

INFORMATION SHEET TO ERITREAN AND SUDANESE ASYLUM-SEEKERS

How to ensure the protection of your rights as an asylum-seeker in Israel

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. You may do this regardless of whether you entered Israel illegally and regardless of your country of origin.

Who is a refugee?

For your understanding, a refugee is a person who is allowed to stay in a country of asylum (in this case Israel) because the Israeli Government recognizes that they cannot return them to their home country because:

- They are afraid of being persecuted in their home country by their Government or another group (and their Government is not protecting them), and
- Their fear is well-founded (decided by looking at the personal circumstances of the applicant and the situation in their home country), and
- The reason they are being persecuted is because of their race, religion, nationality, political opinion, or because they belong to a particular social group.

Why should you file an application to be recognized as a refugee in Israel?

- While previously you enjoyed some form of temporary protection from the State of Israel on a group basis, new Laws and the current Government policy no longer adequately provide you with protection.
- In order to ensure that you continue to enjoy protection from the State of Israel, including protection from forceful return, you must file an application for refugee status where you can demonstrate that you have protection needs and concerns.
- Until recently, persons who enjoyed temporary protection in Israel were not granted access to individual status determination procedure. This has now changed and you now have the opportunity to submit an individual claim to be recognized as a refugee.
- If you will be recognized as a refugee you will be granted temporary residency in Israel, which will include a work permit and access to public services (such as health insurance and welfare services).
- If your application is rejected but it is determined that you cannot be returned to your country, you will still be entitled to the temporary protection you are entitled to now.
- You must file an asylum claim within one year of arrival in Israel or from the time that you are allowed to do so. If you do not submit an application as soon as possible, you may not be permitted to do so in the future.

Where do you obtain an application form for refugee status?

- To apply for recognition as a refugee, you must fill out a Refugee Status Determination (RSD) Questionnaire which you can pick up in person from the Ministry of Interior ("MOI") (53 Salame Street, 7th floor, Tel Aviv) or from its website at: http://www.piba.gov.il/AuthorityUnits/Documents/RSD_application.pdf.
- RSD forms are also available at our **UNHCR office** on 119 Hahashmonaim St, second floor, Tel Aviv, and the **African Refugees Development Center (ARDC)**, Tel Aviv | New Central Bus Station, 108 Levinsky Street.
- You are also entitled to submit a request to be recognized as a refugee from Holot residence center or from Saharonim or Givon detention facilities. Forms are available with representatives of the Ministry of Interior in all of these facilities.

Note: For those arriving to the Ministry of Interior's office on Salame Street, in order to receive the form, you must specifically state that you wish to submit a request to be recognized as a refugee.

What to consider when filling out the application form?

- You should fill out the questionnaire either in English, Hebrew or in your mother tongue with as much detail as possible and answer all questions.
- We recommend that you do not fill out the application form by yourself and request assistance from your community centre. If you need further assistance with filling out the questionnaire and in complicated cases, you can contact the **ARDC** (New Central Bus Station, 108 Levinsky Street, www.ardc-israel.org, Phone: 03-6391416, Fax: 03-6391415; Sunday-Thursday 12:00-18:00).

Before filling out the form, think whether you actually fulfill the refugee definition as written in the 1951 Refugee Convention.

- You must show why you had to leave your country of origin and whether your life or freedom would be threatened if you were to return now.
- Further, you must also state why the Government or other groups targeted you or will target you in your country. This could be, for example, because you belong to a specific ethnic or a particular social group, you have a different faith, you hold another political opinion or the authorities think you are a political opponent.
- Do not make general statements, such as: "I left because of the political situation". You must specifically reflect your individual situation, what persecution you concretely faced or you would have faced if you had not left the country, and what would happen to you if you return now.
- Also, describe what, if anything, has happened to your family members or friends who were in a similar situation.
- You should also provide as much information as possible, including whether you were a member of a political party, your function and activities involved (e.g. demonstrations), actions taken by the Government against you, or rank you had during your military service, activities involved and treatment for non-complying with orders.
- It is important to note that this procedure is confidential and that information you provide will not be shared with your country of origin or any other member of your community, without your permission.

When filling out the form ensure that you:

- Tell the truth and ensure that it is consistent with information you provided before;
- Write in a clear, legible and concise way (if unsure, make first a draft and then copy the final statement on to the form);
- Reflect the situation and dates as correctly as possible (if you do not remember dates or ages, make an overview for yourself to see whether you are consistent or whether the event could have happened at that time; if you cannot remember at all, describe other events that were happening in your country at that time. But do not invent dates – in this case, just state that you cannot remember.)
- ARDC has also produced a video with guidance on how to fill the forms, which is available in the key languages. You may ask to watch this video at the ARDC office before filling out the form.

How do you submit an application for refugee status? What are the different steps?

- After completing the RSD form, you must submit it in person at the **Ministry of Interior Reception Center, 53 Salame Street, 7th floor**. Please keep a copy of the form you submitted and write down the date of submission.¹

¹) If you have not registered before with the Ministry of Interior, you will be asked to undergo a registration and identification process, during which you will be photographed and biometric information will be taken from you. You will also need to state

- While there is no legal basis, the current MOI practice is that in order to be able to submit an application for refugee status you must have a "tzav harchaka" (removal order under the Law of Entry - commonly referred to as a "deportation decree"). If you have not been issued with a "tzav harchaka", you must first approach the representatives of the Border Control at MOI offices, who will conduct a short hearing, if necessary, and then issue you a "tzav harchaka" after which you should be allowed to submit your application at the MoI Office in Salame.

First Step of Process: Basic Interview

- After submitting your application you will be invited for a basic interview which will be conducted by an Officer of the Immigration Authority of the Ministry of Interior.
- You should explain why you had to leave your country and what risks you will face if you had to return now.
- If there are doubts about your identity or your country of origin, then your claim might be rejected out of hand. Otherwise, a comprehensive interview will follow – either on the same day or you will be given a new appointment to return at a later date.

Second Step of Process: Comprehensive Interview

- This interview will go into greater details and you will have to clarify and explain why you had to leave your country and why you are in danger if you return.
- The Officer will examine your claim and then recommend to the decision makers whether your claim falls under the 1951 Refugee Convention and, if so, whether you are found eligible to be granted refugee status in Israel and whether your case should be examined in the "short procedure" or the "regular procedure".
- Both procedures serve to examine your case and to take a decision, the difference lies in who is involved in the decision-making (Chair of Advisory Committee or Plenum of the Committee, Head of Immigration Authority and/or Minister of Interior).

Third Step of Process: Regular procedure/Short procedure

- **Regular procedure:** The Plenum of the Advisory Committee for refugee issues will examine your case and decide whether or not to recommend accepting your request for refugee status.
- **Short procedure:** The Chair of the Advisory Committee will examine your case and decide whether to recommend to decline or accept your request for refugee status.

Fourth Step of Process: Decision on your case

- You will receive either a positive or negative decision by the Minister of Interior or Head of the Immigration Authority.
- If the decision is negative, you will be given a letter explaining the reasons for your rejection.
- After a decision has been made, you can request from the Ministry of Interior Office on 53 Salame Street to receive copies of the interview protocol and protocols of the discussions that took place in the Plenum of the Advisory Committee on your case (if applicable) which may assist you or your legal representative to file a reconsideration request or a petition to the District Court for Administrative Affairs.

Fifth Step of Process (optional): Reconsideration or filing of a petition

- If there are new facts or documents, which you were unable to present before or there is a substantial change in your circumstances, you may file a request for reconsideration with the Ministry of Interior, within two weeks from receiving the negative decision.
- Alternatively, if the decision does not correctly take into account your need for protection and/or does not adequately interpret the refugee definition, or you feel there were flaws in the RSD process (for example, the transla-

tion was not clear), you are entitled to file a petition with the District Court for Administrative Affairs, challenging the negative decision in your case. Since this procedure is complicated and all documents need to be filed in Hebrew, it is advisable to seek legal representation for these actions.

During the asylum process: What are your rights? What are your duties?

- You are expected to fully cooperate during the interview and to tell the truth. If you do not remember certain facts, say so. Try to remain consistent with previous statements or documents.
- If you have not understood a question or you feel that the translation is not right, say so during the interview and insist upon being rightly understood.
- Submit any documents you may have and which support your claim.
- If you do not speak Hebrew fluently and you want to be interviewed in your mother tongue, please request an interpreter.
- If you feel uncomfortable because the interviewer or the translator are of the opposite sex, then you have the right to ask for an interviewer and translator of the same sex.
- If you find it hard to talk about some of the difficult experiences you went through, it is important that you tell the interviewer. Ask for a break if needed.
- If you do not feel well, you should tell the interviewer.
- You have the right to be represented by a lawyer throughout the process and your lawyer can be present during the interviews. However, your lawyer cannot talk on your behalf during the interviews. The lawyer is only able to make comments before or after the interview has been concluded.
- You must inform the Ministry of Interior either in person or by fax should there be any change in your address or contact information (fax: 03 6806301).
- In principle, you should not be arrested or deported from Israel while your application for refugee status is examined. You are entitled to a conditional release visa (2(a)(5) visa) until you receive a first instance decision. If you file a request for reconsideration, you are not protected. If a petition is filed with the District Court for Administrative Affairs, there is a need to request a Court Order to prevent deportation.

Do I have to sign a Voluntary Return Departure form? What if I already signed a form?

As you are aware, the Ministry of Interior is distributing information leaflets offering persons who reside illegally in Israel to assist with voluntary departure from Israel.

- If you have already expressed your interest in participating in a voluntary departure programme, you are entitled at any time to cancel your agreement for "voluntary departure" and you can apply for refugee status.
- While your expression of interest in a "voluntary departure" should not have any impact on your refugee application, it is recommended to clarify to the authorities your motives for initially signing the "voluntary return declaration" during your refugee status determination interview.

If you have any queries or you face problems in filing an application or you need further assistance, please contact us:

UNHCR

Address: 119 Hahashmonaim St, Second Floor, Tel Aviv
Contacts: Tel: 03-637-6500 | Fax: 03-516-7800 | Email Address: ISRTE@unhcr.org
Reception hours: Sunday, Monday, Tuesday, Thursday 9:00 – 12:00
 Wednesdays the reception is closed

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