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## Seeking Refuge in the Promised Land

BY Danielle Berrin (<http://jewishjournal.com/author/danielle-berrin/>) | PUBLISHED Mar 21, 2018 | Cover Story  
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Sheyla Berkovich is like many modern 20-year-olds, with her ripped jeans, long blond hair and voracious appetite.

On a recent Sunday in Los Angeles, she scarfed down a plate of smoked salmon and avocado like a California native, before heading back to Israel, where she is an officer in an Israel Defense Forces combat unit. Over breakfast, she displayed fluency in four languages and talked about her plans to study structural engineering at the Technion — Israel Institute of Technology after completing her military service.

If not for Israel's embrace of immigrants, she said, her life would be very different.

Four years ago, Berkovich, her mother and two siblings emigrated from their native Ukraine to Israel. They had no money and spoke not a lick of Hebrew. But after Berkovich's father died, her mother opted to move her family, fleeing a life of poverty, rising political tension with Russia and the occasional dose of anti-Semitism to pursue a brighter future in the Jewish homeland.

Like so many immigrants, they endured the hardships of rootlessness and resettlement, but with one crucial distinction: Because Berkovich has at least one Jewish grandparent (her father was Jewish; her mother is not) she and her family were welcomed by their new country, which offered them assistance and opportunity.

Berkovich's story stands in stark contrast to Israel's treatment of non-Jewish immigrants, who often feel less than welcome in a country whose national identity is inextricably bound with Jewish identity. As the nation state of the Jewish people, Israel's existence demands and depends on the careful maintenance of a Jewish majority, and anything that challenges Israel's demographic imperative is seen as a threat to its Jewish character.

Earlier this year, the Israeli government catalyzed a wrenching national debate when it announced it would deport tens of thousands of Eritrean and Sudanese immigrants who streamed into the country through a porous border in the Sinai from 2006 to 2012. Many of the immigrants say they are asylum seekers who fled conflict and persecution in their home countries. But the Israeli government has declared them *mistanenim* — infiltrators — and insists they are economic migrants, not refugees. So the government offered the Africans a stark choice: Take \$3,500 to return to your native country, resettle in a third country or go to prison.

It is mostly single men being targeted for deportation. Women, children and families have been spared this fate — for now.

Nevertheless, the deportation ultimatum has convulsed the country, eliciting passionate affirmation in some circles and harsh condemnation in others. Although many blame the Israeli government for stoking anti-immigrant sentiment, the Israeli public largely supports expulsion: An Israel Democracy Institute poll recently found that two out of three Israelis support deportation.

Others say it is discriminatory and cruel. “We know for a fact that when people leave the country, their lives are at risk,” Rabbi Susan Silverman said, explaining her decision to launch the Anne Frank Initiative, which promises to house African asylum seekers threatened with deportation.

Opponents of deportation point out that it was largely Jewish refugees who built the State of Israel, a history that should sensitize Israelis to the Africans’ plight. In January, some El Al pilots made international headlines when they announced they would refuse to fly any plane taking part in deportation. A vocal group of Holocaust survivors joined the protest, seeing unfortunate echoes of the past reverberate.

The crisis also has angered and activated Diaspora Jews who feel that the callousness of deportation is at odds with Jewish values.

On March 15, five prominent American Jews — former Anti-Defamation League director Abe Foxman, Harvard law professor emeritus Alan Dershowitz and Rabbis Marvin Hier, Avi Weiss and Irving “Yitz” Greenberg — signed a letter to Israeli Prime Minister Benjamin Netanyahu urging him to halt the deportation plan and find a humanitarian solution. “We fear that a mass expulsion could cause incalculable damage to the moral standing of Israel and of Jews around the world,” the letter warned.

The decision to deport many African asylum seekers has convulsed Israel, eliciting affirmation from the right and condemnation from the left.

Recent momentum is on the immigrants’ side. On the same day the above-mentioned letter was made public, Israel’s Supreme Court ordered the government to temporarily suspend the deportation plan in response to a petition signed by 120 refugees and asylum seekers from Eritrea and Sudan. The order was a reversal from an earlier decision that supported “voluntary” resettlement, but which limited the amount of time the government could imprison those who refused to leave. The government has until March 26 to respond to the petition.

Supporters of deportation are adamant that demographic and security concerns should take precedent, and insist upon Israel’s sovereign right to set its own immigration policy. Interior Minister Aryeh Deri has said that Israel should prioritize the lives of its own citizens before taking on the burdens of foreign-born immigrants: “As wise men have taught us: ‘Take care of the poor in your city before taking care of the poor in other cities,’ ” he said, citing the Shulchan Aruch, the code of Jewish law.

But for more than a decade, some 38,000 Africans have made Israel their home, including scores of children — call them Israel’s “Dreamers” — who were brought up in Israel and educated in its schools. Four thousand children of African parents have been born in Israel since the influx began.

As with the Israeli-Palestinian conflict, the dilemma over Israel’s African immigrants lays bare the friction at the core of Israel’s identity: how to be both Jewish and democratic. Because it is a nation state that must preserve some degree of homogeneity, Israel cannot be all things to all people. And even if absorption of the current African population presents no threat to Israel’s demography, some fear it will invite additional migration in the future, as well as buttress Palestinian claims for the right of return.

“The decision regarding the illegal migrants creates a conflict,” stated a recent paper published by the Jewish People Policy Institute. “Mass deportation is perceived to contradict the ethos, legacy and tragic lessons of the Jewish experience. At the same time, their absorption could establish a precedent and be perceived as an open invitation to further waves of migration, family reunification, and Palestinian claims [which] would challenge Israel’s Jewish character.”

Israel’s dilemma is part of a broader immigration crisis unfolding around the globe. War, genocide, climate change and political and economic instability have forced an estimated 65 million people from their homes, which the United Nations High Commissioner for Refugees asserts is “the highest level ever recorded.”

The effects of this mass migration are being felt in Africa, the Middle East, Europe and North America. But for the tiny Jewish state, the stakes are high: Tens of thousands of lives hang in the balance, and so does Israel’s sense of self. How the country chooses to respond to the current crisis matters, because for better or worse, the world is watching.

### **Exodus to Israel**

Usumain Baraka was 9 years old when the Janjaweed militia invaded his village, Dirata, located in Darfur in western Sudan. In an effort to defend the village, his father, the mayor, and his teenage brother were immediately killed. But Baraka, his mother and two sisters managed to escape. They were given shelter at a U.N. refugee camp and later transferred to a camp in Chad, where Baraka lived for several years. Seeing nothing but a dismal future in front of him, he braved the unknown to pursue freedom and education.

Baraka tried his luck in Libya and then Egypt, but found both countries hostile to African refugees. He planned to move on to Europe, but one night in Cairo something unexpected happened: Baraka watched an Israeli scholar on Egyptian television discuss Jewish history and the Holocaust. It was the first time he heard the phrase *yetziat mitzrayim* and learned of the ancient Hebrews’ arduous journey through the desert.

“At first, I didn’t believe it. This journey takes four hours, not 40 years!” Baraka said with a laugh during a recent interview with the Journal.

He was even more stunned when the program told the story of the Holocaust — a genocide like he had experienced in Darfur. “I said to my friend, ‘I really identify with their story. These people were refugees before ’48, and today they have their homeland,’ ” Baraka recalled. “ ‘These people know very well who doesn’t have any protection. They will identify with us and give us a home until our genocide ends.’ ”

That was the moment Baraka decided: “I’m not going to Africa; not to Europe; not to the United States. No other place. I’m going to Israel.”

Baraka was one of 60,000 Africans, mostly from Eritrea and Sudan, who streamed into the country through the Sinai Peninsula from 2006 to 2012. The Sudanese were on the run from a civil war, now in its fourth year, and a rising famine. The Eritreans were seeking asylum from a brutal dictatorship — considered one of the worst in the world — and compulsory military service that could last indefinitely. In 2015, a U.N. special report accused the Eritrean dictator, President Isaias Afwerki, of “violations in the areas of extrajudicial executions, torture, including sexual torture, national service and forced labor,” that “may constitute crimes against humanity.”

At the height of the migration, as many as 1,300 Africans arrived in Israel each month. But in 2013, Israel sealed the Sinai border with a 150-mile electronic fence that has reduced illegal immigration to zero. An estimated 20,000 Africans have left voluntarily, and a number of Darfurians were given A5 humanitarian visas, which is akin to refugee status. But another 38,000 Africans remain in Israel, in limbo.

### **A plague of incompetence and indifference**

“At the beginning, Israel did the right thing,” Irwin Cotler, an international human rights lawyer and former attorney general of Canada, said in an interview with the Journal.

“Initially, it gave both groups [Sudanese and Eritreans] temporary protected status. But as the numbers started to grow, the situation changed in terms of the attitude of the government, and then the public, toward them.”

With limited means, the vast majority of Africans congregated in south Tel Aviv, where housing was cheap, they could access needed health and transportation services, and they saw opportunity in the glut of jobs around Israel’s most bustling city. Many were arbitrarily sent there, given a one-way ticket to the Central Bus Station. But the influx of tens of thousands of Africans into a small, dense neighborhood had an immediate impact: Israeli residents of south Tel Aviv were confronted with overcrowding, squatting, unsanitary conditions and cultural tension.



African migrants take part in a protest against Israel's detention policy toward them. Photo by Amir Cohen/REUTERS

Many accused the African immigrants of disturbing the peace through drugs, prostitution and crime. But an Israeli police report to the Knesset called those accusations a myth: While Sudanese and Eritreans comprise 70 percent of the population in south Tel Aviv, they are responsible for less than half of the crime, the police said.

Still, the stigma persists. Complaints about the diminishing quality of life from the Israeli residents of south Tel Aviv prompted the Israeli government to take radical action. Last year, it passed a law further discouraging the African presence by requiring asylum seekers to deposit 20 percent of their paychecks into a fund they could only claim upon leaving Israel.

"This whole sense of anxiety and apprehension was fed by some politicians that should have known better," said Cotler, founder and chair of the Raoul Wallenberg Centre for Human Rights in Canada.

Among those politicians, Cotler said, has been former internal affairs minister Eli Yishai, who served from 2009 to 2013. "Yishai said, 'Everything possible must be done to get them to leave,' " Cotler recalled. "And Miri Regev [Israel's culture minister] referred to them as 'a cancer' on the Israeli body politic. So the dynamics are such that the asylum seekers cannot and have not received a fair hearing."

In December 2013, the government built the Holot detention center in the Negev desert in an effort to reduce the concentration of Africans in south Tel Aviv. But the facility has been plagued by reports of abuse and unfair treatment. Many of its detainees allegedly were imprisoned indefinitely and without cause, and there have been allegations of substandard living conditions and food shortages.

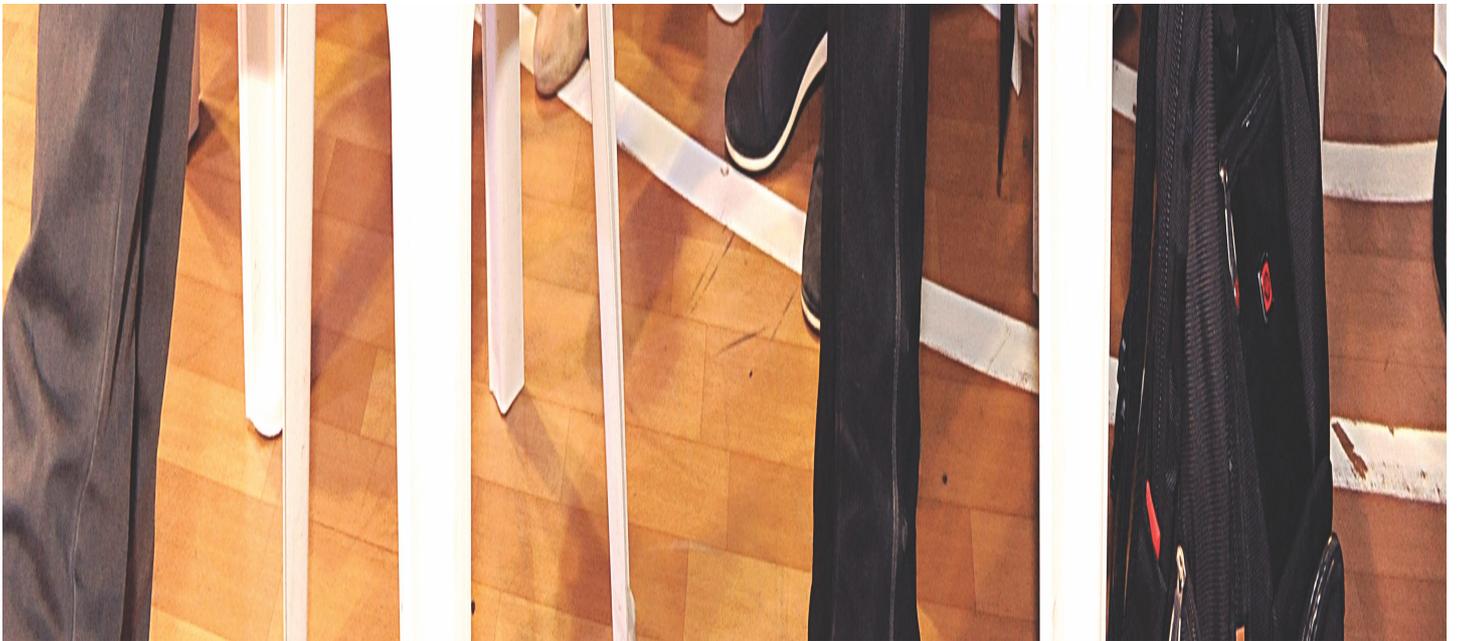
"After 2013, they just put you in jail," Baraka said of Israel's treatment of the Africans. "They didn't ask questions. The Israeli government said, 'You came here to work. You are not refugee.'"

Maya Paley spent 10 months interviewing asylum seekers as part of a New Israel Fund fellowship and said many of the Africans are legitimate refugees. "As someone who did the first research on this community, I can tell you, their stories are horrifying," she said.

As a signatory to the Refugee Convention of 1951, Israel has a legal obligation to accept refugees. "And definitely in the case of the Jewish people, because of our history, we also have a moral obligation," Emanuelle Navon, a fellow at the conservative think tank Jerusalem Institute for Security Studies, told the Journal in a phone interview. "But people who are coming for work are not refugees; people who are running away from genocide are."







Yemin Orde's annual Graduates Day ceremony is one of its most important events, when alumni return to receive academic scholarships for higher learning. The scholarship ceremony is one of many supportive programs provided to graduates throughout their lives.

The problem is that Israel has not legally determined who is a refugee and who is a work migrant. Critics and supporters of the government agree that it has failed to institute an organized and efficient Refugee Status Determination (RSD) process.

"Thousands of people wrote their story [to apply for] RSD," Baraka said. "They told everything that happened to them and nobody got an answer. Years and years. No response.

"I can't say all these people are refugees," Baraka added, "but some people, yes. The issue is the Israeli government is not checking."

According to the Jewish People Policy Institute, more than 15,000 asylum requests have been submitted to the Immigration Authority, but fewer than half — about 6,500 — have been reviewed. Of those 6,500, just 12 individuals were granted refugee status. And close to 9,000 requests still await adjudication. In January, the government stopped accepting asylum requests, which meant an estimated 24,000 asylum seekers never had the chance to apply.

"This is an unfair situation and a denial of due process," Cotler said.

Navon agreed: "I admit Israel hasn't handled the process in a diligent manner. It could have done a better job and should be doing a better job processing the requests from all these migrants; and many times, it hasn't handled them efficiently and maybe not in good faith. There's definitely room for criticism here."

Still, the French-born Navon maintained that while Europe has accepted Sudanese and Eritrean refugees at much higher rates, Israel does not have the same land mass nor the labor needs as European countries and is therefore less motivated to accept immigrants. "Israel is not a job agency," he said.

And yet many argue that the Africans have been a boon to the Israeli economy, working in ample low-wage jobs such as construction, cleaning and food service. "The African asylum seekers should be seen as an asset," Cotler said.

There is suspicion that Israel's antipathy toward the immigrants has nothing to do with economics.

"Let's be frank: Many of the immigrants from Eritrea and Sudan — they're Muslims," Navon said. "And we all know that in Israel there's a conflict, and the issue of having more Muslims in Israel is a sensitive issue. That also has to be taken into account."

### **Remember the stranger**

Jewish tradition offers a powerful counter testimony to the wave of immigrant aversion sweeping through Israel, the United States and much of the world. The Talmud says, "receiving wayfarers is greater than welcoming the Presence of God."

"Perhaps [an ancient rabbi] understood that we are more likely to meet wayfarers than we are to meet God," author Leon Wieseltier wrote of this passage. "Perhaps he implied that we meet God when we meet wayfarers, because we have an occasion to fulfill a divine duty."

Divinity may be too high of a bar for government, which has to deal with the practical politics of human needs. But many are saying Israel is not even conforming to international law. By now, it is widely agreed that as party to the Refugee Convention, Israel is legally obligated to provide refuge for asylum seekers and that it cannot do so without implementing a fair, just and efficient process for Refugee Status Determination.

As domestic and foreign tensions ratchet up, the government has come under increasing pressure to provide an acceptable solution. Opponents of deportation routinely take to the streets of Tel Aviv to protest government policy. And many asylum seekers say that when faced with deportation or prison, they will choose prison.

"I said to my friend, 'I really identify with their story. These people were refugees before '48, and today they have their homeland. These people know very well who doesn't have any protection. They will identify with us and give us a home until our genocide ends.'" — Usumain Baraka

"Now that we are a strong independent state, we are taking on the patterns of the people we swore we would never be," said Silverman, who launched the Anne Frank Initiative. "Israel is this really inventive, scrappy, creative country. Why are we not applying those qualities to moral issues?"

So far, it is private organizations that are heeding the talmudic call to “divine duty.”

Silverman said her team “is working like crazy” to match asylum seekers with more than 2,300 Israeli host families who have offered them shelter.

There are also opportunities for children. Berkovich, the Ukrainian-Jewish immigrant, and Baraka, from Darfur, were educated at the Yemin Orde Youth Village, an immersive educational program that provides housing and safe haven for 440 at-risk immigrants. But because the organization receives a majority of its funding from the government, it is able to accept only Jewish immigrants and non-Jewish immigrants with visas. However, that didn’t stop its administrators from releasing a statement in support of the asylum seekers.

“More than a decade ago, Yemin Orde became the first educational organization in Israel that provided refuge for asylum-seeking youth from Africa,” the statement began. “Unfortunately, Israel has never enacted a law that defines the status of these youth and they are forced to live in constant uncertainty about their future. Recently, Israel issued a directive to begin deportations of refugees back to Africa and our graduates may be deported.”

In south Tel Aviv, the Bialik-Rogozin school — which gets its funding from the city of Tel Aviv and private donations — educates more than 1,300 students regardless of their origin, religion or immigration status. An estimated 40 percent of students are undocumented; half come from single-parent families; and most are the children of immigrants, guest workers, economic migrants and refugees. As of the latest reports, none of the students is Jewish. The school’s unorthodox approach to Israel’s most vulnerable — 60 percent depend on social services — caught the attention of filmmakers from the U.S., who made Bialik-Rogozin the subject of a 2010 documentary short film “Strangers No More,” which won an Academy Award.

“We could create a startup nation for refugees,” Silverman said. “We should see the asylum seekers as ambassadors of light — from Israel to Eritrea, from Israel to Sudan.”

Baraka, now a third-year student studying government and politics at the Interdisciplinary Center in Herzliya, said he could be one of those ambassadors.

“My best friend is Israeli and Jewish, and today I am studying with Israeli people,” he said to his own amazement. “A lot of Israeli people, they help me a lot and support me. I can’t stay in this country forever. What I’m going to do is build a bridge between my country and Israel — maybe I will become ambassador from Darfur.”

What the world will do with the 65 million people like Baraka — immigrants, refugees, asylum seekers — who want only the chance to live in peace and freedom and to realize their dreams, will become one of the central humanitarian questions of our time.

So Israel might consider the Talmud’s exhortation to the wayfarers themselves: “Do whatever your host says, except ‘Get out!’ ”

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