

Hotline for Migrant Workers

"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" - *Exodus 22:20*

September 2010

Unlawful long-time detention of asylum seekers

General Information

Article 13 F (4) of the Entry to Israel Law states that an illegal resident who is detained for more than 60 days will be conditionally released. It is thereby emphasized that the purpose of the detention is to facilitate the deportation of the detainee and not his punishment. If the detainee is not about to be deported, there is neither reason nor legal justification to continue holding him in detention.

In accordance, the Ministry of the Interior's (MOI) border control officers are supposed to facilitate the release of detainees who cannot be deported for various reasons within 60 days. The Administrative Review Tribunal is responsible for inspecting the decisions of the border control officers to guarantee that the law is respected. Unfortunately, neither the border control officers nor the Administrative Review Tribunal release detainees after 60 days of detention, even though it is obvious that their deportation cannot be realized in the near future.

The reason for this situation is Israel's desire to grant refugee status to the lowest possible number of asylum seekers. Therefore, the MOI willfully makes it difficult for them to prove their nationality. During the long RSD (Refugee Status Determination) procedures the authorities prefer to hold asylum seekers detained to ensure their fast deportation in case the request for asylum is rejected.

Sudanese and Eritreans make up more than 70% of asylum seekers in Israel. The authorities refrain from deporting these two groups and do not conduct any RSD procedures for them. But because nationals of these countries cannot be deported, the authorities hesitate before recognizing them as such. As a result, many Sudanese and Eritreans, who insist on being Sudanese and Eritreans, are accused of concealing their real nationalities and are defined as "uncooperative". If a detainee is "uncooperative", the law does not require his release from detention even after 60 days of his arrest.

As of August 2010, 1,042 illegal residents are being unlawfully held for more than 60 days¹ by the Israeli prison authorities. 415 of them have been detained for more than a year.

Details of the illegal residents detained in Saaronim prison and in Givon prison at present²:

A citizen of Congo and a citizen of Kenya have been detained since 2004.

A citizen of Ethiopia has been detained since 2005.

¹ <http://www.ynetnews.com/articles/0.7340.L-3953573.00.html>

² Since the "Hotline for Migrant workers" volunteers cannot enter the prison's sections, the data is mainly based on the prison authorities list of detainees from August 2010.

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Two citizens of Guinea have been detained since 2006.

20 people have been detained since 2007:

13 citizens of Ivory Coast
1 citizen of Uzbekistan
1 citizen of Ethiopia
1 citizen of Guinea
1 citizen of Togo
1 citizen of Moldova
1 citizen of Nigeria
1 citizen of Zimbabwe

74 people have been detained since 2008:

20 citizens of Ivory Coast
7 citizens of Somalia
6 citizens of Ethiopia
11 from unknown countries
The rest are from 11 various countries.

316 people have been detained since 2009:

135 citizens of Ethiopia
14 citizens of Ivory Coast
10 from unknown countries
8 citizens of Sudan
6 citizens of Somalia
2 citizens of Congo
1 citizen of Libya
The rest are from 20 various countries.

While looking at these figures of detainees held in prison for more than a year, one should bare in mind that citizens of Sudan, Eritrea, Libya, Somalia and Congo, as well as residents of several areas in the Ivory Coast, cannot be deported in the near future. (Eritrea, Somalia, Congo and Ivory Coast due to the UNHCR recommendations; Sudan and Libya are defined as enemy states and therefore no deportation to these countries is technically possible.)

21 of these detainees are registered as nationals of "unknown countries". This means that they claim to be from a certain country, but fail to prove it. Usually, these are nationals of Sudan and Eritrea who left their homeland long ago and raise the MOI's suspicion of being nationals of other countries. Some of them might falsely claim to be citizens of Sudan and Eritrea, hoping to be released in Israel.

143 of these detainees are registered as citizens of Ethiopia, including one who has been detained for 5 years. These detainees are either citizens of Eritrea, or Ethiopians of Eritrean origin who were recognized by the Israeli MOI as citizens of Ethiopia. Others among them might be citizens of Ethiopia who claim to be Eritrean, hoping to be released and be able to work in Israel.

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Detention of Children

Since July 2007, asylum seeker families arriving from the Egyptian borders are being detained in "Saaronim prison", near Ktsiot. The majority of the families are of Eritrean, Sudanese or Ethiopian origin.

The fathers are detained in the men's sections and the mothers with their children are detained in the women's section. Some improvements in the imprisonment conditions have been made since human rights organizations filed a petition on that issue in January 2008, but women and children are still detained in cloth tents and no proper schooling is offered to the children who are usually detained for long months.

On August 3, 2010, there were 206 women and children in the Saaronim prison (in the tents of section 6).

41 of them were detained since 2009.
96 of the detainees were from Eritrea
65 of the detainees were from Ethiopia
7 of the detainees were from Sudan
12 of the detainees were registered as Unknown.

As mentioned above, at the women and children section as well, detainees which are marked as citizens of Ethiopia, are either citizens of Eritrea, or Ethiopians of Eritrean origin who were recognized by the Israeli MOI as citizens of Ethiopia. Others among them might be citizens of Ethiopia who claim to be Eritrean, hoping to be released and be able to work in Israel

In September 2010, among the detained women there are 6 mothers with their 10 little children, held in section no. 6 of Saaronim.

A woman who claims to be from Darfur has been detained with her two small children for more than a year. Her husband, who was recognized as a Darfuri, is waiting for them outside of prison, but the Israeli MOI claims that the woman is from Chad and not from Darfur.

Two women who claim to be from Eritrea have been detained for more than a year with their two small children:

One of the children, a 6-year-old, has been detained with his mother since March 2009 – more than a year and a half !

The other child, 4 years old, has been detained with his mother since October 2009.

Since January 2008, when Adv. Yonatan Berman, the Hotline for Migrant Worker's legal adviser, served a petition against the Prison Authorities demanding that children will not be detained in inhumane conditions, access of Hotline for Migrant Workers volunteers to the various sections of Saaronim prison has been denied. For every visit, the volunteers have to bring lists of detainees they wish to meet and the prison guards have to look for them and bring them out. As a result, instead of meeting and speaking with around 200 detainees during every prison visit, the volunteers manage to meet between 6 – 12 detainees who the guards manage to locate for them during the 8 hour visit. The Hotline volunteers can no longer inspect the imprisonment conditions and cannot meet the majority of the detainees. This results in delays in their release, as we can see in the above mentioned cases.

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Detention of Unaccompanied Minors

Up to date, 70 unaccompanied minors are being detained in Israel for illegal residency. The vast majority of them are asylum seekers from Eritrea, who cannot be returned to their home country.

After a long and intensive campaign by Israeli human rights organizations, a new prison for unaccompanied minors arriving in Israel from the Egyptian borders was established in August 2010. The new prison is called "Matan" and it is situated in Hadera, in the same building of the old "Michal" women prison. While "Michal" was run by the Immigration Authority, "Matan" is run by the Prison Authority.

Matan prison has place for 70 minors but due to budget restrains only 40 minors have been transferred there during the first month of its operation.

40 additional unaccompanied minors are still detained in the cloth tents of Saaronim prison.

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