

Family Unification in the Occupied Palestinian Territories

In 1967, with the onset of the occupation, Israel held a census in the West Bank and the Gaza Strip. Ever since, with the exception of children under 16, a person who is not listed in the population registry is able, allegedly, to acquire residency status only through the family-unification procedure.

Although under the Oslo Accords the powers to administer the population registry in the Occupied Palestinian Territories (OPT) were officially transferred to the Palestinian Authority (PA), in fact, in all but exceptional cases, Israel prevents the unification of families in the OPT. Israel's policy is based on the conception that residents of the OPT are not entitled to family unification and any approval granted is merely an act of benevolence on Israel's part.

Israel's freeze policy is driven by external political considerations, is in violation of the occupier's obligations under international law, and leads to a substantive infringement of the rights of tens of thousands of Palestinians who wish to live with their families in the West Bank.

1967	Israel carries out a census in the West Bank and the Gaza Strip. Palestinians who are present in the OPT are recorded as permanent residents in the population registry.
1967	Israel allows residents of the OPT to submit family unification applications for first-degree relatives who have become refugees following the war, except for men aged 16-60 who are not permitted to return. In this framework, until 1973, of a total of 140,000 submitted applications, some 45,000 refugees have been allowed to return.
1973	Israel changes its policy and determines that family unification in the OPT is no longer possible, barring exceptional cases. Any further approvals are only "benevolent acts" on Israel's part.
1979	150,000 family unification applications are pending. Only a 1,000 or so applications are approved annually.
1983	For the first time, Israel determines that applications of residents of the OPT who married foreign residents, would be examined subject to two considerations: a. an administrative consideration – mostly as a bonus to reward collaborator families; rarely, also to wealthy Palestinians who pledge to invest in the OPT. b. humanitarian considerations in "highly exceptional and unique cases".

1989	Israel deports from the OPT over 200 women and children who waited in vain for the approval of their family unification applications, and whose applications to extend their visitor permits had not been answered.
5.6.1990	Following a petition to the High Court of Justice (HCJ) by human rights organizations, Israel formulates an arrangement under which women and children who were deported or left voluntarily in 1989 - because their applications to extend their visitor permits had not been answered – are now allowed to return. They would now each be granted "long term visitor" status in the OPT.
2.8.1990	Following the Gulf War, scores of Palestinian workers are expelled from Kuwait and the Gulf states. Many return to the OPT, with their wives and children who enter the West Bank by virtue of visitor permits valid for three months.
1991	Israel demands that the women and children who entered the West Bank and Gaza by virtue of visitor permits after June 1990, leave the OPT, including hundreds of workers' families who returned from the Persian Gulf, and have nowhere else to go. The state rejects the demand of human rights organizations to include these women and children in the "long term visitor" arrangement of June 1990.
26.11.1992	Following a series of HCJ petitions by HaMoked, concerning family unification in the OPT, Israel changes its policy and the "first HCJ population" comes into being: spouses of residents of the OPT, who entered between January 1, 1990 and August 31, 1992, receive long term visitor permits, as part of the family unification procedure.
22.8.1993	In response to HaMoked's petitions, Israel announces that, in view of the peace talks, it has decided to approve all family unification applications of those who belong to the first HCJ population. Israel also announces a set quota of 2,000 family-unification application approvals per annum.
2.2.1994	"The second HCJ population" – In response to HaMoked's petitions, Israel informs the Supreme Court that foreign residents who married residents of the OPT and were either present in or possessed visitor permits to the OPT in the period between August 31, 1993 and September, 1, 1992, would now receive "long term visitor" status.
24.9.1995	The Oslo Accords between Israel and the Palestinian Authority: - Marriage is officially accepted as grounds for family unification. - The powers to administer the population registry are transferred to the Palestinian Authority; approval of family unification applications and the issuance of visitor permits to foreigners remain under Israeli authority.
28.9.2000	At the outbreak of the second intifada, Israel freezes the processing of applications for visitor permits and family unification. The military commander declines to accept applications from the Palestinian Authority, and discontinues processing applications it has already received. Applications already approved, cannot be effectuated.

2006	With Hamas' rise to power, Israel announces a complete severing of relations with the Palestinian Authority, including on population registry issues.
2007	HaMoked submits dozens of petitions on behalf of individuals and on issues of principle against Israel's policy, which prevents Palestinian residents of the OPT from conducting family life, and living with their spouses and children therein. HaMoked demands, inter alia, that the military desist from refusing to process family unification application, accept applications for visitor permits and family unification from the Palestinian Authority, and accept marriage as a valid criterion for approval.
29.1.2008	Israel announces its decision to initiate a process towards the approval of a certain number of family-unification applications, as part of a "political gesture" towards the Abu Mazen administration. This only concerns applications on behalf of spouses who are already present in the OPT, by virtue of visitor permits.
2.10.2008	Of some 50,000 family-unification applications, which Israel had undertaken to consider as part of its "political gesture", around 32,000 were approved. Since the gesture was announced, Israel has refused to approve applications which do not appear on the lists sent in preparation for the gesture – including of those who would have been entitled to be registered under other arrangements, such as the first HCJ population, etc.
10.2.2009	The elections in Israel and the change of government bring about a complete stop of family-unification application approval, including those encompassed by the "gesture", and the complete freeze policy is thoroughly entrenched.