

Topic: **Citizenship Law**

Updated: **June 2014**

The Citizenship and Entry into Israel Law (Temporary Provision) 2003

- In July 2003, the Knesset adopted the Citizenship and Entry Law, which replaced the citizenship Law and Entry into Israel Law from 1952, into Israel Law,² which placed restrictions on Palestinians from the West Bank and Gaza who marry an Israeli citizen. They were no longer entitled to citizenship, permanent or temporary residency status under a procedure known as “family reunification.”
- Since the establishment of the State, between 300,000-350,000 Palestinians living outside of the 1967 borders were granted citizenship from this legislation before it was nullified.³
- Thousands of couples (Arab spouses married to Palestinians from the territories) who live together in Israel while trying to obtain a reunification permit were affected.
- Under the new law, Palestinian spouses are denied citizenship and residency status.
- Government officials justified the law as “an essential security measure, made necessary by a few spouses from the occupied territories and their offspring, who have abused their citizenship to partake in terrorist attacks.”⁴
- One example is the case of Shadi Tubassi, responsible for killing 16 people in Haifa in 2002, who received Israeli citizenship through his mother, an Israeli Arab, despite the fact that he was living in Jenin.
- According to MK Basel Ghattas of BALAD (NDA, National Democratic Alliance), the Shin Bet (Israel's Security Service) claims that between 20 and 40 such cases occurred. Ghattas considered Israel's policy as a “collective punishment” imposed on tens of thousands of - uninvolved Arabs.⁵
- Despite numerous appeals and an agreement by the majority of Justices of the Israeli Supreme court that “the law constitutes a violation of basic rights, mainly the right to a family

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² See text, <http://www.mfa.gov.il/MFA/Government/Law/Selected+legislation/Citizenship+and+Entry+into+Israel+Law+2003.htm>

³ *Israel Hayom*, February 11, 2011.

Israel Hayom, January 16, 2012.

⁴ Bethany M. Nikfar, “Families Divided: An Analysis of Israel's Citizenship and Entry into Israel Law.” *Northwestern University Journal of International Human Rights*, vol. 3 (spring 2005). See: <http://www.law.northwestern.edu/journals/jihr/v3/5/Nikfar.pdf>

⁵ *Ha'aretz*, April 23, 2013.

life,” the law was not overturned.⁶

- According to the 2008 amendment of the 2003 law, Palestinian women under the age of 25 and Palestinian men under the age of 35 who are married to Israelis are not permitted to live in Israel under any circumstances.⁷
- Men and women over these ages may be granted the right to live in Israel, but without social benefits or the right to work.
- Critics construed the law as an effort to maintain a clear Jewish majority in the state, “not only by preventing migration...but also by imposing restrictions on marriage and, consequently, reproduction.”⁸
- The government insists that, in view of Israel’s precarious security situation and in light of the fact that Palestinian terrorist organizations have not let up on their intentions to perpetrate attacks in Israel, the law must remain in place.
- In March 2010, an expanded panel of 11 justices of the Israeli Supreme Court of Justice presided over the hearing on petitions filed by three Israeli human rights organizations against the Citizenship and Entry into Israel Law. The petitioners charged that the law, which they called discriminatory and racist, violated the right of Israeli Arabs to raise their families with their Palestinian spouses. The petitions were not accepted. Dorit Beinisch, Chief Justice of the Israeli Supreme Court, explained that the Court took the State’s security arguments seriously.⁹
- Likud MK Ze’ev Elkin, in response to the Supreme Courts upholding of the law in 2012 by a margin of 6-5, declared that “human rights do not have to be a national suicide mission.”¹⁰
- In April of 2013, the Knesset voted in favor of extending the 2003 law (83 votes in favor, 17 votes against).¹¹ Due to the fact there is no committee investigating each individual on case-by-case basis, Meretz MK Zehava Gal-On claimed that the basic premise of the law was that “all Palestinians are potential terrorists.”¹²
- According to a recent report by the Association for Civil Rights in Israel, tens of thousands of Israelis and their Palestinians spouses are impacted by this law. Many couples are forcibly separated, whilst in other cases the Palestinian spouse is granted temporary approval to remain in Israel, but is not allowed to work or drive and cannot join any national health fund.¹³

⁶ Ibid.

⁷ *Ha’aretz*, March 22; May 22; July 2, 2008.

⁸ Bethany M. Nikfar, *ibid*; “Who is a Citizen,” *The Economist*, June 11, 2006 and Mossawa’s calls to pressure Israel not to legislate a “racist” law, April 16, 2005. See: <http://www.mossawacenter.org>

⁹ *Jerusalem Post*, March 3, 2010. See full report: <http://www.jpost.com/Israel/Article.aspx?id=170067>. At the time of this update, the court’s ruling was unknown. The Law is due to expire again on July 31, 2010.

¹⁰ *The Jerusalem Post*, January 13, 2012.

¹¹ *Adallah*, “‘Temporary’ Citizenship Law is Extended for a 10th Year.” April 23, 2013.

¹² *Ha’aretz*, April 23, 2013.

¹³ *Adallah*, “‘Temporary’ Citizenship Law is Extended for a 10th Year.” April 23, 2013.