

Forced to Abandon her Infant

A particularly serious, though unusual, case illustrating the possible effects of the Ministry's policy not to issue identity numbers to children is that of Haleh 'Odeh.

On 19 September 1996, 'Odeh married Ahmad 'Odeh, a Jordanian citizen. On 20 May 1997, she submitted a request for family unification on his behalf. Four days after the wedding, her husband had been caught in Jerusalem without a permit to stay in Israel, and had been deported to Jordan. On 22 June 1997, the couple had a daughter, for whom the Ministry did not issue an identity number.

On 6 July 1997, Mrs. 'Odeh traveled to Jordan with her infant daughter so that her husband could see his baby daughter for the first time. She obtained from the Ministry a permit to exit to Jordan, and at the Allenby Bridge, the soldiers recorded her daughter in the exit permit. Three days later, her husband went to Abu Dhabi to work, and Mrs. 'Odeh intended to return to her home in Jerusalem.

The IDF soldiers at the Allenby Bridge refused to let her enter with her daughter. They explained that her daughter could pass only on a Jordanian passport. Mrs. 'Odeh returned to Jordan and attempted to obtain a Jordanian passport for her daughter, but the Jordanians refused to accept her application because she is a resident of Jerusalem. Two months later, during which she stayed with neighbors of her husband, and after coming to the realization that she had no other solution, she returned to the Allenby Bridge, hoping to be able to get to her home in Jerusalem.

However, the soldiers again refused to let her enter with her daughter, though they told her there was no problem in entering by herself. Having no choice, the next day Mrs. 'Odeh left her two and a half month old daughter with her husband's neighbors and went to Jerusalem alone. When she arrived in Jerusalem, she went to the Ministry offices, where she was informed that the soldiers had acted contrary to instructions. Despite this, the Ministry denied her request to receive an entry permit for her daughter, and she was forcibly removed from the office.

Mrs. 'Odeh went to HaMoked for assistance. HaMoked contacted the HCJ Department of the State Attorney's Office. Two days later, the Ministry's approval to return the infant to Jerusalem was received. On 11 September 1997, Mrs. 'Odeh traveled to Jordan and returned to Jerusalem with her daughter.

5. Family Unification in Jerusalem

To be allowed to live together in Jerusalem, East Jerusalem residents married to non-residents must submit a request to the Ministry for family unification on behalf of their spouse. The Ministry views granting of these applications as a benevolent act, so it grants requests only "in exceptional cases, where special circumstances exist."³⁴

This policy severely affects family life, the right of a couple to live together, and the right of children to live with their parents.

In general, requests for family unification submitted by residents of East Jerusalem are not processed. At the end of 1997, the Ministry had a backlog of 7,470 requests for family unification.³⁵ The high number of requests results, in part, from the Ministry's change in policy in 1994. Until then, the Ministry rejected outright requests submitted by female East Jerusalem residents on behalf of their non-resident husbands, and the Ministry only processed requests submitted by male residents of Jerusalem on behalf of their wives. In March 1994, following a petition to the High Court of Justice, the

Ministry changed its discriminatory policy and decided to process also requests for family unification filed by female residents of Jerusalem on behalf of their husbands.³⁶ As a result, thousands of female residents of Jerusalem, who could not submit applications previously, submitted their requests, but the Ministry did not process them.³⁷

Where the spouse is a resident of a foreign country, while the family unification request is pending, the spouse is generally allowed to stay in Jerusalem pursuant to permits issued by the Ministry. The situation is different for residents of the Occupied Territories.

Until March 1993, when Israel imposed a closure on the Occupied Territories, residents of the Occupied Territories married to Jerusalem residents were allowed to enter and stay in Jerusalem.³⁸ After imposition of the closure, the Civil Administration in the Occupied Territories established a "Procedure for Divided Families," according to which Jerusalem residents' spouses living in the Occupied Territories would be granted periodic permits to stay in Jerusalem after submission of a request for family unification. In most cases, the permits were issued for three months and included a permit to stay overnight in Israel.

34. Letter of 11 January 1998 from attorney Moriah Bakshi, of the legal department of the Ministry, to The Association for Civil rights in Israel.

35. Letter of 17 December 1997 from Raphael Cohen, director of the Population Administration, to Ingrid Gassner, of the Alternative Information Center. On 23 June 1998, B'Tselem requested updated data, but has not yet received a response to its inquiry.

36. Letter of 23 June 1994 from Yochi Jensen, senior deputy to the State Attorney, to The Association for Civil Rights in Israel following HCI 2797/93, *Garbit v. Minister of the Interior*. On this matter, see *The Quiet Deportation*, 9.

37. In this matter, the State Comptroller determined as follows: "As a rule, requests for a permanent permit in the framework of family unification submitted since the change of policy in April 1994 were not processed. The few requests that were approved were those where petitions to the High Court of Justice had been filed, or where other special circumstances existed... Only in June 1996 was a procedure developed to process requests for permanent residency and family unification... At the time of the completion of the review, November 1996, reference had not yet been made to all those who had submitted requests, and in general, granting of a permanent-residency permit within the framework of family unification had not yet begun for requests that had been submitted to the Population Administration in East Jerusalem from April 1994 onward." (*State Comptroller's Report*, 578-579). On 5 May 1998, B'Tselem requested the Ministry to send it a copy of the procedure for approving family unification, but received no response to its request.

38. As early as February 1991, residents of the Occupied Territories were required to obtain personal exit permits in order to leave the Occupied Territories, but until the closure in 1993, it was not particularly difficult to obtain such a permit. Concerning the closure policy of Israel, see B'Tselem, *Divide and Rule: The Prohibition on Movement between the Gaza Strip and the West Bank* (Jerusalem, May 1998) 5-6.

Implementation of the "Procedure for Divided Families" was very problematic. Persons entitled to the periodic permits did not always receive them, and in some instances, the permits did not include a permit to stay overnight in Israel. Obtaining the permit entailed numerous bureaucratic problems for the resident of the Occupied Territories each time the permit expired. The main problem was that each time Israel imposed a total closure on the Occupied Territories, all the permits were revoked, and the spouses were required to submit a new request when the closure ended. However, the procedure did provide these families with a certain measure of family life.

In early 1996, following the bomb attacks in Israel, the authorities revoked this procedure. In January 1996, the Ministry proposed, following the filing of a petition to the High Court of Justice relating to family unification in Jerusalem, an alternative arrangement in which the spouses would be issued permits to stay and work in Jerusalem. After a specific period of time, the Ministry would issue a temporary-resident permit until the granting of the request for family unification.³⁹ HaMoked's experience indicates that the Ministry never implemented this arrangement for spouses residing in the Occupied Territories, but applied it only for residents of other countries. In no case did the Ministry approve a request of HaMoked on behalf of a resident of the Occupied Territories for a permit to stay in Israel within the context of this arrangement.⁴⁰

The Ministry canceled this arrangement some twelve months after its inception. In an affidavit to the High Court of Justice, Yosef Tov, then-director of the Ministry's Population Administration, stated that, "The

policy of the Minister of the Interior is, as a rule, that a person should not be allowed to stay in Israel if a request for family unification in Israel has been submitted on his behalf, until such time that a decision is reached on the request..."⁴¹ Tov did not relate at all to the Ministry's notice to the High Court of Justice of about a year before, under which the spouse for whom a request for family unification has been filed could stay lawfully in Israel while the request is pending.

A resident of the Occupied Territories married to a resident of Jerusalem is currently unable to obtain a permit to stay in Israel, even temporarily, until the request for family unification is granted. These families must live separately for many years, unable to conduct a normal family life. If Jerusalem-resident spouses move to live outside the city, the Ministry is liable to revoke their Jerusalem residency.

In June 1997, HaMoked petitioned the High Court of Justice on behalf of seven families in which the wife is a resident of Jerusalem and the husband a resident of the West Bank or the Gaza Strip, who are unable to live together because of the Ministry's policy.⁴² Following filing of the petition, the Ministry approved the requests for family unification of six of the families. The parties are now seeking to find a solution for the problem as a whole.

In early 1997, the Ministry announced a "graded arrangement," pursuant to which it would grant permanent-residency status only five years and three months after approval of the request for family unification. During this period, the spouse would be allowed to stay in Israel pursuant to temporary permits issued by the Ministry.⁴³ HaMoked's experience indicates that the Ministry does

39. Notice of the State to the High Court of Justice, dated 19 January 1996, in HCJ 7930/95, *Mahfuz v. Minister of the Interior*.

40. The then-head of the Minorities Department of the Ministry, Shlomo Matnyah, informed HaMoked on 10 March 1997 that these permits had never been granted to residents of the Occupied Territories.

41. Affidavit dated 2 April 1997, in response to HCJ 463/97, *Saham Mahmud Muhammad Hazmeh et al v. Minister of the Interior*, filed by HaMoked.

42. HCJ 3677/97, *Goafer Hassan 'abd al-Hafez Rasheq et al v. Minister of the Interior et al*.

43. This policy was presented to the High Court of Justice in HCJ 2950/96, *Haneh Musa et al v. Minister of the Interior et al*, and was approved.

not approve requests for family unification even under this arrangement, and those requests are likely to be approved, if at all, only after a petition is filed with the High Court of Justice.

The following are a few illustrations of the difficulties faced by families compelled to live apart.

Giving Birth and Raising a Child Alone

Four years ago, Rihab 'Ali Issawi, 50, married a resident of Jenin [Occupied Territories]. Her request for family unification on behalf of her husband was not approved. Six months ago the couple had their first son. In her testimony to B'Tselem, she stated:

My husband was not allowed to live with me in Jerusalem. He has a permit to enter Israel because he is a merchant, but the permit only covers the hours from 5:00 A.M. to 10:00 P.M. Sometimes he spends the night with me, but then he is staying illegally, because Israel does not grant him a permit to live in Jerusalem.

When there is a total closure of the Occupied Territories, his permit to enter Israel is revoked. That happened, for example, at the end of my pregnancy. That was a very tough time for me because I was in the hospital the entire last month [of the pregnancy] because I had to be under constant medical supervision. During that month, he managed to be with me only twice. I always heard that one of the best periods of married life is the last part of pregnancy, with both the husband and wife waiting for the newborn child. That experience was taken from me. Why? Because my husband is not a Jerusalemite, he does not have a blue [identity] card, and he needs a permit from Israel to live with me.

Furthermore, the first child is always very hard for a couple. I do not know when his temperature is too high, and when he

should be taken to the hospital. At the beginning, I also did not understand what the infant's crying meant, or what he wanted. There was nobody with me who would tell me what to do. I often ran to my neighbor in the middle of the night, and many times I took the baby to the hospital, even though it was unnecessary. Think what it's like for a woman going out at three o'clock in the morning alone to take her baby to the hospital, without the baby's father because he is in the Occupied Territories. When I gave birth, I received a shot in an improper manner, and it injured my veins. Because of that, I am unable to do many things. It is occasionally hard for me to pick up the baby, and there were many times I had to do that in spite of the pain. I cried a lot, but not only because of the pain. I also cried because my baby's father was far away, and he could not help me in my condition.⁴⁴

Prohibiting the Husband to Work

In June 1994, Hashem Abu Tir married Haisham Abu Tir, a Jordanian citizen. On 29 June 1994, she submitted a family unification request on his behalf. The husband stayed in Jerusalem on a tourist visa, which did not enable him to work in Israel.

In response to HaMoked's request to issue him a permit enabling him to work in Israel, Shlomo Matnyah, then-head of the Ministry's Minorities Department, stated that, "I wish to inform you that we do not approve work permits for husbands. He is, therefore, forbidden to work." Despite several more requests submitted by HaMoked, and although the husband had a letter from an employer interested in hiring him, the Ministry refused to grant the husband a work permit. The Ministry provided no response to seven additional letters from HaMoked, other than to indicate that "the matter is being handled."

44. The testimony was given to B'Tselem researcher Marwah J'bara-Tibi on 21 July 1998.

On 7 August 1996, HaMoked received a request to prove that the wife's center of life is in Jerusalem, the documents requested including confirmation of her husband's place of employment. Only on 24 June 1997 did he receive a work permit, and it was only for six months. The request for family unification has not yet been approved.

Living Separately

Two years ago, Doa'a 'Abdallah Ashnati, 28, married a resident of Qalqilya [Occupied Territories]. The Ministry has not yet approved her request for family unification. In her testimony to B'Tselem, she stated:

My husband does not have a permit to live with me. The Israelis give him a work permit for every day from 5:00 A.M. to 10:00 P.M. Sometimes he spends the

night with me, but he does that without a permit. Many nights I remained alone because there was a closure, and the authorities canceled all the permits. He also cannot stay at the house in Jerusalem because he must travel between Ramallah and Jerusalem for his job.

I live with my parents. If I were living alone, it would be much more difficult. Especially after I gave birth, my parents helped me a lot. We do not live like a family in that we cannot live in an apartment alone because the prices are very high, and my husband is not allowed to live with me in any case. We also can't live in Ramallah, because then the authorities would take my identity card.⁴⁵

45. The testimony was given to B'Tselem researcher Marwah J'bara-Tibi on 17 August 1998.