

**LAW FOR THE PREVENTION OF INFILTRATION (OFFENCES AND JUDGING)  
(AMMENDMENT NO. 3 AND TEMPORARY ORDER), 5772-2012<sup>1</sup>**

Amendment  
to Article 1

- (1) In the Law for the Prevention of Infiltration (offences and judging), 1954 (in this law – the main law), in Article 1:
- a. Before the definition of “infiltrator” it will state:
    - o “*Family members*” – Parents, grand-parents, siblings, aunts or uncles over the age of 21;
    - o “*Entry into Israel Law*” – Entry into Israel Law, 1952;
    - o “*Detention Law*” – Criminal Procedure Law (Enforcement Powers – Detention), 1996;”;
  - b. In place of the definition of “infiltrator” it will state:
    - i. “*Infiltrator*” – a person who is not a resident according to article 1 of the Population Registrar Law, 1965, who entered Israel not by way of a border crossing determined by the Minister of Interior according to article 7 of the Entry into Israel Law.
  - c. The definition “Head of General Staff” will be deleted, to be replaced by: “*Head of Border Control*” according to the Entry into Israel Law.

Addition of  
Article 9A  
– temporary  
order

- (2) After Article 9 of the main law it will state:
- a. “*Qualification to application – Temporary Order: Article 9A. During the period of time stated in Article 9 below:*
    - i. In Article 4 of the main law, the latter part starting with the words “and if the infiltrator or such a person was armed” – shall not be used.
    - ii. Articles 5 to 9 shall only apply to an armed infiltrator or to an infiltrator who infiltrated in order to commit an offence as follows:
      - 1. Trafficking, according to Article 377A(a)(5) of the Penal Law, 1977;
      - 2. Offences detailed in subsection B of the third chapter of the Dangerous Drugs Ordinance (New Version).”

Cancellation of  
articles 11 to  
26, 28 and 29

- (3) Articles 11 to 26 and articles 28 and 29 of the main law are void.

Amendment  
of article 30 –  
temporary  
order

- (4) In article 30 of the main law –
- a. After section (a), it will state:
    - i. “(a1) – A deportation order according to section (a) will not be implemented until after the Minister of Defense or a senior state employee authorized by him determined that it is possible to do so taking into account the personal circumstances of the infiltrator and the country targeted for his deportation.
    - ii. (a2) – If an infiltrator has been given a permit and license for residency in Israel according to the Entry into Israel Law, the

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<sup>1</sup> Passed in the Knesset on 9 January 2012; the proposal and explanatory notes were published on 28 March 2011.

Addition of  
articles 30A-  
30F –  
temporary order

Minister of Defense or a person authorized by him will cancel the deportation order that was given according to section (a). "

b. In section (b), in place of "section (a)", it will state "this section".

(5) After section 30 of the main law, it will state:

a. *"Appearing before the Head of Border Control and his Authorities: Article 30A.*

i. An infiltrator held in detention will be brought before the Head of Border Control no later than seven working days from the beginning of his detainment in detention.

ii. The Head of Border Control is authorized in exceptional circumstances to release an infiltrator with a monetary guarantee, a bank guarantee, another suitable guarantee or under conditions he finds appropriate (in this law – guarantee), if he is convinced that there exists one of the following:

1. Due to the infiltrator's age or medical condition, his being held in detention is likely to harm his health and there is no other way to prevent this stated harm;

2. There are special humanitarian grounds other than those stated in paragraph (1) justifying the release of the infiltrator with a guarantee, including if as a result of his detainment in detention, a minor will be left unaccompanied;

3. The infiltrator is a minor who is unaccompanied by his family members or a guardian.

4. The infiltrator's release will assist in his deportation proceedings.

iii. The Head of Border Control is authorized to release an infiltrator with a guarantee if he is convinced that there exists one of the following:

1. The infiltrator requested a permit and license for residency in Israel according to the Entry into Israel Law and the handling of his requests has not begun despite the fact that three months have passed since submitting the request;

2. The infiltrator submitted a request as stated in paragraph (1) and no decision has been given as regards to his request despite the fact that nine months have passed since submitting the request;

3. Three years have passed since the beginning of the infiltrator's detainment in detention.

iv. In spite of the instructions in sections (ii)(2), (ii)(4), or (iii) above, an infiltrator will not be released with guarantee if the Head of Border Control is convinced that one of the following conditions has been fulfilled:

1. His deportation from Israel is prevented or delayed due to a lack of full cooperation on his part, including the matter of

verifying his identity or arranging for proceedings for deportation from Israel;

2. His release would endanger national security, public order or public health;
3. An opinion by authorized security personnel was submitted to the Head of Border Control according to which in the infiltrator's State or region of residence activities are being carried out which are likely to endanger Israel's national security or its citizens.

The above shall not apply if the Head of Border Control is convinced that due to the infiltrator's age or medical condition, his being held in detention is likely to harm his health and there is no other way to prevent this stated harm.

- v. Release with guarantee from detention will be contingent on conditions which the Head of Border Control will determine, for the sake of ensuring the reporting of the infiltrator in order to deport him from Israel at the determined time or for different proceedings according to law; the Head of Border Control is authorized, at any time, to re-review the guarantee conditions if new facts have been discovered or if the circumstances have changed from when the decision to release with guarantee was rendered.
- vi. Once an infiltrator is released from detention with guarantee according to this Article, the decision regarding his release with guarantee will be regarded as legal validation of his stay in Israel for the period of his release with guarantee; the validity of the decision regarding release with guarantee is contingent on the fulfillment of the conditions for release as explained above.
- vii. Where a guarantor requests to cancel the guarantee which he gave, the Head of Border Control is authorized to meet the request or to reject it, as long as his decision will ensure the reporting of the infiltrator by supplying an alternative guarantee; if it is not possible to ensure the reporting of the infiltrator by an alternative guarantee, the infiltrator will be returned to detention.
- viii. If an infiltrator is deported from Israel at the time determined, he and his guarantors will be exempt from their guarantee and the monetary guarantee will be returned, to the extent required.
- ix. If the Head of Border Control realizes that the infiltrator released with guarantee violated or is about to violate a condition from the conditions for release with guarantee, he is authorized to instruct, in an order, the infiltrator's return to detention and is authorized to instruct the confiscation or realization of the guarantee.
- x. No instruction will be given to confiscate or realize the guarantee as mentioned in paragraph (ix) until after the infiltrator or guarantor has been given an opportunity to make his claims

according to the issue at hand, to the extent that it is reasonably possible to locate him.

- b. *Conditions for detainment in detention: Article 30B*
  - i. An infiltrator will be detained in a place of detention; for this issue, “place of detention” – all of the following:
    - 1. The place of detention as defined in article 13A to the Law of Entry into Israel, with the necessary changes;
    - 2. A place which the Minister of Defense, by himself or together with the Minister of Internal Security, determined by order, with the approval of the government, as a place of detention for the purposes of this law.
  - ii. Taking into account the circumstances, including the length of detainment, an infiltrator detained in detention will be held in appropriate conditions that are not likely to harm his health or dignity.
  - iii. An infiltrator detained in detention will be held separately from criminal detainees or prisoners.
  - iv. Article 9(b) of the Detention Law will apply for detainment in detention according to this law, with the necessary changes.
  - v. Article 10 of the Detention Law will apply for detainment in detention according to this law, with the necessary changes.
  - vi. The Minister of Internal Security, with the approval of the Minister of Interior and of the Interior and Protection of the Environment Committee of the Knesset, is authorized to determine, subject to the provisions of section (ii) above, other provisions on the conditions of detainment in a special place of detention, including regarding the conditions for detainment of families and children.
  - vii. A summary of the rights and obligations of the infiltrators shall be posted in the place of detention in a central and visible location in both Hebrew and English.
- c. *Appointing Detention Review Tribunals for Infiltrators: Article 30C.* The Minister of Justice will appoint, from amongst those appointed to the Detention Review Tribunals for Unlawful Residents according to article 13K to the Entry into Israel Law, one or more Detention Review Tribunals for Infiltrators according to this law (in this law – Detention Review Tribunals for Infiltrators).
- d. *The Tribunal’s Authorities: 30D.*
  - i. The Detention Review Tribunal for Infiltrators is authorized to:
    - 1. Approve the detainment of an infiltrator in detention; if it approves the detainment, it will instruct that the infiltrator’s matter be brought before it for additional examination, once conditions determined by it are fulfilled, or within a time-frame determined by it, which will not be greater than sixty days;
    - 2. Instruct the release with guarantee of the infiltrator at the end of a period determined, if it is convinced that the

- conditions for his release with guarantee are fulfilled according to article 30A(ii) or (iii) above and subject to the qualifications determined in article 30A(iv);
3. Instruct to change the guarantee conditions determined according to article 30A(v), as well as the confiscation of the guarantee due to the violation of one of the conditions set out under the release with guarantee order.
- ii. The instructions of article 30A(v) will apply, with the necessary changes, to release with guarantee according to an order of the Detention Review Tribunals for Infiltrators.
  - iii. A decision by the Detention Review Tribunals for Infiltrators will include the main claims made by the parties, will be well-explained and in writing, and will be delivered to the infiltrator on the spot, to the extent possible; if the Tribunal sees a need for further clarification, it will instruct to bring before it the infiltrator held in detention at a time it determines.
- e. *Applying the instructions from the Entry into Israel Law to the matter of the Tribunal: Article 30E.* Instructions from subsection B in the fourth chapter of the Entry into Israel Law, except for instructions 13(15),13(21) in the above-mentioned law, will apply to the matter of the Detention Review Tribunals for Infiltrators, with the necessary changes and with the following changes:
- i. In article 13(14) in the Entry into Israel Law –
    1. In section (a), in place of “as soon as possible and no later than 96 hours from the time the detainment began,” will read, “no later than fourteen days from the day the detainment in detention began”.
    2. In section (b), instead of “article 13(7)”, it will read "article 30A(ix) in the Law for the Prevention of Infiltration";
  - ii. In article 13(16) in the Entry into Israel Law, in stead of “article 13(7)” it will read “article 30A(ix) in the Law for the Prevention of Infiltration”;
  - iii. In article 13(17)(b) in the Law of Entry into Israel, in place of “article 13(6)(c),” it will read “article 30A(v) in the Law for the Prevention if Infiltration.”
- f. *Appeal and Administrative Petition: Article 30F*
- i. The decisions of the Detention Review Tribunals for Infiltrators are subject to appeal before the Court for Administrative Affairs.
  - ii. If an administrative petition is submitted to the Court for Administrative Affairs against a decision regarding deportation based on this law, and at the same time there is an appeal pending on the decision of the Detention Review Tribunals for Infiltrators regarding the detention or the release with guarantee, within the framework of the petition the Court will also discuss the matter of detention or release with guarantee and the appeal will be deleted; however, if an appeal regarding detention or release with guarantee

has not yet been submitted, these matters will be included in the petition.

- iii. The Court for Administrative Affairs' decision on an appeal or petition as mentioned in this article shall not diminish from the Detention Review Tribunals for Infiltrator's authority; however, the Tribunal will not address any matter which the Court has decided on within the framework of an appeal or a petition, unless it realizes that there has been a change in the circumstances which constituted the basis for the court's decision."

Amendment  
to Article 31  
– Temporary  
Order

- (6) In article 31 of the main law, after “an order was given according to article 30” it will state “and the instructions of article 30(a1) were fulfilled.”

Cancellation  
of Article 34

- (7) Article 34 of the main law is void.

Amendment to the  
Court of  
Administrative  
Affairs Law

- (8) In the Court for Administrative Affairs Law, 2000 –
  - a. In the first supplement, item 12 –
    - i. In all places, instead of “Population Administration and Foreign Workers” it will state “Population Administration, Foreign Workers and Infiltrators.”
    - ii. After paragraph 7, it will state: "(8) Law for the Prevention of Infiltration, 1954";
  - b. In the second supplement, after item 10 it will state: “10A. An appeal according to article 30F in the Law for the Prevention of Infiltration, 1954.”

Validity

- (9) Articles 2, 4, 5, and 6 of this law will remain valid for three years from the day this law comes into effect.

## **DRAFT LAW FOR THE PREVENTION OF INFILTRATION, 2011 – EXPLANATORY NOTE:**

### General

In recent years, the State of Israel has faced a drastic increase in the scope of infiltration across the border with Egypt, which does not take place at a border crossing. According to figures from the Population, Immigration and Border Control Authority, in 2010 alone 14,000 infiltrators were caught. The infiltrators into Israel come from various countries, including countries which are hostile to Israel.

Currently, the infiltrators are placed in detention but they are released after a relatively short period of time, due to the fact that they are handled according to the Law of Entry into Israel – 1952 (hereinafter: the Law of Entry into Israel). This law does not permit detaining a person for more than sixty days. In practice, this creates a situation in which there is an incentive for a wave of increasing infiltration. From the beginning, the Prevention of Infiltration Law should have been implemented in this matter, although this law is obsolete and contingent on the existence of an emergency situation in the country and does not include regulatory mechanisms for detention and deportation, as accepted in legislation today.

This bill is intended primarily to allow for the detention of infiltrators for a much longer period of time than that which is allowed for in the Law of Entry into Israel, and to add to the Prevention of Infiltration Law the necessary mechanisms for the sake of establishing regulations for implementing a deportation order and for holding infiltrators in detention until their deportation. These amendments will be in effect for three years, during which the influence of the proposed bill on the infiltration into Israel phenomenon will be examined. Similarly, additional amendments are suggested in the Prevention of Infiltration Law which will be described below and which are suggested as permanent amendments.

It should be emphasized that the proposal requests that certain aspects from the Law of Entry into Israel be applied to infiltrators, with the necessary changes, and to grant authority to the existing authorities according to the Law of Entry into Israel (Head of Border Control and the Detention Tribunal), since the proposed arrangement is a special and more stringent law to be applied to infiltrators, unlike the law which applied to illegal residents according to the Law of Entry into Israel. The reason for this is that unlike illegal residents of whom the majority entered Israel with a valid permit as a tourist or for work purposes, and thereafter turned into an illegal resident, an infiltrator knowingly enters into Israel not by way of a border crossing and his entrance into Israel was from the outset illegal.

### Article One – General

It is proposed to define different instructions in the proposed amendment, and to replace the definition of “infiltrator” in article 1 of the Prevention of Infiltration Law as drafted

today, as will be explained below. Similarly, it is proposed to delete from article 1 of the Prevention of Infiltration Law the definition “Head of the General Staff” which is unnecessary in light of the suggested amendment.

For the definition of “infiltrator” – an infiltrator is defined today in article 1 of the Prevention of Infiltration Law as:

“Infiltrator” – “infiltrator” means a person who has entered Israel knowingly and unlawfully and who at any time between the 16th Kislev, 3708 (29th November, 1947) and his entry was:

- (1) a national or citizen of the Lebanon, Egypt, Syria, Saudi-Arabia, Trans-Jordan, Iraq or the Yemen ; or
- (2) a resident or visitor in one of those countries or in any part of Palestine outside Israel ; or
- (3) a Palestinian citizen or a Palestinian resident without nationality or citizenship or whose nationality or citizenship was doubtful and who, during the said period, left his ordinary place of residence in an area which has become a part of Israel for a place outside Israel.

It is recommended to replace this definition and to determine that an infiltrator is a person which is not a resident according to article 1 of the Population Registrar Law, and who entered Israel unlawfully not by way of a border crossing determined by the Minister of Interior according to article 7 of the Law of Entry into Israel.

The lawful way to enter into Israel is through border crossings determined by law. In light of this, a person who crosses the state’s borders in a place which is not determined by law is an infiltrator.

Nevertheless, there is no intention to include in the above definition a person who is a resident according to the Population Authority Law, who entered into Israel not by way of a border crossing. According to the Population Authority Law, a resident is a person who is located in Israel as an Israeli citizen or according to the immigrant certificate or according to a permanent residence permit; a person lawfully in Israel will also be considered a resident, but a person who is located in Israel according to a visitors permit, a transition visa or a foreign diplomatic passport will not be considered a resident.

Article Two – It is suggested to cancel in the Prevention of Infiltration Law all the instructions dealing with the Tribunals for Preventing Infiltration, that is to say articles 11 to 26, 28 and 29. These tribunals do not actually exist. According to this proposal, infiltrators will be handled on a criminal basis in the general courts and on an administrative basis in the Detention Review Tribunals for Infiltrators which will be appointed from the Detention Tribunals operating under the Law of Entry into Israel. The

wording of the articles which are recommended for canceling as stated is located in the Appendix to the Explanatory Note.

Article 3 – According to article 30 in the Prevention of Infiltration Law, the Minister of Defense is authorized to place a deportation order against an infiltrator and this order serves as legal validation for holding him in detention until his deportation. Throughout the years the Minister of Defense authorized persons in the IDF to take out deportation orders, mainly as part of IDF operations and in the Southern Command, although it is recommended that these will not give the instruction to conduct the deportation in practice. Taking into account the significance of this step, according to the recommendation, this will be done by the Minister of Defense or a senior state employee authorized by him to do so, after it is determined that it is possible to do so, taking into account the infiltrator's personal circumstances and the country targeted for his deportation. Thus, weight will be given to a broad range of considerations before implementing the deportation order and the supervision of the implementation of the deportation order will be increased.

It should be emphasized that the instructions for the suggested amendment will be implemented in a manner conforming with the State of Israel's obligations according to international treaties including the principle of non-refoulement, anchored in the 1951 Convention Relating to the Status of Refugees (Refugee Convention). Article 33 of the Refugee Convention states that a refugee shall not be deported to a place in which his life or liberty will be at danger based on his race, religion, nationality, membership in a particular social group or political opinion.

In a case where an infiltrator receives for whatever reason a permit and license for residency in Israel according to the Law of Entry into Israel, the Minister of Defense will cancel the deportation order which was given.

Article 4 – General – It is recommended to add to the existing law as a temporary order for a period of three years, instructions regarding the handling of infiltrators on an administrative level, in contrast to handling them on a criminal level. Accordingly, it is recommended that the Detention Tribunal system and the Border Control system, working within the framework of the Immigration and Population Authority in the Ministry of Interior, will be authorized to release infiltrators from detention with a guarantee.

Nevertheless, changes are recommended in contrast to the instructions from the Law of Entry into Israel, paying attention to the difference between an illegal resident and an infiltrator.

Recommendation for article 30(a) –

It is recommended that an infiltrator will be brought before the Officer of the Border Control of the Immigration and Population Authority no later than seven days from the first day he is held in detention for the sake of examining his case according to article (b).

According to article (b), the Officer of the Border Control will be permitted to release an infiltrator with guarantee if he is convinced that one of the following exists:

- (1) Due to his age or to his health condition, his being held in detention is likely to harm his health and there is no other way to prevent this stated harm;
- (2) There are other, special humanitarian grounds justifying the release of the infiltrator;
- (3) The infiltrator is a minor who is unaccompanied by his family members as defined by his guardian.
- (4) His release will assist in the infiltrator's deportation proceedings.
- (5) The infiltrator requested a permit and license for residency in Israel and his requests has not begun to be handled despite the fact that three months have passed;
- (6) The infiltrator submitted a request as stated in paragraph 5 and no decision has been given as regards to his request;
- (7) The infiltrator stayed in detention for a period of three years without the deportation order being implemented.

As long as the infiltrator has no ground justifying his release, the aim is to detain him in detention until his deportation or until exhausting the maximum period for his detainment, as stated in paragraph (7), which ever one comes first. For the reasons described earlier, the grounds for release with a guarantee included in the bill are narrower than those laid out in the Law of Entry into Israel. Nevertheless, several grounds for release have been added to the bill which are not located in the Law of Entry into Israel, and they are the grounds described in paragraphs (3), (5) and (6).

The ground for release stated in paragraph (3) was added because amongst the population of infiltrators there are minors whose young age and their being unaccompanied by an adult family member requires different treatment than the treatment given to adult infiltrators.

The grounds in paragraphs (5) and (6) are meant to ensure that if the infiltrator submitted a request for a permit and residency license in Israel, for example on the ground that he is a refugee, the handling of his request will not be delayed.

The expectation is that the length of detainment in detention will curb the infiltration phenomenon or at least significantly reduce it. In any case it is recommended that the infiltrator not be released with guarantee for the reasons stated above if his deportation from Israel will be hindered or delayed because of the lack of full cooperation on his part, including the matter of verifying his identity or arranging deportation proceedings from Israel, or if his release is likely to harm national security, public order or health, and this is even if there are humanitarian grounds for his release or if his release could aid in deportation proceedings.

For article 30(B) it is recommended that an infiltrator be held in detention as defined by article 13(a) in the Law of Entry into Israel or in a place of detention as determined by the

Minister of Defense, and the conditions of his detention will be according to the instructions from article 13(h) in the Law of Entry into Israel, such that his detainment will be in suitable conditions, which do not harm his health or his dignity, and in a separate cell from convicted criminals.

Recommendation for article 30(C) –

Article 1(c) in the Criminal Procedure Law states that the law's stated instructions will apply to arrest and to detention according to any law, unless different instructions are determined by law. It is recommended to qualify the instructions for article 1(c) for everything related to procedures and authorities according to the Law for the Prevention of Infiltration, unless there is a specific and different determination in this law. A similar instruction exists in article 13(I) in the Law of Entry into Israel.

Recommendation for article 30(D) and 30(G) --

It is recommended that that Minister of Justice will be authorized to appoint Detention Review Tribunals for Infiltrators from amongst those appointed as Detention Tribunals according to the Law of Entry into Israel.

It is recommended that the instructions in note B in the fourth paragraph of the Law of Entry into Israel will apply to Detention Review Tribunals for Infiltrators, with the necessary changes and with the changes described in these articles.

Thus, as to the matter of bringing a person before the Tribunal, instead of bringing the person before the Tribunal within 96 hours according to article 13(14)(a) of the Law of Entry into Israel, an infiltrator will be brought before judicial review no later than fourteen days from the first day of detainment in detention. This judicial review is meant to ensure that there will be supervision regarding the detainment in detention as well for persons who did not out of his or her own initiative turn to the Tribunal or to the Court. The reason for the difference between the periods set in the Law of Entry into Israel and the periods set in the bill stems from the need for more clear and complex procedures regarding their identity and preventing the arrival of infiltrators. This is in light of, among other things, the paths of infiltration into Israel, including without documentation or records, and taking into account the number of infiltrators entering Israel in recent years.

Similarly it is recommended that the instructions in article 13(15) in the Law of Entry into Israel will not apply, and that for the instructions in article 30(E) it is recommended to determine the authority of the Tribunal regarding the handling of infiltrators. The change in comparison with the instructions in the Law of Entry into Israel is such that the periodic review before the Tribunal will be once every sixty days instead of once every thirty days according to the Law of Entry into Israel.

The recommended changes match the relevant distinction between those who enter Israel lawfully, by way of a legal border crossing, where they are identified according to the documentation they carry, and those who become illegal residents after first entering

legally, and when the legal permit given to them comes to an end or after violating a condition of the permit given to them, between an infiltrator who from the start penetrated the state unlawfully, not by way of a legal border crossing. The distinction between an illegal resident according to the Law of Entry into Israel and an infiltrator according to this law, especially when speaking of a multi-dimensional phenomenon in recent years, requires focusing on handling the phenomenon in a different way which will be suitable and will be treated separately the population of infiltrators in Israel which is ever increasing in recent years in unprecedented numbers, and this is among other things a result of the lack of unique tools for preventing the phenomenon and preventing the incentive for infiltration into Israel. The purpose of the Law of Entry into Israel and the tools it gives for handling the phenomenon of illegal residents in Israel is not suitable for the purpose and the tools which need to be in the hands of the state authorities to prevent and to stop this unprecedented phenomenon, in its scope and dimensions, of infiltration into Israel through its borders – a phenomenon which has to be prevented and must whose incentives bringing about its existence must be reduced, in order to protect and prevent the state's sovereignty.

The Detention Review Tribunals for Infiltrators' decisions will be appealable before the Court for Administrative Affairs, similar to decisions made by the Detention Tribunal for illegal residents under the Law of Entry into Israel.

It should be noted that recently the Knesset has approved in its first reading the Law of Entry into Israel Bill (Amendment Number 20) (Immigration Tribunal), 2010 (published in Government's Bills – 550, page 312), in which it was recommended to establish a tribunal for immigrants (*foreigners* in Hebrew) which will conduct judicial review in matters of entry into Israel or exit from it, or in citizenship matters. As a continuation of legislative procedures and after the Immigration Tribunal will be established, it will be considered whether to authorize the Immigration Tribunal to implement judicial review on decisions made by the Minister of Defense or an authorized state employee regarding giving a deportation order and implementing it according to this law.

Article 5 – It is recommended to amend article 31 in the Law for the Prevention of Infiltration, regarding release from prison for the purpose of deportation, and to match it to the recommended amendment in article 30.

Article 6 – Article 34 in the Law for the Prevention of Infiltration states the following:  
**“The law's period of coming into effect**

34. This law will expire when a declaration by the Knesset is published according to article 9(D) of the Ordinance for Government Law and Order, 1948, that the emergency situation has ceased.”

The above article conditions the validity of the Law for the Prevention of Infiltration on the existence of an emergency situation in the country, existing today from the power of the Knesset's declaration according to article 38 in the Basic Law: The Government, and whose validity is extended every year. Simultaneously with the extension of the validity of the emergency situation, the government operates to cancel the condition of validity

for various laws or certain instructions in the law in establishing an emergency situation in the country where it is not justified. It is therefore recommended to cancel the above-mentioned article and thus disconnect the dependence between applying the law and declaring an emergency situation.

Article 7 – It is recommended to make amendments to the Administrative Courts Law, 2000, as described below:

- (1) It is recommended to amend the first supplement to the above-mentioned law and determine that it will be possible to submit a petition to the Court for Administrative Affairs against a decision by an authority made according to the Law for the Prevention of Infiltration.
- (2) It is recommended to amend the second supplement to the above-mentioned law and determine that a decision by the Detention Review Tribunals for Infiltrators will be appealable to the Court for Administrative Affairs.

Article 8 – It is recommended that the validity of the articles 3, 4, 5 and 7 in the recommended law dealing with the authorities of the Head of Border Control and the Detention Review Tribunals for Infiltrators and judicial review of them in the Courts for Administrative Affairs will be for a period of three years from the day of applying the recommended law. This is based on an assumption that making efforts against infiltrators and handling them on the administrative level as recommended in this law will lead to the phenomenon being stopped, or at least it being significantly reduced.