

Hotline for Migrant Workers

“You shall not wrong a stranger, nor oppress him, for you were strangers in the land of Egypt”, *Exodus 22:20*

July 2011

An Amendment to the "Prevention of Infiltration Law" is being prepared for second and third reading in the Israeli Parliament: Toward the End of 2011 - Asylum Seekers Might Face Years in Prison

Proposed amendments to the Prevention of Infiltration Law passed a first reading in the Israeli parliament on March 30th, the final day of the winter session thus prevented the opportunity for public discussion. A previously drafted bill concerning this topic was withdrawn in July 2010 after harsh public criticism. The current law up for amendment, is an emergency law, originally passed in 1954 to cope with the infiltration of Arabs seeking to sabotage Israel's security. The proposed amendments do not distinguish between terrorists, migrant workers and asylum seekers fleeing for their lives. The new amendment prevents the possibility of release from prison of any "infiltrator" that acts endanger the State of Israel and / or citizens of the State of Israel are conducted in the infiltrator's home country. This recommended legislation is a stain on Israel's human rights record – it stands in contradiction to international covenants signed and ratified by Israel.

According to the proposed legislation, those who enter Israel without a legal permit, including anyone who crosses the border of Egypt and who are subsequently brought to court can expect administrative detention of up to three years (while today, citizens of Sudan and Eritrea who cannot be deported, are usually being released after up to 60 days). Citizens and residents of 'enemy' countries, including survivors of genocide from the Darfur region of Sudan, are subject to indefinite detention, since the proposed bill stipulates that person originating from countries or areas where the Israeli security forces believe that any kind of activity that endangers Israel takes place, will not be released under any conditions. It establishes a precedent whereby there is a two-tiered

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system of punishments; although two people may have committed identical crimes, a more stringent punishment can be levied on one of them solely based on his country of origin.

This provision seems unnecessary given that thousands of people have entered Israel from so called the ‘enemy’ country, Sudan, in the last six years and have not posed any danger to the State of Israel or its citizens. While the previous amendment cynically used the claim of security to justify draconian measures against desperate people, the present amendment states clearly that its purpose is deterrence: "The expectation is that the detention period will stop the massive infiltration or at least minimize it".

According to legislation, the State is permitted to detain someone for up to 96 hours before they are required to present him before a judge. The new legislation extends this detention time to 14 days before a person is brought before a judge, and 7 days before the first time the detainee will meet a border control officer. Furthermore, a deportation order can be issued based on a report written by troops- people who are not required to have any specialized knowledge regarding identifying refugees. The procedures do not distinguish between men, women and children, thus potentially subjecting everyone to the same conditions of arrest and deportation. This stands in sharp violation of the Convention on the Rights of the Child, which Israel has signed and ratified.

Human Rights organizations strongly protest this proposed legislation which violates several aspects of human rights including mechanisms of detention and deportation, and refugee status determination. It is extremely harsh and not consistent with international standards and norms.

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