



PRESS RELEASE

UNHCR
PO Box 52594
Tel Aviv 67132
119 Hahashmonaim St.
Tel Aviv 67132
Tel +972 3 637 6500
Fax +972 3 516 7800
Email: ISRTE@unhcr.org

PLACE: Tel Aviv, Israel

DATE: 5 January 2014

PRESS RELEASE

Israel's new laws and policies do not live up to the Spirit of the 1951 Refugee Convention

While Israel has contributed to global refugee protection by hosting a large number of asylum-seekers over a number of years, the Government's current policies and practices coupled with the recent adoption of the 4th Amendment to the Law for the Prevention of Infiltration raise a number of serious concerns in light of international refugee and human rights law and standards.

First, there is a need for Israel to ensure that those with protection needs have access to refugee status determination (RSD), irrespective of the location of their residence in Israel. At this stage, only a small number have gone through the RSD process while the majority – particularly Eritreans and Sudanese outside detention – were granted an imperfect form of temporary protection. It is important to note that asylum-seekers from Eritrea and Sudan show high recognition rates in other countries (in Europe, the recognition rates are more than 70 per cent).

Second, asylum-seekers are being labelled as “infiltrators”, illegal work infiltrators or economic migrants without necessarily taking into account the reasons of why they had to flee from their country of origin. While it is correct that not every asylum-seeker is indeed a refugee, in light of their countries of origin, the majority are either refugees in the sense of the 1951 Refugee Convention or, at the very least, in need of international protection and cannot be returned to their home country. Placing asylum-seekers in duress that may force asylum-seekers to opt to return without having examined their asylum claim could amount to a violation of the principle of *non-refoulement* (as stipulated in Article 33 of the 1951 Refugee Convention).

Third, according to international law, detention of asylum-seekers and other persons in need of international protection should be applied as a measure of last resort, in exceptional circumstances only and, based on the principle of proportionality, should be limited to the shortest possible duration. While UNHCR supports in principle the concept of establishing a residence centre, the UNHCR Representative, Walpurga Englbrecht stated: “I am particularly disquieted about the purpose of the so-called “open” residence facility in Holot which, in its current form and despite its designation as “open”, would appear to operate as a detention centre from where there is no release. This means in effect indefinite detention.”



PRESS RELEASE

Fourth, the UNHCR Office has received various queries and complaints on the latest practice of arresting asylum-seekers whose visas have expired, either because they were not aware of the new legal framework or they tried but were not successful in renewing the visa (a visa is only renewed in one of the four local offices of the Ministry of Interior twice a week in the afternoon). The current practice leads to hardship and suffering. Families are split whereby the breadwinner is put in detention, and family members, including pregnant women and minor children, are left to fend for themselves. In other cases, the request for a visa renewal just leads to an extension of one month with the demand to report to Holot at the end of the one month period. There are also cases where an asylum-seeker holding a B1 working visa just received a one-month conditional release visa with the request to report to Holot in one month, otherwise he would be detained. Asylum-seekers report that they are afraid of going into the street for fear of being arrested or they are afraid of not being able to come home from work.

The current policy and practices create fear and chaos amongst asylum-seekers, not taking into account their specific situation. “Warehousing” refugees in Holot is not a solution in line with the 1951 Refugee Convention. UNHCR appeals to the Government to consider implementing humane and dignified solutions.

Press Contacts:

Sharon Harel, Cell 052-3240 118, Email: harel@unhcr.org