

Field: Visas	Field Code: 5
Subject: Cessation of graduated procedure	Subject code: 2

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## **Procedure regarding Termination of Procedure for the Arrangement of Status for Spouses of Israelis**

### **A. Procedure Purpose**

- A.1 To determine the method for terminating the graduated procedure for arranging the status of spouses of Israelis.

### **B. Conditions and Requirements**

#### **Cases in which the graduated procedure will be terminated:**

- B.1 Divorce.  
B.2 Death of the Israeli spouse.

### **C. Processing**

- C.1 The intake officer receiving the information will check the personal file and documents attached to the procedure.
- C.2 Inasmuch as notice that the spousal relationship has been severed is received, a comment should be entered into the digital registry sheet and both spouses will be summoned to a hearing by registered post (note – a hearing must be held before a decision is made on the foreign national's status).
- C.3 If the foreign spouse fails to appear to the hearing, his/her permit will be revoked and a letter notifying of the termination of the graduated procedure and revocation of the permit and demanding exit within 14 days must be sent by registered post. A copy of this letter must also be sent to the Israeli spouse.
- C.4 A decision will be made in the case after a hearing is held. If the decision is to terminate the graduated procedure - the officer will summon the spouses to the branch office (by phone or registered post) and notify them of the decision, revoke the visa held by the foreign spouse, inform him/her of same, notify him/her that s/he must leave the country within 14 days, request that s/he surrender his/her ID card, file the card in his/her personal file. External officials must be notified.

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If the spouses do not appear at the office subsequent to the hearing and subsequent to having been summoned to the office, the decision must be mailed to their registered address by registered post.

- C.5 The decision must be updated in the database – digital registry sheet.
- C.6 Once a decision to terminate the graduated procedure is made, the possibility of referring the case for review by the Inter-ministerial Committee for Humanitarian Affairs (hereinafter: the committee) will be considered, as detailed in Section D below. Where the foreign spouse meets the preliminary requirements for referring his/her case to the committee for review, the branch officer will send the foreign spouse notification regarding further processing of his/her case, and its referral for review by the committee. Where the foreign spouse does not meet the preliminary requirements stipulated for referring his/her case for review by the committee, the branch officer will send the foreign national notification regarding the decision not to bring his/her case to the committee and the option of requesting to have the case referred for review by the committee if the case involves other special humanitarian grounds.
- C.7 The branch officer will update the citizenship code to 58 and close the ID number.
- C.8 The branch officer will notify the enforcement unit.

**D. Cases to be referred to the Inter-ministerial Committee for Grant of Status for Humanitarian Reasons**

- D1. **Where the marital relationship is terminated due to divorce** and the couple has joint children, the case will be referred for review by the inter-ministerial committee if the following conditions are met:
  - 1. The spouse was married in an authentic marriage and the marriage was registered in the population registry, and s/he received an A-5 visa for residency in Israel as part of the graduated procedure.
  - 2. The spouse has completed more than half the duration of the graduated procedure.
  - 3. 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 establishes that the foreign national's departure from the country would cause substantial harm to the children.
- D2. **A. Where the marital relationship is terminated as a result of the death of the Israeli spouse** and the couple has joint children, the case will be referred for review by the inter-ministerial committee if the following conditions are met:
  - 1. As stated in Section D.1.1.

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2. The spouse has entered the graduated procedure (received an A/5 temporary residency visa).
3. The couple has children who are in the custody of the foreign spouse. If the children are not in the custody of the foreign spouse, welfare services will be contacted in order to obtain relevant information regarding custody and placement of the children.

**B. Where the marital relationship is terminated as result of the death of the Israeli spouse** 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:

1. As stated in Section D.1.1.
  2. The spouse completed more than half the duration of the graduated procedure prior to the death of the Israeli spouse.
  3. There were no concerns regarding the authenticity of the marriage throughout the graduated procedure.
  4. Inasmuch as the conditions enumerated in Sections D.2.B 1, 2, 3 were present prior to the referral of the case for review by the inter-ministerial committee, a hearing will be held for the foreign spouse at his/her local population authority branch office, to examine his/her ties to Israel as compared to ties to his/her original country of citizenship (including, how long the foreign national has been living in Israel, whether the foreign national has relatives in Israel or in the country of origin, and how assimilated into Israeli society s/he is). A copy of the hearing will be made available to members of the committee to allow examination of the overall circumstances of the case and whether the applicant has substantive ties to the State of Israel, stronger than his/her ties to a foreign country.
- D3. In cases in which the head of the desk does not intend to refer the applicant's case for review by the committee, the case will be referred 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.

#### **D. [sic] The Law and Relevant Sections**

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