children.<sup>33</sup> Following legal residence for these four years, individuals are entitled to an additional 10 years of residency.<sup>34</sup> Any person over the age of 18 who has legally resided in France for 5 or more years may apply for citizenship. The child of a naturalized citizen may also obtain citizenship provided he or she has resided in France for five consecutive years before applying.<sup>35</sup>

**Germany:** Individuals who have legally resided in Germany for eight years may apply for citizenship if they are fluent in German, have no criminal record, and are able to financially support themselves. Those recognized as refugees in Germany may obtain permanent status within three years, while those living in Germany under supplementary protection may obtain permanent status within five years, provided they support themselves

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<sup>32</sup> [Convention on the Rights of the Child](#), 1989

<sup>33</sup> Articles L.313-25 and L.313-26 CESEDA, inserted by Article 1 Law n. 2018-778 of 10 September 2018.

<sup>34</sup> Article L.314-11 of the CESEDA.

<sup>35</sup> <https://www.service-public.fr/particuliers/vosdroits/F2213>

financially and are proficient in German.<sup>36</sup> A person who is eligible for deportation from Germany, but whose deportation has been delayed for a long period (typically over 18 months) due to legal or circumstantial reasons, may become a resident under certain circumstances.<sup>37</sup> A child born in Germany to a parent who has been a permanent resident for at least eight years will receive German citizenship.<sup>38</sup> Germany also recognizes de facto stateless persons and allows individuals who have been recognized as stateless to become citizens.<sup>39</sup>

**Italy:** Individuals who are recognized as refugees or entitled to supplementary protection in Italy are entitled to five years of temporary residency.<sup>40</sup> If, over the course of these years, they demonstrate earning capacity at or above the minimum wage, they may apply for permanent residency.<sup>41</sup> After 10 years of legal residence in Italy, they are eligible to apply for citizenship. Children receive the same status as their parents throughout this process.

**Finland:** Those who are recognized as refugees or entitled to supplementary protection in Finland are entitled to four years of temporary residence.<sup>42</sup> The families of individuals who have been granted temporary residence will receive the same status, provided they financially support themselves.<sup>43</sup> If the circumstances under which these individuals sought protection have not changed within four years, they and their families will become permanent residents. Additionally, children born in Finland to parents recognized as eligible for protection from persecution in their country of origin will receive Finnish citizenship, provided the child does not register as a citizen in his or her parents' country of origin.<sup>44</sup>

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<sup>36</sup> Section 26 para. 3 of the German Residence Act.

<sup>37</sup> Section 25 para. 5 of the German Residence Act.

<sup>38</sup> <https://www.auswaertiges-amt.de/en/einreiseundaufenthalt/staatsangehoerigkeitsrecht-node>

<sup>39</sup> Sec. 10 of the German Nationality Act.

<sup>40</sup> Article 23(1) and (2) of Legislative Decree no. 251/2007.

<sup>41</sup> Article 9(1-bis), Article 9(1-ter) and (2-ter) of the Consolidated Act on Immigration.

<sup>42</sup> Section 53 of the Aliens Act.

<sup>43</sup> Finnish Immigration Service, [Permits and citizenship](#), "Income requirement".

<sup>44</sup> Section 9 of the Nationality Act (359/2003).

**Canada:** Individuals who have been recognized in Canada as stateless or de facto stateless<sup>45</sup> may apply for citizenship.<sup>46</sup> Additionally, one track to permanent status in Canada is based on humanitarian considerations and takes children’s best interests into account.<sup>47</sup>

**New Zealand:** Those who are under temporary protection in New Zealand are eligible to apply for permanent status upon receipt of temporary protection. Five years after obtaining permanent status, they may apply for citizenship. Their dependent family members are entitled to the same status.<sup>48</sup> Children born in New Zealand to permanent residents are recognized as citizens.<sup>49</sup>

## Paths to Citizenship for Children Based on Residence in Various Countries

**France:** A child born in France to foreign parents can become a citizen between the ages of 13 to 16 provided that he or she has primarily resided in France from age 8, or between the ages of 16 to 18 provided he or she has resided in France for at least 5 (not necessarily consecutive) years from age 11.<sup>50</sup> Any child who meets these conditions will become a French citizen at age 18 even without a previous application.<sup>51</sup>

**Germany:** A child who has resided in Germany for four consecutive years and studied in the education system during that time may apply for permanent residency before the age of 21. Such children are eligible for permanent residency regardless of their parents’ legal status, including if their parents were candidates for deportation. Such requests will be granted if the child can prove sufficient integration into German society and culture.<sup>52</sup>

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<sup>45</sup> Government of Canada, Humanitarian and Compassionate Assessment: Statelessness, (11 July 2017). Available at <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletinsmanuals/permanent-residence/humanitarian-compassionate-consideration/processing/stateless.html>

<sup>46</sup> Section 5(4) of the Citizenship Act.

<sup>47</sup> Section 25(1) of the Immigration and Refugee Protection Act.

<sup>48</sup> “[Claiming Refugee and Protection Status in New Zealand](#)”, page 11,

<sup>49</sup> Section 6(1)(b)(ii) of the Citizenship Act 1977.

<sup>50</sup> Article 21-7 of the French Civil Code.

<sup>51</sup> Article 21-7 of the French Civil Code.

<sup>52</sup> Section 25a of the German Residence Act.

**United Kingdom:** A child born in the United Kingdom who has resided there for 10 years without leaving for a period of over 90 days is entitled to British citizenship, regardless of their parents' legal status.<sup>53</sup> A child without any citizenship born in the U.K. to parents who are not British citizens or residents may apply for citizenship after 5 consecutive years in the U.K., provided he or she has not yet reached the age of 22. This right is contingent on the child not having acquired citizenship of another country, but he or she is not required to prove inability to acquire another citizenship.<sup>54</sup>

**Sweden:** A stateless child born in Sweden is entitled to permanent residency provided he or she has resided there legally for four and a half years.<sup>55</sup> This right is available for such children until they reach age 21. A stateless young person with permanent residency in Sweden can become a citizen between the ages of 18 to 21, provided they have resided in Sweden legally since age 15.<sup>56</sup> A stateless person of any age can become a citizen of Sweden after having resided there as a legal permanent resident for at least four years.<sup>57</sup> Sweden also recognizes de facto stateless persons as stateless persons.<sup>58</sup>

**Australia:** A child born in Australia to foreign parents automatically becomes a citizen if he or she resides there for the first ten years of his or her life.<sup>59</sup>

**United States and Canada:** Both countries recognize children born in their territory as citizens regardless of the status of their parents (other than the children of diplomats in Canada<sup>60</sup>). The United States does not deport children of immigrants born in its territory, as they are legal citizens, but it does arrest and deport their parents who reside in the country illegally. Naturally, these parents take their children with them, even though the children are American citizens.

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<sup>53</sup> <http://www.legislation.gov.uk/ukpga/1981/61>.

<sup>54</sup> [Statelessness Index](#), UK.

<sup>55</sup> Section 18a of the Temporary Limitations Act.

<sup>56</sup> Section 8, [Act on Swedish Citizenship](#).

<sup>57</sup> See section 11 of the Act on Swedish Citizenship. For non-stateless persons the requirement for lawful habitual residence is five years.

<sup>58</sup> Anne Lakko, Mapping statelessness in Sweden, UNCHR Regional Representation for Northern Europe, Stockholm, 2nd edition, December 2016, p. 20.

<sup>59</sup> Division 1, Article 12(1)(b) of the Australian Citizenship Act 2007.

<sup>60</sup> Section 3(1) of the Citizenship Act.

Since 2012, the United States' Deferred Action for Childhood Arrivals (DACA) program has deferred immigration enforcement actions for those who entered the United States as minors. The program allows individuals who entered the United States as minors and remained illegally, regardless of the circumstances of their arrival and remaining in the country, to obtain a two-year work visa that can be renewed as long as they do not commit crimes or other offenses.<sup>61</sup> In September 2017, President Trump announced the cessation of visa renewals under DACA, a move that resulted in multiple legal challenges.<sup>62</sup> In June 2020, the U.S. Supreme Court ruled that the Trump administration's grounds for terminating the program were "arbitrary and capricious."<sup>63</sup> In January 2021, President Biden signed an executive order renewing DACA.<sup>64</sup>

Studies conducted in the United States show that the program improved the wages and employment status of immigrants who received a valid visa and strengthened the mental health of the program participants and their children.<sup>65</sup> Studies also showed that participation in the program reduced the number of immigrant families living in poverty.<sup>66</sup>

## Summary and Recommendations

The panoply of permanent solutions and paths to citizenship offered in the surveyed countries (including Italy and the United Kingdom, countries widely considered to have "tough" immigration policies) illustrate how unusual and extreme Israel's policy is. In each of the countries surveyed, the grant of temporary or supplementary protection alone entitles beneficiaries to permanent status after a certain length of stay and other requirements.

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<sup>61</sup> <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>

<sup>62</sup> Tuma, Mary (September 5, 2017). "Trump Ends DACA Program". *Austin Chronicle*. Retrieved September 15, 2017.

<sup>63</sup> Totenberg, Nina (June 18, 2020). "Supreme Court Rules for DREAMers, Against Trump". *NPR*. Retrieved July 17, 2020.

<sup>64</sup> "Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)". *whitehouse.gov*. January 20, 2021. Retrieved January 20, 2021.

<sup>65</sup> Patler, Caitlin; Hamilton, Erin; Meagher, Kelsey; Savinar, Robin (May 2019). "Uncertainty About DACA May Undermine Its Positive Impact On Health For Recipients And Their Children". *Health Affairs*. **38** (5): 738–745. doi:10.1377/hlthaff.2018.05495. PMID 31059360

<sup>66</sup> "The Economic Cost of Repealing DACA | Econofact". *Econofact*. September 11, 2017. Retrieved September 13, 2017.

**Notably, the vast majority of children of asylum seekers born in Israel, had they been born in any of the surveyed countries, would already been eligible for permanent status there.**

Many countries place the degree of integration and language proficiency as primary considerations for regulating the status of children living in their territory. These same countries recognize their responsibility towards children who have grown up within their borders, regardless of the parents' legal status, as required by the Convention on the Rights of the Child, to which Israel is also a signatory. Israel, on the other hand, has granted temporary protected status to citizens of Eritrea, Sudan, and the Democratic Republic of the Congo for over a decade, but ignores its responsibility to children of these countries' citizens, who did not choose to be born or raised in Israel.

Even in the context of Israel's strict migration policy for non-Jewish individuals, it is appropriate to formulate fixed and clear criteria regarding asylum seekers' children's eligibility for legal status in the only country they know.