



Visa opportunities in Israel

Messianic legal analysis

How can Christian Zionists gain long-term status in Israel, which only officially accepts Jewish immigrants? It may be easier than you think.

By Mike Decker

I see it has become fitting to provide a thorough, yet summarized legal analysis for all those seeking to know the various ways whereby they can attain a valid visa in Israel, as many people have contacted me personally regarding this issue.

A sovereign nation is characterized by its right to determine who will enter its gates and thereby who will receive a permanent status within its borders. This right, that a nation has to determine its conditions for immigration, is recognized by the international law. The reasons for the conditions determined by a nation before allowing someone to immigrate into it can be derived from the nation's desire to maintain a particular national and cultural identity, and to defend its financial state and safety.

Along with this however, according to international law, human rights are weighed in a greater measure than the sovereignty of a nation. For example, nations are not allowed to reject from their borders refugees, people seeking shelter, and people devoid of any citizenship. They are required to find solutions to special humanitarian situations.

Furthermore, all nations are required to respect the family cell and to grant citizenship to the spouse of a citizen, regardless of the spouse's cultural and/or religious background, and of the nation's right to maintain a homogenous cultural and national society. The famous court decision in Israel that finally determined this was in **Israel Stamka v. Minister of Interior and Others**. There, 31 couples appealed before the Israeli Supreme Court of Justice against the Ministry of Interior for not recognizing their marriages, and for causing bureaucratic difficulties before granting legal status to the spouses of Israeli citizens. (This abovementioned decision was expanded also to unmarried couples living together, which is known as common law marriages; and in the **Nation of Israel v. Avner Oren**, this precedent was also expanded to couples from the same sex.)

In **Christina Ben Chaim v. the Ministry of Interior**, the Ministry of Interior did not recognize the marriage of a Messianic Jew to a foreigner. Before this appeal was ever even heard by the Israeli Supreme Court, the State Attorney apparently suggested, before the Minister of Interior, to immediately grant citizenship to the spouse of a Messianic Jewish Israeli citizen. The cast of **Adala and Others v. the Minister of Interior and Others** was the only case wherein the Israeli Supreme court did not interfere with the Ministry of Interior's modus operandi, and did not cancel the **Law of Citizenship and entry into Israel (Temporary Order)**, which denies family reunification between Israeli Arabs and Palestinian Arabs, and which is mainly for security reasons.

As mentioned above, Israel, as a sovereign nation, has the right to define its cultural and national identity and is thereafter defined as a Jewish and democratic state. Therefore, the **Law of Return** grants every Jew from around the world the exclusive and preferable automatic right to immigrate into its borders. This exclusive and automatic right is also extended to the children, grandchildren and spouse of a Jew, even though they themselves are not Jewish. Notwithstanding the above, the impartation of various residential visas, or citizenship to non-Jews, is regulated in the **Law of entry into Israel** and in the **Law of Citizenship**.

The **Law of Entry into Israel** and the **Regulations of Entry into Israel** arrange and organize the entry into Israel and the dwelling thereof to a person who is not an Israeli citizen and who is not requesting to immigrate into Israel by virtue of the Law of Return. The **Law of Citizenship** regulates the way that a permanent resident in Israel can receive an Israeli citizenship. The **Law of Citizenship** does not apply to foreigners who are not Jewish and are not permanent residents in Israel.

Section 2 of the **Law of Entry into Israel** indicates all the various visas that the Minister of Interior is entitled to grant. The wording of this section, among many other sections, reflects the broad discretion that the Israeli law gives the Minister of Interior. The **Regulations of Entry into Israel** further defines the various visas one can receive in Israel. Tourists receive a B-2 tourist visa once they enter Israel; workers receive a B-1 work visa through the Ministry of Trade and Commerce and the Ministry of Interior; volunteers will receive a B-4 volunteer visa through the Ministry of Welfare and the Ministry of Interior; students receives an A-2 student visa after showing the Ministry of Interior an approval from an educational institution in Israel; clergies receive an A-3 clergy visa through the Department of Religious Affairs within the Ministry of Interior. Furthermore, anyone requesting a more permanent status needs to apply for, either an A-5 temporary visa or a permanent residency status which is granted by the Minister of Interior, who has the very broad discretion whereby he can approve or deny all such requests.

As mentioned above, the Minister of Interior has a very broad discretion in determining how one receives the abovementioned visas, and he operates through policies that are enacted by him. It should be noted that once a policy is enacted by the Minister of Interior, he is required to operate according to the policies that were enacted by him.

An interesting policy that exists regarding visas is that the parents of an Israeli soldier who has served in the army for at least 18 months will receive permanent residency in Israel. Incidentally, I am aware of a Messianic Jew who appealed before the Israeli Supreme Court of Justice, and although he lost in his demands for them to recognize him as a Jew by right, according to the Law of Return, he can now enter Israel and receive permanent residency regardless of his religious affiliation, because of this policy.

Another policy that I noticed, which is relevant to various believers in the Land, is that when an elderly and lonely parent of an Israeli citizen, who is above the age 60 and who does not have any children residing abroad, can receive a permanent residency status. Furthermore, a person residing in Israel, who has been a victim of a terrorist attack, will receive a permanent residency status, and a son or a grandson of a Righteous Gentile (Chasid Umot Olam), who brings proof from Yad Vashem that he is recognized as such, will receive a permanent residency status. All the above mentioned policies, in one way or another, have been relevant to non-Jewish believers residing today in Israel.

It is obvious that Israel is an attraction to many non-Jewish Zionists from around the world, and therefore the information disclosed in this article is very important. For years there have been many Zionists who have entered and exited Israel as tourists every three months, and thereby have

managed to live in Israel for many years. Lately though, the Ministry of Interior has been preventing this phenomenon, and these people are surprisingly being deported from Israel even as they enter the borders. Even though it has been happening for years, this never has been an ideal situation. People who intend to visit Israel for a longer term than as a tourist should request to receive a volunteer visa, a work visa, a student visa or a clergy visa.

It is also important to note that, from our experience, temporary and permanent status is usually granted through an upgraded process, after which, the person requesting such a status has already resided in Israel for many years with one of the abovementioned valid visas, with the B-1 work visa being the most efficient. In the policy which regulates the granting of an A-5 temporary visa, the applicant is required to present an approval from his workplace, whereby it is derived that the applicant had a work permit prior to his application for temporary residency. The policy that regulates the granting of permanent residency requires that the person applying is already a temporary resident.

The **Law of Citizenship**, which regulates the granting of citizenship to non-Jews, indicates that the person applying for citizenship must be a permanent resident. In light of the above, even though there is no immigration law that applies to non-Jews, a non-Jew can immigrate into Israel through the back door. There are many non-Jewish believers who are Israeli citizens and who have received their citizenship through this upgraded process.

A student visa is a very convenient visa to receive. All the person needs to do is to apply through one of the recognized higher educational institutions in Israel and thereafter receive this student visa through the Ministry of Interior, which can be extended each year for as long as this person is studying.

A volunteer visa is given by the Ministry of Interior only after the Ministry of Welfare grants a recommendation to the Ministry of Interior. This recommendation by the Ministry of Welfare is given to any non-profit entity in Israel that is positively advancing any social type of work. There are hundreds of Christians from around the world who stay in Israel as volunteers in various non-profit institutions and Kibbutzim every year. Unfortunately, there are many *amutot* (non-profit/charitable organizations) managed by Christians and/or Messianics in Israel that are not requesting these visas, even though they are entitled to receive such recommendations, the same as any other non-profit entity in Israel.

A clergy visa is given to religious staff of the various recognized religions in Israel. There are various Christian denominations that are receiving these visas, such as the various streams within the Orthodox, Catholic and Protestant denominations. The quota of these visas is limited to the existing religious recognized denominations. It is very difficult to receive such recognition as a non-denominational Christian church that desires to operate in Israel.

As mentioned above, the most efficient and simple visa to receive in Israel as a non-Jew is a **B-1 work visa**, and therefore, I wish to bring to your attention various feasible ways to receive work visas in a pretty sure way:

The Ministry of Trade and commerce is responsible for approving workers in Israel. There are several kinds of workers in Israel, such as in the fields of caretakers and construction workers and most of these visas are given to people from the Philippines and the Far East.

Another work visa that is relevant to any person and that is given without limitation is a **B-1 foreign expert visa**. This visa is given to any person, providing that this person meets the requirements

prescribed by the Ministry of Trade and Commerce, the main requirement being that this person receives, in gross, double of the average salary of an Israeli. This person can be self employed, an owner of a private company in Israel, or employed by a company registered in Israel or abroad that can pay him a sum of around 14,000 NIS. This person's wife and children receive a long term tourist visa which will be extended for five years, which is as long as the foreign expert worker's visa is valid.

Another way to receive a work visa in Israel is by working for an **International Aid Agency** providing assistance to the Palestinian Territories. As of today, there are approximately 80 such agencies, while there are many organizations who are not aware of this recognition. In order to receive this recognition, the organization needs to be registered abroad and needs to prove that it is advancing humanitarian work in various nations and that it is desirous of providing assistance also to the Palestinian territories. This recognition is given to organizations that are located and active in Israel, but are also active to some extent in the Palestinian Territories. There are many Christian organizations in Israel struggling with a shortage of visas for their staff that could easily broaden their scope of visas by receiving this recognition.

We really appreciate our Christian friends from around the world who come to stay in Israel for various periods of time to support the Jewish state and work together with us to advance charity and justice among our people. As said by the prophet Isaiah: *“And foreigners who bind themselves to the LORD to serve him, to love the name of the LORD, and to worship him...these I will bring to my holy mountain and give them joy in my house of prayer. Their burnt offerings and sacrifices will be accepted on my altar; for my house will be called a house of prayer for all nations.”*



Mike Decker is currently working at the law offices of Yehuda Raveh & Co. Mike also serves as senior legal activist at the Jerusalem Institute of Justice.

For further inquiries regarding the issues mentioned in this article, please do not hesitate to contact Mike Decker personally at; decker@yraveh.co.il.

This article was reprinted from Israel Today (published 12/6/2007) by permission of the author.