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IRAC- Israel Religious Action Center | ARDC- African Refugees Development Center
Activists for Refugees | Rabbis for Human Rights | Hashomer Hatsair – Youth Movement
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Mahanot Haolim Youth Movement | Amnesty Israel | PHR- Physicians for Human Rights |

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Summary of the Law against Infiltrators into Israel

This law was approved by an overwhelming majority in the Knesset and will soon go through its second and third readings, the requirements for a bill to pass. If it passes, refugees that request asylum in Israel will be subjected to expulsion or imprisonment of up to 7 years as well as the staff and volunteers of Israeli aid organizations.

The Infiltrators Law proposal will:

- Immediately expel anyone who illegally enters into Israel, including refugees of genocides.
- Condemn refugees to 7 years of prison if they have come from an enemy state.
- Also subject Israeli volunteers and organization workers that assist refugees to 7 years of prison.
- Permit prolonged and arbitrary administrative detention to refugees without a proper trial for their charges.
- Allow for the indefinite detention of children, disregarding the essential rights of a child.
- Ignore the fact that Sudanese nationals are no longer automatically presumed to be a threat to the security of Israel (August 2007)
- Ignore that the Law of Entry (1953) which already provides all the necessary measures to deal with the security threat of individuals entering Israel, meaning this bill will create superfluous legislation for an issue that has already been covered.

According to the proposal, the State will be able to arrest newly arrived illegal immigrants to Israel, including refugees, and put them in prison for up to 5 years. Citizens and residents of enemy countries, including refugees from the genocide in Darfur, will be subject to 7 years of prison. The bill does not differentiate between terrorists and refugees that have escaped from life-endangering persecution. Due to the fact that Sudan is considered to be an enemy state to Israel, according to the new law, refugees coming from Sudan might be automatically deported back to Egypt even though they were trying to escape from the Sudanese government. It is also likely that Egypt might deport them back to Sudan. The ignorance of this bill will further endanger refugees seeking a safe haven from genocide by returning them to these areas of conflict.

The proposal includes a clause regarding “Hot Returns” to Egypt, which is an immediate expulsion for illegal immigrants back to Egypt without granting them access to the Israeli asylum system. The Hot Return policy puts these refugees right back into the terribly dangerous situations from which they originally fled

It is already possible to see the outcome of this policy before its implementation. In August 2007, 48 refugees from Darfur, including 18 children, were deported after being apprehended by Egyptian forces on the Israel-Egypt border and the UNHCR (the United Nations agency for refugees) was not granted access to help them. Some of the refugees were deported back to Sudan while the status of the rest remains unknown. Since the adoption of this new policy in July 2008, this has also happened to hundreds of others who sought asylum in Israel. According to the last human rights reports put out by the U.S. State Department and other international human rights organizations, such as Amnesty International and Human Rights Watch, at least some of the refugees that were deported from Israel were sent back to their original countries: Sudan, Eritrea and Somalia, putting them in greater danger. If this bill passes its final two readings in the Knesset, these numbers will only increase.

The State will be able to detain infiltrators for up to 14 days before they can plead their case to a Judge in the immigration court. If these refugees are unable to be seen by a judge in court, they will not be able to distinguish themselves as asylum seekers and they might be deported as undocumented migrant workers. All types of refugees will be put in this position, meaning there is no distinction between detained men, women, or children. This law will be a blatant contradiction of the UN Convention on the Rights of a Child (1989).

There is an additional section of the law that will prevent the release of detainees if they come from an enemy state. The law argues that these detainees represent a security risk because they come from a place that has a hostile relationship with Israel. This law would apply even if the specific individual has no connection to any related organizations or their government. Each component of this bill further endangers the lives of refugees, creating a lost opportunity for Israel to live up to the moral standards it was founded upon.

The last four years of rising illegal immigration in Israel have proven that the people who are the most severely affected by this law are refugees seeking asylum. The irony lies in the fact that this bill was created as a security measure against illegal immigrants and these refugees pose no security threat to the State. This law and the means of its implementation is a blatant exploitation of government control of immigration, placed under the guise of national security. Israeli law should address illegal immigration in a way that will stop criminal activity but will also protect the lives of refugees coming from warring countries. This proposal will instead deny any rights that international refugees fittingly deserve and force Israel to take a step backwards, away from its obligation to help those in need in the international community.

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