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Procedure for Comments by [Security] Officials regarding Applications for Family Unification

1. General

- 1.1 In exercising his discretion pursuant to the Entry into Israel Law and the Nationality Law, the Minister of the Interior may take into account, *inter alia*, the question whether approving the application of a foreigner to stay in Israel is liable to create a danger to public safety and welfare, to state security, or to the state's vital interests.
- 1.2 Therefore, in handling applications for family unification submitted by Israeli citizens and permanent residents to obtain a status for the foreign spouse, the Ministry of the Interior must forward to security and police officials (hereinafter: the security officials) the particulars of the application and obtain their recommendation and opinion as to whether approval of the application will create a danger to public safety, state security, or the state's vital interests.
- 1.3 The referral to security officials is necessary both at the time of the initial submission of the application, prior to its approval, and during each of the years of the graduated process, and certainly in the last stage of the process – before the granting of the status of Israeli citizen or permanent resident to the foreign spouse.
- 1.4 In examining the application and making their recommendation to the Minister of the Interior, in addition to the question of the gravity of the existing information, the security officials shall relate also to the question of whether the information they have relates to the Israeli or foreign spouse, and also to the question of the kind of information: conviction, pending cases, and/or intelligence information, and also to the stage in the graduated process in which the spouse is in.
- 1.5 Upon receiving the recommendation of the security officials, the Ministry of the Interior is required to take into account the information presented to it as set forth above, according to the stage of the graduated process, and to decide whether or not to reject the application.

2. Handling

- 2.1 When the relevant procedure calls for the security officials to be consulted prior to giving a decision on the application, the query to the security officials, delineating the identity of the

Israeli spouse [the applicant], the foreign spouse [the invitee], and the stage of the graduated process in which the spouse is in.

3. **Responses of the security officials**

3.1 **At the time of submission of the application – reasons related to the invited spouse (the foreigner)**

3.1.1. When the security officials recommend rejection of the application for reasons related to convictions of the invited spouse and the Ministry of the Interior considered and found that it should adopt the recommendation and reject the application, a letter is to be sent to the applicant that his [or her] application for family unification for his [or her] spouse has been rejected for the reason that the foreign spouse had been convicted of offenses, which are delineated in the letter of rejection.

The form of the letter of rejection is attached as Appendix 1.

3.1.2. When the security officials recommend rejection of the application for reasons related to pending cases against the invited spouse and the Ministry of the Interior considered and found that it should adopt the recommendation and reject the application, a letter is to be sent to the applicant that his [or her] application for family unification for his [or her] spouse has been rejected for the reason that criminal cases are pending against the invited spouse, which are delineated in the letter of rejection. The letter shall also mention that an application on behalf of the invited spouse may be submitted if and when these cases are closed.

The form of the letter of rejection is attached as Appendix 2.

3.1.3. When the security officials recommend rejection of the application for reasons related to intelligence information and the Ministry of the Interior considered and found that it should adopt the recommendation and reject the application, a letter is to be sent to the applicant that his [or her] application for family unification for his [or her] spouse *has been rejected*. The notification of rejection will include a brief description of the intelligence information (hereinafter: the paraphrase) on which the rejection was based.

The form of the rejection to which the paraphrase provided by the security officials is to be added is attached as Appendix 3.

3.1.4. In extraordinary cases in which security officials are of the opinion that the brief paraphrase cannot be made, as set forth above, the rejection will be issued without the paraphrase, noting the fact that the application was rejected for reasons related to criminal activity or because of danger to state of security or the public welfare, to state more details. security or to the state's vital interests, and that it is not possible, for reasons

- The form of the rejection for activity that endangers state security and further details of such cannot be provided is attached as Appendix 4.

- The form of the rejection based on criminal activity is attached as Appendix 5.

3.2 **At the time of submission of the application – reasons related to the Israeli spouse**

3.2.1 In general, an application for family unification will be rejected for reasons related to the applicant in exceptional cases, such as when the applicant is serving a prison sentence or is in detention and/or has a pending case against him [or her], as to which the applicant is expected to receive a lengthy prison sentence in the near future, or where the applicant is incarcerated until the end of the judicial proceedings.

3.2.2 Therefore, in cases in which the security officials recommend rejection of the application for reasons based on convictions of the applicant for which he [or she] is serving or is likely to serve a lengthy prison sentence and/or is incarcerated until the end of the judicial proceedings, notification of rejection is to be given to the applicant accordingly, mentioning that upon release from detention/imprisonment, a new application for family unification may be submitted for the foreign spouse, and that at this stage, the spouse must leave Israel.

- The form of the letter of rejection is attached as Appendix 6.

- The form of the rejection for the reason that there are pending cases, in which it is anticipated that the applicant will be sentenced to a lengthy period of detention/imprisonment in the near future or where the applicant is incarcerated until the end of the judicial proceedings, is attached as Appendix 7.

3.3 **During the course of the graduated process – reasons related to the invited spouse (the foreigner)**

3.3.1 **Convictions**

As stated in the submission of application stage.

The responses will be made in accordance with the attached appendixes referred to above.

3.3.2 **Court action**

3.3.2.1 As a rule, when a court action, opened after approval of the prior residency permit that was given him [or her] as part of the graduated process, is pending against the invited spouse, discretion will be exercised based on the individual case, taking into account the kind of offense, the gravity of the offense, the gravity of its consequences, the number of offenses for which cases have been opened, and so on.

The form of the letter is attached as Appendix 8.

3.3.3 **Intelligence information**

- 3.3.3.1 As a rule, when there is intelligence information against the invited spouse, discretion will be exercised taking into account the specific scope of involvement, severity of involvement, and so on.

The responses will be made in accordance with the appendixes attached to the submission of application stage.

3.4 **During the graduated process – reasons related to the Israeli spouse**

- 3.4.1 When, during the graduated process, the applicant is detained/imprisoned, the circumstances and substance of the matter will be taken into account. The fact of detention/imprisonment will be taken into account where a request to extend the permit is submitted, provided that the foreign spouse is still married to the applicant, the center of life is in Israel, and there are no other criminal or security grounds to reject his request. Among the factors to be taken into account are the period of time since the application was approved, custody of minor children, the degree of ties to Israel, and so on.

THE STATE OF ISRAEL

Ministry of the Interior

(4)

Family unification No. _____

Date: _____

Hello,

Re: **Application for Family Unification No. _____**

I hereby inform you that your application for family unification with _____ ID/Passport No. _____ has been rejected in light of information on activity in which the invited spouse has been involved and which can endanger the security of the state.

For reasons of security and/or the public good, it is not possible to set forth the particulars in greater depth than as stated above.

Your spouse must leave Israel immediately.

Sincerely,

Name: _____

Position: _____

Signature: _____

Population Administration District Office _____ Telephone _____

THE STATE OF ISRAEL

Ministry of the Interior

(3)

Family unification No. _____

Date: _____

Hello:

Re: **Application for Family Unification No. _____**

I hereby inform you that your application for family unification with _____ ID/Passport No. _____ has been rejected, in accordance with data in our possession, which indicate that:

_____.

Your spouse must leave Israel immediately.

Sincerely,

Name: _____

Position: _____

Signature: _____

Population Administration District Office _____ Telephone _____