

**“I was left with nothing”:  
“Voluntary” departures of asylum seekers  
from Israel to Rwanda and Uganda**



**International Refugee Rights Initiative  
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## About the International Refugee Rights Initiative

The International Refugee Rights Initiative (IRRI) enhances the rights of those excluded from state protection as a result of forced displacement, conflict, discriminatory violence and statelessness. IRRI believes that strengthening the rights, capacities and democratic participation of these communities—refugees, the forcibly displaced, the conflict-affected, the stateless and those suffering violent discrimination on the basis of their political status—is essential to building just, peaceful and flourishing states and communities.

IRRI redresses the imbalances in power that fuel the violent exclusion of vulnerable populations from protection through:

- tackling the root causes of exile, statelessness, discriminatory violence, and conflict through which state protection is lost;
- enhancing the agency and protection of those who are forcibly displaced or threatened with displacement; and
- promoting the re-building of just and inclusive communities in which genuine citizenship is forged and displacement and exile comes to an end.

IRRI grounds its advocacy in regional and international human rights instruments and strives to make these guarantees effective at the local level.

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The photographs in this report were taken by asylum seekers who left Israel, by IRRI staff and by an independent photographer, who all requested to remain anonymous. The photographs are published here with their permission. Cover photo: International Refugee Rights Initiative (© 2015).

## Summary

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Since the beginning of 2013, approximately 10,000 African asylum seekers who had fled to Israel seeking refuge have left.<sup>1</sup> Israeli authorities classify these departures as "voluntary", but in reality those choosing to leave do so as a result of severe pressures and violations of their rights. The majority of those who have left Israel have returned to Sudan and Eritrea, their countries of origin. However, during the last two years, more than 1,500 asylum seekers from Eritrea and Sudan have also left Israel for unknown "third countries".<sup>2</sup> Although these third countries have not been officially identified, it is now widely known that African asylum seekers in Israel who are not willing to go back to their countries of origin are being sent, almost exclusively, to Uganda or Rwanda.<sup>3</sup>

Based on 24 interviews with Sudanese and Eritreans who have left Israel, this paper seeks to document the experiences of asylum seekers who have been subjected to Israel's "voluntary departure" procedure. It focuses on the reasons they left Israel, their status in the receiving countries, and the reasons they have often left these countries shortly after arriving in them.

The findings show that the two main factors that push asylum seekers to leave Israel are the country's detention policy and the inability of asylum seekers to acquire a status that will ensure their rights and give them stability. Almost two thirds of the asylum seekers who were interviewed by IRRI and who have left Israel with the assistance of Israel's "voluntary return unit" have done so as a result of their detention or upon receiving a detention order.

These asylum seekers are sent to Uganda and Rwanda with a promise from the Israeli authorities that they will be provided with the necessary papers to enable them to stay legally in the receiving country. However, our findings show that, in reality, they do not receive any legal status: they are left with no valid legal documents upon arrival and are either encouraged to leave these countries, live below the radar and without legal status, and/or hide the fact that they came from Israel.

For those asylum seekers who are sent to Rwanda, testimonies collected by IRRI suggest that the majority, if not all, are being smuggled out of the country by land to Kampala within days of arriving in Kigali. They are not given an opportunity to apply for asylum, and even if they wish to stay in Rwanda, their refugee claims cannot be assessed as the national refugee status determination committee has not yet been established.<sup>4</sup> These transfers appear to be coordinated by the people who receive the asylum seekers at Kigali airport. From Kampala, the majority travel north to South Sudan, Sudan and Libya, with many ultimately risking crossing the Mediterranean or falling into the hands of the Islamic State of Iraq and al-Sham (ISIS) in the hope of finding safety in Europe.

Those asylum seekers who are sent directly to Uganda are not given any instructions about their legal

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<sup>1</sup> See the State's Letter of response on HCJ 8665/14 Desta et al. v. the Knesset et al., 27 January 2015, available at: <http://goo.gl/PZZyVZ> (accessed 8 August 2015).

<sup>2</sup> Ilan Ilior, "Asylum seekers who left Israel for Rwanda describe a hopeless journey," *Haaretz*, 24 May 2015, available at: <http://goo.gl/K23fh0> (accessed 8 August 2015). Israeli authorities have never publicly revealed the identities these "third countries", arguing that the receiving countries requested their identity to remain confidential. Hence it is unknown how many people were sent where.

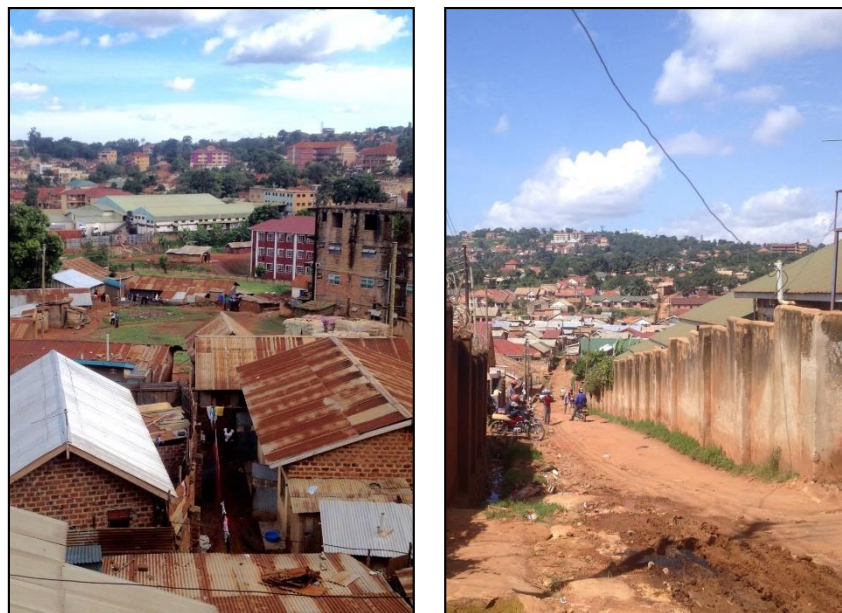
<sup>3</sup> Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF) and Hotline for Refugees and Migrants, "Where there is No Free Will: Israel's 'Voluntary Return' procedure for asylum-seekers," April 2015, available at: <http://goo.gl/GbcMne> (accessed 8 August 2015). Apart from Rwanda and Uganda, there were a few transfers to Ethiopia during 2014. One such case was documented by IRRI. See also: Human Rights Watch, "'Make Their Lives Miserable' Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel," September 2014, p. 49, available at: <http://goo.gl/KAiarz> (accessed 8 August 2015).

<sup>4</sup> UNHCR Representation in Israel, Letter to Att. Anat Ben-Dor of the Refugee Rights Clinic in Tel-Aviv University, 12 July 2015 (presented before the Beer-Sheva District Court during the proceedings in the case of A.G.T and others v. The State of Israel and others, 15-07-5126, on file with IRRI).

status, and are left on their own after their identity documents are taken from them upon arrival. They remain with no status at all, unaware that they can apply for asylum in Uganda or having been told that they cannot. Some of those who have sufficient understanding of the system to apply for asylum told of how they have been threatened and told that doing so may lead to their deportation from the country. As a result, some decide to lie and say that they came to Uganda directly through South Sudan.

Asylum seekers from Sudan and Eritrea have chosen to go to Rwanda and Uganda mainly because their other options – to remain in detention in Israel or to go back to their countries of origin – are intolerable. Therefore, they have arrived in places that are entirely foreign to them: they are usually unable to find work, and have no support from family members or other networks. Under these circumstances, staying in these third countries is difficult, and for most, unsustainable.

Contrary to the Israeli authorities' rhetoric, departures from Israel are neither voluntary, nor do they ensure the safety of those leaving the country. While Israel presents Rwanda and Uganda as safe destinations, in reality they are often the starting point for a dangerous journey that not all asylum seekers survive. Furthermore, these departures from Israel are carried out contrary to the guidance on transfer agreements from the United Nations High Commissioner for Refugees (UNHCR).



Pictures taken in Kampala, in proximity to where asylum seekers from Israel stayed when interviewed by IRRI (© International Refugee Rights Initiative).



## Recommendations

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### To the Israeli government

- **Stop detaining Eritreans and Sudanese asylum seekers:** close Holot facility and do not detain nor imprison those who do not agree to leave Israel to "third countries". Only newly arrived irregular migrants should be detained, as a last resort, and solely for legitimate purposes such as the verification of their identities.<sup>5</sup>
- **Consider asylum claims fairly, in accordance with international standards** and consistent with relevant UNHCR guidance. Ensure that irregular migrants are well informed about their right to apply for asylum, and that asylum applications are assessed within a reasonable period of time.
- **Develop a policy on subsidiary forms of protection**, in addition to the refugee protection enshrined in the 1951 UN Convention on the Status of Refugees (1951 Convention), which will offer protection to people at risk of serious harm in their countries of origin who may not meet the conditions for refugee status.
- **Stop all transfers to third countries** until formal and transparent agreements are in place with the relevant governments. These agreements should be made public and should comply with UNHCR's Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers.<sup>6</sup>
- **Investigate allegations that Israeli officials may be complicit in migrant smuggling.** Specifically, the Israeli government should investigate to what extent Israeli officials may be complicit in the illegal transfers of Eritreans from Rwanda to Uganda and onward to other countries, and to what extent Israeli officials are responsible for the fact that transferred Eritreans and Sudanese remain undocumented in the receiving countries.

### To the Ugandan government

- **Urge the Israeli government to stop sending Eritreans and Sudanese to Uganda.** The Ugandan authorities should only allow transfers if an official, public and rights-respecting agreement is in place, and if that agreement complies with UNHCR's Guidance Note.
- **Investigate who in Uganda is cooperating with the Israeli authorities** in order to allow them to send asylum seekers to Uganda, and under what authority. Ugandan immigration officials should not be helping the Israeli authorities to transfer asylum seekers as long as there is no official agreement between the two governments.
- **Take all necessary measures to ensure that any individuals transferred from Israel are informed of their right to seek asylum** in Uganda as per the requirements of international and Ugandan law. If claims for asylum are presented, they must be fairly assessed and the fact that the asylum seekers in question came from Israel should not adversely affect their claims, as they did not enjoy effective protection in Israel.

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<sup>5</sup> The term "irregular migration" refers to movement that "takes place outside the regulatory norms of the sending, transit and receiving countries." See International Organization for Migration, "Glossary on Migration," 2004, available at: <http://goo.gl/btBYij> (accessed 8 August 2015).

<sup>6</sup> UN High Commissioner for Refugees (UNHCR), "Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers," May 2013, <http://goo.gl/XWltUF> (accessed 8 August 2015).

- **Investigate allegations that people smugglers are operating in Uganda**, both bringing individuals into Uganda from Rwanda and facilitating their onward travel. Identify those responsible and take all necessary measures in order to prevent these actors from exploiting vulnerable asylum seekers.

#### **To the Rwandan government**

- **Only accept asylum seekers from Israel if an official, public and rights-respecting agreement** with the Israeli government is in place and only if it complies with UNHCR's Guidance Note.
- **Strengthen the national asylum system** in order to ensure that it is capable of handling any refugee claims in an expeditious and fair way. If the existing asylum system is currently unable to process individual refugee claims, develop other protection policies that will ensure those eligible for international protection can enjoy it.
- **Ensure that any individuals who may arrive in Rwanda from Israel are informed of their rights and are able to access international protection.** The fact that these individuals came from Israel should not adversely affect their claims, as they did not enjoy effective protection in Israel.
- **Investigate allegations that people smugglers are operating in Rwanda** and are smuggling individuals illegally across the border into Uganda. Identify those responsible and take all necessary measures in order to prevent these actors from exploiting vulnerable asylum seekers.

#### **To the United Nations High Commissioner for Refugees**

- **Urge the government of Israel to cease the transfers to so-called "safe third countries"**, at least until such time as formal, transparent and rights respecting agreements are in place with the relevant governments. These agreements should be made public and should comply with UNHCR's Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers.
- **Urge the governments of Rwanda and Uganda to take a stand** and to refuse transfers from Israel that are not conducted in accordance with a formal, transparent and rights respecting transfer agreement.
- **Keep documenting the situation of asylum seekers that have been transferred** from Israel to Rwanda and Uganda, publish this information, and urge the authorities in these countries to ensure that transferred asylum seekers can access international protection.

#### **To airlines carrying Sudanese and Eritreans from Israel to Uganda and Rwanda**

- **Engage with the relevant authorities in Uganda and Rwanda and ask for their official position** regarding Eritreans and Sudanese traveling with Israeli travel documents to Uganda and Rwanda. Do not accept the documents provided by Israel as proof that those carrying them will be legally admitted to the receiving countries, as long as these countries do not officially acknowledge that the passengers will be able to enter and remain in them legally.

## Background

Between January 2007 and December 2012, 61,641 African irregular migrants crossed into Israel, mainly coming through Egypt.<sup>7</sup> By the end of 2013, there were almost 36,000 Eritreans in Israel, and 13,000 Sudanese.<sup>8</sup> However, due to the construction of a new fence on the Israeli-Egyptian border, only 43 migrants entered Israel in 2013 and 21 were recorded in 2014.<sup>9</sup> As the movement of new irregular migrants into Israel has decreased, the Israeli government has started focusing on making sure that those already inside the country leave.

The government of Israel has labelled Sudanese and Eritreans "infiltrators", and has repeatedly referred to them as a threat to Israel's identity as a Jewish state, its security and its economy. For example, in 2012, Eli Yishai, then Israel's Interior Minister, warned that the refugees were "giving birth to hundreds of thousands, and the Zionist dream is dying," and associated them with diseases and crime.<sup>10</sup> In May 2012, another member of parliament, Miri Regev, said that "the Sudanese are a cancer in our body."<sup>11</sup> Several violent attacks on Sudanese and Eritreans in Tel-Aviv followed these remarks.<sup>12</sup>

However, it is not only this xenophobic discourse that has made Sudanese and Eritreans living in Israel feel unwelcome. Although Israel has acceded to the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees (1967 protocol), the policies it has adopted towards Africans who have entered the country irregularly have blatantly failed to respect their rights under international law.<sup>13</sup> Instead of guaranteeing that those entitled to international protection enjoy it, these policies are primarily meant to deter Africans from coming into Israel and ensure that those already in the country are not able to settle and are strongly "encouraged" to leave.<sup>14</sup>

Fleeing human rights violations, conflicts and abuse, irregular migrants from Eritrea and Sudan are granted an ambiguous status under a vague policy of "temporary delay of deportation" or "temporary group protection".<sup>15</sup> While this status protects them from being deported, it accords them few other

<sup>7</sup> Population, Immigration and Borders Authority (PIBA), "Statistics of Foreigners in Israel, Summary of 2013," January 2014, available at: <http://goo.gl/eZY76E> (accessed 8 August 2015).

<sup>8</sup> Ibid.

<sup>9</sup> Ibid, PIBA, "Statistics of Foreigners in Israel, Summary of 2014," January 2015, available at: <http://goo.gl/cn3vLV> (accessed 8 August 2015).

<sup>10</sup> Harriet Sherwood, "Israel PM: illegal African immigrants threaten identity of Jewish state," *The Guardian*, 20 May 2012, available at: <http://goo.gl/p3goPX> (accessed 8 August 2015), Ben Hartman, "UN official: Yishai wrong, African migrant AIDS rate low," *The Jerusalem Post*, 31 May 2012, available at: <http://goo.gl/NHh6cO> (accessed 8 August 2015).

<sup>11</sup> Harriet Sherwood, "Israelis attack African migrants during protest against refugees," *The Guardian*, 24 May 2012, available at: <http://goo.gl/S1juji> (accessed 8 August 2015).

<sup>12</sup> Ibid. See also, Talila Neshet, "Association for Civil Rights in Israel: Violence Against Migrants in Israel Reaches Record High in 2012," *Haaretz*, 16 December 2012, available at: <http://goo.gl/SbMv1j> (accessed 8 August 2015), David Sheen, "A year in review: Anti-African racism and asylum seekers in Israel," *+972 Magazine*, 29 May 2013, available at: <http://goo.gl/iO3f0K> (accessed 8 August 2015).

<sup>13</sup> 1951 UN Convention relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force 22 April 1954, acceded to by Israel on 1 October 1954, and its 1967 Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, entered into force 4 October 1967, acceded to by Israel 14 June 1968, available at: <http://www.unhcr.org/3b66c2aa10.html> (accessed 8 August 2015).

<sup>14</sup> Human Rights Watch, "'Make Their Lives Miserable' Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel," September 2014.

<sup>15</sup> African Refugee Development Center (ARDC) and Hotline for Migrant Workers, "'Do Not Send Us So We Can Become Refugees Again': From 'nationals of a hostile state' to deportees: South Sudanese in Israel," February 2013, p.14-15, available at: <http://goo.gl/2iXQsA> (accessed 8 August 2015). Israel has never officially explained the rationale of this policy, however, it has admitted that it is not deporting Eritreans back to Eritrea due to the risk of human rights violations back at home, and claimed that Sudanese are not sent back because of practical difficulties, as there are no diplomatic ties with their home country. See Ilan Lior, "Israel toughest on asylum seekers from Sudan," *Haaretz*, 13 February 2015, available at: <http://goo.gl/853qjy> (accessed 8 August 2015).

rights in Israel: their right to work remains unclear, their access to social and health services extremely limited, and they were not able to apply for asylum at all until 2013.<sup>16</sup> When they finally could apply, they faced an unfair system that failed to comply with international standards and in which their chances of being recognised are almost non-existent.<sup>17</sup> Since June 2012, irregular African migrants, including those who have applied for asylum, have also been detained under various policies mainly meant to convince them to leave (see below).

At the beginning of 2012, following South Sudan's independence, access to "temporary group protection" was withdrawn from South Sudanese. Approximately 1,000 Africans of South Sudanese origin were effectively coerced into leaving Israel "voluntarily" between June and August that year: they were not able to renew their visas for months on end prior to the deportation itself and, as a result, they lost their jobs; they were sent to prison if they refused to leave the country; and they were paid EUR 1,000 as an incentive if they accepted.<sup>18</sup>

It did not take long for similar steps to be targeted at other groups. In late December 2012, Prime Minister Benjamin Netanyahu announced that he had appointed a special representative, Hagai Hadas, to oversee the repatriation of "infiltrators to their countries of origin in Africa." Referring to Sudanese and Eritreans, Netanyahu explained that:

After having faced the threat of the entry of hundreds of thousands, this month, not one infiltrator entered Israel's cities. [...] Now we are moving on to the second stage, that of repatriating the infiltrators who are already here. [...] Just as the blocking was possible, so too the repatriation is possible and we will achieve this goal.<sup>19</sup>

With the new detention policies causing an increasing sense of instability and fear throughout 2013 and early 2014, many Sudanese and some Eritreans started leaving Israel and returning to their countries of origin. They were offered USD 3,500 and a "free" one-way ticket. This trend reached its peak in early 2014, but has subsequently diminished.<sup>20</sup>

In March 2014, as part of legal proceedings challenging the anti-infiltration law, the Israeli State Prosecutor's Office told the Israeli High Court that the state had reached, and begun to implement, two transfer agreements with African countries that had requested their identities to remain confidential.<sup>21</sup> In January 2015, the state further argued before the court that as part of "the strengthening of the cooperation between Israel and the third countries with regard to the implementation of the agreements, there is a possibility for hundreds of infiltrators to depart every month."<sup>22</sup>

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<sup>16</sup> Human Rights Watch, "'Make Their Lives Miserable' Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel," September 2014.

<sup>17</sup> Ibid, Gerry Simpson, "Dispatches: Israel Fails African Asylum Seekers," *Human Rights Watch*, 25 February 2015, available at: <http://goo.gl/ObNrRn> (accessed 8 August 2015).

<sup>18</sup> ARDC and Hotline, "'Do Not Send Us So We Can Become Refugees Again': From 'nationals of a hostile state' to deportees: South Sudanese in Israel," February 2013, p.10.

<sup>19</sup> "PM Netanyahu Convenes Discussion on the Issue of Work Infiltrators from Africa," Office of Prime Minister of Israel press release, 24 December 2012, available at: <http://goo.gl/yRi5yu> (accessed 8 August 2015).

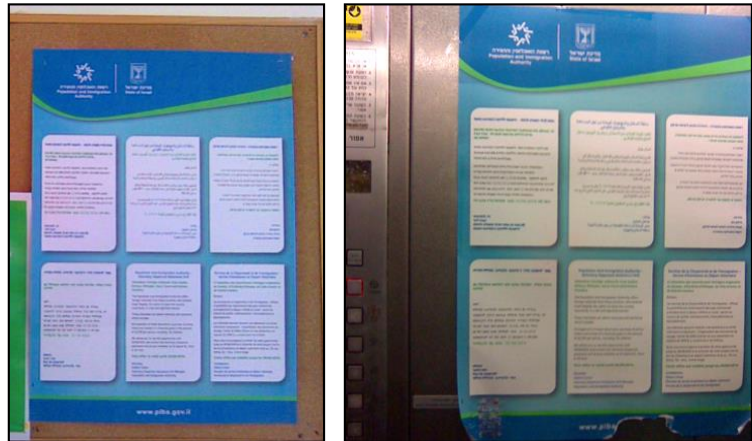
<sup>20</sup> ASSAF and Hotline, "Where there is No Free Will: Israel's 'Voluntary Return' procedure for asylum-seekers," April 2015, p. 5.

<sup>21</sup> Ilan Lior, "Two African countries taking in asylum seekers leaving Israel," *Haaretz*, 12 March 2014, available at: <http://goo.gl/I9MIUz> (accessed 8 August 2015).

<sup>22</sup> Section 45 of the state's response dated 27 January 2015, to HCJ Desta et al. v. the Knesset et al., available at: <http://goo.gl/DZ6Fa5> (accessed 8 August 2015).



By April 2015, more than 1,500 asylum seekers from Eritrea and Sudan had left Israel for "third countries" under these agreements.<sup>23</sup> However, the content of the agreements has never been revealed to the public and, until April 2015, no African country had officially admitted that it was party to such agreements or was knowingly receiving asylum seekers from Israel.



Posters advertising "Voluntary Departure" in six languages inside Israel's Refugee Status Determination (RSD) Unit's offices in Tel-Aviv, May 2014 (© independent Israeli photographer)

In late March 2015, even the pretence at the so-called "voluntary" nature of the deportations was removed when the Israeli Population, Immigration and Borders Authority (PIBA) announced that irregular migrants who were held in detention and had not applied for asylum, or who had applied and had been rejected, would have to leave Israel to third countries even against their will. Those who refused to leave, it was announced, would face a hearing to determine whether they would be indefinitely imprisoned.<sup>24</sup>

Israel's Attorney General, Yehuda Weinstein, approved this step after requiring the Foreign Ministry and the prime minister's special representative on the repatriation of "infiltrators" to confirm that six conditions are upheld in the third countries:

- there are no "wars or general riots" taking place in these countries;
- the UNHCR's current policy position does not state that removals to these states should not be carried out;
- there is no danger in these states to the life or liberty of "the infiltrator" on the basis of race, religion, nationality or belonging to a social or political group;
- it is possible to apply for asylum or be granted temporary protection in these states, or at the very least, these states are bound by the *non-refoulement* principle and will not deport "the infiltrator" to another state where his life or liberty would be at risk;
- these states prohibit torture or inhumane and degrading treatment;
- these states undertake to allow "the infiltrator" to live in dignity, make a living and stay in the country.<sup>25</sup>

In April 2015, the Rwandan president Paul Kagame admitted that his country "[had] been approached" with regard to receiving irregular African migrants from Israel.<sup>26</sup> Uganda has consistently denied having any agreement with Israel on the matter.<sup>27</sup>

<sup>23</sup> Ilan Ior, "Asylum seekers who left Israel for Rwanda describe a hopeless journey," *Haaretz*, 24 May 2015.

<sup>24</sup> Mairav Zonszein, "Israel to deport Eritrean and Sudanese asylum seekers to third countries," *The Guardian*, 31 March 2015, available at: <http://goo.gl/6XCMMx> (accessed 8 August 2015).

<sup>25</sup> Ilan Ior, "Israel's attorney general approves deportation of African asylum seekers," *Haaretz*, 2 April 2015, available at: <http://goo.gl/GF3Ugg> (accessed 8 August 2015). See also A.G.T and others v. The State of Israel and others (5126-07-15, decision from 17 July 2015, Beer-Sheva District Court), p. 5 (Hebrew, on file with IRRI).

<sup>26</sup> *i24 News*, "Israel and Rwanda in talks on 'multimillion dollar' contracts-for-refugees deal," 4 April 2015, available at: <http://goo.gl/LtfvJe> (accessed 8 August 2015).

<sup>27</sup> Taddeo Bwambale, "Israel expels Sudanese to Uganda," *New Vision*, 28 April 2015, available at: <http://goo.gl/Hfcci8> (accessed 8 August 2015).

## Methodology

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This report is based on information gathered in Kampala in May and June 2015, and in Johannesburg in July 2015. IRRI's intention was to shed light on the situation and status of transferred asylum seekers after their departure from Israel in a context in which the Israeli authorities have not made information public about the process. Having a clearer understanding of what is taking place on arrival is critical to understanding the extent to which Israel is complying with international law with regard to transfers. It is also important in order to understand the obstacles to claiming effective protection in Uganda and Rwanda and why most of those transferred leave the so-called safe third country shortly after their arrival.

IRRI conducted 24 interviews with Eritrean and Sudanese asylum seekers who have left Israel or are currently in Israeli detention. Twenty one interviews were carried out in person, and three were carried out by phone. IRRI worked with Eritreans and Sudanese in Kampala and with Israeli activists and NGOs in order to identify relevant interviewees, whose anonymity was assured.

Twenty two interviews were conducted with asylum seekers who had left Israel as part of the government's "voluntary departure" programme between February 2014 and May 2015. One interviewee was originally sent from Israel to Ethiopia, but then came to Uganda. Ten were sent to Rwanda and were transferred immediately to Uganda, and 11 were sent directly to Uganda. One interview was carried out by phone with a person who was sent to Uganda but currently lives in Kenya, one interview was carried out by phone with a person who was sent to Uganda and currently lives in Egypt and one interview was carried out by phone with a person who was sent to Rwanda and is currently seeking asylum in Germany. One interview was carried out in person in Johannesburg with an Eritrean who was sent to Rwanda but is currently seeking asylum in South Africa. Throughout the period of the information gathering, IRRI was able to contact some of these asylum seekers again, sometimes weeks after their initial interview, and follow up on their situation.

Two additional in person interviews were carried out with asylum seekers who left Israel independently in early 2013: one went to Uganda and the other to South Sudan. One phone interview was conducted with an Eritrean asylum seeker currently in Israeli detention.

Identifying interviewees and collecting their testimonies was not easy. Asylum seekers who leave Israel are not always able to keep in touch with friends or relatives in Israel. They often try to conceal the fact that they came from Israel, as they are told by those who meet them at the airport or by friends that revealing this may lead to them being deported to their country of origin. In addition, many asylum seekers leave Uganda shortly after their arrival in the country, and there are no strong networks of asylum seekers who came from Israel in Kampala. For example, some of the interviewees did not know of any other asylum seeker living in the area who had come from Israel.

IRRI approached the government of Uganda to comment on the findings but did not receive a response.

## Leaving Israel: escaping detention and uncertainty

In September 2013, the Israeli Supreme Court overturned the third amendment to the "anti-infiltration law" (the third amendment) that allowed the imprisonment of asylum seekers for a period of three years without trial.<sup>28</sup> Shortly after the Supreme Court ruling, the Israeli parliament (the Knesset) legislated a new amendment to the law. According to one of the provisions of the new law, asylum seekers were to be detained indefinitely in a new so-called open residence facility located in the Negev Desert and named "Holot" (meaning sands, in Hebrew).

Under the fourth amendment to the "anti-infiltration law", Holot facility started operating in December 2013. In May 2014, Israeli authorities published the criteria for detention stipulating that "infiltrators with families" and "women and children" are exempt from detention in Holot.<sup>29</sup> However, thousands of asylum seekers received detention orders whether or not they met the published criteria.<sup>30</sup> The new detention policy was met with massive protests, led by Holot detainees.<sup>31</sup> It also caused despair and anxiety within the broader community of asylum seekers.<sup>32</sup>



Eritreans and Sudanese protesting against Israel's treatment of African asylum seekers, Tel-Aviv, January 2014 (© independent Israeli photographer).

In September 2014, the Israel Supreme Court invalidated the fourth amendment to the "anti-infiltration law".<sup>33</sup> Despite this ruling, however, Holot's operations have continued uninterrupted. The Knesset, in reaction to the ruling, enacted a fifth amendment to the law, now named the "Law for Prevention of Infiltration and Ensuring the Departure of Infiltrators from Israel". According to this new legislation, detention in Holot was limited to 20 months.<sup>34</sup> A petition against the amendment was filed by six Israeli NGOs and

<sup>28</sup> Adam and others v. The Knesset and others (7146/12); Doe and others v. Ministry of Interior and others (1192/13); Tahangas and others v. Ministry of Interior (1247/13), 7146/12, 1192/13, 1247/13, Israel: Supreme Court, 16 September 2013, available at: <http://goo.gl/COFXGA> (accessed 8 August 2015).

<sup>29</sup> Human Rights Watch, "'Make Their Lives Miserable' Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel," p. 30, September 2014.

<sup>30</sup> Hotline and Physicians for Human Rights-Israel, "Managing the Despair, Monitoring report: asylum seekers at the Holot facility April–September 2014," September 2014, p. 7, available at: <http://goo.gl/09CXHR> (accessed 8 August 2015).

<sup>31</sup> In December 2013, when Holot started operating, hundreds of detainees left and travelled to Jerusalem, to protest in front of the Knesset. This protest was followed by a number of protests and a strike in Tel-Aviv, in which tens of thousands of asylum seekers participated. See: Renee Lewis, "African migrants arrested after Jerusalem protests," *Aljazeera America*, 17 December 2013, available at: <http://goo.gl/PdPQ32> (accessed 8 August 2015); Aljazeera America, "Thousands march for refugee rights in Israel," 5 January 2015, available at: <http://goo.gl/w4GGtZ> (accessed 8 August 2015); Shirley Seidler, "Protesting asylum seekers camp near Egypt border," *Haaretz*, 28 June 2014, available at: <http://goo.gl/hjMknX> (accessed 8 August 2015).

<sup>32</sup> ASSAF, "The effects of the Anti-infiltration law and detention at 'Holot' on the asylum seeker community in Israel," April 2014, available at: <http://goo.gl/uBLPy4> (accessed 8 August 2015).

<sup>33</sup> Eitan – Israeli Immigration Policy Center et al. v. The Israeli Government et al., HCJ 8425/13, HCJ 7385/13, Israel: High Court of Justice, 22 September 2014, available at: <http://goo.gl/t6O2XE> (accessed 8 August 2015).

<sup>34</sup> Ruvi Ziegler, "Detention of African Asylum Seekers in Israel: Welcome to Round Three," *OxHRH Blog*, 15 December 2014, available at: <http://goo.gl/dZF78> (accessed 8 August 2015).

two asylum seekers, and on 11 August 2015 the Israeli Supreme Court upheld the law but ruled that detention for a period of 20 months is disproportionate. The court gave the Knesset six months to revise the amendment, and ruled that all irregular migrants who were held in Holot for more than 12 months (at the date of the ruling) must be released within 15 days.<sup>35</sup>

Holot is located in the Negev Desert in southern Israel. It is managed by the Israel Prison Service, surrounded by fences, and is closed between 22:00 and 06:00. Under the current legislation "residents" are required to report for a headcount between 20:00 and 22:00.<sup>36</sup> Whilst draconian, this legislation is an improvement on the previous that required them to report three times a day.<sup>37</sup> The nearest city, Beer Sheva, is about 70 km away, with a public bus connecting the two.<sup>38</sup>

Defined as an "open facility" by the Israeli authorities, the characteristics of Holot render it little different from a detention facility. Interviewees often referred to it simply as "prison", and described treatment there as inhumane and degrading. An Eritrean asylum seeker who had spent a year in Holot before going to Rwanda described how he felt about the facility:

In Holot, it is the worst. In the winter, it is the worst. In the summer, it is the worst. In the winter it is so cold you cannot sleep. In the summer, also, it is so hot you cannot believe it. It is not a place for human beings. Believe me. You don't see anything. Your heart is closed.<sup>39</sup>

These conditions directly contributed to the decision by 14 of the people interviewed by IRRI, who left Israel after either being detained or receiving a detention order. A Sudanese man who left from Holot to travel to Uganda explained:

First, when I left Sudan I did this because my life was miserable. My entire village was displaced in camps [in Sudan]. When I came to Israel they wanted me to help them. But the situation has changed: they were in a camp and I was in prison. Now, if you compare camps and prisons, a camp is better. I waited 12 months but the situation was only getting worse. I did not know when I would go out. Maybe Holot is forever, maybe for 10 years. I thought: maybe I will go and see someplace else.<sup>40</sup>

One interviewee who left Israel for Rwanda had received a detention order even though he was married with a child and therefore did not meet the official criteria for detention as published by the Ministry of Interior.<sup>41</sup> Another asylum seeker who decided to leave after receiving a detention order, said:

When I received the order I told them that there are two things I would not do: go to Holot, or go back to Sudan. I knew Holot is not a place to be in. People in Holot are losing their minds; they get problems in their heads. But I also did not want to go to court. This never changes

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<sup>35</sup> Ilan Lior, "Israel's High Court hears petition against third version of migrant detention law," *Haaretz*, 3 February 2015, available at: <http://goo.gl/Yv0AgU> (accessed 8 August 2015), Ilan Lior, "Israel's High Court Rejects Part of Third Anti-infiltration Law," *Haaretz*, 11 August 2015, available at: <http://goo.gl/MzE7HZ> (accessed 11 August 2015).

<sup>36</sup> Ruvi Ziegler, "Detention of African Asylum Seekers in Israel: Welcome to Round Three," *OxHRH Blog*, 15 December 2014.

<sup>37</sup> Law for the Prevention of Infiltration (Amendment No. 4), English translation available at: <http://goo.gl/PRP6NW> (accessed 8 August 2015).

<sup>38</sup> Shirly Seidler and Roy Arad, "Walking in the cold and on an empty stomach: the immigrants march to the Knesset," *Haaretz*, 16 December 2013, available at: <http://goo.gl/gI0ZPX> (Hebrew, accessed 8 August 2015).

<sup>39</sup> Interview with an Eritrean man, Kampala, May 2015.

<sup>40</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>41</sup> For more on married asylum seekers and their treatment, see Elizabeth Tsurkov, "How the Israeli Ministry of Interior Abuses Married Asylum-Seekers," *Hotline for Refugees and Migrants*, 26 February 2015, <http://goo.gl/DSIVwV> (accessed 8 August 2015).



anything anyway. I decided to leave so I can go and study somewhere.<sup>42</sup>

Some interviewees who did not leave from detention also mentioned Holot as a factor for deciding to leave the country. One Sudanese man who left Israel while he still had a valid visa, for example, said that he "learned from the experience of friends who were in Holot already or on the way there."<sup>43</sup> Another Eritrean explained that even though he did not receive a detention order he knew that he fell within the criteria the Ministry of Interior published, and since all his friends, who came to Israel at the same time as him, were sent to Holot, he decided to leave rather than going to renew his permit and receiving a detention order as well.

However, detention was often the last straw for many asylum seekers who "chose" to leave Israel. Their inability to acquire legal status and lead a normal, stable life in Israel was repeatedly mentioned as another reason for leaving the country and "starting" their lives. For example, an asylum seeker from Darfur who came from Israel to Uganda in late 2014 said:

I decided to leave. I cannot live all my life just working without any status. I decided to start my life. [...] When I see the situation in Israel - no change will happen, unless for years, and nobody knows when. I decided to take a risk and start my life.<sup>44</sup>

Their experience in Israel is, for many, part of a broader story in which asylum seekers are forced to move to different places and countries in a desperate search for protection. Therefore, the inability to find protection in Israel and the government's continuing attempts to detain them and coerce them into leaving was seen by many Eritrean and Sudanese asylum seekers who had left Israel as one stage out of many in a long and dangerous process of seeking safety. It was yet another country that they had had to flee in search of protection elsewhere.



Eritreans inside Holot facility, March 2014 (© independent Israeli photographer).

For example, one Eritrean man who left Israel for Rwanda said: "For me now, the government of Israel and the government of Eritrea are the same."<sup>45</sup> Another Sudanese man who left Israel for Uganda similarly explained:

You sit there, and no one is listening to you. It is like in Sudan, we are running away from persecution, still. [...] Originally I was about to go to college in Sudan, but I left because of the problems with the government. I wanted to go somewhere else and look for asylum and education. I came to Israel, and found neither - not education and not asylum. I was there almost six years and nothing changed. Things only got worse.<sup>46</sup>

<sup>42</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>43</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>44</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>45</sup> Interview with an Eritrean man, Kampala, June 2015.

<sup>46</sup> Phone interview with a Sudanese man in Kenya, May 2015.



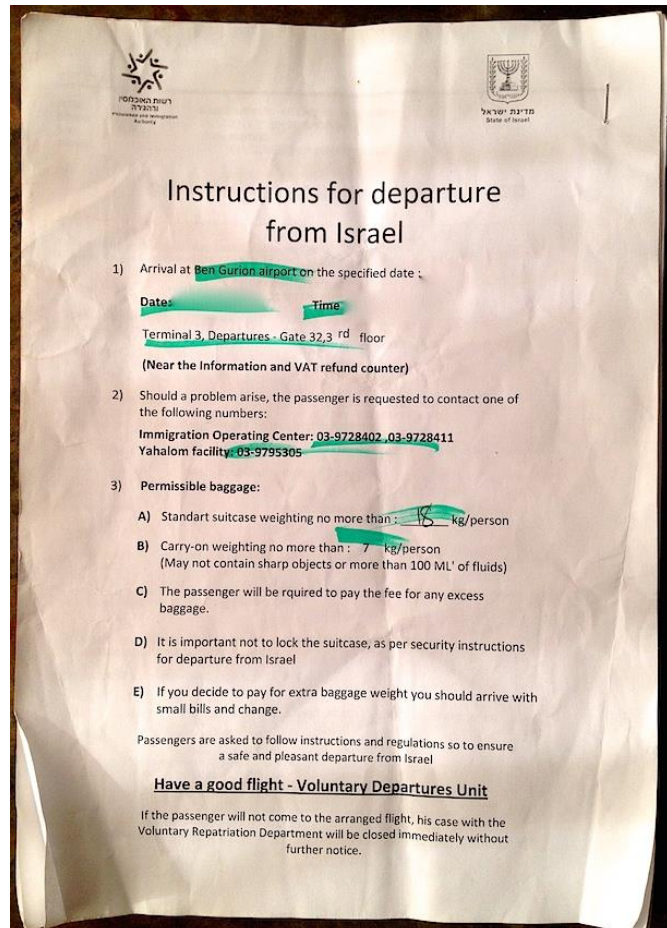
Finally, the xenophobic public discourse in Israel that has repeatedly associated Africans with crime, along with the detention policies, have left many Sudanese and Eritreans with a strong feeling of alienation. Some interviewees specifically mentioned that despite being model citizens in Israel for years and having felt like they had integrated and made Israeli friends, they were still treated as criminals by the authorities and sent to detention.

## Arriving in Uganda

Before being transferred to Uganda, the asylum seekers received Israeli travel documents and USD 3,500 upon leaving Israel on commercial flights. Some mentioned receiving a letter stipulating that they would be provided with an entry visa on arrival in Entebbe. This letter was signed by a person named George, purportedly from the Ugandan Directorate of Citizenship and Immigration Control, and included a telephone number, but not his full name.

When the transferred asylum seekers arrived at Entebbe airport, they reported that someone was waiting for them and sent them to a hotel in a taxi. Their travel documents and the letter stipulating that they would receive a visa were taken from them: in some cases on arrival at the hotel, in others at the airport. A Sudanese man who left Israel for Uganda described his arrival at Entebbe Airport:

We got here, and this woman waited for us in the airport. It seemed like something [was] not entirely right. As if they are doing some kind of a shady business. She took all our documents and put [them] in a plastic bag, and then she called a taxi. We left and she said "goodbye". I asked if I could have a telephone number, just in case. She said "no".<sup>47</sup>



"Instructions for departure from Israel" – a letter given to some asylum seekers leaving Israel, stipulating the time of their flight and their baggage allowances (© asylum seeker sent from Israel to Rwanda).

Many interviewees, although not all of them, had met George – the person who signed their visa confirmation letter – because he had either waited for them at the airport or had come to their hotel during their first two days in Uganda. Interviewees were under the impression that George works for the Uganda immigration authorities, and that he is in charge of those who come from Israel. However, IRRI has been unable to confirm his identity or meet with him.

<sup>47</sup> Interview with a Sudanese man, Kampala, May 2015.

Since their arrival, none of the interviewees has received any explanation about their status in Uganda. In addition, asylum seekers reported that George has never answered his phone when they call the number mentioned on the visa confirmation letter. One person from Darfur said:

From the beginning when I arrived here I don't know how can I get my rights here, like the legal documents and travel documents. I have called George, the one who has been receiving the people there, in the airport. I called him and sent him many messages but he did not answer to me.<sup>48</sup>

Some resorted to asking the workers in their hotel for help. One Sudanese man told IRRI:

The Israeli documents were taken in the airport in Israel and the travel documents were taken here [Uganda]. I was left with nothing. Why does someone take all your documents and disappear? You don't know what to do. We asked the waitress in the hotel what to do and where to go but she had no idea.<sup>49</sup>

All interviewees mentioned that two nights in a hotel in Kampala were paid for them. However, people from different flights were sent to different hotels in different parts of Kampala. In one reported case, asylum seekers were brought to a hotel that was fully booked, and were forced to sleep outside.<sup>50</sup>

### Arriving in Uganda from Rwanda

Ten of the people interviewed by IRRI were Eritreans who came from Israel to Uganda through Rwanda. They had left Israel between December 2014 and late May 2015, but all described similar events following their arrival in Kigali.

Like those sent to Uganda, prior to their departure from Israel, those who chose to leave to Rwanda were given travel documents (an Israeli Laissez Passer, sometimes valid for as little as four days after their departure) and USD 3,500. In addition, they received a Rwandan "single entry visa acceptance" letter stipulating that the purpose of their visit in Rwanda was "holiday", and that they may not be employed.

At the airport in Kigali, Eritreans were received by a person who sent them directly to a small hotel. According to some accounts, the name of this person was John, and he was also involved in their later transfer to Uganda. Eritreans reported that they were warned not to leave the hotel. One Eritrean said: "The hotel is like prison. They say: 'it is a problem here, you are not like the people here, you look like an Arab.'"<sup>51</sup>

The travel documents that the Eritreans received in Israel were taken from them, as well as the single entry visa acceptance letter. No other papers were given to any of the Eritreans interviewed, leaving most with no valid identity papers or no identity papers at all.

In the hotel, the Eritreans were given the choice between staying in Rwanda with no documents and going to Uganda. The interviews show that none of the asylum seekers believed that staying in Rwanda with no status or documents was a realistic or viable option. Furthermore, none of the Eritreans who were transferred to Kampala and were interviewed by IRRI knew of anyone who had stayed in Rwanda.

<sup>48</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>49</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>50</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>51</sup> Interview with an Eritrean man, Kampala, June 2015.

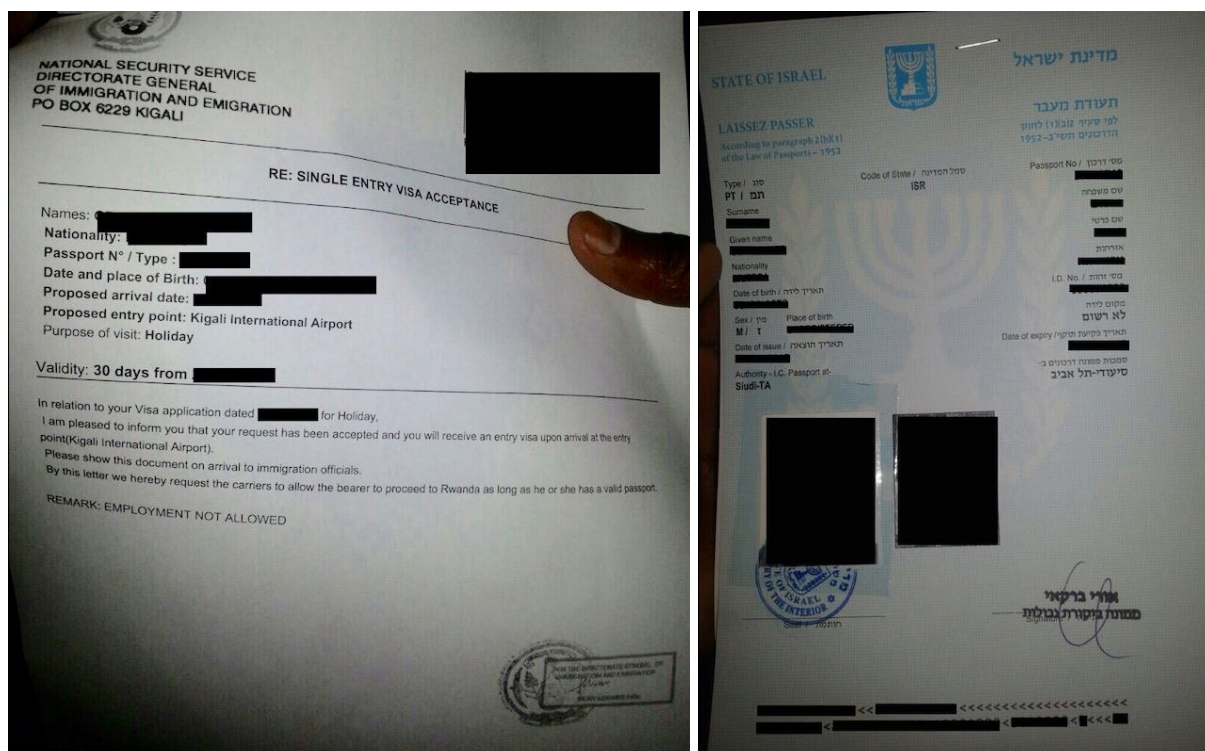
Transfers from Rwanda to Uganda were done systematically and in an illegal manner. All interviewees shared a similar story that involved being driven from the hotel to the border, crossing it by foot in the dark, and then being driven in another minibus to a hotel in Kampala. One Eritrean recounted:

There was someone, he came after a day or two to the hotel. [He] said: "come, you are going now." We said: "no, we first have to receive the documents." [He replied:] "No, there are no documents. You came here, if you don't want [to go to Uganda], we give you nothing. Everybody has to know that we will not accept anyone. But, if you want to go to Uganda, come here and pay [USD] 250." I know some people who stayed two or three weeks... But they paid and then when their money was over they came here [to Kampala].

From this hotel they took us by car. We came all the way to the border of Rwanda. Then for some 45 minutes or one hour we crossed the border by foot – all the way to the border with Uganda. In the middle there is the army, we are afraid and all that... Just like when you cross through Sinai [between Egypt and Israel], it is the same the way you cross. After you enter [Uganda], there is a car that belongs to those working with them, some people; they came, on the other side. We crossed, but the person from Rwanda - he came all the way here, to Kampala. Dropped us near town [central Kampala].<sup>52</sup>

Interviews indicate that in some cases the smugglers and the people who received the Eritreans in the airport did not transfer them immediately to Uganda but waited for more Eritreans from Israel to arrive in Rwanda in order to smuggle a larger group at one time across the border and into Uganda.

While none of the Eritreans interviewed by IRRI was arrested on the way from Kigali to Kampala, one



A "Single Entry Visa Acceptance" letter (left) and an Israel Laissez Passer (right) that were given to an Eritrean traveling from Israel to Rwanda (© asylum seeker sent from Israel to Rwanda).

<sup>52</sup> Interview with an Eritrean man, Kampala, May 2015.

testified that his group was stopped by Ugandan police, and was accused of being al-Shabaab members. Each person in the group paid USD 1,000 and, as a result, they were not arrested. Israeli NGOs have documented cases in which these asylum seekers were arrested and threatened by Ugandan officials, and forced to pay thousands of US dollars in order to be released.<sup>53</sup> One Eritrean interviewee stated that even though the people in Rwanda asked him and the other Eritreans with him to pay USD 200 for the transfer to Uganda, when they were on the minibus in Uganda the driver saw that one of them had a large amount of money on him. Consequently he asked all the Eritreans in the minibus to pay him USD 500, and threatened to take them to the police if they refused.

In July 2015, in a letter to the Refugee Rights Clinic in Tel-Aviv University, UNHCR confirmed that its office in Rwanda was able to contact three Eritreans who were transferred to Rwanda during 2014 and remained there.<sup>54</sup> According to UNHCR, those Eritreans that arrived in 2014 remain undocumented with no legal status in Rwanda. They are therefore subject to repeated detention, and are unable to work legally. UNHCR has reported that these asylum seekers rely on "the modest financial support provided by UNHCR Rwanda," and are assisted by UNHCR when arrested.<sup>55</sup>

UNHCR has further explained that there is no functioning asylum system in Rwanda, as the national refugee status determination committee has not yet been established. With regard to the Eritreans transferred from Israel, UNHCR noted that "their many attempts to file an asylum claim and be recognised as refugees by the Rwandan authorities have thus far been refused."<sup>56</sup> UNHCR also reported that there is no temporary protection policy in place for Eritreans in Rwanda.<sup>57</sup>

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ENDORSEMENTS : NON-ENDO/PENALTIES APPLY

FARE CALCULATION : TLV ET X/ADD Q11.74ET RGL573.00NUC584.74END R0E1.000000

	USD
AIR FARE	585.00
TAX	26.36IL
AIRLINE SURCHARGES	147.00YR
TOTAL	758.36

A flight ticket from Tel-Aviv to Kigali via Addis Ababa, issued for an asylum seeker in May 2015. The ticket was issued by "Inbal Insurance", the Israeli government's travel agency (© asylum seeker sent from Israel to Rwanda).

<sup>53</sup> ASSAF and Hotline, "Where there is No Free Will Israel's 'Voluntary Return' procedure for asylum-seekers," April 2015, p. 29, +972 Magazine, "Asylum seeker who left Israel: 'I believed them when they said I could stay in Uganda'," 10 June 2015, available at: <http://goo.gl/KkuVhG> (accessed 8 August 2015).

<sup>54</sup> UNHCR Representation in Israel, Letter to Att. Anat Ben-Dor of the Refugee Rights Clinic in Tel-Aviv University, 12 July 2015.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.



## Status in Uganda

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Of all of those interviewed, only one testified that he had been given any form of legal status in Uganda upon arrival from Israel. He stated that he was given a visa for one month, but did not know what type of visa it was, and had left Uganda before it expired. Many Sudanese and Eritreans were not only left with no legal status, but were left with no identity papers as their travel documents were taken from them on arrival and they did not have passports.

However, some Sudanese interviewees mentioned that George or a person they understood to be his Sudanese assistant offered to procure travel documents for them. Two of the interviewees received such documents: Ugandan "emergency travel documents" (certificates of identity), valid for a year.<sup>58</sup> These documents are usually issued by the Directorate of Citizenship and Immigration Control to "Ugandans and non Ugandans who cannot readily access Travel documents in emergency situations," and should cost UGX 40,000.<sup>59</sup> However, one of the interviewees was required to pay for this document more than the usual fee, and the other was not required to pay at all. One was also promised a passport but never received it. After the travel documents expired, these people again remained with no valid identity papers. IRRI showed one of these documents to a member of staff at the immigration department who stated that whilst the paper itself is genuine, the stamp is fake and therefore the document is invalid.

Some Sudanese who did have passports from Sudan could not use them because they had expired since they had left Sudan. In addition, they were not stamped when they entered Uganda, as they had entered with Israeli travel documents that were subsequently taken from them. Unwilling to go to the Sudanese embassy themselves to renew their passports, some resorted to paying "dealers" to do this for them for hundreds of US dollars. Similarly, they paid for their renewed passports to be stamped, to make it look as if they had used them to enter Uganda. One Sudanese explained:

In Kampala you find brokers that are working with money, even in the embassy. I gave them money, like [USD] 200, and they renewed my passport. About the stamp – [...] I paid USD 200 again. [...] This is not only me. There are some other people [who came from Israel], they went to Kenya. They also renewed their passports with money.<sup>60</sup>

Some interviewees were aware of cases in which people used fake stamps and documents in order to cross the border to South Sudan, and were arrested either on the Ugandan side or in South Sudan. IRRI can confirm one such case of a person who was caught with a fake Ugandan visa that he believed to be genuine, on his way to South Sudan.<sup>61</sup>

## Applying for asylum in Uganda

Any foreigner that wants to apply for refugee status in Uganda has to register at the Old Kampala police station, and then file their application with the Office of the Prime Minister (OPM). Upon applying for asylum, the individual gets an asylum seeker certificate - a letter explaining that the holder's asylum application is under consideration. The letter is valid for three to four months, during which time the applicant is invited for an interview and, if found to be a genuine refugee, receives his or her refugee ID. This ID is valid for up to five years and allows the refugee access to the public health system.

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<sup>58</sup> See Directorate of Citizenship and Immigration Control, "Passports & Other Travel Documents," available at: <http://goo.gl/Evnhwz> (accessed 8 August 2015).

<sup>59</sup> Ibid.

<sup>60</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>61</sup> Interview with a Sudanese man, Kampala, May 2015.



People sent from Israel to Uganda are not given any explanation about their status in Uganda at any point. One clear consequence of this is a strong inconsistency in the experience of different people with the asylum system in Uganda.

Some interviewees did not know that they could apply for asylum in Uganda. One Sudanese man, who only had a student card as an identity document, explained that after his experience with the asylum system in Israel, he thought that there was no point in applying for asylum. Another Sudanese man who came to Uganda in mid-2014 and had received a refugee ID, said that he had found out about the possibility of applying for asylum by chance:

The police stopped us once on the street and asked for documents. We said we have nothing. This was only a few days after arriving in the country. We explained everything, that we came from Israel and that all our documents were taken, but we cannot go back to Sudan. They told us to go to OPM. We went there and said we came from Israel. They did an interview and gave us a letter for three months. We had to renew this permit but after a few months I saw my name in the list [of people who were granted asylum] in OPM.<sup>62</sup>

This person was one of only two interviewees who had told the Ugandan authorities that they came from Israel, and had received refugee status regardless. Another person who had admitted that he came from Israel when applying for asylum was told by an official at OPM that there is no agreement between Israel and Uganda and that the Israeli government had lied to him. As of June 2015, this person had not received an answer to his application even though it had been about ten months since he applied for asylum.

Two of the interviewees testified that they were contacted by George shortly after telling OPM that they had come from Israel. George warned them that they must cancel their asylum applications or leave the country. One of them stated that George told him to warn other Sudanese that came from Israel against going to OPM:

He started threatening me: "Why you go to UN [OPM]? Why blablabla? You came here secret." Anyway, he said: "Never ever go to the UN [OPM] again. And tell all your friends that if you go to UN [OPM] we will arrest you, and send you back to Sudan."<sup>63</sup>

Another interviewee claimed that he attended a meeting organised by George in which he, and a number of other Sudanese who came from Israel, were warned not to mention to OPM that they had come from Israel. As a result, when he went to OPM he said that he had come directly from South Sudan. Two other interviewees were aware of the meeting but did not attend.

Another Sudanese interviewed said he did not go to OPM because he heard that he would not receive status there:

I can't go to OPM, they say that those who came from Israel are not entitled to protection. I heard this from many people, that they are having troubles there. You see that people are going there and they don't receive a status. They said that if you go, they will send you back to Sudan. My friends went there, and they told them "you are businessmen here now, not refugees." I don't know what to do.<sup>64</sup>

The inconsistency in the experiences of Sudanese asylum seekers with OPM shows that not only are

<sup>62</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>63</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>64</sup> Interview with a Sudanese man, Kampala, May 2015.

transferees not offered protection and status as promised by Israel, but they are subjected to substantial obstacles to accessing the normal protection regime.

Out of the ten Eritreans who arrived in Uganda through Rwanda and were interviewed, only two had tried to apply for asylum at OPM. Both did not say that they came from Israel, because they were warned, by friends or by Israeli officials prior to their transfer to Rwanda, that revealing that they came from Israel might lead to their deportation back to Eritrea. As at July 2015 one of the two had not yet received a decision with regard to his application, and the other one had left Uganda for South Africa.

The other eight interviewees who were transferred through Rwanda to Uganda did not apply for asylum and had no legal status. Many were extremely afraid that the authorities would discover that they had come from Israel, saying that they had heard that they could not reveal this to OPM. Unlike the Sudanese who can argue that they came straight to Uganda, it is more difficult for Eritreans to do so as they would have to claim to have transited places that they have never visited. In addition, some of the Eritrean interviewees also mentioned that they had heard that Eritreans are rarely granted refugee status in Uganda anyway.

## Leaving Uganda

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When they agreed to leave Israel, the Sudanese and Eritreans were not able to choose their destination. This meant that they often knew nothing about the country they were being sent to prior to arrival. They found themselves in a foreign country, with no support, no legal status, and unable to find work. For many, staying in Uganda means wasting money: they are not able to settle, they know that their chances of earning enough to sustain themselves are slim, and the cost of living is relatively high. Under these circumstances, most of them choose to leave.

### "I did not have a plan"

Most Eritreans interviewed reported that in Israel they were offered the opportunity to go back to Eritrea or to Rwanda, and most Sudanese reported being offered to go to Uganda or Sudan. Thus, Eritreans and Sudanese chose to go to "third countries" not because they wanted to go to the specific countries that were offered to them, but because they did not want to go back to their countries of origin, nor stay in Israel. As one Eritrean explained:

They said: "you can either go to your country or to Rwanda." I said: "if I could go to my country, why would I even be in Israel to begin with?" They said "ok, go to Rwanda then."<sup>65</sup>

Another person from Darfur who left Israel for Uganda, said:

Me, I can't go back to Sudan. I went to Salame, to Gideon [of the Voluntary Departure Unit]. He told me "we have Uganda, it's good." [...] He said "you get USD 3,500, and when you get there they also give you Ugandan papers."<sup>66</sup>

As a result, people who were transferred to Uganda and Rwanda did not arrive in places where they had established networks in advance, under false pretences, and therefore were usually not in any position to have a clear plan with regard to their future. Almost none had family members or other relatives at the destination, and none knew how they would be able to sustain themselves in the new country.

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<sup>65</sup> Interview with an Eritrean man, Kampala, June 2015.

<sup>66</sup> Interview with a Sudanese man, Kampala, May 2015.

Under these circumstances, people who stayed in Uganda and did not spend their savings (and the USD 3,500 that they had received from Israel) on being smuggled to other countries immediately upon arriving in Uganda, had spent them on their daily expenses. When asked how long the USD 3,500 received from Israel would last, interviewees' answers were consistent: five to seven months. One Sudanese man who came to Uganda in January 2015, explained:

First they gave me USD 3,500, but if I am using this for my life here, this is good for about five months. After that I don't know what to do. I did not have a plan when I left Israel. I just said: I have to leave prison, and see what is going on.<sup>67</sup>

Some interviewees knew no one in Uganda upon their arrival in the country. Some had contact information of others who were transferred before them, and only two planned in advance to meet a family member in Uganda. Hence, no one was there to receive most people when they arrived in the "third country", and no one was there to help them support themselves. As one man from Darfur said: "the fact that this is Africa doesn't mean that this is your home."<sup>68</sup>

In addition, earning money has proved to be almost impossible. Starting a business in Kampala is too expensive for most individuals, especially with no communal support and no familiarity with the local market. Finding employment is almost impossible for foreigners, especially when they do not have valid papers allowing them to work or even stay in the country, do not speak Luganda and often do not speak English as well.

### **Reality of "third countries" versus Israel's promises**

Many interviewees felt strongly that they were misled by Israeli officials with regard to the status and support that they would receive in Uganda or Rwanda, and their ability to sustain themselves. Promises of work permits and the ability to start businesses and study stood in stark contrast to the reality in which they have been left without status, unable to find work, and hence unable to support themselves for more than a few months.

The Israeli PIBA publicly presents the agreements with "third countries" as agreements that "allow infiltrators a departure and a safe stay in the third country."<sup>69</sup> Israeli officials argue that they are in contact with people who were transferred to "third countries" and that they are doing well. A letter handed to Eritrean detainees in Holot in late March 2015, for example, stipulated that:

Eritrean and Sudanese who left previously to a third country through the help of the Israeli government are very happy in that country. They have informed us that they are learning English, working and earning good pay, some have opened a business and are living well.<sup>70</sup>

<sup>67</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>68</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>69</sup> PIBA, "In the coming days a procedure for the removal of infiltrators that reside in Holot residence facility to a third country will start," 31 March 2015, available at: <http://goo.gl/X1BaBP> (Hebrew, accessed 8 August 2015).

<sup>70</sup> PIBA, "Important information for refugees who want to leave Israel voluntarily," translated from Tigrinya by Ghebrihiwut Tekle of Hotline for Migrants and Refugees, Israel (on file with IRRI).

However, nothing in the data collected by IRRI supports the claim that Israeli officials follow up on the situation of transferred asylum seekers. None of the interviewees mentioned being contacted by any Israeli officials after leaving Israel, and none were requested to leave their contact information with any official, whether in Uganda or in Israel.

When shown the letter given to Eritrean detainees in Holot, one Eritrean who left Israel, said: "Who are the people that they [the receiving countries] accepted them, they give them papers, they do shops? Who are these people? Where are they? They [the Israeli authorities] are lying."<sup>71</sup> Another interviewee, an Eritrean who flew from Israel to Rwanda and then came to Uganda, said:



A Sudanese man in the room in which he lives in Kampala. He told IRRI that his friends are paying his rent and are helping him with basic food as he has no money or work and is unable to sustain himself. Shortly after his interview he left Uganda for South Sudan (© International Refugee Rights Initiative).

It's a lie. It's a joke. Even if someone from the Ministry of Interior will come to Uganda and will see - no one from Eritrea opened [a business] or received anything. [...] If I was accepted in Rwanda, why would I wait like this in Uganda? Seriously, it's a joke. If I was accepted in Rwanda, why would I insist to come here, to be afraid? The Israeli Ministry of Interior, they know. They know what is happening, but what do they care? They are doing this intentionally.<sup>72</sup>

Interviewees were given different information about what to expect regarding their status in the third countries, prior to leaving. While some did not ask much and knew little about what to expect, those who did ask were reassured that they would be given a legal status that would allow them to stay in the receiving country. One person from Darfur explained:

I did not know when I would be able to go out of there [Holot] or what would happen, but I also could not go to Sudan. I asked for another solution, and they said I could go to Uganda or Rwanda. I said I wanted a place where I could find protection. They said: "ok, you go to Uganda. We will take care of everything - papers, accommodation. Everything." I said: "Even here [in Israel] you don't provide all that." But they said: "don't worry, this is our responsibility." I came here, and there is nothing.<sup>73</sup>

An Eritrean detainee in Holot who currently does not plan to leave Israel, said:

They say that if you go to these countries you have a work permit, you can study, you can wander around; you will be legal, you can travel to other countries, you can open a shop. But this is not true.<sup>74</sup>

<sup>71</sup> Interview with an Eritrean man, Kampala, May 2015.

<sup>72</sup> Interview with an Eritrean man, Kampala, May 2015.

<sup>73</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>74</sup> Phone interview with a detainee inside Holot detention facility, May 2015.

Some of the Sudanese who were transferred to Uganda and were interviewed are now studying either in Uganda or in Kenya. However, all of them have mentioned that they are concerned that they will not be able to sustain themselves for long with the money they received upon departing from Israel or their savings. Unable to find work, some are trying to find support from friends in Israel.

The families of most interviewees are still in their home countries – in Sudan, mostly in Darfur, or Eritrea – and unable to help them. In most cases, transferred Sudanese and Eritreans are the ones who were originally supposed to help their families at home. They have left their countries in search of a safe, stable future, hoping to find protection, work or education in Israel. Now, all by themselves in Uganda, they are the ones in need of help, but are unable to find it. Some interviewees mentioned that they had tried to find support from local aid organisations, with no success.

One of the Eritreans who had left Israel for Rwanda, and applied for asylum in Uganda, said that even though some employers in Kampala told him that they want to hire him, they did not do so because his asylum permit did not allow him to work legally in Uganda.

### Northward bound: trying to get to Europe

The information gathered by IRRI points to a pattern in which most Sudanese and Eritreans who are transferred from Israel to Rwanda and Uganda leave these countries for a variety of destinations. Eritreans who leave Uganda apparently mostly head to Europe through South Sudan, Sudan and Libya, although some go to South Sudan and stay there. One Eritrean interviewee testified that he plans to leave Uganda for Mexico, one was interviewed in South Africa, and another was in Germany when interviewed.

The Sudanese who came from Israel to Uganda tend to move in less consistent patterns: one interviewee has left Uganda for South Sudan, went back to Sudan for less than a week, and left again



Arua Park (Kampala), where Sudanese mentioned that it is possible to find "dealers" that can obtain visas for undocumented persons. It is also the departure point for buses to Juba (© International Refugee Rights Initiative).

for Egypt (traveling back to South Sudan, and then north again through Sudan into Egypt);<sup>75</sup> one Sudanese interviewee testified that he plans to go to Sudan but come back to Uganda soon;<sup>76</sup> one Sudanese man who was interviewed is currently in Kenya and another Sudanese man who was interviewed in Kampala has since left Uganda for South Sudan, explaining that he was unable to sustain himself and his two children (who had joined him in Kampala from South Sudan) and therefore plans to look for work in South Sudan where his wife is.<sup>77</sup>

The information gathered by IRRI suggests that people who are connected to John and George are often the ones who manage the transfers of Eritreans and Sudanese out of Uganda: many were visited

<sup>75</sup> Phone interview with a Sudanese man in Cairo, July 2015.

<sup>76</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>77</sup> Phone interview with a Sudanese man in Kenya, May 2015, follow up conversation with a Sudanese man, May 2015.



in their hotels and offered the option of leaving Uganda immediately upon their arrival in the country, whether they arrived in Uganda directly from Israel or through Rwanda. Interviewees talked of how George and John appear to be connected with other Sudanese and Eritreans respectively, who can arrange transfers from Uganda to South Sudan, Sudan, and later to Libya and Europe.

The Eritreans interviewed by IRRI who were transferred to Rwanda and then smuggled to Uganda, moved in groups of an average of 13 people. However, on average, only one or two people out of each of these groups remained in Uganda. The rest have left, usually continuing together north to South Sudan within days, with the intention of reaching Europe. After paying around USD 250 in order to get from Kigali to Kampala, those that continued north by road to Juba did so for about USD 450. From there they continued to pay smugglers, trying to reach Europe. One Eritrean who left Israel independently in 2013, currently owns a shop in Juba and often visits Kampala, said:

You hear every day: people are coming [from Israel, through Rwanda, to Uganda] and going [north, to Sudan and Libya]. Of course they are leaving - what can they do here? Here you can do nothing. You will not have enough money.<sup>78</sup>

This person also mentioned hosting six Eritreans who came from Israel and were on their way to Libya in his house in Juba for a few days in early May 2015.

Some of the people who did stay in Kampala mentioned the dangers on the way to Europe or in Sudan as the main reasons for not leaving. For the Sudanese, one of the key points of danger in going back to Sudan or through Sudan, apart from the persecution they may suffer as Darfuris or Nuba, was having to hide the fact that they had come from Israel, as Sudanese law defines Israel as an "enemy state" and criminalises any visit to it. Some were worried that even if they try to keep the truth hidden, it may unintentionally be revealed if someone checks whether or not they understand Hebrew. One of the Sudanese interviewed by IRRI went back to Darfur, and feeling that it is unsafe for him to stay there, left again after less than a week, for Egypt.

Some of the interviewees were also familiar with stories of Sudanese who returned from Israel directly to Sudan and were detained and tortured. Going back to Sudan therefore was considered a dangerous and unsustainable solution to their situation. One Sudanese person, for example, explained:

I know many friends who came from Israel who decided to go to South Sudan. Some went to north Sudan. Some were killed in the border [between South Sudan and Sudan]. Some have reached Darfur and tried to go out of Sudan again.<sup>79</sup>

Eritreans who decided not to continue from Uganda to Europe talked of the danger of being killed by ISIS in Libya or drowning in the Mediterranean on their way. In April 2015, three Eritreans who had left Israel "voluntarily" for Rwanda were executed by ISIS in Libya.<sup>80</sup> Interviewees were familiar with the case and some knew the victims personally. One Eritrean said:

They go to Libya, there is now ISIS there. I don't know if you saw on Youtube, there was one, he was with us in Holot. I know him. They [ISIS] have slaughtered him. We were together in Holot. I

<sup>78</sup> Interview with an Eritrean man, Kampala, May 2015.

<sup>79</sup> Interview with a Sudanese man, Kampala, May 2015.

<sup>80</sup> Haggai Matar, "ISIS executes three asylum seekers deported by Israel," *+972 Magazine*, 21 April 2015, <http://goo.gl/qoqWB0> (accessed 8 August 2015). In early June 2015 ISIS kidnapped Eritrean migrants again in Libya. See *i24 news*, "IS reportedly kidnaps 88 Eritrean Christians," 10 June 2015, available at: <http://goo.gl/5BtEQB> (accessed 8 August 2015).

also know of two who are in Benghazi in the jail now. There were two cars, their friends escaped. They are still waiting there to go to Europe, by the sea.<sup>81</sup>

Another Eritrean who stayed in Kampala but is currently planning his departure to another country similarly explained:

Out of 16 people [who came on the same flight] I am the only one still here. They are all in Libya. I don't need to go to these places. You go to Juba, from Juba, Sudan – it is dangerous. I don't want to go there. I want to leave [Uganda] by plane.<sup>82</sup>

An Eritrean interviewee that was sent from Israel to Rwanda and is currently seeking asylum in Germany told IRRI that he knows at least 15-20 other Eritreans that has made a similar journey from Israel through Rwanda and are currently seeking asylum in the EU. In a phone interview with IRRI, he recounted his story:

Only to get to Juba I paid USD 500. And you pay more on the way, the Ugandans and Sudanese catch you and ask for money in checkpoints. And the driver says: "you pay them." I was in Juba for 3-4 nights and found someone who took me to Khartoum. I paid USD 700 for that. On the way, again, there are checkpoints – they check your pockets by force, you cannot resist. It doesn't matter if you say that you have no money. [...] I found some Eritreans in Khartoum and stayed there until I found someone to take me to Libya [...] it took about a month.

We went by car again. They asked for USD 1,600. They took us to a town in Libya, and then the Sudanese give you to someone else to take you to Tripoli. Again, you pay USD 400. In Tripoli you pay and they take you in a boat. I was there for about two months; you pay USD 2,200 but then you wait for them to have enough people for the journey. [...] We were many on the boat, maybe 300. After about 8 hours the lifeguards of the EU came and took us.

[...] You know, what can I tell you? I mean, Israel is not a place for refugees. I was there a couple of years. I studied the language, but nothing. I studied the language for nothing. Nothing came out of that. I had to leave. I am feeling good here, I am studying. I have rights.<sup>83</sup>

## The legal framework

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The removal of asylum seekers from Israel to third countries is presented by the Israeli authorities as voluntary and safe. Under international law it does not necessarily have to be both: an asylum seeker can leave his or her country of asylum for a country in which s/he faces a threat to life or freedom, if his/her departure is truly voluntary. In addition, under some particular circumstances, an asylum seeker can also be sent to a safe "third country" against his or her own free will.

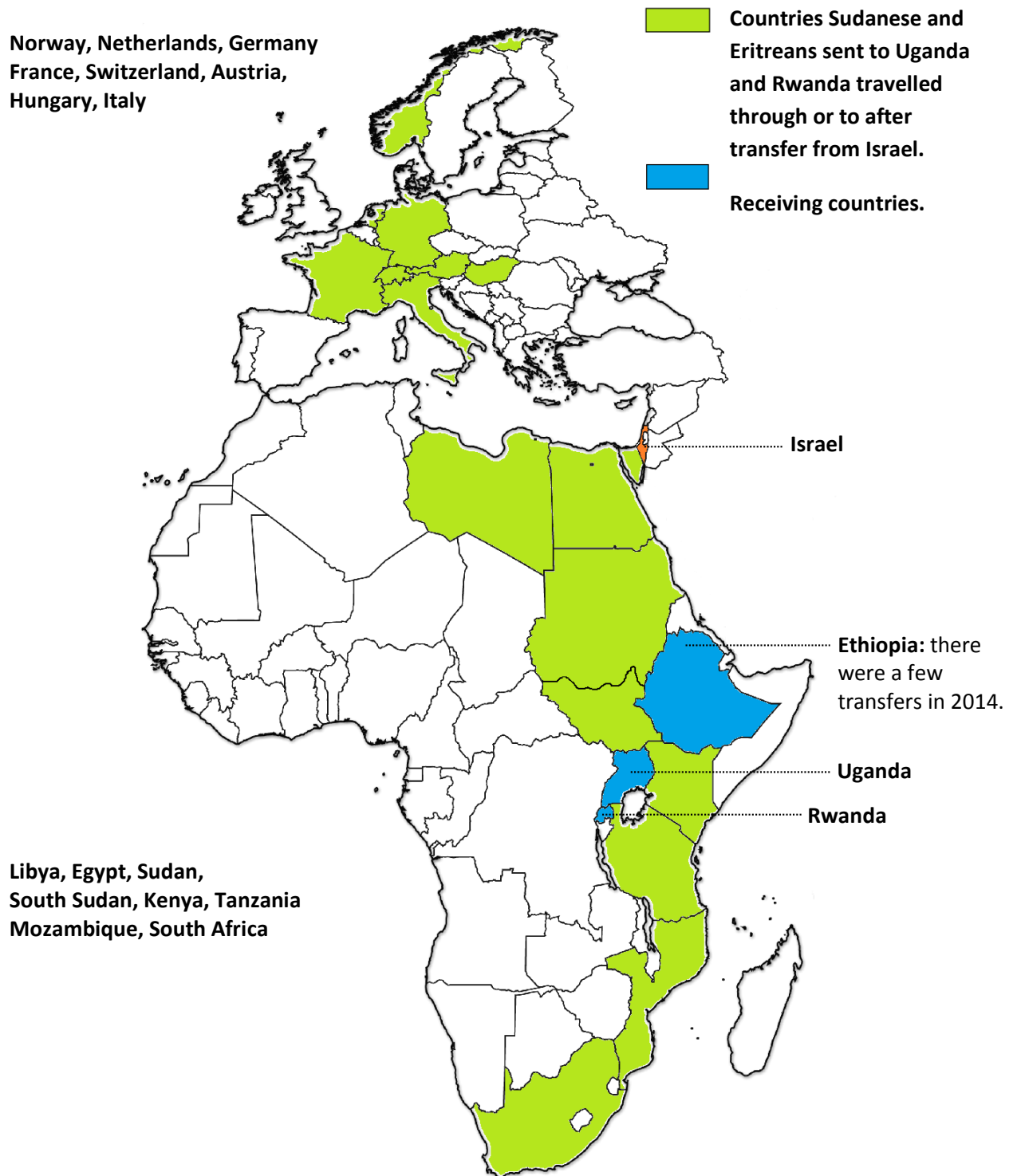
However, while Israel promises both voluntariness and safety, currently the transfers ensure neither: asylum seekers are coerced to leave the country, they are misinformed about their status at their destination, and are left with no valid documents there. Not only are they provided with no support of any kind, they are actively impeded from acquiring international protection in these countries, are expected to live undocumented (and hence be exposed to arrests and detention), or worse, are forced into the hands of smugglers who put their lives in danger.

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<sup>81</sup> Interview with an Eritrean man, Kampala, May 2015.

<sup>82</sup> Interview with an Eritrean man, Kampala, June 2015.

<sup>83</sup> Phone interview with an Eritrean man in Germany, September 2015.



\* This map is based on information collected by IRRI, as well as information collected by Hotline for Refugees and Migrants, ASSAF, Amnesty International Israel and Prof. Galia Sabar of Tel-Aviv University.

\*\* Uganda receives asylum seekers both directly from Israel as well as through Rwanda.

## Involuntariness of transfers

Under international law, states are not allowed to expel a person to a place where his life or freedom will be in danger, whether this place is his or her country of origin or a "third country". This principle is known as *non-refoulement*, and is enshrined in a number of international instruments such as the 1951 Convention,<sup>84</sup> and Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Widely recognised to be part of customary international law, the international law principle of *non-refoulement* is binding on Israel in accordance with the basic right to life as enshrined in the Israeli Basic Law: Human Dignity and Liberty.<sup>85</sup>

The *non-refoulement* principle includes the prohibition of what is known as "indirect" or "chain *refoulement*": the deportation of a person to an alleged "safe third country" that may, in turn, expel the person to another country where his or her life or freedom will be in danger.<sup>86</sup>

However, a person may choose to waive their right to international protection and voluntarily return to a place where their life or freedom will be in danger. The voluntary nature of such a departure distinguishes it from illegal deportation. In order for it to be truly voluntary, the person must be both well informed about the conditions in the destination, as well as able to freely decide to leave his country of asylum. UNHCR held that:

One of the most important elements in the verification of voluntariness is the legal status of the refugees in the country of asylum. If refugees are legally recognized as such, their rights are protected and if they are allowed to settle, their choice to repatriate is likely to be truly free and voluntary. If, however, their rights are not recognized, if they are subjected to pressures and restrictions and confined to closed camps, they may choose to return, but this is not an act of free will.<sup>87</sup>

Involuntary expulsion to a country where one faces a threat to one's life or freedom amounts to illegal *refoulement*. The *non-refoulement* principle forbids the deportation of persons to places where they face a threat to their life or freedom "in any manner whatsoever".<sup>88</sup> Thus, it also forbids deportation that may take place "constructively", when such pressure is applied depriving that person of any real choice:

The compulsory departure of an alien may also be achieved by a State by means of coercive acts or threats that are attributable to the State rather than a formal decision or order. In some cases, aliens have been compelled to leave a country under the guise of a "voluntary departure program" which was in fact compulsory.<sup>89</sup>

Refugees in Israel are not recognised and their rights are not protected. The information collected by IRRI clearly shows that many asylum seekers leave Israel because of negative push-factors, primarily

<sup>84</sup> 1951 Refugee Convention, art 33(1).

<sup>85</sup> The Israeli High Court has interpreted the basic law's provision on the right to life to include protection against *refoulement*. See HCJ 4702/94 Al-Tai et al. v Interior Minister, Piskei Din 49(3) 843,848, Refugees' Rights Forum, "Policy Paper: The Principle of *Non-Refoulement* Of a Person to a Place in Which He Is Expected to Suffer danger to life, liberty, persecution or torture," June 2008, available at: <http://goo.gl/BSwQE7> (accessed 8 August 2015).

<sup>86</sup> See for example M.S.S. v. Belgium and Greece, no. 30696/09, para 286, 21 January 2011, <http://goo.gl/HXWmo9> (accessed 8 August 2015).

<sup>87</sup> See UN High Commissioner for Refugees (UNHCR), *Handbook - Voluntary Repatriation: International Protection*, January 1996, para 2.3, <http://goo.gl/xq6iBQ> (accessed 8 August 2015).

<sup>88</sup> 1951 Refugee Convention, article 33(1).

<sup>89</sup> International Law Commission, *Expulsion of Aliens: Memorandum by the Secretariat*, "Expulsion of aliens Memorandum by the Secretariat," UN General Assembly document A/CN.4/565, 10 July 2006, p. 62, <http://goo.gl/KuTPB9> (accessed 8 August 2015).

detention and the lack status that ensures their rights. Moreover, asylum seekers that "choose" to leave Israel are far from well informed about the conditions in their destination. On the contrary, they are very often deceived and given false information about the conditions in the third country to which they are sent. Under these circumstances, the voluntary nature of their departure from Israel cannot be ensured.

### **International standards for transfer agreements**

As mentioned above, under international law there are some circumstances under which asylum seekers may be transferred to another country against their will. However, such transfers can only be carried out if a number of legal requirements are met, and it is clear that the agreements between Israel and the receiving countries – as far as such agreements even exist – manifestly fail to meet these requirements.

In May 2013, UNHCR published a "Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers", arguing that asylum seekers and refugees "should ordinarily be processed in the territory of the State where they arrive."<sup>90</sup> However, it also stated that when states decide to transfer asylum seekers such transfers should be "governed by a legally binding instrument, challengeable and enforceable in a court of law by the affected asylum-seekers."<sup>91</sup>

In addition, UNHCR's Guidance Note holds that transfer arrangements should guarantee that each asylum seeker, among other things, will have access to fair and efficient procedures for the determination of refugee status and/or other forms of international protection, and will be protected against *refoulement*.<sup>92</sup>

The fact that the Israeli agreements have never been made public not only casts doubts on their nature, but also means that they remain unchallengeable and *de-facto* unbinding. Asylum seekers are required to put their faith in officials who promise them that they will be taken care of at their destination and that they will receive identity documents and protection. However, once at the destination, no one seems to be officially responsible to ensure that their rights are protected – they have no legal status, no one to turn to, neither at the receiving end, nor in Israel, and ultimately no avenues for redress.

In addition, as this report reveals, asylum seekers' right to apply for asylum in their receiving countries is highly limited. Asylum seekers who are sent to Rwanda are coerced into being smuggled into Uganda. They have no access to international protection in Rwanda both because they cannot stay in the country, and because the Rwandan asylum system is currently unable to assess their refugee claim or grant them any other status. They remain with little option other than to risk their lives trying to find protection elsewhere. In Uganda, asylum seekers are, at best, not informed that they can apply for asylum and, at worst, threatened that applying for asylum will lead to their deportation back to their country of origin.

### **Migrant smuggling and complicity by Israeli authorities**

Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Migrant Smuggling Protocol)

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<sup>90</sup> UN High Commissioner for Refugees (UNHCR), "Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers," May 2013.

<sup>91</sup> Ibid. para. v.

<sup>92</sup> Ibid. para. vi.



defines migrant smuggling as:

...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national.<sup>93</sup>

Article 6 of the Migrant Smuggling Protocol requires the criminalisation of this conduct, as well as the conduct of "enabling a person to remain in a country where the person is not a legal resident or citizen without complying with requirements for legally remaining by illegal means" in order to obtain, directly or indirectly, a financial or other material benefit.

According to the UN Office on Drugs and Crime, it is the combination of the following three elements that constitutes "migrant smuggling and related conduct": the procurement of an illegal entry or illegal residence of a person, into or in a country of which that person is not a national or permanent resident, for the purpose of financial or other material benefit.<sup>94</sup>

As this paper shows, some asylum seekers who are sent from Israel to Uganda, and the vast majority of those sent to Rwanda, if not all of them, are transferred onto countries in which they are neither residents nor nationals. This may be done by obtaining fraudulent documents or by traveling with "guides" across the border, as most Eritreans sent to Rwanda do. As asylum seekers pay hundreds of US dollars for these transfers, it seems that the conduct of those arranging them amounts to migrant smuggling.

Israeli authorities are not only enabling these illegal activities, but are also encouraging them by sending asylum seekers into countries in which they are not legally accepted. Moreover, the systematic and continuous nature in which these illegal transfers, mainly out of Rwanda, are conducted raises serious concerns that Israeli officials may be complicit in this illegal conduct.

At least one interviewee stated that an Israeli official specifically told him that he would be transferred from Rwanda into Uganda, arguing that they could not transfer him directly into Uganda as if they did he would be arrested and then deported to Eritrea. While this interviewee did mention that Israeli officials promised him that his transfer from Rwanda to Uganda would be legal, this promise is inconsistent with the claim that a direct transfer to Uganda may lead to him being deported to Eritrea as well as with Israeli authorities' official position according to which the receiving "third country" is a safe destination in which transferred asylum seekers can acquire international protection.

It is impossible, with the available information, to determine to what extent Israeli officials might be responsible for the illegal transfers from Rwanda to Uganda. Their involvement may vary from ignorance to direct complicity. This report, however, should serve as notice to the Israeli authorities that this is happening and they must thoroughly investigate, cease transfers and press charges of complicity against those responsible.

In addition, it is unclear to what extent the transfers from Israel to Uganda and Rwanda themselves are being done with full respect of the requirements for a legal entry into these countries. While the total absence of transparency throughout the whole process prevents a clear answer to this question, it should be noted that the transfers of asylum seekers from Israel to Rwanda and Uganda, and the

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<sup>93</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, 2241 U.N.T.S 507, entered into force on 28 January 2004, available at: <http://goo.gl/bW5Bui> (accessed 8 August 2015). The Protocol was ratified by Rwanda on 4 October 2006. Uganda has not ratified the protocol but signed it on 12 December 2000. Israel has neither signed nor ratified the protocol.

<sup>94</sup> UN Office on Drugs and Crime, "Issue Paper: Migrant Smuggling by Air," 2010, available at: <https://goo.gl/ieihoN> (accessed 8 August 2015).

enabling of asylum seekers to remain in their destination countries with no legal status, may also amount to migrant smuggling as defined in the Migrant Smuggling Protocol.

Asylum seekers departing from Israel do so with valid travel documents. However, persons acting under an unclear authority take these documents from them, and they do not receive any status in their destinations. Indeed, they remain in countries where they are not legal residents or citizens, without complying with the relevant legal requirements.<sup>95</sup> With Israeli immigration officials being paid by the government to execute the transfers, the whole process becomes uncomfortably close to migrant smuggling.

## Conclusion

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Asylum seekers leaving Israel to Rwanda and Uganda are doing so under severe pressure and based on incomplete, and sometimes even false, information. Their decision to leave Israel is often taken as a result of their detention or the threat thereof, and is usually based on the understanding that Israel has no intention of offering them protection or of respecting their rights. Moreover, the Israeli authorities provide them with false information with regard to their status in their destinations. In most cases, therefore, departures are voluntary only in name.

Finding protection at the destination that Israel presents as safe is alarmingly rare. Once out of Israel, asylum seekers are abandoned with no legal status and no one to turn to. Instead of providing a refuge, transfers often force asylum seekers into long, dangerous and life threatening journeys through a number of countries, before their refugee claims may finally be heard.

This un-transparent and unlawful process should be stopped and the rights of its victims, wherever they are, must be protected. Israel should respect refugees' and asylum seekers' rights according to international law, and should stop detaining them and encouraging them to leave. Transfers from Israel to Uganda and Rwanda must be stopped, at least until formal and transparent agreements that comply with UNHCR's Guidance Note are in place with the relevant governments.

As for the asylum seekers that have already been transferred to third countries - they should be allowed to access the asylum system in these countries, and their claims must be fairly assessed in order to ensure that their rights are respected, and that they no longer have to cross borders in search of protection and stability elsewhere.

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<sup>95</sup> The Ugandan state minister of foreign affairs, Okello Oryem, was quoted in late April 2015 arguing that there is no agreement between Israel and Uganda, and that if transfers are conducted, "it is being done illegally." Taddeo Bwambale, "Israel expels Sudanese to Uganda," *New Vision*, 28 April 2015.