



Living in an Occupied Hometown, Jerusalem : A Study on the Lives of Palestinians under the Israeli Policy of the “Residency Right”

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Kyoto University
46 Shimoadachi-cho,
Yoshida, Sakyo-ku,
Kyoto 606-8501, JAPAN

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Hiromi Tobina^{**}

Introduction

One day in October 2006, at al-Zayyem checkpoint, on my way back to Jerusalem from a town in the West Bank by bus, I witnessed an incident: a male Israeli soldier got onto the bus and checked the passengers' identity cards. One young Palestinian woman was found to have forgotten to bring her blue identity card which was issued by the Israeli Ministry of Interior and indicates that she is a resident of Jerusalem. The woman insisted that she was from Jerusalem and had a blue identity card but that she just forgot to bring it and left it in her house in Jerusalem. The soldier told her to get off the bus and go back to the town from where the bus came, and that her family in Jerusalem should bring her identity card to the town so that she would be able to prove that she really was a resident of Jerusalem and to cross the checkpoint. She got off the bus, crying.

On another day in March, 2008, at the Qalandiya checkpoint, on my way back to Jerusalem from Ramallah by bus, I saw an old Palestinian woman with a bandage over her eye get involved in some trouble with an Israeli soldier who came inside the bus in order to check the passengers' identity cards. The woman had a green identity card which indicates that she is from Nablus, a UNRWA document which says that this woman needs medical treatment in Jerusalem, and a permit that she received from the Israeli Civil Administration in Nablus. She was going to Jerusalem to receive medical treatment for her eye. However, the soldier said to her that she was not allowed to cross the checkpoint because the date on the permit paper was not that day but the following day. The woman started to cry and beg the soldier to allow her to cross the checkpoint, saying that she did not have enough money to go back to Nablus or stay a night in Ramallah and she would have little choice but to stay the night outside in the cold weather. The soldier remained unconvinced by her begging, and the bus driver had no alternative but to tell her to get off the bus because he had many other passengers going on to Jerusalem. The old woman got off the bus, crying.

The two stories above raised some questions: What is the identity card issued by Israel to the Palestinians in East Jerusalem and the West Bank? What is its significance? Or in

^{**} Ph.D. candidate of Graduate School of Asian and African Area Studies, Kyoto University, Kyoto, Japan.
E-mail: tobina@asafas.kyoto-u.ac.jp

other words, how does the identity card affect the daily lives of people living in the occupied territories (including East Jerusalem)?

As is well known, Jerusalem is one of the crucial issues of the Israeli-Palestinian conflict. It has been subject to final status negotiation since the Oslo Accord of 1993. However, until now, the question of Jerusalem has been far from reaching a settlement, and has caused massive rifts within both the Palestinian and the Israeli sides, and even the preconditions of negotiations have not yet been agreed. Meanwhile, Israel has been promoting the policy of strengthening the Jewish presence in Jerusalem by constructing and expanding Jewish settlements in and around East Jerusalem. Many research studies and reports on the Judaization of East Jerusalem exist, and there are also many maps indicating the geopolitical features of East Jerusalem. These research studies and reports have clarified the ways Israel has tried to control both the land and demography of Jerusalem by expanding Jewish settlements and promoting immigration of Jewish residents to these settlements. This paper is an attempt to illustrate another means by which Israel tries to control the demography of Jerusalem—to control the number of the Palestinians—by applying a special legal status to the occupied people living in East Jerusalem.

Going back to identity cards: a blue identity card indicates that the holder has the right to reside in Israel, and a green identity card indicates that the holder is a resident of the West Bank or the Gaza Strip and does not have the right to reside in Israel. In this paper, I will argue the Israeli policy of identity card, or the “residency right”, and how it influences the daily lives of the occupied people by describing several case studies.

The Demography of Jerusalem

On June 26, 1967, directly after it occupied East Jerusalem on June 7 (East Jerusalem had been under Jordanian rule), Israel conducted a census in the expanded Jerusalem Municipality. According to the census, there were about 68,600 non-Jewish residents in the substantially expanded and annexed East Jerusalem. The Jerusalem Municipality of Israel had about 197,700 Jewish residents in the same year. The population ratio between Jews and non-Jews was 74.2% to 25.8 % (Figure 1). Since then, Israel has aimed at maintaining the population ratio of the 1967 census, or, at least 70% Jews to 30% non-Jews [Cheshin 1998: 14-15].

In order to accomplish its goal, Israel has been promoting Judaization policies in East Jerusalem. The first means is to confiscate lands owned by Palestinians for various reasons: “public purposes”; “security reasons”; “absentee properties”. The second

method is to construct settlements for Jewish residents in and around East Jerusalem. The geopolitical features have been closely studied by many researchers: Jewish settlements surround Palestinian neighborhoods in East Jerusalem so that the West Bank and East Jerusalem are physically separated; Jewish settlements and roads are constructed between Palestinian neighborhoods so that these neighborhoods are separated from each other and prevented from expanding..

Despite the massive construction of Jewish settlements in and around East Jerusalem as well as confiscating Palestinian lands and limiting housing construction of Palestinians, Israel has not yet succeeded in the demographic control of Jerusalem. As Figure 1 shows, the percentage of Arab population in Jerusalem has been rising, and in 1995 the percentage exceeded 30%. Besides, it should be noted that “Arab” includes only those who hold legal status in Israel, namely, either citizenship or the right to residency, and excludes those who live in Jerusalem and possess a green ID card [JIIS 2004]. This was probably the reason which led the Interior Ministry and the Israeli government to change its policies concerning the residency right which has been applied to the people in East Jerusalem (the policy changes will be argued in later sections). It implies that constructing settlements and moving Jewish immigrants into these settlements are no longer enough, and that Israel started to look for a new way of accomplishing its goals of the demography, namely, controlling the Palestinian population.

In the following sections, I will explain the Israeli stance and policy pertaining to 'legal status' and 'the right to residency' which has been applied to the occupied people in East Jerusalem and recent policy modifications, and then describe how these have affected the daily lives of Palestinians in East Jerusalem through several case studies.

Application of the Policy of the “Residency Right”

On June 27, the Israeli Parliament, the Knesset, enacted two laws. One was the Municipalities Ordinance Amendment, No. 8, by which Israel officially expanded East Jerusalem and drew the new municipal boundary. The other was the Law and Administration Ordinance Amendment, No.11, by which Israel enforced its legal and administrative systems in the expanded area (Map 1). Then, blue identity cards indicating the right to reside in Israel were issued to Palestinians living inside the new municipal boundary of Jerusalem at the time of the census, and green identity cards indicating one's status under military occupation were issued to Palestinians residing in the West Bank¹.

¹ Based on an interview with Usama Halabi, an advocate, conducted on 16 October, 2007, and an interview with Ziyad Hammouri, the director of Markaz al-Quds lil-huqūq al-’ijtimā’īya wal-’iqtisādīya (Jerusalem Center for Social and Economic Rights), conducted on 13 November, 2007.

At the same time, the Knesset declared that the unified Jerusalem is the indivisible and eternal capital of the State of Israel.

Residency rights are conferred by the Law of Entry into Israel, 1952 [B'Tselem and HaMoked 2004: 5], which was enacted long before Israel occupied East Jerusalem in 1967. The right to reside in Israel can be granted to those who do not have Israeli citizenship, such as non-Jewish spouses of Jewish Israelis and foreigners who work in Israel². Those who have a blue ID card—which indicates residency status—enjoy access to Israeli social welfare, medical services, the right to vote in municipal elections³, and freedom of movement. They are duty-bound to pay all taxes, such as property, income taxes, and national insurance. The 'residency right' is literally the right to reside in Israel. In order to keep this right, residents are obliged to prove that their “center of life” is inside Israel, including East Jerusalem.

It should be noted that full residency is entirely different from citizenship in the sense that a person's full residency status can be revoked at any time by the Interior Minister if a person does not comply with certain rules. The Entry into Israel Regulation, 1974, stipulates that the right to residency should be revoked if a resident (a) stays out of Israel for more than seven years, (b) is granted permanent residency in any other country than Israel, or (c) becomes a citizen of any other country [B'Tselem and HaMoked 1997: 6]. Moreover, the Interior Ministry of Israel has a discretionary power over revocation of the residency right of a resident [B'Tselem and HaMoked 1997: 12].

Israel has never clearly defined its national border, and the Entry into Israel Regulation, 1974, does not define Israeli territory. Israel has practically regarded the West Bank and the Gaza Strip as its internal territories, and used to continue to grant social welfare and insurance without revoking residency rights, even if a resident moved to the West Bank or Gaza from Jerusalem [B'Tselem and HaMoked 1997: 8]. The only difference between a blue ID card holder and a green ID card holder was that a blue ID holder could enjoy access to Israeli social welfare and insurance. People could move between Jerusalem and the West Bank and Gaza freely, and it was easy for a blue ID holder and a green ID holder to get married and live together wherever they wanted⁴. Besides, Israel introduced the “Open Bridge” policy in order for the Palestinians in East Jerusalem, the West bank

² Based on an interview with Ziyad Hammouri conducted on 18 February, 2009.

³ They do not have the right to vote for the national elections.

⁴ The authority to issue and revoke a blue ID card belongs to the Interior Ministry on the one hand, and the authority to decide whether to provide a person with social welfare and medical insurance belongs to the National Insurance Institute on the other hand. Because of such a separation of authorities, there are many cases where a resident of Jerusalem is stopped from enjoying the right to receive social welfare and insurance while maintaining his or her blue ID card (See case 4: the case of Abu Ismail).

and Gaza to move to and from Jordan and other Arab countries in the same manner as before 1967 [Cheshin 1998]. These circumstances made it possible for a blue ID holder to get married not only to a green ID holder from the West Bank or Gaza but also to a person from Jordan or citizens of other Arab countries.

Policy Changes of the “Residency Right”

However, in December 1995, the Interior Ministry of Israel changed its policies concerning the issuing and revoking of 'permanent residency'. Because the Ministry never announced its policy change publicly, lawyers and human rights organizations learned of the policy change through testimonies of Palestinians who visited the Interior Ministry to find a problem or through the explanation of the Ministry in court hearings. In the amended policy, the West Bank and the Gaza Strip are now considered “out of the country”, which made those with a blue ID card who live in the West Bank and Gaza find themselves in a difficult situation where they might suddenly have their residency right revoked. Before the policy change, those with a blue ID card who left for abroad could live overseas without having their blue ID card revoked, as long as they visit Jerusalem to renew their laissez-passer or exit-entry permit before the previous one expired, by which they could avoid being “a person who stays out of Israel for more than seven years”⁵. However, after the policy change, a short stay just in order to renew a permit is no longer considered a “break of counting seven years”, which has left many Palestinians with a blue ID card who live abroad in an extremely difficult position [B’Tselem and HaMoked 1997].

The most significant point in the new policy is that the Interior Ministry started to require Palestinians to prove that their “center of life” lies within the boundary of Jerusalem in order to maintain their full residency status. The conditions of proving the “center of life” have never been published or clearly defined by the Interior Ministry, so the Palestinians have to try to prove their “center of life” by submitting whatever documents they are asked to submit by the Interior Ministry. Moreover, because there is no clear condition (or definition) of proving the “center of life”, whether the Ministry approves a resident’s “center of life” ultimately depends on the Interior Minister’s authority of discretion [B’Tselem and HaMoked 1997]. Since the introduction of the new policy, the number of revocations of the residency right has increased (Figure 2).

Policy Changes of the Family Unification

5 When a resident goes abroad, he or she is usually issued by the Interior Ministry either an exit-entry-permit valid for three years if he or she goes out to Jordan through the Allenby Bridge, or a laissez-passer valid for one year if he or she goes out from the Ben Gurion Airport.

A person who does not have citizenship or residency rights in Israel has to acquire this status through the family unification procedure in order to live in Israel legally. The most typical case where family unification is needed in East Jerusalem is a marriage of a blue ID holder and a green ID holder. In order for a green ID holder to live legally in Jerusalem with a blue ID holder spouse, he or she has to acquire a blue ID card which indicates that he/she has achieved full residency status in Israel, through family unification. Before the policy change in 1994, the Interior Ministry of Israel did not accept any applications for family unification when the unified-to-be was a man, stating that “according to their tradition, Palestinian women leave their original house for their spouses’ house to live together with the spouses’ family, which implies that Palestinian women with a blue ID card who get married to green ID holders leave for the West Bank or Gaza to live with their spouses’ family”.

In 1994, however, following the verdict of a court case which Israeli human rights organizations petitioned against, the Interior Ministry started to accept applications submitted by blue ID holding women. This led to a large increase in the number of family unification applications.

Until December 1995, once the Interior Ministry approved an application, the spouse of the applicant could be issued a blue ID card immediately. However, in December 1995, the Interior Ministry changed its policies concerning family unification. The new policy requires a blue ID holding applicant and his or her green ID holding spouse to prove that the “center of life” of both of them has been inside the boundary of the Municipality of Jerusalem at least in the last two years. Moreover, graduated process was introduced. In order to prove the “center of life”, one has to submit various documents to the Interior Ministry, including Arnona and insurance bills, an apartment lease, electricity, water, telephone bills, and so on. Because the Ministry has never published a list of the documents that are required to prove the “center of life”, different bureaucrats require residents to submit different kinds of documents [B’Tselem and HaMoked 1997].

The newly introduced policy of proving the “center of life” deconstructs itself. The new policy requires both an applicant and his or her spouse to have had their “center of life” in Jerusalem at least for the last two years before applying for family unification. At the same time, Israel considers those who stay in Israel without a blue ID card an “illegal stay” and can arrest or deport them to the West Bank or Gaza. The Interior Ministry, in reality, receives applications from those who have succeeded in having lived in Jerusalem

for two years without being arrested or deported⁶.

The graduated process refers to some different statuses that the Interior Ministry issues to the green ID holding spouses of applicants whose applications were approved before issuing a blue ID card: the first stage which is called DCO (District Coordination Office) visa stage; the second stage A/5 visa stage. At the DCO visa stage, a blue ID holding applicant and his or her green ID holding spouse should submit an application form and other various documents proving their “center of life” to the District Coordination Office (or the Civil Administration Office) in the area where the green ID holding spouse is registered. A DCO visa is issued if the DCO approves the application and all other documents and the couple passes a security check. The validity of a visa is determined by the DCO’s discretion up to one year. A DCO visa holder should apply for an extension of the visa before it expires. The DCO visa stage continues for 27 months, during which a visa holder is allowed to move between Jerusalem and the West Bank but is not allowed to have any social rights in Jerusalem. After the 27 month-DCO-visa-period, one can apply for A/5 visa. The A/5 visa is issued by the East Jerusalem branch of the Interior Ministry, and not by the DCO in the West Bank or Gaza. The validity of the A/5 visa is one year and a visa holder should apply for an extension before it expires. The A/5 visa stage lasts for three years, during which a visa holder is allowed not only to move between East Jerusalem and the West Bank but can also enjoy the same social rights as a blue ID holder does. After the A/5 visa stage, one can apply for a blue ID card which indicates permanent residency in Israel.

According to the above mentioned rule, the spouse of an applicant can theoretically acquire a blue ID card in five years and three months. However, in practice, every time one applies for a visa extension, he or she is required to submit various kinds of documents to prove the “center of life” and undergo a security check, which can often be extremely time-consuming. Also, the DCO and the Interior Ministry delay processing the applications. As a result, and in most cases, green ID holders cannot acquire a blue ID card within five years and three months.

In May 2002, the government of Israel made the decision to freeze processing all family unification procedures. Furthermore, in July 2003, the Nationality and Entry into Israel Law (Temporary Order) was enacted by the Knesset (the Israeli parliament), which codified the government’s decision in May 2002. According to this Temporary Order, all the family unification procedures regarding green ID holders from the West Bank and Gaza are to be frozen, and the status at the time of the enforcement of this order should

⁶ Based on an interview with Ziyad Hammuri.

be maintained in cases where the family unification procedure commenced prior to the enactment of the order. Therefore, those who held a DCO visa at the time of the Temporary Order being enforced could no longer acquire an A/5 visa, and A/5 visa holders could not obtain the right to permanent residency. In 2005 the Temporary Order was amended, and the amended Temporary Order stipulates that those whose green ID holding wife is older than 25 years old or whose green ID holding husband is older than 35 years old are allowed to apply for family unification, although those spouses would never receive a higher status than a DCO visa. At the same time, Article 3c of the Temporary Order stipulates that the Interior Minister *may grant citizenship or grant a permit to reside in Israel to a resident of the region, and the regional commander may grant to a resident of the region a permit to stay in Israel, if they are convinced that the resident of the region identifies with the State of Israel and its goals, and that the resident or a member of his family performed a material act to advance the security, economy, or another matter important to the State, or that granting citizenship, giving the permit to reside in Israel, or giving the permit to stay in Israel, as applicable, are of special interest to the state; in this paragraph, 'member of family' means spouse, parent, child* [HaMoked 2005].

The Nationality and Entry into Israel Law (Temporary Order), 2003, freezes the processing of family unification procedures only for those who are from the West Bank and Gaza, and does not freeze the processing of procedures for those who are from abroad. For example, a non-Jewish person from abroad who gets married to a Jewish Israeli citizen is able to gain permanent residency through family unification. This led an Israeli human rights organization to sue to the court against the State of Israel, claiming that this Temporary Order was discriminatory. During the course of the court hearings, the State of Israel justified the Temporary Order, emphasizing “the needs for security” stating the fact that green ID holders from the West Bank and Gaza entering Israel legally through family unification procedures had raised the security risk for Israeli citizens [B’Tselem and HaMoked 2004: 12-15].

However, during a hearing in the Knesset on the topic of “*Realization of the Right of Return by Foreign Palestinian Workers by Means of Advantageous Marriage*” [B’Tselem and HaMoked 2004: 17] which was held in July 2001, the director of the Population Administration and the Interior Ministry expressed his worry that “Palestinians who receive permanent residency through family unification realize the right of return through the back door of the State of Israel as well as they threaten the character of the State of Israel as a Jewish state by influencing the population balance between Jews and non-Jews in Israel” [B’Tselem and HaMoked 2004: 17-18]. The acquirement of the permanent residency right by Palestinians was clearly linked to the question of the population

balance and the Jewish character of the State of Israel, and not to the security issue.

Policy Transition of the Child Registration

Article 12 of the Entry into Israel Regulation, 1974, stipulates that a child who is born in Israel is to have the same legal status as his or her parents. The same article says that in a case where the parents have different legal statuses, a child is to have the same legal status as his or her father. Therefore, a child who is born in Israel to parents who have a blue ID card is to be registered on the Israeli Population Registry, have permanent residency, and gain a blue ID card at the age of 16. A child who is born to a blue ID holding mother and a green ID holding father is to be registered on the father's green ID card and gain a green ID card at the age of 16. However, if the blue ID holding mother proves by documents that her child was born in Israel and both her and her child's "center of life" is inside Israel, the child can be re-registered on the mother's blue ID card and acquire permanent residency. In 2003 the High Court of Justice passed the verdict that a child born in Israel one of whose parents is a blue ID holder, either the father or the mother, can be registered on a parent's blue ID card and gain permanent residency⁷. Thanks to this verdict, it became possible for a child born in Israel whose mother is a blue ID holder and father a green ID holder to be registered on the mother's blue ID, without the mother having to prove both her and her child's "center of life".

However, the Entry into Israel Regulation, 1974, does not say anything about the legal status of children who are born outside the country. Because of Article 12, a child who is born outside of Israel, even if both of his or her parents have a blue ID card, cannot gain permanent residency. In such a case, parents have to apply for family unification for their child in order to gain permanent residency status for the child⁸ [Jahshan 1994]. The West Bank and the Gaza Strip are also considered outside Israel, and children born in the West Bank or Gaza could not acquire residency rights without family unification. There were numerous cases where a green ID holding woman who married a blue ID holding man gave birth to a child in her original town in the West Bank or Gaza. These couples often had problems determining their child's legal status in Israel [B'Tselem and HaMoked 2004].

In 2001, the Interior Ministry made the decision that a child born outside Israel can be granted two-year temporary residency rights, and then attain permanent residency, in a case where both of his or her parents, or at least the father, have a blue ID card and the

⁷ HCJ 7052/03, 8099/03 – Adala The Legal Center for Arab Minority Rights in Israel v. Minister of the Interior et al. [HaMoked 2003].

⁸ See case 1: the case of Um Muhammad and her family.

father apply for such a procedure and if the Ministry approves the application. This decision made it possible for children born outside Israel to obtain the residency rights without family unification procedures. However, after the government's decision in May 2002 to freeze the processing of all family unification procedures, the Interior Ministry adopted the previous rule that the status of a child born abroad needs to be validated through family unification procedures, and claimed that because the government decided to freeze all family unification procedures, children born outside Israel would no longer obtain residency rights. This highlighted many cases where children born in the West Bank and Gaza could not live legally with their parents in Jerusalem. In order to enable those children to live together with their parents without a legal problem, the Citizenship and Entry into Israel Law, 2003 (Temporary Order) was amended to give the Interior Ministry and the Civil Administration in the West Bank and Gaza the authority to issue a temporary or permanent residency rights to children under twelve years old. However, the amended Temporary Order lacks clarification of what would happen to the legal status of those children who are issued temporary residency rights when they turn thirteen years old [B'Tselem and HaMoked 2004: 26-33].

The Residency Right and the Daily Lives of Palestinians

Case 1. Um Muhammad and Her Family⁹

Um Muhammad is a blue ID card holder who was born and raised in the Old City of Jerusalem. She married Abu Muhammad in 1980. He was born in Jaffa in 1941, and immediately after his birth, he and his family moved to Abu Dis, a suburb of Jerusalem. During the Jordanian period of rule, Abu Muhammad lived in Abu Dis and worked in Jerusalem. In 1967, he was provided with a green ID card being a resident of the West Bank, since he lived outside the new municipal border. After marrying him, Um Muhammad could not apply for family unification because women were forbidden to apply on behalf of their husbands. This changed in 1994, when the family unification clause was amended. However, until the Separation Wall was constructed around Jerusalem, people were able to move freely between Jerusalem and Abu Dis. So he could live with his wife and children in the Old City and visit his parents in Abu Dis.

Um Muhammad has two sons and three daughters. Of these, one son, Ahmad, and one daughter, Aisha, were born in Jordan. The others were born in Jerusalem. According to the Law of Entry into Israel, 1952, children should be registered on their father's ID card.

⁹ Based on an interview with Um Muhammad and Ahmad on July 5, 2008, and an interview with Ziyad Hammuri (the director of Jerusalem Center for Social and Economic Rights) on July 7, 2008. In this case, all names are pseudonyms.

Hence, Um Muhammad's five children were automatically registered on Abu Muhammad's green ID card. This meant that in the future they would be provided with green ID cards as residents of the West Bank. However, the Law of Entry into Israel, 1952, stipulates that a child born in Israel can be registered on the mother's ID card only if the mother can prove to the Interior Ministry that the child was born in Israel and that the "center of life" for both she and her child is in Israel. Um Muhammad went to the Interior Ministry, submitted her tax returns, national insurance forms, and electricity and water bills for the last two years, and the birth certificates and school certificates of her children, and successfully re-registered the three children who were born in Jerusalem on her blue ID card.

Meanwhile, Ahmad and Aisha, who were born in Jordan, could not be registered on their mother's ID card; the only way for them to obtain blue ID cards was to apply for family unification. Yet, this would be possible only after they received green ID cards at the age of 16, which they did. However, once green ID card holders exit Jerusalem and enter the West Bank, they cannot re-enter Jerusalem through checkpoints without a special permit issued by the military authority in the West Bank. Um Muhammad submitted their cases to an advocate and petitioned the court. As a result, she obtained a special permit (tasrih) four and a half years ago for Ahmad to enter Jerusalem and two and a half years ago for Aisha. However, this permit is valid only for a limited period and must be extended prior to its expiration date. In Ahmad's case, the latest permit was valid from 0:00 June 30, 2008 to 0:00 October 30, 2008. Before it expired, he went to the Civil Administration Office in the West Bank in order to get an extension for another five months. He is waiting for a response now. Even if he succeeds in getting an extension, before the extended permit expires, he will have to go to the Interior Ministry in East Jerusalem and apply for an eleven-month permit. In order for his application to be granted, he will have to prove that his and his mother's "center of life" is in Jerusalem by submitting tax, national insurance, and electricity and water bills for the last two years, the ID cards of the family members, his university certificates, and his brothers' and sisters' employment or university certificates. This permit enables him to enter Jerusalem, but only through two of the many checkpoints. Although he was born in Jordan, Ahmad has been living with his family in the Old City of Jerusalem. He now attends university in the West Bank, and whenever he comes back from university, he has to go through one of the accessible checkpoints where he undergoes a strict security check, including inspection of belongings and questioning that sometimes lasts for more than four hours.

According to family unification regulations, an applicant can conceivably obtain a blue ID card in five years and three months through several stages if he or she fulfills the required conditions. However, in practice, the Interior Ministry has delayed processing

permit extensions and consequently, it has taken applicants several more years to obtain a blue ID card. Furthermore, in 2003, the Israeli Parliament enacted the Citizenship and Entry into Israel Law (Temporary Order), which froze the processing of all family unification procedures. According to this Temporary Order, the status at the time of the enforcement of this order should be maintained in cases where the family unification procedure commenced prior to the enforcement of the order. This is the reason that Ahmad still had only a five-month permit, despite the fact that four and a half years had passed since he first obtained this permit.

Case 2. Nabil¹⁰

Nabil was born in Jerusalem in 1978 and was registered on his father's blue ID card. His parents let him go to a private school right outside of Jerusalem's Municipal boundary because they believed that the education level of public schools was not as high as that of private schools. One day, when Nabil reached 10th grade, his father found an advertisement for a scholarship. The scholarship was to let more able students from all over the world study in the U.S. for two years so that the students would receive an international high school graduate certificate. Nabil was always excellent at school, so his parents asked the principal of his school to write a recommendation letter and applied for the scholarship. Nabil passed both the written and interview exams and got the scholarship. He went to the U.S., studied there for two years from 1994 to 1996, and received an international high school graduate certificate. Then, he decided to continue his education in the U.S.

Because the university tuition was expensive, he had to repeat temporary absences in order to earn a living for tuition fees. During that time, he returned to Jerusalem once every couple of years in order to renew a laissez-passer at the Interior Ministry of Israel in East Jerusalem. He had his laissez-passer renewed without any problem until 2006.

However, he suddenly got involved in a problem: when he went to the Interior Ministry in East Jerusalem in 2006, the Ministry told him that it would allow him only one entry into Israel with his laissez-passer, which meant that if he left for the U.S. and came back to Jerusalem once, he would never be able to go back to the U.S. because he would not be allowed entry into Israel for the second time. However, he had to return to the U.S. with his limited laissez-passer because he had married in the U.S. and had children there. After going back to the U.S., he tried to contact the Israeli consulate in the U.S. by telephone, fax, and e-mail. The Israeli consulate in the U.S. replied that Nabil would not

¹⁰ Based on an interview with Nabil's father on October 22, 2008. In this case, all names are pseudonyms.

need an Israeli laissez-passer because he had got American citizenship. However, Nabil has never been granted American citizenship.

In 2007 Nabil started to study a masters course in the U.S. In the same year, he returned to Jerusalem with his eldest son in order to have the son registered on his blue ID card at the Interior Ministry in East Jerusalem. However, the Ministry, despite that it had renewed his laissez-passer once every couple of years since 1994, refused to register the son on Nabil's blue ID card, claiming that Nabil's blue ID card was no longer valid because he had lived out of the country for more than seven years. Nabil, having lost both the blue ID card and laissez-passer with a permit to return to Israel, went back to the U.S. in order to live with his wife and children and to continue his studies.

Nabil had planned to return to East Jerusalem with his wife and children after he received his M.A. However, he cannot do so because he has no permit to enter Israel (a valid laissez-passer) and a blue ID card.

Nabil's wife is also from East Jerusalem and has a blue ID card, but her blue ID card is invalid because she had been granted American citizenship. In order for Nabil and his family to live in Jerusalem he has to solve his ID card problem. Only then would he be able to apply to have his children registered on his ID card and for family unification for his wife so that she would get a blue ID card. Nabil's father went to the HaMoked office to begin dealing with this problem. No solution was found.

Case 3. Abu Adham (Husni Shahin)¹¹

Abu Adham was born in the Old City in 1959. In 1967, when Israel conducted a census in East Jerusalem, he was attending school in Bethlehem, which led to his being considered a "non-resident" and failed to get a blue ID card. All the other members of his family received blue ID cards. He faced no problem in going back to the Old City of Jerusalem and living there with his family at the time. He married a woman from the same community who possessed a blue ID card, and she fortunately succeeded in re-registering all of their children—who were once registered under their father's green ID—on her blue ID card. Therefore, Abu Adham was the only person in his family who had an ID card problem.

In 1996, after the rules of family unification were amended to allow wives to apply for family unification for their green ID holding husbands, Abu Adham and his wife went to

¹¹ Based on an interview with Abu Adham on October 31, 2008.

the Interior Ministry to apply for family unification for the first time. Their application was not accepted. They applied repeatedly in 2000, 2002, 2004, and 2006 without success. A few times, Abu Adham received a permit that allowed him to stay in Jerusalem for three months, but mostly, he had to live in Jerusalem without any permit. In other words, he had no residency rights, which meant that he did not have access to free medical services and social welfare, and his stay in Jerusalem would be classed as an “illegal stay.”

In Jerusalem, the Israeli police and border police randomly apprehend Palestinians and check their ID cards in order to detect “illegal stays.” Abu Adham has been caught and imprisoned for staying “illegally” five times, each time for 2–6 months, and has paid 1500–2000NIS (around 450–600 USD) to be released from prison. Abu Adham had worked in West Jerusalem for many years before he started to think about the severity of the drug issues in East Jerusalem. In 2004, he and some other Palestinians—both from Jerusalem and the West Bank—held a conference concerning the drug issues in East Jerusalem and founded a center named the Higher National Committee for the Prevention of Spreading Drugs in Wadi al-Joz (the center was moved inside the Old City in 2008). Abu Adham became the director of the center. However, whenever he wanted to consult his colleagues in the West Bank, he was unable to do so because he had neither a blue ID nor a permit; he would have to make a detour around the checkpoints to enter the West Bank. After the Separation Wall was established around East Jerusalem, even making a detour no longer works and he cannot visit his colleagues in the West Bank.

According to Abu Adham, his center is the only effective one that addresses the drug problem in East Jerusalem, sending more than 300 addicts to rehabilitation institutions in Israel every year and helping families of drug users and addicts. The center is registered with the Israeli government as an NGO (non-governmental organization). However, Israel has tried to close this center because of its effectiveness. In Abu Adham’s opinion, while Palestinian society in East Jerusalem needs this center, anything that benefits the Palestinian community is liable to be considered a political activity. In fact, the Interior Ministry has, on numerous occasions, offered to immediately give him a blue ID card should he decide to close the center down. This has severely pressured Abu Adham because he fully comprehends the seriousness of the drug-problem in Palestinian society in East Jerusalem, and understands that the community really needs his center to help resolve the problem. At the same time, he knows equally well that it is incredibly difficult to live in Jerusalem without a blue ID card following the establishment of the Separation Wall and numerous Israeli checkpoints around Jerusalem. Confronted with the prospect of having no access to free medical services and social welfare—especially when he is older—and facing the threat of imprisonment at all times, Abu Adham faces a great

dilemma. Nevertheless, in spite of knowing that he will be unable to gain a blue ID card unless he closes the center, Abu Adham has decided to continue to work for the center as long as possible.

Case 4. Abu Ismail¹²

Abu Ismail was born in the Old City of Jerusalem in 1958. He had lived there with his family until the year 1984 when he and his family moved to Dahiyat al-Barid. He and his family had received a blue ID card as Israeli residents in 1967, without any problem. In 1975, he was employed by an Israeli company, and worked as a carpenter until 1984. While he was working, he used to pay all his taxes and national insurance. In 1984, he and his family moved to Dahiyat al-Barid, where they were able to build a large house; their house in the Old City had been very small, and its condition very poor. His mother had been ill, and her doctor strongly recommended that she move to a larger house with a lot of sunshine and fresh air. Abu Ismail himself suffered from a disease called emperipolexis, which made him faint a few times a month; his doctor told him always to stay with somebody to watch over him. He married a Palestinian with a blue ID in 1979 and had a baby boy in 1981. He divorced right after his baby's birth because of his illness, and married another woman with a blue ID in 1983. He then moved to Dahiyat al-Barid with all of his family members.

Dahiyat al-Barid is located outside the municipal border of Jerusalem. This made Abu Ismail and his family fear that they would have to forfeit their blue ID cards and all their benefits, such as medical services and national insurance. However, they could find no other way but to move there, since they had no hope of building a new house within Jerusalem's municipal borders. It would have cost a lot of money just to apply for a permit to build a new house. Not only that, the Municipality rarely provided permits for Palestinian house construction.

In 1984, at the same time as he moved to Dahiyat al-Barid, Abu Ismail quit his job because of his illness and went to the National Insurance Office to ask for a national insurance payment (Ta'mīn waṭanī). However, the National Insurance Office rejected his request, adding that he did have the right to go to court. So Abu Ismail petitioned the court to win his right to obtain national insurance. The judge said that because Dahiyat al-Barid was outside Jerusalem, Abu Ismail would have to prove that his "center of life" was in Jerusalem. He was instructed to submit, at the next hearing, all his shopping receipts to show where he bought food, household supplies, and so on. In the court's

¹² Based on an interview with Abu Ismail (a pseudonym) on October 13, 2008.

decision, the judge admitted that Abu Ismail had the right to get national insurance, which Abu Ismail started to receive in 1985. Although Dahiyat al-Barid was outside the boundaries of the Jerusalem Municipality, he had in fact received letters from the National Insurance Office at his address in Dahiyat al-Barid, which means that the National Insurance Office had admitted Abu Ismail's right to national insurance, being fully aware that he had lived outside the Jerusalem Municipality.

However, in 1997, Abu Ismail's national insurance payments ceased. He was told by the National Insurance Office that he should leave Dahiyat al-Barid and move back inside Jerusalem's municipal borders if he wanted to continue receiving national insurance. Of course, he needed money for his and his family's medical care. Although his parents had passed away, he had a wife (by this time, his second marriage had failed, and this was his third wife) and two boys. He looked for an apartment in East Jerusalem, but he could not find an affordable one; rent was 400, even 500, dollars for the cheapest places, which he could not afford. If he lost the right to national insurance, it would mean that he would lose not only his insurance payments, but also his access to medical care.

Then, Abu Ismail went to court against the National Insurance Office in 1999. Unfortunately, he lost the case. In 2005, the judge decided that Abu Ismail had no right either to future payments of national insurance or to the lost payments of the past two years because his medical affliction had started when he lived in Dahiyat al-Barid, outside of Jerusalem. Although he moved to a village inside Jerusalem, during the course of the court proceedings, the judge still stated that reason. Abu Ismail visited the Austrian Hospice in the Old City, which had previously been a hospital, to ask for his file in order to prove that his disease had started when he lived in the Old City, but failed. The judge also added that Abu Ismail had never had the right to national insurance in the first place, because his address was in Dahiyat al-Barid, but out of compassion had also decided that the National Insurance Office should refrain from asking him to return the payments that he had received from 1985 to 1997.

Upon hearing the court's decision, Abu Ismail became desperate. He had no income, but still had to support his family. How did he manage to live without an income? He began borrowing money from his relatives and friends. For example, he would borrow some money from friend A at the beginning of a month, promising that he would return the money by the end of the month. Then, by the end of that month, he would borrow more money from friend B, and C, if necessary, returning friend A's money and spending the rest on living expenses. He repeated this every month. He never failed to return the money on time so that he would not lose his friends' trust. However, his debt increased to more than five thousand dollars, which made him even more desperate.

One day, after the court's decision, Abu Ismail was called to a police office. One of the security personnel, whom Abu Ismail remembered as having observed his court case, approached him and said, "If you agree to work as a collaborator ('amīl) for Israel, the National Insurance Office will pay you twice as much as it used to do". Because he was very desperate, he answered, "Unfortunately I cannot work as a collaborator because my disease is too serious," instead of feeling offended by, or getting upset about, this offer. The security person said, "You don't have to work hard. You just sit in a café or restaurant all day long, drink coffee or tea whenever you want, listen to what people are talking about, and report them to us. That's all." Abu Ismail turned down this offer, and he has lived without national insurance ever since.

Fortunately, Abu Ismail found a legal office, which supports him pro bono. He is now preparing to return to court with a good lawyer.

Case 5. Qasem Amru¹³

Qasem was born in 1962 and raised in Jerusalem. In 1967 he was given the right to reside in Israel. Qasem is blind. However, he has been always active, and he used to work at the Orient House with Faisal al-Huseini. He himself was dedicated to consulting with Palestinians in East Jerusalem as a human rights expert. Nowadays, he works for the Municipality of Jerusalem as a consultant who listens to the residents' problems and grievances.

In 1996 Qasem married a woman named Hiba who is from Nablus, a city in the West Bank. They have lived in Jerusalem since they got married. Because Qasem is blind, it is always Hiba who drives the car when the family goes out and picks their children up from school.

The Interior Ministry of Israel changed its policies regarding the residency rights and the family unification in December 1995. Due to this, Qasem could not get a blue ID card for Hiba through the family unification procedure.

One day, the family visited the West Bank by car with Hiba at the wheel. On their way back to Jerusalem, a problem occurred at the Qalandiya checkpoint. The soldier who checked the family members' ID cards, did not allow Hiba to cross the checkpoint saying that she had a green ID card and not a blue one, while allowing the others - Qasem and

¹³ Based on an interview with Qasem Amru on November 1, 2008.

the children - to pass. Hiba was allowed to cross the checkpoint at last, but Qasem was convinced by this incident that he needed to get a blue ID card for Hiba.

In 1999, Qasem petitioned the High Court of Justice against the Interior Ministry. The Court passed the verdict that because Qasem's case is humanitarian, the Interior Ministry should take special action to solve the problem regarding Qasem's wife. Considering the verdict, the Interior Ministry issued Hiba a permit which would allow her to stay in Israel on the condition that Qasem and his wife should submit about thirty kinds of documents such as Arnona, telephone, water bills and children's school documents. Qasem and Hiba prepared all the required documents and submitted them to the Civil Administration Office in Nablus as required. The Civil Administration Office in Nablus checked all the documents and conducted security checks on both Qasem and Hiba, and one month later, the Office issued a permit allowing Hiba to remain in Israel.

In 2002, Hiba received a permit called the A/5. The A/5 permit is valid for one year and allows the holder to receive the same social welfare and insurance access as a blue ID holder receives. However, because the A/5 permit would expire in one year, Qasem and Hiba had to visit the Interior Ministry, submit all the required documents to prove that their "center of life" is in Jerusalem, go through a security check, in order to have the permit extended, before the current permit would expire. Before May 2002, when the Israeli government decided to freeze all the family unification procedures for green ID holders, it had been possible to get a blue ID card as a permanent resident of Israel, if a A/5 permit holder proved the center of life is in Jerusalem and passed a security check, after holding the A/5 permit for three years. Even after May 2003, when the Interior Ministry restarted the processing of family unification for the applications which were submitted before the government's May 2002 decision, no green ID holder could be issued with a blue ID card, since the Interior Ministry decided that it would not issue a permit on a higher level than one had at the time of the government decision. Because of this, Hiba has not been able to receive a blue ID card even after holding the A/5 permit for six years.

In September 2008, when they extended Hiba's A/5 permit, the Interior Ministry required Qasem to submit documents of all the family and relatives of Qasem and Hiba at the next application for extension. Qasem is afraid that the Interior Ministry may refuse to extend Hiba's permit due to "security reasons", since one of his brothers has been in prison. If Hiba fails to extend her A/5 permit, she will fall into the "illegal stay" category, and have to refrain from going out of the house and driving a car, which will definitely be an obstacle to Qasem's and the children's daily lives. Moreover, Hiba will lose all the rights pertaining to social welfare and insurance.

Qasem has decided not to submit his family's and relatives' documents to the Ministry the next time Hiba's permit needs to be extended. If the Interior Ministry refuses to extend Hiba's permit, he will go to court again, against the Interior Ministry, based on the verdict of the High Court of Justice in 1999.

Conclusion

As shown in this paper, the issue regarding residency rights is something that the Israeli administration has frequently revisited since control of Jerusalem passed to the Israeli authorities in 1967. Since 1995 when the percentage of the Arab population in Jerusalem exceeded 30%, Israel has attempted to control the Palestinian population "legally" and systematically by amending the policies and the requirements needed to be fulfilled concerning the right to reside in Israel. Its culmination was in 2002 and 2003 when the government of Israel decided to freeze all the family unification procedures and the Knesset codified the government's decision.

The case studies above illustrate that Israel's policies have had a profound and dramatic impact upon the daily lives of Palestinians and have especially caused hardships with regard to the family. Palestinian societies in East Jerusalem and the West Bank are organically connected and it is natural to think that a Palestinian from East Jerusalem could marry a Palestinian from the West Bank. Therefore, Palestinian movement from the West Bank to East Jerusalem to settle there in order to live with their spouses is part of the "natural increase" of population. However, the Israeli obsession to maintain the demographic balance between Jews and non-Jews led both the government and the Knesset to interpret the natural increase of Palestinians as a "threat", and so justified a series of discriminative policies and statutes for "security reasons". Moreover, we witnessed through the case studies that living under the Israeli occupation is to somehow defend one's very existence in spite of dilemmas caused by the occupation.

Construction of The Separation Wall, begun in 2002, has further increased the significance of issues regarding residency rights for the Palestinian population. The route of the Separation Wall was drawn to disconnect dense Palestinian neighborhoods from municipal Jerusalem in view of the coming 'final status' negotiations; Israel does not want to administer neighborhoods that have a large number of Palestinians and whose land is not usable for Jewish settlements in the future. Consequently, several Palestinian neighborhoods, originally located inside the municipal boundary, have suddenly found themselves on the West Bank side of The Wall. The residents of these neighborhoods have feared that the municipal boundary might be changed to fit the route of the

Separation Wall and place them outside of Jerusalem, which would result in an automatic forfeit of their residency rights. Consequently, many Palestinians who once lived in neighborhoods that are inside Jerusalem but outside the Separation Wall have been moving inside the perimeter of the Wall. Although there are no concrete figures, it is estimated that more than 20,000 Palestinians have moved to the Jerusalem side of the Wall. These raises a number of new issue, one of which being the lack of adequate housing. This is becoming increasingly serious, with one knock on effect being price hikes in rent. This unprecedented rush to relocate to the Old City is of course making living conditions even more difficult than before. The indirect damage of this situation is having a negative impact upon the fabric of the entire city.

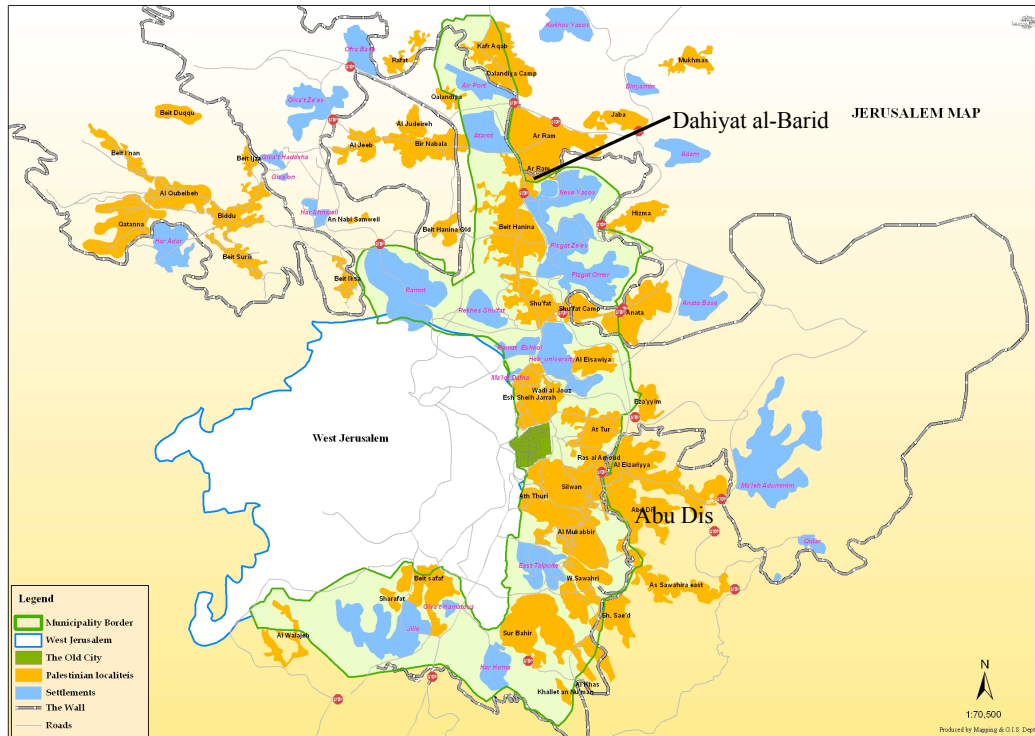
This situation may only fuel the hostility and frustration of an already disaffected Palestinian population. This is obviously counterproductive, and can only serve to undermine any future hopes regarding coexistence and peace. It is against the interests of the international community which wishes to achieve a solution to the Question of Jerusalem and an end to the Israeli-Palestine conflict. Whether Israel relaxes or radicalizes the policy of residency rights is crucial upon many levels, including from the perspective of international politics as well as from the viewpoint of human rights.

Map 1



Source: [PASSIA 2002: 143]

Map 2



Source: [Jam'iya Dirāsāt al-'Arab. n.d.]

Figure 1: Population of Jerusalem 1967-2002

Year	Total (Thousands)	Arab (Thousands)	Jews and Others (Thousands)	Total	Arab (%)	Jews and Others (%)
1967	266.3	68.6	197.7	100	25.8	74.2
1972	313.8	83.5	230.3	100	26.6	73.4
1983	428.7	122.4	306.3	100	28.6	71.4
1985	457.7	130	327.7	100	28.4	71.6
1990	524.5	146.3	378.2	100	27.9	72.1
1995	602.7	181.8	420.9	100	30.2	69.8
1998	633.7	193.5	440.2	100	30.5	69.5
2000	657.5	208.7	448.8	100	31.7	68.3
2002	680.5	221.9	458.6	100	32.1	67.9

Source: [Institute for Israel Studies 2004]

Figure 2: The number of revocation of blue ID cards due to “expired”

Year	1987	1988	1989	1990	1991	1992
Number of Revocation	23	2	32	36	20	41
Year	1993	1994	1995	1996	1997	1998 (Jan.-Aug.)
Number of Revocation	32	45	96	689	606	346

Source: [HaMoked 1998: 11]

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