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At the Supreme Court
Sitting as the High Court of Justice

HCJ 8134/14

In the matter of: _____ **Abu Jamal ID. No.** _____ **et al.**

represented by HaMoked Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
4 Abu Obeida St., Jerusalem, 97200
Tel: 02-6283555; Fax: 02-627631

The Petitioners

V.

Minister of Interior et al.
by the State Attorney's Office
29 Salah a-Din Street, Jerusalem
Tel: 02-6466590, Fax: 02-6466713

The Respondents

Motion on behalf of the Petitioners

The Honorable Court is hereby requested to reconsider its decision rendered May 31, 2015 and schedule a hearing in the motion for Interim Injunction in the matter of Petitioner 1 (hereinafter: **the Petitioner**). Alternatively, the Honorable Court is requested to instruct an urgent hearing of the petition:

Grounds for the Motion

1. This amended petition concerns the unacceptable decision made by Respondent 1 on March 24, 2015, to revoke the stay permit given to the mother of three children who are permanent residents and have lived their entire lives in Israel, and remove her to the West Bank. The decision was motivated by the fact that her late husband, who had sponsored her for the family unification procedure, took part in an attack perpetrated on the synagogue at the Har Nof neighborhood in Jerusalem on November 18, 2014, an attack no one disputes the Petitioner and her young children had no connection to.
2. In their petition dated March 16, 2015, the petitioners stressed that extraneous considerations were at the root of the new decision issued by Petitioner 1 on March 24, 2015 in the matter of the Petitioner. Petitioners also argued that the decision was made at the culmination of a flawed, and fundamentally

unacceptable administrative process and caused a severe and **immediate** impingement on the basic rights of both the Petitioner and her children.

3. It is stressed that at the time the petition was submitted, the Petitioners also submitted an Urgent Motion for Interim Injunction instructing the Respondents not to remove the Petitioner from Israel pending completion of legal proceedings in her matter.
4. On May 31, 2015, the Respondents filed their response to the petition, wherein they demanded the Court refrain from intervening in the decision made by Respondent 1 and dismiss the petition and the Motion for Interim Injunction.
5. Following the response of the Respondents, the Honorable Court decided on May 31, 2015, not to grant the Motion for Interim Injunction and to revoke the Temporary Injunction it issued on November 30, 2014. However, the Honorable Court did order the petition be heard by the Court by October 29, 2015.

Grounds for the Motion for Interim Injunction

6. We note that the Honorable Court was moved to grant an Interim Injunction in order to preserve the status quo and prevent the children's separation from their mother, or, alternatively, to prevent the expulsion of the children, permanent residents of Israel, to the OPT along with their mother, so long as legal proceedings in their matter were pending.
7. In their motion, the Petitioners noted that no one disputes that the Petitioner has done nothing wrong, and committed no crime, and that she had found herself in the impossible position she was in through no fault of her own, after having lived in Israel lawfully. Additionally, no security allegation has ever been made against the Petitioner, nor is anyone arguing today that her **presence in Israel per se** poses a threat or puts public safety at risk. On the other hand, it is clear that the Petitioner's deportation, after having lived in Israel lawfully for years, along with her children, would severely and immediately violate the fundamental rights of the children, who would be severely harmed should they be uprooted from their home and their natural surroundings and deported to the OPT with their mother. Furthermore, should the Petitioner be ultimately accepted, the harm caused by forcing the children to leave the home where they spent their entire lives, their schools, their friends and family, and leave with their mother, is significant and irreversible. On the other hand, granting the Temporary Injunction allowing the Petitioner to remain with her children lawfully, pending a decision in the petition, causes no harm to the Respondents whatsoever. Therefore, in the matter at hand, the balance of convenience necessarily and unequivocally tends toward granting the Interim Injunction and leaving the status quo intact pending the completion of legal proceedings.
8. We note that even now, as a result of the dismissal of the Motion for Interim Injunction and the revocation of the Temporary Injunction, the right to health of Petitioners 2-4, the Petitioner's young children, has been immediately compromised, given the notice given to Petitioner 5 by the National Insurance Institute on January 8, 2015, to the effect that the children's status would remain intact so long as their mother had an injunction issued by the Honorable Court. The Petitioners wish to reiterate that some of the children are not well. Petitioner 2 suffers from a heart defect and is losing his hearing and Petitioner 4 may have epilepsy and is under the care of a gastroenterologist. These are children who have done nothing wrong and have committed no crime.

Notice from the National Insurance Institute, dated January 8, 2015, is attached hereto and marked **P/16**.

9. We further note that while the Respondent objected to the Motion for an Order Nisi in their response to the petition dated May 28, 2015, they have thus far never expressed any objection to the Order. In fact, they have repeatedly asked for extensions for filing their response to the Court, both in the current proceeding and in the former, effectively allowing the Petitioner to remain in Israel since November of last year. This fact supports the Petitioners' contention that the balance of convenience clearly and unequivocally tends toward the children.
10. The Petitioners, on the other hand, have taken pains not to delay proceedings and have met all the deadlines they were given, even when these deadlines were quite pressured.
11. As such, now that the Honorable Court has decided not to accept the Petitioner's request to be able to remain in Israel with her children without fear of deportation until her matter is resolved, the Petitioners move the Honorable Court to reconsider its decision and to schedule a hearing of the Motion for Interim Injunction at its earliest convenience.
12. Alternatively, should the Honorable Court not see fit to reconsider its decision not to grant the Motion for Interim Injunction, given the ramifications of this decision which leaves the Petitioner without any protection from deportation, and her children without medical insurance or social rights, the Honorable Court is moved to schedule an urgent hearing of the petition itself.
13. This motion was delivered to the Respondents for their response, but such has not yet been received. Given the urgency of the matter, the motion is submitted without the response of the Respondents.
14. It would be both lawful and just to grant this motion.

Jerusalem, June 1, 2015

Adv. Benjamin Agsteribbe
Counsel for the Petitioners

(File: 68983)