MAKING THEIR LIVES MISERABLE: STRUCTURAL VIOLENCE AND STATE RACISM TOWARDS ASYLUM SEEKERS FROM SUDAN AND ERITREA IN ISRAEL

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Abstract: This article examines state racism and structural violence inflicted upon Eritrean and Sudanese asylum seekers in Israel by surveying various exclusionary policies and their harmful effects. It situates exclusionary state practices of migration control in Israel’s racialized social dynamics, contextualized in Israel’s origins as a settler society and subsequent national ordering. Israel’s treatment of African asylum seekers is conceptualized as structural violence through an examination of unnecessary, preventable, or avoidable harms that were differentially inflicted upon this distinct, racialized migrant group both directly and indirectly. Claims in the article are based on ethnographic research conducted with asylum seekers who had been detained in Israel’s Holot detention facility. In contrast to Israel’s purported adherence to international commitments to human rights, including asylum protections, understanding asylum seekers’ destitution through the lens of structural violence enables us to place the onus and responsibility for human suffering upon the state.

Keywords: Asylum seekers, detention, exclusion, Israel, racism, structural violence.

Introduction

In a 2012 interview, Israel’s Interior Minister at the time, Eli Yishai, described Sudanese and Eritrean asylum seekers as a threat to national security and the Zionist dream, and ordered community-wide arrests. Though this group was long recognized as a non-removable population and granted collective protection, he stated: “until I can deport them, I’ll lock them up to make their lives miserable” (Efraim 2012, author’s translation). In the spirit of Yishai’s declaration, this article surveys a diverse array of exclusionary policies applied to Eritrean and Sudanese asylum seekers in Israel. It further contextualizes discriminatory treatment in colonial racism and argues that the Israeli state practices amount to structural violence.
In line with the message above, over 13,000 Sudanese and Eritrean asylum seekers, a non-deportable population, were held in a detention facility called Holot between 2013 and 2018. Only men were detained in Holot, without trial, after having lived in Israel for extended periods of time—some as long as eight years. Most detainees were held for a year and had pending asylum claims. Detention is one of the most striking acts of physical exclusion that states can inflict upon unwanted persons in their territory (Bloch and Schuster 2005: 509–510). It is a direct exercise of state control which infringes the liberties of those detained and inflicts harm. This article discusses detention as one measure of many the state has enacted in relation to a distinct migrant group, to pressure them to leave the country. Other policies and their negative ramifications may not be as blatant as detention. They may be perpetrated by diverse actors and institutions and encompass a broad range of actions which, intentional or not, produce harm (Weber and Pickering 2011: 93). By highlighting the harm asylum seekers experience in Israel, this article argues that Israeli policies amount to racialized structural violence.

Most literature on migration control in Israel attributes anti-migrant sentiments and Israel’s stringent migration regime to its ethnonational character and intense preoccupation with issues of demography and state security (Kemp and Raijman 2000; Kritzman-Amir 2009; Raijman 2010). Relatively less scholarship connects Israel’s regime of migration control with racism and racialization (e.g. Kemp 2004; Yacobi 2011, 2016; Anteby-Yemini 2015). Despite aptly theorizing Israel as a racial state (Goldberg 2002; Lentin 2018), less is written about how racism animates migration control policies.

This article examines exclusionary state practices of migration control within the context of racialized social relations whose origin can be found in colonial ideologies. The state of Israel was established by Jews of European descent who, though categorized as non-European “others” and rejected in Europe, emulated European nationalism in the process of settling in Palestine (Khazzoom 2008; Hirsch 2009; Erakat 2015). A hierarchical racialized order of belonging and exclusion is inherent to nationalism and settler societies around the globe (Dauvergne 2016; Lentin 2018: 18). I argue that Israel’s migration control regime exemplifies this principle in that it employs uneven enforcement and selective subjugation of a racialized migrant group—African asylum seekers—to state control and harms.

Social relations and inequality in Israel have been traced to colonial and post-colonial notions in studies of Mizrahi Jews and Palestinians (Kedar 2003; Kimmerling 2004; Shenhav 2006; Sabbagh-Khoury 2021). To a lesser extent, such explanations have also been applied to the treatment of Jewish citizens of Ethiopian descent (Tannenbaum-Domanovitz 2013; Yacobi 2016; Abu-Rabia-Queder 2019). Such discussions, which focus on Israel’s settler society and ongoing coloniality, highlight ways in which the Jewish state is racialized and racializes...
others. This framing can also shed light on Israel’s treatment of asylum seekers. While there has been a proliferation of research about African asylum seekers over the last decade, they have yet to be systematically examined through this framework. This article begins to address this gap by highlighting the hyper-enforcement and selective infliction of state violence as it relates to migration control and encourages the future study of related racialized structural violence by the state.

The term structural violence (Galtung 1969) refers to a cumulative set of acts and measures, applied over time, that directly and indirectly harm specific subjects. Such harms are racialized when they are inflicted upon a distinct group and are experienced as harmful by group members. Galtung’s definition of structural violence includes both direct acts and more diffuse forms of violence. In these less visible forms of violence, perpetrators might be hard to locate and the consequences may be indirect, but are nevertheless harmful, premeditated and caused by humans (Galtung 1969: 170). Harm-inflicting actors can include systems and institutions, as well as individuals. Harm is understood as damage caused to persons or groups as well as limitations placed on human potential and the right to survive and live with dignity (Roberts 2008: 19).

Border control scholars outline ways in which structural violence has become central to migration regimes across the globe. Canning describes “structural violence” as diverse forms of force which operate within the British asylum system. She writes that these cause “physical, social or emotional harm to people seeking asylum . . . that are avoidable but politically implemented as a means not only to control and deter asylum populations, but to cause harm” (Canning 2017: 47–48). Weber and Pickering explain that “[o]nce the violent implications of these structures are unmasked to potentially critical audiences, the political task of challenging the ideologies that legitimize them, and the competing interests that motivate them, can begin” (Weber and Pickering 2011: 95). Similarly, Roberts believes that “the more that research ‘denormalizes’ the ‘normal’ structural precepts, the more the extent of structural violence will move from the ‘invisible’ to the ‘visible’ domain” (Roberts 2008: 22). In that spirit, this article identifies and traces the way structural violence operates in the context of Israeli migration control.

Racialization in migration control is noted through the differential way in which a distinct group of migrants is treated in comparison with other groups. In the Israeli case, a diverse group of asylum seekers from African countries is made distinct through collective categorization, negative evaluation and associated stigmatization based on shared attributes or origin, and is thus racialized. Race operates a social construct which organizes groups hierarchically based on physical and other distinctions (Roy 2001: 77–80). As Stuart Hall articulated, race is “the great classificatory system of difference that operates in human societies. Race in this sense, is the centrepiece of a hierarchical system that produces
difference” (Hall 2017: 33). Alana Lentin’s definition expands on how race operates as “a technology for the management of human difference, the main goal of which is the production, reproduction and maintenance of white supremacy on both a local and a planetary scale” (Lentin 2020: 5). Group exclusion reaffirms the salience of racial groupings and hierarchy of rights, and can be observed through what Alexander Weheliye terms “racial assemblages,” sociopolitical processes that divide, categorize, and discipline people into groups attributed varying human worth (Weheliye 2014: 3–4). In Israel, racialization marks black asylum seekers as the target of the most extreme forms of exclusion and confines them to an existence at the margins of, or entirely separated from, Israeli society (Lentin 2018: 116–117).

After a note on methods and limitations, this article introduces the terminology used by the Israeli state in relation to migrants. It then contextualizes this study of Israel’s migration control regime within debates on colonial racism by outlining Israel’s settler society origins and subsequent racialized social ordering. The remaining sections survey various realms of life that exemplify the exclusion of this group within the state and away from it by presenting testimonies of African asylum seekers who had been detained. State violence is evident through informants’ experiences of intentional harm at the hands of the state. Racialized exclusion is based on a disparate treatment of African asylum seekers compared to other migrants and the white, Western, European self-perception of the Jewish state.

Research Methodology

First-hand experiences of state violence are crucial to understanding state policies and their effects. Indeed, research on criminology over the last decade increasingly emphasizes representation and attention to power inequalities in studies of populations held under state control (Phillips and Earle 2010; Bosworth and Kellezi 2017; Fili et al. 2018). This research follows earlier studies that acknowledge the subjective experiences of asylum seekers as valuable to knowledge production on state crimes of control (Grewcock 2012; Bhatia 2015; Canning 2017).

The findings are based on ethnographic fieldwork conducted with Sudanese and Eritrean asylum seekers between 2018 and 2020. Specifically, the research focused on asylum seekers’ experiences of state-enforced exclusion through detention and their understanding of their treatment as racialized. The research employed qualitative methodologies including in-depth interviews with 28 asylum seekers and participant observations at the Holot facility visitation area and in south Tel Aviv neighbourhoods where most asylum seekers live. The analysis and theorizing were discussed with key informants along the way.
Naming Foreigners in a Jewish State

Israel’s Population and Immigration Authority produces quarterly reports entitled “Data on Foreigners in Israel.” These reports provide updated information focusing on three groups of foreigners: (1) “migrant workers” defined as having entered the country with permits to work in designated sectors and those who have overstayed or breached the terms of their visas and work illegally; (2) “tourists” who have overstayed their visas and who remain and work illegally in the state; and (3) “infiltrators,” foreigners who entered Israel in unauthorized ways through the border with Egypt (discussed at length below).

At the close of 2021, 19,809 migrant workers and 48,600 tourists had overstayed or breached their permits and resided in Israel unlawfully. Of these, over 75 per cent were listed as hailing from countries in Eastern Europe and the former Soviet Union. The report also stated that 29,973 “infiltrators” lived in the country: 90 per cent were Sudanese and Eritrean nationals and 10 per cent were persons of other origins (Population and Immigration Authority 2021). The non-African unauthorized migrants comprise more than double the number of Eritrean and Sudanese in Israel, yet state policies and regulations governing their stay in Israel are very different from those applied to African asylum seekers. This section outlines popular arguments regarding the treatment of foreigners in the state to lay the groundwork for discussing racialized social ordering and bordering.

Scholarship on Israel’s migration regime and exclusion of non-Jewish migrants is largely dominated by two prevailing arguments which focus on the importance of (1) citizenship and (2) the ethnonational (Jewish) definition of the state. The animosity toward migrants and asylum seekers is widely considered to be based on competing claims around citizenship and rights (Raijman and Semyonov 2004; Raijman 2010; Cohen 2015) and/or racialized xenophobia stemming from the state and Israeli citizens’ primarily Jewish character (Canetti-Nisim and Pedahzur 2003; Duman 2015; Hochman 2017). The prevailing focus on the binary distinction between citizen and non-citizen, and Jewish and non-Jewish fails to consider the racial dynamics underlying Israel’s migration control policies.

Some scholars have contextualized the hostile treatment migrant workers experience in Israel as a “de jure ethno-racially hierarchical citizenship regime” (Raijman 2010: 89–90) or a “biopolitics of otherness” (Willen 2019) based on state rejection of non-Jews. Yet the state also applies racial differentiation to different non-Jewish migrant populations. Migrant workers with temporary work permits started entering the state in the 1990s. Those who have subsequently become undocumented, mostly from Asian countries, have been detained and deported based on individual cases. Some have been able to regularize their stay through legal proceedings. Persons who overstay their tourist visas and remain in
the state unlawfully, sometimes for decades, are usually subject to minimal immigration enforcement. This article argues that African asylum seekers experience greater exclusion, harsher treatment and enhanced state control than other non-Jewish migrant groups. I contend that this is due to a constructed “otherness” which corresponds with the state’s Eurocentric and ethnocentric self-perception.

Asylum seekers from Sudan and Eritrea entered Israel by foot through unauthorized border points on Israel’s border with Egypt’s Sinai desert between 2005 and 2012. These crossings came to a halt with Israel’s completion of a border barrier. The state acknowledged that Sudanese and Eritrean nationals cannot be deported due to risks in their home countries. They were permitted to remain in Israel through policies of “temporary group protection” or “collective non-removal” (Kritzman-Amir 2012). This decision is consistent with the international legal principle of non-refoulement. When Sudanese and Eritreans were first able to apply for asylum in 2012, most did. Yet the vast majority of applications remain pending and they continue to be referred to as “infiltrators” (Israel State Comptroller 2018).

African asylum seekers are the only migrant group designated as “infiltrators” under the Prevention of Infiltration Law (1954). Members of this group were detained based on group origins and mode of entry, not in accordance with the type of individual cases or criteria that apply to other undocumented migrant groups (Kritzman-Amir 2012; Ziegler 2015a). Despite recognizing them as non-removable, the state repeatedly threatens to detain and deport this group collectively, leaving them with tenuous legal standing through reassertions of detainability and deportability (De Genova 2019; Lentin and Moreo 2015). This differential treatment cannot be explained by theories of citizenship, ethnonational bordering, or demographic anxiety, but rather by understanding Israel’s racial social order.

**Contextualizing Migration Control in a Racialized Social Order**

Israel was established as a Jewish state, a definition affirmed in foundational documents, laws and state building narratives. Israel’s migration regime is consistent with this; the centrepiece of the Israeli immigration legislation is the Law of Return (1950), based on *jus sanguinis* principles that allocate citizenship to Jews and their descendants and keep citizenship largely out of reach for non-Jews (Shachar 1998). Belonging is undergirded by an ethnonational discourse that imagines the political community as based on a shared Jewish background. The desired ethnonational social order is realized through the state’s incorporation regime—state policies, discursive practices, rights protections and resource distribution—that privilege the Jewish majority (Shafir and Peled 2002, Rouhana and Huneidi 2016).
Throughout Israel’s history, native Palestinians and the surrounding Arab world were viewed through an Orientalist gaze that informed most national projects implemented in the twentieth century (Said 1978; Stoler 2006). It accompanied the state’s socio-political, structural and military efforts leading to expulsion, dispossession and violence perpetrated upon Palestinians during the 1948 Nakba. In 1967 Israel occupied the West Bank and the Gaza Strip and the Palestinians have been physically and legally excluded, policed, incarcerated and controlled in Gaza and the Occupied Territories while those Palestinians who stayed within Israel’s borders after 1948 remain as unwanted, second-class citizens (Rouhana and Ghanem 1998; Kimmerling 2004; Rouhana and Huneidi 2016). Palestinians experience the highest levels of detention, control, exclusion and racialization in and by the Israeli state (Shalhoub-Kevorkian 2015).

The state of Israel constructed itself as a European outpost as opposed to its “Oriental” surroundings and neighbouring states. In addition, the nation-building process was also characterized by internal hierarchical politics of membership. Colonial racism advanced European cultures and ideas as preferable and superior, accompanied by essentializing views of non-Western cultures (Said 1978; Hall 1992; Césaire 2000; see also Abdo and Yuval-Davis 1995; Lentin 2018; Sabbagh-Khoury 2021).

This point of distinction between Israel’s European self-perception and its Oriental others was particularly pertinent to the relationship between the founding group of European (Ashkenazi) Jews and Mizrahim (Jews from Asia, the Middle East and North Africa), who were treated as less valued citizens that required modernization based on their countries of origin (Shohat 1988; Khazzoom 2003; Smooha 2004; Shenhav 2006). A similar approach was applied to the African continent, its cultures and populations. Bar Yosef explains how representations of Africans in Israeli culture “say something about ourselves, our whiteness, our racial cleavages, and our national fantasies” (Bar Yosef 2013: 22, author’s translation; see also Yacobi 2016).

Similarly to many other settler societies, Israel developed a relational racial order that follows a “Eurocentric grammar of social exclusion” which unequally governs along hierarchical ethno-class lines (Yona 2005). Racial distinctions and hierarchies are evident through practices of spatial segregation amongst racialized Jewish groups and in the segregation and oppression of Palestinians. Similar dynamics exist in relation to migrants in general and, specifically, African asylum seekers.

Israel reflects global trends in that border securitization, criminalization of migrants and an increased convergence of immigration laws with criminal justice mechanisms are taking place. Growing scholarship on the criminology of mobility, and the subfield of border criminology,3 addresses such trends globally. Within
this body of scholarship, studies increasingly highlight the effects of empire and colonialism on migration control and penal practices. There is also growing recognition that present-day hierarchies of belonging within Western countries are shaped by colonial and postcolonial racisms (Gilroy 2003; Back et al. 2012: 150–151; Bhambra 2016). The discussion of African asylum seekers in the next section falls within this broader global context.

**The Exclusion of Asylum Seekers as Racialized Structural Violence**

This section focuses on experiences of African asylum seekers in Israel. The discussion draws on testimonies of Eritrean and Sudanese men who were detained in Holot to illustrate how state control is perceived by those subjected to it. It first describes exclusion in the state through the application of tenuous and securitizing legal status, precarious economic conditions and the denial of services. It then discusses exclusion from the state including physical removal through detention, social rejection and segregation.

**Exclusion in the State—Legal Exclusion and Economic Destitution**

Internal boundaries and everyday practices of bordering in Israel exclude African asylum seekers. State control of unwanted groups within its borders can be understood as being “another means by which the structural violence of borders is perpetrated” (Weber and Pickering 2011: 96). This section reviews exclusion within the state through examination of legal status and economic policies while outlining their discriminatory and harmful effects.

The use of the Prevention of Infiltration Law (1954) is indicative of the collective legal exclusion of African asylum seekers. In contrast to Sudanese and Eritreans, all other non-Jewish migrants are governed by the Entry to Israel Law (1952). According to the Prevention of Infiltration Law, Sudanese and Eritreans are defined as “infiltrators.” This law was passed soon after the founding of the state, to prevent Palestinians who were expelled from their homes from returning to their lands. It allowed for extensive administrative detention of border crossers, with few procedural protections, and was widely applied to displaced Palestinian refugees, serving as an early form of population management and border control (Bracha 1998; Berman 2015).

Applying this law to asylum seekers indicates that a process of “crimmigration” had taken place whereby criminal and immigration laws were jointly applied to facilitate the state aims of controlling population movement (Stumpf 2006; Rosenberg Rubins 2019). In such cases, entire groups of people—men, women and children—become associated with a particular immigration status that carries
They put this law of infiltration in the 1950s for people who came into the country to kill Israelis. The minute they started calling us by this name, every Israeli automatically thinks of that—he thinks it’s the same threat, they group us with the same people. But we didn’t infiltrate. We came to seek asylum.

So, this is what people know from television and newspapers: infiltrators, work migrants, scary . . . The government has been working on this for a long time.

As Tesfit explains, “infiltrators” became associated with Palestinians, long constructed as enemies, and as demographic and security threats. Associating asylum seekers with Palestinians through using the same legal framework marks them as similarly threatening and undesirable.

While the state justified its use of stringent security strategies as necessary to preventing “waves of African migrants” from storming its borders, Israel sealed the border with Egypt in 2012 making such arguments irrelevant. Furthermore, several thousand Sudanese and Eritrean nationals were given legal status and visas under the Entry to Israel Law, and not the Prevention of Infiltration Law, in line with changing policies in the early 2000s and due to legal challenges. This indicates the arbitrariness of the legal status provision. Nevertheless, asylum applications remain pending and refugee status is out of reach in Israel, despite high refugee recognition rates of Eritreans and Sudanese asylum seekers in Western states (UNHCR Representative, 2013). Thus, it seems that the decision to continue to refer to them as “infiltrators” stems from political rather than security reasons. This exemplifies Menjívar and Abrego’s arguments regarding the use of legal violence in the service of migration control, by

[a] legal system that purports to protect the nation but, instead, produces spaces and the possibility for material, emotional, and psychological injurious actions that target an entire group of people with a particular set of shared social characteristics.

(Menjívar and Abrego 2012: 1414)

In the Israeli case, this refers to black migrants who crossed the border by foot seeking asylum.

Criminalizing constructions are used to legitimize exclusionary treatment, rights deprivation and stringent policies. Across the Global North, the criminalization of migration pushes asylum seekers into illegality and prevents integration
(Squire 2009; Dwyer et al. 2016). As state control is enforced upon non-white migrants from the Global South, it illuminates the centrality of racial hierarchies to migration control (Fekete 2009; Bosworth et al. 2018).

Racialization in the Israeli case is clear. Asylum seekers from Eritrea and Sudan are clumped together as a homogenous group. They are then constructed as criminals and as deserving the same harsh treatment, regardless of individual cases or claims. Generalizations have been made about their origins, nature and motivations. As Tesfit explains:

They don’t even know who we are, and what brought us there. All they know is we are work migrants and infiltrators. They would even call us Sudanese. They had no idea we are Eritrean. They just see us as infiltrators.

This heterogeneous group was categorized and stigmatized in media and political discourse as racialized subjects—a group of black, dangerous, job seekers (Yacobi 2016; Moscovitz 2016; Weinblum 2019). Individuality and diversity have been erased and individual actions and stories cease to matter (Tirosh and Klein-Avrham 2019). As De Genova states, regarding migrant detention, migrants “are penalised simply for being who and what they are” (De Genova 2019: 96) and as being undesirable. Omar describes the process of exclusion based on race that he experienced soon after he arrived in Israel:

From 2010 I started to feel it—they jumbled all of us together, and I understood they were throwing all of us to the garbage . . .

I used to think this was a democracy—but now I know that it’s only reserved for specific people. Not for Africans. Here, they assess a man according to his colour, not his heart, not his brain.

The state-issued legal documentation for asylum seekers under the Prevention of Infiltration Law is called a 2(A)5 permit (also termed “Conditional Release Visa”). While migrant visas assign rights in accordance with the duration and purpose of a person’s stay in the country, the 2(A)5 visa is a temporary document that doesn’t grant its holder any social, health or welfare rights (Ziegler 2015a; Gutzeit and Shamir 2017). They must frequently renew this document at a single Ministry of Interior office that receives African asylum seekers. This procedure, furthermore, subjects asylum seekers to constant state surveillance and maltreatment by state agents (Sadan et al. 2018). Rafael described how temporary status and the need to repeatedly renew his visa led him to want to leave Israel:
When you go to the Ministry of Interior you don’t know what’s going to happen. They don’t treat you like a human being. They’re so rude, they shout at you, make you angry.

Every two months you have to go renew your visa, so every two months they fuck with your head. Every time there’s new laws. They say bring your pay slip, then they ask for an apartment contract—every time they ask for something else. It’s too much pressure, I hated living here. I said to myself, I can’t live like this, so I decided to leave—if I die, I die, if not I’ll go through Libya to Europe where they know what we’ve been through, and they treat us like refugees.

Bureaucratic abuse and pressure led many like Rafael to choose illegality or instability to avoid direct interactions with the state and its agents. Yousef described how having restrictive legal status, and being black stigmatized them, limited their possibilities and subjected them to increased state control:

In this country, everything depends on papers. If you want to go anywhere you need your ID, an ID we don’t have. We have our own identity—this colour skin and this hair is totally an identity... it plays a huge role in Israel, in recognizing our difference. We are easy to catch. If someone is Russian or white person from anywhere in the world it’s hard for police to recognize... but if you are black it is obvious, you stand out and they look for you...

So, it is the logic of skin colour, and they hide behind Judaism. This is the logic of segregating asylum seekers from migrant workers, this is why they call us infiltrators.

Unlike other migrants, African asylum seekers hold their tenuous legal status indefinitely. The racial profiling of African asylum seekers, their legal status, and the hyper-enforcement of state control compared to non-black migrant groups are indicative of racialization.

The 2(A)5 visa is also harmful economically as it is not a work permit and makes the right to be employed unclear. Written at the top of the 2(A)5 visa is the phrase: “This document is not a work permit.” Asylum seekers can work based on a government issued guarantee before the Supreme Court (HCJ 6312/10 Workers Hotline et al. v. Israel’s Government et al. 2010), however the wording on their visa is confusing and discourages employers from hiring them. Mikael described how illegality is a state agenda:

They want us to be illegal. They want us to work without a visa, so that we’ve done something illegal, they can deport us. So there will be something to point at and say—“now you’re not a refugee, now you’re a troublemaker.”
Employers are forced to take part in the economic exclusion of asylum seekers who work legally. They are required to pay a 16 per cent tax meant to disincentivize the hiring of asylum seekers and cover social services they do not receive. Asylum seekers may only access on-going healthcare through their place of work, they are not eligible for severance pay or social security. Many asylum seekers work illegally and, thus, do not enjoy job security, healthcare or labour rights protections.

Israel’s “Deposit Law,” implemented between 2017 and 2020, represented a more extreme enactment of economic violence and exclusion. The law mandated that 20 per cent from asylum seekers’ salaries be deducted every month. Employers were required to deposit these funds in a special account, only accessible to asylum seekers if they agreed to exit the country (Guthmann and Kaufman 2019). Heightened taxation made gainful employment out of reach and the hiring of asylum seekers highly undesirable. During the years in which the law was implemented, many asylum seekers experienced extreme poverty (Mehartzion et al. 2017). When the law was cancelled by the Supreme Court in April 2020, the deposited funds were released. However, 700 million shekels of the deducted sums were not deposited properly and were, in effect, stolen from the workers who earned them (Ilan 2019).

By limiting asylum seekers’ rights, Israel encourages illegality and marginalization. Most asylum seekers survive in Israel through informal economies and unlawful arrangements, where they lack basic necessities and access to services, adversely impacting their wellbeing and subsistence. Structural violence thus finds expression in state policies related to legal status and economic opportunities for those within its borders.

Exclusion from the State—Physical Exclusion and Social Distance

Since 2005, Israel has repeatedly attempted to physically exclude and segregate African asylum seekers. Efforts to exclude this group include pushback attempts at the Egyptian border (Afeef 2009: 12–13), collective incarceration and detention. This was followed by a geographical containment policy enacted in 2008 meant to keep asylum seekers away from Israel’s central region (Berman 2015). When the state of South Sudan was established in 2012, Israel quickly deported the South Sudanese despite political precarity, instability and insecurity in that country (Lijnders 2013).

Various policies have been enacted to encourage departure or disincentivize asylum seekers from staying in the country. The visa renewal requirements and the Deposit Law discussed above are just two examples. In 2013 the state initiated a “voluntary departure” scheme intended to facilitate the departure of asylum seekers from Israel (Gerver 2017). NGO reports have demonstrated that harsh policies
have made asylum seekers’ lives in Israel increasingly difficult calling into question the extent to which such departures are “voluntary” (Rozen 2015; ASSAF 2015). As the quote which opens this article makes clear, detention was one of a long line of measures intended to make asylum seekers’ lives “miserable” and push them out.

Detention in the Holot facility in the Negev Desert began in late 2013, several years after asylum seekers arrived in Israel. Unable to forcibly deport them, the stated aim of detention was to remove Sudanese and Eritreans from urban centres (Ziegler 2015b). This policy of detention ignored their asylum claims, denied them the basic right to liberty and violated other international protection principles (UNHCR 2013). In detention, men pointed to the structural and institutional racism they faced in comparison with other migrant groups. As Kibrom explained:

Because we are black, they are doing this to us. If we were white, they wouldn’t do this. There are plenty of white people here—asylum seekers, refugees . . . They get treated like humans. Just us, because our colour is black, they do this to us. It’s racism. Really, it’s racism.

The detained men frequently mentioned skin colour as a racial marker. They strongly believed that the stated aim of Israel’s immigration regime—to maintain a Jewish state and a demographic Jewish majority—was not equally enforced across migrant populations. Migration control, therefore, was selective and racialized. As Awet aptly described:

There are so many more people here who came from other countries—Ukraine, Philippines, China—they don’t say one word about them. They don’t say a cancer in our body. They don’t call them infiltrators. They didn’t open Holot for them. They didn’t enact the Deposit Law for them. Suddenly—for Africans, they do all of this . . .

They all have other religions. But this is a different issue, it’s the issue of colour. They say it’s a Jewish state. Also, it’s a state for white people.

Detention in Holot inflicted direct harm on detainees, reaffirmed the salience of racial categories and legitimated the curtailment of rights. While 10 per cent of the “infiltrator” population is comprised of persons from other countries, detention requirements were applied only to Sudanese and Eritrean men. It thus defined those asylum seekers as meriting the most extreme form of exclusion based on their origins. Furthermore, it disregarded their claims to asylum and the protections involved.
Immigration detention creates a “racialised and criminalised space; and a form of experience that shapes how individuals are able to participate in society” (Silverman and Massa 2012: 682) as it removes individuals to the edges of the juridical and social space. In Israel, being singled out and disproportionally targeted for control compared to other migrant groups emphasized to the men that the discrimination they faced was racially motivated. Kibrom expressed this idea:

The Israeli people don’t get it, they have no idea—they are told Holot is a hotel, that Eritreans hang out here, don’t work, get money, get food. They don’t understand that we were put here by force, without anything. They think maybe we were troublemakers; they don’t know some of us are asylum seekers.

Every person should get what is right for his case. Just because you are black, they say, “Black man—you don’t deserve nothing here.”

Policies, discourses and practices in Israel are consistent with trends in the global north where racialized asylum seekers are increasingly criminalized through overlap and congruence between the categories “foreign” and “criminal” (Franko and Bosworth 2013; Bhatia 2015; Franko 2020). Similar to the situation elsewhere, in Israel there is a “circular rationale that legitimizes detention: migrants might be criminals, necessitating detention; migrants must be criminals, because they are detained” (Mountz et al. 2013: 527). In Israel the use of the “infiltrator” category adds an additional securitizing and racializing element due to its link to Palestinians.

Detention was also injurious to communities and caused long-term damage to asylum seekers’ social standing and wellbeing. In 2018, prior to Holot’s closure, the government attempted to forcibly remove African asylum seekers to Rwanda and Uganda (Yaron 2018). While this was eventually outlawed by the Supreme Court and Holot was closed, physical segregation continued. Individuals released from Holot are prohibited from residing in several Israeli cities including Tel Aviv—where human rights organizations and communal networks are strongest. They were also prohibited from moving to other cities with large numbers of asylum seekers where they had established connections, community and support.

African asylum seekers have been socially and geographically relegated to the margins of Israeli society since arrival. Upon their entry to the country, the authorities released them to the impoverished and neglected urban centre of South Tel Aviv. This was one of the few places where they could work and rent apartments. However, life in South Tel Aviv, without access to support services or guidance in the new state, proved disastrous. Asylum seekers struggle alongside other disenfranchised groups in this area, including marginalized Mizrahi Jews. Tensions have risen between these groups (Cohen 2015, Anteby-Yemini 2015; Shamur
2018) fuelled by political incitement that led to xenophobic violence (Tsurkov 2012; Duman 2015). Tesfit explained that asylum seekers were largely forced to reside in this area:

From the start they threw us in the garden [the Levinsky Park in South Tel Aviv], like garbage. Some of us managed to save ourselves, and others didn’t . . . Living in the garden, we would stand in long lines waiting for food that people donated and gave out.

People asked me why I didn’t live elsewhere. I tried to rent in other places—with a visa that says I can’t work here, it’s too hard . . . so you rent where they allow you to rent in cash. Really, no one wants to live there.

Yonas reflected on how relegation to Israel’s socio-economic margins worsened asylum seekers’ situation and contributed to their exclusion:

They dumped us in South Tel Aviv, so what do they expect from us? The state doesn’t let us work, doesn’t let us eat, doesn’t let us learn the language—it’s the state’s own doing. And now it blames this on us?

South Tel Aviv was troubled before, but who forced the refugees to be there? And who forced refugees to be in trauma? In depression? In anxiety? If they don’t offer us any place to live or work or anything, what do they expect from us? And instead of helping us, they oppress us, they take from us, or force us to leave the country, or discourage us.

Some give up. They think it is a solution to drink alcohol. I don’t deny that there are a few refugees that do bad things. But the reason is the Israeli government, they push them to do bad things. They become discouraged people; they become insane.

Life in impoverished urban areas is characterized by heightened risk. In South Tel Aviv, asylum seekers live in illegally sub-divided apartments with pirated electricity where they can pay rent in cash and where health and safety requirements are often overlooked (Israel State Comptroller 2014: 75–76).

Public infrastructure in South Tel Aviv is poor, and the area is characterized by homelessness, prostitution, drug use and illegal and violent conduct. Sudanese and Eritreans have been adversely affected by these living conditions while, simultaneously, the public associates them with the criminal activity endemic to the area. Omar explained how exclusion persisted beyond detention: “Tel Aviv is a prison, one big prison. A prison is not just being closed up. This is prison in another way,
because of your colour.” Whether through detention in Holot, or social segregation in impoverished urban areas, African asylum seekers have been excluded from Israeli state and society.

As these testimonies reveal, the state’s efforts to exclude asylum seekers reaffirm racial categories. They construct black asylum seekers as deserving the most extreme form of exclusion based on their origin and mode of entry. Being black and not Jewish relegates this group to a lower place in the social and economic hierarchy.

Conclusion

This article has reviewed state policies, practices and discourses characterizing the situation of African asylum seekers in Israel. It links state violence inflicted upon Palestinians with the treatment of this distinct migrant group through legal status and racialization. Examining Israel’s severe policies and practices of migration control, and their origins in security legislation, illuminates state policies as racialized structural violence. Through this lens, the harsh and destitute realities of asylum seekers in Israel can be understood as injurious outcomes produced by the state.

Racialized structural violence is inflicted upon this group of African asylum seekers along a continuum of control and exclusion. It began with attempts to prevent them entering, and continues with disregard for individual asylum applications, detaining them in Holot and forcing them to live in impoverished urban neighbourhoods in Tel Aviv and elsewhere. African asylum seekers are excluded in society through policies limiting their legal and economic realities, and from society through social and physical separation. The social, political and physical exclusion of African non-Jewish non-citizens reflects the emboldening of Jewish whiteness in the state. This case study demonstrates ways in which seemingly unrelated actions by state agents and institutions have shaped a miserable reality.

Notes

2. In August 2002, an Immigration Police was established in Israel, with the objective of deporting undocumented migrants. Mass deportation campaigns took place between 2002 and 2005. During these years more than 40,000 persons were forcibly deported, and over 100,000 migrants were “encouraged” to exit the country in different ways. (For in depth studies of migrant worker racialization and exclusion see e.g. Kemp 2004; Raijman 2010; Willen 2019).
3. For foundational texts in this subfield see for example: Franko and Bosworth 2013; Pickering et al. 2015; Stumpf 2006; Weber and Pickering 2011.
4. According to the Ministry of the Interior, 1,400 Sudanese from Darfur, Nuba Mountains and the Blue Nile regions received temporary residence status and A(5) visas, based on humanitarian reasons. An A(5) visa enables them to obtain health insurance, social services, and improved working conditions. An additional group of 300 Sudanese were given B/1 tourist Visas (Population and Immigration Authority 2020: 9). Several thousands of Eritreans were given B/1 visas upon entry at the border due to inconsistent visa policies between 2005 and 2010 (Paz 2011).

5. Visa renewal is only possible at two MOI branches for asylum seekers across the country—one in Bnei Brak and a second in Israel’s most southern city of Eilat (the Eilat MOI branch has been closed to renewals since the outbreak of Covid-19).

6. The phrase “cancer in our body” was used to describe African asylum seekers in Israel by Miri Regev, member of Parliament in the right-wing Likud party (Tsurkov 2012).

References


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