

July 31st, 2022

“They tell a person to leave, but he has nowhere to go”: The ban on employment of asylum seekers in 17 cities

On June 30th, 2022, the day the *Knesset* (Israeli Parliament) was dissolved, the Minister of the Interior published a new regulation that will come into effect on October 1, 2022 (hereinafter: “the regulation”). According to the regulation, asylum seekers that hold the 2A5 visas are restricted to work in only four types of jobs: hotels, construction, agriculture and institutional nursing. Those who worked at the restaurant until June 2022 will be allowed to continue their work. Any asylum seeker who does not fall into those permissible forms of employment will have to look for a job located outside the 17 cities listed in the regulation. These 17 cities are where most asylum seekers in Israel live. On July 21, 2022, it was announced that the same regulation will also apply to Ukrainian refugees, who were only recently allowed to work, starting August 1, 2022. Many of the faults reviewed below apply to them as well.

The regulation will harm disadvantaged and discriminated people

Asylum seekers from Eritrea and Sudan have been living in Israel legally for over a decade. They fled their home countries due to persecution and trauma and thus cannot return. As such, they are entitled to international protection. This is evident from the many countries around the world that grant refugee status to a high percentage of asylum seekers from these countries; It is also evident according to the United Nations High Commissioner for Refugee (UNHCR). In fact, it is also evident from the actions of the then-Prime Minister Netanyahu who signed in 2018 an agreement to collaborate with the UNHCR on the fate of asylum seekers in Israel- and then withdrew from the agreement the next day.

Despite the aid and rehabilitation needed by those who had no choice but to leave their countries, the asylum seekers in Israel have been suffering more than a decade of abusive policy. Among other things, the policy included incarceration in the Holot Prison (which was since then shot down), embezzlement of funds under the deposit law (which was annulled by the High Court of Justice), pressures to “voluntarily leave” and even a (failed) plan for forced deportation to Uganda and Rwanda. Apart from active mistreatment measures, the policy also includes protracted omissions, including the avoidance to review thousands asylum applications and the refusal to grant social rights - health insurance, allowances for those entitled to them, and welfare services.

This long-standing policy has worsened the situation of asylum seekers. Everyone who found a way to do so, left for safe countries. Several thousands of them even left out of desperation to unsafe countries. The communal structure of the asylum seekers who are still here is fragile. On the fringes of society, in areas saturated with racism and xenophobia, they work non-stop to survive, provide for their children and support the more vulnerable in the community - the sick, the single mothers, the disabled and the mentally challenged who cannot support themselves.

The new regulation is expected to dismantle this fragile structure, to lead to a sweeping material deterioration of the asylum seekers and to worsen the feelings of despair. The "strongest" of them, including the few who managed to reach more lucrative and stable jobs, will lose their livelihood and their struggle to survive and advance will go down the drain. The most vulnerable, some of whom cannot work in the four types of physical work allowed by the regulation even if they wanted to, will suffer not only from unemployment but also from an increased risk of abusive employment and exploitation, including exploitation for trafficking and prostitution.

The regulation is expected to seriously harm also young people and even children whose parents are asylum seekers. Every child whose parents are asylum seekers, even if they were born here and/or were educated in the Israeli education system from the age of 3, and even if they graduated from high school with honors, will know that the day after high school graduation they would have to work in construction, a nursing home or a hotel, or to leave their city. Obviously, a 17-year-old boy would have no reason to invest in his studies in such a situation. In fact, even an 8-year-old girl would have no reason to invest in her studies, if this regulation decides her obvious future anyway. Kindergarten teachers, counselors, teachers, managers, and anyone who is supposed to invest in these children will also have to decide: invest in them, an investment that will go down the drain, or simply give them up in advance.

The regulation will harm Israeli society as a whole

The regulation will directly and immediately harm many Israelis. It will of course hurt employers, especially since nowadays almost all branches of the economy need more workers. Just four months ago, the Minister of Economy and Industry addressed the Minister of the Interior in a letter requesting to allow Ukrainian refugees to work and emphasized that there are currently 14,000 vacant positions in Israel. About two months later, the Ministry of the Interior allowed the employment of Ukrainian refugees (but recently, as mentioned, announced that the regulation would also apply to them). In addition, employers from the public sector and from civil society organizations are expected to be affected. Asylum seekers work in municipalities, public institutions and human rights organizations as mediators, interpreters, and kindergarten assistants.

More broadly, both the neglect of the asylum seekers and the actions that deliberately weaken them and abuse them, harm Israeli society as a whole and in particular the residents of the areas where the asylum seekers live. The same consequence is expected with this regulation, which will likely result in mass layoff of asylum seekers, an increase in unemployment and undocumented work in the "forbidden cities", material and moral deterioration, an erosion of the resilience of the youth and young adults, increased exposure to diverse forms of abusive employment and exploitation, and a shock to the already-fragile community fabric.

The real purpose of the regulation is invalid

According to the official public [announcement](#) of the regulation, the purpose of the ban on working in the cities is "to prevent foreigners from settling in the cities and to make things easier for the residents of those cities." The regulation does not really fulfill this purpose. The ban is on working in cities, not on living in them. It is expected to harm the residents of the cities and not "make it easier" for them, as it is expected to add

unemployment and despair to their environment. The regulation in any case cannot encourage the departure of the city since it includes 17 (!!!) cities. Asylum seekers are not expected to leave the cities even if the regulation will go into effect, simply because they have nowhere to go.

If “preventing settling” doesn’t mean leaving the city, it probably means “preventing a feeling of comfort”. That is, the purpose of the regulation is that the asylum seekers will internalize their temporality, internalize the treatment of them as an object that can be useful under limited conditions and for limited purposes and behave accordingly. Such a purpose as mentioned is not expected to make it easier for the residents of the cities but on the contrary. More importantly: after more than a decade of living in Israel under group protection, such a purpose is simply illegal and immoral.

The regulation is extremely unusual compared to other countries

Other countries also impose geographic restrictions on asylum seekers, but the current move by the Minister of the Interior is unusual in its draconian nature in comparison to other countries.

Other countries impose restrictions on asylum seekers who have just arrived, and do not tear people from their lives after more than a decade; Geographical restrictions in other countries are not forever, but time-bound; They are accompanied by social assistance and support, in order to ensure that the asylum seekers integrate optimally in the places that receive them; And they are imposed in countries that have functioning asylum systems, which grant refugee status to those who are entitled to it and even, in most cases, a path to citizenship, and not against the background of asylum requests that dry up on the shelf for over a decade.

The regulation blatantly ignores the guidelines of the High Court

The public announcement of the regulation presents it as a regulation required by the High Court of Justice in Israel. This is an outrageous spin. The ruling to which the Ministry of the Interior is referring does indeed discuss geographical limitations. These are the restrictions imposed on those released from the Holot Prison, some of whom were forbidden to return to the cities from which they were torn. The most extensive restriction imposed on some of them is a ban on living and working in seven cities. In other words, the aforementioned High Court decision dealt with something completely different: restrictions imposed in 2017, on a small group of asylum seekers, banning them from living and working in seven cities. An outrageous and problematic ban without a doubt, but much more limited than the new sweeping and draconian regulation imposed on almost all asylum seekers which forbids them to work in the 17 cities, where they have lived for years, and sets a never-ending future implication - more and more children will become adults and join those who suffer from it.

The current ban is more draconian than the ban discussed in the High Court not only because it is more extensive, but also because it is imposed five years later. The passage of time has legal, moral, and practical significance. Denial of status, denial of rights and active harassment are problematic when it comes to asylum seekers, they are outrageous when it comes to asylum seekers who have been legally staying in Israel for 5 to 11 years, and they are scandalous when it comes to asylum seekers who have been legally staying in Israel for 10 to 16 years. As time passes, the legal rights of asylum seekers are

multiplying, their ability to deal with abusive policies as individuals and as a community is eroding and the expectation that they will leave Israel soon becomes ridiculous and more and more dangerous.

In addition, in its decision, the court ordered the Ministry of the Interior to create a regulation on the matter in order to reduce the harm to the asylum seekers released from the Holot Prison on whom the geographical restrictions were imposed. Among other things, the court demanded that the regulation establish clear criteria for imposing the restrictions and an appeal mechanism. The new regulation ignores this and, contrary to the intent of the ruling, expands the list of cities and the population to which it will apply.

Finally, the legal situation has changed significantly since the ruling. A temporary order that was fixed at the time in the law (Section 6(3) of the Entry into Israel Law) alleviated, according to the court, the dilemma regarding the authority of the Minister to impose such restrictions. Today this temporary order no longer exists. The Minister of the Interior tried to extend it, along with two additional orders of the “law to prevent infiltration”, yet failed to obtain the necessary majority in the Knesset.

A regulation meant to cause harm to disadvantaged and discriminated refugees, which is going to crush the weak and weaken the strong, which treats people as objects - useful or not, which contradicts the decision of the High Court, which was published during an election period without a consultation process with relevant government ministries or the *Knesset*, which will make Israel even more of an exception among Western countries and which is going to harm not only refugees but also Israeli citizens – must not come into effect. It’s not too late to stop this.

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