

[emblem] Population and Immigration Authority	Field: Visas
	Subject: Termination of graduated procedure due to violence

Procedure No: 5.2.0019
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Procedure regarding Termination of the Graduated Procedure for the Arrangement of Status for Spouses of Israelis as a result of Violence on the part of the Israeli spouse

A. Procedure Purpose

- A.1 To determine the method for terminating the graduated procedure of a foreign spouse of an Israeli in cases in which the spousal relationship is severed due to violence on the part of the Israeli spouse, as per information provided by the spouses or another source.
- A.2 This procedure applies to foreign nationals who have entered a graduated procedure with an Israeli based on marriage.

B. Conditions and Requirements:

- B.1 Receipt of notification regarding violence from one of the spouses or another source.
- B.2 In-person presence by one of the spouses / power of attorney of one of the parties at the authority branch office.
- B.3 Proof of allegations of violence according to Sec. C.6.1.3. To clarify at this point – failure to produce proof of allegations of violence will result in the dismissal of the application for failure to meet the preliminary requirements of this procedure.

C. Processing

- C.1 Upon receipt of the information/notice that the spousal relationship has been severed, the head of the visa branch will check the personal file and the documents relevant to the procedure, verify data vis-à-vis the file and update comment in the digital registry sheet of both spouses.
- C.2 The officer will summon both spouses, separately, for an interview at the branch office by registered post (note – a hearing must be held before a decision is made on the foreign national's status). The foreign spouse's intentions regarding continued residence and settlement in Israel must be examined during the interview.

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- C.3 If the foreign spouse fails to appear to the interview, the head of the visa branch must attempt to find out whether there is a reasonable explanation for the absence from the interview. If the officer receives no reasonable explanation for this, and following consultation with the visa center at the branch office, the foreign national's permit will be revoked and notification regarding termination of the graduated procedure, revocation of the permit along with a demand to exit within 14 days must be sent by registered post. A copy of this notification must also be sent to the Israeli spouse and to the Foreigner Enforcement Administration.
- C.4 Following the interview, the case summary will be forwarded for review by the branch committee headed by the branch office director, enclosing appropriate documents proving the allegations of violence as listed in Section C.6.1.3. If the allegations of violence have not been substantiated, the head of the visa branch will notify the applicant that s/he must provide the appropriate supporting documents for his/her application, as listed in C.6.1.3 within 30 days. Inasmuch as the appropriate supporting documents are not produced, the branch head will notify the applicant in writing that his/her application on these grounds is summarily dismissed and transfer the application for appropriate processing under "Procedure regarding Termination of Procedure for the Arrangement of Status for Spouses of Israelis", No. 5.2.0017.
- C.5 The foreign national will not be required to leave the country immediately, pending a decision in the application. If necessary, the officer will extend the visa held by the foreign national for the required period, in accordance with procedure, pending a decision in the application.
- C.6 If the office committee decides to terminate the graduated procedure because the spousal relationship was severed due to violence, the following steps must be taken:
- C.6.1 **Where the marital relationship was severed and the foreign spouse claims to have been the victim of violence** on the part of the Israeli spouse prior to the termination of the spousal relationship, **and the couple has joint children**, the case will be referred for review by the inter-ministerial committee if the following conditions are met:
- C.6.1.1 The spouse was married in an authentic marriage and the marriage was registered in the population registry.
- C.6.1.2 The spouse received an A-5 visa for residency in Israel for at least one year as part of the graduated procedure.
- C.6.1.3 The foreign spouse claims to have been the victim of violence on the part of the Israeli spouse prior to the termination of the spousal relationship **and the claim has been substantiated in one of the following ways:**
- a. A month or more of living in a shelter for battered women as part of a program for the protection and treatment of women victims of abuse and their children.
 - b. The police has prima facie evidence of a violent offence.

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- c. The foreign spouse received a family court issued order of protection against the Israeli spouse, following a hearing in the presence of both parties.
- d. Confirmation from the social services department at the local council / municipality, or from the Ministry of Welfare "Center for Treatment and Prevention of Domestic Violence" that the foreign spouse is known to them and/or treated by them due to domestic violence on the part of the Israeli spouse.

C.6.1.4 The couple has joint children in the custody of the foreign national, or the foreign national maintains a close and continuous relationship with the children, caring for their nourishment and needs and a professional opinion from a public welfare officer / social worker establishes that the foreign national's departure from the country would cause substantial harm to the children.

C.6.2 **Where the marital relationship has been severed and the foreign spouse claims to have been the victim of violence** on the part of the Israeli spouse prior to the termination of the spousal relationship, **and the couple has no joint children**, the case will be referred for review by the inter-ministerial committee if the following conditions are met:

- C.6.2.1 The spouse was married in an authentic marriage and the marriage was registered in the population registry.
- C.6.2.2 The spouse received an A-5 visa for residency in Israel as part of the graduated procedure.
- C.6.2.3 The spouse has completed more half the duration of the graduated procedure.
- C.6.2.4 The foreign spouse claims to have been the victim of violence on the part of the Israeli spouse prior to the termination of the spousal relationship and the claim has been substantiated in one of the ways listed in Section C.6.1.3. above.
- C.6.2.5 If the conditions enumerated in Section C.6.2 above were present prior to the referral of the case for review by the inter-ministerial committee, the foreign spouse will be interviewed at his/her local population authority branch office, in accordance with the "Interview Procedure", to examine his/her ties to Israel as compared to his/her ties abroad.
As part of the examination of the foreign national's ties to Israel, the following parameters will be examined, *inter alia*: How long the foreign national has been living in Israel (weight will be given to whether or not presence in Israel was lawful), work in Israel, whether the foreign national has relatives in Israel and how assimilated into Israeli society s/he is. As part

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of the examination of the foreign national's ties abroad, the following parameters will be examined: whether s/he has relatives abroad, whether s/he has assets abroad, visits abroad during the time of residency in Israel, social rights abroad, etc.

A copy of the interview summary will be made available to members of the committee to allow examination of the overall circumstances of the case.

- C.7 For the calculation of half the duration of the graduated procedure cited in this procedure, the date of the upgrade to an A/5 visa will be considered as the beginning of the relevant period.
- C.8 Where the allegations of violence have been substantiated and the case does not meet the criteria for referral to the "inter-ministerial committee" pursuant to this procedure (according to the above criteria), but the office committee is under the impression that there are prima facie special humanitarian grounds, it will refer the case, attaching its recommendation, for decision by the head of the desk at headquarters. The office will notify the foreign national that his/her case has been referred for review by the desk head and extend the current permit pending receipt of the decision.
- C.9 Inasmuch as the head of the desk does not see fit to refer the applicant's case for review by the committee, she will refer the case for decision by the manager of the visa and foreigners field at the Population and Immigration Authority, who will examine the absence of special grounds that would justify referring the case for review by the committee. The applicant will receive the decision of the visa field manager, including the grounds thereto, in writing.
- C.10 Where the decision was to refer the case for review by the inter-ministerial committee, processing will proceed according to "Operational Procedure for the Inter-ministerial Advisory Committee on the Determination and Grant of Status in Israel for Humanitarian Reasons" (5.2.0022).
- C.11 Where the visa field manager decides there is no room to bring the case to the "inter-ministerial committee on the grant of status for humanitarian reasons", the two spouses will be summoned to the authority office, by registered post, to receive notification of the termination of the graduated procedure.
- C.12 When the foreign spouse appears at the office, the head of the visa branch will revoke his/her visa in the Aviv system and in the foreign passport and provide him/her with a detailed written notification regarding termination of the procedure. The notification will include a demand to leave the country within 14 days. The visa branch head will ask the foreign spouse to surrender his/her ID and will file it in the personal file. The decision will be entered into the registry sheet in the Aviv system. A copy of the letter will be sent to the Enforcement and Foreigner Administration and filed in the file.
- C.13 If the foreign spouse does not appear subsequent to being summoned to the office, the officer will mail the decision to both spouses, at their registered address by registered post, with a copy to the Enforcement and Foreigner Administration.

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D. Review by the Inter-ministerial Committee for Humanitarian Affairs

Where the case is referred for review by the Inter-ministerial Committee for Humanitarian Affairs and the committee finds there is room to recommend the grant of status, it may recommend one of the following, according to the circumstances:

- D1. Grant of a B/1 work and residency visa for a limited time not exceeding two years (1+1), followed by referral of the case for decision by the head of the visa desk at headquarters.
- D2. Grant of A/5 status for a limited time of at least two years (1+1), followed by referral of the case for decision by the head of the visa desk at headquarters.
- D3. Inasmuch as a change of circumstances occurs during the time the visa/permit approved by the committee is valid which is believed by the desk head to preclude extension of the visa/permit, the case will be referred to the inter-ministerial committee for further review.

E. The Law and Relevant Sections

- E.1. Sections 3, 11 of the Entry into Israel Law 5712-1952.
- E.2. Section 7 of the Citizenship Law.