



# Detention of Migrants and Asylum Seekers in Israel

## Annual Monitoring Report 2023



המוקד לפליטים ולמהגרים  
Hotline for Refugees and Migrants



## **Detention of Migrants and Asylum Seekers in Israel**

Annual Monitoring Report 2023

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

The Hotline for Refugees and Migrants is a non-partisan, non-profit organization in Israel dedicated to protecting and advancing the human rights of refugees and migrant workers and preventing human trafficking. The organization operates by providing information, legal advice, and representation; visiting immigration detention facilities; and engaging in public initiatives and activities.

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## Introduction

The forced deportation of migrants has long been a cornerstone of the immigration policies of many countries, including traditionally liberal nations. Although global statistics on the number of deported or detained migrants due to violations of conditions of stay are unavailable, the scale of the phenomenon can be inferred from data published by the U.S., which operates the largest migrant detention system in the world, holding around 50,000 migrants in custody at any given time.<sup>1</sup> Detention and deportation practices reflect the sovereign power of nation-states to secure their borders and distinguish between desirable and undesirable non-citizens. Although these practices are not legally classified as punitive measures, in practice, they serve as punishment under the guise of administrative law. Moreover, those forcibly removed, whether through deportation or administrative detention, do not have access to many of the protections that typically accompany criminal punishment, thereby increasing the vulnerability of these migrants. Reiter and Coutin (2017)<sup>2</sup> describe this situation as "legal non-existence," where migrants are excluded and removed not only physically and socially but also from the legal protections granted to citizens. An example of this is the case of the detainees from the Eritrean Embassy Festival, who were placed under administrative detention due to lack of evidence justifying a criminal indictment which renders the police unable to hold them in criminal custody.

Detention and deportation undermine the dignity of forcibly removed individuals and cause unnecessary suffering not only to the deportee but also to their family and community. These practices can exacerbate past traumas and cause severe physical and mental health harm, particularly to children. The physical and social isolation during detention has devastating emotional and psychological consequences. However, it is not only the actual deportation that causes harm and suffering but the daily threat of deportation. Described by De Genova (2002) as "deportability,"<sup>3</sup> this lack of stability leads to widespread fear and severe mental health impacts on entire families. The critical consequences of this aggressive policy require balancing sovereign authority with a strong commitment to protecting the rights of detainees and deportees.

In 2023, the Hotline for Refugees and Migrants continued to monitor both the detention conditions faced by migrants and the effectiveness of state institutions in complying with the laws and regulations governing detention, imprisonment, and deportation. We are

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<sup>1</sup> Reiter, K., & Coutin, S. B. (2017). Crossing borders and criminalizing identity: The disintegrated subjects of administrative sanctions. *Law & Society Review*, 51(3), 567-601.

<sup>2</sup> De Genova, N. P. (2002). Migrant "illegality" and deportability in everyday life. *Annual Review of Anthropology*, 31(1), 419-447.

<sup>3</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, p. 33.

committed to ensuring that the rights of detainees are respected, and their dignity is preserved despite their vulnerable situation. This report, the ninth annual, provides a comprehensive overview of the violations of the rights of detainees, deportees and those refused entry, whether in detention facilities, or courts. It also details the activities of the Hotline for Refugees and Migrants to assist in these areas. The report is based on the analysis of court protocols (1,790), responses to freedom of information requests (3), the Hotline's legal and para-legal assistance in various cases, and testimonies from deportees or their close associates as part of our ongoing relationships with different communities.

As in previous years, in 2023 we took proactive steps to protect the rights of detainees and those refused entry, focusing on individual legal and para-legal assistance. Below are some of our key activities and achievements in 2023:

- **Improving detention conditions for those refused entry at Ben Gurion Airport** – Through regular monitoring and engaging relevant institutional authorities, the Hotline succeeded in improving the living conditions of migrants held in detention until their deportation to their home countries.
- **Preventing the forced removal of migrants under temporary protection** – By monitoring court protocols and identifying aberrant cases, the Hotline prevented the deportation of migrants facing danger in their home countries.
- **Representing detainees from the Eritrean Embassy Festival events** – Rapid legal and para-legal intervention, combined with media outreach, drew public attention and ensured a fair legal process that led to the release of many detainees.
- **Promoting legal representation for mentally ill detainees entitled to legal aid services** – Continuous monitoring of court protocols and identifying anomalous cases ensured mentally ill detainees received appropriate legal representation and fairer hearings.
- **Facilitating access to the asylum system for detainees who were denied the right to submit asylum requests.**

In the report, we present the statistical data for 2023, describe the wave of arrests following the Eritrean Embassy Festival and the protest against it, analyze the routine operations of the Detention Review Tribunal, and highlight flaws in detentions and hearings. As in previous years, this report will shine a light on the most vulnerable populations – victims of trafficking and slavery, and the mentally ill.



## 2023 in Numbers

### A. Entry Refusals to Israel

In 2023, Israel refused entry to 20,116 migrants<sup>4</sup>, 3,972 of whom were detained at the border and held in the Yahalom facility at Ben Gurion Airport.<sup>5</sup> The main countries from which citizens were refused entry to Israel, were Russia (4,612), Ukraine (3,109), Georgia (2,744), and Moldova (1,072). Particularly concerning is the fact that Israel continues to refuse entry to thousands of Ukrainian citizens, despite maintaining a non-deportation policy for Ukraine due to the ongoing war. Once again, the immigration authority justified refusing entry to Ukrainian citizens, in most cases citing "concerns of illegal immigration," despite Israel's obligation to treat Ukrainian citizens fleeing their country as asylum seekers. According to the Immigration Authority, more than half of the Georgian citizens refused entry refusals were refused due to "attempted border crossing," meaning these were individuals who tried to enter Israel via Ben Gurion Airport without passing through border control and were caught by immigration inspectors in the act.<sup>6</sup> Among those refused entry during the year were 140 minors under the age of eighteen, who were held at the Yahalom facility.<sup>7</sup>

### B. Asylum Seekers

In 2023, 6,833 asylum applications were submitted in Israel. The country with the highest number of asylum applications this year was Russia (1,864 applications), followed by India (751 applications) and Belarus (688 applications). These figures do not include applications that were submitted but not yet processed by the Immigration Authority. At the end of 2023, an additional 1,300 asylum applications were still awaiting processing. Throughout 2023, the Immigration Authority refused to process asylum applications submitted by Ukrainian citizens, and therefore, in its official data, it stated that no Ukrainian citizen applied for asylum during the year.<sup>8</sup>

### Access to the Asylum System from Detention Facilities

According to the Immigration Authority, in 2023, the authority processed 53 asylum applications submitted from detention facilities: 34 applications were submitted by men and 15 by women while they were held in administrative immigration detention in Givon Prison. Additionally, three asylum applications submitted by men and one by a woman

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<sup>4</sup> From the Population and Immigration Authority's response to a Freedom of Information request submitted by the Hotline for Refugees and Migrants.

<sup>5</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, p. 33.

<sup>6</sup> From the Population and Immigration Authority's response to a Freedom of Information request submitted by the Hotline for Refugees and Migrants.

<sup>7</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, pp. 14-15.

<sup>8</sup> From the Population and Immigration Authority's response to a Freedom of Information request submitted by the Hotline for Refugees and Migrants.

detained at the Yahalom facility at Ben Gurion Airport were processed during the year.<sup>9</sup> The sole woman who submitted an asylum request while detained at Yahalom was represented by the Hotline for Refugees and Migrants, and her story will be described in detail, pages 16-18.

In December 2023, the Hotline for Refugees and Migrants approached Yossi Edelstein, Head of Enforcement Administration at the Immigration Authority, and Dr. Gilad Noam, Deputy Attorney General, after the Immigration Authority attempted to deport a detained asylum seeker without reviewing his asylum application. The petition described the case of M., an Egyptian citizen who was detained in October 2023 and transferred to administrative detention in Givon Prison. The day after his arrest, M. was brought before the Detention Review Tribunal, where he claimed that he and his family faced danger in Egypt due to his Christian faith. The tribunal upheld the detention order but instructed the Immigration Authority to examine M.'s claims of danger in his country. Despite the tribunal's clear instructions, the Immigration Authority attempted to deport M. Only after attorney Michal Pomerantz submitted an urgent appeal on his behalf was M. finally allowed to submit his asylum application in Israel.

The petition also included testimonies from Sudanese detainees held in administrative detention in Givon, represented by the Hotline. They reported that they had not seen any informational materials or explanations regarding their right to submit an asylum application in Israel or how to file such a request. One of the detainees told the Hotline team that he asked an Immigration Authority representative to submit an asylum application, and was referred to the prison administration. Later, he asked the prison guards to submit the request, but they did not provide him with the application form. Three detainees from this group also testified in the Detention Review Tribunal about the difficulties they encountered in submitting an asylum application while in detention.<sup>10</sup>

## C. Migrants with Permits

According to the Immigration Authority, as of the end of 2023, there were 23,081 “infiltrators” in Israel, the vast majority of whom were citizens of Eritrea and Sudan (89%). This number does not include thousands of Sudanese citizens who, over the years, received temporary residency for humanitarian reasons, due to government decisions or Supreme Court rulings, nor does it include the few Eritrean citizens recognized by Israel as refugees. The 2023 Immigration Authority report, “Statistics on Foreigners in Israel”, addressed for the first time, the phenomenon of “infiltration” into Israel through the Jordanian border. The report notes that between 2019 and 2023, 190 people were

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<sup>9</sup> From the Hotline's appeal on December 14, 2023.

<sup>10</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, p. 9.

identified in Israel who declared to the authorities that they had “infiltrated” through the Jordanian border. Most of the “infiltrators” through the Jordanian border over the years have been citizens of Turkey and Ethiopia, with the number of Ethiopian citizens increasing in recent years due to the outbreak of war in the Tigray region.<sup>11</sup> In 2021, the Hotline alerted the Inter-Ministerial Coordinator on Human Trafficking about the potential emergence of a human trafficking route into Israel via the Jordanian border after the Hotline identified two Ethiopian women who entered Israel through Jordan as victims of trafficking. In March 2023, Yediot Aharonot's magazine “7 Days” published an investigation detailing the trafficking pattern the Hotline warned about: Ethiopian women, who arrived in Jordan as domestic workers, found themselves enslaved, were transferred to the West Bank, and from there fled to Israel.<sup>12</sup> The Hotline also raised concerns with those involved in the fight against human trafficking in Israel and worldwide that some of the women were brought to Israel by men who continue to exploit them in here.

Additionally, by the end of 2023, 111,132 migrant workers were legally residing in Israel. Again, the sector employing the majority of migrant workers was private caregiving (60,885 workers); followed by construction (24,763 workers); and agriculture (17,241 workers). Additionally, 1,673 migrant workers were employed in the hospitality sector, and 1,056 workers in institutional caregiving. For the first time in 2023, it became possible to employ licensed migrant workers in the industrial sector, which absorbed 149 migrants.<sup>13</sup>

During the 7<sup>th</sup> of October massacre, sixty-six migrants were murdered by Hamas terrorists. Thirty-nine were Thai agricultural migrant workers; thirteen Nepalese, Tanzanian and Cambodian students; seven were care workers from The Philippines, Sri Lanka, and Moldova; Four were Chinese construction workers; Two Eritrean citizens and one Sudanese citizen who were in Israel lawfully under temporary protection.

Additionally, agricultural labor migrants were kidnapped from the western Negev. Of these, thirty-one were Thai citizens, one Philippino care worker, and two were agriculture students—one of whom was Nepalese and the other was Tanzanian. In the hostage release agreement between Israel and Hamas, between the 24<sup>th</sup> and the 29 of November 2023, twenty-three Thai citizens were release, including one woman, and one citizen of the Philippines.

At the time of writing, 6 Thai citizens are still held hostage in Gaza: Nattapong Pinta, Pongsak Tanna, Sathian Suwankam, Watchara Sriaoun, Surasak Lamnau and Bannawat Saethao, as well as the Nepalese citizen, Bipin Joshi. Hamas also holds the bodies of Thai

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<sup>11</sup> The Path of the Slaves: The Cruel System of Trafficking Ethiopian Women from Jordan to Israel, Hadar Gil-Ad, March 4, 2023.

<sup>12</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, p. 16.

<sup>13</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, p. 25.



citizens Sonthaya Akasri, Suthisak Rintalak, and Joshua Loitu Mollel, a Tanzanian citizen, who were murdered on October 7<sup>th</sup>.

The shock caused by the massacre led many of the Thai agricultural workers to return home and created a labor shortage in Israel. Since the beginning of the war the immigration authority has been working to alleviate the shortage. Thus, in the wake of the “iron swords” war, with government approval from the last months of 2023, workers from additional countries have been employed. These include Malawi (623 workers), India (545 workers), Sri Lanka (396), Zambia (157), Tanzania (23), Nepal (11), Togo (11) and Rwanda (9 workers), many of whom arrived via private channels.<sup>14</sup> It appears that a few of the new workers are foreign agriculture students who were recruited as employees after finishing their studies.

## D. Undocumented Migrants

According to immigration data, at the end of 2023, approximately 50,000 migrants were residing in Israel without a residence permit. Half of them were tourists who overstayed their visas (25,400), and the other half were migrant workers who violated the terms of their work permits (25,292). Russian citizens constitute the largest group of “tourists” who remained in Israel after their visas expired (5,100), followed by Ukrainian citizens, who are protected from deportation in Israel (4,600).<sup>15</sup> On March 7, 2024, the Immigration Authority announced that, in accordance with a District Court ruling, it would issue 2(a)5 residence permits to all Ukrainian citizens residing in Israel, whether they are in the country on a tourist visa or without a permit. The authority invited Ukrainian citizens residing in Israel to submit their personal details to arrange for their residency permits.<sup>16</sup>

## E. Deported Migrants

In 2023, 5,004 individuals were deported from Israel after being issued deportation orders for an illegal stay or for violating the terms of their permits. This marks a sharp increase compared to the previous three years, during which the number of deportees was significantly lower, as shown in Graph 1, influenced by the COVID-19 pandemic. The country with the largest number of deported citizens was Russia (1,371 individuals), followed by Ukraine (1,350 individuals), and Georgia (444 individuals).<sup>17</sup> The deportation

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<sup>14</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, pp. 16-17 and 28.

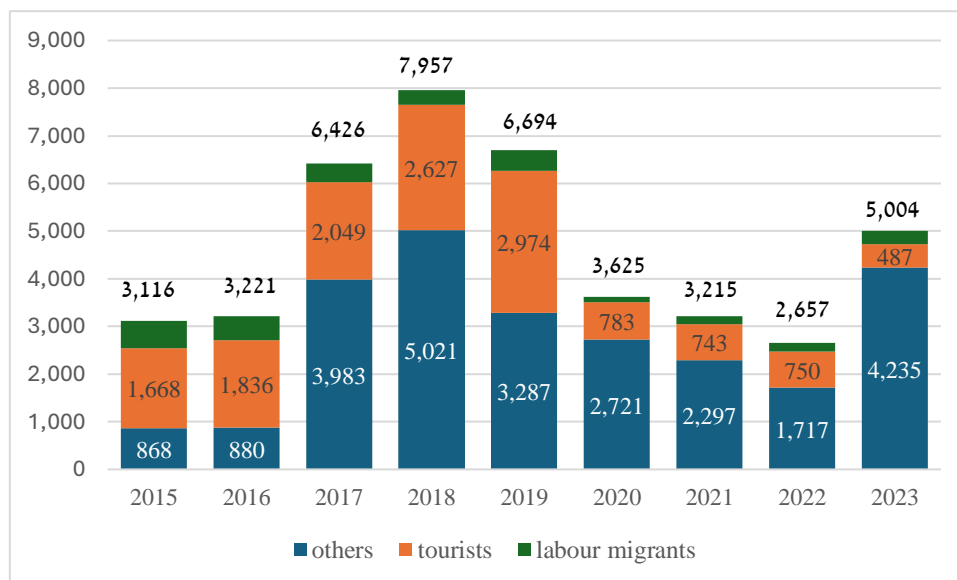
<sup>15</sup> From the Population and Immigration Authority's announcement: “Registration of Ukrainian citizens residing in Israel for the purpose of obtaining a visa,” March 7, 2024.

<sup>16</sup> From Foreign Nationals Data in Israel, Summary Edition for 2023, March 2024, pp. 29-30.

<sup>17</sup> For more information on the background of the festival, similar events worldwide, and the systematic and organized way in which Eritrean embassies around the world are used to continue persecuting refugees who fled the country, see the Hotline's report “Dictatorship Without Borders.”

of Ukrainian citizens raises questions about the Immigration Authority's implementation of the non-removal policy which has been extended to Ukrainians.

**Graph 1: Deportations by Visa Type**



## Arrests of Demonstrators in Front of the Festival Organized by the Eritrean Embassy in Israel in September 2023

On the afternoon of Saturday, September 2, 2023, a cultural festival organized by the Eritrean Embassy in Israel was scheduled to take place, aimed at raising funds for the dictatorial regime in Eritrea. In the weeks leading up to the festival, a diverse group of activists and religious figures from within the Eritrean community in Israel approached the police, requesting that the event be canceled. They feared conflict, and even serious violence, because many refugees who fled the dictatorial regime are strongly opposed to its efforts to raise funds from the Eritrean community in Israel.<sup>18</sup>

Regime-opposing Eritrean refugees in Israel organized a protest outside the festival. On the day of the demonstration, Saturday, September 2, 2023, the media reported that 39 Eritrean nationals were arrested for violent involvement in the protest and that "sticks, tear gas, and even a stun gun were found in their possession."<sup>19</sup> By the following day, Sunday, September 3, 2023, it was reported that the police were holding 52 detainees.<sup>20</sup> In the majority of these cases, no evidence was found linking the detainees to violent crimes or property damage. However, given the severity of the overall events, the Magistrate's and District Courts initially approved the police's requests to extend the detention of those who admitted during interrogation to participating in the protest.<sup>21</sup> According to HRM's monitoring, at least 14 detainees were arrested in hospitals, five of them only three days after the event, without any evidence linking them to crimes.<sup>22</sup>

On Sunday, September 3, 2023, a special ministerial meeting was held at the Prime Minister's Office, where it was decided that "the handling of cases against detainees without sufficient evidence will be transferred to the Population and Immigration Authority, with the aim detaining them. The other detainees will be brought for detention extension with the aim of filing criminal indictments against them."<sup>23</sup>

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<sup>18</sup> Ibid.

<sup>19</sup> Erez Harel, "The Residents Were Furious with Ben-Gvir Who Visited South Tel Aviv, the Minister Responded: 'Who Paid You?'" Walla, September 3, 2023.

<sup>20</sup> State of Israel (M.I.) 1319-09-23 dated September 2, 2023, and M.I. 679-09-23 dated September 5, 2023.

<sup>21</sup> State of Israel (M.I.) 1258-09-23, dated September 5, 2023.

<sup>22</sup> Bar Peleg & Jonathan Lis, "To Force Them to Leave, the State Will Imprison Most of the Arrested Rioters in Tel Aviv Without Trial," September 4, 2023.

<sup>23</sup> The evolution of the criminal route is detailed in Chapter 6 of this report and in greater detail in the Hotline's report One Law Shall Be for All, October 7, 2017. For more on the legal framework's development of policing policies, refugee detention, and its tightening connection with criminal policing, see: Avinoam Cohen, "Trespassing: The Detention of Asylum Seekers on the Expanding Margins of Criminal Law," In Justice? The Criminal Process in Israel - Failures and Challenges, Editor: Alon Harel, Faculty of Law, Tel Aviv University, 2018.

From the protocols of the detainees' hearings before the Detention Review Tribunal, it emerges that 53 Eritrean nationals who were arrested on the day of the protest were transferred to administrative detention, after their criminal detention of some was extended, but no indictment was filed against them. Others were transferred to administrative detention after the courts refused to approve the extension of their criminal detention without evidence of a criminal offense. At least 14 of the detainees were not arrested during the protest but in the Ichilov and Beilinson hospitals, where they had been taken after being injured on that day. One detainee had come to the hospital to accompany an injured protester and was arrested there as well. From the tribunal hearing protocols, it appears that some of the hospital detainees were arrested before their treatment was completed. At least three of those detained in the hospital did not participate in the protest and were not affiliated with either side. The police handed the immigration authorities a list of 53 detainees detailing their "criminal involvement" so that they could continue to be held in administrative detention under the criminal procedure.<sup>24</sup>

The police continued to arrest and transfer Eritrean nationals to administrative detention until late of November 2023. Not all decisions of the Detention Review Tribunal regarding these detainees were added to the decision database, but from those that were, the following picture emerges: six judges released 39 detainees on varying and inconsistent bail amounts, reaching up to 25,000 shekels.

Although Judge Yossi Barda held hearings for nine detainees, he did not set release conditions for any of them.

Judge Asaf Noam held hearings for fifteen detainees and released one of them on bail of 10,000 shekels.

Judge Yoav Bar-Lev held hearings for fourteen detainees and released thirteen of them on bail amounts ranging between 5,000 and 25,000 shekels.

Judge Itiel Givon held hearings for six detainees. He released two without bail, and the remaining four on bail amounts ranging between 3,500 and 20,000 shekels. Among them was a detainee taken from a hospital without any evidence of a criminal offense that could have led to his arrest and who Judge Givon released on bail of 7,000 shekels.

Judge Ruhama Sinai held hearings for ten detainees and decided to release three of them, two on bail of 8,000 shekels and one on bail of 4,000 shekels.

Judge Rachel Sharm held hearings for 22 detainees and decided to release 16 of them, almost all on bail of 5,000 shekels, two on bail of 7,000 shekels, and two others on bail of

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<sup>24</sup> "Dictatorship Without Borders": A new report by the Hotline for Refugees and Migrants on the long reach of the Eritrean dictator's hand, even in Israel, May 2023.

2,000 shekels. Two community leaders arrested after the riots without any cause were released by the judge without any financial bail.

The Hotline staff monitored the arrests during and after the protest, represented six of the detainees and secured their release, processed data, provided it to the media, and wrote a report titled "Dictatorship Without Borders," focusing on the administrative detentions following the September 2023 protest. Some of the findings of that report were detailed in this chapter.<sup>25</sup>

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<sup>25</sup> From the protocol held for detainee no. 9192787 on January 8, 2023.

## Tribunal for the Review of Detention of Illegal Residents

In 2023, the Detention Review Tribunal issued 1,790 decisions and protocols concerning 902 detainees. The countries whose nationals constituted the largest number of detainees during 2023 were Thailand (140 detainees), Eritrea (113 detainees), the Philippines (81 detainees), India (71 detainees), Russia (66 detainees), and Turkey (65 detainees). Throughout the year, eight judges served in the tribunal: Itiel Givon, who issued 606 decisions and protocols; Yoav Bar-Lev, who issued 410 decisions and protocols; Asaf Noam, who issued 238 decisions and protocols; Yossi Barda, who issued 196 decisions and protocols; Rachel Sharm, who issued 180 decisions and protocols; Ruhama Sinai, who issued 140 decisions and protocols; Merav Fleischer-Levy, who issued 16 decisions and protocols; and Raja Marzuk, who issued 4 decisions and protocols.

### A. Suspected Human Trafficking

In January 2023, inspectors from the Immigration Authority arrested **S.A.**, a Turkish citizen, in Tel Aviv. In the tribunal hearing, S.A. described how he entered Israel through the Jordanian border:

The detainee says he entered Israel illegally through Jordan after paying an intermediary \$5,000. According to him, the intermediary he contacted is currently in Israel, and took his passport. He also said that even when he was still in Turkey, someone named Ahmet Perlash contacted him about working in Israel, but he didn't know if he is Turkish or Arab. The detainee said that after arriving at the airport in Amman, three or four Jordanians took him and other Turkish nationals to the border, where they were told to walk across on foot. He said that he crossed into Israel along with a group of eight Turks and Sri Lankans. After crossing the border on foot, they were picked up by people of Arab ethnicity, who drove them to a construction site near the Ramlod interchange, where the owners of the site presented him with a fake visa. He said that 10 to 15 Turks, along with other workers from various countries, are currently working at that site.

Judge Asaf Noam ruled to extend the detention order and transfer the decision to the Israeli Police.<sup>26</sup> The judge did not address the fact that S.A.'s account involved the confiscation of his passport by the smuggler, which indicates a possible human trafficking offense. This was the only hearing regarding S.A., so it can be assumed that he returned to Turkey shortly after.

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<sup>26</sup> From the protocol held for detainee no. 9196911 on March 7, 2023.



In early March, immigration inspectors arrested **S.T.**, a Russian citizen, who was staying in Israel illegally. In the tribunal S.T. described her attempts to build a life in Israel with her Israeli partner:

I feel bad, it's not good for me to be here. I don't have a lawyer. I came to Israel four years ago, in 2019. It was my first time, and I applied for asylum. I know my application was rejected about two years ago. I didn't want to leave Israel, I left the shelter I was in two years ago and didn't stay there. I love Israel, and I planned to start a family and save money to build a relationship. I didn't contact the Immigration Authority about it; we thought we'd do it in the summer. My passport is valid.

Judge Yoav Bar-Lev noted that the shelter S.T. mentioned was for victims of human trafficking, and that she had a protection order from the Israeli police until August 2021, indicating that she was likely a witness in an investigation or trial. Despite this, Judge Bar-Lev chose to extend the detention order without transferring the case to the Office of the Coordinator of Anti-Trafficking or checking if she, as a recognized victim of trafficking, was entitled to legal representation by the Legal Aid Office.<sup>27</sup>

This was the only protocol regarding S.T., so it is likely that she was deported to Russia shortly after.

On September 10, 2023, Judge Rachel Sharm held hearings concerning **P.G.**, **A.V.**, and **A.M.**, citizens of Sri Lanka. The detainees' statements were brief, with no mention of how they entered Israel, their reasons for coming, or the circumstances of their arrest. In her decisions regarding them, the judge wrote:

As per the documents, on August 27, 2023, the police arrested the detainee, along with another citizen of Sri Lanka and a female citizen of Georgia, immediately after they infiltrated from Jordan, following a report of suspicious movement in the Dead Sea area. Given the information in the documents, the initial assumption was that they were victims of human trafficking. However, after investigation, it became clear that the detainee and his associates are simply infiltrators.

In both cases, Judge Sharm ruled to extend the detention orders.<sup>28</sup> No further hearings took place regarding A.V., so it can be assumed that he returned to his country shortly afterward. A second hearing was held regarding A.M. in October, during which he said:

I don't feel very well because I don't have enough money to contact my family. I don't have a lawyer. I arrived through Jordan with another person, but I didn't have a passport when I arrived—I lost it. I have a picture of my passport on my phone,

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<sup>27</sup> From the protocols held for detainees no. 9207365 and 9207366 on September 10, 2023.

<sup>28</sup> From the protocol held for detainee no. 9207365 on October 17, 2023.

and my sister contacted the embassy for me and sent the picture to them. The Immigration Authority gave me papers to fill out so they can issue a new passport, which I submitted on 11.9.23. They need to take my photo, but that hasn't happened yet. The other person who arrived with me has already been deported, and I also want to return.

Judge Yoav Bar-Lev ruled to extend the detention order, even as he stated "We find ourselves close to end of the 60 days since the detainee was transferred to immigration detention."<sup>29</sup> This was the last protocol regarding A.M., so it can be assumed that he was issued travel documents and returned to his country.

## B. Detention of Migrant Families

In January 2023, there was an escalation in enforcement activity by Immigration Authority inspectors against migrant families. On January 12, Immigration Authority inspectors arrived at the "Hashmonaim" school in Yafo and arrested a second-grade student, born in Israel, whose mother is a migrant from Ghana. To carry out the arrest, the inspectors misled the school's principal, telling her over the phone that they were arriving with a social worker to talk to the student. However, the inspectors arrived without a social worker and took the child to the Yahalom facility at Ben Gurion Airport, where the child was held with his mother for four days.

Less than a week later, on January 17, Immigration Authority inspectors arrested a migrant from Sri Lanka on a street near Tel Aviv's central bus station. From there, they went to the preschool where her two daughters, ages two and four (both born in Israel), were studying and arrested them as well.

These arrests were widely covered in the media, sparking public criticism,<sup>30</sup> including a letter sent to the head of the Immigration Authority from the Israel National Council for the Child. The letter stated that enforcement against a student within the walls of a school "represents a severe failure in the conduct of the authority and a grave violation of the child's welfare and their basic right to protection and equality."

In both cases, Immigration Authority inspectors violated a commitment made by Yossi Edelstein, head of the Enforcement Administration in the Immigration Authority, in a December 13, 2021, Knesset committee hearing. He stated: "We do not enforce in schools, and we do not enforce in preschools. We are not looking for children, not in the

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<sup>29</sup> Immigration Authority arrested an 8-year-old during school hours: "He was pulled out of class, tricked the principal," Hadar Gil-Ad, Ynet, January 15, 2023; Immigration Authority inspectors entered a kindergarten with a foreign citizen and arrested her and her daughters, Bar Peleg, Haaretz, January 19, 2023.

<sup>30</sup> From the Foreign Workers Committee protocol, Knesset, December 13, 2021.

scouts, not in the Federation of Working and Studying Youth, not in any place. We enforce against the parents.”<sup>31</sup>

During the Knesset Foreign Workers Committee meeting on February 21, 2023, Yossi Edelstein, head of the Enforcement Administration at the Immigration Authority, continued to claim that the inspectors do not carry out arrests in educational institutions: "We do not enter educational institutions. We wait until the end of the school day, take the mother, and ask her to bring the child. Educational institutions, and preschools especially in Tel Aviv, will not become a sanctuary. This should be clear."<sup>32</sup>

On February 16, a hearing was held in the Detention Review Tribunal regarding **B.R.**, a citizen of India, who was staying in Israel illegally and was arrested along with her 4.5-year-old son, born in Israel. Their attorney, Yossi Carmeli, argued in the hearing that since B.R.'s partner is an asylum seeker whose application has yet to be determined, deporting her and her son would violate the rights granted to her partner as an asylum seeker.<sup>33</sup> The next day, Judge Itiel Givon issued a decision setting conditions for B.R. and her son's release, stating:

"The detainee has been staying in Israel without a visa for a relatively short period, and shortly after its expiration, she contacted a lawyer to regulate her status. Hence, this is not a case of someone completely disregarding the law, though she is not free of blame and this fact will work against her regarding the strictness of the conditions."

Judge Givon ruled that if the Immigration Authority could not secure travel documents for the child by February 20, 2023, the authority must release them for their voluntary departure from Israel, subject to a self-deposit bond of NIS 60,000, submission of an updated address, a signed commitment not to submit a residency application for any reason, full cooperation with the Immigration Authority, and weekly attendance at the Immigration Authority offices.

Additionally, Givon ruled that even if travel documents were issued for the child, but they were not deported by February 24, 2023, the Immigration Authority must release them for voluntary departure, subject to a bail of NIS 40,000 and the same conditions.<sup>34</sup>

On February 22, Givon published a delay of his decision from February 17. The last decision regarding B.R. and her son was a technical ruling on the date of a hearing, issued on February 25. Therefore, it can be assumed that the two were indeed deported to India.

On July 4, 2023, **A.K.**, a citizen of the Philippines, was arrested after entering Israel as a caregiver in 2008. A.K. had a valid visa until February 2019 and continued to stay and work in Israel illegally. She was taken to detention at Givon Prison and brought before the

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<sup>31</sup> [To watch the video](#)

<sup>32</sup> From the discussion held for detainee no. 9195533 on February 16, 2023.

<sup>33</sup> From the decision published for detainee no. 9195533 on February 17, 2023.

<sup>34</sup> From the protocol held for detainee no. 9203933 on July 6, 2023.

Detention Review Tribunal with her two children (aged four and two and a half). These were her words during the hearing:

I feel okay. I understand that I don't have a permit and need to return to my country. My phone card has run out. I haven't spoken to my family yet. I wanted the older child to start kindergarten. I understand that I need a visa to work. I don't know where the father is. It's okay that we will fly alone without the father. I want to take my belongings from the Philippine Embassy.<sup>35</sup>

This was the only hearing in their case, so it can be assumed that the three were indeed deported to the Philippines.

On May 4, 2023, a hearing was held regarding **A.P.**, a Sri Lankan citizen, and his 17-year-old son, an Indian citizen. The two entered Israel as part of a tourist group in February through the Jordan border and remained in Israel after their visas expired. They were arrested by immigration authorities after being caught working illegally. During the hearing, A.P. stated that he was represented by a lawyer, but the lawyer was unavailable. Both filed for asylum in Israel, and according to the hearing protocol, their requests had not yet been decided. A.P. stated in the hearing:

Both of us speak English. We feel fine. We saw a doctor. Our lawyer is not answering. We understand why we are here. We understand we are in Israel without a permit. We know we are not allowed to work, but we had no money. There are many problems in our country, economic difficulties and conflicts, and we need to be here and cannot return to Sri Lanka. We prefer to stay here while our asylum request is reviewed while we are in custody. We cannot return to Sri Lanka.<sup>36</sup>

No further hearings were held regarding their case, so it can be assumed that both were deported to Sri Lanka.

In early March 2023, a **Sudanese family**—mother, father, and three children under five, the youngest being a six-month-old baby—entered Israel through the Jordan border. The family was detained at the border as part of a group of Sudanese citizens trying to enter Israel from Jordan. Two days after the arrest, on March 14, a hearing was held at the Detention Review Tribunal for the mother and her three young children. The judge, Yoav Bar-Lev, did not note the ages of the children in the protocol, did not address the best interest of the child, and ultimately ruled that "there are no humanitarian grounds for

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<sup>35</sup> From the protocol held for detainee no. 0000160 and the minor detained with them.

<sup>36</sup> From the protocol held for detainee no. 9197327 and her three minor children (detainee nos. 9197336, 9197334, and 9197330) on March 14, 2023.

release." He noted that, since the children are minors, they should be deported from Israel as soon as possible, and their welfare in prison should be ensured.<sup>37</sup>

A few days after the hearing, Hotline team members met with the mother and children, who were being held separately from the father in Givon Prison. During the meeting, the mother reported that immigration officials told her in prison that she was to be deported the next day, but she was not informed where to. In response to a Hotline inquiry, Immigration Authority representatives claimed that no flight had been scheduled for the family.

The Hotline submitted an appeal to the Appeals Tribunal against the deportation order for the family, as well as a demand for their release due to the severe and well-documented harm caused to children in detention. Judge Itiel Givon agreed to a temporary injunction protecting the family from deportation but refused to release them, without providing any reasoning or reference to the principle of the best interest of the child.<sup>38</sup> Therefore, the Hotline appealed to the District Court demanding the family's release from detention.

While legal proceedings continued, the Hotline team discovered that the mother and children were transferred to the Yahalom facility, while the father remained in Givon Prison. The Hotline team met with the mother and children at Yahalom to help the mother submit an asylum request. During the meeting, the mother reported that the children had no toys or activities at Yahalom, she had no spare clothes, and she did not have diaper cream for the baby. She also mentioned that since all the staff at Yahalom were men, she felt embarrassed to ask them for sanitary pads.

On April 3, after almost a month in detention, District Judge Michal Agmon Gonen ordered the release of the children along with one parent:

Since none of the previous decisions regarding the family addressed the principle of the best interest of the child or the significance of holding three very young children in custody—I order the immediate release of the children with one of the parents. The parents will choose who will be released with the children.<sup>39</sup>

Two months after the mother and children were released, the Detention Review Tribunal set conditions for the father's release. The Hotline appealed these conditions to the

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<sup>37</sup> Administrative Appeal (Tel Aviv) 1916-23, H.A.A.M. and others v. Ministry of the Interior, Population and Immigration Authority, ruling dated April 4, 2023.

<sup>38</sup> Administrative Appeal (Tel Aviv) 71876-03-23, H.A.A.M. and others v. Ministry of the Interior, Population and Immigration Authority, ruling dated April 3, 2023.

<sup>39</sup> Administrative Appeal (Lod) 13208-06-23, A.M.B.A. v. Population and Immigration Authority, protocol and ruling dated June 8, 2023.

District Court, and the court reduced the bail from NIS 12,000 to NIS 8,000. The father was required to deposit NIS 2,000 at the time of his release, and the rest afterward.<sup>40</sup>

After three months in detention, the father was released, and the family was reunited. The father had been held in detention for three months, and the mother and children for nearly a month—despite being Sudanese citizens, entitled to protection from deportation, and there being no prospect of their removal from the start. They were detained despite both parents having submitted asylum requests, which as of the time of writing have yet to be decided by the Immigration Authority, and despite there being three young children under the age of five detained with them.

### C. Asylum Seekers Arrested While Their Applications Were Pending

On March 26, 2023, a hearing was held for seven members of a single family, citizens of Colombia, who had entered Israel in October 2022 on tourist visas and subsequently applied for asylum. The family was arrested by immigration authorities three days before the hearing, and it is unclear from the protocol under what circumstances they were arrested or for what reason. Judge Rachel Sharm ruled for their immediate release:

After reviewing the evidence presented to me and considering the arguments of both sides, and as there is no dispute that the detainees filed online asylum applications as early as February 2023, which, despite the time that has passed since the application was submitted, have not yet been processed by the Population and Immigration Authority to issue a proper visa, and in the absence of a claim that the detainees were working illegally at the time of their arrest, I find grounds to order their immediate release.<sup>41</sup>

**K.A.**, a citizen of Uzbekistan, first entered Israel in 2009 as a caregiver. In 2020, K.A. returned to her home country and in April 2023, she re-entered Israel on a tourist visa under a different identity. K.A. filed an asylum request, and on July 26, 2023, she appeared at the offices of the Immigration Authority for border control registration, where she was arrested and taken to Givon Prison. The first hearing in her case took place the following day, during which she stated:

I do not feel well, my entire left side hurts (appears weak and in pain, speaking softly). Yesterday, I was taken by ambulance to Assaf Harofeh Hospital. I didn't want a CT scan. Three years ago, I had a stroke on my left side, spent two months in Beilinson Hospital, then returned to Uzbekistan where I received treatments. My lawyer is not answering me. I came here with my son. They will kill me if I return. My son had a taxi service that owes money. We don't have any money, and they are threatening us. I have nowhere to go. I know Hebrew from the time I worked

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<sup>40</sup> From the protocol for detainees no. 9198041, 9198040, 9198035, 9198033, 9198029, 9198030, held on March 26, 2023.

<sup>41</sup> From the protocol held for detainee no. 9205151 on July 27, 2023.



here. I submitted an asylum application. I need to stop to get some water. I feel nauseous. I have been vomiting. A doctor was called.<sup>42</sup>

A few days later, another hearing was held, during which K.A. again claimed she faced a real threat if forced to return to Uzbekistan:

I feel better now. I understand Hebrew well. My passport is valid. I cannot go home, I have a problem there. I submitted an asylum request. I came three months ago. I was here nine years ago. I left and went home in March 2020. Three months ago, I returned because of problems and chaos. I owe someone a lot of money. I entered as a tourist. I submitted my asylum request. My appointment was on July 26, , and that's when they arrested me and brought me here.

Despite K.A.'s claims, Judge Ruhama Sinai did not address her asylum application or the question of whether her deportation would put her in danger, and she approved the detention order.<sup>43</sup> No further hearings were held for K.A., so it is assumed that she was deported to Uzbekistan.

**A.S.**, a citizen of Ecuador, entered Israel in November 2021 on a tourist visa and later applied for asylum. On February 14, 2023, he was caught by immigration inspectors while working illegally and was taken to Givon Prison. During the hearing, the following statements were attributed to him:

I feel okay. I want a quick answer to know if I will be deported. I submitted an asylum request. I understand that my asylum application will be reviewed while I am in detention. I worked because I needed to eat. I want to know how long the process will take so I can decide whether to pursue the asylum application. I will think about it and inform the immigration representatives.

In his decision, Judge Itiel Givon wrote: "The detainee claimed that he ran out of money and therefore worked. He claimed that he submitted an asylum request and presented a forged document, which he said he purchased."<sup>44</sup> However, the decision did not address several important questions raised by this testimony: Was A.S.'s asylum application still pending? When was it submitted, and was A.S. indeed arrested during the waiting period for his first visa? Who sold him the forged document? Was there a criminal network involved that should have been reported to the police for further investigation?

This was the only hearing held for A.S., so it is assumed that he was deported back to Ecuador.

On September 10, 2023, **A.T.**, a Sri Lankan citizen, arrived at the offices of the Immigration Authority for border control registration, four months after submitting an asylum

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<sup>42</sup> From the protocol held for detainee no. 9205151 on July 30, 2023.

<sup>43</sup> From the protocol held for detainee no. 9195600 on February 16, 2023.

<sup>44</sup> From the protocol held for detainee no. 9207542 on September 12, 2023.

application in Israel. Instead of receiving his first visa, having his asylum request processed, and starting the review process by the Immigration Authority, A.T. underwent a hearing and was subsequently arrested and taken to Givon Prison. According to Border Control Officer Tzvika Yamin, A.T. was arrested because he infiltrated Israel:

The detainee infiltrated Israel from Jordan about a year and a half ago and took the law into his own hands. He claims he came to Israel seeking asylum and protection. Infiltrators who succeed in entering Israel and are caught by authorities are dealt with according to the Entry to Israel Law until further proceedings regarding their case. Their deportation from Israel is prioritized, whether to Jordan or their country of origin. The fact that the detainee submitted an asylum request does not prevent detention. According to the procedure for handling asylum seekers, there is no obstacle to reviewing the asylum request while in detention, as quickly as possible. An interview has been scheduled for tomorrow, and we request that he remain detained until a decision on his asylum request is made.

Judge Asaf Noam chose to extend the detention order and even stated in his decision that A.T. "is illegally residing in Israel"—despite the fact that, as discussed during the hearing, A.T. had submitted an asylum request that had yet to be reviewed.<sup>45</sup>

In the next hearing on his case, it was stated that A.T.'s asylum request was rejected while he was in detention.<sup>46</sup> This was the last hearing in his case, so it is assumed that A.T. was deported back to Sri Lanka.

On January 10, 2023, **W.D.**, a Rwandan citizen, was arrested during an immigration raid at a restaurant. During the raid, W.D. hid in the restaurant's restroom, and immigration inspectors claimed he was working there illegally. Two days after the arrest, a hearing was held at the Detention Review Tribunal, where his lawyer, Yael Rosenfeld, claimed that although W.D. contacted her during the arrest and she asked the inspectors to allow her three hours to represent him in the hearing, the hearing was held without her. Attorney Rosenfeld also claimed that W.D. had submitted an asylum request, which was still pending at the time of his arrest.

At the end of the hearing, it was agreed that within three days, the Immigration Authority would provide the Tribunal with documentation clarifying whether W.D. had indeed been working at the restaurant where he was arrested. If no documentation was provided, W.D. would be released upon depositing a bail of NIS 5,000 and subject to periodic check-ins at the offices of the Immigration Authority.<sup>47</sup> In a decision published on January 16, Judge Itiel Givon noted that the Immigration Authority had attempted to deport W.D., even

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<sup>45</sup> From the protocol held for detainee no. 9207542 on September 29, 2023.

<sup>46</sup> From the protocol held for detainee no. 9193131 on January 12, 2023.

<sup>47</sup> From the protocol held for detainee no. 9193131 on January 16, 2023.

though his asylum request had not yet been decided.<sup>48</sup> Following responses from both sides, on January 19, Judge Givon ruled that the Immigration Authority must hold another hearing for W.D., this time with his lawyer present:

I believed that given the importance of the right to representation and considering that this is a matter of personal freedom, and since the detainee has a specific defense claim (he says he submitted an asylum request and was not working at the business where he was arrested), if the detainee wishes, he must be granted another hearing with a lawyer present, during which he will be allowed to present his arguments before the authority and perhaps persuade them that he was not working at the business where he was caught.<sup>49</sup>

In the next hearing for W.D., Judge Givon noted that "the hearing was conducted in English, with partial comprehension by the detainee," and referred in the protocol to translation and language issues that affected W.D.'s case:

I note to the petitioner's representative (who agrees) that, in fact, the gentleman does not speak English and is unable to fully express his mistakes [sic]. It is worth checking with the Asylum Seekers Unit whether it is possible to interview him again, as it seems that the problem is communicative and linguistic. The gentleman states here that even if he returns to Rwanda, he will go to prison, but he prefers to go to Rwanda because at least there, his family will visit him in prison. It seems that an interview in his native language should be considered, as it is clear that he does not have sufficient command of English to conduct an in-depth interview. The detainee says he speaks Kinyarwanda.

Immigration Authority representative Yaron Binder agreed with Judge Givon:

On January 23, 2023, the detainee underwent an interview at the Asylum Seekers Unit in detention. During the interview, which was conducted in English—the official language of Rwanda—as we have noted, the detainee did not communicate at a high enough level to conduct the interview and did not cooperate. Therefore, the interview was closed. I also get the impression that his understanding of English is poor, and it is clear why they felt he was not cooperating because he could not express himself. We will check what can be done about this.

Judge Givon extended W.D.'s detention order, addressing the difficulties that arose during the hearing regarding the review of his asylum application: "It should be noted that the Tribunal's impression, and that of the petitioner's representative at the hearing, is that the

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<sup>48</sup> From the protocol held for detainee no. 9193131 on January 18, 2023.

<sup>49</sup> From the protocol held for detainee no. 9193131 on February 9, 2023.

detainee does not speak English well enough to undergo an asylum interview, unlike his sufficient command for understanding the main points being examined in this process."<sup>50</sup>

In the next hearing, W.D.'s lawyer, Attorney Rosenfeld, detailed the failures of the Immigration Authority in handling his case and demanded his release:

There is no prospect of deportation in his case, as there is no decision on the asylum request, and even when there is a decision, we will be able to file an appeal. He has cooperated up until now and intends to continue cooperating [...] I ask that attention be paid to the Authority's failures so far: failure to register the asylum request in the system and lack of response; conducting a detention hearing unlawfully and infringing upon his right to representation; failure to provide an interpreter for the hearing; attempting to deport him contrary to regulations before a decision on his asylum request; his initial interview was conducted without an interpreter, and the interview was closed for lack of cooperation solely due to the translation issue; later, the burden of providing an interpreter was placed on him, and the interpreter's abilities negatively impacted the interview because it was not a professional interpreter.

In response, the Immigration Authority representative, Tzvika Yamin, stated that a decision on W.D.'s asylum case would be made in the coming days, and therefore there was no reason to release him from detention. Judge Ruhama Sinai indeed extended the detention order, noting that a decision on W.D.'s asylum request was expected soon. This was the final hearing in his case, and since no release order was issued, it is possible that W.D.'s request was denied, and he was deported to Rwanda—despite the difficulties in reviewing his asylum request that were raised by Judge Givon and with which the Immigration representative agreed.<sup>51</sup>

## D. Flaws in the Hearings

On January 12, 2023, a hearing was held for a detainee whose name did not appear in the protocol. It was noted that she was a Cambodian citizen who entered Israel in November 2021 as a student in a training program. According to the protocol, in August 2022, she "abandoned the sponsor," and in November 2022, her visa expired. She claimed that in August 2022, she filed an asylum request, which had yet to be decided.

The hearing was "conducted in English for the detainee's understanding." The protocol quoted her saying: "I understand English but speak less. When asked via an app if she had withdrawn her asylum request: I did not ask to withdraw my asylum request."

In his decision, Judge Itiel Givon noted: "According to the detainee's statements during the hearing, she knowingly remains in Israel illegally for work purposes, and she said she

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<sup>50</sup> From the protocol held for detainee no. 9193131 on March 2, 2023.

<sup>51</sup> From the protocol held for detainee no. 9193133 on January 12, 2023.

submitted an asylum request for that reason. However, this matter needs to be clarified by the appropriate authorities and not within this framework."

Judge Givon ruled to keep her in detention.<sup>52</sup> No further hearings were held for the detainee, so it is assumed that she returned to her home country. The protocol clearly shows that there was no proper translation during the hearing, and it is troubling that the judge even failed to record the detainee's name. The judge noted in his decision that the detainee came to Israel as a student but did not ask why she "abandoned" the training. Such a clarification may not have been possible without proper translation. However, given our knowledge of agricultural training programs and the fact that students participating in them were previously recognized by Israel as victims of slavery-like conditions, the lack of inquiry is particularly disturbing.

On January 15, a hearing was held for a detainee, likely an Eritrean citizen. However, the protocol that was supposed to document the hearing and decision was blank: there was no detainee's name, no date for the detention order, and no statement from the detainee. All that was recorded was that an appeal could be filed within 45 days. The detainee's number matches that of an Eritrean citizen who was held in detention during 2022, but no documented hearings had been held for him since.<sup>53</sup> It remains unclear whether this was a mistake or an actual hearing with no record other than the detainee's number.

On February 23, 2023, a hearing was held for **B.N.**, a Mongolian citizen. The hearing protocol indicated that without translation services, it was impossible to hold a real conversation with the detainee and understand the circumstances of her arrest. The protocol included only the decision, which stated: "During the hearing, it was difficult to communicate with the detainee, who speaks Mongolian. The Israel Prison Service is asked to allow the detainee's mobile phone into the hearing so that communication with the detainee may be possible through it. This decision can be appealed to the District Court, sitting as an Administrative Court, within 45 days of receiving the decision."<sup>54</sup>

This was the last hearing for B.N., and neither her entry into Israel, nor the reason for her arrest, nor any other details about her were documented. It is assumed that she was deported shortly after.

On January 31, 2023, the first hearing was held for **T.A.**, a Russian citizen who was arrested by immigration inspectors while working in a factory in Tel Aviv without a visa. T.A. entered Israel in 2019 on a tourist visa and later applied for asylum, which was denied. T.A. is deaf, and the protocol notes that the hearing was conducted in the

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<sup>52</sup> From the protocol of the hearing held for detainee no. 9175369 on January 15, 2023.

<sup>53</sup> From the protocol of the hearing held for detainee no. 9196107 on February 23, 2023.

<sup>54</sup> From the protocol held for detainee no. 9194473 on January 31, 2023.

presence of a sign language interpreter in Russian via visual means. These are the statements attributed to her during the hearing:

I asked for a lawyer with an interpreter. I can't hear on the phone. I want to get all the forms. I want to bring my son and my husband, who are in Moscow, here. My husband is Jewish, so we started the process. Only now are they giving me the opportunity to speak with someone in sign language interpretation. I want to wait for them here and not leave. In Russia, they told me I could come here, so I came. I didn't know the laws, and the lawyer I spoke to said it was okay for me to be here.

In his decision, Judge Yossi Barda noted that the hearing for T.A. was conducted "in writing in her language," but he did not address her claim that this was the first time she had been provided with sign language interpretation. He also did not address her claims regarding her husband and son, who were supposed to immigrate to Israel as Jews.<sup>55</sup>

The next hearing for T.A. was delayed due to coordination issues with her lawyer, Foukara Bassem, and finally took place on March 14, 2023. In that hearing, her lawyer claimed that T.A.'s husband and son had already received Israeli ID cards. T.A. herself said:

They gave me documents to fill out to leave the country, but I didn't fill them out. I'm asking for an interpreter to explain to me what's written there. It's very hard for me to understand because I'm deaf. They can let me talk to an interpreter to explain my situation. I have no way to communicate. I can't talk; it's hard for me.

Judge Yoav Bar-Lev extended the detention order and did not address in his decision the claims about T.A.'s Israeli family or the obvious difficulties she raised regarding filling out the forms without proper sign language interpretation.<sup>56</sup>

In subsequent hearings for T.A., her lawyer repeatedly argued that she should be released because her husband and son had already become Israeli citizens. On the other hand, immigration representatives claimed that T.A. was not cooperating with her deportation, that she must leave Israel, and that she could reunite with her family afterward "in the proper way."<sup>57</sup> At the hearing held on May 30, T.A.'s lawyer did not appear, and she is quoted as saying: "I can't go back. I have nowhere to go. I'm deaf. My husband and children are here, so I refuse to return. I spoke with the lawyer a few days ago, but he didn't tell me anything about today or the hearing. I don't understand why he's not here."<sup>58</sup>

The last hearing for T.A. was held on July 26, and Judge Yoav Bar-Lev again chose to extend the detention order. From this, it can be assumed that after six months in detention, she was indeed deported to Russia. The various judges who met with T.A. never addressed

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<sup>55</sup> From the protocol held for detainee no. 9194473 on March 14, 2023.

<sup>56</sup> From the protocols held for detainee no. 9194473 on April 4 and May 2, 2023.

<sup>57</sup> From the protocol held for detainee no. 9194473 on May 30, 2023.

<sup>58</sup> From the protocol held for detainee no. 9196393 on February 28, 2023.



the issue of translation and the challenges of her being deaf, nor did they respond to her claims regarding her Israeli family.

## E. Flaws in Arrests

**K.M.**, a citizen of the Philippines, was arrested on February 26 by immigration inspectors in Jerusalem. During her hearing, it was revealed that K.M. had entered Israel in February 2008 as a caregiver, and her work visa had expired in September 2015. Since then, she had been in Israel illegally. In her hearing, she stated that as a single mother she stayed to support her daughter in the Philippines. K.M. attended her hearing at the Detention Review Tribunal with a cast on her right hand. These are the statements attributed to her during the hearing: "I understand. In response to the tribunal's question about the cast on my right hand, I say I accidentally got hurt when immigration came to arrest me. I feel pain at night, but overall, I'm okay."

As far as the protocol shows, Judge Yossi Barda did not ask K.M. further questions about the injury, and in his decision, he did not refer to the Immigration Authority, despite the apparent implication that the inspectors caused the injury.<sup>59</sup>

## F. Migrants Held in Detention for Extended Periods Due to Technical Issues

In December 2022, the first hearing was held for **V.K.**, a Russian citizen who entered Israel as a tourist in 2019; she later applied for asylum and was rejected. Already in her first hearing, V.K. stated that she wanted to return to her homeland but that her passport had expired.<sup>60</sup> In the next hearing, she testified that she had signed the necessary documents for issuing a new passport:

The passport issue is delaying my departure. I don't know what's happening or where it stands. I signed the documents for the passport on December 13, 2022, in front of a consul or embassy staff member. It might be delayed because of the holidays. Otherwise, I feel as I should at my age.<sup>61</sup>

The next hearing took place on January 26, near the 60-day mark of her detention, raising the question of whether she should be released given her cooperation with her deportation, which had been delayed due to issues beyond her control. Immigration Authority representative Elimelech Wexler said during the hearing:

I would like to point out that although it has been 60 days since start of the delay, not due to the detainee, there is no reason to consider release from detention at

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<sup>59</sup> From the protocol held for detainee no. 9190468 on December 1, 2022.

<sup>60</sup> From the protocol held for detainee no. 9190468 on December 29, 2022.

<sup>61</sup> From the protocol held for detainee no. 9190468 on January 26, 2023.

this time. Even after 60 days, it may be considered but is not obligatory. We are doing everything we can to get the document as quickly as possible. Sometimes this succeeds faster, and sometimes it doesn't. We are working on it and request the extension of the detention order.

Judge Itiel Givon indeed extended the detention order and noted that the Immigration Authority must provide an update on V.K.'s travel documents by February 10, scheduling the next detention review hearing for the end of February.<sup>62</sup> In the hearing held on February 23, the Immigration Authority representative also acknowledged that 60 days had passed since V.K. began cooperating with her deportation but added: "I would like to note that after 60 days of cooperation, it is possible to consider release from detention, but this is not mandatory, and the question is whether there is a prospect of deportation."

During the hearing, V.K. described her deteriorating condition as her detention continued:

I feel bad. I have heart and kidney problems. I saw a doctor, who only gave me acetaminophen and nothing else. I didn't know I would be here for so long. Someone from the consulate came, I filled out all the forms and signed them in front of him on December 13, 2022, and again on December 25, 2022. He asked me why I had stayed in the country for so long. No one on either side knows why I'm stuck here. I was afraid to leave the country because of COVID-19, but I am treated badly here, and I will kill myself rather than stay here. They'll send me home in a body bag. Immigration isn't doing anything.

In his decision, Judge Givon extended V.K.'s detention order, despite more than 60 days passing since her detention began:

"But this is not a case where there is no prospect of deportation. The detainee has a history of taking the law into her own hands, and at this time, there is room to give the requesting authority another opportunity to deport her."<sup>63</sup> In the next hearing on March 9, the Immigration Authority representative said the Russian embassy was expected to handle V.K.'s travel documents soon. Judge Givon ruled to keep V.K. in detention, as the Russian embassy was the party delaying her deportation at that stage. His decision included an ironic clerical error: "The detainee is advised to concentrate her efforts and prioritize the deportation of this detainee to avoid remaining in detention."<sup>64</sup>

Judge Givon undoubtedly meant to direct the Immigration Authority's attention to the detainee's deportation, but the written mistake reflects the way the judge placed the burden of the Immigration Authority's failures—and later those of the Russian embassy—on the detainee, despite her full cooperation with deportation efforts.

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<sup>62</sup> From the protocol held for detainee no. 9190468 on February 23, 2023.

<sup>63</sup> From the protocol held for detainee no. 9190468 on March 9, 2023.

<sup>64</sup> From the protocol held for detainee no. 9190468 on April 27, 2023.

During March, a decision to release V.K. was likely made, but it is not listed in the decision database. In her last recorded hearing in April, V.K. explained that she was struggling to post the bail set as part of her release conditions.<sup>65</sup> It's possible that V.K. managed to pay the bail and was released, or that after six months in detention, she was deported to Russia.

Another migrant who spent several months in detention due to problems with travel document issuance was **S.B.**, a Russian citizen who entered Israel as a tourist in June 2018. In June 2019, S.B. applied for asylum, and this request was quickly denied in December 2019. He then remained in Israel illegally, and in February 2023, he was arrested by immigration inspectors and brought to a detention review hearing. The protocol for the first hearing in his case attributes only this sentence to him: "I understand. I state that my passport is expired."<sup>66</sup>

The next hearing in S.B.'s case took place on February 28, where S.B. said he had met with the Russian consul in prison on February 15 and filled out the necessary forms to renew his passport. Nonetheless, Judge Yossi Barda extended the detention order.<sup>67</sup> The next hearing took place on March 30, where it was hinted that S.B.'s travel documents may have been lost by the Immigration Authority. S.B. was quoted in the protocol as saying: "I understand everything. Today, the Russian consul came, and he told me that on March 6, 2023, the Population Authority received my new passport. Why am I not being sent out of here?"

In his decision, Judge Barda ruled that the Immigration Authority must respond within four days regarding the whereabouts of S.B.'s travel documents.<sup>68</sup> Four days later, Judge Barda wrote in his decision that the Immigration Authority had updated him that S.B.'s travel documents would be ready in the coming days. This was the last decision in his case, so it is assumed that after two months in detention, S.B. was indeed deported to his home country.<sup>69</sup>

## G. Detention of Migrants Who Are Protected from Deportation

In December 2022, Immigration Authority inspectors arrested **M.H.**, an Ethiopian citizen, while he was working without a visa. These are the statements he made during his first hearing:

I feel fine. I don't have a lawyer. I entered Israel in January 2008 through Egypt. I filed an asylum request, but I don't remember when, it was in Salameh in Tel Aviv, but no one told me it was rejected. I didn't know where to go to get an answer, but

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<sup>65</sup> From the protocol held for detainee no. 9194966 on February 8, 2023.

<sup>66</sup> From the protocol held for detainee no. 9194966 on February 28, 2023.

<sup>67</sup> From the protocol held for detainee no. 9194966 on March 30, 2023.

<sup>68</sup> From the protocol held for detainee no. 9194966 on April 3, 2023.

<sup>69</sup> From the protocol held for detainee no. 9191628 on December 19, 2022.

since 2015, I haven't had a visa because I didn't know where to go, and they just told me that Salameh no longer deals with me. So, during all this time, until they caught me, I didn't do anything. I worked in odd jobs, waiting every day to be picked up at the central station or at the Holon junction. Someone different would pick me up each time for work. I have a passport. I don't know if it's valid. My passport is at home in Shapira, Tel Aviv. I don't want to go back to Ethiopia now. I can't go back there because there is a war, and my whole family is in Tigray...

Judge Yoav Bar-Lev ruled to keep M.H. in detention, despite the fact that, like all Ethiopian citizens of Tigrayan origin, M.H. was entitled to protection from deportation. Judge Bar-Lev's decision referenced the Ministry of the Interior's policy toward Tigrayans:

...The Border Control Officer will inform [the court] by December 26, 2022, when the detainee's asylum request was rejected. The officer will also confirm whether there is any obstacle to deporting the detainee to his country, in light of the detainee's statements during the hearing.

The decision indicated that M.H.'s asylum request was rejected in 2015, and since then, he had remained in Israel without a visa.<sup>70</sup> However, in response to a query from the Hotline, the Immigration Authority announced in late 2021 that Ethiopian citizens of Tigrayan origin, whose asylum requests had been rejected, could apply to reopen their cases and receive visas due to the ongoing war in their homeland.<sup>71</sup>

At the next hearing on January 17, 2023, M.H. again referenced the civil war raging in Ethiopia's Tigray region: "I have a problem returning because there is a war in the area where I lived, and I can't go back there because people from Tigray have a problem returning. That's the only reason I have a problem. Otherwise, I have no issue with returning."

Again, Judge Bar-Lev extended the detention order, asking the Immigration Authority for updates regarding the prospect of deportation: "In light of the detainee's claims regarding his country of origin, the Border Control Officer will inform by January 24, 2023, whether the detainee can be deported to his country, given the detainee's statements during the hearing."<sup>72</sup>

In the next hearing, the protocol quotes M.H. expressing his fears about what might happen to him if he were deported to Ethiopia:

I feel fine. I don't have a lawyer. So far, they haven't told me anything about my flight or whether they've scheduled one for me. After I was in the hearing, they said they would update me about the situation in Tigray. I don't understand why they

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<sup>70</sup> To read the full appeal from the Hotline for Refugees and Migrants and the response from the Population and Immigration Authority, visit the Hotline's website.

<sup>71</sup> From the protocol held for detainee no. 9191628 on January 17, 2023.

<sup>72</sup> From the protocol held for detainee no. 9191628 on February 14, 2023.

want to send me back. My family lives in an area with many problems, and in the past, I participated in protests there. I am in a problematic situation. I don't know what will happen to me if I return and whether I will be harmed or if I will manage to reunite with my family. I may be arrested there and imprisoned.

This time, Judge Bar-Lev extended the detention order without addressing M.H.'s statements about the dangers he might face if deported.<sup>73</sup>

In the following hearing, M.H. again expressed his concerns about what might happen to him if deported to Ethiopia. Once more, Judge Bar-Lev extended the detention order, noting in his decision that M.H.'s documents had been sent to the Ethiopian consulate for the issuance of new travel documents.<sup>74</sup>

In a decision from March 16, Judge Bar-Lev noted that after four months in detention, M.H. had filed a request for release from detention. The judge ordered the Border Control Officer to respond to the request within four days.<sup>75</sup> This was the last decision recorded in M.H.'s case, and there is no release decision in the database. It is possible that the Border Control Officer decided on his own to release M.H., or that M.H.'s travel documents were indeed issued, and he was deported back to Ethiopia, despite the fact that Ethiopian citizens of Tigrayan origin were protected from deportation at that time, according to the Immigration Authority's policy.

In March 2023, Immigration Authority inspectors arrested **T.A.**, identified by the immigration authorities as an Ethiopian citizen. These are the statements attributed to him in the protocol of his first hearing at the Detention Review Tribunal:

I feel fine. I understand I am in Israel illegally. I don't have a lawyer. I want to go to another country. The ticket was to Thailand with an inter-visa for Thailand. I do have a child here. I saw her two months ago. I see her sometimes. I'm no longer in contact with my former partner. I don't have a passport. I am both Eritrean and Ethiopian. I was born in two countries that were once united, and each country tells me I belong to the other. I don't have a visa, so I can't apply for humanitarian status. I can't even rent a house. I don't have money for a lawyer, and I have child support debt.

In his decision, Judge Itiel Givon noted that T.A. had tried to leave Israel, but his former partner had obtained a travel ban against him due to his child support debt. Judge Givon did not address in his decision the travel ban against T.A. or the possibility that he might be from the Tigray region—as implied by his statement that he is "both Eritrean and Ethiopian" and therefore entitled to protection from deportation.<sup>76</sup>

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<sup>73</sup> From the protocol held for detainee no. 9191628 on March 6, 2023.

<sup>74</sup> From the protocol held for detainee no. 9191628 on March 16, 2023.

<sup>75</sup> From the protocol held for detainee no. 9197985 on March 23, 2023.

<sup>76</sup> From the protocol held for detainee no. 9197985 on April 20, 2023.

In the next hearing, T.A. directly referred to the war in Tigray and expressed his willingness to leave for another country:

I feel fine. I want to go back to Tel Aviv. I have a passport, and I don't know where it is. I am not ready to leave Israel. There are documents at the Ministry of the Interior. They didn't have me sign any papers. I claim there is a war in my country. My mother is from Tigray, and there is a war there. My father is Ethiopian. I understand that if I don't work to regulate my status in Israel, I must leave, and until then, I am in detention. I am still willing to go to a country outside of Africa. My mother is in Ethiopia. I have no contact with her.

Once again, Judge Givon extended the detention order without addressing the fact that T.A. was likely entitled to protection from deportation.<sup>77</sup>

In May, T.A. seems to have hired a lawyer and filed a request for release from detention. A hearing was held on May 11. The protocol for this hearing is not in the decision database, but the evidence of its occurrence is a decision for a future hearing scheduled for June 1. Decisions issued before that hearing and the hearing protocol itself show that someone agreed to post bail for T.A., and that the Immigration Authority agreed to his release subject to a bail deposit.<sup>78</sup> No further hearings were held in T.A.'s case, so it is assumed that he was indeed released in June after three months in detention, despite likely being entitled to protection from deportation.

In early March 2023, a group of Sudanese citizens attempting to enter Israel was arrested at the Israeli Jordanian border.<sup>79</sup> The protocol from the first hearing of one of the detainees' states that there had been an attempt to return the group to Jordan through "pushback" (immediate expulsion back across the border): "The detainee, a Sudanese national, infiltrated Israel on March 2, 2023, through the border with Jordan, and an attempt at a pushback failed due to Jordan's refusal to accept the detainee."<sup>80</sup>

During the early months of detention, Immigration Authority representatives told the courts that they were working to return the detainees to Jordan. The detainees told Hotline staff that although they asked to submit asylum applications, they were not provided with the relevant forms. It was only after the Hotline team visited the detainees and helped them fill out the forms that the detainees were able to submit their asylum applications and explain the reason they fled Sudan and the dangers they faced in Jordan, since it is not a signatory to the UN Refugee Convention.

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<sup>77</sup> From the protocol held for detainee no. 9197985 on June 1, 2023.

<sup>78</sup> The group also included one family: father, mother, and their three young children. Their time in detention is described in the chapter "Detention of Migrant Families."

<sup>79</sup> From the protocol held for detainee no. 9196892 on March 6, 2023.

<sup>80</sup> From the decision held for detainee no. 9196888 on July 20, 2023.



In June 2023, after the Detention Review Tribunal ruled for the release of one member of the group—Judge Yoav Bar-Lev also ruled for the release of two additional detainees. This left four Sudanese citizens in detention, for whom the Hotline filed release requests. Judge Itiel Givon, who ruled on the cases of three detainees, set conditions for their release. However, Judge Givon suspended the release conditions for two weeks, during which the Immigration Authority was supposed to decide on their submitted asylum requests.<sup>81</sup> The Hotline appealed to the District Court against suspending the release conditions, and in response, the Immigration Authority agreed to release them. The last detainee from the group was released in August after Judge Asaf Noam allowed the division of his bail amount into payments.<sup>82</sup>

Thus, asylum seekers from Sudan arrived in Jordan, a country which is not a signatory to the refugee convention. From there, they fled to Israel, a country which maintains a policy of non-deportation regarding Sudan. They then found themselves in administrative detention in Israel for many months, even though it was clear from the outset that there was no "prospect" of their deportation. As of the writing of this report, the asylum requests of the entire group are still pending.

## H. Migrants Detained for Prolonged Periods

The phenomenon of prolonged detention was significantly reduced in 2023, with notable cases of migrants held in immigration detention for extended periods being highlighted in this section and in the chapter dealing with individuals with mental health issues in detention.

On May 10, 2022, the first hearing at the Detention Review Tribunal was held for **I.A.**, a migrant from Ivory Coast, who was transferred to detention after serving a criminal sentence of nine years for an offense of rape to which he had confessed. The protocol attributes the following statement to him:

The detainee states that he is not represented by a lawyer and that his health is good. He says he has no objection to returning to his country. When asked by the tribunal whether he regrets the actions for which he was convicted, the detainee laughs and says yes.

The decision notes that I.A. had infiltrated Israel in 2010 and submitted an asylum request, which was rejected in 2011. Since then, he has remained in Israel illegally. He was convicted and began serving his criminal sentence in 2013, and since then, he has been behind bars.<sup>83</sup>

In the next hearing, held in early June, the detainee's statements were:

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<sup>81</sup> From the protocol held for detainee no. 9197281 on August 17, 2023.

<sup>82</sup> From the protocol held for detainee no. 1472111 on May 10, 2022.

<sup>83</sup> From the protocol held for detainee no. 1472111 on June 1, 2022.

The detainee states that a lawyer does not represent him and that his health is good. When asked by the tribunal, he says he has no objection to returning to Ivory Coast. Still, at the same time, he does not wish to cooperate by providing his personal details to the Border Control Officer for this purpose.<sup>84</sup>

In subsequent hearings, I.A.'s statements reflected contradictory positions regarding his willingness to cooperate and his desire to return to Ivory Coast. At times, he was quoted as wanting to return to his homeland, and at other times, he opposed it. The common thread in all the "detainee's statements" in I.A.'s protocols was their brevity, usually no longer than a short paragraph.<sup>85</sup>

Five months into I.A.'s detention, an Immigration Authority representative attended the hearing for the first time and said that the Ivory Coast consul claimed that, in his opinion, A.A. was not a citizen of Ivory Coast and had no passport. Therefore, according to him, A.A. could not be considered as cooperating with his deportation.<sup>86</sup>

In the following months, there was no progress in I.A.'s case. The protocols show that A.A. was asked the same questions month after month: Does he have a lawyer? (the answer remained negative), is he indeed a citizen of Ivory Coast, and how can he prove it? (to which A.A. replied that he had family and friends there, and the consul could help prove his origin). This routine continued month after month, with no changes or progress for more than a year. As of February 2024, I.A. was still being held in detention. After serving a nine-year criminal sentence, he has now been detained for nearly two years, with no breakthrough in identifying him that would allow for the prospect of deportation to his country.<sup>87</sup>

In June 2022, the Detention Review tribunal held a hearing for **E.A.**, an Eritrean citizen who was transferred to administrative detention after serving nine months in prison for drug offenses. He told Judge Assaf Noam that he would not rule out receiving treatment for the addiction from which he suffers. Judge Noam extended his detention.<sup>88</sup> In the hearings that took place in the following months there was no change in the discussion between Judge Noam and E.A., which centered on his addiction and his reluctance to return to his homeland, even though Israel maintains a policy of non-removal to Eritrea, and therefore E.A. was staying in Israel legally. These, for instance, are the only "words of the detained" that were attributed to E.A. in the protocol of his August hearing:

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<sup>84</sup> From the protocols held for detainee no. 1472111 on July 19, August 11, September 4, and October 2, 2022.

<sup>85</sup> From the protocol of the hearing held for detainee no. 1472111 on October 25, 2022.

<sup>86</sup> From the protocols held for detainee no. 1472111 on November 16, December 11, 2022, January 8, 2023, February 5, 2023, March 6, 2023, April 2, 2023, April 30, 2023, May 28, 2023, June 25, 2023, July 23, 2023, August 17, 2023, September 12, 2023, September 28, 2023, October 18, 2023, November 13, 2023, December 10, 2023, January 7, 2024, and February 1, 2024.

<sup>87</sup> From the protocol held for detainee no. 9089748 on June 26, 2022.

<sup>88</sup> From the protocol held for detainee no. 9089748 on August 11, 2022.

The detained notes that he does not have a lawyer and has no intention of hiring a lawyer. According to him, his health status is good. According to him he is not interested in returning to Eritrea since he does not have any connection to the country after the many years he has resided in Israel, and he also is opposed to transferring to any other country.

At the end of the hearing, Judge Noam once again extended E.A.'s detention order.<sup>89</sup> In the hearings that followed, there was no progress in E.A.'s case.<sup>90</sup> In November 2022, E.A. said to Judge Noam that he was worried about another man who was detained in the same wing and who had previously attacked E.A. outside of the prison. The judge wrote in his decision that it was the responsibility of the IPS to attend to E.A.'s concerns and to separate him from the person about whom he was concerned.<sup>91</sup>

From the protocol of the hearing which took place in December 2022, it is clear that Border Control advised that E.A. be released with a bail deposit of 5,000 NIS, but E.A. did not have the ability to pay such a sum. Nor did he have acquaintances who would deposit the amount on his behalf. Therefore, Judge Noam once again lengthened his detention and did not consider the possibility of reducing the bail amount, despite the fact that E.A. had already been detained for six months.<sup>92</sup> In the next hearing, there was no progress.<sup>93</sup>

The next hearing regarding E.A. was held via Zoom while he was detained in Maasiyahu Prison. The Border Control Officer reported during the hearing that E.A. had been transferred to Maasiyahu after sexually harassing a prison guard at Givon Prison. A.A. claimed that he did not know the reason for his transfer. Later, the Border Control Officer stated that A.A. had refused to participate in a rehabilitation program, and E.A. confirmed this. At the end of the hearing, E.A. expressed his wish to return to Eritrea. Nevertheless, Judge Assaf Noam extended the detention order.<sup>94</sup>

At a hearing in March, the Border Control Officer mentioned that there was still no response from the Voluntary Departure Unit regarding E.A.'s request to return to Eritrea.<sup>95</sup> In April 2023, the Border Control Officer claimed that E.A. had deceived the immigration authorities and was not genuinely interested in returning to his country. E.A. agreed, saying that after so many years in Israel, he had nowhere to return. Again, Judge Noam extended the detention order.<sup>96</sup>

In the following hearing, E.A. was quoted as saying:

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<sup>89</sup> From the protocols held for detainee no. 9089748 on September 4, October 2, and October 25, 2022.

<sup>90</sup> From the protocol held for detainee no. 9089748 on November 16, 2022.

<sup>91</sup> From the protocol held for detainee no. 9089748 on December 11, 2022.

<sup>92</sup> From the protocol held for detainee no. 9089748 on January 8, 2023.

<sup>93</sup> From the protocol held for detainee no. 9089748 on February 5, 2023.

<sup>94</sup> From the protocol held for detainee no. 9089748 on March 5, 2023.

<sup>95</sup> From the protocol held for detainee no. 9089748 on April 2, 2023.

<sup>96</sup> From the protocol held for detainee no. 9089748 on April 30, 2023.

The detainee states that his health condition is poor because he was placed in another prison for actions he did not commit. He claims he has no lawyer and denies any wrongdoing towards the prison guard at Givon Prison, against whom he was accused of sexual harassment. He also notes that after spending many years in Israel, the amount of money the Border Control Officer offered him for his return to Eritrea is insufficient, and he sees no justification in return for such a sum.<sup>97</sup>

In the following months, no progress was made in E.A.'s case. His discussions with Judge Noam focused on why E.A. refused to return to Eritrea or go to a third country and the issue of the financial bond that E.A. was unable to pay.<sup>98</sup>

In January 2024, after more than a year of administrative detention, E.A. was represented for the first time by lawyer Michal Rubinstein from the Refugee Rights Clinic at Tel Aviv University. Attorney Rubinstein argued that E.A. had been in detention for a year and a half—double the time he had served in criminal prison. She claimed that the detention had run its course and, since the Border Control Officer had already agreed to release E.A. under a financial bond, the bond amount should be reduced to a sum that E.A. could afford. At the end of the hearing, Judge Itiel Givon ordered the continuation of the detention order.<sup>99</sup>

Finally, on January 16, 2024, Judge Itiel Givon set new conditions for the deposit of the bond required for E.A.'s release, and after approximately a year and a half in detention, E.A. was released.

## Detainees with Mental Illness

In the 2022 report on the detention of migrants and asylum seekers, we highlighted the case of **S.A.**, a migrant whose country of origin could not be identified by the immigration authorities. Despite tribunal judges clearly noting in the hearing protocols that S.A. appeared to be suffering from mental health issues, he remained in detention for over a year without being provided with legal representation from the Legal Aid Department. Additionally, no progress was made in identifying him or proceeding with his deportation.

On May 29, 2023, Tali Bromberg from the Hotline for Refugees and Migrants contacted the head of the Detention Review Tribunal, requesting legal representation for S.A. Two days later, Judge Itiel Givon ordered the immigration authorities to respond to the hotline's request within a week. Following that, the judge instructed the tribunal to

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<sup>97</sup> From the protocols held for detainee no. 9089748 on May 28, June 25, July 23, August 17, September 12, September 28, October 18, November 13, and December 10, 2023.

<sup>98</sup> From the protocol held for detainee no. 9089748 on January 11, 2024.

<sup>99</sup> From the decisions published for detainee no. 9181777 on June 1 and June 5, 2023.

forward the latest decisions regarding S.A. to the Legal Aid Department to consider appointing a lawyer.<sup>100</sup>

Eventually, without a legal representative, Judge Givon ruled on June 19 to release S.A. for four months, during which he would be required to leave Israel independently. The judge noted: "It appears that the detention itself is what is delaying his identification and that the immigration authorities may be able to identify him once he is released."

The immigration authorities were given a "preparation period" of 21 days, so the release order took effect on July 9, 2023.<sup>101</sup> On June 22, S.A. was still in detention and attended his monthly hearing. His statements, as recorded in the protocol, further reflected his deteriorating mental state:

Everything in the prison is mine. They are pulling tricks on me. They owe me money. I deserve everything. There is nothing to check. They can't get to me. I have nothing. I'm sending everyone home. I want to go to Tel Aviv, but first, they should give me what I deserve. Muttering. Speaking incoherently and blaming all the representatives of the authorities.<sup>102</sup>

The final decision regarding S.A. was published on July 12, 2023. After over a year in administrative detention, without being identified by the immigration authorities and after it became clear to the tribunal that his detention was not advancing his identification, S.A. was indeed released.

In December 2022, the Dimona police arrested **K.T.**, an Eritrean citizen, after he was caught crossing the border from Jordan. He was brought before the Be'er Sheva Magistrate's Court, which extended his detention. He was then transferred to administrative detention. In a hearing before the Border Control Officer, K.T. expressed his desire to return to Eritrea because he missed his children. During the hearing, he was allowed to contact his family members in Eritrea with the help of a representative from the Voluntary Departure Unit, Shai Tafari. The protocol of the first hearing was brief, and the following statements were attributed to him: "Aware of his detention for infiltration and wishes to return to Eritrea as soon as possible. He does not need anything beyond that."

K.T. was not convicted of any crimes, and there was no indication that he posed any danger to the public. Nevertheless, Judge Rachel Sharm extended the detention order. She instructed the Border Control Officer to expedite K.T.'s deportation to Eritrea, even though the Voluntary Departure Unit could assist with this outside prison.<sup>103</sup>

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<sup>100</sup> From the protocol held for detainee no. 9181777 on June 19, 2023.

<sup>101</sup> From the protocol held for detainee no. 9181777 on June 22, 2023.

<sup>102</sup> From the protocol held for detainee no. 9190581 on December 6, 2022.

<sup>103</sup> From the protocol held for detainee no. 9190581 on January 3, 2023.

A month later, another hearing was held regarding K.T. His statements reflected his desire to return to Eritrea and his longing for his family. However, Judge Itiel Givon noted: "The fact that the detainee talks to himself argues with himself, and speaks without context raises concerns that his mental condition requires evaluation. The prison doctor's opinion must be submitted if the next hearing does not deport the detainee."<sup>104</sup>

Despite concerns about K.T.'s mental state, Judge Givon prioritized his deportation and did not refer the case to the Legal Aid Department for representation. Judge Givon prioritized K.T.'s deportation over evaluating his mental health condition and did not refer the case to the Legal Aid Department for potential legal representation, despite indications of K.T.'s mental health issues.

In the next hearing, K.T. refused to appear. Judge Rachel Sharm again extended the detention order and noted that, according to the psychiatric report submitted by the prison clinic, K.T. was under psychiatric monitoring and treatment.<sup>105</sup> Despite accumulating evidence that raised questions about K.T.'s mental health—the concerns raised by Judge Givon, K.T.'s refusal to attend hearings, and the prison clinic's psychiatric report—the tribunal again chose not to refer the case to the Legal Aid Department for legal representation.

The day after the hearing, the then-head of the legal department at the Hotline, attorney Inbar Barel, sent a request to the head of the tribunals under the Entry to Israel Law and to the head of the Enforcement Administration at the Immigration Authority, asking for a lawyer from the Legal Aid Department to be appointed for K.T.:

There is no dispute that this is a clear case where the tribunal has a responsibility to act to appoint a legal representative from the Legal Aid Department to represent the detainee before hastily advancing his deportation from Israel. This concerns an individual with mental health challenges who has been in detention for nearly two full months, speaks incoherently, and refuses to appear before the tribunal. It is unacceptable that none of the judges who have heard his case have referred him to the appropriate authorities for representation.

Attorney Barel also questioned the legality of K.T.'s detention, noting that he was an Eritrean citizen legally residing in Israel under temporary protection (possibly with an open asylum request) and was not required to leave Israel. She emphasized that there appeared to be no legal basis for his continued detention, and given the duration of his detention (nearly two full months), immediate legal assistance should have been provided.<sup>106</sup>

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<sup>104</sup> From the protocol held for detainee no. 9190581 on January 30, 2023.

<sup>105</sup> From the Hotline's appeal for detainee no. 9190581 on January 31, 2023.

<sup>106</sup> From the protocol held for detainee no. 9190581 on February 12, 2023.

Following the Hotline's intervention, Judge Rachel Sharm issued a decision on February 12<sup>th</sup>, stating that within four days, the Legal Aid Department of the Ministry of Justice must submit its position on the Hotline's request and provide its stance on whether to appoint legal representation for K.T.<sup>107</sup> On the same day, attorney Barel followed up with the tribunal's secretariat and the head of the Enforcement Administration.

Two days later, the Hotline learned that K.T. had been deported to Eritrea. After two months in administrative detention, without any criminal proceedings against him, despite legally residing in Israel under temporary protection and clear evidence of his mental health difficulties, K.T. was sent from the detention center back to his home country.

In March 2022, the Detention Review Tribunal held a hearing on M.T., an Eritrean citizen who was placed in administrative detention after serving a criminal sentence for assaulting an elderly person, causing significant injury. According to the hearing protocol, M.T. explained that he had not participated in rehabilitation programs during his criminal sentence "due to his condition." He also described suffering from an illness and stopping his medication. Judge Raja Marzouk extended the detention order.<sup>108</sup>

The next hearing regarding M.T. took place before Judge Rachel Sharm, who also extended the detention order. However, she instructed the Immigration Authority to consider placing M.T. in a rehabilitation program through the Prisoner Rehabilitation Authority. She stated:

Given that the detainee is an Eritrean citizen with no immediate deportation prospects, and there is a critical question regarding his danger to the public, the Border Control Officer must provide an update on the possibility of enrolling the detainee in a rehabilitation program.<sup>109</sup>

In an April hearing, M.T. stated that he was suffering from diabetes and feeling unwell due to the stress and prolonged time in detention. Judge Sharm noted that in response to her suggestion to place M.T. in a rehabilitation program, the Immigration Authority responded that the Prisoner Rehabilitation Authority only works with Israeli citizens and residents. Judge Sharm extended the detention order.<sup>110</sup>

The next protocol regarding M.T. indicated a worsening of his physical and mental condition:

He feels unwell due to the psychological stress in detention and prison and is also suffering from diabetes. He claims that he is not receiving appropriate medical care, and his complaints are being ignored by the prison clinic. He also stated that

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<sup>107</sup> From the protocol held for detainee no. 9158081 on March 13, 2022.

<sup>108</sup> From the protocol held for detainee no. 9158081 on March 31, 2022.

<sup>109</sup> From the protocol held for detainee no. 9158081 on April 24, 2022.

<sup>110</sup> From the protocol held for detainee no. 9158081 on May 19, 2022.

other prisoners are assaulting him, and when he requested to be transferred to another cell, his request was ignored. During the hearing, the detainee became agitated, stating that he wants to be moved to another prison. When informed that individuals in his situation are held in Givon Prison, he raised his voice to the point where the prison guards entered the hearing room. Despite their attempts to calm him down, the detainee continued shouting and speaking disrespectfully towards the tribunal and the prison staff. Eventually, the prison guards had to physically escort him back to his cell. The detainee lost his temper for a prolonged period after the hearing.

Despite the clear signs of M.T.'s mental distress, Judge Sharm did not address his mental condition in her decision. However, she instructed the prison service to submit an update on his medical condition within a week.<sup>111</sup> In the protocols from hearings held in June and July, there was no reference to any update on M.T.'s medical condition, and there was no progress in his case.<sup>112</sup> M.T. refused to appear at the monthly hearings in July and August.<sup>113</sup>

In a September hearing, M.T. appeared and responded affirmatively when asked if he would be willing to join a rehabilitation program, as long as he could return to his life and support his family in Eritrea.<sup>114</sup> In the following hearing, the discussion between Judge Sharm and M.T. continued to focus on rehabilitation:

When asked by the tribunal again whether he would be willing to join a rehabilitation program, the detainee responded affirmatively, as long as he could return to his life and support his family. He stated that no one had met with him to advance the process of finding a rehabilitation program.<sup>115</sup> He mentioned that he had been told that someone would come to offer him help and treatment, but no one had arrived, and he was still waiting.

Judge Sharm noted in her decision that the Immigration Authority had stated in response to the previous decision that M.T. was not eligible for the "A New Beginning" rehabilitation program. As a result, she ruled that the Immigration Authority must update the tribunal on the possibility of helping M.T. join another rehabilitation program. However, in subsequent hearings, there was no progress in his case, and the protocol from the December 2022 hearing indicated that M.T.'s mental condition had deteriorated: "He requested to contact the Red Cross for assistance, believing they were the only ones who could help him. The detainee was angry, shouting, and acting out during the hearing, despite the tribunal's pleas for him to conduct himself more civilly."

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<sup>111</sup> From the protocols held for detainee no. 9158081 on June 9 and July 4, 2022.

<sup>112</sup> From the protocols held for detainee no. 9158081 on July 25 and August 16, 2022.

<sup>113</sup> From the protocol held for detainee no. 9158081 on September 20, 2022.

<sup>114</sup> From the protocol held for detainee no. 9158081 on October 20, 2022.

<sup>115</sup> From the protocol held for detainee no. 9158081 on December 6, 2022.



Judge Sharm addressed this behavior in her decision:

In light of the detainee's behavior, repeatedly erupting and acting out during tribunal hearings, and it being unclear whether he is aware that his conduct only worsens his situation and indicates his danger to the public, I order the following: The prison service is requested to provide the tribunal with a psychiatric evaluation from the prison mental health center regarding the detainee's mental state. The evaluation should address, among other things, whether the detainee may pose a danger to himself or others if released and whether he requires appropriate mental health treatment in relevant institutions...<sup>116</sup>

In the following hearing, M.T. stated that he had been restrained to his bed for 12 hours:

I've been here for ten months; it's hard for me. I've been confined to my room for several months and am not eating the food provided. I have no contact with my children. It's hard for me, and I'm under a lot of pressure. I have no money for a phone. Sometimes I call my children, but I have nothing to say other than that I'm in prison. I'm not violent; I didn't do anything. I made a mistake and ended up in prison, but they released me, and in practice, I wasn't released, and I'm still here. My teeth are broken. My time here is only making me worse. They abused me here and tied me up for 12 consecutive hours. I have a suspended sentence, and I will be careful not to do bad things.

Judge Sharm noted that M.T.'s behavior indicated a significant difficulty in controlling his anger, making him a danger to the public. She instructed the prison service to respond to M.T.'s claims regarding being restrained to his bed and his dental condition. Again, she extended the detention order.<sup>117</sup> Over the next four months, M.T. refused to attend hearings.<sup>118</sup>

In the April hearing, over a year after he was placed in administrative detention, the protocol noted that two prison officers accompanied M.T. due to his aggressive behavior in previous hearings. Judge Sharm mentioned in her decision that M.T. had been angry, shouting, and acting out. She addressed M.T.'s mental health in her ruling:

According to the psychiatric evaluation provided by Ms. Lotem Shoham, a clinical criminologist with the prison service, dated January 26, 2023, there is no current information regarding M.T.'s mental state, and there is no evidence of mental illness. Therefore, there is no reason for psychiatric intervention in his release. The evaluation stated that M.T. was initially referred for a psychiatric assessment in December 2021, and no major psychopathology was found. It also noted that a January 2022 assessment raised suspicion of a psychotic state, and M.T. was given

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<sup>116</sup> From the protocol held for detainee no. 9158081 on January 3, 2023.

<sup>117</sup> From the protocols held for detainee no. 9158081 on January 30, February 26, and March 27, 2023.

<sup>118</sup> From the protocol held for detainee no. 9158081 on April 23, 2023.

medication. By February 8, 2022, there was no further evidence of active psychosis, and the medication was discontinued. Additionally, an April 2022 assessment found no signs of psychosis or major mood disorder, but M.T. was diagnosed with an adjustment disorder.

In response to M.T.'s claim that he was restrained to his bed for 12 hours, Judge Sharm referred to the prison's response from January 8, 2023, which stated that M.T. had acted violently in his ward and even overturned a food cart. The response explained that restraining him was done according to prison regulations, following approval from a prison doctor and consultation with a social worker, to prevent M.T. from harming himself or others.

Regarding M.T.'s dental complaints, the prison's medical clinic responded on January 11, 2023, that M.T. had refused to attend a dental appointment because he objected to being escorted to the clinic while restrained.

Finally, Judge Sharm ruled that the option of appointing a lawyer from the Legal Aid Department should be considered for M.T. due to his complex situation:

Given the complex situation M.T. is in, where on the one hand, releasing someone who may pose a serious risk to the public due to his violent conviction and aggressive behavior in detention and during hearings is difficult, and on the other hand, keeping him in indefinite detention is also challenging, it seems appropriate to explore the possibility of appointing a lawyer from the Legal Aid Department to represent M.T. The tribunal's secretariat is requested to forward a copy of this decision to the Legal Aid Department.<sup>119</sup>

In the following months, the possibility of legal representation for M.T. by the Legal Aid Department was explored. The protocols from the hearings show that M.T.'s mental health remained problematic.<sup>120</sup> In an August hearing, M.T. was represented by attorneys Michal Pomerantz and Yoav Even-Zohar from the Legal Aid Department, with a representative from the Immigration Authority, Elimelech Wexler, also present. Judge Sharm ruled at the end of the hearing:

There is a need to establish a structured mechanism that provides the Detention Review Tribunal with the necessary tools and practical solutions. It is important for such a mechanism to address both the need for professional expert opinions on the dangerousness of detainees brought before the tribunal and the possibility of forming rehabilitation plans for these detainees, where feasible. It may be appropriate to set clear criteria on which offenses and situations would allow the tribunal to receive professional input on determining dangerousness and

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<sup>119</sup> From the protocols held for detainee no. 9158081 on May 22, June 19, and July 16, 2023.

<sup>120</sup> From the protocol held for detainee no. 9158081 on August 15, 2023.

rehabilitation options for these detainees. It seems undisputed that finding practical solutions as described above would ultimately benefit the public in Israel.

Judge Sharm requested that her decision be forwarded to the office of the Attorney General, the legal department of the Ministry of Welfare, the Prisoner Rehabilitation Authority, and other relevant agencies.<sup>121</sup>

At the end of the October hearing, Judge Sharm ordered M.T.'s release, provided he could meet certain conditions: a deposit of 20,000 shekels, an additional third-party guarantee of 15,000 shekels, the identification of a third party to supervise M.T., and periodic check-ins at the Population Authority offices. It appears that M.T. was unable to meet these release conditions, and therefore remained in detention. M.T. refused to attend the November and December hearings, and no lawyer from the Legal Aid Department attended.<sup>122</sup> After the December hearing, Judge Sharm reduced the required deposit and allowed it to be paid in installments.<sup>123</sup> This was the final hearing regarding M.T., and it appears that after one year and nine months in administrative detention, M.T. was released.

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<sup>121</sup> From the protocols held for detainee no. 9158081 on November 5 and December 3, 2023.

<sup>122</sup> From the protocol held for detainee no. 9158081 on December 31, 2023.

<sup>123</sup> From the letter from the local workers' committee at the Ben-Gurion Airport border crossing to Mr. Amnon Shmueli, July 27, 2023.

## The Yahalom Facility at Ben Gurion Airport

In July 2023, the workers' committee of the Immigration Authority at Ben Gurion Airport sent a letter to Amnon Shmuely, head of the Ben Gurion Airport division, protesting the establishment of a tent to house individuals denied entry to Israel on airport grounds. The letter stated:

The administration's inability to find appropriate and professional solutions is manifested in creative alternatives, such as keeping those denied entry in the duty-free area for extended periods, housing them in employees' break rooms, and now erecting a tent exposed to the elements. These solutions are unprecedented worldwide. Border control in Israel in 2023 is holding people in cages, in inhumane conditions, under extreme weather conditions. This devalues human dignity and liberty, as well as the role of the employees of the Population and Immigration Authority.<sup>124</sup>

One Immigration Authority employee told *Yediot Aharonot* and *Ynet*:

This is inappropriate. As human beings, we cannot witness such treatment. No one deserves to sit in such conditions. The facility for those denied entry is overcrowded, with only 50 beds, and there's no space to accommodate everyone. The tent was supposed to be a solution; they claim it's air-conditioned, but it's so hot outside that it's ineffective, and they end up sitting outside in an area that looks like a cage.

I've been working at the authority for 15 years, and since the pandemic, the situation at Ben Gurion Airport's border crossings has deteriorated. People don't want to work here because of low wages. That lack of human resources means that detainees wait 12 hours for questioning, and we can't provide them with a friendlier waiting area. Sometimes those denied entry are housed in our break rooms or the employees' lounge, and there are situations where they simply roam around the duty-free area for two to three days, sometimes even a week. It all depends on the flights.<sup>125</sup>

Following this publication, the Hotline, together with HIAS Israel, appealed to Interior Minister Moshe Arbel regarding the conditions in which individuals denied entry to Israel were being held at Ben Gurion Airport. In the appeal, we demanded the minister's immediate intervention to find a solution that does not involve caging people under the scorching sun. We also reiterated our request for external oversight to regularly monitor the Yahalom facility for those denied entry. No response was received to the appeal, but

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<sup>124</sup> From: "Under Scorching Heat, In an Area That Looks Like a Cage: The Humiliating Reality of Refused Entry in Ben-Gurion Airport," Hadar Gil-Ad, *Ynet* and *Yedioth Ahronoth*, August 1, 2023.

<sup>125</sup> To read the full appeal, visit the Hotline's website.

later in the year, we learned that the "cage" had been closed, and the Immigration Authority had stopped holding people there.

## Conclusion and Recommendations:

In this, our ninth monitoring report, we continued to highlight cases where the human rights of migrants are routinely violated. Our focus remains on the conditions in detention facilities, detention review courts, and the facility for denials of entry. Despite the collective protection extended to Ukrainian migrants, which persisted through 2023, a significant portion of those denied entry or deported were Ukrainian citizens. These actions contradict Israel's stated policy, and ignore the dangers posed by the ongoing war in Ukraine, raising serious questions. Similarly, we found ongoing attempts to forcibly deport other migrants under group protection, such as those from Sudan and Ethiopia's Tigray region.

Once again, this year, potential victims of human trafficking, a particularly vulnerable group, were left without sufficient protections, including repeated extensions of their detention without raising judicial concerns. This is in direct contradiction to explicit guidelines from the OHCHR (Guideline 2, Section 6), which state that countries should ensure that trafficking victims are not held in detention. Additionally, mentally ill individuals, another vulnerable group, often went unidentified and only received appropriate legal protection after the intervention of our organization. We observed a sharp increase in the detention of children this year, despite proven, and sometimes irreversible, harm. This contradicts the Convention on the Rights of the Child (CRC), which consistently and clearly asserts that the best interests of the child must take precedence over other considerations, including immigration control (Article 3).

In conclusion, we identified significant gaps between stated policies and their actual implementation, particularly for vulnerable groups like trafficking victims, mentally ill individuals, and families with children. Once again, it seems that the freedom of migrants and asylum seekers was easily denied. The desire to remove the so-called "undesirable" individuals often overshadowed the obligation to protect their rights or ensure that deportation or detention does not harm them.

Therefore, we recommend the following:

1. **Rights of Human Trafficking Victims:** Detention review court judges should forward decisions and protocols regarding detainees whose statements raise concerns about human trafficking to the Office of the Anti-Human Trafficking Coordinator and the Legal Aid Department in the Ministry of Justice. Similarly, protocols of those recognized as victims by authorities as such in the past should also be forward.

2. **Protection of Children and Families:** The Immigration Authority should refrain from detaining families and children. Detention review court judges must give significant weight to the principle of the child's best interests when ruling on cases involving detained minors and their parents.
3. **Reliable Linguistic Accessibility:** Professional and reliable translation, including sign language interpretation, must be ensured during hearings with border control officers and in court, including in the provision of all relevant information such as asylum procedures. Two years after the end of the COVID-19 pandemic, interpreters should return to operating in the court itself rather than via video calls.
4. **Conditions of Release for Migrants Who Cannot Be Deported:** Special conditions must be set for the release of detainees who cannot be deported due to circumstances beyond their control, such as the unavailability of flights or prolonged delays by the Immigration Authority in issuing travel documents.
5. **Legal Representation for Migrants Unable to Represent Themselves:** Collaboration with the Legal Aid Department, which is willing to represent migrants unable to represent themselves in detention review tribunals, should be expanded. Judges must pay particular attention to the needs of mentally ill detainees.
6. **Detention of Asylum Seekers:** Detention of asylum seekers and other migrants should be avoided while their applications for asylum or humanitarian protection are pending.
7. **Reduction or Elimination of Administrative Detention Following Criminal Detention:** The detention period for migrants legally residing in Israel under non-deportation policies and who are detained via the "criminal framework" or other methods should be minimized.
8. **Avoiding Political Use of the Criminal Framework:** Detention review tribunal judges must ensure that the "criminal framework" is not politically exploited to detain asylum seekers or migrants without legal grounds for their imprisonment.
9. **Respect for Asylum Principles:** It must be ensured that migrants whose lives may be endangered in their home countries, including those denied entry, are not deported without being given the opportunity to exhaust asylum procedures in Israel.

Implementing these recommendations will help address the salient cases presented in this report and narrow the gap between declared policy (the law on the books) and practice (the law in action), in order to safeguard the rights and dignity of migrants and asylum seekers, even if they are not welcomed.

