

Interior Ministry now able to expel non-Israelis while they await residence

Human rights lawyers accidentally discover 'drastic and major policy change.'

By [Amira Hass](#) | 04:31 17.11.13 | 1

The Interior Ministry has gotten tougher with foreign citizens and Palestinians seeking residence permits in Israel, allowing expulsions in cases that were hitherto immune from such a step. The policy change was announced on October 1 on the website of the Population and Immigration Authority, but nowhere accessible to anyone affected by the change.

Those affected include migrant workers whose visas expire while they are searching for new employment, asylum seekers and partners or relatives of Israeli residents or citizens. For the first time it will be possible to expel from their homes Palestinians who are married to Israeli citizens or residents.

Under the new procedures for requests and appeals to the Population Authority, it is permissible to expel non-Israelis who are waiting for a response to a request for a residence permit or who have appealed a rejection of a request. Under the new clause 2A, “the act of submitting a request for residence or an appeal, or getting in line for submitting such a request does not provide protection against removal from Israel or being placed under guardianship, unless expressly specified otherwise or in cases of a court order forbidding such action.”

Previously, this clause stated that no expulsion would be carried out until a decision had been reached. Placing someone under guardianship was allowed and was sometimes carried out.

The new procedures have exclusions, including for partners of a permanent resident and partners of a citizen. In these groups, the partners are immune from expulsion while waiting for the Population Authority’s response to a request, but not during an appeal process.

For common-law spouses, the new procedures state that each case will be dealt with on its own merits, though there are exclusions: Palestinian partners of Israeli residents and citizens are not immune from expulsion, even after submitting a request for residence based on family unification.

Even though the previous wording did not specify so, Palestinians who were handled by special committees dealing with humanitarian circumstances could still be expelled. This was the case because unlike other non-Israelis, Palestinians had to submit their requests by mail, whereas Interior Ministry officials only dealt with requests made in person.

Activists from several human rights organizations came across these new regulations by chance. Lawyers from the Center for the Defense of the Individual, who represent Palestinians in the West Bank, discovered the changes when they learned that the time allowed for appealing decisions had been shortened to 21 from 45 days. Oded Feller from the Association for Civil Rights in Israel told Haaretz that beyond the infringement of rights and the poor publication of these changes, an interim period should have been allowed before the new regulations kicked in.

Sabine Hadad, the Population Authority's spokeswoman, said the procedures for handling these requests had been updated with the Justice Ministry to clarify existing policies, and that no changes had been introduced. The rationale was to prevent the abuse of procedures by illegal residents by submitting several requests under different regulations, letting them stay here illegally.

Lawyers Feller and Sigi Ben-Ari from the Center for the Defense of the Individual reject the claim that these are not new regulations. Ben-Ari told Haaretz that a simple comparison of clause 2A in the two versions shows the drastic and major policy change.