

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.

the request, arguing that the center of life is no longer in Jerusalem. The spouse thus has no choice but to stay secluded at home, unable to work and support the family, even though the economic condition of Palestinian residents of East Jerusalem has deteriorated significantly since the outbreak of the intifada.²⁷



In 1995, immediately after their marriage, R.G. and M.G. applied to the Population Registration Office in East Jerusalem for family unification. R.G. contacted HaMoked in 1999, asking to get medical coverage in connection with the birth of her child, and to register three of her children in the Population Registry. In July 2000, the couple's application for family unification was approved, and they started the graduated procedure. M.G. got a one-year permit. About two months before the permit expired, the couple applied for a one-year extension. The Population Registration Office presented several more questions, which were answered by mail as required. Despite repeated reminders that were sent to the Population Registration Office over the next six months, no response was received. In August 2002, an employee at the Population Registration Office called and informed the family that updated documentation substantiating their center of life must be submitted, since one year having passed after delivery, the documents that the Registration Office received were no longer relevant. HaMoked dispatched the required documents in September, but over the following three months no response

was received. In December, HaMoked petitioned the administrative court, asking to extend M.G.'s permit. The State agreed. **(Case 13839)**

The IDF places further obstacles before Palestinians from the Territories who wish to live with their spouses and children in Jerusalem and whose applications for family unification are already being processed by the Ministry of Interior as part of the graduated procedure. In the first two years of the graduated procedure, Palestinians from the Territories must get entry permits from the Civil Administration. Until the end of February, approval by the Ministry of Interior, and, of course, a security check, were enough in order to get such permits. After the IDF's first invasion of the PA's territory, no entry permits to Israel were issued at all, except in humanitarian cases. Since the Civil Administration did not perceive the right to family life as a humanitarian right, entry permits were not issued even if approval by the Ministry of Interior was presented. The families were in an unbearable bind – the policy change cast a shadow over their life together, and the Civil Administration quashed the hope that they still had to spend another year together. Because of the government resolution, more people suffered from this policy, since it blocked any possibility of upgrading the status of the Palestinian spouse – an upgrade that would have made an entry permit unnecessary. At the end of July, HaMoked contacted the Coordinator of Government Operations in the Territories with a request to speedily find a solution for this problem. In mid-August an answer came declaring that entry permits had been

approved for residents of the Territories who were in the graduated procedure. Inquiries revealed that under the new procedure, the approvals of the Ministry of Interior, which are valid for one year, are sent to the Civil Administration, which conducts security, criminal and administrative checks that are quite similar to those that the Ministry of Interior had already performed. If the Palestinian spouse passes all these checks, the Ministry's approval is sent to the District Coordination Office (DCO) at his place of residence, and the applicant is given a three-month entry permit. The Palestinian spouse must report to the DCO and submit an application to extend the permit one month before the current permit expires.

The new procedure causes the Palestinian spouse unreasonable inconvenience: not only does he or she have to report to the DCO four times a year, but since the spouse does not know when the Civil Administration's checks will be concluded, he or she must also go there several times, until the permit is approved. HaMoked has tried to spare the Palestinian spouses this unnecessary hassle with phone inquiries to the DCO – at first the arrangement was reasonable, and several spouses even received their entry permits this way. However, as time went by, soldiers at the DCO refused to give HaMoked any information. Currently, inquiries have to be done vis-à-vis the Civil Administration, which means it takes longer to get an answer. Moreover, this procedure leads to unreasonable delays under various pretexts, sometimes even more than 10 months, in the issuance of entry permits by the DCO: the approval of the Ministry of Interior

never reached the Civil Administration; the dispatch of permits from the Civil Administration to the DCO was delayed; the Civil Administration has uncovered new security-related reasons barring a permit from being issued, that were not revealed by the checkups conducted by the Ministry of Interior before the application for family unification was approved among other delaying tactics.

In August 2001, Mr. and Mrs. K. turned to HaMoked for help after the Ministry of Interior had refused to register their children and approve their application for family unification. HaMoked challenged these decisions. In January 2002, the children's registration was authorized, and on February 12 the application for family unification was approved. Until August the same year, the Civil Administration did not issue any new entry permits to Israel. Once the Administration started issuing permits again, HaMoked inquired whether an entry permit for the husband had been approved. In September, HaMoked was informed that no application that had been forwarded on his behalf from the Ministry of Interior had been found. Repeated applications to the Ministry of Interior were only answered in December: the Ministry's approval was sent again to the Civil Administration, and within two weeks the approval would be waiting at the DCO. A few days earlier, HaMoked forwarded to the Ministry of Interior the husband's application for an extended permit, in line with the

27 See **Haaretz**, December 30, 2002, p. B3; **Haaretz**, January 1, 2003, p. B4.

graduated procedure, even though he still did not get his previous permit. Despite the Ministry's promise and despite repeated queries to the Civil Administration, he did not receive an entry permit to Israel – because of an excessive workload at the DCO, delays in mail delivery and other such reasons, the entry permit was issued only shortly before – if not in fact after – the Ministry's approval had already expired. **(Case 16167)**

These delays render the approval of the Ministry of Interior, for which applicants

wait many months, entirely useless. As with the delays in approvals by the Ministry of Interior, here too husbands and fathers who follow the law become illegal aliens – if caught, their applications for family unification will be rejected. In December, HaMoked asked the State Attorney's Office to arrange a meeting between HaMoked, the State Attorney's Office and the Ministry of Interior, in order to discuss these difficulties in addition to other issues pertaining to the family unification procedure. This has not yet taken place

Registration of Children

The discriminatory policy implemented in the past year in connection with unification of Israeli-Palestinian families, has also violated the right of children born into these families to be brought up in a stable family unit, and the right of their Israeli parent to raise them according to place of residence. In the last six months of 2002, the violations described in the semiannual activity report²⁸ became even more pronounced: as of June, the registration of children who were born abroad to one Israeli and one Palestinian non-resident parent has been effectively suspended. Starting December, this suspension was applied also to children born in Israel or East Jerusalem to one Israeli and one Palestinian non-resident parent, but who are registered in the Palestinian Population Registry. Children who are not

registered in the Israeli Population Registry, are denied any status in Israel. Their rights to a protected family unit, their best interests and their rights to ongoing contact with their parents are infringed. It is harder to uphold these children's rights to education and health. They become aliens liable to deportation from the native land of their father or mother. While the government resolution from May froze applications for family unification, it made no mention of the registration of children.

The policy of the Ministry of Interior concerning registration of children who have one non-Israeli parent was never anchored in any laws, regulations or publicized procedures. This policy has undergone many changes throughout the years – changes that could only be identified in retrospect, after complaints from residents whose rights had