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Status of Refugees in Israel

Israel defines itself as a country for Jewish immigration and sees world Jewry and their offspring as potential citizens returning to their homeland, under the Law of Return.¹ This law determines that any Jew has the right to immigrate to Israel as long as at least one of his grandparents is a Jew. The Law of Citizenship² grants automatic citizenship to anyone who immigrated to Israel under the Law of Return.

The status of all other migrants entering Israel, who are ineligible to immigrate under the Law of Return, is governed by the Entry to Israel law.³ Israel does not see itself as a destination country for non-Jewish immigration, except in rare humanitarian cases and family reunification.

A rejection letter of an asylum request, published by the previous Minister of Interior in November 2022 clearly explains the Israeli immigration policy towards refugees:

"... it is important to mention that Israel did ratify the refugee convention, but the Knesset rejected again and again initiatives to legislate the convention. Therefore, it is obvious that the legislator never intended to adopt or to allow the Minister of Interior to adopt a wide and logicless interpretation of the convention. These words are correct when we discuss legal residents in Israel or foreigners who would like to enter Israel legally. When we discuss those who reside in Israel illegally, the legislator specifically outlined the Minister's discretion and instructed that illegal residents will be removed as soon as possible. The legislator took into consideration cases in which immediate removal is not possible. The fear of violating the Non-refoulement principle is a reason that may delay such immediate removal. For these incidents, the legislator stated a temporary staying permit, under article 2A5 to the Entry to Israel Law, until the law can be implemented (and such removal will be possible)."

Article 18-19 of a rejection letter - asylum claim of a woman from Sierra Leone who fled FGM in her homeland, 17.11.22.

This is how the Israeli decisions makers view their obligation under the refugee convention: to grant those who cannot be summarily deported because of the non-refoulement principle, a 2A5 conditional release from prison permit, while the deportation order is still pending, and only until it will be possible. The conditions appear on the permit and might change over the years. It is always stated that the holder of the permit must cooperate with his deportation when it will be possible.

Reading that, it is clear why since 2009, when the Israeli Immigration Authority assumed responsibility for examining asylum applications, and till this day, the asylum system in Israel has been aimed toward

¹ See the [text](#) of the Law of Return translated to English.

² See the [text](#) of the Israeli Citizenship Law translated to English.

³ See the [Entry into Israel Law](#) (English translation), and the [Anti-Infiltration Law](#) (English translation)

rejecting applications rather than fairly examining them. Israeli human rights organizations⁴, the Israeli Supreme Court,⁵ and State Comptroller⁶ have voiced their criticism on the matter.

During the last decade, previous governments actively attempted to encourage asylum seekers to leave Israel "voluntarily", by imposing various sanctions and decrees on them: 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, failed deportation to "third countries" scheme (2018) and the geographical restricting regulation – pending High Court of Justice (HCJ) decision – prohibits asylum seekers from working freely in 17 cities.

Health and Welfare 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" health fund, but due to outstanding debts accumulated throughout the COVID-19 pandemic years, many lost their access to medical care. Asylum seekers are not entitled to welfare services or 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 from food insecurity and poverty, the most vulnerable ones are having a hard time surviving. 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.

⁴ See the following reports: Hotline for Refugees and Migrant, [Trapped in Limbo: Israel's Policy of Avoiding Making Decisions on Well-Founded Asylum Claims](#), December 2020; HIAS Israel, [0.06%: The Numbers Speak for Themselves The Israeli Asylum Process](#), August 2020; The Hotline for Refugees and Migrants, [Falling On Deaf Ears, Asylum Proceedings in Israel](#), October 2018; The Hotline for Refugees and Migrants, [No Safe Haven: Israeli Asylum Policy as Applied to Eritrean and Sudanese Citizens](#), December 2014; Hotline for Migrant Workers, [Until Our Hearts Are Completely Hardened: Asylum Procedures in Israel](#), March 2012.

⁵ Administrative appeal 8908/11 Asafo vs. the Ministry of Interior (ruling issued on July 17, 2012); High Court of Justice case 7146/12 Najjet Serj Adam and others vs. the Knesset and others (September 16, 2013); High Court of Justice case 8665/14 Tshome Nega Desta and others vs. the Knesset and others (August 11, 2015); High Court of Justice case 2293/17 Ester Tsegay Gersagher and others vs. the Knesset and others (April 23, 2020); High Court of Justice case 4690/18 Adam Gobara Tagal and others vs. the minister of interior and others (April 25, 2021).

⁶ State Comptroller report 68 part C: [The Population and Immigration Authority, the Handling of Applicants for Political Asylum in Israel](#) (Hebrew), p. 1419, May 8, 2018. For a summary in English: [State Comptroller Harshly Criticized Israel Handling of Asylum Requests](#), May 8, 2018.

Where do they come from?

At the beginning of 2023, there are about 75,000 asylum seekers in Israel, who hold no stable legal status and extremely limited social basic rights. They are comprised of the following groups:

Ukrainians fleeing the war with Russia (About 40,000 persons) – Various and varying quotas and barriers restricted the entry of Ukrainians who escaped the war since the end of February 2022. Those who were denied entry suffered from the harsh conditions at the Yahalom Detention Facility at the Airport and limited access to appeal proceedings. Those who managed to enter Israel were granted a temporary tourist visa.⁷ Since July 2022, the Israeli Immigration Authority regularly publishes updated policies regarding citizens of Ukraine on its website.⁸ According to the most recent announcement, whoever arrived from Ukraine after September 30, 2022, will not be allowed to work at all, and there will be enforcement on their illegal employment.⁹ About 60,000 Ukrainians arrived in Israel, of whom 1,250 were denied entry. 23,986 have left the country already.¹⁰ Roughly, remained in Israel about 14,000 Ukrainians escaped the war, in addition to about 25,000 Ukrainians who arrived in Israel before the war.

Eritreans (19,500 persons) – All Eritreans entered Israel before 2016, and most of them reside in the country for more than a decade. Most of them escaped the military slavery-like service in Eritrea, an act that in most countries grants them refugee status due to attributed political opinion. Despite that, not more than 30 Eritrean nationals received refugee status in Israel so far.¹¹

Ethiopians (about 8,000 persons) - At the end of 2020, there were about 8,000 Ethiopians in Israel. Since the Tigray War erupted in November 2020, HRM, with other NGOs, addressed the Immigration Authority to prevent the arrest and deportation of Ethiopians from the Tigray region. In November 2021, Authority agreed to provide protection to residents of the Tigray region and grant them a 2A5 conditional release permit.¹² The number of recognized refugees who escaped Ethiopia is unknown.

Sudanese (7,150 persons) – most of them (5,170) escaped the genocide in Darfur, the Nuba Mountains, and the Blue Nile regions. In 2021, after long years of continuous legal proceedings, 2,445 Sudanese were supposed to receive A5 temporary residency status until their asylum requests will be determined, following the decision of the Tagal legal case at the High Court of Justice.¹³ Some dozens of them did not manage to receive this status up until today. According to the Immigration Authority, only two or three Sudanese received refugee status up until the end of 2022.¹⁴

⁷ Bar Peleg, "[I don't recognize my life](#)", Haaretz, August 26, 2022

⁸ The changing instructions of PIA regarding the entrance of and condition of Ukrainian refugees can be found in PIA website at: https://www.gov.il/he/departments/topics/ukraine_updates/govil-landing-page

⁹ PIA, [The Updated Policy of the Minister of Interior regarding Citizen of Ukraine](#), December 26, 2022.

¹⁰ Bar Peleg, [More Ukrainians denied entry after court lifts restrictions](#), Haaretz, November 13, 2022.

¹¹ PIA Freedom of Information reply dated September 20, 2022, to Adv. Inbar Barel from the HRM.

¹² Bar Peleg, [Israel to reconsider refused Tigrayan asylum pleas](#), Haaretz, November 7th, 2021.

¹³ High Court of Justice case 4690/18 Adam Gobara Tagal and others vs. the Minister of Interior and others (April 25, 2021).

¹⁴ PIA Freedom of Information reply dated September 20, 2022, to Adv. Inbar Barel from the HRM. There is a contradiction in the numbers provided by PIA and therefore we cannot be sure if there are two or three Sudanese who received refugee status. Please note

Congolese asylum seekers (About 400 persons): For two decades, between 2003 and 2022 Congolese in Israel were protected from arrest and deportation under a non-removal policy, due to the violent continuous conflict in their country. In 2022, the Immigration Authority declared the cancellation of the non-removal policy. Among the 400 Congolese, the HRM is aware of 82 children who were born in Israel. HRM and HIAS filed a petition against the decision. In a court hearing held on September 8, 2022, the Judge advised the petitioners to withdraw the petition after the Immigration Authority guaranteed that all Congolese will be able to apply for asylum, that the non-removal policy will not be lifted off children and their families at this stage and that Congolese will continue to receive the same status they hold until the rejection of their asylum claim.¹⁵ The number of recognized refugees who escaped Congo is unknown.

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that the number 3,651 represents only the Sudanese who are still holding 2A5 conditional release since those who received the A5 temporary residency are taken off the periodic list of "infiltrators" published by the Ministry of the Interior.

¹⁵ Bar Peleg, [Court blocks Israel Lifting of deportation ban on Congolese asylum seekers](#), Haaretz, May 3, 2022.