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## **The Nationality and Entry into Israel Law (Temporary Order), 5763- 2003**

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## **The Nationality and Entry into Israel Law (Temporary Order), 5763- 2003**

Definitions

1. In this Law -
- ”Region” – any one of these : Judea and Samaria, and the Gaza Strip;
  - ”Citizenship Law” - Citizenship Law, 5712-1952;
  - ”Entry into Israel Law” - Entry into Israel Law 5712-1952;
  - ”Region Commander” – with regard to Judea and Samaria – Commander of the Israel Defence Forces in Judea and Samaria, and with regard to the Gaza Strip – someone authorized by the Minister of the Interior, with the consent of the Minister of Defence;
  - ”Resident of the region” – someone who has been registered in the population registry of the region, as well as someone who resides in the region notwithstanding the fact that he has not been registered in the population registry of the region, but excluding a resident of an Israeli settlement in the region.

(Amendment No. 1)  
5765-2005  
(Amendment No. 2)  
5767-2007

(Amendment No. 1)  
5765-2005

Restrictions on  
Citizenship and  
Residence in Israel  
(Amendment No. 2)  
5767-2007

2. During the period when the Law is in force, notwithstanding that which was stated in any other law including section 7 of the Citizenship Law, the Minister of the Interior shall not grant citizenship to a resident of the region or to a citizen or resident of a state listed in the schedule in accordance with the Citizenship Law and he shall not grant him a license to reside in Israel in accordance with the Entry into Israel Law, and the region commander shall not grant a resident of the region a permit to stay in Israel in accordance with security legislation in the region.

Permit for Spouses  
(Amendment No. 1)  
5765-2005

3. Notwithstanding the provisions of section 2, the Minister of the Interior may, using his discretion, approve the application of a resident of the region to receive a permit to stay in Israel by the region commander –
- (1) with respect to a male resident of the region who is over 35 years of age – for the purpose of preventing his separation from his spouse who lawfully resides in Israel;
  - (2) with respect to a female resident of the region who is over 25 years of age – for the purpose of preventing her separation from her spouse who lawfully resides in Israel.

Permit for Children  
(Amendment No. 1)  
5765-2005

- 3A. Notwithstanding the provisions of section 2, the Minister of the Interior, using his discretion, may –
- (1) grant a minor resident of the region who has not reached 14 years of age, a license to reside in Israel for the purpose of preventing his separation from his guardian parents who lawfully reside in Israel;
  - (2) approve the application to grant a permit to stay in Israel by the region commander to a minor resident of the region who is over the age of 14 for the purpose of preventing his separation from his guardian parents who lawfully reside in Israel, and provided that the said permit is not extended if the minor does not permanently reside in Israel;

Permit and License  
in Special  
Humanitarian Cases  
(Amendment No. 2)  
5767-2007

- 3A1. (A) Notwithstanding the provisions of section 2, the Minister of the Interior, for special humanitarian reasons, and upon the recommendation of a professional committee appointed for this purpose (in this section – the “committee”) may –

- (1) grant temporary residence in Israel to a resident of the region or to a citizen or to a resident of a country listed in the schedule, whose family member lawfully resides in Israel;
  - (2) approve the application to grant a permit to stay in Israel under the custody of the region commander to a resident of the region whose family member lawfully resides in Israel.
- (B) The Minister of the Interior may decide to establish a number of committees for the purpose of this section, whose composition will comply with the provisions of subsection (C).
- (C) The committee shall be composed of –
- (1) Someone who is qualified to be appointed as a judge in a district court, who shall be appointed by the Minister of the Interior and who shall be the chairperson;
  - (2) A representative who shall be appointed by the Minister of Defence;
  - (3) A representative who shall be appointed by the head of the General Security Services from amongst the employees of the Service;
  - (4) A representative who shall be appointed by the Minister of the Interior from amongst the employees of his Ministry;
  - (5) A representative of the public who shall be appointed by the Minister of Justice and by the Minister of the Interior.
- (D) The Minister of the Interior shall present his decision, in writing, whether to grant a permit or to approve an application, as the case may be, as aforesaid in subsection (A), within six months from the day all the required documents were produced to the committee; the minister's decision shall be reasoned.
- (E) For the purposes of this section –
- (1) The fact that the family member of the applicant for a permit or license, who lawfully resides in Israel is his spouse, or that the spouses share common children, will not, in and of itself, constitute a special humanitarian reason.
  - (2) Should the applicant for a license be a resident of Syria, and his spouse a member of the Druze community who lawfully resides in Israel, and who lives in the Golan Heights region and upon whom the law, jurisdiction and administration of the State of Israel applies, in accordance with the Golan Heights Law, 5742-1981, the Minister of the Interior may view this as a special humanitarian reason.
- (F) The Minister of the Interior may determine in an Order, with the government's approval, a maximum annual quota

of licenses or permits that shall be granted or shall be approved according to this section.

(G) In this section, a “family member” – spouse, parent or child.

Additional Permits  
(Amendment No. 1)  
5765-2005

3B. Notwithstanding the provisions of section 2, the region commander may grant a permit to stay in Israel for the purposes enumerated below:

(1) Medical treatment;

(2) Work in Israel;

(3) For a temporary purpose, and provided that the permit to stay for the aforesaid purpose shall be granted for an accumulated period that does not exceed six months.

Special Permit  
(Amendment No. 1)  
5765-2005  
(Amendment No. 2)  
5767-2007

3C. Notwithstanding the provisions of section 2, the Minister of the Interior may award citizenship or grant an Israeli resident’s permit to a resident of the region or to a resident of a country listed in the schedule, and the region commander may grant the resident of the region a permit to stay in Israel, if he is convinced that the aforesaid resident or citizen identifies with the State of Israel and its goals and he or his family member have been engaged in concrete activity towards the advancement of the security, economy or other important matter of the state, or that the awarding of citizenship, the granting of an Israeli resident’s permit or the granting of a permit to stay in Israel, as the case may be, is in the special interests of the state; in this paragraph, “family member” – spouse, parent, child.

Security Impediment  
(Amendment No. 1)  
5765-2005  
(Amendment No. 2)  
5767-2007

3D. A permit to stay in Israel or a license to reside in Israel shall not be granted to a resident of the region, in accordance with sections 3, 3A1, 3A(2), 3B(2) and (3) and 4(2) and license to reside in Israel shall not be granted to any other applicant who is not a resident of the region, if the Minister of the Interior or region commander, as the case may be, has determined, pursuant to the opinion of authorized security personnel that the resident of the region or other applicant or family member are liable to constitute a security risk to the State of Israel; in this section, “family member” – spouse, parent, child, brother and sister and their spouses. In this case, the Minister of the Interior may determine that a resident of the region or any other applicant is liable to constitute a security risk to the State of Israel, among other things on the basis of an opinion by the security personnel in terms of which within the domiciled state or residential region of the resident of the region or of any other applicant, activity was carried out which is liable to endanger the security of the State of Israel or of its citizens.

Modification of the  
Schedule  
(Amendment No. 2)  
5767-2007

3E. The government may, by Order, change the schedule.

Transitional  
Provisions  
(Amendment No. 1)  
5765-2005

4. Notwithstanding the provisions of this Law –
- (1) The Minister of the Interior or the Region Commander, as the case may be, may extend the validity of a license to stay in Israel or of a permit to stay in Israel, which was in the possession of a resident of the region on the eve of the commencement of this Law, taking into account, among other things, the existence of a security impediment as aforesaid in section 3D;
  - (2) The region commander may grant a temporary permit to stay in Israel to a resident of the region who has filed an application for citizenship according to the Citizenship Law or an application for an Israeli resident's permit according to the Entry into Israel Law, before the 1<sup>st</sup> of Sivan 5762 (12 May 2002) and who on the day of commencement of this Law has not yet received a decision in his case, and provided that the aforesaid resident shall not be awarded, in accordance with the provisions of this paragraph, citizenship according to the Citizenship Law and shall not be granted a temporary residence or permanent residence permit, in accordance with the Entry into Israel Law.

Validity  
(Amendment No. 1)  
5765-2005  
Order 5767-2007  
(Amendment No. 2)  
5767-2007  
Order 5769-2009  
Order 5770-2010

5. This law shall remain in force until the 26<sup>th</sup> of Shvat 5771 (31 January 2011), however the government may, with the approval of the Knesset, extend by order the validity, for a period which on each occasion shall not exceed one year.

(Amendment No. 2)  
5767-2007

**Schedule**  
(Sections 2, 3A1. 3C, 3H)

Iran, Lebanon, Syria, Iraq

Ariel Sharon

Abraham Poraz

Prime Minister

Minister of the Interior

Moshe Katzav

Reuben Rivlin

State President

Speaker of the Knesset