1. **General**

It is beyond the scope of the present consideration to deal with the overall status of foreigners in Palestine. Nor is this study concerned with all aspects relating to the admission of foreigners into the country. The study will rather address the admission of foreigners in so far as it relates to Palestinian nationality, by looking at the various rules applicable to Palestinian citizens and those applicable to foreigners with regard to their entry into Palestine. This distinction is important because international migration law sets different rules for citizens and foreigners. Such a distinction is based, in turn, on nationality.

A number of legislation governed the admission of foreigners into Palestine. Passport rules regulated departure from the country, while entry into Palestine was governed by immigration legislation. The first Immigration Ordinance was introduced in Palestine by the military administration as early as August 1920. On 1 September 1925, one month after the enforcement of the Palestinian Citizenship

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882 See above Chapter VIII, Section 2.

883 ‘Immigration legislation’, for the purpose of this chapter, means the set of immigration ordinances, regulations, instructions and related administrative acts.

884 See above p. 56.
Order, a new Immigration Ordinance was enacted. The latter was subsequently replaced by the Immigration Ordinance of 1933. In light of the then new British policy towards Palestine, which was declared in 1939, the last Immigration Ordinance was adopted in 1941. The procedural aspects for entry into Palestine were organized in detail by the immigration regulations, notably the Regulations of 1933, and other administrative rules and instructions.

The definition of the term ‘foreigner’ had been the logical result of the recognition of a distinct Palestinian nationality. In virtue of various immigration legislation, a ‘foreigner’, or ‘alien’, was regarded as any person who was not a Palestinian citizen under the Citizenship Order of 1925. With regard to admission into Palestine, foreigners of all nationalities were treated, in law, as equals. Broadly speaking, foreigners fell under two classes: travellers and immigrants.

887 See the White Paper of 1939, op. cit., p. 10 (limiting the total Jewish immigrants to 75,000 in five years). It may be recalled that the Palestine Royal Commission, which had visited the country in 1936, recommended to the British government, inter alia, the restriction of the future Jewish immigration into Palestine. In general, the Government of Palestine’s control of immigrants after 1939 was in line with the White Paper’s policy. See Survey of Palestine, Vol. I, pp. 165, 175–179.
888 Op. cit. While the 1941 Ordinance consolidated the previous ordinances, it imposed stricter penalties against violations of immigration legislation.
889 See Immigration Regulations of 1925 (Legislation of Palestine, Vol. I, p. 334). These Regulations were replaced and elaborated by the Immigration Regulations of 1933 annexed to the Immigration Ordinance of 1933 (Laws of Palestine, p. 860). The latter Regulations were never repealed. They were, however, amended a number of times from 1935 to 1945. These amendments were as follows (the numbers of the reference, dates and page numbers in this note refer to Supplement 2 of the Palestine Gazette): Immigration (Amendment) Regulations of 1935 (No. 500, 28 March 1935, p. 310); Immigration (Amendment) Regulations of 1937 (No. 687, 10 May 1937, p. 527); Immigration (Amendment) Regulations (No. 2) of 1939 (No. 885, 5 May 1939, p. 420); Immigration (Amendment) Regulations (No. 3) of 1939 (No. 912, 24 August 1939, p. 754); Defence (Immigration) Regulations of 1940 (No. 994, 18 March 1940, p. 597); Defence (Immigration) (Amendment) Regulations of 1940 (No. 1030, 11 July 1940, p. 1117); Immigration (Amendment) Regulations of 1943 (No. 1302, 25 November 1943, p. 1345); Immigration Regulations (Amendment) of 1944 (No. 1359, 14 August 1944, p. 1144); Immigration (Amendment) Regulations of 1945 (No. 1457, 24 November 1945, p. 1748). Administrative decisions had given effect to the immigration ordinances and regulations (called instructions and orders), the most significant of which was the legislation called Instructions to Immigration Officers (1930), op. cit.
890 See Palestinian Citizenship Order of 1925, Article 21(3); Passport Ordinance of 1925, Article 2; Passport Ordinance of 1934, Article 2; Immigration Ordinance of 1925, Article 2; Immigration Ordinance of 1933, Article 2; Immigration Ordinance of 1941, Article 2. Cf. the definition of ‘foreigner’ in Article 59 of the Constitution of Palestine; above pp. 41–42.
891 But see Immigration Ordinances of 1925, of 1933 and of 1941, Article 2; Instructions to Immigration Officers, Articles 21–40. In these articles, other classes of foreigners were mentioned (e.g. travellers, transit travellers, tourists, temporary residents, temporary workers, immigrants, permanent residents and exempted foreigners). Substantively,