



Labor Migrant Recruitment Practices in Israel

FINAL REPORT

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PREFACE

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1. INTRODUCTION

Since the late 1970s, the global economy has been characterized by liberalization of trade, services, investment, and capital, but also by transnational movements of people in search of better lives and employment opportunities in developed countries (Sasken, 1988, 1999; Castles and Miller, 1993; Cornelius et al, 1992). Population decline and population aging in many destination countries coupled with labor shortages in the secondary sector of the economy are among the main factors initiating and perpetuating migration flows. While rich countries have outsourced to developing economies part of their industrial production and many of their services (e.g. call centers), there are still sectors in the economy of receiving societies that cannot be outsourced abroad but need the importation of a low-cost and “flexible” labor force to work in what is known as the 3D (dirty, dangerous, and demeaning) jobs in the secondary sector of the economy.

Accordingly, there has been a growth in temporary migrant worker programs in a number of receiving countries in North America, Western Europe, Asia, and the Persian Gulf. Responding to this increasing demand, millions of women and men leave their homes each year and cross national borders seeking higher wages and better employment opportunities. In 2010, the International Labor Organization (ILO) estimated the number of international migrants at 214 million, representing 3 percent of the global population, with women making up almost 50 percent of current migration flows. Migrant workers represent 90 percent of these migration flows (ILO, 2010).

Though international organizations¹ have designed legal instruments to regulate

¹ The main standards protecting migrant workers come from the United Nations agency devoted to labor issues, the

migrants' conditions of recruitment and employment, these instruments provide inadequate protection because since they were first adopted the labor migration landscape has changed. One of these changes has to do with the state's declining significance in the recruitment of migrant labor and the concomitant rising importance of private agents and intermediaries. This has caused the cost of migration to escalate, leaving migrants vulnerable to exploitation and rights abuse by the intermediaries on whom they depend to get a job at the destination country (see e.g. Cholewinski, 2005; Agunias, 2009, 2010).

These intermediaries (recruiting agencies, sub-agents or brokers) are part of what is called "the migration industry" or "the migration business" which consists of actors and institutions that make a profit from the commodification of labor migration (Salt and Stein 1997; Hernandez-Leon, 2005; Krissman, 2000, 2005). It comprises activities such as labor recruitment, trafficking, smuggling, and the provision of legal services to immigrants, as well as transportation, communication, and remittance services (Hernandez-Leon 2005). It has been argued that when the migration industry undergoes institutionalization, it becomes a social structure capable of supporting international migration on a mass scale (Hernandez-Leon, 2005).

International Labor Organization (ILO). The ILO has two legally binding instruments relating to migrant workers: Convention No. 97 of 1949 (C97) concerning Migration for Employment, and Convention No. 143 of 1975 (C143) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. Both are complemented by non-binding recommendations. In addition, the United Nations, which has a broad mandate to protect human rights, adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) in 1990; it came into force in July 2003. Like the ILO instruments, it covers the entire migration process. Only twenty-seven states have ratified the ICMW, however, none of them major receiving countries (Cholewinski, 2005).

Thus far, most immigration studies have overlooked the role of the migration industry in the origination and perpetuation of migration flows, failing to take it into account in their analytical frameworks and data collection.² Indeed, a scrutiny of the literature on migration reveals that little is known about the actors and institutions involved in different stages of the migration process, the ways in which the industry operates, how the actors involved profit from labor migration recruitment and placement, and how they mobilize migrant networks in order to perpetuate migration flows.

Our report aims to fill the gap by focusing on the special case of labor migration to Israel. It is already well known that migrants arriving in Israel are vulnerable to abuses in the recruitment process such as the charging of excessive fees and deliberate misinformation about the working and living conditions in the country of employment.³ Since 2002, Israel has been placed in the Tier 2 category of countries that according to the US State Department Report on Trafficking in Persons (TIP) have made efforts to combat trafficking in human beings but have yet to comply fully with the minimum requirements.⁴ According to the 2006 TIP Report, Israel belongs to the group of countries in which the phenomenon is strongly marked: “Some foreign laborers enter into Israel for labor under conditions that constitute trafficking. Some laborers are subjected to debt bondage and restriction on their movements, including employer confiscation of their passports” (US Department of State, 2006:194). After arrival, abuses can also result in late payment of wages, unsafe working environments, restrictions on freedom of movement, and, in some cases, physical or sexual intimidation (State Comptroller, 2010). It is in light of the

² See Salt and Stein, 1997; Abella, 2004; Krissman, 2005; and Hernandez-Leon, 2005 for exceptions.

³ See Natan, 2007, 2009_b, 2011.

⁴ See <http://www.state.gov/documents/organization/142983.pdf>.

growing concern for migrants' rights abuse that this report seeks to formalize what is still largely fragmentary information on recruitment practices and working conditions of labor migrants arriving in Israel.

The present report examines the practices involved in the recruitment of Southeast Asian labor migrants arriving in Israel to work in three sectors: domestic caregiving (from the Philippines, Nepal, and Sri Lanka), agriculture (Thailand), and construction (China). The report's focus is on the problems and abuses that arise during the recruitment process and on the migrants' working and living conditions after arrival in Israel. The goal is to identify the main problems and to offer recommendations in order to enhance protection of the migrant workers' rights.

The report is divided into eight sections. Section 1 provides an overview of labor migration to Israel, focusing on trends in migration flows and in the granting of work permits by sector of employment; on the legal background of migrant labor recruitment. Section 2 presents the socioeconomic characteristics of labor migrants prior to arrival and their reasons for migrating to Israel. Section 3 focuses on the recruitment of migrant workers to Israel, identifying the main actors and institutions involved in the process. Section 4 discusses the recruitment fees paid by the migrants and the ways in which the latter finance the high costs of migration. Section 5 discusses the migrants' training in their countries of origin and their pre-departure screening at the local Israeli embassies. Section 6 examines the issue of contracts, focusing on the extent to which contracts are signed, the nature of the contracts, and the prevalence and nature of contract violations after arrival. Section 7 describes the violation of labor migrants' rights in Israel. In Section 8 we offer recommendations in order to enhance the protection of migrant workers' rights throughout the recruitment and migration processes.

Finally, the study's methodology is presented in Appendix A.

1. Labor Migration in Israel

Overseas labor migration is a relatively new phenomenon in Israeli society. Until the end of the 1980s Palestinian daily commuters from the West Bank and the Gaza Strip comprised almost seven percent of the entire Israeli labor force. They were recruited after the 1967 Six-Day War to perform mostly menial, low-status, manual jobs in the secondary sector of the economy, mainly in construction, agriculture, and services (Semyonov and Lewin Epstein, 1987; Bartram, 1998).

The outbreak of the first Intifada (Palestinian uprising) in 1987 created a shortage of labor in low-status positions when the entry of non-citizen Palestinian workers into Israel was prevented because of imposed closure or self-imposed strikes. These events, coupled with strong pressure exerted by employers in the construction and agriculture sectors, set in motion the process which has led to the massive organized recruitment of overseas labor migrants since the early 1990s (Kemp and Rajman, 2008). Since then, the share of foreign workers in the Israeli labor market has grown constantly and rapidly. Whereas in 1993 migrant workers comprised only 1.6 percent of the Israeli labor force (Rajman and Kemp, 2007), by 2010 their share increased to 10 percent, placing Israel at the top of the industrialized economies most heavily dependent on foreign labor. According to Israel's Central Bureau of Statistics, the total number of foreign workers residing in Israel in 2010 was 211,500 (116,500 with a work permit, 95,000 without). Overseas labor migrants were formally recruited for three main sectors: construction (in the 1990s mainly from Romania and Turkey, but currently mainly from China), agriculture

(from Thailand), and domestic caregiving (mainly from the Philippines, but lately also from India, Nepal, Sri Lanka, and Moldova).

1.1 Trends in Work Permits

Quotas in the provision of permits are a central regulatory means by which the government can determine the extent of labor migration as well as its nature and composition. While the agriculture and construction sectors have been assigned annual quotas, the caregiving sector has no limitations on work permits, based on the understanding that with longer life expectancy, the need for nursing caregivers for the elderly would only increase over the years (Ofir et al. 2000).⁵ Unlike the construction and agriculture sectors, where labor migrants were quite clearly meant to replace Palestinian workers, the recruitment of labor migrants to the domestic caregiving sector created an entirely new employment “niche” exclusively populated by non-national workers.⁶ The Long Term Care Insurance Act, which came into effect in April 1988, marked the starting point for large-scale migration of caregiving workers into Israel. The Act permitted those in need of geriatric care to hire non-Israeli care workers, allowing the elderly to continue living in their familiar familial and social environment.⁷

Figure 1.1 and Figure 1.2 display trends in work permits issued in Israel according to

⁵ See also Knesset Committee for the Examination of the Problem of Foreign Workers, 30 May 2011 Protocol No 53.

⁶ Experts in other areas such as industry, hostelry, and services are granted special permits according to employers’ request (Fisher, 1999).

⁷ Policymakers and the public alike favored caring for the elderly within the community over institutionalizing them in special homes. Employing care workers is also more cost-efficient, especially when they are non-national workers whose employment costs are especially low (Eckstein 2008, p. 105).

employment sectors. The data show that while in 1996 the construction sector was the largest employer of migrant workers (58 percent of all permits), by 2009 the caregiving sector has became the main recipient of work permits with more than half of the total permits granted that year. The agricultural sector has remained quite stable over the last decade with roughly a quarter of all permits. The recent redistribution of quotas and permits among the sectors undoubtedly indicates a change in the power balance between employers and state agencies and highlights the government's ability to determine which sectors to benefit (see Raijman and Kemp, 2007).⁸

⁸ The construction sector, in recession since the mid-1990s, has borne the bulk of the costs of the 'Closed Skies' policy (implemented in 2002) aimed at reducing the number of foreign workers in Israel. The recession, coupled with the new policy, has caused the large and established construction companies to transfer their activities overseas (Kemp and Raijman, 2008).

Figure 1.1

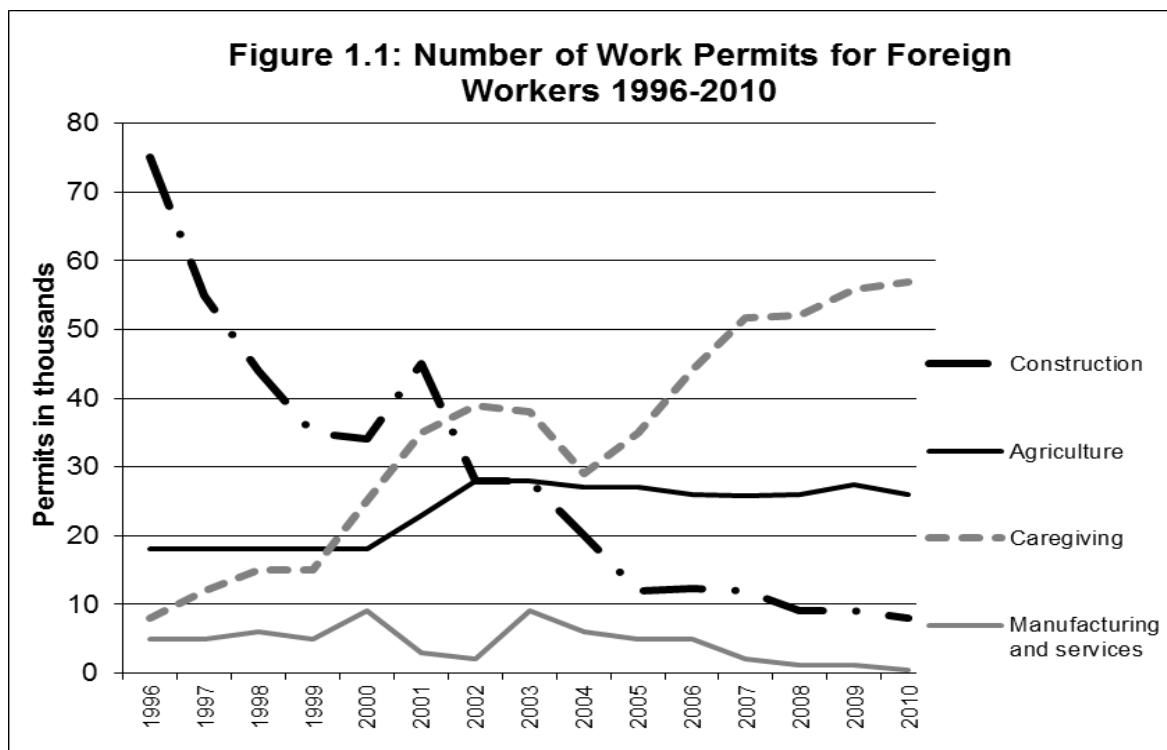
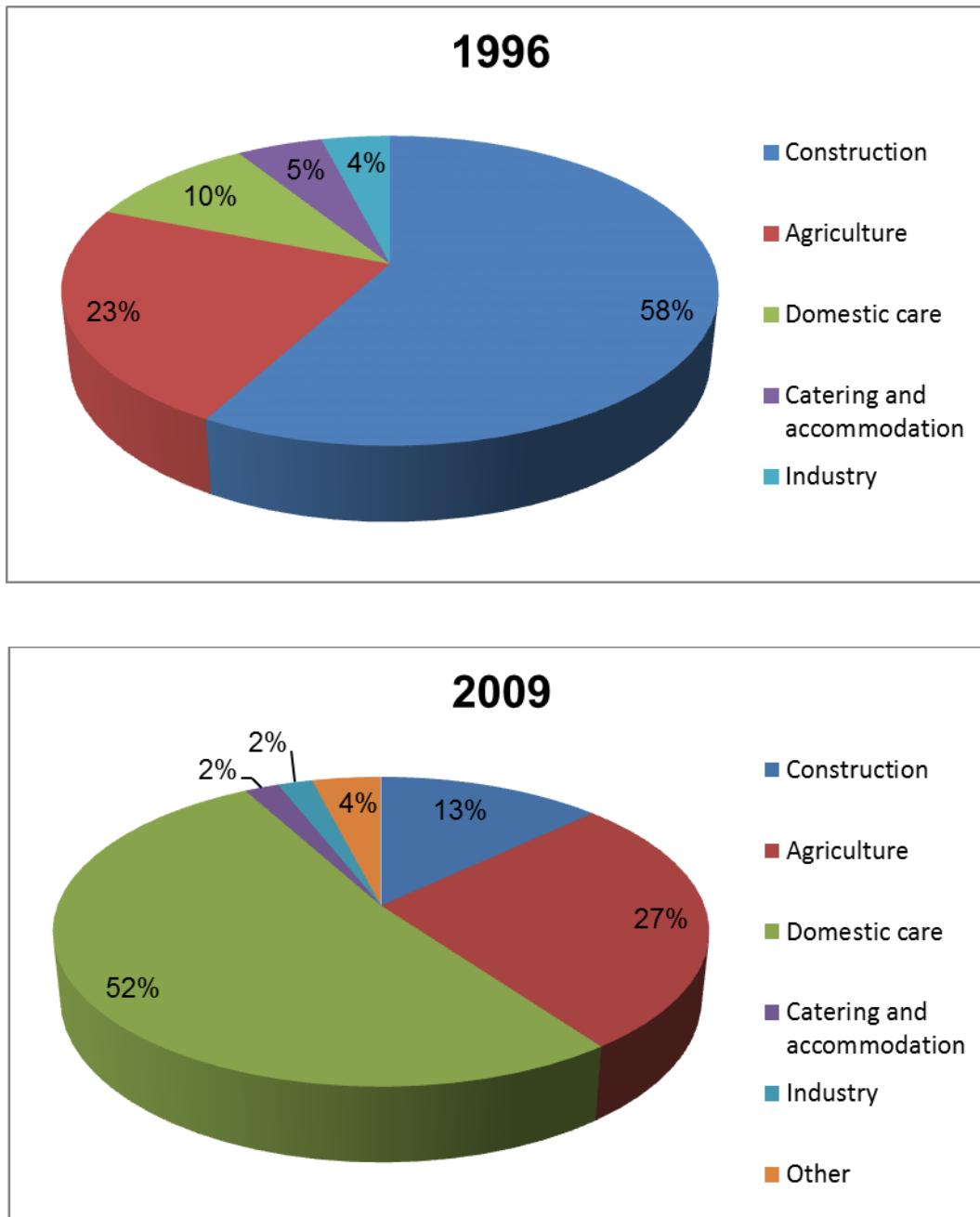


Figure 1.2

Distribution of Non-Israeli Workers by Employment Sectors, 1996 and 2009



Source: Eckstein 2010, Figure (2), p. 18.

1.2. Country of Origin and Gender Composition of Flows of Labor Migration

The ethnic composition of the flows has also changed over time, with migrants from Asia increasing their share to 74 percent of all arrivals in 2010 (see Table 1.1). This is explained by the changing composition of work permits, which has reduced the number of construction workers (from East Europe, mainly from Romania and Turkey) and increased the number of those employed in agriculture (from Thailand) and domestic caregiving (mainly from the Philippines but lately also from India, Nepal, and Sri-Lanka).

As Table 1.1 reveals, the gender composition of labor migration flows to Israel has also changed over time. While men comprised 85 percent of all arrivals in 1995, by 2010 their share had shrunk to 48 percent. The increasing feminization of labor migration to Israel is a consequence of the increasing share of work permits in the caregiving sector and the fact that the majority of work permits are granted to women. Most of the workers in the care-giving sector have arrived to Israel from the Philippines, Nepal, and Sri Lanka. Filipinos account for 64 percent of all non-Israeli care-givers, Nepalese for about 17 percent, and Sri Lankans for about 9 percent (Central Bureau of Statistics of Israel, [CBS], 2011). The rest arrive from various countries including the former Soviet Union and India.

Table 1.1
Arrival of Workers with Permits by Country of Citizenship and Gender

Country of Citizenship	1995		2000		2006		2010	
	%	% Men	%	% Men	%	% Men	%	% Men
<u>Asia (total)</u>	33.1	81.0	44.1	63.0	74.6	62	74.3	57.0
India	0.4	86.0	1.3	78.0	3.4	53	9.6	40.0
Turkey	7.7	94.0	3.4	98.0	3.4	100	2.5	99.0
Lebanon	5.9	74.0	1.7	56.0	-	-	-	-
China	2.4	97.0	5.6	96.0	10.1	99	5.0	96.0
Philippines	2.9	18.0	14.6	17.0	19.6	14	18.0	13.0
Thailand	13.3	90.0	15.3	91.0	27.5	93	23.5	94.0
Nepal	-	-	-	-	8.6	17	4.6	19.0
Other	0.5	79.0	2.1	66.0	2.1	52	10.8	48.0
<u>Africa (total)</u>	0.4	75.0	1.1	51.0	0.3	82	0.3	92.0
<u>Europe (total)</u>	62.3	87.0	51.1	78.0	24.5	30	23.8	18.0
Bulgaria	2.6	96.0	4.4	69.0	1.2	20	0.3	14.0
Former Soviet Union	3.2	85.0	8.2	66.0	13.1	19	17.6	7.0
Romania	52.7	89.0	31.8	86.0	8.0	38		
Other	3.8	59.0	6.8	61.0	2.1	74	2.8	83.0
<u>America and Oceania</u>	3.0	70.0	3.3	63.0	0.6	61	1.5	70.0
USA	2.2	69.0	2.1	67.0	0.3	90	0.9	85.0
Other	0.8	71.0	1.1	55.0	0.3	38	0.6	50.0
Not Known	2.9	81.0	0.2	78.0				
TOTAL	100.0	85.0	100.0	71.0	100.0	54	100.0	48.0
	(78,300)		(52,200)		(32,700)		(32,300)	
Mean Age	35.0		35.4		35.2		36.4	

Sources: Central Bureau of Statistics, 2004, Table 4.10; 2010, Table A

Most workers in the agriculture sector have arrived from Thailand, but lately a small group of workers from Sri-Lanka arrived in a pilot program⁹ and 700 workers from Vietnam

⁹ After a bilateral agreement between Israel and Sri-Lanka was signed, a pilot program for seasonal work in agriculture was launched in November 2010 with the arrival of 300 workers. In this program plane tickets were paid for by the State of Israel and workers did not pay recruitment fees. Based on the success of the program the government decided to implement a second stage in 2012 (see Government Resolution 3713, September 14, 2011).

arrived in 2010.¹⁰ During the 1990s, the majority of migrant workers in the construction sector came from Romania, Bulgaria, and Turkey, but since the late 1990s Chinese workers have become the dominant group among non-national workers in the sector (Natan, 2009a).

2. Managing Labor Migration: The Institutional Framework¹¹

Until 2008, three state offices took care of the various responsibilities associated with the management of labor migration to Israel. These were (1) the Foreign Workers Unit under the Ministry of Industry, Trade and Labor (MITL), responsible for issuing permits for the employment of non-Israeli workers, supervising agencies that import and deploy migrant labor, and administratively enforcing workers' rights against violations by employers; (2) the Immigration Authority or Police, under the Ministry of Public Security, responsible for arresting migrants without permits and for criminal enforcement against employers; and (3) the Foreign Workers Unit in the Population Authority, under the Ministry of Interior, responsible for issuing visas and monitoring the entry and exit of migrants (Eckstein, 2008; Eckstein, 2010). The newly formed Population, Immigration and Border Authority (PIBA), established by Government Resolution 3434 of April 13, 2008 and operating under the Ministry of Interior, is now in charge of the responsibilities previously divided between these three government agencies (Natan 2009b).

¹⁰ Apparently these workers were recruited to put pressure on the Thai government to sign a bilateral agreement and move to organized recruitment through IOM (International Organization for Migration) (Interview with one of the owners of a private recruitment firm. See also Knesset Committee for the Examination of the Problem of Foreign Workers 28 December, 2009, Protocol No 12.

¹¹ For a detailed analysis of current labor migration policy see Kemp, 2010.

The Binding System

Labor migrants' employment in Israel is based on the "binding system"¹² according to which labor migrants are employed by means of individually-allocated permits awarded by the state either to employers or to manpower agencies, but not to the workers themselves. The worker's passport is stamped with the name of the employer/manpower corporation for whom s/he is permitted to work. Accordingly, the labor migrants' relationship with their respective employers or agencies, to which their work and residence permits are issued, is crucial to their right to work in Israel. If workers leave their legal employer without the consent of the agency and the Population, Immigration and Borders Authority (PIBA), their residence permit is invalidated. Migrant workers without a valid permit can be detained and deported (see Kemp and Rajman, 2008).¹³

The binding system was the target of public criticism, largely by non-governmental rights organizations, throughout the 1990s and into the early 2000s. The struggle against the binding system peaked with the submission of a petition by several NGOs to the Supreme Court of Justice in 2002, calling for the system's abolition and for its replacement by an alternative

¹² This arrangement is rooted in the Entry into Israel Law, 1952; the Employment Service Law, 1959; and Clause 1M(a) of the Foreign Workers Law (Prohibition of Unlawful Employment and Assurance of Fair Conditions), 1991.

¹³ Between 1995 and 2008 over 76,000 workers residing without a permit were deported. These numbers included not only migrants who entered the country with a work permit (but became undocumented during their stay) but also migrants who entered the country with a tourist visa and did not leave the country (Bar Zuri, 2009). For an explanation of the deportation policy see Gill and Dahan (2006); Kemp and Rajman (2008).

system of employment for labor migrants.¹⁴ According to the petition, the binding system violates “fundamental constitutional rights and basic legislative norms—including human dignity and liberty; entitlement to human respect; the right to freedom of contract and association; the freedom of choice and action, and the freedom of occupation—due to the fact that it does not meet the requirements, and specifically the proportionality requirements, of the provisions of the basic law that allow limitations on such basic constitutional rights.”¹⁵

The Supreme Court accepted the petition in 2006, instructing the government to abolish the binding system within six months and establish an alternative system for the employment of labor migrants. In its decision, the Supreme Court affirmed that by violating labor migrants' basic human rights the binding system created a kind of modern slavery and should therefore be annulled:

There is no avoiding a painful and shameful conclusion ... that the binding system is creating a modern-day version of slavery. In this binding system, decided on and enforced by the state, the state has bound the guest workers' hands and feet to the employer who “imported” them to Israel, no less. The guest workers have been transformed from legal subjects—persons assigned rights and duties by the court—to legal objects, as if they were chattel. The agreement has damaged the guest workers' autonomy as human beings, and has in practice denied them their freedom. Under this agreement, the guest workers have become working machines—especially since employers have allowed themselves, in contravention of the law, to pass them from hand to hand. The workers have thus become modern-day slaves, like those human beings who built the pyramids or

¹⁴ SCJ 4542/02. The petition to cancel the binding system was submitted by the following organizations: Kav La'oved, The Hotline for Migrant Workers, The Association for Civil Rights in Israel, Physicians for Human Rights, The Adva Center, and Commitment to Peace and Social Justice – which runs a Center for the Rights of the Unemployed – and the Tel Aviv University Welfare and Law Program.

¹⁵ The main arguments of the petitioners, Clause 9.

rowed the Roman Empire's ships to war.”¹⁶

Despite such a compelling description of the binding system as a form of modern slavery, to date—as we shall presently see—the state has not devised an alternative mode of employment that does not violate the migrant workers’ basic rights.

A number of regulations have been added to the binding system with the aim of restricting the labor migrants’ activities to their economic function. For instance, in order to prevent extended stays in Israel, there is a principle of rotation that prevents workers from staying longer than 63 months.¹⁷ Also, in order to prevent labor migrants from establishing permanent residence and starting a family in Israel, they are not permitted to enter the country with their spouses or any other first-degree relatives. Finally, labor migrant women are in effect not permitted to have children in Israel. The moment they do, they are faced with two options: either to send the child to their country of origin and continue working until their visa expires, or to lose their work and residence permits and thus to become candidates for immediate deportation (Goldin and Kemp, 2008; Ben-Israel, 2011).¹⁸ In 2005, a group of human rights

¹⁶ Judge Heshin, Supreme Court Decision 4542/02. For a discussion of the legal aspects of the employment of labor migrants in Israel and the role of the courts, see Sitbon, 2006.

¹⁷ In June 2004 a new procedure was implemented at the initiative of the then Minister of the Interior, Avraham Poraz, whereby workers in the care sector can be given a work permit for longer than five years—in fact, with no time limit—if a professional opinion is proffered stating that taking the worker away from his or her patient would cause damage to the latter.

¹⁸ See also, Knesset Committee for the Examination of the Problem of Foreign Workers, November 3, 2004 Protocol No 39.

organizations (Kav La'oved, Na'amat, the Hotline for Migrant Workers, and Physicians for Human Rights) appealed to the Supreme Court of Justice against this procedure, which they characterized as discriminating between the labor rights of Israeli and non-Israeli women and as violating the latters' basic familial rights: “[The procedure] affects [the female migrant worker's] right to be a parent, to have a family and to support herself. The policy is incongruent with Israeli labor laws which safeguard the rights of women both during and after birth” (HCJ, 11437/05)¹⁹. Israel’s Supreme Court of Justice verdict (11437/05) in 2011 overturned the policy, calling on the Ministry of Interior to take steps towards formulating a new one.²⁰

3. Recruitment of Migrant Workers

The official recruitment of foreign workers in Israel is entirely privatized and conducted through recruiting agencies. Legally recruited workers come alone, without their families, and for the most part live and work in the same place, whether a construction site, agricultural land, or a private household. Like other cases in which both housing and work are provided by the employer, this peculiar system increases the worker's dependence on the employer and hence the latter's control over the former (see e.g. Smith, 2003).

Israeli law permits agencies to collect brokerage fees of no more than 3,479 NIS per

¹⁹ <http://www.acri.org.il/pdf/petitions/hit11437a.pdf>

²⁰ So far, however, the Israeli government has determined no specific procedures regarding the terms of work and living conditions of migrant women who gave birth to a child and wish to continue to work and live with their child in Israel.

worker (about \$900; this sum is updated annually) in addition to travel expenses. However, as the current report will show, in reality manpower agencies charge migrants significantly higher commissions, reaching thousands of US dollars.²¹

Contract labor has become a fertile ground for the violation of migrant workers' basic social and civic rights, despite laws designed to protect them. Israel has legislated advanced laws regarding workers' rights, including minimum wage, work hours, and working conditions laws. These laws apply without discrimination to all inhabitants of Israel, regardless of their legal status in the country. Moreover, Israel is a signatory to international conventions such as the Migration for Employment Convention of the International Labor Organization (1949), ratified by the Knesset in 1953, and the International Convention on the Rights of the Child, ratified in 1991 (Yanay and Borowski, 1998). As we shall see later in the report, however, the current employment system makes the protective labor laws currently in place difficult to enforce, as wide-ranging and advanced as these laws may be.

3.1. Regulations for the Recruitment of Migrant Workers by Sector

In all sectors, prospective migrants are eligible for a work permit if all the following requirements are met: the worker (1) must not have worked in Israel for a period longer than four years, (2) does not have first-degree relatives in Israel, (3) is not older than 60, (4) has no health problems, and (5) has no criminal record (See PIBA regulations).

3.1.1. Construction

²¹ See, Knesset Committee for the Examination of the Problem of Foreign Workers, 29 July 2008, Protocol No. 60; Kav La'oved, 2008; State Comptroler's Report, 2010).

On August 15, 2004, the Israeli Government decided to adopt a new arrangement for employing migrant workers in the construction sector (Government Resolution 2446). According to the new arrangement, which came into effect in May 2005, licensed employment agencies or corporations²² are responsible for the recruitment and employment of migrant workers in the construction sector. The Israeli government sets quotas for the employment of non-national workers in the sector, and work permits are allocated to authorized agencies by the Population, Immigration and Borders Authority (PIBA).

According to the Regulation for Employing Foreign Workers in the Construction Sector (PIBA 2009), only 43 PIBA-accredited agencies may import and deploy non-Israeli construction workers. To be accredited, agencies must meet certain criteria, e.g. be Israeli-owned and be registered as “sole-purpose companies” (SPC) whose only purpose is to import and deploy non-Israeli construction workers; their management must have proven experience of at least three years in the employment of non-national construction workers and have no criminal record. Each agency is required to pay a license fee of 10,743 NIS, an application fee of 555 NIS for each employment permit, and 11,960 NIS in various fees for each worker it employs. In addition, agencies must deposit a guarantee bond of 5,925 NIS for each worker.

The agencies recruit workers overseas and assign them to employers in the construction sector. Nonetheless, the agencies remain the workers’ legal employers and are therefore responsible for their wages, social rights, social security payments, medical insurance, and

²² Prior to this arrangement, work permits were granted to the employers, who then had to recruit their allotted migrant workers through a recruiting agency.

accommodation.²³ One of the declared objectives of the new arrangement was to ensure fair employment conditions for migrant workers through tighter supervision and by allowing workers to change corporations once every four months. Employment conditions in the construction sector are generally better, however, than those in other sectors due to the presence of collective agreements which make more stringent demands on employers (e.g. a higher minimum wage).

However, the new arrangement has aggravated certain aspects of their exploitation.²⁴ Specifically, the brokerage fees required of migrants in the construction sector have skyrocketed following the implementation of the new arrangement, exceeding \$20,000 in 2008 (Natan, 2009a).²⁵ Other violations of workers' rights also persist, including wage arrears, non-payment of social security fees, unjustified termination of contract, and preventing workers from switching employers (State Comptroller, 2010).

On December 20, 2011, an agreement was signed between the Israeli and Bulgarian Governments according to which Bulgarian workers shall be recruited to work in the construction sector in a fair and transparent manner, with the objective of avoiding the payment of illegal recruitment fees. The agreement follows Government Resolution 3453 according to

²³ See PIBA 2009, "Regulations for the Employment of Foreign Workers in the Construction Sector"; Natan, 2009a).

²⁴ During the first eight months of 2008 Kav La'Oved received complaints about 27 of the 39 agencies active at the time (Natan, 2009a).

²⁵ For a detailed discussion of these issues see Section 5 on Recruitment Fees.

which migrant construction workers shall be recruited only on the basis of bilateral agreements.²⁶

3.1.2 Caregiving

In the caregiving sector, the process of recruiting a labor migrant begins at the National Insurance Institute ('Bituach Leumi', Israel's Social Security Agency), which determines whether an individual is entitled to employ a non-Israeli care worker on the basis of Activities of Daily Living (ADL) tests taken in government-accredited institutes. Next, the Foreign Workers Unit (previously under MITL, currently under PIBA) issues a permit for employing a non-Israeli care worker (Eckstein, 2008: pp. 37, 106).

According to the Population, Immigration, and Borders Authority's (PIBA) Private Agencies Regulations for Importing, Mediating and Managing Foreign Workers in the Caregiving Sector (hereafter "the Agencies Regulations") (PIBA, Ministry of the Interior, Caregiving Permits Unit, June 2010), only PIBA-accredited agencies may import and manage non-Israeli care workers. A list of accredited agencies is published on PIBA's website and periodically updated. To be accredited, agencies must meet certain criteria, e.g., be Israeli-owned and be registered as "sole-purpose companies" (SPC) whose only purpose is to import and manage non-Israeli care workers. In addition, each agency is required to deposit a guarantee bond of 150,000-500,000 NIS, depending on the number of workers it intends to manage.

The Agencies Regulations define private agencies as "mediators" or "brokers," making them responsible for a wide range of activities, including the recruitment and deployment of foreign care workers, job-specific training, preparation of employment contracts, making flight

²⁶ <http://www.piba.gov.il/SpokesmanshipMessagess/Pages/2011-30011.aspx> (accessed January 20, 2012).

arrangements, and the management of workers' welfare funds, medical insurance, and other provisions required by Israeli labor laws (PIBA, Ministry of the Interior, Caregiving Permits Unit, June 2010). In addition, in order to end the practice of importing redundant workers, agencies are obligated to provide employment to all the workers they recruit during their first year in Israel (Natan, 2008, 2009b; PIBA, Ministry of the Interior, Caregiving Permits Unit, June 2010).

Agencies are also required to assist employers in applying for permits, provide administrative assistance with visa applications, and monitor the employment of workers through periodical visits of a social worker at the home of the caregiver's direct employer. In addition to the brokerage fees paid by the migrants, accredited caregiver recruitment agencies may charge the employer up to 70 NIS (\$20) per month for the services they are obligated to provide (such as quarterly visits, problem solving, and help with medical insurance, social security, visas, and permits). They may also charge the employer up to 2,000 NIS (570\$) in cases where the agency actively recruits a new worker (no more than once a year). Caregivers may not be charged for any placement made after their arrival in Israel.

On September 12, 2006 the Israeli government adopted a new policy aimed at reforming the employment of migrant workers in the caregiving sector (Government Resolution 448). The reform's main objectives were (1) to reduce the number of new migrants arriving in Israel annually as well as the number of unemployed migrants by encouraging manpower agencies to deploy migrant workers already in the country rather than import new ones;²⁷ (2) to bring an end

²⁷ To reduce the number of new migrants arriving in Israel annually to work in the caregiving sector, the Israeli government has ordered the establishment of a caregivers' database with the names of unemployed non-Israeli care-workers. Agencies are urged to deploy workers from the database rather than import new ones. In addition, each

to the excessive and illegal brokerage fees imposed on migrants (the main cause for importing redundant workers); (3) to implement Supreme Court decision 4542/02 of March 30, 2006 demanding the annulment of the “binding system”; and (4) to provide elderly and disabled patients with care workers who are better suited to their needs (Natan, 11 Dec. 2008).

It is now clear that despite these intended goals, the policy’s implementation has encountered significant difficulties. In particular, the new regulations provide no effective measures for combating the illegal brokerage fees migrants are charged. Driven by the potential for higher profits, agencies continue to import redundant workers with no intention of deploying them solely in order to profit from the commissions they pay (Natan, 2007, 2008, 2009_b, 2010_a).

One of the reform’s most important aspects was that migrant workers were permitted to switch employers or agencies within two months of leaving their previous workplace. However, pressure by manpower agencies and various organizations representing the handicapped and the elderly²⁸ led to the passage of a new law in May 2011, under which migrants will be allowed to switch employers only by the specific authorization of the Ministry of Interior and will *not* be permitted to change the type of work specified in their original contracts²⁹ or the geographical location of their work.

agency is permitted to recruit annually only 10 percent of the workers already in its employ.

²⁸ See Protocol Knesset Committee for the Examination of the Problems of Foreign Workers, December 2011, No 26.)

²⁹ Thus, for example, workers hired to care for Alzheimer’s patients must remain in the same “sector” unless the Minister of Interior approves they switch to another type of patient (see Law of Entry to Israel, Amendment no. 21, 2011).

The latter restriction, which some NGOs have labeled “geographical bondage,” was ostensibly justified by the shortage of labor migrants in Israel’s peripheral regions.³⁰ Thus, after five years in which migrants had been somewhat freer to switch employers, the bondage system has been reinstated, exacerbating the already precarious and unfree status of migrant women in the domestic caregiving sector.³¹ The new legal restrictions on movement between employers are likely to increase the recruitment of new workers overseas, providing manpower agencies with additional profits.

3.1.3. Agriculture

In agriculture, work permits are granted to employers while licenses to recruit workers are granted to recruiting agencies. Employers applying for work permits must first be licensed to employ foreign workers. The recruitment process begins when the employer files an application with the Israeli Ministry of Agriculture. The Ministry of Agriculture examines each request and recommends a certain number of workers per farm. After receiving the Ministry of Agriculture’s approval with the recommended number of workers, the farmer must pay PIBA various fees: a foreign worker application fee of 580 NIS for every requested worker, and an annual fee of 1170 NIS for each worker already employed at the farm. Once the fees are paid, the farmer must submit to PIBA the receipt of payment as well the Ministry of Agriculture’s approval. The farmer must then undergo the ‘portfolio balance’ procedure—a PIBA-administered test which

³⁰ Usually, migrant workers recruited to work as caregivers in Israel’s northern and southern regions asked to move to the country’s more central areas.

³¹ See Kav La’oved, 17 May 2011: http://www.kavlaoved.org.il/media-view_eng.asp?id=3203.

counts the number of migrant workers already employed by the employer and the number of workers requested, comparing these numbers with those specified in the Ministry of Agriculture's permit. Once PIBA determines how many new migrants the employer may hire, the employer may contact a private recruiting agency. As of 2011, 18 licensed agencies importing migrant agricultural workers were operating in Israel.

In 2006 the Israeli government announced a new arrangement (the so-called 'Bureau System') regulating the recruitment and employment of migrant workers in the agriculture sector. According to the new arrangement, permits are to be granted to private recruiting agencies, from which employers may then hire their workers (State Comptroller, 2010; Natan, 2010_b). This new arrangement has yet to be implemented, however, largely as a result of the agricultural lobby's political power and its success in protecting the agricultural sector's economic interests over the last two decades (see Rajzman and Kemp, 2007).

A recent bilateral agreement between Israel and Thailand has introduced some changes into the old system, however. Under the agreement, a newly created public agency, the Thailand-Israel Cooperation on the Placement of Workers (TIC), will be in charge of the recruitment of migrant workers and the management and supervision of the recruitment process will be conducted by the IOM (International Organization for migration).³² Israeli private agencies will no longer be directly involved in such recruitment. Local agencies will be responsible for the workers after their arrival, a service for which they will be permitted to charge a fee set in advance. This new arrangement has been challenged by private recruitment agencies in the

³² PIBA "Thailand – Israel Cooperation on the Placement of workers (TIC) – brochure for private recruiting agencies. 11 October 2011.

agricultural sector, which have pressured the Minister of Interior to stop its implementation.³³

The new system of recruitment is scheduled to start April 2012.

3.2 The Recruitment Process

Private recruitment agencies (in caregiving and agriculture) and corporations (in construction) are responsible for locating potential candidates abroad. Officially, the agencies are required to seek prospective workers in cooperation with local agencies in the migrants' source countries.³⁴

In all source countries, only agencies licensed by the local authorities are allowed to recruit candidates. These local agencies advertise openings in destination countries by posting job orders on their websites and on bulletin boards outside their offices and running ads in local and national newspapers. To reach prospective migrants in remote areas these agencies cooperate with or employ local brokers who, though paid by the agencies, are typically not formally connected with them and are rarely accountable to them or to the migrants they help deploy (Agunias, 2010).

Agencies in sending countries screen job orders and applications, conduct interviews,

³³ See Knesset Committee for the Examination of the Problem of Foreign Workers 28 December 2009, Protocol No 12.

³⁴ However, as the current report will show, Israeli private agencies frequently find prospective workers through sub-agents, often migrant workers working in Israel.

check documents, provide information, and prepare contracts. Prospective workers are required to provide police clearance and medical documentation (Natan, 2009_b). In the caregiving sector, the new regulations also make Israeli agencies responsible for training the workers they recruit in accredited institutions in the source countries. They are also required to attend interviews at the Israeli embassy.³⁵

For final approval, the Israeli private recruitment agency or corporation sends the details of successful candidates whom they plan to deploy to PIBA, who orders the Israeli embassy at the source country to issue visas. PIBA has final say on the issuance of visas and supervises the consuls' work. According to Natan (2009c), in some cases consuls refused to issue visas for candidates they found unsuitable for the job but were nevertheless pressured to do so by PIBA.

After landing in Ben-Gurion Airport, new migrants are directed by the Border Control to the Ministry of the Interior's airport office. A representative of the Israeli private recruitment agency is usually at the airport to pick up the new workers, providing assistance if any problem arises in the process (Committee for the Examination of the Problem of Foreign Workers, 30 Oct. 2008 No 63). Once all paperwork is done, agency representatives take the workers to their respective employers.

This section has described the main state institutions and laws that regulate the recruitment of migrant workers to Israel (macro-level analysis). The following chapters provide a different take on the recruitment process by focusing on the migrants' own accounts of the

³⁵ We elaborate on these topics in Section 5.

circumstances which had brought them to Israel; the ways in which they learned about job opportunities in this country; the recruitment process and the fees they were required to pay; the ways in which they financed the high costs of migration; their compliance with training and pre-screening procedures at the Israeli embassies; the contracts they signed (or did not sign) and contract violations upon arrival; and their current work conditions by sector of employment (micro-level analysis). Based on our findings, we provide recommendations for reforming the current system of recruitment and employment. We believe that temporary labor migration programs in Israel should be run by public (state) agencies in conditions of freedom, dignity, equity, and security, values consistent with the concept of decent work initially advanced by the ILO but now a common vision of the international community (ILO, 2010).

2. SOUTH-EAST ASIAN LABOR MIGRANTS IN ISRAEL

Before we proceed to our analysis of the process of recruitment of foreign workers from South Asian countries to Israel, we present (1) the demographic characteristics of the migrants in our sample; (2) their socioeconomic characteristics, specifically education and labor market experience in the countries of origin and in other destination countries prior to arrival in Israel; and (3) the migrants' reasons for migration in general and for choosing Israel in particular.

1. Socio-demographic Characteristics of Migrant Workers

Socio-demographic characteristics of migrant workers in our sample classified by sector of employment and country of origin are presented in Table 2.1. The data show that, as expected, the *caregiving sector* is female-dominated: all the Nepalese, 79 percent of the Sri Lankan and 75 percent of the Filipino migrants in our sample are women. The majority of migrants in this sector are concentrated in the central labor-force ages, between 25 and 44, and the average age ranges from 35.5 for Nepalese and 37.6 for Filipinos to 40 for Sri Lankans. Data on marital status reveal that the majority of migrants in the caregiving sector are married (57.6 percent), a third are single, and about ten percent are divorced or widowed. Some Sri Lankan and Filipino migrants—11.8 and 22.5 percent, respectively—are currently residing with their spouses in Israel.³⁶ Furthermore, some migrants are living with their children in Israel, this pattern being more prevalent among Filipina migrants³⁷ who became undocumented after giving birth and not

³⁶ Some of these migrants got married in Israel and stayed in the country without a work permit.

³⁷ Forty percent of those who have children live with them in Israel.

sending the child back to their country of origin³⁸.

The two other sectors, *agriculture* and *construction*, are male-dominated. Workers from Thailand in the agriculture sector tend to be young (32 years on average) and are divided equally between single and married individuals (about 45 percent each), whereas Chinese workers in construction are 40 years old on average and the majority (90 percent) are married. In both groups the migrants' spouses and children reside in the country of origin.

The migrant groups in our sample also differ with regard to their tenure in the country:³⁹ about 5.2 years on average among Filipinos, 4 years among Nepalese, and 3.5 years among Sri Lankan migrants in the caregiving sector;⁴⁰ about 3 years on average among Thai workers in the agriculture sector;⁴¹ and 4.1 years on average among Chinese migrants in the construction sector.⁴²

³⁸ As already noted in the first chapter, according to the regulations migrant women in the caregiving sector lose their work permits four months after giving birth to a child.

³⁹ Our sample included only migrants residing in Israel for no longer than 10 years at the time of the study.

⁴⁰ Differences in tenure among migrants in the caregiving sector are explained by the fact that recruitment from Nepal and Sri Lanka began only in the mid-2000s, whereas the Philippines has been the main source country since the mid-1990s.

⁴¹ Note that among Thai workers in our sample the maximum length of stay was 5.2 years. This figure suggests that compared with the other groups Thais are more likely to return home after their contracts expire (63 months) and less likely to overstay their visas. According to Natan (2010b), only 3.5 percent of Thais residing in Israel lack work permits.

⁴² Migrant construction workers who leave after 63 months are entitled to receive moneys accrued in monthly deposits during that period (currently at 700 NIS/month).

Table 2.1 Selected Socio-demographic Characteristics of Labor Migrants by Sector and Country of Origin						
	Caregiving		Agriculture	Construction		
	Nepal	Sri Lanka	Philippines	Thailand	China	Total
% Female	97.1	79.4	75.0	5.5	-	48.0
Age						
Mean	35.5	40.0	37.6	32.0	40.0	36.4
(S.D)	(17.6)	(7.1)	(7.2)	(5.2)	(6.7)	(9.90)
Current Marital Status (%)						
Single	34.3	29.5	32.5	38.1	6.3	26.0
Widowed/Divorced/Separated	11.4	11.8	12.5	10.9	3.1	10.2
Married/Cohabiting	54.3	55.8	55.0	43.7	90.6	57.6
	100.0	100.0	100.0	100.0	100.0	100.0
% with spouses in Israel	8.6	11.8	22.5	1.8	-	8.7
% with children	54.3	67.6	82.5	58.2	87.5	68.9
(of those who have children)	15.8	13.0	41.2	3.1	-	15.5
% with children living in Israel						
Tenure in the country (in years)						
Mean	4.4	3.5	5.2	2.7	4.1	3.9
Standard deviation	(1.2)	(2.3)	(2.6)	(1.4)	(1.4)	(2.0)
Minimum (in years)	2.2	0.3	0.2	0.1	0.5	0.1
Maximum (in years)	7.0	10.0	10.0	5.25	9.5	10.0
Current Legal status						
With valid work permit	85.7	78.8	67.5	96.3	93.8	85.1
Without work permit	11.4	12.1	32.5	3.7	3.1	12.3
Asylum seeker	2.9	3.0	-	-	-	1.0
UN Visa	-	6.1	-	-	3.1	1.6
N	N(35)	N(34)	N(40)	N(55)	N(32)	N(196)

Source: CIMI-Ruppin Labor Recruitment Practices Study

2. Socioeconomic Characteristics of Migrant Workers

In this section we describe the migrants' socioeconomic characteristics, specifically their human capital attributes and their labor market experience before arriving in Israel.

2.1. Education

Figures 2.1 and 2.2 display information on the education level of migrants from different countries, highlighting considerable differences between the different groups. Filipino migrants tended to possess a higher level of formal education (13 years of schooling, compared with 10 years for Nepalese and Sri Lankan migrants) and were more likely to have completed tertiary education (42.5 percent, compared with only 8.6 for Nepalese and 2.9 for Sri Lankan migrants).

Figure 2.1

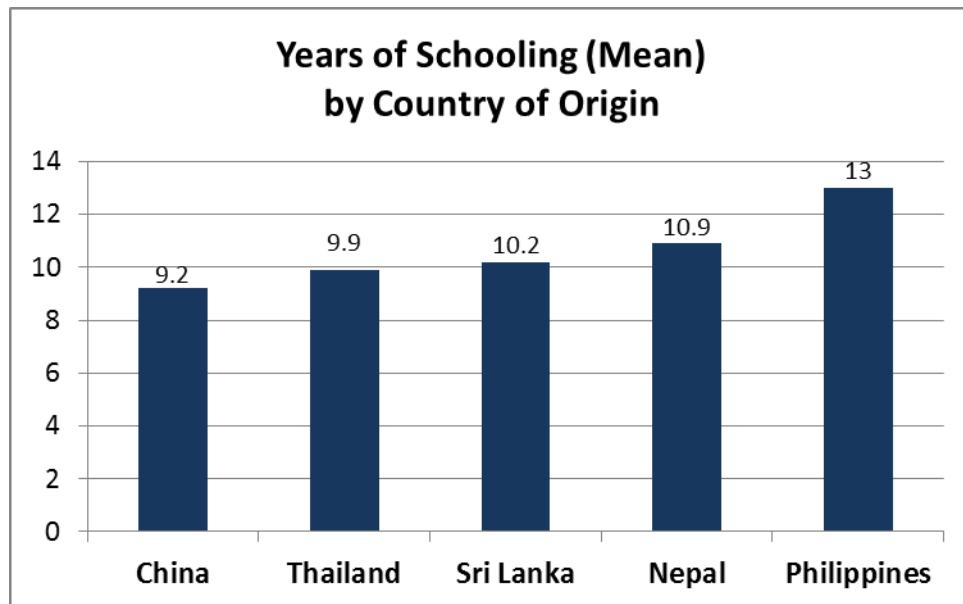
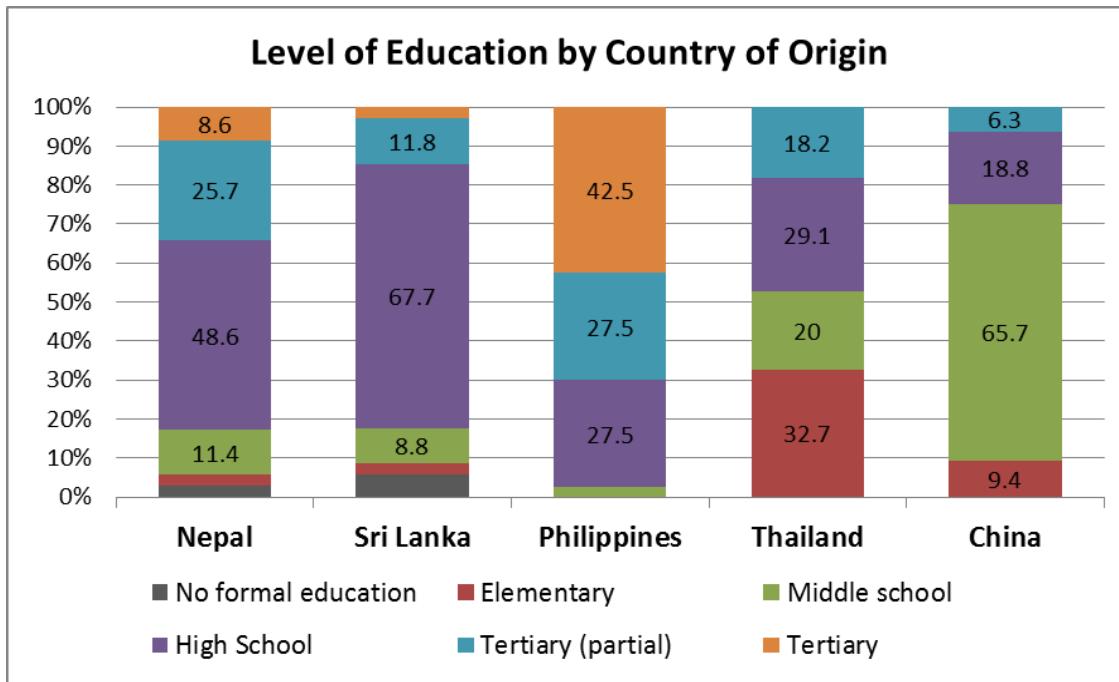


Figure 2.2

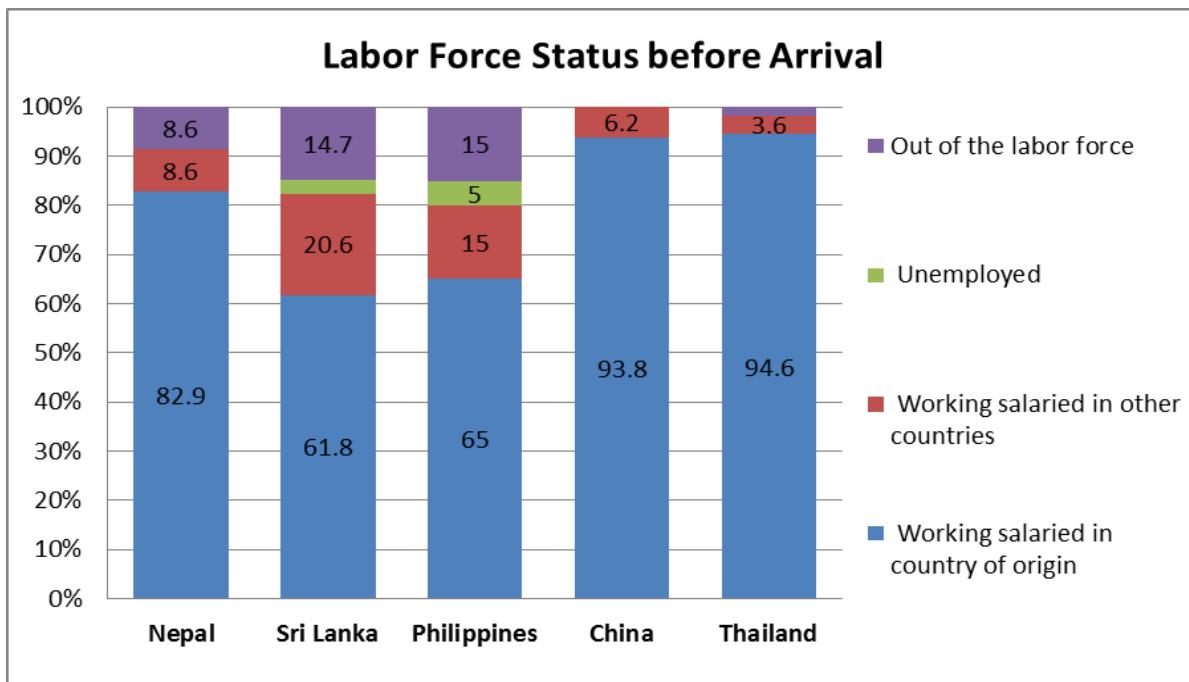


Compared with their counterparts in the care sector, migrant workers in agriculture and construction tend to display lower levels of human capital (9 years of formal schooling on average), with 53 percent of Thai and 75 percent of Chinese migrants in our sample having finished only elementary or middle school.

2.2. Labor Market Experience in Countries of Origin

Figure 2.3 displays information on the migrants' labor force status before departure to Israel. As the data show, pre-departure unemployment rates were very low, suggesting that at least for the migrants in our sample, unemployment was not the main push factor. Many of the unemployed had returned to their countries of origin after having worked in other countries and were experiencing difficulties rejoining the local labor force; this was the reason they decided to look for job opportunities in Israel.

Figure 2.3



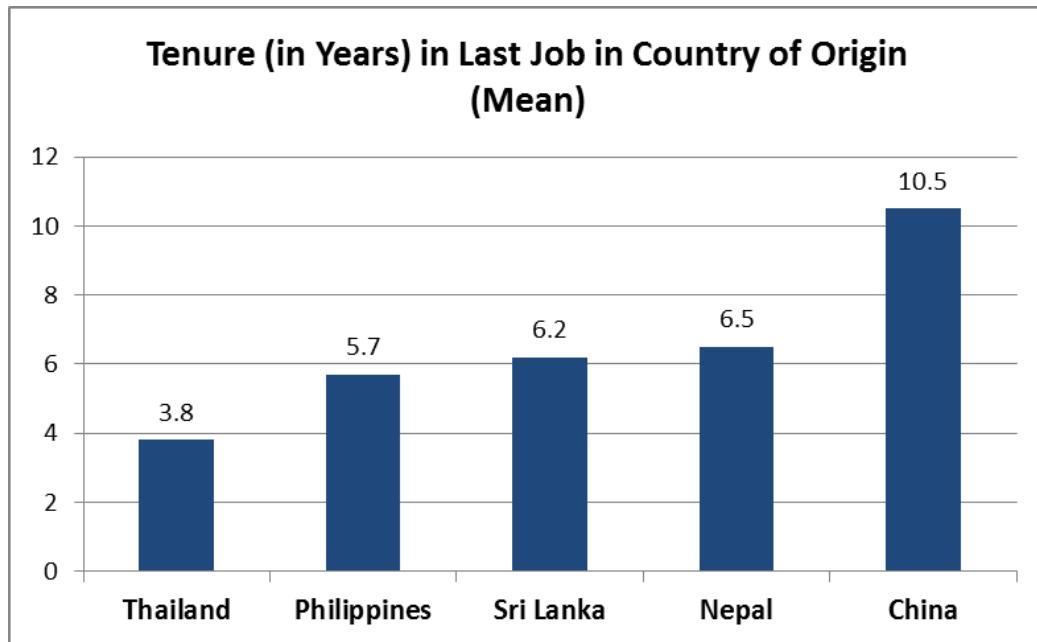
Pre-departure labor force activity was especially high among migrants in the caregiving sector, though differences are evident among countries. Employment rates were highest for Nepalese (91.5), followed by Sri Lankans (82.4) and Filipino migrants (80.0).⁴³ The relatively few women who did not work before migrating were either housewives or young women completing their studies. Similarly, labor force participation among male migrants from China and Thailand was almost universal (over 90 percent in both countries).⁴⁴ Overall, regardless of

⁴³ The high rates of labor force participation among the migrants in our sample contrast with the much lower rates reported for the adult population in each country. Thus, for example, in 2009, the rates of labor force participation for women in Sri Lanka, Nepal, and the Philippines were 34.2, 63.3 and 49.2 percent, respectively, suggesting that migrants to Israel were positively selected compared with their counterparts in the countries of origin

⁴⁴ For comparison, the rates of labor force participation for men in Thailand and in China were 80.7 and 79.7 percent, respectively.

country of origin, tenure in the last job in the country of origin was relatively high, indicating a stable labor force attachment among labor migrants prior to departure (see Figure 2.4).

Figure 2.4



Most migrants were salaried workers in their countries of origin, though small business ownership (self-employment) and nonpaid family work were common patterns too (see Figure 2.5).⁴⁵ Differences among the countries of origin were evident, however. Higher rates of self-employment were found among migrants from the Philippines (34.6 percent), followed by those arriving from China (26 percent) and Nepal (21 percent). Unpaid family work was most common

⁴⁵ This is consistent with previous studies in developing countries which found a high percentage of the population working in the informal economy, especially as small business owners (Pietrobelli et al., 2004).

among Thais, many of whom had worked on the family farm in their communities of origin.

Figure 2.5

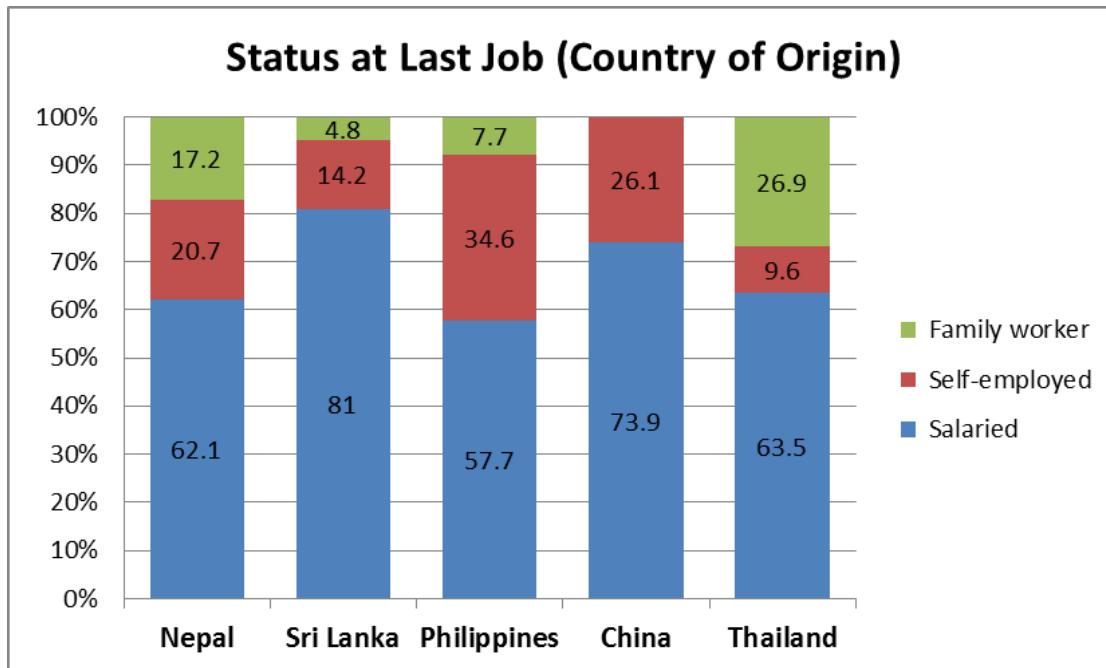
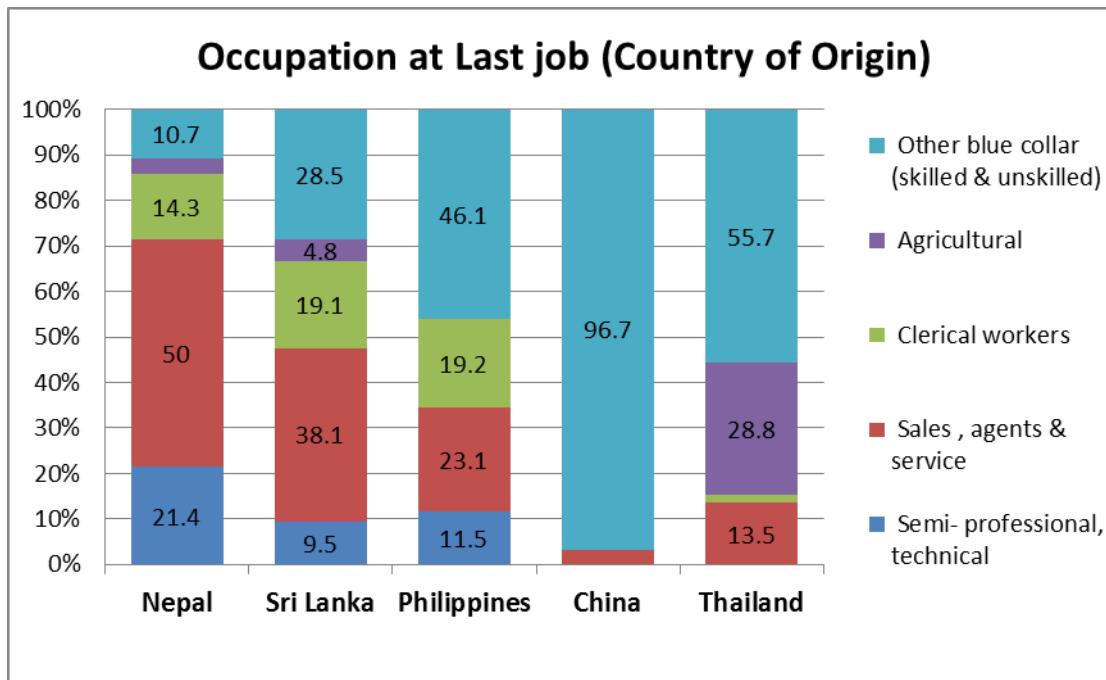


Figure 2.6 provides a general overview of the occupational distribution of migrant workers before departure to Israel. The data indicate considerable differences between workers from different countries. Given the high percentage of women in the caregiving sector, it is not surprising that most migrants from Nepal, Sri Lanka, and the Philippines worked in white-collar jobs prior to departure (85, 67, and 54 percent, respectively). Migrant women tended to concentrate in the clerical, sales, and service occupations, but some women had semi-professional and technical jobs (as laboratory assistants, teachers, social workers, nurses, etc.). The relatively high percentage of Filipinos (compared with Nepalese and Sri Lankans) with blue-collar jobs prior to departure is due to the higher percentage of men arriving from this country (compared with the other two) to work in the domestic care sector.

Figure 2.6

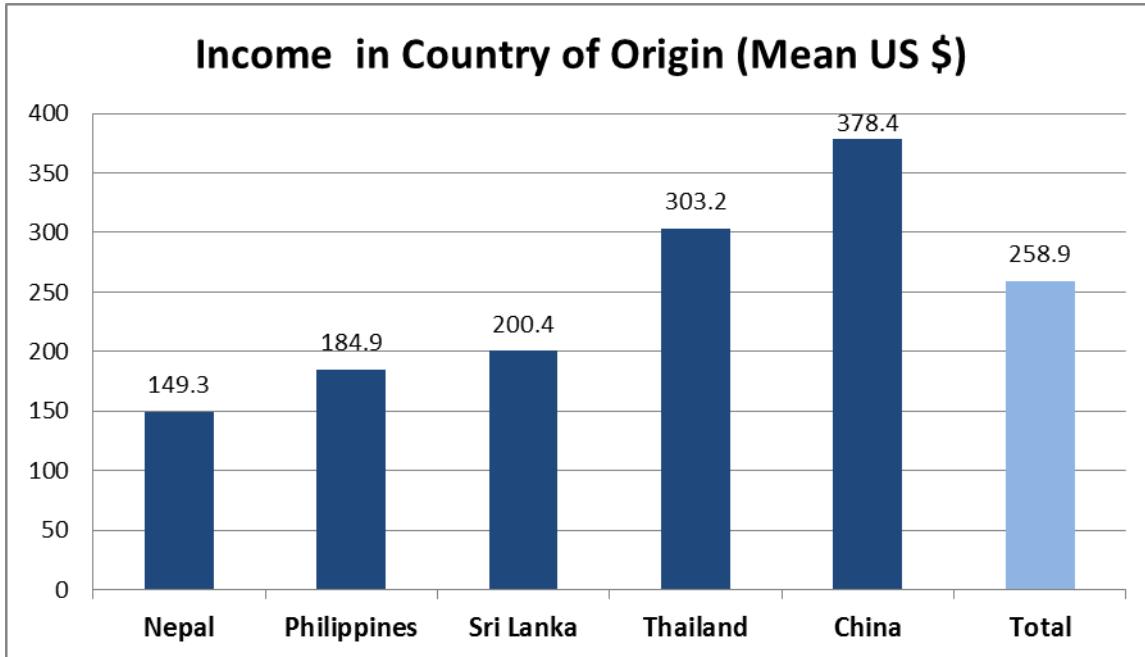


The occupational distribution of Thai and Chinese male workers shows that most had blue-collar jobs prior to departure. For example, about 30 percent of Thais worked in agriculture, 56 percent in light industry, and only 16 percent in clerical and service jobs. Almost all Chinese migrant workers had blue-collar jobs prior to departure, in light industry or construction.

Finally, Figure 2.7 provides information on average monthly income prior to migration. The data reveal considerable differences between the countries, with Nepal having the lowest monthly income (\$149), followed by the Philippines (\$185) and Sri Lanka (\$200). Wages are highest for Chinese and Thai men in their countries of origin (\$378 and \$343, respectively). These reported income levels are significantly lower than expected earnings in Israel, where, on average, prospective migrants in the caregiving and agricultural sectors can expect to triple their income (\$800 and \$1,000 per month, respectively) while construction workers can expect to earn

six times what they would at home (\$2,000 per month).⁴⁶

Figure 2.7



Indeed, the wage gap is a strong magnet drawing workers to Israel. It explains why migrants are willing to leave their families behind, incur high financial and emotional costs, and work in difficult, demanding jobs in the secondary sector of the Israeli labor market.

2.3. Labor Market Experience in Other Countries before Israel

"I had to earn money. Since I had already worked in other countries, I was looking for a new place to go to. One day I was watching a TV ad about [job opportunities in] Israel and decided to check out this option." (S1, female, Sri Lanka)

"When I was working in Taiwan I had a roommate who had worked in Israel before coming to

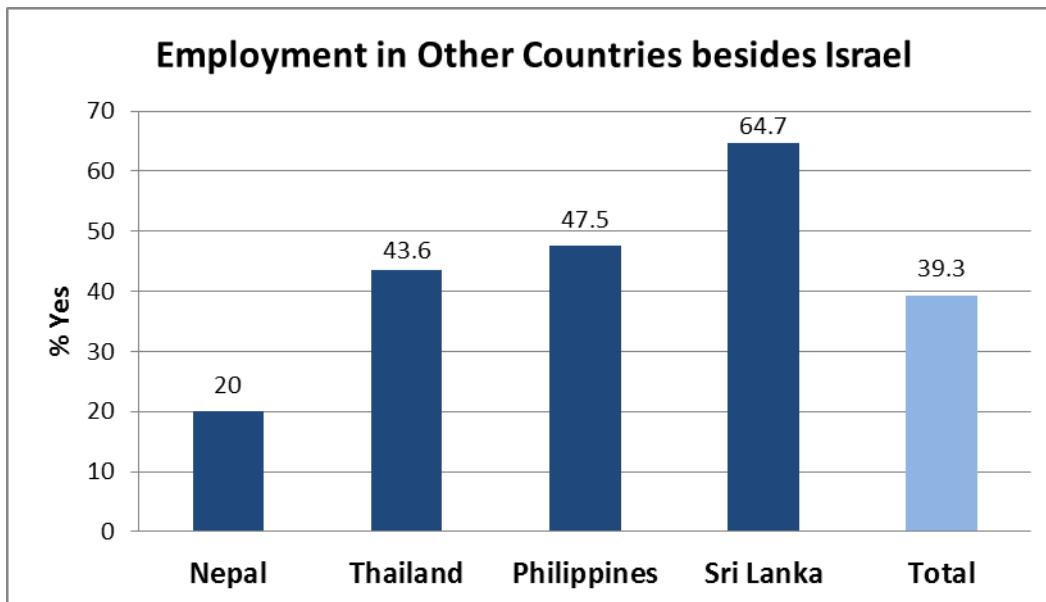
⁴⁶ At January 2012 exchange rates.

Taiwan. I asked him about opportunities [in Israel]. He gave me some good advice. I had been around, working in Korea and Taiwan, and I wanted to try Israel. My roommate said I could work for a long time, up to five years, and make better money than in Taiwan or Korea.” (K18, male, Thailand).

As the cases of SV1 and K18 illustrate, migration seems to be a common alternative for those who had migrated to other countries before their current stay in Israel. The prevalence of prior employment abroad among migrants to Israel is shown in Figure 2.8. The percentage of respondents who had migrated at some point in their lives to countries other than Israel is overall high, especially so in the case of Sri Lankans (65.6 percent) Filipinos (47.5 percent) and Thais (43.6 percent), but relatively low for Nepalese and Chinese workers (20 and 16 percent respectively).⁴⁷ Among those migrants who had worked in other countries, about 20 percent of Chinese, 14 percent of Nepalese and 10 percent of Filipinos had worked in three countries or more.

⁴⁷ The majority of respondents reported having had work permits and having been legally employed.

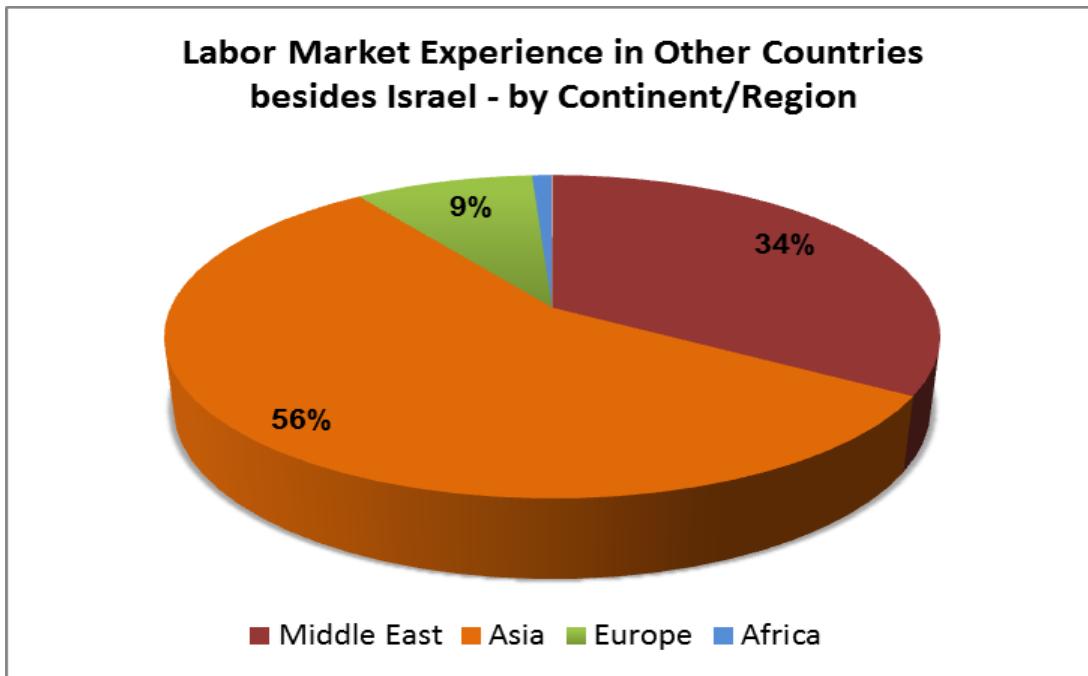
Figure 2.8



The most common destinations for all migrants in the sample are displayed in Figure 2.9.

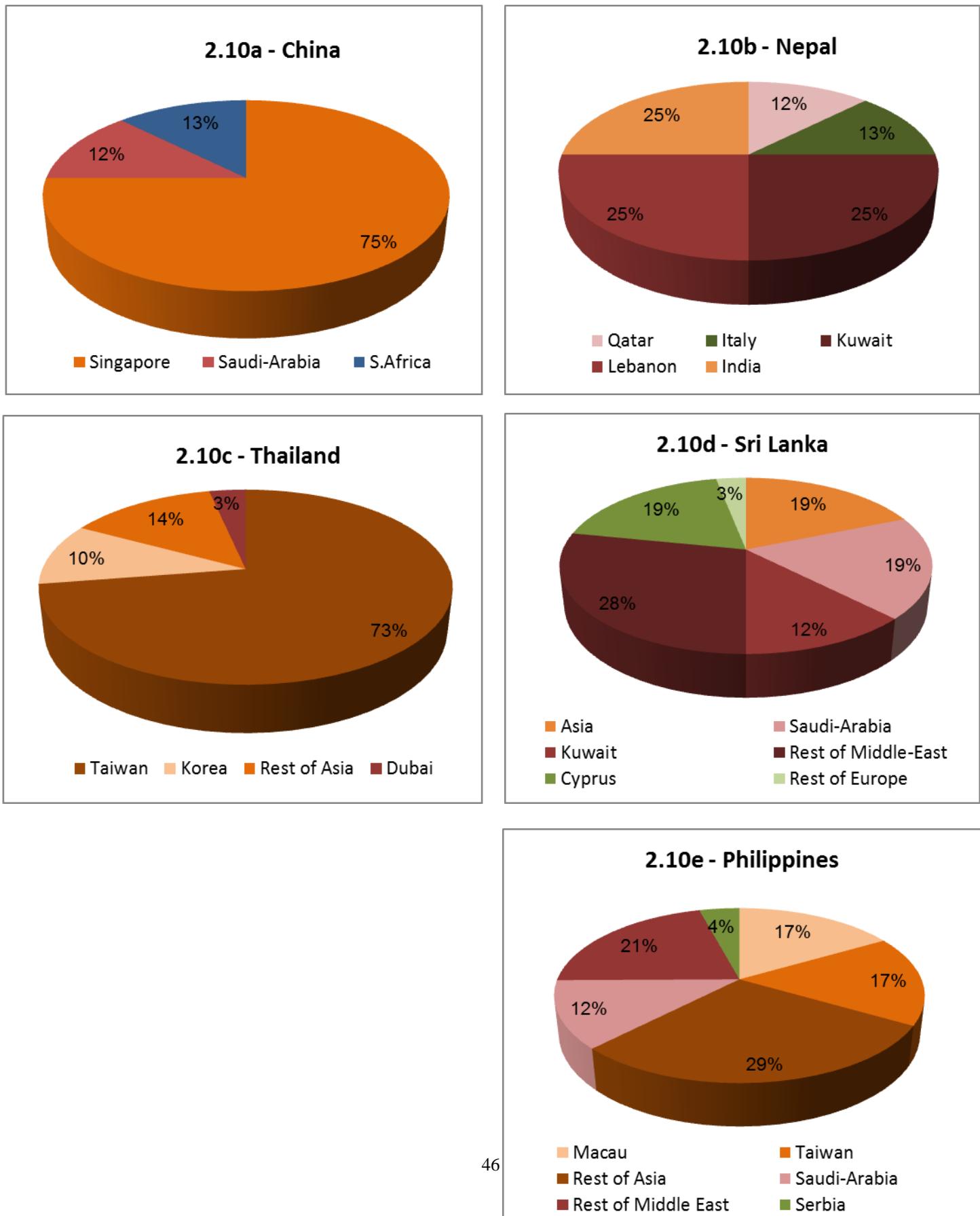
Countries in Asia (34 percent) and in the Middle East (56 percent) were the most popular targets for those reporting previous work experience abroad.

Figure 2.9



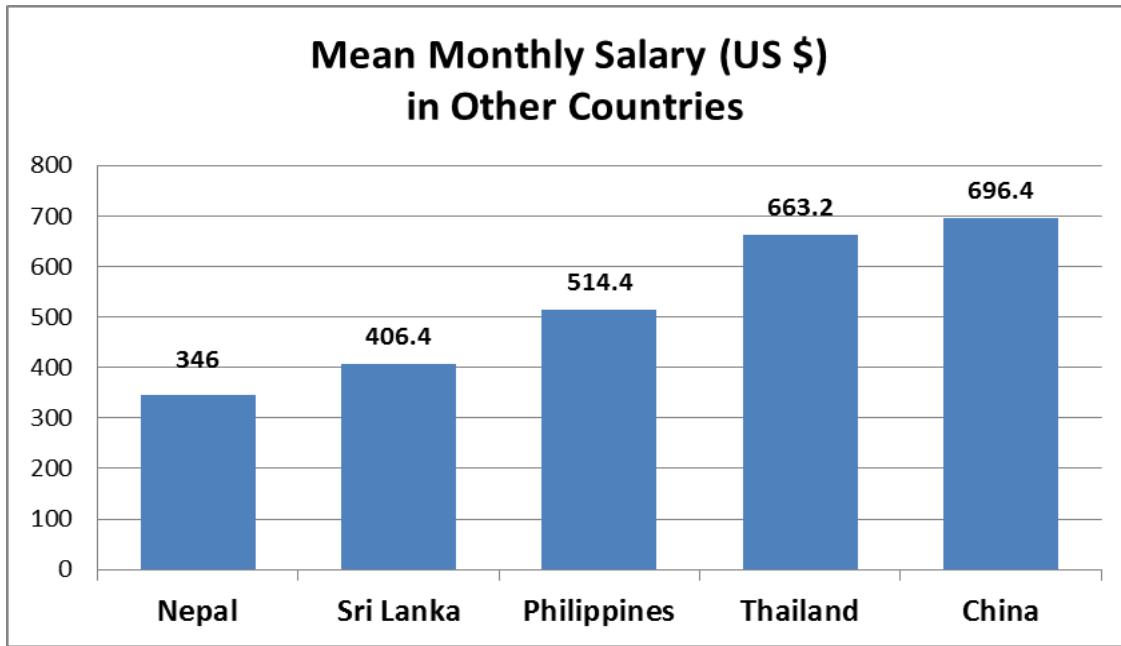
Figures 2.10a-e show the most popular destination countries for each migrant group. Filipino migrants to Israel had worked overseas in a wide number of destinations in the Middle East and Asia (especially Macau, Saudi Arabia, Taiwan, and Japan). Sri Lankans had worked most often in Middle Eastern countries (Saudi Arabia, Lebanon, and Jordan) but also in Singapore and Cyprus, among other destinations. The most popular destinations for Nepalese migrants had been India, where Nepalese workers need no visas, and the Middle East (Kuwait, Lebanon, and Qatar), where many Nepalese women had worked in the high-demand domestic sector. Migrants from China reported previous work mainly in Singapore (in construction), while migrants from Thailand had worked mainly in Taiwan (construction and light industry).

Figure 2.10a-e



Finally, the data in Figure 2.11 suggest that salaries earned abroad were on average higher than salaries in the countries of origin (see Figure 7). Salaries abroad ranged from \$350 for Nepalese workers, \$400 for Sri Lankans, and \$500 for Filipinos to \$660 and \$700 for Thai and Chinese migrants (respectively).

Figure 2.11



As we shall later see, working abroad helped many of the migrants to save money, savings which many of them then used to finance their trip to Israel.

3. Reasons for Migration

“There were many political problems in Nepal at that time. Strikes every week, no electricity. It was unsafe, and we got less money. I heard from a friend that she was going to work in Israel so I decided to go too...” (L2, female, Nepal)

“My life has been full of drama. My father died when I was 21. I helped my mother to raise 6 kids... My husband’s company shut down and he didn’t work for a long time... So I decided to work here.” (SH7, female, Philippines)

“There was a big flood in my province. People lost crops. People had no income for that year. For months I couldn’t sell any cars. I lost huge amounts of income. I needed to earn money to support my daughter and my mother. I had heard people came to work in Israel, so I decided to look for an opportunity.” (K15, male, Thailand)

The stories of L2, SH7, and K15 represent some of the migrants’ self-reported reasons for migrating, reflecting the grim economic circumstances of their countries of origin. As the data in Figure 2.12 suggest, the main incentives for migration in all migrant groups were economic, primarily the need “to make more money” (over 80 percent in all groups) in order to improve one’s economic situation back home. More specifically, migrants wanted to save money for buying or building a house, a goal possible only via migration, as the following two cases illustrate:

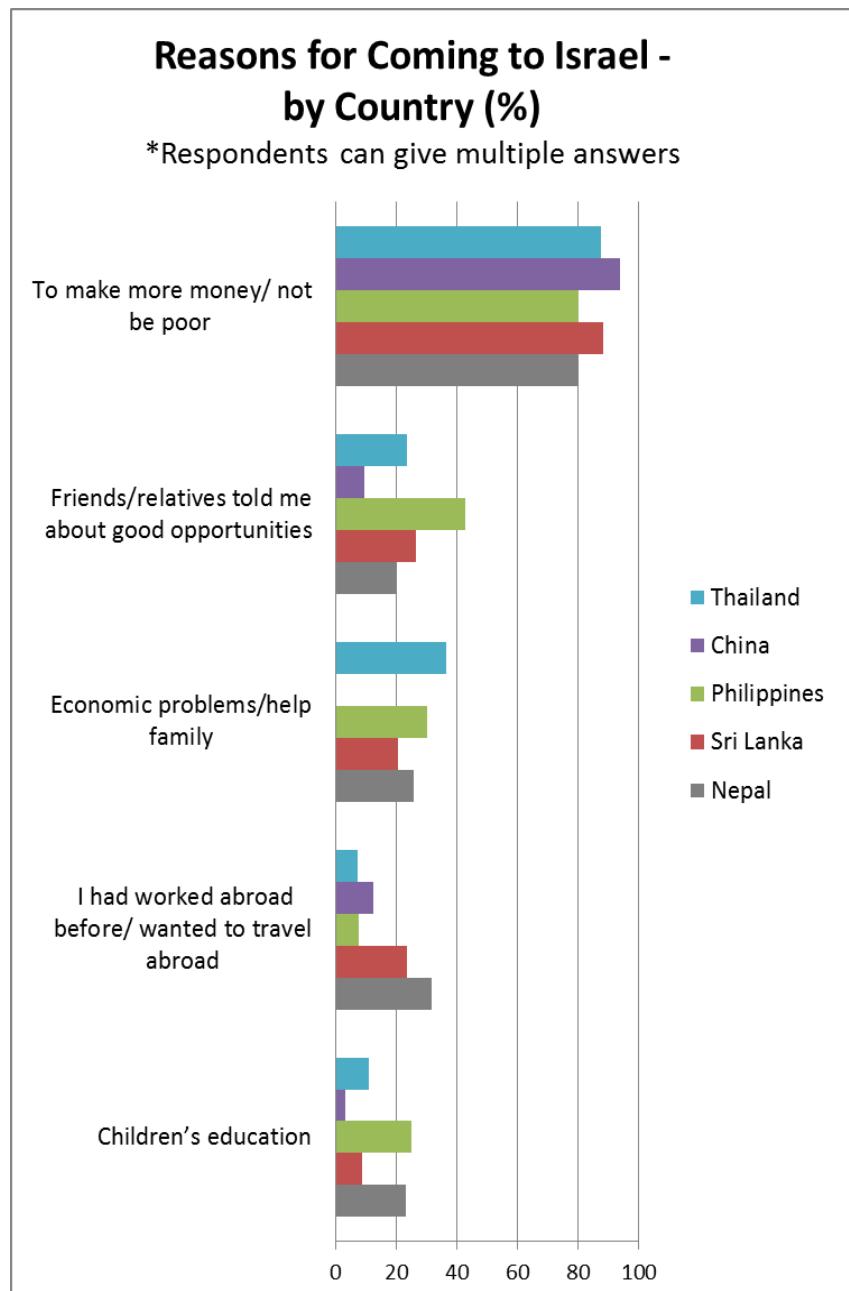
“It is very difficult in the Philippines. There are lots of jobs but low salaries. If you’re planning to build a house, it’s not enough. My husband, he has a salary, but only [enough] for food. If I want a house, if I want to buy furniture... it’s not enough. It’s nice in the Philippines, it’s nice to stay with your own family, but it’s not enough. [Abroad] it’s very easy money... but it’s very difficult.” *Why?* “Because we are away from our family...” (Z5, female, Philippines)

“I wanted money. I got married and wanted to buy a home. Where I come from it was very difficult to save money in order to have a good life. And I knew someone who had been in Israel and came back, and also someone who is still here. They both seemed very pleased with the money they could make here and I thought I could make it in life, too... I started thinking about

[coming to Israel] and tried to save money [to finance the trip].” (V2, male, China)

Migration was thus explained by our respondents as one way they and their families could escape bleak economic circumstances.

Figure 2.12



The following examples illustrate the difficult economic circumstances that often set the stage for the decision to migrate:

“[I had] economic problems... I bought a house and couldn’t pay for it... I borrowed money from people and from the bank and couldn’t pay back...day by day it became harder. My son who was 15 at that time gave me the idea [of coming to Israel]...not only for the money, also because I felt mentally bad, the situation was hard for me.” (L3, female, Nepal)

Our family has a lot of debt. We had borrowed a lot of money from the bank to invest in a rubber plantation and it wasn’t producing yet. Our rice farm wasn’t doing well. My mom told me she had heard that many other people were going to work in Israel and earn quite a lot of money. Our family discussed the problem; we needed to earn money to pay our debts since the interest rate kept going up. My mom urged me or my boyfriend to go to work in Israel. Then she heard there were jobs available there for women to work with flowers. So, my family decided I would be the one to go.” (K17, female, Thailand)

As the case of K17 shows, migration is often the result of households’ survival strategies and is frequently initiated by parents or siblings who suggest other family members should go abroad in order to diversify the household’s income. In these cases, migration is driven by the need to cope with the lack of financial liquidity and with constraints in the local markets.

Many young males from Thailand viewed migration as an ‘investment’, allowing them to save money in order to start their own families:

“When I was working in Bangkok, my parents kind of told me that they would like me to go to work in Israel like my brother. He had gone to Israel 13 years earlier... Many other people from my town also came to work in Israel. I toyed with the idea for a few months and then decided to get serious about it. My main reason was to earn more money because sooner or later I would like to start a family of my own.” (K6, male, Thailand)

“The push came from my girlfriend, who I am serious with and plan to marry. My girlfriend’s brother has been working in Israel for three years. He told me I could triple my income by

working in Israel. He said he would help me find work with the same employer. I plan to get married and I want to earn money to cover the wedding expenses. So, this would be a good opportunity.” (K19, male, Thailand)

Figure 2.12 confirms our assumption that migration to Israel is a common option for those who had previously migrated to other countries. As households become dependent on remittances, migrants tend to develop a migrant career that assures money will continue to sustain the family needs. Take the case of Z7, a male migrant from the Philippines whose wife had worked in Cyprus and provided for the household by sending remittances home. When she got sick, they decided that the only way out of the crisis would be for him to seek work abroad:

“My decision to come to Israel... At the time, my wife had spent one year in Cyprus... Her salary was only \$300. And then she got sick... So I said, ‘you must come back home and we’ll see what to do’. When my wife was sick, I didn’t know what I was doing, lots of doctors, x-rays, ultrasounds. I realized that if I didn’t go out of the country our children would not go to school because of this poverty. That is why I decided to sell my animals, land, everything, because I spent more than \$5000 to come here.” (Z7, male, Philippines)

Concern for the children’s future, especially the will to provide them with good educational opportunities, was also a consideration, especially for Filipino (25 percent) and Nepalese (23 percent) migrants, less so among the other migrant groups. This concern is illustrated by the stories of Z3 from the Philippines and Y6 from Thailand:

“I came to Israel for my children, this is the main reason. I wanted a good life, a good future for my children... My children are growing and they need assistance from me. They need my support for school. School in the Philippines is expensive, this is the problem.” (Z3, male, Philippines)

“I have children. I need to give them food, I need to send them to school, and that’s very hard in Nepal. I needed more money, so I decided to come to Israel.” (Y6, female, Nepal)

Finally, next to economic reasons the existence of social networks connecting migrants in

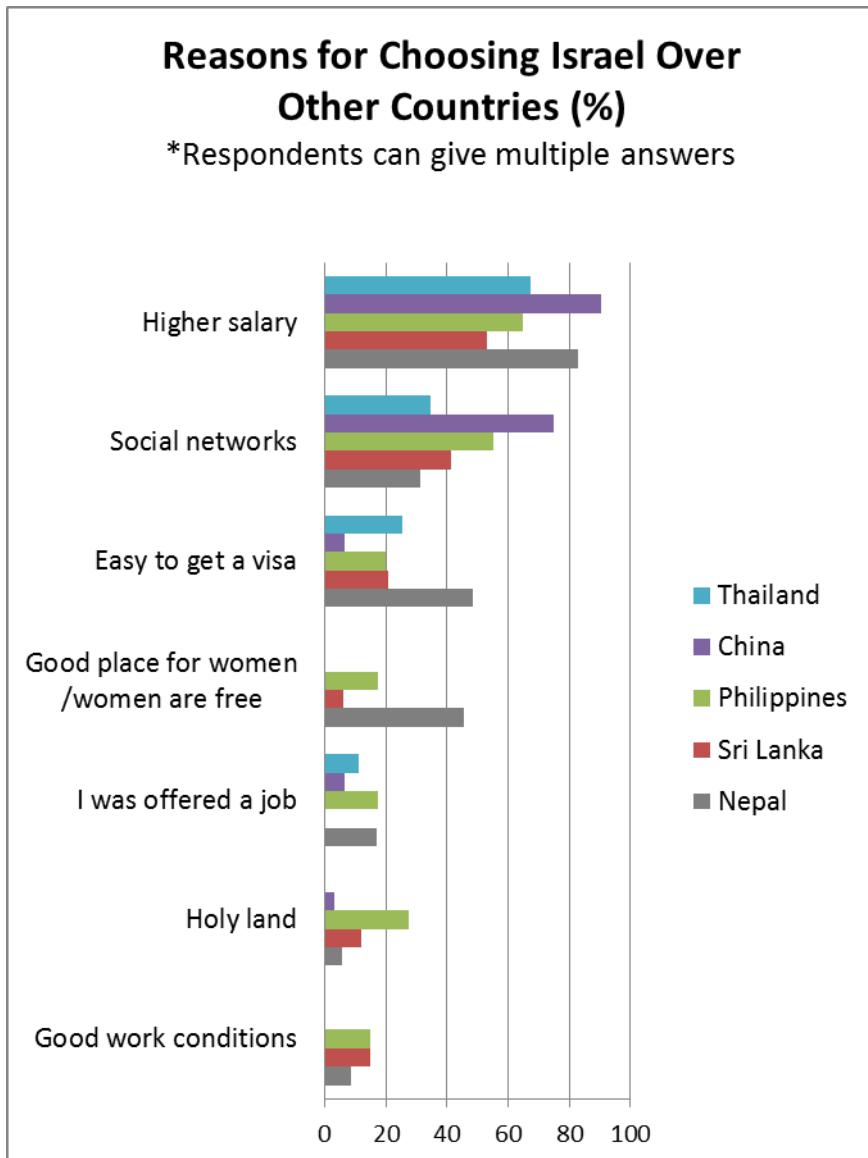
Israel and prospective migrants in the countries of origin was also reported as an important reason explaining migrants' decision to migrate. This is the more accentuated in the case of Filipinas (42.5 percent), Sri Lanka (26.5 percent), Thais (23.6 percent), Nepal (20 percent) but less important in the case of Chinese (9.4 percent). The role of social networks in the process of recruitment will be further developed in the next sections. Next we focus on the reasons for choosing Israel as a country of destination.

4. Reasons for Choosing Israel as the Destination Country

Figure 2.13 displays the reasons migrants gave for choosing Israel over other countries as their destination. The data reveal that the migrants' decision to choose Israel is based on considerations both economic (better salaries and work conditions) and non-economic (social networks, ease of getting a work permit, and a positive social climate towards migrants).

As Figure 2.13 shows, the migrants' most commonly noted reason for choosing Israel over other countries is the higher salaries they can earn in Israel than in other host countries which are typical destinations for their fellow nationals. In addition, many migrants have noted the good working conditions in Israel compared with other countries (15 percent of Filipinos and Sri Lankans, 8 percent of Nepalese).

Figure 2.13



The following quotations illustrate how the migrants base their decisions on comparisons with other possible destinations:

“[Israel] is a good country compared to other countries. Arab countries are really different. In Arab countries the employers are very cruel. The salary is also better [in Israel than in other destination countries]... In Hong Kong it is only \$300-400, 7 days a week. In Kuwait, for example, I think it's \$200. Here it's 3200 NIS [i.e., \$880 at the time of the interview—R.R.].”
(Z6, female, Philippines)

“My friends from Sri Lanka who had worked in Israel told me that here, in addition to the wages, you have good conditions such as vacation days and health insurance. Previously I worked in Singapore and Saudi Arabia and I know these places only pay a monthly fee, so it sounded to me like a better offer.” (Y11, female, Sri Lanka)

“I’ve been told by friends and people around that in Israel I could earn good money... about \$2000 a month. I have worked in Singapore, and I always try to go abroad again... It’s very popular for people in our place to go to Israel.” (W3, male, China)

“I had met some acquaintances at home who had returned from Israel... The main reason I made the decision is that they told me I could earn a lot of money [in Israel]. *How much money did they tell you they earned?* They told me it would be more than ¥10,000 (5000-6000 NIS, about \$1500) per month, and some more from other “private” jobs if I was willing to do them. Compared to China the salary is really good, and of course I calculated how long it would take me to pay back the money I would need to borrow. [I decided] it was worth doing, so I decided to go for it.” (R1, male, China)

Higher salaries were not, however, the only consideration for choosing Israel. As Figure 13 shows, having friends and family in Israel ranked in second place, suggesting that migrants tend to select their destination on the basis of existent social networks. This is especially true in the case of Chinese (75 percent) and Filipino (60 percent) migrants, but still significant for Sri Lankan (41 percent), Thai (34 percent), and Nepalese (31 percent) migrants.⁴⁸ The importance of existing social networks connecting Israel with the countries of origin was evident from many of the personal experiences reported by the migrants:

“My sister was working in Israel and she said it was a good option... she said I’d be able to find a job. [I chose to come to Israel] only because my sister was already here... I preferred to go to a

⁴⁸ The role of social networks in the recruitment process will be further developed in Section 3.

place where I had family.” (R5, female, Sri Lanka)

“A few years ago... my friends went to [work in] Israel. They told me that they felt good there, that there was ‘good money’ and good people... I preferred to go where I knew things would be good for me, somewhere I’d have friends from Sri Lanka to be with.” (Y9, female, Sri Lanka)

“My dear uncle who is currently working in Israel told my parents that I should come to work in Israel to make money because sooner or later I would start my own family. Also, some of my neighbors have been working in Israel and they are doing better financially. So, I decided to come and see for myself. At least my uncle is here, so if anything goes wrong I am not alone in Israel.” (K12, male, Thailand)

“I was working in a sugar cane plantation and wasn’t earning much money. At that time my father was working in Israel and he wanted me to come to work in Israel like him. Also, many people from my village came to work in Israel.” (K13, male, Thailand)

“There is a trend among people from my province to go to work in Israel, including my good friends, so I wanted to come, too.” (W6, male, China)

For many prospective migrants, the fact that migrants already working in Israel were sending remittances to their families back home was proof that migration was a sound economic investment, convincing many to follow in the footsteps of friends and neighbors:

“I saw that they [my cousins] built their houses and opened their own businesses. So I said, why not? I will try to go to Israel and work there too, and maybe one day I will also have a house like they do.” (P1, female, Philippines)

“I know a lot of people who had worked in Israel and brought a lot of money back [to Thailand]. My brother had been here [in Israel], and when he came back he bought a house and a car... and also saved money.” (S28, male, Thailand)

“Many men in my village had gone to work in Israel. I asked some of those who returned to Thailand what it was like. They told me I could earn more money than in Thailand and that work conditions weren’t too bad. Everyone could do this type of work. No training or special skills

required. Then I asked my neighbor who had just returned after five years in Israel. He gave me some good advice about where to go, what agency to apply to for work.” (K12, male Thailand)

“The first time I heard [about Israel] was from one of my family members who told me their son was sending back more than \$1000 a month, and it seemed to me like a lot of money. When I asked around I discovered there was another relative of mine who had opened a company to recruit workers to Israel.” (W9, male, China)

As Figure 2.13 reveals, another important reason for choosing Israel was the ease of getting a visa compared with other destination countries (e.g. Japan, Canada, and EU countries). This reason was especially common among Nepalese women (49 percent) but also fairly common (20-25 percent) among migrants from Sri Lanka, Thailand, and the Philippines. Other destinations considered by the migrants were either more expensive in terms of recruitment fees or required longer waiting times, causing many prospective migrants to accept the Israeli option at the suggestion of recruitment agencies or friends, as the following responses illustrate:

“I went to find out about going to Japan or Korea, where I have friends, and the agent mentioned Israel as a possibility. He said it was “not bad.” He said the work is very hard and you need a lot of patience but... the salary is high compared to the Gulf countries.” (Y14, female, Nepal)

“It is hard to get a visa to work in other countries [e.g. Australia or Canada, where she originally wanted to go]. They sometimes require that you have more property, or visa fees are much higher. It is easy to get an Israeli work visa.” (S1, female, Nepal)

“I was also told about [working in] Korea. The salary there is about 25,000 baht [\$ 825]. *Why did you come here then?* It’s easier to come [to Israel]. You can come within two months. Other countries, you have to wait a year or two.” (S6, male, Thailand)

“I applied for three countries. The first offer I got was from Israel, and I took it. I didn’t want to wait and see if the other countries offered anything better. Besides, I didn’t know when there would be job available for me in those other counties.” (K7, male, Thailand)

I could go to Japan. But in Japan the salaries are lower... and you must study Japanese during the first three months. It is easier to come here... easier to get a visa. For a visa to Japan you have to wait two years." (S27, male, Thailand)

"[In Israel] the salaries are good and you have legal status... Some friends go to Europe and they sometimes make good money as well, but they have no legal status and it is a big problem." (W4, male, Chinese)

Some migrants view migration to Israel as a stepping stone to other Western countries. The Israeli experience, they believe, may eventually help them get a visa to other developed countries:

"It's difficult to get from Nepal to the USA or to Canada. In Israel I have many friends, and they said it's good money and a good place. Eventually, I want to go from here to Canada." (Y5, female, Nepal)

"I talked with many friends who had worked in Israel, Taiwan, Korea, Spain, and Portugal. After you work in Israel, it is easier to work in another country." (S22, male, Thailand)

Besides higher salaries and the ease of getting a visa—two considerations that were relevant to all migrant groups—Thai migrants also stressed the fact that Israeli visas are issued for longer periods relative to other countries, making the investment more profitable:

"My friends told me that work is good and the money is good. I had the option to go to Canada, but in Canada you can work only one year and here five." (S5, male, Thailand)

"In Israel you can stay five years. To go to Taiwan I would have to pay the same amount as for Israel but could stay only three years. And the doctor told me that there is less air pollution [in Israel]. And also in Israel there are more Thais [working] than in any other country in the world." (S12, male, Thailand)

Migrants in the caregiving sector reported that their decision to choose Israel was based

on their acquaintances' description of Israel as a place with "good working conditions" and a "good place for women." As Figure 2.13 shows, 46 percent of Nepalese women and 17 percent of Filipinas reported they had chosen Israel because "it is a good place for women" and "women are free." The perception of Israel as a safe country for women should be understood within the context of living and working conditions of Southeast Asian migrants in many Middle Eastern countries, which some have described as "contract slavery" (see, e.g., Jureidini and Moukarbel, 2004). The following examples illustrate the way Israel is perceived as a safe place for women:

"I decided [to come to Israel] in 2006. It wasn't good for me in Nepal. I had two girls and no money; I had heard of Israel from friends and relatives, heard it was good. They said it's good here for human rights, not like in the Arab countries. So I went to an agency and arranged it... I heard bad things about the Arab countries; that was important to me, to know there are that good human rights [in Israel]." (Y7, Female, Nepal)

"The situation in Nepal is not good. It's a poor country. Everybody wants to go abroad. I know that many Nepalese women earn good money in Israel. There are no other good options to go abroad, except for the Gulf countries—but that option is not safe. We've heard about many cases of abuse in the Gulf. Israel is the best location for women." (Y2, female, Nepal)

"For girls it is a good destination... It's safe and the salaries are high compared to the Gulf countries." (Y14, female, Nepal)

The perception of Israel as a safe country was also reported by some migrant men in our sample:

"Compared to my first job in Saudi Arabia, especially the salary, and then the culture... In Saudi Arabia everything is prohibited. In Israel you can do anything. If you want to relax after the job, you can do that." (Z3, male, Philippines)

"A friend of my wife's had been in Israel and said Israel is a good country. Israel is a good nation, they treat you as a human being, not like in our country. You can find what you want, whatever

you want you can do it, if it isn't against the law." (MZ7, male, Philippines)

Finally, as the Holy Land, Israel is uniquely attractive for Christians who aspire to visit it as pilgrims. Thus, for example, 28 percent of the Filipino migrants in our sample (most of them Christian) adduced religious reasons for choosing Israel as their preferred destination:

"I wanted to visit the Holy Land since I am Christian. [But] I can't get a tourist visa, which is very difficult for people from the Philippines." (Y5, female, Philippines)

In conclusion, our findings suggest that the migrants' main reasons for choosing Israel were higher salaries, "closed doors" in other receiving countries, and the existence of co-ethnic social networks in Israel. Whatever the migrants' motivations, however, they could not have traveled to Israel had there been no demand for their labor. Thus, in what follows we focus on the modes of recruitment of migrant workers to Israel and identify the main agents involved in the process. Specifically, we analyze the important but heretofore little studied role of private recruitment and placement agencies in the social organization of modern labor migration.

3. A TYPOLOGY OF LABOR RECRUITMENT

In this section we describe (1) the ways by which prospective migrants found out about job opportunities in Israel and (5) types of labor recruitment by country of origin.

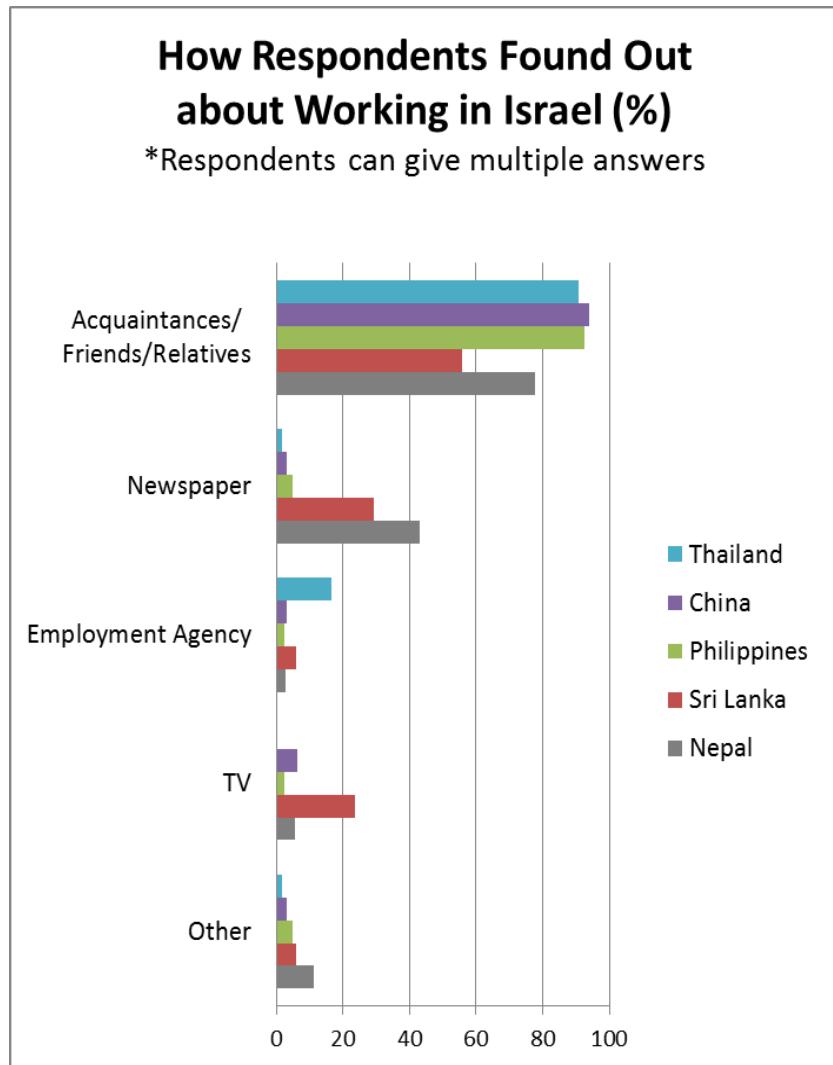
1. Finding Out about Job Opportunities in Israel

Before migrants can apply for a job they need to find out about work opportunities in Israel. Figure 3.1 provides information on the most popular ways migrants learn about jobs in Israel. The most popular method among the migrants in our sample was through social networks, with a large percentage of the migrants from each country reporting that friends, relatives or acquaintances were the ones to tell them about the possibility of coming to work to Israel and to give them information on salaries and working conditions:

“Many people in Nepal had worked in Israel... I learned from a neighbor... She worked here [in Israel]... and we talked... If we knew someone had worked in Israel, we’d ask about work, what it was like in Israel...we’d ask if it was good [to work in Israel]. I wanted to come here, too.” **Q: What did [your neighbor] say?** “Good salary, good work, good place... holy place.” **Q: Was that important to you?** “Even if (we) are not Christians, we believe [in God].” (A7, female, Nepal)

“My father was here and my big brother too.” **Q: Who came first?** “My brother arrived five months before my father.” **Q: What did they tell you?** “They told me to come to work. They said the money is good.” (S34, male, Thailand)

Figure 3.1



“People I knew talked about going to Israel; they said the income is really good. So I decided to do it!” (R10, male, China)

“My friend from high school had already been here... I tried to come here because she said it’s better.” **Q: What's better?** “The Money and the work...good people” (A12, female, Philippines)

As these examples reveal, accounts of job opportunities and salaries by migrants who had already worked in Israel inspired other people in their communities to follow suit. Networks of this sort become one of the major engines facilitating and encouraging labor migration to Israel.

While social networks are widely used among prospective migrants of all nationals, differences have been found with respect to other sources of information such as advertisement in the local media. Using the media as a source of information about job opportunities is more frequent among migrants from Nepal and Sri Lanka, two relatively new suppliers of domestic care workers to Israel. Since the flow of labor migration from those two countries to Israel is not as well developed as that from the other three countries in our sample, prospective Nepalese and Sri Lankan migrants are more likely than their Thai, Filipino, and Chinese counterparts to learn about job opportunities through the media.

As Figure 3.1 shows, learning about jobs in Israel through newspaper and magazine ads was common only among prospective Nepalese and Sri Lankan migrants (43 and 29 percent, respectively). Sri Lankans also relied on information transmitted through the local TV channels in their communities of origin:

“In the newspaper ad...they advertised high salaries (over \$500), work visa and health insurance. It said they were looking for good, high-quality individuals, that they hire only the best.” (Y2, female, Sri Lanka)

“Manpower agencies had regular ads [emphasizing that] Israel is a good destination for women, with high salaries.” (Y1, female, Nepal)

“It was written that the salary is good, that the work involves care only and no cleaning... that Israel is a developed country (like Europe) which has everything, and that this is a good opportunity to come to Israel... and that a good way to get there is through [the agency].” (Y9, female, Sri Lanka)

“In 2005 nobody [in Sri Lanka] knew about jobs in Israel. I heard about Israel in a local TV ad. I was one of the first [Sri Lankans] to go and work in Israel.” (Y2, female, Sri Lanka)

For some workers these advertisements came at the right time, just as their economic situation was getting bad:

“I had a business; I had taken loans that I needed to pay back. It was my responsibility... I was very tired. I heard that everybody was going to work abroad to earn money. One day I saw an ad in the newspaper about care work in Israel, so I went to the manpower agency [that put the ad in the newspaper]...” (L1, female, Nepal)

Regardless of how they find out about job opportunities in Israel, prospective migrants have to contact the main agents involved in the recruitment and visa application process. In the next section we focus on the specific ways in which migration to Israel is organized.

2. A typology of Labor Recruitment

In this section we develop a typology of labor recruitment patterns for migrants to Israel from various sending countries. We asked respondents whether someone had contacted them proposing to come to work in Israel, and how they made the official arrangements for their trip. Based on in-depth interviews, we identified five main recruitment patterns:

- (1) Sub-agent in country of origin connected to a local recruitment agency contacts the prospective migrant and offers him/her a job in Israel.
- (2) Co-ethnic sub-agent working in Israel for a recruiting agency contacts the prospective migrant and offers him/her a job in Israel.
- (3) Prospective migrant learns about job opportunities from advertising or social

networks and independently applies for a job in Israel at a local agency in the country of origin.

(4) Israeli employer recruits prospective migrants through the mobilization of ethnic networks of migrant workers.

(5) Co-ethnic migrants contact prospective migrants and connect them to a specific recruiting agency (whether in Israel or in the country of origin).

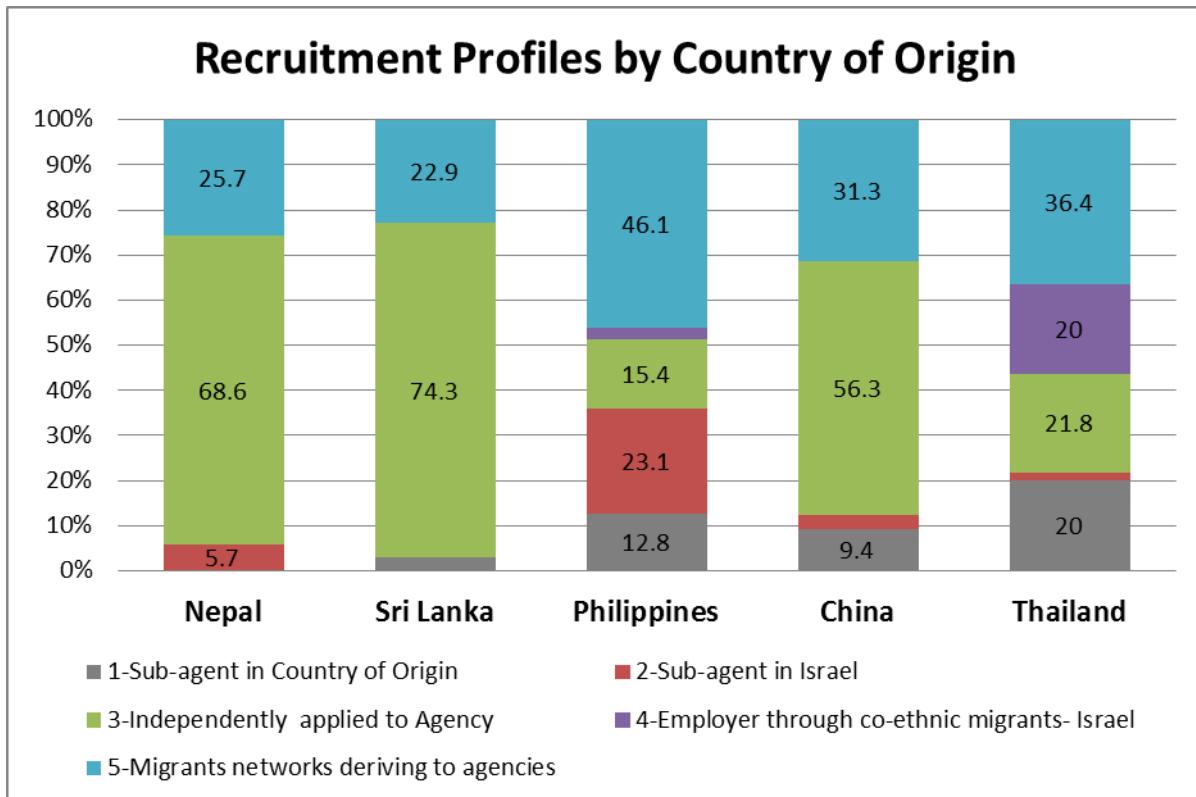
As well shall see, however, regardless of whom initiates the process, the migration industry is a transnational business involving several intermediaries in the countries of origin and in Israel, including migrants, social networks, employers, and recruiting agencies at both origin and destination (see Figure 3.2).

Figure 3.2



The five types of recruitment patterns are presented in Figure 3.3. The data reveal marked differences in the recruitment profiles of different countries of origin. For example, the most common form of recruitment among Nepalese and Sri Lankan migrants was Type 3, where migrants directly contact local manpower agencies or agents in their communities of origin after learning about job opportunities in Israel (68.6 and 74.3 percent, respectively). Type 3 was also prevalent among Chinese migrants (56 percent), but much less common among Thai and Filipino migrants (22 and 15 percent, respectively).

Figure 3.3



Filipino and Thai migrants displayed a wide array of recruitment patterns. Migration from the Philippines was driven by the active recruitment of sub-agents, whether in the country of origin (Type 1; 12.8 percent) or through Israeli agencies (Type 2; 23 percent). 20 percent of Thais were actively recruited by sub-agents in their communities of origin, while another 20 percent were recruited by Israeli employers (Type 4) who rely on the ability of their current foreign workers to mobilize newcomers.

Migrants in all groups were contacted by friends and relatives who referred them to specific manpower agencies (whether in Israel or in the country of origin) to initiate the procedure of applying for a job in Israel (Type 5). This recruitment pattern was especially prevalent among Filipino (46 percent), Thai (36 percent), and Chinese (31.3) migrants, less so

among those from Sri Lanka and Nepal (23 and 26 percent, respectively).

Differences in recruitment profiles can be explained by the different cycles in the migration flow from each country to Israel. Whereas migration from Thailand and the Philippines dates from the early 1990s, followed by China in the early 2000s, systematic labor migration from Nepal and Sri Lanka is relatively new, dating back to the mid-2000s. Social networks connecting current and prospective migrants are therefore less developed in the latter two countries, affecting the recruitment process.

We turn next to an analysis of each recruitment pattern, with examples illustrating the ways in which the migration business actually works (see flowcharts 1-5 in Appendix 3.1).

Type 1: Sub-agents affiliated with recruitment agencies in the country of origin contact prospective migrants

Sub-agents are key actors in the recruitment process, both in the country of origin and in Israel. In the countries of origin, the headquarters of local agencies are usually located in the capital city or in other central cities. To reach prospective migrants in more peripheral areas, agencies rely on the services of informal recruiters (brokers or sub-agents).

As Figure 3.3 shows, this recruitment pattern is very common in Thailand, where 20 percent of respondents reported they had been contacted by a sub-agent in their community of origin with a proposal to work in Israel.

Thai sub-agents play an important intermediary role between local agencies and

prospective migrants, as Thais often prefer to rely on someone who can help them with legal procedures in Bangkok when applying for employment abroad. The following quotations illustrate how sub-agents initiate recruitment in Thai villages:

“My friend contacted me. He had worked in Israel for five years, and when he returned to Thailand and he had it all: land, a house, a tractor. He passed my passport number on to the manpower agency [in Thailand]. I paid him a \$2,600 recruitment fee because he helped me get here faster. Without his help I would have had to wait one year.” (S19, male, Thailand)

“My relative worked in Israel six years... He went with me to the manpower agency and to the physical examinations. He helped me, so I paid him about \$1,000. This payment was not included in the recruitment fees I paid to the manpower agency... It’s easier [to go to Israel] when you get help.” (S21, male, Thailand)

“My uncle is a sub-agent in Thailand. He came to my village to look for workers. He said that jobs were good in Israel, that we’d be able earn good money. He’s a good man and the manpower agency was near home, in the same province.” (S8, male, Thailand)

“The sub-agent came to the village looking for workers... He said he had spent ten years in Israel working in the north of the country. He said he knew lots of people and employers. He can talk to employers about [prospective] employees. He is now recruiting workers for Israel.” **Q: He simply goes door to door?** “Yes.” **Q: What did he do for you?** “He talked to my [current] boss in Israel and asked him if he needed workers. He gave me some forms to fill and the phone number of an agency in Thailand.” **Q: Did you have to pay him?** Yes, a mediation fee of \$990.” (S27, male, Thailand)

“A man [came to the village]. I wasn’t familiar with him. He said he worked for a manpower agency in Bangkok. [He said] he had helped many people to come to work in Israel. He told us mainly how much money we could make by working in Israel... agricultural work that didn’t require any skills... He told me about [Thai] people working in Israel who sent back money to remodel the house, buy a car, etc.... When I was in his office at the province he told me I had to put money down—about \$1,600. I paid the remaining mediation fees at the main office in Bangkok.... I believe he got paid for it, but I don’t know how much.” (K3, male, Thailand)

As these examples show, Thai sub-agents are former migrants who capitalize on their migration experience by recruiting prospective migrants and asking them to pay a mediation fee ranging from \$990 to \$2,600.⁴⁹ By joining the migration industry in their countries of origin as brokers, and by charging mediation fees from prospective migrants, some of the returning migrants thus benefit from the exploitation of their fellow ethnics who are looking for better economic opportunities abroad. After the migrant pays the broker his fee, he or she is referred to a recruiting agency in Bangkok which takes care of the legal procedures.

While less frequent in Nepal, Sri Lanka, and China, recruitment via local sub-agents followed the same pattern in those countries: sub-agents initiated contact with prospective migrants and brought them to the central city where the agency was located:

“I met an agent close to where I lived in Katmandu. Everybody knows he’s an agent who helps people who want to work abroad. He took me to the manpower agency and they explained the whole process and the fees.” (Y8, female, Nepal)

“My old friend in Jiangsu, my province, who works at a private company that arranges for Chinese people to work abroad, contacted me... They also send people to Canada and the USA... He called me.” (A2, male, Chinese)

Sometimes the recruitment is done by sub-agents who work independently in what seem like informal modes of operation; prospective migrants trust these brokers, however, since they are often friends, relatives, or friends of friends. W5, a migrant worker from China, arranged his trip through a local sub-agent who is the wife of a friend working in Israel:

⁴⁹ Thai migrants usually have to pay dual recruitment fees, first to the sub-agent and then to the local agency. Whereas Thai migrants were well-aware of the fees paid to the sub-agent, migrants from other countries did not know how the fees were divided between agencies and sub-agents.

“This guy is my friend from China; he was working in Israel [in construction] but his wife was in China. We were from the same town... His wife in China makes a living recruiting new workers like myself and assisting them with all the necessary arrangements and documents—ID and passport, police clearance, medical checkups... She doesn’t have an office, she works from home... The whole application cost me ¥190,000 [\$27,142 in 2008 terms], and I know she took some money—[my friend] told me so—¥10,000 (\$1,428) as her commission... I know that one cannot leave China and work outside legally without a governmental manpower agency involved. I never checked, but I assumed that my friend’s wife was working in collaboration with one of those government-approved agencies...The sum [\$27,000] did not look too much for the good work that she arranged for me. Many workers pay all kinds of people who promise them work abroad but never make good on their promises and the money is lost.” (W5, male, China)

The examples presented so far illustrate the important role played by sub-agents in stimulating and facilitating migration from the villages of origin to Israel.

Type 2: (Co-ethnic) sub-agent working for an Israeli manpower agency contacts prospective migrants in country of origin

Our study reveals that recruiting agencies in Israel are actively involved in the recruitment process by mobilizing co-ethnic sub-agents. The latter are often migrant workers in Israel who work for the Israeli agencies, recruiting prospective migrants among friends, relatives, and acquaintances. Employing migrants as sub-agents is illegal, however;⁵⁰ in any case, Israeli recruiters formally have to use licensed agencies in the country of origin in order to process the prospective migrants’ forms and the work permits.

⁵⁰ See Protocol Knesset Committee for the Examination of the Problem of Foreign Workers July 29, 2008, page 5, explanation of David Peretz, Official of Investigation of the Immigration Authority.

As Figure 3.3 shows, the Type-2 recruitment pattern is especially prevalent among Filipino migrants, 23 percent of whom reported having been contacted in the Philippines by a sub-agent representing an Israeli agency, usually a co-ethnic already working in Israel. The following stories illustrate how this system of recruitment works:

“A friend [working in Israel] is a representative of the manpower agency in Israel.” **Q: So she told you to go to this manpower agency?** “Yes.” **Q: Was she getting money for that?** “Yes.” **Q: Did you know her before?** “Yes.” **Q: What did she do for you?** “She helped me to follow up on my papers, because without an agent, there are lots of papers... This agent, every week, goes to the agency in Israel and asks what about my papers. That was her job, to follow up on my papers. Without an agent your papers stay at the bottom of the pile.” **Q: Did you pay her?** “Yes.” **Q: How much?** “\$300.” (A7, female, Philippines)

Y1 was contacted in the Philippines by the Israeli agency for which her aunt was working:

“They were looking for someone—they came to me directly through the agency—and we talked on the phone. First I talked to the agency in Israel, because my aunt works in Israel with them. So the agency and the employer called from Israel and talked to me. The agency in Israel gave me the address and number and I contacted the agency in the Philippines and started the process.” (Y1, female, Philippines)

“The agent from Israel called me in the Philippines. They heard about me from my relative. I was supposed to replace her. [The recruiter] was a Filipina working in Israel for an agency. She took care of my visa, arranged the medical checkups, gave me the phone number of another (partner) agency in the Philippines.” (S6, female, Philippines)

Q: Tell us a little about the person who contacted you, the recruiter. “She was in the Philippines on vacation. Her husband is Israeli—they got married in 2004. They went to the Philippines [to marry]. And then she told me, ‘I’ll bring your papers to the [Israeli] agency’. [She and her husband] had an agency at the Central Bus Station; they’ve closed it down now... And the agency in Israel sent [the papers] to the Philippines.” **Q: And the local agency in the Philippines contacted you?** “Yes... and then I paid them \$3,000. I don’t know how much they paid to the agency... they always have a commission. Because if there is no commission, they

[the recruiters] won't bring [workers] from the Philippines." (A11, female, Philippines)

One of our Filipina respondents was contacted by a relative who is married to an Israeli citizen who owns what seems to be an informal recruiting agency in the town of Netanya:

Q: how did you hear about Israel? "The agent in Netanya is a relative of ours. She asked me if I wanted (to work in Israel). She said she could help me." **Q: What did she tell you about Israel?** "She said, 'don't expect a good job, don't expect working in an office or...' I said I know. So she said: 'Okay, we'll start to process your documents', and after a month and a half she found me a job... She's married to an Israeli guy—she's an Israeli citizen now. She has an office at home. She just told me to go to that office in Manila [that works with her aunt], and [she told me] exactly what I needed to present at the Israeli embassy." (A16, female, Philippines)

A16 was one of the few migrants who managed to pay a substantially lower fee—only half of the \$2,500 normally requested—since the informal agency was managed by a relative.

Type 3: Prospective migrants apply directly to a sub-agent or a recruiting agency (without having been contacted previously)

Most migrants in this category applied directly to a local agency in their country of origin or contacted a sub-agent in their community after having learned of job opportunities in Israel. This form of recruitment was very popular among Nepalese, Sri Lankan, and Chinese migrants who had heard of job opportunities in Israel from advertisements and/or from friends and relatives:

"I saw the advertisement and called the recruiting agency. Then I went to a meeting at the offices and they told me I needed to prepare some documents: passport, citizenship, medical checkups, including translation of all the papers. They told me I needed to pay \$8,000, and then I had a short

interview. Then they told me to give them my passport. They said I needed to go to the main office in Katmandu. They told me I needed to undergo training—Hebrew, taking care of people, cooking. So I went to the agency in Katmandu and gave them my papers. I took a one-month training course and after two weeks they told me my visa was ready. They said I would need to fly [to Israel] the following week. I needed to sign a contract. I paid them 60% in Nepal, and [the remaining] 40% to the agency in Israel. I paid three times—first when I gave the papers, then during the training, and finally when I arrived in Israel.” (L1, female, Nepal)

“‘Care-giver wanted in Israel: salary \$800’—that was the ad published by the agent who brought me here. I called the woman from the ad; she talked to me and told me what to do. She did all the arrangements on my behalf. It was a private agent—not someone from a manpower agency, but an individual who was sending Nepalese people to work in Israel. Five years ago it was still allowed. At that time many Nepalese agents were working like that. From what I understood, she was working with one agency in Israel and they sent her the visa, and she did all the arrangements for me—not an agency. [I didn’t sign a contract] because I did not come with an agency, so I did not know what to do or get. [The Nepalese agent] gave me the name of an employer, but I didn’t know anything. I trusted her because I knew she had already sent people to Israel.” (Y18, female, Nepal)

“I met some acquaintances at home who had returned from Israel. They told me about their jobs and said people could earn a lot of money. They also told me I’d be able to find this kind of employment offer through an agency near home, so I went there to check it out.... They told me I’d be able to earn 5000-6000 shekels [about \$1500] a month, and some more from private jobs if I were willing to do so. Compared to Chinese salaries that’s really good... So I decided to go for it.” (R1, male, China)

“I had heard about people working in Israel, so I asked a cousin who came back from Israel. He said it was nice working here. He said people had regular work and could earn a lot. He recommended an employment agency to me, because he had also used it. He also told me how much I would have to pay this agency—¥210,000 (\$32,477).” (R2, male, China)

Some prospective migrants took the initiative to directly contact co-ethnic migrants in Israel and ask them to find them a job in Israel. This was the case with R6 and R7 from Sri Lanka, whose recruiting process was completely managed from Israel:

“I talked to D [a friend working in Israel] and he told me he would help me come to Israel. The first time we talked [over the phone] he interviewed me briefly to check my level of English proficiency. At first my English was not good enough, so he said I needed to practice my English and call him again only after I’ve improved my skills. A few months later I called and talked to him again and he said my English was fine. He said I should pay him \$5500. I think he took \$2,000 for himself and the rest was for the Israeli manpower agency he was working with. [He also said] I should send him all kinds of documents. I e-mailed him my photo and sent him my passport and birth certificate and another certificate for the work I had done in Saudi Arabia. It took a long time, maybe six months, until he found me a job. Eventually he found me an employer in Israel. So after he got me a job in Israel, he told me to go to the Israeli consulate in Colombo.” (R6, male, Sri Lanka)

Some of the fees, R6 told us, were paid by his girlfriend who was already working in Israel; the rest was paid in Sri Lanka to D’s wife.

“My friend working in Israel told me that a woman from Sri Lanka working in Israel could help me to come to Israel. I didn’t know her at the time. I contacted her over the phone. She explained about the job. She told me I’d be paid \$550 a month. She said it was hard work. Then she said I’d have to pay her \$7,000 and send her my birth certificate and passport. After I paid her the money she sent me the visa. The visa was sent by fax to the travel agency. I paid the migrant’s mother who lives in Sri Lanka.” (R7, female, Sri Lanka)

The fact that in these two cases the recruitment fees were paid directly to the sub-agent or deposited in bank accounts belonging to the sub-agent’s relatives indicates that these were unreported economic transactions, part of the shadow economy of the migration industry.

Type 4: Employer in Israel arranges visa through a manpower agency (the ‘Fax System’)

Type 4 is a common recruitment pattern among migrants arriving from Thailand to work in agriculture (see Figure 3.3). Among Thai workers it is commonly known as the ‘fax system’,

reflecting the common practice of sending the migrants' documents (e.g. passports) directly to the employer by fax. The following vignette explains why employers prefer this type of recruitment:

"Thai workers have a nickname for this—[we call it] 'fax'. If workers who are already working in Israel want their family members, relatives, and friends to come to work in Israel with the same employer, they simply tell their employers the name of that person and the employer arranges [the trip] through the [recruiting] agency in Israel. The agency in Israel then contacts their partner agency in Thailand and asks that person to apply for a job. Many employers like to recruit workers this way because [this guarantees] there will be no conflicts among [the workers] since they are family or friends." (K5, male, Thailand)

Usually, this type of recruitment is initiated when (1) the prospective migrant asks friends in Israel to talk to their employer in order to help them find a job, or (2) a migrant currently in Israel, or sometimes his or her employer, contacts a prospective migrant with a proposal to come to Israel and work for the same employer. The first option is illustrated by the following two snippets:

"One of my brothers-in-law came to work in Israel. My wife talked to her brother about my chances of coming to work in Israel. My brother-in-law said that if I was serious about coming then he would ask his boss if he needed more workers. I sent a copy of my passport to my wife's brother in Israel. He then gave it to his employer. The employer contacted his manpower agency in Israel. The Israeli manpower agency then contacted their partner agency in Thailand and told them they can expect me to apply. Then my wife's brother called and told me what to prepare and whom to contact in Thailand for arrangements. I didn't contact the government official myself. All I had to do was to give the agency the required documents, undergo a medical examination, and pay for mediation fees." (K5, male, Thailand)

"My girlfriend's brother told me to send a copy of my passport to him in Israel and he would give it to his employer. Then the employer would send a request for me to work through the manpower agency. I sent a copy of my passport to my girlfriend's brother who is currently working in Israel,

which he then forwarded to his employer. Then the employer sent the request to the manpower agency in Israel. Not too long after that I got a call from this Thai man from Israel. He introduced himself, saying he was working with a manpower agency in Israel. He gave me the name and phone number of a recruitment agency in Bangkok to contact. And also told me what date to go there. I visited this agency with the required documents. The man at the agency expected me. I filled out all sorts of forms and applications with the assistance of the man at the agency.” (K19, male, Thailand)

The second aforementioned option (the employer and/or a migrant already in Israel contact the prospective migrant) is described by the following respondents:

“A relative of mine was already in Israel. He said I could come here to work... he said there was a lot of money [to be earned]. The boss told him he needed more workers, so he told him about me. The boss talked with the agency in Israel, and they spoke with the agency in Thailand. They called me and told me that the boss in Israel said he wanted me to come.” (S7, male, Thailand)

“They called me from the agency and said that the boss in Israel wants me to come. My friend told his boss he had a friend who wanted to come to work here. I sent a photocopy of my passport and he gave it to the boss, who then talked to the agency in Israel.” (S23, male, Thailand)

“I was contacted by a friend who was working in Israel. She also came here to help the family. She talked with her boss and she gave her my passport number. The boss talked with the manpower agency in Israel and they contacted the agency in Thailand. I gave her 25,000 Baht (\$820) as a gift for helping me to come to Israel. In Thailand it is common to give a monetary reward for any kind of help.” (S16, female, Thailand)

As some of the interviews indicate, many Israeli employers in the agriculture sector seem to prefer this type of recruitment because when new arrivals are friends or relatives of current workers social relations in the workplace can be more effectively controlled.⁵¹

⁵¹ Israeli employers in agriculture resemble their Californian counterparts with respect to their involvement in the recruitment of migrant workers abroad (Krissman, 2005).

Type 5: Co-ethnic migrants (social networks) contact prospective migrants and refer them to sub-agents or recruiting agencies (in the country of origin or in Israel)

In Type-5 cases, the recruiting process is initiated by social networks of (in most cases) friends and relatives in Israel, who contact prospective migrants in the country of origin and refer them to a specific sub-agent or recruiting agency. Acting as intermediaries, migrants already in Israel often ask their friends and relatives to send them copies of their documents, which they then pass on to the Israeli agency. S5, for example, was contacted by her sister and her sister's friend, both of whom encouraged her to come to Israel:

"My sister and her friend, who worked five years in Israel, proposed that I go to Israel. [The sister's friend] told me to sent papers. I mailed her the application and my passport for the agency. It was submitted to the agency in Israel. The agency in Israel contacted the agency in the Philippines (and processed the papers)." (S5, female, Philippines)

R5, a migrant woman from Sri Lanka, was under pressure to go to Israel in order to pay the family debts. She was contacted by her sister who referred her to a local manpower agency:

"My sister called and told me that I should consider going to Israel, that I would be able to find work... It was my sister [who] told me which agency to go to [in order to apply for a job]." (R5, female, Sri Lanka)

A10 from the Philippines was also contacted by a relative—her aunt—who suggested she go to Israel. The aunt gave her the details of the agency in the Philippines, as well as part of the money for the fees:

"[My aunt] gave me the details because she had contacts with an agency in the Philippines. They're the ones who made all the arrangements." (A10, female, Philippines)

Sometimes the involvement of friends and relatives is simply a matter of helping someone to come to Israel; in many cases, however, migrants already in Israel may be acting secretly as sub-agents of recruiting agencies. Such is the case of S10, a male Thai migrant, whose uncle contacted him with promises of making good money in Israel and put him in touch with a recruiting agency:

“My uncle talked with the manpower agency in Israel and they contacted the agency in Thailand. The agency sent an agent to my home whom I [had to] pay [\$2,300] in recruitment fees before I could come to the agency.” (S10, male, Thailand)

In many cases we found it difficult to assess on the basis of the interview whether the person who contacted the prospective migrant was a sub-agent or was just trying to help out. Many of the cases classified as belonging to Type 6 may therefore actually belong to Type 2; if this is true, our current typology may overestimate the former and underestimating the latter.

To summarize, in this section we have sketched a typology of labor recruitment patterns, describing how fellow migrants, social networks, employers, and recruiting agencies (in Israel and in the countries of origin) operate in the migration industry. Overall, two main engines sustain and perpetuate labor migration to Israel: (1) fellow migrants and their social networks who encourage and facilitate the arrival of newcomers, and (2) recruiting agencies, sub-agents and employers who profit from the commodification of labor migration.

Our findings show that in the case of Filipino and Thai migrants the institutional and social networks forged since the early 1990s played a significant role in self-perpetuating migration flows to Israel. The migration of workers, especially from Thailand and the Philippines, became increasingly self-sustaining as initial migrants helped subsequent ones,

sometimes serving as sub-agents in Israel and in the countries of origin. Many migrants returning to their homes capitalized on their own migration experiences, establishing links with existing local recruiting agencies and with local village leaders who could refer to them prospective migrants looking for a job in Israel. These agencies and sub-agents subsequently became key actors in expanding and sustaining labor migration to Israel as people in the sending societies became increasingly dependent on remittances from abroad as an income source.

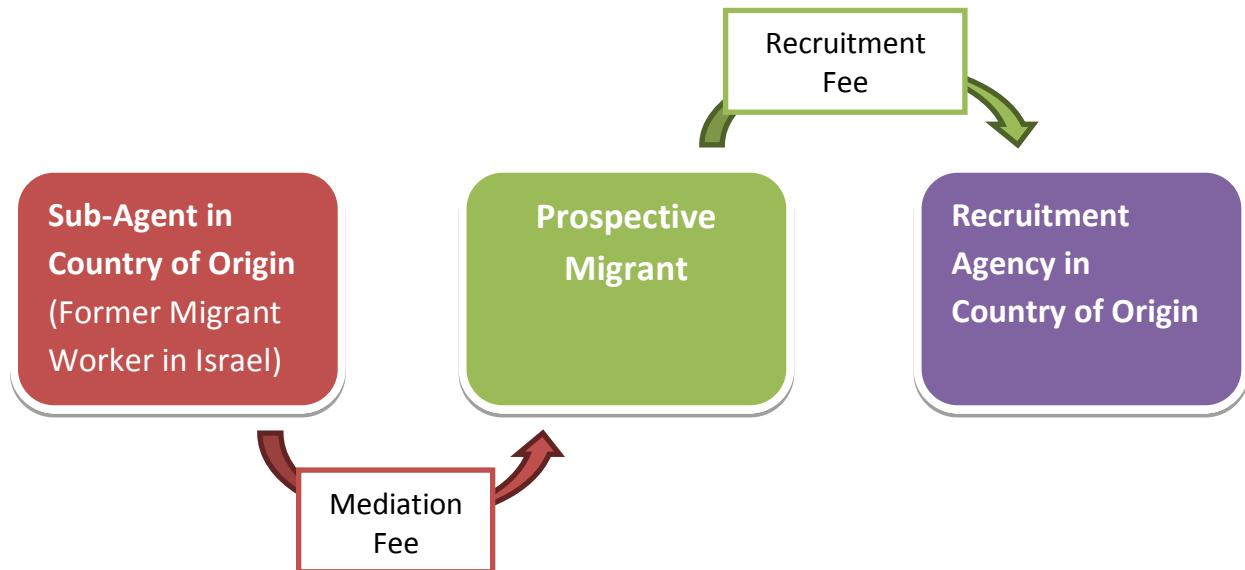
As already noted, Nepalese and Sri Lankan workers joined the labor migration flow to Israel in the mid-2000s, when Israeli agencies involved in the deployment of domestic care workers began to diversify their source countries. The first migrants arriving from these two countries lacked contacts with migrants with prior work experience in Israel; most of them migrated, then, by directly contacting agencies and sub-agents. While social networks occasionally played a role guiding and assisting the newcomers, they were less involved in the recruiting process itself. China stands as an intermediate case in which networks had a more important role sustaining and reproducing migration than in Sri Lanka and Nepal, though to a lesser extent than in Thailand and the Philippines.

In the next section we examine the recruitment fees paid by the migrants and the various ways in which the migrants financed the cost of migration to Israel.

Appendix 3.1

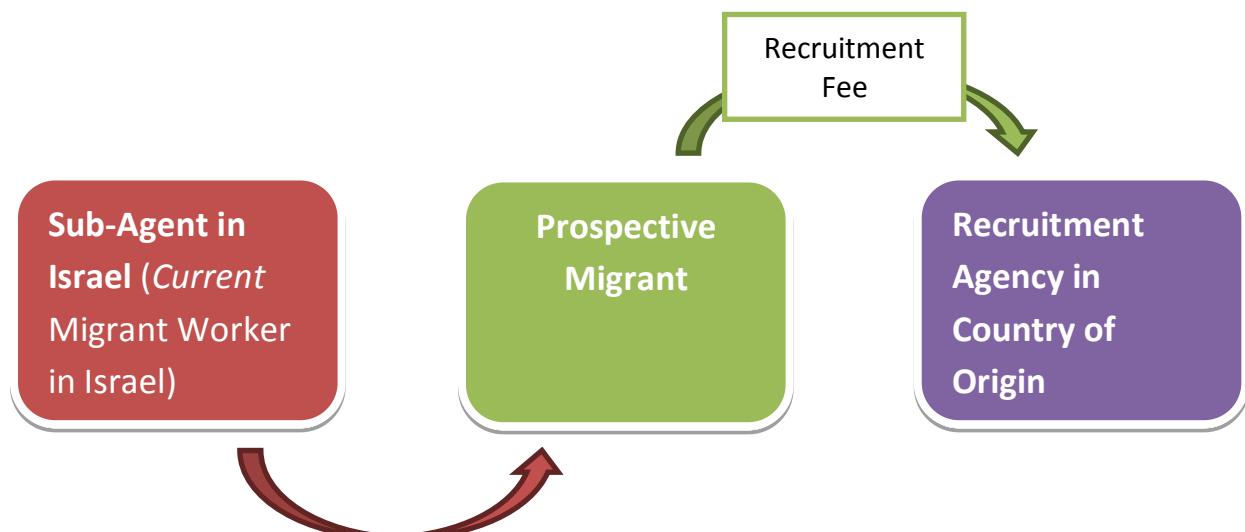
TYPE 1

Sub-agents affiliated with recruitment agencies in the country of origin contact prospective migrants



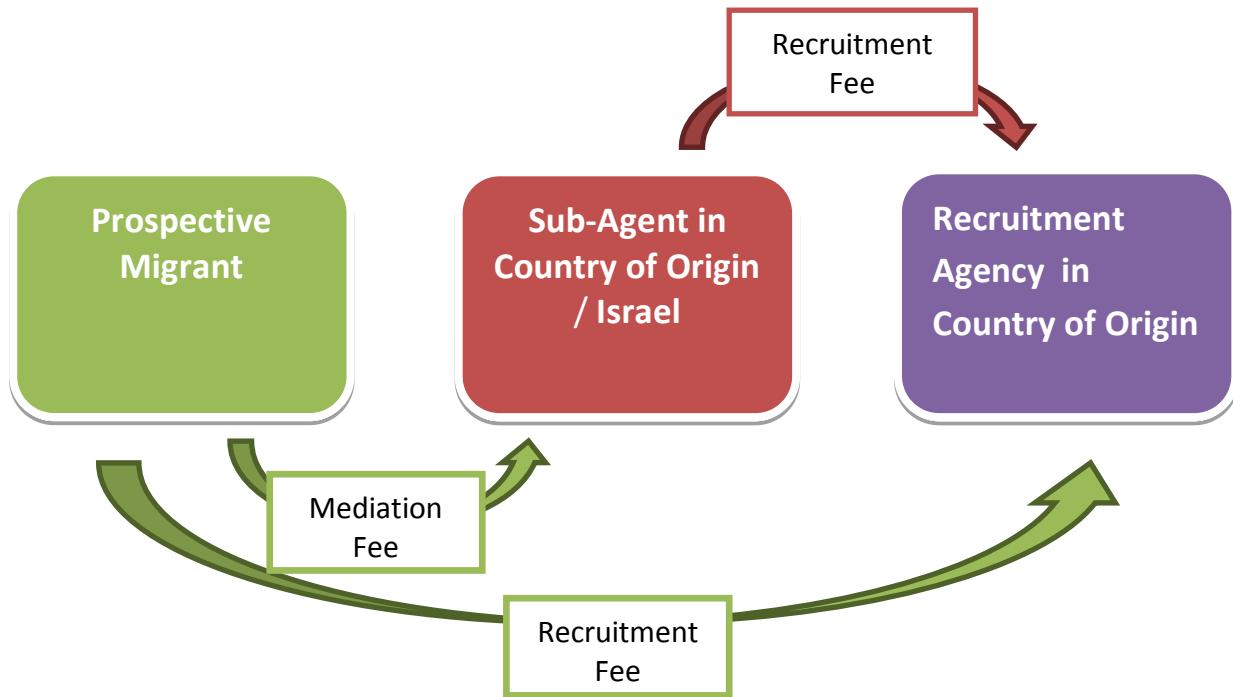
TYPE 2

(Co-ethnic) Sub-agent Working for an Israeli manpower Agency Contacts Prospective Migrants in Country of Origin



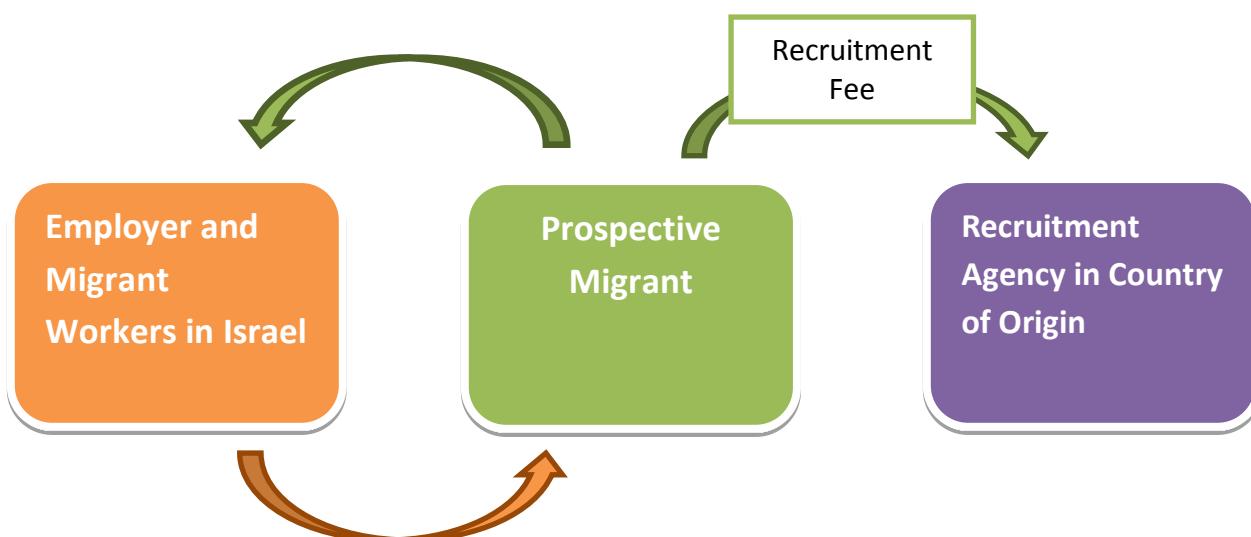
TYPE 3

Prospective migrants apply directly to a sub-agent or a recruiting agency (without having been contacted previously)



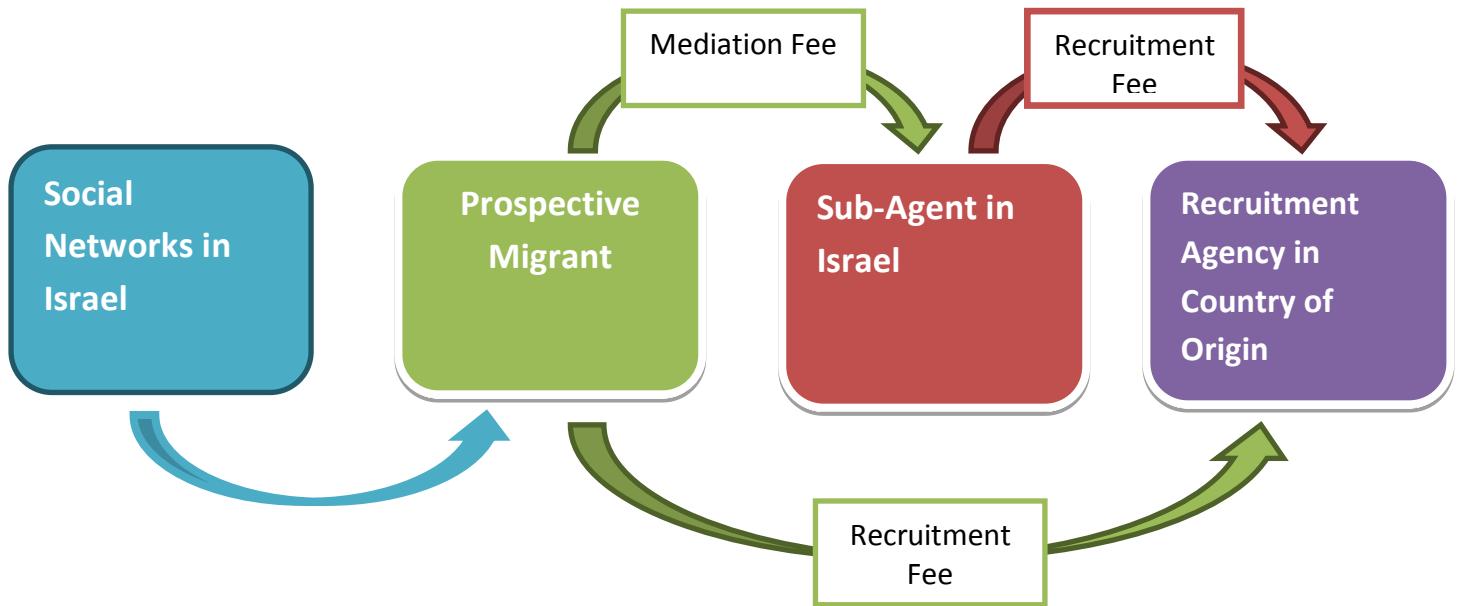
TYPE 4

Employer in Israel arranges visa through a recruiting agency (the 'Fax System')



TYPE 5

Co-ethnic migrants (social networks) contact prospective migrants and refer them to sub-agents or recruiting agencies (in the country of origin or in Israel)



4. RECRUITMENT FEES

Recruitment fees are at the center of most recruitment irregularities, with intermediaries charging excessive prices for migrants' deployment in Israel, well beyond the legally permitted amounts in the countries of origin and in Israel. Nevertheless, migrants and their families are often willing to shoulder these excessive costs in anticipation of large returns on their investment once they reach the destination country. A1, a Chinese construction worker in Israel since 2009, paid \$19,000 in order to be able to migrate:

"[The manpower agency] said I could go to Israel but it would cost me a lot of money, [anywhere between] ¥100,000 and ¥130,000. And I thought, if I'm going to put in that kind of money, I need to get it back. It's a lot of money. **Q: Why did you decide to come here if it was such a risk?** Anywhere you go, you're taking a risk. So I thought, 'maybe I'll lose the money, maybe I'll succeed.' Also, I had a friend who went to America twice. The first time, he lost money. The second time, he made money. I don't know what happened that first time but knowing his story, I thought, it's possible to make money abroad. Life is always like this." (A1, male, Chinese)

Like many other migrants, A1 considered the high cost of migrating to Israel economically worthwhile despite the risk. Their strong desire to secure a job places labor migrants in a vulnerable position, making them susceptible to exploitation by the agents involved in the migration industry.

Fee amounts were often a very sensitive topic in our interviews: since most migrants were aware that the sums they paid were against the law, many were afraid to talk about this topic.⁵² This fear was especially evident among some labor migrants from Thailand who wanted

⁵² According to our interviewers, migrants were initially afraid to tell the truth but calmed down and were willing to cooperate after being reminded that any information they gave would remain confidential.

to find out first what other Thai respondents had already reported to us ('How much did he/she say?') This apprehension to report the amount of the fee derives from the fact that back in Thailand migrants were asked by the recruitment agencies to lie about the real amounts paid:

"I paid \$6,500 but they told me that if asked, I must report a lower sum." (S4, male, Thailand)

In certain cases, the amounts written on the official forms the migrants were asked to sign were lower than the amounts actually paid:

"They told me that the fee is high. The amount on the forms was \$3,600 but I paid \$7,244... [The gap between official and actual amounts] is something they [i.e., the manpower agencies] know and we don't." **Q: Like what for example?** "Money and commissions..." **Q: How do you know?** I know people who have been here and they heard about that." (S27, male, Thailand)

When we asked S27 if he knew the reason for this gap, he answered that he did not ask the people at the agency about that. Like many other Thai workers we interviewed, he said he just wanted to come to Israel, and anyway, he said, the agencies do not tell the truth as they "only want to make money." Similar thoughts were shared by other Thai migrants:

"They don't say anything [about what you pay for]. They pay the recruiter some money but I don't know how much. The agency is not good. They don't tell the truth. They just want money. Anything you need, you first have to pay." (S31, male, Thailand)

"I wasn't given any details about what those payments were for. I was just told that everything needed to get me to Israel was included. I didn't ask the agency what was included in the mediation fees. I think if I had asked they wouldn't have told me." (Pr1, male, Thailand)

Desperate to go abroad to earn money and afraid of not getting the visa if they asked inconvenient questions, the migrants accepted their exploitation, becoming both victims and silent partners of their exploiters. As we shall later see, the request to lie to the local authorities

about the real amounts paid in fees was prevalent in other countries such as Nepal and the Philippines, where migrants were asked to lie during their interviews at the Israeli embassies (see Section 5).

4.1 The Cost of Migration

Though as noted earlier Israeli law permits agencies to collect brokerage fees of no more than 3,479 NIS (roughly \$900), our study provides ample evidence that excessive fees are the norm rather than the exception.

In Figure 4.1 we display data on the amounts of money demanded by recruiting agencies and agents at the beginning of the process and the total amount of money actually paid to the agencies.⁵³ The data show that migrants were asked to pay exorbitant fees in order to gain access to work permits in Israel and that most of the respondents were not aware of the breakdown of the fees paid to the agencies.⁵⁴

Fees were lower in the care sector, where average sums ranged from \$5,000 in the Philippines to \$6,600 in Nepal and Sri Lanka. Fees in the agriculture sector were much higher, with Thai workers asked to pay an average of \$8,720 for a work permit and Chinese workers asked to pay \$22,000 on average to come to work in Israel, more than any other migrant group. Maximum fees also varied according to sector of employment, ranging from \$9,000-\$9,500 in

⁵³ We provide a description of the recruitment fees as they were reported by the migrants.

⁵⁴ For example, migrants did not know whether flight tickets, payments for forms, training courses, or other items were included in the requested sum.

caregiving and \$12,000 for Thai workers in agriculture to approximately \$32,000 (the highest sum) for Chinese construction workers.⁵⁵

Fewer migrants reported having paid significantly lower fees. A16, a Filipina migrant, paid only \$2,500 in fees: her visa was arranged through her relative, a migrant already in Israel and working as a sub-agent. Another Filipina migrant, A17, arranged her trip through her sister, already working in Israel, who had contacted an Israeli agency directly: she paid “only” \$3,000. L1, a male migrant from Nepal, paid \$3,900 to an Israeli agent he had met in Nepal by accident⁵⁶ instead of the \$8,000 demanded by the local manpower agency:

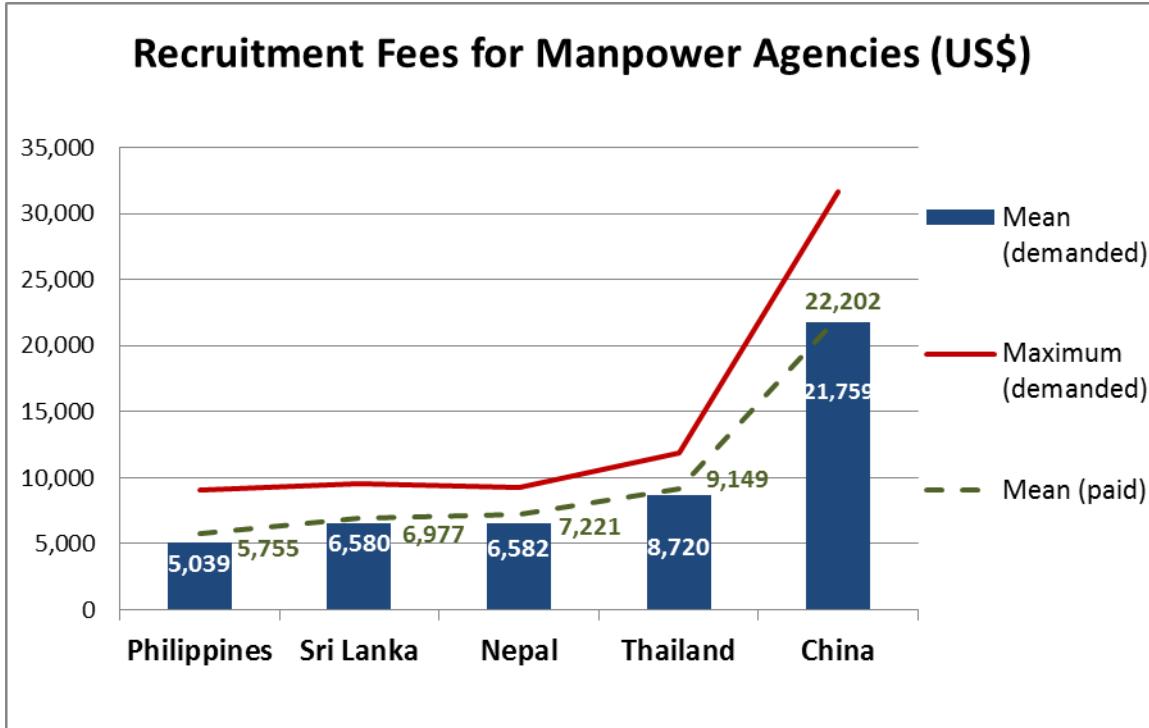
“It’s a very nice story, it was my luck. I was trying to come to Israel. … [The agent] was alone in the hotel; he asked me if I could help and take him to visit different places. I said I was free. He was very happy and we became close friends. After a few days he asked me if I was interested in coming to Israel. I said yes. I also told him that the manpower agency is charging a lot of money and I’m not willing to pay such high sums. He said I’d pay less money, [without] the profit [that the local manpower agency] makes… I was very happy and said okay… He sent my documents to his manpower agency in Israel. They contacted an employer and processed the visa. So it cost only \$3900. I paid him only half of the money and he took care of the visa process for me. After I came here I gave him the rest of the money.” (L1, male, Nepal)

In these three cases the migrants managed to avoid paying recruiting agencies in the countries of origin, cutting the cost of migration approximately by half.

⁵⁵ It should also be noted that recruitment fees vary by agencies: we have found considerable variation in the sums of money paid by migrants arriving in the same years. These findings were corroborated in interviews with agency owners in Israel.

⁵⁶ The Israeli agent was in Nepal to interview prospective migrants.

Figure 4.1



As Figure 4.1 shows, there are also gaps between the sums of money demanded at the beginning of the migration process and the final amounts workers end up paying. Additional charges not included in the originally announced fees⁵⁷ included payments for filling out forms and processing documents, medical examinations, passports, health and life insurance (in the case of Thai workers), training courses,⁵⁸ interest rates paid for loans, etc. Some additional

⁵⁷ Thai migrants were requested to have medical checkups more than once, first when applying for the job, later after being told that the original checkup was valid for only one week or one month.

⁵⁸ On training courses see section 5.

payments were demanded from the migrant before departure,⁵⁹ others upon arrival.⁶⁰

While recruitment fees have increased in recent years for all migrant workers, the increase has been especially pronounced for Chinese workers. Workers arriving from Nepal and Sri Lanka in 2005 paid brokerage fees ranging from \$5000 to \$6000.⁶¹ By 2008, migrants arriving from Nepal and Sri Lanka, paid \$7,000-\$8,000 while Filipinos paid \$4,200-\$5,500.⁶² For Chinese construction workers, however, the average fee for a work permit increased from \$9,400 in 2004 to \$20,000 in 2006, skyrocketing to \$30,000 by 2010.⁶³

The reasons for the steep rise in recruitment fees in all sectors are related to the Ministry of Interior's 2005 decision to extend the period migrant workers were allowed to stay in Israel from 27 to 63 months. Brokers saw this extension as an opportunity to demand higher fees from all workers looking for job opportunities in Israel.⁶⁴ Additional reasons for the dramatic increase for Chinese workers have to do with regulatory changes in the construction sector since the mid-2000s, namely (1) new taxes levied on manpower corporations employing migrant workers and

⁵⁹ Y8, a female migrant from Nepal, was asked to pay an extra \$1,000 after obtaining her visa.

⁶⁰ N3, a migrant male from Sri Lanka, was forced to pay the Israeli agent an extra sum after the latter told him he "did not care what he paid in Sri Lanka," threatening not to take him to his employer if he didn't pay an additional \$1,500. Afraid to complain, the worker paid the extra sum.

⁶¹ See Protocol Knesset Committee for the Examination of the Problem of Foreign Workers, 5 Sept. 2005 (No Unknown); Protocol Knesset Committee for the Examination of the Problem of Foreign Workers 20 Dec (No Unknown).

⁶² Kav La'Oved, 3 Jan. 2007; Kav La'Oved, 2008.

⁶³ Kav La'Oved and Hotline for Foreign Workers and, Aug. 2007; Kav La'Oved, 5 July 2010).

⁶⁴ Kav La'Oved, 2008; Interview conducted with the owner of an agriculture recruitment agency.

(2) the new monthly sum of 700 NIS manpower agencies must now deposit for each worker (to be given to the worker upon leaving Israel). To cover these new costs manpower agents simply raised their brokerage fees, transferring the new costs to the migrant workers themselves (Kav Laoved, 2008). This is an example of how pro-worker regulatory changes can sometimes have unintended consequences, making them ineffective and even counterproductive.⁶⁵

Our interviewers asked the migrants whether they paid the fees in their countries of origin or at destination. The majority of migrants—94 percent of Nepalese and Sri Lankan and all Chinese and Thai workers—paid the fees in their countries of origin. 15.4 percent of Filipino migrants paid the fees in Israel while 23 percent paid some of the money to the agency in the Philippines and the rest to the Israeli manpower agency.

It should be noted that regardless of the country in which migrants actually paid the fees, the money paid by the migrant is divided between the recruitment agencies. The precise division of profits between agencies in Israel and in the countries of origin remains unknown, but estimates range from 50 to 70 percent of fees paid to the Israeli agencies.⁶⁶ Money transfer methods include transfer accounts, cash sent through agents travelling from Israel to the countries of origin, cash delivered by sub-agents in the country of origin who travel to Israel, migrants paying in person in Israel, and sealed envelopes from the agents in the country of origin delivered via migrants (often without knowledge of their content) to agencies in Israel.

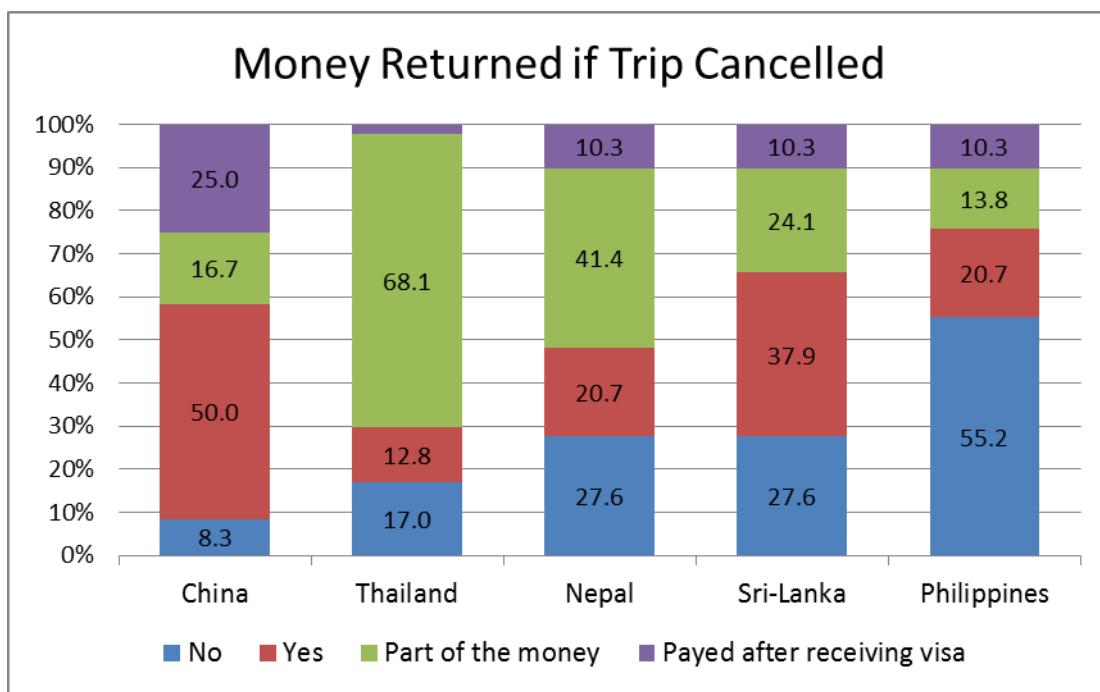
⁶⁵ The increase in salaries in the construction sector (the mean salary for a migrant worker in construction is currently around \$2,000) could also be an incentive to charge higher fees, since high salaries increase the economic attractiveness of migration for the migrants.

⁶⁶ See Kav La’Oved 2008_b.

4.2 Recruiting Agencies in the Countries of Origin: Other Money-Making Methods

In what follows we identify additional ways in which agencies earn money from prospective migrants. One such strategy is their reimbursement policy in cases where prospective migrants cancel their trip.⁶⁷ In our survey, migrants were asked whether their placement fees would have been returned had they decided to cancel the trip; the results are shown in Figure 4.2.⁶⁸

Figure 4.2



The data in Figure 4.2 reveal clear differences among countries. The most problematic situation was found in the Philippines, where more than half of the respondents (55 percent) reported they would not have received their money back in case of cancellation and 14 percent said that only part of the money would have been returned. Reimbursement policies in Sri Lanka

⁶⁷ This estimate is based on migrants' self-reports.

⁶⁸ 15 percent of the respondents did not know the answer to this question.

and Nepal, the other two suppliers of care workers, seem to be less strict. Only 27 percent of respondents from these countries said that they would not have been reimbursed had they decided to cancel their application. The majority of Sri Lankans said the agency would have returned all the money (38 percent) or at least part of it (24 percent). 21 percent of Nepalese respondents reported they would have been reimbursed in full, 41 percent in part. In the agriculture sector, the majority of Thai migrants (68 percent) stated that they would have received partial reimbursement.⁶⁹ Of Chinese migrants, payers of the highest fees, half reported they would have been reimbursed in full, 17 percent said they would have received partial reimbursement, and 25 percent said they paid the fees only after being granted their visas: while more exploitative in terms of recruitment fees, China thus turned out to have the highest rates of reimbursement.

Another way in which agencies recruiting Chinese workers tried to increase their profits was by charging sums aimed at binding the workers to their first employer. Many Chinese migrants reported paying \$2,800 (included in the fees) as a guarantee that they would not leave their first employer. According to the migrants' reports, they were to get the money back upon their return home if they remained with the original employer during their entire stay in Israel; if they switched employers, the agency would retain the entire sum.⁷⁰ For many migrants, however, the benefits of switching to higher-paying employers outweighed the cost of losing the guarantee

⁶⁹ "300,000 Bath commission: Udon Workers waiting for a Job in Israel" *Matichon* [Thai newspaper], 18 March 2012, News Report, Front Page.

⁷⁰ Importantly, the Israeli government is currently considering whether to apply this type of arrangement in the agriculture sector as well in order to thwart the phenomenon of so-called "runners," i.e., workers leaving their employers without the consent of the agency or the employer (Interview with government official).

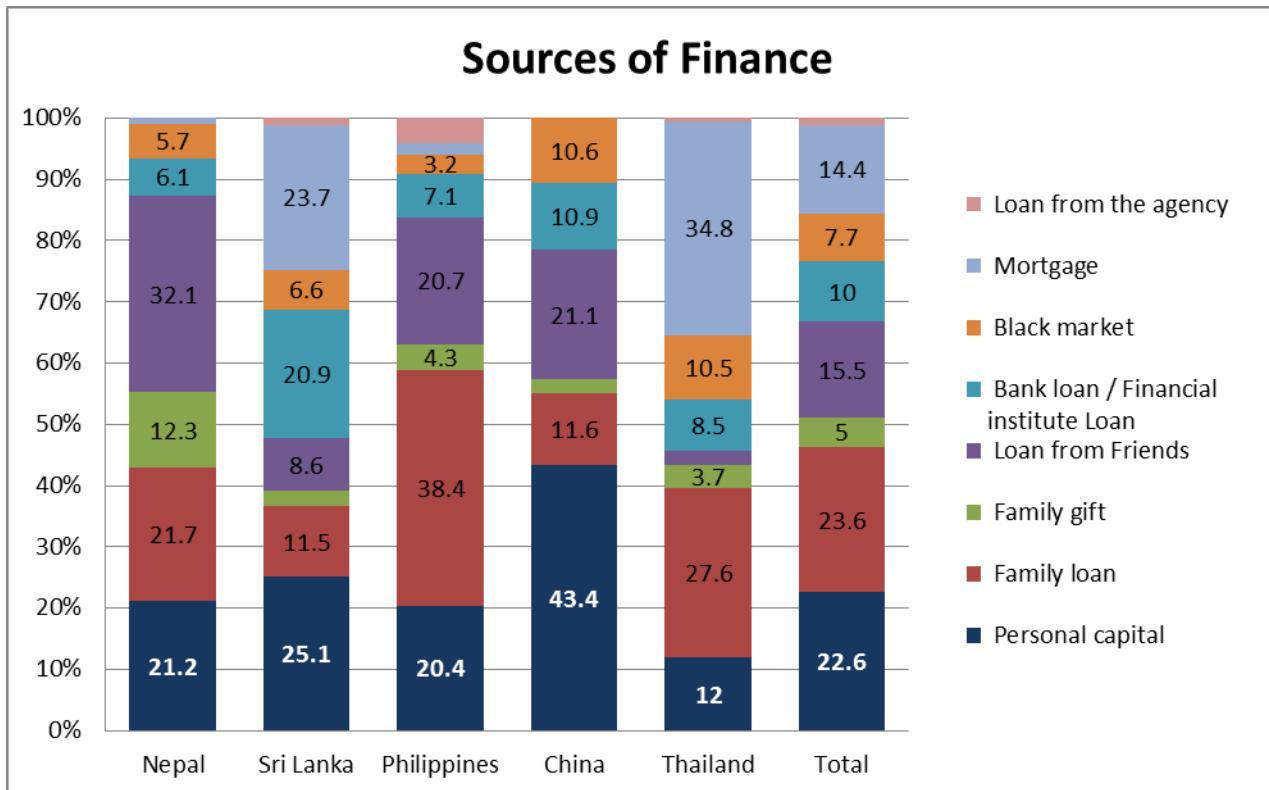
money.

4.3 Financing the Recruitment Fees

As noted above, prospective migrants wishing to obtain work permits must usually be able to invest vast amounts of capital ‘up front’ in what is always an uncertain venture. Migrants rely on a great variety of sources in order to finance the payment, such as personal savings, loans, and gifts from family and friends. Figure 4.3 shows the relative share of each source of funding by country of origin.

The data suggest significant differences between the various migrant groups. For example, 43 percent of Chinese migrants used personal savings as their primary source of funding for recruitment fees, compared with only 25 percent of Sri Lankan, 20 percent of Nepalese and Filipino, and 12 percent of Thai migrants. Some migrants used savings from previous periods of work abroad or sold jewelry and property in order to minimize their reliance on loans.

Figure 4.3



Those without sufficient economic resources needed to borrow from relatives and/or friends or to take loans, either from banks (often by mortgaging their homes or land) or on the black market.

Most of the migrants in our sample (78.8 percent of Nepalese, 74.9 percent of Sri Lankans, 79.6 percent of Filipinos, 88 percent of Thais, 56.6 percent of Chinese) financed their trip by borrowing money from different sources. Money was often loaned at low or even zero interest or given as a gift by family or friends, though this was more common among Filipino and Nepalese migrants (63 and 66 percent, respectively) than among their Chinese (35 percent),

Thai (33 percent), and Sri Lankan (23 percent) counterparts.⁷¹

With less financial help from family and friends, Sri Lankans and Thais were more likely to rely on credit from formal institution in the form of bank loans and mortgages (44.6 and 43.3, percent, respectively. Reliance on black market loans was relatively rare but more common among Thai and Chinese migrants (roughly 10.5 percent for each). Finally, a small percentage of Filipino migrants (4.1) financed their trip by taking loans from recruiting agencies or sub-agents in Israel.

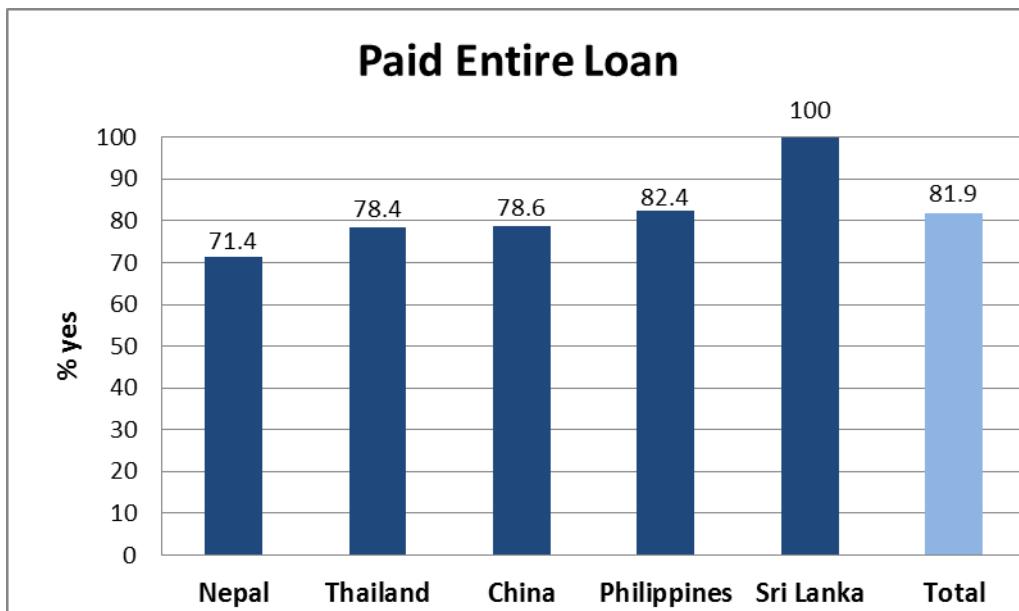
4.5 Time to Repayment of Loans

One important concern is the time it takes migrant workers to repay their debts. This issue is important, among other reasons, because migrants in debt and afraid to lose their jobs tend not to report legal violations and cases of fraud (Natan, 2011). We therefore asked our respondents whether they had already repaid their loans and how long it had taken.

As Figure 4.4 shows, over 80 percent of migrants who had taken loans (from family/friends, banks, or the black market) had finished repaying them by the time of the interview. Variation by country of origin was evident, however. Whereas all Sri Lankans in our sample had repaid their debt in full, only 71 percent of Nepalese, 78 percent of Thai and Chinese, and 82 percent of Filipino respondents reported doing so.

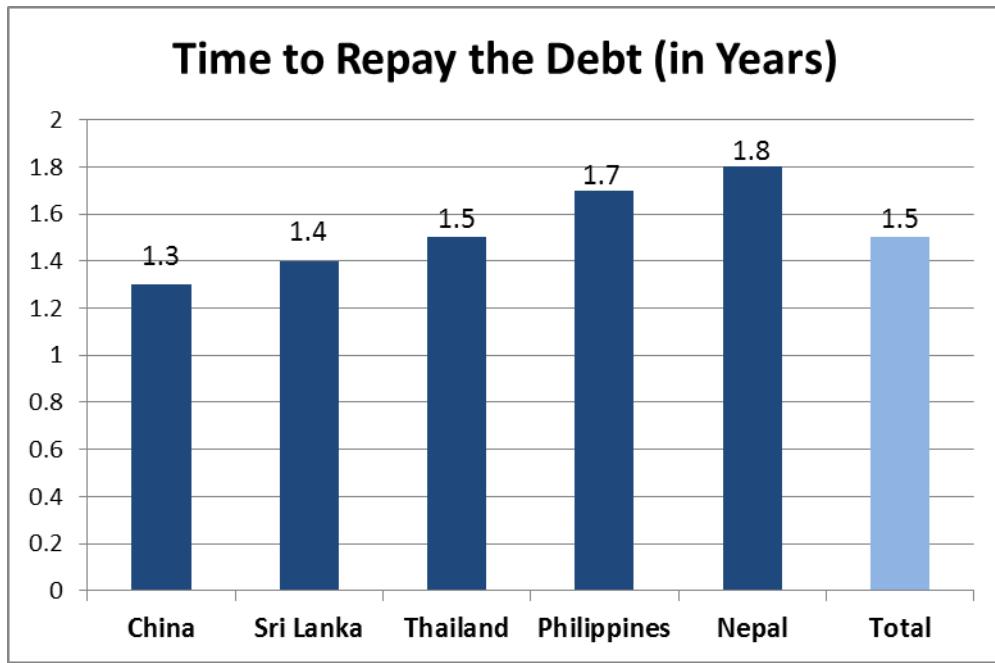
⁷¹ Sometimes loans were given by family members already in Israel.

Figure 4.4



Average time to repayment ranged from 1.3 years for Chinese workers to 1.4 years for Sri Lankans, 1.5 years for Thais, 1.7 years for Filipinos, and 1.8 years for Nepalese migrants (Figure 4.5). In other words, roughly one-third of the average five-year stay is devoted to repaying the cost of the fees. It should be noted that remittances sent home by the migrants were used not only to repay debts but also to support the families they had left behind—this in addition, of course, to earnings used to cover the migrants' expenses in Israel.

Figure 4.5



In summary, the present section has shown that although the Israeli government has set a maximum limit to the fees that agents may collect from workers, the practice of charging illegal fees is still pervasive. Migrants who wish to work in Israel have no choice but to pay high recruitment fees, usually financed by loans repayable only after 1.5 years of hard work in Israel.

Though aware of irregularities and malpractices in the recruitment system, Israeli authorities have proven unable to counter them, in large part because it is difficult to prove that illicit transactions took place.⁷² Israeli manpower agencies report to Israel's tax authorities only a fraction of the brokerage fees they receive from manpower agencies in the countries of origin. Though Israeli government agencies have taken some steps to combat such practices, the longstanding dearth of law enforcement vis-à-vis recruiting agencies overseas has led to the

⁷² See State Comptroller 2010; Protocol Knesset Committee for the Examination of the Problem of Foreign Workers, 19 Feb. 2007, 16 Dec. 2008, 10 May 2010, and 19 May 2009; Natan, 2007; Kav La'oved, . 2007, 2008a, 2008b.

creation of an extensive shadow industry which sometimes provides the basis for human trafficking to Israel.

5. TRAINING AND INTERVIEWS AT ISRAELI CONSULATES

To satisfy government requirements, prospective migrants must undergo a medical examination and meet a prescribed level of physical health,⁷³ as well as obtain a police clearance certificate or other proof of the absence of a criminal record.⁷⁴ Prospective migrants who meet these requirements are eligible for a work permit, granted by the Israeli consulate in the sending country and authorized by the Israeli Ministry of Interior. Caregivers are also required to take a training course prior to departure and to attend a personal interview at the Israeli consulate in the sending country for screening purposes. Agricultural and construction workers are not subject to the latter two requirements (Natan, 2009_b).

In what follows we describe the latter two steps in the recruitment process—training and consulate interviews—as reported by the migrants themselves. Our aim is to provide for the first time an evaluation of how these two requirements are met in the case of caregiving migrants from Nepal, Sri Lanka, and the Philippines.

1. Training

According to the new regulations in caregiving (in effect since September 2008),⁷⁵ Israeli agencies are responsible for the professional training of workers arriving in Israel. However, the regulations neither elaborate on the nature or the duration of the training, nor specify which

⁷³ In addition, women are required to be tested for pregnancy.

⁷⁴ It should be noted that source countries have also their own regulations that demand from deployed workers in the domestic sector to attend a language and culture course, and secure a certification in household work from a government-accredited training agency (Agunias, 2010).

⁷⁵ See, Natan, 2010_c.

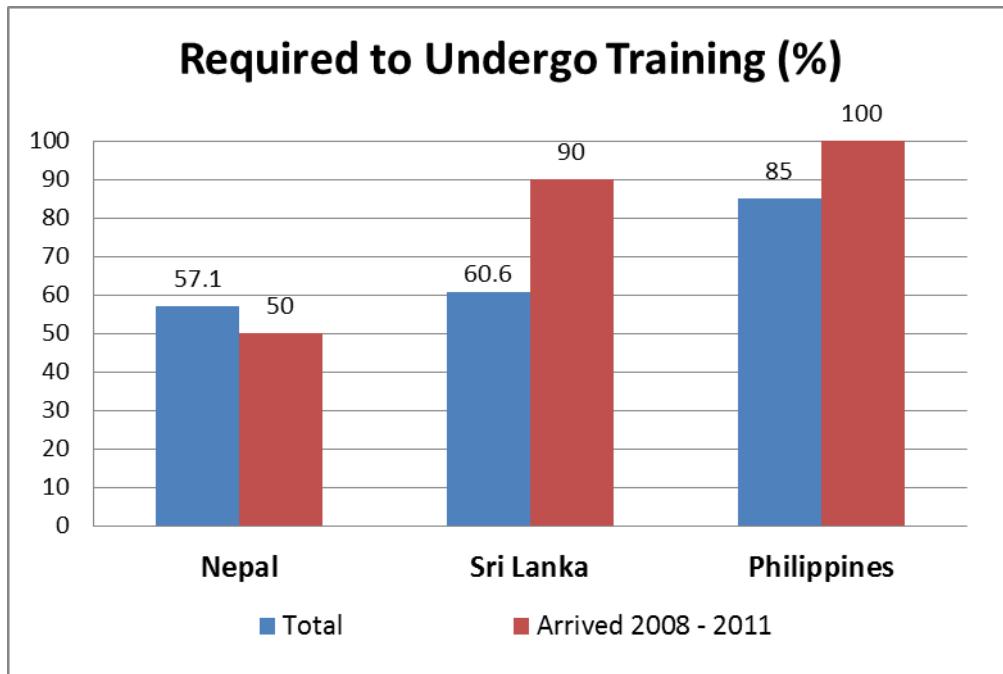
institutes are qualified to provide it. The agencies are required to provide PIBA with a certificate, authenticated by the source country's government, verifying the workers' relevant credentials (PIBA, Ministry of Interior, Caregiving Permits Unit, June 2010). It has been argued, however, that in reality there is no serious scrutiny over the type of training courses and the institutions in charge of the training.⁷⁶

To learn how the training requirement is handled in the countries of origin, we asked the caregiving workers in our sample about (1) the extent to which the recruiting agencies required that they take training courses prior to arrival in Israel, (2) their participation in such courses, and (3) the courses' content and duration.

Figure 5.1 shows the percentage of migrants who were required by the recruiting agencies to attend training courses in order to obtain a work permit. As the data show, the different countries varied in their compliance with government regulations: a large percentage of Filipinos (85 percent) were required to undergo training, compared with only 60 percent of the workers arriving from Nepal and Sri Lanka.

⁷⁶ Protocol Knesset Committee for the Examination of the Problem of Foreign Workers, 20 Jan. and 19 May 2009; Natan, 2009_b; Personal correspondence with Kav La'oved.

Figure 5.1



The data also reveal that in the case of Sri Lankans and Filipinos, compliance with the training requirement is related to the time of arrival in Israel. All Filipino and nearly all Sri Lankan migrants arriving in Israel since 2008 (when the new regulations went in effect) were requested to attend training courses. In the case of Nepalese migrants, however, compliance with the training requirement is not at all related to the time of arrival. While compliance with the training requirement has improved over time for Sri Lankan and Filipino migrants, the training regulations are still quite frequently flouted in Nepal.

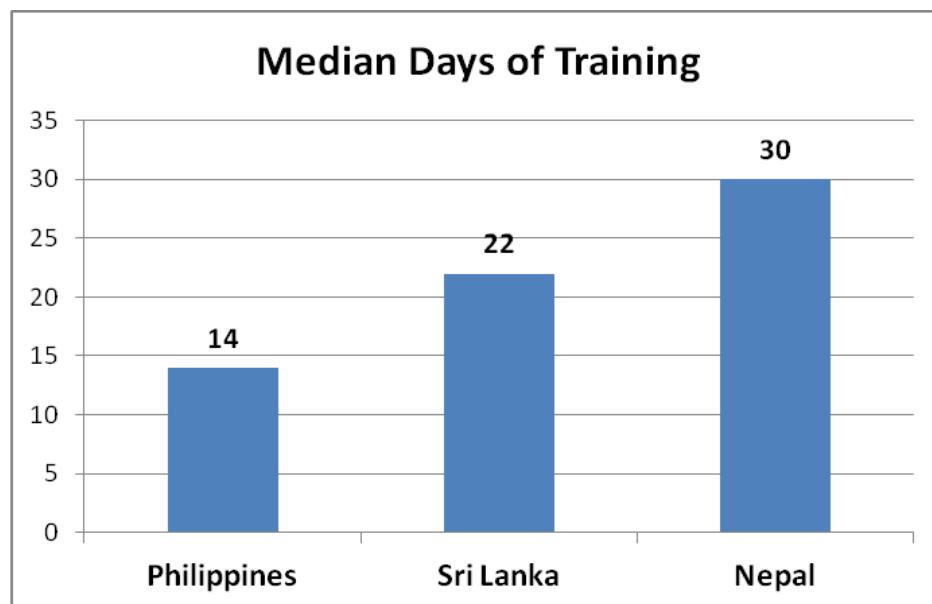
Our study reveals that 90 percent of migrants required to undergo training complied with this obligation by attending the courses. The few who did not attend the courses were migrants with previous work experience as caregivers in other countries, and migrants who reported getting their visas so quickly that they had no time to attend the course, yet were given a certificate for a course they did not take, as the following cases illustrate:

Q: Why didn't you do the training? “I didn't have time, the employer wanted me to get there as quickly as possible. The agency gave me a certificate even though I didn't do it. I paid.” (Y3, female, Philippines)

“The agent told me about the training but I had a small baby at the time, and I also got my visa very fast so I saw it was not necessary, so I didn't do it.” **Q: How did you manage not to do the training even though it was required?** “No one [at the embassy] ever asked me about the training, I just got my visa.” (Y18, female, Nepal)

Training courses were taught in central cities. Since the majority of migrants were living far away, they incurred travel expenses and sometimes additional costs for living arrangements while in town. As Figure 5.2 shows, training courses greatly varied in duration from one country to the next, with median duration ranging from 14 days in the Philippines to 22 days in Nepal and 30 days in Sri Lanka.

Figure 5.2



As for the courses' content, most migrants attended courses which combined language

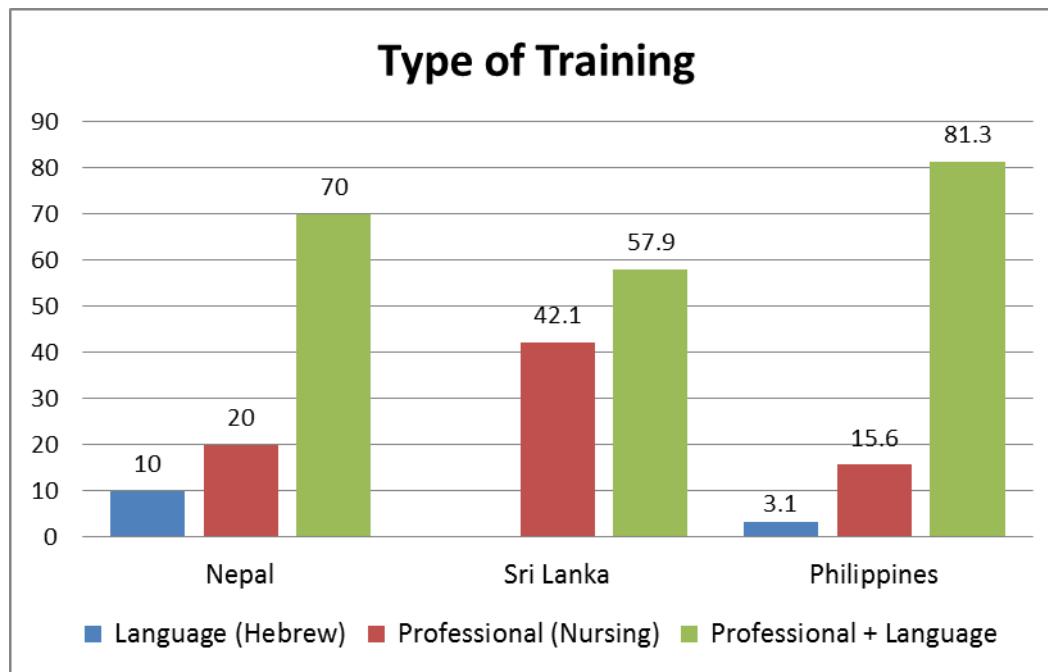
and caregiving skills (see Figure 5.3):⁷⁷

“The course taught us how to do the care work (how to diaper, how to use a wheelchair, and how to talk to the employers—with great responsibility and respect. Apart from that they taught us some Hebrew and how to prepare *shakshuka* (Israeli food).” (Y9, female, Sri Lanka)

“I took a six-week training course that included Hebrew skills and work skills: how to clean floors, bathrooms, and toilets, how to make beds, how to give medicine, how to take care of older people, and also a cooking class.” (P2, female, Nepal)

“The agency required that I do the training because otherwise I wouldn’t be able to get the visa. [The training course] was taught by the government...We learned all kinds of things related to caring for the elderly such as how to change diapers, how to give medicines, how to cook, and they also taught us Hebrew.” (S1, female, Sri Lanka)

Figure 5.3



⁷⁷ As we shall see, the training course also instructs the migrants how to behave during the interviews at the Israeli consulate.

The nature of the institutes in charge of the training is a key issue, as migrants are expected to acquire relevant caregiving skills and basic levels of English proficiency that would permit them to provide adequate treatment to their patients. Our findings show that most training courses were organized by the recruiting agencies or by associated private agencies; only a few were given by government agencies (15 percent in Sri Lanka and only 6 percent in Nepal and the Philippines). Courses organized by the recruiting agencies were usually taught by returning migrants with work experience in Israel or by Israelis married to migrants already working in Israel and associated with a local agency in the country of origin:

“He [the person in charge of the training] was a Sri Lankan who had worked in Israel and was employed by the agency. He knew Hebrew—reading, writing, and speaking. He taught us how to cook very simple things. We also had a final test which everyone passed.” (N2, female, Sri Lanka)

“The Nepalese person who worked [for the agency] was married to an Israeli woman. She did the training. They are in Israel now.” (L1, female, Nepal)

The fact that recruiting agencies and not governmental organizations are in charge of the training courses, coupled with the fact that the teaching staff does not meet reasonable professional standards, suggests that training needs to be subjected to stricter monitoring standards. Training is significant for two main reasons. First, since the migrants come to Israel to take care of a population with special needs (the elderly and the handicapped) the government ought to regulate and control their professional and language skills. Second, agencies that fail to train their migrants properly jeopardize their status once in Israel. Migrants who speak neither English nor Hebrew and cannot communicate with their employers are often fired, fail to find a new job and lose their work permits, thus becoming illegal and vulnerable to being detained and

deported.⁷⁸

2. Interviews at Israeli Consulates and Embassies

Only candidates for caregiving work are required by Israeli regulations to attend interviews at the local Israeli consulate or embassy. Interviewees are required to provide health statements, certificates attesting to their professional credentials, and proof of the absence of a criminal record.⁷⁹ According to previous reports, until 2009 certificates were examined by the consuls alone, solely on the basis of the documents provided by the candidates themselves, without any scrutiny of who issued them.⁸⁰ As a result, not all caregiving migrants arriving in Israel had the requisite language and professional skills.

The lack of a proper screening process for caregiving migrants was discussed at the Knesset Committee for the Examination of the Problem of Foreign Workers,⁸¹ resulting in a new set of guidelines for Israeli consulate interviews, published by the Ministry of Foreign Affairs in February 2009 (see Natan, 2009c).

The guidelines suggest that the following questions be asked during the interview: (1) whether the prospective migrant knows that s/he is going to be employed in caregiving and whether s/he is aware of his/her duties and of the physical and health characteristics of the patient

⁷⁸ This was the case with migrants from India and Nepal who came to Israel without even minimal English skills (see Protocol Knesset Committee for the Examination of the Problem of Foreign Workers, 20 January, 2009).

⁷⁹ A comparison based on the information provided by the websites of the Israeli Consulates in each source country revealed that the documentation required for the visa differs by country (see Natan, 2009c:3).

⁸⁰ See Protocol Knesset Committee for the Examination of the Problem of Foreign Workers 20 January 2009; Natan, 2009c; Natan, 2009c).

⁸¹ See Protocol Knesset Committee for the Examination of the Problem of Foreign Workers 20 January 2009,

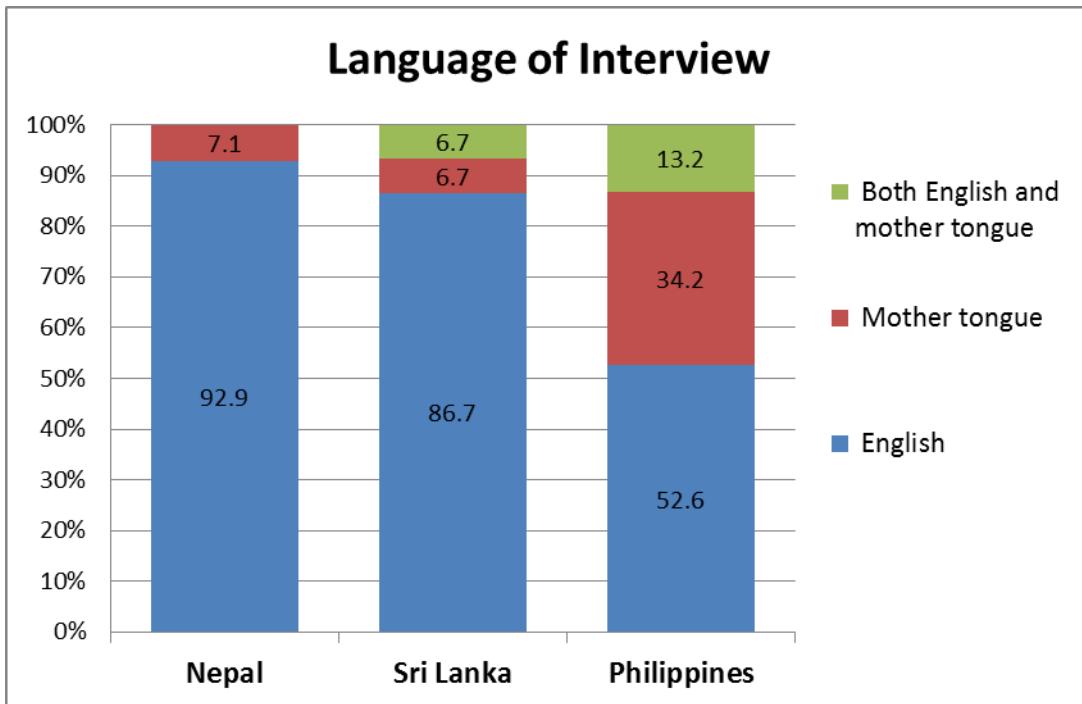
s/he is going to take care of (age, weight, gender, place of residence); (2) whether s/he has basic knowledge of English (though precise minimum requirements are not specified); (3) whether s/he has had basic professional training in caregiving (again, precise minimum requirements are not specified); and, finally, (4) whether s/he is aware of his/her rights and duties. The Ministry of Foreign Affairs' guidelines also encourage consuls to question prospective migrants about excessive recruitment fees and other illegal practices during the recruitment process (Natan, 2009).⁸²

Next, we proceed to describe the early screening process conducted at the Israeli embassies in the Philippines, Sri Lanka, and Nepal, as reported by the migrants in our sample. We begin with information on the language in which the interviews were conducted (see Figure 5.4). Interviews in Nepal and Sri Lanka were mostly conducted in English (93 and 87 percent, respectively), probably in order to assess the migrants' proficiency in the language. In the Philippines 65 percent of the interviewees were interviewed in English and only one-third in their native tongue. Overall, conducting the interviews in English enabled embassy officials to check for basic English skills.⁸³

⁸² The same publication reports that prospective migrants arriving for an interview at the Israeli embassy in Nepal were asked about the amount they had paid in recruitment fees. When it became clear that migrants were asked to pay illegal fees and that many of them were arriving without having an employer (with a so-called 'flying visa'), the Ministry of Foreign Affairs submitted a report to the Ministry of Interior, helping to stop the arrival of new migrants from Nepal between 2009-2011 (Natan, 2009c).

⁸³ We do not know, however, the extent to which they granted visas to migrants whose English proficiency was lower than basic.

Figure 5.4



The migrants in our sample were also asked to describe their experiences during the interview at the embassies, most specifically the type of specific questions they were asked by the officials in charge of the interviews. According to the migrants, it seems that the main purpose of the embassy interviews was to identify the migrants in order to prevent impersonation. This was especially marked in the Philippines, where migrants were asked to show several identification documents as proof of their identity, age, and marital status. In addition, migrants were requested to bring photos of their family members (even those deceased). Members of the nuclear family (husbands, children, parents) were also asked to join the migrant during their interview, often to make clear to them that family members may not join migrants already deployed in Israel. The following examples provide a glimpse into the identification process:

“Most of the employees working at the embassy are Filipino, but they’re even tougher than the

Israelis.” **Q: what happened there? Why you are saying it was tough?** “They need proof that it is really you; they need five ID’s, old ID’s, all you have to proof that it’s you—school ID, voter’s ID, pictures of me and my children, my husband, wedding pictures, isn’t it crazy? … And they interviewed me about my husband, his mother’s name, very personal questions. And then you have to answer those questions. It’s like here [in Israel] at the offices of the Ministry of Interior. And then they called my husband and asked him about me, about my family. They wanted to be sure that we are really husband and wife… My son was outside. When they finished with me they called my son with me and asked him the same questions they had asked me.” **Q: They interview children as well?** “Yes, he was confused when he got in.” (P1, female, Philippines)

“I have a friend [who told me] that it is very strict there [at the Israeli embassy]. And I have experienced that [as well]. Even my only wedding album they wanted to get. I said no, I said it’s my only album… They want to make sure that my face… I said, I have all my documents, why do you still need that, so they asked me go outside and make a photocopy [of the photos in the album] and I said yes.” (Z5, female, Philippines)

Reports provided by Sri Lankans and Nepalese migrants suggest a more relaxed pre-screening process at the embassies. Migrants reported that the interviews were usually quick and that they were not requested to answer too many identification questions:

“After the second meeting I went to the embassy. They asked me how old I was, why I wanted to go to Israel, whether I was prepared mentally. The interview took a few minutes, and it was with an Israeli person in English… He checked my papers and then asked me the questions and gave me a visa for one month.” (L3, female, Nepal)

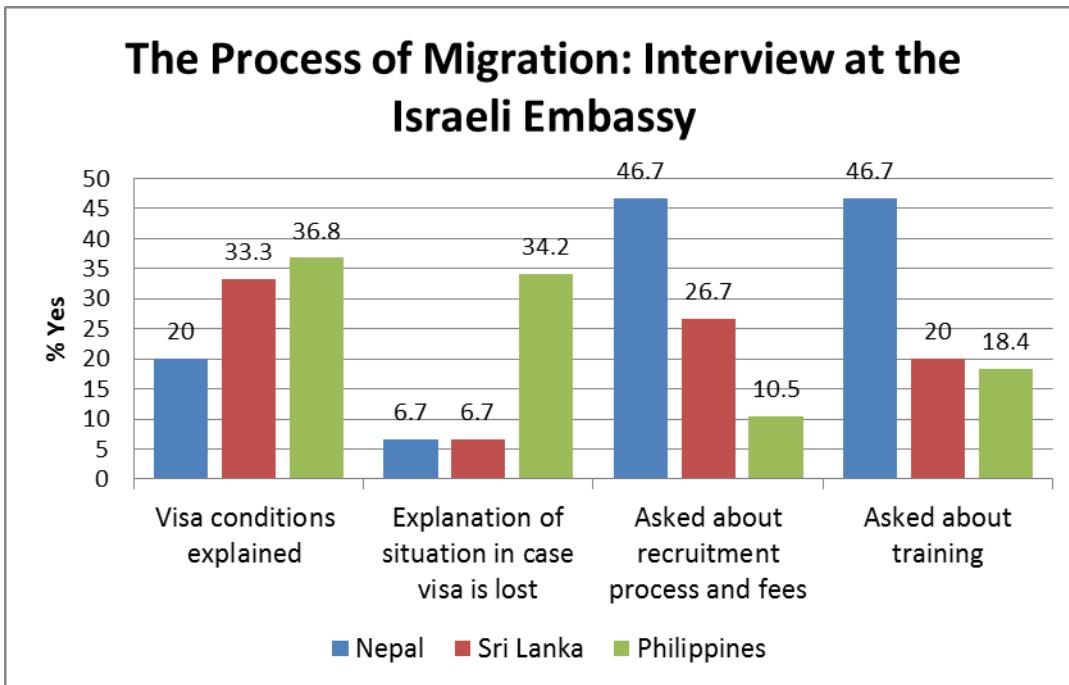
Q: Tell us a little about the process at the embassy before you could travel to Israel. “It was very fast and it was okay... They asked me some questions in English—why I wanted to go to Israel, whether I was planning to return to Nepal, and whether I knew what kind of work I was going to do [in Israel].” (Y18, female, Nepal)

Sri Lankan migrants attended the offices of the local Israeli consulate but were interviewed by employees of the Israeli embassy in India via Skype since there is no Israeli embassy in Sri Lanka:

“The interview was conducted through Skype. I was asked to come with my husband and to bring with me the training certificate and the certificate from the police. They talked to me in English. I told them that I had worked in caregiving in Cyprus. They asked whether my husband also wanted to come to Israel and they told him that this is not possible...” (Y10, female, Sri Lanka)

In addition, we asked the migrants whether their interviewers at the embassy explained to them the terms of the visa, including what to do if they lose their visas. We also asked whether migrants were inquired about the recruitment process, the amount of fees paid, and any training courses they had taken. Answers to these questions are shown in Figure 5.5.

Figure 5.5

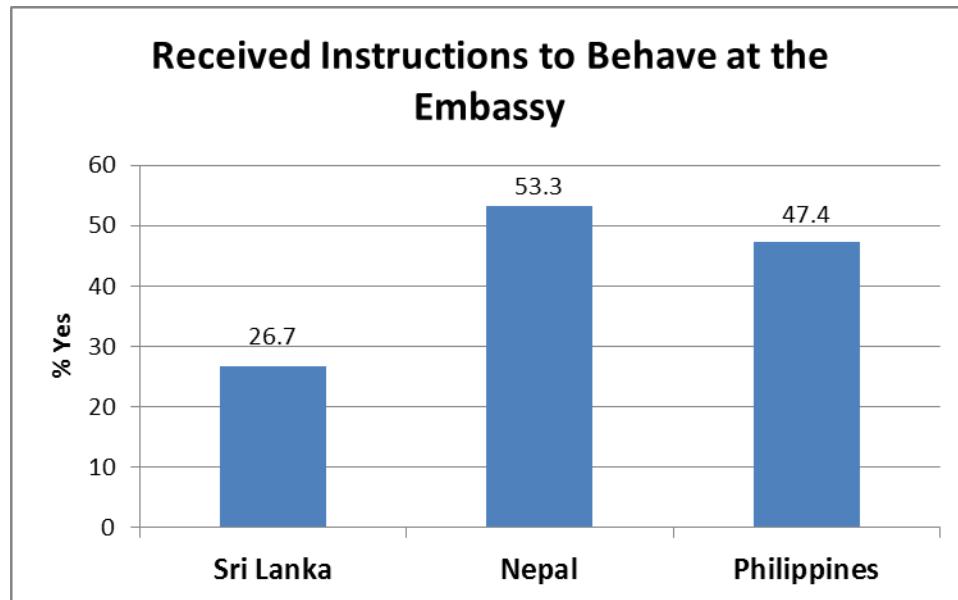


As Figure 5.5 shows, only a small percentage of migrants reported receiving information about the terms of their visas and the implications of losing the visa while in Israel. With the exception of Nepal,⁸⁴ only a small percentage of migrants reported being asked about recruitment fees and training, reflecting a lack of monitoring over the recruiting process.

In addition, we wished to find out the extent to which migrants had received instructions from the local agencies on how to behave during the embassy interviews. Their answers are displayed in Figure 5.6.

⁸⁴ According to Natan (2009c), the Israeli Embassy in Nepal did ask prospective migrants about recruitment fees. This was reflected in our own interviews, in which Nepalese migrants were far more likely than their non-Nepalese counterparts to report being asked these questions during their embassy interviews.

Figure 5.6



As Figure 5.6 shows, about half of Nepalese and Filipino migrants reported having received instructions from the recruiting agencies on how to behave during their embassy interviews. These instructions were sometimes given during the agency-organized training courses, as the following example illustrates:

Q: Did anyone tell you what to do in the interview, give you any guidelines? “Yes, the agency, it's like an orientation, they told us what questions we would be asked, so we had an idea about what they are going to ask us.” **Q: What did they tell you at the agency?** “It's like, ‘if they ask you this, you should only answer that’, ‘don't say more than they ask for.’” **Q: Give me one example.** “If they ask you, ‘Are you single?’ you have to answer only yes or no. No more, no less.” (P1, female, Philippines)

Some migrants were also instructed to lie about the amounts they paid the recruiting agencies in recruitment fees.⁸⁵ They always followed this instruction, fearing they might not be

⁸⁵ Migrants were also asked not to report in case they had relatives in Israel or had received a loan from the recruiting agency.

allowed into Israel if they reported the real amounts:

“They told me not to talk about how much I paid the agency, [to say that] I only paid \$1700. They didn't want me to say I was taking a loan from the Israeli agent, and asked me to say I had paid everything in the Philippines.” (Y2, male, Philippines).

“[They told me] to say I only paid \$1300, and to say about the other amount I paid in Israel, and to only answer the questions they asked and nothing else. They didn't want them to know I had paid illegally to the agency in Israel, and generally they did not want us to talk to the interviewers more than we have to, because maybe we would report something illegal.” (Y6, male, Philippines)

“[The interviewers] asked me and I told them that [the fees] cost \$3,000, because this is what I was told to report.” (S1, female, Sri Lanka)

“They only told me to lie about the money I paid. They told me to say that the total money I paid for everything was \$1500. I asked why should I lie? They said that most of the money goes to the Israeli agency.” (Y2, female, Nepal)

“[I was told] not to say I have relatives in Israel, and to say I only paid \$2500 including the flight ticket. They said that according to Israeli law we shouldn't pay so much—that's why we need to lie if we want to get the visa.” (Y17, female, Nepal)

The practice of lying in the interviews is well known to the Israeli authorities. Officials in several government agencies (PIBA, Ministry of Foreign Affairs, Ministry of Interior) are well aware that migrants are afraid to report the recruitment fees they had paid, fearing that telling the truth might affect their chances of getting a visa. For this reason, migrants rarely report on the local agencies in their countries of origin. Based on this reality, there is a debate among the different government agencies regarding the role Israeli embassies should play in monitoring all kind of frauds related to the recruitment process.⁸⁶ So far, no clear guidelines concerning these

⁸⁶ See Protocol of the Knesset Committee for the Examination of the Problem of Foreign Workers, 20 Jan. 2009.

issues have been delineated, and they remain among the most urgent tasks facing the Ministry of Foreign Affairs.⁸⁷

⁸⁷ We discuss these issues in the Recommendations section.

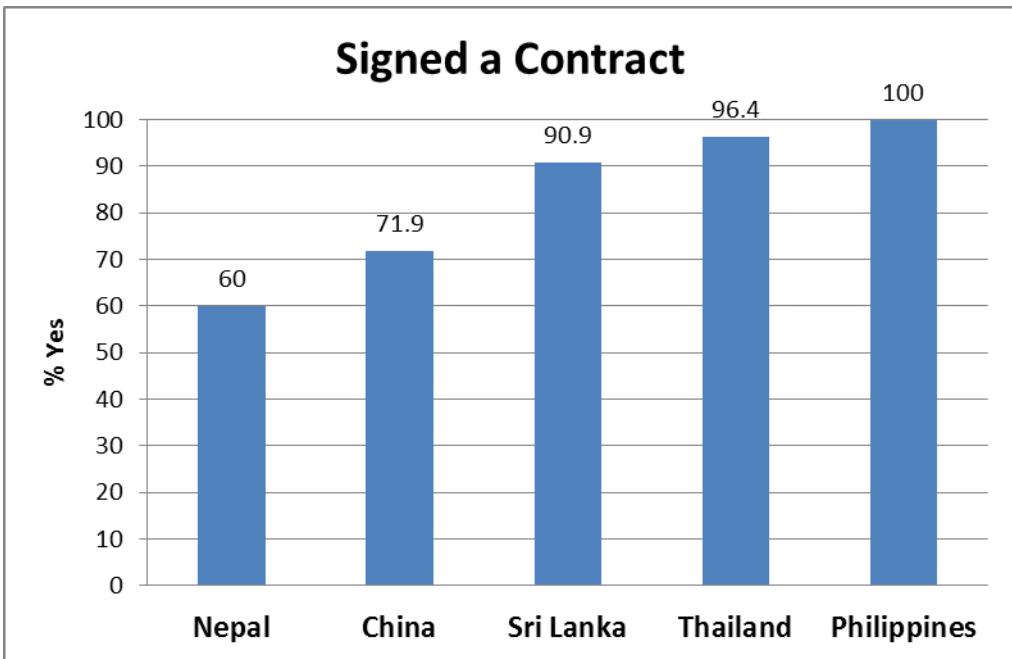
6. SIGNING CONTRACTS AND CONTRACT VIOLATIONS

Israeli law stipulates that contracts signed by migrant workers must be written in a language understood by the migrants prior to arrival in Israel. Workers must receive a copy of the contract and keep it during their stay in Israel. Contracts must specify work conditions, salaries, deductions, and work hours, among other pertinent details (see PIBA, 2011, Foreign Workers' Rights Handbook). But to what extent do recruiting agencies comply with these regulations? The following section provides information on (1) the extent to which recruiting agencies complied with Israeli contract regulations and (2) the extent to which migrants encountered contract violations upon arrival in Israel.

6.1. Contracts

Figure 6.1 shows the percentage of migrants who signed a contract before leaving their countries of origin—namely 100 percent of Filipinos, 96 percent of Thais and 90.9 percent of Sri Lankans, but only 71 of Chinese and 60 percent of Nepalese migrants.

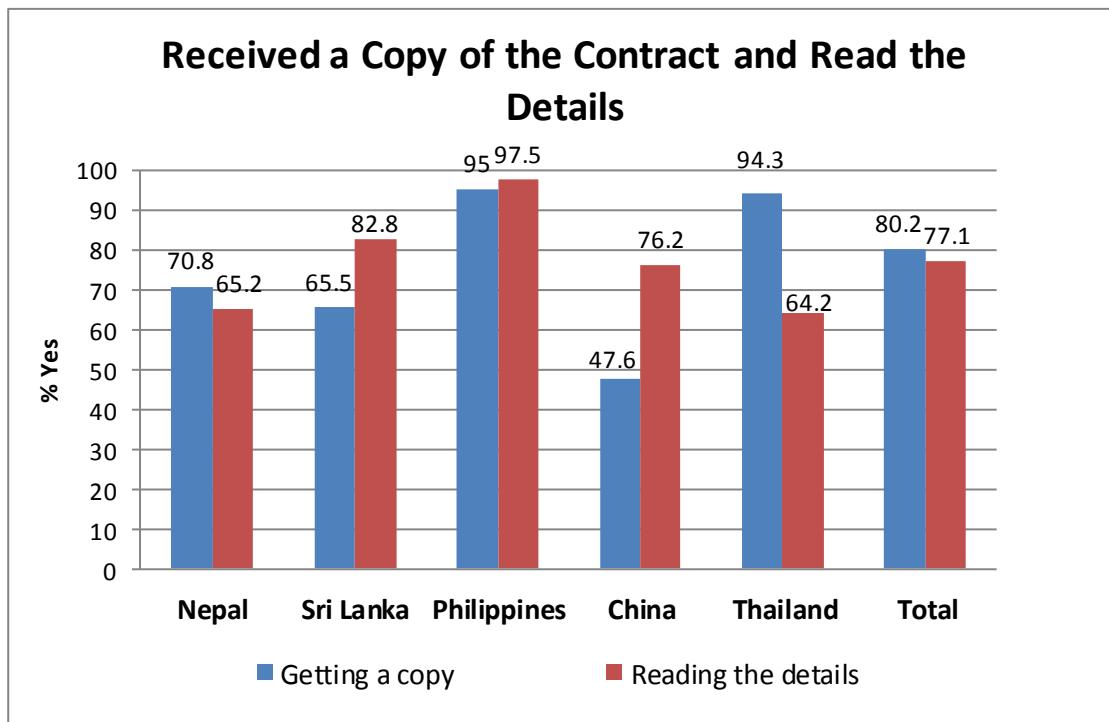
Figure 6.1



Migrants who had not signed a contract were asked why this regulation was not complied with. The most frequent answer among Nepalese and Chinese respondents (the two groups where contracts were the least common) was that “they did not know that it was an option.” Some (especially Nepalese migrants) were told by agencies or sub-agents that “it was not customary”; others (especially in China) were told that “there was no need for signing”: “They assured me that I’d be able to go to Israel, so I didn’t ask too much; I just followed anything they asked me to do” (R10, male, China).

Migrants who reported having signed a contract were asked (1) whether they received a copy of the contract (as stipulated by Israeli regulations) and read the details (see Figure 6.2), and (2) in what language the contract was written (Figure 6.3).

Figure 6.2



As Figure 6.2 shows, while most Filipino and Thai migrants (95 percent) received a copy of the signed contract, only 70 percent of Sri Lankan and Nepalese and 48 percent of Chinese workers did so.⁸⁸

Figure 6.2 also reveals that among those who signed a contract, almost all Filipino, 83 percent of Sri Lankan, and 76 percent of Chinese, but only 65 percent of Nepalese and Thai migrants reported having read the contract. Some Nepalese migrants complained that they were asked to sign the contract close to departure date, after having paid the fees, and were thus not given enough time to read it. They can therefore be said to have signed the contract under

⁸⁸ Two Nepalese women reported being asked by the agency in Nepal not to bring the contract to Israel and to throw it away, but they did not know the reason for the request.

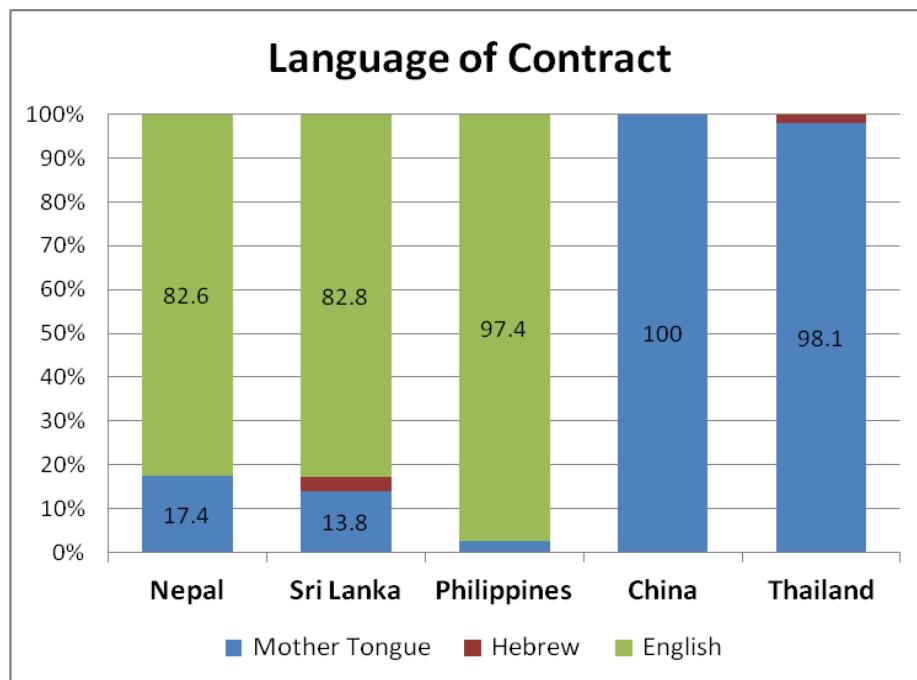
pressure, as the following testimonies bear out:⁸⁹

Q: Did you have a chance to read the contract? “No.” **Q: So you don't know what was written in it?** “No. By the time I had to sign the contract I was very nervous... If anything goes wrong, my home, my money will be lost... But they don't say what's inside because they hurry up, hurry up. [They say] it's time, the flight...” (A1, female, Nepal)

“The whole process was so fast... They brought the page [i.e., the contract] and told me to sign... They gave no details and I asked no questions.” (L1, female, Nepal)

Moreover, as L1’s case reveals, in many cases migrants were asked to sign contracts written in languages they did not understand (L1’s contract was in English, a language she does not know), in violation of PIBPA regulations. The extent of this practice as reported by our respondents is shown in Figure 6.3.

Figure 6.3



⁸⁹ For similar findings regarding the recruitment of workers from the Philippines to the United Arab Emirates, see Agunias, 2010, p. 14.

As Figure 6.3 shows, all Chinese and nearly all Thai migrants reported signing contracts written in their respective mother tongues.⁹⁰ By contrast, most migrants in the caregiving sector reported having signed contracts written in English.⁹¹ For most Filipinos this is not a problem since they are reasonably proficient in English. Not so, however, in the case of Nepalese and Sri Lankan migrants.

6.1.1. Content of the Contracts

Standard contracts specify salaries (with the various components itemized), deductions (income tax and national insurance, medical insurance, housing and related expenses), working hours, weekly days-off and other days of leave, health insurance, social security, employer-provided housing, etc. (See, PIBA, 2011, Foreign Workers' Rights Handbook). Thai workers also sign a statement claiming they are aware that hunting, gambling, and alcohol consumption are prohibited.

While some migrant workers in the caregiving and agriculture sectors were willing to show us copies of their contracts, not even a single Chinese worker (among those with a copy) was willing to do so. Chinese workers, we learned from the interviews, sign two contracts: one with the Chinese agency before departure, and one with the Israeli employer upon arrival:

“[The contract signed in China] is...an agreement between the worker and the Chinese employment agency, not the future employer in Israel... The terms of the contract are mostly

⁹⁰ Standard contracts in the agriculture sector are bilingual, written in both Hebrew and Thai.

⁹¹ Standard contracts in the caregiving sector are bilingual, written in both English and Hebrew.

there to protect [the interests of] the Chinese agency; they don't explain the precise rights to which the workers are entitled.” (W3, male, China)

“[The contract I signed before departure] was a temporary contract between the agency and myself... After I came to Israel, I signed another contact with the company [i.e., the Israeli employer]. The one I had signed in China included some basic information about the work, but it's mainly about what I agreed to pay to come to Israel as a legal worker.” **Q: So the second contract is the real work contract? What's in it?** “Yes, when I arrived in Israel they took me straight to my dormitory, where I signed the work contract.” **Q: Is it in Chinese?** “Yes.” **Q: What's in the contract?** “Like any regular contract—how many days we work, what counts as overtime, how much I get paid, what day of the month.” **Q: Does the contract mention [your] rights?** “Yeah, sure, but I don't remember much of it. It looks just like they said [it would], so I signed it.” (R1, male, China)

Though Israeli law permits migrant workers to switch employers,⁹² some recruiting agencies (in agriculture and construction) required migrants to sign a document limiting their ability to do so:

“[The recruitment agent] told me not to run away from [my] employer. If I do so, my family will pay a fine of [about] \$1,950... I had to sign a paper [saying] I agreed!” (K11, male, Thailand)

Respondent S17 was asked to sign the following contract (originally in Thai) prior to departure:

“I undertake the contract with the agency (agency name) that sends me to work in agriculture through the manpower company (company name). Since I work subject to the employer or subject to the agency, I undertake not to ask to change place of work, move to a different place of work, not to strike, or escape from work [meaning running away from the employer], or thinking about escaping from work, not to drink alcohol or gamble. If I do the things listed above, I would accept the decision of the employer or the agency, to send me back to Thailand immediately. I undertake not to demand anything from the agency, or from anyone involved. I take full responsibility for any damage caused by me... I, the undersigned, undertake to read and understand the foregoing agreement requirements. I undertake that nobody had threatened me. I

⁹² See Foreign Workers' Rights Handbook, PIBA, 2011, Section 1, “Change of Employers.”

sign the agreement voluntarily.”

Efforts to curtail the migrants’ mobility in the labor market were also evident among Chinese workers. Five Chinese workers reported having signed a contract in China which prevented them from switching employers, in violation of Israeli law which permits migrant construction workers to switch employers quarterly:

“[In the contract] they also wrote we were not allowed to switch employers, which is not right.”
(W4, male, China)

“[The contract I signed in China was designed] to protect them [i.e., the recruiting agency], not to protect our work or our rights. The contract was meant to protect the company in case I left my employer before I was done working or wanted to go back to China. I don’t remember any articles defending my rights as a worker.” (W6, male, China)

Three other migrants said their contracts required them to pay a deposit (ranging from \$1,000 to \$2,800), not to be returned in case they switched employers:

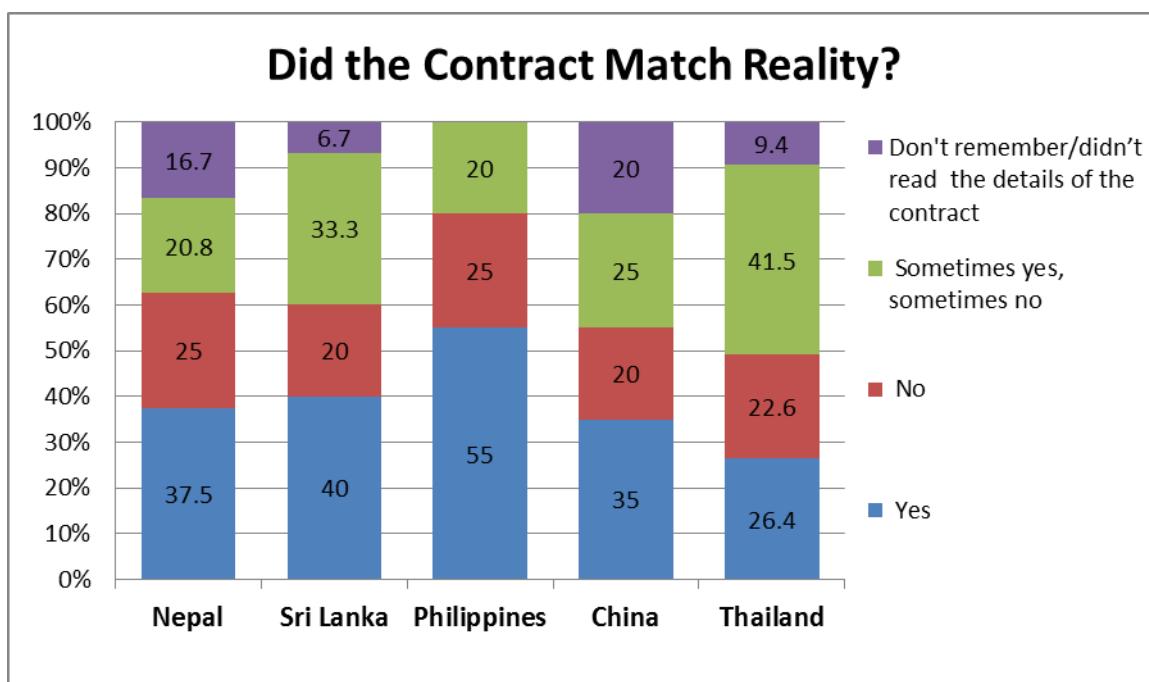
“There was a clause in the contract regarding a \$1,000 deposit to be paid to the Chinese boss [i.e., the local agency owner]. I knew I couldn’t switch employers before the five years were over or I wouldn’t get it back... This deposit has become a problem now: I’ve been fired, so I won’t get the money back...” (P1, male, China)

Though it is hard to assess precisely how prevalent this practice is, the above examples suggest that illegal attempts to limit worker mobility still occur and are one of the many ways in which labor migrants are deceived during the recruitment process.

6.1.2. Contract Violations

Fraudulent contracts were a common phenomenon among the migrants, as evinced by the percentage of migrants reporting that the contract they had signed did not match the realities they encountered upon arrival (see Figure 6.4). In the caregiving sector, only 55 percent of Filipino, 40 percent of Sri Lankan and 38 percent of Nepalese workers reported that their contracts matched the realities of their jobs in Israel. The figures are much lower in the agriculture and construction sectors, where only 26 percent of Thai and 35 percent of Chinese migrants reported that the terms of their contracts completely matched their actual work conditions.

Figure 6.4

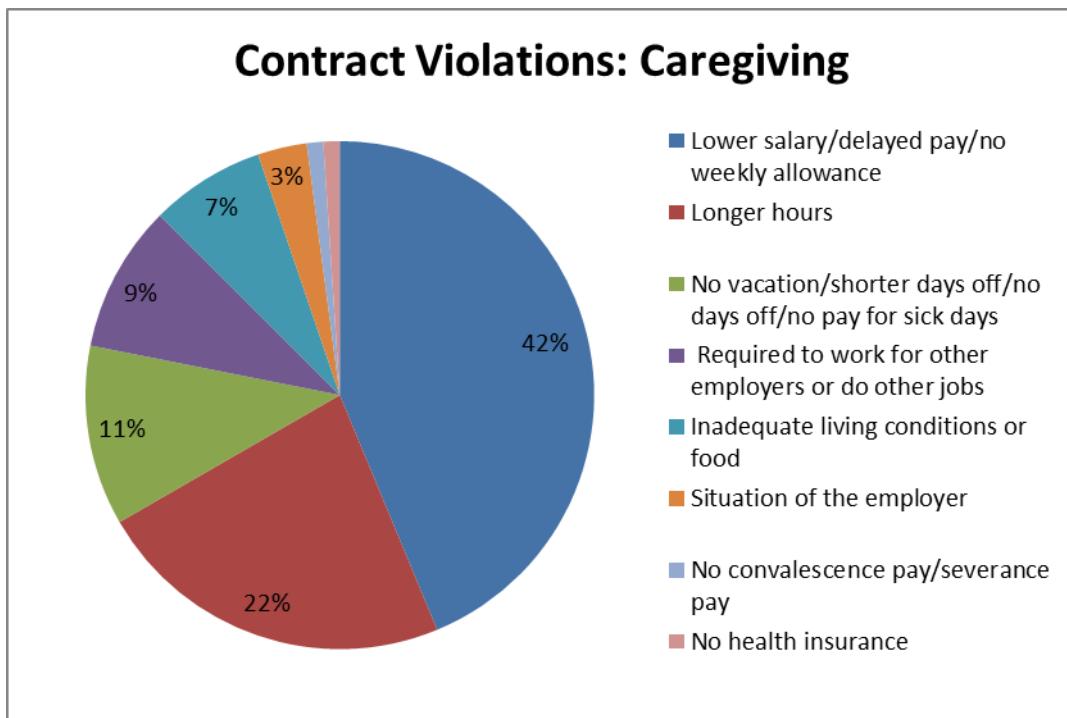


We asked the workers to describe the specific contract violations they encountered upon arrival. A summary of the main violations by sector of employment is presented next.

A. Caregiving

Figure 6.5 displays the most common contract violations that migrants in the caregiving sector encountered upon arrival—most commonly lower salaries than stated in the contract, but also longer daily hours and fewer days off,⁹³ among other violations.

Figure 6.5



Lower salaries, long hours, fewer days-off

The following passages provide a few examples of contract violations related to salaries, hours of work and days-off:

"[The recruiting agency] told me that I would work only eight hours, but I worked 24 hours. They told me I would get \$600 [she arrived in Israel in 2004], but I actually received only \$500. They

⁹³ Contracts typically grant domestic care workers 36 hours (one day and a half) off per week.

told me that if I worked during my rest days (in the weekends) I'd get \$50, but they didn't always pay me on my days-off and didn't always give me my rest days." (S2, female, Sri Lanka)

"I was told I would earn \$1000. But in reality I earned \$550 for two years, and then \$750... When I came to Israel I worked for an employer in Nahariya but did not receive salaries for three months of work." (Y2, female, Sri Lanka)⁹⁴

"My employer paid me 2,500 NIS but the contract said 3,300 NIS. They don't pay me overtime. My employer said I should work for her 24 hours a day... Accommodation and food are okay." (S5, female, Philippines)

"Absolutely no sleep, no rest... And with my second employer it's not really [according to the contract] because the contract is for one [person] and I take care of a couple." (A13, female, Philippines)

"The contract said 36 hours off [on weekends], but in reality I get only 24 hours... They told me I would earn \$800 but they pay only \$500." (S7, female, Philippines)

"I was told to take care of one boy [with special needs] but when I came here I ended up taking care of three children... I did everything, housekeeping, and taking care of the children... I didn't have a choice. I was afraid. Because I didn't know that I could switch jobs, or that I could tell them that I didn't like this or why is it like that... I'm afraid. If I lose this job maybe they will send me home..." (A9, female, Philippines)

⁹⁴ After Kav Laoved intervened, Y2's former employers agreed to pay her a year late.

As A9's case illustrates, migrants were often aware that employers were taking advantage of their precarious situation but were afraid to complain during the first period after arrival because they feared they would lose their jobs and be deported before all their debts were repaid.

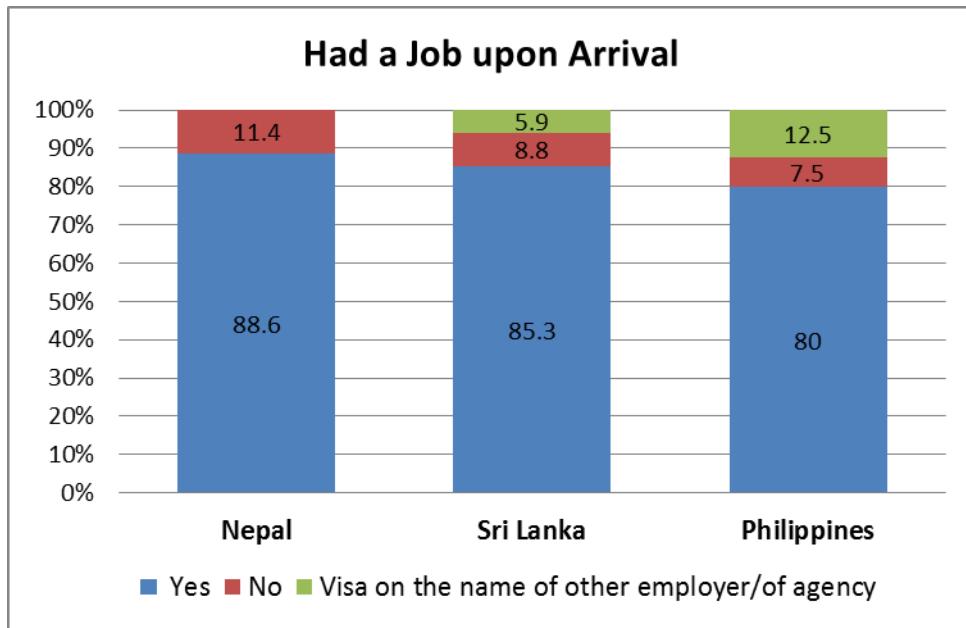
No employer or other employer than stated in the work permit

Some migrants signed contracts to work with a particular employer, only to learn upon arrival that they did not have a job (the so-called 'flying visa' phenomenon) and to be sent to employers other than those specified in the visa, often for jobs in domestic work.⁹⁵ As Figure 6.6 shows, this was the case with 20 percent of Filipino, 15 percent of Sri Lankan, and 11.4 percent of Nepalese workers.⁹⁶

⁹⁵ This practice is illegal, given that migrant workers already in Israel cannot be recruited for domestic work.

⁹⁶ The 'flying visa' phenomenon was very widespread in the early 2000s, a slump period in the construction sector. Workers, primarily from China, were legally brought to work in construction only to discover that no work was available. The situation has improved since 2005, after the new method of employment through manpower corporations was implemented (Interview with a representative of Kav Laoved, 2012).

Figure 6.6



The following cases illustrate the “flying visa” phenomenon. In all these cases, migrants found out upon arrival that they did not have a job in caregiving despite the fees collected by recruiting agency prior to departure:

“[When I arrived] I didn’t know that my visa was a ‘flying visa’. ‘Flying visa’ means that for a single visa [i.e., one work permit] they would bring three or four or five people [who are supposed to work for the same employer]… So I can’t work here.” **Q: so when you came you didn't have a job?** “No. I waited two months.” **Q: You said the agency picked you up at the airport. Where did they take you?** “They have their own [apartment] near the Central Bus Station in Tel Aviv. They took me there and sent me to Jerusalem the following day. I had to clean a big house…” [A3 spent the next two months cleaning houses until she was finally assigned a job in caregiving] (A3, female, Nepal)

Q: Did you have a job upon arrival? “A Nepalese man who said he was from [the manpower agency] was waiting for me. He took me to his apartment near Ashkelon and the next day he took me to my job. Not to my [legal] employer [i.e., the one designated in her work permit] but to clean a house. It was hard work. I had to clean the house and to take care of two children. From six in the morning I had to clean the house’s three floors. I worked there one month. After

two weeks I asked my [female] employer: ‘Where is my employer?’ She said: ‘It’s my mother, you have to work with me, I will take you there tomorrow’. She didn’t take me. I worked without a break... After one month I went to the apartment [an apartment she rents in Tel Aviv with other people for the weekends]. I didn’t come back, and I didn’t take my money. It was very hard. Then someone from the manpower agency came to the apartment. I told him it was hard for me, so they sent me to a new place after two weeks. One month I worked without a visa... [i.e., for a person other than the one specified in the work permit].” (L1, female, Nepal)

“When I arrived in Israel I did not have an employer. It’s only a proof that the agency only wants to make money. Some agencies use people. When they arrive in Israel there is no employer... just to make money.” (Z5, female, Philippines)

It should be noted that besides the severe contract violation represented by the ‘flying visa’ and the practice of sending workers to employers and sectors other than those stipulated in their contracts, these practices also put the workers at risk of arrest and deportation. Indeed, these practices are key elements of the ‘revolving door’ policy according to which each deported worker enables recruiting agencies to import a new one.⁹⁷

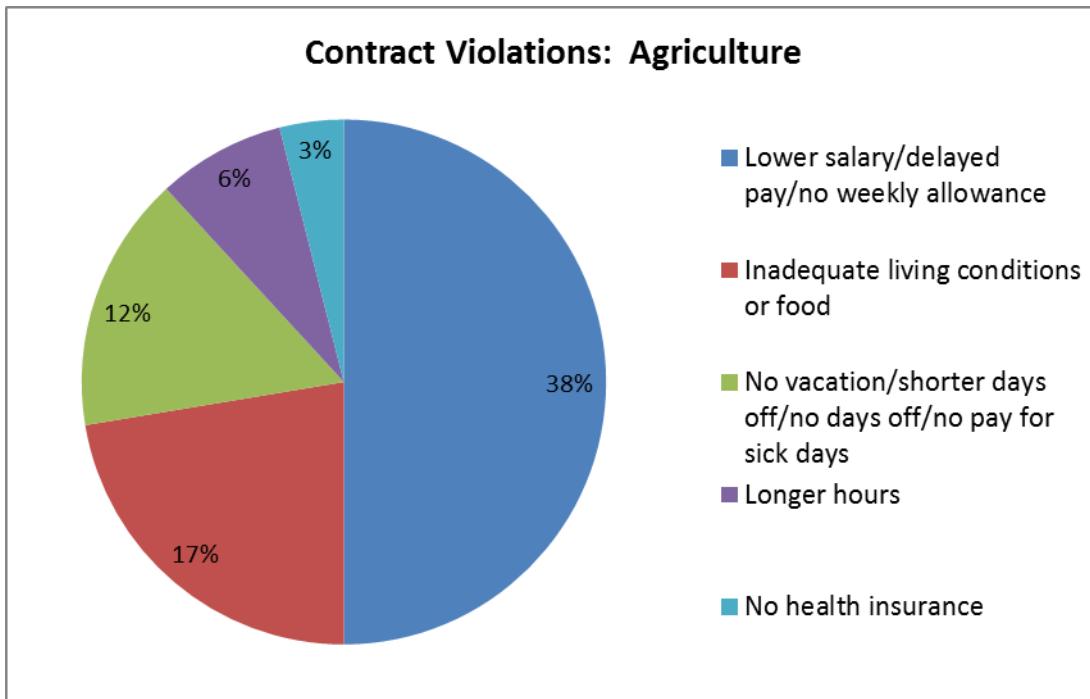
B. Agriculture

Figure 6.7 displays the most common contract violations reported by migrant workers in the agriculture sector. Here, as in the caregiving sector, the most common violations were related to lower wages, late payment, and longer hours, though living conditions in this sector were also especially poor.⁹⁸

⁹⁷ For an explanation of the revolving door policy, see Kemp and Rajman, 2008.

⁹⁸ For similar findings see Kav Laoved 2012. Summary of Activities Labor Migrants in Agriculture.

Figure 6.7



Lower salaries, late payment, longer hours

The following passages provide a few examples of contract violations related to work hours and pay:

“The salary is less [than stated in the contract]. My current salary is 15 NIS per regular hour. I can be absent from work but I don’t get paid for any sick days... I have only four days off during the Thai holidays. I get no annual vacation.” (K12, male, Thailand)

“Work conditions with my first employer were very bad, especially the salary. I worked days and nights [but] at almost 400 hours a month I hardly made 4000 NIS. Besides, the employer paid late, always holding up one or two months of salary. With my current employer the situation is much better.” (K11, male, Thailand)

“[There are] salary problems, late payments... We don’t always get days off. The contract stated I would be provided with rice but the employer didn’t do it.” (K7, male, Thailand)

Living conditions

As Figure 6.7 indicates, complaints about living accommodations were common among agriculture workers, who usually live in trailers near the fields and who are sometimes deprived of minimum hygiene and sanitary conditions:

“My trailer is in the middle of nowhere among the orchards—just the room, no sleeping stuff provided.” (K18, male, Thailand)

“Accommodations are very poor. [They’re] located right next to a dairy farm. Very dusty during the summer! And smelly all the time. But we don’t have any other trailer to stay in.” (K12, male, Thailand)

“The agent said the [living conditions] are good. But this is not good. [The respondent lives in a rickety shack.] When I work [picking] strawberries I work on Saturdays [too]. I have no medical insurance.” **Q: So what do you do when you’re sick?** “I report to the boss and he gives me a few days of rest.” (S10, male, Thailand)

“The contract said that living conditions would be good, [but] this is not the case... It’s a small space, no [separate] rooms, and there are seven of us in the trailer.” (S13, male, Thailand)

“It said good living conditions, but we were four or five people in a small room, and we work long hours. But here at my new employer it is good.” (S7, male, Thailand)

Finally, it should be noted that some Thai workers complained about a standard—and legal—practice in the agriculture sector which consists of the legal employer (the one specified in the work permit) sending the migrant to work for other employers for a ‘limited time’:

Q: Can you describe how the contract did not match the actual conditions? “The first five months after I arrived from Thailand the Israeli agency sent me to a few different employers. Wages were low, I didn’t get paid on time, [and] accommodations were very poor. I don’t think I had medical insurance at the time.” (K10, male, Thailand)

“During the first five months after I arrived from Thailand the manpower agency sent me to four different employers. I don’t know why—they just moved me around without giving me any specific reason! My fourth employer didn’t really have any agriculture work for me. I did some welding work in a garage where the employer has a side-business repairing agricultural equipment like trucks, tractors, trailers, etc. My eyes were hurt from the welding, so I decided to leave the employer without telling the agency in advance. A co-worker employed in the same *moshav* [agricultural community] connected me with his friends, and I got my current job with my fifth employer.” (K10, male, Thailand)

Because what counts as a ‘limited’ period of time is not clearly defined, it is difficult to assess whether the practice of sending migrant workers to other employers is legal or systematically violates the law according to which migrants may only work for the employer specified in their work permits.

C. Construction

As noted earlier in this section, Chinese migrants were less likely to sign and get copies of contracts; those in a position to report contract violations were therefore few in number.⁹⁹ Of a total of 14 complains, half were related to lower salaries and late payments, one-third to living conditions:¹⁰⁰

Q: Did the contract match reality? [The contract I signed in China] was very different both from reality and from the additional contract I signed in Israel. The contract I signed in Israel was written in Hebrew [so] I didn’t understand it, but we were explained that it did not include a flight home paid by the company. In addition, the salary in the new contract was lower than the one in the first contract.” (V3, male, China)

“The living space is so different from how it was described. They said it would be a certain size,

⁹⁹ For an analysis of actual working and living conditions see the next section (Section 7).

¹⁰⁰ Because of the small number we do not present a percentual distribution of the complains.

“[The salary] is not as high as the contract said it would be... Some of the things in the contract are just not there [in reality]... Also, the contract said we’d get paid on the ninth of every month and often we get paid later than that, sometimes a week late.” (A2, male, Chinese)

“Before I came I was told that each person had six square meters of living space. But I didn’t get that at all. See how I live here, there’s no place to eat. Chinese workers get the worst places to live in; people from other countries get better accommodations, better everything, they get chosen for better jobs... Some Chinese people live in containers, do you know that? It’s so hot and people live in containers, no air conditioner.” **Q: Have you ever lived in a container?** “No, I haven’t, but I know some Chinese workers who have.” (R2, male, China)

In summary, contract violations are widespread in all sectors of employment and are related to salaries, working hours, living conditions, and numerous other work conditions. The migrants’ sense of vulnerability constrains their ability to complain about employment conditions. They fear that employers would retaliate by dismissing them. Without a job, they know, they will have forfeited their right to remain in the country. Due to their ignorance of laws and regulations (especially early on during their stay in Israel) and even the destination country’s language, they tend not to speak up against their maltreatment.

7. SOCIAL RIGHTS OF MIGRANT WORKERS

According to Israeli law, foreign workers in Israel are entitled to the same working conditions as Israeli employees regardless of legal status (Raijman and Kemp, 2002). The Foreign Workers' Rights Handbook published by PIBA¹⁰¹ summarizes the basic employment conditions and rights of foreign workers in Israel with respect to the following issues: legal employment and change of employers, withholding of passports, health insurance, social security, housing, contracts, salary components and deductions, weekly rest days and leaves, termination of employment, filing complaints, sexual harassment, information and legal aid, and other general information. In addition, employers must provide every foreign employee with a written employment contract in a language s/he understands, private health insurance, and proper housing. Migrants' access to social insurance benefits is nevertheless limited: foreign workers are not eligible for public unemployment insurance, income support benefits, public health insurance, old age pensions, disability pensions, and so on. They are entitled, however, to personal injury, maternity, and employer's bankruptcy or corporate liquidation insurance.¹⁰²

In this section we provide a general overview of the employment and living conditions of migrant workers in Israel and identify irregularities and abuses of their rights. Discussing each sector of employment in turn, our analysis covers (1) monthly and hourly wages and form of payment, (2) mean working hours and days off, (3) overtime pay, (4) severance pay, (5) health

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http://www.PIBA.gov.il/PublicationAndTender/Publications/Documents/FOREIGN_WORKERS_RIGHTS_HANDBOOK_EN.pdf

102 This insurance guarantees workers salaries owed and additional compensation when an employer goes bankrupt.

insurance and payment for sick days, (6) living conditions, (7) work with hazardous substances and other dangerous working conditions, (8) withholding of passports, and (9) sexual violence.

7.1 Wages

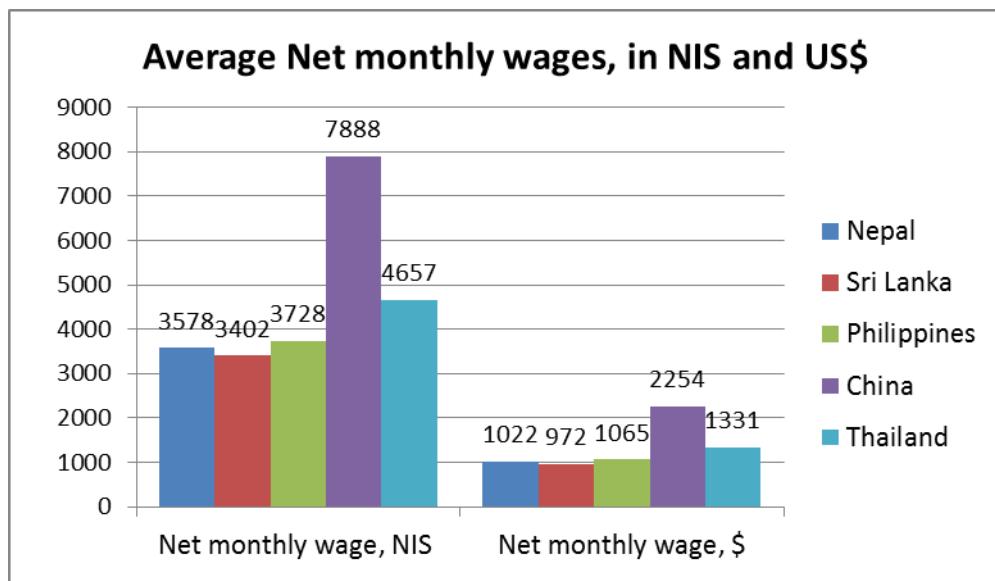
Like their Israeli counterparts, foreign workers employed full-time in Israel are entitled to wages not below the monthly, daily, or hourly minimum wage, as the case may be (Minimum Wage Law, 5747-1987). At the time of our interviews, the gross monthly minimum wage for full-time employees was 3,850.18 NIS (\$1,100). For foreign workers, legally required income tax and national insurance deductions constitute about 10 percent of this sum. Monthly deductions (for health insurance, suitable housing, and debts owed to the employer) may not exceed 25 percent of the employee's salary. It should be emphasized that these deductions are not automatic; the employer may deduct to this limit only actual expenses. In no case may the net monthly wage be less than 2,888 NIS.

Figure 7.1 presents migrant workers' average net monthly wages (in NIS and US dollars) by sector of employment.¹⁰³ The lowest salaries were paid in the caregiving sector, where average monthly wages ranged from 3,402 NIS for Sri Lankan and 3,578 NIS for Nepalese to 3,728 NIS for Filipino workers. Wages were much higher in the agriculture sector, with Thai migrants earning on average 4,657 NIS per month. Chinese construction workers were significantly higher paid than migrant workers in the other sectors, earning 7,888 NIS per

¹⁰³ Respondents were asked "How much do you get in hand per month (including pocket money)".

month.¹⁰⁴

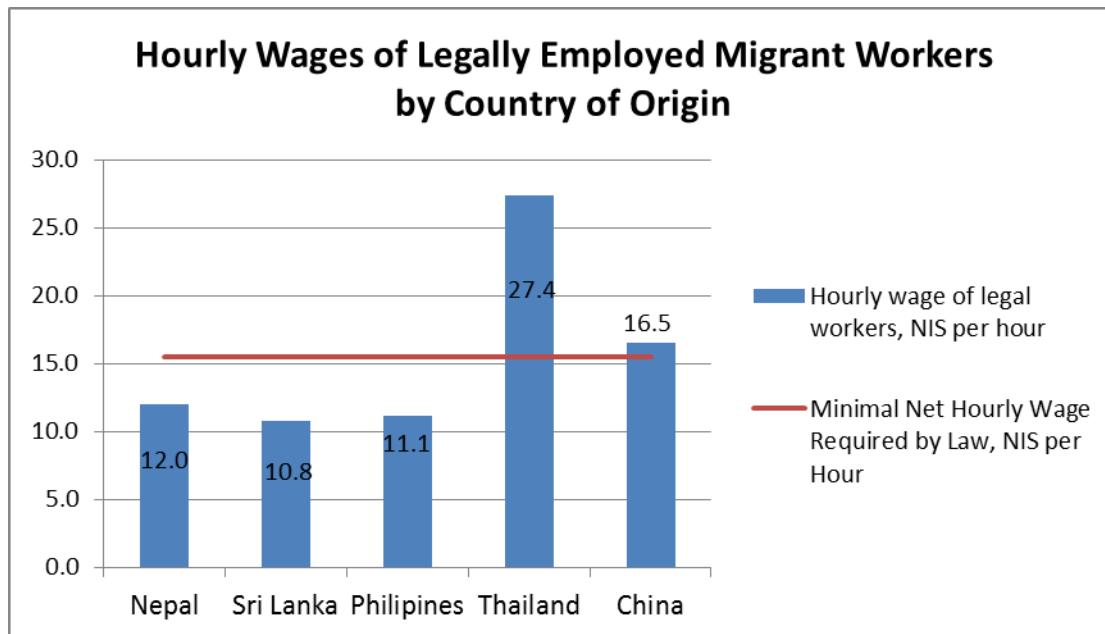
Figure 7.1



The net wages reported by migrant workers in our sample would suggest that legal minimum wage requirements are met. This seemingly positive picture changes for the worse, however, when we turn our focus to the hourly wages (monthly salary divided by the number of monthly work hours) actually paid in each sector. Figure 7.2 presents the average hourly wages of migrant workers by country of origin.

¹⁰⁴ The average gross monthly wage in Israel was 8,801 NIS (\$2,515) in September 2011. The average net monthly wage (after legally required deductions) was about 7,342 NIS. Thus, the net wages of migrant construction workers were higher on average than those of Israeli citizens.

Figure 7.2



The findings reveal that when the number of monthly work hours is taken into account, Chinese workers still earn well above the minimum wage, Thai workers just slightly above it. By contrast, wages in the caregiving sector are significantly lower than the minimum hourly wage as defined by law.¹⁰⁵ These low hourly wages are due to the fact that caregivers receive so-called “global” wages despite additional working hours for which they receive no extra payment.¹⁰⁶

¹⁰⁵ At the time of interviews the gross minimum wage was 20.7 NIS per hour, making the net minimum wage (after all deductions required and permitted by law) about 15.5 NIS per hour.

¹⁰⁶ These figures apply to legally employed migrants only. Migrant caregiving workers who had arrived in Israel with a work permit but are currently without one earn 40 NIS per hour on average working as domestic cleaners.

7.2 Working Hours and Days off

Our study reveals that migrant workers in all sectors of employment work many hours a day:¹⁰⁷ Chinese workers in construction reported working an average of 11.3 hours a day, Thai workers in agriculture an average of 10.4 hours a day (see Figure 7.3). One-fourth of migrants in the two sectors reported working at night as well.

Daily working hours were much more numerous in the caregiving sector, with averages ranging from 10.9 among Filipinos to 11.4 among Nepalese and 11.9 among Sri Lankan migrants. These numbers do not include hours during which workers had to be ‘on call’ but were not actually working. Almost one in four caregivers (23.3 percent) reported not having a break during the workday; half (56.3 percent of Nepalese, 40 percent of Sri Lankan and 42.1 percent of Filipino migrants) reported they had to be available at night. These findings attest to the difficult work conditions to which caregivers are subjected, with the requirement to be available ‘around the clock’ imposing severe limitations on their daily life and rest hours.

¹⁰⁷ Working hours were computed according to the migrants’ self-reports as follows: {time the workday ends} minus {time the workday begins} minus {length of breaks (about 2 hours in caregiving and 0.6 hours in agriculture and construction)}.

Figure 7.3

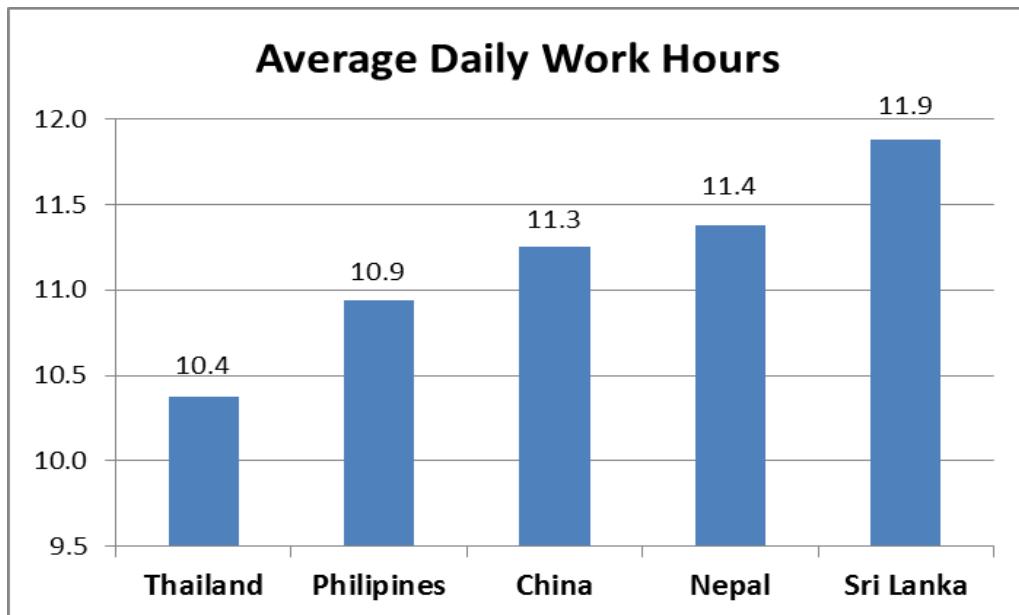
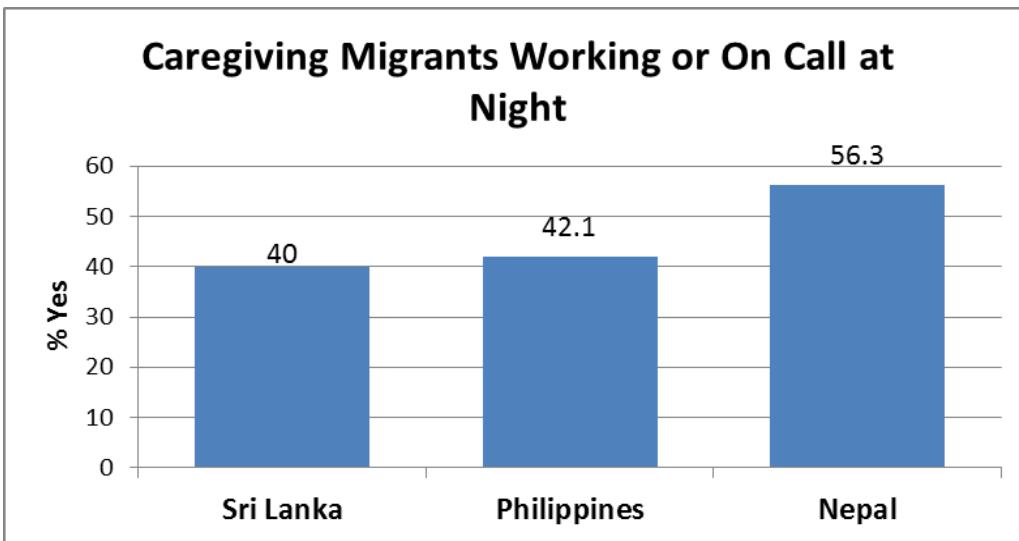


Figure 7.4

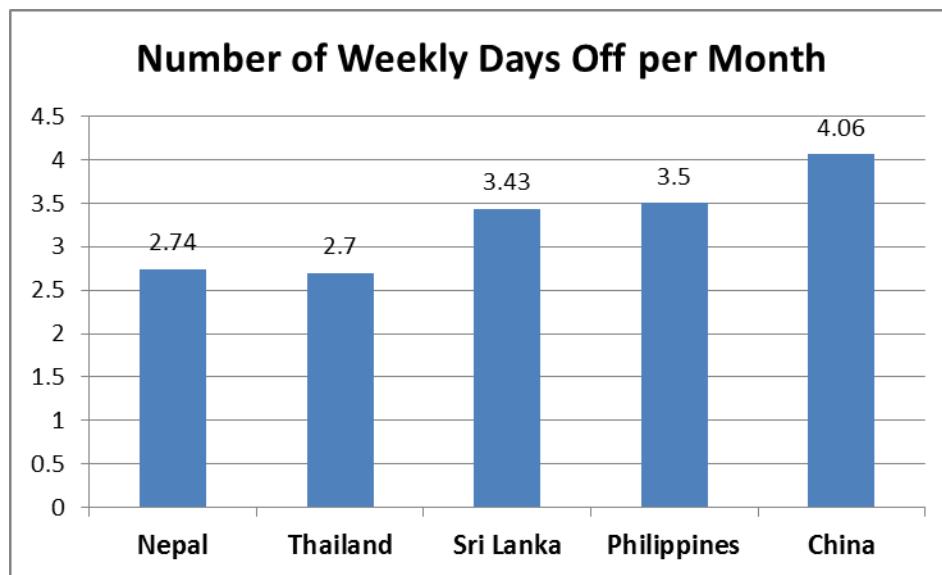


Migrant workers in all sectors of employment are entitled to one paid weekly leave (day off) of no less than 36 hours.¹⁰⁸ Figure 7.5 presents the number of weekly leaves per month for each migrant group. The data reveal significant differences among sectors of employment and

¹⁰⁸ As noted earlier, some migrants complained their weekly leaves lasted less than 36 hours.

countries of origin.

Figure 7.5



While Chinese construction workers had four weekly days off per month (one day off every week), Thai workers took on average only 2.7 days off per month. Caregiving workers also took fewer days off per month—2.7 for Nepalese workers, 3.5 for their Sri Lankan and Filipino counterparts.¹⁰⁹ 29.4 percent of Thai workers and 18 percent of caregiving migrants (especially Sri Lankans) reported their employers had forced them not to take days off.

7.3 Overtime Pay

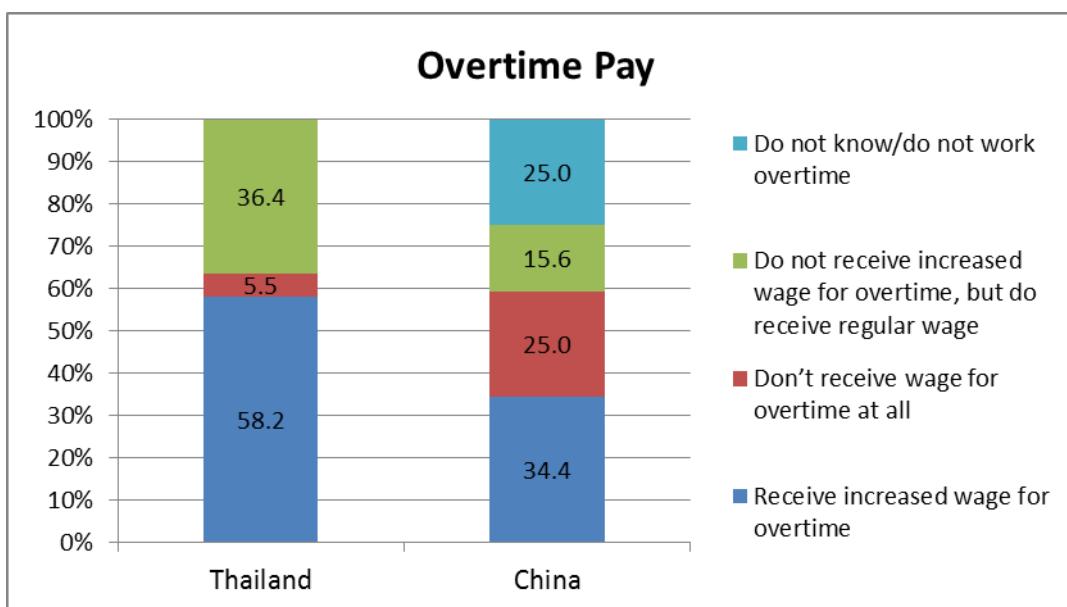
According to the Israeli law, a standard full-time job consists of no more than 186 hours

¹⁰⁹ 20 percent of Nepalese, 12.9 percent of Sri Lankan, 11.5 of Thai, and 5.4 percent of Filipino migrants reported having less than one day off per month.

per month. For these hours, employees are entitled to payment at regular hourly rates. According to the Work Hours and Rest Law (1951), for each additional hour of work, employees are entitled to payment at increased hourly rates: 125 percent of the regular hourly rate for each of the first two daily overtime hours, and 150 percent of the regular hourly rate for each additional hour (PIBA, 2011). This legal requirement applies to all migrant workers with the exception of caregivers (see Zohar 2008_a, 2008_b).

Figure 7.6 shows the extent to which workers in agriculture and construction were paid for overtime work at the increased rates. In agriculture, 58.2 percent of Thai workers received overtime pay at the increased rates but 36.4 percent were paid only the regular hourly rate. In construction, by contrast, 25 percent of Chinese workers received no overtime pay at all and 15.6 percent were paid only the regular hourly rate.

Figure 7.6



As noted earlier, caregivers are excluded from the Work Hours and Rest Law. In a November 2008 ruling the Israeli Labor Court characterized domestic care jobs as “trust jobs”

not subject to regular work hour regulations. As a result, caregivers are not entitled to overtime pay. Kav La’Oved and other advocacy groups filed an appeal with the High Court of Justice objecting to the exclusion of caregivers from the Work Hours and Rest Law. Representatives of employers challenged the appeal, arguing that the elderly and the disabled have limited resources and cannot afford additional payments. The Labor Court’s ruling was endorsed by the High Court of Justice (1678/07), which ruled that the caregiving migrants’ unique form of employment makes it impossible to extend to them the benefits of the Work Hours and Rest Law. Discriminating against domestic care workers, the two rulings have legitimated the current employment pattern in the caregiving sector according to which employees are bound to their workplace for the greater part of their days and nights without any monetary compensation for their overtime work (Kemp, 2010).

7.4 Severance Pay

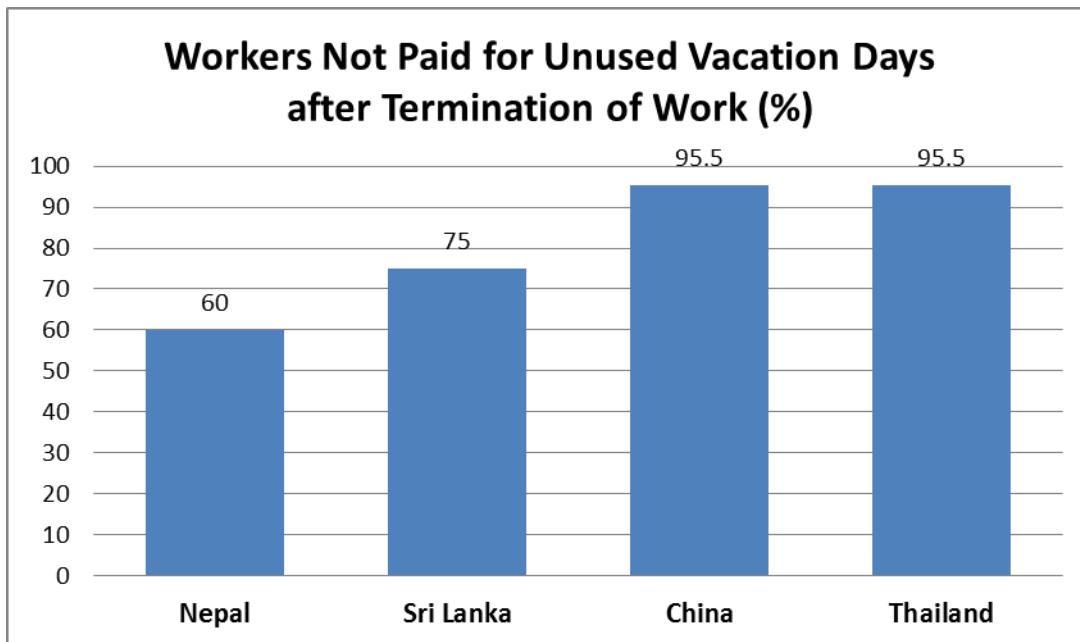
Employees dismissed after having worked for one employer or in one place of employment for a period of one year or more are entitled to severance pay. The rate of severance pay is one month’s pay for each year of employment with the last employer or workplace. Workers whose work has been terminated after one year of employment following the employer’s death or bankruptcy are entitled to the same severance pay as dismissed workers. In addition, workers who either quit their jobs or are fired must be paid for unused vacation days (PIBA, Foreign Workers’ Rights Handbook, 2011).

To learn to what extent these regulations are complied with, we asked the migrants in our sample whether they had been dismissed, and if so, whether they received severance pay. 31 percent of the respondents had been fired at least once and were therefore entitled to severance

pay. Many, however, did not receive any such payments. In agriculture, *none* of the nine Thai workers who had been dismissed received any severance pay. In construction, five of the seven Chinese who had been dismissed received no severance pay. In the caregiving sector, the figures were 13 of 16 Nepalese, 11 of 17 Sri Lankan, and 5 of 12 Filipino workers.

Figure 7.7 shows the percentage of workers (of those who quit their employers or were dismissed) who did not get paid for unused vacation days. Our data reveal that failure to pay for unused vacations is a universal practice in the agriculture and construction sectors. In the caregiving sector, 75 percent of Sri Lankan, 60 percent of Nepalese, and 22.7 percent of Filipino workers reported not being paid for unused vacation days.

Figure 7.7



Overall, our findings suggest that nonpayment of legally required sums after termination of work is the rule rather than the exception among employers.

7.5 Health Insurance and Paid Sick Days

Since foreign workers are not entitled to public health insurance, their employers are obligated to provide them with private medical insurance throughout the employment period. Workers are also entitled to paid sick days according to the length of their employment—one day and a half for each month of work, up to a total of 90 days—upon presenting a doctor's note stating the reason for absence from work (Filc and Davidovitch, 2007).

Our data reveal that health coverage is almost universal among legally employed caregivers, with over 90 percent reporting that their employers have provided them with health insurance. However, about three-quarters of foreign workers in agriculture (76 percent) and construction (74.2 percent) who had health insurance reported not knowing which HMO insured them.

In addition, even workers who had health insurance reported encountering many problems when they needed medical care. For example, many migrant workers complained that employers did not always allow sick workers to leave their work and go to a doctor. Migrants needing medical attention must often rely on their employers to take them to a doctor, both because their language skills prohibit them from communicating with Israeli physicians and because they do not know where to go for medical treatment. In agriculture, circumstances are further complicated by the workers' frequent geographical isolation: many agricultural migrant workers live in far-off rural areas with little access to public transportation and are therefore doubly dependent on their employers whenever medical attention is needed.

Our data also reveal that employers are not always willing to pay for sick days. The

prevalence of this practice is displayed in Figure 7.8, which shows that a high percentage of employers in construction and agriculture (75 percent) did not pay the workers for days in which they were sick and did not come to work. In the caregiving sector only 40 to 50 percent of workers suffered from this practice.

Figure 7.8

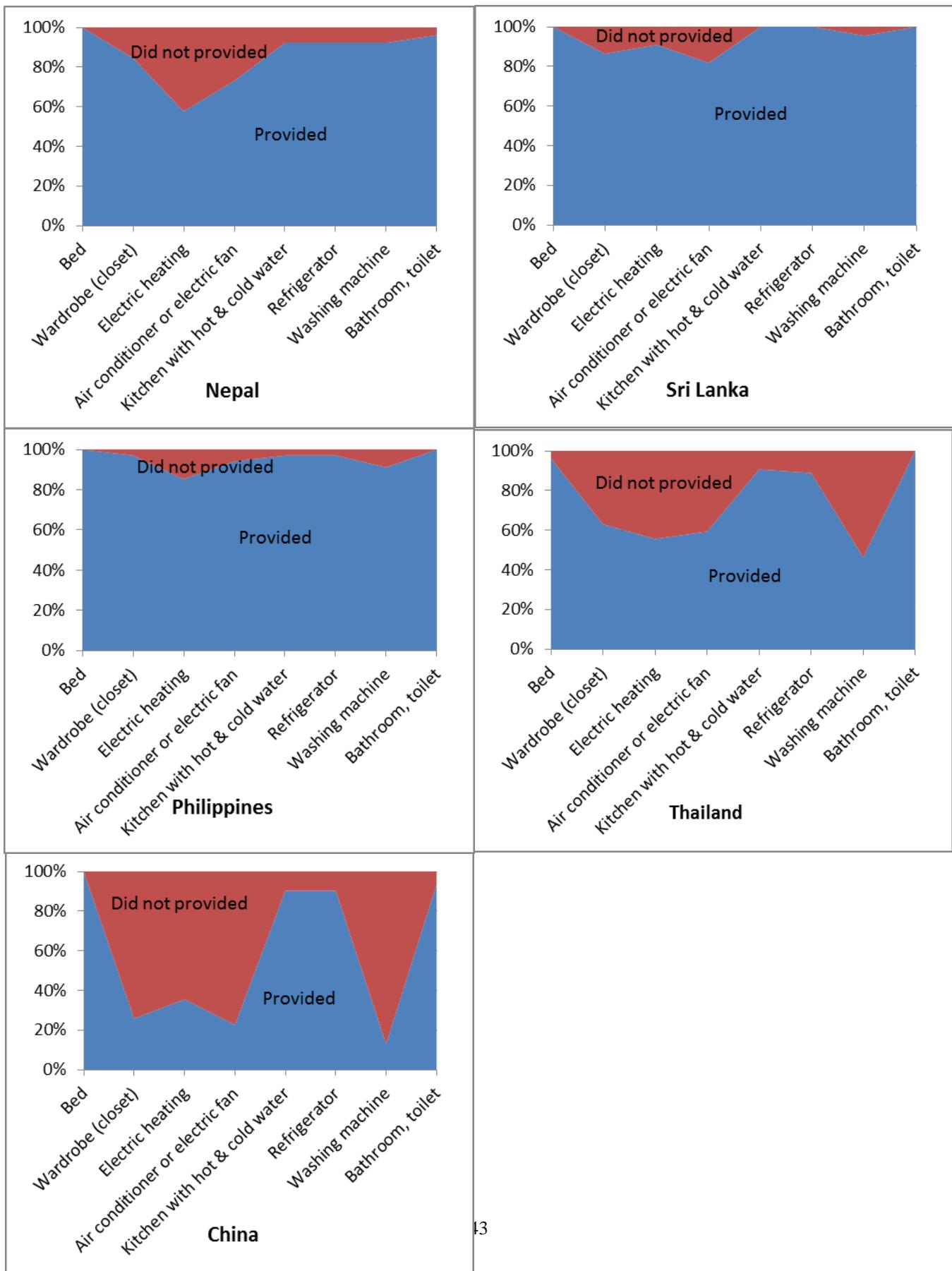


7.6 Living Conditions

Employers must provide their foreign employees adequate housing throughout their entire period of employment. Such housing must meet the following requirements: at least four square meters of sleeping space per worker; no more than six workers per room; personal cupboards and bedding for each worker; heating and ventilation; reasonable lighting and electric outlets in each room; hot and cold water in bathrooms, kitchens, and showers; sinks, kitchen counters and cupboards, burners, a refrigerator, table and chairs; a washing machine for every six workers; and a fire extinguisher. Living quarters and bathrooms must be reasonably accessible

(PIBA, Foreign Workers' Rights Handbook, 2011). Figure 7.9 shows the extent to which the living conditions of migrant workers meet these requirements.

Figure 7.9 Living Conditions of Migrant Workers



As Figure 7.9 shows, living conditions are worst in the agriculture and construction sectors, with many of the minimum requirements flouted. In both sectors, the number of people per room was often up to eight, exceeding the six-person maximum. Moreover, employers do not provide workers with all the required homeware accessories. The worst living conditions were found in the construction sector, where only 12.9 percent of workers were provided with washing machines, only 22.6 percent with air conditioners or fans, only 25 percent with wardrobes, and only 35.5 percent with electric heating. In addition, 6.5 percent of Chinese workers had no access to bathrooms and toilets and about 10 percent of Chinese and Thai workers had no access to kitchens.

7.7 Work with Hazardous Substances and Dangerous Working Conditions

Migrants in agriculture and construction were asked (1) whether their employers provided them with protection in case they worked with hazardous substances or in dangerous conditions, and (2) whether they received safety instructions. According to the migrants' self-reports, employers in construction generally complied with the regulations, as only 10.5 percent of our Chinese respondents reported they were not provided with protection or with safety instructions when working with hazardous substances or in dangerous conditions. In agriculture, however, circumstances were considerably worse: 40.6 percent of Thai agriculture workers reported they were not provided with protection when working with hazardous substances and 66.7 percent received no safety instructions. As these findings reveal, a relatively high percentage of migrant workers in agriculture were subjected to unsafe working conditions and were consequently at risk of future health problems.

7.8 Withheld Passports

Israeli law requires every person present in the country to carry with him or her an official identifying document. Withholding a worker's passport against his or her will is thus a criminal offence (PIBA, Foreign Workers' Rights Handbook, 2011). Only eight workers in our sample reported that an employer had taken their passports, including five Thai workers (comprising nine percent of all Thai respondents), one worker from China, and two workers from Nepal. Though entitled to file a complaint with the Israeli Police, most migrants do not report the confiscation of their passports to the authorities, fearing they would lose their jobs if they did so.

7.9. Sexual Violence

To learn about the occurrence of sexual violence, we asked the interviewees (specifically the caregivers) whether they knew about migrants forced to have sexual relations, subjected to sexual comments, or otherwise sexually harassed (e.g. by being touched intimately by their employers or by others around them). 19 such cases were reported, comprising 19 percent of the female caregivers in our sample. Eight of the cases were reported by the victims themselves,¹¹⁰ six by women personally acquainted with the victim, and five by migrants who reported having heard of sexual violence but were not personally acquainted with the victim. It is possible, however, that the actual frequency of sexual violence is higher than is reported here, as migrants are not always eager to report such cases.

¹¹⁰ Among these groups, 4 told us that they solved the problem through the agency and moved to other employers, 2 settled the problem with the employer but stayed, one complained to the police and one complained to an NGO.

Our overview of the working and living conditions of migrant workers in Israel suggests that violation of migrants' rights is the norm. Furthermore, we have found that migrants rarely file complaints regarding such violations. In light of these findings, we asked the interviewees why they did not complain or demand that their rights be respected. The most frequent reason reported by the respondents was that they feared their employer would fire them if they demanded their rights (28.4 percent). The second most frequently cited reason was that they had asked the employer for payment but were denied (22.6 percent):

"First, I am afraid to talk to my employer. My co-worker asked [him] about this and was [consequently] moved to another *moshav* by the manpower agency. Second, the employer told the workers that this is what [he has] to give them. We have no other place to stay." (K20, male, Thailand)

"My employer refused and said I must work 24 hours a day. They said my visa would be revoked and they would not pay me severance." (S5, female, Philippines)

"We cannot communicate with the employer, and I'm sure that if we asked for payment for this and that they would ask us to leave. Anyway, almost no company gives its workers these benefits." (W5, male, China)

The third most frequently cited reason for not insisting on particular payments or rights was that the migrants were not aware of the rights granted to them under Israeli law.

In conclusion, the picture that emerges from our above analysis of the working and living conditions of migrant workers in Israel is that of a serious violation of Israeli law, leading to systematic abuse of migrants' rights in all sectors of employment (see Table 7.1). Work conditions are especially exploitative in the caregiving sector (lower than minimum wages, long work hours without overtime pay, sexual violence), where workers are isolated in their

employers' households, away from public scrutiny. In addition to rights violations related to overtime pay, severance pay and rest hours, workers in construction and agriculture reported violations associated with living conditions and noncompliance with the minimum requirements set by law. In the agriculture sector, nine percent of Thai workers reported that their passports were withheld by employers, and those working with hazardous substances were not always provided adequate protection or safety instructions. These severe violations suggest that enforcement of labor laws is far from what it should be. Practices oriented towards the protection of migrants' rights should therefore be implemented.

Table 7.1: Rights Violations by Sectors of Employment and Countries of Origin

Rights	Care-giving			Construction	Agriculture
	Nepal	Sri Lanka	Philippines	China	Thailand
Wages	Hourly wage = less than minimum wage.	Hourly wage = less than minimum wage. Lowest hourly and monthly wages.	Hourly wage = less than minimum wage. Highest monthly wages in caregiving.	High monthly wages.	Near minimum hourly wages.
Working hours	Long daily hours; must be available around the clock.	Long daily hours; must be available around the clock.	Long daily hours; must be available around the clock.	Long daily hours.	Long daily hours.
Days off	Fewest days off sometimes forced not take days off.	Fewest days off	Fewest days off		2.7 days off per month; one-third forced not take days off.
Overtime pay	No overtime pay.	No overtime pay.	No overtime pay.	25 percent receive no overtime pay.	About one-third receive no overtime pay but do earn regular wages for overtime hours.
Severance pay (for those who get fired)	Almost all those who got fired got no severance pay.	More than one-half got severance pay.	Majority got severance pay.	Two-thirds did not get severance pay.	No severance pay.
Pay for unused vacations	More than one-half did not get paid.	No severance pay.	Majority was paid for unused vacations days.	No severance pay.	No severance pay.
Health Insurance (legal workers)	Insured.	Insured.	Insured.	Insured.	Insured.
Payment for sick days	One-half not paid for sick days.	One-half not paid for sick days.	One-half not paid for sick days.	No payment for sick days.	No payment for sick days.
Living Conditions	Comply with the required standards; live at home of employer.	Comply with the required standards; live at home of employer.	Comply with the required standards; live at home of employer.	Crowded dormitories; about 10 percent lack access to kitchen; about 6 percent lack access to bathroom or toilet.	Crowded dormitories; about 10 percent lack access to kitchen.
Exposure to hazardous substances	-	-	-		One-half unprotected when working with hazardous substances; did not receive safety instructions.
Withholding of Passport	Reported by two workers.	Not reported.	Not reported.	Reported by one worker.	Highest occurrence: reported by nine percent of workers.
Sexual Violence	Reported by 20 percent of caregiving workers				

8. CONCLUSIONS AND RECOMMENDATIONS

This study has examined patterns of recruitment of labor migrants arriving in Israel from Southeast Asia. We have focused on the main agents involved in the migration industry and on the problems and abuses that arise both during the recruitment process and during deployment in Israel.

State policies in Israel have been crucial to the development of the migration business. One of the central characteristics of labor migration in Israel has been the privatization of the recruitment, mediation, administration, and employment of labor migrants into the hands of recruiting agencies that serve as sub-contractors of sorts for private employers. The State of Israel has given these private agencies a central role by creating the very conditions which made them ‘essential’, that is, by making them the only organizations authorized to recruit labor migrants.¹¹¹

Though it was the state that created the conditions for the burgeoning of the recruiting agencies, the main causes of their prosperity were, naturally enough, purely economic. Their expansion in a way entirely unrelated to fluctuations in the local labor market indicates that the ‘economic utility’ of bringing labor migrants to Israel does not, in large part, necessarily lie in their actual employment, but rather in their being ‘imported’. Though there are laws setting the maximum recruitment fee to be charged from prospective migrants, the bulk of the agencies’ profits derive precisely from such fees paid by the labor migrants themselves. The long-term lack of law enforcement concerning the activities of Israeli recruiting agencies overseas created an

¹¹¹ The involvement of manpower agencies in the Israeli labor market far exceeds existing standards in other countries around the world (Fisher, 1999; Pilovsky, 1999).

expansive ‘grey’ industry that sometimes provided the basis for trafficking in human beings in Israel (US State Department Report on Trafficking in Persons, 2006).

To address the immediate challenges that our research identified we suggest the following recommendations. The policy challenges fall into five broad domains: (1) recruitment, (2) contract signing (3) training, (4) pre-screening at Israeli embassies in the countries of origin, (5) migrants’ rights and working conditions.

1. Recruitment of Migrants Workers

Our findings have shown in a rather clear way that despite government regulations to control the level of recruitment fees paid by the migrants the situation has not changed but rather worsened over time. The only way to combat this practice is to stop the current laissez-faire policy by prohibiting the involvement of private agencies in the recruitment process. The current government’s hands-off approach to labor migration merits serious revision. Therefore we suggest that:

- Recruitment should be conducted from countries with which Israel has or will have signed bilateral agreements. Bilateral agreements could improve enforcement of protective measures in the source and destination countries alike. Bilateral agreements also have the potential to serve as effective frameworks for migrant workers’ rights and to establish provisions for legal redress in the event that workers file complaints against their employers.

- Regulations concerning fees should not be decided unilaterally but rather in cooperation with the governments of the sending countries.
- Formal recruitment procedures should be transparent and affordable.
- Recruitment should be conducted by *state-to-state organizations* thus annulling the role of private agencies and their associated brokers currently involved in the process. We support Kemp's (2010) recommendation to create a special division at the National Employment Service (NES) dedicated to managing the recruitment process. Alternatively, the proposed NES Foreigners Division could be located within and operated by PIBA.
- The organization and coordination of recruitment could be supervised by international organizations such as IOM, which is now managing the recruitment of migrant workers from Thailand.
- The inclusion of local NGOs in the organization and monitoring of the recruitment process should be considered.
- Following the policy of all fifteen pre-2004 European Union countries, we recommend that charging workers a recruitment fee be prohibited, or that only a minimum fee be charged.
- Fees for recruitment services should also be borne by employers. This will increase the cost of employing migrant workers, thus reducing competition between Israeli and migrant workers.

- We suggest the Korean-Nepalese system of labor migration recruitment as a model to be adopted for the recruiting process. The Korean government itself manages all recruitment from developing countries, and no private agencies are involved in the process. All prospective migrants from Nepal must take a standardized test at the Korean embassy in Kathmandu to assess their skills. Those who pass the test are entered into a computerized database, to which Korean employers looking to recruit Nepalese workers must go directly. There is an extra charge for this service—\$200 per worker—but this goes towards the provision of basic social services for the migrants.¹¹²
- Placing recruitment in the hands of the state or international and national non-profit organizations will shorten the length of time required to pay off mediation fees and related costs. Consequently, periods of stay could be shortened since with no huge debts to repay migrants would be able to save more money.

In order to incentivize migrants to leave the country within the currently allotted 63-month period, we recommend the following:

- All sectors of employment should adopt the practice already in place in the construction sector, whereby employers make monthly deposits to special funds redeemable by workers when their visas expire and they leave the country.

¹¹² <http://www.migrant-rights.org/2010/09/14/interview-with-yotam-politser-human-rights-activist-on-nepali-migration-to-israel> (accessed 4 Sept. 2011).

- Seasonal employment schemes could be applied in agriculture. This proposal would be viable only if commuting and mediation costs were low enough to render the arrangement suitable for workers and employers alike.

Regulating the Employment of Migrant Workers

- The government should consider transferring the deployment functions of private agencies to public organizations. If no public agencies are found to be suitable, licensed non-profit agencies should be created or deployed for that purpose (see Kemp, 2010, p. 33). The move to public agencies may prevent problems related to rights violations and workers' exploitation.

2. Contracts

- Migrants should sign contracts before departure from their countries of origin. Furthermore, all contracts should be written in the migrants' native tongues, or else in a language the migrants can fully understand. While not sufficient to prevent all rights violations, these steps are necessary and should be obligatory. (Though the understandable-language requirement is included in current Israeli regulations, many migrants in our sample reported that the contracts they signed were written in English and Hebrew, languages many of them did not understand.)

- Standard contracts should be developed and workers should be educated about their contents. We recommend explaining to prospective migrants the legal importance of contracts. Some migrants, we have learned, consider signing a contract unimportant due to their unwarranted trust in brokers and local agencies.
- Government agencies in both Israel and the countries of origin should have copies of the signed contracts to be able to resolve any contract violations or disputes.

3. Training

- Training guidelines should be developed, describing in full detail the content and duration of training courses.
- Professional qualification and certification standards should be upheld, and only recognized public institutions should be allowed to offer training courses.
- Ensuring that workers are trained in their home countries may be another advantage of the aforementioned bilateral agreements.
- Language training should be improved, especially in the case of care workers for whom a good command of Hebrew or English is essential.
- In addition to language and professional skills, pre-departure training courses should provide information on the terms of standard work contracts, workers' rights and obligations, relevant laws, the importance of retaining one's passport and copies of one's

contract, key contacts, embassy contacts at destination, and complaint procedures, as well as a list of NGOs and public agencies that can advise the migrants in case of need.

4. Screening Process at the Israeli Embassies

- Israeli embassies and consulates in the source countries should play a central role in monitoring the recruitment process.
- Current interview guidelines remain very loose, failing to specify what may count as minimally acceptable English and professional skills. In addition, the guidelines do not require that the training institutes be monitored; nor do they set minimal standards for course length or content, instructors' skills, tests, etc.
- All prospective migrants regardless of sector of employment should attend a pre-screening interview at the Israeli embassy in the country of origin. Currently, migrant workers in the construction and agriculture sectors are not required to attend an interview at the consulate department of the Israeli embassy in order to be granted a work visa. In both sectors, local recruiting agency representatives are in charge of taking the migrants' passports to the embassies and of obtaining all health and professional certificates. The lack of an embassy-managed screening procedure opens the door to fraud.
- As long as the recruitment process is conducted by private agencies, embassy interviewers should make sure to inquire prospective migrants about any recruitment fees they may have paid. . However, interviews at the embassies would not solve frauds

associated with recruitment fees. It is hard to persuade contract workers who paid excessive fees to testify against the recruiters if they believe that their testimony will reduce their chances of working abroad. One option is to ensure immunity to those migrants who report labor recruitment frauds.

- Israeli embassies should play a more active role in informing migrants about labor laws and migrant rights in Israel.

5. Migrants' Rights

Migrant workers often face problems related to their employment and living conditions despite having signed valid contracts prior to departure which clearly indicated their conditions of employment. Despite this legal protection, many migrants are denied their rights and their contractually guaranteed employment conditions.

- Until a new arrangement is implemented, state supervision over manpower agencies and corporations should be enhanced. PIBA should inspect whether migrant workers are granted the employment conditions to which they are entitled, in a way similar to PIBA's already-existing computerized audits in the construction sector.
- Laws protecting migrant workers from exploitation and abuse should be enforced.
- More staff should be dedicated to enforcing labor law for foreign workers. Staff should include translators able to talk with the migrants in their native tongues.

- Payment slips should be in the migrants' native tongues. Many workers receive payment slips in Hebrew, or no slips at all.

- Restrictions on workers' mobility grant employers tremendous power over migrants.

Mobility between employers should be assured to combat dependence and consequently exploitation. Though migrant workers are legally permitted to switch employers, this option is often not easily practicable.

- Enforcement of employers' behavior: Agencies and employers in violation of recruitment standards (excessive fees), wage obligations, and working conditions regulations should be barred by the Israeli government from requesting more contract workers and be placed on blacklists

- Protection of workers working with hazardous substances: Decent working and living conditions should be enforced and promoted even in lines of work that are inherently hazardous. Work with pesticides and other hazardous substances should be regulated. Workers who must work with such substances should receive specific training from the Ministry of Agriculture.

Specifically for caregivers:

- The discrimination of caregivers with regard to overtime pay must be eliminated; supplements to their regular wages should be considered.
- It is important to eliminate the workers' geographical bondage and allow them to switch employers in case they request to do so. Solutions to the care needs of the

aged and the handicapped should not take the form of workers inextricably bonded to their employers.

- A system of economic incentives should be implemented to motivate caregivers to work in peripheral geographical locations.
- Given caregivers' isolation in private homes, social workers employed by the manpower agencies should monitor their employment conditions.
- Awareness concerning sexual violence and the rights of female migrants must be raised.
- Social workers in manpower agencies should verify whether employers can afford the expenses of hiring a migrant caregiver. The sum that each patient receives from the National Insurance Institute covers only a part of the migrant caregiver's salary; any remaining sums, up to the caregiver's minimum wage or beyond, must be added privately by the patient or his/her family. According to our findings, some employers lack the requisite funds and consequently fail to pay the migrants the salaries to which the latter are entitled by law.

Enforcement of Laws Protecting Migrants' Rights

Combating recruitment irregularities and exploitation of migrants ultimately depends on regulations and their enforcement in the destination country, the location where most malpractices and cases of abuse take place. In Israel, enforcement responsibilities are distributed among several different organizations. PIBA is responsible for enforcement of laws against the illegal employment of migrant workers, whereas the Ministry of Trade and Industry is responsible for enforcement of migrant workers' employment conditions and labor rights. According to officials from both ministries, the two organizations do not intervene in the issues under one another's purview; none of them can therefore undertake comprehensive supervision and enforcement efforts.

- Our recommendation is to invest PIBA with comprehensive authority to supervise the payment slips and employment conditions of migrant workers.

Moreover, as a rule, both PIBA and the Ministry of Trade and Industry investigate irregularities only after NGOs or other outside organizations initiate inquiry, rarely initiating their own inspections.

- We recommend the allocation of more manpower resources to the government agencies in charge of monitoring the employment conditions and labor rights of migrant workers
Migrant workers are particularly vulnerable since they are often unaware of their rights and do not know how or where to complain about rights violations. Most South-South migrant workers arrive in destination countries unprepared for the work and living conditions they encounter. Basic pre-departure training is often inadequate, usually

consisting of basic language training and a short introduction to the culture of the destination country. Workers are rarely informed of their legal rights in the destination country and seldom know how to seek assistance from embassies or other support networks. Most workers are further isolated by language, living circumstances, and long working hours, making it difficult for them to seek information or assistance when they need it.

To ensure that migrants and employers alike understand the rights of migrant workers, we recommend the following:

- The government should promote awareness of migrant workers' rights by providing training on human and labor rights to employers and to all government officials involved in migration.
- To ensure widespread awareness of rights and the availability of channels for reporting violations or maltreatment, migrant workers should be provided with lists of resources on how to seek help once they arrive in Israel.
- New arrival briefings should be organized in the form of orientation days, during which workers will be informed about rights, work and living conditions, and how to obtain advice and assistance from labor authorities in case their rights are violated or their basic needs go unmet. These briefings should be organized by public agencies with the cooperation of NGOs catering to the needs of labor migrants.

Finally, data on labor migrants are poor because the issue is given low priority in Israel. We recommend the creation of a database on all migrant workers, providing information on their personal socioeconomic characteristics, places of employment, salaries and deductions, work hours, and so forth. Such a database would help to estimate current levels of supply and demand and enable employers to locate workers available for work without needing to import new migrants to Israel. In addition, we recommend that the Central Bureau of Statistics design a special survey to learn about the migrants' socioeconomic characteristics, patterns of employment, and living conditions, among other data.

APPENDIX A

METHODOLOGY

Data collection was based on semi-structured interviews with labor migrants conducted in 2010-2011. The target population consisted of migrant workers who had entered Israel during the last ten years, with a work permit in one of three occupations typical among migrant workers in Israel: caregiving, agriculture, and construction. We interviewed workers from the five countries most widely represented among migrant workers in Israel: Thailand (agriculture), China (construction), and Nepal, Sri Lanka, and the Philippines (caregiving).

Because of the difficulties inherent in gathering data on migrant workers, representative samples could not be assembled. Instead, we used the so-called “snowball” sampling technique. Most of the interviews (61 percent) were conducted via non-governmental organizations: Kav LaOved, the Hotline for Migrant Workers, and Mesila (Aid and Information Center for the Foreign Community in Tel Aviv-Jaffa). The remaining interviews (39 percent) were conducted by non-NGO-affiliated interviewers who spoke the migrant workers’ native languages, enabling us to contact migrants who had not approached any of the aforementioned NGOs.

The questionnaire for the in-depth interviews was developed in reliance on the available literature and assorted documents on the recruitment of migrant workers. We first ran a pilot study of the questionnaire with ten migrant workers. Following suggestions from the interviewers in the field we made some changes to the instrument until it was finally approved.

The semi-structured in-depth interviews included both closed and open questions about (1) demographics and pre-migration background; (2) reasons for migration in general and for

choosing Israel in particular; (3) the migration process; (4) recruitment fees; (5) contracts; (6) training prior to arrival in Israel; (7) consulate interviews; (8) current employment status; (9) work and living conditions and social rights; and (10) future plans.

Interviews lasted about two hours on average and were recorded with the interviewees' consent. All interviews were anonymous and conducted either in English or in the migrants' native language. All interviewers participated in several training sessions prior to data collection in order to acquire the requisite skills for conducting the interviews.

A total of 196 migrant workers were interviewed. 109 (40 from the Philippines, 35 from Nepal, 34 from Sri Lanka) had entered Israel with work permits in nursing; 55, all from Thailand, had entered with permits in agriculture; and 32, all from China, had entered with permits in construction. About 15 percent of the migrants in our sample—most of them in the caregiving sector—were in Israel illegally at the time of interview.

In-depth interviews were also conducted with owners and managers of manpower agencies in Israel and with officials in several government ministries. These interviews helped us learn about current practices and policies in the field of labor migration. We also relied on the protocols of different Knesset committees, especially the Committee for the Examination of the Problem of Foreign Workers, and on documents produced by the Knesset's Information and Research Center.

Data collected in the study were analyzed using both qualitative and quantitative methods. Questionnaire questions were coded in an SPSS file which was used to provide a

descriptive view of the recruitment process, work conditions, and rights. The qualitative data were analyzed using ATLAS.ti.

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