



MIGRANT WORKERS

In the 1990s, Israel opened its borders to migrant workers, who initially replaced Palestinians in the bottom tier of the labor market. Today, more than 180,000 workers from developing nations live and work in Israel as caregivers, agricultural laborers, and construction workers. Approximately 90,000 are considered illegal, lacking a contract with an employment agency and a visa.

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Viewing the employment of migrant workers as a short-term solution to its labor problem, Israel has never created comprehensive long-term labor policies for these workers. This has created a legal vacuum, and made them vulnerable to abuse and exploitation by their employers. Most migrant workers have no representation or access to institutional help, and they are often unable to advocate effectively for themselves because they do not speak Hebrew and are not Israeli citizens. There is also a lack of clear immigration policies for non-Jews.

CHALLENGES

Exploitation by employers

- Recruited overseas by local contractors who charge exorbitant fees, migrant workers often remain in debt for years. Many workers, legal and illegal, are subjected to unsuitable living conditions, withheld salaries, non-payment of overtime wages, payment below minimum wage, and illegal confiscation of their passports by employers.
- The Supreme Court ruled against the “binding policy” that chains migrant workers to their employers in March 2006. However, this policy was renewed in 2011. Migrant workers, mostly in the caring professions, are confined to specific geographical areas and restricted in the number of times they can change employers. This legal system makes it difficult for workers to escape abusive conditions, thus facilitating exploitation by their employers.



Sigal Rozen of the Hotline for Migrant Workers with migrant child

Detainment

- There have been many instances of police brutality during the arrest and detention of migrant workers.
 - Many migrant workers do not have access to state-funded legal aid or interpreters in judicial and deportation hearings.
 - Police have detained and deported legal migrant workers in order to meet quotas to reduce the migrant worker population.

MAKING PROGRESS

In April 2011, Israel's High Court of Justice cancelled an Israeli government order that required migrant workers to return their infant to their home country within three months of giving birth in order to retain their work visa. This ruling followed a petition by NIF grantees *Association for Civil Rights in Israel (ACRI)*, *Kav Laoved - Workers Hotline*, *Hotline for Migrant Workers in Israel* and *Physicians for Human Rights*.

Deportation of children

- Many children of migrant workers (today numbering around 2000), some of them born in Israel, consider themselves Israeli and speak Hebrew as a first language (some do not even know the language of their home country). Yet there is no official policy regarding their long-term status.
- The government has granted one-time amnesty to a limited number of children who meet specific criteria. However, if a child misses the deadline, or does not meet the criteria, he/she may be deported. Hundreds of children are at risk of deportation.
- Some children are held in detention centers where the quality of government care is questionable.



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REFUGEES AND ASYLUM-SEEKERS

Since 2005, an estimated 40,000 refugees and asylum-seekers – many fleeing conflicts in Eritrea, Sudan, and elsewhere in Africa – have crossed into Israel. Israel lacks refugee legislation and the country's nascent refugee system is collapsing under the weight of recent arrivals. Though signatory to the [1951 Convention relating to the Status of Refugees](#), the Israeli government has not yet adopted asylum legislation and the asylum process is marked by unclear policies and procedures. While 600 refugees from Darfur have received status, the rest are stuck in on-going limbo regarding their futures. Although the plight of these individuals has touched the hearts of many Israelis – both leaders and ordinary citizens – some Members of Knesset, rabbis, and other public figures have issued [xenophobic statements against the refugees](#).

CHALLENGES

Detention and lack of basic rights

- The vast majority of refugees entering Israel, including women and children, are detained for indefinite periods. Conditions at detention facilities are severely lacking, and the risk of psychological injury, especially to those who experienced trauma in their home countries and en route to Israel, is high.
- When the prisons are filled to capacity, asylum seekers are released into Israeli city centers without any assistance. Asylum-seekers' access to basic services, such as health care, housing, education, vocational training and employment ranges from very limited to none at all. Hundreds of new arrivals, including pregnant women, children and unaccompanied minors have remained homeless. A majority of asylum-seekers cannot obtain permission to work, so few are able to secure work, and those who do are vulnerable to exploitation and exposed to the dangerous working conditions.



Deterrence

The government has introduced a number of interrelated measures designed to deter further arrivals. These include:

- threatening to [fine employers](#) of asylum seekers without a work permit,
- the proposed construction of a detention centre for asylum seekers,
 - the erection of a [border fence](#) due to be completed in 2012, and
 - the passage of the [Anti-Infiltration Bill](#) in January 2012

MAKING PROGRESS

The practice of "hot returns", expulsion of asylum-seekers to Egypt (which reportedly deported some of these refugees back to the Sudan and Eritrea and imprisoned others), was successfully challenged in court by human rights groups.

Reluctance to grant status

- Israel has no law regulating the status of asylum-seekers and attempts to enact a law have been met with government resistance.
- Since Israel's establishment, fewer than 150 individuals have been recognized as refugees under the Refugee Convention. Some 600 refugees from Darfur have been granted temporary resident status to be renewed every year, though not official refugee state.

Per ACRI: "The State of Israel certainly has the right to protect the integrity of its borders, to establish rules regarding entry into the country, and to monitor those who come knocking on its gates. But as a country that was established, in part, to grant a home to Jewish refugees, and as a country that was closely involved in the drafting of the 1951 Convention Relating to the Status of Refugees, it must take into account the moral and legal obligation not to imprison refugees and asylum seekers, rather than seeking to punish them."

RESPONDING TO THE CHALLENGES

With the aim of promoting a just and compassionate society in Israel, NIF works to protect the human rights of migrant workers and their families. Examples of organizations making a difference on the ground include:

Association of Civil Rights in Israel (ACRI)

Established in 1972, ACRI (www.acri.org.il) is Israel's oldest and largest human rights organization and the only one dealing with the entire spectrum of rights and civil liberties issues in Israel and the Occupied Territories. ACRI advocates in the legal and public spheres for the rights and fair treatment of migrant workers, refugees and asylum-seekers.

Hotline for Migrant Workers (HMW)

The Hotline for Migrant Workers (www.hotline.org.il) was established in 1998 to protect the human rights of migrant worker and combat trafficking in women in Israel, and has since expanded its mission to include refugees and asylum-seekers. In addition to public consciousness-raising, HMW works to safeguard the rights of migrant workers facing detention and deportation and advance alternative employment policies for migrant workers. HMW provides refugees and asylum-seekers with humanitarian aid and para-legal representation, and files precedent-setting suits on topics such as detention conditions, illegal detention, deportation to Egypt, and judicial review.

African Refugee Development Center (ARDC)

The mission of the African Refugee Development Center (www.ardc-israel.org) is to protect and empower refugees and asylum seekers in Israel. The ARDC seeks to ensure access to basic social services, and to facilitate refugee and asylum seeker integration, self-sufficiency and ownership in matters affecting their lives.

Israel Religious Action Center of the Reform Movement (IRAC)

IRAC's work (www.irac.org) focuses on both the legal and the humanitarian fronts. "Keren B'Kavod", a project involving Reform congregants, provides humanitarian assistance to Sudanese refugees and migrant workers, provides life skills training for refugee women, and educates the public about refugees. IRAC fights incitement to racism against refugees and migrant workers, including incitement by rabbis, through the courts and the Knesset.

Refugees' Rights Forum

These organizations, along with four others, are members of the Refugees' Rights Forum, which works to promote the development of comprehensive and humane refugee legislation and policy. The Forum lobbies key decision-makers on legislation implementing the international obligations Israel committed to when signing the 1951 Convention Relating to the Status of Refugees.

Sources: This information is based on current events, government policies and the work of NIF grantees that work on this issue. Information was provided primarily by the *Hotline for Migrant Workers*, the *Association for Civil Rights in Israel* and the *African Refugee Development Center*.

ADDITIONAL RESOURCES

Background Information from NGOs and Other Sources

African Refugee Development Center (ARDC): <http://www.ardc-israel.org/en/content/refugees-israel>

Association for Civil Rights in Israel 2011 Annual Report, Pages 15-23, 31-33, 57-58
<http://www.acri.org.il/en/wp-content/uploads/2011/12/ACRI-State-of-Human-Rights-2011-ENG.pdf>

Hotline for Migrant Workers (Migrants and Refugees): www.hotline.org.il

Physicians for Human Rights – Israel (Migrants and Refugees): <http://www.phr.org.il>

US State Department 2010 Human Rights Report, Pages 15-20 (protection of refugees), 39-42 (workers' rights)
<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154463.htm>

Articles and Videos

Video on the work of ARDC (6.5 minutes): <http://www.youtube.com/watch?v=z0H5nAmi9GE>

Video of song protesting the deportation of children of migrant workers, with Israeli public figures (Hebrew lyrics and English translation available from NIF): <http://www.youtube.com/watch?v=qCiHKarFqRQ>

Video by the Hotline for Migrant Workers against the Infiltration Law:
<http://www.youtube.com/watch?v=SBqk5I5hNTw&feature=youtu.be>

Article on the director of the African Refugee Development center:
<http://www.haaretz.com/weekend/anglo-file/from-asylum-seeker-to-community-leader-1.428178>

Dreaming in Hebrew, Facing Deportation (article on the award-winning documentary on the children of foreign workers in Israel and the awareness it has spread about children facing deportation):
<http://www.forward.com/articles/136814/>

Israel to Crack Down on Illegal Migrant Workers (article on the debate over migrant workers and non-Jewish immigrants):
<http://www.reuters.com/article/idUSTRE6AR17Q20101128>

Flow of African migrants poses dilemma for Israel: http://www.washingtonpost.com/world/flow-of-african-migrants-poses-dilemma-for-israel/2011/04/14/AFsxuyjD_story.html

No country for refugees (article on a newspaper aiming to change Israelis' perceptions of asylum seekers):
<http://www.haaretz.com/weekend/magazine/no-country-for-refugees-1.356153>

Sparing a thought on Passover for the refugees in Israel:
<http://www.haaretz.com/jewish-world/sparing-a-thought-on-passover-for-the-refugees-in-israel-1.422573>

Shoah survivors: Kids' deportation inhumane: <http://www.ynetnews.com/articles/0,7340,L-3932047,00.html>

Hundreds march in Tel Aviv to protest deportation of foreign workers' kids:
<http://www.haaretz.com/news/national/hundreds-march-in-tel-aviv-to-protest-deportation-of-foreign-workers-kids-1.347179>

Migrant workers won't lose visa for pregnancy
<http://www.ynetnews.com/articles/0,7340,L-4056341,00.html>