

Change of Registration of Personal Status on Identity Card

In recent months, Palestinians who go to Ministry offices to record a change in their personal status from single to married face a problem. Rather than change the personal status to "married," the registration clerk records "unknown" or "under review," and refuses to make the change. The clerk also refuses to record the name of the spouse in the identity card.

Sana Roob, 21, a resident of the Old City, went to the Ministry on 14 October 1997 to renew her identity card and change her status to "married." She brought a copy of her marriage contract and a copy of a residential lease, and received a new identity card. About a month later, she noticed that the personal status space was marked "unknown." She went to HaMoked, which wrote to the Ministry asking why her status had not been changed and why her husband had not been recorded in the identity card. HaMoked sent its letter on 17 March 1998 but has not yet received a response. As long as the identity card does not indicate that the resident is married, the holder is not entitled to request an entry permit for a non-resident spouse or apply for family unification on behalf of the spouse.

The Registry clerk's tasks do not include making opinions relating to the validity of marriage, and the clerk must change the personal status in accordance with the marriage certificate presented. The High Court of Justice has so ruled, Justice Y. Zusman writing for the Court:

In registering the family status of the resident, the Registry clerk's task is not to give an opinion relating to the validity of the marriage. The assumption is that the legislature did not impose on a public authority an obligation it is unable to fulfill. It is sufficient for the clerk, for the purpose of performing his functions and recording the family status, to be presented with proof that the resident underwent a marriage ceremony. As regards the question of the validity of the ceremony that was performed, it can at times be perceived in one way or another, and review of its validity lies outside the confines of the registry of residents.³¹

The personal status recorded in the identity card is only prima facie proof of its accuracy,³² and is not, therefore binding. The rigidity of the Ministry in refusing to change the personal status listed in the identity card is purely a nuisance and another way to create difficulties for East Jerusalem Palestinians.

31. HCJ 143/62, *Poonk Shelinzegeer v. Minister of the Interior*, Piskei Din 17, 225, 242. See also HCJ 230/86, *Shoshana Miller v. Minister of the Interior*, Piskei Din 40(4) 436.

32. Section 2 of the Population Registry Law, 5725-1965.

4. Identity Numbers for Children

An identity card is necessary for almost every matter of daily life - receiving a driver's license, opening a bank account, taking the matriculation exams, and the like. For residents of East Jerusalem, an identity card is even more important. Without it they can expect confrontations with soldiers and Border Police.

Receipt of an identity number from the Ministry is a pre-condition to obtaining an identity card, and for some residents of East Jerusalem, obtaining a number is a long and complex process.

A child born to parents who are Israeli citizens or residents receives an identity number at the hospital at birth. The child's parents then go to the Ministry, where the clerk issues a birth certificate with the identity number and records the child's name on the parents' identity cards.

Where only one of the parents is a resident of East Jerusalem, the procedure is different. After birth, the parents receive a form titled "Notification of Live Birth," which contains no identity number. When the parents go to the Ministry to obtain a birth certificate, the birth certificate also does not contain an identity number. To receive an identity number, the parents must submit a "Request to Register a Birth" and annex to the request proof that the family's center of life is in Jerusalem.

Parents going to the Ministry to obtain a birth certificate and record the child's name in their identity cards are not always aware that the child does not have an identity number. Ministry clerks do not inform them that they must initiate the process of registering the child, but rather issue a birth certificate without an identity number for the child. Only parents who themselves note that the child does not have an identity number submit a request to register the child.

Furthermore, under section 30(A) of the Population Registry Law, "A person born in Israel who is registered in the Registry is entitled to receive a birth certificate." By issuing birth certificates, Ministry clerks give the false impression to the parents that the child is registered in the Population Registry. The attempts of HaMoked to record children from East Jerusalem on the basis of section 30(A) have failed, the Ministry demanding that the family provide proof that it lives in Jerusalem.

An illustrative case is that of Nadia Darawi, a resident of East Jerusalem, who married, in 1981, a resident of the Occupied Territories. On 28 August 1996, the couple had a baby, Muhammad, and the Ministry issued the parents a birth certificate without an identity number. In November 1996, HaMoked requested the Ministry to issue Muhammad an identity number, basing its request on section 30 of the Population Registry Law. HaMoked received no response. HaMoked contacted the Ministry three more times on this matter. Finally, in December, the Ministry responded that, "As regards registration of Muhammad in the Population Registry, your aforementioned client must complete a request to register children and annex all the proofs on the center of life being in Israel."³³

Where only one of the parents is a resident of East Jerusalem, the Ministry routinely provides a birth certificate without an identity number to parents who come to register their child. The Ministry does not issue an identity number even where it is clear that it has already recognized that the family's center of life is in Jerusalem.

Lulu Shalaldeh, a resident of the a-Tur neighborhood of Jerusalem, is married to a resident of Sa'ir village, Hebron District. On 29 January 1998, following a petition to the High Court of Justice filed by HaMoked, her request for family unification on behalf of her husband was approved. This approval indicates that the Ministry recognizes that the

33. Letter of 15 December 1997 to HaMoked.

family lives in Jerusalem. On 4 April, some two months after approval of the request, the couple had a baby. When the mother went to the Ministry to register her newborn son, she received a birth certificate without an identity number. The clerk did not request her to

complete a form requesting registration of the child, and did not review the mother's file, which showed that proof had recently been made that the center of her life is in Jerusalem.