

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

been compromised were received. Since 1996, thanks to the efforts of HaMoked and other human rights organizations, any child born to an Israeli resident is registered in the Israeli Population Registry in a separate procedure that is shorter than that of family unification. Registration takes place after a one-time center-of-life proof by the parents, and after a special form for babies and young children less than one year of age is filled out. No security checks are required and no criminal records have to be looked up.

As of the end of 2002, separate applications for family unification must be submitted for children who are registered in the Palestinian Population Registry. These applications are never approved, as the government has disallowed any new Palestinian applications for family unification to be processed. As for children who were born outside of the Territories, HaMoked has received conflicting responses from the Ministry of Interior: one was that the family must submit a separate application for family unification, while another was that the application to register the child depends on the application for family unification that has been or is about to be applied by the non-resident parent. The latter option is in violation of a decision that the HCJ had handed down on the matter.²⁹ Moreover, in many families some of their children have been recognized as Israeli residents, while other in the family were barred from receiving such recognition. Those children born outside of Israel or whose names appear in the Palestinian Population Registry have no legal status in the country where their parents and siblings live. After HaMoked

received no answers to its appeals to the Ministry of Interior to revoke this policy, or, alternatively, explain the legal basis for it, HaMoked petitioned the HCJ.



M.A., who was born in Jerusalem and is an Israeli resident, married a resident of Ramallah in 1988. Until 1997, M.A. and her husband moved back and forth between the husband's home in Qalandiya and M.A.'s parents' house in the neighborhood of Abu Tor in Jerusalem. In 1997 M.A. and her husband moved to Silwan together with her parents, and in 2000 they rented an apartment in Kafr 'Aqab, which is under the jurisdiction of Jerusalem; they have been living there ever since. Since their marriage, the couple had seven children: the first four, aged 13 to 7, were born in Al Bireh, and the three little ones, aged 3 years to six months, were born in Jerusalem. In 2000, M.A. applied to the Population Registration Office to have her children registered in Israel. In August 2001, a negative answer was provided, explaining that the couple did not prove that their center of life was indeed in Jerusalem. HaMoked applied again on their behalf in July 2002. In September the Population Registration Office responded that the registration of the youngest daughters was approved, but "...as for the four children who were born in Al Bireh and are registered there, in order for them to be registered,

28 HaMoked, *Semi-Annual Report: January-June 2002*, p. 34.

29 HCJ Petition 48/89, *Issa v. Regional Population Registration Office and Others*, Court Rulings [P.D.] 33(4), 573.

a family unification procedure has to be started. Their registration will be addressed through a family unification application; however, at this point, and in view of the government resolution dated May 12, 2002, applications of this kind cannot be submitted." As in other instances, HaMoked never received an answer to the applications it has made to the Population Registration Office concerning M.A.'s children asking for an explanation of the legal basis for this policy change, and information as to where the new procedure had been published. In December, HaMoked petitioned the administrative court demanding to authorize the registration of M.A.'s children, or, alternatively, to publicize the new registration policy as required in any enlightened governance. **(Case 16670)**

The Ministry of Interior is taking advantage of the vagueness surrounding registration procedures and is making things increasingly more difficult for parents seeking to register even children who were born in Israel and who are not registered in the Palestinian Population Registry. The latest demand made by Ministry clerks in December is to get the original ID card of the parent who is not an Israeli resident. Not only does this requirement, which has not been made public, endanger the non-resident partner, who is left without an ID and is thus exposed to detention and deportation, but in some cases it is even impossible to comply with, since by law the non-resident partner is supposed to stay out of Israel as long as he or she do not have a permit, and the Israeli parent is denied access to most towns in the Territories.