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Date: May 13, 2014
In your response please note: 61517

To:
Mrs. Hagit Weiss
Director of the Bureau of the
Population, Immigration and Borders Authority
Ministry of Interior
49 Wadi Joz

By Fax and Registered Mail
02-6469445

Dear Mrs. Weiss,

Re: **Appeal against a decision not to upgrade the status of a permanent resident whose status had been revoked and to grant an A/5 temporary residency status in an application to reinstate status**
For Mrs. Mushasha , ID No.
Application: 100/04
Appeal: 654/13
Administrative Petition: 23735-12-13
Decision dated April 30, 2015

1. I hereby respectfully submit an appeal against the decision of your office dated April 30, 2015, to refrain, at this time, from reinstating the permanent residency status of my client, Mrs. Mushasha, whose details are specified in the caption of this letter, and instead, to continue to extend the validity of the A/5 residency visa in her possession for an additional year.

Factual Background

2. The following is, in a nut shell, the factual background underlying this appeal.
3. As you know, Mrs. Mushasha was taken from Jerusalem to Jordan, as a minor, compulsorily, and was held there against her will for seventeen years. It should be noted that during all those years in which Mrs. Mushasha had been held in Jordan, she suffered heavy violence at the hand of her husband at that time. In 1996, my client managed to escape from the house of her husband in Jordan. She returned to Jerusalem, the city in which she was born, and started to slowly rebuild her life. Among other things, in 1999, my client married an Israeli resident, Mr. Abu Arafe, who was married at that time to another woman. During their marriage, my client and her husband had a son, who is also a permanent Israeli resident.
4. As the number of the application under which my client's matter is being handled by your office indicates, my client has been fighting, since 2004, to have her permanent residency status in Israel reinstated, a status which was taken from her as aforesaid, for no fault of her own. It should also be noted that there is also no dispute that from the date of my client's return from Jordan to Jerusalem and until this very day, she has been maintaining continuously a full center of life in Israel.



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5. However, despite the clear humanitarian circumstances arising from her case, only after my client's matter had been transferred to us and only after an application and appeal had been submitted for the restoration of her status in Israel, she was given, for the first time, on August 8, 2012, a B/1 temporary residency visa. It should be emphasized that in the decision to give my client the B/1 temporary residency visa, it was also determined that by the end of said year she would be able to submit an application for the upgrade of her status and for an A/5 temporary residency visa.
6. However, by the end of the year in which Mrs. Mushasha held a B/1 temporary residency visa, your office refused to enable her to continue with the procedure for the reinstatement of her status, in view of the death of her husband's other wife. Following said death, your office suddenly demanded to replace the procedure for the reinstatement of Mrs. Mushasha's status in Israel which was conducted by her until the death of her husband's other wife, by a family unification procedure with her husband – a procedure which until that time could not be implemented in view of the fact that her husband was married to another woman in bigamous marriage.
7. However, notwithstanding our decisive objection to said demand – particularly in view of the fact that this case does not concern a regular foreign spouse but rather someone who was a regular permanent resident who lost her status in tragic circumstances – your office insisted on its demand to transfer my client to the family unification procedure with her husband. Moreover. Although it was clear that my client continued to maintain full center of life in Israel, your office also objected to our request to continue to extend the B/1 visa she had in her possession and was about to expire, for as long as she refused to cooperate with the demand to replace the status reinstatement procedure which was conducted by her, by a family unification procedure with her husband.
8. Only after an appeal and an additional petition which were submitted in her matter, it was decided to extend the B/1 residency visa that my client had in her possession. At a later stage it was even decided to enable her to continue with the procedure for the reinstatement of her status in Israel which was conducted by her prior to the death of her husband's other wife. Hence, on July 6, 2014, Mrs. Mushasha received an A/5 residency visa for one year.
9. On March 23, 2015, three months prior to the end of the year in which Mrs. Mushasha resided in Israel under a status of an A/5 temporary resident, we turned to your office and requested to upgrade the status of Mrs. Mushasha and reinstate her permanent residency status in Israel, on the grounds that it was not only "another" application for the reinstatement of status of a permanent resident whose status had been revoked, but rather an application which raised difficult humanitarian circumstances, on the grounds that there was no dispute concerning the fact that my client maintained a center of life in Israel for many years and that, in the aggregate, she has already been holding for two years B/1 and A/5 residency visas, respectively, and also in view of the decision of the appellate committee in the above captioned proceeding, which stated in its decision that it expected my client's matter to be examined by you with an open mind and willing heart.

A copy of the application for the upgrade of the status of Mrs. Mushasha is attached hereto and marked **A**.

10. Following the status upgrade application, Mrs. Mushasha was summoned to your office for a hearing, which was held on April 29, 2015, before an employee of your office, Ms. Naama Vaknin.
11. It should be emphasized that during the hearing, the undersigned, who attended the hearing, emphasized again that the application did not concern the extension of the A/5 residency visa which Mrs. Mushasha had in her possession, but rather the conclusion of the proceedings in Mrs. Mushasha's matter and the reinstatement of her permanent residency status in Israel. I also emphasized before Ms. Vaknin that to our knowledge, other permanent residents, whose status had been revoked and who submitted to your office a status reinstatement application, received immediately upon proving the sincerity of their intention to maintain a center of life in Israel, an A/5 status for two years upon the termination of which they could submit an application for the reinstatement of the status which had been previously revoked. Hence, in view of the fact that said lenient policy currently applies to all applicants, including men who left Israel by their own will and received status elsewhere in the world, we are of the opinion that this arrangement should all the more so apply to Mrs. Mushasah, who did not leave Israel by her own volition, lost her status against her will, returned to Israel many years ago and has been conducting a graduated procedure for the reinstatement of her status for about two years.
12. However, a day after the hearing which was held to my client in your office, a decision made on your behalf was received in our office, which stated that Mrs. Mushasa would continue to stay in Israel for an additional year under an A/5 temporary residency status. Moreover. No note was made in the new decision to the effect that upon the termination of said year and in the absence of agencies' comments and subject to proving center of life in Israel, her application for the reinstatement of her status in Israel and for the receipt of permanent residency would be approved.

A copy of the decision dated April 30, 2015, is attached hereto and marked **B**.

13. In view of the above, and particularly in view of the humanitarian circumstances underlying the application of Mrs. Mushasha for the reinstatement of her status in Israel, an application which has been pending before your office for so many years, we request that you revoke your decision dated April 30, 2015, and enable Mrs. Mushasha, who proved beyond doubt that she was entitled to the consideration of your office in her condition, to upgrade her status and already conclude, at this time, the procedure for the reinstatement of her permanent residency status in Israel.

Sincerely,

Benjamin Agsteribbe,
Advocate

Enclosures:

Exhibits **A- B**