The Status of Palestinians in East Jerusalem – Timeline

With the occupation of the West Bank and the Gaza Strip in 1967, Israel annexed, in contravention of international law, those parts of Jerusalem which were under Jordanian rule from 1948, as well as other extensive West Bank areas near the city. The municipal jurisdiction of West Jerusalem was expanded to include these annexed areas. The annexed Palestinian neighborhoods and villages together became known as East Jerusalem, and the status of permanent Israeli residency was imposed upon their inhabitants. This measure clashed with Israel's aspirations, stated explicitly by successive Israeli governments, to fortify and consolidate its self-proclaimed sovereignty in Jerusalem by promoting and maintaining a Jewish majority in the city. Therefore, throughout the occupation, Israel has been pursuing a policy aimed at decreasing the number of Jerusalem Palestinians holding Israeli residency, a policy implemented in two ways: by reducing the number of those who are already considered residents of the city, and preventing by whatever means possible the addition of Palestinians to the city's population.

To limit the number of Palestinians who are considered residents of the city, Israeli authorities employ a policy which forces many to leave the city. This policy includes, among other things, severe restrictions on residential construction, budgetary discrimination, non-development of Palestinian neighborhoods, humiliation and abuse of Palestinians inhabitants and the placing of endless bureaucratic obstacles before the Palestinian population in their dealings with the authorities. A resident who leaves the city risks losing his or her status in Israel: Israeli law allows the Minister of Interior to revoke the permanent status of a person who stayed away from Israel for seven years or acquired foreign status. Israel does not hesitate to use this authority towards the Palestinian inhabitants of East Jerusalem.

To prevent the city's Palestinian population from growing, Israel employs a policy aimed at limiting as much as possible the number of applications for Israeli status it accepts and approves, filed on behalf of Palestinians from the OPT and neighboring countries who marry East Jerusalem residents, and these couples' children as well. Among others things, the Ministry of Interior follows complex and obscure procedures, massively delays handling such cases and refuses on various grounds as many applications as possible. This policy was exacerbated after the outbreak of the

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second intifada, with the enactment of the Citizenship and Entry into Israel Law (Temporary Order), 5763-2003, whose main purpose is to prevent residents of the OPT from receiving status in Israel through family unification with Israeli citizens and residents.

Following the Citizenship and Entry into Israel Law, East Jerusalem residents must contend with even more cumbersome bureaucratic procedures for family unification and child registration. Efforts to find loopholes in the draconian stipulations of the Law, coupled with the state's efforts to expand its application, have bred a patchwork of legal precedents and exceptions which only a few can fully comprehend. The fate of each man, woman and child is decided according to an endless web of legal sections, subsections, procedures and precedents; examinations of the family unification application submission date and the applicant's age at that time in relation to the enactment dates of the amendments to the Law, and so on. Within this tangle of legal complexities, the natural right of every person to family life is often trampled – a right which Israel is charged with upholding, under its own constitutional law and international law alike.

* Hereinafter, [H] signifies the link is to the original document in Hebrew.

11.6.1967	**Four days after the occupation of the West Bank, Israel decides to annex East Jerusalem to its territory** Prime Minister Levi Eshkol sets up a committee of cabinet ministers [H] tasked with devising the legal and administrative framework for regulating the status of "united Jerusalem". In order to determine the municipal limits of the annexed area, an inter-ministerial committee is formed, headed by General Staff Operations branch assistant head, Major-General Rechavam Ze'evi. After two weeks of deliberations, the decision is made to annex to Israel 70,000 dunams (70 sq. km.) of occupied territory located north, east and south of Jerusalem; these encompass the entire east city as demarcated under Jordanian rule (some 6 sq. km), as well as 30 villages and Palestinian refugee camps surrounding it. As a result of the annexation, the city of Jerusalem, which previously spanned an area of 38 sq. km, triples in size.
27.6.1967	**Israel imposes Israeli law on the annexed area and includes it in the Jerusalem Municipality jurisdiction area** The application of Israeli law to East Jerusalem is effected under an amendment to Law and Administration Ordinance, 5708-1948 (Sect. 11B), which stipulates that "the law, jurisdiction and administration of the State shall extend to any area of Eretz Yisrael [Land of Israel] designated by the

Government by order"; as well as under the Law and Administration Order (No. 1), 5727-1967 [H], issued pursuant to the amendment.

Simultaneously, the Knesset amends the Municipalities Ordinance (Sect. 8A), to enable the Minister of Interior to expand the jurisdiction of West Jerusalem without a lengthy and cumbersome procedure.

An occupying state's unilateral application of its laws to an occupied territory is not recognized in international law as a legitimate way of assuming sovereignty. On the contrary, one of the basic principles of international humanitarian law establishes that sovereignty cannot be transferred or altered as a result of use of force or threat to use force. Thus international law distinguishes between effective military control of an area, defined as occupation and being inherently temporary, as opposed to legitimate sovereignty.

In an attempt to prevent international opposition to the annexation, Israel tries to obscure its political significance. Ministry of Foreign Affairs Deputy Director General instructs Israeli diplomatic missions worldwide to highlight another law, enacted that same day, the Protection of Holy Places Law, 5727-1967, and advises them to present the annexation as "urban cohesion", which "arises from the desire to run the entirety of the city in a proper manner". Additionally, a Ministry of Foreign Affairs representative contacts the Prime Minister's Chief of Staff to suggest a municipal annexation to Nablus or Bethlehem of surrounding villages, once the Municipalities Ordinance is amended. This, the official explains, "in order to camouflage the main purpose" regarding East Jerusalem.

June-July 1967

The Ministry of Interior conducts a census in East Jerusalem

Some 60,000 Palestinians who are present in the occupied territory during the census and are registered in it, receive Israeli identity cards affording them the status of permanent residents in Israel. Permanent residents are entitled, at least in theory, to work and travel freely inside Israel, and also to all social security rights. Despite its literal meaning, it later turns out that this status is not permanent and may expire, inter alia, if its holder has been outside Israel for seven years or received some kind of permanent status in another country. Permanent residents may not vote for or be elected to the Knesset or hold official government positions; they cannot get an Israeli passport, only travel documents (laissez passer); and their children do not necessarily acquire permanent residency status automatically.

Residents of the annexed territory who were away for whatever reason during the census, lose their right to receive an Israeli identity card and their relatives must file a special application for family reunification.

For additional information on the East Jerusalem census from the Israel State Archives blog

July 1967 **The UN calls on Israel to cancel all East Jerusalem annexation measures**

The UN General Assembly deplores Israel's drive to annex East Jerusalem and adopts two resolutions announcing that all Israeli measures aimed at changing the city's status are invalid and calling on Israel to rescind them immediately.

Resolution 2253 (ES-V), July 4, 1967; Resolution 2254 (ES-V), July 14, 1967

The UN Security Council joins the condemnation in Resolution 252 of May 21, 1968, recalling the General Assembly resolutions and deploring Israel's failure to comply. The Security Council declares that "all legislative and administrative measures and actions taken by Israel… which tend to change the legal status of Jerusalem are invalid and cannot change that status". The Security Council bolsters its censure of Israel in Resolution 267, issued July 3, 1969.

1967-1991 **Israel implements the "open bridges" policy, allowing bi-directional traffic of people and commodities between the OPT and Jordan; unrestricted travel is allowed also between Israel, East Jerusalem and the rest of the OPT**

The "open bridges" policy seeks, inter alia, to encourage free travel by residents of the OPT, including East Jerusalemites, via the Jordan River bridges, in recognition of their need to stay and live abroad (especially Jordan) in order to study, work and maintain family ties. In this framework and for many years, East Jerusalem residents can travel to other countries, even for long periods of time, without any threat to their status, provided they return to Jerusalem from time to time to renew the exit permits issued to them before they first left.

At the same time, Israel removes the barriers between it and the OPT, including East Jerusalem, and allows free movement between the areas, pursuant to military proclamations of "general exit permits" [H] from the

West Bank and the Gaza Strip. This policy enables the renewal of family ties and the formation of new marriage ties between East Jerusalem residents and Palestinians from elsewhere in the West Bank and from Gaza. Residents from the OPT who marry East Jerusalem residents can live with them and their joint children in the city, without need to obtain special permits for the purpose. East Jerusalem residents who move to live in other parts of the West Bank do not need special permits to enter and leave the city, and many even continue to receive National Insurance Institute benefits they received before moving outside the municipal borders of the city.

August 1973

The Gafni Committee on "the development rates" for Jerusalem: a firm Jewish majority of 73.5% must be maintained in the city

The inter-ministerial committee, established at the instruction of Prime Minister Golda Meir, headed by Ministry of Finance Budget Director Arnon Gafni, and including a representative of the Jerusalem Municipality, is tasked with examining the "economic and social implications arising from alternative population rates in Jerusalem". The committee recommends [H], inter alia, that the "relative weight of the Jews and the Arabs as it was at the end of 1972" must be preserved, namely 73.5% Jews and 25.5% Palestinians. The government adopts the committee's recommendation.

In order to maintain the "demographic balance" in Jerusalem, Israel employs over the years various measures leading many Palestinians to move away from the city, among them land confiscation, restrictions on building and planning, administrative demolition of homes, systematic neglect and discrimination in service provision, infrastructure development, and allocation of budgets for education, culture, health, welfare and more.

For more on these issues, see, e.g., B'Tselem report, May 1995; OCHA report, March 2011

Additionally, Israel revokes the permanent residency status of Jerusalem Palestinians who live away from the city for several years (see December 1995), and imposes sweeping restrictions on the granting of Israeli status to Palestinians from elsewhere in the OPT and neighboring countries who marry East Jerusalem residents, and similarly to their joint children (see 31.7.2003).

18.7.1974

The Entry into Israel Regulations enter into effect pursuant to the Entry into Israel Law

Under Regulation 12 of the Entry into Israel Regulations, a child born in Israel to parents both of whom are permanent residents in the country, is entitled to receive his or her parents' status; if only one parent is an Israeli resident and the other is not, the child is entitled to receive the status of the Israeli resident parent (or guardian). In 1999, the High Court of Justice clarifies [H] that the purpose of this regulation is to prevent a disparity between the status of the child and that of his or her custodial parent with whom they live in Israel, in order to keep the family unit intact and safeguard the child's best interests.

Israeli law remains silent on the issue of status of children born to Israeli residents outside the country.

30.7.1980 **The Knesset enacts Basic Law: Jerusalem, Capital of Israel, imposing constitutional restrictions on the possibility of revoking the application of Israeli law to East Jerusalem**

The Law establishes that "Jerusalem, complete and united, is the capital of Israel" (Sect. 1). An amendment to the Law introduced in 2000 clarifies that for the purpose of this law, the jurisdiction of Jerusalem includes all of the area that was annexed to it in 1967 (Sect. 5), and that "No authority relating to the area of Jerusalem and given by law to the State of Israel or the Jerusalem Municipality may be transferred […] to a foreign body" (Sect. 6). It also stipulates that the two sections added as part of the amendment may only be modified by another Basic Law supported by at least 61 Members of Knesset.

20.8.1980 **The UN Security Council censures the enactment of Basic Law: Jerusalem, Capital of Israel and proclaims it null and void**

The UN Security Council adopts Resolution 478, pronouncing that the statutory proclamation of "complete and united Jerusalem" as the capital of Israel constitutes a violation of international law and does not affect the status of the residents of East Jerusalem as protected persons under the Fourth Geneva Convention. Following the Security Council resolution, states with diplomatic missions in Jerusalem move them to Tel Aviv.

29.7.1985 **The Minister of Interior amends the Entry into Israel Regulations so that permanent residency status "expires" if its holder has relocated to another country for seven years or more**

	Regulation 11A stipulates that a person will be considered as "having relocated to a country outside Israel", if he or she is absent from Israel for over seven years or acquired permanent status elsewhere.
5.6.1988	**The 'Awad judgment: The High Court of Justice rules that in the matter of revocation of Israeli status, East Jerusalem residents are like immigrants who entered the country voluntarily – their residency status may be revoked following a long stay abroad or the acquisition of foreign status** The judgment concerns a man from East Jerusalem whose permanent status in Israel was revoked following his naturalization in the US, where he relocated for his studies. The court rules that the law regulating the status of East Jerusalem residents is the Entry into Israel Law, 5712-1952 – an immigration law intended to regulate the entry of tourists to and the presence of immigrants in the country – and therefore this status may expire "of itself" if its holder moves to live outside of Israel for over seven years or acquires foreign status or naturalizes in another country. This despite the fact that the residents of East Jerusalem did not "enter" Israel as stipulated in the law. On the contrary: they are the original inhabitants of the city and Israel had "entered" their home. Commentary on this judgment
February 1991	**Israel issues a temporary order restricting the possibility of Palestinians from the OPT to enter the country and remain there** During the first intifada, Israel prohibits Palestinians from the OPT from leaving the area where they live in either the West Bank or the Gaza Strip, unless they possess a personal permit issued by the military commander. Initially permits of entry to Israel are issued with almost no restriction and for relatively long periods, but gradually Israel hardens its policy and the number of permit-owners drops. Palestinians from the OPT who choose to live with their spouses and families in Jerusalem without a permit are under a constant threat of deportation and many must live in secret. The cancelation of the general permits of exit from the OPT mark the beginning of the closure policy, reaching its apex in 1993.
March 1993 and on	**Israel imposes a sweeping closure on the OPT, hampering the ability to continue living together of couples in which one of the spouses is an East**

Jerusalem resident and the other is from the OPT. Therefore, many of them file for family unification, years after they got married

In response to lethal attacks against Israeli civilians and members of the security forces, the military cancels "until further notice" all individual permits of exit from the West Bank. In order to enforce the closure, Israel sets up checkpoints, some on the Green Line and some inside the OPT. By installing checkpoints Israel also separates East Jerusalem from the rest of the West Bank. Permits to enter Israel are given in small numbers and according to unknown criteria.

The new policy creates a new reality for couples one of whom is an East Jerusalem resident and the other is from the OPT; many must now apply for family unification in order to be able to live together in Jerusalem. In general, approval of the application is contingent on three criteria: proof that the marriage is genuine; proof of "center of life" in Israel; and the absence of a criminal or security disqualification for the presence in Israel of the spouse from the OPT. Despite that, the Ministry of Interior rejects as many applications as possible and on a variety of grounds. Thus, for example, until the first half of 1994, the Ministry of Interior examines only family unification applications filed by East Jerusalem men for their wives. Applications by East Jerusalem women are rejected outright. The Ministry of Interior justifies this policy by claiming that in Arab society it is customary for the woman "to follow her husband", and therefore there is no reason husbands should be given Israeli status.

March 1994

Following a petition to the High Court of Justice by the Association for Civil Rights in Israel: The Ministry of Interior cancels its discriminatory policy of not processing family unification applications filed by East Jerusalem women for their husbands and announces that from now on every application will be considered on its merits, regardless of the applicant's sex

See notice by the State Attorney's Office following the Gharbit petition
As a result, thousands of family unification applications are filed by East Jerusalem women, including women married years earlier and with children. Whereas in 1993, only 650 family unification applications were filed by East Jerusalem women for their spouses, the number reaches 2,550 in 1994, and 1,800 in 1995.

See State Attorney's Office data following the Menuhin petition

March 1994

Following the policy change allowing East Jerusalem women to apply for family unification, the Ministry of Interior stops the practice of not granting Israeli status to children if their permanent resident parent is their mother

However, the Ministry of Interior requires that such children's registration in the Israeli population registry be handled together with their mother's family unification application for their father. The requirement is unreasonable given that while security considerations are taken into account with regards to the father, such considerations are irrelevant in the children's case. In addition, the approval process of a family unification application takes a long time, and until it is decided, the children cannot receive an identity number and a birth certificate necessary for receiving various services.

December 1995

Israel begins implementing the "quite deportation" policy against the Palestinian residents of East Jerusalem

The new policy relies on the 'Awad judgment, and means the sweeping revocation of permanent status of East Jerusalem residents who lived for a few years in other parts of the OPT or abroad, even if they took care to have valid documents, as required by the procedures practiced at the time. The Ministry of Interior notifies these people that their residency status no longer exists and takes from them their Israeli identity cards; their health insurance is stopped and so are their benefits from the National Insurance Institute; they are pronounced illegal aliens in their city and are required to leave it. The Ministry of Interior applies the policy retroactively; status is revoked even when the residents returned to live in their Jerusalem homes years ago, and maintain no contact with their temporary domiciles elsewhere.

The Ministry of Interior claims this is not a new policy, rather the same one in place for many years and fully authorized. The Ministry even sees itself exempt from providing the reasons for the revocation or from allowing residents stripped of their status to contest the decision. This because, in its view, the status "expires" automatically following relocation abroad.

For more, see HaMoked and B'Tselem report, April 1997; HaMoked and B'Tselem report, September 1998

January 1996

Following HaMoked's letters, the Ministry of Interior begins handling child registration applications separately and independently from their parents' family unification application

The Ministry of Interior acknowledges that tying the procedures together was a "mishandling", and notes that from now on, "the family unification application for the spouse will be considered in a separate stage according to the customary criteria", and that in order to register a child, the parents will have to file "a child registration application form as customary".

September 1996

The Ministry of Interior institutes a graduated procedure for family unification with non-Israeli spouses

According to the graduated procedure, permanent Israeli status is to be given five years and three months from the day the family unification application is approved (rather than immediately upon approval as before). In the first stage, once the application is approved and for 27 months, the foreign spouse is to receive permits to stay in Israel (spouses from the OPT are to receive military permits known as DCO permits), which afford nothing but the right to enter the country – including annexed East Jerusalem – and remain in it legally. In the second stage, the foreign spouse is to receive temporary residency status (A/5 visa), which affords its holder all rights accorded to permanent residents, but must be renewed, usually annually. This stage is supposed to last three years, at the end of which the status is upgraded to permanent residency.

In practice, the entire procedure lasts longer, especially in cases of spouses from the OPT; the approval of the initial application usually takes five years, and the graduated procedure lasts for much longer than stipulated, due to foot-dragging by the Ministry of Interior throughout the process.

In March 1997, the High Court of Justice approves the graduated procedure, ruling that the Ministry of Interior is authorized to decide on family unification applications in stages.

1998

The Ministry of Interior changes its policy concerning the registration in the Israeli population registry of children whose mother only is a permanent Israeli resident: such children are no longer given permanent status upon approval of the registration application; instead they are given temporary residency status for one year, at the end of which they are to receive permanent status

The Ministry of Interior does not bother to publish the details of the new policy, and applies it both to children born in Israel and those born elsewhere. HaMoked learns about the new policy only from the Ministry's responses

concerning individual cases handled by HaMoked. Thus, many parents do not even know they are supposed to apply once more to have the child's status upgraded before the temporary residency status expires. It remains unclear how many children have been left stateless as a result of this policy. See HaMoked's letter to the Ministry of Interior

4.2.1998 **Israel formulates a "humanitarian arrangement" allowing grant of permanent status to Palestinians who, although they did not participate in the 1967 Jerusalem census, have proved that they have been living in the city continuously since the annexation**

Many Palestinians living in East Jerusalem are registered in the population registry of the OPT and do not hold Israeli identity cards. Although they and their families have been living in the city for dozens of years, during the 1967 census they (or their parents) were registered in the West Bank.

Following the Oslo Accord, the government decides, "on an ex gratia basis", not to deport this population and to allow it to remain in the city. According to the arrangement set for the purpose, a person who has conclusive proof that on the eve of the census, he or she was living in Jerusalem on a regular basis and has been living there continuously since, may receive permanent status in Israel. It is also established that a person who proves he or she moved to Jerusalem by December 31, 1972, and supplies proof of living in Jerusalem continuously from then on, may regulate his or her presence in Israel through military-issued stay-permits.

See para. 10 of the Shawish judgment [H]

5.4.1998 **HaMoked and four other human rights organizations in a petition to the High Court of Justice against the "quiet deportation" policy: Israel considers East Jerusalem residents to be illegal immigrants denied of all rights in their native city**

The petition presents the stories of fifteen residents of the city who were stripped of their status by the Ministry of Interior following a long stay elsewhere in the West Bank or abroad.

The organizations claim this is a new policy completely different from the one practiced from 1967, and that it has been applied retroactively and not even made known to those harmed by it. They also argue that the policy is tainted by ethnically-driven discrimination and is implemented in an illegal manner, in violation of the principles of natural justice.

June 1999 **Following HaMoked's intervention, the Ministry of Interior announces its consent to resume granting permanent status, without an interim phase of temporary residency status, also to children whose mother alone is a permanent resident**

Additionally, the Ministry of Interior announces that children who received a one-year temporary residency status in the past, will be eligible for permanent residency status, subject to proving their center of life is in Israel.

15.3.2000 **In an affidavit to the court, Minister of Interior Natan Sharansky curtails the "quiet deportation" policy**

The affidavit is submitted in response to a petition by HaMoked and other organizations against the policy of widespread revocation of East Jerusalem residents' permanent status. In the affidavit, Minister Sharansky announces that the Ministry of Interior will not revoke permanent status based on prolonged stay outside Israel (whether in the OPT or elsewhere abroad), provided the resident maintained ties to Israel. In addition, an arrangement is formulated allowing Palestinians whose status had been revoked in 1995 or later to receive it anew based on a period of two years of living in Israel (including East Jerusalem). However, this arrangement – prescribed also in the Ministry of Interior procedure on restoration of permanent status – does not apply to people who acquired foreign status.

Following the Sharansky affidavit, there is a decline in the number of East Jerusalem residents stripped of their status by the Ministry of Interior, but the policy is not stopped completely. Since 2006, the scope of revocations has rebounded, even surpassing what it was in the second half of the 1990s.

2001 **The Ministry of Interior begins classifying children of East Jerusalem residents according to their birthplace: Children born outside Israel no longer receive permanent status immediately upon their registration in the Israeli population registry, and are first given temporary residency status for two years, to be followed by permanent status**

In addition, the Ministry of Interior imposes a fee for handling applications for registering children born outside Israel.

Before the repercussions of this policy become evident, a new government resolution enters into effect suspending the family unification procedure;

thereupon the Ministry of Interior adopts a new outrageous interpretation of the child registration procedure.

31.3.2002 **Minister of Interior Eli Yishai issues a moratorium on the processing of applications of family unification between Israeli residents or citizens and their spouses from the OPT**

See Haaretz article, April 1, 2001 [H]

Ostensibly the moratorium is issued in response to a suicide attack perpetrated that same day in Haifa by the son of an Israeli citizen married to a resident of the OPT and living outside Israel for many years. In reality, the Ministry of Interior began taking steps to alter the policy on this issue earlier on, in late 2001, with the aim of preventing "immigration of Palestinians to Israel".

For more information, see HaMoked report, September 2014, p. 16

April 2002 **Israel starts building a wall to separate between it and the West Bank: tens of thousands of East Jerusalem residents find themselves beyond the wall, cut off from their native city**

The wall cuts off from Jerusalem several Palestinian neighborhoods that are located inside the city's municipal limits, and whose inhabitants are permanent Israeli residents. In order to gain access to health care, education and other services, the inhabitants of these neighborhoods, being East Jerusalem residents, are entitled to cross separation wall-checkpoints into the rest of the city. The worst affected areas are the villages Kafr 'Aqab and Samiramis and the area of the Shu'fat refugee camp (including the refugee camp itself, the neighborhoods Ras Khamis and Ras Shhadeh and the Dahiyat a-Salam neighborhood in Anata). It is estimated some 100,000 people live in these neighborhoods. Many of them live in constant fear of losing their permanent status in East Jerusalem. The fear has gained substance following Prime Minister Benjamin Netanyahu's proposal from October 2015 – which meanwhile has been taken off the agenda – to consider the blanket revocation of Israeli status of those living in the neighborhoods beyond the separation wall.

For more on the reality of life in these neighborhoods, see Ir Amim report, June 2015

12.5.2002

Government Resolution 1813 imposes a sweeping ban on granting status in Israel pursuant to the family unification procedure to Palestinians from the OPT

The Resolution stipulates that "in view of the security situation, and due to the repercussions of the immigration and settlement processes of foreigners of Palestinian descent to [and in] Israel, including by way of family unification, the Ministry of Interior, in collaboration with the relevant government ministries, will formulate a new policy for handling family unification applications" (Sect. B). Until the policy is formulated, "new applications by Palestinian Authority residents for the status of resident or any other status will not be received; a filed application will not be approved and the foreign spouse will be required to stay outside Israel pending another decision" (Sect. B1). Spouses whose application has been approved and are already participating in the "graduated procedure" will continue to receive the permit issued to them before the resolution, but "there will be no upgrade to higher status" (Sect. B2).

Adalah and the Association for Civil Rights in Israel petition the High Court of Justice against the government resolution. But while the petitions are being reviewed in court, the Knesset entrenches the resolution by legislation, rendering the question of the resolution's validity moot.

ACRI petition HCJ 4022/02 [H]; Adalah petition HCJ 4608/02 [H]

June 2002

The Ministry of Interior starts refusing applications by HaMoked to register children born in the OPT who have one parent who is an East Jerusalem resident, claiming such registration constitutes a family unification procedure and as such cannot be handled due to the Government Resolution

See HaMoked's Abu Gwella petition

In late 2002, HaMoked notices that the Ministry of Interior applies the ban policy also on status applications for children born in Israel, but registered in the Palestinian population registry. This expansion of the policy is later invalidated by the High Court of Justice (see 2003-2005).

Non-registration in the Israeli population registry leaves children without any status in Israel; infringes on their rights to a secure family unit, to contact with their parents, and to have their interests protected; hampers the realization of their rights to education and health; and turns them into a foreigner liable to be deported from the country of their mother or father.

Unlike the family unification freeze, the child registration freeze is not mentioned in the May 2002 government resolution.

February 2003

The Ministry of Interior establishes a procedure regulating the manner of disclosing security officials and police comments on family unification applications

The new procedure, titled "Procedure for Comments by Officials regarding Applications for Family Unification", is presented in the framework of proceedings in a petition by the Association for Civil Rights in Israel [H] against the Ministry of Interior's policy of refusing family unification applications based on unspecified or unclear security or criminal grounds. According to the procedure, the Ministry of Interior must give the family unification applicants details which shed light on the refusal grounds – insofar as possible and provided it is not classified material. However, the procedure stipulates that the essence of the security or criminal information is to be given to the couple only retroactively, after the refusal notice is sent, and does not allow them to respond to the allegations against them before their case is decided. Consequently, not only is challenging the refusal possible only after the fact, it is only during the court hearing – if a petition is filed – that the applicants may be able to confront the refusal grounds, and even then not always.

31.7.2003

The Knesset entrenches the ban on family unification with Palestinians from the OPT in the Citizenship and Entry into Israel Law (Temporary Order); even children over 12 born in the OPT to Israeli resident parents cannot live in the country legally

The Law is enacted as a "temporary order" for one year which the government may extend with the Knesset's approval for "a period of not over one year each time" (Sect. 5). Fifty-three Knesset members support the law, twenty-five oppose it, and one abstains.

- The law applies to anyone Israel defines as a "resident of the Area", meaning anyone living in the West Bank or the Gaza Strip, whether they are registered there or not, except for inhabitants of Jewish settlements (Sect. 1). Palestinians thus defined may no longer receive the status of citizenship or residency in Israel in the framework of the family unification procedure (Sect. 2).

- Spouses whose family unification application is already approved and are taking part in the graduated procedure will continue receiving

the permit they possess on the enactment day of the Law, but will not be able to move on (i.e. receive an upgrade) to the next stage of the procedure or receive permanent status in Israel (Sect. 4(1)). Applications as yet unapproved will be considered only if they were filed before the May 2002 freeze. The Law expressly stipulates that anyone whose application is approved may receive renewable stay-permits, but his or her status will not be upgraded further (Sect. 4(2)).

- Children defined by the Law as "residents of the Area" who are under age 12 may receive either stay-permits or temporary or permanent status in order to prevent their separation from their parents who are legally staying in Israel (Sect. 3(1)). Children older than 12 will receive neither status nor stay-permits.

August-December 2003

Human rights organizations petition the High Court of Justice to cancel the Citizenship and Entry into Israel Law. HaMoked's petition focuses on the Law's harm for children of East Jerusalem residents

The organizations assert the Law is racist and discriminatory, violating the constitutional rights to family life and equality of citizens and residents on the basis of ethnic identity and national origin; that the damage inherent in the Law is disproportionate to its professed security aim and that the real motive is an illegal demographic objective.

Adalah petition HCJ 7052/03; The Association for Civil Rights in Israel petition HCJ 8099/03 [H]

HaMoked seeks the cancelation of the Law insofar as it applies to underage children of permanent Israeli residents, or, at the very least, to establish that any child who has one permanent resident parent in the country and lives there permanently with this parent – that is, the child's center of life is in Israel – would be entitled to permanent Israeli status.

The state counters that the Law is aimed at protecting public security and even if it does achieve, inter alia, a demographic objective, this is not dominant, and the Law is in any event worthy; that it does not prevent couples from marrying but limits their ability to "maintain their family unit precisely in the State of Israel"; and that the law does not infringe on the right to equality, as there is "an objective justification for making a distinction based on the foreign spouse's identity". The state does not address the violation of children's rights.

2003-2005 **The District Court rules – in a series of judgments – that the Citizenship and Entry into Israel Law must not be applied to children whose parents are residents of East Jerusalem and they themselves were born in Israel and their center of life is there, even if they are registered in the population registry of the OPT**

The judgments are issued in petitions filed against the Ministry of Interior's expansive interpretation to the term "resident of the Area", whereby the Citizenship and Entry into Israel Law applies also to anyone who is merely registered in the OPT without actually living there. This allows the Ministry of Interior to implement the Law also to children who were born in Israel and have been living there all or most of their lives, but were registered by their parents in the OPT for whatever reason.

The court rules that in the absence of real ties to the OPT, the security objective of the Law cannot justify denying status from these children, and orders the Ministry of Interior to grant them permanent status according to Regulation 12 of the Entry into Israel Regulations.

See, e.g., judgment in AP 822/02 [H]; judgment in AP 577/04 [H]; judgment in AP 379/04 [H]

At first the Ministry opts to ignore these judgments and pursues its usual course, but in 2005 it starts appealing them to the Supreme Court (see 20.3.2005).

6.1.2004 **The Ministry of Interior reveals its policy on the registration of children born outside Israel to a parent who is a permanent Israeli resident**

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In response to HaMoked's administrative petition on behalf of a child whose father is an East Jerusalem resident and his mother is from Jordan, the Ministry of Interior announces its policy, whereby the registration of children born abroad to an Israeli resident parent is to be carried out in the framework of the graduated family unification procedure. The procedure will be different than for spouses, as the children are to receive temporary residency status immediately after the application is approved. This status will be valid for two consecutive years, at the end of which, and subject to a "center of life" examination and the absence of a security disqualification, the children will receive permanent status. This undertaking of the Ministry is given the force of a judgment in October 2004.

However, in the interim it turns out that the Ministry of Interior does not intend to apply this policy to children born or registered in the OPT. Such

children are given military stay-permits at best, and provided they are under 12 years old. In November 2004, HaMoked petitions the District Court to cancel this discriminatory policy and grant children born in the OPT a two-year temporary residency status at least, as is given to children born abroad. Some months later, the first amendment to the Citizenship and Entry into Israel Law is enacted, following which the Ministry of Interior alters its policy yet again (see 1.8.2005).

January 2004

Report by HaMoked and B'Tselem: The Citizenship and Entry into Israel Law is just another element in Israel's years-long racist policy aimed at preserving a Jewish majority in the country and especially in Jerusalem

The report reviews the policy of granting status implemented over the years, elaborates on the new policy and its repercussions on the East Jerusalem population and examines the considerations underlying the new law. The report reveals that the state's claim that the Law's purpose is security is a deliberate smokescreen, designed to mask the demographic motivation for the Law.

5.9.2004

The "Dahud procedure": in the framework of a District Court judgment on HaMoked's petition, a procedure is established in order to ensure that family unification applicants' legal presence in Israel will not be compromised because of Ministry of Interior failures

Upon approval of a family unification application, the spouse from the OPT receives from the Ministry of Interior a referral to the military's District Coordination Office (DCO) in his or her locality in order to receive from them a one-year permit to stay in Israel. Up to three months before the current permit expires, the couple has to apply to the Ministry of Interior for a new stay-permit referral. But even when the request is submitted well in advance, it does not ensure that the Ministry of Interior will supply the referral on time.

Following HaMoked's petition, the Ministry of Interior formulates a procedure meant to provide for cases where the issuance of the referral is delayed due to the Ministry's conduct, after the expiry of the previous permit; this in order to prevent a situation where the spouse from the OPT must stay in Jerusalem without a permit, hence exposed to detention, arrest or deportation as an "illegal alien". The procedure stipulates that a person who applies to have their stay-permit renewed should be summoned to the Ministry of Interior bureau no later than three months from the date of filing

the referral request; but that, if an immediate renewal of the permit is impossible at that time, they are to be given a temporary permit for six months, during which the Ministry is to decide on the referral request.

The Ministry of Interior undertakes to promulgate and publish the Dahud procedure by October 2004, but the procedure is published only ten years later (!) and not before HaMoked turns to the court yet again.

20.3.2005 **The Ministry of Interior announces it will apply the Citizenship and Entry into Israel Law also to children born and living in East Jerusalem whose parents registered them in either the West Bank or the Gaza Strip**

According to the new procedure – obtained by HaMoked following a petition to the District Court – children under age 12 who are registered in the Palestinian population registry, are to receive permanent status for two years, whereupon they will be entitled to receive permanent Israeli status, subject to a "center of life" check and the absence of a security disqualification. However, children aged 12 and older who are registered in the OPT cannot receive Israeli status or a stay-permit, although they come under Regulation 12 of the Entry into Israel Regulations.

1.8.2005 **The first amendment to the Citizenship and Entry into Israel Law enters into effect**

The government, concerned that the Law's blanket restrictions would not stand up to the scrutiny of the High Court of Justice, set out to amend it, introducing several mitigations. Once the amendment is enacted, however, it turns out that some significant changes restrict even further the possibility of family unification:

- An exception is added to give residents of the OPT – women over age 25 and men over age 35 – permits of stay in Israel by virtue of their marriage to Israelis (Sect. 3).

- Another provision allows rejecting family unification applications even when the applicant spouse is not deemed to pose any threat to security, if there are security allegations against one of his or her relatives (Sect. 3D). The Law defines "relatives" as spouses, parents, children, siblings and siblings-in-law, and does not address the question of the nature of the ascribed security threat, or whether the applicant and the suspected relative are really in contact.

- The definition of resident of the OPT, termed "resident of the Area" in the Law, is expanded to encompass not only those actually living in the OPT, but also those registered there, even if they never lived there and were born in Israel (Sect. 1).

- The cap age for receiving status in Israel is raised to 14 (Sect. 3A(1)). Children older than 14 are to receive renewable military stay-permits only.

HaMoked's position paper on the amendment bill

1.8.2005 **The Ministry of Interior revises its procedures on the registration of children with just one Israeli resident parent: the new procedure brings the "effective age" for receiving permanent status back down to age 12, despite the amendment to the Citizenship and Entry into Israel Law**

As stated above, the amendment provides that children who have not yet reached age 14 may receive status in Israel. However, the Ministry of Interior makes a law unto itself and revises its own procedures. Under the new procedure – fully revealed only in February 2007 in the framework of HaMoked's petition – a child defined as "resident of the Area", who has only one Israeli resident parent, will not immediately receive permanent status following approval of his or her registration application, but first temporary residency status for two years, followed by permanent status. If during these two years the child passes age 14, the Ministry of Interior will not upgrade him or her to permanent status and he or she will continue to receive only temporary residency status, to be renewed annually subject to strict checks. Thus the Ministry of Interior effectively blocks the granting of permanent status to children who are over age 12 upon the submission date of their registration application.

14.5.2006 **The High Court of Justice rejects the petitions against the Citizenship and Entry into Israel Law by a majority of six to five justices**

The main majority opinion, written by Justice Mishael Cheshin, rules that the amended law does not infringe on constitutional rights, and even if it does, the violation is proportionate. In the dissenting opinion, President Aharon Barak determines that the Law disproportionately infringes on the constitutional rights to family life and equality. One of the majority justices, Justice Edmond Levy, effectively sides with the dissenting justices, finding that the Law causes disproportionate harm to constitutional rights, but considers that for the time being, the Law should remain in effect for nine

months, to allow the formulation of a new arrangement for individual consideration of Israeli residents' applications for family unification with their spouses from the OPT.

In the judgment, the justices almost entirely ignore the threat inherent in the Law to the fate of East Jerusalem residents' children whose other parent is a resident of the OPT. Justice Cheshin even finds that the stipulated arrangement on this issue is "at least satisfactory". It is one of the other majority justices, Justice Miriam Naor, who concludes in her opinion that consideration should be given to "significantly raising the age of children to whom the Law would not apply".

30.6.2006 **Minister of Interior Roni Bar-On revokes the permanent status of four East Jerusalem residents elected to the Palestinian Parliament. The grounds: "breach of allegiance to the State of Israel"**

Haaretz article, July 2, 2006

Earlier, in May 2005, then Minister of Interior Ofir Paz-Pines revoked on these grounds the status of four East Jerusalem residents (dubbed the Silwan band) who were convicted of perpetrating fatal attacks against Israelis.

Haaretz article, May 10, 2005[H]

22.8.2006 **A High Court petition filed against the revocation of permanent residency status of four East Jerusalemites serving in the Palestinian Parliament: "the respondent attempts, by mere words, to tear a right from its sturdy roots and turn it into a privilege"**

The petition asserts that the decision to revoke the four's status for "breach of allegiance" was made without authority, as swearing allegiance to the state is not prescribed in the Entry into Israel Law and was not a condition for giving permanent residency to East Jerusalem residents. It is further argued that the decision leaves them stateless and therefore constitutes a grave breach of their rights to equality, dignity, family life and property. The state counters that the four are activists in the Hamas organization which maintains hostilities with Israel, and insists that their participation in the Palestinian national institutions is an expression of their disloyalty to the state. This despite the fact that the elections were held in East Jerusalem, in accordance with the Oslo Accord and under international observation.

The petition [H] is filed to the District Court, but in view of the "importance and novelty" of the issue of status cancelation due to breach of allegiance, the proceedings are transferred to the Supreme Court sitting as the High Court of Justice. Adalah and the Association of Civil Rights in Israel join the proceedings as amicus curiae.

January-June 2007

Human rights organizations, among them HaMoked, petition the High Court of Justice in a second bid to have the Citizenship and Entry into Israel Law revoked

The Association for Civil Rights in Israel petition HCJ 544/07 [H]; Adalah petition HCJ 830/07 [H]

HaMoked's petition focuses again on the harm the Law causes to children of East Jerusalem residents. In the petition, HaMoked asserts that the provision allowing to give children aged 14 and over stay-permits but not status, cannot be justified on security grounds since these allegedly dangerous children are in any case allowed freedom of movement in Israel by virtue of the stay-permits given to them. What they are being denied in effect are regular registration, health services and social security rights. Thus the Law's provisions as to children can only be construed as an attempt to save the state money and serve demographic aims.

The state clings to its position [H] that the Law's purpose is security, and emphasizes that it constitutes "an additional phase in adapting the laws of the State of Israel to the security situation and the dangers facing it and its citizens". The state also claims that the Law is balanced and proportionate and includes "many provisions mitigating the general rule established therein".

28.3.2007

Second amendment to the Citizenship and Entry into Israel Law enters into effect

Following the judgment in the first round of petitions against the Law (see 14.5.2006), the Knesset adopts a second amendment, ostensibly in order to incorporate the justices' comments and limit the adverse consequences of the Law. In reality, not only are the justices' comments not implemented, the amendment effectively expands, deepens and consolidates the damage caused by the arrangement viewed by most justices as illegal in principle:

- The Law is expanded to apply to spouses and relatives from Iran, Iraq, Lebanon and Syria, as well as other "risk areas" which the government may decree (Sects. 2-3 and the Schedule).

- A provision is added allowing the Minister of Interior to decide that a resident of the OPT poses a security risk solely on the basis of finding that in his or her area of residence, activity in taking place which could threaten the security of Israel or its citizens (Sect. 3d). The section's wording suggests that any hostile activity somewhere in the West Bank might prompt the termination of the family unification procedure or the rejection of the child registration application.

- A provision is added allowing the Minister of Interior to grant temporary residency status on special humanitarian grounds to a resident of the OPT or a subject of a designated enemy state, according to the recommendation of a committee of specially appointed professionals (Sect. 3a1). This added "humanitarian exception" is meant ostensibly to correct the many flaws in the Law commented upon by the High Court justices, but it is limited to such an extent that it becomes meaningless. Thus, for example, permanent residency cannot be given by this route, and the "humanitarian exception" is applicable only when the applicant from the OPT has a "sponsor", i.e., an immediate relative (spouse, parent or child) legally staying in Israel.

HaMoked's position paper on the second amendment bill

June 2007

The Ministry of Interior publishes for the first time its policy on the registration of children with only one Israeli resident parent

The Ministry of Interior's procedures on this and other issues have thus far been kept hidden from the public. The procedure is revealed in the framework of proceedings in HaMoked's petition to the District Court filed the previous year. Following HaMoked's comments during the proceedings, the Ministry of Interior is required to amend the procedure (see September 2012).

More on the publication of Ministry of Interior procedures

28.10.2007

Government Resolution 2492 stipulates that permanent status will no longer be given to unregistered Palestinian Jerusalemites living in the city without permits dating back to the annexation in 1967

Until the Resolution, the Ministry of Interior used to also give permanent status to persons who had not taken part in the 1967 census, but proved they had lived in the city on a permanent basis on the eve of the census, and have been living there without interruption ever since. The Government Resolution blocks this possibility and stipulates that such people may apply to the Ministry of Interior by the end of April 2008; if they can prove uninterrupted center of life in Jerusalem starting from 1987, and in the absence of a security or criminal disqualification, they may receive military permits for remaining in the city. The professed purpose of the Resolution is to allow continued residence in Jerusalem for Palestinians registered as West Bank residents, whose home is inside the city's municipal limits and whose fabric of life has been disrupted by the construction of the separation wall.

Ministry of Interior data provided in 2015 shows that following the Government Resolution, 872 permit applications were filed, of them just 165 were approved. Even in the rare cases of approval, the permit given is not the regular Israeli stay-permit, but a special permit allowing the applicant to be present in their area of residence only. These permits do not afford the right to work in Jerusalem, do not confer social security rights and must be renewed every two years.

In February 2017, the Supreme Court rules [H] that in cases where the applicant has lived away from the city for just a few years, his or her application for a permit under the Resolution should not be rejected due to the absence of continuous residence in Jerusalem. This ruling opens the door for reexamination of applications previously rejected based on this criterion.

January 2008

The humanitarian committee under the Citizenship and Entry into Israel Law is established

With a ten-month delay, and only following the HCJ's harsh criticism, the Ministry of Interior implements the provision added as part of the Law's 2007 amendment, concerning the establishment of a humanitarian committee. The committee may recommend to the Minister of Interior to grant a stay-permit or temporary residency status in Israel based on "special humanitarian grounds", and deals only with applications of those banned by the Law from receiving Israeli status through family unification or child registration – namely residents of the OPT or subjects of designated enemy countries. The committee may accept applications by people suffering from

pressing medical or mental difficulties who cannot arrange their status in Israel due to the Law; or by those who need Israeli status in order to take care of immediate relatives suffering from such difficulties. The committee may also review applications by women seeking to arrange their status in Israel independently from their spouses, whether following divorce or widowhood, or because they fell victim to domestic abuse (see 10.12.2014). Despite being authorised to do so by the Law, only in exceptional cases does the committee recommend giving temporary residency status, and even then, usually following a petition to the court. The Law stipulates the committee must decide on an application within six months, but in practice it does not follow the timeframe stipulated in the regulating procedure [H] and in order to expedite its work, High Court petitions of non-response are often necessary.

In the framework of a freedom-of-information petition filed by HaMoked, the Ministry of Interior provides [H] in August 2016 data on the humanitarian committee's recommendations in 2012-2014. The data shows that in these years the committee recommended to grant temporary residency status in less than 10% (96 out of 1,095) of the cases brought before it. In response to a separate HaMoked freedom-of-information request, the Ministry reveals that the committee's average application handling time is about a year. In July 2016, the HCJ criticizes [H] the committee for its hard-handed approach, and wonders "why this harshness?".

2008-2009

In a succession of judgments, the District Court invalidates the procedure preventing granting of permanent status to children over age 12 and rules that the procedure subverts the purpose of the first amendment to the Citizenship and Entry into Israel Law; the Ministry of Interior continues to follow the wrongful procedure as if these judgments were never issued

The District Court rules that the effective date for granting temporary residency status is the date on which the child registration application was filed. Hence, if the application was filed before the child reached age 14, he or she must be given permanent status after a two-year period in temporary residency status, even if by that time he or she is over 14.

See, e.g., judgment in AP 8295/08 [H]; judgment in AP 8336/08 [H]

For months the Ministry of Interior ignores theses judgments: it neither appeals them nor implements them, and continues to implement the illegal procedure, denying permanent status to children entitled to it.

In June 2009, in a judgment on HaMoked's petition in the Srur case, the court invalidates the procedure once more, but this time the state appeals to the Supreme Court, claiming, inter alia, that the Law does not require granting permanent status to children who have only one permanent resident parent, and that temporary residency status is enough to prevent their separation from their Israeli parent.

2.6.2008 **The Dufash Judgment: when a family unification procedure has been prolonged due to an error or foot-dragging of the Ministry of Interior, the spouse's status may be upgraded despite the Entry into Israel Law**

In the framework of proceedings in an appeal by HaMoked [H], the Ministry of Interior agrees, following pressure from the justices, to establish an exception to the prohibition on upgrading the status of a resident of the OPT who had been taking part in the graduated family unification procedure on the eve of the Government Resolution to freeze the procedure. The exception applies if it turns out that the person's status might have been upgraded prior to the Government Resolution, had not the Ministry of Interior made an error or delayed in handling the family unification application. This arrangement is endorsed in the judgment and becomes known as the "Dufash precedent". Following the arrangement, HaMoked resumes acting on behalf of spouses meeting this criteria, in a bid to have them gain temporary residency status, which will afford them social security rights and health insurance. Such administrative-judicial efforts are often successful.

15.6.2008 **Government Resolution 3598 imposes an absolute prohibition on approval of family unification applications for Gaza Strip residents**

The sweeping ban established in the Government Resolution applies not only to people actually residing in Gaza, but also to anyone listed in the Palestinian population registry as a Gaza resident – including people living in the West Bank for many years with an outdated registered Gaza address, due to Israel's policy prohibiting change of address from Gaza to the West Bank. The Resolution stipulates that the ban is effective "from now on and does not apply in any event to anyone whose initial application has already been approved".

10.8.2008 **The 'Aweisat judgment: the court rules that for the purpose of the Citizenship and Entry into Israel Law, in order to consider a person to be a "resident of the Area", it is not enough that the person is registered**

in the OPT. However, this judgment concerns only the original law, before the 2005 amendment

The Supreme Court rejects the Ministry of Interior's appeals against District Court judgments dealing with the status of children born in Israel to East Jerusalem parents, but registered for various reasons in the Palestinian population registry. The court rules that only a narrow interpretation of the term "resident of the Area", one that applies the Citizenship and Entry into Israel Law to those actually living in the OPT, expresses the required balance between the Law's security purpose and the need to best protect the constitutional right to family life. However, the court stresses that its finding does not apply to children whose registration application was filed after the entry into effect of the Amendment to the Law – which expressly stipulates that a "resident of the Area" is "a person registered in the population registry of the Area, as well as anyone living in the Area".

November 2008

The Appellate Committee for Foreigners is established – an internal Ministry of Interior instance authorized to decide on objections to decisions by the Ministry to reject applications for status reinstatement, family unification and child registration

Despite its name, the Appellate Committee for Foreigners is in fact a one-person committee, a Ministry of Interior official authorized to carry out a judicial-like review of decisions by ministry officials. The committee proceedings are conducted solely based on written arguments filed by both sides: the resident (or his or her counsel) on the one hand and the Ministry of Interior (or its appointed counsel) on the other. The Ministry of Interior must abide by the committee's decision.

The committee is established as a temporary body pending formation of a special tribunal on matters of entry into Israel (see June 2014), in order to relieve overload at the courts. But the committee itself is soon inundated by hundreds of objections. Although the Ministry of Interior is supposed to submit it response to the committee within 30 days, as stipulated in the committee's protocol [H], it constantly fails to meet the deadlines. Despite that, the committee routinely grants the Ministry one extension after another. In many cases the committee embraces the Ministry's position and sometimes even adopts a stricter, principled position. A person whose objection is rejected by the committee may turn to the District Court with an administrative petition; and if rejected by it as well, may appeal to the Supreme Court.

31.12.2008 **Israel continues its "quiet deportation" policy: in 2008, The Ministry of Interior revoked the status of 4,577 (!) East Jerusalem Palestinians, including 99 minors**

The number of status revocations this year equals about half of all such revocations carried out in the previous forty years, from 1967 to 2007.

According to the Ministry of Interior's response to HaMoked's freedom-of-information application, most revocations in 2008 resulted from a **check initiated** by the Ministry, with the aim of revoking the permanent status of people whose center of life is outside Israel.

11.8.2009 **The Ja'abis judgment: a family unification application may not be refused before the applicants are given the opportunity to plead their case in a hearing**

The Supreme Court rejects the Ministry of Interior appeals against the District Court judgments and rules that in cases where the state considers refusing on security grounds applications by East Jerusalem residents for family unification with their foreign spouses, the Ministry of Interior must allow the couple a hearing before deciding their case. The court does not dictate how the hearing should be held but notes that common sense dictates that the proceeding should be based on orderly arguments in writing, followed by an oral hearing. The court also rules that only in highly exceptional cases, when the Ministry of Interior convincingly justifies why the applicants pose a real and immediate danger, can it reverse the process and hold the hearing retroactively, after the case has been decided; and may even demand that the foreign spouse leave the country while waiting for a final decision.

In April 2010, the Ministry of Interior publishes a revised "Security Agency Comments Procedure", but despite the court's comments, it does not stipulate the duty to hold an oral hearing, only a written hearing one. Only in October 2013, following HaMoked's persistent letters, the Ministry of Interior announces it will hold oral hearings for people already taking part in the graduated procedure who face termination due to security agency input. People whose initial application is rejected, will receive only a written hearing.

22.2.2010 **The Dakah judgment: when the Ministry of Interior intends to reject a family unification application due to an "indirect security disqualification", it must convince the court that the threat to the public**

is close to certain and as such justifies infringement of the right to family life

The High Court of Justice grants the petition of an Israeli citizen and orders the Ministry of Interior to reverse its decision to cancel the man's family unification procedure with his wife from the OPT, due to an indirect security disqualification – arising not from the woman herself but from her relatives. The court rules that "in the conflict existing between the value of security of life and other human rights, including the right to family life, the security consideration prevails only when there is near-certain likelihood that if appropriate measures involving the infringement of human rights are not taken, public safety may be materially injured". The court also rules that terminating a family unification procedure that has already been approved, means the "dissolution of a family unit which has already been established, the severance of the family from the familial, social and economic roots which have meanwhile been laid down, and the infliction of a great crisis on the family's fabric of life created over the years". Therefore the court orders the Ministry of Interior to cancel its decision and give the woman Israeli stay-permits.

30.1.2011 **The Khatib judgment: the court rules that following the 2005 amendment expanding the definition of "resident of the Area", the Citizenship and Entry into Israel Law applies to any person registered in the Palestinian population registry, even if he or she has never lived in the OPT**

The Supreme Court accepts the state's appeal, overturning a District Court judgment that even after the definition of "resident of the Area" was amended, the law should not be applied automatically to everyone registered in the Palestinian population registry, and that their ties should be examined – where they have lived most of their life, where do their family live, where did they attend school and so on. The Supreme Court rules that the language of the revised law does not allow for an "array of linguistic possibilities", but compels a single interpretation: "a resident of the Area" is any person registered in the population registry of the OPT even if they have no ties there, as well as anyone living there even if they are not registered there.

The judgment gives a stamp of approval to the Ministry of Interior's interpretation, condemning many children – whose only sin was being born at the wrong time or at the wrong place, or being registered by their parents in the wrong population registry – to a life without status in the country where their family lives.

7.4.2011 **HaMoked and the Association for Civil Rights in Israel to the High Court of Justice: the "quiet deportation" implemented by Israel traps residents of East Jerusalem in their city, and denies them freedom of movement afforded to all others, leaving them stranded in the small confines of the area where they were born**

The petition is filed on behalf of a Jerusalem youth clearly harmed by the Ministry of Interior policy, which places him – and other Palestinians from East Jerusalem – between a rock and a hard place: his right to leave his home for a limited period for the purpose of self-realization, starting a family, acquiring education, obtaining a livelihood, or simply participating in modern social life, effectively conflicts with his right to a home and homeland.

The organizations ask the court to rule that insofar as it concerns the residents of East Jerusalem – an area occupied and annexed to Israel, with the permanent Israeli status forced upon its inhabitants – it should be determined that their residency status cannot be revoked following a long stay abroad or the acquisition of status elsewhere; and that their right to return to their homeland is theirs for perpetuity, and should be viewed as a built-in condition of their permanent status. Furthermore, even if the status of East Jerusalem residents derives from the Entry into Israel Law, as ruled in the 'Awad case, it is still unlike that of other residents and certainly not immigrants who came to the country.

In March 2012, the organizations are forced to delete the petition after the Supreme Court justices decide not to review it on its merits, as "there is no reason why the court should provide theoretical remedy to enable a person to know how to make his plans in advance".

27.4.2011 **The Srur judgment: the Citizenship and Entry into Israel Law must be interpreted in light of the principle that the "effective age" for receiving permanent status is the child's age at the time the application for registration in Israel was filed**

The Supreme Court rejects the state's appeal of a District Court judgment and rules that the procedure preventing granting of permanent status to children who are over 14 at the end of the two-year period of holding temporary residency status – "cannot stand", because it "denies […] the minors the possibility of receiving status accorded to them in primary legislation. This is a direct and substantial violation of their right, which does

not conform to the legislative arrangement". The court adds that "the Minister of Interior is not authorized to create out of nothing a distinction between minors up to age 12 and minors aged 12-14 in the matter of receiving status in Israel. There is no trace of such distinction in the language of the Temporary Order Law and Regulation 12, or in the legislative history preceding them, and it is also not in line with the objectives underlying them". Therefore, it is ruled that insofar as the child is under 14 at the time the application for his or her registration is filed, he or she is to be given permanent status in Israel.

6.11.2011 **HaMoked to the District Court: order the Ministry of Interior to continue processing ongoing applications for family unification with Gaza residents filed before Government Resolution 3598**

The petition [H] is filed on behalf of an East Jerusalem woman whose application for family unification with her husband, born in the Gaza Strip, was rejected based on the Government Resolution banning all family unification processes with Gaza residents. This, despite the fact that the couple's application was filed three months before the Resolution was issued.

HaMoked stresses that retroactive application of the Resolution is unreasonable and illegal, given its grave repercussions for any person who complied with the Law and filed an application well before the Resolution. An absurd situation thus emerges where a person filed an application as required, the Ministry of Interior kept delaying its decision in the case, and then the government changed its policy and resolved all such applications must be sweepingly refused.

In July 2012, the court rejects the petition [H], ruling there is no room to intervene in the Ministry of Interior decision. In October 2012, HaMoked appeals [H] to the Supreme Court. In September 2014, the appeal is deleted following the husband's death. However, the issue of principle remains under consideration in the framework of HaMoked's petition against the Government Resolution (see 6.6.2013).

22.11.2011 **The Attoun judgment: children of East Jerusalem residents living in Wadi Hummus will not receive status in Israel because their home is not inside the country**

A Supreme Court majority rejects HaMoked's appeal of the District Court judgment, leaving stateless two children of a resident of Wadi Hummus – a

neighborhood located in the non-annexed part of the village of Sur Bahir. This despite the fact that the neighborhood is located on the west – "Israeli" – side of the separation wall; as well as the Labor Court's ruling that Sur Bahir is "one homogeneous village", all of whose inhabitants, including those living in Wadi Hummus, are recognized as Israeli residents for the purpose of their social security rights.

In the judgment, Justices Edmund Levy and Asher Grunis ignore the complex reality Israel imposes on the Wadi Hummus residents and narrowly interpret the purpose of Regulation 12 of the Entry into Israel Regulations, namely that a person who does not reside in Israel cannot receive Israeli status. In the dissenting opinion, Supreme Court President Dorit Beinisch accepts HaMoked's arguments and finds that the Israeli-built separation wall severs Wadi Hummus from the rest of the West Bank, creating a situation where "the appellants' center of life is de facto in Israel". President Beinisch notes that "clearly a reality where in one family unit there is a disparity between the parent's status and his or her children's status may undermine the stability and balance so vital for the creation of a proper family unit, and correspondingly, for the proper development of the minor […] This situation, where the children have no status both in the Area [i.e., the OPT] and in Israel is improper".

In December 2011, HaMoked petitions the Supreme Court for a further hearing before an expanded panel. In the decision on the petition, Deputy President Eliezer Rivlin rules that, "indeed, from the petition arises a picture of a not-simple reality, where the center of life of the entire petitioners' family is inside Israel, while their home is outside it, and this in the context of the difficulty in establishing a center of life outside Israel, given the existence of the separation wall". Nonetheless, he rules there is no reason to accept the motion.

7.12.2011 **The Arafat judgement: children both of whose parents are permanent Israeli residents are entitled to receive permanent residency immediately, even if they were born elsewhere**

The District Court grants HaMoked's petition concerning a child from East Jerusalem who was born in the West Bank to permanent Israeli resident parents. The court rules that the child should not be required to hold a two-year temporary residency status before receiving permanent status in Israel, and that he – and others in his situation – must be given permanent status at once.

11.1.2012

The High Court of Justice rejects the second round of petitions against the Citizenship and Entry into Israel Law, again by a majority of six to five justices

The majority justices acknowledge the existence of a constitutional right to family life, deriving from the right to human dignity, but rule that it does not follow that this right should be realized in Israel. It is also ruled that even if the twice-amended Law does infringe on constitutional rights, including the right to equality, the infringement is proportionate and therefore the Law is constitutional and should not be repealed. Justice Miriam Naor finds with regards to children of East Jerusalem residents, that it is sufficient that the state undertakes that on reaching 18, such children who cannot receive Israeli status would be allowed to continue their life in Israel with military-issued stay-permits. Other justices join this opinion, giving no weight to the fact that children aged 14 and over live in their homes by virtue of nothing but stay-permits – without status, social security rights or health insurance. Justice Elyakim Rubinstein even holds that the policy in this matter is "at least adequate", and that it is enough that parents and children are allowed to live together.

The five dissenting justices, on the other hand, note that the previous round of petitions was rejected provided that the Law would be amended to become more proportionate, where in fact the amendments expanded the restrictions and deepened the infringement of human rights. They therefore maintain that the Law should be revoked. The dissenting justices also point out that despite its purported temporariness, the Law has been in existence for many years and its end is not in sight. Justice Edmond Levy concludes that "the violation caused by the Law is serious. Its harm is resounding".

Most justices express dissatisfaction with the mechanism meant to provide for humanitarian exceptions, and note that it operates inefficiently and under insufficient criteria, and has thus far helped only a few people.

The judgment [H]; English summary of judgment; English abstract of the judgment

September 2012

Following HaMoked's petition, the Ministry of Interior publishes a revised procedure for registering children who have only one Israeli resident parent

In May 2011, in the framework of a judgment in HaMoked's petition, the District Court orders the Ministry of Interior to make three alterations in its child registration procedures: when the Ministry of Interior exceeds the six-

months' deadline for deciding a child's case, the child must be given temporary residency status in Israel, affording him or her social security rights, until his or her case is decided; the Ministry of Interior must continue speedily examining applications for children, even if a parallel application for another family member has been rejected; and the Ministry of Interior must notify the family both orally and in writing – and in Arabic if necessary – that is it nearly time to seek the upgrading of the temporary residency status to permanent status.

The revised procedures for registering children who have only one permanent Israeli resident parent – both children born inside Israel and those born elsewhere – are published more than a year after the judgment and not before HaMoked has to file a contempt of court motion.

3.1.2013 **The Skafi judgment: children under age 14 from a previous marriage of the family unification applicant parent who are accompanying that parent, will receive temporary residency status in Israel**

The District Court accepts [H] HaMoked's petition against the Ministry of Interior's decision not to give Israeli status to the children from a previous marriage of an East Jerusalem resident's spouse from the OPT. The Ministry based its decision on an internal procedure stipulating that children from a previous marriage are to receive the same status as the family unification applicant parent. Therefore, as the father has stay-permits only, the Ministry of Interior held that there was no reason to give his children another status.

The court concludes that under the Citizenship and Entry into Israel Law, the children must be given temporary residency status in order to prevent their separation from their custodial parent residing in Israel legally. The court rules that "this solution fulfills the principle of the child's best interest and conforms to objectives of the [Citizenship and Entry into Israel] Law". The court adds that the security rationale underlying the Law does not apply to children under 14; hence, leaving children aged 13, 11 and 8 without status and social security rights is disproportionate and unreasonable.

20.5.2013 **The Dejani judgment: The Ministry of Interior may reject a status upgrade application of a resident of the OPT if it was filed in considerable delay after the Dufash judgment. However, the legislator must address the matter of Palestinians who began the graduated family unification procedure years before but received no status upgrade**

The Supreme Court accepts the appeal of a Palestinian man married to an East Jerusalem resident and living with her in Israel since 1999, and orders the Ministry of Interior to grant him temporary residency, in accordance with the Dufash precedent. The justices add a general comment on the non-upgrade of status of those who began the graduated procedure before the 2002 government resolution, and call on the legislator to consider a different approach toward this group, given the passage of time.

However, at the same time the court rules that in future cases, proceedings based on the Dufash precedent might be rejected due to excessive delay in submitting the upgrade application. Following this ruling, the Ministry of Interior announces in late 2013 that upgrade applications in the Dufash framework filed after January 1, 2010 – some 18 months after the start of the Dufash arrangement – will be rejected outright.

6.6.2013 **HaMoked to the High Court of Justice: order the cancellation of Government Resolution 3598 prohibiting family unification processes with Gaza Strip residents**

In the petition, HaMoked asserts that the Government Resolution fails to meet basic constitutional principles and constitutes an extreme departure from the provisions of the Citizenship and Entry into Israel Law: while according to the HCJ's judgment, the Minister of Interior has discretion to refuse a family unification application on security grounds, the Resolution establishes a blanket denial on family unification with Gaza residents, unfounded on any specific security allegations against any individual applicant. Thus, the Resolution attributes a "security risk" to all individuals who are registered as a Gaza resident in the Palestinian population registry – even if they do not live there and irrespective of their actions – in disproportionate violation of basic rights, primarily the right to family life.
The court consolidates the hearing of the petition with that of HaMoked's Supreme Court appeal [H] against the retroactive application of the Government Resolution.

9.9.2013 **Following HaMoked's long legal battle: child registration applications filed before conclusion of the two-year center-of-life period in Israel will not be rejected outright**

For many years, the center-of-life requirement, i.e., the demand for a two-year period of living in Israel, was a prerequisite for examining applications to register in the Israeli population registry children with only one permanent Israeli resident parent. Applications filed before the family completed the

two-year period were not examined and the parents were instructed to resubmit them at the end of the period. The implications of this requirement were particularly harsh for children to whom the Citizenship and Entry into Israel Law applied, as it effectively lowered the cap age for granting status to these children, defined as "residents of the Area", from 14 to 12.

Following HaMoked's Supreme Court appeal on behalf of two children who received stay-permits but no status due to this policy, the Ministry of Interior announces [H] it will amend its procedures "concerning new applications filed from now on". The court does not accept HaMoked's request to apply the revised procedures to children whose parents applied to arrange their status before the announcement, and only recommends approving the two applications in the present case.

In both revised procedures – the one on the registration of children born in Israel who only have one permanent resident parent, and its parallel, on the registration of children born outside Israel – it is stipulated that child registration applications filed before conclusion of the two-year center of life in Israel, are not to be rejected outright but left pending until the family completes two years of living in the country. At the end of the period, a decision is to be made whether to approve or reject the application according to the center-of-life proofs presented by the family. The revised procedures expressly stipulate that the **new policy applies only to child registration applications filed after 1.9.2013**.

October 2013

The Ministry of Interior toughens its regulations: from now on, Palestinian spouses of Israeli residents or citizens may be deported while they are waiting for a decision on their family unification application

Legalizing the stay in Israel of a Palestinian spouse often entails a long struggle lasting many years. Despite that the Ministry of Interior refuses to give spouses from the OPT permits to stay in Israel until their application is approved, and effectively compels them to live in Jerusalem without any permits while waiting for a response. In the past this wait was not accompanied by fear of deportation, because the Ministry of Interior applied to them a general procedure prohibiting a person's expulsion from Israel so long as an application to the Ministry of Interior is being processed. However, the Ministry of Interior alters its regulations and establishes that even while an application for family unification with spouses from the OPT is ongoing, they may be deported to the OPT – unlike foreign spouses from elsewhere, who remain protected from deportation before a decision on their application.

In December 2013, HaMoked, the Association for Civil Rights in Israel and six other human rights organizations write to the Ministry of Interior [H] asking it to return to the previous policy. The organizations assert, among other things, that the new procedure is merely meant to intimidate those who should be allowed to remain legally in Israel from turning to the authorities, as this might expose them to arrest and deportation. In its response, the Ministry of Interior claims that the revised procedure is simply meant to clarify the existing policy in place for years, in order to prevent "abuse" of the procedure, i.e., the filing of various applications "with the intent of continuing to stay in Israel and prevent implementation of the Entry [into Israel] Law provisions as to illegal presence". However, notes the Ministry of Interior, in light of the change in procedure, precedence will be given to applications to the humanitarian committee, which raise clear-cut humanitarian grounds.

15.5.2014 **The Ministry of Interior announces a new policy whereby Palestinians living in Israel by virtue of a family unification application filed before the end of 2006, are to receive renewable stay-permits valid for two years**

See para. 5 of the state's notice in the Rabaiyah appeal

June 2014 **The Appeals Tribunal is established – an independent judicial instance replacing the Appellate Committee for Foreigners in reviewing Ministry of Interior decisions concerning status reinstatement, family unification and child registration**

The new Tribunal operates under the jurisdiction of the Ministry of Justice and is meant to serve as the first judicial instance for reviewing issues relating to immigration and granting of Israeli status to non-Jews. With the founding of the Tribunal, the district courts, sitting as the courts for administrative affairs, become the appeal instance in these matters.

Contrary to earlier estimates that the Tribunal – in the Jerusalem and Tel Aviv districts – would review some 2,000 cases annually, in the first 18 months of operation, over 5,000 appeals are submitted to the Tribunal. Thus, instead of improving matters, the Tribunal itself causes direct infringement of the rights of those who appeal to it – among them, residents of East Jerusalem and their families.
For more information

July-October 2014

HaMoked petitions the High Court of Justice: Palestinians living in Israel for many years in the framework of the family unification procedure must be given status in Israel

HaMoked files thirteen High Court petitions on behalf of Palestinians from the OPT living in East Jerusalem for many years with nothing but stay-permits, without social security rights or access to the state's health services. HaMoked asserts that leaving the petitioners – and others like them – without status, even though their presence in Israel has annually been proven to pose no security risk, fails the requirements of reasonableness and proportionality and does not serve the security grounds the state claims are behind the Citizenship and Entry into Israel Law. Therefore, HaMoked requests the court to order the state to implement the justices' comments in the Dejani case, and establish an exception in the Law, whereby residents of the OPT living in Israel for long periods pursuant to stay-permits given as part of the family unification procedure, are to be given, at the very least, temporary residency status in Israel.

September 2014

HaMoked report explores the Citizenship and Entry into Israel Law's severe ramifications on East Jerusalem residents, their spouses from the OPT and their joint children, with special focus on the routine bureaucratic abuse the Israeli authorities impose on these families

The report illustrates the unique situation of East Jerusalem residents and Israel's policy towards them since the 1967 annexation of the city. The report reviews the changes to the Citizenship and Entry into Israel Law and the legal battle waged by Israeli human rights organizations against it, and elaborates on the Ministry of Interior's various methods practiced over the years aimed at expanding the Law's application and reducing the number of Palestinians in the city.

15.9.2014

Following HaMoked's petition, Israel institutes exceptions to the policy of sweeping refusal of family unification applications on behalf of anyone living in or registered as a resident of the Gaza Strip

Following the justices' comments in the hearing on the petition to revoke Government Resolution 3598, the state announces that the Resolution will not apply in two cases: people from Gaza legally living in the West Bank with "approval of the competent authorities", who have changed their address in the population registry with approval of the military commander; and people from Gaza whose family unification application was filed after the 2005 entry into effect of the first amendment to the Citizenship and Entry

into Israel Law (which established the possibility of applying for family unification with those over the minimum threshold ages), and until the 2007 entry into effect of the second amendment to the Law (which expanded Sect. 3d to allow rejection of family unification applications due to a security risk emanating from the applicant's residence in an area where dangerous activity is carried out).

HaMoked responds that Israel's policy of prohibiting the change of registered addresses from the Gaza Strip to the West Bank, renders the first suggested exception de facto meaningless. Therefore, HaMoked requests to expand this exception to include applicants still listed with a Gaza address, who moved to live in the West Bank before the September 2005 disengagement from Gaza (for more on this, see agreement achieved in HCJ 4019/10). Concerning the other exception, HaMoked asks to extend the state-proposed exception period, so that family unification applications submitted between the effective date of the Law's second amendment and the date the Government Resolution would also be individually examined. This, because the Government Resolution has created a new reality which exceeds the bounds of the 2007 expanded version of Sect. 3d.

6.11.2014 **The District Court rules: the status of Israeli-born children abandoned by their parents must be made equal to that of their legal guardian**

The District Court grants HaMoked's petition to order the Ministry of Interior to give permanent status in Israel to three stateless children who were born in East Jerusalem and are being raised by their paternal grandmother, a resident of the city, who is their legal guardian under a Sharia Court order. The children's father, a resident of East Jerusalem, is serving a long prison sentence, and their mother, resident of the West Bank, returned to live there following her husband's incarceration, leaving the children behind. The District Court rules that in this situation, there is no point in examining the mother's parental capacity and that "there is no option but to read Regulation 12 [of the Entry into Israel Regulations] as applicable to the matter of the petitioners". Thus the court refutes the Ministry of Interior's claim that the rationale underlying Regulation 12 – that of keeping the family unit intact – does not exist once it has not been proven that the mother is incapable of taking care of her children.

See similar case

10.12.2014 **Following HaMoked's petition: a Palestinian widow of an East Jerusalem resident can continue to live in the city, although she has no "sponsor" for staying in Israel as required under Ministry of Interior regulations**

Cases of Palestinian women whose family unification procedure terminated upon the death of their Israeli spouse can be brought before the humanitarian committee acting under the Citizenship and Entry into Israel Law. The committee is authorized to recommend to the Minister of Interior to grant them a stay-permit or temporary residency status in Israel "on special humanitarian grounds". However, the committee refuses to consider applications by childless widows, because continued stay in Israel in "humanitarian exceptions" is contingent on the existence of a "sponsor", namely an immediate relative – spouse, parent or child – legally present in Israel. Thus Palestinian widows are discriminated against compared to other non-Israeli widows, whose applications are considered according to their merits and all of their ties to Israel, even in the absence of a "sponsor".

In February 2014, HaMoked petitions the HCJ on behalf of a Palestinian widow in her 50s, who found herself under threat of deportation from Jerusalem – where she has lived for nearly 20 years – solely because she had no children with her husband. In the petition, HaMoked stresses the absurdity of this state of affairs, where the husband's passing away, which makes this into a humanitarian case, is what prevents the application from being approved. HaMoked asks therefore to revoke this discriminatory and disproportionate requirement for a "sponsor" in applications to the humanitarian committee. After the court hearing, the Ministry of Interior agrees to allow the woman to remain in Israel pursuant to military stay-permits. HaMoked's principled argument is left unaddressed.

See similar case

10.12.2014 **At the end of a legal battle lasting over two years: the military announces it will allow entry to Israel via Shu'fat checkpoint to all Palestinians holding Israeli stay-permits in the framework of the family unification procedure who live beyond the separation wall**

A permit to stay in Israel is supposed to enable its holder to travel freely throughout the State of Israel, including the areas annexed in 1967. But this is not the case when it comes to crossing from the east side to the west side of the separation wall. In 2012 HaMoked learns that Palestinians with stay-permits given in the framework of the family unification procedure who live with their families in one of the neighborhoods close to Shu'fat refugee

camp, inside the municipal limits of Jerusalem but on the east side of the separation wall, are banned from crossing the Shu'fat checkpoint near their home because they do not have Israeli identity cards. Instead, they must go through distant checkpoints designated for Palestinian identity-card holders, such as Qalandiya checkpoint. Thus, daily and for years, they and their families must waste precious time in order to reach the parts of the city located west of the wall.

In March 2014, with no answer to its letters to the military, HaMoked petitions the HCJ claiming this is a disproportionate and unreasonable policy, which blatantly infringes on the rights of many Palestinians. A few days before the petition is scheduled for a hearing, the state announces that the military decided to change its policy and allow "passage of the entire population holding DCO permits of entry to Israel [i.e., stay-permits] by virtue of a family unification application, via Shu'fat crossing".

19.4.2015 **Following an appeal to the Supreme Court, the Ministry of Interior agrees to reconsider child registration applications rejected for absence of a two-year center of life in Israel**

In February 2015, HaMoked seeks to join proceedings as amicus curiae in an administrative appeal filed on behalf of the son of an East Jerusalem mother and a West Bank father, who did not benefit from the Ministry of Interior's positive procedural change not to reject outright child-registration applications filed before the end of the two-year center of life period in Israel (see 9.9.2013) – because the application in his case was filed before September 2013, the arbitrary effective date set for the change by the Ministry of Interior. HaMoked asserts, inter alia, that the procedural change is tantamount to Ministry of Interior recognition that its previous policy was flawed; hence its insistence to apply the revised policy only in cases filed from the date of the change is unclear and appears arbitrary.

Two months later, the Ministry of Interior publishes updated versions of the procedures for registering children – the one dealing with children born in Israel and the one on children born outside Israel. The revised procedures allow for reconsideration of applications previously rejected due to the absence of the two-year center of life criterion, provided that the parents' repeat application meets this threshold demand. The reconsideration is to be determined according to the child's age at the submission date of the initial, denied, application – no matter when it was first filed.

As a result, a number of children from East Jerusalem receive status in the country.

31.5.2015 **The Ministry of Interior announces its decision to ease the handling of applications to reinstate status in Israel**

In response to HaMoked's freedom-of-information application, the Ministry of Interior announces that in light of the court's comments in several petition proceedings, the decision was made to ease the handling of cases of permanent residents who return to live in Israel after living away for a long time. The Ministry explains that this decision is based on a broad interpretation of the Sharansky affidavit giving the Minister of Interior discretion to decide each case according to its merits. The Ministry of Interior does not elaborate what are the new policy's criteria for handling status reinstatement applications. HaMoked however notices that Palestinians seeking reinstatement of their status in East Jerusalem receive temporary residency status immediately upon approval of their application (whereas before, in the first year of the process, they were given a tourist visa which affords no social security rights or national health insurance).

In February 2017, in a notice to the Supreme Court [H], the state reveals that the relaxed policy applies also to those who acquired foreign status; "under this policy, if the applicant has maintained his ties to Israel, he will receive as a rule a license to reside in Israel [i.e., residency status] (after proof of center of life and settlement in Israel)". It is further explained that the Minister of Interior established two main exceptions to the policy: one if there is a criminal or security disqualification; the other, when the status expired without the applicant having resided in Israel for a significant period – "for example, if he left Israel immediately after he received his license for permanent residency".

14.6.2015 **The High Court of Justice rejects HaMoked's petition against Government Resolution 3598: the judgment shuts the door on the possibility of family unification with Gaza Strip residents**

In the judgment, the justices accept the state's claim that so long as the state of hostility persists between the Gaza Strip and the State of Israel, it is substantively difficult to conduct individual security checks of family unification applicants living in Gaza; hence, in these circumstances, it is possible to dismiss out of hand family unification applications solely based on the applicant's place of residence. It is further ruled that due to the "explosive situation", there is at present no room to compel the state to "upgrade" the status of Palestinians whose address is incorrectly listed in Gaza, although they have been living in the West Bank for many years, in

order to enable them to receive Israeli stay-permits. Nonetheless, President Naor adds that "it is possible that after an additional **significant** period of stay in the Judea and Samaria Area, there will be room to consider this position once more". HaMoked's request to expand the exception period to the application of the Government Resolution was also denied, "given that it is impossible to determine that until the entry into effect of the government decision the residents of the Gaza Strip could be reasonably confident that subject to a regular individual check, their application for a permit would be approved".

15.6.2015 **The Knesset empowers a joint committee of the Foreign Affairs and Defense Committee and the Internal Affairs Committee to consider any future request to extend the validity of the Citizenship and Entry into Israel Law before it is brought before the Knesset plenum**

The joint committee may recommend to the Knesset plenum whether to approve the government's request to extend the validity of the Law, reject the request or approve it for a different length of time than the one sought by the government.

In 2016 [H] and again in 2017, the committee recommends that the Law be extended in its current form, but at the same time, it decides to hold hearings "in order to examine the impact of the Law on certain population groups and suggest future revisions to it".

HaMoked has been acting vis-à-vis the joint committee ever since it was formed, in an effort to reduce the Law's harm to children aged 14-18, adults over age 55 and people in exceptional humanitarian circumstances.

See HaMoked's letter to the joint committee members; HaMoked's letter to the Knesset Legal Advisor [H]; HaMoked's letter to the Joint Committee Chair

22.7.2015 **The High Court of Justice approves the deportation from Israel of an assailant's widow, the mother of three underage children who are East Jerusalem residents: the woman's stay-permit is revoked in a vindictive summary procedure a week after the attack perpetrated by her husband**

In an official notice delivered to the woman in late November, 2014, the Ministry of Interior announces that the family unit "ceased to exist" following the husband's death in the course of the deadly attack he perpetrated and given that "almost" all of the woman's relatives live in the

West Bank, there is nothing to prevent her from returning to live there with her family.

In a petition to the HCJ, HaMoked stresses that a direct outcome of the decision to deport the woman from Israel is the uprooting of her three innocent children from their home and natural environment, and their forced removal to the West Bank, which would severely infringe on their rights to family life and health. HaMoked also points out the Ministry made improper use of the humanitarian mechanism, established to assist people in special circumstances and enable them to live in Israel. The Minister of Interior employed the humanitarian committee to legitimize – hastily and without due consideration of the entire circumstances of the case – a vindictive decision aimed at nothing but intimidation and collective punishment. HaMoked added that in other cases of Palestinian widows of permanent residents who have small children, the Minister of Interior consistently allowed them to stay in Jerusalem pursuant to military stay-permits.

The court orders the petition's deletion after the state guarantees that the children's status as permanent residents of Israel will not be harmed as a result of their expected relocation outside the country. In the judgment, the court also records the state's expressed willingness to examine its position on several issues that might arise in future, such as: the woman's ability to accompany her children on visits to Israel; the possibility that in time, she would be allowed to apply for a new Israeli stay-permit; and the children's eligibility to health insurance, as their living in the West Bank with the expelled mother means they would no longer be able to maintain a "center of life" in Israel.

October 2015

Following a succession of attacks by individual assailants in East Jerusalem: the security cabinet allows the revocation of permanent residency status of assailants; the government considers canceling family unification and denying status of assailants' families

Announcement of the PM spokesperson, 14.10.2015
Government secretary announcement at the end of the cabinet meeting, 18.10.2015

Thus, in January 2016, Minister of Interior Aryeh Deri revokes the status of four young men from East Jerusalem, suspects in attacks against Israelis. The permanent residency status of the four is revoked by reason of "breach of allegiance to the State of Israel" pursuant to the Minister's discretion under Sect. 11(a) of the Entry into Israel Law, 5712-1952.

A year later, in January 2017, Minister of Interior Aryeh Deri decides to deport from Israel 11 members of the same family who live in East Jerusalem. Their only crime: being related to an assailant.

28.2.2016 **HaMoked petitions the High Court of Justice against the revocation of Israeli status of four East Jerusalem young men: "The thin line separating punishment and retribution from sheer vengeance has been crossed in the matter of the petitioners and in the state's reaction to their actions"**

The four, aged 18-22 and the sons of long-established Jerusalem families, are suspected of involvement in deadly attacks against Israelis. Their permanent status in Israel was revoked by the Minister of Interior on the grounds of "breach of allegiance to the State", following the political-security cabinet's decision to take punitive measures against assailants in attacks against Israelis.

In the petition, HaMoked asserts that the Minister of Interior is not authorized to revoke status – of the four young men in particular and from East Jerusalem residents in general – on the grounds of "breach of allegiance", given that their status was given by virtue of their being native inhabitants of the city and does not entail a duty of loyalty – unlike the status of citizenship. HaMoked also stresses that the four are protected residents owing to East Jerusalem's unique status as occupied territory, and as such, they are entitled to continue living there. The court accepts the state's request to submit its response to the petition only after final decision in a public petition [H] dealing with the cancelation of status of permanent residents in accordance with the Minister of Interior's broad discretionary powers given by law.

11.4.2016 **Following HaMoked's petitions: the Minister of Interior announces his decision to grant temporary Israeli status to Palestinians living in Israel for years in the framework of the family unification procedure – a group of over 2,000 individuals**

The Minister of Interior's decision relates to 2,104 Palestinians living in Israel with stay-permits only, whose family unification was filed before the end of 2003 and later approved. These applicant spouses and their minor children, born after January 1, 1998, are to receive temporary residency status, affording them social security rights, provided they meet the threshold criteria, including proof of center-of-life in Israel and the absence of a security or criminal disqualification. The state also announces that those

holding temporary residency status may now renew it every two years rather than annually.

HaMoked counters that a uniform criterion should be set for granting status in Israel to such Palestinians who are living in the country solely with stay-permits given in the framework of the family unification procedure: the length of time the person has been living in Israel. This in order to prevent a flawed distinction between those who applied by the end of 2003 and others, who have similarly been living in Israel with their families for a long time, but do not meet this narrow and arbitrary 2003 criterion. Additionally, HaMoked strongly objects that status would be granted only to those children – whose parents are to receive status pursuant to the Minister's decision – who were born after a certain date. The outcome of such an unexplained restriction is clearly more harmful as it affects children rather than adults, creating a situation where children of a resident-parent would remain their entire lives without status or rights.

17.5.2016 **According to Ministry of Interior data provided to HaMoked: Some 12,500 Palestinians live in Israel pursuant to the family unification procedure; some 80% of them without social security rights or status in the country**

Only some 2,600 Palestinians living in Israel in the framework of the family unification procedure have temporary residency status, which affords them social security rights and health insurance. The rest, 9,900 people – 9,573 from the West Bank and 327 from the Gaza Strip – live in the country with nothing but military stay-permits.

The information is given in the framework of HaMoked's freedom-of-information petition [H].

26.1.2017 **HaMoked to the Appeals Tribunal: The decision to deport from Israel an assailant's relatives who did nothing wrong is motivated by extraneous considerations and completely against the law**

The appeals are filed on behalf of five family members represented by HaMoked: the assailant's mother, his sister in-law, his brother in-law and two of his nephews. HaMoked asserts that the decision to infringe the rights of the appellants, who are normative people who have done nothing wrong, following their relative's deed, is an outrageous and inherently wrongful and irredeemable decision; that behind this decision stand patently extraneous considerations of collective punishment, general deterrence and simple

vengeance; and that such an improper decision, which fatally violates the basic rights of innocent people cannot be left standing.

In the state's responses [H] concerning the brother in-law, the sister in-law and two of the nephews, no trace is left of the initial claim that the family members were linked to ISIS and to terrorist activity; instead, a new claim now appears: "In Jabal Mukabber Village there is an atmosphere supporting terror attacks ... Therefore, the status revocation will assist in creating significant deterrence against the intensification of the phenomenon".

In December 2017, the Appeals Tribunal accepts HaMoked's position [H] that the proceedings conducted for the four were flawed, cancels the Minister of Interior's decision regarding them, and orders the Ministry to initiate new proceedings. Thereupon, in April 2018, the Minister of Interior issues a renewed decision to deport these family members, on the grounds of deterrence. HaMoked again appeals the decision.

12.2.2017 **HaMoked to the Appeals Tribunal: Order the Ministry of Interior to stop its wrongful practice of revoking the Israeli status of minors from East Jerusalem whose parents relocated elsewhere**

The appeal [H] is filed after the Ministry of Interior acknowledges, in a response to HaMoked's enquiry, that it automatically revokes the status of minors upon revoking the status of their parents who relocated abroad.

HaMoked asserts that the Ministry of Interior's policy clearly conflicts with the Sharansky affidavit and the Ministry's own procedure – both endorsed in the 2011 judgment of the High Court of Justice [H] – which stipulate that the status of Israeli resident minors who relocated abroad with their parents or acquired foreign status while still minors is not to be revoked. In such cases, the seven-year count, at the end of which the status "expires", is to begin from the day they turn adults. HaMoked also claims that in pursuing its illegal policy, the Ministry of Interior unjustly and unfairly violates the basic rights of many minors, and fails the principle of the child's best interest.

In June 2017, the Appeals Tribunal deletes the appeal [H], ruling that the Tribunal cannot consider an issue of principle in the absence of a concrete appellant seeking personal remedy.

14.3.2017 **The Al-Haq judgment: the status in Israel of East Jerusalem residents is unique by virtue of their being native inhabitants of the city; hence an "expired" status may also be restored**

The Supreme Court unanimously accepts the appeal of an East Jerusalem resident and orders the Ministry of Interior to restore his permanent status in Israel, which was revoked following a long period of life in the USA and the acquisition of U.S. citizenship.

The court rules that in light of the fact that the appellant used to visit Jerusalem frequently over the years, and even moved back to live there permanently in 2007, as well as "**in consideration of the unique status of the residents of East Jerusalem as indigenous inhabitants**", he has the principled right to be recognized anew as an East Jerusalem resident. According to the judgment [H], "when the Minister has to review an application to restore a permanent residency licence [i.e. permanent status] to a person who is an East Jerusalem resident, he must take into account the unique situation of these residents – who unlike those who immigrated to Israel and seek to receive status in it – have strong ties to their place of residence, having been born in this area – and sometimes even their parents and their parents' parents were born there – and they have been maintaining family life and community life there for years".

Although this judgment does not rule out the possibility of revoking status of East Jerusalem residents according to the 'Awad precedent, it adds considerable weight in favor of restoring status in all cases of purportedly "expired" status following a long stay abroad or the acquisition of foreign status.

10.5.2017 **Following HaMoked's petition to the High Court of Justice: The Ministry of Interior will continue extending the status in Israel of Palestinians whose family unification process has been terminated due to a change in their family situation, until the humanitarian committee decides their case**

The petition was filed on behalf of a Palestinian man, the father of four underage children who are East Jerusalem residents, whom he raises alone following his divorce from their mother, a resident of the city. In its response to the petition, the state announces that "in the event of a termination of the spousal relationship due to divorce, the spouse's death or abuse in the family, and insofar that an application for status on humanitarian grounds is submitted to the humanitarian committee, the validity of the stay-permit or

residency licence [temporary residency status] held by the foreign spouse will be extended for the necessary period, and until his matter is decided".

4.6.2017 **The Abu Sarhan judgment: children under age 14 with only one Israeli resident parent are entitled to status allowing them to legally live in the country until the demand for a two-year center-of-life in Israel is fulfilled**

The District Court grants the petition of an East Jerusalem woman [H] to order the Ministry of Interior to revise the procedures on child registration applications. The court rules that children under age 14 should not be left without legal status in the "interim period" until the demand for a two-year center-of-life in Israel is fulfilled. The court does not rule on the issue of what kind of visa or licence such minors should be given during the "interim period". However, the court emphasizes that the Ministry of Interior must regulate their presence in the country according to the visas and licences listed in the Entry into Israel Law, and that in any event, their presence must not be regulated by a military permit, because the security rationale underlying the Citizenship and Entry into Israel Law does not apply to such young children.

Following the judgment, the Ministry of Interior publishes revised versions of the procedure for registering children born in Israel with only one Israeli resident parent and the parallel procedure for registering children born outside Israel. But in complete contradiction to the ruling, the updated procedures stipulate that whenever the Ministry of Interior exceeds the allotted time for deciding the case of a child under age 14 deemed to be a "resident of the Area", or when the examination of the child's registration application has been finished but the required two-year residency in Israel has not yet been fulfilled – the child is to receive a temporary stay-permit, issued by the Military Commander in the OPT.

See HaMoked's letter to the Ministry of Interior regarding the procedures' illegality [H]

13.9.2017 **The Abu 'Arafeh judgment: The Minister of Interior is not authorized to revoke permanent status due to "breach of allegiance to the State of Israel". However, the decision to revoke on this ground the status of four East Jerusalem residents will not be cancelled immediately, to enable the Knesset to act to legalize it**

By a majority of six to three justices, the High Court of Justice grants the petition against the revocation of the permanent Israeli residency status of four Jerusalemites who were elected to the Palestinian Parliament in 2006. The court rules [H] that the Entry into Israel Law regulating the status of East Jerusalem residents, does not authorize the Minister of Interior to revoke status based on "breach of allegiance". However, the majority justices decided to postpone for six months the cancellation of the Minister of Interior's decision, to allow the Knesset – "if it sees fit" – to enact a suitable law on this matter in order to enable revoking the four's status.

Following the judgment, on October 23, 2017, the state requests to delete HaMoked's petition concerning four East Jerusalem young men – whose status was revoked due to "breach of allegiance" following their involvement in attacks against Israelis – and to postpone for six months the cancelation of the revocation decision in their case, as was done in Abu 'Arafeh. The HCJ accepts the state's request and deletes the petition, stressing that the cancelation of the Minister's decision concerning the four youths will become effective at the end of six months **from the date of the Abu 'Arafeh judgment**.

27.9.2017 **According to Ministry of Interior data: 1,573 Palestinians living in Israel in the framework of the family unification procedure have received temporary residency status in Israel following HaMoked's petitions**

After many years of living in Israel with nothing but stay-permits and without social security rights, the status of these Palestinians is updated according to the Minister of Interior's decision of April 2016. The remaining 418 people in the group about whom the Minister made his decision did not receive temporary residency status due to a security or criminal disqualification, or for failing to meet the criteria.

The data is provided in the framework of HaMoked's freedom-of-information petition.

18.10.2017 **Judgment in the petitions to grant status to Palestinians living in Israel for many years in the framework of the family unification procedure: At present, there is no need to amend the Citizenship and Entry into Israel Law, but it should be relaxed**

The High Court of Justice deletes HaMoked's petitions, ruling that the Minister of Interior's decision, following which temporary residency status was given to 1,573 Palestinians, constitutes a change for the better, and hence

there is no call to continue discussing the petitions. However, the justices rule that "There is great importance to continuing a thorough examination of the issue before the competent bodies", and that "presumably, further along the way, solutions of one kind or another would be found concerning the population of status recipients which is not included in the Minister's decision". Justices Isaac Amit and Yoram Danziger even stress that it is high time the provisions of the Citizenship and Entry into Israel Law were relaxed.

6.11.2017 **At the end of HaMoked's long and determined legal battle: a stateless young woman, born in East Jerusalem and living there her entire life, receives permanent Israeli residency status**

In 1992, a newborn baby girl was found on the doorstep of an orphanage in East Jerusalem without anything to identify her. The manager of the orphanage, a Palestinian woman who is a permanent Israeli resident, took the baby into her care, raised her as her daughter and became her legal guardian under a Sharia Court order. The Ministry of Interior refused to register the girl without seeing a birth certificate, and she remained stateless – exposed to being detained, arrested and deported and without any social security rights.

In 2012, after a six-year-long bureaucratic battle, including an objection to the Appellate Committee for Foreigners, and a petition to the District Court, the Ministry of Interior Interministerial Committee for Grant of Status for Humanitarian Reasons [H] decides to give her a B/1 type visa, issued to tourists who are allowed to work in Israel but affording no rights.

HaMoked insists that giving the young woman a tourist visa does not help her in her predicament or promote a solution in her case and actually perpetuates her situation as stateless. Therefore, the young woman's case is returned for reconsideration by the interministerial committee, but the committee continues to drag its feet for another year. Only after an appeal to the Appeals Tribunal [H], the Ministry of Interior notifies [H] HaMoked of its decision to give the woman temporary residency status for one year, at the end of which it would consider her continued status in Israel.

Despite that, at the end of the year, the Ministry of Interior decides to extend the young woman's temporary residency status for two more years. HaMoked appeals [H] against the decision to the Appeals Tribunal, which rules that the young woman's status should be upgraded to permanent residency.

For more on stateless persons living in East Jerusalem, see HaMoked report, September 2014, pp. 65-68

2.1.2018 **The Knesset amends Basic Law: Jerusalem, Capital of Israel, in order to impede any future plan to divide the city in the framework a diplomatic agreement**

The Amended Law [H] stipulates that the government must obtain a super-majority of 80 of the 120 Knesset members in order to transfer to a foreign entity any "authority pertaining to the area of the Jerusalem Municipality"; however, this condition may be cancelled by a majority of 61 Knesset members. The Amended Law also allows changing the city's municipal boundaries by a simple majority, rather than a special majority of 61 Knesset members, as it did before. Thus, the Knesset paves the way for the realization of proposals to disconnect from the Jerusalem municipality the neighborhoods Kafr Aqab and Shu'fat (which lie beyond the separation wall) and place them under a new municipal authority.

7.3.2018 **Amendment to the Entry into Israel Law stipulates that the Minister of Interior in authorized to revoke the status of a permanent resident on the grounds of "breach of allegiance" to the state**

Under Sect. 11(a) of the Law [H], an act which involves "breach of allegiance to the State of Israel" is an act of terror as defined in the Counter-Terrorism Law, aiding or soliciting the commission of a terrorist act, taking an active part in a designated terrorist organization, or an act which constitutes treason or espionage under the Penal Law. In the case of a person without permanent residency status or citizenship outside Israel, or the ability to acquire them, the Minister of Interior must give that person a visa to reside in the state.

Comments to the memorandum, submitted by HaMoked, Adalah and the Association for Civil Rights in Israel [H]

Following the Amendment, the Minister of Interior issues renewed decisions to revoke the permanent residency status of several East Jerusalem Palestinians. In two of the cases, HaMoked petitions the District Court, arguing this decision constitutes illegal retroactive application of an unconstitutional law, which fails to comply with the limitations clause set in

the Basic Law: Human Dignity and Liberty and critically violates many basic rights.
See, e.g., AP 18-05-60135 [H]

The court decides to transfer the petitions to the HCJ – given that they address "a sensitive and important matter, and due to the indirect challenge" to the amendment.

21.10.2018 **The Appeals Tribunal judgment in the Byan case: The Ministry of Interior must ensure continuous legal status in Israel of people who act according to its own procedures**

The Tribunal grants HaMoked's appeal against the Ministry of Interior's decision to set a condition for extending the validity period of the temporary status of a young woman in East Jerusalem, whereby she must get prior approval of her request to arrange her status pursuant to a family unification procedure with her newlywed husband.

In the judgment [H], the Tribunal rules that "a visa held by a person lawfully, will be extended so long as there is no response to his request to extend it or his request for referral to [receive] status according to a different procedure". In order to prevent recurrence of such cases, the Tribunal enumerates the types of situations to which its instruction applies: applicants for status on humanitarian grounds whose graduated procedure was terminated due to the death of a spouse, divorce with children or separation from a violent spouse; people who are in the process of transferring from one procedure to another (as in the present case); and applicants who are in the graduated procedure, but whose request for status renewal has not yet been decided on for reasons such as a delay in receiving the security officials' position or internal Ministry of Interior consultations.

See also the judgment in Appeal (J-m) 4340-18 [H], regarding the obligation to ensure continuous legal status in Israel in the absence of the security officials' position

3.1.2019 **Judgment in the Hatib case: The Minister of Interior is not authorized to deport from Israel, as a "deterrent" or "punishment" or due to "parental responsibility", the mother of a suspected assailant**

The District Court rejects the Ministry of Interior's appeal of an Appeals Tribunal judgment, and rules that the decision to revoke the woman's permit of stay in Israel is "clearly, disproportionate", and moreover, cannot be based on a "general deterrence consideration", which does not appear in the Citizenship and Entry into Israel Law. The Court also notes that it seems the decision contained an unacceptable punitive element, for things the woman did not do and is not responsible for, particularly as the minor is close to the age of majority.

7.1.2019

Landmark judgment of the Appeals Tribunal: A minor whose parent holds temporary residency status is entitled to be registered in the same status

The Tribunal accepts the appeal of the Association for Civil Rights in Israel against the Ministry of Interior's decision not to register the infant son of a Palestinian woman from the Israeli city of Taybeh who is married to a resident of the oPt and has been in possession of temporary Israeli status for more than a decade by virtue of being daughter of a permanent resident of East Jerusalem.
The Tribunal rules that Regulation 12 of the Entry into Israel Regulations, "does not circumscribe its application to a certain type of permit", and clarifies that the Regulation's purpose is to prevent separation and disparity between the status of a child born in Israel and the status of their custodial parent living with them in the country, regardless of the parent's status.

Following the judgment, the Ministry of Interior revises its procedure for the registration of children who are born in Israel and have only one Israeli resident parent.

February 2019

HaMoked to the High Court of Justice: Residents of the oPt in their fifties who have been lawfully living in Israel for years in the framework of the family unification procedure, must be given permanent status

HaMoked files 14 High Court petitions regarding women and men from the oPt who have been lawfully living in Israel pursuant to stay permits or temporary status, and who have reached ages 50 and 55, respectively. HaMoked demands that these groups be excluded from the Citizenship and Entry into Israel Law, or that the Law be amended to include maximal age

caps to allow those belonging to these groups to complete their family unification procedures and receive permanent status in Israel.

HaMoked asserts that as the relevant security officials themselves acknowledge that those in this older demographic do not pose any security risk, there is no justification to the continued infringement of their rights.

April 2019

According to Ministry of Interior data: the Population Registration Bureau in East Jerusalem annually receives some 600 new family unification requests and some 1,800 requests to register children with only one Israeli resident parent

Some 6,500 ongoing family unification requests are reprocessed annually, by the renewal of stay permits given under the Citizenship and Entry into Israel Law.

The data is submitted to the Appeals Tribunal in the framework of a series of requests to delete appeals in cases concerning failure to respond to requests for child registration or family unification in East Jerusalem. In view of the data, the Ministry of Interior seeks to implement, at its own pace and without interference, a work plan it formulated to reduce the overload.
HaMoked's objection to the proposed plan

2.6.2019

State Comptroller report: sharp criticism over the state's deficient handling of the civil status of East Jerusalem Palestinians

Chapter nine of the report, titled "Developing and Strengthening the Status of Jerusalem – Part 2", describes the deficient conduct of the Ministry of Interior and the National Insurance Institute towards the Palestinian residents of East Jerusalem, which severely harms their possibility to realize their rights as permanent residents, and often forces them "to turn to judicial instances".

In view of the harsh findings, the State Comptroller recommends, among other things, that the Minister of Interior conduct extensive staff work to

formulate an overall policy in this area, and in this framework, it may be advisable "to receive the comments of the residents and civil society entities".

15.9.2019 **HaMoked petitions the High Court of Justice to repeal the amendment allowing the revocation of status due to "breach of allegiance to the State of Israel"**

The petitions are filed on behalf of two men, each serving a life sentence for involvement in the planning and implementation of a fatal attack against Israelis.

HaMoked argues that the Minister of Interior's decision to revoke the permanent residency status of the two men is an illegitimate decision which applies legislation retroactively, given that the Amendment was enacted years after the events cited as the reason for the decision. HaMoked argues further that this is an unconstitutional law that fails to comply with the Basic Law: Human Dignity and Liberty, and is contrary to international humanitarian law, which prohibits imposing a duty of allegiance on protected persons living in occupied territories.

See, e.g., HCJ 6049/19 [H]

Currently **Extensive legal advocacy by HaMoked and other human rights organizations has succeeded in pushing back against increasingly restrictive Israeli policies regarding residency rights for East Jerusalem Palestinians. This has included principled changes and more lenient regulations regarding the Citizenship and Entry into Israel Law, as well as registration of Jerusalem children and restoration of residency status. However, the broader picture remains the same: Israel continues to treat East Jerusalem-born Palestinians as immigrants living in their homes by grace and not by right, and continues its long-standing policy of neglect and discrimination on the part of state authorities in resource allocation and service provision to Palestinians in East Jerusalem. The draconian law preventing family unification and child registration is for all intents and purposes permanent and looms over the lives of thousands of East Jerusalem residents, their spouses from the OPT and their joint children. The Ministry of Interior's treatment of Jerusalem Palestinians is characterized by foot-dragging, negligence and arbitrariness. Thus bureaucracy is used as a weapon in Israel's demographic battle against the Palestinian population of the city**.