

Kav LaOved Policy Brief

New Regulations for the Employment of Asylum-Seekers in Israel

This brief provides an update regarding a new policy enacted by the Israeli government on June 30th regarding the employment of asylum-seekers. We expect that these new regulations will have a negative impact on an already vulnerable community that is only now beginning to recover from both the economic impact of the Covid-19 pandemic as well as the harmful effects of the Deposit Law, repealed by a HCJ petition led by Kav LaOved in 2020, that placed 20% of workers' salaries in deposit accounts beyond their reach, plunging many working families into poverty.

What Do the New Changes Mean?

The new regulations stipulate that asylum-seekers in 17 cities and municipalities across Israel will only be able to work in four settings: construction, agriculture, nursing homes and hotels. Those who have worked continuously in the restaurant industry through June 2022 will be able to continue employment in restaurants. However, restaurants will not be able to hire new employees who have not worked in the industry continuously prior to June 2022.

To Whom Do the New Regulations Apply?

The regulations apply to Eritrean and Sudanese nationals and all other asylum-seekers except the following individuals: minors, those 60 years and older and anyone with a dependent child enrolled in the education system. In addition, anyone not covered by these exemption categories will be allowed to apply for an exemption based on their personal circumstances once the regulations go into effect.

When Will This Go into Effect?

The new employment restrictions will be based on an individual asylum-seeker's status and will be stamped into their visa at each renewal point, starting October 1st, 2022. Until this time, asylum-seekers' current employment status will remain in place, including the status of those workers who already face some geographic restrictions on their employment in which case a new decision may be made later.

How Will This Actually Work?

It is not actually clear yet, but some problem areas are already apparent:

- At present, visas for Eritrean and Sudanese nationals are renewed automatically and so it is not clear how the new regulations will fit within the current procedures or if there will be a change in the visa renewal process.
- Parents will need to present documentation proving that their dependent children are enrolled in the education system, but it is not clear when they are supposed to present this proof or even if they can present it in advance if they know when their children will be enrolled.
- The exemption procedure is unclear. The regulations state the following: an exemption request must be submitted in writing; will require representation by an attorney or organization; and can be put into place retroactively, that is after a person has been let go from a job. However, the individual circumstances for which an exemption can be granted are not clarified.

What Is the Expected Impact of the Regulations?

We anticipate that single, working-age asylum-seekers who are not employed in the approved sectors will lose their jobs. This applies to a broad range of workers, including: cleaning company employees, Wolt delivery workers, those who work in private homes as domestic help, factory workers, mediators and interpreters (including in public institutions), municipal contract workers, and even those who have managed, through much hard work, to integrate themselves into professional jobs, including high-tech.

It is difficult to assess whether a wave of dismissals will begin even before the regulations take effect or if they will happen more gradually. In our estimation, some of those dismissed will be forced to leave the cities in which they now live and move to areas with a lower socio-economic standing, areas that are not well positioned to absorb a new wave of asylum-seekers. Or, in other cases, asylum-seekers will remain in the cities where they currently live, but with no livelihood or as undocumented workers. This situation will greatly harm asylum-seeker workers and of course the economy.

In addition, we anticipate that these regulations will have an impact on industries that currently rely heavily on the labor of asylum-seekers, such as restaurants as well as cleaning and delivery companies. Of course, the regulations will also have an impact on municipalities—both those that will need to absorb workers who lose their jobs and choose to move to areas outside the 17 cities/ municipalities targeted by the new regulations as well as those municipalities who must find a way to support asylum-seekers who choose to remain where they live without work.

What is Kav LaOved Planning to Do?

We are planning several different initiatives:

- Together with a coalition of actors, we plan to initiate a campaign through social media and traditional media outlets to raise public awareness about these regulations and their impact and mobilize people to take action against them.
- We plan to take legal measures against these regulations with the Population and Immigration Authority (PIBA) and, possibly, submit a court petition later if needed.
- We anticipate providing support to the asylum-seeker community in several ways. We will inform them about the new regulations by preparing informational materials and presentations in several different languages. We anticipate that those workers who lose their jobs or are threatened with this possibility will need assistance from Kav LaOved in submitting exemption requests, appeals etc. It is also likely that there will be a surge in undocumented employment among asylum-seekers and Kav LaOved will need to support workers in exercising their rights under even more complex circumstances than they already face now.
- We will engage the asylum-seeker community in trying to anticipate the expected impact of the new regulations through a survey of the community, the results of which can be shared in the media and be used to inform our policy efforts. We will also organize a public campaign in the community, asking people to make short videos describing ways the new regulations will impact their lives in order to share this information with the wider Israeli public.
- Kav LaOved will continue to evaluate the current situation and assess our capacity to meet the need for support among the asylum-seeker community.