

Unofficial translation

Israel Nationality Law 1952 with amendments

PART I - ACQUISITION OF NATIONALITY

1. Preliminary

Israel nationality is acquired: By return (section 2); by residence in Israel (section 3); by birth (section 4); by birth and residence in Israel (section 4A); by naturalization (sections 5 to 8) or by grant (section 9). There shall be no Israel nationality other than under this Law.

2. Nationality by return

(a) Every "**oleh**" (i.e.: **Jewish immigrant**) under the Law of Return, 5710-1950, shall become an Israel national by return unless Israel nationality has been conferred on him by birth under section 4.

(b) Israel nationality by return is acquired:

(1) by a person who came as an "oleh" into, or was born in, the country before the establishment of the State, with effect from the day of the establishment of the State;

(2) by a person having come to Israel as an "oleh" after the establishment of the State, with effect from the day of his "**aliyah**" (i.e.; **immigration to Israel**)

(3) by a person born in Israel after the establishment of the State with effect from the day of his birth;

(4) by a person who has received an "oleh" certificate under section 3 of the Law of Return, 5710-1950, with effect from the day of the issue of the certificate.

(c) This section does not apply:

(1) to a person having ceased to be an inhabitant of Israel before the coming into force of this Law;

(2) to a person of full age who immediately before the day of his aliyah or immediately before the day of the issue of his oleh's certificate was a foreign national and who, on or before that day or within three months thereafter and while still a foreign national declares that he does not wish to become an Israel national; a person as aforesaid may, by written notice to the Minister of the Interior, waive his right to make a declaration under this paragraph;

(3) to a minor of foreign nationality born outside Israel whose parents have made a declaration under paragraph (2) and included him therein; for this purpose, a declaration by one parent shall be sufficient if the written consent of the other parent has been attached thereto or if the declarant is entitled to have sole possession of the minor;

(4) to a minor of foreign nationality born outside Israel who comes to Israel as an oleh without his parents and whose parents, immediately before his aliya or on or within three months from the day of his aliya or the day of his receipt of an oleh's certificate, declare in writing that they do not wish him to become an Israel national, provided that on the day of the declaration the parents are not Israel nationals; for the purposes of this paragraph, a declaration by one parent is sufficient if he or she has sole possession of the minor;

(5) to a person born in Israel neither of whose parents was registered in the Population Register at the time of his birth;

(6) to a person born in Israel after the establishment of the State to a diplomatic or consular representative of a foreign state, other than an honorary representative;

(d) An Israel resident on whom Israel nationality has not been conferred by reason of a declaration under subsection (c)(3) may, in the period between the eighteenth birthday and his twenty-second birthday or within one year from the termination of his regular service under Chapter Three of the Defense Service Law (Consolidated Version), 5719-1959, whichever period ends last, notify the Minister of the Interior that he cancels the declaration made by his parents in relation to him, and he shall be an Israel national by return from the date of the notification.

(e) Where a person has expressed his desire to settle in Israel, being a person who has received, or is entitled to receive, an *oleh's* visa under the Law of Return, 5710-1950, the Minister of the Interior may at his discretion, grant him, upon his application, nationality by virtue of return even before his *aliya*.

(f) The Minister of the Interior may accept a declaration under paragraph (2) or (4) of subsection (c) made within a period of three months after the expiration of the three months referred to in those paragraphs if it appears to him that the delay in making the declaration was due to causes over which the declarant had no control.

(g) The Minister of the Interior shall notify a resident of Israel on whom Israel nationality was not conferred by reason of a declaration under subsection (c) (3) or (4) of his right to cancel the declaration under subsection (d), but non-receipt of the notification shall not derogate from the provision of subsection (d). The time and manner of making the notification shall be prescribed by regulations.

3. Nationality by residence in Israel

(a) A person who, immediately before the establishment of the State, was a Palestinian citizen and who does not become an Israel national under section 2, shall become an Israel national with effect from the day of the establishment of the State if:

(1) he was registered on the 4th Adar, 5712 (1st March 1952) as an inhabitant under the Registration of Inhabitants Ordinance, 5709-1949; and

(2) he is an inhabitant of Israel on the day of the coming into force of this Law; and

(3) he was in Israel, or in an area which became Israel territory after the establishment of the State, from the day of the establishment of the State to the day of the coming into force of this Law, or entered Israel legally during that period.

(b) A person born after the establishment of the State who is an inhabitant of Israel on the day of the coming into force of this Law, and whose father or mother becomes an Israel national under subsection (a), shall become an Israel national with effect from the day of his birth.

3A. Extension of nationality by residence to additional categories of persons

(a) A person born before the establishment of the State shall be an Israel national by residence in Israel from the date of the coming into force of the Nationality (Amendment No. 4) Law, 5740-1980 (hereinafter referred to as "the date of the 5740 amendment") if he meets the following requirements:

(1) He is not a resident of Israel by virtue of any other provision of this Law;

(2) he was a Palestinian citizen immediately before the establishment of the State;

(3) on the 21st Tammuz, 5712 (14th July, 1952), he was a resident of Israel and was registered in the Register of Inhabitants under the Registration of Inhabitants Ordinance, 5709-1949;

(4) on the date of the 5740 amendment, he was a resident of Israel and was registered in the Population Register;

(5) he is not a national of one of the states mentioned in section 2A of the Prevention of Infiltration (Offences and Jurisdiction) Law, 5714 1954.

(b) A person born after the establishment of the State shall be an Israel national by residence in Israel from the date of the 5740 amendment if he meets the following requirements:

(1) He is not an Israel national by virtue of any other provision of this Law;

(2) on the date of the 5740 amendment, he was a resident of Israel and was registered in the Population Register;

(3) he is a descendant of a person who meets the requirements of paragraph (1) to (3) of subsection (a).

4. Nationality by birth

(a) The following shall, from the date of their birth, be Israel nationals by birth:

(1) a person born in Israel while his father or mother was an Israel national;

(2) a person born outside Israel while his father or mother was an Israel national

(a) by return;

(b) by residence in Israel;

(c) by naturalization;

(d) under paragraph (1);

(e) by adoption according to section 4B(1).

(b) For the purposes of this section, where a person is born after the death of one of his parents, it shall suffice if that parent was an Israel national at the time of his or her death

4A. Nationality by birth and residence in Israel

(a) A person who was born after the establishment of the State in a place which was Israel territory on the day of his birth, and who has never had any nationality, shall become an Israel national if he applies for it in the period between his eighteenth birthday and his twenty-first birthday and if he has been an Israel resident for five consecutive years immediately preceding the day of the filing of his application.

(b) Where a person who has filed an application under subsection (a) meets the conditions set out in that subsection, the Minister of the Interior or a person empowered by him in that behalf shall grant the application: Provided that he may refrain from granting the application if the applicant has been convicted of an offence against the security of the State or has been sentenced to imprisonment for five years or more for another offence.

(c) Nationality under this section is acquired from the day of the grant of the application.

4B. Nationality by adoption

(a) A minor will be an Israel national by adoption from the day of his adoption if one of the following conditions are fulfilled:

- (1) He was adopted by Children's Adoption Law 1981 while his adoptive father or mother had an Israel nationality.
- (2) He was adopted out of Israel when his adopted father or mother was an Israel national by sections a-e I para 4 (a) (2) and as long as the adopters were not an Israel residents in the day of adoption and both adoptive parents gave their consent.

5. Naturalization

(a) A person of full age, not being an Israel national, may obtain Israel nationality by naturalization if:

- (1) he is in Israel, and
- (2) he has been in Israel for three years out of the five years immediately preceding the day of the submission of his application; and
- (3) he is entitled to reside in Israel permanently; and
- (4) he has settled, or intends to settle, in Israel; and
- (5) he has some knowledge of the Hebrew language; and
- (6) he has renounced his nationality or has proved that he will cease to be a foreign national upon becoming an Israel national.

(b) Where a person has applied for naturalization, and he meets the requirements of subsection (a), the Minister of the Interior, if he thinks fit to do so, shall grant him Israel nationality by the issue of a certificate of naturalization.

(c) Prior to the grant of nationality, the applicant shall make the following declaration: "I declare that I will be loyal national of the State of Israel".

(d) Nationality is acquired on the day of the declaration.

6. Exemption from conditions of naturalization

(a)(1) A person who has served in the regular service of the Defense Army of Israel or who, after the 16th Kislev, 5708 (29th November, 1947) has served in some other service which the Minister of Defense, by declaration published in Reshumot (i.e.; records), has declared to be military service for the purposes of this section, and who has been properly discharged from such service; and

To the issue of this section a person will be seen as one who completed 18 months of full service even if he was released before that due to illness, deterioration of illness or injury that happened while he was in service and because of service, as it is stated in the Disabilities Law of 1959, or due to injury that happened during service and where the Disabilities Law applies under the condition of it being caused by his severely negligent behavior as applies in section 9 to the Disabilities Law.

(C) Despite the above, a sub-section instruction (a) will not be applied: (1) if he was released from his service due to being convicted in trial or because of not being fit for service (2) the Minister of Interior stated in general or in a specific case, that due to other circumstances such termination is justified.

(2) A person who has lost a son or daughter in such service, are exempt from the requirements of section 5 (a), except the requirement of section 5 (a) (4).

(b) A person applying for naturalization after having made a declaration under section 2 (c) (2) is exempt from the requirement of section 5 (a) (2).

(c) A person who immediately after the establishment of the State was a Palestinian citizen is exempt from the requirement of section 5 (a) (5).

(d) The Minister of the Interior may exempt an applicant from all or any of the requirements of sections 5 (a) (1), (2), (5) and (6) if there exists in his opinion a special reason justifying such exemption.

(e) The Minister of the Interior may, at his discretion, grant Israel nationality by naturalization to a resident of full age of a zone occupied by the Defense Army of Israel who has applied for naturalization, even though he may not meet the requirements of section 5(a), if the Minister is satisfied that the applicant identifies with the State of Israel and its objectives and he or a member of his family has performed a significant act to further the security or economy or some other important interest of the State or that the grant of nationality as aforesaid is of especial interest to the State.

7. Naturalization of husband and wife

The spouse of a person who is an Israel national or who has applied for Israel nationality and meets or is exempt from the requirements of section 5 (a) may obtain Israel nationality by naturalization even if she or he does not meet the requirements of section 5 (a).

8. Naturalization of minors

(a) The naturalization of a person confers nationality also on his minor child who is an Israel resident or a resident of a zone occupied by the IDF, and of whom he is entitled to have possession, on the day of the naturalization.

(b) Where the minor is a foreign national and both his parents are entitled to have possession of him but only one of them has become naturalized, nationality shall not be conferred upon the minor under subsection (a) if one of the parents declares that he does not wish him to become an Israel national.

9. Grant of nationality

(a) The Minister of the Interior may grant Israel nationality by the issue of a certificate and with effect from the date prescribed in the certificate

(1) to a minor who is a resident of Israel upon the application of this parents;

(2) to a minor child of an Israel national under section 4 (a) (2) - upon the application of his parents;

(3) to any such child of an Israel national under section 4 (a) (2) as had his Israel nationality terminated under section 10 while a minor - on application made by him to the Minister between his eighteenth and his twenty-second birthday.

(4) To the resident of Israel who is situated in Israel, where the Minister is convinced that the person is identified with Israel and its goals, and his or his family member served in active service in the IDF or acted truly for the sake of promoting security, finance or other important state matter, or that granting nationality is in the special interest of the state. In this paragraph "A family member" i.e.: spouse, parent, son/daughter or brother/sister.

(b) For the purposes of paragraphs (1) and (2) of subsection (a), application by one parent shall be sufficient if that parent has sole possession of the minor.

PART II - LOSS OF NATIONALITY

10. Renunciation of nationality

(a) An Israel national of full age, not being a resident of Israel, may declare in writing that he renounces his nationality.

(b) An Israel national of full age who notifies that he wishes to cease being a resident of Israel may declare in writing that he renounces his nationality.

(c) Where a minor born outside Israel had Israel nationality conferred on him by birth, his parents may declare in writing that they renounce his nationality, provided that on the date of the declaration the parents and the minor are not residents of Israel. For the purposes of this subsection, a declaration by one parent shall be sufficient if that parent has sole possession of the minor and it shall be sufficient that only that parent and the minor are not residents of Israel.

(d) Where a minor born in Israel before the date of the 5740 amendment had Israel nationality conferred on him by return and on the day of his birth his parents were not Israel nationals and were not registered in the Population Register, his parents may declare in writing that they renounce his nationality, provided that on the date of the declaration the parents and the minor are not residents of Israel. For the purposes of this subsection, a declaration by one parent shall be sufficient if that parent has sole possession of the minor and it shall be sufficient that only that parent and the minor are not residents of Israel.

(e) Renunciation of nationality under this section shall require the consent of the Minister of the Interior, and if the Minister consents to the renunciation, nationality shall terminate on the date prescribed by him.

(f) Termination of the Israel nationality of a person of full age terminates also the Israel nationality of his or her minor child if the following requirements are met:

(1) The other parent also renounces her or his Israel nationality under this section or is not an Israel national and not a resident of Israel or has agreed in writing that the renunciation shall apply also to the minor, or the parent who has renounced his or her nationality has sole possession of the minor;

(2) the minor is not a resident of Israel or, in the case of renunciation under subsection (b), the notification referred to in that subsection says that the person making it wishes that the minor shall also cease to be a resident of Israel.

(g) Notwithstanding the provisions of subsection (f) the Minister of the Interior may, if he sees a special reason justifying it, prescribe that the Israel nationality of a minor shall not terminate under the said subsection.

(h) Where the minor has completed his sixteenth year, his Israel nationality shall not terminate under this section unless he has notified the Minister of the Interior in writing that he agrees to its termination.

10A. Renunciation in order to retain other nationality

The Minister of the Interior may, under special circumstances, consent to a declaration, by a resident of Israel of full age, of renunciation of Israel nationality conferred on him under section 2 (b) (2) or (4), provided that the renunciation is intended to preserve another nationality held by him. If the Minister consents to the renunciation, Israel nationality shall terminate on the date prescribed by him; he may prescribe that its termination shall be retroactive.

11. Annulment of nationality

(A) The Minister of the Interior may annul an Israel nationality of a person if it was considered to be proven that the nationality was obtained based on incorrect details and before three years have passed since the day the nationality was acquired.

(B) The court of administrative matters (in this para 'the court') may, to the request of the Minister of Interior, annul the Israeli nationality of a person if one of the following conditions applies:

1. the nationality was obtained on the basis of false information and at least three years have passed
2. the same person acted in a way that was disloyal to the state of Israel and only if – due to the annulment of the nationality – this person will not be left stateless. And if the person is rendered stateless, then the person will be given a license for settling in Israel as directed by the court.

In this para; "disloyalty to the state of Israel" i.e.; each one of the following;

- (a) terror act as defined by law "Terror financing law 2005", assistance or persuasion to do so, or taking an active part in a terror organization as defined by law
- (b) an act that is an actual betrayal by section 97-99 to "Penal Code" or a severe espionage by section 113 to the Penal Code.
- (c) Acquiring nationality or the right to permanent residence in a country or territory that is specified in the annex to this law.

(C) A request will not be submitted via B (2) except with the written consent of the Attorney General of the Government

(D) According to the procedures by this section, the discussion will take place in front of the citizen which matter was being dealt with unless the person was being summoned by law and was not present on the appointed time and if the court thought that having the discussion without the person because a miscarriage of justice.

(E) By the procedures in this section the court may – with reasons below – derive from the evidence law and to accept evidence without the presence of the person or without revealing it to him. If the court – after hearing the evidence – was convinced it would compromise the security of the state or its foreign relations. And if not revealing it is justified. Then the court may – before it takes a decision – take a look at the evidence and hear explanation without the presence of the person. The court shall decide to accept evidence that is not to be revealed. He may order the passing of the essence of the evidence without hurting the security of the country to the person or his appointed person. A discussion by this section will take place behind closed doors unless the court decides differently.

(F) If the court decides to annul the nationality of a person then the nationality will be annulled on that date. And the person will not be able to appeal the verdict. The court may decide the date to be at a later stage.

(G) The Minister of Justice may determine amendments to the procedural rules of this section of the law.

(H) The minister of the interior will nominate a committee with a former judge or a person able to be nominated as police commissioner that will advise the minister on matters of deciding or requesting of applicants in this section.

(I) The Minister confirmed by the interior committee and the environmental protection committee of the Knesset may make changes to the annex.

The power of a court to annul nationality

11 A (a) If a person was convicted in a felony and the court determined that the felony is an actual terror act, the prohibition in terror financing-2005, or was convicted by the felonies by sections 97-99, 101, 112 or 113 (b) to the penal code-1977, the court may, to the request of the Minister of the Interior, to annul the Israel nationality in addition to any other punishment as long as the person will not be left stateless, and in the case he will be left stateless he will be given the right to reside in Israel according to the decision of the court. With regards to this section it is certain that anyone residing outside of Israel will not remain stateless.

11 B On the request of annulment of nationality and its actual annulment, as per this section, instructions section 11 G and F will apply with the necessary changes.

11 C The instructions on this section have no power to corrupt the authority of the Minister of the interior as per section 11(A).

12. Saving of liability

Loss of Israel nationality does not relieve from a liability arising out of such nationality and created before its loss.

PART III - FURTHER PROVISIONS

13. Interpretation

In this Law:

"of full age" means of the age of eighteen years or over or married even if under eighteen years of age;

"minor" means a person under eighteen years of age and not married;

"child" includes an adopted child, and "parents" include adopters;

"foreign nationality" includes foreign citizenship, and

"foreign national" includes a foreign citizen, but does not include a Palestinian citizen.

14. Dual nationality and dual residence

(a) Save for the purposes of naturalization, acquisition of Israel nationality is not conditional upon renunciation of a prior nationality.

(b) An Israel national who is also a foreign national shall, for the purposes of Israel law, be considered as an Israel national.

(c) An inhabitant of Israel residing abroad shall, for the purpose of this Law, be considered as an inhabitant of Israel so long as he has not settled abroad.

15. Certificate and registration

(a) An Israel national may receive from the Minister of the Interior a certificate attesting to his being an Israel national.

(b) The Israel nationality of a minor shall be indicated in his identity certificate unless he has requested that it shall not be so indicated.

16. Offence

A person who knowingly gives false particulars as to a matter affecting his own or another person's acquisition or loss of Israel nationality is liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds, or to both such penalties.

17. Implementation and regulations

(a) The Minister of the Interior is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation, including the payment of fees and exemption from the payment thereof.

(b) The Minister of Justice may make regulations as to proceedings in District Courts under this Law, including appeals from decisions of such Courts.

18. Repeal, adaptation of laws and validation

(a) The Palestinian Citizenship Orders, 1925-1942 are repealed with effect from the day of the establishment of the State.

(b) Any reference in any provision of law to Palestinian citizenship or Palestinian citizens shall henceforth be read as a reference to Israel nationality or Israel nationals.

(c) Any act done in the period between the establishment of the State and the day of the coming into force of this Law shall be deemed to be valid if it were valid had this Law been in force at the time it was done.

19. Commencement

(a) This law shall come into force on the 21st Tammuz, 5712 (14th July, 1952).

(b) Even before that day, the Minister of the Interior may make regulations as to declarations under section 2(c)(2).