

Citizenship and Entry into Israel Law (Temporary Order), 5763 – 2003

Definitions

In this Law –

“Region” – includes Judea and Samaria and the Gaza Strip;

“Citizenship Law” – Citizenship Law, 5712 – 1952;

“Entry into Israel Law” – Entry into Israel Law, 5712- 1952;

“Regional Commander” – the commander of forces of the Israel Defense Force in the region;

“Resident of the region” – includes those who live in the region but are not registered in the region’s Population Registry, and excludes those who are residents of Israeli communities in the region.

Restriction on citizenship and residence in Israel

During the period in which this Law shall be in effect, notwithstanding the provisions of any law, including Section 7 of the Citizenship Law, the Minister of the Interior shall not grant citizenship to a resident of the region pursuant to the Citizenship Law and shall not give a resident of the region a permit to reside in Israeli pursuant to the Entry into Israel Law, and the regional commander shall not give such residents a permit to stay in Israel pursuant to the defense legislation in the region.

Reservations

Notwithstanding the provisions of section 2 –

The Minister of the Interior or the regional commander, as the case may be, may grant a resident of the region a permit to reside in Israel or to stay in Israel, for purposes of work or medical treatment or other temporary purposes, for a fixed period of time, and for a cumulative period that shall not exceed six months; and a permit to reside in Israel or a permit to stay in Israel, in order to prevent a child under twelve years of age from being separated from his parent who is lawfully staying in Israel.

The Minister of the Interior may grant citizenship or give a permit to reside in Israel to a resident of the region if he is convinced that the said resident identifies with the State of Israel and its goals, and that the resident or his family members performed a meaningful act to advance the security,

economy, or another matter important to the state, or that granting citizenship or giving the permit to reside in Israel are of special interest to the state; in this paragraph, “family members” means spouse, parent, child.

Transitional provisions

Notwithstanding the provisions of this Law –

The Minister of the Interior or the regional commander, as the case may be, may extend the validity of a permit to reside in Israel or of a permit to stay in Israel that was held by a resident of the region prior to the commencement of this Law;

The regional commander may give a permit allowing temporary stay in Israel to a resident of the region who submitted an application to become a citizen pursuant to the Citizenship Law, or an application for a permit to reside in Israel pursuant to the Entry into Israel Law, prior to 12 May 2002 and who, on the day of the commencement of this Law, has not yet been given a decision, provided that the said resident shall not be given, pursuant to the provisions of this paragraph, citizenship pursuant to the Citizenship Law or a permit for temporary or permanent residence pursuant to the Entry into Israel Law.

Validity

This Law shall remain in effect for one year from the day of its publication; however, the government may, with the approval of the Knesset, extend its validity by order, from time to time, for a period that shall not exceed one year each time.

Explanatory Notes

Section 2

Israeli citizenship is currently granted primarily to residents of Judea and Samaria and the Gaza Strip (hereafter – the region) pursuant to section 7 of the Citizenship Law, 5712 – 1952 (hereafter – the Citizenship Law), which provides as follows:

Naturalization of husband and wife

7. The spouse of a person who is an Israeli citizen or has applied for Israel citizenship and meets or is exempt from the requirements of Section 5(a) may obtain Israel citizenship by naturalization even if he or she does not meet the requirements of Section 5(a).

Similarly, permits for permanent residence in Israel are currently given for purposes of family unification, to residents of the region in cases where their spouses are permanent residents of Israel. These permits are given under the general powers given to the Minister of the Interior, pursuant to section 2 of the Entry into Israel Law, 5712 – 1952 (hereafter – Entry into Israel Law), to grant a visa and permit for permanent residency in Israel.

Another official empowered to give a permit to stay in Israel is the commander of IDF forces in the region. The commander is given this power pursuant to the defense legislation in the region.

It should be mentioned that granting of citizenship pursuant to the Citizenship Law, or giving a permit for permanent residency in Israel pursuant to the Entry into Israel Law, to a foreign resident within the context of family unification is a gradual process, as is enshrined in the procedures of the Ministry of the Interior. This is done to enable control and supervision of the acquisition of status in Israel by a foreign resident.

Initially, the regional commander gives the resident of the region a permit to stay in Israel. Subsequently, the Minister of the Interior gives the resident a permit to reside temporarily in Israel for fixed periods of one year each, pursuant to the Entry into Israel Law. At each stage of the procedure, a reexamination is made to ensure that the unified family unit still exists and that there is no criminal or security reason not to grant a status in Israel to the resident of the region.

Since the outbreak of armed conflict between Israel and the Palestinians, which among other things has led to dozens of suicide attacks on Israeli territory, there has been increased involvement in this conflict of Palestinians who are originally residents of the region and carry Israeli identity cards following family unification with Israeli citizens or residents, and who took advantage of their status in Israel, which enables them to move freely between Palestinian Authority territory and Israel.

Therefore, and in accordance with Government Decision 1813, of 12 May 2002 (hereafter – the government decision), it is proposed to limit the granting to residents of the region citizenship pursuant to the Citizenship Law, including through family unification, and to limit the giving of permits to such residents to reside in Israel pursuant to the Entry into Israel Law or of permits to stay in Israel pursuant to the defense legislation in the region.

Section 3

It is proposed to make provisos against the restrictions in the proposed section 2 and enable permits to reside or stay in Israel for a fixed period of time, for purposes of work or to obtain medical treatment, and for other temporary purpose that shall not exceed

three months cumulatively.

It is also proposed to allow the Minister of the Interior to grant citizenship or give a permit to reside in Israel to a resident of the region who performs a meaningful act to advance the security, economy, or another matter of importance to the state, or where the granting of these permits is of special interest to the state.

Similar considerations currently exist in similar contexts in sections 6(e) and 9(a)(4) of the Citizenship Law.

Section 4

A transitional provision is proposed that enables extension of the residency permits and permits to stay in Israel that the resident of the region had obtained prior to when the proposed law takes effect. It should be noted that this provision enables extension of the validity of a residence or stay permit that the resident of the region had prior to the commencement of the proposed law but does not allow the said resident to obtain a permit of a type other than the one he had.

The proposed law also allows the continued handling of applications to obtain citizenship and to obtain permits to reside in Israel that were submitted prior to the government decision, while providing a restriction that only permits for temporary stay in Israel may be given in response to these applications.

Section 5

The provisions of the proposed law are stated as an emergency provision for one year.

However, it is proposed to allow the government, after examining the proposed provisions and the results of their implementation during the period of its validity, to extend them from time to time, each time for one additional year, in accordance with the state's security needs.

[Translated by B'Tselem]