

Regulation 10.1.0015

Date: 16.4.2015

Procedure for dealing with someone who claims to be stateless

A. **Objectives**

- A. 1 Determining the method of treatment of a person who has entered Israel through an international border (not by infiltration), resides in Israel illegally and claims that he is not a citizen of any state by law or is not eligible to receive citizenship according to law ("statelessness claim") and he has no travel document and for this reason alone he is unable to leave Israel to a different country or he cannot be deported from Israel ("the applicant").
- A. 2 This procedure will not apply for an applicant who is in another procedure for receiving status in Israel or for a resident of a region as defined in the Citizenship and Entry into Israel Law (Temporary Order), 2003.
- A. 3 **In principle, there are 2 situations for handling an applicant who claims to be stateless:**
 1. An applicant who arrived at the regional office of the Population, Immigration and Border Authority.
 2. An applicant who was arrested.
- A. 4 It should be clarified that the statelessness claim raised by the applicant will be examined only after the applicant's identity has been clarified to the Authority, and after he fully cooperated with the procedure to establish his identity.
- A. 5 Lack of cooperation or lack of good faith and lack of credibility on the part of the applicant will lead to rejection of the application in accordance with this procedure. Thus is the case even where the applicant was unable to clarify his identity.

B. **Terms and Conditions**

- B. 1 The applicant must be present.

When submitting a request the applicant must present the following documents or their copies (if he/she does not have the original):

- B. 2 Three updated pictures.
- B. 3 Questionnaire filled out in handwriting.

- B. 4 Detailed resume with an emphasis on all of the links to countries in which he or his family resided (including place of birth, previous jobs, previous studies, addresses, acquaintances country of origin, military service, etc.
- B. 5 Foreign passports, including an expired passport or other travel document in his possession that he used to enter Israel (including expired documents) or copies of them as well as other identification documents, if available.
- B. 6 Birth Certificate.
- B. 7 I.D. or a similar document, for example an internal passport issued by the state of origin or habitual residence or any other place where he lived in the past.
- B. 8 Any other official document issued by the state of origin or habitual residence or in any other place where he lived in the past.
- B. 9 A detailed explanation letter in the applicant's language including all information about the date and place of birth abroad, as well as dates and places of residency abroad until the entrance to Israel as well as details about the applicant's claim that he is not a citizen of the state of origin or of habitual residence or of birth or any other place where he lived in the past; how he entered Israel, whether he received an entrance visa, description of employment in Israel and contacts in Israel.
- B. 10 Description of previous proceedings concerning a request for citizenship or status to authorities of a state to which the applicant has affinities, together with the relevant documents.
- B. 11 Documents attesting to marital status prior to entering the State of Israel and afterwards, as well as detailed information about immediate family relatives.
- B. 12 A certificate of military service (if the applicant served in his country of origin) or a release document.
- B. 13 Any other document relating to the country or where he lived (rental contracts, school records, employment documents, etc.)

C. **The Procedure**

C. 1 **An applicant who arrived at the office of the Administration of Border Crossings, Population and Immigration and submitted a statelessness claim:**

In cases where an applicant arrived at the bureau office and raises a stateless claim as stated in section A.1 the following must be done:

- C1. 1 The bureau worker will find the details of the applicant in the "Aviv System" to check if he has been in Israel in the past, how he entered and departed from Israel, whether a request for status exists, whether he was deported in the past,

etc. and will confirm that the required papers were received according to the terms and conditions as specified in section B above.

C1. 2 If not all required documents in Section B were presented, the applicant shall be given a written list of the other documents that he must submit within 30 days. If the applicant does not present the required documents at the end of time period granted, the applicant shall specify in writing the reason why he could not produce the requested documents and the steps taken to achieve them. The Director of the Bureau will decide whether to close the application or to continue to process the request despite the failure to present all the documents.

C1. 3 The bureau worker will create a query in the “Rotem” system and will address other entities in Israel (such as the Israeli police, IDF, The Jewish Agency, Nativ, etc.) in order to verify the identity of the applicant.

C1. 4 The bureau worker will conduct an interview for the applicant according to the Procedure for Conducting Interviews Number 5.2.20013, during which the applicant will be asked, amongst other things:

C1.4.1 Detailed resume including resume prior to entering Israel.

C1.4.2 The way in which he entered into Israel.

C1.4.3 Names, telephone numbers and addresses of relatives, neighbors and friends who live in the country of origin, he will note if he is in contact with them and whether they can be contacted in a request to produce documents.

C1.4.4 Details of his workplaces in Israel and the names of his employers.

C1.4.5 Details of his workplaces abroad and confirmations of work abroad insofar as he has.

C1.4.6 Details of the procedure to receive status that he submitted in Israel, if he did, and in other countries, if he did.

C1.4.7 Application form for a travel document to the country of origin.

C. 1 d. 8. Documents or records which were issued in Israel.

C. 1 d. 9. Information about criminal records.

C1. 5 An applicant who provided information during the interview about a criminal offense committed outside the territory of the State of Israel prior to entry into Israel or information about serving a prison sentence:

C1.5.1 Interpol must be contacted to obtain detailed reference. A query must also be sent to the Israeli police to determine whether there is a criminal interdiction.

C1.5.2 If information was received about criminal or security interdiction in the case of the applicant, the applicant must be notified that in light of the information received, the Immigration Authority is considering whether to refuse the application and that it can send a written response within 30 days from the date of delivery of the letter by registered mail.

C. 1.5.3 The information and the applicant's response will be transferred for decision by the Director of visas and foreigners, that will determine whether to continue treatment or refuse it on the basis of criminal interdiction and not continue treatment.

C1. 6 The authority worker will transfer a summary of the interview, a summary of the applicant's case, recommendations, and the documents in the file to the **Unit of Enforcement and Foreigners – Department of Flight Coordination and Consulates**, for further examination of his case.

C1. 7 The Department of Flight Coordination and Consulates will examine the practical aspects relating to the departure of the applicant, including the possibility of issuing travel documents, booking flights, requirement of an entry visa, etc. If necessary, the Department of Flight Coordination and Consulates may be assisted by the Consular Division (Department of Foreign Affairs and Foreign Relations) of the Ministry of Foreign Affairs. The Department of Flight Coordination will update the Regional Office of with the results of the examination.

C1. 8 The applicant's case will only be examined after the identity of the applicant was made clear to the Authority and after he fully cooperated with the process of establishing his identity.

C1. 9 If it is found that the applicant can be deported to his country of citizenship or to any other country, his case will be brought for decision by the Director of the Bureau. A detailed and reasoned decision will be given to the applicant after he is invited to the bureau according to the contact information he gave. If the application does not report to receive the decision, it will be sent to him according to the contact information he gave. The decision will state that the applicant must act to advance his departure from Israel within 14 days of receiving the decision.

C.2 An applicant who submits a statelessness claim at the time of his arrest:

C2. 1 The treatment procedure will be conducted by a worker of the Unit of Enforcement and Foreigners according to articles C.1 above with the necessary changes.

C2. 2 An employee of the Unit of Enforcement and Foreigners will work towards receiving a signed request from the applicant for the issuance of a travel document from the relevant foreign representative of the applicant's country of origin or other country to which the applicant is connected.

- C2. 3 The applicant's case will be transferred to the Department of Flight Coordination and Consulates which will examine the practical aspects relating to the deportation of the applicant, including the possibility of issuing travel documents, booking flights, requirement of an entry visa, etc. If necessary, the Department of Flight Coordination and Consulates may be assisted by the Consular Division (Department of Foreign Affairs and Foreign Relations) of the Ministry of Foreign Affairs. The Department of Flight Coordination will update the Regional Office of with the results of the examination.
- C2. 4 If it is found that the applicant can be deported, staff of the Unit of Enforcement and Foreigners will act to deport him.

C.3 Treatment of a Request After Passage of One Year since Submission of the Request:

- C3. 1 If no country is found to which the applicant may be deported or where the treatment lasts for more than one year from the date of raising the stateless claim, and it is found that the applicant cooperates fully and there is no criminal interdiction:

C3.1.1 **In case the applicant is held in detention** – his details will be passed to the Unit of Enforcement and Foreigners who will examine his release from detention with conditions. If it is decided to release the applicant from detention, his case will be given to the relevant Population Authority for further treatment.

C3.1.2 After a year **from the date of raising the statelessness claim in the authority's bureau / release from detention** and if no final decision has been made in his case, his case will be transferred for determination of the head of the Unit of Visas and Foreigners for a decision with the summary and the bureau's recommendations, if the Unit of Visas and Applicants decides that the applicant can be given a residence permit of type B/1 in Israel, its decision will be sent to the authority's bureau through the relevant desk that will update the decision in the "Aviv" file.

C3.1.3 The regional bureau of the Population Authority will give the applicant a residence permit type "B/1- General" for a period of one year and will update the "Aviv" file and the registration sheet.

C3.1.4 At the end of one year from the date of receiving the B/1 residence permit for the first time (two years from the date of submitting the application), if there is no change in circumstances, his case will undergo another examination by the authority's bureau in the relevant desk and this after the Flight Coordination and Consulates Department's check with the Consular Division of the Ministry of Foreign Affairs whether changes have taken place in his case.

C3.1.5 A type "B/1- General" residence permit will be given, if it is decided to extend it, each time for a maximum time period of one year.

C3.1.6 The permit will be given subject to the active cooperation of the applicant in the process of examining his case, including for the purposes of documentation, voluntary departure and deportation and will comply with the conditions of his release from detention. An applicant that will does cooperate with the deportation efforts, including the clarification of information and/or is found to be not credible including in regards to the examination of his identity, details and producing of documents, will not be eligible to receive said permit and they were given to him they will be canceled.

C3.1.7 It is clarified that the passage of time itself does not constitute grounds for granting or extension of a B/1 residence permit.

C3.1.8 After at least ten years during which the applicant stayed in Israel with a resident permit of type "B/1 General" or in cases where the Ministry of Foreign Affairs declares that it is impossible to return the applicant to another country for any reason, and subject to full and active cooperation of the applicant, and in the absence of any security/criminal/other prevention, the applicant is permitted to submit a request for temporary resident status.

C3.1.9 His request will be transferred to the Head of the Population and Immigration Authority to decide, according to the recommendations of the head of the Unit of Visas and Foreigners.

C3.1.10 In any case, granting a permit or replacing it will not halt the deportation procedure of the applicant, and the efforts to return him to his country of origin or to any other country to which he can be deported will continue.

D. An applicant who is recognized as stateless, the Authority will operate as follows:

D. 1. An official of the Bureau will upload the details of the applicant in the registry and will issue a temporary residence permit in Israel (A/5). Files should be linked between the identification number of the applicant and the temporary identification card.

D. 2. The validity of the residence permit will be for one year and will be renewed each time for one year.

D. 3. Up until three months prior to expiration of the temporary residence permit, the applicant must contact the office of the Population Authority in his area of residence and apply for an extension of the permit.

D. 4. The applicant must notify the Office of any change in his case - address, marital status, etc.

D. 5. Prior to extending the temporary residence permit, the following should be checked -

D. 5 a. Are there any new circumstances and whether there is new information according to which the applicant is entitled to citizenship in another country. The examination will take place at the Department of Flight Coordination and Consulates.

D. 5 b. There is no criminal and security interdiction.

D. 6. In cases where new information or new circumstances were discovered, the applicant must be interviewed prior to transferring his case for re-examination of the Director of Visas and Foreigners, and prior to the expiration of the temporary residence permit. The recommendation of the Director of Visas and Foreigners will be the decision of the Director General of the Immigration Authority.

D. 7. Where there is no change of circumstances, the decision regarding the extension of the applicant's permit will be made by the Director of Visas and Foreigners at the Authority's headquarters.

E. **Applicability:**

Applications submitted prior to the update of this procedure and for which no decision has been made will be treated in accordance with the updated procedure.

F. **The law and its provisions:**

Entry into Israel Law - 1952.

G. **Appendix:**

Questionnaire.