

#### A: Removal, custody and release with guarantee

13.a. Any person who is not an Israeli citizen or "Oleh" according to the 1950 Law of Return, and who is in Israel without a residence permit (hereinafter: unlawful resident), will be removed from Israel as soon as possible unless he leaves voluntarily beforehand.

b. Removal from Israel of an unlawful resident will be in accordance with a deportation order given by the Minister of Interior; the deportation order can stipulate that the costs of the removal, including the costs of detainment, will be the responsibility of the person who was given the deportation order, or that of the employer who employed him in Israel without a permit from the Minister of Interior, or in violation of the permit, provided that the removal of the unlawful resident is not delayed as a result of him lacking the means to pay for the removal.

c. Any person who has received a deportation order must leave Israel and not return as long as the order has not been annulled.

d. Any person who has received a deportation order will receive the order in writing, and he will not be removed before three days have passed since receiving the order unless he leaves voluntarily beforehand; however, the Border Checks Department, in accordance with the request of the person who received the deportation order, is permitted to delay the removal for a short time, which will not exceed 14 days, in order for him to arrange his affairs and legal rights in Israel if they cannot be arranged in his absence; the Border Checks Department is permitted to extend this period of time on special humanitarian grounds; the length of extension will not exceed the number of days stipulated in article 13.f.a.4.

13.a.a. In this chapter –

"Custody" – the arrest of a person for the purpose of his detainment in a place of custody in accordance with this law;

"Place of custody" – any of the following: a place in accordance with this law, determined by the order of the Minister of Interior and the Minister of Public Security (in this law – special place of custody); a prison, as it is signified by the 1971 Prison Command; a place of detention in accordance with Article 7 in the 1996 Criminal Procedure Law (enforcement authority – arrests), and any other place determined in the deportation order insofar as the circumstances require.

b. An unlawful resident will be detained in custody until his departure from Israel or his removal, unless he is released on monetary guarantee, bank guarantee or any other appropriate guarantee (in this chapter – guarantee), in accordance with the orders of this chapter; presupposing that a person is unlawfully residing in Israel if he does not possess a residence permit, with no reasonable explanation.

c. The detainment in custody of an unlawful resident will be under a custody order given by the Border Checks Department.

d. A custody order will not be given before the unlawful resident has had the opportunity to express his claims; if an unlawful resident is not locatable, the Border Checks Department can order, even in his absence, his detainment, provided that he is given the opportunity to express his claims no later than 24 hours after the start of his detainment.

e. After the custody order is given, the detainee will be provided, in writing or verbally, in a language understood by him, insofar as is possible, information about his rights in accordance with this law, and about his right to send a notice regarding his detainment to a personal contact, a lawyer and a representative of his country of

citizenship.

13.b.a. Should a reasonable basis for suspicion arise on the part of the police officer or inspector, in accordance with article 13.d, according to which a person is residing in Israel unlawfully or has been issued a custody order, he is entitled, after identifying himself and explaining the reason for the demand, to demand he accompany him to custody; should that person refuse to obey this order, [the police officer or inspector] is permitted to use reasonable force to take him into custody; the officer will identify himself in accordance with article 5.a of the 1971 Police Act, and an inspector will identify himself by presenting documentation attesting to his certification as an inspector in line with this law.

b. Should a person be brought into custody in accordance with the instructions of sub-article a., an officer certified by the inspector-general of the Israel Police is permitted, after giving him an opportunity to state his claims, to order in writing his detainment in temporary custody, and the orders of article 13.a.e. will be applied with the obligatory adjustments.

c. Without detracting from the orders of article 13.g., a person will not be held in temporary custody for more than 24 hours unless a custody order was issued by the Border Checks Department.

d. The authority and orders granted to officers under article 22 of 1969 Criminal Procedure Law (Arrest and Search), regarding searching the person of a detainee, will be granted to an officer and an inspector for the purpose of searching the person held in custody, with the obligatory adjustments.

13.c. Decisions on detainment or release with guarantees of an unlawful resident will be taken no later than 24 hours from the start of his detainment in custody, unless this is prevented by the need to determine the identity of the unlawful resident, or by another matter. The same applies to the issuance of a deportation order.

13.d.a. The Minister of Interior is permitted to appoint inspectors relating to this law from among the employees of his ministry, or civil servants in other ministries with the agreement of the relevant minister (for the purpose of this law: inspector); a notification of the appointment of an inspector will be publicized in the listings.

b. an inspector will not be appointed as detailed in sub-article a. unless the following two conditions are met:

1. He received appropriate training, as determined by the Minister of Interior after consulting with the Public Security Minister;
2. Israel Police did not declare, within a month of the referral of the Minister of Interior that it is opposed to his appointment on public security grounds.

13.e.a. In the name of the execution of this section, the inspector or officer is entitled:

1. To demand that a person, whose residence in Israel is suspected to require a residence permit in accordance with this law, to identify himself and present documents relating to his residence and information regarding his residence;
2. To enter, at any reasonable time, a place, except a place of residence, in which there exist suspicions regarding the presence of a person unlawfully residing in Israel, in order to examine the matter.

b. Should suspicions arise regarding the commission of an offense in accordance with this law, the inspector or officer is permitted, in accordance with the circumstances, to confiscate any document relating to the said offense.

c. A Magistrate's Court Judge is permitted, at the request of an inspector or officer, to grant an order permitting the inspector or officer to enter a place of residence in order to undertake an examination relating to this law, as set forth in sub-article a., if he identifies the existence of a reasonable basis to the suspicion of the presence in

the place of residence of a person residing unlawfully in Israel, or that of a person whose residence in Israel requires a residence permit in accordance with this law, and an inspector or officer requested permission to enter the place in order to undertake an examination and his request was not accepted.

d. Entry in accordance with this article will be undertaken only after the officer or the inspector, depending on the circumstances, identifies himself before the person understood to be in charge of the place and announces the purpose of his request for entry, and presents the order of the court in accordance with sub-article c.; should the person in charge of the place not enable the entry, [the officer or inspector] is permitted to employ reasonable force against the person or property after warning him.

13.e.a. The Border Checks Department is permitted to release with guarantee unlawful residents in accordance with the orders of this article; an unlawful resident will not be released with guarantee unless the following conditions are met:

1. The Border Checks Department is convinced that the unlawful residence is caused by a mistake or a technicality in good faith, and that he will leave Israel on the determined date;
2. The Border Checks Department is convinced that he will depart Israel on his own by the determined date, and that there will be no difficulties locating him if he does not depart on his own on the determined date;
3. The Border Checks Department is convinced that in light of his age or health condition, holding him in detention is liable to harm his health, or there exist other special humanitarian grounds justifying his release with guarantee, including when the detainment results in a minor lacking supervision;
4. He resides in detention for more than 60 consecutive days.

b. Despite the instructions of sub-article a., an unlawful resident will not be released with guarantee if one of the following circumstances exist:

1. His removal from Israel is prevented or delayed because of a lack of cooperation on his part, including with regards to clarifying his identity or arranging the procedures for removal from Israel
2. His release would bring harm to the security of the State, public security or public health;

Unless there exists the condition outlined in paragraph 3, sub-article a., and there are no other means of preventing damage to his health.

c. The release from detention will be conditioned upon the conditions determined by the Border Checks Department, including guarantees, in order to ensure the appearance of the unlawful resident for the purpose of his departure from Israel or his removal on the determined date, or for the purpose of other procedures in accordance with this law; the Border Checks Department is permitted, at any time, to reexamine the release guarantees should new facts have been discovered or the circumstances have changed since the decision on the release with guarantees was taken.

d. An unlawful resident who was released with guarantee from detention will be given by the Minister of Interior a temporary residence permit in accordance with article 2.a.5. for the duration of the release with guarantee; the validity of the temporary permit is conditioned upon the conditions of the release with guarantee.

e. Should a guarantor ask to cancel the guarantee he provided, the Border Checks Department is permitted to either approve the request or refuse it, as long as the decision ensures the appearance of the unlawful resident through another form of guarantee; should it be impossible to ensure the appearance of the unlawful resident through a different guarantee, the unlawful resident will be returned to custody.

f. Should an unlawful resident depart from Israel or be removed at the determined date, he and the guarantors will be released from their guarantee and financial deposits will be returned to them.

13.g.a. Should the Border Checks Department learn that the unlawful resident who was released with guarantee violated or is about to violate the conditions of his release with guarantee, he is permitted to order his return to custody and and/or the confiscation of his guarantee.

b. No order will be given with regards to the seizure of the guarantee, as stated in sub-article a. until after the unlawful resident or the guarantor, depending on the circumstances, has been given the opportunity to express his claims, provided that it is reasonably possible to locate him.

13.h.a. An unlawful resident held in custody will be detained in appropriate conditions that will not, under circumstances including the length of detainment, harm his health or dignity.

b. An unlawful resident held in custody will be detained in a cell separate from criminal prisoners.

c. The instructions of article 9.b. of the Detention Law will be applied to holding in custody in accordance with this law, with the necessary adjustments.

d. The instructions of article 10 of the Detention Law will be applied to holding in custody in accordance with this law, with the necessary adjustments.

e. The Public Security Minister, with the agreement of the Minister of Interior and the approval of the Knesset Internal Affairs and Environment Committee, is entitled to determine, subject to the instructions of sub-article 1., other instructions with regards to detention conditions in the special place of custody, including conditions relating to the detainment of families and children.

f. The rights and obligations of unlawful residents in places of custody will be outlined and displayed prominently in the place of custody, in Hebrew and English.

13.i. Despite the instructions of article 1.c. of the Detention Law, its instructions will not apply with regards to procedures and authorities stemming from the law, unless this law explicitly states otherwise.

13.j.a. In this article –

“Agreement” – Interim Israeli-Palestinian agreement with regards to the West Bank and the Gaza Strip, which was signed in Washington by the State of Israel and the Palestinian Liberation Organization, on September 28, 1995, including its appendixes and auxiliary documents;

“Area” – Judea and Samaria and the Gaza Strip, except for the territories of the Palestinian Council;

“Territories of the Palestinian Council” – the territories included from time to time within the territorial authority of the council, in accordance with the agreement;

“Police officer” – a police officer at the level of chief inspector and higher, certified by the inspector-general of the police for the purpose of this article;

“Permit” – As defined in the order regarding the entry into Israel of area residents or residents of the Palestinian Council, amended in article 17.b.

b. In addition to that which is outlined in each law, a police officer is permitted to order in writing the removal from Israel of an area resident or a resident of the Palestinian Council, who is not Israeli (hereinafter – resident) and who resides in Israel without a permit or not in accordance with the conditions of the permit, or who was convicted of an offense in accordance with article 12.

c. A police officer will only decide on such a removal after providing the resident the opportunity to state his claims; the police officer will compile a written report that details the resident’s claims and the details of the decision.

d. The decision regarding the removal of a resident from Israel will constitute the authorization for his detainment until his removal, for a period that does not exceed four days; a police officer at the level of chief superintendent or higher is permitted to extend this period of time as long as it does not exceed three additional days.

#### B.: Detention Review Tribunal

13.k.a. The Minister of Justice, in accordance with the Minister of Interior's proposal, will appoint a Tribunal, one or more, to review the custody of unlawful residents (in this chapter – Tribunal).

b. The appointment to the Tribunal can be made by a person eligible to be a Magistrate's Court Judge, who is knowledgeable in laws of entry to and removal from Israel.

c. The appointment to the Tribunal will be for a three-year term, and can be extended in the same manner.

13.l. The Tribunal will undertake judicial review of decisions regarding the detainment of unlawful residents in custody, including with regards to release with guarantee and the length of detainment as a result of delays in implementing removal orders.

13.m. In the implementation of his tasks, there is no authority over the Tribunal excepting that of the Tribunal judge.

13.n.a. A detainee in custody will be brought before the Tribunal at the earliest possible opportunity, and no later than 14 days after the start of his detainment, unless he was brought beforehand after a request in accordance with article 13.q.

b. An unlawful resident that was returned to custody in accordance with article 13.7 will be brought before the Tribunal as soon as possible and no later than 72 hours after his return to detention.

c. Should the last day on which the detainee is to be brought before the Tribunal fall on a day of rest, as it is defined in article 18.a.a of the 1948 Rule of Government and Law, the detainee will be brought before the Tribunal before the day of rest.

d. Should the detainee in custody not be brought before the Tribunal before the said date, the Border Checks Department will order his release from custody.

13.o.a. The Tribunal is entitled:

1. To approve the custody order, with adjustments or without, and to order that the case of the detainee in custody be brought before it for an additional examination based on the conditions determined, or within a period of time determined, as long as the period of time before the reexamination does not exceed 30 days;

2. To cancel the custody order and to order the release with guarantee of the detainee, if [the judge] is convinced that that conditions exist for the release with guarantee in accordance with and subject to the restrictions of article 13.f.;

3. To order the release with guarantee of a detainee in custody at the end of a period of time determined, if he was not removed from Israel beforehand, should [the judge] be convinced that the removal from Israel is being delayed unjustifiably despite his full cooperation, and that the deportation will be able to be implemented within a period of time he determines, and as long as the release of the detainee will not endanger the security of the state, the public good or public health;

4. To order the guarantee conditions in accordance with article 13.f.c. be changed, and the seizure of the [bail] following the violation of the conditions of the release with guarantee.

b. The instructions of article 13.f.d. will also apply to release with guarantee ordered by the Tribunal.

c. The decision of the Tribunal will include a summary of the claims of both sides, be detailed and in writing, and provided to the unlawful resident, on the spot insofar as is possible; should the Tribunal have deemed necessary additional clarifications, [the judge] will order that the detainee in custody is brought before him at a determined date.

13.p. The Border Checks Department is entitled to request the Tribunal order the return to custody of an unlawful resident who was released with guarantees by a Tribunal decision, or to establish new or different release conditions, if new facts were discovered or if circumstances changed after the date of the Tribunal decision; this order will not detract from the authority of the Border Checks Department in accordance with article 13.f.

13.q.a. A detainee in custody is entitled to request on his own initiative that that Tribunal examine his case, and is entitled to request from the Tribunal a reexamination if new facts or changes in circumstances arose since the last decision of the Tribunal.

b. A person released with guarantee is entitled at any time to request that the Tribunal change his guarantee conditions, as outlined in article 13.f.g.

13.r. The Tribunal [judge] will hold his deliberations in the place of custody in which the detainee is held, and he is permitted to hold deliberations in a different place, if he found it necessary to do so for reasons of justice or efficiency.

13.s.a. The Tribunal [judge] will determine his work and deliberations procedures if they have not been covered by this Law.

b. The Tribunal [judge] will not be connected to rules of evidence, and he is entitled, among other things, to examine evidentiary materials, the discovery of which is liable to harm the security of the state or the public welfare, not in the presence of the detainee in custody, and the orders of articles 44-46 in the 1971 Evidence Order ill not apply.

c. The Tribunal will have the authorities stipulated in articles 9-11 of the 1968 Inquiry Commission Law, with adjustments based on circumstances.

13.t. An unlawful resident in custody, or released with conditions, is permitted to be present in ever procedure relating to him before the Tribunal, subject that that which is stipulated in article 13.s.b., unless he can not be located through reasonable efforts, and he is entitled to be represented at no cost by a representative who is not an attorney.