

African Asylum Seekers and Ethnic Nationalism in Israel

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Approximately 47,000 African asylum seekers presently live in the state of Israel.¹ The majority came to Israel by foot through the Sinai desert, fleeing dictatorships, extreme human rights violations, and/or genocide, and ethnic cleansing in Eritrea and Sudan. Despite their claims as refugees, the state of Israel labels and treats African asylum seekers as illegal infiltrators that pose a threat to the Jewish nation. In Israel's ethnic democracy or "ethnocracy," Ashkenazim, the dominant ethnic group, appropriate the state to advance and prioritize their interests, particularly demography, space, economy, security, and culture. This ethno-national character in turn, hinders the recognition or integration of African asylum seekers and results in a range of poor to dehumanizing conditions including racial discrimination, acts of violence, indefinite imprisonment, and refoulement. The political right justifies their prejudice toward asylum seekers in their media construction of asylum seekers as a dangerous "other," or as Prime Minister Binyamin Netanyahu stated: a problem, which "threatens the social fabric, our national security, and our national identity."² While Israel was in part founded as a state for refugees (after WWII), the identification of a refugee, and assimilation into Israeli society is highly dependent upon group membership. This ethno-national character is reflected through the state's laws/policies, institutions, and ideology. This paper will examine testimonies from a wide range of sources including the African Refugee Center

¹ Countries of Origin," *Hotline for Refugees and Migrants*, accessed May 13, 2015, <http://hotline.org.il/en/refugees-and-asylum-seekers-en/countries-of-origin/>.

² Harriet Sherwood, "Israel PM: Illegal African Immigrants Threaten Identity of Jewish State," *The Guardian*, May 20, 2012, accessed June 1, 2015, <http://www.theguardian.com/world/2012/may/20/israel-netanyahu-african-immigrants-jewish>.

for Development, the Hotline for Refugees and Migrants, Human Rights Watch, and a personal interview to illustrate the personal struggles of asylum seekers. In order to understand how the right-wing media's image of asylum seekers influences public support of ethno-nationalist policies, Likud TV, and speeches from Likud and Shas party members will be examined.

Zionism is a term and political movement describing a longing, specifically of Jews in the diaspora, to return to their homeland. The first Zionist settlers in Ottoman Palestine were Ashkenazim, European Jews. Historically, Ashkenazim have dominated positions of power in the state of Israel. Despite common perceptions that it is a Western liberal democracy, Israel is more appropriately defined as an "ethnic democracy," as argued by Sammy Smooha or "ethnocracy," contended by Oren Yiftachel. Both Smooha and Yiftachel challenge Israel's paradoxical identification as a Jewish democratic state. The state may resemble a political democracy in its "universal voting rights, a multi-party system, fair elections, change-over of governments, civil rights, independent judiciary, professional press, civilian authority over the army, and popular and elite support for democratic institutions."³ However, the state fundamentally cannot be considered an open democracy until it ceases to hierarchize human life on the basis of ethnicity, and ultimately shifts from a Jewish state to an Israeli state.⁴ The official state symbols, holidays, enforced endogamy, and other laws and institutions reflect a strong

³ Sammy Smooha, "Minority Status in an Ethnic Democracy: the Status of the Arab Minority in Israel," *Ethnic and Racial Studies* 13, no. 3 (1990): 392.

⁴ *Ibid.*, 391.

exclusionary Jewish identity, which highly limits integration.⁵ Israel's primary official language is Hebrew. While Arabic, the language of the country's 20% Palestinian minority,⁶ has an official secondary status, the Knesset and other government websites' lack adequate Arabic language translation or services.⁷

The 1950 Law of Return and benefits of making *aliyah* demonstrate the ethnocratic regime's necessitation of shared ethnicity (Jewishness) for absorption into Israeli society. While the emphasis of Jewish immigration was initially important to increase the population and development of the new state, more recently it has become a mechanism to maintain the Jewish majority and Jewish self-determination. This ensures the policy will be skewed favoring the Jewish character of the state. The Right of Aliyah (meaning to ascend) mandates: "Every Jew has the right to come to this country as an *oleh*."⁸ The language of the law is significant and deliberate in distinction from immigration. The notion of "return" decidedly justifies the ethnocracy of Jewish settlement and expansion over contested territory. *Olim* (to go up) is the widely used term to describe new Jewish immigrants to Israel, and *yordim* (to go down), the popular term for Israelis who emigrate. The labels construct and reflect the conception of Israel in

⁵ Ibid., 393.

⁶ Hayah Goldlist-Eichler, "On the Eve of Independence Day, Israeli Population Stands at 8,345,000," *Jerusalem Post*, April, 21, 2013, accessed June 3, 2015, <http://www.jpost.com/Israel-News/On-the-eve-of-Independence-Day-Israeli-population-stands-at-8345000-398812>.

⁷ Ariel Ben Solomon, "Study Shines Spotlight on Status of Arabic in Israel," *Jerusalem Post*, April, 25, 2013, accessed June 8, 2015 <http://www.jpost.com/National-News/Study-shines-spotlight-on-status-of-Arabic-in-Israel-311011>.

⁸ David Ben-Gurion, Moshe Shapira, and Yosef Sprinzak, *The Law of Return 5710 (1950)*, Knesset, July 5, 1950, accessed May 4, 2015 <http://knesset.gov.il/laws/special/eng/return.htm>.

Zionist ideology as not only the Jewish homeland, but also the most righteous place for Jews to live, ascending to the top of the ethnic hierarchy. While Israel is notoriously restrictive in its non-Jewish immigration policies and recognition of asylum seekers, it fervently advocates for the immigration of Jews. The extensive benefits offered to *olim chadeshim* (new ascenders) including free *ulpan* (Hebrew language immersion courses), free university tuition, living stipends, and other integration resources, demonstrate the necessity of shared ethnic association in order to obtain access to resources, social acceptance, and assimilation.

Israel's Exploitation of Labor: Transitions from Mizrahim, to Palestinian, to Foreign Workers

In order to understand Israel's relationship with asylum seekers and their labor, it is important to provide a background in the evolution of the exploitation of labor. Using an ethnocentric perspective, Ashkenazim judged Mizrahim ("Eastern" Jews from Arab/Islamic countries) in their first waves of immigration, as primitive, uncivil, and unclean. Mizrahim were subject to systematic discrimination, thrown into "social dependence," and manipulated as a cheap labor force.⁹ The "ethnic division of labor" was reinforced and justified as Mizrahim were institutionally categorized as subordinate to Ashkenazim.¹⁰ Mizrahim were assigned to live in *mabarot* (transitional camps), a

⁹ Sami Shalom Chetrit, *Intra-Jewish Conflict in Israel: White Jews, Black Jews* (London: Routledge, 2009), 40.

¹⁰ Sami Shalom Chetrit, *Intra-Jewish Conflict in Israel: White Jews, Black Jews* (London: Routledge, 2009), 34.

euphemism for the inadequate housing, which resulted in the Ashkenazi utilization of “spatial dispersal and geographical isolation.”¹¹ The appropriation of the state by Ashkenazim to advance their own interests at the expense of vulnerable communities continues as an enduring pattern.

After the 1967 War, Israeli cheap labor transitioned to the exploitation of Palestinian day laborers from the Gaza Strip and West Bank. Ironically, some Mizrahi farmers assumed the role of sub-oppressors, through the capitalization of cheap Palestinian labor; they perpetuated a cycle that had been previously inflicted upon them.¹² The incorporation of Palestinian labor was used by Israel to suppress potential uprising and continue a Jewish dominated power dynamic.¹³ Additionally, the integration of Palestinian labor was a way to avoid General Histadrut’s, the trade unions “Organisation of Workers in the Land of Israel,” wage demands and economic recession.¹⁴

December 1987 marked the outbreak of the First Intifada, Palestinian “uprising against Israel’s occupation of the West Bank, Gaza Strip, and East Jerusalem.”¹⁵ The intifada included non-violent resistance, such as the boycott of work in Israel, and

¹¹ Erez Tzafadia and Haim Yacobi, *Rethinking Israeli Space: Periphery and Identity* (London: Taylor & Francis, 2011), 13.

¹² Sami Shalom Chetrit, *Intra-Jewish Conflict in Israel: White Jews, Black Jews* (London: Routledge, 2009), 89.

¹³ Gai Mundlak, *Fading Corporatism: Israel’s Labor Law and Industrial Relations in Transition* (Ithica: ILR Press/ Cornell University Press, 2007), 192.

¹⁴ Ibid., 192.

¹⁵ American Muslims Palestine, “The Intifadas,” *American Muslims for Palestine*, accessed June 5, 2015, <http://www.ampalestine.org/index.php/history/the-intifadas/347-the-first-intifada-introduction>.

instances of violence and murder.¹⁶ Subsequently, Israeli curfews, closures, and severe regulation of movement created an atmosphere of fear, distrust, and a need for alternative means of cheap labor.¹⁷ Prime Minister at the time, Yizhak Rabin, stated, “...without separation there will be no personal safety;” this “separation” was realized by 1993 through the systematic substitution of Palestinian labor with foreign labor.¹⁸ This replacement resulted in the collective punishment and the loss of livelihood for over 100,000 Palestinians.¹⁹

The recruitment of foreign workers soared in the 1990s, rising from 1% to 12% of the Israeli labor force by 2000.²⁰ By 2003, over half of foreign workers were undocumented.²¹ Palestinian labor, in direct correlation, fell from 8% to less than 1%.²² Foreign workers provided Israel with an alternative source of cheap labor, without the fears and distrust of potential political uprising or territorial claims.²³ Unlike Palestinians

¹⁶ Adriana Kemp and Rebeca Rajman, “Labor Migration, Managing the Ethno-National Conflict and Client Politics in Israel,” in *Transnational Migration to Israel in Global Comparative Context*, ed. Sarah S. Willen (Lanham: Lexington Books, 2007), 33.

¹⁷ Ibid.

¹⁸ Ibid., 39.

¹⁹ Ibid., 34.

²⁰ Israel Drori, *Foreign Workers in Israel: Global Perspectives* (Albany: SUNY Press, 2009), 9.

²¹ Ibid.

²² Ibid., 8.

²³ Ibid., 5.

who were day commuters, the new population of foreign workers would become an unprecedented brand of non-citizens: “permanent temporary residents.”²⁴ As non-Jewish residents, foreign workers were viewed as provisional, and therefore were and are not granted social rights or allowed a path to integration. African asylum seekers, predominantly from Eritrea and Sudan, are often lumped into the category of migrant workers from East Asia, Latin America, and Africa.

Language in current scholarly literature tends to describe asylum seekers, undocumented and documented foreign workers under the umbrella terms: “foreign worker” or “migrant worker.” The Hebrew term for foreign worker, *ovdim zarim*, connotes biblical notions of idolatry, therefore constructing foreign as a non-Jewish other. Asylum seekers and foreign workers often congregate alongside each other in *Tachana Meerkazeet* (Central Bus Station) and other common spaces. The large majority work low paying jobs, experience racial discrimination, and difficulty with visas, and assimilating into Israeli society. However, the merged categorization of asylum seekers as migrant workers, suggests this community simply seeks greater economic opportunity and devalues their claims to refugee status. Even more degrading, the right-wing media and general public refer to asylum seekers as *mistaneneem* (infiltrators).

Sudan & Eritrea Background

It is vital to provide a background of Eritrea and Sudan in order to understand asylum seekers’ claim making as refugees. There are about 47,000 African asylum

²⁴ Adriana Kemp and Rebeca Rajman, “Labor Migration, Managing the Ethno-National Conflict and Client Politics in Israel,” in *Transnational Migration to Israel in Global Comparative Context*, ed. Sarah S. Willen (Lanham: Lexington Books, 2007), 46

seekers who live in Israel, largely from Eritrea (about 73%), and Sudan (19%).²⁵ African asylum seekers began to flee their countries or origin through the Sinai desert in 2003-2004.²⁶ Almost all Sudanese asylum seekers in Israel are part of African tribes persecuted by the Arab Muslim Khartoum (central) government, based on their Christian affiliation, and/or their village's geographic positioning in relation to oil resources.²⁷ Sudanese asylum seekers claim refugee status as survivors of the Darfur genocide, or the ethnic cleansing in the Nuba Mountains or Blue Nile areas. The ongoing conflict and genocide in Sudan has resulted in the deaths of over two million people and the displacement of over four million people.²⁸ A long period of discrimination, marginalization, and conflict with nomadic Arab tribes led tribes people in Darfur to create a strong uprising against the Arab Muslim regime. The government responded by providing Janjaweed militias with weapons, funds, and training to "conduct systematic massacres in Darfur villages."²⁹ The Darfur Genocide killed approximately 300,000

²⁵ "Countries of Origin," *Hotline for Refugees and Migrants*, accessed May 13, 2015, <http://hotline.org.il/en/refugees-and-asylum-seekers-en/countries-of-origin/>.

²⁶ "Countries of Origin," *Hotline for Refugees and Migrants*, accessed May 13, 2015, <http://hotline.org.il/en/refugees-and-asylum-seekers-en/countries-of-origin/>.

²⁷ Eric Reeves, "The Genocide in Darfur," *The Combat Genocide Association*, accessed May 25, 15, http://combatgenocide.org/?page_id=93.

²⁸ Eric Reeves, "The Genocide in Darfur," *The Combat Genocide Association*, accessed May 25, 15, http://combatgenocide.org/?page_id=93.

²⁹ Eric Reeves, "The Genocide in Darfur," *The Combat Genocide Association*, accessed May 25, 15, http://combatgenocide.org/?page_id=93.

people and displaced over 2.7 million people.³⁰ While in 2012, 68.2% of Sudanese asylum seekers had been recognized internationally as refugees,³¹ in Israel, where thousands of Sudanese asylum seekers reside; not one has been granted refugee status.

Eritrea is a dictatorship under “President” Isaias Aferwerki, and has not had elections since its 1993 independence. It has no political parties nor does it practice its constitution.³² The main reasons for fleeing include, “complete deprivation of freedom and security of the person” and indefinite conscription into a service that resembles slavery in its forced labor in mining, construction, inadequate pay or food rations, and other atrocious conditions.³³ In one instance of cruelty, a former conscript was jailed for attending a family member’s funeral after their request for short leave was denied.³⁴ Freedom is nonexistent and restricted in every manner.³⁵ There is no freedom of association or religion and those who do not conform to the dominant regime are persecuted.³⁶ Citizens may be arrested, jailed, and tortured arbitrarily without conviction

³⁰ “Countries of Origin,” *Hotline for Refugees and Migrants*, accessed May 13, 2015, <http://hotline.org.il/en/refugees-and-asylum-seekers-en/countries-of-origin/>.

³¹ Elizabeth Tsurkov, “Israel Hasn’t Recognized One Sudanese Refugee,” +972, May 8, 2014, accessed April 20, 2015, <http://972mag.com/israel-hasnt-recognized-one-sudanese-refugee/90633/>.

³² Human Rights Watch, Eritrea: Submission to the Universal Periodic Review,” *Human Rights Watch*, June 20, 2013, accessed May 3, 2015, <http://www.hrw.org/news/2013/06/20/eritrea-submission-universal-periodic-review>.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

or trial.³⁷ There is no independent media, and those who were part of the preexisting independent media are still in jail.³⁸ Furthermore, internet and phone usage are highly monitored. The only readily available information is government propaganda.³⁹ Only four Eritreans in Israel have been granted refugee status.⁴⁰

Journey to Israel

“I paid \$3,000 to the smuggler Abdullah to transfer me to Israel. He then demanded an additional \$10,000 and tortured me- hooking up the metal chains to the electricity until we fainted. I went through torture like this for two and a half months, until my relatives... managed to collect the additional \$10,000.”⁴¹

-Anonymous testimony

The majority of African asylum seekers in Israel came by foot, paying smugglers to take them within walking distance of the Sinai border. For a period before the completion of the separation wall at the Egyptian border in 2013, over 100 people per

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Adi Drori Avraham, Sigal Rozen, and Nimrod Avigal, *Where There is No Free Will: Israel's "Voluntary Return" Procedure for Asylum-Seekers*, ed. Ayala Panievsky, Adi Drori Avraham, and Sigal Rozen (Hotline for Refugees and Migrants and ASSAF, 2015), 21.

⁴¹ Mesi Fishiya, Cheska Katz, Noa Kaufman, Sigal Rozen, Michael Ziv-Kenet, *“The Dead of Wilderness”: Testimonies from Sinai Desert, 2010* (Tel Aviv: Hotline for Migrant Workers, 2011), 2.

night crossed into Israel from the Sinai border.⁴² In 2010 alone, about 11,763 human beings crossed through the Sinai border.⁴³ The journey is arduous, and many fall victim to kidnapping and torture in the Sinai desert. Additionally, Egypt uses arbitrary lethal force on the border, as highlighted in their “shoot to stop policy.” While the stated aim of the policy is to prevent terrorist and other security threats, the majority of border killings are of African asylum seekers and migrants.⁴⁴

A significant percent of African asylum seekers are victimized by smugglers en route to Israel. Asylum seekers are imprisoned, subject to mental and psychological torture, forced labor, violence, the removal of their organs for transplant sale, slavery, and sometimes murdered or starved to death, while smugglers extort their families for high ransoms in Sinai desert torture camps.⁴⁵ Ransoms range from \$2,000 to approximately \$10,000.⁴⁶ Often, after an initial ransom is paid, the family of the victim is asked for an

⁴² Human Rights Watch, *Sinai Perils: Risks to Migrants, Refugees, and Asylum Seekers in Egypt and Israel* (New York: Human Rights Watch, 2008), 1.

⁴³ Mesi Fishiya, Cheska Katz, Noa Kaufman, Sigal Rozen, Michael Ziv-Kenet, “*The Dead of Wilderness*”: *Testimonies from Sinai Desert, 2010* (Tel Aviv: Hotline for Migrant Workers, 2011), 3.

⁴⁴ Human Rights Watch, *Sinai Perils: Risks to Migrants, Refugees, and Asylum Seekers in Egypt and Israel* (New York: Human Rights Watch, 2008), 8.

⁴⁵ Mesi Fishiya, Cheska Katz, Noa Kaufman, Sigal Rozen, Michael Ziv-Kenet, “*The Dead of Wilderness*”: *Testimonies from Sinai Desert, 2010* (Tel Aviv: Hotline for Migrant Workers, 2011), 3.

⁴⁶ *Ibid.*, 6.

additional payment.⁴⁷ Higher sums may also set higher expectations for future victims.⁴⁸

The majority of women, and some men, held for ransom by smugglers, are additionally subject to rape and other forms of sexual violence.⁴⁹ A woman from Eritrea who spent six months in the desert recounts:

During my last three months in Sinai, Khalid and Abdullah would unchain me at night and take me to a hut...where they raped me, one after the other, almost daily. There was another woman who they would take along with me, and they would rape us together. Later they took her to another house and I never saw her again.⁵⁰

Testimonies from asylum seekers consistently reveal interrogations by the IDF upon their arrival at the border. While many questions are asked, why they left their country of origin is never one of them. After interrogation, most asylum seekers were/are transferred to Saharonim Prison in the Negev desert.

Israel's Law for the Prevention of Infiltration, Indefinite Imprisonment & Refoulement

Israel's Law for the Prevention of Infiltration, which allows African asylum seekers to be imprisoned indefinitely without charges or trial, directly aims to persuade asylum seekers to "voluntarily" repatriate themselves, and seeks to deter future asylum

⁴⁷ Ibid., 6.

⁴⁸ Ibid.

⁴⁹ Ibid., 4.

⁵⁰ Mesi Fishiya, Cheska Katz, Noa Kaufman, Sigal Rozen, Michael Ziv-Kenet, *"The Dead of Wilderness": Testimonies from Sinai Desert, 2010* (Tel Aviv: Hotline for Migrant Workers, 2011), 18.

seekers from “infiltrating.”⁵¹ The law emphasizes Israel’s dehumanizing treatment of minorities in the name of protecting their sensitive demographic, Jewish ethnic majority. The 1954 Law was originally constructed and the term *mistaneneem* (infiltrators) was associated with Palestinian refugees after the 1948 war, who “infiltrated” back to their homes and villages or were involved in instances of sabotage/violence.⁵² By 2008, the word *mistaneneem* became associated with African asylum seekers in both official government discourse and by the public at large.⁵³ This categorization deliberately discredits asylum seekers’ claims as refugees and links them to a history of perceived national threats.

In 2012, the Knesset passed Amendment III to the Anti-Infiltration Law, shifting its direct subject from Palestinians to African asylum seekers. While Amendment III was annulled by the Israeli Supreme Court, Amendment V mandates up to 18 months of imprisonment for anyone who arrives in Israel from the Sinai border without permission from the Interior Ministry.⁵⁴ Following imprisonment, asylum seekers can face up to

⁵¹ Binyamin Netanyahu, Ehud Barak, and Shimon Peres, *Law for the Prevention of Infiltration (Offense and Judging) Amendment No. 3 and Temporary Order*, 5772-2012, Knesset, January 9, 2012, accessed May 1, 2015, http://www.knesset.gov.il/privatelaw/data/18/3/577_3_2.rtf.

⁵² Border Crossings, Population, and Immigration Authority, “Infiltration Prevention Bill Offenses and Jurisdiction,” *Nevo*, November 20, 2013, accessed June 1, 2015, http://www.nevo.co.il/Law_word/law15/memshala-817.pdf.

⁵³ ARDC, “Refugees in Israel,” *ARDC*, last modified April 2015, accessed May 1, 2015, <http://ardc-israel.org/en/content/refugees-israel>.

⁵⁴ ARDC, “Refugees in Israel,” *ARDC*, last modified April 2015, accessed May 1, 2015, <http://ardc-israel.org/en/content/refugees-israel>.

eighteen months of detention, which is renewable if deportation is not possible.⁵⁵ Since Sudan and Israel list each other as enemy nations, no diplomatic procedure of deportation exists, and thus Sudanese can be detained indefinitely.⁵⁶ This explains why the majority of people experiencing imprisonment at Holot “detention facility” are Sudanese. The fact that Sudanese would be persecuted in their country of origin for having been in Israel creates an additional sur place refugee claim, a status that would be granted “on account of events which took place since they left their country of origin.”⁵⁷ Furthermore, Eritreans and Sudanese are given an encompassing yet unstable group protection, which prevents deportation and thus prompts methods of coercion.⁵⁸

The imprisonment of African asylum seekers, survivors of genocide, forced servitude, and various traumas, at Holot and other “detention centers” violates the 1951 Refugee Convention and highlights Israel’s inhumane policies toward asylum seekers.⁵⁹ Israel’s practice of indefinite imprisonment and the absence of mental health resources

⁵⁵ ARDC, “Refugees in Israel,” *ARDC*, last modified April 2015, accessed May 1, 2015, <http://ardc-israel.org/en/content/refugees-israel>.

⁵⁶ Lieutenant General Ahmed Hassan El Basheer, *The Criminal Act 1991*, (International Committee of the Red Cross, 1991).

⁵⁷ European Migration Network, “Refugee Sur Place,” *Asylum Law Database*, accessed June 3, 2015, <http://www.asylumlawdatabase.eu/en/keywords/refugee-sur-place>.

⁵⁸ Noa Kaufman, “Employment of Asylum Seekers in the Shadow of the New ‘Infiltration Act’ Amendment,” *The Migrant*, April 2015, accessed May 1, 2015, <http://the-migrant.co.il/he/node/29>.

⁵⁹ United Nations High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria Determining Refugee Status*, (UNHCR, 2011), accessed May 1, 2015, <http://www.unhcr.org/3d58e13b4.html>.

irresponsibly disregard the trauma many African asylum seekers faced in their country of origin and in their journey to Israel.

Holot

“It’s a prison there, it’s a prison here. Where are we going to go?”

-Issac, from Darfur, detained at Holot⁶⁰

Holot, a detention center in the western Negev, opened in December 2013. It is labeled as an “open detention facility” in Knesset rhetoric, since besides nights and three daily roll calls prisoners are *free* to go out. However, Holot, which translates to sands, exemplifies its name. The doors of the prison are *open* to a desolate desert with nothing but sand. “Detention center” is a euphemism for prison. Holot is an hour bus ride to the nearest city, making it impossible for those detained to pursue projects outside of Holot and return in time for roll call. The construction of Holot cost 323 million shekelim (about \$94 million) and the yearly operating cost of Holot is about 100 million shekelim (about \$29 million).⁶¹ These exorbitant expenditures prompted MK Dov Henin (of Hadash) to call for “taking the hundreds of millions of shekels we’re burying in the sand and investing it in a plan to save south Tel Aviv.”⁶²

⁶⁰ Camilla Schick, “For African Migrants Now Calling it Home, Holot ‘Open Prison’ is a Prison All the Same,” *Jerusalem Post*, June 29, 2014, accessed June 5, 2015, <http://www.jpost.com/National-News/For-African-migrants-now-calling-it-home-Holot-open-prison-is-a-prison-all-the-same-340804>.

⁶¹ Yarden Skop, “Israel Spending \$29m/ Year On Open-Air Prison for African Asylum Seekers,” *Haaretz*, February 9, 2014, accessed May 1, 2015, <http://www.haaretz.com/news/israel/premium-1.601833>.

⁶² Ben Hartman, “New ‘Anti-Infiltration’ Bill Passes Vote in Knesset,” *Jerusalem Post*, December 8, 2014, accessed May 1, 2015, <http://www.jpost.com/Israel-News/New-anti-infiltration-bill-passes-vote-in-Knesset-384046>.

Asylum seekers are transferred to Holot from Saharonim prison or summoned if they fail to renew their visa. Renewing permits is an inefficient process plagued by long lines conducive to previous Interior Minister Eli Yishai's plans to "make their lives miserable" until they leave Israel.⁶³ About 60% do not report to their summons.⁶⁴ In June 2015, about 5% of the asylum seekers in Israel were detained in Holot, whose capacity is 3,300 people.⁶⁵ The living conditions at Holot are poor, marked by feelings of uselessness, as the time detainees will never be able to regain resembles a "slow torture."⁶⁶

Indefinite imprisonment and its poor conditions are part of Israel's initiative to deter future asylum seekers from "infiltrating." This initiative also functions to persuade current asylum seekers to sign "voluntary departure," forms, an agreement of the deportation to their country of origin or third countries. Indefinite imprisonment is the offered alternative to deportation to an asylum seeker's country of origin or a third party country, which are not guaranteed to be secure. Over 9,000 African (mainly Sudanese)

⁶³ Omri Efraim, "Yishai: Next Phase-Arresting Eritrean, Sudanese Migrants," *Ynet*, August 16, 2012, accessed May 1, 2015, <http://www.ynetnews.com/articles/0,7340,L-4269540,00.html>.

⁶⁴ Maya Kovaliyov-Livi and Sigal Rozen, *"From One Prison to Another": Holot Detention Facility*, ed. Elizabeth Tsurkov (Hotline for Migrant Workers, 2014), 4.

⁶⁵ *Ibid.*, 3.

⁶⁶ Adi Drori Avraham, Sigal Rozen, and Nimrod Avigal, *Where There is No Free Will: Israel's "Voluntary Return" Procedure for Asylum-Seekers*, ed. Ayala Panievsy, Adi Drori Avraham, and Sigal Rozen (Hotline for Refugees and Migrants and ASSAF, 2015), 13.

asylum seekers have been coerced to “voluntarily” leave Israel.⁶⁷ Furthermore, asylum seekers are promised a “stimulus” of 3,500 American dollars at the airport if they agree to voluntarily leave.⁶⁸ Other suspicious conduct by Immigration Authority includes forged documents, such as passports.⁶⁹

Though refoulement can and has had dire consequences, including further persecution, imprisonment, torture, and death, asylum seekers’ testimonies explain that they would “do anything to get out of detention.”⁷⁰ Sudanese who return to Sudan and their families often face severe consequences for having been to Israel (a listed enemy nation), including: disappearances, prolonged imprisonment in solitary confinement, threats, torture, and excessive fines. Sudanese who participated in protests and other activism on behalf of African asylum seekers in Israel are perceived as a resistance to the Sudanese government and are shown especially cruel treatment.⁷¹ In one example, a man from Darfur who returned to Khartoum from Israel was interrogated and tortured for four

⁶⁷ Border Crossings, Population and Immigration Authority, “Israeli Foreign Data,” *PIBA*, January 2014, accessed May 1, 2015, <http://www.piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/563343n80.pdf>.

⁶⁸ Adi Drori Avraham, Sigal Rozen, and Nimrod Avigal, *Where There is No Free Will: Israel’s “Voluntary Return” Procedure for Asylum-Seekers*, ed. Ayala Panievsky, Adi Drori Avraham, and Sigal Rozen (Hotline for Refugees and Migrants and ASSAF, 2015), 9.

⁶⁹ *Ibid.*, 10.

⁷⁰ Human Rights Watch, *“Make Their Lives Miserable”: Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel* (Human Rights Watch, 2014), 42.

⁷¹ Adi Drori Avraham, Sigal Rozen, and Nimrod Avigal, *Where There is No Free Will: Israel’s “Voluntary Return” Procedure for Asylum-Seekers*, ed. Ayala Panievsky, Adi Drori Avraham, and Sigal Rozen (Hotline for Refugees and Migrants and ASSAF, 2015), 18.

months for being in an enemy nation. He was tortured for information on “the names of Sudanese people in Israel plotting against Khartoum,” which he did not have.⁷²

While concrete information is not available regarding Eritreans who returned to Eritrea from Israel, it can be inferred their punishment would be similar to Eritreans who attempt to escape the country’s indefinite conscription. Double escapees report incarceration in extremely poor conditions often “with no space to lie down, little or no light or windows, oppressive heat and insects,” food rations that bordered starvation, and torture that at times ended in death.⁷³

About a month ago in Libya, ISIS executed at least three Eritrean asylum seekers that were coerced into leaving Israel last year.⁷⁴ This example underlines the complete lack of safety guaranteed in Israel’s practice of deporting asylum seekers to third party countries. One of the victim’s mental health declined after being imprisoned in Holot and he thus signed a “voluntary departure form” and was deported either to Rwanda or Uganda.⁷⁵ He then crossed to Libya where he intended to journey to Europe.⁷⁶ His death is one of many among those who attempt to seek asylum in Europe; in April 2015 alone,

⁷² Human Rights Watch, *“Make Their Lives Miserable”: Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel* (Human Rights Watch, 2014), 44.

⁷³ Human Rights Watch, “Eritrea: Submission to the Universal Periodic Review,” *Human Rights Watch*, June 20, 2013, accessed May 3, 2015, <http://www.hrw.org/news/2013/06/20/eritrea-submission-universal-periodic-review>.

⁷⁴ Haggai Matar, “ISIS Executes Three Asylum Seekers Deported By Israel,” +972, April 21, 2015, accessed April 21, 2015, <http://972mag.com/isis-executes-three-asylum-seekers-previously-deported-by-israel/105758/>.

⁷⁵ Ibid.

⁷⁶ Ibid.

about 950 asylum seekers drowned en route to Italy.⁷⁷ The refusal to recognize asylum seekers' claims as refugees and need for human rights contributes to a perpetual cycle of danger for these individuals.

Invisible People and South Tel Aviv

"The ghetto conditions are killing everyone, first of all the children. On Holocaust Remembrance Day we saw the wounds of the Jews who were in the ghettos and the cost of this. In south Tel Aviv, people are also dying and this must be stopped."

- Shula Keshet, resident of Neveh Sha'anani and director of Ahoti for Women in Israel⁷⁸

African asylum seekers, along with other non-Jewish migrants, are the country's invisible people. Asylum seekers are laborers in fields undesirable to the Jewish majority. They compose the background of Israeli life, as dishwashers, cooks, janitors, gardeners, and street sweepers. The religious influence on Jewish social and domestic law creates a societal gender division. However, a woman of color who cleans the men's restroom is not seen as a woman, but as an invisible laborer.

Upon arrival to Israel or after being released from (possible years) of detention, the majority of asylum seekers are dropped off at Levinsky Park, near *Tachana Meerkazeet* (Central Bus Station) in south Tel Aviv. The area is known as a center of crime, prostitution, drugs, and unofficial flea markets, essentially the urban underbelly of

⁷⁷ Lisa Goldman, "Likud Minister: Drowning of Migrants Justifies Israeli Policy," +972, April 20, 2015, accessed April 21, 2015, <http://972mag.com/likud-minister-drowning-of-migrants-justifies-israeli-policy/105738/>.

⁷⁸ Illan Lior, "Hundreds Protest Conditions in Southern Tel Aviv Neighborhoods," *Haaretz*, April 20, 2015, accessed April 22, 2015, <http://www.haaretz.com/news/israel/.premium-1.652607>.

the country's metropolitan city, Tel Aviv. Even prior to the arrival of asylum seekers, south Tel Aviv was home to many migrant communities and largely neglected by the government. Asylum seekers are provided with scarce resources to assimilate or support themselves. Racism toward non-Jewish residents in the area is highly prevalent and is arguably inspired by Israel's sensitive ethnic political demographic status as a Jewish state. The widespread discrimination coupled with inadequate living conditions creates an environment, which deteriorates the integrity, physical and mental health of asylum seekers. Through these processes the Israeli state aims to deter future asylum seekers from journeying to Israel and persuade asylum seekers currently residing in Israel to "voluntarily" leave.

Asylum seekers often experience a period of homelessness until they can find illegal work and afford an apartment, commonly shared with many others. Since most asylum seekers have a permit to live in Israel but not to work, they are often subject to mistreatment from their employers including inadequate compensation and withheld pay. Upon turning eighteen, an Eritrean boy, who was living at Nitzana boarding school for Eritrean unaccompanied minors, stated, "My visa does not allow me to work, so how will I work and get by, when I leave will I need to turn to crime?"⁷⁹ How does the Israeli government expect tens of thousands of asylum seekers to live in dignity without the right the right to work? Israel's ineffective policies traps asylum seekers in a system in which they are unable to legally work, then proceeds to condemn asylum seekers as criminals.

⁷⁹ AJ+, "Boys of Nitzana," *Facebook*, May 21, 2015, accessed May 21, 2015, <https://www.facebook.com/ajplusenglish/videos/561829570625221/?pnref=story>.

Asylum seeker children have very limited access to education and safe care while their parents are working. Asylum seekers, who do not have a permit to legally work in Israel, cannot afford adequate childcare. Thus, parents are forced to leave their children at “babysitter centers” where they are often left unattended or in some instances “fed by tying a bottle to their heads – a technique that caused a 4-month-old baby girl to suffocate.”⁸⁰ She was one of five infants that died due to negligence and overcrowded facilities, in just March and April 2015 in south Tel Aviv make-shift day cares.⁸¹ Children, many of whom were born in Israel, have few options. The atmosphere of neglect often hinders their educational, emotional and cognitive development. The Israeli government has not felt obligated to address this problem and thus shows disregard for human life and dignity.

African asylum seekers are also victims to acts of racism and violence. In 2012, Molotov cocktails were thrown into asylum seekers’ homes, businesses, and one kindergarten.⁸² Asylum seekers report daily experiences of racial discrimination. Right wing extremists (including members of the Knesset like Michael Ben Ari) organize aggressive demonstrations. Nationalist extremist protests have at times turned violent, including protestors attacking Africans at random on the street, and breaking the windows

⁸⁰ Ariel David, "Who Will Save the Refugee Children of Tel Aviv?" *Haaretz*, April 5, 2015, accessed May 1, 2015, <http://www.haaretz.com/news/israel/.premium-1.650425>.

⁸¹ Ibid.

⁸² Mya Guarnieri, “Refugee Homes, Kindergarten torched in Arson Attack in Tel Aviv,” +972. April 26, 2012, <http://972mag.com/molotov-cocktails-take-aim-at-refugee-community/43719/>.

of businesses that serve the asylum seeker community.⁸³ The extremists generally march through south Tel Aviv, as a means of claiming space and defining such spaces as Jewish, chanting slogans like *hamedina hayehudi* (the Jewish state) and *sudanim habeitah* (Sudanese, go home).

Deconstructing Right Wing Propaganda

“The Sudanese are a cancer in the body of our nation.”

-MK Miri Regev, Likud (She later apologized to cancer victims).⁸⁴

Israel implements inhumane policies including indefinite imprisonment and violates the non-refoulement principle, part of international law, which “dictates that a person may not be deported to a country in which their life or liberty are in danger, or where they are expected to be subjected to torture.”⁸⁵ Attitudes towards African asylum seekers are reinforced through right wing media coverage. The right wing media, including Yisrael Hayom and Likud TV, often portray asylum seekers as *mistananeem* taking over south Tel Aviv. Asylum seekers are depicted by the right as a dangerous threat that jeopardizes the safety of Israel and even more significantly, the security of Israel as a “Jewish state.” Members of the Knesset such as Miri Regev, Danny Danon, Yisrael

⁸³ Illan Lior and Tomer Zarchin, “Demonstrators Attack African Migrants in South Tel Aviv,” *Haaretz*, May 24, 2012, accessed April 20, 2015, <http://www.haaretz.com/news/israel/demonstrators-attack-african-migrants-in-south-tel-aviv-1.432262>.

⁸⁴ EYSC Dallas, *Al Jazeera English – Activate – Eritrea Israel: No Place to Go*, Al Jazeera and Maysara Films, November 13, 2012, accessed May 1, 2015, <https://www.youtube.com/watch?v=n7V8Ckavsby>.

⁸⁵ Hotline for Migrants, “‘Voluntary’ Departure,” *Hotline for Migrants*, accessed April 20, 2015, <http://hotline.org.il/en/refugees-and-asylum-seekers-en/voluntary-departure/>.

Hayom, Eli Yishai, Michael Ben Ari, and Prime Minister Netanyahu (of the right-wing parties: Likud, Shas, and National Union) are not shy to exert public racism, as in Danon's words, "...the solution is to talk openly about deportation. We have to deport the mistaneneem."⁸⁶

A television special from Likud TV, entitled "Mistaneneem from Africa in South Tel Aviv," uses dramatized music, language and scenarios to depict Jewish residents as helpless victims to their unclean, uncivilized, perilous African neighbors. An elderly woman named Daisy, who lives as the sole Jew, an unprotected flower, in an apartment building of Africans in South Tel Aviv is interviewed. As the television host and his large entourage, which includes a police officer, walk up the stairs of her building, they comment on "how much piss" and "rats" there are.⁸⁷ Daisy is depicted as unable to go out in the evening to simply "get milk," without a police escort and a "shielded jeep."⁸⁸ Through this example, and the countless others, the right influences the Israeli public to view asylum seekers as criminals, and obstructs the understanding of asylum seekers as survivors of genocide and persecution.

While the right and its media hold asylum seekers accountable for the increase of crime and general poor shape of south Tel Aviv, the African Refugee Development Center has proved otherwise. The statistics of crime in the south Tel Aviv have not increased because of asylum seekers, but because of the overall explosion of population in the area.

⁸⁶ EYSC Dallas, *Al Jazeera English – Activate – Eritrea Israel: No Place to Go*, Al Jazeera and Maysara Films, November 13, 2012, accessed May 1, 2015, <https://www.youtube.com/watch?v=n7V8Ckavsby>.

⁸⁷ Likud Tel Aviv, "Infiltrators from South Tel Aviv," Youtube, June 26, 2014, accessed May 5, 2015, <https://www.youtube.com/watch?v=gLwskUWI0ro>.

⁸⁸ Ibid.

Furthermore, the average crime rate of asylum seekers is six times lower than that of Israelis.⁸⁹ South Tel Aviv was also a center of crime, prostitution, and flea market sales long before the arrival of asylum seekers.⁹⁰

Asylum Seekers: A Social Movement

“I am a refugee, I want to be in America, I want to be in Europa!”

-Goytom Germany, Eritrean asylum seeker⁹¹

The action and unity of African asylum seekers fit under, sociologists of social movement theory, Charles Tilly and Sidney Tarrow’s, definition of a *social movement*. Asylum seekers pursue non-violent “sustained campaigns of claim making” to obtain local and international recognition as refugees, access to fair asylum application processes, adequate living conditions, and protest against imprisonment without trial, and Israel’s practices of coercion and refoulement.⁹² Activism by asylum seekers often functions in partnership with Israeli NGOs including the Hotline for Migrants, ASSAF (Aid Organization for Refugees and Asylum Seekers in Israel), Physicians for Human Rights in Israel and ARDC (African Refugee Development Center). They organize and

⁸⁹ David Sheen, “בישראל אפריקאים כלפי גזענות,” Youtube, February 8, 2012, accessed May 1, 2015, <https://www.youtube.com/watch?t=1474&v=gAEWSjsK9x8>.

⁹⁰ Ibid.

⁹¹ Goytom Germany, interview by Hana Rothstein, May 20, 2015.

⁹² Sidney Tarrow and Charles Tilly, “Making Claims,” in *Contentious Politics* (London: Routledge and Kegan Paul, 1978), 8.

participate in public performances, exerting their presence throughout Tel Aviv, notably in front of the United States embassy, carrying posters and calling out the slogans: “We are Refugees,” “We need protection,” “Human rights,” “America save our lives,” or “Release the refugees, arrest the ministers.”⁹³

Public performances are usually set in Tel Aviv and around a prison or detention centers. The most publicized demonstrations are organized walk-outs from Holot detention center. In December 2013, 150 asylum seekers walked out of Holot to protest their imprisonment without charges or trial, and with the intent to assert their refugee claims.⁹⁴ The participants walked for six hours to Beer Sheva.⁹⁵ In June 2014, the walk-out expanded, when about 1,000 asylum seekers walked out of Holot to the Egyptian border.⁹⁶ Asylum seekers presented a list of demands on facebook including resettlement to a safe third country, and an improvement in Holot’s conditions, particularly medical care. They demanded that Israeli authorities cease their particular targeting and arrestment of activist community leaders, including Mutasim Ali, the director of the

⁹³ EYSC Dallas, *Al Jazeera English – Activate – Eritrea Israel: No Place to Go*, Al Jazeera and Maysara Films, November 13, 2012, accessed May 1, 2015, <https://www.youtube.com/watch?v=n7V8CkavsBY>.

⁹⁴ Michael Omer-Man, “In Act of Civil Disobedience, 150 Sudanese Refugees Walk Out of Israeli ‘Open Prison,’” +972, December 16, 2013, <http://972mag.com/sudanese-asylum-seekers-walk-out-of-open-prison-en-masse/83751/>.

⁹⁵ Ibid.

⁹⁶ Michael Omer-Man, “Photos: Asylum Seekers March Out of ‘Open Prison,’ Demand Resettlement,” +972, June 28, 2014, accessed May 1, 2015, <http://972mag.com/photos-asylum-seekers-march-out-of-open-prison-demand-resettlement/92620/>.

African Refugee Development Center.⁹⁷ Buses of asylum seekers from Tel Aviv were present in support, and the days following the Holot walk-out were marked by large protests in solidarity by asylum seekers in Tel Aviv.

Shared cultural background and experiences of oppression in their home countries and presently in Israel forms unity. Asylum seekers utilize the internet, primarily facebook, to mobilize the masses of their community to participate politically. Asylum seekers also use internet as a platform to broadcast their claims directly, represent their personal narratives in opposition to the right-wing media's racist portrayal, and therefore develop local and international understanding and support.

If Israel maintains its ethno-national character and requires Jewish group membership to gain access to human rights and integration, it cannot be considered a liberal democracy. In order to be considered a liberal democracy, Israel must cease its hierarchizing of human worth based on race, and thus ultimately transition from ethnocratic Jewish state to an Israeli state. Israel must end its undignified policies of indefinite imprisonment without trial and refoulement, which has mortal consequences. The millions of shekelim squandered on maintaining Holot's daily operations should be redirected into the creation of health, education, and other resources for asylum seekers and the rehabilitation of south Tel Aviv. As proposed by MK Dov Henin, Israel should suspend the importation of foreign workers and legalize the employment of African

⁹⁷ Edo Konrad, "Photos: Thousands of African Asylum Seekers Leave Holot Detention Center," +972, June 27, 2014, accessed May 1, 2015, http://972mag.com/nstt_feeditem/photos-thousands-of-african-asylum-seekers-leave-holot-detention-center/.

asylum seekers.⁹⁸ Employers outside of south Tel Aviv should be encouraged to hire asylum seekers. Right wing extremists who commit acts of racism and violence must be strongly reprimanded. Public and occupational education should include mandatory dialogue and workshops on racism and discrimination, beyond a discussion of the prejudice that was and is inflicted upon Jews.

⁹⁸ “MK Dov Henin: Why is Government Still Importing Foreign Workers?,” *Arutz Sheva*, February 4, 2014, accessed June 1, 2015, <http://www.israelnationalnews.com/News/Flash.aspx/286468#.VWblyFxViko>.