In the Supreme Court

A.A.M. 7995/22

before: Honorable President Yitzhak Amit
The Honorable Judge Dafna Barak-Erez The
Honorable Judge Alex Stein

The appellants: 1. So-and-so. 2.
So-and-so. 3.
The Center for the Protection of Individuals
N G D

Respondents: 1. Minister of the Interior
2. The Professional Advisory Committee for Granting Statuses
Humanitarian

Appeal against the ruling of the Jerusalem District Court in its capacity as an administrative court dated October 26, 2022
In case number 68756-03-22 given by the Honorable Justice A. Singer

Meeting date: 14th of Tammuz 5883 (July 3, 2025)

On behalf of the appellants: Attorney Daniel Shenhar

On behalf of the respondents: Attorney Sivan Dagan

P.S.K. - D.I.N.

Judge Dafna Barak-Erez:

.1 Was there a defect in the process of examining a request submitted by Appellant 1 (hereinafter: the Appellant) to regularize her status in Israel on humanitarian grounds? More precisely, was there a reason to accept the request when the background of the matter is the Appellant's claim that her status in Israel was not properly regularized for many years because she was married to an Israeli resident who treated her with neglect and violence, and that it was his conduct that caused her to be without status? This is the question that stands at the center of the proceedings before us.

Factual background

.2 The appellant, born in 1976, is originally a resident of the area. In 2001, she married a permanent resident of Israel (hereinafter: the spouse) and over the years the two had two children – a son born in 2004 and a daughter born in 2005. The appellant is the 2nd appellant in the proceedings before us (hereinafter: the daughter) . The appellant's two children were born and educated in Jerusalem, and they have a permanent residence permit in Israel. According to the claim, the appellant has lived continuously in the Isawiya neighborhood in East Jerusalem since her marriage until today, but her status in Israel has never been officially regulated.

.3 According to the allegations, throughout her marriage to her husband, the appellant suffered from violence and neglect. It was further alleged that the husband was addicted to drugs and that this affected not only the appellant but also her children. In addition, according to the appellant, the husband was involved in criminal activities and was arrested from time to time. Due to all of the circumstances detailed, according to the appellant, her husband did not act to regularize her status in Israel throughout the years of their marriage, with the exception of a single attempt they made in this regard in 2013, approximately 12 years after they were married. In that case, the husband and the appellant initiated a procedure to regularize her status in Israel, allegedly as part of a request for family reunification, but the request was denied for security reasons. The appellant does not know what was the basis for that decision, and in any case, it was communicated to the husband, who only informed her of the operative result. Even after that, the appellant continued to live in Jerusalem with her family, and no further actions to regularize her status were taken.

.4 In 2018, the appellant contacted the police, after she claimed that her husband had entered her daughter's room naked in order to rape her. When the appellant was asked if she wanted to file a complaint against her husband, she replied in the negative, but requested that he be hospitalized. This was due to the violence he had directed towards her and their children, and against the background of his drug use. As a result of the appellant's contact with the police, the husband was hospitalized for an extended period, during which he died on 29.6.2019.

.5 After the death of her husband, the appellant was left without any legal status in Israel. The request underlying the present proceedings is aimed at granting her status in Israel on humanitarian grounds, as To be described later.

The normative framework

.6 Before I describe the full sequence of proceedings, I will begin by presenting the legal provisions that regulate the handling of applications of the type in question. For many years, the issue of acquiring status in Israel by residents of the Judea and Samaria region was regulated within the framework of the Citizenship and Entry into Israel Law (Temporary Provision), 5763 - 2003 (hereinafter: the Temporary Provision Law) .

This law, which was extended from time to time over the years, expired in 2021 and was subsequently replaced by the Citizenship and Entry into Israel Law (Temporary Provision), 5782 - 2022 (hereinafter: the current Temporary Provision Law) . Although the original application was submitted in accordance with the previous Temporary Provision Law, and considering that there are no real differences between the two laws that are relevant to our case - the remainder of the discussion will refer only to the current Temporary Provision Law.

.7 The starting point for the discussion is found in Section 3 of the current Temporary Provisions Law (the equivalent of Section 2 of the previous Temporary Provision Law), which states that –

> "The Minister of the Interior will not grant a resident of the area... citizenship according to the Citizenship Law and will not give him a permit to reside in Israel according to the Entry into Israel Law, and the commander of the area will not give a resident of the area a permit to reside in Israel according to the security legislation in the area."

.8 A number of exceptions have been established to this rule, including the exception set forth in Section 4 of the current Temporary Provision Law (and Section 3 of the previous Temporary Provision Law) that allows for the granting of a residence permit to spouses of residents of the country, and is known as the “family reunification” exception. Another exception – under which the application underlying the present procedure was submitted – is established in Section 7 of the current Temporary Provision Law (and previously in Section 3A 1 of the previous Temporary Provision Law). This exception states that the Minister of the Interior may, upon the recommendation of a professional committee appointed for this purpose (hereinafter: the Committee), grant a temporary residence permit in Israel or a residence permit in Israel to a resident of the area whose family member is lawfully residing in the country, provided that special humanitarian reasons exist for this. It should be noted that in accordance with Section 7(b) of the Law, the Minister of the Interior may establish several committees for this purpose, one of which will be a designated committee to examine applications for reasons of domestic violence or abuse by a spouse or parent. Alongside this, the section explicitly states that marriage to a resident of the state or the existence of joint children who are residents of the state do not, in themselves, establish humanitarian grounds, and thus section 7(f)(1) of the current Temporary Provision Law (and similarly section 3A 1(e)(1) of the previous Temporary Provision Law) instructs in this regard:

> "The fact that a family member of the applicant for the permit or license, who is legally residing in Israel, is his spouse, or that the couple have children together, will not in itself constitute a special humanitarian reason."

Submitting the application and previous procedures

.9 A few months after becoming a widow, on November 7, 2019, the appellant filed an application for status in Israel on humanitarian grounds – the application that underlies this proceeding. The application described that the appellant’s partner was a drug addict and was violent towards her and their children, and that due to his precarious condition, which also included several criminal arrests, he had never

did not regularize her status in Israel. This is despite the fact that the appellant has lived in Israel for two decades and raised her family there. It was further stated that the violence directed by the spouse towards the appellant and their children over the years was traumatic for them and severely damaged their mental state. Further, it was argued in the application that the appellant's children, who as mentioned experienced domestic violence and the death of their father, need stability and a sense of security in their lives, but that achieving this is impossible as long as their mother does not have status in Israel. It was also noted that the appellant is making a living with great difficulty, and that the family is suffering from severe financial hardship. The application argued that in the appellant's case, there are special humanitarian reasons that justify regularizing her status in Israel, considering the difficult family circumstances in which she lives, in the shadow of violence, suffering and poverty. It was further emphasized that the appellant's life is centered in Israel, and that it was the spouse's situation and his behavior towards her over the years that prevented her from regularizing her status in Israel.

10. The application was accompanied by a social report dated September 9, 2019, from the Welfare Department of the Jerusalem Municipality, which stated that before the husband's hospitalization, he "used various drugs, and was violent towards his wife... and his children." The said report further stated that "the family suffers from a very difficult financial situation" and that the fact that the appellant is without status in the country harms the financial and mental situation of her children, who are already in a sensitive situation given the violence they were exposed to by their father.

11. When no decision was made on the request for several months, on June 25, 2020, the appellant and her two children filed an administrative petition (ATM 62013-06-20).

.12 On July 16, 2020, the committee held a hearing on the appellant's application, at the end of which the committee recommended that no application for reconsideration of the issue had been submitted since the application for family reunification was rejected in 2013, . On its rejection and that accordingly, this was not a family reunification procedure that was interrupted due to the death of the spouse. The committee further added that it appears that the dominant motive for submitting the current application is economic. Based on this recommendation, on November 4, 2020, the then Minister of the Interior issued a decision rejecting the appellant's application (hereinafter: the first decision). The decision stated that, according to the appellant, "her late husband was violent towards her, was a drug addict and involved in criminal activities" and that these things also emerge from the social report attached to the request. However, it was determined that because "we are not dealing with a person for whom the procedure in her case was terminated due to the death of her husband, but with someone for whom the family unification procedure has never begun and is now applying to the committee so that it can recommend the qualification of her status in Israel," and in all the circumstances, there is no reason to approve the granting of status. Subsequently, on November 25, 2020, the petition that was filed for failure to issue a decision in the matter was deleted (Judge A. Abmann-Muller).

.13 On the same day, the appellant and her children (who were minors at the time) filed another administrative petition with the Jerusalem District Court, sitting as an administrative court, against the first decision (case number 61863-11-20). Without going into detail, it should be noted that on February 25, 2021, the District Court ordered the appellant's case to be returned for further examination by the committee.

(Judge E. Singer). The District Court noted that in light of another case discussed in the High Court 10041/08 in which, under similar circumstances, the applicant was granted a renewable residence permit until her children reached adulthood – there is justification to re-examine the appellant's case in order to try and find a solution that is fair to her and her children, even if it goes against the law.

14. After a year had passed and no renewed decision had been made on the application, the appellants filed an appeal with the Court of Appeals under the Entry into Israel Law, 1952 (Appeal (Y-M) 4095/21).

.15 On December 19, 2021, the committee held another hearing on the matter, and in the end, it reiterated its original recommendation to reject the application. The Minister of the Interior at that time adopted the committee's recommendation in her decision of February 22, 2022 (hereinafter: the second decision). The second decision was based primarily on the reasons that underpinned the first decision on the application, and was concluded with the following words:

> "It is clarified that this outline is a humanitarian outline for granting status in special humanitarian cases in which many cases are discussed and examined. The committee, as a rule, with the exception of exceptional cases, does not recommend providing a temporary and limited solution, which could open the door to future cases, and in the circumstances of the matter as detailed in the above decision, there is no room for providing such a solution in this case."

At this stage, on March 20, 2022, the appeal filed with the Court of Appeals was dismissed, with a ruling Expenses in favor of the appellants (Daynat R. Shram).

.16 On March 31, 2022, the appellant and her children filed another administrative petition against the decision. The second (No. 68756-03-22). In this petition, the appellant again claimed that “[her] lack of status is closely related to her late husband’s violence towards her” and that there are clear humanitarian circumstances in her case that justify the regularization of her status in Israel. It was further argued that the second decision “makes light of the severe abuse that [the appellant] suffered, contrary to the public interest of supporting women who have been harmed by domestic violence.” It was also argued that the decision contradicts the rationale underlying Procedure 5.2.0019 of the Population and Immigration Authority “Procedure for handling the termination of a graduated procedure for regularizing status for spouses of Israelis as a result of violence by the Israeli spouse” (hereinafter: the Violence Procedure). In this context, it was argued that the consideration of violence was explicitly recognized by the legislature, and is anchored in Section 7(b) of the current Temporary Provisions Law. On the other hand,

The state reiterated its claim that the decision in the appellant's case was a reasonable decision, and that it was not

There are reasons that justify intervention in it.

.17 On October 26, 2022, the District Court (Judge Singer) dismissed the petition for several key reasons. First, the District Court ruled that considerable weight should be given to the fact that the appellant "chose" for many years to do justice to herself and reside in Israel without a lawful residence permit. Second, the District Court noted that the mere fact that the appellant is the mother of permanent resident children, or even the family's financial situation, does not establish a special humanitarian reason justifying granting status. The District Court added that at this time, of the two children, only the daughter Odeh is a minor, and ruled that there is no obstacle to her being able to continue her schooling routine in Jerusalem even if she moves to live with the appellant in the area.

.18 The District Court also ruled that the appellant's claim that she had suffered violence from her partner over the years was "no longer relevant" given that he had already passed away. It was also argued that in any case, this was not a family reunification process that was interrupted due to domestic violence, but rather a family reunification process that "never began." In addition, it was noted, in a passing remark, that no actual evidence was presented to support the claim of violence, and that, except for that single incident that occurred in 2018, the appellant did not complain about her partner's behavior, although "she could have acted similarly in other cases." It was further stated that even if the appellant had difficulty contacting the authorities in this matter, it could have been expected that she would present objective evidence regarding the violence (such as photos of the injuries or medical documents). In summary, the District Court ruled that there was no flaw in the decision that justified its intervention in it. In this context, the District Court emphasized that it was not impressed that "no relevant consideration was taken into account." Finally, the appellant and her children were ordered to pay legal costs in the amount of 4,000 shekels.

The claims in the appeal

.19 On November 23, 2022, the appellant and the daughter filed the appeal before us against the judgment of District Court, which at the time was directed against the then Minister of the Interior and the committee. The appeal claimed that In this case, there are special and distinct humanitarian circumstances. In this context, it is emphasized that the appellant lived in Israel for many years with her husband, under whose influence she and her children suffered from ongoing violence and

neglect, which led to her status never being regulated.

.20 The appellants argue that there is a direct connection between the violent behavior of the spouse and the failure to regularize the appellant's status for years. Accordingly, in their opinion, it is appropriate to refer to the violence procedure in this matter, which is intended to allow the continuation of the procedure for regularizing status when the marital relationship that led to its opening was terminated due to violence between the spouses. According to them, although this procedure does not apply directly in the present case, the rationales underlying it are essentially similar to the humanitarian considerations that must be examined in our case, primarily the desire to assist a victim of domestic violence. The appellants also emphasize in this context Section 7(b) of the current Temporary Provisions Law, which enshrines the authority of the Minister of the Interior to establish a professional committee to examine applications on grounds of domestic violence or abuse by the spouse. They further argue that the ruling recognized the relevance of the consideration of assistance to victims of domestic violence not only in the context of applications submitted under the violence procedure but also in the matter of applications for humanitarian status in general. The appellants add and argue in this context that the state and the District Court did not attach any weight to the fact that the appellant is a victim of violence, although this consideration is a significant and relevant consideration for examining the application. The appellants also complain that the District Court not only refrained from giving weight to the fact that the appellant is a victim of domestic violence – but in fact doubted this, but due to the fact that the appellant contacted the police in this matter only in 2018. The appellants emphasize that weight should be given to the fact that women, and in particular women without status, often do not contact the authorities for assistance, due to various concerns.

.21 It was further noted that the appellant is a widow who functions as a single mother to children who are permanent residents of Israel, including – as of the date of filing the appeal – a minor. These are, it is argued, weighty humanitarian considerations that justify accepting the request, and even more so when they are cumulative with each other. In light of the above, it is argued that the second decision does not give due weight to the relevant considerations and is unfair.

.22 The appellants add and refer to Section 7(a)(1) of the current Temporary Provision Law, according to which a person's being the spouse of a person with status in Israel or the parent of children with status in Israel "shall not constitute in itself a special humanitarian reason." According to them, this section does not apply at all in the circumstances of the case, when the spouse has already died and the appellant is a widow, and in fact functions as the sole parental figure for her two children. The appellants further argue that the District Court did not attribute

Sufficient weight in his ruling was given to the principle of the best interests of the child, considering the daughter's circumstances, and that the determination that she could complete her studies in Israel while living with the appellant in the area is not consistent with the protection of the right to family life in this court's ruling. It is also argued that after a long stay in the country, most of the appellant's ties are to Israel and that this is also a weighty fact. Finally, it is argued that the District Court's ruling is not sufficiently reasoned, and that in the circumstances of the case there was no reason to charge the appellants with costs.

.23 On June 12, 2023, the response to the appeal was filed, in which it was argued that it should be dismissed. The State reiterates the broad discretion granted to the Minister of the Interior in all matters relating to granting status in Israel and in particular in relation to making decisions on applications of this type, based on the recommendation of the committee. In essence, it is argued that the purposes underlying the violence procedure do not apply in this case, since the appellant was not in the midst of a procedure to regularize her status that was interrupted following violence by her partner. The State also argues that the appellant did not present any evidence to prove the claims regarding violence by her partner, and that since his death, the alleged violence has no relevance whatsoever. It is further argued that the appellant's circumstances do not reveal a unique humanitarian reason that justifies granting status in Israel. This is in view of the fact that Section 7(f)(1) of the Temporary Provision expressly states that parenthood of children with status in Israel does not constitute, in itself, a special humanitarian reason. According to the State, accepting the appellants' position in this context would render the said section devoid of its content. It is further argued that the appellant's eldest son is already an adult and the daughter is also on the verge of adulthood. The State adds and argues that a prolonged unlawful stay in Israel, although it may create many ties to the State, cannot establish a special humanitarian reason for receiving status there. As for considerations of the best interests of the child, the State notes that this principle, despite its importance, does not stand alone, and that it must be considered alongside the halakha according to which the child follows his

.24 On June 19, 2023, in accordance with the permission granted, the appellants submitted a response on their behalf. In their response, they stated that if the daughter follows the appellant and lives with her in the area, this will entail a heavy price for her, namely the loss of her permanent residency in Israel.

.25 On July 3, 2023, the appeal hearing was held before this panel, and the following day, a decision was issued as follows:

> “Considering, among other things, the death of [the appellant’s] husband; the fact that she married in 2001; the aspects relating to the allegations of violence from which she suffered; the fact that [the appellant’s] children have lived in Israel their entire lives – and the totality of the circumstances of the case, we believe that [the respondents] would do well to reconsider and consider the possibility of issuing the respondent permits.”
>
> "Stay."

.26 On September 5, 2023, the State announced that, in light of the court's decision, the Committee would reconsider the appellant's case. Against this background, it was argued that the appeal was unnecessary in its current form and should be struck out. At that time, the State declared that no enforcement proceedings would be taken against the appellant until 45 days after the latest decision in her case was issued. On

On September 11, 2023, the appellants submitted their response to this, claiming that since no decision was made regarding the regularization of the appellant's status, they are upholding the appeal.

The latest decision and the continuation of the procedure

Ultimately, on February 22, 2024, the State submitted another notice on its behalf, stating that an additional hearing was held for the appellant and her .27
daughter, which took place in the presence of their attorneys on December 26, 2023. It was also noted that no additional hearing was held for the appellant's son, given that he is serving a prison sentence for security offenses. Following this, a hearing was held on the appellant's case by the committee, which forwarded its recommendation to the current Minister of the Interior. On February 20, 2024, the Minister of the Interior decided, based on the committee's recommendation, to once again reject the appellant's request to regularize her status in Israel (hereinafter: the latest decision).

28. The latest decision stated that, according to the appellant, she suffered violence from her former partner, and that the violence was expressed, among other things, in his unwillingness to submit an application to regularize her status in Israel within the framework of their marriage. However, it was determined that there was no connection between the alleged violence from the partner and the rejection of her application in 2013 for status in the family unification process, and that the opposition to this was due to security reasons. It was also noted that over the years, the appellant's two children had grown up, so that at this time, considerations regarding the best interests of the child were no longer necessary. The decision also details the security and criminal background of the appellant's son. In addition, the decision stated that no new allegations emerged from the hearing held for the appellant and his daughter that could indicate ongoing violence.

In the family. In summary, it was determined as follows:

> "Considering the totality of the circumstances of the request, the Minister of the Interior did not find any special humanitarian reasons that justify granting status to [the appellant]... The allegations of violence by [the appellant's] late husband were not proven, and the hearing that was held even revealed a different picture than these allegations. In addition, the request of the United Families, which was submitted in the past, was refused for security reasons. In accordance with the details, the Minister of the Interior finds no reason to change previous decisions that were made to reject the request."

Against this background, the State claimed in its notice dated February 22, 2024 that since the latest decision was .29
made, there has been a change in the factual infrastructure underlying this appeal, and therefore it should be struck out while upholding the parties' arguments. Alternatively, the State requested that the Court issue instructions to the parties regarding the continuation of the proceedings. In any event, the State reiterated that no enforcement proceedings will be taken against the appellant until 45 days have passed from the date of filing this updated notice.

.30 In a response dated February 29, 2024, the appellants claimed that this was not a new decision at all, but rather a decision based on the reasons that underpinned the decisions that preceded it. Accordingly, the appellants claimed that the demand that a new proceeding be opened now, regarding the latest decision, is nothing more than an attempt to exhaust them with numerous and complicated litigation, and they further insisted on the need to rule on their appeal.

.31 Under these circumstances, on March 10, 2024, it was decided that the state would be able to respond to the appellants' response, including "regarding the question of what permit would have been granted to [the appellant] if the committee had decided to accept her application for status."

.32 On October 1, 2023, after several extensions were granted for this purpose, a supplementary response was submitted on behalf of the State. It should be clarified that throughout the entire extension period, no enforcement proceedings were taken against the appellant. As part of its response, the State argued, in essence, that there was no reason to interfere with the recent decision, which does not exceed the broad discretion granted to the Minister of the Interior in matters of this type. The State further argued that "the appellant did not present any references to prove the claims

Regarding violence by the deceased." As for the type of permit that would have been granted to the appellant if her application had been accepted, it was noted that according to the current Temporary Provisions Law, the permits that may be considered for granting are a temporary residence permit in Israel under Section 7(a)(1) of the Law, to the extent that the applicant has shown that he has a special reason for granting a temporary residence permit in particular, or a permit to stay in Israel on behalf of the regional commander ("DOC permit") under Section 7(a)(2) of the Law.

.33 On January 20, 2025, the appellants submitted a response on their behalf, in which they reiterated and emphasized the many obstacles that stood in the appellant's way over the years, due to the violent relationship in which she was involved and the partner's continued failure to regulate her status when he was alive. They added that the appellant should not be held responsible for the fact that her two children are now adults, considering that her application was submitted years ago, at a stage when both were still minors. It was also noted in this context that even now the appellant's children are young people who need her presence.

In their lives.

Discussion and decision

.34 Thus, the question before us is whether there was a flaw in the recent decision not to grant the appellant status in Israel within the framework of the humanitarian exception recognized in the current Temporary Provisions Law. In my view, there was indeed a flaw in the recent decision that justifies our intervention. This is in light of the appellant's claim that the violence and neglect from which she suffered prevented the regularization of her status over the years. In practice, from my perspective, this claim should have been examined

As a central argument, and there was room to give it real weight on the humanitarian level. Accordingly, I believe that the appellant's request should be accepted, in the sense that she be granted a DCO permit, subject to the absence of a security impediment.

.35 It has already been determined in the ruling of this court that the Humanitarian Committee is obliged to consider allegations of domestic violence, and that this is "a consideration appropriate, by its very nature, for discussion in the inter-ministerial committee, the sole purpose of which is to examine humanitarian considerations" (see: Baram 8615/21 Plunit v. Ministry of the Interior, paragraph 25 (August 30, 2023)). In the same matter, it was clarified that the above also applies in circumstances in which a violence procedure does not directly apply, and that "the non-application of the procedure does not indicate the irrelevance of the argument regarding domestic violence." Accordingly, even in these situations, the Committee is obliged to consider this in a concrete manner, taking into account the circumstances of each case (ibid., paragraphs 25-26). It was also noted in the aforementioned ruling that "it is clear that the proceedings to regularize the status of the appellants began years before the dissolution of the family unit, and naturally, even then, the appellants began to develop an expectation that In the end, they will receive status, while in the end, it was the father's behavior that led to the dissolution of the relationship and the loss of the 'anchor' on which the appellants relied in their request" (ibid.). Even in this case, I found that it was the spouse's behavior that harmed the regularization of the appellant's status.

.36 In my view, the main reason justifying, in the circumstances of the case, granting the appellant status on humanitarian grounds lies in the appellant being a victim of domestic violence by a partner, in a way that prevented her from regularizing her status in Israel at earlier stages. As described above, we are dealing with an appellant who for many years remained without status because she was subject to the authority of a violent partner who did not care about her case. Only after his death did she begin to work to regularize her status in Israel – at the first opportunity for her – and this after having lived there throughout her entire adult life, for over two decades, and having given birth to her children there, both of whom are residents of the country. At the beginning of the proceedings, the children were still minors, and at this stage they are already young adults.

37. For many years, the appellant was at the mercy of and dependent on a violent spouse. Despite being a permanent resident of Israel, the spouse was reluctant to act to regularize the status of the appellant as his spouse and the mother of his children. The two did initiate a family reunification procedure in 2013, but this procedure was quickly closed for security reasons unknown to the appellant. It has not been argued before us that these reasons concerned the appellant herself. In any case, the appellant testifies that when her spouse was alive she suffered from his violent behavior and drug addiction, and was forced to raise her children alone in poverty and deprivation. It was not until 2019 that the spouse passed away, and the cloud of violence that hung over the family's life was lifted. Not only that, but from the fact that the appellant took active action to regularize her status relatively shortly after the deceased's death, it can be learned that at this stage,

For the first time, she regained control of her life and the ability to act actively and proactively to preserve the family unit she had established in Israel.

.38 Therefore, contrary to what is stated in the latest decision, it is possible to get the impression that the violent relationship in which the appellant was involved is directly and closely related to the fact that her status in Israel has not been regulated to date. In this case, the appellant was dependent on a violent partner, who was the one who brought and took money into the family home. In the circumstances of family life, when the husband did not act to regulate her status – the entire issue depended on restraint. This dependence of the appellant on her partner led to the fact that throughout their life together, she did not take the initiative to regulate her status and to exercise her rights, but was forced to leave her fate in his hands. In other words, there is a connection between the family situation in which the appellant was involved and the failure to promote the regulation of her status with the authorities. Examining the scope of the legal proceedings that the appellant has taken since her husband passed away, compared to the lack of action on the issue when he was alive, can provide evidence of the impact that their relationship had on the appellant's ability to exercise her rights. Against this background, she cannot be blamed for the position that once the partner has passed away, the issue of violence is no longer relevant in the humanitarian sphere.

.39 Indeed, this is not one of those cases in which a marital relationship between an Israeli spouse and a foreign spouse is dissolved on the grounds of violence, and as a result of the severance of the marital relationship, the foreign spouse may lose his or her status in Israel (cases of this type fall within the scope of the violence procedure or alternatively within the scope of Section 3B.9 of Procedure 1.14.0001 of the Population and Immigration Authority – "Procedure for Regulating the Work of the Professional Committee Advising the Minister Pursuant to Section 7 of the Citizenship and Entry into Israel Law (Temporary Provision) 5782 2022"). However, I believe that even though in this case one of the procedures designated for cases of domestic violence does not apply, the claim of violence still carries real weight.

In the water of the humanitarian ox.

.40 Thus, in the ruling of this court, it was emphasized that the consideration concerning domestic violence also has "a more practical reason connected with the characteristics of victims of violence who in many cases have been forcibly accustomed to a dependent, segregated and confined lifestyle" (A.A.M. 8611/08 Zewaldi v. Minister of the Interior, paragraph 17 (27.2.2011) (hereinafter: the Zewaldi case)). In that case, the matters were determined in connection with the termination of a graduated procedure following the violence of the spouse. However, in terms of their logic, they are also valid for a case like the one before us, where the spouse's violence resulted in the appellant's status not being regulated at all for many years. It was also explained in the settled case law with respect to such situations that the violence procedure "is a recognition of the Because the purpose of · ugliness of a situation in which immigration laws result, de facto, in a woman becoming a victim of violence within her home and within her marriage, and prevent her from escaping this house arrest." (Baram 7938/17 Plunit v. Population, Immigration and Border Crossings Authority, paragraph 12 of the opinion of Judge N. Hendel (13.9.2018)). There is no dispute that in the circumstances of the case, its provisions

of the violence procedure do not apply. But in my opinion, there is no doubt that the aforementioned rationale underlying it is also valid for them.

.41 In other words: This is not a case where the process of obtaining status was terminated due to violence, but in fact this is an equally serious situation – where the appellant's case was not handled properly from the beginning in the context of a relationship that was tainted with violence. The main reason why the appellant remained without status, despite her long stay in Israel, is the violence and neglect she suffered. In light of the above, it was appropriate to take into account the repeated claims made by the appellant regarding the violence she suffered over the years. Accordingly, the determination that these claims are not relevant after the death of the spouse – which was expressed in the first and second decisions, and even in the District Court's ruling – cannot stand. Needless to say, a decision that does not take into account all the relevant considerations cannot stand in any case (see and compare: HCJ 4380/11 So-and-so v. State of Israel – Minister of the Interior, paragraphs 46-45 of the ruling (March 26, 2017) (hereinafter: HCJ 4380/11); AJM 7271/20 So-and-so v. State of Israel – Minister of the Interior – Population and Immigration Authority, paragraph 7 (November 3, 2022). Also see: Dafna Barak - Erez Administrative Law Volume 2 728-725 (2010)).

.42 It should be clarified that I cannot accept the claim that the appellant did not present evidence to support her claims regarding violence by her partner, so her request must be rejected. First, weight must be given to the appellant's own testimony throughout the proceedings, before both the authorities and the courts, in which she consistently recounted her past as a victim of violence. Furthermore, the appellant's original request for status was accompanied, as described above, by a social report from the welfare authorities in the Jerusalem Municipality, which directly addressed domestic violence. To this must be added the appellant's appeal to the authorities in 2018, which led to the husband's hospitalization. The fact that the appellant's first appeal to the enforcement authorities regarding the husband's behavior led to his immediate hospitalization ostensibly indicates the seriousness of the matter. The fact that this hospitalization continued over a period of time, in fact until the deceased passed away, also sheds light on the difficult circumstances that preceded it and the complex situation that prevailed in the family home.

.43 As is known, domestic violence offenses, which are by nature offenses committed in private, are not always accompanied by actual external evidence. This has been recognized in the rulings of this court in the criminal field (see, for example: Case 6950/17 So-and-so v. State of Israel, paragraph 14 (September 24, 2019)). And if this is the case with respect to the standard of proof in criminal cases, the facts are also valid in our case, in which a standard of administrative evidence applies (see: Dafna Barak - Erez Administrative Trial, Vol. 1, 446-447 (2017); Dafna Barak - Erez "Administrative Evidence," Miriam Naor , 85

105 (Aharon Barak and others, eds., 2023). Against this background, I therefore believe that there was no need to insist on the need for additional concrete evidence in relation to the claim of violence.

.44 Beyond the inherent evidentiary difficulty, it is important to remember the increased complexity that exists in reporting cases of domestic violence to the authorities. The access of victims of domestic violence to the enforcement authorities is partially blocked by charges of fear, shame, and concern for harming the integrity of the family. When there is also economic dependence on the violent spouse, revealing the harm is even more complex. This is even more so in situations where there is also dependence in aspects related to the victim's status in the country. Accordingly, a complaint regarding violence by a spouse may be filed after a prolonged period, given its unique circumstances and the difficulty mentioned in breaking through the intimate circle of the family to the enforcement authorities. These things are true in general, and are especially true when When there is increased concern about the personal and social costs involved in submitting The complaint. When the victim of violence is not a native of the place and has no status in Israel, these difficulties are even more severe (see and compare: 6758/07 So-and-so v. State of Israel, paragraph 7 (11.10.2007); 7844/09 Hussein v. State of Israel, paragraph 6 (2.6.2010); Zewaldi case, paragraph 14). Considering the appellant's high dependence on her spouse and the power gap between them, her ability to rely on external protections from state authorities or other entities was very limited in real time. I therefore do not believe that weight should be given to the fact that the appellant refrained from complaining more than once about the violence over the years, even though formally she could have done so. Therefore, I cannot accept the state's position that the evidentiary basis presented does not support the appellant's claims regarding the violence she experienced.

.45 I would also add that I cannot accept the state's position, which was also expressed in the District Court's ruling, according to which the appellant has acted in a manner that justifies the rejection of her application. Indeed, the appellant stayed in Israel for a long period of time without having an appropriate permit for this. However, as the course of her case shows, this was largely not based on her autonomous decision. The circumstances show that in practice, it was domestic violence that led to the appellant living in Israel for years without status. Now, that violence must be examined together with the other circumstances of the appellant's life on a humanitarian level. From my perspective, her long stay in Israel should not be attributed to her in a way that obscures the outcome of her humanitarian application.

.46 In addition to the above, I cannot accept the position that Section 7(f)(1) of the current Temporary Provision Law excludes any possibility of giving weight, in the context of examining an application for granting status on humanitarian grounds, to the existence of children with status in Israel. All that the section states is that this fact in itself – that is, when it stands alone – does not establish a humanitarian ground.

Special. On the other hand, there is no obstacle to addressing this type of fact in the context of examining the application, alongside additional humanitarian grounds. In the circumstances of the present case, I do believe that this is a significant fact that adds to the difficult family history in which the appellant and her children lived for many years. It is not superfluous to mention, in a boxed article, that the appellant submitted her application to regularize her status in Israel more than five years ago, when she was a single mother of two minor children. These are no longer the case, but they are sufficient to reflect on the main humanitarian reason described in detail above. In my view, the claim of violence in the circumstances of the case establishes, in itself, a sufficient humanitarian reason for granting status to the appellant. The remaining data add but also strengthen this conclusion (see and cf.: HCJ , 4380/11 , paragraphs 37 and 51 of my opinion).

In summary, my conclusion is therefore that the difficult background of domestic violence, which in the .47 circumstances of the case influenced the appellant's failure to regularize her status, together with the other reasons detailed, provides a basis for accepting the appeal.

48. Therefore, if my opinion is heard, I will propose to my colleagues to accept the appeal as stated in paragraph 34 above, in the sense that it will be determined that there is a reason to accept the appellant's request for granting status on humanitarian grounds. I will also propose that the state bear the appellants' expenses in this proceeding in the amount of 15,000 shekels.

0BDafna Barak - Erez
1BJudge

President Yitzhak Amit:

I agree.

Yitzhak Amit
President

Judge Alex Stein:

In a unique case, as described in paragraphs 41-43 of the Social Justice Judgment,

Justice T. D. Barak-Erez. For this reason, my opinion is the same as hers.

2BAlex Stein
3BJudge

It was decided as stated in the ruling of Judge D. Barak-Erez.

Given today, 10th of Nissan 5775 (08 April 2025). Revised today, 11th of Nissan 5775 (09 April 2025).

6B Alex Stein
7BJudge

4B Daphna Barak - Erez
5BJudge

Yitzhak Amit
President