

Population and Immigration Authority	Area: Enforcement Subject: Infiltrators involved in criminal proceedings
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Regulation for the treatment of infiltrators involved in criminal proceedings

1. An infiltrator involved in criminal activity will fall under the purview of the Population and Immigration Authority in one of a number of ways:

A. **An infiltrator still in police custody immediately following the commission of the offense:**

The infiltrator is still in Israel Police custody after being caught and arrested immediately following the commission of the offense, and there exists an intention to close his file due to a lack of sufficient evidence to take the case to trial, or due to a lack of sufficient public interest in prosecution insofar as this matter will be transferred to the administrative track.

A.1. The head of the relevant District Investigations Branch will transfer to the Enforcement and Foreigners Administration Headquarters the following:

- 1.1. The investigative materials in the file including relevant intelligence material.
- 1.2. Investigative file summary which includes details of the evidence against the infiltrator.
- 1.3. A judicial opinion stating that the infiltrator meets the criteria approved by the Deputy Attorney General (criminal):

- 1.3.1. Included are criminal offenses in which it has been found that there is no public interest in having the offender stand trial, or criminal and misdemeanor offenses in which there is insufficient evidence for a criminal trial, all in accordance with criteria determined by the police.
- 1.3.2. Confirmation that the offense which the infiltrator is suspected of having committed is an offense which endangers national security or the public peace according to clause 30a(d)(2) to the Anti-Infiltration Law (offenses and judgment) – 1954. The danger to public peace and safety will be expressed in the judicial opinion, as of the date of the decision and based on what is stated in the criteria.
- 1.3.3. Confirmation that the evidence of the commission of the offense by the infiltrator is clear, unequivocal, convincing, and is close to the level of evidence required in criminal proceedings (given that the case closed due to lack of evidence).

2.a. The head of Planning and Oversight or the head of Foreigner Investigations will review whether there is anything in the circumstances of the matter to prevent the transfer of the infiltrator to administrative proceedings and prevent the issue of a deportation order, in accordance with the Anti-Infiltration Law, for the purpose of transfer to custody.

3.a. The infiltrator, while still in the custody of the police in the context of criminal arrest, will be escorted by the police within the period of arrest to the relevant enforcement region of the Population and Immigration Authority.

4.a. A hearing for the infiltrator will be held in the region, and if it is found that the infiltrator meets the criteria and that the temporary stay permit given him under the clause 2(a)(5) of the Law of Entry to Israel is still valid, the license will be cancelled by the authorized body, and a deportation warrant will be issued in accordance with the Anti-Infiltration Law for the purpose of confinement in custody.

5.a. The infiltrator will be transferred by Population and Immigration Authority inspectors from the region to custody.

B. An infiltrator whose file was closed prior to the enactment of the regulation

An infiltrator who commits a criminal offense and whose file was closed prior to the enactment of the regulation, due to lack of public interest or lack of sufficient evidence for criminal proceedings, and was released by the Israel Police.

B.1. The head of the relevant District Investigation Branch will transfer to the Enforcement and Foreigners Administration Headquarters the following:

B.1.3. A list of infiltrators according to this sub-clause that meet the criteria approved by the Deputy Attorney General (criminal)

B.2.3. The investigation materials in the file including relevant intelligence material.

B.3.3. Investigative file summary which includes details of the evidence against the infiltrator.

B.3.4. A judicial opinion stating that the infiltrator meets the criteria approved by the Deputy Attorney General (criminal):

1.4.1. This refers to people who are recidivists in accordance with the criteria determined by the police, or a misdemeanor offense that is on the list of selected offenses determined by the police criteria and the file closed due to lack of public interest, or crimes of misdemeanors for which there is insufficient evidence for a criminal trial.

1.4.2. Confirmation that the offense which the infiltrator is suspected of having committed is an offense which endangers national security or the public peace according to clause 30a(d)(2) to the Anti-Infiltration Law (offenses and judgment) – 1954. The danger to public peace and safety will be expressed in the judicial opinion, as of the date of the decision and based on meeting the criteria.

1.4.3. Confirmation that the evidence of the commission of the offense by the infiltrator is clear, unequivocal, convincing, and is close to the level of evidence required in criminal proceedings (given that the case closed due to lack of evidence), or that enough evidence exists in the file for a criminal trial but there isn't sufficient public interest in holding a trial (given that the file closed due to lack of public interest).

B.2. The head of Planning and Oversight or the head of Foreigner Investigations will review each file in itself and will decide whether there is anything in the circumstances of the matter to prevent the transfer of the infiltrator to administrative proceedings and prevent the issue of a deportation order, in accordance with the Anti-Infiltration Law, for the purpose of transfer to custody.

B.3. Insofar as it is decided that on the face of things there is room for a deportation warrant to be issued against the infiltrator for the purpose of being held in custody, the head of Planning and Oversight or the head of Foreigner Investigations will insert a comment in the infiltrator's file in the Aviv system, stating that when the infiltrator arrives at the Population and Immigration Authority bureaus for the purpose of renewing the temporary stay permit in his possession (under clause 2(a)(5) of the Law of Entry into Israel), a hearing must be held for him.

B.3.1. A hearing will be held for the infiltrator at the bureau to verify his details, to confirm that the comment inserted in the computer system refers to him and to review the cancellation of the temporary stay permit in his possession.

B.3.2. If the infiltrator's temporary stay permit has already expired there will be no need to cancel it. If the infiltrator's temporary stay permit has yet to expire, it will be necessary to cancel it at the bureau itself.

B.3.3. After the cancellation of the license, bureau personnel will summon the enforcement representative to the bureau to escort the infiltrator to the relevant enforcement region.

B.3.4. The region will conduct a hearing for the infiltrator, and if it is found that the infiltrator meets the criteria and no issue preventing the transfer of the infiltrator to administrative proceedings and the issue of a deportation warrant exists in the circumstances of the case, a deportation warrant will

be issued against him according to the Anti-Infiltration Law for the purpose of detainment in custody.

C. An infiltrator who committed a criminal offense, was convicted and finished serving his sentence:

An infiltrator, who committed a criminal offense, stood trial and was convicted prior to the enactment of the regulation, and finished serving his sentence.

C.1. The head of the relevant District Investigation Branch will transfer to the Enforcement and Foreigners Administration Headquarters the following:

C.1.1. A list of infiltrators according to this sub-clause, that the offenses for which they were convicted meet the criteria approved by the Deputy Attorney General.

C.1.2. A final judgment (sentence and verdict).

C.1.3. A judicial opinion stating:

C.1.1.3. The offense for which the infiltrator was convicted meets the criteria determined by the police and approved by the Deputy Attorney General (criminal).

C.1.2.3. Confirmation that the offense for which the infiltrator was convicted is an offense that endangers national security or the public peace according to clause 30a(d)(2) of the Anti-Infiltration Law (offenses and judgment) – 1954. The danger to public peace and safety will be expressed in the judicial opinion, as of the date of the decision and based on meeting the criteria.

C.2. The head of Planning and Oversight or the head of Foreigner Investigations will review each file in itself and will decide whether there is anything in the circumstances of the matter to prevent the issue of a deportation order, in accordance with the Anti-Infiltration Law, for the purpose of transfer to custody.

C.3. . Insofar as it is decided that on the face of things there is room for a deportation warrant to be issued against the infiltrator for the purpose of being held in custody, the head of Planning and Oversight or the head of Foreigner Investigations will insert a comment in the infiltrator's file in the Aviv system, stating that when the infiltrator arrives at the Population and Immigration Authority bureaus for the purpose of renewing the temporary stay permit in his possession (under clause 2(a)(5) of the Law of Entry into Israel), a hearing must be held for him.

C.4. A hearing will be held for the infiltrator at the bureau to verify his details, to confirm that the comment inserted in the computer system refers to him and to review the cancellation of the temporary stay permit in his possession.

C.5. If the infiltrator's temporary stay permit has already expired there will be no need to cancel it. If the infiltrator's temporary stay permit has yet to expire, it will be necessary to cancel it at the bureau itself.

C.6. After the cancellation of the license, bureau personnel will summon the enforcement representative to the bureau to escort the infiltrator to the relevant enforcement region.

C.7. The region will conduct a hearing for the infiltrator, and if it is found that the infiltrator meets the criteria and no issue preventing the transfer of the infiltrator to administrative proceedings and the issue of a deportation warrant exists in the circumstances of the case, a deportation warrant will be issued against him according to the Anti-Infiltration Law for the purpose of detainment in custody.

2. The law and its clauses:

The Anti-Infiltration Law (offenses and judgment)-1954.