

# Christian Couple Denied Entry to Israel but Finds Victory in Court

The Ministry of Interior refused to allow the entry into Israel of a Christian married couple who have served as tour leaders, bringing thousands of tourists to Israel in the past decades. A successful appeal to the Jerusalem Immigration Appeals Court overturned the decision.

Mr. and Mrs. Johnson (their names have been changed for the purposes of this article) are South African tour leaders who have been guiding pilgrimages in Israel for the last 20 years. Obviously, pilgrim groups coming to the Holy Land are an important source of income for the Israeli economy and help improve Israel's reputation abroad, especially if the group leaders are friends of Israel. Half of all tourists entering Israel are pilgrims who are here to visit historical holy sites.

The Ministry of Interior is aware of the importance of tourism and used to make concessions to make the life of travel agents and tour leaders coming into Israel easier. In the past, Ministry of Interior policy permitted foreign tour leaders to operate in Israel with a tourist visa, as long as the tour group is accompanied by a certified Israeli tour guide.

## **Refusal of Entry Into Israel**

The Johnsons have worked with Israeli tourism companies for decades. They accompanied hundreds of groups over this period and even rented an apartment in Jerusalem so that they would have a place to stay while guiding pilgrims. In 2015, suddenly and with no prior warning, they were both denied entry into Israel, each under a different pretext.

Border control officials argued that Mr. Johnson, in whose name the Jerusalem apartment was rented, meant to illegally settle in Israel. Mrs. Johnson, on the other hand, was refused entry on the grounds that her work as a tour guide was not properly certified. The couple made an internal appeal to the Population and Migration Authority at the Ministry of Interior, which decided to approve the renewal of their tourist visa, with the right to repeatedly re-enter Israel.

### **Information About Alleged Missionary Activity**

In early 2017, Yad L'Achim (a Jewish orthodox organization dedicated to maintaining religious and racial purity in Israel) sent a letter to the Ministry of Interior claiming that the Johnsons were engaged in missionary activity. Therefore, the Johnsons were summoned to an interview at the Ministry of Interior office. As a result, their request to extend their visa was refused. The internal appeal they filed was rejected, and they were ordered to leave Israel.

Thus, the couple—supporters of Israel whose livelihood depends on having permission to enter the Holy Land—had no choice but to turn to a law firm specializing in appealing Ministry of Interior decisions. Advocate Michael Decker submitted their appeal to the Appeals Court.

### **The Parties' Arguments to the Immigration Appeals Court**

Lawyers' representatives of the Ministry of Interior claimed that the Yad L'Achim organization provided information claiming that the appellants were missionaries, and that missionary activity is a criminal offense in Israel. According to the claim, the appellants were involved in converting Jews to Christianity

Moreover, the Ministry of Interior's own sources claimed that the appellants' center of life is in Israel, since they have been here for extended periods of time. Thus, the Johnsons either intended to illegally settle in Israel or have already

de-facto settled here

Representatives of the Ministry of Interior found it difficult to present actual proof of missionary activity. Therefore, they presented the secondary claim regarding the couple's center of life and suggested a possible compromise; the Johnson's tourist visa could be extended for six months, subject to depositing a bank guarantee. After the visa expired, the couple would have to apply for a work permit in Israel.

Advocate Decker, for the appellants, claimed:

The accusation of missionary activity was based on information from a rival tour guide and was, in fact, a false allegation submitted to Yad L'Achim in order to harm the livelihood of the petitioners.

Moreover, the Ministry of Interior had no proof that the couple engaged in missionary activity. Furthermore, there could be no proof—the couple focused their activities on work with Christian pilgrims; as such, they never guided groups of Jews. Thus, any preaching of Christian doctrine was aimed at Christian tourists. If a person really wants to engage in missionary activity in Israel (converting Jews to Christianity), then guiding pilgrims is the least effective course of action.

Also, since other tour leaders are not required to obtain a work permit, there is no reason the Johnsons would require one. This request was a backup “condolence prize” for the Ministry of Interior after their main accusation could not be proven.

Lastly, the Johnsons are South African citizens. They and their family members all reside in South Africa, and their wages come from foreign pilgrims, so their center of life is not in Israel by any definition. Therefore, there is no reason to require a work permit that is not required of other tour

leaders. The position of the Ministry of Interior is unfounded, and it needlessly harms both the appellants and the Israeli tourists, since the appellants will not be able to guide pilgrims who have already arrived in Israel.

### **Immigration Appeals Court Verdict: There Is No Basis for the Ministry of Interior's Claims**

Judge Menachem Pashititzky went straight to the heart of the matter when he asked whether the Ministry of Interior had proof that even a single Jew had converted to Christianity because of the appellants' activity. In addition, the judge emphasized to the legal representatives of the Ministry of Interior that in any case, missionary activity is not in itself forbidden in Israel. The law in Israel only prohibits granting favors or money to entice a person to convert and/or persuade minors to convert. Since the respondent did not have evidence of any conversions (due to the appellants concentrating on work with Christians), the Ministry of Interior's entire line of reasoning is baseless. The conclusion is that the Ministry of Interior rushed to conclusions that harmed the appellants on the basis of entirely invented, false claims.

Furthermore, his Honor agreed that the appellants' center of life is in South Africa, and that they have no intention of settling in Israel. Beyond the arguments' above, the allegation was disproven by common sense, the decades during which the appellants lived in South Africa and guided groups to Israel without settling here. In this context, the judge also noted that he did not understand the reasons for the change in the ministry's long-standing policy regarding the requirement for a work visa.

In conclusion, the judge ruled in favor of the appellants, since the respondent's decision was deemed unreasonable and disproportionate. The couple will receive a tourist visa by the end of 2018, subject to a bank deposit of NIS 30,000 in

order to ensure they do not illegally settle in Israel. They will need to apply for a work visa to continue working in 2019 and declare that they will not perform any missionary activity during their stay in Israel. {eo}

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