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The Influence of the New Israeli Government Policy on Refugees

Over the last decade, despite the group protection granted to citizens of Eritrea (currently about 20,000 people) and Sudan (currently about 7,000 people), previous governments, and the Ministry of Interior in particular, sought to compel asylum seekers to leave Israel "voluntarily", by imposing various sanctions and restrictive decrees on them. These sanctions included incarceration in Saharonim and Holot detention facilities (2012 - 2018), the "deposit law" (2017 - 2020) that confiscated a total of 36% of the asylum seekers' salaries, the failed deportation to "third countries" scheme (2018) and the geographical restricting regulation – set to come into effect on February 26, 2023 – which would prohibit asylum seekers from working in 17 cities (unless they work in construction, agriculture, institutional care, or building). A petition against this regulation is still pending at the District Court.

The imposition of these sanctions for such a prolonged period, left the asylum seekers in a very vulnerable situation. Even prior to the imposition of any further abusive legislation, many asylum seekers struggle to make ends meet in Israel. These sanctions and decrees can be immediately and easily revived if even one of the legislative initiatives agreed upon in the coalition formation deals will come into force:

In the Coalition agreement with the far-right party "Otzma Yehudit" (Jewish Power), it is stated that "the government will renew its efforts vis-à-vis other countries to expel infiltrators" [refugees from Eritrea and Sudan]. Refugees have been "encouraged" to leave for Rwanda and Uganda since 2013, yet only in 2018 the government tried to force them to leave to these countries. The Israeli High Court of Justice (HCJ) demanded to see an agreement that will include the receiving country's approval to accept deportees against their will. Despite tremendous efforts, Israeli authorities failed to present an agreement stipulating this. Therefore, the plan for forcible deportations was abrogated by the HCJ. This coalition agreement also seeks to revive the Deposit Law. The agreement details that "the deposit law that states that each infiltrator and illegal resident will deposit 20% of his net salary, a deposit that will be returned to him when he leaves Israel". This would directly violate an April 2020 ruling of the HCJ, abrogating the Deposit Law. The Coalition agreement with "The Religious Zionism" party further states that "Legislation which encourages departure of infiltrators from Israel will be promoted".

The "Override Clause", if it passes, will enable the Knesset to re-legislate laws voided by the Supreme Court with a majority of 61 votes (while there are 64 Knesset members in the coalition). The purpose of the override clause is to re-legislate laws which were abrogated by the HCJ since they violated the rights stipulated under the Basic Law: Human Dignity and Liberty. This Basic Law currently provides for an array of rights including the right to life, bodily integrity and dignity as well as the right to personal liberty and property. It protects the rights of anyone in Israel regardless of

their legal status. One of the main explicit purposes of the clause is to ensure any future legislation that intentionally violates basic human rights of "infiltrators" is immune from judicial review.

Basic Law: Entry, Immigration, and Status in Israel: If passes, it will enable indefinite administrative incarceration and deportation of refugees, migrants, their children, and even trafficking victims. It will also deny them legal recourse and deny anyone residing in Israel without proper permits for more than three months of the possibility of even gaining legal status in Israel. The law will also allow confiscation of a large percentage of the asylum seekers' wages. The basic law, which states that it will be superior to other basic laws, would give the state tools to lawfully immiserate and abuse foreigners until they "voluntarily" leave.

According to a statement issued by Religious Zionism, the party's coalition agreement with Likud includes the enactment of this basic law based on draft legislation submitted in the previous Knesset by Religious Zionism lawmaker Simcha Rothman, who heads the Knesset Constitution, Law, and Justice Committee these days. This bill violates several international conventions that Israel signed and ratified. It is harsher than previous laws that were struck down by the HCJ.

Present Health Status: Adult African asylum seekers are not entitled to public healthcare services, except in cases of medical emergencies. Minors are entitled to the state-subsidized arrangement with the "Meuhedet" HMO, but due to outstanding debts accumulated throughout the COVID-19 pandemic years, many stand the risk of losing their access to medical care.

Present Welfare Status: Asylum seekers are not entitled to welfare services or to national security allowances, apart from a few exceptions. In recent years there have been initial attempts to address the needs of some vulnerable groups, including torture survivors, victims of domestic violence, the homeless and people with disabilities, but most of these attempts did not translate to actual assistance. While many African asylum seekers in Israel suffer food insecurity and even poverty, the most vulnerable ones are struggling to survive, especially after the COVID-19 years, when most asylum-seekers lost their jobs in the dining and hotel industries. At-risk children of asylum seekers are officially entitled to social services. In practice however, these services fall short of the holistic services that Israeli families of at-risk children receive, mainly due to the denial of social services and social security allowances, including child allowances and disabled child allowances.

The present health and welfare situation in addition to the geographical restricting regulation, set to come into effect on February 26, 2023, which prohibits asylum seekers from working in 17 cities will cause many to lose their workplaces without receiving an opportunity to lean on the Israel welfare system. That might cause many asylum seekers to lose even their crowded apartments and find themselves homeless before the new laws and decrees come into effect.

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