

# Struggling between Routine and Emergency: The Legalization of Migrants and Human Rights Activism in Israel

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**Nelly Kfir**

Hebrew University of Jerusalem, Israel

**Adriana Kemp**

Tel Aviv University, Israel

## Abstract

This article introduces the distinction between ‘routine’ and ‘emergency’ times in human rights struggles. Based on ethnography of Israeli non-governmental organizations (NGOs) advocating on migrant workers’ rights, we show how this emergent distinction manifests in the social dynamics of human rights struggles. Thus, whereas in their daily work, human rights NGOs follow the logic of the bureaucratic system in a slow, Sisyphean manner, in times of perceived ‘emergency’, opportunities open up for a faster pace of action and for breaking routine repertoires. In bringing socio-temporal configurations to bear on human rights struggles, we show how activists’ experiencing of events as ‘emergency’ was a catalyst for the transformation of social mobilization, positing that both NGOs and social movements, however distinct from each other, are in fact related to different ‘times’ of human rights struggles.

## Keywords

activism, anthropology, emergency, human rights, legalization, migrants, socio-temporal configurations

## Introduction

... Suddenly, everyone is talking about the expected ‘deportation’. NGOs activists are going around the African churches to warn them about a probable deportation in the summer ... anything that does not

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### Corresponding author:

Nelly Kfir, Minerva Center for Human Rights, Faculty of Law; The Hebrew University of Jerusalem, Mt. Scopus, Jerusalem, 91905 Israel.

Email: [nellykfir@gmail.com](mailto:nellykfir@gmail.com)

concern the deportation, anything in the regular work in the headquarters, has been put on hold. (Diary notes, fieldwork, 16 May 2009)

On 20 June 2009, the head of the newly established Israeli Population, Immigration and Border Authority (PIBA) announced the beginning of an operation for deporting migrants with no legal status. He made it clear that this time – unlike previous deportation operations – the PIBA and its enforcement unit (aka Oz) would detain and deport migrant workers without legal status, particularly those who were parents of children living in Israel: ‘We’ll give them one month to get ready and anyone who’s illegal will have to leave. Once we detain adults they will have to take the children with them. The children do not protect the parents.’ This declaration signaled the beginning of what was defined by veteran human rights (HR) NGOs and activists as an emergency situation, leading them to put aside their routine work and embark on a public campaign for granting legal status to the children and their families.

This article draws on a two-year (2008–10) ethnographic study of Israeli non-governmental organizations (NGOs) advocating for the HR of migrant workers and the legalization campaign they pursued in 2009. The deportation and counter-campaign that took place in the course of the ethnographic fieldwork gave us the opportunity to document how the Sisyphean, low-key and often frustrating rhythm of the daily work of HR NGOs in the courts or against bureaucratic foot-dragging by authorities became more contentious, leading to flash meetings, mass protests and activists being arrested. The sudden change in the flow of events and the activists’ recurring reference to emic concepts of ‘routine’ and ‘emergency’ led us to investigate the significance of socio-temporal distinctions in enacting different types of activist repertoires. These changes in repertoires set off a cycle of protest and ultimately situated the political meaning of HR activism within larger debates on immigration, citizenship and national identity.

Our contribution to social movement studies in general and HR mobilization in particular is twofold. First, we focus on the perspective of HR activists in real time. Whereas social movement theories relate the timing of cycles of protest to changes in the political opportunity structure and their degree of openness or closure to activists’ pressure (Tarrow, 1994), we adopt a narrative approach (Polletta, 1998) that also takes into account the internal dynamics of social mobilization and the activists’ own narratives of events as catalysts for the transformation and spread of social mobilization. Thus, as we will show in the empirical sections, while the external opportunity structure in Israel in 2009 made legalization campaigns highly unlikely, the activists’ experiencing of events as an ‘emergency’ led to a different course of action.

Second, by focusing on how socio-temporal configurations mediate the transitions between NGOs and social movement-based forms of collective action, we engage critically with arguments prevalent in the scholarship about HR mobilization. Whereas this scholarship tends to see both types of HR activism – the ‘bureaucratic’ and the ‘out of the box’ dynamic – as being mutually exclusive or indicative of the increasing ‘NGOization’ of HR, we posit that they are in fact related to different ‘times’ of HR struggles that mutually feed one another.

The next section will expand on the study’s methodology. In the third section we develop the concept of the socio-temporal configuration and take a narrative approach to social mobilization that presents a critical review of the ‘NGOization’ literature and its underlying dichotomy between NGOs and social movement activism. In the fourth section we describe the historical and political background of migration to Israel that shapes the context of the work of HR NGOs. In the fifth section, we present an ethnographic analysis of the transition from routine advocacy work to the emergency driven activist repertoires. The concluding section discusses the meaning of ‘emergency’ as a basis for political action that challenges the status quo.

## Methodology

The fieldwork in Israel took place between August 2008 and August 2010 as part of Nelly Kfir's PhD research on HR NGOs advocating for migrant workers. The organizations that took part in the study were the Hotline for Migrant Workers (HMW),<sup>1</sup> the Association for Civil Rights in Israel (ACRI), and Israeli Children (IC). These are key NGOs engaged in principled and individual struggles over migrant workers' HR and legal status, and they played a central role in the 2009 legalization campaign. HMW was established in 1999 and deals mostly with migrants who have lost their legal status or are in danger of deportation. It is run by professional staff and fieldwork volunteers. Established in 1972, ACRI is the largest umbrella HR organization in Israel. It focuses on judicial action and public advocacy, and since the 1990s has dealt with issues related to migrant workers' legal status. Finally, IC was established as a network movement in 2009 during the anti-deportation struggle and involves Israeli and migrant worker volunteers. Today it is officially registered and functions under ACRI. The organizations often work in conjunction with one another, joining together in court appeals, exchanging cases and information, holding joint strategizing meetings and maintaining frequent and close personal contact.

Our fieldwork included participant observations in the activist networks and NGOs' daily activities. Specifically, we attended seven demonstrations and protest events, and four of the Israeli parliamentary (Knesset) committee meetings dealing with legalization. We also conducted 15 interviews with staff members and numerous informal conversations with activists (all appear hereafter under pseudonyms). To complement the ethnographic data, we collected and analyzed the NGOs' reports, position papers and court petitions, as well as policy papers and court rulings, and monitored regular and electronic media publications. All of the sources were documented and analyzed thematically using the Atlas.ti software program.

Access to the field was facilitated by our previous acquaintance and collaboration with HR NGOs advocating for migrant workers both as longtime researchers of labor migration (in the case of Adriana Kemp) and participants in labor migrants' rights activism (in both cases). Nevertheless, given that we were aware of the structured inequality of the researcher-participant relationship, we adopted a critical ethnography approach similar to the one developed by Speed (2006), which integrates fieldwork and theoretical critiques with activism. The main advantage of this approach is that while recognizing our active participation as researchers, it also openly acknowledges the tensions between our academic commitment to critical analysis and our ethical and political commitment to contribute to social struggles.

Applying the model that was originally designed for use among indigenous groups in Chiapas to our context demanded some modifications. Rather than formulating our study *with* the participants for the purpose of *official claims making*, as the original model suggests, we applied the aspect of activism by participating as volunteers while openly discussing our study with the participant groups to receive their critical opinions as well as to serve them, for example, as a critical tool in their strategizing. Moreover, when we accompanied the activists to public forums, we presented our affiliation with the NGOs as volunteers, but refrained from representing them or making claims on their behalf. These modifications derive from the fact that the HR NGOs that took part in our study are situated in a stronger social position in the Israeli context than the indigenous groups in Speed's study. The Israeli NGOs generally include lawyers, hired professional staff and volunteers, most of whom are highly educated and well informed on the situation of migrant workers locally and worldwide.

One inherent danger in this method that we took into consideration is that by trying to characterize the dynamics of legalization struggles, we might partly re-enforce the efforts of other actors in defining them in ways that are limiting to the NGOs' causes. For instance, despite the activists'

attempts to present the legalization struggle as non-partisan, our analysis of their political orientations might result in re-enforcing efforts in Israeli society to de-legitimize HR NGOs as having an extreme leftist agenda. We were also aware of the complexity of our role in the field and were careful to avoid interventions that would deliberately guide the participants in a particular direction.

## **Socio-temporal Configurations in Activism: Between Bureaucratic Routine and Dynamic Emergency**

In recent years, a growing literature on HR mobilization has described the daily routine work in which organizations and activists engage behind the scenes. These studies pay special attention to the NGOs' professionalization and formalization. However, a survey of these studies underscores a basic tension. On one hand, organizing and coordinating collective action together with professionalization and specialization are considered the means for promoting the organizations' goals and values. For example, resource mobilization scholars claim that professionalization is necessary for motivating activists and increasing resources (McCarthy and Zald, 1973). On the other hand, critics underscore the risks of these processes, arguing that professionalized and formalized collective action often reproduce the social hierarchies within the organizations and, among them (Markowitz and Tice, 2002; Scheingold, 2004), neutralize their democratic nature (Taylor, 1999), routinize protest, and subvert their mission as agents of social change (for a summary of these critiques, see Fisher, 1997). Finally, the rise of professional niche NGOs based on business-like management and marketing logics (Eikenberry and Kluver, 2004) reproduces the neoliberal logic that fragments civil society (Kamat, 2004) and alienates the participation of broad swaths of the population (Skocpol, 2004).

The critical view of the professionalization and specialization is particularly evident in the literature dealing with NGOs promoting social change in Israel. This literature argues that the liberal HR discourse these NGOs adopt and their reliance on their professional identity neutralizes the political discourse essential for challenging the social order (Ben Eliezer, 1999; Yacobi, 2007). Furthermore, this approach leads to the over-representation of the legal profession and the reliance on litigation as a means of social change, promoting a discourse about rights that aligns with the material and symbolic interests of the 'de-commodified' middle-class (Ziv and Shamir, 2000). The critics maintain that the professionalization and formalization of collective action limits the options for civil participation and excludes other forms of knowledge and participation, especially those tagged as having a 'radical' political orientation (Orr, 2012).

The concept of the 'NGOization' of civil society coined back in the 1990s seems to capture this overall process of the neoliberal bureaucratization of social movement organizations (Alvarez, 1999) and of their participation in the increasing 'governmentalization' and containment of social protest (Feldman, 1997). However, given its reliance on the model of replacement, the critical literature fails to address the manifold links between professionalized social change organizations and emerging social movements and cycles of protest (Minkoff, 1997). In a recent contribution, Sonia Alvarez (2009) retracted her poignant critique of the 'NGOization' of feminist NGOs in Latin America, emphasizing their 'double face' as professionalized advocacy groups and initiators, supporters or participants in wider progressive social movements.

In this study, we analyze the mediating mechanisms between these two faces of migrants' HR activism using Israel as a case study. We introduce the notion of socio-temporal configurations to analyze how they shape and reflect at one and the same time different repertoires of collective action: the bureaucratic, strategically coordinated and professional routines of HR NGOs and the

spontaneous, non-conventional dynamics of social movements. Moreover, rather than assuming a dichotomy, we show how both repertoires feed and complement one another, thereby enlarging the scope of and venues for political action.

We developed the term 'socio-temporal configuration' based on definitions resulting from the fieldwork. Throughout the fieldwork, the activists distinguished between 'routine' and 'emergency' when accounting for their actions or trying to make sense of the situation. These temporal distinctions were used in different contexts and referred to different though entwined dimensions of collective action. We identified three main dimensions around which temporal concepts were configured: 1) *a strategic-pragmatic dimension*, which refers to the programmatic manner in which the activists defined how to behave when the conditions changed due to external events, claiming these required changing the rules of the game; 2) *a perceptual-cognitive dimension* based on past experience from previous struggles and a process of organizational learning as the basis for orienting present and future operations; and 3) *a narrative dimension*, which refers to the experience of the events in real time as the basis for establishing a new activist identity and initiatives.

While the activists usually alluded to the first two dimensions during their 'routine' activities, as part of their organizational repertoires, the third dimension appeared when the routine was disturbed and the ordinary courses of action were no longer taken for granted.

The pragmatic and cognitive dimensions of collective action echo the temporal analysis in organizational and social movement literature. Organizational literature has dealt extensively with the manner in which temporal structures enable or limit organizational activity, emphasizing their impact on organizational effectiveness and institutionalization (Bluedorn and Denhardt, 1988; Butler, 1995). Conversely, temporal analysis in the social movement literature focuses on the explanation of 'cycles of protest' leading to institutional and social change. According to Tarrow (1994), protest cycles are a phase of heightened conflict across the social system, characterized by intensified interactions between challengers and authorities, a rapid diffusion of collective action and mobilization, and innovation in the forms and frames of contention. Cycles of protest – their timing, dynamics, and recurrence – are connected to the degree of openness of the political opportunity structure and are likely to begin when the authority is seen as vulnerable to increasing demands for social change.

Summarizing, whereas in the field of organizational studies time and its constraints is used to explain institutionalized social actions – how they are enabled or limited, effective or non-effective – in social movement studies it explains how quickly evolved social actions lead to change and break-up of existing social order. However, studies dealing with the mechanisms that mediate between bureaucratic 'routine' and dynamic 'emergency' are rare. Polletta's (1998) narrative approach to social mobilization is a salient exception.

Polletta suggested looking at a third temporal dimension largely overlooked by the scholarship mentioned above, namely, the narrative experiential dimension that activists develop in real time in response to events. According to Polletta, narratives formed at the 'center of the storm' and in the face of the unknown constitute a central discursive tool for mobilizing new members and shaping new repertoires of collective action. Moreover, analyzing real-time narratives sheds light on the entire process that enables transitions between the institutionalized operations of veteran activists and the independent operations of a younger generation, expanding into a large-scale struggle. To a large extent, such was the dynamic of the events that occurred during the struggle against deportation in the Israeli context. These events transformed the institutionalized NGOs' repertoires into a springboard for new types of out-of-the-ordinary activism, rather than its antithesis, as is the common claim in critical analyses of the 'NGOization' of rights-based movements.

## Migrant Workers in Israel: The Historical and Political Context

Israel has a sizable number of labor migrants who constitute a structural feature of its labor market (Kemp, 2010). Since the beginning of the 1990s, Israel has had a managed migration scheme for low-skilled migrant workers from overseas countries (mainly from the Philippines, Thailand, China, India, the former USSR, Romania and Bulgaria, depending on sector and varying across time periods) to replace Palestinian commuters from the occupied territories who had been working in the Israeli secondary labor market since 1967. As elsewhere, policy-makers recruited them as a temporary solution for shortages in the local labor force, and the length of their stay was restricted in order to prevent their settlement. From the 1990s until the beginning of the 2000s, additional flows of unauthorized migrant workers, mainly from Africa and Latin America, arrived through the tourist loophole (Kemp and Rajjman, 2000).

In 2001 the government decided to clamp down on the further recruitment of foreign labor and reduce the numbers of undocumented migrants. However, except for a temporary decline in the number of undocumented migrants following the launch of a concerted deportation campaign in 2003–5, since 2006 the number of migrant workers has remained stable. In 2012 it stood at 109,000 migrants with permits and a similar number of migrants without permits (Kemp and Kfir, 2012; Central Bureau of Statistics, 2012)

### *Lack of Paths for Incorporating Non-ethnic Labor Migrants*

Israel's economic dependency on low-skilled migrant labor conflicts with its immigration and settlement policies for non-ethnics. Israel's immigration policies have two main features: 1) an ethno-national definition of citizenship based on *jus-sanguinis*. Jewish immigration, or *alyiah* (Hebrew literally: ascent), is ideologically constructed as a 'return' to the homeland and conceived as a natural right of Jews of which the state is only its 'trustee' (Shachar, 1999: 241). The Law of Return (1950) is the legal embodiment of this idea, creating a legal definition of the right of return for Jews and their relatives (up to the third generation) and granting Israeli citizenship immediately upon immigration. Israel's Citizenship Law (1952) complements the right of return. Extensive national integration programs for co-ethnic immigrants provide privileged access to social and economic resources that are not available to Arab citizens and Israeli-born Jews.<sup>2</sup> At the same time, the Israeli regime is highly exclusionary towards non-ethnic immigrants and lacks an institutional framework for their incorporation.

Although Israel has not formulated a comprehensive immigration law to regulate the settlement of non-ethnic migrants, the growing influx of non-ethnic immigrants during the 1990s, either in the form of non-Jewish relatives of immigrants from the former Soviet Union who entered Israel under the Law of Return, family reunification of Palestinians from the occupied territories and Arab citizens, or in the form of labor migrations, resulted in the gradual formulation of internal procedures aimed at regulating the new situation. Applications for legal status for non-ethnic immigrants are currently conducted via the Inter-Ministerial Committee for Humanitarian Affairs (ICHA). Decisions depend on the Ministry of Interior (MOIN)'s discretion or unpublished directives. Procedures have constantly changed throughout the years, and they often differentiate between categories of non-citizens according to the state's interests and prerogatives.

One of the main aspects of the application for legal status is family reunification. Although Israeli law protects the right to have a family and conduct family life, the extent to which that right has to be realized within Israel has been debated in the courts since the mid-1990s, centering mainly on non-Jews applying for legal status on the grounds of marriage. Concerning migrant workers, specific procedures that aim at preventing claims for permanent status on the basis of



family formation evolved with the years, resulting, for example, in restrictions on migrants' length of stay, especially in the sector of nursing. Most of the migrants who work in this sector are young women who are presumably more likely to be starting a family. In addition to restrictions on the length of stay, policies that aim to prevent family formation among migrant workers include issuing work visas only to migrants who do not have a first-degree family member working in Israel or requiring that one of the partners of migrant couples leave the country (Ben-Israel and Feller, 2006). Up until recently, the MOIN's 'pregnant foreign workers directive' (MOIN, 2009) also revoked the work permits of migrant women who become pregnant. In 2011, the High Court of Justice ruled against the procedure in its original form.

However, the no-family policies and the limited to nil channels for the acquisition of Israeli citizenship have not prevented the creation of families among migrant workers, nor the state's obligation to recognize their children's basic social rights such as education and healthcare (Kfir, 2005). According to data from the Tel-Aviv municipality, in 2012, 1626 minors with foreign passports were registered in the school system, most in the southern neighborhoods of the city (Natan, 2012a).

### *Enforcement and Deportation*

In 2002, the Immigration Police was established with the official aim of enforcing the control over the entrance and stay of foreign residents and reducing the number of undocumented migrants (The Government of Israel, 2002). To accomplish this goal, the government engaged in massive deportations and promoted an agenda that stigmatized foreigners as a social and national threat (Kemp and Kfir, 2012). Since its establishment, 118,105 people have left Israel, 40,000 of whom were deported (Bar Zuri, 2009).

The Immigration Police represented a turning point not only in the scope of deportation but also in its target. Until then, the government refrained from deporting women and children, focusing on men. It was assumed that once they were deported, the rest of the family would follow. As soon as the Immigration Police was formed, it declared that it would deport families. Although they did not follow through on these threats, they had a significant effect, resulting in approximately 1000 families, mainly from African countries, leaving Israel of their 'own will' (Kemp and Rajzman, 2008: 135). Within two years, the Immigration Police declared that they had accomplished their aims. Some years later, in 2009, the head of the newly launched PIBA once again announced the widespread deportation of unauthorized migrants, including families.

### *HR NGOs for Migrants and Their Struggles*

In response to the government's restrictive migration policy and the lack of paths for incorporating families and children, during the last two decades, HR NGOs, grassroots organizations of migrants (Kemp et al., 2000; Rosenhek, 1999) and hybrid municipal bodies (such as the Support Center for the Foreign Community, 'Mesilah') have sprouted up. The former typically do advocacy and litigation work to protect and advance migrants' HR, while the latter provide communal and welfare services (Alexander, 2003; Kemp, 2004).

The first deportation act carried out by the Immigration Police in 2002 drove NGOs to shift their focus from litigation in the courts to lobbying campaigns among policy-makers. The campaign eventually resulted in a government decision in 2005 (no. 3807, The Government of Israel, 2005) to legalize 562 families of the 862 requests that were filed (Natan, 2012b: 2). According to the decision, children who met carefully drafted criteria were granted permanent residence and citizenship upon enlisting in the Israeli army, and their relatives were granted temporary residence that

would eventually turn into permanent residence. The decision was defined as a one-time temporary arrangement that did not change governmental policies. Children who were not eligible remained either deportable or had their case referred to the ICHA in charge of examining humanitarian requests (Yachot, 2012).

### *The Arrival of Asylum Seekers and Social Conflicts around Migration*

The context in which NGOs advocating for migrant workers' HR had been operating at the time of our fieldwork was further compounded by the arrival of a new type of migration. Beginning in the mid-2000s, approximately 50,000 asylum seekers and refugees, mainly from South Sudan and Eritrea, entered Israel through the border with Egypt (Moshe, 2013). Though upon arrival they claimed asylum and demanded to be recognized as refugees according to the UNHCR convention, the government has refused to recognize them as asylum seekers or to establish a screening mechanism for demands for asylum. Instead, authorities have labeled these individuals 'economic refugees' and later, 'economic infiltrators', thereby blurring the differences between forced migrants and foreign workers who 'choose' to migrate.

Furthermore, the lack of a clear system for dealing with asylum and the reluctance to design one has left asylum seekers in limbo (Paley, 2011). Since 2012, the Israeli government has introduced harsh legal measures to detain asylum seekers even while their asylum applications are pending. Most asylum seekers have been able to avoid confinement in detention centers, but are unable to obtain work permits<sup>3</sup> or afford living anywhere else. Their safest haven is the southern neighborhoods of Tel-Aviv, where most of the non-Jewish migrants are concentrated. These neighborhoods suffer from longstanding social marginalization. Most of the veteran local population is comprised of working-class Mizrachim (Jews from Arab countries) with few socio-economic resources. The influx of migrants and asylum seekers only compounded the social problems and neglect of these neighborhoods and further inflamed the sense of alienation of the veteran local population.

However, it was only after the arrival of a considerable number of asylum seekers, mostly African, male, and deemed unemployable, that latent tensions between the migrants and the asylum seekers and the veteran residents erupted. Supported and encouraged by right-wing politicians and local activists, protests in these areas included outbursts of race-based hate crimes, as well as demonstrations against the governmental policies that allegedly created the problem. The migrants, treated as a homogeneous whole, are often portrayed as carriers of criminality and disease who represent demographic and economic threats (Tzurkov, 2012).

HR NGOs have also become the target of resentment from the veteran residents as well as delegitimizing campaigns by politicians. These reactions are rooted in longstanding and deeper identity politics in the Israeli context. Mizrahi (2011) suggested that veteran residents' resentment of the migrant HR NGOs has less to do with racism towards the migrants and more to do with the alienation of otherwise relatively marginalized citizens from what they regard as the liberal agenda of the privileged, secular, Ashkenazi (Jews of European origins) middle-class, with which both the HR NGOs' constituency and agenda are identified.

The tensions around the presence of asylum seekers in southern Tel-Aviv partly shaped the circumstances in which the 2009 anti-deportation campaign took place. This time the circle of protest and activism around the migrants grew much wider. The HR NGOs had to deal not only with the deportation of children but also with the growing politicization of the non-Jewish migration issue in general. The 'problem of foreigners' was transformed from an issue that up until then the stakeholders had negotiated about behind the scenes into an issue of public debate and concern.



## Establishing Migrants' Right to Family Life: From the 'Routine' Mode to the 'Emergency' Mode

In their official claims, HR organizations such as ACRI and HMW demand extending the right to family life to migrant workers (ACRI, 2009). Their demands draw on the moral and legal clout of HR principles recognized by Israeli law as well as on international conventions. However, in practice, ongoing struggles for legal status mainly refer to the content of bureaucratic procedures. Alon, an ACRI lawyer, says that before procedures were created, 'the MOIN managed its policy in the dark, and no one really knew the criteria ... nothing was written down'. Indeed procedures were made public only when contested by NGOs in court.

According to Alon, although procedures defined by flexible criteria are supposed to be the basis of the normative legal pyramid, 'in the MOIN, everything works the other way around'. Therefore, he constantly faces situations in which the MOIN officials and state bureaucrats freely interpret procedures or make decisions that contradict the law or court rulings. Given this dynamic, what characterizes the NGOs' work is mostly tactical 'layering', meaning attempts to promote systematic change by slowly and continuously accumulating smaller-scale achievements either by trying to amend procedures and contest them in the courts or by extending them from one case to another. Therefore, even though the NGOs seek to reform the Israeli migration policy and reshape the citizenship discourse, their daily work generally focuses on the procedural logic of the system and its arbitrariness.

The prominent tactic of 'layering' in times of routine has a *strategic-pragmatic dimension* of deciding how to behave in front of external conditions of changing procedures and guidelines, however minor, in the bureaucratic level, for example: what course of action to take when their request is denied by a governmental office, or which authority to address for the purpose of a certain response to a change in procedures. It also involves the *perceptual-cognitive* dimension of changing patterns of thought regarding procedures and their meaning, in a process of learning what proved to 'work' in their applications to authorities and petitions to court, and thus to be repeated, and what does not.

In informal conversations, staff members in ACRI and HMW told us repeatedly that procedures that contradict the court rulings and policy declarations that often come as a surprise are part of the state's regular deliberate method of blocking any progress on legal reform and thwarting their advocacy work. Nevertheless, sometimes, this method of 'attrition' leads to what NGOs see as a change in the rules of the game. This was the case when the head of PIBA announced that 'this time' it would deport unauthorized migrant workers along with their families.

In strategizing meetings that have taken place since the head of PIBA's declaration, staff members from both NGOs expressed their understanding that given this climate of open official hostility, the solution will not be found in appeals to the courts or lobbying behind closed doors, as they usually do in individual legalization struggles. Instead, they quickly needed to change the character of the struggle and 'go public'.

This strategic decision was also made based on their past experience from 2005 when ACRI and HMW launched a lobbying campaign that resulted in the eventual naturalization of children and their families. Both the *strategic* dimension of choosing a different course of action when facing a change in external events and the *cognitive* dimension of learning from past experience proved critical for the transition from 'routine' to what the activists defined as an 'emergency'. However, as our analysis will show, the strategic decision to embark in a public campaign also set off an unexpectedly wider cycle of protest, leading to new identities among the activists and unconventional repertoires of action. This quantitative and qualitative transition relied on the response of the

activists to the events as they unfolded and the way they had told it to each other and framed it. The *narrative dimension* in their work had come into play at this point mediating the transition to new identity of migrants' rights activism.

### Entering Emergency Time

In this section we present a chronological account of the anti-deportation movement. Following Polletta (1998), we draw on the activists' narratives of the struggle in real time to underscore the transition from routine to emergency.

Once ACRI and HMW learned about the government's intention to launch a wide scale deportation, they began their preparations. On 1 July 2009, staff members, volunteers and a group of activists, mainly young Israeli students who had a background in volunteering with migrants and in other HR organizations, held their first meeting at the HMW's offices. During the meeting the idea of forming a network of activists that could respond immediately to events on the ground and through a variety of actions began to crystallize. Although the NGOs prepared different responses to the deportation in advance, in fact they did not know exactly where and how the arrests and deportations would take place. They feared that their typical forms of intervention would be ineffective and insufficient due to the emergency of the situation. The idea to create IC arose in response to the limitations in the capabilities and forms of action that the NGOs could carry out as registered associations with hired and professional staff that must answer to their donors.

The young activists who attended the meeting agreed to cooperate and receive guidance from the veteran NGOs. Staff members from HMW updated the youngsters about the history of the HR struggles for migrants and the legal issues involved in the anti-deportation campaign. They also helped them draft the first documents they published and guaranteed the precision of the information. In that meeting the founding core of IC, the network of activists that would eventually lead the struggle, was formed. However, ever since its creation, IC has acted independently and spontaneously, not because its operations were unplanned, but because they were independent of the 'adults' (Polletta, 1998), namely, the veteran NGOs who were more experienced and professional but also more constrained in their choice of collective action. Maintaining the independence of IC as 'external' activists was thus instrumental for both sides.

The creation of the IC is just one part of the story in the transformation of the legalization campaign into a broader, networked social movement that can take flexible and more radical actions. According to Polletta (1998), the activists' stories of joining the struggle are in themselves a focus for the mobilization of collective action, as they form the constitutive narrative of the 'cause' and a reference for self-identification. Inbar, one of the founders of the core of IC, told us her 'constitutive narrative'. Inbar and a friend participated in a meeting of the Knesset Committee on the Problem of Foreign Workers regarding the expected deportation and decided to establish a forum objecting to the deportation of the children: 'We didn't sit there and say we wanted to start a massive public struggle, we didn't know what was going to happen'. Following the Knesset Committee meeting, they spread the word among circles of volunteers and activists from various organizations about the first meeting in the HMW offices. 'At first we said if thirty people come it would be a success, in the end a hundred and thirty came.'

The element of surprise was further heightened by the course of events. As they were sitting in the HMW offices, busses of the Oz unit arrived at the Central Station in Tel-Aviv, where most migrants live, and began looking for migrants and arresting them. Neta, an IC activist recounts: 'the deportation began on the day of that meeting ... they brought busses and started loading them. It was the opening shot'. Serendipity and surprise in the activists' stories created a heightened sense of urgency, mobilizing people to act and 'own' the struggle as 'theirs' (Polletta, 1998).

## *Between Challenging and Building Consensus*

The first, formative days of IC demonstrate not only the potential for challenging authority and expanding the veteran NGOs' repertoires, but also the contradictory attempt to create a consensus that would promote the struggle. One of the first decisions of the young activists was to focus the struggle against deportation around children, as evinced by the name they chose and by their attempts to increase the public visibility of the migrant workers' children. Doing so allowed them to focus on a relatively consensual issue – children – and to frame their claims around them. As part of the attempts to raise visibility, the activists hung thousands of colorful posters all over the city, each of them carrying a picture of a child designated for deportation, with the caption 'Deported'. Inbar explained the idea behind it:

... a poster of a child seen by every person in this cafe creates a buzz ... there's a photo here of a child suddenly showing you their face. 'They deport children', that's a very abstract image ... and that's why, instead of them being just numbers, you get to see their faces and understand what's going to happen to them.

After the meeting in the HMW offices, Inbar and her friends began working with the media. At first, they were the ones to call on the reporters, but:

... at a certain point there was a change. When they came and took pictures of the children at school, suddenly an argument started of who knows more of Bialik's poems [Israel's national poet] ... the reporters were shocked and they took pictures of it ... and from that moment on, my cell phone bill increased to three thousand NIS per month, just for talking with reporters.

From that time onwards, every operation of IC received widespread coverage in the national as well as local media. The media was an active participant and mediator in building the story and timing the struggle (Fujiwara, 2005: 91). The activists said that getting the media involved – which was the strategic 'legacy' that veteran NGOs drew on from their 2005 campaign – made the struggle work. Nevertheless, the activists thought that in 2009 the media was much more significantly involved, to the extent that it was practically recruited to assist in the struggle. Nationwide newspapers consistently followed and published new developments. Reporters maintained close contact with the campaign organizers and were called by activists to cover the raids and arrests of the migrants both as a means of deterring the inspectors and shaming them. The dominant tone of the media was sympathetic to the struggle against the deportation of the children of migrants. Bridget, a migrant worker from the Philippines and the mother of child who had been legalized in 2005, was an active participant in IC. In her view, the use of the media was highly effective not only because they were interested in the story, but also due to the visibility and participation of the migrants themselves. She said that IC's strategy of raising the profile of candidates for deportation helped 'Israelis understand the life of migrant workers here and their experience and what it really means to have children born here, deported'.

Creating public consensus often came at the expense of silencing internal disagreement among the IC activists. Since IC consisted of activists from a broad spectrum of groups, they disagreed on the borders of the consensus they intended to create. According to Inbar:

... sometimes I had arguments about this with people in the organization ... many of our activists, they come back from a demonstration against the Wall [the separation wall or fence that divides the Palestinian territories from Israel] and go to an anti-deportation demonstration. And for me this was the greatest danger posed to the struggle. From the beginning I made it clear that we are not a radical left-wing

organization, that although this is a political question about policy issues, it is not partisan ... the radical left automatically creates antagonism.

Thus, disagreements about the limits of consensus building were generally resolved by ignoring conflicting views on divisive politics, apart from the campaign, which was strategized as 'non-partisan'. Activists with more radical left-wing identifications did not express them in official IC statements but rather expressed them individually or in alternative outlets such as personal blogs and social media.

The primary lobbying goal was to recruit politicians in office and public figures to support the struggle publicly. According to Inbar:

I had two people I decided I wanted to reach from the first day of the struggle who enjoy widespread consensus ... the Minister of Education and the President. I turned personally to the President, which was quite a success, because he wrote a letter calling on the Prime Minister to call off the deportation.

Building on the consensus around children and the impact of the media exposure, the NGOs and IC managed to recruit supporters from across the political spectrum. According to Inbar, the first ones to show up at the demonstrations were representatives of the left-wing parties. Later, ministers from the Likud [right-center] and Avodah (Labor) governmental coalition joined in declarations against the deportation of children. Meanwhile, the HMW members attended the sessions of the Knesset non-stop. They called for emergency sessions, filed legal proposals with Knesset members, tried to convince politicians, and invited migrants and their children as guests. Since the debate concerned deporting children, the first session on the 'arrest of children of migrant workers and refugees' took place in the Children's Rights Committee rather than in the usual Committee on the Problem of Foreign Workers (Natan, 2009). The Committee was headed by a Knesset member from the Likud who later filed a private legal proposal together with a left-wing party (Meretz) member against the detention of children (Bengal and Grinberg, 2009). The proposal was written with the help of lawyers from HMW and ACRI. The Minister of Education (Likud) at the time also filed a legal proposal against deporting children and for creating orderly criteria for granting them legal status. Michal, a HMW staff member, thinks that the politicians who joined the struggle understood that their support did not require a more principled political declaration on Israel's labor migration policies and that they would not pay an electoral price for their support, meaning they would not lose votes if they objected to the deportation of children. She pointed to the process in which most of the government's ministers took stands against the deportation, which were weakly linked to their positions regarding migration and matters of citizenship (see also Eichner and Nagar Levitt, 2009).<sup>4</sup> It became the consensus', she explained, 'and no one wants to stay outside the circle'.

### *The 'Risk Motif' during Emergencies*

The initial recruitment of politicians and public figures emphasizes the importance of consensus building. However, IC tried to strike a delicate balance between building a consensus and allowing radical actions that the NGOs were unable or unwilling to perform. Members of the field teams represented the militant wing of IC, which used direct repertoires of collective action that involved taking risks.

According to Polletta (1998), the motif of 'risk' – taking risk and being at risk – often becomes a source of attraction to join the movement and strengthens identification with it. Risk activism centered mainly on monitoring the work of the Oz inspectors, shaming them and documenting their

operations in blogs and social media. The latter served as an alternative public sphere where militant IC activists could freely express their ‘non-consensual’ views without compromising the more ‘consensual’ line of IC and the NGOs.

An example of naming and shaming appeared in the blog post entitled ‘From the diary of an anti-deportation activist’, where the author published the name of the bus company from which the Oz Unit rented busses to arrest migrants (Kaufman, 2009). In a later interview that the IC field activists gave to a newspaper, they explained that they found the phone numbers of the Oz inspectors and encouraged their friends to phone the inspectors and the bus company. According to them, acts of shaming worked in this case ‘because these are not highly motivated soldiers or uniformed cops, but hired inspectors the same age as the activists’ (Mandel, 2009).

Another direct action was standing in front of the buildings where the migrants lived to warn them about the presence of inspectors. Neta told of her activity in the team:

... they [the Oz Unit] would come with cars ... we would warn people ... this is a practice, borrowed from HR organizations in the Occupied Territories, of ‘whether you’re looking or not looking, this shouldn’t be happening’. I came to disrupt this activity ... they’ve wasted a lot of time on us. You have to remember they’re just inspectors. They can’t arrest me ... so relatively we could accomplish a lot. Today when I think about it, it was pretty chaotic, everyone did what they thought was right. Because we didn’t want to tell people, ‘come, stop the cars with your body’ ... let’s say we told the activists ‘if you do that, we’ll take care of legal representation’.

Creating a human chain to block arrests was another direct method in which the activists blocked a bus carrying detainees with their bodies. Neta explains:

... we decided to have it in Lewinsky [a public square in South Tel-Aviv], so that if they [the Oz inspectors] show up- we’ll stand up at once ... they came with cars ... one was with [the head of the Oz Unit and MOIN’s spokesman] ... they walked around with a megaphone and we simply ... started following them and shouting, and in fact the entire street was watching. Everywhere we went became empty.

At the end of the demonstration, the activists were also arrested (Bengal and Grinberg, 2009). Neta’s words convey a sense of danger. She speaks of the night that ended with the arrest of the activists:

... we were at least one hundred people, we sat down to block the bus, we begged the driver ‘come, you can join us, you can end this here’ ... today it may seem a bit naïve but we felt we could set them [the arrested migrants] free ... and then Oz arrived and they didn’t let us through and drove the bus back to Salameh Street. The entire group ran to Salameh, people laid in front of the bus for some time, I didn’t because I was scared ... and then I got arrested.

When we asked Neta about the reaction of the veteran NGOs to the ground team’s operations, she responded: ‘no one objects to our activity. [But] you [as an organization] cannot be identified with it. The NGOs help when they can. I can’t walk around as an ACRI member and block a bus.’

Nir added:

... when I spoke with [one of the HMW staff], she kept telling me how much she’s afraid of these activists and the things they might do. I tried telling her the worst they can do is block a car. As far as I’m concerned, even blocking a car is scary, personally. But it does demonstrate the NGO’s feeling of ‘these activists, what will they do next, I do not want anything to do with them’. On the other hand, despite these fears, I didn’t

have any problem with cooperation, I didn't experience a moment when they said 'that's enough, this is you, this is us – let's separate'.

Meanwhile, the protest began to expand beyond the activities directly initiated by the activists (Reichmann, 2009). According to Inbar: 'Hundreds came to the first demonstration, and in the third one there were thousands'. The spread of this cycle of protest was facilitated not only by the regular media but also by the widespread use of social media, novel at the time. Scholars who have investigated the power of networked communication in catalyzing the social movements of today (Castells, 2012; Maratea, 2008) have noted the critical role that social media played in the emergence and rapid evolution of a social movement.

### *'The Transformation of Mobilization' in an Emergency Campaign*

The increasingly publicized NGOs' campaign involved a discursive process of 'transformation of mobilization' (McAdam et al., 1996). In this process, the framing of the demands and messages of a movement is transformed as the struggle progresses. At first, the NGOs generally relied on shared local values to seek the public's support. IC, backed by ACRI and HMW members in the coalition against the deportation, grounded the demand for granting legal status to the children in the argument that deporting them was equivalent to cultural and social exile (IC, 2009). This argument was based to a large extent on the manner in which the children themselves presented their desire to remain in Israel. For example, a seven-year-old child whose parents came from Colombia said in an interview to a newspaper that, 'All my friends are Israeli and I live in Tel-Aviv ... I also do not speak any other language, only Hebrew' (Barnovsky, 2009).

A common argument in the demands of the NGOs and the migrants themselves was related to the history of the Jewish people and the 'lessons of the Holocaust'. The meaning of the 'lessons of the Holocaust' in the Israeli context is multivalent and amenable to political use. When invoked by liberal and left-leaning circles, it is either interpreted as a universal lesson against racism and xenophobia or as part of the Jewish teaching to serve as a moral example onto the nations and 'not to wrong the strangers among us'. When used to serve nationalist purposes, it speaks to the need to preserve Israel as the refuge of and for the Jewish people that is based on lessons from the past and a safeguard against existential threats in the present and the future. HR NGOs and activists who took part in the anti-deportation campaign typically used the liberal left-wing line of argument that of all people, Jewish Israelis who carry the historical legacy of the Holocaust must stand up against these acts.

IC activists and veteran NGOs definitely wanted to establish broad support in the Israeli public by drawing on frames that resonated in the (Jewish) Israeli public. Nevertheless, at the same time they also wanted to ignite public debate on the principled changes that have to be made in Israel's migration policy. Therefore, they reached a joint decision to combine the arguments about the children's cultural connection to Israel with additional messages. The main message was the demand for a just migration policy, in which the children would not pay the price for the government's double-faced policy. At first, some of the activists disagreed with the general formulation of the demand, fearing that their opponents would alter its meaning to suit their own ends. As we will show, these fears were well founded.

The result of combining the messages that concerned values that resonated with the broader community with messages about the migration policy was that the debate spiraled from a campaign to accomplish a rather small goal to a widespread national discussion about entrenched and unsolved national dilemmas. On one hand, allies and supporters of granting legal status to the children added their own interpretations to the values justifying this decision. For example,



President Shimon Peres sent a public letter to the Minister of Interior and the Prime Minister (Ynet, 2009) in which he maintained that the children belong in Israel, and emphasized the children's 'deep connection and love of Israel and their desire ... to serve in its army'. The leaders of the migrant communities invoked the theme of Jewish history. For example, one of the migrants in an African church turned to the Israeli audience of supporters that was invited and said that after the Holocaust, the Jewish people should be the last to treat a foreign community like this. On the other hand, the term 'just migration policy' was interpreted in ways that were not necessarily in line with the goals of the NGOs or IC. For example, a well-known local publicist attempted to separate the moral obligation to migrant workers' children and 'African refugees' migrating for 'financial reasons' (Haber, 2009).

The diffusion of the campaign into the public sphere had quickly involved the multiple uses of 'rhetorical idioms', phrases whose local resonance endow meaning to claims (Fujiwara, 2005: 96). One of those phrases is the connotation-ridden term 'deportation', which in Hebrew also means expulsion ('*giroosh*'). While the activists used the term 'deportation', the authorities used the more sterilized term of 'sending away' ('*harchaka*'). Those opposed to the struggles of the HR NGOs borrowed the term 'deportation' to connect it with the 'deportation' of settlers from Gush Katif in the Gaza Strip in the 2000s. They maintained the HR activists were hypocrites because they did not object to the Gush Katif deportation (Feiglin, 2010). In response, the activists coined the slogan 'Jews do not deport children', a paraphrase of the Gush Katif's slogan 'Jews do not deport Jews'.

### *The Accomplishments and Price of the Emergency Struggle*

HR struggles can provide more freedom and empower disadvantaged populations, but can also have negative implications (Sarat and Kearn, 1997: 193; Wilson, 2006). The emergency anti-deportation struggle yielded significant achievements, but the exact same components that produced positive results also came at a price.

Raising the profile of the children and framing their demands in terms of culturally accepted Israeli values created a consensus and public pressure that resulted in a legalization arrangement. On 1 August 2010, approximately one year after the deportation announcement, the government once again announced a one-time decision (no. 2183, Government of Israel, 2009) granting legal status to children who meet several criteria.<sup>5</sup> This decision was made based on 'humanitarian' and 'Zionist' reasons. Following this decision, approximately 700 applications were filed, out of 1200 children documented at the time. Of them, 221 applications were accepted, and the children received legal status (ACRI, 2014). However, the HMW and IC activists noted that their aim in the struggle was not only to stop the deportation, but also to legalize their status, not just obtain 'another one-time amnesty', as happened in 2005 (Kemp, 2007). For the activists, the arrangement not only excluded those who did not meet the criteria,<sup>6</sup> but its justifications also reinforced the one-time nature of the arrangement.

In addition, it was the independence of IC that enabled the militant, radical aspect of the struggle. This aspect challenged the non-migration policy publicly and exposed its wrongs. On the other hand, the publicity of the struggle proved to be a resource for other interest groups, allowing them to spread a counter-discourse that objected to the presence of migrants and delegitimized HR NGOs as undermining the Jewish identity and interests of Israeli citizens. As the campaign evolved, groups that identified themselves as representing the residents of southern Tel-Aviv ignited a cycle of anti-migrant protests. One of the counter-movement events took place in a nightclub where IC had organized a fundraising event for the legalization campaign. Protestors stood outside the nightclub raising signs that read 'Where are our HR?'. Others shouted that 'migrants bring disease and

criminality' to the neighborhood. Several weeks later, another anti-migrant demonstration planned by the Headquarters for Transferring Illegal Workers Uptown took place in south Tel-Aviv. The media, which up until that point had cooperated with the HR NGOs and were generally sympathetic to the cause of the children, voiced new criticism. NGOs and IC activists clearly distinguished among the anti-migrant protestors – between outside politicians who fanned the flames and the residents who were searching for solutions to their ongoing marginalization and social deprivation. However, the anti-deportation struggle catalyzed an unprecedented social mobilization that blurred the social distinctions between migrant workers and their children and asylum seekers, and was manipulated for various political ends that targeted not only migrants but also their HR advocates.

## Conclusion

This study originated from ethnography of the daily struggles of NGOs advocating for migrant workers' rights in a non-immigration context such as the Israeli. During fieldwork we documented the well-organized, strategically coordinated and mostly legal routines in which HR NGOs like ACRI and HMW engaged as they tried to mobilize HR for migrant workers. The logic underlying their collective action mirrored to a great extent the bureaucratic world of endless procedures and ad-hoc decisions of governmental actors, and their claims were formulated in a professional language that reproduced the language of governance (Kemp, 2013). Seemingly, ACRI and HMW were locked in the vicious circle of power and cooptation in which many HR organizations worldwide find themselves as they aim to achieve social change by using the 'masters' tools' (Kemp and Rajzman, 2003; Merry, 2014).

However, the launching of a deportation campaign during fieldwork brought an abrupt change in the forms of HR mobilization and activism. From a slow, frustrating pace of bureaucratic work behind the closed doors of the courts and governmental committees, activists embarked on a turbulent public struggle. The latter transformed the institutionalized logic of NGOs' collective action into a 'high-risk' and 'militant' type of activism that relied on direct confrontation with authorities, and a contentious politics that brought the debate about Israel's policies towards non-ethnic migrants to the public sphere and the streets.

The article aimed to explain the transformation from one type of activism to another. Drawing on emergent distinctions between 'routine' and 'emergency' times as seen from the perspective of HR activists, we asked how socio-temporal constellations enact different types of activism and mediate the broader political meaning of HR production and mobilization.

While scholarship dealt extensively with both types of activism – professionalized social change organizations and 'spontaneous' social movements – explanations of the social mechanisms that mediate between them have been more rare. Indeed, much of the scholarship on HR mobilization relies on a dichotomous view of professional and formalized HR organizations as replacing the contentious dynamics of grassroots movements and leading to the increasing 'NGOization' and containment of social protest (Feldman, 1997). From this perspective, the radicalization and spread of HR mobilization is highly unlikely or left unexplained. Conversely, social movement studies dealing with cycles of protest, explain the spread and intensification of protest but relate them to changes in the political opportunity structure (Tarrow, 1994), in ways that overlook the 'internal' dynamics of social mobilization and the activists' agency in defining the situation (Polletta, 1998).

Bringing in a socio-temporal dimension to bear on the analysis of HR struggles, we argued that 'NGOization' and mobilization of protest are not mutually exclusive forms of collective action but rather different 'times' of HR struggles, that feed and complement each other while eventually enlarging the scope and venues for political action. Moreover, we argued that while during regular

times, HR NGOs operate mainly according to logic of action that reflects existing policy frameworks and tools, narratives of 'emergency' open up for the radicalization of collective action and the formation of new political actors. As such, our analysis supports arguments emphasizing the 'double face' of professionalized advocacy groups as initiators, supporters or participants in wider protest dynamics (Minkoff, 1997; Alvarez, 2009)

Finally, our analysis also raises further insights on the significance of emergency as constitutive of a state of exception. Based on Carl Schmitt's (2008 [1922]) and Giorgio Agamben's (2009) writings, recent scholarship identifies 'emergency' as a prerogative of sovereign state power to neutralize political action and dissent (Ong, 2006). However, our analysis suggests that the political meaning of emergency is shaped in a multi-directional process depending on who calls it and for what purpose. An intrinsic feature of 'emergency' lies in that it makes possible to reconstruct definitions and categories using a spectrum of practices that under the usual condition are deemed from 'unusual' to 'illegitimate'. Yet, seen from the perspective of HR activists operating at 'the center of the storm', the deployment of exceptional means in 'emergency' times might also open the possibility for political action and debate rather than their neutralization. Moreover, considering the 'direction' of emergency, whether it is from the perspective of the state or from that of politically active civil society, helps noticing its objective regarding 'exceptions'. While sovereign emergency declared by the state is identified with the ability to announce 'a state of exception' as a means for excluding populations and groups, from the activists' viewpoint, exceptions in times of emergency might be used as a means for promoting the inclusion of excluded groups and for entertaining new political options. As such, HR struggles shed light on the complex and nuanced manners in which 'emergency' and 'exception' interlink, in ways that political theories of sovereign power seldom acknowledge (see also Ong, 2006).

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## Notes

1. HMW was recently renamed the Hotline for Migrants and Refugees.
2. Israeli society is made up of a heterogeneous Jewish majority of immigrants and their descendants and a large indigenous minority of Arab citizens.
3. Asylum seekers generally work informally, because their status as employees is blurred in the state's regulations.
4. For example, the Minister of Communication joined the struggle against deporting the children, while at the same time initiating an amendment to the Entry to Israel Law that imposed harsh measures against 'infiltrators'. The NGOs fought against this amendment.
5. The criteria regarding eligible children referred to their age, tenure in the country and language proficiency, and required that their parents entered the country legally.
6. According to IC's estimations (Yonatan Sacham and Rotem Ilan, 2013, personal correspondence), since 2011, over 300 families who did not meet the criteria were deported. See Berman (2014) for a discussion on the whereabouts of those families, including the issue of arresting children.

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