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**14 July 2025**

**Constitution, Law and Justice Committee – Position Paper by the Israeli Association for International Couples (R.A.)**

**Regarding the Proposed Basic Law: Entry, Immigration, and Status in Israel**

The Israeli Association for International Couples (R.A.) is honored to present its position on the proposed Basic Law: Entry, Immigration, and Status in Israel. The Association's position is that if the law is passed in its current form, it may result in a significant and unreasonable infringement on the rights of Israeli-international couples and family units, as explained below:

**Background**

The Israeli Association for International Couples is a nonprofit organization whose mission is to assist, support, and promote the rights of the international couples community in Israel—i.e., couples consisting of one Israeli partner and one non-Israeli partner who is not eligible under the Law of Return. International couples are entitled to regulate the status of the foreign partner in Israel through a multi-year graduated procedure, which may end in naturalization or a permanent residency permit. This process requires the couple to periodically prove the sincerity of their relationship and meet the criteria set by the Population and Immigration Authority.

According to the Population Authority's 2022 data, about 39,000 international couples in Israel are currently undergoing active status regularization. In other words, approximately 39,000 Israelis are regularly meeting bureaucratic requirements to realize their right to family life in Israel. Furthermore, according to annual summary reports from the Population Authority, over 5,000 new applications for status based on a relationship are submitted by Israelis each year (average of 2021–2024).

The ability to regulate the status of an Israeli citizen's foreign partner is not an administrative privilege—it is a necessary expression of the fundamental constitutional right to family life, recognized in both international law and Israeli constitutional law. This right stems from the individual's right to dignity, enshrined in the Basic Law: Human Dignity and Liberty, and from the recognition of the central importance of the family unit to a healthy and functioning society. Over the years, the Supreme Court has emphasized the essential role of the right to family life and ruled that Israelis have the right to bring their foreign partners to live with them in Israel, subject to equal treatment alongside other Israeli couples (see, among others, CA 7155/96 Anonymous v. Attorney General, HCJ 7052/03 Adalah – The Legal Center for Arab Minority Rights in Israel v. Minister of the Interior, HCJ 466/07 Galon v. Attorney General).

**Position on the Proposed Basic Law: Entry, Immigration, and Status in Israel**

First, we would like to briefly address the proposed Section 3, which grants the Basic Law a precedent-setting supra-constitutional status, stating that its provisions shall override any other legislation, including other Basic Laws, unless they explicitly state otherwise. The Association's position is that unilaterally prioritizing one Basic Law over others—especially when its purpose is to exclude specific populations from constitutional protections—is a regressive and anti-

democratic step aimed at enabling systematic violations of human and civil rights while circumventing established legal safeguards.

The mere inclusion of such a supremacy clause in the draft law suggests a deliberate intention to establish a draconian, unfair immigration regime that systematically and disproportionately violates human rights, denying protection to both Israelis and foreigners. This is a troubling declaration of intent and represents a dangerous slippery slope concerning Basic Laws and human rights in particular.

Below we address several specific clauses in the draft that, in their current form, infringe upon the rights of international couples in Israel and, consequently, upon the constitutional rights of tens of thousands of Israelis to family life, dignity, and equality:

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### **Setting an Annual Quota for Status Holders in Israel Violates Israelis' Constitutional Right to Family Life**

According to proposed Section 4(b), an annual quota will be set for the maximum number of individuals who may receive status in Israel. Based on the section and the definition of “status,” the quota would apply to all types of immigrants residing in Israel for over one year, excluding those eligible under the Law of Return. This definition includes hundreds of thousands of lawfully present foreigners: foreign workers, international students and yeshiva students, volunteers, foreign partners of Israelis undergoing the graduated process, and others entitled to status.

Including foreign family members of Israelis in the general quota for immigrants would violate the rights of Israelis seeking to regulate the status of their loved ones.

First, the ability to grant status to a foreign partner may be delayed or restricted due to the quota, forcing many couples to forgo life together in Israel altogether. Such delays directly affect the right of tens of thousands of Israelis to realize their relationships and constitute a severe infringement on their right to family life. Even under the current bureaucratic system without quotas, obtaining initial status for a foreign partner may take months or even years. Imposing quotas would exacerbate the situation, adding another waiting list—this time for the opening of annual quota slots.

For foreign partners already residing in Israel on a visa, applying the quota would cause serious delays or outright prevent the renewal of existing visas until a suitable quota becomes available. One can only imagine the devastating consequences this policy would have on tens of thousands of family units in Israel whose legal stay depends on visa validity. Once the quota is full, what will happen to the couples left out? Would the State of Israel seek to deport the foreign partner and their Israeli family? Even if the foreign partner is allowed to stay, without valid status they would lose their job, health insurance, driver's license, and even the ability to identify as a parent in digital systems—resulting in a total loss of basic rights that makes normal life impossible.

Moreover, couples in the midst of the graduated process could find themselves trapped in an endless cycle of temporary visas due to limitations on naturalizations—an intolerable state of prolonged uncertainty that severely harms their ability to maintain stable family life and plan for the future.

The establishment of quotas also undermines the principle of equality, as some couples might fall within the quota and receive status while others would be excluded and forced to leave Israel. This discriminates against Israeli citizens whose partners are non-Jews, compared to non-Israeli individuals eligible under the Law of Return—who may immigrate to Israel with foreign, non-Jewish partners without restriction. This deepens existing discrimination in this field.

It is unacceptable for the ability of Israelis to realize their relationships to depend on an arbitrary quota. Accordingly, it is unacceptable for their right to regulate their partners' status to be suspended pending the establishment of such a quota, as proposed in Section 11(b). In a democratic state, a person's right to live with their partner must not be rationed. Lawmakers are obligated to protect the rights of Israeli citizens. Therefore, foreigners with family ties to Israelis—especially foreign partners—must be excluded from any such quota, just like those eligible under the Law of Return.

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### **Sweeping Ban on Granting Status to Those Defined as Unlawful Residents Ignores the Rights of Israelis**

Proposed Section 4(c) categorically states that no status shall be granted to a person who entered or stayed in Israel unlawfully for more than three months. Beyond its problematic implications for other vulnerable populations, the Association argues that this clause ignores the social and human realities in Israel, where romantic and family ties often cross nationality, culture, and identity.

According to the Population Authority's 2024 annual report, about 73,000 undocumented foreigners live in Israel—mostly foreign workers and tourists whose visas expired, and a smaller portion categorized as "infiltrators." The number of foreigners falling under this definition is likely significantly higher. Often, foreigners are left without valid status due to the Population Authority's inaction or severe delays in processing, which leads to visa interruptions even when the person is fully eligible for status.

A sweeping ban on granting status to anyone who entered or previously stayed illegally will inevitably harm the right to family life for many Israelis and foreigners. It is impossible to prevent those living together in Israel from forming relationships, emotional bonds, and families.

Among legally residing international couples, some foreign partners were previously considered unlawful residents until they received status through a genuine relationship with an Israeli. In such cases, the Supreme Court has repeatedly ruled that the State of Israel must review such applications, even if the foreigner is present without authorization, and without requiring them to leave Israel first (see HCJ 2355/98 Stamka v. Minister of Interior, CA 4614/05 State of Israel v. Avner Oren). The Court has prioritized the right to family life over preventing unlawful immigration and ruled that requiring a foreign partner to leave the country before applying is disproportionate.

This proposed clause would gravely harm citizens and foreigners who have tied their lives together—including those raising Israeli children—especially due to the categorical language and lack of discretion. It is unacceptable for a brief period of past unlawful stay to override a legitimate family life that later developed. This clause should be revoked or, at the very least, include an exception for foreigners with proven, sincere family ties to Israeli citizens, to minimize harm.

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## **Conditioning Legal Remedies on Proving Eligibility for Status Effectively Eliminates Access to Courts**

The right of access to courts is a cornerstone of the democratic legal system and, in administrative law, is central to upholding the separation of powers. It allows the judiciary to oversee the executive's actions and assess whether decisions were lawful—including those involving errors, unreasonableness, or overreach.

Technically, the proposed clause entirely denies access to courts for foreigners—a group already vulnerable—thus violating the foundational values of Israel as a democratic state. Practically, its wording leads to an absurd result: it de facto eliminates the ability to appeal entry decisions, even in cases involving an Israeli resident or citizen acting as a “sponsor,” as explained below.

Since the clause restricts courts from granting relief unless the foreigner is found eligible for status in Israel (where “status” means citizenship, a visa, or a permit for over one year), it's unclear under what circumstances court access would remain available. Most entry appeals concern foreign tourists denied entry for visits of up to three months. These individuals generally have no long-term status eligibility and are not seeking it. Therefore, the clause essentially creates a blanket ban on judicial review of entry decisions.

The involvement of a “sponsor”—an Israeli citizen or resident petitioning on behalf of the visitor—does not change this, as the law requires proof of status eligibility, a condition irrelevant to the vast majority of such cases.

Even for international couples or relatives of Israelis—the “classic” cases where an Israeli party could petition the court—legal relief would be unattainable. This is because relief is conditioned on status eligibility, which only applies to those immigrating, not visiting. Those who do seek status must apply in advance, rendering legal appeal impractical.

Even the exclusion of Law of Return-eligible individuals from this clause is artificial and unworkable, as proving eligibility for aliyah defeats the purpose of quick legal relief.

Entry refusals often cause serious distress, impacting Israeli spouses, family members, and loved ones. Lawmakers must ensure effective access to legal recourse for both Israelis and their foreign relatives. Additionally, court access regarding entry to Israel should at least be preserved for foreigners with past residence in Israel or special connections to the country—such as property ownership, parenthood of minors, employment, or involvement in legal proceedings.

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## **General Comments on the Proposed Law**

In addition to its direct impact on international couples, the bill contains numerous draconian provisions and sanctions targeting individuals classified as unlawful residents in Israel, with far-reaching consequences for all foreigners living in the country. Especially alarming are the provisions allowing harsh penalties such as prolonged detention, movement restrictions, work bans, denial of essential services, and even seizure of funds owed to them—based on a simplistic definition of “unlawful resident,” with no regard for humanitarian, familial, or international legal contexts. The Association believes these are extreme measures that do not

align with the standards of a democratic state and contradict principles of human dignity, basic justice, and the protection of human rights.

Moreover, in today's reality—where international couples are already vulnerable to bureaucratic delays, arbitrary discretion, and even tragic events like separation, violence, or the death of the Israeli partner—they too may unexpectedly find themselves classified as “unlawful residents.” Applying such sanctions in these cases is not only disproportionate—it strikes at the heart of the right to family life and the core values of fairness and justice.

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### **Conclusion**

The Israeli Association for International Couples recognizes the importance of legislating immigration policy in Israel—a field currently governed mostly by internal regulations of the Population Authority, with insufficient parliamentary oversight. However, any immigration reform must guarantee the basic rights of Israeli citizens and residents, particularly their right to family life with foreign partners and relatives—even those not eligible under the Law of Return. In a globalized era where cross-border relationships form naturally and easily, legal recognition of this reality is not only appropriate—it is necessary and more urgent than ever.

The Association's representatives would be pleased to meet with the Committee Chair and its members to discuss potential solutions to the issues raised and to provide an in-depth overview of international couples in Israel, their characteristics, and the immigration processes they face.

**Respectfully,**

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