

matters of residence – entry permits to the Territories for spouses of residents, family unification and the return to the West Bank and Gaza of persons whose residence had been revoked – the Palestinian Authority has been no more than a conduit to pass on the applications to Israel, which in fact has the final say in the matter. When the

current Intifada broke out and the Civil Administration froze the processing of all residence issues, many Palestinians found themselves with no answer to bureaucratic problems. Some Palestinians were even forced to stay in other countries, often without any legal status - residents who can not reside.

Families Torn Apart

The cessation in handling Palestinian applications for permits to visit the West Bank – which HaMoked considers a form of collective punishment – has torn families apart, as one of the parents, and in some cases a few of the children, were cut off from the rest of the family on the other side of the border. Persons who are not registered in the Palestinian population registry need visitation permits in order to enter and stay in the Territories. This permit, which depends on Israeli approval, has an expiration date and as a rule it is only renewed if the person leaves the Territories. Thus some Palestinians who were abroad at the onset of the current Intifada discovered they could no longer receive visitation permits to return.


One of the exceptions to this rule, accomplished after a series of petitions to the High Court of Justice in the early 1990s, pertains to spouses of residents who stayed in the Territories as visitors or received visitation permits between 1989 and August 1993: the State has promised the Court that such spouses would be lawfully entitled to stay in the area while their applications for family unification were being processed,

their visitation permits would be extended for consecutive six-month periods and they would be permitted to enter and leave the Territories without restriction. Applications of such spouses for family unification (namely, for the status of residency and a Palestinian ID) were to receive preferential treatment. However, since September 2000 Israel has suspended the handling of visitation permits and family unification applications. Consequently, many people have been unable to return to their homes and are stranded outside of the Occupied Territories. People who were living in the West Bank under the arrangement approved by the HCJ and whose visitation permit was to be continually renewed, left the country only to discover that their permits would not be renewed. Families that were living in the West Bank under this arrangement were abruptly torn apart.

HaMoked's appeal to the authorities to

¹⁰ See Families Torn Apart: Separation of Palestinian Families in the Occupied Territories. HaMoked: Center for the Defence of the Individual and B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. Jerusalem, 1999. page 17.

recognize these cases as humanitarian ones was unrequited. The legal arguments regarding the right of these couples to family life and the right that their children have to grow in a protected family unit in their own home were not heeded. Neither was the argument that in declining such applications for visitation permits the State was violating the commitment it had made to the HCJ. In 2002 HaMoked petitioned the HCJ in the matter of a family, challenging the way that the authorities had been treating the serious problem created by the halt in processing the issue of residency in the West Bank. Shortly before the hearing the authorities announced that “ex gratia and in light of the specific circumstances of the case,” the visitation permit would be approved and G.A. would be able to reunite with her family in the West Bank.

In 2003 HaMoked petitioned the HCJ in the  matter of three other families after all the attempts to solve their problem with the authorities directly, without resorting to the Court, had failed. In these cases too the military changed its position before the hearing and approved the visitation permits – “ex gratia and in light of the specific humanitarian circumstances of these cases.”

N.D. from Hebron and A.H., who carries a Jordanian passport, married in

January 1993. In June 1993 A.H. visited the West Bank and therefore belonged to the population to which the HCJ arrangement applied: she could stay in the West Bank and her visitation permit would be renewed every six months. In August 2000, A.H. traveled to Jordan to see her family, and on her return discovered that Israel had suspended the issuance of all visitation permits and that she could therefore not be able to cross the border. A.H., who was pregnant at the time after years of fertility treatments, was forced to have her first son in Jordan, far away from her husband. The husband visited his wife in Jordan, but most of the time the family was kept apart. In July 2003 N.D. contacted HaMoked, which filed an urgent application with the military to renew the visitation permit and enable the family to reunite. After this request was ignored, in November 2003 HaMoked petitioned the HCJ. In December the State submitted its response: “Because of exceptional humanitarian circumstances and ex gratia,” the application of A.H. for a visitation permit to the West Bank would be processed. Agreeing with the State, HaMoked withdrew its petition, but A.H. has not yet received the permit and is still in Jordan. **(Case 27778)**

Registration of Residents

Although Israel handed over to the Palestinian Authority some of the authority pertaining to the population registry, Israel's approval is still required for every single

registration. Since the start of this Intifada, Israel has completely halted the processing of applications for residency status. In December 2002 Israel went even further,