At the Supreme Court **AdmA 5718/**
Sitting as the Administrative Appeals Court Scheduled for November 25, 20

In the matter of:

Minister of Interior
represented by the State Attorney's Office
29 Salah a-Din Stree, Jerusalem
Tel: 02-6466590; Fax: 02-6466655

The Appellar

v.

_____ Srur et al.
represented by counsel, Att. Leora Bechor et al.
of HaMoked Center for the Defence of the
Individual, founded by Dr. Lotte Salzberger
4 Abu Obeida St., Jerusalem, 97200
Tel: 02-6283555; Fax: 02-6276317

The Respondei

Summary Arguments on behalf of the Respondents

In accordance with the writ for summary arguments dated July 28, 2009 and the extensions granted, the respondents hereby submit their summary arguments.

The matter of the appeal

1. The appeal before us revolves around the question of the interpretation of the judgment of this honorable court in AdmA 5569/05 **Ministry of Interior v. 'Aweisat** and the question of the interpretation of Section 3a(1) of the Citizenship and Entry into Israel Law (Temporary Order), und which the Minister of Interior may grant a minor resident of the Area under the age of 14, an Israeli residency permit.

2. Both in his interpretation of **Ministry of Interior v. 'Aweisat** and in his interpretation of the Temporary Order, the appellant is cynically and disproportionately twisting case law with the purpc of having less children granted permanent residency status in Israel and more children harmed by th Temporary Order.

3. Before we address the appellant's arguments on their merits, **we move to have the arguments mad in sections 49-58 and section 62 of the notice of appeal rejected *in limine* as they were not previously raised in the court below.**

Factual background

4. Respondent 1 is a resident of the State of Israel who resides in Jerusalem with her spouse, respondei 2, originally a resident of the West Bank, and their children. The couple has seven children, includii B, respondent 4 (hereinafter also: the respondent), who was born in Jerusalem on September 30, 1991. The respondent resided in the Territories until the age of 18 months. He later moved with his family to Jordan and lived there for some five years. He then returned to the Territories and lived there until the age of 10, when he moved to Jerusalem. **Thus, the sum total of the time the respondent resided in the Territories is only five years**. For the full description of the facts regarding the respondents' residences, a copy of the petition (without the appendices) is attached an marked **R/1**.

5. The respondents returned to Jerusalem in September of 2001. First respondent 1 took action to arrange her status *vis-à-vis* the National Insurance Institute (NII). On January 26, 2004, after the NI recognized her as a resident, she turned to registering her children in the population registry. Respondent 4 was 12 years and six months old at the time. At that time, under the Citizenship and Entry into Israel Law (Temporary Order) hereinafter: **the Temporary Order** or **the Law**) prior to i amendment, it was not possible to secure status for children who were defined as "residents of the Area" and who were over the age of 12.

6. The registration application was refused as early as February 20, 2004 due to lack of proof of center of life and some of the children (including the respondent) being registered in the Area. On July 31 2005, respondent 1 filed an application to register two of her daughters, A and S, who were born in Jerusalem, in the population registry. On September 9, 2005, the registration of the girls was approved. The bottom of the approval letter contained a comment reading: "inquiries regarding the girl, (error in original, L.B.), B, have not yet been completed". A copy of the letter is attached and marked **R/2**. **At that time, B was under 14 years of age.**

7. It shall be noted that on August 1, 2005, the Temporary Order was amended. According to the amendment, children between the ages of 12 and 14 would also be able to obtain permanent residen status. On November 21, 2005, the appellant invited respondent 1 to file an application for family unification for the respondent and two of his siblings. Respondent 1 acted accordingly and on Marc 15, 2006, the appellant notified that approval had been given to the registration of the respondent as temporary resident for two years.

8. On March 16, 2008, respondent 1 filed an application to upgrade the respondent's status to permane status. In June 2008, the appellant decided to extend the respondent's temporary status. It shall be stated at this point that the respondents' position is that the appellant's decision to extend the respondent's temporary status rather than upgrade it cannot stand. According to Regulation 12 of th Entry into Israel Regulations, as the Israeli born son of an Israeli resident, the respondent is entitled receive his mother's status and be registered as a permanent resident in Israel. The fact that the respondent was initially registered in the Territories has no relevance in this matter and it does not make him a "resident of the Area". The following was ruled by this honorable court in AdmA 5569/05 **Ministry of Interior v. 'Aweisat** (hereinafter: **the 'Aweisat case**): At least with respect to children for whom a registration application was filed prior to the amendment – they must not be considered "residents of the Area" and therefore, the Temporary Order does not apply in their matte As the application to register the respondent was filed in 2004, he must be granted permanent status in Israel. This issue shall be further examined below. In view of this position, the respondents sent a objection letter on July 13, 2008, in which they detailed their arguments.

9. The appellant's letter stating that the decision to refuse the status upgrade remains intact was receiv on October 13, 2008; the reason cited as:

> … the members of the family resided in Ni'ilin village in the Area, and B was also registered in the population registry of the Area. On April 9, 2006, the son B was registered with an A/5 temporary status for two years, At the end of these two years, B' age was over 14 years and, in accordance with the amendment to the Citizenship and Entry into Israel Law of August 1, 2005, it is not possible to upgrade his temporary stat to a permanent residency status. Rather, he will have to receive A/5 temporary status extensions in accordance with Ministry procedures.

A copy of the response to the petition (without the appendices) is attached and marked **R/3**.

10. Due to the refusal to upgrade the respondent's status, a petition was filed on November 4, 2008.

The legal framework

Granting of status under Regulation 12: the judgment of this honorable court in the 'Aweisat case

11. Regulation 12 of the Entry into Israel Regulations (hereinafter: **Regulation 12**) applies in the matter of the respondent, who was born in Jerusalem. The regulation stipulates that the Israeli status of a child born in Israel to residents "shall be the same as the status of his parents". Case law has established that the purpose underlying Regulation 12 is to prevent a discrepancy between the status of a resident parent and that of his child born in Israel.

12. On August 10, 2008, this honorable court delivered its judgment in a number of appeals filed by the appellant against judgments of the Court for Administrative Affairs. The **'Aweisat** judgment addressed the following question: **Is it sufficient for an Israeli born child of an Israeli resident t be registered in the population registry of the Area for him to be considered a "resident of the Area" to whom the provisions of the Temporary Order apply?**

13. It shall be noted that the judgment addressed cases where the applications to register the children were submitted prior to the amendment to the Temporary Order. At the time, the original definition "resident of the Area" under the Law applied. The definition reads: "Resident of the Area' – include those who live in the Area but are not registered in the Area's population registry, and excludes thos who are residents of Israeli communities in the Area." Since the application to register the responde was filed in January of 2004, indeed the findings in the aforesaid judgment apply to the present case

14. This honorable court rejected the state's appeals and ruled, in §15 that: "[T]he judges of the Jerusalem Court for Administrative Affairs were correct in finding that the definition of "resident of the Area" in its original version prior to the amendment to the Law, should be interpreted such that **does not 'automatically' apply because of the mere registration of a person in the registry of t Area**".

15. This honorable court has ruled that the term "resident of the Area", as it relates to a minor, must be examined in accordance with the security purpose of the Law and considering the restrictions imposed by the Law on human rights. This honorable court was not convinced that "registration in t population registry of the Area, when the case involves a minor who **has proven he was born in Israel and that his center of life is not effectively in the Area**, does not in and of itself establish t security threat which underlies the purpose of the Temporary Order law." (§10). Therefore, this honorable court ruled that the security purpose of the law "**would not be frustrated if its provisior do not apply to minors who were registered in the Area and who have proven that their cente of life is not in the Area.**" (§11). It was thus concluded that the interpretation of "resident of the Area" in its previous version refers to: "anyone effectively residing in the Area (even if he is not registered in the Area's registry) **and not anyone registered in the Area's registry (even if he doe not reside in the Area**)." (§13). **The interpretation of the term "resident of the Area" such that**

does not necessarily apply to anyone who is registered in the Area's registry but only to those actually residing in the Area, is the interpretation least injurious to the right of the Israeli resident family member to lead a family life in Israel with his minor children." (*ibid*) (emphasis added, L.B.).

16. Thus, this honorable court set the legal framework for examining applications for status under Regulation 12 as in the case of respondent 4. **In later judgments, the Court for Administrative Affairs inserted content into this framework.** We shall refer to this below.

17. This was the situation in the case reviewed in the context of Adm.Pet. 311/06 **Murar v. Minister of Interior** (delivered on August 21, 20080 (hereinafter: the **Murar** case). This judgment related to a girl who had been born in Jerusalem to a resident. For the first 13 years of her life, she resided in the Territories and later moved with her mother and siblings to Jerusalem. The mother's application to register her daughter in Israel was filed prior to the child's reaching the age of 18 and as such, it was ruled her application was to be reviewed in accordance with Regulation 12 despite the fact the child had been previously registered in the registry of the Territories. It was ruled that despite the child having resided in the Territories for most of her life, if she did prove she was residing in Israel **on the date the application was submitted and around the same time** – indeed, she should be granted her status pursuant to Regulation 12.

18. Another case was that of the petitioner in Adm.Pet. 8295/08 **Mashahra v. Minister of Interior** (delivered on November 24, 2008) (hereinafter: **the Mashahra case**). That case involved a child born in Israel to a resident. He lived in the Territories for most of his life and was registered in the population registry there. Two years prior to submission of the application to register him, he moved to Israel with his mother. In that case too, it was ruled that the child was to be registered in Israel pursuant to Regulation 12, despite his previous registration in the Territories, **since, upon submission of the application for his registration, his overall ties were to Israel**.

19. In the **Mashahra** case, the Honorable Judge, Vice President Adiel concluded that the minor's center of life was in Israel at the time the application was filed, based on **the appellant's position in other cases**. The judge explained:

> An examination of the respondent's position in other cases reveals that, according to him **the existence of a center of life in Israel for a period of two years preceding the date on which the application for permanent residency in Israel is submitted is sufficient for considering the applicant as a person whose center of life is in Israel.** This is the position of the respondent which was determined in accordance to his procedures on reinstating an expired permanent residency permit which stipulates conditions regarding residency in Israel… this is also his position with regards to applications for status for a foreign spouse where the inviting spouse is required to prove center of life at the time the application is submitted." (§8) (emphasis added, L.B.).

20. **Is summary thus far, case law on this issue is unequivocal**: with regards to applications to register the Israeli born children of residents, indeed their mere registration in the Territories does not automatically apply the Temporary Order to them. For the purpose of applying Regulation 12, these children's overall ties must be examined. If it is demonstrated that on the day the application was submitted their overall ties are effectively to Jerusalem, they must be registered as permanent residents in Israel, like their parents.

21. This is how the court below ruled in the case at bar. The application for registration was filed before the definition of "resident of the Area" was amended. Therefore, the court examined the aforesaid question in accordance with the original definition of the law and this honorable court's interpretation

in the **'Aweisat** case. Indeed, the court below enumerated a number of ties which connect the respondent to Jerusalem and refute the presumption that he is a "resident of the Area". In §17, the court ruled that:

> There is no dispute that petitioner 4 was born in Jerusalem, that his mother and some of his siblings are permanent residents of Israel and that at the time the application was submitted he had lived in the Area for only five of his 12 years. Moreover, there is no dispute that at the time the application was submitted, petitioner 4 had been living with his family in Jerusalem for over two years and therefore, his center of life was in Israel. This, as per the procedures of the respondent, who maintains that **"the existence of a center of life in Israel for a period of two years preceding the date on which the application for permanent residency in Israel is submitted is sufficient for considering the applicant as a person whose center of life is in Israel...."** (the **Mashahra** judgment, §8). Therefore, it appears that the applicant has several ties connecting him to Israel rather than to the Area, including maintaining a center of life in Israel at the time the application was submitted. Thus, it is highly doubtful that he could be considered a "resident of the Area"… Under these circumstances… petitioner 4 must be granted a permit for permanent residency in Israel in accordance with Regulation 12

22. As we have observed in the **Mashahra** case, the central consideration is the respondent's center of life. Where a center of life in Israel for a period of two years preceding submission of the application has been demonstrated, the minor is not to be defined as a "resident of the Area". This, as explained in the **Mashahra** case, based on the appellant's position "determined in accordance to his procedure on reinstating an expired permanent residency permit which stipulates conditions regarding residence in Israel… this is also his position with regards to applications for status for a foreign spouse where the inviting spouse is required to prove center of life at the time the application is submitted."

Granting of status under the Temporary Order

23. Assuming the case involves a minor who has been defined as a "resident of the Area", his matter must be examined in accordance to Section 3a of the Temporary Order (amendment dated August 1, 2005). According to the amended section, the Interior Minister may, at his discretion:

    1. **Grant a minor who is a resident of the Area and under 14 years of age, a permit to reside in Israel in order to prevent his separation from his custodial parent who is lawfully present in Israel;**

    2. **Approve a request that a stay permit for Israel be granted by the commander of the Area to a minor who is a resident of the Area and is over 14 years of age in order to prevent his separation from his custodial parent who is lawfully present in Israel, provided that said permit shall not be extended if the minor does not reside permanently in Israel.**

24. The maximum age regarding which it is possible to grant an Israeli residency permit was raised from 12 to 14 in order to **expand the pool of beneficiaries such that a child under the age of 14 would receive permanent status**.

    In order to understand the history of the law, see: copy of the proposed law dated June 4, 2003, attached and marked **R/4**; copy of the Temporary Order dated July 31, 2003, attached and marked **R/5**; copy of the proposed law dated May 16, 2005, attached and marked **R/6**; copy of the proposed law submitted for second and third reading, attached and marked **R/7**; copy of the amendment to the Temporary Order dated August 1, 2005, attached and marked **R/8**.

25. The purpose of Section 3a(1) may be deduced from a linguistic interpretation of the section as well by an examination of the legislative procedure that created the amendment. According to Section 3(of the original version of the law, the decisive age was 12 and the Minister of Interior or the Area commander, as the case may be, was empowered to grant a "permit for residency in Israel or **a stay permit for Israel**." In the proposed law for amending the Temporary Order submitted by the government which was published in the official gazette on May 16, 2005, **the government propose to leave the decisive age at 12**. Children under the age of 12 would receive a permit for residency i Israel or stay permits and children over the age of 12 would receive stay permits. A copy of the proposed law is attached as appendix **R/6**.

26. The Knesset refused to approve the government's proposal and entered two significant corrections. First, the Knesset raised the maximum age for granting an Israeli residency permit by the Interior Ministry from 12 to 14. Second, the Knesset revoked the possibility to approve military commande issued temporary stay permits for Israel to children under the age of 14. The Knesset determined tha children under the age of 14 would be entitled to a full residency permit.

27. On August 1, 2005, the date of the amendment which raised the maximum age from 12 to 14, the appellant formulated a "table for decisions on granting Israeli status to minors only one of whose parents is registered as an Israeli resident." According to the table, children under the age of 14 whc were registered in the Territories would first be granted temporary status (type A/5) and only after two years, will their status be upgraded to permanent status. However, "**[i]f the minor turns 14 wh on the A/5 status, he shall remain in said status without being upgraded**." A copy of the table dated August 1, 2005 is attached and marked **R/9**.

28. The aforesaid table was not made public. In the framework of the hearings in the petition, the respondent argued that the above policy was formulated only on June 1, 2007 with the amendment the **child registration procedure**. A copy of the child registration procedure of June 1, 2007 is attached and marked **R/10**. However, the timing of the decision, concomitant with the Knesset's refusal to approve the phrasing of the Temporary Order as the respondent wished speaks for itself. The respondent's decision to initially grant the children temporary status rather than the status of th parents, as stipulated by Regulation 12, appears to have been designed for the future from the outset so that when the children reach age 14, it would be impossible to upgrade their status to permanent status. The judges of the District Court were correct in finding that this is a policy which frustrates t legislator's purpose.

29. The child registration procedure was struck down by the Jerusalem Court for Administrative Affairs which is well versed in the matter of registering the children of East Jerusalem residents, in a numbe of judgments: the **Mashahra** case, Adm.Pet. (Jerusalem) 8336/08 **Zahaika v. Minister of Interior** (judgment dated December 2, 2008) (hereinafter: **the Zahaika case**); the judgment around which th appeal at bar revolves, and, after judgment was delivered, Adm.Pet. (Jerusalem) **Jubran v. Ministe of Interior** (judgment dated August 19, 2009) and Adm.Pet. (Jerusalem) 8386/08 **Al-Sawahra v. Minister of Interior** (judgment dated December 14, 2009).

30. §12 of the **Mashahra** case ruling establishes:

> As a result of the procedure set by the respondent, according to which permits for permanent residency are not to be given in the first stage regardless, but only temporary stay permits for Israel for a period of two years, and according to the respondent's interpretation of the provision of the aforesaid Section 3a of the Temporary Order Law, **has been found that in practice, the respondent prevents the granting of permanen residency permits to anyone who, at the time the initial application was filed, was over the age of 12**. The respondent achieves this by first granting temporary residency

> permits in Israel for two years, which results in the applicant necessarily being over 14 years of age at the end of this period, at which point, according to the respondent's interpretation of Section 3a of the Temporary Order Law, he is no longer able to grant him a permit for permanent residency in Israel. **I consider this result unreasonable an find it defeats the purpose of the legislation which was meant to allow the granting of permanent residency permits to minors under the age of 14**.

31. The court repeated these arguments in the **Zahaika** case in §4 of the judgment, where it was further ruled that "**since no statement to the contrary was made, one must interpret the consent to re[gister the petitioner] with an A/5 status as consent to a procedure at the end of which he would be granted the status of permanent resident**".

32. The state did not appeal these judgments to this honorable court. At the same time, it did not correct its procedure on this matter. The **Mashahra** and **Zahaika** judgments speak for themselves: the respondent's procedure which denies status upgrades for those children who received an A/5 [status and subsequently turned 14 – is unlawful and serves to "defeat the purpose of the legislation intende to allow granting permanent residency permits to minors under the age of 14."

33. The court below was correct in finding, beyond requirement, that even if we assume that the respondent does fall under the terms of "resident of the Area", he is to be granted permanent residency status under the amended Section 3a(1) of the Temporary Order. The court below rejected the appellant's argument that the Temporary Order vests him with power to grant a "permit for residency in Israel" to a minor under the age of 14 but does not stipulate what type of permit is to be given to same minor, and therefore, the appellant acted according to the provisions of a procedure h formulated and granted temporary residency (A/5 type) and nothing more.

34. The court below provided the following reasoning for its rejection:

> **First, the language of the amended version of section 3 can, in fact, lead to the conclusion that the respondent must grant a permanent permit rather than a temporary one**. Under the original version of the section, the respondent had the powe to grant the respondent [*sic*] a permit for permanent residency in Israel or a temporary stay permit for Israel, whereas in the amended version, the power relates only to a "permit for residency in Israel". One may assume from this omission that the section nc relates only to a permanent permit and not a temporary one. **Second**, the respondent's practice of granting applicants over the age of 12 a temporary stay permit for two years in accordance with the procedure, **has already been struck down by this court in the Mashahra judgment, after it was determined that it foils the purpose of the Temporary Order Law**…**Third, this practice of the respondent contradicts not on the purpose of the Temporary Order Law, but also the purpose of Regulation 12**, which the respondent must consider when he decides to grant status to minors. (§20) (emphasis added, L.B.)

35. The court below understood well that the appellant's procedure in effects creates a situation whereb "it is impossible to grant permanent status in Israel to applicants who are over the age of 12. They c only receive temporary status, in contrast to the status of their parents, who are permanent residents Israel." (*ibid*)

The appellant's position

Absurd interpretation of the 'Aweisat rule

36. The appellant presents the court with a "description" of the '**Aweisat** rule which twists the judgmen and puts it at odds with the judgment of the court below. In the **'Aweisat** case, it was ruled that the interpretation of the term "resident of the Area", such that it does not necessarily apply to anyone w is registered in the Area but just to those actually residing there **is the interpretation which is leas injurious to the right of the Israeli resident family member to lead a family life in Israel with l minor children**. Yet, the appellant allows himself to ignore this finding. The only question he finds relevant is whether, aside from registration, there is any sort of tie to the Territories since the minor birth. The appellant argues that according to the **'Aweisat** rule, it is sufficient for a child who was registered in the Territories to **reside in the Territories for one month only** in order to consider hi a "resident of the Area."

37. Yet the appellant refuses to call this by its proper name – a legal dispute regarding the interpretatio of the **'Aweisat** judgment, pure and simple. The appellant does not bother to refer to the fact that th **Mashahra** and **Murar** judgments clarified that this court did not intend for the test of ties to includ a review from infancy to the time the application is submitted. The appellant also does not bother to notify the court that no appeals were submitted against these judgments. As ruled in the **Mashahra** case, if the minor's center of life, **on the day the application was submitted and two years prior thereto**, was in Israel, the appellant is to grant him permanent status as per Regulation 12. Therefor the court below ruled, in accordance with the **'Aweisat**, **Murar** and **Mashahra** judgments, that the respondent, who resided in the Territories for only five of his 12 years, and moved with his family t Israel more than two years prior to submitting the application, would not be considered a "resident o the Area" and be granted permanent status as per Regulation 12.

Granting of temporary residency to children under the age of 14 – frustration of the provisions of the law

38. Despite the fact that the child registration procedure has been struck down by the Court for Administrative Affairs, the appellant continues to brazenly trample the rule of law. The appellant pretends that the procedure, which instructs that any child who turns 14 while still on A/5 status, wi not be upgraded to permanent status "**in view of the provisions of the Temporary Order law**". (Section 32 of the notice of appeal).

39. The appellant raises a number of arguments to support his innovative interpretation of the amendme to Section 3a(1) of the Temporary Order which stipulates the granting of permanent status to childr under the age of 14. Yet, all these arguments were presented for the first time only in the framework of this appeal. **We therefore move to have the arguments made in sections 49-58 and 62 of the notice of appeal rejected *in limine* as they had not been presented to the court below**. The notic of appeal may be compared to the appellant's previous position which appears in the response to the petition, the respondent's notice, the hearing protocol and the judgment of the court below. A copy the respondent's notice of May 14, 2009 and the hearing protocol are attached and marked **R/11** and **R/12**.

40. In addition to our request for rejection *in limine*, we wish to address each of these claims.

41. The appellant's main allegation is that Section 3a(1) of the Temporary Order allows him to grant a child any of the permits defined in the Entry into Israel Law, including a tourist visa, according to h sole discretion, in which this court tends not to interfere. Whereas in the proceedings before the cou below the respondent claimed he was "bound by speech", or by the procedure he formulated, now h alleges broad discretion in the framework of which anything is possible: including a tourist visa.

42. As we have demonstrated above, and as the District Court ruled in a number of judgments, this interpretation contradicts both the purpose of the legislation and the legislative history.

43. The legislature made a clear distinction between children over the age of 14, who will be granted st permits (which resemble tourist visas in their characteristics) and children under the age of 14 who will be granted permits for residency in Israel. The legislature took pains to add a provision regardi extending stay permits for children above age 14 (Section 3a(2), final clause) – a provision it did no see fit to insert into Section 3a(1) which addresses children under the age of 14. The implied assumption is that these children would receive permanent residency permits which do not require extension one way or another.

44. The appellant is attempting to claim that his interpretation conforms with the purpose of the legislation which is to "prevent the separation [of a child] from his custodial parent who is lawfully present in Israel". However, this expression can be found both in Section 3a(1) which deals with the granting of residency permits to children under age 14 and in Section 3a(2) which deals with the granting of stay permits to children over age 14. Therefore, this expression cannot be used to explai the distinction drawn by the legislature between these two cases.

    The distinction drawn by the legislature is clear: children under the age of 14 will not be harmed by the provisions of the Temporary Order. Children over the age of 14 will be harmed, but moderately so: they will be granted permits from the military commander. On the theoretical level, the respond [*sic*] claims there is no difference between the sections and that he may even grant newborn babies tourist visas only. On a practical level, the respondent [*sic*] frustrates the legislature's intent in effectively creating a third category, not found in the Temporary Order, of children aged 12 to 14 w will only get temporary permits.

Comment [M1]: Should be appellant

Comment [M2]: Should be appellant

45. The appellant further alleges that the distinction between Sections 3a(1) and 3a(2) relates only to th competent authority under each of the sections. However, the division of powers originates from the types of permits each authority is empowered to grant, and, as we have seen, the legislature made a clear distinction in the matter of the type of permits children of different ages are to get.

46. The bottom line is the purpose of the Temporary Order. The respondent [*sic*] insists that the purpos of the Temporary Order is purely security related and not demographic. The provision exempting children under age 14 from the rule which denies Israeli residency permits to residents of the Territories originates from the understanding that the same does not pose a security risk and that, wi regards to [these children] one should not deviate from the rule that the status of a child must be as the status of his custodial parent (Regulation 12 and the Carlo judgment cited in the judgment of the court below).

Comment [M3]: Should be appellant

    The court below ruled in accordance with these purposes, existing case law and the language of the Law.

    The appellant's position conforms neither to the security purpose of the Temporary nor to the rule established in the Carlo case that the status of a child whose custodial parent is in Israel must be the same as the status of his parent.

    The appellant's position conforms only to an extraneous consideration which is to employ any possible legal maneuver in order to prevent Palestinian children from obtaining permanent status in Israel.

47. The appellant's claim that he had acted beyond the requirements of the law and that the court below "entirely ignored the fact that the Interior Ministry should have, in the first place, flatly rejected [the respondent's] application" (Section 63 of the notice of appeal), was answered in detail in the judgment and there is no need to add.

48. **In conclusion**: the right to grant status to children, protection of the family unit, safeguarding the child's best interest, these do not concern the appellant in this case. The appellant has exceeded all limits in the pursuit of his unacceptable goal: making sure children of residents of Israel do not receive permanent status in their country.

49. The court below was also correct in its interpretation of the **'Aweisat** case and in its interpretation o Section 3a(1) of the Temporary Order, according to which the appellant must grant permanent statu to respondent 4. Therefore, this honorable court is requested to uphold the judgment and instruct the rejection of the appeal.

Jerusalem, 14 November 2010

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Leora Bechor, Att.
Counsel for the respondents

(T.S. 38247)