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Refused Entry Into Israel And Immigration Appeals

Under international law, each sovereign state has the right to allow or refuse the entry of persons who not its residents or citizens. In the State of Israel, due to special immigration- and security-related reasons that are associated with the nature and location of the country, the history of the People of Israel and the Jewish-Arab conflict, the State's immigration policy leaves many people out of the country. Border control officials have the authority to prevent the entry of tourists or visitors to Israel, to investigate them, to detain them and to deport them. They are entrusted with this authority because they are regarded as the representatives of the Minister of Interior and the Ministry of Interior at border crossings and airports. The denial of entry to Israel can [be applied to] a tourist, visitor or family member unexpectedly, disrupt their plans and cause considerable mental distress, which is at times unjustified. In addition to the suffering and sorrow caused to those whose entry to Israel is denied at a certain time, persons whose entry to Israel is denied will not be able to return to Israel for many years after the denial. In this article, Adv. Asaf Dok explains everything you need to know about the process of denying entry to Israel and how the denial of entry and .deportation from Israel can be canceled

The Entry to Israel Law - The authority to issue a Denial of Entry Order and to deport persons from Israel

The Law of Return states that any Jewish person who wishes to do so has the right to immigrate to and settle in Israel, but it does not state what a non-Jewish person who seeks entry to Israel must do.

Those who wish to enter Israel consist of a variety of people of different ethnicities and with different statuses, and they hail from all over the world and seek to enter Israel for a variety of purposes. Not everyone who wishes to come to Israel will be able to do so - Among those who seek entry to Israel are tourists, visitors or job searchers, and some of them will be denied entry.

The Entry to Israel Law, 5712-1952 governs the entry to Israel of persons who are not citizens of Israel and to whom the Law of Return does not apply. The law determines which entry is approved and under what conditions, who needs an entry visa and the type of entry visa that

each person needs, the duration and nature of stay afforded by each visa, and so on.

The Entry to Israel Law also specifies the procedures that govern the entry to and departure from Israel at airports, border stations and border crossings, the authority to revoke entry visas, and the process of deporting persons from Israel whose entry was denied.

Those who enter Israel in the framework of the Entry to Israel Law do so by means of entry and temporary residence visas that are granted to them. These visas are limited by the duration of stay specified in them, the nature of the stay and so on, based on the situation and circumstances at hand.

Anyone who stays in Israel after [their visa expires] is considered an illegal alien by law.

Illegal aliens that are located by the Oz Unit - the MoI's Enforcement Unit, are sent to a detention facility, where they remain until they are deported.

In addition, the Entry to Israel Law governs the establishment and operations of **courts that examine and review the operations of the Immigration and Population Authority.**

□ Appellate Court - This court judicially reviews the decisions handed down by the Immigration and Population Authority that pertain to a person's status and stay in Israel, and it began to operate in 2014.

□ Court of Custodial Review - A court that judicially reviews the decisions handed down by the Immigration and Population Authority, which began to operate in 2001.

The Entry to Israel Law - Complete and Revised Version

The Authority to delay the entry of a foreign citizen to Israel

The Minister of Interior determines the considerations that dictate whether the entry of a foreign national to Israel is denied or approved. Pursuant to the instructions of the Minister of Interior and the immigration policy determined by them, the employees of the immigration authorities are authorized to deny or allow the entry of a foreign national to Israel.

If a border control official suspects that a foreign national who arrived at the airport has failed



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to disclose the true information with regard to the purpose of their visit in Israel, or if they suspect that the purpose of that person's visit to Israel is not "legitimate," the border control official may deny the tourist's request to enter Israel.

If the entry of a foreign national to Israel is denied, they will be sent to a detention center that is intended for persons whose entry was denied, and they will stay there until they are deported from Israel and returned to the country from which they came.

Common reasons to deny the entry of a foreign national to Israel

The entry of a foreign national to Israel can be denied for a variety of reasons. Those reasons are associated with Israel's immigration policy, concerns about attempts by foreign nationals to illegally settle in Israel, and security concerns. The special circumstances of the State of Israel necessitate extra caution with respect to granting entry visas because Israel is a sought-after destination of migrant workers and because of the Jewish-Arab and Israeli-Palestinian conflicts.

Border control officials may prohibit the entry to Israel of those who originate in countries that do not require an entry visa to Israel and of those who have a visa, and concerns about being denied entry to Israel are therefore relevant and intimidating to many people.

Denial of entry at the airport can surprise anyone. Those whose entry is denied are sent to a detention facility until they are sent back to their country of origin. **From the moment the entry of a person is denied, there is a very short period of time in which action can be taken in order to change the decision.**

It is important to remember that persons whose entry is denied, even unjustifiably, **will not be able to enter Israel legally for ten years.**

As stated, there is a variety of reasons why the right of a foreign national to enter Israel could be denied. Following are the main grounds for denial:

□ **Illegal work** - In case of suspicions that the person who seeks entry arrived in Israel in order to work without a permit and illegally. For that purpose, it is important to recall that tourists who visit Israel and receive a Type B/2 Visit Permit are not allowed to work in Israel, and this prohibition also includes volunteer work.



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- **History of illegal stays** – Persons who stayed in Israel illegally in the past, and particularly those who were deported from Israel in the past as a result of an illegal stay or those who have failed to provide authentic information about their stay in Israel in the past are expected to be denied entry to Israel. It is important to understand that even those who legally completed a maximum duration of stay in Israel as migrant workers and who have worked in Israel as migrant workers in the past, and who now come to Israel as tourists, may be denied entry.
- **Settling in Israel** – In case of any suspicion that the person seeking entry to Israel intends to settle in Israel unlawfully. In such cases, the entry of that person will be denied even if the reasons for which they wish to settle in Israel are humanitarian, such as family reunification. What leads to denial in such cases is the intention of the applicant to settle in Israel unlawfully. It is important to understand that even if the reasons why the applicant wishes to settle in Israel are humanitarian and admissible, if they attempt to do so illegally, they risk the chance of being denied entry to Israel.
- **Anti-Israeli activities** – An applicant who engages in anti-Israeli activities as part of organizations that call for boycotting Israel, such as activities in the framework of the BDS organization.
- **Entry visas and purposes of visit** – Those who arrive without the requisite entry visa, those who come to visit a person who is not a permanent resident or a citizen, people with first-degree relatives who work as migrant workers in Israel, and the like are expected to be denied entry to Israel.
- **Security reasons** – If there's information about a person that indicates that they constitute a security or criminal threat, or a person who exhibited violent behavior or who is suspected to have replaced their identity, imposters, etc.
- **Attempted fraud and concealment** – Persons who lied at border crossings or failed to provide relevant information.

The ramifications of denial of entry to Israel

It is important to understand that the denial of entry to Israel entails long-term ramifications that consist of more than a one-time prevention of entry to Israel with respect to such a person. Persons whose entry is denied will not be able to enter Israel for many years, and

when that person is a family member of an Israeli resident, the result can be particularly painful.

A person whose entry to Israel was denied at Ben Gurion Airport or at another border crossing is automatically added to the list of foreign nationals who may not enter Israel **for ten years** after the date of deportation and denial.

The person whose entry was denied will be added to that list even if there is no stamp on their passport that attests to the denial of entry because their information is found in the computer system that is managed by the Population Authority.

Some claim that even after those ten years have elapsed, because of the record of the denial that is kept in the system, the Immigration and Border Control Authorities will treat persons whose entry was denied with suspicion.





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Delayed or denied entry at Ben Gurion Airport

The delay or denial of entry to Israel at the airport is a difficult experience both for the person whose entry was denied and for those who wait for them in Israel. That experience is difficult for valid reasons, and it is even more difficult for those whose entry was denied due to unjustified suspicions. The Immigration and Border Control Authorities have no intention of preventing the entry of innocent tourists to Israel, but regrettable mistakes happen, have happened and will continue to happen in the future.

Imagine the distress felt by someone who came to visit family members whom they have not seen for a long time, and whose entry to Israel is denied. Imagine the distress of family members or friends who look forward to meeting a beloved person whom they have not seen for years, when the entry of that person to Israel is suddenly but definitively prevented by the Border Control Authorities.

Even innocent tourists who planned a visit to Israel and whose entry is denied pursuant to the decision of a Border Control official experience distress and frustration. A foreign national who wishes to enter Israel and is suspected by the Border Control of intending to stay in Israel beyond the declared duration of the visit will be asked to wait for an investigation in the "denied entry line."

While waiting for the interrogation, the foreign national will be able to keep their phone. This would be the time to contact those who are waiting for them in Israel because, once the foreign national's interrogation begins, their mobile phone will be taken from them. If the entry of the foreign national to Israel is denied, their phone will only be returned to them when they board the plane that returns them to their country of origin.

Until they are deported, denied persons will stay at a designated detention facility. In special cases, denied persons may be released from the detention center on bail.

Usually, the denied person will be sent to the country from which they came within a few hours or days. Those whose entry to Israel is denied at a land border crossing are immediately sent to the other side of the border crossing.



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What should I do in case my entry to Israel is denied or delayed at Ben Gurion Airport?

As stated above, the mobile phone of the denied person will remain in their possession while they wait for the interrogation. Upon the commencement of the interrogation, their mobile phone will be taken from them, and it is therefore important to understand that, from the moment the applicant is sent to the "denied entry line," they must act quickly and without delay.

The denied person must inform their contacts in Israel of the delay, so that they could take action to prevent their entry's denial. Once you are informed by a visitor whom you expect of their detention, **you must act with determination and quickly**. You will have to obtain the passport number of the detained person and any information that pertains to the detention that you can acquire. If the detained person has a return flight date (with regard to the flight back to their country of origin), you must have the date of the flight.

Applications to review the cases of denied persons may be received until up to three hours before the flight scheduled for their deportation.

The earlier you file your application to review the denial case before the deportation, the higher the chances of it being examined seriously. If the review application is filed on a shorter notice, that will increase the chances of the application being denied *in limine*.

If an appeal from denial is granted, a financial guarantee will be required in order to ensure the departure of the foreign national from Israel at the end of the approved duration of visit.

Once you are informed of the detention of your guest at the airport, you must act immediately. Upon being informed of it, you must immediately contact an attorney who specializes in entry denial cases, who has considerable and successful experience with assisting denied persons. An experienced attorney will know how to act as quickly as possible so as to file an appeal from the decision of the Border Control officials and cancel an unjustified denial of entry.

Filing an appeal from a Denial of Entry Order

the Immigration and Border Control Authorities are aware of the problematic nature of



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unjustified denial of entry, the distress caused to the denied person and their loved ones, and the need to strike a balance between the protection of national security and the State's financial stability, and enabling tourists to visit Israel.

To enable that balance, two courts have been established in the framework of the Entry to Israel Law whose purpose is to judicially review the decisions of the Immigration and Population Authority, and Custody Orders issued by the Border Control Officer of the Immigration and Population Authority.

□ **Court of Custodial Review** - This court began to operate in 2001, and it judicially reviews orders of custody that were issued by the Border Control Officer of the Immigration and Population Authority. The role of the Court of Custodial Review is to examine the legality of custody as soon as practicable. Under the Entry to Israel Law, the court is authorized to certify, amend or cancel an Order of Custody. The court is authorized to order a release on bail and change the terms of the bail. Under the Entry to Israel Law, 1952-5712, a person who is kept in custody must be brought to the Court of Custodial Review as soon as practicable and within 96 hours of the decision of the Border Control Officer. If the court certifies a person's custody, it will judicially review that person's continued duration of custody at least once every 30 days.

□ **Appellate Court** - This court began to operate in 2014. It serves as a court of judicial review that examines the decisions of the Immigration and Population Authority in the context of status and stays in Israel. The Appellate Court is an administrative court that conducts an initial review of the decisions of the Population and Immigration Authority in matters pertaining to entry, stays and residence in Israel, and matters pertaining to citizenship, in accordance with the provisions of the Second Addendum to the Entry to Israel Law, 5712-1952.

Applications to appeal from the decisions of the Ministry of Interior that pertain to the cancellation of a visa or deportations can be filed at every stage of the process.

If a person is denied entry and deported from Israel, it is still possible to file an appeal by means of an "Application to Cancel Entry Denial," so that the denied person will be permitted to visit Israel before ten years have elapsed.

If an appeal is filed before the denied person is deported from Israel, that will delay the deportation proceedings and enable the person facing potential



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deportation to remain in Israel until the appeal is fully adjudicated, without fear and without the risk of detention.

The Appellate Court is authorized to review decisions that pertain to such matters as: the status of foreign spouses of Israeli citizens or residents, including married couples and civil union spouses, the handling of gradual naturalization proceedings, including minors to whom such proceedings pertain; expiration of residence; work visas for migrant workers; the status of minors one of whose parents is a permanent resident of Israel; applications for refugee status; the granting of statuses on humanitarian grounds, and more.

Appeals can be filed from the judgments of the Appellate Court or the Court of Custodial Review with the District Court, in its capacity as the Court of Administrative Affairs.





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The process of filing appeals from decisions to deny entry

The process of filing appeals from decisions to deny entry at Ben Gurion Airport is a complicated process that must be completed quickly, and it is therefore recommended to complete it by means of a professional immigration lawyer.

□ **Filing the application** – The application must be filed within thirty days of the decision to deny entry. Before the appeal is filed, a fee in the amount of NIS 669 must be paid, and the receipt must be attached to the application to appeal. The appeal must be printed in Hebrew and the application must include the names of the appellants, their country of citizenship or residence, and the ID number or passport number of the appellants. If the appellant has multiple passports, the number of the passport in their possession must be specified. Moreover, a photocopy of the appellant's identity card and passport must be attached to the application. The application to appeal form must include an address to which notices and documents can be sent, as well as the telephone number and email address of the appellant. If the appellant is represented by an attorney, the name of the attorney must be specified, added by a valid power of attorney, an address, and the contact information of the representing attorney. The form must include a description of the subject matter of the appeal, including the facts of the case in question and the grounds and laws on which the appeal is based. In addition, the form must include the remedy that is being sought by the appellant. The appeal must contain the signature of the appellant or their attorneys.

□ **Legal proceedings** – Legal proceedings in the Appellate Court begin once the appeal is filed. If it is decided to hold a hearing in court, an invitation to the hearing will be sent to the applicant up to one week before the hearing. Failure to attend the hearing may result in the appeal's denial because the appellant will not be given an opportunity to make their case. If an appeal is denied by the Appellate Court, it will be possible to appeal from the decision of the Appellate Court by way of filing an application with the Court of Administrative Affairs within 45 days of the decision.

The importance of high-quality legal representation for denied persons

Because the proceedings in question are complicated proceedings that need to be completed



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within a short timeframe, it is important for denied persons to receive the assistance of experienced professionals. An attempt to deal with the situation on your own might lead to undesirable results. It is important to contact an experienced and skilled immigration lawyer in order to ensure that the proceeding's result is the best result for you. Be wary of inexperienced lawyers who promise you miracles without having any experience in the field, even if the price is tempting. When it comes to immigration and entry denial cases in Israel, experience and expertise are priceless. An experienced lawyer who is well-versed in the procedures and the system will examine your case and recommend the appropriate course of action.

Have you been unjustifiably denied entry to Israel?

The entry to Israel by foreign nationals is denied on a daily basis by Border Control officials at Ben Gurion Airport and land border crossings. The process of locating, interrogating and deporting denied persons is swift and necessitates quick, resolute and precise action. Any delay could result in the foreign national's deportation and their inclusion in the list of denied persons for many years.

The process of handling entry denial proceedings is complex, and an attempt to deal with the bureaucratic system alone will usually end in the applicant's exhaustion, without achieving any results. Fortunately, you don't have to deal with this alone. Highly experienced and skilled immigration lawyers are available to denied persons and the people waiting for them in Israel. You should avoid facing the immigration authorities on your own. Once the applicant is sent to the line in which they will wait for the interrogation, at the end of which their entry to Israel will be approved or denied, an experienced immigration lawyer should be contacted.

The applicant must immediately inform their host or the persons who invited them to Israel of their detention, and the host must contact an immigration lawyer and immediately begin the process of preventing the denial of their entry to Israel. The attorney will examine the circumstances of the detention and will take the best course of action for you.

If the applicant is denied entry and deported from Israel, the attorney will take measures to retroactively cancel the denial, such that the entry of the foreign national to Israel will not be prevented for many years.

Given the short timeframe that applies to denied persons, an expert attorney must be contacted as soon as practicable in order to enable the entry of the denied person on bail or,



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in the alternative, the filing of an appeal from the decision to deny entry with the Appellate Court, added by an application to delay the deportation from Israel until the appeal is decided.

Our office provides legal consultation and representation to denied persons with respect to the Israeli Immigration and Border Control Authorities. Our team of attorneys, which includes former members of various state attorney offices and enforcement agencies. Our team members will act skillfully and tirelessly in order to protect your rights.

Our office is comprised of a gifted and unique group of people who are well-versed in thinking “outside the box” and finding original solutions, and who constantly seek to further the interests of their clients. [Their persistent, ceaseless and uncompromising endeavors ensure that no stone is left unturned] until the objective is attained to the client’s satisfaction. If you were detained or denied entry to Israel, please contact us without delay for a consultation at **972-52-6885006**, or [send us your information](#), and we’ll be happy to offer you personalized professional solutions. Your message does not entail any commitment on your part. Full discretion is guaranteed.