

4. Persons who did not report to the facility on time and persons who left the facility for more than 48 hours may be placed in detention as listed below:
  - a. Persons who were absent from the facility for **over 2 days and under 30 days** may be detained for **30 days** for a first offense, **45 days** for a second offense and **60 days** for each additional offense, after which they will be transferred to "Holot".
  - b. Persons who were absent from the facility for **over 30 days and under 90 days** may be detained for **60 days** for a first offense, **75 days** for a second offense and **90 days** for each additional offense, after which they will be transferred to "Holot".
  - c. Persons who were absent from the facility for **over 90 days** may be detained for **120 days** after which they will be transferred to "Holot".

**Expired visas:**

The New Law also states that persons whose 2(a)5 visas have expired for more than thirty days may be placed in detention in the existing detention facilities (Saharonim, Givon, etc), as detailed below:

1. Persons whose 2(a)5 visas have been expired for **30-60 days** may be detained for **60 days**, after which they may be transferred to "Holot".
2. Persons whose 2(a)5 visas have been expired for **60-120 days** may be detained for **75 days**, after which they may be transferred to "Holot".
3. Persons whose 2(a)5 visas have been expired for **more than 120 days** may be detained for **90 days**, after which they may be transferred to "Holot".

In the case of transfers from Holot for punitive measures and in cases of expired 2(a)5 visas, the Law states that a person cannot receive a detention order without the opportunity to be heard beforehand. If the person cannot be located, the order can be given in his absence but within 24 hours of his arrest he must be given the opportunity to be heard. The detainee must also be brought before the Administrative Tribunal within 96 hours of being transferred to the detention facility.

**1 January 2015**

**Hotline for Refugees and Migrants**

75 Nahalat Binyamin st. Tel Aviv 6515417

Tel. 03-5602530 Fax. 03-5605175

**Phone reception hours:**

Sun-Thu 9:00-17:00

**Office reception hours:**

Sunday 9:00-12:00 and 14:00-17:00

Monday & Wednesday 14:00-18:00

Tuesday & Thursday 9:00-13:00

**NOTICE TO ASYLUM SEEKERS DETAINED UNDER THE NEW LAW**

The New Law for the Prevention of Infiltration came into effect on 17 December 2014. Several human rights organizations are petitioning the Supreme Court against this new amendment but our petition is still pending. A hearing is scheduled on 3 February 2015. The New Law re-establishes the operation of the "open residence center" ("Holot") for persons who cannot be deported to their country of origin. "Holot" is serving as a "residence" center for men for a **maximum period of 20 months**. This includes the time already spent there under the previous Law but also the time spent in detention as a penalty for not having a valid visa or for failing to comply with the regulations in "Holot".

**The Law exempts from "Holot"** Women, minors, parents to a dependent minor in Israel, men over 60 years of age, individuals who suffer from a serious medical or mental condition, and victims of Human Trafficking.

**The additional criteria for "Holot" as announced on 17/12/14 are the following:**

- Sudanese men who entered Israel before 31/5/11
- Eritrean men who entered Israel before 31/5/09 (including B1 holders)
- Men who were involved in criminal activity or finished serving their sentence after being convicted of a criminal offence can also be sent to "Holot".
- Family men will **NOT** be sent to "Holot".

**If you believe that you don't meet the above mentioned criteria, please report to the PIBA office in Holot with all relevant documents, as listed below:**

- a) If you are **married and/or have a minor children in Israel**, please provide the PIBA office with all relevant documents proving your claim, such as:
  - Notification of live births from hospitals (original or certified copy), with both names of the parents, as well as their order/passport numbers specified on the document.
  - Marriage certificate – either from your home country or local churches in Israel. If your certificate is in Tigrinya or Amharic, **make sure that it is also in English**.
  - Pregnancy test results; Birth certificates; Birth confirmations and or Baptism certificate from Israel or from the country where your children were born.
  - Certificates or letters from schools or recognized kindergartens with the parents' names and order/passport numbers, as well as the children's names.
  - Letters from welfare services/social workers/doctors/lawyers/land lords/employers or any other person who knows the family and can attest to it. Lease/bills/bank account slips or any other legal/financial document mentioning both partners' names and order/passport numbers.
  - If you previously registered the whole family with the UNHCR office, they can provide you with a confirmation of who is registered with this Office.
  - Family/wedding photos.

- b) If you **studied in the Israeli education system**, please provide the PIBA with a letter from your school/boarding-school stating your name, your order/passport number and the years during which you studied there. Please include any certificate you have. If your year of birth was not registered correctly, please provide the PIBA with any document or letter that supports your claim, such as a letter from your school and/or social worker.
- c) If you are **60 years old or over**, this should be mentioned on your visa. If a mistake was made, please provide the PIBA with supporting documents, such as an original ID, a birth certificate or a passport.
- d) If you have a **serious medical or mental condition**, please provide the doctor in "Holot" and the PIBA with all supporting documents and a letter from your doctor explaining your condition, the treatment that you receive or require, and the risks that you encounter if proper treatment is not provided. If you need help in preparing your medical file, you can contact PHR, 9 Dror st, Jaffa, Tel. 03-5133120.
- e) If you have any **other exceptional circumstances**, please state them during the hearing and provide the PIBA with any supporting documents.

The Law establishes the **obligation to hold a hearing** before issuing a "Holot Order" or a Detention Order. Bring with you whatever document you have to the hearing. You do not need to provide all these documents, but we suggest that you bring whatever is relevant. Please state all your claims during the hearing even if you don't have any supporting documents. If you do not meet the above mentioned criteria, such as the date of entry, please state so as well.

#### **And if I did all this and still the PIBA didn't cancel my Holot Order?**

Please contact the Hotline during our opening hours as mentioned below.

**Note that at this stage, The Hotline is able to help only in the following cases:** (a) If you are married and/or have minor children in Israel, (b) If you studied in the Israeli education system (c) If you are over 60 years old (d) If you were a victim of Human Trafficking, (e) If the doctor in "Holot" ordered your release, (f) In some other exceptional circumstances.

#### **So what should I do if I meet the criteria and the Hotline can't help me?**

In cases where the Hotline is unable to help and cancel the Holot Order, it is important to note that you have the right to appeal the decision and to be assisted by a lawyer if you are able to afford one. If you cannot return to your home country because you fear you will face harm there, you have the right to apply for refugee status in Israel. If you have not been able to do this so far, please do it now. If you don't file your asylum application as soon as you have the opportunity to so, you might not be allowed to do so later. Although it has no effect on the Holot Order or the possibility to cancel it, it may have other benefits.

### **"Vacations" from Holot**

A Border Control Officer may approve a leave from Holot of up to 96 hours. In case where you, or an immediate family member need to be hospitalized, you may get a longer leave. If your request was refused, the Saharonim Tribunal may review the decision but you will need to apply within 14 days.

### **Detention in Saharonim/Givon**

#### **New arrivals:**

The New Law allows the detention in Saharonim of persons who crossed the border without a permit, after its entry into force, for a period of 3 months. A person arrested under the New Law must be brought before a Border Control officer no later than 5 days after his arrest and before the Administrative Tribunal within 10 days of his arrest. The Border Control Officer and the Administrative Tribunal may release a detainee if one of the following conditions is met:

1. The detention might cause damage to his health, in view of his age or his medical condition, including his mental state, and there's no other way to prevent such damage.
2. For other humanitarian reasons, including such cases where a minor will be left uncared for.
3. The detainee is an unaccompanied minor.
4. Releasing a detainee can assist in the process of deportation.
5. 60 days have passed from the day when an application for a visa and a residence permit in Israel was filed, and the processing of the application has not yet begun.

#### **Transfers from Holot:**

The New Law also states that persons who failed to comply with the regulations may be placed in detention in the existing detention facilities as detailed below:

1. Persons who were repeatedly late to report to the daily roll call or did not report at all; persons who repeatedly and systematically violated the rules of conduct in a manner that seriously harms the public order; or caused serious damage to property in the facility may be detained for **15 days**, after which they will be transferred back to "Holot".
2. Persons who caused bodily harm may be detained for **15 days** for a first offense, **30 days** for a second offense and **45 days** for each additional offense, after which they will be transferred to "Holot".
3. Persons who violated the prohibition on working outside the facility may be detained for **30 days** for a first offense, **45 days** for a second offense and **60 days** for each additional offense, after which they will be transferred to "Holot".