

## **Handout 6a: Citizenship and Entry into Israel Law (2003)**

What is the status of non-Jews residing in areas of armed conflict with Israel who marry Israeli citizens? Can they obtain Israeli citizenship? Can they enter Israeli territory?

These questions arise primarily when Arab Israeli citizens marry Arabs from Arab countries, the West Bank, or Gaza and want their spouses to obtain citizenship and permission to enter the State of Israel and live there with them. Israeli citizenship can be obtained by virtue of marriage to an Israeli citizen, but the process is more complex than that afforded immigrants who qualify under the Law of Return.

Since 2003, the Citizenship and Entry into Israel Law (Temporary Order) has been extended and revised several times. The Law states that the Minister of Interior will not grant citizenship to residents of Judea, Samaria and Gaza or citizens of Iraq, Syria, Lebanon and Iran, nor will he issue them visas to enter or reside in Israel.

The Law allows the Minister to consider granting residence permits to applicants from these countries who are men over 35 or women over 25 and are married to Israeli citizens. Other exceptions include minors – to avoid separating them from their custodial parents who reside lawfully in Israel – and special humanitarian cases, for which the Minister may set up a committee to recommend whether or not to grant citizenship, or provide residency rights.

### **Homework:**

Do you think this law should be allowed to stand? Why or why not? Come up with a strong position on the issue and three concrete written arguments to back up your position. One or more of your arguments must employ evidence from the attached information about US citizenship and immigration policies. Read and be familiar with US immigration history, as it will come up in our next discussion.

## US IMMIGRATION HISTORY

### ***First 100 Years = Open Door Era***

- Right to citizenship
  - Free white persons of good moral character could become citizens after two years of residence; in 1800, the residency requirement was increased to five years. In 1870, blacks were made eligible for citizenship.
- Immigration Policy
  - No restrictions on immigration; 1<sup>st</sup> wave = Western Europeans (i.e. Irish, German); into 1860s, Southern and Eastern Europe; between 1840-1870, a total of 6.6 million immigrants came to the US.

### ***1875-1920 = First Exclusion Laws***

- Right to citizenship
  - Immigrants needed to know English
- Immigration Policy
  - Federal laws began to bar or limit immigration of particular groups into the country (due to popular opposition to it)
  - Chinese Exclusion Act of 1882 suspended immigration of all Chinese workers and broadened range of inadmissible aliens (lunatics, idiots, compulsively poor, contagiously sick, polygamists)
  - Anarchists were excluded in 1903
  - Literacy requirement for immigration

### ***1921-1942 = National Origins Quota***

- Right to citizenship
  - Racist policies re-affirmed; Japanese could not meet definition of white; sometimes Indians couldn't either
- Immigration Policy
  - Quota Law of 1921 imposed numerical limits on immigration; overall cap at 350,000 per year; cap for any country to 3% of that country's 1910 USA population;
  - By 1924, the overall cap was 165,000; and 2% of the 1890 figure.
  - From 1929 to 1952, overall immigration was capped at 150,000 and quota based on 1920 ratio; immigrants from the Western Hemisphere were exempt.

### ***1942-1965 = Quota System in Force; Most Asian Exclusion ends except Japanese***

- Right to citizenship
  - In 1943, the Chinese Exclusion Act was repealed and naturalization of Asians was allowed once again.
- Immigration Policy
  - Chinese were allowed to immigrate once again
  - In 1948, 200,000 refugees were allowed in
  - Japanese Americans suffered (internment during the war)
  - All racial restrictions (except Japanese) were lifted but quotas remained in effect

### ***1965-1986 = The Era of Liberalization***

- Right to Citizenship: see 2001 below
- Immigration Policy

- Quotas were eliminated; race, ancestry and national origin were eliminated as bases for immigration; rather a preference system was instituted that was based on immigrants' skills and family relationships with US residents; Caps were set at 170,000 but increased to 700,000 by 1990.
- Also 50,000 refugees were allowed to settle in the US per year

***1986-2001 = Continuing Liberalization while Dealing with Unauthorized Immigrants***

- Right to citizenship: see 2001 below
- Immigration Policy
  - The Amnesty Act of 1986 offered legal status to immigrants in the US since January 1982; 2.7 million illegal aliens became lawful permanent residents, At the same time, employers using illegal labor were subjected to punishment.

***2001-Present = Immigration Control and National Security***

- Right to citizenship
  - Lawful permanent residents of five years can apply for naturalization (they must display good moral character, knowledge of US history and government, high level of English competence, and more); 500,000-900,000 people obtain citizenship every year.
- Immigration Policy
  - The War on Terror gave the government new powers: Criminal background checks are conducted on visa and immigration applicants; any association with terrorists (or their families) will lead to entry being denied.
  - Current lawful permanent residence requirements to get a Green Card and live legally in the US (and get citizenship after five years)
    - FAMILY REUNIFICATION: no restrictions on immediate relatives (spouses, parents, children) = half the number of annual immigrants; other relatives can apply (i.e. siblings, etc.) but with restrictions (226,000 a year) = 25% of annual immigrants.
    - EMPLOYMENT-BASED PREFERENCE: People who possess an extraordinary ability, advanced degrees, are religious workers or who possess skills that are in short supply in the US have preference when seeking legal residency; individuals who commit to make large financial investments also have preference. Limit: 250,000 per year.
    - REFUGEES and ASYLUM SEEKERS: those fleeing persecution in their homelands based on race, religion, nationality, and certain group memberships can enter the US legally as refugees or asylum seekers.
    - DIVERSITY PROGRAM: The Green Card lottery offers 50,000 Green Cards per year to help keep the US population diverse.