

Field: Visas	Code
Subject: Procedure regarding Termination of the Graduated Procedure for the Arrangement of Status for Spouses of Israelis as a result of Violence on the part of the Israeli spouse	Subject code: 2

Procedure No: 5.2.0017 A
Page 1 of 3
Last revised: 18/04/2007

Disclaimer: The following is a non-binding translation of the original Hebrew document. It is provided by HaMoked: Center for the Defence of the Individual for information purposes only. The original Hebrew prevails in any case of discrepancy. While every effort has been made to ensure its accuracy, HaMoked is not liable for the proper and complete translation nor does it accept any liability for the use of, reliance on, or for any errors or misunderstandings that may derive from the English translation. For queries about the translation please contact site@hamoked.org.il

Procedure regarding Termination of the Graduated Procedure for the Arrangement of Status for Spouses of Israelis as a result of Violence on the part of the Israeli spouse

A. Procedure Purpose

- A.1 To determine the method for terminating the graduated procedure for arranging the status of spouses of Israelis in cases in which the spousal relationship is severed due to violence on the part of the Israeli spouse.

B. Conditions and Requirements

Cases in which the graduated procedure will be terminated:

- B.1 Divorce.
- B.2 Spousal relationship between married spouses is severed without divorce due to violence on the part of the Israeli spouse – as per information provided by the spouses or another source.

C. Processing

- C.1 The intake officer receiving the information will check the personal file and documents relevant to the procedure.
- C.2 Inasmuch as notice that the spousal relationship has been severed is received, a comment should be entered into the digital registry sheet and both spouses will be summoned to a hearing by registered post (note – a hearing must be held before a decision is made on the foreign national's status).
- C.3 If the foreign spouse fails to appear to the hearing, the officer must attempt to find out whether there is a reasonable explanation for the absence from the hearing. If the officer does not receive a reasonable explanation, Section C.4. of the "Procedure regarding Termination of Procedure for Arrangement of Status for Spouses of Israelis" must followed.

Field: Visas	Code
Subject: Procedure regarding Termination of the Graduated Procedure for the Arrangement of Status for Spouses of Israelis as a result of Violence on the part of the Israeli spouse	Subject code: 2

Procedure No: 5.2.0017 A
Page 2 of 3
Last revised: 18/04/2007

C.4 A decision will be made in the case after a hearing is held. If the decision is to terminate the graduated procedure, and the officer finds that the foreign national was the victim of violence on the part of the Israeli spouse before the spousal relationship ended, the foreign national will not be required to leave the country immediately and will be given an adjustment period. For this purpose, the officer will make sure that the residency visa held by the foreign national is valid for up to three months from the date of the decision to terminate the graduated procedure.

If necessary, the officer will extend the visa held by the foreign national for the above required period, in accordance with procedure.

The officer will summon the spouses to the branch office (by phone or registered post) and notify them of the decision.

If the spouses do not appear at the office subsequent to the hearing and subsequent to having been summoned to the office, the decision must be mailed to their registered address by registered post.

C.5 The decision must be updated in the database.

D. Cases to be referred to the Inter-ministerial Committee for Humanitarian Affairs

D.1. Where the marital relationship has been severed and the foreign spouse claims to have been the victim of violence on the part of the Israeli spouse prior to the termination of the spousal relationship, and the couple has joint children, the case will be referred for examination by the population administration headquarters and review by the inter-ministerial committee if the following conditions are met:

1. The spouse was married in an authentic marriage and the marriage was registered in the population registry, and s/he received an A-5 visa for residency in Israel as part of the graduated procedure.
2. The spouse has completed at least one year of the graduated procedure. For the purpose of this procedure, the two-year period required by the "Procedure regarding Termination of Procedure for Arrangement of Status for Spouses of Israelis" (Procedure No. 5.2.0017) will be waived.
3. The foreign spouse claims to have been the victim of violence on the part of the Israeli spouse prior to the termination of the spousal relationship and the claim has been substantiated in one of the following ways:
 - a. A month or more of living in a shelter for battered women as part of a program for the protection and treatment of women victims of abuse and their children.
 - b. The foreign spouse has filed a police complaint against the Israeli spouse due to violence, and the complaint was found valid.

Field: Visas	Code
Subject: Procedure regarding Termination of the Graduated Procedure for the Arrangement of Status for Spouses of Israelis as a result of Violence on the part of the Israeli spouse	Subject code: 2

Procedure No: 5.2.0017 A
Page 3 of 3
Last revised: 18/04/2007

- c. The foreign spouse received a family court issued order of protection against the Israeli spouse, following a hearing in the presence of both parties.
 - d. Confirmation from the social services department at the local council or from the Ministry of Welfare "Center for Treatment and Prevention of Domestic Violence" that the foreign spouse is known to them and/or treated by them due to domestic violence on the part of the Israeli spouse.
4. The couple has joint children in the custody of the foreign national, or the foreign national maintains a close and continuous relationship with the children, caring for their nourishment and needs and a professional opinion from a public welfare officer establishes that the foreign national's departure from the country would cause substantial harm to the children.
- D.2. Where the marital relationship has been severed and the foreign spouse claims to have been the victim of violence on the part of the Israeli spouse prior to the termination of the spousal relationship, and the couple has no joint children, the case will be referred for review by the inter-ministerial committee if the following conditions are met:
1. As stated in Section D.1.1.
 2. The spouse has completed half the duration of the graduated procedure.
 3. As stated in Section D.1.3.
 4. Examination of the overall circumstances of the case indicates that the applicant has substantive ties to the State of Israel, stronger than his/her ties to a foreign country (for this purpose, the place of residence of first-degree relatives will be examined, *inter-alia*).

E. Review by the Inter-ministerial Committee for Humanitarian Affairs

- E.1. Where the case is referred for review by the Inter-ministerial Committee for Humanitarian Affairs and the committee finds there is room to recommend the grant of status, it may recommend one of the following:
- a. Grant of A/5 status for a limited time not exceeding three years, followed by examination of an application for permanent residency according to the procedures in effect.
 - b. Grant of A/5 status for a limited time of no less than two years, followed by further review by the inter-ministerial committee to examine change of circumstances.

F. The Law and Relevant Sections

- F.1. Sections 3, 11 of the Entry into Israel Law 5712-1952.
- F.2. Section 7 of the Citizenship Law.