Where Time Stands Still: Holot Detention Facility and the Israeli Anti-Infiltration Law

Hadas Yaron Mesgena and Oran Ramati

Abstract

This article discusses the anti-infiltration law and detention of African asylum seekers in Holot in the Negev desert in Israel. The detention facility was built following an amendment to the 1954 anti-infiltration law legislated in the wake of the 1948 war. While the original ordinance was directed against Palestinian and other Arab nationals, the amendment was intended to imprison the Eritrean and Sudanese nationals who began entering Israel in 2006 in search of protection. Seeking to identify how Israeli policy, the judicial system, activists, and detainees are affected by the Israeli-Arab/Palestinian conflict and/or global factors, the article explores the Holot detention facility as a type of "camp" and township. On the basis of archival records from the 1950s, petitions, legal decisions, reports, and the voices of the detainees in Holot, it analyzes the facility and the policies governing detention therein in the larger context of Israeli politics.

Dr. Hadas Yaron Mesgena, Academic College Tel Aviv Yafo

Mr. **Oran Ramati**, Academic College Tel Aviv Yafo

Introduction

In 2013 the Israeli Supreme Court accepted a petition against the "anti-infiltration law," forcing the state to amend it. In the wake of this process, an open facility for asylum seekers was built and opened in the Negev desert. The following year (2014) large numbers of Eritreans and Sudanese who had found their way into the country began to receive directives to relocate to this facility. Its first inmates came from the first wave of refugees and asylum seekers to cross the Egyptian border. This order created panic within the two communities, whose members regarded it as sentencing them to indefinite detention. Despite experiencing a heightened sense of insecurity, fear, confusion, and anger, they joined forces and began protesting the move, holding mass demonstrations in Tel Aviv and Jerusalem, marches from Holot to Jerusalem, and strikes (Ephraim, 2014). Following another petition submitted by human rights organizations contesting the amended law, the Supreme Court ordered all those detained in Holot to be released within 90 days (September 2014).

The Holot facility's being erected as a direct result of the anti-infiltration law, here we explore the origins of the "infiltration" notion and the anti-infiltration law, seeking to understand the intersection between illegal migration, anti-immigration policies, and human rights laws, and the way local/national politics affects Israeli anti-immigration policy. We also look at how the African asylum seekers interpret this policy (compare Berman 2015) and understand the meaning of the detention to which they are subjected.

Taking a sociopolitical perspective and examining the relevance of large-scale factors to migration and asylum policies, the study follows the direction outlined by previous research that demonstrates how (forced) migration constitutes part of the political history and culture of nation-states. Democratization in Spain, for example, is inseparable from the struggle for the inclusion of migrants and religious minorities (Guia, 2014). Migration policy is thus linked to national political structure, but also shapes state politics. Other scholars draw attention to the way European immigration policy reflects the colonial past (van Walsum, Jones , & Legene 2013) indicating how this is true of The Netherlands. In the Israeli case, we must thus inquire into the effect of the Israeli-Arab/Palestinian conflict and legislation governing the Arab/Palestinian community in the early years of the state on Israeli policy toward African refugees and asylum seekers. We therefore wish to combine two areas of study which are often kept separate, namely non-Jewish migration and asylum and the Israeli-Palestinian conflict. Juxtaposing the two, we believe, can shed light on the specificity of Israel's anti-migration and asylum policy. But we also wish to show the way Holot and the discourse produced in relation to African refugees by politicians and other public figures is embedded in such trends elsewhere in the world, more particularly the refugee camp as a spatial device for segregation and control.

As a detention facility, Holot can therefore also be addressed from the perspective of the global context, where "illegal" migration is pushed to the "margins of the world" (Agier, 2008). The construction of walls and camps and the operation of sea patrols (Nair, 2008) are common

state, governmental, and regional strategies, also employed by Israel. The refugee camp in its diverse forms across the globe epitomizes the "desert" that exists beyond time, space, and society, constituting a liminal space of "bare lives" (Agier, 2008, p. 49). As Agier observes on the townships of apartheid South Africa: "The camps thus form an urban reality marked both by the frozen time of the indigenous quarters of colonial towns, and by the amputation of apartheid townships" (2008, p. 59). Framing Holot in this spatial/temporal sense, we examine how far it possesses the hallmarks of the township and racial separation.

The study is based on archival research at the Israeli State Archives, five in-depth qualitative interviews with detainees at Holot during 2014 by the researchers, four trips to Holot for informal conversations and observations of events held outside the facility, and other written sources, such as human rights reports, petitions, and court decisions. The archival material analyzed and discussed was collected from material labeled "Infiltration" or "Refugees" dating back to the early years of the state. Not all the files were perused—only selected files from those on legislation and field reports detailing arrest and deportation.

Our historical investigation was motivated by the present situation, and the links between the infiltration in the 1950s and Holot today. We seek to portray Holot from diverse angles, highlighting the various forces and actors that produce, undermine, reproduce and legitimize/delegitimize the facility. In this way we hope to gain a deeper understanding of its local and global aspects and social/spatial features as a "refugee camp."

Although Africans—primarily from Western Africa—began entering Israel as early as the 1990s (Sabar, 2008), they generally entered via the airport and were defined as "illegal" migrants. Only a small number from Liberia and Sierra Leone received protection because of the danger to their lives. Since 2006 Israel has experienced a much larger wave, first from Sudan and later Eritrea. The former are primarily from South Sudan and Darfur, fleeing the war and ethnic cleansing in those regions. The latter are refugees from forced military service and political persecution. Many of those who crossed into Israel in 2005/6 lived in Cairo for shorter or longer periods. After the 2005 Mustafa Mahmud demonstration, however, during which the demonstrators were shot by Egyptian police, many understood that Egypt was no longer safe and they sought to cross into Israel. In the wake of the media and public "outcry" in Israel against this influx in 2012, the government erected a wall along the border with Egypt to prevent further irruptions. According to the Israeli authorities, 47,137 Africans who entered through the Egyptian border are now resident in the country.[1]

The majority of Africans receive an S2A5 Conditional Release Visa pending their application for an A5 Temporary Resident Visa. Requiring extension every few months, this protects them from arrest and deportation. While other nationals may be deported to their country of origin if their asylum application is rejected, Eritrean, Sudanese, and DRC asylum seekers (as well as other nationals in the past) fall under the "non-removal policy" (Lijnders, 2012). More recently, Eritreans and Sudanese have been allowed to submit individual asylum applications (Harel,

2015). Very few have been granted refugee status, however. Significantly, the asylum theoretically available rests on a bureaucratic procedure, as no asylum law has ever been passed by the Knesset (the Israeli parliament) even more than fifty years after Israel signed the refugee convention (Kritzman-Amir 2015).

The majority of the African asylum seekers in Israel are young men resident in the Tel Aviv area. Their visas do not explicitly allow them to work—employers therefore are often reluctant to hire them; nevertheless, they fill a number of economic niches in Israel, for example, in the restaurant and hotel industries. Their lack of status directly influences their everyday lives, condemning them to exist without social or economic rights such as health insurance and in constant fear, never knowing whether the law may change threatening their future in the country, but also their very lives (Yaron-Mesgena, 2015).

"Infiltration" into Israel in the 1950s

The legal basis on which African asylum seekers have been detained since 2006 and the Holot detention facility established, is the anti-infiltration law passed in 1954. In this subsection we discuss the early version of the law in order to comprehend not only the legal basis for Israel's current policy, but also the ties between Israeli's policy on Palestinian refugees and African forced migration. The 1954 law defines an infiltrator as one who has entered Israel knowingly and unlawfully and who at any time between 16 Kislev, 5708 (29 November 1947) and his entry was

(1) a national or citizen of Lebanon, Egypt, Syria, Saudi Arabia, Transjordan, Iraq, or Yemen; or

(2) a resident or visitor in one of those countries or in any part of Palestine outside Israel; or

(3) a Palestinian citizen or Palestinian resident without nationality or citizenship or whose nationality or citizenship was doubtful and who, during the said period, left his ordinary place of residence in an area which has become a part of Israel for a place outside Israel.[2]

As its formulation makes clear, rather than seeking to prevent the entry of foreign nationals, this ordinance was primarily designed to stop Palestinians and other Arab nationals entering the country in the wake of the 1948 war, more particularly to prevent the reentry of Palestinian refugees into the country. The original aim of the law is of importance in this case since it can explain why defining Africans as infiltrators and detaining them according to the law constructs them as a threat to national security, even if their sole offense is unlawfully entering the country. Moreover, an "infiltrator" in the Israeli collective memory is one who sought to attack and hurt Israeli citizens and property (Kemp 1991). The infiltrator—*mistanen* in Hebrew, *feda'i* (plural *fedayeen*) in Arabic—is therefore typically regarded as a political agitator supported by Arab states. However, while infiltration during the 1950s was indeed part of violent political actions, the non-violent, migratory aspect of infiltration has been forgotten.

Archival records from the early 1950s relating to border security and penetration demonstrate that infiltration was divided into two types: individuals seeking to (re)enter Israel as migrants, and *fedayeen*. So in those years infiltration was described as both violent and non-violent unauthorized entry into the country, and a threat to human lives and to property. According to Bracha (1998), those who fell into these two categories were motivated by a wish to visit/return, gather their harvests, or engage in smuggling and/or political violence. During this period the law was in fact occasionally criticized for failing to differentiate the two classes. For example, MK Bar Yehuda defined infiltrators as "hungry refugees whom the rulers of Arab countries wish to exploit against Israel and infiltrators recruited for small-scale fighting against Israel. The law should take both types into account."[3] Despite this deficiency, it distinguished armed from unarmed infiltrators and the acts committed by the infiltrator, imposing a heavier punishment upon armed and violent infiltrators and allowing the state to detain and to deport infiltrators on the basis of military-court decisions.

While the Israeli authorities were principally disturbed by the possibility of armed, politically-motivated infiltration, the return of Palestinian refugees and the inability to control the country's borders and population were also a matter of concern. This may help explain the logical connection between national security and African unauthorized migration into the country in the eyes of the state. Similarly, as we shall also elaborate later in connection with the current anti-infiltration legislation, during the 1950s the state was concerned with cases in which infiltrators easily integrated into the local Arab population; also with issues of documentation and identity, which affected Africans' staying, settling and integrating into the country. Archival records from this period attest that many "infiltrators" were inhabitants of Palestinian villages or hid in convents and other places. The clause relating to assisting them thus sought to discourage Palestinian Israelis from hosting returnees in their villages, homes, or holy sites. One of the prime difficulties lay in distinguishing returnees from non-returnees. A letter from a Major Lavie dated October 1950 to the Arab Affairs Advisor in the Prime Minister's Office, for example, reported:

> At dawn, the village was completely surrounded by infantry units … All the men were gathered together and identified. Search units went from house to house and searched them. 23 infiltrators were arrested and sent back across the border … 8 civilians were arrested for assisting infiltrators and will stand trial before a military tribunal … Comments: A large number of the infiltrators were not arrested since they tend to sleep outside the village and return in the morning, allowing them to elude capture.[4]

Records also show that the authorities struggled to identify returnees, frequently encountering cases in which non-returnees married returnees, thereby complicating the deportation process.[5] With respect to mixed marriages, for example, the Advisor for Arab affairs in the Prime Minister's office reported:

Lately, there have been many cases in which matchmakers in the minority community arranged marriages between men or women with IDs and infiltrators or holders of temporary IDs. Needless to say, such marriages make taking action against infiltrators difficult if the decision is to send them out of the country …[5]

In this vein, the military authorities also warned against holding "Arab Israelis" and "infiltrators" in custody in order to prevent them exchanging information,[6] thereby aiming to maintain the "borders" between the local Arab population and those who crossed its borders.

The new anti-infiltration law

As Israel's borders with its Arab neighbors stabilized, the original formulation of the anti-infiltration law became obsolete. Fifty years later, however, the peaceful Egyptian-Israeli border created by the Camp David Accords has once again become the focus of "infiltration" attempts, this time by African refugees and asylum seekers. The first wave could still be defined as "infiltrators" because Sudan was one of the Arab countries that attacked Israel in both 1948 and 1967. Until 2006, the state thus detained them on the basis of the 1954 anti-infiltration law. However, following a petition submitted by human rights organizations against the second amendment of the law on behalf of a number of detainees, it began treating the asylum seekers as infiltrators only very briefly, immediately proceeding to deal with them under the 1952 Entry Law, which limits and monitors detention.

Still, the original anti-infiltration law remained Israel's preferred method of handling African refugees and asylum seekers. The state then began to target the Sudanese and Eritreans, both groups being protected by the non-removal policy that prevents their forcible repatriation (Lijnders, 2012). In 2008 an amendment to the law passed the first stages of the legislation process in the Knesset, but it was annulled in 2010. In 2012 a new bill was passed that paved the way for the detention of 2,000 persons—including women and children—in Saharonim Prison close to the Egyptian border. The imprisonment of up to 10,000 individuals was declared to be followed, at a detention facility built for that purpose (Petition 7146/12).[7] This defined an infiltrator as "an individual who is not a resident as specified in Article 1 of the Population Registry Law of 1965 and who has not entered Israel through a border point specified by the Minister of Interior in the Israel Entry Law of 1952" (article 1[2]).

In its response to the petition, the state claimed that the African influx into Israel differed from that experienced by other Western countries:

With regard to infiltration, Israel is in a unique situation and for that reason the way the issue is handled requires special tools. This is due to the fact that Israel is the only Western country (except for the two Spanish colonies in North Africa) that has a relatively long border (about 220 km) that has not been effectively fenced until recently, its geopolitical situation, and its complicated relations with its neighbors. (Supreme Court Decision 7146/12, Article 17, p. 11)

Significantly, the amendment also included a clause stipulating that "infiltrators" in whose country or place of origin security sources indicated activity was taking place "that may endanger Israel's security or of its citizens" were not to be released (Article 30.1.4.2). In that manner the state appropriated the right to detain entire groups which it regarded as a potential threat to national security because their country/place of origin was hostile to Israel—Sudan being a prime example. The state also explicitly stated in its response to the court that Africans were increasing the rate of crime, especially in the southern part of Tel Aviv, thereby posing a threat to the stability and safety of Israeli society (Kritzman-Amir, 2009; McDonnell, 2013).

Politicians and other public figures have consistently asserted that African "infiltration" is a threat to the Jewish state and to a Jewish demographic majority in Israel. For example, in 2010 the Israeli Prime Minister Benjamin Netanyahu declared that it undermines the "Jewish and democratic character of the state."[8] Journalist Ben Caspit similarly protested against the "left-wing" Israeli demonstrators who joined the African struggle against Holot:

> But, gentlemen, this is impossible. Especially in a tiny state with a precarious Jewish majority, numerous minorities in conflict, and limited infrastructure such as Israel. If historians in subsequent decades seek to understand how a huge political sector called the "peace movement" that just fifteen years ago posed a threat to the government in power disappeared they will identify its origins in this demonstration …"[9]

Like the Arab "infiltration" of the 1950s, African asylum seekers are thus perceived to endanger the Zionist project and its goal of creating a sovereign Jewish state. Not Jewish, they enter the country without government permission and face possible deportation. Once integrated in the country, it is claimed that they are difficult to weed out. The state has been constantly concerned with issues of identifying Sudanese and Eritreans on the basis of documentation; and other means, questioning their claims as to where they come from and who they are (Yaron Mesgena 2013). The Darfurians and Sudanese are also Muslims; they are frequently smuggled across the Egyptian border by Bedouin smugglers, which associates them more tightly with violence and terror. As MK Anat Berko observed:

> There are dormant terror cells amongst those infiltrators who on their way to Israel were ideologically contaminated in the Sinai Peninsula (currently dominated by the ISIS). If this had been a military infiltration, the entire border would have been alerted in order to put a stop to the whole phenomenon. In this case, however, we are facing a large number of people coming from enemy states merely waiting for the right opportunity to act upon their intention.[10]

African refugees are thus directly associated with the security threats Israel faces, including the Arab/Palestinian conflict and international terror groups. Although most of the refugees in Israel are Christians from Eritrea—not an enemy state—they are frequently referred to generically as "Sudanese."

The Israeli public discourse also identifies African asylum seekers as posing a threat to Israeli society in other ways. Regarded as economic migrants, they are accused of seeking to exploit the country, harming its economy and citizens. Their willingness to work for low pay and without benefits makes Israelis fearful of losing out on employment opportunities. They are also held responsible for rising crime rates, especially in south Tel Aviv, in theft, murder, and rape, and introducing dangerous diseases into the country. For example, Prof. Gabi Barabash, Director General of Tel Aviv Sourasky (Ichilov) Medical Center, informed a Knesset meeting that "The women who give birth have viral infectious diseases—tuberculosis, malaria, and aids" (NRG 24/4/13). He is also on record as stating that Africans far outnumber Israelis in developing tuberculosis (65 and 15 cases respectively)—each new sufferer drawing in his or her wake six more potential patients that require an isolated room, separate nurses, and expensive tests (NRG 24/4/13).

Such remarks are not unique to Israeli politicians and state officials. Meyda Yegrnoglu, for example, notes that Muslim immigrants are defined as internal enemies in Europe, posing a threat to the continent's demography, integrity, and culture (2012:153). In Spain, the attitude to Muslim migrants is a direct function of the country's collective national narrative, according to which the country united itself by defeating the Islamic kingdoms of the Iberian Peninsula (Guia, 2014, p. 9). More recently, the high number of refugees entering Europe prompted the Hungarians to distribute a map of Europe showing the dangerous zones infested by violent migrants as part of the referendum campaign (Harrison, 2016). Attitudes to migrants are thus frequently inseparable from national narratives and histories.

When the Israeli Supreme Court accepted a petition against the "anti-infiltration law" in 2013, it ruled that the ordinance contradicted Israel's Basic Law of human dignity and freedom, thus determining it to be impractical and disproportionate relative to its own purposes. While the state argued that the detention policy was designed to prevent the integration of "infiltrators" into the economy and society, it also acknowledged that it was intended to discourage others from entering Israel. In response, Judge Arbel noted: "A person is placed in custody not because he personally poses a threat but to discourage others. The way he is treated is as a means rather than a goal. This attitude is undoubtedly an additional act of disrespect" (Article 86).

Referring to the "Illegal fighters' law," which allows non-Israeli citizens to be detained, she further noted that its legality depended on the threat an individual posed and his or her residence in the occupied territories. In other words, this law is clearly directed at individuals who endanger national security (Arbel, Articles 88, 89). In adducing this ordinance, she sought to point out that only individual African refugees and migrants can be defined as a threat—not an entire group. While not all the judges appealed to this argument, some—such as Judge Fogelman—noted that the legislation sought to amend the anti-infiltration law rather than the

Entry Law in order to frame African asylum seekers in the context of the Israeli-Palestinian conflict (Fogelman, Article 13).

Despite this spin, the anti-infiltration law and dentition facilities of Holot and Saharonim Prison are reserved exclusively for Africans. Other foreign nationals held for immigration visa violations are held in Givon Prison. Even Africans who entered Israel through Ben-Gurion airport are currently held in separate facilities. The Israel Prison Service classifies inmates as infiltrators (Africans), security prisoners (Arabs) and criminals (the only category reserved for Jewish Israelis).[11] This clearly indicates the racial overtones attached to infiltrators in Israel.

In their decision, the judges also adduced alternative solutions to detention in closed facilities, such as those adopted in other countries. For example, in a section entitled "A quick glance across the ocean," Judge Arbel noted that asylum seekers in Europe were restricted to certain geographical areas and held in open residential facilities (Arbel, Article 107). Following this recommendation, the Knesset once again amended the anti-infiltration law, this time allowing the indefinite detention of Eritreans and Sudanese in an open facility. The state also sought to detain them 24/7 for a year.

Shortly afterwards, the legality of this amendment was challenged by another petition submitted to the Supreme Court (#8425/13):

> The respondents [i.e., the state] have not understood the definition of *adam* [a human being] adopted in the verdict, failing to realize that being a human being is an end in and of itself. They have not internalized the fact that all the individuals the law deals with—all those they insist on labeling prejudicially as "infiltrators"—are human beings and should be treated as such. (Introduction, p. 4)[12]

It further asserted that while the state maintains that Holot is an open facility, it is in fact a prison, bearing no resemblance to the facilities and arrangements in other Western countries:

> It is a prison to which the border agency arbitrarily sends detainees—individuals who cannot be deported from Israel ... it is a prison within the area of Ktziot Prison, within a military firing zone, remote from settlements, from which there is nowhere to go by foot. A prison in the desert … a prison, in which detainees need to show up three times a day for roll call.

In its September 2014 decision, the Supreme Court again ruled that the anti-infiltration law violates the "human dignity and freedom" guaranteed by the Knesset Basic Law and is therefore unconstitutional. On this occasion, the president of the court and two other judges formed a minority opinion in rejecting the petition, one of the latter agreeing that Holot should be closed down but siding with the minority opinion with respect to 24/7 detention. In his conclusion, Judge Fogelman, representing the majority view, wrote:

> The challenge Israel has faced and is facing in the disorderly entry of thousands of infiltrators into Israel is complicated. Our decision adduces the social, economic, and other issues this raises. Everyone acknowledges that the state cannot rest on its laurels and must

address the problem, not only because the power lies in its hands but also because it is responsible for its citizens and residents. There are no magical solutions. At the heart of our decision must stand the legality of the means adopted. In a democratic state, not all means are acceptable. This is also true in the case before us now. However difficult the task before the state, we must remember that those who are already in the country are here with us. They have a right to the right of freedom and dignity according to universal human rights. These can only be violated for a worthy end and to the minimum degree necessary. The means the state has adopted do not meet these criteria and are therefore not constitutionally legal. The terms determined in the amendment, whose annulment we herein declare, completely rather than proportionally violate the right to human freedom, the right of every human being, contravening accepted Israeli principles and those of the civilized world. (Fogelman, Article 213)[13]

After the Supreme Court declared the law to be unconstitutional, the Knesset amended it once again in 2014.[14] The state shortened the period of detention and reduced the duty to sign in with the prison authorities to once a day. Contested in court yet again, this time the court criticized the length of detention and the fact that when detainees were released they were replaced by new ones. Therefore, the court's decision this time can be understood as a "mixed" one, since the court ordered shortening the period of detention but did not rule out detention entirely as a measure taken by the state to discourage unauthorized migration.

At the edge of the world: Testimonies from Holot

As demonstrated above, the African asylum seekers who have entered Israel via Sinai since 2006 have been primarily framed in terms of the Israeli-Arab/Palestinian conflict and the Israeli narrative relating to borders and movements of people. In this section we examine Holot from the detainees' perspective, discussing its spatial-temporal features in order to establish the category of "camp" into which it falls according to a global classification.

Holot is populated primarily by Sudanese, with a small group of Eritreans. As suggested by the press, this may reflect the former's willingness to agree to voluntary repatriation.[15] The statistics confirm that more Sudanese than Eritreans left the country last year.[16] All those in Holot are single men resident in Israel for several years—part of the policy of preventing integration/intermarriage. Many have nonetheless learned Hebrew and acclimatized to Israeli society and culture, also developing contacts with human rights organizations and activists.

Located close to the Egyptian border, the detention facility is surrounded by sand and abandoned agricultural constructions, lying within sight of Saharonim Prison. Upon arrival, visitors are greeted by a vista of young men condemned to aimless pursuits. When we asked a detainee what he sees as he walks around the facility he summarized the view succinctly in three words: "Nothing [laughing] … trees … the army."[17] Another interviewee told us that the facility being remote from other cities, and all the detainees being required to sign in three

times a day, going far is out of the question: "I can go to Tel Aviv or Beersheba, but I have until ten o'clock. It's a very short time." Without being able to go anywhere, most wander about the facility all day with nothing to do.

This is a prominent aspect of the temporal dimension of the detention facility. While both the detainees and human rights organizations describe the sense of eternity it exudes, the fact that they must sign in three times a day makes them feel that time no longer belongs to them. The Hotline for Refugees and Migrants (Rozen & Kobaliyov-Livi, 2014) reports of detainees speaking of the terrible boredom they endure, isolated from the rest of the country and without work or former friends, colleagues, community, etc.: "All day I do nothing. Most of the time I lie in bed depressed"; "Most of the time I stand in line: there is a line to get food, three times a day I stand in line to sign in, but the longest line is when one wants to leave and enter prison …" (Rozen & Kobaliyov-Livi, 2014, p. 14). With nothing to get up for in the morning, many do not bother with breakfast, staying in bed all day.

Some refuse to allow the conditions to govern them, however. After escaping, some live in the country illegally. Others seek ways to deal with and resist the attempt to deprive them of their freedom and autonomy. Various committees have been established to organize the detainees' lives and as forms of action and protest. Cultural events such as musical performances, plays, and photo exhibitions are held. Small restaurants selling Sudanese and Eritrean food have been set up outside the facility, providing a source of business and a place for gathering together and eating tasty, familiar food (Rozen & Kobaliyov-Livi, 2014; Rozen, 2015). But as soon as these spring up they are dismantled, the authorities citing hygienic and sanitation grounds (Glazer & Yehiel, 2015).

How do the detainees themselves understand their detention, and what arguments do they make regarding their incarceration? Interviewing several in 2014, we found that some were confused: "It's very difficult, because there are many questions in our minds. We don't know why they are treating us like this, why they are keeping us in this place." Others were partially aware of the reasons the government cites. One of the Sudanese detainees, for example, observed: "The citizens do not like us because we are not of the same religion or color, we are not citizens of the state." He also understood how they are criminalized in order to justify their treatment: "Outside, people [i.e., asylum seekers] cannot work, so they wander around and people say they are drug addicts. Anything that is not good they put on the Sudanese, so now we are in Holot."

The Holot detainees also linked the establishment of the facility with control of the border: "Now, they have closed the border. Many people having arrived, they want to protect the country. That's fine—every state protects its border, it's part of their responsibility." One drew attention to the issue of perceiving African newcomers in terms of the Other: "The problem, you see, is that they don't want the Sudanese, the Eritreans, the Africans. I don't know what they think of us." Others are aware of the terminology employed in the Israeli discourse: "There

are also those who tell us this is a Jewish state, we don't want Sudanese here." One compared Holot and Saharonim, understanding that the two facilities carry different connotations in Israeli minds: "The problem is that when we were in Saharonim [Prison] they treated us as infiltrators and they didn't want to recognize us and deal with us as refugees. But when they transfer us to Holot, it's like half-accepting."

One noted that the fact that Sudan perceives Israel as an enemy state, just as Israel views Sudan as hostile, did not discourage him from coming to Israel: "They [Sudan] see Israel as an enemy. In our passport they write that we can go to any country in the world—except Israel. I'm actually against this … I believe Israel is the greatest nation in the world." Others reported to the Hotline for Refugees and Migrants that officials in Holot insult them on precisely these grounds: "Israelis don't like you, they don't want to see you because of your color and other things I won't say." They also interpret the decision to confine them in Holot as a denial of their humanity: "So when they put us in Holot, you know, it's like someone refuses [to accept] you as a human being. If they accepted us or believed we are human beings, [they would know] that we should not be in this place." The Hotline for Refugees and Migrants cited similar statements; one detainee told them: "I've been so long in prison, a little more and I shall become an animal. I don't have a head anymore, I don't study, I don't work, I don't do anything, I don't feel like a human being anymore" (Rozen & Kobaliyov-Livi, 2014, p. 16).

Those we interviewed frequently referred to international law and the situation in other countries. One of them explained what he thought the government should do:

The state does not have many ways, it has two. It can take responsibility for the refugee applications because it signed the 1951 convention and thus has responsibility for us. If it does not have the power, if it doesn't want to take responsibility for the refugees here, if it doesn't want to examine the applications, it can hand them over to the UN. The UN knows how to deal with our situation, our problem."

Another Sudanese also observed:

The State of Israel should act in good faith. It's not that anyone who comes here, you can treat him however you want. People ask you for refugee status. If a guest comes to my home, I [cannot] close the door and tell him: you cannot leave the house or sleep in the bed. I ask the State of Israel for refugee status, to be here with proper papers. If not, it [should] assist me to leave for a third country—a good country, such as Europe, America, Canada …

Most of the detainees insist that in reality Holot is a closed facility—a prison designed to pressure them into leaving the country:

In February, a month ago, I went to the Ministry of Interior to renew my visa. The immigration police asked me: "Do you want to go to Holot and stay there? You'll spend your

whole life in the facility." I said: "I have no problem. I will go to Holot, where there's no time, nothing.

Holot is thus perceived as a dangerous place the detainees cannot leave, where everything—showering, eating, etc.—involves a queue. One spoke of this in terms of "psychological pressure":

What they do, they do on purpose … in the facilities in the First World, if you went to the United States or Europe you [would] see [that the facility] is open 24 hours [a day], no one interrogates you, you can go anywhere, you're not told when to go to sleep or sleep here or there. You're part of the facility until you get proper papers. But here, they operate through psychology. They say: If you don't want to sign, go back to your country.

Conclusion

We have discussed the detention of Sudanese and Eritreans in Israel on the basis of the amendments made to the 1954 anti-infiltration law. Despite numerous Supreme Court rulings, detainees are still held in Holot on the basis of the fourth amendment to the law. From the perspective of the state, defining African asylum seekers as infiltrators serves an ideological purpose, enabling it to frame non-Jewish migration as a national threat associated with the Israeli-Arab/Palestinian conflict. While the Supreme Court's decisions have drawn attention to the conditions in other Western countries, the state persists in arguing that Israel is a unique case. This perspective differs from the humanitarian view adopted by some jurists in the 1950s, who included Palestinian refugees in settlements relating to refugees and international law (Ben-Nun, 2013). While in the 1950s the Supreme Court restricted the government's deportation campaign, many of the deportations being contested, it did not criticize the general policy, preserving its own Zionist ideological basis and acknowledging the influence of the public and political spheres. In relation to the current law, however, its principal commitment is to universalistic values and a global perspective.

Holot bears features that strongly resemble a refugee camp. Although defined by the state as a type of residential facility common in Western countries, it lies in the desert, far removed from urban centers. In Agier's (2008) description, it forms a liminal zone where time stands still. While controlled by the Israeli authorities, it comprises an extraterritorial space reserved exclusively for Africans, no visitors being allowed to enter without permission. It thus constitutes a type of township whose goal is to remove the African presence from Israeli national territory. While other refugee camps serve humanitarian purposes, thus forming part of a humanitarian regime, Holot falls under the jurisdiction of the prison authorities, its sole purpose being to segregate Africans from Israeli society and encourage them to leave the country.

From the perspective of the interplay between global trends and local histories and politics, the presence of thousands of Africans in the country exacerbates fears that Israeli sovereignty

and the Jewish character of the state are under threat. The passing of the anti-infiltration law and failure to institute an asylum law attests that Israel favors a nationalist ideology rather than a liberal or post-national attitude in regard to this issue. Thus despite the expense incurred in operating the facility, the detention of thousands is adopted as the preferred policy because it is deemed to discourage new refugees from arriving and veteran ones from settling in the country. The rejection of asylum applications, failure to deal with the majority, and "persuasion" to accept voluntary departure and deportation to a third country (Rwanda or Uganda) puts pressure on refugees to leave the country or remain stuck there without social rights or hope for the future, the threat of deportation constantly hanging over their heads. At the same time, the activities undertaken by various human rights organizations and the Supreme Court's response to two petitions points to a vision contrary to the nationalist ideology espoused by other segments of society and the state—one relevant not only to refugees and asylum seekers but also to human rights and democracy as a whole.

From the detainees' own viewpoint, while some are aware of the discourse that leads to their exclusion, most focus on Israel's international obligations rather than the country's collective narrative, Jewish history, and the legacy of the Holocaust. At the same time as seeking to preserve its Jewish character and sovereignty, the state also construes non-Jewish migration in nationalistic terms—an approach somewhat disguised by its matching measures adopted elsewhere in the world. Its anti-immigration and asylum policies are founded on a law that goes back to the early years of its existence, designed to deal with Palestinian returnees and political violence. For their part, the refugees maintain the right to cross borders, live freely in Israel, and move to another Western country while retaining their own national identity, resting their case on international laws such as the Refugee Convention and appealing to international governments.

In this article we thus made a further contribution to the study of African refugees living in Israel. While previous studies have often explored migration and forced migration in Israel (since the 1990s) separately from the Israeli-Palestinian conflict, treating the two as almost irrelevant to one another, in this piece we set out to investigate how legislation and discourse concerning African refugees are inseparable from the formative role the Israeli-Palestinian conflict plays in the country's history and politics [19]. Africans and Palestinians endanger the Zionist project, homogeneity and Jewish dominance, and are therefore a matter of national security. With this, we aimed at showing how Israel's policy on African forced migration should be understood both in its national context as well as in the light of current global trends, pushing migrants and refugees away, placing them in places where time stands still.

Endnotes

(1) See Data on Foreigners in Israel, Population Authority October 2016: https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreign_workers_STATS_Q3_0.pdf (Hebrew).

(2) Http://www.israellawresourcecenter.org/emergencyregs/fulltext/preventioninfiltrationlaw.htm. While legal immigration is grounded in the Law of Return, the Israeli Entry Law of 1952 deals with non-Jewish migration, including deportation. The anti-infiltration law was thus an additional measure that sought to tackle Palestinian migration.

(3) *Haboker* 22/12/1953; ISA Gimel Lamed 17098/44, Security of Borders Law, Offense, and Sentencing.

(4) ISA Gimel Lamed 17110/41, Searching and Deporting Infiltrators in the Galilee.

(5) ISA Gimel Lamed 17103/44, Registration of Infiltrators in Jaffa.

(6) ISA 26/11/1950, Refugees/Infiltrators, Gimel 13/5808.

(7) ISA Detention of Infiltrators Procedure, Gimel Lamed 17110/18.

(8) Petition HCJ 7146/12: http://www.acri.org.il/he/wp-content/uploads/2012/10/hit-histanenut.pdf.

(9) http://www.plitim.co.il/1313.html.

(10) http://statuscope.co.il 20.6.2016, 12:34:08.

(11) 17/10/14 http://www.kr8.co.il/BRPortal/br/P102.jsp?arc=791857.

(12) Petition HCJ 8425/13: http://www.acri.org.il/he/wp-content/uploads/2013/12/hit8425.pdf.

(13) Prison Authorities Website: http://www.ips.gov.il/Web/He/Research/Statistics/Prisoners/Default.aspx.

(14) Petition HCJ Desta 8665/15.

(15) http://elyon1.court.gov.il/files/13/850/073/m19/13073850.m19.htm.

(16) *Hamehager*, November 2014: http://the-migrant.co.il/he/node/17.

(17) According to the Population Agency Data on Foreigners in Israel, October 2014, while 4,005 Sudanese left Israel in 2014 only 1,214 Eritreans did so.

(18) For purposes of clarity, we have lightly edited the asylum seekers' comments, seeking to remain as faithful to possible to their forms of expression at the same time as properly conveying the point.

(19) For an exception, see the work done by Raijman and Kemp (2007) examining the connection between the dynamics of the Israeli Palestinian conflict and the growth in authorized and unauthorized labor migration in Israel. See also the work done by Mann (2015) examining Israeli discourses on African, Jewish and Palestinian refugees.

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