

The lengthy delay in implementing these investigations also delays the provision of necessary services to residents of the city - various allowances, health insurance and stipends, such as that for birth expenses. HaMoked treated cases of children of residents whose registration had not yet been completed by the Ministry of Interior and who required urgent medical treatment. These children were entitled to medical insurance under the Law for National Medical Insurance, but did not receive it due to the incompleteness of the investigation of their parents' center of life.

Additional urgent cases treated by HaMoked were of Jerusalemite women about to give birth and who met with refusal of the hospitals in the city to register and accept them for delivery, unless they themselves paid the necessary fees or signed the INS on a form obligating it to pay all expenses of the delivery. In numerous cases the INS commenced an investigation of the residency of the woman and her family, but the investigation was often concluded well after the birth. The fact that the INS did not provide coverage for the birth caused the hospitals to take sanctions against the Palestinian women, and even threaten that they would not release the newborns from the hospital.

In the matter of Palestinian women about to give birth, HaMoked together with the Israeli Association for Civil Rights in Israel and Physicians for Human Rights, presented a petition to the High Court. In the wake of this petition, the INS agreed that hospitals would immediately register a Jerusalemite woman whose husband is also a resident of Israel; the organisations received an oral agreement that the INS would pay for the birth of a woman whose residency examination has yet to be completed by the birth. If the INS later determines the woman is not a resident of Israel according to its own criteria, it will extract from her the amount paid for the birth. The matter of the general procedure concerning investigations of pregnant women and their right to INS birth stipends has yet to be decided upon.

HaMoked is treating tens of complaints of East Jerusalem residents in the matters of family reunification, registration of children, negation of residency, refusal to provide medical services and others. In all of these matters, HaMoked acts in cooperation with additional organisations and private attorneys specializing in these fields. Treatment of these complaints is done through correspondence with the relevant authorities and individual and principled petitions to the courts, especially the High Court.

During 1997 HaMoked assisted 121 families from whom the Ministry of Interior threatened to revoke residency, in addition to the registration of children in the Population Registry, health problems and INS. To date, 16 High Court petitions have been submitted in these areas and five have been successful. The remaining petitions are still pending.

B. Residency in the Territories

The issue of family reunification of Palestinian families in the West Bank with their non-resident family members has been dealt with by HaMoked for several years. This is a painful problem for the population of the Occupied Territories, and numerous families find themselves divided in their legal status. Causes of this include wars and the resulting

refugees, emigration for economic reasons (principally to the Gulf States), military law, which makes it difficult to receive residency and easy to lose it and traditional marriage patterns, which encourage marriage within the extended family even when the family members live in different countries. For the couple and their children, the meaning of having different statuses is a life without stability and assurance, which includes extended periods of separation and travelling or illegal residence in the territories under the constant threat of deportation.

In the framework of HaMoked's efforts in this subject, and in the wake of tens of petitions submitted between 1991-1993 to the High Court, several narrow achievements intended to solve the problems of these families were set with the IDF. These included the possibility to permit the non-resident spouse and minor children to remain in the territories with no threat of deportation, and during this time obtain the status of permanent residents. Even following the achievement of these general arrangements, HaMoked treated numerous cases in which the arrangements were violated or families fell outside of the narrowly determined criteria.

The Oslo Accords transferred the authorities concerning residency in the territories and visitation arrangements from the Israelis to the Palestinians (Interim Agreement from 28 September 1995, attachment 1, article 28). Even according to this agreement the transfer is not complete, and numerous actions of the Palestinian Authority (PA) are dependent on one type or another of Israeli agreement. In practice, Israel did not fulfill this agreement in its entirety and although authorities were formally transferred to the PA in November 1995, to date Israel has not transferred the complete data base and technical means which were also to be transferred. In numerous areas, there is no agreement between the Israelis and Palestinians concerning the manner in which the authorities will be implemented; the differences of opinion concern both matters of substance (for example, the annual quota for family reunification) and matters of procedure (for example, the manner in which requests for a visitor's permit will receive Israeli "clearance"). The negotiations on these matters were frozen by the Israelis for a lengthy period, and only toward the end of 1997 were there signs of some movements in the discussions. Due to the dependence on agreements yet to be reached during the negotiations, the treatment of these various issues has been frozen for over two years.

The transferral of authorities also resulted in a burdensome and complex bureaucracy. The Palestinian resident no longer comes in direct contact with the Israeli authorities but requires the services of the Palestinian authorities, which occasionally hold authority but generally act only as middlemen between the resident and the Israelis. Adding to the confusion, the procedures (if they exist at all) vary from place to place in the territories and between areas A, B and C, and differing fees are required both by the Palestinian and Israeli sides. This bureaucratic duplicity makes it difficult to follow through on requests and to receive reliable information on their status. For example, occasionally the Palestinians will not transfer certain types of requests to the Israelis, knowing they will be rejected, while the Israeli side is not willing to deal with the queries of HaMoked concerning these requests with the argument that they were never submitted. Other requests are passed back and forth between the Israeli and Palestinian sides due to misunderstandings and division of responsibilities.

Family Reunification and Visitors' Permits in the Territories

In 1993 the State announced to the High Court, in response to pending petitions, the majority submitted by HaMoked, that Israel would implement a new policy concerning family reunification in the territories. The new policy permitted family reunification for a group of families - spouses and their minor children - dubbed "High Court population I." These are families in which one of the spouses is a resident of the territories while the other is not, and whose date of marriage precedes 31 August 1992. In addition, the non-resident spouse must have been in the territories for a period between 1989 - 31 August 1992. Concerning the second group, dubbed "High Court population II," the State recognized the right of the families to live together in the territories through long-term visitors' permits, extended every six months. This group includes couples whose date of marriage and date of visitation in the territories by the non-resident fell between 1 September 1992 - 31 August 1993. Members of High Court population II, and those who do not fall within one of these defined groups, are eligible to submit requests for family reunification. However, unlike members of High Court population I, these requests must be approved within the framework of the yearly quota, which stands at 2,000 for the West Bank and Gaza Strip together.

Even when the State announced this new policy, human rights organisations argued that the annual quota of 2,000 would not meet the urgent needs of the population. This evaluation was proven true, as thousands of requests are denied annually when the quota is filled.

With the transferral of authorities to the PA, an almost complete freezing occurred in the matter of family reunification. Differences of opinion over the quota resulted in a halting of treatment of requests for an extended period of time. The exception to this is requests submitted by those belonging to High Court population I, requests which are approved outside of the quota. HaMoked continues to deal with requests such as this which have yet to be answered because of bureaucratic delays or other factors. Toward the end of 1997, an understanding was reached in the framework of the negotiations on this subject between Israel and the PA, such that the treatment of family reunification requests would be dealt with within the existing quotas, without the PA giving up its demand to extend them.

The insufficient quotas and the stalemate in handling requests for family reunification, along with the limited criteria that permit the High Court populations to live together in the territories with long-term visitors' permits, created a situation in which numerous families cannot legally live together. In many instances the families prefer to keep the family together, at the cost of the non-resident spouse remaining illegally in the territories. These families live under constant threat. While because of the military redeployment there are no Israeli soldiers patrolling the streets of Palestinian cities, these people still may be arrested at checkpoints and deported from the territories. If the non-resident spouse is not in the territories, the chances of visiting his family decreased this year. In the summer of 1997 Israel greatly restricted the number of summer visits permitted to the territories. These limitations are sanctions against the PA which is not, according to Israel, acting to remove the approximately 30,000 visitors who did not leave the territories when their visitor permits expired. The PA claims, following an examination of the issue, the Israeli figures are exaggerated and include people who left the territories or received permanent residency status. In the meantime, numerous families suffer from separation and uncertainty concerning their future.