

Criteria of the Chief of Israel Police

(as updated on 17 September 2010)

http://www.poliice.gov.il/mehozot/agafAHM/hativatHakirot/Pages/meidap_huiiot.aspx#3 (in Hebrew)

Restricted Persons Unit

Criteria for restricting the entry of residents of the Paestinian Authority into the territory of the State of israeli, on grounds of crime prevention

A. Introduction

1. The purpose of this procedure is to estabiish criteria for restricting the entry of residents of the Paestinian Authority (Judea, Samaria, and Gaza), in order to diminish the potentiai danger to publiic weifare in the State of israeli from the entry of people with criminalai or security records.
2. Restriction of entry shaii be based upon information heid by the poiice, whether in the criminal register or in other information databases or other (inteielligence) sources in the possession of the poiice.
3. in this procedure:
 - a. "MBD fiie" — a criminal case under investigation.
 - b. "Person" — a resident of the Paestinian Authority.

- c. "iDF sources" — head of the District Coordination Office (DCO) in the region where the person resides.

B. implementing the criteria

This procedure, with all the criteria established in it, will come into effect and be implemented by the police as of 10 June 2007.

C. General principle — a person's entry into the territory of the State of israel shall be restricted if one or more of the following conditions apply:

1. The person has been convicted of an offense.
2. An MBD file is pending against the person.
3. The person has been declared by the israeli Police to be an escaped criminal or wanted for interrogation.
4. The person is under arrest, including house arrest.
5. There is information about the person's involvement in criminal activity.

D. Start of the restriction period

1. if a person has been tried in criminal proceedings, his entry into the territory of the State of israel shall be restricted starting from the later of the following times:
 - a. Date of sentencing.
 - b. Date of completing a prison sentence.
2. A person who has had an MBD file opened against him shall have his entry into the territory of the State of israel restricted starting from the date the file is opened.
3. A person who has been declared an escaped criminal

or who is wanted for interrogation or is under arrest (including house arrest) shall have his entry into the territory of the State of Israel restricted starting from the day he has been so declared or arrested.

E. Calculating periods of restriction due to MBD files:

A person who has had an MBD file opened against him shall have his entry into the territory of the State of Israel restricted for the following periods:

1. if the MBD file is for an offense, whether a felony or a misdemeanor, which carries a maximum sentence of not more than seven years, the restriction shall be for a period of a year and a half from the day the file was opened.
2. Clause 1 notwithstanding, if an MBD file is for an offense included in Chapter 10 of the 1977 Penal Code (hereinafter: "Penal Code") which carries a maximum sentence of up to three years, the restriction shall be for a period of two years from the day the file was opened.
3. if an MBD file is for an offense included in Chapter 10 of the Penal Code which carries a maximum sentence of more than three years, the restriction shall be for a period of three years from the day the file was opened.
4. if the MBD file is for an offense which carries a maximum sentence of more than seven years, the restriction shall be for a period of four years from the day the file was opened.

F. The period of restriction for a person declared an escaped criminal or wanted for Interrogation or under arrest shall be calculated as follows:

1. Entry into the territory of the State of Israel of an escaped criminal or someone wanted for interrogation shall be restricted as long as the declaration thereof remains valid.
2. Entry into the territory of the State of Israel of a suspect detained until proceedings against him have been completed, including someone released into house arrest, shall be restricted until the end of the period of his detention.

G. The period of restricted entry into the territory of the State of Israel for a person convicted of an offense shall be calculated as follows:

1. Conviction for an offense according to Clause 12(1) of the Entry into Israel Law (1952) or an offense involving entry into an area which has been declared closed — prohibition of exit according to Clause 90(a) of the security orders (Judea and Samaria) (no. 378), 1970 — will incur a restriction for a period of a year and a half from the day of sentencing or the completion of punishment, whichever is later.
2. If a punishment other than imprisonment has been imposed, or if proceedings have ended without a conviction or a parole order, etc., then the restriction will be for a period of two years from the day of sentencing.

3. For a conviction incurring a prison sentence of up to a year, the restriction shall be for a period of three years from the day of sentencing or the completion of punishment, whichever is later.
4. For a conviction incurring a prison sentence of more than one year but less than five years, the restriction shall be for a period of five years from the day of sentencing or the completion of punishment, whichever is later.
5. For a conviction incurring a prison sentence of more than five years, the restriction shall be according to Clause 14(a)(3) of the Criminal Registry Law and Order of Returning Persons, 1981 (hereinafter: "Registry Law"), i.e., the period of imprisonment which was imposed plus double that period, as long as the additional period does not exceed 15 years.
6. The above notwithstanding, for a conviction for one of the crimes detailed below, which carry a prison sentence of more than one year, the restriction shall be in accordance with Clause 14(a)(2) and Clause 14(a)(3) of the Registry Law, i.e. :
 - a. if a prison sentence of up to five years has been imposed, the designated period of imprisonment plus another ten years.
 - b. if a prison sentence exceeding five years has been imposed, the designated period of imprisonment plus double that period, provided the additional period does not exceed 15 years.
 - c. The above directives shall also apply to an offense

committed by a minor in accordance with Clause 14(b) of the Registry Law. Types of offenses: security offenses, bodily injury offenses, offenses according to Chapter 10 of the Penal Code, offenses under the Dangerous Drugs Order — excluding the offense of personal use.

7. in cases of conviction for an offense mentioned in Clause 17 of the Registry Law, the restriction shall begin from the day of the conviction inclusive, in accordance with the limitation period specified in the above-mentioned Clause 17.
8. Lest there be any doubt, it should be made clear that:
 - a. The period of imprisonment shall be added to the period of restriction in the sense that throughout the entire period of imprisonment the convicted person shall be prohibited entry. However, the period of restriction as set out above shall begin with the conclusion of the period of imprisonment.
 - b. The period during which a person is defined as a “paroled prisoner” in accordance with Clause 14 of the Conditional Release from Prison Law (2001) shall be considered an inseparable part of the period of his imprisonment for the purpose of the restriction period.

H. Restriction resulting from intelligence or other information

1. A person's entry into the territory of the State of Israel may be restricted as a result of intelligence information implicating him in criminal activity.

2. The information shall be evaluated, inter alia, by noting its content, credibility, scope, the type of criminal activity attributed to the person requesting the entry permit, and the period for which the information is relevant — all in accordance with the determinations of the professional bodies in the Israeli Police as they are periodically made.

i. Restriction due to more than one reason

it should be made clear that if a person has been restricted for more than one period (because of the existence of more than one condition), the longer restriction period shall apply.

J. Committing additional offenses during the restriction period

if a person has been convicted of an offense that was committed during a period of restriction for a previous conviction, the restriction period for the first offense shall be doubled and the period resulting from the additional offense shall be added to it.

K. Committing additional offenses not during the restriction period

if a person has been convicted of an additional offense of the same category after the conclusion of the restriction period for a previous conviction which has not yet been deleted from his record in accordance with the Registry Law, the restriction period for the additional offense shall be doubled.

L. General restriction authority

The Police may restrict a person's entry into the territory of the State of Israel even outside the above criteria, if a police

officer thinks that allowing his entry into the territory of the State of Israel is liable to threaten public peace or security.

M. Requesting an appeal

A person wishing to appeal a police recommendation may send a written request to IDF sources. The Israeli Police will convey its recommendation to those IDF sources, with reference to the arguments expressed in the request and the circumstances of the matter.

N. Determining “intermediate generation”

1. When the new criteria came into force, they caused a large number of people not restricted according to the previous criteria to become restricted. These people became restricted solely due to the new criteria coming into force (without their having a new criminal record or there being new information available about them). This group shall be called: “the intermediate generation.”
2. A person included in the intermediate generation group, whose entry into the territory of the State of Israel was permitted according to the old criteria, shall not have his entry prevented as a result of the new criteria coming into force.

O. Reviewing the criteria

The Israeli Police shall periodically review the criteria for restricting entry into the territory of the State of Israel, including a review of the age range, current criminal trends, political and security developments, and the extension of restriction periods imposed on persons forbidden to enter the territory of the State of Israel.