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Subject: Proposed bill: Entry into Israel Law (Amendment No. ...) (Supervisory Authority over Applicants for Status Regularization Based on a Spousal Relationship), 2025 – Comments on behalf of the Israeli Association for International Couples (R.A.)

The Israeli Association for International Couples (R.A.) is an association whose purpose is to assist, support, and promote the rights of the international couples' community in Israel—that is, couples consisting of one Israeli party and one non-Israeli party who is not entitled for status under the Law of Return. The community of international couples in Israel is the community of applicants for status regularization based on a spousal relationship, to which the draft law directly refers.

By virtue of this mission and as a representative body of international couples in Israel, we wish to express principled and firm opposition to the draft law in question. The association's central position is that there is no factual justification for granting the powers proposed in the law, as will be presented below. Moreover, in its current formulation, the law grants intrusive enforcement and monitoring powers, without substantive or procedural limits on their use, in a manner that infringes on fundamental rights such as the right to dignity, privacy, and family life, of both Israelis and foreigners, including minors. As a result, this constitutes a disproportionate expansion of the authority's powers, raising serious doubts regarding its constitutionality.

The period allowed for public participation contradicts principles of administrative law

1. As a preliminary point, it should be noted that the period made available for public comments—from September 29, 2025, to October 20, 2025—mostly coincides with the Jewish High Holidays, during which there are only 10 working days (including the day of publication), many of which fall during Chol Hamoed Sukkot. Although technically the draft was distributed for the required 21 days, the timing according to the Hebrew calendar significantly hinders in-depth examination of the draft law and submission of comments by the public. This contradicts the position in H CJ 1658/10 Adam Teva V'Din v. Government of Israel (Nevo, March 12, 2010), which determined that "the referral to the public should

allow substantive consideration of the proposal, providing a genuine opportunity to formulate positions regarding it," and that the defined period of 21 days is not rigid, but must be adapted to the circumstances of the draft, its complexity, and other constraints.

2. Providing a short and ineffective period for public participation constitutes a fundamental flaw in the legislative process, especially when the draft law in question is not urgent but has far-reaching implications for the most sensitive and protected rights of tens of thousands of Israeli citizens and their families. Publication of the draft at this time raises significant questions regarding the motives of the law's initiators.

The proposed law

3. The proposed law seeks to significantly expand the powers of the Population Authority in examining family unification requests, beyond the tools currently available. According to the proposal, authority inspectors will be granted new powers, including: requiring the presentation of identification from any person involved; the ability to request a court order to enter a residence; conducting surveillance in public spaces around the applicants' residence or workplace; extending such surveillance in public spaces subject to a judicial order; and the authority to demand any document or information from any entity, including content from mobile phones and computers. The explanatory notes further clarify that refusal to fully cooperate with inspectors' powers "will be taken into account" and "may lead to the rejection of the application."

4. The draft law raises serious legal difficulties due to the lack of a factual basis justifying granting such far-reaching powers; the nature and scope of the constitutional rights infringed by exercising these powers; and the absence of substantive and procedural limits on the use of the intrusive powers granted. The draft does not condition the exercise of these measures on the existence of a real suspicion of a sham relationship, thereby creating a reverse presumption whereby every spousal relationship is considered suspect until proven otherwise. Moreover, the draft lacks supervision, control, or documentation mechanisms to ensure proportional and appropriate use of the proposed measures. It should be clarified that the proposed powers (access to phones and computers, entry into residences, surveillance in public spaces) are essentially criminal tools, usually applied only when there is suspicion of a criminal offense, as part of criminal procedures and enforcement powers, and under extensive statutory protections of the criminal process.

5. In this comments document, we first present the factual situation and practices of the tiered procedure, the association's area of expertise and core work, which, in our view, clearly indicate the lack of justification for advancing the draft law. We then clarify why the comparative review conducted by the Population Authority in the regulation report actually demonstrates that the proposal is exceptional even from an international perspective. Finally, we examine the severe infringement on protected constitutional rights and the significant constitutional difficulties involved in promoting the proposal.

Lack of factual justification for the requested authority – prevalence of the phenomenon

6. The main justification for the draft law, as appears from the regulation formation report attached to the draft, is that difficulties in verifying the genuineness of the relationship raise concerns about granting status to those not entitled. However, the data presented in the report do not indicate that there is a widespread phenomenon of fraudulent status acquisition. According to the data presented, even in the year with the highest reported figure (2018), the unit for verifying the genuineness of the relationship alleged a sham relationship in only 104 cases out of 6,289 applications submitted that year, i.e., only 1.6% of applications. Examining the average over the years presented (2018–2022), the unit alleged a sham relationship in only 361 cases, representing only 1.2% of all status regularization applications submitted in those years. Furthermore, a freedom of information request submitted by the association in 2022 revealed that as of April 30, 2022, approximately 39,000 active proceedings for status regularization based on spousal relationships were ongoing in the Population Authority. Since the process requires annual proof of the relationship at a minimum, all active files were subject to review during that year. Hence, out of approximately 39,000 active files in 2022, the Population Authority identified only 47 files where the unit alleged a sham relationship—i.e., only 0.12% of active files!

7. The report completely ignores the volume of applications examined each year—both new applications and extensions—which number in the tens of thousands, and the negligible proportion of relationships found to be fraudulent. Accordingly, the authority fails to prove that this is a common phenomenon, certainly not one that could justify heavy-handed infringement on protected rights and interests. On the contrary, the data show it is a marginal and negligible phenomenon, which does not justify granting the draconian and harmful enforcement powers requested in the draft law.

8. The fact that sham relationships as a means of obtaining status fraudulently in Israel are so marginal is neither surprising nor accidental. It results from a strict, demanding, and punitive immigration policy towards foreign spouses of Israelis, intended to deter and prevent international couples from attempting to regularize the foreign spouse's status in Israel. Often, the process begins with prolonged waiting, sometimes over a year, for approval of the foreign spouse's entry into Israel, and then to receive a work permit with minimal initial rights. Couples who navigate the initial stage are subjected, under the tiered procedure, for years, to intrusive interviews about their daily married life, including intimate questions and scrutiny of "sensitive points" in the relationship. The process requires disclosure of private marital details, including submission of correspondence printouts, family photo albums, and bank and credit card statements. Couples undergoing the tiered process must comply with every demand or whim of the case officer, who is authorized under the procedure to request any document deemed necessary at any time without limitation—even if the document does not exist or cannot be obtained. Technically, the process involves an endless bureaucratic pursuit of paperwork and forms, submission of hundreds of pages each year, dependency on third parties—family members, friends, landlords—and sometimes requires significant financial resources to deposit guarantees of tens of thousands of shekels. The tiered procedure is perceived as a source of stress, anxiety, and frustration among most international couples, and it undoubtedly harms the mental health of the couples and families subjected to it, including secondary circles—as testified by the undersigned and evidenced by hundreds of testimonies regularly received by the association.

9. In light of all of the above, the Population Authority's presentation of fraudulent status acquisition as a widespread phenomenon justifying far-reaching powers is inconsistent with reality. The tiered procedure, even today, is structured in a way that renders the practice of obtaining status fraudulently unprofitable and nearly impossible.

Lack of factual justification for the requested authority – exceptional processing times and appeals

10. Another justification presented extensively in the regulation formation report is that "the applicants themselves may be harmed as a result of delays in the processing of their case." The Population Authority presents concerning data indicating that meeting the "up to five years" schedule applies to only about half of the cases closed annually on average. The report reveals that 36% of cases are closed after 6–10 years and 8% after 11–28 years. The authority did not provide data regarding status

applications of common-law couples or cases where the Israeli party is a permanent resident, subject to a different (longer) timeline, but it can be assumed that delays in processing requests in such cases are similar or even worse.

11. First, the association welcomes the authority's publication of unambiguous data indicating that the Population Authority's handling of status applications does not meet a reasonable standard of citizen service, and the desire to address the phenomenon. The association agrees that couples applying for status based on a spousal relationship often experience severe harm to their rights due to systematic delays in processing their applications and inefficiency in the current status regularization process. The association welcomes any initiative that addresses this root problem genuinely and effectively.

12. However, the Population Authority presents the data superficially, and without showing any causal connection, summarizes with the statement: "It appears that the lack of clear evidence of the genuineness of the relationship and shared life in the process of granting status... is one of the factors prolonging the handling of cases." This raises many questions. The report does not address the reasons for the long delays in concluding the tiered procedure, nor does it present data showing that lack of evidence of a genuine relationship and shared life is the cause of delays, not even in a minimal sample of several dozen cases. The authority also does not demonstrate that the activities of the relationship verification unit contributed to preventing delays during its years of operation, even though the data were available and could have shown this if the claim were true.

13. In fact, delays in handling status applications are a persistent issue raised in numerous court rulings, reports, and parliamentary discussions over the years. For example, "prolonged processing of applications of couples married to Israeli citizens" and "prolonged processing of applications of common-law and same-sex couples," along with "failure to set maximum processing times," were found as main deficiencies in the State Comptroller's report (State Comptroller, Handling of Civil Status of Foreign Family Members of Israelis, Annual Report 67B, May 16, 2017). Professional experience shows that many delays stem from staffing shortages in the Population Authority, which the authority has acknowledged for years (see Ministry of Interior Report – Population and Immigration Authority – Human Resource Management 2016; statements of Mr. Yoel Lipovitzky in the Knesset Aliyah and Absorption Committee, June 26, 2023). This shortage often results in long waiting times for appointments to process status applications, even before couples are assessed for relationship genuineness. Staffing

shortages also sometimes cause cancellations or postponements of appointments due to reallocation of personnel to other issues (see for example, "'I haven't seen my wife for months': the invisible victims of the passport marathon," Globes, June 12, 2023).

14. Inquiries for assistance received by the association from couples undergoing the tiered procedure reveal a variety of reasons for delays unrelated to proving relationship genuineness. Chief among them are violations of the administrative fairness obligation, such as: deliberate foot-dragging in processing applications and ignoring applicants' inquiries without explanation; lack of familiarity with procedures and/or incorrect application of procedures; insistence on documents that do not exist or cannot be produced; requests for additional documents "unexpectedly" at an advanced stage, after all originally requested documents were submitted; among others. Additional causes include delays from Netiv liaison office procedures, freezing the process due to decisions on citizenship examination, freezing due to criminal proceedings against the Israeli citizen, tightening procedures and adding new conditions during the tiered process, delays related to incapacitation of one party, difficulties obtaining documents for refugees or stateless persons, requirements to authenticate documents differently than the foreign country's standard, refusal to accept notarized translations, etc.

15. These various issues, unrelated to the genuineness of the relationship, sometimes lead to appeals to the tribunal and petitions to the court. The authority's claim in the regulation report that the suspension of the unit's activity caused an increase in appeals is unsupported by data. The authority ignores, for instance, that in 2021, the Entry into Israel Regulations were amended to allow lawyers to file appeals online, and in 2022 this option was extended to self-represented litigants (see Population and Immigration Tribunals – Three-Year Report 2022–2024). These amendments significantly improved access to the appeals process and sufficiently explain the increase in appeals filed from 2022 onward.

Comparative review demonstrates that the requested authority is unprecedented in democratic countries

16. In the regulation formation report, the Population Authority conducted a comparative review of spousal-based immigration policies in selected countries: the United States, Canada, and Australia. This review reveals that the enforcement and supervision powers sought by the authority are unprecedented in the democratic world.

17. First, the authority acknowledges that in the examined countries—USA, Canada, and Australia—measures to assess relationship genuineness generally consist of administrative tools such as document submission, joint or separate interviews, third-party questioning, and review of public social media information. All these, among others, are powers already available to the Population Authority in Israel. Home visits were found to be an uncommon practice, and the scope of search powers was unclear. Finally, the comparative review shows that none of these countries grant authority for covert investigation, and the possibility of accessing and copying content from phones or computers of couples or third parties was not considered at all—a clue in itself.

18. The authority also points to the UK model as an example of a country with strict immigration policy, seeking to adopt powers for collecting "intelligence information," investigations, and home visits. However, according to the UK government guidance cited by the authority, the main investigative measures are interviews, information sharing among authorities and administrative bodies, and pre-arranged home visits (without entry). It appears that the British model does not include public-space surveillance, covert investigation, surprise home visits (except in exceptional cases), phone or computer intrusion, or requiring third parties to provide information about the assessed couple.

19. Furthermore, the comparison to the UK is misleading. Unlike Israel, where international couples must undergo a demanding, bureaucratically intensive procedure with periodic interviews, repeated checks, and annual visa renewals, the UK process for obtaining spousal status is relatively fast, digital, and simple: decisions are generally made within 60–90 days. The initial visa is granted immediately for a full period of two years and nine months, subject to online document submission and no interview in the standard procedure. Status includes access to social rights and a local identification number and can be renewed for another two and a half years. After five years, permanent residency and subsequently citizenship can be obtained. This highlights a fundamental difference: in Israel, where the procedure is based on suspicion, close supervision, and lack of trust in couples, expanding intrusive investigative powers is not a "balance," but an intensification of existing rights violations.

****Severe infringement on constitutional rights and protected interests****

20. As noted in the introduction, the draft law seeks to grant the authority broad and exceptional powers to examine and verify status applications. These powers, mostly recognized in criminal and security enforcement, contradict fundamental rights, particularly the right to privacy, protected under Section 7 of the Basic Law: Human Dignity and Liberty and the Privacy Protection Law (1981). Briefly, the draft law infringes privacy rights in the following ways:

- a. ****Presentation of identification**** – The law authorizes inspectors to demand identification from anyone "involved in the application." Beyond privacy infringement from the identification requirement, the law subjects couples (and many additional circles without clear limitation) to a parallel enforcement regime compared to other Israeli citizens (who are required to identify themselves only to security or senior officials), as detailed below.

- b. ****Demand for information from anyone, including phone or computer content**** – The explanatory notes specify regarding mobile phones that "the device stores a large amount of data, including personal photos, videos, meeting dates, documents, personal correspondence, etc." Indeed, a mobile phone reflects nearly all aspects of a person's life, containing information about religious beliefs, political views, medical and financial status, sexual preferences, social connections, and lifestyle. The Supreme Court has emphasized multiple times the richness of information contained in mobile phones. Accordingly, the proposed authority to access these devices severely infringes the right to privacy, particularly given the demand to obtain information from anyone "involved." Even if only evidence presentation on the device screen is intended, the law does not limit the type or scope of information inspectors may demand—essentially providing near-unlimited access to highly private personal information.

- c. ****Entry into a residence**** – The residence is the most private space of a person. The home exposes highly sensitive aspects of the individual—religious beliefs, political views, health and mental state, sexual matters—and thus entering it constitutes a severe privacy violation. The draft law allows the Population Authority to request a court order to enter a residence, implying forced entry, similar to criminal procedures—a sharp and unprecedented infringement on privacy against individuals not suspected of any criminal offense.

d. ****Surveillance in public spaces**** – The draft allows inspectors to follow applicants around their residence and workplace without a court order, and in other locations subject to a court order. Such surveillance infringes on freedom, dignity, and privacy, creates a constant sense of exposure, and limits freedom of movement and normal personal conduct. There is no mention of protected spaces, such as medical or therapeutic institutions, nor consideration of minors accompanying the applicants, who would also be subjected to surveillance.

21. Moreover, the authority completely ignored potential infringement on the right to family life, also recognized in case law as a fundamental right derived from the Basic Law (see inter alia CA 7155/96 Ploni v. Attorney General, HCJ 7052/03 Adalah – The Legal Center for Arab Minority Rights in Israel v. Minister of Interior, HCJ 466/07 Galon v. Attorney General). Expanding enforcement and surveillance powers subjects families, including minors, to monitoring, intrusion into their home and private life, and increased risk of deportation if they or a third party refuse to cooperate, according to the draft's explanatory notes.

22. Beyond the principled violation, the draft law is likely to profoundly affect the couples' daily lives. Out of fear that authorities may view their behavior as "abnormal" or "suspicious," couples may avoid free choices regarding household management, lifestyle, or significant decisions about raising and educating their children. Life under the threat of surveillance—and the knowledge that any action may be interpreted as proof of relationship insincerity—undermines the sense of security and intimacy at the core of family life. Additionally, the proposal's reliance on third parties, such as employers, neighbors, or acquaintances, makes family life dependent on others' testimony, potentially exposing couples to manipulation, harassment, or external considerations. The couple's relationship itself becomes publicly scrutinized over years.

23. In addition to severe infringement on privacy and family life, the draft law also infringes equality before the law. It applies a different legal regime to citizens and their families solely because they applied for status regularization, beyond the tiered procedure's terms. For instance, the obligation to identify themselves is expanded vis-à-vis authority inspectors, contrary to the general obligation under the Identity Card Law (1983). Applicants must notify the Population Authority of address changes within seven days, unlike the general thirty-day requirement under the Population Registry Law (1965), which is not effectively enforced.

24. It should be clarified that protection of fundamental rights, such as privacy, family life, and equality, applies not only to Israeli citizens but also to foreign residents, and legislators must not treat them lightly. Judge Shamgar's words in CA 2316/95 Imad Ganimat v. State of Israel, 4 PD 589 (1995) are apt: "The granting of rights under the Basic Law applies to all, citizen and foreigner, resident and visitor, accused and victim."

Expected infringement on citizens and their families is disproportionate

25. The regulation formation report attached to the draft does not examine the infringement on fundamental rights of couples, families, and additional circles subjected to the draft measures. The consideration of privacy infringement, for example, is summarized in the statement: "These benefits to the economy and preservation of Israeli immigration policy far outweigh the harm to the protected interest of preserving the couples' privacy." Alarming, the authority appears to trivialize the importance of privacy, a fundamental constitutional right requiring compliance with limitation clause tests (Section 8 of the Basic Law: Human Dignity and Liberty).

26. Our position is that the draft law does not meet the limitation clause tests, particularly the proportionality test, given the scope of the requested powers and the absence of limiting conditions on their use, especially considering the marginal nature of the phenomenon rather than a widespread one.

27. Regarding the connection between means and purpose, the authority claims that additional enforcement measures will allow necessary inquiries to assess the genuineness of the spousal relationship and prevent fraudulent status acquisition. Although technically surveillance could uncover fraudulent relationships, we view this as an extreme solution—akin to "using cannons to kill flies." Subjecting tens of thousands of people to surveillance threats, and actually surveilling many, is not a rational solution to a negligible problem.

28. Furthermore, the authority's claim that granting enforcement powers will improve citizen service in status procedures, reduce bureaucratic and legal burdens, shorten waiting times, and save public costs is unsupported by facts. In reality, the authority ignores the legal and bureaucratic costs arising from additional steps and examinations in the tiered procedure, which will inevitably lead to new legal

disputes between applicants and the authority, increasing judicial proceedings. Misinterpretations and misunderstandings during supervision (e.g., if an inspector misinterprets a couple's minor argument as evidence of relationship insincerity) may create complex legal conflicts not currently present. Even absent disputes, adding an additional review mechanism will necessarily cause longer delays, given the authority's limited supervision and enforcement resources. This is particularly concerning, as delays in granting or extending status for the foreign spouse have broad economic implications for the family unit—including social rights, health insurance access, employment, and livelihood.

29. Unsurprisingly, the draft law and explanatory notes contain no mechanism by which couples proven to have a genuine relationship by inspection efforts would benefit from a shortened or eased procedure—a measure that could improve efficiency. Therefore, adding extra review stages may lead to the opposite effect: new legal disputes, delays in decision-making until the supervisory unit completes its work, and a real infringement on the couples' entitlement to status and associated rights.

30. Regarding less intrusive measures: From Chapter Five of the Regulation Formation Report, it appears that the Population Authority did not examine any alternative means to address the problem it presented, other than adding the powers requested in the draft law. This constitutes both a constitutional concern and a problem in terms of administrative procedure and regulatory principles. Under the section "Formation and Analysis of Alternatives," the Population Authority recorded only two alternatives, in an "all-or-nothing" approach: continuing the current situation without change ("Alternative 0") or regulating the powers of the Relationship Verification Unit inspectors while adding far-reaching enforcement powers ("Alternative 1"). This is contrary to the guidance in the Government Regulation Formation Manual (Version 3, December 2023), which requires at least three main alternatives, except in exceptional cases.

31. It would have been appropriate for the Authority, at a minimum, to raise and consider obvious alternatives whose infringement on fundamental rights is significantly lower, such as: improving the interview and interrogation process; training officers in basic assessment and psychological techniques; establishing a supervisory committee composed of several experts to review cases raising suspicion; limiting the use of surveillance powers to cases in which a court finds justification, etc. The Authority also did not limit in the draft language the exercise of the powers to situations where there is a real suspicion of fraud, despite noting this in some parts of the explanatory notes. Additionally, in examining "Alternative 0," the Authority should have explained why the tools available under the current

regime are insufficient. In this context, the Authority should have provided data on the frequency of use of “secondary verification” tools, such as contacting referees or searching social media—tools available to it but apparently not used to their full potential. In light of all the above, the severe infringement of rights fails this test, as suitable alternatives with lower impact exist.

32. Finally, regarding the narrow proportionality test: It is necessary to assess whether the expected benefits of the legislation truly justify the intensity of infringement on fundamental rights. As explained in detail at the outset, the data themselves show that sham relationships are a negligible and marginal phenomenon, and it is evident that the Population Authority is able to minimize it effectively using existing measures. Furthermore, the Regulation Formation Report raises serious doubts that the Population Authority carefully considered the intensity of infringement on human rights—primarily the right to privacy and family life—versus the limited benefit to be derived from the law. The “balance” here is clearly skewed: the infringement of fundamental rights is substantial, deep, and ongoing, while the public benefit is negligible. The Authority also did not provide data regarding the operational costs of expanding the enforcement apparatus, training inspectors who would need to intrude into private spaces and manage sensitive interactions, or the legal costs of handling appeals and petitions expected to result from exercising the proposed powers. When the infringement on human rights is certain and substantial, and the benefits are minimal, there is no balance between the means and the goal.

33. In summary: The Population Authority’s analysis of the costs and benefits of the alternatives is based on partial assumptions and ignores fundamental rights and significant systemic costs. Ignoring the multiple infringements of constitutional rights and protected interests, coupled with the negligible nature of the phenomenon demonstrated in the first part of this document and the lack of a genuine assessment of enforcement and legal costs, indicates a serious constitutional difficulty and that the draft law cannot pass.

Summary and Recommendations

34. As stated above, we believe that the draft law in its current formulation is unjustified, severely infringes on the fundamental rights of Israeli citizens and their partners in a disproportionate manner, and therefore:

- a. The draft law should not be promoted further;
- b. Alternatively, the achievement of its objectives should be reconsidered using less intrusive measures, including improving the existing tools within the tiered procedure;
- c. Failing alternatives, the powers proposed in the draft law should be significantly reduced and limited

to explicitly defined, closed grounds, applied only when there is a substantiated suspicion of fraud and subject to a reasoned decision open to judicial review. Alongside this, independent oversight and monitoring mechanisms should be established (e.g., an annual report to the Knesset or State Comptroller) for the exercise of these powers;

d. We request that representatives of the Association be given the opportunity to meet with relevant professional authorities to present the practical implications of the proposal on the international couples' community, as known to us from the field. We believe that direct and open dialogue will contribute to understanding the difficulties and allow a substantive review of the issue.

Respectfully,

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