

AMNESTY INTERNATIONAL PUBLIC STATEMENT



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Israeli government should reverse decision to deport South Sudanese

Amnesty International urges the Israeli government to reverse its decision to deport all individuals of South Sudanese origin living in Israel to South Sudan and to extend the temporary collective protection previously offered to this community.

The South Sudanese community in Israel estimates that about 700 individuals currently living in the country, the majority of them children, will be subjected to deportation orders. Amnesty International is concerned for the lives and safety of wrongly returned individuals.

International refugee law requires countries to carry out individual assessments of each person's need for international protection following any decision to cease group protection. Amnesty International, however, has longstanding concerns about the lack of fairness, consistency and transparency of the Refugee Status Determination (RSD) system in Israel. As a result of these failures, since the establishment of Israel in 1948, and despite the fact that there are over 50,000 asylum-seekers in the country today, less than 200 individuals have been granted refugee status, which is less than 1 per cent of all applicants.

Amnesty International is thus concerned that even if the Israeli government adheres to pledges to conduct individual assessments of South Sudanese asylum-seekers, the procedures used for these assessments will fail to meet international law and standards. The organization fears that these systemic failures of the Israeli asylum system will put South Sudanese individuals deserving of international protection at risk of being deported to South Sudan, in breach of Israel's international obligations, including those under the 1951 Refugee Convention and its 1967 Protocol.

Amnesty International is particularly concerned that on a regular basis, the Israeli Ministry of Interior summarily rejects, detains, and deports asylum applicants when they go to the Ministry of Interior to submit asylum applications. Article 4 of the *Procedure for Handling Political Asylum Seekers in Israel* allows the Ministry of Interior Registration Unit to summarily reject asylum applicants after a basic interview if the interviewer finds that the individual's asylum claims "do not constitute any of the elements set out in the refugee convention". Such a finding leads to immediate detention and deportation 72 hours later, making it nearly impossible for applicants rejected in this fashion to access the appeals process. Applying such a practice to South Sudanese could lead to summary deportations of individuals otherwise deserving of protection.

Background

On 1 February 2012, the Israeli Ministry of Interior announced the pending end of collective protection for all South Sudanese, and stated that South Sudanese individuals would be subject to deportation procedures if they did not leave "voluntarily" by 1 April 2012. Prior to this decision, South Sudanese in Israel were granted renewable staying documents as part of the collective protection afforded to them, but these documents did not allow them to access public health and welfare services or obtain work permits.

On 4 March 2012, the Research and Information Center of the Israeli parliament (Knesset) published a report describing the deteriorating situation in South Sudan and questioning the timing of the government's decision to end collective protection for South Sudanese.

On 29 March 2012, it was reported that the Israeli Ministry of Foreign Affairs recommended that collective protection for South Sudanese be extended for an additional six months, but the government has yet to act on this recommendation. In addition, on 29 March, following a request by Israeli human rights groups, the Jerusalem District Court issued an interim order to prevent deportations of South Sudanese until the court rules on the petition. The government has requested a deadline of 6 May 2012 to respond to this decision, and a court date is expected to be assigned following the government's submission.

Despite these two developments, the government has yet to reverse the deportation decision, and South Sudanese have not received renewed staying documents covering the period after 1 April 2012.

From July 2009, when the Ministry of Interior took control of assessing asylum claims from the UNHCR, to the end of 2010, not a single new applicant was granted refugee status in Israel. During this time, the Ministry of Interior did grant refugee status to 8 individuals, all of whom had received positive recommendations from UNHCR prior to July 2009. No official statistics have been released for 2011.

The planned deportation of South Sudanese is part of a larger Israeli plan to deter the arrival of migrants and asylum-seekers. In December 2011, the Prime Minister's Office announced its ongoing efforts to "formulate a plan" for the deportation of Israel's asylum-seekers to third countries. In February 2012, the Israeli government began enforcing deportation orders against individuals from the Ivory Coast. Many are believed to have been subjected to arrest and deportation following unsatisfactory RSD procedures, although it is hard to determine exact numbers in the absence of official statistics.

On 10 January 2012, the Israeli parliament passed the "Prevention of Infiltration Law", which mandates the automatic detention of anyone, including asylum-seekers, who enters Israel without permission (all such people are labeled "infiltrators" under the law). The law allows for all such detainees to be held without charge or trial for three or more years. People from countries considered "hostile" to Israel, including asylum-seekers from Darfur in Sudan, could be detained indefinitely. Amnesty International urged Israeli legislators to reject the draft law (see Amnesty International, *Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers*, Index MDE 15/043/2011, 23 December 2011, <http://www.amnesty.org/en/library/info/MDE15/043/2011/en>).

In addition, the Israeli government is currently expanding its detention capacity for migrants and asylum-seekers to over 12,000 places, and the government has committed to levying heavy fines on employers hiring "infiltrators".