

social rights. In 2000, after HaMoked petitioned the Supreme Court, the Ministry of the Interior changed its policy. After HaMoked intervened on behalf of F.A.A, her residency rights and those of her daughter were restored. The Ministry of the Interior refused to restore the residency rights of her son, M. This year, after extensive correspondence, affidavits and discussions with Ministry of the Interior officials, M.'s residency rights were finally restored. The two youngest children in the family were registered in the Population Registry; an application for family reunification for Mr. A.A. and the eldest son T. was approved; and the National Insurance Institute recognized the family's right to social benefits.

Residency in the West Bank and Gaza

Residency rights in the Occupied Territories are clearly a matter of human rights, but this has been prevented due to it becoming a bargaining chip in the negotiations between Israel and the Palestinian Authority. The registration of people born in the Territories but not registered for various reasons ("late registration"); the return of deported persons; the return to the area of people who lost their residency rights after their travel documents expired ("extension of departure cards"); the quotas for approval of family unification (the official quota is 4,000 applications – 2,400 for the West Bank and 1,600 for the Gaza Strip) – all these issues have been dealt with as a function of the political progress of the Oslo Accords, with no consideration for the needs or rights of the residents.

Since the signing of the Oslo Accords, processing of the above issues has been divided between the Palestinian Authority and Israel. Israel continues to make decisions in these areas, while the PA functions as a mediating agent, receiving applications, "screening" them and forwarding them to Israel for its decision.

Since the outbreak of the Al-Aqsa Intifada, a serious deterioration has been seen in the handling of all matters relating to residency rights in the West Bank and Gaza; processing of various types of visiting permits, family reunification, late registration, the return of deported people and so on has been totally discontinued.

In October 2000, a military official involved in processing residency-related issues informed HaMoked that due to the events there was "almost no cooperation" between Israeli officials and the Palestinian Authority. Accordingly, residency issues would not be processed and HaMoked would not receive responses on these matters. Processing of applications relating to family reunification, entry permits and actual entry to the area, and residency were frozen. In response to this decision, HaMoked petitioned the Supreme Court, noting that the absence of cooperation with the Palestinian Authority "cannot justify refraining from processing applications relating solely to Israeli actions and to data held by the Israeli authorities." Accordingly, "there is no place for the total freezing of processing all applications."

Cases that are processed entirely by the Israeli side include, in particular, those deported from the occupied Territories and whom Israel has recently permitted to re-enter the region, but have been unable to do so in practice; as well as applications for family reunification filed prior to the outbreak of the Intifada that still await decisions by the Israeli authorities. Most of these applications relate to the population addressed by the first Supreme Court petition on this matter. These are the partners of residents who were present in the Occupied Territories, or who received permission to enter the Territories,

during the period from 1989 through the end of August 1992, and who are therefore entitled to a Palestinian identity card immediately and separately from the matter of the quota (excluding cases that have been rejected for security reasons). An agreement with the State before the Supreme Court held that these people are lawfully entitled to live in the Territories during the consideration of their application; permits are to be extended, and they are permitted to leave and enter the region without restriction. Other cases relate to the second Supreme Court decision, which concerned the partners of residents who were present in the Territories or received permits to enter the Territories during the period from September 1, 1992 through August 31, 1993. Again, these individuals are entitled to a Palestinian identity card as part of family unification, without delay and without reference to the quotas, except in security-related cases. These individuals are entitled to the same conditions as summarized above regarding the first group.

In a reply sent to HaMoked in January 2001, three months after receiving our appeal, the State Attorney's Office claimed that it was due to the Palestinian Authority official, responsible for the Ministry of Civilian Affairs, that no contacts were taking place between the sides. "In the circumstances, as a rule, no application on the subject of family reunification can be pertinent at the present stage." However, the State Attorney's Office added that "it will be possible to clarify questions relating solely to the affiliation of a given individual to a population which the State formerly agreed would be enabled to receive family reunification outside the framework of the quotas established for this matter... Beyond the clarification of actual affiliation to such a population, the authorities will not, at present, address the issue of granting residency per se," since this issue was under the responsibility of the Palestinian Authority, with which, as noted, there were currently no contacts.

Following this reply, HaMoked once again contacted the Civil Administration, and asked to clarify what had become of various applications filed prior to the outbreak of the Intifada. These all complied with the State Attorney's conditions for providing information. After two months passed without any reply, HaMoked contacted the Legal Advisor of the West Bank, demanding a prompt response. HaMoked also raised the problem of the former deportees whose return had been authorized by Israel, but who were in practice unable to enter the area. In its reply, the Judge Adjutant-General replied that, as a general rule, "due to the recent events, processing of applications for family reunification in Judea and Samaria has been discontinued." A further letter announced that processing of several applications for family reunification submitted by HaMoked that had reached the Israeli side, and which relate to the population covered by the first Supreme Court petition, had been frozen due to the Intifada. The intolerable delays in processing applications for family reunification prevent many couples from living together lawfully in the Territories, since non-processing also leads to the non-issue of permits or extensions for individuals to stay in the area.

As for the deported individuals whose return has already been approved by Israel, HaMoked was informed in April that visiting permits are not currently being issued. This effectively prevents the former exiles from returning to the region. The processing of these applications has been forwarded to the relevant authorities in order to find a solution enabling their entry. In June, HaMoked was informed that families of exiles must file an application on their behalf; this will be approved, and they will then be able to enter and exercise their right to permanent residency. HaMoked counseled the families accordingly, but in practice their applications for visiting permits were rejected.

Correspondence between HaMoked and the Israeli authorities reveals that the responsibility for the failure to process residency issues rests primarily with the Israeli side. The replies received from Israel officials support the comments made in a letter to HaMoked by Mr. Tarifi, the Palestinian Minister for Civilian Affairs. Mr. Tarifi claimed that thousands of applications for family unification were submitted to the Israeli authorities prior to the outbreak of the Intifada, but to date have not been processed. Since September 2000, the Palestinian side has also submitted a large number of applications for visiting permits, but the Israeli side has refused to accept them, claiming that the present situation does not allow this. Mr. Tarifi added that the decision to break off contacts was a purely Israeli one. He claimed that efforts by the Palestinian side to resume contacts relating to civilian affairs according to the model pertaining prior to the Intifada have been rejected by the Israeli side.