

Throughout the years, the Israeli authorities have conducted policies intended to regulate the "demographic balance" in Jerusalem by decreasing the number of Palestinian residents of the city. Among other things, this included the prevention of new building in East Jerusalem, a lack of sufficient classrooms and the refusal to grant family reunification requests from East Jerusalem women who requested Israeli identity cards for their husbands from the West Bank, Gaza Strip, Jordan or other countries. In addition, one who went abroad and did not renew his travel card on time lost his right to return to the city. The present tool to decrease the number of Palestinian residents in East Jerusalem is the criterion of "center of life."

In 1994, the East Jerusalem branch of the Israeli Ministry of Interior began to revoke the identity cards of Jerusalem residents. Entire families received notices (occasionally in the mail) that they were no longer residents. The announcement was accompanied by a demand to leave Jerusalem within fifteen days. The legal background to the negation of residency is the interpretation of the Ministry of Interior (which received the backing of the legal system) according to which when one moves his center of life from Jerusalem, his permit for permanent residency (physically demonstrated by an identity card) expires. Here are persons who, according to the Ministry of Interior, moved to the West Bank (including the suburbs of Jerusalem over which Israeli law was not extended), Jordan or other countries. Even if these persons returned to reside in Jerusalem for a number of years, they received deportation notices. Over the years these people continued to receive full services from the Ministry of Interior (including entry and exit documents from Israel as residents), without being warned in any way that they are liable to lose their residency. Some of the victims of this policy are Jerusalemite women, married to residents of the West Bank or Jordan, and who until 1994 were not permitted by the Ministry of Interior to receive family reunification with their spouses in Jerusalem. They were thus forced to live outside the city.

The Public Campaign

In the spring of 1997 HaMoked, in conjunction with the organisation B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, commenced a wide public campaign to halt the quiet deportation. In the framework of this campaign a joint report was issued and explanatory information widely distributed, including in local Israeli newspapers. The campaign garnered wide international interest, and the stories of families who lost their residency were published in the media throughout the world. In this campaign HaMoked remained in close contact with a number of Palestinian and Israeli human rights organisations, attorneys and members of Knesset.

Treatment of Individual Cases

Family Reunification - Requests for Permanent Residency for Husbands of Israeli Residents

During 1997, the state of family reunification requests of East Jerusalem women requesting to receive permits for their non-resident spouses to legally reside in the city remained frozen. Requests such as this were almost never granted.

During this year the Ministry of Interior announced that those who submitted a request for family reunification which is still pending will be entered into a gradual process continuing for five years, at the end of which they are to receive a permit for permanent residency. The process is supposed to be implemented in the following manner:

Those requesting will be awarded a B1 visitors' permit that will allow them to reside and work in Israel. This permit will first be awarded for six months or one year, and will be extended for a period of 27 months. During this time, periodic examinations of the family's center of life and the security profile of the non-resident spouse will be conducted. Following the 27 months and yet another examination, the non-resident spouse will receive an A5 temporary resident permit for a period of two years. At the end of this time and more examinations, the spouse will receive a permit to reside permanently in Israel.

The Ministry of Interior claimed this arrangement is relevant only for Jordanians whose wives are requesting family reunification and that for residents of the West Bank and Gaza Strip, a policy has yet to be determined.

In the experience of HaMoked, it appears that neither Jordanians nor residents of the West Bank and Gaza Strip benefit from this arrangement of the Ministry of Interior. The meaning of this is that family members are forced to live apart, leave the city or (as in most cases) live together in the city in constant fear. However, petitions to the High Court submitted by HaMoked and other attorneys yielded results. The arrangement, which was not implemented in an overall manner, will be implemented for those who petitioned the High Court and who proved their center of family life is Jerusalem and their security background is "clean."

In June 1997, HaMoked submitted a High Court petition on behalf of seven families in which Jerusalemite women requested to be reunited in the city with their husbands from the West Bank and Gaza Strip. The petition requests that the Minister of Interior respond as to why he does not issue temporary residency permits to the non-resident spouses until decisions have been taken in their family reunification requests. The Israeli Defence Forces (IDF) was requested to respond why it does not grant the petitioners periodical permits to enter Israel in order to live with their families. The court issued an order forbidding the deportation of the petitioners from the city until the hearing and a decision in this matter. The petition is currently pending and the temporary arrangement - in the form of an order forbidding the deportation of the petitioners - is relevant only to the petitioners and not to others in a similar situation.

Family Reunification - Requests for Permanent Residency for the Wives of Jerusalem Residents

In these cases HaMoked learned that the past practice concerning women, whose resident husbands were involved or suspected of being involved in security violations or whom refused to collaborate with the security authorities, continues.

The principle of this practice is delays of years in the handling of requests for family reunification. Also in these cases, only a petition to the legal system facilitates a solution.

Refusal of Requests for Family Reunification

Last year the Ministry of Interior exhibited a tendency to "get rid of" requests for family reunification in which documents proving center of life had yet to be submitted or when clerks of the ministry did not even request documents from the family.

In these cases the family receives a form letter noting that the request has been denied on the basis of not proving center of life, but a subsequent demand is no longer made to return the ID card. A letter of appeal in these cases usually returns the file to the Ministry of Interior.

In general, there is a decline in the demand to return ID cards when a family reunification request is denied on the basis of not proving center of life in Jerusalem.

Requests to Register Children of Residents in the Israeli Population Registry

In 1997 there was an improvement in the treatment of requests to register children when documents proving center of life in Jerusalem were submitted. During the past year, HaMoked had several successes in the area of registration of children. With this, in the past only Jerusalemite women whose husbands were not from the city were required to present proof of center of life in order to register children in the Israeli population registry. Today, however, Jerusalemite men married to non-resident women are also required to prove center of life in order to register children.

General Trends - Ministry of Interior

In 1997 there was a strengthening of the trend in the Ministry of Interior to demand proof of center of life in order to receive all services, whether family reunification or the registration of children as noted, or for insignificant actions such as a change of personal status or address within the city.

An additional important trend is the tightening of the informational connection between the Ministry of the Interior and the Institute for National Security (INS). The INS greatly extended the number of examinations of residency that it conducts for those requesting its services, examinations which involve a number of home visits by an investigator and the questioning of neighbors and acquaintances. These investigations are lengthy and result in serious delays in the provision of services, delays which will be outlined below.

It is evident that the Ministry of Interior receives a full report, and even the written investigations, from the INS. Occasionally, the Ministry of Interior specifically questions whether a request has been made to the INS and what were the results. Sometimes there is such proximity between the approval of residency by the INS and, for example, approval for registration of children by the Ministry of Interior that there is no escape from the conclusion that the reliance of the ministry on INS investigations is complete.

Institute for National Security

Due to the increasing reliance on its investigations, the INS has increased the number of residency investigations of residents of East Jerusalem, without allocating the necessary manpower for this. These investigations extend, according to the Institute, between six months and one year although in some cases known to HaMoked, the investigations lasted for more than two years. In the opinion of HaMoked, these investigations are tendentious and conducted by signing people on vague statements in Hebrew; the majority of the signators do not understand the content of the statements which they sign. In numerous cases the people are not aware of the importance of these investigations in determining residency in the city, and they thus cause a worsening of their situation or that of their family and acquaintances with the Israeli authorities.