

THE DISPLACEMENT OF ASYLUM:
SECURITIZATION, 'VOLUNTARY RETURN' AND ISRAEL'S MANAGEMENT OF
ERITREAN AND SUDANESE ASYLUM SEEKERS

MELISSA C. SCOTT

A THESIS SUBMITTED TO
THE FACULTY OF GRADUATE STUDIES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE OF
MASTER OF ARTS

GRADUATE PROGRAM IN DEVELOPMENT STUDIES
YORK UNIVERSITY
TORONTO, ONTARIO

APRIL 2015

© MELISSA SCOTT, 2015

ABSTRACT

Rather than asylum being seen as a matter of protection of those forcibly displaced, relying on international law instruments and an internationally inscribed asylum and human rights regime, it has increasingly been characterized as a security issue for states and societies. More recently, the literature has acknowledged how prolific border controls have coincided with deepening processes of the securitization of migration and the criminalization of migrants on the 'lower wrung' of desirability, inscribing exclusionary distinctions between 'desirable' and 'undesirable' or 'productive' and 'threatening' forms of migration. Subject to this political framing, politicians and governments have targeted refugees and asylum seekers as objects of securitization. Against this backdrop, this thesis examines asylum in Israel through engaging with literature on the securitization of migration, exploring how the government's approach to the management of asylum is contributing to the 'voluntary return' of Eritrean and Sudanese asylum seekers who are leaving the state for other countries. By April 2015, over 9000 Eritrean and Sudanese asylum seekers had 'voluntarily' left Israel throughout the previous two years— a number representing a significant portion of the 55,000 asylum seekers who resided in Israel at the end of 2013. Through primary and secondary research, this thesis explores factors contributing to the departure of Eritrean and Sudanese asylum seekers from the state. Along with exclusionary policies, draconian laws and the use of detention, obstacles to accessing Israel's asylum Refugee Status Determination (RSD) system have shaped the conditions informing the analysis. This research also provides an analysis of the state's management of asylum through examining the securitization of asylum seekers in the discourse of state agents and politicians. While Israel's hostile framing of Sudanese and Eritrean asylum seekers reflects a globalized anxiety about the 'Other,' concerns around the 'security' of the nation take a unique form in Israel, linking with a 'security disposition' and an ethno-national struggle over territory and the ethnic identity of the state.

DEDICATION

I would like to dedicate this work to all those living as asylum seekers in Israel, along with those who have left Israel for other countries. Despite the harsh conditions and the uncertainty you face, you meet life and the challenges you face with extraordinary courage and character. I am motivated by your resilience, determination and hope for the future. I dedicate this work to you all and leave with you the words of Carmen H. Anderson:

“No nation is an Island, Nor a containment even,
A wall cannot divide. The human spirit,
Like weeds in concrete, Breaks through.”¹

May your future be filled with onward motion and deep fulfillment wherever you are. May walls—national and otherwise— never stop you. And may you perhaps even find a place, both geographical and otherwise, that you and your families may, in peace, call ‘home.’

This work is also specifically dedicated to the most important person in my life: the man whose love and belief in me (and the importance of my work) spurs me on. Your thoughtful and intelligent insights, penetrating and pointed analysis of the social and political (in Israel and on a global scale) and passion for working to shift the realities that shape people’s lives unceasingly inspires me and has naturally bled in to this work. During this project, you alone have had the words and wisdom to know what I’ve needed to hear a good many times. Thank you for all these many things and for the journey.

¹ Anderson, C. as cited in Soguk, N. (1999: 241).

ACKNOWLEDGEMENTS

First, I would like to thank the people at the heart of this thesis: the Eritrean and Sudanese asylum seekers I've met in Israel. Although you are not identifiable by name in this work, it is your experiences and stories that fill these pages and were the key source of inspiration for me as I wrote. I hope this work moves the conversation forward in terms of the social and political realities that shape your experience of asylum and predicament in the Israeli state.

Significant words of thanks go to those who willingly gave their time and thoughts in interviews, all of which were essential to understanding more comprehensively on a variety of levels, the situation for asylum seekers in Israel. These individuals included Eritrean and Sudanese asylum seekers, refugee advocates, human rights activists, non-governmental organizations, academics, lawyers and other stakeholders and relevant voices. Thanks goes to many of the civil society organizations and most specifically the non-governmental organizations I interacted with in the process of this research being carried out, including the African Refugee Development Centre (ARDC) in Tel Aviv, where I volunteered in the summer of 2013. Thank you also for allowing the generous use of your offices for interviews and to the Community Education Centre (CEC) for providing the same. Thank you to the Hotline for Refugees and Migrants (HRM) for providing resources and literature, to Tel Aviv University's Master's in Migration program that invited me to take part in sessions and to all those who went out of their way to meet with me and connect me to the resources and the people that made this research possible. Aside from this research, I would like to also thank all the wonderful people I've met in Israel who have made my times there what they have been.

I would like to express my deep gratitude and appreciation to Dr. Jennifer Hyndman, who has been instrumental in the completion of this thesis. You have offered to me so generously your critical guidance, support, time and encouragement when it was most needed. It is clear that your contribution in academia goes far beyond the scholarly contributions you have made and continue to make: in the impact you make in the lives of students. You have certainly already made your mark on mine and I will never forget how much your supervision of this work has meant to me. Special thanks must be extended to my Thesis Supervisory Committee members, Dr. Merouan Mekouar, whose keen insights and literature recommendations I have greatly valued, and Dr. Fahim Quadir, whose support of me and anticipation of excellence in my scholarship both now and in the future, has been—and I'm sure will be—of great value. This work could not have been finished when it was without all of you. The guidance and suggestions of those individuals I've identified and many others has been invaluable; however, any errors in this work are mine alone. A special thank you to Ban Kattan and Heather Donald for each editing a couple chapters of this work for flow, grammatical errors, syntax and of course offering their helpful feedback on content while they were at it.

I owe significant thanks to York University's Centre for Refugee Studies (CRS), which has served as the main scholarly community I've engaged with during my time as a graduate student at York University. CRS has played a significant role in shaping my scholarship and experience of graduate school at York. To all those I've had the privilege of working and collaborating with as part of CRS's Student Caucus and World University Service of Canada (WUSC) on the York local committee, I'm grateful to have spent these past years getting to know you and working alongside you. To family and dear friends, you all know who you are. Thank you for your encouragement and support through these years of graduate school, particularly in times of challenge with unexpected obstacles that arose. In the demands of this season of life and the writing process, your love and support has made a great difference.

Toronto, April 2015

TABLE OF CONTENTS

Abstract.....	ii
Dedication.....	iii
Acknowledgements.....	iv
Table of Contents.....	v
Abbreviations.....	vi
List of Tables.....	vii
List of Figures.....	vii
 Chapter One: Israel: A Wonderful Country for Refugees?	1
1.1 A Brief Overview: Asylum Seekers in Israel.....	5
1.2 Contextual Background: The Global Asylum Regime.....	8
1.3 Aims and Rationale	10
1.4 Key Actors.....	12
1.5 Organization of Thesis.....	14
 Chapter Two: Research Process and Methods	15
 Chapter Three: “How Can We Remain?”: Asylum Seeker’s Experience of Israel’s Policies and Practice	21
3.1 The ‘Never Ending Tunnel’ in Which Asylum Cannot Be Found.....	21
3.2 Police and the Ministry of Interior as “Enemies” of Asylum Seekers.....	24
3.3 “This One is Not Allowed to Work”: Economic Regulation of Asylum Seekers.....	26
3.4 ‘They Thought that We are Animals’: Experiences of Criminalization, Discrimination and Protest Directed Towards Asylum Seekers’.....	28
3.5 “Where is My Future?”: The Psychological Stress of Uncertainty and Impending Detention.....	32
3.6 ‘Push[ed] Over the Edge’: Asylum Seeker’s Narrations of ‘Voluntary Return’.....	35
 Chapter Four: Creating Threat: Anti-Asylum Discourse and Law	38
4.1 Netanyahu’s Anti-Asylum Politics.....	42
4.2 “We Will Be Here and They Will Be There”: The ‘Enclosing’ of a Nation.....	44
4.3 The Making of ‘Infiltrators’.....	49
4.4 Pitting Israel’s High Court and Asylum Seekers Against ‘the People’.....	54
4.5 Politics, Ethnic Identity and Asylum.....	56
 Chapter Five: The Securitization of Asylum and Politics of ‘Voluntary Return’ Among Asylum Seekers in Israel	59
5.1 The Securitization of Asylum in a Global Age.....	60
5.2 Drawing Conclusions on Israel’s ‘Voluntary Return’ of Asylum Seekers.....	63
 Chapter Six: Considering Israel’s Displacement of Asylum and the Dilemma of the Asylum Seeker	69
6.1 Problematizing the Relationship Between the State’s Migration Management and Asylum Policies and Practices.....	69
6.2 The Framing of Asylum Seekers By Politicians.....	73
6.3 Territory as the ‘Kernel of the Nation’: Linking Identity, Territory and Nationalism to Understand the Context of ‘Voluntary Return’.....	75
6.4 The Dilemma of the Asylum Seeker and the Asylum Seeker’s Rights.....	77
 Bibliography	86
 Appendices	96
Appendix A. Map of Israel’s Barriers.....	96
Appendix B. Map of Israel and the Occupied Territories.....	97
Appendix C. Interviews and Focus Group.....	98

ABBREVIATIONS

ACRI – The Association for Civil Rights in Israel
AI – Amnesty International
ARDC – African Refugee Development Centre
CBO – Community-Based Organization
CEC – Community Education Centre
HRM – Hotline for Refugees and Migrants
HRW – Human Rights Watch
IDC – International Detention Coalition
IOM – International Organization for Migration
MK – Member of the Knesset
MOI – Ministry of the Interior
NGO – Non-Governmental Organization
PIBA – Population, Immigration and Border Authority
PHR – Physicians for Human Rights
RSD – Refugee Status Determination
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees

LIST OF TABLES

Table 1. Individual Interviews with Eritrean and Sudanese Asylum Seekers.....	98
Table 2. Individual Interviews with Informants.....	99
Table 3. Key Informant Interviews.....	100
Table 4. Focus Group Respondents.....	100

LIST OF FIGURES

Figure 1. Photo of Eritrean woman with Hebrew graffiti.....	30
Figure 2. View of Israel-Egypt border fence.....	47
Figure 3. Map of Israel's barriers.....	94
Figure 4. Map of Israel and the Occupied Territories.....	95

CHAPTER ONE: ISRAEL: A WONDERFUL COUNTRY FOR REFUGEES?²

People have always moved – whether through desire or through violence. Scholars have also written about these movements for a long time and from diverse perspectives. What is interesting is that now particular theoretical shifts have arranged themselves into new conjunctures that give these phenomena greater analytic visibility than ever before. Thus we ... have old questions, but also something very new (Malkki 1992: 24).

Since the founding of the state in 1948, Israel has recognized just over 200 African asylum seekers as refugees, raising concerns as to the state's exclusionary approach and the underlying ideology informing Israel's asylum system and management of asylum seekers (Kritzman-Amir 2010). While Israel has not historically been a major destination for those seeking asylum as refugees, there are currently around 47,000 asylum seekers from Sub-Saharan Africa residing in the state, originating primarily from Eritrea and Sudan (PIBA 2015).³ Although asylum seekers may access a 2A5 or 'conditional release' visa offering limited rights, refugee recognition has been rendered institutionally inaccessible. Of all Eritrean and Sudanese nationals who have sought asylum in Israel, only four Eritrean and no Sudanese nationals have ever been granted refugee status (Human Rights Watch 2014). Over the past eight years, Israeli authorities have applied various measures to "make [asylum seekers] lives miserable" and "encourage the illegals [asylum seekers] to leave," in the words of former Israeli Interior Ministers Eli Yishai and Interior Minister Gideon Sa'ar, respectively (Human Rights Watch 2014). Anti-asylum policies, draconian laws, the increasing use of detention and obstacles to accessing Israel's asylum system have been features of Israel's management of asylum. These tactics shape the conditions informing the 'voluntary return' of Eritrean and Sudanese asylum seekers departing from Israel and are salient features of the government's intention to make asylum seeker's lives 'miserable' until they leave.

Framing 'the political' in relation to security (Nyers 2010), the migration of 'undesirable' categories of migrants has become of greater political concern in states of the global North (Agier 2011). Rather than asylum being seen as a matter of protection of those forcibly displaced, relying on international law instruments and an

² 'Israel is a Wonderful Country for Refugees. In Theory' was the headline of an Israeli newspaper article published in May 2006 with the recommendations given by a special advisory council responsible for Israel's migration policies. This was at a time when only a few hundred asylum seekers resided in Israel (Wurgraft 2006 as cited in Kalir 2014: 1). Kalir suggests that the title of the article, written by Nurit Wargaft, a longstanding advocate of human rights, "expressed the skepticism she felt around the chances of the committee to change the exclusionary and ridged ethno-religious Israeli migration regime" (2014: 2). See Kalir (2014: 1-2) for the full context and the report that was provided by the advisory council.

³ While the terms 'asylum seeker' and refugee are often conflated and confused, in terms of legal status and recognition, the United Nations High Commissioner for Refugees (UNHCR) specifies that "an asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated" (2015). The definition of a refugee will be provided later in this chapter. The UNHCR indicates that: "National asylum systems are there to decide which asylum-seekers actually qualify for international protection. Those judged through proper procedures not to be refugees, nor to be in need of any other form of international protection, can be sent back to their home countries" (2015).

internationally inscribed asylum and human rights regime, it has increasingly been characterized as a security issue for states and societies. Prolific border controls have coincided with deepening processes of the securitization of migration and the criminalization of migrants on the 'lower rung' of desirability, inscribing exclusionary distinctions between 'desirable' and 'undesirable' or 'productive' and 'threatening' forms of migration (Bigo 2004, Buonfino 2004, Huysmans 2006). Asylum seekers have been depicted by liberal democracies as a "risky group that needs to be prevented, contained and, preferably, repatriated" (Malloch and Stanley 2010: 54). Subject to this political framing, politicians and governments have targeted refugees and asylum seekers as objects of securitization, representing asylum seekers as "harbingers or threats, dangers and social ills" (Watson 2009 as in Nyers and Rygiel 2012). Buonfino (2004) points out that the "flow of foreigners, the other" into national space through immigration and asylum has increasingly become a phenomenon that sovereign states have approached as needing to be "controlled, filtered, if not reduced" (48). Evidently, as Peter Nyers points out, "the most distinctive political acts" utilize the use of exclusion (Nyers 2010: 206). Exclusion, in the words of Nyers, is "enabled" by "employing 'risk,' 'danger,' or insecurity as categories" (Nyers 2010: 206). Applying this insight to the state management of asylum, the framing asylum seekers as objects of securitization is arguably a tool of statecraft, resulting in minimized spaces of refuge for those seeking protection as refugees. In Israel, an increasingly "tenacious hostile approach" (Kalir 2014: 1) towards asylum and asylum seekers and the framing asylum seekers as "harbingers or threats, dangers and social ills" (Watson 2009 as in Nyers and Rygiel 2012) has been starkly evident and chiefly carried out by Israeli policy-makers and state agents. The 'asylum issue' has become a charged matter within the Israeli state and society, involving the discursive framing of Sudanese and Eritrean asylum seekers as a threat to Israel's national security and national identity (Kalir 2014).

This thesis examines asylum in Israel through engaging with literature on the securitization of migration, exploring how the government's approach to the management of asylum creates the conditions of asylum within the state and growing instances of the 'voluntary return' of Eritrean and Sudanese asylum seekers who are leaving the state for other countries. Bigo's (2002) discussion of securitization of migration—and by extension, the securitization of asylum—is key in this work, as Bigo's conceptualization of securitization sees it as a process that "permit[s] specific groups to be blamed, even before they have done anything, simply by categorizing them" (Bigo 2002: 81 as cited in Nyers 2010: 206). According to Bigo:

The securitization of immigration [asylum] is not only an effect of, even if it contributes to, the propaganda of the far right political parties, the rise of racism, a new and more efficient rhetoric convincing the population of a danger, or successful "speech acts" performed by actors coming from the state or from the society. Securitization of the immigrant [or asylum seeker] as a risk is based on our conception of the state as a body

or a container for the polity. It is anchored in the fears of politicians about losing their symbolic control over the territorial boundaries...it is based, finally, on the "unease" that some citizens who feel discarded suffer because they cannot cope with the uncertainty of everyday life (2010: 65).

The securitization of asylum is thus defined in this thesis as “a transversal political technology, used as a mode of governmentality by diverse institutions to play with the unease, or to encourage it if it does not yet exist, so as to affirm [politicians’] role as providers of protection and security and to mask some of their failures” (Bigo 2002: 81 as cited in Nyers 2010: 206). It emanates from the connection between some “successful speech acts of political leaders, the mobilization they create for and against some groups of people” and is also carried out and comes from “a range of administrative practices such as population profiling, risk assessment, statistical calculation, category creation, proactive preparation, and what may be termed a specific habitus of the ‘security professional’ with its ethos of secrecy and concern for the management of fear or unease” (65-66). The securitization of migration is thus used in this work as a frame through which to view the management of asylum seekers who come into contact with the Israeli state, both at territorial borders and in the positioning asylum seekers assume within the state. I suggest that for the state of Israel, the securitization of asylum is a tool of statecraft, a political objective and an outcome, which will be further explained in Chapter Six, the final chapter of this thesis.

Israel’s hostile framing of Sudanese and Eritrean asylum seekers reflects a globalized anxiety about the ‘other,’ considered to be a person perceived as a threat or dangerous to the stability and security of the nation (Kapur 2003: 10 as cited in Kalir 2014: 3). However, anxieties around the ‘security of the nation’ take a unique form in Israel, arguably linking with an ethno-national struggle over territory and the ethnic identity of the state. Abulof (2014) suggests that Israeli society is embroiled in what may be referred to as a “siege mentality” and what others interpret as “crusader anxiety” (403). In particular, the memory and trauma of the Holocaust, as well as an “ongoing clash with the Arab/Muslim world” (Abulof 2014: 403) has arguably contributed to collective societal anxieties (Wohl, Branscombe and Reysen 2010; Bar-Tal et al. 2013). Abulof argues that few case studies lend themselves to securitization theory as well as Israel and suggests that “this Zionist culture of threat” has prepared a “fertile ground for securitizations of the deepest sort” (2004: 404).⁴ All of these features of Israel’s sense of ‘self’ – or national identity – play a role in shaping relations with those deemed to be ‘others.’ Bigo (2002) emphasizes the role of ‘speech acts’ and “the mobilization they create for and against groups of people” in the perpetuation of categorizations of people that rely on ‘othering.’

⁴ A 2012 poll indicates that approximately 80–90% of Israeli Jews consider themselves to be “Zionist” (Arian and Keissar-Sugarmen 2012: 69 as cited in Abulof 2014: 403).

Drawing from Bauman's (2004) definition of the 'other,' he suggests that "as a result of her 'otherness' and her exclusion, [the 'other' is] a hybrid being, since she is physically present but not a member" (as cited in Kritzman-Amir 2009). Kritzman-Amir (2009), elaborating on the use of 'othering' in the Israeli state in reference to the asylum seeker suggests that "the 'we-ness,' the national identity, values, status, and so on, is constituted, reinforced, or reshaped against and with reference to the 'otherness' of the 'other'" (5). Thus, a dichotomy of 'us' and 'them' takes form in the relation between asylum seekers and the Israeli state and society, shaping notions of belonging and the representation of Eritrean and Sudanese nationals as 'others.' In the analysis of the securitization of migration in reference to Sudanese and Eritrean asylum seekers in Israel, the 'speech acts' of politicians and the 'mobilization...for and against groups of people' will be assessed utilizing discourse analysis in Chapter 4 (65).

In April 2015, it was confirmed that 9,026 Eritrean and Sudanese asylum seekers had 'voluntarily' left Israel throughout the previous two years (ASSAF and HRM 2015).⁵ The state of Israel suggests that 1,205 of those who left Israel during this period were destined for countries other than their countries of origin (HRM 2015). Israeli state authorities suggest that they have secured agreements with Rwanda and Uganda for asylum seekers who leave Israel. While the government of Benjamin Netanyahu, Israel's current Prime Minister, considers the departure of Sudanese and Eritrean asylum seekers to be 'voluntary return,' there is reason to interpret the departure of asylum seekers as driven by conditions that deny asylum seekers rights and recognition within the state. Voluntary return is also referred to as voluntary repatriation and is considered by the UNHCR as one of three 'durable solutions' for refugees (2015). The other two durable solutions are local integration in the country of asylum (or host country) or resettlement to a 'third country' (UNHCR 2015). The European Council on Refugees and Exiles defines voluntary return as "the return of persons with a legal basis for remaining in the host state [the country where they have sought asylum] who have made an informed choice and have freely consented to repatriate" (2015). The *Voluntary Repatriation: International Protection Handbook* (1996) of the United Nations High Commissioner for Refugees (UNHCR) addresses in Section 2.3 the principle of voluntariness, suggesting that in order for voluntary return to be considered *voluntary*, both "the conditions in the country of origin (calling for an informed decision)... and the situation in the country of asylum (permitting a free choice)" must be taken into account. In 2014, Israel's Population and Immigration Authority opened a voluntary departure unit in Eilat, a city in south Israel (see Appendix B). This government unit processed Sudanese and Eritrean nationals who

⁵ According to the Population Authority, *Foreigners in Israel*, edition 3/2014, Table a2, 2,612 individuals left in 2013 and 6,414 left in 2014, according to section 44 of the State's response on January 27, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. (HRM 2015).

were leaving the state for their home country or another country, which have primarily been Uganda and Rwanda during the period of research (*Ha'aretz* 2014b). While Israel may frame this government unit as providing administrative, logistical and financial support to asylum seekers who voluntarily choose to leave, the conditions for asylum seekers and any action of the state to coercively drive the departure of asylum seekers must be analyzed and thus are explored in this thesis.

Through primary research carried out during two discrete periods of fieldwork in June to September 2013 and January to February 2014, as well as secondary research carried out between April 2013 to April 2015, this thesis probes the Israeli state's management of Eritrean and Sudanese asylum seekers, exploring how the government's approach to the management of asylum can be linked to the growing instances of the 'voluntary return' of Eritrean and Sudanese asylum seekers. Due to the significant developments that have taken place since 2012, this work focuses on the three-year period from January 2012 to April 2015.⁶ Under the leadership of Prime Minister Benjamin Netanyahu and other state agents, particularly those in his Likud government and the far political right wing, the most significant changes in Israel's management of asylum seekers from African countries to date have taken place during this time under his leadership. While I have defined voluntary return by drawing on the definition provided by the European Council on Refugees and Exiles and the UNHCR, quotation marks are used around voluntary return ('voluntary return') throughout this work to convey my questioning of the authenticity of the *voluntariness* of departure for asylum seekers leaving Israel. Although the national government and politicians have framed the departure of asylum seekers as voluntary, considering the Israeli state's use of indefinite detention, anti-asylum policies, draconian laws and the lack of status and recognition offered to asylum seekers by the state, 'voluntary return' must be re-considered through probing the social and political context of 'voluntary return.'

1.1 A BRIEF OVERVIEW: ASYLUM SEEKERS IN ISRAEL

Statistically, Eritrean and Sudanese asylum seekers make up around one fifth the total number of foreigners in Israel (Hartman and Katz 2012). Both Eritrea and Sudan are considered to be ruled by governments that repress segments of their populations and violate human rights (HRW 2014). Eritreans seek asylum in Israel after having fled from an extremely repressive state and mandatory military service in Eritrea, in which hard labour is carried out in service of the government, such as mining, paving roads and agricultural work, oftentimes with little or no

⁶ This time period notably covers two national elections and a minimum one-year period leading up to each national election. The first national election took place on January 22, 2013 (originally scheduled for October 2012) and the second took place on March 17, 2015. I suggest that the period of January 2012 to April 2015 presents critical evidence of strategic changes in Israel's management of Eritrean and Sudanese asylum seekers.

monetary compensation (Keetharuth 2014; Tronvoll 2009). Those who defect from the national service or speak out against the militarization of the state are considered traitors if they are caught. They are imprisoned and oftentimes tortured, executed or put to death (Keetharuth 2014).⁷ Eritreans face religious and political persecution, disappearances of citizens and use of torture by the government (Tronvoll 2009). Sudanese nationals in Israel have escaped genocide and ethnic cleansing carried out by the Arab Khartoum regime against non-Arab Sudanese groups located in western Sudan (Darfur) and southern Sudan (Nuba Mountain region and the Blue Nile region, now territory of South Sudan) (HRM 2014). In addition to Eritrean and Sudanese nationals, there are a considerably small number of asylum seekers from other African countries, including the Democratic Republic of Congo, Ivory Coast, Senegal, Somalia, and Togo. Prior to 2012, there were also South Sudanese nationals living as asylum seekers in Israel. When South Sudan became independent in July 2011, Israel took advantage of what appeared to be a shift towards a more peaceful political situation. Soon after South Sudan's independence, Israel declared that South Sudanese nationals (previously considered Sudanese prior to South Sudan's independence) would no longer face harm there and expelled them from the state through deportation.

In addition to the deportations of those from South Sudan, 2012 brought other significant changes in Israel's management of asylum. Legislatively, a draconian amendment to the 1954 Prevention of Infiltration Law (otherwise known as the Anti-Infiltration Law) was made on January 10, 2012. This is the law that serves as the main legal instrument in the state of Israel governing the border crossing and management of asylum seekers. The amendment to the law originated from a bill originally authorized to criminalize Palestinians crossing the border 'illegally' into Israel's territory. With a significant majority of 37-8, this new amendment legalized the arrest and detention of anyone considered to be an 'infiltrator' under Israel's law—namely non-Jewish asylum seekers and migrants—in prison or detention facilities for a period as long as three years without trial (Blumenthal 2013: 336). Along with further criminalizing asylum seekers, the new bill included substantial funding for the expansion of Saharonim prison and Kitziot, a facility that originally housed Palestinians detained during the First Intifada. Soon thereafter, it was to be renovated to hold around eight thousand Sudanese and Eritrean nationals, with a long-term plan projected (Blumenthal 2013: 336). Due to lack of prison spaces, this third amendment to the law was only implemented on June 3, 2012, after the allocated funds were used for the construction of the additional holding space in Saharonim and Kitziot. There have been a considerable number of amendments to the Anti-Infiltration Law that have taken place over the last three years. Since 2012, the Anti-

⁷ The experience of imprisonment, harsh treatment and abuses of human rights are the first-hand testimony of countless Eritreans I conversed with throughout this research. I also hear first-hand numerous accounts during my time as a volunteer in February 2014 with a Refugee Status Determination (RSD) campaign that took place at the Eritrean Community Centre in Tel Aviv, in which I conducted around 25 one-on-one interviews of Eritrean nationals. Although these interviews were not part of the research, the testimony shared with me as a volunteer in the RSD campaign provided a deeper understanding of the conditions Eritreans are fleeing in Eritrea, as well as their migratory journeys to Israel. Interviews were in-depth and lasted around 1.5 to 2.5 hours each.

Infiltration Law has been in and out of the Israeli courts on a number of occasions. After the law's initial amendment, it was challenged by Israeli lawyers and was struck down in Israel's High Court in September 2013 (HRM 2014). The Anti-Infiltration Law was amended for the fifth time in December 2014, the final amendment during the research period, which spanned to April 2015.

Group application of 'temporary protection' has historically been applied only when states cannot respond to the number of asylum claims submitted due to administrative restrictions or when a specific national population submits a large number of claims (Burman 2012). However, Israel has maintained a policy of 'temporary protection' or 'delay of removal' (HRM 2014) for Eritrean and Sudanese asylum seekers. According to Kritzman-Amir (2012), 'temporary protection' is granted

primarily in two situations: when a large number of asylum seekers arrive unexpectedly, until such time as it is possible to examine individual asylum requests, or when people migrate in refugee-like circumstances but do not qualify for recognition as refugees under the Refugee Convention. Even then, states may (and it is commonly accepted that they must) decide not to deport asylum seekers even if they do not qualify for recognition as refugees (101).

Despite the individual assessment of asylum claims becoming available in 2013, rather than adopting clear procedures for assessing refugee status claims, Israel has instead maintained policies and practices that effectively bar asylum seekers from submitting applications for asylum, a subject that will be further discussed in Chapter 3.⁸ At this point, Eritrean and Sudanese asylum seekers could apply for asylum through Israel's Refugee Status Determination (RSD) system. However, few asylum seekers do so with no fair and efficient process for having their applications processed and approved, as evidenced in the number of recognized refugees since the founding of the state in 1948 and the number of successful refugee claims made by Sudanese and Eritrean asylum seekers to the state of Israel.

The Ministry of Interior (MOI) has issued those who have historically fallen under 'group protection' a temporary renewable visa called the 2A5 visa. The 2A5 visa offered in Israel, which is also known as a "conditional release" visa, is held by the majority of Eritrean and Sudanese asylum seekers. This visa does not formally allow those who hold it to be employed. It must be renewed every 2-3 months, although the policy around the renewal procedure has been known to change frequently and without prior notice being given

⁸ According to UNHCR data, 84% of Eritreans are recognized as refugees globally, while Israel barely approves refugee status for 0.07% of applicants (Ha'aretz 2015). The majority of asylum seekers have never had the opportunity to make a claim for asylum or who years after making a claim, have received no response from the state indicating the decision on their claim.

regarding these changes (HRM 2014). Those who possess the 2A5 visa or “conditional release” visa are not granted basic economic and social rights, resulting in a ‘status’ in the country that denies them work permits, health insurance, social benefits, or any provisions for shelter and food. Israeli NGO Hotline for Refugees and Migrants (HRM) says of the ‘temporary protection’ policy that: “Israel does not want to grant any rights to the people who are already in Israel, thinking that if asylum seekers suffer a miserable existence in Israel, this will deter more asylum seekers from coming here” (2014).

Since 2014, an increasing number of asylum seekers no longer receive 2A5 visas when they attempt to renew it. Rather, they are presented with two ‘choices’: (1) registering to leave Israel to ‘voluntarily return’ to their home country or any country other than Israel; or (2) if their visa is not renewed by the Ministry of Interior (MOI), being required to report to one of Israel’s detention centres or prisons for asylum seekers. Simpson (2014) suggests that Israel’s position towards to asylum seekers in recent years has been “to coerce them into leaving the country” (1). Considering the denial of refugee recognition and the simultaneous use of detention, Simpson argues that this “has been reinforced by an asylum system that systematically denies Eritreans and Sudanese access to fair and efficient asylum procedures. This helps Israel avoid granting them refugee status which would entitle them to remain in Israel with freedom of movement and associated rights until it is safe for them to return to their home countries” (Simpson 2014).

1.2 CONTEXTUAL BACKGROUND: THE GLOBAL ASYLUM REGIME

The standard for the minimal protection of the human rights of refugees is informed under the aegis of the UNHCR by the 1951 Convention Relating to the Status of Refugees (here within referred to as the 1951 Convention) and the 1967 Protocol Relating to the Status of Refugees (here within referred to as the 1967 Protocol), supplemented by the rights granted to all human beings by the Universal Declaration of Human Rights 1948.⁹ Grounded in Article 14 of the Universal Declaration of Human Rights, which serves to recognize the rights of persons who seek asylum from persecution in other countries, the 1951 Convention serves today as the centerpiece of international refugee protection. The only amendment to the 1951 Convention has been the 1967 Protocol, which removed “geographic and temporal lines” from the stipulations of the original document crafted in 1951, which was originally limited to addressing post-World War II displacement (UNHCR 2014).¹⁰ Due to the role the document played in addressing the refugees of World War II (including Jewish Holocaust

⁹ The 1951 Convention came into effect on April 22 1954.

¹⁰ The institution of asylum inscribed in the 1951 Convention was originally limited in scope as it was intended to address persons who had fled events occurring before January 1, 1951 and within Europe.

survivors), Israel played a key role in the drafting of this document (Kritzman-Amir 2012). Along with this, Israel was one of the first countries to sign and ratify the 1951 Convention (Kritzman-Amir 2012).

More than 140 countries have signed the 1951 Convention, obligating them – without authoritative and binding power – to formally recognize obligations to protect the refugee. According to the 1951 Convention, a refugee is defined as a person who

...Owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR 2010).

With this definition, legal in nature, a refugee is thus considered to be a person who has crossed a state border, and does not want to return to his/her country for fear of persecution on these grounds. This definition is not without contestation, but serves as the primary definition identifying who can be classified as a refugee.¹¹

One of the most important privileges and immunities guaranteed by the 1951 Convention is the principle of *non-refoulement* (prohibition to return), which is “the immunity from deportation to a place where the life and liberty of the refugee would be in danger” (Kritzman-Amir 2012: 99). Furthermore, a pillar of the 1951 Convention and 1967 Convention, as well as subsequent documents providing an outline of international norms for state responses to refugees, is that refugees are to be granted social, economic and civil rights, in addition to protection (UNHCR 2013). The *non-refoulement* principle entails that states cannot return asylum seekers “to territories where they might be subjected to torture, inhumane or degrading treatment, or where their lives and freedoms might be at risk” (Stoyanova 2008: 1). A prominent issue with both the 1951 Convention and 1967 Protocol, despite their appearance in prescribing minimal human rights standards for refugees, is that although the refugee is given the right to “seek and enjoy asylum,” neither of these documents impose correlative obligations upon states to grant asylum (O’Neill as cited in Hollenbach 2008).

¹¹ See Shacnove’s (1985) article, as he extrapolates on the question of “who is a refugee?” He notes in his article the complexities of defining “refugee” and that the conception of “refugee” is not, strictly speaking, a definition (275). Rather, there are dozens of definitions in effect within various jurisdictions, with most states holding to a definition that is primarily, but not wholly, founded on that provided by the Convention of 1951. He notes that the implications of an overly narrow conception of ‘refugee’ “will contribute to the denial of international protection to countless people in dire circumstances whose claim to assistance is impeccable” (276). Many nation-states have alleviated themselves of the cosmopolitan and moral duty of receiving refugees by slight modifications of the definition that leave them legally relieved of obligations to uphold the duties of signatories.

The institution, norm and practice of asylum elucidates the contradiction between notions of universal rights (and refugee rights) and the sovereign right of the state, as states increasingly enact restrictive and selective policies to manage asylum (Guild 2002).¹² This is the infamous lament Hannah Arendt articulated as the core problem facing stateless persons:

...Not the loss of specific rights, then, but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity that has befallen ever-increasing numbers of people... (cited in Gibney 2004: 1).

The twenty-first century has brought mounting evidence of a shift that has taken place in the receptivity of states towards asylum seekers and the rights allocated to them, with “sovereignty’s moral cartography” (Shapiro 1999) trumping humanitarian or moral concern for forcibly displaced persons. Nobel (1988) has addressed the transition that has occurred since the 1980s, characterizing it to be “an arms race against humanitarianism and an escalation of unilateral measures against refugees” (Malkki 1995: 503). Asylum seekers who have encountered state borders, attempted to cross them and are now found within the state as non-member ‘others,’ find themselves in the midst of not only the tension, but the often “outright contradiction between human rights declarations and states’ sovereign claims to control their borders as well as to monitor the quality and quantity of admittees” (Benhabib 2000: 2). As the politicization and policing of refugees and asylum seekers has become a central tenant in the formation of state migration policies, with the objective of restricting ‘undesirable’ populations (Agier 2011), there have been considerable changes to the management of asylum on the level of the state. Asylum and rights are thus implicated in the spatialized politics of the state and the state’s attempts at boundary demarcation, as politics have the potential to supplant rights.

1.3 AIMS AND RATIONALE

The majority of available information on the asylum system and asylum seekers in Israel is presented in various reports (Martins 2009; Yacobi 2009) or in ‘grey’ literature produced by NGOs (Ben-Dor & Adout 2003; Human Rights Watch 2008; Paley 2013). Despite the anti-asylum politics evident in Israel in recent years, few scholars have offered an analysis of changes in the state’s management of Eritrean and Sudanese asylum seekers and the underlying historical and contemporary contextual forces, both social and political, shaping the state’s approach

¹² The concept of “sovereignty’s moral cartography” developed by Michael Shapiro pointedly articulates the most apparent challenges to the rights of refugees being upheld: “The logic of sovereignty directs people to place their primary moral obligations with their fellow citizens and not with humanity at large” (1999: 57). While humanitarian logic would inform one to respond to the refugee’s plight or recognize the basic human rights of refugees on the basis of ethical compulsion, the organizing principle of global politics—the sovereignty of states—suggests that one’s primary obligation rests with the state.

and asylum seeker's experience, including the increasing instances of 'voluntary return.' Yocabi (2010) has suggested that the policies have been developed as part of the Israeli ethnocratic regime and are closely tied to the geopolitical realities of the region and to "a discursive process of the racialization of space," looking specifically at changing discursive and institutional practices in Tel Aviv, Israel (Yocabi 2010). Paz (2011) contributes to the literature an analysis that characterizes the asylum regime as 'ordered disorder,' suggesting that Israel's asylum regime is guided by the prevalent exclusionary logic. Kalir (2014) suggests that 'fearism' is driving Israel's increasingly anti-asylum discourse, positing that "the Israeli national narrative informs the notion of citizenship among Jewish Israelis— [and] leads to the construction of asylum seekers as abject others, who pose a threat to the Jewish state" (1).

My work seeks to fill a critical gap that has largely not been addressed within the existing literature by analyzing Israel's management of asylum through exploring the tactics of the state government and the resulting conditions of 'voluntary return' compelling asylum seekers to depart from Israel. Interviews with Eritrean and Sudanese asylum seekers convey their experience of the conditions of the Israeli state, serving as the primary data informing the research focus and assessment of 'voluntary return.' I propose that the historical and current dilemma over the identity and territory of Israel is shaping the state's management of asylum seekers, an approach that has not been taken in previous scholarship. This approach, while examining the conditions of asylum seekers through a theoretical frame of the securitization of asylum, also considers the particularities of the ethno-national character of the state, Israel's identity as a distinct "Jewish and Democratic State" (Knesset 2003), Israel's 'security disposition' and an unresolved struggle over identity and territory.¹³

Thus, my aims in this thesis are

- (A) To explore the conditions contributing to the increasing departure of Eritrean and Sudanese asylum seekers from the state through 'voluntary return' and to draw conclusions on the 'voluntariness' of the asylum seeker's departure;

¹³ The "Jewish" nature of the state was first determined in the Declaration of Independence of 1948. The "Democratic" nature of the state follows and was first officially added in the amendment of the Basic Law: The Knesset passed in 1985 (amendment 9, clause 7A). How Israel should be defined in regards to the 'democracy-ethnic affiliation nexus,' has been the subject of contentious debate within scholarship (Smootha 1990: 391-95). Some view Israel as a democracy, but put forth alternative models of democracy (Ghanem 2010), including Israel's political system being described as an ethnic state (Ghanem 2010), 'ethnocratic state' (Yiftachel 2010) or 'ethnic democracy' (Smootha 1999).¹³ Lustick (1987) defines Israel as a consociational democracy, while Avineri (1995; 1996) considers Israel to be "a liberal democracy whose treatment of minorities is superior to that of France and Great Britain" (Ghanem 2010: 431). Ghanem (2010) notes that in addition to these characterizations, "others present Israel as a colonial or settler state-society, where the Jewish Zionist settlers use and control the original inhabitants – the Palestinians including the Arab citizens in Israel – for achieving their own purposes" (see Rodinson 1973; Said 1979; Zureik 1979; Shafir 1989 as cited in Ghanem 2010: 431). The tensions over the 'democratic-ethnic affiliation,' will be touched on in this work in consideration of asylum in Israel, the states' assertion of the Jewish identity of the state and the methods used to secure as such.

- (B) To provide an analysis of the state's management of asylum, focusing on the anti-asylum approach and the discourse of key state agents and politicians;
- (C) To explore how the securitization of asylum can be utilized as a frame to interpret the conditions for Eritrean and Sudanese asylum seekers in the state.

1.4 KEY ACTORS

The key actors considered in this work are Eritrean and Sudanese asylum seekers who are living in Israel, along with the elected government under Likud politician Prime Minister Benjamin Netanyahu, along with other voices in the political realm who support the government's approach to managing asylum. Ideologically, Likud as a political party is "both conservative and nationalist" (Encyclopedia Britannica 2015). Netanyahu, his government and other right-wing politicians chiefly inform state-level discourses on asylum and thus shape law, policies and practices articulating an anti-asylum perspective, which will be elaborated on in the discourse analysis provided in Chapter 4.¹⁴ Since 2012, Netanyahu and his government have staunchly asserted a hardline focus on immigration and security, featuring as the key platform for the national election that took place on January 22, 2013. It should be noted that the current government is not representative of the full range of the political spectrum in Israel. There are opponents to the government's approach within the political realm and in Israeli society, who contest the increasingly anti-asylum approach of the state. However, since state agents and politicians are chiefly responsible for dictating and executing the state agenda towards asylum seekers, the focus of this research remains on asylum seekers themselves and the government in place from January 2012 to April 2015.¹⁵

Other than Eritrean and Sudanese asylum seekers, there are diverse groups of people of African origins living in Israel, both as asylum seekers and as citizens.¹⁶ Those considered Jewish by the Law of Return have obtained citizenship in the state, such as Jewish immigrants from Ethiopia in the 1980s and 1990s. Despite Jewish Ethiopians obtaining legal membership, their citizenship has not amounted to inclusion (Ben-Eliezer 2004).

¹⁴ Likud, meaning Unity-National Liberals in English, is the major centre-right political party in Israel. As of the March 2015 national elections, the party continues to be chaired by Prime Minister Benjamin Netanyahu. According to Encyclopedia Britannica (2015), "for decades [after the 1977 elections], Likud alternated in government with the Labour Party, forming coalitions with minor parties, especially those with an ultra-religious or a nationalist ideology. Because of the country's political fragmentation and unique security needs, Likud and Labour have sometimes entered into so-called "unity governments" with each other" (Encyclopedia Britannica 2015). Following a loss of popularity and support in 2005-2006 when Ariel Sharon left the party to form the new party Kadima, Likud once again rose in popularity in the late 2000s, winning 20 seats in the 2013 when Netanyahu became Prime Minister. Ideologically, Likud is "both conservative and nationalist" (Encyclopedia Britannica 2015).

¹⁵ This is not to assume that 'state agents' are the only actors driving these changes, nor that the state is a monolithic actor. Neither does it assume that these state policies and practices take place without the state's consideration of relations with the Israeli polity. Diverse civil society organizations, including religious groups, political parties, human rights organizations, as well more widely, members of the Israeli polity, all shape the state and society and must be taken into consideration.

¹⁶ As mentioned in Section 1.3, historically there have also been nationals from the Central African Republic (CAR), Ethiopia and Côte d'Ivoire (Ivory Coast), although most Ethiopians in Israel did not come seeking protection as refugees (ARDC 2013).

Others, arriving as non-Jews, have not had the same ability to access a pathway to citizenship in the state.¹⁷ Arriving first through a special airlift ‘operation’ that took place in 1984 called Operation Moses, most Ethiopians living in Israel are Jewish and are referred to as ‘Beta Israel.’ In May 1991, a second airlift took place called Operation Solomon. At this time, 14,200 Ethiopian Jews were in the words of the authors “rescued from poverty and civil war” in Ethiopia and brought to Israel (Ben-David and Ben-Ari).¹⁸ There are now around 120,000 Ethiopians in Israel (Raboteau 2013). Israeli Scholar Uri Ben-Eliezer (2004) in his article, “Becoming a Black Jew in Israel,” argues that Israel is a highly segregated society and that Ethiopian Jews, facing “cultural racism” (Balibar 1991) in Israel, have been relegated to a status of inferiority (Ben-Eliezer 2004). Balibar’s (1991) concept of “cultural racism” suggests that notions of assimilation and amalgamation have lost relevance and that what has become more relevant is an emphasis on cultural differentiation and separation. More recently, Blumenthal (2013) has linked the experience of Ethiopian Jews to that of African asylum seekers in the racism and discrimination they face in Israel. Due to the fact that my work examines the relation between the state and asylum seekers, with Eritreans and Sudanese nationals by far the largest of this group, the work does not consider other groups of African origins, although their rights and experience in the state is also of particular relevance within the themes of this thesis and worthy of further exploration beyond what has already been produced by authors such as Kemp, Rajiman, Resnik and Gesser (2000).

As a note, throughout this work, I will avoid referring to Eritrean and Sudanese asylum seekers as ‘African asylum seekers.’ Although this is how asylum seekers are typified in the majority of academic literature and ‘grey literature’ produced by NGOs in Israel, I seek to avoid homogenizing people of African origins and descent. In research, ‘methodological nationalism’ can be considered to take place when migrants are reduced to their national and/or ethnic origin, with minimal regard for other defining criteria (Weiss and Nohl 2012). Using national origins as the primary source of identification for asylum seekers in this research is not without issue. However, I would rather problematically use the identifier of nationality in my preference not to homogenize the entire African continent and people of African origins and descent. Thus, I will refer to Eritrean and Sudanese asylum seekers by specifying their nationality throughout this work, including in identifying the interviewees whose and in framing the voices of those whose interview segments will be included in Chapter 3. As I seek to be intentional in my use of language so as to not reinforce false binaries or create unity without evidence to

¹⁷ Despite possessing citizenship, within Jewish religious tradition, power lies with certain groups in addressing the question ‘Who is a Jew?’ adding another element of internal contestation to the debates of who comprises the Jewish ‘nation.’ After the Israeli chief Rabbinate recognized the status of Ethiopian Jewry in the mid-1970s, the way was paved for migration of Ethiopian Jews to come to Israel through the Law of Return, with a particularly large number coming in 1984 following widespread famine in Ethiopia. In Ethiopia, they were considered a “unique Jewish community” in that “they were isolated from the rest of the Jewish world for more than 2000 years” (Ashkenazi & Weingrod).

¹⁸ I problematize Ben-David and Ben-Ari’s framing of ‘rescue.’ However, I include this excerpt as it serves to frame an attitude that has exemplified treatment and receptivity towards Ethiopian Jews in Israel.

demonstrate its existence, I will also not refer to the ‘African community’ or the ‘African asylum seeking community.’

1.5 ORGANIZATION OF THE THESIS

In the introduction, I have provided the context for the research: the historical, legal, social and geopolitical specificities informing Israel’s management of Eritrean and Sudanese asylum seekers and an initial review of the literature framing the research, including that on the securitization of migration. Additionally, I have provided a brief overview of Eritrean and Sudanese asylum seekers and the state policies and practices determining the management of asylum, serving as a basis for the analysis of ‘voluntary return.’ Chapter 2 provides a review of the research methods employed and the process undertaken in the collection of data on which this research is based. Chapter 3 draws from interviews and focus groups carried out with Eritrean and Sudanese asylum seekers, as well as additional interview segments from informants with specific and situated knowledge. These interviews provide data conveying the first-hand experiences of Eritrean and Sudanese asylum seekers, allowing for conclusions to be drawn on the ‘voluntariness’ of the departure of asylum seekers from the Israeli state from the vantage point of asylum seekers. Chapter 4 offers to the research a discourse analysis conducted using newspaper and media sources that convey the government’s approach to asylum and asylum seekers (see Chapter 2). Laws, policies, practices, texts and news articles informing the state’s management of asylum and Eritrean and Sudanese asylum seekers are drawn from, informing the political climate towards asylum seekers in the state. Securitization theory and discourse analysis are used to explore the discursive construction of Eritrean and Sudanese asylum seekers as threat. Finally, in Chapter 5, I continue to review the literature on the securitization of asylum and draw conclusions on the ‘voluntary return’ of Eritrean and Sudanese asylum seekers leaving Israel. Chapter 6 concludes this research by considering key points emerging through the research, including a discussion of state sovereignty, territoriality and the dilemma of the asylum seeker in obtaining refugee protection and rights. The contribution of research to the praxis of refugee studies and political science in the examination of state practices and the securitization of asylum, highlights the need for ongoing examination of the underlying conditions informing ‘voluntary return’ of asylum seekers and the role of the state in creating the conditions that inform departure. This research also highlights the importance of the voices of individual asylum seekers to inform an ongoing examination of the impact of government discourse, as it is through interviews with asylum seekers that the nature of the state’s ‘voluntary return’ program is confirmed.

CHAPTER TWO: RESEARCH PROCESS AND METHODS

This thesis is the culmination of primary and secondary research carried out between April 2013 and April 2015. I conducted three and a half months of fieldwork in Tel Aviv, Israel, with a total of 34 interviews contributing to the research design.¹⁹ The chosen methods were semi-structured interviews, participant observation, one focus group and discourse analysis. My fieldwork was divided between two periods of time: (1) from mid-June 2013 to the beginning of September 2013 (what I will refer to as my “first period of fieldwork”); and (2) from mid-January to mid-February 2014 (what I will refer to as my “second period of fieldwork.”)²⁰ A qualitative strategy was employed in this research, in which I utilized triangulation to validate the data collected. The fieldwork and data collection were carried out in Tel Aviv, Israel specifically in the southern part of the city and outside the gates of Holot detention centre, located in the south of the country in the Negev Desert. South Tel Aviv is the main area of the city in which Eritrean and Sudanese asylum seekers reside, with the greatest number of asylum seekers in the country living there. Throughout the first period of fieldwork in the summer of 2013, I was a volunteer with both the African Refugee Development Centre (ARDC) and The Garden Library for Migrants and Refugees in South Tel Aviv. Before arriving in Tel Aviv in June 2013, contacts with non-governmental organizations (NGOs) based in Israel focused on asylum seekers were established.²¹ Although I had no prior connection with Sudanese and Eritrean nationals, existing NGOs were helpful in initially filling this gap until connections were made and contacts were more easily established outside the context of NGOs.²² These contacts were made through establishing trust and rapport with Eritrean and Sudanese asylum seekers outside of the context of these organizations, who assisted me in making connections with others who could participate in the research.

Of the 34 semi-structured interviews that were conducted (with 31 total respondents), 21 were individual semi-structured interviews conducted with Eritrean and Sudanese asylum seekers. Additionally, 7 semi-structured interviews were conducted with informants, who included NGO representatives working with the asylum

¹⁹ For a table outlining these interviews, please see Appendix A in the back matter of this thesis.

²⁰ In response to the 4th amendment to the Anti-Infiltration Law being struck down in December 2014, a grassroots movement was organized and carried out under the leadership of Eritrean and Sudanese asylum seekers in Israel.²⁰ I returned to Tel Aviv at this time for a second period of fieldwork. While I was an observer of the movement and events taking place as an academic and researcher, I also participated in the movement, supporting Eritrean and Sudanese asylum seekers in Israel in their struggle for rights. This took the form of assisting in planning community action and at the request of an Eritrean leader, assisting with a Refugee Status Determination (RSD) campaign that was organized to interview primarily Eritreans and to assist in filling their RSD applications. These forms of engagement allowed not only rich data and observation of the state’s relation to Eritrean and Sudanese asylum seekers, but also gave me greater insight into how asylum seekers related to the state and state agents.

²¹ The contacts were initially established through conducting web-based research and forming a list of all relevant Israeli NGOs working with asylum seekers and community-based organizations (CBOs) run by asylum seekers who might be fit this description.

²² The NGOs did provide important places of making contact, with some research respondents coming through connections that were made as a volunteer. Although I was a volunteer with these two of these organizations, I tried to make most contacts outside of the NGO context and my volunteer position in order to broaden access to different groups of people.

seekers, local academics, lawyers and community-based workers in Israel. Three key informants in this research were interviewed two times each for the purpose of providing specialized knowledge on factors shaping and structuring the state's response to asylum seekers over time.²³ 'Key informants' were identified as individuals having situated and specialized knowledge, and included one former UNHCR staff person, one Eritrean asylum seeker and one Sudanese asylum seeker. In addition to these 34 interviews, I conducted 1 focus group with 5 participants. With a view to focus on the perspectives of Sudanese and Eritrean asylum seekers, interviews were conducted to obtain details on the conditions asylum seekers face in Israel informing the analysis of 'voluntary return.' Selected quotations from respondents are incorporated throughout the work vis-à-vis the broader consideration of conditions for asylum seekers, the securitization of asylum and 'voluntary return.' Through open-ended, in-depth interviews, patterns were identified throughout the research process that informed the rest of the research (i.e. further interviews, coding, analysis, etc.). Although it would have been valuable to have included interviews with state agents and other 'drivers' of asylum discourse, including members of unions, political parties, activists and politicians themselves, the original research design and the design employed focused on Eritrean and Sudanese asylum seekers. Moving from this point of departure, rather than interviews with actors other than asylum seekers, discourse analysis was used to represent the position of the state.²⁴ Responses to semi-structured interviews were the basis of my analysis exploring asylum seeker's relation to the state. The collection of primary data focused on the specific conditions asylum seekers face in Israel in relation to 'voluntary return' and the securitization of asylum. To uphold confidentiality and protect the identity of respondents, actual names have not been included and interview numbers will serve as the references for the source of data (See Appendix A). Although I have some working knowledge of Hebrew, Arabic and Tigrinya, my conversational abilities in these languages, to varying degrees, are limited. While I did have some funding for the research, I did not have adequate resources to compensate for a translator, so the research was conducted only in English. This limited my potential respondents to those who spoke English, which has potentially contributed to some bias in that those who speak English oftentimes are more educated and may have easier access to services than non-English speakers.

Traditional purposive sampling techniques were used in this research and can also be considered "nonprobability sampling" or "qualitative sampling" (Teddlie and Yu 2007: 80). This involves selecting certain units or cases "based on a specific purpose rather than randomly" (Tashakkori & Teddlie, 2003 as cited in Teddlie and Yu 2007: 80) This type of sampling was used in the research to find instances that are "representative or typical of a

²³ Since the majority of African asylum seekers have arrived since 2006 and most since 2010, this contextual knowledge was more likely to be held by key informants with a history of living and working in Israel and by engaging more widely in society, including one Sudanese national, one Eritrean national and one Israeli. All key informants have lived in Israel for at least 5 years.

²⁴ A valuable consideration for the continuation of this research would be to include a wider spectrum of actors in Israeli society such as members of political parties and unions in the collection of primary data through interviews.

type of case” (Teddlie and Yu 2007: 80), establishing the criterion that respondents were to be Eritrean or Sudanese nationals seeking asylum as refugees in Israel. Research respondents were identified and access was secured to interviewees through numerous avenues of participation in the everyday life of the Eritrean and Sudanese asylum seekers. I aimed to equally represent Eritrean and Sudanese asylum seekers, which was largely achieved. Although I aimed for representation of both men and women, there were challenges in accessing women respondents who could participate in the research. The two main reasons for this are that there are significantly fewer women than men and that due to configurations of social relations amongst those I met, the men I initially connected with through the NGOs or other social settings would oftentimes introduce me to other men. Thus, only three Eritrean women took part in the research as respondents. The locations in which I met with asylum seekers from Eritrea and Sudan for interviews ranged from Levinsky Garden, a park in South Tel Aviv, the Central Bus Station, a classroom belonging to the Community Education Centre (CEC) and in local African restaurants or in people’s homes.

Trust and rapport were vital to my approach in securing access to interviewees, serving as a key part of my chosen methodology. Miller (2004) highlights the concern in refugee ‘communities’ of “how we actually enter the worlds of those who are the focus of our research” and “particularly when our research concerns the experiences of communities that have developed a self-protective insularity in response to their experiences of marginalization and oppression” (217). Interpersonal access in research, referring to the “extent in which researchers are able to actively engage community members as participants in their research” (221) is salient. It is not only a matter of physical access and establishing contacts with ‘community members’ or contacts ‘on the ground’ (for example, an NGO working with refugees) that enables this sort of access. The failure to gain interpersonal access

Can occur when community members express a willingness to participate in a particular study, but then provide data that do not accurately reflect their actual feelings, beliefs, attitudes, and/or behaviours. This illusory interpersonal access into community members’ lives can be a great threat to the validity of the data collected, precisely because we may not know that the stories we are being told, the responses indicated on our questionnaires, or the behaviours we are witnessing, are protective fronts that mask the more authentic data we hope to gather (Miller 2004: 221).

Eritrean and Sudanese asylum seekers in Israel live marginalized and devoid of most rights. While physical access was obtained through time spent in places that Eritrean and Sudanese asylum seekers gathered, trust was established through not only this presence, but through demonstrating a genuine interest in those I met and working to establish relationships. In terms of previous experience with research and researchers, both Eritreans

and Sudanese in Israel have expressed to me a wariness in opening up to researchers.²⁵ To mitigate scepticism and allow time for trust and rapport to be established, I did not ask those I was speaking with if they would participate as a respondent in the research until a later date. Furthermore, I did not conduct any interviews for the first 4 weeks I was 'in the field,' starting only in August after arriving in mid-June. Trust building and establishing rapport should not be secondary matters in conducting research, particularly with groups who have experienced marginalization and oppression (Hyndman 2001).

The potential risks to participants in my study were minimal. However, there was potential for refugee and asylum seeker respondents to experience feelings of discomfort and insecurity in relation to recollections of their flight to Israel and hardships upon arrival in Israel. Oftentimes respondents would share more than what was directly asked.²⁶ As a volunteer at ARDC and The Garden Library for Refugees and Migrant Workers (otherwise known as the Levinsky Garden Library) while I was conducting research, I made an effort to clearly communicate about the research for those who were interested in taking part as respondents in order to mitigate these multiple roles and positions. I was clear with all whom I interacted with about my role as a researcher and for those who were interested in taking part in the research as respondents, I communicated the limitations of the research and my limits as a researcher. For interviews with Eritrean and Sudanese asylum seekers, oral consent was used.²⁷ ²⁸

Taking an iterative approach (Eisenhardt 1989) to the research, I allowed the insights gleaned through my fieldwork and data collection to shape the direction, approach and theorization of the research. Thus, the

²⁵ Scepticism and a potential discomfort with research and researchers suggests that ideally, research should only be presented only after contact has been made, relationship established and interpersonal trust has been obtained (Personal communication, January 15 2015).

²⁶ Many asylum seekers in Israel have experienced trauma and severe abuses of human rights in relation to their displacement. In interviews, my aim was to create and maintain an atmosphere of safety, so respondents shared more if they wanted to. This often included recounting painful experiences in Eritrea, Sudan, en route to Israel or in Israel. Where it was evident further assistance should be offered, particularly for those who opened up about traumatic experiences, I had information available to respondents listing local organizations that could offer them psycho-social support. A number of respondents had only experienced official interviews in the context of the refugee camp setting or upon arrival in Israel. Those interviews were associated with legal or material outcomes, such as the designation of status and dispersal of goods and/or services. Thus, I made an effort to clearly communicate limitations of the research and the direct benefit for the respondent.

²⁷ The rationale for using oral consent with refugee and asylum seeker respondents was two-fold. Although all interviews were conducted orally in English with those who had strong English skills, oftentimes the respondents did not have the ability to read written consent forms in English. Secondly, oral consent was used to reduce suspicion of 'outsiders' like me and challenges in building trust with refugee participants on the part of researchers. The use of written documentation, particularly in an informal setting, may be reason for suspicion and thus was mitigated through use of oral consent. All necessary elements of the informed consent were shared, but presented in a more appropriate way considering the respondent population. As the research progressed and vocalized in particular by two of initial asylum seekers respondents, it was found that asylum seekers were not as comfortable with such a structured interview and a formal approach. This also supported my decision to use oral informed consent rather than written consent. Taking these insights from respondents, I used what was shared with me to make my interview approach more conversational and informal.

²⁸ In the cases where anecdotes, experiences, narratives, thoughts, feelings and struggles have been shared with me outside of formal interviews and in an informal relational context, permission has been asked for these excerpts to be included in the work. It has been outside of formal interviews with a number of the interviewees themselves and other members of the community that important insights have been gleaned and have contributed to the analysis contained in this work.

research was reconceptualized throughout the research process, leading to the focus on the conditions created for asylum seekers, the ‘voluntary return’ program that took shape in 2014 and the securitization of asylum seekers as evident in the discourse of Israeli authorities. Analysis of primary and secondary data was done through a process of transcription and categorization of themes that emerged from interviews with respondents and from discourse analysis.²⁹ The process of data analysis involved the collection of secondary sources and the transcription and coding of all interviews. Research and data can only acquire significance as we theorize in relation to it (Bryman and Burgess 1994). Coding was thus a part of this process of theorizing in relation to the data collected. Grounded theory coding was used, in which I worked to derive “a general, abstract theory of a process, action, or interaction grounded in the views of participants in a study” (Bryman and Burgess 1994; Creswell 2003).³⁰ This process of working with a grounded theory approach involved multiple types of data collection and refinement and development of the interrelationship of categories of information (Creswell 2003). I relied on Kathy Charmaz’s approach to grounded theory coding for data analysis, which allowed me to remain open to all possible theoretical understandings, develop tentative interpretations about data through ‘codes and nascent categories’ and involved my return to the field site to gather more data and to check and refine the major categories developed after data was collected during my first period of fieldwork (Charmaz 2014). Initially, coding engaged with the questions of: “(1) What is this data a study of?” (Glaser, 1978, p. 57; Glaser and Strauss, 1967); (2) What does the data suggest? Pronounce?; (3) From whose point of view?; (4) What theoretical category does this datum indicate? (Glaser, 1978) and (5) “When, how, and with what consequences” are participants acting? (Corbin & Strauss, 2007)” (Charmaz 2012).

The selection criteria and justification used for including and examining media sources necessitated that the sources informed the research through possessing content related to topics such as Israeli authorities and their relation to asylum seekers; voluntary return; Israeli policies and practices governing asylum seekers; law governing asylum seekers; or contained content that pointed to the securitization of asylum seekers. Additionally, sources were only examined only if the source was written in the research period of January 2012 to April 2015, with sources primarily originating from prominent Israeli news outlets such as *Ha’aretz* and *The Jerusalem Post*. The discourse analysis carried out in Chapter 4, similar to the approach employed by Abulof (2014) in his study of Zionist discourse on demographic threats, methodologically relies on (qualitative) discourse analysis. Similar to Abulof’s (2014) approach, my focus for the discourse analysis of media sources was on relevant social actors,

²⁹ The use of coding in the data analysis process is acknowledged as a process that is influenced by the researcher’s own positionality, despite a commitment to deconstructing and overcoming power relations in the design and operationalization of the research study (Bryman and Burgess 1994).

³⁰ Grounded theory ideally allows the researcher to set aside prejudices, presuppositions and previous knowledge of the subject area and concentrate instead on finding new themes in one’s data. *A priori* codes were codes that emerged from pre-existing work including previous research and theory (Bryman and Burgess 1994). Grounded theory codes emerged from respondents themselves and those informing the research.

deciphering their ‘talk and text’, while giving attention to the social context in which their speech emerges (including political behavior). Qualitative discourse analysis, as engaged with in Chapter 4, can thus help establish securitization’s scale and sort (Abulof 2013).

CHAPTER THREE: “HOW CAN WE REMAIN?”: ASYLUM SEEKERS’ EXPERIENCE OF ISRAEL’S POLICIES AND PRACTICE

This chapter moves to focus on assessing the views of Eritrean and Sudanese asylum seekers and the conditions that would lead them to ‘voluntary return’ as opposed to remaining in Israel. I present the findings from my fieldwork, relying on the interviews with Eritrean and Sudanese asylum seekers. Additionally, I draw on interviews with key informants and supportive data provided by informants with specific and situated knowledge (see Chapter 2), as well as a couple media sources. This chapter speaks to and develops principal themes that emerged through data collection. First, the theme emerged of the challenges to accessing the existing Refugee Status Determination (RSD) process, including administrative, bureaucratic and language barriers. Second, asylum seekers also conveyed challenges with renewing the 2A5 “conditional release” visa. Third, both Eritrean and Sudanese asylum seekers, along with informants, expressed the challenges that exist in obtaining employment and securing worker’s rights, with tactics used by the state that arguably attempt to economically induce ‘voluntary return’ through making it difficult to obtain financial security. Fourth, interviewees conveyed experiences of discrimination, criminalization and dehumanization, coming from both government officials and the public. Finally, the psychological stress of impending detention and the conditions faced by interviewees once in detention point to the government’s use of multi-faceted strategies that discourage asylum seekers from remaining in Israel and encourage the ‘voluntary return’ of asylum seekers.

3.1 THE ‘NEVER-ENDING TUNNEL’ IN WHICH ASYLUM CANNOT BE FOUND

Until 2014, the use of the ‘temporary protection’ policy, introduced in Chapter 1, had for the most part prevented asylum seekers from individually applying for asylum. After arriving in Israel and undergoing questioning at the Ministry of Interior, asylum seekers are given a 2A5 visa, which grants them few rights other than the right to not be deported until the conditions of their home countries improve.³¹ Apart from being ‘officially’ barred up until 2014 through the use of a policy of ‘temporary protection’, interviewees reported significant challenges in accessing RSD forms. One interviewee, a Sudanese asylum seeker, shared with me his experience at an MOI office as he tried to obtain an asylum application in December 2012:

The people working there asked me “What do you want with this?” as though it wasn’t even an option for me or something I should be requesting. They hassled me and made it very difficult for me to obtain the papers and fill them out. After waiting for a while, a Ministry official asked how I even found out I could apply for

³¹ As described in Chapter 1, this visa does not legally allow holders to work or to have access to social or health services.

RSD. Fortunately I can speak and read Hebrew or the information about applying for RSD would have been almost impossible to find. Most of what I could find for RSD was in Hebrew, which I see to be a deliberate tactic of the government to keep us from applying for asylum. It's as though they've put up a wall... It's as though there is a never-ending tunnel we must walk through for many years to apply, only to realize Israel will never give us asylum (Interview 12, 2013).³²

There is very little information on Israel's RSD system and process provided to asylum seekers by the Israeli government. With some information on applying for RSD only available in Hebrew, a language most asylum seekers do not speak when they arrive, it suggests that language and bureaucratic barriers make access to the existing RSD system even more inaccessible. While barred from applying for asylum, asylum seekers must go through the bureaucratic procedure of renewing their visas once every three months (a time period which has fluctuated without any explanation) to maintain their stay in Israel. Asylum seekers at the MOI office never knowing whether their arrival will result in their 2A5 visa being renewed or if they will receive a summons document to report to Holot detention center (Interviews, 22, 24, 29). The state has not authorized sufficient resources to make the process of renewing visas possible, either unwittingly or intentionally by the closures of MOI offices for visa renewal. Yet, such visas are a legal requirement and prerequisite to quasi-legal employment and having the legal status to remain out of Saharonim Prison or Holot detention center indefinitely. Interviewees highlighted the lack of clear information on visa renewals, the challenges faced in accessing a visa office for the renewal of the 2A5 visa, the long lines in MOI offices for visa renewal and voiced frustration at how difficult Israeli authorities make it to renew the documentation necessary for their "legal presence" in the country (Interview 2).

Since 2012, a number of changes have been made to the process of renewing the 2A5 visa. Since December 2013, MOI offices started slowly closing and limiting their hours. While legally requiring Eritrean and Sudanese nationals to possess a 2A5 visa, the state has itself undermined the ability of asylum seekers to obtain this document through the challenges it has created to renew it. In January 2014, during the time when Eritrean and Sudanese asylum seekers began a mass movement to appeal to the government to change its policies and practices, visa renewal procedures were constantly in flux. For example, one Eritrean asylum seeker in Tel Aviv was issued a 'stub' by an Israeli official indicating an appointment for when he returned to the office, as they had not been able to serve him the day he came (Interview 29). When he returned to the MOI visa office, the official who served him did not know what the 'stub' was and within weeks, no other asylum seekers reported that they had received this 'appointment stub' (Interview 29). Hundreds and sometimes over one thousand asylum seekers

³² The Sudanese asylum seeker quoted above, who submitted his application in December 2012, has at the time of writing in January 2015 still not received an assessment to his application (Personal Correspondence, January 16 2015).

would be found standing in lines outside the visa office throughout the early months of 2014, with visa offices sometimes only issuing around 100 visas a day (HRM 2014). For some of those interviewed, they reported having to go to the MOI office multiple times, at times spending at least 8 hours at the office in order to have their visa renewed.

Simon, an Eritrea asylum seeker, shared his experience waiting to have his visa renewed at the Bnei Brak MOI office, as reported by an HRM staff member:

On Tuesday, my visa ran out. My employer told me that I couldn't work without a visa for even just one day, so I went on Monday to the new Ministry of Interior [MOI] office in Bnei Brak. I heard from friends that there are long lines, so I got there early, 5:30 in the morning. I received the queue number 768. There were no chairs. It was very crowded, about 800 Eritreans and Sudanese waited there. Women, many children and babies in strollers. When you wait for so many hours, children want to go to the bathroom, but there was none. You have to look for a private spot so no one sees you. Like animals. The children became thirsty after the water they brought had run out and there's no place to get water. At 16:00, the MOI clerks told us to go home. "No more visas." About 500 people who had queue numbers were not given visas. We went home. The next day, on Tuesday, I returned with my number and even though there were hundreds of new people, they first accepted the people who had numbers from yesterday. I was lucky. I got a visa for two more months. My employer is angry with me and doesn't realize how lucky I was to receive a visa so quickly. He's angry with me and wants to fire me whenever it takes a few days to get a visa (HRM 2015).

Long lines and wait times, such as that experienced by Simon, result in asylum seekers reporting that they lost their jobs as a result of the time taken off work to renew their visas (Interviews 2, 3, 7). Oftentimes, asylum seekers who are working will use one of the one or two days they have off work in the week (if they are working) to attempt to renew their visa (Interviews 5, 9, 14).

In January 2014, I interviewed two detained men arrested after they tried and failed to renew their 2A5 visas. A Sudanese man, now in Holot, stated:

I was living in Eilat and tried to renew my visa at the Interior Ministry the day it would expire. I stood in line all day waiting to get to the front of the line, and did not make it. The next day, I stood in line again all day, taking the day off work to be there. Then they told me to go to Tel Aviv or Beer Sheva, so I traveled there. Again, I could not get to the front of the line and renew my visa. I was afraid that if I took any more days off

work, I would lose my job. Finally the immigration police caught me in Tel Aviv and took me here, where I have now been the last two months (Interview 33).

Until early 2014, the MOI had seven offices that served asylum seekers. Since then, the MOI has closed their offices in Upper Nazareth, Haifa, Petah Tikva and Rishon Letzion and most recently in Hadera, leaving only three offices throughout the country for the renewal of visas (*Ha'aretz* 2014b). Up to this point, asylum seekers could renew their visas at almost any ministry nationwide. However, with this change, visas could only be renewed in Tel Aviv, Be'er Sheva and Haifa (Lior 2014d). The interviews revealed that the renewal of visas is a significant source of state control and regulation of asylum seekers (Interviews 4, 9, 12, 15). The remote and unwelcoming geography of the offices also contribute to the challenges in renewing the visa.

3.2 POLICE AND THE MINISTRY OF INTERIOR AS "ENEMIES" OF ASYLUM SEEKERS

The interview excerpt below from an Eritrean asylum seeker living in Tel Aviv conveys the challenges that he faces with police and state agents. He recalls a situation in which he went to the police to report the incident—communicating in Hebrew—and recounted:

Even though I speak Hebrew! Even though I speak Hebrew! I'm telling you; I have enough Hebrew to speak with police, with media, with everyone. But, if I call them and they know from my accent that I am a refugee, they say 'Yeah, but go to the police station nearer to your house.'

I'll give you a very good example. One year ago, my boss in my home [landlord], he told me that... We had no agreement, no rent agreement. So he told me 'You will leave my house within two weeks.' And I told him that 'You have to wait me 'till I go another.'

'No, but I don't have any other choice. I want to sell it. So you will leave in two weeks.'

I found in two weeks, that I did not get another one [house]. And, suddenly, one day he came and he throw my bicycle and he disconnected the electricity and water.

So I called the police.... After five or ten minutes, they called me back and told me 'Go to the police station nearer to your house.' It was in the evening, at nine and a half [9:30]. I told them 'Now, the police station is closed. What do you want me to do?'

'So, go tomorrow morning.'

'But, what can I do now? The electricity and water is disconnected.'

‘So, that’s what can happen. Ok.’

The day after, I went to the police station, and they asked me a lot of questions. Something not connected with the thing that I went to them. So, I told them that he [the landlord] threw my bicycle. They told me ‘Where did you buy the bicycle? Do you have a receipt for the bicycle?’ So, I feel like, I’m telling you about my problem, I’m telling you that he threw my bicycle and you ask me if I have a receipt of it! ‘Yeah, but it’s part of our work.’

I tell them that I’m from Eritrea.

‘Why you come to Israel?’

So, I feel like, I don’t know. It was like fifty minutes, forty minutes interview. And at the end ‘Ok, we helped you, so we will be in touch with the guy.’

‘But when will you be in touch? I’m telling you now that electricity and water is disconnected from yesterday evening.’

‘Yeah, but that’s what we can do. So we will be in touch with him.’

‘Ok.’

So, I went. They didn’t be any way in touch with him. And after one day, he [the landlord] came. They didn’t talk to him, but he ask me if I got another house or not. I told him ‘No.’ So, he [the landlord] saw the situation... We were in very bad, I was crying at the time. So... He felt bad and connect all the water and electricity and gave me one month. And after one month, I got another house and still I’m living in that house.

So, just I wanted to tell you how the situation is, how the police are treating us. So, if someone doesn’t speak Hebrew or English called them, they say ‘Ok, go to the police station nearer to your house.’ Police and the Ministry of Interior are our enemies here in Israel (Interview 22, 2013).

The asylum seekers interviewed, including the Eritrean man whose interview excerpt appears above, communicate frustration with police and the MOI, feeling that they are dismissed, discriminated against and are not provided the service they should receive. Rather than addressing the issue that he went to the police for, the police instead interrogated the Eritrean man quoted above about his bicycle, saying it was “part of [their] work” and failed to address the real problem he was there for (Interview 22). Eritrean and Sudanese asylum seekers express hesitation when discussing interactions with state agents, which is reinforced by incidents they have experienced in which they see police and state agents as unreliable and failing to uphold rights. Interviewees felt that the police only reflect the interests of the state and oppose asylum seekers (Interviews 4, 9, 11, 22). Asylum seekers feel hesitant to bring incidences or reports of criminal activity to the local authorities, particularly if their

2A5 visa is expired. Without possessing a valid visa, they would be taken to Saharonim Prison and detained (HRM 2014). Eritrean and Sudanese asylum seekers feel threatened by police officers, who are often seen policing in south Tel Aviv and present in public spaces, such as Levinsky Park, a location that can be considered a gathering place. Furthermore, asylum seekers are oftentimes stopped in the streets and harassed by Israeli authorities (Interviews 6, 13, 15). Since 2013, Israeli police can stop asylum seekers in the street on suspicion they have committed a crime and can put them in jail under the Anti-Infiltration Law, without charge or trial (HRM 2014). This has perpetuated widespread fear amongst Sudanese and Eritrean asylum seekers about being taken to Holot detention centre or Saharonim prison.

3.3 'THIS ONE IS NOT ALLOWED TO WORK': ECONOMIC REGULATION OF ASYLUM SEEKERS

Although there is a need in Israeli society for low-skill workers, Israel denies that it relies on the labour provided by Sudanese and Eritrean asylum seekers, arguably in place of the Palestinian workers who have been expelled through physical barriers and law. Instead, Israel frames and accuses asylum seekers of being economic migrants rather than refugees.³³ Like other asylum seekers and refugees living in host countries under precarious conditions, asylum seekers in Israel can be said to occupy jobs that are, in the words of Susan Banki, “dirty, dangerous and demanding” (2006: 331). Sudanese and Eritrean asylum seekers oftentimes obtain employment in Israel’s service sector, taking jobs in hospitality, restaurants, and hotels as well as construction. Although the state government has now declared it ‘legal’ for asylum seekers to work, there is a statement on the 2A5 visa indicating that the holder is not allowed to work that has not been removed (HRM 2014). An Eritrean asylum seeker articulated this dilemma, noting the challenge for asylum seekers in obtaining employment:

The ones living here, they don’t have a work permit. The visa that they have also has written on the bottom: ‘This one is not allowed to work.’ But what the High Court said or implemented... it’s not a law actually but they simply said that until the government did something with this people... they will not punish those who take refugees to work... So, if you go to ask work [find/request a job] and show them your visa they [potential employers] say:

‘No. This visa is not a work permit, so you can’t work.’

‘Yes, but the High Court said...’

³³ While ‘mixed migration flows’ can make it challenging to differentiate and categorize migrants fleeing their countries as ‘refugees’ as opposed to those fleeing for economic reasons, these motivations are challenging to establish, as many times the impetus to leaving one’s country can involve complex circumstances. Certainly in the case of Israel not having heard or adjudicated claims for refugee status from the majority of asylum seekers who have sought asylum in the country, the claims that Eritrean and Sudanese nationals are ‘economic migrants’ on Israel’s part, is unfounded.

‘Where is what the High Court said? So why they not change your visa? Why don’t they simply say OK we will allow you to work and not punish the one who will hire you?’

So, people have difficulty to find a job. So, if someone don’t have a job, if someone didn’t get any help from anyone, *how will he live?* (Interview 9, 2013, emphasis mine).

The Eritrean man whose interview is included above highlights the challenges that exist for Eritrean and Sudanese asylum seekers in obtaining employment when the government undermines its own claims. Legislation is a mechanism of population management that regulates zones of legality and illegality, but also creates a ‘grey zone’ in which the lack of clarity around the legality of employing asylum seekers has economic implications, compounding the challenges asylum seekers face.

The HRM (2014) suggests that the complexities of the legal status for refugees “creates de facto a new group of ‘foreign workers’” that are not subject to existing regulations of employment for temporary foreign workers in the country. Unlike temporary migrant workers, refugees are not tied to a specific employer identified through the ‘foreign worker’ program or to a particular sector. Thus, they do not lose their status when they quit their jobs, but are exposed to a host of other potential violations of workers rights and exploitation. A Sudanese asylum seeker explained:

The employers know that you have a difficulty, you don’t have any visa. So, what they did is they [asylum seekers] simply work with them 2 months, 3 months and they [the employers] didn’t pay you. You work with them 5 years, 6 years and they didn’t give you any rights (Interview 9).

With the 2A5 visa that most asylum seekers possess, many resort to short-term employment, which oftentimes involves difficult and dangerous conditions, with limited protections and no ability to have worker’s rights upheld (Kav’La Oved 2014). Some of the main work-related issues were noted by an interviewee at Kav’La Oved, an NGO based in Tel Aviv supporting the work rights of asylum seekers and migrants. Staff noted the widespread occurrence of asylum seekers who had social and worker’s rights withheld by their employers. Many employers fail to provide salary stubs and also do not provide a written agreement of employment to the workers (Interview 19). With this, Sudanese and Eritrean asylum seekers typically have no way to prove their terms of employment, which is the very piece of documentation also necessary for the renewal of the 2A5 visa. One asylum seeker reported in January 2015 that his employer had not kept a record of his hours. When he left his position due to not getting enough hours and requested his pay amounting to over \$2000, the employer refused to give it to him (Personal Correspondence, January 25, 2015). With challenges accessing income-generating activities due to economic policies stemming from state level legislation, as well as practices that disincentive the

employment of asylum seekers, there is a direct threat to and attack on the livelihoods strategies necessary for asylum seekers' lives to be economically sustainable in Israel. With a clear economic element to the state's strategy to expel asylum seekers, I suggest that this functions as part of the state's attempt to 'cut off' stable access to resources that would provide financial security and stability and serves as another element of Israel's 'methods' to induce the departure of asylum seekers from state territory.

Other legislation directly applied to asylum seekers has been developed, passed and amended since the beginning of 2012. The Association for Civil Rights in Israel (ACRI), an NGO in Israel, suggests that these additional changes have been enacted with the purpose of "deter[ring] the additional arrival of African asylum seekers in Israel" (2012). Examples of this legislation include the criminalization of employment, renting accommodation and transporting asylum seekers; an amendment forbidding asylum seekers to send money abroad and an amendment imposing monthly deposits from salaries of asylum seekers (ACRI 2012). Additionally, Lior (2014) cites in a *Ha'aretz* article published in October 2014 that the government sought to impose a 20 percent tax on employers of asylum seekers. The government clearly tries to make the existence of asylum seekers in Israel economically unsustainable. This is arguably a financial element of Israel's program of 'voluntary return.'

3.4 "THEY THOUGHT THAT WE ARE ANIMALS": EXPERIENCES OF CRIMINALIZATION, DISCRIMINATION AND PROTEST DIRECTED TOWARDS ASYLUM SEEKERS

The late spring and summer of 2012 was a time marked by demonstrations that took place against asylum seekers in Israel. Respondents in the research highlighted that this was the time of national elections, with a Sudanese interviewee suggesting:

When it was the national elections, there was a lot more interest. Some politicians try to use the issues for their own purposes, so they brought in demonstrators, supporters of their parties, even from outside Tel Aviv, people who have nothing to do with this neighborhood [South Tel Aviv], don't live here, have no personal interest. But, in order to support the parties, they brought in demonstrators in to 'heaten up' the atmosphere about the issue (Interview 12).

During the national elections, there was a great deal of focus on the mobilization of political support from South Tel Aviv. Although it was "to a large extent" South Tel Aviv residents who took place in these protests, according to the same interviewee, cited above, "there were always a few key figures who were brought in specifically for the demonstrations" (Interview 12, 2013). Writing for the *International New York Times*, Kershener

(2012) suggested that residents of south Tel Aviv were complaining about rising crime in the area, resulting in the staging of “noisy demonstrations, egged on by right-wing politicians and activists.” She noted that

...at a demonstration in the Shapira Quarter [of south Tel Aviv] ... rightists handed out leaflets offering self-defense courses, and protesters chanted, “The people want the Sudanese deported,” holding placards with slogans like, “This is not racism, this is survival” (Kershener 2012).

On May 23, 2012, more than 1000 Israelis protested against Sudanese and Eritrean asylum seekers settled in South Tel Aviv, becoming “one of the most violent protests Tel Aviv has known in recent years” (Sheizaf 2012). Confrontations continued late into the night between Israelis and police, with the crowd growing “angry and ultimately violent” as they were reportedly incited by speeches from Knesset members, including members of the government coalition (Sheizaf 2012). According to eyewitnesses, dozens of protestors attempted to move from the Hatikva neighborhood to the Shapira neighborhood in south Tel Aviv, where most Sudanese and Eritrean asylum seekers live, but were stopped by police prior to progressing (Interview 19, 2013). Protestors violently attacked a car carrying African passengers and multiple shops owned by African residents were vandalized. Looting and attacks on numerous Sudanese and Eritrean asylum seekers were reported (Interviews 3, 7, 9, 13).

Politically right-wing Members of the Knesset (MKs) addressed the crowd at this demonstration, serving as the main cause of incitement and the crowd becoming violent (Sheizaf 2012). While some in the crowd blamed the government for the state of south Tel Aviv and the national government’s inaction in taking care of the “infiltration problem” (referring to the presence of Sudanese and Eritrean asylum seekers), others blamed human rights organizations that assist asylum seekers. It was at this demonstration that Miri Regev, a well-known MK for her anti-asylum sentiments, referred to Sudanese asylum seekers as “a cancer in our body,” suggesting also that those on the political left are responsible for preventing the state from deporting asylum seekers back to Africa (Sheizaf 2012). Danny Danon, another Likud MK also spoke and later wrote on a Facebook status that evening: “Israel is at war. An enemy state of infiltrators was established in Israel, and its capital is south Tel Aviv,” framing African asylum seekers as the ‘enemy within’ (Sheizaf 2012). These demonstrations and attacks on asylum seekers carried on throughout the summer.



Figure 1. Taken in Jerusalem in June 2012, an Eritrean woman walks by building with Hebrew graffiti scrawled. The English translation of the graffiti is "Get out of the neighborhood." Credit: Abir Sultan / European Pressphoto Agency (Alpert *LA Times* 2012).

There was one demonstration in the summer of 2012 that stood out to a German Israeli interviewee. In support of asylum seekers, she was participating as part of an 'anti' demonstration to a protest against asylum seekers. She said of her experience:

We were a small group. We were picked from the crowd and out in this small area where the police were surrounding us. We had old ladies screaming at us and spitting at us and were hitting us with their handbags. There was surprising outrage and violence. Especially with the elderly people, you would not expect that they would get so aggressive towards you... we were there for about half an hour or forty minutes. And a lot of the people who were standing with us started to cry.... it was a very strong experience and very moving to [see] a grown man cry when they look at their nation (Interview 20).

Reports of criminal acts against asylum seekers continued to be reported and received considerable attention in the local Israeli media throughout the summer of 2012. This led to a wave of protests and statements given by politicians, who framed asylum seekers as criminal and a threat to the state of Israel. An Eritrean interviewee expressed:

...they only think of us as criminals. They expect that we are here for work, when the only reason we left Eritrea is because our lives are threatened by the regime [of Eritrean President Isaias Afwerki] (Interview 5, 2013).

A Sudanese interviewee also spoke of the dehumanizing effect of the rhetoric and framing used:

Imagine, sometimes, they [Israelis] thought that we are animals. That we don't have the ability to speak. That we don't have the ability to have a conversation with them. Yeah, there are so many people who believe that because they hear as such on the news or media. So, I don't know. I don't know how they believe sometimes. I don't know how their mind is. Their mind is full of...They believe that they are the only humans (Interview 3).

This man expresses the way that political figures have shaped discourse that lacks recognition of the humanity of the asylum seeker, having a dehumanizing effect (Interview 3, 2013).

Physical and verbal abuse were also evident at this time, including women and children having objects like bottles, cassette players and other items thrown at them and the firebombing of homes and daycares.^{34 35} Interviewees frequently addressed a racial element of their experience of 'othering' in the Israeli state and society.³⁶ Sudanese and Eritrean asylum seekers who took part in the grassroots protest movement of January 2014 felt that "being black" was part of the reason why they are 'undesirable' in the Israeli state (Interviews 3, 21, 23). At demonstrations, Eritrean and Sudanese protestors held signs with messages such as "I am black and want my rights" and "stop color discrimination." Racial discrimination is a commonly reported occurrence in Israeli society against Eritrean and Sudanese asylum seekers, as well as black Ethiopian Israelis (Ben-Eliezer 2004). In March 2015, it was reported that an Israeli policeman beat up an Ethiopian border policeman "because he thought he was a refugee" (HRM 2015).³⁷ A German Israeli woman noted a number of incidents she had personally experienced or witnessed:

³⁴ For details on the specificities of some of these recorded incidents, see: <http://www.ardc-israel.org/en/article/violence-against-asylum-seekers-tel-aviv-continues> and <http://www.jpost.com/National-News/Migrant-deported-6-months-after-home-firebombed>.

³⁵ Criminal acts carried out against Sudanese and Eritrean asylum seekers occurred throughout the summer of 2012 most notably, but have continued for the entirety of the research period.

³⁶ 'Othering' has played a role in determining who carries the power and privilege necessary to access the state and make claims as full members of society. The relationship between states and sub-groups raises interesting questions about the implications for citizenship, rights and the management of populations within the state. Although there is debate over whether Israel fits the model of multi-group and multicultural frameworks for understanding these dilemmas, Peled (1992) and Migdal argue that these frameworks aren't applicable and that rather, there is "graduated citizenship" (Migdal 1996) or "differential citizenship" (Peled 1992). Migdal suggests that for minorities, rather than citizenship being the only tool of exclusion, they are relegated to a lower status in society not only legally, but in the "court of public opinion" (1996: 5).

³⁷ Incident was reported in MyNet newspaper (Hebrew) March 1, 2015. See <http://www.mynet.co.il/articles/0,7340,L-4631012,00.html>.

If I walk on the street with friends of mine that are black, then there will be a reaction. Especially if I, as a white girl, walk with a black man. People react very hostile. We've had a lot of people walking up to us screaming at us. We'll be sitting at a coffee place and people just walk up to us and say that they cannot tolerate this outrageous picture and turn around and start yelling at you. And you know, people also giving you very earnest explanations of why it is just not okay to sit with a black person (Interview 23).

Blumenthal (2013) suggests that by 2007, when Shapira, a neighborhood in South Tel Aviv, was “filled up with African asylum seekers,” right-wing activists started holding meetings in which remarks were made about “kicking out the *kushim* [blacks]” (332). A racial framing of asylum seekers has also been voiced by prominent politicians and public figures, with former Interior Minister Yishai stating that he would use all the necessary tools to expel all Africans claiming that Israel “belongs to the white man” (Wieler-Polak 2010). Blumenthal suggests that Yishai, in many of his remarks, “cast[s] the African migrants as a diseased subclass of people that should be expelled to preserve the racial purity of the country” (2013: 333).

3.5 'WHERE IS MY FUTURE?': THE PSYCHOLOGICAL STRESS OF UNCERTAINTY AND IMPENDING DETENTION

When the Anti-Infiltration Law was amended for a fourth time in December 2013, this ruling served as the key impetus for a mass mobilization of protests led by Eritrean and Sudanese asylum seekers in response. Asylum seekers protested the increasing “pressure on the community” and that the state was no longer renewing some 2A5 visas consistently and instead summoning asylum seekers to Holot detention facility (Interview 32). There were also concerns raised by asylum seekers in January 2014 about the “limited options” for asylum seekers in the state of Israel, which according to an Eritrean interviewee was the “reason that people are starting to finally leave” (Interview 31).

Holot detention centre holds both asylum seekers transferred from Saharonim Prison and asylum seekers who have been ‘summoned’ to Holot. As of December 2014, around 2,400 Sudanese and Eritrean nationals are now imprisoned there. Under the current law, they can be held in detention legally for 20 months (HRM 2014). There is no judicial review for those in the facility and asylum seekers can only be released about this time period (HRM 2014). Those detained in Holot are required to participate in 3 roll calls per day, constantly having to identify themselves to the prison guards multiple times a day. This has since been changed since December 2014 to once per day. Asylum seekers must sleep at Holot, which is closed between 10 pm and 6am (HRM 2014). When I

visited Holot in February 2014, the most frequent comment from those I spoke to was that they were insufficiently fed with unpalatable food and there was inadequate treatment for those who needed medical attention. Hopelessness was voiced by many; men approached me to share their accounts of detention and despair, suggesting that there was no purpose to their detention or hope of a life outside imprisonment

Kovaliyov-Livi and Rozen (2014) suggest that for those detained in Holot, there is a great deal of stress caused by endless encounters with bureaucracy controlling all elements of their lives, including long hours spent waiting in lines, the inability to bring most personal belongings, the lack of privacy, uncertainty regarding the rules and regulations and the uncertainty about their future and how long they will be held in indefinite detention. While concern has been expressed about the ‘warehousing’ of asylum seekers, Netanyahu has asserted that the detention centre was a “humanitarian solution” that would at the same time prevent asylum seekers from “chang[ing] the character of the state” (Blumenthal 2013: 336). Yet, the policy in place clearly stands in contrast with international law and the norms of asylum in consideration of the individual’s right to seek asylum and have their claim fairly assessed. With asylum seekers detained without a clear and fair RSD procedure in place, there is reason to see the state’s detention of asylum seekers as a mere “holding place” –or site of containment—until asylum seekers’ ‘voluntarily return.’ This ‘voluntary return’ would take place without the state of Israel ever conducting a fair and efficient RSD. This challenges the use of immigration detention as a state strategy since states primarily use detention as a place for asylum seekers while assessing claims for refugee status and protection (IDC 2014). Furthermore, the notice stated that the Interior Ministry would give \$3,500 to every Sudanese or Eritrean asylum seeker who ‘voluntarily chooses’ to leave, describing it as a “good grant” (Lior 2015).

Netanyahu’s government was seen by Eritrean and Sudanese asylum seekers as non-responsive during and after the grassroots mobilization of December to February of 2014. There was no apparent or immediate change to the state’s policies and practices. With no improvement, Eritrean and Sudanese asylum seekers felt discouraged and were increasingly beginning to consider leaving the country (Interviews 29, 30). Through taking part in a 30,000 person demonstration the week of January 5, 2014 and a work strike that was hoped to motivate the government to respond when Israeli employers voiced their anger and dissatisfaction, a number of asylum seekers were reported to have lost their jobs, only adding to the stresses they were facing. An Eritrean asylum seeker shared:

I feel hopeless. I keep holding on to hope, but now after hoping and taking part in the action of the community, I have no work. What am I supposed to do? How am I supposed to take care of my wife and my

new one month old baby? How could I not take part, as here in Israel we have no rights? But now, where is my future? (Interview 34).

Without the ability to obtain rights and exercise livelihoods strategies in Israel, asylum seekers are uncertain of their future. Despite the optimism that many possess and the evident resiliency, even the most optimistic feel desperate, trapped and unsure of how to hold on to hope. As explained in an interview with Sudanese asylum seeker Mutasim, following the Anti-Infiltration Law amendment in December 2014:

This is sad. The depression and horrible situation will continue... We knew the chances of freeing the people in Holot were slim. We know that the state sends people to Saharonim and Holot to wear them down and get them out of the country... It doesn't matter how many months or years they put us in the Holot detention facility, nothing will come of it in the end but the suffering of innocent people. We have no other choice. If we had somewhere else to go, we wouldn't stay here. We are in Holot and we are fighting for our basic rights, and hope the situation will change (Mutasim Ali as cited by Lior 2014).

A great deal of uncertainty and psychological stress is caused by the concern about receiving a summons to Holot. Lives, sometimes established for years in Israel, are uprooted when a summons for detention is received. If asylum seekers have experienced imprisonment and/or torture in their country of origin before fleeing as refugees or en route to Israel, the experience of impending detention causes exasperated psychological distress (HRM 2014).³⁸ Sigal Rozen, an Israeli lawyer, suggests that the policy in place “violates the rights accorded to asylum seekers under the Refugee Convention, [and]... The effects of prolonged internment are especially disastrous for torture survivors” (2012). To restate the words of Mutasim, “if we had somewhere else to go, we wouldn't stay here” (Lior 2014). Arguably, the actions of the state in the withholding of rights, failing to grant recognition or a fair and efficient RSD process, criminalizing asylum seekers and “making life miserable” through creating inhospitable conditions further compounds the stresses—psychological and otherwise— that asylum seekers face.

³⁸ Stress compounds and for many, after fleeing harsh conditions in which they faced violations of rights in their countries of origin and imprisonment, so too does impending detention with no prospect of asylum and rights exasperate this stress. Additionally, a significant number of asylum seekers in Israel (primarily Eritrean) have experienced torture and trafficking while en route to Israel, particularly since 2010.³⁸ The state of Israel does not offer assistance or resources for such individuals. With prior experiences of torture, abuse of human rights and imprisonment, the state's treatment compounds prior psychological challenges. With the focus of this work on conditions in Israel, I will not expound on the experience of torture and trafficking. For an excellent resource on the trafficking of Eritrean asylum seekers, see Lijnders (2012) *Caught in the Borderlands*.

3.6 “PUSH[ED] OVER THE EDGE”: ASYLUM SEEKER’S NARRATIONS OF “VOLUNTARY RETURN”

Eritrean and Sudanese asylum seekers expressed that with Holot’s existence and having no rights in Israel, they feel their only option is to leave (Interview 8, 11, 29). In the words of an Eritrean man:

How can we remain in this place? We’re only here until Israel displaces us and pushes us over the edge (Interview 28).

Considering these conditions, Sadik, an asylum seeker from Sudan, found himself in an awful predicament after having decided to “voluntarily” leave the state of Israel in May 2014. For years, as a leader in the Sudanese community in Israel, he had fought for the freedom, protection and recognition of asylum seekers in Israel. It is speculated by an Israeli activist that this is the reason he was targeted by Israel’s MOI and given two choices (Litchman 2014). The first choice was to be summoned to Holot, where he would be indefinitely detained. The second choice was to move on to a ‘third country’ on the African continent. According to Daphna Litchman, a community worker based in Tel Aviv, Israeli officials told Sadik that he would be given refugee status, rights and freedom in this country, convincing Sadik to “try his luck in a new place and start a new life in a country where he [might] finally get protection and some peace after 10 years” since he had left Sudan (Litchman 2014). Sadik refused to go back to Sudan, explaining that “only death” awaited him there. On April 30, 2014, he was accompanied by MOI authorities from his home in Israel to the airport and was not told the name of the third country he would be sent to. Only when the inspectors accompanied him to the to the step of the plane they informed him that the country was Ethiopia. When Sadik arrived at the airport in Addis Ababa and asked to leave and “start [his] new life,” he was told by the Ethiopian immigration officials that he was not allowed to leave the airport and was informed that he would soon be taking a connecting flight to Sudan (Personal correspondence May 2014). Sadik refused to board the flight and remained in the airport in Ethiopia for over a week. His suitcase, with the few items that he had packed, had reached Sudan already. Detained in Ethiopia, he was left with no options. After action taken by the Eritrean, Sudanese and Israeli activists in Israel directed towards the UNHCR and also the Israeli government, Sadik was sent from detention in Ethiopia back to Israel, only to find himself indefinitely detained in Holot.³⁹ Sadik’s return to Israel rather than being allowed into Ethiopia reveals much about the current predicament for Sudanese and Eritrean asylum seekers in Israel –

³⁹ See *Ha’aretz* coverage of Sadik’s case in Lior (2014), “Deported Sudanese asylum seeker involuntarily returned to Israel,” *Ha’aretz*, 11 May 2014. Web. Accessed 12 June 2014. <<http://www.haaretz.com/news/national/.premium-1.589908>>.

and also the possibility of obtaining third country resettlement— in countries such as Ethiopia and elsewhere. Status, recognition, nationality and documentation play a role in mobility in terms of leaving the country and part of the global policing of non-citizens (Weber 2013). Without recognition as refugees in Israel, there are challenges in obtaining travel documents (Interview 7).

A final case highlights the story of an asylum seeker who pointedly challenges the ‘voluntary’ nature of ‘voluntary return.’ I share the words of Najmaldin Omar, a Sudanese asylum seeker I met in Tel Aviv. After four years of living in Israel, Najmaldin recently decided to return to Sudan in February 2015. According to *Ha’aretz* (2015), “his spirit was broken by the relentless war waged against him by the government, and he decided to agree to return ‘voluntarily’ to [South Sudan].”⁴⁰ He stated,

I have a hard time calling this voluntary departure... I received a summons to Holot [the detention centre] a month ago. As far as I am concerned, Israel is forcing me to choose between a slow psychological death in a detention facility and leaving Israel, which entails lethal danger. I choose the danger. I can’t be locked up in a desert without trial and without knowing when I will be released ... and when I will be released in a year or two, *to what reality will I return?* Will I again have to report to the Population and Immigration Authority offices every month and receive a permit without basic rights? Will I again need to suffer racism on the street? (*Ha’aretz* 2015, emphasis mine).

Najmaldin articulates the dilemma of around 47,000 other people living in the state of Israel. While seeking protection in the state should lead to asylum, asylum seekers have remained in limbo, like Najmaldin, for many years. As the state continues to deny rights to Eritrean and Sudanese asylum seekers, many are choosing the potential danger that comes with leaving the state over the conditions Israel has created (*Ha’aretz* 2015).

To summarize this chapter and the data collected through interviews, asylum seekers face marginalization and lack of access to asylum rights, legal rights, workers rights, healthcare and work. Psychological pressure has mounted for asylum seekers, with a declining number of visa renewals and the increased use of detention. These tactics institutionalize the precarity of asylum seekers. Considering Israel as a state in which very few people are ever recognized as refugees and where an active political program seeks to expel asylum seekers—or ‘infiltrators’— from the nation, Eritrean and Sudanese asylum seekers live in a state of permanent temporariness and of legal limbo. Those I consulted for the research see their encounter with the state as one of “‘intentionally directed pressure’” (Interview 31). There was unanimous agreement amongst Eritrean and Sudanese asylum

⁴⁰ While Najmaldin Omar is now returning to South Sudan. When he left in the late 2000s, he left Sudan, as South Sudan was not yet independent. Thus, he now returns to a familiar place, but a new country.

seekers whom I interviewed that ‘voluntary return’ is not completely voluntary and that pressure is applied by the current government so that they leave. In the words of one interviewee, Eritrean asylum seekers have gone “from prison to prison,” referring first to detention that he experienced under the current government in Eritrea. In the prison that he—and 60,000 other asylum seekers—have arrived to, he speaks of the prison as a “rightless” domain (Butler 2006), a place in which the humanity of Eritrean and Sudanese asylum seekers is not recognized. He does not refer to Holot detention centre or Saharonim prison as the “prison.” The “prison” is Israel (Interview 30).

CHAPTER FOUR: CREATING THREAT: ANTI-ASYLUM DISCOURSE AND LAW

If the political is to exist, one must know who everyone is, who is a friend and who is an enemy, and this knowing is not in the mode of theoretical knowledge, but in one of practical identification: knowing consists here in knowing how to identify the friend and the enemy (Carl Schmitt in Derrida 1997).

Asylum seekers in Israeli society have become entrenched in popular discourse societally, politically and legally, as objects of threat. Through the discourse of state agents and politicians, a new social knowledge of asylum seekers has emerged defining them as “a security threat to the social body” (Ibrahim 2005: 164) and not only that, but an existential threat to the nation (Tsurkov 2012). Discourse originating from the ‘illegal’ crossing of the border, as discursively framed in the Anti-Infiltration Law, serves to inscribe in legislation the representation of Sudanese and Eritrean asylum seekers not as refugees seeking protection, but as ‘infiltrators’ of the state. The result of this is the subsequent criminalization of Sudanese and Eritrean asylum seekers, leading to their criminalized framing and treatment within Israeli society. This chapter offers a discourse analysis of newspapers and media sources, with the aim of demonstrating the use of discourse by Israeli state agents to frame asylum seekers as threat.⁴¹ The focus will be on law, policies, practices, texts and news articles that inform the state’s approach to managing asylum seekers, contributing to the conditions of ‘voluntary return’ for asylum seekers leaving Israel. A discussion of the political approach of Benjamin Netanyahu and other relevant political actors and state agents in relation to asylum seekers is provided. Following this, I review significant legal changes aimed towards asylum seekers, including draconian amendments to the Anti-Infiltration Law made between 2012 and 2014.

Doty (1996) elucidates that “the inside/outside boundary” of the state and of the nation is a function of the state’s “discursive authority” (122). Implied is the ability of the state to “face ambiguity and uncertainty, to impose fixed and stable meanings about who belongs and who does not belong to the nation, and thereby to distinguish a specific political community—the inside—from all the others—the outside” (Doty 1996: 122).⁴² Thus, state ‘boundaries’ are continually reasserted and represented through discourse, suggesting that states and

⁴¹ Selections have been chosen based on the research methods described in Chapter 2.

⁴² This conceptualization corresponds to Ernesto Laclau’s and Chantal Mouffe’s definition of discourse. Discourse can refer to a specific group of texts, but also considers the social context in which those texts emerge and are linked (Doty 1996). Linguistic and behavioral practices form an “inextricably linked whole that is a discourse” and includes writing, speaking and practices that are often seen as “behavioral” and are “embedded in institutions” (Doty 1996: 126). Ultimately, discourses tend to work in the attempt to achieve closure around that which cannot be fixed or designated as stable. Doty (1996) suggests that: “Discourses... ultimately fail to escape the irresolvable tension between the interior and the exterior, the inside and the outside. It is here at the margins that the attempts to fix meaning and to institute closure are often the most evident... This is particularly evident with the constitution of nations.”

nations are socially, politically and discursively constructed. This allows us to see that it is through discursive practices that meanings are affixed (Doty 1996). This allows the ‘inside’ and ‘outside’ to be differentiated. Discursively, the contrast between the inside and the outside solidifies and “organizes social relations around a particular structure of meanings” (Doty 1996: 126). According to Michel Foucault,

in any society there are manifold relations of power which permeate, characterize, and constitute the social body and these relations of power cannot themselves be established, consolidated, nor implemented without the production, accumulation and functioning of a discourse. There can be no possible exercise of power without a certain economy of discourses of truth, which operates through and on the basis of this association. We are subject to the production of truth through power and we cannot exercise power except through the production of truth (1980: 93 as cited in Ibrahim 2005: 163-164).

The production of truth therefore necessitates that knowledge be created through a discourse, which is an exercise of power (Ibrahim 2005). The securitization of migration and subsequent criminalization of migrants (or asylum seekers in particular) can therefore be examined as a discourse through which power relations are exercised. Rhetoric on the level of the state, framing asylum seekers as divergent—or contrasting—a homogenous ‘nation,’ can also be examined through the discourse of state agents and state-level politicians. Foucault additionally asserts that “we are also subjected to truth in the sense in which it is truth that makes the laws, that produces the true discourse which, at least partially, decides, transmits and itself extends upon the effects of power” (1980: 94 as cited in Ibrahim 2005: 164). Therefore, government laws and policies can be interpreted as an outcome of discourse, while subsequently affirming discourse. With this understanding of the relation of power and knowledge in the function of discourse, my aim is to analyze the dominant discourse in Israel that has worked to securitize, criminalize and dehumanize Sudanese and Eritrean asylum seekers. Furthermore, my aim in this chapter is to make explicit how through the discourse of state agents and politicians, a new social knowledge of asylum seekers has emerged defined as “a security threat to the social body” (Ibrahim 2005: 164) and not only that, but an existential threat to the nation, informing the conditions for asylum seekers and the context of their ‘voluntary return.’

Building from the insights of Doty and Foucault, securitization theory is also drawn upon in this chapter. Developed by the Copenhagen School, “security” is considered the outcome of a specific social process rather than an objective condition (Williams 2003: 513). This social construction of ‘security’ issues (considering both who and what is being secured and from what) necessitates the analysis of “securitizing speech-acts” (Williams 2003: 513). Williams suggests that it is through this analysis that “threats become represented and recognized” (2003: 513). Wæver articulates this approach in saying:

What then is security? With the help of language theory, we can regard “security” as a speech act. In this usage, security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering “security” a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it (1995: 55).

As suggested in this work, the nature and meaning of ‘security’ itself is not an established reality, but is socially constructed and itself in question (Muller 2010). Coming to terms with this has been the fundamental basis of critical security studies, which actively moves beyond interpretations of security that involve “more conventional preoccupations with the state and its military” to consider, most notably, questions of identity (Muller 2010: 282). Securitization theory, as conceptualized by the Copenhagen School, understands security to be socially constructed (Muller 2010: 282).⁴³ Muller highlights that

as a result, security is not merely a material or objective ‘reality’, such as the arms race during the Cold War, but is the outcome of social processes.... The result is that through ‘speech acts,’ particular issues or practices are represented as threats; ergo, security only exists in relation to insecurity (Burke 2002: 20 as cited in Muller 2010: 282).

As a critique of this dominant interpretation of securitization that emphasizes speech, securitization will be assessed not only in the ‘speech act’ of state agents and politicians, but also in consideration of what the speech act enables and produces in reference to the securitized actor and in law.⁴⁴ Thus, drawing from Muller (2010) and the conceptualization of ‘security’ provided through critical security studies (Wæver 1995), this critical notion of security and/or securitization enables us to consider the role played in the securitization of asylum and asylum seekers themselves. Moving beyond this, this work will consider the ways in which the securitization of asylum and asylum seekers themselves is linked to the securing of ethnic identity. Moreover, Abulof (2014) highlights that civic nations (such as the United States) typically frame “national security/interest” in terms of what protects

⁴³ See Wæver et al., (1993); Wæver (1995); Buzan et al. (1998); Huysmans (2002); Buzan and Wæver (2003) as cited in Muller (2010).

⁴⁴ Moving from the foundations of the Copenhagen School, a second generation of securitization scholars have moved away from the emphasis on illocutionary components of speech to focus on the effects of speech on the intended audience (Balzacq 2005; Strizel 2007; Roe 2008). In this regard, claims about security made by state agents and politicians are made “politically efficacious” precisely through the “authoritative declaration” of an ‘existential threat’ being posed and through the acceptance of this threat by a *relevant audience* (Williams 2003: 514). Recent studies have moved beyond the emphasis on speech altogether, focusing on the behavioral change that must accompany rhetoric for an act to be considered securitization. With this emphasis, more focus is placed on the securitizing actor (Olesker 2014). Despite these developments in the conceptualization of securitization the question remains of how to better ground securitization theory methodologically. Wæver (2003) notes the lack of agreement on when and under what conditions securitization takes place, which has remained under-investigated in scholarly literature (Olesker 2014).

the state, whereas in ethnonational states (such as Sri Lanka, Bulgaria and Israel), the state interest is often defined in terms of “what protects the (ethnic) nation” (401).⁴⁵

According to Kalir (2014), asylum and asylum seekers “first surfaced as a major ‘problem’ in 2010 (Kalir 2014: 11). That year, Prime Minister Benjamin Netanyahu stated:

...infiltrators [asylum seekers] cause cultural, social and economic damage, and pull us towards the Third World ... [they] threaten to wash away our achievements and damage our existence as a Jewish democratic state (*Ha’aretz* 2012b).

Former Interior Minister Eli Yishai, urging parliament to approve a budget for the fencing of the Israeli-Egypt border, suggested:

...the fact that only 0.01% of the infiltrators [asylum seekers] are refugees while the rest are migrant workers poses an existential threat to Israel (Weiler-Polak 2010).

While framing Sudanese and Eritrean asylum seekers as ‘economic migrants,’ there is no basis for suggesting they are not in fact refugees, since the majority of Sudanese and Eritrean nationals have never had the opportunity to submit claims for refugee status through Israel’s RSD system. If they have submitted RSD claims, most asylum seekers have not received responses to their claims (Simpson 2014). Thus, statements such as that made by Yishai are unfounded, yet employ a discursive strategy linking asylum seekers as not only a threat to national security or national identity, but also to Israel’s economy.

In May 2012, Miri Regev, a Member of the Knesset (parliament), referred to asylum seekers as “a cancer in our body” (*Ha’aretz* 2012a). She received a negative response and offered an apology not to asylum seekers, but to survivors and those with cancer (*Ha’aretz* 2012). Regev released a short video in which she said the following, as translated by Dena Shunra:

The phenomenon of infiltration is a phenomenon that is spreading everywhere in the State of Israel: South Tel Aviv, Arad, Eilat, Orr Akiva, Pardes Hanna. I spoke of the phenomenon of infiltration that is spreading

⁴⁵ If the insecure polity is ethnonational, Abulof (2014) suggests that “political legitimization lends itself to justify both the ethnic community (“the people,” understood genealogically) and the state, legitimating each other: the state must exist to preserve the people, and the people must persist (often with an assured majority) to sustain the state” (402). Adding to this, Buzan et al. (1998) suggests that “This mode of “societal security [which] is often about nations and their survival” greatly challenges liberal democracy” (1998: 41 as cited in Olesker 2014: 402).

in the manner that the phenomenon of cancer spreads in the human body. Heaven forbid, I did not talk about human beings and I did not compare them [asylum seekers] to human beings. If someone feels hurt by that statement, or understood my statement incorrectly, or if my statement were incorrectly interpreted, I apologize for this. I say again, the infiltration phenomenon is a phenomenon that we must put boundaries to, we must handle, because it both constitutes a demographic threat on Israel and also constitutes a violation of the personal safety of our citizens (Regev, as cited by Abunimah 2012).

The dehumanization of asylum seekers in the discourse of national-level politicians and state agents is epitomized not only in Regev likening Eritrean and Sudanese nationals to “cancer” but in her apology, blatantly stating that she “did not compare them [asylum seeker’s] to human beings” (Regev Abunimah 2012). A poll by the Israel Democracy Institute and Tel Aviv University “revealed that 52% of Jewish Israelis agree with the statement made by Regev about ‘unauthorized Africans’ being a cancer in the body of Israel” (Kalir 2014: 14). Other state-level government officials and public figures have echoed Regev’s statements, constituting asylum seekers as a threat not only to national safety, but a threat to the personal safety of citizens.

4.1 NETANYAHU’S ANTI-ASYLUM SEEKER POLITICS

National security and “national security myths,” Migdal (2006) argues, have been pivotal in creating a sense of peoplehood whose tie to the state is rooted in these myths. Modern ‘peoplehood,’ John Lie writes, “creates a fiction of homogeneity, of holistic essence” (Lie 2004: 269 as cited in Migdal 2006: 18). The way in which ‘security’ is used in Israel is arguably used to perpetuate nationalist ideologies that perform multiple functions: (1) creating a sense of “peoplehood” and (2) legitimizing differential rights, including to those within the state that do not fit within the idea of the nation.⁴⁶ This is key in framing the political shifts and the nationalistic ideology driving Netanyahu’s discourse towards asylum seekers. Simultaneously, legitimacy is given to the state to execute any policies, practices or actions deemed necessary to manage ‘subjects’ or groups framed as a security threat, a fundamental component of the securitization of migration.

Netanyahu’s 2012 election platform, as stated previously, evidenced a hard line focus on immigration and security, broadening the threat of ‘others’ from a focus on Palestinians to also include Sudanese and Eritrean

⁴⁶ While rights are withheld from Arab citizens through what Molavi (2013) refers to as a “stateless citizenship,” for Eritrean and Sudanese asylum seekers rights are withheld through the lack of recognition as any figure in the state. Asylum seekers are thus de facto *stateless*. They are defined in the state and by the state by their lack of recognition, created institutionally by the state through barring channels for recognition and making inaccessible productive sites of claims-making for rights. The restriction of rights is justified by security. Kemp and Smootha also argue that the “use of the security situation” is the means of legitimizing the failure of there being universal rights to all citizens of the state (Migdal 2006: 18).

asylum seekers. Netanyahu has notably suggested that

...the phenomenon [arrival of Eritrean and Sudanese nationals] is very serious and threatens the national security... 60,000 infiltrators could become 600,000 and could bring about the elimination of Israel as a Jewish and democratic state (Nesher 2012).

It could be suggested that despite Netanyahu's popularity and public support to begin with in the 2012 elections, through focusing on 'illegal' immigration and security, the public's gaze was averted to an 'external problem' that could be 'dealt with' such as Sudanese and Eritrean asylum seekers, framed as criminal, a security problem and a problem in general. Rather than addressing 'internal' issues such as the socioeconomic disparities, it was through creating, framing and politically acting on a 'problem' that could be 'solved' that at least contributed in part to Netanyahu's citizen support base growing. The framing of asylum seekers as a threat has been accomplished, for example, through public statements and media, such as a government campaign in which paid actors suggested that they were unemployed for the reason that "foreigners" took their jobs (Guarnieri 2012). This assertion can be supported by examining the focus and budget of Netanyahu's government in 2012, in that despite other concerns such as the increasing cost of living and potential threats to national security in the context of the post-Arab Spring shifts in the region

immigration [was] of such paramount importance to Binyamin [Benjamin] Netanyahu's coalition that it has skimmed a minimum of 2% from every ministry's budget to fund the construction and start-up costs of the building [Holot detention centre]" (Greenwood 2012).

As the state increasingly pursues these measures, not only coercing asylum seekers to leave through 'voluntary return' but inciting the citizenry against them –or in the words of Guarnieri "whipping the public into a nationalist frenzy"— Jewish Israelis, much like in the demonstrations of summer 2012, are incited to further discrimination and violence against African asylum seekers (Guarnieri 2012).⁴⁷

Taking advantage of the political opportunity afforded to him, including two incidents of criminal activity that happened in south Tel Aviv in 2012 and the media response to these incidents, Netanyahu suggested that 'African asylum seekers' were to blame (Rozen 2012), framing asylum seekers as criminal. However, following this assertion of the criminal activity of Eritrean and Sudanese nationals in Israel, Micky Rosenfeld, the spokesperson for the Israeli police, noted that crime in Israel had decreased overall. Sigal Rozen, a lawyer and

⁴⁷ The role of the actions and discourse employed by key state agents in anti-asylum protests and demonstrations of 2012 will be considered in Chapters 3 and 4.

researcher for the Hotline for Refugees and Migrants (HRM) has also outlined that the statistics demonstrate that the criminal activity of 'foreigners' in Israel is half that of the overall Israeli population (Rozen 2012).⁴⁸ To add to this, Yohanan Danino, the Israeli police chief at the time, has publicly supported asylum seekers receiving formal and legal permission to work as part of the strategy for discouraging petty crime. Danini noted that nearly all Sudanese and Eritrean nationals are unable to work legally, and live in overcrowded and impoverished conditions, suggesting that "the community needs to be supported in order to prevent economic and social problems" (Sherwood 2012). Eli Yisahi, the Interior Minister at the time, suggested that providing jobs for asylum seekers would lead to them permanently settling in the state and refused this proposal.

4.2 *"WE WILL BE HERE AND THEY WILL BE THERE": THE 'ENCLOSING' OF A NATION*

"But how can a wall protect if it is not a continuous structure?" (Franz Kafka 1999: 67 as cited in Handelman 2004).⁴⁹

At the time that Netanyahu was Israel's Finance Minister, in 2003, he referred to Arab citizens of the state as a "demographic problem" and suggested that the construction of the separation barrier would prevent a "demographic spillover" of Palestinians from the Occupied Territories (Guarnieri 2012). "Fast forward to 2010," Guarnieri says, and "Prime Minister Netanyahu calls African asylum seekers a 'concrete threat to the Jewish and democratic character of the country' and promises another separation barrier, this one to run the length of the border between Egypt and Israel." She adds to this:

When considered through the lens of the goal of maintaining a "Jewish and democratic" country, every non-Jew - Arab or African, Christian or Muslim - becomes a "threat" to the state (Guarnieri 2012).

In 2012, Israel completed a 230 kilometer border fence running from Kerem Shalom passage in the north to Eilat in the south (See Figure 4, Barrier 7). This fence, constructed along Israel's border with Egypt, was built to prevent asylum seekers from entering the country by way of crossing Egypt's Sinai Desert. The border fence was built over a three and a half year period, standing five meters high and including military surveillance equipment. Prime Minister Benjamin Netanyahu, suggested in his 2012 election campaign that the border fence would serve as evidence of his commitment to national security and the identity of the country, making inseparable the

⁴⁸ See Rozen (2012) for full statistics and address of crime amongst Sudanese and Eritrean asylum seekers and the overall Israeli population.

⁴⁹ 'The Great Wall of China' by Kafka (1999).

securing of Israel and 'illegal immigration.' Following the completion of the last stretch of the fence, the Deputy Director General of the Defense Ministry, Bezalal Treiber, remarked as quoted by Harel in a *Ha'aretz* article:

It is indeed a monster... Seen from the Egyptian side, the fence is overall quite frightening (Treiber as cited by Harel 2011).

The arrival of asylum seekers from Sub-Saharan Africa slowed around the time that the fence was completed in December 2013, as the fence physically made more challenging the prospect of entering Israel by the Egypt-Israel border. Linking an 'unsealed border' to threat, Netanyahu said of this wall upon its construction in 2010:

A country's borders can't be penetrable – it is a national threat... (Netanyahu as cited by Ravid 2010).

When the construction of the wall along Israel's southern border with Egypt originally started in 2010, Netanyahu made the following remarks, as cited by McCarthy in *The Guardian*:

I took the decision to close Israel's southern border to infiltrators [asylum seekers] and terrorists. This is a strategic decision to secure Israel's Jewish and democratic character... We cannot let tens of thousands of illegal workers [asylum seekers] infiltrate into Israel through the southern border and inundate our country with illegal aliens (Netanyahu as cited by McCarty 2010).

Netanyahu couched this statement about "illegal workers," "infiltrators" and "illegal aliens" in a pronouncement that "Israel would be open to refugees from conflict zones." However, he followed this statement by delegitimizing those who were already in the state seeking asylum as refugees by referring to them as "illegal[s]" and "aliens" rather than refugees (Netanyahu as cited in McCarty 2010). Labelling and categorization is thus revealed as a powerful tool in delegitimizing asylum seekers as potential refugees, used in the form of the "conceptual tools of bureaucratic labelling - stereotyping, conformity, designation, identity disaggregation and political/power relationships" (Zetter 1991: 39).⁵⁰

Another example is Israeli state agents conflating 'asylum seekers' or 'refugees' with "terrorists," those who in the Israeli psyche and in society represent criminality and a security threat. To provide context, "terrorists" in the discursive statement made by Netanyahu above, is directed to and specified as 'Arab terrorists' crossing over from Egypt. The conflation of asylum seekers with terrorists is not unprecedented. As documented by Yiftachel

⁵⁰ While the bureaucratic labeling of asylum seekers and the results in the arena of public policy are not the same thing as discursive constructions of asylum seekers, they nonetheless can both be used to shape the realities of asylum seekers when applied and utilized in government policies and practices.

(2010), Shmulik Rifman, the Chairman of the Ramat Negev Regional Committee in 2010, criminalized asylum seekers and compared their border crossings to the infiltration of terrorists:

I see it [the infiltration of asylum seekers] as a national disaster. The decision makers do not understand the meaning of it ... 200,000 of them are sitting in Egypt and are waiting to make their salaries in the Holy Land [Israel]. The feeling is that these are Darfurian refugees, but this is not the real story. There is a danger in those who are looking for a job and their infiltration is even more dangerous than the infiltration of terrorists (Rifman as cited in Yiftachel 2010: 62).

Around the time of the Arab spring, there was a particular concern of a ‘spill over’ effect of refugees and asylum seekers from Sub-Saharan African attempting to re-locate from Egypt to Israel amidst the upheaval in the region (Interview 2, 2013), as well as after the violence of Egyptian government officials against Sudanese asylum seekers carried out in Cairo in 2012 (Agier 2012).

Over time and until the construction of the wall was completed in 2013, this political context was used to legitimize the Egypt-Israel fence as having the ability to keep out various ‘security threats’: Arab ‘terrorists’ and asylum seekers alike. According to a community worker in Israel, the “closure” of the border had a “profound impact on public perception and public opinion...” (Interview 16). She suggests that there was political gain for Netanyahu and his government in pushing the completion of the fence in 2012, as before it had been completed there had been around 2000 Sudanese and Eritrean asylum seekers per month crossing the border. This was reduced afterwards to less than 100 per year (Interview 16). In a *Ha’aretz* article written in November 2011, Harel suggested that the building and completion of the fence was being “pushed along with surprising speed by political winds and security needs” (Harel 2011). “Seal everything, or nothing at all,” was the title of a section of his article, highlighting the approach and framing of the state and the reason for the wall’s rapid completion (Harel 2011).



Figure 2. View of the fence on border between Israel and Egypt (NBC 2013).

The historical construction of walls discursively securing the state and also having political implications is evident in Israel's use of walls at the Gaza boundary and West Bank (see Figure 3, Appendix A). Israel's building of walls and fences as part of its security apparatus –and for the policing of populations within its borders— has been extensively outlined, with a plethora of academic literature on the subject.⁵¹ The construction of walls has mainly taken place on the territorial borders at the edge of the occupied territories, with the West Bank and Gaza completely separated by a sophisticated “architecture of occupation” (see Figure 4, Appendix A). As Weizman elucidates in his discussion of the “politics of separation,” Israel's demographic strategy has attempted at the “gaining of land without the people living in it” (Weisman 2007:10-11).⁵²

McCarthy (2010), the author of the aforementioned article in *The Guardian*, himself draws the connection between the fence along the Egypt border built to keep Eritrean and Sudanese asylum seekers out and Israel's ‘other’ walls, saying

⁵¹ See, for example, Wendy Brown's (2010) book *Walled states, waning sovereignty* for her contribution to the analysis of barriers, fences and walls constructed in Israel.

⁵² While the use of walls and fences in Israel/Palestine is not the focus of my work, there are innumerable implications and points of relevance, including the connections between wall building and the construction of national identity through relying on Israel's underlying “deep securitization” and security disposition. This is the reason why I include this brief reference to the other walls that have been constructed in the name of security. See Weizman's (2007) book “Hollow Land” for an exposition on Israel and Palestine in consideration of technology, infrastructure and the politics of separation/partition.

In recent years Israel has built fences with the occupied Palestinian territories too: the Gaza boundary is marked with an electronic fence and inside the West Bank a vast concrete and steel barrier has been half-built, ostensibly for security but which many believe may yet become a political border (McCarthy 2010).

Ehud Barak, Israel's Defense Minister in 2012, stated of these walls:

We need a fence, as I said 10 years ago, with all of our neighbors... With the Palestinians we need two states for two people, a fence that will surround a solid Jewish majority, *we will be here and they will be there* (McCarthy 2010, emphasis mine).

According to *Reuters* (2012), when the wall along the Egypt-Israel border was completed, it was “touted by Prime Minister Benjamin Netanyahu as proof of his commitment to the Jewish state’s security as he campaigns for a national election on January 22 [2013]” (*Reuters* 2013).

Demonstrated in the following excerpt is the linkage between the politics of Netanyahu, relying on the nationalist agenda or “mission” of ‘enclosing’ the nation and the Israeli ‘security disposition’ and the intent to remove ‘infiltrators’ from Israel:

With security and illegal immigration a target of his campaign, Netanyahu travelled by military helicopter to the southern frontier for a ceremony marking the completion of the 230 km (143 miles) section of fence. His government has accelerated its construction, deported some migrants [asylum seekers] and imposed legal penalties on Israelis who hire them without work permits. Thirty-six migrants [asylum seekers] crossed illegally into Israel last month and were arrested, compared with 2,153 who entered a year ago, Netanyahu's office said in a statement. “Just as we stopped completely the infiltration into Israeli cities, *we will succeed in the next mission - the repatriation of tens of thousands of infiltrators already in Israel to their home countries,*” it cited Netanyahu as saying at the ceremony (*Reuters* 2013, emphasis mine).

The near halting of arrivals via this border—an act of ‘successful border control’—reaffirmed for the Israeli public the idea that borders and subsequent changes in the state’s management of asylum seekers has protected the integrity of the state, further popularizing Netanyahu’s hardline anti-asylum seeker politics. Furthermore, drawing on this statement delivered by Netanyahu, it is critical to highlight that he states that the construction of the wall is only one part of the state’s strategy. Following the prevention of ‘infiltration’ through the completion of the wall, the next part of the strategy is then the ‘repatriation’ of ‘infiltrators,’ referring to the removal of asylum seekers from territory.

One of Israel's leading newspaper sources, *The Jerusalem Post*, summed up the state position and public opinion in saying that the fence

...was built in order to stop the flow of African migrants *sneaking* into Israel from Sudan and Eritrea, a mission the fence has been successful in (*The Jerusalem Post* 2013, emphasis mine).

This highlights the state's discursive framing of the asylum seeker's encroachment on territory and suggests that the state's construction of the wall has abated this "sneaking" of asylum seekers into territory. Not only was it an act the government could engage in to physically create the social notion of enclosure, safety and security, but the building and completion of the fence propagated the image of government carrying out a "mission" it could be "successful" in (*The Jerusalem Post* 2013). The completion of this wall bolstered the popularity of Benjamin Netanyahu through framing Eritrean and Sudanese asylum seekers as threat and managing that threat through constructing a wall that would hinder unwanted movement into territory.

In the historical context of unresolvable territorial, social and political disputes between the state of Israel and Palestinian authorities, a 'successful' "*mission*" directed towards 'another Other' – the Eritrean and Sudanese asylum seeker— provides the image of a state capable of the management of 'undesirable Others' (Agier 2011). An entrenched and established discourse—and politics— to the building and policing of borders is evident in the context of Israel, historically applied to the 'us' and 'them' dichotomy of Israel and Palestine. This is demonstrated and applied in Netanyahu's push for and resultant completion of Israel's 'security' fence in 2013, built in reference to asylum seekers. Netanyahu's timing in building and completing this wall also suggests the strategic way that societal insecurities can be used in politically strategic periods through state policies and practices of securitization.

4. 3 THE MAKING OF INFILTRATORS'

The term 'infiltrator' (Hebrew: *mistanenim*), commonly applied to Sudanese and Eritrean asylum seekers, was originally created to refer to Palestinians who had broken the law.⁵³ Referring to asylum seekers as 'infiltrators' is widespread among mainstream politicians, the media and by now also many ordinary Israeli citizens (Kalir 2014). The term 'infiltrators' crystallizes both within the social conscience of society and the legal system the 'illegality'

⁵³ For further analysis of the state's use of the term 'infiltrators' (Hebrew: *mistanenim*) see Handelzaltz (2012).

and threat of Sudanese and Eritrean asylum seekers, with the terminology coming from the Prevention of Infiltration Law, originally targeting Palestinian groups entering Israel from Egypt and Jordan to attack Israeli targets. Palestinian ‘infiltrators’ were criminalized and under the law, faced up to five years in prison for illegally crossing the border. It is very indicative of the Israeli ‘security disposition’ that the term *‘mistananim’* became normalized in its application to Sudanese and Eritrean asylum seekers, “although not a single asylum seeker from Africa has been implicated in any terrorist activity after crossing into Israel” (Kalir 2014: 8). An enlightening article tracing the emergence of ‘infiltrators’ being used to discursively frame Eritrean and Sudanese asylum seekers in Israel comes from Handelzaltz (2012), published in *Ha’aretz* in June 2012. Handelzaltz (2012) says:

What piqued my curiosity was the fact that suddenly, about a couple of months ago [around April 2012], the rhetoric changed. The 70-odd thousand foreigners originating from several African countries, hitherto referred to by Israeli official spokesman as "economic migrants" (mainly illegal) and "refugees" (their rights to that status doubted by various politicians, but not really looked into in detail) became "infiltrators."

Handelzaltz goes on to say:

We Israelis should know better than all people that words forge our relations with reality. After all, it was by uttering words that God created the world we live in. And we know from our bloody recent past and present that one side's "terrorist" is another side's "freedom fighter." Similarly, the seemingly objective term "foreign worker" (subject to existing rules and regulations in each country) differs vastly from the term "refugee," which refers to someone who deserves compassion and mercy and possibly asylum, and that is, in its turn, diametrically opposed to "infiltrator," which denotes something sinister and downright dangerous... But words, apart from their sway over our perception of reality, have a memory as well, which can permeate the discourse even when the speakers are not aware of it (Handelzaltz 2012).

The etymology of *mistananim* (from the Arabic) is similar to the English equivalent. Based in the Hebrew root “S-N-N,” it is comprised by the words for both “filter” (Hebrew: *masnen*) and “sieve” (Hebrew: *mesanenet*) (Handelzaltz 2012). Loaded with historical meaning, Handelzaltz (2012) suggests:

It brings us back to the 1950s, the first years of the recently established State of Israel following the bloody period of the War of Independence, one of whose results was the flight or expulsion of many Palestinian Arabs from territories that were now Israeli; what is referred today by the Palestinians as the "Nakba" (catastrophe).

Ultimately, Handelzaltz (2012) suggests that to use this discourse in application to Sudanese and Eritrean asylum seekers was purposed

...to make the African migrants [asylum seekers], at least figuratively, as dangerous and menacing as the Palestinian *fedayeen* of the 1950s (who were, even if Israel does not acknowledge the fact, "refugees" to begin with), or even Palestinians of today demanding their "right of return," turning this, therefore, into, a national security issue and a clear and present danger, on top of being a social issue.

The discursive use of “infiltration” thus allows Israeli politicians to frame Eritrean and Sudanese asylum seekers as a national security issue. “Infiltration” carries highly criminal connotations and negative associations and is closely linked in the Israeli mind-set to national security and terrorism. Due to the strong nation-building component of the state, this threat can easily be mobilized as a concern not only on the level of the state, but on the level of the individual or the everyday state subject—the citizen—in Israel. The 2012 amendment to the Anti-Infiltration Law, through its instatement and direct application to Eritrean and Sudanese asylum seekers, criminalized asylum seekers by applying “infiltration” to crossing the border to seek protection as a refugee. Under the revised law, such border crossings by asylum seekers are now deemed “illegal.”

The Anti-Infiltration Law was an important instrument, if not the only one, in facilitating the criminalization of Sudanese and Eritrean asylum seekers. As Williams draws attention to, laws by their very nature, are decisionistic; they “become a crucial battleground in the politics of securitization” (Williams 2011: 459 as cited in Olesker 2014: 106-107). It is considerable that the “law’s most powerful tools are also its most ordinary tools: the creation of legal identities, the creation of legal spaces and legal borders, and the definition of the scope of legal rights” (Basaran 2011: 7–8 as cited in Olesker 2014: 107). Along with further criminalizing Eritrean and Sudanese asylum seekers, the January 10, 2012 amendment to the law included substantial funding for the expansion of Saharonim prison and Ketziot, a facility that originally housed Palestinians detained during the First Intifada and which was soon thereafter to be renovated to hold around eight thousand Sudanese and Eritrean nationals (Blumenthal 2013: 336).⁵⁴ Following the amendment to the Anti-Infiltration Law in 2012, the Anti-Infiltration Law was again in 2013 amended by the Knesset on December 10, 2013, as stated earlier in Chapter 1.⁵⁵ The law, designed to circumvent a High Court of Justice ruling from September 2013 voided the 3rd amendment to the Anti-Infiltration Law, instituting instead a 4th amendment. Sudanese and Eritrean asylum seekers responded to the September 2013 decision with optimism and hope, but others had reservation. Mutasim, a Sudanese asylum

⁵⁴ Due to lack of prison spaces, this third amendment to the law was only implemented beginning on June 3, 2012, after the allocated funds were used for the construction of the additional holding space in Saharonim and Ketziot.

⁵⁵ Information on the initial amendment that was made to the Anti-Infiltration Law can be found in Chapter 1.

seeker from Darfur remarked after this decision: “The problem in Israel is that it doesn’t have a policy for handling refugees. The cancellation of this law is not enough. There is still a big problem” (Tsurkov 2013).

The Israeli High Court’s September 2013 judgment suggested that the law was disproportional in its infringement on the right to liberty of asylum seekers and that the purpose of the law could be obtained using less serious measures (HRM 2014). The High Court ruled that the state of Israel examine the individual cases of all the detainees held under the previous law within 90 days and begin releasing them from Holot detention centre immediately. Rather than following the directives of the High Court, the Netanyahu government “pushed through a hastily drafted law that would replace the abrogated law” (HRM 2013), resulting in the December 2013 amendment that soon followed.⁵⁶ Late in 2014, much controversy stirred around a proposed bill that would bring about the 5th amendment to the Anti-Infiltration Law, with the previous amendment being struck down by the High Court of Justice for violating “human rights in an essential, deep and fundamental way” (Lior 2014a). After three readings, the bill was passed in the Knesset. An editorial written in *Ha’aretz* noted that some members of Yesh Atid, a political party in Israel, would not toe the “party line” of their party chairman, MK Yair Lapid.⁵⁷ This is despite Lapid’s earlier support of the amendment. He had stated:

We must deal with refugees from Darfur like Holocaust survivors... This statement cannot go together with support for a bill that allows them to continue to be tormented; 70 percent of those incarcerated in the Holot detention center fled Darfur. Asylum seekers from Eritrea, according to the Israeli government as well, must not be returned to a place where their lives are in danger (*Ha’aretz* 2014).⁵⁸

A *Ha’aretz* editorial writer, opposing Netanyahu and Lapid’s “shedding of democratic assets” went on to suggest that:

⁵⁶ Under this version of the law, asylum seekers would be transferred from Saharonim to Holot detention centre after one year. The rationale is that asylum-seekers would stay in this camp until they could be deported, either until the political situation in their countries of origin improves or until the conditions that Israel has created enough pressure on the population that they would ‘agree’ to sign documents declaring that they are ‘voluntarily’ leaving for the African continent or returning to their ‘countries.

⁵⁷ The Yesh Atid party was formed by Yair Lapid in 2012, seeking to represent what it considers to be the centre of Israeli society: the secular middle class. A coalition was formed between the ruling Likud party and Yesh Atid on 15 Mach 2013, bringing Yesh Atid alongside Likud in the ruling government.

⁵⁸ Lapid, in this statement, connects the experience of those who experienced the Holocaust with the genocide experienced by those who fled Darfur. While the narrative of ‘welcoming the stranger’ on the basis of Jewish moral obligation and remembrance of the Holocaust used to be more widely cited in the state’s response to asylum seekers and more widely embraced by politicians and Israeli society, this has diminished over time. Kalir (2014) suggests that “while many Jews resist a comparison between the Holocaust and any other genocide, using the Holocaust for generating compassion for the cause of asylum seekers in Israel has at times been a successful, albeit partial and problematic, strategy (Paz 2011; Willen 2010 as cited in Kalir 2014: 14). Yet “Some NGOs activists reflected in interviews with me on the ‘strategic limits’ of using the Holocaust in public debates and on the unintended ways in which it can inflame such discussions. Paz (2011) suggest that the “Holocaust discourse, as a fundamental pillar of the Israeli society, will continue to shape people’s interpretive readings and the state’s responses to asylum-seekers” (Paz 2011: 14).

After his dismissal by Netanyahu, Lapid [chairman of the Yesh Atid Party] has no reason to continue serving the government [in power], which is shedding its democratic assets. The members of Yesh Atid and Hatnuah must oppose the amendment to the bill on illegal entry into Israel, thus finally signalling the end of the Netanyahu era and its values (*Ha'aretz* December 8 2014).

This statement captures the political manoeuvring by government and the central place that immigration law, but even more importantly, policy and practice around the management of asylum and asylum seekers, has played in the “Netanyahu era and its values.” The 5th amendment to the Anti-Infiltration Law, passed in December 2014, dictates that asylum seekers can no longer be legally held in detention for an indefinite period of time; the time limit is now 20 months.⁵⁹

In analyzing bills passed in the Knesset that securitize non-Jewish segments of the populations, Olesker (2014) suggests that “law, in both its political functions as a securitizing move and a security practice, can facilitate the establishment of hierarchies that securitize certain populations through the process of inclusion and exclusion.” Furthermore, state law is given public confidence and the “belief that ultimately the law operates for the greater benefit of society” (Olesker 2014: 117). Barzilai (1999) warns that in “deeply divided societies” such as Israel, there is concern for legislation being used “to delegitimize the political adversary in a way that justifies the extraordinary application of the law to allow for violation of otherwise acceptable legal norms” (Olesker 2014: 117). Historically, the state of Israel has achieved state-building and nation-building aims through relying on discursive strategies, framing and identity-based dichotomies such as the Israel/Arab binary. Discourse has been used to legitimize the exclusion of Arab Israelis, making a discourse analysis and application of securitization theory used in relation to Eritrean and Sudanese asylum seekers is particularly relevant in examination of Israel’s management of asylum. The discourse of politicians and state figures is a useful tool for elucidating the state’s changing relations to asylum and thus, discourse analysis serves as a means of revealing the objectives and strategies of the state. I examine the laws implemented and the discursive strategy within the law, coming from the foundational understanding that the “legal system... dictat[es] [the] notion of ‘us’ and ‘them’ ... [with] such legislation effectively set[ting] out who belongs. In the process, it identifies whom we need not fear, and who is out of place” (Bosworth 2008: 210). Law thus has not only governing power, but creative power.

⁵⁹ Additionally, obligatory reporting to officials at Holot has now been changed to once per day, the only other significant improvement in its passing.⁵⁹ According to *Ha'aretz* journalist Lior (2014a), “the time pressure is due to the fact that the High Court gave the state 90 days to formulate a new legislative arrangement.” If the new amendment was not approved by December 22, 2014, the state would have been obligated to release the approximate 2,300 asylum seekers being held there.

4.4 PITTING ISRAEL'S HIGH COURT AND ASYLUM SEEKERS AGAINST 'THE PEOPLE'

Prior to leaving the Knesset in late 2014, former Interior Minister Gideon Sa'ar released a forceful admonition that despite the High Court striking down of the Anti-Infiltration Law amendment and the state's ability to rely on the indefinite detention of asylum seekers, the state must not 'give up' on Holot detention centre. Gideon Sa'ar stated, as documented in *Ha'aretz* by Lior (2014):

It is impossible to do without Holot. Giving up on Holot would be a stage of capitulation; the inevitable result would be the assimilation of the infiltrators into Israeli society," Sa'ar told the Knesset Interior and Environment Committee. "We are definitely willing to take into account some of the court's remarks concerning the facility ... but in no way is it possible to give in on Holot" (Lior 2014c).

Drawing comparisons between Israel's approach and that of 'other Western nations,' Gideon Sa'ar went on to say:

Israel's fence on the Sinai border was not enough... Many other Western nations give the punishment of detention.... this is necessary for deterrence, alongside the physical barrier of the fence. It exists in Australia, Italy, in Greece (Lior 2014c).

From these statements delivered by Gideon Sa'ar at the end of 2014, it is evident that the Interior Ministry has no intention of promoting receptivity to Eritrean and Sudanese asylum seekers in Israeli society, indicating that "assimilation" is equitable to "capitulation" for Israel. Sa'ar attempted to justify the state's use of detention by comparing Israel's approach to that of Western nations. This rationale for the detention of asylum seekers in Israel has been provided, yet the use of detention in Western liberal democracies is distinct: it overwhelmingly corresponds to having a fair and efficient system of RSD in place that would lead to the assessment of individual claims. Either a claim for refugee status would be denied, or if accepted, a resulting status would be imbued to the individual making the claim. Rather, in Israel, there is the denial of claims assessment, making the use of detention unproductive in the overarching system of migration management and RSD. Miri Regev of Likud, the chairwoman of the interior committee, also opposed the High Court's action:

With all due respect to the court, Holot will not be dismantled. [The High Court] did not build Holot (Lior 2014b).

According to Lior (2014) of *Ha'aretz*, “she also implied she would support legislation to limit the court’s authority.” Regev stated to the committee:

The Knesset gave [the court] this authority and it is the one that will limit it (Regev as cited in Lior 2014).

After the most recent amendment to the Anti-Infiltration Law was drafted and passed in December 2014, the High Court of Justice issued a temporary injunction at the request of a number of Israeli human rights organizations that would legally prohibit the state from continuing to issue summons to asylum seekers to report to Holot detention facility instead of renewing their 2A5 visa. The ruling was issued in response to the request of a petition submitted by the aforementioned groups asking for a repeal of the Knesset’s new amendment to the Anti-Infiltration Law and for the interim injunction, at least until the petition was heard.⁶⁰ The petitioners went on to state:

The population that this petition deals with, a population of people who are not being deported to their countries of origin because their lives are in danger there ... is one of the weakest and most hated populations in Israel... Incitement against [them] breaks new records each day (Israeli human rights organization petitioners, cited by Lior 2014).

I seek to highlight the response of the recently appointed Interior Minister Gilad Erdan, who replaced Gideon Sa’ar in late 2014. In his chosen discourse, he effectively frames the interests of “the people” (Israeli citizens) as not only contrary Eritrean and Sudanese asylum seekers, but as contrary to those of Israel’s High Court. Gilad Erdan stated:

I believe that it is unreasonable that the judicial branch can prevent, at the discretion of a single judge, the implementation of legislation passed by the Knesset, the democratic institution elected by the people... The next government must urgently promote a Basic Law dealing with legislation, *which would grant the state tools for protecting national interests*, when this is supported by a large Knesset majority. Regretfully, the Supreme Court has again demonstrated that *it is much more attuned to the rights of infiltrators than to the plight of the residents of southern Tel Aviv* (Erdan, cited in Lior 2014b, emphasis mine).

In this statement, Interior Minister Erdan articulates a framing often used by the state government: that of the state acting in the interest of “the people” and the High Court acting in opposition. This framing of “the people”

⁶⁰ See *Ha'aretz* article here for additional information on the injunction and the context of the request: <http://www.haaretz.com/news/national/.premium-1.632592>.

gives the state the ability to more easily to overturn court action with public support, as it pits the High Court against “the people;” democratic principles against the “national interests” of “the people.” Ultimately, the “national interest” is to create all tools necessary for the state, chiefly in law, for Israel to be a Jewish nation-state. Erdan also framed the Court as against “the people,” suggesting that the High Court has aligned itself with the interests of “the infiltrators,” instead of acknowledging the “plight of the residents of southern Tel Aviv” (Erdan as cited in Lior 2014b).⁶¹ The government has clearly mobilized political action and gained traction for the anti-asylum seeker political agenda entrenched in Netanyahu’s immigration platform by representing asylum seekers as threats in the first instance, clearly illustrating Bigo’s (2002) definition of the securitization of migration. Discourses propagated by the state only serve to incite south Tel Aviv residents against Sudanese and Eritrean asylum seekers, ‘fanning the flames’ of existing tensions. The way these tensions have been put to use and the specific discourse used to ‘enflame’ in the anti-asylum seeker demonstrations of summer 2012 will be discussed in the next chapter (*972 Magazine* 2014).

4.5 POLITICS, ETHNIC IDENTITY AND ASYLUM⁶²

To position the consideration of the state’s management of asylum and treatment of Eritrean and Sudanese asylum seekers within wider political debates in the state of Israel at the current historical moment, I highlight a key piece of legislation that was tabled in late 2014: the Jewish Nation-State Bill. This bill was put forward again in a pre-election period, within five months of the March 2015 elections in which Benjamin Netanyahu was re-elected as Prime Minister. The concept of the bill has been to resolve the tensions between the Jewish character of the state and ‘democracy.’ The original bill was drafted by the politically ultra-rightest coalition Ze-ev Elkin and defines Israel as the “nation-state of the Jewish people,” rather than a state of all it’s citizens, of which one

⁶¹ The “plight of the residents of southern Tel Aviv” is an issue that the government has itself neglected. South Tel Aviv has been as a geographical and social site the government has used to pit the population against asylum seekers, thus functioning as an ideal “breeding ground” for political mobilization. With the increasing number of migrant communities and asylum seekers residing in south Tel Aviv since the 2000s, associated in the minds of Israelis is the idea that south Tel Aviv is only occupied by “foreigners.” This serves to further marginalize Israelis living there, an area and population historically neglected by the state.

⁶² Contestation over the ethnic identity of the state serves as a key element of Israeli nationalism and nationalist politics in Israel. Although not explored in detail in this work, I suggest that in the case of Israel, the politics of asylum has emanated from the overarching context of nationalist politics and is a feature of ethno-territorial nationalism. A key characteristic of the Netanyahu-Bennett government has been an “obsession with Jewish identity” (Ha’aretz 2014). This is not surprising, given that politically, Netanyahu’s political party Likud has a distinct religious nationalist character. Slater, providing an analysis of the resultant effect of Netanyahu’s election around 15 years ago, stated “the election of the Likud government under Benjamin Netanyahu threatens to stalemate the overall peace process and lead to an escalating cycle of violence, perhaps even war. Given the Likud’s religious-nationalist ideology and its past history, as well as Netanyahu’s own public record, there was good reason for concern even before the new government took office” (1997: 677). Slater, in 1997, predicated the combination of Likud’s religious-nationalist ideology and the leadership of Netanyahu. While this thesis does not assert to comprehensively provide an analysis of Israeli politics, I focus on the political processes informing the state’s management of asylum and from there, draw from key sources informing as such. I have argued that the role of nationalism in Netanyahu’s use of nationalist ideology in the political sphere has shaped Israel’s asylum discourse, law, policy and practice of the state and assert that nationalism concomitantly shapes securitization practices, strengthened through Israel’s ‘security disposition’ and dichotomies of ‘us’ and ‘them.’

fifth are Arabs (Avishai 2014). The bill would serve to demote Arabic from its status as an official language to having another special status and all state symbols would be Jewish ones. Minorities would lose their right to communal expression (Avishai 2014). Jewish law would serve as the basis and ‘inspiration’ for all laws (Avishai 2014). According to Netanyahu, the current legislation is “no longer sufficient for the extremist forces that have seized power” (Avishai 2014).

There is concern, however, of the effects of this further legal heightening of the “Jewish” character of the state and whether such legislation moving forward explicitly compromises the “democratic” nature of the state. Netanyahu is recorded as saying about the bill at a cabinet meeting:

The judiciary, which recognizes Israel’s democratic side, will also have to recognize that Israel is the nation-state of the Jewish people (Avishai 2014).

Avishai, writing for *The New Yorker*, has suggested that this bill, intended to advance Jewish national privileges, necessitates that Israel’s High Court be targeted. He writes:

The judiciary—governed by democratic standards, and unconstrained by a legally binding national purpose—is his real target. His unstated argument is that the courts advance an abstract concept of citizenship, which, unchecked, will erode the concept of Jewish national self-determination (Avishai 2014).

As the bill went through the Knesset in the late months of 2014, it is not surprising that Eritrean and Sudanese asylum seekers – ‘infiltrators’ – were cited by Netanyahu’s Economy Minister Naftali Bennett as one of the groups this legislation would assist in dealing with. He reportedly lauded the bill, saying it would rescue south Tel Aviv from “infiltrators.” He is reported as saying:

The next time a law meant to stop infiltrators is brought to the High Court of Justice, the court will also have to consider that Israel is the ‘nation-state of the Jewish people’ and not just ‘human dignity and freedom’ (*Ha’aretz* 2015).

The securitization of asylum and “anxiety about the ‘Other’” is hardly unique to Israel. However, Israel’s lack of ‘neutral’ state identity transforms the use and implications of securitization (Olesker 2014: 115). Securitization processes in relation to migration and specifically asylum can be understood, in the context of Israel, as occurring concurrently and alongside the unique feature of the securitization of ethnic identity. Discussing the role of the ethnic identity of the state in securitization, Olesker says:

...whereas in Israel solutions to the perceived security threat have centered on the exclusion of the minority, other Western states have focused on integration of minorities into the dominant society, while strengthening border controls and exclusion of non-citizens. Consequently, the securitization of ethnic identities in Israel is much more pervasive (2014: 115).

Olesker (2014) suggests that “the referent object of securitization in Israel is unique relative to other liberal democracies—*ethnic identity*” (115, emphasis mine).⁶³

Not only does discourse propagated by state agents and politicians in Israel promote the closure of territorial borders and society, but ultimately frames Eritrean and Sudanese asylum seekers as a threat to the existence of the Jewish nation and Israel’s Jewish national identity. This underscores and characterizes Netanyahu’s approach, discursively in politics, along with policies and practices he has tabled under his leadership. Netanyahu frames the consequence of a failure to take action through controlling and curbing the “phenomenon” of ‘infiltration’ as “elimination” of Israel as Jewish and democratic state. With this framing, he suggests that threat not only exists on a territorial and societal level, but also that the foundational identity and existence of the nation is threatened, serving to legitimize any action taken on part of the state government to counteract—and eliminate—this threat. Netanyahu and other government officials, particularly since 2012, have employed a clear discursive strategy to incite the public and legitimize the state’s chosen approach, informing an analysis of the conditions fostered to promote the ‘voluntary return’ of Eritrean and Sudanese asylum seekers.

⁶³ Scholarly consensus asserts that the “ethnic Jewish element” of Israel’s political culture has been in ascendance since 1967 and that the universal, democratic element has receded (Cohen 1983, 1989a; Kimmerling 1985; Medding 1990, 233; Weissbrod 1983 as cited in Peled 1992: 432), raising question as to how the management of ethnic identity has shaped recognition, rights and the permission to remain be hosted in the Israeli state for non-Jewish asylum seekers.

CHAPTER FIVE: THE SECURITIZATION OF ASYLUM AND POLITICS OF ‘VOLUNTARY RETURN’ AMONG ASYLUM SEEKERS IN ISRAEL

Sovereign is he who decides on the exception (Schmitt 1985: 5).

While the twenty-first century has featured economic globalization, permeable borders and global exchange unparalleled with any other period of human history, these developments emerge alongside a number of related tensions between the scales of the international and the national. These tensions manifest, for example, in the shared space between global networks and local nationalisms; territorialization and deterritorialization; national interests and the global market (Rudolph 2010).⁶⁴ Globalization, while opening up global markets and the transnational flow of goods and capital, has brought along with it an increasing element of anxiety at the level of the state and within societies about the implications of permeable boundaries. As structural changes on a global scale have emerged during a period of momentous change, states—in the ‘Global North’ in particular—have intensified efforts to “reinforce and redefine boundaries of belonging and entitlement in the name of security” (Weber 2013: xi). State responses to the to the undesired movement of people and presence in state territory have been multi-faceted, including legislative approaches changing immigration laws, changing policies and practices and a shifting discourse and rhetoric around migration and asylum seekers (Every and Augoustinos 2008). Another response has been the prolific construction of physical barriers and walls around the territorial borders of the state (Brown 2010), relevant in the case of Israel’s response to Eritrean and Sudanese asylum seekers seen in the construction of the Egypt-Israel wall (see Appendix A, Barrier 7).⁶⁵ While the Egypt-Israel wall could be interpreted as performative, in that it symbolically fosters the notion of ‘enclosure’ of the state – and a tool for the ‘enclosing’ of the nation— it has concurrently played a role in diminishing the number of asylum seekers arriving at Israel’s border seeking asylum. State agents such as Netanyahu have created political opportunities to point to the successful staving off of ‘infiltrators,’ bolstering support for himself particularly with Jewish Israeli citizens as a means of securitizing migration. This chapter provides an analysis of the conditions Israel has created for Eritrean and Sudanese asylum seekers, placing it within the broader theoretical

⁶⁴ For discussion of the relation between globalization and the concept of deterritorialization, see Elden (2005). Of the concept, Papastergiadi suggests that “the cultural dynamic of deterritorialization has decoupled previous links between space, stability and reproduction; it has situated the notion of community in multiple locations; it has split loyalties and fractured practices that secure understanding and knowledge within the family and social unit” (2000: 117 as cited in Elden 2005: 9). ‘Deterritorialization,’ in the words of Tuathail (1998), can “best be interpreted as a question: it evokes the challenges posed to the status of territory and, by extension, our territorially embedded understandings of geography, governance and geopolitics, states, places and social sciences, by planetary communications networks and globalizing tendencies” (82).

⁶⁵ Among these include the wall constructed by the United States along its southern border and the Israeli built wall through the West Bank portion of the occupied territories, aimed to deter the movement of people across territory. See Brown (2010) for a brilliant expose on these walls and the relation to globalization and sovereignty.

consideration of the securitization and externalization of asylum. Thus, in the first section of this chapter, I seek to continue reviewing the literature on the securitization of asylum and to place the research within the discussion of the literature. Finally, I consider the data provided in this work and draw conclusions on ‘voluntary return,’ suggesting that ‘voluntary return’ be re-framed as the ‘neo-*refoulement*’ of asylum seekers.

5.1 THE SECURITIZATION OF ASYLUM IN A GLOBAL AGE

Since the events of 11 September 2001 and the ensuing ‘wars on terror,’ there has been “a dramatic—and often draconian—securitization of the politics of borders and bodies” (Muller 2010: 281).⁶⁶ In this context, Muller (2010) argues that securitization is often associated with criminalization and a heightened use of what Nyers refers to as “technologies of control (such as detention) and strategies of exclusion (such as deportation)” (Nyers 2003: 169 as cited in Muller 2010: 281).⁶⁷ Rather than receptivity to asylum seekers, states have emphasized and focused on measures to deter asylum seekers, curb the migration flows of asylum seekers and amend asylum laws to become more draconian, asserted as the sovereign right of the state, framing ‘the political’ in relation to security (Nyers 2010). Subject to this political framing, politicians and governments have targeted refugees and asylum seekers as objects of securitization, representing them as “harbingers or threats, dangers and social ills” (Watson 2009 as in Nyers and Rygiel 2012). In the case of Israel, as outlined in Chapter 4, the discourse of Israeli politicians and policy makers dehumanizes and characterizes Eritrean and Sudanese asylum seekers as a security threat. Asylum seekers are presented as “invaders,” “enemies,” “infiltrators,” “cancer,” a “national calamity,” “transmitters of disease” and an “existential threat” (Tsurkov 2012: 4). The anti-asylum discourse rests on the fundamental argument that no asylum seeker in Israel is a refugee. From here, Israeli politicians and state agents frame asylum seekers as criminal, a security threat, disease transmitters and a demographic danger (Tsurkov 2012: 4). Ultimately, the production of Eritrean and Sudanese asylum seekers as threats through securitization is pervasive through the denigration of their identities.

Functioning as statecraft, this act of defining asylum as a security issue is deeply performative “in the Foucaudian sense” (Hyndman and Mountz 2008: 250). Hyndman and Mountz decipher from Foucault’s work: “it produces the effect that it names. Its categories, codes, and conventions shape the practices of those who draw upon it, actively constituting its object . . . in such a way that this structure is as much a repertoire as it is an archive”

⁶⁶ See Huysmans (1995), Bigo (2001, 2002); Andreas and Biersteker (2003); Nyers (2003), as cited in Muller (2010).

⁶⁷ Muller points out that critical security studies, “whether engaging notions of ‘securitization’ and societal security or broader critical understandings of security are astute to question security’s dependence on insecurity” (Muller 2010: 281). Additionally, he suggests the role that critical security studies also play “in claims about the possibility or impossibility of politics itself” (Walker 1997 as cited in Muller 2010). See also Wæver et al., 1993; Wæver 1995; Buzan et al., 1998; Buzan and Wæver 2003, as cited in Muller (2010).

(2008: 250). Furthermore, they suggest that alongside this, a parallel development in international politics is the shift from legal state-based frameworks inherently evidenced in liberal norms to “more politicized practices of sovereign exceptionalism” (2008: 250). The political uses of fear in relation to migration has become a key strategy in the formation and execution of policies and practices framed for their ability to ‘manage’ migrants as impending threats to the state and society. The threat of migrants invading the state is “underwritten by securitization, a governmentality based on mistrust and fear of the uninvited other” (Hyndman and Mountz 2008: 254). Mobilized by governments, this societal fear holds state subjects (citizens) captive and in the words of Ian McEwan in his novel *Saturday* “produces a crisis in search of a response” (cited in Hyndman and Mountz 2008: 254). The “respatialization of asylum,” using a phrase borrowed from Hyndman and Mountz (2008: 254), is defined by the shifts taking place in state management of asylum to externalize and keep asylum seekers from state frontiers. It involves

A deliberate political project stoked by fear and buttressed by incredible funds and ‘aid’ in the name of security. The securitization of asylum continues, for which [there has been] a shift from a paradigm of refugee protection to prioritizing the protection of national security interests (Hyndman and Mountz 2008: 253).

The mobilization of fear and criminalization of asylum seekers performs the function of feeding the agenda to securitize asylum. The politics of asylum in Israel and framing of Eritrean and Sudanese asylum seekers as threats takes place in a society in which there is evidence of “deep securitization,” in which it can be said that “to politicize is to securitize” (Abulof 2014: 400). In societies such as Israel that exhibit ‘deep securitization’, in which “‘normal politics’ is immersed in the discourse and praxis of ‘existential threats,’ one can hardly make issues part of public policy without framing them as posing ‘existential threats’” (2014: 400). This feature of securitization in Israel may explain the use of securitization tactics to successfully politicize the ‘asylum issue’ and elevate the ‘asylum issue’ to the level of threat that it has obtained in state policy and national consciousness.

The Israeli state’s framing of asylum seekers is reflective of a global trend towards a “heightened anxiety about ‘the Other’, perceived as a threat or someone who is dangerous to the security of the nation” (Kapur 2003: 10 as cited in Kalir 2014: 3). In the post 9/11 era, this trend has included other countries such as the USA, Canada, Australia and European countries that have undertaken a “detectable effort” to discredit asylum seekers through framing them as economic migrants associated with criminality, abusers of the welfare system of host countries, “bogus” refugees, and those undermining the social fabric of nations, as well as posing threats to national security (Anreas and Snyder 2003; Baldaccini, Guild and Toner 2007; Basaran 2008; Pace 2010 as cited in Kalir 2014: 3). However, unlike other Western countries that frame immigration or the arrival of migrants and refugees

as a threat, what is unique to Israel's framing of the arrival of Eritrean and Sudanese asylum seekers is that state as not only fundamentally challenging the character and identity of the country, but posing an existential threat (Tsurkov 2012), fulfilling the key definition provided of 'securitization' by the first generation of securitization studies scholars. The nation's identity is formed in reference to *the securitized asylum seeker*, drawing on the 'threat' and 'foreignness' of asylum seekers. While asylum is increasingly characterized as a security issue for states and societies rather than a matter of protection of the forcibly displaced, I suggest that Israel's feature of "deep securitization" and the existing 'security disposition' of the state heightens the potential efficacy of securitizing action carried out in reference to asylum seekers. This approach allows the 'asylum issue' to be seen as entrenched in a wider "deliberate political project" (Hyndman and Mountz 2008), accomplished, in part, through asylum and the Eritrean and Sudanese asylum seeker being framed as a site on which state sovereignty is executed and performed (Soguk 1999).

Security strategies, such as the construction of walls that are "imposed often in the absence of a known threat," have become a fundamental "means of asserting power in a time when states have been stripped of a large part of their sovereign prerogatives and capacities by globalization forces which they are impotent to resist, let alone to control" (Bauman 2004: 56 as cited in Bosworth 2008: 211).⁶⁸ Walls thus generate what Heidegger refers to as a "reassuring world picture" in a time that arguably "lacks horizons, containment and security that humans have historically required for social and psychic integration and for political membership" (Brown 2010: 26). Policies and practices that at least symbolically 'enclose' have the potential to serve as a tool in bolstering the building of not only a sense of security, but the nation, national unity and political allegiance to the state within those territorial walls. Completed around the time of the January 2013 election, Netanyahu's timing in completing the Israel-Egypt Wall also indicates the potential for political support given to the agent (or agents) of actual or symbolic closure of the state. For those seeking political gain, this makes politically efficacious the act of wall building and policies that contribute to symbolically producing, defining of defending national boundaries. Israel's wall building in reference to asylum seekers has served a key political strategy in this context, taking place in a state in which barriers, fences and walls have been prolific (see Appendix A).

The framing of asylum seekers as 'others' can serve to proclaim "the protective capacity of the state, and a paternalist securitization assuaging fears of an external threat" (Young 2003 as cited in Kofman 2005: 7). Kalir suggests that societal anxieties around 'security' is

⁶⁸ The popular desire for the assertion of borders through the construction of walls and fences today is linked with the association of walls having protective powers, embodying the "wish for the powers of protection and containment promised by sovereignty" (Brown 2010: 26).

...Located largely in the Jewish history of persecution that is believed to be remediated, in the aftermath of the Holocaust, by the establishment of a Jewish state in Israel. The Zionist-Israeli narrative makes explicit the idea that only a formidable Jewish state can secure the rights of Jews as equals in the world. It is for this historical truth, so goes the national narrative, that Israel is morally justified to guard its Jewishness, refusing to be swayed by human rights discourses and UN Conventions that demand more inclusive approaches towards non-Jewish migrants and asylum seekers (2014: 3).

The state's framing and management of Sudanese and Eritrean asylum seekers cannot be analyzed apart from this struggle and Israel's attempts to keep the nation sovereign and claim state territory for the Jewish people. With state agents and politicians relying on 'deep securitization,' (Abulof 2014) Eritrean and Sudanese asylum seekers have been framed not only as threats to national security, but also national identity, as the government in power asserts the ethno-national identity of Israel as a Jewish state. More widely, the proliferating use of immigration detention and hostile anti-asylum policies and politics as well as diminishing receptivity to asylum seekers and fear of the asylum seeker as 'other,' is reflective of widespread changes and the global securitization of migration (Bigo 2002).⁶⁹

5.2 DRAWING CONCLUSIONS ON ISRAEL'S 'VOLUNTARY RETURN' OF ASYLUM SEEKERS

Former Interior Minister Gideon Sa'ar stated that "everyone who leaves, whether to his country of origin or a third country, leaves of his own free will, leaves by choice... Israel does not deport Sudanese or Eritrean nationals (*Ha'aretz* 2014). Sa'ar added that he expected more asylum seekers to depart, boasting that "every week now, there are fewer infiltrators in Israel" (*Ha'aretz* 2014). According to a February 2014 *Ha'aretz* article, Sa'ar said that these figures were "encouraging the ministry to continue its actions" (*Ha'aretz* 2014).⁷⁰ A subsequent statement made by a human rights organization in Israel stated:

The Interior Ministry's continued boasting about this behavior by a democratic country - a signatory to the international refugee convention - is shameful ... 'Voluntary departure' is the result of heavy and illegal psychological pressure on detained, isolated and desperate asylum seekers, which more than once has included threats and lies (*Ha'aretz* 2014).

⁶⁹ The International Detention Coalition (IDC)'s report 'There Are Alternatives' highlights the alternatives offered to the detention of asylum seekers, noting that international human rights laws and standards clearly indicated that "immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case" (2011).

⁷⁰ In February 2014, 1,705 asylum seekers left, up from 765 in January 2014, 325 in December 2013 and 63 in November 2013, corroborating with the change to the Anti-Infiltration Law in December 2013.

In May and June of 2012, Netanyahu made clear the ultimate goal of the state in relation to asylum seekers, as cited in Sherwood, writing for *The Guardian*:

Netanyahu said the state would embark on "the physical withdrawal" of migrants [referring to asylum seekers], despite fears among human rights organisations about the dangers they could face in their home countries (Sherwood 2012).

Soon thereafter, Netanyahu discussed this “physical withdrawal” of asylum seekers and the “limitations” of this plan, documented in the *International New York Times*:

It is important to understand that international law makes deportation very difficult... it is not a problem that can be solved overnight...we can deport them, and we will.... Just as we solved other problems...we will solve this problem methodically and responsibly, in accordance with international agreements (Netanyahu as cited in Kershener 2012).

In a report published in *Ha'aretz* on March 31, 2015, it was announced that the Population and Immigration Authority, along with the Justice Ministry, had been discussing a policy change in the management of asylum seekers in the state. The authorities believe there “is no legal barrier to forcing Eritrean and Sudanese citizens to leave Israel for a third country—even if this is done against their will” (*Ha'aretz* 2015). The report indicated that the Israeli government intends to only send people to ‘neutral states,’ which it can only be assumed refers to states not recognized widely as ‘refugee producing countries.’ These states were announced the same day to be Uganda and Rwanda, where Israeli human rights organizations report that Eritrean and Sudanese asylum seekers who have previously been sent have received no legal rights or status, “prompting them to leave Rwanda or Uganda and resume being refugees again” (*Ha'aretz* 2015). State authorities have indicated that throughout the initial stages of the implementation of this policy, officials will examine which groups currently contained in Holot are ‘eligible’ to be sent out of Israel to a ‘third country.’ With this change, Eritrean and Sudanese asylum seekers will be given 30 days notice that they must leave and if they refuse, will be sent from Holot to Saharonim, the immigration prison, for an indefinite period of time with no hope that this time in prison will amount to any sort of status recognition.

According to Lior (2015), writing for *Ha'aretz* in April 2015, state authorities indicated:

Infiltrators will be provided full information about the departure process, the process of being absorbed [elsewhere] and the third country where they are to be received. The departure process – including airlines tickets, hotels and a departure grant – will be the responsibility of the State of Israel, which will fund them

(Lior 2015).

Israeli human rights organizations such as HRM, ACRI, ASSAF— aid organization for refugees and asylum-seekers in Israel, PHR-Israel, Kav LaOved and Amnesty International (AI) challenges this new policy and released a statement on March 31, 2015 in response:

We regret that even before the new government has been formed and a Minister of Interior has been appointed, outgoing Minister of Interior Gilad Erdan is attempting to make political gain by infringing upon the human rights of asylum-seekers residing in Israel (Personal Statement of Israeli Human Rights Organizations 2015).

It is notable and concerning that the state, through PIBA, has been issuing to asylum seekers in detention deportation notices from the state of Israel with information about the ‘third countries’ they may ‘voluntarily return’ to. Lior (2015) records these notices as saying, as translated by an Eritrean detainee:

After working hard in the last several months, we have found a country that will accept you...The state will approve work and residency permits for you...Over the last 10 years, this country [that the asylum seekers will be sent to] has been in a situation of positive development. Ten thousand citizens who had been migrants have returned. The country has created job opportunities for other citizens of Africa. The country’s economy has improved substantially over the past decade. It is considered one of the largest countries in Africa, and it depends on exports to the United States and Europe. Because of political improvements, the country has a strong government, good education, health and transportation systems, and other developments. (PIBA deportation letter to detainees in Holot as cited in Lior 2015).

Gilad Erdan, current Minister of Interior, suggested:

The process will encourage infiltrators to leave the State of Israel in a safe and dignified manner...[and in reference to south Tel Aviv neighborhoods where many of the asylum seekers have settled, added that the policy] will provide an effective tool for carrying out our obligation to the citizens of the State of Israel and south Tel Aviv to restore the fabric of life that they were used to (Lior 2015).

The *forcible removal* or deportation of asylum seekers from territory—or the *refoulement* of asylum seekers— would be a direct violation of international law.⁷¹ The 1951 Convention Relating to the Status of Refugees states that

⁷¹ The Migration Policy Institute (MPI) points out that *refoulement* can “become an international policy issue when host governments want to close camps on their territories and return refugees to countries the host governments deem safe.” Refugee populations that have

No Contracting State shall expel or return ("*refouler*") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (Migration Policy Institute 2015).

Rather than ‘hospitality’ being provided beyond the mere allowance of physical presence in the territory of the state not provided, Sudanese and Eritrean asylum seekers face undue pressures that cause insecurity and fear. As documented in the interviews contained in Chapter 3, this leads asylum seekers to ‘choose’ to ‘voluntarily return.’ Lev, in an article written for *Israel International News* in early 2014, captured the remarks of Gideon Sa’ar, in an interview with *Channel Two*, a major television news station in Israel. Sa’ar emphasized that: “the government must show its determination to rid Israel of the illegals, and that it was not afraid to take action to do it” (Lev 2014). Lev states that “[the MOI] office had adopted policies specifically to make it uncomfortable enough in Israel for illegal aliens [asylum seekers] to *encourage them to prefer* to leave the country” (Lev 2014, emphasis mine). According to Lev (2014), Sa’ar went on to say:

The purpose of our policies is to encourage the illegals [asylum seekers] to leave. We are beginning to see results... On an annualized basis, about 5,000 are leaving a year... We will use all methods. There are no magical solutions (Lev 2014).

The state’s creation of conditions in which asylum seekers are “encourage[d] to prefer” to leave highlights the contentious and debatable nature of their ‘voluntary’ return.

With these conditions in place, as stated earlier in the thesis, by April 2015 over 9,000 Eritrean and Sudanese asylum seekers had ‘voluntarily’ left Israel in the previous two years alone (HRM 2015).⁷² UNHCR’s position and definition of “voluntary return,” UNHCR (1996) suggests that:

faced this situation include the Vietnamese in Hong Kong and Rwandans in Tanzania. They suggest that “in other cases, a de facto host country may refuse to recognize those fleeing to its territory as refugees. This is China’s current stance viz à viz North Koreans, who China argues are economic migrants. The round-up and forcible return of North Koreans is characterized by refugee advocates as a violation of the principle of *non-refoulement*” (MPI 2015).

⁷² According to the Population Authority, Foreigners in Israel, edition 3/2014, Table a2, 2,612 individuals left in 2013 and 6,414 left in 2014, according to section 44 of the State’s response on January 27, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. (HRM 2015).

One of the most important elements in the verification of voluntariness is the legal status of the refugees in the country of asylum. If refugees are legally recorded as such, their rights are protected and if they are allowed to settle, their choice to repatriate is likely to be truly free and voluntary. If, however, their rights are not recognized, if they are subjected to pressures and restrictions and confined to closed camps, they may choose to return, but *this is not an act of free will* (Section 2.3 of UNHCR Voluntary Repatriation: International Protection Handbook, emphasis mine).

Evidently, one of the most important factors to establish is the context in which the asylum seeker or refugee is exercising their agency or making a choice to leave the state in which they have sought asylum. The UNHCR *Voluntary Repatriation: International Protection Handbook* explicitly states that without the recognition of rights, subjection to pressures and restrictions and confinement to closed camps, that the choice to return may occur, but that it is “not an act of free will” (UNHCR 1996). Voluntary return is not just a matter of choice of the individual to leave, but must consider the context in which the choice to leave occurs. The state has progressively implemented an approach to asylum that has not only denied asylum seekers recognition and rights within the state, but has also attempted to ‘externalize’ asylum through the coerced ‘voluntary return’ of asylum seekers. While previously, state actions such as existing policies and practices, the construction of the wall between Egypt and Israel (See Figure 3, Barrier 7) and even ‘hot returns’ of asylum seekers to Egypt were carried out, ‘voluntary return’ could be considered a form of *neo-refoulement* (Hyndman and Mounts 2008), as the state of Israel arguably intends to promote the removal of Eritrean and Sudanese asylum seekers from state territory.⁷³

Israel has allowed temporary territorial access to asylum seekers, but has since adopted tactics and mechanisms to create conditions that would lead to the ‘self-deportation’ of the asylum seeker. Drawing from Hyndman and Mountz’s (2008) work, the concept of ‘*neo-refoulement*’ is conceptualized as:

...A geographically based strategy of preventing the possibility of asylum through a new form of forced return different from *non-refoulement*, the strictly legal term that prohibits a signatory state from forcibly repatriating a refugee against its commitment codified in Article 33 of the 1951 Refugee Convention (250).

They suggest that *neo-refoulement* is brought about through “legal and extra-legal geographies of exclusion” (2008:

⁷³ To reiterate from the Introduction (Chapter 1), the coercive action of the state towards asylum seekers, as well as deportation, is not unprecedented. Soon after South Sudan’s independence in July 2011, Israel declared that the Sudanese nationals (now considered South Sudanese nationals through independence) would no longer face harm in South Sudan and expelled them from the state through deportation (Lijnders 2013). There is evidence that as early as 2013, Israel was attempting to coerce Eritrean asylum seekers into leaving the state. This came under considerable question from the UNHCR in 2013, demanding an explanation for Israel’s involvement in the ‘voluntary return’ of 14 Eritreans to Eritrea (Lijnders 2013).

250). This involves the “return of asylum seekers and other migrants to transit countries or regions of origin before they reach the sovereign territory in which they could make a claim,” which would suggest that this is a mechanism of “deliberate respatialization” and exhibits the externalization of asylum (2008: 250). Hyndman and Mountz (2008) posit that as sovereign states press further for the “externalization of asylum” (249), migrants and asylum seekers increasingly find themselves excluded from territory in which they could make a claim for asylum and receive refugee rights. The focus of Hyndman and Mountz’s (2008) argument is on tactics both invisible (including “invisible policy walls” and “legal and extra-legal geographies of exclusion”) and visible, preventing the asylum seeker from accessing a territory in which refugee recognition would take place (2008: 256, 250). They argue that there are rapidly diminishing spaces through which one can pass to make a refugee claim, with the asylum ‘terrain’ shifting from a rights-based legally-grounded system to a “bundle of seemingly ad hoc geo-political practices that aim to externalize asylum” (2008: 286). Additionally, they position their argument to suggest that the asylum system has shifted from ‘preventative protection’ to “more subtle architectures of enmity,” exhibiting increasingly politicized and securitized practices intended to exclude asylum seekers (2008: 269). The asylum seeker represents ‘the outside’ from the state perspective, contending that “the normal order on the one hand geographically contains and confines the asylum seeker, and on the other hand keeps them in a space outside juridical law, despite the law’s existence, by excluding them from sovereign territory where they could make a legal refugee claim” (2008: 251). That only four Eritrean and no Sudanese nationals have ever been given refugee status suggests the lack of access to a ‘space’ in which they might exercise their ability to request asylum and thus signifies the presence of “legal and extra-legal geographies of exclusion” (Hyndman and Mountz 2008: 250).

In the case of Israel, I suggest that a form of neo-*refoulement* operates from *within* the state to diminish access to asylum, exhibited in the conditions that drive asylum seekers to leave without ever having the opportunity to receive meaningful protection and rights as refugees. While entrance and temporary safety has been granted to Eritrean and Sudanese asylum seekers, without inclusion or rights, the ‘voluntary return’ of asylum seekers leaving Israel must be re-framed as expulsion. Under the conditions created for asylum seekers, ‘voluntary return’ is not only a considerable ‘option,’ but rather a ‘choice’ being made by Eritrean and Sudanese nationals coerced to leave by the state. ‘Neo-*refoulement*’ (Hyndman and Mountz 2008) operates from within the state, as the state employs ‘invisible’ tactics to create inhospitable conditions. Interpreted in this way, the state’s action can be seen as creating a “geographically based strategy of preventing the possibility of asylum through a new form of forced return” (Hyndman and Mountz 2008: 250) operating from inside the state to bring about the displacement of asylum itself as a norm, institution and practice.

CHAPTER SIX: CONSIDERING ISRAEL'S DISPLACEMENT OF ASYLUM AND THE DILEMMA OF THE ASYLUM SEEKER

Strangers are not a modern invention—but strangers who remain strangers for a long time to come, even in perpetuity, are (Bauman 2006: 6).

Yet the treatment of aliens, foreigners, and others in our midst is a crucial test case...

Defining the identity of the sovereign nation is itself a process of fluid, open and contentious public debate: the lines separating 'we' and 'you,' 'us' and 'them,' more often than not, rest on unexamined prejudices, ancient battles, historical injustices, and sheer administrative fiat. The beginnings of every modern nation-state carry the traces of some violence and injustice... 'We, the people,' is an inherently fraught formula, containing in its very articulation the constitutive dilemmas of universal respect for human rights and particularistic sovereignty claims. The rights of foreigners and aliens, whether they be refugees or guest workers, asylum seekers or adventurers, indicate that threshold, that boundary, at the site of which the identity of 'we, the people' is defined and renegotiated, bounded and unraveled, circumscribed and rendered fluid (Benhabib 1999: 736).

This research points to the multi-faceted dilemmas faced for Eritrean and Sudanese asylum seekers who have been denied access to protection and rights within the state of Israel. The key dilemma for asylum seekers in Israel lies in their inability to be recognized as figures deserving recognition and rights, with their wider dilemma pointing to the question: if not in the host country of Israel, *where* might the rights of Eritrean and Sudanese asylum seekers be recognized? The question of the access to and the enjoyment of human rights and the ability to attain protection as a refugee remain territorially determined. In the conclusion provided in this chapter, I focus on problematizing the relationship between the Israeli state's migration management and asylum policies and practices. Second, I draw conclusions on the framing of asylum seekers by relying on categorical distinctions of 'us' and 'them' to assert the ethnic identity of the state and national interests. Third, I suggest the role of territory and the state's attempts at expanding the dominant ethnos within territory as a consideration in Israel's management of asylum, contributing to the fixation on the 'voluntary return' of asylum seekers from the state.

6.1 PROBLEMATIZING THE RELATIONSHIP BETWEEN THE STATE'S MIGRATION MANAGEMENT AND ASYLUM POLICIES AND PRACTICES

International migration has become an integral feature of modern Western societies (Rajiman 2009). In many receiving countries, migration has posed a challenge to states because the arrival and presence of immigrants has compelled states to reconsider the foundations of political and social membership (Brubaker 1992; Joppke 1998). The logic of nation-states as 'closed systems' implies the existence of "boundaries that distinguish between members of a community from those who are not" (Freeman 1986 as cited in Rajiman 2009: 88). Rajiman asserts

that “the ways in which states handle the membership question determine the very fabric of the nation” (2009: 88), with the institution and practice of asylum posing a challenge to the sovereignty of states in controlling the composition of those who enter the nation-state (Kofman 2005). Israel’s response to migration is governed by immigration laws, policies and practices featuring an ethnic component, prioritizing the immigration of those who are Jewish and have Jewish ancestry.⁷⁴ Afeef (2009) argues that Israel has two separate migration regimes: one for those of Jewish ancestry and another for non-Jewish migrants, creating a dual regime and what has been referred to as “Israel’s bipolar model of citizenship” (3). One migration pathway privileges the ethnically Jewish migrant and provides for immediate inclusion and status, while non-Jewish migrants are excluded or given limited inclusion in the state.⁷⁵ With the state of Israel defined by its historical commitment to creating an ethnic Jewish homeland since the establishment of the state in 1948, but also considering itself to be a self-styled Western democracy, there is rising tension between these oftentimes mutually exclusive principles.^{76 77} The ethnic character of the state also informs management of the ‘composition’ (Kofman 2005) of those entering and residing in the state, directly informing who is seen as ‘desirable’ and ‘undesirable.’⁷⁸ Where might this leave Eritrean and Sudanese asylum seekers who seek refuge in Israel, anticipating that Israel’s perceptibly democratic character and concomitantly, Israel’s Jewish character, will promote rights, reception and Jewish moral obligation (Allard 2013) to respond with welcome to them?

The broader context of this research draws on considerations of securitization in a post 9/11 world, the effects of globalization and changing notions of political membership and belonging in the state (Benhabib 1999), which are transformed in a state with a declared ethnic identity and ethno-territorial concerns. The ethno-national character of the Israeli state has formatively shaped the state’s management of migration, serving as the fundamental basis for the construction of Israel’s citizenship regime and the ability to access to rights within the state (Kritzman-Amir 2010). Post World War II migration and reactions to it draw attention to the problematic nature of assuming a homogenous and unified ‘inside’ of the nation-state characterized by a shared national identity in contrast to an ‘outside’ characterized by disarray, disorder, conflict and a multitude of identities (Doty

⁷⁴ Ethnicity’ in this work follows the definition provided by Horowitz (1985). The “inclusive conception of ethnicity covers differences identified by skin color, language, religion, or other attributes of common origin” (cited in Reynal-Querol (2002)).

⁷⁵ The Law of Return, enacted in 1950, serves as the most important statutory manifestation of Israel’s commitment to its Jewish moral purpose. Under this law, there is immediate right of entry to every Jew who comes to Israel and expresses the wish to settle there (with the exception that the person poses a danger to public health or security) (Peled 1992). The Nationality Law grants every person admitted into the country under the Law of Return Israeli citizenship upon arrival (Kraïnes 1976: 95-99; Kretzmer 1990: 36-40 as cited in Peled 1992).

⁷⁶ Joppke (2007) suggests that although Israel is “notionally a liberal democracy” and entirely built on immigration, that it is “unlikely to ever turn to non-discriminatory immigration and citizenship policies because of its precarious geopolitical position in the Arab world” (40).

⁷⁷ Ghanem (2010) argues that Israel cannot be considered a liberal democracy, suggesting that “a truly liberal regime would privatize ethnic affiliation and base the relations between citizens and the state on civil rather than on any ethnic affiliation. All citizens, by virtue of their being citizens, would receive the same treatment by and benefits from the state. In Israel, however, Jews are preferred, as a group and as individuals, over other citizens, particularly Arab citizens” (431).

⁷⁸ States have historically objected to the latter part of Article 3(2) of the 1951 Convention, which stipulates the duty of granting asylum, but not the right to asylum for individual refugees (Schuster 2002: 54).

1999: 586). William Rogers Brubaker (1989) argues that massive post-war migration movements have posed a challenge to the fundamental basis of nation-states in Europe and North America, leading nation-states to ‘reinvent’ themselves (Brubaker 1989 as cited by Doty 1999). Doty (1999) suggests that state governments inevitably become involved in conflicts emerging from immigration, “as they seek to ensure the cohesion of the nation state” (587). This leads the state to “engage in practices that are important in defining the criteria which determines who is to be included within the bounds of the domestic community – and thereby share in a particular national identity—and who is to be excluded” (Doty 1999: 587).

Israel has been characterized as an ‘ethnic state,’ ‘ethnocracy’ or even an ‘ethnic democracy’ (Smootha 1997). Despite contestation over the role of ethnicity in defining the state, there is agreement among serious scholars and observers that the state of Israel identifies with a core ethnic group: the Jewish citizens of the state (Smootha 1997). The state identifies with a “core ethnic nation” rather than with its citizens, with one group (Jewish members of the state) receiving institutionalized preference over others within the state (Smootha 1997 as cited by Olesker 2014).⁷⁹ In states where there is conflict, the actions of a dominant and expansionist ethnic group may result in the development and emergence of what Israeli scholar Yiftachel refers to as an ‘ethnocratic regime’ (2010).⁸⁰ Smootha (1997) contributes to this debate, considering Israel as a type of democracy he decidedly refers to as an ‘ethnic democracy.’ Smootha attributes to ‘ethnic democracies’ the following features:

Ethnic democracy is propelled by an ideology or movement of ethnic nationalism that declares a certain population as an ethnic nation sharing a common decent (blood ties), a common language and a common culture. The ethnic nation claims ownership to a certain territory that it considers its exclusive homeland. It also appropriates a state in which it exercises its full right to self-determination. The ethnic nation, not the citizenry, shapes the symbols, laws and policies of the state for the benefit of the majority. The ideology makes a crucial distinction between members and non-members of the ethnic nation. Members of the ethnic nation may be divided into persons living in the homeland and persons living in the diaspora. Both are preferred to non-members who are ‘others,’ outsiders, less desirable persons, who cannot be full members of the society and state... Non-members of the ethnic nation are not only regarded as less desirable, but are also

⁷⁹ Ghanem (2010) suggests that the explanation of the ethnic nature and structure of Israel “goes back to the beginning of the Zionist settlement project in Palestine at the end of the nineteenth century. The Jews, as a settler society, preferred to be separated from the Palestinian community, and concentrated on the preservation of Jewish exclusiveness as part of their efforts to build their institutions as a basis for the future Jewish state” (431-432).

⁸⁰ While the role of ethnicity in the analysis of Israel’s political system varies amongst scholars, Yiftachel holds that Israel is an ethnocratic regime. An ethnocratic regime: “exploit[s] the international legitimacy and autonomy bestowed on the ‘nation-state,’ as the sole expression of ‘national’ self-determination, to facilitate the expanding political and material resources by the dominant ethnic group, often at the expense of minorities and peripheral groups” (Yiftachel 2010: 220). Hence, ethnocratic regimes both draw on the legitimacy provided by the nation-state order and at the same time undermine some of the tenets of this order, including equal citizenship, protection of minority rights, and the ability of all citizens to participate in state affairs (Yiftachel 2010).

perceived as a serious threat to the survival and integrity of the ethnic nation. The real or perceived threat can be one of biological dilution, demographic swamping, cultural downgrading, security danger and political instability (2007: 478).

Benhabib engages with the challenges posed with increasing consciousness of human rights and the role of particularistic identities, suggesting that:

On the one hand, a world-wide consciousness about universal principles of human rights is growing; on the other, particularistic identities of nationality, ethnicity, religion, race, and language (by which one is said to belong to a sovereign people) are asserted with increasing ferocity (1999: 710).

The consideration of the rights of refugees, particularly in a state with a declared ethno-national identity, it is helpful to turn to the 1951 Convention and to consider the role of state sovereignty. The 1951 Convention, although laying the foundation for the definition and recognition of the refugee, is practically adopted at the prerogative of independent states. Xenos astutely notes that:

...Although more than a hundred governments have signed these agreements, which prevent the return of what are interpreted to be legitimate refugees, the UN has been unable to broker a similar agreement to guarantee the right to asylum. The reason for this failure is clear: immigration policy, which is entailed in the question of asylum, is considered to be sacrosanct to the maintenance of state sovereignty. All states treat *absolute control of territory* as an essential element of the claim to sovereignty, so although governments are willing to consider agreements setting out the normative terms for the treatment of persons fleeing the jurisdiction of other states, *few are willing to consider norms that would compromise their own territorial control*... The problem of refugees, their identity and their fate is thus a complicated problem that has the question of sovereignty at its core (1993: 421, emphasis mine).

Although asylum and a state's Refugee Status Determination (RSD) system should be informed by international refugee law and by the 1951 Convention, which outlines the provisions to which a refugee is entitled, there is reason to believe that Israel's asylum system has been modeled after the citizenship regime, which draws from the *jus sanguinis* principle of citizenship (Kritzman-Amir 2009: 2). *Jus sanguinis*, meaning 'law of the blood' (Castles and Miller 1993) determines eligibility for citizenship by establishing ascriptive, ethnic-religious criterion (Shuval 1998). In Israel, this is based on self identification and encompasses the nuclear families of Jewish people, including their children and the grandchildren in law (Shuval 1998). The state thus decides who to exclude and who to include "roughly on the basis of a Jewish/other distinction" (Kritzman-Amir 2009: 2) and "almost

exclusively provides for the immigration of Jews and their relatives to Israel” (Kritzman-Amir 2009: 2). Migration to Israel is thus, on one level, determined ‘desirable’ or ‘undesirable’ (Agier 2011) on the basis of ethnicity or whether the migrant is Jewish or not. Brought to the fore is the inextricable connection and lack of reconciliation between the exercise of state sovereignty over territorial control, immigration control, asylum and the rights of the refugee. While Israel is a signatory to the 1951 Convention, it has failed to enact domestic legislation incorporating it in to Israeli law, which is evidenced by the minimal number of recognized refugees although a Refugee Status Determination (RSD) system exists. Abandoning international refugee law and democratic principles, Israel’s state agents and politicians have crafted law, policy, practice, and rhetoric that reflect the priorities of migration management and securitization over the upholding of refugee rights.

6.2 THE FRAMING OF ASYLUM SEEKERS BY POLITICIANS

Societal insecurities around changing migration patterns are reflected in public opinion polls, policymaker’s statements, anti-immigration initiative and a gradual increase in popularity of right-wing parties (Rudolph 2005). These characteristics can all be seen in the case of Israel and subsequently, there is significant “political currency” (Rudolph 2005: 12) for the government in terms of mobilizing the ‘asylum issue’ and utilizing for political gain societal anxieties about migration. In certain countries, including Israel, the issue of the public’s attitudes towards asylum seekers has become a “loaded political and legal question which, in some cases, has also been defined along the left/right political divide and has become a factor determining the outcome of elections” (Kritzman-Amir 2012: 97).⁸¹ National identity can be used as a political resource for state agents and politicians.⁸² The case of Eritrean and Sudanese asylum seekers in Israel highlights the importance of research examining the representation of asylum seekers as ‘deviant’ by politicians, transgressing not only geographical boundaries through arriving at the state, but also legal, cultural, social, political and national boundaries (Doty 1996).

Bigo (2002) asserts that the securitization of the migrant (or asylum seeker) is anchored in fears over “politicians losing their symbolic control” (65), which is relevant in this research and the case of Israel, as state agents and politicians have framed Eritrean and Sudanese asylum seekers as a direct threat to national identity and national security. Evidence was provided in Chapter 4 to demonstrate notable Members of the Knesset (MKs) who have

⁸¹ Kritzman-Amir points out, for example, that there was an Australian election campaign that took place that was “influenced by media reports that the government had refused to allow a refugee ship from Iraq to enter despite the fact that those on board, it was alleged, had thrown their children overboard” (2012). Other examples in the Australian context of the link between politics, elections and state management of asylum seekers include J. Taylor, “Australians Vote after Election Campaign Dominated by Asylum Seekers,” *Agence France Presse* (2001); K. Marks, “How Australia’s Get-tough Government Censored Pictures of Asylum-seekers to Gain Re-election,” *The Independent* (February 19, 2002). For a similar case in the context of the Netherlands, see G. De-Hemptinne “Tolerant Dutch Get Election Call from Anti-Immigration Populist,” *Agence France Presse* (March 4, 2002) (as cited in Kritzman-Amir 2012).

⁸² This is of particular relevance in the case of Israel, *a state possessing the absence of fixed borders and deeply entrenched internal contestation over identity, territory and rights within its existing borders.*

pitted the High Court and asylum seekers against ‘the people,’ referring to Israeli citizens (see Sections 3.4 and 3.5). One tactic deployed in the face of undesired migration has been to assert the false dichotomies of the ‘foreigner’ or ‘the Other’ in reference to the state and the ‘nation.’ Doty (1996) has suggested that the identity of the ‘we’ in ‘the people’ of the nation is a “flexible political resource, adaptable to changing circumstances and new crisis” (126). The ‘African asylum seeker’ has been created as a figure who stands divergent from the nation; a figure against which the state can act. Identity-based demarcations are linked to processes of securitization, connected to the ability of the ‘speech act’ to frame the asylum seeker as threat. The ‘foreignness’ of the securitized Eritrean and Sudanese national, as demonstrated in Chapter 4, is performed against to reinforce and assert the ethnic identity of the state. Through representing the ‘otherness’ of the asylum seeker, the state frames an identity-based dichotomy by which the nation stands in relation and through which Sudanese and Eritrean asylum seekers can be excluded, priming and preparing for the ultimate exclusion: the aim to induce ‘voluntary return’ or expel Eritrean and Sudanese asylum seekers from the state.

Bonnie Honig (1998, 2001) makes clear that states value foreigners, since their presence reassures and reinforces the virtues of citizenship and nationalism (as cited in Bosworth 2008: 201). Since “foreignness” and “foreigners” have always existed, this research demonstrates how these categorizations “been put to work to define the twin myths of national identity and national interests” (Bosworth 2008: 202). The anti-asylum approach of the Israeli state, increasingly evident since 2012, has been informed by the politics of Netanyahu, the Ministry of Interior’s Ministers of Interior and other state agents who have driven the state’s anti-asylum agenda, relying on these distinctions to assert the ethnic identity of the state and national interests. The case of Eritrean and Sudanese asylum seekers in Israel reveals not only how state agents such as Benjamin Netanyahu are attempting to promote the ethnic identity of Israel through assertions of the Jewish identity of the state, but through the securitization, domination and exclusion of ‘non-Jewish others’. The Eritrean and Sudanese asylum seeker now serves as ‘*another Other*’ against whom the Jewish character of the state is referenced, performed and reproduced to perpetuate the continuation of the state’s ethno-national character.⁸³ Israeli nationalism, most recently

⁸³ Al-Haj (2002) suggests that ethnicity has become a significant source of political mobilization in contemporary societies, suggesting that there is increasing evidence of “the resurgence of ethnicity and the conversion of ethnic affiliation into an effective instrument for social and political mobilization” (2002: 238).⁸³ Rather than the role of ethnicity lessening in its importance and power, he suggests that ethnic group boundaries seem to be becoming increasingly salient and powerful (Ragin 1979; Goldenberg 1989 as cited in Al-Haj 2002). Al-Haj (2002) notes that immigration flows are conceptualized as one of the key factors in developing ethnic group boundaries. Diverse studies have emphasized the role of the state in ‘ethnic revival’ and mobilization as a means of understanding the assertion of ethnic identity and understanding the ‘ethnic phenomenon’ (Al-Haj 2002: 239).⁸³ As Al-Haj (2002) suggests that it is “especially true in countries heavily based on immigration, where demographic patterns reflect ideology, politics and group conflict” (Goldscheider 1992). In these cases: “The legitimization – and in many cases the support and encouragement – that the state provides for ethnicity as a basis of mobilization enhances ethnic identities and perpetuates ethnic divisions (Enloe 1981; Nielsen 1985). The role of the state can be especially significant in determining the success of ethnic mobilization (Zoltan 1998, p. 319). In addition, ethnicity can be easily manipulated by governments and leaders of the group itself (Adam 1989, p. 19) (as cited in Al-Haj 2002: 240).” Jewish ethnic identity has been used within nationalist politics in Israel with great success (Al-Haj 2002), with ethnicity and ethnic boundaries used as an ‘instrument’ for mobilization and evidently employed in the framing of asylum seekers as a threat.

politically mobilized under Netanyahu's Likud government, has arguably informed the shaping Israel's management of asylum seekers within the state. While technically included in the state, Sudanese and Eritrean asylum seekers are limited to the peripheries. Based on the evidence provided in this thesis, I argue that Israel is now attempting to move asylum seekers from the societal peripheries to outside of Israel's territorial peripheries (borders) through coercion and expulsion.

6.3 TERRITORY AS THE 'KERNEL OF THE NATION': CONSIDERING TERRITORY AND ETHNIC IDENTITY IN ISRAEL'S MANAGEMENT OF ASYLUM

Although an extensive examination of the complexities surrounding nationalism, ethnic identity and territory in Israel/Palestine cannot be provided in this thesis, I suggest that "struggles over the very geography of the polity in question," in the words of Yiftachel, has shaped Israel's management of asylum and the resulting role of the state in creating conditions leading to the neo-*refoulement* of asylum seekers. Arendt (1966) and other scholars have made clear that access to territory and membership is theoretically and practically fundamental in resolving the dilemma of statelessness and securing the rights of refugees and asylum seekers. To add to this, I argue that the significance of territory in this debate is transformed in the case of Israel/Palestine.

Yiftachel argues in the case of Israel as an ethnocratic regime that "territory is the main—though by no means the sole—shaper of the nation" (2010: 216).⁸⁴ By defining Israel/Palestine as an 'ethnocratic' setting, Yiftachel (2010) suggests that nationalism is marked by geographic, political and economic expansion of a dominant ethnos. Ethnocratic and settler societies must be viewed as "*arenas of constant struggles over the very geography of the polity in question*" (Yiftachel 2010: 222, emphasis mine).⁸⁵ In ethnocratic societies, space then is not only an influencing factor, but a dynamic factor (Yiftachel 2010: 222) producing new 'ethnic geographies' and as such,

⁸⁴ Yiftachel argues that in leading accounts of nationalism, the use of the concept of the nation-state involves a 'spatial blindness' resulting from the lack of analysis of the links between space on nationalism and the lack of reference to the rich tradition of geography and geographers (Yiftachel 2010: 220). In this regard, proponents of nationalism who fail to consider these linkages "'flatten' the state's human space, overlooking the dynamic geographical contours of ethnicities, classes, genders, borders and development, so critical for shaping the nature of political community. These dynamic 'spatialities' often run across, 'below' or 'above' the putative, flat and stable 'national territory'. Therefore, national movements hinge on the understanding of 'active space,' which is not merely a backdrop or a container of social change, but exerts a vital influence on group identities and relations. The links between space, development, collective identities and group relations are thus reciprocal. That is, while political processes create spatial outcomes, these outcomes, in turn, create new political dynamics (Yiftachel 2010: 221, emphasis mine)."Space then must be considered an essential component of the analysis of nationalism for the role it plays in the generation of collective identities and relations.

⁸⁵ Over time, territorial transformations in Israel/Palestine have taken place that have further established and entrenched Jewish ethnocratic rule over the entire territory of Israel/Palestine (Yiftachel 2010). After the 1967 war, Israel conquered the West Bank, Gaza and the Golan Heights, enabling further Jewish settlement in these areas under occupation. 'Ethnic geography' changed through settlement, with Jewish settlement in these areas supported in particular by right-wing political groups and rightest religious groups (Yiftachel 2010: 231). Following their rise to power in 1977, rightest Menahem Begin and his Likud party, the political party of which Prime Minister Benjamin Netanyahu is a part, emphasized national policies that created "*irreversible facts on the ground*" (Yiftachel 2010: 231, emphasis mine). A massive Jewish settlement program was created, particularly in the West Bank, with "motives of Jewish survival...used once again and manipulated to justify the new settlement project on grounds of enhancing national security" (Yiftachel 2010: 231).⁸⁵

conditions for socialization and mobilization (Yiftachel 2010). Space thus can be seen as the main ‘kernel’ of national identity (Yiftachel 2010).⁸⁶ In recent decades, it has been the struggle over land that “has shaped the two national cultures as intensely territorial, with a wide range of symbols, values and practices intimately attached to settlement and land control... Territorial issues, however, remain the ‘kernel’ of Zionist and Palestinian national mobilization” (2010: 215).

Territory, in this regard, can be seen as “the main—though by no means the sole—shaper of the nation” (Yiftachel 2010: 216). Territorial aspirations have been unwavering in the Zionist accounts of the right to the ‘the Land of Israel’ (Hebrew: *Eretz Yisrael*). Palestinian nationalism aspires to the same territory, claiming the right to Palestine (Arabic: *Filastin*). The consequence is that “many of the political, cultural and practical emphases of Zionist and Palestinian nation-building have been shaped by an *acre-by-acre struggle for land control*” (Yiftachel 2010: 217, emphasis mine). Shafir contributes, noting that ‘Zionist space’ in particular interpretations of nationalism, was to be ‘pure,’ attempting to “maximize Jewish control and exclusivity—territorial, economic and social” (Shafir 1989 as cited in Yiftachel 2010: 224). Notably, in both Palestinian and Zionist discourses and collective narratives, both groups have attempted “to ‘enter history’ by achieving their ‘own’ state; that is, entering history through territory” (Yiftachel 2010: 227).⁸⁷ Ultimately, in this context:

...Space becomes paramount, because it provides a concrete, achievable goal, and at the same time distances rivaling groups from realizing their competing national-territorial agendas. Seizing and claiming sovereignty over contested space is closely tied with the denial of other claims to that space, that is, the Other’s history, place and political aspirations are presented as a menacing package to be thoroughly rejected (Yiftachel 2010: 227, emphasis mine).

While Yiftachel notes that the ‘human space’ of the state is informed by “contours of ethnicities, classes, genders, borders and development” (2010: 221) in the case of the ethnic state, the ethnic composition of the state is undoubtedly a primary shaper of the state’s ‘human space’ and ‘national territory.’ Through political dynamics and shifting ‘group spatiality,’ these factors exert formative power in group identity, “shaping collective memories, cultural norms, networks, accessibility to material and symbolic resources, socio-economic status, and position vis-à-vis the ‘Others’” (Yiftachel 2010: 221).

⁸⁶ Considering and applying these insights to Israel/Palestine, Zionists and Palestinians both claim priority status in their assertions of territorial claims (Burghart 1973). Narrative construction grants moral claim to contemporary control over Israel/Palestine, *rewriting and reinterpreting histories of attachment to the land*. Lynn and Lea (2003) suggest that “an elaborate historical narrative accomplishes this; one which is peopled with heroic figures and dramatic events,” serving to create a narrative history unifying the people inhabiting this bounded territory (426). Through priority status, the other narrative is delegitimized as one narrative is elevated over the other. Historically, for Zionism, time-space interaction became crucial, encompassing the perception that “resurrecting Jewish history is only possible in the Land of Israel” (Yiftachel 2010: 224).

⁸⁷ Yiftachel adds: “This illustrates that modern nationalism, propelled by the myth of the ‘pure’ nation-state, inherently harbours the possibility of ethnic cleansing in situations of mixed geography” (2010: 227).

With these considerations in mind, I suggest that *unresolved territorial struggle* over Israel/Palestine and competing Jewish and Palestinian ethno-territorial nationalisms is playing a contributing role in Israel's approach to managing non-Jewish refugees and leading to the externalization of asylum. The current Likud government, a right-wing nationalist party, has led the state in marked attempts at the expansion of the dominant ethnos within state territory (Yiftachel 2010). While a causal relationship cannot be determined through this research, there is reason to believe that the conditions for asylum seekers in the state of Israel may be a direct or indirect result of the state's attempts at the expansion of the dominant ethnos within the state. In a state in which the 'right' to supplant oneself in the 'space' of the state is ethnically qualified, ethnicity must necessarily be considered in the state's management of asylum. Eritrean and Sudanese asylum seekers in Israel find themselves in a state and society that can be identified as one of ongoing contestation, informed by territorial dispute and increasing evidence of the assertion of the Jewish identity of the state by the governing authorities.

. THE DILEMMA OF THE ASYLUM SEEKER AND THE ASYLUM SEEKER'S RIGHTS

The treatment of aliens, foreigners and 'Others in our midst', as Benhabib's words elucidate, carries with it the ability to reveal "that threshold, that boundary" at which the limits of the nation are renegotiated, bounded and unraveled, circumscribed and rendered fluid (1999: 736). What remains external and excluded from the nation is dependent on the self-definition and internal relations of what lies within its boundaries, determined by the sovereign nation's negotiations and renegotiations of self and maintained through nation-building.⁸⁸ Along with internal processes of self-definition, there is a reliance on the nation-state's constituent 'Others' to reinforce through reference an imagined construct of the nation-state, demarcating what and whom belongs inside the bounds of the 'imagined community' (Anderson 1983). Along with aliens, foreigners and 'Others' revealing these limits of 'imagined community,' the contradictory nature of particularistic sovereignty claims and individualistic rights are revealed, whether they be human rights or the rights of a particular category of foreigner: those belonging to the asylum seeker. Pitted against one another are contestations around national identity and the treatment of asylum seekers, as well as 'particularistic sovereignty claims' and the asylum seeker's claims to rights, with the figure of the foreigner bringing this relation into view.

⁸⁸ Benhabib suggests that part of democratic sovereignty is the unity of the demos, which she suggests "ought to be understood not as if it were a harmonious given, but rather as a process of self-constitution through more or less conscious struggles of inclusion and exclusion" (2005: 675). In instances where the unity of the nation is contentious, sharp divides threaten the functioning state of the nation and national identity appears in flux, the impact on practices of inclusion and exclusion may be particularly relevant. On the level of the state, when unity and integration campaigns are undertaken, they are typically couched in the language of nationhood (Joppke, 2007: 45).

On a theoretical and practical level, the exercise of state sovereignty and the “rights of Others” (Benhabib 2004) have been pitted as contentious, inextricably bound and inherently paradoxical (Joppke 1997, Benhabib 2004, Bosworth 2008). Philosophically, all forms of transnational migration bring to the fore the constitutive dilemma at the heart of liberal democracies: between sovereign self-determination claims and an adherence to universal human rights, including the rights of refugees and asylum seekers, a unique classification of migrant claiming to be disavowed of the protection of a sovereign state (Benhabib 2004: 2). Malkki (1995) suggests that refugees can be seen as an anomaly in the ordering of peoples, playing a perceived destabilizing effect in the “national order of things,” with ‘refugeeness’ seen as an aberration of categories. This act of destabilization in ordering is also closely linked with the idea of refugees interrupting the national homogeneity of nation-states, conceiving of refugees as bringing with them a ‘zone’ of pollution (Malkki 1995: 4). Douglas says in terms of the response of states that “it is only by exaggerating the differences between within and without . . . that a semblance of order is created” (Douglas 1966: 4 as quoted in Haddad 2007: 126). Non-citizen asylum seekers are thus figures that inherently call into question the ‘limits of the sovereign state’ (Bosworth 2008). By asylum seekers crossing international borders, they suggest that the barriers erected around a nation or ‘imagined community’ may be “a figment of our imagination or perhaps an unrealizable dream” (Bosworth 2008: 210). Mary Bosworth suggests that: “the border cannot, in other words, and despite the best-laid plans of the state, protect us, nor differentiate ‘us’ from ‘them’. Foreigners, after all, are always already among us...” (2008: 210). Rudolph (2005) notes that it is the observation of how states have struggled with the issue of migration—the flow of people over state borders and into state territory or the potential for people to do so and the implications of people arriving within territory—that reveals much about contemporary sovereignty and the role borders play in the world political economy (12). With this understanding, it is migration and particularly the migration of those who cannot be identified as upholding the state-citizen-territory ideal of the Westphalian system, who challenge the basis of the state system itself and the management of asylum by an ethnic state such as Israel.

Asylum is increasingly characterized as a security issue for states and societies rather than a matter of protection of the forcibly displaced, relying on international law instruments and an internationally inscribed asylum and human rights regime. Andrew Shacknove (1993) develops the argument that throughout the twentieth century, providing asylum to refugees was typically viewed by governments as a “worthy exception to the normal immigration control rule,” prioritizing a code of ethics that supported human rights norms and a discourse of the protection of the rights of refugees (1993: 516). However, that by the opening of the twenty-first century, there was “reason to believe... that the exceptional status of refugees within the context of immigration control [was] now in doubt, as States attempt to force asylum seekers into the mold of routine patterns of immigration, preempt their arrival, or contain them within countries or regions of origin” (1993: 516). The institution, norm and

practice of asylum raises critical challenges to Israeli social and political discourse within the context of these multifaceted tensions existing in the state, which is “caught between its own ethnocratic ideologies and a wider commitment to universal human rights” (Ben-Dor and Edut 2003 as cited in Yocabi 2010: 50). The dilemma between territorially based state sovereignty and the rights of refugees and asylum seekers is an unresolved one on a theoretical level and in practical terms, as increasing number of forcibly displaced people find themselves unable to access and exercise rights in the state of their residence (Gibney 2009). Arendt’s (1966) position that the problem facing refugees is not ‘space’ but ‘political organization’ of territory is of great significance (1966: 293-94), with direct implications for the rights of refugees and asylum seekers and the ability for those who have been forcibly displaced to live viable lives within the bounds of a host state.

Arendt, in *The Origins of Totalitarianism*, engages with the problematic of ‘space’ and the ability of displaced persons to access the territory necessary for human rights to be recognized and exercised:

What is unprecedented is not the loss of a home but the impossibility of finding a new one. Suddenly, there was no place on earth where migrants could go without the severest restrictions, no country where they would be assimilated, *no territory* where they could found a new community of their own. This, moreover, had next to nothing to do with any material problem of overpopulation; *it was a problem not of space but of political organization* (Arendt 1966: 293-94, emphasis mine).

Space and *the control of space* is of paramount importance in the modern discussion of refugees and their rights and is of particular relevance as states attempt to ‘externalize’ asylum through preventing asylum seekers from accessing state territory where they might make a claim for asylum (Hyndman and Mountz 2008). Malkki establishes that the identity of the refugee—and by extension, that too of the asylum seeker—is based in relation to a territorial homeland and “reinforce[s] the assumption that state sovereignty as we know it at the close of the twentieth century is part of a natural or necessary order of things” (1995: 511). The problem at hand is that asylum seekers and refugees are caught in the ‘in between places’ of shifting global trends with no status that ties them to the right to inhabit space, either as a citizen or a human being. Arendt (1968) argued that rights only become attainable, or concrete, when one is part of a political community protected by a government. Drawing heavily from Arendt’s work and assertions Arendt made decades before, Agamben (1995) suggests that it is in consideration of rights, the citizen, the non-citizen figure, and the ‘foundations’ or ‘system’ of the nation-state that the refugee deserves to be the central figure in political history. It is the figure of the refugee and the refugee’s attainment of rights that challenges the nation-state system—or Westphalian system—and territorial sovereignty as we know it (Arendt 1966). Agamben (1995) states:

Rights, that is, are attributable to man [sic] only in the degree to which he is the immediately vanishing presupposition (indeed, he [sic] must never appear simply as man) of the citizen. If in the system of the nation-state the refugee represents such a disquieting element, it is above all because by breaking up the identity between man and citizen, between nativity and nationality, the refugee throws into crisis the original fiction of sovereignty (116).

Human rights attributed to the refugee are thus “meant to create... *space* and the possibility [for the refugee to attain a home through which rights might be attained]” (Xenos 1993). However, “as long as those rights are interpreted and enforced by nation-states, there will be *no uncontrolled space*” (Agamben 1995: 427, emphasis mine).

The figure of the refugee or asylum seeker elucidates the tendency to presuppose a territorial basis to political life (Soguk 1999), with the territorially-bounded nation-state system –or state-centric international order— necessitating that a state grant legal status for the recognition of the refugee. Through complex processes of the securitizing of the state, issues of human rights have become subservient to issues of state security, thus endangering the livelihoods of newly arrived and undocumented asylum seekers while stigmatizing those already settled (Buonfino 2004: 24). The Israeli state’s course of action has left the status of Eritrean and Sudanese asylum seekers unresolved and rights inaccessible. Benhabib says of this dilemma in consideration of the refugee and the attainment of rights:

...One’s legal status is dependent on protection from the highest authority that controls the territory upon which one resides and issues the papers to which one is entitled. One becomes a refugee if one is persecuted expelled or driven away from one’s homeland... one is a displaced person if, having been once rendered a refugee, stateless or a minority, one cannot find another polity to recognize one as its member, and remains in limbo, *caught between territories, none of which desire one to be its resident*” (2002: 547, emphasis mine).

The logic of sovereignty is turned on its head as we come to see that it is the failure of the sovereign or undemocratic application of sovereign power in the asylum seeker’s state of origin that served as the impetus of displacement and the asylum seeker’s attempt to seek protection from another sovereign. The reality is that a growing number of people *cannot be located within a system governed by the sovereignty of states*, a system that attempts to break up the identity between “man and citizen, nativity and nationality” (Agamben 1995). In response to this dilemma, the asylum regime positions itself and upholds itself as the regiment, fundamentally created as the

institutionalized regime supporting the creation of legislation, norms and regulations protecting the forcibly displaced and their rights. Yet, this regime is executed by sovereign states. Standing opposed to the humanitarian logic that serves as the basis of the asylum regime, “sovereignty’s moral cartography” upholds a logic that “directs people to place their primary moral obligations with their fellow citizens and not with humanity at large” (Shapiro 1999: 57). States arguably largely place their priority with the governed, with constituents— citizens— enacting sovereign power to excuse itself from burden sharing and bar asylum seekers and refugees from asylum. While the humanitarian logic maintained by the asylum regime would inform one to respond to the refugee’s plight or recognize the basic human rights of refugees on the basis of ethics or moral compulsion, the organizing principle of global politics—the sovereignty of states— arguably causes one’s primary obligation to rest with the state. These two opposing systems cause continued difficulty in determining with whom responsibility for the protection of refugees lies, as states are increasingly using the ‘asylum issue’ as a politicized tool of statecraft to account for increases in state securitization, border control and tightening immigration laws. Those states that have traditionally allocated resources to their national asylum systems and the resettlement of refugees are showing signs of cutting back resources, aligning themselves in deed and discourse against those demarcated as ‘undesirables’ (Agier 2011). Robert Jackson sums up this argument in saying that “humanitarian concerns and human rights still take a back seat to the rights and legitimate interests of sovereign states and—by extension—of the citizens of those states” (Nyers, 2006: 27),⁸⁹ those who are positioned and seen as *legitimate political subjects* with the authority to make claims on the state.

Eritrean and Sudanese asylum seekers have not had refugee recognition granted by the state of Israel, leaving them “...in limbo, caught between territories” (Benhabib: 2002: 547) although within the territorial bounds of the state. In Chapter 3 of this thesis, the case of Sadik was documented, in which as an asylum seeker, he ‘voluntarily’ left Israel for Ethiopia, finding himself only to be returned to Israel and sent to Holot detention centre. This suggests that the dilemma is not only that asylum seekers are “caught between territories,” but that “none... desire [to have them] be its resident” (Benhabib 2002: 547). Drawing from examples within academic literature, Coutin (2000) describes non-status people as occupying a “space of nonexistence” and De Genova (2002) suggests that non-status people reside in a space of “forced invisibility, exclusion, subjugation, and repression” that they must occupy in order to survive (Nyers 2003).

Judith Butler (2004) in a chapter in *Precarious Life*, responds to the then recent U.S. government’s regulations for the governing of detainees at Guantanamo. Detainees would not be allowed trials, but detained indefinitely.

⁸⁹ To add to this, with such an emphasis on the privileging of the state and citizens, all too often the human rights of the refugee become so contingent upon circumstances and *exceptions* that they are not treated as genuine rights at all (Hollenbach, 2008: 4, emphasis mine).

Butler addresses the role of the state in allocating itself “a power, an indefinitely prolonged power” to determine and exercise judgments on who those deemed to pose a danger without allowing an entitlement to basic legal rights. Regarding the rights and humanity of those indefinitely detained, Butler poses the questions:

...Under what conditions do human lives cease to become eligible for basic, if not universal, human rights? How does the U.S. government construe these conditions? And to what extent is there a racial and ethnic frame through which these imprisoned lives are viewed and judged such that they are judged as less than human, or as having departed from the recognizable human community? (89).

The state of Israel, through using indefinite detention as a tool of managing asylum seekers and with no system that would grant asylum seekers refugee recognition and status, has placed Eritrean and Sudanese seekers in the realm of ‘ineligibility.’ Through the ethnic and racial frame that Butler (2004) suggests, Eritrean and Sudanese nationals are ineligible to even be considered as *potential* refugees and ineligible to access rights within the state. Asylum seekers, whether in detention or living under impending summons to detention, recognize this state-imposed ‘ineligibility’ that is imposed upon them and their inability to attain and exercise rights in Israel, informing their choice to depart from Israel. Israeli authorities should reassess their program of ‘voluntary return’ for what it is – a form of ‘*neo-refoulement*’ – and should ensure that Eritrean and Sudanese asylum seekers are granted access to fair asylum procedures that would allow them secure legal status in Israel until they can return to Eritrea and Sudan safely and with dignity.

The rights of refugees have been subjected to a politics of denial and misrecognition of the ‘Other’ found outside the bounds of the Jewish nation. Contrary to the situation of asylum seekers living as ‘failed asylum seekers’, asylum seekers in Israel face an entirely different problem: it is not that they have been deemed to be ‘failed asylum seekers’ through having claims for refugee status assessed, but rather that they find themselves institutionally and practically barred from making a claim for refugee status that would result in a finalized decision from the state. Without the ability to access a means or pathway to a status recognized by the state, asylum seekers have been assigned to a ‘place’ that cannot be reconciled with geographic and territorial understandings of belonging and membership inscribed in the state system: a ‘place’ in which they remain ineligible for access to asylum and according to the Israeli state, they remain ineligible to be protected as a refugee. The institution, norm and practice of asylum has been displaced, creating the conditions that inform the ‘voluntary return’ of asylum seekers. Solutions for Eritrean and Sudanese asylum seekers and their ability to attain asylum and exercise basic human rights in the state of Israel—or anywhere else in the world—is at the current historical moment unclear, begging the question: “under what conditions do human lives... *become* eligible for

basic, if not universal, human rights?” (Butler 2004, emphasis mine). Conjectures of ‘security,’ territorial control and assertions of securing Israel as a Jewish state have left Eritrean and Sudanese asylum seekers subject to the shifting social and political winds of Israel and more widely, a global context in which the institution, norms and practices of asylum are increasingly displaced in the name of security.

BIBLIOGRAPHY

- Al-Haj, M. (2001) *Facts on the Ground: Archaeological Practice and Territorial Self- Fashioning in Israeli Society* (Chicago: Chicago University Press).
- Al-Haj, M. (2002). Ethnic mobilization in an ethno-national state: The case of immigrants from the former Soviet Union in Israel. *Ethnic and Racial Studies*, 25(2), 238-257.
- Abulof, U. (2014). Deep Securitization and Israel's "Demographic Demon". *International Political Sociology*, 8(4), 396-415.
- Afeef, K. F. (2009). *A Promised Land for Refugees?: Asylum and Migration in Israel*. UNHCR, Policy Development and Evaluation Service.
- Agamben, G. (1995). *Homo sacer: Il potere sovrano e la nuda vita*.
- Agier, M. (2011). *Managing the undesirables*. Polity.
- Allard, S.W. (2013). Reimagining Asylum: Religious Narratives and the Moral Obligation to the Asylum Seeker. *Refuge: Canada's Journal on Refugees*, 29(1).
- Anderson, B. (2006). *Imagined communities: Reflections on the origin and spread of nationalism*. Verso Books.
- Arendt, H. (1966). *The origins of totalitarianism*. Harcourt, Brace & World.
- ASSAF and Hotline for Refugees and Migrants (2015). *Where There is No Free Will: Israel's "Voluntary Return" Procedure for Asylum Seekers*. Web. Accessed 28 April 2015. < <http://hotline.org.il/wp-content/uploads/2015/04/free-will-web-pdf>>.
- Balibar, E. (1991). Racism and nationalism. *Nations and nationalism: A reader*, 163-72.
- Banki, S. (2006). Burmese refugees in Tokyo: Livelihoods in the urban environment. *Journal of Refugee Studies*, 19(3), 328-344.
- Bar-Tal, D., Halperin, E., & Oren, N. (2010). Socio-Psychological Barriers to Peace Making: The Case of the Israeli Jewish Society. *Social Issues and Policy Review*, 4(1), 63-109.
- Barzilai, G. (1999) Center against periphery: politics and law of 'prevention of terrorism acts', *Israel Journal of Criminal Justice*, 8, pp. 229-249.
- Basaran, T. (2011) *Security, Law and Borders: At the Limits of Liberties* (New York: Routledge).
- Bauman, Z. (2004) *Wasted Lives: Modernity and Its Outcasts*. Cambridge: Polity Press.

- Ben-David, A., & Ben-Ari, A. T. (1997). The experience of being different: Black Jews in Israel. *Journal of Black Studies*, 510-527.
- Ben-Eliezer, U. (2004). Becoming a black Jew: cultural racism and anti-racism in contemporary Israel. *Social Identities*, 10(2), 245-266.
- Benhabib, S. (1999). Citizens, residents, and aliens in a changing world: political membership in the global era. *Social Research*, 709-744.
- Bigo, D. (2002). Security and immigration: toward a critique of the governmentality of unease. *Alternatives: global, local, political*, 27(1), S63.
- Butler, J. (2006). *Precarious life: The powers of mourning and violence*. Verso.
- Blumenthal, M. (2013). *Goliath: Life and Loathing in Greater Israel*. Nation Books.
- Bosworth, M., & Guild, M. (2008). Governing Through Migration Control Security and Citizenship in Britain. *British Journal of Criminology*, 48(6), 703-719.
- Bourdieu, P. (1996). Understanding. *Theory, Culture & Society*, 13(2), 17-37.
- Brown, W. (2010). *Walled states, waning sovereignty*. Mit Press.
- Brubaker, R. (1989). Immigration and the politics of citizenship in Europe and North America.
- Brubaker, R. (1992). *Citizenship and nationhood in France and Germany* (Vol. 21). Cambridge, MA: Harvard University Press.
- Bryman, A., & Burgess, B. (Eds.). (2002). *Analyzing qualitative data*. Routledge.
- Buscher, D. (2013). New approaches to urban refugee livelihoods. *Refuge: Canada's Journal on Refugees*, 28(2).
- Buonfino, A. (2004). Between unity and plurality: the politicization and securitization of the discourse of immigration in Europe. *New Political Science*, 26(1), 23-49.
- Charmaz, K. (2014). *Constructing grounded theory*. Sage.
- Derrida, J. (1997). *Deconstruction in a nutshell: A conversation with Jacques Derrida* (No. 1). Fordham University Press.
- Doty, RL. (1996). "Sovereignty and the nation: constructing the boundaries of national identity" in Biersteker, T. J., & Weber, C. (Eds.). *State sovereignty as social construct* (Vol. 46). Cambridge University Press.
- Eisenhardt, K. M. (1989). Building theories from case study research. *Academy of management review*, 14(4), 532-550.

- Encyclopedia Britannica (2015). Likud. 3 March 2015. Web. Accessed 2 April 2015. <<http://www.britannica.com/EBchecked/topic/340938/Likud>>.
- European Council on Refugees and Exiles. *Returns*. Web. Accessed 1 April 2015. <<http://www.ecre.org/topics/areas-of-work/returns.html>>.
- Every, D., & Augoustinos, M. (2007). Constructions of racism in the Australian parliamentary debates on asylum seekers. *Discourse & Society*, 18(4), 411-436.
- Fábos, A., & Kibreab, G. (2007). Urban Refugees: Introduction. *Refuge: Canada's Periodical on Refugees*, 24(1), 1-19.
- Foucault, M. (1977). *Discipline and punish: The birth of the prison*. Vintage.
- Freeman, G.P. (1986) 'Migration and the political economy of the welfare state', *Annals of the American Academy of Political and Social Science*, 485: 51-63.
- Ghanem, A., Rouhana, N. & Yiftachel, O. (1998) Questioning 'ethnic democracy': a response to Sammy Smooha, *Israel Studies*, 3(2), pp. 253–267.
- Gibney, M. (2004) *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge: Cambridge University Press.
- Gibney, M. (2009). Precarious residents: migration control, membership and the rights of non-citizens.
- Greenwood, P. (2012). "Huge detention centre to be Israel's latest weapon in migration battle." *The Guardian*, 17 April 2012. Web. Accessed 22 November 2015. <<http://www.theguardian.com/world/2012/apr/17/detention-centre-israel-migration>>.
- Guarnieri, M (2012). "S. Tel Aviv residents protest against African asylum seekers." *972 Magazine*, 25 July 2012. Web. Accessed 6 January 2015. <<http://972mag.com/south-tel-aviv-residents-hold-anti-african-protest/51865/>>.
- Ha'aretz*, (2010). "Amos Harel Israel's Border With Egypt Is Like the Wild West" 28 March 2010. Accessed 5 February 2015. <<http://www.haaretz.com/print-edition/features/amos-harel-israel-s-border-with-egypt-is-like-the-wild-west-1.265418>>
- Ha'aretz*, (2012). "Demonstrators attack African migrants in south Tel Aviv." March 4, 2012. Web. Accessed 12 January 2015. <<http://www.haaretz.com/news/national/demonstrators-attack-african-migrants-in-south-tel-aviv-1.432262>>
- Ha'aretz*, (2012). "Israeli MK: I Didn't Mean to Shame Holocaust by Calling African Migrants a 'Cancer'" 27 May 2012. Accessed 29 November 2014. <<http://www.haaretz.com/israel-news/israeli-mk-i-didn-t-mean-to-shame-holocaust-by-calling-african-migrants-a-cancer-1.432809>>

- Ha'aretz*, (2013). "Israel Accused of Coercing Eritrean Refugees to 'Volunteer' for Deportation." <<http://www.haaretz.com/israel-news/israel-accused-of-coercing-eritrean-refugees-to-volunteer-for-deportation.premium-1.503447>>
- Ha'aretz*, (2014). "Lapid, bury the anti-refugee law - and Bibi's era with it." 8 December 2014. Accessed 9 December 2014. <<http://www.haaretz.com/misc/iphone-article/1.630495>>
- Ha'aretz*, (2014). "Israel Confirms: Asylum Seekers Secretly Spirited Away to Third Countries" 4 March 2014. Accessed 20 April 2014. <<http://www.haaretz.com/israel-news/.premium-1.577944>>.
- Ha'aretz*, (2015). "Israel Has Granted Refugee Status to Only Four Sudanese and Eritrean Asylum Seekers." Accessed 14 March 2015. <<http://www.haaretz.com/israel-news/.premium-1.643134>>.
- Handelzaltz (2012) "Word for word: By renaming migrants 'infiltrators,' Israel is forging a new reality." *Ha'aretz*. Web. 29 June 2012. Accessed 25 January 2012. <<http://www.haaretz.com/weekend/pen-ultimate/word-for-word-by-renaming-migrants-infiltrators-israel-is-forging-a-new-reality.premium-1.447198>>
- Harel, A. (2011). On Israel-Egypt border, best defense is a good fence. *Ha'aretz*. 13 November 2011. Web. Accessed 2 December 2014. <<http://www.haaretz.com/print-edition/features/on-israel-egypt-border-best-defense-is-a-good-fence-1.395239>>.
- Heisler, M. and Layton-Henry, Z. (1993) 'Migration and the links between social and societal security', in: O, Wæver, B. Buzan, M. Kelstrup and P. Lemaitre (Eds), *Identity, Migration, and the New Security Agenda in Europe* (New York, St. Martin's Press).
- Honig, B. (2009). *Democracy and the Foreigner*. Princeton University Press.
- Horowitz, A. L. (1975). Ethnic identity. *The Wiley-Blackwell Encyclopedia of Globalization*.
- Hotline for Refugees and Migrants (HRM) (2012a). "Until Our Hearts Are Completely Hardened: Asylum Procedures in Israel." Web. Accessed 9 September 2014. <http://www.hotline.org.il/english/pdf/asylum_procedures_2012_eng.pdf>
- Hotline for Refugees and Migrants (HRM) (2012b). "'Cancer in Our Body': On Racial Incitement, Discrimination and Hate Crimes against African Asylum-seekers in Israel." <http://www.hotline.org.il/english/pdf/IncitementReport_English.pdf>.
- Hotline for Refugees and Migrants. 2014 "'From One Prison to Another': Holot Detention Facility." <http://hotline.org.il/en/publication/holotreporteng/>.
- Hotline for Refugees and Migrants (2014). Refugees. Web. Accessed 9 September 2014. <<http://hotline.org.il/en/refugees-and-asylum-seekers-en/>>
- Hotline for Refugees and Migrants (2014). Israel's Asylum System. Web. Accessed 15 April 2014. <<http://hotline.org.il/en/refugees-and-asylum-seekers-en/%E2%80%8Fisraels-asylum-system/>>

- Human Rights Watch (2013). "Israel: Detained Asylum-seekers Pressured to Leave." Web. Accessed 19 February 2015. <<http://www.hrw.org/news/2013/03/13/israel-detained-asylum-seekers-pressured-leave>>.
- Huysmans, J. (2006). *The politics of insecurity: fear, migration and asylum in the EU*. Routledge.
- Hyndman, J. (2001). THE FIELD AS HERE AND NOW, NOT THERE AND THEN*. *Geographical Review*, 91(1-2), 262-272.
- Hyndman, J., & Mountz, A. (2008). Another Brick in the Wall? Neo-Refolement and the Externalization of Asylum by Australia and Europe1. *Government and Opposition*, 43(2), 249-269.
- Ibrahim, M. (2005). The Securitization of Migration: A Racial Discourse1. *International Migration*, 43(5), 163-187.
- Joppke, C. (1998). Asylum and state sovereignty: a comparison of the United States, Germany, and Britain. *Challenge to the nation-state: Immigration in Western Europe and the United States*, 109-52.
- Kalir, B. (2014). The Jewish State of Anxiety: Between Moral Obligation and Fearism in the Treatment of African Asylum Seekers in Israel. *Journal of Ethnic and Migration Studies*, 1-19.
- Kafka, F. (2007). *The great wall of China*. Penguin UK.
- Kapur, R. 2003. "The 'Other' Side of Globalization: The Legal Regulation of Cross-Border Movements." *Canadian Women's Studies* 22 (3-4): 6-15.
- Keetharuth, S. (2014). Report of the Special Rapporteur on the situation of human rights in Eritrea. United Nations. 13 May 2014. Web. Accessed 15 January 2015.
- Kemp, A., Raijman, R., Resnik, J., & Gesser, S. S. (2000). Contesting the limits of political participation: Latinos and black African migrant workers in Israel. *Ethnic and Racial Studies*, 23(1), 94-119.
- Kershener, I. (2012). "Israeli Leader Pledges Hard Line on Migrants." *Internaitonal New York Times*. Web. Accessed 14 December 2014. < http://www.nytimes.com/2012/06/05/world/middleeast/netanyahu-vows-crackdown-on-african-asylum-seekers.html?_r=0>.
- Kofman, E. (2005). Citizenship, migration and the reassertion of national identity. *Citizenship studies*, 9(5), 453-467.
- Kovaliyov-Livi and Rozen (2014). From One Prison to Another. Hotline for Refugees and Migrants, June 2014. Web. Accessed 29 January 2015. < <http://www.scribd.com/doc/230142608/From-One-Prison-to-Another-Holot-Detention-Facility#scribd>>.
- Kritzman-Amir, T. (2009). "Otherness" as the Underlying Principle in Israel's Asylum Regime. *Israel Law Review*, 42(03), 603-627.

- Kritzman-Amir, T. (2012). Refugees and Asylum Seekers in the State of Israel. *Israel Journal of Foreign Affairs*, 3, 97-111.
- Kritzman-Amir, T., & Berman, Y. (2009). Responsibility sharing and the rights of refugees: The case of Israel. *Geo. Wash. Int'l L. Rev.*, 41, 619.
- Lijnders, L. (2012). Caught in the borderlands: torture experienced, expressed, and remembered by Eritrean asylum seekers in Israel. *Oxf Monit Forced Migr*, 2, 64-76.
- Lijnders, Laurie. "Deportation of South Sudanese from Israel." *Forced Migration Review* 44 (2013): 66.
- Lior, I. (2014a). "New amendment to 'anti-infiltration' law goes before Knesset." *Ha'aretz*, 1 December 2014. Web. Accessed 2 December 2014. <<http://www.haaretz.com/news/national/.premium-1.629316>>.
- Lior, I (2014b). "High Court issues injunction halting new detentions of asylum-seekers." *Ha'aretz*, 18 December 2014. Web. Accessed 18 December 2014. <<http://www.haaretz.com/news/national/.premium-1.632592>>.
- Lior, I. (2014c). "Gideon Sa'ar: Israel mustn't give up on detention center for illegal immigrants." *Ha'aretz*, 6 October 2014. Web. Accessed 15 March 2015. <<http://www.haaretz.com/news/national/.premium-1.619393>>.
- Lior, I. (2014d). "Israel again reduces number of offices that serve asylum seekers." *Ha'aretz*, 4 November 2014. Web. Accessed 03 February 2015. <<http://www.haaretz.com/news/national/.premium-1.624493>>
- Lior, I. (2015). "Israel to begin imminent deportation of some African refugees – even without their consent." *Ha'aretz*, 31 March 2015. Web. Accessed March 31 2015. <<http://www.haaretz.com/news/national/.premium-1.649757>>.
- Lior, I (2015b). "Israel begins informing asylum seekers of their deportation." *Ha'aretz*, 2 April 2015. Web. Accessed 3 April 2015. <<http://www.haaretz.com/news/national/.premium-1.650211>>.
- Malkki, L. H. (1995). Refugees and exile: From "refugee studies" to the national order of things. *Annual review of anthropology*, 495-523.
- McCarthy, R. (2010). "Israel to Build Surveillance Fence along Egyptian Border." *The Guardian*, November 1. Web. Accessed January 12 2015. <<http://www.guardian.co.uk/world/2010/jan/11/israel-fence-egypt>>
- Mezzofiore (2014). Why Israel's Jewish-Nation Bill is Controversial. *International Business Times*, 26 November 2014. Web. Accessed 18 March 2015. <<http://www.ibtimes.co.uk/why-israels-jewish-nation-bill-controversial-1476716>>.
- Miller, K. E. (2004). Beyond the frontstage: Trust, access, and the relational context in research with refugee communities. *American journal of community psychology*, 33(3-4), 217-227.
- Miller, D. (1995). *On nationality*. Oxford University Press.

- Muller, B. J. (2010). Unsafe at any speed? Borders, mobility and 'safe citizenship'. *Citizenship studies*, 14(1), 75-88.
- Nesher, T. (2012). "Netanyahu: Israel could be Overrun by African Infiltrators." *Ha'aretz*, May 21. Web. Accessed 5 January 2015.
- NBC (2013). "Key part of Israel-Egypt security fence completed." 2 January 2013. Accessed 22 November 2014. <
http://photoblog.nbcnews.com/_news/2013/01/03/16309473-key-part-of-israel-egypt-security-fence-completed>
- Nyers, P. (2010). Missing citizenship. *International political sociology*, 4(1), 95-98.
- Nyers, P., & Rygiel, K. (Eds.). (2012). *Citizenship, migrant activism and the politics of movement*. Routledge.
- Olesker, R. (2014). Law-making and the Securitization of the Jewish Identity in Israel. *Ethnopolitics*, 13(2), 105-121.
- Paz, Y. (2011). *Ordered disorder: African asylum seekers in Israel and discursive challenges to an emerging refugee regime*. UNHCR, Policy Development and Evaluation Service.
- Peled, Y. (1992). Ethnic democracy and the legal construction of citizenship: Arab citizens of the Jewish state. *American political science review*, 86(02), 432-443.
- Personal Statement of Israeli Human Rights Organizations (2015). Hotline for Refugees and Migrant Workers, 31 March 2015. Web (Facebook).
- Population, Immigration and Borders Authority (PIBA), "Statistics of Foreigners in Israel, Summary of 2013," January 2014. Web. Accessed 19 August 2014 <<http://bit.ly/PK0Uzm>>.
- Raboteau, E. (2013). *Searching for Zion: The Quest for Home in the African Diaspora*. Grove/Atlantic, Inc.
- Raijman, R. (2010). Citizenship Status, Ethno-National Origin and Entitlement to Rights: Majority Attitudes towards Minorities and Immigrants in Israel, *Journal of Ethnic and Migration Studies*, 36:1, 87-106 To
- Reuters (2013). *Israel completes bulk of Egypt border fence*. 2 January 2013. Web. Accessed 5 December 2014. <
<http://www.reuters.com/article/2013/01/02/us-israel-egypt-fence-idUSBRE9010EI20130102>>
- Rozen, S. (2012). "Police distort crime data, inciting violence against refugees." *972 Magazine*. 19 May 2012. Web. Accessed 22 January 2015. < <http://972mag.com/police-distortion-of-crime-data-encourages-rising-violence-against-refugees/46236/>>
- Shacknove, A. E. (1985). Who is a Refugee?. *Ethics*, 274-284.
- Shafir, G. Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882–1914 (Cambridge: Cambridge University Press 1989); B. Kimmerling, *Zionism and Territory* (Berkeley: Institute of International Studies, University of California Press 1983).

- Sherwood, H (2012a). "Israel extends new border fence but critics say it is a sign of weakness." *The Guardian*. 27 March 2012. Web. Accessed 4 March 2015. <<http://www.theguardian.com/world/2012/mar/27/israel-extends-border-fence-critics>>
- Sherwood, H. (2012b). "Israel PM: illegal African immigrants threaten identity of Jewish state." *The Guardian*. 20 May 2012. Web. Accessed 3 January 2015. < <http://www.theguardian.com/world/2012/may/20/israel-netanyahu-african-immigrants-jewish>>
- Sheizaf, N. (2012). "How mainstream Israeli politicians sparked the Tel Aviv race riot." *972 Magazine*, 24 May 2012. Web. Accessed 22 January 2015. <<http://972mag.com/how-mainstream-israeli-politicians-sparked-the-tel-aviv-race-riot/46649/>>.
- Simpson, G. *Make Their Lives Miserable: Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave*. Human Rights Watch, 2014. Web. Accessed 4 December 2014 < http://www.hrw.org/sites/default/files/reports/israel0914_ForUpload_1.pdf>.
- Slater, J. (1997). Opinion: Netanyahu, A Palestinian State, and Israeli Security Reassessed. *Political Science Quarterly*, 675-689.
- Smootha, S. (1997). Ethnic democracy: Israel as an archetype. *Israel Studies*, 2(2), 198-241.
- Smootha, Sammy. 1990. "Minority Status in an Ethnic Democracy: The Status of the Arab Minority in Israel." *Ethnic and Racial Studies* 13:389-413.
- Teddle, C., & Yu, F. (2007). Mixed methods sampling a typology with examples. *Journal of mixed methods research*, 1(1), 77-100.
- Tsurkov, E. (2012). 'Cancer in our body': on racial incitement, discrimination and hate crimes against African asylum seekers in Israel January–June 2012. Hotline for Refugees and Migrants. Web. Accessed 19 February 2015. < http://hotline.org.il/wp-content/uploads/IncitementReport_English.pdf>
- The Association for Civil Rights in Israel (ACRI) (2012). Position Paper: African Asylum Seekers Arriving in Israel via the Sinai Desert. 29 August 2012. Web. Accessed 25 January 2015. <<http://www.acri.org.il/en/2012/08/29/rrf-position-african-asylum-seekers/>>.
- The New Observer (2014). "Netanyahu Demands Jews-Only State—So Why do America's Jews Support "Open Borders" for the US?" Web. Accessed 22 January 2015. < <http://newobserveronline.com/netanyahu-demands-jews-only-state-so-why-do-americas-jews-support-open-borders-for-the-us/>>.
- The Jerusalem Post (2013). "Construction of Israel-Egypt border fence has been completed." Web. Accessed 9 January 2015. < <http://www.jpost.com/Breaking-News/Construction-of-Israel-Egypt-border-fence-has-been-completed-333927>>
- Tronvoll, K. (2009). *The Lasting Struggle for Freedom in Eritrea: Human Rights and Political Development, 1991-2009*. Oslo Center for Peace and Human Rights.

- UN (2012). Israel and the Occupied Territories. Web. Accessed 15 March 2015.
<https://upload.wikimedia.org/wikipedia/commons/2/26/Map_of_Israel%2C_neighbours_and_occupied_territories.svg>
- UNHCR (1996). Handbook: Voluntary Repatriation: International Protection. United Nations High Commissioner for Refugees. Web. Accessed 25 April 2014. < <http://www.unhcr.org/3bfe68d32.html>>.
- UNHCR (2011). The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol. United Nations High Commissioner for Refugees. Web. Accessed September 15 2014. < <http://www.unhcr.org/4ec262df9.pdf>>.
- Weber, C. (2010). Introduction: design and citizenship. *Citizenship studies*, 14(1), 1-16.
- Waever, O., Buzan, B., Kelstrup, M. and Lemaitre, P. (1993) Identity, Migration, and the New Security Agenda in Europe (New York, St. Martin's Press)
- Waever O (1995) Securitization and desecuritization. In: Lipschultz R (ed.) On Security. New York: Columbia University Press, 46–86.
- Weber, L. (2013). *Polcing Non-citizens* (Vol. 1). Routledge.
- Weiss and Nohl (2012). “Overcoming Methodological Nationalism in Migration Research: Cases and Contexts in Multi-Level Comparisons.” *Beyond methodological nationalism: research methodologies for cross-border studies* (Vol. 24). Amelina, A. (Ed.). Routledge.
- Weiler-Polak, D. (2010). “Eli Yishai: Infiltrators Pose Existential Threat to Israel.” *Ha'aretz*, October 22. Web.
- Weiler-Polak, D. 2012a. “Increasing Worries among Migrants: ‘Afraid to Get Out of Our House.’” *Ha'aretz*, June 11. Web.
- Weisman, E. (2012). *Hollow land: Israel's architecture of occupation*. Verso Books.
- Williams, M. C. (2003). Words, images, enemies: securitization and international politics. *International studies quarterly*, 47(4), 511-531.
- Williams, M.C. (2011) Securitization and the liberalism of fear, *Security Dialogue*, 42(4–5), pp. 453–463.
- Wohl, M. J. A., Branscombe, N. R., & Reysen, S. (2010). Perceiving your group's future to be in jeopardy: Extinction threat induces collective angst and the desire to strengthen the ingroup. *Personality and Social Psychology Bulletin*, 36, 898–910.
- Xenos, N. (1993). Refugees: The modern political condition. *Alternatives*, 419-430.

- Yiftachel, O. (2002). Territory as the kernel of the nation: space, time and nationalism in Israel/Palestine. *Geopolitics*, 7(2), 215-248.
- Yiftachel, O. (2006). *Ethnocracy: Land and identity politics in Israel/ Palestine*. University of Pennsylvania Press.
- Zetter, R. (1991). Labeling refugees: forming and transforming a bureaucratic identity. *Journal of refugee studies*, 4(1), 39-62.

APPENDIX A.

Map of Israel's Barriers (Sherwood 2012a).



APPENDIX B.

Map of Map of the Middle East showing Israel, Egypt, Saudi Arabia, Jordan, Syria and Lebanon including Gaza, Golan Heights and West Bank (UN 2012).



APPENDIX C. TABLES OF INTERVIEWS AND FOCUS GROUP

TABLE 1. Individual Interviews with Eritrean and Sudanese Asylum Seekers

Interview Number	Country of Origin	Respondent Sex	Date of Interview	Method of Interview
1	Sudan	Male	09 August 2013	In person
2	Sudan	Male	09 August 2013	In person
3	Sudan	Male	10 August 2013	In person
4	Eritrea	Male	11 August 2013	In person
5	Eritrea	Male	12 August 2013	In person
6	Sudan	Male	14 August 2013	In person
7	Eritrea	Male	14 August 2013	In person
8	Sudan	Male	16 August 2013	In person
9	Eritrea	Male	17 August 2013	In person
10	Eritrea	Male	17 August 2013	In person
11	Eritrea	Male	17 August 2013	In person
12	Sudan	Male	19 August 2013	In person
13	Sudan	Male	21 August 2013	In person
14	Sudan	Male	2 September 2013	In person
28	Eritrea	Male	2 September 2013	In person
29	Eritrea	Male	30 January 2014	In person
30	Eritrea	Male	28 January 2014	In person
31	Eritrea	Female	05 February 2014	In person
32	Sudan	Male	05 February 2014	In person
33	Sudan	Male	05 February 2014	In person
34	Eritrea	Male	06 February 2014	In person

TABLE 2. Individual Interviews with Informants

Interview Number	Type of Interview	Date of Interview
15	Non-governmental Organization Representative (NGO)	11 August 2013
16	Community Advocate	12 August 2013
17	Academic	20 August 2013
18	Non-governmental Organization Representative (NGO)	21 August 2013
19	Non-governmental Organization Representative (NGO)	25 August 2013
20	Community Worker and Activist	26 August 2013
21	Community Worker and Activist	02 September 2013

TABLE 3. Key Informant Interviews

Interview Number	Country of Origin	Respondent Sex	Dates Interviews Conducted	Method of Interview
22, 23	Eritrea	Male	09 August 2013; 29 August 2013	In person
24, 25	Sudan	Male	11 August 2013; 02 February 2014	In person

Interview Number	Type of Interview	Dates Interviews Conducted
26, 27	Former UNHCR Employee/Lawyer	28 August 2013; 05 February 2014

TABLE 4. Focus Group Respondents

Focus Group Number	Country of Origin	Respondent Sex	Date
1	Eritrea	Male	20 August 2013
“	Eritrea	Female	20 August 2013
“	Eritrea	Female	20 August 2013
“	Eritrea	Male	20 August 2013
“	Eritrea	Male	20 August 2013