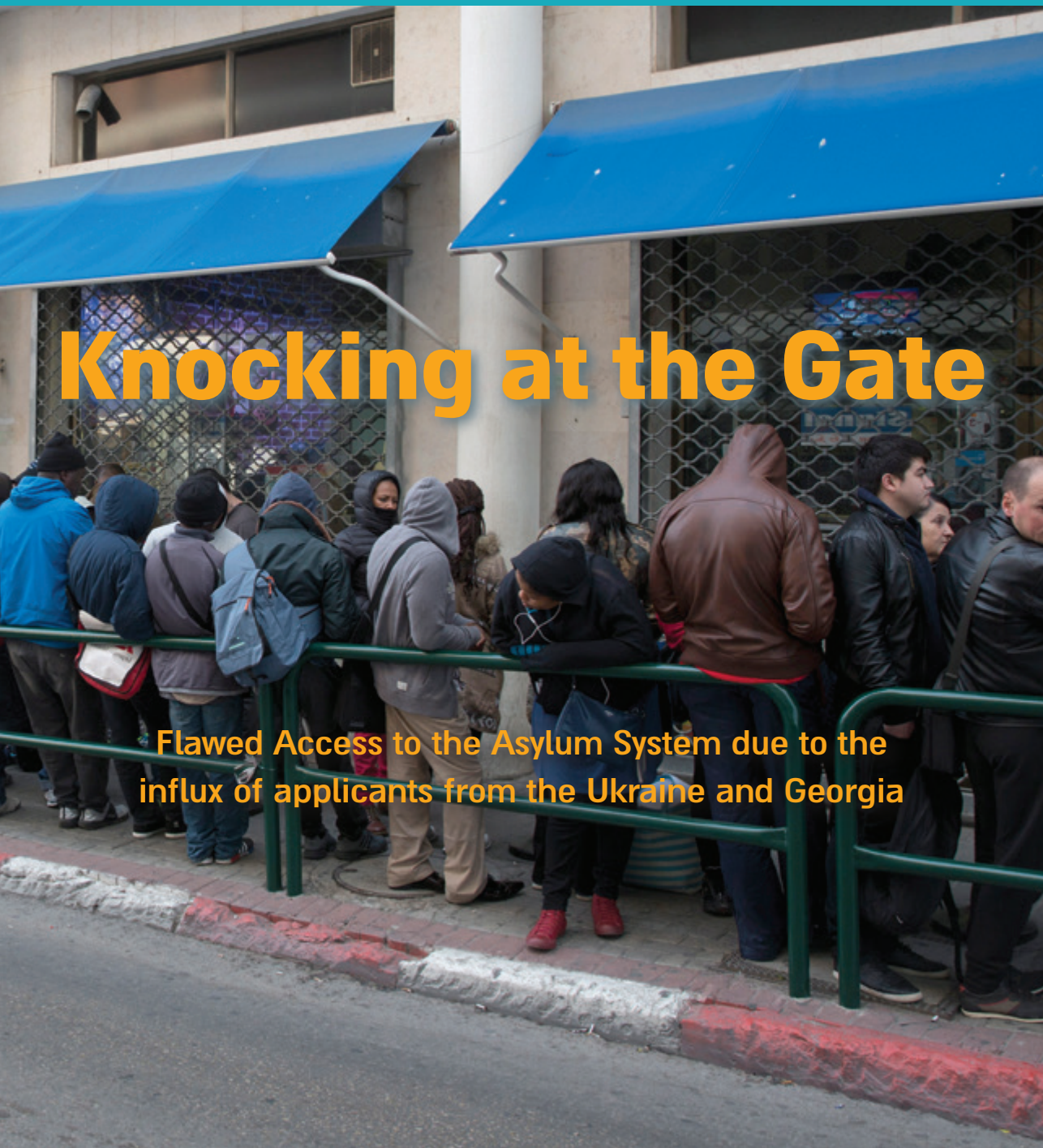


Hotline for Refugees and Migrants

# Knocking at the Gate

Flawed Access to the Asylum System due to the influx of applicants from the Ukraine and Georgia



## September 2017

Written by: Neta Mishli, Anat Guthmann, Sigal Rozen

Translation: Rachel Lee

Research: Amir Shmerling, Aya Danenberg, Anat Guthmann

Cover photo: Moti Milrod, courtesy of Haaretz

Series Design: Anat Vaknin Applebaum

Graphic Design: Anat Guthmann

## About the Hotline for Refugees and Migrants

The Hotline for Refugees and Migrants is a nonpartisan, nonprofit organization which aims to protect and promote the human rights of migrant workers and refugees and prevent human trafficking in Israel.

75 Nahalat Binyamin, Tel Aviv–Yafo, 65154 Israel

E-mail: [info@hotline.org.il](mailto:info@hotline.org.il)

Telephone: 03-5602530

Website: [www.hotline.org.il](http://www.hotline.org.il)

## Summary

"I don't understand how a country can be run like this, I tried to apply for asylum and was thrown in jail with no explanation. There's no attempt to help me, just to make me fail".

Since the start of 2016, Israel has seen a sharp rise in the number of Ukrainian and Georgian citizens applying for asylum. Data collected by the Hotline for Refugees and Migrant (HRM) shows that Israeli entities are involved in the increase in the number of migrants from these countries, and that they include human resource companies, which spread misinformation in the countries of origin about working legally in Israel by exploiting the dysfunctional<sup>2</sup> asylum system. They charge high fees for mediation and are allegedly involved in selling fake documents. The emerging picture is that of a new channel of human trafficking<sup>3</sup>.

Due to the backlog at the Population and Immigration Authority's (PIBA) Refugee Status Determination (RSD) Unit in Tel Aviv, all asylum seekers now face limited access to the asylum process. Despite the extended period during which the authorities have had to serve an ever growing population, the necessary changes have yet to be made. Every night, dozens of people wait outside the offices of the RSD Unit in harsh physical conditions hoping to be first in the queue the following morning in order to submit their asylum application.

---

**1** From an interview with A.A., a Ukrainian citizen, Givon Prison, 8 March 2017.

**2** HRM, No Safe Haven: Israeli Asylum Policy as Applied to Eritrean and Sudanese Citizens, December 2014: [hotline.org.il/en/publication/no-safe-haven](http://hotline.org.il/en/publication/no-safe-haven)

**3** See also: HRM, Through Hidden Corridors: New trends in human trafficking which exploit the asylum system in Israel, September 2017: [hotline.org.il/en/publication/through-hidden-corridors-new-trends-in-human-trafficking-which-exploit-the-asylum-system-in-israel/](http://hotline.org.il/en/publication/through-hidden-corridors-new-trends-in-human-trafficking-which-exploit-the-asylum-system-in-israel/)

## Background

Since 2011, Ukrainian citizens have been exempt from completing a prior application for a visa to Israel. They may enter Israel with relative ease on a three-month tourist visa acquired at the airport upon arrival. Since 2013 the same exemption has applied to Georgian citizens. As early as 2009, senior officials in the Ministry of Interior, including Mr. Eli Yishai (then Interior Minister) and Mr. Amnon Ben Ami (then the Director of PIBA), expressed their reservations about this change due to the concern that it would increase human trafficking<sup>4</sup>.

Anyone suspected of planning to settle or work in Israel illegally is refused entry at Ben Gurion Airport or has their stay curtailed by other means – for example, having to provide a monetary guarantee on entering the country or receiving a visa for a shorter period. This means that alongside the rise in the number of asylum applications, the number of citizens of these countries that were refused entry also rose. During 2016 entry was refused to 5,700 Ukrainian citizens and 3,500 Georgian citizens<sup>5</sup> who had traveled to Israel but were not permitted to leave the airport and were returned immediately to their country of origin.

At the end of 2016, PIBA reported<sup>6</sup> that during the year approximately 9,000 Ukrainians and Georgians had come through Ben Gurion Airport into Israel and applied for asylum. During the first six months of 2017, about 7,000 asylum applications were submitted by citizens of those countries<sup>7</sup>. This is a significant increase in the number of asylum seekers – according to PIBA's data, 5,718 applications were submitted by

---

<sup>4</sup> Roni Sofer, Yishai: Ukrainians need visas because of prostitutes, ynet, 29th December 2009: [www.ynetnews.com/articles/0,7340,L-3826993,00.html](http://www.ynetnews.com/articles/0,7340,L-3826993,00.html)

Protocol of the meeting of the Subcommittee on Combating Trafficking in Women and Prostitution from 8 February 2010 (Hebrew): [fs.knesset.gov.il/18/Committees/18\\_ptv\\_139603.doc](http://fs.knesset.gov.il/18/Committees/18_ptv_139603.doc)

<sup>5</sup> Ilan Lior, New Israeli Policy Allows Summary Rejection of Georgians Seeking Asylum, Haaretz, 27 February 2017: [www.haaretz.com/israel-news/.premium-1.774158](http://www.haaretz.com/israel-news/.premium-1.774158)

<sup>6</sup> PIBA, Data on Foreign Nationals in Israel, 2016 (Hebrew): [www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/foreigners\\_in\\_Israel\\_data\\_2016\\_0.pdf](http://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreigners_in_Israel_data_2016_0.pdf)

<sup>7</sup> Shahar Smoocha, The new infiltrators: 20 thousand Ukrainians and Georgians flooded Israel, Globes, 22 July 2017 (Hebrew) : [www.globes.co.il/news/article.aspx?did=1001197809](http://www.globes.co.il/news/article.aspx?did=1001197809)

Ukrainians in the first half of 2017 compared to 6,880 in all of 2016 and only 703 in 2015. There has also been an increase in the number of Georgians seeking asylum in Israel. In 2015 there were 736 applications submitted from Georgian citizens, compared to 3,668 in 2016 and 1,328 in the first half of 2017. According to the head of the Enforcement Administration in PIBA, over the last two years approximately 19,000 applications for asylum were submitted by Ukrainians and Georgians – making up the majority of applications for that period<sup>8</sup>.

In addition to those who were refused entry, the number of Ukrainian and Georgian citizens arrested across Israel, and then deported, due to overstaying or otherwise violating the terms of their visas, also rose. HRM representatives have found an increasing number of decisions given by the Detention Review Tribunal which relate to the detention of Ukrainian and Georgian citizens. Despite that, because they have valid passports and sometimes even a return ticket, they are deported within a few days. Every time HRM representatives visit an immigration detention facility, they send the Israeli Prison Service (IPS) a list of approximately ten detainees they would like to meet. However, each time they only manage to meet one or two of them who have yet to be deported from Israel.

---

<sup>8</sup> Ibid.

## *Access to the Asylum System*

The sharp rise in the number of asylum seekers, detainees, and people denied entry from the Ukraine and Georgia can be explained by a number of interconnected factors: the change in the conditions of entry to Israel that took place between 2011 and 2013; immigration networks that are well established in Israel due to local residents from those countries who speak the same languages; changes in the pattern of trafficking women for sex; the non-functioning asylum system and the extended time it takes for asylum applications to be processed which is months or even years; the political and economic situation in the countries of origin – especially in areas of conflict – and finally, based on basic data and information collected by HRM, companies, at least some of whom are Israeli, who openly publish misleading information about the options for Ukrainian and Georgian citizens to get a work visa in Israel.

Until 22 January 2017, Ukrainian and Georgian citizens that came into Israel were able, like all other asylum seekers, to submit the relevant forms at the RSD Unit in order to start the process of their asylum application. After filing the application they were made to wait months for an interview with Border Control officers and only after that interview were they granted a 2(a)(5) license, in accordance with PIBA's protocol on checking asylum applications. This license allows its holder to work without any legal repercussions for them or their employers despite the non-legal status of the employment<sup>9</sup>. Attempts made by HRM representatives to bring the dates for these interviews forward were unsuccessful.

The rise in the number of applicants on one hand, and the lack of suitable reorganization of the RSD unit on the other, have led to the unit being extremely overloaded – as can be seen in the queues winding around the area of the office. Starting from the middle of 2016, asylum seekers have had to wait all day, and sometimes all night, outside the office in order to submit their application. Those who fail to hand in an application remain without status, subject to arrest and deportation without their claim having been checked.

---

<sup>9</sup> Guaranteed by the State in HCJ 6312/10.

---

Of the Ukrainians detained before submitting an application for asylum, many do not even submit the application from jail. In some cases this is because they don't know that it's possible. In other cases they try but the authorities refuse to accept their asylum applications<sup>10</sup>. In additional cases they are deterred because they hear from cellmates that submitting an asylum application will extend the duration of their detention.

On 26 February 2017, PIBA published an announcement<sup>11</sup> that "based on a study carried out by the Foreign Ministry, the opinion has been reached that there is no reason Georgian citizens can't return safely to their country of origin. Therefore the Interior Minister, Mr. Aryeh Deri, has instructed PIBA to amend the procedure for asylum seekers in such a way that will allow expedited examination of the asylum applications from Georgian nationals. The amendment<sup>12</sup> came into effect on 27 February 2017. The Foreign Minister further instructed, that any foreign national that comes to Israel and applies for asylum while their tourist visa is still valid, can't be granted a 2(a)(5) license, and the prohibition on them working will be enforced. According to the Head of the Consular Division of the Foreign Ministry, Stella Rapp, and the Director of the RSD Unit, Haim Efraim, the Foreign Ministry is currently working on a similar position regarding the Ukraine, which will state that it is not a dangerous country to return to<sup>13</sup>.

### Scheduling appointments to submit asylum applications

The workload of the RSD Unit has been increasing since the middle of 2016. After a long queue, asylum seekers are given a slip of paper which states a date several months later. They are told that they can only submit an application, and start the asylum process, at that time. This slip doesn't have their name or any other personal identification and therefore can't protect them from arrest and deportation

---

<sup>10</sup> For further information on the difficulty of submitting asylum applications from prison, see: HRM, Immigration Detention in Israel – Annual Monitoring Report, 2016: [hotline.org.il/en/publication/4145/](http://hotline.org.il/en/publication/4145/)

<sup>11</sup> [www.gov.il/he/Departments/news/georgia\\_asylum\\_express\\_procedure](http://www.gov.il/he/Departments/news/georgia_asylum_express_procedure) (Hebrew).  
Itan Lior, New Israeli Policy Allows Summary Rejection of Georgians Seeking Asylum, 27 February 2017: [www.haaretz.com/israel-news/.premium-1.774158](http://www.haaretz.com/israel-news/.premium-1.774158)

<sup>12</sup> [https://www.gov.il/BlobFolder/policy/handling\\_political\\_asylum\\_seekers\\_in\\_israel/he/5.2.0012\\_eng.pdf](https://www.gov.il/BlobFolder/policy/handling_political_asylum_seekers_in_israel/he/5.2.0012_eng.pdf)

<sup>13</sup> See footnote 7.

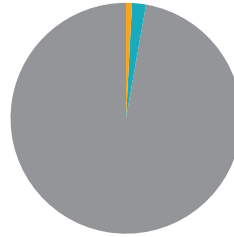


Tourist visa exemption applied to Georgian citizens

2013

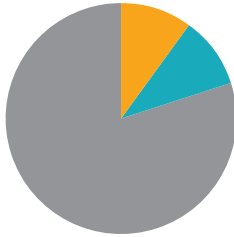
Tourist visa exemption applied to Ukrainian citizens

2011



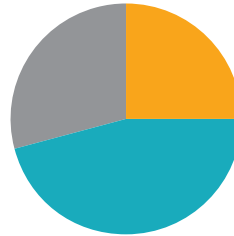
Total number of application:  
2% Ukrainians; 1% Georgians

2014



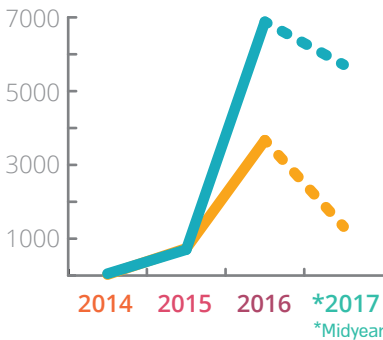
Total number of applications:  
10% Ukrainians; 10% Georgians

2015



Total number of applications:  
46% Ukrainians; 25% Georgians

2016



2017

Jan 2017:

It is no longer possible to apply for RSD

Feb 2017:

An amendment to the RSD procedure

April 2017:

Registering up to 100 applications a day

June 2017:

Appeals Tribunal ruling: All applicants must be registered if unable to enter



if their travel documents are checked by PIBA inspectors. The slip also doesn't enable asylum seekers to work without legal repercussions for themselves or their employer.

This leaves those who are waiting to submit their asylum applications vulnerable to arbitrary arrest and unable to support themselves financially. According to accounts from asylum seekers, PIBA inspectors have recently been active near the RSD Unit where they can arrest those who haven't been able to enter the building and file their application.

In April 2017 in a hearing at the Detention Review Tribunal on the matter of two Ukrainian citizens who were arrested in their flat under those exact circumstances – in possession of an appointment slip to submit an asylum application which hadn't been entered into PIBA's computerized system – Judge Dorfman found against the Authority's assertion that this slip didn't authorize its holder to stay in Israel by saying:

**"If PIBA's stand were adopted, it would make it impossible, due to the backlog at the RSD Unit, to apply for asylum without being exposed to the risk of being arrested. Indeed this means that, if their original visa was limited to a number of days or weeks, by the time the asylum seeker shows up for the appointment they were given, their stay in Israel will have become illegal. This situation is unacceptable and leads to Israel not having a process of checking asylum applications without the people making those applications being subject to enforcement by PIBA itself"**<sup>14</sup> (Emphasis not in the original).

In addition to the fact that their holders are vulnerable to arrest, the unofficial nature of these slips makes it easier for third parties to forge and sell them and also for asylum seekers to trade them. Data presented during the hearings at the Detention Review Tribunal, shows that the cost of a genuine 'appointment' slip (from someone intending to submit an application, but later deciding not to) or a forged slip, can be anywhere from \$100 to \$800<sup>15</sup>. As explained before, without an appointment it is almost impossible to submit an asylum application, which drives

---

<sup>14</sup> Detention Review Tribunal, case no. 9060410, protocol from 6 April 2017.

<sup>15</sup> This data was collected from the analysis of 50 decisions given by the Detention Review Tribunal in cases involving Ukrainian citizens during March 2017.

## 8 Knocking at the Gate

---

many Ukrainians and Georgians to buy these slips.

**"Even in the Ukraine I'd heard from friends that, without an appointment for the RSD Unit, you're not considered human"<sup>16</sup>.**

HRM representatives interviewed 25 Ukrainian citizens who had been detained and were awaiting deportation. Of these, 10 had been arrested at the RSD unit with a fake appointment slip or an appointment slip that had originally been given to someone else, without ever having managed to submit an asylum application. In total, 15 of the 25 interviewees reported that they tried to file asylum applications but were arrested before they actually did so.

From the information collected by HRM and partner organizations, it became clear that on January 22 2017, the Interior Ministry had stopped accepting new asylum applications and would no longer even see those people who had appointment slips with dates on them. Following appeals from human rights organizations, PIBA started to hand out appointments to between 70 and 100 people a day Sunday to Wednesday, and accept new asylum applications and renew 2(a)(5) licenses Sunday to Thursday. Representatives of the various organizations that went to the RSD Unit during March 2017 supported the claim that without an appointment it was almost impossible to get in and file an asylum application. Rachel Friedman, a lawyer representing the organization HIAS, was told during her visit to the office that appointments for submitting an application were given out in advance for the next two months. Beyond that additional asylum seekers were only allowed into the building if the office representatives estimated, based on the number of people waiting that morning, that there would time to see them<sup>17</sup>. Ms. Ofer Attar, who was at the time acting head of Amnesty International Israel's refugee campaign, described a similar situation when she accompanied three Ethiopian asylum seekers who had been victims of political persecution in their home country, to the office. The three applicants, one of whom was heavily pregnant at the time, arrived at the RSD Unit at 6 o'clock in the morning. Despite their early arrival, there were already 200 people ahead of them in the queue, and when they asked the guard at the entrance he told them it was not currently possible to submit asylum

<sup>16</sup> From an interview with A.A., a Ukrainian citizen, Givon prison, 8 March 2017.

<sup>17</sup> From the affidavit of the Adv. Rachel Friedman given to Adv. Nimrod Avigal on 21 March 2017.

applications. Their attempts to explain that if they didn't hand in their applications they risked arrest and deportation to a country where their lives were in danger were unsuccessful. At this time the three applicants were joined by Ms. Attar. At her insistence, they were allowed to go into the building of the RSD unit and talk to the most senior representative there. After a long exchange with RSD Unit personnel, during which Ms. Attar repeatedly stressed the vulnerable situation that the applicants were in, they were allowed into the office. Later that evening, 13 hours after they'd arrived, they were able to file applications for asylum<sup>18</sup>.

"After I got into the RSD Unit and presented my application for asylum, the immigration clerk gave me an invitation for an interview and a piece of paper with the phone number for the immigration. The clerk told me that if I happened to work with people who didn't have a license and I phoned to report them, my license would be extended for another seven months. The way that I was caught by the immigration authority, on my way to work, shows that there are others out there reporting to the authority on the whereabouts of people who have yet to get the papers allowing them to work"<sup>19</sup>.

Based on this testimony and others like it, in April 2017 HRM petitioned the Enforcement Administration to demand that they start accepting new asylum applications again, something the State of Israel is obliged to do. PIBA responded that the RSD Unit had not stopped accepting new applications but was just struggling to handle its workload. It was further stated that the unit had extended its working hours and was making an effort to process the many applications. With that, as of September 2017, at the PIBA office in Salameh Road in Tel Aviv, **the only office in the whole country where it is possible to submit an asylum application**, there are many people waiting through the night to get a place in the line for the following morning. And those who don't manage to submit an asylum application, despite waiting for hours, are at risk of being arrested and have to come back and queue all over again the next day.

In Appeal 1734-17 Unichi v. Ministry of Interior filed at the Tel Aviv Appeals Tribunal, the respondent (Ministry of Interior) announced a decision to recruit more

---

<sup>18</sup> From the affidavit of Ms. Ofer Attar given to Adv. Reut Michaeli on 19 March 2017.

<sup>19</sup> From an interview with S.B., a Ukrainian citizen, Givon Prison, 21 June 2017.

## 10 Knocking at the Gate

---

personnel to fill vacant positions in order to improve the initial system of accepting asylum applications in a way, which would allow all asylum seekers access to the system to submit their applications. The ruling<sup>20</sup>, which was given on June 20 2017, adds that there must also be a system in place to manage the queue and register applicants to the RSD Units, even if they did not get into the office:

**"... It is not possible to come to terms with the defendant's demand that the applicants present themselves multiple times until their applications are accepted, if it happens at all. Until the recruitment process (as stated in the respondent's statement) is completed, a queue management system must be put in place and if there are those who get to the door of the building but aren't allowed in due to it being objectively impossible to process their application, they will at least be registered in a way that clearly identifies them and gives them a date for when they will be able to submit their application. This identification is necessary because these applicants are foreign nationals who can, in the meantime, be forced to stay in the country without a legal status."**

### The right to representation

While monitoring the entrance to the RSD Unit, HRM representatives discovered that there were actual "briefings" taking place for groups of people waiting in line to file an application. It turned out from these observations that there are people who regularly wait at the entrance to the office, organize a group of migrants around them, brief them, get them in a line and then fight for their group to get inside the office despite the crowding, and at the expense of other people waiting. Near the office there is a noticeboard packed with ads in Russian which are directed at those waiting and offer help with the asylum process.

Because of the involvement of these external parties, only lawyers and legal interns are allowed to accompany asylum seekers into the office, thus depriving applicants of their right to representation from volunteers, including volunteers from HRM. Even in correspondence with the RSD Unit, HRM representatives were asked to provide a power of attorney (POA) signed by a lawyer. Only after HRM wrote the RSD Unit representatives, warning against the violation of the applicants' right to

---

<sup>20</sup> [www.nevo.co.il/psika\\_html/knisa/17-1734-9.pdf#xml=http://www.nevo.co.il/Handlers/Highlighter/PdfHighlighter.ashx?index=2&type=Main](http://www.nevo.co.il/psika_html/knisa/17-1734-9.pdf#xml=http://www.nevo.co.il/Handlers/Highlighter/PdfHighlighter.ashx?index=2&type=Main) (Hebrew).

representation, were HRM volunteers allowed into the building and the RSD Unit annulled its demand for a POA signed by a lawyer.

### Conditions in the RSD Unit

“When I got to the Ministry of Interior to file an application, there were 700-800 people there. Two people collapsed in the queue. I saw how they were taken away. There’s a water cooler but no water. You can’t go to the toilets because there’s no way to get back in the queue. At some point, when it got too busy, we were all sent away and given slips with appointments instead. I was arrested before I had a chance to submit an application for asylum”<sup>21</sup>.

It is also necessary to point out the difficult and unfit physical conditions in which people have to wait at the office, especially before they get inside. The queue outside the office winds around an area which is not always in the shade and is uncovered. During the long wait in the queue outside the building, the applicants have no access to toilets and have to control their needs while waiting for many hours. Among the applicants, some reported that they were left with no choice but to relieve themselves in the street. Those who make it into the building have to wait again in the queue inside. Even in the waiting room the physical conditions are not suitable for the vast number of people that pass through there every day. The waiting room has a strong unpleasant smell because it is overcrowded, the people in it have had to wait night and day outside the building with no access to toilets or showers, there is no separate area for mothers who are nursing babies and changing nappies and the authority is struggling to keep the few toilets in the facility clean because of the number of people. The toilets have even become an improvised smoking area because anyone stepping outside the office loses their place in the queue.

However, on a positive note, it should be pointed out that the RSD Unit is one of the few government offices which is accessible for people with disabilities.

---

<sup>21</sup> From an interview with J.G., a Ukrainian citizen, Givon prison, 14 March 2017.

## *Recommendations*

The Hotline for Refugees and Migrant calls on PIBA and law enforcement agencies to bring criminal charges against those profiting from bringing workers into Israel by exploiting the asylum system in Israel. HRM objects to the Flawed Access to the Asylum System, and insists that the State of Israel is obliged to check all applications, even if they suspect that some are taking advantage of the asylum system.

1. There should be an increase in the number of offices and clerks who are trained to deal with asylum seekers, so that applicants don't have to wait for days in unfit physical conditions.
2. Applications for asylum should be processed within a reasonable period of time so that interested parties are not able to exploit the dysfunction of the asylum system in order to bypass official immigration channels, and slow it down even more in the process.
3. It should be possible to make an appointment in advance for submitting applications or renewing permits, giving the applicant an official summons to hold in the interim period.
4. Those applying to the office who are unable to file an application should be registered and not be subject to enforcement proceedings.
5. At the time of filing an application, an asylum seeker should be granted a 2(a)(5) license which is valid until the date of their interview with Border Control officers.
6. The applicants' right to representation must be guaranteed and their surrogates must not be refused entry to the office.
7. The current waiting room should be adapted by creating a designated area for nursing and changing infants.
8. Priority should be given to pregnant women, nursing mothers, parents with small children and people with disabilities.

9. It should be possible for people waiting to leave the office and return without losing their place in the queue.
10. Adverts for agents should be removed from the noticeboard near the office.
11. Those agents should not be allowed to organize the queue outside.
12. All information in the hands of PIBA personnel and guards of the building at 53 Salameh Road, Tel Aviv, about people suspected of human trafficking by exploiting the Israeli asylum system, should be forwarded to the Israel Police as soon as possible.

Published with  
the generous  
support of the

■ ■ ■ HEINRICH  
BÖLL  
STIFTUNG  
ISRAEL

