

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to be emphasized, is that there is no proposed solution to the problem of people who have already had their residency rescinded by the Ministry of Interior.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.

In its 1997 petition HaMoked requested the renewal of the old procedure, according to which spouses married to Jerusalem residents, who are residents of the West Bank or Gaza Strip, be given temporary approval to reside in Jerusalem as a result of their marriage to a Jerusalem resident, allowing them to live together with their wives and children. The petition referred to a prolonged period of years, from the time a request for family unification is submitted to the Ministry of Interior, until the initial approval of the request. The procedure which existed at the time of submitting the petition, granted the family the right to live together only after the request for family unification received initial approval, and subsequently the families are forced to live apart during a period of over five years until the issuing of a permit for permanent residency in Jerusalem.

The State agreed in principle for the need of such procedures, but did not hurry to implement them. Initially the State approved the majority of the family unification requests of the individual petitioners, essentially delaying the need to deal with the issue, since the cases of the specific petitioners had been resolved. Only in September 1998, did the State announce the decision to establish a procedure that could answer the demand in the petition and stated that the specific details of the procedure were being formulated. Only in January of 1999 did the state's attorney send to HaMoked the "principles of the procedure", which were far from answering the needs of the population. Again a number of months passed – during which time the proposed procedure was not implemented. In June 1999 the State announced, that all the preparatory work had been recently completed and that all the relevant forms had been prepared. In July 1999, when the petition reached a hearing in court, one of the problematic categories of the new procedure was changed as a result of pressure from the judges. In light of the establishment of the new procedure, HaMoked's petition was rejected. However, up until this day the new procedure has yet to be implemented, and HaMoked has yet to encounter a single approval for a spouse to stay in Jerusalem based on the framework of the new procedure.

The sole positive result of the formulation of the procedure is that when HaMoked demands its application in individual cases, the Ministry of Interior hurries (relatively speaking) to grant the initial approval of the family unification request.

Towards the end of 1999, HaMoked distributed a report entitled, "Families Torn Apart: Separation of Palestinian Families in the Occupied Territories". The report is a comprehensive study detailing the plight of the thousands of Palestinian families that are being forced to live apart.

Registering of Children

Our annual narrative report for 1998 highlighted a new policy that had been adopted by the Ministry of Interior for registering the children of Jerusalem residents with a temporary status valid for one year instead of as permanent residents. This policy was a trap for these families, as they were given no indication that the status was only temporary and needed to be extended after one year. The actual registration in the identity document looks exactly like that of a permanent resident. Following HaMoked's intervention, this procedure was canceled, and children who were registered as temporary residents received permanent residency status. The Ministry of the Interior also posted a notice in its premises, notifying that anybody who registered their children during the period when the policy was in practice is welcome to approach the office in order to correct the registration.