

## **An Integrated Jewish World Response to Israel's Migrant Challenge**

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The 38,000 illegal migrants currently in Israel pose a dilemma between Jewish humanitarian values on the one hand and Israel's *raison d'etre* as the nation state of the Jewish people on the other. World Jewish decision makers should consider their first priority to be ensuring Israel's capacity for future Jewish immigration given expected mass migration waves from distressed countries to the West.

The decision regarding the illegal migrants creates a conflict. Mass deportation is perceived to contradict the ethos, legacy and tragic lessons of the Jewish experience. At the same time, their absorption could establish a precedent and be perceived as an open invitation to further waves of migration, family reunification, and Palestinian claims. This would challenge Israel's Jewish character, given its limited geography and demographic profile.

After analyzing solutions taken by Western countries, this paper recommends balanced policy options to navigate both the interests and values so essential to Israel and the Jewish People.

Finding the right balance between Jewish humanitarian values and Israel's Jewish character is critical and urgent for Israel and for many in the Jewish Diaspora. For this reason, JPPI's operational policy recommendations seek to engage and partner world Jewry with the Israeli government in their implementation.

### **Policy Challenges, Considerations and Goals**

**Israel must contend with roughly 40,000 illegal migrants currently in the country.**

#### **Key policy considerations:**

1. In principle, Israel does not bear the responsibility to provide a permanent home to illegal employment seekers, nor does it require them for its own small market. At the same time, Israel does bear the responsibility to shelter refugees (according to international norms) and to properly treat and provide solutions for the illegal migrants already in the country.
2. Absorbing the illegal migrants *en masse* represents a potential threat to Israel's Jewish character, given Israel's small size and because this will invite future pressure to accept non-Jewish immigration into Israel – whether illegal migrants, family reunification petitioners, or Palestinian refugees.
3. Based on these two primary considerations, it is incumbent upon Israel to strike the right balance, one that will maintain its Jewish values and character.
4. It is extremely important to seek policy solutions based on partnership between Israel and world Jewry, rather than allowing the issue to become a bone of contention, especially with liberal Jewish communities and organizations.
5. While Israel represents a singular case due to its unique character and challenges, it should consider and draw lessons from other countries' migration policies.

6. The migration challenge is especially sensitive given its potential to damage Israel's image in the world.

### **Background and Statistics**

There are currently 37,288 migrants who illegally entered Israel (the Israeli government refers to them as *mistanenim*, which translates into the freighted term “infiltrators”). The majority are from Eritrea (26,563) and Sudan (2,628). There are some additional 4,000 children born to them in Israel. These migrants entered mostly between 2006 and 2012, when Israel began construction of a border barrier with Egypt. Since completion of this barrier (2014), virtually no new migrants have crossed this border. In all, 64,850 African migrants entered Israel, 26,000 have already left voluntarily.

In addition, there are 74,000 tourists who have overstayed their visas, mostly from the Ukraine and Georgia, seeking to remain in Israel. A number of them have submitted asylum requests. As they entered Israel legally, the Immigration Authority categorizes them separately. Between 2015 and 2017, Israel deported 5,260 Ukrainian nationals and 1,788 Georgians, and efforts continue to deport those who overstay their visas (see Appendix 1).

### **Israel's Migrant and Refugee Policy**

In all, 15,205 asylum requests have been submitted to the Immigration Authority. Of the 6,514 examined so far, 12 individuals were granted refugee status, another roughly 500 individuals from Darfur and minors in Israel without their parents received A5 humanitarian visas. 8,588 requests have yet to be adjudicated. The government stopped accepting asylum requests as of January 1, 2018.

For those 24,000 individuals who did not submit an asylum request, temporary 2A5 visas were granted, which must be renewed every two months. As of February 1, 2018, the government announced it would no longer renew them. Its current plan is to have 20,000 single men voluntarily resettle, with a \$3,500 payment, in a cooperating third country over the next two years. Those who do not accept this arrangement risk detention in an Israeli facility. **This plan does not presently include women, children, families and those awaiting an asylum decision.**

### **Global Comparison**

Countries that take in larger numbers of refugees and migrants generally do so in light of their large land mass and aging populations to fulfill labor requirements (U.S., Canada, Germany, Australia, etc.). Small countries are limited in this capacity, and the effects on their national character is felt more quickly. Thus, smaller EU countries like Denmark, Austria, the Czech Republic and Hungary have all clamped down on immigration and refugee intake in recent years (see Appendix 2).

### **The Rationale behind Israel's Immigration and Refugee Policy**

Israel has the right to determine immigration policy according to its national interests and limitations. Israel is a small country, with a growing population and little need for immigration to fill gaps in its labor force. The government's first obligation and duty is to ensure employment and housing for its own citizens (עניי עירך קודמים). More importantly, Israel was founded as the nation-state of the Jewish people, both as a homeland and a refuge, and has absorbed huge numbers of Jews under the Law of Return – including significant numbers from distressed countries. Israel's immigration policies are also closely tied to its unique security challenges.

As a signatory to the 1951 UN Convention Relating to the Status of Refugees and the subsequent 1967 Protocol, Israel is committed to sheltering and assisting those designated as refugees. However, Israel has no legal or moral responsibility for absorbing migrant workers, nor for allowing illegal immigrants to remain. Thus, to fill gaps in the labor force without affecting its Jewish character, Israel established an effective system of foreign guest workers (currently 88,000) who come to Israel for a limited time (see Appendix 3).

**Policy Alternatives - Toward a Balanced, Integrated Policy Plan**

The following table presents three categories of policy options: two radical options (currently favored by the debate’s two poles) and a third, novel and integrative option proposed by JPPI.

**The JPPI proposal has the potential to turn Israel’s challenge from a point of contention between Israel and world Jewry to one of partnership. If implemented effectively, this joint effort could capture the moral imagination of potential new philanthropists, and better engage with liberal Jews, especially the young generation.**

**The first step in this endeavor is to establish a world Jewry migrant assistance fund, backed by major Jewish organizations, Diaspora and Israeli philanthropy, and the Government of Israel.**

We examine each option according to the key considerations laid out above: upholding Israel’s Jewish character and interests as well as Jewish and universal values, implications for Israeli-Diaspora relations, and possible ramifications for Israel’s image internationally. We then describe the expected complementary roles for the Government of Israel (GOI) and world Jewry.

**Alternative 1 – Amnesty and Absorption in Israel**

<b>Policy</b>	<b>Demographics / Israel as the Nation-State of the Jewish People</b>	<b>Jewish and Universal Values and Israel’s Image</b>	<b>Implications for Israel and the GOI’s Role</b>	<b>World Jewry’s Role</b>
<b>Amnesty for all 38,000 migrants/asylum seekers</b>	<p><b>Little effect</b> on Israeli demography – if spread out over Israel, properly integrated.</p> <p>Follow up pressure for <b>family reunification</b> – up to hundreds of thousands over a number of years.</p> <p>Message to millions of future African migrants that Israel accepts illegal migrants.</p> <p>Message to international bodies that Israel among countries that receive migrants.</p> <p>Will limit the country’s capacity to absorb potential mass Aliyah from Europe.</p> <p>May invite pressure vis-a-vis hundreds of thousands of Palestinian potential returnees in any peace plan.</p>	<p><b>Provides immediate solution</b> to challenge – <b>in line with Jewish and universal values.</b></p> <p>Positive for Israel’s relations with Diaspora and image in world.</p> <p>In the long term, may diminish the Jewish character and the <i>raison d’etre</i> of the state.</p>	<p>The GOI will need to develop absorption plans.</p> <p>Some strain on social services, but will work menial jobs that benefit economy.</p> <p>In the long term, may harm the country’s social unity.</p> <p>Politically unpopular (2/3 of citizens opposed).</p>	World Jewry will help fund to assist absorption.

**Alternative 2 – Absorb Few + Humane, Phased Deportation of Most + Resettlement Help**

Policy	Demographics / Israel as the Nation-State of the Jewish People	Jewish and Universal Values and Israel's Image	Implications for Israel and the GOI's Role	World Jewry's Role
<p><b>1</b> <b>Amnesty for children, limited number of families</b></p>	<p>Limited impact on Israel's Jewish character, as long as family unification prohibited and they are well integrated. Will limit encouragement of potential migrants.</p>	<p>Will help mitigate perceived abandonment of Jewish humanitarian values and damage to Israel's image and connection with world Jewry.</p>	<p>Minimal cost to absorb and provide social benefits. Will be politically acceptable.</p>	<p>Opportunity for World Jewry to support absorption. Reinforces JAFI Youth Village efforts.</p>
<p><b>2</b> <b>Relocation and private sponsorship in Canada</b></p>	<p>No impact on Israel's Jewish character. May encourage additional migrants wishing to reach Canada.</p>	<p>Will provide best-case scenario for Jewish and humanitarian values. Will help mitigate perceived abandonment of Jewish humanitarian values and damage to Israel's image and connection with world Jewry.</p>	<p>GOI will coordinate with UN and Canadian Government. Will be politically popular.</p>	<p>World Jewry will play lead role in funding and coordinating. Estimated cost per person – USD 12,000 (family of 4 costs around 25,000).</p>
<p><b>3</b> <b>Vocational training in Israel – 3rd country resettlement for select group</b></p>	<p>No significant impact – deportation delayed. Participants commit to leave Israel within 1 year. Can work in meantime. Risk that participants do not leave after training. May encourage additional migrants.</p>	<p>Will position Israel as an innovator in solving global migration challenges. Will help mitigate perceived abandonment of Jewish humanitarian values and damage Israel's image and its connection with world Jewry. Will likely meet resistance from human rights organizations who see them as refugees, not migrant workers.</p>	<p>Initially unpopular politically. GOI provides vocational training and coordinates resettlement. Likely more affordable than current GOI plan.</p>	<p>World Jewry will help fund and coordinate program costs and resettlement of participants as trained workers (not as refugees).</p>
<p><b>4</b> <b>Agricultural training and resettlement outside of Israel</b></p>	<p>Will preserve Israel's Jewish character as participants must leave to begin program. Will likely discourage potential migrants from coming to Israel.</p>	<p>Will position Israel as an innovator in solving global migration challenges. Will help mitigate perceived abandonment of Jewish humanitarian values and damage to Israel's image and connection with world Jewry.</p>	<p>GOI provides agricultural training (MASHAV) in 3rd country + land purchase+ starter kit. GOI fully coordinates with 3rd country. Politically popular.</p>	<p>World Jewry will play significant funding role. Costs ~10-20,000 USD per participant. Opportunity to engage Diaspora Jews in Tikkun Olam projects with Israeli NGOs.</p>

### Alternative 3 – Deportation of All + Development Aid Abroad

Policy	Demographics / Israel as the Nation-State of the Jewish People	Jewish and Universal Values and Israel’s Image	Implication and role of the GOI	Role of World Jewry
<b>1</b> <b>Deport all but recognized refugees (similar to current GOI plan)</b>	Will preserve Jewish character of state. Will send message to potential migrants that Israel not an attractive destination.	Damage to Israel’s self-image as moral example to world. Will increase distancing trend of world Jewry from Israel. Will damage Israel’s image in world.	Politically popular. Costly – USD 8500 per individual to transfer to 3rd country (~ USD 323 million). Detention facility operation (~USD 50 million / year).	None
<b>2</b> <b>Humanitarian aid to developing countries</b>	Will preserve Jewish character. Will discourage potential migrants. Can be included in any policy option.	May somewhat mitigate perceived abandonment of Jewish humanitarian values and damage to Israel’s image and connection with world Jewry. However, will be seen as attempt to distract from issue.	GOI already conducts such efforts across the developing world.	World Jewry could help coordinate and fund additional projects.

### **A Jewish People Response to Israel’s African Migrant Crisis**

To resolve this challenge, **we recommend adopting Alternative 2: Absorbing a limited number of asylum seekers, humanely deporting the majority, and actively facilitating their resettlement in 3<sup>rd</sup> countries.** To help implement this plan, **we recommend convening a world Jewry migrant assistance fund (the Fund).** A number of these efforts will have a secondary effect of helping to heal rifts between Israel and world Jewry, and **could capture the moral imagination of new philanthropists, and better engage with liberal Jews, especially the young generation.**

#### **Main Recommendations for Jewish People Integrated Policy Plan:**

**Effort 1 – As part of the proposed Israel-world Jewry partnership, the GOI should grant amnesty to a limited number of families, especially those with children born in Israel.** This would not significantly affect Israel's demographics nor encourage additional migrants. It would help mitigate some of the damage to Israel’s image and its connection with world Jewry. Amnesty should be limited only to those now in Israel and exclude family reunification. These individuals should be resettled throughout Israel (rather than concentrated in south Tel Aviv). The GOI should also improve its Refugee Status Determination (RSD) mechanism (see below).

**Effort 2 – Private Sponsorship in Canada.** Canada's refugee policy allows for private sponsorship. 1,000 Eritreans from Israel have already been absorbed in Canada this way. We recommend coordinating and assisting in funding for Jewish communities throughout Canada to absorb additional numbers of those currently in Israel.

**Effort 3 – Vocational Training and Resettlement.** Israel would choose select individuals for vocational training and coordinate with the UNHCR to find resettlement opportunities in 3<sup>rd</sup> countries seeking such workers. This would be jointly funded by the GOI and the Fund, and can be operated by the GOI. Those who join receive a 1-year visa extension. There is a risk that individuals will not leave at the end of the extension, though their room and board would not be covered in operation costs, making this an affordable option. This program might attract additional asylum seekers to Israel. **This effort could capture the moral imagination of potential new philanthropists, and better engage with liberal Jews, especially the young generation.**

**Effort 4 – Agriculture Training outside Israel and Resettlement.** Volunteers would be resettled in a third country where they receive agricultural training and room and board. Graduates receive assistance in purchasing land and a starter-kit. This would be funded by the GOI and the Fund, in cooperation with the host country, coordinated by the PMO and operated by Mashav. A pilot program could begin immediately, as Mashav has a training farm in Rwanda. Although costs would be considerable (USD 10-20,000 per participant), it would ensure they leave Israel before receiving benefits. The promise of resettlement would provide impetus for migrants to voluntarily leave. **This effort could capture the moral imagination of potential new philanthropists, and better engage with liberal Jews, especially the young generation.**

### **Additional Recommendations**

- 1. Israel should strive to improve its existing policy from a procedural perspective.**
  - a. The RSD process should be conducted humanely, efficiently, professionally, and transparently. This may entail a temporary expansion and reinforcement of PIBA – the Population and Immigration Authority.
  - b. Improve the current third-country resettlement program – Israel should look into claims that voluntary deportees are mistreated and cannot realistically acclimate to that country. It should work with the respective governments to improve absorption for such individuals. That said, Israel has no responsibility for individuals that choose to leave that country of resettlement.
  
- 2. Initiate a concerted Public Relations (Hasbara) Effort.**
  - a. Any policy option chosen should be accompanied by a public relations campaign, highlighting Israel's and the Jewish people's efforts to aid migrants as well as Israel's unique character and challenges. As many European countries face similar predicaments, Israel's efforts should be put into terms and context with which they can identify.
  - b. Israel's policy in practice differs little from that of other advanced countries in many regards. While some elements can be improved, some of Israel's current efforts go above and beyond and this should be emphasized.

### **Israeli Migrant Statistics**

According to Israel's Population and Immigration Authority (PIBA), there are currently 37,288 migrants from Africa who entered Israel illegally. The majority, 26,563, are from Eritrea; 7,624 are from Sudan; 2,628 are from other countries throughout Africa; and 473 are from other parts of the world. There are an additional 4000 children born to these migrants in Israel. The government refers to all the above as "infiltrators" (*mistanenim*).<sup>i</sup>

At its peak, there were 64,850 such African migrants in Israel. Many have left voluntarily and some have returned to their countries of origin (such as when South Sudan gained independence). In 2017, 3,375 left voluntarily to a third country.

These illegal migrants began entering Israel in 2006 in larger numbers (2,766), and steadily rose: 5,179 in 2007; 8,844 in 2008; 5,197 in 2009; 14,630 in 2010; 17,281 in 2011. Illegal entry began dropping off as Israel commenced construction of the border fence - 10,445 in 2012. Since, only a handful have managed to enter Israel each year.<sup>ii</sup>

Separately, there are 88,171 foreign guest workers in Israel legally, and another 18,059 foreign workers operating illegally due to visa expirations. There are an additional 74,000 tourists who have overstayed their visas. The majority of the latter group are from the Ukraine, Georgia and other FSU countries, some seeking to avail themselves of Israel's refugee and migration procedures and apply for political asylum. Between 2015 and 2017, Israel deported 5,260 Ukrainian nationals and 1,788 Georgians, and efforts continue to deport those whose visas have expired. These statistics do not include Palestinian workers in Israel, legally or illegally.

Asylum seekers who enter Israel illegally are handled by PIBA. Individuals submit a request and undergo an RSD (Refugee Status Determination) process, which determines, whether the applicant qualifies as a refugee. In all, 15,205 such requests have been submitted since 2013. 6,514 requests have been examined and either rejected or closed. Twelve requests were accepted; 8,588 have yet to be examined. Additionally, Israel granted 200 A5 humanitarian visas to individuals from Darfur, and some 300 orphaned children, which is akin to granting refugee status. Israel announced it would no longer accept asylum requests from the African migrants currently in Israel subsequent to January 2018.<sup>1</sup>

Relative to other countries, Israel, until now, has not recognized Eritreans fleeing military service (the majority of those in Israel) as refugees. A recent (Feb 15, 2018) Israel appellate court decision recognizing an individual Eritrean deserter as a refugee may change this and invite further individual appeals by Eritreans in Israel.

For those 24,000 individuals who have not submitted an asylum request, temporary 2A5 visas were granted renewable every two months. However, as of February 1, 2018, the government is no longer issuing these renewals. It is seeking to deport 20,000 single men to cooperating third countries (reportedly Rwanda and Uganda) over the next two years. Each deportee will receive a USD 3,500 payment (an additional payment of USD 5,000 per deportee to the absorbing third county). Those who do not volunteer risk detention in a special Israeli facility. **This will not include (as of this writing) women, children, families and those awaiting an asylum decision.**

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<sup>1</sup> <https://www.ynet.co.il/articles/0,7340,L-5077210,00.html>



While this policy has engendered considerable criticism, Israel's High Court unanimously ruled it permissible as the third countries pose no threat to the migrants. "It was not proven that this (third) country is unsafe and all the procedural conditions were met in order to enact the deportation plan. It is further determined that the mechanisms in place by the state to oversee the deportation process and the manner in which the deportees are treated in the third country are sufficient at this point (translated by this paper's authors)"<sup>2</sup> Furthermore, the Israeli government, currently, will not forcibly deport migrants to these third countries. The court decision also limited the government's use of detention as a persuasion method against those refusing to leave.

## **Appendix 2 – Global Comparison**

Globally, the UNHCR estimates that there are 65.6 million forcibly displaced people, 22.5 million of them refugees and 10 million of them stateless. Europe, because of its proximity to Africa and the Middle East, has been the recipient of these refugee and migration waves, which stem from political instability, violent conflict, climate change, desertification, and failed economies.

Countries that take in larger numbers of refugees and migrants tend to do so in connection with their large land mass and aging population, which requires immigrants to fulfill labor demand (US, Canada, Germany, etc.). Small countries are limited in this scope, and the effects on their national character are felt more quickly. Thus, smaller EU countries like Denmark, Austria, the Czech Republic, and Hungary have all clamped down on immigration and refugee intake in recent years.

Japan, with its population of 130 million, has only granted a handful of asylum requests and receives almost no immigrants, instead placing an emphasis on humanitarian activity abroad. Australia is placing refugees in offshore refugee camps on surrounding islands.

Canada's refugee policy is worth noting, as it allows, in addition to government sponsorship, private sponsorship of recognized refugees so long as the sponsor (often times faith-based communities) can support them for a year. In 2016, over 1000 Eritreans from Israel were resettled in Canada through the PSR program.

## **Appendix 3 – Israel's Dilemmas in Absorbing Migrants and Refugees**

Critics, including human rights groups and Diaspora Jewish organizations are incensed by the thought of deporting African migrants. They refer to them as asylum seekers, draw on Jewish values, and compare their plight to that of Jews during the Holocaust. Conversely, the Israeli government and two-thirds of Israelis support deportation, claiming they are illegal economic migrants and will have a negative effect on Israel's Jewish character.

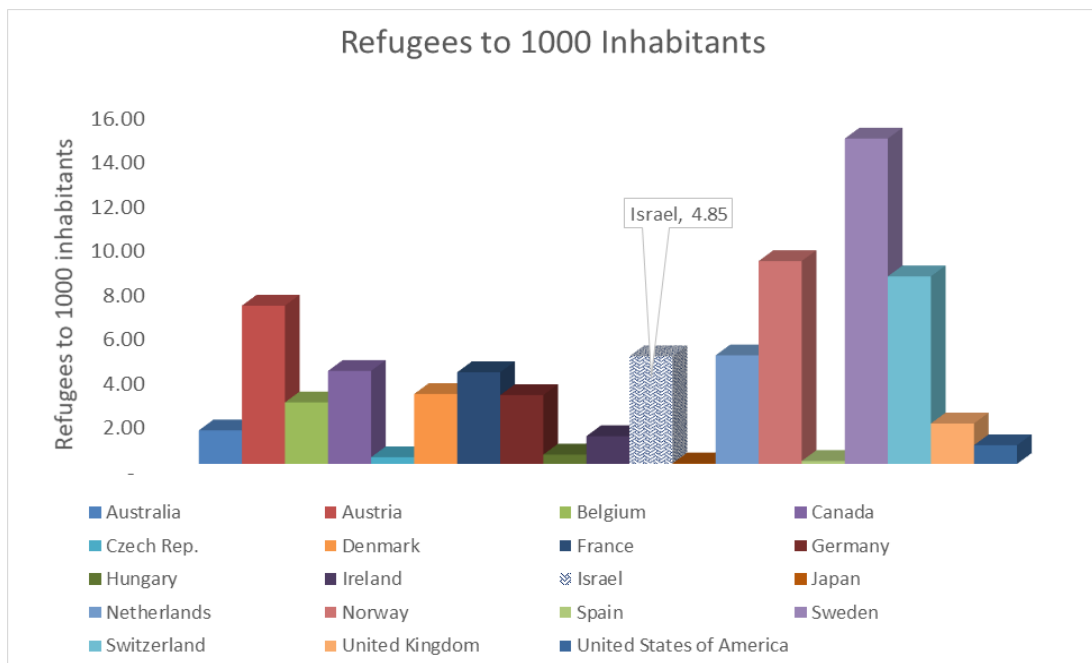
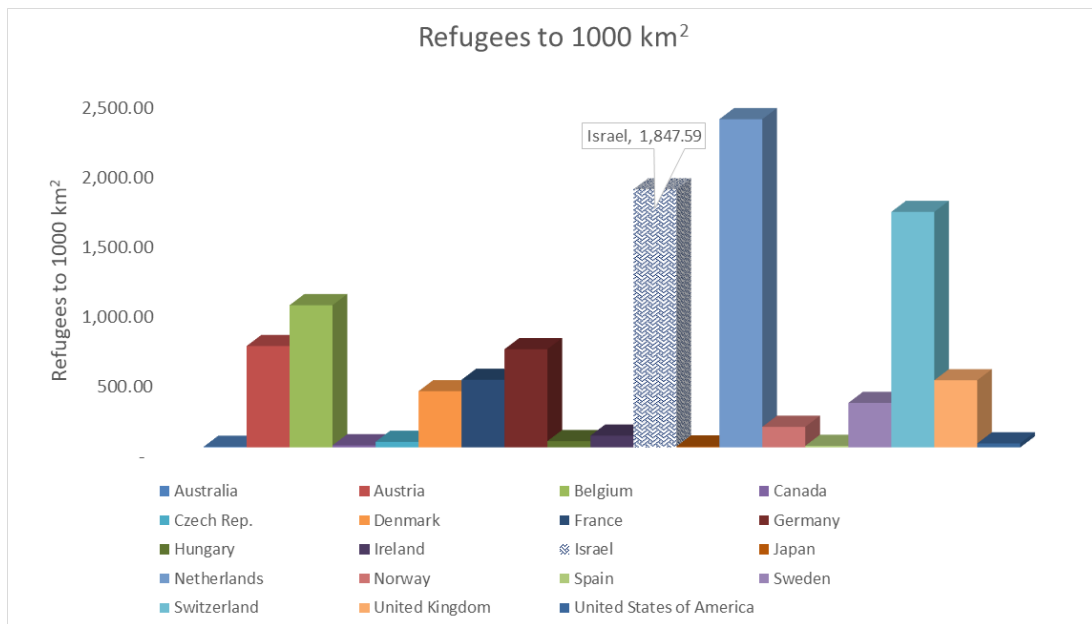
While committed to sheltering and assisting refugees, Israel has no legal or moral responsibility for absorbing migrant workers, nor for allowing illegal immigrants to remain. Israel has the right to determine migration policy in accordance with its national interests and limitations. These include its limited geographic area, its small population, and the ethno-religious character it seeks to maintain.

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<sup>2</sup> <http://www.maariv.co.il/news/law/Article-597167>

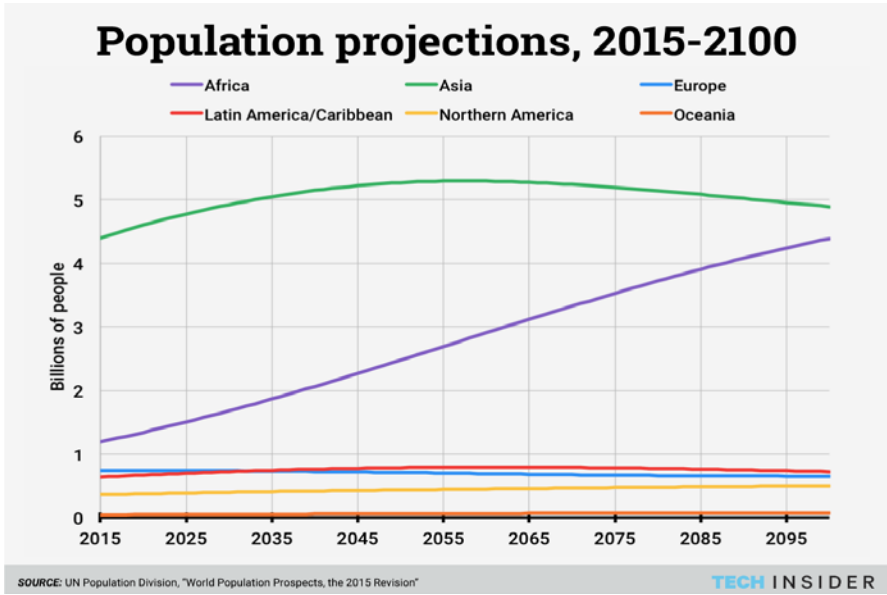


The charts below are based on UNHCR Data as of 2015. We note that the statistic examines refugees and those in a refugee-like situation. With regard to Israel, the statistic refers exclusively to African asylum seekers and migrants.

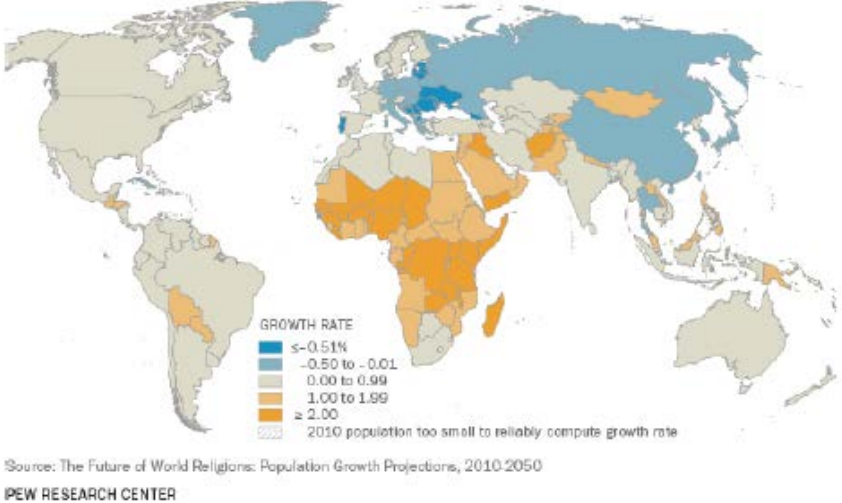


Further, these 40,000 are expected to quickly grow to 200,000 or more as they will likely petition for family reunification were they to be absorbed.

Africa's high birthrates (its population of is currently around 800 million and is expected to reach 4 billion by 2100), continued political instability, conflict, desertification and climate change, suggest that millions of African migrants will make their way north in the coming decades. Europe is already reeling from the effects. Alongside the security barrier and Egyptian cooperation, Israel's current stringent policies vis-a-vis recognizing refugee claims and allowing naturalization help dissuade additional migrants.



**Projected Annual Growth Rate of Country Populations, 2010-2050**



Lastly, Israel must be careful to avoid setting precedents that could be utilized in Palestinian claims and demands to repatriate refugees from 1948 in any peace negotiations. The perception that Israel is willing to accept large numbers of non-Jewish immigrants will strengthen demands to accept a larger number of refugees should negotiations resume.

<sup>i</sup> [https://www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/foreigners\\_in\\_Israel\\_data\\_2017\\_2.pdf](https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreigners_in_Israel_data_2017_2.pdf)  
<sup>ii</sup> <https://www.ha-makom.co.il/post-keren-shemesh-asyluminfo>