

The following English version of the Regulations is taken from: "Israel – A Safe Heaven?, Report and Position Paper", issued by Physicians for Human Rights and Tel Aviv University-Buchman Faculty of Law, September 2003, Annex A, pp 68-71.

Re: Regulations Regarding the Treatment of Asylum Seekers in Israel

1. Initial investigation:-

- (a) The initial application by a person seeking asylum in Israel (hereinafter, "the applicant"), shall be made to the office of the Correspondent for Israel for UNHCR (hereinafter, "the UNHCR representative"). The UNHCR representative will conduct a preliminary screening and examination by way of a thorough interview, an initial check with the Ministry of the Interior regarding information in its possession regarding the applicant, to the extent that such information is available, and a request for information from the UNHCR. Concurrent with the commencement of these regulations, the possibility of involving a representative of the Ministry of the Interior or the Advisory Committee in this initial investigation will be considered. The UNHCR representative will clarify to the applicant that the information in this case will be transferred to Israeli authorities so that his application may be processed.
- (b) In the event that the applicant is being held in detention at the time of his application, the initial investigation will be conducted at the place of detention.
- (c) Following the initial investigation, the UNHCR representative will determine whether the application warrants examination and determination by the relevant Israeli authorities. An applicant who has passed the initial investigation process described above will, as a general rule and unless otherwise required due to special reasons, be granted, by the Ministry of the Interior, a temporary permit to enable his stay in Israel until a final decision has been made with respect to his application.

2. Advisory Committee:-

- (a) An advisory committee to the Ministry of the Interior will be established to process applications for asylum.
- (b) A public figure – retired judge or senior advocate who is not a civil servant – will head the Advisory Committee. Its members will be representatives of the Ministry of the Interior (representative and secretary of the committee), Ministry of Justice and Ministry of Foreign Affairs.
- (c) The UNHCR representative will be invited to attend and participate in the open session of the Committee's meeting. The Advisory Committee may also conduct meetings without the presence of the UNHCR representative for reasons connected to the subject of the meeting, such as classified security information.

- (d) Other relevant government representatives (for example, police, IDF and ISA), will be invited to attend meetings where necessary.
- (e) The Advisory Committee may, in appropriate circumstances, allow representatives of NGOs to be present during its open sessions, as it deems fit.

3. Decision:-

- (a) Information and details gathered from the applicant and from other sources by the UNHCR representative will be transferred to the Ministry of the Interior.
- (b) Material regarding the applicant will be sent to the government ministries with representatives in the Advisory Committee, and to other relevant governmental bodies, for comments, additional information and in order to receive their position regarding the application.
- (c) The UNHCR representative will also complete his investigation of the application, where necessary, with UNHCR headquarters in Geneva.
- (d) On the basis of the information collected, the applicant will be invited to an interview and hearing before the director of the relevant population registry bureau who may be assisted, where necessary, by other population registry officials.
- (e) At this stage, following the completion of the investigation, the application will be brought before the Advisory Committee. The information received throughout the stages outlined above will be presented to the Advisory Committee by one of its members (“rapporteur”). The Advisory Committee will formulate a recommendation on the basis of the information brought before it.
- (f) The recommendation of the Advisory Committee will be presented for the approval of the Minister of the Interior, together with all the collected information, and the arguments and positions that were raised in the Committee meetings.
- (g) An applicant whose application has been approved by the Minister of the Interior will receive the appropriate permit to enable him to remain in Israel, pending a change in circumstances in his country of citizenship which would enable his return, or until the cancellation of the said permit.

4. Reconsideration:-

An applicant whose application has been rejected may apply to the Advisory Committee for reconsideration if there has been a change of circumstances relevant to the decision in his case, including the discovery of relevant new facts or documents. Should the applicant have procedural objections with respect to the work of the Advisory Committee in his case, he may petition the Minister of the Interior in this regard.

5. Jurisdiction to determine “refugee” status:-

The authority and responsibility for determining the status of “refugee” with respect to an applicant situated within the territory of the State of Israel, rests exclusively with the Government of Israel, in accordance with the law and these regulations. The UNHCR will accept, as a general rule, the decision of the State of Israel in this regard and will not issue documents recognizing the refugee status of applicants present in Israel.

6. Subjects of enemy or hostile states:-

The State of Israel reserves the right, not to absorb into Israel, or to grant a permit to enable the stay in Israel, of subjects of enemy or hostile states – as determined from time to time by the relevant authorities, and for as long as such states possess that status. The issue of the release of such persons on bail will be examined on a case-by-case basis, in accordance with the prevailing circumstances, and security considerations.

Israel appreciates the UNHCR’s position according to which UNHCR will make every effort to find a country of resettlement for such refugees, pending a comprehensive political settlement in the region.

7. Convention relating to the Status of Refugees:-

The treatment of requests for asylum, detailed above, will be conducted in accordance with Israeli law and in consideration of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. The Advisory Committee will be aided by the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status.

8. Legislation:-

At the conclusion of a one year trial period in implementing these regulations, and subject to the conclusions reached, sympathetic consideration will be given to the adoption of these regulations, in whole or part, in legislation – either primary or secondary – including provisions regarding a special permit for asylum seekers to be issued after an application has received final approval, as mentioned above. This permit would enable the applicant to remain in Israel pending a change in circumstances in the country of citizenship that would enable return.

9. These regulations, and the budget associated with it, have been approved by the Minister of the Interior.