

**NATIONALITY  
(AMENDMENT  
NO. 2) LAW,  
5728—1968\***

**1.** In section 1 of the Nationality Law, 5712-1952<sup>(1)</sup> (hereinafter referred to as "the principal Law"), the line "or by naturalisation (sections 5 to 9)" shall be replaced by the lines:

Amendment of  
section 1.

- "by birth and residence in Israel (section 4A)
- by naturalisation (sections 5 to 8) or
- by grant (section 9)"

**2.** In section 2 of the principal Law -

- (1) paragraphs (2) and (3) of subsection (c) shall be replaced by the following paragraphs:

"(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 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." ;

Amendment of  
section 2.

- (2) the following subsection shall be inserted after subsection (c) ;

"(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

his eighteenth birthday and his twenty-first birthday, declare that he wishes to become an Israel national, and from the day of his declaration he shall be an Israel national by virtue of return."

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3. The following section shall be inserted after section 4 of the principal Law :

Addition of section 4A.

<p>"Nationality by birth and residence in Israel.</p>	<p><b>4A.</b></p> <ul style="list-style-type: none"> <li>• (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.</li> <li>• (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.</li> <li>• (c) Nationality under this section is acquired from the day of the grant of the application."</li> </ul>
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4. Section 8 of the principal Law shall be replaced by the following section :

Replacement of section 8.

<p>"Naturalisation of minors.</p>	<p><b>8.</b></p> <ul style="list-style-type: none"> <li>• (a) The naturalisation of a</li> </ul>
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	<p>person confers nationality also on his minor child who is an Israel resident, and of whom he is entitled to have possession, on the day of the naturalisation.</p> <ul style="list-style-type: none"> <li>• (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 naturalised, 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." </li> </ul>
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**5.** Section 9 of the principal Law shall be replaced by the following section:

<p>"Grant of nationality to minors.</p>	<p><b>9.</b></p> <ul style="list-style-type: none"> <li>• (a) Where a minor who is not an Israel national is an Israel resident, the Minister of the Interior may, if he sees fit to do so, grant him Israel nationality ; if the minor is the child of an Israel national, the Minister of the Interior may grant him nationality even if he is not an Israel resident.</li> <li>• (b) Nationality under this section shall be granted upon the application of the representative of the minor, within the meaning of the Capacity and Guardianship Law, 5722-1962<sup>(2)</sup>.</li> <li>• (c) Nationality under this section is conferred by the issue of a certificate from the Minister of the Interior and with effect from the day prescribed by the Minister in the certificate."</li> </ul>
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Replacement of section **9**.

**6.** In section 10 of the principle Law -

Amendment of section **10**.

- (1) the words "Subject to the provisions of subsection (f) shall be inserted at the beginning of subsection (e)";

- (2) after the words "justifying it" in subsection (f), there shall be inserted the words "or if the minor has remained an Israel resident".

7.

- (a) Section 11 of the principal Law shall be replaced by the following section:

Replacement of section 11.

<p>"Annulment of nationality.</p>	<p><b>11.</b></p> <ul style="list-style-type: none"> <li>○ (a) Where an Israel national - <ul style="list-style-type: none"> <li>▪ (1) became an Israel national on the basis of false particulars; or</li> <li>▪ (2) has been abroad for seven consecutive years and has no effective connection with Israel, and has not proved that his effective connection with Israel was severed otherwise than by his own volition; or</li> <li>▪ (3) has committed an act constituting a breach of allegiance to the State of Israel,</li> </ul> <p>the District Court may, on the application of the Minister, annul his nationality.</p> </li> <li>○ (b) Where an Israel national who is abroad has not notified the Minister of the Interior, at the time and in the manner prescribed by regulations, that he wishes to remain an Israel national, such fact shall, for the purposes of subsection (a) (2), be <i>prima facie</i> evidence that he has no effective connection with Israel.</li> <li>○ (c) The Court may, upon the same application, decide that the annulment shall apply also to the minor child of the national if the minor is a non-resident.</li> </ul>
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	<ul style="list-style-type: none"> <li>○ (d) Israel nationality terminates on the day on which the judgment annulling nationality ceases to be appealable or on such later day as the Court may fix.</li> <li>○ (e) A person's nationality shall not be annulled under this section until the Court has given him a suitable opportunity to present his arguments."</li> </ul>
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## 8.

Commencement.

- (a) This Law shall come into force on the 9th Tishri 5729 (1st October, 1968).
- (b) The provisions of section 2 (c) (2) of the principal Law in the form enacted by this Law, shall apply to a person who immigrated as an *oleh* or received an *oleh's* certificate on or after the 9th Tishri, 5729 (1st October, 1968).

## 9.

Temporary provisions.

- (a) Where by reason of a declaration made by an Israel resident under section 2 (c) (2) of the principal Law before the coming into force of this Law, Israel nationality has not been conferred upon him -
  - (1) he may, in the period between the coming into force of this Law and the 12th Nisan, 5729 (31st March, 1969) give notice to the Minister of the Interior that he annuls such declaration ;
  - (2) the Minister of the Interior or a person empowered by him in that behalf may, in the same period, annul such declaration if it has been proved to his satisfaction that it was made erroneously.
- (b) A person whose declaration has been annulled under subsection (a) shall, notwithstanding anything provided in the principal Law, become an Israel national by virtue of return on the day of the annulment.
- (c) Annulment of a declaration under subsection (a) confers Israel nationality by virtue of return also upon a minor who was included in the declaration provided that on the day of the annulment he is still a minor and an Israel resident. Where the declaration by only one parent has been annulled, the provision of this subsection shall apply if that parent is entitled to have sole possession of the minor or if the other parent has given his

written consent.

- (d) An Israel resident on whom Israel nationality has not been conferred by reason of a declaration made under section 2 (c) (3) of the principal Law before the coming into force of this Law and who on the day of the coming into force of this Law has completed his 21st year may make the declaration referred to in section 2 (d) of the principal Law in the period between the coming into force of this Law and the 12th Nisan, 5729 (31st March, 1969).

LEVI                      YAAKOV S.  
ESHKOL                 SHAPIRO  
*Prime Minister*      *Minister of Justice*

SHNEUR ZALMAN  
SHAZAR  
*President of the State*

\* Passed by the Knesset on the 13th Av, 5728 (7th August, 1968) and published in *Sefer Ha-Chukkim* No. 538 of the 22nd Av, 5728 (16th August, 1968), p. 212 ; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 707 of 5727, p. 15.

<sup>(1)</sup> *Sefer Ha-Chukkim* of 5712, p. 146 - *LSI* vol. VI, p. 50; *Sefer Ha-Chukkim* of 5718, p. 84- *LSI* vol. XII, p. 99.

<sup>(2)</sup> *Sefer Ha-Chukkim* of 5722, p. 120 ; *LSI* vol. XVI, p. 106.

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NOTE: Section 5 sub-title double 'of' is present in the original text. Section 9 (c) misspelling of "annulment" is present in the original text.