

[emblem of the State of Israel]

State of Israel
Appeals Tribunal under the Entry into Israel Law 5712-1952

Counsel for the respondent:

Does Your Honor wish to hear the opinion of the police representative, to form an impression of the materials orally? She is the representative of the prosecution.

Appellant:

I am his father.

The Tribunal:

After the parties have exited.

Decision

The appeal herein concerns the respondent's decision of January 18, 2022, whereby the application to regularize the registration and status of Appellant 2 (hereinafter: the appellant) was rejected due to a criminal impediment in his matter.

The facts and parties' arguments in brief

Appellant 1 is a permanent resident, born in 1969, who married a resident of the Area, Ms. [REDACTED], and they have six children together, including the appellant, who was born on February 25, 1995. An application to register the appellant and his other siblings was submitted in 1993. However, while the siblings' registration was arranged, the application was rejected with respect to the appellant. Subsequently, more than a few proceedings were conducted in the appellant's matter. In the most recent of these, the decision that is the subject of this appeal was given, which, as noted, concerns a criminal impediment in the appellant's case.

The appeal revolves around central arguments to the effect that the respondent delayed reviewing the appellant's case and issuing the decision for a non-negligible amount of time, and, additionally, that the decision amounts to an impingement on the appellant's rights to family life and to have his status regularized, given that he is currently stateless. Conversely, the respondent argues that the data in the appellants' matter indicate recidivist criminality liable to put public order and safety at risk, and, therefore, in its view, the appeal should be dismissed.

The decision listed the appellant's convictions for violent and property crimes in 2012 and 2014, for which he was convicted and sentenced to prison. The appellant was the subject of investigations concerning possession of drugs/possession of drugs for personal use, theft, threats, impersonation, as well as break and entry, opened from 2012 through 2020.

At the hearing held today, counsel for the respondent presented a police record, according to which the appellant was convicted of assault with intent to commit robbery and armed robbery, committed in 2013. He was sentenced, inter alia, to a 15-month prison term. Further, according to this record sheet, the appellant was convicted of burglary and theft committed in 2010, for which he was sentenced, inter alia, to a three-month prison term. The appellant has an additional conviction for arson committed in 2012, for which he was sentenced to a prison term of ten months.

The police record sheet further reveals that the appellant has been the subject of a litany of investigations for property crime, personal use of drugs, violence, threats, assault and robbery. These files were opened between 2012 and 2020. However, they were closed for lack of evidence.

Counsel for the appellants did not dispute the appellant's record on the facts, but did argue that the appellant has not been involved in any criminal activity for about five years.

The circumstances in the case herein indicate that this is not a single lapse on the part of the appellant, but rather a slew of convictions for significant offenses, for which he served substantial prison sentences time after time. While the most recent conviction for which he served a prison sentence was for offenses he committed more than a decade ago, these offenses do include acts of violence and property crime that indicate the appellant has criminal propensity and poses a danger to public order and safety.

Furthermore, as stated, the appellant was the subject of numerous investigations concerning violence and property matters, which, although closed for lack of evidence, do round out the picture regarding the danger the appellant poses to public order and safety. These data alone suffice to meet the evidentiary bar required in administrative law to substantiate the respondent's decision.

In view of the appellant's record, the number of convictions, the number of prison sentences he received, his propensity for criminal behavior and the broad discretion vested in the respondent with respect to the Entry into Israel Law, I find that the respondent's decision falls within the bounds of reasonableness and contains no administrative or other flaw that justifies the Tribunal's intervention.

In conclusion, the appeal is denied.

The appellants shall pay to the respondents their costs in the amount of NIS 35,000.

Appeals may be submitted to the District Court in Jerusalem, sitting as the Court for Administrative Affairs, within 45 days.

Issued and delivered today, Shvat 25, 5784, February 4, 2024, in the absence of the parties.

[signed]

**Halevga Ilan, Adjudicator
Appeals Tribunal**