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At the Supreme Court
Sitting as the Court for
Administrative Appeals

_____ **Rabaiya'h et al.**

Represented by counsel, Adv. Najib Zaid et al.,
34 Ben Yehuda St., Jerusalem,
Tel: 02-6221515; Fax: 02-6221512

The Appellants

v.

Ministry of Interior
Represented by the State Attorney's Office
Ministry of Justice, Jerusalem
Tel.: 02-6466246; Fax: 02-6467011

The Respondent

Updating Notice on behalf of the Respondent

1. In accordance with the decisions of the honorable court dated February 10, 2014 and February 12, 2014, subject to decision in the short application for extension of today, and following the hearing which was held by this honorable court in the appeal at hand on February 10, 2014, the respondent hereby respectfully files an updating notice on its behalf.
2. It should be reminded that this appeal concerns the judgment of the Court for Administrative Affairs in Jerusalem (the Honorable Judge Y. Noam) in AP 387/10 **Rabaiya'h v. Ministry of Interior**, which was given on August 1, 2012. The honorable court of first instance denied appellants' petition, who wanted to "upgrade" the status of appellant 2 (hereinafter: **appellant 2**) – resident of the Area, married to an Israeli resident, who stays in Israel by virtue of renewable stay permits – into a temporary residency status in Israel, under an A/5 residency visa.
3. On February 10, 2014, the honorable court heard the appeal at hand, and upon the conclusion of the hearing it ordered the respondent to file an updating notice on its behalf, as follows:

With the parties' consent, we would like to receive an updating notice on behalf of the respondent concerning the maximum period which may be granted to appellant 2 with respect to his status in Israel.

In view of the content of the notice we shall decide how to proceed with this appeal.

4. We here update that in view of the comments of the honorable court – in the case hand and in similar cases which were heard by the honorable court in recent months – the respondent examined the possibility to issue renewable stay permits for periods exceeding one year to applicants holding renewable stay permits in Israel by virtue of family unification applications which were submitted according to the Citizenship and Entry into Israel (Temporary Order) Law, 5763-2003 (hereinafter: the **Temporary Order Law**).
5. Having considered the above, and after consultation with security agencies, the Minister of Interior decided that an applicant who submitted a family unification application by virtue of the Temporary Order Law prior to December 31, 2006; whose application was approved, who has been holding renewable stay permits ever since his application was approved; and who would prove his compliance with the required conditions for the examination of applications of this kind (namely, proof of a center of life in Israel, proof of the sincerity of the marital connection and its continued existence and absence of security and criminal preclusion); **would receive renewable stay permits valid for two years at a time.**

Needless to point out that to the extent the respondent finds that a change of circumstances occurred in the matter of an applicant holding a renewable stay permit in Israel, then, nothing in the above said will obligate the respondent to issue a stay permit for two years – or to even grant a stay permit for any period whatsoever – and the respondent will obviously continue to maintain the broad discretion vested with it in matters of this kind.

6. In the matter hand, towards the expiration of the current stay permit of the appellant, and according to the procedures, he will be entitled to apply to the respondent for the extension of the validity of the permit, three months prior to the expiration of the permit. Hence, to the extent the respondent finds that the appellant satisfies the conditions established in the procedures and the conditions specified above, the appellant will be issued a stay permit **valid for two years.**
7. Needless to note that with respect to appellant's status upgrade application, the respondent will reiterate its position that there are no grounds for the court's intervention in the judgment of the court of first instance – as specified in respondent's summations and in the hearing before this honorable court.
8. In view of the above and following respondent's general directive concerning the validity of renewable stay permits issued by virtue of family unification applications pursuant to the Temporary Order Law, the respondent is of the opinion that the above captioned appeal was exhausted and should therefore be denied.

Today, Iyar 15, 5774
May 15, 2014

(Signed)
Udi Eitan, Advocate
Assistant to the State Attorney