

## **The State of Israel**

### **Appeal Tribunal under the Entry to Israel Law, 1952**

#### **Appeal (Jerusalem) 5501-18**

#### **Jerusalem Appeals Tribunal**

#### **Before Honorable Adjudicator Sarah ben Shaul Weiss**

- Appellants:**
- 1. HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Salzberger, R.A. 580163517**
  - 2. Bian, I.D.**
  - 3. Bian, I.D.**
  - 4. Rammuz, I.D.**

Represented by Counsel Adv. Benjamin Agsteribbe

**v.**

**Respondent: Ministry of Interior – Population and Immigration Authority**

Represented by the legal department

### **Judgment**

1. Since the requested remedy has been granted in the matter of the Appellant, parties do not dispute that the appeal has been rendered moot.
2. I hereby grant the Appellants' request and order the Respondent to act in accordance with its procedures - A permit lawfully held

by a person shall be extended so long as their application for an extension or for referral for status pursuant to a separate procedure (certainly when the request was submitted according to the directive of the Respondent) is pending. This regulation applies in the case of anyone requesting a different status subsequent to cessation of the graduated procedure for reasons qualifying the applicant to submit an application for status on humanitarian grounds (widowed individuals, divorced individuals with children, spouses who had been the victims of abuse by the Israeli spouse, etc.) as well as persons who are in the midst of the graduated procedure and whose application for status extension is still pending (for reasons such as the absence of security officials' position or internal consultations by the Respondent), and in cases in which the Respondent wishes to refer the applicant to a different procedure (such as in this case, wherein the Appellant was required to submit an application for status pursuant to her marriage to a permanent resident, after having been in possession of a permit in accordance with the procedure governing child registration).

3. I do not grant Appellants' request for a refund of fees. As I have frequently stated, the tribunal fee cannot be divided as it can in other judicial instances. Thus, a fee refund means that despite the fact that there is no dispute that the tribunal secretariate invested labor in processing the appeal (and no claim is made that the appeal was erroneously submitted or that it was unnecessary to begin with), the fee is refunded in full and the labor put in by the staff remains unrecognized. In judicial instances run by the Courts Administration, a base sum is deducted from a fee refund. This sum is often higher than the total tribunal fee.
4. The appeal is dismissed without prejudice; the Respondent will pay a sum of 1,500 ILS for the Appellants' costs.

**Delivered today, October 21, 2018, in parties' absence.**

\_\_\_\_\_[signed]\_\_\_\_\_  
Sarah Ben Shaul Weiss,  
Appeal Tribunal