

In its 1997 petition HaMoked requested the renewal of the old procedure, according to which spouses married to Jerusalem residents, who are residents of the West Bank or Gaza Strip, be given temporary approval to reside in Jerusalem as a result of their marriage to a Jerusalem resident, allowing them to live together with their wives and children. The petition referred to a prolonged period of years, from the time a request for family unification is submitted to the Ministry of Interior, until the initial approval of the request. The procedure which existed at the time of submitting the petition, granted the family the right to live together only after the request for family unification received initial approval, and subsequently the families are forced to live apart during a period of over five years until the issuing of a permit for permanent residency in Jerusalem.

The State agreed in principle for the need of such procedures, but did not hurry to implement them. Initially the State approved the majority of the family unification requests of the individual petitioners, essentially delaying the need to deal with the issue, since the cases of the specific petitioners had been resolved. Only in September 1998, did the State announce the decision to establish a procedure that could answer the demand in the petition and stated that the specific details of the procedure were being formulated. Only in January of 1999 did the state's attorney send to HaMoked the "principles of the procedure", which were far from answering the needs of the population. Again a number of months passed – during which time the proposed procedure was not implemented. In June 1999 the State announced, that all the preparatory work had been recently completed and that all the relevant forms had been prepared. In July 1999, when the petition reached a hearing in court, one of the problematic categories of the new procedure was changed as a result of pressure from the judges. In light of the establishment of the new procedure, HaMoked's petition was rejected. However, up until this day the new procedure has yet to be implemented, and HaMoked has yet to encounter a single approval for a spouse to stay in Jerusalem based on the framework of the new procedure.

The sole positive result of the formulation of the procedure is that when HaMoked demands its application in individual cases, the Ministry of Interior hurries (relatively speaking) to grant the initial approval of the family unification request.

Towards the end of 1999, HaMoked distributed a report entitled, "Families Torn Apart: Separation of Palestinian Families in the Occupied Territories". The report is a comprehensive study detailing the plight of the thousands of Palestinian families that are being forced to live apart.

## **Registering of Children**

Our annual narrative report for 1998 highlighted a new policy that had been adopted by the Ministry of Interior for registering the children of Jerusalem residents with a temporary status valid for one year instead of as permanent residents. This policy was a trap for these families, as they were given no indication that the status was only temporary and needed to be extended after one year. The actual registration in the identity document looks exactly like that of a permanent resident. Following HaMoked's intervention, this procedure was canceled, and children who were registered as temporary residents received permanent residency status. The Ministry of the Interior also posted a notice in its premises, notifying that anybody who registered their children during the period when the policy was in practice is welcome to approach the office in order to correct the registration.

## **Individual Treatment**

The Ministry of Interior's handling of cases, especially in the area of family unifications and the registering of children, continues to be complicated and convoluted. The bureaucratic hurdles that are placed before these requests make it almost impossible for these cases to proceed without the intervention of an attorney or an organization. Receiving responses from the Minister of Interior demands repeated requests and the applying of pressure on the system. HaMoked during 1999 continued to assist families in different stages of the family unification process: the issuing of visiting permits for family members who are foreign nationals and their extension, the cancellation of fines for overstaying extensions, the initial approval of family unification, the extension of visas that are given for one year during the evaluation of the request, registering children and more. Likewise, HaMoked advocated in cases of residency revocation as well as in cases where there was a threat of residency revocation. Amongst the families that HaMoked handled were a number of tragic cases, in which the impermeability of the authorities only added to the already bitter scenarios in which these people found themselves. This includes cases where the revocation of residency endangered the medical treatment of individuals with serious illnesses; when one of the spouses is unable to function, single parent families and others. More than once the individual treatment of a case has required the coordination between the Ministry of Welfare, Ministry of Interior the NII and other officials in order to solve the concrete problems that arise from delays caused by the Ministry of Interior.

### **The Signs of Change? The case of M.A.**

M.A. born in Nablus and married to a Jerusalem resident has lived in the city since 1983. The couple has two children aged 14 and 16. The children and father are recognized as Jerusalem residents while the mother is a resident of the West Bank. In 1986 the father was placed on trial for activities in the Fattah movement and sentenced to jail. He is expected to be released in November 2000. Throughout her husband's sentence M.A. and her children have lived in her husband's family's house in Jerusalem. HaMoked submitted a family unification request despite the husband's sentence, and obtained (by means of a petition to the Supreme Court) a permit for her to temporarily reside in Jerusalem. In October 1999 the request for family unification for her to be with her children and husband was rejected because of "security considerations". HaMoked submitted an appeal to the Ministry of Interior: the woman who has lived for years in Jerusalem, without any personal involvement in threatening activities. The "security considerations" clearly related to her husband who is sitting in jail, and whose status as a resident is not being challenged. The refusal of the wife's request for family unification does not flow from a security threat that she poses but rather relates to the double-punishment of her imprisoned husband, and to the collective punishment of his wife and children because of his actions. The Minister of Interior, Mr. Sharansky reacted to our appeal in a letter-dated 27.12.1999 and signed by himself. He wrote, that the Ministry of Interior, "Is concerned in bringing requests that are rejected for renewed inspections", and did not intervene in any concrete manner.

### **Residency in the West Bank and the Gaza Strip**

Since the Oslo Agreements, it has become almost impossible to pursue principled challenges over the subject of residency in the Occupied Territories. The subject, which is a clear human rights issue, has become a strong bargaining chip in the negotiations between