At the Jerusalem District Court **Adm. Pet. 186/07**
Sitting as the Court for Administrative Affairs

In the matter of:

1. _____ **Abu Heikal, Identity No.**_____, Kafr 'Aqab, Jerusalem
2. _____ **Abu Heikal, Identity No.**_____, Kafr 'Aqab, Jerusalem
3. _____ **Abu Heikal, Identity No.**_____, Kafr 'Aqab, Jerusalem
4. _____ **Abu Heikal, Identity No.**_____, Kafr 'Aqab, Jerusalem

5. **HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Saltzberger (R.A**.)

Represented by attorneys Yotam Ben Hillel (lic. No. 35418) and/or Yossi Wolfson (Lic. No. 26174) and/or Hava Matras-Iron (lic. no 35174) and/or Sigi Ben-Ari (lic. no. 37566) and/or Anat Kidron (lic. No. 37665) and/or Abir Joubran (lic. No. 44346)

of HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Saltzberger
4 Abu Ovadiah St., Jerusalem 97200
Tel: 02-6283555; fax: 02-6276317

The Petitioners

- Versus -

1. **Minister of the Interior**
2. **The Director of the Population Administration Office, eastern Jerusalem**

Represented by the state Attorney's Office for the District of Jerusalem
Tel: 02-5419555; Fax: 02-6223140

The Respondents

A Petition for *Order Nisi*

A petition for an Order Nisi is hereby filed which is directed at the respondents ordering them to appear and show cause:

A. Why they will not withdraw their decision to revoke the residency of petitioners 1-3.

B. Why they will not hear petitioner 1's application for family unity with petitioner 4.

C. Alternatively: why they will not transfer the petitioners' cases for further examination by the Interministerial Committee for Irregular Cases.

Introduction

1. This petition is concerned with the struggle of a woman – a single parent – for recognition of her status, and in fact – of her existence.

2. The woman is petitioner 1 (hereinafter: the "**petitioner")**, a resident of Israel, whose status has been revoked by the Ministry of the Interior, for the reason that together with her spouse she lived for a number of years abroad. From the day she was notified of the revocation, the petitioner has taken every opportunity to knock at the doors of the Ministry of the Interior, with the hope that this would help and that it would recognize her and the reality of her life, which is that she has returned and has tied her fate and that of her children to the State of Israel – her country.

3. Already during the time that she lived together with her family abroad, the petitioner was unable to find any peace: this was a period of detachment from her home, detachment that she tried to reduce by frequent visits to Israel. This was also a period in which a serious dispute erupted between her and her spouse, a dispute which ultimately could not be bridged. But worst of all – this was a period that ended on a very discordant note, in which the petitioner was virtually incarcerated by her husband, and she could not return to Israel for three years.

4. After she eventually managed to free herself from her husband's grasp, the petitioner returned to her homeland in order to rebuild her life and that of her children. All alone, she overcame the difficulties of raising and educating her children. With clenched teeth she overcame the economic difficulty of being without a spouse who until their separation took care of supporting the family. She overcame the daily realities of the life of a woman raising her children on her own amongst a traditional society.

5. There are however two things that the petitioner was unable to overcome: her bad luck, and the arbitrariness of the Ministry of the Interior. Her bad luck struck once again when the ministry of the Interior decided to revoke her residency and that of her children on 19 December, 1994. This time period

marked the beginning of a policy, in terms of which the status of many of the residents of Jerusalem who went to live abroad was revoked, a policy that soon became known as the "silent transfer". Years later, within the framework of a petition filed by the Center for the Defence of the Individual, a declaration was made by the then Minister of the Interior, Natan Sharansky, in terms of which it would be possible to recognize the status of those residents, who complied to certain conditions. To the petitioner's misfortune, one of the conditions in the declaration established that it would only be possible to reinstate status to those whose status was revoked before 1995 and onwards. Thus, even though there is no doubt that the residency was revoked within the framework of the very same policy, the ministry of the Interior without any flexibility whatsoever on its part and with the minimal desire to correct the wrong that was done to the petitioner made it impossible to have her status reinstated. The Ministry of Interior's decision that from her perspective was given **12 days too early** – sealed her fate.

6. The petitioner was unaware of the Ministry of Interior's decision. At that time she was abroad, a prisoner in her husband's home. But even after she managed to return to Israel, in 1997, the petitioner received no hint whatsoever from the Ministry of the Interior of its decision in her case. Only in 1999, when the petitioner filed an application to receive an identity document (after the previous document in her possession was stolen) was she informed that her residency had been revoked. It was then that the petitioner launched her exhausting and frustrating campaign for the reclamation of her status and that of her children. This campaign pitted a lonesome single female parent against the arbitrary and inflexible thinking of the entire Ministry of Interior bureaucracy. The campaign has already lasted approximately seven years, and there is still no end in sight.

7. Within the framework of her struggle, the petitioner tried to use all means to reclaim her status and that of her children – whether by making approaches in her own name to the Ministry of the Interior or whether through the representation of various attorneys. However the Ministry of the Interior has stood by its refusal and stubbornly insists that her status was lawfully revoked, since she moved the center of her life outside of Israel for a period exceeding seven years. The Ministry of the Interior does not only refuse to relate to this tragic time, at least from her perspective, in which her status was revoked; but also disregards the circumstances of her life from the time she returned to Israel, circumstances that unambiguously show that the center of her life and that of her children is in Israel, and ever since returning here, she has had no connection to any other place in the world.

8. This disregard of the circumstances of the petitioner's life continued also when, around a year ago, she filed, as required by the Ministry of the Interior, an "independent family unification" application – a relatively new procedure, whose constitutionality is currently being questioned before the honorable court within the framework of another petition. Pursuant to the name of the procedure and the identical fee, which the applicant must pay, it was anticipated that her application would be examined according to the criteria set forth for a family unification application, which is the center of life of the

petitioner and her children, and the absence of a political or security impediment. The wording of the Ministry of Interior's letter in which this application was also refused did not leave any room for doubt; the petitioner's application was denied, again with the reason that her status had lawfully expired.

9. Also lately, when the petitioner filed an appeal over the dismissal of the "independent family unification" application, the Ministry of the Interior has continued to ignore the circumstances of the petitioner's life after her return to Israel. Additionally, the Ministry has refused to transfer her case for examination by the Interministerial Committee for Irregular Cases.

The Factual Foundation

The Parties

10. Petitioner 1 (hereinafter the **"petitioner")** is a permanent resident of the State of Israel, who was born in 1953, and is the mother of five children. The petitioner lives together with three of her children, petitioners 2-4, in the Jerusalem neighborhood of Kafr 'Aqab. In December, 1994 respondent 2 decided to revoke the petitioner's residency.

11. Petitioners 2-4 (hereinafter: the "**children"** or the "**petitioner's children**") are the children of the petitioner, and she lives with them. Petitioners 2 and 3 are natives of Israel and its residents. According to respondent 2's claim, their residency was revoked upon the revocation of their mother's status of residency. Petitioner 4 was born in Jordan. In 1994, the petitioner filed an application to register him in the Israeli Population Registry, but later on her residency was revoked, so that in effect he has no status in Israel.

12. Petitioner 5 (hereinafter, also: **The Center for the Defence of the Individual** or **HaMoked)** is a human rights organization which operates in the territories and in Eastern Jerusalem.

13. Respondent 1 is the Minister authorized by the Entry into Israel Law, 5712–1952 (hereinafter: the "**Entry into Israel Law**") to handle all issues that flow from this Law, amongst them the granting and revocation of visas and licenses in accordance with this Law.

14. Respondent 2 (hereinafter: the **"respondent")** administers the Eastern Jerusalem District Office of the Population Administration. Pursuant to the Entry Into Israel Regulations, 5734–1974 (hereinafter the "**Entry Into Israel Regulations)** respondent 1 delegates to respondent 2 its powers with regard to the handling and approval of applications filed by the State's permanent residents, who live in eastern Jerusalem, with respect to their status in Israel.

The Facts

15. The petitioner was born in 1953, and throughout her childhood she lived in the Jerusalem neighborhood of Beyt Hanina. In 1970 she received an Israeli identity document.

16. In 1978 the petitioner married a Jordanian resident. At that time the petitioner lived with her family in Kafr 'Aqab, but a short time after her marriage she went to live with her spouse in Jordan, and remained there until 1994. Over that period the couple also spent two years in Beirut.

17. During this period the petitioner maintained very close contact with her family in Israel. Once or twice a year she would come back to Israel for visits that could last days, months and even half a year. The petitioner even gave birth to three of her children in Jerusalem.

    A Certificate of Inquiry of Details about a Passenger is attached and marked **p/1.**

18. Over the course of the family's stay abroad, fierce disputes erupted between the spouses. As a result thereof the petitioner, in the summer of 1994, decided to her return to her parents in Jerusalem. The petitioner returned to Israel with her children, and even registered them at a school on Jerusalem, with the aim that they would begin their studies in that city for the 1994/1995 academic year.

19. That same summer the petitioner's spouse requested to see his children, and the petitioner herself accompanied them on their visit to Jordan, with the aim of returning for the start of the new academic year. Her spouse, however fearing that the petitioner would return to Israel, prevented her from leaving Jordan. Later on the family once again moved to Lebanon to live there. There too the husband continued in a humiliating and degrading manner to prevent the petitioner's return to Israel. Only in 1997 after approximately three years in which she was virtually a prisoner of her husband, the petitioner took the opportunity of freeing herself from his yoke, and she returned together with her children to Israel. This was made possible thanks to the money collected for her by her family.

    It should be noted that the dispute between the spouses eventually ended in divorce on 5 October, 2000

20. In June 1997, the petitioner returned with her children to Jerusalem. Aside from a short 9 day trip to Jordan to tie up loose ends, and which took place over December, 1997, and aside from another 1-day trip to Jordan in January 1998, the petitioner has not left Israel ever since.

21. Over the course of the petitioner's stay in Israel in 1994 she filed an application to register petitioner 4, and her daughter _____, who were not registered in the Populations Registry. This application was dismissed in a letter by the respondent dated 19 December, 1994, in which the respondent also informed the petitioner of the expiry of her own residency (it should be

noted that the daughter, _____ is not a petitioner in this petition. She has lately moved to Jordan to live there in light of the many difficulties she has encountered from living without an Israeli status.) The petitioner was not personally notified of the respondent's decision. The said letter was sent to her then counsel, but its contents did not come to her attention. As stated above, the petitioner was then staying on Jordan, and thereafter in Lebanon. Moreover, and this goes without say, the decision came to her without the petitioner receiving any prior warning that there was an intention to pass such a decision, and without giving her the right to challenge it.

22. It was only in 1997 that the petitioner was able to free herself of the yoke of her spouse, at which point she returned to Jerusalem. She entered Israel by means of an exit permit in her possession, which also served as an entry visa. At the border crossing they allowed her entry as a resident for all intents and purposes. Moreover, she was informed at the crossing that she needs to obtain entry visas to Israel for her two minor children, who were born in Jordan. The petitioner then went to the Israeli embassy in Amman and on the very same day she was issued with visas for her children. Nothing was said to her - neither at the embassy, nor, as stated above, at the border crossing - about the expiry of her residency, and it would seem that also as far as the respondents were concerned the expiry never happened.

23. As stated, the petitioner returned to Jordan for seven days in December 1997 and for one day in January 1998 to sort out her affairs. Also during these departures the petitioner went abroad and returned to Israel through an exit permit, in her capacity as a resident for all intents and purposes, and she was given no indication of the apparent expiry of her residency.

24. At the beginning of 1999 the petitioner's identity document went missing. After she informed the police of this, the petitioner applied to the respondent's office to obtain a new identity document. Only in the course of the respondent handling her application, was she informed by him for the first time that her residency had been revoked as of 19 December 1994, for the reason that she had relocated abroad for a period exceeding seven years.

25. On 26 January, 2000 the petitioner applied to the respondent and appealed his decision to revoke her residency. On 20 November, 2000 the respondent sent a reply to the petitioner stating that in light of the fact that she had relocated the center of her life outside of Israel for a period exceeding 7 years; her permanent resident permit had expired. Therefore, he stood by his decision in her case. It should be noted that the petitioner never received this letter.

    The letter dated 20 November, 2000 is attached and marked **p/2**.

26. In 2001 the petitioner reapplied to the respondent and requested that he reexamine his decision. On 27 June, 2001 the respondent replied to the petitioner that there was no change to his original decision.

    The respondent's letter dated 27 June, 2001 is attached and marked **p/3.**

27. On 15 July 2001 the petitioner, through Adv. Muhales Abu Alhouf, filed an appeal on the respondent's decision in her case and in the case of petitioner 2 and 3. In the appeal the petitioner detailed the circumstances of her life from the day that she departed for Jordan: the maintenance of close ties with Israel, her scrupulousness in maintaining her residency according to the rules set out by the Ministry of the Interior and the circumstances of her life ever since her return to Israel. The petitioner also attached many documents proving her claim that the center of her life ever since her return has been located within Israel.

    The appeal that was filed by the petitioner and confirmation of its filing is attached and marked **p/4** and **p/5** respectively.

28. On 28 January, 2008 the petitioner applied, again through Adv. Muhales Abu Alhouf, with the request to register her children, petitioner 4 and her daughter _____, who were born in Jordan, in the Israeli population registry.

    The letter which was sent to the respondent is attached and marked **p/6.**

29. As far as the petitioner is aware no decision has been received to her applications dated 15 July, 2001 and dated 28 January, 2002 despite at least two memoranda that were sent to the respondent in this case, on 20 November, 2001 and 21 April, 2002.

30. In March 2004 the petitioner went to the respondent's office with the aim of trying to clarify what had happened to her application. At the same time the petitioner used the opportunity to hold a discussion with the respondent, Mr. Avi Lekah, so that she was able to restate all her claims in person. Despite this, the respondent did not retreat from his previously held position that there was no reason to accede to her request to reinstate her residency.

31. In the meanwhile, the petitioner applied to the respondent at the end of 2003 asking it to approve the entry of her eldest son, _____ into Israel. (It should be emphasized that her son _____ is not a petitioner to this petition). His entry into Israel was prevented with the claim that also his residency had been revoked. After her application was not answered, the petitioner and her son filed petitions to the honorable court – Adm. Pet. 1136/03 and Adm. Pet. 832/04 (The second petition was filed after the first petition was dismissed, in light of the fact that the petitioners did not within that framework explicitly argue against the revocation of the residency).

32. On 13 January, 2005 the court rejected Adm. Pet. 832/04. In its judgment the court held that upon the expiry of the petitioner's permit her son's permit had also expired. It will already be stated now that the judgment only dealt with the question of the **expiry** of the petitioner's **residency** (and only for the purpose of deter mining the question of her son's entry into Israel) and not the question **whether it would be possible to reinstate her status –** a question that is raised in the present petition.

    The judgment is attached and marked **p/7.**

33. On 20 August, 2005 the petitioner once again went to the respondent's office, equipped with a letter in which she detailed the special circumstances in her case and the serious harm done to her and her family as a result of living without an identity document and in the shadow of the threat of deportation. At the respondent's office she was told that in order to hear a claim for the reinstatement of her status, she would have to a file an "independent family unification" application, together with forms that she was meant to complete and file with the office and together with a fee in the sum of NIS 585. The petitioner followed these instructions and filed her application on 22 August, 2005.

A copy of the petitioner's letter and a copy of the receipt confirming the filing of the application are attached and marked **p/8** and **p/9** respectively.

34. As an aside it may be mentioned that the requirement to file an "independent family unification" application was also placed before other applicants to the respondent's office, who recently applied for the reinstatement of their status as residents. In light of this Mrs. Efrat Blumenthal from HaMoked: The Centre for the Defence of Individual, on 16 June, 2005 contacted the respondent's office, to verify the reason for this new requirement. Mrs. Ahalas Hiri from the respondent's office only knew to say that this entailed a new "practice" in applications for the reinstatement of residency. It should be noted that in the past it was sufficient to file a letter of application for the reinstatement of residency and to attach updated documents pertaining to the center of one's life. Nowadays – as has emerged from our conversation with Mrs. Hori – the application is being handled as a family unification application in all respects including the requirement to pay a fee.

35. On Thursday, 29 December, 2005 the petitioner went to the respondent's office in order to clarify what had happened to her application. The official who was handling her application, Mr. Khaled Salahi, told her that there was no problem whatsoever – both from the perspective of security factors, and from the perspective of the center of her life – to approve her application. In practice, all that was required at that point was the authorization of his superior in the office. Therefore, he requested from her that she again come to the office on Sunday 1 January, 2006. The petitioner did as she was told, but when she arrived on the agreed date, Mr. Salahi informed her that her application had been refused. The rejection letter was worded thus:

> Your application was received by our office and was once again examined, and it was decided that there would be no change to the decision since your residency lawfully expired and you relocated the center of your life to outside of Israel for a period that exceeded seven years.

On that very same day, and in a desperate attempt to change the evil decree, the petitioner sent another letter to the respondent's office in which she noted additional details that demonstrated that the center of hr life was in Israel.

The respondent's answer and the petitioner's letter dated 1 January, 2006 are attached and are marked **p/10** and **p/11** respectively.

36. At this stage the petitioner approached the Center for the Defence of the Individual. In light of her many applications to the respondent's office and in order to receive as broad picture a picture as possible of her case, petitioner 5 applied to the respondent on 14 may, 2006 with a request to photocopy the documents from the petitioner's case file that was located in the respondent's office.

The letter is attached and marked **p/12.**

37. This application did not merit a reply. Therefore petitioner 5 applied to the various attorneys who had represented the petitioner over the course of the years in order to try and attain the relevant documents. When HaMoked had accumulated sufficient material to apply to the respondent's office in this case, an appeal was filed on 31 August, 2006 on the decision passed on 1 January, 2006.

38. In the appeal the petitioner once again put forward her claims before the respondent. Emphasis was stressed on the fact that until then the respondent had not set its mind at all to the circumstances of the petitioner's life from the day she returned to Israel, circumstances that would require, under any criteria, the reinstatement of her status. The petitioner presented before the respondent all the documentation in her possession that attested to ten years of life, of achievement, and of study in Jerusalem:

She produced the rental contracts that related to the various apartments in which she lived. She produced proof of her work as an assistant kindergarten teacher. She produced evidence of her enrollment at the National College for Professional Training – Sakhnin, where she studied for a degree as a certified kindergarten teacher. She also produced written confirmation of her children's studies in Jerusalem, beginning from 1997 – the year she returned with them to Israel.

In fact it would be difficult to think of a stronger link and connection of a person to any other place: a place of work, a desire to develop and to advance in that field of employment (as was expressed in her enrollment in graduation studies), a place of residence for the children, and above all – the construction of a house that would serve as a hub for the entire family.

39. Within the framework of the appeal, the petitioner detailed the humanitarian ramifications that would come about as the result of a refusal to reinstate her status. The immediate significance would obviously be an inability to lawfully continue living in Jerusalem, the city of her residence. However, like many other visitors in a similar position, the decision of refusal does not skip over the petitioner's children. Because of the lack of legal status in Israel, they currently find it difficult to earn a living. As stated, as a result of these difficulties, the petitioner's daughter, _____ recently left Israel. Hardest of

all is the situation of the youngest child, _____, whose is still learning at an educational facility in Jerusalem. To extricate him from an environment in which he has been raised and educated is bound to have ramifications on his mental development.

40. One would have expected the respondent to finally consider it right to refer, at least in one word to these very circumstances of the petitioner's life which has continued for close on ten years, and to the humanitarian aspects of the case. The hopes of the petitioner were however dashed. In its decision dated 16 October 2006 (hereinafter: the **"decision")** the respondent repeated his claim that the petitioner's residency had been lawfully revoked, and she could not be included amongst those who were candidates for an investigation into the reinstatement of their residency in accordance with the Sharansky Declaration. Despite its claim that the "case was reexamined, including the humanitarian aspects (sic – Y.B.)" there is no trace of this type of enquiry in the final decision. And take note: within the framework of the appeal it was requested, as alternative relief, that the case be referred for reexamination to the interministerial committee for irregular cases, where they are supposed to raise those cases which the respondent has defined as "falling outside the criteria". If the respondent felt that indeed this involved a case that did not meet the criteria (a claim which the petitioners entirely reject – see below) in light of the special circumstances of the petitioner, it would have been required to transfer the matter for enquiry by the committee.

The above-stated decision of the respondent that was received at the offices of the petitioner [*sic*] on 22 October, 2006 is attached and marked **p/14.**

41. To conclude what has been said thus far: The petitioner left Israel in 1979, and came back in 1994. Over the course of all the years that she spent abroad, the petitioner scrupulously maintained close contact with Israel, in which three of her children were also born. During that whole period the petitioner acted in accordance with the rules set down by the respondent at that time: i.e. that the residency of a person remains available to him so long as he ensures that he returns to Israel while the exit permit is still valid. And indeed the respondent viewed the petitioner throughout those years as a resident for all intents and purposes. After the petitioner arrived together with her children for a visit to Jordan in 1994, her spouse prevented her return to Israel until 1997. This occurred within the context of very harsh and ugly relations between the spouses, relations that eventually terminated in divorce in 2000. Ultimately the petitioner succeeded in freeing herself of the yoke of her husband, and as from 1997 she has lived in Jerusalem, and aside from a few days she has not left Israel. Jerusalem has ever since, and in every sense of the word, served as the center of the petitioner's life – here is her home, here is her place of work and studies, and here is the center of her, and her children's life.

42. It was only by chance that it came to the attention of the petitioner that the respondent had revoked her residency. At the time that the residency was revoked, the petitioner lived in Jordan, without any possibility of returning to Israel, and without it entering her mind that her status, which she was so scrupulous in maintaining, had been taken away from her. She even entered

and departed from Israel in 1997 and 1998 as a resident for all intents and purposes. The respondent from his perspective has stood by his refusal to reinstate residency to the petitioner, stubbornly insisting that the residency was lawfully revoked, while at the same time refusing to relate to the circumstances of the petitioner's life ever since her return to Israel, circumstances which the petitioner has repeatedly highlighted in her applications to him. Lately the respondent has even refused to transfer the petitioner's case for an investigation by the inter-ministerial committee for irregular cases.

The Legal Argumentation

43. Below, the petitioners will claim the following:

A. The decision not to reinstate the petitioner's status as Israeli resident is opposed to the provisions of the "Sharansky Declaration", which was filed with the court within the framework of HCJ 2227/98. The logic underlying this declaration applies to the petitioner, so that the arrangement that it sets out should be applied to her as well. The provisions of the "Sharansky Declaration" should also apply to the petitioner's children, petitioners 2 and 3. They are residents of Israel, who throughout the period of their stay in Jordan were minors, and therefore, pursuant to the Declaration, there can be no reason whatsoever to revoke their residency from the outset.

B. Alternatively the petitioners will argue that even if the "Sharansky Declaration" arrangement does not apply to the petitioner, her status should nonetheless be reinstated, in light of the special circumstances of her case. The petitioner will argue that despite her many applications to the respondent's office, her request for the reinstatement of her status has never been examined in such a way that her special circumstances were taken into account. In its replies to the applications the respondent has consistently justified its refusal to reinstate residency by asserting that the decision over the expiry of her residency that was passed almost twelve years ago, was at that time lawfully passed.

Thus also with respect to the respondent's most recent decision, which was passed within the framework of an application which the petitioner filed, for an "independent family unification" – a process, whose legality is currently being questioned before the honorable court – an application for which the petitioner was required to pay a fee. Within the framework of this application the respondent was obligated to examine those very special circumstances, which included her overall connections from the day of her return to Israel. These circumstances, so the petitioners will argue, require, according to any criteria that one uses, the reinstatement of her residency.

The reinstatement of residency – according to the criteria of the "Sharansky Declaration"

44. The petitioner's application to reinstate her residency differs from an appeal on the mere revocation of residency. It also differs from an application of a complete alien to receive status for the first time in Israel.

45. The process for reinstatement of residency is founded upon the change in policy on the part of the respondent, a glimmer of which could be detected in 1994, but which turned into a comprehensive policy from 1995. According to the policy which the Ministry of the Interior had employed beforehand, a Jerusalem' resident's permanent status would remain with him upon his departure abroad, provided that he returned to Israel within the period of validity on his travel documents (exit permit or laissez-passer). This, as stated, is exactly what the petitioner did. On the basis of this longstanding policy the petitioner was allowed to enter Israel, during the whole period of her stay abroad. This includes her last entry into Israel in January 1998 which was allowed despite the fact that for the previous 19 years, according to the determination of the respondent, the center of her life was abroad. According to the new policy, even one who was scrupulous on re-entering Israel from time to time would be liable to have his residency revoked if it was determined that the center of his life had been relocated abroad.

46. The new policy, and its retroactive application, was brought before the HCJ (HCJ 2227/98 **HaMoked: The Center for the Defence of the Individual et al. v. Minister of the Interior et al.**). Within the framework of that petition the then Minister of the Interior, Nathan Sharansky decided to restore the policy that was practiced in the first half of the 1990s, and from then on not to revoke the status of a permanent resident, who has continued to maintain a proper connection with Israel even during the period that they lived outside of it. In section 2 to the declaration the following was established:

> After the last discussion on the petition, which took place in June 1999, in which the state attorneys were requested to present before the (new) political echelon the subject of the petition, a number of discussions were held, which included consultation with the ministers, in the wake of which I decided, without admitting to the claims argued in the petition, for humanitarian reasons that the following should be implemented:
>
> A. A detailed examination shall be conducted of any application to the Ministry of Interior, where the question of an expiry of a permanent resident permit has arisen for one or other reason.
>
> B. Should it turn out from the inspection that the said applicant, who is registered in the

> population registry as a permanent resident, has continued to maintain a proper connection with Israel, the Ministry of the Interior will not adopt – subject to the absence of any political and/or security impediment – any steps to remove him from the registry.

Thus it is established in section B of the executive directives that appear in the declaration that "with respect to those who relocate the center of their life to outside of Israel for more than 7 years, and therefore by law the Israeli permanent residence permit has expired, and for whichever reason they have not been notified by the Minister of the Interior and/or have not been struck off the population registry list until now, the Minister of the Interior shall consider him as one who holds a valid Israeli permanent residence permit, in the event that they have visited Israel within the period of validity on the exit permit held by him"

47. Thus in practice, the policy has been prospectively annulled. However the declaration proposes more than that, and seeks to rectify the injustice that has already been caused in the past. Thus the declaration determines that status should be reinstated even to those whom the ministry of Interior have already informed of the expiry of their permanent residence permit or who have been struck off the list of the population registry as a result thereof, and all this if he complies with certain conditions:

With respect to those have been struck off the population registry from 1995 onwards –

> Someone who has relocated the center of his life abroad for over 7 years and therefore by law his Israeli permanent residence permit has expired, and the Ministry of the Interior has informed him of the expiry of his permanent residence permit, or who has been struck of the population registry list as a result thereof and has visited Israel within the period of validity of the exit permit that was in his possession, and who lives in Israel for a period of at least two years, the Minister of the Interior shall view him as someone who received an Israeli permanent residence permit from the day of his return, in the event that he requests to be re-registered in the population registry.

48. Indeed the declaration apparently only refers to those whose residency was revoked from them as of 1 January, 1995; however no one disputes that this date does not signify a day on which this or any other directive was issued by the Minister of the Interior with respect to the change in policy. Rather this date was chosen arbitrarily, on the basis of the estimation of the then Minister of the Interior Sharansky, that this determination would include all the residents who had been scrupulous in maintaining their residency in accordance with the old policy, and who, *ex post facto* received notice of the

expiry of their residency in accordance with the new retroactive policy. And it should be stressed: this involved estimation only, of someone who during the relevant period did not serve as the Minister of the Interior. In fact until this very day, there has been no publication of when exactly the respondent gave the directive to begin revoking the status of those who were still in possession of a valid exit permit. The petitioners do not dispute that there was a need to determine a date from which day onwards the arrangement appearing in the "Sharansky Declaration" would begin to apply. Nonetheless since the petitioner's residency was revoked 12 days before the beginning of 1995, and since no one disputes that the petitioner was also harmed by that policy, logic dictates that these things should apply to her as well.

49. The application of Sharansky's declaration to the petitioner's case is also required in light of the utterances of the minister even before he presented the court with his declaration. So, for example, in an interview that was published on 26 November 1999 in the *Al-Quds* newspaper, the minister said that "we shall discuss the cases of those who claim that they are the victims of the old policy (the pervasive revocation of residency during the second half of the 1990s – Y.B.) because they were unaware of the law of for any other reason". With regard to the new policy, which came into force at the beginning of 2000, the minister clarified the principles by which, from then on the Ministry of the Interior would be governed :

> The new policy shall be based on the fact that I do not care where the identity document holder lived the past ten to fifteen years, so long as during that period there was some sort of contact or some type of connection with eastern Jerusalem, and he would thus visit the city every two to three years, in which case I will not adopt any steps against him. I understand that people have needs and they need to travel abroad in order to work and make money to live, like in Kuwait or the United States or any other country for that matter. If the identity document holder decided to return and live here then I accept his presence here …. I can promise you that these provisions will be very liberally construed and any form of contact or connection with the city, even if it is very symbolic shall be sufficient for that person to keep his identity document.

The section of *Al Quds* interview that is relevant to the issue of residency is attached and marked **p/15.**

50. Therefore, in his recognition of the injustice caused to those people, whose residency was revoked despite the fact that they complied with all the rules that were in place in the past, Minister Sharansky determined that the circumstances of each and every case of a person arguing that he has been harmed by the widespread policy of revocation of residency will be liberally examined. And indeed, the goal of the arrangement that was eventually established was to remedy this injustice. As stated, the petitioner was

scrupulous to maintain the closest form of contact with Israel – certainly compared with examples pointed out by the minister – and each time that she returned to Israel it was during the period that her exit permit was still valid. The petitioner had no basis for suspecting that despite having complied with those rules, her residency would be revoked from her, while the new policy was retroactively taking effect. Therefore, and since she was also a victim of that policy, it is clear that the petitioner's case should also be discussed in a similar vein.

51. As stated, the petitioner was only made aware that her residency was revoked in 1999, within the course of the respondent's handling of her application to receive a new identity document. Until then the petitioner had no basis for suspecting that her name would be struck off the population registry. The opposite is true – even the day after the expiry of her residency as alleged by the respondent, her entry into Israel was allowed without any problem, and without any indication that she was not entering Israel as an ordinary resident.

52. When the petitioner was notified for the first time that her status had been revoked, it was already two years after the day of her return and after she had established that the center of her life, in every respect, was in Israel.

53. In light of the aforesaid the petitioner will argue that the arrangement set forth in the "Sharansky Declaration" should be applied to her case.

54. Alternatively, the petitioners shall argue that even when the authority in determining its policy is guided by a date which is somewhat arbitrarily determined, it makes no sense to impose a policy that is so diametrically opposed, as different as black is from white, with respect to cases that fall on the other side of the prescribed date.

In our case someone whose residency has been revoked as of 1 January 1995 may receive it once again on the basis of two years of the center of their life being in Israel. Does this policy have no ramifications whatsoever with regard to those whose residency was revoked just days before the prescribed date? Is it really so that in such a case even ten years of the center of one's life in Israel would not be sufficient? Are there no criteria that will allow the reinstatement of the residency of one whose residency was revoked merely a few days before the prescribed date? From the case before us it emerges that according to the respondent's policy there are no circumstances that justify the reinstatement of a lost residency if it was revoked even a minute before midnight of 31st December 1994; Not the complete severance of any connection abroad, not ten years of the center of one's life in Jerusalem, not the return to the homeland years after being under the tyranny of her husband, not the special circumstances of a single-parent mother, not the welfare of the children raised in the State of Israel and educated in it…

We shall now turn to these circumstances and the respondent's disregard of them.

The reinstatement of residency – according to the respondent's procedure which has been referred to as the "Independent Family Unification"

55. As stated in paragraph 33 above the petitioner arrived on 20 August, 2005 at the respondent's office, where she was told that in order for them to be able to deal with the reinstatement of her status, she must file an **"**independent family unification" application in addition to the forms that she must fill in and file at the office and in addition to a fee in the amount of NIS 585. The petitioner complied with these provisions and filed her application on 22 August, 2005.

56. The procedure which has been referred to by the respondent's officials as an **"**independent family unification" application is a relatively new procedure, which has been operative for a year and a half. The question of the legality of such a procedure has been placed before the honorable court, within the framework of Adm. Pet. 751/06 **Redwan et al. v. the Minister of the Interior et al.**, and a final decision on this petition has not yet been given. This petition does not impugn the legality of this procedure. Nonetheless it may be said, in a nutshell that it involves a clear deviation from longstanding policy of the respondent in terms of which we do not relate to these applications as applications for permanent residence permits. In the past it was sufficient to file an application letter for the reinstatement of residency while enclosing updated center of life documents. Nowadays so it seems, the application is treated as a family unification application in all respects including the requirement to pay a fee. Additionally it involves a change in policy which was implemented without relying on any legal source and without prior publication, so that the only lawful conclusion is its annulment.

57. In this case the petitioner did as she was told by the respondent and filed an "independent family unification" application. It was expected therefore that her application would be examined using the same criteria that are used in family unification applications, namely the connection to the country, the center of life, hers and her children's, and the absence of a criminal or security impediment. It would appear that at the beginning this indeed was the case. When the petitioner arrived at the respondent's office in order to clarify what had happened to her application, the official notified her that he handled her application, and that there was no problem – both from the perspective of security and from the perspective of the center of her life – to approve her application. It would thus appear that these investigations were indeed carried out. How disappointed she was when she was told, a few days later, by the same official that her application was refused. The wording of the letter of refusal left no room for doubt: the petitioner's application was again refused for the reason that the expiry of her residency was lawful since she had relocated the center of her life outside of Israel for a period exceeding 7 years.

58. It emerges from the above that despite the similar name and despite the identical fees – there is no similarity, even in the slightest form between an "independent family unification" application and a regular family unification application.

59. As a result of this one is bound to ask: if the "independent family unification" process is only another type of appeal against the revocation of residency cloaked in a different name – why is this process titled with a new name and why was the petitioner referred to a stillborn process, that entailed additional expense? And if it involved a new process for a residency application, based on the overall circumstances, how is it that the grounds for rejecting the application were identical with those for originally revoking residency?

The only thing one is left to conclude is that we are once again witness to another one of those superfluous and never-ending abuses by the respondent's office upon residents of eastern Jerusalem.

60. Therefore the petitioners will argue that even according to the present procedure of the respondent, it was incumbent upon the respondent to reinstate residency upon the petitioner and her children, pursuant to the test of the center of life and their current links. No one disputes that had the respondent examined these, it would also have reached the same conclusion.

The respondents' disregard for vital considerations

61. Thus, with respect to the application to reinstate residency, and all the more so within the framework of the process to which the respondents referred the petitioner, namely the "independent family unification" process, the respondents should have weighed up the particular circumstances of the case and considered whether there was something in them that justified the reinstatement of the petitioner's residency.

Included in this requirement the respondents should have examined:

A. The circumstances that brought about the revocation of residency at the outset, and to what extent they continue to be relevant. In our case, the petitioner left the country for a marriage that had run amuck and which has ceased to exist;

B. The connection of the petitioner to Israel over the course of the years. In our case it has become clear that even during the period where the petitioner did not have her center of life in Israel she maintained significant links with the country, she visited it, she bore some of her children here, and she scrupulously renewed her travel documents. As emerges from the Sharansky Declaration, maintaining one's connection to the country is a consideration that must be weighed. In this context significance must be attributed also to the indirect and late notification to the petitioner of the revocation of her residency, and to the fact that the respondents continued to relate to the petitioner as a resident upon her departures and arrivals in Israel during 1997 and 1998;

C. The center of life of the petitioner and of her children in recent years. In our case the center of life has for the past ten years been in Israel, without any links whatsoever with countries abroad. Israel is the

petitioner's place of residence, the place of her work and her studies, and the place in which her children have been raised and educated. It is also the place in which she contributes to the life of society and to the public welfare through her work as an assistant kindergarten teacher within the education system;

D. The principle of equality and the sense of injustice when similar cases which are even more borderline, but in which the residency was revoked a mere 12 days later, result in the residency being reinstated to the applicant;

E. The special humanitarian circumstances of a single parent mother within a traditional society, who has had to fight for her survival, and for raising her children in a decent manner against a very aggressive backdrop. It is befitting such a woman that society stands by her side and assists her, and does not place additional stumbling blocks in her path;

F. The harsh ramifications of a rejection of this appeal upon the petitioner and upon her children.

62. The petitioner's stay abroad was from the outset because of her marriage to a Jordanian resident. This marriage ran amuck, and eventually ended in divorce. In 1994 the petitioner returned to Israel with the intention to return and to establish her home here. As a result of the harsh circumstances described above the petitioner returned to Jordan and continued to stay aboard for another three years, against her will, in virtual exile. As from 1997 the petitioner has lived in Jerusalem, and ever since January 1998 has not departed from Israel at all. The petitioner has no connection whatsoever with anything outside of Israel. Currently, and for the past ten years her connections have been exclusively confined to Jerusalem, her original place of residence and her family's place of residence. Here is the center of her life and of her children, here she works, studies and contributes to society.

63. Over the course of the period in which the petitioner has tried to re-acquire her status, she has provided the respondent with abundant documentation which attests to the fact that the center of her life is in Israel. This was also the case recently, when on 31 August 2006 the petitioner filed an appeal over the refusal of the application through petitioner 5. Attached to that letter were the rental contracts that related to the apartments in which the family lived, municipal tax invoices, water and electricity accounts, the children's certificates of completion of the school year and proof of the petitioner's workplace and place of study. All these; in accordance with the respondent's requirements for proving the center of one's life in Israel.

64. No one disputes, then, that the center of life of the petitioner is in Israel. The respondent does not deny this, and indeed he never dismissed the appeal on the basis of a lack of a center of life. The latest evidence may be found in the statements of 29 December, 2005, of Mr. Khaled Salakhi, the official who handled the petitioner's case in terms of which there was no problem from the

perspective of the center of one's life (and also from the perspective of security factors), to approve the application to reinstate her status. And nevertheless, as stated in paragraph 35 above, at the end of the day the application was not approved.

65. The petitioners will argue that even if, as the respondent claims, the expiry of the status of residency of the petitioner was lawfully carried out, this still does not rule out the respondents exercising their discretion to investigate and to weigh up the circumstances of each and every case, in light of the totality of connections of the applicant. Exercising discretion is required by the procedure that the respondent followed over the course of the years with respect to reinstatement of residency. Fortiori it is required according to the new procedure (**"**independent family unification") when it purports to be handling these sort of cases as applications *de novo* for Israeli permanent residence permits which must be determined on the basis of updated data (where the extent for justifying the revocation of residency is at essence relevant only to the extent that it has ramifications upon current circumstances).

66. The respondents letters to the petitioner dated 20 November, 2000 , 27 June, 2001, 1 January, 2006, and 16 October, 2006 all attest to the fact that the respondent did not set his mind to the personal circumstances and links of the petitioner, in and to Israel. These notices, especially the notice dated October, 2006 – more than nine years after the petitioner's final return to Israel – which all justified the refusal to reinstate residency <u>for the very same reason that her status had apparently expired,</u> attest to the fact that the respondent did not exercise its jurisdiction with respect to the circumstance of her life and the totality of the petitioner's connections from the day of her return.

67. The respondent's disregard of its duty to exercise discretion with respect to reinstating the petitioner's status is in contravention of established law as developed by the Supreme Court.

> We have already stated (HCJ 297/82 above, at 47) that even where the legislator did not establish an obligation to exercise one's authority in a defined manner, the moment one is imbued with authority a duty arises to consider the need and justification for exercising such authority… the decision must in all cases be the result of a practical, fair and systematic examination: <u>and if in light of the nature of the case, there is a need for a reexamination and a rethink, one should not summarily dismiss the new application without fair investigation, while relying exclusively on the fact that the bearer of authority was granted the discretion to decide the case, or while cleaving on to the previous decision, which is possibly in the need of reform (</u>emphasis added – Y. B.)
>
> HCJ 852/86 **MK Shulamit Aloni et al. v. Minister of Justice**, *Piskei Din* 41(2)1, 52-53.

In HCJ 297/82 the then Acting Chief Justice Shamgar held that it is the duty of the authority-holder:

> … to handle an application, as we have become accustomed, with an open heart (or with an "absorbent soul" as then Judge Suzman described it, on a similar but not identical issue in HCJ 265/58, 141). That is to say he must hear the case without any false prejudice and must handle the application fairly. If he has already formed an opinion in advance that he will dismiss the application, for whatever reason, then the description "fair hearing" is not compatible with the circumstances.
>
> HCJ 297/82 **Ezra Burger et al. v. Minister of the Interior**, *Piskei Din* 37(3) 29, 47-48.

68. In our case the respondents are basing their decision in the new application (to reinstate residency), as if their eyes were closed, on the same reason for revoking the residency which was in place over twelve years ago. They have avoided referring in detail to the vital considerations that were raised in the petitioners' letters.

> …though it cannot be said that the decision with which we are dealing contains no grounds whatsoever to justify it – for indeed, as stated, a number of considerations were enumerated, one may, in my opinion, say that it is not reasoned to the extent that is required since it does not relate to the evidence that was brought before it, and this evidence rests at the very core of the appellant's claims… a reasoning that does not contain any reference to the specific evidence that the appellants have reason to believe prove their claims does not fit within the definition of adequate reasoning (emphasis added – Y. B.)
>
> In M.A. 3080/04 **Sabitani Co. et al. v. Director of Property Tax and Compensation Fund**, *Takdin Mah'*2005(4), 6041, 6046.

69. The result is an unreasonable decision which ignores vital considerations, which shocks the conscience and sense of justice, and which should not be allowed to stand.

The status of petitioners 2-5

70. At the time that the Ministry of the Interior revoked the residency of the petitioner, the residency of three of her children was also revoked: her eldest son, _____, and petitioners 2 and 3. Section D of the executive directives that appear in the "Sharansky Declaration" sets forth the following:

> Regarding those who were minors at the time that their parents moved the center of their life to outside of Israel, the question of their residency in Israel, as a rule, shall be examined from the day of their adulthood, and in this case the period preceding the day of their adulthood shall not be taken into account.

As stated this petition does not deal with the case of the son, _____. As to petitioners 2 and 3, they never lived in Jordan as adults. Therefore the petitioners will argue that there was no cause for revoking the residency at the outset.

71. As to petitioner 4, who was born in Jordan, the petitioner, already in 1994, filed an application to register him in the population registry in Israel. This application was rejected in the respondent's letter dated 19 December, 1994 in which the respondent notified her of his decision with regard to the expiry of the petitioner's residency – this decision, as stated, was not brought to the petitioner's attention until 1999. On 28 January, 2002 the petitioner reapplied to register petitioner 4 in the population registry. As far as the petitioner is aware, no decision was received with respect to this application.

72. Both with respect to petitioners 2 and 3 and with respect to petitioner 4, the petitioner has specified, in, among other things, her letter dated 31 August, 2006, the fact that over the course of the years they studied at schools in Jerusalem (the youngest son _____, who is still of school age, continues to study in Jerusalem) and from the day of their return to Israel with their mother – they have lived with her in Kafr 'Aqab.

73. The respondent's refusal to grant petitioners 2-4 any type of status in Israel has had serious ramifications upon the lives of the children. As stated the petitioner and her former spouse live separately. As from 1997, the year the family returned to Israel, the children have lived without a father figure in their lives. In this context it should also be pointed out that the stability of the environment after divorce has a significant impact upon the acclimation of the children to a new situation. In many cases divorce is accompanied with changes such as a worsening economic situation, a move to a new place of residence and school (as in this case), etc. The higher the degree of change in the lives of the children the higher the likelihood of a severe impact upon their functionality (see S. Smilansky, *Psychology and Education of Children of Divorced Parents*, Akh Publishers Ltd., 1990, 21-22).

The lack of a decision on the part of the respondent for all those years does not, to put it mildly, add to the feeling of stability which is so vital for the petitioner's children. The threat of divorce that accompanied the entire family over a long period destabilized this fragile family unit to an even greater extent. Hardest of all was the situation of the youngest child, _____ (petitioner 5) who is still studying in an educational institution in Jerusalem. Severing him from the environment in which he was raised and educated is bound to have serious ramifications upon his development and functionality.

74. The lack of legal status in Israel also has other ramifications on the lives of the petitioner's children. Some of them who have already reached the age of maturity currently find it difficult to earn a livelihood. This is since they are unable to find employers who would agree to take the risk in hiring someone who resides here without an Israeli permit.

75. In conclusion of this matter: with respect to petitioners 2 and 3 there was never reasonable cause for revoking their residency at the outset, and with respect to petitioner 4 one needs to examine the petitioner's application to register him together with her application to reinstate her residency and pursuant to the aforesaid (since the center of his life is Israel and because of the unique circumstances of his life) – to grant him permanent status in Israel.

The harm to the right to a family life

76. The right to a family life is a basic constitutional right in Israel, which is included in the right to human dignity. This position has recently garnered the widespread support of the Supreme Court (HCJ 7052/03 **Adalah - The Legal Center for Arab Minority Rights et al. v. Minister of the Interior et al.**, *Takdin Elyon* 2006(2) 1754. Hereinafter the "**Adalah case"**). The significance of the recognition of this right is that it is incumbent upon the state authorities to avoid tampering with this right, without a fitting reason. So too in a great number of judgments the court has referred to the need to maintain family autonomy and to avoid as much as possible any interference with it (see in this matter the dicta of Judge S. Joubran in the Adalah case, at 1872). International law has also determined that the right to a family life must be broadly protected. So for example article 10(1) of the International Covenant on Economic, Social and Cultural Rights, XXI 1037, ratified by Israel on 3 October, 1991 declares that :

> The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children…

See also article 16(3) of the Universal Declaration of Human Rights which was passed by the UN General Assembly on 10 December, 1948; Article 17(1) to the International Covenant on Civil and Political Rights, 1966, XXI 1040, which came into force in Israel on 3 January, 1992.

77. No one disputes that the revocation of the petitioner's residency and that of her children substantially harms the daily family dynamics. The mental stress which may be traced to uncertainty as to the status of the entire family, its place of residence and its financial situation, only adds to an anyway complicated situation of the family, being a single parent family. Israeli society has recognized the immanent difficulties inherent in the institution of the one parent family. This recognition came to the fore in the enactment of the **Single Parent Families Law, 5752-1992,** which grants a single parent

preference in having her children accepted to a day-care center, in professional training, and in rights to large state loans for various purposes. Likewise, over the course of the last few years other benefits have been bestowed, outside the framework of the Single Parent Families Law**,** for example: discounts in municipal taxes (Arnona), the receipt of a study grant from the National Insurance Institute, merit points toward Income tax breaks, etc.

78. It follows then that it would have been appropriate had the respondent when making a decision which has fateful significance upon the family life exercise its authority in accordance with the unique importance that Israeli and international law attribute to the institution of the family, while putting special emphasis on the fact that it involved a single parent family.

Conclusion

79. The petitioner's story is in fact the story of many, many permanent residents of the State of Israel. This is not merely about someone whose residency was revoked, and the respondent has refused to reinstate it. It is about any one applying for status in Israel, for themselves or their family members, who approach the Ministry of the Interior. Some for family unification, some for registering their children in the population registry, and some, like the petitioner, with a request that the respondent once again recognize their status.

80. These applicants time and again encounter the arbitrary conduct of the respondent, in its strict adherence to previous decisions while refusing to exercise discretion that is granted to it by law, and with its repeated demands to produce documents and to undergo stillborn processes:

> Not many years will have passed and this case will challenge us with the question as to how it was that we reconciled ourselves with what is very clear already now. Piling on bureaucratic stumbling blocks is just another way of expressing something that is very obvious, and that is that these applications are simply undesired by the respondent. One is left stupefied at how many "outwardly" bureaucratic devices and how many legalistic "arguments" we are willing to wrap ourselves in and how much administrative fervor we can muster – in order to avoid the concrete handling of the applications of this sort – starting with the physically long queue and ending with the pile of documents that must be presented to the respondent.
>
> Adm. Pet. 411/05 **Khalada et al. v. Minister of the Interior – The State of Israel** (unreported), paragraph 4 of the judgment.

81. Many of these people just lift up their hands in despair. As a result they are doomed to a life where their or their family members' unlawful residence, is the "permanent status". A life in which there is a constant fear of detention

and deportation. Alternatively, they leave, in their despair, the State of Israel – their state. Not the petitioner. She chose the long and exhausting path of fighting for the reinstatement of her status and the status of her children. Whether from an internal awareness that an injustice was done to her, or whether from lack of choice, from the day of her return Israel, she has established her life here, and she has no connection whatsoever to any other place in the world.

82. To summarize: pursuant to the respondent's policy, the petitioner's residency status "expired" as from 19 December, 1994. The petitioner was unaware of this. She lived at that time in Jordan and was unable to return to Israel. Despite the respondent's claim with regard to the expiry of the petitioner's residency, he created the impression that there was no problem with her status – both during her arrivals and departures from Israel ever since that day, and also during the first two years of her stay in Israel, when she returned to Israel for good. Currently, the respondent refuses to relate in any practical way to her applications in terms of which he reinstate and recognize her status and that of her children.

83. Had the respondent merely exercised a bit of its discretion granted him under the law, he would have easily "revealed" that the petitioner established her home in this country, together with her children. He would have "revealed" that even the logic underlying the "Sharansky Declaration" requires the reinstatement of the petitioner's status. Certainly the respondent would have "revealed" the fact that the petitioner is a misfortunate single parent mother, whose connection with Israel is exclusive – and would have decided to reinstate her status.

84. However the respondent chose the path of ignoring everything. Thus, the respondent "completed" the trampling of the petitioner's rights, which began with the virtual incarceration of the petitioner by her husband, which continued with the revocation of her residency, and which ended with the respondent's stubborn and incomprehensible opposition to the reinstatement of residency. As a result the petitioner has already lived for a long time with the status of "illegal resident" in her own country, with all the ramifications that accompany this designation, to her and to her household.

85. **For all these reasons the honorable court is requested to issue an order nisi as requested at the beginning of this petition, and after receiving the respondent's response, make it absolute, and to order the respondent to pay the petitioners' costs and attorney fees.**

30 January, 2007

Adv. Yotam ben Hillel
Counsel for the petitioners

[T.S. 41949]