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**Strangers in a strange land:
international migration in Israel**

Martha Kruger

Independent journalist

MarthaKruger@hotmail.com

Global Commission on International Migration
1, Rue Richard Wagner
CH:1202 Geneva
Switzerland

Phone: +41:22:748:48:50
E:mail: info@gcim.org
Web: <http://www.gcim.org>

Global Commission on International Migration

In his report on the 'Strengthening of the United Nations - an agenda for further change', UN Secretary-General Kofi Annan identified migration as a priority issue for the international community.

Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the UN Secretary-General, Sweden and Switzerland, together with the governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Many additional countries subsequently supported this initiative and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments on December 9, 2003 in Geneva. It is comprised of 19 Commissioners.

The mandate of the Commission is to place the issue of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary-General and other stakeholders.

The research paper series 'Global Migration Perspectives' is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. The series is edited by Dr Jeff Crisp and Dr Khalid Koser and managed by Rebekah Thomas.

Potential contributors to this series of research papers are invited to contact the GCIM Secretariat. Guidelines for authors can be found on the GCIM website.

Introduction

Since the early 1990's, Israel has become a destination country for non-Jewish, non-Palestinian migrant workers from around the world. In an effort to curb terrorism following the breakdown of the Oslo peace accords, Israel began to close off the "Green Line" border between pre-1967 Israel and the disputed occupied territories. An informal "separation" of the labour force had already begun at this time, supported by both the Palestinian and Israeli leadership. This was part of the "new middle east" which planned jointly operated industrial areas along the green line. Palestinians who worked in Israel were cut off from their jobs, and gradually replaced with migrant workers from non-Arab countries.

Up from a high of between 250,000 to 300,000 in 2003, current official estimates in 2004 place the number of these migrants at about 200,000.¹ Unofficial estimates are somewhat higher, placing the number at 250,000.² The reduction is largely a result of government efforts begun late in 2002 to reduce the number of foreign migrant workers. While many migrants were deported, others left due to fear of arrest, dismissals by employers seeking to avoid penalties, the economic recession and the war in Iraq.

Israel provides a distinct perspective on migration. Most destination countries have a long political history, several generations of economic growth, and a democratic social fabric which is - at least in theory - able to accommodate different cultures and sizeable minorities. Most have significantly larger populations than Israel and most are not at war with their neighbours. These factors make most destination countries more stable and slower in reacting to issues relating to migration.

Israel, by contrast, is a small country, with 56 years of modern political history. It has moved from an agricultural to a high-tech economy in years rather than generations, and has long borne the financial and emotional costs of prolonged military conflict. It is also a country worried for the survival of its ancient culture and religion. These extraordinary circumstances have produced both accomplishments and policy failures.

A dilemma exists in Israel. First, demand exists for workers in low wage and low status occupations. Second, the Israeli business sector does not employ the workers who are close at hand (namely Palestinians but also unemployed Israelis unwilling to work in these jobs). Third, the Israeli government, after more than 10 years of inviting migrant workers into the country, has instituted a campaign designed to drastically reduce the number of migrants. At the same time, however, there is a "revolving door" situation that sanctions the import of yet more new migrant workers. For those migrants who are already in Israel, or who now arrive, life can be very difficult.

Research assistance for this paper was provided by Kav LaOved and the Hotline for Migrant Workers.

¹"Table 1.A.2.3 Total Number of Employees in the General Government and Business Sectors 1969-2003", *Bank of Israel website*, http://www.bankisrael.gov.il/deptdata/mehkar/doch03/eng/a_2_3_e.xls (16 November 2004).

² Kav LaOved, 2003 Annual Report, page 7.

However, due to overriding concerns about security and the lower costs related to employment, both the government and the private sector prefer overseas migrants rather than Palestinian or Israeli workers. It is a complicated situation. In one matter, however, Israel is similar to other destination countries. There is a lot of money to be made from migrant labour.

This paper begins with a brief overview of the history of the population of Israel, then discusses how migration became a systemic solution to Israel's labour needs. Despite government-sponsored deportation efforts and the "closed skies" policy, which forbids further importation of workers, migrants continue to come to Israel. In addition to the "push-pull" factors common between most origin and destination countries, a strong and lucrative human trafficking industry exists in order to bring migrants to Israel.

A brief look back

Migrants have moved in and out of this area for thousands of years. Migration stories from the Bible, include the arrival of Abraham from Canaan, and the return of Ruth and her mother-in-law Naomi to the land of Judah. The New Testament continues this tradition of migration, as the Three Wise Men with their gifts probably came from Persia.

These stories and many more identify Israel as the intersection between the major trading routes for both north-south and east-west migration spanning the entire fertile crescent of Mesopotamia (Iraq) to Canaan (Israel, Jordan and Lebanon and part of Syria). Greeks, Romans, Persians, Muslims, Christians, Turks, the French under Napoleon's command and the British all ruled Israel. During each of these periods came pilgrims and conquerors, traders, tribes and soldiers. Some came with conquering armies, some settled the land, but many others moved through as migrants.

Following the near destruction of European Jewry in the Holocaust, the modern state of Israel was established in 1948. The Proclamation of the Establishment of the State of Israel states: "The State of Israel will be open for Jewish immigration and the ingathering of the exiles..." Millions of Jewish immigrants subsequently came from around the world to settle in Israel. This was followed in 1950 by the Law of Return, which granted every Jew the automatic right to immigrate to Israel and become a citizen of the state.³

Although according to Jewish law ("halacha") Jewish identity is conferred only through matriarchal descent or conversion, Israel's Law of Return granted Israeli citizenship to anyone with a maternal or paternal Jewish grandparent. This definition was patterned on the Nazi definition of "Jewish blood" in order to accept all survivors of Nazi war crimes and to accommodate any future victims of state-sponsored terror against Jews. The idea prevailed that "if someone was Jewish enough for Hitler, he should be Jewish enough for Israel."

³ "Law of Return 5710-1950", *Israel Ministry of Foreign Affairs Website*, http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%205710-1950 (8 November 2004).

Later amendments to the Law of Return and other laws further define immigrant eligibility, but citizenship is still directed towards Jewish immigration. Current political realities challenge the status quo. Palestinian Israelis living within the Green Line have full Israeli citizenship, while Palestinians living outside the Green Line in the West Bank and Gaza do not. Questions surrounding status and citizenship frequently arise with marriage and movement between these two communities, as well as when Palestinians, displaced by Arab-Israeli conflict, seek repatriation. Cases concerning non-Jews attempting to immigrate to Israel, and the absorption of migrants into Israel are regularly directed to the Israeli Supreme Court and the Parliament, called the Knesset.⁴

The legacy of the Holocaust, conflicts with not only the Palestinian Authority but also neighbouring countries (excluding a “cold peace” with Egypt and Jordan) and what many commentators call a “demographic time bomb”, to make Jewish Israelis acutely aware and insecure of their demographic vulnerabilities.

Arnon Soffer, a professor of geography at Haifa University predicts in his study “Israel Demography 2000-2020: Danger and Opportunities” that in the next twenty years, the population of Israel (including all of Jerusalem) will rise from 7.1 million to 9.7 million. The percentage of the Jewish population, however, will decrease from 70 percent of the total to 65 percent of the total - and that is based on optimistic assumptions about continued Jewish immigration. The non-Jewish population will increase much more rapidly, from 2.1 million to 3.4 million. Most of this growth is due to the more rapid growth of the Israeli Arab population.⁵

Soffer concludes that by adding together Arabs and ultra-orthodox Jews (most of whom do not actively support the state or serve in the army), whose numbers will increase by a half million over the next twenty years, non-Zionists will be the majority of the Israeli population by 2020.⁶ As citizens with the right to vote, this growing segment of the population could drastically change the political landscape, and challenge the continuation of Israel as both a Jewish and democratic state.

Concern about demographic balance is a major barrier against the complete integration of non-Jewish migrants into Israeli society. Citizenship is next to impossible to obtain and so migrants are viewed as temporary labour. This status has led to abuses associated with trafficking in persons.

Migrant life

Like most westernised countries during the 1990’s, Israel enjoyed a high tech boom and the economy prospered. At the same time, a particularly gruesome wave of terror

⁴ See e.g., “Supreme Court to Hear Family Unification Cases Tomorrow”, Press Release 16 July 2003, *Adalah – The Legal Center for Arab Minority Rights in Israel Website*, http://www.adalah.org/eng/pressreleases/pr.php?file=03_07_16-2 (8 November 2004).

⁵ Arnon Soffer, “Demographics in the Israeli-Palestinian Dispute”, March 22, 2002, *The Washington Institute Website*, <http://www.washingtoninstitute.org/watch/peacewatch/peacewatch2002/370.htm> (8 November 2004).

⁶ Arnon Soffer, see #6 above.

swept Israel in the years following the Oslo accords. Suicide bombings targeting buses, bus stops, the open-air “shuk”(market), cafes and shopping malls became a common occurrence. Drive-by shootings and stabbings were also widespread.

In an effort to halt these terror attacks, border closures began at Green Line checkpoints as well as areas inside the occupied territories. These closures prevented Palestinian workers from reaching construction, cleaning, and agriculture jobs throughout Israel. The rising standard of living made these and other low wage, low status jobs unattractive to Israeli workers, and so the jobs went empty.

The demand for home health care workers also rose as the busy middle and upper middle class looked for help with their aging parents. This was a result of the privatisation of care for the elderly and the disabled. People were encouraged, through social security support, to take a full-time caregiver, rather than put the elderly and the disabled in nursing homes.

To fill this perceived labour shortage, while reducing access for terrorists, the government began to invite workers to Israel in the early nineties. Current estimates by Kav LaOved, an NGO dedicated to worker’s rights, put the number of migrant workers in Israel at about 250,000. This constitutes close to ten percent of the Israeli workforce, a higher percentage than any Organisation for Economic Co-operation and Development (OECD) surveyed country, except for Luxembourg and Switzerland.⁷

The graph on the following page was prepared by Kav LaOved using Bank of Israel data. It presents the numbers of migrant and Palestinian workers in Israel in the last decade.⁸

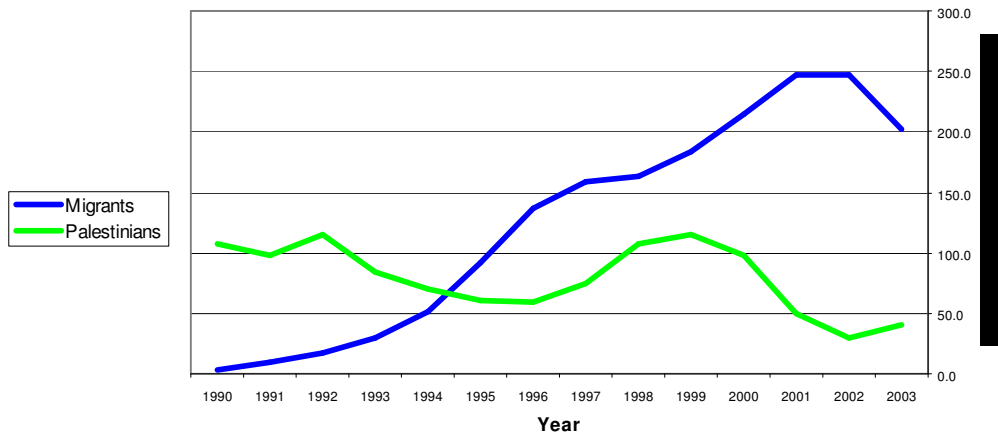
Most migrants, approximately 70% according to the Bank of Israel data, arrive in Israel with a valid work visa.⁹ Maintaining this legal status is difficult, since the employer rather than the worker “owns” the visa. If a worker changes employers, he/she immediately loses legal status. Migrants also enter the country as tourists or pilgrims, in order to work without a permit. As controls at the airports increase, more migrants – often women trafficked in the sex trade - are smuggled into Israel from Egypt.

⁷“Table 5.1 Foreign or Foreign-born population and labour force in selected OECD countries”, *Chapter 5- The Employment of Foreigners: Outlook and Issues in OECD Countries*, OECD, Employment Outlook 2001, *The Organisation for Economic Co-operation and Development Website*, <http://www.oecd.org/dataoecd/10/35/2079451.pdf> (8 November 2004).

⁸ Kav LaOved, 2003 Annual Report, page 9.

⁹ “Employment cost of migrant workers in agriculture and construction is 40% lower than that of Israelis”, *Bank of Israel Website*, <http://www.bankisrael.gov.il/press/heb/021105/021105a.htm>, (8 November 2004).

Non-Israeli Workers employed in Israel



Paying for the opportunity to work

The government determines the number of visas, dividing them between the employers. The employers work with manpower agencies, which recruit workers in the country of origin. NGOs report that workers are charged commission fees ranging from US\$2,000 to \$12,000. The report of the State Comptroller 53B, 2003 states that this is illegal under the Employment Service Law of 1959. The money is divided between middlemen in the country of origin and manpower brokers in Israel.¹⁰

The Report of the State Comptroller 53B, 2003 continues, “The possibility of charging fees to foreign workers abroad for work permits creates a temptation to submit requests for employment permits at a much larger scale than actual needs.”¹¹ Employers trade the permits, in contradiction to the terms of receiving the permits. Manpower companies work with deportation authorities to deport established workers, replacing them with newly arriving workers, earning the manpower companies more fees.¹²

The workers, who expect to work in Israel to repay their large debts due to commission fees, are left without the jobs they were promised. They often seek illegal employment for fear of returning home with large debts. Homes in the country of origin are often placed as collateral against the debt, and premature departure or non-payment of the loan can mean mortal danger for the migrant or his/her family. Chinese workers call this “eating the knife”.¹³

On September 1, 2004 the Knesset approved an amendment to the Employment Agency Law legalizing the charging of mediation fees to migrant workers recruited for work in Israel. The charges allowed include direct expenses as well as a surcharge of US\$900.

¹⁰ State of Israel, State Comptroller Report 53B, 2003, page 649.

¹¹ State of Israel, State Comptroller Report 53B, 2003, page 649.

¹² Kav LaOved, “Human Trafficking for Labor in Israel: Case Studies”, January 31, 2004.

¹³ Ruth Sinai, “Court Stops Deporting ‘Legal’ Foreign Workers”, 08/07/04, Haaretz newspaper.

Migration and human trafficking in Israel

The Trafficking in Persons Report issued by the U.S. Department of State (June 14, 2004), defines debt bondage as a condition of human trafficking. Other elements of the definition include employer confiscation of workers' passports, restrictions on freedom of movement, under payment or non-payment of wages and other exploitative labour situations.¹⁴

Confiscation of passports leaves the migrant worker in Israel with no identification in case of accident, no way to prove their legal status to authorities since the visa is stamped (in Hebrew) inside the passport, and no ability to open bank accounts (leaving workers vulnerable to theft). The illegal confiscation of passports by employers is a common practice in Israel, acknowledged even by government officials.¹⁵ The employer is able to exploit the worker with non-payment, underpayment and very difficult working conditions, because the employer "owns" the visa. This is called a "binding arrangement" between the employee and the employer. If the worker leaves the employer, he/she is immediately considered illegal.

It is theoretically possible for workers to move from one employer to another, but this possibility is fraught with bureaucratic obstacles and has been, until recently, subject to the condition of showing a letter of "discharge" (or release) from the former employer. Furthermore, employers avoid veteran workers who are aware of their rights, so a worker seeking to change employers will find it virtually impossible to find someone to hire him.

Sometimes workers are "traded" between employers, and are unaware that their status has changed. Further complicating the situation (as mentioned above), the visa is stamped (in Hebrew) in the employee's passport, which may not be in the employee's possession. Restriction of movement means that the worker is effectively trapped. Deportation is a real threat, should the worker leave, contact the authorities, or seek assistance of any kind.

Cases concerning not only deportation but also other violations of worker rights and human trafficking have begun to attract media attention, and local NGO's have made case studies documenting abuse. Abuses have been documented by Kav LaOved in their report, "Human Trafficking for Labour in Israel: Case Studies" Jan 31, 2004.¹⁶

Deportations

Deportations of migrant workers increased dramatically in August 2002, when Prime Minister Ariel Sharon, announced the goal of expelling 50,000 "illegal" migrant workers by the end of 2003. The government's stated objective was to "remove

¹⁴U.S. Department of State, "Trafficking in Persons Report", June 14, 2004, *U.S. Department of State Website*, <http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm> (8 November 2004).

¹⁵ Nitzan Horowitz, "They owe their souls to the company store", 22/07/2001, Haaretz newspaper.

¹⁶ Kav LaOved, "Human Trafficking for Labour in Israel: Case Studies" Jan 31, 2004.

aliens working unlawfully in Israel with the aim of encouraging Israelis to become integrated in the work market". A new Immigration Authority (IA) unit of the Israel Police was established and charged with this task. Israel Police Chief Inspector-General Shlomo Aharonishky declared that his force would tackle the task like a "military operation".¹⁷ The IA's efforts were to be directed both toward illegal migrants and their employers in the form of a fine of 10,000 shekels or more.

In such circumstances, the threat of deportation may be enough to convince a migrant worker to continue with an abusive employer, or with non-payment or underpayment of wages. Ironically given the goals of this campaign, the depression of market wages keeps employment costs artificially low, making it even more attractive to employers to hire migrants rather than Israelis. The Bank of Israel estimates the cost of employing a migrant worker to be 65% of the cost of an Israeli worker, even considering new taxations on migrant labour intended to decrease demand.¹⁸

The "closed skies" policy

As part of a campaign to reduce the number of migrant workers in Israel, Prime Minister Ariel Sharon announced the "Closed Skies" policy on October 3, 2002. This policy meant that rather than bringing in workers from overseas, employment quotas for migrant workers were to be filled by those already in Israel.

In other words, under certain conditions, migrant workers who work illegally in Israel might receive legal status in order to "fill" the quotas already allocated to Israeli employers. The Ministry of Interior's legal division first published the "Closed Skies Regulations" on January 7, 2003. It has been amended several times since, with the latest amendment taking effect on June 1, 2004.

According to the current regulations, foreign migrant workers whose visas have expired shall be detained. The regulations explicitly state that the new procedure is not intended to provide work for migrant workers, that migrant workers have no right of "reassignment", and that the State has no duty to provide them with an alternate employer (i.e., one with a permit to employ non-Israeli workers). However, employers may address the Ministry of Interior with a request to employ a detained worker, and such request may be granted.

Workers entitled to be included in this procedure must first qualify according to the following criteria: (a) they must have originally entered Israel while holding a legal work permit; (b) when detained, they have been employed in the same area of occupation in which their original work permit had authorized them to work; (c) they must have provided the authorities with a valid passport within eight days from the time of detention; (d) on the day of detention, they must have not been in Israel more than 51 months since the time they first entered the country; (e) they have not been detained previously for illegal work; and (f) they must work in construction or

¹⁷ Vered Levy-Barzilai, "Unpromised Land", June 11, 2003, Haaretz newspaper.

¹⁸ Bank of Israel, Economic Developments 103, November 2003.

agriculture (caregivers working over a year in Israel as well as industry workers are not eligible under the regulations).¹⁹

The rationale the State gives for such discrimination among occupational fields is that in the care giving and industry sectors the sky has not been “closed”. Criterion (c) listed above is especially troubling, as there are many cases in which the employer illegally withholds the employee’s passport, and refuses to return it to the employee’s possession within the eight days of detention.

Consequently, State authorities regard the employee as ineligible for employment reassignment under the regulations. Once the employer finally brings in the worker’s passport, or upon issuance of Laissez Passer by the State, the worker is usually already in the process of being deported back to the country of origin.

The revolving door

The “closed skies” procedure is a first concrete step to restrict the number of foreign workers in the State of Israel. However, the procedure is limited in scope and is not applied in a consistent manner. Farmers have received 18,000 new licenses to bring in workers from Thailand. The home health care sector (a field where anecdotal evidence suggests that Israeli women are interested in working) is also entitled to receive new licenses to import workers without restriction.

The high profits available to mediation companies and the artificially low cost of migrant labour support an unofficial “revolving door” policy, which deports migrant workers already in Israel, while importing new workers in their place. According to the Central Bureau of Statistics, 85,000 workers entered Israel with work permits in 2003.²⁰ The Ministry of Industry, Trade, and Labour concedes that migrants are still coming into Israel, but that other initiatives complement this policy. Farmers are now taxed for employing foreign migrant workers.²¹ Unemployment benefits have been cut in an effort to push unemployed Israelis into the workplace.

Still, the unemployment rate (as of the 2nd quarter of 2004) is at 10.7% according to the Central Bureau of Statistics.²² Forecasts are similar for 2005, despite the fact that the IA has set itself a target of deporting another 50,000 illegal workers. The Immigration Authority’s website says that 116,000 illegal workers have left Israel since September 2002, about 40,000 deported and the rest, including women and children, for other reasons: fear of arrest; dismissals from workplaces due to an

¹⁹ “Closed Skies Procedure – Revised June 1, 2004”, State of Israel - Ministry of the Interior, Office of Legal Counsel.

²⁰“At the end of 2003 the number of migrant workers in Israel is estimated at 189,000, 16% less than in 2002”, *Israel Central Bureau of Statistics* website, July 28, 2004, http://www.cbs.gov.il/hodaot2004/17_04_198.htm (16 November 2004)

²¹ Irin Carmon, “Israel Rounds up Migrants in Deportation Campaign”, July 29, 2004, *Globes* newspaper.

²²“Main Indicators Updated for 7.11.04”, *Israel Central Bureau of Statistics Website*, <http://www.cbs.gov.il/indicators/inden.htm>, (November 8, 2004).

employer's fear of being caught and fined; the recession, which also affected migrant workers; and fear of missiles from Iraq during the build up to the war.²³

Why hasn't the unemployment rate gone down, if migrant workers are leaving? Several reasons could contribute to the continuing high rate of unemployment. It is possible that more workers are looking for work since social security benefits have been cut. Natural growth adds tens of thousands to the workforce every year. New jobs may be part time or temporary, so that the worker may still be officially looking for work. Finally, the low wages or status attached to the work usually performed by migrant workers remains unattractive to Israeli workers.

Regardless of government policy, and efforts to import or deport migrant workers, it exists as a "fact on the ground" that non-Jewish migrant workers are in Israel. Many migrants, despite the dangers of terrorism, intend to stay – at least long enough to repay debts or improve financial circumstances.

Despite the deaths of two migrant workers in two separate incidents,²⁴ Thai workers in Gaza are resisting their government's efforts to leave, due to the comparatively high wages available there. Distinctions are drawn between average wages in Gaza (part of the occupied territories), about \$1,200 per month, and Israel (within the Green Line), \$740 per month.²⁵ Other reports maintain that the wage structure is similar on both sides of the Green Line, but that workers seek employment in the occupied territories to evade arrest by the immigration police.²⁶

Community and family ties have been established in the migrant communities in Israel. An entire generation of children have been born and raised, and know of no other life than in Israel. These are families that are not easily uprooted, despite government efforts to reduce the numbers of migrant workers.

Children without a homeland

Minors are unofficially protected from arrest, but nonetheless suffer a unique and appalling situation. Those born in Israel are effectively stateless because Israel does not automatically grant citizenship to those born within its borders. Citizenship in their native country may be denied since these children cannot establish residency. If the parents come from different countries, each parent would be deported to his/her country of origin, breaking up the family.

The Law of Free Compulsory Education (1949) entitles children of migrant workers to free education through high school, however according to Edna Alter-Dambo, director of Mesilla (Hebrew acronym for Aid and Information Centre for the Foreign Community), the number of school age children in the migrant worker community

²³ "Information since 01/09/02, updated 22/09/04", *Israel Immigration Authority Website*, <http://www.hagira.gov.il/ImmigrationCMS/>, (November 8, 2004).

²⁴ Nir Hasson, "Thai Worker killed in Gaza", October 8, 2004, Haaretz newspaper.

²⁵ Ina Friedman, "Even Death Won't Us Part, July 26, 2004, The Jerusalem Report.

²⁶ Mareike Grosser, "Report on Thai Workers in Israel, 2004", Kav LaOved, page 5.

“plunged” in 2004 and the number of their children brought to “well-baby” clinics dropped by 40%.²⁷

Many of these parents fear school and clinic registration because it could reveal their location to the immigration police even though these records are not given to the authorities. Others, in efforts to evade deportation, are simply moving around so much that school attendance and regular health care check-ups are impossible. Some children are forced to abandon their studies to assume responsibilities for younger children or sick parents, or to go to work themselves, especially in the case of single parent homes. Of course, without Israeli citizenship, these kids face the same difficulties and dangers in the workplace as their parents.

Still, motivation among these migrant children remains high. Israel is often the only country they have known or remember. Teenagers absorb the national ethos and want to serve in the army like everyone else in an effort to make their integration into Israeli society complete. Despite hardships and discrimination in Israel, crime and poverty in their country of origin make a return to their “homeland” unthinkable.

The Interior Ministry recently suggested a plan, which still requires approval by the Justice Ministry and by a Ministerial Committee, to grant permanent resident status to children of migrant workers between the ages of 10 and 18 who entered Israel legally, who have lived in Israel long enough to consider it home and whose parents also entered Israel legally. The parents will be permitted to stay as legal residents until their children reach the age of 21, upon their release from army service. Younger children, including those enrolled in school, will be deported from the country along with their parents. A condition was added to the plan, so that it did not include the naturalization of Palestinian children in Israel.²⁸ The religious political parties and many others opposed naturalization of children due to fears that it will encourage migration to Israel and further threaten the demographic balance.

Where does Israel go from here?

Israel’s migration policy revolves in a somewhat vicious circle. Demand exists for workers. But local people, both Israeli and Palestinian are not employed for different reasons. Non-Jewish, non-Palestinian migrants are imported often with government sanction. Work is gruelling in the low wage, low status jobs available to migrants. These migrants regularly lose their legal status and are subject to deportation. Still these workers are “valued” as “good workers” and because they are “uninvolved” in the political situation and cheap to employ.

Unique as this situation is, the troubles facing migrants in Israel are, to some extent, familiar to all destination countries. Most important among these issues is the abundant opportunity for abuse. And like all destination countries that are democracies, Israel has democratic tools that are working, if imperfectly, to solve

²⁷ Nurit Wurgaft, “The Mystery of the Vanishing Children”, September 7, 2004, Haaretz newspaper.

²⁸ Relly Sa’ar, “Poraz Bill: 800 Children of Foreign Workers Face Deportation” October 17, 2004, Haaretz newspaper website, <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=489490&contrassID=1&subContrassID=7&sbSubContrassID=0&listSrc=Y> (16 November 2004).

these problems: A free press, access to the courts, unconstrained NGO's, and a creative artistic community. The challenge remains the implementation of these powerful tools. Calls for reform are beginning to be heard.

Hagai Herzl, for example, formerly in charge of migrant workers at the Israel Ministry of Internal Security, was interviewed on a popular radio program. Pointing to the problems experienced by migrant workers, he argued that "the whole issue requires a major reshuffle," including the establishment of a national immigration authority.²⁹

Even without the creation of such an authority, a framework exists to uphold the rights of migrant workers. As the Kav LaOved newsletter "Update on Trafficking in Persons for Forced Labour in Israel" explains, "Israel is a signatory to the 2000 UN Protocol supplementing the UN Convention against Transnational Organized Crime. Israeli law does not bar trafficking in persons, other than Section 203(a) of the Penal Law which prohibits trafficking for the purposes of prostitution.

However, both the "Constitutional Law: Human Dignity and Freedom" and other sections of the Penal Law (such as the prohibition on forcing an individual to work against his will [Section 376], the prohibition of unlawful imprisonment [Section 377], and the prohibition of withholding a passport or identification document) constitute a legal framework intended to confer protection on migrant workers in Israel."³⁰

The problem is primarily one of enforcement, not laws. Nonetheless, legislation concerning trafficking in persons is in progress. Issues under discussion include establishment of an authority to counter trafficking in persons (as proposed by Hagai Herzl discussed above), women trafficked for the purpose of prostitution and including trafficking in the sense of the 2000 UN protocol. Another proposed law will make it possible to prosecute Israelis who have committed such offences abroad. There is concern that the proposed severity of the laws will prevent realistic enforcement, and common occurrences, such as withholding passports or taking commissions from foreign workers for the right to work in Israel are left undefined. Proponents claim that the bill should be passed as general law, and that subsequent case law will apply the law to the specific cases.

Other legislative changes have disadvantaged migrant workers. The National Insurance Institute provides legally employed migrants with work accident insurance, maternity benefits, and insurance against employer bankruptcy but now offers illegally employed migrants no protection at all. Following Supreme Court intervention, the state replied that work accident insurance should be provided, but that insurance payments will be paid to a worker only after returning to his/her country of origin.³¹ NGOs maintain that careful scrutiny is necessary to ensure proper implementation of the law.

²⁹ Karmit Guy interviewing Hagai Herzl, "Bahatsi Hayom" ("At Midday"), IBA Radio News, October 2, 2003 at 1:32 pm (Translated by Roy Wagner, Kav LaOved).

³⁰ Kav LaOved newsletter "Update on Trafficking in Persons for Forced Labour, July 4, 2004.

³¹ High Court of Justice Case no. 1911/03, The Association for Civil Rights in Israel (and others) vs. The Finance Ministry (and others).

Another proposal that has passed preliminary legislative readings prevents people who enter or stay in Israel illegally from receiving temporary or permanent residency. This legislation runs contrary to best practice for protecting and rehabilitating trafficking victims. Visa extensions are available (5 years in general 7-10 years for caregivers) but these are maximum limits. Interior ministry clerks can decide not to renew a visa before that limit expires. Most extensions are usually given for a period of one year.

The public policy measures under consideration reflect the acute and unusual circumstances surrounding migration in Israel. These are issues that are, to some extent, familiar to all destination countries. It is part of a process that examines the relationships between the dominant culture and “outsiders”.

Israeli society constantly evaluates these relationships with daily threats from the edge of and within her borders. This “state of siege” mentality is further sharpened by demographic changes resulting from a growing Palestinian population and the non-Jewish migrant community. Non-Jewish migrants become a symbol and point of fixation, problem and solution, as Jewish Israelis wrestle with a well-articulated existential worry.

The “state of siege” mentality also fosters opportunity for greed and corruption. Constant focus on survival means that little cultural attention is paid to “softer” social issues, such as migrant worker rights and welfare, society wide economic inequalities, and racial/religious intolerance. Few resources and scant attention are directed towards long-term public policy. Combined with historical suspicion towards outsiders where migrants are needed but unwelcome, this results in the abuse of worker rights and fertile ground for human trafficking.

Israel has cobbled together a migration policy that arguably benefits neither Israeli society as a whole nor the migrants who go to work there. But the extremes that define the situation are also the circumstances that foster the opportunity for reform. A small country with controlled borders can institute a well-organized immigration policy. Close connections between the private sector and the government can lead to prudent placement of migrants in the work force. Better communication between government agencies could lead to a humane and functional migration policy. A well-informed public can be engaged in the debate about role of migrants in Israeli society. The very conditions that make the issue of migrants in Israel so problematic also offer the best hope for change.