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The impact of liminal legal status on labor market experiences: a comparative study of Sudanese asylum seekers and refugees in Israel

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ABSTRACT

This article examines the labor market experiences of Sudanese forced migrants in Israel under prolonged temporary legal status. It underscores how regulatory and legal frameworks, particularly the mechanism of institutional ambiguity as a form of legal violence, shape migrants' socioeconomic outcomes. Employing a mixed-methods approach and comparative analysis, the study adopts Menjívar's, C. (2006. "Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States." *American Journal of Sociology* 111 (4): 999–1037) concept of 'liminal legality' as an analytical lens to compare the experiences of asylum seekers and refugees. The findings reveal significant disparities between these two groups in employment patterns, wages, and exposure to exploitative working conditions, primarily driven by differences in legal status . Asylum seekers are disproportionately relegated to unskilled, precarious jobs at the bottom of the employment ladder, facing heightened vulnerability to exploitative working conditions. Refugees, despite their relatively 'premium' status, also encounter significant constraints in labor market participation, reflecting their confinement to the secondary labor market. By highlighting these disparities, this article advances our knowledge of how positions along the continuum of liminal legality shapes employment outcomes among forced migrants. It also contributes to the broader discourse on socio-political and legal barriers that hinder migrant integration.

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Sudanese forced migrants; liminal legality; legal violence; labor market incorporation; institutional ambiguity

1. Introduction

This article examines the labor market experiences of Sudanese forced migrants in Israel who live under prolonged temporary protection. This legal status, often referred to as 'liminal legality', allows temporary residence without fear of deportation but offers migrants no long-term stability and can be revoked at any time, highlighting the persistent uncertainty and precariousness of their situation. The term 'liminal legality' was

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coined by Menjívar (2006) to describe the grey area between legality and illegality, encapsulating elements of both documented and undocumented statuses, typified by state neglect and intense regulation (Chacón 2014; Menjívar 2006). The simultaneous condition of 'inclusion and exclusion' is a strategic mode of governance towards unwanted migrants who cannot be deported due to international law (Stel 2020). This ambiguous socio-legal state causes instability, vulnerability, and uncertainty, severely affecting forced migrants' behaviors, decision-making, way of being in the world, and socioeconomic circumstances, including labor market access (Willen 2007; 2019).

The labor market is vital for immigrants' survival and incorporation into their host countries. Since Chiswick (1978) addressed the earnings of foreign-born men in his seminal and widely quoted work, scholars have studied the performance of immigrants in the labor market, their patterns of labor force participation and mobility, illuminating multiple and intersecting forms of discrimination and disadvantages in the work realm (Bloch 2002; De Haas et al. 2019; Phillimore and Goodson 2006; Portes and Rumbaut 2014). The rich literature that has expanded over time indicates that compared to voluntary migrants, forcibly displaced migrants confront amplified challenges when joining the host labor market attributed to sudden displacements, traumatic voyage experiences, and human capital disadvantages, such as language barriers and a lack of applicable skills.

However, migrants' characteristics alone do not solely explain their employment barriers in host societies. Contextual factors like migration policies and legal frameworks play pivotal roles in shaping their prospects and opportunities (Menjívar 2006). In particular, precarious legal status can drastically affect employability, hiring sectors, working conditions, wage levels, and the probability of moving up the employment ladder (Anderson 2010; Goldring 2012; Goldring and Landolt 2013).

While there is a wealth of literature on the economic experiences of asylum seekers and refugees formally accepted by the state[1] as well as undocumented immigrants explicitly excluded by the state (e.g. Bloch 2013), there is a notable dearth of studies on forced migrants with liminal legal statuses, such as the Sudanese forced migrants in Israel, whom the state neither fully accepts nor can deport.[2] This gap becomes particularly salient as temporary protection has increasingly evolved into an immigration strategy employed in recent years, even by liberal states, to manage immigrants whom governments are unwilling to integrate yet cannot expel (Cook-Martin 2019).[3]

This article addresses this gap by focusing on the experiences of Sudanese forced migrants in Israel as a case study. Using a comparative approach, we explore the differing labor market outcomes for forced migrants with short-term stay permits repeatedly renewed that provide no rights beyond protection from deportation (hereinafter asylum seekers) versus forced migrants with temporary residency entitled to most rights but subject to status revocation or any other change of the stay conditions without providing a path to permanent status (hereinafter refugees). This comparison between two groups with the same origin, socioeconomic characteristics, and immigration history but differ in their legal status highlights the impact of different liminal legal statuses on immigrants' socioeconomic opportunities and experiences.

'Liminal legality' serves as an analytical lens to analyze the consequences of the institutional mechanisms that produce precarious conditions and their implications for the labor market experiences of the Sudanese migrants residing in Israel under temporary protection. It offers a nuanced examination of how these migrants navigate the

complexities of a socio-legal system that neither fully includes nor excludes them. Israel's ethnic-based immigration policies and practices generate and perpetuate this precarious situation, maintaining Sudanese migrants in a 'long-lasting and intractable state of limbo' (UNHCR 2004, 1) for over a decade, influencing their employment opportunities and labor.

Employing qualitative and quantitative methodologies, this article provides valuable insights into the unique labor market experiences of refugees and asylum seekers within the Israeli context, an under-explored topic in the existing literature.[4] Ultimately, this study aims to enrich our understanding of forced migrants' labor market experiences and contribute to the broader discourse on the socio-political and legal barriers hindering migrant economic integration.

The article starts by outlining Israel's political and legal context, followed by a literature review. After detailing the research methodology, we present our findings and discuss their implications in light of the existing literature.

2. Israel's political and legal context of reception

Israel's immigration policy, firmly grounded in the *jus sanguinis* principle, permits only Jews and their descendants to immigrate and obtain lawful citizenship without preconditions. Despite various waves of non-Jewish immigration challenging this principle, it remains the primary and central pillar of Israeli immigration policy (Raijman 2020). Consequently, this foundational policy has significantly influenced the treatment and status of non-Jewish migrants, including forced migrants from Africa, by establishing a framework that systematically excludes those who do not meet the ethnic criteria for citizenship.

As of 2023, approximately 24,000 African asylum seekers resided in Israel under temporary protection, the majority from Eritrea (77%) and Sudan (14%), with the remainder from other African countries (PIBA 2024). Most arrived between 2005 and 2012 before a fence along Israel's southern border with Egypt was constructed, effectively stopping immigration.

Table 1 details the Sudanese forced migrant population in Israel, consisting of over 7,000 individuals. Nearly half are asylum seekers, while the remainder are refugees granted status in two distinct periods (2007 and 2017–2021). On 23 July 2007, the Israeli Government approved granting refugee status to roughly 500 Darfur asylum seekers shortly after their arrival as part of Israel's contribution to the international effort addressing the Darfur crisis.[5] Public discourse in Israel and the American Jewish community, drawing parallels between the Holocaust and the Darfur

Table 1. Sudanese forced migrants in Israel, by legal status.

Asylum seekers	3,462
Refugees (Granted status in 2007 due to a government decision)	≈500[a,b]
Refugees (Granted status between 2017 and 2021 due to High Court intervention)	3,300[b]
Children born in Israel	120[c]
Total	7,380[d]

[a]While the Israeli government approved granting the status to 498 asylum seekers recognized by the UN as being from the Darfur region, the lists forwarded by UNHCR included 600 names.
[b]Denotes estimation of individuals who initially received the refugee status. No data is available on how many refugees left Israel.
[c]This data is up to date as of 2019 and was provided based on the Freedom of Information Law.
[d]Approximately 3% of the total are women.

genocide, is believed to have influenced this decision (Yaron-Mesgena 2015). In contrast, between 2017 and 2021, around 3,300 individuals were granted refugee status on humanitarian grounds based on Supreme Court decisions after prolonged waiting times due to the government's avoidance of responding to Sudanese asylum applications. Notably, refugee status was collectively granted to both groups without recognizing individual applications to avoid validating specific grounds for asylum and can be collectively retracted if protection is no longer necessary.

Israel is a signatory to the 1951 Refugee Convention and 1967 Protocol, but these international obligations have not been effectively integrated into national legislation (Kritzman-Amir 2009). Consequently, when the first Sub-Saharan African asylum seekers arrived in late 2005, Israel lacked the legal and administrative infrastructure to respond appropriately (Kritzman-Amir and Shumacher 2012).[6] This deficiency led to developing a fragmented 'patchwork' policy (Sabar and Tsurkov 2015), often based on trial and error, highlighting the state's ad hoc approach to managing asylum seekers.

Asylum seekers have been officially labeled as 'infiltrators' and portrayed by policymakers, right-wing politicians, and certain media outlets as 'others', an existential threat to the Jewish state (Amitay 2023; Kritzman-Amir 2009). This established an unwelcoming social climate and contributed to an exclusionary context of reception (Hercowitz-Amir, Raijman, and Davidov 2017).

Asylum seekers from Eritrea and Sudan legally reside in Israel under temporary group protection status that grants asylum seekers immunity from deportation following the principle of non-refoulement endorsed by the Refugee Convention. However, this protection does not include any entitlement to civil rights or social benefits and can end anytime. The state has enacted several practices to exclude asylum seekers from Israeli society and deter new arrivals. Table 2 summarizes the 'legal violence' mechanisms (regulations and laws) employed by the Israeli government to foster an exclusionary and hostile environment towards asylum seekers and refugees, significantly affecting their lives.

Both asylum seekers and refugees lack a path to obtaining permanent residency or citizenship, a policy that creates constant uncertainty and instability for both groups, preventing long-term planning and integration. However, asylum seekers face even more significant uncertainty and instability compared to refugees. While refugees are required to renew their visas annually, which provides a slight measure of stability, asylum seekers must renew their stay permits at short, random intervals. Both groups are explicitly banned from reuniting with their families. However, to cope with the long separation from family members, refugees can travel abroad to meet them, an

Table 2. General legal violence mechanisms toward forced migrants.

Description	Asylum seekers	Refugees
No path to permanent status	✓	✓
Periodic visa renewal	short random periods	Once a year
Family reunification ban	✓	✓
Traveling abroad ban	✓	
Rights denial (social, health, welfare)	✓	
Forced dispersal	✓	
Detention	✓	
Voluntary deportation	✓	✓

option forbidden to asylum seekers, causing emotional distress and fragmentation of family units.

As mentioned, asylum seekers' temporary stay permits grant no rights, including socioeconomic rights, healthcare rights, formal work permits, or entitlements to housing and food. In contrast, migrants with refugee status were granted socioeconomic and health rights. However, these rights lack long-term security as the government can revoke their legal status if the geopolitical situation in their country of origin changes and the state becomes safe.

Israel has employed various mechanisms to implement its exclusionary policy, including the 'four Ds of deterrence' identified by Webber (2004): Dispersal, Detention, Deportation, and Destitution. Over the years, Israel has enacted regulations, laws, and policies to prevent asylum seekers from residing in specific cities where the main communities lived, thus hindering co-ethnic assistance (dispersal).[7] Between 2013 and 2018, over 13,000 single Eritrean and Sudanese men were relocated to a distant detention facility, disrupting their lives and support networks (detention).[8] The facility aimed to pressure asylum seekers to leave Israel (voluntary deportation). In late 2017, the Israeli government announced an extensive plan to forcibly deport Eritrean and Sudanese asylum seekers to two third-party African countries, Rwanda and Uganda (deportation), but public pressure, disavowal by Rwanda and Uganda, and petitions to the High Court of Justice led the government to cancel the involuntary deportation plan (Amnesty International 2018).

Israel lacks structured procedures and statutory constraints for responding to asylum requests, unlike many Western countries. Under temporary group protection until 2013, asylum seekers could not submit individual asylum applications and have their cases heard. Between 2014 and 2018, sub-Saharan Africans submitted 21,000 applications, but the Government systematically avoided examining them. Recognition rates remain exceptionally low, at less than one percent, compared to other signatories of the Refugee Convention, which have a recognition rate of over 60% for Sudanese and over 80% for Eritreans, the largest asylum seekers group in Israel (HIAS 2020, 21). Only one Sudanese asylum seeker was individually recognized as a refugee after six long-lasting legal procedures.[9] Nearly all asylum seekers who applied for recognition continue to wait for a hearing for years, many for a decade, without any clear timeline or resolution.

Summing up, a review of the country's immigration policies reveals a consistently hostile approach toward African forced migrants, utilizing legal violence, including institutional ambiguity to make their lives difficult and encourage them to leave the country voluntarily. Indeed, asylum seekers in Israel face a complex situation in terms of policy, legal status, and rights. While refugees experience slightly better conditions than asylum seekers, they still encounter significant barriers to stability. Both groups remain marginalized, confined to limited opportunities and live under the perpetual threat of their precarious status being revoked, highlighting the fundamental insecurity that characterizes their existence in Israel.

3. Literature review

Over the past two decades, academic interest in the labor market outcomes of forced migrants has grown significantly. This sub-area of research recognizes that forced

migrants substantially differ from voluntary economic migrants in several ways that affect their employability and labor market performance (Constant and Zimmermann 2005; Ruiz and Vargas-Silva 2018). Forced migrants often lack the education, language proficiency and social capital necessary to find work (Reitz 2007; Zetter, Griffiths, and Sigona 2005). They may have worse physical and mental health due to traumatic experiences (Bakker, Dagevos, and Engbersen 2017; Bevelander and Pendakur 2014; Brell, Dustmann, and Preston 2020; Ortensi and Kingston 2022), creating a 'refugee entry effect' (Bakker, Dagevos, and Engbersen 2017) whereby they are likelier to end up in the lowest labor market positions.

Further studies indicate that the political and legal context of reception also shapes the disadvantaged position of asylum seekers and refugees in the host's labor market (Anderson 2010; Shamir 2017; Waite 2017). The concept of 'legal violence' describes the devastating impact of legal frameworks on precarious migrants (Menjívar and Abrego 2012). This institutional violence reinforces socio-structural barriers and restricts migrants' access to adequate labor market opportunities (Abrego and Lakhani 2015; Menjívar 2006). Closely related is 'institutional ambiguity', a term introduced by Nassar and Stel (2019) to analyze Lebanon's strategic inaction and ambivalence towards Syrian forced migrants. Institutional ambiguity refers to the vague or inconclusive state actions resulting from the differing interpretation of laws and decrees leading to harmful consequences for asylum seekers and refugees (Stel 2020). It is a governance strategy that maintains uncertainty and victimization of unwelcome migrant groups (Kalir and Van Schendel 2017; Stel 2020). While these concepts focus on different aspects – legal violence on the damage caused by legal systems and institutional ambiguity on the confusion and uncertainty they produce- both highlight how immigration policy fosters discrimination, exclusion, inequality and injustice, increasing migrants' vulnerability to exploitation and abuse including within the labor market (Abrego and Lakhani 2015; Nassar and Stel 2019).

The importance of labor market access for forced migrants' self-reliance and dignity is widely acknowledged (e.g. Fasani, Frattini, and Minale 2022). However, most Western countries ban asylum seekers from working while their claims are assessed, causing prolonged uncertainty. Studies examined the consequences of labor market exclusion (Allsopp, Sigona, and Phillimore 2014; Marbach, Hainmueller, and Hangartner 2018), the impacts of waiting periods (Bakker, Dagevos, and Engbersen 2014; Hainmueller, Hangartner, and Lawrence 2016), and the effects of uncertainty on the mental health (e.g. Fransen, Ruiz, and Vargas-Silva 2017). Evidence suggests exclusion and uncertainty have lasting negative implications on migrants' mental health and economic integration (Fransen, Ruiz, and Vargas-Silva 2017; Hainmueller, Hangartner, and Lawrence 2016).

Research has also shown that when granted labor market access, forced migrants tend to cluster in the secondary labor sector – jobs requiring fewer skills and offering less stability. The dual labor market theory postulates that social and institutional factors limit opportunities for certain groups like immigrants, relegating them to the secondary segment characterized by insecurity, instability, and poor working conditions (Doeringer and Piore 1975). A vital element of the theory is the limited mobility between primary and secondary segments, resulting in persistent socioeconomic disadvantages for immigrants.[10] Some researchers attribute forced migrants' concentration in the secondary segment to their lack of relevant human capital (e.g. Cortes 2004) or employers'

discrimination (Cain, Daly, and Reid 2021), while others highlight the restrictive regulatory frameworks in host countries (Anderson 2010).

Research comparing the economic outcomes of forced migrants versus voluntary migrants reveals a persistent 'refugee gap' in terms of employment opportunities, occupational levels, and earnings (Bakker, Dagevos, and Engbersen 2017; Brell, Dustmann, and Preston 2020; Connor 2010; Ruiz and Vargas-Silva 2017; 2018). However, comparative analyses between different groups of forced migrants under precarious legal statuses remain underexplored. To contribute to this area, our study examines the labor market experiences of Sudanese asylum seekers and refugees with liminal legal statuses under prolonged temporary protection, focusing on (1) employment patterns, (2) wages, and (3) abusive employment experiences. This examination underscores the role of regulatory barriers and legal frameworks. By doing so, we hope to contribute to the larger debate on the role of socio-political and legal contexts in migrants' integration in shaping these experiences.

4. Data and methods

This paper is based on extensive mixed-methods research conducted from 2016 to 2020 to examine the daily lives of Sudanese forced migrants in Israel who live in a state of liminal legality under prolonged temporary protection. The study utilized a community-based participatory approach (CBPR), whereby a steering committee comprised of five Sudanese community members was actively involved throughout the research process. This collaboration facilitated the development of a strong and trusting relationship between the researchers and the community members, bridging cultural and worldview differences. The committee members were not financially remunerated to sustain an egalitarian partnership with the researchers and avoid influencing their voluntary participation (e.g. Newman et al. 2011). However, they benefited from access to the findings, influenced decision-making regarding data collection, and received formal recognition for their contributions.

4.1. Data collection and analysis

We used quantitative and qualitative methods to collect our data: (1) focus groups, (2) in-depth interviews, (3) a survey, and (4) participatory observation and ethnography.

We collected our data in Hebrew and English without an interpreter to avoid potential bias (Jacobson and Landau 2003). Our participants demonstrated sufficient oral proficiency in these languages for effective communication. The survey was conducted in English but was also made available in Arabic to accommodate participants' linguistic preferences. A confidentiality protocol was in place, using pseudonyms to protect the identities of our participants.[11]

Initially, two focus groups were conducted, a proven effective method for engaging vulnerable and isolated populations (Block et al. 2013). Each group comprising 6–8 participants carefully selected to encourage the representation of all voices. The focus groups explored how community members perceived their legal status and their experiences as asylum seekers or refugees in Israel. Each session, approximately 2.5 h, was audio-recorded with participant consent and transcribed verbatim, including errors.

The second stage involved in-depth interviews with asylum seekers and refugees, with 10 participants from each group. The interviews explored how the immigrants interpreted their liminal legal status, the significance they attributed to everyday experiences, and the strategies they employed to navigate Israel's socio-political and economic context. The interviews took place in private homes, community centers, or cafes, lasted one to two hours, were audio-recorded with the participant's consent, and were transcribed verbatim.

The third data collection stage involved a survey conducted from December 2017 to June 2018, examining personal characteristics, housing, health, family, social networks, community engagement, and labor market experiences. This survey included 100 asylum seekers and 30 refugees (granted status in 2007) from diverse Sudanese communities across Israel, from peripheral areas such as the Arab settlement Kfar Manda to urban centers like Tel Aviv. The sample's relatively low number of refugees reflects the modest size of the Sudanese population from the 2007 cohort residency in Israel.[12] In 2008, this group numbered merely 500 individuals, some of whom have since migrated to third countries, although statistics on this secondary migration are unavailable. Thus, the sample constitutes at least 6% of the population. Despite the small sample size, combining quantitative survey data with qualitative data offers significant insight into the labor market experiences of Sudanese forced migrants in Israel, highlighting disparities between refugees and asylum seekers.

The researchers maintained ongoing ethnographic involvement throughout the study, participating in community events such as social gatherings, holiday meals, weddings, and mourning and assisting with employers and authorities.

The qualitative data collected through the focus groups, in-depth interviews, and ethnographic involvement were analyzed thematically and coded using the grounded theory approach (Charmaz 2014), supported by MAXQDA software. The coding process involved identifying categories and significant themes from the data and constantly moving between the data and the developing categories. The coding scheme was continually modified as more data were collected and a deeper understanding of the nuances was gained.

4.2. Research participants

Participants were recruited using a multiple-entry 'snowball' method to broaden the diversity of our sample and limit biases. We effectively utilized our connections within the Sudanese community and the steering committee's assistance to create a diverse sample of Sudanese from various geographical locations and tribes across Israel. However, this article focuses only on men due to the limited number of women with refugee status preventing a gender comparison along the legal status axis. Table 3 shows the survey participants' socio-demographic characteristics by legal status.

The data reveal significant differences between the two groups. Asylum seekers are generally younger than refugees (36.6 vs 42 years), have less time in Israel (9 vs 12 years), and are more likely to have post-secondary or academic education (21% vs 13% for refugees). Fewer asylum seekers are married or in a relationship (19% vs 33%). Among married asylum seekers, spouses or children are more likely to reside in Sudan. Asylum seekers are slightly less proficient than refugees in Hebrew.

Table 3. Socio-demographic characteristics of survey participants.

	Asylum seekers	Refugees
Age (s.d)	36.6 (5.4)	42 (4.2)
Years in Israel (s.d)	9.0 (1.7)	12.1 (0.5)
Years on the route (s.d)	1.3 (1.8)	3 (1.6)
Marital Status (%)		
Single	*75*	*60*
Married/In a relationship	*19*	*33.3*
Divorced	*5*	*6.7*
Widower	*1*	–
Among the married (%)		
Spouse or children in Sudan	*79*	*20*
Spouse or children in Israel	*21*	*80*
No. of children (s.d)	1.6 (1.4)	2.0 (0.7)
Education (%)		
No formal education	5	–
Elementary school	13	23
Junior high school/ not finished high school	25	17
Graduated high school	36	47
Post-secondary and academic education	17	10
Vocational training	4	3
Self-Reporting: Local Language Proficiency (1–5 scale)		
Understanding (average)	3.3	3.6
Talking	3.1	3.3
Reading	1.6	1.9
Writing	1.5	1.9
(N)	(100)	(30)

5. Findings

First, we present a detailed analysis of the mechanisms, including laws and regulations, that influence and control the working lives of forced migrants in Israel. Next, we examine the harmful effects of Israel's exclusionary approach on the employment outcomes of Sudanese forced migrants.

5.1. Legal violence mechanisms influencing forced migrants' working lives

As a part of the immigration policies intended to make African forced migrants' lives difficult and encourage them to leave Israel voluntarily, the government has implemented specific regulations to exclude asylum seekers from economic opportunities, resulting in their daily struggle for survival. Table 4 summarizes the economic legal violence mechanisms employed by the Israeli government to curtail asylum seekers' employment prospects and earnings.

Despite Israeli law officially prohibiting the employment of migrants without work visas, the government adopted a practice of not enforcing this ban on asylum seekers (Ziegler 2015), resulting in de facto legal employment.[13] While non-enforcement policies are common in developing countries due to institutional limitations (Brinks, Levitsky, and Murillo 2019), Israel deliberately employed this blurring policy to allow asylum seekers to work without formally amending the existing policy. However, this non-enforcement decision was not publicized, enabling the government to maintain an exclusionary stance toward asylum seekers and frame their presence as 'illegal' while simultaneously allowing them to work. This exemplifies strategic institutional ambiguity, where policy components are deliberately left vague and open to different interpretations.

Table 4. Socio-economic legal violence mechanisms toward forced migrants.

Description	Asylum seekers	Refugees
Work prohibition	No-enforcement	
Deposit law	✓	
No pension/Social security payments (e.g. unemployment, disability)	✓	
Ineligible for a driver's license	✓	
Ineligible for subsidized tuition (academic & tertiary studies)	✓	
Preventing certified professional studies	✓	
Self-employment prohibition	✓	
Tax file prohibition (income tax and VAT)	✓	✓

In 2014, the ambiguity was further exacerbated when the government started issuing stay permits with the disclaimer, 'This temporary permit is not a work permit'. Despite criticism from the State Comptroller regarding the lack of clarity, this obscure policy persisted until 2021. This ambiguous state policy deprived asylum seekers and potential employers of crucial information and significantly contributed to the marginalization of asylum seekers within the Israeli labor market, as they were often unaware of their rights or the potential implications of these policies.

Additionally, Israeli media campaigns discouraged hiring foreigners, conflating 'illegal' immigrants with asylum seekers; these campaigns fostered employers' uncertainty, exacerbating challenges for asylum seekers in securing work. For instance, a 2017 campaign warned against 'non-legal employment' of foreign workers, cautioning against hefty fines. The ambiguous language and lack of official information hindered asylum seekers' work prospects. Further challenges arose from bans on working in central cities, which offer asylum seekers the most relevant employment opportunities, and by imposing heavy taxes on employers, making hiring these individuals unprofitable.

The Deposit Law, regarded as the most aggressive rule, mandated employers to deduct 20% of asylum seekers' meager salary for a fund accessible upon departure from Israel, undermining their economic stability and driving many into extreme poverty (ASSAF-Aid Organization for Refugees and Asylum Seekers in Israel 2018). Asylum seekers are excluded from pensions, unemployment benefits, disability payments and tax benefits provided to employed residents. This exclusion left asylum seekers without a financial safety net in times of need, entrenching economic vulnerability.

Moreover, government regulations deny asylum seekers access to resources essential for their socioeconomic advancement, such as driver's licenses or subsidized higher education tuition. Asylum seekers are barred from tertiary education for official professional certifications like electricians or nurses. They are also prevented from receiving a business license to manage legal entrepreneurship. Although refugees can register their businesses, their temporary status hinders them from opening a tax file, limiting their ability to run a legal business and pay income tax and VAT (Barak-Bianco and Raijman 2015). These restrictions, coupled with the hostile and regulatory framework, aim to exclude asylum seekers and deter them from establishing roots in Israel.

Within this context, it is critical to understand the experiences of forced migrants in the labor market. Analyzing these experiences through a liminal legality lens makes it clear that their struggles are not just the product of exclusionary laws but also the broader socio-political environment in which they operate.

5.2. Employment patterns

Table 5 presents the employment patterns of our survey respondents. The data underscore the high labor force participation rates among both asylum seekers and refugees.

Three indicators highlight job security discrepancies between the two groups: monthly salaried employment, daily employment, and unemployment rates. Refugees had higher labor market involvement, with 91% in monthly salaried employment, compared to 76% of asylum seekers. Daily jobs marked by uncertainty, insecurity, and low pay were undertaken by 11% of asylum seekers but not by refugees. Unemployment was only recorded among asylum seekers, at a rate of 7%, surpassing Israel's national unemployment rate. Despite the refugees' limited sample size, Table 5 effectively illustrates that they experience greater stability and security than asylum seekers, an employment trend evident across all three key indicators.

Both groups exhibited an extremely low self-employment rate (3%), reflecting the challenges in establishing and running businesses in Israel (Authors; Heilbrunn and Rosenfeld 2019). Asylum seekers are ineligible to obtain a business license, and refugees, while eligible, may face legal consequences due to restrictions on opening tax files. Both groups lack adequate self-funding and have limited access to institutional financing. Furthermore, non-licensed informal entrepreneurial activities, common among undocumented immigrants globally (e.g. Atasü-Topcuoğlu 2019; Wang and Lofstrom 2020), proved economically impractical due to the small ethnic enclave in Israel (Barak-Bianco and Raijman 2015). These obstacles hinder entrepreneurship, a vital strategy for immigrants' labor market mobility in other countries.

Table 6 displays the occupational distribution of employed Sudanese migrants sorted by their legal status. It reveals an over-representation in low-tier occupations within the secondary labor market, with significant differences in the types of jobs between the two groups. While most asylum seekers (84%) worked in unskilled jobs that did not require specific training, credentials, or previous experience, only one-third (33%) of refugees held such jobs. Regardless of their human capital, the vast majority of asylum seekers worked at the bottom of the secondary labor market in jobs that first and foremost required physical abilities, such as construction (29%), agriculture (12%), or manufacturing (10%).

Refugees had a more favorable employment situation and made some progress in moving up the employment ladder compared to asylum seekers. A quarter of the refugee

Table 5. Patterns of employment.

	Asylum seekers	Refugees
Labor force participation	100	97
Employed[a]	93	97
a. Employed monthly	*76*	*91*
b. Employed daily	*11*	*0*
c. Self-employed	*3*	*3*
d. Combo employed (salaried & self)	*3*	*3*
Unemployed	7	0
Out of the labor force	0	3
Total	100%	100%
(N)	(100)	(30)

[a]As defined by the International Labor Organization (ILO), this includes anyone engaged in work, regardless of its nature or scale.

Table 6. Occupational distribution of employed Sudanese*.

	Asylum seekers	Refugees
Unskilled Jobs	84	33
Construction	*29*	*7*
Food preparation	*13*	–
Agriculture	*12*	–
Cleaning	*12*	*4*
Factories	*10*	*4*
Sales	*5*	*4*
Maintenance	*2*	*10*
Hospitality – hotels	*1*	*4*
Skilled Jobs	16	67
Skilled manual jobs (carpenter, mechanic, welder)	*11*	*14*
Personal services (cook, gardener)	*4*	*25*
Office jobs (in aid organizations)	*1*	*3*
Low-level managers – logistics /factories/hospitality	–	*25*
Total	100%	100%
(N)	(90)	(28)

*The occupation classification is based on the uniform classification of manual workers by Israel's Central Bureau of Statistics, which adopted the classification of the ILO.

respondents (25%) held positions requiring management skills, such as factory shift managers or warehouse work, which were largely inaccessible to asylum seekers. This notable occupational attainment difference between the two groups is striking, considering asylum seekers typically have higher education levels (see Table 2), indicating that legal status and work experience in the Israeli labor market significantly shape job opportunities.

Despite their qualifications, asylum seekers often find themselves in dead-end jobs with blocked prospects for occupational mobility. Anwar, an asylum-seeking engineer, lamented about his decade-long experience as an unskilled construction worker, expressing his despair and frustration:

> I am an engineer of machines for hospitals. I also worked in Sudan for half a year, seven months. Then I had to run away and I came to Israel. I knew it's hard to find a job at the beginning but I was sure I'm an engineer and I can find a job. But then I saw that no matter if you are an engineer or a doctor, people [asylum seekers] work in cleaning. I'm told: "you studied, you have papers [certificates], it does not matter. Put them [the certificates] in your house and start working with your [physical] power."

The above quote reflects the distress caused by declining occupational status, the dissatisfaction of being underemployed while unable to leave the job, and the hopelessness for a future where employment according to one's qualifications seems unlikely. Similarly, Ali, a skilled tailor turned hotel service worker, expressed dissatisfaction with the limited job opportunities and low quality of work available.

> Most asylum seekers here [in Israel] are working only in 2–3 jobs. Most of the people are working in cleaning, cleaning, cleaning. For example, I am a tailor. I know to do good jeans and shirts and also suits. But I am working at a hotel in the storeroom … I am 10 years in Israel and only worked at these low jobs.

The narratives of Anwar and Ali mirror the experiences of most asylum seekers we met, the story of the whole community. Despite their qualifications, they found themselves working for years in dead-end jobs without acquiring the additional skills that would allow them to get better jobs in the future. Regardless of their previous occupation or

formal credentials, all had been employed in the same precarious jobs for years, facing daily disdain with no hope of change.

Regulatory limitations exacerbate these issues. Most asylum seekers link their unstable labor market position to their liminal legal status. The temporary stay permits and the requirement for frequent renewals[14] underscore the asylum seekers' transience and reinforce the dominant narrative propagated by politicians and the media that they may face deportation at any moment.

This notion of instability influences employer attitudes, often inhibiting the promotion of deserving asylum seekers. For instance, David, an efficient and diligent bakery worker, was denied promotion due to his temporary visa status.

> My boss told me: "If you had good papers,[15] I would promote you to a very good job. But because you have a two-month visa, I can't." To this day, he doesn't understand why I travel every two months to renew my visa. Every time I come back from there [PIBA office], he asks, "Is everything okay? They renew you? Did they give you problems?"

Despite being recognized for his dedication and hard work, David's employer's misunderstanding of his visa conditions restricted his labor advancement, delimiting him to the lowest positions in the bakery's hierarchy. David's case further exemplifies how institutional ambiguity impacts employment outcomes.

5.3. Wages

Wages are the sole income source for asylum seekers in Israel, who are denied social and welfare rights. They rely on their wages to meet basic needs without burdening the resource-poor community and to remit money to family members left behind. Table 7 lists our sample's wage distribution for asylum seekers and refugees based on the interviewees' self-reported net monthly salary.

Significant wage disparities exist between the two groups. 62% of asylum seekers earned at or below the minimum wage, compared to only 15% of the refugees.[16] Most (74%) of the latter earned between 1,471 and 2,060 US dollars a month. However, both groups work around 30% more hours than the standard Israeli full-time position (45 h), with asylum seekers working 58 h and refugees 60 h per week. For some, particularly asylum seekers, this results in an hourly wage that falls significantly below the legal minimum wage.

Multivariable linear regression was employed to unpack the complex web of factors affecting wage disparities (Table 8). The independent variables in the model are legal status (0 = refugee; 1 = asylum seeker), weekly working hours, education (0 = high

Table 7. Wage distribution.

	Asylum seekers	Refugees
Monthly salary equal to or lower than minimum wage[a]	62	15
Monthly salary of $1,471–$2,060	31	74
Monthly salary of $2,061–$2,950	7	11
Working hours per week (SD)	58 (9)	60 (9)
Total	100%	100%
(N)	(87)	(27)

[a]The minimum monthly wage in Israel is $1,470 (5,000 NIS, new Israeli shekels).

school education or below; 1 = academic and tertiary education), and local language proficiency (on a 1–5 scale ranging from 1 = not at all to 5 = very good).[17]

The analysis uncovers two critical determinants – legal status and working hours. Asylum seekers earn significantly less than refugees ($\beta = -0.297$, $p = 0.003$), while longer working hours correlates with higher income ($\beta = 0.325$, $p = 0.001$). Suprisingly, education and local language proficiency do not significantly influence wages ($p > 0.05$), raising questions about the Israeli labor market's recognition of immigrants' human capital.

Despite their comparatively better economic status, refugees often voiced dissatisfaction with their wages, expressing an inability to attain salaries on par with native-born workers. For example, a 38-year-old refugee, Benjamin, who finished his undergraduate studies in Israel, shares his frustration at being unable to secure employment and remuneration commensurate with his qualifications, lamenting,

> I will never get the same salary as an Israeli. Never. Even if I will be a super-worker. The best of the best. Because I am A5 [refugee]. This is not citizenship. Not even residency. It is temporal residency.

5.4. Precarious and abusive employment

While Israeli law uniformly guarantees employment rights and labor laws to all employees regardless of their legal status (Kushnirovich and Raijman 2022), the lived reality for forced migrants often presents a different picture. Hindered by adverse governmental policies and lax enforcement of labor rights, these individuals face heightened exploitation within the secondary labor market. This discrepancy is underscored in Table 9, which presents indicators of abusive employment and contrasts the experiences of asylum seekers and refugees.

The data uncovers considerable differences between the two groups, with asylum seekers disproportionately affected by exploitative employment. Subcontracting via employment agencies, a common indicator of abusive employment (Kalleberg 2009; Shamir 2016), is markedly higher among asylum seekers (40%) as compared to refugees (11%).

Other precarious employment markers, such as the absence of employment contracts (41% compared to 26% of refugees), non-issuance of pay slips (32% compared to 4% of refugees), denial of sick pay (87% compared to 7% of refugees), continuous work without statutory vacation (72% compared to 26% of refugees), unpaid overtime (71% compared to 26% of refugees), and lack of health insurance (50% of asylum seekers), are also distinctly more widespread among asylum seekers.

Table 8. Multivariable linear regression to estimate monthly wages.

	b	S. E	β	p
Constant	2,602.53	1,112.05		0.022
Legal status	−859.89	277.76	−0.297	0.003*
Working hours	49.42	14.87	0.325	0.001*
Education	364.84	365.35	0.096	0.318
Local language proficiency	172.35	174.81	0.098	0.327

$R^2 = 0.219$ ($P = 0.00$).
*$P < 0.005$.

Table 9. Indicators of abusive employment (%).

	Asylum seekers	Refugees
Subcontracting (employment agency)	40	11
No employment contract	41	26
Cash wage payment	38	–
No pay slip	32	4
Violation of labor rights		
No overtime pay	71	26
No sick day pay	87	7
No vacation for a year or more	72	26
No pay for vacation days	38	10
No health insurance	50	Covered by the state[a]
Unlawful dismissal/non-payment of compensation	56	66
(N)	(79)	(27)

[a]Refugees are entitled to state health insurance regardless of their employment status. On the other hand, asylum seekers can only access health coverage through private insurance, which their employers are mandated to provide.

The mode of salary payment also presents a stark difference. While no refugees were paid in cash, approximately 40% of asylum seekers were paid partially or entirely in cash, implying informal employment and labor law violations.[18] This method, commonly utilized among marginalized workers, including undocumented immigrants with prohibited employment (Horodnic 2016), may reduce tax burdens for employers but puts employees at a disadvantage in other facets of their lives, such as opening a bank account, renting a house, and obtaining compensation for work-related matters as they lack any evidence of employment and income.

The findings highlight the differential experiences of labor rights violations between the two groups. As explained by Daniel, a 35-year-old refugee, this difference could stem from refugees' confidence in asserting their rights with employers, which is often absent in asylum seekers due to fears of potential backlash:

> The main thing is the rights. You should take those rights. They are not given. But if you have a 2A5 [asylum seeker visa], you are afraid to take, to ask for your rights. A5s [refugees visa] are not afraid to ask about national insurance, pension …

Interestingly, data in Table 8 also reveal that refugees were more exposed to unlawful dismissal than asylum seekers (66% versus 56%), suggesting that job insecurity in the secondary labor market influences the propensity of unlawful dismissal, regardless of legal status. Refugees, due to their longer exposure to the Israeli labor market, could encounter more instances of such dismissals. However, they are more proactive in seeking legal recourse, with 78% of refugees (versus 42% of asylum seekers) engaging legal representation to enforce their rights.

6. Discussion

This paper underscored the pivotal role of legal and regulatory frameworks in shaping Sudanese forced migrants' socioeconomic outcomes in Israel. First, we depicted the legal violence mechanisms through which the state facilitates the exploitation of forced migrants in the labor market, where liminal legality effects are most acute. Second, we examined how laws and legal practices are particularly harmful to the livelihood of migrants by comparing the experiences of two groups of Sudanese migrants: asylum seekers and refugees. Both groups are subjected to prolonged temporary protection

and have similar socio-economic characteristics but differ in their legal status. This comparative analysis contributes to the literature by offering a nuanced understanding of how different positions along the continuum of liminal legality shape labor market experiences, highlighting the benefits associated with refugee status (vis-à-vis asylum seekers) while also acknowledging its limitations.

Our study is consistent with the growing body of literature and confirms the relevance of legal status as a stratifying factor driving unequal access to resources, rights and rewards in the receiving society. However, the findings reveal significant disparities in employment patterns, wages, and exposure to exploitative work between asylum seekers and refugees, which cannot be attributed to socio-demographic differences or tenure in the country, underscoring the differential effects of legal violence along the continuum of liminal legality.

Asylum seekers disproportionately occupy low-skilled, precarious jobs and earn significantly less than refugees. Their vulnerability is exacerbated by a reluctance to assert rights despite legal protections against labor violations. Driven by their exclusion from the welfare state and the absence of institutional support, asylum seekers tolerate poor working conditions due to the necessity for 'survival employment'. Moreover, limited opportunities and the belief that the next job could be equally exploitative – as 30-year-old Mussa stated, 'they [employers] are all the same' – reduce incentives to leave abusive workplaces. Their vulnerabilities and reluctance to assert rights suggest a 'hyper-precarity trap' (Lewis et al. 2014) –acute insecurity from their disadvantaged legal status. This concept suggests that asylum seekers endure a more pronounced experience of insecurity in the labor market due to their manifold challenges.

Refugees, despite better protection due to eligibility for social benefits (e.g. unemployment aid) and relatively higher income, also struggle with the consequences of their precarious status, facing a constrained labor market limiting them to the secondary sector. Consequently, despite their relatively '*premium*' status, refugees remain confined to blue-collar jobs, work longer hours than average Israelis, and face limited employment mobility, manifesting the effects of liminal legality. When assessing their situation, refugees compare themselves not only to asylum seekers but also to Israeli citizens, leading to a sense of inferiority and frustration. Most refugees realize that, despite their legal status, they lack a path to the primary labor market and have no chance to upgrade to permanent residence, resulting in perpetual uncertainty and vulnerability.

The Israeli government facilitates the exploitation of forced migrants in the labor market through laws, policies, and practices that promote protracted insecurity and uncertainty among unwanted immigrants. By constructing and maintaining uncertainty as both a personal experience and an intentional strategy of governmentality, the Israeli state creates barriers to forced migrants' integration into society and the labor market, perpetuating their precarious existence. Furthermore, by employing institutional ambiguity as a mechanism of legal violence, such as policy inaction and ambiguous action regarding the status of asylum and refugees, the state facilitates migrants' control, discipline and widespread exploitation in the labor market.

This study is not without limitations. First, we compared the labor market experiences of two groups with temporary protected status in Israel. Future research should compare temporary protection holders with other legal statuses (e.g.

documented and undocumented migrant workers) to fully understand the unique effect of temporary protected status on labor market outcomes. Second, we focused on Israel, an ethno-democratic state with an extremely exclusionary policy towards non-Jewish migrants, particularly forced migrants. Future research should investigate the interplay between regulatory frameworks and forced migrants' labor market outcomes in societies with different political and legal contexts, refugee migration flows, and migrants' ethno-racial origins. Such comparative cross-country analysis can reveal how different reception contexts facilitate or hinder migrants' incorporation into host societies.

Notes

1. For example, some research has focused on refugees whose asylum claims were accepted (De Vroome and Van Tubergen 2010; Hainmueller, Hangartner, and Lawrence 2016) and asylum seekers awaiting their status determination (e.g. Fleay and Hartley 2016).
2. In contras to forced migrants, migrants with undocumented status in Israel (e.g. migrant workers or overstaying tourists) face a different set of challenges. Thy are denied the right to live and work in the country and can be detained and deported at any time.
3. Also see Global Trends Forced Displacement in 2021, UNHCR https://www.unhcr.org/62a9d1494/global-trends-report-2021.
4. Prior research on non-Jewish immigration in Israel's labor market has focused on migrant workers (e.g. Kushnirovich and Raijman 2022; Shamir 2013), while the experiences of forced migrants under temporary protection in the labor market have been largely overlooked.
5. See the Protocol of the 17 October 2007 Knesset assembling, during which Prime Minister E. Olmert presented the decision: https://tinyurl.com/2349pj87 (in Hebrew).
6. Before the arrival of African asylum seekers, Israel granted refuge to small groups from Vietnam (around 400 in 1977 and 1979), Bosnia (84 in 1993), Kosovo (112 in 1999), and Southern Lebanese soldiers who cooperated with the Israeli Defense Forces (5,000 in 2000). These exceptional humanitarian cases did not derive from the legal commitment to the 1951 UN Refugee Convention and did not lead to the creation of an orderly system for determining refugee status (Raijman 2020).
7. In February 2008, the Israeli government introduced the 'Gedera-Hadera' policy to prevent the concentration of asylum seekers in central Israel. The policy prohibited asylum seekers from residing and seeking employment in central Israel, significantly increasing the socio-economic pressure on peripheral cities. Following grievances peripheral cities mayors, the restrictions were rescinded in July 2009.
8. Between 2012 and 2014, the Netanyahu-led government attempted to revise the Anti-Infiltration Law, facilitating the administrative detention of asylum seekers without a trial. The first two proposed amendments were nullified by the Israeli Supreme Court due to constitutional rights violations. For the 2014 amendment, the court directed a reduction in the detention period but did not demand its outright. More information is available at the Hotline for Refugees and Migrants.
9. Jerusalem Post (2023, June 17), *Refugee Day 2023: Global trends and the situation in Israel*. https://www.jpost.com/israel-news/article-746609.
10. Immigration scholars adopted this theory to interpret the socioeconomic disadvantages of immigrants in the labor market, characterized by job insecurity, instability, low wages, and long working hours (Bloch 2013; Cobb, King, and Rodriguez 2009; Gleeson 2010; Gleeson and Gonzales 2012; Goldring and Landolt 2013).
11. The Ethics Committee of the authors' institution approved the data collection methods.
12. Refugees granted status between 2017 and 2021 were not included in the study because data collection was conducted in 2018, making it impossible to evaluate the impact of legal status on their daily lives at the time of the survey.

13. The decision to permit asylum seekers to work resulted from a 2011 NGO petition and Supreme Court intervention, as Israel provided no assistance during the eternal refugee status determination process, forcing them to earn income to avoid destitution (High Court decision 6312/10, Kav LaOved vs Government).
14. Asylum-seeker participants in the study reported having renewed their visas every 2.5 months, while refugee participants with temporary residency renewed every 12 months.
15. The term 'good papers' is used in this context to refer to having a resident visa, typically possessed by refugees.
16. Based on the Bank of Israel, approximately 25% of native workers receive the minimum wage. https://www.globes.co.il/news/article.aspx?did=1001407381 (in Hebrew).
17. Given the high correlation between legal status and tenure in the country, we could not control for years since migration in the regression model predicting wages. However, we conducted a separate regression analysis exclusively on the asylum seekers group, incorporating the years since migration (YSM) variable. The findings reveal that for asylum seekers, the YSM variable was insignificant, suggesting that the length of stay in Israel does not significantly influence their wages.
18. Although Israeli labor law permits salary payments in cash if the gross wage does not exceed 1,715 USD (6,000 NIS), provided all official documentation (e.g. payslip) and any additional costs, such as social security, are paid, in the case of Sudanese asylum seekers cash payment indicated informal employment. Running a chi-square test to find an association between being paid in cash and receiving a pay slip revealed a statistically significant association, $\chi^2(1) = 6.89$, $p = .009$. Migrants who do not receive pay slips tend to be paid in cash more than migrants who receive pay slips (60 percent compared to 28 percent, respectively).

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