

Reshumot

PROPOSED BILL

The Government

4 June 2003

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

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

Definitions

1. In this Law –

“region” – each of these: Judea and Samaria and the Gaza Strip;

“Nationality Law” – Nationality Law, 5712 – 1952;¹

“Entry into Israel Law” – Entry into Israel Law, 5712- 1952;²

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

“resident of the region” – including a person who lives in the region but is not registered in the region’s Population Registry, excluding a child and excluding a resident of an Israeli community in the region.

Restriction on nationality and residence in Israel

2. During the period in which this Law shall be in effect, notwithstanding the provisions of any law, including section 7 of the Nationality Law, the Minister of the Interior shall not grant a resident of the region nationality pursuant to the Nationality 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 resident a permit to stay in Israel pursuant to the defense legislation in the region.

Reservations

3. Notwithstanding the provisions of section 2 –

(1) The Minister or the regional commander, as the case may be, may give a resident of the region a permit to reside in Israel or a permit to stay in Israel, for purposes of work or medical treatment, for a fixed period of time, and also for other temporary purpose – for a cumulative period that shall not exceed six months. And, a residency permit in Israel, in order to prevent separation of a child under the age of 12 from his parent who is legally staying in Israel.

(2) The Minister may grant nationality 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

¹ Book of Laws 5712 [1952], p. 146.

² Book of Laws 5712 [1952], p. 354.

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 nationality or giving the permit to reside in Israel are of special interest to the state; in this paragraph, “family members” means spouse, parent, child.

Transition provisions

4. Notwithstanding the provisions of this Law –

(1) The Minister 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;

(2) 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 national pursuant to the Nationality 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 in his matter, provided that the said resident shall not be given, pursuant to the provisions of this paragraph, nationality pursuant to the Nationality Law or a permit for permanent residence pursuant to the Entry into Israel Law.

Validity

5. This Law shall remain in effect until the expiration of one year from the day of its publication; however, the Knesset assembly may vote to extend it. (One reading only.)

Explanatory Notes

Section 2

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

Naturalization of husband and wife

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

Permits for permanent residence in Israel are also currently given, for purposes of family unification, to residents of the region where their spouses are permanent residents of Israel.

These permits are given under the general power of 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 nationality pursuant to the Nationality 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 graded procedure incorporated in the procedures of the Ministry of the Interior. This is done to enable the control and supervision of acquisition of a status in Israel by a foreign resident.

In the beginning of the procedure, the regional commander gives the resident of the region a permit to stay in Israel. Subsequently, the Minister of the Interior gives the resident, pursuant to the Entry into Israel Law, a permit to reside temporarily in Israel for fixed periods of one year each. In each of the stages of the procedure, a reexamination is made of the continuing existence of the unified family cell and of the absence of a 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 has led, inter alia, to dozens of suicide attacks on Israeli territory, there has been increased involvement of Palestinians in this conflict who are by origin residents of the region and carry Israeli identity cards following family unification with Israeli nationals or residents, and who take advantage of their status in Israel, which enables them free movement 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 nationality pursuant to the Nationality 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, for purposes of work or to obtain medical treatment, or other temporary purpose that shall not exceed three months cumulatively.

It is also proposed to allow the Minister of the Interior to grant nationality 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 exist today, in similar contexts, in sections 6(e) and 9(a)(4) of the Nationality Law.

Section 4

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

The proposed bill also allows the continued handling of applications to obtain nationality 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 bill are stated as a temporary order 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 their validity, from time to time, each time for one additional year, in accordance with the state's security needs.