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**At the Supreme Court**  
**Sitting as the High Court of Justice**

**H CJ 813/14**

**A et al.,**  
Represented by counsel, Adv. Najib Zeid et al.,  
34 Ben Yehuda Street, Jerusalem  
Tel.: 02-6221515; Fax: 02-6221512

**The Petitioners**

v.

**1-3, 5-6 Minister of Interior et al.,**  
Represented by the State Attorney's Office  
Ministry of Justice, Jerusalem  
Tel.: 02-6466480; Fax: 02-6467011

**4. Knesset of Israel**  
Represented by counsel, Adv. Gur Blei  
The Knesset Building

**The Respondents**

### **Notice on behalf of Respondents 1-3 and 5-6**

1. According to the decision of the honorable President, Justice Naor, dated February 22, 2016, respondents 1-3 and 5-6 (hereinafter: the **respondents**) hereby respectfully submit their notice as follows.
2. The respondents wish to update that in February 2016 the minister of interior held a meeting on issues pertaining to the Citizenship and Entry into Israel (Temporary Order) Law, 5763-2003 (hereinafter: the **Temporary Order Law**), in the participation of representatives from the Ministry of Interior, the Ministry of Justice and the security agencies.
3. After deliberation, the minister decided that action should be taken to extend the Temporary Order Law.

Accordingly, within the next few weeks the Government of Israel is about to discuss the extension of the Temporary Order Law. To the extent the government approves the extension the matter will thereafter be brought before a joint committee of the Foreign Affairs and Defense Committee and the Internal Affairs and Environment Committee, and thereafter before the Knesset of Israel. It should be noted that in the meantime the security agencies submitted their opinion on the above issue.

4. At the same time, the minister of interior decided to approve the status upgrade of applicants holding stay permits in Israel whose family unification applications were submitted according to the graduated procedure until the end of 2003 (and whose applications were approved)(hereinafter: **sponsored spouses**), so that temporary residency status (A/5 visa) be granted to them and to their minor children (who were born after January 1, 1998). The upgrade is subject to the satisfaction of the necessary conditions for the consideration of such applications (namely, substantiation of center of life in Israel, substantiation of the sincerity of the marital connection and its continued existence, and absence of security and criminal preclusion). Hence, directions were given by the minister of interior to the professional advisory committee to the minister of interior pursuant to section 3A1 of the temporary order law (hereinafter: the **advisory committee**), according to which any applicant who satisfied the above conditions, his status and the status of his minor children should be upgraded as aforesaid.

It should be noted that according to the data in the possession of the Population and Immigration Authority, said group comprises of 2,104 'sponsored spouses' of about 9,900 'sponsored spouses' who stay in Israel by virtue of stay permits which were obtained in the framework of family unification applications.

In view of the circumstances of the matter, the respondents will publish within 60 days on the website of the Population and Immigration Authority and in the different bureaus the applicable procedure for the implementation of the above decision. Obviously, in view of the required examinations and the details specified above, the decision will be implemented gradually and not at once.

5. With respect to the 'effective date' which was established in the above decision of the minister (the end of 2003), it should be reminded that on May 12, 2002, government resolution 1813 regarding a change in the family unification policy was adopted, and that on August 6, 2003, said policy was entrenched for the first time in the Temporary Order Law. Namely, the above decision applies to applicants whose family unification applications were submitted prior to the enactment of the Law, as well as to applicants whose applications were submitted thereafter and until the end of said year.

As to the distinction between those who established their families prior to the change of the legal situation and those he did so thereafter, see and compare the words of the Honorable Justice (as then titled) Naor in H CJ 466/07 **Galon v. The Attorney General** (given on January 11, 2012), as follows:

2. Almost a decade has passed from the date of the 2002 government resolution. Women who are currently 25 were 15 on the date of the government resolution; men who are currently 35 were 25 on the date of the government resolution. We do not have statistical data but the passage of time means that many of those who had established families prior to the government resolution have already submitted family unification applications, or can submit them at this time. Those who have not yet reached the qualifying age for submitting such an application also have hope, namely, spouses who had married prior to the government resolution but failed to submit applications at that time and were thus unable to benefit from the transitional provisions of the Law. With the passage of time, the number of families that married prior to the government resolution and the Law which do not qualify for family unification decreased, and this, as far as I am

concerned, mitigates, to a certain extent, the severe consequences, which are undoubtedly severe, of the Law. The special difficulty faced by families which were established prior to the Law was discussed by MK Zahalka, who opposed the Law, in a meeting of the Internal Affairs and Environment Committee of the Knesset held on January 16, 2007...

3. Without belittling, God forbid, the difficulty caused to families which were established after the government resolution or the Law – **Israeli spouses who decided to establish families after what MK Zahalka referred to as the "rules of the game" had changed, and established families with a spouse whose entry into Israel was prohibited, did so being fully aware of the legal situation in Israel.** Had the Israeli national, male or female, "brought" the foreign spouse to Israel – the latter stays in Israel without a permit." [emphasis added]
6. In addition, the minister of interior decided that similar to the decision which was made in the past to extend stay permits for two years subject to the satisfaction of certain conditions (according to a notice which was given to the honorable court in AAA 6481/12 on May 15, 2014), an individual holding a temporary residency status (A/5 visa) will be able to extend his visa for two year periods at a time, also subject to the satisfaction of the conditions which were specified in paragraph 4 above.
7. In addition, the minister directed the advisory committee that in appropriate cases recommendation for the grant or extension of status for two years should be given, considering the fact that currently, the recommendations of the committee are for one year.
8. Hence, in view of the above, the respondents are of the opinion that the above captioned petitions were exhausted and should be dismissed.
9. The facts specified in this notice are supported by the affidavit of the director general of the Population and Immigration Authority, Mr. Amnon Ben Ami.

Today, Nisan 3, 5776  
April 11, 2016

(Signature)  
**Udi Eitan, Advocate**  
**Deputy in the State Attorney's Office**