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# The suffering of Palestinians seeking family reunification

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## The suffering of Palestinians seeking family reunification

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Since the establishment of the state, [Israel's policies](#) have been based on racism in all of its aspects. They crystallise in many issues and are aimed against the indigenous Arab population. The most recent example is the idea of the “Jewish state”, which implies the further expulsion of the Palestinians from their homeland under the pretext of maintaining the racial purity of the nation. This is what Israel has sought to do since its creation in Palestine; it has also thwarted all efforts made for Palestinian refugees to exercise their right to return to their land and reunite with their families.

When the Zionist Jews occupied a large part of Palestine in 1948, they displaced and expelled over 750,000 Palestinians. In 1967, the tragedy was completed, as Israel occupied the rest of Palestine and displaced about 400,000 more Palestinians. Since then, Palestinian families have been trying to reunite inside and outside the borders of historic Palestine. The first attempt at family reunification was by those who had been displaced to return to live with their families who stayed within the Palestinian territories occupied in 1948.

Over the years, Israeli [policy](#) almost completely prevented Palestinians from reuniting with their husbands or wives who were not residents of the occupied territories under the pretext that reunifying families is not a birthright of the Palestinians, but “a mercy initiative”. Moreover, the authority to allow the reunification of families remained in the hands of Israel, even after the signing of the Oslo Accords, despite the fact that other civil powers were transferred to the Palestinian Authority. Since the year 2000, Israel has frozen its acceptance of reunification requests and has not approved any requests except in the context of “political gestures of good faith”.

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## Discriminatory laws regarding citizenship in Israel and the reunification of Palestinian families

After the establishment of the state of Israel, the government passed laws that seek to encourage the immigration of Jews to Palestine while, at the same time, reduce the presence of Palestinians in their land. Such [laws](#) include:

- **THE LAW OF RETURN (1950)**

The gist of this law gives Jews the right of “return” to live in Israel and gain citizenship immediately and automatically. This also applies to the children and grandchildren of people of Jewish ancestry and their spouses. However, there is no similar law that guarantees the rights of the Palestinians to return to Palestine, or to receive citizenship, even if they were born in what is now Israel.

- **THE CITIZENSHIP AND ENTRY INTO ISRAEL LAW (1952)**

This law regulates the entry of non-Israelis into the state. It allows for preferential treatment to be given to any individual Jewish immigrant in accordance with the Law of Return, as it gives them priority to enter as if they were citizens. In addition to granting entry visas to foreign Jews, they are also given many rights similar to those of Israeli citizens.

1. According to Section 2A of the Nationality Law, every migrant under the Law of Return shall become an Israel national. However, in Section 3 of the same law, Palestinians who were living in Palestine before 1948 must meet specific requirements in order to receive citizenship.

2. Amendment 9 to Section of 11 of the Nationality Law states that citizenship can be revoked due to “committing an act of disloyalty towards the State of Israel”. Such “disloyalty” includes obtaining permanent residency in one of nine Arab or Muslim countries listed in the Citizenship and Entry into Israel Law, as well as the Gaza Strip. The law allows the revocation of Palestinians’ citizenship without the need for a criminal conviction pertaining to the case.

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- **CITIZENSHIP AND ENTRY INTO ISRAEL LAW (TEMPORARY PROVISION)(2003)**

The Citizenship and Entry into Israel Law prohibits family reunification in cases where one of the spouses is an Israeli citizen and the other spouse lives in the occupied Palestinian territories; only Palestinian citizens of Israel applying for reunification have been denied. Of course, the law does not apply to Israeli settlers who live in the West Bank. A few exceptions were added to the law in 2005, but they still do not diminish the racist character of the law; instead, it reinforces its methodological and systematic racism and discrimination. Another amendment was made to the law in 2007 which provides for expanding the ban to include citizens and residents of Iran, Lebanon, Syria and Iraq. In addition to this, in 2008 a Knesset resolution added even more restrictions to the law in order to violate further the rights of those residing in the Gaza Strip. However, in this case, and despite the fact that the law was categorised as a temporary law, its validity was extended and it is still in effect. Because of this law, thousands of Palestinian families are being affected because they are forced either to separate, move abroad or continue to live in Israel with the fear of being deported.

### **Palestinian family reunification cases**

In May 2002, the Israeli Knesset enacted [Government Decision #1813](#), thereby gradually freezing all unification applications for the West Bank or Gazan spouse of an Israeli citizen or permanent resident; in 2003, this decision became part of the Law of Nationality and Entry into Israel.

In 2006, 11 judges from the Israeli Supreme Court issued their rulings in the case of Adalah Legal Centre for Arab Minority Rights in Israel v. Ministry of Interior, in which Adalah challenged the constitutionality of the Law of Nationality and Entry into Israel. The judges refused the challenge by a majority vote of 6-5; at the same time, the majority of the judges agreed that the law violates the right to family life and the right to equality for Arab citizens. However, the majority still refused to challenge the law, justifying this under the pretext of granting the government 9 months to

propose a better solution. An additional amendment was added in 2007 to expand the family reunification ban on residents and citizens of Iran, Lebanon, Syria and Iraq, as mentioned above.

### **The purpose of passing Israeli citizenship laws**

Perhaps the main [purpose](#) for passing the Law of Nationality and Entry into Israel is the demographic issue, which has been highlighted in general Israeli discourse over the past decade. Ruth Gavison, an Israeli Law professor at the Hebrew University in Jerusalem and a supporter of this law, explained such discourse: “The justifications for the Law of Nationality and Entry into Israel is based on the fact that the law is considered as part of the efforts aiming to preserve Israel as a state for the Jewish people and their right to self-determination. The presence of a large Palestinian minority is considered a threat to the Jewish state.”

The Supreme Court decisions, in addition to some of the measures taken by the Knesset, are a clear indication of this approach. The Supreme Court’s important ruling in 2006 regarding the Law of Nationality and Entry into Israel is an example. Another is the idea of redrawing the Green (1949 Armistice) Line in a manner that excludes all of Umm Al-Fahm and the Triangle (a concentration of Israeli Arab towns and villages adjacent to the Green Line) from Israel, resulting in the Palestinian population in these areas losing their Israeli citizenship. In exchange for this, the plan calls for the swapping of land for Israeli settlements in occupied Jerusalem as well as the West Bank. Despite the fact that this plan is categorised as a “land swap” plan, it aims clearly to preserve the Jewish character of the state. The reason behind choosing this area was its proximity to the Green Line and because the majority of the local population is Palestinian.

### **International organisations condemn Israel’s racist laws**

[Amnesty International](#) has called on Israel to cancel its law prohibiting the reunification of Palestinian families, stating that, “A law permitting such blatant racial discrimination, on grounds of ethnicity or nationality, would clearly violate international human rights law and treaties which Israel has ratified and pledged to uphold.”

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The international organisation also pointed out in a report that included testimonies from Palestinians who were denied family reunification that the legislation discriminates against Palestinians living in the West Bank and Gaza Strip as well as those who are Israeli citizens.

### Refugee issue in settlement negotiations

The [refugee problem](#) has proven to be the most difficult and complicated issue in negotiations to agree a peace deal. The only thing that the Palestinian negotiators were able to address in the 1990 Madrid Conference was the issue of the people displaced in 1967; discussions about the other displaced Palestinians were deferred to the final status talks. The Declaration of Principles, issued on 13 September, 1993 regarding self-government arrangements provides for the postponement of the main issues until such final status negotiations, including the refugee issue.

In the Gaza-Jericho Agreement signed on May 4, 1994, Article 16 provided for the discussion of modalities of admission of persons displaced from the West Bank and the Gaza in 1967. A committee was formed to do so, but it failed to make any progress. The Oslo Agreement signed on 25 September, 1995 also failed to address the issue of refugees and the right of return clearly, despite the fact that the final status negotiations began in May 1996. However, no resolution for this issue was found.

In 1994, the Jaffee Centre for Strategic Studies (JCSS) at Tel Aviv University issued a study prepared by Shlomo Gazit, the former head of the intelligence service of the Israeli army. He suggested allowing a limited number of Palestinians to return to Palestine, with the other refugees being absorbed by the current Arab host countries.

At Camp David in 2000, Ehud Barak agreed in principle to exchange the return of all refugees for the return of thousands by means of “family reunification”. The remainder, he suggested, should be settled in the Palestinian state, their place of refuge or any other country.

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Barak's [proposal](#) provided for the return of about 50,000 refugees who were born in Palestine (i.e. before 1948) provided that they return without their offspring or that they have relatives in Israel. Recent official statistics show that there are no longer over 50,000 Palestinian refugees still alive who were born in Palestine before 1948. In addition to this, Barak proposed allowing them to enter the territories occupied in 1948 in batches over a 10 year period, i.e. an average of five thousand each year. It does not take much to work out that on this basis there will soon be no more Palestinians who meet Barak's conditions.

The [“Shelf Agreement”](#) was proposed by the then Israeli Prime Minister Ehud Olmert in the summer of 2008 to Palestinian Authority President Mahmoud Abbas. It catered for the exchange of the right of return for nearly 4 million refugees with “family reunification” for a few thousand families.

According to Israeli and US sources, Olmert offered Abbas that Israel would “accommodate 2,000 refugees per year for 10 years, on a humanitarian basis and in a manner in line with what has been agreed upon.” The return of these refugees was dependent on agreement about the remaining issues and the Palestinian Authority's approval of the refugees' “right of return” being to go to the future Palestinian state, not to Israel.

### Family reunification applications: approval, rejection and the suffering of Palestinian families

- Between 1994 and 2000, there was an [agreement](#) between the Palestinian National Authority and Israel regarding the family reunification issue. There was an annual quota agreed that began as 2,000, and then became 3,000 and finally by the year 2000, the quota was supposed to be 5,000. The PA also had the right to grant family reunification to Palestinians living abroad who wanted permanent residence in areas controlled by the PNA and to give them a Palestinian ID card and passport. However, since the year 2000, that is, since the start of the Second Intifada, Israel has decided to stop all of these procedures and agreements and still has not activated the family reunification scheme for Palestinian citizens.

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Since then, nearly 52,000 Palestinian citizens in the West Bank and Gaza are there “illegally” according to Israel, meaning they do not carry a Palestinian passport or ID.

- Since the beginning of the Second Intifada in 2000 until 2006, more than 120,000 [applications](#) for family reunification in the Palestinian territories were submitted, but Israel has refused to deal with them. Only a few “special humanitarian cases” were processed.
- Between 2007 and 2008, however, as a “goodwill gesture”, Israel [approved](#) 22,000 out of 54,000 family reunification applications submitted by Palestinians.

### Examples of families’ suffering due to the law

[Faten](#) is a Palestinian woman living in the West Bank. She married a man living in the Palestinian territories occupied in 1948 and they live in their humble home in the city of Acre. Over the past five years, she has suffered from medical problems, some very serious, but she has not been able to receive medical attention because she only has a residency ID and this only protects her from being prosecuted by the Israeli authorities for being in Israel illegally. Due to the Citizenship and Entry into Israel Law, she, along with her three children, must leave their home, meaning that her children will have to leave school. In addition, they will not receive any medical or social rights so their suffering will increase. Her husband’s situation is even worse because he cannot leave his job, as it provides their only source of income, and move with them to the West Bank. In any case, the whole family is affected.

In [Ahmed Al-Arbashli’s case](#), his immediate family’s suffering started in 2000 when he went to Khan Yunis to visit his extended family, but was then unable to return to his wife and children who live in the town of Taybeh, in the Triangle area within the Green Line. The distance between Khan Yunis and Taybeh is such that it should only take two hours to get to see his wife and children, but he is unable to go. As for his wife, who is from the Palestinian territories occupied in 1948, she can’t visit him in the Gaza Strip because Israeli law prohibits those living in the territories occupied in 1948 from entering Gaza since Hamas was elected as the

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Palestinian government in 2006. Thus his family hasn’t been reunited for the past several years.

### Jerusalemites: Displaced by means of Judaisation

Nowadays, the situation in Jerusalem is arguably worse than the situation in the Palestinian territories occupied in 1948, the West Bank and the Gaza Strip. The city is facing an aggressive Israeli Judaisation policy, with the occupation authorities exercising various means to make the policy work. This includes revoking Jerusalemite IDs and residence permits, and rejecting family reunification applications.

Israel does not deal with East Jerusalem residents based on the law passed in 1948, which gives Palestinians there the right to Israeli citizenship. The authorities’ justification for this is that it is unable to verify who was present in Jerusalem when Israel was established; they have, therefore, adopted the Citizenship and Entry into Israel Law in 1952, thus granting Jerusalemites an ID without citizenship and allowing them to have a Jordanian passport. They are also issued a laissez-passer (travel document) in order to travel through Israeli checkpoints. Since relations between residents of East Jerusalem and the Palestinians in the West Bank are close, on social, professional and academic levels, the Israeli authorities allowed residents from both areas to get married; according to Israeli law, a spouse with an Israeli ID can apply for family reunification with their spouse if they meet the conditions set forth by the law and if there are no security issues, such as being a former prisoner or political activist in opposition to Israel. Their children are also granted an Israeli ID provided that they are born in Israel.

If a Palestinian resident of East Jerusalem marries a resident of the Palestinian territories occupied in 1948, one of the spouses can give the other Israeli citizenship in exchange for the Jerusalemite renouncing their Jordanian citizenship. Their children are also granted Israeli citizenship. However, none of this applies when the family reunification concerns a resident of the West Bank. Israel has tried several times to change the law in order to limit family reunifications out of fear that the Palestinian population in Israel will grow and have a negative demographic effect on the “Jewish state”.

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The [complications](#) in family reunifications for Jerusalemites began after the Al-Aqsa Intifada, specifically in May 2002, when an Israeli law was passed by majority vote in the Knesset which provided for prohibiting the reunification of families from the West Bank with their family members who carry Jerusalemite IDs. This is when the difficulties began to manifest with regards to accessing their homes, especially given the fact that the permits granted by Israel to West Bank residents were valid for a limited number of hours and did not cover the hours of darkness. This is when the suffering of a spouse being present illegally in their homes began, and this affected families negatively. They were at risk of one of the spouses being deported, imprisoned or only allowed out on bail as well as signing a document promising not to return to Jerusalem. These laws led to the displacement of Jerusalemite families and the growing phenomenon of spinster Jerusalemite girls whose families refuse to allow them to marry men from the West Bank.

## **The number of family reunification applications in Jerusalem**

[Figures](#) obtained by the Society of St Yves (the Catholic Centre for Human Rights) indicate that the Interior Ministry has rejected 43 per cent of the total number of family reunification applications submitted by Palestinians since 2000. They also rejected 24 per cent of child registration applications. It is worth noting that they refused to register 12 children for security reasons, despite the fact that the term “children” refers to individuals under the age of 14.

These figures also suggest that the Ministry received 12,284 reunification applications between the year 2000 and July 2013, and only 5,629 of them were approved; 4,249 were rejected. Out of the 43 per cent of all family reunification applications that were rejected, 20 per cent were for security reasons while 13 per cent were rejected because they were unable to prove their “centre of life”.

In addition to this, the figures showed that a large number of applications were not processed and remain pending in the Interior Ministry’s offices; officials take so long to process reunification applications that some applications remain suspended for several years without a decision being made. For example, in 2012, the

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ministry received 809 family reunification applications, but they only issued decisions for 332. As a result of such complications, there are over 2,206 applications awaiting a decision. If we assume that the average number of family members for each application is four, then 9,624 Palestinians, 2.6 per cent of the Palestinian population of East Jerusalem, do not have the right to live together as a family. It is worth noting that this number is only hypothetical and that the actual number is probably much higher, as it does not include the families in which the husband does not meet the age requirement for the Israeli authorities to allow family reunification applications to be submitted.

It is also worth noting that the figures obtained by the Society of St Yves do not reflect the total number of Palestinian families suffering from Israel’s policy of rejecting family reunification applications. This is due to the fact that the figures only represent the number of applications submitted since 2000, while the number of those submitted before 2000 are still unknown. The number of rejected and approved applications provided by the ministry does not represent the total number of family reunification applications submitted.

## **Conclusion**

Based on the aforementioned, it is clear that Israel’s racist policy is attempting to create a new reality for tens of thousands of Palestinians, preventing couples from living together under one roof and forcing their children to grow up without one of their parents. As for the residents of the occupied Palestinian territories, who have lived there since the establishment of Israel but who have no ID cards, they are unable to leave, even when they require medical treatment, for fear of being prohibited from re-entering the country.

In addition, the policy of freezing reunification applications is a grave violation of the Palestinians’ human rights, including their right to marry and have a family life. This affects the families’ social, economic and psychological situation greatly. In short, Israel prevents Palestinians from migrating to the Palestinian territories and encourages the residents of those areas to leave the country if they wish to reunite with their families.

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At the same time, Israel allows uncontrolled immigration of Israeli citizens into Palestinian territories as illegal settlers. This is intended to change the demographic structure of the occupied area. As a policy it is rejected out of hand as it is a form of racial discrimination and must be fought against.



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