



"If I Had Wings, I Would Fly"

Palestinian LGBT Asylum Seekers in Israel

Research and Writing:

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HIAS

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About HIAS Israel

HIAS Israel is the Israeli affiliate of HIAS, an international Jewish organization that has worked for over 140 years to protect refugees and assist displaced people around the world. In Israel, the organization has operated since the founding of the State, advancing the protection of refugees and asylum seekers through legal aid, individual case accompaniment, policy advocacy, and partnerships with state authorities, civil society organizations, and international actors.

Website: <https://hias.org.il>

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Abstract

This research report examines the phenomenon of "double persecution" confronting Palestinian LGBT asylum seekers residing in Israel. Having fled life-threatening social and institutional persecution in the West Bank on the basis of their sexual orientation or gender identity, they encounter in Israel a policy of institutional exclusion, an absence of legal status, and exposure to exploitation. The present study is based on independent qualitative field research conducted between 2024 and 2025 using a phenomenological approach, combining in-depth interviews with LGBT Palestinians who sought protection in Israel and with professionals in the field, alongside a legal analysis of proceedings and policy documents.

The study's findings refute the State's position, as formulated in the 2014 inter-ministerial committee report, that there is no systematic persecution in the West Bank. The data reveal how the exclusion of Palestinians from the official asylum process in Israel — relying on a narrow interpretation of the Refugee Convention (Article 1.D) — forces them to depend on the temporary and arbitrary mechanism of the "welfare coordinator" within the Civil Administration. This liminal legal reality, premised on temporary stay permits, condemns them to extreme marginalization, exposure to criminal and labor exploitation, and heightened vulnerability in times of crisis (such as the COVID-19 pandemic and the October 2023 war). This vulnerability is escalating today into a tangible threat to life, given the collapse of the support network provided by civil society and UN agencies.

The study concludes that Israel's policy toward LGBT Palestinians effectively produces a condition of "recognition without recognition". In light of this conclusion, the report proposes an institutional paradigm shift: a move toward the examination of asylum applications and the regularization of stable legal status, the adoption of trauma-informed determination procedures, and the establishment of a direct, state-provided safety net and assistance framework to replace the collapsing reliance on the third sector.

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2. Introduction

Imagine you are walking down a street in your hometown when, suddenly, a vehicle pulls up beside you. Five men climb out, abduct you by force, string you up in an abandoned building, and beat you savagely — all because of how you look, or a rumor about your sexual orientation. This is not a scene from a horror film, but the reality described by Yamen, a young gay Palestinian man who endured an attempted abduction and brutal torture at the hands of an enraged mob, while his family was summoned to the scene not to rescue him, but to witness the "disgrace". Yamen's story, like the stories of many others, exposes a reality of utter defenselessness: when the home becomes a trap, the street a site of lynching, and the authorities a persecuting force, flight to Israel becomes an act of last-resort survival and the only hope for a safe haven.

Yet for many of these young people who manage to cross the physical border, the hope of safety shatters against a new reality, in which the threat does not vanish but merely changes form. If Yamen's story illustrates the horror they flee, Nasser's story illustrates the terror awaiting them in the place of refuge itself. On the morning of October 7, 2023, as sirens pierced the quiet across the country, Nasser — a young gay Palestinian man who had found temporary refuge in Israel — had gone out for a morning run. Like the other residents around him, he rushed to the nearest public bomb shelter to take cover. But at the shelter's entrance, his reality took a sharp turn: a security guard who identified his origin drove him back out into the exposed street, and police officers called to the scene threatened him with their weapons. When he tried to explain that he could be harmed if he remained outside, the answer he received was cold and cutting: "That's not our problem — as far as we're concerned, you can die".

These two moments — the abduction in the West Bank and the expulsion from the shelter in Israel — distill, in chilling fashion, the existential bind in which Palestinian LGBT asylum seekers live: persecuted to the point of mortal danger in their homeland because of their sexual orientation, and exposed to exclusion, violence, and abandonment in the place of refuge to which they fled, because of their national origin. This report seeks to delve into the depths of that double bind.



The report is based on independent qualitative field research using a phenomenological approach, conducted over two years, between January 2024 and December 2025, with the support of HIAS and the approval of the ethics committee of the Feminist Research Center at Isha L'Isha – Haifa Feminist Center. The data presented in the report rest on the cross-referencing of a range of information sources, with the aim of producing a broad and in-depth picture of the phenomenon. The central pillar of the research is a series of semi-structured in-depth interviews conducted with eight Palestinian LGBT asylum seekers, aged 20–30, who sought protection in Israel, out of approximately 300 currently residing in Israel and known to the organizations.¹ The participants were located and recruited through purposeful sampling, primarily by means of social organizations working with the community. Some of the interviewees currently reside in Israel, while others have since been resettled in a third country. Each interview lasted between 40 and 90 minutes and was recorded with the participants' consent. In order to enable open, relaxed, and authentic dialogue, the interviews were all conducted in the interviewees' mother tongue – Arabic – and were transcribed and translated into Hebrew by the researcher.

In addition, interviews and background conversations were conducted with four activists and officeholders from aid and human rights organizations. The information was analyzed by means of thematic analysis², and was cross-referenced with research literature, relevant legal material including dozens of legal proceedings handled by HIAS, prior reports, and a field journal kept throughout the period.

Given the high sensitivity and the tangible threat to life hanging over the interviewees, stringent precautionary measures were taken. All interviewees signed an informed-consent form, having received a full explanation of the research's objectives and of their right to withdraw from it at any stage. Strict protection of their privacy was likewise ensured: their names and identifying details were changed, and in some cases the

¹ "Nowhere to Run: Palestinian LGBTs Plead, but Israel Shuts the Door", Mako, June 13, 2025 [Hebrew], <https://www.mako.co.il/pride-news/Article-df38ed2ace46791026.htm>

² The analysis was carried out based on the model of Braun and Clarke. For further information, see: Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101.



narratives of a single interviewee were split among several different characters in order to prevent the cross-referencing of information that might expose their identity. All raw materials were kept under strict security, and access to them was limited to the researcher alone.

As the first empirical study to focus on this unique population, this report constitutes a preliminary and pioneering mapping of the issue. It therefore does not purport to encompass the full range of experiences of all asylum seekers, but rather to give voice to those who managed to arrive and to testify. Owing to the closure on Gaza, which prevents Palestinians in the Strip from fleeing to Israel (save in rare cases), this report addresses only Palestinians who fled from the West Bank.

In light of the complex reality emerging from the field, this study set itself three central objectives: the first is to provide empirical, well-grounded information regarding the existence of the social phenomenon of the persecution of LGBT individuals in the West Bank, both by the community and family and by the mechanisms of the authorities; the second objective is to provide empirical information and in-depth analysis concerning the manner in which the State of Israel and its authorities deal with Palestinian LGBT asylum seekers residing within its territory; and the third objective is to enable, by means of the research and empirical foundation gathered, the advancement of a change in the authorities' policy and existing procedures toward the population of Palestinian LGBT asylum seekers in Israel.

This report seeks to restore the voice to those whose personal stories have, all too often, become a tool for cynical exploitation in the political arena. While various actors on both sides of the divide tend to use the tragedy of LGBT Palestinians to advance ideological narratives or foreign interests, the people themselves remain invisible and without any real response to their distress. This report commits itself to an ethical approach that refuses to politicize suffering; it does not seek to "use" these stories, but to place them at the center for one operative purpose: to drive a change in policy that will guarantee protection, rights, and a dignified existence for a population that currently finds itself in an utter vacuum of assistance.



Much like the life journey of the asylum seekers, the report is structured chronologically, tracing their survival route. It opens with a description of life and persecution "there", in the West Bank, continues to the moment of flight and crossing, and finally focuses on the reality of life "here", within Israel — the legal, social, and existential struggle.

3. Persecution on the Basis of Sexual Orientation in the West Bank

3.1 Violence, Ostracism, and Persecution by Family and Community

Today, the literature contains a considerable body of research addressing the subject of Palestinian queerness from a variety of perspectives.³ Distinctive features of Palestinian queerness have been examined in numerous contexts — the social inter-group, the intra-group, the philosophical, the political, and even as an issue inseparable from the colonial context.⁴ Moreover, for some two decades now, local reports have documented the phenomenon of the persecution of LGBT individuals in the West Bank, whether by the family, the community, or even the authorities (see below). Despite this, the sense persists that it is not enough — that there remains a pressing need to continue shedding light on this subject, given the lack of recognition of the experiences of the victims of this phenomenon, a lack expressed in near-total neglect and in an absence of any intention to address the issue on the part of actors with the capacity to effect change. This disregard has rendered the living conditions of persecuted Palestinian LGBT individuals extremely harsh, conditions that pose a tangible threat to their lives — whether they are still in the West Bank or have managed to flee to the territory of the State of Israel, in the hope of finding refuge and a safe place for themselves.

Already some two decades ago, the Refugee Rights Clinic at Tel Aviv University published a report on the issue of the persecution of homosexuals in the West Bank.⁵ That report was based on several years of work with persecuted Palestinian homosexuals

³ Atshan, S. (2020). *Queer Palestine and the empire of critique*. Stanford University Press.

⁴ Alqaisiya, W. (2018). Decolonial queering: The politics of being queer in Palestine. *Journal of Palestine Studies*, 47(3), 29-44.

⁵ Kagan, M., & Ben-Dor, A. (2008). *Nowhere to run: Gay Palestinian asylum-seekers in Israel*. Tel Aviv University, Buchmann Faculty of Law, Public Interest Law Program.



who had sought protection in Israel. The report documented numerous cases of victimization of homosexuals by the community, by civilians, and by the family. Thus, for example, a homosexual man was attacked in his home by strangers who broke his ribs. In another case, a homosexual pharmacist was murdered by his family because of his sexual orientation. Another young man was murdered by his father after being caught with another man, and although the entire surrounding community knew the motive for the murder, the police did not intervene. In yet another case, a young man was abducted by a local gang that set him on fire after explaining to him that this was punishment for his sins and a warning to others; this case, too, went unaddressed, and no one was questioned. A further report was published in 2019 by HIAS Israel, which has accompanied Palestinian LGBT asylum seekers in Israel for many years and provides them with legal aid. That report likewise describes many similar, and even more severe, cases: physical, sexual, and psychological abuse, prolonged confinement at home, threats, and more.⁶

In many cases, and as emerged in previous reports, the nuclear family was not the sole source of danger in the story; figures from the extended family, and even strangers from the wider community, played a significant role in constituting a tangible threat to the lives of Palestinian LGBT individuals. For instance, a young man from Ramallah recounts that his family's household took to replacing a window every week, because strangers would not stop throwing stones at them, until he was forced to flee in order to protect his family from the hostile environment.⁷

The years pass, and anyone with any connection to this world knows that no improvement has occurred. On the contrary, the treatment of Palestinian LGBT individuals in the West Bank is deteriorating from one day to the next. A study commissioned by BBC Arabic News and conducted by Arab Barometer in 2019 reveals that only 5% of Palestinians residing in the West Bank (residents of Gaza were not

⁶ Avigal, N., & Marshall, S. (2019, December). *I wanted to be like them but I could not: Palestinian LGBT asylum seekers in Israel*. HIAS Israel.
<https://drive.google.com/file/d/12B8b3YJNnfDSwYfkQahWFkNeZxS4uGO1/view>

⁷ See note 5 above, at p. 12.



surveyed) express tolerance toward same-sex relations.⁸ Similar data have been presented over the past decade by numerous esteemed research institutes worldwide, such as Gallup, the Pew Research Center, Equaldex, and others.^{9,10,11} In nearly every one of the cases I encountered in the course of writing this report, the family constituted a central source of the sense of threat and danger. In most cases, the family figures who took part in perpetrating violence, persecution, and death threats were the men of the family – whether the father, the brothers, the uncles, or the cousins. In most cases, the mothers were left with nothing but to express empathy and concern toward their children. The mothers' disagreement with their children's different sexual orientation was expressed, in most cases, in frustration and worry, and less in the perpetration of actual physical violence or in endangering their lives.

It is distressing to observe that, despite the years that have passed, the patterns of harm continue to recur. The descriptions provided by the interviewees in the interviews I conducted closely resemble those described in earlier reports and writings on this subject. The abuse, the threats, the extortion, the patterns of control such as binding, confinement, and confiscation of the mobile phone (or any other means of communication with the outside world) – most of these are described in similar terms, as though they had not occurred some two decades apart. Moreover, some of them are even worse, such as the collaboration between the threatening parties and the authorities, and the transformation of the authorities into a threatening party that persecutes LGBT individuals in its own right (I will expand on this in the next chapter).

Manar, a 25-year-old lesbian woman from one of the villages in the West Bank, recounts:

"When my dad found out I was attracted to girls – after he searched my phone and found messages – he started hitting me all the time. I was still young... and then they decided I was going to marry some

⁸ BBC News. (2019, June 24). The Arab world in seven charts: Are Arabs turning their backs on religion? *BBC News*. <https://www.bbc.com/news/world-middle-east-48703377>

⁹ Gallup. (2007, November). *Perceived acceptance of homosexuals differs around the globe*. <http://news.gallup.com/poll/102478/perceived-acceptance-homosexuals-differs-around-globe.aspx>

¹⁰ Pew Research Center. (2013, June 4). *The global divide on homosexuality*. <https://www.pewresearch.org/global/2013/06/04/the-global-divide-on-homosexuality>

¹¹ Equaldex. (2023). *LGBT rights in Palestine*. <https://www.equaldex.com/region/palestine>



guy... he was a loser, a bad guy, a drug user... they just put me in his house... no real wedding... no ceremony or anything... I was kind of locked up there... I couldn't go out... partly because I was locked in... but mostly because he kept putting some powder in my water and forcing me to drink it... and then I didn't remember anything... I couldn't resist... one day I finally managed to run away from there... I don't remember how I managed it... but I remember well how I felt when my family just abandoned me."

Quite a few interviewees described the painful feeling of being abandoned by their family. The pain in their eyes was very evident as they told how their parents gave up on them and failed to protect them from their surroundings. Suddenly the voice would grow lower, sadder, full of disappointment and even a little shame — as if they were the ones who ought to be ashamed of having been given up on. One interviewee described how he felt he would have been willing to endure all the persecution he experienced from his surroundings — the bullying, the arrests, and the threats by the authorities — if only he had had a warm home he could return to at the end of the day.

Yamen, a 23-year-old from Nablus, who entered Israel at the beginning of the war period (November 2023), recounts how his surroundings treated him:

"Me and a good friend of mine who also looked gay, we were the talk of the whole city... like, I'd leave the house and everyone would stare... like everyone knew me... they were really aggressive toward us... in an abnormal way. We were young and we had to deal with things that were bigger than us... sometimes we managed to protect ourselves... but sometimes not so much [...] As we grew up, our problems grew with us. We'd experience things in the street, like assaults... for example, you know some guy and everything's fine and you think he's the same as you (gay)... and then it turns out he's not... that he wants to hurt you."

Yamen goes on to describe how life became impossible because of the rejection he experienced from his surroundings — rejection expressed not only in verbal bullying and



harassment in the street, but even in two abduction attempts he endured, the last of which was what finally made him flee.

"One day I was just walking down the street... about twenty men jumped me, took me away in a car just like that... like they owned me... they hung me up in some abandoned building and started beating me... just like that... they were relatively young, and then more joined in... men who were my dad's age... I was just in shock, I didn't understand who they were, what they wanted from me, it wasn't something I knew and I had no idea how to react at all... like they were saying: 'We found a guy who looks gay, let's take him and have some fun abusing him'... I couldn't believe this was happening to me... they took everything from me, even the phone, and the whole thing blew up when they found out my family name... like now there's a problem and what do we do... they called my family, invited them to come, and when they arrived to figure out what the story was and why I'd been attacked like that, they told them 'your son is such-and-such,' and they didn't let me talk or say a word... I'd been a good kid my whole life... that was the first problem that required my family's intervention..."

Here too, Yamen describes how hard it was for him to face the fact that he had no family to protect him, and he continues:

"My family wasn't on my side... they were just angry at me too... I didn't understand what I'd done... instead of being angry at the ones who'd abducted their son... they just abandoned me... that was the hardest feeling I've ever felt in my life... and from that moment on my family made my life hell... the story grew, people heard about it and it became a scandal... it reached the police, a case was opened but was closed very quickly because nobody cares about the gay guy who got abducted... I felt like I had no backbone, no spine... not even a single vertebra... no one was willing to protect me... and then I just understood that I had to run away from there if I wanted to stay alive."



Yamen was a young man whose family suspected him, sensed that he was somewhat effeminate, not like all the other men, yet refrained from addressing the matter at all, as if in a state of denial — like many other families that begin to be violent toward their children only once the surrounding community enters the picture and a stance must be taken before society.

In other cases, even without rumors or a video circulating online, the family was prepared to do anything to ensure that no one would suspect the less masculine traits of their son.

Shadi, a 29-year-old from Jericho, who today already resides in a third country, recounts:

"My dad used to break sticks over me just because I had a soft voice... not that it was under my control... I didn't talk like girls... my voice is just high... they beat me just because of the voice... I couldn't even imagine telling them I'm gay..."

Shadi goes on to recount how far his parents went in their need to change him or "treat" him:

"When I couldn't hide it anymore... my parents took me to a doctor... the doctor said I'm gay because I'm lacking hormones and that I needed to take testosterone, I went along with it... I had no choice... I took the hormones like they said... my whole appearance changed... I became a different person... I looked different before... I did it only for my mom... I had severe side effects... I became a very, very hairy person... my facial features changed... and all the hair on my head fell out... what you see isn't me... I didn't look like this before... everything changed... except that I kept on loving boys."

Shadi wanted to be a good son, was prepared to please his family and do anything that would make them proud, but there were things beyond his control, and in the end the moment came when he could no longer hold on:

"One day someone just sent my dad a message... a complete stranger... told him I'm gay... my dad came home, I wasn't there... he told everyone he was going to kill me and finish me off... I took all my things and ran, I crossed into Israel."



Shadi was an outstanding student with many dreams and aspirations; he wanted to study at university, he loved science very much. He describes how he never wanted to flee — he wanted to be in surroundings he knew, to contribute to his society and advance it — but he could not live safely, neither in his own city nor anywhere else in the West Bank.

"I thought maybe I'd go to Ramallah, maybe it would be okay there...
but people told me my dad had been there... looking for me and
asking all kinds of people if they knew where I was... it broke me... I
felt like the whole world was black and I had no way to see the light."

Amjad, 27, from a refugee camp in the West Bank, who today also resides in a third country, said that he did not come from a particularly violent family. On the contrary, he described his family as loving and as always having valued him, especially since he was a good student with good grades. Everything turned over in a single moment. His brother accidentally saw a message exchange between him and another young man and told their father, and from then on Amjad did not know a single good day in the vicinity of his family. He recounted:

"When the story came out, all the men in my family turned into monsters. It was so extreme that I didn't know how to make sense of it... how to react... I was tied to a pole for more than two weeks... underneath the house... on the ground floor... there's no one down there... I stayed there and they kept coming, threatening me, and leaving... and they left me tied up... my sister would sometimes sneak me food... throw it to me through the window... there was severe violence... they threatened me with a weapon... in the end, one day they just decided to release me... but with a lot of conditions... I got a list of rules... I managed to pretend... I behaved the way they wanted up to a certain point and then I couldn't... it was too hard... like I was in a prison under the cruelest conditions. I decided to flee... it was very hard... it took real planning and courage... my family is a family you don't want to mess with... especially the uncles and the cousins."



Amir, 28, from a large city in the West Bank, recounts how the only way to be safe as a gay man in the West Bank is to manage to hide one's sexual identity — something he was unable to do.

"I'll tell you honestly, I didn't know how to hide myself. It was hard for me to live a double life. I tried, but it was very hard to be a different character in different spaces. I can't be like that.... For 6 years I couldn't find a single job because I'm gay... no one will hire me, everyone knows about me... why?? Tell me why? I've got golden hands!! Only with a good friend could I work, because he was like me, in the closet, and he covered for me... people who know how to hide play several characters... I couldn't live as several personalities."

Amir goes on to describe how there was nowhere in the West Bank he could live:

"...I have no choice, because I have nowhere to go... where am I going to go in the territories?? Bethlehem? No. Hebron? That's next to Bethlehem. Jenin? Can't. Nablus? That's next to Jenin. Where am I going to go? One brother lives in Jericho and the other in Ramallah... where am I going to go?! There's no place in the territories... they want my head... if I had wings, I would fly..."

"Somewhere else in the territories" is an issue that arose in a large portion of the interviews and of the case files I encountered that were handled by HIAS. Unfortunately, a disconnected space allowing anonymous assimilation is not possible when it comes to the West Bank, since this is a small area, its localities are close to one another, and there are extensive social and familial ties that do not allow for the maintenance of anonymity. If you are from a certain locality and you have moved to another, people know you are a stranger, and they want to know what your story is and who you are.

Samia, a veteran activist in the LGBT field in the West Bank, who has accompanied cases of LGBT individuals in danger for years, recounts in this regard:

"Maybe there are people who manage to move to another city and they keep a low profile and no one gets to them... but it becomes a profession... hiding. I don't know if it's something that can work in the



long term, honestly I don't think it's all that feasible... it also depends on age... look, there are people, usually young ones, who want to continue their studies, so they take a step back, deny everything in order to finish their studies, but afterwards you can't keep hiding... and then they move, say, to another city and try to live their lives, but it's hard... it's not like they're free now... that's why many times they're forced to cross a border — it's not that they want to."

Although persecution by the family and the social environment is a harsh enough experience, the close collaboration between the persecuting family and government institutions is even graver. In the course of gathering materials for the purpose of composing this study, a considerable number of leaflets came into my possession that had been distributed publicly in the local environment, both physically and on social media, whose purpose was to expose the identity of LGBT individuals and to encourage the community to search for them, report them, harm them, and even murder them. One leaflet, for example, included accusations of committing indecent acts, of encouraging children to engage in same-sex relations, and of undergoing a sex-change process. These baseless accusations were asserted without any foundation. Moreover, that same leaflet called on the public to search for the accused, and it emphasized the importance of reporting should his whereabouts become known. This document bore numerous stamps, three of them those of the local municipality, the Ministry of the Interior, and the Preventive Security Service. Another leaflet, distributed by a different local authority, was essentially similar in wording, including a call for citizens to report an "accused", and it emphasized that the person named in the notice was going to pay a high price for his actions; here too appear the stamps of the local authority, the Ministry of the Interior, and the Preventive Security Service. A third case is that of a young man about whom two leaflets were distributed a few days apart: in the first, he is accused of collaborating with Israel and of selling land to Jews, and a monetary reward of hundreds of thousands of shekels was offered to anyone who found him or provided any information about him. In the second leaflet, distributed a few days later, the same person is accused of committing indecent acts contrary to the principles and values of the community, with a direct call for his murder should he be identified by anyone; in this case, too, appear the signatures



of Palestinian Authority bodies such as the Preventive Security Service, local government, the Palestinian General Intelligence Service (GIS), and others. The testimonies indicate that this is a practice that is expanding. It is important to note that each of these leaflets displays the full names, including the identity-card numbers, of the victims of persecution on the basis of sexual orientation in the West Bank. When one examines the leaflets and reads their horrifying particulars, it is very difficult to imagine a situation in which these persecuted people could live in any way within the territory of the state from which they fled.

3.2 Institutional Persecution and the Absence of Protection by the Palestinian Authorities

The Palestinian Authority is considered one of the most dangerous places in the world for the LGBT community.¹² For years, testimony upon testimony has been published, alongside a considerable number of reports by various human rights organizations, exposing the dangerous treatment of LGBT Palestinians by the institutions of the Palestinian Authority: persecution, abuse, cruelty, threats, arrests, unlawful detention, and worse — with no escape and no recognition. It must be noted that part of this conduct is carried out overtly, and the authorities do not particularly trouble to conceal their actions — yet without ever formally admitting or declaring a policy of prohibition; what happens behind the scenes — in both senses of the phrase — is extremely dangerous and demands immediate and urgent attention.

With regard to overt and declared homophobia on the part of the Palestinian Authority, in August 2019 the Palestinian police announced that it would prevent any organized activity or gathering of "alQaws" — the principal Palestinian non-governmental organization for the LGBT community — and threatened that it would carry out arrests of its participants, additionally calling on citizens to report anyone connected to this organization.¹³ According to the statement of the spokesman of the Palestinian Authority

¹² Weinthal, B. (2021, April 17). Among most dangerous places for gays: West Bank, Gaza, Iran, UAE and Yemen. *The Jerusalem Post*. <https://www.jpost.com/international/ksa-iran-qatar-west-bank-and-gaza-among-most-dangerous-places-for-lgbtq-665426>

¹³ BBC Monitoring. (2019, August 18). *Palestinian Authority bans LGBT group's West Bank activities*. BBC. <https://monitoring.bbc.co.uk/product/c201outp>



police, Colonel Luay Irzeikat, it was asserted that "activities of this kind constitute a blow to the ideals and values that Palestinian society has preserved throughout history. These acts are inconsistent with the monotheistic religions and with Palestinian customs and traditions".¹⁴

The Palestinian Authority generally refrains from holding an overt and officially declared homophobic position — apparently for political considerations that lie beyond the scope of this study. This stands in contrast to the situation in the Gaza Strip, where, under the law still in force from the period of the British Mandate, same-sex relations are prohibited. This reality is not founded upon the Authority's declarations cited above. The bulk of the persecution by the Palestinian Authority against the LGBT community is expressed in a manner that is neither declared nor overt, but rather in a range of behaviors that appear in no official statement — such as physical violence, abuse, detention, threats, and harassment — which, over the years and according to numerous testimonies, have begun to take on the form of a more systematic and institutional persecution. In response to the police's announcement preventing its activities, "alQaws" noted that, after it received considerable support from various human rights organizations, the police deleted its statement from all official platforms, but changed its strategy from a public attack to the persecution of individual activists, whether they are activists of the organization, close associates of it, or suspected of a connection to it.¹⁵ In addition, "alQaws" describes how, alongside cases that are not known, the organization witnessed quite a few cases of persecution and harassment that led to a large number of arrests or "abductions" in the weeks following the police announcement, and that the activists who were arrested reported military-style interrogations involving violence, extortion, hurtful and humiliating questions concerning their private lives, and attempts to coerce them into cooperating with the Palestinian Authority in order to arrest and persecute others. According to a 2022 UN report documenting systematic torture by the

¹⁴ Kershner, I., & Najib, M. (2019, August 19). Palestinian Authority bans activities by gay rights groups. *The New York Times*. <https://www.nytimes.com/2019/08/19/world/middleeast/palestinian-gay-transgender-rights-group.html>

¹⁵ alQaws. (2019, August 19). *alQaws post-police statement: The persecution and restrictions continue*. https://www.alqaws.org/news/alQaws-Post-Police-Statement-The-Persecution-and-Restrictions-Continue?category_id=0



Palestinian Authority and Hamas, it emerges that LGBT individuals living under the rule of the Palestinian Authority and Hamas suffer severely from persecution and social ostracism.¹⁶ A 2019 report by HIAS on this matter¹⁷ likewise notes the concern arising from the fact that the problem involves not only the absence of protection by the institutions of the Palestinian Authority in situations of persecution by civilian actors, but also the Authority's being a source of persecution in its own right.

For this reason, when they experience violence, or feel that their lives are in danger on account of their sexual orientation, LGBT individuals in the West Bank do not tend to turn to the authorities for assistance and support. In the course of the interviews conducted for this study, many interviewees gave a wry chuckle when asked why they do not turn to the authorities in the West Bank to request protection — as though the answer were self-evident. The institutions of the Palestinian Authority have no intention whatsoever of attempting to help those who are in danger because of their sexual orientation. Some recounted that they had been ignored; others described situations in which there was close collaboration between the police and the family in order to locate them or threaten them. Moreover, within the framework of legal cases represented by HIAS, quite a few firsthand testimonies were gathered concerning direct and deliberate persecution by the authorities, expressed in the monitoring of phones, arrest, and severe physical violence. The pretexts for opening police files and investigations can vary: in some cases it was a matter of raids in search of drugs following neighbors' reports of LGBT activity; in other cases, reports by family and neighbors of indecent acts, or the characterization of dating apps as the promotion of pornography.

In Manar's case, turning to the authorities as a minor not only failed to help, but exposed the institutional backing for the violence. She describes how she turned to the police following severe and ongoing violence by her father; the father was indeed arrested at first, but the moment it became clear to the investigators that the background to his

¹⁶ United Nations Watch. (2022, June 9). *Torturing Palestinians: Exposing systematic torture by the Palestinian Authority & Hamas* [Report submitted to the UN Committee Against Torture]. <https://unwatch.org/wp-content/uploads/2022/07/Torturing-Palestinians.pdf>

¹⁷ See note 6 above.



actions was his daughter's sexual orientation — he was released to his home without any proceeding or warning.

"One of the times, they asked me whether I'd want to stay at home or go to some institution, but I was scared... at some point, when I was already 18, I ran away from home to another city. Somehow my family found out where I was, and one day my relatives followed me and tried to run me over. People in the street saved me. The police said they couldn't do anything because they live in one of the villages they wouldn't want to go into and pull them out of... when the men in the family are connected to the Authority, there's nothing you can do... you can complain and complain... no one will do anything... in the end they'll say I deserve it because I brought shame on the family."

After this incident, Manar moved to another place in the West Bank, but danger found her there too, and she recounts:

"One day, on the way back from work, I noticed someone photographing me in the street, and then I recognized that it was a good friend of my cousin's. There happened to be police in the street, I approached them and told them that the guy over there was photographing me for my cousin, that this cousin had threatened to kill me and now they'd know where I was... the police did nothing... they didn't even bother to approach him and ask him why he was photographing me... they told me it wasn't their concern and that it was a family matter... and then I stopped working, I sat at home because I was afraid to go out and work and be seen, so I didn't know what to do with myself or where to go... I just stayed home... I fell into depression... I tried to kill myself... my partner found me and called me an ambulance."

Amjad, who was interviewed after he had left the region for a third country, described an incident that took place while he was working in one of the large cities in the West Bank.



Amjad recounted that, one day, he was detained for questioning in the street merely because his family name is associated with security suspects. The officers, who searched for information on his mobile phone, quickly realized that he was not connected to the suspects — but were exposed to intimate messages with his partner. The discovery led to his immediate arrest for three weeks, without indictment or trial. In prison he endured severe abuse that included threats, starvation, and physical violence, until he was released and fled directly to Israel.

Amir recounted how, during the period in which he lived together with his partner in another city, they were attacked one day in their home by forces belonging to the Palestinian Authority:

"The last thing that made me leave was that I lived with my partner and they attacked us... they attacked us at home... attacked us with weapons... they were masked... because of the thing (the homosexuality)... like, how are you, two men, living together?! It's a catastrophe... the (Palestinian) Authority arrived... the National Security and the Preventive Security came... who didn't come...! They took us outside and the whole street is watching... like there's a murder at the scene... it was a huge disgrace... that's how I left the city... they took us to the police station, but because I'm not from that city and I have no history or files, I was in jail for a few days and then they released me... I had nowhere to go... they framed me with a prostitution case and for that they put me in jail... because in Palestinian law there's no clause that addresses the LGBT matter... like there's no punishment for having sex with men, so they slip it in as if we're 'promoting prostitution and indecent acts and so on'... you get it? Because there's no specific clause that talks about this... look where we've ended up..."

In another case, Yamen recounts that when he was 14, he was walking in the street with a friend and was stopped by a police officer. The arrest, in his words, stemmed solely from the fact that the delicate, effeminate appearance of the two of them stood out to the officer and aroused his suspicion:

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.



"The officer stopped us in the middle of the street and told us he was from intelligence and that we were suspects... I asked him how we were suspects, and he told me he had to take us in his patrol car... we both resisted, we told him we were minors and that he couldn't take us anywhere. He made a few phone calls off to the side and then released us, we were lucky... in practice he wanted us to be afraid... his whole approach was an approach of intimidation... he asked us what our names were and from which family and area, as if we were in real trouble..."

A few years later, on the day his family discovered his sexual orientation, Yamen's uncle, who works in the intelligence of the Palestinian Authority, was furious with him and threatened to take him to intelligence, promising him that he would not return home that day but would sleep in jail. His family additionally accused him of collaborating with Israel. He recounts:

"They told me, 'You work with them,' they were so sure... I told them I don't work with anyone... I knew then that I had no one to talk to. They shouted, cursed, hit, and threatened. A few days later I started looking for how I could run away from there."

Persecution on the basis of sexual orientation by the institutions of the Palestinian Authority is systematic and institutional; these are not isolated, random, or spontaneous cases, but rather patterns that recur again and again in the descriptions given by the firsthand sources interviewed for this study, in addition to human rights activists who have accompanied cases of this kind for years.

Titi Carmel, who at the time the research was conducted headed the department for assistance to asylum seekers at The Aguda – Israel's LGBTQ+ Task Force, under whose framework some 140 Palestinian LGBT applicants in Israel were accompanied, describes how persecution on the basis of sexual orientation by the Palestinian Authority is very common and present in most of the applicants' stories. He recounts:

"We have a guy who's threatened in the territories by the police because they found photos with men on his phone, or things like



that... second thing, all the guys they pin those collaboration-with-Israel files on... and we also have a lot of guys who report a lot of violence from the Palestinian Authority that's on the basis of their sexual orientation..... we have an applicant whose father caught him with a guy... they beat him half to death... he went to the police, they beat him too and put him in the hospital... that was after they'd contacted the family and understood the reason he was attacked... to this day he has a disability... there are some they also put in jail... usually they frame them with a collaboration-with-Israel file, even though these accusations have no basis... the main reason they can't live somewhere other than where they grew up in the Palestinian Authority territories has to do with the police in most cases... because if the Palestinian police knows about you and is looking for you, or if your family is connected with the Authority (which is a lot, a lot of cases too), then where will you be?.. We have a lot of folks who either have very large families that are everywhere in the West Bank... or the police is persecuting them and they have no protection anywhere, or they come from a family that's very strong and well established and has connections in many areas and also in the Authority... and more than anything, at the end of the day, a person who's threatened with murder and is in Israel — even if the family can find him when he's in Israel, at least he can turn to the police and ask for protection."

Samia, a veteran activist in the LGBT field in the West Bank, who has accompanied cases of LGBT individuals in danger for years, reinforces and confirms these statements. From an interview conducted with her for this study, it emerges that, without any doubt, there is an institutional and systematic persecution of LGBT individuals by the institutions of the Palestinian Authority. She describes how, at the beginning of 2019, the form of the persecution even changed and began to take on more systematic characteristics, and to materialize with greater frequency. In her words:

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.



"We started to see a very significant rise in persecutions by the Palestinian Authority at the end of 2018 and the beginning of 2019... they (the police) started, like, to apply certain behaviors but not to approach suspects directly. For example, to approach students at the universities... in 2019 the police arrested people... but you know, in the West Bank there's no law against homosexuality, so they try to arrest you in all sorts of other creative ways... there were, for instance, in this period, student activists whom the university security detained... like, the police reaches them not directly but through the university's security system, and that's on grounds like 'you're not following the university's rules' / 'not dressing according to the accepted dress code' / 'your behaviors are improper,' and so on... and then they're taken into detention and interrogation... last year we started to see a new method also against transgender women, who are accused of impersonation... as if they're men impersonating women, and that's an offense! [...] Or, for example, if the police finds nude photos on someone's phone, even if he sent those photos to his partner, they classify it as a cybercrime... that is, because of the absence of a clause that criminalizes LGBT people, they have all sorts of other ways to arrest LGBT people, to abuse them, and even to attribute various offenses to them."

Samia describes a reality in which, today, Palestinian intelligence representatives are everywhere, including in the bars of Ramallah; they can sit next to someone and listen in on his conversation, and if they suspect him, they report him, after which he will be summoned for interrogation. In the interrogation, they take his phone and search it. According to Samia, in the event that a sign of homosexuality is found, all sorts of scenarios may unfold: the officers may beat him and then release him to his home, or arrest him and attribute various offenses to him; and there are also people who are detained without anyone knowing, until the detainee is released and recounts that there are detainees in prison who are there because of their sexual orientation.



From what is described above, we learn that the absence of a law prohibiting homosexual relations, ironically, does not work to the benefit of LGBT Palestinians. Were such a law to exist, this population would receive international recognition; persecuted persons would be able to obtain protection without the need to undergo an exhausting series of interviews in which they are compelled, again and again, to verify their stories of persecution and lack of protection. Were such a law to exist, it might at least be enforced legally, through a lawful, anticipated process with boundaries that allows the accused to defend himself, to raise arguments, and to contest its application. Although the existence of such a law would itself constitute a grave violation of human rights, it is even graver and more dangerous when the governing authority chooses to employ unlawful, unmonitored, and inconsistent measures to punish people on the basis of their sexual orientation — measures reminiscent of administrative detention, in which a person has no right to know the reason for his arrest. The conduct of the authorities resembles the conduct of crime organizations and an underworld that operate independently, without boundaries and without law, without morality or any value for a person's dignity or his life at all.

3.3 Summary of the Persecution Findings in the West Bank

On the basis of the facts, data, and testimonies noted in this chapter, a clear picture emerges: in the West Bank there is no tolerance for any LGBT identity whatsoever. Recent surveys show that approximately 95% of West Bank residents do not accept same-sex relations. LGBT individuals whose identity is exposed are persecuted on three levels — the family, the community, and the authorities — which renders the reality of their lives unbearable, and at times even life-threatening.

It is important to clarify: there is no claim that all of those 95% constitute a direct danger, but rather that this is a broad scale of non-acceptance, at the far end of which stand the threatening actors. Nonetheless, such widespread non-acceptance creates fertile ground for the action of extreme actors — it enables them to persecute, oppress, and employ violence with almost no public resistance. In parallel, the Palestinian authorities prohibit the activity of LGBT organizations, such as alQaws, which works to advance LGBT rights in the West Bank. In 2019, the Palestinian Authority police banned its activity on the



claim that it is "contrary to Arab culture", and even threatened the organization's members with arrest if they continued their activity.

This weakness of civil society organizations in the face of the Palestinian Authority's repressive measures can be understood through an examination of the "structural transformation" that these organizations have undergone since the Oslo Accords. According to Dana (2015), Palestinian civil society underwent an accelerated process of "NGOization", in the course of which the activist space — once characterized by grassroots, political civic movements — passed into the hands of professional organizations funded by international actors. This process took place under the unique reality of an ongoing military occupation, which distinguishes the Palestinian case from others around the world.

As a result, many organizations adopted a global, technocratic agenda disconnected from the real needs of the social margins. Dana argues that the shift to activity based on external funding and international standards led to a "depoliticization" of the civic space. The organizations ceased to serve as platforms for grassroots social and political struggle, and instead focused on short-term technical projects that do not challenge the status quo or the existing power structures. In this sense, the inability of human rights organizations to protect minority groups such as the LGBT community stems from their being part of a civic system that has become "a pillar for the preservation of the political status quo", instead of an engine for deep social change.¹⁸ These measures by the Authority, combined with the structural weakness of civil society, not only prevent assistance and support for LGBT individuals living under threat, but also block the possibility of developing deep tolerance.

Likewise, it is important to clarify: there is no claim that all LGBT individuals in the West Bank are under immediate threat to their lives and wish to reach Israel. Although we do not possess precise data on the size of the LGBT community in the West Bank, it is clear that this is a number significantly higher than the number of asylum seekers in Israel, which is estimated at only a few hundred. This gap points to a complex reality in which

¹⁸ Dana, T. (2015). The structural transformation of Palestinian civil society: Key paradigm shifts. *Middle East Critique*, 24(2), 191–210. <https://doi.org/10.1080/19436149.2015.1017968>



many LGBT Palestinians do not regard Israel as a safe place, others fear the stigma or the political ramifications, and there are also those who prefer to remain in their community and conceal their identity as best they can, owing to the limited visibility and the social oppression.

In addition, the difference between those who manage to survive in the West Bank and those who are forced to flee is often rooted in the institution of the family. In a society living under occupation and oppression, the pressure on weakened minorities within society increases, and the family remains the only safety net. A person may come from a family that accepts him — or at least does not employ violence against him — and is thereby able to remain. But in the extreme cases, in which the family becomes the persecuting or abandoning party, a lethal trap is created: the individual cannot turn to the authorities for protection when the family persecutes him, and cannot rely on the family as protection from the authorities. The moment the familial safety net collapses, the abandonment becomes total and flight becomes a last resort.

Accordingly, whoever reaches Israel mostly does so out of extreme distress and not out of free choice. These are young men and women, some of whom were forced to abandon academic studies, to flee their homes, and to arrive destitute, without any framework and without a livelihood. The fact that they choose to flee specifically to Israel — a place where the regularization of status is almost impossible, and where they are exposed to hostility both from society and from security forces because of their origin — does not attest to a search for "comfort", but rather illustrates the depth of the danger threatening their lives in the West Bank and the fact that this is a survival flight born of having no other choice.

The numerous testimonies in this chapter indicate that the family, which is supposed to be a safe space, often becomes the central factor in the persecution. The violence, the ostracism, and the denial are not the result of public exposure alone, but often stem from the internal conduct of family members, especially men. Even when the family does not constitute a direct danger, it itself suffers from heavy social pressure, and is at times forced to "disavow" its children in order to avoid public denunciation. The wider community collaborates with the persecution, and at times even encourages it through leaflets, rumors, and the dissemination of information.



Alongside this, the Palestinian authorities do not provide protection — but rather themselves constitute a persecuting party. Although Palestinian law does not prohibit same-sex relations, the authorities act in indirect ways in order to persecute LGBT individuals: fabricated cases, accusations of collaboration with Israel, arrests, physical and psychological violence, humiliating interrogations, and detention without trial. This is a systematic and institutional persecution, which is not officially documented but recurs consistently.

International organizations such as HIAS and the UN, which work to advance human rights and to assist refugees, document the phenomenon as part of monitoring harm to vulnerable populations. Organizations such as Shurat HaDin – Israel Law Center, which do not define themselves as assistance organizations for Palestinians, also point to the same phenomenon — with the aim of exposing institutional failures in the Palestinian Authority. That is to say, although their motives differ, diverse organizations point to a consistent pattern of institutional persecution of LGBT individuals in the West Bank.

The narrow geographic space of the West Bank, together with the communal social structure, prevents LGBT individuals from finding a safe place within its territory. Moving between cities or villages does not create anonymity, but rather exposes the person to a new danger. Arab cities in Israel do not constitute a solution either, owing to similar dynamics of social surveillance. Veteran activists in the field note that "somewhere else in the territories" is an illusion — there is no real space in which a person can start anew without being exposed.

The absence of a law criminalizing LGBT identity creates a paradox: on the one hand, there is no legal ground for persecution; on the other hand, the authorities act in ways that are unlawful, non-transparent, and at times especially violent. The result is a system of persecution that resembles crime organizations — without boundaries, without oversight, and without accountability. In place of an orderly legal process, there are unlawful arrests, violent interrogations, and creative accusations such as "cybercrime", "impersonation", or "promotion of prostitution".

The testimonies in this chapter indicate that, since 2018–2019, the persecution has taken on more systematic characteristics: surveillance, interrogations at universities, the use of



institutional security, and the distribution of leaflets with calls for physical harm and even murder. This is a sophisticated mechanism whose purpose is to punish, deter, and silence. Even when a person turns to the authorities with a request for help — he is liable to be arrested, interrogated, or exposed to his family and surroundings.

In conclusion, the phenomenon of the persecution of LGBT individuals in the West Bank is not new, but as is reflected in the interviews conducted for this study and in information gathered from assistance organizations in Israel, it is steadily intensifying.¹⁹ The patterns of violence, humiliation, and exclusion recur consistently, and receive institutional backing. This is a population that lives under constant threat, without protection, and without a safe space. The silence surrounding them is not only moral — it is political, social, and legal.

4. The Legal Status of Palestinian LGBT Individuals

4.1 LGBT Refugees in International Law

Even today, in 65 countries around the world, consensual "same-sex relations" between adults constitute a criminal offense, and in 12 of them there is a death penalty.²⁰ In those countries, LGBTs face danger at the hands of the authorities, which also enables others to harm them, without their being able to complain to the police and receive protection. Other countries perceive LGBTs as violating the rules of morality or behavior,²¹ and laws against disrupting public order and/or indecent behavior are arbitrarily applied against them.²² In some societies, LGBTs are subjected to "corrective rape" and to forced marriage.²³ These dangers, along with the disparities between different countries concerning LGBT rights and their protection, lead LGBTs who fear persecution to seek

¹⁹ See note 1 above.

²⁰ Human Dignity Trust. (n.d.). *Map of jurisdictions that criminalise LGBT people*. <https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation>

²¹ Mimran, T. (2014). *The black life of the pink refugee: Following Minister voor Immigratie en Asiel v. X, Y and Z* [Hebrew]. HaMishpat BaReshet — Human Rights Online Journal, 23, 8–26.

²² Cragolini, G. (2013). Lesbian, gay, bisexual and transgender refugees: Challenges in refugee status determination and living conditions in Turkey. In T. Spijkerboer (Ed.), *Fleeing homophobia: Sexual orientation, gender identity and asylum* (1st ed., pp. 98–120). Routledge.

²³ Berg, L., & Millbank, J. (2013). Developing a jurisprudence of transgender particular social group. In T. Spijkerboer (Ed.), *Fleeing homophobia: Sexual orientation, gender identity and asylum* (1st ed., pp. 121–153). Routledge.



protection in a country that would recognize their situation and grant them refugee status.

The Convention Relating to the Status of Refugees (1951) defines a "refugee" as a person who fled his or her country due to a well-founded fear of being persecuted on account of one of only five criteria listed in the Convention: race, religion, nationality, membership of a particular social group, and political opinion. The Convention, which was formulated before the political and social revolution brought about in many countries around the world by movements for LGBT rights, did not include among the grounds of persecution a persecution based on gender identity and sexual orientation.

In 2004, the guidelines of the European Union Council for the examination of asylum applications were updated,²⁴ recognizing the ground of persecution based on sexual orientation and gender as one included under the Convention's definition of a "refugee" as a "particular social group". In the updated guidelines of 2011, it was clarified that persecution on the basis of gender identity must also be included.²⁵ In 2008, the UN High Commissioner for Refugees (UNHCR) published guidelines for the handling of asylum requests based on sexual orientation and/or gender identity, and these guidelines were updated in 2012.²⁶ The guidelines explain that the persecution of LGBTs can manifest in physical and sexual violence; in torture and in attempts to forcibly alter a person's orientation, including forced hospitalization, torture, and forced marriage; in laws that define relations between members of the same sex as a crime; and that even discrimination rising to the level of a person's inability to support himself in his country can be considered persecution under the Convention. The UNHCR recognizes that, in many cases, the persecution is carried out by family members, and that a person may flee his country due to the absence of state protection from the family.

The guidelines further describe that sexual orientation and gender identity are relevant not only to the "particular social group" ground, but also to persecution on account of

²⁴ [Council Directive 2004/83/EC of 29 April 2004](#) (Qualification Directive).

²⁵ [Directive 2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 (recast Qualification Directive).

²⁶ UN High Commissioner for Refugees. (2012). [Guidelines on international protection No. 9: Claims to refugee status based on sexual orientation and/or gender identity](#) (HCR/GIP/12/09).



religion and on political grounds. We would note that refugee law recognizes that the ground of persecution is to be examined through the eyes of the persecutor. Thus, for example, it is sufficient that a person is perceived as LGBT and is therefore persecuted, in order to establish grounds for asylum for him. Likewise, a person need not hold political opinions in order to be persecuted, since he may be perceived in his country — owing to his way of life or for any other reason — as an opponent of the regime.

The recognition of persecution on the basis of sexual orientation and gender identity raised a number of issues arising from the uniqueness of these asylum requests, primarily on account of the claim that these are characteristics that can be concealed — that one can "live in the closet" and lead a "normative" life — and on account of the difficulties in proving identities. The UNHCR guidelines determined, on this matter, that an asylum seeker cannot be required to conceal his sexual orientation in his country as a means of escaping his persecutors, because doing so causes immense harm to the asylum seeker that constitutes persecution in itself, and in any event does not guarantee that the matter will not be discovered in the future. This position has been accepted in a series of judgments in courts around the world and in the scholarship, by experts in refugee law.²⁷ On the basis of these interpretations, many countries have over the years recognized LGBTs as refugees, and courts around the world have ruled accordingly.²⁸

4.2 Israel's Policy toward LGBT Asylum Seekers

Israel has signed and ratified the Refugee Convention, but has not adopted it into domestic law, so that there is no statute regulating the handling of asylum seekers or their rights in Israel. Its commitment to the Convention is anchored in the "Regulation

²⁷ [Refugee Appeal No. 74665/03](#) (New Zealand) (7 July 2004); [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department](#), UKSC 31 (2010); Matter No S395/2002, High Court of Australia (9 December 2003); Hathaway, J. C., & Pobjoy, J. (2012). Queer cases make bad law. *NYU Journal of International Law and Politics*, 44, 315; [HS \(Homosexuals; Minors, Risk on Return\) Iran v. Secretary of State for the Home Department](#), [2005] UKAIT 00120 (4 August 2005).

²⁸ Edwards, J. R. (1999, May). [Homosexuals and immigration: Developments in the United States and abroad](#). Center for Immigration Studies. For data from the European Union, see: European Union Agency for Fundamental Rights. (2008). [Homophobia and discrimination on grounds of sexual orientation and gender identity in the EU member states. Part I: Legal analysis](#) (pp. 97–98).



on Handling Asylum Seekers”,²⁹ under which asylum requests are examined by the Refugee Status Determination Unit at the Ministry of Interior, and is further based on the “presumption of conformity”, according to which, in the absence of a contradicting statute, the law and the discretion vested in administrative authorities are to be interpreted in accordance with international law and the State’s international commitments.³⁰ Alongside its commitment to the Refugee Convention, Israel recognizes its obligation under the non-refoulement principle, which prohibits the deportation of a person to a place where his life or liberty would be in danger, or where he would be liable to be exposed to torture.³¹

However, Israel’s rate of recognition of refugees, which stands at less than one percent, is the lowest among Western countries.³² This figure reflects a negative attitude toward immigration to Israel and a restrictive policy relative to the interpretations of the Refugee Convention customary around the world.

In the early years of the Refugee Status Determination Unit, the position of the Ministry of Interior was that the Refugee Convention does not apply to cases of LGBT persecution,³³ but in the last decade the Ministry of Interior began to recognize individual LGBTs as refugees, and an opinion was even issued recognizing the persecution of LGBTs in Eritrea.

²⁹ Regulation on Handling Political Asylum Seekers in Israel, Population and Immigration Authority [Hebrew]. https://www.gov.il/he/service/apply_for_asylum_in_israel

³⁰ This presumption has been established in extensive case law; see, e.g., CrimA 131/67 Kamiar v. State of Israel; CrimFH 7048/97 Does v. Minister of Defense; HCJ 2599/00 Yated – Association of Parents of Children with Down Syndrome v. Ministry of Education; AAA 4204/13 State of Israel v. Solo [Hebrew].

³¹ The principle of non-refoulement is based on Article 33 of the Refugee Convention; Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and is also derived from Articles 6 and 7 of the International Covenant on Civil and Political Rights (1966); it further forms part of customary international law applicable in Israel as well (see HCJ 5190/94 *Al Tai v. Minister of the Interior*, PD 49(3) 843, 848 (1994)) [Hebrew].

³² See HIAS Israel report, *0.06%, the numbers speak: The handling of asylum requests in Israel* [Hebrew]. hias.org.il/numbersreport/

³³ Berman, Y. (2016). LGBT refugees in Israel [Hebrew]. In E. Morgenstern, Y. Lushinsky, & A. Harel (Eds.), *The rights of the LGBT community in Israel: Law, sexual orientation and gender identity* (p. 1091). Nevo. <https://law.tau.ac.il/lgbtlaw/search/item-825>



4.3 The Exclusion of Palestinians from the Asylum Process in Israel

The State of Israel operates a separate and distinct mechanism with respect to Palestinian asylum seekers and prevents them from filing asylum applications, in accordance with the position that the Convention Relating to the Status of Refugees does not apply to Palestinians at all.

The legal argument on which the State of Israel has relied over the years in order to prevent Palestinians from filing asylum applications rests on Article 1.D of the Convention, which provides that: "This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations... protection or assistance". The article continues, and at its end clarifies: "When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled... these persons shall ipso facto be entitled to the benefits of this Convention". An almost identical article also exists in the Convention Relating to the Status of Stateless Persons, which the State of Israel has likewise signed and ratified.³⁴ The State of Israel's position over the years has been that this article excludes all Palestinians from the Convention, owing to the assistance provided by UNRWA, while disregarding the final part of the article.

UNRWA, the UN Relief and Works Agency for Palestine Refugees in the Near East, was established by a resolution of the UN General Assembly in 1949, and has a limited mandate to assist those displaced from their homes as a result of the 1948 war. In 1967, the General Assembly expanded UNRWA's mandate so that it would also apply to Palestinians who became refugees as a result of the war that broke out that year.

The article was intended to exclude from the Refugee Convention (and from the Convention Relating to the Status of Stateless Persons) the refugees of the Israeli-Palestinian conflict who receive assistance from UNRWA. On this basis, Israel argued that every Palestinian is excluded from the Convention and cannot file an asylum application at all. However, a considerable share of Palestinians are not, and never were, covered under UNRWA's mandate, since they and their parents are not 1948 and 1967

³⁴ Article 1(2)(i) of the Convention Relating to the Status of Stateless Persons (1954).



refugees and therefore do not meet the criteria under which UNRWA operates at all.³⁵ In a note published by the UNHCR concerning Article 1.D, it was emphasized that the article excludes from the Convention only Palestinians who receive, or are eligible to receive, assistance from UNRWA.³⁶ According to statistical reports, only about a quarter of the West Bank population are recognized as UNRWA refugees.³⁷ The remaining residents of the territories and their families never fled or were expelled from their homes in 1948 or 1967, and are therefore not entitled to the organization's assistance.³⁸

According to the second part of Article 1.D, even a person who receives assistance from UNRWA may return within the bounds of the Refugee Convention in the event that the assistance ceases for any reason.³⁹ UNRWA provides those under its protection with various services in the fields of education, health, welfare, and the like; however, the agency has no policing powers and no capacity to provide protection to a person who claims that a danger threatens him and that the Palestinian security forces do not protect him — all the more so if those forces themselves persecute him.⁴⁰ According to case law around the world and the UNHCR guidelines, persecution in the country, or an inability on UNRWA's part to protect a person in the place where it operates, constitutes a cessation of protection for the purposes of the article. Indeed, various countries around the world have recognized that even a person who was assisted by UNRWA, but fled its area of operation on account of persecution as defined in the Refugee Convention, is

³⁵ According to [UNRWA's criteria established in the CERJ](#) (Consolidated Eligibility and Registration Instructions), only persons whose normal place of residence was Mandatory Palestine between 1 June 1946 and 15 May 1948, who lost both their homes and their means of livelihood as a result of the 1948 war, and their male descendants, are eligible to register for its services (Article III(A)(1)).

³⁶ UN High Commissioner for Refugees. (2013). [Note on UNHCR's interpretation of Article 1D of the 1951 Convention relating to the status of refugees and Article 12\(1\)\(a\) of the EU Qualification Directive in the context of Palestinian refugees seeking international protection](#) (pp. 2–3).

³⁷ [Palestinian Central Bureau of Statistics](#) (PCBS). (2019, June).

³⁸ See note 33 above, at p. 1111.

³⁹ The article provides that a person in respect of whom that protection has ceased shall enjoy refugee protection automatically ("ipso facto"). Case law around the world regarding the interpretation of the article is divided; however, in the petitions filed in Israel on this matter, the petitioners did not seek to be recognized as refugees automatically, but rather that their asylum application be examined.

⁴⁰ Levanat, Y. (2017). [Palestinian collaborators as asylum seekers in Israel](#) [Hebrew]. *Mishpat U'Mimshal*, 18, 55, 79–117.



entitled to refugee status.⁴¹ This approach was also adopted by the European Court of Justice.⁴²

Israel expressed its position in various legal proceedings that it does not accept these interpretations of Article 1.D and that they are not binding upon it. These issues arose in a large number of proceedings conducted in the Supreme Court, and were decided for the first time in a judgment of the District Court in February 2024.⁴³

There, the District Court rejected the Ministry of Interior's argument that Article 1.D of the Refugee Convention should be interpreted as an article excluding all Palestinian refugees from the Convention's application, and held that "according to the Convention, Palestinians who are threatened on the basis of sexual orientation should be entitled to file asylum applications within the framework of the exception in the concluding part of Article 1.D; within this framework they will be able to argue and prove a well-founded fear of persecution under the Convention. The proof of the fear and the establishment of the circumstances laying the requisite foundation will be examined on a case-by-case basis, but the very possibility of filing an asylum application should not be barred to Palestinians who are residents of the Area, in these circumstances. ... Accordingly, the Authority's decision not to allow the appellant to file an asylum application, and the tribunal's affirmation of that decision, violate the provisions of the Refugee Convention by which Israel is bound, and the appeal must therefore be granted".

The Ministry of Interior appealed the judgment, and the Supreme Court ordered a stay of execution of the judgment.⁴⁴

In the interim, in October 2024, the Knesset enacted the Law for the Cessation of UNRWA Activity, 5785-2024, which provides that "a State authority, including other

⁴¹ On the policy of various European countries on this matter, see the data report from freedom-of-information requests: EMN Ad-Hoc [Query on Palestinians from Gaza and West Bank Territories](#) (requested by ES EMN NCP, 19 April 2017). According to statistical data from [EUROSTAT](#), in 2018, 1,915 Palestinians received status in EU member states, of whom 1,570 were recognized as refugees and the rest received other protection. See also Badil – [Resource Center for Palestinian Residency and Refugee Rights](#).

⁴² CJEU, *Mostafa Abed El Karem El Kott and Others v. Bevándorlási és Állampolgársági Hivatal*, Case C-364/11 (19 December 2012); CJEU, *Alheto*, Case C-585/16 (25 July 2018), EU:C:2018:584.

⁴³ AdminA (TA) 35249-10-22 *Doe v. Population and Immigration Authority* (4 Feb. 2024) [Hebrew].

⁴⁴ AdminLA 2867/24 *Population and Immigration Authority v. Doe* [Hebrew].



bodies and persons performing public functions by law, shall not maintain any contact with UNRWA or with anyone acting on its behalf". Given the law, it appears that State actors will also have no way to ascertain whether and how a person may come under UNRWA's protection. In addition, in light of the new legislation, the State withdrew these arguments in the course of the hearings in the appeal being conducted in the Supreme Court, and the proceeding is being conducted with respect to the State's other arguments, which pertain more to matters of practice, by reference to the "welfare coordinator" mechanism, which will be described below.

An additional legal barrier facing Palestinians who seek protection in Israel is the Citizenship and Entry into Israel Law (Temporary Order),⁴⁵ under which status will not be granted to Palestinians "notwithstanding anything provided in any law", except in exceptional cases enumerated in the law, such as spouses of certain ages, and temporary permits for work and for medical services. Since asylum applications of Palestinians are not accepted at all, this barrier did not arise at all in the rejection decisions. The Temporary Order, which has been extended from year to year since 2003, was challenged in the Supreme Court on account of its infringement of the right to family life and to equality, and the Court has thus far refrained from striking down the provision. The 2022 amendment to the law even excluded same-sex couples from the definition of "spouses", and this issue too is currently being challenged in the Court.⁴⁶ The question of the harm to asylum seekers who flee the territories to Israel on account of danger was not discussed at all in those proceedings. However, in the legal proceedings of Palestinian LGBT individuals, the petitioners argued that their case falls under the exception established in section 3C of the Temporary Order (today section 9), which allows status to be granted to a Palestinian if doing so is "of special interest to the State of Israel". According to the petitioners, protecting refugees in accordance with the State's commitment under the Convention is "of special interest" to the State. As noted, the

⁴⁵ Citizenship and Entry into Israel Law (Temporary Order), 5782-2022 [Hebrew].

⁴⁶ HCJ 7052/03 Adalah – The Legal Center for Arab Minority Rights in Israel v. Minister of the Interior (14 May 2006); HCJ 466/07 MK Zehava Gal-On v. Minister of the Interior (11 Jan. 2012). See: https://www.acri.org.il/post/_1272; <https://www.adalah.org/he/content/view/11147> [the current proceeding is pending; on 9 July 2024 an order nisi was issued] [Hebrew].



question of the possibility of Palestinians filing asylum applications currently awaits the Supreme Court's decision.

4.4 The Examination of Palestinian LGBT Individuals' Applications by the Welfare Coordinator

At the beginning of the previous decade (until 2018), numerous petitions were filed with the HCJ against the Ministry of Interior's interpretation according to which Palestinians are excluded from the Israeli asylum system.⁴⁷ The petitions raised two central arguments detailed in the previous section: first, that the Ministry of Interior's interpretation deviates from the plain meaning of Article 1.D of the Convention, from the interpretation of the UNHCR – which is regarded as an expert body⁴⁸ – and from the case law of high courts around the world. Second, that notwithstanding the Temporary Order, the protection of asylum seekers is "of special interest" to the State. The petitioners asked the court to order the Ministry of Interior to examine their asylum applications. In all the petitions, an interim order was issued, which prevented the arrest or deportation

⁴⁷ These petitions were filed and heard at that time in the HCJ, since the matter of Palestinians ("residents of the Area") seeking status in Israel is regulated by the Temporary Order, and jurisdiction to hear it was given to the administrative courts only with respect to proceedings concerning conjugal relationships and status for children. This jurisdiction was transferred in 2018 to the District Court. The State argues that jurisdiction over these matters lies with the Appeals Tribunal, since this involves a rejection of an asylum application. These arguments – as well as the arguments concerning 1.D – were not decided, since no petition was clarified and decided on its merits and all the proceedings were struck for individual reasons that rendered the proceedings moot. As far as we know, only one proceeding in the matter of a Palestinian who sought protection in Israel was heard in the Appeals Tribunal, as described in the previous section.

⁴⁸ The Supreme Court has remarked on the professionalism of the UNHCR (see, e.g., AAA 5107/08 *Doe v. Minister of the Interior* (5 May 2009)) and has repeatedly had recourse to its guidelines and procedures, on the assumption that "it would be correct to learn from the experience of the Commissioner, which reflects accumulated international experience, by way of examining its recommendations and internal procedures" (AAA 8675/11 *Tadesa v. the Refugee Status Determination Unit* (14 May 2012)). The Court has also remarked on the use of the Commissioner's guidelines as a guiding legal source in adjudicating refugee law: see AAA 1440/13 *Chima v. Ministry of the Interior* (7 Aug. 2013), para. 28 of the judgment of Justice Melcer; AAA 8870/11 *Gonzales v. Ministry of the Interior* (25 Apr. 2013), paras. 12 and 16 of the judgment of Justice Danziger; AAA 4922/12 *Does v. Ministry of the Interior* (7 July 2013), para. 16 of the judgment of Justice Danziger; AAA 8908/11 *Aspo v. Ministry of the Interior* (17 July 2012). The Regulation on Handling Asylum Seekers likewise states that "the competent bodies may also make use of the UNHCR handbook". [Hebrew]



of the petitioners until the conclusion of the proceedings.⁴⁹ However, none of those proceedings was decided on the merits.

In 2009, the Supreme Court noted the problematic nature of the fact that, at that time, there was no body entrusted with handling these applications of Palestinians — in which arguments are raised concerning danger not on the basis of collaboration with Israel — and also that the State had no organized information on the situation of LGBT individuals in the territories. Following the Supreme Court's comments there, an "inter-ministerial committee" was established, whose purpose was to formulate recommendations concerning the manner of handling applications of this kind.

The committee's conclusions were submitted in November 2014.⁵⁰ According to them, although the "phenomenon" of homosexuality is not perceived as legitimate in public in the territories, it does not, for the most part, entail harm to homosexuals within the areas of the Authority. Further according to the report, members of the community are not persecuted on account of their sexual identity and do not face a real and immediate danger, as long as their behavior is not "externalized", since "the externalization of such relations, especially in public, is unacceptable and can prompt a police investigation". The report added that "there are also reports that in Ramallah there exist rehabilitation centers for homosexuals and lesbians... with the aim of trying to enable them to integrate into society", and it refers to the report of the Palestinian organization "alQaws", which attests that LGBT individuals are exposed to social ostracism, to violence, and to charges of violating "modesty laws". After all this, the report concludes that the asylum applications filed by Palestinian LGBT individuals "stem from their desire to enjoy the more liberal way of life in the State of Israel" and not from a fear for their lives.

⁴⁹ HCJ 6348/13 *Doe v. State of Israel* (9 Dec. 2013); HCJ 6401/15 *Doe v. State of Israel* (21 Sept. 2015); HCJ 5109/14 *Doe v. Minister of the Interior* (published in Nevo, 6 Feb. 2015); HCJ 7768/16 *Doe v. Minister of the Interior* (13 Oct. 2016); HCJ 8821/16 *Doe v. Minister of the Interior* (15 Nov. 2016). Similar orders were also issued in the past year, once jurisdiction to hear these proceedings was transferred to the District Court. See AdminP 31350-07-18 *Doe v. Ministry of the Interior* and AdminP 30468-07-18 *Doe v. Ministry of the Interior*. [Hebrew]

⁵⁰ Summary of the work of the inter-ministerial committee concerning Palestinians claiming to be under threat not on account of suspicion of collaboration with Israel, 16 November 2014 [Hebrew]. <https://law.tau.ac.il/lgbtlaw/search/item-623>



The manner in which the report was prepared remained in a fog: it was not published who its authors were, what their qualifications were, or how the information was collected — matters that remained confidential. According to the report, at least part of the information came from officials within the Palestinian Authority itself, who stated that there is no problem at all.

Nonetheless, the inter-ministerial committee also noted that individual cases may arise in which there exists a genuine or real fear for a person's life. According to the committee's conclusions, in these "rare and exceptional cases" one is to turn to the welfare coordinator in the Civil Administration, who is a social worker — this despite the fact that it was explicitly written that "the welfare coordinator does not necessarily possess the tools, training, or ability to examine threat status on this basis".⁵¹ The purpose of the referral to the coordinator was to prevent the need to establish a mechanism that might become a "magnet" for applications for protection.

In doing so, the State applied to Palestinians seeking protection a mechanism that is part of the Israeli control of the territories: the Civil Administration, which is responsible for "implementing the civil and security policy, as the executive arm of the commander of the IDF forces in the Judea and Samaria Area,"⁵² and whose duty, in accordance with case law and international law, is to see to the welfare of the residents of the territories.⁵³ The coordinator herself was instructed to find solutions within the framework of the Palestinian Authority, and the report stated that only in exceptional extreme cases "may there also arise the possibility that the welfare coordinator will recommend to the competent bodies in the Civil Administration that they consider permitting temporary stay in the State of Israel for a limited period".

In a hearing on one of those petitions in the HCJ, the welfare coordinator at the time, Ms. Liat Sharaf, stated that "my role, and that of the welfare coordinator in general, is to provide targeted relief regarding welfare rights. Kind of like Advil. I do not have broad

⁵¹ See note 50 above, at section 64.

⁵² Fro From the website of the Civil Administration [Hebrew]. https://www.gov.il/he/departments/civil_authority_in_judea_and_samaria/govil-landing-page

⁵³ HCJ 393/82 Jam'iyyat Iscan al-Mu'allimin al-Ta'awuniyya al-Mahduda al-Mas'uliyya v. Commander of the IDF Forces in the Judea and Samaria Area (28 Dec. 1983) [Hebrew].



powers to grant status or a long-term stay permit. That does not exist. We try to solve and provide a response within the Authority...”⁵⁴

As could have been feared from a reading of the report itself, over time it became clear that the alternative mechanism of the welfare coordinator — the position having since passed from a female to a male coordinator — does not provide the required response for examining those claims of being under threat. Even in cases in which permits were granted, they were at times not renewed, without any explanation or written decision, and once again Palestinian men and women stood before a danger to their lives and with no address for their applications for protection. In a petition filed over the non-renewal of a permit,⁵⁵ the parties were referred to the welfare coordinator, while it was agreed that “this does not constitute agreement or approval on the petitioner's part of the coordinator mechanism”. The Supreme Court further added to its judgment that its hope is that an effort will be made to reach individual solutions in additional cases that were pending at that time. Thus, additional petitions were struck, and in them too it was agreed to turn to the coordinator while leaving in place the interim orders preventing enforcement and deportation proceedings from Israel — all while preserving the petitioners' arguments concerning their exclusion from the Israeli asylum system.

In 2018, the authority to hear petitions of this kind was transferred to the Court for Administrative Affairs,⁵⁶ and since then individual proceedings on this matter are heard there, while appeal proceedings have been heard in the Supreme Court.

In 2019, several organizations (Physicians for Human Rights, HIAS, the Hotline for Refugees and Migrants, and Kav LaOved) filed a petition with the HCJ in which they demanded that Palestinians who receive permits in Israel on account of being under threat in the territories be allowed to hold licenses that would permit their employment,

⁵⁴ HCJ 6988/14 *Doe v. State of Israel*, hearing of 30 July 2015 [Hebrew].

⁵⁵ HCJ 4248/12 *Jane Doe v. State of Israel* [Hebrew].

⁵⁶ This is in accordance with the amendment to item 12 of the First Schedule to the Administrative Affairs Courts Law, 5760–2000, which entered into force on 12 April 2018. It should be noted that, with the establishment of the Appeals Tribunal under the Entry into Israel Law, 5712–1952, the Tribunal was empowered to hear matters relating to the Entry into Israel Law, including with respect to decisions under the Temporary Order. However, item 4 of the Schedule to the Entry into Israel Law provides that decisions under section 3C of the Temporary Order shall not be within the Tribunal's jurisdiction. [Hebrew]



since, as of that time, the permits included the possibility of staying in Israel but not of working there for their livelihood.⁵⁷ In its supplementary judgment, the Supreme Court held on 7 July 2022 that "a welfare-needs permit granted to a resident of the Area on the basis of a claim of being under threat that is not on a security background shall allow its holder to work in Israel, as shall also be indicated on the permit, and this without dependence on an application by a concrete employer to employ him, without limitation to particular employment sectors, and not within the framework of the maximum quota of Palestinian workers set by the Government of Israel".

An additional difficulty that emerged in the Civil Administration "mechanism" stemmed from a refusal to allow representation at the interviews. Only in 2022 did the Supreme Court order that "the presence of his counsel during the interview to be conducted for the appellant shall be permitted, as is customary".⁵⁸

When representatives began to turn to the coordinator to schedule interviews for their clients, they discovered that the wait for an interview could stretch to many long months, without any protection document or temporary status being received — this in violation of the non-refoulement principle. On this, an additional petition was filed, in which the Jerusalem District Court was asked to order the State not to take enforcement measures and not to deport the petitioner — who is awaiting an interview with the welfare coordinator in his matter — until 60 days after a decision on his application.⁵⁹ Following the filing of the petition, the State announced that a "temporary welfare permit" would be granted to the petitioner there while awaiting the interview with the welfare coordinator and the issuance of the coordinator's report.

Despite those legal determinations, the difficulties in the welfare coordinator mechanism continued and accumulated. Applications to schedule appointments for interviews with the coordinator were delayed, leaving the applicants without protection; the interviews are conducted at the Shaar Efraim border crossing, a location that places those seeking protection in danger and exposes them to other Palestinians at the crossing; the

⁵⁷ HCJ 7126/19 Physicians for Human Rights v. State of Israel [Hebrew].

⁵⁸ AAA 655/22 Doe v. Commander of the IDF Forces in Judea and Samaria, judgment of 20 Oct. 2022 [Hebrew].

⁵⁹ AdminP 14539-03-19 Doe v. Minister of the Interior et al. [Hebrew].



interviews are conducted without the basic procedural safeguards customary in the examination of asylum applications (such as adequate translation or visual documentation), and for the most part do not focus on the danger of persecution in the territories of the Palestinian Authority but on social circumstances. Representation and accompaniment at the interviews is possible, but this does not suffice to prevent extreme and severe cases — as in the case in which an applicant arrived, owing to an error by the taxi driver in whose vehicle he was traveling, at the nearby settlement of Shaar Efraim, where he was detained by the standby squad, handcuffed, and army forces were called to the scene who held him inside a military vehicle until the intervention of the representing party, while the welfare coordination unit refused to assist. In another case, an accompanying volunteer was asked to wait outside the coordinator's room, and, to his astonishment, discovered that at that very time the person he had accompanied had been immediately deported to the West Bank — which lies just on the other side of the fence — endangering his life. Only following an urgent appeal by HIAS was that applicant permitted to re-enter Israeli territory.

Many of those eligible for welfare permits on account of sexual orientation or gender identity have been recognized as refugees by the UNHCR and have been absorbed in Western countries as refugees. The welfare coordinator recognizes this track, and tends to make the renewal of permits conditional upon the advancement of proceedings before the UNHCR.

Following the war that broke out on 7 October 2023, a worsening occurred in the welfare coordinator process. At the beginning of the war, a general directive was issued cancelling the stay permits of Palestinians in Israel across the board. Thus, suddenly, the welfare permits too were cancelled and disappeared from the computerized systems. Only after an appeal by HIAS together with the Association for Civil Rights in Israel were the welfare permits restored. However, the directive did not filter down to the police officers and soldiers in the field, who were not familiar with those welfare permits, and therefore cases were documented of the deportation of Palestinian asylum seekers who held a valid permit. Owing to the heightened police presence, Palestinians holding a welfare permit were arrested and detained for long hours amid the use of severe physical violence, threats, and curses by the security forces and the police. In addition, according

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.



to data from the LGBT association, which handled hundreds of applications for welfare permits, a decline occurred in the welfare permits granted, and in many cases existing permits were not renewed amid demands for "new evidence". Most of the legal proceedings filed by HIAS on this matter became moot after the permit was renewed, without a decision on principle.

5. The Move to Israel: Between the Fantasy of Refuge and the Reality of Survival

This chapter addresses the stage of the move to Israel — a charged moment of hope, fear, uncertainty, and expectation. Through the testimonies of the interviewees, their first experiences are revealed in the face of the very concept of the move, the authorities, the bureaucratic system, the living conditions, and the possibilities that stood before them. The chapter describes the initial adjustment, the unique challenges they experience in Israel — especially in times of emergency — and the turning point of resettlement in a third country.

5.1 Shattering the Myth of a "Comfortable, Liberal Life": Forced Displacement, Not Voluntary Migration

As detailed above, in the official report of the inter-ministerial committee of 2014, which was established by the Prime Minister's Office, it was determined that "there is no systematic persecution in the Palestinian Authority on the basis of sexual orientation", and that "at least in some of the cases, the request to stay in Israel stems from the desire to enjoy the more liberal way of life in the State of Israel, and not from the existence of a threat".⁶⁰ This determination, which was adopted unanimously by the representatives of all the governmental bodies that participated in the committee, is not only an (unfounded) factual claim but also a policy framework: it denies the possibility of viewing Palestinian LGBT individuals as a persecuted group, and frames their claims as merely individual exceptions. In so doing, it undermines the legitimacy of their experiences,

⁶⁰ HCJ 5200/09 *Doe v. State of Israel*, State's notice of 9 December 2014, appendix: report of the inter-ministerial committee concerning Palestinians claiming to be under threat not on account of suspicion of collaboration with Israel [Hebrew].



places the burden of proof on the shoulders of individuals in existential distress, and disregards the institutionalized and non-institutionalized ways in which violence is employed against them. As emerges from the testimonies of the interviewees in this chapter, for many of them the danger to their lives is not an abstract theory but a daily reality — and in most cases, even after arriving in Israel, the sense of threat does not disappear.

This also emerges from the words of Adi, a social activist with extensive experience in accompanying Palestinian LGBT individuals in Israel, who addressed the prevalent claim among State actors according to which many seek to reach Israel out of a desire to live a liberal life and not because of a real danger to their lives. Drawing on his fieldwork, Adi described the complexity between the fantasy and the reality, the psychological and bureaucratic difficulty involved in reaching Israel, and the limits of the assistance possible:

"To be a Palestinian LGBT asylum seeker in Israel is not something anyone wants to be... it's a very hard process... Before the war, when Israel used to give work permits to Palestinians, a great many of these people [persecuted Palestinian LGBT individuals] would come here on a work permit. Getting a welfare permit requires a person who is young and frightened and afraid of the army to approach an arm of the State of Israel, a military body, and say that he's gay... it's much easier to buy a work permit for NIS 2,500... at the end of the day, these are people coming to seek asylum from an enemy state... you have to understand... it's a very extreme mental state and it's very, very far from simple... that's why we don't work with people who aren't in Israel [who are still in the territories]; we say that if these people didn't survive the escape to Israel and didn't do it themselves, then they won't survive here... no one wants to employ them... they don't get the right to housing... they have no medical rights... there's nothing... it's not a liberal life they can enjoy... it's light-years away from being a fun, liberal life."

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.



In addition, for many, migration does not amount only to an escape from danger, but constitutes an act charged with intense internal conflict: between a sense of belonging to the homeland and the need for personal security, and between the desire to live openly and the aversion to identifying with the values of a state perceived as hostile. This dilemma reflects what is termed in the professional literature "conflict in allegiances" — a built-in tension between commitment to ethnic identity and sexual identity among LGBT individuals belonging to minority groups, which may lead to deep feelings of alienation, guilt, and isolation.⁶¹ Moreover, the move itself harbors a painful paradox: while the concept of "refuge" embodies a promise of safety and protection, adopting the identity of a "refugee" is not infrequently bound up with feelings of disconnection, stigma, and loss — even when the decision to leave was necessary.⁶² Migration, then, is not only a physical passage but also a complex psychological process of coping with loss, a divided identity, and an uncertain future.

The embodiment of this conflict can be seen in the words of Mu'taz — a 22-year-old who made the move with many fears — which express an ambivalent attitude toward Israel as a receiving state. He recounts:

"In the end I couldn't stay at all, so I called the police in Israel... and I was very afraid, because I also know that they entrap gays... I have a friend they photographed and then threatened, to make him collaborate with them, but I said, fine, if they photograph me, let them photograph me... it's natural and human to have sex... let them photograph..."

He describes a deep fear of Israel, and expresses reservations about the idea of seeing it as "the savior". His words reflect the tension between the need for protection and the

⁶¹ Santos, C. E., & VanDaalen, R. A. (2016). The associations of sexual and ethnic-racial identity commitment, conflicts in allegiances, and mental health among lesbian, gay, and bisexual racial and ethnic minority adults. *Journal of Counseling Psychology*, 63(6), 668-676. <https://doi.org/10.1037/cou0000170>

⁶² Salim, S. (2024). The burden of trauma in the life of a refugee. *Frontiers in Public Health*, 12, 1298544. <https://doi.org/10.3389/fpubh.2024.1298544>



difficulty of identifying with a state perceived as foreign to his values, his identity, and his life experiences.

Mu'taz went on to recount what happened after he entered Israel:

"...so they let me in, but I didn't know where to go... I had nothing but NIS 400... I started searching online, because I know English well... and then I reached some shelter; of course it was very hard for me, because I don't know the language and don't know anyone... and then they moved me to another place, and it was hard for me throughout this whole period, because there were always very racist people... especially after the war... also before the war, but afterward it was very, very hard."

When Yamen was asked about the moment he decided to come to Israel, he answered:

"It was after I was abducted the last time and the family knew about me... I was caught with a guy... and then that was it, they started threatening me... it took a while, though, until I managed to get in here... but I had no other choice."

To the same question, Salam — who left behind a wife and two children in the territories of the Authority when he was forced to flee — answered:

"One day some guy from the neighborhood followed me, and then he saw me with another guy in a sexual situation... from that moment I began to feel that people in the neighborhood suspected me and were looking at me with strange looks... and some time later, they spread it around the village that I do things against religion and spread evil in society, that I collaborate with the Israeli Mossad, that I work with the Jews and sell them Arabs' land... and that I'm gay... the only true thing is that I'm gay."

It emerges from the interviewees' descriptions that the moment at which the decision is made to leave the homeland is a necessary moment, but also a charged and significant one, in which profound sacrifices are made — not only of identity and geographic space, but also of vital human ties. Migration involves parting from close people who did not



constitute a threat, but rather served as sources of resilience — friends, brothers and sisters, mothers — and at times also giving up life paths such as studies, a professional community, or personal dreams. When Manar described the moment she entered Israel, she recounted:

"...and then one day, after the last attack, I sat with myself and thought that I want to run away... it was a Friday, late March, early April, I just walked toward the checkpoint and somehow I managed to get out... I didn't know how it would end... at the time I was still studying at university, and I asked them to freeze my studies, even though somewhere inside I knew I wouldn't be able to return."

Another interviewee described how he too was forced to leave his studies and leave his dreams and plans for the future behind:

"...and then they started looking for me all the time, where I am and so on... I was at the university, like, most of the time; I studied physics and worked at a grocery store in the area and lived normally... and then they started searching for me, where I go, what I do... they kept an eye on me. I used to go out with friends as usual. But they managed to catch me in the end; I went out with someone and they knew... and at that moment they attacked me... and then that was it... I started looking for how to escape from there, until it really happened."

These testimonies illustrate that the decision to leave the homeland is not only a response to a reality of persecution, but also a moment of profound relinquishment of an entire life. The move to Israel, even when it saves lives, is bound up with a loss that is not measured only in geography, but also in identity, memory, and unrealized dreams. For Palestinian LGBT individuals, this is a double passage — between physical spaces and between spaces of identity — in which rescue and loss are interwoven.

The escape from a place of real mortal danger to a space in which a person is not required to fight for his life daily often embodies a fantasy of ending — as if the catastrophe were over and the new life about to begin. This is a moment of imagined redemption, in which



it seems that from here on a safe, stable, and perhaps even liberated reality is to be expected. This fantasy, of a sharp transition from persecution to protection, is often interwoven with narratives of refuge, rescue, and a new beginning. But in practice, as the immediate threat wanes, the deep and ongoing challenges of life in a status of uncertainty begin to be exposed — especially when the receiving state is not prepared, or not willing, to cope with the complexity of their identity, their status, and their unique needs. If previously this was an acute trauma, now it becomes a persistent, silent, and ongoing trauma.

The research literature indicates that asylum seekers arrive in receiving countries with a hope for a safer and more stable life — a hope that constitutes an essential component of the migration process. However, a systematic review of 22 different studies finds that post-migration stressors play a central role in affecting the mental health of asylum seekers and refugees. These factors include, among others, employment insecurity, unstable housing, difficulties in accessing services, social isolation, discrimination, and prolonged waiting for a decision in the asylum proceedings.⁶³

Reinforcement of this can be found in a comprehensive report by the Williams Institute (2022), which indicates that LGBT asylum seekers suffer from critical gaps in information and services in receiving countries. The report emphasizes that the absence of disaggregated data and dedicated training of professionals leads to barriers in access to mental health, and exacerbates the sense of isolation and trauma stemming from the intersectionality of being both a refugee and LGBT.⁶⁴

The gap between the expectation of a safe life and the complex reality in the receiving country may lead to a worsening of symptoms of anxiety, depression, and post-traumatic stress disorder (PTSD), and at times even delay the process of recovery from the trauma they experienced prior to migration. For Palestinian asylum seekers, the reality is even more severe: unlike other groups, they are not entitled at all to file an asylum application

⁶³ Gleeson, C., Frost, R., Sherwood, L., & Shevlin, M. (2020). Post-migration factors and mental health outcomes in asylum-seeking and refugee populations: A systematic review. *European Journal of Psychotraumatology*, 11(1), 1793567. <https://doi.org/10.1080/20008198.2020.1793567>

⁶⁴ Shaw, A., & Verghese, N. (2022). *LGBTQI+ refugees and asylum seekers: A review of research and data needs*. The Williams Institute, UCLA School of Law. <https://williamsinstitute.law.ucla.edu/publications/lgbtqi-refugees-asylum-seekers/>



in Israel, owing to a policy that excludes them sweepingly. Thus, even the basic hope for protection — the one that drives many on the migration journey — is denied them in advance.

5.2 The Shock of Encounter: Initial Confrontation with the Israeli Space

The move to Israel, sometimes described as a turning point or a new beginning, occurs for most of the asylum seekers for the first time in their lives. Except for a few isolated cases of a brief visit under a work permit, a religious holiday, or a school trip, 100% of the interviewees in this study had never crossed the border until the moment they were forced to flee on account of persecution. Although Palestinian citizens live in Israel and the language and culture are ostensibly familiar, the place is experienced by them as foreign, threatening, and inaccessible. The arrival is accompanied by a deep sense of disconnection, uncertainty, and fear — not only of the unknown, but also of the encounter with the institutions of the State. Many of them arrive without any resources, without an address, without a support network, and at times even without basic knowledge of where to turn.

The most basic tasks for attaining personal security — such as finding a roof over one's head — become an almost impossible challenge. At times, those who know people who have already gone through the process and are currently in Israel, or in a third country following resettlement, manage to connect with community actors or social organizations, which only rarely succeed in offering assistance — and even then only partially and to a limited extent. Today there exist in Israel a few shelters willing to take in Palestinian LGBT asylum seekers, but even these frameworks operate under severe constraints: since they are supported by the Ministry of Welfare, they are obligated to take in only those who hold a valid stay permit — an authorization that most of these asylum seekers manage to obtain, if at all, only after a prolonged period of unregularized stay in Israel. For those who do not speak Hebrew, who have no income, no bank account, no checkbook, and no guarantor, the possibility of renting an apartment independently barely exists. Thus the basic task of finding a place to sleep becomes a bureaucratic trap,



which leads many to the street — precisely at the moment when they most need security, protection, and stability.

This is how Manar described her first night in Israel:

"...and then I entered here, Israel, but I didn't know anyone and had nowhere to go, and I stayed in a park. And then there are some girls who introduced me to Mufid... and that's how we became friends... Mufid worked for some people, he took care of their garden and lived in a room at their place... of course he wasn't allowed to bring anyone there... I stayed at his place until they caught on to us."

Salam, who was forced to flee after being caught with another man, recounted:

"I've been sleeping on the beach for 4 months now... it's very dangerous... shady people come up to me all the time, and the police too... to survive on the street you have to speak a certain language, and I don't know that language... it's like they have rules, all these people who sleep on the street... I've already ended up taking beatings... but serious beatings... I don't shower every day... sometimes there's someone who lets me shower at his place... I would have preferred to keep living in secret than to live like this, like a dog... but it wasn't in my control."

Amir described the difficulty of finding work and navigating the system:

"I arrived in Israel, I had 3,000 shekels for an emergency that I always keep aside... somehow I found someone who agreed to rent me an apartment... he took 3,000 from me for 10 days in a one-and-a-half-room apartment... I said, never mind, I'll manage, I'll find something... I always keep trying... but it was very hard to find work... and everything had to be by documents, and they didn't want to employ me when I don't have a bank account... one way or another there was someone who agreed to let me work with him... but you need a bank account and an ID card and a magnetic entry card... I fled with nothing... I had nothing..."

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.



Amir went on to recount how, even when one makes an effort and tries to cooperate and do everything required in order to survive with dignity, the obstacles are many:

"I needed a magnetic entry card, so guess where you do that? In Tayibe... the first time I went to do it — I didn't manage. Why didn't I manage? I arrived late... I couldn't find the way, and by the time I got there, and I got lost, and what didn't happen... imagine you travel to France and you don't understand French and you have to deal with them and get to places... and I know a bit of English, but street language. And I'd be tossing out a word in Arabic, a word in Hebrew, and one in English, until I manage to say something coherent, with meaning."

5.3 Life Without Status in the Shadow of Bureaucracy and Exploitation

Palestinian LGBT asylum seekers residing in Israel constitute one of the most vulnerable populations within the state's borders — if not the most vulnerable of all. When life is conducted without legal status and without basic rights, every domain becomes a potential arena for exploitation, whether work, housing, health, or interpersonal relationships. Where there is no recognition, there is no protection.

Yamen, who fled to Israel in the middle of his studies for a degree in physics at one of the universities in the West Bank, describes his experience in the labor market as a person without status, and the painful gap between his education and the reality of his life:

"Today I work in cleaning, unfortunately. Cleaning offices... I tried to find something else... I tried a lot, but they won't agree to employ me... and my Hebrew isn't great either, you know... that's also why it doesn't work out. I also looked and tried to find Hebrew courses so I could study... but even so, all the jobs I find, and that they'll agree to consider employing me for, are cleaning and washing dishes."

This situation, in which regulated avenues of employment are blocked to them, pushes many into casual jobs without a pay slip, which exposes them to shameful exploitation.

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.

One of the interviewees described a situation in which he worked for a month and a half at a bakery for free:

"In the end they didn't pay me; every day the owner would tell me tomorrow... and I worked from the heart... I would arrive at 6:00 in the morning, prepare dough and bake... when he got tired of me, one day he told me he wouldn't pay me anything, and that if I bothered him again he'd inform on me and say that my permit is no longer valid and that I'm staying illegally."

Another interviewee recounted an exploitation that turned into sexual and physical violence:

"I worked at a café, and then the café owner wanted me... he wanted to get close to me, like to touch me... you understand? Of course I didn't want him... and then one day he came to the apartment I was renting and attacked me and beat me and left the house... I couldn't call the police... so I waited for the permit renewal, and I was afraid they'd take me instead of taking him."

Similar testimonies also emerge from an investigative article published in 2022 on the "Local Call" site, which presented the stories of Palestinian LGBT individuals who fled to Israel on account of persecution based on their sexual orientation or gender identity.⁶⁵ The aim of the article was to expose the invisible reality of this group, and to refute the prevalent image of Israel as a liberal and safe space for them. There too, a picture emerges of an existence on the margins of society: sleeping in the street, an absence of access to basic services, exposure to exploitation, loneliness, and a deep sense of alienation. The stories of these asylum seekers and their experiences in Israel are described as "Kafkaesque stories" — absurd situations in which the State recognizes their existence but refuses to grant them the tools for a decent life. This reality is embodied in

⁶⁵ Ziv, A. (2022, July 24). I would prefer to die in the West Bank: The stories of the Palestinian LGBTs who fled to Israel [Hebrew]. *Local Call*. <https://www.mekomit.co.il/-/הייתי-מעדיף-למות-בגדה-סיפורי-הלהטבים>



the words of one of the interviewees in that article, who said: "I would prefer to die in the West Bank than to keep living like this in Israel".

Additional testimonies, gathered in the framework of a 2022 investigation by the "Shomrim" organization, present a similar picture and expose the dead-end legal and social trap in which Palestinian LGBT asylum seekers in Israel are caught.⁶⁶ The investigation emphasizes how the State systematically excludes them from asylum policy. As a result, they live without legal status, without the possibility of working, renting an apartment, or receiving medical care, while being constantly exposed to violence, exploitation, and rejection. Here too, a picture of "recognition without recognition" emerges — a situation in which the State is aware of their distress but refuses to grant them basic tools for a dignified existence.

Owing to the legal and practical difficulties experienced by Palestinian LGBT individuals who seek protection in Israel, and even out of an explicit demand by the welfare coordinator, most of them try to find a third, Western country that will take them in as refugees, outside Israel, with the assistance of the UNHCR. This fact reinforces their sense of transience in Israel, and requires of them a second migration. However, this survival-driven reality has recently become even more impossible, in view of the collapse of the limited "safety net" that civil society organizations and international bodies had provided until now. Whereas in the past some of the applicants could lean on psychosocial support within a dedicated program of The Aguda – Israel's LGBTQ+ Task Force, and on assistance in resettlement proceedings through the UNHCR, today this support system has collapsed almost entirely. Following policy changes and global budget cuts, the UNHCR was forced to reduce its activity in Israel to a minimal format only. In parallel, the local responses too were critically harmed: the dedicated program at The Aguda was closed, and other assistance organizations were hit by across-the-board cuts in institutional donations. The vacuum that has been created now leaves approximately 300 Palestinian LGBT asylum seekers residing in Israel isolated and with few sources of assistance. With no organization able to provide a holistic response, and

⁶⁶ Amon, P. (2022, June 8). No room for pride: The entrapping reality of Palestinian LGBTs in Israel [Hebrew]. *Shomrim*. <https://www.shomrim.news/hebrew/no-rights-lgbtq-palestinians-in-israel-are-caught-in-a-trap>



in the absence of any responsibility, protection, or welfare and health services on the part of the State, they are abandoned to their fate — left to the mercy of the street, and more exposed than ever to exploitation and to the danger of deportation.

Amir described the difficulty of building a plan anew:

"I'm going to go through all of this again... everything I went through I'll go through again in another country, and even harder... here I had a drop of hope... because here there are Arabs like me... I have projects in my head... plans for the future... I want to study... I want to return with something... not to return to my city... but to return to being a human being... a human being with a document... a degree that I love, not something just to hang on the wall".

The testimonies presented above refute, almost incontrovertibly, the claim that Palestinian LGBT individuals come to Israel out of a desire to live a "comfortable" life. The reality they encounter here is not a space of freedom, but of survival. How can one make sense of a young woman, a university student, leaving her studies, freezing her future, and choosing to sleep in a park in a country that does not recognize her existence and is unwilling to grant her basic rights? How can one make sense of a young man, in the course of his studies for an academic degree in physics, choosing to leave everything and come to Israel in order to work in cleaning and become a person with nothing? This is not a matter of free choice, but of forced flight — a product of persecution, real danger, and the absence of any other option. Life in Israel, as described by the interviewees, is not the realization of a liberal dream but the continuation of a struggle — only this time, on different soil.

5.4 The Fragility of Refuge: The Aggravation of Vulnerability in Times of Crisis

Alongside the many difficulties noted above, and the fact that Palestinian LGBT asylum seekers in Israel live from the outset under conditions of extremity, I wish to describe the impact of the extreme situations that have occurred in recent years in Israel on the living conditions of this population. Situations of systemic emergency, such as the COVID-19 pandemic or rounds of fighting, have aggravated its distress even further. Precisely at

Danial, D. (2026). "If I had wings, I would fly": Palestinian LGBT asylum seekers in Israel. HIAS.



the moments when the State mobilizes to protect its citizens, they are left behind: invisible, unprotected, and at times even actively excluded from the assistance provided to others.

5.4.1 Health Emergency: Exclusion from the Welfare Systems in the Shadow of the COVID-19 Pandemic

A study conducted in 2023, which dealt with the heightened vulnerability of asylum seekers in times of crisis – with a focus on the COVID-19 period – shows how states may exploit emergency situations in order to harden immigration policy and deepen the vulnerability of weakened groups. The findings indicate that asylum seekers in host countries are in a paradoxical situation: they live within the community, but remain outside the institutional system. This reality, fragile in any case in ordinary times, becomes unbearable in times of emergency and leads to systematic exclusion from the welfare systems, even among those who have lived and worked in the country for many years. Thus, precisely in a time of crisis, when the State activates assistance mechanisms for its citizens – such as grants, alternative housing, and medical care – the asylum seekers remain outside the circle of protection, and at times even without access to basic information.⁶⁷

In Israel, this was expressed in particular during the COVID-19 period: shelters were closed or had restrictions imposed on them, associations reduced their activity, and life on the street became even more dangerous. For a person who has no legal status, there is also no ID card, no access to the health funds (HMOs), and no possibility of receiving a vaccine or medical care.

Consistent with global trends, the reality in Israel illustrates how emergency situations – and the COVID-19 pandemic in particular – aggravated the vulnerability of asylum seekers living in the community. A report published by ASSAF (the Aid Organization for Refugees and Asylum Seekers in Israel) reveals that this population, most of which

⁶⁷ Phillips, S. (2023). Enhanced vulnerability of asylum seekers in times of crisis. *Human Rights Review*, 24, 241–261. <https://doi.org/10.1007/s12142-023-00690-8>



lacks legal status, was left without a governmental safety net during the crisis.⁶⁸ The data indicate that an absolute majority of the asylum seekers (approximately 80%) lost their livelihood, but were not entitled to unemployment benefits or assistance grants, and were not even included in public health policy. This abandonment led to a dramatic surge in requests for humanitarian assistance: a 2.5-fold increase was recorded in appeals on the background of economic distress, a 3.5-fold increase in appeals due to a shortage of food, and a 3-fold increase in appeals concerning difficulty in paying rent and fear of eviction.

The report describes a reality of daily survival: coping with hunger, the danger of eviction from the home, and the absence of access to medical information in a comprehensible language. Many were forced to live in extreme crowding that precluded any possibility of isolation or social distancing, while avoiding turning to medical care for fear of deportation or discrimination. The State refrained from developing a dedicated policy for them and did not recognize them as a risk group, which left them exposed and isolated. These findings corroborate the theoretical claim presented above, according to which, in times of crisis, states tend to apply policies that deepen the gap between the citizen and "the other".⁶⁹

The vulnerability of Palestinian LGBT asylum seekers in Israel in times of crisis is evident not only in the absence of institutional assistance, but also in concrete events that illustrate the depth of the exclusion. In one of the cases documented in the framework of the interviews I conducted, a young Palestinian LGBT man, who was staying in one of the community frameworks in Israel, contracted COVID-19 at the beginning of the pandemic — a period in which the State was operating under a profound sense of emergency and the public was gripped by existential anxiety. The young man held an official stay permit, attesting that the State had recognized him as someone facing a real danger to his life in the territories of the Palestinian Authority. After the framework reported to the welfare authorities that he was positive for COVID-19, it was

⁶⁸ ASSAF – Aid Organization for Refugees and Asylum Seekers in Israel. (2021). *Looking into the abyss: Asylum seekers in Israel during the COVID-19 period* [Hebrew]. <https://assaf.org.il/wp-content/uploads/2021/10/דוח-קורונה-1001.pdf>

⁶⁹ Phillips, see note 67 above.



agreed that he would be transferred to a quarantine hotel, in accordance with the isolation policy then in effect. But at this stage a telephone call was received from a woman who presented herself as a representative on behalf of the Ministry of Health, in which the framework's manager was told that the vehicle ordered would not take the young man to the quarantine hotel, but would instead remove him across the Green Line, to the territories of the Palestinian Authority — and this without informing him (the young man) of it. The manager recounted:

"...and then there was this phone call, like a coordination between the quarantine hotel and the transport... someone from the Ministry of Health called... and then she suddenly says to me, 'Yes, he thinks he's going to the quarantine hotel, but he doesn't know that he's actually going to the border, so don't tell him.' I said to her, 'What??!!'"

This case illustrates how, even when it appears that an institutional response is taking place, it may activate mechanisms of removal and exclusion under the guise of care. The young man, who was recognized by the State as someone in need of protection, became in an instant a target for removal — not out of a medical consideration, but out of a systemic conception of severance. It is important to emphasize that this was a person who was known to the welfare authorities, one of the few who were integrated into a framework and accompanied by professionals. That was enough to prevent the move. But what would have happened had it been one of the many living on the street, without accompaniment, without institutional recognition, and with no one to summon help on their behalf when they encounter a direct threat from the authorities of the State?

That said, it is worth noting that other State actors, who were made aware of this intention by the framework's manager, who summoned help, acted in order to prevent its execution. This event is exceptional not only in its dimensions, but also in the way it exposes the gap between formal recognition of the right to protection and an action that seeks to deny it. It demonstrates how, in times of emergency, Palestinian LGBT asylum seekers in Israel may be perceived not as those in need of protection, but as those to be removed — even at the cost of a real risk. Not as those who are on the margins of society, but as those whom society itself seeks to remove beyond its borders.



5.4.2 Security Emergency: Double Persecution during the War

Phillips's analysis regarding the heightened vulnerability of asylum seekers in times of crisis — whether a pandemic, a natural disaster, or a period of fighting — takes on added force when one examines the reality in Israel since the outbreak of the war.⁷⁰ If in a health emergency the exclusion was a product of institutional priorities, then in a security emergency the national identity of the asylum seekers becomes a ground for suspicion, alienation, and at times even deportation. The mechanisms that are supposed to protect them collapse, and they find themselves exposed not only to the external security threat, but also to direct action on the part of the State itself. This part is based on ongoing documentation gathered during the first months of the war, and presents how security policy, a heightened police presence, and a non-recognition of stay permits rendered the lives of Palestinian LGBT asylum seekers in Israel unbearable.

During the war period — since 7 October 2023 — the authorities' treatment of Palestinians, both citizens of Israel and residents of the West Bank, Gaza, and East Jerusalem, became more extreme. Violence against Palestinians at the hands of enforcement actors intensified, and its manifestations became routine and received sweeping justification and encouragement. In this public atmosphere, the situation of Palestinian LGBT asylum seekers deteriorated drastically. At the beginning of the war, the stay permits of Palestinians in Israel were canceled across the board, among them the welfare permits, which disappeared from the computerized systems. Only after an appeal by HIAS,⁷¹ together with the Association for Civil Rights in Israel, were the welfare permits restored. However, the directive did not filter down to the police officers and soldiers in the field, who were not familiar with those welfare permits. As a result, cases were documented of the deportation of Palestinian asylum seekers who held a valid permit, but were told by police officers and soldiers that "it doesn't matter. There are no permits today for Palestinians to stay in Israel". The permits that disappeared from the police and military systems without explanation aroused a double fear among this population, such that on the one hand they were exposed to missiles and sirens, and on the other hand exposed

⁷⁰ See note 67 above.

⁷¹ For the appeal and the response, see: https://www.acri.org.il/post/_985 [Hebrew].



to deportation — even though Israel had recognized that a danger threatens them in the territories of the West Bank/Gaza. In addition, since the beginning of the war, a high police presence was observed in the streets of Israel, and Palestinians — even though they are staying lawfully with a stay permit — became an immediate threat in the eyes of law enforcement actors. As part of the fear that prevailed in the streets of Israel during the war, there were cases in which Israeli citizens summoned the police in order to report and complain about the very presence of Palestinians in the space near them and in their surroundings. Asylum seekers were arrested and detained for long hours amid the use of physical violence by the security forces and the police, and this despite holding a valid stay permit. In addition, a large portion were dismissed from their work despite holding a work authorization as part of the stay permit, and were told that they were no longer needed, given that they are Palestinians from the West Bank. These deportations and arrests placed those vulnerable people in immediate danger to their lives, which required immediate legal intervention.

Moreover, since the beginning of the war, a drastic decline was observed in the number of permits that the Civil Administration approved for applicants from this population. Whereas in the past — before the outbreak of the war — the Civil Administration granted temporary stay authorizations for half a year to approximately 90% of the represented applicants, after the declaration of war only approximately 60% of the applicants received a temporary stay permit. This figure emerged in interviews conducted with social activists in the framework of this study, as well as in a journalistic investigation published on the "Shomrim" site, which presents comprehensive documentation of the direct consequences of the war on Palestinian LGBT asylum seekers in Israel.⁷² Alongside this, in a large portion of the cases in which a stay permit was granted, these permits were given for shorter periods, of only a month or two, and their renewal encountered greater difficulties than usual, without a formal change in policy. Moreover, the cooperation of the Civil Administration actors with the aid organizations diminished, and a deterioration was observed in the treatment that applicants received from the Civil

⁷² Amun, F. (2025, June 12). Nowhere to run: LGBTQ Palestinians struggle to survive and Israel closes the door. *Shomrim*. <https://www.shomrim.news/eng/lgbtq-palestinians>



Administration employees who handled their applications. Many applicants reported dismissive, offensive, and even racist treatment during the interviews. In addition to all these, refusals of applications were recorded even when numerous and detailed testimonies were presented attesting to a real danger to the applicants' lives in the territories of the Palestinian Authority — testimonies that in the past were recognized by the Civil Administration as a sufficient basis for granting a stay permit. Since the beginning of the war, those same criteria and those same pieces of evidence ceased to be accepted, without a declared change in policy or a reasoned explanation, in a manner that raises puzzlement as to the way decisions are made at this time.

In the first months of the war, in the framework of the joint program for assisting LGBT refugees, approximately 140 Palestinian asylum seekers who turned for help were accompanied. In this period of the beginning of the war, legal intervention was required in more than twenty cases among them, including the filing of legal proceedings before courts in Israel, with the aim of renewing the permits they held, preventing their deportation, and in certain cases even urgently returning to Israel those who had already been deported. Coping with a policy subject to caprice, an absence of institutional recognition, and the constant fear of deportation is embodied in the personal stories of the applicants, as they emerged from the case files handled in the framework of the assistance provided by HIAS. Thus, in one of the cases, a young Palestinian LGBT man who rented a room in one of the buildings in Tel Aviv was taken to the police station — without cause, and despite holding a valid permit. The young man remained at the police station for long hours, until the intervention of a representing attorney on behalf of HIAS, which brought about his release. In the course of the inquiry that was made, it emerged that a female neighbor in the residential building had called the police and reported the very presence of a Palestinian in the building.

Issam, who also holds a valid stay permit, went out of his home one morning to throw out the garbage, without a wallet or an identifying document. During the brief time outside his apartment, police officers approached him and conducted a search of him. Issam tried to explain, in his poor Hebrew, that he had gone out only for a moment, and presented the stay permit by means of an application on his mobile phone. The officers replied that they were not interested in whether he had a permit or not; they took him in the patrol



car to the checkpoint and deported him to the territories of the West Bank. Only after legal intervention on the part of his attorney did he manage to return to Israel. Upon his return, on his way to the bus that was to take him back to his home, he was stopped again by a female police officer, who hurled racist insults at him. When he tried to respond to her, additional officers pounced on him, beat him, and left physical marks on his body. Issam did not resist, and only tried to explain that he possessed a valid stay permit. In this case too, he was taken to the checkpoint, and only after a further intervention on the part of his attorney was his deportation prevented a second time.

Similar to the case of Issam, Nasser too, a gay Palestinian asylum seeker, was exposed to violence at the hands of enforcement actors — precisely at the moment when he sought basic protection in the public space. Nasser went out for a run in the early morning hours of 7 October 2023. When a siren sounded, he did not understand its meaning, but people in the street directed him toward the public bomb shelter in the neighborhood. Upon his entry into the shelter, a security guard approached him, asked for his identity, and when he learned that this was a Palestinian — began to shout at him and ordered him to leave. Nasser refused, since the sirens and the bombardments continued, and the security guard summoned the police. About ten police officers arrived at the scene, who beat him and threatened him with a pistol. Nasser tried to keep his composure, explained that he was staying within a welfare framework and holds a valid stay permit, and was finally released. Upon his release, one of the officers told him that he was not allowed to enter the shelter. Nasser replied that he was liable to die outside, but the officer replied: "That's not our problem — as far as we're concerned, you can die". He was asked to walk without turning his head, while the officers aimed their weapons at his back the entire way until he moved away from the place. From the case files handled by HIAS, it emerges that additional applicants were deported by the police, even though they held valid stay permits. In addition, in two known cases, Palestinian asylum seekers were held by the Israeli army while handcuffed, blindfolded, in the scorching sun — for long hours — and this even though they presented valid permits.

The cases described above are not exceptional or isolated, but reflect a systematic pattern of exclusion, violence, and disregard for the institutional protection mechanisms intended to ensure the well-being of Palestinian LGBT asylum seekers in Israel. This is a



situation in which the State, through its various arms — the Civil Administration, the police, and the army — not only fails to protect a vulnerable population, but acts actively to remove it, to weaken it, and to abandon it to real dangers. The permits that disappear, the unexplained refusals, the physical violence, the deportations, and the dismissive treatment on the part of the authorities — all of these accumulate into a harsh picture of a policy that ceases to distinguish between one who seeks asylum and one who is defined as a threat. Precisely in a time of war, when the danger to the applicants' lives increases, it seems that the few protections available to them collapsed entirely, and they remained exposed — not only to missiles and sirens, but also to a policy of exclusion, deportation, and violence on the part of the State itself.

5.5 The Paradox of "Repeat Entries" into the West Bank

One of the complex issues that characterize the lives of Palestinian LGBT asylum seekers is the phenomenon of "repeat entries" (re-entry) for fixed periods into the West Bank, from which they fled. At a superficial glance, this act may appear to be a paradox: how does a person who fled a danger to his life choose to return to "the lion's den"? However, an in-depth analysis of the circumstances of their lives on the margins of Israeli society, alongside an understanding of the psychological mechanisms of trauma, reveals that this is not a free choice attesting to a sense of security, but rather survival-driven behavior stemming from constraint, despair, and distress.

The primary cause of these entries is usually instrumental and survival-related. In the absence of regularized status and state health insurance in Israel, basic needs become insurmountable obstacles. Urgent dental treatment, medical procedures, or the obtaining of essential documents that were left behind at the time of the flight (such as an ID card required to open a banking process) at times compel the individual to take a calculated risk and cross the border. Alongside these, there exists the deep emotional layer: the need to part from a significant figure (such as a mother or a sister) before leaving for a third country, or the desire to bridge, even for a moment, the sense of uprootedness and the extreme loneliness experienced in Israel. It is important to emphasize that the manner in which these entries are carried out testifies as clearly as a thousand witnesses to the constant sense of danger. They are done under a heavy veil of secrecy, using tactics of



camouflage and change of identity: the removal of identifying markers (such as a hijab, or a change of clothing), entry in the late-night hours, and complete avoidance of exposure in the public space. This conduct teaches that the threat remains real and tangible, and the return is carried out as a personal "military operation" and not as a homecoming.

Moreover, the research literature in the field of trauma offers a theoretical framework for understanding this behavior through the prism of "repetition compulsion" and risk-taking behaviors among survivors of complex trauma. According to these theories, trauma victims may return to the scene of danger not out of a sense of safety, but as part of an unconscious psychological mechanism of re-enacting the trauma, or on account of an impairment in the mechanisms of fear regulation and judgment stemming from living under chronic stress.⁷³ The entry into the West Bank, then, can be interpreted as an expression of post-traumatic distress and not as proof of the absence of danger. Unfortunately, this complexity is at times lost in bureaucratic translation. The enforcement and immigration systems may interpret these entries in a binary manner — as evidence that the danger has passed or that it is not as severe as was described. This interpretation, which disregards the circumstances of distress and the extreme precautionary measures taken, may lead to the revocation of stay permits and to the drawing of erroneous conclusions concerning the level of threat, thereby exposing the asylum seekers to an immediate danger to life — precisely when they are most vulnerable.

5.6 Conclusions of the Move-to-Israel Chapter: From a Space of Refuge to a Space of Struggle

The move to Israel, which is at times described as a turning point or a new beginning, reveals itself for Palestinian LGBT asylum seekers as a charged, complex, and at times even traumatic passage. The testimonies of the interviewees, alongside the policy-related and social findings presented in this chapter, refute the prevalent image of Israel as a safe, liberal, and inclusive space for this group. Instead of a space of protection, they

⁷³ van der Kolk, B. A. (1989). The compulsion to repeat the trauma: Re-enactment, revictimization, and masochism. *Psychiatric Clinics of North America*, 12(2), 389–411.



encounter a reality of alienation, exclusion, exploitation, and constant exposure to violence — both on the part of the institutions of the State and on the part of civil society. Arrival in Israel is not only a geographic passage, but also an emotional, bureaucratic, and identity-related one. It involves a profound relinquishment of personal ties, life paths, a sense of belonging, and at times also of hope for the future. For many, this is a moment of forced rescue — not out of a desire for a liberal life, but out of the absence of any other option. The decision to flee does not stem from a cultural preference, but from a survival need. And yet, even after arrival, they remain without status, without rights, and without protection. The State, which recognizes their existence but excludes them from asylum policy, creates a situation of "recognition without recognition" — a situation in which the very fact of being in Israel guarantees no security whatsoever. The permits that disappear, the institutions that are inaccessible, and the bureaucratic system that refuses to grant them basic tools for a dignified existence turn their lives in Israel into a continuation of a struggle — only this time, on different soil.

The personal testimonies presented in this chapter illustrate how every domain — housing, employment, health, personal security — becomes an arena of survival. The asylum seekers are forced to navigate a system that does not see them as human beings worthy of dignity and security, does not recognize their rights, and at times even acts against them actively. Emergency situations, such as the COVID-19 pandemic or rounds of fighting, only aggravated their distress, and rendered their vulnerability more tangible, more dangerous, and more invisible.

The conclusion of this chapter is clear: for Palestinian LGBT individuals, the move to Israel is not the end of persecution — but the beginning of a persecution of a different kind. This is a passage from a place where they are persecuted for their sexual identity, to a place where they are persecuted for their national identity. The protection that Israel is supposed to offer does not exist in practice, and they remain trapped between borders, between identities, and between systems that do not see them. In order to change this reality, what is required is not only institutional recognition of their right to protection, but also a profound change in policy, in public consciousness, and in the way the State defines the boundaries of belonging and compassion.



6. Operative Recommendations and Conclusions

From the research and from the work of organizations and attorneys who assist Palestinian LGBT individuals, a clear picture emerges: their persecution in the territories of the Palestinian Authority is an existing and institutionalized social phenomenon that must be given attention. A first step in addressing the suffering of the vulnerable population about which this report is written must be recognition of the stories of its members. This must be done first and foremost by the State of Israel, upon which the duty rests to grant protection in accordance with its obligations under international and Israeli law, and to recognize them as refugees.

From reports written over the years, it emerges that the report of the inter-ministerial committee of 2014 — on which the State of Israel relies, and which never received judicial validity — was not well-founded or correct at the time, and from this research it emerges that it certainly does not correspond to the reality in our day. Recognition of reality as it is may lead to a reduction of the burden that the State imposes on Palestinian LGBT individuals who seek protection, to prove time and again the dangers that threaten them in the territories. As a matter of policy, Israel refrains from establishing a handling mechanism adapted to their needs, out of a deliberate aim to avoid a multiplicity of applications (a "flood"). But it must be remembered: providing responses to social needs never creates those needs, but rather exposes their existence. Those whose lives are in danger and who are able to flee will come to Israel even in the face of a policy that makes it difficult for them — as evidenced by the rise in the number of applications during the war period. The systemic disregard does not make the distress disappear, but only deepens the vulnerability.

In light of the testimonies and data presented in the report, and with the aim of ensuring effective protection and a dignified existence, the following recommendations are proposed:

1. Regularization of status and abolition of the "temporary non-removal" policy:

The proper procedure for examining and regularizing the status of Palestinian LGBT individuals is by means of asylum applications, and not temporary permits. The State must implement the courts' rulings, examine their case in accordance



with the Refugee Convention, and grant those eligible a stable status that confers rights. The current permits policy produces an instability that prevents any possibility of rehabilitation.

2. **Adapting the interviews and determination procedures to trauma:** The interviews conducted for Palestinian asylum seekers (with the welfare coordinator or at the Refugee Status Determination Unit) should be conducted while adopting a "trauma-informed" approach, in accordance with the UNHCR guidelines regarding sexual orientation and gender identity.⁷⁴ The practice of repeated and recurring interviews that cause re-traumatization must be discontinued, and the location and nature of the interviews must be adapted to the required sensitivity, as is required in the Regulation on Handling Asylum Seekers.
3. **Updating the inter-ministerial committee report (2014):** It must be recognized that the report of the inter-ministerial committee of 2014, which determines that there is no systematic persecution, is void and no longer relevant. A policy must be adopted that recognizes the social and institutionalized persecution in the territories of the Authority, as a basis for every administrative decision in their matter.
4. **Abolishing the dependence on welfare frameworks as a condition for status:** The linkage between obtaining a stay permit and cooperation with welfare frameworks must be severed. The permits mechanism should serve the treatment program, and not the reverse. The requirement to enter therapeutic frameworks as a condition for protection deprives asylum seekers (some of whom are functioning and working) of independence and exposes them to dependence on aid organizations.
5. **Training "gatekeepers" for cultural competence:** In view of the harsh testimonies of humiliating treatment and violence on the part of enforcement actors, the incorporation of mandatory training on the subject of sensitivity to the LGBT community and the characteristics of refugeehood is required for police

⁷⁴ See note 26 above.



officers, soldiers at the checkpoints, and Civil Administration officials. The training will focus on identifying distress and preventing repeated trauma at the initial encounter.

6. **Assuming institutional responsibility in view of the collapse of the civil assistance framework:** Until now, the State has relied de facto on assistance and accompaniment services provided to the asylum seekers by civil society organizations and international agencies (such as the UNHCR, HIAS, and The Aguda – Israel's LGBTQ+ Task Force). In view of the reduction in the UNHCR's activity and the cessation of the funding and dedicated activity of these organizations beginning in 2025, a life-endangering vacuum has been created that leaves approximately 300 LGBT asylum seekers almost completely isolated. The State authorities, headed by the Ministry of Welfare, must formulate a governmental alternative and cease the reliance on the third sector on this issue. An immediate allocation of resources is required for the development of a protective framework that includes public legal representation and a humanitarian assistance fund for emergency cases, and alongside this – an institutional arrangement of housing solutions adapted to this population. The formation of an institutional safety net is a necessary step to prevent a further deterioration in the situation of the asylum seekers and to ensure their lives.
7. **Making health and mental health services accessible:** The report's findings indicate severe psychological distress among this population, which is aggravated by the absence of access to medical services. The State must grant these asylum seekers full access to state health services, and in particular to mental health services. The current situation, in which people are forced to return to the territories of the Authority ("repeat entries") in order to receive medical care while risking their lives, violates the State's duties toward them.
8. **Data collection and disaggregation:** The State authorities (such as the Ministry of Welfare and the Ministry of Health) must act to collect systematic and disaggregated data about Palestinian LGBT individuals in order to understand the unique needs and the required allocation of resources.
9. **Procedures for times of emergency:** In light of the experience accumulated during the COVID-19 pandemic and the October 2023 war, clear procedures must



be established that ensure that, in times of emergency, stay permits will not be canceled across the board and deportations to areas of danger will not be carried out. Access to information, protection, and medical and humanitarian assistance must be ensured also for those who are not citizens or residents.

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