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**At the Supreme Court**

**HCI 2741/22**

**Sitting as the High Court of Justice**

**The Petitioners:**      **1-23. [REDACTED] Abu Taleb et 22 al.**  
                                 **24. The Association for Civil Rights in Israel**  
                                 **25. HaMoked - Center for the Defence of the Individual founded**  
                                 **by Dr. Lotte Salzberger**  
                                 **26. Physicians for Human Rights – Israel**

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**- v -**

**The Respondents:**    **1. The Knesset**  
                                 represented by counsel from the Legal Advisor's Office  
                                 Knesset, Jerusalem

**2. Minister of Interior**  
                                 represented by counsel from the State Attorney's Office  
                                 Ministry of Justice, Jerusalem

**Urgent Motion for Interim Order**

On July 9, 2024, the Honorable Court issued an order nisi, instructing the Respondents to appear and show cause why the Citizenship and Entry into Israel Law (Temporary Order), 5782-2022 (hereinafter: the Law or the Temporary Order), should not be struck down due to its infringements on human rights.

While the proceeding is pending, the Knesset amended the Law yesterday, July 9, 2025, incorporating Section 11A (hereinafter: the Amendment or Section 11A of the Temporary Order), which profoundly exacerbates the Law's infringement on human rights.

The Knesset Legal Advisor's Office and the Attorney General's Office (as well as counsel for human rights organizations, Petitioners 24-26) alerted the Knesset to the severe and unconstitutional infringements Section 11A of the Temporary Order is expected to cause, but to no avail.

According to the Amendment, effective immediately, the grant of status in Israel to a Palestinian whose relative is implicated in security matters, including extended family, will be prohibited, with no individual assessment and no requirement to demonstrate a concrete risk posed by the person seeking status in connection to said kinship. Furthermore, anyone who has already received such status and has lawfully resided in Israel, even for many years, will lose their status under such circumstances, again without any individual assessment and without posing any risk. Spouses, parents, children, Palestinian asylum seekers, victims of violence and crime, and other humanitarian cases will not be able to acquire status or will lose it for reasons unrelated to them.

The rationale, according to the Amendment's sponsors and proponents: "general deterrence considerations." In other words, the Amendment is based on a speculation that potential offenders (and even less than that, as will be clarified) would be deterred if they knew in advance that their actions would result in harm to their innocent relatives (including distant relatives), who not only did not participate in or were involved in their actions but were entirely unaware of them.

The Amendment adopts a very broad definition of "terrorist operative" that would taint family members and includes even minor offenses. In the words offered by the Attorney General's Office during the legislative process: Overkill.

Additionally, the Amendment introduces another sweeping provision, whereby any Palestinian who has been present in Israel unlawfully, even for a single moment, regardless of the reasons or the circumstances of their life or their family's life, will be barred from acquiring status in Israel for any reason, for ten years. This provision also enters into effect immediately and applies to spouses, parents, children, Palestinian asylum seekers, victims of violence and crime, and other humanitarian cases.

Given the immediate effect of the Amendment and its dramatic impact on human rights, the Honorable Court is moved to issue an interim order suspending the application of Section 11A of the Temporary Order pending a ruling in this petition.

The Honorable Court is further moved to allow the Petitioners to submit a supplementary argument brief regarding Section 11A of the Law, which is now part of the legislation impugned in this petition and is being reviewed as a whole.

### **The grounds for the motion:**

1. As stated at the outset, on July 9, 2024, the Honorable Court issued an order nisi instructing the Respondents to appear and show cause why the Law should not be struck down.
2. The Law, which was preceded by the Citizenship and Entry into Israel Law (Temporary Order) 5763 - 2003, has, for over two decades, imposed a sweeping prohibition on the grant of status in Israel to Palestinians, as well as residents of countries listed in the schedule (Section 3 of the Temporary Order).

The justification the Respondents have adhered to for more than two decades in support of the Temporary Order is security: preventing Palestinians from acquiring permanent status in Israel, since all Palestinians allegedly pose a threat to the security of Israel and its citizens.

3. While **exclusions** to the prohibition, **based on individual assessments**, have been introduced, the status they offer is temporary and inferior. The exclusions are as follows: a Palestinian male over the age of 35 and a Palestinian female over the age of 25 may be granted a stay permit in order to prevent their separation from their Israeli spouse (Section 4); spouses over the age of 50 who have received stay permits for at least ten years may be granted temporary residency (Section 5); a Palestinian minor under the age of 14 may be granted temporary residency in Israel and a Palestinian minor between the ages of 14 and 18 may be granted stay in Israel (Section 6); a Palestinian or resident of a country listed in the schedule, who has a relative who is lawfully present in Israel, may be granted a stay permit or temporary residency for special humanitarian reasons upon the recommendation of a special committee, and subject to a quota, which currently stands at 58 people per year (Section 7); Palestinians may be granted stay in Israel for purposes of employment, medical treatment, or another temporary purpose (Section 8); and, finally, status, and at minimum a stay permit, may be granted to a person who identifies with the State of Israel and has acted, or whose relative has acted, to advance its objectives, or a person to whom the State has a special interest in granting status (Section 9). In this context, following the decision issued by the Honorable Court on December 4, 2022, Respondents on behalf of the government announced on July 27, 2023, that by virtue of the powers vested in the Minister of Interior under Section 9 of the law, namely, granting status due to the special interests of the state, the Minister decided to grant temporary residency to women over the age of 40 who are spouses of citizens and residents and have lawfully resided in Israel by virtue of permits for at least ten years (this arrangement does not apply to women who received permits for any other reason).
4. For more than two decades, the Temporary Order has gravely violated human rights, harming the fabric of life of thousands of families and individuals, condemning them to misery and distress. The harm includes a severe violation of the rights to family life, equality, dignity, dignified living, and freedom of occupation.
5. In their petition, the Petitioners elaborated on the various procedures for regularizing status in Israel; the background to the enactment of the Temporary Order; the justifications presented for it and the manner in which its demographic purpose, and other extraneous purposes, shaped the arrangements included therein; its ongoing infringement of human rights, especially of families, women, and children; and more. The petition included a normative analysis of the Temporary Order and explained why, in the Petitioners' view, it does not meet any of the constitutional tests.
6. The infringement of human rights resulting from the extension of the law's validity has intensified over the years. It is worth recalling, in this context, the remarks of Justice (as was his title then) Amit in HCJ 813/14 **A v. Minister of Interior** (October 18, 2017), and affirmed by Justice Danziger, that in light of previous rulings on the law's constitutionality by a narrow majority and the passage of time, "**I believe that softening the Temporary Order is the order of the day.**"
7. Indeed, in the *order nisi* it issued, the Honorable Court listed a litany of issues in the Law that justified shifting the burden to the Respondents and instructing them to give cause why the Law should not be struck down: the inability to upgrade status after a long period, especially for individuals who received status as minors; the lack of access to social assistance and universal health insurance after an extended period; the quota for granting status on humanitarian grounds; the lack of provisions for status for same sex spouses; the inability to upgrade the status of women over the age of 40 who have resided in Israel for at least five years; and the inability to upgrade status received outside of a spousal relationship. **In other words, the Honorable Court found that the excessive restrictiveness of the exclusions based on individual assessment justifies shifting the burden to the Respondents, requiring them to explain why the Law should not be struck down.**

8. The Knesset's response was submitted on April 8, 2025, and the government's response was submitted on April 9, 2025. The parties have since been waiting for a date to be scheduled to hear the objection to the *order nisi*.
9. While the proceedings were pending and awaiting examination, the Knesset, with the support of the government, decided to adopt a private member's bill, dramatically aggravating the harm caused by the Temporary Order and further restricting the already narrow exclusions which are based on individual assessment.
10. Yesterday, July 9, 2025, as the Amendment passed second and third readings, Section 11A was added to the Law, entitled: "Prohibition of Stay and Residence in Israel." The purpose of the amendment, according to its sponsors: "**general deterrence considerations.**" As stated in the explanatory notes to the bill, led by MK Amit Halevi: to establish that the Minister of Interior and the military commander will not grant or renew stay permits or residence licenses due to kinship ties to a terrorist operative or a person convicted of an act of terrorism, "in order to reflect and enshrine general deterrence considerations in law." According to the arrangement enshrined in the Amendment, "**no individual assessment will be conducted regarding a relative of a person convicted of an act of terrorism or who is a terrorist operative.**"

A copy of the amendment to the Law is attached hereto and marked **A**.\*

A copy of the bill is attached hereto and marked **B**.

11. The Amendment stipulates that these "general deterrence considerations" will be implemented as follows (subsections (a), (b), and (c) of the Amendment):
  - a. **By prohibiting the grant of status in Israel** not only to a person involved in terrorism, but also to their family members, including distant relatives, seeking to acquire status in Israel under the exclusions to the Temporary Order, **with no discretion and no individual assessment**;
  - b. **By requiring the revocation of status lawfully granted** under those exclusions to the Temporary Order, after individual assessment, not only from a person involved in terrorism, but also from family members who have resided lawfully in Israel, in some cases for years, this too, **with no discretion and no individual assessment**;
12. The Amendment further provides (in subsection (d)) that a Palestinian who enters Israel illegally or in breach of any of the conditions stipulated in the visa or residency license will not receive any status in Israel for any reason for a period of ten years.
13. Thus, the Amendment has been incorporated in the Temporary Order, further limiting the exclusions established therein and significantly exacerbating the harm it causes. While there is no dispute that anyone precluded for concrete security reasons should not acquire status in Israel, the Amendment imposes a prohibition on the grant of status to persons who have done nothing, due to the actions of a parent, spouse, child, sibling, uncle, aunt, cousin, nephew, or niece, including step-relatives.
14. Individuals against whom there is no concrete allegation of involvement in any act, participation in such act, knowledge of it, or support for it, will henceforth be punished, having done nothing wrong, by being

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\* The amendment to the Law was included in the Prohibition of Unlawful Stay and Residence in Israel (Legislative Amendments) Law, 5785-2025. The section that is the subject of this motion is section 1 thereof. Section 2 of the Law includes provisions designed to impose heavier penalties on Palestinians for illegal stay in Israel. These provisions were incorporated into the Entry into Israel Law, 5712-1952. This matter is not connected to the temporary order, and this petition and motion do not address it.

denied status in Israel or deported from it, and their spouses and children who are Israeli citizens and residents of Israel will be punished with them. These individuals need not have any contact whatsoever with the impugned relatives, and the relatives themselves need not know that the affected individuals reside in Israel or how their actions impact them.

15. Counsel for the Petitioners, Adv. Oded Feller, appeared before the Knesset Foreign Affairs and Defense Committee and repeatedly contacted the Respondents in writing (on February 24, 2025, May 8, 2025, and June 9, 2025) to warn against this unconstitutional Amendment.
16. The Attorney General's Office and the Knesset's Legal Advisor's Office also addressed the Amendment's unconstitutionality during the legislative process. They clarified that the infringement on the constitutional right to family life must be taken into account, and that this [status] was not a "gift" that can be taken back, as the Amendment's sponsor, MK Halevi, repeatedly described it. They explained that the Amendment did not only harm spouses and children who have status or are seeking status, but also their Israeli relatives, who certainly have a right to family life and equality; that general deterrence is not the declared purpose of the Temporary Order; that, in any event, by law, a person is responsible for their own actions and no person is a means for deterring others; that even when the preclusion arises from family members, the assessment should address the direct risk posed by the person seeking status themselves, not their family members, and inquiries should be made as to whether the applicant has any connection to the acts.
17. As the full transcripts of the Foreign Affairs and Defense Committee meetings have not yet been published, the below is a summary.
18. For example, Adv. Miri Frankel Schorr, legal advisor to the Knesset Foreign Affairs and Defense Committee, stated at the committee meeting on July 2, 2025: "We rely on individual assessment ... an assessment of the security risk posed by the person requesting a permit, whether it is a direct or indirect risk. That is, we are asking whether there is a security impediment to granting that person entry to Israel... both in the Adalah judgment and in the Galon judgment ... the constitutional infringements in the bill were analyzed...: the infringement on the right to family life of the Israeli family member... and also the violation of equality... When we talk about infringement of constitutional rights, we examine the infringement according to the three tests of the limitation clause: rational connection, least injurious means, and the test of proportionality in the narrow sense... each case is examined individually ... only the presence of a concrete risk can ensure that a decision to deny a permit actually meets the proportionality requirement... What does Halevi propose? He proposes that when an act of terrorism is committed, the residency license or stay permit of all family members listed in the bill would be revoked with no individual assessment, with no consideration... What this bill proposes is, in our view, far-reaching. What does this mean? That merely being a family member of a terrorist, even if you have no connection, and you were not supposed to know, and had no way of knowing, merely being a family member, and this is without talking about how broadly family member is defined, just having some sort of kinship by birth would be reason for expulsion from Israel, which in our view raises the most serious concerns."
19. Similar comments were made by Adv. Nadav Golani of the Ministry of Justice Legal Counsel and Legislation Department in the same meeting: "In our view, the correct legal approach is to rely on a personal security risk, in cases in which a foreign national knows in advance of another person's intention to commit an act of terrorism, or supports it after the fact, they can be considered as personally posing a security risk that would bar them from entering Israel. In our view, this is the correct legal path, without relying on considerations of deterrence."
20. The Attorney General's Office stressed that the definition of "terrorist operative" in subsection (e) of the Amendment, referring to the Freezing of Funds Transferred by the Government of Israel to the Palestinian Authority and Paid by the Palestinian Authority in Connection with Terrorism Law 5778-

2018, is extremely broad, and includes, inter alia, administrative detentions and offenses under the Order Regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009. In other words, it includes offenses such as waving a flag, obstructing a soldier, participating in a demonstration, etc. As Adv. Avigail Son Feldman of the Ministry of Justice Legal Counsel and Legislation Department said in the Knesset Foreign Affairs and Defense Committee meeting on July 2, 2025: “When the definition is as vast as the ocean, it is overkill.”

21. It seems unnecessary to reiterate that Israeli status is not granted easily or as a matter of course to begin with. This is true generally and particularly under the exclusions established by the Temporary Order. Status is acquired and retained based on periodic assessments, including whether there is an individual security or criminal impediment to granting status. This aspect is examined repeatedly, both when status is first granted and prior to renewal. Where the applicant poses a concrete security risk, status is not granted, and status already granted is revoked.
22. According to Section 11 of the Temporary Order, for those eligible for status under the exceptions in the Law, a preclusion may also arise from a concrete security risk posed by a spouse, parent, child, sibling, or their spouses. Nevertheless, even in such cases, the refusal must be based on an **individual assessment that properly balances the right to family life against the risk in the particular circumstances, and this balance must meet the tests of reasonableness and proportionality. The decision must be based on a report supported by appropriate and concrete administrative evidence, assessing the degree of risk posed by the individual whose Israeli status is being considered** (HCJ 2028/05 *Amara v. Minister of Interior*, July 10, 2006). Furthermore, **exercising this power involves discretion; in every case, it is the probability of the direct risk posed by the applicant themselves**, due to their family connection and the concern that it may be exploited that must be assessed, **not the risk posed by the family members**. The state bears the burden of persuading the court that, in the specific case, it is not possible to protect the public from real danger without infringing upon the right to family life (HCJ 7444/03 *Dakah v. Minister of Interior*, February 22, 2010)).
23. Section 11A of the Temporary Order changes this effective immediately. Spouses will be torn apart, children will be separated from their parents, women who are victims of violence and at-risk Palestinian asylum seekers will be deported, none due to any wrongdoing, but due to a speculative indirect deterrent effect on others. To emphasize: People accused of nothing will be punished and separated from their families over the actions of others that they do not know about and have no way to influence or prevent. A woman will be punished for her nephew’s actions, a child for his cousin’s, and with them, the entire family.
24. Such an outcome cannot withstand any constitutional test. It grievously violates all the rights the current Temporary Order violates, but no less so, human dignity in its most fundamental sense. A person bears responsibility for their own actions and is not punished for the actions of others. Such an outcome belies the character of the state, which requires seeing every person as an end in themselves, responsible for their own actions, and not as a means to deter others (see, for example, HCJ 7146/12 *Adam v. Knesset*, paragraphs 86-91 of the opinion of Justice Arbel, September 16, 2013; and it is also worth recalling the biblical commandment: “Parents are not to be put to death for their children, nor children put to death for their parents; each will die for their own sin” (Deuteronomy 24:16, New International Version)). Therefore, the very purpose of such legislation is improper, and even if it were not, it does not maintain a rational connection to the chosen means - the cruel punishment of an innocent person, their spouse, and children for actions they did not participate in and cannot be linked to other than by virtue of family ties to the perpetrator. The State has other means to deter persons engaging in terrorism, and the terrible harm to those affected and their families far outweighs the speculative benefit the bill seeks to achieve.
25. The same holds true for the provision categorically prohibiting the grant of status for a period of ten years solely due to unlawful presence. Here too, the harm will fall on spouses, children, Palestinian asylum seekers, women who are victims of violence, and humanitarian cases. Families will be broken

up, and people in need of aid and relief, including for humanitarian reasons, will be unable to receive it. It is important to stress: This grave provision applies only to Palestinians and not to any other person unlawfully present in Israel.

26. On this point, too, the unconstitutionality was stressed during the Amendment's legislative process. At the meeting of the Knesset Foreign Affairs and Defense Committee on July 1, 2025, Adv. Gilad Naveh from the Committee's legal advisor's office clarified that the policy the legislation seeks to codify had already been examined and rejected by the Honorable Court. As early as in 1999, the Court held that forced separation between spouses and a prohibition on regularizing status due to illegal stay by the non-Israeli spouse was disproportionate, given its impingement on the right to family life (HCJ 3648/97 **Stamka v. Minister of Interior**, IsrSC 53(2) 728 (1999) (hereinafter: Stamka)). The Court affirmed this in 2006 (AAA. 4614/05 **State of Israel v. Oren**, IsrSC 61(1) 211 (2006) (hereinafter: Oren)). The bill's sponsors found no interest in this.
27. It should be emphasized that in Oren, the duration of the forced separation in question was one month, and still, the Court found it disproportionate. The Court held that, given the grave impingement on the right to family life, the harm outweighed the benefit, and there were other ways to address illegal stay. Subsequently, and in the context of the Temporary Order, case law has recognized the constitutional right to regularize the status of family members and the prohibition on discriminatory harm (HCJ 7052/03 **Adalah - The Legal Center for Arab Minority Rights in Israel v. Minister of Interior**, IsrSC 61(2) 202 (2006) (hereinafter: Adalah); HCJ 466/07 **Galon v. Attorney General**, IsrSC 65(2) 1 (2012)).
28. Unlawful presence in Israel by Palestinians may occur in a variety of circumstances, and in some cases, there is no interest in taking punitive action, certainly not by denying status. Such circumstances often concern family members of citizens and residents, protracted status procedures, and the requirement to prove the applicant lives in Israel prior to the initial permit; humanitarian reasons pertaining to individuals whose status has not been regularized (for example, victims of violence, persecution, trafficking, and forced labor); individuals who fled to Israel for their safety; individuals who have escaped abusive partners; individuals who have been widowed and lost the spouse from whom their status derived, etc. These complex circumstances also affect children whose status has not been regularized due to various difficulties: bureaucratic, financial, parents' lack of knowledge, or the absence of a functioning guardian to take care of their status. Illegal stay is often the result of the authorities' conduct and their failure to renew stay permits or residency licenses, delays in processing applications, and bureaucratic obstacles to renewing status. Therefore, not only are spouses not deported before their status application is reviewed, in accordance with the Stamka and Oren precedents, but the authorities have declared before the courts that, as a rule and as a matter of policy, individuals with pending applications for status on humanitarian grounds will not be deported even if they lack status (see, for example, LAA 887/13 **State of Israel Ministry of Interior v. Kasimov** (February 12, 2013); AP (Jerusalem District) 13110-02-12 **Dabsh v. Minister of Interior** (August 2, 2012)).
29. Over the years, several bills seeking to prohibit the grant of status in Israel to individuals who remained in the country illegally have been brought before the Knesset, including: Entry into Israel Bill (Amendment No. 18), 5776-2005 (introduced in the 16<sup>th</sup> Knesset); Entry into Israel Bill (Amendment No. 19), 5779-2006 (introduced in the 17<sup>th</sup> Knesset); and the Economic Policy Bill for 2011 and 2012 (Legislative Amendments), 5771-2010, Chapter D (Employment), Sections 8-9 (Entry into Israel) (introduced in the 18<sup>th</sup> Knesset). These bills, when debated, came under sharp criticism from most parliamentary factions due to their anticipated harm to family members, parents, children, and persons granted status on humanitarian grounds or due to risk.
30. The **most** recent bill, which was incorporated into the Economic Arrangements Bill and debated in the 18<sup>th</sup> Knesset, established a graduated system for the time during which status would be denied due to illegal stay, ranging from one year (for persons illegally present in Israel for up to three months) to ten years (for persons illegally present in Israel for more than three years). Further, the Minister of Interior

had discretion to exempt individuals from the prohibition and consider the risks status applicants face, their dependents, humanitarian reasons, and more. In other words, it was a more lenient bill than the one now adopted in Section 11A of the Temporary Order.

31. Nevertheless, the Legal Advisor to the Knesset at the time, Adv. Eyal Yinon, chose to attend a meeting of the Interior and Environmental Protection Committee on November 3, 2011, in which that bill was discussed to clarify that it was patently unconstitutional and to urge the Knesset not to promote it: "...I would not have felt obliged to appear before the committee were it not for ... another amendment that, in my opinion, is truly a constitutional pitfall placed before the committee, which is, in my opinion, insurmountable... and the committee must refrain from passing it... I allow myself to use the strong term 'constitutional pitfall' since I find it puzzling that the government, in proposing this amendment is completely ignoring explicit Supreme Court rulings given over the years on this issue, without so much as hinting at it in the explanatory notes for the amendment, essentially luring the Knesset into legislating something that has no chance of passing the constitutional test of the High Court of Justice... It is not for nothing that when this amendment was brought before the previous Knesset, it was rejected in committee by members of the Knesset from across the political spectrum, since it causes real harm to citizens of the country, not just illegal aliens... The court has already ruled that it is inappropriate to ignore the fact that [the foreign citizen] is married to an Israeli and subject them to rules requiring exiting the country for extended periods that can reach up to ten years, and it is inappropriate to effectively dissolve the marriage of an Israeli citizen to a foreign spouse who is an illegal alien. Therefore, such an amendment, if accepted, in my assessment, will not stand and will be struck down by the court." The words have not lost their relevance.
32. Given the immediate application of Section 11A of the Temporary Order, and the terrible human rights violations that may ensue, the Honorable Court is moved to issue an interim order. As stated, the Honorable Court has already found that "softening the Temporary Order is the order of the day," and subsequently, in the *order nisi*, pointed out that the excessive restrictiveness of the exclusions based on individual assessment justifies shifting the burden to the Respondents and requiring them to explain why the Law should not be struck down. The Amendment does not soften the Temporary Order but exacerbates the harm, for an improper purpose and to an extent greater than necessary. In these circumstances, the balance of convenience itself commands the granting of an interim order, since no harm will result from suspending the application of the Amendment. The current provisions of the Law shall continue to apply until the Honorable Court delivers its ruling in the petition, including with respect to the legitimacy of "general deterrence considerations," the constitutionality of harming innocents for deterrence, and the constitutionality of a ten-year ban on granting status due to illegal stay for Palestinians only. Individual assessments will be conducted within the framework of the exclusions to the law. Inasmuch as a concrete impediment to the grant of status is found upon an assessment of an individual's circumstances, status will not be granted. No public interest stands to be harmed.
33. Without an interim order, the human rights violations may be severe and even irreversible. The application of the Amendment may cause serious harm to many individuals who have done nothing wrong, in an extremely wide range of situations. The courts and appeals tribunals will be inundated with legal proceedings, asking them to grant remedies to an ever-growing number of people who are unable to reunite with their families, despite being implicated in nothing; people who have found themselves cast out of Israel and torn away from their loved ones after many years, having done nothing wrong, and people who are barred from receiving status despite difficult and sometimes dangerous life circumstances. All this due to the Amendment to the law, which the Respondents recognized is unconstitutional (regarding the issuance of interim orders against the application of laws, see, for example: H CJ 8276/05 **Adalah -The Legal Center for Arab Minority Rights in Israel v. Minister of Defense** (July 30, 2006); H CJ 4406/16 **Association of Banks in Israel v. Knesset of Israel** (July 11, 2016); H CJ 2996/17 **Israel Journalists Organization – New General Federation of Labor v. Prime**



**Minister** (May 14, 2017); HCJ 1308/17 **Municipality of Silwad v. Knesset** (August 17, 2017); And also compare: HCJ 8987/22 **Movement for Quality Government v. Knesset** (January 11, 2024)).

34. As stated at the outset, the Honorable Court is further moved to allow the Petitioners to submit a supplementary argument brief regarding Section 11A of the Law (and as noted, although the Amendment's application is immediate, the transcripts of the Knesset Foreign Affairs and Defense Committee meetings, reflecting the full remarks made by MKs and legal advisors, have not yet been fully published. Therefore, some time will be needed, and counsel for the Petitioners hopes it will be brief).
35. It should be recalled in this context that changes have been made to the Temporary Order while legal proceedings were pending before the Honorable Court in the past, and the Honorable Court ordered the submission of supplementary arguments and then ruled on the constitutionality of the law. Details follow.
36. The petitions heard in Adalah were filed after the enactment of the Temporary Order in 2003. On January 9, 2003, the Court issued an *order nisi*, following which responses were submitted and a hearing was held before an extended panel on January 18, 2004. On August 1, 2005, the Knesset amended the Temporary Order, introducing, among other things, exclusions pertaining to the grant of status for spouses and children, additional permits, special permits and more. The Honorable Court ordered the submission of supplementary arguments regarding the amendments. Subsequently, another hearing was held before an extended panel on February 14, 2006, after which the Court ruled on the petitions.
37. Supreme Court President Barak described the matter in the Adalah decision as follows: "Together with the decision to extend the validity of the law by half a year, the government adopted a decision to prepare an amendment to the law that would make changes to it, and in particular expand the qualifications to the application of the law. In view of this, we were of the opinion (in a decision on 14 December 2004) that our judgment should be given on the basis of the new normative reality that was about to be created. Before the process of amending the law was completed, the six months expired, and the Citizenship and Entry into Israel (Temporary Provision) (Extension of the Validity of the Law) Order, 5765-2005, was published; this extended the validity of the law for an additional four months, for the purpose of completing the legislative process. In view of the restricted period of the extension of the law's validity, we decided (on 1 March 2005) that we ought to allow the legislator to complete the complex legislative process. The legislative process was completed. The amended law was published. After the amendment, we again (on 14 February 2006) heard the arguments of the parties and studied the supplementary arguments. The time has come to decide the petitions on their merits" (paragraph 16 of the opinion of President Barak).
38. These remarks apply to the matter at hand as well. Just as the Court previously considered changes to the Temporary Order while already engaged in the matter, and, in that instance, the changes were broader and more comprehensive than the current Amendment of a single section, so it should now. Section 11A of the Temporary Order must not be separated from the whole and examined in isolation. Its constitutionality must be considered together with the other arrangements in the Law, which the Honorable Court addressed in the *order nisi*, and the relationship between them must be examined.
39. Therefore, the Honorable Court is requested to clarify that the *order nisi* given applies to this aspect of the Law as well and allow submission of a supplementary argument brief on the matter, first by the Petitioners, and shortly thereafter by the Respondents. Subsequently, the Honorable Court is requested to schedule a hearing on objections to the order at its earliest convenience.

July 10, 2025

[signed]

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Oded Feller, Adv.

[signed]

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Reut Shaer, Adv.

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Daniel Shenhar, Adv.

[signed]

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Adi Lustigman, Adv.

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