

The Twentieth Knesset

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Bill for the Entry into Israel Law (Amendment – Applicability to East Jerusalem's residents and resorting to the Interior Minister's judgment), 2017 [Hebrew year 5778]

Amendment of Article 11

1. In the Entry into Israel Law of 1952¹ [5712], Article 11 -

(1) In sub-section (a) (2), after the words "under this law" shall come the words "including any permanent residency permit which was not given by entering into Israel, such as the residents of East Jerusalem and the Golan Heights".

(2) After sub-section (2) will come the following:

"(3) without undermining their authorities mentioned in sections (1) and (2), there will be the revocation of the permanent residency permits or authorizations of those who are found to have committed a breach of loyalty to the State of Israel. In this section, "breach of loyalty to the State of Israel" includes each one of the following:

(1) An act of terror as defined in the Israeli Counter-Terrorism Law of 2016² [5776], or the assistance or attempt or incitement to commit such an act, or to actively participate inside a [known] terrorist organization or any organization which meets the aforementioned law's definition of a terrorist organization;

¹ Statutes Book of the [Hebrew] year 5712 [extends from 1 October 1951 until 19 September 1952], Page 146.

² Statutes Book of the [Hebrew] year 5776 [extends from 14 September 2015 until 2 October 2016], Page. 898.

Unofficial Translation

- including political parties or organizations which are affiliated with them.
- (2) Any act which is considered an act of treason according to articles (97) until (99) of the Israeli Penal Code of 1977³ [5737], or an aggravated espionage as mentioned in Article (113) (B) of the aforementioned law.
 - (3) The acquisition of citizenship or a right to permanent residency in a country or territory mentioned in the Annex of the Israeli Nationality Law of 1952⁴ [5712]”.

Explanations

The Entry into Israel Law of 1952 [5712] gives an explicit discretion and judgment to the Minister of Interior to revoke any entry permits and permanent residency authorizations. Despite that, in the High Court of Justice **case no. 7803/06 regarding the case of Abu Arafah and Others vs. The Minister of Interior and Others**, with regard to the Minister of Interior’s decision to revoke the permanent residency permits of Hamas members who were elected in the Palestinian Authority elections, the High Court of Justice saw that this matter was not sufficiently detailed and specific.

The absence of sufficient details in the current system of the honourable High Court of Justice is reflected in two issues among others: First, according to the majority of legal opinions, there is a lack of clarity in the authority to revoke permanent residency permits or authorizations from those who have acquired them by a way other than entering into Israel; and this applies to the residents of East Jerusalem and the Golan Heights who did not become citizens of the State of Israel. Second, the absence of specific standards in the main legislations for revoking permanent residency permits; and especially in the considerations and judgments related to the breach of loyalty to the State of Israel and involvement in terrorism.

Therefore, it must surely be noted that the authority of the Minister of Interior also extends to the issue of revoking permanent residency permits, as well as their accommodating benefits (such as National Insurance payments, allowances, etc.), from Hamas members

Submitted to the Knesset Chairman and deputies

and presented to the Knesset’s table on the date of 13.11.2017 [Hebrew Calendar: 24 Cheshvan 5778].

³ Statutes Book of the [Hebrew] year 5737 [extends from 25 September 1976 until 12 September 1977], Page 226.

⁴ Statutes Book of the [Hebrew] year 5712 [extends from 1 October 1951 until 19 September 1952], Page 146.