

פִּי גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם (שמות כב:כ)
For you were strangers in the land of Egypt (Exodus 22:20)

לימוד ושיחה בנושא מבקשי המקלט בישראל • Text Study and Discussion on Asylum Seekers in Israel

Biblical Sources

<p>1) Genesis 1:27 27 And God created man in His image, in the image of God He created him; male and female He created them. [JPS]</p>	<p>בראשית פרק א פסוק כז כז וַיִּבְרָא אֱלֹהִים אֶת הָאָדָם בְּצַלְמוֹ בְּצַלְמֵי אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם:</p>
<p>2) Exodus 22:20-23 20 You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. 21 You shall not ill-treat any widow or orphan. 22 If you do mistreat them, I will heed their outcry as soon as they cry out to Me, 23 and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans. [JPS]</p>	<p>שמות פרק כב פסוק כ-כג כ וגר לא תונה ולא תלחצנו פי גרים הייתם בארץ מצרים: כא כל אלמנה ויתום לא תענון: כב אם ענה תענה אתו כי אם צעק יצעק אלי שמע אשמע צעקתו: כג וחרה אפי והרגתי אתכם בחרב והיו נשיכם אלמנות ובניכם יתמים:</p>
<p>3) Leviticus 19:33-34 33 When a stranger resides with you in your land, you shall not wrong him. 34 The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God. [JPS]</p>	<p>ויקרא פרק יט פסוק לג-לד לג וכי-גור אתך גר, בארצכם--לא תונו, אתו. לד באזרח מכם יהיה לכם הגר הגר אתכם, ואהבת לו כמוך--פי-גרים הייתם, בארץ מצרים: אני, יהוה אלהיכם.</p>
<p>4) Deuteronomy 27:19 19 Cursed be he who subverts the judgment of the stranger, the orphan, or the widow. And all the people shall say, Amen! [JPS]</p>	<p>דברים פרק כז פסוק יט יט ארור, מטה משפט גר-יתום--ואלמנה; ואמר כל-העם, אמן.</p>
<p>Questions for consideration:</p> <ol style="list-style-type: none"> 1. What is the significance of the Genesis verse for how we treat our fellow human beings? 2. In the Exodus and Leviticus verses - what does it mean to <i>wrong, oppress, and mistreat</i>? 3. What are the implications of the fact that the Exodus and Leviticus verses are considered <u>commandments (mitzvot)</u>? 4. In the Deuteronomy quote - what does it mean to “subvert judgment”? 	<p>שאלות מנחות:</p> <ol style="list-style-type: none"> 1. מה החשיבות של הפסוק בספר בראשית לאופן בו אנו נוהגים כלפי בני אדם אחרים? 2. בספר שמות וויקרא, מה המשמעות של <i>תונה, תלחצנו, תענה</i>? 3. מה החשיבות של ההתייחסות לפסוקים מספרי שמות וויקרא כציוויים (מצוות)? 4. מה המשמעות של “מטה משפט”?

Four Questions – Asylum Seekers in Israel*

1) What should we call these people?

- **Refugee** – a person who is found to fit the following definition according to international law: *a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself to the protection of that country;*
- **Asylum seeker** – a person who has moved, willingly or unwillingly, across borders in search of protection from persecution and who has applied for protection as a refugee and is awaiting the determination of his or her status according to international law.

*Data and information is based on Hotline for Migrant Workers reports. For more information see: http://www.hotline.org.il/en_drupal/english/publications.htm

- **Economic migrant** – a person who has moved across borders by choice in order to improve his or her standard of living.
- **Infiltrator** – until 2012 an infiltrator referred to a person entering Israel illegally from an Arab country intending to perpetrate terrorism. Following an amendment to the Anti-Infiltration Law in 2012, the term was expanded to include anyone who enters Israel without permission regardless of intention.

2) Why are they arriving in Israel?

Until 2005 the number of non-Palestinian refugees in Israel was very small. In 2005 conditions for over 13,000 Sudanese asylum seekers residing in Egypt significantly worsened with imprisonment and killing which set off a movement towards Israel, the only Western Democracy contiguous to Africa. The influx has increased over the last few years and there are currently 60,000 African asylum seekers in Israel, 82% of which are from Eritrea or Sudan. About one thousand live in Jerusalem.

3) What does international law say about this situation?

In 1951, in the aftermath of World War II, Israel was central in drafting the United Nations Convention Relating to the Status of Refugees which defines who is a refugee and the kind of legal protection and social rights a refugee is entitled to receive. Each signatory country, including Israel, is meant to establish a Refugee Status Determination (RSD) Process in order to assess individual claims to asylum and confer refugee status. Those granted status are then entitled to certain rights to be provided by the receiving state.

4) What is current Israeli Policy related to Asylum Seekers?

- Despite Israel's role in drafting it, the UN Convention has not been incorporated into Israeli law.
- In 2009 Israel was one of the last democratic countries to establish an RSD process. Israel's recognition rate for asylum seekers is less than 1% as compared to 10-50% in other developed countries with similar refugee populations.
- There is evidence that the RSD process is dishonest – interviewers, who call themselves interrogators, use intimidation and interrogation instead of remaining objective in the assessment of a claim to asylum.
- Asylum seekers from Eritrea and Sudan are given Temporary Group Protection preventing their deportation but prohibiting legal employment forcing them to take unregulated employment making them vulnerable to labour abuses. Temporary Group Protection status bars their submission to the RSD process, not allowing them the chance to prove their claim and be granted the political and social rights mandated by the UN Convention. Contrary to the claim that most Eritreans and Sudanese would be considered economic migrants, the global rate of recognition of Eritrean asylum seekers is 84% and of Sudanese is 64%.
- In December 2011, the Israeli government allocated 163 million dollars to a program to combat “illegal infiltration.” This program included:
 - Passing an amendment to the “Anti-Infiltration” Bill enabling the State to detain anyone who enters Israel without authorization for up to three years. Those from Sudan, considered an enemy state, can be detained indefinitely. Detention is without trial and without any charges brought against them.
 - Increasing the number of detention facilities to house asylum seekers coming across the border.
 - Increasing enforcement against those who employ asylum seekers.
 - Building a fence at the Egyptian border to prevent further infiltration.

Questions for Consideration:

1. Are we fulfilling our obligations regarding the “stranger?”
2. Look back at the Leviticus text. How is the imperative to treat the “stranger” as citizen, complicated in the modern context?
3. If you were Minister of Interior – how would you handle this issue?

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