

Deportation of South Sudanese from Israel

Laurie Lijnders

Israel's aggressive campaign of arrest and deportation of South Sudanese asylum seekers contravenes the principle of *non-refoulement* and international standards for voluntary, dignified return.

On 17 June 2012, a plane carrying over 120 South Sudan nationals left Tel Aviv for Juba, the capital city of the new state of South Sudan. This was the first flight in what the Israeli government called 'Operation Returning Home'. In the months that followed, a further six flights would airlift a total of 1,038 South Sudanese to Juba.¹

Israel regards Sudan as a hostile state. Upon arrival in Israel, all Sudanese nationals, including those from Southern Sudan, were termed hostile nationals until the time when South Sudan became an independent state. However, until June 2012, individuals from any part of Sudan were covered by the policy of 'non-removal', allowing them to reside temporarily in Israel. Their residence was legal but their individual claims for asylum were not examined in accordance with the 1951 Convention to which Israel is a signatory. Hence, although many Southern Sudanese coming to Israel held a UNHCR refugee registration card issued in Egypt, Israel did not recognise them as refugees, and their need for protection under the Convention was never officially acknowledged.

On 31 January 2012, the Population, Immigration and Border Authority (PIBA) published 'A Call for the People of South Sudan' stating that "[N]ow that South Sudan has become an independent state, it is time for you to return to your homeland. ... the State of Israel is committed to helping those who wish to return voluntarily in the near future." Voluntary returnees would each receive a lump sum of 1,000 Euros while those who did not leave Israel voluntarily by 31 March 2012 would be arrested and deported.² It was also announced that Israeli employers of South Sudanese could be penalised; this resulted in immediate

dismissal for many, leaving South Sudanese communities in Eilat and Arad almost entirely without employment and increasingly unable to pay rent and utility bills.

South Sudanese nationals were left with three choices. They could apply for asylum but with no real prospect of having their applications processed; they could register for 'voluntary return'; or they could face detention. Those already in detention could either sign up for 'voluntary return' or remain in detention. Each 'choice' defied the notion of voluntary return. South Sudanese nationals lost their status in Israel; they also lost their jobs and were unable to find alternative employment. Uncertainty and the fear of detention pushed many to sign up for 'voluntary return'.

Arrest and detention

Only two days after the announcement on 7 June 2012 that South Sudanese nationals had one week to register for voluntary return, immigration police in the Eilat area arrested eleven South Sudanese and a national of North Sudan on their way to work. The next day, 105 South Sudanese, the majority living in Eilat, were arrested. On the third day PIBA arrested 73 African asylum seekers – not all South Sudanese – in Tel Aviv, Eilat and other cities. In the three weeks that followed, numerous South Sudanese were arrested and detained.

Families were split up, with women and children detained at Saharonim and Ketsiot and men at Givon, a high-risk prison centre with a detention section for asylum seekers. It was not clear if family members would be put on the same flight out of the country. Two mothers complained that their sons, both minors, had been taken away and were being held separately from their families. Even those who had registered for voluntary return

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before being detained were not spared arrest; some were escorted home by PIBA officials long enough to pack their belongings but most were given no time to collect personal property. Once in detention, they were unable to withdraw money from their bank accounts or close them, and were unable to collect final salaries and benefits from places of employment where some had worked for years.

The 'voluntary' deportation of South Sudanese nationals was part of a wider policy of deterrence and expulsion. In August 2012, one month after the seventh plane had airlifted South Sudanese nationals from Israel, Interior Minister Eli Yishai stated that from 15 October 2012 mass detention of North Sudanese nationals in Israel would also take place.

In the months after the deportations, there were reports from returnees to South Sudan alleging that a number of people died shortly after their return to South Sudan; Sudanese returnees were alleged to have been detained upon return and their belongings confiscated. It is difficult to confirm such reports but their persistence and frequency suggest a need for further investigation of the situation for returnees. In the first half of 2013, Israel's policies of 'voluntary return' and detention have met with growing criticism. In February 2013, UNHCR demanded an explanation from the State of Israel for the policy of deportation in breaching of the principle of *non-refoulement*. The government's response came in the form of a new 'Voluntary Returns Procedure' for Eritreans under which, in July 2013, fourteen Eritreans were returned to Eritrea after they had signed up – under pressure – for 'voluntary return' from detention. Voluntary return cannot be considered voluntary if it takes place from detention and when

lacking access to a fair asylum policy, and especially should not be applied in the case of countries like Eritrea and Sudan where returnees face a serious risk of persecution, or without inquiring as to whether the situation in the newly independent country of South



Israeli activists block a bus taking South Sudanese refugees to Ben Gurion airport to be deported to South Sudan.

Sudan allows for a safe return. The current political atmosphere suggests that domestic interest is driving the policy-making agenda with regard to asylum seekers, rather than compliance with international norms.

Laurie Lijnders laurielijnders@gmail.com is an anthropologist and refugee rights activist.³

1. NGOs and governmental bodies estimated the number of South Sudanese to be between 700 and 3,000. Representatives of the South Sudanese community put the number at around 1,100.
2. Various appeals were lodged but eventually on 7 June 2012 the Court ruled in favour of the policy and South Sudanese were given one week to register for voluntary return.
3. This research is based on work by the African Refugee Development Center www.ardc-israel.org and the Hotline for Migrant Workers www.hotline.org.il in Tel Aviv, plus interviews with nationals of South Sudan, lawyers and human rights activists in Israel, and returnees to South Sudan. The full report is online at www.ardc-israel.org/sites/default/files/do_not_send_us.pdf Funded by the EU and the Netherlands Embassy in Israel. Research carried out with contributions by Yael Aberdam, Sigal Rozen, Asaf Weitzten and Hadas Yaron-Mesgena and with the assistance of Marie Kienast, Anna Maslyanskaya, Ben Wilson and David Jacobus.