

whose cases are already in the pipeline would not be approved. The bureaucracy that Israeli residents and their Palestinian partners have to deal with became even more convoluted, and new obstacles were set up in the path of parents who want to register children who have only one parent who is a resident.

These measures hit the residents of East Jerusalem hardest. The lives of Palestinians who live in the city are intertwined with the West Bank and Jordan; about half of the requests for family unification that were approved over the past eight years were submitted by East Jerusalem residents.²² The strikes at the East Jerusalem office of the Ministry of Interior in March, October and November have made things even more difficult for the 250,000 residents who use the services of this office.²³ During the past year, HaMoked handled requests for unification, registration of children and the entitlement of children

to health insurance and other allowances from the National Insurance Institute for more than 300 families. The condition of these families has deteriorated because of the policy of the Ministry of Interior, as did that of dozens of others that came to HaMoked asking to clarify the hazy situation. In 2002, HaMoked filed nine petitions with the administrative court concerning Jerusalem residency. In seven of these cases the State agreed to grant the petitioners' requests, and two are yet to be decided by the court. HaMoked continued cooperating with other human rights organizations in an effort to define new ways of operation to suit the changed reality. Several meetings took place at HaMoked offices between representatives of the different organizations. Two meetings were held between representatives of the various organizations and representatives various governmental bodies.

Family Unification

Since 1997 and until April 2002 the family life of many Palestinians was dependent solely on what was called the "graduated procedure". Non-resident spouses of Palestinians who are Israeli residents became residents themselves through this graduated procedure that was completed within an average of 10 years from the day that an application for family unification first was submitted to the Ministry of Interior. In this process, the spouses had to undergo annual security and

criminal checkups and provide hundreds of documents to ascertain that the couple and their children all live in Jerusalem. In 2001, the Ministry of Interior started changing its policy in order to prevent Palestinians from immigrating to Israel. On May 12, 2002 the government decided to temporarily freeze the processing of all requests pertaining to family unification of non-resident Palestinians. This official change in policy followed an effective halt by the Minister of Interior of the handling of all applications for family

unification and for registration of children of Palestinians who are either Israeli residents or citizens.

One of the reasons underlying this government resolution was "... the implications of processes in which foreigners **of Palestinian descent** [my emphasis, E.B.] immigrate and strike root, including through family unification ..."²⁴ Talks with officials in the Ministry of Interior and documents that HaMoked has obtained, indicate that because there are not enough employees to conduct a thorough investigation, the Ministry checks a person's descent based on the PA population registry: if his or her name is listed, that person will be considered to be of Palestinian descent; if not, the Ministry of Interior reserves the right to pronounce him or her to be of such descent if in the checks during the years until residency is approved, it is established that the person has Palestinian roots.

An analysis of this decision and of its far-reaching implications for the residents of East Jerusalem, their families and their children, was provided in the previous activity report.²⁵ Generally, this resolution leads to the rejection of new requests for family unification and of old requests that have not yet been decided. The spouses, some with children, get a standard letter stating that in compliance with the government resolution, their request has not been approved, and the foreign partner must therefore "leave the country without delay." Should the Palestinian husband or wife decide to stay in Israel with their spouse and children, they would be risking deportation if caught, in which case they also lose the right to apply for family unification in the future. The government

resolution also freezes those requests that have already been approved and are going through the graduated process. In these cases, the permit to stay that the Palestinian spouse received is extended, but not upgraded. The upgrade, allocated only after at least six years have passed since the first application, allows the spouse to work and get health insurance and allowances from the National Insurance Institute.

The previous activity report mentioned HaMoked's decision to wait for a ruling in the petitions that ACRI and Adalah had filed regarding applications submitted by Palestinians who are Israeli citizens. However, the ruling was postponed, at the request of the State, until May 2003 at the earliest. HaMoked therefore decided to petition the administrative court in individual cases, in order to offer relief to these families from the fear of deportation that the temporary policy instilled. By the end of December, HaMoked filed six petitions on behalf of 23 family members whose requests for family unification had been submitted a long time ago, but were not approved or processed because of the government resolution. In all of these cases, interim injunctions have been issued, prohibiting the deportation of the non-resident Palestinian spouse. In all of these, the State agreed to approve the

22 According to data compiled by the Ministry of Interior. **Haaretz**, February 6, 2002, p. A1.

23 For more details about the impact of these strikes see: HaMoked, **Semi-Annual Report: January-June 2002**, p. 35.

24 **Government resolution no. 1813 dated May 12, 2002**, clause b.

25 HaMoked, **Semi-Annual Report: January-June 2002**, pp. 30-33.

requests for family unification, despite the declared policy.



CAA

G.T., a resident of Jerusalem, married A.T. in 1995 and immediately applied for family unification. G.T. and A.T. live in Jerusalem and have three children who are listed in the Israeli Population Registry. The eldest, 4 and a half years old, goes to kindergarten in Jerusalem. In 1999, more than four years after she applied, G.T. was informed that her request was being suspended until a pending criminal charge against her husband is processed. In investigations vis-à-vis the State Attorney's Office and the police, HaMoked has learned that the file has been closed. HaMoked therefore sent a letter to the Population Registration Office in February 2000, asking to resume the handling of G.T.'s request for family unification. In the years since, the couple was asked repeatedly to send documents proving that their center of life was in Jerusalem, and HaMoked has repeatedly addressed the Registration Office, asking it to process and approve the couple's application.

On November 18, seven years after Mr. and Mrs. T. had applied for family unification, HaMoked received a letter from the Population Registration Office stating that in compliance with the government resolution, the request is denied, and the foreign spouse must leave Israel without delay or he will be deported. A.T. then needed to hide at home. On December 15, HaMoked petitioned the administrative court, requesting an interim injunction that would stop A.T.'s

deportation and demanded a decision on the matter of family unification in this case. The court issued an interim injunction, and at the beginning of February 2003, the State announced that that it approves the unification. **(Case 14393)**

In another case, HaMoked petitioned the court on behalf of a Palestinian spouse whose permit upgrade, to which he was entitled even before the government freeze, did not go through because the Ministry of Interior took unreasonably long to handle it.



CAA

S.A. and A.A., married in 1988, have six children and have been living in East Jerusalem since. In 1994, when the Ministry of Interior changed its previous policy of denying unification requests submitted by resident women who had married non-residents, S.A. applied for family unification. At the end of 1995 her application was rejected without any explanation. At the beginning of 1997, HaMoked petitioned the HCJ, asking for explanations and for the registration of S.A. and A.A.'s children. A few days before the scheduled hearing, in March 1998, the Ministry of Interior decided to approve the request for family unification and register the children in the Population Registry. A.A. got a one-year permit to stay in Israel, which in 1999 was extended by another year.

In 2000, HaMoked applied for an extension and upgrade of A.A.'s permit to a temporary residence permit, in line with the graduated procedure. No answer was received over the next nine months. Even after the government resolution in May 2002, according to which the processing

of applications that have already been approved was to be resumed, the Population Registration Office provided no response. In October 2002, HaMoked petitioned the administrative court with a request to issue an interim injunction barring the deportation of A.A., who in effect has been an illegal alien during the two years since his last application was filed, and with a demand to approve his status as a temporary resident. The Court issued an interim injunction as requested, and on October 15 the State agreed to upgrade A.A.'s visa, despite the provisional policy endorsed by the government. The court further ordered the State to cover HaMoked's costs. **(Case 7614)**

Delays in permit approvals

The rights of families whose applications for family unification were already in one of the stages of the graduated procedure were compromised not only by the resolution adopted by the government in May, but also by the red tape in the Ministry of Interior. Until this year, the average was eight months from the application for an extension and until such extension was approved. As of the end of 2002, the interval – for a 12-month visa – grew to 14 months. The impact of this bureaucratic hurdle on family life is very serious. Families are not allowed to apply more than two months before the current visa expires; after these two months pass and the visa is not extended, the spouse becomes an illegal alien. If caught by one of the hundreds of security personnel deployed in Jerusalem, the partner might be deported. Furthermore, he or she may not be allowed

to apply for a visa by virtue of family unification, since a criminal record is opened for every illegal alien caught.

A.A. married an East Jerusalem resident in 1987. In 1994, when female residents of East Jerusalem were allowed to apply for family unification, A.A.'s wife submitted such an application to unite with her husband. At the end of 1998 the application was denied. At the end of 1999, the Ministry of Interior conceded HaMoked's appeal, approved the application and even gave A.A. a one-year permit. In December 2001 A.A. applied for an upgraded, temporary residence permit, in line with the graduated procedure. His application was only approved in August 2002, but because of the government resolution, his status was never actually upgraded. Two days before his application was approved, A.A. was apprehended on his way to work, and since he did not have a valid permit, a criminal file was opened against him for being an illegal alien. Because of A.A.'s police record, which was the result of the delay caused by the Ministry of Interior, the Civil Administration was unwilling to give him an entry permit – which is a prerequisite for any legal stay in Israel.²⁶ HaMoked is now working vis-à-vis the police to have the case closed, and with the Civil Administration, to get A.A. an entry permit. **(Case 13728)**

If the spouse follows the law and moves to the Territories until his or her application is approved, the Ministry of Interior may deny

²⁶ See section about entry from abroad, below.