

The first hurdle which the family must cross, therefore, is that of Israeli acceptance of its request for family reunification. This permit is not given prior to the submission of an endless number of documents proving the family's center of life in Jerusalem. However, this is not all: Until recently even one who met all the criteria would not be permitted family reunification until he petitioned the Israeli High Court and a date was set for the hearing. Only then did the Ministry of Interior hurry to accept the family reunification request and ask that the petition be erased. Only toward the end of 1998 did HaMoked encounter a small number of cases in which requests were accepted with no need to petition the court.

Even when the request was accepted, the procedures for receiving a temporary residency permit extended over numerous months. The temporary permit is valid for one year, at the end of which the family must once again battle the bureaucracy of the Ministry of Interior. In several cases handled by HaMoked, more than six months have passed since the family requested that the temporary permit be renewed!

Refusal to Register Marriages

A new bureaucratic hurdle invented by the Ministry of Interior is the personal status of "under investigation" or "unknown" which the ministry listed on the identity cards of newly wed Palestinians who wished to register their marriages. The Ministry of Interior claims that this practice has been halted and that "under investigation" is listed only in those cases in which a specific suspicion exists of a fictitious marriage. If so, why does the Ministry of Interior refuse to erase the status of "unknown" that is listed in the identity card of couples in which one of the spouses is not a Jerusalem resident?

Segregation

One of the tools which permits the Ministry of Interior to institute discriminatory regulations toward residents of East Jerusalem is the reception of Palestinian residents only in the ministry branch in East Jerusalem. The city's primary branch of the Ministry of Interior, in the center of West Jerusalem, serves all comers except for the Palestinian residents of the city. This physically separated reception of persons permits the unequal treatment. HaMoked has been corresponding on this matter since 1997 with various authorities, which have provided different and contradictory replies. In October 1998 this matter was referred to the State Comptroller by Public Complaints Commission.

Residency in the Territories

In the wake of the Oslo agreements, the authorities in the matter of residency (population registration) in the territories were transferred to the Palestinian Authority, including the awarding of permits for family reunification and entry to the territories from abroad. However, many of these authorities require previous approval by Israel. Even those authorities now under the sole authority of the PA (such as the registration of children) cannot be exercised without the authorisation of Israel.

The division of authorities between Israel and the PA is not without advantages. With this, it prevents a direct connection between the Palestinian resident and Israel, which retains the power to accept or reject a request, and it adds additional bureaucratic procedures. A most difficult situation arises with unique requests, for which the Palestinian clerks know there is no sense in transferring them to Israel. As long as the requests are not transferred by the PA, they are not officially rejected by the Israelis. When Israel does not deal with a request, it is also impossible to appeal or turn to the judicial system for assistance. In this way the advocacy of human rights organisations is limited.

Principled struggles in the area of residency are all but impossible now that the entire subject has become a political bargaining chip between Israel and the PA. Numerous joint Israeli-Palestinian committees which are to decide in these matters have been suspended and no progress is made. Thus, for example, is the case for the revocation of residency for those who returned to the territories after their exit permits expired. Several cases such as these are currently being handled by HaMoked and a High Court petition in this matter has been pending since 1993. In November 1998, Israel requested that the court reject this petition as it is no longer relevant given the transfer of authorities in this matter to the PA. The petitioner, Hazem Nasara, is currently legally residing in the territories due to an interim injunction issued by court. If the petition is rejected, this injunction will be null and the State does not offer an alternative procedure through which Nasara may alter the incorrect decision to cancel his residency.

Even under these difficult conditions, HaMoked is able to assist individual residents of the territories in this issue. High Court agreements, reached in past years following intensive efforts by HaMoked and the submission of tens of petitions in this matter, are still valid. Spouses of residents, who resided in the territories or received a permit to enter this area sometime between 1989 - 1992, are eligible to automatically receive Palestinian identity cards, unless security reasons prevent this. HaMoked assists these families to prove their eligibility for family reunification.

Additional High Court agreements set a yearly quota for family reunification permits at 2,000. The Oslo Accords raised the hopes that this quota would be increased, to more accurately reflect the needs of the population. The Israelis refused to increase the quota, and in response the Palestinians did not transfer to Israel the requests for family reunification for the West Bank. At the end of 1997 the PA decided to once again transfer these requests to Israel even without an increase of the quota, and Israel agreed to fill the quotas from previous years in 1998. Israel exploited this agreement, and in 1998 notified the UN Committee for Social and Economic Rights of its agreement to drastically increase the quota of permits in 1998.

The family reunification requests are transferred to Israel according to the order decided upon by the PA. HaMoked assists these families by referring them to the relevant PA offices and compiling the necessary paperwork to prove eligibility.