

**The OECD Expert Group on Migration
(Sopemi) Report
Immigration in Israel 2011-2012**

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Introduction

In Israel there are four main categories of migrants, of which only the first category consists of permanent migrants:

- Migrants who are Jewish or of Jewish extraction, who immigrate to Israel under the Law of Return. This group also includes former residents of Israel who return after an extended stay abroad (returning residents, after at least five years' residence abroad).
 - Work migrants (foreign workers) who enter Israel legally under a work permit.
 - Illegal work migrants (foreigners who enter legally for purposes other than work, and remain in the country after their period of legal residence has ended).
 - Mixed migrants who infiltrate Israeli mainly across the Egyptian-Israeli border and stay in Israel by virtue of their eligibility for group protection or as asylum seekers.
- Between January and August 2012, 12,073 immigrants entered Israel, slightly less than in the same period in 2011 (12,530). The number of immigrants stood at a monthly average of 1,509, compared to a monthly average of 1,566 in 2011 and 1,386 in 2010. The main countries from which immigrants arrived were: United States – 18.15% (2,188); Russia – 17.75% (2,146); Ethiopia – 12.9% (1,531); France – 11% (1,331); Ukraine – 10.5% (1,258).
 - As of June 30, 2012, the population of foreign nationals who entered Israel under a work permit stood at 88,250, of which 67,766 were legal entrants who have a regulated status and 20,484 were legal entrants whose status is currently unregulated. The slight downtrend in the number of regulated foreign workers continued in 2012, while there was no significant change in the population of unregulated legal entrants.
 - As of October 2012, 42,250 Palestinians held permits for work in Israel, but only 35,124 were actually utilized. Twenty four thousand and five hundred Palestinian workers are employed in construction, 3,000 in agriculture and 2,200 in industry. Five thousand hold a permit for seasonal work in agriculture. In addition, 2,000 Palestinian residents of the West Bank hold a permit to work in East Jerusalem.
 - In Israel there is a population of foreigners who entered the country legally on a tourist visa and have remained illegally after their visa expired; in 2012 this Population was estimated in 95,000.
 - Till September 2012, 64,487 people entered Israel as Infiltrators (Mix Migration). At the end of 2011 Israel had a population of 55,000 illegal migrants and asylum seekers, which by the beginning of November had risen approximately to 41,000 individuals. In 2011-2011 as in 2010, a majority of the infiltrators were Eritreans.

- The main policy developments in 2011-2012 concerned:
 - A.** Since 2011 all the workers in agriculture and construction are being recruited through the mechanism established in bilateral agreements for regulating the importation of foreign.
 - B.** In 2012 the quota of Palestinian workers was raised by 7,000 workers beyond the quota for 2011 to 42,500.

[1. Permanent Immigrants](#) 5

[2 Foreign Workers Who Entered Israel Legally with a Work Permit \(Legal Labor Migrants\)](#)..... 9

[3 Palestinian Workers in Israel](#) 22

[4 Foreign Workers Who Entered Israel without a Foreign Worker's Permit](#)..... 24

[5. Mix Migration \(Infiltrators and Asylum Seekers\)](#) 25

[6 Emigration](#)..... 35

[7. Appendices](#)..... 37



1. Permanent Migrants, Immigrants to Israel and Returning Residents

1.1 Data on permanent immigrants¹

Permanent immigration to Israel is limited to Jews or people of Jewish descent, under the Law of Return (which establishes the right of every Jew to immigrate to Israel), and to first-degree relatives of residents and citizens of the State of Israel. There have also been a few dozen cases of family reunification. Thus, permanent immigrants to Israel consist almost exclusively of Jews and their descendants. Only this group is eligible for government assistance in the absorption process².

2011

In 2011, 19,020 people immigrated to Israel (excluding returning citizens and residents), 2,387 more than in 2010, an increase of 14% over the previous year (the same as for 2010). The rate of immigration per 1,000 residents remained at 2.2 (lower than the rate in the 1980s, which stood at 3.8 immigrants per 1,000 residents, and in the period 1991-2001, which stood at 17 immigrants per 1,000 residents). The main countries of origin in 2011 were:

Table 1: Main Immigration Countries

Country	Number of immigrants	Country	Number of immigrants	Country	Number of immigrants
Russia	3,762	France	1,916	Uzbekistan	281
USA	3,679	UK	520	Argentina	260
Ethiopia	2,718	Canada	358	Moldova	231
Ukraine	2,128	Belarus	321	South Africa	205

¹ Source of data on permanent immigration to Israel – Central Bureau of Statistics website, http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201121053, and Ministry of Immigrant Absorption website, <http://www.moia.gov.il/Hebrew/InformationAndAdvertising/Statistics/Pages/ImmigrationToIsraelCurrentYear.aspx>.

² Although there are integration programs for non-immigrants. For example, specialist foreign workers are granted recognition based on professional qualifications; also, those granted refugee status by Israel under the United Nations Convention Relating to the Status of Refugees have a right of integration, and foreign minors are entitled to education and health services.

Forty-three percent of immigrants (7,255) came from the former Soviet Union (a slight increase over 2010 and a reversal of the downtrend in the number of immigrants from the FSU in previous years). Russia and Ukraine led in this group, with 79% of all immigrants from the former Soviet Union. Nineteen percent of immigrants arrived from the United States, compared to 17% in 2010, and 14.5% arrived from Ethiopia, up from 10% in 2010.

The percentage of women among the immigrants was 52%, the same as in 2010.

The median age of immigrants in 2011 decreased, with the breakdown of age groups as follows: 21% were between the ages 0-14 (an increase over 2010 mainly due to the growth in immigration from Ethiopia); 67% were between the ages of 15-64, and 12% were 65 years old and up (mainly from Europe). Among immigrants aged 15 years and up, 58% had at least 13 years of schooling, and out of these 47% had at least 16 years of schooling. About 56% of immigrants who reported their occupation in their country of origin worked in the scientific or academic fields or in the liberal arts and technical professions.

2012 (January-August)

Between January and August 2012, 12,073 immigrants entered Israel, slightly less than in the same period in 2011 (12,530). The number of immigrants stood at a monthly average of 1,509, compared to a monthly average of 1,566 in 2011 and 1,386 in 2010.

The main countries from which immigrants arrived were: United States – 18.15% (2,188); Russia – 17.75% (2,146); Ethiopia – 12.9% (1,531); France – 11% (1,331); Ukraine – 10.5% (1,258).

The share of immigrants from the former Soviet Union continued to trend downward (the same as in the first eight months of 2011), in contrast to the general trend in 2011, and in the first eight months of the years stood at only 37.6% (4,506) of all immigrants. The percentage of immigrants from Ethiopia is also trended slightly downward in these months.

The percentage of women among the immigrants in January-August was 52.5%, a slight increase over the figure for the years 2010-2011 which stood at 52%.

1.2 Returning residents

A returning resident is a person holding Israeli citizenship who has resided outside Israel for five years (it should be noted that eligibility for certain rights is conditional on six years' residence outside Israel, but the principal rights granted by the Ministry of Immigrant Absorption and the National Insurance Institute are given to those returning after five years)³. Returning residents receive certain rights that are intended to ease the process of reabsorption in Israel. During 2002-2011, 61,709 returning

³ Ministry of Immigrant Absorption website,
<http://www.moia.gov.il/Hebrew/ReturningResidents/Pages/Whois2.aspx/>.

residents arrived in Israel, 9,106 arrived in 2011 and 6,597 arrived during January-September 2012⁴.

1.3 Changes in immigration policy

In 2011-2-12 there were no significant changes in the immigration policy of the State of Israel, although the government of Israel began investing efforts in encouraging the return of Israelis who emigrated from Israel. As part of this effort, the government publishes the benefits that are given to "returning residents"⁵.

The Ministerial Committee on Immigration and Absorption adopted in December 2011 a resolution for the provision of assistance to persons who sought to immigrate to Israel and were denied permission to do so in their country of origin ("refuseniks"). According to the resolution, a committee will be established to examine requests for assistance from former refuseniks. Those eligible will be able to receive a voucher for the purchase of NIS 7,200 in services per year (Government Decision 4010 dated December 19, 2011)⁶.

1.4 Integration of immigrants in society and in the economy

Immigrants from Ethiopia

The majority of immigrants integrate well in Israel's society, economy, job market and education system. Nevertheless, there is growing awareness of the difficulties that have accompanied the absorption of Jewish immigrants from Ethiopia over the last 30 years. In the course of 2011-2012 several studies were conducted that followed up the integration of Jewish Ethiopian immigrants in the job market in general, and in the government and public sector in particular, as well as in the higher education system and in the IDF. The studies found that though the percentage of conscripts from the Ethiopian community is higher than among the veteran population and all other immigrant groups, the numbers of those who fail to adapt to military service is much higher among soldiers of Ethiopian origin than among soldiers from the veteran population. Moreover, the rate of integration of Jewish Ethiopian immigrants in the higher education system is very low (lower than their percentage in the population), and they also have difficulties in integrating in the job market, resulting from a lack of education and suitable vocational training. Their percentage in the civil service is also lower than their percentage in the general population⁷.

⁴ Ella Saban, Director of the Department for Returning Israelis at the Ministry of Immigrant Absorption, email, October 17, 2012.

⁵ Ministry of Immigrant Absorption website, <http://www.moia.gov.il/Hebrew/ReturningResidents/Pages/default.aspx>.

⁶ Prime Minister's Office website, <http://147.237.72.239/PMO/vadot/klita/des4080.htm>

⁷ For a more detailed discussion of the issue see: The Knesset Research and Information Center, Integration of Immigrants of Ethiopian Origin in the IDF, Flora Koch-Davidson, December 1, 2011, <http://knesset.gov.il/mmm/data/pdf/me02989.pdf>, Integration of Immigrants of Ethiopian Origin in the Higher Education System, Flora Koch-Davidovich, July 18, 2011, <http://knesset.gov.il/mmm/data/pdf/me02892.pdf>

Recognition of immigrants' educational/professional credentials

There is no special procedure by which immigrants are awarded recognition for their educational or professional credentials. However, the Ministry of Immigrant Absorption offers immigrants guidance on the process of receiving accreditation in their profession from official Israeli institutions. The ministry also provides and subsidizes vocational Hebrew language studies in a series of professions. The basic courses are given free of charge and can be taken in the morning or evening. Subsidies are available for advanced courses, which can also be taken in the morning or evening.

In the framework of the KAMA (Science Absorption) program, new immigrant scientists can receive assistance in integrating in academic research and development and in R&D companies. The Ministry of Immigrant Absorption aids new immigrants and returning residents through personal counseling by a ministry counselor who works with the immigrant/returning resident and helps prepare him for entering the job market and find a suitable employer. The ministry also provides assistance to employers in the private sector who hire new immigrant scientists and disburses research scholarships to scientists who are given temporary employment (without a permanent slot) in academic institutions⁸.

In addition to absorption tracks for new immigrants, with the aim of encouraging the return of Israeli scientists who emigrated from the country, in 2011 the government of Israel began offering Israeli scientists incentives to return to Israel, including benefits similar to those granted to new immigrant scientists, such as personal counseling and guidance, grants to employers and assistance in finding a job⁹.

⁸Ministry of Immigrant Absorption website,
<http://www.moia.gov.il/Hebrew/Subjects/ResearchAndScience/Pages/default.aspx>

⁹Ibid.

Data on foreign workers by main sectors in 2012 (January-June)

As of June 30, 2012, the population of foreign nationals who entered Israel under a work permit stood at 88,250, of which 67,766 were legal entrants who have a regulated status and 20,484 were legal entrants whose status is currently unregulated. The slight downtrend in the number of regulated foreign workers continued in 2012, while there was no significant change in the population of unregulated legal entrants.

Special quotas

Jordanian workers

We note that some 300 Jordanians enter Israel daily to work, who may be employed only in the city of Eilat. The employment of these workers under a special quota was regulated in a protocol signed between the State of Israel and the Kingdom of Jordan in 2000. The validity of the arrangement has been extended several times (up to and including 2013)¹¹.

Tel Aviv-Jerusalem railway project

One hundred and fifty Chinese workers are employed under a special quota in the construction of a railway between Tel Aviv and Jerusalem.

Foreign workers in the construction sector

2011

At the end of 2011, Israel had 5,201 regulated foreign construction workers (compared to 5,668 at the end of 2010) and another 2,148 unregulated foreign construction workers who entered Israel legally (2010 – 2,511). In 2011, the quota of foreign construction workers was to have been reduced from 8,000 to 5,000, however, this reduction was cancelled in Government Decision No. 3453 from July 10, 2011¹², and it was determined that the quota of 8,000 foreign construction workers would remain in force until July 2014. The cancellation of the quota was postponed from January 2013 to January 2016. The agreement reached between the Government of Israel and the Association of Contractors and Builders in Israel to maintain the quota of foreign workers included steps for encouraging the employment of Israelis, such as professional training under preferred conditions.

¹¹ Population and Immigration Authority website,

<http://www.piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/%D7%A0%D7%95%D7%94%D7%9C%20%D7%9C%D7%94%D7%A2%D7%A1%D7%A7%D7%AA%20%D7%A2%D7%95%D7%91%D7%93%D7%99%D7%9D%20%D7%99%D7%95%D7%9E%D7%99%D7%99%D7%9D%20%D7%9E%D7%99%D7%A8%D7%93%D7%9F%202013.pdf>

¹² Prime Minister's Office website, <http://www.pmo.gov.il/PMO/Secretarial/Decisions/2011/07/des3453.htm>, retrieval date: September 26, 2011.

Table 2: Changes in Government Policy on Reducing and Cancelling the Quota of Foreign Construction Workers¹³

	Decision 446 (2006)	Decision 147 (2009)	Decision 1066 (2009)	Decision 2080 (2010)	Decision 3453 (2011)
2010	Specialists only	5,000	8,000 until July; 5,000 from July	8,000	-
2011	Specialists only	2,000	2,000	8,000 until July; 5,000 from July	8,000
2012	Specialists only	Specialists only	Specialists only	2,000	8,000
2013	Specialists only	Specialists only	Specialists only	Specialists only	8,000
July 2014	Specialists only	Specialists only	Specialists only	Specialists only	5,000
July 2015	Specialists only	Specialists only	Specialists only	Specialists only	2,000
2016	Specialists only	Specialists only	Specialists only	Specialists only	Specialists only

In addition, the agreement between the government and the contractors set rules for regulating the importation of foreign construction workers under bilateral agreements and for regulating and expanding the investment in professional training of Israeli construction workers¹⁴. It should be noted that in the years 2009-2010, more than 30,000 new Israeli workers entered the construction sector, a trend that continued in 2011, simultaneously with an increase in the number of African infiltrators granted residence permits and recognized as asylum seekers.

2012

At the end of June 2012, Israel had 5,308 regulated foreign construction workers and another 2,009 unregulated foreign construction workers who entered Israel legally. The total number of construction workers declined somewhat during 2012. In the course of the year, construction workers began to arrive from Bulgaria, with which a bilateral agreement was signed for bringing in construction workers. One hundred workers arrived up to 100, and another 500 are due to arrive in November, with at

¹³ Prime Minister's Office website:

<http://www.pmo.gov.il/PMO/Archive/Decisions/2006/09/des446.htm> ,

<http://www.pmo.gov.il/PMO/Secretarial/Decisions/2009/05/des147.htm> ,

<http://www.pmo.gov.il/PMO/Secretarial/Decisions/2009/12/des1066.htm>,

<http://www.pmo.gov.il/PMO/Secretarial/Decisions/2010/07/des2080.htm>, retrieval date: January 16, 2011.

¹⁴For a more detailed discussion of the decision see: The Knesset Research and Information Center, Agreement between the Ministry of Finance and the Population and Immigration Authority and the Association of Contractors and Builders in Israel, Gilad Natan, July 11, 2011 (in Hebrew).

least 100 workers slated to arrive each month starting from December 2012¹⁵. During 2011, construction specialists also began arriving in Israel, but this is not a widespread phenomenon. During the second half of 2012, following differences of opinion between the Association of Contractors and the Ministry of Finance and Ministry of Industry, Trade and Labor, the training of Israeli workers in the construction sector was gradually discontinued.

Foreign workers in the agriculture sector

2011

At the end of 2011, Israel had 24,612 regulated foreign agricultural workers and another 154 unregulated foreign agricultural workers who entered Israel legally. In 2011, the quota of foreign agricultural workers was to have been reduced from 26,000 to 24,000, however, ultimately it was decided that the quota would remain at 26,000, as in 2010, and the quota reduction would be deferred by a year. An agreement was reached between the government and the farmers for a gradual reduction in the quota of foreign workers in agriculture, to 18,900 in 2016, and this agreement was anchored in a government decision¹⁶.

2012

At the beginning of 2012, following negotiations between the farmers' organizations and the government, the quota reduction planned for 2012 was reduced to 600 workers only. It should be noted that the quota of foreign agricultural workers was not fully utilized in 2012, and as a result the quota also was not reduced. At the end of June 2012, Israel had 17,178 regulated foreign workers in the agriculture sector and another 4,859 unregulated foreign workers who entered Israel legally.

Table 3: Planned Gradual Reduction in the Quota of Foreign Agricultural Workers¹⁷

Quota	2009	2010	2011	2012	2013	2014	2015	2016
Base	27,500	26,000	24,500	23,000	21,500	20,500	18,900	-
Changes in 2011			26,000	24,400	23,000	21,500	20,000	18,900
Changes ¹⁸ in 2012			26,000	25,400 ¹⁹	23,000	21,500	20,000	18,900

¹⁵ Amit Sadan, internal representative, Budget Department, Ministry of Finance, telephone conversation, October 16, 2012.

¹⁶ See in greater detail: The Knesset Research and Information Center, Manpower Needs in Agriculture, Gilad Natan, November 28, 2010, (in Hebrew) <http://www.knesset.gov.il/mmm/data/pdf/m02697.pdf>.

¹⁷ The Knesset Research and Information Center, Action by the Government and the Employers to Encourage the Employment of Israelis in Foreign-Worker-Intensive Professions, Gilad Natan, June 26, 2012, (in Hebrew) <http://www.knesset.gov.il/mmm/data/pdf/m03084.pdf>, retrieval date: October 16, 2012.

Foreign workers in the caregiving sector

2011

At the end of 2011, Israel had 42,349 regulated foreign care workers and another 10,123 unregulated foreign care workers who entered Israel legally. There is no cap on the number of foreign workers in the caregiving sector. The government has taken several steps to encourage the employment of Israelis in this sector, including adding on care hours²⁰ for eligible persons under the Nursing Care Law who employ Israelis. However, the government has not taken other steps necessary to encourage Israelis to work in the sector, and the year 2011 saw for the first time the entry of a significant number of legal foreign workers and of asylum seekers staying in Israel under group protection who are employed both legally and illegally in institutional care frameworks.

2012

At the end of June 2012, Israel had 41,392 regulated foreign care workers and another 10,267 unregulated foreign care workers who entered Israel legally. In the course of 2011-2012 the government placed difficulties in the way of bringing in new foreign care workers, which contributed to the reversal of the previous years' trend of a gradual increase in the number of holders of permits to employ a foreign worker and in the number of workers. At the same time, the phenomenon of increased entry and exit of care workers is continuing in the sector, due to the importation of new workers and deportation of unregulated workers, instead of investing in arranging the status of workers who are already staying in the country. Also in 2012 no significant steps were taken to encourage the employment of Israelis in the sector, and their number is gradually decreasing. Among care Israeli care workers in the home and institutional segments, the share of women who immigrated from the former Soviet Union in the years 1990-2001 is notable. The aging of this population is intensifying the shortage of Israeli workers in this sector.

Specialists and skilled workers

2011-2012

Apart from low-skilled workers in the construction, agriculture and caregiving sectors, Israel also allows the entry of foreign specialists and foreign skilled industrial and restaurant workers. At the end of 2011, Israel had 2,294 regulated foreign specialists and skilled workers and 487 unregulated foreign specialists and skilled workers who entered Israel legally. At the end of June 2012, Israel had 2,722

¹⁸ Population and Immigration Authority website:

<http://www.piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/%D7%A7%D7%95%D7%91%D7%A5%20%D7%9C%D7%A4%D7%A8%D7%A1%D7%95%D7%9D%202012.pdf>

¹⁹ Originally, in September there was to have been a decrease of 1,000 workers, but the reduction was cancelled since the original quota had not been fully utilized.

²⁰ The eligibility for a nursing care allowance is given in the form of care hours in the patient's home or at community centers.

regulated foreign specialists and skilled workers and 602 unregulated foreign specialists and skilled workers.

The ethnic restaurant sector and the industrial sector are subject to foreign worker quotas. The quota for foreign industrial workers was due to be cancelled at the end of 2011, but the cancellation was postponed to the end of 2012, and discussions are currently being held over an additional postponement. At the end of 2011, Israel had 176 regulated foreign workers in the industry and services sector and 62 regulated foreign workers in the ethnic restaurant sector, as well as 194 unregulated foreign workers in the industry and services sector and 60 unregulated foreign workers in the ethnic restaurant sector who entered Israel legally.

At the end of June 2012, Israel had 1,138 regulated foreign workers in the industry and services sector and 28 regulated foreign workers in the ethnic restaurant sector, as well as 174 unregulated foreign workers in the industry and services sector and 57 unregulated foreign workers in the ethnic restaurant sector who entered Israel legally. It should be noted that the ethnic restaurant sector employs several hundred foreign specialists as chefs.

2.2 Main policy changes in 2011-2012 in respect of foreign workers in Israel²¹

Key legislative amendments relating to foreign workers (and bills and government law memoranda)

Below is a list of key legislative amendments relating to foreign workers, which are in the process of legislation or which were enacted into law during 2011-2012²²:

Law of Entry to Israel, 1952:

Two legislative amendments were adopted in 2011 on the subject of foreign workers: the Entry to Israel Law (Amendment No. 20), 2011 was passed by the Knesset on March 29, 2011, and the Entry to Israel Law (Amendment No. 21), 2011 was passed by the Knesset on May 16, 2011. On February 26, 2012, the Entry to Israel Order (Maximum Annual Quota of Licenses to Be Granted on Special Humanitarian Grounds), 2012 was promulgated.

As noted, in 2011 the legislation of two amendments to the Foreign Workers Law was completed. One amendment allows the extension of a foreign care worker's employment beyond 63 months, in humanitarian cases, even when the foreign worker has not been employed by his employer for at least one year. The second amendment enables restricting the transfer of foreign workers in the sector between employers,

²¹ See in greater detail: The Knesset Research and Information Center, Non-Israelis in Israel 2010-2011, Gilad Natan, December 13, 2011 (in Hebrew) ; <http://www.knesset.gov.il/mmm/data/pdf/m02986.pdf>; Manpower Needs in the Construction Sector – Annual Review 2012, Gilad Natan, February 27, 2012 (in Hebrew) <http://www.knesset.gov.il/mmm/data/pdf/m03015.pdf>; Difficulties in the Realization of Permits for the Employment of Workers in the Caregiving Sector, Gilad Natan, June 11, 2012 (in Hebrew) <http://www.knesset.gov.il/mmm/data/pdf/m03080.pdf>.

²² Adv. Noa Brodsky-Levy, Legal Advice and Legislation Department, Ministry of Justice, letter, September 20, 2012; Adv. Oded Feler, Association for Civil Rights in Israel, email, August 9, 2012; Adv. Gilad Keren and Adv. Noa Ben Shabbat, Knesset Legal Department, October 30, 2012.

through the issuance of work permits that are limited to certain regions of the country or to certain sub-branches of the caregiving sector. The enactment of the amendments into law was not completed by October 2012, and therefore the restrictions established in them are not being implemented. Nevertheless, pursuant to a Supreme Court order to the Population and Immigration Authority, a procedure was established for the giving notice of resignation by foreign workers in the caregiving sector, which sets a special notice period that is longer than the period provided for in the law for an Israeli worker or for any other worker apart from a foreign care worker.

The Entry to Israel Law (Amendment No. 22), 2011, which deals with the establishment of appeals tribunals, was passed by the Knesset on August 3, 2011. Within the framework of the Administrative Courts Law (Amendment No. 11), 2012, an indirect amendment was made to the Entry to Israel Law (Amendment No. 24), which deals essentially with the application of the provisions of the Administrative Courts Law, 1992 to tribunals for review of custody of illegal residents.

The amendment to the law transfers legal authority to consider petitions against certain decisions of the authorities pursuant to the Entry to Israel Law from the judicial system (the courts) to the administrative government system (administrative tribunals in the Ministry of Justice). In fact, this is an interim stage that was added, which can be appealed to the Administrative Court. In addition, under the amendment to the law, decisions of the judges in the administrative tribunals may only be appealed to the Administrative Court, and not to the Supreme Court.

On July 22, 2012, the explanatory memorandum on the Entry to Israel Law, 2012, regarding the powers of inspectors of the Population and Immigration Authority and regarding petitions submitted by those denied entry, was published.

At present, inspectors of the Population and Immigration Authority are not authorized to detain a permit holder who does not comply with the terms of the permit or has not fulfilled its conditions. The amendment proposed in the law will confer on them this authority. In addition, the state is seeking to limit the right of people denied entry to Israel to petition against the ban on their entry. According to the explanatory memorandum on the law, a person who on his arrival in the State of Israel is detained in a facility for those denied entry, may not appeal from Israel against the prevention of his entry but will be returned to a third country before he is able to appeal, except in the case of an asylum seeker under the United Nations Convention on Refugees.

On September 12, 2012, the explanatory memorandum on the Entry to Israel Law, 2012, dealing with the taking of biometric identification means from foreigners, was published.

The state is seeking to set up a biometric database for all foreigners entering Israel and to equip foreign workers with biometric certificates. The bill proposes to expand police access to the biometric database as opposed to its access to data on residents of Israel.

Foreign Workers Law, 1991:

- a. The Foreign Workers Law (Amendment No. 15), 2012 was passed by the Knesset on July 9, 2012 (supplementing Amendment No. 22 to the Entry to Israel Law, see above).
- b. The Foreign Workers Regulations (Deposit in Bank Account) (Amendment), 2011 were promulgated on February 17, 2011. The regulations provide for a change in the terms of deposit of monies in the weekly deposit account.

The laws that were enacted essentially impose restrictions on foreign workers in Israel and on the entry of non-Israelis into Israel. Where the law restricts the mobility of foreign care workers, this also creates a differentiation between the rights of foreign workers and the rights of Israeli workers (e.g., extension of the period of giving notice of resignation and imposing a restriction on transferring from one area of the country to another in the caregiving sector).

Enactment of an Immigration Law

In 2010, the Ministry of Justice set up a committee for the purpose of formulating an Immigration Law for Israel. The committee is still holding discussions on the matter, thus the enactment of an Immigration Law was not completed in the course of 2011-2012.

Changes in foreign worker quotas

During 2011-2012 the government of Israel continued approving the deferral of plans to reduce the foreign worker quotas in all sectors having a quota. The cancellation of quotas which were to have been cancelled (construction, industry, restaurants) was deferred, as was the reduction in quotas which were to have been reduced gradually (agriculture).

Regulation of foreign workers' status

Despite the shortage of foreign workers, primarily in the caregiving sector, regulation of the status of foreign workers who have lost their legal status was and remains negligible. The Population and Immigration Authority regulated in every month the status of only a few workers, compared to which several dozens of foreign workers whose status was not regulated were deported every month.

Employment of foreign workers in the caregiving sector

In the course of 2011-2012, the difficulties resulting from the implementation of the reform in the caregiving employment method were aggravated. The decrease in the number of holders of permits to employ a foreign care worker which began in 2009, continued also in 2012 due to the difficulty in the actualization of the employment. Concurrently, the total number of foreign workers in the sector also continued to decline.

Table 4: Holders of a Permit to Employ a Foreign Worker (caregiver)

Year	Number of permit holders	Year	Number of permit holders
1996	8,187	2008	54,000
1999	14,474	2009	57,329
2002	38,438	2010	56,887
2005	37,419	2011	56,062
2007	50,500	April 2012	55,935

Table 5: Foreign Care Workers by Status²³

	Regulated foreign workers	Unregulated foreign workers	Total
2009	43,836	13,199	57,035
2010	43,499	10,209	53,708
2011	42,349	10,123	53,472
2012(April)	41,863	10,063	51,926

Changes in procedures relating to care workers:

- In 2012 the period for preparing to leave Israel was extended from 30 days (at the end of 63 months) to 60 days.
- The Population and Immigration Authority allow care workers to go on vacation abroad also during a period when they have no employer.

Employment of seasonal agricultural workers

Alongside the gradual reduction in foreign worker quotas in the agriculture sector, the government of Israel implemented in 2010 the first stage in a pilot program for examining the possibility of employing seasonal workers in agriculture. In view of the pilot's success, the government decided in its meeting on September 14, 2011 (Decision 3713²⁴) to continue the program and to allow workers who were employed in Israel in the framework of the pilot in 2010 to return to Israel for an additional half year in 2012. During 2012 it was decided not to continue the pilot in its current

²³ Population and Immigration Authority, Data on Foreigners in Israel – Summary 2010, January 2011; Population and Immigration Authority, Data on Foreigners in Israel, January 2012; Merav Abrahams, Director of Planning and Research, Population and Immigration Authority, letter on the subject "Information relating to employer and employee data in the caregiving sector," May 14, 2012.

²⁴ Prime Minister's Office website, <http://www.pmo.gov.il/PMO/Secretarial/Decisions/2011/09/des3713.htm>.

format, and as of October 2012 the Population and Immigration Authority is considering anew the issue of importation of seasonal workers.

Encouragement of the employment of Israeli workers in foreign-worker-intensive sectors²⁵

During 2011-2012 there was no significant improvement in connection with the training of Israeli workers in foreign-worker-intensive sectors. In the caregiving sector, despite the worsening shortage in Israeli workers in the institutional and home care segments, no meaningful steps were taken to encourage the entry of Israeli workers to this sector, and, in fact, there has been a regression due to the aging and retirement of a part of the population of workers in the sector. In the agriculture sector, the government plan to encourage the employment of Israelis resulted in the integration of only a few dozen workers in the sector. In 2012 it was decided to grant benefits only to employers. There is demand for work in the agriculture sector on the part of Israeli workers, mainly among Arab female workers and demobilized soldiers who would prefer work in the agriculture sector, which entitles them to a grant, but on the whole there has been no response on the part of employers in the sector. In the construction sector, the "Israelis Build" program was to have advanced from the pilot stage of training several dozens workers every year, to training between 500 and 1,000 workers per year. However, the program is currently not operative due to disagreements between the Ministry of Finance and the Ministry of Industry, Trade and Labor and the employers' representatives.

Issue of the right of foreign workers to a family life

The children of foreign workers in Israel enjoy rights which are considered universal under the United Nations Convention on the Rights of the Child, and they are cared for by the health, welfare and education authorities. However, the right of foreign workers to a family life is not recognized under Israeli law. The status of children of foreign workers who are born in or enter Israel is unregulated, and foreign workers who raise their children in Israel lose their legal status and are liable to be deported from Israel.

Up to April 2011, a procedure of the Ministry of Interior required any female foreign worker giving birth in Israel to remove the child from Israel within 90 days of giving birth, or else lose her status. In April 2011 the Supreme Court repealed this procedure. In February 2012 the Population and Immigration Authority (PIBA) published a new procedure which permits a woman who gave birth in Israel to continue residing in Israel with the child, or to remove the child from Israel and continue working under her permit and in accordance with the PIBA procedures. The procedure also regulates the subject of maternity leave and pregnancy bed rest of foreign female workers²⁶.

²⁵ The Knesset Research and Information Center, Action by the Government and the Employers to Encourage the Employment of Israelis in Foreign-Worker-Intensive Professions, Gilad Nathan, June 26, 2012, (in Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m03084.pdf>.

²⁶ Population and Immigration Authority website, <http://www.piba.gov.il/Regulations/5.3.0023.pdf>.

Regulation of the status of foreign workers' children under government decisions

Government Decision No. 2183 from August 2010²⁷ established guidelines for the submission of applications to examine the status of the children of foreign workers and their first-degree relatives in Israel. As of October 2012, the processing of a substantial number of applications that were submitted on behalf of some 600 minors had not been completed, apart from those applications that were rejected out of hand. In January 2012, the Ministry of Interior submitted to the Special Committee to Examine the Problem of Foreign Workers the following data²⁸:

- 65 applications were rejected out of hand.
- 259 applications meet the criteria.
- 94 applications do not meet the criteria.
- 44 applications are being examined by the advisory committee.
- 239 exceptional applications are awaiting the minister's decision.

In the course of 2012, 159 out of 259 minors who meet the criteria (for themselves and for their family members) received a status, 140 applications were rejected (it should be noted that in several cases, the minor and his mother received a status, but the father did not), and regarding another 300 minors no answer was given. The Ministry of Interior is planning to complete the application examination and decision-making process by the end of the year.

Minors who were born in Israel after the period of the arrangement but before the new procedure in respect of pregnant foreign workers and foreign workers who give birth in Israel came into effect are not eligible for any status, and they and their parents are liable to be deported from Israel.

Integration of foreign workers in Israel

The State of Israel does not regard itself as an immigration country and does not allow the naturalization of temporary foreign workers (except for those who married an Israeli spouse or received a status by virtue of their children receiving a status), nor does it allow them to stay in Israel beyond the period specified in the law (63 months), except in cases that are expressly excluded in the law, the regulations or the procedures of the Population and Immigration Authority.

Signature of bilateral agreements for regulating the importation of foreign construction and agriculture workers

In recent years, several government decisions have determined that in sectors in which bilateral agreements would be signed between the State of Israel and other countries regarding the importation of foreign workers from those countries, only foreign workers from those countries would be brought to Israel to work in those sectors. Pursuant to those decisions, the government of Israel is acting to sign bilateral agreements with sending countries of foreign workers. In 2011, the first such

²⁷ Prime Minister's Office website, <http://www.info.gov.il/LAPAM/PublicAnnouncement/general/shohim.htm>.

²⁸ The Knesset Research and Information Center: Issues Related to Families of Foreign Workers Waiting to Receive a Status in Respect of Their Children, Gilad Nathan, January 17, 2012 (in Hebrew).

agreement was signed in the agriculture sector (between Israel and Thailand and the International Organization for Migration), and at the beginning of 2012 the first agreement was signed in the construction sector with Bulgaria.

The government is seeking to replace the importation of workers through private manpower agencies with the recruitment and importation of workers through the sending countries or the International Organization Migration. This plan has aroused the resistance of the private manpower agencies (manpower companies in the agriculture sector, private agencies in the caregiving sector and corporations in the construction sector).

The agriculture sector

In 2011 an agreement was signed between the government of Israel, the government of Thailand and the International Organization for Migration (IOM) regulating the importation of foreign agricultural workers from Thailand through the organization. In October 2011 the Israeli and Thai governments were to begin publication of the new work procedure, and the first workers arrived in Israel in April 2012.

Implementation of the agreement encountered numerous problems relating to the recruitment of workers in the sending country and their importation to Israel. Nonetheless, all Thai workers who have entered Israel since April 2012 were brought by the IOM and in accordance with the agreement. In light of the small number of workers who have entered Israel thus far under the agreement, in August 2012 the Population and Immigration Authority extended the period of legal residence in Israel of workers who have been in Israel for more than 63 months, up to the end of 2012²⁹. Concurrently with the implementation of the agreement, a significant number of manpower agencies that brokered the employment of foreign workers in the agriculture sector closed down, resulting in the loss of the entity that was responsible for the transfer of agricultural workers between employers, which now takes place without a brokering entity.

In addition to this agreement, which allows agricultural workers to enter Israel under a permanent permit for 63 months, an agreement was signed between the governments of Israel and Sri Lanka regulating the importation of seasonal agricultural workers.

The construction sector

Under an agreement signed between the government of Israel and the Association of Contractors and Builders in Israel, foreign construction workers will be imported to Israel only in the framework of bilateral agreements between Israel and the sending countries. The government of Israel signed an agreement with Bulgaria, and it is in advanced negotiations with Moldova.

Implementation of the agreement with Bulgaria encountered problems, notwithstanding which all Bulgarian construction workers hired in the sector since April 2012 entered in the framework of the agreement.

²⁹ Population and Immigration Authority website,
<http://www.piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/00289.pdf>

The importance of the bilateral agreements lies in the regulation of the recruitment and importation of workers from the sending countries to Israel and the eradication of the illegal collection of mediation fees. Whereas the phenomenon of illegal collection of mediation fees by brokers has been eradicated in the agriculture and construction sectors, in the caregiving sector, in which no agreements have been signed, the phenomenon continues. Care workers from Sri Lanka, for example, pay between 10,000 and 16,000 dollars in unlawful mediation fees, partly in the country of Origin and partly in Israel.

The SAAR unit within the framework of the Lahav 433 unit

In May 2011 it was decided to scale back the activity of the SAAR unit, which is responsible for combating crimes against foreigners. Today, the unit has nine investigators, and it operates on a national basis, in cooperation with the central police units which were given responsibility for combating crime against foreigners in the individual districts.

The SAAR unit operates in several main areas:

- Fight against networks that smuggle illegal migrants into Israel.
- Activity against the counterfeiting of passports and visas for non-Israelis in Israel.
- Fraud by companies against foreigners (e.g.: overcharging, collection of unlawful mediation fees).
- Fraud by individuals against foreigners (mainly swindling).

Supervision of foreign workers in the realm of labor laws

At the time of the establishment of the Population and Immigration Authority, a separation was made between general supervision of foreign workers and employers and legal supervision under the labor and protection laws. The latter supervision was left in the hands of the Department of Supervision of Labor Laws in the Ministry of Industry, Trade and Labor. In 2010, a unit was set up within the department for supervising the rights of foreign workers. This unit was allocated 12 personnel slots. In the course of 2012 the process of filling the inspection positions in the unit was completed. Today, 12 inspectors work in the unit, and they are supposed to ensure the labor rights of all foreign workers employed in Israel, numbering some quarter of a million people. The unit is supposed to receive other five personnel slots, as part of the allocation of personnel slots for increasing enforcement of the labor laws. Consideration was given in the course 2012 to the possibility of eliminating the separate unit that supervises the rights of foreign workers and combining its personnel slots with those of the regular enforcement units in the districts. The matter is still under consideration, and a decision should be made by the end of 2012³⁰.

³⁰ Meir David, Enforcement Supervisor for Foreign Workers, Enforcement and Regulation Administration, Ministry of Industry, Trade and Labor, telephone conversation, October 17, 2012.

Consolidation of the enforcement unit and the Oz unit of the Population and Immigration Authority

In the course of 2012 the two enforcement arms of the Population and Immigration Authority – the enforcement unit, responsible for supervising employers (imposition of fines and institution of administrative proceedings against employers who violated foreign workers' rights), and the Oz unit, responsible for locating illegal foreign workers, their detention for a hearing and removal from Israel – were consolidated.

The work of the consolidated unit is focused mainly on enforcement against foreign workers rather than employers, and it includes: examination of foreign workers' legal status, detention of illegal foreign workers and foreign workers who are not in compliance with the terms of their permit and bringing them for a hearing, and the removal of illegal foreign workers from Israel.

As a result of the consolidation of the enforcement arms, enforcement action against employers of foreign workers has been significantly reduced. In 2011 the enforcement unit opened 1,800 files against employers for violations of foreign workers' rights, whereas in January-October 2012 only 800 files were opened.

Furthermore, the number of fines that were imposed on employers decreased significantly: in 2011, fines for a total of NIS 18,474,750 were imposed on employers, whereas in the first half of 2012 fines were imposed for a total of NIS 6,974,500 (compared to NIS 10 million in the first half of 2011).

3. Palestinian Workers in Israel

3.1 Data

At the end of 2011, approximately 25,000 Palestinians holding permanent work permits and another 5,000 holders of seasonal work permits were employed in Israel. Between the years 2000 and 2011, the percentage of Palestinian workers in Israel dropped by 70% (from 100,000 in 2000 to 30,000 in 2011). Nonetheless, in recent years there has been a moderate rise in the number of Palestinians working in Israel under a permit, mainly in the construction industry. In 2012 the quota of Palestinian workers in the construction industry was increased by 5,000³¹. In September 2012 the government decided to add another 5,000 workers in construction and agriculture. As of October 2012, negotiations are underway between the government and the employers concerning an additional quota for Palestinian workers in the construction and agriculture sectors, with the government interested in having this quota coming at the expense of the foreign worker quotas.

As of October 2012, 42,250 Palestinians held permits for work in Israel, but only 35,124 were actually utilized. Twenty four thousand and five hundred Palestinian workers are employed in construction, 3,000 in agriculture and 2,200 in industry. Five thousand hold a permit for seasonal work in agriculture. In addition, 2,000 Palestinian residents of the West Bank hold a permit to work in East Jerusalem. It should be

³¹ Prime Minister's Office website:

<http://www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4970.aspx>

noted that aside from Palestinian workers who hold a permit to work in Israel, there are several thousand Palestinians who have entered Israel without a permit and are designated as illegal residents.

Palestinian workers in Israel are day laborers, and they enter Israel through the border crossings between Israel and Judea and Samaria. Every Palestinian worker is issued a work permit by the Civil Administration of the Defense Ministry which serves as an entry permit to Israel for purposes of work.

Table 6: Actual Utilization of Palestinian Workers' Permits to Work in Israel

Sector	2011	10.2012
Shift supervisor	50	50
Orchards	2,661	3,268
Hotels in East Jerusalem	183	200
Atarot Industrial Area	1,659	1,686
Healthcare in East Jerusalem	1,490	1,535
Olive harvesting	1,903	1,948
Strawberry harvesting	313	443
Healthcare in Israel	140	171
Persimmon harvesting	157	0
Agriculture (permanent permit)	2,483	2,837
Industry and services	2,101	2,124
Construction	17,757	20,912
Total	30,897	35,124

In addition to the Palestinians working in Israel, Palestinian workers are also employed in Israeli settlements in Judea and Samaria.

**Table 7: Palestinians with Work Permits Employed by Israelis in Judea and Samaria
(Data of the Defence Ministry Civil Administration)**

Sector	2011	10.2012
Construction	12,674	12,364
Services	3,173	3,303
Industry	6,165	6,636
Agriculture	1,541	1,242
Total	23,499	23,545

3.2 Policy changes

Palestinian employment in Israel is affected by the needs of the labor market as well as by national, political and security considerations. The increases in the quota of Palestinian workers decided upon by the government in 2011-2012 and the discussions being held today concerning a possible further increase in the quota are also a function of these factors.

4. Foreign Workers Who Entered Israel Not under a Foreign Work Permit³²

In Israel there is a population of foreigners who entered the country legally on a tourist visa and have remained illegally after their visa expired³³. Experts in the Ministry of Interior and the Ministry of Industry, Trade and Labor estimate that the preponderant majority of these foreigners remain in Israel in order to work. Deporting these foreigners presents a problem, because of the difficulty in locating and identifying them, since, unlike infiltrators and legal foreign workers, tourists who enter the country legally and remain illegally work in a wider range of occupations, over a wider geographical distribution, and do not tend to live in areas typical of foreign workers, illegal migrants and asylum seekers. Foreigners who entered Israel on a tourist visa and remained to work illegally account for 80% of all foreigners working in Israel without a work permit.

Table 8: Foreigners Who Entered Israel on a Tourist Visa since 2001 and Remained after Its Expiry³⁴

Year	2001	2002	2003	2004	2006	2007	2008	2009	2010	2011	2012
Number of illegal residents	139,000	124,000	104,000	97,000	84,000	90,000	107,000	101,000	95,000	92,000	95,000

³² See in greater detail: The Knesset Research and Information Center, The Impact of Foreigners without a Work Permit on the Labor Market in Israel, Gilad Nathan, January 16, 2011, (in Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m02753.pdf>.

³³ See in greater detail: The Knesset Research and Information Center, Deportation of Illegal Foreign Workers from Israel, Gilad Nathan, June 17, 2009, (in Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m02279.pdf>.

³⁴ Source of data for 2001-2004: The Knesset Research and Information Center: Data on Foreign Workers and Laundering of Foreign Workers, Gilad Nathan and Sara Tzwebner, (in Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m01412.pdf>; the Central Bureau of Statistics, http://www1.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=200820147, http://www1.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201020168,

4.2 Policy Changes

The Population and Immigration Authority is responsible for deporting anyone who enters Israel without a work permit and remains in the country after their visa has expired. On August 12, 2008, the 31st government of Israel adopted, among a series of decisions dealing with non-Israeli workers and with increased employment opportunities for Israelis, a decision (No. 3996)³⁵ to deport illegal residents, in which it set December 31, 2013 as the deadline by which the deportation of all illegal workers in Israel and their family members would be completed.

During 2008-2012 the government failed to meet the deportation targets it had set itself, and it also failed to target foreigners who had entered Israel on a tourist visa and remained to work after their visa expired. In 2011, the number of deportations of such foreigners stood at 771, decreasing to a mere 279 in the first half of 2012. Tourists who overstay their visas comprise the largest group of foreigners with an unregulated status in Israel, but the smallest group among deportees.

5. Mixed Migration (Illegal Migrants and Asylum Seekers) and Refugees³⁶

The State of Israel is a migration destination for those considered the client population of the United Nations High Commission for Refugees (UNHCR), mainly through its southern border. Most of those arriving by this route are nationals of African countries, and in recent years – mainly Sudanese and Eritrean nationals. The State of Israel signed and ratified the United Nations Convention on Refugees. Moreover, in the 1970s the Israeli Supreme Court ruled that the principle of non-return of a person to another state where his life or liberty would be endangered applies in Israel (HCJ ruling in case 17/71 and in case 4702/94).

The State of Israel operates an identification mechanism that determines, directly after a person's entry, whether he is entitled to stay in Israel as a non-deportable person. A person who is non-deportable receives a residence permit under section 2(a)(5) of the Entry to Israel Law, which is renewed from time to time. A person who is found to be deportable may submit an individual application to receive a status (asylum seeker). A person whose application for refugee status has been rejected may submit an application to receive a status on humanitarian grounds. **It should be noted that unlike in developed countries, the submission of such an application in Israel entails the payment of a fee (NIS 150 per person).**

The great majority of infiltrators to Israel receive group protection as asylum seekers, since, according to the United Nations High Commission for Refugees, their life or liberty will be endangered if they are returned to their home country or deported back to Egypt (nearly all illegal migrants came to Israel through Egypt).

³⁵ Prime Minister's Office website, <http://www.pmo.gov.il/PMO/Secretarial/bud/des3996.htm>.

³⁶ See in greater detail: The Knesset Research and Information Center, *Policy towards Infiltrators, Asylum Seekers and Refugees in Israel and in European Countries*, Gilad Nathan, May 28, 2012, (in Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m02753.pdf>

The UN High Commission for Refugees determined in the past that if a bilateral agreement would be reached between Israel and Egypt containing Egypt's undertaking not to deport those returned from Israel to their countries of origin, it would be possible to return them to Egypt. It should be noted that attempts were made in the past to reach such an arrangement with Egypt, but so far without success.

Those entitled to group protection receive a residence permit, allowing them the right to stay in Israel, in addition to which they are entitled to the rights granted to any person by virtue of staying in Israel, regardless of their civil status, such as emergency medical treatment (under section 3(b) of the Patient's Rights Law, 1996). Furthermore, all foreigners working in Israel are subject to its labor laws, regardless of their status.

Minors in this population are entitled to health, education and welfare services, since these are considered universal rights under the United Nations Convention on the Rights of the Child; however each ministry has discretion in interpreting the obligations of the state under the convention. Thus, whereas the Education and Health Ministries grants every minor access to a basket of basic services, the Welfare Ministry applies a narrow interpretation, granting services only in extreme cases.

5.1 Data

In 2011 the uptrend in the number of infiltrators crossing into Israel from Egypt continued. In the first months of 2011 the number of infiltrators decreased to 400 per month, but in May 2011 the scope of infiltration through Egypt began to rise again, reaching in the course of the year a record number of 16,839 infiltrators entering Israel through the Egyptian border.

While 2012 began in similar fashion to the second half of 2011, the second half of the year saw a significant drop in the number of infiltrators to Israel: whereas in the first half of the year the number of infiltrators stood at 1,500 per month, in July-August their number stood at about 200, declining in September-October to several dozens.

There are several reasons for this decrease:

- Enforcement measures against the population of asylum seekers and long-term detention (at least nine months) of infiltrators immediately on their arrival have reduced Israel's appeal as a destination.
- The increasing difficulty of finding work in Israel.
- The building of a fence along most of the border with Egypt that prevents unrestricted passage over an open area into Israel.
- IDF action that prevents the entry of infiltrators through areas that have not been fenced off.
- The security situation in the Sinai Peninsula.

As noted, the great majority of infiltrators to Israel receive group protection as asylum seekers, since, according to the United Nations High Commission for Refugees, their life or liberty will be endangered if they are returned to their home country or deported back to Egypt (nearly all illegal migrants came to Israel through Egypt and should have applied for refugee status in that country).

A majority of the infiltrators are Eritreans – continuing the trend since 2010. According to figures for April, 57% of infiltrators in that month arrived from Eritrea (34,000), 26% from Sudan (15,600), and the remainder from other African countries such as Ivory Coast and Ethiopia. Infiltrators crossing from Egypt also included a small number of individuals from non-African countries, such as Georgia, Turkey and North Korea. Sixty seven percent of all infiltrators over the period January-April 2012 arrived from Eritrea and 28% from Sudan³⁷. Entrants into Israel from Sudan (except those arriving from South Sudan) are eligible for group protection by the very fact of their entry to Israel, and not necessarily due to their situation in Sudan.

Table 9: Number of Illegal Migrants and Asylum Seekers Entering Israel in Recent Years

	End 2006	2007	2008	2009	2010	2011	Sep. 18, 2012	Total
Number of infiltrators	2,814	5,393	9,171	5,307	14,748	17,175	9,879	64,487
Annual rate of increase		190%	110%	26%	65%	41%	14%	

A person who has been found eligible for group protection may not submit, while eligible for such protection, an application for an individual status examination. The Population and Immigration Authority believes that 85% of all illegal migrants and asylum seekers are eligible for group protection. It should be noted that the State of Israel makes extensive use of temporary group protection, granting it to people who by its definition are in a long-term refugee-like state.

Infiltrators to Israel account for 0.18% of the UNHCR's client population. Despite the significant rise in the number of mixed migrants coming to Israel in recent years and the substantial increase in the number of people in a refugee-like state who are entitled to group protection, as well as asylum seekers, the State of Israel is not among the world's main destination countries for such migration.

Infiltrators to Israel across the Egyptian border are mainly Eritreans and Sudanese. In April 2012, 34,000 Eritreans and 15,600 Sudanese were residing in Israel. Below is an estimate of the number of those eligible for group protection and those protected from deportation in recent years:

³⁷ Population and Immigration Authority, Data on Foreigners in Israel, retrieval date: May 31, 2012.

Table 10: Population of Illegal Migrants and Asylum Seekers Based on Estimate of the Population and Immigration Authority, 2009-2012

	2009	2010	2011	May 2012
Sudan	4,300	7,180	12,325	14,850
South Sudan	1,250	1,310	1,390	
Eritrea	9,660	20,200	31,320	36,770
Ivory Coast	2,030	2,025	2,220	No longer eligible for protection
Congo	390	410	440	440
Total number of protected migrants	17,630	31,130	47,700	53,500
Total number of illegal migrants and asylum seekers	22,000	37,000	55,000	62,000 (including 2,200 who are Ivorian nationals)
Of which those ineligible for group protection	4,400	5,850	7,300	8,500

As noted, the majority of infiltrators to Israel are eligible for group protection. Among those who are not eligible for group protection asylum seekers account for a notable proportion. From 2009 until May 2012, 10,400 people submitted an application for asylum in Israel. Sixteen applications were accepted, and the applicants were granted refugee status (three of them in 2012). Three thousand applications are still being processed, and the processing of 500 applications was discontinued due to the applicant's departure from Israel or a change in his residency status (receipt of a humanitarian status or living with an Israeli resident). The Population and Immigration Authority rejected 6,500 applications – 3,900 outright, 2,500 in summary procedure (recommendation of the committee chairman or the committee's members, without any frontal hearing of the application), and 100 were rejected following a frontal hearing before the committee.

The rate of asylum seekers who received a status in Israel, out of all applications on which a decision was reached, is 0.25% (16 out of 6,516). For the sake of comparison, in the European Union countries, 25% of asylum seekers receive a status. The percentage of those receiving refugee status around the world in the years 2010-2011 was 30% (excluding those whose application was rejected and who received a status following an appeal, thus it is reasonable to assume that the percentage of recipients of a status is higher)³⁸.

³⁸ United Nations High Commission for Refugees, Global Trends 2010.

The State of Israel has not set quotas for refugees and asylum seekers and it recognizes both based on its commitment to the UN Convention on Refugees. Apart from recipients of refugee status, there are asylum seekers who receive welfare within the framework of the inter-ministerial committee on humanitarian matters. Between 2005 and November 2011 the committee awarded a status to 630 people.

Table 11: Main Countries with an Eritrean and Sudanese Migrant Population (2011)

	Total number of refugees and asylum seekers	Israel	Kenya	Ethiopia	Uganda	Chad	Italy	Sudan	South Sudan
Eritrea	266,126	31,000	-	54,896	-	-	11,206	100,464	-
Sudan	531,220	14,350	17,568	45,286	18,286	298,311		-	76,845

Table 12: Eritreans and Sudanese Belonging to the Client Population of the UNHCR in Israel³⁹

	Client population worldwide	Client population in Israel (2011)	Client population in Israel (April 2012)	Main destinations of client population	Percentage of client population in Israel out of total client population (2011)
Eritrea	266,126 refugees and asylum seekers	31,000	34,000	Yemen, Israel, Ethiopia, Italy	11.6%
Sudan	3,283,139 client population; of which 531,220 refugees and asylum seekers	14,350	15,600	Chad, Ethiopia, Uganda, Kenya	2.7%

It should be noted that Israel's share in entries of Sudanese and Eritreans is significantly greater than the share of the developed countries. About 50% of all Eritreans and 63% of all Sudanese who claim eligibility for asylum or who are in a

³⁹ Population and Immigration Authority website, [Data on Foreigners in Israel, April 2012](#); [Data on Foreigners in Israel – Summary 2011](#); [Data on Foreigners in Israel – Summary 2010](#); United Nations High Commission for Refugees, [Global Trends 2011](#), retrieval date: June 18, 2012.

refugee-like state, and reach one of the developed countries, arrive in Israel. **It should be noted that Sudan and Eritrea are not included among the ten main countries from which asylum seekers come to the 44 developed countries. Furthermore, the vast majority of Eritrean and Sudanese asylum seekers do not go to the developed countries (see tables 8 and 11).** Eritreans go mainly to Yemen and to neighboring countries in Africa, and Sudanese – to neighboring countries in Africa.

5.2 Policy changes

Lack of a coherent policy on the population of asylum seekers

Israel has a growing population of people without permanent status, regarding which it has still not formulated any policy, apart from granting them a right of residence based on a residence permit. Illegal migrants and asylum seekers have a basic right that is not officially entrenched – the right to work (they are allowed to work through a policy of non-enforcement against employers, according to the state's response in HCJ 6312/10). The population of illegal migrants and asylum seekers lives within the jurisdiction of several local authorities from which it receives services, mainly education services for minors, including integration of the children into the education system and transport for special-needs children. The state virtually does not participate in funding these services, and the authorities bear almost the entire burden. The State of Israel has not formulated a policy for coping with the phenomenon of mixed migration to Israel, nor has it formulated a policy regarding those found eligible for group protection, including the manner of termination of the group protection. The State of Israel does not have a refugee quota, and refugee status is awarded only to a few people every year. The government has recently been examining several legislative possibilities or supporting private legislation intended to impose restrictions on those residing in Israel as asylum seekers or as non-deportable people, such as stronger punishment of those who employ workers from among migrants without a work permit, or limiting the possibility of infiltrators to Israel to send money out of the country as long as they are staying in it, as well as a limit on the amount of money they are able to send out.

The Supreme Court recently dealt with this issue. In its ruling in case 8908/11, handed down on July 17, 2012, the justices joined in the opinion of Justice E. Hayut regarding the necessity of defining the status of those receiving group protection in Israel (emphasis added)⁴⁰:

The respondent (the State of Israel) refrained from confirming in its arguments that we are in fact concerned with 'temporary protection,' with all the constructions (non-uniform, one must say) placed on this concept in the different countries, and it emphasizes that we are concerned with a policy that is limited to nothing other than 'temporary non-deportation', without any clear rules and procedures having been

⁴⁰ Administrative Petition Appeal 8809/11 Nesent Argai Asafu and Morwerk Almo Aila v. Ministry of the Interior, May 2, 2012, retrieval date: July 22, 2012.

established alongside in relation to the rights of those 'non-deportable' people during their stay in Israel.

This is manifestly an undesirable situation. The normative fog creates extremely onerous uncertainty as far as concerns the people themselves, who sometimes stay in Israel by virtue of said policy for substantial periods of time. The courts as well for this reason are frequently forced to deal with various and diverse questions and situations, created by the nature of things by the realities of life, that relate to the rights of these people – as witness the present case. Given the dimensions of the phenomenon, it would be advisable to regulate the matter in some way, even if only by procedures and guidelines that relate, *inter alia*, to the basic rights of those people while staying in Israel."

Government decision from December 11, 2011 for stopping illegal infiltration into Israel

In its meeting on December 11, 2011, the government adopted a resolution for stopping illegal infiltration into Israel (the resolution has still not been given a number). The resolution contains several items, among them⁴¹:

- Advancing the date of completion of the work on the Israel-Egypt border fence to October 2012. NIS 280 million has been allocated for this purpose. It should be noted that already before this resolution was adopted, the date of completion of the fence's construction was set for the end of 2012. Resolution implementation status: The construction of the fence is nearing completion, but as of October 2012 it had still not been completed.
- The government tasked the Minister of Justice, the Minister of the Interior and the Minister of Defense with acting to complete the amendment to the Prevention of Infiltration Law, 5714-1954, within 14 days. Resolution implementation status: The law was amended in the course of 2012.
- Expansion of the Saharonim detention facility to 5,400 places, and acceleration of the construction of the new facility. The facilities will be operated by the Israel Prisons Authority. In accordance with the government resolution, the operation of the new facility is to begin no later than six months after the date of adoption of the resolution. Resolution implementation status: The Saharonim facility was expanded, although not to 5,400 places, and the construction was not completed within six months.
- Instruction of the Population and Immigration Authority to prepare to act against employers of infiltrators. The Prime Minister will determine when the enforcement will begin, in consultation with the Minister of the Interior, Minister of Public Security, Minister of Finance, Minister of Justice and

⁴¹ Notice of the Government Secretary, Prime Minister's Office website, <http://www.pmo.gov.il/PMO/Templates/Spokesman.aspx?NRMODE=Published&NRNODEGUID=%7b55DBAD5D-A370-43B6-B634-A4813C52887A%7d&NRORIGINALURL=%2fPMO%2fSecretarial%2fGovmes%2f2011%2f12%2fgovmes111211%2ehtm&NRCACHEHINT=Guest#six>, retrieval date: December 12, 2011.

Minister of Industry, Trade and Labor, and with the agreement of the Attorney General, having regard to all the circumstances of the case, including the state's undertaking in HCJ 6312/10 to give 30 days' notice before starting the enforcement actions, and according to the order of priorities to be determined with respect to the employment of infiltrators, until a solution is found. Resolution implementation status: Thus far no solution has been found, the those eligible for group protection and asylum seekers continue to work without the enforcement of the law.

- Return of infiltrators to their home countries or deportation to other countries: The Director General of the Prime Minister's Office will be tasked with coordinating the work of the government ministries for promoting contacts with countries of origin for the safe return of infiltrators staying in Israel, or their deportation to other countries, including the encouragement of voluntary departure, and reporting to the security cabinet, every 90 days from the date of adoption of this resolution, regarding progress in the matter. Resolution implementation status: **The State of Israel does not comply with the accepted criteria among countries that share the burden, for sharing in the burden, and it has not set itself a quota of refugees. Furthermore, thus far no way has been found to arrange for the safe return of infiltrators.**

Legislative changes⁴²

Prevention of Infiltration Law (Violations and Adjudication), 1954:

- The Prevention of Infiltration Law (Violations and Adjudication) (Amendment No. 3 and Temporary Order), 2012 was passed by the Knesset on January 9, 2012.
The amendment to the law provides for the internment of infiltrators to Israel for a period of three years. During the period of custody, **the state must begin to examine the request for asylum of a person held in custody within three months**, and to complete the examination within nine months. If it does not do so, the asylum seeker may be released on bond.
- The Prevention of Infiltration Law (Violations and Adjudication) (Prohibition on Transferring an Infiltrator's Funds Outside Israel), 2012.
A proposed amendment to the law that would enable limiting the transfer of money from Israel by infiltrators to the country. The law limits the amount a person is able to transfer from Israel, if he has not received the status of a refugee in it, to the minimum wage multiplied by the number of months of his stay in Israel. The legislative process has still not been completed.
- Prevention of Infiltration Bill (Amendment No. 4).
A private bill supported by the government that has passed the first reading. The bill, which prohibits the employment of infiltrators (originally, it was also

⁴² Adv. Noa Brodsky-Levy, Legal Advice and Legislation Department, Ministry of Justice, letter, September 20, 2012; Adv. Oded Feler, Association for Civil Rights in Israel, email, August 9, 2012; Adv. Gilad Keren and Adv. Noa Ben Shabbat, Knesset Legal Department, October 30, 2012.

intended to prohibit overnight accommodation and transport), is conditional on the construction of a detention facility.

The legislation dealing with people arriving in mixed migration is enacted within the framework of the Prevention of Infiltration Law, and it basically imposes limitations on infiltrators to Israel. The existing legislation and the government bills do not thus far advance the regulation of issues such as the definition of the rights and obligations of the recipients of temporary group protection.

Employment policy⁴³

Illegal Migrants and some of the Asylum Seekers come to Israel mainly because of better earning opportunities than in the neighboring countries. As noted, most migrants receive a residence permit based on their eligibility for group protection. The residence permit is not a work permit and does not confer on asylum seekers a right to work in Israel, **but nevertheless almost all holders of a residence permit are engaged in work.**

The lack of clarity on the employment rights of illegal migrants and asylum seekers, compounded by the absence of enforcement against employers in sectors and employment centers with a high percentage of unauthorized workers, and by the failure to educate both employers and migrant workers on the subject, are apparently key reasons why forms of criminal abuse which formerly were practiced against documented foreign workers are today the subject of complaints among undocumented workers.

As noted, the possibility of working in Israel is a strong drawing point for infiltrators. Demand on the part of employers is not abating, which also contributes to the uptrend in the number of illegal migrants and asylum seekers. The demand stems, *inter alia*, from the willingness of the illegal migrants and asylum seekers to work in conditions that are inferior to accepted conditions in Israel, and even to those prescribed in the law, as well as without documentation or reporting. The demand for these workers in certain sectors is a major factor in the expansion of the infiltration phenomenon. This population is not aware of its rights, and the enforcement entities in charge of enforcing the labor laws with respect to foreign workers in Israel do not enforce their rights⁴⁴. The possibility of exploiting foreign workers, paying them less than the minimum wage and employing them in violation of the Hours of Work and Rest Law, sector collective agreements and protective labor laws are among the main laws reasons for the preference of foreign workers over Israeli workers.

Holding unaccompanied minors in detention facilities

Unaccompanied minors who have entered Israel as infiltrators are cared for in state frameworks. The quota allotted by the state for unaccompanied minors in frameworks

⁴³ See in greater detail: The Knesset Research and Information Center, Enforcement of the Prohibition on Employing Illegal Migrants and Asylum Seekers, Gilad Natan, February 17, 2011 (in Hebrew).

⁴⁴ See in greater detail: The Knesset Research and Information Center, Supervision to Ensure the Working Rights of Foreign Workers, Gilad Natan, August 15, 2011 (in Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m02953.pdf>.

of the Welfare and Education Ministries is full, and the overflow of minors is being kept in detention facilities, still in 2012.

Termination of group protection for South Sudanese and Ivorian nationals⁴⁵

On January 31, 2012, the Population and Immigration Authority announced that beginning on April 1, enforcement measures would be taken against South Sudanese nationals who would not leave Israel by March 31, 2012. The PIA stated that whoever would leave voluntarily by that date would receive a grant of 1,000 euros per person.

Sixty days were allocated from the day of the announcement until the termination of the group protection provided to asylum seekers from South Sudan. In the past, asylum seekers residing in Israel under group protection (e.g. from Liberia and Sierra Leon) had a year in which to prepare to return to their country. During April-July more than 1,000 South Sudanese nationals were deported from Israel.

The deportation process was subject to public criticism, as regards the deportation per se and as regards the fact that the deportees were not allowed to remove most of the equipment and assets they had acquired in Israel, including also medications.

Plan for the internment of persons eligible for temporary group protection who have already entered Israel

In the second half of 2012, Minister of Interior Eli Yishai announced his plan for the internment of persons staying in Israel by virtue of their eligibility for temporary group protection. As of October 15, 2012, this plan had not been implemented. A petition was filed against the plan in the Administrative Court, but it was struck out after the state informed the court that at present there is no change or plan for any change in the existing state of affairs. The state undertook that any change in the existing state of affairs would be published by the Population and Immigration Authority at least 30 days from the date of the notice of the policy change. The court issued a decision noting the state's declaration⁴⁶.

Crime among foreigners, including those included in the population of illegal migrants and asylum seekers⁴⁷

During 2010-2012, a broad public debate was conducted on the issue of crime among foreigners, and mainly crime among the population of Eritreans and South Sudanese eligible for group protection in Israel. **Studies conducted by the Knesset Research and Information Center show that crime rates among the population of foreigners in Israel is lower than among the general population in all parameters** (files opened, detention of suspects, proceedings reaching the courts and convictions). Nevertheless, there is a

⁴⁵ See in greater detail: The Knesset Research and Information Center, Termination of Group Protection for Asylum Seekers from South Sudan, Gilad Nathan, March 4, 2012, (in Hebrew) <http://www.knesset.gov.il/mmm/data/pdf/m03026.pdf>.

⁴⁶ State's response: Association for Civil Rights in Israel, <http://www.acri.org.il/he/wp-content/uploads/2012/10/tguva-of-state-to-petition-re-Sudanese-25.10.12.pdf>.

⁴⁷ See in greater detail: Crime among Foreigners and Crime against Foreigners in Israel, Gilad Nathan, June 21, 2012 (in Hebrew).

steady rise in crime rates among the population of foreigners, mainly within the community, in some parameters the rise is higher.

Health services for foreigners without medical insurance

Recent years have seen increasing use by medically uninsured non-Israelis of the Israeli public health system. Discussion of the issue of the treatment of this population is still underway in inter-ministerial committees (since 2010-2011), but in light of the awareness of the availability of health services among this population (not only although mostly illegal migrants and asylum seekers), the Ministry of Health decided to set up, on the basis of the volunteer doctors' clinic located in the Tel Aviv area, a permanent clinic with the full funding of the ministry, that will provide preliminary treatment to non-Israelis who lack medical insurance.

The clinic will begin operating on January 1, 2013, at an annual budget of NIS 3.6 million. The clinic, which will operate in the same way as a health fund clinic, will have a doctor, a pediatrician and nurses on hand throughout the week. It will also include a laboratory, an X-ray institute and a pharmacy. The distribution of medications free of charge is factored into the clinic's budget. The clinic will operate six days a week. It will refer to the hospital anyone in need of additional treatment, but (unlike health fund clinics) it will not be able to commit to funding the treatment⁴⁸.

6. Emigration from Israel⁴⁹

There are several estimates of the number of Israelis living abroad. Based on answers received from the Central Bureau of Statistics, Ministry of the Interior, National Insurance Institute, Ministry of Foreign Affairs and Ministry of Immigrant Absorption, **there is today no one authoritative figure as to the number of Israelis living abroad, and the information regarding the size of this population is based on estimates that were made by various entities, each of which referred to a different definition and used a different data collection method.**

The data provided to us by the entities noted above show that in 2011, the number of Israelis living abroad ranged between 226,980 (according to data of the Interior Ministry and 750,000 (according to Ministry of Absorption assessments), while the Central Bureau of Statistics and the National Insurance Institute refer to a figure of more than half a million. It should be noted that in 2003, the Consular Department in the Ministry of Foreign Affairs estimated the number of Israeli living abroad at 650,00 at least.

⁴⁸ Dr. Michael David, Director of the Public Health Department, Ministry of Health, telephone conversation, October 21, 2012.

⁴⁹ Source of data in this section: The Knesset Research and Information Center, Number of Israelis Residing Abroad, Flora Koch-Davidson, Social Worker, March 11, 2012, (in Hebrew) <http://www.knesset.gov.il/mmm/data/pdf/m03082>.

Some Israelis living abroad for an extended period will notify the Ministry of the Interior that they have ceased being residents. Below are data of the Ministry of the Interior regarding Israeli citizens who declared that they had ceased to be residents:

Table 13: Individuals with the Status "Ceased Being a Resident," 2005-2011

Status/year	2005	2006	2007	2008	2009	2010	2011
Number of individuals with the status "ceased being a resident"	199,626	204,608	208,963	217,423	221,248	224,231	226,980
Annual rate of increase		2.5%	2.1%	4%	1.7%	1.3%	1.2%

It should be noted that the Ministry of Interior itself acknowledges that this information is incomplete, since, for the most part, Israelis who move their center of life abroad do not tend to make this declaration. This status is given pursuant to a person's declaration that he has transferred his center of life outside Israel – except in the case of an Israeli citizen who was born abroad and never lived in Israel.

The National Insurance Institute defines as a non-resident any person eligible to be a resident of Israel who has not lived in Israel for more than five years. It should be noted that the National Insurance Institute does not compile data on the deaths of non-resident Israelis. Below are data of the National Insurance Institute:

Table 14: Non-Resident Israelis, 2005-2011

Status/year	2005	2006	2007	2008	2009	2010	2011
Non-resident	268,315	310,078	400,381	428,115	452,035	486,595	521,725
Of which: age 75 and up	14,137 (5%)	17,092 (6%)	37,189 (9%)	40,451 (9%)	43,975 (10%)	47,763 (10%)	52,960 (10%)
Annual rate of increase in total number		15.5%	29.1%	6.9%	5.6%	7.6%	7.2%

7. Appendices:

1. Labor immigration in Israel

	Total (All the number's are in thousands)	Infiltrators including Asylum Seekers from Africa	Workers who entered Israel without Working Visa	Workers who entered Israel with working Visa
1995	110	-	46	64
1996	164	-	74	90
1997	164	-	75	89
1998	187	-	94	93
1999	187	-	102	85
2000	214	-	128	86
2001	243	-	139	104
2002	236	-	124	102
2003	189	-	104	85
2004	178	-	98	80
2005	178	-	80	98
2006	191	1	84	102
2007	196	6	90	110
2008	237	15	107	115
2009	239	20	101	118
2010	215.5	30	95	90.5
2011	237	55	92	90
06/2012	245	65	92	88

2. Agriculture⁵⁰

	Palestinians	Foreign	Israeli	Total
1995	6,000	13,000	50,600	69,600
1996	6,100	18,000	44,500	68,600
1997	7,800	17,000	42,200	67,000
1998	11,100	17,000	41,300	69,400
1999	9,900	17,000	43,100	70,000
2000	10,000	22,000	42,200	69,200
2001	4,000	28,000	36,500	62,500
2002	3,000	28,000	36,700	67,700
2003	3,200	28,000	36,300	67,500

⁵⁰ 2008-2011 – Including seasonal workers.

2004	3,500	28,000	40,200	71,700
2005	3,500	26,000	40,700	70,200
2006	3,500	26,000	36,100	65,600
2007	4,000	28,000	36,200	68,200
2008	4,500	(23,900) 28,000	39,400	67,800
2009	5,250	(24,800) 27,500	40,100	70,250
2010	8,000	(23,500) 26,000	47,100	81,100
2011	9,500	(23,500) 26,000	42,600	78,100
06.2012	11,000	(22,000) 25,400	51,300	84,400

3. Construction⁵¹

	Foreign	Palestinians	Israeli	Total
1989	-	56,000	71,600	127,600
1992	-	85,900	107,600	193,500
1993	6,000	61,000	118,300	185,300
1994	21,200	46,900	125,000	193,100
1995	45,500	38,000	144,100	227,600
1996	62,100	33,100	149,900	245,100
1997	68,400	42,400	146,700	257,500
2000	62,500	57,800	116,600	236,900
2001	79,100	23,400	117,000	219,500
2002	79,500	13,100	118,700	211,200
2003	60,100	18,000	129,800	207,900
2004	48,800	15,500	128,700	193,000
2006	34,900	18,500	134,400	187,800
2007	33,000	22,500	150,200	205,600
2008	36,400	26,600	150,700	213,700
2009	(33,400) 8,000	(27,200) 15,500	144,000	(205,600) 167,500
2010	(7,000) 10,000	(20,000) 19,500	173,000	(203,000) 199,500
2011	9,500	19,500	163,300	192,000
06.2012	7,300	24,500	165,000	196,500

⁵¹ 2009-2010 quota of foreign and Palestinian include illegal workers.

4. Naturalization in Israel 2009-2012

	Total	Olim (Permanent Immigration)	As a Result OF Marriage or Birth	People Who live in Israel Legally and apply for Citizenship	Other
2009	21,251	17,657	2,588	541	465
2010	21,590	19,629	2,912	677	372
2011	18,772	14,234	2,530	619	389
09.2012	14,555	11,500	2,172	556	327
Total	76,168	62,020	10,202	2,393	1,553