Comparative Responses of the Israeli Government and NGOs to African Asylum-Seeker Influx

Multiethnic Drum Circle Led By Asylum-Seekers in Tel Aviv, March 2011.

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“We extend our hand to all neighbouring states and their peoples in an offer of peace and good neighbourliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.”

– Israeli Declaration of Independence, 1948

“You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God.”

– Leviticus 19:34

“A stream of refugees threaten to wash away our achievements and harm our existence as a Jewish and democratic state.”

- Israeli Prime Minister Benjamin Netanyahu, 2011

“In Israel asylum-seekers don’t have the right to work, or to study. No one supports you. This is a racist country. If you’re not a Jew, you can’t stay here.”

- Anonymous Sudanese political asylum-seeker, 2010
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Politician Orientation of Israeli News Sources:

Haaretz – Center-Left (coordinates with New York Times and International Herald Tribune, often read internationally)

Maariv – Center – (more of a tabloid format, not published in English)

YNet (also known as Yedioth Ahronot) – Center – (leading Israeli newspaper)

Jerusalem Post - (Center-Right, has an English-speaker target audience)

Israel National News (also known as Arutz Sheva, or Channel 7) – Far Right (news outlet for Orthodox Jews and settlers)
Introduction

Since 2004, Israel has faced an unprecedented development in the form of mass movements of African asylum-seekers, largely from Sudan and Eritrea, across its border with Egypt. Though primarily forced migrants escaping persecution and violence, these asylum-seekers are also drawn to Israel’s developed, democratic society. Not since the early years of the Israeli state, during which Palestinian refugees crossed Israeli border to return to their cities and farms, has the country absorbed an influx of a population unwillingly. In contrast to Holocaust survivors that arrived at the outset of the state, the Mizrahi (Oriental) Jews in the 1950s, and later Ethiopian Jews and Former Soviet Union (FSU) immigrants, the African asylum-seekers that have arrived in Israel since 2004 are fully non-Jewish and thus fall outside of the scope of desired entrants into the country. The African asylum-seekers are divided between forced migrants escaping persecution and those aligned with the “asylum-migration nexus” phenomenon who are drawn to Israel not only for protection, but also economic opportunity.¹ The Israeli government, specifically the Ministry of Interior (MOI), which administers immigration and asylum procedures, has sought to highlight the more economically drawn entrants into Israel as undermining their claim to asylum. As well, the state has converged its immigration and asylum regimes by maintaining its preference for Jewish entrants even in its asylum regime. This policy represents a violation of international refugee law, which stipulates that asylum regimes are to be governed without national discrimination by the “[1951]

Refugee Convention and international humanitarian moral principles,” not by security or demographic concerns. However, given its unique history as the only Jewish country, its violent history of war and terrorist attacks, and its small population of 6.5 million, Israel arguably faces a disproportionately difficult task of fulfilling the Refugee Convention and integrating its asylum-seekers compared to other developed democracies. 

This first section of this paper will provide a historical overview of the influx of African asylum-seekers, including their motivations for heading to Israel as well as the evolving character of the refugees from 2004 to 2011. In this section I will also dissect the logic behind what United Nations Higher Commissioner for Refugees (UNHCR) researcher Yonathan Paz calls the “ordered disorder” of the Israeli asylum regime, which accounts for its oftentimes-contradictory policies. The section will also describe the MOI’s uneven asylum-related governmental legislation and the country’s relatively new Refugee Status Determination (RSD) regime, only recently transferred in 2009 from the UNHCR’s Tel Aviv office to the auspices of the MOI. This includes the influence of such factors as security, demography, and a collective history of persecution on the Israeli asylum regime, a prominent focus in the emergent academic literature on the issue. The second section will document the varied responses of NGOs to the arrival of African asylum-seekers, both through direct humanitarian and medical assistance, as well as

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legal, social and psychological support. The third section will attempt to locate the basis for the divergent reactions across the Israeli government and civil society towards the asylum-seekers as the result of a security-focused governmental outlook, an NGO and academic community on the periphery of the general public and an already fractured society along religious and economic lines. The fourth and final concluding section of the paper will attempt to reconcile these divergent responses with potential policy recommendations to improve the Israeli asylum regime system. An ideal outcome, though ostensibly unconceivable in politics, would allow for the asylum-seekers to maintain their basic dignity, as Israel would balance of upholding the basic conditions of the Refugee Convention, without placing a disproportionate burden on a divided, ethnonational Israeli society.

Throughout June 2011, fieldwork in Israel was completed for the purpose of this research paper primarily through on-site interviews in the metropolitan Tel Aviv area, with one interview conducted at the Haifa University campus. The on-site interviews consisted of interviews at four NGOs that aid African asylum-seekers with humanitarian, legal, labor-related and psychological assistance, two interviews with staffers at the UNHCR office in Tel Aviv and four interviews with academics, one of which is a prominent Israeli human rights lawyer. I also remained in contact a staff member of the Israeli Ministry of Interior, however the staffer cited a busy schedule and failed to respond to the proposed questions. In addition to these interviews, a review of pre-existing academic literature, international and Israeli law, media articles and NGO publications further solidified my conclusions.

Historical Overview: “Ordered Disorder”
The mass movement of African asylum-seekers towards Israel began with only a few hundred entrants in 2004 and 2005 followed by an exponential increase to thousands a year since 2006. According to a May 2011 Israeli legislature (Knesset) report, 35,741 African “infiltrators and asylum-seekers” entered from Sinai from the end of 2006 until 2011.  

2010 featured the largest influx of African asylum-seekers, with 13,686 reported “infiltrators” crossing the border from Egypt. The demographic composition of the asylum-seeker population period changed markedly throughout this period, as did the nature of the responses from the Israeli government and public. The general trend involved a shift from asylum-seekers mostly escaping genocidal conditions in Darfur and South Sudan towards a larger percentage of asylum-seekers from other parts of Sudan and Eritrea not directly affected by the War in Darfur. The amount of those from Eritrea soon overtook asylum-seekers of Sudanese origin. As of December 31st 2010, the Israeli Population and Immigration Authority reported that 57% of African “infiltrators” originated from Eritrea, 25.1% from Sudan and 17.5% from other African countries.

From 2004 to 2006, according to interviewee Tel Aviv University African Studies Professor Galia Sabar, a distinctive segment of the asylum-seekers survived genocidal conditions in Darfur only to risk their lives crossing the Sinai desert and enter Israel after facing race-based discrimination in Egypt. The initially receptive attitude towards these

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8 Ibid.
African asylum-seekers from the Israeli general public derived from a successful public relations campaign by the emerging NGO community dedicated to the issue. Professor Sabar noted that early on the NGOs succeeded in conveying the asylum-seekers as refugees rather than economic migrants in 2006, as “Israeli civil society worked together to alleviate their [African asylum-seekers] situation.” Though public attitude at first bordered on empathy, particularly towards Darfuri asylum-seekers, by 2006 the Israeli government had begun its uneven asylum policy of both deterrence and ambivalence. While large amounts of asylum-seekers moved into the impoverished neighborhood of South Tel Aviv with minimal interference, from 2005-6 Israel detained numerous asylum-seekers under provision 10(b) of the 1952 Entry to Israel Law.11

The Israeli asylum regime developed at a protracted pace compared to other developed countries, yet it remains the most advanced asylum regime in the Middle East. The state ratified the 1951 UN Refugee Convention in 1954 and the 1967 Refugee Protocol in 1968, but never adopted it into domestic legislation, thus limiting the enforceability of their provisions in Israeli courts.12 Only in 2002 did the Israeli government initiate its own RSD procedures in coordination with the United Nations High Commissioner for Refugees (UNHCR) office in Tel Aviv. From 2002 to 2009, the UNHCR directed the majority of the RSD process by processing claims and interviewing asylum-seekers before submitting recommendations to the Ministry of Interior (MOI). In 2009, the UNCHR, which retains an advisory role, transferred the claims and

10 Ibid.
12 Perry. 162.
interviewing process to the MOI without a fundamental change in the overall restrictive policy. Both before and after the transfer of the process, asylum-seekers typically receive temporary, renewable B1 work visas as their claims process, and if granted the rare status of a recognized refugee, they receive an A5 renewable temporary resident permit that allows for public health care and expanded work options. Even if not recognized, a majority of these asylum-seekers do not face imminent deportation or enforcement of their illegitimate status. Much lower in its acceptance of refugees than other developed countries, as of 2009, Israel had recognized only 170 refugees since 1951.\(^\text{13}\) In comparison for example, Sweden, with a population of 9.1 million compared to 7.4 million in Israel, accepted over 9,000 Iraqi asylum-seekers in 2006 alone.\(^\text{14}\)

The Israeli government, in violation of international law, excluded Sudanese and Eritrean asylum-seekers from the newly formed RSD system. The government labeled the Sudanese as enemy nationals and cited both the 1954 Infiltration Law and the less severe 1952 Entry into Israel Law to justify the detention and restricted, temporary visas granted to Sudanese and Eritrean asylum-seekers.\(^\text{15}\) In effect, as a result of Israel’s nationally discriminatory asylum regime, an estimated 80 to 90 percent of Africans entering Israel are excluded from an RSD process that predominantly serves Africans from other countries such as Ethiopia, Nigeria and the Congo, as well as Eastern European and Asian asylum-seekers.\(^\text{16}\) In 2011, Sudanese and Eritrean asylum-seekers

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\(^{13}\) Perry. 163.  
[http://www.spiegel.de/international/world/0,1518,477952,00.html](http://www.spiegel.de/international/world/0,1518,477952,00.html)  
\(^{15}\) Ibid. 164.  
\(^{16}\) UNHCR Staffer. 2011. Tel Aviv. June 18.
continue to receive a temporary visa similar to a tourist visa that does not officially allow for working and grants no access to public health care.

A major challenge of the government’s disorganized, largely restrictive asylum regime emerged from the legal sector, a known force for progressive causes in Israeli society. Interview respondent, professor and prominent human rights lawyer, Anat Ben-Dor, formed the Tel Aviv University Refugee Legal Clinic in 2002 after assessing the need for pro-bono asylum representation. The clinic’s formation coincided with the first RSD processing of asylum-seekers in Israel in 2002. In 2006, the influx of African asylum-seekers engendered the Israeli government to increase detention of Sudanese asylum-seekers as “enemy nationals” under the more stringent 1954 Prevention of Infiltration Law. This uneven stance broke the international norm of granting asylum regardless of nationality. The Refugee Legal Clinic thus shifted its original approach of individual based litigation towards the “mutual interest” tactic, in which “representative petitioners” influence the outcome of hundreds of asylum-seekers. One such case, presented by the clinic in the Israeli High Court in 2006, consisted of four asylum-seeker petitioners and the Hotline For Migrant Workers as the fifth petitioner, and resulted in the release of over 300 asylum-seekers from detention.

The transition in the Israeli general public attitude towards a rejectionist stance mirrored the efforts of the Israeli government, then under the Olmert administration, through both security and ethnonational discourse to define the asylum-seekers as “labor-

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20 Ibid.
migrants” and “infiltrators;” two labels that quickly became enmeshed within the Israeli consciousness.\textsuperscript{21} However, other factors, such as an increase in diversity of asylum-seeker backgrounds and a notable terrorist attack also soured Israeli opinion of the asylum-seekers. Professor Sabar noticed this shift in opinion and contends, “As their numbers grew and their stories became more diverse, empathy waned. Israeli society didn’t have the power or time to go into detail.”\textsuperscript{22} Many Eritreans escaping poverty and evading oftentimes-limitless conscription in an oppressive military constituted a large portion of the non-Darfuri asylum-seekers. The Eritreans were noticeably weaker at harnessing public relations tactics and community organizing within Israel and failed to garner much sympathy for their plight. Only in the past year has the Eritrean community in Israel begun to coalesce public relations efforts around the leadership of Eritrean asylum-seeker, interviewee Haile Mengisteab and the Committee of Eritrean Asylum Seekers in Israel (CEASI).\textsuperscript{23}

Another defining factor that cultivated Israeli distrust of Africans crossing from Sinai resulted from the January 2007 terrorist attack in the Red Sea port city of Eilat, in which a “21-year-old Palestinian crossed the border [with Egypt] about 12 miles north of the resort city of Eilat and blew himself up in a small bakery, killing three.”\textsuperscript{24} The attack exposed the porous nature of the border, strengthened the government’s security-minded discourse and tangentially linked the asylum-seekers to the attack. While the terrorist attack elicited a warranted concern about the management of the border with Egypt, the

\textsuperscript{21} Paz. 8.
\textsuperscript{22} Sabar interview.
\textsuperscript{23} Haile Mengisteab, et al, “Please Don’t Hate Us,” Ynet, December 24 2010, accessed June 20 2011, \url{http://www.ynetnews.com/articles/0,7340,L-4003542_00.html}
continued peaceful presence of African asylum-seekers in Israel has seemingly undermined the claim of the presence of such “enemy nationals” as a threat to the Israeli public safety. Likewise, the Olmert Administration’s uncharacteristic July 2007 decision to provide refugee to 500 Darfuri asylum-seekers directly contradicted the government’s ethnonational rhetoric and deterrence measures. In spite of this goodwill measure, the Israeli Defense Forces (IDF) had already begun its still ongoing, questionable refoulement, “hot return” policy, “on the night of April 25, 2007, when IDF soldiers forcibly returned six Eritrean border-crossers to Egypt.”25 “Hot return” involves the compulsorily return of asylum-seekers to Egypt, where they face potential death at the hands of Egyptian soldiers and Bedouin bandits in the increasingly lawless Sinai region.

The increased volume of African asylum-seekers, increasingly drawn by an amalgamation of factors rather than solely physical security, “eroded” the “kinship of genocide” originally felt by the Israeli public, which had associated the Darfuri’s struggle with its past injustices in the Holocaust.26 As UNHCR researcher Yonathan Paz argues in his March 2011 assessment of the Israeli asylum regime, many NGO staffers later regretted their overuse of Holocaust-related discourse “to support their advocacy and fundraising campaigns, an endeavor most referred to as a mistake.”27 With little sympathy for asylum-seekers left beyond the progressive NGO and academic community, almost exclusively based in the liberal strongholds of central and north Tel Aviv, the majority of Israelis embraced a more xenophobic discourse. The leading academic advocating in support of the government, interviewee Haifa University

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26 Paz. 13.
27 Ibid.
Professor of Geography, Arnon Sofer, referring to the Africans as “blacks,” cited both the economic threat of “endangering the lower classes with cheap labor” and the security threat of terrorist infiltration by bribed asylum-seekers as justifying an impassible fence alongside entirety of the border with Egypt.\(^{28}\) Sofer, thoroughly unpopular with his academic peers, successfully presented the plan to build the fence at a government forum in 2010, in which Prime Minister Benjamin Netanyahu offered his support to begin construction. Despite its isolationist intentions that shun international obligations to allow asylum-seekers entry, the general public will likely support the hastening of the high-tech fence’s expected completion by the end of 2012 in light of the recent August 18\(^{\text{th}}\), 2011 attack in which 15-20 armed Palestinians crossed into Israel from Gaza via the Egyptian border and killed 8 Israelis.\(^{29}\)

Second Section - NGO Responses

The Israeli NGO community, disproportionately concentrated in Tel Aviv rather than the capital of Jerusalem, occupies a distinct position in Israeli civil society as a progressive force opposing the societal tilt towards conservatism in the past ten years.\(^{30}\) Another defining factor of the largely liberal Israeli NGOs is their predominately international funding, primarily consisting of foundational and governmental donors, and private individual donors to a lesser extent. These non-profit organizations have accomplished perhaps their most prominent advancements in the government’s legal


branch that according Professor Efraim Inbar adopted in recent years “a very active posture, which was not appreciated by the more conservative elements in Israeli society.”

The connection with foreign donors and the activist Israeli legal branch funds and empowers the NGO community to support marginalized members of Israeli society, yet impedes its attempts at promoting such activities to wide swaths of the general public.

Amongst the NGOs involved with the recent African arrivals in Israel, most provide some combination of direct humanitarian assistance and legal or RSD and temporary visa support. The NGOs are also roughly divided between those located within the core of the African asylum-seeker community in South Tel Aviv near the Central Bus Station and those located further away, closer to the more affluent central Tel Aviv neighborhood. Three of the NGOs that I visited, the African Refugee Development Center (ARDC), the Committee of Eritrean Asylum Seekers in Israel (CEASI) and the Aid Organization for Refugees and Asylum Seekers (ASSAF) operate on different floors within the same office building located about two blocks from the Central Bus Station. These organizations predominantly provide direct humanitarian assistance compared to the labor rights and legal assistance offered by the other organizations that I also visited. Two of these NGOs, the Hotline For Workers (Kav La’oved) and the Hotline For Migrant Workers, are located within the same building close to the main Tel Aviv thoroughfare, Rothschild Boulevard. An important distinction is that the latter group of NGOs predated the asylum-seeker influx and assists other societal groups, whereas the first set of NGOs were created more recently specifically to address humanitarian concerns for the African community. Despite their variation, all of the aforementioned

31 Ibid.
NGOs are implementing partners of the UNHCR and receive UNHCR funding. This section incorporates interviews and observations to present an overall description of the assistance to African asylum-seekers supplied by these non-profit organizations.

Within the first group of organizations, ARDC and ASSAF, founded in 2004 and 2007, are the primary NGOs that were expressly formed to provide services solely to the African asylum-seeker community in South Tel Aviv. The ARDC, established by the recognized Ethiopian refugee Yohannes Bayu, currently operates a shelter for battered women and previously managed as many as ten shelters during the height of the asylum-seekers humanitarian crisis in 2007. In addition to the shelter, they provide educational, psychological counseling and assistance with the temporary visa and RSD processes conducted by the MOI since 2009. I interviewed three staffers at the ARDC in the asylum application and volunteer relations departments. All of the staffers I spoke with were female of mixed Israeli, non-Jewish international and Jewish Diaspora backgrounds. One of the roles of the ARDC, in coordination with UNHCR, is its grassroots assistance of Sudanese and Eritrean asylum-seekers confirm their identity with the MOI to receive temporary protection and the assistance in the RSD process for Africans from other countries. One of the staffers commented that in the case of RSD applicants, the ARDC “researches cases and then drafts a letter along with the Refugee Convention to the MOI to back up stories.”

She also noted that the RSD applicants, mainly from Ghana, Nigeria, Somalia and Congo, often suffer from cultural misinterpretations of their stories of persecution that appear illogical to Israeli bureaucrats. One such claim involved a man from Ghana who claimed to have sought refugee in Israel to escape “ghosts,” though this

was likely a metaphor for more concrete persecution.\textsuperscript{33} Restraining factors on operations include limited funding (around $200,000 USD annually in 2009), difficulty with public relations and the inability to visit and aid asylum-seekers in detention facilities.\textsuperscript{34}

Under the auspices of the ARDC, its community organizing, development-focused approach led to the creation of the Committee of Eritrean Asylum-Seekers in Israel (CEASI) in 2010. CEASI leader and interviewee Haile Mengisteab, an Eritrean asylum-seeker trained as a lawyer arrived in Israel in December 2010 after working in Kenya and Ethiopia with the UNHCR, holding odd jobs in Libya and driving a taxi in Sudan. Along with other members of the CEASI, Menigsteab overhauled the public relations efforts of the Eritrean community through political lobbying and newspaper opinion articles.\textsuperscript{35} The optimistic, energetic community organizer cited the need to prove to Israelis that “Eritreans are not terrorists” and claims that his community does not intend to stay in Israel.\textsuperscript{36} Inspired by the ongoing Libyan rebellion as of June 2011, Menigsteab argued that the authoritarian Eritrean regime, which has banned outside observers and NGOs, could eventually face similar unrest and would ideally crumble under such pressure. The tension between the desire to return to Eritrea and reform its imperfections versus the economic opportunity of Israel complicate CEASI’s work according to Menigsteab and represent a point of contention within the Eritrean asylum-seeker community that his organization attempts to reconcile.

\textsuperscript{33} Ibid.
\textsuperscript{34} ARDC 2009 Annual Report (offline PDF).
\textsuperscript{35} Ibid #23.
\textsuperscript{36} Menigsteab interview.
Yiftach Milo, an Israeli with a development background applied his experience from the field in sub-Saharan Africa and created ASSAF in Tel Aviv in February 2007 to address the humanitarian crisis created by the influx of African asylum-seekers in terms of poor housing and lack of access to medical facilities and psychological counseling. The organization, which has two social workers, another six staff members and around 65 active volunteers leads three main projects: accompanying asylum-seekers and explaining Israeli society, social work services and a youth center for unstable youth.\(^{37}\) Operating with an open-door format, within the hour I spent at ASSAF, approximately five male asylum-seekers entered to use free Internet access computers. As well, a pair of Sudanese asylum-seeker mothers with their children received the services of a trilingual social worker of American heritage fluent in Arabic, Hebrew and English. The staff interviewee highlighted the grassroots atmosphere of ASSAF, yet mentioned its new public relations manager hired to increase ASSAF’s presence and lobby politicians.\(^{38}\)

Kav La’Oved (Worker’s Hotline), established in 1991 originally to assist Palestinian workers with labor disputes, gradually spread its target population and now also includes construction workers, Jewish Israelis, asylum-seekers and migrant workers. At Kav La’Oved, interviewee Kesem Adiv, the organization’s Refugee and Asylum Seeker’s Coordinator, described the two paths of assistance provided by the organization to African asylum-seekers: individual assistance on specific labor disputes and changing policy through lobbying and the press.\(^{39}\) Within the first framework of assistance, volunteers interview asylum-seekers and attempt to negotiate labor disputes such as


\(^{38}\) Ibid.

unpaid salaries and on-site injuries with employers. The full time staff often provides additional support for complicated issues that require particular expertise or legal action. For example, I witnessed the interaction between a volunteer and Adiv, as they worked through methods to provide solutions for an enigmatic asylum-seeker who failed to comply with their interview process.

According to Adiv, the asylum-seekers, employed under questionable legality due to their convoluted visa status, work either as dishwashers in restaurants or as “chick-chak” workers with itinerant jobs similar to Hispanic construction and landscape day laborers in the United States. The first group is generally better positioned and primarily seeks the assistance of Kav La’Oved to collect overtime pay or past due vacation time, whereas the latter group faces more urgent labor issues such as on-site injuries and evasive bosses. Those with injuries are referred to the crucial, medical NGO, Physicians For Human Rights in Jaffa, which is the primary clinic for asylum-seekers despite a smaller, government clinic near Levinsky Park in South Tel Aviv. In addition to individual assistance, Adiv, in her capacity of improving asylum-seekers’ public image, formed the multilingual Refugee Voice newspaper and partly organized the Refugee Day concert in June 2011 that was dubiously cancelled by the Tel Aviv police.

The Hotline For Migrant Workers (HMW) was formed with the assistance of Kav La’Oved in 1998 to combat the exploitation and abuse of migrant workers in Israel. HMW filled the void for an organization that could visit detention centers to assist asylum-seekers and victims of human trafficking in addition to migrant workers.

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40 Ibid.
Prominent human rights lawyer Anat Ben-Dor cited HMW’s role in fighting the contested practice of “hot return” in a case ongoing since 2007.\textsuperscript{42} As well, HMW is currently examining the legality of separating asylum-seeker and migrant children from other Israeli students in Tel Aviv schools.\textsuperscript{43}

As of December 2010, around 2,000 asylum-seekers, including women and children, are currently held in the Saharonim prison facility operated by the Israel Prison Service and the Infiltrators Unit of the Population Authority, which registers “infiltrators” and enacts legal proceedings against them.\textsuperscript{44, 45} HMW is the only organization besides UNHCR capable of visiting asylum-seekers in detention according to Crisis Intervention Center Coordinator Emi Saar.\textsuperscript{46} Saar explained that HMW performs provides oversight of the facility, ensures that asylum detainees are healthy and assists with identification recognition by Israeli judges to secure exit the prisons.\textsuperscript{47} Though Sudanese and Eritreans are typically released after identification and provided with their temporary visas, other African asylum-seekers face protracted delay due to disputed nationality complications. Saar cited xenophobia as the main obstacle of her organization’s progress and hopes

\textsuperscript{42} Ben-Dor interview.
\textsuperscript{44} Tovah Lazaroff, “‘African Refugees Are Being Tortured,’” \textit{Jerusalem Post}, December 16 2010, accessed September 1 2011, \url{http://www.jpost.com/MiddleEast/Article.aspx?id=199614}
\textsuperscript{45} Ibid as #7.
\textsuperscript{46} Emi Saar – Hotline For Migrant Workers. 2011. Tel Aviv. June 21.
education and media campaigns “can show that the refugees are humans with dreams that speak Hebrew and work hard just like other Israelis.”

The NGO community contrasts with the general Israeli population and its policymakers in such a manner that constrains its effectiveness. Public relations efforts within these NGOs are concentrated in Tel Aviv and generally cite human rights concerns and international law to humanize the plight of the African asylum seekers. In contrast, the simplistic government labels of the asylum seekers as “economic migrants” and “infiltrators” have proved more palatable to most Israelis. As noted by Yonathan Paz, this governmental narrative dehumanizes the asylum seekers by evoking demographic, economic and security concerns over human rights obligations. Refugee scholar David Turton, discussing the greater trend of anti-migration discourse, notes that government dialogue “is not the language of migrants themselves, but of their hosts, or potential hosts. The language of migration, in other words, is spoken from a sedentary, or state-centric perspective.” Empowerment of the asylum seekers to assert their self-definition and modify the prevailing discourse is still nascent and has yet to influence politicians in the conservative, policy hub of Jerusalem.

Third Section – Divided Society, Divided Responses

The ongoing fractionalization of the Israeli public on both religious and economic lines has increased the disjointedness of national public policy and fermented public

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48 Saar Interview.
opinion against African asylum-seekers. Israel’s economic inequality, as measured by the Gini Index, rose consistently from .353 to .387 between 2000 and 2005 and has remained at around the same level.\textsuperscript{52} As elaborated in a 2004 study by the Israeli Democracy Institute, “Income inequality in Israel has risen over the past three decades, and Israel is now one of the countries with the widest economic disparities. This development is the result of factors that apply to all sections of Israeli society as well as to elements that are unique to specific populations: Arabs, new immigrants, and the ultra-orthodox.”\textsuperscript{53} The division between secular, worldly Jews and religious Jews has engendered a civil society characterized by a small, but visible and well-funded civil rights NGO community and an equally visible subset guided by national and religious zeal. Whereas the NGOs manage daily office operations and employ mainly liberal, female employees, the movement hostile to the asylum-seekers is an informal, male-dominated effort that relies on occasional, sensationalist protests and stunts to convey its message.

An often-cited divide within Tel Aviv that replicates the greater socioeconomic disparity within Israel is the divergence between the city’s south, central and north neighborhoods. The former is populated mostly by religious, poorer Mizrahi Jews, Arabs and African asylum-seekers and the latter typically with wealthier, Ashkenazi (European-descent) Jews. Religious leaders and community organizers from South Tel Aviv’s Jewish community, incensed by the changing demographics of their neighborhood, have harnessed concerns of decreasing property value and increasing crime with an overtly

xenophobic tone to mobilize protests and humiliating stunts. In December 2010, these sentiments culminated with a meeting of nearly 100 South Tel Aviv residents “against African infiltrators” that later held a rally of hundreds protesting the asylum-seekers.54

Another event, which both UNHCR interviewees and Kesem Adiv of Kav La’Oved mentioned as a sign of Israeli xenophobia, involved the leadership of far right-wing settler and Member of Knesset, Michael Ben-Ari (National Union Party) and the Kahanist activist, Itamar Ben Gvir.55 On June 12, 2011, Ben-Ari, Gvir and other organizers paid for a bus and gave $50 NIS ($14 USD) and free bathing suits to around 40 asylum-seekers that consented to travel a few miles to the upscale Gordon Pool in North Tel Aviv.56 57 Although a Tel Aviv city councilwoman attempted to accost the asylum-seekers at the pool entry and explain that they were “being used,” they followed orders to swim around from Ben-Ari, whom one asylum-seeker called his “boss.”58 This politicized abuse served as part of Ben-Ari’s greater “Ramat Aviv First” campaign to “show the hypocrisy of the Tel Avivians. People who keep wanting to give more and more rights to the Sudanese, but only want them to have these rights in the neighborhoods of southern Tel Aviv.”59 The “Ramat Aviv First” project has also begun to collect funds to rent apartments for asylum-seekers in the North Tel Aviv

58 Ibid #58
59 Ibid.
neighborhood of Ramat Aviv with the intention of altering the neighborhood’s demographics to incite anti-African sentiment.\textsuperscript{60} Ben-Ari, raised in South Tel Aviv, argues that he and his supporters have “become the strangers in our neighborhood,” while asylum-seeker advocates have yet to face direct effects on the composition of their neighborhood.\textsuperscript{61} One of the UNHCR interviewees, describing the incident, noted that “The Mizrahi feel like the Ashkenazi are insulated and so they exploited the asylum-seekers to outrage them in North Tel Aviv.”\textsuperscript{62} Though racist and exploitative in nature, Ben-Ari’s tactics emphasize a contradiction within the practices of the NGO community and its donors, who generally do not live in close proximity to the population whose expansion of rights and integration into Israeli society they champion.

A confluence of factors such as the high National Religious and Ultra-Orthodox Jewish birthrates, emigration of secular Jews to North America and Europe, failed peace negotiations led by the Left and the terrorist attacks of the Second Intifada (2000-4), have all fueled the rising conservatism within Israeli society. This rise in conservatism, as well as the disproportionate influence of the religious population on public policy, is instructive towards understanding the restrictive nature of asylum policy in Israel. Although mainstream Ashkenazi and Mizrahi Jews experienced massive birthrate decline since the 1950s, “the National-Orthodox has maintained its moderately–high fertility,


\textsuperscript{61} Ibid #59.

\textsuperscript{62} UNHCR interview.
while the ultra-orthodox population has increased its fertility levels over time.”

Israeli demographer Dov Friedlander argues that the disjointed Israeli coalition government structure allows religious politicians such as Ben-Ari to exact disproportionate influence on government policy because of “their appeal among some low status members of the Asian-African [Mizrahi] ethnic group.” In other words, the ultra-Orthodox Sephardic politicians garner support beyond devoutly religious constituents due to the strong, ethnic identification with the Mizrahi heritage. Particularly with regards to asylum policy, Minister of Interior since 2009 and leading ultra-Orthodox Sephardic, Shas Party politician, Eliyahu “Eli” Yishai has catered to his constituents through intensified ethnonational discourse and policy proposals. Yishai, likely with the intent of inciting anti-African sentiment, warned in 2009 that they carried "a range of diseases such as hepatitis, measles, tuberculosis and AIDS [as well as] drugs.”

He later retracted the statement. The same year, Yishai proposed a policy combination of “manual labor” camps and deportation, which received criticism from left-wing politicians and NGOs.

In March 2010, orthodox National Union MK Yaakov Katz in charge of the Knesset Committee on the Foreign Laborers Problem, proposed a controversial “solution” of constructing a city in the southern Israeli desert to house asylum-seekers in

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64 Ibid.
67 Ibid #69.
a “less glamorous” location than beachside Tel Aviv.\textsuperscript{68} Equally concerned with the fate of South Tel Aviv as MK Ben-Ari, Katz later defended his proposal with an appeal to Israel’s uncertain future as a Jewish majority state: "I never suggested employing them in hard labor or loading them on trucks but to provide a practical solution. It might not sound good or paint a pretty picture but someone has to do the job, to warn and handle the matter for the sake of a Jewish state.”\textsuperscript{69}

On the other side of the political spectrum, leftist Tel Aviv politician, MK Dov Khenin of the small, communist Hadash Party, has opposed both Yishai and Katz’s proposals and argues for a stricter border policy to prevent terrorist infiltration without restricting the rights of asylum-seekers already within Israel.\textsuperscript{70} At the time of Yishai’s 2009 proposal, Khenin commented, “Israel has the right to close its borders, but when someone comes here, you cannot fight with him.”\textsuperscript{71} Despite the political efforts of the Left, which included a failed Knesset bill to provide asylum-seekers with public health care, the center-right Netanyahu government, in power since March 2009, has continually backed the ultra-Orthodox-led Interior Ministry. Prime Minister Netanyahu has cited the “asylum-migration nexus” and security concerns to delegitimize asylum claims, warning in early 2011: "We cannot let tens of thousands of illegal workers infiltrate into Israel through the southern border and inundate our country with illegal aliens."\textsuperscript{72}

\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid #69.
Netanyahu’s branding of the asylum-seekers as an economic and demographic threat has received the implicit consent of the centrist, opposition Kadima party. The Israeli youth of Tel Aviv, who generally vote Kadima, are currently engaged with their own concerns of social inequality, as evidenced by the ongoing “Jewish Summer” of mass social protests. With their only substantive political support within the diminishing Israeli Left and no independent political agency, asylum-seekers are reduced to what Paz refers to as a “depoliticized existence.” Israeli legal scholar Tally Kritzman-Amir echoes this sentiment: “They [asylum-seekers] are physically present in Israel, but to a large extent legally absent, as in most cases they lack formal status and welfare rights.” Stuck in the legal limbo of temporary visa protection, asylum-seekers continue to rely on NGOs for the majority their social services and channel their self-expression primarily through informal religious, ethnic and youth groups.

Conclusion:

Israel’s position as a non-characteristic Jewish and democratic state with hostile neighbors and minimal regional integration, undoubtedly informs the restrictive nature of its asylum regime. Concerned with the consequences of high birthrates within the Occupied Palestinian Territories on its Jewish character, Israel has broken with

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75 Paz. 14.
76 Kritzman-Amir. 617.
77 ASSAF Staffer interview.
international law and enmeshed its asylum regime within its ethnoreligious, *jus sanguinis* immigration policy. International law scholar Avi Perry, agrees with the predominate Israeli claim that alongside security concerns, “Demographics and economics are vitally important to Israel’s ability to sustain itself,” yet upholds the notion that “Categorical discrimination on the basis of demographic or economic criteria is permissible in immigration law but runs afoul of international refugee law.”

Though academics and international observers accurately note noncompliance, appeals to international law to justify reform of the Israeli asylum regime are doomed to fail. The tense historical relationship between Israel and the United Nations and recent attempts to accost Israeli leaders abroad for war crimes, have diminished the perceived legitimacy of international law outside of the NGO community and small, leftist political parties.

Unfortunately for asylum-seekers, it appears that consolidation of the Israeli asylum-regime will legalize the confluence of the immigration and asylum policies rather than embrace the non-discriminatory stipulations of the 1951 Refugee Convention. The January 2011 Knesset Report entitled “National Program to Meet the Problem of Infiltrators and Asylum Seekers Entering Israel Across the Egyptian Border” detailed approved plans to enlarge the Saharonim detention camp with “an additional facility with 8-10,000 places for infiltrators and asylum-seekers” that enter Israel to live in passable physical conditions, yet “surrounded by a fence” in internment for an extended period.

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78 Perry. 178.
80 Ibid #7. 4.
The same policy paper detailed the current mixed physical and electronic barrier project with Egypt that began construction in November 2010.\textsuperscript{81}

After the recent August 18\textsuperscript{th}, 2011 terrorist attack carried out across the Sinai border by Gazan Islamists, the security argument of the Israeli government has regained significant currency. As third sector objectives shift from humanitarian assistance towards community organizing and political lobbying, the success of the examined NGOs will depend on their capacity to adopt a “hard on the outside, soft on the inside” policy that the Israeli security apparatus and political moderates could endorse.\textsuperscript{82} Rather than perpetuating their ideological and operational tension, the NGO and policymakers should attempt cooperative measures to limit detention and implement humane counterterrorist techniques at the Sinai border. Thus, in this idealized outcome, Israel could uphold minimal obligations to the 1951 Refugee Convention, improve its human rights record and prevent further terrorist infiltrations. The NGOs, with a decreased humanitarian assistance burden, could in turn intensify capacity building to mobilize public, legal and legislative support for expanded asylum and refugee rights.

\textsuperscript{81} Ibid. 5.
\textsuperscript{82} Sabar interview.