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- **Title:**
The treatment of inter-ethnic or inter-faith couples and families (particularly of an Arab husband and a Jewish wife); protection and resource available [ISR103545.E]
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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

The treatment of inter-ethnic or inter-faith couples and families (particularly of an Arab husband and a Jewish wife); protection and resource available [ISR103545.E]

Information on the treatment of inter-ethnic or inter-faith couples and families was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. However, a representative from New Family - "a human rights organization working to attain legal recognition of every family unit in Israel to ensure equal rights for every type of family" (New Family n.d.) - provided information about inter-faith and bi-national Arab-Jewish couples in 25 February 2010 correspondence with the Research Directorate.

The New Family Representative noted that there are four possible combinations involving a Palestinian spouse, as follows:

- i. Couples comprised of Palestinian and Jewish citizens of Israel.
- ii. Couples comprised of Palestinian citizens of Israel and Palestinians under PA sovereignty.
- iii. Families comprised of Christian and Muslim Palestinian citizens of Israel.
- iv. Families comprised of Jewish citizens of Israel and Palestinians under the PA. (New Family 25 Feb. 2010)

The New Family Representative added that Palestinian citizens of Israel are commonly known as Israeli Arabs and hold legal rights equal to Israeli citizens (*ibid.*). The New Family Representative stated that "Arab-Jewish marriages are relatively rare," adding that such marriages are generally considered to be "taboo" (*ibid.*). The New Family Representative estimated that there are perhaps "a few thousand" marriages at most between Jewish and Arab citizens of Israel (*ibid.*). Marriages between Jewish Israelis and Palestinians from the West Bank/Gaza Strip are even more rare (*ibid.*). The New Family Representative noted, however, that there are "many thousands of marriages between Palestinian citizens of Israel and Palestinians from the West Bank or Gaza strip" (*ibid.*). The New Family Representative indicated that because people of different religions are not legally allowed to marry in Israel, many inter-faith couples either live as common-law spouses or go to another country in order to get married (*ibid.*). On the subject of couples who go abroad to in order to marry, the New Family Representative stated:

This situation is more difficult when one partner is Palestinian under the authority of the PA [Palestinian Authority] or Gaza. If they are in Israel illegally, which is often the case, they can not legally leave Israel, or at least not return to the country, to marry abroad. So in cases when the Palestinian's status is illegal, the couple usually lives as common-law spouses without any recognition or rights, in a state of stigma and fear. (*ibid.*)

On the subject of legal impediments facing an inter-ethnic or inter-faith couple, the New Family Representative stated the following:

The government's policy on marriages between Palestinians under sovereignty of the Palestinian Authority and Israelis of any religion since the outbreak of the second Intifada has been to deny the couple the ability to live together legally in Israel. In 2003, the Israeli Knesset passed the 'Nationality Law', which prohibits granting residency or citizenship to Palestinians married to Israeli citizens (except in cases where strict age requirements are met)... Originally enacted for one year, the law has been extended multiple times....(ibid.)

Amnesty International (AI) corroborates that the *Citizenship and Entry into Israel Law*, which was enacted in 2003, denies residency to Palestinians from the Occupied Palestinian Territory who are married to Israeli citizens (21 July 2008, 6). The New Family Representative outlined the implications of the law as follows:

Families with a Palestinian spouse under sovereignty of the PA [Palestinian Authority] (meaning Arab and Jewish or Arab and Arab, when one spouse is a Palestinian from the West Bank or Gaza) face the choice between living in Israel in a constant state of stigma, financial insecurity, fear and vulnerability to separation, arrest, imprisonment, and deportation, or relocation to the PA.

Inter-faith families (meaning Jewish and Muslim, either when both citizens of Israel or when one spouse is a Palestinian from the West Bank or Gaza) face additional stigmas and isolation, and women are vulnerable to gender-motivated murder, falsely named 'honor killings.' (New Family 25 Feb. 2010)

The New Family Representative stated that New Family "helps mixed couples gain status and rights to live together in Israel" and will help to appeal any requests for status in Israel that are wrongfully denied (ibid.). New Family also works to create "civil alternatives to religious marriage" for those who cannot marry in Israel, including inter-faith couples among others (ibid.). The New Family Representative noted that any of the aforementioned couples with a Palestinian spouse:

...can apply to gain status and rights as common-law spouses with these civil alternatives. In cases where family relationships are not recognized or documented, as is often the case within families with a Palestinian spouse, legal solutions offered by New Family enable families who otherwise have no legal recognition to gain status and rights. These legal mechanisms can substantiate families' requests for status and rights in Israel on the basis of family relationships and help unrecognized and undocumented families live together in Israel in dignity. They can provide children documentation for their family unit and can constitute proof of eligibility for state education, health and welfare benefits.

New Family offers Arab/Jewish and Palestinian/Israeli couples contractual marriage, which confers couples that can't marry with the religious rites required for government recognition equal legal status and rights as common-law spouses. Contractual Marriage is a legally-binding agreement that divides family rights, responsibilities and assets between partners, which can be confirmed in court to carry the authority of a court ruling. New Family also offers inter-faith and bi-national couples Common-Law Marriage ID's. Common-Law Marriage ID's are wallet-sized, picture ID, legal affidavits that acknowledge common-law relationships, granting status and rights to all those who can't marry with the religious rites required for government recognition. (ibid.)

On the subject of a child of a Jewish woman and a Muslim man, the New Family Representative stated that the child will be considered Jewish by Judaism and Muslim by Islam. The child could therefore be accorded "double religion" status (ibid.). The New Family Representative stated that while a child with such status may enjoy the legal benefits of both religions, "he [or she] is often socially rejected by both. There are approximately 10,000 such children in Israel" (ibid.).

The New Family Representative further indicated that a child of a non-Israeli woman, who is in a bi-national relationship:

...has no status in Israel, until a court order is obtained obliging the state to register the child as Israeli. A court will make a registration order when Israeli paternity has been established by genetic testing, or if the parents prove that they had a long relationship before the mother became pregnant. (3 Mar. 2010)

The New Family Representative also stated:

Children with status issues face serious discrimination, including living in a state of separation from nuclear family, ineligibility for health, education and social benefits, the father not being registered, religious status preventing them from marrying in the future, ineligibility for academic assistance immigrant children are entitled to, being rejected for service in the IDF, in addition to

vulnerability to the arrest or deportation of their parents, stigma, poverty and fear. (New Family 25 Feb. 2010)

The New Family Representative noted that there is an organization called Yad L'Achim which seeks to "discourage" Arab-Jewish relationships and "rescue" Jewish women in relationships with Arab men who call the organization for help (ibid.). The Yad L'Achim website states

....an increasing number of Jewish girls [are] getting involved with foreign workers and, even more so, with Arab men. Indeed, Yad L'Achim gets some 1,000 calls a year reporting such cases.

Our Anti-Assimilation department responds to all such calls. In some cases, this means launching military-like rescues from hostile Arab villages and setting the women up in "safe" houses around the country, where they can build new lives for themselves. (Yad L'Achim n.d.)

Further or corroborating information could not be found within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). 2008. "Israel and the Occupied Palestinian Territories: Submission to the UN Universal Periodic Review, Third Session of the UPR Working Group of the Human Rights Council." (MDE 15/029/2008) <<http://www.amnesty.org/en/library/asset/MDE15/029/2008/en/55336155-59a1-11dd-bc96-55b5ceea4018/mde150292008eng.pdf>> [Accessed 15 July 2010]

New Family. 3 March 2010. Correspondence with a Representative.

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Yad L'Achim. N.d. "About Us: Background." <<http://www.yadlachimusa.org.il/Index.asp?CategoryID=188>> [Accessed 15 July 2010]

Additional Sources Consulted

Oral sources: Adalah: The Legal Center for Arab Minority Rights in Israel, the Association for the Protection of Mixed Family Rights, Berkley University, the Hadassah-Brandeis Institute, the Hebrew University of Jerusalem,

Jewish Voices for Peace, Mossawa, the New Israel Fund, the Public Committee for Freedom of Science, Religion & Culture in Israel, and Yad L'Achim were unable to provide information within the time constraints of this Response.

Internet sites, including: Adalah: The Legal Center for Arab Minority Rights in Israel, Adva Center, The Alternative Information Center, Arab Association for Human Rights, Arab Centre for Law and Policy, Association for Civil Rights in Israel, the Association for the Protection of Mixed Families, Diraset: Arab Centre for Law and Policy, *The Guardian*, *Haaretz*, Israel Religious Action Center of Reform Judaism, Israeli Association for Immigrant Children, *Jerusalem Post*, Jewish Voices for Peace, Mossawa, New Israel Fund, *The New York Times*, *The Palestinian Chronicle*.