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At the Supreme Court Sitting as a Court of Appeals on Administrative Affairs

AAA 1895/09

AAA 1966/09

Before: **Honorable President D. Beinisch**
Honorable Justice E. E. Levy
Honorable Justice A. Grunis

The Appellant in AAA 1895/09: **The Ministry of the Interior**

The Appellants in AAA 1966/09: _____ **Attoun et al.**

v.

The Respondents in AAA 1895/09: _____ **Hamadah et al.**

The Respondents in AAA 1966/09: **The Ministry of the Interior et al.**

Appeals from the Judgment of the Court for Administrative Affairs in Jerusalem dated January 26, 200, in AP 8568/08, rendered by Honorable Judge, Y. Tzur

Session date: 7 Tamuz 5769 (June 29, 2009)

Representing the Appellant in AAA 1895/09 and the Respondents in AAA 1966/09: Adv. Hila Gorni

Representing the Respondents in AAA 1895/09 and the Appellants in AAA 1966/09: Adv. Yotam Ben Hillel; Adv. Adi Lustigman

Decision

We have reviewed the parties' pleadings and heard their oral arguments. Our premise is that indeed status in Israel cannot be given to someone who lives outside the jurisdiction of Israel, even if the fence separates him from the Judea and Samaria Area (the Area) and leaves him on the Jerusalemite side of the fence; Therefore it seems that the judgment in AAA 1895/09, according to which the respondent before us should be given temporary status in Israel, cannot be upheld.

The legal status of the place of residence of the respondent which has not been annexed to Israel prevents the grant of a temporary resident in Israel, despite the fact that there is a close connection between her place of residence and the Sur Bahir village, where the family maintains its center of life. Harsh personal circumstances were created for the respondent who is married to a permanent resident of Jerusalem and whose four children have the same status by virtue of their father's status, whereas the respondent, as a Jordanian resident, has no status, neither in the Area nor in Jerusalem. This state of affairs requires a practical solution which will reduce the daily harm caused to her in the absence of any status whatsoever. Therefore, it would be appropriate for the respondent [*sic*] to offer the respondent a reasonable solution concerning her status and freedom of movement in her place of residence.

With respect to the minor appellants in AAA 1966/09 it must be understood that their situation is complex considering the fact that their center of life is in fact in Sur Bahir, in the municipal area of Jerusalem, although their place of residence is outside the municipal border and without any passage arrangements to the Area. The parties will conduct negotiations concerning a solution for the problems created by the absence of status in Israel and the respondent will offer a reasonable solution for this state of affairs.

The parties will submit updating notices to the court within 60 days and will notify of the solutions which were found. Thereafter we shall make a decision concerning the manner by which the appeal would be further handled.

Given today, 7 Tamuz 5769 (June 29, 2009), before the counsels for the parties.

President

Justice

Justice