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response

Urgent

Mr. Yaakov Ganot
Head of the Population
Administration

Mr. Yossi Adelstein
Chair of Migrant Workers'
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**Via Registered Mail
and fax: 02-6294860**

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Dear Sirs,

Re: **The Deportation of Wives of Permanent Residents who are in the Process of Family Unification**

1. In recent weeks we have witnessed a new policy, under which the wives of permanent residents of Israel are being deported or threatened with deportation. Many of them are mothers of children who are also permanent residents. These women are, for the most part, in the process of family unification, and have been repeatedly granted temporary permits to enter and remain in Israel over a considerable period of time. The women were granted these temporary permits following the Interior Ministry's decision to authorize their husbands' family unification applications. This after the women proved they were residing with their husbands in Israel, and that there were no criminal or security claims against them.
2. In recent weeks these women and their husbands have received letters on behalf of the Interior Ministry, notifying them that their family unification application was denied for security reasons. The explanation at times included only a few words: your relatives were involved in prohibited security related activities. It should be noted that in all the said cases, no claim was made that a security risk emanated from the women themselves, but only from their relatives. Needless to say, there was often no mention of who these relatives were and what the suspicions against them were.

3. The mounting evidence in our possession indicates that several weeks after the letters are received, before the couple have had the opportunity to appeal the decision, a similar practice is implemented:

First, the women are deceptively summoned to present themselves at a specific Jerusalem location – a police station, a checkpoint or even the entrance to the offices of the Population Administration. This "invitation" is carried out on the phone, by persons claiming to be Interior Ministry staff, who also claim that they are inviting the women to meet for the purpose of a hearing. When the women arrive at the location, they discover that this is not the case. Plain clothed police are there waiting for them, and they are ordered to board a civilian vehicle.

Second, the women are taken (at times, several women in the same vehicle) to a facility belonging to the Immigration Administration, located on HaSadna St., in the Talpiot industrial area. The women are then interrogated by investigators, who, to the best of our knowledge, belong to the Migrant Workers' Enforcement Unit, a section of the Interior Ministry. The interrogation is very brief, and does not include questions pertaining to the substance of the security claims against the women. The women are certainly not given the chance to present their case against the merits of the refusal in these circumstances.

When the investigation is finished, the women are ordered to leave Israel in two to three days. According to the investigators, their refusal to leave will lead to deportation to the Occupied Territories.

4. We will note that in a particularly disturbing case that has come to our knowledge, a woman received a similar letter from the Interior Ministry. Six days after the letter arrived, the woman sent a letter of appeal to the Interior Ministry, through her attorney. Some ten days later, while the appeal was being examined, the woman was summoned to a police station in Jerusalem. When she arrived at the station she was placed in a police vehicle and thrown out on the opposite side of the separation wall. The woman received no prior notice of deportation, and had no chance to bid her children and husband goodbye.
5. The practice described above reminds us all of the tactics employed by dark regimes. Deportations (or deportation threats) targeting unaccompanied women; the tearing of women from their husbands and children; a technique of misinformation and deception; the denial of any possibility for appeal against the deportation - all these acts have no place in a civilized society.
6. Denying these women and their spouses the possibility of pleading their case before the proper authorities before such a harsh sanction is taken against them is wholly unacceptable. It is well known that "It is a firmly established principle of our legal system that an administrative authority must refrain from taking a decision which infringes the rights and status of an individual, unless he has been given a fair and adequate chance to plead his case in the matter..." (HCJ 3495/06 **Chief Rabbi Yona Metzger v. the Attorney General**, ruling by Justice Beinisch, President of the Supreme Court). We will further note, that the court has recently ruled, in a number of judgments, that in cases where a family unification application is refused for reasons of security, the obligation to conduct a hearing must be upheld even before a decision is reached (see: Adm. Pet. 514/07 Jaabys Hussein v. the Interior Ministry *Takdin – District Courts* 2007(4), 15594 (2007)). Certainly, if the obligation to grant a hearing prior to the

decision was never realized, it must be fulfilled now. Before such a harsh sanction is implemented, the couple must be permitted to appeal the Interior Ministry's decision, and they must be summoned to a hearing. In the framework of this hearing, the specific claims against them would be heard, and the couple could argue against the decision. Subsequently, the couple must also be permitted to exhaust legal remedies in their case.

7. **In light of all of the above, we demand the following:**
 - a. **Deportation of and deportation threats against permanent residents of East Jerusalem shall be immediately discontinued.**
 - b. **Couples whose applications for family unification were denied for reasons of security will both be summoned to a hearing prior to the decision in their case.**
 - c. **After the decision is given, the couple will be able to appeal to the Interior Ministry, within a reasonable timeframe. If their appeal is denied, the couple will be permitted to exhaust their rights by appealing to the courts.**
8. In light of the urgency of this matter, I would appreciate your prompt response.

Sincerely,

Yotam Ben-Hillel, Adv.

cc:

Adv. Meni Mazuz, Attorney General

Adv. Daniel Salomon, Office of the Legal Department to the Ministry of the Interior

Adv. Orna Nahmani, Office of the Legal Advisor to the Immigration Police

Ms. Hagit Weiss, Director of the Population Administration Office in East Jerusalem