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At the Supreme Court sitting as the Administrative Appeals Court

AAA 8849/03

AAA 8676/06

Before:

Honorable Justice A. Grunis
Honorable Justice E. Arbel
Honorable Justice E. Rubinstein

The Appellants is AAA 8849/03:

1. _____ Dufash
2. _____ Dufash
3. _____ Dufash
4. _____ Dufash
5. _____ Dufash
6. HaMoked: Center for the Defence of the Individual –
Founded by Dr. Lotte Salzberger

The Appellants in AAA 8676/06:

1. _____ Sa'ada
2. _____ a-Sa'ada
3. _____ Sa'ada
4. _____ Sa'ada
5. _____ Sa'ada
6. _____ Sa'ada
7. _____ Sa'ada
8. _____ Sa'ada

v.

The Respondent in AAA 8849/03 and

AAA 8676/06:

Director of the Population Administration
in East Jerusalem

Appeal against the judgment of the District Court in Jerusalem
in AP 434/03 of 21.8.03
and appeal against the judgment of the Administrative Affairs
Court in Jerusalem in AP 413/03 of 20.9.06

Date of Session: Iyar 28, 5768 (2.6.08)

Representing the Appellants in
AAA 8849/03 and AAA 8676/06: Adv. Adi Lustigman

Representing the Respondent in
AAA 8849/03 and AAA 8676/06: Adv. Itay Ravid

Judgment

Following our comments in the previous hearing, the Respondent agreed it was possible to upgrade the applicant's status even if his status had not been upgraded before the effective date, and this if the non-upgrade resulted from a mistake or unjustified delay emanating from the Respondent.

The question whether the appellants come within the scope of the said criteria should be examined by the Administrative Affairs Court based on the facts of each case.

Therefore, the two proceedings will be returned to the Administrative Affairs Court for re-examination of the matter.

Each party will be allowed to bring additional evidence, so that the court can decide the matter.

Therefore, both appeals are granted as stated above.

Of course, the parties retain the right to appeal to this court once judgment is issued in each of the cases.

It is to be hoped that the Administrative Affairs Court will give these cases precedence in the hearing schedule given the fact that these are files that were submitted some years ago.

There is no order of costs.

Issued today, Iyar 28, 5768 (2.6.08).

Justice

Justice

Justice