

[emblem of Population and Immigration Authority]	Field: Visas
	Subject: Status for Foreign National Married to Permanent Resident

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Procedure for Processing the Grant of Status to a Foreign Spouse Married to a

Permanent Resident

A. Procedure Purpose

To determine the method for processing applications for grant of status to foreign spouses married to permanent residents in accordance with the Entry into Israel Law 5712-1952 (hereinafter: the Entry into Israel Law).

B. General

- B.1 The grant of status in Israel to a foreign spouse who is legally married to a permanent resident is designed to protect the family unit and provide the couple with the possibility of maintaining a genuine, true, family unit in Israel together. It is stressed that the permanent resident does not have an absolute right to family life and that the foreign spouse is not automatically entitled to permanent residency status by virtue of the marriage to a permanent resident. These are subject to the provisions of this procedure.
- B.2 Where a foreign national who marries a permanent resident (hereinafter: the sponsored spouse) wishes to remain in Israel with his/her spouse who is a permanent resident, the permanent resident may file an application for grant of status in Israel for the sponsored spouse, which shall be processed according to the provisions of this procedure.
- B.3 A sponsored spouse who is married to a permanent resident who is abroad but wishes to arrive in Israel in order to live with his/her spouse, **must file an application prior to arriving in Israel, including subjects of countries that have advance visa waiver agreements with Israel.**
- B.4 As a rule, **during the initial application review period as specified below**, the sponsored spouse will receive a general B/1 visa and work permit, or a DCO permit in the case of an Area resident, for a period of up to six months **which does not count toward** the graduated procedure. This is subject to security agency comments and submission of the minimum required documents, as

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as the absence of any other preclusion. If necessary, the permit will be extended pending review completion, subject to security agency comments and absence of a preclusion, according to Section D.2 of this procedure.

- B.5 Upon completion of the review following submission of the application, if the application is approved, and in the absence of a preclusion and subject to the provisions of this procedure, the graduated procedure may begin, under which the sponsored spouse will receive a B/1 visa and work permit for 27 months, and a temporary residency visa (A/5) for 3 years, followed by permanent residency. Inasmuch as the sponsored individual is a resident of the Area, the procedure will conform to the provisions of the Citizenship and Entry into Israel (Temporary Order).
- B.6 In the matter of a sponsored spouse who has a pending application under this procedure and against whom enforcement measures have been launched - the Enforcement and Foreign National Agency will hold an inquiry with the relevant branch office before a decision on continued enforcement measures against the individual is made (in accordance with the Custody Order Issuance Procedure 10.3.0001 and Removal Order Issuance Procedure 10.4.0001).
- B.7 Inasmuch as an application is filed under this procedure for a sponsored spouse who is unlawfully present in Israel, the sponsored spouse shall not be removed pending a decision in the application, unless the sponsored spouse is an Area resident, as detailed below.
- B.8 Applications for grant of status to an Area resident filed later than May 12, 2002 will be processed according to the criteria stipulated in the Temporary Order Law.
- B.8.a. A female permanent resident may file an application under this procedure for a stay permit for her male spouse who is an Area resident and who is over 35 years of age. A male permanent resident may file an application for a stay permit for a female spouse who is an Area resident and who is over 25 years of age. Applications for spouses who are younger than the minimum age specified above will be denied upon receipt by the visa department director at the branch office.
- B.8.b. Applications submitted prior to May 12, 2002, will be processed in accordance with the Temporary Order Law and the provisions of this procedure.
- B.8.c. Note that according to the provisions of the Temporary Order Law, the status of an Area resident may not be upgraded, but rather, the status currently held by the Area resident may be extended subject to compliance with the provisions of this procedure.
- B.8.d. The fact that an application has been submitted under this procedure for a sponsored spouse who is an Area resident does not preclude removal from Israel.
- B.8.e. **Applications by sponsored spouses who are subjects of the countries listed in the Addendum to the Temporary Order Law: Iran, Lebanon, Syria and Iraq will not be processed, in accordance with the Temporary Order Law.**

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B.8.f. A

According to Government Resolution No. 3598, dated 15 June 2008, new applications for Israeli residency visas or stay permits made under this procedure **by persons registered in the population registry as residents of the Gaza Strip or to anyone residing in the Gaza Strip despite not being registered in the population registry as a resident of the Gaza Strip**, will not be approved. However, this provision does not apply to individuals already in possession of a residency visa/ stay permit following an application approved prior to 15 June 2008. In such cases, the residency visa or stay permit may be extended as per the provisions of the Law, and subject to compliance with the provisions of this procedure.

B.9 Inasmuch as security agency comments are received at any stage during processing, Security Agency Comments Procedure (5.2.0015) applies and must be followed.

- B.10 As a rule, a foreign national who received status in Israel (citizenship/permanent residency) fraudulently and/or has had their status revoked is not entitled to permanent residency under this procedure upon completion of the graduated procedure, and will at most receive an A/5 visa for temporary residency in Israel.
- B.11 Inasmuch as the sponsored spouse has filed an additional/parallel application for status in Israel under a different procedure, the sponsored spouse will be asked to select one track for processing of his/her application for status in Israel, by providing a detailed letter specifying which procedure s/he selects for continued processing and the other application will be closed.
- B.12 Inasmuch as there is a finding of non-compliance with procedures, or that incomplete information has been provided, and/or a detailed recommendation for the revocation of the visa/permit has been submitted by a public authority, the Population and Immigration Authority (hereinafter: PIA) may, subject to a hearing, immediately revoke any visa/permit issued pursuant to this procedure.

C. Conditions and Requirements:

C.1 Requirement to report in person:

- If both spouses are present in Israel – both must report in person to the PIA office. If the sponsored spouse is in custody, the application will be submitted in the presence of the permanent resident only.
- If the permanent resident spouse is in Israel and the sponsored spouse is abroad – the permanent resident must report in person to the PIA office.
- If both spouses are abroad – both spouses must report in person to the local Israeli diplomatic mission, including when the sponsored spouse is a subject of a country that is exempt from advance visa arrangements.

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C.2 **M**

inimum required documents for opening an application file

C.2.a AS/6 application form. If the sponsored individual is abroad – application for entry visa, Form AS/1.

C.2.b Original marriage certificate, certified and translated.

C.2.c 2 frontal photos of each of the spouses.

C.2.d Permanent resident spouse's identity card. At a consulate abroad – an Israeli identity document (return visa, travel document, identity card and exit card).

C.2.e Sponsored spouse's foreign passport, valid for at least two years.

C.2.f A letter signed by both spouses regarding their relationship, their life together, how they met and how long they have known each other, etc.

C.2.g Submission of original, certified, and if necessary translated documents for the sponsored spouse, as specified below:

- 1) Sponsored spouse's birth certificate. Certification is not required if **original** certificate is presented.
- 2) If there were any changes in the name (surname/forename) of the sponsored spouse, an official record of the name change must be presented.
- 3) Current official document from sponsored spouse's country indicating present and previous marital status of the sponsored spouse.
- 4) Police clearance certificate from country of origin (indicating name changes) for the sponsored, and any accompanying minors over the age of 16. If necessary, a federal or county police clearance certificate from the sponsored spouse's county will be required, as appropriate.

C.3 Proof of married life and shared center-of-life in Israel for the past year, at minimum: shared photographs, lease agreement, joint bank accounts, reference letters from relatives and friends regarding the couple's relationship (a copy of each reference's identity card and contact information must be attached) and any other required document as per the discretion of the office, as appropriate in the circumstances.

C.4 Citizens of the former USSR and Eastern Europe will be provided with referrals to obtain the report of the liaison office.

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C.5 A

ffidavit from the spouses regarding the authenticity of the documents presented and acknowledgment of the couple's obligation to notify the Ministry of Interior of any change in circumstances (AS/6, p.3).

C.6 When the application includes minors from a previous spousal relationship, the application must enclose:

C.6.a Original, certified and if necessary, translated birth certificate of accompanying minor.

C.6.b Minor's foreign passport, valid for at least two years.

C.6.c The position of the minor's other parent:

(1) In order to receive the position of the accompanying minor's other parent with respect to the minor's immigration to Israel, and the grant of permanent residency in Israel to the minor, the sponsored parent will be required to present an original, official, certified (and if necessary translated) document indicating the current address of the accompanying minor's other parent, in his/her area of residence, unless the other parent resides in Israel and his/her address is listed in the Aviv system.

(2) In accordance with the address supplied by the sponsored parent, the other parent must be issued written notice that an application for grant of Israeli status as an accompanying minor has been filed for the minor, upon termination of which the minor may receive permanent status in Israel and that the parent may object thereto. In the notice, the other parent will be asked if s/he objects to his/her child's immigration to Israel and if s/he objects to his/her child receiving permanent residency status.

(3) The notice to the other parent will be mailed to the address provided by the sponsored parent as follows.

Other parent residing in Israel – by registered mail sent from the processing office.

Other parent residing abroad – by mail sent by the relevant Israeli diplomatic mission.

(4) Issuance of notice to the minor's other parent is followed by a **six-month waiting period for his/her response**, during which the minor's status will not be upgraded, even if the sponsored parent begins the graduated procedure. During this time, the minor may be granted a B/2 visa.

(5) **Lack of response from the other parent within six months** of notice issuance will be considered consent both to the minor's immigration to Israel and his/her receiving permanent status in Israel.

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f the other parent **indicates his/her objection to the minor's immigration to Israel**, the minor's status may not be upgraded, even if the sponsored parent begins the graduated procedure, and the minor will be required to leave Israel upon expiration of his/her B/2 visa. Note that a B/2 visa may not be extended when the other parent objects to the minor's immigration to Israel.

- (7) If the other parent **objects to the grant of permanent residency status to the minor but does not indicate his/her objection to the minor's immigration to Israel** – the minor's status will be upgraded to an A/5 temporary residency visa only, so long as the minor is under 18 years of age and subject to approval of his/her parent's graduated procedure.
- (8) If the sponsored parent claims that **the other parent is deceased**, s/he will be required to present an original, certified (and if necessary translated) official document indicating same.
- (9) **If the sponsored parent claims that s/he has sole custody of the minor**, s/he will be required to present an original, certified (and if necessary translated) judgment or divorce agreement, approved by the original court, certified (and if necessary translated) stating that s/he was awarded sole custody of the minor.

C.6.d **Minors over the age of 15:** In addition to the above listed documents, proof that the minor has been in the custody (legally and in practice) of the sponsored spouse for at least two years prior to application submission is required. If no such proof is submitted, the application will be denied by the visa center at the PIA office.

- C.6.d.a. If constant contact between the child and the sponsored parent in the two years preceding the application is proven: office director is authorized to approve the application.
- C.6.d.b. If the minor was 17 years and six months of age at the time of application submission, the application will be referred to the director of the Registration and Status Department at PIA headquarters for a decision.
- C.6.d.c. If the minor has not had constant contact with the sponsored parent in the two years preceding application submission, the application will be referred to the director of the Registration and Status Department at PIA headquarters for a decision.

C.7 Payment of fee, as per fee schedule.

D. Processing:

D.1. At the time of application submission:

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D.1.a **A**

applicant identification, including accompanying minors, vis-à-vis Aviv System. If the sponsored spouse is not in the system, his/her information must be entered into the database. If his/her tourist visa extensions are not updated, all information must be updated as per his/her passport, including visa extensions. If necessary, files must be linked.

- D.1.b **Open electronic application file**, link permanent resident, sponsored spouse and accompanying minor (if included in the application), collect fee payment, update computer registry file, link files if necessary.
- D.1.c If the application is filed for a **male sponsored spouse** who is an Area resident and is under 35 years of age, or a **female Area resident** who is under 25 years of age, or a Gaza resident, the application will be automatically refused at this stage, and the applicants will be provided with a detailed letter indicating the reasons for the refusal and requiring departure from Israel within 14 days. Application refusal must be updated in the computer registry file, update should be sent to the Enforcement and Foreign Nationals Agency, and the Aviv System application file will be closed.
- D.1.d **Sponsored spouse's passport**: The sponsored spouse, including accompanying minor, must present a foreign passport valid for at least two years. However, if the foreign passport presented is valid for less than two years, the applicants will be informed in writing that they must arrange for foreign passport validity as required, as a condition for application processing.

When the sponsored spouse is an Area resident, s/he will be required to present a valid passport only for the purpose of entering the graduated procedure. Area residents will not be required to present a valid passport in order to extend the graduated procedure.

If the foreign spouse who is in Israel does not have a **valid travel document**, s/he will be referred to the diplomatic mission of his/her country in Israel in order to obtain a travel document. If there is proof that there is no possibility to obtain a travel document from the originating country, or if the originating country has no diplomatic mission in Israel, s/he may be issued an Israeli Travel Document for Foreign Nationals in order to leave the country to obtain a new passport outside Israel, subject to the Procedure on Travel Document for Foreign Nationals, No. 3.2.0006.

- D.1.e **Marriage Certificate:**
- 1) **Examination of Marriage Certificate and Personal Documents of Sponsored Spouse**, including legal verification. Inasmuch as the marriage certificate is deemed admissible and congruent with the sponsored spouse's personal information (as per sponsored spouse's personal documents), the permanent resident spouse's marital status will be listed as "under review", and a "marital status" preclusion will be entered into the file, indicating the foreign spouse's personal information and the date of marriage.

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Under review" preclusion will be in effect for no more than six months. File status will normally be changed from "under review" to "married" at the time the application is approved and the graduated procedure begins. However, if a delay occurs for whatever reason, status will be changed from "under review" to "married" no later than six months after the application is received. If the marriage is proven to be false at the end of this period, marital status will be changed to "married", with a file annotation that the marriage is false.

- 3) If the **marriage certificate is deemed inadmissible**, the application will be rejected out of hand for failing to meet the criteria set out in this procedure, and the sponsored spouse will be required to depart Israel within 14 days.
- 4) If the marriage certificate is from **El Salvador**, the application will be processed under Procedure 5.2.0009.

D.1.f **Sponsored spouse/parties background check** on the Aviv system, including entries and exits (including internal crossings if necessary), illegal presence in Israel, removal, denied entry at border crossings, "visa" tab in foreign national's file on Aviv system (denials and approvals vis-à-vis consulate abroad), previous applications if applicable, etc.

D.1.g **Permanent resident background check**, on the Aviv system, including whether the party is a permanent resident. In case there is a preclusion/annotation regarding party's status in Israel or any other preclusion, the application will be transferred for consultation with the visa desk at the PIA headquarters. Also to be reviewed: permanent resident's registered marital status, previous applications for status to a foreign spouse etc.

D.1.h **Proof of center-of-life and relationship authenticity**: Review submitted documents.

D.1.h.a. As necessary, subject to PIA officer's discretion, queries will be sent out to the National Insurance Institute and the Ministry of Education as part of the center-of-life review.

D.1.h.b. When the applicants spend a significant amount of time outside Israel, as part of the permanent resident spouse's official government work (but not an Israeli local resident employee), shared center-of-life will be examined according to the circumstances and, if necessary, headquarters will be consulted.

D.1.i **Absence of criminal and security preclusions**: Examination conducted with respect to permanent resident, sponsored spouse and children over age 14 as detailed below:

D.1.i.a. **Police National Headquarters**: Query to be sent to Police regarding the permanent resident spouse, and, if the sponsored spouse has been in Israel

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more than six months, a digital query regarding said spouse will also be sent.

D.1.i.b. **Security officials:** If one or more of the applicants is required to undergo security screening (pursuant to Security Agency Comments Procedure 5.2.0015), query must be sent to security officials. For this purpose, the applicants must complete a full curriculum vitae form which will be transferred by the office for security agency screening and recommendation.

D.1.i.c. **If sponsored spouse is a subject of a risk country** – notice of submission of application will be delivered to the director of the Registration and Status Department at PIA headquarters for monitoring and oversight.

D.2. **Grant of general B/1 visa / DCO permit:**

D.2.a. At this stage, **after all minimum required documents as listed in Section C2 above have been produced**

- Valid foreign passport.
- Marriage certificate.
- Birth certificate.
- Official record of name change and official record indicating previous marital status.
- Covering letter.

Inasmuch as there is no other preclusion as listed below, a general B/1 visa may be approved for the sponsored spouse for a period of up to six months, during which, the remaining examinations will be conducted as needed. When the sponsored spouse is an Area resident, a DCO permit may be approved for a period of up to six months **subject to security agency comments** and the office will issue a referral to obtain a stay permit from the relevant DCO. The DCO will be notified at the time. Note that the sponsored spouse will keep his/her Palestinian ID card. When there is an accompanying minor, the minor will be given an A/2 visa, with the exception of an Area resident, for a period of up to six months, subject to the application meeting the requirements stipulated in Section C6 above. The decision will be updated in the registry file and in the application folder. **Note, duration of said permit shall not count toward the graduated procedure.**

D.2.b. Inasmuch as the sponsored spouse is found to be under preclusions (kerem, rotem, border control), or has been removed from Israel in the past, or has entered Israel unlawfully in the past, or is/was present in Israel unlawfully, or has previously received status in Israel by virtue of marriage or shared life and his/her status was revoked due to false spousal relationship, or his/her application for status filed pursuant to another procedure was denied and the party was required to leave Israel, or other relevant circumstances in party's past, the application will be transferred to the visa center at the branch office, which is competent to rule not to issue B/1 visa or DCO permit without

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examination, at this stage, subject to relevant circumstances. At the same time, if the visa center is convinced there is no preclusion to issue a permit at this stage, the branch office director is competent to remove any existing preclusion.

- D.2.c. If not all required documents have been presented (not minimum required documents), the applicants will be provided with a written list of all required documents they must produce by the time of their appointment with the visa department. If the applicants require extra time to produce the missing documents, they must submit a written application for an extension with the branch office. The branch office director has discretion to decide whether to extend the deadline, given inter alia, the type of missing documents, the measures taken by the applicants to obtain them, how long the applicants require, previous extension if given, etc.
- D.2.c.a. If documents are not produced by the end of period extended to the applicants, they will be sent via registered post notification that the application had been denied at the outset in the absence of all required documents, along with a requirement to leave the country. A copy will be delivered to the Enforcement and Foreign Nationals Agency.
- D.2.c.b. If the required documents are submitted to the office after the file is closed and the application is denied at the outset, the applicants will have to file a new application, and pay the appropriate fees, subject to the fee schedule. However, **production of all documents missing from closed application will be required as a condition for filing a new application. No new file will be opened without production of said documents.**
- D.2.c.c. Inasmuch as the sponsored spouse is in possession of a valid visa, the existing visa will be extended pending completion of application review. Inasmuch as the sponsored spouse is not in possession of a valid visa, s/he shall not be removed pending application review.
- D.2.c.d. Inasmuch as the sponsored spouse is present pursuant to a valid B/1 nursing care permit, and is interested in continuing lawful employment in nursing care, s/he must provide a photocopy of the employer's ID card or a relative's ID card, along with a letter from the employer or a relative confirming knowledge that the sponsored spouse has filed an application for status in Israel pursuant to this procedure and that s/he is interested in continuing his/her employment.
- D.2.c.e. Inasmuch as the sponsored spouse has completed employment with a nursing care employer, his/her visa will be replaced with a general B/1 visa, subject to meeting the requirements of this procedure.

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D.2.c.

inasmuch as at the time of application submission, the sponsored spouse is in possession of a valid visa (B/1 or A/5) received under the graduated procedure by virtue of a previous spousal relationship that has been severed, the existing visa must be canceled pursuant to the provisions of Procedure 5.2.0017, since the procedure has ceased. Thereafter, the sponsored spouse will receive a B/1 visa subject to meeting the requirements of the present procedure. It is hereby clarified that inasmuch as the new application is approved, the sponsored spouse will enter a **new** graduated procedure by virtue of the new spouse.

D.3. After the application is entered:

D.3.a. A decision on the application is made after a thorough, comprehensive review, including an interview pursuant to the Interview Procedure (5.1.0013), with respect, inter alia, to the following, cumulative elements:

D.3.a.1. Authenticity of the applicants' spousal relationship.

D.3.a.2. The existence of a shared center-of-life in Israel.

D.3.a.3. Absence of a security or criminal preclusion.

- 1) **Inasmuch as security agency comments are received (including open police investigations) Security Agency Comments Procedure (5.2.0015) must be followed.**
- 2) In case security agency positions are delayed, inasmuch as the sponsored spouse has a valid permit/visa, same will be extended after a preliminary examination of the sincerity of the relationship between the spouses.
- 3) If the position of the ISA has been received, but the position of the police has not yet been received and a preliminary examination of the sincerity of the relationship has been conducted - a B/2 visa may be granted to a foreign national who is not an Area resident / DCO permit to Area resident for the duration of 3 months, and extended pending receipt of police position. Inasmuch as the position of the police is received while the permit is valid - the couple will be summoned to the branch office for further processing as per procedure

D.3.b. Inasmuch as the visa department director is convinced that the spousal relationship is authentic and sincere, and that the couple has a shared center-of-life in Israel, and no preclusion has been found to the approval of the application pursuant to the provisions of the current procedure, the graduated procedure will be approved. Inasmuch as the

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department director has found no cause to approve the application, he shall refer it for review by the office visa center.

- D.3.c. The visa center will review the application, with reference to the overall circumstances, and inasmuch as it draws a negative impression with respect to the authenticity of the spousal relationship and/or the existence of shared center-of-life in Israel, the application will be denied. However, if there is concern regarding the authenticity of the relationship, the visa center may, in the appropriate cases and subject to its discretion, extend a B/1 visa for an additional six months, upon termination of which the sincerity of the relationship will once again be examined, or, to subject application approval to a monetary guarantee (cash or bond). The sum will determined according to the Guarantee Procedure (5.1.0004).
- D.3.d. Inasmuch as the application is denied based on the interview findings, the two spouses shall be summoned to the office. Upon arrival they will be handed a written notice of refusal indicating the reasons and demanding the sponsored spouse to leave the country within thirty days. The notice will conclude with the annotation that an appeal may be filed subject to Procedure 1.6.0001. In cases in which the sponsored spouse is present in the country unlawfully, exit is required within 14 days. A copy of the letter will be delivered to the Enforcement and Foreign Nationals Agency. The application file must be closed. Any general B/1 / visa / DCO permit issued pursuant to this procedure must be revoked, and a "denied residency" preclusion must be entered in the system. File closure must be updated on computer registry file.
- D.3.e. Inasmuch as the couple fails to appear at the branch office despite being summoned, the actions enumerated in the preceding section must be followed. The refusal letter will be mailed by registered post and the number will be recorded in the registry file (as per post office sticker).
- D.3.f. Inasmuch as the application is refused before or during the graduated procedure, applicants may file a new application no sooner than a year after the date of the most recent decision in the application (office refusal/rejection of internal appeal/judicial rejection decision or withdrawal of judicial proceeding).

Exceptions:

- D.3.f.1. Inasmuch as the application was refused due to incomplete required documents, as a rule, a new application may be filed after the sponsored spouse has exited Israel and full documentation missing from closed application has been filed, even less than a year since the date of refusal.
- D.3.f.2. Inasmuch as the couple proves that there has been a clear change of circumstances since their application has been refused, a new application

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may be filed even less than a year from the date of refusal, subject to the decision of the office director.

D.4. A permanent residents and a sponsored spouse who are undergoing the graduated procedure pursuant to a spousal relationship under the “Procedure for Grant of Status to Spouses of Israelis, Including Same Sex Couples” (Procedure 5.2.0009) and get married over the course of the procedure, may, subsequent to their marriage, submit an application subject to this procedure and convert the graduated procedure to a graduated procedure for married couples, subject to meeting the provisions of this procedure, and as detailed below:

D.4.a. If the sponsored spouse transfers into the graduated procedure for married couples, while in possession of a B/1 visa given pursuant to the spousal relationship graduated procedure, the time sponsored spouse spent under B/1 visa will be supplemented up to 27 months. Thereafter, status will be upgraded to A/5 temporary residency visa and processing will continue pursuant to the current procedure, but party must in any case complete the entire graduated procedure.

D.4.b. Inasmuch as the sponsored spouse transfers into the graduated procedure for married couples while in possession of an A/5 visa given pursuant to the spousal relationship graduated procedure, processing will continue pursuant to the current procedure, however, three consecutive years of residency under A/5 visa shall not be counted from the time the party transferred to this procedure, but from the time s/he first received an A/5 temporary residency visa (under the spousal relationship graduated procedure).

D.5. **Application to sponsor foreign spouse residing abroad:**

D.5.a. A sponsored spouse who resides abroad, marries a permanent resident and wishes to come to Israel in order to live with his/her spouse, the permanent resident spouse must file an application ahead of the sponsored spouse’s arrival in Israel, including when the sponsored spouse is a subject of a country that is exempt from advance visa arrangements.

D.5.b. Application will be filed subject to meeting the provisions of Section C of this procedure However, if the couple’s center-of-life is abroad prior to application submission, evidence of the authenticity of the relationship and management of a shared home over at least one year prior to application submission must be demanded.

D.5.c. As a rule, a decision in an application to invite a sponsored spouse to Israel will be made 45 days from the date of application submission, upon satisfaction of all conditions and requirements set out in this procedure and after an initial examination of the sincerity of the relationship with the permanent resident spouse.

However, if the position of security officials is required, no decision will be made in the application prior to receipt thereof. This notwithstanding, the permanent resident will

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notified within 45 days of application submission of the need for further examinations before reaching a decision in the application. Inasmuch as security agency comments are received, Security Agency Comments Procedure (5.2.0015) must be followed.

- D.5.d. Inasmuch as inquiries regarding the relationship reveal that no convincing proof of the sincerity of the relationship has been provided or that the marriage is false and was entered into solely for the purpose of obtaining status in Israel, the branch office visa center is competent to refuse the application. A rejection notice listing the reasons will be sent to the permanent residents, noting the possibility of filing an appeal under Procedure 1.6.001.
- D.5.e. Inasmuch as doubts arise with respect to the sincerity of the relationship, the branch office visa center has discretion to conduct further investigation into the issue, including by means of an interview (at the branch office for the permanent resident and at the relevant Israeli diplomatic mission for the foreign national). However, the permanent resident will be notified within 45 days of application submission of the need for further examinations before reaching a decision in the application. If an interview for the sponsored spouse at the diplomatic mission is deemed necessary, the office must provide written materials indicating background and containing directives for the interview.
- D.5.f. Inasmuch as the application is approved, the decision will be updated in the registry file and in the application file and notice will be sent to the permanent resident. Inasmuch as the sponsored spouse is a subject of a country that is exempt from advance visa arrangements, s/he will have to present the approval notice at the border control upon arrival in Israel. Inasmuch as s/he is a subject of a country that does require advance visa arrangement, the diplomatic mission abroad will be sent a B/2 visa valid for 30 days. If the application includes an accompanying minor, the diplomatic mission will be sent the details of the sponsored parent as well.
- D.5.g. The applicants must report to the office for coordination of further processing of the status application under this provisions within 30 days of arrival in Israel.

D.6. **When the foreign spouse is in Israel and the couple wishes to get married abroad:**

- D.6.a. When the couple is in Israel and have not yet been married and have not yet made an application for status by virtue of the spousal relationship, but intend to travel abroad to get married – if the sponsored spouse is in Israel **lawfully**, s/he may file an application for a re-entry visa in order to travel abroad to get married. The application will be filed and processed subject to the conditions and requirements specified in Procedure 5.2.0009.
- D.6.b. Upon satisfaction of the conditions and requirements of Procedure 5.2.0009., in the absence of a preclusion and subject to an initial examination of the sincerity of the

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onship, the head of the visa branch at the regional office may approve a B/2 visa for three months and re-entry visa to Israel.

D.7. When both spouses are abroad:

- D.7.a. Both spouses must report in person to the Israeli diplomatic mission in the sponsored spouse's country of origin and apply for the sponsored spouse's entry into Israel, including when the sponsored spouse is a subject of a country that is exempt from advance visa arrangements.
- D.7.b. Application must meet the provisions of Section C of this procedure, however, if the couple's center-of-life is abroad prior to application submission, evidence of the authenticity of the relationship and management of a shared home over at least one year prior to application submission must be presented.
- D.7.c. After submission of complete application, application will be reviewed by the Consul. As a rule, a decision in an application to invite a sponsored spouse to Israel will be made 45 days from the date of application submission, upon satisfaction of all conditions and requirements set out in this procedure and after an initial examination of the sincerity of the spousal relationship, including by way of interviewing both spouses.
- D.7.d. Inasmuch as inquiries regarding the relationship reveal that no convincing proof of the sincerity of the relationship has been provided, the Consul is competent to reject the application.
- D.7.e. The Consul will review the application, with attention to the overall circumstances, and in case he draws a negative impression regarding the sincerity of the relationship or that the marriage is false and was entered into solely for the purpose of obtaining status in Israel, the application will be denied. However inasmuch as doubts arise with respect to the sincerity of the spousal relationship, the Consul may subject application approval to payment of a guarantee (cash/bond), of 30,000 ILS to be deposited with the guarantee unit at the Ministry Ben Gurion Airport Office.
- D.7.f. If the position of security officials (ISA, police) is required, processing will not proceed pending receipt of the application.
- D.7.g. **Upon satisfaction of all the aforesaid requirements and conditions - a B/2 entry and tourist visa valid for 30 days will be granted, during which the applicants will have to contact the branch office for further processing of their case.**

D.8. The Graduated Procedure

- D.8.a. Upon approval of the application, a B/1 residency visa and work permit / DCO permit, will be granted to the sponsored spouse and accompanying minor if named on the

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cation, for 15 months, and extended for an additional year subject to meeting procedure requirements.

- D.8.b. When the sponsored spouse is an Area resident, the office will issue a referral to obtain a stay permit from the relevant DCO (AS/145). The DCO will be notified at the time. Note that the sponsored spouse will keep his/her Palestinian ID card.
- D.8.c. Upon termination of a 27-month period with a B/1 visa / DCO permit as part of the graduated procedure, and subject to meeting the requirement of this procedure, a temporary residency visa (A/5) will be granted. The temporary residency visa will be granted for a period of one year at a time, for a total period of three years. Upon approval of the first A/8 visa, a registry questionnaire must be filled out, the applicant's personal information will be entered into a new personal file; files will be linked to sponsored spouse's passport and sponsored spouse will be issued a temporary identity card.
- D.8.d. Prior to each permit extension pursuant to this procedure (B/1, DCO permit, A/5, permanent residency, as relevant), an interview will be held for both spouses and current examinations into the sincerity and continuation of the marriage, shared center-of-life in Israel and absence of security/criminal preclusion will be held (for applicants and accompanying minors over age 14).
- D.8.e. **However**, an Area resident who filed an application for status pursuant to this procedure prior to December 31, 2006, and whose application has been approved, and who is in possession of DCO permits issued pursuant to this application, may be granted a DCO permit for two years, subject to meeting all conditions required for extension of visa/DCO permit, absence of criminal and security preclusions, and subject to changes in the circumstances of the applicant which may arise. Each extension must be updated in the application file. Inasmuch as the visa extended is an A/5 visa, the sponsored spouse's file must also be updated, visa tab.
- D.8.f. An Area resident who entered the graduated procedure before the Temporary Order entered into effect and has received an A/5 temporary residency visa, which has since been extended, shall enter and exit Israel as an Area resident.
- D.8.g. Note, applicants must contact the branch office handling their case three months prior to the expiry date of each visa/permit for further processing and extension. Thereafter, the branch office will give the applicants an appointment for the visa department for continued processing at a time **no later than three months from the date on which they contacted the branch office**. Inasmuch as the visa center is unable to render a decision in their application for permit/visa renewal for one year at the time of the interview, despite the applicants' having complied with the provisions of this procedure, the permit/visa will be extended for six months, **subject to absence of security agency comments**.

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D.8.h. A

/5 visas should not be affixed to non-temporary Jordanian passports of sponsored spouses. Temporary identity cards should be issued only, noting the validity period of the visa and the file must be updated.

D.8.i. The Visa and Foreigner Field Director at PIA Headquarters may, under certain circumstances, at her discretion, shorten any period of time stipulated in this procedure, for special reasons that will be listed. Appropriate applications will be transferred from the branch office to the Visa and Foreigner Field Director through the relevant desk, enclosing recommendation.

D.8.j. Inasmuch as the relationship between the spouses has been severed, or the permanent resident spouse has died, follow the relevant Procedure on the Cessation of the Graduated Procedure (5.2.0017 or 5.2.0009).

E. Procedure Conclusion – Permanent Residency:

E.1. **According to the Temporary Order, status held by a sponsored spouse who is an Area resident or a subject of one of the countries listed in the schedule cannot be upgraded, and the permit or visa held by the sponsored spouse may be extended every year.**

E.2. Sponsored spouses who are not Area residents must notify the branch office of their request to upgrade status to permanent residency three months before conclusion of the graduated procedure. They must make the necessary inquiries with the originating country's diplomatic mission with respect to their status in that country.

E.3. **Both spouses must report in person in order to submit the application**, which will be processed in the same branch office where their file had been processed until then. For purposes of processing the application, a new permanent resident file must be opened in the Aviv system. Inasmuch as the application is ultimately approved, both application files may be closed.

E.4. When the couple contact the branch office upon conclusion of a 27-month period with a B/1 visa / DCO permit and three years with an A/5 visa (3 months before visa expiry as detailed above), another examination of the presence and sincerity of the marriage must be conducted, as well as center-of-life in Israel and current security agency evaluations, in accordance with the provisions of this procedure. At this point, there is no requirement for a valid foreign passport. A case file summary, including assessments of the sincerity of the marriage, center-of-life in Israel and future plans for permanent residency in Israel, will be prepared and verification that all documents have been produced and all examinations conducted will be made.

E.5. Verification must be conducted that no change in application circumstances has occurred, that there is no preclusion to service, including the age of the accompanying minor, and that the file does not contain a notification of an objection on the part of the minor's other parent to the grant of permanent residency to the minor. If the accompanying minor reaches adulthood during the graduated procedure, s/he must file a separate application, without collection of

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onal fees, and meet the conditions applicable to his/her sponsored parent. As part of processing of this application, the child's ties to the parent accompanied will be examined. Note that an accompanying minor's application for permanent residency will not be approved without at least two years with an A/5 temporary residency visa.

- E.6. Verification must be made that both spouses have signed the affidavits and declarations enclosed with the application and that there is no current security or criminal preclusion to granting permanent status.
- E.7. If a criminal or security preclusion is present, Security Agency Comments Procedure (5.2.0015) must be followed.
- E.8. Inasmuch as the conditions for an application for grant of permanent status has not been fully met, or doubts arise with respect to the sincerity of the relationship, the office visa center has discretion to approve a further one-year extension of the A/5 temporary residency visa. Inasmuch as at the end of the one-year extension there is still a preclusion to approving the application, the application will be transferred for a decision by the desk at Headquarters.
- E.9. Inasmuch as all application conditions have been met, the regional office director, on the recommendation of the office committee, may approve termination of the graduated procedure and transference of the application for grant of permanent status. Application details will be updated in the application file and in the registry files of both the permanent resident and the sponsored spouse, as well as the accompanying minor, inasmuch as one was named in the process. The provisions of the Procedure on the Grant of Permanent Residency Visa (5.2.0023) must be followed. Application submission requires both spouses to report in person.
- E.10. File citizenship code will be changed to permanent residency according to population code (21, 20, 59, 26, etc.). Minors will receive the same status as their parents. Accompanying minors who reach adulthood during the procedure, will receive the same code as their parents, with the annotation "other", a minor who has reached adulthood)
- E.11. New identity card will be issued, noting permanent residency.
- E.12. For Area residents – the Beit El and Erez DCOs will be notified of the receipt of permanent residency for the purpose of removal from the Judea and Samaria / Gaza Strip population registry, and the Palestinian identity card will be delivered to the DCOs.
- E.13. All materials will be filed in the personal files of the resident and accompanying individuals.
- E.14. Inasmuch as the application is not approved, a rejection notice listing the reasons will be sent to the permanent residents, noting the possibility of filing an appeal under The Procedure for Admission of Applications and Appeals (1.6.001).
- E.15. Upon termination of processing, files must be archived and the two applications in the Aviv system must be closed.

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Application

Pending applications filed prior to the date on which this procedure was updated will be processed according to the conditions stipulated in this procedure.

G. The Law and Relevant Sections

Entry into Israel Law 5712-1952.