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At the Supreme Court
Sitting as the High Court of Justice

HCJ 8134/14

1. _____ **Abu Jamal**
2. _____ **Abu Jamal**
3. _____ **Abu Jamal**
4. _____ **Abu Jamal**
5. **HaMoked: Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger - RA**

represented by counsel, Adv. Benjamin Agsteribbe
Of HaMoked Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger
Tel: 02-6283555; Fax: 02-6276317

The Petitioners

v.

1. **Minister of Interior**
2. **Advisory Humanitarian Committee to the Minister of Interior**
3. **Head of Population and Immigration Authority**
4. **Minister of Public Security**
5. **Israel Police**

represented by the State Attorney's Office
Ministry of Justice, Jerusalem
Telephone: 02-6466010; Fax: 02-6467011

The Respondents

Updating Notice on behalf of the State

According to the decision of the honorable court (the Honorable Justice D. Barak-Erez) dated December 16, 2014, the State hereby respectfully submits an updating notice on its behalf, as follows:

1. On December 25, 2014, petitioners' legal counsels submitted a notice on their behalf, along with a letter to respondent 1 ("**Minister of Interior**"), specifying written arguments in petitioner 1's matter.
2. On March 24, 2015, the Minister of Interior gave his conclusive decision, specifying the reasons for the revocation of petitioner 1's stay permit in Israel.
 - A copy of the decision of the Minister of Interior dated March 24, 2015, is attached and marked **RS/1**.

Nissan 10, 5775
March 30, 2015

Nachi Ben Or
Senior Deputy A in the State Attorney's Office
Minister of Interior

Nissan 4, 5775
March 24, 2015
No. 1924-2015

To
The Population Authority

Re: **Mrs. Abu Jamal – Revocation of Stay Permit in Israel – HCJ 8134/14**

Following my decision dated November 25, 2014, the petition of Mrs. Abu Jamal in HCJ 8134/14 and her additional arguments in writing dated December 25, 2014, were submitted for my perusal.

After I have reviewed the entire information which was submitted for my perusal, I decided that there was no room to change my decision dated November 25, 2014, for the reasons specified below.

In the framework of HCJ 8134/14 which concerns the decision to revoke Mrs. Abu Jamal's stay permit, the state enabled the petitioners to submit arguments in writing, to the extent they had additional arguments beyond those specified in the petition, which they thought should be before the Minister of Interior.

In the framework of the additional arguments which were submitted by Mrs. Abu Jamal's legal counsels it was argued that she satisfied the conditions established by the procedure of the population and immigration authority concerning the examination of applications for the grant of status to spouses of Israelis in the event that the Israeli spouse passed away or in the event of divorce. As far as they are concerned, according to said procedure, in view of the fact that children are involved – a fact which constitutes an indication of humanitarian reasons according to the procedure - the petitioner should have been given status in Israel.

According to the procedure, the existence of children constitutes a condition for the submission of the matter of a widow or a divorcee to the inter-ministerial committee (and in our case, to the advisory committee to the Minister of Interior according to the Temporary Order). However, the mere fact that a matter was submitted to the committee does not obligate to grant status in Israel, and the existence of children, including the age of the children, constitutes only one of the entire considerations which are examined in the context of the humanitarian issue, and is not the exclusive consideration. Moreover, the mere existence of children will not result in the grant of status to the foreign parent in each and every case. In the framework of the deliberation a general review of the circumstances is made and one detail alone cannot automatically cause the grant of status. The entire circumstances will be examined in the case of a woman whose husband passed away from natural causes, as well as in the case of a woman whose husband passed away from unnatural causes.

The summary of the committee's deliberations and the recommendations submitted by it to me indicate that both the committee and the undersigned were aware of the fact that Mrs. Abu Jamal's children are permanent Israeli residents. However, after I have examined the entire details involving the matter, and the entire ties of Mrs. Abu Jamal which pertain to the Area, I came to the conclusion that no special humanitarian reasons existed in her matter which justified the grant of a stay permit in Israel, all as specified herein-below.

The policy concerning permanent Israeli residents implemented as of 2000 (according to the "Sharansky Affidavit") provides with respect to minors that "those who were minors when their

parents moved their center of life outside Israel, in general, their residency in Israel will be examined from the date they became adults, and for this purpose the period which preceded the date on which they became adults will not be taken into consideration." Accordingly, the status of Mrs. Abu Jamal's children, as permanent Israeli residents, will not be prejudiced by the fact that they moved to the Area with their mother, while still minors.

This case concerns very young children, who will naturally live with their mother in the Area. The place of residency in the Area is very close to the previous place of residency in Israel, and the vast majority of the mother's extended family lives in that place in the Area (including Mrs. Abu Jamal's mother and six of her siblings from the same mother and father and their family members). At the same time, considering the fact that the children continue to have permanent residency status in Israel while moving to the Area to live with their mother, as a general rule, they will be able to periodically visit their family in Israel without any difficulty.

In the context of the additional arguments raised by Mrs. Abu Jamal's legal counsels it was argued that her children were under medical supervision in Israel. However, neither the arguments which were raised nor the medical records which were attached indicate that the children suffer from an emergency medical condition, which also does not justify, in and of itself, according to the current policy, the grant of a stay permit in Israel to Mrs. Abu Jamal, but rather – at the utmost – the stay of her exit from Israel for the duration of the emergency condition. In any event, to the extent the children require medical treatment, which should be specifically given in Israel, they will be able, as a general rule, to enter Israel, by virtue of the fact that they have permanent residency status in Israel.

According to section 3A1 of the Temporary Order, the Minister of Interior is vested with the authority to grant a stay permit or residency status in Israel, when special humanitarian reasons exist. The law does not specify these reasons and grants broad discretion for the consideration of all circumstances relevant to the cases discussed pursuant to this section. Humanitarian applications, by their nature, are not identical, and no pre-defined list of circumstances exists which may justify the acceptance of such applications. Each case is examined according to its unique circumstances.

Taking into consideration the entire circumstances described above, coupled with the reasons which were specified in my decision dated November 25, 2014, I decided that there was no justification for the acceptance of the application for the extension of the stay permit of Mrs. Abu Jamal in Israel.

Sincerely,

(signed)
Gilad ERda, MK