



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Israel/Palestine: Whether a child automatically gains Israeli citizenship when only one of his/her parents is an Israeli citizen; whether it matters that the parent who is an Israeli citizen is the mother, rather than the father; whether the other parent's nationality matters; whether the child's place of birth (i.e. occupied territories, specifically Hebron) matters; if the child does not gain citizenship automatically, the procedures that must be followed in order for him/her to obtain Israeli citizenship

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According to Israel's initial report that was submitted to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR),

All persons, regardless of religion or ethnicity, who are born in Israel - and, in most cases, also outside Israel - to a parent who is an Israeli citizen automatically are citizens themselves. In general, non-Jews can attain citizenship through birth, residence, or naturalization, while Jews attain citizenship primarily by birth or by return. The main difference between Jews and non-Jews in this regard relates to foreign nationals residing abroad who wish to come to Israel and to become citizens. In any case, the *manner* in which persons become Israeli citizens does not affect in any way the scope of their rights and privileges deriving from citizenship, such as the right to vote and be elected, or the right to hold public office (9 Apr. 1998, par. 48).

For the full text of the section on nationality in the above-cited report, please refer to the attached excerpt.

According to Israel's second periodic report to the United Nations Human Rights Committee, the right to Israeli citizenship as described above continues to stand true (4 Dec. 2002, par. 17).

According to a representative of the Israeli embassy, in Ottawa, a child who is born outside of Israel, including in Hebron and the occupied territories, if the mother or the father is an Israeli citizen, automatically gains Israeli citizenship (25 Apr. 2003). The other parent's nationality does not matter when one parent has Israeli citizenship (Israel 25 Apr. 2003).

In 2001, the Palestinian Society for the Protection of Human Rights and the Environment (LAW) prepared a position paper for the World Conference Against Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance, in Durban, South Africa, in August to September 2001. The position paper was entitled *Ending the Ongoing Nakba: Israel's Brand of Apartheid, Colonialism and Other Extreme Forms of Racism*, and, on the issue of citizenship, it stated the following:

National identity is the main factor in deciding the acquisition of citizenship in Israel. All Jews seeking citizenship may do so under the 1950 Law of Return, even if they were not born in Israel or have any immediate family there. This also applies to their children and grandchildren, as well as spouses thereof, even if the children, grandchildren and spouses are not Jewish themselves. Whilst indigenous Palestinian non-Jews are not automatically granted citizenship, and must apply for this under the Citizenship Law, and if outside Israel may not be granted rights of return. Accordingly, any Jew

acquires immediate citizenship through immigration as opposed to non-Jewish indigenous Palestinians. (Aug.-Sept. 2001).

In an earlier 2001 report entitled *The Dormant Right: The Continuing Violation of the Right of Return*, LAW stated that, under the Israeli Law of Return,

... a member of "the Jewish people" who is born anywhere in the world has a right to immigrate to Israel where he automatically becomes an Israeli citizen upon arrival, and is granted full rights within the State. Under the same law, a Palestinian Moslem or Christian who was born in the country, or who is the child of a person born in the country, has no right to return (Jan. 2001).

The full text of Israel's 1950 Law of Return and its amendments have been attached to this Response.

For additional information on the acquisition of Israeli citizenship, please refer to the attached document obtained from the Israel Ministry of Foreign Affairs Website, entitled "Acquisition of Israeli Nationality."

According to LAW, policies such as the one on the acquisition of Israeli citizenship by Palestinians are "designed to obliterate the separate Palestinian identity and replace it with that of another group - a Jewish Israeli identity" (Aug.-Sept. 2001). Other methods that aim to achieve this purpose include the "displacement/forced exile" and "attempts to 'clear out' Palestinians ... from their homeland" (LAW Aug.-Sept. 2001).

In East Jerusalem, for instance, "all Israeli successive governments have made great efforts to reduce significantly the number of Palestinians residing [there], to assure Israeli sovereignty, a Jewish majority" (ibid.). The government has adopted "a 'centre of life' policy" aimed at depriving Palestinians of their rights of residency (ibid.); that is, "[i]f a person has been out of Jerusalem overseas for more than 7 years for whatever reason (including their forcible deportation) or moves from Jerusalem to another part of the West Bank for any reason they lose their residency rights and social benefits (and accordingly lose their right to live in Jerusalem forever)" (ibid.). Reportedly, "[u]nlike the rest of the Occupied Territories, Israeli laws apply to East Jerusalem" (ibid.).

In August 2000, Saudi Arabia criticized Israel for "offering citizenship to Palestinians in Jerusalem" (CNN 21 Aug. 2000). According to the Saudi Press Agency, the Saudi Arabian cabinet views this offering of citizenship as an attempt by the Israeli government to "increase the number of Israelis at the expense of Arabs and using that in negotiations over Jerusalem" (ibid.). Around the same time, "Jerusalem's top Moslem cleric renewed a religious edict prohibiting Palestinians in East Jerusalem from seeking Israeli citizenship" (ibid.).

According to CNN, "Israel captured East Jerusalem in the 1967 Middle East war and annexed it in a move not recognized internationally" (ibid.). Since 1967, 1,200 Palestinians from East Jerusalem have reportedly received Israeli citizenship (ibid.). However, Israeli law prohibits Palestinians in East Jerusalem from having dual citizenship (ibid.).

In August 2002, the Israeli interior minister announced plans to strip Israeli Arabs involved in terrorist activities of their Israeli citizenship (*The Age* 7 Aug. 2002; IslamOnline.net 8 Aug. 2002; *The Guardian* 7 Aug. 2002). Israel's foreign minister, Shimon Peres, criticized these plans (*The Age* 7 Aug. 2002; *The Guardian* 7 Aug. 2002).

Defending his decision, the interior minister stated that a 1952 law "gives him the power to cancel the citizenship of 'anyone who has committed an act which constitutes a breach of trust with the state of Israel'" (ibid.). According to one news article, the interior minister reportedly "[gave] orders to the State Attorney's office to prepare a list of 1948 Israeli Arabs allegedly involved in Palestinian resistance attacks against Israel, with the ultimate aim of stripping them of the Israeli citizenship" (IslamOnline.net 8 Aug. 2002). The list included the names of "high-ranking Palestinian officials," including Palestinian Legislative Council member, Dr. Hanan Ashrawi (ibid.). *The Age* quoted the interior minister as saying: "'[i]f I can prevent just a single attack in which a single Jew is killed, then it is worth stripping the citizenship of 10 (Israeli Arabs) and more'" (7 Aug. 2002).

One month later, in September 2001, Israeli's interior minister revoked the citizenship of an Israeli Arab accused of being a member of the Hamas military wing and with "driving a suicide bomber to the Israeli town of Kfar Saba in April 2001" (CNN 9 Sept. 2002).

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 to refugee status or asylum.

References

The Age [Melbourne]. 7 August 2002. Ross Dunn. "Israel to Strip Arabs with Terror Links of Citizenship." <<http://www.theage.com.au>> [Accessed 24 Apr. 2003]

CNN. 9 September 2002. "Israel Revokes Israeli Arab's Citizenship." <<http://www.cnn.com/2002/WORLD/meast/09/09/citizenship.revoked>> [Accessed 24 Apr. 2003]

_____. 21 August 2000. "Saudi Arabia Blasts Israel for Citizenship Offer." <<http://www.cnn.com/2000/WORLD/meast/08/21/mideast.saudi.reut/>> [Accessed 24 Apr. 2003]

The Guardian [Manchester, UK]. 7 August 2002. Jonathan Steele. "Israel to Strip First Arabs of Citizenship." <<http://www.guardian.co.uk/international/story/0,3604,770191,00.html>> [Accessed 24 Apr. 2003]

IslamOnline.net. 8 August 2002. Ahraf Salfity. "Israel to Strip Hanan Ashrawi of Citizenship." <<http://www.islam-online.net/english/news/2002-08/08/article20.shtml>> [Accessed 24 Apr. 2003]

Israel. 25 April 2003. Embassy of Israel, Ottawa. Telephone interview with an embassy representative.

The Palestinian Society for the Protection of Human Rights and the Environment (LAW). August - September 2001. *Ending the Ongoing Nakba: Israel's Brand of Apartheid, Colonialism and Other Extreme Forms of Racism*. <<http://www.lawsociety.org/Apartheid/palngo.htm>> [Accessed 24 Apr. 2003]

_____. January 2001. *The Dormant Right: The Continuing Violation of the Right to Return*. <<http://www.lawsociety.org/Reports/reports/2001/dormintro.html>> [Accessed 24 Apr. 2003]

United Nations (UN). 4 December 2002. Human Rights Committee. *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Israel*. (CCPR/C/ISR/2001/2) <<http://www.unhchr.ch>> [Accessed 25 Apr. 2003]

_____. 9 April 1998. Human Rights Committee. *Initial Report of States Parties Due in 1993: Israel*. (CCPR/C/81/Add.13) <<http://www.unhchr.ch>> [Accessed 25 Apr. 2003]

Attachments

Israel. n.d. *Israel's Law of Return*. (France, Ministry of Culture and Communication, Citizenship Project.) <<http://www.culture.fr/entreelibre/Laurette/country/israel.txt.html>> [Accessed 24 Apr. 2003]

_____. 1999. Ministry of Foreign Affairs. "Acquisition of Israeli Nationality." <<http://www.israel.org/mfa/go.asp?MFAH00mz0>> [Accessed 24 Apr. 2003]

United Nations (UN). 9 April 1998. Human Rights Committee. *Initial Report of States Parties Due in 1993: Israel*. (CCPR/C/81/Add.13) <<http://www.unhchr.ch>> [Accessed 25 Apr. 2003]

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