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No Longer a Temporary Order: a Dozen Years under the Citizenship and Entry into Israel Law

On March 19, 2014, the Israeli Government decided to extend the validity of the Citizenship and Entry into Israel Law, enacted over a decade ago as a provisional "temporary order". That same day, the Israeli parliament, the Knesset, approved the Law's extension, now for the fifteenth time. This arrangement, ostensibly temporary, has long since become permanent, with dire consequences.

This twice-amended law is one of the most condemnable laws Israel has ever passed. The Law restricts and even bans family unifications of Israeli citizens and residents with spouses who are residents of the Occupied Palestinian Territories (OPT), in blatant violation of fundamental constitutional rights, primarily the rights to equality and to family life. The Law also constitute a severe violation of the principle of the child's best interest, as it denies many children, whose one parent is an Israeli permanent resident and the other an OPT resident, the possibility of receiving status in Israel.

In consequence of the Law's provisions, many couples face a difficult and cruel choice: if they abide by the Law, they must separate; conversely, if they choose to live together in Israel, they do so illegally, in constant fear that the OPT spouse might be deported.

Those few who have managed to enter the family unification process live in Israel pursuant to temporary stay permits only, with no social rights and no certainty as to the future. Each and every year, they must undergo center-of-life examinations and security background checks, with no end in sight. It is therefore not surprising that the Supreme Court has recently urged the legislator to address the predicament of these people who live in limbo for years on end, and consider giving them status in Israel.

Officially, Israel justifies the Law on security reasons, claiming it serves to lower the risk of terrorist acts being carried out by Palestinians inside Israel. However, as can be deduced from the Law's draconian provisions, statements by Knesset members and public declarations by cabinet ministers, the main purpose of the Law is demographic: in this sense, the Law is just another dimension of Israel's long-pursued racist policy to maintain a Jewish majority in the state, and especially in Jerusalem.

In view of the continuous violation of the rights of thousands of Israelis, their Palestinian spouses, and their joint children, HaMoked again calls on Israel to repeal both the Citizenship and Entry into Israel Law and Cabinet Resolution 3598 prohibiting all family unification between Israelis and Gaza residents.



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The state must ensure that applications for family unification with OPT residents are examined in a fair, efficient and pertinent manner, in recognition of the rights of all residents and citizens of Israeli to marry whomever they choose and live with their spouse and children in the place of their choice.