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Israel: Finding Asylum in a Land of Refuge

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Absorbing Jewish refugees is central to Israel's ethos. But it also takes in non-Jewish asylum-seekers, some from hostile countries. Now, new efforts are designed to ease the testing bureaucratic process.

Simon Doka has come a long and improbable way from his native Sudan. He's lived in Egypt, then headed to Jordan and finally, for want of an alternative, came to Israel. For a year, he worked on a kibbutz in the north. And nowadays, he lives in Tel Aviv, near a district where foreign workers have made Romanian, Amharic and Filipino the dominant languages.

But Doka is not an illegal foreign worker. He is a refugee, recognized both by the United Nations High Commission for Refugees (UNHCR) and the Israeli government. He fled Sudan eight years ago; more than a decade of civil war had destroyed his family and forced him to fight for a government he hated.

Largely unknown to most Israelis, the country is home to hundreds, if not thousands, of refugees like Doka -- individuals who, in the words of the 1951 U.N. Convention relating to the Status of Refugees, have fled their countries "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion." Unlike the hundreds of thousands of illegal foreign workers, now subject to an escalating deportation campaign, they are protected by Israeli, and international, law. A handful, like Doka, even hail from countries formally at war with Israel. And while, in the past, they have received formal shelter but little financial and other assistance, and have often had to negotiate a nightmarish bureaucracy, that may be about to change for the better: Lawyers and other activists are slowly edging the government toward introducing improved criteria for refugee treatment.

Tall, wiry and dark-skinned, Doka is a private man, and has to be prodded into describing his past. Sitting on the edge of his bed, as an American gangster movie plays on the muted television next to him, he readily describes the atrocities still taking place in his home country, his voice climbing as he speaks of villages bombed and of young men killed fighting in a war they scarcely understand. But the personal implications -- the fate of his family, his community, his former way of life -- follow much more hesitantly.

A member of southern Sudan's 2-million-strong Christian minority -- which, together with many of the country's 10 million adherents of indigenous religions, has been fighting since 1983 for independence from the predominantly Muslim north -- Doka was forcibly removed from his remote southern town in 1993 to serve in the army. His father and his two older brothers had already been killed fighting for the same army, which is loyal to a group of Muslim generals who came to power in a 1989 coup.

For Doka, then aged 17, the horrors of the conflict were compounded by the absence of identification with its purpose. He was waging war against people who shared his religious and ethnic identity. "I knew all of them," he says of his supposed enemies.

After nearly two years, he defected and fled to neighboring Egypt, then home to a sizable southern Sudanese community, who had been enjoying tacit government protection. But around this time, Egypt changed its policy: Sudanese refugees were arrested, and bank accounts containing money they had saved while working in Egypt were closed. Fearing his status as a military deserter would endanger him, Doka fled to Jordan and, from there, to Israel.

Doka was afraid at first to seek any sort of official protection. He had entered the country with forged documents, and he understood enough Middle Eastern politics to fear that if he identified himself as a citizen of a hostile, predominantly Muslim country, he could become persona non grata.

But four years ago, when Doka heard that some refugees in Israel were receiving assistance from the UNHCR, he turned to the local office in Jerusalem, for recognition of his refugee status and help. The UNHCR bureaucracy took what he considers an unreasonably long time -- almost two years -- to process his application. At one point, Doka says, he was

arrested and jailed for six weeks by the police, and told he faced deportation as an illegal foreign worker. But he was ultimately recognized by the UNHCR as a refugee.

Even then, however, Doka's position under Israeli law -- as a citizen of an enemy state -- was highly ambiguous. An enemy national, if he or she cannot be re-patriated, will usually be transferred to the UNHCR's charge for resettlement in a third country, according to Yochie Gnessin, the Justice Ministry's representative on the government's National Status-Granting Body (NSGB) -- the agency that, as of last year, adjudicates applications for asylum. But Doka was not ordered to be resettled -- perhaps, according to Rami Adut of Physicians for Human Rights, because he is a Christian; perhaps, too, because of an unhappy precedent concerning two Sudanese Christians who were repatriated by Israel in 1994. They were executed.

Instead, by contrast, Doka was last year granted legal working papers and an orange temporary resident's permit. Today, he works at a clothing store, saved enough money to move to this relatively quiet street in south Tel Aviv, has an Israeli girlfriend, peppers his English with Hebrew slang, and is studying at an ulpan.

While he's relieved to have been given refugee status, Doka complains about the bureaucratic delays, the time in jail, and the lack of financial assistance, to which he's entitled under international law. And while Israel's very essence centers on its place as a refuge for Jews, many of those who are involved in the procedures for granting non-Jews refugee status, and taking care of the beneficiaries, acknowledge that the situation has been far from ideal. But, slowly, it does seem to be changing.

According to Michael Bavli, the national UNHCR Representative in Israel, the 1951 Convention on Refugees -- the UNHCR foundation document which Israeli delegates helped draft -- requires that a government provide certain basic benefits, including health care and a means of subsistence, to those refugees to whom it has granted asylum. Israel, he goes on, has not complied with this provision to date.

Bavli blames this on the fact that there is no separate residency status for refugees in Israel: If a petition for asylum is accepted, the refugees simply receive the same residency permits as legal foreign workers. And this problem, in turn, stems from a general lack of recognition for non-Jewish refugees in the Israeli legal system. The word "refugee" does not appear anywhere in Israel's entrance laws, says Bavli.

Ports of entry offer the potential refugee no opportunity to lodge a petition for asylum -- unlike, for example, airports and border crossings in the U.S., which have offices of the Bureau of Citizenship and Immigration Services. So all asylum seekers must enter by another channel; most, like Doka, come in as illegal workers, and face the perils of Israel's foreign labor system, including the danger of arrest and deportation, until they reach the UNHCR.

The system for processing applications, what's more, has also been understaffed: UNHCR statistics show that in 2001, the most recent year for which such figures are available, new petitions for asylum outnumbered verdicts rendered by 31 percent.

And although a petitioner whose application for asylum is rejected has the legal right to file an administrative appeal, in the unlikely case that a rejected petitioner can afford a lawyer, that lawyer will find that the lack of published decisions in asylum hearings means that no database of precedents exists on which to base an appeal, says lawyer Neil Grungras, director of the Israel branch of the U.S.-based Hebrew Immigrant Aid Society, which helps Jews fleeing persecution worldwide. Still Grungras, who has worked for a long time with non-Jewish refugees in Israel, recognizes that if each case were written up, that would further strain the system. "You could probably hear only a third of the cases."

The advent of the NSGB is intended to alleviate some of these problems. Set up last year, following the model used by most developed countries, the governmental body has taken over from Bavli's office the role of hearing petitions for asylum and presenting recommendations to the interior minister. (Bavli's office is still responsible for receiving applications and gathering the information on which the NSGB bases its decisions.) And according to Bavli, the NSGB's cooperation with the UNHCR to date has been exemplary: Its members "read every page" of the dossiers that the UNHCR assembles, and "bring questions that embarrass us" with their thoroughness.

After years of lobbying by Anat Ben-Dor of the Tel Aviv University Public Interest Law Resource Center and other refugee advocates, what's more, Interior Minister Avraham Poraz recently permitted asylum seekers to work while their applications are being processed.

And Ben-Dor and Grungras are offering Israel's first-ever legal clinic on refugee law this fall at Tel Aviv University, hoping to bring the issue to the attention of the local legal community which, they say, knows little about the subject.

Acknowledging the economic and social strains Israel faces in providing for its own citizens, Grungras notes, nonetheless, that Israel is obliged both by the Convention it signed and by Jewish ethical tradition to provide sanctuary for those here whose own countries have failed to protect their rights.

And people who are truly afraid to go home," he notes furthermore, "people who are truly committed to building a life here [in Israel], probably make good workers."

As Alusine Swaray's story illustrates, Israel is unlikely to become a beacon for vast numbers of non-Jewish refugees. Swaray and his wife came to Israel in 1993 by way of Guinea, two years after the government of their native Sierra Leone collapsed. In 1999, after fighting in Sierra Leone intensified and Swaray's home village was destroyed, the couple and a group of their compatriots were recognized by the UNHCR as refugees sur place, a term referring to people who did not leave their country as refugees but have been prevented by ensuing events from returning. Today, Swaray is an officer of the Sierra Leonean Community in Israel, a registered NPO that numbers some 70 members, all refugees, including "economists, scientists, teachers, lawyers." They all speak fluent English, yet nearly all hold menial, low-paying jobs. Swaray himself, an accountant in a government office back at home, works as a house cleaner in the Tel Aviv area.

He claims that the Sierra Leoneans chose not to try to advance, for fear of resentment. "If we start to compete with the Israelis," he argues, "straightaway they will say, 'Oh, these people have come to build kingdoms, to stay forever.'" And he believes he and his compatriots will only be able to improve their lives when resettled elsewhere, in a country where their professional skills will be better appreciated.

Doka, on the other hand, is content to settle in Israel. He has many relatives and friends in the U.S., and says that life in Israel is difficult for foreigners: "The way you treat people here -- you know it.... Sometimes the government's not straight."

But at almost 30, he feels that he has already come too far to start over again, even in the U.S. And as a Sudanese Christian, he feels a certain affinity for Israel in its current struggles. "I like Israel, you know," he says simply. "I like the people. I don't mind staying. I just want to survive."

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