

Regulations on Entry into Israel (Fees in the Appeals Tribunal) (Provisional Measure) – 2014

Pursuant to my authority under Article 13(34)(a)(5) of the Law on Entry into Israel, 1952, in consultation with the Ministry of the Interior, with the authorization of the Minister of the Treasury pursuant to Article 39(b) to the Budget Basics Law, 1985, and with the approval of the Knesset Committee on the Interior and the Environment Protection, I hereby regulate these regulations:

1. Definitions

In these regulations:

“Tribunal” - The Appeals Tribunal as defined in Article 13 (22) of the Law;

“Relatives” – Parent, child, brother, and partner of each;

“Fees Regulations” – the Courts Regulations (Fees), 2007

2. The Obligation of Payment of Fees

- (a) The person submitting an appeal to the Tribunal, shall pay upon first submission, the sum specified in detail 6 to the annex of the Fees Regulations.
- (b) The Tribunal shall not address the Appeal, unless the fee has been paid or the submitting person is exempt from its payment.
- (c) An appeals for which a fee has not been paid pursuant to sub-Regulation (a), in entirety or partially, will not be accepted to registration, unless a request has been submitted for exemption.
- (d) A fee that should be paid by an appellant out of business hours, under section b of chapter e of the Regulations on Entry into Israel (Administration and Procedures at the Appeals Tribunal), 2012, shall be paid on the first non-resting-day following the day the procedure has been submitted, unless the Tribunal decided on another date for fee payment.
- (e) Should the Tribunal addressed the Appeal, and it turns out that the fee has not been paid in its entirety or partially, the secretariat shall send the Appellant a demand for a fee; should the fee not be paid with ten days from the production of the demand or another period determined therewith, and a decision concluding the proceedings has not been made. The Tribunal may dismiss the appeal and all provisional measures or injunctions shall be void, and any sum of the fee shall not be returned.

3. Exemption of Fee

- (a) An Appellant claiming he cannot afford to pay the fee, shall add to the appeal, upon first submission to the Tribunal, a request for fee exemption for the same appeal, along with documents and affidavit for the verification of the facts underlying the request.
- (b) In the Affidavit pursuant to sub-Regulation (a), the appellant shall include these details:

- (1) Specification of his property, his partner's property and his relatives' property, if he is dependent on them;
 - (2) His income and its sources for the six months prior to the date of the request;
 - (3) The date of entry to Israel and type of visa received, if received, and the date the visa was received;
 - (4) His place of residence for the six months prior to the date of the request, and the sum he paid for staying in this residence;
 - (5) Lawyer's fees paid, or concluded to pay to his legal representative in the proceedings.
- (c) The Tribunal may demand the appellant to produce additional documents for the corroboration of his claims pursuant to this Regulation.
- (d) Should a request for fee exemption be submitted and the Tribunal sees that exceptional circumstances exist that justify exemption of fee, and the appellant cannot afford to pay the fee, and it seems to the Tribunal that the procedure shows cause – the Tribunal may exempt the appellant from the payment of fee, partially or entirely, for reasons that should be noted.
- (e) For this Regulation, the following specified circumstances, by themselves, shall not be considered as justifying an exemption from fee:
- (1) The fact the appellant has no relatives in Israel;
 - (2) The fact the appellant has no visa or license allowing him to work in Israel;
 - (3) Previous court decision to exempt the appellant from payment of fee.
- (f) Prima fascia evidence for the inability of the appellant to pay the fee pursuant to sub Regulation (d), shall be a declaration of the following, if made in the two years prior to the submission of request:
- (1) Declaration that the appellant is a person of limited resources pursuant to Article 69c of the Execution Law, 1967;
 - (2) Declaration that the appellant is bankrupted pursuant to Article 42 of the Bankruptcy Law (New Version), 1980

4. Application of the Courts Regulations (Fees)

On a fee under these Regulations, Regulations 12, 13, 19 and 20(1) to (6), (19), (20) and (22) of the Fees Regulations shall apply, with the corresponding changes.

5. Entry into Force and Duration

The entry into force of these Regulations is the day of the entry into force of the Law of Entry into Israel (Amendment no. 22), 2011, unless promulgated thereafter, and it will be in force for two years.

6. Application

These Regulations shall apply to appeals submitted on the day of the entry into force of these Regulations or thereafter.

7. Provisional Order

Despite the above mentioned in these Regulations

- (1) An appeal that have been submitted within 30 days of the day an objection of the same appellant in the same matter had been expunged, on account of the cessation of Foreign Objections Committees and the establishment of the Appeals Tribunal – is exempt from fee.
- (2) An appeal that has been transferred from the Administrative court, pursuant to Article 10(c) to the Law of Entry into Israel (Amendment no. 22), 2011, is exempted from fee if the appellant can prove he paid the acceptable fee at the Administrative Court partially or in its entirety.

28 May 2014

Tzipi Livni (Minister of Justice)