

## **Bill for the Revocation of the Citizenship and Residency of individuals receiving payment from the Palestinian Authority**

Members of Knesset from Israel's governing coalition have proposed a bill to enable the Minister of the Interior to revoke the status in Israel of individuals convicted of an "offense constituting an act of terror" who receive (or their family receives) financial support from the Palestinian Authority. This could potentially affect hundreds of people. Israel Prison Service data shows (as of December 31, 2022) 140 Israeli citizens and 211 Jerusalem Palestinians serving a sentence for "security offenses".

Several organizations have addressed the implications of this bill for revocation of citizenship of Israelis. HaMoked wishes to focus on the severe and far-reaching consequences for East Jerusalem Palestinians, who hold the status of permanent residents of Israel. HaMoked is already challenging the 2018 Law that enables revocation of residency on the grounds of "breach of allegiance to the State of Israel." However, this bill is much more egregious in its scope, and threatens to be an additional measure for the deportation of East Jerusalem Palestinians from their homes.

The relevant portions of the bill state:

11B (A) "A person with a permit for permanent residency in Israel who is convicted of an offense which is an act of terror, or an offense according to sections 97 to 99 of the Criminal Code, and he received a prison sentence, and it is proven to the satisfaction of the Minister of Interior, after giving him an opportunity to raise his claims, that he or someone on his behalf with his knowledge, received monies paid by the Palestinian Authority with a connection to terror, as defined in the Law on Freezing Funds, or other compensation as a salary for committing a terror offense – he will be considered to have renounced his permanent residency permit.

(C) A person whose permanent residency permit has been cancelled under this section who completed serving his sentence, will not be released except to the territory of the Palestinian Authority."

1. According to the bill, the entire procedure will be initiated and conducted according to the discretion of a political body: The Minister of the Interior would have absolute power to deprive a person of status in their homeland. There is no judicial review of the decision unless the person decides to contest his residency revocation, at his own initiative and his own expense.



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2. International law does not recognize Israel's annexation of East Jerusalem. This is occupied territory, and its population is protected by international humanitarian law. The prohibition against their forcible transfer from their homes is entrenched in the Fourth Geneva Convention from 1949 and in the Articles ancillary to the Hague Convention respecting the Laws and Customs of War on Land from 1907. The violation of the prohibition constitutes a war crime.
3. The Supreme Court in the recent **Zayoud** judgement (regarding revocation of citizenship for breach of allegiance) set a very high bar for revocation of status; a severe act is required to justify a "declaration" that the connection to the state is severed. Receiving monies from the Palestinian Authority does not even remotely reach this bar. In addition, this objective is irrelevant when a revocation of a permanent residency is concerned. The deep and powerful connection between the individual and the state which is described in **Zayoud**, does not exist *ab initio* when the individual is not a citizen but rather a resident, and particularly regarding the indigenous population of Jerusalem, whose residency status was received as a result of Israel's occupation. The mere act of receiving monies does not indicate that the residency connection has been severed; according to case law, residency is nothing but a manifestation of the fact that a person resides in the state of Israel.
4. The bill brazenly deviates from the Supreme Court's holding in **Zayoud**, where it was held that a citizen may not be left without status in their country. In the case of citizenship revocation, the Court ruled that permanent residency status must be granted instead. According to the logic of that judgment, a person's permanent residency status may not be revoked and replaced by an inferior status such as a renewable temporary residency permit, since it shall also cause a severe and disproportionate harm contrary to international law. The bill at hand is extreme in the sense that it leaves residents without any alternative status, and may lead to a situation whereby residents will become stateless.
5. While the bill states that those deprived of citizenship or residency will be deported to the territories of the Palestinian Authority, it makes no arrangement for their status there. Israeli military law prohibits staying in the West Bank without a status in the Palestinian population registry. Granting such a status would require the agreement of both the Palestinian Authority and of Israel, which has ultimate control over the registry. Without both parties authorizing the granting of Palestinian residency status, the deported individuals would be regarded as "an illegal alien" by the Israeli military which controls the area.

**This bill clearly deviates from constitutional principles in Israel and from fundamental principles of international law.**

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