





ISRAEL: ISSUES RELATED TO THE DETENTION OF MIGRANTS AND REFUGEES, AND OTHER RIGHTS ABUSES AGAINST THESE POPULATIONS

SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE

83rd SESSION, NOVEMBER 2025

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ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT HOTLINE FOR REFUGEES AND MGRANTS (HRM)

Hotline for Refugees and Migrants is a nonpartisan, non-profit organization that aims to protect and promote the human rights of refugees, migrants, and human trafficking victims in Israel through client services, detention monitoring, legal action, and public policy initiatives.

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SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE (83RD SESSION, NOVEMBER 2025)

The Global Detention Project (GDP) and Hotline for Refugees and Migrants (HRM) welcome the opportunity to provide information relevant to the review of Israel's State Party Report during the 83rd Session of the Committee against Torture (CAT). This submission focuses on developments concerning the treatment of labour migrants, refugees, and asylum seekers in the country since the State Party's 2016 review, with particular emphasis on the use and impact of immigration-related detention measures as well as the treatment of these populations since the October 7 massacre.

1. MIGRATION AND DETENTION CONTEXT

Since its establishment in 1948, the state of Israel has defined itself as a country of Jewish immigration (*Aliyah*). Authorities have actively encouraged the migration of Jewish communities to Israel, promoting the country as a safe haven for Jews worldwide. This has prompted numerous waves of immigrants and refugees to the country, most recently Ukrainian Jews escaping Russia's invasion. This immigration has been facilitated by the country's 1950 Law of Return, which states: "Every Jew has the right to come to this country as an oleh" (Article 1). This law has since been amended to provide citizenship to any child, grandchild, spouse, spouse of a child, and spouse of a grandchild of a Jew (Amendment No.2, 1970).

Despite ratifying the 1951 Refugee Convention and its 1967 Protocol, Israel has never incorporated the convention into its legislation. While the country embraces the arrival of Jewish immigrants, other migrants, refugees, and asylum seekers are excluded from the rights set out in the Law of Return. Instead, they face significant barriers in entering, and remaining, in the country, and the country is notorious for rejecting nearly all asylum applications. Instead, the state offers "collective protection" from deportation to citizens of certain countries, such as Eritrea and Sudan, and since Russia's invasion of Ukraine, Ukraine. However, this is not the same as granting refugee status: those under collective protection are granted temporary stay permits (pursuant to Article 2(a)(5) of the Entry into Israel Law), which must be periodically renewed until conditions allow for them to return.

Critically, while the collective protection permit allows holders to reside in Israel without fear of arrest, it grants them no social services. Thus, for instance, unlike Israeli citizens who were evacuated during the Gaza War and during the latest war with Hezbollah, other migrants and refugees uprooted because of those conflicts did not receive any form of compensation or alternative residence. This changed, however, during the brief Iran-Israel War in June 2025, when for the first time refugees and migrants were included in the National Emergency Response Systems, and received aid such as compensation for war damages and assistance for evacuees.

¹ Aid Organization for Refugees and Asylum Seekers in Israel, "No Refuge: Refugees in Israel Amid War," 22 June 2025, https://assaf.org.il/en/no-refuge-refugees-in-israel-amid-war/

Since the mid 2000s, when Israel experienced a new wave of immigration comprised of asylum seekers from various African states (principally Eritrea and Sudan), authorities have steadily sought to restrict entry to non-nationals and to remove foreigners from the country. This has included various amendments to the 1954 Prevention of Infiltration Law, such as in 2012 when it was amended to treat all irregular arrivals as "infiltrators" liable to automatic detention and deportation; offering cash payments to asylum seekers who accepted "voluntary" deportations to third countries like Uganda and Rwanda while threatening indefinite detention to those who refused to leave²; denying migrants access to social services like healthcare; and barring asylum seekers from working legally.

Detention has also served as a key tool within the State Party's efforts to control unwanted immigration, and authorities have regularly used it to "persuade" foreigners to leave the country, or to act as a deterrent against would-be asylum seekers and migrants. This was made clear by the Chair of the Special Committee on Foreign Workers when, during a March 2023 visit to Yahalom Detention Centre, he said: "We have to think about how to dry the swamp, not how to kill the mosquito. We shouldn't make life easy for them, we should make them want to leave Israel."

Israel's policy towards asylum seekers was also highlighted in a detailed rejection letter for an asylum seeker who fled FGM in the Ivory Coast. In the rejection letter, the Minister of Interior at the time, Ayelet Shaked, explained: "In this respect, it is important to mention that Israel did ratify the refugee convention, but the Knesset rejected again and again initiatives to legislate the convention. Therefore, it is obvious that the legislator never intended to adopt, or to allow the Minister of Interior to adopt a wide and logicless interpretation of the convention. These words are correct when we discuss legal residents in Israel or foreigners who would like to enter Israel legally. When we discuss those who reside in Israel illegally, the legislator specifically outlined the Minister's discretion and instructed that illegal residents will be removed as soon as possible. The legislator took into consideration cases in which immediate removal is not possible. The fear of violating the Non-refoulment principle is definitely a reason that may delay such immediate removal. For these incidents, the legislator stated a temporary staying permit, under article 2A5 to the Entry to Israel Law, until the law can be implemented (and such removal will be possible)."

Since the First Intifada in 1987, the State of Israel has relied increasingly on foreign labour to replace Palestinian workers in the construction and agriculture sectors. There has also been a steady rise in the number of elderly individuals who require nursing care provided by migrant workers living permanently in their homes. Over the past two decades, the number of migrant workers legally invited to work in Israel has been close to approximately 100,000. In May 2024, however, the Israeli Government made an exceptionally unusual decision, raising the cap on the number of migrant workers permitted work permits to 330,000. So far,

² Reuters, "Israel Offers to Pay African Migrants to Leave, Threatens Jail," 3 January 2018, https://www.reuters.com/article/world/israel-offers-to-pay-african-migrants-to-leave-threatens-jail-idUSKBN1ES0UY; and Hotline for Refugees and Migrants, "The "Voluntary" Departure and Israel's plan for deportation to third countries," June 2018, https://hotline.org.il/en/refugees-and-asylum-seekers-en/voluntary-departure/

³ Knesset News, "Population and Immigration Authority Official to Committee on Foreign Workers: State Pays Millions of Shekels Annually for Airline Tickets to Repatriate People Denied Entry to Israel," 5 March 2023, https://main.knesset.gov.il/en/news/pressreleases/pages/press5323y.aspx

⁴ Rejection of an asylum request dated November 17, 2022, articles 18-19; see: Hotline for Refugees and Migrants, "Status of Refugees in Israel," March 2023, https://hotline.org.il/wp-content/uploads/2023/03/HRM-19.3.23-Situation-of-Refugees-in-Israel-Eng.pdf

approximately 200,000 have arrived in the country. However, while the number of migrant workers has so far doubled, worker protections have not been strengthened—resulting in migrants losing their legal status and being detained for deportation within extremely short periods of time.

Detention provisions are set out in both the **1952 Entry into Israel Law** and the **1954 Prevention of Infiltration Law**. As of 2025, Israel operates two immigration detention facilities: **Givon Detention Centre** (in Ramla) and the **Yahalom Detention Centre** at Ben Gurion Airport, which is temporarily closed while it undergoes renovations. According to data published by the Ministry of Justice, Israel detained and deported 11,439 migrants between 2022 to 2024: 2,657 in 2022, 5,004 in 2023 and 3,778 in 2024.⁵

2. DETENTION CONCERNS

2.1 Detention-Related Legislation

During the committee's 2016 review of the state party, concern was noted regarding the amendments to the **1954 Prevention of Infiltration Law**, which provided that anyone entering Israel irregularly, with certain exceptions, is to be detained for a period of up to three months and then transferred to the Holot "open" facility for an additional year. In light of this, the committee urged Israel to "take legislative and other measures necessary with a view to ensuring that the detention of persons entering its territory irregularly is only used as a last resort, when determined to be strictly necessary and proportionate in each individual case, and for as short a period as possible."

In April 2018, the Holot facility was closed after the government was forced to admit before the High Court of Justice that no agreements existed with "third countries," meaning it was impossible to deport Eritrean and Sudanese refugees against their will.

As of October 2025, the only active prison for adult refugees and migrants is **Givon Prison**, in Ramle. There are two categories of detainees at the prison: 1) undocumented migrants awaiting deportation; and 2) refugees involved in criminal activities.

In 2025, several pieces of legislation have been introduced and proposed which, if passed and implemented, would dramatically impact the rights of migrants, refugees, and asylum seekers in Israel. This includes: the Basic Law: Entry, Immigration, and Status in Israel, and the Bill for the Immediate Deportation of Infiltrators Who Support the Regime in Their Country of Origin or Committed Crimes in Israel.

The Basic Law: Entry, Immigration, and Status in Israel emphasises Israel as the homeland of the Jewish people, granting preferential rights to Jews while restricting entry and status for non-Israelis. Amongst its provisions, the new law would allow for administrative detention for an unlimited period without the possibility to seek remedy from the judicial system. Additional concerns include:

 Obstacles to status and risk of deportation: The Basic Law would prevent the regularisation of status and could lead to the deportation of at-risk groups including

⁵ Israeli Ministry of Justice, "The Population and Immigration Tribunals Report 2022 – 2024," https://www.gov.il/BlobFolder/reports/report-2022-2024/he/report-2022-2024.pdf

victims of trafficking and those held in conditions of slavery, refugees, children of migrant workers and refugees born and raised in Israel, foreign spouses of Israeli citizens (both Jewish and Arab), and first-degree non-Jewish relatives of those eligible under the Law of Return—a category that the Knesset and government are also seeking to restrict.

- Granting the Knesset broad powers and lacking criteria: The Basic Law would authorise the Knesset to establish additional grounds (in addition to those existing today) for revoking citizenship, residency, or legal status in Israel, without clarifying the criteria for such measures and without providing for judicial review.
- Denial of access to judicial relief: The law would deny the right to access judicial courts for status arrangement to anyone lacking status in Israel or who has lost their legal status, even if such loss resulted from an error or the fault of authorities.
- Limiting freedom of movement and due process protections: The Basic Law would allow for the restriction of freedom of movement of all the populations mentioned above, the confiscation of their wages, and their administrative detention for an unlimited period, without the possibility to seek remedy from the judicial system.

In June 2025, a Bill for the Immediate Deportation of Infiltrators Who Support the Regime in Their Country of Origin or Committed Crimes in Israel (2024) (**Amendment No. 41 to the Entry into Israel Law**) was passed. This bill enables the detention and deportation of Eritreans, who are protected under the principle of non-refoulement, and applicants with pending asylum claims, based on alleged regime support. The amendment also enables the detention and deportation of any foreign national, including Eritreans, if convicted for offenses punishable by three years or more. That, even if the actual sentence is lower than three years. The amendment creates a mechanism that bypasses the Israeli asylum system and disregards the legal obligation to properly examine asylum claims in accordance with both international and domestic law.

Since its introduction, the Israeli Immigration Authority has attempted to return detainees to Eritrea, without guarantees for their well-being and safety. As of October 2025, these removal attempts have been unsuccessful. However, while Eritrea's President Isias Afwerki refuses to accept deportees and is unlikely to take any individual against his will, human rights organizations warn that the bill could result in the indefinite administrative detention of refugees who fail to prove that they are not supporters of the regime. Based on experience, the threat of indefinite detention pressures genuine refugees into leaving for countries that provide no safe haven—a strategy Israel attempted but failed to implement in 2018.

The newly enacted legislation marks a severe and dangerous turning point, as it authorizes, for the first time, deportation to Eritrea. By way of context, there are currently approximately 14,600 adult Eritrean nationals and 8,000 children in Israel, all of whom are protected from deportation due to the situation in their homeland. Recognition rates for Eritrean asylum-seekers in most countries, including EU member states, exceed 80 percent. In Israel, the recognition rate stands at below 0.5 percent, with most applications either unexamined or rejected through a fundamentally flawed process. As a result of their precarious situation in Israel, thousands of Eritrean nationals who initially arrived in Israel have since been resettled with the help of UNHCR in countries like Canada via immigration processes like "Group of Five". Many others immigrated to Canada under the SAH procedure.

According to the Immigration Authority's last published <u>data</u>, there are 1,972 Sudanese and 2,022 "Infiltrators" from other African countries who reside in Israel, most of them applied for asylum and hold a 2A5 conditional release permit. In the last four months since the law passed, HRM has documented the detention of **nine Eritreans**, **two Sudanese**, **and one Ukrainian national transferred to immigration detention due to their involvement in criminal**

activities in Israel. Among the nine Eritreans, seven are regime opponents who were not recognized as refugees in Israel due to the faulty system. Another one arrived in Israel at the age of 11 with his mother, who identifies as a regime supporter, though the young man himself does not. The last Eritrean detainee so far identified himself as a regime supporter, and he was arrested for attacking regime opponents. Yet, he hired legal services and claims to object to the regime. The Israeli court has already approved the man's deportation. However, due to Isias Afwerki's refusal to accept deportees against their will, who do not clearly support his regime, and pay the Diaspora tax, it is unclear if the deportation can take place.

2.2 Detention of Vulnerable Groups

Trafficking Victims

According to Government Resolution 2670 from 2 December 2007, which approved the National Plan for the Fight Against Human Trafficking, victims of trafficking must not be detained, but should be transferred to shelters once identified. Israeli Prison Service (IPS) staff are also required to report individuals to a social worker if they suspect them of being trafficking victims, with the social worker required to report in turn to the Anti-Trafficking Police Unit and to the Legal Aid department of the Ministry of Justice. In line with this, in its State Report, Israel notes that "as a rule, TIP [Victims of trafficking in persons] are not held in detention in Israel. Every identified TIP victim is transferred to a shelter for TIP victims."

While the State Party notes (Annex 1) positive efforts such as routine relaying of forms of trafficking methods to the Police and Anti-Trafficking co-ordinators, and the delivery of training concerning identification and treatment of trafficking victims in 2017, observers such as HRM have regularly documented instances of potential victims being detained and deported, highlighting "significant gaps between stated policies and their actual implementation." In particular, tribunal transcripts often reveal that judges are not attentive to evidence of trafficking when hearing detainees' testimonies.

HRM Case Note:

In a case from 2019, Hotline for Refugees and Migrants identified a Sudanese detainee as a trafficking victim. He had been systematically tortured and raped in the Sinai. HRM appealed on his behalf to the Anti-Trafficking Police Unit, but his application was rejected because his traumatic story had not been conveyed to the border control officials or the tribunal as soon as he entered the country in 2011. HRM lawyers argued that the **Istanbul Protocol**, a procedure for assessing torture claims through a set of medical examinations, could support his case. Although this procedure typically applies to victims of torture rather than trafficking, the significant overlap between the two made it highly relevant for this case. Their request was denied. HRM then appealed to the Ministry of Justice, which rejected the appeal on the grounds that there was no procedure in place for an internal appeal against wrongful non-recognition of a trafficking victim.

⁶ Hotline for Refugees and Migrants (HRM), "Detention of Migrants and Asylum Seekers in Israel," *Annual Monitoring Report 2023*, https://hotline.org.il/wp-content/uploads/2025/01/2023-Detention-Report_English-final-with-cover.pdf

⁷ See examples in: Hotline for Refugees and Migrants (HRM), "Detention of Migrants and Asylum Seekers in Israel," *Annual Monitoring Report 2023*, https://hotline.org.il/wp-content/uploads/2025/01/2023-Detention-Report_English-final-with-cover.pdf

In light of this, in January 2020 HRM filed a petition to the High Court of Justice (HCJ 687/20), appealing the Anti-Trafficking Police Unit's decision to recognise the victim as a trafficking victim. In the petition, HRM requested that the State create standard criteria for recognising trafficking and slavery victims, and to establish an appeals mechanism for the Human Trafficking Unit's decisions.

In early March 2020, the police unit notified HRM that they had reconsidered the victim's case and decided to recognise him as a trafficking victim—a recognition that enabled him to move to a shelter and begin rehabilitation. Two months later, the State submitted its response, committing to establish an appeals mechanism within six months and to create a set of criteria as part of the on-going policy process to draft a general five-year plan to combat trafficking in Israel.

While the new procedure has made it easier for TIP survivors to be recognised, HRM continues to identify unrecognised trafficking victims in immigration detention each year—often learning of their cases from Detention Review Tribunal protocols, usually after the victims have been deported from the country.⁸

Children

Israeli law does not prohibit the detention of children, and non-citizen children are routinely detained in specialised detention centres. In January 2023, Haaretz obtained data for Yahalom Detention Centre and reported that between 2017 and 2022, 1,142 children were detained in the centre after their entry to the country with their parents was denied. The newspaper also displayed a 2021 photograph showing a children's playpen in the middle of a dorm, and noted that officials were "pushing for purchases of toys for children being held in the facility." Children are also detained in Givon Prison. In 2024, a total of five minors were placed in custody here: two from Thailand, one from Guinea, one from India, and one from Georgia.

The Israeli immigration authority has detained and deported migrant families with children since March 2011. Until 2019, only families with babies and toddlers were arrested for deportation. However in July 2019, amid the frequent election cycles and during a transitional government, the Population and Immigration Authority altered its policy and began conducting proactive raids—after obtaining appropriate search warrants—on the homes of migrant families with schoolchildren. From July 2019 until the outbreak of the COVID-19 pandemic in March 2020, at least 67 parents and even children attending Israeli schools were arrested in preparation for deportation from the country. Some of these children spent up to an entire month in prison before court ordered their release on bail. Since then, due to legal proceedings, most parents of school children are being conditionally released without having to bring their children to prison, and only families with babies and toddlers are imprisoned for deportation.

⁸ See HRM's yearly monitoring reports at: https://hotline.org.il/en/activism-en/reports/

⁹ B. Peleg, "Israel Refuses to Release Full Report on Negligence at Airport Detention Facility," 9 January 2023, https://www.haaretz.com/israel-news/2023-01-09/ty-article/.premium/israel-refuses-to-release-full-report-on-negligence-at-airport-detention-facility/00000185-9719-d94b-ad8d-bfff108f0000

¹⁰ For detailed information about the families arrested each year, see the annual monitoring reports of the Hotline for Refugees and Migrants for 2019, at https://hotline.org.il/en/2019-monitoring/ and for 2020 at https://hotline.org.il/wp-content/uploads/2021/12/HRM-Detention-Monitoring-2020-English-10.pdf

Asylum Seekers

Despite recommendations following its 2016 review to address the country's low refugee recognition rate, Israel continues to approve few asylum applications. According to UNHCR, less than one percent of applications were granted refugee status in the last 20 years. Instead, Israel offers collective protection to certain nationalities, specifically Eritreans, Sudanese, Ukrainians, and some Congolese (children and families).

However, although collective protection is intended to shield certain groups from deportation, individuals who fall within this framework are still detained, despite the impossibility of their deportation. It is law (specifically, the **Regulation on Handling Infiltrators Involved in Crime)** permits such persons to be administratively detained if they are suspected or have been convicted of committing criminal offences. This essentially means that the period of their imprisonment is extended and they face a harsher sentence than residents of Israel due to their legal status. As HRM noted: "An illustrative example of this injustice is the case of F. Q., a citizen of Eritrea, who was transferred to administrative detention on June 21, 2021, after serving seven months for assaulting his partner. This was his first offense. He was held in Givon Prison for additional three months, until September 19, 2021, when he was released on bail. This means that F. Q. served ten months in prison despite being sentenced to only seven." As of June 2025, detainees like F.Q. may be legally deported under the Amendment No.41 to the Entry to Israel Law, as explained above. (see 2.1 Detention-Related Legislation).

In 2024, 55 refugees residing in Israel under temporary protection and with no prospect of deportation were arrested and placed in detention: eight Ukrainian citizens, seven Ethiopian citizens (including five women), 28 Eritrean citizens, and 12 Sudanese citizens. According to a Freedom of Information response from the Population and Immigration Authority, Eritrean and Sudanese citizens were transferred to detention under the criminal procedure after serving their sentences under criminal law.

HRM Case Note:

In 2023, HRM obtained information about 84 Eritrean detainees who had been arrested by police at or after a demonstration on 2 September 2023. Although the demonstration was very violent, many of the detainees had not been involved in the violent actions. The Eritreans were placed in detention, with the Detention Review Tribunal adjudicators setting bail for 45 of the detainees, with amounts reaching up to NIS 25,000; information on the remaining detainees' bail is unavailable. HRM published a detailed report about the wrongful arrests, including an annex titled "The "Report of Infiltrators Involved in Crimes Transferred to the Population Authority for Custody." This police document lists 53 Eritrean citizens arrested during the demonstration, but it appears to have been hastily compiled as it contains errors likely due to excessive and incorrect use of the "copy-paste" function. For instance, the designation "possessing a knife or a knuckle-duster" is listed next to the names

¹¹ UNHCR, "Israel," February 2025, https://www.unhcr.org/il/wp-content/uploads/sites/6/2025/02/Israel-Factsheet-February-2025.pdf

¹² Hotline for Refugees and Migrants (HRM), "Detention of Migrants and Asylum Seekers in Israel," *Annual Monitoring Report 2023*, https://hotline.org.il/wp-content/uploads/2025/01/2023-Detention-Report_English-final-with-cover.pdf

¹³ Hotline for Refugees and Migrants, "Detention of Migrants and Asylum Seekers in Israel," *Annual Monitoring Report 2021*, https://il.boell.org/sites/default/files/2023-12/2021-detention-report-final-english.pdf

of 18 individuals arrested during the demonstration, despite the document itself indicating that only one of them "probably had a knife." Furthermore, 11 protesters accused in the police document of "possessing a knife or a knuckle-duster" were found to have had nothing in their possession at the time of arrest, according to the same police document.

None of the detainees faced any indictments. They were held in detention for periods ranging from five days to two months until release decisions were issued.

Migrants and Refugees with Mental Health Conditions

Israel's migration detention policy leaves many migrants—particularly those from countries without diplomatic ties to Israel—trapped in immigration detention for years, simply because they cannot obtain travel documents for their country of citizenship. In many other cases, mental health struggles prevent the issuance of travel documents. HRM representatives sometimes persuade the Detention Review Tribunal to ensure the Ministry of Justice's Legal Aid Department represent individuals struggling with mental health issues and to act for their release. But even in such cases, migrants often remain detained for years until their release becomes possible, and after release face ongoing bureaucratic obstacles that frequently result in their returning to detention.

Sometimes the Immigration Authority succeeds in arranging travel documents, resulting in deportation—even for migrants with serious mental health issues. For example, in 2023 the Population and Immigration Authority deported an Eritrean detained despite Detention Review Tribunal Judge Itiel Givon noting that "his mental state requires examination."

HRM Case Note:

In December 2022, K.T., an Eritrean citizen, was arrested after "infiltrating" back into Israel, having previously been observed crossing the border into Jordan. He was brought before the Magistrate's Court, which extended his detention. It was decided not to file an indictment against him, and he was transferred to administrative detention. At a hearing before a Border Control Officer, K.T. expressed his wish to return to Eritrea. But instead of releasing him and allowing the Voluntary Departure Unit to assist with his departure outside of prison walls, Tribunal Judge Rachel Sharam ruled that he remain in administrative immigration detention, even though he had not been convicted of any crime and posed no danger.

A month later, in the next hearing before the Detention Review Tribunal, Judge Givon observed clear signs of psychological distress, stating that "the detainee talks to himself, argues with himself, and speaks out of context, raising concern that his mental condition requires examination." At the next hearing, another month later, K.T. refused to appear. Despite HRM's request that a legal aid attorney be appointed on his behalf, K.T. was deported to Eritrea. After two months in administrative detention—without any criminal proceedings, despite having stayed legally in Israel under temporary protection, and despite clear signs of psychological distress—K.T. was removed from his cell and sent back to his country. It is unclear how this was possible given Afwerki's refusal to accept deportees, but we assume that due to his mental condition, K.T. posed no threat to the Eritrean regime.

2.3 Detention Conditions

Despite frequent criticism by observers regarding conditions in Israel's detention facilities—the Yahalom Detention Centre and Givon Prison—many concerns that have repeatedly been highlighted remain unaddressed.

Yahalom Detention Facility, at Ben Gurion Airport, has been the subject of various criticisms in recent years—particularly regarding overcrowding. Managed by the Population and Immigration Authority rather than Israeli Prison Service giving it "independent status," access is highly restricted to everyone apart from lawyers holding formal authorisation, limiting oversight.

The facility is meant for holding "entry refusers"—migrants whom Israel wishes to prevent from entering for reasons of security or fear of illegal settlement—until their deportation. Their detention is meant to last only a few days, until they can be deported. However, in recent years, many cases have been recorded of individuals (mainly families with children) being detained here, after being arrested inside Israel, for up to a month before their deportation.

As of October 2025, the facility is undergoing renovations. Although the centre is not currently in operation, those denied entry upon arrival are held in ad hoc locations such as the duty-free area, employees' break rooms, and a tent outside the airport. ¹⁴ During these renovations, HRM has no access to those detained in these spaces.

Conditions for detainees—even for those held here for short periods—do not comply with legal standards, such as fixed outdoor exercise time. According to the Population and Immigration Authority (2019 response to a Freedom of Information request), the facility has nine rooms with a total of 52 beds. Room sizes range from 9.98 sqm (4 beds) to 25.52 sqm (9 beds), including toilets and showers. Based on these dimensions, five of the nine rooms do not meet the legal minimum living-space standard set by the High Court of Justice.

Each detainee's personal belongings are kept in a locked and monitored luggage room. Authorities state that every detainee receives a "holder's package" including a tracksuit, undershirts, socks, underwear, toothbrush and toothpaste, towel, soap, shampoo, and disposable bedding. Some detainees testified they did not receive such a package, while others said they found items in their rooms after asking guards. There is no canteen, but a drinks machine is available in the yard.

Of additional concern is the fact that the asylum system at Ben Gurion Airport is inaccessible to people seeking protection, even though the immediate deportation of individuals indicating fear for their life or freedom violates refugee law and Israel's obligations under the Convention. For the past two years, while the centre has undergone renovations, HRM representatives have also had no access to those for whom entry is refused.

¹⁴ Hotline for Refugees and Migrants (HRM), "Detention of Migrants and Asylum Seekers in Israel," *Annual Monitoring Report 2023*, https://hotline.org.il/wp-content/uploads/2025/01/2023-Detention-Report_English-final-with-cover.pdf

HRM Case Note:

Freedom of Information responses show that only asylum seekers represented by the HRM have managed to submit asylum requests at Yahalom after intensive legal and logistical struggles. In 2020, none of the detainees at Yahalom filed an asylum application.

In 2019, out of 23,312 foreigners refused entry, none were recorded as having submitted asylum requests, except for 15 represented by the HRM (two from Nigeria and 13 from Sri Lanka). Without HRM's intervention, they would have been summarily deported.

One Nigerian asylum seeker, P., testified before Attorney Ala Khater from HRM that immigration officers attempted to forcibly deport him and others despite clear expressions of fear for their lives. He described physical violence used to force them onto the plane.

Another Nigerian woman, G., also testified that she repeatedly told immigration officers her life would be in danger if shere were returned, but she was ignored and pressured to board the aircraft.

HRM only learned of their cases due to G.'s initiative—she convinced an airport officer to let her call her sister in Nigeria, who then contacted the UNHCR office in Israel, prompting HRM's intervention shortly before her forced deportation.

During 2020 and 2021, the number of tourists decreased dramatically due to the COVID-19 pandemic, and from 2023 until today as a result of the continuous war with Gaza, Hezbollah, and Iran. Thousands of Russians fleeing the war, however, have been denied entry.

Givon Prison has similarly been the subject of various criticisms. While Israel's Public Defender's Office has previously found conditions in the centre to be reasonable, detainee testimonies highlight problems such as lack of heating appliances and blankets in the winter. The centre also has a permanent problem with bedbugs, which mainly affects babies, despite HRM flagging it in its monitoring reports for years. ¹⁵ In 2020 a baby suffered from bites during their 14-day imprisonment in the facility. ¹⁶

More recently, in July 2025 activists detained by Israeli authorities after the interception of the *Handala* Freedom Flotilla Coalition ship, were placed in Givon Prison. According to Adalah, who were representing the detainees, the conditions in the prison were extremely poor with the organisation noting violent raids and cell searches; overcrowded and poorly ventilated cells despite extreme summer heat; denial of basic hygiene supplies; sleeping areas infested with bedbugs; and 24/7 confinement in cells with no access to outdoor space.¹⁷

¹⁵ Hotline for Refugees and Migrants, "Detention of Migrants and Asylum Seekers in Israel," *Annual Monitoring Report 2021*, https://il.boell.org/sites/default/files/2023-12/2021-detention-report-final-english.pdf

¹⁶ Hotline for Refugees and Migrants (HRM), "2020 שנתי מקלט: דו"ח מעקב שנתי אורים ומבקשי מקלט: דו"ח מעקב שנתי 150 https://hotline.org.il/2020monitoring/

¹⁷ Adalah, "Freedom Flotilla Boat 'Handala' – All Updates," 28 July 2025, https://www.adalah.org/en/content/view/11356

2.4 Length of Detention

HRM has documented numerous instances of non-nationals being held for excessive periods of time in Israel–often those from countries with no Israeli representation. In 2021, for example, HRM found that four immigration detainees had been confined for more than two years, while another four had been confined for more than three years. One of these detainees, an Ethiopian who first entered Israel in 2008, had been detained since 2017.¹⁸ Non-nationals also experience repeated detention (or "re-detention"), cumulatively resulting in lengthy confinement periods, as the following "case note" illustrates.

HRM Case Note:

A.B. is one of several migrants from countries with no Israeli representation, making it extremely difficult to leave the country. He entered Israel through the Egyptian border in **March 2011** and spent a year in Saharonim Prison. He claimed to have been born in Gabon to parents from Cote d'Ivoire, but his asylum application was summarily rejected.

In **September 2013**, officials detained him again, citing insufficient efforts to leave Israel. With help from HRM, he was released in **July 2014**.

He was detained for a third time in **February 2015**, after officials incorrectly identified him as a Ghanaian based on a phone card in his possession (a card he had been given by a Ghanian friend). This conclusion was made despite the fact that he speaks French (the official language of Gabon) and does not speak English (the official language of Ghana). Although he told the immigration authorities that he was willing to leave for either Ghana or Gabon, he could not remember the date of his mother's death—information required to apply for a travel document to Ghana—which led the Border Control Officer to claim that he was not cooperating with efforts to deport him.

The Detention Review Tribunal requested a report on the Authority's efforts to deport A.B., but after no report was submitted for a year and four months, it ordered his release on **6 July 2016** against a monetary deposit of NIS 4,000. Since Gabon has no diplomatic representation in Israel, HRM representatives assisted him in contacting the Gabonese embassy in France and accompanied him to Ghanaian and Ivoirian embassies to explore the possibility of his departure to those countries. But this was to no avail: he was not identified by any embassy, preventing his removal. With no other option, HRM turned to HIAS, which assigned a lawyer free of charge to submit on A.B.'s behalf an application for recognition as a stateless person.

On 4 November 2018, A.B. was detained once more.

In a hearing dated **19 March 2019**, the tribunal judge complained that again no French interpreter had been provided—the only language in which A.B. could be properly heard—so the mandatory monthly review hearing could not be held. A.B.'s attorney submitted another request for his release and authorised the Immigration Authority to access information on his phone to expedite the issuance of travel documents. On **2 April 2019**, the judge reprimanded the Immigration Authority for its failure to advance deportation procedures.

¹⁸ Hotline for Refugees and Migrants (HRM), "Detention of Migrants and Asylum Seekers in Israel: Annual Monitoring Report 2021," December 2022, https://hotline.org.il/wp-content/uploads/2022/12/2021-detention-report-final-English.pdf

Only in **September 2019** did the tribunal decide to release A.B. for one week, ordering him to leave the country during that time. Once again, efforts to secure his departure failed.

A.B.'s lawyer appealed to the Appeals Tribunal against the denial of the request for recognition as stateless. In **August 2024**, the tribunal ruled that A.B. must leave Israel within three months. An appeal to the District Court was dismissed.

On **16 September 2025**, A.B. appeared for his routine check-in at the "Voluntary Departure" Unit of the Immigration Authority, where he was summoned to a pre-detention hearing. During the detention hearing held at Givon Prison on **17 September 2025**, it was noted that "the detainee did not leave Israel. On June 5, 2025, he appeared at the Voluntary Departure Unit to arrange his departure but later changed his mind, claiming he lacked the means to leave. Although a flight and hotel accommodation were arranged for him, and on September 15, 2025, a unit representative spoke to him by phone about his upcoming departure, he stated at the last moment that he did not wish to leave Israel because he was owed money for his work in avocado picking."

On September 16, 2025, the detainee presented himself at the enforcement facility in Albar, Bnei Brak, was brought before a Border Control Officer, and a hearing was held with French interpretation. During the hearing, he stated that he was represented by counsel, but his attorney said by phone that he was unable to attend. The detainee added that he understood he was residing in Israel unlawfully and that he had come to Israel seeking a better life. He did not remember whether he had filed an asylum claim. He had paid agents to help him leave Israel and approached the Voluntary Departure Unit expressing willingness to cooperate in leaving the country. He said he was unable to depart in June 2025 because he was still owed wages for his work in Israel. He currently lives in Tel Aviv with friends and wishes to return to his country only after recovering his unpaid wages."

This case is still ongoing, and HRM has not yet been able to meet with A.B. in Givon Prison to verify his version of events. However, according to a conversation with his attorney, it appears the authorities may have arranged his deportation to Uganda—a country where he knows no one, and since he does not speak English, it will be extremely hard for him to attempt to regularise his stay there.

As of **October 2025**, A.B. has spent a total of four years and two months in immigration detention, despite extraordinary efforts by himself, HRM, and lawyers who worked pro bono for many years to help him leave the country.

2.5 Detention Amidst War

During the Iran-Israel war in June 2025, non-nationals remained confined in detention facilities—despite the fact that Ben Gurion Airport was closed and deportation subsequently became impossible. (Israeli legal precedent, however, states that "holding in custody is prohibited when an effective deportation procedure does not exist regarding the detainee, or when no prospect of deportation from the country can be seen on the horizon." While HRM contacted the management of the Detention Review Tribunal requesting that they

¹⁹ HCJ 8425/13 Eitan – Israeli Immigration Policy Centre v. Israeli Government, para. 51 of Justice Fogelman's opinion, September 22, 2014.

consider releasing, under conditions, those detained in violation of the law, since "no effective deportation procedure" was taking place, requests were rejected.

Of additional concern, for the 12 days of war, detainees at Givon Prison were not provided with adequate missile protection. Instead, the only protection they received were instructions to lie under their beds with hands on their heads, as far from windows as possible. According to testimonies collected by HRM, watching on TV the destruction of thousands of flats by the Iranian missiles and hearing the frequent alarms every day, added to the detainees' anxiety and fear.

(The Global Detention Project has previously raised concerns about the role of international humanitarian law in addressing immigration-related detention amidst wars and armed conflicts, including in particular after Russia's invasion of Ukraine. See: "Immigration Detention amidst War: The Case of Ukraine's Volyn Detention Centre," GDP, 29 April 2022.²⁰)

3. ADDITIONAL CONCERNS

3.1 Multi-Tier Protection System

Israel's treatment of those seeking sanctuary varies significantly depending on the individual's background. This became especially evident following Russia's full-scale invasion of Ukraine in 2022, when Israel extended different forms of protection based on individual's backgrounds.

Ukrainians with at least one Jewish parent or grandparent, or a Jewish spouse, were automatically welcomed and qualified for Israeli citizenship under the Law of Return and entitled to full social welfare such as health insurance. Meanwhile, authorities made great efforts to prevent non-Jewish Ukrainians from entering the country and seeking asylum.

Most asylum seekers in Israel, referred to by the authorities as "infiltrators (of whom 14,595 are Eritrean, 1,972 Sudanese, and 2,022 "infiltrators" from various countries (according to the latest data of PIBA)) hold a 2(a)(5) conditional release visa, and are not eligible for public health services and therefore denied access to treatment except in emergency situations. ²¹ As the Forum of Refugee and Asylum Seeker Organisations in Israel noted in March 2025, "there has been a deliberate policy of leaving asylum seekers in legal limbo in which they are not deported, but they live without status and with a visa that provides few rights and does not allow for a proper existence."²² (For a more detailed report regarding depravation of social rights, the Committee should consult the report submitted by PHR and ASSAF.)

²⁰ Immigration Detention amidst War: The Case of Ukraine's Volyn Detention Centre," GDP, 29 April 2022, https://www.globaldetentionproject.org/immigration-detention-amidst-war-the-case-of-ukraines-volyn-detention-centre

²¹ Aid Organization for Refugees and Asylum Seekers in Israel, "Protection of Refugees and Asylum Seekers' Rights in Israel, Status Report," October 2022, https://assaf.org.il/wp-content/uploads/2022/11/ASSAFs-Status-Report-on-the-protection-of-Refugees-and-Asylum-seekers-Rights-in-Israel.pdf

²² Forum of Refugee and Asylum Seeker Organisations in Israel, "Statement of Opinion Concerning Legislative Proposals that Endanger the Lives of Asylum Seekers and Refugees Living in Israel," 4 March 2025, https://assaf.org.il/en/forum-of-refugee-and-asylum-seeker-organizations-in-israel-statement-of-opinion-concerning-bill-for-the-immediate-deportation-of-infiltrators-who-support-the-regime-in-their-country-of-origin-2024/

3.2 Treatment of Refugees, Asylum Seekers, and Migrant Workers On and After October 7

Approximately 5,000 migrant workers, foreign students, and refugees were living and working in the Gaza Envelope²³ at the time of the October 7 Hamas attack.²⁴ According to Israeli National Insurance, 72 migrant workers, refugees, and foreign students who lived and worked in the Gaza Envelope were murdered in the October 7 attack: citizens of Thailand, Nepal, China, the Philippines, Sri Lanka, Tanzania, Cambodia, Eritrea, and Sudan. Thirty four foreigners were kidnapped and taken to Gaza. Twenty four were released in November 2023. Ten foreigners were held hostage in Gaza until January 2025, when five more Thai workers were released.

State support for foreign survivors was limited. Testimonies from survivors of the attack, collected by HRM, show that during the first days after the attack only civil society organisations, such as Brothers and Sisters in Arms, the Hostage Families Forum, human rights organisations, and civilians, assisted the migrant workers and foreign students trapped in the Gaza Envelope communities. State authorities failed to provide psychological or financial assistance. The authorities also did not supervise to ensure that workers' employers would not send them back to areas under frequent shelling.

HRM Case Note:

Amongst those affected by the October 7 massacre were about 36 Tanzanian students who had recently arrived in the Gaza Envelope region. According to their testimonies, these students were living in the city of Sderot and the following kibbutzim: Mefalsim, Kissufim, Nahal Oz, and Nir Oz. They worked alongside Thai agricultural workers who were among the 5,000 Thai workers employed in the area's kibbutzim, gaining hands-on experience from them.

Two Tanzanian students were murdered in the massacre: **Joshua Loitu Mollel** and **Clemence Felix Mtenga.** Mollel's body is still being held by Hamas in Gaza, while his family pleads to bring him home for burial. Testimonies from Tanzanian students also reveal that the chaos in the Israeli authorities' response in the Gaza Envelope extended to them as well. It took several days for the evacuation of the foreign students from the settlements in the envelope to begin, and those living in Sderot city were trapped in their apartment amidst combat and shelling for a week before they were finally evacuated to safety. Just two days after their evacuation, they were expected to report to their new workplaces—while students evacuated from the kibbutzim testified that they were at their new workplaces within five days.

In the chaotic aftermath of October 7, locating many foreigners in the Gaza Envelope area took many days. While thousands of Thai workers left the country soon after the massacre following encouragement from their government, the Tanzanian students remained. Testimonies collected by HRM show that Agrostudies the company that brought the students to Israel, spoke with them on the day of the massacre, advised them on how to protect themselves, and clarified that they would be evacuated when a new place will be located for them.

²³ The 'Gaza Envelope' is a term commonly used in Israel to refer to the communities within approximately seven kilometres of the border with Gaza, within range of shells and rockets from the Gaza strip.

²⁴ H. Shezaf and S. Makin, "The Unseen Victims of Hamas: Thai Workers in Israel," *Haaretz*, 16 October 2023, https://www.haaretz.com/israel-news/2023-10-16/ty-article-magazine/.premium/the-unseen-victims-of-hamas-thai-workers-in-israel/0000018b-333b-dff1-a5eb-ffffa2b60000

Testimony documented by HRM reveals that Tanzanian students who were trapped in their shelter in Kibbutz Mefalsim, two kilometers from the Gaza border, were taken under military escort just two days after the massacre to milk the cows.

"Two days after the massacre, on Monday, October 9, 2023, Daria (from Agrostudies) called and told us we needed to go to the dairy farm to take care of the cows, as Hamas had attacked the farm, destroyed generators, and killed cows. Soldiers came to take us from the apartment to the dairy farm that Monday at around 11 AM. We heard alarms and explosions from interceptions while we worked on the farm. It was very frightening. After work, the soldiers returned us to the apartment (in Mefalsim)".25

The danger that these students faced in underscored by case of Reuven Heinik, a dairy farmer from Kibbutz Kissufim who went to tend to his cows on 9 October and was murdered October by Hamas terrorists hiding on his farm.

HRM's efforts to help the survivors exercise their rights as victims of terrorism have so far been only partially successful.

NII accepted the claims of more than 70,000 people who were affected by the massacre, among them 647 foreigners who were wounded and managed to prove it.²⁶

3.3 Push Back Policy and Shooting at the Borders

Between 2006 and 2012, the State of Israel pursued a "hot return" policy of refugees to Egypt, allowing IDF soldiers and Border Police officers to return refugees who had crossed the Sinai border into the hands of the Egyptian authorities, sometimes within just a few hours, without individual examination or the opportunity to apply for asylum in Israel. The "hot return" procedure was based on an informal understanding between the governments of Israel and Egypt, according to which Egypt would not deport the returnees to their home countries and would permit the examination of asylum requests, but evidence indicated that Egypt did not uphold these understandings.

In 2007, HRM petitioned the High Court of Justice against the "hot return" policy, and in 2011, the state informed the Court that the procedure was suspended. The Court ruled that if reinstated, it must comply with international procedures and safeguard the rights of returned asylum seekers. In the following years, a small number of isolated cases occurred in which refugees were "hot returned" to Egypt without examination.

In recent years, increasing numbers of refugees and migrant workers have crossed the Jordanian border into Israel. In 2023, Israeli authorities attempted to push back a group of Sudanese asylum seekers at the Jordanian border, including a family with three young

²⁵ From the testimony of Nahum Nkwama, a Tanzanian citizen who survived the October 7th massacre at Kibbutz Mefalsim, testimony collected by Elad Zamir from the HRM on August 12, 2024.

²⁶ L. Adive, "One Year Into War: 885 Civilians Killed, Nearly 10,000 Wounded - National Insurance Institute," *Jerusalem Post*, 6 October 2024, https://www.jpost.com/israel-hamas-war/article-823326; Kav LaOved – The Workers Hotline, "Psychosocial Risk Factors in the Work of Migrant Workers in Israel During the War," https://bit.ly/3KFzZ9p

children—the youngest of whom was just six months old. The pushback failed due to Jordan's refusal to accept them.²⁷ Instead they were arrested and detained.

3.4 Treatment of Tigrayan Refugees

Since October 2022, and up until today, HRM has documented dozens of testimonies from women who crossed the Jordanian border. According to the women's testimonies, they left the Tigray region in Ethiopia due to the war, usually with the assistance of various Ethiopian registered manpower agencies. They were promised legal domestic household work in Jordan. Some of the women testified about difficult working conditions there, but others testified about conditions that amount to slavery.

When they arrived in Jordan, their passports were confiscated, in some cases by the agency, and in others by the family for whom they were to work. They were forced to work extremely long hours without proper conditions and for no payment. Some of them reported sexual harassment and even repeated rape incidents by the head of the household, his son, or even the chauffeur. One of the women testified that her employer told her that she had bought her from the agency and therefore did not need to pay her a salary. Some of the women were physically abused and humiliated by the other women in the household.

Many of the women testified that they had no possibility of communicating with their families or anyone else outside the family with whom they lived. Since their families in the Tigray region were isolated as well or were killed in the war, these women were in an extremely vulnerable position. The women were held in the house of their employer-oppressors between six months to four years before they managed to escape. At least ten of them testified that they were "sold" by their employer-oppressors to other families, who, to the best of their knowledge, were situated in the Occupied Palestinian Authority (OPT). Since they were not allowed to leave the families to which they were sold, they were not sure where these houses were located—if in Jordan or the OPT. The women testified that they were held under even harsher slavery-like conditions in their second households in comparison to their first employers.

Some of the women reported that the smuggling fees from Ethiopia via Jordan to Israel were paid by Ethiopian or Eritrean men living in Israel, who expected these women to serve them as their wives. In some cases, the women wanted to stay with the men who brought them to Israel, but in other cases, they were forced to stay with them. All these women are refugees from the Tigray region, except one, who is from Eritrea. The Israeli authorities recognised several dozen of these women as trafficking victims but rejected several other dozen. None of them was recognised as a refugee.

It is not known how many women from the Tigray region were pushed back from the Jordanian border back to Jordan, which is not a signatory to the refugee convention.

4. RECOMMENDATIONS

The submitting organisations urge the CAT committee to issue the following recommendations concerning Israel's immigration enforcement regime to bring it in line with its commitments under the CAT as well as related human rights norms:

²⁷ Hotline for Refugees and Migrants, "Detention of Migrants and Asylum Seekers in Israel: Annual Monitoring Report 2023," January 2025, https://hotline.org.il/wp-content/uploads/2025/01/2023-Detention-Report_English-final-with-cover.pdf

Immigration-Related Detention

- Adopt policy reforms regarding immigration-related detention measures as per
 the guidance provided by the UN Working Group on Arbitrary Detention in its
 Revised Deliberation No. 5 on the deprivation of liberty of migrants, including
 ending all forms of mandatory immigration detention and ensuring that immigration
 detention is only used as a measure of last resort, based on an individual
 assessment of each case establishing the necessity and proportionality of each
 detention decision, including developing legal procedures that ensure that
 "alternatives to detention" measures are always assessed before issuing detention
 orders.
 - According to Revised Deliberation No. 5 on the deprivation of liberty of migrants:
 - Paragraph 13: "Any form of detention, including detention in the course of migration proceedings, must be ordered and approved by a judge or other judicial authority. Anyone detained in the course of migration proceedings must be brought promptly before a judicial authority."
 - Paragraph 16: "Alternatives to detention must be sought to ensure that the detention is resorted to as an exceptional measure."
 - Paragraph 19: "Detention must comply with the principle of proportionality and as such, automatic and/or mandatory detention in the context of migration is arbitrary."
- Ensure that detainees are able to challenge the grounds of their detention before a court or other competent, independent, and impartial authority. As part of this, detainees should be provided with access to legal aid.
 - Revised Deliberation No. 5, paragraph 30: "Any detention in the course of migration proceedings that makes it impossible to mount an effective challenge to the continued detention is arbitrary."
- Immediately take steps to prevent abuses in detention centres. Ensure that
 detention centre personnel are trained to respect detainees' rights and are sensitised
 to their needs. Where individuals have committed abuses against detainees,
 perpetrators must be investigated and face criminal prosecution, and all necessary
 efforts must be made to allow victims access to mechanisms of justice and to prompt
 redress.
 - Revised Deliberation No. 5, paragraph 38: "All detained migrants must be treated humanely and with respect for their inherent dignity."
- Ensure that all detention sites meet international standards, ensuring that detainees are guaranteed the right and ability to communicate with the outside world; information is provided in alternative languages to ensure understanding; material conditions guarantee access to security, health, food, and other rights; and detainees are able to access legal representatives.
 - Revised Deliberation No. 5, paragraph 38: "The conditions of their detention must be humane, appropriate and respectful, noting the non-punitive character of the detention in the course of migration proceedings. Detention conditions and treatment must not be such as to impede the ability to challenge the lawfulness of detention, and detention should not be used as a tool to discourage asylum applications."

- Ensure that vulnerable groups are never placed in immigration detention, including asylum seekers, LGBTIQA+ persons, children, and people with mental illnesses are not placed in detention settings.
 - Revised Deliberation No. 5, paragraph 41: "Detention of migrants in other situations of vulnerability or at risk, such as pregnant women, breastfeeding mothers, elderly persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, or survivors of trafficking, torture and/or other serious violent crimes, must not take place."
- Ensure that detention time limits are kept to a minimum and never become indefinite
 - Revised Deliberation No. 5, paragraph 25: "A maximum detention period in the course of migration proceedings must be set by legislation, and such detention shall be permissible only for the shortest period of time. Excessive detention in the course of migration proceedings is arbitrary. Upon the expiry of the detention period set by law, the detained person must automatically be released."
- Eradicate racially discriminatory laws that lead to immigration detention:
 - Revised Deliberation No. 5, paragraph 21: "Migration detention policies and procedures must not be discriminatory or make distinctions based on the legal conditions of the person. Detaining someone solely on the basis of a distinction such as race, color, sex, language, religion, political or other opinion, national or social origin, economic position, birth, nationality or any other status will always be arbitrary."

Non Refoulement

- Israel should respect the right of people in need of international protection to access its territory and to seek asylum/protection from torture;
 - 1. Careful adherence to Military orders should be maintained at all times. When violations occur, investigations should be carried out and those responsible should be prosecuted to prevent an atmosphere of impunity.
 - 2. Border control measures should not endanger the lives of migrants seeking protection.

Asylum requests

- Israel should fully guarantee and facilitate access to a fair and impartial individual asylum determination procedure, including the provision of adequate information about the procedure and the implications of such a procedure on status in Israel.
 - 1. Israel must recognise as refugees Eritrean asylum seekers who have a well-founded fear of persecution as a result of fleeing national service in Eritrea.
 - Israel should incorporate into its procedures a clear and effective process for individuals fleeing torture who seek protection under the UN CAT, even in cases where such persecution does not fall under the grounds of the 1951 Refugee Convention.

- 3. The State of Israel should ensure that administrative detention on the grounds of irregular entry is not applied to asylum seekers. Detention of asylum seekers should be used only as a measure of last resort, on grounds specifically prescribed by law, and then only for the shortest possible time.
- 4. Israel should ensure that any transfer arrangements with third countries are transparent, adhere to international standards and, at the very first instance, are governed by clear guarantees of protection against *refoulement*. Such arrangements, and their implementation, must be subject to review by an external and independent body. Until such time, Israel must refrain from coercing Eritreans and Sudanese to leave Israel for a third country, even if they committed a crime, most notably by means of threat of indefinite imprisonment.

Rehabilitation and recognition

• Israel should establish a comprehensive mechanism for proactive identification, evaluation, and rehabilitation of torture and trafficking survivors living in Israel.