

An additional difficulty concerns Jordanian nationals who are located in Israel on visitors permits and are currently completing the maximum amount of time through extensions that the Ministry of the Interior is allowed to grant to their permits (B/2) according to the law. These people include those who entered Israel at the end of 1993 and the beginning of 1994 (just prior to the policy change) and did not leave since. In one case, instead of exchanging the visitor's permit with a permit for temporary residency (which can be extended indefinitely), the spouse was required to leave for Jordan and he succeeded in returning with a new permit (that does not include the right to work) only after the intervention of a lawyer.

The Registration of Children

As noted, the regulations concerning entry into Israel award the children born in Israel the status of their father. In cases where the mother is a resident of East Jerusalem and the father is not, regulation 12 of the regulations goes into effect, such that if the second parent objects to the giving of the father's status to the child, the subject is left to the judgement of the Ministry of the Interior. The Ministry of the Interior has a special form for requesting the registration of children in this situation. The decisions concerning the registration of children are made according to the center of life. When the family's center of life is in Jerusalem, the children will be registered in Jerusalem; they will be registered (with an identification number) in the population registry, on the identification card of the mother and will receive Israeli birth certificates. When they grow up they will be eligible for blue identity cards.

In 1994, with the beginning of the new policy, the position of the Ministry of the Interior (which was accepted without objection by HaMoked) was that the process for registering the children should be an integral part of the FARE process for the father and if a FARE request has been submitted on behalf of the father, there is no point in continuing the process of registering the children. This position appears at first to be reasonable as both processes require proof that the center of life is in Jerusalem. However, this first appearance is deceiving. First of all, in the request for a permanent permit for the husband/father, security considerations are taken into account which are relevant to him but not to the children. The consideration of FARE requests also take much longer than the requests to register children. While small children who do not hold their own identity cards are able to live in Jerusalem even during a time of closure, an identification number and birth certificate are required of them to receive numerous services. From a qualitative point of view, the State must award preferential treatment to the arrangement of the affairs of children. However, it must be emphasized that the positive response to the family reunification request of the father is connected to the rights of the children-to their right to live with the father and to a family life not interrupted by forced separation or migration to another country.

In January 1996, in the wake of pressure from HaMoked and several lawyers, a change was made in policy and the Ministry of the Interior began treating the requests for family reunification and the registration of children in a separate and independent manner. This policy was declared, among other places, in letters from Chiat Natsra to HaMoked on 28.1.96 and from Advocate Moria Bakshi of the Legal Department of the Ministry of the Interior to Advocate Rosenthal on 28.1.96. Since then, HaMoked has submitted requests for the registration of children for numerous families with pending family reunification requests on behalf of the husbands. One request was granted in May 1996 while the remaining requests were held until October 1996. HaMoked knows from people who turn to it for assistance that the possibility of submitting a separate request for the registration of children while a FARE request is pending is not open to persons with no outside representation such as HoMoked. Female residents who requested to register their children were asked if they had submitted a FARE request for their husbands. When they responded positively, the Ministry of the Interior refused to accept their requests.

In the meantime, the Ministry of the Interior has recommenced the examination of requests from 1993 that were submitted by HaMoked and never dealt with. Correspondence by HaMoked received no response from the Ministry of the Interior during three years, and HaMoked had refrained from pressing on this issue given the submission of FARE requests and the policy of joining the request to register children with the FARE request for the father.

HaMoked was requested to submit additional documents and to complete forms so the requests would be considered. The request to submit additional forms is done on the X-document of FARE (after the words "family reunification" are crossed out by hand and replaced with "registration of children"). The clerk who deals with the registration of children generally marks all of the boxes on the form.

The fear is that the "revival" of the requests from the past is intended to coordinate information about families in which one of the spouse is not a resident, generally in order to revoke the residency of the woman and of the children already registered.

At the end of October, HaMoked began receiving positive replies to a number of requests to register children.

The form of the permits is misleading:

"In response to your letter from the day of - , I announce to you that we have decided to permit the registration of the children as residents of Israel and according to the enclosed list.

Our aforementioned decision is based on the argument and supposed evidence according to which from June 1967 and up until today, she or her parents had and presently have their permanent residency in a neighborhood or region under the jurisdiction of Israel.

It is superfluous to note that if in the future we receive information which contradicts the abovementioned argument and the evidence presented to us, the minister of the interior will be able to use his authority according to Article 11 of the Entry into Israel Law and negate the recognition that they are permanent residents under the jurisdiction of Israel-with all the ramifications associated with this."

The aforementioned article 11 permits the minister of the interior to cancel permits for permanent residency "according to his judgement" and he is eligible to cancel the permit given on the basis of intentional misleading evidence submitted on the part of the recipient of the permit.

In these letters there is an attempt to put claims in the mouths of the applicants and HaMoked that were never made (and facts never verified by HaMoked) which go almost 30 years into the past.

The Ministry of the Interior even requires from those receiving a permit to provide, at the time of registration, a written statement according to which since the marriage he/she has lived in Jerusalem. HaMoked received this request both by telephone and when a staff member of HaMoked escorted two women to the registration. The Ministry of the Interior made due, however, with a statement that all of the facts submitted through HaMoked to the Ministry of the Interior concerning the center of life and that of her children are true. In addition, HaMoked has written to the Ministry of the Interior that according to its understanding, the determinant criteria is the present center of life, and to this it directed its factual arguments.

Receipt of the First Identity Card

(At the age of 16, according to the law, one must begin carrying an identity card, including one who has received the status of a resident).

In a number of cases (for example, 4632), children who belong to divided families and were registered with the population registry, are required to submit documentation proving that the center of their lives is in Jerusalem when they go to receive an identity card at the age of 16. During a telephone conversation with the responsible clerk at the Ministry of the Interior, it was noted that this is a permanent procedure. In HaMoked's opinion, this is part of the attempt to negate residency, similar to the negation of the identity cards from the mothers of these children.

National Security and Health Insurance

A number of rights, especially that to an allowance for children from National Insurance and to health insurance are awarded solely to residents of the State. In this matter, the definition of a resident is different than that determined in the Entry into Israel Law; the factual situation in the present is the determinate, with no connection to the status of the person according to the laws under the responsibility of the Ministry of the Interior. Exit from Israel (including to the territories) results in the loss of the rights awarded to a resident.