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BEYOND EUROPE

New Israeli law aiming to deter asylum-seekers allows detention of irregular migrants for up to three years

A [new law](#), passed on 10 January 2012, amends Israel's [Prevention of Infiltration Law \(1954\)](#), and makes irregular migrants and asylum seekers liable to jail without trial or deportation for up to three years, while also [making it a crime to help](#) irregular migrants or provide them with shelter. In so doing, the new law places Israel [in violation](#) of its obligations under the 1951 Convention relating to the Status of Refugees ("Refugee Convention") and other international human rights covenants. As per Article 31 of the Refugee Convention, asylum seekers should not be penalized for unauthorized entry into an asylum State provided they present themselves to State authorities without delay and show good cause for their illegal presence.

Despite its geographical proximity to conflicts in Africa and the Middle East, Israel has not traditionally been a destination country for refugees. However since the early 2000s, growing numbers of African refugees have sought asylum in Israel, with most people arriving on foot across the Egyptian border. The Israeli government estimates that arrivals have averaged [13,000 persons annually](#) since 2010.

"The clear intention of the law is deterrence," explains [Tally Kritzman](#), Associate Professor of Immigration Law at the Academic Centre of Law and Business in Ramat Gan, speaking to the ECRE Weekly Bulletin. In effect, "the law is abusing the human rights of some in order to deter others, which is unacceptable." Tally doubts the law will have its intended effect. "Most people leave their country of origin because they have no choice. People view detention in Israel as preferable to exposure to genocide in Darfur, or forced conscription in the military service. They will continue to come." With continuing instability in the region, in particular in the [Horn of Africa](#), the arrival of African refugees is likely to continue.

The new law is closely tied to Israel's construction of a [vast detention complex](#) in the Negev desert with the capacity to hold upwards of 11,000 persons and which will become the world's largest holding facility for asylum seekers and migrants. Among the approximately [40,000](#) total asylum seekers in Israel today, 57% are Eritrean and 25% are Sudanese. Despite being refugees, the Ministry of Interior does not process the applications of either Sudanese or Eritreans asylum seekers on the basis of their nationality. At the same time, both nationalities have been [granted protection from refoulement](#) and are eventually allowed to remain in the country despite their ongoing status as 'unlawful entrants.' The majority of Sudanese and Eritreans in Israel today have been released from detention on conditional release permits, which provide no rights except for protection from refoulement. The new law compounds the situation by enabling the protracted detention of Sudanese and Eritreans in Israel for a period of up to three years. What is worse, as citizens of ["enemy states,"](#) Sudanese [may be detained indefinitely](#).

Since ratifying the Refugee Convention in 1954 and establishing national refugee status determination [procedures](#) in 2001, Israel has only [recognized 157 asylum seekers](#) as refugees. In 2011, only 8 asylumseekers were recognized out of 990 processed applications.

For further information:

– Amnesty International, [Israel: New detention law violates rights of asylum-seekers](#)