



**The Knesset  
The Research and Information Center**

**MIGRANT WORKERS AND VICTIMS OF HUMAN TRAFFICKING:  
THE GOVERNMENT'S POLICY AND ACTIVITY OF THE  
IMMIGRATION AUTHORITY**

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## SYNOPSIS

\* The State of Israel is the only Western Democratic State that has no immigration policy even though the amount of immigrants, other than under the Law of Return, that Israel has assimilated in the last decade is one of the highest in the World, and the amount of persons staying in Israel unlawfully is also high. In June 2005 the Government decided to establish a Consultative Committee that would make recommendations about immigration policy. The Committee, headed by Professor Amnon Rubinstein, submitted interim recommendations in February 2006, but they have not been considered by the Government.

\* The Immigration Authority was set up as an Empowered Unit in the Ministry of the Interior and started operating in July 2008 (the program for establishing an Immigration Authority had been initially raised in 2002). The Authority was established in light of recognition of the need to concentrate the handling of entry into Israel in the hands of one body, and therefore, powers were transferred to it from the Ministry of Industry, Trade and Labor and from the Ministry of Public Security. The Authority is responsible for granting permits to applicants for employment of foreign workers and for granting visas to foreign workers. It is charged with administrative enforcement measures *vis a vis* employers of foreign workers and the regulation of their status or the expulsion from Israel of persons staying unlawfully in the Country, including foreign workers who entered Israel lawfully and have lost their status. It is the Authority that grants staying visas to victims of human trafficking for the purposes of employment and prostitution. The Population Administration and the Population Register operates within the Authority as well as the Empowered Unit for Foreign Workers and the Oz Enforcement Unit.

\* The status of a foreign worker is prescribed in the Entry into Israel Law 5712-1952. Under the Law, a license to stay and work is granted for a limited period of time. Despite the fact that the status of working visa holders is temporary, due to a failed enforcement policy there are many living in Israel currently without status; in many of these cases their legal period of stay ended many years ago but they have not left the Country.

\* According to the declared policy, the number of foreign workers must be reduced but because of the policy, as actually practiced, the number of legal and illegal foreign workers in Israel has continued increasing. The number of legal foreign workers in the year 2000 was 86,000, and in 2008 – 115,000. On a calculation of the total number of foreign workers (both legal and illegal) staying in Israel over the period it appears that in 2008 there were 222,000 foreign workers in Israel as opposed to 214,990 in 2000.

\* In 2004 a procedure was instituted under which victims of human trafficking and engagement in prostitution could obtain a staying work visa until the conclusion of the testimony in relation to their cases. Currently, the grant of a visa is no longer conditional on collaboration with the law enforcement authorities. In the last three years 59 applications have been approved for the grant of a license to remain during the testimony stage (and including applications for an extension for a license to remain) and 48 applications for a year's rehabilitation have been approved, 10 of which are applications for an additional year of rehabilitation. **During this period 21 applications for a year of rehabilitation were refused**, 8 of which were applications for an additional year of rehabilitation. In addition to this, **in the last three years 42 cases were handled of trafficking victims for the purposes of work and forced labor.**

\* The process of establishment of the Immigration Authority is not yet complete, and there are flaws in the way it functions stemming *inter alia* from the disorganized transfer of powers or from a shortage of personnel suitable for performing the tasks assigned to it to fulfill. For example, responsibility for administrative enforcement *vis a vis* manpower companies that employ the foreign workers: which had been vested in the Ministry of Industry, Trade and Labor, was transferred to the Authority, but no party with responsibility for implementing the enforcement was appointed. The division of powers within the Immigration Authority between

Inspectors of the Foreign Workers Empowered Unit and Inspectors of the Enforcement Unit is adversely effecting their functioning. The Immigration Authority has submitted a series of requests to the Minister of the Interior for organizational and legislative changes. The existing situation hampers the efficient handling of the foreign population group in all matters pertaining to safeguarding their rights, the campaign against human trafficking and against the entry of unnecessary foreign workers.

\* Since the establishment of the Immigration Authority Yaakov Ganot, The Head of the Authority, Chikki Sela, the Head of the Oz Unit, and Moshe Suissa, the person charged with authority for the nursing care sector in the Empowered Unit, have all left, and up to the present time no permanent replacements for them have been appointed.

\* Up to the middle of October 2009 the Oz Unit Inspectors had checked 19,946 foreign workers (including Palestinians), 2,433 illegal foreign workers left the country voluntarily and 699 were expelled from Israel. The Oz Unit Inspectors have not provided the police and the other professional processing parties with information as to the possible victims of human trafficking for the purposes of employment and prostitution and of employment under conditions of enslavement.

\* Since the conclusion of the operation of the Immigration Police there has been a real substantial decrease in the amount of intelligence information gathered in the field with a view to locating and identifying victims of human trafficking.

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## 1. INTRODUCTION

This Document has been produced at the request of Member of Knesset Orit Suarez, Chair of the Sub-Committee for the Campaign against Trafficking in Women, and Member of Knesset Yaakov Katz, Chair of the Special Commission for Examining of the Problem of Foreign Workers. The Document examines the Policy of the Ministry of Interior through the Population, Immigration and Border Crossings Authority (hereinafter: The Immigration Authority) in relation to foreign workers, migrant workers and victims of human trafficking in Israel. The Immigration Authority was assigned upon its establishment, the responsibility for dealing with all the subjects that are related to migrant workers, whether legal or illegal, and with the regulation of the status of the victims of human trafficking. The Document reviews the immigration policy of the Government of Israel, the process of establishment of the Immigration Authority, its activity and the handling of victims of human trafficking. It should be pointed out that this document does not deal with asylum seekers claiming entitlement to refugee status.

## 2. THE IMMIGRATION POLICY OF THE GOVERNMENT OF ISRAEL

In September 2009, Professor Shlomo Avineri, Professor Amnon Rubinstein, Professor Ruth Gavison and Advocate Liav Orgad submitted to the President of the State, Shimon Peres, and an outline of an Immigration Policy for Israel. In the outline proposal the Researchers state: **“The State of Israel remains the only Western democracy in the world without an Immigration Policy. The basic assumption is that Israel is a country of immigration, while in actual fact Israel has become a country that is absorbing immigration, not in accordance with the Law of Return, to a broad extent. Israel has no up to date immigration legislation, its Authorities are not prepared for meeting the challenge, its strategic thinking is lacking, it has no vision and no long-term objectives and no long-term goals have been defined, and there is no base of credible data serving as a basis for policy. The current reality stems from *ad-hoc* decisions, some of which are made in an arbitrary fashion by officials in charge and with no guiding hand, this against a background of a quantitative and qualitative upheaval in the framework of which the amount of immigrants, other than those under the Law of Return, that Israel has absorbed during the last decade is one of the highest in the World, and the amount of persons, included among these, who are unlawfully staying in the Country is apparently the highest in the World”.**<sup>1</sup>

President Peres said at the end of the meeting that “the current immigration reality in Israel is bad and shameful and it should be changed as soon as possible.... Undoubtedly, a clear policy must be set out and changes and updates in the Law must be promoted in order to deal with the issue of immigration in Israel”. The President instructed members

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<sup>1</sup> Professor Shlomo Avineri, Professor Amnon Rubinstein, Liav Orgad (Editor Professor Ruth Gavison) Coping with Global Immigration, an Outline of Immigration to Israel, 2009. [http://www.metzilah.org.il/webfiles/fck/File/Immigration\\_Book%202.pdf](http://www.metzilah.org.il/webfiles/fck/File/Immigration_Book%202.pdf) , October 13, 2009.

of his staff to work directly with Professors Rubinstein, Avineri and Gavison and to engage in discussions on the subject, under Presidential patronage.<sup>2</sup>

In June 2005, the Government decided to establish a Consultative Committee that would make recommendations as to Immigration Policy (Government Decision No. 3805). The Committee was established in accordance with what had been agreed in summary between the then Prime Minister Ariel Sharon, at a Cabinet Meeting, that it was necessary to formulate an Immigration Policy for the State of Israel.<sup>3</sup> The Committee, headed by, Law Professor Amnon Rubinstein, submitted interim recommendations in February 2006 but they were not discussed either in the 30<sup>th</sup> Government or in the 31<sup>st</sup> Government, which replaced it. As a result of this, the Committee decided to dissolve itself. Since then the subject of immigration has not come up for substantive discussion in the Government.

What is apparent from the foregoing is that the actual policy towards migrants to Israel, both legal and illegal foreign workers, the children of migrants born in Israel, the victims of human trafficking for the purpose of prostitution, asylum seekers and infiltrators, has no history of a plan to confront the problem and of an agreed policy taking a long-term view.

## 2.1 The Status of a Holder of an Israel Working Visa

The State of Israel views a foreign worker as a person on temporary stay in the Country lacking political rights. The main right safeguarded for a foreign worker in Israel is the right to apply to the Courts. He may not commence a process of naturalization in Israel and is not entitled to the status of a Permanent Resident or to that of a Temporary Resident. The term **migrant worker** which has become accepted throughout the developed world, and embodied within it the recognition that a substantial portion of the foreign workers will not return to their countries at the end of the working period, is not recognized by the Government of Israel and it relates to persons holding permits to work in Israel as being **foreign workers**. A foreign worker receives a visa at Israel's Representation in his own country in accordance with an approval that is submitted to the Representation from the Ministry of the Interior, following submission of a visa application by a manpower company contractor. The State of Israel does not issue work visas to private work applicants at its Representations overseas.

In the State of Israel there is no overall legislation governing the status of foreign workers in the Country and determining their rights and obligations. The Foreign Workers Law 5751-1991, does not deal with the issue of the basic human rights of foreign workers, and is mainly concerned with the obligations imposed on his employer – *inter alia* the obligation to enter into a written contract of employment with the worker in a language

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<sup>2</sup> Bureau of the Israeli Presidential Spokespersons, Press release: The State President will hold a special debate on the subject of the Israel's immigration problem under the auspices of the Presidential Residence, September 10, 2009.

<sup>3</sup> The website of the Prime Minister's Office, <http://www.pmo.gov.il/PMO/Archive/Decisins/2005.06/des.3805.htm> , October 15, 2009

that the foreign worker understands, the obligation of arranging medical insurance for the foreign worker and the obligation of making suitable living accommodation available to him. A substantial part of the Law is dedicated to the subject of the obligations of the employer and the contractor company *vis a vis* the State.

The status of a foreign worker was defined in the Entry into Israel Law 5712-1952: <sup>4</sup>all the foreign workers staying legally in the Country have B/1 Visitors Status (Temporary Worker), which is, under the Entry into Israel Law, a license to stay and work for a period of time of up to 27 months, including extensions. Despite the possibility of obtaining a visa for a period of longer than two years, the visa period for a foreign worker is for one year, and the validity of the visa may be extended every year, for up to 5 years.<sup>5</sup>

Foreign workers enter Israel through license-holding manpower companies, apart from workers in the nursing care sector, in respect of whom it is also possible in exceptional cases to issue invitations other than through a manpower company.

A foreign worker who arrived in the country legally, and who stays on beyond the period permitted to him under the Staying License, has the status of staying unlawfully in the Country.

Notwithstanding the definition of the temporary status of the holders of work visas, as a result of a failed enforcement policy there are currently living in Israel many persons lacking legal status; in some of these cases we are concerned with persons whose permitted period of stay came to an end many years ago but who have not been expelled from the Country.

The Ministry of Interior is Working for the Limitation of the Stay of a Foreign Worker in Israel in a Variety of Ways, as Detailed Below:

1. Foreign workers are not entitled to receive the status of a Temporary Resident or any other status apart from B/1. When legally transferring between employers they are granted a tourist visa for three months.
2. A foreign worker must not be employed for more than 63 months nor must a person be employed that has stayed in the country unlawfully for more than two years (it should be noted that the Ministry of the Interior also expels workers who have not within a period of three months found a new employer). In the nursing care sector an exception to this rule is possible if an expert opinion is obtained from a nursing official to the effect that disconnection of the patient from the foreign worker will cause irreversible damage and provided that the foreign worker has worked at least

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<sup>4</sup> Entry into Israel Law, 5712-1952 (Last Amendment: July 23, 2009)

<sup>5</sup> From this paragraph and up to the next section the information ,within necessary updates is taken from: the Knesset Research and Information Center, Review of Arrangements for staying in Israel other than under the Law of Return, Author Ronit Breitbard, May 12, 2003, <http://www.knesset.gov.il/mmm/data/docs/m00642.doc> , October 15, 2009.

one year continuously for the employer prior to the expiration of his five years stay in Israel.

3. The Ministry of the Interior will not permit the entry of foreign workers whose spouses are not Israel citizens present in the Country. In this regard common law partners are also deemed to be spouses. The Ministry of the Interior will also not permit the entry of first degree relatives of foreign workers staying in the Country, because the entry of first degree relatives encourages settlement in the Country.
4. In the case of a foreign worker who has married in or to whom a child was born in Israel – his work visa is replaced by a tourist visa for a limited period of 90 days. This is also the case in cases in which the foreign worker has married an Israeli citizen or to whom a child has been born whose other parent is an Israeli citizen.

Israel is not a signatory to the Convention on the Protection of Rights of Migrant Workers and Members of Their Families which came into force in 2003.<sup>6</sup>

## **2.2 Sectors in Which Foreign Workers are Employed and Arrangements Governing Their Employment**

The Government of Israel set quotas for certain sectors in which foreign workers are permitted to work. The workers may only work in a sector as part of whose quota they have arrived for work in Israel and they may not move from sector to sector.

According to the system of employment that is customary in Israel, foreign workers not only enter the Country as part of the total quota for a sector but also on the basis of a personal employment permit granted to employers, and through manpower companies and corporate bodies organizing their arrival in the Country, and who place them in employment and are empowered to transfer them from employer to employer. This system, which gives rise to several problems and negative phenomena of the exploitation of foreign workers and bringing them in unnecessarily, continues to exist contrary to the recommendations of the Inter-Ministerial Committee which dealt with the subject in 2002. The Committee recommended cancellation of the condition under which a foreign worker entered on the grant of a special permit for the employment of a foreign worker and as to the employment of workers through manpower companies that have been granted franchises to bring in foreign workers.<sup>7</sup>

In a Government Cabinet Meeting on September 12, 2006 the Government adopted a decision governing the right of mobility of a foreign worker between employers through a Bureau (the manpower contracting company) and his right to pass from bureau to bureau, as well as the rights of the bureaus through whom foreign workers are employed

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<sup>6</sup> International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (A/RES/45/158).

<sup>7</sup> The Knesset Research and Information Center, [the tied arrangement of foreign workers in Israel and possible alternatives](#), Author Michal Tabibian, June 8, 2009, <http://www.knesset.gov.il/mmm/data/pdf/m00850.pdf>, September 29, 2009.

to collect handling charges from workers being handled by them.<sup>8</sup> This decision was adopted as a result of a High Court of Justice ruling which invalidated the “tied” arrangement under which it was prohibited for foreign workers to transfer from one employer to another.

In practice, the system was changed in the construction sector and currently the workers are employed through corporate bodies whereas in the nursing care sector, the new system of employment has been in operation partially from the beginning of 2009. In the agricultural sector the new system of employment has yet to come into effect.

In terms of the current situation in the various employment sectors it appears that a number of problems have not been resolved and that several other problems have arisen as a result in the changes made in the employment regulations:

The change in the employment regulations does not alter the temporary status of foreign workers in Israel and does not assure them of the exhaustion of the maximum possible period for their employment – five years (63 months); the State may at any time revoke the work visa in possession of a foreign worker.

**There are clear and significant interests involved in the process of bringing in a foreign worker and his employment in the Country. Foreign workers pay very high brokerage fees for the opportunity of working in Israel. Such brokerage fees, which are illegally collected from the foreign workers, are estimated in hundreds of millions of shekels. This situation gives rise to pressure for the replacement of veteran workers by new workers, the preservation of quotas as well as their increase and to bringing in foreign workers unnecessarily.**

This problem is particularly characteristic of the nursing care sector, which is not subject to any restriction in respect of the number of foreign workers who receive permits to work in Israel. However, the gross income in the importation of a foreign worker clearly contributes to the fact that even in the construction and agricultural sectors there is substantial pressure for the preservation and increase of the quotas of foreign workers even where this is not always justified in practice.

An additional problem exists, principally in the nursing care sector. In this sector the employers have difficulty in finding a suitable worker who is prepared to accept such employment, due to the nature of the work (dealing with nursing care of severely disabled persons, children, highly dependent elderly people) and because of this there is a complete absence of restrictions as to the mobility of foreign workers and a lack of control over the employer-employee relationship between the foreign worker and his employer, giving rise to an anomaly: **the foreign worker’s work visa is granted on the basis of the employment permit held by the employer, but from the moment of the worker’s entry into Israel he is not committed to employment with the employer in respect of whose permit the visa was granted.** Non-existence of appropriate control mechanisms and a lack of correlation between the requirements of the person receiving

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<sup>8</sup> Minutes of the 20<sup>th</sup> meeting of the 31<sup>st</sup> Government on September 12, 2006, Section 447 – The Agricultural Sector; Section 448 – the Nursing Care Sector.

the employment permit and the capabilities of the foreign worker only contribute to exacerbation of the problem. Thus, on the one hand, Israel is being inundated with foreign workers who are unsuitable for employment in the nursing care sector, and on the other, with a surfeit of employers who are exploiting their employees.<sup>9</sup>

### **2.3. The declared policy with regard to reduction of the number of foreign workers**

The entry of foreign workers has been pre-defined as being temporary in nature, both in relation to the length of the stay (up to 63 months) of every foreign worker, in practical terms, and in respect of the reasons for the stay – the permitted arrival of foreign workers in Israel only as part of the limited quotas (with the exception of the nursing care sector in which there is no quota restriction).

In the last two decades, in a series of Government Decisions (mostly decisions adopted under the Arrangements Law, entitled “Encouragement of Employment of Israelis”) the aspiration was expressed of bringing about a reduction in the numbers of foreign workers. In the period 2003-2008, a substantial reduction occurred in the number of foreign workers in the construction sector; the foreign workers quota in the hotel industry was cancelled (it should be mentioned that in actual fact, after a short period of employment of Israelis in jobs that had become vacant, the workplaces in this sector in Eilat and in the Dead Sea region were taken by asylum seekers, principally from Africa); however, the foreign workers quota in the ethnic restaurants and manufacturing industry which should have been cancelled, was not, and in the agricultural sector an agreement was reached between the Farmers Federation and the Ministry of Finance regarding a gradual reduction of the number of workers in the sector by 2015 (the agreement includes the granting of work visas in agriculture for this year for 4,000 additional workers, in other words – the quota for 2009 amounted to 28,500).

In legal terms, the State of Israel is proceeding along two main lines with a view to reducing the employment of foreign workers:

(a). Imposition of Levies and Fees on Employment of Farm Workers: over the years, there has been an increase in the fees and levies charged on employers of foreign workers, but this has not led to a reduction in the number of foreign workers. The decrease only occurred with implementation of the decision as to a reduction of quotas of employment of foreign workers. There are those who argue that these measures have led to foreign workers being adversely affected, due to an increase of the brokerage fees

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<sup>9</sup> See in greater detail, The Knesset Research and Information Center, The Employment Policy in Agriculture and its Implications for those Working in the Sector, Author Gilead Natan, <http://www.knesset.gov.il/mmm/data/pdf/m02050.pdf>, May 18, 2008, and also, The Knesset Research and Information Center, Gilead Natan, The Employment Policy in the Construction Sector and its Implications for those Working in the Sector, January 26, 2009 <http://www.knesset.gov.il/mmm/data/pdf/m02180.pdf>, entry date: September 29, 2009.

collected from them and to their conditions of employment and wages being adversely affected.<sup>10</sup>

(b). Taking steps to encourage the Employment of Israelis: in recent years, a series of decisions have been adopted with the object of encouraging employment of Israelis by means of vocational training and financing of programs for the replacement of foreign workers by Israeli workers, in various sectors. A substantial part of the programs for encouraging employment and professional training have not been implemented due to the objection and lack of collaboration on the part of employers in the foreign worker abundant sectors. In addition to this, the appropriate vocational training has not always been provided by the State. According to Shalom Ben Moshe, Director of the Vocational Training Department in the Ministry of Industry, Trade and Labor, there is still no complete appreciation of the willingness to participate in courses being offered in foreign worker abundant trades, due to cancellation of the reduction in unemployment benefits that are payable to whoever has enrolled in “in demand” vocational training courses.<sup>11</sup>

It should be noted that despite the declared policy, which aims to reduce the numbers of foreign workers, authoritative sources in the various Ministries whose work is concerned with the subject, claim that **due to interests involving relations between the State of Israel and the countries of origin of foreign workers coming to work in Israel, the State of Israel neither wishes to nor is capable of reducing the number of foreign workers and not bringing them to Israel or to confront the problems of corruption and illegality involved in the process of bringing them to Israel.**

As a consequence of the hiatus between the declared policy which calls for a reduction in the number of foreign workers, and the policy as actually practiced, the number of legal and illegal foreign workers in Israel has continued to increase.

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<sup>10</sup> See in broader detail on the subject, Gilead Natan, Foreign Workers in Israel, Main Issues and Situation Report, Research and Information Center Document, <http://www.knesset.gov.il/mmm/data/pdf/m022210.pdf>, entry date: September 29, 2009.

<sup>11</sup> Shalom Ben Moshe, Director of the Vocational Training Department in the Ministry of I,T and L, telephone conversation, September 30, 2009

Table 1 – Data as to the Number of Foreign Workers in Israel, Legal and Illegal, in recent years:<sup>12</sup>

	Illegal Foreign Workers who entered on a Tourist Visa	Legal Foreign Workers	Total
2000	128,000	86,000	214,000
2002	124,000	102,000	226,000
2004	97,000	92,000	189,000
2005	80,000	98,000	178,000
2006	84,000	102,000	186,000
2007	90,000	110,000	200,000
2008	107,000	195,000	222,000

It can be ascertained from the table that in recent years there has been an increase in the number of foreigners lawfully staying in Israel and unlawfully for employment purposes. The numbers are approaching those of the legal foreign workers and illegal foreign workers who were staying in Israel at the beginning of the decade.

#### **2.4 Regulation of the importation of foreign workers to Israel**

A substantial part of the problems in the employment of foreign workers is related to the process of importing the workers into Israel, which is currently done by means of private companies.

The Government of Israel has on numerous occasions discussed ways of coping with the corrupt practices that characterize the bringing in of foreign workers, and has adopted a number of decisions on the subject. The last of them, Decision 3996 of August 2008, was adopted as part of the discussion of economic policy for 2009. It was determined *inter alia* that recruitment of foreign workers for employment in Israel would be done through the World Immigration Organization (IOM). It was further provided in the decision:<sup>13</sup>

*(a) To complete, by October 31 2008, all such actions as are necessary in order to regulate the introduction of foreign workers from Thailand in the agricultural sector with the assistance of the IOM organization, this being in view of the agreement signed between the IOM and the Thai Ministry of Labor regarding recruitment of foreign workers for the agricultural sector in Israel dated September 19 2007.*

<sup>12</sup> The Central Bureau of Statistics website, [http://www.cbs.gov.il/www/hodaot2009n/20\\_09\\_161b.doc](http://www.cbs.gov.il/www/hodaot2009n/20_09_161b.doc) , October 13, 2009. In the data the number of foreign workers who entered lawfully is shown and of those who entered on a tourist visa only, not including asylum seekers, Palestinians holders of work permits and infiltrators. 2000-2002 data, Nivi Klein Zeevi, Foreign Workers in Israel, Situation Report, November 3, 2003, Knesset Research and Information Center Document,

<http://www.knesset.gov.il/mmm/data/docs/m00953/doc> , October 19, 2009. Gilead Natan, Data Concerning Foreign Workers and “Laundering” of Foreign Workers, Knesset Research and Information Center Document, May 16, 2006, <http://www.knesset.gov.il/mmm/data/pdf/m01412.pdf>, October 19, 2009

<sup>13</sup> Website of the Prime Minister’s Office, <http://www.pmo.gov.il/PMO/Secretarial/bud/des3996.htm> ,December 10, 2008.

*(b) To determine that in the framework of the bi-lateral agreements between the two countries pursuant to which foreign workers are coming as provided in Section 5 of Decision No. 2211, the assistance of the services of IOM organization is the preferred option in relation to the regulation of the introduction of such foreign workers.*

Signature of the agreement between the Government of Israel and the IOM did not materialize, due to the negotiations between the Organization and the Governments of Israel and Thailand having reached deadlock. The agreement which the IOM had signed with the Thai Government expired and a new agreement has not been signed.

In accordance with Section (b) of the aforementioned government decisions, in the course of October 2009 the Ministry of Foreign Affairs was to submit to the IOM a draft of a proposed bilateral agreement between four countries (Thailand, Nepal, Sri Lanka and Vietnam), Israel, and the Organization for regulation of the importation of workers from these countries into Israel. According to the remarks of Haim Hoshen, Director of the South and South East Asia Department in the Ministry of Foreign Affairs, a difficulty exists in reaching an agreement on the subject and there is no clear estimation of what the outcome of this attempt will be. According to him, the lack of success on the present track will necessitate a choice between two alternatives:<sup>14</sup>

(a) Signature of an agreement between Israel and the World Immigration Organization or a bilateral agreement with the country of origin (if a bilateral agreement were to be signed, it is possible that the IOM would not be a party to the agreement).

(b) The establishment of a government mechanism for the screening of foreign workers in their countries of origin and for bringing them to Israel. The taking of such a step would mean a change in the Government's policy, because to date the State has conferred this power on private bodies so as not to be involved in the process.

## **2.5 The Policy concerning the children of foreign workers**

According to the procedures of the Ministry of the Interior, it is prohibited for foreign workers to give birth to and raise children in Israel. A foreign worker to whom a child has been born is required to leave the country within three months, with the child. Notwithstanding, many of the foreign workers and those staying illegally do not leave the country following the birth, they remain here illegally and raise their children here.<sup>15</sup>

There are currently recognized within the system in Israel approximately 1,800 children of foreign workers who lack status, almost all of them up to age 8 (in addition to this number it must be taken into account that there are approximately 1,000 children of asylum seekers, which, as aforementioned, are not being considered for the purposes of this document). According to the UN Convention on the Rights of the Child, children of

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<sup>14</sup> Haim Hoshen, Director of the South and South East Asia Department of the Ministry of Foreign Affairs, telephone conversation, September 29, 2009.

<sup>15</sup> From: Gilead Natan, Expulsion of Illegal Workers from Israel, Knesset Research and Information Center Document, June 17, 2009, <http://www.knesset.gov.il/mmm/data/pdf/m02279.pdf>, October 15, 2009

migrant workers and asylum seekers are entitled to the rights conferred on them under the Convention, and including the right to education, health, an appropriate standard of living and to Social Security. Under Israeli Law, the children are entitled to full educational services and partial welfare services, but not to the rights and services conferred under the National Insurance Law and the National Health Law.<sup>16</sup>

In the period 2005 and 2006, the Government adopted several decisions as a consequence of which status of permanent residents was granted to a defined group of children of foreign workers and members of their families staying in Israel, in accordance with certain criteria, and *inter alia* that the family had been in Israel for at least six years, that the child's parents had entered Israel legally prior to the birth of the child or its arrival in Israel and that the child is fluent in the Hebrew language and is a pupil at school. According to the Decision, this is a one-time arrangement and was made gratuitously, and does not constitute a change of the Government's Policy in this sphere.<sup>17</sup> **As a result of the Decision, 567 families of foreign workers received permanent status.** The applications of a further 295 families for status were rejected.

The Immigration Authority announced in August of this year that it intended to enforce the laws relating to those staying illegally, also in respect of families. In this context, families of migrant workers were to be kept in detention facilities until their expulsion; families of asylum seekers would be moved to locations in which they are permitted to reside.<sup>18</sup> The enforcement action in respect of these families began, but stopped as a result of widespread public protest. At this time, the Government is discussing the issue of the expulsion or non-expulsion of families of foreign workers and of children who were born and raised in Israel.

**It should be noted that in the period that has elapsed between adoption of the Government Decision in June 2006, and until the Decision as to expulsion in July 2009, the Government of Israel has taken no steps to regularize their status or for the expulsion of the remainder of the children of foreign workers in Israel, and the population group of the children of status-less foreign workers has grown persistently.** Neither has the Government discussed possible solutions for the group of children of foreign workers that has remained in Israel lacking status following the end of the period of the arrangement.

## **2.6 The Policy concerning the victims of human trafficking**

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<sup>16</sup> Passage from: The Knesset Research and Information Center, [the Authorities' handling of children of migrant workers and asylum seekers](http://www.knesset.gov.il/mmm/data/docs/m02269.doc), Author, Etti Weissblau, July 7, 2009, <http://www.knesset.gov.il/mmm/data/docs/m02269.doc> , October 15, 2009.

<sup>17</sup> Government Decision No.3806 dated June 26, 2005 and Government Decision No. 156 of June 18, 2005, "Temporary Arrangement for the Grant of Status to Children of Persons Staying Illegally in Israel , their parents and siblings present in Israel – Amendment of Decision", on the Prime Minister's website: [www.pmo.gov.il](http://www.pmo.gov.il) .Entry on July 5, 2005.

<sup>18</sup> From: The Knesset Research and Information Center, [The Authorities' handling of children of migrant workers and asylum seekers](http://www.knesset.gov.il/mmm/data/docs/m02269.doc), Author, Etti Weissblau, July 7,2009, <http://www.knesset.gov.il/mmm/data/docs/m02269.doc> , October 15, 2009.

In the final decade of the 20<sup>th</sup> century, the Authorities in Israel refrained from confronting the phenomenon of human trafficking, and it continued on the increase in those years. From 2001 and subsequently, the American State Department has published an annual monitoring report of the worldwide phenomenon of human trafficking. In the report, a presentation was made of the phenomenon, its trends, the manner of combating it employed by various countries, as well as the ranking of the various countries, based on the institutionalized action that they are taking in order to defeat the phenomenon. As a result of the international criticism addressed to Israel in this matter, a Parliamentary Committee of Enquiry was established, headed by former Member of Knesset, Zahava Gallon, in order to examine the phenomenon of human trafficking, in Israel.<sup>19</sup> Prior to the State Authorities having recognized the trafficking phenomenon, the victims were conceived merely as illegal immigrants, and accordingly once they were identified they were immediately expelled from the country. From 2004, a practice has been implemented under which foreigners in respect of whom human trafficking offences have been committed and who are staying in a shelter for the victims of human trafficking and work in prostitution, could obtain a visa to stay and work until the end of the giving of testimony in their cases.<sup>20</sup> This practice has since been widened and is no longer conditional on collaboration with the law enforcement authorities.<sup>21</sup>

Victims of human trafficking may obtain a visa to work in Israel for one year. Victims of trafficking for the purposes of work who entered Israel legally are transferred to another employer after termination of rehabilitation treatment in a shelter, in the framework of the work visa that they obtained, up to the expiration of 63 months. Female victims of trafficking for the purposes of prostitution who entered Israel other than by means of a work visa receive a work visa for one year and the possibility of extending the visa for an additional year. The State's intention is that after a period of rehabilitation the victims of trafficking will return to their countries of origin.

Table 2 – Data of Female Victims of Trafficking for Purposes of Prostitution:<sup>22</sup>

	2007	2008	2009
B/1 Residence Permit during Testimony	15	4	2
Refusal of Applications of B/1 Permit (Work Visa)	1	1	
B/2 Residence Permit (Tourist Visa)	3	1	
Extension of B/1 Permit during Testimony	25	5	8
Exchange of B/2 License for B/1	1	1	
Applications for a Year's Rehabilitation	38	11	

<sup>19</sup> The website of the Women's Status Authority in the Prime Minister's Office, <http://www.pmo.gov.il/MA/Sachar/Sachar>, October 15, 2009

<sup>20</sup> The website of the Women's Status Authority in the Prime Minister's Office, <http://www.pmo.gov.il/MA/Sachar/Sachar>, October 15, 2009

<sup>21</sup> The Ministry of Justice, Advice and Legislation Department, Human Trafficking: the Phenomenon and the State's Campaign against It, November 2008.

<sup>22</sup> Michal Yousapoff, Control of Border Crossings Commissioner, letter in reply to question of the Knesset Research and Information Center, October 12, 2009

Applications Approved	30	8	
Refusal of Applications for a year's Rehabilitation	8	3	2
Applications for a further year's rehabilitation approved	2	2	6
Refusal of applications for further year's rehabilitation	6	1	1
Total number of women processed	75	28	17

It can be ascertained from the table that the total number of cases being processed has gradually decreased from 75 women in 2007 to 17 women up to the present time in 2009. Approximately one half of the trafficking victims asked for a permit to stay for a year of rehabilitation, most of them received such a permit, but 10% of the women processed as victims were not granted the permit. Only a negligible number of women asked for a permit for a further year of rehabilitation in each of the years concerned.

Table 3 – Data of Victims of Trafficking for the purposes of employment/forced labor: <sup>23</sup>

	2007	2008	2009
First Visa	6	3	20
Extension	4	9	5
Visa for Additional Year	2	2	1
Refusal to grant Visa for Additional Year of rehabilitation		1	
Inter-Visa		2	
Total number of Victims Processed	7	9	26

Of 42 victims who were processed, the vast majority received a first visa (work visa extension), only 5 received a visa for a year of rehabilitation and only in one case was the visa extended for a further year.

It should be noted that the processing of victims of trafficking for the purposes of prostitution is in effect the processing of women who are identified while they are victims of trafficking. There are several women in the State of Israel who were trafficking victims under an assumed name (false identity) in the 1990's, but have not been located, recognized and processed as trafficking victims. These women are still in Israel but are not entitled to recognition and to be processed by the authorities, including as trafficking victims. When such women are discovered, the Ministry of the Interior takes action for their immediate expulsion due to the use of false identity, and the fact that they were formerly victims of trafficking is not taken into account in this process. There is also a problem of female trafficking victims who have given birth to children in Israel who have

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<sup>23</sup> Michal Yousapoff, Control of Border Crossings Commissioner, letter in reply to question of the Knesset Research and Information Center, October 12, 2009

Israeli citizenship by virtue of having an Israeli father; neither do these women receive permanent status.<sup>24</sup>

**Complaints have been received by the Sub-Committee for the Campaign against Human Trafficking, about the rigid treatment of the Ministry of the Interior of trafficking victims, for example a requirement for documents from the countries of origin in return for the grant of staying and working visas. Such documents are also required by the Ministry of the Interior in cases in which it is known that the Representations of the countries of origin of the victims of trafficking do not issue these documents. Certain countries are willing to issue the required documents, but only after receipt of the visa from the Ministry of the Interior – receipt of which is conditional as aforementioned, on the production of such documents.**

### **3. The Population Immigration and Border Crossings Authority (hereinafter: the Immigration Authority)**

#### **3.1 Establishment of the Immigration Authority**

The Immigration Authority within the Ministry of the Interior was established in light of recognition of the need to concentrate the processing of entry into Israel, population registration and foreign workers under one roof. The basis for the Authority's establishment was the Population Administration which *inter alia* handled certain aspects relating to the question of foreigners staying in Israel for employment and other purposes. The Decision **to establish an Immigration Authority as an Empowered Unit in the Ministry of the Interior** (Government Decision No. 3434) was adopted on April 13 2008. This Decision was based on a series of previous Decisions in relation to the establishment of the Immigration Authority (Government Decision No. 2327 of July 30 2002), establishment of the Population Authority (Government Decision No. 1784 of April 4 2004) and concentration of powers in the hands of the Immigration Authority (Decision 446 of September 12 2006).<sup>25</sup>

It should be mentioned that initially the establishment of an Immigration Authority had been recommended more than seven years ago, in a report of the Inter-Ministerial Committee for Foreign Workers headed at the time by Yuval Rachlevsky. The report was submitted to the Minister of Finance and to the Minister of Industry, Trade and Labor in 2002. The following *inter alia* was stated in the Report:<sup>26</sup>

**As a goal for the coming year, and in any event no later than January 2004, is to establish a Government Immigration Authority under the control of the Minister of the Interior, which would concentrate the handling of all matters pertaining to immigration, and including: foreign workers, grant of entry**

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<sup>24</sup> Rita Haikin, Manageress of the Campaign against Trafficking in Women, the "Woman to Woman" Non-Profit Society, letter October 4, 2009

<sup>25</sup> The website of the Prime Minister's Office, <http://www.pmo.gov.il/PMO/Secretarial/Decisions/2008/04/des3434.htm> Entry Date: January 1 2009

<sup>26</sup> The Ministry of Finance website, <http://www.mof.gov.il/foreign.pdf> ,Entry Date: January 7 2009

**into Israel certificates for tourism purposes, studies etc., processing applications for receipt of citizenship and carrying out control and law enforcement actions in respect of foreign nationals entering and leaving the State's borders (border control) and those staying in the country.**

**The Immigration Authority started operating in July 2008,**<sup>27</sup> and was headed by Yaakov Ganot. It should be noted that notwithstanding that the appointment was for five years, Ganot left the job after only one year had elapsed, in July 2009; no Director has yet been appointed to replace him, and currently Gabi Maimon is serving in the position in an acting capacity, along with his service in office as Director General of the Ministry of the Interior.

In Government Decision (3434) of April 2008, it was provided as follows:

(a) The Authority would replace the Population Administration and would be responsible for implementing the Government's policy and exercising the powers of the Minister of the Interior that had been delegated to it in the sphere of the handling of foreign nationals and in the population sphere.

(b) The functions of the Authority would be all the functions assigned to the Population Administration currently and any additional function that would be transferred to it pursuant to decisions of the Government.

Among the functions that were transferred to the Authority are: responsibility for the border crossings – transferred from the Ministry of Public Security; powers of the Foreign Workers Empowered Unit, transferred from the Ministry of Industry, Trade and Labor.

In relation to the division of functions and responsibilities as between the Immigration Authority in the Ministry of the Interior and the Ministry of Industry, Trade and Labor, the Government decided the following on June 16 2008 (Decision No. 3599):

(a) Enforcement of the Labor Laws in respect of foreign workers, planning of aspects of the labor market and encouraging the employment of Israelis in foreign worker abundant professions, would remain to be dealt with by the Ministry of Industry, Trade and Labor. There would likewise remain to be dealt with by the Ministry of Industry, Trade and Labor, the employees and areas pertaining to assuring the rights of Palestinian workers, and including officials in the employment staff headquarters.

(b) The Authority is committed to consultation with the Ministry of Industry, Trade and Labor in all matters pertaining to the making of regulations and the determination of general rules for the grant of permits for inter-country brokerage of private bureaus and the grant of general permits for an inter-country service of manpower contractors and the employment of experts of all kinds.

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<sup>27</sup> Minute of a meeting of the Special Committee for examining the problem of Foreign Workers, dated January 12 2009 <http://www.knesset.gov.il/protocols/data/rtf/zarim/2009-01-12.rtf> , Entry Date, September 22 2009

As from January 2009, the Authority actually started handling matters pertaining to foreign workers and Palestinians, matters that had previously been the responsibility of the Empowered Unit for Foreign Workers in the Ministry of Industry, Trade and Labor.<sup>28</sup> The Authority is charged with the issue of permits to applicants for the employment of foreign workers, and with the issue of visas for foreign workers. The Authority is charged with administrative enforcement in respect of employers of foreign workers, and for the regulation of their status or the expulsion from Israel of persons staying in the country unlawfully, including foreign workers who entered Israel legally. The Authority is responsible for the grant of status to victims of human trafficking for employment of prostitution purposes.

### **Powers of the Immigration Authority:<sup>29</sup>**

**Regulation of Personal Status**, both formal and legal, of Israel residents on the subject of registration, citizenship, immigration and entry to and exit from the country.

**Documentation and Registration Services** – constant monitoring of changes, such as births, deaths and change of address; issue of passports and identity cards; providing registration extracts; registration of entry to and exit from the country.

**Visas and Foreigners** – grant of permits to foreigners for purposes such as employment and enforcement of the law in respect of staying in the country illegally. Supervision and control of the consular work in Israel's overseas Representations and the work of the *aliyah* emissaries of the Jewish Agency and their instruction.

**Border Controls** – granting lawful temporary residence permits and visitors permits; supervising the work of the Inspectors at the entry stations; keeping the register of those whose entry into Israel is restricted.

**Firearms** – processing of licensing of firearms in the possession of private individuals, organizations, and security and protection companies.

**Database and Data** – maintaining the database, which is the main source of information about the population of Israel. The information serves all governmental parties and bodies and provides *inter alia* data for the register of electors for the Knesset and the local authorities, information as to the entry of foreigners and their stay in the country and information as to the population register in the Palestinian Authority.

**Permits** –With the establishment of the Population, Immigration and Border Crossings Authority, the Empowered Unit for foreign workers is being transferred to its authority,

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<sup>28</sup> The Ministry of the Interior website, <http://www.moin.gov.il> ; the Ministry of Industry, Trade and Labor website, <http://www.moital.gov.il/NR/exeres/68DB77C1-2D45-4A37-98FE-7B56D6B6F3E8.htm>  
Entry Date: January 1 2009

<sup>29</sup> Shelly Nehama, Head of Bureau of the Director of the Immigration Authority, email January 8 2009

in several stages. The operation includes the issue of permits in sectors such as construction, nursing care, manufacturing industry and agriculture.

### **3.2 Structure of the Immigration Authority**

The Population Administration and Register, the Empowered Unit for Foreign Workers and the Enforcement Unit (OZ) all operate within the Immigration Authority.

In terms of the handling of foreign workers and victims of human trafficking for employment and for the purposes of prostitution, the Population Administration is charged with the granting of visas and expulsions from Israel; the Empowered Unit is charged with the grant of work permits and supervision and control of employers of foreign workers and manpower companies; the OZ unit is responsible for preserving the rights of foreign workers, and for locating and identifying illegal foreign workers and trafficking victims.

In 2009, the Authority had a budget of NIS 224,556,000 (not including the Enforcement Unit budget which does not appear in the Authority's budget item for this year). In 2010, the Authority's budget is supposed to be NIS 365,261,000, and to include a financing section for the Enforcement Unit, amounting to NIS 50,155.000.<sup>30</sup>

### **3.3 Shortcomings in operation of the Immigration Authority**

The process of transfer of powers to the Authority is continuing. Due to such continuance, there has been a delay in the past, and in certain areas there is still a delay, in the handling of several matters:

**(a) Issue of biometric identity cards to foreign workers:** The Government of Israel has decided on a number of occasions as to the issue of biometric cards for foreign workers. In Government Decision No. 3774 of July 17 2008, it was provided that by the end of February 2009 identity cards would be issued for all the foreign workers. Up to the present time, October 2009, this Decision has not been implemented. The Immigration Authority had instructed the Immigration Administration in the Ministry of Public Security not to progress the matter during the period in which the handling of the matter was within its responsibility:<sup>31</sup> in November 2008, the Immigration Administration was supposed to have signed a contract with a company for the issue of the cards, but due to the intervention of the Ministry of the Interior, implementation of the Government Decision was halted. The Head of the Immigration Authority gave instructions to delay implementation until the transfer of authority on the subject to the

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<sup>30</sup> Ministry of Finance website, <http://religinfoserv.gov.il/Magic94Scripts/mgrqispi94.dll> , October 19 2009

<sup>31</sup> For further details on the subject, see the Research and Information Center, Subject of the Foreign Workers in the Economic Policy for the year 2009 – 2010, Auther Gilead Natan, June 8, 2009

Ministry of the Interior.<sup>32</sup> The Immigration Authority has stated that issue of the identity cards for foreign workers should be completed at the beginning of 2010.<sup>33</sup>

**(b) Establishment of a database of nursing care workers in particular, and foreign workers in general:** In order to deal with the problem of the large number of illegal workers in the nursing care sector, it was decided to set up a database in which details would be recorded of all the foreign workers that had received a visa for employment in nursing care.

In Section 6 (14) of the Procedure governing the introduction of foreign workers into the nursing care sector, the following is stated:

(a) In order to prevent the entry to Israel of new foreign workers at a time when there are existing foreign workers in Israel in the nursing care sector who are without employment, a computerized database shall be established of workers without an employer (hereinafter – the database). The workers can register in the database at the offices of the Payments Department through the Ministry's internet website, which will include details of the workers, including means of contacting them. **Details of the workers that are recorded in the database will be continuously published on the Ministry's internet website. The Bureaus will be authorized to accept workers from the database on an ongoing basis, on condition that they report to the Payments Department in accordance with the usual procedures.**

The Commissioner will be publishing among the workers, information about the database and ways of registering on it.<sup>34</sup>

In February 2009, after a wait of more than two years for the opening of the database in accordance with the directives, it was opened for registration for several weeks only and was closed immediately afterwards.<sup>35</sup>

The database of the nursing care workers does not currently exist. The Immigration Authority relies on partial data only with regard to the numbers and the status of foreign workers in the nursing care sector. According to Meir Spiegler, Director of the Foreign Workers Empowered Unit, there is a difficulty in setting up a database on the basis of the existing data.<sup>36</sup>

**(c) Expulsion from Israel of Foreign Workers staying unlawfully in Israel for less than 63 months:** According to Meir Spiegler, Director of the Foreign Workers

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<sup>32</sup> Yuri Faker, Computerization Officer in the former Immigration Administration in the Ministry of Public Security, telephone conversation June 4 2009

<sup>33</sup> Baruch Dadon, Responsible for issue of Identification Cards to foreign workers, at the Ministry of the Interior Immigration Authority, telephone conversation September 24 2009

<sup>34</sup> Nursing Care Procedures 2007 <http://www.moital.gov.il/NR/rdonlyres/5A4C03E7-08CC-4177-B45F-F08E59EO759D/0doc>.

<sup>35</sup> The Knesset Research and Information Center, Expulsion of illegal foreign workers from Israel, Author Gilead Natan, June 17 2009 <http://www.knesset.gov.il/mmm/data/pdf/m02279.pdf>

<sup>36</sup> Meir Spiegler, Director of the Foreign Workers Empowered Unit, telephone conversation, September 24 2009

Empowered Unit, in principle the Immigration Authority does not expel foreign workers who have been in Israel for less than 63 months, but rather takes action in order to place them in work again.<sup>37</sup> According to Chiki Sela, the retiring Commander of the OZ unit of the Immigration Authority, any person arrested by the Unit for unlawfully staying in Israel is brought for a “show cause” hearing and before the Custodial Tribunal, and a person who has been in Israel for less than 63 months is not a candidate for expulsion.<sup>38</sup> Notwithstanding the foregoing, according to Advocate Anat Kadron of “Kav L’Oved” foreign workers who have entered legally and are in Israel for less than 63 months are being expelled if they do not, within a period of three months, succeed in finding lawful employment, and the Ministry of the Interior is not taking action to place them.<sup>39</sup>

**(d) Dealing with victims of trafficking for employment and prostitution purposes:**

Up to the present time, the work of the OZ Unit Inspectors has focused on locating persons staying in the country unlawfully and in handling them. Even though the Unit should have replaced the Immigration Administration also in respect of matters pertaining to the location and identification of trafficking victims, this has not been done. As a result of this, the ongoing work in this sphere has been adversely impacted, and particularly the work in the field.

In October 2009, specific training courses for OZ Unit personnel of the Immigration Authority should have commenced in relation to the location of trafficking victims.<sup>40</sup> The object is to train the OZ Unit Inspectors to differentiate between non-status illegally staying foreign workers and victims of human trafficking. Up to the present time, several lectures have been given on this subject to OZ Unit personnel. **It should be mentioned that up to the present time OZ Unit personnel members have not located victims of human trafficking.**<sup>41</sup> **As a result of the lack of training for the location and identification of these victims within this Unit, which is the unit charged with enforcement with regard to foreign workers, in actual fact there is no party engaged in location, intelligence gathering and active enforcement among the foreign population group in Israel.**

It may well be ostensibly that some of the persons recently expelled from Israel were victims of human trafficking for the purposes of work and employment under conditions of enslavement, but they were not identified as such prior to their expulsion.

**(e) Arrangement of the Transfer of Administrative Enforcement powers from the Ministry of Industry, Trade and Labor to the Immigration Authority:** Up to the present time, administrative enforcement against manpower companies and private

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<sup>37</sup> Meir Speigler, Director of the Foreign Workers Empowered Unit, telephone conversation, September 24 2009

<sup>38</sup> Chiki Sela, Head of the OZ Unit in the Ministry of the Interior Immigration Authority, telephone conversation September 29 2009

<sup>39</sup> Advocate Anat Kadron, “Kav L’Oved” telephone conversation October 13 2008

<sup>40</sup> Advocate Meirav Shmueli, Assistant inter-ministerial coordinator in the Campaign against Human Trafficking, telephone conversation September 23 2009

<sup>41</sup> Advocate Meirav Shmueli, Assistant inter-ministerial coordinator in the Campaign against Human Trafficking, email September 30 2009

bureaus employing foreign workers was in the hands of the Director of the Contracting Companies Licensing Department in the Ministry of Industry, Trade and Labor, Advocate Rivka Makover. Advocate Makover summons companies to a “show cause” hearing and takes decisions in relation to their cases.<sup>42</sup> Advocate Makover has received a directive not to institute any further “show cause” proceedings; at the present time, she is concluding the processing of those case files that are still open, and she will thereafter cease the administrative handling of manpower companies and private bureaus in the foreign workers’ sector.

Such administrative enforcement is supposed to be placed in the hands of the Immigration Authority, and with this in view, Advocate Makover has, in recent months, been training members of the Foreign Workers’ Empowered Unit in the Ministry of the Interior Immigration Authority with a view to their readiness prior to the acceptance of responsibility for administrative enforcement. Nevertheless, according to her, there is no party currently in the Authority that is a recipient of the authority that had been vested in her in relation to decisions as to “show cause” proceedings and the institution of administrative measures against the companies.<sup>43</sup>

According to Nissim Shimoni, the person in the Immigration Authority with responsibility for Bureaus in the nursing care sector, there is currently insufficient manpower in order to effect efficient enforcement, and even if such administrative responsibility is fully transferred to the Authority, there is nobody at the moment who is able to accept responsibility for the function of Rivka Makover in fixing “show cause” hearings and taking decisions concerning companies following such a hearing.<sup>44</sup>

### **3.4 Manpower problems and making the systems of employment and enforcement more efficient**

According to Yitzhak Zussman, Deputy Director of Human Resources in the Immigration Authority, there is awareness of the distressed state of manpower in the Authority and it is intended to examine the requirements in this area. According to him, it is impossible, with the currently existing manpower, to deal seriously with the problems of foreign workers and of their employers in the agricultural and nursing care sectors.<sup>45</sup> Also, according to Nissim Shimoni, his personnel, who are charged with control of the nursing care sector, are mainly engaged in processing complaints that reach them about contracting companies in the nursing care sector, and that he is unable, as the person responsible in this sphere, to initiate action on the subject due to a shortage of manpower.<sup>46</sup>

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<sup>42</sup> Advocate Rivka Makover, Manageress of the Contracting Companies Licensing Department, the Ministry of Industry, Trade and Labor, telephone conversation, September 24 2009

<sup>43</sup> Advocate Rivka Makover, Manageress of the Contracting Companies Licensing Department, the Ministry of Industry, Trade and Labor, telephone conversation, September 24 2009

<sup>44</sup> Nissim Shimoni, Official with responsibility for private bureaus in the Ministry of the Interior Immigration Authority, telephone conversation September 23 2009

<sup>45</sup> Yitzhak Sussman, Deputy Director of Human Resources in Ministry of the Interior Immigration Authority, September 24 2009

<sup>46</sup> Nissim Shimoni, Official with responsibility for private bureaus in the Ministry of the Interior Immigration Authority, telephone conversation September 23 2009

In the context of the proposals for more efficient enforcement, Meir Spiegler, Director of the Foreign Workers Empowered Unit, is seeking to make a number of changes in the process of importation of the foreign worker which should facilitate greater control over employer-employee relationships and the more beneficial use both to the employer and the employee, of the work of the foreign worker in particular in the nursing care sector:<sup>47</sup>

(a) Arranging an interview for every foreign worker in the Israel Representation in the country of origin in order to examine his suitability. In the interview, every worker will receive information about the type of work required and his rights and obligations.

(b) Limitation of the employment of foreign workers from a geographical standpoint in order to prevent a transfer of foreign workers (particularly in the nursing care sector) to the center of the country from the outlying areas.

(c) Placement, through the Immigration Authority, of workers whose arrangements with their employers have proven to be unsatisfactory. The expulsion from Israel of workers who have been placed on three occasions with different employers and where no good reason has been ascertained for them leaving the place of employment (or failure on the part of the employer to abide by lawful terms of employment, conduct prejudicial to the rights of workers and human rights, employment under conditions of enslavement).

According to Chiki Sela, who was until recently the Head of the OZ Unit in the Immigration Authority, the work of the Unit is carrying on normally, but several changes are necessary in the legislation and in the regulations. **The OZ Unit has submitted a request for the making of a change in the legislation to the effect that the Unit's Inspectors will have powers of supervision and control, enforcement and punishment, not only *vis-à-vis* foreign workers, but also *vis-à-vis* their employers. There is currently a division between the powers of the Inspectors of the Foreign Workers Empowered Unit and the powers of the OZ Unit Inspectors, both of which are units coming under the Immigration Authority – and this division is having a harmful impact on their functioning.** Chiki Sela believes that the merger into one of all the powers of supervision and control and enforcement with regard to foreign workers and their employers and the merger of the Supervision and Control Units will create a more efficient body which will also be able to function within the scope of its current manpower in the sphere of enforcement and control *vis-à-vis* foreign workers and their employers.<sup>48</sup>

**The Immigration Authority has submitted to the Minister of the Interior a series of requests for organizational and legislative changes; no response to such requests has as yet been forthcoming.**

**It should be mentioned that in addition to the problematical division of powers within the Immigration Authority and in the Ministry of the Interior itself, there is a**

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<sup>47</sup> Meir Spiegler, Director of the OZ Empowered Unit, telephone conversation, September 24 2009

<sup>48</sup> Chiki Sela, Head of the OZ Unit, Immigration Authority in the Ministry of the Interior, telephone conversation September 29 2009

**dispute between the Ministry of Industry, Trade and Labor and the Ministry of the Interior with regard to the division of responsibility between them and the transfer of powers. This dispute is having an adverse impact on the work of all those who are charged with control and enforcement in this area. In the present situation efficient handling of the foreign population in Israel is being hampered in all matters relating to the safeguarding of their rights, and the campaign against the entry of unnecessary foreign workers has being hampered. It is unclear as to why all the matters in dispute were not settled before the work of the Authority commenced and before the disbanding of the previous units that handled these matters.**

According to Advocate Iris Ma'ayan, the Commissioner for Foreign Workers Rights, the legislative process that widens its powers is incomplete. She is remaining in the Ministry of Industry, Trade and Employment and is continuing to operate as part of it, but up to the present time there has been no extension of her powers and of the manpower at her disposal.<sup>49</sup>

Since the establishment of the Immigration Authority, the Head of the Authority, Yaakov Ganot, has left as has Chiki Sela, the Head of the Oz Unit and also Moshe Suissa, the person in the Empowered unit with responsibility for the nursing care sector, and as at the present time replacements for them have not yet been appointed. This delay is also contributing to the lack of functioning and the various shortcomings in the work of Immigration Authority.

### **3.5 The Work of the Oz Unit**

The Oz Unit has been operating since the beginning of July 2009. 200 Inspectors of the Unit are checking up on foreign workers and making decisions about detentions and bringing them up for “show cause” hearings or as to a release. Those detained are brought up for a “show cause” hearing in one of the four nationwide facilities designated for such purpose (in Holon, Jerusalem, in Omer and in Michal). Those who are found not to be entitled to remain in Israel are transferred to holding facilities and are expelled from the country either forcibly, or by process of leaving voluntarily. From the “show cause” stage the detainees are the responsibility of the Foreigners Division of the Immigration Authority, until decision is taken in their cases – releasing them, regularizing their status or their expulsion from Israel.

Table 4- Data of the work of the Oz Unit (to October 13 2009):<sup>50</sup>

Checked by the Unit's Inspectors	19,946 (including Palestinians)
Detained	2,227
Released before “show cause” hearing	182

<sup>49</sup> Advocate Iris Maayan, the Commissioner for the Rights of Foreign Workers, in the Ministry of Industry, Trade and Labor, telephone conversation September 24 2009

<sup>50</sup> The data are as at October 13 2009 inclusive of this date and were received from the OZ Unit, fax dated October 14 2009

Released after “show cause hearing”	194
Release on conditions	285
Status regularized	66
Arrested	1,525
Left the country voluntarily	2,433
In process of leaving voluntarily	104
Expelled from Israel	699
Refused entry to Israel (entry to Israel not approved at the Airport)	432

Of the 1,525 persons arrested up to the present time, 336 are in the holding facilities. Up until October 13, 2009 flights were arranged for 832 candidates for expulsion. 21 flights have already been arranged.

It should be noted that an examination of the number of those expelled from Israel as against the targets set by the Government of Israel for the expulsion of those staying illegally in the country indicates that the immigration authority has not met the targets that were set.

Table 5 – targets for the expulsion of persons staying illegally in Israel as adopted in the Government’s decision 3996 of the 31<sup>st</sup> Government: <sup>51</sup>

Year	Scheduled number of expellees
2008	10,000
2009	20,000
2010	22,000
2011	20,000
2012	20,000
2013	8,000

Up to the present time, after more than 3 months of activity, the immigration authority has expelled either voluntarily or involuntarily, only 3,132 illegal foreign workers.

#### **4. The handling of victims of trafficking for work and prostitution purposes.**

##### **4.1 Israel in the State Department Report of 2008** <sup>52</sup>

A Report of the US State Department on the subject of human trafficking reviews the treatment of various countries, including Israel, of the problems relating to human trafficking. The Report is by far, first and foremost a method of review for examining the action taken by the Government of Israel in the campaign against the trafficking

<sup>51</sup> The Prime Minister’s Office website, <http://www.pmo.gov.il/PMO/Secretarial/bud/des3996.htm> October 19 2009

<sup>52</sup> For greater detail on the subject, see the Knesset Research and Information Center, Report of the American State Department on the subject of the Campaign against Human Trafficking for 2008, Author Gilead Natan, June 17 2009

phenomenon. In the last report, published in June 2009, Israel is graded two (out of three). **The reasons for this stem partially from the legal status of foreign workers in Israel, from the restricted rights granted to them and from their inability to challenge employers and manpower companies without putting at risk the loss of their status and their expulsion from the country.** In contrast with the shortcomings in these areas the authors of the report note the relative improvement in the handling by the State of Israel of victims of human trafficking for the purposes of prostitution.

It is emphasized in the Report that the State is making substantial efforts to prevent **human trafficking for the purposes of prostitution** through legislation and enforcement, but that it is not doing enough to locate **victims of trafficking for the purposes of employment** and providing assistance to trafficking victims. It is also stated in the Report that there was a decrease in the number of conviction of offenders in the trafficking of woman for the purposes of prostitution, in 2008 – 6 convictions as opposed to 32 in 2007.

Some of the positive findings mentioned in the Report are: the increase in the effort of the Governmental Authorities to enforce the Labor Laws and the Prohibition of Human Trafficking Law; the operation of a shelter for the victims of trafficking for the purposes of prostitution; the enforcement measures and penalties imposed on parties concerned in human trafficking for the purposes of prostitution; the public information campaign of the Immigration Police among employers in order to prevent exploitation of workers; the public information activities of the Ministry of Education on the subject of human trafficking for the purposes of prostitution; establishment of shelters and activation of a program of dealing with Israeli woman who are engaged in prostitution in Israel; enactment of the law that assures the provision of free legal aid for trafficking victims.

#### **4.2 The current campaign against human trafficking**

The State of Israel has taken comprehensive measures in the sphere of the campaign against trafficking and dealing with the victims of trafficking, including the following:<sup>53</sup>

(a) Legislation, the enactment of subsidiary legislation and regulations governing the treatment of trafficking victims. On October 29 2006, the Prohibition of Human Trafficking (Legislative Amendments) Law, 5767-2006, came into force. This law has prescribed new criminal offences of human trafficking for the purposes of enslavement and forced labor, being kept in conditions of enslavement and forced labor.

(b) Appointment of a permanent Director Generals' Committee, Inter-Ministerial Coordination and permanent Inter-Ministerial Working Teams.

(c) Formulation of a national program for a campaign against human trafficking and ratification of International Conventions related to the subject.

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<sup>53</sup> Rachel Gershoni, Inter-Ministerial Coordinator in the Campaign against Human Trafficking, letter, July 22 2009

(d) The maintenance of collaboration with social organizations active in this area, and the training of enforcement agencies charged with the responsibility on subjects relating to human trafficking.

The trafficking victims are referred for treatment in shelters: the women are referred to a “protected haven” *Ma’agan* shelter for the victims of trafficking in women for the purposes of engagement in prostitution and enslavement and the men are referred to an “*Atlas*” shelter for dealing with male victims of trafficking for the purposes of employment. In addition to this, there are three “Satellite Apartments” that provide short-term assistance services for male victims of trafficking for the purposes of employment.

The location of trafficking victims is supposed to be done by the OZ Unit of the Immigration Authority and the “Sa’ar” branch of the Israel Police. As previously mentioned, the OZ Unit has not so far identified trafficking victims.

Until the establishment of the OZ Unit in the Immigration Authority and the start of its operations in July 2009, the powers of enforcement and investigation in all matters relating to foreign workers and to human trafficking were vested in the Immigration Administration (the Immigration Police). Since the transfer of enforcement powers in relation to foreign workers from the Israel Police to the OZ Unit, there has been collaboration between the Immigration Authority (the OZ Unit) and the Israel Police (the Sa’ar Unit). According to Chiki Sela, this collaboration has to be improved.<sup>54</sup> Similar statements were also made by Jackie Bari, the Head of the Unit for the Campaign against Economic Crime in the Israel Police.

Collaboration should be expressed by means of the following matters:<sup>55</sup>

- (a) A report and the forwarding of information when suspicion arises as to the commission of criminal offences, including human trafficking, withholding a passport and exploitation.
- (b) Transfer of information between the various bodies.
- (c) Transfer of information and access to the computerized systems controlled by the Population Authority.

The OZ Unit Inspectors are currently handling enforcement in the field in all matters concerning foreign workers. When this area was totally within the purview of the Immigration Administration, 70% of the files that were opened were opened as a result of information received from the Police Officers involved in enforcement in the field. Since termination of the operation of the Immigration Administration, there has been a real, substantial decrease in the amount of intelligence information gathered in the field. To

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<sup>54</sup> Chiki Sela, Head of the OZ Unit, Immigration Authority, telephone conversation September 29 2009

<sup>55</sup> Deputy Commissioner, Advocate Jacky Bari, Head of the Unit in the Campaign against Economic Crime, letter in reply to questions of the Knesset Research and Information Center, October 15 2009

date, the Police have not received any real intelligence material from the OZ Unit that has led to the institution of a criminal investigation. This is likely to hamper the ability of the Authorities in locating the victims of trafficking, and bringing to justice those responsible for harming them.

Nevertheless, from the Israel Police data, there is an indication of an increase in the amount of case files connected with offences of trafficking in women. In and between the months of January-August 2009, 331 files were opened in respect of offences connected with trafficking in women – an increase of 84.9% as opposed to 2008 (179 cases); 234 files were opened in respect of running a brothel (as opposed to 102 in 2008) and 53 files were opened in respect of pimping (as opposed to 46 cases). In the sphere of human trafficking, 10 files were opened (as opposed to 6 in the previous year). This year, 30 investigation files were opened as to the handling of victims of enslavement and forced labor (as opposed to no cases in 2008), and 24 of them were opened by the Police as from July this year.<sup>56</sup> From the beginning of the year, the Police have made 69 arrests (as opposed to 61 in 2008) – 44 arrests for running a brothel, 7 arrests for pimping and 13 arrests for trafficking in women.

From the beginning of the year, the Police have passed on 23 trafficking victims for treatment and rehabilitation in shelters. Three women were transferred to the “*Ma’agan*” Shelter and 20 men to the “*Atlas*” Shelter. There are currently 8 women and 14 children staying in the “*Ma’agan*” Shelter, and 1 man in the “*Atlas*” Shelter.<sup>57</sup>

Table 6 – Referral of Female Trafficking Victims for Rehabilitation in a “*Ma’agan*” Shelter:<sup>58</sup>

Year	2004	2005	2006	2007	2008	2009
No. of Women Referred	118	52	46	40	17	6

According to Rinat Davidovich, the Manageress of the Shelters for dealing with trafficking victims, in the last year an increase occurred in the number of trafficking victims who received a visa to stay from the Immigration Authority in the Ministry of the Interior.<sup>59</sup>

It can also be ascertained that a fall has occurred in the number of women trafficking victims being referred to the Shelter. The enforcement in this sphere, which has led to a large number of arrests and of indictments as opposed to previously, has also brought about a change in the nature of trafficking in women, and it is done less openly. As a

<sup>56</sup> Superintendent Raanan Caspi, the Israel Police, telephone conversation September 30 2009

<sup>57</sup> Advocate Rinat Davidovich, Manager of the Shelters for handling trafficking victims, telephone conversation October 13 2009

<sup>58</sup> Report (Haven) to the Campaign against Trafficking sub-committee July 28 2009

<sup>59</sup> Advocate Rinat Davidovich, Manager of the Shelters for handling trafficking victims, telephone conversation September 30 2009

result of this, the campaign against traffickers in women for prostitution requires changes in it. The decrease in the number of victims that have come to light can therefore be explained by a number of reasons: a reduction in the dimensions of the phenomenon; changes in the pattern of trafficking in women that have not been identified; a possible decrease in enforcement. According to Advocate Anat Kadron of “*Kav L’Oved*”, enforcement in the sphere of the campaign against human trafficking requires the initiation of an investigation of employers. Such an investigation has not been carried out to a sufficient degree and accordingly neither has a substantial section been located of victims of trafficking for the purposes of employment in forced labor.<sup>60</sup> According to Osnat Cohen Lipchitz, in charge of providing assistance to foreign workers, the workers in the Center have not discerned a decrease in the number of cases that have been identified by them. In addition to this, the issue of identification and location of the victims was, and remains, a problem due to the negligible amount of pro-active initiatives on the part of the enforcement agencies.<sup>61</sup>

#### **4.2.1 Dealing with trafficking victims for the purposes of prostitution**

The sphere of the treatment of victims of trafficking for the purposes of prostitution is the principal sphere of dealing with trafficking victims. The handling of victims of trafficking for the purposes of prostitution has become institutionalized and is conducted in a consistent manner.

Those who are identified as trafficking victims are passed on to be dealt with in a shelter for trafficking victims, and during their stay there they are provided with psycho-social and medical services, help in finding employment and vocational training. The trafficking victims receive free legal aid and a visa to stay for one year, which facilitates rehabilitation.<sup>62</sup>

It should be pointed out that the process of rehabilitation in Israel is intended to end within 12 months. The time frame has not been set by professional parties but by the Ministry of the Interior, which tends, as a matter of principle, to shorten, in as much as is possible, the stay in Israel of those who are not citizens. It appears from the evidence of the professional sources that in their opinion flexibility must be shown in respect of the periods of time fixed for the rehabilitation of the trafficking victims, and also to facilitate a more prolonged period of rehabilitation, of several years duration, depending on the circumstances.

#### **4.2.2 Dealing with trafficking victims where they are exposed to danger upon return to their countries of origin**

Some of the female victims of trafficking are in danger of their lives if they return to the country of their birth. The trafficking victims are brought to Israel by international

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<sup>60</sup> Advocate Anat Kadron, “*Kav L’Oved*”, telephone conversation September 13 2009

<sup>61</sup> Osnat Cohen Lipchitz, Foreign Workers Assistance Center, October 13 2009

<sup>62</sup> Rachel Gershoni, Inter-Ministerial Coordinator in Campaign against Human Trafficking, letter July 22 2009

criminal gangs and those local to the countries of origin. Some of the victims have been sold by their families. Victims who have given evidence against their employers and also victims who have returned to their country of origin without the criminal gangs having received full payment in return for their sale are likely to be in a life-endangered situation. The Israel Police is currently charged with making decisions concerning their return to their country of origin upon conclusion of the year of rehabilitation. Whoever it is decided is in a life-threatening situation, is not expelled from Israel.<sup>63</sup> It should also be noted that a woman in respect of whom it has been determined that her life is in danger, does not receive permanent status in Israel as is usual in the case of the award of refugee status (under the Refugees Convention, danger to life in the country of origin is one of the principal reasons for the award of refugee status, meaning temporary residence or permanent residence).

In cases in which the application for an extension of the period of stay against a background of dangers, is not related to the offence of human trafficking itself, for example when there is an application for an extension of a visa the background of which is the need to repay a debt in the country of origin, the State Attorney's Office applies direct to the Ministry of the Interior. The Ministry of the Interior tends to grant the majority of applications for an extension that are submitted against this background, and to permit a stay for several months longer, so that the applicant will be able to earn money in Israel in order to repay the debt. The Israel Police only deals with dangers related to the case of trafficking itself, for example a danger emanating from organized crime or a family involved in the case of trafficking.<sup>64</sup>

At this time, an Inter-Ministerial team is formulating a 'safe return' procedure, in the context of which orderly procedures are supposed to be prescribed for the return of female trafficking victims to their countries of origin, including an examination of the danger involved in their return (in collaboration between the Israel Police, Interpol and the Police in the countries of origin), and the maintenance of continuity in the rehabilitation process (starting in Israel and making contact with organizations in the countries of origin, with regard to its continuation).<sup>65</sup> One of the issues in dispute in the Inter-Ministerial team is the issue of awarding temporary status and permanent status to victims in respect of whom it has been determined that there is a danger in their return to their countries of origin. Additionally, there is another dispute within the team between those who wish to expand the existing criteria for a determination of dangers, and the Police, who are dealing with the subject currently according to certain criteria.

The obligation of ensuring a safe return of trafficking victims to their countries of origin, which is imposed both on the destination country and on the country of origin, is

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<sup>63</sup> Advocate Rinat Davidovich, Manageress of Shelters handling trafficking victims, telephone conversation October 14 2009

<sup>64</sup> Advocate Sigalit Zohar, Ministry of Justice Coordinator handling case files of trafficking victims, telephone conversation October 14 2009

<sup>65</sup> Advocate Dr. Meirav Shmueli, Assistant Inter-Ministerial Coordinator in the campaign against human trafficking, telephone conversation, October 14 2009

prescribed in Article 8 of the United Nations Protocol for the Prevention of Human Trafficking,<sup>66</sup> a Protocol which has been ratified by the State of Israel.<sup>67</sup>

#### **4.2.3 Dealing with trafficking victims for the purposes of employment<sup>68</sup>**

The handling of victims of trafficking for employment purposes is in its initial stages, and has only recently begun. Up to the present time, the handling of victims of trafficking for employment purposes was through the parties that handled victims of trafficking for the purposes of prostitution, and was provided to isolated victims only.

Those that have been identified as victims of human trafficking for the purposes of employment and engagement under conditions of enslavement are also entitled to free legal aid, residence in a shelter or in temporary apartments – and none of these are conditional on collaboration with the investigation authorities. It should be noted that contrary to victims of human trafficking for the purpose of prostitution, the victims of trafficking for employment purposes, receive an extension of their normal work visa, and not a general visa and a year of rehabilitation following the expiration of the initial period in the shelter.

In the estimation of several sources in this field, this is not a case of a phenomenon of human trafficking for the purposes of enslavement and employment under enslavement conditions, but there are isolated cases only of employment under enslavement conditions and of denial of freedom, and many more cases of coercion on various levels. As opposed to this, others claim that it is difficult to identify appearances of employment under conditions of enslavement and of denial of freedom and that the problem requires localized and intensive handling in the spheres of enforcement, location and identification.

As previously mentioned, the sphere of the handling of victims of trafficking for employment purposes is relatively new, and despite the treatment provided for these victims, it is also discernible from the State Department Report and from the views expressed by professional parties that the subject needs to be addressed to a greater degree in order that the solution provided for these victims will be effective. According to Advocate Rinat Davidovich, the grant of a one-year period of rehabilitation must be examined and not only a continuation of a visa for the victims of trafficking for employment purposes, so that they can stay in a shelter and be referred to an employer through the shelter.<sup>69</sup>

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<sup>66</sup> The U.N. website, [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf), October 19 2009

<sup>67</sup> Advocate Dr. Meirav Shmueli, Assistant Inter-Ministerial Coordinator in the campaign against human trafficking, proposal for discussion: team for promoting safe return of victims of trafficking for prostitution, to their countries of origin, April 5 2009

<sup>68</sup> Rachel Gershoni, Inter-Ministerial Coordinator of the Campaign against human trafficking, letter July 22 2009

<sup>69</sup> Advocate Rinat Davidovich, Manager of the Shelters for the handling of trafficking victims, telephone conversation September 30 2009

In recent months, the number of investigation files on the subject of enslavement has reached 30. They include an indictment for employment under conditions of enslavement of 17 foreign workers from Thailand. It should however be pointed out that the majority of cases under investigation and trial are not cases of enslavement but rather of exploitation.<sup>70</sup>

The Israel Police is demanding that several changes be made in the legislation and in the regulations in order to make it easier for the investigation and prosecution of those suspected of offences involving trafficking in humans for the purposes of employment and employment under conditions of enslavement:

(a) A change in the law in a manner that will ensure that at the time of a criminal investigation an administrative complaint will not be lodged against the Police by a person suspected of such a criminal offence.

(b) Regulation by law of a process of the removal of a foreign worker from his enslavement with an offending employer.

## **5. Concluding summary**

- The State of Israel does not have an immigration policy. There is no properly regulated policy concerning foreign workers, asylum seekers, illegal migrant workers and victims of human trafficking. In each of these spheres, there are decisions and there are laws, but none of these have been adopted as a result of proper discussion and planning, but rather in the main as a reaction to various events.
- The absence of a policy hampers the functioning of the Executive Authority. The damage to the functioning of the Executive Authority contributes to the ambiguity in the field, and is facilitating the consistent growth of a population lacking in status and employment in the State of Israel.
- There is a substantial difference between the perception that foreign workers and tourists come to Israel on a temporary basis and the reality that arises from the data of those staying in Israel illegally. In actual fact, the foreign population lacking status in Israel has grown year on year. Because of the fact that by reason of various considerations the State does not grant status to or expels a substantial portion of this population group, the group of the population staying in Israel without their status having been regularized, has become a permanent population – and thus the problem intensifies. It would be appropriate for the State of Israel to regularize the status of those staying within its territory without temporary or permanent status or, to expel them.
- The establishment of the Immigration Authority and the basing of powers in the majority of issues concerned with the treatment of foreign workers as part of the Immigration Authority is considered to be an important and welcome step in

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<sup>70</sup> Superintendent Raanan Caspi, Israel Police, telephone conversation September 30 2009.

dealing with the subject. The fact that more than one year after the establishment of the Authority, complete disorder still prevails in relation to its spheres of activity, is evidence of the shortcomings in this process. Experienced bodies and individuals in the field have disassociated themselves from or have ceased dealing with the subject *vis a vis* the Authority until its personnel have been properly trained to accept the responsibility and the handling of these matters. Organizational procedures for regulating the handling of foreign workers and a reduction of phenomena of infringement of workers' rights, human trafficking and regulation of the employment of foreign workers have either ceased or have been delayed.

- Likewise, more than one year after the establishment of the Authority, several months after the transfer of the powers of the Immigration Administration from the Ministry of Public Security to the Authority, and more than ten months after the start of the transfer of the employees and powers of the Empowered Unit for Foreign Workers from the Ministry of Industry, Trade and Labor to the Authority, it cannot be said that the Authority is functioning normally.
- It is not clear as to why, after more than one year following establishment of the Authority, basic training is still being given to the Authority's personnel in fields such as administrative enforcement or dealing with victims of human trafficking. The training on subjects of this type must be concluded before the powers are transferred and not in the course of their transfer, or after the new Authority has started functioning.
- Professional personnel in the Immigration Authority have submitted to the Ministry of the Interior, a series of proposals for amendments to the legislation and regulations, which would facilitate the greater efficiency of the Authority's work in the framework of the manpower at its disposal. It would be appropriate to examine the necessary changes expeditiously and to complete as soon as possible the legislative processes and the required changes, and thus render more efficient the ability on the part of the Authority's Inspectors to exercise control, enforcement and their penal powers.
- Upon establishment of the Authority, Yaakov Ganot was appointed as its first Director. About one year after establishment of the Authority, and before the processes of reorganization, training and work of the Authority had been completed, Ganot left his position. The Ministry of the Interior was not prepared at the time for the possibility of such a replacement and it has not to date appointed a new Director of the Authority, has not issued a tender for the post and neither has it appointed a locating committee. An adverse impact has occurred in that a full-time permanent Director is not heading the new Authority possessing the powers of the Immigration Authority in a period of organization and building. It would be proper to proceed with the appointment of a new Director to the Authority as soon as possible.
- The matter of the children of foreign workers and the handling thereof is tainted by shortcomings. There are long periods in which the Government of Israel has not been implementing its decisions, and thus regular rounds of expulsions and public campaigns have come about, without a decision having been made as to the consistent implementation of policy.

- It would be appropriate to check that all the obstacles in the way of efficient collaboration between the OZ Unit and the Immigration Police will be removed and will be arranged in order to enhance the campaign against human trafficking for employment and prostitution purposes.
- Extension of the visa for trafficking victims for **employment** purposes is not equivalent to the grant of a general work visa and a year's rehabilitation – as is the case for victims of trafficking for the purposes of prostitution. The grant of a year of rehabilitation should be considered – the implication of which would be the possibility of working in any sector and staying in the Shelter for treatment purposes – for all victims of trafficking for employment purposes, in addition to extension of their normal work visa (B/1).
- Not in every case is the rehabilitation of victims of trafficking for the purposes of **prostitution** completed within one or two years. It would be appropriate to consider the grant of stay visas to trafficking victims following the period of rehabilitation – visas that would enable women to work in Israel, for example in the nursing care sector, as part of the process of their rehabilitation. There is cause for expanding the network of parties who are involved in the exercise of discretion, and the involvement of professional treatment parties in the making of a decision on the subject.
- The decrease in the number of cases of trafficking for the purposes of prostitution and in the number of victims of trafficking is likely to point to the success of the campaign for victims of trafficking. Nevertheless, it is possible that it points to the fact that the methods of trafficking and employment under conditions of enslavement are becoming more elaborate and require adjustment on the part of the authorities in initiating intelligence and location operations, and a change in and intensification of the enforcement actions.
- It is unclear as to why female victims of trafficking, in respect of whom the possibility of danger to their lives in their countries of origin has been recognized, are not receiving permanent status in Israel, similarly to that of refugees. In the main, one must take into account the fact that we are dealing with several women each year. It would be proper for the Ministry of the Interior, which approves the entry of thousands of foreign workers every year, to show flexibility in respect of the rehabilitation of the victims of trafficking who have suffered harm while within the territory of the State of Israel.