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Israel Police Force – National Headquarters
Unclassified

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Draft criteria for restricting entry of PA residents to the territory of the State of Israel due to criminal preclusion – summary and team recommendations:

1. The goal – to establish criteria for restricting the entry of PA residents (Judea and Samaria and Gaza) with the aim of minimizing the danger posed to public safety in Israel by the entry of persons with a criminal or security background, particularly recidivists.
2. The police will rely on the data in its possession, contained in both the criminal register and other databases or sources (intelligence).
3. In this procedure, information from the criminal register – information which the police is permitted to transfer under Article 5 of the Criminal Register and Rehabilitation Law, 5751-1981.
4. **Commencement of the restriction:** The entry to Israel of a resident against whom an open police investigation file exists, or who has been placed under house arrest or who has been remanded to custody pending completion of proceedings or who has been convicted in a court of law, shall be restricted as follows: a) Concerning a person whose trial has concluded, the restriction will commence on the most recent of these dates: completion of the prison term, the date of sentencing, the issuance of a judicial decision terminating the proceedings.
5. **Open police investigation files:** For the offences listed below – from the date on which the file was opened.

- A) For an offence classified as a misdemeanor or a felony, for which the maximum sentence does not exceed 7 years – the restriction will apply for 18 months.
 - B) Notwithstanding subsection A – for an offence under chapter 10 of the Penal Law 5747-1977 (hereafter: the Penal Law), for which the maximum penalty is 3 years or less – the restriction will apply for two years.
 - C) For an offence under chapter 10 of the Penal Law, for which the maximum penalty exceeds 3 years – the restriction will apply for 3 years.
 - D) For an open police investigation file opened due to an offence for which the maximum penalty exceeds 7 years - the restriction will apply for 4 years.
 - E) To remove doubt, it shall hereby be clarified that if a specific application falls under two of the above categories, the longer restriction period shall apply.
6. **Detention and other restrictions:**
- 7. To remove doubt, it shall be clarified that the period of a prison term will be added to the restriction period; therefore, the restriction period will commence on the date on which the prison term ends.
 - 8. Time spent by a person as a "prisoner on prison leave" will be considered as part of his prison term for the purpose of the restriction.
 - 9. An offender who has escaped (e.o.) or is wanted for questioning (w.q.) as long as the declaration is valid.
 - 10. Persons placed under arrest until the completion of proceedings, including persons released into house arrest – until the conclusion of the arrest period.
11. **Duration of restriction periods incurred due to convictions**
- A) A conviction due to a violation of Article 12(1) of the Entry into Israel Law 5722-1952 shall restrict for a period of 18 months, commencing on the day of sentencing.
 - B) Where a penalty which is not a prison term has been imposed, or where proceedings conclude without a conviction, or with a probation order, etc. – the restriction will apply for 2 years from the date of sentencing.
 - C) For a conviction for which a prison sentence of one year or less is imposed a restriction period of 3 years shall apply
 - D) For a conviction for which a prison sentence of more than a year but less than 5 years is imposed, a restriction period of 5 years shall apply.
 - E) A conviction for which a prison sentence exceeding 5 years was imposed, shall restrict for the duration of the limitations period on the conviction as specified in Article 14(a)(3) of the Criminal Register and Rehabilitation Law 5751-1981. (The period of the imposed sentence and an additional period equaling twice that time, provided that the additional period does not exceed 15 years).
 - F) Notwithstanding the aforesaid, for a conviction of offences of the classification specified below, where a prison sentence exceeding one year is imposed, the restriction period will correspond to the limitations period as

detailed in Article 14(2), 14(3) and 14(4) of the Criminal Register Law. Offences: security offences, bodily harm offences, offences under chapter 10 of the Penal Law, or under the Dangerous Drugs Ordinance - excluding personal use offences.

- G) A conviction of an offence to which Article 17 of the Criminal Register and Rehabilitation Law applies, shall restrict for a period corresponding to the limitations period specified in the aforesaid Article 17.
12. **Additional offences committed during the restriction period:**
- Where a person is convicted of an additional offence during the restriction period of the first offence, the restriction period incurred as a result of the first offence will be doubled and added cumulatively to the restriction period incurred as a result of the additional offence.
13. **Additional offences committed outside the restriction period**
- Where an additional offence of the same category is committed after the restriction period, the restriction period incurred as a result of the additional offence will be doubled.
14. **Intelligence and other information** - indicating the applicant is involved in criminal activity. The information will be carefully examined with attention to contents, substance, credibility, scope, sort of criminal activity attributed to the applicant and the period of time to which the information pertains; all in accordance with determinations made by professional officials in the Israel Police Force, as determined periodically.
15. **Authority to impose general restrictions**
- The police will be authorized to deviate from the criteria listed above and restrict entry to Israel even when the applicant does not meet the aforesaid criteria, where a police officer believes that the applicant's entry to Israel will pose a threat to public safety and security.
16. **Requests for appeal**
- An applicant who wishes to appeal the recommendation of the police may direct a written request to IDF officials. The Israel Police Force will transfer its recommendation with regards to the grounds for the request and the circumstances of the matter to the IDF.
17. **Review of criteria**
- The Israel Police Force shall periodically review the criteria for restricting entry to Israel, including the age range, in accordance with existing crime trends and developments in the political-security arena, including a tightening of measures in terms of the periods of restriction.

Note - the aforesaid requirements carry significance in terms of developing computer software and personnel for appeal committees.

Best,

Motty Avidan

Chief Superintendent

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