

Entry permits for students intending to study in Jerusalem

In May 1995, HaMoked had obtained the new regulations, concerning student entry requests to Jerusalem: those who had study entry permits in the past shall be allowed to finish their studies. Those who studied without permits shall be denied. New students intending to register shall be denied entry permits.

HaMoked views this new regulation as one of the concrete steps, intended to carry out the government's proposed plan of separation, spearheaded by the minister for internal security. Although the plan has not yet been formally adopted by the government, the student regulation is one of its parameters, which is being applied in the effort of isolating Jerusalem and reducing its Palestinian population. For cases of student entry permit denials, see High Court Petitions section below.

Residency/Jerusalem

In March 1994, the ministry of the interior changed its gender-discriminatory policy of approving family reunification requests, submitted by male residents of Jerusalem only, in favour of the domicile criterion and security considerations. In addition, the ministry declared that it shall review all past applications since the beginning of 1992, whether still in process or denied in the past. This apparent improvement, however, stands in direct contrast to the actual ability of the office to deal with the long list of family reunification applications already filed and will actually only exacerbate the suffering of divided families.

The Jerusalem office of the ministry of interior began to revoke residency status of people, who came in for various routine services, such as renewal of I.D. cards, exit permits etc. Paragraph 11 of the Law of Entry into Israel empowers the minister to revoke all permits, issued under this law. Although this ministerial authority is limited to individual cases only, it has been applied on a general basis. Paragraph 11c), which states that permanent residency of residents, residing in a foreign country shall be revoked, is the most relevant for Palestinians of East Jerusalem. Residency in a foreign country is defined by a) a sojourn of over 7 years, or b) status of permanent resident in that country, or c) citizenship of that country.

Historically, East Jerusalem has been connected integrally to the West Bank and thus East Jerusalem residents have naturally moved back and forth between the West Bank and Jerusalem. Today, this tendency is reinforced by the high cost of living in East Jerusalem, housing shortage, inadequate municipal services to Palestinian population and ~~permits then they permits be revoke permits of refusals of family reunification~~

Although the confiscation of I.D. cards, with the ensuing loss of residency status, is lawful, the policy was carried out furtively, almost conspiratorially. The ministry had for years continued to treat East Jerusalem residents, residing outside of Jerusalem, as proper Jerusalem residents, entitled to all of the rights of this status. This policy was changed suddenly, without any warning or public declaration, without giving Palestinian residents any reasonable chance (a declared period of a year or two, for example), in which to re-establish domicile in Jerusalem, should they wish to do so.

The HaMoked initiated coalition of human rights organizations, active on issues of East Jerusalem residency, had brought its concerns to the attention of the new minister of interior. The ministry has denied the

existence of a deliberate new policy of Jerusalem residency revocations. Mr. Yosef Tov, of the Population Administration Office, maintains that there is no change of policy and that only several tens of Palestinians had their I.D. cards confiscated. He further maintains that altogether, there are about 20,000 Jerusalem residents living in the West Bank. The Quaker Service and Legal Aid Center puts the number at 40,000. The Quaker Service has petitioned the High Court, maintaining that the West Bank constitutes an administered territory, rather than a foreign country and that thus the policy is legally baseless; the petition is pending. The already severe backlog of family reunification requests at the ministry of interior has been added onto dramatically by the recent revelations of corruption at the ministry's East Jerusalem office. The office's routine processing has been suspended, along with its senior clerks, and its workings are currently under review. The coalition of human rights organizations, among them HaMoked, calls upon the ministry to formulate a clear policy on family reunification, based reasonable and fair criteria and open to public scrutiny.

Family reunification/West Bank

In November 1992 HaMoked succeeded in extending and expanding a previous High Court agreement which has allowed thousands of Palestinian families to remain together without fear of expulsion by granting "long-term visitation" to non-resident spouses and minor children of residents who entered the territories by August 31, 1992. The success was the result of HaMoked's aggressive legal advocacy with 56 High Court petitions on behalf of over 350 Palestinian families - as well as the ground breaking Coalition with a broad spectrum of Palestinian and Israeli human rights organizations.

On 22.8.93, a State's Attorney announcement in response to 20 pending High Court petitions by HaMoked offered permanent residency to all those nuclear families covered by the 1992 agreement, with a promise of 2,000 applications annually in the future. Marriage for the first time became a sufficient criterion for granting family reunification. In December 1993, HaMoked initiated a legal document of the Coalition on the definition of the family in Palestinian society: the document demanded the reality of the "extended" family in Palestinian society, rather than the Western concept of "nuclear" family, determine the criteria for family reunification. The document was submitted to the Israeli and Palestinian delegations to the multilateral peace talks.

In February of 1994, HaMoked and other coalition partners met with the International Law Department of the Army regarding issues of family reunification yet unresolved. As a result of this meeting and several others following, it was decided to extend the High Court agreements to cover those spouses and minor children who entered the territories up to August 31, 1993, thus relieving them of having to leave before requesting family reunification.

Other main subjects agreed upon were:

- * those visitors entering the territories by way of Israel would be treated the same as those who entered directly: regular six-month visitor permit extensions until permanent status arranged.
- * the authorities recognized the Islamic law whereby marriage is valid from the signing of the marriage contract for purposes of being covered under the High Court agreement.
- * retroactive fees from visitors covered by the High Court agreement for past periods would no longer be collected.
- * the right of a six-month visitor to leave and return to the territories without having to pay fees in double.