

# URGENT ACTION

## ASYLUM-SEEKERS RISK DEPORTATION OR DETENTION

**Thousands of Eritrean and Sudanese asylum-seekers are at risk of either being forced to go to Rwanda or Uganda, where their protection is not guaranteed, or being indefinitely detained in Israel. While some are already detained, the Israeli authorities have given others until early April to leave the country or be detained.**

On 1 January, the Israeli Population, Immigration and Border Authority (PIBA) published a new policy (the "Procedure for Deportation to Third Countries") under the Israeli Law of Entry. According to the new policy, **Eritrean and Sudanese single men** who either had not applied for asylum before 1 January or had applied but been rejected would be asked to leave the country by early April. Those who agree to leave are given US\$3,500 and a ticket to either their country of origin or an unnamed "third country". Those who refuse face indefinite detention. The Israeli government claims the scheme facilitates "voluntary departures" of irregular migrants. In fact, most of those deported have been denied a fair asylum procedure in Israel. Amnesty International considers them to be asylum-seekers or refugees and their deportations to be unlawful under international law.

Israel has allegedly reached agreements with two countries – widely understood to be Uganda and Rwanda – where deportees from Eritrea and Sudan are transferred. However, Uganda and Rwanda deny the existence of the agreements and the Israeli government considers any information about the arrangements to be classified.

The Israeli authorities have been issuing deportation notices to asylum-seekers who were already in detention since 4 February, under the new "Procedure for Deportation to Third Countries" policy. There are 280 asylum-seekers already in detention who have been issued with such notices. They are being told that they must leave within two months of the first deportation notice given to them or remain in detention. Since the announcement of the new policy, 500 Eritreans and Sudanese men have left Israel or signed up to leave.

"**Tesfai**" (not his real name), a 29-year-old Eritrean asylum-seeker, had his asylum claim rejected without explanation. He was arrested in November 2017 for not having a valid visa. After 100 days in prison, he was told to leave Israel to go to Rwanda. When he refused, he was detained under the Law of Entry for not co-operating with his removal and remains in prison to date.

### **Please write immediately in English or your own language urging the Israeli authorities to:**

- Immediately halt the deportations of Eritrean and Sudanese asylum-seekers;
- Immediately release all asylum-seekers who are being detained for refusing to leave Israel;
- Ensure that Eritrean and Sudanese asylum-seekers have access to fair and effective refugee status determination procedures in Israel.

### **PLEASE SEND APPEALS BEFORE 9 MAY 2018 TO:**

Director General, Population,  
Immigration and Border Authority  
Prof. Shlomo Mor-Yosef  
Fax: +972 2 6294836  
Email: moryosef@piba.gov.il

Minister of Interior  
Arye Machluf Dery  
Fax: +972 2-7444880  
Email: sar@moin.gov.il

**And copies to:**  
Prime Minister of Israel  
Benjamin Netanyahu  
Fax: + 972 2 5605000  
Email: pmoh@pmo.gov.il  
**And:**  
President of Israel  
Reuven Rivlin  
Fax: +972 2 5887225  
Email: lishka@president.gov.il

**Also send copies to diplomatic representatives accredited to your country.** HIS EXCELLENCY MR MARK REGEV, Embassy of Israel  
2 Palace Green Kensington W8 4QB, 020 7957 9500, [info@london.mfa.gov.il](mailto:info@london.mfa.gov.il)

**Please check with your section office if sending appeals after the above date.**

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Most of the Eritrean and Sudanese asylum-seekers currently at risk of deportation reached Israel before 2013, when Israel closed its border with Egypt. Many of them survived experiences in the Sinai Peninsula in Egypt where they were held by traffickers against their will and tortured or otherwise ill-treated and suffer now from physical and psychological trauma.

The transfer of Eritrean and Sudanese asylum-seekers to African countries began in 2013. According to the UN Refugee Agency, UNHCR, some 4,000 Eritrean and Sudanese asylum seekers were deported between December 2013 and June 2017. Although the African countries have not officially been named, testimonies from asylum-seekers deported from Israel confirm that they are Rwanda and Uganda. Both countries have denied having entered into an agreement with Israel to receive such asylum-seekers either verbally or in writing.

Whether or not the agreements exist, the deportations are unlawful because they violate the principle of *non-refoulement*, which prohibits the transfer of anyone to a place where they would be at risk of serious human rights violations, or where they would not be protected against such a transfer later.

In order for the obligation of *non-refoulement* to be fulfilled, the risk of human rights violations upon transfer must be evaluated on a case-by-case basis, considering the individual circumstances of each person concerned. The sending state, in particular, must evaluate not only each individual's risk of human rights violations upon transfer to the "third country", but also their risk of onward return from the "third country" to another country where the person would be at risk ("chain" or "indirect" *refoulement*). The fact that the third country is a party to the 1951 Convention relating to the Status of Refugees is not sufficient to exclude the risk of "chain" *refoulement*.

In addition to being unlawful, the deportations are a way for Israel to abdicate its responsibility towards refugees and asylum-seekers under its jurisdiction and to shift it to less wealthy countries with bigger refugee populations. Israel hosts 44,600 refugees and asylum-seekers, a manageable population for a wealthy country. By contrast, Rwanda hosts more than three times the refugee population of Israel; Uganda's refugee population is more than 20 times that of Israel.

The deportations by the Israeli authorities are based on the premise that the deportees either never sought asylum or did seek asylum but did not qualify for it. However, Israel's dysfunctional asylum system calls the premise into serious question. Out of 15,200 Eritrean and Sudanese nationals who submitted asylum applications between 2013 and 2017, only 12 were recognized as refugees following a refugee status determination procedure, which is less than 0.5%. Over the past decade, only 0.1% of Eritrean asylum-seekers have been recognized as refugees in Israel. By comparison, the rate of recognition of Eritrean nationals who applied for refugee status in the EU in 2016 was 92.5%.