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A promised land for refugees?
Asylum and migration in Israel

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Introduction

Since 2006, more than 17,000 migrants have claimed asylum in Israel, most of them Eritrean or Sudanese nationals arriving clandestinely through the southern border with Egypt (Refugees' Rights Forum, 2009). Prior to this, the number of asylum seekers in the country was negligible, and few were aware of the plight of those seeking protection in Israel (Adout, 2007).[1]

Despite the increasing numbers of asylum seekers arriving in Israel, little academic attention has been paid to this issue (exceptions include Adout, 2007; Willen, 2008; Kritzman-Amir, 2009). Most of the available information on asylum in Israel is presented in various reports (Martins, 2009; Yacobi, 2009) or in so-called grey NGO literature (Ben-Dor & Adout, 2003; Human Rights Watch, 2008; Refugees' Rights Forum, 2009). The lack of scholarship on this issue can largely be attributed to the fact that asylum migration to Israel is a relatively new phenomenon, one that only recently began to attract considerable attention.

Another reason why asylum in Israel is under-researched may be that Israeli academics who work on asylum-relevant issues have themselves taken an active part in local asylum politics.[2] Scholars from the Refugee Rights Clinic at Tel Aviv University, for instance, have provided legal assistance to asylum seekers, and the Social Work programme at Ben Gurion University has developed an extensive assistance programme to asylum seekers residing in southern Israel. These commitments may have reduced the time available for Israeli scholars to write and publish extensively on asylum issues.

Furthermore, the number of asylum seekers in Israel is still small compared to the number of other international migrants in the country. Asylum seekers only make up a small proportion of the estimated 285,000 labour migrants in the country (Goldstein, 2009), and considerably more academic attention has been paid to that population (see, for example, Borowski & Yanay, 1997; Kemp, 2004; Rosenhek, 2002, 2007; Willen, 2007).

In addition, it must be acknowledged that the asylum issue in Israel is not comparable to that of other states in the region. Syria is currently hosting 1.1 million refugees, while Jordan hosts 500,000 refugees (UNHCR, 2009b). In the light of these numbers, Israel's refugee and asylum-seeker population of around 17,500 seems negligible, and this may also explain why there has been limited attention paid to this issue.

This paper, which seeks to provide a concise and up-to-date overview of the asylum and migration issue in Israel, is divided into three sections. In the first, I outline the broader features of the Israeli migration regime and briefly discuss the history of non-Jewish

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migration to Israel in general. This contextualization is necessary for an understanding of the way in which the asylum issue has developed in Israel.

In the second part of the paper, I discuss asylum migration in more detail by providing a historical overview of asylum in Israel. I also explore the reasons for the recent increase in asylum applications. In the third and final section, I analyse different responses to asylum seekers in Israel. Here, I begin by examining the Israeli government's policies towards asylum seekers, as well as the response from Israeli civil society. I shall also consider the unique role played by UNHCR in the Israeli context.

Before I commence the main discussion, a clarification of terminology is necessary. In this paper, "asylum seekers" will refer to people who seek protection in Israel and who are not of Jewish origin. Jews who arrive in Israel cannot seek asylum, as they receive automatic citizenship upon arrival according to the national "Law of Return" (Shuval, 1998). While questions of displacement in the Israeli context often refer to the plight of Palestinians, this paper will not delve into the complexities relating to Palestinian asylum seekers in Israel.

The first part of Article 1D of the 1951 Refugee Convention states that "This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance". At the time of its creation, this clause referred to so-called Palestine Refugees displaced in 1948[3] and falling under the mandate of UNRWA. Although the application of this clause to Palestinian asylum seekers today is disputed, Israel is currently not considering asylum applications from Palestinians, and it is beyond the scope of this paper to look closely at that particular issue.[4]

Contextualizing asylum in Israel

When examining the recent increase in asylum migration to Israel, it is necessary to place the phenomenon in a broader context. Below I shall do this by first examining central features of the Israeli migration regime, which makes a clear distinction between Jewish and non-Jewish migration to Israel. Although this regime is not the only factor which determines asylum politics in Israel, it does affect perceptions and policies of asylum in the country. Second, I shall discuss the rise of non-Jewish migration to Israel since the 1990s. This overview is also necessary, as recent asylum migration to Israel is part of broader migration processes and cannot be understood in isolation. We shall see that processes of "asylum migration" and "labour migration" are closely interrelated in the Israeli case.

The Israeli migration regime

The Israeli migration regime is linked to the historical and ideological particularities of the Israeli state (Willen, 2007). Although the country's migration policies have been far from static, there are a few central factors that continue to determine the way in which the Jewish state relates to international migrants.

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[3] This clause also referred to individuals who, at the time received assistance from United Nations Korean Reconstruction Agency (UNKRA).

[4] For further information on this issue, see Ben-Dor & Kagan (2008).

A product of the Zionist political movement, modern Israel was founded on the idea of a "Jewish homeland" and the Jews' right to self-determination. Such ideology directly affected the way in which migration patterns developed. By increasing the proportion of Jewish settlers in the "promised land", the early Zionists sought to legitimize and consolidate their vision of statehood, and the first wave of *aliyah* (Jewish immigration to Israel) dates back to 1882 (Sachar, 2007). Thus engineered population movement has always been part of the Zionist nation-building project.

This quest for demographic majority continued also in the post-independence period and has been central in the shaping of Israeli migration policy. Between 1948 and 2000, almost three million Jews migrated to the country (Smooha, 2002; Cohen, 2002), further consolidating the Jewish nature of the Israeli state. This migration has largely taken place under the provisions of the Israeli "Law of Return" of 1950, which allows Jews and people of Jewish ancestry to freely enter Israel. The Israeli state actively promotes Jewish immigration in accordance with this law and provides immediate citizenship as well as generous social benefits to Jews who choose to move to the country (Shuval, 1998; Smooha, 2002).

In fact, Jewish immigration to Israel was regarded more a "homecoming" or "return" of Jews to an ancestral homeland rather than as migration to a new land, and continues to be understood by Zionists as such (Shuval, 1998). In this sense, Zionists do not consider *aliyah* to be comparable with other forms of non-Jewish migration to Israel, and the two forms of migration have therefore always been treated as distinct administrative and normative categories by the Israeli state.

In contrast to the treatment of Jewish immigrants, non-Jewish migrants are not encouraged to enter the Israeli state, as their presence undermines and challenges the state's ethno-national foundations. With few exceptions,[5] non-Jewish migrants are excluded from membership in the Israeli polity and do not have access to citizenship or basic rights in the state (Rosenhek, 1999). Some have argued that non-ethnics are indeed conceived as a "serious threat to the survival and integrity of the ethnic nation" (Smooha, 2002: 478). This conceived threat is not only related to demographic concerns. As Smooha (2002: 478) points out, "the real or perceived threat can be one or a combination of biological dilution ... cultural downgrading, security danger, subversion and political instability".

The legacy and logic of Zionism has given rise to an ethnically stratified migration regime in which, on the one hand, Jews and people of Jewish descent are welcomed and encouraged to immigrate, while, on the other hand, immigration of non-Jewish migrants is considered undesirable and is therefore strictly controlled. This has led some to argue that Israel, in a sense, both is and is not an "immigration country" (Rosenhek & Cohen, 2000:60).

In the Israeli context, it therefore makes sense to speak of two parallel and separate migration regimes: one for those with Jewish ancestry and one for other immigrants. Such a dual regime clearly mirrors what some term Israel's "bipolar model of citizenship" (Mundlak, 2007). This has obvious and far-reaching implications also for non-Jewish asylum seekers arriving in the country, an issue that will be explored further in the third section of this paper.

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[5] Smooha (2002: 477–478) notes that "closure characterises ethnic nations, but admission of aliens to most of them can be facilitated by various measures, including marriage to a member of the ethnic nation, birth as a mixed offspring, full command of the language, religious conversion and complete cultural assimilation. This is a long and painful process that does not guarantee success."

Despite this seemingly rigid categorization of Jewish and non-Jewish migrants, it would be a mistake to regard the two Israeli migration regimes as static, unchanging or impervious to change. First, official attitudes towards non-Jewish migrant groups have fluctuated over time. Despite the strong ideological preference for Jewish immigration, government and public attitudes are often influenced by humanitarian considerations and by more pragmatic concerns, such as labour-market demands.

Second, the relatively recent increase in non-Jewish migration to the country has arguably challenged earlier conceptions of citizenship, leading some scholars to argue that the country's bipolar model of citizenship is slowly being broken down (Mundlak, 2007) and that the new demands of immigrant groups are "changing the rules of the game" (Ben-Porat & Turner, 2008: 196). The Israeli state is not only defined by its commitment to an ethnic homeland for Jews, but is also modelled on the principles of Western-style democracy (Shafir & Peled, 2002). The strong tension between these at times mutually exclusive principles is clearly evident in the field of migration. Increasingly, migrants and other minorities are demanding rights and recognition from Israeli authorities with reference to the state's commitment to democratic principles and procedures (Nimni, 2003).

Non-Jewish immigration to Israel

Although Israeli authorities are far from enthusiastic about non-Jewish immigration, since the early 1990s the country has hosted increasing numbers of non-Jewish migrants from around the world (Bartram, 1998; Baldwin-Edwards, 2005). This category encompasses a diverse group of individuals, originating from countries as different as Russia, the Democratic Republic of the Congo (DRC) and the Philippines. Migrants' grounds of entry also differ: some arrive as family members of Jewish migrants (family reunification), while others may enter as migrant workers or tourists.

When discussing asylum in Israel, it is important to take this broader group of migrants into consideration. For instance, the distinction between an "asylum seeker" and a "labour migrant" is not always clearcut. An individual who enters Israel as a "labour migrant" may well be entitled to protection under international refugee law, and in some cases may decide to seek asylum during the course of his or her stay in Israel. Thus, the development of asylum in Israel cannot be fully understood without taking into account the broader context of labour migration to the country.

By the early 2000s, Israel hosted proportionally more labour migrants than most European states (Cohen, 2002), making it one of the industrialized countries "most heavily dependent on foreign labour" (Raijman & Kemp, 2007: 31). By the end of 2008, 115,000 foreign workers with permits were registered, and in addition to this the government estimated that around 107,000 undocumented workers remained in the country (Central Bureau of Statistics, 2009). Why does Israel, with its exclusionary migration regime, host such large numbers of migrant workers?

The rise in non-Jewish labour migration to Israel in the 1990s can be attributed to the political and economic realities of the time. Most important were the high levels of demand for cheap labour caused by the exclusion of Palestinian workers from the Israeli labour market. In 1993, Israel imposed severe restrictions on movement from the Occupied Territories, and "for the first time since 1967, Palestinians were unavailable to their employers for an extended period"

(Bartram, 1998: 312). In addition, the logic of the two-state solution advocated during the Oslo peace process also implied distinct and separate Palestinian and Israeli labour markets. This served to further reinforce the exclusion of Palestinians from the Israeli labour market and to open up employment opportunities for international migrants (Raijman & Kemp, 2007; Rosenhek, 2007).

In the same period, the Israeli economy experienced considerable growth, making it "an increasingly attractive destination country for immigrants seeking to improve their economic situation" (Cohen, 2002). The arrival of hundreds of thousands of Jews from the former Soviet Union also led to a boom in the construction sector, as demand for housing increased manifold (Bartram, 1998). The Israeli authorities, however, remained reluctant to open the gates for imported labour, as they hoped new Jewish immigrants and other unemployed Israeli citizens could fill the labour-market demands.

Ultimately, such hopes failed to materialize and, following fierce lobbying by employers' groups, the Israeli government decided to ease restrictions on working permits to so-called foreign workers from countries such as Romania, Thailand, Turkey and the Philippines (Bartram, 1998). As Israel opened up for large-scale yet temporary non-Jewish labour migration in the 1990s, it became embedded "in a much broader set of political and economic processes associated with the globalization of labor markets" (Willen, 2007: 2). Included in these processes was an opening up to regional and global asylum migration.

Among the many labour migrants arriving in Israel were also people in need of international protection. Prior to 2002, few of these individuals sought asylum in Israel. There were two reasons for this. First, Israel did not have a highly developed or well-publicized asylum system in the 1990s. As a result, many forced migrants remained in the country on work visas as "labour migrants" or as undocumented workers.

Second, the Israeli authorities displayed considerable tolerance towards migrant workers and undocumented workers during the 1990s, and this reduced the need to seek asylum. In 2002, however, a large-scale deportation campaign made it increasingly necessary for forced migrants to seek refugee status in the country.[6] Indeed, from 2002 to 2003, asylum applications registered by UNHCR Israel increased almost fivefold: from 283 new applications in 2002 to 1,389 new applications in 2003 (UNHCR, 2009a).

Alongside the deportation campaign, the government also began developing the national asylum system, making it more visible and accessible to forced migrants residing in the country. In 2002, the Israeli authorities established the National Status Granting Body, an inter-ministerial board tasked with reviewing and deciding on asylum applications lodged with UNHCR Israel. It is likely that this development also made the asylum option more accessible and familiar to individuals residing in Israel as labour migrants.

Although asylum procedures in Israel are far more developed today than they were in the 1990s, many asylum seekers still enter the country on work visas and apply for asylum only after having resided in the country for a period of time. Though not everyone who applies qualifies as a Convention refugee, this situation nevertheless underscores the fact that "labour migration" and "asylum migration" to Israel are not distinct processes concerning different

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[6] It is estimated that more about 50,000 migrants were deported between 2002 and 2005 (Willen, 2007).

groups of people, but rather are closely intertwined. Indeed, there is increasing international awareness of the fact that individuals in need of protection often migrate together with other migrants in so-called mixed flows (see UNHCR, 2007c). In order to understand the dynamics and politics of asylum in Israel, it has therefore been necessary to take a closer look at the broader trends in non-Jewish migration to the country.

The development of asylum migration to Israel

Having reviewed some core tenets of the Israeli migration regime and outlined the development of non-Jewish migration to the country, I will now turn to look specifically at how the asylum issue has developed in Israel. Although asylum seekers and refugees only recently began to attract public attention in Israel, the state was an early supporter of the 1951 Convention Relating to the Status of Refugees. Israeli officials participated actively in the drafting of the Convention, and the country became a signatory to the 1951 Convention and the 1967 Protocol in 1954 and 1968, respectively (Ben-Dor & Kagan, 2008; Adout, 2007).

Despite Israel's involvement in the development of the international refugee regime, little was done to translate the country's obligations under international refugee law into the domestic legal framework. This was perhaps due to the low number of asylum seekers in the country and the underdeveloped institutional framework for processing such applications. The underdeveloped local refugee regime may also be attributed to the fact that the Israeli public has often associated the term "refugee" with displaced Palestinians.[7] Accordingly, the concept of asylum has been linked to the specific Israeli–Palestinian context and not seen as an abstract, universally applicable concept.

Early encounters

Israel's first official encounter with non-Jewish, non-Palestinian refugees can be dated back to 1977, when a group of Vietnamese refugees were picked up by an Israeli cargo ship near Japan and offered asylum by Menachem Begin's government. The international community, including US President Jimmy Carter, praised this humanitarian act. Begin (1977) himself explained the decision by referring to the suffering of Jews during World War II: "We have never forgotten the lot of our people, persecuted, humiliated, ultimately physically destroyed. Therefore, it was natural that my first act as Prime Minister was to give those people a haven in the Land of Israel." Interestingly enough, Begin did not recall Israel's obligations under the Refugee Convention in this context. Nevertheless, in the years that followed, a total of 300 Vietnamese refugees were resettled in Israel, and more than half of this community remain in Israel today.[8]

The state of Israel made a similar humanitarian gesture in 1993, when a group of 84 Muslim Bosnians were offered asylum in an Israeli kibbutz (Helm, 1993; Markowitz, 1996). Markowitz (1996:132) writes that this "decision to extend temporary residence status to ... Bosnian refugees ... followed the precedent set in the late 1970s when Israel offered refuge and then bestowed temporary residency status to some 100 non- Jewish refugee "boat people" from Vietnam". However, unlike the Vietnamese, most of the Bosnians left Israel within a

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[7] I am grateful to Sharon Harel for pointing this out.
[8] Duki Dror's (2005) documentary film *The Journey of Vaan Nguyen* deals with this community.

year, joining family members in European countries or returning to Bosnia (Markowitz, 1996).

In May 2000, Israel also offered protection to more than 2,000 former fighters of the South Lebanese Army (SLA), a Christian-dominated militia group that had fought with the Israeli army in Southern Lebanon. In recognition of their efforts, SLA members were offered "legal and material assistance ... including the grant of residency and eventually citizenship" by the Israeli state (Immigration and Refugee Board of Canada, 2002). While this group did not undergo formal refugee-status determination under the Refugee Convention, its members were often referred to as "refugees" (CNN, 2000).

Apart from the case of the Vietnamese refugees, Israel had little experience with asylum-seeker and refugee populations until the late 1980s. Originally, UNHCR was responsible for facilitating various forms of protection to asylum seekers present in Israel. UNHCR handled requests for asylum, and all asylum decisions were made in Geneva. It must be noted, however, that during the 1980s and 1990s only about 60–70 cases, mainly Ethiopian, were granted protection through this particular arrangement (UNHCR, 2007a).
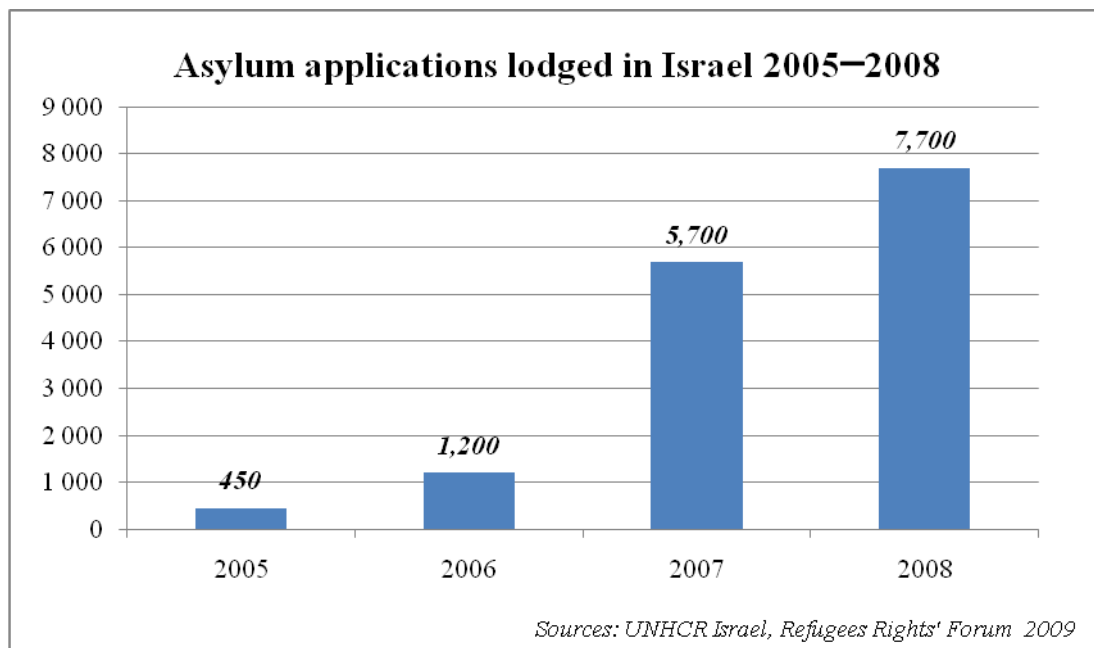
At the turn of the century, the asylum regime in Israel saw signs of expansion and advancement. A temporary "humanitarian" protection regime was introduced in 1999, at the request of UNHCR. This benefited hundreds of nationals from war-torn countries such as Sierra Leone, Liberia, Côte d'Ivoire and the DRC (Refugees' Rights Forum, 2009).[9] In 2002, the Israeli government became more directly involved with asylum issues as the National Status Granting Body (NSGB) was established and an Israeli asylum procedure was put in place.

The NSGB, an inter-ministerial committee, was made up of representatives from the ministries of justice, foreign affairs and the interior, and tasked with evaluating asylum decisions made by UNHCR and advising the minister of the interior, who had the final say in each case (Adout, 2007). The chair of the NSGB was appointed by the minister of interior but was not affiliated to any government ministry.

Increasing numbers

Such were the institutional arrangements in 2006 when the number of asylum seekers began to increase rapidly, largely owing to an increase in unauthorized border crossings from Egypt. Whereas only 450 applications were lodged in 2005, the corresponding figure for 2008 had increased to 7,700.

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[9] Such group protection ended after a few years. For Liberians, it ended in March 2007; for Ivorians, in December 2008; and for Sierra Leoneans in 2006 (Martins, 2006).

Asylum applications lodged in Israel 2005–2008

Year	Applications
2005	450
2006	1,200
2007	5,700
2008	7,700

Sources: UNHCR Israel, Refugees Rights' Forum 2009

The significant increase was caused mainly by a considerable influx of Eritreans and Sudanese asylum seekers crossing into Israel by land from Egypt. Measuring more than 250 kilometres, the border between Israel and Egypt is long and porous. While authorities on both sides guard the border, it is not as heavily monitored as Israel's other international borders, because of the relatively peaceful relations between Israel and Egypt.

The vast distances and limited border controls therefore make unauthorized crossings easy, although far from safe. In 2008–2009, around 30 migrants were shot and killed by Egyptian security forces as they attempted to cross into Israel (Amnesty International, 2009; US Committee for Refugees and Immigrants, 2009). Despite the risks, which includes abusive treatment at the hands of the smugglers including case of alleged rape, smuggler networks run by various Bedouin groups in the Sinai desert have expanded their operations in recent years, transporting increasing numbers of asylum seekers across to Israel.

Increasing numbers of Sudanese and Eritrean asylum seekers

The development of smuggler networks in the Sinai desert does not alone explain the sharp rise in asylum seekers entering Israel, as it only explains the mode of travel and not the motivations of individuals to reach Israel. There are a wide range of reasons why African asylum seekers choose to migrate to Israel, and no one explanation will suffice.

In general, Israel is an attractive country for asylum seekers, as it is perceived by many as being a bridge to Europe. Furthermore, economic conditions in Israel are far better than in neighbouring countries, and Israeli wages are amongst the highest in the region, making Tel Aviv more attractive than Cairo. This possibility for making a living has undoubtedly attracted migrants in general and asylum seekers in particular, to travel to Israel.

Nevertheless, a closer look at the specific groups and their motivations is needed. It appears that the two dominant groups of asylum seekers, Sudanese and Eritreans, have somewhat differing motivations for seeking protection in Israel, as well as different flight histories.

Several reports seek to explain the rise in Sudanese entries to Israel by pointing to the tragic outcome of the demonstration by Sudanese refugees outside UNHCR's offices in Cairo in 2005 (Human Rights Watch, 2008:18; Refugees' Rights Forum, 2009; Martins, 2009). This three-month sit-in, which was attended by more than 2,000 Sudanese refugees and asylum seekers, was organized as a protest against UNHCR Cairo's decision to suspend refugee-status determination interviews for Sudanese nationals, as well as to protest against their living conditions in Cairo.

After several months, Egyptian security forces broke up the demonstration violently, killing 28 refugees and asylum seekers (Azzam, 2006). Many Sudanese asylum seekers in Israel claimed that this tragic event had influenced them to leave Egypt for Israel (Human Rights Watch, 2008).

It is also important to consider the broader context in which Sudanese nationals have decided to enter Israel. In recent years, the Sudanese refugee community in the country has been dominated by Southern Sudanese.[10] Most of these refugees have been living in Egypt since the mid-1990s, and many are registered with UNHCR in Cairo. Their entry into Israel can therefore be described as a case of "onward secondary movement". In interviews undertaken by Human Rights Watch, these asylum seekers have pointed to the deteriorating asylum conditions and lack of durable solutions in Egypt as a central factor determining their decision to come to Israel (Human Rights Watch, 2008).

Research has shown that both recognized and unrecognized refugees in Egypt are socially excluded, unable to access rights and services, and frequently harassed (Grabska, 2006). Though they may have lived in Egypt for years, researchers have found that "refugees do not see a possibility of establishing their lives in Egypt" (Grabska, 2006: 304). The prospect of seeking a new and more promising future in Israel has clearly encouraged Sudanese refugees in Egypt to cross the border into Israel.

The changing policies of UNHCR in Egypt may also have affected the decisions made by Southern Sudanese arriving in Israel. In 2005, UNHCR Egypt decided to move from a large-scale resettlement programme to so-called targeted resettlement, which would "address protection needs that cannot be addressed in Egypt" (UNHCR, 2007b: 8). In concrete terms, this meant that the resettlement programme in the country was scaled down drastically, leaving many refugees disappointed and eager to seek opportunities elsewhere.

As the resettlement programme was scaled back, UNHCR also decided to increase its focus on voluntary repatriation to South Sudan, making this the main durable solution for Southern Sudanese refugees. This shift in policy was a response to the improving conditions in South Sudan following the January 2005 Comprehensive Peace Agreement, and may also have influenced the decision by many Sudanese refugees to move onwards to Israel. Many

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[10] According to a representative for UNHCR Israel, the majority of new Sudanese arrivals in 2009 are identified as Darfurian, an indication that the demographic make-up of the Sudanese asylum-seeker community in Israel is changing.

Southern Sudanese refugees have been reluctant to return to South Sudan owing to the lack of livelihood possibilities, infrastructure and services in the region (UNHCR, 2005).

UNHCR has acknowledged that both the "high level of urbanization" of refugees in Egypt and "the slow pace of development in the South of Sudan" are likely to hamper repatriation efforts (UNHCR, 2007b:1; 2005). Thus, it appears that difficult asylum conditions in Egypt, combined with changes in UNHCR policy and the growing human-smuggling business in the Sinai desert, all contributed to the increasing numbers of Sudanese, particularly Southern Sudanese, heading for Israel.

Unlike most of the Sudanese arrivals, Eritrean asylum seekers arriving in Israel had in general not spent much time in Egypt prior to entering the country (Human Rights Watch, 2008). They did, however, cite difficult asylum conditions in other countries of asylum as a main reason for seeking asylum in Israel. Many Eritreans claimed to have arrived directly from Eritrea, while others had spent considerable time in exile, in countries such as Sudan and Ethiopia. The insecurity and difficulties associated with living as refugees in such countries led many to move onwards. Egyptian, Sudanese and Libyan authorities are all known to deport Eritreans back to Eritrea, despite UNHCR's opposition to this practice (Human Rights Watch, 2009).

Although Israel also has engaged in deportations of Eritrean asylum seekers to Egypt, this has been on a smaller scale and has not affected the large majority of Eritrean asylum seekers in the country. Thus, the relatively small chances of being deported out of the country may have contributed to many Eritreans' decision to enter Israel. Another factor that may have attracted Eritreans to Israel is that Israeli authorities have provided temporary working permits to a significant number of the Eritrean asylum seekers while the remaineder have been issued visas where work is not permitted but is in practice tolerated. The possibility of sustaining a livelihood as asylum seekers and refugees in Israel arguably encouraged many Eritreans to head for Israel in the latter part of 2007 and in 2008.

Other groups, other routes

Although the steep increase in asylum migration to Israel since 2006 can largely be attributed to the entry of Sudanese and Eritrean nationals, it is important to acknowledge that the asylum-seeker community in Israel is extremely diverse and includes individuals from a wide range of countries, including Côte d'Ivoire, the DRC, the Philippines, Nigeria, Colombia, Sri Lanka and Burma/Myanmar. As such, the asylum caseload in Israel is particularly heterogeneous compared to that of many other countries.

Not all of these asylum seekers enter the country through the Egypt–Israel border. Many West African asylum seekers, for instance, follow the "pilgrimage route" and enter Israel as part of organized religious tours. They hold "pilgrimage visas" issued by Israeli missions abroad. As Rosenhek (1999: 585) points out, Israel's "commitment to the principle of freedom of access to holy places" has complicated the government's efforts to hamper this form of migration". Some asylum seekers approaching UNHCR in Israel are also individuals who have lived several years in the country as labour migrants and who originally entered the country on work visas and approached UNHCR once their work visa had expired.

Responses to asylum migration in Israel

In the previous section, the development of asylum migration to Israel and the sharp rise in asylum numbers was discussed. We shall now examine the way in which different actors have responded to the challenges posed by these new arrivals in Israel. Keeping in mind the logic of the Israeli migration regime, described earlier, we shall see that the treatment of asylum seekers has been wide-ranging and disparate. The three actors I will look at here are the Israeli government, Israeli nongovernmental organizations and UNHCR. However, it is important to note that these actors do not necessarily represent homogenous entities that have a coherent approach towards asylum seekers.

Government policies

The Israeli authorities' handling of the asylum-seeker situation cannot be summarized easily, as the government has not formulated a clear policy towards this particular group. Below, I shall nevertheless attempt to discuss various policies that have been implemented in recent years and seek to discern the contours of what might be termed an "Israeli asylum policy". As will be shown, the early official responses to the new arrivals from the Egyptian border were chaotic, involving contradictory and ad hoc policies. In the latter part of 2009, this seems to have changed, as institutional structures and procedures to handle asylum seekers are coming into place. It appears that the government is starting to develop a more coherent approach to the asylum issue.

The steep rise in asylum arrivals in 2007 took the Israeli government by surprise. Limited resources and capacity had been set aside to handle the influx of asylum seekers, and the government lacked the institutional framework to deal with the new arrivals. It was not clear who was responsible for handling asylum seekers, and this bureaucratic ambiguity translated into a chaotic situation for both asylum seekers and policymakers alike.

The head of Soroka Hospital, Dr Eitan Hai-Am, summarized the situation for the newspaper *Yediot Ahronot*: "I spoke with a very senior person in the army that told me that the army deals with the terrorists, the police handles the criminals and the hospital looks after the wounded. The Sudanese do not fit into any category and they therefore fall between the cracks" (cited in Bershkovski, 2007b). It appears that, until recently, the asylum-seeker "category" did not really exist in the bureaucratic vocabulary of the government. The authorities' inexperience with asylum thus greatly hampered their ability to respond to the soaring numbers of asylum seekers, paving the way for chaos and confusion.

Amid this turbulent situation, it is possible to discern two broad policy strands pursued by the government. One approach focuses on providing temporary protection, assistance and work permits for asylum seekers for minority while the remainder have visa where work in not permitted but is tolerated; the other is more heavily informed by the exclusionary migration regime and focuses on imprisonment and forced return. These two policy strands have at times been implemented simultaneously or interchangeably, giving asylum seekers very mixed messages. Below, some examples of these policies will be outlined.

The policy of detention can be dated back to 2002, when the government started getting more directly involved in asylum issues. While most asylum seekers at the time enjoyed considerable freedom in Israel, it was decided that citizens from countries designated as

"enemy states" would be held in detention. This was first applied to the growing number of Sudanese who were entering the country. The incarceration of these individuals was initially implemented with reference to the 1952 "Entry of Israel Law", which states that individuals who enter the country illegally are liable to a maximum of three months' imprisonment.

However, in early 2006, the "Prevention of Infiltration Law" from 1954 was increasingly applied in asylum cases (Refugees' Rights Forum, 2009). Originally intended to prevent unauthorized arrivals from Israel's neighbouring states, this law opened up for up to five to seven years of imprisonment for so-called infiltrators, a category that now had come to encompass asylum seekers and recognized refugees entering from Egypt .

The application of the "Prevention of Infiltration Law" in asylum cases was successfully disputed in 2007, when local human rights organizations petitioned the Israeli Supreme Court. This prevented the government from incarcerating asylum seekers indefinitely and without judicial review (Human Rights Watch, 2008). Despite this breakthrough in the Supreme Court, the policy of imprisonment continued, and by 2007 a large "tent city" for asylum seekers had been established next to Ketsiot prison, located in a remote corner of the Negev desert, close to the Egypt–Israel border (Refugees' Rights Forum, 2009).

Although the new facilities housed more than a thousand individuals, they quickly reached full capacity. Some new arrivals thus managed to avoid imprisonment, for the simple reason that the prisons were overcrowded. In August 2007, the newspaper Yediot Ahronot reported that "in the past two days, around 100 refugees crossed the border from Egypt to Israel and were taken by the Border police and the army.... But Ketsiot announced that there is no more space and declined to receive the refugees" (Bershkovski, 2007a).

Sometimes detainees were released in order to make room for new arrivals (Yacobi, 2009). Individuals who managed to cross the border without being detected by the Israel Defense Forces (IDF) or immigration police also avoided imprisonment if they managed to register with UNHCR in Tel Aviv. Thus, while the government policy of imprisoning asylum seekers in Israel was undoubtedly widespread, it was also arbitrary, causing many asylum seekers to feel unfairly treated.

Another feature of the government's more negative policies towards asylum seekers is the so-called "hot returns" procedure whereby asylum seekers crossing the border from Egypt are forcibly returned. Criticized by both local and international human rights organizations, this policy has been said to "fall short of Israel's commitments under refugee law", and to "breach Israel's non-refoulement obligations and international law provisions related to the right to an effective remedy" (Human Rights Watch, 2008: 54–56).[11]

According to lawyers interviewed by Human Rights Watch (2008), the first "hot return" incident took place in April 2007, when six Eritrean citizens were returned to Egypt by the IDF. In July 2007, the prime minister at the time, Ehud Olmert, discussed the issue of return with his Egyptian counterpart, Hosni Mubarak. According to the Israeli Ministry of Foreign Affairs (2007), "it was agreed that the IDF would ... quickly return [infiltrators] to Egypt via the border crossings, while accepting Egyptian assurances regarding their safety".

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[11] For more information see: Human Rights Watch, 2007: 52-58

In August 2007, following the return of nearly 50 Sudanese nationals to Egypt, Egypt's Foreign Minister Ahmed Aboul Gheit stated that the country would accept refugees for "very pressing humanitarian reasons", but that a similar exchange "would not be repeated again" (BBC, 2007). An Israeli government spokesperson, on the other hand, stated that "the policy of returning back anyone who enters Israel illegally will pertain to everyone, including those from Darfur" (BBC, 2007). Thus, it is not clear what policies were agreed upon by the two governments.

What is clear, however, is that the policy of "hot returns" has been implemented by Israeli authorities, but not on a very large scale or in a systematic manner. According to UNHCR Israel, around 250 individuals have been returned to Egypt under the "hot returns" procedure. Still, it appears that this policy has never been widely applied, although it "remains alive in high-level government discussion" (Human Rights Watch, 2008: 52). As of October 2009, the issue of hot returns is being discussed in the Israeli Supreme Court, with a verdict on the issue expected by the end of the year.

In March 2008, the government also implemented a new policy that severely limited the abilities of asylum seekers to seek employment and access aid services: the "Hadera–Gadera" provision. Israeli authorities insisted that, in order to be released from detention, asylum seekers would have to sign a document that would disqualify them from living and working central Israel, which is also the commercial and urban heartland of the country and includes Tel Aviv and surroundings. The area was defined as "south of Hadera and north of Gadera".

A government spokesperson, Sabine Hadad, explained this policy as a measure to deal with the grim conditions and severe overcrowding in refugee shelters in Tel Aviv, and also claimed that employment was more easy to come by in the periphery than in the central parts of the country (Ilan, 2008). In November 2008, the ministry of the interior also decided to expel around 2,000 Sudanese and Eritrean asylum seekers from the city of Eilat, and prohibited them from working if they did not hold valid work permits.

However, this policy soon backfired. Instead of solving accommodation and employment problems among asylum seekers, it merely transported these problems to other peripheral and less affluent Israeli towns, such as Arad, which is located in the southern part of the country. The restrictions also prevented many asylum seekers from accessing local asylum NGOs and the offices of UNHCR, which are located in Tel Aviv.

Public and media pressure eventually led Minister of the Interior Eli Yishai to cancel the "Hadera–Gadera" procedure on 30 July 2009. The newspaper *Haaretz* reported that "Yishai explained his decision to reverse the plan after seeing the social and economic problems that arose in Israel's outlying cities under the original policy" (Weiler-Polak, 2009).

At this point, however, it is important to note that the above examination of a selection of relatively negative policies implemented towards asylum seekers in Israel tells only part of the story. Amid expulsions and detention, the Israeli government, in collaboration with UNHCR, has also provided some form of temporary protection for thousands of asylum seekers in the country, and it has permitted asylum seekers, to a certain degree, both to seek employment and to access some social services.

The policy of providing assistance and some form of temporary protection has existed since the 1980s, when UNHCR issued protection documents to a small number of registered asylum

seekers and refugees in the country. Although the number of asylum seekers increased sharply in 2006–2007, many still had access to UNHCR services and received protection papers from the UNHCR office. These papers were generally respected by Israeli authorities and prevented many individuals from being imprisoned and/or deported.

In the case of Sudanese asylum seekers, a protection paper from UNHCR also was accepted by employers by asylum seekers seeking work, a highly valued right for those who had endured years of socio-economic destitution in Egypt. Furthermore, in 2007, Ehud Olmert announced that 500 refugees from Darfur would be granted refugee status and permission to stay in Israel. Although this gesture can be seen more as a symbolic act than as a real shift towards increased asylum rights in Israel, it is nevertheless testament to the fact that Israeli authorities have made some efforts to absorb and house recognized refugees within Israel's borders.

Eritrean asylum seekers have also received benefits from the Israeli state. In January 2008, the Ministry of the Interior issued work visas to 2,000 Eritrean nationals who had entered the country prior to 25 December 2007. In March the same year, an additional 600 visas were provided to this group (Refugees' Rights Forum, 2009). Although Eritreans have experienced difficulties in renewing these work permits, this gesture nevertheless shows that Israeli authorities have introduced measures to assist asylum seekers and prevent their destitution.

As asylum numbers in Israel have risen sharply, local municipalities have borne the brunt of the socio-economic challenges involved in providing shelter, health services and education to asylum seekers. In the field of education, several municipalities have been active in offering services to the new arrivals in accordance with Israel's progressive primary education law, which accords all children between the ages of five and fifteen the right to attend public school, regardless of their or their parents' legal status (IRIN, 2008).

A spokesperson from the Tel Aviv municipality explained to a news reporter that "we are doing our best to supply [education to] the [asylum-seeker] children who fall under the primary education criteria [and would like to] open a kindergarten suited to their special needs" (IRIN, 2008). And, at the Bialik-Rogozin school in south Tel Aviv, a boarding school for asylum-seeker children has been established in order to accommodate their needs (Dresler, 2007b). This underscores the findings of Israeli sociologist Zeev Rosenhek (2002: 143), who has pointed out that while overall social policy towards migrants may be exclusionary, "some state agencies endorse and implement partially inclusionary practices".

Although the policies described above do not constitute an exhaustive list of measures implemented by the Israeli government, it is clear that many mixed messages have been given. While negative policies informed by the country's exclusionary, two-track migration regime have dominated the authorities' asylum agenda, more benevolent policies that provide a tenuous form of temporary protection have also been implemented, sometimes simultaneously.

The Israeli government's differing and at times contradictory policy measures not only highlight the complexity of asylum politics in general but also reveal the authorities' inexperience and their unpreparedness to deal with the growing number of asylum seekers arriving in Israel. It was increasingly clear that drastic measures had to be taken in order to clarify lines of responsibility and develop coherent procedures towards asylums seekers.

In July 2008, the government established the Population, Immigration and Border Crossings Authority within the ministry of the interior (Izenberg, 2008). The new authority was given the responsibility for handling asylum requests and undertaking refugee-status determination, and in July 2009 the government officially took over this responsibility from UNHCR in a move that marked the beginning of a new era in Israeli asylum politics.

NGO responses

In contrast to the government's ad hoc policies and unclear approach towards asylum seekers, Israeli non-governmental organizations have been unequivocal in their support for this group. They have been heavily involved both in lobbying for asylum seekers' rights and challenging government policies and in offering social services that the government has failed to provide.

It is not only human rights and migrants' organizations that have become involved in supporting asylum seekers. Other groups – including student organizations, religious Jewish organizations, political parties, Bedouin groups, Christian groups and the kibbutz movement – have also rallied in support of asylum seekers, creating what Martins (2009: 14) describes as a "general sense of collective public responsibility towards refugees".

The solidarity shown by these different groups has transgressed ethnic, religious and ideological boundaries and is rather unique in the Israeli context, where activism is often confined to particular interest groups. Some refugee aid workers, however, suggest that the initial enthusiasm for asylum seekers and refugees began to wane as the numbers of new arrivals increased drastically, putting increasing pressure on local aid organizations and local municipalities (Yiftach Miloe cited in Yacobi, 2009).

Nevertheless, NGOs in Israel have played and continue to play a crucial role in petitioning for asylum seekers' rights, challenging government policies and placing the refugee issue on the political agenda. A good example of this was provided in 2006, when the Hotline for Migrant Workers and the Refugee Rights Programme at Tel Aviv University submitted a petition to the High Court of Justice, protesting the government's arbitrary use of the 1954 "Prevention of Infiltration Law". The court ruled in favour of these organizations, obliging the government to undertake a judicial review of all asylum-seeker detentions. A special advisor was appointed, who subsequently recommended the release of hundreds of imprisoned Sudanese asylum seekers.[12]

This petition led to the cessation of indefinite detention without judicial review for asylum seekers in Israel. Similar petitions have been forwarded numerous times by various organizations. In 2008, for instance, the Department of Foreign Workers, Refugees, Asylum Seekers and Status-less Persons within the organization Physicians for Human Rights submitted a total of 11 petitions to the Supreme Court of Justice (Physicians for Human Rights, 2008).

In addition to lobbying in the courts for asylum seekers' rights, civil society organizations have also attracted media attention and raised the issue of asylum in the public debate. In 2007, the Committee for the Advancement of Refugees from Darfur (CARD) arranged for

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[12] For further details, see Refugees' Rights Forum (2008).

Sudanese asylum seekers to visit the Yad Vashem National Holocaust Memorial in Jerusalem (Dresler, 2007a).

With the national media present, this became a highly symbolic visit that served to highlight the plight of Sudanese refugees while simultaneously drawing parallels with the Jewish history of exile, persecution and refugeehood. These associations were clearly communicated by Yad Vashem's chairman Avner Shalev, who on this occasion stated that "as Jews, who have the memory of the Shoah embedded within us, we cannot stand by as refugees from genocide in Darfur are knocking on our doors" (Yad Vashem, 2007).

Indeed, some have argued that the introduction by NGOs of Holocaust rhetoric into the debate on asylum marks a "turning point" in Israeli asylum politics (Yacobi, 2009). Research on this issue has shown that a wide range of Israeli politicians, activists and religious leaders have argued that Israel has a *particular* moral responsibility to protect refugees given the horrors of the Holocaust and the destitution faced by Jewish refugees during and after World War II. (Afeef, 2009). It also appears that the government's decision to grant asylum to 500 Darfurian refugees in 2007 was heavily influenced by the Holocaust rhetoric invoked by refugee supporters.

In addition to lobbying and contributing to the wider debate on asylum in Israel, NGOs have played a pivotal role in providing a range of services to the country's growing asylum-seeker community.[13] As discussed earlier, Israeli authorities had no clearcut strategies on how to handle the influx of asylum seekers when the numbers of new arrivals increased drastically in 2006-2007, and nowhere was this more evident than when it came to issues such as medical care, shelter and food.

Many asylum seekers, including minors, were at danger of becoming destitute and NGOs working on asylum issues started working actively to prevent this. Through public fundraising and voluntary efforts, organizations such as the African Refugee Development Centre (ARDC), the Israeli Aid Organization for Refugees and Asylum Seekers (ASSAF), and the Hotline for Migrant Workers were able to find temporary shelters in the cities as well as housing in more rural locations. Furthermore, ad hoc groups such as the "Fugee Friday" initiative have also emerged to collect food for asylum seekers.

The healthcare of asylum seekers is another issue that has been of great concern to asylum and refugee organizations. The government of Israel does not provide health services to asylum seekers, and those requiring acute medical care are often left with large medical bills that they cannot afford to pay. As a result, the organization Physicians for Human Rights (PHR) has become a focal point for nearly all asylum seekers in need of medical assistance.

The walk-in clinic run by the organization was for a long time the only place in Israel that provided free health services for migrant workers and asylum seekers. However, with limited resources, PHR's capacity soon became stretched to its limits as "the number of patients seen at the clinic rose from an average of 18 a day in 2006 to 200 a day in 2008" (Refugees' Rights Forum, 2009:6).

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[13] Four local asylum organizations – the African Refugee Development Centre (ARDC), the Israeli Aid Organization for Refugees and Asylum Seekers (ASSAF), the Hotline for Migrant Workers, and Physicians for Human Rights (PHR) – are currently receiving funding from UNHCR Israel as implementing partners.

Unable to cope with the high demand for health services and frustrated by the government's unwillingness to provide medical services to the growing numbers of asylum seekers, PHR decided in March 2008 to demonstratively close its clinic. In a letter to the Israeli minister of health, the organization wrote that "a volunteer clinic, with a low budget, cannot, should not and is incapable of being a worthy substitute for a proper solution from the state" (Sinai, 2008).

In the wake of this event, the minister of health demanded that the finance ministry provide 7 million shekels to address the health requirements of asylum seekers and refugees. Three months after the closing of the PHR clinic, the Israeli Medical Association announced the opening of a free clinic that would cater to the asylum-seeker and refugee populations, and in the wake of this PHR reopened its own clinic. A governmental solution, however, has yet to be found.

NGOs have played a central role both in lobbying for asylum seekers' rights and setting the asylum issue on the agenda and in providing essential services such as housing and medical care. However, as the case of Physicians for Human Rights illustrates, sometimes the service provision given by organizations has allowed Israeli authorities to evade its responsibilities towards the asylum-seeker population. Israel's government and local municipalities have become highly dependent on local NGOs in the practical management of asylum issues.

In 2008, for instance, the Tel Aviv health bureau asked PHR to identify asylum seekers with tuberculosis and chickenpox (Sinai, 2008). Many NGO workers have expressed frustration with this situation, feeling that they are faced with a moral conundrum whereby their service provision to asylum seekers contributes to governmental apathy and inaction.

It is perhaps not too surprising that NGOs have provided overwhelming and invaluable support and assistance to asylum seekers in Israel. After all, most of the organizations in question were founded to protect human rights and migrant rights. However, it is important to keep in mind that these organizations' efforts have been supported by a significant voluntary effort from the public, and that many ad hoc organizations and "projects" have emerged in the wake of increasing asylum numbers. The overwhelming amount of public support for asylum seekers and refugees arriving in Israel stands in stark contrast to the largely hostile policies of the country's government and its highly restrictive migration regime.

How can this inconsistency be explained? Sociologist Zeev Rosenhek, who has studied labour migrants in Israel, has forwarded a theory as to why large-scale anti-immigrant mobilization is absent in Israel, in contrast to the situation in many other countries. He writes that "in remarkable contrast to most Western European countries ... there have not been incidents of violent attacks against migrant workers in Israel, nor have there been demonstrations against their presence in the country" (Rosenhek, 2007: 223).

The same point also applies, to a large extent, to the case of asylum seekers in the country. Rosenhek (2007: 223) explains this phenomenon by pointing to the extremely xenophobic rhetoric advanced by the political elite and how it "effectively [closes] off the political space available for the constitution and mobilization of antiestablishment political actors on the basis of antagonism to migrants".

While such a mechanism is undoubtedly at play when it comes to the asylum issue, the impact of local NGOs' awareness-raising efforts on public opinion must also be acknowledged. By

setting asylum on the national agenda and drawing parallels between Jewish and contemporary refugees, these organizations have all contributed to fostering a benevolent attitude towards asylum seekers in Israel.

UNHCR's role

While NGOs have taken a clear stance in opposition to the government's asylum policy, UNHCR's approach has necessarily been a more diplomatic one. The organization has collaborated very closely with the authorities on asylum processing, a partnership that has led to several victories for asylum rights in Israel. In the late 1990s, for instance, the organization contributed to the development of a temporary protection regime in the country, which benefited Sierra Leonean, Liberian, Ivoirian and Congolese nationals. However, the organization's relationship with Israeli authorities has come under considerable strain in the light of the recent increase in asylum seekers.

In the late 1990s, Michael Bavly, a former Israeli diplomat, was appointed as an honorary liaison for UNHCR in the country, and he "concentrated his efforts on creating a national system for the determination of refugee status using his personal connections within the Israeli administration and with the support of the UNHCR" (Adout, 2007:142). As a result, the Israeli government established the National Status Granting Body in 2002, which was tasked with making recommendations on individual asylum cases to the minister of the interior (Refugees' Rights Forum, 2009). The foundation for a national asylum system had been laid.

Despite the establishment of the NSGB, UNHCR Israel continued to undertake most of the practical day-to-day work with asylum seekers in Israel and was responsible for registering, interviewing, assessing and following up all asylum seekers in the country until July 2009. Assessed cases were forwarded by UNHCR Israel to the NSGB, which would then make a final recommendation to the ministry of interior on each case. This unique "hybrid solution",[14] in which UNHCR and the government work together on processing asylum applications, represents an institutional arrangement that is particular to Israel. To the author's knowledge, such arrangements are not found in any other country.

The presence of a former high-level Israeli diplomat in UNHCR's office in Israel has undoubtedly given the organization credibility in the eyes of the Israeli authorities. This has enabled close collaboration and discussion on crucial issues related to asylum seekers, something that may not have been possible had the office been run by foreign, non-Hebrew-speaking individuals.

The relationship between UNHCR and the government has been characterized by "goodwill and good contacts" (UNHCR, 2007d), a situation that has also been facilitated by the fact that a large proportion of UNHCR staff in Israel have been Israeli nationals, deeply familiar with the bureaucratic procedures and societal norms of the country. This strong local presence has undoubtedly strengthened the office and increased its ability to be a noteworthy actor in the official discussions on asylum in Israel. However, it has also led to criticism that the office is not sufficiently independent from the government agenda on asylum (Adout, 2007).

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[14] I am grateful to Sharon Harel for this term

As the numbers of asylum seekers started increasing drastically, UNHCR Israel came under increasing pressure both administratively and politically. First, the organization did not have the facilities, staff or resources to handle the large number of asylum seekers who entered the country from 2006 onwards. Although the organization expanded its operations and opened a second office in Tel Aviv in 2007, these steps proved insufficient to handle the growing caseload. This led to a large backlog of asylum applications and an increasing sense of frustration amongst asylum seekers and UNHCR staff alike.

Second, the growing number of asylum arrivals also severely strained UNHCR's strong ties to the government. As discussed earlier, the Israeli government responded to the influx of asylum seekers with ad hoc and uncoordinated policies that often contradicted established UNHCR guidelines and practice. As UNHCR Israel was largely administering the asylum process in Israel, it thus became deeply entangled in the government's many draconian and capricious policies. This placed the organization under considerable strain, caught as it was between its overarching mandate to protect refugees, on the one hand, and the political demands of the Israeli authorities, on the other. This was not an easy balance to maintain.

One event that illustrates this growing turbulence in UNHCR's relationship with the Israeli authorities is the organization's response to the widespread arrests of asylum seekers in late February and early March 2008. During this period, the Israeli immigration police were ordered to arrest 2,100 asylum seekers in the course of seven days (Human Rights Watch, 2008). Although they only succeeded in detaining a few hundred people, this shift nevertheless stirred up considerable fear and uncertainty among asylum seekers. Simultaneously, the government also asked the Israeli ministry of foreign affairs to "make preparations for deportation even in the case of countries with which Israel does not have diplomatic relations, such as Sudan" (Refugees' Rights Forum, 2009: 6).

These policy moves caused UNHCR Israel to write a strong letter to the government stating that its policies constituted a "severe offense to the treaty to which Israel has signed" (Michael Bavly cited in Lipschitz, 2008).[15] The official also pointed to the large administrative burden placed on UNHCR in the wake of the arrests: "We are incapable of identifying 300 asylum seekers that are being arrested every day and this is in addition to our treatment of the continuous flow from Sinai. We could not assist in such an operation."

Many of the asylum seekers incarcerated in this round of arrests had registered with UNHCR Israel and held protection papers issued by its office. Most of them were awaiting their asylum interview. By implementing such wide-ranging arrests of registered asylum seekers registered with UNHCR, Israeli authorities undermined UNHCR's position as a trusted source of protection for asylum seekers in Israel. Most of the arrested individuals were released within a short time, as large-scale deportation turned out to be practically impossible to implement.

Incidents such as the above served to accentuate the differing policies and priorities of UNHCR Israel and the government. The era in which UNHCR handled small numbers of asylum seekers on behalf of the Israeli state had come to an end. Both the government and UNHCR officials recognized that a transfer and clarification of responsibilities was necessary. As a result, the Israeli ministry of the interior took over responsibility for the refugee-status determination process from UNHCR on 2 July 2009 (IRIN, 2009). Prior to this handover, 35

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[15] This confidential letter was leaked to the media and quoted in the Israeli daily *Yediot Ahronot*.

newly recruited staff from the ministry of the interior received four months of training and follow-up from UNHCR officials, a testament to the goodwill between the two institutions.

Conclusion

The growing number of asylum seekers in Israel illustrates the fact that the country is increasingly affected by both regional and global migratory processes. As the country is located in and near regions where large-scale displacement is common, this is perhaps not surprising. We have seen that the increase in asylum seekers in Israel has come about partly owing to the country's porous border with Egypt and the smuggling networks operating in this area. But, perhaps even more importantly, the rise in asylum numbers in Israel can be explained with reference to the dismal and deteriorating asylum conditions in neighbouring countries and the lack of "durable solutions" in first countries of asylum.

It is also important to acknowledge the diversity of reasons why asylum seekers enter Israel, and it is clear that different groups have different flight histories and different reasons for arriving in the country. However, a common element among many of the early asylum arrivals is that they regard Israel as a relatively hospitable country of asylum with many livelihood opportunities – at least in comparison with neighbouring states. Accordingly, asylum migration to Israel must be understood in the context of the broader migration and asylum dynamics in the Middle East and North Africa as a whole.

The local context is also important for understanding the dynamics of asylum migration to Israel. Shaped by Zionist ideology and the need for a demographic Jewish majority, the Israeli migration regime can be characterized as an exclusionary system that clearly distinguishes between "desirable" Jewish migrants, on the one hand, and "undesirable" non-Jewish migrants, on the other. This regime creates an unfavourable environment for asylum seekers and other non-Jewish migrants, as these are seen to pose a threat to Israel's ethno-national foundations.

Although there is little doubt that the exclusionary migration regime plays a role in determining official Israeli asylum policy, this paper also draws a more complex picture of asylum in Israel. We see that government policies towards asylum seekers have been characterized by both negative and asylum-friendly measures, and that these often have been implemented simultaneously and in an ad hoc manner. It is also clear that the Israeli government has, until recently, not had a clear vision or strategy on the asylum issue, and that much of the confusion and contradiction stems from a lack of leadership, funding shortages and in-fighting between governmental departments and ministries. Thus, it is not only the restrictive asylum regime that has influenced official responses to asylum, but also practical circumstances.

Israel is not only committed to upholding the ethno-national foundations of the Israeli state. The country is also founded on principles of Western-style democracy. The allegiance to these two contradicting principles has been described as the country's "main political and moral dilemma" (Shafir & Peled, 2002: 1) and this tension is clearly evident when looking at the asylum issue. While refugees fleeing oppressive regimes do not contribute to strengthening the "Jewish" nature of the state, they do symbolize Israel's commitment to humanitarian and liberal democratic values.

The fact that Israel, as a democratic state and signatory to the Refugee Convention, has a moral and legal duty to protect refugees is frequently pointed out by local civil society organizations. We have seen that NGOs have taken an active role both in challenging draconian asylum policies and in providing basic services, shelter and assistance to asylum seekers. The service provision offered has to some extent enabled the Israeli authorities' inaction on the asylum issue, a situation that has frustrated many activists.

It is also interesting to note that support for asylum seekers within Israel has originated not just from migrant organizations, but also from a wider section of Israeli society, including the kibbutz movement, political parties and religious groups. This has created new – and at times unexpected – expressions of social solidarity in Israel, cutting across religious, ethnic and national boundaries.

For its part, UNHCR has also been heavily involved with asylum seekers in Israel. Staffed mainly by Israeli nationals that are deeply familiar with the country's governmental structures and national politics, the UNHCR office in Israel has in the past few decades positively influenced the development of asylum-processing systems in the country. However, as the numbers of asylum seekers have grown, the difference between UNHCR and government interests have become increasingly evident. The UNHCR office has nevertheless maintained a close working relationship with national authorities and has been able to influence the development of the national asylum system.

Through the handover of asylum-processing tasks to the government in July 2009, both UNHCR and the Israeli government have demonstrated their changing roles in Israeli asylum politics. UNHCR is no longer in charge of the day-to-day processing of asylum seekers but will take a stronger monitoring role, while the government is now fully responsible for all stages of the asylum process in the country.

The handover of responsibilities from UNHCR to national authorities marks a watershed in the history of asylum in Israel. It is too early to assess what the outcome of this change will be, but what is certain and encouraging is that the Israeli government is taking increasing responsibility for the country's growing community of asylum seekers and refugees. This process will hopefully lead to a more predictable and transparent asylum system in the country.

The development of individualized asylum processing is an indication that asylum is being "normalized" in Israel: procedures are being streamlined and institutional structures established. There remain many challenges ahead, and the learning curve will be steep for policymakers and case workers alike. And, like so many other asylum countries, Israel will continue to balance between its international obligations towards refugees, on the one hand, and its own perceived national interests, on the other.

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