

The State of Israel

Tribunal Under the Entry to Israel Law, 1952

Appeal: 4340-18 (Jerusalem)

Jerusalem Appeals Tribunal

Before Honorable Adjudicator Sarah ben Shaul Weiss

Appellants: **1. Sbeitan**
 2. Sbeitan

Represented by Adv. Tehila Meir

v.

Respondent: Ministry of Interior – Population and Immigration
 Authority

Represented by the legal department

Judgment

1. This appeal concerns the non-extension of the temporary status held by Appellant 2, who is in the graduated procedure by virtue of his marriage to Appellant 1, on the grounds that the positions of security officials have not yet been obtained. The appeal was submitted on behalf of the Appellants individually and on behalf of HaMoked: Center for the Defence of the Individual as a public interest petitioner.
2. The appeal was submitted on July 24, 2018; on August 8, 2018, the Appellant was summoned for a status extension scheduled for on August 16, 2018, and on August 16, 2018, a request was submitted for a dismissal without prejudice of the appeal since

remedy had been granted to the Appellant. Counsel for the Respondent stressed that the [Population Administration] office processed the Appellant's matter regardless (and apparently without any knowledge) of the appeal, which was not forwarded for processing until August 12, 2018.

3. Counsel for the Appellants agreed to have the individual appeal dismissed without prejudice after obtaining the requested remedy but argued their right for a costs order.
4. The individual appeal was deleted without a costs order on the grounds that it had not proven that the requested remedy was granted as a result of the appeal or in connection thereto.
5. With respect to the public interest appeal, I would like to make it clear: Whereas a resident of the Area who is in the midst of the graduated procedure (and is in possession of DCO permits or temporary status) has submitted a request to extend their permit at the time stipulated in the procedure, the Respondents shall extend the resident's permit on a monthly basis until receipt of the position of security officials if such position has not been received in time to extend the status for a year or two years.
6. With this, the matter of this appeal is concluded, without a costs order (regarding the individual appeal) and without a fee refund (regarding the matter of public interest).

Delivered today August 22, 2018, in parties' absence.

_____[signed]_____
Sarah Ben Shaul Weiss,
Appeal Tribunal