

Human Rights Forum

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“The State’s Treatment of the Refugees from Africa”

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In cooperation with the Konrad-Adenauer-Stiftung, the Minerva Center for Human Rights organized this year’s second meeting of the academic forum on human rights issues by inviting Adv. Anat Ben Dor and Adv. Yochi Genessin to discuss the situation of the Refugees from Africa in Israel and the State’s Treatment of asylum seekers.

The influx of thousand of refugees to the Sudan following the different wars in the horn of Africa has been driven to Egypt and Tchad following the civil war in the Sudan and more recently the conflict in Darfur. One estimates that over 2 million African displaced persons are currently living in Egypt in very precarious conditions and constant fear of being deported.

Over the last years Israel has become an asylum state in the Middle East, with thousand of migrants entering Israel – mostly illegally – through the Sinai Peninsula, due to deteriorating conditions in Egypt. What started as a trickle has grown into a real stream that

has become a genuine humanitarian problem for Israel. On the one hand, the defence ministry wishes to return the infiltrators to Egypt, especially those originating in the Sudan, an enemy state. But since these people face torture or even death if they are deported to their home countries, a large number has been imprisoned in Israeli jails, pending a decision of the state concerning their status.

To Anat Ben Dor it is clear that Israel cannot ignore its humanitarian responsibility towards these refugees since we are dealing here with the basic right of each individual to ask for refuge if he or she is persecuted for his or her faith, race, political views, and ethnic affiliation.

The fate of the Jews during the Shoah and the example of the ill-famous odyssey of the Saint-Louis are still fresh in all the memories and Israel ratified in 1956 the International Convention on Refugees of 1951. Israel, however, has no laws regarding refugees. The only legal reference relating to infiltrators is the "entrance into Israel" law.

The violators must be tried in an IDF court, not a civilian court. The soldiers who catch the infiltrators at the border can decide to send them back to Egypt or to detain them for a long period.

All requests from asylum seekers are sent to the offices of the United Nation High Commission on Refugees in Israel. The last years have witnessed a great increase in the number of refugees entering Israel (especially from Eritrea and the Sudan) but from those thousands of non-Jews who applied for refugee status in Israel only 88 persons have received official refugee status from the state of Israel and the UNHCR.

Following United Nations recommendations the government has recently granted an official refugee status to 600 Darfurians and temporary residence permits to 2000 infiltrators from Eritrea. These numbers should not be increased and apply to refugees who arrived in Israel up to certain dates. All the others should be deported.

Anat Ben-Dor is quite aware that not all the infiltrators are real refugees. But why send families with children for many months to jail without giving them the possibility to receive legal help? Since every case is different, the state should commit more money and working power to handle these real humanitarian problems. Additional experts should be added to the special staff dealing with the refugees in order to identify quickly those who are eligible for refugee status. When each case had been properly studied then would it be possible to consider deportation of the economic migrants but not without receiving assurances from Egypt that they will be treated fairly.

Representing the State Attorney Office, Adv. Yochin Genessin explained that Israel's government did not forget the Jews' history

of persecution and genocide but these numerous refugees create a delicate and potentially serious problem.

Israel cannot handle the stream of people crossing into Israel through the 245 km of porous border with Egypt. Soldiers and policemen must check the people who try to enter Israel illegally. Not only potential refugees cross into Israel through this border but also many criminals, drug dealers, women who have been “enslaved” into prostitution, not to mention possible terrorists.

The large influx of migrants does not allow the state to organize quickly a real assessment process of each individual case. The illegal infiltrators are not returned to Egypt on the spot. The decision is taken only by higher officers and many are allowed to enter Israel.

But since Israel does not have a government system to handle refugees, it signed an agreement with the UN Refugee Agency in 2001, in which the applications for refugee status are processed in the UN offices in Israel in cooperation with a committee of Israeli state employees. These state employees, from the ministries of justice and interior, are civilians not policemen or soldiers.

It is true that the assessment process is long and exhausting but compared to that of the migrants living in the streets of Tel Aviv, the situation of the temporarily “jailed” refugees is often better: they receive medical treatment, visits from social workers and the children are given basic education.

Moreover, most of the Africans seeking refuge in Israel are economic migrants who spent quite a long time in Egypt where some 50% have already received refugee status. They are looking for better living conditions and higher salaries. According to the law on refugees, however, whoever crosses through a third country – which is safe – into another state where they wish to apply for refugee status, that same state is not obligated to grant them that status.

Catherine Hirschwitz