

Let My People Stay: Irregular Migrants' Struggle for Rights and
Recognition

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Abstract

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In January 2014, a mass protest of 40,000 African migrants, demanding rights, recognition and a fair asylum process took place in Tel-Aviv. Their demonstration was unprecedented in its nature and magnitude offering a unique and interesting puzzle: how a foreign-born community without resources or familiarity with the country's authorities, culture, or tolerance for protest, successfully mobilized and why did the high cost of engaging in protest did not deter the participants? Existing literature often treats mobilization as an engagement with traditional political institutions, those however, are mostly irrelevant for people without legal status. Scholarship on the issue tends to separate the analysis of the macro level (structure and institutions) from that of the micro level (identity and culture). This gap creates a disconnect between the structural conditions and the ways in which they are experienced and understood at

the individual and community levels. My hypothesis is that mass organizing by irregular migrants is dependent on their ability to draw on their lived experiences and skill-sets to navigate an alien political structure and utilize the support of local allies to make legal claims and political demands. To test it, I used a mixed methods approach combining content analysis of articles and reports with fieldwork conducted in Israel in 2016-17 featuring interviews with asylum seekers, activists and NGO workers. The case of asylum seekers in Israel demonstrates their ability to self-organize as a diasporic group with collective interests as well the cooperation they built with local human-rights NGOs and other aid groups as the basis for their successful collective operation. Their struggle raised important questions about Israel's migration regime, workforce dependability, and the balance between adherence to democratic norms and securing a Jewish majority, while capturing the attention of global media and international actors. Despite the inability to achieve their stated policy goals, their success is articulated by their own admission in their ability to mobilize and spread the language of rights in their communities. By examining the similarities in collective action practices and discourses adopted by migrant movements in Washington State I discuss the struggle of asylum seekers in Israel in a wider context and offer a comparative perspective on social movements and political engagement of unrecognized members of society.

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Dedication

To Yochai, my loving family, and all the forced migrants worldwide.

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Introduction

In January 2014, close to 40,000 asylum seekers from Eritrea and Sudan assembled for several days in Tel-Aviv's city center to demand rights, recognition and a fair asylum process. Their demonstration was to become the largest protest ever organized by non-Jews in Israel. This display of asylum seekers holding signs in Hebrew and calling on the Israeli government to honor its international commitments and provide them protection, captured the attention of local and global media and raised many questions for me as a spectator. What makes their protest extremely puzzling is the ability of such groups—ones that lack key resources and face great risk when engaging in protest—to come together in large numbers, resist the policies targeting them, and make legal and political demands.

When I listened to *Suli*, a Darfuri community leader and one of the organizers articulate his motivations and specify the goals for the demonstration, the magnitude and scope of the display I witnessed became more puzzling:

We don't care too much if you support the Left or the Right, we only care that you would give us a chance to tell our story and understand we are not criminals. Unlike what most Israelis may think, the people here belong to different tribes and different ethnic groups but we are united by the feeling that the Israeli government deliberately mistreats us and promotes incitement against us. Our resources may be limited, but we rely on volunteers and use our own money for these activities, asking people to support this effort and give up a day's work which is their only source of income.

A similar notion was expressed by *Kobi*, an Eritrean organizer, whose comments were even more perplexing to me when he described the ability of such a group to successfully coordinate a collective effort of this scale:

In our country Eritrea, you don't ask questions, you are not allowed to. All the education I got, everything I knew, was based on what the government told me, it was filtered. If you disapprove of something in Eritrea you can't protest, we are not even allowed to assemble, let alone work together independently. When we first came here we did not have the capacity to understand what human rights are or the purpose of aid organizations. But over time, and especially by the time people were getting summoned to the detention center, we realized we should not accept this type of treatment. Today there is not a single Eritrean here who doesn't know he has rights.

What I found to be extremely interesting was that the organizers were all foreign-born nationals and had recently arrived in Israel without resources or deep familiarity with the country's authorities, culture, or tolerance for protest. I marveled over their ability to mobilize, make claims, and demand rights despite the substantial risks involved, including the real possibility of incarceration. My dissertation research grew from the seed of the question of why these migrants took on such risks and how they managed to organize such a huge protest?

I argue that mass organizing by unauthorized migrants is dependent on their ability to draw on their migration experiences and existing skill-sets to navigate an alien culture and political structure. The literature often portrays migrants as weak and incapable, whereas I have found that those who have endured the dangerous journeys are extremely resourceful and motivated. Asylum seekers in Israel were embedded in social networks relevant for the protest issues and, above all, kept a symbolic linkage between their activism and their pre-migration life-spheres. Their engagement with local allies, such as activists and NGOs, developed their understanding of rights and shaped their claims making. Mobilization became possible when they were able to utilize their community-based assets, rely on high levels of kinship and solidarity, and engage local allies. However, in order to adequately explain the nature and scope of mass mobilization

by irregular migrants, it is necessary to examine the dynamic interaction between migrants and their socio-political environment. Thus, an analysis that includes a micro level account about the incentives for individual participation as well as an analysis of the macro structural factors (institutions, legal regimes and culture) that contextualizes and localizes a particular social movement.

In recent years similar events unfolded in other countries, for example when ‘Dreamers’ in the U.S. took to the streets in 2006 and 2013 or when asylum seekers in the ‘Calais Jungle’ in France, mobilized to improve their situation, claim rights and demand policy changes. Despite their vulnerability, structural barriers and inability to engage in traditional politics, these migrants, were fighting for recognition and made claims to protect their basic rights.

The decision to make the mobilization of asylum seekers in Israel a central case for analysis rests on the notion that the country has historically been a migration destination almost exclusively for Jews, but global, political, and economic changes brought a relatively new phenomenon of non-Jewish migration to the country’s borders since the early 1990s. This created a growing disjuncture between local practices aimed at advancing Jewish immigration and the national policies that prevent integration of non-Jewish migrants. These groups of irregular migrants¹ have faced multiple barriers expressed in both rhetoric and policies, all based on their legal status and their racial and ethnic backgrounds. In the context of the Israeli case, one of my motivations

¹ I adopt the term irregular migrants since in the case of asylum seekers, for example, the right to cross borders is recognized under international law, regardless of their documentation. Thus, the term is applied to discuss people whose movements are increasingly cast as illegitimate and/or unwanted largely as a result of global hierarchies of mobility that produce this type of migration (McNevin, 2013).

for exploring this issue was the also response by counter protesters that accused Israeli human rights NGOs for being responsible to the migrants' collective action.

When I started working on this puzzle I had a comparison in mind that would equally discuss two cases, one in Israel and the other in the United States, since I saw striking similarities in the ways protests were carried out and a shared baseline in terms of the constraints and opportunities available to irregular migrants. However, as I advanced in my fieldwork, the case of Israel presented a more coherent story and I was able to gain greater access enabling me to collect a lot of data, whereas in my other research site at Washington state, it was harder to find a central focus or follow a dominant group. Moreover, Donald Trump's election in November 2016 impacted my access to interviewees, that were perplexed by the new situation and became hesitant to come forward and share their personal stories for scholarly purposes. Thus, the dissertation will present a full analysis based on the Israeli case but will use the similarities I have found in Washington state to discuss similar themes like motivations to mobilize, life in detention, the role of NGOs, and navigating everyday life without legal status, in the final chapter.

My research not only illuminates a critical social issue in Israel, it addresses the broader literature on mobilization and migrants. Scholars studying social movements tend to either narrowly focus on the incentives that motivate individuals and analyze the political sphere by looking at resources and 'opportunities' to engage or put too much focus on collective identity. Irregular migrants' mobilization goes beyond traditional politics because they do not have full social and political rights and are deprived of certain resources and opportunities. At the same

time, the identity of the actors, their skill-sets and community-based assets are all important but should not be separated from their environment. Although some scholars point to the need to connect these levels of analysis, the efforts to date to truly bridge the theoretical gap only provided theoretically limited accounts.

Mobilization of Irregular Migrants

The issue of irregular migrants' political engagement and mobilization has been a growing interest for scholars in recent years (Però and Solomos, 2010; Chimienti, 2011; McNevin, 2013; Üstübcici, 2016). Scholar's questions about the changing forms of migrant politics and their reflection on processes of inclusion and integration, have drawn a wide range of conceptual and disciplinary perspectives as empirical research became available in a variety of settings.

The rising number of forced migrants has led to new forms of migrant political, social and cultural mobilization and community formation. Natural disasters, regional conflicts, political instability, and extreme poverty have produced mixed motivations for migration, replacing migration flows that were for the most part constituted by young males who were recruited as labor migrants to sustain economic production (Castles and Miller 2009).

Migrants mobilization, in an era characterized by burgeoning collective action, has expanded from issues of material justice, to include other questions that negatively affected their lives, such as racism and discrimination, lack of inclusion in structures of representation, and rights fulfillment (Chabanet and Giugni, 2008; Reed-Danahay and Brettell, 2008; Iskander, 2007; Nichols, 2013). Irregular migrants are often vulnerable and prone to abuse and injustice but in recent years and with support of advocacy and aid organizations, they are acting collectively to

demand rights and recognition, like the case of DREAMers in the United States, the *San-Papiers* movement in France, or African asylum seekers in Israel, whose struggle is the focus in this dissertation.

The idea of conscious collective behavior carried through a social movement is a modern construction. This notion rests on the argument that only in a modern society such movements played a constitutive role in social development and pursuit of social change. Tilly (1994, 2004) describes this phenomenon as the shift from localized and sporadic expressions of discontent to a sustained and organized effort to make claims to institutionalized centers of decision making.

The study of collective action and social movements in the 1950s and 60s had a strong game theory and rational choice orientation. It emphasized actor centered approaches that focused on costs and benefits and attempted to solve the “free rider problem” where immobilized actors share the benefits without paying the costs of achieving them. With the rise of critical theory, the actors challenging the social order received more legitimacy and were seen as fighters of oppression and not irrational actors. Themes for inquiry like strategy, interests, and politics were supplanted by the study of symbols, identity, culture and meanings. Through these developments research was redirected to study the rise, fall, strategy, evolution and efficacy of social movements (Edelman, 2001; Della Porta and Diani, 2015; Dieter Opp, 2009; Snow et al, 2008).

Resource mobilization (McCarthy and Zald, 1977) was a leading paradigm in the 1970s, it examined the variety of resources that must be mobilized, the linkages of social movements to other groups, and the dependence the movement has on external support. Among the critiques of

Resource Mobilization theory (McAdam, 1982) was that it blurred the line between established and excluded groups and used a vague and broad definition to account for resources. Another problem in resource mobilization was that grievances were dismissed and ignored instead of being analyzed, in other words, there was no attempt to understand how grievances are interpreted by claims makers. As a result, the paradigm shifted to focus on The Political Opportunity Structure (POS) which highlighted the importance of ideology, political interests, and group solidarity and consciousness. Tilly (1978) for example, looked at political opportunity as based on repression and facilitation with governments using their policies and laws to affect social control and shape the context of collective action. Proponents of POS looked at the structure of political opportunities as dependent on the political system's stability. Based on this factor, a group or groups can challenge and bargain new positions. Tarrow (1994, 2011) added necessary elements to this macro theory such as challenge, uncertainty and solidarity to complement the model. According to Tarrow, tactics and protest repertoires are a result of "uncertainty" since over time some have evolved to be perceived as more legitimate and conventional (strikes and demonstration for example). He also acknowledged the importance of discourses and symbols and cultural aspects. In the context of this case, it is important since regardless of policy outcome or goal attainment, what is affected is the political culture as a result of actors challenging the system. Tarrow's definition of a mobilizing structure links leaders to organization and emphasizes social networks as interdependencies that help overcome the coordination problem.

Challengers of resource mobilization and POS (Gamson et al, 1982; Klandermans, 1987; 1997; Melucci, 1989) raised the importance of social psychology of movements, more specifically-

arguing that the factors that politicize discontent were left unanswered. This paved the way for the emergence of a new paradigm- framing and social construction. Skills and knowledge on how to act collectively were deemed relevant in setting off micro-mobilization processes that produce successful challenges to authority (Gamson et al 1982; Snow et al, 1986). One of the criticisms of framing was that often frames were treated as a cultural resource, undermining their constitutive force. As a result, more attention was paid to how people become motivated to act collectively (Goodwin and Jesper 2004).

When applying these theories to explain irregular migrants' mobilization I identified several gaps.

First, the most obvious difference between the native-born and the foreign-born is the issue of legal status and access to formal membership through citizenship. Legal status critically informs the opportunities for organizing. Differences in civic and political engagement between refugees, who are eligible for government support and assistance from refugee settlement organizations, and irregular migrants, who must largely rely on personal resources, increase the constraints (Bloemraad 2006; Portes and Rumbaut 2006).

Secondly, beyond language, migrants may also face cultural gaps in understanding their new country's political institutions, as well as norms about politics and civic activity. To understand the protest organized by asylum seekers in Israel it is important to look at the immigrant-emigrant duality. The political reasons that force irregular migrants to move across borders required to look for relevant political opportunities that shaped their mobilization. It is vital to develop a deeper understanding of the sending context as well as the receiving context, since

incentives for mobilization often transcends a single context. The case of Eritrean and Sudanese in Israel will demonstrate how past experiences shaped their mobilization and the key role their diasporic engagement played in their politicization. I draw on scholars who turned their attention to migrants' political agency (Koopmans 2004; Ramakrishnan and Bloemraad 2008; Reed-Danahay and Brettell 2008) as well as transnationalism to illustrate the spaces where migrants operate at the political level (Bauböck, 2003; Østergaard-Nielsen, 2003; Guarnizo et al, 2017).

Thirdly, the study of migrants' political participation has been nation-state centered, and as such, state repression has been a dominant factor motivating collective action. This case-study will illustrate the importance of recognition as a strong incentive for collective action that is independent of repression since it relies on the subjective interpretation of the right to claim asylum. Political engagement has been ignored or dismissed as structurally determined but it should be complemented by a synthesis of macro theories with an agency driven approach. I will highlight the importance of factors such as the migration journey, early political socialization, existing skillsets, values, embeddedness in a specific network, and migrants' feelings and emotions understanding their engagement. Placing an emphasis on these factors also balances the rational choice approach that underpins prevalent theories on collective action. In the case of asylum seekers in Israel a more comprehensive explanation to mobilization is revealed when looking at the community's claims making process.

As I show, irregular migrants can mobilize in partial or total disregard of the chances of success and the achievement of concrete goals. Community centered characteristics like shared values, solidarity, and a sense of group membership provide rich context to the 'rational actor' decision-

making model of selective incentives (Olsen, 1965) extending beyond material rewards. While refugee status is determined based on the ability to prove a well-founded fear of persecution on an individual basis, this case will show the constitutive power of community organizing in developing rights-consciousness and the value of solidarity, in prioritizing goals that will give a fair chance for protection and recognition for the group over individual success to claim asylum.

Contrary however to some of the literature on micro-mobilization, which endorses a structural view of the role of social networks for individual participation (Kriesi, 1993; McAdam, 1986, 1988a; McCarthy, 1996) I will highlight the cultural role of networks and their contribution to the production of meanings. Previous research emphasized interaction as critical to the micro-mobilization process that helped activists to keep their commitment to a political cause (Passy and Giugni, 2000), whereas I chose to focus on the solidarity built in detention and in the workplace as spheres for production of meaning and navigating the culture. While I do not deny that participation is related to perception of the effectiveness of one's involvement, this case shows that participation was encouraged and achieved regardless of policy success. As I show, rejecting illegality served as an equally important incentive for participation since it validated the claim for asylum and combatted the dehumanizing label "infiltrator".

I will also demonstrate how structural conditions that produced illegality contextualized detention and specific work environments (limited labor market opportunities) and enabled asylum seekers of different groups to interact and strengthen their sense of collective identity based on their interpretation of the experience. These spheres created situational networks and became important not only because they provided individuals with an environment that

facilitates recruitment to social movements but also because they created a structure of meanings about their commitment (Passy and Giugni, 2000). The empirical evidence shows how African leaders seemed to consciously emphasize their race and pursuit of justice in order to achieve solidarity and unification within their community. The concept of social networks used in the social movement literature captures much of this aspect.

My final chapter based on field work in Washington State, also highlights the importance of focusing on consciousness raising in migrants' engagements and understanding resistance as a learning process through which rights are being internalized and positively pursued. This is evident when looking at the policy impact of local legislation, for example when a Seattle based origination mobilized to prevent wage theft. Another example is what happens to detainees in the state's privately managed federal facility, who decide to act collectively and fight and raise awareness about their criminalization.

As nation states increasingly adopt policy regimes that favor control, surveillance and withdrawal from providing social services, civil society organizations and NGOs, have taken up governmental functions at national and local levels and transform the political inclusion of migrants through services, education and empowerment. These engagements exposed migrants excluded from the political process to new allies and opportunities. The engagement with civil society as well as ordinary compassionate citizens, allowed asylum seekers to develop a sense of trust and adopt a collective notion of personhood that is tied to where their struggle is being fought- a Jewish state. Asylum seekers pursued mobilization that was not based on abstract claims, instead they localized, adapted, and reframed their use of language and tactics.

Community leaders were able to recruit and consolidate membership because they identified values and opportunities in the Jewish state that reflected the story of their communities and validated their claims.

Methodology

Between 2011 and 2014 I lived and worked in South Tel-Aviv, an area dominated by migrant workers and irregular migrants since the 1990s. The presence of African asylum seekers grew considerably during these years and their situation started receiving national attention. As the number of irregular migrants reached a critical mass, the Israeli government announced new measures to stop the influx. Vocal protests organized by local residents become more common. The harsh measures and the government's inability and unwillingness to process asylum requests, also set off public responses by asylum seekers. In January of 2014 when asylum seekers assembled in Rabin Square, their struggle reached its peak, demonstrating the group's impressive political organization.

Since the Israeli case is fairly recent and ongoing, it is relatively understudied and previous research regarding this matter focused mainly on discourse analysis, trafficking networks and migration policy. So far, I was unable to find any studies dealing directly with political mobilization. In order to address the question why irregular migrants mobilize and understand how their mass mobilization was made possible, I first needed to define and categorize their actions. After identifying different types of collective action, I divided these efforts into four categories: mass public demonstrations, acts of disobedience by detainees in detention facilities,

legal mobilization (submission of application for asylum, court appeals etc.), and direct communication with the public through op-eds and social media.

The study of social movements is often split between two camps: scholars who adopt institutional structural approaches and use rational choice leaning explanations; and scholars who seek cultural or ideational explanations centered on meaning and agency. Both camps have been critiqued for presenting works that are narrow and insufficient for their lack of coordination.

Although the study of migration as well as the study of social movements should be interdisciplinary, each discipline tends to highlight distinct aspects for inquiry. Sociologists and economists for example, focus on social and human capital, settlement and incorporation, whereas political Scientists and socio-legal scholars prefer to explore organized interests, claims making and public policy – specifically its impact on sovereignty, institutions and citizenship.

Anthropologists and historians are interested in the story of lived experiences and their trajectories as well as the importance of networks and transnational communities. My aim is to provide an analysis that attempts to bridge the theoretical gaps and incorporate methodologies that utilize the advantages of both camps using an interdisciplinary approach.

To test my hypothesis, I used a mixed method approach that included content analysis of public sources, as well as qualitative interviews, participant observation, and fieldwork. At the beginning of this project I often struggled with my positionality as a researcher. Having firm views about social justice and critical understanding of the limited legal protections at the disposal of migrants, I questioned whether the nation-state and its interests should be my point of departure. My choice to conduct fieldwork close to my research participants using a range of

qualitative methods, immersed me in the group's social relations and power dynamics. It allowed me to observe agency and accept some of the group's transformative social justice agenda.

Interviews, participant observation, and fieldwork allowed me to explore individual experiences in depth. At the root of in-depth interviewing is an interest in understanding the lived experience of other people and the meaning they make of that experience. Interviewing provided me access to the context of the migrants' actions expressed in these categories and thereby provided a way to understand the meaning of that behavior. One of my basic assumptions was that the meaning people make of their experience affects the way they carry out that experience.

The Israeli government sees non-Jewish labor migrants as a temporary solution to economic problems, but it treats asylum seekers as undesired outsiders, if not as outright threats. These notions are affirmed by statements of right-wing Israeli politicians claiming that the very presence of asylum seekers undermines the Jewish nature of Israel. A number of policy measures have been introduced in order to criminalize asylum seekers, increasing fines on employers and tracking and then incarcerating undocumented workers. Focus on the portrayal of such migrants as threats or criminals, however, obscures a more complex picture of how they have experienced life in Israel and what motivates them to make their claims. A more nuanced view emerges when analyzing the interaction between asylum seekers and their employers, their engagement with civil society actors, and their encounters with ordinary citizens. Such nuanced views emerged during my fieldwork when I conducted personal interviews, participated in community meetings, rallies, and documented my visits in to the detention center.

In summer 2016 and summer 2017, I completed fieldwork and conducted a total of 45 in-depth interviews with asylum seekers from Eritrea and Sudan and NGO professionals. I used reports and materials produced by NGOs and interviewed their personal to contextualize and inform my in-depth interviews with asylum seekers. My fieldwork concentrated on four primary sites: South Tel-Aviv, where the vast majority of asylum seekers reside; Eilat, a border resort town where many arrived after crossing from Egypt; Jerusalem- Israel's capital and home to 2,500 asylum seekers; and the Holot Detention Facility, where approximately 3,000 asylum seekers are detained on a rotating basis. I documented 10 visits to the detention center, interviewed asylum seekers there, and observed their daily routine. The data generated during those visits are the first of their kind in the study of asylum seekers in Israel.

I complemented the data collected in the field with other sources, mainly newspapers and reports produced by NGOs, to keep an organized timeline of the events and analyze materials documenting mobilizations efforts. I first built a small database from articles published in *Ha'aretz* newspaper since 2005 documenting the lives of irregular migrants in Israel. The ongoing reporting on this issue covered a broad range of related topics including hard news, legal analysis, feature stories and op-eds written by asylum seekers. After collecting the articles, I sorted them based on categories that reflected the different themes in my study of mobilization. I then performed content and coding analysis using Atlas-Ti software to examine discourse, record acts of mobilization, and asylum seekers' representation. These articles supported my analysis by uncovering the narratives asylum seekers and activists promoted- the pursuit of justice and the idea of struggle, and the public discourses that framed the issue – the asylum seekers- infiltrators axis.

I tracked legal mobilization by examining protocols, court verdicts and NGO reports. These sources included migrant voices and how they validate their legal claims. Additionally, I looked at how the protest repertoires were shaped as a result of the ongoing legal struggle spearheaded by Israeli NGOs.

As mentioned in the opening paragraphs, the fact that irregular migrants' mobilization is occurring in places other than Israel compelled me to seek a broader perspective and conduct a comparative study that would uncover the mechanisms linking structural context and agency. Similar public displays happened in the United States, where irregular migration is prevalent and migrants are mobilizing taking tremendous risks by exposing themselves in public and demanding rights. Like in Israel, in the United States also echoes a nativist discourse that promotes a specific version of its ethos as a migration nation and calls to limit immigration in the name of protection of its national sovereignty. The two case studies present interesting similarities and differences that are worth exploring, among them the protesters' stated goals and composition of the groups mobilizing.

In the U.S. the majority of irregular migrants are Mexican and Central Americans (some are asylum seekers), who travel long deadly marches through the desert along the U.S.-Mexico border, trying to enter the country each year for economic, political conflict, and other survival reasons. In recent years there have been at least two waves of mass mobilization in the form of protests in 2006 and 2013.

Despite its federal structure which dictates the legal framework and enforces migration regulations, the variation in state laws leads to different social climates that shape mobilization. In the State of Washington for example, where the estimated number of irregular migrants is close to 230,000², state officials as well as local NGOs and grassroots organizations, have been at the center of several controversies concerning irregular migration and have successfully promoted protective and rights-based legislation. Seattle's May Day parade has been dedicated to the issue of migrants' rights, raising awareness, and advocating for policy change. The state became a very active arena for mobilization where multiple groups operate in order to fight injustices concerning the daily lives and well-being of irregular migrants.

I identified several NGOs that are operating in the state comprised of aid groups, religious groups, local organizations, community or migrant based groups, and advocacy and legal NGOs. In order to make the comparison with the Israeli case somewhat similar in scale, I looked at Western Washington including Seattle in King County (major migrant city) and the Tacoma Detention Center in Pierce County as the main sites of mobilization. The stark contrast between the relatively hospitable climate towards migrants in Washington state and the hostile official attitude in the Israeli case, offered other potentially interesting variations.

The connection between the study of forced migration and the study of social movements is that they are both examined using a multi-disciplinary approach that offers insights into questions about nation and state building, identity, belonging, and the limits of governance. The struggle of asylum seekers in Israel as well as that of irregular migrants in Washington state, demonstrates the contradictions and ambiguities of human rights and the challenge to control and

² Seattle times headline from February 2011 "Illegal-immigrant numbers in state jump 35% in 3 years"
<http://www.seattletimes.com/seattle-news/illegal-immigrant-numbers-in-state-jump-35-in-3-years/>

regulate forced migration. The avenues explored in my research reveal irregular migrants' motivations both for crossing borders and for making claims and organizing under difficult circumstances.

These struggles emphasize the increasing significance of identity politics in demands for social change while testing the boundaries of governance. My contribution to the broader literature on social movements is by helping bridge an important gap between studies of particular political environments and those on mobilizing actors, such as irregular migrants. My analysis goes beyond slogans, giving rich context to both the challenges caused by forced migration as well as understanding the tension caused by Israel's unique structure as a Jewish and democratic state. Listening to irregular migrants tell their personal stories localized their interpretations, highlighted important aspects about their decision making and the way they make sense of their situation and actions.

Overview

The first chapter provides the background about the unexpected arrival of Sudanese and Eritrean asylum seekers to Israel. It briefly discusses the changing circumstance that created the space for non-Jewish migration to Israel – primarily the importation of labor migrants in the 1990s. The discussion then shifts to present and analyze the motivations and conditions that influenced Eritrean and Sudanese to make Israel their destination for asylum. The second part of the chapter surveys Israel's migration and asylum regimes, demonstrating how existing policies reflect a tension between Israel's democratic commitment for asylum seekers, and the country's state structure, which is designed to serve Jewish immigrants.

The second chapter highlights the challenges resulting from asylum seekers' undetermined legal status, and how it allowed them to use their skill-sets, educate and recruit members, engage local Israeli actors, and deepen solidarity between members of the different sub- groups. Relying on the evidence collected during my fieldwork at different community locations, I demonstrate how each community, of Eritreans and tribal Sudanese groups, responded to local challenges by working with Israeli NGOs and in cooperation with independent Israeli activists.

Securitization of forced migrants is defined as the measures states adopt in order to fortify their borders and use legal means and immigration policies that prevent unwanted entrants.

Securitization promotes discourses focused on fear and unease, in order to label groups and individuals as threats to social order and national identity. The third chapter focuses on the changing structural conditions, legal and social, that introduced criminalization and promoted discourses of exclusion in Israel based on the Prevention of Infiltration Law. In Israel the securitization of African asylum seekers was justified by two dominant discourses: a national security discourse framing the influx of asylum seekers as a security concern, and a national identity discourse highlighting the threat to Israel's national character as a Jewish state. Over time, Israel developed advanced measures that would deliberately target asylum seekers, reaching a peak when the country defined all irregular border-crossing of African asylum seekers as "infiltrations". I discuss the role legal mobilization played in debilitating asylum seekers and the way it had been challenged in court, drawing in greater involvement by local NGOs.

The fourth chapter is centered on the week-long protests that took place in January 2014. The 2014 demonstration reflects consciousness raising among asylum seekers reaching a critical

mass. Their collective action and demand for policy change empowered them as a community since it offered them visibility and focused on the rights fulfillment that would end their ongoing mistreatment. The campaign illustrates the importance of analyzing the micro and macro level to fully understand the process, efficacy and implications of collective action. I present the claims made by asylum seekers and the development of their rights consciousness, exploring constraints and opportunities embedded in the structure (judiciary and political) as well as the conditions and incentives that helped community members comprehend the challenges, express their grievances and articulate their motivations.

The fifth and final chapter looks at the similarities and differences between the mobilization of African asylum seekers in Israel and irregular migrants in Washington State. Since I strongly believed the main research puzzle calls for comparative work, I completed nearly 18 months of field work in Washington state centered on different sites of mobilization and key organizers. Although I found striking similarities, when I turned to the research, Israel presented a more coherent story and mobilization by a single group whereas in the case of Washington state, struggles were led by different groups with different irregular status. Although these groups were united by the idea of a broken immigration system and called for a reform, collective action did not have the same central focus like I observed in Israel. Thus, in the final chapter I put Israel in a comparative perspective in order to extend my synthesis between structural factors and agency driven explanations to mobilization, looking at recruitment, tactics, motivations, resistance in detention, and goal setting.

Mutasim Ali, the only Sudanese asylum seeker in Israel who was recognized as a refugee and received status, emphasized the importance of synthesizing different levels of analysis (micro-macro) in order to explain the mechanisms behind collective action:

I really got involved in activism in early 2012. That was the year we founded a community-wide organization, a Sudanese organization, that brought together the different Sudanese communities from South Sudan, the Nuba Mountains, Darfur, and the Blue Nile. We did it with the intention of better understanding our community needs and decide how to respond to everything that was going on. You see, it was around the same time that Miri Regev gave her notorious “cancer” speech³, these were tough times for asylum seekers. Through that involvement in the community I was able to contact Israeli organizations and even MKs. I even wrote letters to Eli Yishai, the Minister of the Interior, and with the help of my friends we sent over 300 emails to embassies, international NGOs, and the U.N. in Geneva. I would say that taking this kind of action was made possible due to the important knowledge I developed about how things work in Israel. We realized it was our time to act and articulate our claims.

³Thousands of protesters joined politicians to protest against the arrival of asylum seekers in Israel. The protesters were addressed by politicians including Miri Regev and Danny Danon of the ruling Likud Party. According to the Israeli newspaper Ha'aretz, Regev described the asylum seekers as a "cancer in our body," and promised to do everything "in order to bring them back to where they belong". Available at Lior, Ilan & Zarchin, Tomer. “Demonstrators Attack African Migrants in South Tel Aviv.” Haaretz, May 24, 2012, International edition. <https://www.haaretz.com/demonstrators-in-south-tel-aviv-attack-african-migrants-1.5162222>.

Chapter 1: Why Israel, Why Now? Non-Jewish Newcomers and Israel's Asylum Regime

To understand the conditions that enabled the politicization of asylum seekers, which culminated in a series of protest measures in 2014, it is first necessary to learn why asylum seekers came to Israel in the first place and what is Israel's practice in dealing with them.

The unexpected arrival of close to 60,000 asylum seekers from Eritrea and Sudan to the southern border of Israel, was unprecedented in its scope and has been posing a serious challenge for successive Israeli governments. Non-Jewish migration to the modern state of Israel is a relatively new phenomenon that can be traced to the early 1990s. Over the years, this new migration of non-Jews tested state mechanisms in charge of implementing Israel's migration policies. In order to address my main research question why and how irregular migrants mobilize, it is important to first understand what were the conditions that produced their forced migration and specify the motivations behind their decision to make Israel their asylum destination.

Since political mobilization is often analyzed at the macro level and explained by specifying the constraints and opportunities embedded in a country's legal, social and political structures, a discussion on the origins and characteristics of Israel's immigration policy and asylum regime is presented at the second half of this chapter. Despite the differences (in both evolution and purposes) between Israel's immigration regime and its asylum regime, both regimes are inspired and motivated by the necessity to mark the boundaries between Jews and undesired outsiders. Since the arrival of asylum seekers from Eritrea and Sudan challenged these principles, Israel formed new bureaucratic mechanisms designed to prevent legal protection for non-Jewish migrants, justified by its complex to sustain a Jewish majority.

Who is an immigrant in Israel?

Since it was established in 1948, Israel had been a migration destination almost exclusively for Jewish immigrants for nearly five decades. The legal justifications to attract Jewish immigrants and secure a demographic majority in the state of Israel, are rooted in the 1948 Declaration of Independence⁴ where ironically, the act of entering pre-state Israel unlawfully is seen as a virtue: *“Pioneers, ma’pilm (Hebrew) - immigrants coming to Eretz-Israel in defiance of restrictive legislation...”*, Jewish pioneers or Ma’pilm in Hebrew are seen as heroes and as the building blocks on which the political leaders were able to proclaim statehood after the British mandate in Palestine ended. The declaration has shaped the legal framework for Israel’s state structure as a Jewish and democratic entity. The following quotes taken from the declaration lay the foundations for Israel’s official immigration policy, a policy narrowly designed to address the needs of Jews coming to the country’s borders and to secure their benefits.

The catastrophe which recently befell the Jewish people - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations....THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles.... WE APPEAL to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration....

⁴ A full text of the declaration can be accessed in the following link:
<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>

In July 1950, after the provisional government was replaced by the elected one, the guiding principles in the declaration were legislated into a bill known as the Law of Return 5710-1950.⁵ The main provisions of the law secure the right of every Jew to come to Israel as an “Oleh⁶” (Hebrew for a recently absorbed immigrant) and receive immediate citizenship, civil rights and social benefits. In the first amendment to the law in 1954 the title “Minister of Immigration” was replaced by the words “the Minister of the Interior,” expansions were made to extend the rights to those with family ties to Jews, and the law now elaborates on the issue of defining “who is a Jew”.

In principle, Israel does not differ from other countries by stating its immigration priorities. Many countries use economic factors and a class-based political process to shape their immigration policies and rely on their unique history, conceptions of citizenship and nationality, as well as debates over national identity and internal social conflicts, to shape their immigration policies (Meyers, 2000). Israel stands out in its continued insistence on a firm and explicit bond between ethnically-based nationality and statehood. In declaring that Israel is the state of the Jewish people, it is in effect claiming that a state ought to represent a nation (Berti, 2009). The resulting practice is that Israel is an ethno-national state that encourages Jewish immigration, and actively discourages settlement of non-Jewish migrants.

⁵Amendments were a result of the need to sustain the ideological pull factor as well as legal challenges that were later battled in court. or full text visit:

<http://www.mfa.gov.il/mfa/mfa-archive/1950-1959/pages/law%20of%20return%205710-1950.aspx>

⁶ Shapira (1999) like many classic Zionism historians separate “Aliyah” from immigration, by emphasizing the emotions to Eretz Israel as supernatural act of ascendance. Chaim Isaac Waxman (1997) argues that Kimmerling and other scholars showed that many who chose “Aliyah” did so without any conscious ideological motivation—they may have gone to escape persecution.

Several scholars addressed the inherent tensions in Israel as a Jewish and democratic state entity, specifically when looking at the treatment of its Arab minority. Peled (1992), Smooha (2002), and Yiftachel (1992,1999) for instance argue that Israel, propelled by an ideology of ethnic nationalism (Zionism), appropriates the state to make it a tool for advancing vital interests such as national security using demography, public space and cultural symbols that help maintain both Jewish dominance and a democratic system of government. Duman (2015), demonstrates how the dominant elites in Israel perceive immigration policies in abstract instrumental terms, to promote Jews' overarching and particular vision of the national project.

The gap between Israel's declared intention to establish a Jewish majority and the arrival of non-Jews since the early 1990s, has led to the unintended, albeit expected, creation of a new category of 'minorities' that places the discussion of citizenship, immigration and racialization beyond the arena of intra-Jewish ethnic relations and Jewish-Arab ethno national relations (Kemp, 2007).

The reasons for the mass arrival of non-Jews in the 1990s is rooted in changing circumstances in Israel tied both to increased Jewish immigration in the post-Soviet era, - and the signing of the Oslo Accords in 1993, which limited the access Palestinians workers had into the Israeli job market. The identity of the non-Jewish newcomers and the reasons for their active importation, - is connected to global economic changes, mainly the dependence wealthier economies developed for cheap unskilled labor.

Israel's migrant-labor dependency

Israel of the early 1990's absorbed close to a million immigrants mostly from the Former Soviet Union. The 900,000 immigrants who came constitute the largest influx of immigrants to Israel since the mid 1950s. They joined 170,000 immigrants from the Soviet Union who arrived during the 1970s.⁷ The majority of Soviet Jews were highly skilled individuals and their arrival required many resources to allow their accommodation, primarily employment and housing, putting pressure on the Israeli government to meet the needs and provide an immediate solution.

At the same time, Israel entered historic negotiations with the Palestine Liberation Organization (PLO) and in 1993 signed the Oslo Accords. From the beginning of the occupation, in 1967, to the beginning of the peace process in 1993, Israel refrained from investing in the development of an independent Palestinian economy, and encouraged Palestinians to integrate themselves in the Israeli workforce. The result of the Oslo Accords, was that Palestinian workers were no longer allowed to work in Israel, while the vast majority of the newly absorbed immigrants from FSU were highly educated (nearly 60% had post-secondary education, compared with 40% of all Jews) and could not help ease the demand for unskilled labor. (Arnon and Spivak, 1998; Rosenhek, 2000).

The policy of hermetic closure between Israel and the occupied territories caused severe labor shortages especially in the construction and agriculture sectors. The lack of supply led organized employers to apply pressure on legislators to adopt specific policies to improve their economic interests; the result was mass importation of foreign labor.

⁷ The Israeli Bureau of Statistic offers in this report statistics and full analysis of this population, from educational attainment to material resources. Available at http://www.cbs.gov.il/statistical/immigration_e.pdf

The new security measures and high unemployment rate required a national solution to cope quickly with the market needs. Foreign workers with permits came from a very large number of countries, including Rumania, Poland, Bulgaria, Ghana, Bolivia, Chile, China, Sri Lanka Thailand, and the Philippines. The number of work licenses provided to employers for foreign workers took a leap from about 10,000 in 1993 to 70,000 in 1995, peaking at roughly 100,000 in 1996 and falling to 80,000 in 1998. A recent report⁸ which estimates the number of guest workers in Israel between 250,000 to 400,000, claims that more than half of them, reside there unlawfully (Avinery et al ,2010; Bartram, 1998; Borowski & Yanay,1997).

Labor migrants are willing to put in more hours at lower wages and generate higher unit output resulting in considerable economic benefits for the country. Although the Israeli economy has developed a genuine dependency on this type of foreign labor (by 2007 it was roughly 8.5 percent of its total labor force) making it an integral part of the Israeli economy, the workers generally do not benefit from the welfare system and union protection accorded to Israeli citizens.

Table 1.1

⁸ The report is a Position Paper by The Metzilah Center for Zionist, Jewish, Liberal and Humanist Thought, titled Managing Global Migration: A Strategy for Immigration Policy in Israel

Table 1 Number of Guest-Workers in Israel by year⁹

Year	Number of Guest-Workers
1993	10,000
1995	70,000
1996	106,161
1997	90,192
1998	80,632
1999	70,172
2000	81,646
2001	102,866
2002	108,396
2003	85,000
2004	91,500
2005	98,000
2006	102,000
2007	110,000
2008	118,000
2009	120,000

⁹ The official source for statistics in recent years has been the Population and Immigration Authority https://www.gov.il/he/departments/general/foreign_workers_stats. The info in the years 1993-2010 was taken from the Special Knesset Committee to Examine the Problem of Foreign Workers <https://www.knesset.gov.il/committees/heb/docs/zarim15-4.htm> and a special report by YNET News from 2009 <http://www.ynet.co.il/articles/0,7340,L-3802235,00.html>.

In accordance with the fundamentals of the Israeli migration regime and the non-recognition of labor migrants as prospective members of society, the basic principle guiding the state's policy on documented migrant workers is to maintain minimal direct involvement with their living conditions. Foreign workers that have entered the country lawfully received temporary non-immigrant work visas and must leave the country upon termination of their status. In the beginning, there was no effective mechanism for enforcing this regulation and children that were born in Israel to non-Israeli parents did not acquire citizenship at birth. Even during the period in which the Israeli authorities did not invest efforts in deporting them (through the late-1990s), the very presence of these migrants in public, raised a debate among Israelis, who were generally unaccustomed to the presence of racial or ethnic difference, about the associated consequences to Israel's citizenship model and its goal of securing a Jewish majority (Avinery et al ,2010; Shachar, 1999; Willen, 2007).

The Arrival of African Asylum Seekers – A new “Threat” to Jewish Majority

Since 2006, an increasing number of Sudanese and Eritrean asylum seekers have entered Israel through its southern border with Egypt. A laconic article in *Ha'aretz*¹⁰ published in May 2006, was one of the earliest reports about this new type of forced migration: Egyptian police captured six Sudanese, including a one-year-old boy, who were trying to cross into Israel early Friday to seek asylum... They were arrested near al-Barth village, about 40 kilometers (25 miles) north of El Arish, where they had been left by a Bedouin smuggling gang to whom they had paid a total

¹⁰ This is an Associated Press report dated May 26, 2006: Egypt arrests 6 Sudanese trying to cross into Israel to seek asylum - Haaretz - Israel News. <https://www.haaretz.com/news/egypt-arrests-6-sudanese-trying-to-cross-into-israel-to-seek-asylum-1.188762>

of \$3,500 to reach Israel... They used to live in Cairo and were planning to seeking asylum at the United Nations High Commission of Refugees in Israel.

Sudanese have fled their country in large numbers since the outbreak of the conflict in Darfur in early 2003¹¹. The first group of Sudanese nationals who entered Israel that year were long time asylum seekers from South Sudan and Darfur. The catalyst for leaving Egypt were the violent events at Mustafa Mahmoud square ¹², where Egyptian police forces opened fire on refugees demonstrating peacefully outside UNHCR's office in Cairo on December 24, 2005. 27 Sudanese refugees were killed.¹³

A leading Israeli refugee NGO, The Hotline for Refugees and Migrants, claims many Sudanese who came to Israel were UNHCR-registered refugees and asylum seekers in Cairo having fled the civil war in Sudan and ongoing genocide in the Darfur region. According to the NGO, apart from the shootings, lack of access to work, and racism were also motivations to pay large sums to Bedouin smugglers who helped transfer them through the desert into Israel (Gerver, 2014; Paz, 2011; Reisen et.al 2012).

In my interviews with asylum seekers, life in Egypt was described to me as dangerous, hostile, and deprived of economic opportunities to sustain a basic living. *Omri*, an asylum seeker from Darfur recounts:

¹¹ UNHCR, Statistical Yearbook 2004: Trends in Displacement, Protection and Solutions (Geneva: United Nations High Commissioner for Refugees, 2006), <http://www.unhcr.org/44eb1ca42.html>

¹² Report by the Guardian titled 20 killed as Egyptian police evict Sudanese protesters <https://www.theguardian.com/world/2005/dec/31/sudan.brianwhitaker>

When I got to Cairo I didn't know anyone and couldn't speak Egyptian Arabic. A taxi driver suggested to drive me to a Sudanese restaurant, I was dropped off close to the door but I couldn't find it. It was the middle of the night and I spent the night on the street. In the morning, they opened the door, I waited there all day, until at one point two people that spoke Fur came in. I told them I just arrived from Darfur and that I don't know anyone here. One of them suggested to take me to his house and I ended up spending 45 days there. I looked for work and couldn't find anything, he told me that I will not find a job here, maybe I could find something that can make me enough money to eat but not enough to pay for rent. Egypt, he told me, is dangerous for us like Sudan is, I have some friends that were deported back to Sudan and the government either killed them or incarcerated them for life. They were Darfuris who advocated about the atrocities in Darfur. Egypt is like Sudan; the government is as bad.

Whereas Omri focuses on feeling estranged and facing economic hardships, racism was the main factor causing fear and a growing feeling of insecurity for “*Nadil*”, an asylum seeker from East Darfur.

The next stop in my journey was Egypt. Now as you know the Middle Eastern countries -Arab countries, cooperate with Sudan so it was really dangerous to go there, but I had little choice. I knew that as a Sudanese in Egypt my time is limited, this is not a place to stay. Racism in the Arab world towards African Sudanese is really high, higher than here in Israel

These violent events at Mustafa Mahmoud square accompanied by economic hardships and experiences of racism, were the main reasons to force the first group (approx. 1,000) of Sudanese asylum seekers to cross the border into Israel, initiating the influx that has been continuing in the following years.

The Israeli government began to frame the influx of asylum seekers as a security concern while simultaneously announcing the “Hot Returns” procedure, a practice allowing the Israeli army to immediately send those who have crossed the border from the Sinai desert back to Egypt.

Ha'aretz also reported¹⁴ that year that the Justice Ministry was working toward an amendment of the country's law of infiltration, an emergency statute in effect since the 1950s, in order to add a mechanism to allow judicial review of the arrests of the infiltrators.

Scholars like Paz (2011) and Kalir (2014) have analyzed the leading discourses initiated by Israeli authorities to frame the issue of African migration to Israel. The main elements are securitization and its relations to the Israeli-Palestinian conflict, fearing that recognizing African asylum seekers as refugees will allow Palestinian refugees to make claims. A later terminology labeled African asylum seekers as labor infiltrators or economic migrants portraying them as a threat to Israeli employment. Finally, as discussed earlier, since the state actively seeks to encourage Jewish immigration to sustain a Jewish demographic majority, mainstream politicians have regularly referred to the existential threat posed by asylum seekers as a threat to the country's *raison d'etre* as a Jewish home land, a principle stipulated in the declaration of independence.

Between January 2006 and the end of 2013, the Israeli authorities said they had registered 64,498 foreign nationals (Eritreans and Sudanese) that irregularly entered Israel, mostly through the Egyptian border. About half entered¹⁵ in the time frame between January 2011 and June 2012.

14 Haaretz article titled High Court: State can't hold Sudanese refugees in detention - <https://www.haaretz.com/news/high-court-state-can-t-hold-sudanese-refugees-in-detention-1.187151>

15 Source: Population, Immigration and Borders Authority (PIBA), “Statistics of Foreigners in Israel, Summary of 2013,” January 2014

Table 2 Breakdown shortly before the mass protests of 2014 (Summer 2013):

Data	Sudan	Eritrea	Other	Total
Number	13,551	36,067	4,583	54,201
Percentage	25%	67%	8%	100%

By the end of 2013, there were 636,405 registered Sudanese refugees and 28,705 registered Sudanese asylum seekers worldwide of whom 16,846 claimed asylum in 2013¹⁶. A Human Rights Watch report from 2014¹⁷ states that Sudan’s Criminal Act orders a sentence of 10 years in prison for Sudanese who visit an enemy state. The report quotes the Sudanese Refugees Commissioner Mohamed Alagbash accusing Sudanese refugees in Israel of trying to “implement Zionism agendas against Sudan”. The report says Alagbash urged Egyptian authorities to “firmly penalize any Sudanese refugees if they were found trying to infiltrate through Egypt into Israel.”

Eritreans have sought asylum abroad in large numbers since mid-2004. Many were escaping widespread human rights violations¹⁸, including mass long-term or indefinite forced conscription and forced labor. UNHCR’s 2011 Eligibility Guidelines¹⁹ for Assessing the International Protection Needs of Asylum-Seekers from Eritrea maintain that, in practice, the punishment for desertion or draft evasion is so severe and disproportionate that it constitutes persecution. Most

16 UNHCR, UNHCR Asylum Trends 2013: Levels and Trends in Industrialized Countries (Geneva: UN High Commissioner for Refugees, 2014), Annex tables.

17 This report was researched and written by Gerry Simpson, a senior refugee researcher and advocate at Human Rights Watch titled "Make Their Lives Miserable" - Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel.

18 Source: <https://www.hrw.org/news/2013/06/20/eritrea-submission-universal-periodic-review>

19 UNHCR, “UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea <http://www.refworld.org/docid/4d4fe0ec2.html>

of those seeking asylum in Israel since 2006 have been Christians, reflecting increased abuses against that community²⁰ in Eritrea since 2002.

As the picture became clearer to me about why these asylum seekers were forced to leave their countries, I was curious how Israel became their destination, and what prior knowledge, if any, they had about Israel as an asylum destination. Due to the dense interpersonal ties in the community I was especially mindful of how such networks increase the chance for migration by lowering the costs and improving the access to and information about the destination country (Castles and Miller, 2013; Massey, 1999).

When I developed my interview questions²¹ I put significant thought into how to phrase the question “why Israel?”. I did not want to sound judgmental or critical of their choice, especially since it has been some years since they had come to Israel and their current legal situation might affect their answers. I also did not want to lead them in any way to give answers that would build on my own assumptions. I decided to let the chronological order of their journey lead the interview and ask “why Israel” only in direct response to something they said. In instances where the reason “*why*” seemed “obvious” to them but needed more clarity, I started asking questions about the language spoken in Israel or mention important historical moments to see if that would help engage them in talking about the context of the country’s history and regional security challenges. I also asked if they knew anyone who had ever been to Israel; - unsurprisingly, the

²⁰ UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Eritrea, Sheila B. Keetharuth, Visit to Eritrea, A.HRC/26/45, May 13, 2014, <http://www.refworld.org/docid/53a028174.html>

²¹ Seidman’s guide for interviewing was particularly helpful to me. The structure of the book and discussion about the merits and challenges of using interviews was helpful since interviews ended up being a key methodology and his approach of in-depth, phenomenologically based interviewing was extremely suitable for my cases.

answer to that question was more likely to be positive the later the person entered the country (Seidman, 2013).

In the following sections I present several themes related to the choice of Israel as a destination for asylum seekers. I believe these themes which include Israel's Jewish past, belonging to a religious group, the geo-political reality of migration, and the correlation between irregular migration and smuggling, are representative of the different networks I sampled, and complement my content analysis of news reports on this issue.

Israel Imagined

I met “*Sammy*” in one of my visits to the Holot Detention facility²² in the summer of 2016. I received his phone number from an activist in Tel-Aviv who told me Sammy is a very active member of the community and his activism only increased after he was sent to Holot. I was intrigued. I called him about a week before our meeting and we set a date to meet. Sammy was accompanied by his friend “Eddie”. The two met in Holot and since they were both originally from different parts of the Darfur region and shared one of the tribal languages, they quickly became friends. Although I always tried to interview people individually, sometimes I had to make an exception due to time or other constraints and conduct a joint interview, and in the case of Sammy and Eddie, I am glad it turned out this way.

Sammy began our conversation by reflecting on how Israel was part of the journey, but not the original destination:

Originally, I never planned to come to Israel. My options were either to escape to Libya and try to get on a boat across the Mediterranean or come to Israel via the Sinai border. I thought maybe because of Jewish

²² A large detention facility in the Negev desert that opened in 2013 to imprison thousands of asylum seekers that crossed illegally into Israel from Egypt. A full analysis of life in the facility is described in the third chapter.

history of genocide and holocaust they will understand my problem and would be willing to accept me. Israel is a signatory to the 1951 refugee convention and it was built by refugees. I also remember studying in history lessons about the Evian Conference and how Jews were refused entry around the world, I remember reading about boats that were sent back to Europe.

Eddie's version was different and hints at the way knowledge is shared and processed within migration networks:

I actually didn't know anything; when I was in Egypt I was told that many Darfuris and Eritreans are crossing to Israel via Sinai. I asked how far it is and I was told I can only go through with the help of smugglers and that I have to pay a lot of money. I quickly realized Egypt was not safe for me and learned that in 2005 there was a big protest in Mustafa Mahmoud square, where many people were shot and killed

What was also intriguing was how strikingly different their knowledge was about Israel and its culture. One immediate difference was their education attainment. While Sammy presented himself as an educated person and incorporated global and historical context about his reasoning and motivations, education was less accessible to Eddie, who expressed his emotions more simply and told a story that was more like a popular narrative in his community. I found his story and ingenious attitude to be more representative of the less engaged members in his community.

Eddie:

I thought English is the official language in Israel, I was surprised to hear Hebrew. At the border, the soldiers were amazing, they were nice; I crossed injured and they took me to Beer-Sheva hospital. Because of that initial encounter that was pretty positive, when I was released to Tel-Aviv I expected an organized system. I thought maybe they will come for me and take care of me like the soldiers did. I was expecting a waiting area or something. Instead, I was simply given a bus ticket to reach Tel-Aviv. I didn't know anyone there and had no money. We arrived in Tahana Merkazit (Central Bus Station), people were asking each other what is

going on, a lot of confusion, people going up and down the stairs, the place is big, confusing, it took me a lot of time to figure out how I exit the building. After a short while an Israeli approached me and said, “hey ata hadash po? (hey are you new here?) at the time I didn’t understand but now I recall, he said are you trying to go out to reach Levinsky? I asked what is Levinsky and he said it is a place nearby, a lot of Africans, Eritrean and Sudanese all of them are there.

Sammy:

In Saharonim prison I found one dictionary that I read all the time, it was a Hebrew-English-Arabic dictionary and this is how I taught myself the Hebrew Alphabet. I was aware Hebrew was the local language but had no idea how to speak it.

I found the conversation with the two Darfuris extremely significant for representing different members of the Sudanese community. The contrast in their answers, partly stemming from their educational background and tribal differences, highlights a range of attitudes for assessing their options before committing to seeking asylum in Israel. Resourceful in their own way, the two demonstrate the expectation of Israel’s legal regime to provide them with protection, and the way they presented their narrative could also be tied to the fact that they arrived in Israel in different years. The temporal aspect is important because it can indicate how the narrative of asylum was shaped by a specific community or migrant network.

One of the reasons such dominant narratives appear is because host countries put emphasis on coherence and ability to meet subjective legal norms when an asylum case is evaluated, a result of the growing scrutiny and disbelief in asylum pleas (Sigona, 2014).

In order to understand personal motivations in greater detail and separate it from “collective memory”, which often reflects convergence into a dominant narrative (the way newspapers reported about it), it was necessary to identify the politics within each community and the societal pressures that promoted “accepted” narratives about the motivation to come to Israel. Since it is hard to distinguish whether a dominant narrative was simply internalized by someone or it genuinely reflects their own story, I did my best to diversify the networks I sampled and payed close attention to one’s ethnicity, social class, religion and gender. By looking at these categories I was able to highlight more motives that informed the decision to come to Israel. My goal was to convince my interviewees they do not require to meet “testimonial benchmarks” (like in a credible fear interview) and directed them to speak in greater detail about their upbringing, beliefs, and personal background, to learn about their decision-making process and motivations.

The Religious motive

Religion plays a very big part in the lives of Eritrean but those who believe and practice minority faiths are routinely persecuted, according to human rights groups. A U.S. State Department report²³ states that although the constitution protects religious freedom, the Eritrean government requires religious groups to register but has not approved any registrations beyond the country's four principal religious groups: the Eritrean Orthodox Church, the Evangelical (Lutheran) Church of Eritrea, Islam, and the Roman Catholic Church. Groups that in total constitute less than 5 percent of the population include Protestants, Seventh-day Adventists, Jehovah's Witnesses, and Bahais.

²³ A 2011 report by the Bureau of Democracy, Human Rights, and Labor: https://www.state.gov/j/drl/rls/irf/2010_5/168406.htm

Israel is a major tourism destination as a religious site,²⁴ but despite reported incidents of visa-over-stayers that arrived there as part of a pilgrimage tour, the relationship between religious practice and Eritrean asylum seekers is different (Sabar, 2010). Religious persecution serves as a main catalyst for fleeing Eritrea, and the image of Israel as a holy place is often very sentimental to asylum seekers. But unlike visa-over-stayers, asylum seekers did not enter through the country's airport under false pretense and they never seriously believed it would one day become a destination to seek asylum.

I met “*Aliana*” at the Eritrean Women's Center in Tel-Aviv at the end of Summer 2016. She was the first female interviewee I met up until that point in my fieldwork although I knew that women make up about 20% of all Eritreans in Israel and their number is estimated to be around 7,000. The center was established by women from the community, after completing a human rights course through Amnesty International Israel. *Aliana* is a key player in the work of the center and various community efforts, her story illustrates that the profile of refugees no longer limited to young, single males. The increasing number of women forced to migrate has been widely discussed²⁵ as a global trend. In the case of Eritrean women, it is estimated that nearly 3,500 of them are single mothers and reports²⁶ by NGOs like ASSAF and MESILAH reveal that many were trafficking and sexual assault victims.

I left Eritrea when I was 5 for Ethiopia, I was sent to live there with my aunt. My father was in the Eritrean military for 30 years and he served during the war between Eritrea and Ethiopia. Most of the boys in my

²⁴ Christian tourism to Israel 2013 report by the Ministry of Foreign Affairs:

<http://mfa.gov.il/MFA/PressRoom/2014/Pages/Christian-tourism-to-Israel-2013.aspx>

²⁵ Changes in the profile of forced migrants increasingly includes women and children. For more see Hagan, Jacqueline Maria. *Migration miracle*. Harvard University Press, 2008 or Pallares, Amalia. *Family activism: Immigrant struggles and the politics of noncitizenship*. Rutgers University Press, 2014.

²⁶ For a detailed list of publications about women asylum seekers see:
<http://assaf.org.il/he/content/%D7%A0%D7%A9%D7%99%D7%9D>

village were killed in the war and because the times were harsh there I was sent away from the country. It is hard for me to talk about Eritrea since I did not grow up there. But I went to university in Ethiopia, I studied to become a veterinarian and finished my bachelor's degree in 2003. I was looking for a job so I could support my sister and family back in Eritrea. It was hard and I had to leave, I traveled through Sudan, Egypt until I finally came to Israel.

I was curious to know whether Israel was previously considered as a destination or more likely became a destination as a result of circumstances and knowledge within the network. I asked Aliana whether she ever had believed she would end up in Israel.

Honestly, no. I left from Ethiopia just because I knew one smuggler in the refugee camp. He asked me to pay \$1100 and I was emotional about my family and determined to help them. It was easy to cross from Ethiopia to Sudan but I had no idea where my final destination would be. At the time, 2011, the route to Europe via Libya was closed, it was easier to cross to Israel and that is what I did.

Interviewer: How did you know it was an option?

I heard about it from my sister's friend. My only prior knowledge was through religious text, I thought of it as a religious place, holy, but I never thought I would live here. I also knew a little from history lessons, you know, about what the Germans did

My meeting with Aliana helped me get to know more women in the community, and since her childhood was spent mostly outside of Eritrea and she was not affected herself by religious persecution, a different perspective was necessary to reflect more about religious life in Eritrea and understand if the fact Israel was seen as a religious center shaped the motivation to come there. About three weeks later I was introduced to "Niva", a recent volunteer at the Women's Center that agreed to meet with me one evening after a group meeting. The interview was centered on her religious affiliation since her journey ended safely, or as she put it "thanks to God's work".

I belong to a different religion, Pentecostal, my parents were not but I started practicing the religion after reading the Bible at home by myself and since my parents were not able to provide answers to questions I had about life I started looking for them with the help of the Bible. I am originally from Senafe in the south-west, not far from the border with Ethiopia. I knew of a person in the town that was Pentecostal and asked if I could study with her. She initially refused, she said it is very dangerous since there are police and army everywhere, but she saw that I was persistent and she taught me secretly, at night. I remember a soldier once heard me singing songs, religious hymns, Pentecostal, and he told me that he will not hand me over but told me how he once saw someone who was Pentecostal being tortured by the security forces because of his practices, I guess that was some kind of a subtle warning. I remember I spoke to my mom and expressed my intentions to run away. My mom was very upset and told me I am just a child and that I will not get by on my own, but I refused to listen and told her god will protect me. I left Eritrea in 2006 and after two years in Ethiopia I decided to move on. I crossed to Sudan, hoping it will be better but I was very naïve and didn't know how dangerous Sudan is. Sudan is a very Muslim country and does not treat minorities well. I was terrified from the sea and the thought of going to Libya was scary. My brother who lives in Italy spoke to me and told me how dangerous the boat ride is, his words made me fear this option even more. I heard that people were going to Israel by land and that journey seemed less risky.

Interviewer: What did you know about Israel?

I knew nothing, but the strong religious feelings I had really made me believe that this must be a good place, I associated it with everything that the bible says. I was thinking about Israelites and their story of coming to the land, I felt I will have the same protection.

Both respondents exemplify and confirm existing data suggesting that many forced migrations are based on mixed motivations in which the fear of persecution is often accompanied by economic deprivation, or unstable living conditions.

The religious activity is an essential component of community life for Eritreans. In south Tel-Aviv there are at least four different religious congregations; one of the community's religious leaders told a local Tel-Aviv magazine²⁷, that many Eritreans became more religious and devoted following the hardships they endured in their journey, particularly while smuggled through Sinai. Religious affiliation served as a remedy to the psychological traumas and increased general community participation to help face the challenges of adaptation in a new land. Religious institutions for migrant communities in Israel act as vehicles through which asylum seekers maintain their cultural heritage and reaffirm their ethnic identities (Sabar, 2007). Such sentiments are similar to the ones observed by scholars in the U.S. that looked at how religion, and spirituality are intertwined with the migration undertaking (Hagan, 2008). Prior to the 2014 protests these centers also served as bases for political activity for asylum seekers. Beyond its religious importance, Israel is often discussed in the media due to its ongoing involvement in a conflict with the majority of the Arab world over the occupation of the Palestinians. When analyzing motivations, I was curious to see whether this image of conflict influenced asylum seekers' decision-making.

Israel Beyond the Conflict

Despite Israel's major security concerns and war track record, many asylum seekers expressed great hopes for finding a safe haven there. Mutasim Ali, one of the few Darfuris who did receive refugee status in Israel explained to me:

Interviewer: did you ever think you will end up in Israel?

²⁷ The full interview is available at:
<https://timeout.co.il/%D7%9E%D7%99%D7%95%D7%97%D7%93%D7%99%D7%9D/%D7%99%D7%A9-%D7%90%D7%9C%D7%95%D7%94%D7%99%D7%9D/%D7%9B%D7%95%D7%9E%D7%A8-%D7%90%D7%A8%D7%99%D7%AA%D7%A8%D7%90%D7%99>

Not really, I only knew what was shown on the news and it was a very skewed view of Israel. I didn't trust the media reports in Sudan and questioned whether this is really how it is like there. Also, when the genocide began, it was Jews who sent aid and set up organizations to try and support us- not any one of the Arab countries did it. If anything, that was really a motivation for me to consider Israel.

Mistrust in the state-controlled media was probably one of the main reasons asylum seekers ignored the anti-Israel propaganda and were not deterred by it. The news reported in local media outlets in Sudan for example, typically criticized Israel for its aggression against Palestinians leading to rumors spreading that Israelis were all Arab killers looking to harm all Muslims.

Despite these strong anti-Israel sentiments, it seemed that people who were willing to risk everything and begin a dangerous journey in pursuit of safety, preferred to challenge such narrative and trust their instincts. I found that asylum seekers with stronger educational backgrounds, like college graduates, were able to gain access to literature and materials that provided them with critical and a more nuanced view of Israel as a state and a democracy.

Eritrean interviewees expressed similar skepticism to state-based media reports about Israel and their decision making was more influenced by their interpretation of geo-political changes and their ability to find new avenues to escape.

Death at Sea or Torture in the Sinai Desert

The issue of smuggling and even trafficking of asylum seekers and migrants is unfortunately common. Mexico for example is a large source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Mexican men, women, and children

are exploited in forced labor in agriculture, domestic service, manufacturing, food processing, construction, the informal economy, forced begging, and street vending in both the United States and Mexico. Similarly, asylum seekers from Eritrea and Sudan were being held hostage, captured in the Sinai on their way to refugee camps or to rejoin family somewhere in Sudan or Ethiopia. According to a report by Van Reisen et al (2012)²⁸, the vast majority claim that their original destination was not Israel. The report details incidents of kidnappings from inside refugee camps, particularly from Shagarab in Sudan or Mai Aini in Ethiopia. A number of asylum seekers reported being kidnapped from the Eritrea-Sudan border. Ransoms were being paid despite the excessive amounts demanded; their relatives had to sell their possessions, including houses and land, to come up with the ransom and asylum seekers who had relatives in the diaspora in the West were specifically targeted.

Listening to asylum seekers describe the horrors of what happened to them in Sinai was one of the hardest things I had ever had to deal with. Often times, I would find it hard to go through with the interview and felt very uncomfortable to continue. Nevertheless, I kept reminding myself that conducting this research means being confronted with the situations that forced migrants had to go through and learning about their journeys emphasized to me just how resourceful they are. Their will power and level of endurance is remarkable and is directly tied to their success to fight for their rights and engage in protest practices.

²⁸ The report *Human trafficking in the Sinai: Refugees between life and death* was published in 2012 and describes trafficking of refugees in the Sinai desert.

Eritreans were the largest group of asylum seekers that were being held hostage in the Sinai. Although profit is smugglers' ultimate goal, hostages did die from the torture and some were killed to create fear among the other hostages and motivate them to collect the ransom. *Fathi* from Eritrea, - was relatively lucky to survive, the Bedouin smugglers wanted his money and he was kept in captivity but was not tortured since he could pay the ransom:

I did not have enough money with me. The Bedouins forced me to pay and told me to call my cousin. He had to sell his car and other possessions in order to cover my debt. All that time that he was raising the money, I was kept in Sinai. Luckily, I did not take too many hits but during all that time they held me there, I was given very little food and water, basic food, the minimal amount to keep me alive.

Mozzi, from Darfur was not as lucky, he described to me what happens to those that cannot pay.

I initially paid \$3,000. There were about seven of us, four Darfuris and one from Cameron, two from South Sudan. They took us to Sinai, from there the smugglers put us with their contact and then we were united with other people, all together we were 13 or 14. After three days we were held in one house, another smuggler came and he took me and eight other people to this tent in the desert. On our way there, they started asking if we have siblings abroad and inquired about our family members back home and asked if we knew anyone in Israel. Most of us didn't have anything, but two of the guys in the group said they have family members in the city. At that point, they said we now have to pay \$12,000, each! They said if we did not pay the money they will kill us in order to harvest our organs and sell our kidneys. I had no idea how we could pay this kind of money. They started torturing us, beating us, starving us, giving us a piece of bread a day and one cup of water. They chained us together, like animals.

According to asylum seekers that made it to Israel and according to reports²⁹ about trafficking through the Sinai, a large number of asylum seekers have died, either while being held hostage or

²⁹ The report *Human trafficking in the Sinai: Refugees between life and death* was published in 2012 and describes trafficking of refugees in the Sinai desert.

after their release – often even after their ransom was paid. Others simply ‘vanished’, killed while being held or shot by the Egyptian military guarding the border with Israel after they were released.

Based on my interviews there is definitely a correlation between the time of attempted entry and the experience in the Sinai, this correlation tends to follow the economic rule of supply and demand. As the demand to come to Israel, or at the very least, the number of people that went through the Sinai grew, the more incidents of kidnapping and requests for ransom were reported. As a result, the later someone entered Israel, the likelier it was that this person was tortured on the way there.

Israel, as mentioned before, was not the initial destination for many asylum seekers. The more common destination is Libya, which offers a route to Europe through the Mediterranean Sea³⁰. What makes the situation in Libya particularly dangerous is the complete absence of an asylum system. Libya is not a party to the Geneva Convention on the Status of Refugees; in addition, a series of bilateral agreements with Italy³¹, have made it extremely hard for migrants to cross the Mediterranean. Israel during those times became a destination partly because of these geo-political circumstances but the Jewish past as seen in previous quotes, is often mentioned as a

³⁰ For details documenting these accounts see Andrijasevic, Rutvica. "Lampedusa in focus: Migrants caught between the Libyan desert and the deep sea." *feminist review* 82, no. 1 (2006): 120-125; DE GENOVA, Nicholas and Nathalie PEUTZ (2010). "From Exception to Excess: Detention and Deportations across the Mediterranean Space", in *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. *Duke University Press*, 147-165; UNHR and UNSMIL (2016). "Detained and dehumanised: Report on human rights abuses against migrants in Libya". Office of the United Nations High Commissioner for Human Rights and United Nations Support Mission in Libya, 13 December 2016. Available at : http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf

³¹ ASSOCIATION FOR JURIDICAL STUDIES ON IMMIGRATION (ASGI) (2017). "Italy-Libya agreement: The Memorandum text". 2 February 2017. Available at: <http://www.asgi.it/wp-content/uploads/2017/02/ITALY-LIBYA-MEMORANDUM-02.02.2017.pdf>

moral justification for setting the expectations and evaluating the chances of receiving protection.

What I found particularly fascinating was how some asylum seekers, possibly those with more “experience” as forced migrants, were able to articulate to me their choices as almost “strategic”. They would speak of Israel as a democracy, mention international conventions like the 1951 U.N. Refugee Convention by name, and would describe Israel as a strong democracy – a form of government they learned about but had no experience living under.

Omri, Darfur:

I learned about Israel from the bible, but also in geography lessons in school. I was told by a friend in Egypt that Israel is a strong country, a democracy, and that if I will make it there, since Israel has no relations with Sudan they cannot deport me. I decided to take the risk, if I make it there safely then I have chance I thought.

Billie, Eritrea:

We are just simple people looking for shelter. We do not expect to live in Israel for the rest of our lives. We believe Israel is the country for the Jewish people, what we are saying is- you have been refugees before, you know how it is like since you experienced it, your grandfathers and grandmothers were persecuted. It is a part of your recent history, not to say I am comparing. Israel is a democratic country that signed the 1951 convention and it should act transparently and live up to its commitments

Both Billie and Omri are discussing different aspects of the 1951 U.N. Refugee Convention, the first modern legal document designed to address the issue of forced migration. Their words reflect the guiding principles that gave essence to the convention. The first is the reality in post-World- War II Europe of an overwhelming amount of displaced and stateless people. The second, speaks of one of the most important principles in the convention- the non-refoulement

principle, which orders signatory states not to deport back individuals seeking asylum back to their country of origin in case of immediate threat or danger.

A discussion about Israel's role in shaping the global asylum regime and the selective manner in which the country decided to implement it, is critical for understanding some of the structural barriers asylum seekers face. It also helps in understanding asylum seekers' agency. By looking at the ways they understand and interpret their rights, we learn why in their view Israel is a place in which it is legally possible to claim asylum and how Israel's own past shaped the expectations to secure it.

Part 2: Israel's Asylum Regime

“The problem is the systematic low recognition rate- lack of recognition. One of Israel's claims is that if we create decent conditions for refugees it would create a “pull-factor”. If I want to play the role of the bureaucrats for a minute, then the way they present it, is that we are the only Western country that has a land border with Africa and giving work permits and social benefits to asylum seekers would put millions at our door step. The reality is you can certainly distinguish between those that are here and future entrants but unfortunately it is not even up for discussion at the moment”, Assaf Weitzan, Attorney at the Hotline for Refugees and Migrants, Interview July 2016

The reality in Europe post World War Two overwhelmed existing governance structures and legal regimes in the capacity and diversity of forced migration. The number of internally displaced people and refugees along with the dire need for working hands resulted in the establishment of new legal and humanitarian constructs to address these needs. A pioneering

construct was the 1951 UN Refugee Convention³² making a clear distinction between politically forced migrants and those fleeing on economic grounds (Castles & Davidson, 2000).

The narrow definition for refugees as expressed in the 1951 U.N. convention makes a clear distinction between politically forced migrants and those fleeing on economic or other grounds. Scholars of migration challenge this distinction by claiming that it is arbitrary and artificial and that the reasons to migrate are often various and interdependent. Forced migrants use similar routes to escape and seek protection and often resort to the only existing legal channel at their disposal- asylum (Martin et al 2014).

What Eritreans and Sudanese seeking asylum in Israel have in common with economically deprived migrants in Central America, or Somalis (for example) that face the hardships of climate change and droughts, is that they often fall outside the official criteria. Since the convention does not grant refugee status to many, the void allows governments to classify them as “voluntary economic migrants “. The politics of mobility also known as migration management shifted from forced\voluntary binary categories to a legal\illegal dichotomy led by government defining desired and unwanted type of migrants. Illegality is a product of policy constructs and has been inconsistent as well as arbitrary in its application while migrants themselves commonly transition between statuses.

In the past, certain guest worker programs offered a temporary solution but at the same time they reaffirmed the notion of migratory patterns as being voluntary and economically driven. With the

³² For full details and text visit <http://www.unhcr.org/en-us/1951-refugee-convention.html>

abolishment of many guest workers' schemes in Europe the asylum channel was left as the single outlet for migrants seeking an official recognized entry. The expansion of the convention in the 1967 Protocol³³ to include the global south accelerated this process (Malkki, 1995; Van Der Klaauw 2004).

While Israel ratified the Convention Relating to the Status of Refugees in 1954 and the 1967 protocol in 1968, but the principles of these conventions were never implemented into law. In 1976 an Honorary Correspondent was established in Israel by UNHCR that was charged with the task of promoting the implementation of the principles of Refugee Convention so that they would apply to all the asylum seekers that had arrived in the country. Very few asylum seekers actually came to Israel at the time and the number of requests was marginal. The policy at the time was to conduct an interview with the applicant and send the summary and recommendations to the office of the high commissioner in Geneva to determine the final status.

In 1999 with the appointment of a new director to the UNHCR Israeli office, the unit began conducting thorough interviews for asylum seekers after the local staff was trained but continued receiving support from the Geneva headquarters. By the end of 2001, the Geneva headquarters had certified the local representative in Israel to make the final decision regarding status determination. Earlier that year (2001), Israel's Attorney General, Menny Mazoz, initiated a procedure that for the first time legally addressed Israel's commitment, most importantly it ordered the forming of an inter-ministerial committee that was in charge of reviewing each case and making recommendation to the Ministry of the Interior, which would then grant status or

³³ For full text visit <http://www.unhcr.org/en-us/protection/convention/4dac37d79/reservations-declarations-1967-protocol-relating-status-refugees.html>

deny the application. The responsibility of UNHCR remained central with respect to processing the applications and conducting the asylum interviews. Nevertheless, 2002 marked a turning point regarding Israel's responsibility for granting asylum status. Since that point on, it has been Israeli representatives that would peruse through asylum cases and the Israeli government determined final status. In 2005 the procedure was amended due to increased volume of asylum requests³⁴, and the Attorney General determined that even in case of an expedited process, the State and not UNHCR will respond to the applicant. The result of this amendment was a huge backlog, which primarily hurt the genuine asylum applications (Harel, 2015).

Despite this progress in Israel's immigration and asylum policies, the general rule was to continue and serve state sovereignty by adhering to the principle of exclusion of non-Jews. In fact, 2002, was a record year for deportation of unauthorized migrant workers and other migrants that were out of status.

Historically, only twice in Israel's history did it voluntarily accept asylum seekers. In 1977, in the wake of the Vietnam War, Vietnamese refugees were fleeing the war in small boats. An Israeli cargo ship in the South China Sea picked up 66 passengers from one stranded ship and brought them to Israel after failing to find any foreign port that would accept them. Seeing a parallel between the Vietnamese and Jewish European refugees, former-prime minister Menachem Begin granted³⁵ them political asylum and permanent resettlement in Israel. This was Begin's first decision³⁶ as a Prime Minister, three days after his government was sworn in. Begin

³⁴ A result of misuse of the asylum channel, in which migrants without a genuine cause applied for asylum.

³⁵ In 1979 Begin asked in a special meeting to discuss the issue of Vietnamese Refugees as details in his [archival document](#) from the Begin Center.

³⁶ A report about the historic decision in a recap of the story by *Haaretz* newspaper in 2009:

gave a speech where he spoke of the past of the Jewish people and how many nations closed their borders for Jews during the Holocaust, which ultimately sentenced them to their death. In the years following, roughly 400 Vietnamese refugees arrived in Israel and many remain in the country to this day. In 1993, former Prime Minister Yitzhak Rabin granted refugee status to 83 Bosnian refugees³⁷, the decision was made based on similar humanitarian considerations.

Following its withdrawal from South Lebanon in 2000, Israel admitted³⁸ nearly 6,000 members (and their families) of the South Lebanese Army, a sectarian militia that collaborated with Israel during its occupation of South Lebanon.

In both cases asylum seekers were actively brought into Israel as humanitarian acts, the number of people granted asylum was very small, and since the effort was completed as part of a government order, it did not bear any legal ramifications or yield a new asylum policy. The decisions were meant to solve isolated incidents and coincide with Israel's foreign policy goals³⁹ to boost international image. They did not impact or challenge Israel's existing asylum regime or immigration system.

<https://www.haaretz.co.il/news/education/1.1267511>

³⁷ This Hebrew protocol contains the full details of the decision:

<http://www.archives.gov.il/archives/#/Archive/0b07170680044f86/File/0b07170680e5d159>

³⁸ The Israeli Knesset granted citizenship to the remaining 2,500 in 2004: more at <http://www.ynet.co.il/articles/1,7340,L-3015146,00.html>

³⁹ For more detail about the use of countries around the world in the foreign aid process foreign aid as a means of pursuing foreign policy objectives see Foreign Aid as Foreign Policy Tool by Clair Apodaca at: <http://politics.oxfordre.com/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-332>; For Israel's aid as a foreign policy in Africa see Sagiv, Y. (2015), The Influence of Mashav's Programs in Tanzania Thesis (M.A), Ben-Gurion University.

The puzzling issue in Israel's behavior is that when the Refugee Convention was drafted, Israel was one of its leading initiators to help secure the future of post Holocaust refugees. Overlooking its historical commitment, Israel has yet to incorporate asylum procedures into law and only in 2002 established a clear procedure for screening asylum seekers. Those who are ultimately recognized as refugees in Israel today amount to about 200 with a recognition rate of less than 1% of all applications⁴⁰. Although recognized refugees benefit from residence privileges, the legal benefits of a person with refugee status in Israel is not equal that to that of a full citizen. Thus, refugees can face similar barriers to that of other temporary stayers or people in the naturalization process. Based on the fact they are not Jewish, there is no institutional support for the integration of refugees into Israeli society and there is no process through which they can acquire a path to citizenship (Kritzman-Amir, 2009).

For asylum seekers, the situation is even more grave. Most asylum seekers are subject to detention upon entry to Israel. In case asylum seekers entered after crossing through an Arab country (enemy state), emergency legislation enables their incarceration and limits their rights for legal assistance (more on that in chapter 3 that analyzes this legislation).

⁴⁰ More on Israel's asylum system and recognition rate at this report produced by the Hotline for Refugees and Migrants:
<http://hotline.org.il/refugees-and-asylum-seekers/the-asylum-system-in-israel/>

Table 3 Asylum Requests by Year⁴¹

Year	Number of applications
2005	939
2006	1348
2007	5,832
2008	8,387
2009	9,087
2010	3,366
2011	4,287
2012	1,137
2013	497
2014	2,676
2015	7,271*
2016	14,837*

*in the years 2015 and 2016 there had been a sudden surge of asylum seekers from Georgia and the Ukraine

In 2008, a team of 10 staff members were trained to identify and register asylum seekers -a joint effort by UNHCR and the Israeli Immigration Authority. By giving asylum seekers group protection Israel adhered only to the principle of non-refoulement as stipulated in the convention.

⁴¹ Sources: Population and Immigration Authority available at: [foreigners_in_Israel_data_2016_0.pdf](#)
 UNHCR Statistical Yearbooks, Paz, Yonathan. Ordered disorder: African asylum seekers in Israel and discursive challenges to an emerging refugee regime. UNHCR, Policy Development and Evaluation Service, 2011.

Overall, the period of 2007-9 was characterized as a time of disordered policy in regards to rights (work permits for example) and asylum seekers from Eritrean and Sudan were continuously subject to erratic policy changes leaving them in state of legal limbo with issues of protection, avoidance from detention and the right to pursue work. In 2007 for example, Israeli authorities made an ad hoc decision to grant temporary work permits (B1 visas) to an arbitrarily defined group of 2000 Eritreans, based solely upon the date they entered Israel, a decision that violates Israel's obligations under The Refugee Convention. As with Darfuri asylum applicants, Israeli authorities have refused to assess their claims. In violation of Article 17 of The Refugee Convention, asylum seekers from Eritrea and Sudan have been vulnerable to arrest and deportation for working illegally even though their asylum application has not been examined (Hashimshony-Yaffe & Campbell, 2013).

The quasi-official papers known as Conditional Release Visas that were given to them by the newly created registration unit, do not offer any rights beyond temporary group protection and carry a stamp that reads "This is not a work permit". Since such papers do not grant any legal rights or access to welfare, many have to seek unauthorized work.

While it is true that sovereignty gives states the legal freedom to make decisions about whom to exclude, whom to include, and what degree of membership should be granted within the immigration context, in the asylum context states are limited in their ability to make such determinations based on international law (Hansen, 2014). In practice, Israel follows the paths of other nations, which prefer to impose tougher restrictions, fortify their borders, and attempt to preempt asylum seekers before reaching their territory (by increasing cooperation with Egypt in

the Israeli case), while expanding detention⁴², deterrence and measures of deportations⁴³ (Jansen, Celikates, and de Bloois, 2015; Moran, 2013).

The group based temporary protection⁴⁴ that currently applies to Sudanese and Eritrean asylum seekers in Israel is random, limited and subject to constant change. The main problem with this policy that enables group protection is that it denies individuals that could be eligible for refugee status and meet the criteria of personal persecution. Even when the policy was challenged in court (more on that in chapter 3), Israel purposefully limits its bureaucratic capacities by deliberately slowing down processing and employing a controversial out-of-hand rejection⁴⁵ procedure to invalidate the asylum narrative⁴⁶. By February 2017, the number of unanswered asylum requests was close to 22,000 (of which nearly 13,000 are by Eritreans and Sudanese).

⁴² Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention emphasizes carceral geography: the geographical study of practices of imprisonment and detention. It combines work by geographers on 'mainstream' penal establishments where people are incarcerated by the prevailing legal system, with a focus on migrant detention centers.

⁴³ Jansen et al use the European Union as its case study, exploring practices and discourses of bordering, border control, and migration regulation. But the significance of this field extends well beyond the European context as the monitoring of Europe's borders increasingly takes place on a global scale and reflects an internationally increasing trend.

⁴⁴ Kritzman-Amir explains: unlike in other countries, the application of the existing regulations is often suspended, as the Refugee Status Determination (RSD) process is not conducted with respect to most asylum seekers, with persons from specific countries of nationality not being granted access to the Israeli asylum system. Essentially, nationals of countries of origin from which a large number of asylum seekers come (such as Eritrea and Sudan) are not being processed through the RSD system, but rather are offered a weak form of temporary group protection. For more see Kritzman-Amir, T. (2015) Where Levinsky Meets Asmara: Social and Legal Aspects of Israeli Asylum Policy. The Van Leer Jerusalem Institute and Hakibbutz Hameuchad (Hebrew). Temporary non-deportation, officially referred to as "group protection" means asylum seekers must renew their visas every 1-3 months or face legal consequences. Israel does not have the capacity to deport people back to Sudan but does everything in its power to pressure people to sign a "voluntary leave" form that will see them deported to Uganda or Rwanda.

⁴⁵ Details of 'out-of-hand' rejection procedure by the Immigration and Population Authority
https://www.gov.il/BlobFolder/...in_israel/.../5.2.0012_heb.pdf

⁴⁶ In 2014 the Israeli Supreme Court ordered the state to begin accepting and examining asylum requests. The overload in requests is a consequence of the growth in the number of asylum seekers between 2006-2011, as well as Israel refusal to process any requests.

On the number and state mechanism see Ha'aretz report at <https://www.haaretz.co.il/news/education/.premium-1.3012510>

Tel-Aviv University's Refugee Rights Clinic, is one of the few organizations providing legal assistance and legal representation to refugees and asylum seekers. It was established in 2002 and specializes in teaching refugee law. Since this is one of the only bodies striving to achieve implementation of the U.N. 1951 Convention (and the 1967 Protocol) relating to status of refugees within the Israeli legal system, I decided to meet its academic supervisor, Dr. Yuval Livnat to learn more about their work and the evolution of Israel's asylum system.

Israel historically handled asylum requests by outsourcing the process to UNHCR. Only in 2001 the government formulated an internal directive which outlined procedures for the treatment of refugees and asylum seekers, otherwise known as Refugee Status Determination.

Livnat explains the conflicting ramifications of this move:

When the responsibility over the Refugee Determination Process (RSD) process was handed over from UNHCR to the Ministry of Interior and the unit in Tel-Aviv was established in July 2009, the number of asylum seekers increased dramatically. The other interesting change was that an Israeli body was now taking care of the matter, and not UNHCR which we cannot file an appeal against. UNHCR has immunity, one could go to instances dealing with it but the rules aren't clear, and the process is complicated. All of a sudden, we have a case and an "address" -the Ministry of the Interior, which now has to deal with this issue. This allowed us to work within the administrative law and demand regulations of procedural justice such as a hearing in the person's native language etc. In general, it is a step in the right direction, I mean although Israel never made the Refugee Convention into law in Israel, on the face of it the state begins to accept its responsibility. When reading the convention, the responsibility is on states so it is legitimate in that sense, only in third world countries UNHCR handles RSD procedures.... also, we were finally able to go to the courts, we have someone to appeal against and prosecute if needed. This legal fetishism is both good and bad. Judges can say, well we do not tend to intervene in matters ordered by the state and offer discretion, when a court says no, what can you do? The courts become a moral stamp.... When UNHCR were in charge there was a huge backlog but at the same time, now 99.9% of asylum requested are rejected out of hand... Also, UNHCR are more mindful and

compassionate to refugee issues compared to the bureaucrats of the Ministry of Interior. I was told there has been a slight improvement, but when I was present at the RSD interview a while ago it felt like an interrogation in the Shin Bet, that is when I am in the room a lawyer, I am scared to think what would have happened when a lawyer is not present.

Months after the Registration Unit at the Immigration and Population Authority was formed, the authority promoted the initiative of forming a new unit, which would be in charge of interviewing asylum seekers. In 2009, it was decided after consultation with UNHCR, to hire and train 35 state employees to handle the process of status determination. After a long training process that included professional training in Geneva and involved the U.S. based Jewish humanitarian aid and assistance to refugee agency – HIAS, a new Refugee Status Determination (RSD) unit with 25 employees (those who completed the training) was established in July 2009 and from that point on Israel bears sole responsibility for registering, interviewing, and determining refugee status. Despite the increasingly growing number of entrants and changes on the ground, the recently hired state bureaucrats operated without clear guidelines and did not follow ordered procedures. As a result, many issues such as release from detention or a clear procedure for issuing the appropriate permits for every asylum seeker, were left for the discretion of the state bureaucrats who operated based on their own judgment and not necessarily according to international guidelines.

A detailed report⁴⁷ by the Hotline for Refugees and Migrants published in 2012 highlights several aspects mentioned by Livant by reviewing the ways in which the unit functions and what led to

⁴⁷ The Hebrew report surveys the practices and protocols of Israel's RSD unit and evaluates the process. To view the full report, visit: https://www.scribd.com/doc/198797728/%D7%A2%D7%93-%D7%A9%D7%99%D7%90%D7%98%D7%9D-%D7%9C%D7%99%D7%91%D7%A0%D7%95-%D7%94%D7%9C%D7%99%D7%9B%D7%99-%D7%9E%D7%A7%D7%9C%D7%98-%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C#download&from_embed

the government decision to assume responsibility. The report first details the harsh rhetoric used by Israeli politicians to label asylum seekers as “infiltrators” (*Mistanenim* in Hebrew) and challenge the legitimacy for claiming asylum. Regarding procedural aspects, the report criticizes the requirement which states one must file for asylum no longer than a year after entering the country. In order to discredit many of the applicants the government accused many asylum seekers for falsely identifying as Eritrean or Sudanese nationals, resulting in an automatic “out of hand” rejection of their application. The procedure of “out of hand” rejection does not comply with the guidelines provided by UNHCR and adopted by its members, which states that any asylum seeker will receive an interview by a trained staff member of the granting authority, and that an asylum seeker will have the right to appeal and have his case reviewed again, even in the case of an expedited procedure. The report mentions that asylum seekers are denied access to materials relating to their case and upon which it is being denied. Again, this is in contrast to procedural justice. The final sections discuss the manner, attitude and language used by employees of the RSD unit. Interviewees have reported cases of verbal abuse and intimidation, inadequate translation, and the use of tactics to discredit their versions; in addition, letters of rejection were often concise and supported by insufficient “professional opinions” that did not validate the facts they stated.

The disturbing details in the report were corroborated by my interview with Kayla Rothman, of HIAS Israel’s legal team, who came in contact with two of the employees in the unit that were trained for the job:

When they established the RSD unit the guiding principle was to treat 99.9% of the people they were about to meet as if they were not asylum seekers and instead think of them as illegal job seekers. From what I witnessed, whenever there was an intermission after hearing one’s

testimony, the interviewer would go to a back room and then come back all fired up and starts accusing the person (seeking asylum), it instantly turned into an interrogation. The interviewer would be focused on looking for the contradictions in the story in any way possible. Blaming people for not remembering every single detail of events that happened years ago

Israel's asylum system is still evolving and as argued so far it uses the guiding principles of its immigration and citizenship laws as the main normative reference point. It does so by ignoring and failing to comply with international refugee law or the treaties it signed. While assuming ownership of the Refugee Status Determination (RSD) system is overall a step in the right direction, Israel refrains from adopting a modern immigration policy and strategic thinking (Avinery et al).

Over the years, Israel has only recognized some 200 refugees since signing the 1951 Convention, making it one of the least welcoming countries in the Western world when it comes to granting asylum. Between July 2009 (when responsibility was transferred from UNHCR) and August 2013, for example, Israel granted asylum to only 26 people. Until November 2017, the number of Sudanese that applied for asylum was 5,274 and the number of Eritreans 9,189, one Sudanese was recognized as a refugee and only 10 Eritreans. Without vision, long term planning, goal-setting, and a reliable database, asylum applications in Israel will continue to be handled ad hoc, arbitrarily decided by state bureaucrats, and are likely to continue being challenged in court.

Conclusion

Despite the universality of human rights as stipulated by laws and expressed in several international conventions, the rights of forced migrants are often violated across the world. Most

migrants fall outside existing legal instruments and institutional mandates making them extremely vulnerable with limited possibilities.

Though, the State of Israel is a signatory to the international 1951 convention relating to the status of refugees and its 1967 protocol, and has ratified both, it has not yet anchored their provisions in local legislation. The arrival in Israel of nearly 60,000 asylum seekers, mainly from Eritrea and Sudan, who entered through the “open” unfenced border between Israel and Egypt since 2006, found an immigration legislative structure with undertrained staff and underequipped authorities, lacking the strategic planning and long-term objectives for establishing appropriate policies to deal with the challenge.

Israel’s existence as a Jewish state relies on securing a Jewish majority. This principle is embodied in the country’s immigration laws that are designed to attract and support Jewish immigrants. For most of its history, Israel attracted Jewish newcomers based on their own ideological motivation to immigrate and join the Zionist movement or based on a combination of religious sentiments and a necessity to leave their country of residence.

Until the 1990s Israel was a developing country, and along with its dire security issues, it was not considered a lucrative destination for non-Jewish migrants that might be seeking economic opportunities. The changing reality in Israel and global transformations in the post-Soviet era, altered some of the circumstances and Israel began to actively import non-Jewish migrants through guest worker schemes with the intention of providing them temporary residence. The

authorities failed to consider the consequences and underestimated possible desires by non-Jewish populations to stay in the country.

Africans seeking asylum, a phenomenon whose nature and scale are unprecedented in the country's history, have been met with exclusionist measures which have constituted a strategy to brand asylum claims as unsustainable. The principle of non-refoulement which extends protection even to those that do not meet the legal threshold as refugees might prevent asylum seekers from being returned their countries, but it does not prevent detention and other means by which the government tries to induce them to leave. As a result, the daily lives of African asylum seekers in Israel are being politicized. Their criminalization and active exclusion are a deterrence measure for future arrivals.

Due to their temporary status, and the legal changes that hindered perceived opportunities for protection, asylum seekers were required to act through initiatives that reflect their personal and social needs, primarily inside their communities. These needs are expressed not only in their motivation to cross borders while risking their lives, but also in their ability to self-organize as a group with collective interests and to build cooperation with human-rights NGOs and other aid groups. The next chapter describes the forming of an Eritrean and Sudanese diasporic communities. It focuses on the centrality of the community-based assets that enabled a lively social and cultural activity and demonstrates how asylum seekers were able to politicize under the conditions of Israel the democracy.

Chapter 2: The Road to Political Mobilization: Lessons from the Diasporic Experience

As discussed in the first chapter, the Israeli government ignores the special needs of asylum seekers since acknowledging them would mean to recognize them as legitimate residents and enable their integration into the Jewish nation-state as refugees. Their ongoing experience of exclusion and repression, in their homelands and later in Israel, has taught asylum seekers the value of a strong community as well as the importance of political engagement.

Dealing with the hardships of their undetermined legal status, asylum seekers formed meaningful relationships and developed solidarity to secure means for survival and navigating a new culture. Politicized by these experiences, initially, each group organized as a diasporic community concerned with affecting change back at the country origin, an effort that helped to retain social and political identity. They adopted an asset-based approach⁴⁸ which relied on the leadership and skill-sets of a strong core group and recruited new members by promising them a way to preserve their culture.

While community organizing can be an effective vehicle for mutual support, community revitalization, and social change, increasing pressure by the Israeli authorities forced asylum seekers to disperse and regroup. The geographical variation in asylum seeker specific local policies affected their welfare, rights, and opportunities. In the absence of national solutions new

⁴⁸ Asset-based community development draws upon existing community strengths to build stronger, more sustainable communities by building on the skills of local residents, the power of local associations, and the supportive functions of local institutions.

ways of community organizing based on consensus and partnership sprung in different parts of Israel, ultimately leading to a united effort to join forces and protest in demanding justice.

These imposed social conditions created incentives that increased the attraction for cooperation in collective action, issues like cultural preservation, reputation within the community, motivation to receive aid, and diasporic politics, encouraged asylum seekers to interact with each other as well as local actors, and build the community-based infrastructure that would later mobilize the entire asylum-seeking community.

In the following sections I will highlight how navigating the challenges resulting from their undetermined legal status allowed asylum seekers to use their skill-sets, educate and recruit members, engage local Israeli actors, and deepen solidarity between members of the different sub-groups. Relying on the evidence collected during my fieldwork at different community locations, I will demonstrate how each community responded to local challenges by working with Israeli NGOs and in cooperation with independent Israeli activists.

People Have the Power: From Struggling Individuals to a Community

“We first started to organize as a community just to give people hope, a support network, a social gathering. We created a Sunday school and met at first in public parks. After one month, we raised money from the community, 110 Shekels from each person and rented a place”.
(Michael, Eritrea, interview in South Tel-Aviv, July 2016).

To understand the motivation behind people’s choice to act collectively, theorists have asserted that groups like individuals seek to advance their own interests and act in ways that do so because a group is comprised of self-interested individuals (Olsen, 1965). Their micro level

decision making is based on selective incentives in the form of punishment or reward that create mobilized individuals. However, as I demonstrate in this chapter, to understand collective action and community efforts in the context of irregular migration, it is necessary to look at consensus organizing, where self-interest is not the only motivator for change, and it relies on the notion of mutual self-interest embedded in the support networks⁴⁹ that are typical to migrant communities (Bourdieu, 1996; Massey et al, 1998; Waldinger, 2015). The more people know each other, the more they would trust each other, and thus the better off they would be individually and collectively. Putnam (1994) argues that because social capital incorporated a strong collective aspect, the larger the breadth and depth of the partnership, the likelier it is for the community to engage in political action and demand a more profound change.

Core leadership is another important factor in building community and generate mobilization. Olsen (1965) argues that since setting up a group is costly, it takes initial larger responsibility by core leaders before the cost can spread over mass membership.

A community-based organization has the potential to mobilize group members by assigning roles to members, direct the group to achieve its goals, and promote individual as well as group interests. Eritreans and Sudanese became engaged and politicized not only by their desire to promote their self-interest and claim rights, but also as a result of their strong central leadership that are part of a diasporic transnational effort to bring change in their homeland. Diasporic

⁴⁹ These studies highlight how social networks affect based on interpersonal and organizational social ties affect who migrates and to which destinations, employment opportunities, and the extent to which migrants are able to remain connected with their homelands. Migrant networks foster development in origin countries, create large remittance economies, and are the conduits of transnationalism.

communities rely on transnational ties and use available opportunities in their new democratic setting to encourage entrepreneurial spirit, all while using their pre-existing skills to express their grievances, something their home countries usually deprive (Shain et al, 2003).

Like many asylum seekers, *Roni* from Darfur wishes he could go back home. But as he himself puts it, the process begins in the community, away from home:

Our only hope for peace in Sudan is in the long run. First, we need to change the way people understand what equality and democracy are. In order for us to be able to go back home and replace the leadership, we need to change the discourse over ethnicity, race, and belonging, so we could truly express the values of freedom and equality and avoid persecution of those who are different than us.

Whereas the previous chapter mainly discussed the geo-political situation in the sending countries (Sudan and Eritrea) and motivations to migrate, the focus now shifts to the inter and intra group dynamics, communal challenges, to demonstrate how the leadership in each group engaged in local organizational efforts that impacted solidarity and shaped collective identity.

The African Refugee Development Center (ARDC) is one example of an organization built by African migrants in Israel (it was founded at a time where African communities in Israel were mainly unauthorized migrant workers from Sierra Leon, Congo, Ethiopia, Ghana, Liberia and the Ivory Coast). Although the center was established prior to the mass arrival of Sudanese and Eritreans, its existence allowed a meeting place to unite the different communities, promote their leadership and their self-sufficiency.

In the following sections I will first provide relevant historical backgrounds about the Sudanese and Eritrean communities, then I will analyze the role of diasporic politics in pursuing community goals. The second part of the chapter will focus on community building, interaction with local actors and strategic partnerships in the Tel Aviv, Eilat and Jerusalem community hubs; the analysis will highlight the challenges and opportunities in each locality and how community organization was shaped as a result.

“Africa” in Tel-Aviv – A story of Communities

At the protest in Rabin Square in 2014, African asylum seekers operated under one leadership and under one frame – “we are refugees”. But the story of each community is different and their demographic differences influence the movement culture, organizing capacity and the tactics they use to shape and build their community and message. I begin by telling the story of two ethnic groups and discuss their micro communities.

In the previous chapter, I noted that Sudanese asylum seekers, mainly from Darfur and South Sudan, were the first ones to arrive in Israel, thus my discussion begins with them.

The Sudanese community is largely divided among tribal and geographic lines -the different tribes in Darfur; the Blue Nile and the Nuba Mountains- as well as national affiliation connected to whether they arrived from the Northern or Southern part of Sudan which was officially divided until 2011.

Sudan used to be one of the largest countries in Africa with an estimated population of 40 million. For years, the country has been torn by ongoing conflict -two rounds of north-south civil wars, and a continuing conflict in its western region of Darfur, and close to its southern frontier

in the areas of the Blue Nile and the Nuba Mountains. It was split into two countries in July 2011 after the people of the south voted for independence.

Sudan has more than 500 indigenous and ethnic groups and tribes, it is very multi-cultural but the government was never able to figure out how these people could live together. A part of it is colonial history, but during post-colonialism every group claimed to be “the real Sudan”. The war between North and South slowly expanded until it got to Darfur where the basic divide is between Arabs and those who see themselves as indigenous Africans. Since 1956 (independence) until today – Arab tribes have ruled the land (Sammy, Darfur, Interview in Holot, August 2016)

South Sudanese who arrived in Israel were mostly Christian - around 1,500 people, mainly families, came to Israel after living in Egypt for some years. They were forced to leave due to political instability, racism and a direct attack on asylum seekers in the events at Mustafa Mahmoud square.⁵⁰

Darfuris and other North Sudanese began leaving their region in 2003 following a genocide committed by government sponsored Janjaweed militias. Most Darfuris were brought up Muslim in accordance with the dominant religion in Sudan but suffered discrimination for trying to preserve their tribal and cultural heritages. When interviewing Sudanese asylum seekers, the issue of Arabization of Sudan would come up every time and even when I mentioned that I am familiar with the story, an interviewee would insist on telling me the exact details of the

⁵⁰ In this event an estimated number of 2,000 Sudanese had been camped for three months in the Mustafa Mahmoud square, where the U.N. High Commissioner for Refugees office is located. The asylum seekers were protesting the conditions in Egypt seeking to be resettled in another country. Coverage of the event is available in a report by the Guardian titled 20 killed as Egyptian police evict Sudanese protesters <https://www.theguardian.com/world/2005/dec/31/sudan.brianwhitaker>. Also see Voices in Refuge: Stories from Sudanese Refugees in Cairo, an Edited volume by Nora Eltahawy, Brooke Comer and Amani Elshimi, that captures the history of Sudanese refugees in Egypt and a theoretical study of racism against them using a series of interviews conducted by students at the American University in Cairo.

historical process leading to Arabization. With time, I realized this was one way of reconciling their personal loss and speak on behalf of lost family members. *Omri*, an asylum seeker from Darfur recalls:

In 2003, a war broke out. I was twelve and very naïve, unlike kids here (in Israel) that know a lot of things at twelve, over there a 12-year-old is very different. I saw armed men-Janjaweed, burning the village to the ground. Since there were no communications we did not know the rampage had already began in a nearby villages. My house was located at the edge of the village but the entire village was surrounded. I told my mom and two brothers, one was two and the other was six, that we have to leave, and we started running. My dad was shot and killed, many people were killed that day, I don't know how many but I believe more than a-hundred.

Omri's story was often repeated to me in one version of another. It took me some time to understand what he meant by a 12-year old in Darfur being so different from a -12-year-old in Israel. But the more people I interviewed the more I understood what he meant. One aspect was geographical. Unlike Israel, whose center-periphery differences are mostly notable on a macro level and expressed in terms of allocation of resources, in Sudan, a person in Darfur can pass a lifetime in his village or region, without ever visiting the capitol. The naiveté mostly refers to the horrors and intensity of the attacks the region experienced. Unlike children in Israel that might be more used to terror attacks and living in a country engaged in constant conflict, childhood in Darfur prior to the genocide was described as simple and removed from violence.

The Nuba Mountains and Blue Nile are located at the southern edge of the Sudanese republic, on the border of South Sudan. The area is comprised of Muslims and Christians that belong to non-Arab African tribes. Rebel groups were first formed in the area in 1984 in response to a government decision to apply Sharia law in these regions, targeting its non-practicing local

residents; attacks by the Sudanese government against non-Muslim residents continue until today. Members of these communities seeking asylum in Israel are estimated at about 300. They claim that their persecution was not limited merely to these regions and even when living elsewhere in Sudan, like Khartoum the capitol, government officials would monitor, use surveillance, and keep record of any activity that is perceived as anti-governmental.

Rejecting Arabization and a strong will to maintain their tribal culture turned both these groups and residents of the Darfur region into primary targets for the Sudanese government. Many lost their lives in government sponsored atrocities while others fled or joined rebel groups.

Some of the differences between the South Sudanese groups and those from the Darfur region are expressed in their motivation to learn Hebrew, the ability to find work, and attempts to integrate. Eisenberg (2011) ties those differences in the language advantage held by Arabic speaking Darfuris, their lack of family commitments (mostly single men) as well as their political reading of the situation in Darfur which makes a return there in the foreseeable future unlikely.

Eisenberg, whose fieldwork was completed in the peripheral city of Arad, where many asylum seekers arrived following the Hadera-Gedera protocol⁵¹, notes that South Sudanese saw Darfuris during the civil war as government cooperators, but after the 2003 genocide, many joined rebel groups and fled to South Sudan, bringing down some of the political barriers. In addition, many

⁵¹ The Hadera-Gedera protocol was a Ministry of Interior executive order that barred African migrants from residing anywhere in central Israel in a corridor between Hadera and Gedera. The procedure was later reversed by the minister following a court appeal by human rights NGOs and public pressure. Weiller-Pollak reports on the reversal of the order <http://www.haaretz.co.il/misc/1.1273796>

shared a similar faith while awaiting asylum in Egypt which helped build trust between groups, increasing the level of solidarity and even resulted in inter-group marriages.

Based on my interviews with Darfuris and people of the Nuba Mountains and Blue Nile, local\tribal identity remained strong and divided along tribal lines post migration. Individuals from these regions insisted on maintaining separate associations as a way of demonstrating their unique affiliation and also since they could do so without fear in a host country.

Other factors such as education and political engagement during university or active participation in the rebellion, played an important part in developing leadership and organizing skills that later affected inter and intra-community dynamic. Their strong ideological support for the movement against the government in Sudan was not a result of participation in low risk instances but rather participation in instances of high-risk activism on and off campus. According to McAdam (1990), such participation can create intense attitudinal and personal identification with a movement. McAdam suggest that intense ideological identification with the values of the campaign acts to "push" the individual in the direction of participation while a prior history of activism and integration into supportive networks acts as the structural "pull" that encourages the individual to make good on his strongly held beliefs (McAdam, 1990 p.88).

Nadil demonstrated this to me when asked about his life as a student:

I joined student activists and learned from scratch about public speaking, democracy, human rights, and the history of Sudan. I learned both formally and informally from other veteran students and that made me very much the person that I am today. It gave me a lot of faith in our struggle and belief in our community

Research by McAdam (1988) and McAdam and Paulsen (1993) highlights the relationship between organizations and feelings of personal efficacy. The university campus was one of the

few spaces for Darfuri student groups to engage in political activity. Doing so is extremely dangerous but possible, partly due to the history of these institutions and Sudan's colonial past which enabled and even encouraged this type of activity on campus. As the membership increased, individuals developed a stronger sense of efficacy, they learned protest tactics and found opportunities to resist and act in the name of justice for their torn home-communities.

Darfuri refugee *Mutasim Ali* saw his student activism as an obligation to his fellow tribe members and for the pride he felt for his region:

As Darfuris, we need not only to stick together but also think how we can advocate and contribute as students. This is the least we can do while our families are threatened and our tribe members fight with the rebellion forces.

Organizational affiliations therefore provide a space where the combination of perceived injustice and collective efficacy occurs (McAdam and Paulsen 1993 defined it as cognitive liberation). This was definitely the case of *Roni* from Darfur. *Roni* from Darfur, was one of the most articulate interviewees I met, he is what some would call "a natural leader", with charisma in abundance. His ability to read Israeli society so well was incredible; one of the things he learned fast was that there is a disconnect between political leadership in Israel and the greater public, especially in how the African asylum-seeking community is being perceived. He explained to me that despite the hardships, Darfuris are able to do things in Israel that are illegal back in Sudan, things one can even lose his life over. According to *Roni*, the goal was to first take control over their lives and rebuild their collective identity. For *Roni* and his community members, the space to revive their culture and associate without fear, despite the sanctions they face as asylum seekers, is crucial for their greater cause- replacing the government in Sudan. Like many refugees or forced migrants, *Roni* sees his host society as a temporary stay and dream about the day he can go back home – to Darfur.

The Darfuris here in Israel are organizing culturally as well as politically and reviving our native Fur (local dialect) language. In the long run, we need to change what is going on in Sudan, replace the leadership and change the discourse over ethnicity, race and belonging. Until that happens there is no chance for peace. With that said, I get concerned when I think about a possible reaction towards different groups when a new leadership will be elected. We must make sure that if we topple the regime, the new leaders will not persecute the old leadership and its supporters and commit another genocide. We need to learn how to develop tolerance and reconcile the past. But first we need to come together, figure out who we are and how we can offer reconciliation.

According to McAdam (1986:70), individuals are more likely to participate in political activities if they are "biographically available," meaning that they have less personal constraints and they possess certain skills and resources, making them a good target for recruitment into unconventional political activities. Political activity and organizational experience of the Sudanese community leaders from Darfur, the Nuba Mountains and the Blue Nile, allowed them to come together, mainly around their primary tribal affiliation, and look for local opportunities in Israel to continue their resistance and focus on community building.

Bassim, from the Nuba Mountains connects his past to current activity in Israel:

I left to join the rebels in 2003 when I finished high school because of the conscription in the country; the army training was hard and they would send you to fight in the war in Darfur. I refused to do it, I escaped and joined the rebels. I could not fight Darfuris and preferred to fight the government... I was quite surprised when I was told there is a community center for Nubians in Israel after I arrived... I walked in and they helped connect me to someone who went to school with me back in my area.

Expulsion of the South Sudanese community

In May 2012, Israel's State Attorney's Office published⁵² a statement that enabled the expulsion of nearly 1,500 South Sudanese from Israel based on a recommendation from the Ministry of Foreign Affairs. Since their country declared independence⁵³ in July 2011, their expulsion was justified by the Israeli government. Scenes of tearful activists and NGO workers standing outside buses loaded with South Sudanese men, women and children, filled the front pages of Israeli newspapers. Despite the public campaign urging the government to let the children, who spent the majority of their young lives in Israel, remain and receive refugee status, in less than a month almost the entire South Sudanese community was deported.

These incidents signaled early on to other African asylum seekers, that their presence in Israel was unwanted by the government and just how fragile their temporary group protection status was. For some leaders, this was a crystalizing moment signaling that their activity may have to be directed outward, beyond issues of language revival, community building, and advocacy for justice in Sudan.

The Eritrean Asylum-Seeking Community in Israel

Eritrea gained independence from Ethiopia in 1991 after a prolonged war of independence following years of dealing with massive debt, poverty, and a large amount of internally displaced persons. At the end of a long constitution process (a result of a broken national governing

⁵² Report in Ynet News by Aviad Glickman <http://www.ynet.co.il/articles/0,7340,L-4233494,00.html>

⁵³ NYT feature story on South Sudan's independence
<http://www.nytimes.com/2011/07/10/world/africa/10sudan.html>

infrastructure) the new constitution was finally announced in 1997 and it seemed that country was now able to stabilize a war-torn land. However, as time passed, it became clear that what had started out as a national response to crisis had become one of the most repressive dictatorships in Africa (Kibreab, 2013).

Today, more than twenty years after the war of independence, even though Eritrea is no longer in a state of emergency, it has one of the highest rates of defense spending per capita in the world. It continues to enforce strict military rule, placing citizens under martial law, and suppressing any political or social freedoms. Citizens are forced to serve at the command of the elites in power and the needs of the dictator, Isais Afwerki, a former war hero and now leader of the ruling (and only) party. The most recent report about the severe human rights violations in Eritrea was published by the Office of the United Nations High Commissioner for Human Rights in June of 2015⁵⁴, which also stated that remittances have been one of the most important sources of income for many families in the country.

Compulsory military service started as soon as Eritrea became a sovereign country. The goal was initially to help retain the borders that were established after the war of independence as well as rehabilitate the state of the country after the destruction. This policy was explained to the public as a “necessity of war” in order to protect the existence of the country. People, who dare to criticize this policy or the government, face punishment including torture, abuse, and prolonged detention in underground prisons. Interviewees told me how soldiers are sent to work on public roads, construct new houses and streets, build wells and sustain agriculture. For the country’s

⁵⁴ Link to the full report: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/42

citizens, compulsory service is a modern form of indefinite slavery. The International Labor Organization⁵⁵ (ILO) states that national service in Eritrea is forced labor and forbidden by international law. In addition to the hard labor and harsh working conditions, severe restrictions are imposed on fundamental freedoms. Even questioning the status-quo is sufficient ground to be imprisoned. The overwhelming majority of Eritrean migrants are deserters and to a lesser extent draft-evaders. There is also an unknown number of people in the refugee camps in Ethiopia and Sudan who fled for reasons other than the issue of national service (Kibreab, 2013).

Eritreans in Israel, unlike the Sudanese asylum seekers, are more homogenous as a group, at least in terms of their ethnicity and religious affiliation (partly because religious freedom is highly restricted). As observed in a study by Hashimshiny-Yaffe and Yaron-Mesghenna (2015), Eritreans in Israel are a transnational community existing between two societies that are simultaneously absent and present in their lives. According to this study, Eritrean community-based organizations serve two main purposes: responding to social and economic needs, and mediating among community members, Israeli civil society actors, the Israeli government, and their own government representatives.

My interviews affirmed these findings but also helped me better understand some of the intra-group dynamics. The issue of Eritreans' attitude towards the regime in Eritrea and how it affects their ability to organize and come together as a community is crucial. Eritrea has a limited number of diplomatic missions in the world but one of them is in Israel. According to a report⁵⁶

⁵⁵ Report by the International Labor Organization
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:2337201

⁵⁶ Report available at: [Human Rights Concern Eritrea](#)

by Human Rights Concern Eritrea, Eritreans in Israel have to pay their embassy a two-percent monthly tax from their salaries, and on all their earnings since leaving their homeland. Eritreans in the community fear that if they fail to pay the tax, their families back in home will suffer the consequences. The reports states that the Eritrean regime benefits from the remittances of its nationals abroad, which are believed to account for at least 32% of Eritrea's Gross Domestic Product. A study by Al-Ali et al. (2011) views this 'culture' of contributing to the State within the Eritrean diaspora as an act of transnationalism.

For Eritreans, the presence of government spies disguised as part of the Eritrean diplomatic mission in Israel, makes them a political target. At the same time, it allows them to express their grievances and protest – an opportunity offered by the host country. The attitude towards the Eritrean embassy has turned to a source of contention among asylum seekers and often resulted in clashes and protests. On the one hand, the opportunity exists since resisting and protesting is possible in Israel without the fear of getting arrested and tortured like in Eritrea, but at the same time, they are being watched and documented and take a risk that their family members back home will get hurt.

Waldinger (2015) helps to explain the above when he states, “The new political environment provides the space for autonomous migrant social action, unfolding in the place of destination, but oriented towards the place of origin” (Waldinger, 2015, p.83).

Since 2010, Eritreans have been organizing community meetings and small protests calling for the release of political prisoners and for the implementation of the 1997 constitution. On

December 2013⁵⁷, more than 50 Eritreans were arrested for violently attacking their ambassador during a conference held in North Israel. The event was organized by the Eritrean embassy and was attended by more than 500 Eritrean nationals who came from different parts of Israel. An Israeli police chief told reporters that the Eritrean ambassador's life was threatened and he had to be evacuated from the scene by the police and his personal bodyguards (Buchnik, 2013)

The first time I witnessed a community protest against human rights violations in Eritrea was on June 18, 2016, when a march was organized from South Tel-Aviv's Levinski park to the EU embassy⁵⁸ in the nearby city of Ramat Gan. "*Manny*", a young Eritrean and I began talking after he saw me walking among the marchers. Manny was wearing a yellow vest indicating he was one of the stewards in charge of working with the police as a community representative to maintain public order and make sure the marchers are safe. I engaged in conversation when we stood at a busy intersection waiting for the police to stop the traffic. He was very kind and after thanking me for showing my solidarity, he asked me if I read the recent U.N. report about human rights abuses in Eritrea and inquired about my general awareness of the situation in his home country. After explaining the purpose of my participation, he showed great enthusiasm to arrange a meeting so he could tell me more and share his personal perspective. We scheduled an interview in his shop in South Tel-Aviv the following week.

My dad left Eritrea a long time ago and he is mad at me for talking bad about the government, my politics bother him. You see, in Eritrea the government is always against the people, it is hard to trust someone and if

⁵⁷ Full report of the incident on YNET News; <https://www.ynetnews.com/articles/0,7340,L-4468010,00.html>

⁵⁸ The reason Eritreans were targeting the EU was because they were calling on the European Union to adopt the recommendations made in the report and bring their dictator Afewerki Isaias in front of the European Court of Justice. The protest was part of an international protest of Eritreans around the world. The full report is available at: <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/commissioninquiryonhrinEritrea.aspx>. Eritreans were protesting all over Europe with the main demonstration held in Geneva. <https://www.tesfanews.net/diaspora-eritreans-rally-against-coi-report-geneva/>

you try to resist, they will kill you (Interview with “Manny”, Eritrea, Tel-Aviv, June 2016).

The issue of political affiliation leaves the community divided and taking a political stance has an effect on social relations. This conclusion was reinforced when I spoke to an Israeli NGO professional working with Eritrean community members in Jerusalem:

There are many issues concerning what position you take on the politics in Eritrea. The level of community hostility, fear and suspicion, is best understood to us (Israelis) when we think about stories we heard from those that lived under communism and their fear of the secret police; there is a major issue here with trust. Eritreans often blame one another for being a spy sent by the Eritrean government; it is possibly true that there are spies here but the intensity is one thing that I will never understand and the reality is that the definition of friendship and loyalty as we understand it is simply different. Interview with Ariella Ariella Leah Cwikel founder of Jerusalem African Community Center (JACC), Jerusalem, July 2016.

To summarize, the story of African asylum seekers is actually the story of several diasporic communities. Given their unique status, diasporas—outside the state but inside the people—attach significant importance to kinship identity. Given their international location, diasporas build their own identity dynamic along tribal, ethnic and political lines. Both Eritrean and Sudanese in Israel consider their ties to the homeland critical to their identity and to their mobilization in their countries of domicile, and both place the homeland at the top of their kinship agenda. Each community is engaged in its internal process of community building and organizing and has to overcome divisions that were imported from the home country. The next section discusses the foundation of inter-community relations and how they were formed.

Common Experiences

After crossing the border, confused and fearful, asylum seekers' initial encounters had been with Israeli soldiers. For the most part, many have a positive memory of this encounter since the soldiers did not attack them as they feared, and even offered them food and medical care.

Niva from Eritrea recounts:

The army patrol arrived in the morning, we were already waiting, since we crossed over night. I felt OK when I saw them because they were calm and nice, they gave us water. Later they took us to an army base and gave us chocolate and we called it the “chocolate place”. We spent two days there, doctors came to visit us, we were four women and they checked to see if any of us were pregnant or needed medical attention.

Niva's story was quite common, Israeli soldiers would find a small group of African asylum seekers near the border, and would provide them with immediate medical care, food and water. Later, they would be transferred to a nearby facility –a prison- where they would be questioned, go through health screenings, and receive a temporary identification card with a number and a “version” of their name since the name written would often represent how it was understood by the questioning officer.

A Human Rights Watch Report from 2009⁵⁹ states that the questionnaire-that was designed by the Israeli authorities ad hoc to address a local and temporary issue of unauthorized entry, did not consider its legal ramifications or Israel's international commitments under Refugee Law – nor it guided the questioning officer to inquire about the individual's fear of persecution. Instead, its

⁵⁹ Full report in Hebrew by Human Rights Watch titled “The Dangers for Refugees and Asylum Seekers in Israel and Egypt. <https://www.hrw.org/he/report/2008/11/12/256035>

purpose was to verify whether or not the individual poses a security threat. The questioning officials would typically be a soldier or a border police agent, and most commonly the most senior member in the patrol jeep that first came in contact with unauthorized entrants.

Most asylum seekers were fearful and suspicious, especially when encountering an official system that uses language, concepts and rules they are unfamiliar with. Their personal history as forced migrants contributed to the feelings of fear and mistrust. Even asking for help and support has its complications, primarily, how to judge the relative value of the information received. Many asylum seekers complained that they were instructed to say they came to Israel to seek work in order to expedite their release from detention. By 2010-2011, after being released from a prison in the South many asylum seekers would head for Tel Aviv at the rate of around 50 a day. NGO professionals and asylum seekers have said that in the early days, the government would release incarcerated asylum seekers, give them work permits and send them to Tel Aviv without providing any assistance. *Fadi* from Eritrea experienced that firsthand:

There was this guy, an Ethiopian guy, that worked in Saharonim prison. He told us to say we came for work and not for asylum. I was asked for my age because I look young and I was barely 18, they threatened me that if I will not tell the truth I will get sent back to Egypt. I told them I did not come here to work. We were then pressured to lie about our motivation to come to Israel and we were told “you are migrant workers, your friends said there is money here, and that is why you came”. Based on what I heard, the first arrivals were held there for 6 months, I was released after 17 days. One day, without a special reason or communication with us, we were taken to Be’er-Sheva and from there to Levinsky Tahana Merkazit (central bus station) Tel-Aviv.

Fadi’s description was not only common but also connected to stories I heard from Israeli friends and acquaintances that served on reserve duty between 2007-2011. As civilians reporting for their annual duty, reservists may have had more compassion and patience to deal with

unauthorized border crossers but their description of their interaction with asylum seekers provided a lot of clarity about the Israeli government's complacency and lack of attention to the new reality in the southern border. Often times the soldiers would have little idea what to do with the group, some said that they had to wait for hours or even days for the prison authority to take them in to begin the vetting process, and in some cases, the holding facilities were full and reservists had to come up with their own solutions. As the flow of entrants increased and grew steadier (2010 onwards), the prisons and holding facilities could no longer keep up with the volume and it was at that point that the Israeli authorities were primarily concerned with ruling out the possibility of a terror related entry or a public health concern and expedited the release. The screening and registration was performed merely for identification purposes and the issue of pressuring people into saying they came to Israel to look for work was most likely done in order to get them out of the Prison Authority's responsibility, and to avoid the procedure of treating them as asylum seekers.

The mentioning of the Ethiopian police officer raises another interesting point about race and social hierarchy in Israel. Ethiopian Jews⁶⁰ are estimated at 141,000, of which close to 58,000 were born in Israel after two waves of immigration in the 1980s and early 1990s. As opposed to their counterparts- Jews from the Former Soviet Union- highly skilled immigrant that arrived in Israel in masses around the same time, the Ethiopians integration into Israeli society remains a challenge and claims of institutionalized racism and discrimination are often expressed by

⁶⁰Details are based on reports by the Central Bureau of Statistics http://www.cbs.gov.il/reader/cw_usr_view_SHTML?ID=805

leaders of the community. A recent report revealed they make up only 2 percent⁶¹ of the personnel of Israeli law enforcement.

The history of Ethiopia and Eritrea are interconnected, and emotions between the two nations run high; although they speak different languages (Amharic in Ethiopia and Tigrinya in Eritrea), they can understand each other, and on that basis asylum seekers found it easier to connect with Israeli Ethiopian Jews. The circumstances make it hard for me to determine whether Fadi experienced real hostility or it had simply been the case that the police officer was trying to help him by expediting his release. Based on conversations I had with other Asylum seekers, especially from Eritrea, it appears they felt more comfortable approaching those that looked “Ethiopian” when they were making their first steps in the country after being released. Those brief encounters, they said, often helped them survive the initiation of the Israeli urban experience.

Across the Border and Into the City

Mass arrival to South Tel-Aviv typically meant going through some sort of a forced “initiation ceremony” for asylum seekers. It is possible that a one-way ticket to the city expressed the authorities’ belief in the city’s global identity. According to city migration scholars, the inflow of migrants of different ethnicities to major cities transforms those cities into contested terrain where noncitizen populations and emergent transnational communities are created and their claims are put forward (Kemp, 1999; Varsany 2006). Cities become key actors in a globalized economy which often challenges the balance between the municipality and central government.

⁶¹ Globes article from 2015 that published the conclusions of a committee that examined claims of discrimination of the Ethiopian community by law enforcement agencies. <http://www.globes.co.il/news/article.aspx?did=1001046838>

The mass arrival of migrant workers and later African asylum seekers to South Tel-Aviv embodies this tension.

South Tel-Aviv has become a multi-ethnic enclave that developed quickly since the 1990s with arrival of licensed guest workers. These early waves quickly organized into separate groups centered around churches or ethnic clubs that addressed their social needs and desire for community (Kemp, 2000; Sabar and Shragai, 2008). Many small businesses opened to serve the community and these became hubs where people would support newcomers with shelter, offer them temporary housing, commodities, and refer them to Israeli organizations to receive aid.

Non-Jewish migrants are usually not treated in official social welfare agencies due to lack of financial resources and because the government policy states they are not entitled to them.

Asylum seekers from Darfur and Eritrea living in Israel need various forms of social services including medical services, housing, education, and psychological counseling. However, official social services by social workers who work at the Israeli welfare agencies are extremely limited and are usually provided only in extreme cases (Lavie-Ajayi & Slonim-Nevo, 2017).

Municipalities are often caught between their commitment to provide for the needs of all residents, and migrants, often in opposition to the national viewpoint that sees them as a dangerous population economically or socially. As a result of the state's withdrawal, the bulk of the responsibility for the migrants' welfare, education, and health needs becomes the responsibility of municipalities and they find themselves addressing the immediate day-to-day problems of all those living within their jurisdiction (Kemp, 1999).

This is demonstrated by the case of Tel-Aviv in MESILAH- an aid and information center for migrant workers and refugees. The unit operates under the auspices of the Welfare Human Services Administration of the Southern Tel-Aviv-Yafo municipality. In the early days, 2006-2009, the city hall opened a number of municipal shelters for asylum seekers and supplied them with basic necessities such as mattresses, blankets, medicine, and education.

The Unit's Director Miri Barbero depicted the reality of asylum seekers in Tel-Aviv and explained why the need for a municipal effort was so great:

When I began working with foreign born (non-Jewish) populations, I realized just how transparent they are in the eyes of the general public. They are deprived of basic rights, alienated and deliberately marginalized. This is a struggling community, dealing with day to day hardships and lacking the ability to plan ahead and believe there is a future.

Tel Aviv's Mayor, Ron Huldai, recognized the problem as early as 2008 when he wrote to (then) Prime Minister Ehud Olmert asking for urgent government assistance in order to avoid what he saw as 'a humanitarian crisis'. Dozens of additional asylum seekers were arriving every day, and the municipality did not have the resources to continue and supply them with shelter and the basic services they deserved (Yigal Hai, 2008)

Tel Aviv became the main destination due to the high concentration of asylum seekers. Some had acquaintances and friends in the city who helped them settle down until they found work. The city's willingness to offer minimal assistance also helped but with the number of entrants through Israel's southern border increasing rapidly, Tel-Aviv's aid shelters were soon full and many of the asylum seekers had to find their own solution.

Manny from Eritrea told me about his first day in Tel-Aviv:

I arrived in Levinsky park and had a number of a person I did not know. Eritreans are close, we are a tight community, it goes back to our society structure back home- we need to look out for one another. Let's say you are a new comer, we will take you in for a few days, then we arrange around 10,000 Shekels (\$2800) for you to be able to pay rent and keep the rest until you find some work and could pay us back. We look out for each other because we know how it is like. Every one of us started out there when he first came

Giant (Park) Levinsky – Stories from Israel's Backyard

Levinsky Park is a small community garden located between Tel-Aviv's new central bus station and the old historic station at the heart of Neve Sha'anani neighborhood. Since the early 1970s, this deteriorating market-like transportation hub, has been a prime location for drug dealers and prostitution. It is known as an area teeming with crime, sexual assaults and petty theft. Most Israelis admit they would avoid passing through there and many would not dare to leave this concrete monster and roam the neighboring streets.

For asylum seekers as well as other forced migrants, narratives of exile are a significant source of shared experience. While isolation from Israeli society may have put them at a place of great disadvantage, it also contributed to intense identification with one another and promoted mutual assistance. Levinsky Park is often referred to as the place they had spent their first night or weeks. Most of them had no idea what the area was like and were forced to learn as they slowly began adjusting to their new routine. While social networks may have enabled migration to Israel, the circumstances upon arrival reshaped the networks, producing new forms of cooperation.

If one has never been to Tel-Aviv's new central bus station the first encounter can be really overwhelming. The historic edifice is a partly abandoned seven-story concrete building, filled with stores exhibiting signs in many languages like Tagalog, Thai and Tigrinya (to name a few), that offer products and services to the local non-Hebrew speaking residents that have been populating the area in the past 25 years. Escalators going up and down are the only means by which one can make his way to the sixth and seventh floors where the bus terminals are located. From there, one can go to virtually any place in Israel, and many of the visitors wish to spend as little time as possible in the waiting areas. Feelings of fear and disorientation are not uncommon. This labyrinth like structure has more than 10 exits but finding any of them if you are unfamiliar with it, can turn into a real quest. This unfriendly hub was one of the first places asylum seekers met when they arrived in Tel-Aviv.

Eddie recounts:

I reached Tel-Aviv knowing no one and I had no money. We arrived in Tahana Merkazit (Central Bus Station), and people were asking each other what is going on; there was a lot of anxiety and confusion. I saw people going up and down these electric stairs, the place is big, confusing, it took me a lot of time to figure out how I exit the building. After a short while an Israeli guy approached me and said, "hey ata hadash po? (hey, are you new here?) at the time I didn't understand but now I recall, he said are you trying to go out to reach Levinsky? I asked what is Levinsky? and he replied, it is a place nearby, you should go there, that is where all the Eritreans and Sudanese are staying.

Members of migrant groups, tend to have relationships that have more intense obligations and expectations because of relative isolation or alienation from the larger society (Kao, 2004). Since access to information is not as good as it is for the native population (due to language and other barriers), they rely heavily on the flows of information along group lines. The relations formed

continually express and reinforce social norms, build trust and mutual dependability (Bankston, 2014).

On a typical day, you could find thousands of people lying on the grass with their bags and personal belongings. Those who knew someone, whether it's a friend or if they simply had a random number they got somewhere along their migration route, would usually stand by the old public phone booths and wait for somebody to come for them and take them into their home. Those who didn't know anyone slept outside, in the cold, in the rain, or in the sweaty Tel-Aviv summer nights. They would be waiting for a quick day's work (Chick-Chuck in Israeli slang) which would be their only real chance of a meal. After earning some money, people were able to move off the street and rent a place, but that could take anywhere from several days to several months.

Mosh told me about the comradery and powerful solidarity that was built between the homeless asylum seekers on the grass of Levinky Park:

There was heavy rain the day I arrived. In some evenings, people brought warm food to us and I can definitely say that without that help we wouldn't have survived the winter. If you were lucky to find work that day it is obvious you have to share what you earn with those sleeping next to you. The following day you might be out of luck and it will be them who make sure you have something to eat. I can definitely say this experience created some friendships but it mainly helped me understand how equal we are when we have nothing

Looking at this unique communal structure says a lot about the social embeddedness of asylum seekers in Levinsky Park and how that experience produced the psychological incentives to work together and cooperate. Understating this circumstantial cooperation is pivotal when

conceptualized as the forming of collective identity (Melucci, 1989,1995) that highlights the importance of drawing boundaries marking the group and invoking in-group similarity. Later that similarity can more easily be diverted into political consciousness as asylum seekers learn to evaluate their social position in their new host society.

Is There Anybody Out There: Asylum Seekers and Aid Organizations

The shortage of basic services for asylum seekers led to the development of NGOs that sought to provide practical support and services. An example for a voluntary grassroots effort is the Levinsky soup kitchen or *Marak Levinky* in Hebrew. One of its founders, Orly Feldheim told me about the process that led to that initiative:

One of the things that I remember from the days of Levinsky Soup Kitchen, is that people came here with a real belief and hope that they would be granted refugee status. They thought of Israel as a democracy, a place that respects human rights, it was only after years went by that they realized the mistake they made.

Interviewer: can you please tell me how you got involved in the first place?

It was in 2011, I saw a post online saying ‘there are hungry people in Levinky Park, please come here and bring food’. It was around 8 p.m. so I went down to the grocery store and bought four loaves of bread and some vegetables and started making soup. I contacted the guy who wrote the Facebook post and asked him if he will be there since I don’t know even where to go. I took a taxi with the food I prepared, rain was pouring and I got off at a dark side of the garden near the police station. I saw an African guy crossing the road and I asked him ‘do you know where I can find refugees here?’ The guy I contacted was already gone but this man said yes and pointed to where hundreds were standing under a piece of stretched nylon cloth. I waited for a break in the rain and as it happened I sat down on the floor and started giving soup. Dozens came, and in complete silence took the soup. When I came home that night emotionally charged by the experience, I called my friend Yigal and said- this is it, this

is what we need to do, take care of the people in the garden. Two weeks later our Facebook page was up in the air and we held our first volunteer meeting. We set a specific time and for 18 months we served soup every single day at 7 pm and Fridays at 1 pm – in the beginning serving as many as 900 cups of soup an evening. Many times, over the course of our grassroots operation we were offered to become a registered NGO but that never happened. Our biggest success I would say was that in my speed dial I had MADA Chief (MADA is the Israeli Red Cross\Crescent) providing medicine and hospital evacuations when needed, we made sure doctors would come there and give medical care, we gave food to the nearby shelters, we fed dope fiends and prostitutes and homeless people, but our prime focus was African asylum seekers. At some point, we even supported Hebrew lessons in cooperation with the Levinsky public library.

What is interesting about the Marak Levinsky initiative is that it was active alongside more institutionalized NGOs. It demonstrates just how great the need was but also the more nuanced ways in which African asylum seekers were received by ordinary Israelis. Nevertheless, grassroots efforts were still pretty exceptional. Most of the need fell on the shoulders of the existing NGO network. As mentioned, since the arrival of migrant workers in the 1990s, a professional ‘migrant\refugee sector’ was created in Tel-Aviv alongside the ethnic community-based organizations.

Israeli human rights organizations divide the work between them offering legal, social and psychological services. The main NGOs that are currently active and attempt to bridge the gap between urgent needs and available services are ASSAF, Physicians for Human Rights, The Hotline for Refugees and Migrants, CIMI: Center for International Migration and Integration, HIAS: A Jewish international NGO to support refugees, ARDC, and Elifelet: Citizens for Refugee Children. Meeting with representatives from all of the above-mentioned helped me better understand their role, challenges, and interaction with asylum seekers. Figuring out the

specific needs of each community of asylum seekers was difficult for aid organizations due to the immense cultural differences and issues of trauma and frustration experienced by the asylum seekers.

Orit Marom, ASSAF's Public Awareness and Advocacy Department Coordinator, explains some of the challenges:

Since we were an organization that was out in the field people came here and the place was packed, we were like first responders. We would refer people to the different NGOs based on the services they need, like Physicians for Human Rights for example. We had to hire community-based translators that we call mediators since we understand their work is far beyond mere translation. In the beginning, it was hard to make them understand we are not affiliated with the government in any way, but that was not easily understood and people in the early days would shout or make allegations. By now they know exactly who we are. Another thing was, and I am mainly referring to the Eritreans here, not only because they are the majority but since there are more families in that community; and that is the issue of understanding what is a social worker. We were told by the female community mediators to make sure we explain who we are because in an Eritrean context a social worker is an employee of the government-serving the dictator. I remember that in the first encounters people would stop talking and clam up immediately. There was a lot of suspicion.

Another challenge the community dealt with was to help fund the release of co-nationals from the hands of Bedouin capturers. As the number of asylum seekers crossing via Sinai in Egypt increased, it became more profitable for their smugglers to hold them hostage; the burden of paying ransom would often fall on the shoulders of those released, with one of their first tasks to raise enough money so they could pay smugglers and release their friends left behind in the Sinai camps⁶². Although it helped immensely to the solidarity within the community, it also meant that

⁶² A chilling documentation of this process was captured by "Ovdah" journalist Itay Angle the report was aired on Israel's channel 2 on March 29 2012. http://www.mako.co.il/tv-ilana_dayan/2012-b4c5670e24456310/Article-5aec37199015631006.htm

extra aid and support was needed and new challenges like unwanted pregnancies and post-traumatic stress from captivity were common.

The growing flow of asylum seekers to Israel's urban core and its surroundings and lack of response by the central government led the Tel Aviv municipality to apply heavy pressure to win approval of a national policy that would see the removal of asylum seekers to areas outside the center of the country. The Tel Aviv municipality reportedly exerted pressure to implement a new policy to stop the daily flow. The Ministry of the Interior responded by implementing the Hedera-Gedera policy- an order forcing asylum seekers to go and reside north of Hadera (20 miles to the north of Tel Aviv) and south of Gedera (20 miles to the south of Tel Aviv). One of the implications of the Hadera-Gedera policy, is that asylum seekers were now deprived of receiving services that were only available in Tel Aviv, like medical care at two clinics of volunteers based in the city. Despite outrage on the part of the asylum seekers' community leaders, the Ministry of the Interior then would refuse to extend temporary visas for those who did not comply. The immigration police began extensive enforcement of the Hadera-Gedera policy, including patrols in the area around Tel Aviv's old Central Bus Station. The enforcement efforts included detention of asylum seekers and foreign workers and the checking of documents to identify those illegally in the country.

With this new order in place, relationships among asylum seekers became assets, and their inter-group relationship enabled them to move from place to place, adapt to life a new place, and assess future prospects.

Living in the Sprawl - The Forced Creation of New Communities

With new geographic impositions now in effect, more towns and communities had to deal with a flow of asylum seekers, mainly in the Israeli periphery. Each locality presented challenges and opportunities for the asylum seekers' community cohesiveness and its members' political engagement. My fieldwork was carried out in several locations so I could better understand the differences in experience and learn how the lack of immediate support from NGOs or a municipal welfare unit had affected community building and social interactions.

In 2007, Haaretz newspaper reported that dozens of asylum seekers from Darfur who had been held in Israel Defense Forces bases were taken to the Southern District Police headquarters in Be'er Sheva. Since the police refused to take custody, they were left in the street as welfare and military authorities scrambled to find a solution for them. The reserve soldiers who had brought them to the police headquarters drove off, leaving them in the street, surrounded by the media. This incident, as it turned out, was not the first-time asylum seekers were brought to Be'er Sheva and left on the street.

Student groups from the local Ben-Gurion university would go to the public parks where asylum seekers had been left, equipped with food and drink and diapers for the babies. They would locate places to sleep for the first nights and sometimes arranged makeshift ones, and accompanied those in need of medical care to the hospital.

Elisheva Milkovsky, a social worker who was a student at the time, detailed these encounters in an interview with Haaretz⁶³, where she explained how apart from providing necessary aid, she also acted as a liaison between the homeless asylum seekers and potential employers:

“The first employer who contacted me was an elderly woman who had heard me speaking about the refugees over the radio and asked to employ Sudanese in her family's pipe-manufacturing plant," she recalls. "That was still during the stage when I thought I wouldn't get involved with such things, because I'm only a social work student, what do I have to do with employers? And then I realized that I am involved with such things. It began with the contact with the companies that employ the Sudanese in hotels in Eilat and at the Dead Sea, which still seemed logical to me. Then farmers and private employers also began to turn to me, and my involvement increased, because there is great potential for exploitation here, and if I send someone to work somewhere, I feel responsible (Wurgaft, 2007).

For a while, Be'er Sheva's municipality had begun assuming some responsibility for the asylum seekers' welfare from volunteer groups but ceased its activities due to the shortage of money to pay for its involvement.

Tel-Aviv's over crowdedness and the new policy limiting the possibility to find a place in central Israel, brought hundreds of mainly Sudanese, to the peripheral town of Arad. Arad is small town of less than 25,000 people, located less than 40 miles from Be'er Sheva. About one fifth of all

⁶³ The story titled One-woman rescue mission was published by Nurit Wurgaft Sep 27, 2007. Available at: <https://www.haaretz.com/israel-news/one-woman-rescue-mission-1.230126>

residents are Jewish immigrants from the former Soviet Union. The town is known for its high unemployment rate, the local municipality had to declare insolvency in the past and has had an appointed committee manage its administrative orders. Attitudes towards the new arrivals were mixed, some of the local residents immediately stepped up and encouraged one of the local youth movements to provide aid and try to integrate asylum seekers. At the same time, groups of fearful residents, protested and tried to block arrivals and in a few reported incidents even attacked a group of asylum seekers and the volunteers assisting them.

This sudden arrival heightened the tension between local and central government and forced asylum seekers to become even more self-reliant. The asylum seekers' community leaders were now forced to engage in a comprehensive planning process to assess the overall assets and needs of the community. Overtime with the help of independent Israeli volunteers, they formed partnerships with Israeli civil society actors to strengthen the community's internal capacity and solve immediate problems such as shelter, food, language and other cultural barriers.

Moran Meakamel, a local student volunteer in Be'er Sheva and co-founder of the Negev Refugee Center, detailed how this process worked:

We organized workshops, meetings with representatives of the Tel-Aviv based NGOs like Physicians for Human rights and Kav-Laoved that would provide basic information about workers' rights and medical care options. The beginning was very tough, we had to figure out how to work properly with the community leadership, identify needs more accurately and based on what is happening on the ground make sure we offer a relevant solution. Our immediate goal was to figure out issues such as shelter and teach asylum seekers how to read a lease and learn what to look for when renting an apartment. We strove to develop greater independence and make sure that if today we read the lease and negotiate with the landlord, next time a person in the community does it for

someone else. When we reached that point, I thought we truly grew as an organization and really hit our goal... The next step was to do more work in the Israeli community. We set up groups and organized meetings for women, our gender unites us after all. We wanted to raise awareness and create a healthier discourse, doing so meant we had to break out of academia and offer opportunities for people to eat together, have a meal and offer opportunities for the cultures to meet

Considering the cultural differences and the fact the asylum-seeking community in south Israel was isolated from the rest of their social group, I was curious about the part played by their local community leaders in these initiatives and what kind of activities they were interested in. Moran made it clear that every activity they did was the product of a joint effort between Israeli volunteers and African community members, insisting it would have not been possible without full involvement by the local African leadership.

Some ideas were purely the fruits of their creative thinking like soccer tournaments, jam sessions, first aid workshops, computer skills. We had to come up with local solutions for all the stuff they had to go to Tel-Aviv for. This made the community more united and a lot stronger.

Community organizing initiatives are also often the product of disruptive politics that create the possibility for action (Cloward and Pivan 1999). Community leaders nurtured the idea that justice is within reach and knew that people would be mobilized when opportunities would present themselves. Such was the case in the city of Eilat.

“Eilat is a Place to Relax”

‘Hugely popular with Israeli families looking for a beach break and Europeans taking refuge from bone-chilling winters back home, the Red Sea resort of Eilat is brash, ugly and almost inevitably crowded, a place where being scantily clad and sunburned is the rule rather than the exception’, Lonely Planet Israel

This quote taken directly from the *Lonely Planet* page opening the section about the resort town of Eilat, describes a different reality from the one known to asylum seekers, although they too shared some of the notions about its unique and serene charm. The newcomers joined dozens of earlier arrivals who were sent there as an alternative for detention and quickly integrated into the local hotel and service industry.

Dibi from Eritrea and *Nadil* from Darfur shared what draw them to Eilat in the first place:

I was sent to Tel-Aviv. I saw the great amount of people lying on the grass in Levinsky Park- they were like stones thrown on the ground. Based on who you know and if you are lucky to have any connection, that is where you will end up. If your friend is in Eilat it will be Eilat, it can be Ashdod or Jerusalem etc. In Eilat we are more scattered, not crowded in one place. We are busy, because there is a lot of work and life is quieter here. Even the government is not talking about Eilat as much, it is not like Tel-Aviv, I would say this is true for every place where we have a smaller community, like Haifa, Ashdod or Jerusalem.

Nadil:

I knew nothing about Eilat, I just heard about it from a friend and went to the station, bought a ticket and thought worst case I'll come back to Tel-Aviv. I came out of the central bus station in Eilat and immediately felt everything is much more relaxed here. I went to the beach area and met a Sudanese guy, I asked where is an area that I could find a place, he invited me to his home and I went. I did not see anyone sleeping in the street or starving.

Sigal Rozen, the Director of the Hotline for Refugees and Migrants, reminisced about the early (2006-8) days when I asked her how Israelis responded when asylum seekers arrived to Eilat and its vicinity.

The responses were very polarized, especially when the first ones, families from South Sudan started coming there, the hosts saw it as a

humanitarian gesture. As for the rest, they looked at it purely from an economic standpoint of cheap labor – like they treated migrant workers. Employers were very upset with us when we demanded they will pay them the minimum wage and not half of it like they used to pay their existing migrant workers. Our legal appeal to demand equal pay for them opened up the option of Eilat and hiring in the hotel industry that was desperate for working hands. It also contributed to the creation of the Arad community. The Manpower company that was supplying for the Arad hotels approached us and they hired the men, opened a day care for the children and that is where the women worked.

The early days in Eilat were difficult. Eilat had the second largest population of asylum seekers after Tel-Aviv. Despite the fact many of the asylum seekers were brought there to replenish the workforce in the hotel industry, expressions of racism were common and at times, led by a top-down municipal effort. One example is when the city of Eilat filed an appeal with the Supreme Court, asking it to overturn the decision ordering Eilat to admit the children of African asylum-seekers into the city's school system. For nearly four years Eilat has refused to enroll the children of asylum seekers in its schools. Instead it has sent them, with the approval of the Education Ministry, to a separate facility outside the city (Ben David-Hadar, 2017). The appeal was rejected in 2012 and segregation was forced to stop.

Local challenges

The ability to find work meant in some cases housing would be included as part of the labor benefits, some hotels provide communal housing, so having a job meant avoiding life on the street. This indeed contributed to a more “natural” dispersion around the city but many asylum seekers were still concentrated in the old neighborhoods of Eilat –*Alef* Neighborhood and “*Sing-Sing*”; named by locals after the prison for its architectonic shape. *Alef* and *Sing Sing* are the

oldest neighborhoods in the city, rows of “section eight” housing, poor and with very low maintenance, dirt scattered in every communal area, the neighborhoods suffer from neglect, poverty and offer not much more than crumbling tenements. Being the cheapest piece of real-estate in town, these housing options are the ones available and affordable for most asylum seekers.

The fact Eilat is remote and small, means the number of service organizations or NGOs operating there on a regular basis is small to non-existent, that is despite the fact there is plenty of need. *Modi* from Darfur describes this challenge:

There are no centers here. NGOs come here sometimes to give us information but they don’t have a permanent office here. There has been some change in the attitude towards us because there are less of us and people here are hardworking, you won’t find them in the street.

NGOs do make trips to Eilat on occasion, typically every few months for a single day visit. They would give information and attend some of the needs that could be resolved with an immediate response, but most the of the issues require long term treatment or simply more resources than a single day visit unit has. *Zoe*, from the Department of Irregular Migrants at Physicians for Human Rights (PHR) confirms:

Frankly and quite shamefully as well, we are not there (Eilat), our presence is very low and the ability to provide services is limited. We do try to go to Be’er-Sheva and Arad – we receive calls and people do reach out to us – but we do very little. I will say most organizations try, they are too overwhelmed and don’t have the bandwidth to do it. The state for its part opened its clinic in Tel-Aviv completely ignoring the population outside of it and also at the same time says it wanted to disperse them but draws them back into the city. South Tel-Aviv as you know is already filled with underserved communities and now more people are called here to try and get services and place heavier burdens on the existing infrastructure

Based on my own observations and interactions with locals, it seems residents of Eilat are indifferent to the presence of asylum seekers. What they value is that they have people sweeping their streets and cleaning their city, but even that is invisible to certain eyes. It is possible that that is also a result of the diminishing population of asylum seekers in Eilat in 2016, after the departure of the South Sudanese and considering more recent restrictions making it harder for asylum seekers to go there and look for work.

Despite the challenges, exclusion and lack of support, some asylum seekers developed a form of local patriotism and saw Eilat as an opportunity for their community efforts. *Charlie* explained to me:

My name is Charlie, I am Sudanese but I call myself an Eilati (Eilat native), and that is because I came by myself and now I have a wife and three kids. Eilat is unique, it is not like Tel-Aviv, it is small, clean and quiet. Our center here is mainly busy with offering services and shelter to those in our community that are in need. We escaped the war, we came here to Israel, a Jewish state that is a home to other religions like Muslims and Christians as well. When we first came here people didn't understand anything, not laws and not how to get services, I argue that it is this language barrier that led many to believe they are experiencing racism- for me sometimes it was simply miscommunication. In Tel-Aviv you have ASSAF, UNHCR, ARDC, MOKED, they come here on occasion but are not here permanently. We actively do patrols at night to look for homeless people and ask what is wrong, we offer our support, food and shelter. our local organization of Bnei Darfur that united everyone based on our tribal associations, worked to advance our cause. The problem was the residents; they did not want our kids at their schools. But with time, that changed, my kid writes in Hebrew, she learns about culture and Jewish tradition. Some people in the community were afraid of that, but I would explain to them, education starts at home, the schools provides skills and cultural context but the prime responsibility is ours

Despite expanding and changing interpretation to the meaning of citizenship and emergence of new definitions such as post national and supranational citizenship- the nation state remains central to the livelihood of contemporary migrants. The connections between the city and citizenship, as expressed in Charlie's accounts, demonstrate how residency and local attachments are associated with specific privileges making a clear connection between migrants and their urban spaces. The greater the gap between local rights and legal status on a national level, the likelier it is for residents to politicize and demand their rights as valid members of the urban public (Versany, 2006).

But that is not always the case. For some Eritreans, the cultural baggage of life under oppression in Eritrea remains a debilitating factor even after their prisoner shackles were removed. The Sudanese were quick to organize, arrange community centers and help one another, but Eritreans according to *Kubi* could had to overcome other challenge in order to organize in the same way.

Unlike Sudanese, we didn't know how to. The Sudanese back in their own country had less pressure and knew how to do it, also they are educated. Me, I went to University but all the education I got was from the government – meaning it was filtered. I grew up without the ability to be curious and learn about rights, human rights, I had no idea what these things are. The only organization we know is UNHCR, but when we got here in 2009 Israel's Ministry of the Interior already transferred UNHCR's responsibility and RSD unit under their authority. We didn't know how to apply for asylum, what is the process even. Sudanese, have many active NGOs in their country, they have better access to information, we didn't.

Kubi believes that for Eritreans the learning curve is much greater, despite the motivation to act against the Eritrean government and the ability to practice politics less restrictedly in Israel. For *Kubi* freeing yourself from “slavery” cannot happen quickly and internal community divisions over the future of Eritrea often stand in the way.

Jerusalem's Garden of Nations

In 2007, activists and students who were sympathetic to the plight of asylum seekers tried to help them by finding shelters in the city of Be'er-Sheva and its surroundings. As an act of protest, some asylum seekers were taken to Jerusalem, where a 'tent city' was already established close to the Knesset (the Israeli Parliament). Israeli activists started coming to offer services, it was a sporadic, grassroots effort called "Students for Refugees". The majority of the people at that time were from South Sudan, and volunteers began organizing food drives, offer language lessons, and document and transcribe stories of asylum seekers.

The religiousness of Jerusalem was the main draw for Eritreans who started arriving there in 2010-11. One of the main sites where asylum seekers have found shelter in Jerusalem is around the Ethiopian Church in West Jerusalem, where the Church owns some property. Over time, asylum seekers moved to most areas of the city with higher concentration in the market and city-center areas and wherever people were willing to rent them apartments. The community overall is quite small and estimated at about 2,500. The "Gedera-Hedera" policy accelerated the creation of the Jerusalem community. Asylum seekers are pretty scattered, wherever housing is more available, and work in restaurants as dish washers, or at religious Yeshivas where they can serve as Shabbat Goy⁶⁴ (literally Sabbath gentile).

⁶⁴ This is a cultural reference to a non-Jew who performs certain types of work which Jewish religious law (prohibits the Jew from doing on the Sabbath. The phrase is a combination of the word "Shabbos" (שבת) meaning the Sabbath, and goy, which literally means in Mishnaic Hebrew "a non-national", i.e., "a non-Jew". Source: <http://www.jewishencyclopedia.com/articles/13467-shabbat-goy>

By 2010, images of hundreds of asylum seekers waiting outside the Ministry of the Interior office in Jerusalem were a common sight. They came there to renew their temporary conditional release visas. Language barriers and the clerks' attitude made it very difficult and people waited for hours in every weather condition. Asylum seekers would get notes or instructions in Hebrew they couldn't read. Israeli volunteers started coming there regularly, to interpret, help them find out what rights they have, and how to access some basic services. Volunteers collected brochures and started gathering information about labor rights, pregnant women's rights, education, health, with most of the information coming from the Tel-Aviv based NGOs.

Arielle, a volunteer at the time and co-founder of the Jerusalem African Community Center (JACC) told me in great detail:

The situation outside the Ministry of the Interior was absurd, whenever there were formal office hours, we would be there, and we heard awful things like the migrants spread disease and that's why they are not allowed in, other times excuses like 'we are renovating'. One time there was heavy rain pouring down and one of the clerks suggested asylum seekers should take cover in the back where they keep the spare gas cylinders, I can't fathom how no one thought about the horrific connotation that makes. This story I think paints the picture pretty well, the need was great. The problem is that the word 'invisible' does not even depict it well enough, they were completely ignored. Israelis passed through them to go into the building and get services, it was only when they saw us, light skin tone people, whites among them, then they started looking at them.

Yacobi (2010) argues that the occupying of different hubs and public spaces increased racialization and the social construction of the 'other' that justified discrimination. He adopts Lefebvre's (1991) view that space is a social product and as such both shapes socio-political relations and in turn is shaped by them. The racialization of African asylum seekers had, as shown here, local policy implications, about who is deserving of access and services.

The racialization of asylum seekers was expressed not solely through the linkage between their unwanted flow to the spread of disease or crime, but also through the rejection of their claims for rights and basic aid services. The Jerusalem municipality viewed their arrivals as a matter of national crisis that had to be addressed only by the central government. Israeli activists succeeded in pressuring the municipality of Jerusalem to take responsibility and offer services like MESILAH in Tel-Aviv since for them there is no difference between Israelis and asylum seekers, both are part of the city. At the beginning, the pleas were ignored, with the mayor and other city officials seeing this as ‘national’ and not a ‘Jerusalem’ problem. But the grassroots organizers knew how to reach out to Tel-Aviv based NGOs and use the knowledge they received in order to make local claims. After years of bottom-up organizing without much response from the city, support was finally institutionalized. The activists were making stronger demands to the city, and slowly more cooperation began, especially since asylum seekers were not going away and their presence in the city required the support of welfare services.

In 2011, the city of Jerusalem opened a center for rights that operated under the auspices of the department for social services. The center did not stay open for long. The location was problematic, it was remote and hard to get to; it was very inaccessible for people who couldn’t speak Hebrew. It was closed after 8 months and several other attempts to reopen failed. The Israeli activists decided to try a different approach and lobbied the city to focus on offering a more limited but effective service. Their efforts were successful and the city has since been pursuing more attainable service goals; the services are family oriented to suit the type of community that lives in Jerusalem, and supplementary services are also supported by the (now)

institutionalized NGO- The Jerusalem African Community Center (JACC). The services are more attuned to the professional and personal development of asylum seekers, offering them a chance to earn new skills.

"I feel teaching English⁶⁵ at JACC is something more than just teaching a second language.

These men and women need to learn English in order to communicate with lawyers and social workers and deal with documents and papers. Seeing their progress and commitment makes me realize we are doing something good and concrete. Ludo, English Teacher at JACC, on the groups official Facebook page.

The Jerusalem community of asylum seekers is small and what characterizes those who go there is that they are looking for a break from the intensity of the community in Tel Aviv. Unlike Tel-Aviv that had Levinsky park to sleep in, the nights in Jerusalem are much colder, and it is hard to go there without having some sort of arrangement. Asylum seekers who came to Jerusalem had to be more self-reliant and possibly had a little more basic means to support themselves. Since the community is more family oriented it is closer and tighter and in the absence of a diverse NGO network that offers an array of social services, asylum seekers in Jerusalem were required to make an educated use of their personal networks and learn new skills that allowed them to make Jerusalem their home.

Conclusion

Tilly and Tarrow's (2007) definition of a social movement as a "sustained campaign of claims making, using repeated performances that advertise the claim, based on organizations, network,

⁶⁵ In the beginning there were Hebrew lessons as well in the center but overtime and since there was growing uncertainty, there has been more demand to learn English that is more applicable in an international context.

tradition and solidarities that sustain these activities (p.11)” requires understanding of the creation of such micro-communities and networks, as they are the key component to the “how” question behind this research – one that deals with the coordination of collective action.

To understand the community aspect of asylum seekers in Israel it is important to look at the immigrant-emigrant duality since newcomers, forced or voluntary, retain ties to the people and places they came from and often find themselves in an ethnic enclave that reproduces a familiar rather than alien environment (Waldinger, 2015). Diasporic political activity helped Sudanese and Eritrean asylum seekers in Israel to retain their social and political identity as they sought to ultimately return to their home countries when conditions there permitted.

Overtime, asylum seekers in Israel created communities and support networks that are based on their geographical location (the sending country as well as the places they ended up in) as well as their political, national and religious affiliations. Providing social services and relying on community-based assets encouraged self-reliance and empowered those with leadership experience to step up as organizers. Asylum seekers were able to develop civic skills, such as organizational and communication skills, which enabled them to increase participation in community efforts.

These community-based organizations are partly a result of the absence of a government sponsored support and lack of official recognition. Working with Israeli NGOs and in cooperation with independent activists helped asylum seekers cope with legal challenges and survive daily hardships.

While Israel's democratic setting introduced opportunities to deepen community ties, encourage engagement in political activity, and promote ways to raise awareness, changes in that same political environment also presented new constraints in the form of direct repression, ultimately forcing asylum seekers to redirect their political activity and community practices.

First, asylum recognized the daily struggle and how it weakened the community, despite their organizing; and while they were proud of the success to come together and face the challenges, asylum seekers acknowledged that the majority of the members are undereducated and ill-resourced. The initial challenges were replaced by new ones and it was time for the community to adapt and direct its actions outward. *Suli* from Darfur explains:

By 2012 it was clear to us that people don't know enough. We began by focusing on a few locations where Sudanese lived: Tel-Aviv, Ashdod, Eilat, Arad. In Jerusalem, it was mainly Eritreans so our reach was less effective. We started holding community meetings in these locations and ask people to volunteer in the community, to learn about education opportunities and we asked people to cooperate with Amnesty International and other local NGOs because they have a lot of information and they can teach them more about rights and educational opportunities. At the same time Israel introduced new sanctions, that made it clear to me we are still divided and it caught us unprepared.

Feelings of local membership fell short from providing adequate protection despite the alternative community structures that helped asylum seekers navigate the local culture and gain access to certain rights. Despite their role as transnational actors engaged in the contentious politics of their homelands, Sudanese and Eritreans asylum seekers learned, their very presence heightens the barriers for integration and requires them to pay attention to the changes in the local political sphere like legislation and local protest by residents that directly affected their livelihood. The next chapter explores when, why and how did asylum seekers become

“infiltrators” and in what ways did the Israeli government’s new policies, try to weaken community networks and create divisions.

Chapter 3 – From Asylum Seekers to Infiltrators – How Forced Migrants are Criminalized in Israel

The securitization of forced migration has been repeatedly documented by migration scholars (Betts, 2009; Hammerstad, 2011; Hansen, 2014). Securitization⁶⁶, according to this scholarship is the control and framing techniques adopted by states to strengthen their grip by developing laws and immigration policies that prevent unwanted entrants. Securitization also involves the promotion of discourses focused on fear and unease, in order to label groups and individuals as threats to the social order and national identity and to equate the movement of people with the threat to a country’s safety and sovereignty posed by terrorists or military conflicts.

In Israel, the securitization of African migrants was no different and has been justified by two dominant discourses: the first is a security discourse. Israel began, as early as 2006, to frame the influx of asylum seekers as a security concern when declaring that they are citizens of “enemy states.” The second is a national identity discourse highlighting the threat to Israel’s national character as a Jewish state, as discussed at length in the first chapter.

⁶⁶Tally Kritzman-Amir and Thomas Spijkerboer examine in their article On the Morality and Legality of Borders: Border Policies and Asylum Seekers, the way in which states treat asylum seekers seeking to enter the country undocumented. They offer a comparative view of Israel’s policies with that Australia’s practice of rejection and shipping of asylum seekers to Malaysia, the agreement between the United States and Canada, according to which each of the two countries is allowed to return refugee claimants to the other country and the Italian “pushback” policy of intercepting asylum seekers (mostly originating from Eritrea and Somalia) on the high seas and sending them back to Libya. Available at: Kritzman-Amir, Tally, and Thomas Spijkerboer. “On the Morality and Legality of Borders: Border Politics and Asylum Seekers.” *Harv. Hum. Rts. J.* 26 (2013): 1.

Over time, Israel has built a security fence, advanced measures of surveillance, and promoted new legislation that would deliberately target asylum seekers and encourage them to want to leave “voluntarily”. The pinnacle of this process was on January 10, 2012, when the Israeli Knesset amended the law⁶⁷ to define all irregular border-crossers as “infiltrators” and declared measures that would criminalize most aspects of their daily existence- the ability to work, to send remittances, and the right to apply for asylum (Paz, 2011).

The focus of this dissertation is on the politicization of African asylum seekers and the creation of a unified movement to resist such policies and claim rights. In the previous chapter I focused on community building, and analyzed how the intersection of movement leaders’ experiences, group identity, and geographical origins shaped the attempts to organize. The purpose of this chapter is to continue the analysis with greater focus on the changing structural conditions, legal and social, that produced criminalization and promoted discourses of exclusion and that, in turn, had a significant effect on the mobilization of asylum seekers. I look at the role legal mobilization played in affecting policies aimed at debilitating asylum seekers by analyzing the evolution of the Prevention of Infiltration Law - a critical piece of legislation aimed at stripping the rights from asylum seekers while denigrating their public image. The legislation was repeatedly challenged in court, drawing in greater involvement by NGOs, which expanded their role from aid providers to actors actively challenging policies. The bill also had implications on the ways asylum seekers experienced daily life: it affected their claims making and as a result shaped the way movement leaders set their political objectives and chose their courses of action.

⁶⁷ Translation of the Law: the bill available at:
<http://www.israelawresourcecenter.org/emergencyregs/fulltext/preventioninfiltrationlaw.htm>

You Shall Not Oppress a Stranger

The first reports of African asylum seekers trying to enter Israel were in 2005, after a small group of less than 200 Sudanese (the majority of which were Darfuri) tried to enter the country through the southern border with Egypt. The reports described how Egyptian policemen captured Sudanese who were trying to cross the border; detainees were held in police custody in the Sinai, where according to Egyptian authorities, local inhabitants were involved in smuggling people, weapons, and drugs across the border into Israel and the Gaza Strip. Those who made it into Israel, were arrested under the Entry to Israel Law.⁶⁸ According to the UNHCR in Israel, by the end of 2005 453 asylum seekers entered Israel.

A map of Israel detailing key sites related to asylum seekers

⁶⁸ According to article 10 states that the Minister of the Interior may remove a person who comes to Israel and it is found that he is not permitted to enter. (b) A frontier control officer may detain such a person, in such place and manner as the Minister of the Interior may prescribe, until his departure or removal from Israel. For the full version of Israel Law No. 5712-1952, Entry into Israel Law see <http://www.refworld.org/docid/3ae6b4ec0.html>



The Israeli government was caught completely unprepared to deal with a scenario of unauthorized border crossings, believing the Egyptian army would assume responsibility and prevent the unwanted influx. By 2006 the number of asylum seekers who made it across the border rose to 1,600, and the majority spent time in administrative detention at one of the prisons on Israel's Southern Border.

International human rights groups in Israel appealed to then Prime Minister Ehud Olmert and President Moshe Katsav on behalf of the Sudanese asylum seekers and requested their release from administrative detention in order to provide them with a fair judicial review and basic services like medical care. In May of 2006, The High Court of Justice ruled in response to an

NGO petition that Israel cannot hold Sudanese asylum seekers in administrative detention without judicial review and ordered the government to finalize plans to bring the prisoners before a judge or other judicial authority within 30 days.

The state announced during its deliberations that the Justice Ministry is working toward an amendment in the country's law of infiltration, an emergency statute in effect since the 1950s, in order to add a mechanism to allow judicial review of the arrests of the infiltrators. The state proposed leaving judicial review in the hands of the IDF Southern Command prosecution pending approval and consideration of the law by the Knesset. The court called the proposed arrangement "partisan" and said the prisoners could not legally be detained. The state argued that the Sudanese were from one of six enemy states considered as supporters of terror. It also claimed that most of those applying for asylum were illegal migrant workers seeking to avoid deportation by obtaining refugee status.

Since Israel did not initiate any process that would verify the entrants' claims for asylum, it was convenient to invoke a security argument based on their country of origin Sudan, which was defined as an enemy state. In order to invalidate their motivations, the state argued in court that Israel's economic performance and need for low-skilled labor was the pull factor and not the threat of persecution claimed by asylum seekers. As mentioned in the first chapter, Israel has been actively importing migrant workers since the mid-1990s to fill labor shortages and according to its Central Bureau of Statistics, in 2006, 84,000 migrant workers⁶⁹ were living in the country without legal permits.

⁶⁹ Israeli news outlet YNET News reported on the data in July 2007. For details see <https://www.ynet.co.il/articles/0,7340,L-3431577,00.html>

Ultimately, Israel had to draft an amendment to the Law of Infiltration that would provide for judicial review of the status of asylum seekers. However, since it took some time before the bill was passed into law, the High Court instructed the state to offer a temporary legal solution to the Sudanese migrants. The NGOs found alternatives to detention in nine kibbutzim and twelve Moshavim (small cooperative community of farmers) around Israel for 151 asylum seekers. Despite the efforts to protect their rights, some of the asylum seekers placed in alternatives to detention faced inhuman conditions, and their wages were not paid as required by law. Under this temporary arrangement, some asylum seekers were brought before a judicial panel but some were still detained for more than a year without any judicial interference.

The government's hardline policy was based mainly on security grounds, but even within its coalition a lively debate began about the type of approach Israel should adopt regarding African migrants from Darfur. Ha'aretz reported⁷⁰ in May 2007, that (then) Justice Minister Daniel Friedmann proposed Israel should accept refugees from Darfur, adhering to the principle of "biblical compassion."⁷¹ Friedmann said that "this is a question that is currently before the state of Israel, and there is a direct line with what occurred 3,000 years ago and more, at the time of the Exodus from Egypt. Today, we have refugees coming from Darfur. It is clear that Israel cannot accept all of the refugees from Africa, but it must say that we have a part in taking care of these people."

⁷⁰ The quotes were taken from Friedmann's speech at a convention of the Israel Bar Association in Eilat. The article titled "Justice Minister, citing Torah: We must take in Darfur refugees available at: <https://www.haaretz.com/news/justice-minister-citing-torah-we-must-take-in-darfur-refugees-1.221628>

⁷¹ Political, legal, and humanitarian challenges raised by asylum-seekers and refugees are often discussed from a Biblical perspective using relevant passages in the Old and New Testaments. Passages like You Shall Love the Stranger and you Shall Not Vex the Stranger from the books of Exodus and Leviticus, are often invoked as moral justifications to promote understanding and express compassion in the Israeli as well as other international contexts.

In July of that year, Prime Minister Olmert promised that Israel would absorb the people that have already arrived from Darfur and would help settle them in Israel. Olmert also agreed with Egyptian President Mubarak that Israel would deport new entrants back to Egypt in a protocol known as the “Hot Return,” claiming the majority of entrants are economic migrants.

At the same time, The United Nations High Commission for Refugees was investigating whether Egypt broke its promise not to deport Sudanese refugees back to their country of origin after they had illegally crossed into Israel, increasing pressure on the Israeli government to find a solution to the challenge of unauthorized border crossings.

In October 2007, the first reports of Eritreans trying to enter Israel through the Sinai were emerging. By the end of November 2007⁷², the Israeli Prison Authority announced it no longer had the capacity to hold asylum seekers in custody. Increasingly, NGOs and local newspapers reported that asylum seekers would be dropped off without any communication about their status.

Since some of the Sudanese had already begun an asylum process in Egypt and were familiar with the process, trying to initiate an asylum procedure in Israel was among the first things they did or asked for when held in detention or shortly after their release.

Tal, from Darfur recalls:

Immediately after I arrived from Egypt, a community of Darfuris were already in Israel and they told me that the only option for me was to go to the U.N. and register as someone coming from war and receive a temporary ID card. When I went, I was told Israel does not register anyone right now since we have a temporary group protection... Since I

⁷² An article at Haaretz newspaper in Hebrew with the Prison Authority’s statement available at: <https://www.haaretz.co.il/misc/1.1461625>

had no money or a place to stay I started looking for work, anything so I will not have to live on the street

At the time, all asylum requests were handled by UNHCR and with the Israeli government providing group protection but refraining from creating any process that would grant refugee status, there was not much UNHCR could do. Many asylum seekers were waiting for their documents to be verified and receive a new document protecting them from arrest. The UNHCR office in Tel Aviv was collapsing under the load, with many waiting to be processed in the system and interviewed.

In May 2008, a step for formally criminalizing asylum seekers was put forward after the Knesset approved the first reading of a bill⁷³ to prevent illegal entry into the country. The draft law suggested a sentence of up to five years in prison for people who cross the border illegally, including refugees and labor migrants, while infiltrators from enemy states, such as Sudan, could be sentenced to as much as seven years behind bars. The bill also authorized the state to hold illegal entrants, including refugees, for up to 18 days without bringing them before a judge for arraignment.

The bill's provisions included:

- Up to seven years in prison for infiltrators from enemy states and territories
- An infiltrator who returns to Israel after being deported could be jailed for 7.5 years, or 10.5 years in the case of someone from an enemy state or territory.

⁷³ A link to the full bill proposal in Hebrew available at:
<http://www.knesset.gov.il/Laws/Data/BillGoverment/381/381.pdf>

- An armed infiltrator, or someone in the company of an armed infiltrator (including refugees who arrive with an armed guide), could be sentenced to 20 years.

At least one of the reasons for this overreaction stems from mismanagement and unfamiliarity with the scope of the challenge. As Attorney Oded Feller from The Association for Civil Rights in Israel (ACRI) explained:

There are several stages to Israeli immigration policy making – the first is turning a blind eye, Israel did not have any data, no accurate figures, it neglected to collect them for so many years. Since the Ministry of the Interior had no idea it inflated the numbers, and when there is no data you can easily create panic.

The government's incorporation of deterrence measures alongside some accommodating procedures reflected the tension between Israel's democratic structures, backed by its international commitments, and the state's attempts to control and limit entrance to its territory, a behavior that was coined by Paz (2011) as 'ordered disorder'.

At the beginning of 2009, Prime Minister Olmert had to step down after facing criminal charges and new elections were called. The Likud party led by Benjamin Netanyahu was the big winner in these elections. Although the party received fewer votes and won only 28 seats, it benefited from the fact its main rival Kadima led by Tzipi Livni, refused to agree to the coalition terms of the Ultra-Orthodox parties, and thus failed to present a coalition majority. According to Israeli law, in such case, the second largest represented party gets the right to try and form a coalition. On March 31 2009, Netanyahu's right-wing government was sworn in and taking a hardline against infiltrators was high on its political agenda.

The Turning Point – “Make Their Lives Miserable”

Filk (2010) has argued that both the Likud (Israel's ruling party since 2009) and its ultra-orthodox coalition partner Shas have been characterized as populists' movements, similar in many respects to populist parties in Europe. Their common theme lies in their appeal to the idea of "the people as the source of virtue" and to their sense of belonging. These parties regard the people of Israel as exclusively Jewish and view their political mission as one of representing "commoners" who fight against anyone who is threatening Israel's Jewish character. Agreeing a coalition deal with *Shas* had great impact on asylum seekers since it secured *Shas* would assume reasonability over the Ministry of the Interior.

The Ministry of the Interior plans and implements national policy in matters of local government and population registry. The Population Administration operating under its auspices deals with the personal, formal, and legal status of residents of Israel; it conducts border checks and manages the population registry. The Citizenship Department implements the Citizenship Law 5712-1952, which regulates the citizenship status of residents of Israel and the acquisition and renunciation of citizenship. The fact that *Shas* became responsible for these procedural matters allowed it to implement its agenda focused on shaping Israel's national character and securing its Jewish majority. From 2009, *Shas* began promoting discourses depicting asylum seekers as an outright threat to Israel's Jewish character which served as the moral justification to their existing portrayal as criminals deserving of punishment.

Israeli right-wing politicians were quick to adopt this rhetoric focused on ethnic and/or primordial elements of national identity such as race, creed, blood and kinship. They emphasized the "threat" asylum seekers pose to Jewish statehood, using racially and religiously motivated

arguments to defend their position while viewing cultural diversity, liberalism and equality under the law, as a weakness in Israel's Jewish and democratic state structure.

Several months after he took over the Ministry of the Interior, Minister Eli Yishai shared his perspective in a television interview on Meet the Press⁷⁴: “according to the Minister of Public Security, there are hundreds of thousands of foreign workers carrying diseases like HIV and TB, and other problematic personal traits. Is there one person in Israel today that would like to see 2.5 million Sudanese and Eritrean refugees...? Doesn't this pose a threat to the Zionist enterprise?”

The government established a new Refugee Status Determination unit within the newly formed Population, Immigration and Border Authority and from July 2009 this unit was given the role of undertaking the RSD process. The authority's new Director Ya'acov Ganot, said an interview with *Ha'aretz*⁷⁵:

There are going to be plenty of arrests. Today the prisons stand empty, Ktzi'ot Detention Center is only at 50% capacity. Our activity should include thousands of deportations in the next few months, many thousands, the new unit needs to justify its existence. We know in principle that many of them pose a security threat since they lived in enemy states. Not only that they reside here illegally they work here illegally and send the money back home. Based on our research these people are not asylum seekers – they are job-seekers. They are definitely not asylum seekers since they face no threat. They simply heard that there is a chance to make money here so they came, when we question them at the border they admit they come here to seek work.

⁷⁴ The show was aired on October 31, 2009 and quotes were later reported by YNET News. Available at: <http://www.ynet.co.il/articles/0,7340,L-3798115,00.html>

⁷⁵ Full interview transcript in Hebrew available at: <https://news.walla.co.il/item/1506066>

When confronted with the fact Eritreans have extremely high recognition rates as refugees in other countries (based on the country’s compulsory military service for life) since many escape torture and life in prison, Ganot responded – “I met Eritrea’s ambassador in Israel and he told me himself, ‘if you had army deserters, what would you have done?’, and I replied – put them in jail”.

Ganot recognized, however, that Israel currently does not deport Eritreans and Sudanese and said he is willing to check their story as long as they would be willing to go back to their countries if they are found ineligible for refugee protection.

According to official data published by the Population and Immigration Authority in 2014, the number of entrants was growing steadily between 2006-2012, with 2011 making the record year.

Table 4 Number of Entrants by Year 2006-2013

Year	Number of Entrants
2006	2,758
2007	5,132
2008	8,866
2009	5,261*
2010	14,715
2011	17,272
2012	10,421
2013	49**

* In 2009 Israel was engaged in operation Cast Lead in the Gaza Strip that may have affected the number of entries.

** The low number of entrants in 2013 is attributed to the erection of the security fence between Egypt and Israel.

The plan to build a fence was first announced in February 2008 but its construction began in November 2010 under the Netanyahu government. Although the official catalyst for building the fence was to stop the flow of asylum seekers, what actually accelerated its completion was an unrelated event. In August 2011, a series of cross-border terror attacks was carried out on Highway 12 near the Egyptian border by a squad of militants killing a number of Israeli civilians. Netanyahu told the press while touring near the fence to supervise its progress, “I worked hard to build a fence to first and foremost stop infiltrators and then prevent terror attacks, but now our priorities have changed”.

The fact that Netanyahu chose to mention the asylum seekers in relation to the terror incident was part of an ongoing effort to highlight the threat posed by infiltrations, despite the fact the perpetrators were ideologically driven terrorists and not Sudanese or Eritrean asylum seekers. Netanyahu announced that 630 million Shekels⁷⁶ (approximately \$180 million) would be allocated to launch an extensive plan that would fight infiltrators.

In December 2011 Netanyahu shared at a government meeting⁷⁷ the details of his plan to curtail the freedoms of asylum seekers and thus encourage them to leave. The first was that the government would accelerate the efforts to complete a physical barrier along the Egyptian border. The Ministries of Justice, Defense and Interior, were instructed to make necessary amendments to the Prevention of Infiltration Law that would include increasing the capacity of

⁷⁶ Hebrew article at Haaretz announcing the new plan available at:
<https://www.haaretz.co.il/news/politics/1.1585685>

⁷⁷ Protocol of the government meeting in Hebrew available at:
<http://www.pmo.gov.il/Secretary/GovDecisions/2011/Pages/des3936.aspx>

the existing detention center – Saharonim—as well as building a new detention center with a capacity of 3,000 where infiltrators would be kept until they could be returned to their country or resettled in a third country. New sanctions were announced to target employers, increasing penalties and other punitive measures against anyone who hires “infiltrators” and does not comply with new regulations.

The implications of these decisions had an immediate effect. They were designed to influence every aspect of the lives of asylum seekers, their public image, their ability to pursue informal work, and the right to be free from detention. The Israeli government term for African asylum seekers, “Mistanenim” (infiltrators), was quickly adopted by many in the general public and some mainstream news outlets. Interior Minister Eli Yishai said Israel's deterrence policy aims to render the living conditions of asylum seekers unbearable, and ultimately aims to deter others from coming to Israel. Yishai promised to “make the lives of infiltrators in Israel miserable”.

On January 10 2012, the Knesset amended The Prevention of Infiltration Law⁷⁸ to define all irregular border-crossers as “infiltrators.” The term “infiltration” has its origins in the attempt by Israeli leaders to use a massive bureaucratic, military, and legal campaign against Palestinian return, resettlement, and overall presence in the state’s early days. At the time fundamental questions and legal vulnerabilities were raised as a result of the absence of Knesset statutes on citizenship and entry, immigration and passports, deportation, and even “infiltration”. The 1954

⁷⁸ Translated version of the law available at:
<http://www.israelawresourcecenter.org/emergencyregs/fulltext/preventioninfiltrationlaw.htm>

Prevention of Infiltration Law also streamlined deportation procedures and ended most civil trials (Robinson, 2013)⁷⁹

The amendment to the 1954 law permitted Israeli authorities to detain all irregular border-crossers, including asylum seekers and their children, for three years or more before their deportation. The law also allowed officials to detain some people indefinitely, even if border control officials recognized they might face persecution if returned to their country. In addition, the law gave authorities the discretion to prosecute irregular border-crossers for unlawful entry, which it now defined as the crime of “infiltration”.

In sum, the growing number of African migrants who entered Israel through the southern border posed a serious challenge to the Israeli government following years of neglect and lack of strategic planning. 2011 marked a record year in the number of entrants and the Israeli government under the leadership of Netanyahu was worried it was losing control over its border enforcement. In response the government actively sought a policy that would prevent additional arrivals and focused on portraying asylum seekers as criminals and not victims of persecution to win public support for its actions.

The following sections examine how asylum seekers experienced the new legislation and their framing as “infiltrators” and how they worked with their NGO allies to challenge this legislation

⁷⁹ Since the creation of the state of Israel Jewish leaders struggled to advance their historic settler project since Palestinians held a paradoxical status in Israel, as citizens of a formally liberal state and subjects of a colonial regime. Shira Robinson explores in *Citizen Strangers* Palestinians and the Birth of Israel’s Liberal Settler State, the tensions in the state’s foundation between privilege and equality, separatism and inclusion, issues that continue to haunt Israeli society.

in court. Their understanding of human rights and social position in Israeli society assisted them in developing strong moral convictions that justified their claims making. Through these experiences, asylum seekers explored and practiced realistic options and reconstructed their ties to different actors in Israel. Since they viewed the threat of detention, the legal sphere and their public image as changeable conditions, it shaped their official goals and course of action as a community. This notion ties into the principle in social movement literature known as “cognitive liberation” (McAdam, 1982) - defined as the subjunctive perception of the social order and the reasoning behind it to be de-legitimacy. According to theory, the next step is demanding rights, moving from a cognitive stage to actual belief that the social order can change.

See You in Court - NGOs Fight the Prevention of Infiltration Law

Although Israeli NGOs were engaged in legal mobilization in issues concerning asylum seekers early on, the new amendments to The Prevention of Infiltration Law, intensified their role as repeat players (Dotan, 1999; Galanter, 1974) and precedent-setting litigators. In this section I look at how NGOs used legal mobilization to protect the rights of asylum seekers and shape the policies affecting their daily lives.

Israeli NGOs and their legal teams are highly experienced in using litigation to alter the course of public policy. They have the size and resources to frequently challenge legislations using the justice system. NGOs use strategies to maximize gain over a long series of cases, challenging state decisions on constitutional grounds as well as more situational ones, for example food quality and lack of heating at the state’s detention facilities. As a general rule, the power of courts in shaping and designing public policy is limited since judges do not have the same democratic legitimacy enjoyed by legislators. However, the fact that the Supreme Court of Israel

functions, in essence, as a trial court for most judicial review cases in the country has wide implications, making it the most important and influential judicial forum in the country (Dotan, 1999).

The High Court of Justice (HCJ) is one of the functions of the Supreme Court of Israel. It enjoys the reputation of being powerful, influential, and is considered an “activist” court. In the absence of a written constitution, it was responsible for the development of civil rights law, such as freedom of speech and association, freedom of religion, and other fundamental constitutional principles (Dotan, 2001). Due to its power and influence, the judicial activism of the HCJ was often met by unfavorable and even hostile reactions by politicians, religious leaders, and bureaucrats. In recent years, the same resentment and erosion in legitimacy became more prevalent in the general public, as result of an organized campaign by right wing groups (Dotan,1999; Dotan, 2001).

As mentioned earlier in this chapter, the Prevention of Infiltration Law was originally enacted in 1954 to deal with illegal terror related infiltrations and was amended in the 1960s to update necessary provisions dealing with the same issue. Starting from 2011, the new version of the law was designed to support the criminalization of asylum seekers, serving as a legal deterrent and facilitating their incarceration.

The discourse and practices of Israeli human rights NGOs align them with the tendency among international human rights organizations to prefer legal channels for action, as well as with the legal language dominating Israel today (Golan & Orr, 2012). Israel may not have a constitution,

but it is very aware of its global status as a state of law and it has signed most international conventions.

NGOs saw the amendment as a harsh step which contradicts the United Nations Convention Relating to the Status of Refugees (CRSR). In a joint statement by the Association for Civil Rights in Israel (ACRI) and the Hotline for Refugees and Migrants (Hotline) to the Knesset Committee that discussed the promoted bill, the organizations argued that while the amendment cancels the dependency of the law on the state of emergency that existed when it was originally enacted, it does not cancel the criminal charges that are associated with the act of infiltration and that is despite the fact the reasons for unlawful entry changed and was now based on seeking asylum. They demanded that Israel would clearly define who is a refugee, who is a migrant worker, who is an asylum seeker, and who is indeed an infiltrator. Using administrative detention as a punitive punishment violates Israel's commitments as stipulated in the 1951 Refugee Convention⁸⁰.

Despite these pleas, on January 10, 2012⁸¹, The Knesset approved the third amendment to the original law – the first attempt to customize it against African asylum seekers. Under this amendment Israeli authorities would have discretion to prosecute an individual to the crime of “infiltration,” even if the person has requested asylum and it applies for any unauthorized entry.

⁸⁰ Apart from constituting a penalty under Article 31 of the 1951 Convention, it may also amount to collective punishment in violation of international human rights law. Article 5 (3), ACHR; Article 7(2) ACHPR; Article 5(3) CFREU. In 2012 UNHCR published an updated set of guidelines noting that detention is to be a measure of last resort, necessary and proportionate and be not punitive in nature www.unhcr.org/en-us/publications/legal/505b10ee9/unhcr-detention-guidelines.html

⁸¹ Letter of the law passed by the Knesset (Hebrew) available at: http://www.knesset.gov.il/privatelaw/data/18/3/577_3_2.rtf

The crime is punishable with up to three years in prison, in some cases indefinitely. The law also treated assistance to infiltrators a punishable offense. The law came into effect in June 2012.

The response by NGOs was quick, and in October 2012, five asylum seekers from Eritrea along with 5 organizations: ASSAF, ACRI, Hotline, Kav Laoved and ARDC, filed an appeal⁸² to Israel's High Court of Justice. The appellants argued that the law violates the right to freedom and that unless a person is being deported to another country, administrative detention for a period of three years defies the principles of international law regarding the use of detention as a punitive measure in asylum cases. The appeal stated that the four Eritrean appellants were held and tortured in Sinai for months by smugglers. The four never intended to come to Israel and were kidnapped from Sudan for ransom. The appeal also states that barring Eritrean and Sudanese asylum seekers from seeking asylum and holding them in detention or deporting them without listening to their case violates their protected rights under the Refugee Convention. In sum, these organizations saw the legal channel as a promising avenue to secure rights for the asylum-seeking community by challenging the constitutionality of the new law. The petition⁸³ makes clear that deterring new immigrants from traveling to Israel cannot be a sufficient justification for the detention of past immigrants.

Litigation efforts also generated resources like media coverage and organizational funding, making it a highly visible and effective movement tactic. The law received criticism from other

⁸² Summary of the appeal in Hebrew available at: <http://assaf.org.il/he/content/%D7%A2%D7%AA%D7%99%D7%A8%D7%94-%D7%A0%D7%92%D7%93-%D7%94%D7%97%D7%95%D7%A7-%D7%9C%D7%9E%D7%A0%D7%99%D7%A2%D7%AA-%D7%94%D7%A1%D7%AA%D7%A0%D7%A0%D7%95%D7%AA>

⁸³ ACRI periodical updates <http://www.acri.org.il/en/2013/05/29/anti-infiltration-law-2/>

human rights groups, legal elites and left-wing legislators for its disregard of international agreements and its attempt to criminalize asylum seekers. But one of its most important effects was the increased mobilization by leaders in the asylum seekers' community that recognized the relationship between protest and litigation. In this view, litigation is a "complementary and interactive" element of a social movement's diversified tactical approach (McCann, 1994).

Mutasim Ali, from Sudan recalls:

I found Amnesty International through a friend. I got involved, learned about other organizations like ASSAF, ARDC, Hotline, and developed good knowledge of how things work in Israel. I tried to take that knowledge back to the community. In 2012, we founded a community organization, a Sudanese community organization that brought together the different Sudanese communities from South Sudan, the Nuba Mountains, Darfur, the Blue Nile - with the intention of understanding what is going on in the community and track its needs. Myself and 3 other guys sent over 300 emails to embassies, international NGOs, elite decision makers in the U.N. in Geneva, where we requested that they will meet with us immediately. I was really impressed that effort yielded a meeting with UN representatives. When we went back to the community and said we just got a letter from Geneva saying that they wish to sit and meet with us, for some people it gave confidence in us, even though this letter did not make a lot of difference or change anything. After that I started representing the Sudanese organizations at ARDC, which is an umbrella organization here in Tel-Aviv of all African communities. This experience really expanded my engagement with the greater African community.

While it is difficult to estimate the involvement of rank and file asylum seekers in the legal process and how closely they followed and understood it, as long as the appeal was going through the motions, it prevented the state from putting released asylum seekers back in detention and they enjoyed the benefits of the legal battle that was being fought on their collective behalf.

Voluntary Leave to Uganda and Rwanda

With the completion of the fence in the southern border, the number of entrants fell sharply from thousands each month until June 2012 to less than several dozen by January 2013. According to the Population and Immigration Authority⁸⁴, this was the result of the Anti-Infiltration legislation.

In June 2013, the Knesset approved another policy⁸⁵, this time focusing on remittances. The new order criminalized attempts by “infiltrators” to send money out of the country and was justified by the government as an important step to reduce the financial incentive to migrate to Israel and to encourage those who are currently in Israel to leave. According to the new policy any asylum seeker that is caught trying to send money out of the country will have to pay a fine of 29,200 Shekels (approximately \$7,500) or face three months of incarceration. By applying these sanctions, the state not only labels asylum seekers as criminals (infiltrators) for their unlawful entry, it also undermines their moral claims for asylum by shifting the focus to their earnings and representing their part in the workforce as damaging to employment and the economy. One aspect of this claim has to do with informal work and the issue of unreported income. Another aspect is labeling the motivation to come to Israel as employment driven, and to suggest that asylum seekers’ share in the workforce comes at the expense of lawful permit holders.

In August of 2013 Ha’aretz reported that Israel is sending asylum seekers who’ve agreed to “voluntary departure” to Rwanda, as well as Uganda despite the fact they have no status in these

⁸⁴ Prime Minister Benjamin Netanyahu told reporters during a tour of the fence in January 2013 that the Population and Immigration Authority informed him there were no entrants in the 7 months prior to the tour all because of the fence. Netanyahu’s brief available in a report by Walla News at <https://news.walla.co.il/item/2602999>

⁸⁵ Hebrew version of the decision to restrict remittances <http://old.justice.gov.il/NR/rdonlyres/670D7D58-3470-40A4-A906-B72BDD452998/36965/718.pdf>

countries and are not guaranteed basic rights. One of the main purposes of the amendment to the Prevention of Infiltration Law and Israel's policy toward asylum-seekers has been to encourage "voluntary" departure. Israel never disclosed the names of the countries but interviews with asylum-seekers who've left Israel indicate that they have been sent to Uganda and Rwanda. While the Ugandan and Rwandan governments deny signing a deal with Israel, at least one report⁸⁶ suggested that these countries received benefits like arms and military training, agricultural aid or financial assistance, in return for accepting asylum seekers. The policy of encouraging "voluntary departure" began in late 2012, following the third amendment to the infiltration law. Officials at the Ministry of Interior have pressured detained asylum-seekers to sign forms indicating that they are "agreeing" to leave Israel "willingly". According to asylum-seekers who've left Israel, they "chose" to leave in order to avoid prolonged detention and because the pressure to leave was mounting. Asylum-seekers also reported that they've left because they were denied legal status in Israel and were forced to renew their temporary conditional release visas frequently, while facing abusive and humiliating treatment by the authorities.

According to asylum-seekers' testimonies, when they came to renew their temporary stay permit at the Immigration Authority they were told they could avoid detention and receive a stipend of \$3,500 in exchange to voluntary leave. At the same time, the Ministry of the Interior

⁸⁶ The online news outlet Sicha Mekomit (שיחה מקומית) reported in 2017 about the decision by the High Court of Justice to accept the agreements (which were made confidential) between Israel and the two African countries. The reporter, a human rights lawyer, argued the deal was motivated by Israel's military export interests. The article is available at:

<https://mekomit.co.il/%D7%94%D7%9E%D7%A8%D7%95%D7%95%D7%99%D7%97%D7%99%D7%9D-%D7%94%D7%92%D7%93%D7%95%D7%9C%D7%99%D7%9D-%D7%9E%D7%A4%D7%A1%D7%A7-%D7%94%D7%93%D7%99%D7%9F-%D7%A9%D7%9C-%D7%94%D7%A2%D7%9C%D7%99%D7%95%D7%9F/>

significantly reduced the number of offices and hours where asylum-seekers can renew their visas. As a result, most asylum-seekers were unable to renew their permits, which allows them to work unofficially⁸⁷.

Attorney Oded Feller from ACRI explains:

The inconsistency and aggressive sanctions were designed to wear them out and break their spirit. By changing the bureaus where they come to renew their visas, the process was made difficult and frustrating. In addition, the people that arrived here are primarily young, unmarried men. After 10 years without a clear sign of an opportunity to start building their lives as well as their realization that they will forever be at the lower stratum of the economy, choosing Rwanda-Uganda began to look like the lesser of two evils

Orit Marom, ASSAF's Public Awareness and Advocacy Department Coordinator, stressed the issue of frustration as a motivation to leave based on conversations with her patients:

How can we stop people from thinking they wasted 7 years of their lives? Nothing has changed, they have no stability, they ran from awful things back home and they come here to get what? To wash dishes without the ability to plan ahead; Therefore, many thought they will go to Rwanda, make their way to North Africa and try to go to Europe again, going back to the start, at this point it didn't seem like a bad choice, and it is certainly better than prison

Article 33(1) of the Refugee Convention forbids any return "in any manner whatsoever," this principle of non-refoulement states that a person may not be deported to a country in which their life or liberty are in danger, or where they are expected to be subjected to torture. This also

⁸⁷ Despite the High Court's decision to dismiss NGOs appeal regarding work permits for asylum seekers with group protection (conditional release visas), the court agreed it is unreasonable to let people wait for years until their asylum cases are being processed without supporting themselves. As a result, the state agreed to reduced enforcement.

Court protocol available at: <http://elyon1.court.gov.il/files/10/120/063/B06/10063120.B06.htm>; Kav Laoved info page from 2015 clarifying the issue available at:

<http://www.kavlaoved.org.il/%D7%9E%D7%95%D7%AA%D7%A8-%D7%90%D7%95-%D7%90%D7%A1%D7%95%D7%A8-%D7%9C%D7%94%D7%A2%D7%A1%D7%99%D7%A7-%D7%9E%D7%91%D7%A7%D7%A9%D7%99-%D7%9E%D7%A7%D7%9C%D7%98-2/>

includes prohibition on expelling a person to a third country that does not ensure their rights. According to UNHCR guidelines, the State is required to see to asylum seekers' rights within its borders and not to expel them to a third country. At the same time if the State does reach an agreement with a third country to which asylum seekers are to be transferred, the agreement must be made public and subjected to judicial review, and it must ensure that the deported persons' rights under the Convention be protected in the third country. Moreover, the State must continuously monitor the fulfillment of these conditions in the third country after expulsion (Hotline report⁸⁸).

Confusion and frustration were beginning to grow in the asylum-seeking community, and the effects of the recent wave of legislation carried different responses. *Jimi* from Darfur for example saw this as a call for action:

I gathered some Sudanese friends and explained to them the ramifications of the Uganda -Rwanda procedure as well as the law to build Holot- that meant we could spend the rest of our lives in prison. We explored the political landscape, acknowledged that racism here is on the rise and that the government is becoming more extreme. It was a wakeup call.

The despair and frustration were more common among asylum seekers that were not as involved in community life and did not hold leadership roles. *Manny* from Eritrea described to me the mood on the street:

I am a good business man, if I was a refugee here I could do great business. For example, I knew that Eritreans like certain foods and look for certain products so I opened a space not far from here but without any license and the police raided it. I was arrested for 10 days in Abu-Kabir and the stock - they took it, I lost a lot of money and never got it back. After they realized I am Eritrean and there is not much they can do with me I was let go. Then I decided to try again but this time I found an Israeli person that agreed to register my place under his name, so if the police

⁸⁸ See full report at: <http://hotline.org.il/en/refugees-and-asylum-seekers-en/voluntary-departure/>

come I am just here watching everything is OK, his name is on all the documents. At night, I use the space upstairs as a social club where people can smoke, drink but I make sure they don't get into any kind trouble, we can't afford to attract attention. Since I am exposed to community folks after a long day at work, especially the younger people, the really young ones, I can tell you that many feel demoralized, desperate. If I was given the chance I could have done a lot but instead I am stuck. If they will summon me to Holot I will say I am leaving, even if it means I have to go to Uganda or Rwanda.

Close to 20 months passed since the law was enacted in January 2012 and the sanctions came into effect. The fence on Israel's southern border was completed and the number of those entering was brought to a complete halt. Nearly two years past, filled with confusion and feelings of frustration, the lines outside the immigration bureaus were getting longer and the ability to receive a conditional visa extension depended on luck and the immigration officer's mood. And then, a long-anticipated court decision regarding NGOs appeal was announced.

Success in Court

Despite these new and fierce sanctions, a first major win for NGOs and asylum seekers came in September 2013, when the Israeli High Court of Justice struck down the amendment. The judges argued⁸⁹ the amendment was unconstitutional since it violated a Basic Law known as the Human Dignity and Liberty act. The violation is a result of the suggested (unlawful) incarceration and misuse of administrative detention. The judges ordered the state to examine each of the detainees' cases individually within 90 days and release all those who are entitled for release based on the provisions of the Law of Entry to Israel, not the Prevention of Infiltration Law.

⁸⁹ Hebrew summary of the court's decision available at: <https://www.acri.org.il/he/wp-content/uploads/2013/09/hit7146psd-takzir.pdf>

Toto from Eritrea said the decision made many people in the community happy because in their hearts they knew there were not criminals and saw their incarceration as painful, familiar and unjust.

It makes no sense to put people in detention indefinitely. We all suffered harsh treatment back in our country as well as in our journey to come here. We escaped a dictatorship to be free and safe. It is simply impossible that our only choice would be to be out on the street or in prison. We take no pride in being refugees but it does not mean we don't have rights

As opposed to the Gedera-Hedera policy, which ignored asylum requests but was simply aimed at keeping asylum seekers out of Tel-Aviv, the new legislation was designed to stop all new entries and make life in Israel so unbearable that asylum seekers would be forced to leave. The verdict did not deter the government that instructed its legal teams to address the concerns raised by the court and come up with a new amendment. In November 2013, the Knesset approved a more nuanced version⁹⁰ of the law – the fourth amendment. According to this version of the Anti-infiltration law, illegal entrants would be detained for a period of one year (unlike three years in the previous amendment). Furthermore, a ‘detention facility’ was constructed under the rule of the law – a new open-facility wherein the detained are allowed to leave during the daytime but need to report for attendance three times a day - morning, afternoon and evening. According to the new amendment, any infiltrator currently living in Israel could be summoned to this detention facility and be detained indefinitely. Circumstances under which an asylum seeker would be released were not included. In reality, the only way one can be released from the detention facility is by agreeing to leave ‘voluntarily’.

⁹⁰ Fourth amendment to the law in Hebrew available at: https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf

Shortly after the fourth amendment passed, the coalition of NGOs (this time with Physicians for Human Rights included) filed an appeal⁹¹ in the name of two Eritrean nationals. The appellants stated that the majority of entrants are citizens of Sudan and Eritrea that are protected under the principle of non-refoulement⁹², which according to international law forbids the rendering of a true victim of persecution to his or her persecutor. They also claimed the administrative detention that was proposed violates the Basic Law - Human Dignity and Liberty act, and that the nature of the “open-facility” was in fact more like a prison under the existing model.

In the body of the appeal is the story of the two Eritreans nationals. The two had been held in Saharonim Prison and then were recently transferred to Holot. The state started moving migrants to Holot (‘open facility’) two days after they passed a new amendment to the law. The first group that was transferred was comprised of migrants who were incarcerated under the authority of the previous amendment (that was overturned) and were supposed be released according to the court’s ruling. From a constitutional perspective, the NGOs argued that preventing permanent settlement was in essence an attempt to remove African asylum seekers from the general public since their deportation is not possible; it merely serves the purpose of isolating them, denying social interactions and breaking their collective and individual spirit.

⁹¹ Full petition in Hebrew available at:
<http://assaf.org.il/he/sites/default/files/%D7%A2%D7%AA%D7%99%D7%A8%D7%94%20%D7%9C%D7%97%D7%95%D7%A7%20%D7%94%D7%94%D7%A1%D7%AA%D7%A0%D7%A0%D7%95%D7%AA%20%D7%AA%D7%99%D7%A7%D7%95%D7%9F%204.pdf>

⁹² This principle is the most essential component of refugee status and of asylum since it provides the protection against return to a country where a person has reason to fear persecution. See full details at:
<http://www.unhcr.org/en-us/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html>

The interesting elements that appeared in the appeal is of the consciousness of the two about their rights. After having their requests to apply for asylum denied, the appeal states that the two learned about their right to be released by court order. When reviewing their statements, it is clear that detention has had at least one role- developing rights-consciousness.

To conclude, NGOs' successful legal intervention had a binary effect on the struggle for rights and recognition. On the one hand court rulings forced Israeli policy makers to come up with new policies that would meet the binding legal standards of the Supreme Court. In this regard the state's failure to defend its policies validated asylum seekers' claims and signaled to their community leaders that their struggle can yield success. At the same time, the state was determined to continue using legal measures to deter asylum seekers and it was clear that these legal setbacks would not stop them to come up with a policy that serve their strategic and ideological objectives. Thus, in December 2013, asylum seekers that came to renew their visas began receiving a letter ordering them to report for detention in Holot – an “open facility” whose inmates face a determinate prison sentence.

The threat of detention had surprising implications, as I later learned in my interviews. By opening Holot the state of Israel unintentionally lit the match that sparked mass resistance.

Detention as An Incubator for Repression and Resistance

When they first opened Holot detention was indefinite. Later it was 3 years, then 18 months, and now an asylum seeker has to spend one year in this prison. I try to look on the bright side, we share time here, we get along, we sleep in the same room Eritreans and Sudanese, 280 people in a cell block and 10 people in one room, but we get along just fine. Whatever

information you want to pass on, here you can do it in one minute. We have time to learn Hebrew, English, meet, discuss, strategize, organize, we even have a library here.

Effie, Eritrea, interview at the Holot Detention Facility, July 2016

Detention is among the gravest acts against asylum seekers. What makes it so serious is the fact persons are held in prison not on criminal charges but rather after fleeing persecution. In recent years, the governmental response by states to those fleeing persecution is policies that combine containment, punishment, and deterrence (Welch and Schuster, 2005).

Despite the harsh conditions and growing frustration, asylum seekers often use their time in detention to fight against attempts to contain them using politics of resistance inside the walls of detention. The case of African asylum seekers in Israel is no different, their individual and collective experiences in detention galvanized them, especially those who took leadership roles in their communities. Asylum seekers challenged the power dynamic inside the Israeli prison system through claims making, knowledge production and its dissemination, relying on their ability to communicate quickly and politicize their social interactions, a power that produced resistance.

Resistance had an existential function, providing a way to exercise and experience agency within a highly controlled environment. Much of the resistance was outwardly aimed, directed primarily at those with explicit power over the detention center like government officials and security guards. Other forms of resistance were aimed, not at the government or others directly involved in detention, but at a broader population- the Israeli public as well as unengaged asylum seekers (potential constituents) around the country.

Resistance was an important way for detainees to experience their own agency, to take a decision not to eat the food for example, created a disturbance that forced a response. Hunger strikes were one form of protest that had an important role for communication and representation of collective resistance based on individual suffering. The hunger strike is a repertoire often adopted by prisoners and has been used by a wide variety of political dissidents in a number of countries over the years (Conlon, 2013; Yuill, 2007)

Hunger strikes typically have two goals: to unite as many people as possible and to break beyond the prison walls. The first goal is important since the private act loses its meaning if the collective does not participate. The second goal of making the protest widespread is crucial as a platform for communication with the public, raising awareness about a situation and outlining demands.

Hunger strikes as a form of resistance can have different immediate effects, and while it may serve the overarching goal, it could make containment worse as I learned from *Niva* (Eritrea) and *Mutasim* (Darfur).

When I asked *Niva* what facilitated her release from detention after crossing, she said it was the ability of the women in detention to unite, use their skills and collective bargaining and make demands to the prison guards.

We protested. We had very sophisticated women, Sudanese and Eritrean that knew something about the world and could speak English. We began with a hunger strike that lasted over 48 hours. We also threatened that we will contact a top U.S. journalist and tell him what

happens inside this prison. A day later we were all released except for a few women that had more complicated circumstances.

Niva never said what happened to the women who were less fortunate. Her release can be explained by two factors – timing and gender. When *Niva* was detained reports about overcrowded detention centers as a result of inconsistent policy and under-preparedness by the authorities were common. Thus, it is possible that the prisons guards had perceived this group of women to be less threatening and acknowledged the risk of a possible media scandal.

Mutasim on the other hand recalls how initiating a hunger strike cost him the little freedom he had, the loss of his ability to maintain social interactions.

I was one of the organizers of a hunger strike in the prison, and since the guards picked up on it I was transferred to solitary confinement and then moved to another section. I never believed in a violent struggle and one of the reasons we organized the hunger strike is because people were demoralized and desperate. Some tried to hurt themselves in various ways. We thought perhaps it would be a good idea to do something collective and then people would feel they are not alone, that they have purpose. As far as building solidarity goes I think it worked.

Interviewer: then what happened?

We were on hunger strike all weekend and said we want a meeting with someone from the immigration authority. The person was nice but very brief and said he is only there to provide food, shelter and that is it, he doesn't make the decisions about our release. I was unhappy with his answer and it made me think that if Israelis would know- if we will send our message to the community in Israel – they, who share a similar past, might acknowledge our rights.

Realizing that they were already presented as violent and dangerous was key for *Mutasim* and guided his protest actions. For asylum seekers detention became a space for community building and a safe environment for testing protest tactics (once in detention there is less to lose). Their

fight was simultaneously against the system (state) that imprisons them but also for inclusion and recognition by the host society.

The discussion about the experience in detention upon entry is important since it demonstrates how punishment for the act of unlawful entry although not illegal⁹³ in of itself, shaped newcomers' perception about the Israel and gave them a chance to practice resistance. Thus, when the prevention for infiltration bill came into effect in 2012, the threat of detention became real for every asylum seeker living in Israel, whether they had spent some or no time at all in detention in the past.

Holot was declared an open- facility designed to force asylum seekers to accept “voluntary leave” and while it served as a deterrence mechanism, it also functioned as a political vehicle for resistance, a target for NGOs legal and advocacy campaign and an incubator for political and resistance activity.

The *Holot* Effect

The stark reality of Israel's immigration policy is embodied in *Holot*, a detention center situated in the middle of the Negev desert in southern Israel. Some of the most inspirational encounters of my fieldwork occurred when I did my weekly visit to *Holot* and met with dozens of asylum seekers trying to survive each day as it comes. *Holot* is the final stop in Israel's anti-infiltration agenda. Once there, trapped and in limbo, asylum seekers who have been living in Israel for almost ten years were denied the one privilege they had as out-of-status migrants - their freedom.

⁹³ According to international law refugees cannot be punished for entering a country “illegally” as long as they present themselves to the authorities and apply for asylum without delay.

The purpose of Holot is to break their spirit, force them to accept the so-called “voluntary departure packages” and relocate to Rwanda or Uganda⁹⁴.

Tal, from Darfur recalls:

When Holot opened it served as a serious catalyst for us to do something, we knew we had to resist. We formed committees like a media monitoring committee and a legal development committee. The very existence of Holot forced us to think how we can make good use of our community organizing capacities

What made *Holot* the symbol of asylum seekers’ resistance was an event known as “the march for freedom”, that took place when the facility was first opened in December 2013. Hundreds of detained asylum seekers, the latest arrivals that have been detained since the day they entered Israel (between 2011 and 2012), were transferred to the new facility from the nearby Saharonim prison. “*Nelson*”, a Darfuri asylum seeker who had been forcibly detained for nearly 18 months, became the leader of a resistance march protesting the unfair, inhumane and arbitrary treatment they had to endure.

What instigated the march was the perceived notion that their prolonged incarceration was unlawful. Nelson said he learned about the court’s decision that ordered their release from administrative detention (a result of the first successful appeal against the infiltration bill) and saw their transfer to an “open-facility” as not only cruel, but illegal. Angered by the time they had to endure behind bars, Nelson was able to connect to other community members frustrated by their inability to live a normal life and urged them to take action.

⁹⁴ Israel announced the plan in 2013 and in August of that year, Haaretz reported Interior Minister Gideon Sa'ar told the Knesset Interior Committee that migrants who had entered the country illegally would be transferred to a third country- Uganda.

Available at: <http://www.haaretz.com/israel-news/.premium-1.544269>

In December 2013, we were transferred to Holot- about 600 of us, Sudanese and Eritreans. The Supreme Court decision led to the release of more Eritreans while many Sudanese were kept behind bars, we were frustrated and upset. Three days after we were transferred from Saharonim to Holot, we decided to organize and began our freedom march on December 15 2013. Our goal was to let the authorities know we are not criminals, and demand that they will recognize our pleas to seek asylum. I began by talking to other people in the prison, after all we are sharing the same faith here. People realized we are in this together and when we acted to commence the march for freedom, people were ready, they were just looking for leadership to start it off. In prison, there were 4 of us, all former members of student groups - UTF, that had a Sudan Liberation Army connection, we used our skills and stepped up. We decided to make a journey by foot to Jerusalem we were later arrested and sent back to Saharonim⁹⁵ for 3 more months. During that time, we held a - 17-day hunger strike and I was put in solitary confinement. Our challenge was to get the message to the broader community, we needed to let them know we all face the same troubles and that sooner or later they would be detained as well, the march made this message clear. In an act of mass civil disobedience, more than 150 Sudanese asylum seekers chose not to appear for the evening roll call at Holot and set out on a march to Be'er Sheva, more than 30 miles away, where they spent the night at the central bus station.

The march received immediate attention in all the Israeli media outlets. Activists and NGO professionals quickly joined the struggle and assisted the marchers with food, water, clothes and moral support. That initial encounter between this group of asylum seekers and Israelis (the only encounter with Israelis so far had been with prison guards) was emotional as reminisced by Moran Mekamel, a Beer-Sheva based activist and co-founder of the Negev Refugee Center:

Nelson called me from Saharonim, he received my number from a friend who was in prison with him and knew me. It was Sunday morning when he called me and said 'what do you think about the idea we will

⁹⁵ The Saharonim Prison facility for African asylum seekers is also located in the Negev desert. It is the largest of a planned four camps with its total capacity of 8,000 inmates. Together with the Ktzi'ot prison, Sadot prison and the Nachal Raviv tent camp they detain South Sudanese, Sudanese and Eritrean asylum seekers who crossed the border from Egypt to Israel. Since 2010 provisions were made to detain the immigrants in the old Ktzi'ot Prison, formally used as a detention camp for Palestinians.

march from prison to Jerusalem?’ I must admit, I was highly skeptical, it sounded far-fetched to me and I said to myself he must be over-ambitious. Later that day, around 6 pm I was having dinner with some African friends, my phone rang and it was Nelson on the other end, telling me - ‘we are here’. I was shocked, and I asked him, alright how many are you, thinking probably something like a dozen, and he says to me- ‘150’. I was completely shocked. I quickly made my way to Beer Sheva’s central bus station where they were waiting, it was a cold December evening and the place was surrounded by immigration police. The immigration police were pleading with us to convince the asylum seekers to pull back and return to prison. There was confusion all around, the asylum seekers were unsure what the next step was while us activists were arguing among ourselves. It was surprising they were not arrested right there on the spot. That is why there were arguments, they wanted to march, a few of the Israelis felt it was necessary to hide them in people’s homes. The problem was – how do we do it? But you need to understand, the asylum seekers were determined, this was a political act and they wanted to march to make their point

The march had a clear political objective - to take the protest directly to the institutions that facilitated their unlawful detention- to Jerusalem where the High Court and Knesset (parliament) are located. However, since the marchers never set foot outside of prison and only heard about Tel-Aviv; when they first started marching they thought Tel-Aviv was the capital. Only when people told them about Jerusalem they planned their route and started heading towards the city. The leaders of the march shared a few things in common: they were all college educated, former student activists or members of rebel groups. Their organizing, communication and leadership skills complemented their understanding of their rights. Since they were first put in administrative detention this group repeatedly asked to submit their asylum requests and refused to adopt the government’s narrative portraying them as job-seekers. This can explain how they were able to get so many people to trust them and follow their lead. The march was the first organized mass political act aimed at protesting Holot and the new government policies, and as ironic as it was, it came from people who never lived outside of the Israeli detention system.

The protest coincided with a second appeal filed in Israel's Supreme Court by human rights groups against a new amendment to the infiltration law. The next day, the marchers continued toward Jerusalem and after three days of walking they reached their destination. The protest in front of the Israeli Knesset was held for several hours, but at the end, police forces were ordered to clear it out and the members were arrested by Israeli immigration authorities. The group was sent back to the detention center. In solidarity, a second group set out the following day, heading in the same direction, only this time Israeli authorities stopped the march after a few miles.

Neslon also spoke of detention as the place that helped to bring down walls and divisions between asylum seekers and unite them around their claim for justice and recognition.

In Saharonim we were put in different cell blocks but once we were transferred to Holot it was one space. Initially just us Sudanese organized but I made contact with Eritrean community leaders and they agreed to join. You could say that sharing the space in the way we did helped us understand each other better, realize we have a common interest and that working together makes it likelier for us to be released.

For asylum seekers, the March for Freedom was the catalyst for the protests of 2014. Since everybody in the community could now be potentially summoned and imprisoned, people realized the threat is real and since many community members already had bad memories from their time in detention, a response was necessary.

Much of my fieldwork was carried out in *Holot* after the big wave of protests in 2014, at a time when thousands had been imprisoned under the amended infiltration bill. Incarceration in Holot pushed detainees to their limit and as a result it affected them differently. Some asylum seekers were feeling desperate and defeated, they felt that taking their chance and returning to the migration route was better than indefinite incarceration. Many of those who signed the voluntary

leave forms were Eritreans, and it is possible that was also the result of their disappointment from the democratic process in a Jewish democracy. At the same time other detainees saw Holot as an opportunity for community building, they taught each other about their rights and possibilities, and transformed the prison into a space of resistance. Witnessing their friends' despair motivated them to preach hope and offer a different point of view.

Omri From Darfur explains:

When I was imprisoned at Holot I really had time to study and develop my understanding about my rights, I mean how else would you pass the time in prison other than proving you should not be there? I learned a lot from the other guys that were there as well, many of them spent a lot of time in detention, they were not afraid and they knew a lot about the rights of asylum seekers, much more than I did at the time.

Holot is not classified as a prison because detainees are 'free to exit its gates' at some times, although they must report back for roll calls (previously three, then reduced to one). Although detainees at Holot are technically permitted to leave the facility during the day, its location remote from any civilian settlement. It is in the middle of an IDF training area and prison compound in the desert, which means that there is nowhere to go, making the right to "leave" essentially meaningless.

The Paradox of Rights in Holot

Paradoxically, since Israel assumes full responsibility for those in the prison, access to some basic services like health became more available. Zoe, the head of the Department of Irregular Migrants at Physicians for Human Rights clarified this paradox:

The national health care act does not apply to non-residents and therefore only in cases of emergency like car accidents or giving birth one will be treated, but the bill at the end will be very high. For routine check-ups and standard care, irregular migrants are simply turned away. There

is this big anomaly, people only get care in cases of emergency so they flood the emergency room, secondly, they wait until their health is deteriorated and only then come to the ER to ask for help. The State of Israel tried creatively to reduce the overload and at the same time avoid creating policy. The state opened volunteer clinics but it is not enough. So, the situation is that emergency rooms are overcrowded and the debt is rising because the patients can't pay and at the same time the care is really limited and does not address the serious needs of these populations. Absurdly, the only time people have full access to medical care is when they are locked up in Holot.

Asylum seekers' frustrations with the conditions in which they were being held at Holot led to demonstrations in June 2014 when they participated in a quiet protest by refusing to attend their three mandatory roll calls, and their community leaders reported that they were willing to be imprisoned at Saharonim for this act. In this incident around 800 asylum seekers at Holot embarked on a march to the Egyptian border, hoping to direct the United Nations and international media attention to their plight. When they were prevented by the IDF from reaching the border, they set up a tent camp for 48 hours, until IDF soldiers surrounded them and forcefully dragged them onto a waiting prison bus. Following this incident, the nearly 750 asylum seekers who took part in the protest march were transferred to Saharonim.

The decision to protest was taken for several reasons, including a policy by which just ten people per day could receive a 'leave of absence' so that they could run errands, get medical treatment at the hospital, and attend other events. This policy meant that asylum seekers often had to wait several months before being permitted to leave, and this, combined with indefinite detention periods, the shortage of beds caused by overcrowding, a lack of and poor quality of food, psychological care, and other conditions like cooling and heating, instigated these protests.

Israel uses its policy of prolonged detention for Sudanese and Eritrean asylum seekers to discourage, aggravate, and isolate them to the point where they decide to leave the country. The poor conditions in both Saharonim and Holot have been the source of tension and frustration and the continual back-and-forth between the Israeli government amending the Prevention of Infiltration Law and the High Court of Justice quashing it demonstrates the contentious legality of Israel's domestic legislation regarding asylum seekers.

NGOs launched a public campaign against Holot (which translates to sands in Hebrew) titled "burying money in the sand" that focused on the amount of public funds invested in the operational costs of the facility. In the video⁹⁶ showing a taxi driver going around south Tel-Aviv, he raises arguments to his passengers suggesting that instead of paying hefty sums for unlawful incarceration, the state could use the funds for providing a just solution to their problem and integrate them in the workforce as low skilled laborers.

Similarly, NGOs helped to produce a designated webpage, KOLOT from HOLOT⁹⁷ (voices from Holot), which they filled with dozens of quotes by asylum seekers incarcerated in the facility. The quotes reflect the anxiety and desperation of detainees, express the motivations that brought them to Israel, the danger of returning to their countries and the legal claims they make as rights bearing asylum seekers.

⁹⁶ The two-and-a-half-minute video produced by ASSAF is available at <https://youtu.be/JLliuzA9f84>

⁹⁷ The webpage was built by independent activists with the support of the Hotline for Migrants and Refugees, ACRI, Physicians for Human Rights, ASSAf, Kav Laoved, Amnesty International and the Levinsky Library. Available at <http://holotvoices.co.il/>

The various protests that detainees undertook exhibited the growing levels of frustration they experienced. But their mass incarceration also introduced a different challenge- a battle over their good name and public image. The fact many were now serving time in detention reinforced the state's narrative that their presence is based on false asylum claiming and that they are actually criminals that serve time for their illegal actions. This notion was particularly troubling for asylum seekers who saw this assault on their integrity and credibility as an insult, one that threatens their existence and dehumanizes them. For asylum seekers, this is not merely a case of damaged reputation but a targeted effort to undermine their suffering, distort the truth about the realities in their home countries and by doing so dishonor the memory of lost family members and the faith of their brethren.

Don't Call Me an Infiltrator (אל תקרא לי מסתנן)

The criminalization of African asylum seekers in Israel led to a change in the way they were perceived and framed – their public image. In the previous chapter, which discussed the establishment of communities in different parts of Israel, I argued that asylum seekers were received with great ambivalence. Sporadic local efforts and grassroots initiatives were filling the aid provision gap created by the authorities and independent activists worked alongside more established NGOs, offering services and support. As long as asylum seekers were staying in South Tel-Aviv they remained invisible, and reports of clashes or expressions of racism were mainly common in areas where local residents, typically in underserved areas, had to share the space and dwindling resources with a growing foreign population with many needs, and a different mentality and culture. As the campaign against asylum seekers intensified, mainstream

media had reported more about criminal activity (even if it was merely petty theft) and clashes between asylum seekers and locals grew. Established South Tel-Aviv residents began organizing, adopting the government's rhetoric that portrayed asylum seekers as infiltrators. The longtime residents spoke about the "takeover" of their south Tel-Aviv neighborhoods and complained about their personal safety.

Right wing politicians, identified this as an opportunity to garner public support and used inflammatory language to spread populist messages. Local demonstrations turned violent and racial slurs became common. In May 2012⁹⁸, a protest turned violent when a 1,000-person rally in south Tel-Aviv attacked asylum seekers and clashed with local police. The protesters broke the windshield of a vehicle, chased asylum seekers down the street and threw objects at city police officers. Their signs read "refugees in our own neighborhoods", "infiltrators out" and "our streets are no longer safe".

A few days later a Likud member of the Knesset had to publish a clarification and apology after she came under fire for calling African migrants "a cancer"⁹⁹ in Israeli society. MK Regev's controversial comments came during a violent rally staged by residents of South Tel-Aviv. The public assault on asylum seekers by politicians was carried out consistently by Interior Ministers, most notably, by Eli Yishai (Shas Party), who spoke of the racial and ethnic threat African migrants pose to the Jewish State.

Niva from Eritrea believes the problem was constructed and imagined more than it was real.

⁹⁸ A report by YNET News with details about the rally available at: <http://www.ynet.co.il/articles/0,7340,L-4233445,00.html>

⁹⁹ Regev's comments in Haaretz article published on May 27 2012
<http://www.haaretz.com/israel-news/israeli-mk-i-didn-t-mean-to-shame-holocaust-by-calling-african-migrants-a-cancer-1.432809>

I think people in the beginning couldn't tell who Eritreans are, they thought maybe we were Ethiopians because let's be frank, Israelis don't know where Eritrea is and we do have a similar look to Ethiopians (Ethiopian Jews). The government refused to issue us permits from the start but the general public didn't know much about what was going on. Even renting apartments was easy in the beginning. Once there were masses coming – those who escaped from Libya, the media reports increased branding us as migrant workers and infiltrators. At some point the government started sending people to Tahana Merkazit (the central bus station) and the more people congregated there the more attention it drew. Since we are of a different culture, some clashes began.

Tal from Darfur, described how he had to alter and monitor his behavior in public

As soon as the numbers increased the government used incitement to portray us negatively. Conditional visa renewals were no longer available and many sanctions were enacted, things got really bad. In the beginning people did not fear us, but as soon as the government started talking about us, things changed. They said big groups are coming to take your jobs, called us *Mistannaim* (infiltrators). I started getting glances in public spaces, people were looking at me differently and it made me feel unwelcome. People in my community were scared, they decided to leave Tel-Aviv. After *Miri Regev* called us cancer and *Eli Yisahi* spoke against us the media coverage turned very negative, we were accused of violence, theft, and rape.

As *Tal* notes, violence and expressions of fear were uncommon in the early days. At the very beginning when the number of asylum seekers was relatively small, the use of the Holocaust narrative was effective for arousing public sympathy. *Yael*, a Jerusalem based activist explained how she saw the connection:

For many years I was the prototype of the Israeli education system; I showed great passion for our country and expressed my motivation to serve in the army in order to prevent a second Holocaust. When I finished my service and went to University I was required to take an elective outside of my major and I saw a class titled "Holocaust and Genocide in the 21st Century". It was the first time I learned about Armenians, Rwandese and Darfuris. It made me realize that the "never again" slogan hanging in Treblinka is actually not that true, it is never again and again and then again.... It was eye-opening for me, everything we learned about

our history and why it must never repeat itself is happening to other people. And I leave campus to go home every day and I see Darfuris, here in Jerusalem. It was the moment I realized that like I volunteered with Holocaust survivors in the past, I have to do it again now, these people are not survivors yet, the genocide there goes on and their families are still being persecuted

Whether the Holocaust narrative was already known to them or later adopted by them, asylum seekers also became aware of the fact many Jews resist a comparison between the Holocaust and other genocides (Kalir, 2014, Paz 2011; Willen 2010).

As the flow of asylum seekers continued, mainstream media in Israel resorted to the politics of fear, echoing the exclusionary approach intrinsic to the Zionist-Israeli narrative which morally justifies guarding the Jewishness of the State, and actively rejects human rights discourses (Yaacobi, 2010; Kalir 2014). Analysis of media reporting after the Prevention of Infiltration Law passed, indicates that the attitudes towards African asylum seekers shifted from being a discourse centered on compassion and humanity for people who need shelter and protection (echoing lessons from and Jewish history and the Holocaust) to a discourse that speaks of a national crisis or a cultural threat.

The response when looking at op-eds in several media outlets (between 2007-2014) written by independent activists or asylum seekers, indicates that they tried to personalize the story as well as reminding Israelis - “you were once refugees”.

"The moment I left my home. The hardest thing was to start walking and know that I would never come back." This quote by an Eritrean asylum seeker in Ha'aretz¹⁰⁰ in 2007, emphasizes the premise of the argument, coming to Israel was not a choice.

We are displaced people looking for peace and security. We live in Tel Aviv because it is the only place in Israel where we have access to jobs and health care. I believe that, given the right to work in Israel, we could take care of ourselves and be a benefit to the communities that we live in.

In an open letter published in 2009¹⁰¹, one of the first documented attempts to use national media in order to appeal to the general public, an asylum seeker from Sudan details the motivation for leaving Darfur and discusses the hardships along the way. His key message however is one of self-reliance and a plea for understanding, he talks of private individuals from the Sudanese community that stepped in and offered support to sustain community work and offer aid, trying to show not only that they pose no threat, but they are also not a burden.

I am a member of a community of Sudanese refugees living in south Tel Aviv Since 2007, I have been living in Israel, working for a living and doing everything in my power to help my people as a volunteer at the Darfur Association. It is very important to the Sudanese community that Israelis understand us, our culture, and the circumstances that brought us here.

Since the government began using the term "infiltrators", public opinion and their reputation, became important to asylum seekers. In an interview¹⁰² with Ha'aretz, an Eritrean community member spoke of the disconnect between their story and the way it is portrayed by the government and disseminated across mainstream media.

100 The story From Eritrea to Be'er Sheva available at: <https://www.haaretz.com/print-edition/features/from-eritrea-to-be-er-sheva-1.223506>

101 An open letter to Israel from a Darfuri refugee in Tel Aviv <https://www.haaretz.com/jewish/2.209/fugee-fridays-an-open-letter-to-israel-from-a-darfuri-refugee-in-tel-aviv-1.273986>

102 The story No country for refugees available at: <https://www.haaretz.com/israel-news/no-country-for-refugees-1.356153>

I don't read the articles, only the readers' comments. When I see that everyone is against us, and for no reason, I feel terrible. It hurts. After all, I am not trespassing - the whole world knows my situation. People here have to learn what the situation is (Panievsky, 2011)

Many in the community believe that the majority of Israelis are in a state of dormant empathy, they need more interaction with asylum seekers and that raising awareness could develop a more balanced view.

It is important for us to be able to write about our day-to-day situation. I hope it will succeed in affecting some sort of change in the attitude of the Israeli public. I hope they will understand us. I know that Israel is small, I understand everything, but we have no choice. We do not know what the future will bring, but Eritrea is not safe now. Everyone has a right to security and life - us too. We need to be treated with understanding and find a solution. Closing the border is not a solution. Taking our visas is not a solution. Imprisoning us in a detention camp is not a solution (Panievsky, 2011).

Contributing Members of Society

Asylum seekers' existence was based on self-reliance and pursuing work was necessary for survival. As a result, many asylum seekers were prone to abuse by their employers, oftentimes simply because they were unaware of labor protection laws. Therefore, another goal was to spread awareness about rights using mainstream media. Along with the moral argument, a utilitarian argument was also put forward, mainly by Israelis noting that the workforce¹⁰³ was already

¹⁰³ A comprehensive study was published such an initiative was published by The Institute for Immigration and Social Integration at the Ruppin Academic Center in 2016. Available at: <https://www.ruppin.ac.il/%D7%9E%D7%9B%D7%95%D7%A0%D7%99-%D7%9E%D7%97%D7%A7%D7%A8/%D7%94%D7%9E%D7%9B%D7%95%D7%9F-%D7%9C%D7%94%D7%92%D7%99%D7%A8%D7%94-%D7%95%D7%A9%D7%99%D7%9C%D7%95%D7%91-%D7%97%D7%91%D7%A8%D7%AA%D7%99/Documents/20%2011%D7%94%D7%9E%D7%9C%D7%A6%D7%95%D7%AA%20%D7%94%D7%97%D7%A9%D7%99%D7%91%D7%94.pdf>

dependent on foreign labor and allowing asylum seekers to integrate into that workforce would provide a just solution for them while solving the need to import additional guest workers. One example is an op-ed published in December 2011 after PM Netanyahu announced the details of his plan to limit entry and deport asylum seekers. The Israeli singer and activist Alma Zohar, argued in her piece titled “Making their lives miserable¹⁰⁴” that Israel should invest in training asylum seekers in agricultural work as well as other forms of low-skilled labor and in return, have them sign a voluntary leave that would be triggered only when it is safe for them to return to their country. Similar arguments published by NGOs and research institutions include the benefit the state would have from increasing its tax base, creating a natural dispersion that would ease the pressure on South Tel-Aviv, increasing the efficiency of the workforce, and ultimately leading to greater economic prosperity.

Despite these efforts, asylum seekers were fighting an up-hill battle. Many in the community felt that they were only visible to those who wish to get rid of them, while the majority of Israelis were indifferent to their suffering. These realizations encouraged the leaders to think about high profile and high visibility initiatives to try to amend their public image. Their battle for recognition had to expand beyond the courtroom.

When I asked *Fathi* from Eritrea what motivated him to participate in more visible protests he told me that he felt the reasons for their migration and pleas for protection had to be explained better, especially now that they know Israelis a little better and what fuels their fear. According to Fathi asylum seekers are regarded as the ultimate “other” because they are black, non-Jewish,

¹⁰⁴ The article as published in Hebrew by YNET News. Available at: <http://www.ynet.co.il/articles/0,7340,L-4159204,00.html>

culturally different, easy targets for scapegoating. He insisted that every time he listened to the news he heard the word “infiltrators” in reference to asylum seekers. The papers, he continued, reported about our ‘violent nature’, and most importantly, a common accusation was that ‘we only came here to work’. “I wanted to tell our truth, to explain to Israelis where I came from, what we have in common, and fight for my right to be seen as a human being, this is why I joined the protests”.

Conclusion

Asylum seekers and undocumented migrants challenge the nation-state because they test the boundaries of sovereignty and the meaning of national identity, citizenship, belonging, and nationality. In Israel, like many other western nations, the practice of detaining asylum seekers is facilitated by a criminalization process that marginalizes them. Their credibility and motivations are questioned and they are portrayed as liars, threats, and prevented from making their claims. Associating crime with asylum seeking draws on popular fears and resentments and legitimizes harsh penal sanctions, including detention.

As discussed in this chapter, growing repression had a polarizing effect on asylum seekers. On the one hand it increased their anxiety, frustrated them and limited their already scarce options,

on the other hand, it drew them into new spheres of engagement with the public, in court, in the media, and with local political actors. The role of NGOs as well-trained repeated actors in court for example, helped provide legal grounds to claims making even if it did not completely stop the most restrictive measures of the law. The power that the Supreme Court in Israel has to use judicial activism and order the state to reverse its actions made it possible for NGOs as well as asylum seekers to engage in legal discourse, make claims, and ultimately shape the nature of the anti-infiltration policy.

The experiences in detention and their desire to win the public's support, encouraged asylum seekers to resist and employ new tactics. Mass incarceration that threatened the entire asylum-seeking community as well as efforts by politicians to discredit their claims publically, created the structural conditions, legal, political, and discursive, to organize a mass protest. The resistance that occurred in and out of detention sparked a wave of solidarity protests attended by thousands of asylum seekers and other activists in Israel.

In many ways the framing of asylum seekers as infiltrators shaped their consciousness and spurred a community effort to fight for rights and recognition. The next chapter will focus on the mass protest that unfolded in January 2014 to explain how asylum seekers coordinated their efforts, why they adopted specific protest repertoires, what motivated mass participation, and how they mobilized supporters.

Chapter 4: This is Why We Fight

Come attrition

Come the reek of bones

Come attrition

Come hell

This is why

Why we fight

Why we lie awake

And this is why

This is why we fight

When we die

We will die

With our arms unbound

And this is why

This is why

Why we fight

Colin Meloy, The Decemberists

Political protest has become a legitimate way widely used to influence the decisions of governments at the local, national and international levels. Questions about the motivation and conditions that lead individuals to act collectively have been occupying scholars for some years and have led to several paradigms shifts over the past few decades.

The case of African asylum seekers and their mobilization campaign validates the importance of analyzing the micro, meso, and macro levels to fully understand the process, efficacy and implications of collective action. Their mobilization highlights the interdependencies between structural conditions, networks, and social psychological factors as theorized in the literature of social movements. To observe and better understand this process, I studied the claims made by asylum seekers and the development of their rights consciousness; exploring constraints and opportunities embedded in the structure (judiciary and political) as well as the conditions and incentives that helped community members comprehend the challenges and articulate their grievances and motivations.

At the heart of this study is the attempt to explain mass participation in a demonstration and a week-long strike that took place in January 2014. The 2014 protest bears significance since it reflects consciousness raising among asylum seekers reaching a critical mass that allowed them to organize and demand policy change as a community, focused on their rights and ending their ongoing mistreatment. They took pride in their non-violent protest repertoire and employed tactics to make each forced migration story personal. The group localized its claims, speaking

about values that would resonate in a Jewish-Israeli context in order to win public support and offered a unifying message - ‘understand us since you were once refugees’ (not infiltrators).

Their struggle raised important questions about Israel’s migration regime and their fight against incarceration echoed globally. This effort turned asylum seekers from a persecuted and clandestine community into a public movement, conscious and rights bearing.

The previous chapters discussed the structural setting of Israel as a Jewish state, its immigration policies and asylum regime and the ways in which the Eritrean and Sudanese community relations and political understanding evolved in response to changes policy, discourse, and legal reality.

The following sections begin with a critical integration of the literature on social movements and collective action and continues with a detailed analysis of the events that comprised the 2014 protests. I look at the history of political engagement of Eritrean and Sudanese asylum seekers in Israel and the ways in which their experiences as cheap labor informed them about their place in the social hierarchy and their rights, ultimately shaping their course of action. I also examine the role of NGOs in this process and provide a detailed breakdown of the protests’ aftermath.

Why act collectively?

Existing scholarship still struggles to fully account for the rise and fall of social movements and answer questions concerning why people participate in collective action, what informs their course of action, and how mass mobilization is achieved. Some general agreements include the existence of grievances affecting members of a social group, political opportunities embedded in the social environment, amassing resources, and micro-mobilization processes that produce

successful challenges to authority and can result in amending injustice (Della Porta and Kriesi, 1999).

The idea of conscious collective behavior carried through a social movement is a modern construction. This notion rests on the argument that only in modern society did such movements played a constitutive role in social development and pursuit of social change. The features of modernity such as capitalism, urbanization, state and nation building, class struggles and warfare, were the conditions that provided the resources, networks, collective identities, and grievances fundamental to the creation of social movements and represented claims making through large-scale coordinated action. Tilly (1994,2004) describes this phenomena as the shift from localized and sporadic expressions of discontent to a sustained and organized effort to make claims to institutionalized centers of decision making.

With the rise of critical theory in the 1970s, the actors challenging the social order received more legitimacy and were seen as fighters of oppression and not irrational actors. The focus on strategy, interests, and politics was supplemented by an analysis of symbols, identity, culture and meanings. Through these developments research was redirected to study the rise, fall, strategy, evolution and efficacy of social movements.

Collective action is shaped by events that threaten the interests of a group. As Fireman and Gamson (1979) highlight, a sense of urgency serves as a straightforward function of necessity and opportunity, and for African asylum seekers in Israel the passage of criminalizing legal measures and increasing negative rhetoric provided the grievances and suspicion that

undermined the trust in the Israeli authorities. When there is repression and/or opportunity to act, the chance of pursuing a goal collectively increases. Unlike conventional forms of political participation, contentious collective action demonstrates the possibilities open even for marginalized groups that can put issues on the agenda and persuade other people to identify with their cause.

Group size, especially in a mass protest like the one analyzed in this case, is regarded as an important aspect since it is connected to the incentives that influence the decision whether or not one will take part in protest. These incentives can be material or social (approval or devaluation from the peer group for example) and function as a form of punishment or reward. This incentives approach (Olsen, 1965) is based on the game theory and rational choice literatures which emphasize an actor centered approach analyzing the individual's cost-benefit decision making process as the motivation to participate in collective action. This focus helped theorists overcome the "free rider problem" where immobilized actors share the benefits without paying the costs of achieving them.

This case, as I will later demonstrate, supports critics (Fireman and Gamson, 1979; Klandermans, 1984) of this narrow approach who assert that the willingness to participate in collective action stretches beyond selective incentives and is in fact strengthened by the belief that many others will participate, calling for the incorporation of culture and agency as critical features. On a collective level, the expectation that others will participate works as a self-fulfilling prophecy and in order for collective action to materialize, there needs to be a strong

expectation about the desired change or the public good, and the course of action has to appeal to potential participants.

While these theories were focused on why act collectively, questions arose about how actors of collective action organized, operated, and recruited. Resource mobilization theory (McCarthy and Zald, 1977) that looked at how resources are aggregated to support movement activity as well as the structure of organizations created to achieve their goals, became a leading paradigm. The theory rejected deprivation and grievances explanations arguing they are insufficient for explaining the causal mechanism that produces movements since discontent is often defined, created and manipulated by movement leaders after organization and resource availability issues are solved (as demonstrated in the previous chapter, it took nearly three years for the sanctions that were imposed to be internalized until mass organizing materialized).

The theory suffered from several limitations: first there was no explicit model discussing group size, movement growth or decline. Second, without scope conditions it is hard to know when the it applies. Finally, grievances are always present according to this theory and there is no discussion about how they are created, perceived and interpreted. McAdam (1982) argued, the theory blurs the line between established and excluded groups, and importantly for my study undermined the mass base of weaker populations and the tools at their disposal.

McAdam and other proponents of the political process\opportunity structure theories (McAdam 1982; Tilly,1984, 2004 2005; Tarrow, 1998) believed the structure of political opportunities allowed groups to challenge and negotiate new social positions. They assert that recruitment and

potential action are based on pre-existing forms of organization, which foster cohesiveness and rely on solidarity which helps overcome the “free-rider dilemma”. They attributed the strength of core leadership as the force that directs a group and allows it to seize political opportunities. McAdam identified other important features complementing the explanation for the collective action mechanism. He identified cognitive liberation as the subjective perception of the social order and the reasoning behind its de-legitimacy. Demanding rights is the maturing of the cognitive stage from understanding to belief that the social order can be changed. Opportunities and constraints are also believed to be situational and cannot compensate for weaknesses in cultural, ideological and organizational resources. Challengers are encouraged to take collective action when they have allies who can act as friends in court, as guarantors against repression, or as acceptable negotiators on their behalf. Since this approach is key to this study, a detailed discussion about this type of engagement is presented in the sections to follow.

Possibly the harshest critics of the structural approaches are advocates of *framing* and social construction. They argue that resource mobilization and political process theories failed to address questions about the social psychology of movements and more specifically, the factors that politicize discontent were left unanswered. Moreover, while resources are important, at some stage their accumulation reaches a point where more resources do not make a great difference. Skills and knowledge about how to act collectively on the other hand, are likelier to be relevant in setting off micro-mobilization processes that produce successful challenges to authority (Gamson et al 1982). When there is strong cohesion in a community employing a frame of injustice can encourage members to resist and act together to fight that perceived injustice. In other words, the presence or absence of grievances do not produce collective action unless they

are adequately perceived, interpreted and diffused in a context that requires action (Snow et al, 1986).

I demonstrated in the first chapter, which discussed the motivation to seek asylum in Israel, that some group members were calculating their pursuit of asylum more rationally than others. Similarly, some activists are waiting for signals from the state and the larger society about what, if any, claims to make and how, while others do not necessarily calculate the prospects for successfully mobilizing or generating policy reform; they simply keep challenging. In this view, political opportunities are less important as signals than as environmental conditions that allow protest to emerge and resonate with government and other social actors.

Koopmans (2005) further emphasizes the point that structures are somehow assumed to shape actors' interests and identities and to determine their tactical choices, but how structures achieve such attributes and what role remains for agency and choice is not entirely clear. The "seizing" of opportunities implies that there is a history of collective action, and in this case the history of migration policies and migrants' resistance in Israel is relevant. The concretely visible response of authorities and other relevant actors in the environment as well as the highly selective information that is available to those making the claims shape their actions and goals.

Mobilization also depends on a set of opportunities specific to the political or issue field most directly addressed by the group making the claims. In other words, the claim for asylum and full protection put forward by Sudanese and Eritreans is set against the backdrop of Israel as a Jewish nation state and its limitations on citizenship and asylum.

Case studies analyzing collective action show that structural opportunities are more available and impactful for movements formed by members with full social and/or political rights than they are for marginalized migrant groups, to which political institutions are likely to be less relevant. However, large scale protests organized by irregular migrants are possible and even quite common. Complementing the analysis by focusing on identity helps to explain how interests emerged rather than viewing them as instrumental rationality. It serves the analysis in explaining the tactical choices activists make and for assessing the movements' impacts.

In the case of irregular migrants, like the one presented here, the institutions that affect mobilization are to be found beyond the nation state because rights are facilitated or prevented by citizenship laws that define belonging to the national community (Carnes, 2008; Dembour and Kelly, 2011; Nyers 2012). Thus, focusing on structural opportunities fails to show which activists are aware of them since it assumes it affects all movements in a similar fashion and to a similar extent, irrespective of the characteristics of the specific issue they fight for and the identity of the actors (Chabnet and Giungi ,2005). For African asylum seekers in Israel, the very fact that a group formed to fight for rights and recognition demanded explanation.

Opp and Roehl (1990) argue that expectations to continue or even intensify protest will increase sharply if constituents are integrated into protest-encouraging networks. Those networks will increase the solidarity and social identity build through membership and exposure to repression. As I have demonstrated in the previous chapters, the case of African asylum seekers in Israel shows that these micro-mobilization processes are set off in particular when people are exposed to repression that they and their social group regard as illegitimate and when they are integrated

into diasporic counter groups. Diasporic political activity helped Sudanese and Eritrean asylum seekers in Israel to retain their social and political identity as they sought to ultimately return to their home countries when conditions there permitted. However, the changing structural conditions, legal and social, produced criminalization and promoted discourses of exclusion that forced a community response. Since asylum seekers were already embedded in communities and support networks they used this organizing capacity to intensify protest.

Using a synthesis of established theories, the following sections analyze the politicizing of Eritreans and Sudanese in a more localized fashion, how claims were directed at the Israeli government, and what shaped the tactics, strategy, protest repertoires, goal-setting and recruitment that culminated in the mass mobilization of 2014.

Early Signs of Resistance

The first reported protest concerning Israel's treatment of its asylum-seeking community took place in November 2007, when hundreds of asylum seekers and their Israeli supporters marched in Tel Aviv to protest the state's actions and demanded asylum seekers should receive education, health care, welfare and other social benefits. The march began on Rothschild Boulevard in central Tel-Aviv and ended with a "protest carnival," partially aimed at illustrating the social and cultural wealth that refugees bring. The event organizers included the African Refugees Development Center, the Hotline for Migrant Workers and Amnesty International, which were angered by the policy at the time that was focused on deporting asylum seekers to the countries

they fled or back to Egypt. At the time, the majority of asylum seekers were Sudanese and their total number was estimated at 5,000.

As described in the previous chapter, despite the hostility and suspicion of policy makers, the relatively small size of the group and the fact the majority of them were Darfuri asylum seekers sparked a lively debate about how Israel should treat them and several senior members of the government expressed empathy for their situation and even mentioned Jewish displacement after the Holocaust. The significance of this protest for asylum seekers was in the ability of community leaders to connect to local NGOs and engage. However, both asylum seekers and NGO representatives admitted that when looking back at this protest, the majority of the marchers were Israelis and it did not attract a critical mass. The protest was organized by NGOs and was aimed at supporting a draft bill on refugee rights, sponsored by MKs Ophir Pines-Paz and Dov Khenin.¹⁰⁵ The proposed bill would provide a legal framework for refugee rights, including procedures for evaluating eligibility for refugee status and arranging for accommodations and basic provisions until a permanent solution was found.

This effort was top-down and although its political outcomes would affect the refugee community, it is difficult to assess how involved or engaged asylum seekers were in the planning and goal-setting. The bill failed to pass the Ministerial Legislative and Law Enforcement Committee and days later it was also rejected by the Knesset.

¹⁰⁵ Protocol of the committee meeting discussing the draft available at: <http://www.knesset.gov.il/protocols/data/rtf/pnim/2007-07-23-01.rtf>.

A year later, in 2008, a group of 200 Eritrean nationals held a quiet demonstration outside the Defense Ministry offices in Tel Aviv protesting limitations on their movement imposed by the state. The protesters, some of the estimated 4,000 Eritreans who arrived in Israel during that year, thanked the Israeli authorities for admitting them but asked that limitations be dropped and that they be recognized as refugees. As part of Israel's policy of ambiguity and intentional effort to avoid any binding ruling, the Interior Ministry issued the Eritreans work permits and did not repatriate any of them. However, it refused to recognize them as refugees.

In the previous chapter I discussed the change in tone since 2009 when a newly elected right-wing government announced a series of sanctions aimed at curbing the influx of asylum seekers, primarily focused on geographical and employment restrictions. Following these public announcements in 2010 including the decision to build a holding facility (a year before Holot was announced), thousands of Israelis and asylum seekers participated in a protest against the government's plan. While marching through Tel Aviv's Rothschild Blvd, the Israeli activists said that the government has reached a new low in its "aggressive and racist" treatment of refugees and asylum seekers. One Eritrean protester was quoted¹⁰⁶ saying, "We are asylum seekers. We didn't come here to work – we are not criminals. We come from a prison and we don't need another one. The government must understand that we are refugees."

Once again, it is hard to speak of mass resistance and one that was generated by community leaders and attended by the majority of the asylum-seeking community. When I asked Eritrean and Sudanese community leaders about the relatively low turnout and lack of community

¹⁰⁶ A report in Haaretz published on December 24 available at: <https://www.haaretz.com/israel-news/thousands-in-tel-aviv-protest-plan-for-refugee-detention-facility-1.332737>

involvement they had several explanations. *Kobi* from Eritrea for example, spoke about the basic lack of rights consciousness and understanding among Eritreans:

I grew up without the ability to be curious and learn about rights, human rights, I had no idea what these things are. The only organization Eritreans know of is UNHCR but by the time more of us came here starting in 2009 Israel's Ministry of the Interior already transferred UNHCR's responsibility and RSD unit under its authority. We didn't know how to apply for asylum or what the process is. The Sudanese on the other hand, have many active NGOs in their country, they have better access to information, we didn't. In the beginning when we were issued with these 3-month visas we thought it was great, we figured we can find work, no one is trying to deport us from here and there is no problem. I even thought that since I gave my deposition when I entered Israel and explained what will happen to me if I was sent back to Eritrea, that this was my asylum request. In Eritrea you don't ask questions, you are not allowed to. Since we were never allowed to unite and come together for political purposes, even in Tel-Aviv in 2013 most of us had no idea what are human rights and what do NGOs do. Sure, there were a handful of people that were better educated or had more life experience and they tried to get the community to work together and educate us about rights, but the majority of the people were way behind, they didn't know anything. A -30-year-old man, he is not a kid, you can't teach him, it is a long process and it is hard to train and change someone's thoughts. Only when people were called for Holot, and I was one of them by the way, then they started realizing what is going on and why they should engage.

Kobi speaks of the fear and lack of basic understanding as incentives to refrain from political activity and at the same time it seemed that the Eritreans who were engaged in political activity were focused on directing their efforts at their embassy and promoting their diasporic ambitions to overthrow the Eritrean Dictator Isaias Afwerki. In May 2012, and not for the first time, some 200 Eritreans demonstrated outside the Eritrean embassy in Israel protesting the regime of President Isaias Afwerki. The demonstrators also claimed that Israel ignored the country's human rights abuses because Eritrea was a strategic ally. When considering the hostility to the asylum

seekers that was expressed at the time by Israeli residents in south Tel-Aviv and the anti-infiltration rhetoric deployed by Israeli politicians, asylum seekers' decision to disengage from community work becomes clearer.

Michael from Eritrea explains:

The first step was to organize against our own government. They, as you know, have an official consulate here, official representation. We held a few demonstrations but nothing major. People were scared, I was not scared for myself but for my family back home, what will happen to them if I am spotted at these rallies and recognized

Eritreans' limited rights awareness and formal education disadvantages along with the genuine fear from their own authorities and the local authorities make it unsurprising that people were not eager to join political protests. Personal issues like trauma, illness, and the need to worry about basic survival were additional reasons for not making political activity a priority.

Internal and inter group divisions were another factor that hindered collective efforts. Tribal divisions, status and language barriers were strong negative incentives visible to both community leaders and the Israeli activists working with them, affecting attempts to mobilize. *Sam* from Darfur explains:

Organizing more than 10 people is a frustrating process. We needed to make sure that the community activists get together, I mean we already had local associations but they weren't really connected or coordinated. We began by calling on leaders and based on people's skills we assigned different roles. Communication was the main issue, we needed to give people an exact idea of what is the plan and convince them that the effort is worth the risk, we needed to earn their trust. My language abilities, Hebrew, English and the different tribal languages I speak, positioned me in an important role to mediate between the different groups. The rougher the sanctions against us were, the easier it was for us to set our internal political differences aside, nevertheless I can't say it was easy.

Orly Feldheim, an Israeli activist, explained how her view as an outsider made her realize how strong these divisions were the more engaged she got. Her initiative that offered food to the thousands that were occupying Levinsky Park at the time, engaged her with people of different areas and tribes and she quickly learned it is not one or two groups, but many.

My biggest frustration was when I thought how will this community be united? I think this is the biggest challenge in the Sudanese community, and I speak of them because I am not as involved with the Eritrean community. As an example, always emphasizing the Darfur case created divisions, not everyone that had come here is from Darfur but that does not mean that this person does not qualify for asylum and it also means he may not necessarily share the same vision for a future Sudan.

The divisions were strong but not insurmountable, *Roni*, from Darfur, argued that the leaders worked to leverage these cultural differences as a way of bringing the community together, a way that allowed them to explain to Israelis who they are and where exactly they came from. Each community would tell its story and end it with the same bottom line – despite our differences we are seen as illegal infiltrators and would ultimately be treated the same.

I learned a lot from other activists and leaders in 2012 when we organized a cultural day for Sudan. We held a meeting of all the community leaders and activists in order to decide how this day would look like because Sudan is multi-cultural and Darfur has many tribes. I am from Fur for example. The event was very successful and I can say that because it was successful it gave us motivation to continue our cooperation. We decided to start having joint meetings and get the different associations to meet regularly. Each organization has its leaders but we planned events together and that was a major step forward when I think back about our political activism.

Whereas Orly and Roni describe some of the personal and group identity related challenges, the Israeli government's policy inconsistencies in the early years (2007-2009) affected the issues of

status and ability to obtain a work permit, which in turn raised more divisions. First, came the decision to issue visas to a random group of 500 Darfuris which granted them temporary work permits. Around the same time, when the number of Eritreans was relatively small, they were also given temporary work permits. Since the granting of work permits was random and did not follow any regulated procedure, it led to mistrust and increased the barriers between asylum seekers that were questioning whether they are actually treated the same and face similar consequences. That policy of “ordered disorder” (Paz, 2011) was meant to divide; it created fear since many felt resisting publicly would make them lose the little they had. By 2011, arrival of more asylum seekers from Eritrea and Sudan in large numbers made everyone a target. Their presence was no longer debated; instead it was declared a “national” problem.

In sum, in addition to the structural legal and political barriers, Eritreans and Sudanese had to overcome personal and communal challenges in order to channel their grievances into organized resistance. The workplace, I learned, had valuable functions for asylum seekers beyond mere survival.

Asylum seekers’ mutual experiences and integration in the same work environments as low skilled labor helped community building, developed rights consciousness, and facilitated mobilization. These daily interactions at the workplace assisted community members to navigate a culture that was alien to them, they learned about labor laws, rights and protections. For community leaders these experiences shaped their perception of Israel’s social and economic structure, affecting their claims making and later even their protest repertoires.

Doing the Dirty Work

Working at the back of a kitchen, removed from the customer and the public eye, offered asylum seekers the opportunity of seeing without being seen (from an economic and cultural perspective). Migration literature often emphasizes the centrality of the migrant-worker-citizen nexus and how immigration policy attempts to restrict unauthorized immigration (Bacon, 2008; Calavita, 2007). The coupling of labor and migration policies constructs “illegality” in order to sustain cheap workers threatened by the possibility of removal proceedings. The lack of familiarity with the system, language barriers, and the structural funneling of immigrants (in general) to low wage jobs often serve as basic obstacles to claims making (Gleeson, 2010). Such hardships are a result of the temporary nature of their hiring and employer intimidation tying employment to legal status. In the case of African asylum seekers however, the workplace provided them with a source for specific claims making and other collective actions opportunities.

In order to invalidate their claims, the Israeli government focused on branding asylum seekers as illegal job seekers and reject any claims about fear of persecution. As a result, sanctions against asylum seekers expanded to punitive measures that would prevent their ability to pursue work as well as sanctions against their employers. For asylum seekers work was more than simply means for survival. For many having a routine and income retained a sense of livelihood after a long and coerced migration journey. Working was an opportunity to demonstrate self-reliance, rebuild self-esteem, acquire skills, and interact with members of the host society and each other. Due to Israel’s dependence on low skilled labor asylum seekers were quickly filling the depleting ranks of certain professions Israelis would avoid.

In the winter when I just arrived it was very hard because people were not looking for day laborers. When employers came by the park they asked for very few people and it was difficult to find more than a few hours work. Another problem for me and many others was that we didn't speak the language. If someone knew anything, a few words even, he was likelier to get the job. One of the good things was that if one of us got work, he would come back and share the day's profit with the others, so we could buy food". Interview with Mosh, Darfur, July 2016

As described in the first chapter, the importation of migrant workers under specific guest-worker schemes in the 1990s made the Israeli economy greatly dependent on foreigners to perform menial, low-skilled labor. Whereas certain professions like agricultural workers or caregivers are more regulated and supervised, some jobs in the service industry like dishwashers, custodians, construction workers and porters are still in high demand. These kind of jobs Israelis, by their own admission, would rarely pursue.

For its part, the Immigration and Border Authority would run campaigns in the media warning people from hiring asylum seekers. "Hiring foreign labor for spring cleaning or domestic work? Now we have dirt on you!" read one ad. Nevertheless, even the mainstream media recognized this labor dependency and would publish articles quoting business owners that described just how great it is. A small business owner from Jerusalem told "The Marker"¹⁰⁷, *Ha'aretz's* economic section: "Many of the cooks and dish-washers are asylum seekers simply because no one else would do the job. In principle, we are not supposed to hire them because they don't have status but we have no choice; Israelis refuse to do these kind of jobs... The state needs to acknowledge that they are part of the workforce, take responsibility and grant them status."

107 Original article in Hebrew published by The Marker available at: <https://www.themarker.com/smb/1.2176997>

A branch manager at Landver Café in Tel-Aviv told NRG newspaper¹⁰⁸: “Israelis are simply spoiled. I had people coming here, telling me they are unemployed and financially desperate. The minute they saw the pile of dishes at the back of the kitchen, they said, ‘I am not doing this.’”

One of the problems of this strong dependence on asylum seekers is that while it guarantees them a source of income, it also exposes them at times to abuse and exploitation. Asylum seekers confessed to me that work occupied most of their day- sometimes even as many as 18 hours a day. It was the place that helped them to make a living but also learn about rights at the workplace and beyond. It also served as a place to meet with fellow asylum seekers and form friendships. But more importantly, at work one would learn how to read a pay stub and get acquainted with the mannerism and temperaments of his bosses and customers - Israelis.

Tal from Darfur recalls:

In the beginning, we gave a public speech every Saturday to the community so we could explain some codes of conduct, like when Israelis are shouting at you at work it is not because they hate you it is simply a way of behavior that is common here. Our communal organizations would assist people that needed help with translation. When people found employment many times it was challenging because they would come the next day and say ‘I am not going again, the boss is shouting at me’, and we needed to explain that it was not personal. We felt responsible¹⁰⁹ for the community. I remember we did a few workshops in Arad and Ashkelon, dozens came straight from work and welcomed our

¹⁰⁸ NRG article about the irreplaceability of asylum seekers in Israeli kitchens available at: <http://www.nrg.co.il/online/1/ART2/537/153.html>

¹⁰⁹ The process whereby asylum seekers were rendered individually responsible for a task which should be the duty of a state agency, is strongly associated with Israel’s neo-liberal political discourses and transfer of responsibility from the welfare state. See more at Maron, Asa, and Michael Shalev, eds. *Neoliberalism as a State Project: Changing the Political Economy of Israel*. Oxford University Press, 2017.

efforts. I would say that this moment was a formative moment for us, we learned Israeli culture and the way things work around here

Although asylum seekers' illegality is produced by the state, analysis of their relations with the law must include the choices and decisions of both they and their employers to bridge the structure-agency gap. This approach enables us to show which individuals within the movement have greater possibilities to engage with immigration laws. It also helps invalidate the common migrant models – victims or criminals - and present a nuanced and more adequate depiction. However, the degree to which migrants may choose to 'trade off' one objective against another must take into account broader economic and social contexts (Ruhs and Anderson, 2008).

The owner of a successful café in south Tel-Aviv where I frequently transcribed my interviews told me very casually:

Don't you think all of these people are miserable and stupid, they are not. Actually, they are very smart and even quite sneaky¹¹⁰ when it comes to their demands. Yes, at first, they didn't ask many questions but now if someone comes to me to look for work, he knows exactly what the minimum wage is. Sometimes I would have to fight with them, you see, they want to earn but I can't hire them for 12-15-hour shifts, I am already taking a huge risk by giving them a job as it is.

For employers, when legal employment of migrants is restricted, recruiting them illegally will increase labor supply and lower costs but it can also make them face implications based on their non-compliance with the law like fines and even business closure. Another factor is the

¹¹⁰ Speaking to the café owner I had in mind Scott's weapons of relatively powerless groups that require little or no coordination or planning. Making use of implicit understandings and informal networks as a form to avoid any direct, symbolic confrontation with authority. Scott, James C. *Weapons of the weak: Everyday forms of peasant resistance*. Yale University Press, 2008.

expectation for a submissive and more dependent worker. The risk and probability of detection is also calculated by the employer.

It is important to mention that labor laws apply to any employee once an employer-employee relationship is established, hence it does not matter what one's status is. When it comes to asylum seekers it is a mess. In Israel, broadly speaking, there are three sets of rules, labor laws that apply to everyone, regulations that apply to migrant workers and regulations that apply to Palestinians. Asylum seekers do not fall under any category but naturally, I assume, they are considered under those applying to migrant workers although that it is in many ways irrelevant and does not accommodate their needs.

Interview with Noa, Kaufman, Senior Coordinator of the Department of Asylum Seekers and Refugees, Kav Laoved, interview in Tel-Aviv, June 2016.

Kaufman's statements about the legal responsibility of employers towards asylum seekers might be true in principle, but especially in the early days, most asylum seekers were unaware of labor protection laws and the nature of their hiring impeded unionizing or efforts to raise objections.

Omri from Darfur, recalls:

After 20 days of sleeping in the garden, a man arrived at Levinsky (park) with a car looking for day laborers. Someone put up some letters in Hebrew and basic work phrases on one of the walls there. I knew that I had to ask for "Avoda" (work), in order to move off the street. The man in the truck took us, 20 people, both Eritreans and Sudanese, to do yard work, after two days of labor we got 300 Shekels each (approximately \$80). It was an all-day type of work but for me it was a lot of money. When I returned to Levinsky when we finished I felt like I came back home. I started asking how I can rent an apartment and what do to move off the street.

This maturing process by migrants, can be seen as a form of negotiating their cultural citizenship, as mediated by all societal actors, especially civil society organizations that serve as

instrumental allies in this process. Noa Kuafmann from Kav Laoved (Worker's Hotline) a non-profit organization which aims to protect the rights of workers in Israel, explains:

Essentially the goal is not to disseminate information about Kav Laoved but about rights and labor laws. We strive to get to people before the laws are broken so they would be able to defend themselves.... We seem to think of migrant workers and asylum seekers as the weakest link in society and the most vulnerable, it is true but if you look at Kav Laoeved, the Israelis that come here, they are really at rock bottom, because migrants took the initiative, they acted, took ownership over their lives and this shows you, again very broadly speaking, about abilities and self-reliance; people that possess strong mental and physical traits that empower them. These people left their countries, crossed border or borders, decided not to settle in the refugee camp they passed on the way and said to themselves, 'I want to get more out of my life, I am not only saving myself but I also fight for a better life'. Of course, there are exceptions and I hear heart-breaking stories about those who are ultra-vulnerable but we must also speak about independence and strength

Scholars have defined rights consciousness as the awareness of existing rights, the willingness to assert rights, and the understanding of social relations in terms of rights (McCann, 1994; Silbey, 2005). The workplace is also a site where one learns about behavior in the work environment, the local work standards and work-ethic as asserted by asylum seekers themselves. Taking their workplace rights seriously allowed asylum seekers to open up and share their knowledge, it increased workers' solidarity and exposed systematic injustices. As McCann notes "legal mobilization provided important resources not only for changing workplace policies but also for altering the broader terms of relational power (McCann, 1994, p.284)."

I asked *Fathi* from Eritrea to give an example:

Managers, when you don't speak a language they exploit it. Let's say we worked Sudanese and Eritreans and we would break for lunch, during our break the manager would sit there right next to us, always on our case and ready to tell us "time's up".

Interviewer: And were other employees treated differently?

Yes, when the manager asks something, from you it is never asked nicely, but Israelis on staff on the other hand, when they were asked to do something they would hear the word “please”

Rights-consciousness in the workplace helps stir discontent among abused workers, making the language of rights fundamental, generative and strategic in their navigation of society (McCann, 1994). According to Mansbridge and Morris (2001) this process is known as “oppositional consciousness,” a process through which “groups that were traditionally treated as subordinate or deviant, claim their previously subordinate identity as a positive identification, identify injustices done to their group and demand changes in the polity, economy or society to rectify those injustices” (p.1).

In the beginning, I thought people knew us and about the situation in Darfur, I was able to learn a lot and earn certain skills. But after a while I realized, we (Sudanese) just go to work, go back home got to sleep, some people have been here for 3-4 years, and they don't speak any Hebrew, how many Israelis did we even know outside work, I thought? none! It can't go on like this. We decided to get together, a few of us in the community and do something, how can we stay here in Israel in the same situation? We must learn and develop.

Joe, Darfur, interview in Tel-Aviv, August 2016

Overtime asylum seekers developed oppositional consciousness that enabled them to call out specific violations. The development of consciousness occurs when political opportunities, mobilizing institutions and repertoires of action and self-understanding become available (Mansbridge and Morris, 2001, p.5). That moment of realization of the local hierarchy and their place in society, happened in different stages to most leaders in the community. It served as a motivation first to gather and talk about it and later converted that understanding into actions claims making.

Strong interpersonal ties among group members manifested oppositional consciousness through their collective actions and symbols constructed by the group's leaders. As noted by McCann “activists emphasized that empowerment was not experienced only, or even primarily, in individualistic ways. Even more important was the collective power generated through the intensification of linkages among individual activists and political groups (McCann, 1994, p.261).” The socialization process they experience within Israel’s institutions and contact with the oppositional ideologies of their group leaders spurred politicization. While some asylum seekers were not fully aware of the content of specific rights, at work or even the right for asylum itself, they asserted their entitlement to those rights anyway. The process of being acculturated through the work context enabled the leadership of the asylum-seeking community not only to focus on spreading a language of rights that would have a direct impact on the life of their community members, but to use these recently acquired cultural understandings by developing strategy and setting political goals.

Freddie from Eritrea explains:

In order to get the attention, it will only work if all of us cooperate, that is why we began thinking about a strike, people won't go to work, it will affect restaurants and cafés people will know why we are not coming to work. We even spoke with owners of big businesses, asked for time off and even got some employers to speak on our behalf – to tell the government we are not criminals but good people, hardworking, peaceful. We sent people to places in the community and even to workplaces to bring people out.

To summarize, the workplace became a generative force for asylum seekers in three ways: first, it allowed them to earn and build their self-esteem, offered a routine and the ability to acquire basic language skills, and familiarized them with basic legal rights as employees. Second, the

outreach by NGOs and the work community leaders did to spread the information increased the number of people negotiating their terms and making sure their rights were being upheld. The workplace connected asylum seekers since often times Sudanese and Eritreans would work together, sharing the space and learning from and about each other. The solidarity that was built between the groups at the workplace made outreach easier when political engagement and protests were planned. Finally, and perhaps most importantly, working at these undesirable jobs served as a lesson about the dependence Israelis have on a cheap and easily available labor force. Some interactions led to friendships with Israelis while at the very least, asylum seekers had a chance to learn what Israelis really thought about them, what they know about their past, and how to better approach them. When the 2014 mass rally was planned it had a very important component to it- a work strike. The idea of not showing up for work was an important symbol. It meant to demonstrate to Israelis that asylum seekers are not invisible, to emphasize their contribution to the Israeli economy, and in general that they were a part of Israeli society.

Turning Discontent into Collective Action

On January 3 2014, the Sudanese and Eritrean asylum seekers' leadership announced a general strike to protest the planned mass incarceration of asylum seekers. It came three weeks after the March of Freedom was organized by the first group of detainees that had been sent to Holot. After two small demonstrations took place in Tel-Aviv at the end of December, Eritrean and Sudanese community leaders felt their people were ready to take part in something big and that they must stage a high-profile demonstration to get the attention of the media and policy makers. They knew that if they would succeed in getting people to act collectively the whole community would benefit, it would prove to people they have power and that they are not alone in their

struggle. The leaders believed that if the message to the community were clear and people were engaged throughout the process, their community structures and social networks would do the rest.

The leaders understood they needed to adopt a democratic and transparent decision-making process in the planning of the strike and put a lot of effort into spreading the information to recruit participants. None of the asylum seekers ever lived in a democracy before and although they may have had very strong convictions on how a democracy should look and how it should function, they had no real experience in engaging in the democratic process in order to affect policy change. Nevertheless, it was evident that in order to harness the various communities' support, the process had to be transparent and consensual. The people needed to believe in the goal as well as the method chosen to achieve it. The leaders identified their community organizations and personal networks as pivotal in creating social and political incentives to mobilize participants. If their members would understand the risks and potential gain, community relations that were very immediate and personal would generate enough commitment and people will join the strike.

Until today, I am still amazed by the way we were organized. We had a list of names -79 people that contributed to different committees we formed - I named them the parliament. People were chosen for their skills and community status and we formed a strategic committee, like a government. We used Facebook to spread the word but we also had our different committees, the campaign committee, research committee, legal committee, security committee, each played its part.

Mutasim Ali, Darfur, interview in Tel Aviv, July 2016

The “parliament” was formed by a core group of 8 Sudanese and 8 Eritreans, community leaders that represented different factions in both communities. People in this core group were

recognized as leaders by their communities since they were educated, they had adequate language and organizing skills and most were engaged with Israeli NGOs and Israeli activists that could support their efforts.

Whereas the internal divisions kept Eritrean and Sudanese apart in their social and political activity, it was the constructed and state introduced “infiltrator” label that brought them closer together. The strong communal group associations provided the solidarity and cohesiveness for each group to mobilize its members while the elaborate organizational structure made sure each group was represented. The delegation of tasks in the form of designated campaign committees allowed for greater participation from each group and extended outreach for recruitment.

The different committees were run by community members and each was appointed in order to support the different aspect of the strike. For example, several people were trained and were prepped to deal with the media and it was only this designated group that participated in all the interviews. Another group researched the legal and procedural aspects of organizing a rally, since it was important for the community that the rally be completely authorized and that they obtain the necessary permits. A team of volunteers were trained as ushers to maintain order, control crowds, and work with the local police forces.

After every meeting of the core leadership, the leaders would go back to their communities to get their approval about the steps that were decided. Using their community structures assured the

legitimacy of the process and generated a genuine sense of investment by community members.¹¹¹

The issuing of letters ordering asylum seekers to report to the Holot prison and the strong language used in the newly amended 'Anti-Infiltration Law' left little room for doubt in the community regarding why they were being targeted and what future awaited them. The community meetings were very informative. The leaders explained the ramifications of the new policies, and while it definitely caused anxiety, that fear was used to engage people and justify and legitimize their protest actions. The leaders stated two main goals: first, a policy oriented one, to receive a fair and equal asylum process; and the second, a normative goal, to show the Israeli public who they are, why they came to Israel, and why they should be considered asylum seekers and not infiltrators.

On the weekend before the protest, messages circulated within the community nation-wide, calling for people to stay home on Sunday. Social media platforms were heavily relied on to spread the information but also billboards, phone calls and emails were used. "The public is invited to support the asylum seekers community by attending the assembly that will be held following the inhumane treatment towards the refugees in the country, including dozens of arrests and imprisoning people with no trail and with no release date," the event's Facebook page said.

¹¹¹ According to Durkheim the underlying tension and problems of social integration are at the heart of social movements and collective behavior. Durkheim believed social groups rely on mechanisms that ensure their integration and that solidarity is a product of homogeneity of a group that ensures its unity. In less homogenous groups however, he argued that there is greater reliance on the interdependence of the members' activities. Such groups are likelier to have a more complex organizational structure and a division of labor that assigns different movement tasks to different individuals and sub-groups, an aspect that affects their recruitment potential (Buechler, 2016; Traugott, 1984; Serge, 2016).

Rabin Square, Tel-Aviv's city center and the main space used for protest and high-profile events was chosen as the location of the rally. Freddie from Eritrea and Suli from Darfur explained the significance:

Suli: We could have held our protest in Levinsky Park (South Tel-Aviv) but we wanted the attention and being in the center of the city would achieve that. Also, historically protests in Israel are held in Kikar Rabin (Rabin Square), and the message of Rabin appealed to us, a message of peace, equality, and democracy

Freddie: The Israeli policy served as a very strong catalyst for us. It was a very bad policy that targeted everyone. We knew that if we could get everyone to act together it would be an achievement and send a strong message about who we are and how determined we are. This was also a chance for us to tell our story not only of our community in Israel but the story of Eritrea

Freddie makes a very important point. For Eritrean community leaders, the challenge of getting people to protest was great, greater than for their Sudanese counterparts. First, their numbers are much bigger which means they would need to mobilize more people and rely on their networks as well as their community structure to spread the message. Second, the fear of being seen in public as well as the inexperience of taking part in an anti-government protest deterred the rank-and-file Eritrean. I noted in previous chapters that by their own admission Eritrean community members saw their community as under-educated and less aware when it came to rights and claims making; their trauma from the repressive regime in Eritrea served as a serious obstacle. The leaders knew that their way to increase participation would be tapping into the sentiments of resentment Eritreans felt towards their own government. Their goal was to show community members that their will to replace the regime in Eritrea actually coincides with the need to

protest the Israeli policies. Since the Israeli authorities claim there is no threat in Eritrea, fighting for their truth serves both purposes, resisting anti-infiltration policies and letting the world know what really goes on in Eritrea.

Michael from Eritrea clarifies:

Some people were motivated by what happened to them in the interaction with the government here, you know when renewing the visas. But us, the leaders, we didn't care about visas, it was more about focusing on our rights. Nothing was spontaneous, we always had strategy. We talked about things, cooperated, shared with the community, everyone had their part, we are committed to the community first, and also focus on the greater good

The speakers that took the podium during the protests were well prepared. They had a list of bullet points that were scripted to match their stated goals and they made sure they were consistent across platforms. I found several Israeli television segments in which asylum seekers were interviewed about the strike. In all of them asylum seekers articulated their motivations and list of demands very clearly. One segment¹¹² from the Israeli public broadcasting channel 1 provided a lot of depth since it featured several speakers, capturing the messages in a way that precisely illuminated the overall strategy.

Mano, one the of the protest leaders: “The government can claim whatever they want, but we are asylum seekers, they can continue calling us infiltrators or migrant workers or cancer, but we know who are, and now it is time for the Israeli people to know it.”

¹¹² The segment was aired after the first day of the protest, available at: <https://youtu.be/glSMooSUOyM>

Barak, from Eritrea continued on the same segment directing the message to the Israeli public: “I don’t blame the people of Israel, I blame their leaders. They round people up, call them criminals, cancer, a danger to society, but what danger do we pose?”

By promoting its anti-infiltration policies, the Israeli government contributed to building a collective oppositional identity for asylum seekers as they constructed their movement and made demands. The literature views winning a political affirmation of this identity as an important accomplishment of the overarching goal (Polletta & Jasper 2001) but it can also affect the ways the group is formally recognized in state policies and regulations, defined by racial and other classifications (Marx, 1995). *Sammy*, believed racialization was one of the main reasons for their ill-treatment:

Even if I would like to go to work, I can’t since the Ministry of the Interior downsized their bureaus and cut down the hours of when we can come and renew our conditional release visas. Even people with valid permits were sent to prison. We are refugees, not criminals. Are we black? Yes, Are we Africans? Yes.

Israel’s unique Jewish and democratic state structure actively blurs the lines about the movement’s goals. Despite the fact that asylum seekers used legal and accepted protest repertoires to affect legislation and did not call to overthrow institutional structures, the state attempted to invalidate their actions by branding these efforts as value oriented. One common distinction between types of social movements is between those that are norm oriented concerned with producing limited and specific changes within a social system, and value-oriented movements that seek fundamental change that reconstructs the institutional nature of the society they operate at (Smelser, 2011). Israeli democracy forced asylum seekers to challenge both.

The Israeli government declared the movement's goals to be dangerous to its state structure as a Jewish state and politicians argued that admission of masses of non-Jewish refugees would open the door to sweeping demographic changes that would make the country's Jewish majority unstable. Such nativist arguments are not unique to Israel and can be observed in similar discourses about the production of illegality and the "ideal citizen" in the U.S. (De Genova, 2005; Ngai, 2014) or in Europe where anti-immigrant rhetoric is on the rise (Dembour et al 2011; Scheel and Squire, 2014). But whereas in Europe or the U.S. the institutional structures follow international legal guidelines and generally attempt to process asylum requests, Israel actively ignores international conventions concerning the screening, admission and well-being of asylum seekers.

Asylum seekers were also fighting a normative battle and were aware of Israel's complex institutional structure in the absence of a codified constitution.

Mutasim Ali from Darfur explains:

When the Supreme Court struck down the third amendment of the "infiltration law" and ordered the closing of the "open-detention facility" we were happy but our joy was limited. While we believed in the Israeli justice system, and knew the judges are well versed in international law and hoped they would side with justice, we also knew the government would not accept the Supreme Court's decision. The appeal might have stopped them, but it was temporary, it was not enough. In Israel, you can get the approval of the Supreme Court but you must win over the Israeli public and the Knesset to make it count.

Asylum seekers viewed the practice of denying their requests as a violation of their basic human rights motivated by racism and possibly ignorance or a refusal to acknowledge the reality of everyday life in Sudan and Eritrea. They truly believed that had the Israeli public known the truth, there would be enough public pressure for Israel, as a democracy, to prevail. Offering a

different frame was one strategy. They focused on opposing the government's narrative that presented *Holot* as an open –facility and were determined to offer their own interpretation- a prison. They insisted Israel should live up to norms it promoted when drafting the Refugee Convention in 1951 and implement the principles that give asylum seekers fair treatment.

Other centers of protest

The mass demonstration attracted people from the border city of Eilat to Tel Aviv but the fact that the resort town is four and half hours away did serve as an obstacle for some, especially in order to attend the first day of the protest. *Joe* from Darfur and one of the organizers of the Eilat community explained that they needed to localize their protest to show solidarity and also because the concept of a work strike can make a real impact to the hotel industry of Eilat that was heavily dependent on asylum seekers.

It was hard to get from Eilat to Tel-Aviv, but we knew we had to contribute in our way, so we decided to hold a protest in solidarity. In the beginning, it was just us (the Sudanese) but later Eritreans joined, and Israelis were not involved. We contacted our people in Tel Aviv and learned they have organizations there of both Sudanese and Eritreans that are planning a major protest – a strike. We decided to join it and organized a strike in Eilat. I gathered the Sudanese and explained to them the ramifications of the Uganda –Rwanda procedure as well as the law that facilitated the creation of Holot. I explained to them that we could spend the rest of our lives in prison. It was important to inform community members about the political landscape, that racism here is on the rise and that the government is more extreme, I told them that if we do not act things can only get worse.

Toni Lis, an Eilat based activist, described the protest as a success. The protest was big and well attended. It originated from the *Sing-Sing* Neighborhood, led by the Sudanese that were much more active and political in comparison to Eritreans. Toni explained that their language skills

and experience in organizing contributed to their coordination. Since the city is small and relations are much more personal it was easy to spread the word and rely on these inter-personal connections to recruit. While the protest in Tel Aviv took place, asylum seekers in Eilat marched down the main boulevard – over 1200 people, young and old, parents and children, in what Toni described as an unprecedented and very emotional display.

Unlike in Tel-Aviv where the engagement between Israeli activists and asylum seekers was high, in Eilat only a handful of locals joined the march. I asked Toni as an old-time resident, how this protest was perceived, what was the response to suddenly witness the “invisible” workers take center stage.

The responses were mixed; some said how dare they? They should thank us for keeping them here, they should get the hell out of here. Many were surprised or indifferent, they were not sure what was going on especially since the media was focused on events in Tel Aviv, I believe some connected the dots later. In general, I find residents of Eilat to be politically indifferent; who are these people for them? What value to they have other than sweeping our streets and cleaning, and even that usually goes unnoticed. The employers for their part were narrowly focused on how this would affect their business and many said ‘why should I pay the price for their strike, I know they are right but I have a business to run’.

The same principle was true in the city of Arad. Activist Moran Mekamel, reminisced:

In Arad, the rally was followed by other protests, for the first time it brought together Eritreans and Sudanese that were friends before but now they were also political activists fighting together. They applied and got a city permit to protest, they held a strike in a public garden in the town. After one day, they collected enough money to rent busses so they could get people to Tel-Aviv to participate in the big protest. They also started filling Refugee Status Determination forms by the masses like a well-oiled machine, to make their protest documented. It was incredible to watch; they were on strike from the Dead Sea hotels for days and they made the hotel industry really feel it.

Similar to asylum seekers living in Eilat, the majority of the Arad community was working in the hotel industry located by the nearby Dead Sea. Asylum seekers were employed in custodial and other cleaning type jobs and their employers relied on them heavily especially at this time of year, with the start of the new year when the Dead Sea is popular with international travelers vacationing during the festive period.

The activist Moran mentioned the issue of RSD forms. Although it was unclear at the time whether the forms would be processed, it was important for asylum seekers to put down a marker and have their documents ready should the Israeli government accept their demands. Filling out RSD forms was a symbolic act – a normative form of protest emphasizing that Israel should respect international law or at least customary international legal norms.

Solidarity with asylum seekers

The pressure put on employers also captured the media's attention and debates about the dependence of the Israeli economy on asylum seekers received as much attention as the actual protest. In Tel-Aviv, some restaurant owners expressed sympathy towards asylum seekers: "We support the refugees wholeheartedly. We depend on them¹¹³. But we can't wash dishes from now until the end of time, and it's not like we can find Israelis who would be willing to do it".

A well-known Tel-Aviv restaurant owner interviewed by several media outlets¹¹⁴ said that they support their employees and fully back them. She believed that the majority of the asylum seekers are genuine and deserve full recognition as refugees.

113 This feature article expressed the dependency restaurants have on asylum seekers as low skilled labor, it was published during the strike: available at: <http://www.haaretz.com/israel-news/.premium-1.567574>

114 One example of such sentiments was expressed by restaurants owners in a piece published by YNET News. The piece highlighted the exchange of words between businesses that supported the strike and the Minister of Interior

Some businesses served food on plastic and paper plates since they didn't have dishwashers and justified it by saying it was a conversation starter with their customers. They believed that if their customers knew why their employees are on strike they will understand why they are doing it and what it is that they are demanding.

Within the community some asylum seekers were either heavily pressured or too afraid to lose their jobs and decided to show up for work. Although protest leaders played down accusations of strict enforcement, rumors were spread about isolated incidents where community members in charge of enforcing the strike used violence to force people to join the strike. The number of these incidents if they occurred were marginal, judging by the size of the crowd that had poured into Rabin Square. The majority of the asylum-seeking community was onboard and willingly present.

An NGO Conspiracy?

After two days of protest, right-wing counter protesters argued that the demonstration was staged and would have not been possible if it wasn't for the involvement of NGOs that funded and supported these efforts.

Social movements literature recognizes the important organizational dimension of a movement and how a formal structure affects operations and efficacy (McCarty and Zald 1977, Tarrow

that attempted to center the debate on the role of asylum seekers as cheap labor, emphasizing work is why they came here and how businesses are merely trying to reduce costs and thus offer them work. Available at: <http://www.ynet.co.il/articles/0,7340,L-4473644,00.html>

1998). At the core of the attempt to delegitimize the protest, counter protesters claimed that the entire effort had been led, financed and operated by Israeli NGOs. Surprisingly in a time where anti-NGO legislation and regulations to erode their status¹¹⁵ (in particular by monitoring them and sanctioning their donations) has been prominent, the official narrative of politicians was to undermine the validity of asylum claims and focused less on its base of operations.

I elaborated in the second and third chapters the role NGOs played in providing aid, legal support and information about rights. NGOs were pivotal in the movement's rights consciousness raising and supported logistical needs. During the protest NGO support was instrumental logistically but had no influence over recruitment, participation, or the decision-making process that determined the course of action.

Nonprofit organizations are important political actors for their engagement with migrant communities and can facilitate political participation (Ramakrishnan et al ,2008). There is no denying that NGOs have helped asylum seekers to hone their political skills and have provided necessary resources to fight for their interests or as McCann suggests “the impact of these legal practices on the activists themselves i.e., on their understandings, aspirations, relationships, and capacities for action (McCann, 1994, p.227).” However, despite these efforts and based on previous demonstrations (mentioned earlier this chapter), their involvement could not have been

¹¹⁵ In the past 9 years there has seen a growing trend of anti-democratic activity and bills that seek to undermine and delegitimize civil society organizations whose positions or agenda do not match that of the ideological majority. Non-governmental organizations that focus on human rights, civil liberties, rights of migrants and asylum seekers and organizations that advocate for peace or Palestinian rights have found themselves subjected to attacks that aim to damage, misrepresent or eliminate their activities. Full report on this issue was published by the Association for Civil Rights in Israel in 2016. Available at: <https://www.acri.org.il/en/wp-content/uploads/2016/02/Anti-NGO-Bills-Overview-Updated-February-2016.pdf>.

sufficient to mobilize entire communities and reach such high levels of participation. Oded Feller from ACRI explains:

Some newspapers, and especially the pro-government one 'ISRAEL HAYOM', were busy to mark us, NGOs, as the facilitators and organizers. What people don't know, is that if we were to plan a protest, it is doubtful that more than several hundred would have shown up. Maybe if we put a lot of money into this kind of campaign and even then, I remain skeptical about our ability to pull off something like that. We do not have the power to do it. Even if we wanted to get people out, it would have been racist to suggest we directed them, it implies that we are talking about this herd, with no agency or political consciousness that does not know what they want and need. It was a bottom up effort through and through. Even if we paid for buses, someone needs to fill them, and how do you get 30,000 people to mobilize?

This effort was almost entirely grassroots, it relied on a formalized organization based on the asylum seekers' community associations that mobilized their members. The central command, a newly created representative body was established in order to make the decision-making process efficient and legitimate in the eyes of its members.

NGOs played a pivotal role in their engagement with community leaders by providing access to information and mediating legal developments, but the growth of dynamic political activity and community work that was necessary to mobilize asylum seekers in large numbers was beyond their reach. This perspective was reinforced by Yael, a Jerusalem based independent activist:

I think there is a false assumption by the activist community that we know everyone and that they know us. But think about it, more than 40,000 people live here, and if you ask me, the outreach by all the organizations around the country might reach 20 percent of all asylum seekers, and I feel that my estimate is generous. There are still plenty of asylum seekers that live among us but have a very superficial connection to any of us and their knowledge of what is going on remains pretty basic

NGOs saw their contribution in their legal mobilization and public advocacy. The fact that incarceration in Holot was limited for example was the result of successful appeals against repeated amendments to the Prevention of Infiltration Bill. While I did not expect NGO professionals to admit to anything beyond motivational, financial or legal support, the more involved I became in the asylum-seeking community and the more NGO representatives I interviewed, it became clear that ordering an ongoing strike and recruiting so many participants was beyond their reach.

Roni, from Darfur

Yes, there were also Israeli human rights activists involved in our planning efforts and after they saw the community come together it gave them motivation to become more involved. But you have to understand, all the decisions were always made by us, after all we are the ones seeking asylum

The instrumentality of NGOs forced me to pay closer attention to other incentives for mobilization in the form of state repression, community structure and public framing. *Suli* from Darfur emphasizes these points:

Our activism really peaked in 2014, after the infiltration law was overturned and a new law was on the way, more people became involved in the community. We started going to public events in places like high schools, we were desperate to get a chance to tell our side of the story. Overtime these public appearances taught us more about the left and right in the country, we didn't care too much if you are left or right but about telling our story and explaining to anyone who would listen- we are not criminals. Another reason we wanted to tell our story is because we experienced genocide and it is not different from what happened to the Jews. People study about the holocaust every year but what is the lesson if people are not learning from it? This is a democratic nation, people here elect the prime minister and our goal was to reach the people. We didn't know at that time if we will be successful at reaching our goal but we believed we must try

A social movement striving to affect social and political change cannot rely solely on litigation. The fact that asylum seekers made it a stated goal to offer a different narrative about their presence in Israel, one that would resonate with the Jewish-Israeli public, validates the importance of this point. Asylum seekers' leadership was aware of the assault on the democratic foundations of Israeli state institutions like the supreme court and wanted to avoid the criticisms that they use the High Court of Justice to promote legal "activism" in their favor.

As their nationwide strike entered its fourth day, an estimated crowd of 10,000 asylum-seekers protested in the Wohl Rose Park across from the Knesset in Jerusalem. Representatives of the striking asylum-seekers tried entering the Knesset for a pre-arranged meeting with MKs but were barred entry. Community leaders gave speeches in Hebrew, English, Arabic and Tigrinya. They called on the government to revoke the recently-passed legislative amendment that provided for their imprisonment, to stop arresting asylum seekers, to release those in detention and to recognize them as refugees. In a letter to the Prime Minister they requested that their voices be heard and called on the government to speak directly with them to find a solution.

When the Banners Came Down

After several days of protest, the leaders decided to end the strike. The pressure on participants, especially the financial burden and anxiety of those who lost their jobs, was affecting morale and the purposefulness of the demonstration. The protest was not able to apply the needed pressure on the government to affect policy change and hope was replaced by frustration. The goal of

changing the image and shifting perceptions about asylum seekers among the Israeli public remained questionable.¹¹⁶

Asylum seekers might have failed to achieve their stated policy goal but their efforts must be assessed based on the benefits achieved for their community members and how it influenced rights consciousness, legal decisions, state bureaucracies, public opinion, and participating individuals.

A selection of interview responses represents some of the generally accepted views about the efficacy of the protest. While there is definitely a gap between the planners' and leaders' assessment with that of "ordinary" participants, it is important to observe how success is articulated and measured. This helps in understanding the context in which activists work and what they know about their struggle.

The focus on rights led asylum seekers to believe in the legal processes and fostered hope that the Supreme Court judges would be responsible for interpretation of their claims and for its just implementation. Rights consciousness contributed to the political activation and organization of asylum seekers, and it served as the basis for mobilization.

Michael, Eritrea:

You know, people may wonder what we achieved, well, our biggest achievement is that we learned a lot, about ourselves and about our capabilities. We learned how to work within the law, how to organize

116 Amenta et al (2010) argue that it is often the case that social movements are assessed based on their success to influence policymaking, while in fact, political consequences are external to the movement and are not under its direct control, unlike mobilizing members, creating collective identities, increasing individual and organizational capacities, policy change requires a certain institutional capacity and constituency that non-Jewish asylum seekers without permanent status simply don't have.

and stand up as a community. We acted together and non-violently, we left the square cleaner than it was before we gathered there

Suli, Darfur

No matter what will happen to us, I think we will be remembered for what we did. We acted without fear, we showed we have rights and insisted that our cause is just - we are genuine asylum seekers, not migrant workers, Israel's migrant workers don't protest and don't go out on the streets. It is true the situation has not changed but I am proud it happened, I am proud I was a part of it

For Michael and Suli developing a deep understanding of Israel's legal and political structure was a true victory. It enabled the movement to accurately direct its claims and instilled confidence in the leaders about their capabilities. The protest organizers were calling for the law authorizing the opening of the Holot detention center to be overturned, as well as for Israel to stop rounding up asylum seekers. They urged Israel to honor the U.N. Refugee Convention and give reasonable consideration to all asylum requests. They contacted United Nations representatives and foreign embassies in Israel to ask the world body to pressure Israel to assume its responsibilities. Michael and Suli remained active members long after the protest, and like other leaders, saw the socio-political socialization as a personal gain and the practice of protest as a necessary step to conduct an ongoing struggle. They emphasized the importance of rights and saw the commitment to respect international law as a legal commitment and a moral imperative.

Community members also viewed rights as a political resource, it was good for litigation, and while it sparked hopes and indignation of their ill treatment they were not naive about a possible response. *Niva, Eritrea*

I am very glad we did it. From the Israeli government's perspective, it was obvious they will intensify the oppression because we would have continued. I think it is good we did it, we tried, we fought

For Eritreans, political participation is a journey in unfamiliar terrain. The very act of political assembly is known to be dangerous in Eritrea. Thus, removing the psychological barrier and getting community members to take risks and come out to protest should not be ignored or treated as less than a real community achievement. I repeatedly emphasized the challenge Eritrean community leaders had in getting their members to come out and protest, first it is a struggling community preoccupied with daily survival issues, and giving up a day's pay is a serious sacrifice; secondly, the fear of government spies and risk of being seen in public deterred many, so directing their claims at a foreign government and running the risk of losing the little they had was not something that was taken lightly; finally, since many Eritreans never lived in a democracy and had little experience in politics and civic engagement, the powerful experience of being part of a mass crowd and exercising rights might have misled them to believe policy oriented results would quickly follow. This lesson in political participation heightened the limitations of protesting in a Jewish democracy.

Fathi, Eritrea

Interviewer: Can you describe to me how you felt after the protests?

I felt important, I was proud. Also, I was thinking how was it even possible for us to protest? In our country it is unheard of. At the same time, while I slowly learned that here Israel is a democracy and we have certain rights, after the big protest I realized from the response we got, this is not only a democracy but also a Jewish State

Israel's existence as a Jewish state relies on securing a Jewish majority. Asylum seekers employed a sentimental frame that simultaneously invoked Jewish history while framing their claims using the legal language expressed in the Refugee Conventions. Their rejection is a result

of Israel's immigration laws that are designed to attract and support only Jewish immigrants. Their predispositions about democracy and reliance on liberal norms of human rights, failed to materialize, which for many served as a lesson about their social position and the elusiveness of transnationalism.

Mosh, Sudan:

We asked the Israeli government for protection and that was one of the things we didn't achieve. I submitted my request a long time ago and until now I received no answer, according to the statistics there are 40,000 of us but only 5 were granted status. It is possible to say that most of the Israelis were unaware of the big number of asylum seekers living in Israel and because of the attention we got from the media, all of a sudden, they became aware and said- 'wow, so many people, we cannot take them'. But the positive thing is how the media treats us now, well, in general at least; before they called us infiltrators or migrant workers but after the protest our representation in the media changed and the term asylum seekers was more common. Also, it was a gathering in which tens of thousands of people came together, we did not block the road, and not a single person was injured or hurt. I don't think any other country had so many asylum seekers protesting together the way we did

Interviewer: from what you can recall, from conversations you have had maybe, what was the atmosphere in the community afterwards?

Most of the people viewed it positively, I would say about 70 percent, the other 30 percent thought it was not a good thing to protest. They believed the Israeli government is not going to change its policies.

The experiences and biographies of asylum seekers culminated in mass participation also through a closely aligned *frame* projecting the movement's point of view. "Framing" is known as the interpretation that enables individuals to locate, perceive, identify, and label the occurrences within their life space and the world at large, serving as a conceptual bridge that links social psychological and structural/organizational considerations on movement participation (Benford and Snow, 2000). A good deal of talk and activity within movement contexts (among members,

and between members and Israeli supporters) helped their transformation into mobilized individuals whose self-interests and daily routines coincided with the movement's cause or mission.

Hila, Eritrea:

When I saw the amount of people that showed up I was very happy, it felt good because you feel people understand they have rights. Look, if the case was different, if people were not suffering in their home countries and would have come here purely to work, what made them stay so long? Don't you think they made enough money and could afford to go back? People demonstrated because they knew they deserve to be free. If you ask Eritreans, they don't want to build a life here, they don't want to be here. If the situation was any different in their country, they would go back. People associated the new policy of Holot with the prison in Eritrea, and that got them very scared. Most of the people here were imprisoned and tortured back in Eritrea, how is it possible to send them back to a prison?

The protest was not only a policy-oriented demonstration, and as previously mentioned, asylum seekers' collective identity was very much defined in the fight against the *infiltrator* label. By calling them *Mistanenim* (*infiltrators*) the state of Israel legitimized indefinite incarceration and criminalized border crossing regardless of its context. Asylum seekers wished to express their objection not only to what they saw as unlawful incarceration but also to their dehumanization. The challenging of their narrative and undermining of their suffering was an insult added to their ongoing misery. For asylum seekers, the strike and success in gathering thousands of supporters was a sign of community strength and a vote of confidence in their claim – “we are refugees”. Their shared experiences and now shared faith under the label of “infiltrators” reinforced micro-mobilization, identification with the refugee rights as values, and increased the interests to participation in movement activities. Beyond the perceived seriousness of the threat that was

previously seen as a tolerable situation, the ramifications of the anti-infiltration bill were now defined as inexcusable, unjust, and immoral. Asylum seekers were transformed from victims of their journey to system-blaming and rights bearing members capable of affecting change. The choice of a non-violent protest was not merely ideological or tactical, it reflects the nature of the asylum-seeking community, soft spoken, quiet but not submissive. Asylum seekers took pride in how well ordered their protest was, there were no arrests, no acts of civil disobedience or any use of violence. When the banners came down the square was spotless, clean, and ready for the next event to take over Rabin Square.

Aftermath

After several days of protest, the asylum seekers' leadership called off the strike. It was not a unanimous decision. Some, especially Eritrean leaders, felt it was necessary to continue. But the majority of the leaders were right to identify the fatigue in the community and realized that the burden of financial insecurity made this course of action unsustainable. They also argued that the energy and attention would go away, and indeed, days later former prime minister Ariel Sharon passed away and the protest was no longer the top story. Nevertheless, the leaders vowed to continue their struggle.

Less than a month after the big protest, *Holot* became a reality, and more members in the community were being summoned to report there. According to the Ministry of the Interior, the number of asylum seekers willing to "leave voluntarily" (to a third country) was on the rise and in February 2014 a record number of 1,705 African asylum seekers left Israel. The fear of more sanctions and tougher repression materialized.

The legal battle over the infiltration law continued, delivering two more important decisions about the future of asylum seekers. In July 2015, The Be'er Sheva District Court rejected a request from human rights organizations to issue an interim order preventing the deportation of asylum seekers to Rwanda and Uganda, as well as against indefinite detention for those who refuse to leave Israel. A month later, The High Court of Justice partially struck down a petition filed by NGOs challenging the legality of the fourth amendment of the infiltration law. An expanded panel of nine justices rejected claims that this version of the Prevention of Infiltration Law was constitutional, apart from the clause that allows for the detention of the migrants for up to 20 months without trial. The court ruled that the state was within its right to keep unauthorized migrants in custody, subject to proceedings of identification verification, while it explores potential deportation proceedings. The decision ordered cutting the period of time in detention from 20 months to one year. Weeks later, asylum seekers were required to travel to Holot to renew their conditional release visas, a service that was previously offered in local municipal bureaus, in areas largely populated by asylum seekers. One of the new order's intentions was to introduce the concept of Holot to the population and apply more pressure on them to leave.

About 14 months after the big protest in Rabin Square reports were beginning to accumulate about inadequate resettlement and loss of basic rights to those who chose to leave voluntarily. In May 2015, Ha'aretz reported¹¹⁷ that Prof. Galia Sabar, the head of African Studies at Tel Aviv University's Middle Eastern and African History Department, traveled to Uganda and Rwanda to

¹¹⁷ The background for this fact-finding mission were word to mouth stories in the community about the fate of those who accepted the voluntary leave packages. Highlights from Sabar's report were published in an article titled Asylum Seekers Who Left Israel for Rwanda Describe a Hopeless Journey, available at: <https://www.haaretz.com/israel-news/.premium-1.657769#.VWNhflaXvQM.facebook>

learn the fate of these asylum seekers. In Rwanda, the main country where Israel has sent them, Sabar didn't meet with a single asylum seeker.

According to Sabar, after asylum seekers landed in Kigali, a local representative would help them go through immigration, and then they were sent into temporary housing where they were required to pay \$10 to \$150 for two nights. In order to get to Uganda asylum seekers had to pay between \$250 and \$400 to be smuggled over the border. Sabar's report contradicts Israeli government claims that the third-party countries are safe, and that they do not deport asylum seekers or let them file asylum requests and work for a living.

A significant slowdown was reported¹¹⁸ in the rate of asylum seekers leaving Israel. In 2015, 3,381 asylum seekers voluntarily left Israel, compared to 6,414 in 2014. In the last three months of 2015 there was a steep increase in the number of voluntary departures compared to the rest of the year. A possible explanation for the rise during this period is that thousands of asylum seekers were summoned to report to Holot. The report says that 73 percent of those who left Israel were citizens of Eritrea, 18 percent came from Sudan and 9 percent from other African countries. This is a major change from 2014, when about two-thirds of those who left were Sudanese – the first group to report to Holot in large numbers.

By the end of 2016, 2,752¹¹⁹ asylum seekers left Israel. The effectiveness of the fence was expressed through an all-time low in only 18 attempted entries.

¹¹⁸ End of the year report published by Population and Immigration Authority:
https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreigners_in_Israel_data_2016_0.pdf

¹¹⁹ Report by the Ministry of the Interior available at:
https://www.gov.il/he/Departments/news/enforcement_news_250916

Less than half of the original core leadership of the 2014 protests were living in Israel by summer 2017. For some, the inability to affect policy change and increasing pressure was too much, and they preferred to go back on the migration journey in pursuit of a better future. The luckier ones were able to resettle in western nations like the U.S., Canada, Sweden, Norway and Germany. These legal relocations were made possible through family reunifications, private sponsorships and other special circumstances that allowed them to claim asylum. Activism was an important part of the success of these leaders. During their years in Israel they became more aware of their rights and more attuned to their legal options. Their places were taken by younger and less affiliated members of the community that stepped up and assumed leadership roles in their communities but political engagement of asylum seekers was once again directed at their diasporic role to resist the regimes in Sudan and Eritrea.

As the number of asylum seekers leaving Israel slowed down, new rules came into effect in May 2017, requiring asylum seekers to deposit¹²⁰ 20 percent of their salaries in a special fund that would be paid to them only when they leave the country. Under Section 4 of the Law for Preventing Infiltrators and Ensuring Their Departure, asylum seekers must deposit 20% of their salaries and their employers another 16%. To ensure that an asylum seeker is really leaving, the only place authorized by the government to make the payout is the bank located at Ben-Gurion International Airport. Asylum seekers organized a protest and were able to mobilize several thousand participants, while their NGOs partners petitioned to the High Court of Justice against the decision.

¹²⁰ Full detail on the Deposit procedure are detailed at the Population and Immigration Authority https://www.gov.il/he/Departments/policies/deposit_monies_for_infiltrators_procedure

Although fewer asylum seekers were now living in Israel (36,630 compared to 64,849 at the peak¹²¹) the government was determined to deport those left. In December 2017, the Knesset approved a bill¹²² advocating the expulsion of asylum seekers, as part of its anti-infiltration efforts. Seventy-one lawmakers supported the bill and 41 opposed it.

Among other measures, the bill would have asylum seekers imprisoned if they violate the geographical limitations imposed on them. Furthermore, the legislation ordered Holot to shut down in mid-March 2018¹²³ if no further extension is approved. The law also extended the penalization of employers who hire asylum seekers and extended the ban on asylum seekers taking money out of the country. The decision to close Holot coincided with a government plan to expel Eritrean and Sudanese asylum seekers to a third country within the next few weeks.

The plan sparked a new wave of protests by asylum seekers and their supporters, this time transcending beyond the boundaries of Israel. In this round of mass protests that brought together asylum seekers and thousands of Israeli supporters who marched together in Tel Aviv and other cities, the organizers worked hard to engage world Jewry and pressure other state actors.

Activists contacted Jewish organizations in the diaspora, mainly in the United States, and soon organizations and Jewish congregations began making public statements to pressure the Israeli government to stop its deportation plan. Activists also targeted the embassies and consulates of

¹²¹ According to the latest report by the Immigration and Population Authority published in April 2018. https://www.gov.il/he/Departments/publications/reports/foreign_workers_stats_0118

¹²² Full protocol of the bill available at:

<http://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2023509>

¹²³ Construction of the Holot facility had cost 320 million shekels (\$91 million at the current exchange rates). Since then Israel has allocated between 200 million and 250 million shekels annually for operational costs.

Rwanda and Uganda, the two countries that Israel signed an agreement with and were expected to admit asylum seekers. Protests were coordinated and demonstrations against the plan were held in front of embassies and consulates around the world.

As public pressure mounted Rwanda was the first to back out of the agreement with Israel. On April 3 2018 The Times of Israel reported¹²⁴ that Rwanda denied it had ever made an agreement with Israel to take in deported asylum seekers. The day before, at a press conference alongside Interior Minister Aryeh Deri, Prime Minister Netanyahu announced and praised¹²⁵ a plan between Israel and UNHCR that would allow for the departure from Israel of 16,250 migrants to developed countries like Canada or Germany or Italy and would grant temporary protection with full rights to 16,000 others. Hours later Netanyahu announced that he was freezing the new agreement with the UN refugee agency. “I hear you, and especially the residents of south Tel Aviv,” Netanyahu said in a (Hebrew) Facebook post¹²⁶ amid mounting right-wing criticism of the deal.

On April 13 *Haaretz* reported that Ugandan officials claimed documents that Israel gives departing asylum seekers are forgeries and were not signed by anyone in the Israeli authority. According to officials in the Ugandan president’s office the documents “bear no resemblance to any document our government issues” (Yaron, 2018).

¹²⁴ Full report available at <https://www.timesofisrael.com/outed-by-netanyahu-as-third-party-country-rwanda-denies-migrant-deal/>

¹²⁵ The Times of Israel reported on April 2 <https://www.timesofisrael.com/netanyahu-suspends-new-deal-on-african-migrant-hours-after-announcing-it/>

¹²⁶ Link to the Facebook post Benjamin Netanyahu Facebook page. <https://www.facebook.com/Netanyahu/posts/10155499430642076>

Despite the shock, frustration and anger of the asylum-seeking community protests continued. However, policy twists and turns amidst ongoing mobilization leaves asylum seekers in Israel in a state of legal uncertainty and its community members extremely frustrated. While protected from deportation to their country of origin, asylum seekers continue to be stuck in Israel without rights or the ability to have their asylum cases fairly processed and their status determined.

Conclusion

In the beginning of this process the challenge was great- we had language and cultural barriers and when the media would publish bad press about us we didn't know how to respond. What changed things for us was our work interactions. We saw people every day, interacted, exchanged experiences and shared stories. We were able to personalize ourselves and change people's perception of us. We connected to groups that helped us to learn Hebrew, we never went to Ulpan or underwent formal education here but we learned how to get by on our own

Roni, Darfur, interview in Tel-Aviv, August 2016

The case study of African asylum seekers and their mobilization campaign validates the importance of studying the micro and macro (individual and institutional) levels to fully understand collective action. It highlights the interdependencies between structure and social psychological factors as theorized in the literature of social movements. To observe this process, I studied the claims made by asylum seekers and the development of their rights consciousness. I explored constraints and opportunities embedded in the structure (judiciary and political) as well as the conditions and incentives that helped asylum seekers express their grievances building on their community assets and social structures.

The 2014 protest bears significance since it reflects consciousness raising among asylum seekers reaching a critical mass that allowed them to organize and act as a community. Israel's restrictive immigration system, lack of governance and inability to honor its international commitments provided the structural incentives for action. The desire to claim rights and win over public opinion by appealing to values that would resonate with a Jewish-Israeli public became an additional stated goal. While the use of legal mobilization (with the help of NGOs) proved to be important, community leaders depended on their extralegal power base within the community and not just on the plausibility of favorable judicial outcomes. By using non-violent tactics and telling a personal story, asylum seekers localized their claims offering a unifying message – “understand us since you were once refugees”- while rejecting the government constructed *infiltrators* label that fostered their counter-collective identity.

Through their united effort, African asylum seekers in Israel turned from a persecuted and clandestine community into a movement, conscious and rights bearing. Their struggle raised important questions about Israel's migration regime, workforce dependability, the balance between adherence to democratic norms and securing a Jewish majority, while capturing the attention of global media and international actors. Despite the inability to achieve their stated policy goals, their success is articulated by their own admission in their ability to mobilize and spread the language of rights in their communities.

The next and final chapter looks at irregular migration in the U.S. and the similarities in collective action practices and discourses adopted by irregular migrants. It is based on fieldwork conducted in the State of Washington between 2014 and 2017 with the intention of putting the

struggle of asylum seekers in Israel in a wider context, offering a comparative perspective on social movements and political engagement of unrecognized members of society.

Chapter 5: Between Holot and Tacoma

In 2009 I served as a Programs Coordinator at UCLA Hillel, a nonprofit organization dedicated to promoting Jewish life on campus. My role was to help students to connect and explore their roots and connection to Judaism through social action and other types of programming. As a staff member originally from Israel, I often engaged students by discussing important social and political issues that made the top headlines in Israel and found a way to relate it to the students' campus reality.

One day, as I was walking towards the main quad in a path locally known as "Bruin Walk", I encountered a massive crowd of students holding signs reading "We are the future of America",

and “Let us Dream”; they were chanting and cheering, and I was quite stunned by the size of the rally.

When I asked one of the students I knew, what was going on, he casually replied, - “oh, it’s the DREAMers,” - and I had no idea what that meant. The year was 2010, and I later learned that U.S. Congress was expected to vote on an immigration reform¹²⁷ that would give to some of these students, undocumented immigrants, a pathway to legal status. This made me draw parallels to a similar struggle in Israel in 2006 when children of labor migrants who were brought to Israel in the 1990s, fought against their deportation. Back then, those unauthorized migrants also formed a movement and mobilized to shape the political discourse and pursue a policy change in Israel.

The rally at the UCLA campus in 2010, resonated with me once more in 2014, when I witnessed a crowd of thousands of African asylum seekers in Tel-Aviv protesting against the plan to imprison and deport them. These displays of migrant self- organized mobilizations have been driving my academic research seeking to understand what motivates this type of political engagement, and how a population comprised of vulnerable irregular and therefore politically invisible migrants is capable of mobilizing on such a large scale?

In the previous chapters I described and analyzed the case of Sudanese and Eritrean asylum seekers in Israel, demonstrating how they used community powered networks and formed

¹²⁷ The Senate later blocked the bill that would have created a path to citizenship for certain undocumented immigrants who came to the United States as children, completed two years of college or military service and met other requirements, including passing a criminal background check. The Dream Act bill draft is available at: <http://www.gpo.gov/fdsys/pkg/BILLS-111hr5281eah/pdf/BILLS-111hr5281eah.pdf>

partnerships with local allies, to fight their de-legitimization, and successfully mobilized in large numbers.

Campaigns and proposals for comprehensive immigration reform seeking to end the spontaneous movement of undocumented people spurred similar protests in the United States in 2006, 2013 and 2017, calling on the federal government to offer protection and provide a legal path to citizenship. According to the Pew Research Center,¹²⁸ the United States is the number one destination for migration in the world and according to various estimates,¹²⁹ nearly 11 million undocumented people are living in its territories. Ongoing protests and mobilization campaigns in the U.S. inspired me to extend my analysis beyond the Israeli case and test my hypothesis about irregular migrants' mobilization in a different context.

While there are differences between Israel and the United States in terms of their immigration regimes, the protesters' stated goals, and ethnic composition of the mobilizing groups, I also found interesting similarities. First, Israel and the United States have a dominant immigrant nation ethos. Second, organizers and participants in both places face similar risks and negative incentives (like fear of incarceration and removal. Third, protest participants in both cases are

128 According to the center's 2016 report the U.S. has more immigrants than any other country in the world. As of 2015, the United Nations estimates that 46.6 million people living in the United States were not born there. Available at: <http://www.pewresearch.org/fact-tank/2016/05/18/5-facts-about-the-u-s-rank-in-worldwide-migration/>
129 The number 11 million is mentioned by independent research centers like PEW – available at <http://www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/>; Official government agencies like Information from U.S. Immigration and Customs Enforcement-<https://www.ice.gov/removal-statistics/2017#wcm-survey-target-id>; and Bureau of Justice Statistics <http://www.bjs.gov/content/pub/pdf/iofjs10.pdf>; as well as the is an independent, nonpartisan, nonprofit Washington based think tank, The Migration Policy Institute -<https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Unauthorized>

socially and politically disadvantaged as non-natives\ non-citizen). Finally, a well-documented and ongoing mass mobilization connects both cases.

Thus, the following sections will draw on fieldwork conducted in Washington State, centered on irregular migrants' mobilization. I will look at the similarities and differences between the cases in order to extend my synthesis on the relation between structural factors and agency driven explanations for mobilization, to account for recruitment, tactics, motivations, resistance in detention, and goal setting. The data collection for this analysis is more limited in its richness and scope of interviews, mainly due to issues concerning access to finding interviewees after Donald Trump was elected as U.S. president. Nevertheless, the data produced during participant observation at protests, meetings, as well as relevant secondary sources, offer interesting insights and conclusions about the motivations to mobilize and the nature of social movements formed by irregular migrants.

A Race to Keep Them Out

Immigration and naturalization laws in the United States have historically reflected and reproduced racial categories and the promotion of particular ideals aimed at shaping the nation and citizen. The sources for discrimination and inequality are embedded in the country's nation building stage, embodied by the ideal of the citizen-worker- a "white male" (Calavita, 2007, Ong 1996). Property ownership and autonomy, which were designed to exclude the poor, women, slaves, and Native Americans, were the primary factors in shaping citizenship in early American history.

Ong (1996) highlights values such as self-reliance, productivity, and self-development, as virtues of “whiteness” in America, modeling the “good” citizen. Subscribing to these categories offers inclusiveness to some, while marking clear boundaries based on racial, class and gender criteria. Citizenship and therefore belonging, is understood in the American context not only as a social or political membership in the community, but also an accompanying set of mental and physical attributes that make an “ideal” citizen and therefore offer full membership in society.

The exclusion of women, blacks, and Native Americans from citizenship according to historian Roger Smith (1997) demonstrates how the U.S. concepts of citizenship have been shaped by multiple ideological strands: liberalism, republicanism and ascriptive Americanism (superior moral and intellectual traits such as race, religion, gender, and sexual orientation). Susan Martin (2010) in her book *A Nation of Immigrants* makes a similar argument about the nature of three early U.S colonies that created the ideals for inclusion based on their respective beliefs.

According to Glenn (2002) labor is a central pillar in the American concept of citizenship – a societal institutionalized norm that is supported by the meaning of economic independence and the rise of capitalist industrialization. Both reorganized production and reproduction and increased competition between groups for employment and associated benefits. Corresponding to the case of asylum seekers in Israel in which the nature of the hiring often exposed them to exploitation, similar sentiments are expressed by undocumented workers in the U.S.

A review of the evolution of American labor and the demand for a regulated workforce highlights how that process has been gendered and racialized. Overtime Mexicans were the

primary labor force preferred by employers, they were more easily controlled and often the entire family unit would be available to labor. Although the workforce was ethnically diversified intentionally to increase competition and prevent unionizing efforts, it remained predominantly Mexican. Stratification was institutionalized based on very strict and formal race and gender basis. The hierarchy was clearly indicated in wage differences and managerial responsibilities that were almost exclusively reserved to whites (Glenn, 2002; Massey 2002). *Mariela*, a single mother from Tacoma explains how local laws and norms increased practices that subordinate employees to their employers.

I worked hard, long hours washing dishes, the boss stole at least three days of pay from me. I never got overtime. A person would miss a shift and I would cover for no pay.

Interviewer: Where you aware of labor laws protection?

I was, but I was also worried about other things, I could not really afford to lose the job, I was there part time and it didn't occur to me to complain.

Interview with Mariela, Tacoma, April 2016

The incorporation of Mexican non-white citizens into the United States became an arena for contention based on the contradictions between the promise of the Guadalupe- Hidalgo Treaty¹³⁰ to full and equal rights and the racial-ethnic hierarchy that dominated the public sphere. Despite the Treaty of Guadalupe Hidalgo, at least prior to the passage of the Fourteenth Amendment to the U.S. Constitution, southwestern state constitutions varied in their provisions with respect to the political citizenship of Mexican residents. Different restrictions were put in place with regards to voting rights, practices of segregation became common, and racialized and gendered

¹³⁰ Under the terms of the treaty, Mexico ceded to the United States Upper California and New Mexico. The Treaty brought an official end to the Mexican-American War (1846-1848) and its provisions included protection of property and civil rights of Mexican nationals living within the new boundaries of the United States. Source: <https://www.archives.gov/education/lessons/guadalupe-hidalgo>

narratives dominated the discourse with regards to Mexican's abilities and potential to fulfill "American" ideals (Glenn, 2002). The reaction by Mexicans varied greatly from complete rejection of cultural ancestry by upper and middle-class Mexicans, to embracing and combining this sense of identity especially by the working class. Mexicans resisted Anglo attempts to racialize them as nonwhite and to deny them rights on that basis, and this was expressed by low naturalization rates based on their disbelief in the ability to achieve full rights.

The Immigration Act of 1924 (which cut off immigration opportunities for low wage labor from Europe) exempted Mexico and other countries of the Western Hemisphere from numerical quotas. Grounds for the decision were based on labor agricultural needs as well as foreign policy considerations. In the context of socioeconomic changes in the Southwest and the nativist climate in national politics, calls for restricting Mexican immigration grew (Ngai, 2005; Lee, 2004).

The increase in the number of illegal entries created a new emphasis on border control and fortification. The application of deportation laws gave rise to an oppositional political and legal discourse, which labeled differently "deserving" and "undeserving" illegal immigrants. Illegal status became constitutive of a racialized Mexican identity and of Mexicans' exclusion from the national community and polity (De Genova, 2004).

A 1929 law in the context of the Great Depression made illegal entry a separate criminal offense. In effect, this meant that migrants were subject to both deportation (because they still lacked constitutional protections) and separate criminal prosecution and punishment. Criminal

conviction also made future reentry impossible. To fully appreciate the current debate over undocumented immigration in the United States it is necessary to understand how it fits historically, especially in the Southwest, where the immigration laws have helped ensure a disposable labor force.

Under the Bracero Program¹³¹ in the 1940s and 1950s, Mexican workers called braceros (after the Spanish term roughly translated as “farmhands”) were temporarily admitted into the country to work in agriculture. Between 1942 and 1964, the arrangement brought in 4.6 million temporary workers from Mexico. At the same time, undocumented immigration from Mexico was named by groups promoting a nativist discourse as the cause for displacement of American workers, depressed wages, and increased racial discrimination toward Americans of Mexican ancestry (Johnson, 1998). However, it was growing criticism over widespread labor violations that expedited the termination of the program in 1965. The linkages created during the bracero program meant however that Mexican migration continued especially since growers had become dependent on Mexican farm labor, and Mexican households had become dependent on the additional income.

As a result, undocumented migration steadily came to dominate the flow of migrants to the United States during the period 1965 to 1986. According to estimates by Douglas Massey and Audrey Singer (1995), roughly 28.0 million Mexicans entered the United States as

¹³¹The bracero program was initiated because of farm labor shortages caused by American entry into World War II. As a result, Mexican workers were brought to replace American workers dislocated by the war. The program was intended to be temporary, but a growing dependence of American farms on Mexican labor kept it going for nearly two decades after the war ended. More available at: <https://dp.la/primary-source-sets/mexican-labor-and-world-war-ii-the-bracero-program>

undocumented migrants during this period, compared with just 1.3 million legal immigrants and a mere 46,000 contract workers. Several decades after the end of the bracero program, Mexicans continue to make up the bulk of farmworkers in the United States (Massey et al. 2002).

The Immigration Reform and Control Act of 1986 established for the first-time federal sanctions against employers who knowingly hired undocumented workers. What this meant in practice is that the employer sanctions provisions generated a flourishing industry in fraudulent documents, which merely imposed further expenses and greater legal liabilities upon the migrant workers themselves, while supplying an almost universal protection for employers (De Genova, 2004).

According to Park & Park (2013) new rules in 1996 deepened the gap between immigrants and citizens by removing social safety nets and increasing the means for deportation and exclusion even when offenses committed were minor. The dramatic change in immigration policy in the U.S. occurred with the introduction of various temporary non-immigration work visas. The demand for skilled low wage workers forced the government to create specific categories of temporary immigrants and at the same time prevent them from establishing permanent residency. The bureaucratic obstacles and caps imposed on workers generated many of the undocumented migrants. In 1990 when the visa for highly skilled temporary workers allowed individuals seeking residency to petition for permanent status the differentiation between highly skilled and low skilled migrants emphasized the preference to classify certain migrants as more desirable.

Educated and highly skilled migrants lobbied and received endorsements from corporations and politicians alike based on their contribution. Contrary to those claiming that H1B visas are

another back door for migrating to the U.S, studies claim that they are actually more like revolving door immigrants since their expertise makes them lucrative to many western countries competing for their services. Interestingly this group of migrant workers was not discussed in racial terms and opposition to their increase was always argued from an economic and American labor protection standpoint (Park & Park, 2013).

Since low wage and low skilled migrants do not have the same resources, corporate backing, and social mobility, restrictions on guest worker programs nearly eliminated their legal options to migrate. Mexican and other Latino migrants viewed the new measures that increased monitoring and tracking and invested more resources to secure the border, as harsh sanctions which forced them to become “illegal.” The U.S. government on the other hand viewed those same measures as sophisticated legal means to control migration flows and attract specific type of skilled labor.

To conclude, the category of an “illegal” migrant was designed and constructed to express the state’s control and insist on its right to refuse entry. The illegal migrant is seen as someone who refuses to comply with U.S. laws and therefore can never Americanize. Public concern with undocumented Mexican immigration heightened at the same time that the population of persons of Mexican ancestry grew in the United States. Mexican soon became a synonym with “problem” and illegality; undocumented immigrants were being labeled as criminal, in order to protect the nativist discourse that defines “who and what is American” (Bacon, 2008; De Gevnova, 2005; Scheel and Squire, 2014).

Washington State as a Primary Site of (legal) Mobilization

In the U.S. the authority on immigration remains at the hands of the federal government and its executive orders, but it is at the local level, where different actors are able to devolve powers and extend welfare and rights to undocumented communities. In the State of Washington for example, the estimated number of irregular migrants is close 230,000,¹³² and a report published by the Pew Research Center,¹³³ shows the number of people living in the state without legal permission reached 250,000 in 2014, jumping by about 40,000 since 2009. After Mexico, the largest populations of irregular migrants residing in Washington were from India (20,000) and China (10,000).

Washington State officials as well as local NGOs and grassroots organizations, had been at the center of several controversies concerning the issue of irregular migration and successfully promoted protective and rights-based legislation. In recent years, Seattle's May Day parade has been dedicated to the issue of migrants' rights, raising awareness, and advocating for policy change. The state became a very active arena for mobilization where multiple groups operate in order to fight injustices concerning the daily lives and well-being of irregular migrants.

In 2013, an independent farmworker union- Familias Unidas por La Justicia (FUJ) representing Spanish speaking workers located in Burlington, WA at Sakuma Bros. Berry Farm, began a labor struggle with the hopes of securing a collective bargaining agreement for its workers in the local berry fields of Whatcom and Skagit County.

132 Seattle times headline from February 2011 "Illegal-immigrant numbers in state jump 35% in 3 years"

<http://www.seattletimes.com/seattle-news/illegal-immigrant-numbers-in-state-jump-35-in-3-years/>

133 The report did indicate that the Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009.

<http://www.pewhispanic.org/2016/09/20/overall-number-of-u-s-unauthorized-immigrants-holds-steady-since-2009/>

In 2015, the City of Seattle's Wage Theft Ordinance,¹³⁴ came into effect expanding the definitions of what is illegal, making it a gross misdemeanor to intentionally commit wage theft, by classifying the theft of wages as the same as theft of property. The amendment came after a hard-fought battle led by Casa Latina, a Seattle based organization working to empower Latino immigrants through educational and economic opportunities.

Other evidence of legal mobilization can be found in law suits filed by state officials as well as local NGOs. In 2014 for example, a lawsuit¹³⁵ was filed by a coalition of immigrants-rights groups, including the American Civil Liberties Union (ACLU) offices in Seattle, and the Northwest Immigrant Rights Project- seeking to provide attorneys for thousands of unaccompanied children who face deportation in U.S. immigration courts.

In Tacoma Washington, is located one of the largest immigration prisons in the United States- The Northwest Detention Center (NWDC), with a capacity to hold up to nearly 1,600 immigrants. An active undocumented led group known as the NWDC Resistance, has been working to end the detention of immigrants and stop all deportations, by continuously organizing, marching, protesting, and maintaining a regular presence of activists outside the prison. The for-profit GEO Group, which runs the facility has come under fire for its alleged treatment of detainees. In the past 4 years, hundreds of detainees in the facility participated in

134 Seattle's Wage Theft Ordinance that went into effect on April 1, 2015, requires employers to pay all wages and tips owed to employees, provide written notice to employees, and itemize pay information when employees are paid. Full text available at: <https://www.seattle.gov/laborstandards/ordinances/wage-theft>

135 A federal appeals court panel later rejected the class-action lawsuit despite saying that having kids represent themselves in such complex matters. Source: <https://www.seattletimes.com/seattle-news/crime/obama-administration-asks-for-dismissal-of-child-immigrant-lawsuit/>

hunger strikes to protest conditions there. In September 2017, Washington State’s Attorney General sued¹³⁶ the operator of the Northwest Detention Center, accusing the company of violating the state’s minimum-wage laws by asking immigrant detainees to work for \$1 a day or less.

After Donald Trump was elected President in 2016, the city of Seattle vowed to remain “a sanctuary city”¹³⁷ for undocumented immigrants, joining other big U.S. cities with a range of different policies to protect undocumented migrants. The city later announced a federal lawsuit over the Trump administration’s threat to withhold federal grants to "sanctuary cities," citing the 10th Amendment that deals with states’ rights.

In May 2017, the U.S. Justice Department ordered a Seattle-based nonprofit, Northwest Immigrant Rights Project, to halt a large part of the work it does to advise immigrants of their legal rights and help them fill out paperwork — a demand that the organization says would force thousands of people to go without legal help in deportation cases. The nonprofit sued¹³⁸ the Justice Department in federal court in Seattle in an effort to block the order.

¹³⁶ The GEO Group, Inc. (GEO), is the second-largest private prison provider in the U.S. and Attorney General Ferguson announced the lawsuit after learning the company is not paying its workers the minimum wage, netting the company millions in ill-gotten profits. The state’s lawsuit asks the court to order the company to give up these profits.

<http://www.atg.wa.gov/news/news-releases/ag-ferguson-sues-operator-northwest-detention-center-wage-violations>

¹³⁷ The city passed several resolutions affirming policies and programs to protect vulnerable communities while denouncing national and federal policies and rhetoric targeting immigrants and immigrant communities.

<https://seattle.legistar.com/LegislationDetail.aspx?ID=2946649&GUID=C10C9E5A-B5E8-4DBF-BB16-89CECDBD6244&Options=Advanced&Search=>

¹³⁸ In July 2017, the Federal Court granted Northwest Immigrant Rights Project’s (NWIRP) request for a preliminary injunction against the Department of Justice, allowing NWIRP and other non-profit legal providers throughout the country to continue providing legal assistance to unrepresented immigrants facing deportation. <https://www.nwirp.org/federal-judge-rules-in-our-favor-allowing-non-profit-organizations-to-continue-advocating-for-unrepresented-immigrants-facing-deportation/>

After U.S. Attorney General Jeff Sessions announced in September 2017, that the Trump administration planned to phase out the Deferred Action for Childhood Arrivals (DACA)¹³⁹ program, Washington State Attorney General Ferguson filed a multi-state lawsuit¹⁴⁰, seeking to halt President Donald Trump's decision to end DACA. The lawsuit, alleged that the President's decision to end DACA would not only cause immediate harm to hundreds of thousands nationwide, it also directly injures colleges and universities, employers and state economies by removing the protections that allowed "DREAMers" to study and work legally without fear of deportation.

And in an even more recent incident, on January 2018, Washington State Attorney General Ferguson sued¹⁴¹ Motel 6 for providing guest lists to federal immigration agents. The office began investigating Motel 6 after two of the chain's locations in Arizona provided its guests' personal information to Immigration and Customs Enforcement (ICE) officers and six additional locations in Washington provided the same information.

To sum, the state of Washington is one of the United States' primary sites for protests and legal mobilization, especially on issues of immigration policy, which has been an arena for contention and opportunity for many actors in the state. At the same time, the federal government is

139 The Deferred Action for Childhood Arrivals allowed certain people who came to the United States as children and meet several guidelines to request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status. <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

140 For full press release by Washington State Office of the Attorney General, see <http://www.atg.wa.gov/news/news-releases/ag-ferguson-files-lawsuit-block-trump-s-decision-abandon-dreamers>

¹⁴¹ The lawsuit asserts that Motel 6 committed thousands of violations of the Consumer Protection Act and hundreds of violations of the Washington Law Against Discrimination. Source: property. <http://www.atg.wa.gov/news/news-releases/ag-sues-motel-6-violating-privacy-discriminating-against-thousands-washingtonians>

stepping up its efforts to adopt enforcement regimes that marginalize and define practical consequences connecting legal documentation and status. Similar to the “infiltrators” label, which criminalizes African asylum seekers in Israel, the United States’ labor dependence and changing immigration practices actively produced illegality primarily against Hispanic migrants¹⁴² from Mexico and Central America, who make up the majority of undocumented immigrants.

These migrants face multiple levels of discrimination arising from their racial and class status anchored by policy and legal constructs aimed at denying entry and forcing deportation. For some unauthorized migrants, the sub-federal policies in Washington State, offer a chance to engage and challenge the status of illegality. These policies actively encourage interactions between unauthorized immigrants, public officials, and community institutions that might not happen otherwise.

The next section details how irregular migrants in Washington interpret the construction of U.S. immigration policies and the practices they adopt to challenge them.

No Human Being is Illegal

You can see the toll immigration takes on people; clients I worked with, especially those I’ve worked with for a long time, don’t have access to any benefits and if they are undocumented or if they are seeking asylum, they don’t really have support systems. Basic survival becomes an issue, and to all that, you must consider their personal background and other socio-economic factors. I don’t think I realized how many people go

¹⁴² The data is available in a Pew Research study; although there had been a decline in share from Mexico mostly offset by growth from Asia, Central America and sub-Saharan Africa, Mexicans remain the majority of the nation’s unauthorized immigrant population, but their estimated number – 5.8 million in 2014. Source: <http://www.pewhispanic.org/2016/09/20/overall-number-of-u-s-unauthorized-immigrants-holds-steady-since-2009/>

through the immigration process. People are dealing with a lot, their stories are not monolithic, they come from all over the world and usually don't speak English. They have to navigate the system on their own. I was amazed by how little resources are there to help these people we are the only organization in WA that does this type of legal work and our front desk gets a 1000 calls a day.

Interview with Sefnait Ghezahegn, a volunteer at the Northwest Immigration Rights Project (NWRP), March 2016

Irregular migrants are especially vulnerable to human rights violations and often gain little to no access to basic services such as health care and other social benefits. This gap between expected rights and fulfilled rights can trigger the contestations of citizenship, making the act of migration in and of itself, a politicalizing experience. Migrants' self-organizing offers a chance to reclaim a sense of individual and communal identity even if they do not formally belong to the community by means of citizenship. By demanding acknowledgment as "undocumented migrants" and not illegal or unauthorized, migrants make a public statement regarding their position in society (Nyers, 2010).

Thus, one way of interpreting the growing political activism of irregular migrants is as a way to contest citizenship in a search for belonging (McCevin, 2009). The protests that have erupted across the globe in the last decade are a response to the 'exclusions, inequalities, hierarchies, securitizations', which have been affected by this refashioning of citizenship (Nyers 2007, p. 2).

In France for example, political solidarity between migrants and citizens was forged when the NoBorders activists camped alongside the undocumented migrants in Calais in June 2009. This strategy was used to illuminate the abject conditions for migrants in Calais as well as the

historical and legal contingency of the asphyxiating politics of citizenship that contain them there (Rigby and Schlembach, 2013).

For African asylum seekers in Israel, the country's Jewish past served as a bridge to engage with Israeli activists and a source of validation to their legal claims for protection as refugees. In the United States, the categories in which immigrants fall within the system – refugees, skilled professionals, undocumented workers – determine the extent to which they are entitled by law to participate in society (Gleeson and Gonzales, 2012). It is often the space between federal government and local government, that has become the arena for contention and opportunity to protest and amend immigration policy.

While African asylum seekers in Israel were classified under a single label as black, abusers of the asylum system, and dangerous infiltrators, a highly skilled visa-over stayer, an undocumented “Dreamer”, and an undocumented worker in the United states, would come to terms differently with their unauthorized status despite the equal threat of deportation, making it harder to create a group collective identity and uniting under a single message.

One example was expressed in a CNN article¹⁴³ suggesting undocumented Irish immigrants (estimated 50,000) that live in the United States are spared the glances and calls to return to their country. Similarly, Lachica Buenavista (2018) found that some Asian Americans represent a shift in undocumented discourse and reinforced white supremacist perceptions of the illegality of

¹⁴³ O'Sullivan, 2017; the article White, Irish, and undocumented in America published in 2017, argues that while undocumented Irish migrants live in fear, whiteness offers more social acceptance and less visibility in the public sphere. Full article available at <https://www.cnn.com/2017/03/16/us/white-irish-undocumented-trnd/index.html>

other undocumented immigrants. Warren and Kerwin (2017), found that two-thirds of those who arrived in the United States in 2014 did not illegally cross a border, but were admitted (after screening) on non-immigrant (temporary) visas, and then overstayed their period of admission or otherwise violated the terms of their visas. This trend in increasing percentages of visa overstays among undocumented populations in the U.S. complicates the debate about deserving and undeserving unauthorized immigrants as well as the narrative about rights.

While both undocumented workers and undocumented students are subject to removal and have the same institutional rights, they do not face the same obstacles. Carlotta who grew up in Eastern Washington and belonged to a community that was aware of the danger emphasizes the difference between workers and children as well as the advantages of belonging to a community that collectively deals with status issues.

I was born in Mexico and brought here at a very young age, we lived near an orchard in Eastern WA where my dad got a job. Despite my dad's relative fortune, we still grew up poor, my father had to support 5 kids and the pay in that industry is not great. I always heard talks about immigration and fear; I myself was undocumented until I was 15 years old and my parents never really told my me or my siblings what that meant. We didn't have the fear because the Spanish radio station we listened to reported about raids in the area. I remember the fear for people but as kids we were unaware.

Carlotta, Eastern WA, May 2017

Gleeson and Gonzales (2012) found that undocumented workers learn to come to terms with "life in the shadows," possibly due to their limited prospects. Undocumented youth however, face greater hardships while "learning" to become "illegal" since they have higher expectations that their future would be rooted in the United States.

Coming Out is Coming of Political Age

Callahan and Muller (2013) demonstrated that despite the stratification within schools, political knowledge acquired during civics and other social science classes, predicts voting and other political participation during young adulthood for children of immigrants if they or their parents, have legal status. High school and later college, are key institutions in American society for developing a sense of belonging and attachment to a community.

But for undocumented migrants, socialization is also characterized by great despair, uncertainty, anger and shame as reflected by *Ramon*, a DREAMer from Pierce County:

Common to many Mexicans and Central Americans, my parents escaped a life of extreme poverty. They lived in a brick home with no electricity or internal plumbing. The economic disparity in their area left them with very few options. Their nutrition was poor and they could barely support themselves, let alone us, their kids. I spoke to many people of my background that fled much worse, life threatening situations. With my parents it was economic, staying meant they could starve but there was no persecution. I still grew up in poverty, thinking that because of my parents' immigration status and my status it is better we keep quiet and go under the radar. I believe this hindered my ability to be part of the community, since I always feared it would draw too much attention to us.

Ramon, Pierce County, Washington, February 2016

The period when adolescents “come of political age” is for irregular migrants a time of great internal conflict, when many are confronted with their legal status and need to reconcile with it (Nicholls, 2013). It is through this process however that many take ownerships over their status and seek opportunities to engage in political activism to express their grievances. Guitierrez and Ortega (1991) demonstrated how intra-group interactions are particularly important in the case of Latino migrants; they documented how group settings provided an opportunity for members to establish contact with others and validate their experience, concluding that effective group

process leads to a solid basis for collective action. For Valentina who came as a child to the U.S. from Venezuela, experiencing adulthood began when she was confronted with her undocumented status and realized her ability to succeed and excel very much depended on her ability to navigate legal and political challenges and make the most out of her personal networks.

I never really thought about papers and documentations, since they did not play a role in my life, I was a child. Only when I entered high school, I had to have an ID to go on a school field trip and when I asked my mom she told me something like, we need these documents but you don't have them. It hit me that in order to be able to enter these spaces you need to have papers. But again, these things affect your life only when you get older and you have to interact with the bureaucrats. I always had it in the back of my mind because my parents used to talk about it, but I never really came to terms with it until I applied to college. As the narrative goes, you apply to college, but you don't have a social security card. I was struck by how expensive college was without being eligible to any kind of scholarships. I did not plan for this, I was pretty naïve and said to myself, I have to go to college and pay for it. I started networking and that also led me to shed my veil of privilege, I always thought I could hide and take comfort in the fact that my parents were educated. I was doing advanced placement courses and international baccalaureate and a good test taker, I thought I will be fine. My parents could not help me and that forced me to advocate for myself, figure out on my own how to pay for it and do it on my own using my networks.

Valentina, DACA recipient, Seattle, May 2017

Oscar, a DREAMer who grew up in Eastern Washington expressed a similar sentiment, but initially directed his anger toward his parents.

There was a period of real frustration and anger, why did they (parents) do this to me? I thought I'd rather live in Mexico and not in the shadows. Later on, I realized I directed my anger at the wrong people, the mindset changed when I opened my mind to education and looked at society and why things are the way they are. I learned the problem is our government, our immigration system, the people in power are the problem, the white rich men are the problem. I feel bad I spent so much time of my life being angry at my parents, and I am sure that it may be the case for many others.

Oscar, Eastern WA, May 2017

Oscar and Valentina's educational experiences in high school and later college sharpened their understanding of social hierarchy. The exposure to critical thinking over the course of their studies, made them reconsider their belonging and shaped their rights consciousness. Their new interpretations of race relations, acknowledgement of economic disadvantages, and political structures, helped them reevaluate constraints and opportunities, which in turn served as a motivation to fight back and work towards systemic change.

Martinez (2005) demonstrated that in contrast to common conventions about "biographical availability" (that is the lack of constraints like work, or family obligations), which had been assumed to make individuals good targets for recruitment into unconventional political activities, factors such as education and the presence of children in the household, have a positive effect on the likelihood of protest. These contextual factors influence unconventional political participation, specifically recruitment which is facilitated by organizational networks. Without structural factors that expose the individual to participation or pull them into activity, the individual will remain inactive (McAdam and Paulsen (1993:644)).

This argument became more nuanced in light of conversations I had with different undocumented activists. When I asked them about their motivations and what got them involved, I learned about the importance of other undocumented role models, especially from the same ethnic group, that served as mediators between the structural opportunities and the ability to pursue them.

When college recruiters came to our town I was initially just curious about my options but there was one individual I met, who told us about the procedure. One of them was a Latino, I felt comfortable talking to him and he gave me the necessary information, making me understand

that I can do it since he confessed to me that he was undocumented and he was able to go to college. I feel like I owe everything I've done to him, he encouraged me to go, since I was going to go to a federally funded program he couldn't directly help me but providing the knowledge and support has been a huge help. Along the way, I met more people like me and it is because I started telling my story and discuss my situation, my lack of status does not define me. But this guy was the first one I told I am undocumented. He was the first person I came out to as undocumented.

Juan, DACA recipient, Greater Seattle, April 2017

For *Alfredo* becoming part of a network was the key to gaining access to much more than education. It was membership in a specific network that put him on course to become an advocate and an activist:

I knew someone who always shared statuses about undocumented issues and I decided to add him on Facebook. When I moved to Seattle he reached out to me and introduced me to activists, people who were very involved, they knew people, had resources and were able to help me change my life. These people taught me what does it mean to know and challenge the structure, I was exposed to the concept of white land-owning men, that have been in power, I learned what it means to be privileged, I wasn't. These people understood that in order to move as a collective you need to understand intersectionality and check your privilege. It was through activism that I was able to find resources and transform a very set path.

Alfredo, DACA recipient, Seattle, May 2017

The creation of The Deferred Action for Childhood Arrivals (DACA) in 2012 offered a genuine opportunity to those that are eligible for the program to deal with the consequences of life post-graduation. Gonzales (2011,2014) showed that the trajectories of college-bound youths used to converge with those with less educational attainment. College graduates became committed to the belief that hard work and education would garner rewards, but post-college confronted them with a harsh reality where they found themselves ill-prepared for the mismatch between their levels of education and the limited options for the undocumented. DACA – made the ability to pursues legal employment possible.

The next section looks at the complexity of DACA, both as an empowering legal path to engage in political activism as well as a marker that further divides and complicates the goal of irregular migrants to unite under one struggle.

Dream On

The Deferred Action for Childhood Arrivals (DACA) was created to offer a conditional path to citizenship under specific guidelines¹⁴⁴ which reproduced the inclusive/exclusive logic of citizenship (Tyler et al, 2013). While the program became an empowering vehicle for activism and political engagement, it also created friction and possible division between undocumented populations.

Maribel, a coordinator on education and integration at the Washington State NGO OneAmerica explains:

We make sure we don't create divisions, I mean we try to avoid the good immigrant bad immigrant, deserving non-deserving talk, and instead, focus on changing the discourse. We need to make sure we are talking about the different statuses in a sensitive way and differently but at the same time we are not going to pick and choose, there is plenty of intersectionality and we will not let others use these identifiers to mark us

Undocumented immigrants are traditionally seen as the least deserving in a long list of excluded groups (see Massey, 2007). Perhaps immigrants are perceived as undeserving so consistently because they are seen as being personally responsible for their circumstances since they initiated their own migration, unlike refugees or asylum seekers. Latino immigrants often respond by

¹⁴⁴ The program has age restrictions and requires the applicant to be a high school graduate and then either serve in the U.S. military for 2 years or complete a college degree.

emphasizing the characteristics they possess that make them deserving members in society even when they are undocumented or live with uncertain statuses (Menjívar, 2016).

The insistence on collective action may cause tension between groups. But instead they refuse to adopt an identity of illegal migrant imposed by the state and ask for recognition of their basic human rights and not their legal status (Krause, 2008).

For mixed status families it is easier to conform to “worthiness” and young DREAMers use that same discourse to fight the criminalization of their parents. One way of doing so is bringing their families out to protest and by telling how much the parents impacted their lives, developed their political character, and helped them realize the importance of their struggle (Pallares, 2014).

The generational gap between undocumented migrants also affects integration into society, which results in different development of legal consciousness and ability to mobilize for social change. The extent to which groups make claims for inclusion in various sectors of society, reveals not only their sense of belonging, but also what spaces, information, and networks are accessible to them (Abrego, 2008; 2011)

Coming to the U.S. as immigrants and struggling with language and finances, the community aspect meant a whole lot. There was a lady back in the day that took my mom to get groceries, another lady that took her to the doctor, a community member that helped us with day to day stuff, and my understanding of these stories is that community is the key for success to adapt and move forward. Someone did it for my parents, not necessarily well organized but filled with all the good intentions to help. When I compare myself to them, their sacrifice makes it that I was not focused on survival.

Juan, DACA recipient, Greater Seattle, April 2017

Martinez (2005) reached a similar conclusion about significant differences in the likelihood of protesting across generations. The movement does not share one collective identity stemming from a singular process of identification among movement participants—there are many differentiations among potential movement adherents. This was especially evident in the case of non-Latinos:

The 1.5 and second generation are much more inclined to participate in the democratic process. They understand their rights, what it means to be here and live here, their human right to migrate, their human right to flee danger and to find security and they also exercise more trust in the government. For Chinese however, even 1.5 generation, it is still really hard to trust the government, we especially see it when we assist them to apply for DACA; the parents' insecurities really are transferred to the children even if they don't hold these views they are affected by them.

Interview with Marissa Vichayapai, 21 Progress, February 2016

While ethnic organizations benefit their members by creating relatively safe spaces for undocumented immigrants to participate and by providing opportunities for the development of civic skills (Ramakrishnan and Viramontes, 2010), Rim (2008) found that while Latino migrants participated in large numbers in the 2006 mass protests, their Asian counterparts were not as visible despite their constant engagement and agreement in principle with the issue. Rim demonstrated that Latino groups had more resources to use for recruitment than other groups. Ethnic media and dissemination of information is an important aspect in this regard. Moreover, the language often used to discuss “illegality” tended to single out Latinos, placing an emphasis on Mexicans and Central Americans.

In 2016, local activists in Seattle were more attuned to these nuances, Marissa Vichayapai from 21 Progress, a local organization that provides intensive leadership development programs to

young immigrants, explained to me some of the challenges and the lessons learned from previous mobilization efforts:

Outreach to each of the different ethnic groups is very important. We do a lot of outreach to the Latino community which is generally speaking an easier group to connect with, primarily since a lot of what has been produced is in Spanish. In the Asian and Pacific Islander community it is a lot more difficult. Washington State is a place that is affected by a large community of Asian and Pacific islanders. Also, the model minority stereotype has implications when it comes to political engagement. I think the model minority thing makes it hard for people to come out and say 'hey I am undocumented' I don't fit this stereotype; all these things that you think I should be, I am none of those things - I am the complete opposite. That makes it hard to go out and protest because culturally protest, anything where you are speaking out loud in public against the government, could result in death in someone's home country and so, to do that here where it might seem better is still really scary. Also, because White Americans think of pacific islanders as being foreigners and the history that we have had with internment camps makes Asians and Pacific Islanders fear for their security. They could be deported or incarcerated and fear other types of mistreatment that has happened in the past could happen again.

For some organizations in Washington state, the sense of political empowerment is a stated goal, individual change is considered as important as a goal as social change. The manner in which the goal is achieved is through critical consciousness or consciousness raising- to get the person to believe in the ability to engage in affecting social change. McAdam and Paulsen (1993) found there is a relationship between organizations and feelings of personal efficacy; as memberships increase, individuals develop a stronger sense of efficacy. Organizations also enable members to develop civic skills, such as organizational and communication skills, which increase participation (Verba et al. 1995). Targeting a wide range of groups, both age groups as well as mixed statuses, can help mitigate the constructed legal and discursive divisions. Whereas the legal context, pushes migrants to argue for inclusion and reinforcing standards of worthiness, in a social movement context they can engage in politics that is both conforming and challenging,

accepting the state norms but questioning and challenging boundaries of belonging (Pallares, 2014).

Maribel from One America explains:

Our immigration system constantly changes and that requires us to be flexible and adaptable as well as very attentive to our community needs. But we also need to make sure we address the intersectionality and the nuanced identities within us, for example issues of blackness or LGBT people among us. Within our communities for example, Latinos can have very different cultural understandings of these issue compared to Somalis. The ability to fit in or belong very much depends on how each culture views certain norms and it can get complicated when at the state level, certain values that enable our struggle also reflect diversity and norms that are challenging to some of these groups.

The boundaries of belonging and possibilities are often a reflection of the state in which undocumented migrants live and mobilize. The differences in local state legislation (as discussed for example by Manjiver (2016), who looked at the inhospitable context for immigrants in Arizona) affects how migrants internalize their position vis-à-vis the law. While Washington State does seem to be a fertile ground for activism and increases opportunities, I was exposed to different viewpoints about what this type of political climate can produce when presenting notion of Washington as the “progressive state.”

Ahead of the Curve or Curbs Your Enthusiasm?

The issue of Washington State being a progressive state is a source for pride for many organizers, who view policies like issuing drivers’ licenses (before the Real ID Act¹⁴⁵) or

¹⁴⁵ Passed by Congress in 2005, the REAL ID Act enacted the 9/11 Commission's recommendation that the Federal Government “set standards for the issuance of sources of identification, such as driver's licenses”. Source: <https://www.dhs.gov/state-compliance>

WASFA¹⁴⁶ (financial aid programs to students who aren't eligible for federal financial aid because of immigration status) as opportunities to engage unaffiliated publics and inspire them to act. Activists insist on avoiding complacency by reminding constituents and potential members that nothing was ever given to them as a gift, and that everything that had been achieved, had to be fought for.

Everything we achieved, was won, people hustled for it, so we must remain vigilant to make sure the achievements are not rolled back. People of color and minorities never received a seat at the table, they had to demand it and fight for it.

Maribel Maribel Montes De Oca, Coordinator of Education and Integration, OneAmerica, Seattle, June 2017

Organizations not only help construct movement ideology, commitment, and consensus among members, but they also provide the institutional structures and material resources that contribute to the success of their social change efforts (Okamoto 2003). As a major city dense with organizations and activists, there are more resources in Seattle. At the same time, changing economic conditions like growing inequality, surging rent prices, and the rise in cost of living, has also began pushing people further north and south, outside of Seattle. Some organizations have strong local organizers in rural places like Yakima or close to the state of Oregon near Vancouver, but even by their own admission, it is hard to say it meets the demand.

Maribel noted, that much of their focus, especially after the November 2016 elections, is to empower local leaders to run for public positions and change policy.

We understood we must simplify the political process and empower our members, make them understand that they can run for

¹⁴⁶ On Feb. 26, 2014, Gov. Jay Inslee signed the REAL Hope Act (the Washington State Senate's version of the Dream Act) into law, making Washington the fourth state to allow qualified undocumented students to apply for federal student aid. <http://realhopewa.org/>

positions. Being active locally really matters, and over time it is about making our members understand that resisting through rallies is important but at the end of the day they can be there making the decisions. We try to change the misconception that when a policy changes in one area it is isolated- it is not. We see it because oftentimes when a law is being promoted in Kent for example, Seattle is used as a reference point for where it had already been passed

While urban theorists have hailed cities as the pivotal sites where citizenship is challenged and reinvented from the bottom up (Isin, 2002; Sassen, 2006; Swerts, 2017; Varsany, 2005) demonstrating how undocumented migrants rely on urban space as a driver of performative enactments of citizenship, in rural areas there seems to be greater unanswered need, fewer resources, and local challenges that require specific solutions.

Washington is a great state to live in as an undocumented person but that also creates comfort. It makes you sheltered, forget that there is stuff going on outside the university for example. People focus too much on change within the university and I am critical of that because life hits you when you finish university. Instead, if you build political power, then you can influence the legislature, then you can influence the city council. Our student government can make a statement but what does that really mean? A campus group is great as a safe space, it is important, it is a step in the way of becoming undocumented and unafraid but I am past that. I understand that if I get detained tomorrow, we are going to make a campaign, and even I am not released we will still continue fighting.

Alfredo, DACA recipient, Seattle, May 2017

Alfredo's point connects with Martinez's findings (2008) about the effects of the political environment. Martinez hypothesized that Latinos are more likely to protest in cities where the political environment is more open and receptive to challengers' demands. She predicted that the greater the number of Latino elected officials, the likelier it will be that Latinos engage in protest. Contrary to this hypothesis her findings indicated that when there was more representation by elected elites the less likely it was for Latinos to protest.

I never saw the structural barriers or the racial aspect of hierarchy until college. Yes, Seattle is diverse and growing up in Seattle is not like Auburn or the Eastern parts of the state where Hispanics experience more blatant racism. It changes and varies region to region and neighborhood to neighborhood but Seattle has helped me, politically speaking, come of age. People are overall accepting and have some representation, Seattle is a sanctuary city but other places make you really feel the pushback. For sure, outside the Puget Sound people are not as represented. While leaders of the big NGOs here can have access to the media and mobilize nearby communities, in other places, rural, like around Yakima, there is much less presence and it is harder to fight back.

Valentina, DACA recipient, Seattle, May 2017

If anything, there is too much going here, it is really densely populated with organizing. And in my view, it is more of a competition over method and the priority of objectives. Also, it is very Seattle focused and it does not reach as much to other areas in the state, like Eastern WA for example.

Juan, DACA recipient, Greater Seattle, April 2017:

Similar to the Israeli case, local solutions for asylum seekers (that were forced to disperse as a result of legislation) were crucial for successful mobilization and that is despite the fact the country's size made the mobility of people with skills and resources, like NGO professionals, easier. The presence of Latino organizations might result in a greater likelihood of protest among Latinos, but Juan brings up two important points; first, competition over space and resources (and possibly ineffective use of them); and second, the fact that city organizations will never meet the needs of rural communities that have to cope with local laws and challenges posed by living in communities that are less tolerant to migrants and minorities. While there are limited legal services for example, the fact that there are a lot of Spanish speakers in eastern Washington makes it is easier to get information in Spanish. The goal is to nurture local leadership that can utilize the language network and promote tolerant discourses, inducing stronger activism.

Several organizations like OneAmerica, Casa Latina, and El Centro, regularly run “know your rights” trainings, a practice that became even more crucial after Donald Trump took office. The training is customized to better serve mixed status or undocumented families how to interact with ICE agents if they come to their house. Another focus is to try and demystify what Trump can and cannot do in terms of policy change as president and mitigate the anxiety and uncertainty.

Relatively speaking, Washington State has fewer documented cases of raids and enforcement actions, and people feel relatively comfortable and safe. As a result, public struggles are centered around securing rights and improving work and living conditions for undocumented migrants. Following a wide range of abuses, including systematic wage theft, abuse from supervisors, substandard housing, and continuous retaliation for their efforts to unionize and improve their working conditions, a Seattle Based NGO (Casa Latina) and its supporters, promoted an ordinance that provided Seattle workers with additional protections from wage theft.

The workers’ center is the heart of the organization, its primary purpose is to connect Latino workers with clients looking for some services like gardening work, moving, house cleaning jobs or to support short term projects. My work is more to do with wage theft, and that is something that over time spread to the whole public and not just day laborers, now people come from all over and in all type of industries. When we started this process about 4 years ago we decided to begin at the city level since it was not considered a crime to commit wage theft. That passed unanimously but the bill lacked will to enforce it. After that we continued to get involved and we asked our allies in a coalition that we formed to learn which groups are affected by it.

Carino, Program Manager of the Workers’ Rights Enforcement Program at Casa Latina, Seattle, May 2017

The nexus between fear of authorities and legal status, validates the importance of local policy efforts; it is doubtful whether any of the migrants protected by Seattle's ordinance would have claimed rights using other available channels. The problem remains in more rural areas where the type of work that undocumented workers engage in is different, and there are local legal initiatives that offer additional protections.

Indeed, expanding immigration raids has sent waves of fear through the state's rural fields and farmlands where growers and immigrant laborers alike are bracing for possible crackdowns on the state's agricultural heartland. Immigration and Customs Enforcement published a report¹⁴⁷ stating that although overall removal numbers dropped, more people who lived in the United States were deported in 2017 compared with 2016, and the crackdown has produced a spike in detentions by deportation officers across the country.

In the third chapter I discussed the securitization of forced migrants and how it is used to promote discourses that label groups and individuals as threats to social order and national identity. In the Israeli case, experiences of African asylum seekers in detention galvanized their desire to win the public's support and encouraged them to resist. Resistance in detention sparked a wave of solidarity protests of asylum seekers and shaped the nature of their campaign. Similarly, organizing in and around detention in Washington state proved to be pivotal for understanding why and how irregular migrants mobilize.

Between Holot and Tacoma

147 Fiscal Year 2017 ICE Enforcement and Removal Operations Report
<https://www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf>

One of the difficulties about being a migrant in Washington State is that the threat seems much more hidden. We consider ourselves to be a pretty progressive state and a progressive city. It sometimes erases the suffering of people that are in the state and that are facing the federal threat like deportation. Not a lot of people are aware but a very large and prominent detention center is located only an hour south of Seattle.

Activist Genevive Jones, Seattle, February 2016

After exploring the sites of migrant mobilization in Washington state, I found organizing around the detention center in the city of Tacoma (approximately 35 miles from Seattle) to be especially active and significant for understanding my research question. I was particularly interested in the tactics organizers used to carry out their actions and observing if there were any similarities in the role of resistance in detention across my two cases.

The history of Latino incarceration in the U.S. is well documented and related to Latinos' surveillance, punishment, and overall inequality in the labor market and discrimination in education opportunities. Latinos share commonalities with other marginalized groups in terms of their racial profiling and legal vulnerabilities tied to their immigrant status (Hernández, 2008).

The Immigration and Nationality Act enacted in 1952¹⁴⁸ and amended to the present authorizes the Attorney General to detain noncitizens, including persons seeking asylum, pending their deportation or exclusion hearings before an immigration judge.¹⁴⁹ Detention is the practice of incarcerating noncitizens who are apprehended at ports of entry or within the nation's interior.

Maintained in custody until they are released, bonded and paroled, or deported from the United

148 The Immigration and Nationality Act: <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/act.html>

149 Sec. 236. 1/ (a) Arrest, Detention, and Release. -On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General- source <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-5570.html>

States, detainees consist of undocumented immigrants, lawful permanent residents and, at times, particular groups of citizens. Detained people do not have the right to an attorney because these are considered civil detention facilities. This means that U.S. Immigration and Customs Enforcement (ICE) trial attorneys are litigating in court in front of a judge about the deportation of people who cannot defend themselves.

The NWDC Resistance is a grassroots undocumented led movement that works to end the detention of immigrants and stop all deportations. Under the umbrella of the national #Not1More campaign,¹⁵⁰ the group supports and follows the leadership of those detained at the Northwest Detention Center in Tacoma, demanding better treatment and calling to stop all deportations. As part of the group's effort to reshape the immigration debate, it works to reconstruct the discourse that classifies immigrants as either "hardworking" or "criminal", "worthy" or "unworthy." This local endeavor is inspired by the transformation in narrative that undocumented migrants are working to promote in other states (Abrams, 2016).

In the majority of the protests I documented, activists took the role of designated peace-keepers and police liaisons; they were all trained volunteers monitoring the situation and responsible for talking to the police in case they decided to intervene. In some cases, these liaisons were trained lawyers, equipped with adequate legal tools to ensure the rights of protesters and give confidence to undocumented participants with their presence.

150 #Not1More is a collaboration between individuals, organizations, and allies, to collectively challenge unfair deportations and criminalization. The campaign started as a project in 2013 and transitioned to an independent campaign in early 2015 after the announcement of an expansion to deferred action. <http://www.notonemoredeportation.com/about/>

Unlike the Israeli case where participants made peaceful public marches a central goal, participants of the NWDC group are unafraid to incorporate other protest tactics like civil disobedience. As part of their organizing against ICE and the Trump administration's deportation agenda, activists used protest repertoires like blocking vans that were carrying detainees or setting up an encampment outside the detention facility. The leader of the group publically confessed she sat in meetings with immigration officials and challenged their practices using expletives.

I offer two different explanations to better understand these protest tactics: first, a growing anti-migrant rhetoric that moved from verbal attacks during Trump's campaign to actions after he took office. This fact is supported by the surge in raids and deportations that has urged activists to increase the criticism of the government for its treatment of immigrants and escalate their response. Second, unlike the Israeli case where the general public knew very little about asylum seekers yet chose to adopt the "infiltrators" frame, in this case, the DREAMers made enough progress on the issue to construct a pretty firm view in the public (Abrams, 2016; Nicholls, 2013) and groups now feel it their responsibility to replace "privileged" identities with ones that further reflect the complexity of irregular migration.

Like the Holot detention facility in Israel, the Northwest Detention center is also the final stop of the anti-immigrant agenda. Once there, trapped and in limbo, out-of-status migrants are defined as one – criminals. This state of incarceration strips them not only of their rights and freedom but also masks class, race, gender, and other differences that stratified their identities of illegality.

The next section looks at some of the specific actions activists and detainees employ to raise awareness and reconstruct the immigration debate in the U.S.

People's Tribunal

A Peoples' Tribunal is set up by private citizens and organizations with a vision of protecting the rights of those being mistreated and marginalized, as well as providing them with a symbolic sense of justice. The tribunal has no legal authority beyond the integrity and respect generated from its process and participants. The purpose of the tribunal is to present formal findings of accountability invoking accepted law that serve advocacy goals and make political impact (Byrnes, 2018).

Starting in 2016, NWDC Resistance organized an annual people's tribunal, where a coalition of activists from different groups, gathered to hold Immigration and Customs Enforcement (ICE) accountable for its culture of secrecy and systemic abuse. Among their stated goals are carrying these messages of legal injustices to Olympia, Washington's capital, as well as to Washington D.C., and on to an international tribunal. The people's tribunal is comprised of scholars, lawyers, NGO representatives, and grassroots community organizers. The purpose of the event is to bring the voices of detainees to the broader public, mobilize the legal arsenal that validates their claims, and raise awareness about how the experience of detention, which is intended to treat a civil offense, was criminalized.

The panelists use the gathering to read the violations committed by the federal government, Washington State, and GEO -the private company running the facility. Violations of detention conditions are common and carry little to no consequences to the private and contracted

operators of these detention facilities. Hernández (2008) documented the reasons for the unevenness in detention conditions, is often the result of weak guidelines that establish detention standards for nonfederal facilities (where over 60% of detainees are held).

The people's tribunals I documented focused on four key violations:

- Holding people in detention without access to legal assistance
- The dehumanizing incarceration conditions like the low quality of food, inaccessible medical care, and ongoing verbal abuse and mistreatment by guards
- Health risks to the lives of detainees due to the fact the site was built on contaminated land
- The profit that the GEO corporation accumulated from human suffering and incarceration

The testimonials read during the tribunal revealed that people incarcerated worked or lived in the United States for a long time, some for over 16 years. Many were picked up during work raids or simply arrested since they were caught without appropriate documents, oftentimes without having any prior criminal record.

The majority of the violations are rooted in the fact the facility is privately owned and operated. The facility in Tacoma expanded gradually to over 1200 beds since opening in 2004. GEO is a private group corporation globally profiting from jailing services, contracted for an average of \$92 per day for every prisoner it holds. Since the prison is managed by a corporation to make profit, it is in the company's interest to reduce the costs of food and medical care at the expense of detainees. The majority of complaints were centered on the quality of food that causes detainees to suffer from malnutrition and exacerbates their health conditions.

One of the consequences of prolonged incarcerations is financial strains to family members, as well as a growing feeling of isolation for inmates whose families refrain from visiting, fearing their own legal status might implicate them.

Testimonies also emphasized the harsh treatment by guards and other gestures aimed at punishing them. Detainees complained the guards targeted individuals that dared to complain and sent to solitary confinement those who engaged in efforts to organize a collective action of resistance. The next section explores the main option available to detainees – refusing meals.

Days of Hunger

Similar to the case of asylum seekers in Israel, migrants detained in Tacoma organized resistance in the form of hunger strikes. In March 2014,¹⁵¹ a facility-wide action¹⁵² started at breakfast spreading by word of mouth, until by dinnertime about 750 of the facility's 1,300 detainees were declining to eat. The strike was organized in order to turn a spotlight on immigration detention and deportation policies.

As detailed in chapter 3, hunger strikes are a form of protest that has an important role for communication and representation of collective resistance based on individual suffering. It is a powerful way to unite as many people as possible since the private act loses its meaning if the

¹⁵¹ A Time Magazine piece was published in March 2014, discussing the hunger strike in a broader context of immigration changes under the Obama administration. <http://time.com/27663/prison-hunger-strike-spotlights-on-immigration-detention/>

¹⁵² In 2016, University of Washington professor, Megan Ybarra in partnership with her work with NWDC Resistance, created a documentary short called "Hunger Strikes: A Call to End Immigrant Detention," a film that details the hunger strikes at the Northwest Detention Center in Tacoma. It is featured as part of *A Hunger Strikers Handbook*, a project by NWDC Resistance.

collective does not participate. Making the protest widespread is crucial as a platform for communication with the public beyond the prison walls, raising awareness about a situation and outlining demands. The detainees presented a list of demands that included improving the quality of food served in the facility, lowering the prices at the facility's commissary, increase wages for their work to maintain the facility (they were given \$1 per day), and most importantly a call to end immigrant detention until the cases are heard in court.

In response, GEO placed many hunger strikers in solitary confinement for organizing, shortened family visiting times and transferred some folks to other facilities. These acts signaled the hunger strikers they were doing something right, and they were determined to keep on resisting, encouraging others to do the same. The retaliation only revealed the unfairness of their situation and after activists informed elected officials, they visited the facility and expressed grave concerns.¹⁵³

Representative Adam Smith said in a statement¹⁵⁴ released on May 2014, "After visiting the NWDC to speak with detainees on hunger strike, it was clear that more enforceable standards were necessary. Many detainees are fathers and mothers who have committed no crime yet are being held in unacceptable conditions for a prolonged period of time." He also mentioned ICE's unwillingness to answer his inquiries about the bond process, length of detention, and nutrition

¹⁵³ Report about a Congressional Delegation Visit to the Northwest Detention Center Headed by Rep. Smith, Tacoma Mayor and State Legislators <http://www.notonemoredeportation.com/2014/03/20/congressional-delegation-headed-by-rep-smith-plus-tacoma-mayor-and-state-legislators-visit-northwest-detention-center/>

¹⁵⁴ The statement was made as part of the Congressman's legislation to improve standards and conditions at Detention Centers <https://adamsmith.house.gov/media-center/press-releases/congressman-smith-introduces-legislation-to-improve-standards-conditions>

standards. The Congressman later championed the Accountability in Immigrant Detention Act of 2015.¹⁵⁵

The ACLU of Washington¹⁵⁶ (ACLU) and Columbia Legal Services (CLS) voluntarily dismissed their lawsuit they had filed on April 2, 2014 after successfully getting U.S. Immigration and Customs Enforcement (ICE) to release hunger striking detainees from solitary confinement. The organizations argued detainees at the facility engaged in First Amendment protected activities.

After 56 days on hunger strike, detainees called an end on May 1 when thousands of supporters marched peacefully in Seattle in a May Day rally with demonstrators waving red signs calling to end deportations.

Most of the people detained who took part in the hunger strike and protest activities gained nothing for themselves. Some were transferred to a different facility further away from their loved ones and many were deported. For the majority of the protesters the experience of detention politicized them and made them reconsider the structural barriers that criminalized their existence. Some deportees continued to support the NWDC Resistance remotely and participated via Skype in several protest gatherings that continued outside the center regularly.

In April, 2017, nearly 3 years after the 2014 action, more than 750 Immigrants joined another hunger strike at the prison and initiated a work stoppage to protest their conditions while

¹⁵⁵ H.R.2314 - Accountability in Immigration Detention Act of 2015 <https://www.congress.gov/bill/114th-congress/house-bill/2314/text>

¹⁵⁶ CLS and ACLU Protect Detainees' Free Speech Rights at the Northwest Detention Center <https://www.aclu-wa.org/news/cls-and-aclu-protect-detainees%E2%80%99-free-speech-rights-northwest-detention-center>

supporters rallied outside the facility. Activists set up an encampment at the gates of the facility and stayed there for the duration of the strike.

Detainees supported one another by writing letters, assisting in translation, and expressing their solidarity with one another. One of the initiatives that helped maintain a connection between detainees and members of the resistance group was the pen-pal program. The program is designed to make each immigration case personal to activists, reduce the feeling of isolation many detainees experience, and document testimonials (in full compliance with detainees' privacy). The detainees sent a letter to their supporters which was read during the rally by one of the organizers:

“We want to let you know we are people imprisoned in the detention center in Tacoma, WA by immigration agents. We are around 1400 people, and many of us have families who depend on our income, and as you can imagine we cannot make money inside. So, we ask the community that is outside to help however they can, help accelerate our immigration process to either deport us or release us on bond. This [prolonged detention] is harming us physically, mentally, morally, and emotionally to people detained and to our families with the simple act of keeping us detained for too long. All cases at a minimum are taking at least month and a half to two months just to see a judge who will only read the charges against you, and then you wait for another month to give you a court date, and then decide whether they will deport you or you will get a bond”.

The protesters inside the prison again raised complaints about the quality of food and treatment by some of the prison staff.

The collective action of detainees in the 2017 protest was inspired by the tactics of the previous strike, and the number of supporters outside the facility was bigger. Despite the threat of retaliation, the strike continued, with one participant noting: “we are trying to shine a light on

conditions here. This is not about one person this is not about our immigration case, as they are trying to make it look like. This is about the conditions we are being held under.” Another hunger striker added, “I am doing the hunger strike not just for me but for everyone out there in the future.”

In the case of asylum seekers in the Tacoma facility, people were often brought to it from the border, scared and with little ability to speak English. “Veteran” detainees took it upon themselves to provide moral support and assist them. The situation produced high levels of solidarity on the inside, and people told their visitors about other inmates, especially those without means or connections on the outside. Consistent with the case of African asylum seekers in Holot, when a detainee was perceived to be a “leader” or “trouble maker” he was split from the group by the guards and sent to solitary confinement in order to prevent coordination, resistance or mobilization.

Family members of detainees shared with me stories that supported these occurrences. These encounters helped me understand the complexity of the issue directly, exposing me to the stories of specific detainees. Talking to these family members offered me rich context that was not processed through legal meanings or criticisms expressed in the media, by activists or lawyers.

One woman I met in 2016 told me about her husband (with no criminal record) who had been inside the Tacoma facility for 10 months. He was detained while picking up his kids who are U.S. citizen from school. She explained that the family became political and involved politically after the incident and that the whole family had been “conscripted” to support the cause of ending incarcerations. She spoke of her husband’s good character and religious affiliation, making it obvious that immigration policy is strict, constructed, and does not distinguish between

‘deserving’ and ‘underserving’ members of society. Her husband had been organizing inside by helping others. Although he is Mexican he helped everyone, non-Mexicans and others. For him, she told me, that was the lesson he learned inside, that in detention there are no privileged identities, in detention everyone is a criminal in the eyes of the U.S. immigration system.

Similar to the case of asylum seekers in Israel, the prison walls took down divisions between detainees. The Tacoma Detention Center does not distinguish between a mistreated asylum seeker, an undocumented worker, and a highly skilled visa over-stayer. In their view they are all victims of a flawed immigration system who understand that without cooperation, their voices will not be heard and the system will keep implicating more people.

In September 2017, the efforts resulted in the Attorney General of Washington State announcing a lawsuit against GEO Group, who owns and run the Northwest Detention Center (NWDC). The lawsuit is a direct result of over three years of hunger strikes and work stoppages by people detained at the facility. There have been five hunger strikes in 2017, and the lawsuit represented a victory for hunger strikers, whose efforts to bring light to the abuses of immigration detention despite repression have led the state of Washington to take action.

In sum, solidarity, consciousness raising, and organization defeated the artificial divisions that criminalize migrants. The hunger strikers helped people detained reject immigration strategies that divide them and educated them through this process about what justice means. Experiencing detention was the end result of systematic abuse and accumulating structural barriers. It inspired resistance and created a movement committed to end detention and deportation led by detainees mostly affected by the faults of the immigration system.

Conclusion - Requiem for a Dreamer

For irregular migrants political understanding is shaped by the daily hardships of navigating life in the U.S. without legal status. My fieldwork in Washington state presented empirical evidence about several groups that are engaged in mobilization against immigration practices and criminalization of undocumented migrants. Unlike the single movement I identified and analyzed in the case of African asylum seekers in Israel, mobilization efforts in Washington State were concurrent. The existence of a large detention center in the state keeps all groups vigilant and concerned over federal enforcement but while the groups share a general agreement about the need to reform the immigration system, organizers in each group set their priorities to reflect the specific network they belong to. To explain their motivations, preferred tactics, and employed frames, I used a synthesis of micro and macro social movement theories. I demonstrated how forming local attachments post-migration mediate between structural opportunities and social psychological factors to inspire mobilization.

For irregular migrants, experience of daily barriers and the threat of detention have shaped rights consciousness and increased the comprehension of constraints and opportunities embedded in the social, legal, and political structures. As discussed in this chapter collective action becomes much likelier with growing repression. In early September when U.S. President Trump announced that his administration would end the Deferred Action for Childhood Arrivals (DACA)¹⁵⁷, DACA recipients became concerned that immigration officials will use their

¹⁵⁷ To qualify for DACA, DREAMers had to undergo a thorough background check, prove they arrived in the U.S. before their 16th birthday, were 30 or younger, were attending school or in the military, and had not committed a felony or serious misdemeanor. According to a Washington Post report¹⁵⁷, while the majority of applicants to the

application data to target them for deportation. The percentage of undocumented immigrants without criminal records arrested by ICE¹⁵⁸ has increased dramatically. These legal developments nuanced existing narratives about deserving and undeserving immigrants in the United States.

The number of people whose lives risk being uprooted is not widely known¹⁵⁹, in large part because much of the public attention has been focused on the 800,000, mostly young DREAMers, that accepted DACA.

Similar to the case of asylum seekers in Israel who were faced with the legal consequences being labeled “infiltrators”, the recent rollback on DACA, inspired organizers to challenge the representations that appeal to mainstream society and talk about detainees and other migrants who do not seem to deserve the same compassion. Building on their strong community structures and supported by professionally-resourced local non-profits, fear was replaced by hope and marginalization became a source for claims-making. Movements of irregular migrants in Washington State worked to eliminate privileged identities and divisions constructed by the undocumented experience and replaced it by a narrative that discusses wider amnesty for undocumented migrants. Similar to the Israeli case, ongoing mistreatment and the threat of prolonged incarceration, galvanized solidarity among irregular migrants and raised awareness about the constructed divisions between sub-groups.

DACA program have been from Mexico and other predominantly Latino countries, seven of the top 24 countries with the highest acceptance rate for DACA applicants are in Asia, Europe or the Caribbean.

¹⁵⁸ The percentage of undocumented immigrants without criminal records arrested by ICE - <https://www.ice.gov/removal-statistics/2017>

¹⁵⁹ The Migration Policy Institute, a non-partisan, non-profit think tank that studies global immigration patterns, estimates there are 3.6 million undocumented immigrants that were brought to U.S. as minors, roughly a third of all undocumented immigrants in the country.

Conclusions

“You Were Once Refugees”. This slogan captures in its essence the driving force behind the successful mass mobilization of African asylum seekers in Israel since 2014. The purpose of this dissertation was to document, analyze and explain the success of asylum seekers (irregular migrants) in politicizing, forming a mass movement, and making claims. The driving question behind this research was why and how irregular migrants mobilize, a question that in its core challenges accepted assumptions in social movements literature.

I argued that mass organizing by irregular migrants depended on their ability to draw upon their migration experiences and existing skill-sets to navigate an alien culture and political structure. While the literature often portrayed migrants as weak and incapable, I have found that migrants who risked their lives and crossed borders to be extremely resourceful and motivated. Their mobilization became possible when they were able to utilize their community-based assets, rely on high levels of kinship and solidarity, and engage local allies. Their shared experiences working and navigating the hardships of everyday life without status, as well as engaging with local activists and NGOs, developed their understanding of their place in society, taught them about rights, and shaped their claims making. My analysis synthesized migrants' subjective experiences and their interpretation of the socio-political situation as well as the role of structural factors like political, social, and legal institutions. By bridging the structure-agency gap, I was able to better represent the nature and scope of this phenomenon of irregular migrants' mobilization and illustrate the shortcomings of existing scholarship on social movements.

In the following sections I will summarize the key findings of this research, detail its contribution to the study of social movements and the study of forced migration, and briefly discuss potential avenues for future research.

The challenges of irregular migration to the study of social movements

Irregular migrants (asylum seekers and undocumented migrants are primarily discussed in this dissertation) face social, political, and legal challenges that contest basic principles in the study of social movements. The very nature of these foreign born- and rights deprived- groups raise difficult questions about core elements (like incentives) needed for political participation as well

as the ability to form movements and coordinate high profile protests. These basic elements are fundamental in the study of social movements since they address two key principles for investigation: why one politicizes and participates in collective action, and how does a movement coordinate its protest actions and define success.

Despite the promise of universal human rights (as stipulated by laws and expressed in several international conventions) the rights of asylum seekers in Israel, like those of other forced migrants across the world, are often violated as states increasingly use their legal instruments and institutional mandates to undermine claims for rights and protection. In Israel, like many other western nations, the practice of detaining asylum seekers and undocumented migrants is facilitated by a criminalization process in which these groups are marginalized. Their credibility and motivations for asylum are questioned and they are portrayed as liars, threats, and prevented from receiving fair treatment and legal protection.

Seeking Asylum in the Jewish State

Although the State of Israel is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, and has ratified both, it has not yet anchored their provisions in local legislation. Israel's existence as a Jewish state relies on securing a Jewish majority - a principle that is embodied in the country's immigration laws that are designed to attract and support Jewish immigrants. The arrival in Israel of nearly 60,000 asylum seekers, mainly from Eritrea and Sudan since 2006, imposed a serious challenge to Israel's immigration regime and the country's political structure was slow to respond to it. Israel's undertrained staff

and underequipped authorities lacked the strategic planning and long-term objectives for establishing appropriate policies to deal with the mass arrival of asylum seekers. Instead of introducing new laws and procedures that would facilitate the processing of asylum requests, Africans asylum seekers were met with exclusionist measures guided by a strategy to brand their asylum claims as false and unsustainable.

I argued that this process politicized the daily lives of African asylum seekers in Israel and that these measures fueled their incentives to take action. While these structural challenges help explain some of the selective incentives that encouraged mass participation in protest activities, they do not account for the “how” question that relates to its coordination and goal setting process.

Asylum seekers in Israel suffered from discrimination and mistreatment largely due the fact they were not Jewish and had temporary irregular status. The legal changes designed to criminalize asylum seekers limited their opportunities for protection, thus, they needed to act through initiatives that reflect their personal and social needs, primarily inside their communities for basic survival. Their ability to self-organize as a diasporic group with collective interests as well the cooperation they built with local human-rights NGOs and other aid groups were the basis for their successful collective operation.

Diasporic Politics

To understand the politicization of the asylum-seeking communities in Israel it is important to look at their role as a political diaspora as well as the immigrant-emigrant duality. Newcomers,

forced or voluntary, retain ties to the people and places they came from and in this case, it was political activity that helped Sudanese and Eritrean asylum seekers to retain their social and political identity as they sought to ultimately return to their home countries when conditions there permitted.

Asylum seekers' immediate involvement in organizing their communities and advocate for political change in their home countries built important networks and community structures. These structures gave opportunity for leaders to develop civic skills (organizational and communication skills) which later enabled recruitment to community actions directed at the Israeli government and engaging the Israeli public. Members of the Sudanese community had prior organizing skills based on their political activity as students or members in opposition groups back in Sudan. While tribal affiliation did create division within that community, the rejection of Arabization of Sudan and the pressure imposed by the Israeli government were two important factors that bridged internal disagreements and enabled them to act collectively.

The Eritrean community which represents close to 70 percent of the asylum seekers in Israel had more complicated challenges. One specific challenge was Eritrean political culture or rather the lack of it. Since organizing was forbidden in Eritrea, leaders in the community interested in recruiting members for collective action had to invest resources in educating members about unfamiliar tactics and concepts of resistance. Although organizing anti-regime protests in Israel were legally possible, engaging members and teaching basic political socialization was a serious challenge. Later, members were divided amongst themselves more strongly about the goals of organizing. Some believed they should focus on fighting for a regime change in Eritrea, while

others believed it was necessary to focus on fighting for rights in Israel. Nevertheless, the determination of strong community leaders as well as the possibility to engage in diasporic politics and enjoy relative freedom in a foreign land were key to successful organizing and fostered cohesive community networks. The empirical evidence shows how community leaders seemed to consciously emphasize their race and pursuit of justice in order to achieve solidarity and unification within their communities.

Israel's Jewish democratic setting introduced opportunities to deepen community ties for both communities, encouraged engagement in political activity, and promoted ways to raise awareness. But changes in that same political environment also presented new constraints in the form of direct repression, and ultimately forced asylum seekers to redirect their political activity and community practices.

Understanding the Limitations of a Jewish State

Sudanese and Eritreans asylum seekers understood that being non-Jewish was a significant barrier for integration or the right to protection. Since their otherness was presented as threat asylum seekers were required to pay attention to changes in political discourse as well as changes in their legal opportunities. Changes in both of these arenas affected their livelihood and incentives to organize. While the U.N. Refugee Convention principle of non-refoulement which extended temporary group-protection prevented asylum seekers from being returned their countries, it did not prevent detention and other means by which the Israeli government tried to force them to leave. On January 10, 2012, the Israeli Knesset amended the Prevention of

Infiltration Law to define all the asylum seekers crossing the border as “infiltrators” and declared measures that would criminalize most aspects of their daily existence- the ability to work, to send remittances, and the right to apply for asylum. In many ways their framing as infiltrators shaped their consciousness and spurred a community effort to fight for rights and recognition. To achieve this they were required to adapt their political orientations and direct their actions toward the Israeli government.

This growing repression however had a polarizing effect on asylum seekers. On the one hand, it increased their anxiety, frustrated them and limited their already scarce options, but at the same time, it drew them into new spheres of engagement with the public, in court, in the media, and with local political actors. Asylum seekers in Israel were embedded in social networks relevant for the protest issues and maintained a symbolic linkage between their activism and their pre-migration life-spheres.

By 2013, their experiences in detention and their desire to win the public’s support, encouraged asylum seekers to resist and employ new tactics. The Prevention of Infiltration Law introduced mass incarceration that threatened the entire asylum-seeking community. This threat combined with efforts by Israeli politicians to discredit their claims publicly, created the structural conditions, legal, political, and discursive, that induced participation in a mass protest. The resistance that occurred in and out of detention sparked a wave of solidarity protests attended by thousands of asylum seekers and other activists in Israel.

Learning to be Irregular

Detention and experiences in the Israeli labor economy enabled the two groups (Eritrean and Sudanese) to interact and strengthen their sense of collective identity based on their interpretation of these experiences. NGOs for example helped provide legal grounds to claims making even if they did not completely stop the most restrictive measures. The power that the Supreme Court in Israel has to use judicial activism and order the state to reverse its actions made it possible for NGOs as well as asylum seekers to engage in legal discourse, make claims, and ultimately shape the nature of the anti-infiltration policy.

Yet more importantly being embedded into the Israeli workforce and the experiencing detention forced asylum seekers to understand the structural limitations that produced their illegality. Detention and the workplace created situational networks and became important hubs not only because they provided individuals with an environment that facilitated recruitment to social movements but also because they created meaning and opportunity to act together and resist.

This ongoing socialization process culminated in the 2014 Rabin Square protest. It reflected consciousness raising among asylum seekers reaching a critical mass that allowed them to organize and act as a community. By using non-violent tactics and telling a personal story, asylum seekers localized their claims offering a unifying message: understand us since you were once refugees. Rejecting the government constructed *infiltrators* label fostered their counter-collective identity. The desire to claim rights and win over public opinion by appealing to values that would resonate with a Jewish-Israeli public became an additional stated goal. Their conscious choice to use a work-strike as a protest tactic captures their understanding of their

place in Israeli society and the dependence of Israel's labor force on low skilled migrants.

Talking about a Jewish past and telling Israelis –‘understand us because you were once refugees’, engages with the *raison d'etre* for Israel's existence as Jewish nation.

Israel in Comparative Perfectives

The case study of African asylum seekers and their mobilization campaign validates the importance of studying the micro and macro, individual and institutional, levels to fully understand collective action. It highlights the interdependencies between structure and social psychological factors as theorized in the literature of social movements. The impressive turnout well beyond what organizers anticipated illustrates the need to understand and define incentives especially in their cultural context.

I believe this study illuminates a critical social issue in Israel and addresses the broader literature on mobilization and migrants. Scholars studying social movements tend to either narrowly focus on the incentives that motivate individuals and analyze the political sphere by looking at resources and ‘opportunities’ to engage or put too much focus on collective identity. Irregular migrants’ mobilization goes beyond traditional politics because they do not have full social and political rights and are deprived of certain resources and opportunities. At the same time, the identity of the actors, their skill-sets and community-based assets are all important but should not be separated from their structural environment. Although some scholars point to the need to connect these levels of analysis, efforts to date still provide only theoretically limited accounts.

Through their united effort, African asylum seekers in Israel turned from a persecuted and clandestine community into a movement, conscious and rights bearing. Their struggle raised important questions about Israel's migration regime, workforce dependability, and the balance between adherence to democratic norms and securing a Jewish majority, while capturing the attention of global media and international actors. Despite the inability to achieve their stated policy goals, their success is articulated by their own admission in their ability to mobilize and spread the language of rights in their communities.

The similarities in collective action practices and discourses adopted by irregular migrants in the U.S., puts the struggle of asylum seekers in Israel in a wider context. It offers a comparative perspective on the social movements and political engagement of unrecognized members of society. My fieldwork in Washington state discussed several groups that were engaged in mobilization and while the efforts were concurrent and organizers shared a general agreement about the need to reform U.S. immigration system, they did not carry out their actions united under a single cause. The existence of a large detention center in the state however, kept all groups vigilant and concerned over federal enforcement.

Similar to the case of asylum seekers in Israel who were faced with the legal consequences being labeled "infiltrators", the recent rollback on DACA inspired movements of irregular migrants in Washington state to eliminate privileged identities and divisions constructed by the undocumented experience and replace the narrative to discuss wider amnesty for undocumented migrants. Like in the Israeli case, ongoing mistreatment and the threat of prolonged incarceration

galvanized solidarity among irregular migrants, shaped their rights consciousness and increased their comprehension of constraints and opportunities.

Implications for Future research

This dissertation raises several avenues for future research since it is situated in the theoretical intersection of the study of forced migration and the study of social movements. From a theoretical perspective one research avenue should develop the concept of “life-spheres” looking at how irregular migrants forced to experience a new culture navigate it and make sense of it when their life-spheres (work, interaction with locals or officials, and detention) are a product of their lack of legal status.

A second avenue for research should expand the study on the role of diasporic politics and the role of the sending as well as the receiving migration context. Diasporic politics was pivotal for understanding networks, defining and advancing skill-sets, and the ways political goals were defined. When I asked about the objectives of the 2014 protests I identified a tension between what asylum seekers told me and what Israeli activists and NGO workers said. While the asylum seekers claimed they never truly believed a policy change would be achievable and that the true goal was clearing their name (‘we are not infiltrators, we are refugees’) and showing Israel and the world who they are (fighting racism); Israeli activists and NGO workers said the asylum seekers were naïve, were unfamiliar with the way democracy works, and were deeply frustrated by the results of the protest and expressed deep anger at those who did not participate.

Asylum seekers were thrilled by the right to exercise basic freedoms such as freedom of speech, the freedom to assemble and the right to protest. When asked about the positive aspects of their protests people mentioned the fact it was non-violent and that it was well organized, carefully planned, and well attended. This tension between narratives could be one possible avenue for future research regarding goal-setting and role of different actors in a social movement. It is possible that the diffusion from diasporic politics to claims making in a local sphere lies at the heart of this debate but at the same time the expectations of asylum seekers differ from those of NGOs and activists working to shape Israeli civil society.

Finally, while this dissertation focused on a campaign that culminated in the 2014 protests, a new deportation plan announced by the Israeli government in November 2017 sparked new waves of political protest. According to the new plan asylum seekers will face two options – either to sign a voluntary leave form and relocate to a third country or face indefinite detention. This current campaign drew in new actors, expanded well beyond the boundaries of Israel to include protests in front of embassies and consulates around the world, and brought changes to the communities' leadership. Future research should account for these important changes and identify the relevant spheres that shape the nature of the campaign and its meaning to the study of collective action.

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