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Interior Min. seeks to extend controversial citizenship legislation

By Yuval Yoaz

The government is planning to continue to prohibit Palestinians who are married to Israelis from becoming Israeli citizens, according to an Interior Ministry proposal relating to a controversial amendment of the Citizenship Law.

The amendment, which was enacted as a security measure in 2003 for a period of one year and was then extended in August 2004, is due to expire in February. But the ministry proposes to extend the temporary regulation, which prevents Palestinians who marry Israelis from obtaining either citizenship or permanent residency, by one more year.

The Justice Ministry said the new proposal, which has not yet been approved by the government or the ministerial committee for legislation, would soften the regulations regarding residency among population groups considered to pose a low security risk: The idea is that the army would be given the discretion to permit Palestinian women aged 25 and older, and men aged 35 and older, to become Israeli residents for the purposes of family reunification.

Orna Cohen [Kohn], a lawyer for the Adalah Legal Center for Arab Minority Rights in Israel, sent a letter yesterday to Interior Minister Ophir Pines-Paz and Attorney General Menachem Mazuz, requesting that they act immediately to cancel the amendment altogether. "The proposal leaves intact the unacceptable and unconstitutional principle that completely prevents giving [citizenship] status to Palestinians married to Israeli citizens, and has even added additional constitutional flaws," Cohen [Kohn] wrote, referring to what she said was age and sex discrimination.

The proposal does not extend the validity of the existing measure, a move that requires government approval, but constitutes a legislative amendment to the existing restrictions and therefore must undergo a strict legislative process in the Knesset.

In December the High Court of Appeals heard petitions on the legality of the Citizenship Law and stated that the government must "thoroughly" examine the problems raised by the law, but declined to issue a final ruling because it did not know if the government would extend, amend or choose not to deal for now with the law.

The 13 justices warned of "constitutional problems connected to various aspects of the law, including the meaning of the rights [at issue], their place in [Israel's] constitutional [structure], the proportionality of their infringement, and other matters"

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Pines-Paz halts Citizenship Law changes

By Yuval Yoaz

Interior Minister Ophir Pines-Paz has suspended all legal procedures connected with the amendment to the Citizenship Law in order to reexamine restrictions on Palestinians who wish to get legal status in Israel as the result of family reunification.

The Interior Ministry recently distributed the proposed amendment, but this was before the new minister took over.

Pines-Paz is due to meet today with Attorney-General Menachem Mazuz to discuss extending the interim regulations for another three months. During this time, he would like to reopen the discussion on the amendment with a view to putting across his own policy.

The amendment, which prevents Palestinians who marry Israelis from getting either Israeli citizenship or permanent residency, was enacted in 2003 as a security measure for one year. But the measure was extended last August for an additional six months, so it is therefore due to expire in February. The proposed amendment would soften the regulations for residency somewhat among certain population groups considered to pose a low security risk.

Following a report in Haaretz on Monday, Pines said he would like time "to study the proposal" and see whether it would stand up to the test in the High Court of Justice. He said: "It is inconceivable that I should have to accept a dictate for a policy for which I will have to bear responsibility, without studying it properly."

The proposal was distributed shortly after Avraham Poraz left the ministerial post and before Pines assumed it. An extension of the interim arrangement requires a cabinet decision and approval by the Knesset.

Pines would not say whether the new amendment he would propose would include fewer restrictions on Palestinians but pointed out that, as a Knesset member, he had voted against the existing interim instructions. "In retrospect, I was right and the petitions to the High Court of Justice and the court's stance ... strengthen that position," he said.

During the week, Pines also plans to meet with all other professional bodies concerned with the amendment, including the security services.

The amendment, which was legislated in July, 2003, is anchored in a government decision from May 2002 relating to Palestinians who reside illegally in Israel and policy for granting residency permits to spouses of Israeli citizens. The Adalah Legal Center for Arab Minority Rights in Israel petitioned the High Court of Justice on the legality of the amendment. The court announced a month ago that since the government had not yet stated whether it planned to extend the interim regulation, which expires at the beginning of February, it could not rule at this point.

The new interior minister will require the approval both of Mazuz and of the court, in addition to that of the government and the Knesset, for any changes he may make. Although Pines is requesting a three-month extension, his aides said yesterday that it will probably not take more than six weeks for the amendment to be changed. "It will be dealt with swiftly," Pines promised yesterday.