

security laws, laws relating to residency and citizenship and through the budget allocations for infrastructure development, education, culture and city services. The price of these policies is paid by families who themselves are facing a daily struggle against an obtuse and alienating system, whose original purpose is to serve the people. Instead of providing the appropriate services to the population, the authorities make these people's lives insufferable. Even if the authorities were to fully revoke the policies that were adopted from the beginning of 1995, the Palestinians residents of the city are faced with a long journey before they will be allowed to realize all their basic rights.

## **Revoking of Residency Rights in Jerusalem**

Since 1995 the Israeli Ministry of Interior has revoked the residency of thousands of Palestinians residents of Jerusalem. Their Israeli identity documents were taken from their possession and their medical insurance as well as their allotments from the National Insurance Institute (NII) were ceased. They were declared to be illegal residents in their own city, and were ordered to leave. Behind the revoking of the residency rights stood the Ministry of Interior's hidden and retroactive policy with regards to the protecting of one's residency status. In the past residents of East Jerusalem were able to leave for abroad for prolonged periods of time (on condition that they extended the validity of their "Exit Cards") or to live in other areas of the Occupied Territories, without risking their right to return and to settle in Jerusalem. According to the new policy, such a transfer of one's "center of life" results in the automatic revocation of an individual's residency rights. Even if the person had returned to and lived in Jerusalem for many years and received services from the Ministry of Interior (under the previous policy), this person is now suddenly regarded as an illegal resident. The onus to prove one's continuous stay in the city falls on the resident, while the receiving of any services from the Ministry of Interior is made dependent on presenting a selection of documents: rental contracts, electricity bills, city-rate taxes, written acknowledgement from the NII, medical documents, school certificates – and all for past years.

In October 1999, the new Minister of Interior Mr. Natan Sharansky announced to the media that the policy of revoking the residency of residents living in East Jerusalem had been brought to a conclusion. "If he (the resident) currently lives in Israel... the Ministry of Interior will not begin to examine, and will not request that he bring all sorts of electricity and water accounts from the past ten years... those who are interested in remaining residents of the city, but in the past were for a number of years in Kuwait or other countries, we will not use the excuse that they were not here in order to cancel their residency" (Sharansky on the radio program "On This Day" 17.10.99.). In an interview with the newspaper Al-Quads, Sharansky spoke clearly and categorically of changes that were even more in the direction of the cancellation of the policies that were adopted in 1995.

These are the words of the Minister. However what did the State Prosecutor's Office inform the Supreme Court, in response to the revoking-of-residency petition submitted by HaMoked? In a laconic Notice the Prosecutor's Office stated, that individual checks would be conducted for each person who turns to the Ministry of Interior, when the question of the expiration of the permanent residency permit is raised. If the individual continued to preserve an appropriate connection to Israel during the period which they resided outside of Israel "the Interior Ministry will not take steps – subject to the absence of a criminal or security barrier – to erase him from the registry." To these opaque statements in the Notice, the Prosecutor also attached additional reservations, by stating that the above does not

detract from the “provisions of law” or from the “discretion of the Interior Ministry concerning [the above rules’] application in light of the personal circumstances and the totality of connections of the person [who turns to the Interior Ministry]”.

An additional aspect of the Minister’s words and that of the State Prosecutor’s Office, which needs to be emphasized, is that there is no proposed solution to the problem of people who have already had their residency rescinded by the Ministry of Interior. In this respect, there was a change at the end of January 2000: according to an unofficial publication – that in practice has been confirmed – residency status is restored to individuals who are able to prove that they have resided in Jerusalem over the past two years.

HaMoked’s petition to the Supreme Court against the policy of revoking residency rights, remains pending. At the end of 1999 HaMoked requested that the Court order the State to submit an affidavit by the Minister of Interior, Mr. Sharansky, in which he will state in detail the procedures and criteria of the new policy. The affidavit will also clarify discrepancies between statements made by the Minister through the media and that of the distancing responses voiced by the State Prosecutor.

## **Children’s Health Insurance**

An additional petition of HaMoked that is still pending in the Supreme Court, is over the issue of medical insurance for children who have only one parent who is a Jerusalem resident. The petition was submitted in March 1999 together with Physicians for Human Rights and the Association for Civil Rights in Israel.

The petition challenged the practice whereby these children, from the time of their birth, are not awarded health insurance, but rather only after a prolonged inspection into the family’s “center of life” by the NII and following the registering of these children with the Ministry of Interior, or after the issuing of a “temporary number” to these children (instead of an identity number) by the NII. The policy creates a situation whereby babies and young children, who are in the most critical years of their development, are denied all medical and follow-up treatments. The population of East Jerusalem is one of the poorest in the country, with the majority of the residents being unable to afford private medical treatment. It is precisely this group that has to contend with severe barriers while trying to receive their national health insurance.

The petition has been heard and we are currently awaiting judgment. In the meantime, the Supreme Court ruled in another case, that an individual’s health insurance cannot be halted before the person has been informed of the decision and given the right to a hearing. In light of this ruling, the petitioners offered the State an agreement, according to which all children who are covered by the petition will be awarded health insurance from birth, and will continue to receive medical treatment until all the stages of a NII investigation have been completed and a decision regarding the child’s residency reached. A response from the State has yet to be given.

## **Separated Families**

A further subject that illustrates the gap between what is being stated in the Court and what is occurring in reality is in the area of separated families.