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Diverse Emner

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Subject: ✚ Israel✚ Information on the civil rights of new immigrants from the former Soviet Union

Regional Office: 1

From: The Documentation, Information and Research Branch, Immigration and Refugee Board,  
Ottawa

**Keywords:** civil and political rights; immigrants; marriage; divorce; employers; ethnic discrimination; housing; legal assistance; travel; visas; intermarriage; courts; documents; social security; health insurance; dismissal; employment; children; schools; freedom of religion; medical personnel; professional workers; NGOs; Jews; refugee identity documents; USSR; Russia; Israel

The following information was provided during an interview held in Tel Aviv on 27 May 1996 with the Legal Counsellor of the Israel Religions Action Centre (IRAC).

### Problems for New Immigrants from the Former Soviet Union

There are four IRAC branches in Jerusalem, Tel Aviv, Haifa and Beersheba which assist new immigrants. Each month the IRAC receives about 350 requests from new immigrants (Jews and Non-Jews) who require assistance in all spheres from problems with the authorities — the Ministry of the Interior, the Adoption Ministry, the Health Ministry, Social Security — to other issues that they face as new immigrants. On another level they come with problems regarding personal status such as marriage and divorce, and problems in the workplace such as discrimination and abuse by employers who, believing they do not know their rights, pay them less than they are entitled to. There are also problems in the housing field with older Israelis who, according to new immigrants, try to take advantage because the new immigrants who do not know the established system. These are the three main fields where the organization actually gives legal assistance rather than just advice. Other issues are not dealt with because they are beyond the field of expertise of the organization or they are problems that are not solely due to the fact that they are new immigrants.

The problems with the Ministry of the Interior are twofold. First is acquiring citizenship, either by proving Jewishness or by proving that they are married to a Jew, or the grandchild of a Jew. The Ministry of the Interior monitors the validity of mixed marriages by not automatically granting citizenship to the non-Jewish spouse. The Ministry assumes that all such claims are fictitious without first checking the marriage's validity. During the verification period the non-Jewish spouse is a temporary resident. This status causes a lot of problems because, as a temporary resident, they are actually tourists with a working visa; they cannot study Hebrew or get social security. Health care is much more expensive. The monitoring of marriages is not just applied to new immigrants coming in with a non-Jewish partner, it also covers non-Jewish Russians who are here as tourists and who marry Israelis. In the last six to eight months, Israeli embassies no longer give these couples Oleh visa. The embassies are only prepared to give them a tourist visa and tell them to make the final arrangements in Israel. Jewish individuals do not have problems, they are given citizenship. A non-Jew who has been married to a Jew for less than two years is issued a tourist visa. The Jewish spouse receives an Oleh visa while the partner gets a tourist visa. Most of these couples want to remain in Israel. However, in several cases the couples admit that their marriage was fictitious and they either go back to the former Soviet Union or stay in Israel illegally.

The second problem is when people want citizenship and claim that they are Jewish but the Ministry of the Interior refuses to recognize their Jewishness. This is a very emotional issue for many of the immigrants because they feel that being identified as Jewish on their ID card helps in finding work and in getting married in the future. This is the case even though the registration as Jewish on the ID card does not necessarily convince anyone of their Jewishness.

### Nationality

Getting a person's nationality changed is a very difficult procedure. The first step is for IRAC to send an informal letter to the Ministry of the Interior asking for a hearing. IRAC accompanies the client and provides any documents that they have. If the officials at the Ministry of the Interior cannot be persuaded on an informal level, the next step is to go to court. IRAC goes to the District Court to get a declaratory judgment forcing the Ministry of the Interior to change the registration. This is a long drawn-out process at the best of times. Sometimes the organization later finds out that the new immigrant has forged documents or that his or her claims are not completely true.

### Civil rights and New Immigrants from the Former Soviet Union

Many of the problems with civil rights have occurred because there are numerous immigrants or numerous Russians who have come into the country on forged documentation which has created suspicion at the Ministry of the Interior. It is a fact of the current wave of immigration from the

former Soviet Union that there have been hundreds of cases of people immigrating to »Israel« with forged documents. However, it is still difficult for those who immigrate to »Israel« with valid documents to have their rights to citizenship postponed for a year. There is no question that their civil rights are affected. They are not eligible for social security and their health benefits and health funds are much more expensive than those of a citizen who gets reduced rates. In the workplace their rights are not affected in that worker protection laws apply equally to residents, citizens and non-citizens. But it is harder, obviously, to enforce these laws in favour of someone who is not a citizen. And obviously knowing Hebrew makes a huge impact on civil rights in »Israel«, in the way you can express yourself and the way that you are treated by people.

In terms being registered as a Jew, it is more of an emotional issue than a civil right. Theoretically, one cannot be discriminated against in »Israel« because of race or creed. Therefore, whether one is recognized as Jewish or Russian on an ID card should make no difference. In cases that IRAC has come across where a person was dismissed from work or from a work interview because the employer was convinced the person was not Jewish, the employer has been forced to reconsider because it is against the law to discriminate on these grounds.

### **Mixed Couples and Discrimination**

The main problem of mixed couples in »Israel« is related to their personal status, mainly that they cannot get married in »Israel«. If they are already a couple with children and they have been married for ten years, then there are no problems as far as the Ministry of the Interior is concerned. The problem arises when the couple has been married for under a year or for under two years and they do not have children. That is when the Ministry of the Interior investigates on the validity of the marriage. You cannot make a broad statement that all mixed couples are discriminated against on arriving into »Israel«. It is only those who have been married within the last one or two years, and the others where one partner comes to »Israel« first and the other partner does not come until two or three years later. That also often creates problems because they were not living together and were basically separated during that time.

### **Teudat Zehut and Access to Services**

The Teudat Zehut is part of the Israeli mentality. Generally, people do not have to show it but they have to write down the ID number. People have to show it to open a bank account and it is possible you would have to show it to rent an apartment, possibly because they want to check the person's identity. The first time people go to a medical centre they must show their ID card because the centre has to open a medical file and have the personal information necessary for the National Health Insurance plan. Once the personal details are in the file the medical centres provide the patients with one of their own cards and the ID card is not required anymore. Employers are entitled to ask for people's Teudat Zehut.

There has been only one complaint out of the thousands of cases that have passed through IRAC offices of an individual who went to the authorities, was forced to show her Teudat Zehut and was refused services on the basis that she was not Jewish. In that case IRAC made representation on behalf of the woman to the head of the Department in question and the woman was able to receive the services she was entitled to. It is very hard to believe that everybody else has kept silent because this is a severe breach of all basic rights. If this was a systematic behaviour on the part of the authorities, it would have been reported in the press and IRAC would have had several cases. This is not the case.

### **Improvements of the Services Offered to New Immigrants**

The issue of marriage and divorce is very high on the agenda of IRAC and among civil rights activists in »Israel«. There are several human and civil rights organizations in »Israel« that have created a coalition working to change the law of marriage. Under the Labour government the Minister of Religious Affairs has made significant changes for marriage and divorce, for mixed couples in particular. The fact that »Israel« now has opened cemeteries for mixed burial is attributable to the situation created by the new immigrants.

### **Immigration Quotas?**

The Olim have never indicated to IRAC that there are quotas at the Israeli embassies in the

## Reference

National Council for the Child (NCC), Jerusalem. 21 May 1996. Interview with the Russian Ombudsman.

✚ ISR25640.E 13 November 1996

**Subject:** »Israel«: Information on the current residence status of mixed couples (Jewish/non-Jewish) who immigrate to »Israel«

**Regional Office:** 1

**From:** The Documentation, Information and Research Branch, Immigration and Refugee Board, Ottawa

**Keywords:** Jews; »intermarriage«; residence permits; immigration; spouses; right to a nationality; diplomatic services; arranged marriages; courts; documents; spouses; visas; work permits; hospitals; medical treatment; pregnancy; documents; legislation; USSR; »Israel«

The following information was provided during a 25 May 1996 interview with the director of the Visa Department of the Ministry of the Interior in Jerusalem.

### **Mixed Couples and Citizenship**

In the last two years, the Ministry of the Interior has implemented a new policy to evaluate the validity of the marriage relationship of mixed (Jews/non-Jews) couples who immigrate to »Israel«. Under the new policy, the Ministry can delay granting citizenship to the non-Jewish spouse for a probation period of three to six months in order to evaluate the marriage. This policy is aimed at controlling the number of arranged marriages of Israelis and non-Jewish spouses for the purpose of entering »Israel« to conduct illicit activities. The policy is not a means to prevent Israeli citizens from marrying foreigners. This policy includes all mixed couples whether they are from North America, Europe, Africa, etc. In order to efficiently implement this policy, the Ministry of the Interior collaborates closely with Israeli missions abroad.

This policy has been unsuccessfully challenged in the Israeli High Court. In its decision, the High Court stated that the policy was warranted because of the seriousness of the cases. The Court allowed the Ministry of the Interior to require a probation period to evaluate the validity of marriages of new immigrants. If the Ministry is convinced that it is a valid marriage, a mixed couple with children for example, the non-Jewish spouse receives Israeli citizenship automatically.

For example, a mixed marriage with a Jewish husband and a non-Jewish Russian wife who claim they were married in the former Soviet Union six years ago. He wants her to join him in »Israel« as an Oleh. The Ministry of Interior officials would ask for photos of the couple for the past six years, or for marriage certificates, or any other documents testifying to their relationship such as personal letters. With valid documents in hand, the Ministry would grant citizenship to the non-Jewish spouse automatically. However, if the couple is unable to provide valid documents or photos, and they do not seem to know each other, the Ministry requires a period of probation before granting Israeli citizenship. The non-Jewish spouse will not be required to provide personal identity documents because the contention is not about his/her non-Jewish status, but about the validity of the marriage.

The policy does not apply to couples where both spouses are Jewish simply because under the Law of Return both spouses would be able to immigrate to »Israel« as individuals.

### **Residence Status and Probation Period**

The non-Jewish spouse of a mixed marriage under probation would receive a B-1 visa. This visa allows the person to work in »Israel«. Pregnant women would receive a special status that would allow them access to hospital and medical services. People who have a B-1 visa do not have access to free medical services. They have to pay for all their expenses.

### **Mixed Couples and False Documentation**

There are some instances where the non-Jewish spouse tries to immigrate to **Israel** with false documents which portrays him/her as a Jew. As long as the marriage is valid, nothing will happen to the non-Jewish spouse because he/she immigrated as the spouse of a Jew, a status covered by the Law of Return, and as such they will be full citizens of **Israel**. They are not penalized because they tried to use fraudulent documents.

This Response was prepared after researching publicly accessible information currently available to the DIRB within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

#### Reference

Ministry of the Interior, Visa Department, Jerusalem. 25 May 1996. Interview.

✚ ISR25735.E 20 November 1996

**Subject:** **Israel**: Information on the new immigrants from the former Soviet Union and the **Israel** Religions Action Centre (IRAC)

**Regional Office:** 1

**From:** The Documentation, Information and Research Branch, Immigration and Refugee Board, Ottawa

**Keywords:** immigrants; legal assistance; Jews; refugee rights; language; housing; medical personnel; examinations; **intermarriage**; prostitution; refugee identity documents; banks; legal proceedings; counselling; legislation; Christians; visas; right to return; religious discrimination; religious leaders; religious practice; marriage; belief systems; Paraguay; Ethiopia; Russia; USSR; **Israel**

The following information was provided during a 26 May 1996 interview with the director of the **Israel** Religions Action Centre (IRAC) in Jerusalem.

#### **Criteria for Accepting and/or Refusing Complaints**

Three areas have been established where legal services are provided free of charge to the new immigrants. One is the whole area of the entitlement to make Aliyah and "who is a Jew?" The second is in issues concerning immigrants' rights, mainly immigrants vis-à-vis the bureaucracy. This includes issues relating to housing, the Ministry of Housing, mortgage banks, medical plans, the Ministry of Absorption, and absorption baskets. The third area is where the new immigrant faces difficulties and exploitation resulting from his vulnerability as a new immigrant. This includes issues that come up as a result of lack of knowledge of the language or, in general, the economic pressure that the new immigrant is under. And this latter raises issues — especially of rental or sale of housing, or employment. Now, within these three categories assistance would be rendered free of charge, provided that it is not felt that the new immigrant is unjustifiably trying to take advantage of our service or that there is any difficulty accepting his version as representing the truth. Unlike a commercial attorney who would take on a case regardless of whether his client is telling the truth or not, it is felt that there has to be merit to the request. Therefore, in cases where an applicant lies, the person may be turned down. But there have been cases where the whole truth was not disclosed, yet the issues were deemed to be justifiable and help was given.

#### **Example of Rejected Cases**

There was a doctor from Russia who came to **Israel** and at the time medical doctors from Russia were required to take an examination to qualify to practise medicine in **Israel**. He failed the examination. Later on the criteria were changed and doctors who had a certain degree of practice in Russia prior to coming to **Israel** were exempt from this exam.

Had he come at a later stage when these new criteria were already in effect he would not have had to take the exam. Now, what do you do? Do you represent that newcomer regardless of the fact that he has failed and claim that he should be treated according to the later criteria? Or do you refrain from taking that case on because had he come later he would have been exempted, nevertheless he

had taken an exam and was proven to be either incompetent or otherwise unsuited. This is a dilemma currently being deliberated.

There have been cases where a new immigrant who married through a proxy marriage in Paraguay wishes to have new immigrant rights given to his spouse. The Minister of the Interior is sensitive to instances where such proxy marriages were an avenue to introduce illegitimate unions; with Russian immigrants a certain number of marriages are with prostitutes who are not Jewish and who otherwise would not have been able to come to ~~»Israel«~~ under the Law of Return. Someone involved with running a prostitution ring has provided for a fictitious proxy marriage in Paraguay. As a result of such instances the Minister of the Interior has become very sensitive and refuses to automatically grant spousal rights to new immigrants and requires a period of time to verify the authenticity of the marriage and to see whether the couple actually has a family household.

A request to challenge this was refused because it was felt that under the circumstances, there was very little chance of challenging that practice. And it had some merit to it as well. That individual took his case elsewhere and from what has been learned afterward has challenged it in court and failed because the court sided with the Minister of the Interior and their right, under such circumstances, to verify the authenticity of the marriage prior to granting Oleh status.

### **New immigrants and Identity Cards**

New immigrants are not required to present identity cards as a prerequisite for getting counselling although their identity is verified by the identity card. In general, the presentation of the identity card is required only when one is required to establish his or her identity as when you open up a bank account. In ~~»Israel«~~ drivers licenses do not have pictures on them and people establish their identity with the use of an identity card, usually the Teudat Zehut. People who want to cash a cheque, open a bank account or receive certain rights from different government agencies will be required to present their identity card. Other than that, for normal everyday acts that do not involve a formal requirement for establishing identity, the identity card is not required.

There are some instances where all new immigrants and veteran Israelis are required to present their identity card. For example, if someone has lost their driver's license and wants to find out how to get a new one, they have to show their identity card before they get any information. At the Licensing Bureau of the Ministry of Transport, for example, the identity card is required at every instance.

Usually, when one negotiates rental of an apartment, the landlord would not require the identity card. But when the contract is signed and there is need to establish the identity of the parties then, if it were a lawyer who was formulating or drafting the agreement and having the parties sign, it is necessary that any person not known personally to the lawyer shows their identity card. If there should be a breach of contract and a later need for legal recourse and you have not established your identity, and the I.D. number is registered in the contract, then you have acted negligently and committed an act of malpractice.

### **Program for new immigrants**

Counselling and representation is provided by IRAC to new immigrants from the former soviet union. Some cases are resolved by phone consultation, others through face-to-face counselling or legal counselling; in other cases, correspondence on behalf of the applicant resolved the issue; and in numerous cases the problem has been taken to the courts, to the labour courts, to the district court, court of justice, and in some cases even to the Supreme Court.

### **Quota for Russian immigrants**

Our organization has never heard of a quota to limit the number of ex-Soviet immigrants coming to ~~»Israel«~~. The only known quota, which is currently being challenged, concerns a relatively new phenomenon from Ethiopia: the problem of those who converted to Christianity in previous decades. There was a big debate and legal controversy as to their entitlement to come in under the Law of Return and they are now able to come to ~~»Israel«~~. The claim that the Israeli authorities are making is that this limitation is set by the Ethiopian government. The source of the limitation is being looked into and if it is something that the Israeli government could change, we certainly would like it to be changed. There are no such quotas set on new immigrants from the former Soviet Union or Eastern

Europe.

Had there been such a quota, it would be a basis for legal action which would have succeeded immediately.

### Unwillingness to Settle in Israel

As a rule, new citizenship is linked very closely with one's move to Israel. Israeli citizenship is not a theoretical statement. It was only so in later years with regard to the refuseniks who could not exit the former Soviet Union because of limitations set on exit visas by the Russian authorities. And in a demonstrative way Israel granted them Israeli citizenship while they were still in Russia. This is something that was done in recent years in order to demonstrate and to symbolically enable the individual who wished to settle in Israel but could not do so because of the limitations set by the Russian authorities. Both the individual and Israel hoped that this symbolic link with Israel through the granting of citizenship would, at a later stage, be remedied by that person being able to come out of Russia.

The Law of Return provides that a new immigrant's visa will be given to any Jew who has expressed his or her wish to settle in Israel. If a person does not wish to settle in Israel there are no grounds for asking for a new immigrant's visa. Therefore, if a person were to make known his or her intention of not settling in Israel and wished to receive his early citizenship as some kind of formal camouflage, or attempt to obtain certain other benefits that emanate from having Israeli citizenship, Israel will not play along with the illegitimate attempt. Israeli citizenship is part of the concept of the Law of Return. A right to return to the homeland was established and recognized by the international community. This brought about the establishment of the State of Israel. So, if one does not truly want to return, then it is justified to deny that person Israeli citizenship.

This does not mean that once a person comes to Israel and settles here and then leaves that the citizenship is revoked. To revoke Israeli citizenship once you receive it is a very complicated process which is rarely done. Usually it has to do with that individual expressing the will to cease being an Israeli citizen because he changed his residence and wants to sever his relationship with Israel. We know of cases where new immigrants came here, received Israeli citizenship, received the absorption basket and other financial benefits and then left. In some extreme cases, periodical payments continue coming into their accounts while they were already residing overseas and actually never intended on settling in Israel.

