



## Palestinians: Residence in their home

After the 1967 War, Israel occupied the Gaza Strip and the West Bank, illegally annexing East Jerusalem. *The Jerusalem Basic Law*<sup>1</sup>, issued by the Israeli government on 30 July 1980, declared Jerusalem to be the 'eternal and indivisible' capital of Israel. This was met with objection and was strongly condemned by the international community, as demonstrated by the 1980 United Nations Security Council Resolution 478.

In the years since, Israeli authorities have consistently implemented policies, laws, and procedures aimed reducing the Palestinian presence in East Jerusalem. Palestinian Jerusalemites were given the status of Permanent Residents, rather than citizens. They are subject to the will of the Israeli Minister of the Interior.

In 1973 the Israeli government established an inter-ministerial committee, the Gafni Commission, to examine the demography of Jerusalem. The committee recommended, among other things, that the population ratio in the city be kept at 73.5% Jews to 26.5% Arabs.

Israeli laws regarding Palestinian residency in East Jerusalem work to remove Palestinians from the city in an effort to increase the Jewish presence. Since 1967, 14,054 Palestinians have had their residency revoked, losing the right to live in their own city.

### Jerusalem Residencies Revoked since 1967<sup>2</sup>

YEARS	RESIDENCIES REVOKED
1967 – 1976	1,442
1977 – 1986	1,405
1987 – 1996	1,061
1997 – 2006	4,361
2007 – 2009	5,583
2010	191
<b>TOTAL</b>	<b>14,043</b>

<sup>1</sup> Basil Law: Jerusalem, Capital of Israel, Law of the State of Israel, Volume 34 (1980) 209.

<sup>2</sup> B'Tselem. 'Statistics on Revocation of Residency in East Jerusalem' Available at: [www.btselem.org/jerusalem/revocation\\_statistics](http://www.btselem.org/jerusalem/revocation_statistics).

## Legal Status of Palestinians in Occupied East Jerusalem:

- Despite the *de facto* annexation of East Jerusalem by Israel in 1967, Palestinian Jerusalemites are not citizens of the state of Israel. Rather, their legal status became that of “permanent resident”. This effectively gave them the same rights, in their own city, as were granted to foreign immigrants throughout Israel.<sup>3</sup>
- Additionally, as Israel does not consider East Jerusalem to be occupied territory, it does not grant East Jerusalemites their status as Protected Persons under the Fourth Geneva Convention of 1949 and which guarantees them, among others, the right to life, respect for family unity, and for dignity.
- After 1967, the Israeli authorities initiated a population registry for Palestinians in East Jerusalem. Under the provisions of the *Entry into Israel Law of 1952* those ‘living within the municipal boundaries, as subsequently expanded, were classified as permanent residents of the State,’<sup>4</sup> not Israeli citizens.<sup>5</sup>

## Residency Laws:

- *The Entry into Israel Law of 1952* states that permanent residency can be revoked when:

- Residents live outside of the Municipal borders for seven years;
  - Residents apply for, or are granted, permanent residency in another country;
  - Residents become citizens of a foreign country;
  - Residents are suspected of posing a ‘national threat’ to Israel.<sup>6</sup>
- *Entry into Israel Regulation of 1974* Article 11(a) states that permanent residency expires when:
    - Any condition set by the Minister of the Interior for maintaining the permit is not met;
    - A change is made to the visa associated with the permit by an unauthorized person;
    - The permit holder leaves Israel and settles in another country.

The Mubarak Awad case tightened residency restrictions. The court ruled that Israeli authorities have the power to revoke residency status if the resident has settled in another country, even when the resident’s time abroad has not exceeded seven years. This ruling established the foundation for the ‘center of life policy’ – one of the key threats to residency rights for Palestinian Jerusalemites.

<sup>3</sup> Usama Halabi, ‘The Legal Status of Jerusalem and its Arab Population’ Institute for Palestinian Studies, Beirut (1997).

<sup>4</sup> UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, ‘The Status of Jerusalem’ (1997), 26.

<sup>5</sup> B’Tselem, ‘Statistics on Revocation of Residency in East Jerusalem’ Available at: [http://www.btselem.org/english/jerusalem/revocation\\_statistics.asp](http://www.btselem.org/english/jerusalem/revocation_statistics.asp).

- The Center of Life Police
  - Requires Jerusalem permanent residents to repeatedly prove that they live and work within the Municipal borders of Jerusalem.

<sup>6</sup> ‘Compilation of Israeli Laws, No. 95’ (1952).

- Evidence can include rental agreements, home ownership documents, telephone and water bills, tax receipts, school registration, and medical insurance based out of Jerusalem.
  - Since this police was first introduced in 1995, over 10,000 Jerusalemites have lost their ID, meaning that they now live 'illegally' in Jerusalem and no longer have access to public social services such as healthcare and education.
  - The Separation Wall
    - Over 100,000 Jerusalemites live on the other side of the Wall in order to live with their spouses who hold West Bank IDs and to live in less expensive housing. They live in the real and constant fear that Israeli will redraw the municipal borders and revoke their residency.
  - Expanding the definition of an 'Infiltrator'
    - *Military Order 1650*, issued in 2010, classifies every person in the West Bank without a permit issued by the Israeli authorities as an infiltrator. The order allows Israeli authorities to deport anyone without a permit to other countries or to forcibly transfer them to the Gaza Strip. Technically, this could mean that East Jerusalemites who wish to live in the West Bank must apply for permits to do so, thereby jeopardizing their status as permanent residents of Jerusalem, under the center of life policy.
  - 'Disloyalty to Israel' and the Case of the PLC Members
- Recently, Israel has begun revoking residency rights to Israel for the reason of perceived disloyalty to the state.
  - In May 2006, the Israeli Minister of Interior announced his decision to revoke the permanent residency status of four Palestinian Jerusalemites: Mohammed Abu-Tier, Ahmad Attoun, Mohammed Totah, and Khaled Abu Arafah (all members of the Change and Reform Party). The Minister claimed that their election to the Palestinian Legislative Council (PLC) was proof of their loyalty to a 'foreign parliament' and, consequently, disloyalty to Israel.<sup>7</sup>
  - In severe violation of international law<sup>8</sup>, the parliamentarians were forced to give up their membership in the PLC or to lose their residency in Jerusalem. All four men rejected the ultimatum. Three sought refuge in the East Jerusalem Headquarters of the International Red Cross (ICRC) and one was deported to Ramallah. All four men have since been arrested.<sup>9</sup>

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<sup>7</sup> PLC elections were a fundamental aspect of the Oslo Accords, representing a major step towards the realization of the right to self determination. Oslo guaranteed Palestinian Jerusalemites the right to vote in PLC election and to be voted into the PLC. West Bank and East Jerusalem Palestinians participated in the January 2006 elections and the Change and Reform party won 74 of the 132 available seats.

<sup>8</sup> Article 45 of the Hague Regulations of 1907 states that it is forbidden to compel inhabitants of occupied territories to swear allegiance to the hostile power. Such action is also a blatant violation of Israel's promised under the Oslo Accords.

<sup>9</sup> Mr. Abu-Tier was arrested from his home in Ramallah in September 2011. The other three officials

## SEPARATING FAMILIES

- Family Unification is the process through which a Palestinian Jerusalemite applies for residency status for his/her spouse. Marriages between Jerusalemites and Palestinians from the West Bank and Gaza Strip are, historically, very common. Since the 1990s, however, Israeli requirements for these unifications have grown increasingly strict.
  - *Executive Order 1813*, issued in 2002, froze applications for family unification for residents of the West Bank and Gaza Strip.
  - *The Nationality and Entry into Israel Law* of 2003 put *Order 1813* into law, severely limiting reunification possibilities for Palestinian Jerusalemites and their Palestinian spouses from the West Bank and Gaza Strip.
  - A 2005 amendment to the law permitted reunification for non-Jerusalemite husbands over 35 years, non-Jerusalemite wives over 25 years, and allowed the Minister of Interior the ability to grant status to children under 14 years of age.
  - The law was amended again in 2007, extending restrictions to spouses from 'enemy states' defined as: Iran, Syria, Lebanon, and Iraq. In January 2012, the Israeli Supreme Court ruled to uphold the law.
- Palestinian children in East Jerusalem do not automatically gain residency status from their parents.
  - The complex process is governed by section 12 of the 1974 *Entry into Israel Regulations*. The difficulty of registering children has resulted in as many as 10,000 unregistered children in East Jerusalem.
  - Unregistered children, approximately 23.6% of the Palestinian child population in East Jerusalem are unable to access adequate education, healthcare, and other social services.

### International Law:

- Article 13(2) of the Universal Declaration of Human Rights: "Everyone has the right to leave any country, including his own, and to return to his country."
- Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR): "no-one shall be arbitrarily
- deprived of the right to enter his own country."
- Article 49(1) of the Fourth Geneva Convention of 1949: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."

### Recommendations:

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were arrested from ICRC headquarters in January 2012.

The Civic Coalition for Palestinian Rights in Jerusalem calls upon the international community, particularly the United Nations and European Union, to ensure that Israel:

- Stop revoking permanent residency status for Palestinian Jerusalemites;
- Return permanent residency status to those who have had their residency revoked;
- Facilitate family unification requests submitted by Palestinian Jerusalemites in a positive, human, and expeditious manner. Particularly, that Israel better enable spouses to live together in Jerusalem until their application is approved;
- To immediately cease the practice of residency revocation and deportation on the grounds of 'disloyalty to Israel'.

Furthermore, the Coalition calls upon the aforementioned parties, to:

- Take concrete and immediate steps to ensure that Israel ceases its violations of international rights in regards to population deportation and transfer;
- Demand that Israel uphold the permanent residency status of Palestinian Jerusalemites living both inside and outside the city;
- Insist that Israel end its violations of Palestinian human rights in Jerusalem and to respect the rule of law and to comply with its obligations under international law.

**Supported by:** Representative Office of Norway to the Palestinian Authority



Civic Coalition for Palestinian Rights in Jerusalem  
<http://www.civiccoalition-jerusalem.org>

