At the Supreme Court **HCJ 5030/07**
Sitting as the High Court of Justice

In the matter of:

HaMoked: Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger

represented by counsel, Adv. 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 Petitioners

v.

1. **Minister of Interior et al.**
2. **Military Commander of the West Bank**
3. **GOC Southern Command**

Represented by the State Attorney's Office
29 Salah al-Din St., Jerusalem
Tel: 02-6466590; fax: 02-6467011

The Respondent

Motion for Submission of Supplementary Brief

On January 30, 2011, this Honorable Court delivered its judgment in AAA 1621/08 **Ministry of Interior v. Hatib**. In this ruling, the Supreme Court adopted an interpretation of the Citizenship and Entry into Israel Law (Temporary Order) which it ruled was the only possible interpretation considering the language of the Temporary Order. This interpretation is inconsistent with the purpose of the Temporary Order which was held by the Honorable Court to be a security purpose in HCJ 7052/03. Additionally, in AAA 5569/05 **Ministry of Interior v. 'Aweisat**, the Court ruled that defining a child as a "resident of the Area" based on his center-of-life was consistent with the security purpose of the Law.

In the new circumstances that have emerged following the Court's ruling that the Temporary Order cannot be interpreted in a manner consistent with a proper purpose and constitutional principles and in view of the severe results of this exclusionary interpretation, the Petitioner moves to submit supplementary arguments.

Counsel for the Respondents, Adv. Yochi Genesin, has stated that she does not oppose this motion.

Jerusalem, 17 April 2011.

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Leora Bechor, Adv.
Counsel for the Petitioner

(File No. 50717)

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Supplementary Brief on Behalf of the Petitioner

Subject to the motion for submission of a supplementary brief, the Petitioner hereby respectfully submits an updating supplementary brief on its behalf as follows:

Introduction

> The interpreting judge's loyalty to a piece of legislation requires him to provide an interpretation that fulfills the purpose of the statute and can be sustained by its language. If such an interpretation renders the statute compatible with the constitution, it is fine and appropriate. If such an interpretation yields a contradiction between the statute and the constitution, then it is unavoidable.
>
> HCJ 4562/92 **Zandberg v. Israel Broadcasting Authority**, IsrSC 50(2) 793, 813.

1. On January 30, 2011, in its ruling in AAA 1621/08 **Ministry of Interior v. Hatib** (hereinafter: **Hatib**), this Honorable Court gave the Citizenship and Entry into Israel Law (Temporary Order) (hereinafter: **the Law** or **the Temporary Order**), an interpretation that "can be sustained" by its language. This interpretation has led to a contradiction between the Law and the constitution. This interpretation is inconsistent with the purpose of the Citizenship and Entry into Israel Law (Temporary Order), or more precisely, with the security purpose alleged by the State, as established by this Honorable Court in AAA 5569/05 **Ministry of Interior v. 'Aweisat** (hereinafter: **'Aweisat**).

2. The **Hatib** judgment sheds light on the true and unacceptable purpose of the Temporary Order: the rejection of applications for status in Israel on a collective basis, out of demographic-racist motivations.

3. Since the Law cannot be interpreted in a manner that is consistent with the constitution, it must be repealed forthwith.

The judgment in AAA 5569/05 Ministry of Interior v. 'Aweisat

General

4. In **'Aweisat**, this Honorable Court considered two possible interpretations for the term "resident of the Area" as defined in the original version of the Law. The definiton read as follows:

> 1. "resident of the Area"- including someone who resides in the Area notwithstanding the fact that he is not registered in the population registry of the Area, and excluding a resident of a Jewish settlement in the Area.

5. The Court was required to choose between two different interpretations. According to one, the definition would include children who were registered in the Occupied Palestinian Territories (OPT) but did not actually live there. According to the other, such children would be excluded from the definition.

6. Under the rules of interpretation, when a variety of textual possibilities is available, the interpretive option that must be chosen is the one which fulfils the objective of the statute and corresponds to the fundamental principles of our legal system. One such principle is the obligation to interpret texts in a manner consistent with the protection of human rights. The Court has held that loyalty to these interpretive rules **requires a narrow interpretation of the definition** such that it does not automatically apply to a person solely because he is registered in the OPT population registry. According to such an interpretation, the Law would apply only to individuals who actually live in the OPT (even if they are not registered therein) and not to individuals who are registered in the OPT but do not live there.

Interpretation consistent with the security purpose of the Law

7. This Honorable Court has addressed the security purpose of the Law in detail in HCJ 7052/03 **Adalah v. Minister of Interior**, published in Nevo, May 14, 2005). We note, on this issue, the remarks of President (emeritus) Barak:

> [T]he purpose of the Citizenship and Entry into Israel Law is a security one and its purpose is to reduce, in so far as possible, the security risk from the foreign spouses in Israel. The purpose of the law is not based on demographic considerations.

(para. 70 of President (emeritus) Barak's opinion).

8. In **'Aweisat**, the Court held that **only a narrow interpretation** is consistent with the security purpose underlying the Temporary Order. A person who is only registered in the population registry does not constitute a security threat and therefore cannot be considered a "resident of the Area" based solely on his being registered therein.

As the Court stated in **'Aweisat**:

> …[W]e have been persuaded that the security purpose of the Law would not be frustrated if its provisions did not apply to individuals who have proven that other than being registered in the registry, they have no further connections to the Area. **The central reason for this is that registration in the registry *per se* does not establish the existence of the security threat which underlies the purpose of the Temporary Order Law.**
>
> (**'Aweisat**, para. 10, emphasis added – L.B.)

In other words:

> …[T]he security purpose of the Temporary Order Law will also be achieved if individuals applying for Israeli status successfully prove that despite their registration in the Area they have no connections to it, since they do not live in the Area and have no ties to it other than the "tie of registration".
>
> (**'Aweisat**, para. 13).

9. Thus, **this Honorable Court has ruled in the past that including individuals who are only registered in the population registry in the definition of "resident of the Area" is inconsistent with the security purpose of the Law.**

Interpretation upholding the fundamental values of the State of Israel

10. In examining the two textual interpretations of the term "resident of the Area", the Court considered the general presumption that the purpose of a piece of legislation is to uphold the fundamental values of the system rather than contradict them (*ibid*, para. 14). This premise gives rise to the concept that when considering a statutory provision which denies or limits human rights, a literal and narrow interpretation must be used.

11. As stated by President (emeritus) Barak in his book **Interpretation in Law**:

> The approach that a law which impinges on human rights must be interpreted narrowly permeates case law: "**It is a known rule that a law that denies or restricts a citizen's rights should be interpreted literally**." Justie Etzioni addressed this issue: "When the power at issue causes a substantive impingement upon the fundamental right of a citizen in a free society, we will not hesitate to rule in favor of an interpretation that limits the impingement on civil rights. The presumption is that the legislature respects these rights." Justice Alon reverberated this approach in stating: "Any provision which seeks to violate a person's individual rights and liberties must be interpreted literally and narrowly."

(Aharon Barak, **Interpretation in Law**, Vol 2: Legislative Interpretation, pp. 555-556).

Barak goes on to state:

> **Indeed, the essence of fundamental rights and their supreme status in the legal system mandate the conclusion that any piece of legislation seeks to uphold them. The interpretive conclusion that follows is that any piece of legislation which denies or restricts fundamental rights should be interpreted narrowly…** Note well: The presumption is that any piece of legislation is intended to guarantee human rights. The necessary outcome of this presumption is a narrow and literal interpretation of statutory provisions which deny or limit human rights.
>
> (*Ibid.*, Vol 2: Legislative Interpretation, pp. 557-558).

12. This Honorable Court fulfilled its obligation to interpret the Law narrowly in **'Aweisat** according to the following reasoning:

> In the case before us, the interpretation according to which the term "resident of the Area" does not necessarily apply to everyone who is registered in the registry of the Area, but only to those who live in it in practice, is **the interpretation that leads to a lesser infringement on the right of Israeli residents to live in Israel with their minor children**. This right was recognized by a majority of the **Adalah** panel as a fundamental constitutional right, derived from human dignity. This interpretation of the definition "resident of the Area" gives those applying for Israeli status the opportunity to persuade the Ministry of Interior that they have no connections to the Area other than their registration therein. **This may avert the violation of an Israeli resident's constitutional right to family life without compromising the security purpose of the Temporary Order Law. For this reason too, we must favor the interpretation that focuses on actual residency in the Area** over the broader interpretation which entails a sweeping application of the Law not only to individuals living in the Area, but to anyone listed in the registry thereof, even if they have no connection to the Area and do not reside there at all.
>
> (**'Aweisat**, para. 14, emphases added – L.B.)

13. The message is clear: if the Temporary Order were applied to individuals who are merely registered in the registry, it would be impossible to avoid a **severe and disproportionate** infringement on the **constitutional** right of Israeli residents to a shared family life with their spouses and children. Thus, it must be rejected in favor of the narrow interpretation.

14. **To conclude thus far**: in **'Aweisat**, this Honorable Court held that the broad interpretation of the term "resident of the Area" **does not express the required balance between the security purpose of the Law and the need to protect the constitutional right to family life to the best possible ability**.

The judgment in <u>AAA 1621/08 Ministry of Interior v. Hatib</u>

15. The interpretation employed by this Honorable Court in **'Aweisat** was consistent with the language of the law. However, the definition of the term "resident of the Area" that was discussed there lent itself to a narrow interpretation. According to the Court, this is not the case for the current version of the definition.

16. The **Hatib** appeal centered on the definition of "resident of the Area" following the amendment made to the Law in 2005. Section 1 of the amended Temporary Order defines a "resident of the Area" as:

> [S]omeone who has been registered in the population registry of the Area, as well as someone who resides in the Area notwithstanding the fact that he has not been registered in the Area and excluding a resident of an Israeli settlement in the Area.

17. According to the **Hatib** judgment, the **language of the law in its current version requires** that the Temporary Order be applied **to anyone who is registered in the OPT**, even if they effectively have no connections to the area. The language of the text does not allow a range of textual possibilities.

18. The Court explicitly stated that it would not deliberate on the purpose of the Law in the context of the **Hatib** case. It held: "As it is evidently impossible to select which linguistic option fulfills the purpose of the statute, there is no need to address this aspect in the circumstances of the matter at hand" (para. 9). **The Court refrained from examining whether the language of the Section was consistent with the purpose of the Law, since this particular matter was being reviewed in this petition**.

19. Therefore, a ruling is now required on the question of whether the definition of the term is consistent with the purpose of the Law (or, more precisely, with the security purpose alleged by the State) and with the obligation to interpret the text in a manner which is compatible with protecting human rights. The Petitioner argues that this question has already received a negative response in **'Aweisat**. We recall that in **'Aweisat**, the Court rejected the interpretation which included children who were merely registered in the OPT. In other words, the Court found that the interpretation which was forced upon it in **Hatib** was disproportionate and non-purposive.

20. The balance between the purpose of the Law and the protection of human rights that was struck in **'Aweisat,** must equally be struck in the circumstances that prevail in the wake of the amended version. However, in the absence of an option to favor an alternative, narrow, interpretation, **the language of the Law restricts us to one interpretation only: sweeping application of the Law to anyone registered in the population registry.**

21. In HCJ 4562/92 **Zandberg v. Israel Broadcasting Authority**, IsrSC 50(2) 793, 801, Honorable Justice Barak held that the interpretation of a legal text incorporates language and purpose:

> The language delineates the spectrum of textual possibilities. Any interpretive option must fall within this spectrum. The interpreter may not give the language of the text meanings it cannot sustain… True, the linguistic component does not constitute a sufficient condition for interpretation, but it is nonetheless a necessary one… Purpose compliments language. These are the aims, goals, interests and values the norm seeks to fulfill and uphold. Every norm has a purpose, most often many purposes, which it is designed to fulfill. A norm without a purpose is nonsense… The interpreter gleans the purpose of the norm from the fundamental values of

> the system, including the desire and need to uphold the values of justice, morality and human rights.

22. In the same judgment, Barak holds:

> The interpreting judge's loyalty to a piece of legislation requires him to provide an interpretation that fulfills the purpose of the statute and can be sustained by its language. If such an interpretation renders the statute compatible with the constitution, it is fine and appropriate. If such an interpretation yields a contradiction between the statute and the constitution, then it is unavoidable.
>
> (*Ibid.*, p. 813).

In other words:

> Interpreting a statute in a manner that conforms to the constitution is possible only when choosing an interpretative option which is considered legitimate according to accepted rules of interpretation. Otherwise, the statute would never contradict a basic law and thus the purposes underlying both the statute and the basic law would be frustrated.
>
> (*Ibid.*)

23. In **'Aweisat**, the Honorable Court instructed that the interpretation adopted in **Hatib** could not stand – it allows neither for the security purpose of the Law nor for the commitment to human rights and therefore, there is no choice but to repeal the Temporary Order on constitutional grounds.

24. It should be noted that the ramifications of the broad interpretation of the definition of "resident of the Area" extend beyond the definitions clause. It cannot be separated from the other sections of the Law. As per Honorable President (emeritus) Barak:

> There are occasions when the "contaminated" provision and the "healthy" provisions have such a strong internal connection that invalidating the contaminated provision necessarily leads to invalidating the healthy provisions. Indeed, revocation of unconstitutional provisions would lead to revocation the constitutional provisions if they cannot stand independently. A statutory provision can stand independently if it continues to fulfill the legislative purpose, even if only partially. An unconstitutional provision would lead to the revocation of constitutional provisions only when the revocation of the unconstitutional provision removes the purpose of the legislation and empties it of meaning.
>
> (Barak, Interpretation in Law, Vol 2: Legislative Interpretation).

In the case at bar, the "contaminated" provision infects the "healthy" provisions and its revocation empties the Law of meaning. The interpretation given to the term "resident of the Area" exposes the true purpose of the Law: **a demographic purpose**. This purpose contaminates the remaining sections of the Law. In other words, it renders them unconstitutional and invalidates the entire Temporary Order.

Violation of the rights of East Jerusalem residents' children

The right to family life

25. The Court's holding on the amended definition of "resident of the Area" confirms the institutional denial of the needs and best interests of the children of residents to whom the Law applies. We have presented detailed arguments on this issue and we therefore now focus solely on international human rights law, particularly recent observations made by UN committees regarding the Temporary Order.

26. In July 2010, the UN Human Rights Committee convened to consider Israel's compliance with the International Covenant on Civil and Political Rights (ICCPR). The Committee published its concluding observations in which it noted the violation of the right to family life and called (once again) for the immediate revocation of the Temporary Order.

> 15. Recalling its previous recommendation in paragraph 21 of the preceding concluding observations (CCPR/CO/78/ISR), the Committee reiterates its concern that the Citizenship and Entry into Israel Law (Temporary Provision), as amended in 2005 and 2007, remains in force and has been declared constitutional by the Supreme Court. The Law suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the West Bank, East Jerusalem or the Gaza Strip, thus adversely affecting the lives of many families (arts. 17, 23 and 24).
>
> **The Committee reiterates that the Citizenship and Entry into Israel Law (Temporary provision) should be revoked and that the State party should review its policy with a view to facilitating family reunifications for all citizens and permanent residents without discrimination**.

See: http://unispal.un.org/UNISPAL.NSF/0/51410EBD25FCE78F85257770007194A8

27. On February 4, 2011, the UN Committee on the Elimination of All Forms of Discrimination against Women published a periodic report which included conclusions and recommendations with respect to Israel. This UN Committee also expressed concern over the fact that the Temporary Order still appears on Israel's statute books. The Committee concluded:

> 24. The Committee notes with concern that the 2003 Citizenship and Entry into Israel Law (Temporary Order), as amended in 2005 and 2007, remains in force and has been declared constitutional by the Supreme Court. The Committee reiterates its concern that this Law, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Palestinian Territories, has recently been extended for another six months and thus continues to adversely affect the marriages and right to family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.
>
> 25. **Recalling its previous recommendation (CEDAW/C/ISR/CO/3, para. 34), the Committee calls on the State party to balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all**

> **citizens and permanent residents. To this end, it calls on the State party to bring the 2003 Citizenship and Entry into Israel Law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention**.

See: http://unispal.un.org/UNISPAL.NSF/0/B3DE0C854FD3731D8525788C0063344E

The child's best interest

28. As is commonly known, Israel has taken its place among the enlightened nations that signed the Convention on the Rights of the Child. In March 2009, the UN General Assembly published Resolution 63/241 which reaffirmed the importance of the rights of the child.

29. In this Resolution, the UN addressed the issue of child registration and stated that it:

> 12. Once again urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local level.

30. In light of all the above, there is no doubt that when it comes to the Temporary Order specifically and when a child is denied registration in Israel because his parents had previously registered him in the OPT, Israel entirely fails to meet its obligations with respect to child registration.

31. The aforementioned Resolution also referred to the general welfare of the children of minorities. Article 36 calls upon all states:

> [T]o ensure, for children belonging to **minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis** with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance.

32. Israel does not recognize the children of East Jerusalem's residents as "protected persons". Instead of acknowledging its obligations toward these children, Israel does the opposite: it ensures as many children as possible are defined as residents of the OPT and denies them status in Israel.

Examples of the grave injuries caused by the Law

33. The statutory arrangements pertaining to children in the Law are sweeping. They cause collective, and, naturally, extensive harm. The **Hatib** judgment is but an additional example of the fact that variables over which children have no control, such as their place and date of birth, and place of registration seal their fate for a life without status in Israel.

34. Below, we present examples of various situations in which families find themselves as a result of the Law. Unfortunately, this has become a routine for these families.

35. **The S. Family**

Mrs. S. married a Hebron resident in 1990. Prior to 1994, applications submitted by women for family unification with their husbands were not admitted. This policy was changed in the mid-1990s, and Mrs. S. filed her first application for family unification with her husband. She also applied to have her four children, who were born in Israel, registered as permanent residents. The four children were born in Israel, but were registered in the OPT by their father, as registration in the OPT was quick and simple and required no bureaucratic evidence.

In 1995, after the birth of her youngest son, Mrs. S. began suffering from a severe mental illness. Her husband abandoned her and took the children to Hebron with him. Over the years, he brought them to visit their mother for a week every month and on holidays. The children did not attend school regularly. When Mrs. S. fell ill, she moved to her mother's house in Wadi Qadum in Jerusalem, where she has lived ever since. Until 2007, Mrs. S. lived with her mother by herself, without her children.

Mrs. S.' estranged husband suddenly passed away on August 21, 2007, having suffered cardiac arrest. Since the late Mr. S.' parents had already passed away, the children had no one to live with except their mother and grandmother. Due to the mother's severe mental state, the only person who could care for them was their grandmother, Mrs. A. and she appointed as their legal guardian. After their father's death, the children immediately moved in with their grandmother and ailing mother in Jerusalem.

Upon their return to Jerusalem, the children were enrolled in a local school. They have difficulties reenrolling every year. They have difficulties leaving their home and using public transportation. They live in constant fear of arrest and deportation. Yet, despite these difficulties, the three children study in the city.

On March 19, 2003, **another** application to register the children was filed. They were then 17, 15, 14 and 13 years old. The Ministry of Interior decided that the son, A., born in 1995, would receive temporary status for two years and that the girls, D., born in 1992 and B., born in 1993, would receive DCO referrals for a year. The application made for the son M., born 1991, was denied on the grounds that he was an adult. He was ultimately approved for DCO permits according to the date of submission of the application. An appeal filed with the Foreign Nationals' Appeals Committee has recently been rejected based on the **Hatib** rule.

In this case, the mother and grandmother have never left Jerusalem and the children were forced to leave the city by their father when they were still very young, in light of their mother's disease. The Ministry of Interior claims that they are "residents of the Area" who are ineligible for the same status as their mother's and grandmother's – permanent residency.

36. **The Joulani Family**

Mrs. Joulani is an Israeli resident and a single mother, who has lived with her five children in Jerusalem continuously since late 1999. She moved to Al 'Eizariya after her 1989 marriage to her former spouse, a local resident. The couple had five children. The children, with the exception of the son S., who was born in the OPT, were all born in Israel. The couple began having differences in the early years of their marriage, and Mr. Joulani registered the three older children in the OPT population registry hoping this would help him gain custody if and when the marriage ended.

Mrs. Joulani did eventually leave her husband in October of 1999 and finally divorced him on June 8, 2004. She applied to the Ministry of Interior to have her children registered in Israel in 2000 and 2004. In 2006, her application was partially approved. The Ministry of Interior decided

that only the two younger children would receive permanent status. The older children, A. and M. would receive stay permits and the middle child, H., would receive temporary status for two years. Thus, one family has three different fates, all determined by arbitrary variables such as the date and place of birth and place of registration of the children – as required under the amended Temporary Order.

37. **The Nofal family**

The Nofal family has been living in Jerusalem since 2001. The family currently has three different legal actions pending in the matters of the three eldest daughters: W., born 1988, F., born 1989 and S., born 1999 (the three girls were born in the West Bank).

A few months after the family returned to Israel, when the girls were 13, 12 and 10 years old, their mother went to the Ministry of Interior to renew her ID card. The card was confiscated without explanation and returned only on June 9, 2003 and only following intervention by the Petitioner. Mrs. Nofal was obviously unable to take action with respect to her daughters' status during this time. On October 13, 2003, after the ID card was returned, Mrs. Nofal filed an application to have all her children registered. At the time, W., the eldest daughter, was less than 15 years old.

On September 12, 2005, applications for residency permits were filed for W. and F. in view of the amendment to the Temporary Order. However, as residents of the Area, as per the definition in the Law, they are entitled only to military issued stay permits rather than status in Israel. It should be noted that W. and F. received their DCO permits only after a petition was filed with the District Court sitting as the Court for Administrative Affairs. On the other hand, S. was granted temporary status due to her age. The Respondent refuses to upgrade her status to permanent residency. The three girls will remain in a provisory arrangement indefinitely because they are defined as residents of the Area under the Law.

38. **The Srur Family**

A. Srur was born on January 23, 1990 in Ramallah. Her mother is from Jerusalem and her father is a West Bank resident. A.'s family moved between Jordan, Israel and the West Bank (for some seven years). The family finally returned to Jerusalem in 2001, when A. was 11 years old, and settled in Kfar 'Aqeb, inside Jerusalem city limits. Upon their return, A.'s mother began her attempts to have the National Insurance Institute reinstate her residency. She managed to do so only in 2004, when A. was 14 years old.

On September 12, 2004, following the amendment to the Law that made it possible to file family unification applications for children over the age of 12, an application for status for A. and for her brothers B. and G. was filed. A. was already 15 years old, which is why on July 1, 2007, when A.'s application for family unification with her mother was finally approved, she began receiving stay permits only.

A.'s six siblings have all been registered in the Israeli population registry. Only A. has DCO permits which give her no stability, no social security and no health insurance in Israel but do allow her to cross any checkpoint.

39. **The 'Issa Family**

Twin brother and sister 'O. and Z. 'Issa were born in Jerusalem on November 18, 1991. Their mother is a Jerusalemite and their father a West Bank resident. Their family moved between Bethlehem and Jerusalem. When the twins were 10 years old, their parents separated and their

mother returned with them to her parents' home in Jerusalem. Upon her return to the city, the mother requested the National Insurance Institute renew her residency. She was recognized as a resident only in 2005, after taking legal action.

On October 10, 2005, following the amendment to the Law, an application for status was filed for 'A. and Z. They were under 14 years of age at the time. Despite this, the Ministry of Interior claimed that they should receive DCO referrals. Only on September 25, 2007 and after a petition was filed against the Ministry of Interior's decision, did the twins receive temporary residency status (type A/5).

The Ministry of Interior is currently refusing to upgrade their status to permanent residency due to an internal protocol under which no status may be granted to children who turned 14 during the "probationary" period.

40. The above examples demonstrate how arbitrary and random variables determine what status a child will have in Israel and consequently whether or not he will have stability and social security. We have seen that children often receive stay permits not because they have entered the "suspect" 14-and-up age group, but because of the bureaucratic their parents' must overcome before they can register them in Israel, hurdles which are put in place by the Respondents. One might ask: How can such random and arbitrary variables which have nothing to do with protecting state security serve the official purpose of the Law? The answer lies with the Respondents.

In light of all the above, it is time to say: This is the Law. It is harmful, disproportionate and discriminatory. It has recently been exposed as demographic and racist. It must therefore be erased from Israel's statute book, thereby ending discrimination and human rights abuses.

Jerusalem, 17 April 2011

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Leora Bechor, Adv.
Counsel for the Petitioner

(File No. 50717)