

Palestinians

Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem

Report based on interviews conducted from
31 March to 4 April 2019 in Jerusalem,
Ramallah and Tel Aviv



Ministry of Immigration
and Integration

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Immigration Service

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Disclaimer

This report was written according to the EASO COI Report Methodology.¹ The report is based on approved minutes from meetings with carefully selected sources. Statements from sources are used in the report and all statements are referenced.

This report is not, and does not purport to be a detailed or comprehensive survey of all aspects of the issues addressed in the report and should be weighed against other available country of origin information on access and residency for Palestinians on the West Bank, the Gaza Strip and East Jerusalem.

The report at hand does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

¹ European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report methodology, 10 July 2012, [url](#)

Introduction and methodology

The report at hand focuses on the access and residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem.

The report is the product of a mission conducted by the Country of Origin Information Division, Danish Immigration Service (DIS) to East Jerusalem, Ramallah and Tel Aviv in Israel and the occupied Palestinian territory (oPt).

In the planning phase of the mission, contacts were established with relevant sources who confirmed their availability on the given dates of our mission.

The purpose of the mission was to collect updated information on issues recurring in cases regarding Palestinian asylum seekers from the West Bank, the Gaza Strip and East Jerusalem in Denmark. The terms of reference (ToR) for the mission were drawn up by DIS, in consultation with the Danish Refugee Appeals Board as well as an advisory group on COI ('Referencegruppen').² The terms of reference are included at the end of the report (Appendix 2).

In the scope of compiling this report, the delegation consulted in total 14 interlocutors, comprising international organisations, international NGOs, local NGOs, local Palestinian governmental authorities as well as a lawyer. One of the sources did not have information relevant to the ToR for which reason the meeting note was not included in the report.

In addition to information from the mentioned sources, hearings on access procedures to the West Bank, the Gaza Strip and East Jerusalem were sent to the authorities in Israel, Egypt and Jordan via the Danish Ministry of Foreign Affairs in January 2019. None of the authorities replied so far.

Furthermore, the delegation requested a meeting with the Israeli authority, the Coordination of Government Activities in the Territories (COGAT). However, referring to the worsened security situation in the Gaza Strip, which made it difficult for COGAT to allocate personal for the meeting as well as the limited time for planning the meeting, the request for a meeting was declined. Thus, it has not been possible through documentation from Israeli authorities to verify the information on official Israeli procedures and requirements relating to a number of administrative processes surveyed in this report.

It was outside the scope of this report to verify the information on official Egyptian and Jordanian procedures and requirements relating to administrative processes in these countries.

The sources interviewed were selected by the delegation based on the expertise, merit and role of each source relevant to the mission.

The sources were asked how reference might be made to them in the report. Five out of thirteen sources requested varying degrees of anonymity for the sake of discretion and upholding tolerable working conditions, as well as for personal safety. All sources are referenced in the report according to their own request.

² The group consists of the Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organisations ("Europa Missionen" and "Åbne Døre"), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

The sources consulted were informed about the purpose of the mission and that their statements would be included in a public report. The minutes from the meetings with the sources were forwarded to them for approval, giving them a chance to amend, comment or correct their statements. All thirteen sources approved their statements. The *Palestinian Ministry of Interior* replied by sending their own version of the minutes in Arabic; including a translation into English. The questions asked by the delegation were not included.

The report is a synthesis of the sources' statements and thus does not include all details and nuances of each statement. Written material has been included in the report where relevant. In the report, care has been taken to present the views of the sources as accurately and transparently as possible. The statements of all sources are found in their full extent in *Appendix 1* of this report.

During the interviews, the sources highlighted issues that are not addressed in the ToR. Since these issues could be relevant to refugee status determination, they are included in the meeting notes in *Appendix 1*, but they are not fully addressed in the report.

For the sake of reader-friendliness, transparency and accuracy, paragraphs in the meeting minutes in *Appendix 1* have been given consecutive numbers, which are used in the report when referring to the statements of the sources in the footnotes. The intention hereby is to make it easier to find the exact place of a statement in the meeting minutes.

Finally, attention should be called to the changeable situation in Israel/oPt and the fact that the information provided may quickly become out-dated. Therefore, the issues addressed in this report should be monitored periodically and be brought up to date accordingly.

The Danish Embassy in Tel Aviv and the Danish Representation in Ramallah provided valuable assistance in the planning and execution phases of the mission.

The research and editing of this report was finalised by 30 April 2019.

Abbreviations

COGAT	Coordination of Government Activities in the Territories
DIS	Danish Immigration Service
EASO	European Asylum Support Office
HRC	UN Human Rights Council
HRW	Human Rights Watch
ICHR	Independent Commission for Human Rights (Ombudsman)
NGO	Non-governmental organisation
OCHA	United Nation's Office for Coordination of Humanitarian Affairs
oPt	occupied Palestinian territory ³
ToR	Terms of reference
UNHCR	United Nations High Commissioner for Refugees
UNRWA	The United Nations Relief and Works Agency for Palestine Refugees

³ As defined by UN: the West Bank, including East Jerusalem, and the Gaza Strip. Source: United Nations Office for the Coordination of Humanitarian Affairs, *About Us*, [url](#)

Executive summary

In 1967, Israel conducted a census of the Palestinian population in the West Bank, the Gaza Strip and East Jerusalem. The census became the basis for an Israeli registry of the Palestinian population, distinguishing between Palestinians registered in East Jerusalem, the rest of the West Bank and the Gaza Strip. Palestinians absent during the time of the census lost their resident status, and subsequently were not able to register.

One of the outcomes of the Oslo Accords was the transfer of the administration of the Palestinian population registry to the *Palestinian Authority* in 1994. However, the Israeli census of the Palestinian population from 1967 was the reference, and Israel maintained control of the registry.

Registered Palestinians from the West Bank and the Gaza Strip, who left before 1994 and have remained abroad for a period exceeding the duration of the Israeli issued exit permit, were deleted from the population registry. Palestinians, who left after 1994, can return to the territories and take permanent residency at any time. The residency of the Palestinians from the West Bank and the Gaza Strip became permanent after the signing of the Oslo Accords in 1994. A Palestinian ID card equals a residence permit in the West Bank and in the Gaza Strip. Palestinians who are not registered in the Palestinian population registry are not allowed to enter the West Bank and the Gaza Strip.

All entry points into the West Bank are controlled by Israel. When returning from abroad, West Bank residents are referred to travel through the Allenby/King Hussein Bridge (see map in Appendix 5), via Jordan. West Bank residents do not need special coordination or visas to enter Jordan for transit. Palestinians travelling through the Allenby/King Hussein Bridge could travel using a valid Palestinian passport or an ID card with exit/travel permission. An application for a Palestinian passport can be submitted from abroad, while a Palestinian ID card can only be submitted to Palestinians applying from the West Bank or the Gaza Strip.

The Gaza Strip's border areas and coastline are strictly controlled by Israel and Egypt, and entry into the Gaza Strip is restricted by the two countries. For entry to the Gaza Strip, residents can as a rule use the Rafah Border Crossing (see map in Appendix 4), via Egypt, on the condition that it is open; entry procedures are not transparent. Entering the Gaza Strip requires coordination with the Egyptian authorities. Palestinians travelling through the Rafah Border Crossing could travel using a valid Palestinian passport or an ID card. In principle, Palestinians who reach the Egyptian side of the Rafah Border Crossing will be allowed to enter the Gaza Strip. However, security blocked Palestinians will be rejected entry. Entering the Gaza Strip through the Erez Crossing (see map in Appendix 4), via Israel, requires a special entry permit from Israel which is rarely given. Prior coordination with the Jordanian and Israeli authorities is also needed to enter the Gaza Strip through the Erez Crossing via the Allenby/King Hussein Crossing.

No written refusals of applications for entry permits are issued by Israeli authorities. Instead a message will be passed orally to the applicant.

Residents from the West Bank and the Gaza Strip are only allowed to use the Ben Gurion International Airport in very exceptional cases. East Jerusalem Palestinians holding Israeli travel documents, laissez-

passer, can use the Ben Gurion International airport. Otherwise, they have to travel through Allenby/King Hussein Crossing, via Jordan.

Illegal exit from the West Bank and the Gaza Strip is criminalized. Palestinians, who have left these areas illegally, will be arrested and detained upon return by the Israeli or the Jordanian authorities at the West Bank and by the Egyptian authorities in Gaza.

Children below the age of 16 born abroad to registered Palestinian parents can be registered in the Palestinian population registry. An unregistered child above the age of 16, who has registered parents, can only obtain residency in the West Bank and the Gaza Strip through family reunification.

Approval of family reunification in the West Bank, the Gaza Strip and East Jerusalem is controlled solely by the Israeli authorities. Family reunification for Palestinians living in East Jerusalem, the West Bank and the Gaza Strip has been frozen since 2003. Family reunification is almost impossible, and very few have been granted residence permits through family reunification since 2003.

East Jerusalem Palestinians are registered in Israel and have a residency status in the country. In order not to have their residency revoked, they continuously have to maintain their 'centre of life' in East Jerusalem. East Jerusalem Palestinians leaving the city for an extended period of time risk revocation of their residence status. During the latest years only few cases were revoked.

A child born abroad to East Jerusalem Palestinian parents can obtain residency in East Jerusalem, if the parents return with the child and stay in the city to prove that their 'centre of life' is in East Jerusalem. It is very difficult for a child above the age of 14 to obtain registration.

Background

The ruling power

Today, the West Bank is occupied, and the Gaza Strip is under a blockade; both areas are administered under Israeli military rule. East Jerusalem on the other hand is annexed by Israel and is under Israeli civilian law.⁴

Following the Islamist political group Hamas⁵ victory in the legislative election in 2006 and a subsequent conflict with Fatah, the ruling party in the West Bank, Hamas took over the Gaza Strip.⁶ The Palestinian Authority, led by Fatah, exercise varying degrees of authority in the West Bank and no authority over the Gaza Strip.⁷ The Israeli imposed land, sea and air blockade on the Gaza Strip is a consequence of Hamas' takeover of the Gaza Strip.⁸

Geographical engineering

Israel is conducting geographical engineering in the West Bank, East Jerusalem and around the Gaza Strip which is supported by administrative structures, permit regimes and restrictive residence permit rules.⁹

The Palestinians are subject to access and movement restrictions imposed by Israel, which impact all aspects of their life. Some of the restrictions are physically visible, including the checkpoints and the separation barrier, while others are less visible measures, including the Israeli control of the population registry, and Israel's control over who enters and resides in the West Bank, the Gaza Strip and East Jerusalem.¹⁰

Israel is observed to have a clear policy of not allowing Palestinians to move back to the West Bank.¹¹ The Gaza Strip is seen as enemy territory,¹² and Israel does not issue permits for stay in the Gaza Strip.¹³ The revocation of Palestinians' residency in East Jerusalem is a way of decreasing Palestinian presence in the city. Israel explicitly refers to the Palestinian presence in East Jerusalem as a demographic threat.¹⁴

⁴ OCHA: 17; Western diplomatic representation: 37

⁵ According to the European Union Council decision of 22 December 2003, the de facto government in the Gaza Strip, Hamas, is subject to financial restrictions, ie. briefly, it is illegal to contribute financially to the organization within a number of criteria. Read more: COUNCIL DECISION of 22 December 2003 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/646/EC [url](#); Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism: [url](#)

⁶ Freedom House, Freedom in the World 2019, *the Gaza Strip*, [url](#)

⁷ USDOS – US Department of State: Country Report on Human Rights Practices 2018 - Israel, Golan Heights, West Bank, and Gaza - West Bank and Gaza, 13 March 2019, page 61, [url](#); The Washington Post, Hamas, 26 March 2019, [url](#)

⁸ United Nation Office for The Coordination of Humanitarian Affairs, *Gaza Blockade*, [url](#)

⁹ Al Haq: 55

¹⁰ Al Haq, *Engineering Community: Family Unification, Entry Restrictions and other Israeli Policies of Fragmenting Palestinians*, February 2019, page 4, [url](#); CRS – Congressional Research Service: *The Palestinians: Background and U.S. Relations*, 21 November 2018, page 17, [url](#); United Nation Office for The Coordination of Humanitarian Affairs, *Fewer permits granted to access land behind Barrier*, 18 March 2019, [url](#); UN General Assembly, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, Report of the Special Political and Decolonization Committee (4th Committee)*, 14 November 2017, page 22, [url](#)

¹¹ A Western diplomatic representation: 32

¹² Lea Tsmel: 8

¹³ Gisha: 154

¹⁴ OCHA: 26

Israel's current practices related to entry and stay also effects family unity. Many families are split between, the West Bank, the Gaza Strip, East Jerusalem or Israel, and only allowed to reunite for major family events.¹⁵

The permit regime

Initially after the occupation began, Palestinians from the West Bank and the Gaza Strip were able to travel almost freely in territories controlled by Israel; however, under the first Intifada,¹⁶ in 1991 Israel imposed a new permit policy restricting the movement of the residents of the West Bank and the Gaza Strip between areas controlled by Israel.¹⁷ The new practice split the West Bank, the Gaza Strip and East Jerusalem into three separate areas, and movement between them and travelling abroad has since been dependent on Israeli approval.¹⁸

In the Israeli permit system, as regard exit, entry and residency of Palestinians, there are many procedures and the extensive amount of rules and regulations give the impression that there is order and bureaucracy.¹⁹ When applying for these permits, Palestinians face an arbitrary and a non-transparent system and many applications are denied without explanation and with no avenue for appeal.²⁰

¹⁵ HRC – UN Human Rights Council (formerly UN Commission on Human Rights): Human rights situation in Palestine and other occupied Arab territories, Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, page 47 and 49, [url](#)

¹⁶ "The First Intifada broke out in December 1987 and ended in September 1993. The backdrop to the uprising was the then 20-year Israeli occupation of the West Bank, the Gaza Strip and East Jerusalem." Middle East Monitor, *Remembering the First Intifada*, 9 December 2017, [url](#)

¹⁷ B'TSelem, *Restrictions on movement*, 11 November 2017, [url](#); The Applied Research Institute-Jerusalem (ARIJ), *The Israeli Permit Regime: Realities and Challenges*, 2018, page 3, [url](#)

¹⁸ B'TSelem, *Restrictions on movement*, 11 November 2017, [url](#)

¹⁹ Gisha: 125

²⁰ B'TSelem, *Restrictions on movement*, 11 November 2017, [url](#)

I. Palestinian population registry

1.1 Palestinian decisions subject to Israeli supremacy

1.1.1. *Palestinian population registry based on Israeli census in 1967*

In 1967 Israel carried out a census of the Palestinian population.²¹ The initial demarcation of the current Palestinian population registry was drawn up based on this census, distinguishing between Palestinians registered in East Jerusalem, the rest of the West Bank and the Gaza Strip. Palestinians, who were not present, were not included in the registry and could not be registered afterwards.²² People who were present and registered in the census could pass on registration in the Palestinian population registry to their children.²³ Anyone who fled during the 1967-war was removed from the population registry of that time.²⁴

Palestinian ID cards are granted to Palestinians who hold a Palestinian national number in the registry.²⁵ A Palestinian ID card equals a residence permit in the Palestinian territory.²⁶

Palestinians who fled from the wars in 1948 and 1967 cannot obtain a Palestinian national number and cannot return according to Israeli law, despite the fact that they are registered in the Palestinian birth records of that time.²⁷ In addition, a big number of Palestinians, who travelled abroad in the years between the 1967-census and the Oslo Accords lost their residency.²⁸ *For further reading on this matter, see: 3.1. Residency of Palestinians in the West Bank and the Gaza Strip.*

1.1.2. *Conditional takeover by Palestinian Authority upon Oslo Accords*

Upon the Oslo Accords, the administration of the Palestinian population registry was transferred to the Palestinian Authority.²⁹ However, essentially Israel controls the registry.³⁰ Israel holds a copy of the registry,³¹ and the Palestinian Authority transfers its updates to the Israeli authorities.³² Approval by Israeli authorities is a de facto prerequisite for changes of the registry to enter into force.³³

²¹ An international organisation: 52; Gisha: 158; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 190

²² An international organisation: 52

²³ Gisha: 158; Ministry of Interior: 252

²⁴ A humanitarian organisation: 193

²⁵ Ministry of Interior: 250

²⁶ Mr. Malik Taha, General Manager of the Palestinian Population Registry: 170

²⁷ Ministry of Interior: 250

²⁸ Al Haq: 65 – 68; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 169; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 188; A humanitarian organisation: 193; Ministry of Interior: 252

²⁹ HaMoked: 110; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 190; The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II), *Annex III: Protocol Concerning Civil Affairs, Appendix I, Powers and Responsibilities for Civil Affairs, Article 28 – Population Registry and documentation*, point 12, 28 September 1995, [url](#)

³⁰ Lawyer Lea Tsemel: 1; An international organisation: 52; Al Haq: 56

³¹ HaMoked: 110

³² Al Haq: 56; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 190

³³ Lawyer Lea Tsemel: 1; Al Haq: 56; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 190

The Oslo Accords provide that the Palestinian Authority collects information about new born Palestinians born in the West Bank and in the Gaza Strip to be added to the registry and transfer this information to the competent Israeli authorities. The Israeli authorities then accept the registration.³⁴

1.1.3. *Palestinians of East Jerusalem excluded from the Palestinian population registry*

East Jerusalem is different from the Gaza Strip and the West Bank in the sense that it has been annexed by Israel.³⁵ Therefore it does not fall under the control of the Palestinian Authority but is under Israeli law.³⁶ Thus, registration of Palestinians in East Jerusalem is managed solely by Israeli authorities,³⁷ and Palestinians in East Jerusalem have residency in the State of Israel.³⁸

The Palestinian Authority has a policy of not giving people, who have lost their East Jerusalem ID, a Palestinian ID. This policy has reportedly been applied so as not to encourage the Israeli authorities to revoke the residency status of the Palestinian population in East Jerusalem.³⁹

A *humanitarian organisation* pointed to the fact that the Palestinian Authority cannot grant citizenship without acceptance from Israeli authorities. Further *the humanitarian organisation* explained that cases where citizenship rights of a Palestinian resident of East Jerusalem have been punitively revoked, e.g. if one of the person's relatives has committed violence against an Israeli citizen, easily become political bargaining chips between the Israeli and the Palestinian authorities.⁴⁰

1.2 Procedures

Registration in the Palestinian population registry requires appearance at the competent Palestinian authority, the General Authority of Civil Affairs under the Ministry of Interior.⁴¹ Under normal circumstances, it takes about one week from application to registration.⁴²

Documents required when registering include an original birth certificate and a copy of one parent's ID card. In case one of the parents is a foreigner, a copy of his/her passport and a copy of the marriage certificate will also be required.⁴³

The age limit for child registration is 16 years.⁴⁴ Technically Israel could deny registration in the Palestinian population registry but does not; as long as the child in question is below the age of 16 at the time of registration.⁴⁵

³⁴ Gisha: 158; The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II), *Annex III: Protocol Concerning Civil Affairs, Appendix I, Powers and Responsibilities for Civil Affairs, Article 28 – Population Registry and documentation*, point 12, 28 September 1995, [url](#)

³⁵ Lea Tsemel: 2; OCHA: 17

³⁶ OCHA: 17

³⁷ HaMoked: 99

³⁸ Lea Tsemel: 2; OCHA: 18; an international humanitarian organisation: 50, Al Haq: 59-61; HaMoked: 99

³⁹ OCHA: 24, Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 186

⁴⁰ A humanitarian organisation: 202

⁴¹ Mr. Malik Taha, General Manager of the Palestinian Population Registry: 166

⁴² Mr. Malik Taha, General Manager of the Palestinian Population Registry: 166

⁴³ Mr. Malik Taha, General Manager of the Palestinian Population Registry: 166

⁴⁴ Al Haq: 73; A humanitarian organisation: 217, Mr. Malik Taha, General Manager of the Palestinian Population Registry: 165; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 190, Ministry of Interior: 253

Al Haq said that if a child has not been registered by birth, it is very difficult for the child to become registered.⁴⁶

Conditioned on Israeli approval, the Palestinian Authority can update marriage registration and change a person's registration between the West Bank and the Gaza Strip.⁴⁷

Registration with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has no bearing on an individual's status in the Palestinian population registry.⁴⁸

1.2.1 Registration of a child of registered parents born abroad

A child of at least one registered parent from the West Bank or the Gaza Strip born abroad can register before s/he turns 16⁴⁹; even if the child has lost his/her parent(s).⁵⁰ A child, after s/he turns 16 cannot register; except through family reunification.⁵¹

Gisha noted that in order to register a child in the West Bank, the parents have to contact the Palestinian Ministry of Interior in Ramallah. Children born abroad between age five and age 16 will be registered using a visitation permit.⁵²

1.2.2 Avenues for complaints with regard to registration

The Palestinian *Ombudsman* processes complaints related to the Palestinian Civil Affairs' administration of the Palestinian population registry. However, he does not have legal basis to process complaints against Israeli authorities.⁵³

There is no avenue for complaints for Palestinians without an ID number, who are stateless.⁵⁴

1.2.3 Verification of registration via the Israeli/Palestinian authorities

Palestinians, who have stayed abroad for years, might not know if their residence permits have been revoked. They would be notified if they came to the border, or if they went to renew their ID. However, they could also look into the matter through legal representation or family present in the relevant area.⁵⁵ It is possible for Palestinians abroad to inquire by proxy in order to seek verification of their residency status by local authorities.⁵⁶

⁴⁵ Gisha: 158

⁴⁶ Al Haq: 73

⁴⁷ Gisha: 159

⁴⁸ An international organisation: 52

⁴⁹ A humanitarian organisation: 217; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 165; Ministry of Interior: 253 (the Ministry of Interior refers to the registration as citizenship); The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II), *Annex III: Protocol Concerning Civil Affairs, Appendix I, Powers and Responsibilities for Civil Affairs, Article 28 – Population Registry and documentation*, point 12, 28 September 1995, [url](#)

⁵⁰ Mr. Malik Taha, General Manager of the Palestinian Population Registry: 165

⁵¹ A humanitarian organisation: 217; Gisha: 161; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 165; Ministry of Interior: 253

⁵² Gisha: 161

⁵³ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 173 - 174

⁵⁴ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 175

⁵⁵ Al Haq: 69

⁵⁶ Gisha: 162; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 170

Inquiries to the Palestinian authorities in this regard must be directed to the Civil Administration and must include the name of the applicant, name of the father and mother, the date of birth and the place of birth of the applicant.⁵⁷

Palestinians in the West Bank can check their residency status through the Palestinian Ministry of Interior in Ramallah, whereas Palestinians in Gaza could contact the Ministry of Interior in Ramallah remotely or verify information via the Palestinian Civil Affairs Committee office in Gaza.⁵⁸

On the website of the Israeli authority Coordination of Government Activities in the Territories (COGAT) there is an email and a phone number by which people could contact COGAT in order to seek information about their residency status.⁵⁹ However, this avenue of inquiry has neither been tested by *Gisha* which provided this information⁶⁰ nor by the Danish Immigration Service.

⁵⁷ Mr. Malik Taha, General Manager of the Palestinian Population Registry: 170

⁵⁸ Gisha: 163

⁵⁹ COGAT: *contact information to seek information about residence status*, [url](#)

⁶⁰ Gisha: 164

2. Entry for Palestinians originating from the West Bank, the Gaza Strip and East Jerusalem

Entry for Palestinians arriving from abroad to the West Bank, the Gaza Strip and East Jerusalem depends on several conditions, including their registration status and type of ID documents.⁶¹

- Generally speaking, Palestinians registered in the Palestinian population registry can only enter by land. They cannot travel through Ben Gurion International Airport in Tel Aviv.⁶²
 - As a rule, a Palestinian registered in the Palestinian population registry at the West Bank can enter through the Allenby/King Hussein Bridge.⁶³ (Chapter 2.1)
 - Regarding a Palestinian registered in the Palestinian population registry in the Gaza Strip, s/he can as a rule travel through the Rafah Border Crossing.⁶⁴ Entry to the Gaza Strip through Egypt is dependent on whether or not the Rafah Border Crossing is open.⁶⁵ (Chapter 2.2)
- Depending on the time spent abroad, Palestinians, who are registered in the Israeli civil register as residents in East Jerusalem, can as a rule enter East Jerusalem through Ben Gurion International Airport and the Allenby/King Hussein Crossing.⁶⁶ (Chapter 2.3)

2.1 Palestinians from the West Bank registered in the Palestinian population registry

2.1.1 Allenby/King Hussein Bridge

The central question with regard to Palestinians entering the West Bank is whether or not they are registered in the Palestinian population register. If a person is registered, this person is considered a Palestinian resident by both Palestinian and Israeli authorities; even if the person in question holds a foreign passport.⁶⁷

West Bank residents do not need any special coordination or visas to enter Jordan for transit. They could land at the airport in Amman and then go directly to the Allenby/King Hussein Bridge (see map in Appendix 5).⁶⁸ The crossing point is controlled by Jordan and Israel; the Palestinian authorities do not have jurisdiction at the border crossing; however, they do have a checkpoint on the Palestinian side of the border in which travellers are checked against a database for wanted fugitives.⁶⁹ When passing through

⁶¹ An international organisation: 52; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 177

⁶² Ministry of Interior: 245; A humanitarian organisation: 204; Al Haq: 81

⁶³ Gisha: 140; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 178

⁶⁴ Gisha: 134-139 and 149; An international agency: 227; A humanitarian organisation 210

⁶⁵ Al Haq: 82

⁶⁶ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 178

⁶⁷ Gisha: 151

⁶⁸ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 177; Al Haq: 81

⁶⁹ Migrationsverket, Lifos. Center för landinformation och landanalys inom migrationsområdet, Lifosrapport: Palestinier i Mellanöstern – uppe hållsrätt och dokument (version 1.0), 20, 18-10-31, side 38, [url](#); the Independent Commission for Human Rights (ICHR – Ombudsman): 178

from Jordan, the travellers will first meet the Jordanian authorities; secondly, s/he will meet the Israeli authorities and after that the Palestinian authorities.⁷⁰

In theory, Israel respects the right of West Bank residents to leave and re-enter from abroad.⁷¹ However, if a Palestinian from the West Bank is blocked for security reasons, s/he will not be allowed entry from Jordan.⁷² Reference is made to chapter 2.7 for information on security blocks on Palestinians.

Under the current regulations, there is no time limit for return; even Palestinian West Bank residents, who have spent twenty years abroad, will be able to re-enter.⁷³ In case, a person is registered but has no documentation, s/he can still enter.⁷⁴ However, a specific entry procedure applies to residents, who lost their documentation overseas.⁷⁵

Registered Palestinians with residency at the West Bank cannot travel through Ben Gurion International Airport in Tel Aviv.⁷⁶

2.1.1.1 Document requirements at the Allenby/King Hussein Bridge

According to the Israeli procedures as translated by *Gisha*, Palestinians travelling through the Allenby/King Hussein Bridge could travel using either a) a valid Palestinian passport which is updated in the computerized register or b) a departure card and a valid ID card.⁷⁷ *Gisha* does not have information about which grounds a departure card is issued on.⁷⁸ This information on document requirements was confirmed by a humanitarian organisation which, on the other side, added that even though the Israeli border guard will ask for both documents, in practice only one of the two is needed in order to cross, and it does not have to be valid.⁷⁹ The *Palestinian Ministry of the Interior* noted that Palestinians need both a Palestinian passport and an ID card to pass through the Allenby/King Hussein Bridge.⁸⁰

2.1.2 Issuance of documents

According to the *Palestinian Ministry of Interior*, the Palestinian ID card is issued for each Palestinian in the West Bank and in the Gaza Strip.⁸¹

The ID card cannot be issued to any Palestinian who is living outside the country. In case a Palestinian living abroad needs an ID card, s/he must return to the Gaza Strip or the West Bank, and then have an ID card issued. ID cards cannot be issued by the Palestinian embassies abroad.⁸² For further information on

⁷⁰ State of Palestine, Ministry of Interior: 242

⁷¹ HaMoked: 140

⁷² Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 178

⁷³ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 185

⁷⁴ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 185; *Gisha*: 151

⁷⁵ *Gisha*: 151, *Gisha* website, *Procedure of Palestinian residents' passage at the border crossings*, [url](#)

For further information on the entry procedure, *Gisha* referred to this document from the Israeli authorities (Hebrew), [url](#)

⁷⁶ Ministry of Interior: 245; A humanitarian organisation: 204; Al Haq: 81

⁷⁷ *Gisha* website, *Procedure of Palestinian residents' passage at the border crossings*, [url](#)

⁷⁸ *Gisha*: 151

⁷⁹ A humanitarian organisation: 209

⁸⁰ Ministry of Interior: 243

⁸¹ Ministry of Interior: 250

⁸² Ministry of Interior: 250

issuance of ID cards, please refer to minutes from meeting with the Palestinian Ministry of Interior, Appendix 1.

According to the *Palestinian Ministry of Interior*, an applicant must have his/her Palestinian ID number approved by the Israeli authorities in order to obtain a passport.⁸³

The *Palestinian Ministry of Interior* stated that a Palestinian passport can be issued abroad. In order to obtain a Palestinian passport from abroad, the applicant must go to the Palestinian embassy in the country where s/he resides. In addition, the Palestinian Embassy will facilitate the process of checking and examining the applicant in order to verify his personal data registered with the Israeli authorities. The Embassy then sends the request to the *Palestinian Ministry of Interior* to issue the passport; the ministry then sends it to the embassy.⁸⁴

In this respect, *Al Haq* commented that theoretically, registered Palestinians can apply for a Palestinian passport through the Palestinian embassy in Cairo or the Palestinian Representation in Amman or other representations. However, it takes more time to get a new passport this way than through the administration of the Palestinian authorities in the West Bank. A Palestinian from Gaza will need to find a person on the West Bank to help him/her to follow up on the application for a new passport.⁸⁵ *For further information on issuance of passports, please refer to minutes from meeting with Al Haq, Appendix 1.*

2.2 Palestinians from the Gaza Strip registered in the Palestinian population registry

2.2.1 Rafah Border Crossing, Egypt

The Egyptian authorities control the Rafah Border Crossing (see map in Appendix 4), including when it opens and closes.⁸⁶ Hamas has control of the Rafah Border Crossing on the Palestinian side and controls all entries and exits from the Gaza Strip.⁸⁷

Entering the Gaza Strip requires coordination with the Egyptian authorities.⁸⁸ Sometimes it is also dependent on the political situation on the ground; one cannot decide to come back from Denmark to Egypt unless the return is coordinated with the Egyptian authorities.⁸⁹

Generally speaking, registered Palestinians with residency in the Gaza Strip cannot use Ben Gurion International Airport. They have to use the Rafah Border Crossing to enter the Gaza Strip from abroad.⁹⁰

Only Gaza residents are allowed to enter through the Rafah Border Crossing.⁹¹ The *Palestinian Ministry of Interior* and the *Palestinian Ombudsman* noted that Palestinians from the West Bank with a Palestinian ID

⁸³ Ministry of Interior: 251

⁸⁴ Ministry of Interior: 251

⁸⁵ Al Haq: 89

⁸⁶ Migrationsverket, Lifos. Center för landinformation och landanalys inom migrationsområdet,

Lifosrapport: Palestinier i Mellanöstern - uppehållsrätt och dokument (version 1.0), 2018-10-31, page 39, [url](#)

⁸⁷ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 176

⁸⁸ Mr. Malik Taha, General Manager of the Palestinian Population Registry : 168

⁸⁹ Al Haq: 86

⁹⁰ Ministry of Interior: 245-246; Al Haq: 82

card need prior coordination with the Egyptian Ministry of Interior if they want to enter through the Rafah Border Crossing.⁹²

2.2.1.1 Opening hours of and the control with the Rafah Border Crossing

Palestinians from the Gaza Strip cannot always cross at the Rafah Border Crossing point.⁹³ Entry to the Gaza Strip through Egypt is dependent on whether or not the Rafah Border Crossing is open.⁹⁴

The Egyptian authorities control the opening and closing of the Rafah Border Crossing; it has been open on a regular basis since May 2018, with an exception in January 2019, where it was closed for 14 days.⁹⁵ The border is open from sunrise till sunset five days a week and is closed on Fridays, Saturdays and holidays.⁹⁶ A humanitarian organisation added that the daily working hours are as follows: from 10 AM – 12 PM noon for departures and from 12 PM - 7 PM or 8 PM for arrivals.⁹⁷

The Egyptian authorities inform the Palestinian General Authority for Borders and Crossings placed in Jericho, the West Bank, and the de facto authorities in the Gaza Strip, Hamas, when the border is open and closed. Hamas then releases the information to the media.⁹⁸ Notification by the Egyptian authorities is usually given with a short notice. The information about the opening and closing of the Rafah Border Crossing is also available online on the websites of the General Authority for Borders and Crossings and Hamas' Ministry of Interior Office in the Gaza Strip. Discrepancy in the information provided on these two websites on whether the border is open or closed is a result of political disagreement between Fatah and Hamas.⁹⁹

2.2.1.2 Entry procedures and practice

The procedures in place at the border crossings to the Gaza Strip are not transparently implemented. They are not bound by strict rules; including on the Israeli side. In particular, the situation at the Rafah Border Crossing is subject to changing procedures.¹⁰⁰

Generally, Palestinians returning to the Gaza Strip from abroad via Egypt, both men and women, will be escorted in a military convoy from Cairo Airport directly to the Rafah Border Crossing. The trip from Cairo

⁹¹ Gisha: 139

⁹² Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 177; Ministry of Interior: 246

⁹³ Ministry of Interior: 246; Al Haq: 82; A humanitarian organisation: 210; An international humanitarian organisation: 42

⁹⁴ Al Haq: 84

According to OCHA, many of the current restrictions on movement, originally imposed by Israel in the early 1990s, were intensified after June 2007, following the Hamas takeover of Gaza and the imposition of a blockade. These restrictions continue to, among other, disrupt family life. The situation has been compounded by the restrictions imposed since June 2013 by the Egyptian authorities at Rafah Crossing, which had become the main crossing point used by Palestinian passengers in the Gaza Strip, given the restrictions on the Israeli-controlled crossings. Source: UN Office for the Coordination of Humanitarian Affairs (OCHA), *Gaza Crossings' operations status: Monthly update – April 2018*, [url](#)

According to OCHA, Political uncertainty and military operations in northern Sinai led Egypt to impose severe restrictions on the crossing from October 2014 through to mid-May 2018. Since then, there has been a significant improvement and Rafah crossing has been open almost continuously. Source: UN Office for the Coordination of Humanitarian Affairs (OCHA), *Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, September 2018*, [url](#)

⁹⁵ An international agency: 131

⁹⁶ Gisha: 131; an international agency: 221

⁹⁷ A humanitarian organization: 211 - footnote

⁹⁸ An international Agency: 222

⁹⁹ An international Agency: 222

¹⁰⁰ An international Agency: 223

Palestinian Authority, Authority for Borders and Crossings, [url](#)

De facto authorities in the Gaza Strip, Hamas' Ministry of Interior Office in Gaza, [url](#)

airport to the Rafah Border Crossing typically takes between 48 to 72 hours,¹⁰¹ and the waiting time on the Egyptian side of Rafah is usually between two and three hours. If the border is closed, travellers have to wait until the border reopens, either at Cairo Airport or at the Egyptian side of the border, or they have to travel back to their country of departure.¹⁰² Sometimes Palestinian travellers stay in Cairo for days or weeks waiting for the Egyptian authorities to open the Rafah Border Crossing.¹⁰³

2.2.1.3 Requirements concerning pre-arrival visas for Egypt

The sources differed in their view on the extent to which the Egyptian authorities require a pre-arrival visa for Palestinians who wish to enter the Gaza Strip via Rafah Border Crossing.

According to two sources, Palestinian men in the age span of 18 to 49 need a pre-arrival visa to enter and transit in Egypt; even though they go directly by bus from Cairo Airport to the Rafah Border Crossing through Sinai.¹⁰⁴ The visa can be obtained at the Egyptian embassy of the country they are staying in abroad.¹⁰⁵

An international agency noted that the Egyptian border authorities only require Egyptian entry visas for Palestinians arriving from abroad who want to spend time inside the country. However, Palestinian men between the age of 16 and 40 arriving from abroad are never allowed inside Egypt, as visa is not granted under any circumstances. They will always be deported directly to the Rafah Border Crossing in a military convoy.^{106,107}

According to *Gisha* and *an international agency*, not including men aged between 18 and 40 /16 and 40, Palestinian travellers who want to go straight to the Gaza Strip, do not need a visa but will be held in a detention area at the airport while they wait for a shuttle to take them to the Rafah Border Crossing.¹⁰⁸

Women, children and men over the age of 40 do not need a visa to transit in Egypt.¹⁰⁹ *An international agency* noted that in principle Palestinian men above the age of 40 can get a visa to Egypt upon request, but it is easier for older men. Men in their 60s or 70s are more likely to be granted entry visa to Egypt.¹¹⁰

¹⁰¹ An international Agency: 224; Al Haq: 84

¹⁰² An international Agency: 224

¹⁰³ Al Haq: 84

¹⁰⁴ Gisha: 135-136; Al Haq: 86

¹⁰⁵ Gisha: 136

¹⁰⁶ An international agency: 225

¹⁰⁷ Further research on whether or not a pre-arrival visa for Egypt is required was conducted in written sources:

The Embassy of Egypt in USA informs that Palestinians returning at the Rafah Border Crossing via Egypt must have a pre-arrival visa. (Embassy of Egypt, Washington D.C, Visa Requirements, [url](#))

Landinfo (2017) refers to a source informing that all Palestinians must apply for a pre-arrival visa with the exception of women and minors below the age of 18 and men above the age of 40. (Landinfo, *Temanotat Palestina: Passering av grenseovergangene Rafah og Erez til og fra Gazastripen*, maj 2017, [url](#))

UNHCR (2018) notes that Palestinians are not required to have a pre-arrival visa to Egypt in order to access the Gaza Strip via the Rafah Border Crossing; however, in order to avoid issues with the Egyptian authorities, the flight companies will solely allow Palestinians from Gaza to board the air plane if an opening of the Rafah Border Crossing has been scheduled. (UN High Commissioner for Refugees (UNHCR), *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 23 February 2018, [url](#))

¹⁰⁸ Gisha: 135-136; An international Agency: 225

¹⁰⁹ Gisha: 135-136

¹¹⁰ An international Agency: 225

An international agency noted that if a man is accompanied by a wife and/or a child, the wife and/or child can be allowed to spend time inside Egypt.¹¹¹

2.2.1.4 Required documents

According to an Israeli procedural document translated by *Gisha* from Hebrew to English, Palestinians, travelling through the Rafah Border Crossing, could travel using either a) a valid Palestinian passport which is updated in the computerized register or b) a departure card and a valid ID card.¹¹² *Gisha* does not have information about which grounds a departure card is issued on.¹¹³ This information on required documents was confirmed by three other sources.¹¹⁴ However, the *Palestinian Ministry of Interior* noted that both The Palestinian passport and the ID card are needed.¹¹⁵

The *General Manager of the Palestinian Population Registry* noted that Palestinians from the Gaza Strip, who arrive in Cairo Airport, should have an Egyptian transit permit.¹¹⁶ The *Palestinian Ministry of Interior* noted that Palestinians, who are under the age of 40, need to obtain a visa in order to leave Egypt.¹¹⁷

2.2.2 When the Rafah Border Crossing is closed; access through the Erez Crossing via the Allenby/King Hussein Bridge

If a Palestinian returning to the Gaza Strip from abroad can prove that the Rafah Border Crossing is closed, and the person in question needs to get in for humanitarian reasons, *Gisha* has sometimes succeeded in facilitating access, but this has been a very rare occurrence. If the Rafah Border Crossing is closed, it is very difficult for the Gaza Strip residents to return from abroad if they exited Gaza.¹¹⁸

Theoretically, registered Palestinians have a recognised right to return. However, Israel does not seem to let people use the Erez Crossing if they are not able to use the Rafah Border Crossing; implementation depends on Israel's policy at the time being.¹¹⁹ While Israel controls the Erez Crossing, Hamas has a checkpoint on the Palestinian side of the Erez Crossing.¹²⁰

2.2.2.1 Procedure and practice

Gaza Strip residents need a special permit to transit in Jordan when they go abroad. In order to exit, they have to submit a request to the Jordanian passport office in Gaza. The Jordanian passport office in the Gaza Strip sends the request to the Jordanian representation in Ramallah which processes the request. Upon

¹¹¹ An international Agency: 225

¹¹² *Gisha*: 151: *Gisha* website, *Procedure of Palestinian residents' passage at the border crossings*, [url](#); An international agency: 228

¹¹³ *Gisha*: 151

¹¹⁴ An international Agency: 228; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 177; Al Haq: 85

¹¹⁵ Ministry of Interior: 246

¹¹⁶ Mr. Malik Taha, General Manager of the Palestinian Population Registry : 168

¹¹⁷ Ministry of Interior: 246

¹¹⁸ *Gisha*: 127

¹¹⁹ *Gisha*: 128; *Gisha*: 129: *Gisha* website, *Unclassified Status of Authorizations for the Entry of Palestinians into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad - Coordination of Government Activities in the Territories, Operations and Coordination Department Updated as of September 18, 2017*, [url](#)

According to *Gisha*, the most current version of the document is a version in Hebrew also found on their website: [url](#) *Gisha* added that the Israeli authorities never make drastic changes in the Hebrew document, but usually just update in the quotas; sometimes they publish information about special 'gestures' for holidays or the like. It is a very lengthy document that lists different kinds of profiles, i.e. quotas, numbers of people and what classifies as medical treatments, seriously ill family members etc.

¹²⁰ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 176

approval a transit visa; i.e. a so-called ‘non-objection letter’ (Arabic: ‘adam mumana’a), is issued for the person in question. Normally, the transit visa says that it can be used for transit both ways, and the visa has no expiration date. However, there was a case where a Palestinian woman had stayed in Turkey for a year to study and was denied entry to transit in Jordan. *Gisha* tried to assist her, but was not successful. Fortunately, she had personal connections, who in early April 2019 solved the issue for her.¹²¹

According to *Al Haq*, advance coordination with the Jordanian and Israeli authorities is needed to enter the Gaza Strip through the Erez Crossing via the Allenby/King Hussein Bridge.¹²² However, *Gisha* noted that there is no coordination between the Jordanian and the Israeli authorities when it comes to transiting Gaza Strip residents. This means that a person might get a ‘non-objection letter’ from the Jordanian authorities but not a permit from the Israeli side and vice versa. *Gisha* further explained that these are unconnected processes. If a person is denied a permit by Israel but has a non-objection, s/he would have to reapply for the Israeli permit. If s/he has a permit but not a non-objection letter, s/he may be denied exit from the Erez Crossing. *Gisha* knows of cases where people were allowed to exit, but then had to come back when the Jordanian authorities would not let them in.¹²³

The Palestinian *Ombudsman* added that Palestinians leaving the Gaza Strip through the Erez Crossing need permission from Hamas.¹²⁴ *For further information on exit from the Gaza Strip via the Erez Crossing, please refer to minutes from meeting with a humanitarian organisation, section 211 - footnote.*

2.3 Palestinians from East Jerusalem registered in the Israeli register

According to the Palestinian *Ombudsman*, Palestinians with residence permit in East Jerusalem can enter through Ben Gurion International Airport and through the Allenby/King Hussein Bridge.¹²⁵

2.3.1 Entry through Ben Gurion International Airport, Tel Aviv

When it comes to Palestinians from East Jerusalem, the ability to return depends on the time spent abroad, as Israeli laws allow the revocation of a residence permit for East Jerusalem residents if they have been abroad or spend time outside Jerusalem for a particular period of time. The Israeli Ministry of Interior has the discretion to delete them from the registry.¹²⁶ According to several sources, a Palestinian with a residence permit in East Jerusalem, who stays abroad for more than seven years, risks to have his/her residence permit revoked.¹²⁷ *Reference is made to chapter 3.2.3 on risk revocation on residence permits.*

2.3.1.1 Document requirements for passing Ben Gurion International Airport

If Palestinians from East Jerusalem want to travel through Ben Gurion International Airport, they have to get an Israeli laissez-passer; they cannot use their Jordanian passport to travel through Ben Gurion International Airport.¹²⁸ *Reference is made to chapter 2.3.2. on Jordanian passports issued to Palestinians.* Palestinian East Jerusalem residents’ only hold a temporary Israeli travel document; i.e. a laissez-passer.

¹²¹ Gisha: 141

¹²² Al Haq: 82

¹²³ Gisha: 143

¹²⁴ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 176

¹²⁵ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 177

¹²⁶ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 185

¹²⁷ Al Haq: 62; HaMoked: 102; A humanitarian organization: 193

¹²⁸ Al Haq: 91

This indicates that they only live temporarily in East Jerusalem. Whenever these people leave and come back, they will be issued with an entry visa to Israel. When they exit Israel, their travel document will be stamped. This applies for travel through Ben Gurion International Airport as well as travel through other exit points.¹²⁹

The Israeli travel document, i.e. laissez-passer, held by East Jerusalem Palestinians could be renewed from abroad. Usually, though, they get a one-entry visa printed on their travel document and once they arrive, they have to go to the Israeli Ministry of Interior to properly renew the document. The travel document can be renewed for a maximum of two years at a time.¹³⁰

A Palestinian from East Jerusalem, who does not hold a residence permit, will be sent back to where s/he came from.¹³¹

Depending on the type of passport they are travelling with, Palestinians returning from abroad to reinstate their residency in East Jerusalem need a pre-arrival visa to enter Israel.¹³²

2.3.2 Entry through the Allenby/King Hussein Bridge, using Jordanian passports

Palestinians from East Jerusalem can enter through the Allenby/King Hussein Bridge.¹³³

According to the Palestinian *Ombudsman*, the Jordanian Government provides Palestinians from East Jerusalem with a temporary passport, issued for five years.¹³⁴ *Al Haq* differed from this view in saying that previously the temporary Jordanian passports were granted for five years, but currently, the Jordanian temporary foreigners' passports are issued for 14 years.¹³⁵ This passport is not considered a Jordanian citizenship.¹³⁶ Some of the Jordanian passports held by Palestinians are permanent passports, because they have family in Jordan.¹³⁷

The majority of the Palestinians in East Jerusalem and some of the Palestinians in the West Bank hold Jordanian passports. The majority of the Palestinians in East Jerusalem and some of the Palestinians in the West Bank hold Jordanian passports. Most of these passports are not nationality passports but temporary foreigner's passports. If a Palestinian wants to use his Jordanian passport at the Allenby/King Hussein Bridge, s/he must show his/her Palestinian ID card and a permit that s/he applies for and must pay a fee.¹³⁸

The Jordanian passport can be used for traveling abroad through Jordan.¹³⁹ Most Palestinians tend to travel on their Jordanian passport, because it is easier. For that reason, the Israeli authorities find out about the citizenship when the individuals in question return from abroad.¹⁴⁰ If the Israeli authorities discover that a

¹²⁹ A humanitarian organisation: 206

¹³⁰ OCHA: 21

¹³¹ *Al Haq*: 85

¹³² *Al Haq*: 107

¹³³ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 177

¹³⁴ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 187

¹³⁵ *Al Haq*: 91

¹³⁶ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 187; *Al Haq*: 91

¹³⁷ *Al Haq*: 91

¹³⁸ *Al Haq*: 91

¹³⁹ *Al Haq*: 91

¹⁴⁰ OCHA: 21

Palestinian from East Jerusalem has obtained foreign citizenship, they can suspend the residence permit of this individual. Afterwards, the Palestinian in question might be able to come back as a tourist for three months, but cannot reside in the country.¹⁴¹

2.4 Unregistered Palestinians

Israeli citizens and stateless Palestinians, who cannot enter without a permit, are prevented from entering the West Bank. The Israeli authorities will process applications for entry permits from stateless Palestinians on a case-by-case basis. The processing system is very restrictive.¹⁴²

For visiting purposes only, unregistered Palestinians, who can prove their relation to first blood relatives living in the Gaza Strip, will also be allowed to enter. Unregistered Palestinians will not be entitled to an ID card.¹⁴³

2.4.1 Children below the age of 16

For children of Palestinian residents, who were born outside Israel/Palestine, the following requirements apply at entry: Children up to five years of age can enter Israel/Palestine using an original birth certificate and either an own passport or a registration in a parent's foreign passport.¹⁴⁴ At the border crossing, the child will receive a 'Minor Entry Certificate' by which s/he will be able to register at the Palestinian Ministry of Interior and will receive an ID number by the time s/he turns 16. Palestinians apply for passports in Gaza by sending an application to Ramallah.¹⁴⁵

Children below the age of 16 entering the Gaza Strip through the Rafah Border Crossing without any of their parents will need an aliens' passport to do so. Children below the age of 16 of at least one registered Palestinian parents can enter the West Bank and the Gaza Strip accompanied by the registered parent or both parents if they are registered.¹⁴⁶ Unregistered Palestinian children between the age of 14 and 16 who want to enter the West Bank need prior permission from the Israeli authorities.¹⁴⁷

2.5 Palestinians who are not registered and who hold a foreign passport

Palestinians, who have not been registered, can enter the West Bank as foreigners. Arabs with other citizenships, who wish to stay on the West Bank, will be given a visa to the West Bank, only depending on where they will stay.¹⁴⁸ Travellers holding a foreign passport from a country that has diplomatic relations with Israel can enter on a three month tourist visa issued to them at Ben Gurion International Airport.¹⁴⁹

Reference is made to chapter 2.3.2 on Palestinians holding Jordanian Passports.

¹⁴¹ OCHA: 21

¹⁴² An international humanitarian organisation: 43

¹⁴³ An international agency: 227

¹⁴⁴ Gisha: 156-157: *Gisha* assumes that 'foreign passport' could include Palestinian Passports.

¹⁴⁵ Gisha: 156-157

¹⁴⁶ Mr. Malik Taha, General Manager of the Palestinian Population Registry : 168

¹⁴⁷ Mr. Malik Taha, General Manager of the Palestinian Population Registry : 167

¹⁴⁸ An international humanitarian organisation: 45

¹⁴⁹ A humanitarian organisation: 204

Foreign passport holders might be allowed entry to the Gaza Strip if s/he provides evidences that his/her first blood relatives live in Gaza.¹⁵⁰

2.6 Avenues for complaints with regard to entry

If a Palestinian wishes to appeal a rejection, an administrative proceeding has to be launched; essentially suing Coordination of Government Activities in the Territories (COGAT) in order to reverse its decision. In that process, the judge reviews the petition and determines whether or not to set a date for a hearing, thus compelling the state to defend COGAT's decision. *Gisha* filed about 50 petitions in 2018 and provided general legal assistance to about 1300 individuals. *Gisha* is successful in around 60 percent of the cases. As a rule, *Gisha* only brings to court cases that have some chances of success. However, *Gisha* also brings to court a smaller amount of cases to challenge the system.¹⁵¹

The Palestinian *Ombudsman* does not receive complaints from Palestinians not being able to enter the Gaza Strip, but he does receive complaints about Gaza Strip residents not being able to exit the Gaza Strip.¹⁵²

2.7 Consequences of illegal exit

According to the *Palestinian Ministry of Interior*, it is difficult for a Palestinian, who left the Gaza Strip illegally to return; s/he must coordinate with the Egyptian authorities in order to return to the Gaza Strip; in some cases coordination with the Palestinian Embassy in Cairo is considered necessary.¹⁵³ *Al Haq* noted that illegal exit from the West Bank and the Gaza Strip is criminalized. According to Israeli military orders, Palestinians who have left these areas illegally, will be arrested and detained upon return by either the Israeli or the Jordanian authorities at the West Bank and by the Egyptian authorities in Gaza. It is unknown for how long they will be detained.¹⁵⁴

Currently, when people enter or exit through Israeli controlled border crossings, they will be given a visa that looks like a passport-slip as their entry and exit permit. When people leave the Gaza Strip, their passports will be stamped by both the Palestinian and the Egyptian authorities both ways.¹⁵⁵

Inhabitants of the Gaza Strip are registered by Hamas and the Egyptian authorities when they leave legally through the Rafah Border Crossing point. It is unclear to *Al Haq* specifically what will happen in Egypt if the Egyptian authorities find out that a Palestinian exited the Gaza Strip illegally and entered Egypt. However, the Egyptian authorities will send back Palestinians who have exited illegally. The same goes for the Jordanian authorities, if they find out that a Palestinian in transit in Jordan has left the West Bank illegally.¹⁵⁶

¹⁵⁰ An international agency: 227

¹⁵¹ *Gisha*: 153

¹⁵² Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 176

¹⁵³ Ministry of Interior: 249

¹⁵⁴ *Al Haq*: 93

¹⁵⁵ *Al Haq*: 94

¹⁵⁶ *Al Haq*: 95

A person registered in the Gaza Strip who goes to the West Bank and takes up illegal residence there, i.e. overstays his/her exit permit, will be blacklisted. This means that the person in question could probably not come back to the West Bank; not even for medical reasons.¹⁵⁷

It is almost impossible to leave the West Bank illegally. A source commented that the only possible way would be to be smuggled out or a wanted person who slipped through gaps in the security. Persons exiting in such ways would run the risk of arrest if they returned.¹⁵⁸

2.7.1 Security block on Palestinians

It is *Gisha's* impression that people can be blocked for 'security reasons' until proven innocent. In other words, the default is that a person is blocked until the authorities check him/her. *Gisha* notes that Israel claims that its administration does not have the resources to check all the people requesting permits and thus it seems they block people for transit, especially those seeking travel for a specific date, because they did not have time to conduct their security checks. *Gisha* added that people are not given an explanation when they are blocked; it is only when they launch an appeal by legal assistance that they can gain some insight into their case. The same source further commented that sometimes Israeli authorities give a paraphrase of the decision grounds; however, often the statements of the authorities are very vague; the reasoning is often "contact with terrorist elements" which is applied very broadly. Against this background, *Gisha* concluded that it is quite difficult to challenge a security block.¹⁵⁹

Sometimes people are security blocked if they have the same name as someone from an organisation considered a terrorist organisation by Israeli authorities.¹⁶⁰

2.8 Israeli authorities' decision parameters when processing entry permit applications

No written refusals of applications for entry permits are issued by Israeli authorities. Instead, a message will be passed orally to the applicant through the local Palestinian Committee of Civil Affairs. Sometimes this message is delivered with some kind of paraphrase of the background for the decision.¹⁶¹

2.9 Frequency of entry permits granted

2.9.1 Frequency of entry for Gaza Strip residents through Rafah Border Crossing

Regarding the rate of entering the Gaza Strip via Rafah Border Crossing, *an international agency* did not have accurate data. However, in their estimate more than 97 percent are allowed to enter. In principle, whoever is able to reach the Egyptian side of the Rafah Border Crossing will be allowed to enter the Gaza

¹⁵⁷ An international humanitarian organisation: 48-49

¹⁵⁸ A humanitarian organisation: 216

¹⁵⁹ *Gisha*: 145

¹⁶⁰ *Gisha*: 146

¹⁶¹ *Gisha*: 153

Strip. The source believes that the rejections upon entry are strictly in relation to Palestinians living abroad but considered terrorist by the Israeli authorities and then banned in cooperation with Egypt.¹⁶²

Gisha receives data on the number of people crossing the Rafah Border Crossing from UNOCHA who receives it from the *Palestinian Ministry of Interior* in the Gaza Strip. A graph of the number of arrivals from and departures to Egypt is available on *Gisha's* website.¹⁶³ *Gisha* is not aware of cases where local Palestinian officials denied access to residents of the Gaza Strip returning from abroad.¹⁶⁴

2.9.2 Frequency for entry for Gaza Strip residents through the Erez Crossing via Allenby/King Hussein Bridge.

A Gaza Strip resident seeking to travel abroad through the Allenby/King Hussein Bridge has to apply for a non-objection letter from the Jordanian authorities. This takes at least two weeks to process. The frequency of approval varies. Sometimes the system operates quickly. Sometimes it takes months to get the non-objection letter. By the time of the meeting between *Gisha* and the Danish Immigration Service, the processing time was about two weeks. According to *Gisha*, the official time frame was ten days to two weeks.¹⁶⁵

Gisha commented that information about processing of entry applications from Palestinians, who need a special permit to enter, is not very good or transparent. The only area where good data is accessible is 'medical requests', information which is published by the World Health Organization on a monthly basis.¹⁶⁶ The general modus operandi of Israeli authorities when it comes to entry permits for Palestinians is to keep the applications pending for so long that they may become irrelevant. *Gisha* notes that the Israeli authorities explain the long case processing time by saying that they do not have the required resources. In that respect, *Gisha* referred to the directive on processing times for permit applications which was published in October 2017. It lengthened the processing times, which *Gisha* challenged; thus far unsuccessfully.¹⁶⁷

¹⁶² An international Agency: 234

¹⁶³ *Gisha* website, *Movement of People via Rafah Crossing*, [url](#)

Weekly updates on movement in and out of the Gaza Strip through the Erez Border Crossing are found on the website of the Palestinian Authority, e.g. see: (2019/03/29 – 2019/03/24) احصائية عمل الهيئة في المحافظات الجنوبية خلال الفترة [English: *Statistics of the Committee's work in the Southern Governorates during the period 24/03/2019 – 29/03/2019*], [url](#)

¹⁶⁴ *Gisha*: 131

¹⁶⁵ *Gisha*: 142

¹⁶⁶ *Gisha*: 152:

World Health Organisation (WHO), *Health Access, Barriers for patients in the occupied Palestinian territory MONTHLY REPORT, February 2019*, [url](#)

¹⁶⁷ *Gisha*: 152: *Gisha, High Court refuses to conduct a principled discussion on a draconian directive stipulating unreasonable processing times for permit applications submitted by Gaza residents*, January 30, 2019, [url](#)

3. RESIDENCY

3.1 Residency of Palestinians in the West Bank and the Gaza Strip

3.1.1 Distinction between Palestinians who left before or after the Oslo Accords

The residency of the Palestinians from the West Bank and the Gaza Strip became permanent after the signing of the Oslo Accords in 1994.¹⁶⁸ Registered Palestinians from the West Bank and the Gaza Strip who left before 1994 and did not return within a certain period of time were deleted from the population registry.¹⁶⁹

The sources had different views on when a registered Palestinian who left before the Oslo Accords would be deleted from the Palestinian population registry. According to *Al Haq* and a humanitarian organisation, Palestinians who went abroad before the Oslo Accords and did not return within seven years, were deleted from the population registry.¹⁷⁰ *The Palestinian Ombudsman* noted that it was more than five consecutive years, while *the Palestinian Ministry of Interior* stated that it is more than three years.¹⁷¹

It is part of the Oslo Accords that Palestinians with residency in the West Bank and the Gaza Strip, who went abroad after signing of the accords, will not have their residence permits revoked.¹⁷²

Registered Palestinians in the West Bank and the Gaza Strip have permanent residency.¹⁷³ Returning after years abroad and residing is possible, if the person concerned has a valid Palestinian ID and is not banned for security reasons.¹⁷⁴

A prior application from registered Palestinians when returning to the West Bank or the Gaza Strip after years abroad is not required.¹⁷⁵

A Palestinian ID number is equal to a residence permit. However, some of the Palestinians, who left before the Oslo Accords, have an ID number but no residence permit.¹⁷⁶ There is a grey zone between 1993 and 1995, when it comes to Palestinians who left and stayed abroad. West Bank and Gaza Strip residents, who left during these years, will have to ask the Israeli authorities, if they still have a valid ID, i.e. residence permit.¹⁷⁷

¹⁶⁸ Al Haq: 59; A humanitarian organisation: 203

¹⁶⁹ Al Haq: 66; Mr. Malik Taha, General Manager of the Palestinian Population Registry :169; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 188; A humanitarian organisation: 203

¹⁷⁰ Al Haq: 65; A humanitarian organisation: 193

¹⁷¹ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 188; Ministry of Interior: 252

¹⁷² Al Haq: 66; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 169

¹⁷³ Al Haq: 59; A humanitarian organisation: 203

¹⁷⁴ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 185, 189, 191

¹⁷⁵ Mr. Malik Taha, General Manager of the Palestinian Population Registry: 169; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 185

¹⁷⁶ Al Haq: 68

¹⁷⁷ Al Haq: 67

Palestinians who have had their residence permit to the West Bank or the Gaza Strip revoked, cannot restore it. According to the *Palestinian Ombudsman* these individuals cannot return to the Gaza Strip and the West bank, unless they are granted a passport from another country.¹⁷⁸

Family reunification is the way in which Palestinians, who have lost their residence permits in the West Bank and the Gaza Strip, can get a residence permit to these areas.¹⁷⁹

3.2 Residency of Palestinians in East Jerusalem

Palestinians in East Jerusalem are registered as permanent residents.¹⁸⁰ However, even though they are considered permanent residents by Israeli authorities, in reality they are not permanent.¹⁸¹

An international organisation and *Al Haq* said that Palestinians living in East Jerusalem have to renew their residence permit continuously in order not to lose it.¹⁸² *HaMoked* stated that permanent residents of Israel, including Palestinians in East Jerusalem, are not required to renew their residency; however the residency of Palestinians in East Jerusalem is easier to revoke than Israeli citizenship.¹⁸³

In principle, Palestinians from East Jerusalem are allowed to live in East Jerusalem and the rest of Israel; however in practice they must live in East Jerusalem in order to maintain their residence permit.¹⁸⁴

Palestinians registered in East Jerusalem are not allowed to live in the West Bank or in the Gaza Strip.¹⁸⁵

3.2.1 The blue ID card

Since 1967 Palestinians in East Jerusalem have held a blue Israeli ID¹⁸⁶ that grants legal residency¹⁸⁷ and access to Israeli social security and pension.¹⁸⁸

The blue ID card is a residence permit, issued for people from the age of 16, which grants the holder access to live in East Jerusalem and the rest of Israel. In order to get a blue ID, a person has to be registered by the Israeli authorities as residing in East Jerusalem before s/he turns 16, and s/he must prove his/her residency in Jerusalem.¹⁸⁹

3.2.1.1 Renewal of the blue ID card

Applications for renewal of ID cards have to be submitted to the Israeli Ministry of Interior.¹⁹⁰

¹⁷⁸ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 188

¹⁷⁹ Al Haq: 72, 75, 76; Gisha: 154; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 191

¹⁸⁰ HaMoked: 99

¹⁸¹ OCHA: 18

¹⁸² An international organisation: 54; Al Haq: 59

¹⁸³ HaMoked: 101

¹⁸⁴ OCHA: 19

¹⁸⁵ OCHA: 19

¹⁸⁶ HaMoked: 100

¹⁸⁷ OCHA: 18; A Western diplomatic representation: 35; HaMoked: 100

¹⁸⁸ A Western diplomatic representation: 35

¹⁸⁹ OCHA: 18

¹⁹⁰ An international organisation: 54

The sources differed with regard to how often the ID cards have to be renewed. According to *Al Haq* and a humanitarian organisation, the East Jerusalem ID card has to be renewed every ten years.¹⁹¹ However, OCHA said that the requirements in terms of renewal of the blue ID card are not clear. According to OCHA, sometimes ID cards have to be renewed on a regular basis, but not always. OCHA informed that at a previous point in time, the ID could not be more than ten years old.¹⁹²

Al Haq noted that sometimes the Israeli authorities change the features of the East Jerusalem ID for Palestinians, and then renewal of the document is required. According to *Al Haq*, holders are not always notified about this and are therefore taken aback when they approach a border crossing and discover that their ID is not valid anymore.¹⁹³

Recently, Israeli authorities started issuing biometric blue ID cards.¹⁹⁴ According to OCHA though, not everyone that applied were given biometric IDs.¹⁹⁵

3.2.2 Registration of children of East Jerusalem Palestinians born abroad

In order for a child born abroad to obtain residency in East Jerusalem, the parents have to return with the child and stay in the city to prove that they have their 'centre of life' in East Jerusalem.¹⁹⁶ Registration has to take place inside East Jerusalem at the Israeli Ministry of Interior.¹⁹⁷ For further reading on 'centre of life', see chapter 3.2.3.

According to a humanitarian organisation, it becomes problematic for a child of Palestinian East Jerusalem residents born abroad to register when s/he is above the age of 12; until the age of 14 it becomes almost impossible.¹⁹⁸ According to OCHA, the registration of the child should happen as soon as the child is born or else the process can drag on and may require legal intervention and follow-up.¹⁹⁹

According to *Al Haq* and *HaMoked*, the current age limit for registration of children of East Jerusalem Palestinians born abroad is 18 years.²⁰⁰ However, *Lawyer Lea Tsemel* said that the official age limit is 14.²⁰¹ According to *Lawyer Lea Tsemel*, a Palestinian child of East Jerusalem Palestinian parents who is born abroad and who is between the age of 14 and 18 may be able to obtain residence permit. This is not stipulated in any law; it is a decision by the Ministry of Interior, and the granting of residence permit in this case requires: a genuine intention to live in East Jerusalem and the absence of security preventions or other obstacles.²⁰²

Ministry of Interior, Population and Immigration Authority, apply for an ID, (Arabic language), [url](#)

Ministry of Interior, Population and Immigration Authority, apply for an ID, (English language), [url](#)

¹⁹¹ *Al Haq*: 59 ; a humanitarian organisation: 199

¹⁹² OCHA: 18

¹⁹³ *Al Haq*: 63

¹⁹⁴ OCHA: 18; A humanitarian organisation: 199

¹⁹⁵ OCHA: 18

¹⁹⁶ A humanitarian organisation: 219; OCHA: 30 - 31

¹⁹⁷ OCHA: 31

¹⁹⁸ A humanitarian organisation: 219

¹⁹⁹ OCHA: 30 - 31

²⁰⁰ *HaMoked*: 116, *Al Haq*: 78

²⁰¹ *Lawyer Lea Tsemel*: 11

²⁰² *Lawyer Lea Tsemel*: 12; UN Human Rights Council, Written statement* submitted by the BADIL Resource center for Palestinian Residency and Refugee rights, a nongovernmental organization in special consultative status, page 2, [url](#)

3.2.3 Centre of life-rule and risk of revocation of residency in East Jerusalem

According to a humanitarian organisation Israel considers Palestinians as foreigners, not citizens, and Israeli authorities can potentially revoke residency from Palestinian residents of East Jerusalem for any reason; e.g. for not showing allegiance to the State of Israel.²⁰³

In order not to have their residency revoked, Palestinians in East Jerusalem continuously have to maintain what Israeli authorities denominates as 'centre of life' in East Jerusalem.²⁰⁴ Palestinians can prove their ties to East Jerusalem e.g. by paying municipal tax, paying utility bills and sending their children to school in East Jerusalem.²⁰⁵ Israeli authorities may also base their assessment of 'centre of life' on house visits where they check things like the bin in the bathroom and the refrigerator in the kitchen in order to make sure that the resident actually lives in the house.²⁰⁶

If Palestinians from East Jerusalem go abroad and stay for a period exceeding a certain time limit, generally understood to be seven years, they risk losing their East Jerusalem ID.²⁰⁷ However, an international humanitarian organisation noted that, Palestinians from East Jerusalem, who leave the country for a period exceeding three years, risk the revocation of their residence permit in East Jerusalem.²⁰⁸ Al Haq specified that those who leave the city need to get an exit permit valid for three years, which has to be renewed within the three years otherwise they lose their residence permit.²⁰⁹ A humanitarian organisation pointed to a risk of revocation of the residence permit in East Jerusalem for Palestinian residents who leave and stay abroad for a period of one to three years.²¹⁰

Palestinians in East Jerusalem cannot travel abroad with an unlimited travel document; they have to apply for a temporary Israeli travel document, which is only valid for two years.²¹¹

In case a Palestinian from East Jerusalem has been granted foreign nationality, s/he risks the revocation of her/his residence permit.²¹² A humanitarian organisation added that if a person has acquired or applied for an foreign citizenship or permanent residency abroad, the Israeli authorities will revoke his/her residence permit in East Jerusalem.²¹³

According to HaMoked, in 2018, 13 Palestinians from East Jerusalem had their residency revoked; in 2017 the number was 35 cases. Previously it was thousands.²¹⁴ According to OCHA, about 150,000 Palestinians from East Jerusalem have lost their blue ID since the year 2000.²¹⁵

²⁰³ humanitarian organisation: 198, 201

²⁰⁴ OCHA: 25; An international organisation: 53; Al Haq: 60; A humanitarian organisation: 195

²⁰⁵ OCHA: 25; HaMoked: 104

²⁰⁶ Al Haq: 61

²⁰⁷ OCHA: 20; Al Haq: 59 – 62; HaMoked: 102

²⁰⁸ An international humanitarian organisation: 50

²⁰⁹ Al Haq: 59-62

²¹⁰ A humanitarian organisation: 195

²¹¹ HaMoked: 100

²¹² OCHA: 21; Al Haq: 70

²¹³ A humanitarian organisation: 200

²¹⁴ HaMoked: 102

Hamoked further noted: Until 1988 the legal status of Palestinians with residency in East Jerusalem was unclear. In 1988 a presidential judgement in the Israeli High Court of Justice clarified that they are permanent residents like any other permanent resident in Israel; despite the fact that they were born in East Jerusalem, and they can therefore have their status revoked (similar

A Palestinian who loses his/her residency in East Jerusalem is not given any other type of residency, and hence is rendered stateless.²¹⁶

Some Palestinians find out that their residency in East Jerusalem has been revoked, when they approach the Israeli authorities at the borders.²¹⁷ Others find out when they approach the Israeli authorities for something bureaucratic; i.e. to apply for a renewal of their ID.²¹⁸ Some Palestinians are notified about revocation of their residency in East Jerusalem when the Israeli Ministry of Interior tells them that their public medical insurance is no longer valid.²¹⁹

People outside the country can check their residency status in East Jerusalem through legal representation or family present in East Jerusalem.²²⁰

3.2.4 Avenues for complaint with regard to revocation of residency

It is possible to appeal the revocation of a residence permit in East Jerusalem through the Israeli appeal tribunal. If the revocation is upheld, the plaintiff can file an administrative petition to the district court. In a limited number of cases the revocation is reversed.²²¹

The court processing time in these kinds of cases is time-consuming.²²² In addition, an appeal is expensive.²²³

3.2.5 Reinstatement of revoked residency in East Jerusalem

A Palestinian from East Jerusalem who has once had permanent residency in East Jerusalem can in principle, have his/her residency reinstated. If s/he returns to East Jerusalem with his/her children aged less than 18 years, the children are also entitled to residency. Beyond that age, they are not entitled. To get the residency of an individual reinstated, the person in question has to prove his/her 'centre of life' for two years is in East Jerusalem.²²⁴

An application for recovery of residency in East Jerusalem has to be handed at the Population and Immigration Authority²²⁵ under the Israeli Ministry of Interior in Wadi Joz. Once a person has submitted the request, s/he will get a temporary stay permit to work in Israel and access social services. Foreign family of

to a foreign national, who immigrated to Israel). This led to a new modus operandi where the Israeli Ministry of Interior started revoking residency for people, who stayed outside the East Jerusalem area for more than seven years; abroad, in the West Bank or in the Gaza Strip. This modus operandi was known as 'the silent transfer'. According to HaMoked, the situation is better today.

²¹⁵ OCHA: 20

²¹⁶ humanitarian organisation: 195

²¹⁷ A humanitarian organisation: 197, OCHA: 22; Al Haq: 69

²¹⁸ Al Haq: 69; HaMoked: 106

²¹⁹ OCHA: 22

²²⁰ Al Haq: 69

²²¹ A humanitarian organisation: 198

²²² OCHA: 23; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 186

²²³ OCHA: 23

²²⁴ HaMoked: 104 - 107

²²⁵ Government services from Population and Immigration Authority can be found on the website gov.il, [url](#)

the person in question is not included in this stay permit. Foreign family can only stay on a tourist visa, and the children will not have access to public schools.²²⁶

Differing from this, Al Haq noted that the only avenue to restore residency in East Jerusalem for someone who has lost it, is family reunification. This is a long and complicated process.²²⁷

3.3 Family reunification

Family reunification in the West Bank, the Gaza Strip and East Jerusalem has to be approved by the Israeli authorities.²²⁸ Several sources noted that it is a time consuming, complicated and expensive process and in addition dependent on the political situation.²²⁹ According to several sources, broadly speaking, family reunification for Palestinians was suspended in 2003.²³⁰

In 2003, Israel passed a law which essentially froze family reunification between the West Bank and East Jerusalem. The law is called the *Citizenship and Entry into Israel Law*.²³¹ It is classified as a temporary order that has to be renewed once a year, but it has been renewed every year since 2003.²³²

In the first days of the temporary law, people who had not yet entered a family reunification process had no avenue to enter an application for family reunification. Now, it is possible to get temporary stay permits in East Jerusalem indefinitely. This type of family reunification is by definition an endless process. Some families have been in the process for more than 15 years, sometimes having been married for 30.²³³

For socioeconomically advantaged people with a good network, there might be an avenue to get family reunification. Yet, the process is time-consuming and over an extended period of time, family reunification will only be granted for tens of people, who hired a lawyer; not thousands.²³⁴

Palestinians with no ID number and no foreign nationality (stateless) are seen as foreigners by the Israeli authorities when it comes to family reunification.²³⁵

3.3.1 Stay permit in the West Bank and the Gaza Strip

3.3.1.1 West Bank residents

The sources differed on the possible obtainable permits and granted amount of time to stay in the West Bank for foreign spouses to Palestinians:

It is not possible for a foreign spouse to a West Bank resident to obtain permanent residency in the West Bank.²³⁶ *HaMoked* explained that a foreign spouse can obtain a two year stay permit. However, on this type

²²⁶ HaMoked: 105

²²⁷ Al Haq: 75

²²⁸ Gisha: 154; Ministry of Interior: 213

²²⁹ Al Haq: 75; Ombudsman: 191; Lea: 13; A humanitarian organisation: 194

²³⁰ OCHA: 27; Al Haq: 76; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 191; HaMoked:

122; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 172

²³¹ *Citizenship and Entry into Israel Law* (English version), the Knesset's website: [url](#)

²³² The Knesset, *Citizenship and Entry into Israel Law* (English version), point 5, [url](#)

²³³ HaMoked: 114 - 115

²³⁴ Al Haq: 76

²³⁵ HaMoked: 124

²³⁶ HaMoked: 121; A humanitarian organisation: 212

of stay permit, the spouse is not allowed to work. In addition, the stay permits are not multiple entry permits. It means that if the foreign spouse travels abroad, s/he will not be entitled to return.²³⁷ According to a humanitarian organisation, foreign spouses can enter on visas issued by Israeli authorities. However, the length of a visa issued by Israeli authorities for a foreign spouse of a Palestinian is unpredictable.²³⁸

According to *Lawyer Lea Tsemel*, there is a general policy, but no clear rules, for bringing foreign spouses, including Palestinians with no ID number to the West Bank: A spouse can come on a short visit of three months, and s/he is not allowed to work. It is a requirement to pay a deposit of 30,000 to 80,000 shekels for the visa; the amount will be returned upon exit.²³⁹

3.3.1.2 Gaza Strip residents

According to *Gisha*, Israel does not issue permits for stay in the Gaza Strip; it only controls who enters and exits.²⁴⁰

According to a humanitarian organisation, there is no way of getting family reunification for foreign spouses married to Palestinians. Foreign spouses can enter on visas issued by Israeli authorities. The length is unpredictable.²⁴¹

3.3.1.3 Children born abroad to parents registered in the West Bank or the Gaza Strip

If an unregistered child, of registered parents, is older than 16 and wants to reside in the West Bank and the Gaza Strip, the child has to apply for family reunification.²⁴²

According to a humanitarian organisation, it is not possible to apply by proxy. Thus, children born abroad have to enter the West Bank in order to apply.²⁴³

As mentioned earlier, family reunification has been frozen since 2003.²⁴⁴

3.3.2 Stay permit in East Jerusalem

3.3.2.1 Children born abroad to parents registered in East Jerusalem

According to a humanitarian organisation, family reunification with descendants is only possible for first of kin, and it is not possible to apply by proxy. Thus, children born abroad have to enter East Jerusalem in order to apply.²⁴⁵ *Al Haq* said that a person has to be present in the West Bank or East Jerusalem to apply for family reunification; however, on the other hand, the application could also be done by proxy, who could be any family member. According to *Al Haq*, Palestinians from East Jerusalem submit their applications to the Israeli authorities.²⁴⁶

²³⁷ HaMoked: 121

²³⁸ A humanitarian organisation: 212

²³⁹ Lea Tsemel: 7

²⁴⁰ Gisha: 154

²⁴¹ A humanitarian organisation: 212

²⁴² Al Haq: 79; A humanitarian organisation: 217; Mr. Malik Taha, General Manager of the Mr. Malik Taha, General Manager of the Palestinian Population Registry: 165; Gisha: 161

²⁴³ A humanitarian organisation: 217

²⁴⁴ OCHA: 27; Al Haq: 76; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 191; HaMoked: 122; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 172

²⁴⁵ A humanitarian organisation: 217

²⁴⁶ Al Haq: 77

As mentioned earlier, family reunification has been frozen since 2003.²⁴⁷

3.3.2.2 Foreign spouses of East Jerusalem residents

A humanitarian organisation noted that there is no way of getting family reunification for foreign spouses married to Palestinians. Foreign spouses can enter on visas issued by Israeli authorities and the length of a visa issued by Israeli authorities for a foreign spouse of a Palestinian is unpredictable.²⁴⁸

According to *Lawyer Lea Tsemel*, generally there is a policy to make it difficult for Palestinians, who reside in East Jerusalem, to obtain family reunification with a foreigner; including Palestinians without an ID number in the Palestinian population registry. Recently there was a change in the regulations that made it possible to gain a short temporary permission to stay in East Jerusalem on certain conditions; no permanent permission is given.²⁴⁹

3.3.2.3 Family reunification from the West Bank and the Gaza Strip to East Jerusalem and vice versa

According to *Lawyer Lea Tsemel* and *HaMoked*, Palestinians from the Gaza Strip cannot apply for family reunification to East Jerusalem.²⁵⁰

According to OCHA, mixed couples, i.e. one spouse from East Jerusalem and the other from Gaza or the West Bank cannot reside together in East Jerusalem if they do not get their family reunification application approved. These couples can live in pockets of no man's land; areas of East Jerusalem lying behind the separation barrier.²⁵¹

3.3.3 Frequency of family reunification granted

3.3.3.1 The West Bank and the Gaza Strip

With regards to the frequency of residence permits granted, the *Palestinian Ministry of Interior* mentioned that some permits for family reunification were given in 2008. From 2009 and until today, there has not been any approval of family reunification by the Israeli authorities. The question about family reunification is not a part of the Oslo Accords; however, based on understandings between the Palestinian and the Israeli side, the Israeli authorities will approve 2000 applications annually.²⁵²

According to *HaMoked*, essentially, Israel stopped reviewing requests for family unification from West Bank residents 20 years ago. However, as a part of political agreements with the Palestinian authorities made in 2007, Israeli authorities reviewed 50,000 cases and granted family reunification to 32,000.²⁵³

The Palestinian *Ombudsman* stated that very few cases have been approved by the Israeli authorities, in which the applicants paid money or were connected with Israeli authorities or lawyers. There have been no mass approvals since 2003.²⁵⁴

²⁴⁷ OCHA: 27; Al Haq: 76; Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 191; HaMoked: 122; Mr. Malik Taha, General Manager of the Palestinian Population Registry: 172

²⁴⁸ A humanitarian organisation: 212

²⁴⁹ Lawyer Lea Tsemel: 3

²⁵⁰ Lawyer Lea Tsemel: 8; HaMoked: 115

²⁵¹ OCHA: 29

²⁵² Ministry of Interior: 254

²⁵³ HaMoked: 122

²⁵⁴ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 191

Al Haq noted that during the past years, the Israeli authorities have not accepted any applications from the West Bank. Currently 100,000s of applications are waiting for processing.²⁵⁵

Gisha explained that since Israel froze the family reunification process, it has issued random 'gestures' for quotas. Due to quotas no one from abroad is currently added to the Palestinian population registry. *Gisha* is not aware of the annual quota.²⁵⁶

3.3.3.2 East Jerusalem

HaMoked underlined that currently, only temporary stay permits in East Jerusalem are granted; however indefinitely. The temporary stay permit is granted by the Israeli military. The holders only have limited access to health insurance, meaning that health insurance is much more expensive for these people. Moreover, temporary stay permit holders are not entitled to other social benefits, and they are not allowed to drive in East Jerusalem.²⁵⁷

3.3.4 Avenues of complaint with regard to refusal of family reunification

3.3.4.1 The West Bank and the Gaza Strip

According to *a humanitarian organisation*, the Palestinian authorities are able to grant family reunification or residence permits for foreign spouses of Palestinians. However, Israel can veto for security reasons. Israel has used this veto power systematically. According to *a humanitarian organisation* the modus operandi of the Israelis is to never decide the cases. Consequently, it is not possible to make an appeal.²⁵⁸

The Palestinian Ombudsman explained that complaints on permits or family reunification can be addressed through the Palestinian Civil Affairs or by hiring an Israeli lawyer or contacting an Israeli NGO. If a Palestinian complains about the Palestinian Civil Affairs not processing his/her case, the ombudsman can raise the question to the Civil Affairs; however, if the Civil Affairs are not processing applications due to the Israeli authorities, the ombudsman cannot help.²⁵⁹

3.3.4.2 East Jerusalem

A complaint about a refusal of family reunification from the Israeli Ministry of Interior could be filed to the local committee of appeal (first instance).²⁶⁰ Judges in this instance are nominated and paid by the Ministry of Interior. The result of an appeal is in most cases that the plaintiff is asked to repeat the procedure from the beginning.²⁶¹ If a complaint is then rejected at the first instance, the plaintiff can file a complaint to the district court (second instance). As a general rule, cases like this do not reach the Israeli high court.²⁶² According to *Lawyer Lea Tsemel*, only a fundamental mistake or change of policy made by the district court opens an avenue for the complaint to be filed to the Supreme Court of Justice.²⁶³

²⁵⁵ Al Haq: 77

²⁵⁶ Gisha: 154, 161

²⁵⁷ HaMoked: 113

²⁵⁸ A humanitarian organisation: 213

²⁵⁹ Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman): 172

²⁶⁰ Lawyer Lea Tsemel: 13; HaMoked: 119

²⁶¹ Lawyer Lea Tsemel: 13

²⁶² Lawyer Lea Tsemel: 14; HaMoked: 119

²⁶³ Lawyer Lea Tsemel: 14

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Appendix 1: Meeting minutes

Meeting with Lawyer, Lea Tsemel, 2 April 2019

Lea Tsemel is a defence lawyer based in Jerusalem with 50 years' experience in the Israeli court system. During these years, she filed a large number of administrative cases on entry and family unification to East Jerusalem and the West Bank on behalf of Palestinian clients. Lea Tsemel is also experienced in cases related to deportation, house demolitions as well as penal cases and terror related cases for Palestinian and Israeli clients.

1. The Israeli authorities control the registration of the population. In accordance with the Oslo Accords, no changes in the registry will take place, unless the Israeli authorities confirm it.

Change in procedure to gain citizenship

2. Palestinians in the annexed territories, East Jerusalem and the Golan Heights, do not have Israeli citizenship; they have residency status. For two decades, there was a will to turn Palestinians into Israeli citizens. During this period it was easy for Palestinians to become Israeli citizens, if they met some requirements. However, at that time not many Palestinians applied for citizenship, because there was a negative attitude among Palestinians towards someone, who changed his or her identity and became an Israeli citizen. Once the Palestinians in those territories realised that citizenship could be an advantage, the Israelis made it very difficult to acquire citizenship. Currently, the procedures for gaining Israeli citizenship are intentionally difficult lengthy and slow.

Family unification, East Jerusalem and the Golan Heights

3. Generally, there is a policy to make it difficult for Palestinians, who reside in East Jerusalem and the Golan Heights, to be family unification with a foreigner, including Palestinians without an ID number in the Palestinian Population Registry. There are all kinds of difficulties and laws. Recently, there was a change in the regulations that made it possible to gain a very temporary status of a permission to stay. At the most, a very temporary identification card is granted to stay in East Jerusalem and the Golan Heights at certain conditions; no permanent permission is given.

4. There is a requirement to have a certain age when applying for a family reunification: a Palestinian woman must be 25 years of age; a Palestinian man can apply at the age of 35 years. The purpose of this requirement is to deter mixed marriages between Palestinians living in East Jerusalem with Palestinians living on the West Bank.

Family unification, the West Bank and the Gaza Strip

5. In the occupied territories, the West Bank and the Gaza Strip, there is a clear tendency to prevent mixed marriages between local Palestinians and foreigners, including Palestinian with no ID number in the Palestinian population registry for political reasons and security reasons. An application for family unification to the West Bank must be submitted by the local applicant to the Palestinian Ministry of Interior. The ministry receives these demands and freezes them in their offices until the Israeli Ministry of the Interior accept the applications.

6. The Palestinian ministry does not push the cases to the Israeli ministry and the result is that thousands of cases are stuck in the Palestinian Ministry of the Interior due to a lack of resources and corruption. Lea Tsemel tried to tempt a few Palestinian lawyers to go to the Palestinian Supreme Court to demand the Palestinian authorities to confirm that all these requests were submitted to them and to pass them on to the Israeli authorities whether the Israeli authorities accept them or not. Lea Tsemel source was unaware of the reason why this matter was not taken to the Palestinian Supreme Court.

7. There is a general policy, but no clear rules, for bringing foreign spouses, including Palestinians with no ID number to the West Bank: A spouse can come on a short visit of three months, and s/he is not allowed to work. It is a requirement to pay a deposit of 30,000 to 80,000 shekels for the visa; the amount will be returned upon exit. Palestinians who have been granted foreign nationality are perceived as unwanted in Israel.

8. Palestinians from the Gaza Strip cannot apply for family unification with Palestinians from East Jerusalem. The reason for that is that the Gaza Strip is seen as enemy territory, since it is controlled by Hamas.

Refusal of family unification on grounds of terror accusations

9. Another category of requirements imposed in order to make it more difficult for Palestinians to join their spouses, is to give full information about their first kin relatives. This requirement applies regardless whether a Palestinian from East Jerusalem marries a West Banker or a West Banker marries a Jordanian Palestinian. The security services are allowed to refuse such unification if any of the relatives of the invited person is considered to be involved in terror. For instance, in case a relative is a member of an illegal organization, participated in activities by illegal organisations or served a sentence in prison, the request will be refused. In addition, if a woman from Ramallah wants to marry a man from East Jerusalem and her brothers are members of the Palestinian Government, the family unification will also be refused.

Registration of children, family unification

10. Family unification for a child to East Jerusalem can be requested until the child is 14 years old.

11. For instance, if a child below the age of 14 years to a Palestinian woman, who is residing in East Jerusalem, and a man from Jordan, s/he can be granted residency status in East Jerusalem. If the request for registration takes place above the age 14 years, s/he will not be granted residency status.

12. A Palestinian child until the age of 18 years, who is at that time living in East Jerusalem, to parents registered as Palestinians in East Jerusalem, and even if one of the parents is registered in the West Bank, has a vague right to gain residency if s/he did not get registered until then. This vague right is not stipulated in any law; it is a decision by the Ministry of Interior to enable some young people, who lived outside East Jerusalem, and who are born to at least one Palestinian parent with residency in East Jerusalem to gain residency in East Jerusalem. Hence, if such an 18 year old person, who came back to East Jerusalem, and if s/he has a genuine intention to live in East Jerusalem and if there is no security prevention and if there are no other obstacles, then they will get a residency.

Avenues for complaints on administrative cases in the Israeli court system

13. There is a general policy to make it difficult, expensive and time consuming to apply for family unification. Formerly, a complaint about a refusal of family unification from the Israeli Ministry of Interior could be filed directly to the Supreme Court of Justice; currently, the procedure is to file the complaint to the local committee of appeal (first instance). Judges in this instance are nominated and paid by the Ministry of Interior. The result of such an appeal is in most cases that the plaintiff is asked to repeat the procedure from the beginning.
14. If the case is also refused at the first instance, s/he can file a complaint to the district court (second instance). There is no access to file complaints to the Supreme Court of Justice. The only exception is if there is a fundamental mistake or change of policy made in the district court; then there is a possibility to go the Supreme Court of Justice.
15. The recognition rate on requests for family unification is unknown by Lea Tsemel.
16. Articles from the media on concrete cases of applications for entry and residency, including family reunification, are mentioned on the website of the organisation *Right to Enter*²⁶⁴.

Meeting with OCHA, Jerusalem, 1 April 2019

Residency for Palestinians in East Jerusalem

17. East Jerusalem is different from the Gaza Strip and the West Bank in the sense that it has been annexed. Therefore it is under Israeli law,²⁶⁵ whereas the Gaza Strip and the West Bank are under Israeli military rule.
18. In East Jerusalem, a minority of the Palestinians have applied for citizenship, but the vast majority is according to Israeli authorities considered permanent residents. However, in reality they are not permanent. They have a blue ID card issued only for Palestinians. The blue ID card is a residence permit, issued for people over the age of 16 years, which grants the holder access to live in East Jerusalem and the rest of Israel. In order to get a blue ID, a person has to be registered by the Israeli authorities as residing in East Jerusalem before s/he turns 16, and s/he must prove his/her residency in Jerusalem; for instance by submitting his/her school record. The requirements in terms of renewal are not clear. Sometimes, ID cards have to be renewed on a regular basis, but not always. At some point, one of the rules was that the ID should not be more than ten years old. However, now biometric cards have become mandatory; although still not everyone applied and got them.
19. In principle, Palestinians from East Jerusalem are allowed to live in East Jerusalem and the rest of Israel. However, in practice they must live in East Jerusalem in order to maintain their residency permit. They are not allowed to live in the Gaza Strip or in the rest of the West Bank. In addition, if they go abroad

²⁶⁴ Right to Enter (RTE), *In the News*, [url](#)

²⁶⁵ Apart from the juvenile justice system which is not applied to Palestinian children in East Jerusalem.

or fail to prove that their centre of life is in East Jerusalem for a number of years, they are likely to risk losing their residency status upon return because they are not Israeli citizens.

20. If Palestinians from East Jerusalem go abroad and exceed a certain time limit (generally understood to be seven years according to Israeli law) technically they risk losing their East Jerusalem ID. About 150,000 Palestinians from East Jerusalem have lost their blue ID since the year 2000. If a person loses his/her ID, this person is no longer considered a resident and would need either a visa on their foreign passport or a permit from the Israeli authorities for those who hold West Bank IDs to gain access to East Jerusalem.

21. If the Israelis discover that a Palestinian from East Jerusalem got foreign citizenship, they can suspend the blue ID card of this individual. Afterwards, the Palestinians in question might be able to come back as a tourist for three months, but not reside in the country. Not everybody declares that they have residency or citizenship abroad, but most people tend to travel on their Jordanian passport because it is easier. For that reason, the Israelis find out about the citizenship when the individuals in question return from abroad. OCHA does not have knowledge about the possibility to renew an East Jerusalem residence permit, i.e. the blue ID card, from abroad. The Israeli travel document, i.e. laissez passer, held by East Jerusalem Palestinians could be renewed from abroad. Usually, though, they get a one-entry visa printed on their travel document and once they arrive, they have to go to the Israeli Ministry of Interior to properly renew the document. The travel document can be renewed for a maximum of two years at a time.

22. Some Palestinians are notified about having lost their residence permit in East Jerusalem when the Israeli ministry of interior tells them that their public medical insurance is no longer valid. Others find out that their residence permit has been revoked when they enter Ben Gurion Airport or the Allenby/King Hussein Bridge from abroad.

23. A revocation of a residence permit can be appealed at court. However, to appeal a person has to stay in the country. Moreover, an appeal is expensive and time-consuming.

24. The Palestinian authority has a policy of not giving people, who have lost their East Jerusalem ID, a West Bank ID. This policy has been applied so as not to encourage the Israeli authorities to revoke the residency status of the Palestinian population in East Jerusalem.

25. Palestinians with East Jerusalem IDs who stay abroad, often come back in order to keep their status. The rule is that in order to keep his/her East Jerusalem residency permit, the person in question must prove that s/he resides in East Jerusalem. The terminology used by the Israelis is that a person's centre of life has to be in East Jerusalem. For an individual to continuously prove that s/he lives in East Jerusalem, the individual in question has to pay municipal tax, pay utility bills and keep a record of them. Another way of proving residency in East Jerusalem is to send children to school in East Jerusalem.

26. Revocation of Palestinians' residency in East Jerusalem is a way of decreasing Palestinian presence in the city. Israel explicitly refers to the Palestinian presence in East Jerusalem as a demographic threat. The Israelis talk about restoring a demographic balance, including the East Jerusalem Municipality's 2020 plan where they speak about maintaining a 'balance' that ensures that there is always a demographic Jewish majority in the city. This is done, not only through the restrictive residency regime but also through a restrictive regime concerning building permits. Palestinians in East Jerusalem are considered permanent

residents or resident aliens and thus treated like immigrants, even if they were born in the territory that has been occupied and illegally annexed by Israel.

Family reunification

27. Broadly speaking, family reunification for Palestinians living in East Jerusalem, the West Bank and the Gaza Strip was suspended in 2003. It was suspended for security reasons. However, there are some humanitarian exceptions. Some of these cases get a one year permit which they can renew.

28. Previously, the family reunification system was less strict. It is only within the past 20 years that it has become stricter. Since the first Intifada and particularly since the second intifada, the Israelis have tightened their grip on the Palestinians. Nowadays family reunification is almost impossible.

29. Mixed couples, i.e. one spouse from East Jerusalem and the other from Gaza or the West Bank cannot reside together in East Jerusalem if they do not get their family unification application approved. These couples can live in pockets of no man's land of East Jerusalem areas behind the barrier where the spouse from Gaza or the West Bank can live without needing a military permit for family unification purposes.

30. Whether a child of a Palestinian East Jerusalem resident holding a blue ID born outside the country will be able to obtain a residence permit in East Jerusalem or not, depends on:

- a. Whether the parent can maintain his/her status, and
- b. that they can come back and prove that the child was only born abroad, and
- c. that their 'centre of life' continues to be in Jerusalem.

31. The registration of the child should happen as soon as the child is born, thereby getting a number which is recorded in the annex to the ID of the parent holding East Jerusalem ID. If this is delayed, the process can drag on for long and may require legal intervention and follow-up. Registration has to take place inside East Jerusalem at the Israeli Ministry of Interior.

Meeting with a Western diplomatic representation, 3 April 2019, Jerusalem

Entry to the Gaza Strip

32. For most Palestinians residing in the Gaza Strip it is impossible to exit the area, due to the Israeli closure. The Gaza Strip is also particularly tricky to enter, due to the Israeli closure. If Palestinians living in the Gaza Strip have exited through the Rafah Border Crossing, Israel may not allow them to re-enter through the West Bank and the Erez Crossing Point.

Entry to the West Bank

33. Other than the Allenby/King Hussein border crossing, there are two border crossing points between Jordan and the West Bank. However, Palestinians living in the West Bank mainly use the Allenby/King Hussein border crossing.

34. Many Palestinians living in the West Bank carry a Jordanian passport or a Jordanian Laissez-Passer designated as the '1948 passport'. There are Palestinian residents in the West Bank, who hold Jordanian citizenship.

Residency for Palestinians in East Jerusalem

35. Palestinian East Jerusalem residents carry a blue Israeli ID-card. This ID-card signifies legal residency and grants access to Israeli social security and pension. The residence permit of Palestinians in East Jerusalem can be revoked by the Israeli authorities, e.g. if they spend too many nights outside East Jerusalem (in Ramallah or other areas) within a certain period of time. The Israeli authorities continuously monitor that Palestinians with residency in East Jerusalem, in practice, uphold their residence in the city. The Western diplomatic representation does not have knowledge about the time limit of Palestinian East Jerusalem resident for staying outside the city.

36. Palestinian residents of East Jerusalem can apply for a special 'study abroad permit' from the Israeli authorities.

Residency for Palestinians at the West Bank

37. Israel has a clear policy of not letting Palestinians move back to what they consider Judea and Samaria (the West Bank area). East Jerusalem is not considered a part of Judea and Samaria; Israel considers it to be its capital. The West Bank is occupied by Israel and administered under military law, whereas East Jerusalem and the Israeli citizens in the West Bank are under civilian law.

Meeting with an international humanitarian organisation, Ramallah, 31 March 2019

Possibility of registered Palestinians to enter the West Bank and the Gaza Strip

38. Palestinians who emigrated from Palestine (WB, Gaza) to another country and still have a Palestinian ID cannot enter through Ben Gurion Airport unless a permit was issued through the Israeli civil administration. They would have to pass through the Allenby/King Hussein Bridge.

39. Palestinians with an ID card do not need other kinds of documents to enter Palestine; no entry permit is needed; a passport is needed for entry and exit from Palestine. In special cases Palestinians will be allowed to enter by presenting ID cards. In theory, every registered Palestinian is allowed to enter the West Bank. The issue is that they have to travel through Israeli customs.

40. Palestinians registered at the West Bank cannot enter the Gaza Strip without a special entry permit and vice-versa; even if they have an international passport. Palestinians from the West Bank and the Gaza Strip have the same type of ID card; however the residency is different either in the Gaza Strip or on the West Bank.

41. A person has to enter by the same crossing through which s/he left the country.

42. The Rafah border crossing is not open all the time. It is opened ad hoc; depending on the political situation. Opening of the Rafah border crossing is announced by Social media and news. People will be advised when it opens depending on the registration list. Palestinians who are planning to travel through Egypt should register their names on the border beforehand).

People prevented from entering the West Bank

43. Israeli citizens cannot enter the West Bank, and stateless Palestinians cannot enter without a permit. The Israeli authorities will process applications for entry permits from stateless Palestinians on a case-by-case basis. The processing system is very restrictive.

People prevented from taking up residence on the West Bank

44. Palestinian refugees cannot come back and live in the West Bank and the Gaza Strip. One of the sticking points for the peace deal between the Israelis and the Palestinians is the issue of the Palestinian right to return.

Entry to the West Bank of foreigners

45. Palestinians, who have not been registered, can enter the West Bank as foreigners. Arabs with other citizenships, who wish to stay on the West Bank, will be given a visa to the West Bank only depending on where they will stay.

46. On the webpage of the Israeli Ministry of Foreign Affairs there is a list of different criteria to get a visa. Processing of applications for IDs and permits is done case-by-case. Applications are considered very much from a security perspective.

Prevalence of Palestinians without ID on the West Bank and the Gaza Strip

47. Every person living in the West Bank and the Gaza Strip has an ID. There are no groups without ID in the West Bank and the Gaza Strip.

Consequences of illegal exit

48. A person registered in the Gaza Strip who goes to the West Bank and take up illegal residence there, i.e. overstays his/her exit permit, will be blacklisted. This means that the person in question could probably not come back to the West Bank; not even for medical reasons.

49. It is not possible for a registered Palestinian to leave the country without a Palestinian passport. So if a Palestinian enters without a Palestinian passport, this person would have to get a passport before travelling outside the country again.

Residency of Palestinians living in East Jerusalem

50. Palestinians living in East Jerusalem have a Jerusalem ID. These Palestinians risk losing their residence permit in East Jerusalem if they leave the country for a period of time exceeding three years.

Meeting with an international organisation, 3 April 2019, Jerusalem

The international organisation noted, from the outset, that insofar as concerns the subject matter of the delegations questions (e.g. travel and residency requirements for Palestinians), this was generally outside of its area of expertise but it was prepared to offer relevant anecdotal information where possible.

Entry/exit to/from the Gaza Strip for Palestinian residents

51. The international organisation understands that Palestinians registered as residents of the Gaza Strip returning from abroad need prior approval from the Israeli authorities in order to transit through Erez and the Allenby/King Hussein Bridge. Registered Palestinians cannot depart from or arrive to the Ben Gurion Airport. In terms of procedure, the international organisation did not have relevant information outside of information related to travel procedures that applied for Palestinian staff of the organisation travelling on official business of the organisation. The international organisation is not monitoring the Rafah Border Crossing insofar as concerns Palestinians travelling for personal reasons, but is of the impression that it remains mostly closed. The international organisation does not have information about personal travel documents used for crossing Rafah. The international organisation referred to a report by UNHCR, February 2018 and they were not aware of any change since then.²⁶⁶

The Israeli-controlled Palestinian Population Registry

52. The international organisation had some information on how the Palestinian Population Registry functions, as while the international organization has no direct oversight of the population registry, it has some experience and understanding of its operation through its Palestinian staff and work in the occupied Palestinian territories more broadly. In their understanding, a census of the Palestinian population in the West Bank and the Gaza Strip was carried out in 1967. The initial demarcation of the Palestinian Population Registry was drawn up based on this census, distinguishing between Palestinians registered in East Jerusalem, the rest of the West Bank and the Gaza Strip. Palestinians who were not present were not included in the registry and could not be registered afterwards. Descendants of Palestinians registered in the population registry born abroad might be able to register. Essentially, Israel controls the Palestinian Population Registry. The international organization understands that entry and exit to the West Bank incl. East Jerusalem and Gaza Strip through Israeli-controlled areas depends upon an individual's status in the Palestinian Population registry and any additional visa/permit requirements. Registration with the *United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA)* has no bearing on an individual's status in the population registry.

²⁶⁶ UN High Commissioner for Refugees (UNHCR), *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 23 February 2018, [url](#)

Palestinians' residency in East Jerusalem

53. The international organisation understood in general terms that Israel has a 'centre of life'-policy towards Palestinians with permits to reside in East Jerusalem, which means that their residence permit can be revoked if they move or cannot prove their ties to the city. The international organisation did not have information about the specific criteria.

54. The international organization understands that the East Jerusalem residency permit is issued for a period of time and it has to be renewed by the Ministry of Interior. In principle the international organization understands if the required documentation is not provided or if there is a concern that the ministry determines that the person is not proving that Jerusalem is their centre of life as needed, then the card would not be issued. They have to submit an application for renewal through the Ministry of Interior. If they do not meet the relevant requirements, they risk losing their residence permit.

Meeting with Al Haq, Ramallah, 1 April 2019

*Al Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Al Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable.*²⁶⁷

Geographical Engineering

55. Israel is conducting geographical engineering in the West Bank, East Jerusalem and around the Gaza Strip which is supported by complicated administrative structures, autocratic permit regimes and restrictive residence permit rules.

Palestinian Population Registry

56. The Israeli authorities control the records of the Palestinian population registry. In practice, the Palestinian registry is connected electronically to the Israeli side. Palestinians cannot and are not allowed to make changes. If they try, the Israelis will notice it. The Israeli authorities approve every addition to the register, i.e. currently only birth and death registrations. In order to get an ID number, new born Palestinians in the West Bank and the Gaza Strip need to be entered in this two-sided registration system.

57. There are some Palestinian inhabitants in the Gaza Strip without valid ID documents. Transfer to the Israeli side of the Palestinian details of new births together with the needed documents is a prerequisite to issue new IDs for these people.

Residency of Palestinians in the Gaza Strip, the West Bank and East Jerusalem

²⁶⁷ Al Haq homepage, *About Al Haq*, [url](#)

58. There is no unified residence permit system for Palestinians living in the Gaza Strip, the West Bank and East Jerusalem. In consequence, Palestinians from the three areas hold different ID-cards. Nowadays, Palestinians in the West Bank (excluding East Jerusalem) and Gaza Strip hold the same ID cards.

59. The status of an individual determines how the Israeli authorities will deal with the individual. In terms of time frame, the residence status of Palestinians living in East Jerusalem differs from the status of Palestinians living in the two other areas. Registered Palestinians in the West Bank and the Gaza Strip have permanent residency. The Palestinians living in East Jerusalem have to renew their residence permit continuously in order not to lose it. Currently, the East Jerusalem residence permit has to be renewed every third year, if they leave the country for any reason. The Jerusalem ID-card has to be renewed every tenth year.

60. To keep the residence permit in East Jerusalem, a Palestinian continuously has to prove that s/he has his/her centre of life in East Jerusalem. This makes it a problem, if the person in question works in Ramallah. If the person's family live outside East Jerusalem it is the same. If a Palestinian from East Jerusalem marries someone from outside Jerusalem, they cannot live together. This is due to the fact that family unification in East Jerusalem is essentially not possible, and the spouse from East Jerusalem risk losing his/her residence permit, if they live together in another place.

61. If the Israeli authorities determine that a person's centre of life is not in East Jerusalem, his/her residence permit can be revoked even within the three year period of validity. Israeli authorities e.g. base their assessment of 'Centre of life or domicile' on house visits where they check things like the bin in the bathroom and the refrigerator in the kitchen in order to make sure that the resident actually lives in the house.

62. Al Haq further added that it is necessary to differentiate between the validity of the ID card and the exit permit. The ID card is valid for 10 years. People have to renew their cards every 10 years even if they did not leave the city. Those who leave the city need to get an exit permit for three years. If they do not come back to renew their exit permit within the three year period, they lose their residency (ID card). If they get their exit permit renewed for the second time and live outside the country for more than seven years, they run the risk of losing their ID cards. As an example, if a resident of East Jerusalem is married to a Palestinian living in Europe and s/he wants to live with him/her, s/he will get his/her exit permit renewed for the first time after three years. If s/he renews it for the second time, s/he will run the risk of losing his/her residency status as s/he would be living outside the country for more than a total of seven years.

63. Sometimes the Israeli authorities change the features of the East Jerusalem ID for Palestinians. Then renewal of the document is required. However, sometimes the holders are not notified about this and are therefore taken aback when they approach a border crossing. In the encounter with the Israeli authorities, they discover that their ID is not valid anymore.

64. The option for most Palestinians from East Jerusalem for whom their residence permit become revoked and who do not have a foreign passport, is that they can be granted a tourist visa to the West Bank.

65. In the beginning of the 1990s before the Oslo Accords of 1993/95, Palestinians used to lose their residence permits at the West Bank and in the Gaza Strip if they stayed abroad for too long. The timeframe used to be about seven years. However, after the Oslo Accords the residence permit of Palestinians in these areas is permanent. The only thing that these Palestinians have to renew in order to travel abroad and come back is their passports. And the Israeli authorities recognise the national Palestinian passport as a travel document.

66. People who have stayed abroad for ten or twenty years, who left after the Oslo Accords, who have Palestinian documents and are not resident of East Jerusalem can come back and take residence. However, if they left before the Oslo Accords, they cannot come back, because then their residency has been revoked. It is part of the deal between the Israelis and the Palestinians upheld by the Oslo Accords that Palestinians with residency in the West Bank and the Gaza Strip, who went abroad after signing of the accords, will not have their residence permits revoked. Hence, if these Palestinians have kept their Palestinian passport and ID, they will be able to come back from abroad and take residence.

67. Palestinians who went abroad in 1991 and 1992 might be able to come back and take up residence. However, no one can give a guarantee, unless the people in question have legal representation. Between the Oslo Accords, between 1993 and 1995 there is a grey zone. People who left during these years will have to ask the authorities, if they still have a valid ID, i.e. residence permit.

68. Before the Oslo Accords, Palestinians in the West Bank and Gaza Strip used to have ID cards that were issued by Israeli occupying authorities. If people left before the Oslo Accords, their Palestinian ID number would have to be checked in order to make sure that they can return. Nowadays, a Palestinian ID number is equal to a residence permit. However, some of the Palestinians, who fled before the Oslo Accords, have an ID number but no residence permit. As a consequence of the war in 1967, 120.000 Palestinians fled and lost their basis of residence. In order to check if people among the 1967-refugees still have a valid ID number, one would have to ask the Palestinian authorities.

69. Generally speaking it is not easy for Palestinians, who have stayed abroad for years, to know if their residence permits have been revoked. They will be notified when they come to the border, or if they apply for a renewal of their ID. However, they could also look into the matter through legal representation or family present in the relevant area.

70. If a Palestinian from East Jerusalem is granted a foreign nationality, the Israeli authorities will probably revoke his/her residence permit in East Jerusalem.

71. Palestinians who have lost their residence permit in the Gaza Strip, the West Bank or East Jerusalem cannot get it back. This is due to the Israeli long term policy towards the Palestinians.

72. If a Palestinian is not registered in the Gaza Strip, the West Bank or East Jerusalem, there is no way that this person can get a residence permit in one of these areas, except through family reunification.

Registration of children

73. A registered child of one or two registered Palestinian parents from the West Bank or the Gaza Strip who is born abroad will inherit residence status of the registered parent(s) when s/he reaches the age of 16. If a child has not been registered by birth, it is very difficult for the child to become registered. Some socioeconomically disadvantaged people in the West Bank do not register their children in time; e.g. Bedouin people.

Family reunification

74. In the late 1990s Palestinians encouraged other Palestinians to enter on a visa and then stay for family reunification. This strategy was a success. Those who entered were granted family reunification. However, since then the question of family reunification has become part of the general negotiation between the Israelis and the Palestinians.

75. The only avenue to restore residency in the Gaza Strip, the West Bank and East Jerusalem for someone who has lost it is family reunification. This is a long and complicated process.

76. Since 2003, as a consequence of a new law ('Citizenship and Entry into Israel Law, Temporary Order') that has been imposed as a temporary order that is being renewed on a yearly basis, family reunification has essentially been frozen. For socioeconomically advantaged people, who can afford expensive legal representation and have a good network, there might still be an avenue to get family reunification. However, it is a time-consuming process and over an extended period of time, family reunification will only be granted for tens of people, who hired a lawyer; not thousands.

77. To apply for family reunification, a person has to be present in the West Bank or East Jerusalem. However, application could also be done by proxy, who could be any family member, including a spouse. Applications for family reunification from Palestinians from the West Bank should be submitted to the Palestinian Ministry of Civil Affairs. Palestinians from East Jerusalem submit their application to the Israeli authorities. This ministry has directorates in the main cities at the West Bank where applications could be handed in. Afterwards, the directorates would transfer the applications to the ministry. Then the ministry send the applications to the Israeli authorities. During the past years, the Israeli authorities have not accepted any applications. Currently 100,000s of applications are waiting for processing.

78. Previously, the Israelis did not recognise the age limit of a child as 18 years, but applied the age of 16 years. Three or four years ago the military court accepted that the legal age is 18 years.

79. A child above 16 years old, who lives abroad and who is not registered, can only reside in the Gaza Strip and the West Bank if s/he can get family reunification.

80. Children under 18 years can be included in the family application; either parent with an ID number can act as a reference and in some cases grandparents.

Entry to the Gaza Strip, the West Bank and East Jerusalem

81. Registered Palestinians with residency at the West Bank can enter from abroad through the Allenby/King Hussein border crossing point, but not through Ben Gurion Airport. This means that they have to travel through Jordan.

82. The Gaza Strip is the most difficult of the three areas to enter. Generally speaking, registered Palestinians with residency in the Gaza Strip cannot use Ben Gurion Airport. They have to use the Rafah Border Crossing to enter the Gaza Strip from abroad. However, in unique cases they can get VIP status, travel through Ben Gurion or Jordan and enter the Gaza Strip through the Erez crossing. An advance, coordination by the Jordanian and Israeli authorities is needed to enter the Gaza Strip through the Allenby/King Hussein Crossing and Erez. Neither the Rafah nor the Erez border crossing is regularly open. When Palestinians use Egypt as transit country, the Egyptian authorities sometimes keep the Palestinians in the airport for days, until the Rafah crossing is open.

83. To travel through Jordan to the Gaza Strip is almost impossible. In case a Palestinian wishes to travel to the Gaza Strip from abroad through Jordan, s/he would have to ask the Palestinian authorities to apply for permission from the Israeli authorities on behalf of him/her. However, the Israeli authorities would generally not grant permission in this case. They might grant permission for one or two applicants in a thousand. In addition to the Israeli permit, travel to the Gaza Strip through Jordan would have to be coordinated on beforehand with the Jordanian authorities.

84. Entry in the Gaza Strip through Egypt is dependent on whether or not the Rafah border crossing is open. Sometimes Palestinian travellers stay in Cairo for days or weeks waiting for the Egyptians to open the Rafah crossing. The route from Cairo Airport to the Rafah Border Crossing has changed. Before, it took seven hours from Cairo to Rafah. Today it can take 48 hours. The Egyptian authorities justify the change in the route with security reasons.

85. Generally speaking, Palestinians who have lost their Palestinian ID will not be allowed to enter from abroad. For instance, a Palestinian from East Jerusalem who does not hold a residence permit will be sent back to where s/he came from. With regard to entry via the Rafah crossing point, in some cases it might be possible for Palestinians who lost their ID to travel through Egypt, if they have a valid Palestinian passport. To enter the Gaza Strip through the Rafah border crossing point, technically speaking Palestinians have to show their Palestinian national passport. However, sometimes their Palestinian ID card is sufficient.

86. Dependent on their age, some Palestinians need a pre-arrival visa to enter Egypt. Egypt used to allow women and girls to pass through the country without a visa without taking their age into account. Currently Palestinian men in their 20s, 30s and 40s have to have a visa. Sometimes it also depends on the political situation on the ground; you cannot directly decide to come back from Denmark to Egypt unless the return is coordinated with the Egyptian authorities.

87. The requirement to enter through Allenby/King Hussein is a passport and an ID card for Palestinians. Sometimes the border guards ask for both, but sometimes they only ask for the passport. A person who is registered, but who does not have an ID, cannot enter. However, such individuals can apply for an ID by proxy in the West Bank.

Issuance of passports for Palestinian

88. After the de facto power division between Hamas in the Gaza Strip and the Palestinian authority in the West Bank that happened upon the election in 2006, the Palestinian authority has centralized passport issuance. Previously it was possible to have a passport issued in the Gaza Strip. Nowadays Palestinian

passports are only issued in Ramallah. For political reasons, sometimes the Palestinian authorities do not issue passports to people living in the Gaza Strip.

89. Theoretically, registered Palestinians can apply for a Palestinian passport through the Palestinian embassy in Cairo or the Palestinian Representation in Amman or other representations. However, it takes longer time to get a new passport this way than through the administration of the Palestinian authorities in the West Bank. A Palestinian from Gaza will need to find a person on the West Bank to help him/her to follow up on the application for a new passport. In addition, there might be politically or administratively related obstacles for issuance of passports at the Palestinian representations abroad. Some of the representation offices are not professional. In addition, the mailing process is difficult and time consuming, because the mail has to pass through the Israeli side. A courier could be used for personal mail, but it is costly, so the Palestinian embassies use the ordinary mail system.

90. The Palestinian passports issued by the Palestinian authorities are valid for five years. Previously these passports were only valid for one year. Afterwards it became three years and then five.

91. The majority of the Palestinians in East Jerusalem and some of the Palestinians in the West Bank hold Jordanian passports. Most of these passports are not nationality passports but temporary foreigner's passports valid for fourteen years. Previously, the Jordanian temporary passports were only valid for five years. Some of the Jordanian passports held by the Palestinians are permanent passports, because they have family in Jordan. If a Palestinian wants to use his Jordanian passport at the Allenby crossing, s/he must show his Palestinian ID card and a permit that s/he applies for and pay a fee. The Jordanian passport can be used for traveling abroad through Jordan. However, if Palestinians from East Jerusalem want to travel through Ben Gurion Airport, they have to get an Israeli Laissez Passer; they cannot use their Jordanian passport to travel through Ben Gurion.

92. Palestinian representations abroad issue so-called 00-passports for unregistered Palestinians living abroad who cannot obtain passports issued by their country of residence. The 00-passports do not grant access to Israel, the West Bank or the Gaza Strip.

Illegal exit

93. Illegal exit is criminalized. According to Israeli military order, Palestinians who have left the West Bank or the Gaza Strip illegally will be arrested and detained upon return by the Israeli or the Jordanian authorities at the West Bank and by the Egyptian authorities in Gaza. It is unknown for how long they will be detained. In Egypt sometimes people are taken by the Egyptian authorities. There was one case four years ago in which four people who coordinated their return to Gaza were taken by the Egyptian security service. The Egyptian authorities refused to recognise that they took them and accused ISIS for having done it. A few weeks ago these four people were brought back by the head of Hamas.

94. Three to four years ago, Israeli authorities stamped the passports when people entered or exited through Israeli controlled border crossing points. Currently, they will be given a visa that looks like a slip in the passport as entry and exit permit. When people leave the Gaza Strip, their passports will be stamped by both the Palestinian authorities and Egyptian authorities both ways.

95. Inhabitants of the Gaza Strip are registered by Hamas and the Egyptian authorities when they leave legally through the Rafah border crossing point. It is unclear to al-Haq specifically what will happen in Egypt if the Egyptian authorities find out that a Palestinian exited the Gaza Strip illegally and entered Egypt. However, the Egyptian authorities will send back Palestinians who have exited illegally. The same goes for the Jordanian authorities, if they find out that a Palestinian in transit in Jordan has left the West Bank illegally.

Israeli travel bans

96. Under the pretext of security issues, Israel imposes travel bans on some Palestinians living in the West Bank and the Gaza Strip. These people are not allowed to leave the Palestinian territories under any circumstances. If they have already left the territories, they are not allowed to come back.

97. The Israeli system of travel bans is unpredictable in more than one way. There are no clear criteria for when to impose a travel ban on a person. There are people who are characterised as security threats without their own knowledge. In addition, the length of a travel ban is unpredictable and not always clearly announced. Sometimes a travel ban can last for 15 years. The Israeli authorities never inform the person subjected to a travel ban when the ban is lifted. In reverse, sometimes the Israeli authorities delimit the timeframe of a concrete travel ban, but when the ban is supposed to be lifted it is not.

98. Travel bans on Palestinians are sometimes used by the Israelis as bargaining points. E.g. the Israeli authorities put pressure on Palestinian individuals by making them promise not to return from abroad for a longer period of time, e.g. five years, in exchanging for lifting the travel ban. They do this because they know that after five years most people will have built a central life outside the territories.

Meeting with HaMoked, 3 April 2019, Jerusalem

HaMoked is a human rights NGO providing legal support for Palestinians exposed to various types of rights violations by Israel. HaMoked handles cases on individual level and thereby get a detailed overview of the systemic fashion in which residency and family unification rights are violated. Among others, HaMoked also monitors violations of freedom of movement for Palestinians. Since its inception in 1988, HaMoked has handled some 100,000 complaints concerning various human rights issues.

Residency in East Jerusalem

99. The Palestinians living in East Jerusalem are registered as permanent residents in the State of Israel. The registration of these Palestinians is managed purely by Israel, whereas registration of Palestinians in the West Bank and the Gaza Strip is managed by the Palestinian authorities; even though Israeli authorities play a role.

100. Since 1967, Palestinians in East Jerusalem hold an Israeli ID which implies that they have a status inferior to citizenship. Contrary to the Israeli citizens, the Palestinians in East Jerusalem cannot travel abroad with an unlimited travel document. They have to apply for a temporary Israeli travel document, which is only valid for two years.

101. A permanent resident of Israel, including a Palestinian from East Jerusalem, is not required to renew his/her residency. However, the residency of Palestinians in East Jerusalem is more easy to revoke than Israeli citizenship.

102. Until 1988 the legal meaning of the status of Palestinians with residency in East Jerusalem was unclear. In 1988 a presidential judgement in the Israeli High Court of Justice clarified that they are permanent residents like any other permanent resident in Israel, despite the fact that they were born in East Jerusalem, and they can therefore have their status revoked (similarly to a foreign national, who immigrated to Israel). This led to a new modus operandi where the Israeli Ministry of Interior started revoking residency for people, who stayed outside the East Jerusalem area for more than seven years; abroad, in the West Bank or in the Gaza Strip. This modus operandi was known as 'the silent transfer'. Today the situation is better. Currently the residence permits of Palestinians in East Jerusalem are only revoked if they move overseas for a longer period of time than seven years and do not keep their ties to the city. There are some exemptions to this where Palestinians from East Jerusalem still lose their residency, but they are not that many and it is easier to challenge the revocation decision because of the current policy. In 2018 only 13 Palestinians from East Jerusalem had their residency revoked. In 2017 the number was 35 cases. Previously it was thousands.

103. In case a Palestinian from East Jerusalem loses his/her residency in East Jerusalem and holds no other residency or citizenship, s/he may in theory remain stateless. However, each case is different.

104. If a Palestinian from East Jerusalem has moved abroad and lost his/her residency, s/he can submit an application to reinstate it. To get the residency of an individual reinstated, the person in question has to prove that his/her centre of life for two years is in East Jerusalem. Centre of life in East Jerusalem can be documented by payslips and/or bills from East Jerusalem and by the person in question sending his/her children to school in East Jerusalem.

105. An application for recovery of residency in East Jerusalem has to be handed in at the population and immigration authority under the Israeli Ministry of Interior in Wadi Joz. Once a person has submitted the request, s/he will get a temporary stay permit, i.e. an A5 visa which allows him/her to work in Israel and access social services. However, the foreign family of the person in question is not included in this stay permit. Foreign family can only stay on a tourist visa, and the children will not have access to public schools.

106. Palestinians are not notified if their residence permit in East Jerusalem is revoked. Typically, they find out when they approach the Israeli authorities for something bureaucratic like applying for travel permit or renewing their blue ID card.

107. If a Palestinian has once had permanent residency in East Jerusalem, s/he can in principle, have his/her residency reinstated. If s/he returns to East Jerusalem with his/her children aged under 18 years, the children are also entitled to residency. Beyond that age they are not entitled. But also, the parent must reinstate his/her residency; otherwise the children are not entitled to residency either. Dependent on the type of passport they are travelling with, Palestinians returning from abroad to reinstate their residency in East Jerusalem need a pre-arrival visa to enter Israel.

108. Palestinians born to parents registered in East Jerusalem are entitled to permanent residency in East Jerusalem, i.e. an A1-visa. However, they do not always get it. The A1-visa is an immigrant status that was artificially applied to Palestinians on grounds of the demographic battle between the Israelis and the Palestinians. Israel fights to continuously keep a higher percentage of Jews than Muslims in the country (and in particular in Jerusalem).

Israeli citizenship for Palestinians in East Jerusalem

109. Recently, a higher number of Palestinians from East Jerusalem has applied for Israeli citizenship. Theoretically, it can take two to three years after an application for citizenship has been submitted until the processing starts and then the process in itself can also take three to five years. Before the separation wall between the Israeli and the Palestinian area of the West Bank was built²⁶⁸, Palestinians living in East Jerusalem sometimes worked and had a social life in the West Bank. Therefore, and for political reasons, Palestinians kept themselves from applying for Israeli citizenship. The balance has now moved since it has become more difficult to move between the West Bank and East Jerusalem. However, only about two per cent of the Palestinian population in the city are now Israeli citizens. This is due to the fact that a person, among others, has to make an oath of allegiance to Israel and learn Hebrew in order to get citizenship. This, of course, causes political objection among Palestinians and also makes it difficult for some Palestinians to meet the criteria for citizenship.

Palestinian Population Registry

110. Upon the Oslo Accords, the administration of the Palestinian population registry was transferred to the Palestinian Authority. However, Israel holds a copy of the registry and has a veto power on the registry. Israel allows child birth registration. However, the de facto Israeli control of the registry causes certain other problems to the Palestinian population; particularly when it comes to family unification.

Family Unification in East Jerusalem

111. Until 2002, Israel mostly did not restrict movement between Israel and the West Bank or the Gaza Strip. So if Palestinians in East Jerusalem married a person from the West Bank, they could fairly easily move back and forth between East Jerusalem and Ramallah. Thus many people did not even bother with requesting residency status in East Jerusalem.

112. In 2002, during the second intifada, there was an attack in Haifa of a man where one of his parents was from East Jerusalem and the other from the West Bank. As a consequence, Israel in 2003 passed a law which essentially froze family unification between the West Bank and East Jerusalem. The law is called the *Citizenship and Entry into Israel Law*²⁶⁹. It is classified as a temporary order that has to be renewed once a year, but since it was passed in 2003, it has been renewed every year.

113. In the first days of the temporary law, people who had not yet entered a family unification process had no avenue to enter an application for family unification. However, currently women older than 25 and men older than 35 can enter applications. However, they can only get temporary stay permits in East

²⁶⁸ HaMoked further explained: The West Bank is, according to international law, all Palestinian. Israel built the separation wall in a manner that illegally annexes parts of the West Bank, and also separates East Jerusalem from the West Bank.

²⁶⁹ *Citizenship and Entry into Israel Law* (English version), [url](#)

Jerusalem indefinitely, and can never be upgraded to A1- or A5-visas. The temporary stay permit is granted by the Israeli military, and in the beginning it did not allow the holder to work in East Jerusalem (but following extensive legal activity by human rights organizations, the holders of such temporary permits are allowed to work in Israel). In addition, the holders only have limited access to health insurance, meaning that health insurance is much more expensive for these people. Moreover, they are not entitled to other social benefits, and they are not allowed to drive in East Jerusalem. For women younger than 25 and men younger than 35 originally from the West Bank, there is no legal way of living with their spouse in East Jerusalem.

114. This type of family unification is by definition an endless process. Some families have been in the process for more than 15 years, sometimes having been married for 30.

115. The 2003 *Citizenship and Entry into Israel Law* does not allow any family unification with Palestinians from the Gaza Strip. The only possibility for mixed couples with one spouse from East Jerusalem and one spouse from the Gaza Strip to live together is in the Gaza Strip.

Registration of children in East Jerusalem

116. Unlike the Israeli citizenship, which is passed to children of Israeli parents directly after birth, permanent residency is not granted automatically to children of Palestinians with permanent residency in East Jerusalem. In these cases, the parents have to go to the Israeli Ministry of Interior in order to proactively register the children. An application for registration of a child to a Palestinian East Jerusalem resident cannot be submitted by proxy. One of the parents has to be present (the other one and the child are optional). The age limit is 18 years.

117. Whereas the registration process is smooth for children of two Palestinian East Jerusalem residents, it is not if one of the parents is not an East Jerusalem resident. In order to secure a registration of the child, mixed couples sometimes register their children at the West Bank before their application for registration in East Jerusalem has been processed. If a child has been registered at the West Bank, it is more problematic to get the child registered in East Jerusalem. In addition, the child has to be below 14 years of age in order to be registered. There is no way to register children above the age of 14 years as residents of Israel. They can only receive temporary stay permits (the type issued by the military), which do not entitle them to social services.

118. Mostly, parents apply for registration of one child at a time, since they often apply shortly after the child's birth. However, sometimes couples apply for their children altogether on the same application. It is possible to get an application for registration of more than one child processed. During the processing of the application, the children must be living in Jerusalem (their 'centre of life' must be in Jerusalem).

119. All decisions regarding requests/applications submitted to the Israeli Ministry of Interior by East Jerusalem Palestinians can be appealed in the Israeli appeals tribunal. If a complaint is rejected by this tribunal, an appeal can be directed to the Jerusalem district court. Since it is a two instances court system, this is the highest court to reach in these cases. Cases like this do not reach the Israeli high court.

120. The chance of success of an application for family unification in East Jerusalem is case specific. E.g. security related issues could have implications for the decision. When an application for family unification is submitted to Israeli authorities by Palestinians, Israeli authorities also do a security check.

Family unification in the West Bank

121. If a Palestinian from the West Bank marries a foreign spouse, there is no way that the spouse can obtain any residency in the West Bank. At best, the spouse can obtain a two year stay permit. However, on this type of stay permit the spouse is not allowed to work. In addition, the stay permits are not multiple entry permits. So if the foreign spouse travels abroad in order to visit family, s/he will not be entitled to return.

122. Essentially, Israel stopped reviewing requests for family unification from West Bank residents 20 years ago. However as a consequence of political deals with Palestinian authorities made in 2007, Israeli authorities reviewed 50.000 cases and granted family unification in 32.000.

123. In terms of Gaza, Hamoked is unfamiliar with family unification procedures and implementation of the procedures.

124. Palestinians with no ID number and no foreign nationality (stateless) are seen as foreigners by the Israeli authorities when it comes to family unification.

Meeting with Gisha, 4 April 2019, Tel Aviv

*Gisha is an Israeli not-for-profit organization, founded in 2005, whose goal is to protect the freedom of movement of Palestinians, especially Gaza residents. Gisha promotes rights guaranteed by international and Israeli law. Gisha uses legal assistance and public advocacy to protect the rights of Palestinian residents.*²⁷⁰

125. Overall, Gisha informed that no one can really master the Israeli permit system when it comes to exit, entry and residency of Palestinians. There are so many procedures. The extensive amount of rules and regulations give the impression that there is order and bureaucracy, but it is really a mess. However, there are some points of orientation in the welter of administrative trip ups.

Possibility of re-entry to the West Bank and the Gaza Strip for registered Palestinian residents

126. Generally speaking, the possibility of return to the Gaza Strip and the West Bank depends on: who you are, where you left from and how long you stayed abroad. Gisha does not have any particular expertise with regard to East Jerusalem. Palestinians from East Jerusalem are treated quite differently than the way Palestinians from the Gaza Strip and the West Bank are treated.

127. The rule of the Israeli authorities is that a person has to exit and re-enter through the same crossing point. The Israeli authorities are very firm about this requirement. However, there are some exemptions. If

²⁷⁰ Gisha website, *About Gisha*, [url](#)

a Palestinian returning to the Gaza Strip from abroad can prove that the Rafah Border Crossing is closed, and the person in question needs to get in for humanitarian reasons, Gisha has sometimes succeeded in facilitating access, but this is very rare. If the Rafah Border Crossing is closed, it is very difficult for the Gaza Strip residents to return from abroad if they exited Gaza via Rafah.

128. Palestinians who are residents in the Gaza strip hold a passport or an ID card. Registered Palestinians have a recognised right to return, theoretically. However, Israel does not feel obliged to let people use the Erez crossing if they are not able to use the Rafah Border Crossing. Thus implementation depends on Israel's policy at the time being.

129. In this respect, Gisha has translated the policy document, 'Unclassified Status of Authorisations for the Entry of Palestinians into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad'. The document was published at Gisha's website on 18 September 2017. It is a very lengthy document that lists different kinds of profiles, i.e. quotas, numbers of people and what classifies as medical treatments, seriously ill family members etc. The document is issued by Israeli authorities and is updated from time to time.²⁷¹

130. In 2016, a particular Israeli policy, included in the abovementioned policy document, was introduced allowing Gaza Strip residents to leave through the Erez crossing for whatever reason they want, however, conditioning their return on the signing of a document that says they will not return for one year.²⁷² This gave the residents a way to leave, which is generally a challenge. However, as a general rule residents cannot return without special coordination with Israeli authorities within a year after their exit. Only exceptional humanitarian cases are exempted from this rule. Only in one confidential case, Gisha has been able to test under what particular conditions the Israeli authorities would let people return before a year has passed.

131. The Rafah Border Crossing has been open on a steady basis throughout 2018. Previously, there have been times when the border was not open that much. Since May 2018, the Rafah Border Crossing has been open about five days a week. Gisha gets numbers of people crossing the border from UNOCHA who get it from the Palestinian Authority Ministry of Interior in Gaza. A graph of numbers of arrivals and departures to Egypt is available on Gisha's website²⁷³. Gisha is not aware of cases where local Palestinian officials denied access to residents of Gaza returning from abroad.

²⁷¹ Gisha website, *Unclassified Status of Authorizations for the Entry of Palestinians into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad - Coordination of Government Activities in the Territories, Operations and Coordination Department Updated as of September 18, 2017*, [url](#)

According to Gisha, the most current version of the document is a version in Hebrew also found on their website: [url](#) Gisha added that the Israeli authorities never make drastic changes in the Hebrew document, but usually just update in the quotas; sometimes they publish information about special 'gestures' for holidays or the like.

²⁷² *Unclassified Status of Authorizations for the Entry of Palestinians into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad - Coordination of Government Activities in the Territories, Operations and Coordination Department Updated as of September 18, 2017*, Chapter B, item d, 3, [url](#)

²⁷³ Gisha website, *Movement of People via Rafah Crossing*, [url](#)

Weekly updates on movement in and out of the Gaza Strip through the Erez Border Crossing are found on the website of the Palestinian Authority, e.g. see: (2019/03/29 – 2019/03/24) احصائية عمل الهيئة في المحافظات الجنوبية خلال الفترة [English: *Statistics of the Committee's work in the Southern Governorates during the period 24/03/2019 – 29/03/2019*], [url](#)

132. In terms of who can fly via Ben Gurion Airport, rules and regulation for both West Bank and Gaza Strip residents could be found online.²⁷⁴ Almost no one from the Gaza Strip can use the airport, and only a small handful of people from the West Bank can use it. In general, it is only rare humanitarian exemptions and VIPs, i.e. the most senior business people, who can travel through the airport. In addition, the process of requesting a permit to travel through the airport is very extensive and treatment at the airport is so bad that people most often prefer to travel through the Allenby crossing.

133. Israel does not allow people without status to travel through the Erez crossing, meaning individuals without Palestinian ID cards or foreigners without status in a third country. However, Gisha has heard of cases where refugees fleeing from Syria entered the Gaza Strip through Rafah Crossing in the years 2012-13 even though they did not have residence status in the area or visa. In general, statistics say that about 30,000 people without status currently live in the Gaza Strip.²⁷⁵

Prerequisites to transit through Egypt in order to enter via the Rafah crossing

134. If the Rafah Border Crossing is not open, airlines are instructed not to allow Palestinians from the Gaza Strip to board their flights to Cairo.

135. Palestinian men between the age of 18 and 40 years need a pre-arrival visa to enter and transit in Egypt; even though they go directly by bus from Cairo Airport to the Rafah Border Crossing through Sinai. The visa can be obtained at the Egyptian embassy of the country they are visiting. Apart from men in the mentioned age group, Palestinian travellers who want to go straight to Gaza, do not need a visa but will be held in a detention area at the airport while they wait for a shuttle to take them to the Rafah Border Crossing.

136. Women, children and men over the age of 40 years do not need a visa to transit in Egypt.

137. There are curfews at night in the Sinai Peninsula. This means that transiting Palestinians stop and stay in the bus overnight when they travel through Sinai.

138. There have been reports of people who pay for unofficial coordination, i.e. on the black market, inside the Gaza Strip in order to get assistance with their travel through Egypt by semi-tourist agencies. However, this information is not clear to Gisha.

139. According to the Egyptian authorities only Gaza residents are allowed to enter through the Rafah Border Crossing.

Prerequisites to transit through Jordan in order to enter via the Allenby/King Hussein Bridge

²⁷⁴ Gisha referred to *Unclassified Status of Authorizations for the Entry of Palestinians into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad - Coordination of Government Activities in the Territories, Operations and Coordination Department Updated as of September 18, 2017*, [url](#), and to a document in Hebrew in which more details are found:

²⁷⁵ Although Gisha considers these numbers too high, Gisha made reference to the organisation *B'Tselem* who states that the number of individuals living in Gaza with no ID card is between 40,000 and 50,000 individuals. [url](#)

140. West Bank residents do not need any special coordination or visas to enter Jordan for transit. They could land at the airport in Amman and then go directly to the Allenby/King Hussein crossing. In theory, Israel respects the right of West Bank residents to leave and re-enter from abroad.

141. Gaza Strip residents need a special permit to transit in Jordan when they go abroad. In order to exit, they have to submit a request to the Jordanian passport office in Gaza. The Jordanian passport office in Gaza sends the request to the Jordanian representation in Ramallah which processes the request. Upon approval a transit visa; i.e. a so-called 'non-objection letter' (Arabic: adam mumana'a), is issued for the person in question. Normally, the transit visa says that it can be used for transit both ways, and the visa has no expiration date. However, there was a case where a Palestinian woman had stayed in Turkey for a year to study and was denied entry to transit in Jordan. Gisha tried to assist her, but could not do anything. Fortunately, she had personal connections, who in early April 2019 solved the issue for her.

142. A Gaza Strip resident seeking to travel abroad through the Allenby/King Hussein crossing has to apply for a non-objection letter from the Jordanian authorities. This takes at least two weeks to process. The frequency of approval is dependent. Sometimes the system operates quickly. Sometimes it takes months to get the non-objection letter. By the time of the meeting between Gisha and the Danish Immigration Service, the processing time was about two week. The official time frame was ten days to two weeks.

143. There is no coordination between the Jordanian and the Israeli authorities when it comes to transiting Gaza Strip residents. This means that a person might get a 'non-objection letter' from the Jordanian authorities but not a permit from the Israeli side and vice versa. Gisha further explained that these are unconnected processes. If a person is denied a permit by Israel but has a non-objection, s/he would have to reapply for the Israeli permit. If s/he has a permit but not a non-objection letter, s/he may be denied exit from Erez. Gisha knows of cases where people were allowed to exit but then had to come back when the Jordanian authorities would not let them in.

Security block on certain people

144. Some Palestinians are blocked from entering Israel for security reasons. However, if these people do not have a status in another country, it would be difficult for Israeli authorities to keep them from transiting via Israel for the purpose of re-entering the Gaza Strip, if they used Erez to transit abroad in the first place. Israeli authorities would probably hinder their transit in Israeli areas, but could probably not stop them from entering the West Bank or the Gaza Strip, unless they had a permanent or long-term stay permit in another country.

145. It is Gisha's impression that people can be blocked for "security reasons" until proven innocent. In other words, the default is that a person is blocked until the authorities check him/her. Israel claims that its administration does not have the resources to check all the people requesting permits and thus it seems they block people for transit, especially those seeking travel for a specific date, because they didn't have time to conduct their security checks. People are not given an explanation when they are blocked. It is only when they launch an appeal by legal assistance that they can gain some insight into their case. Sometimes Israeli authorities give a paraphrase of the decision grounds; however, often the statements of the authorities are very vague. The reasoning is often "contact with terrorist elements" which is applied very broadly. Therefore it is quite difficult to challenge a security block. Gisha has submitted a freedom of

information request to the Israeli authorities. The information obtained by the request told that a lot of cases were pending.

146. Sometimes people are security blocked if they have the same name as someone from an organisation considered a terrorist organisation by Israeli authorities.

Illegal exit

147. Gisha said that cases of illegal exit from the West Bank or the Gaza Strip going abroad are rare. It is quite difficult to leave illegally. The only ways to exit illegally would be either through tunnels from the Gaza Strip or via the sea. Not many exit via sea. The Israeli authorities monitor the borders. Entrance from the West Bank into Israel illegally is common and Gisha heard that at some point in times, on average, five Palestinians a week were jumping the fence into Israel from Gaza as well. These people are usually interrogated to determine motivation and then if no security breach is detected, are brought back again by Israeli authorities.

148. The Israeli authorities would know if a person has left illegally from the West Bank or Israeli areas, since they register all exits through their border crossings and issue exit permits for residents from East Jerusalem. An exit permit is a little piece of paper that can be folded up and put in with the blue ID card carried by all East Jerusalem residents. The exit permit contains: name, place of origin, specifications in terms of validity and reason for travelling.²⁷⁶

Re-entry after a longer period abroad

149. Gisha has not heard of Palestinian West Bank or Gaza Strip residents, registered in the Palestinian population registry, who stayed in another country for a longer period of time and therefore were not able to return and take up residence again. In this regard, residency at the West Bank and in the Gaza Strip is different from residency in East Jerusalem.

Entry procedures and documents needed for border crossing

150. Gisha has published a brief it received from the Israeli Ministry of Defense on the procedures of active Palestinian residents' passage at the border crossings on their website.²⁷⁷ Among others, this publication lists personal documents and permits required in order to re-enter.

151. In general, the same documentation used for departure must be used in order to re-enter. This means that Palestinians travelling through the Ben Gurion Airport or the Israeli sea ports are required to obtain a permit to enter Israel for overseas travel purpose and a valid Palestinian passport which is updated in the computerized register. Palestinians travelling through the Allenby/King Hussein or the Rafah Border Crossings could travel using either a) a valid Palestinian passport which is updated in the computerized register or b) a departure card and a valid ID card.²⁷⁸ Gisha does not have information about which grounds a departure card is issued on. The central question with regard to Palestinians entering the West Bank is if they are registered in the Palestinian Population Register or not. If a person is registered, this person is considered Palestinian resident by both Palestinian and Israeli authorities; even if the person in question holds a foreign passport. In case, a person is registered but has no documentation, s/he can still enter. However, a specific entry procedure applies to residents, who lost their documentation overseas.²⁷⁹

²⁷⁶ See anonymised copy of an exit permit in Appendix 3

²⁷⁷ Gisha website, *Procedure of Palestinian residents' passage at the border crossings*, [url](#)

²⁷⁸ Gisha website, *Procedure of Palestinian residents' passage at the border crossings*, [url](#)

²⁷⁹ Gisha website, *Procedure of Palestinian residents' passage at the border crossings*, [url](#)

For further information on the entry procedure, Gisha referred to this document from the Israeli authorities (Hebrew), [url](#)

152. Information about processing of entry application from Palestinians, who need a special permit to enter, is not very good or transparent. The only area where good numbers are accessible is ‘medical requests’, information which is published by the World Health Organization on a monthly basis.²⁸⁰ The general modus operandi of Israeli authorities when it comes to entry permits for Palestinians is to keep the applications pending. When processing drags on for a long time, the reason for applying often becomes irrelevant. The Israeli authorities give reason for the long case processing time by saying that they do not have the required resources. In that respect, Gisha referred to the directive on processing times for permit applications which was published in October 2017. It lengthened the processing times, which Gisha challenged; thus far unsuccessfully.²⁸¹

Avenues of appeal in case of denied access

153. No written refusals of applications for entry permits are issued by Israeli authorities. Instead, a message will be passed orally to the applicant through the local Palestinian Committee of Civil Affairs. Sometimes this message is delivered with some kind of paraphrase of the background for the decision. In order to appeal the rejection, an administrative proceeding has to be launched; essentially suing Coordination of Government Activities in the Territories (COGAT) in order to reverse its decision. In that process, the judge reviews the petition and determines whether or not to set a date for a hearing, thus compelling the state to defend COGAT’s decision. Gisha filed about 50 petitions in 2018 and provided legal assistance generally to about 1300 individuals. Gisha is successful in something like 60 per cent of the cases. As a rule, Gisha only brings cases that have some chances of success. However, Gisha also brings a smaller amount of cases to challenge the system.

Family unification with foreign and unregistered spouses from abroad

154. The proper way of gaining permanent residency in the Gaza Strip for Palestinians who are not registered is through family unification. People have to show some kind of marriage certificate in order to get family unification. Technically, Israel would have to approve all family unifications. Due to quotas no one from abroad is currently added to the Palestinian Population Registry. Gisha further explained that Israel does not issue stay permits for Gaza, it only seeks to control who enters/exits. Being the spouse of someone living in Gaza is not a criterion, in itself, to be granted access via Erez. Via Israel, the foreign spouse would need to show that they match the current criteria, i.e. have a first degree relative in Gaza who is dead, dying or getting married, work for a humanitarian organization, etc. A foreign spouse would need permission from Israel to live in the West Bank.

Re-entry of children born in the West Bank or the Gaza Strip

155. A minor child who departed using a passport will enter using a passport. A minor child, who departed as accompanied by one of the parents, indicated at the departure card of this parent, will have to enter accompanied by the same parent. In cases where the child wishes to enter accompanied by the other parent, s/he must arrive equipped with the original departure card of the parent who remained abroad. In this case, s/he will receive an ‘accompanying certificate in separate entrance’ at the crossing. A minor child,

²⁸⁰ World Health Organisation (WHO), *Health Access, Barriers for patients in the occupied Palestinian territory MONTHLY REPORT*, February 2019, [url](#)

²⁸¹ Gisha, *High Court refuses to conduct a principled discussion on a draconian directive stipulating unreasonable processing times for permit applications submitted by Gaza residents*, January 30, 2019, [url](#)

who departed using ‘an independent minor departure card’, will enter accompanied by one of the parents.²⁸²

Entry of children of Palestinian residents born abroad

156. For children of Palestinian residents, who were born outside Israel/Palestine, the following requirements apply:

157. Children up to age five will enter Israel/Palestine using the original birth certificate and passport/registration in the parent’s foreign passport²⁸³. At the border crossing, the child will receive a ‘Minor Entry Certificate’ by which he will be able to register at the Palestinian Ministry of Interior and will receive an ID number by the time s/he turns 16 years. Palestinians apply for passports in Gaza by sending an application to Ramallah.

Palestinian Population Registry

158. In 1967 Israel held a census of the Palestinian population in the West Bank and the Gaza Strip. People who were present at that time and registered in the census and their direct descendants are in the Palestinian Population Registry today. Cf. the Oslo Accords, the Palestinian Authority collects information about new born Palestinians born at the West Bank or in the Gaza Strip to be added to the registry and transfer this information to the competent Israeli authorities. The Israeli authorities then accept the registration. Technically, Israel could deny registration but does not. So for now, the system works. In cases where Israel denies registration, the child is above the age of 16 years.

159. Israel controls changes to the Palestinian Population Registry. The registry is transparent to the Palestinian authorities, but they cannot influence the decision of cases with regard to status changes. The Palestinian authorities can update in terms of marriage registration within the West Bank and the Gaza Strip and registration of children born to residents of these territories. However, only Israeli authorities can accept the changes. The same applies with regard to changes of registration between the West Bank and the Gaza Strip.

160. A lot of Palestinians abroad prefer not to register their children in the Palestinian Population Registry. When children are kept unregistered, they are treated as tourists of Palestinian descent in Israel, not as Palestinians as such. This means that they are not discriminated against in the same way as local Palestinians. One of the advantages of not being registered is unregistered Palestinians do not need a permit to enter Israel. However, on the other hand Israeli authorities are not compelled to let people enter.

Registration of Palestinian children born abroad

161. In case a child of registered Palestinian parents, who is born abroad, does not register when s/he turns 16, s/he will not be able to register in the Palestinian Population Registry. Children from age five to age 16 will be registered using a visitation permit. The parents of the child in question have to contact the Palestinian Ministry of Interior to register him/her. The parents register via the Interior Ministry in

²⁸² Gisha website, *Procedure of Palestinian residents’ passage at the border crossings*, [url](#)

²⁸³ Gisha assumes that ‘foreign passport’ could include Palestinian Passports.

Ramallah. Children over the age of 16 are not automatically eligible for residency in the region jus sanguinis. The only way to regulate the residence status of children over the age of 16 is through family reunification. In theory, Israel froze the family reunification process in the year 2000. Since then it has issued random 'gestures' for quotas, but Gisha is not aware of any annual quota.

Clarification of residence status from abroad

162. It is possible for Palestinians abroad to apply for permits from Palestinian and/or Israeli authorities or seek verification of their residence status by proxy. A lot of people do this. Usually, they ask relatives on the West Bank or in the Gaza Strip to contact the interior ministry and put in a request on their behalf. Gisha has no knowledge about the possibility to ask Palestinian diplomatic representations abroad for the same kind of service. In the cases that Gisha knows, people have acted through family members.

163. Palestinians can check their residence status at the West Bank and in the Gaza Strip independently through the Palestinian Ministry of Interior in Ramallah. A Palestinian in Gaza could contact the Ministry of Interior in Ramallah remotely or verify information via the Palestinian Civil Affairs Committee office in Gaza

164. On the website of the Israeli authority Coordination of Government Activities in the Territories (COGAT) there is an email and a phone number by which people could contact COGAT in order to seek information about their residence status. However, Gisha has not tested this avenue for inquiry.²⁸⁴

Meeting with Mr. Malik Taha, General Manager of the Palestinian Population Registry, 2 April 2019, Ramallah

*The General 'Authority' of Civil Affairs is an institution within the Palestinian National Authority. The agency was established to follow up on the implementation of the agreements with the Israeli authorities and specifically with regards to the civil portfolio related to these agreements. Among the agency's tasks is registration of the population.*²⁸⁵

165. All Palestinians below the age of 16 years of at least one registered Palestinian parent, born in the West Bank, the Gaza Strip or abroad can be registered in the Palestinian Population Registry. Even if the child has lost his/her registered parent(s), the child could still register. Palestinians above the age of 16 years cannot be registered and have to apply for family reunification if they want to reside in the West Bank or the Gaza Strip.

166. Registration in the Palestinian Population Registry requires presence. Document requirements when registering include an original birth certificate and a copy of one parent's ID-card. In case one of the parents is foreigner, a copy of her/his passport and a copy of the marriage certificate will also be required. The registration process is short. Under normal circumstances, it takes about one week from application to registration.

²⁸⁴ COGAT: contact information to seek information about residence status, [url](#)

²⁸⁵ The Palestinian National Authority, the General Authorities of Civil Affairs, who are we, <http://gaca.gov.ps/StaticPage.aspx?id=2>

167. Children below the age of 16 years of at least one registered Palestinian parent can enter the West Bank and the Gaza Strip accompanied by the registered parent or both parents if they are registered. Unregistered Palestinian children between the age of 14 and 16 years who want to enter the West Bank need prior permission from the Israeli authorities.

168. Entering the Gaza Strip needs coordination with the Egyptian authorities. Palestinians from the Gaza Strip who arrive in Cairo Airport should have an Egyptian passing permit. Children below the age of 16 years need an aliens' passport when entering the Gaza Strip through Rafah border crossing. This does not apply for children below the age of 16 years who want to enter West Bank with one or both parents.

169. Palestinians who have left the West Bank and the Gaza Strip before the Oslo Accords and have not returned have since been revoked from the registry system. Palestinians who have left the West Bank and the Gaza Strip after the Oslo Accords are still registered in the Palestinian Population Registry and can return to the territories without prior application.

170. The Palestinian ID-card issued by the Palestinian Authority has no expiration date. A Palestinian abroad who has forgotten his/her ID-number can, by a proxy, contact the Civil Administration and request the ID-number. Requirements in this regard include the name of the applicant, name of the father and mother, the date of birth and the place of birth of the applicant. A Palestinian ID card equals a residence permit.

171. Along with the ID-card follows a white data print with information of the ID-card holder's father and mother, civil status, name of spouse and children. When the holder's children reach the age of 16 years, their information will be deleted from the data print.

172. Any family member or relative can be the reference for a Palestinian applicant living abroad applying for family reunification. In theory, family reunification to the West Bank and the Gaza Strip is possible, but in practice all applications have been frozen since 2003.

Meeting with Mr. Ammar Dwaik, Independent Commission for Human Rights (ICHR – Ombudsman), Ramallah, 2 April 2019

*The duty and responsibility of ICHR is to follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization meet the requirements for safeguarding human rights.*²⁸⁶

Complaints

173. The Ombudsman does not process complaints against Israel, as he does not have any jurisdiction over the Israeli authorities. Complaints against Israel are not within his mandate. Registered Palestinians have other venues for complaining against Israeli decisions. Complainants on permits or family unification can be addressed through the Palestinian Civil Affairs or by hiring an Israeli lawyer or contacting an Israeli

²⁸⁶ ICHR's website, *About us*, [url](#)

NGO. If a Palestinian complains about the Palestinian Civil Affairs not helping them with their case, the Ombudsman can ask the authority to do their job, but if the Civil Affairs are not doing their job, because the Israeli authorities are not doing their job, the Ombudsman cannot help.

174. The Ombudsman process complaints related to the Palestinian Population Registry. He has for instance received a complaint on behalf of hundreds of Palestinians returning from Syria to the Gaza Strip, who do not hold a Palestinian ID number. These people cannot obtain an ID card as Israel will not approve their registration. Consequently, they face difficulties as their stay in the Gaza Strip is considered illegal, and they cannot leave the Gaza Strip as they do not hold an ID card.

175. For Palestinians without an ID number, who are stateless, there is no avenue for complaint, and it would be very difficult to be granted an ID number. The only way into the West Bank and the Gaza Strip for stateless Palestinians would be via family unification which is not a clear process and in addition highly dependent on the political situation.

176. Finally, the Ombudsman also receives complaints against the de facto authority in the Gaza Strip, Hamas. In 2017, when a Hamas operative was killed, Hamas imposed a blockade on everybody, and no one was allowed to leave without prior permission from Hamas. Hamas has the control of the Rafah Border Crossing on the Palestinian side and controls all entries and exits from the Gaza Strip side. Furthermore, Hamas has a checkpoint on the Palestinian side of Erez. Palestinians leaving the Gaza Strip through the Erez Crossing need permission from Hamas. The Ombudsman does not receive complaints from Palestinians not being able to enter the Gaza Strip, but he does receive complaints about Gaza Strip residents not being able to exit Gaza.

Entering East Jerusalem, the West Bank and the Gaza Strip

177. In terms of which entry points an individual Palestinian can enter through, i.e. East Jerusalem, the West Bank and the Gaza Strip, it depends on the ID card that s/he holds. Palestinians from East Jerusalem hold a blue ID-card, which is a residency card, while Palestinians from the West Bank and the Gaza Strip hold a green Palestinian ID-card. Blue ID card holders can enter through Ben Gurion airport and through the Allenby Bridge, while green ID card holders can only enter through the Allenby/King Hussein Bridge. Palestinians from the Gaza Strip with a Palestinian ID card can enter through the Rafah Border Crossing, while Palestinians from the West Bank with a Palestinian ID card need prior coordination with the Egyptian Ministry of Interior if they want to enter through the Rafah Border Crossing. All three types of ID are fully controlled by the Israeli authorities in the sense that they have the sole power to grant and revoke these ID cards.

178. The Jordanian authorities differentiate between Palestinians from the West Bank and Palestinians from the Gaza Strip. Palestinians from the West Bank can enter Jordan at any time through the Allenby/King Hussein Bridge, and no prior permission or visa is needed. If a Palestinian from the West Bank is security blocked, s/he will not be allowed entry.

179. Palestinians from the Gaza Strip entering Jordan need prior coordination with the Jordanian authorities. Palestinians from the Gaza Strip are not allowed to enter the West Bank without prior

permission from the Israeli authorities. Palestinians from the Gaza Strip, who overstay their permit in the West Bank, risk arrest and deportation back to Gaza.

180. Israel treat registered Palestinians from the West Bank and the Gaza Strip as Palestinians no matter what other nationalities they might have.

181. A Palestinian passport is required when passing the Jordanian side of the Allenby/King Hussein Bridge, while either a Palestinian ID card or a Palestinian national passport or both are required when passing the Israeli side of the bridge.

182. When a Palestinian from the West Bank leaves the West Bank, s/he produces his or her Palestinian passport at the Allenby/King Hussein Bridge. In case the person in question does not have a passport, s/he can buy a so-called 'traffic permit' at the border crossing and use it along with his or her ID card to leave Israeli borders. But the Jordanian border control needs to see a passport; either a laissez-passer or a Jordanian passport or another passport along the 'traffic permit'

183. The Israeli authorities have the full control of all borders, except the Rafah Border Crossing, and have the power to approve or deny each entry and exit.

184. Hamas sometimes put restrictions on people in the Gaza Strip; e.g. in 2017 where Hamas imposed a blockade on people so no one could leave the area. However, there are no cases where Hamas did not allow people with proper identification to enter. A Palestinian with a valid ID should be able to enter without problems; unless s/he faces a trial.

Returning from abroad

185. Returning after years abroad is possible, if the person concerned has maintained his/her Palestinian ID. A prior application for returning to East Jerusalem, the West Bank or the Gaza Strip is not required. When it comes to the Palestinian from East Jerusalem, returning depends on the time spent abroad, as Israeli law allow the revocation of a residence permit for East Jerusalem residents if they have been abroad or spend time outside Jerusalem for a particular period of time. The Israeli Ministry of Interior has the discretion to strike them out from the registry. Residency in the West Bank is more durable. Under the current regulations, there is no time limit for return; even Palestinian West Bank residents who have spent twenty years abroad will be able to re-enter. As long as these people still have their ID/have maintained their residency, they can come back at any time.

186. Palestinians from East Jerusalem whose residence permit has been revoked cannot take permanent residency in the West Bank or the Gaza Strip, as the Palestinian authorities do not provide them with an ID number. The Palestinian authorities do not want to encourage the Israelis to maintain their practice with revoking the permanent residency of the Palestinians from East Jerusalem. If a Palestinian from East Jerusalem loses his/her residence permit, s/he literally becomes stateless. In some cases where Palestinians from East Jerusalem had their ID card revoked, they filed a court petition through a lawyer. During the processing time of the court, that might take years, they can still be allowed exit and entry after approval of the Israeli Ministry of Interior. Permission must be given for each entry and exit.

187. The Jordanian Government provides Palestinians from East Jerusalem with a temporary passport, issued for five years. However, this passport is not considered a Jordanian citizenship.

188. Registered Palestinians who have left the West Bank or the Gaza Strip before the Oslo Accords and who have been abroad for more than five consecutive years will lose their ID number. These individuals cannot return to the Gaza Strip and the West bank, unless s/he is granted a nationality passport from another country.

189. Registered Palestinians who have left after the Oslo Accords will not be removed from the Palestinian Population Registry and can return at any time; unless they are banned for security reasons.

The Palestinian Population Registry

190. The Palestinian Population Registry is created by Israeli authorities and is controlled by Israeli authorities. It was established after the census in 1967, and every Palestinian resident got a Palestinian ID number at that time. Children of registered Palestinians can register until the age of 16 years. The management of the registry was handed over to the Palestinian Authorities after the Oslo Accords. However, the control of the database is still in the hands of Israeli authorities. The Palestinian authorities transfer their updates to the Israeli authorities on a monthly or weekly basis. Israel has to approve a change in the registry before it is considered valid.

Family reunification

191. If a Palestinian wants to reside in the West Bank or the Gaza Strip, s/he has to have a valid national ID number. For Palestinians who do not have an ID number, applying for family reunification is possible. However, it is a very complicated process and dependent on the political situation. Acceptance of applications by the Israeli authorities has been frozen since 2003, with the exception of very few cases in which the applicants paid money or if they are well connected with Israeli authorities or lawyers, but it is a very difficult process. There have been no mass approvals since that year. It is difficult to obtain a work permit in the West Bank from Israel.

192. The bottom line is that if a person of Palestinian origin does not have an ID-number, it is very difficult for this person to enter: unless s/he has a foreign nationality. If so, s/he can apply for a visa limited for a three months' stay.

Meeting with a humanitarian organisation, 2 April 2019, Jerusalem

193. After the war in 1967, Israel immediately conducted a population census. Anyone who fled the territory during the war was removed from the population registry and not allowed to return. Since then anyone residing in the captured territories that went abroad and did not return within seven years was also removed from the population registry. After the signing of the Oslo Accords in 1994 this was no longer the case for Palestinians, with the exception of those living in East Jerusalem.

194. Administrative processes of the Israeli Ministry of Interior are very complicated when it comes to family reunification, renewal of documents, visitor's permits etc. for Palestinians. In addition, the processes are lengthy.

Residency in East Jerusalem

195. In addition to travelling abroad, there are ways on the ground that would cause a Palestinian from East Jerusalem to lose his/her residency. As an example, an individual who lives outside certain areas will be seen as not having his/her 'centre of life' in East Jerusalem. Consequently, this individual would risk losing his/her residence permit in East Jerusalem. For instance, a Palestinian from East Jerusalem caught residing in the West Bank, even if only for a period of weeks, could risk having his/her permanent residency revoked. Any resident of East Jerusalem, who have his/her residency revoked is not given any other type of residency, and hence is rendered stateless. If a Palestinian East Jerusalem resident leaves for a period of one to three years, s/he risks losing his/her residence status.

196. If an East Jerusalem resident leaves for longer periods of time, s/he would have to come back frequently to renew his/her residence status by maintaining what Israeli authorities denominates as 'centre of life'.

197. Palestinians are not always notified by the authorities when their residence permits in East Jerusalem is revoked. There have been many cases where people travelled abroad and in their encounter with the Israeli authorities at the borders, they found out that their residence permit was revoked.

198. The jurisdiction regulating Palestinians' residency in East Jerusalem is listed with the Israeli ministry of interior. Israeli authorities could potentially revoke residency from Palestinian residents of East Jerusalem for any reason; e.g. for not having allegiance with the State of Israel. The Israeli state considers Palestinians as foreigners, not citizens. It is possible to appeal the revocation by the Ministry of Interior through the Israeli appeal tribunal; if the revocation is upheld, the person can file an administrative petition to the district court. In a limited number of cases the revocation is reversed.

199. Previously, the blue ID card held by Palestinian East Jerusalem residents did not have an expiration date. Nowadays it has to be renewed every 10 years. Renewal is a long process where the holder has to prove his/her 'centre of life' in East Jerusalem. Proof presented to the authorities could be electricity bills and payslips from East Jerusalem. In addition, Israeli authorities do residence inspections. This is a problematic process which started three or four years ago. Recently, the Israeli authorities started issuing biometrical ID cards. The expiration of these cards is probably longer; however not known to *the humanitarian organisation*.

200. If a Palestinian resident of East Jerusalem has been abroad to study or for a longer period of time, s/he has to stay for one to two years in order to prove that his/her 'centre of life' is in East Jerusalem. In addition, the person in question has to document what s/he did outside the country. If the person in question has acquired or applied for a foreign citizenship or permanent residency abroad, the Israeli authorities will revoke his/her stay permit in East Jerusalem.

201. Israeli law dictates that inhabitants of East Jerusalem have to be loyal to the state. If a resident in East Jerusalem is not loyal to the state, s/he will lose his/her residence permit. *The Humanitarian Organisation* is aware of three cases where East Jerusalem residents have lost their residence permit in the city due to Facebook postings that the Israeli authorities presumed indicated links to organisations like Hezbollah and Hamas. In such cases it is possible to make an appeal through the Israeli court system.

202. Generally speaking, punitive revocation of citizenship rights is applied by Israeli authorities in order to prevent public uprising and keep Palestinians from committing acts of violence against Israeli citizens. In case a Palestinian commits violence against an Israeli citizen, the relatives of the perpetrator risk losing their residence permit in East Jerusalem. Then they have to go back to the West Bank to live there. However, in the West Bank such Palestinians would be considered stateless, because the Palestinian authorities cannot grant him/her an ID-card without the approval of the Israeli authorities. Their social rights are lost. Since the Palestinian authorities cannot grant citizenship without acceptance from Israeli authorities, such cases easily become political bargaining chips.

Entry from abroad

203. Only when the local Palestinian authorities started issuing ID cards for Palestinians in 1994, their residency became permanent. This means that Palestinians who left before 1994 cannot come back. Those who left after 1994 can enter again, regardless of how long they have stayed abroad. However, they can only enter by land on their Palestinian national documents, i.e. their Palestinian Authority (PA) issued ID card and travel document/passport.

204. They cannot travel through Ben Gurion Airport. Only Palestinians who have permits to come back for family reunification can travel through Ben Gurion Airport. Travellers holding a foreign passport from a country that has diplomatic relations with Israel can enter on a three month tourist visa issued to them at Ben Gurion Airport.

205. In general, Palestinians with a valid ID card or a Palestinian passport can enter; either one of the documents can be used to enter. Even if the documents are expired the border control will give the person in question a note stating that the person is obliged to renew the document before s/he leaves the territory again. The border control will ask for both ID-card and passport, but as long as the person in question is registered in the Palestinian Population Registry, s/he can enter. However, s/he will not be able to leave the country until the documents are renewed. Palestinians originally from the West Bank or the Gaza Strip need final approval from Israeli authorities in order to get a national passport and a national Palestinian ID card.

Entry to East Jerusalem

206. Palestinian East Jerusalem residents' only hold a temporary Israeli travel document; i.e. a laissez-passer. This indicates that they only live temporarily in East Jerusalem. Whenever these people leave and come back, they will be issued with an entry visa to Israel. When they exit Israel, their travel document will be stamped. This applies for travel through Ben Gurion Airport as well as travel through other exit points.

207. When Palestinian residents of East Jerusalem travel abroad, they do not show the laissez-passer itself to the Israeli authorities. Instead, they produce their blue ID card. Previously, they had to hand over their blue ID, now they just show it to the border guard, and they will be issued an exit permit.

208. In 1997, the Israeli authorities created a black list where some of the families from East Jerusalem were denied coming back to the country. The *Humanitarian Organisation* was unaware of the grounds for being added to the list.

Entry to the West Bank

209. In order to cross the Allenby/King Hussein border crossing point from Jordan into the West Bank, a Palestinian has to produce a Palestinian ID card and/or a Palestinian passport with a national number. Even though the Israeli border guard will ask for both documents, in practice only one of the two is needed in order to cross, and it does not have to be valid.

Entry to the Gaza Strip

210. At the Rafah border crossing point, Palestinians from Gaza cannot cross all the time. There are certain periods of time where the crossing is open, and people face various obstacles on the borders when they are travelling back from abroad.

211. Since 1994 the West Bank and the Gaza Strip have essentially been segregated. However, over the years certain people from the Gaza Strip have had temporary permits to enter East Jerusalem and the West Bank. Palestinians from the Gaza Strip are unable to change their address from the Gaza Strip to the West Bank or East Jerusalem.²⁸⁷

²⁸⁷ The following information was sent from the humanitarian organisation by email on 30 April 2019:

Concerning freedom of movement of the residents of the Gaza Strip:

Rafah Border Crossing

- The current working mechanism: 5 days, from Sunday to Thursday. Fridays and Saturdays are off. Mondays, Wednesdays and Thursdays are for ordinary travelers, Sundays and Tuesdays for pilgrims.
- The number of non-pilgrim departures is estimated at 350, and 250 arrivals per week.
- Number of daily working hours: from 10 AM – 12 PM noon for departures. From 12 PM - 7 PM or 8 PM for arrivals.
- Since the beginning of the pilgrimage travel season, ordinary travelers have not been compensated by other days or increased number of departures in the three days allocated to them.
- One of the advantages of the working mechanism of the Crossing is that the departures do not stay at the Crossing and arrive in Cairo on the same day.
- One of the disadvantages is that the return trips lasts for two or three days.

Erez (Beit Hanoun) Crossing:

- Applications are submitted to the Directorate of Civil Affairs in Gaza and then sent to the Israeli Directorate of Liaison and Coordination.
- Applications by patients are examined within 23 working days. The patients are informed of the approval or rejection, or that the application is under examination, one day before the appointment in the hospital.
- The requests to travel to Jordan for different purposes are examined within 50 working days. The citizens leave the Civil Affairs Office to Allenby Bridge by bus at 7 AM.
- The applications to visit sick first-degree relatives or to attend the wedding of first-degree relatives in the West Bank, Jerusalem and the territories of 48 are examined within 50 working days.
- The applications to attend interviews at foreign embassies are examined within 50-70 days. The response is given during this period.
- The age of people accompanying others is set at 45 for women and 55 for men.

Family unification

212. There is no way of getting family unification for foreign spouses married to Palestinians. Foreign spouses can enter on visas issued by Israeli authorities. However, the length of a visa issued by Israeli authorities for a foreign spouse of a Palestinian is unpredictable.

213. Technically, the Palestinian authorities are able to grant family reunification or residence permits for foreign spouses of Palestinians. However, Israel can veto for security reasons. Israel has used this veto system systematically. The modus operandi of the Israelis is to never decide the cases. Consequently, it is not possible to make an appeal.

214. The Israeli policy is unclear when it comes to family unification of Palestinians. It is said that family unification will be granted in a severe humanitarian situation. *The Humanitarian Organisation* has never seen family unification granted for Palestinians based on a severe humanitarian situation.

215. In theory, anyone who applied for family unification between East Jerusalem residents and residents of the West Bank before 2003 can continue with their process. However, it is a prerequisite that the woman is older than 25 years and the man older than 35. However, family unification between East Jerusalem and West Bank ID Holders has been frozen for nearly 20 years.

Consequences of Illegal Exit

216. It is almost impossible to leave the West Bank illegally. The only case on the West Bank would be someone smuggled out or a wanted person who slipped through the security cracks. These people cannot come back. If they come back, they will be arrested.

Registration of Children

217. A child of parent(s) from the West Bank, the Gaza Strip and East Jerusalem holding a valid ID can register before s/he turns 16 years. After that, s/he cannot register except through family reunification. Family unification is only possible for first of kin, and it is not possible to apply by proxy. Thus, children born abroad have to enter the West Bank or East Jerusalem in order to apply.

218. With regard to child birth and registration in East Jerusalem, the parents have to go through the 'centre of life' assessment process, if there is more than four years between each child.

219. Children of Palestinian parents from East Jerusalem born abroad need a special kind of visa in order to enter the country with their parents if they are more than five years of age. If a child is more than 12 years, it becomes problematic for the child to register in East Jerusalem. The family has to stay in Jerusalem

- Responses from the Israeli Directorate of Liaison and Coordination are sent by SMS to citizens through the Civil Affairs Office (under examination, refusal or approval, or no response at all). The applications are rejected because of the presence of a violating relative in the West Bank, a relative affiliated with Hamas, the medical treatment is available in the Gaza Strip, not allowing the parents to accompany a sick son, or for other reasons.

- Note: through our work as lawyers at Al-Mezan Center for Human Rights, we assist patients. The number of requests that are rejected or under examination is not small, and are dealt with in the necessary humanitarian and legal form. The result is sometimes positive. There are also interventions by the Palestinian Center for Human Rights. The number of monthly interventions is estimated at 100-180.

for two consecutive years in order to get the child registered. After 14 years it becomes almost impossible. In order for children born abroad to obtain residency in East Jerusalem, the parents have to stay in the city for two years and prove that they have their 'centre of life' in East Jerusalem.

220. Some Palestinians do not register their children, because there might be negative consequences of registration. Palestinian ID card holders are subjected to restrictions with regard to movement inside the country and to enter the country. E.g. registered Palestinians cannot use Ben Gurion Airport. Consequently, some parents prefer that their children can come as tourists.

Meeting with an international agency, 4 April 2019, Tel Aviv

Opening of and the control with the Rafah Border Crossing

221. The Egyptian authorities control the opening and closing of the Rafah Border Crossing; it has been open on a regularly basis since May 2018, with an exception in January 2019, where it was closed for 14 days. The border is open from sun rise until sunset five days a week and is closed on Fridays, Saturdays and holydays.

222. The Egyptian authorities inform the Palestinian General Authority for Borders and Crossings placed in Jericho, The West Bank, and the *de facto* authorities in Gaza, Hamas, when the border is open and closed. Hamas will afterwards release the information to the media. Notification by the Egyptian authorities is usually given with a short notice. The information about the opening and closing of the Rafah Border Crossing is also available online on the websites of the General Authority for Borders and Crossings and Hamas' Mol Office in Gaza.²⁸⁸ Discrepancy in the information provided on their websites on whether the border is open or closed is based on political disagreement.

Requirements and procedures

223. The procedures in place at the border crossings to the Gaza Strip are not accurate, nor transparent. They are not bounded by strict rules; including at the Israeli side. In particular, the situation at the Rafah Border Crossing is fluid.

224. Generally, Palestinians returning to Gaza from abroad via Egypt, both men and women, will be escorted in a military convoy from Cairo Airport directly to the Rafah Border Crossing. The trip from Cairo airport to the Rafah Border Crossing typically takes about 48 to 72 hours, and the waiting time at the Egyptian side of Rafah is usually between two and three hours. Before May 2018, the waiting time for entry could be longer. If the border is closed travellers have to wait until the border reopens, either at Cairo airport or at the Egyptian side of the border, or they have to return back.

225. The Egyptian border authorities only require Egyptian entry visas for Palestinians arriving from abroad and who want to spend time inside the country. For Palestinians who want to travel directly to the Gaza Strip, a visa is not required. However, Palestinian men between the age of 16 and 40 years arriving from abroad are never allowed inside Egypt, as visa is not granted under any circumstances. They will

²⁸⁸ Palestinian Authority, Authority for Borders and Crossings, [url](#)
De facto authority in the Gaza Strip, Hamas' Ministry of Interior Office in Gaza, [url](#)

always be deported directly to the Rafah Border Crossing in a military convoy. If they are accompanied for instance by a wife and/or a child, the wife and/or child can be allowed to spend time inside Egypt, but the husband/father has to remain in a restricted area of Cairo Airport under military surveillance/custody until the military convey to Rafah is organized. Palestinian men above the age of 40 years can theoretically get a visa to Egypt upon request, but it is easier for older people. Men in their 60s or 70s are more likely to be granted entry visa to Egypt.

226. Applying for a visa is possible at any Egyptian consular representation abroad.

Who can enter?

227. Any Palestinians passport holder, who is registered in the Palestinian Population Registry, is allowed to enter the Gaza Strip through the Rafah Crossing Border. For visit only, unregistered Palestinians, who can prove their ties/affiliation to first blood relatives living in the Gaza Strip, will also be allowed to enter. Unregistered Palesitinians will not be entitled to an ID card. Foreign passport holders might be allowed entry if s/he provides evidences that his/her first blood relatives live in Gaza.

228. A Palestinian national ID card and/or a Palestinian national passport is required when entering the Gaza Strip. Unregistered Palestinian children born abroad below the age of 16 years have to be accompanied by their parents when entering the Gaza Strip. An original birth certificate that proves the affiliation with the registered Palestinian father will be required.

229. Palestinians above the age of 16 years, who are unregistered in the Palestinian Population Registry, and who do not hold a foreign passport, seeking to enter the Rafah Crossing, do not occur simply because the Egyptian authorities will not allow these persons to reach the Rafah Border Crossing. If such persons land in Cairo Airport they will be returned to their countries of origin.

230. Members of official delegations, aid convoys or diplomats, holding a foreign passport are allowed to enter the Gaza Strip through the Rafah Border Crossing only upon written permission from the Egyptian Ministry of Foreign Affairs.

231. With regard to holders of a foreign passport and who do not have permission by the Egyptian Ministry of Foreign Affairs, they cannot enter the Gaza Strip through the Rafah Crossing Border. As mentioned earlier, entry might be allowed for a foreign passport holder if s/he provides evidences that his/her first blood relatives live in Gaza. Permission in this case will be given in written form. A Palestinian holding a foreign travel document will be allowed to enter the Gaza Strip only if s/he holds a Palestinian ID card too. In case, s/he does not hold an ID card, s/he will not be let into the Gaza Strip. As mentioned earlier, a foreign passport holder might be allowed entry if s/he provides evidences that his/her first blood relatives live in Gaza.

Different authorities in control at the Rafah Crossing

232. The *de facto* government in Gaza, i.e. *Hamas*, allows anyone to enter the Gaza Strip. For the Egyptian authorities, there could be situations of blacklisted Palestinians that are not allowed to leave Egypt and enter the Gaza Strip. Usually, the permission to leave Egypt is granted by the Egyptian authorities, but in

sensitive cases the decision is taken after coordination with the Israeli authorities, e.g. some *Hamas* members living abroad, members of NGOs categorized as supporters of the *Boycott, Divestment and Sanctions movement*. In case that Israel does not approve the entry of a specific person, permission is not granted by the Egyptian authorities. As a direct consequence, these persons cannot reach the Palestinian side of the Rafah Border Crossing, meaning that they are not allowed to leave Egypt.

233. Under *Hamas* ruling of The Gaza Strip, a permission to enter is granted for all those who manage to get a permission to leave Egypt. Within the Palestinian understanding, an expiring date on an entry permit is not relevant, as entry permits issued by *Hamas* has no expiration date. However, there is an Egyptian exit permit expiring date. The exit permits issued by Egypt for members of official delegations, aid conveyors and diplomats are granted for specific periods of time and they have an expiration date. An application for a renewal can be submitted to the Egyptian authorities. Good connection in this matter is useful.

Frequency of entry granted

234. Regarding the rate of entering the source did not have accurate data. However, in their estimate the percentage is higher than 97 per cent. In principle, whoever is able to reach the Egyptian side of the Rafah Crossing, s/he will be allowed to enter the Gaza Strip. The source believe that the rejections at entering are strictly connected with Palestinians living abroad but considered terrorist by the Israeli authorities and then banned in cooperation with Egypt.

Exiting Gaza in general

235. Exiting the Gaza Strip through the Rafah Border Crossing is a complex process, as it is costly and requires prior coordination (Arabic: *tansiq*) with the Egyptian authorities and the *de facto* government in Gaza, *Hamas*. The price for the coordination is up to 4,000 USD. In addition, there is a regular exit fee of 65 NIS paid to Palestinian authorities. For Palestinians exiting Gaza, there is no visa requirement for Egypt. 96-97 per cent of the travellers from Gaza, who apply for exit, are allowed to enter Egypt. Those rejected by Egypt are always rejected for security reasons. However, there are cases where travellers, who already paid, were denied entry by the Egyptians authorities for security reasons.

Illegal exit

236. A person, who has left the Gaza Strip illegally and re-enters, will be arrested *Hamas* and will be heavily interrogated; usually for one to three weeks. Then the person in question will be blacklisted and barred from entry into Egypt; in theory for the rest of his/her life. Currently, illegal exit from the Gaza Strip is very difficult, as many of the tunnels that used to be utilized for illegal exit have been destroyed, and the ones left are controlled by *Hamas*.

Erez Crossing

237. There is only one way to enter the Gaza Strip from Israel and vice versa; it is through the Erez Crossing. Registered Palestinian residents of the Gaza Strip, who want to travel into Israel or the West Bank, have to apply for permission to cross. If they get an entry permit, it will fall into one of the following categories:

1. A one day permit only for individuals travelling for medical examination, courts appearance, visiting relatives in an Israeli prison;

2. a one month's permission for (small) merchants;
3. a three months' permission for businessmen or
4. a six months' permission for VIP businessmen and diplomats.


238. In this regard, an entry permit also implies that the person in question is also allowed to return to the Gaza Strip through the Erez Crossing.

239. Usually, Palestinians from the Gaza Strip are not allowed to depart from or arrive to Israel through Ben Gurion Airport.

240. Israeli citizens as well as East Jerusalem Palestinians are not allowed to enter the Gaza Strip. In principle, Israeli citizens are not allowed into the Gaza Strip, but in very few cases in the business category some Israeli citizens are granted with permission by the *Coordination of Government Activities in the Territories* (COGAT). The vast majority of East Jerusalem Palestinians are holders of Jordanian Passports and based on this fact they can enter the Gaza Strip through Rafah (for visit only) as foreign citizens (Jordanians) with a pre-approval of Egyptian authorities. In reality it doesn't happen.

241. Foreigners who want to enter the Gaza Strip through the Erez Border Crossing have to submit an application to the Israeli authority COGAT. It seems that there's an exception from this rule, only for journalists. They do not have to apply to COGAT but they submit an application to JPO (Journalist Press Office) in Jerusalem which is an ISR body. The JPO coordinate with the Media Office in Gaza (controlled by Hamas) and then issues the Gaza Visit Permit that will allow the journalist to cross the border into Gaza Strip through Erez Crossing.

Meeting with Mr. Mohammed Mansour, the Undersecretary of the Interior Ministry; Mr. Mahmoud Salahaldin, Brigadier General Doctor, International Relations, Ministry of the Interior; Nasser Al-Sharebarti, Civil Status Directorate, 2 April 2019, Ramallah

State of Palestine Ministry of Interior		دولة فلسطين وزارة الداخلية
242	1. The entry of the Palestinians is through King Hussein Bridge/ Allenby which starts from the Jordanian Authorities then to the Israeli Authorities, and after that the Palestinian Authorities.	
243	2. The Palestinian citizen can travel and return through the following: - A valid Palestinian passport. - An ID with a travel/leaving permission.	
	However, the person should return using the same way he/she traveled through.	
244	3. Yes, Palestinians are allowed to travel only through King Hussein Bridge/ Allenby, only very few numbers and special cases are allowed to travel using Ben Gurion airport and to return through it.	
245	4. All Palestinians are not allowed to travel through Ben Gurion airport except only for limited specific cases and only who get a special entry permission to Israel in order to travel through Ben Gurion, and the return should be through the airport as well.	
	Any Palestinian travels through Ben Gurion can return through the same airport, otherwise he cannot return through Ben Gurion.	
246	5. Palestinians from Gaza Strip can travel through Rafah crossing but this is conditioned by the opening of the crossing from the Egyptian side. Rafah crossing is considered as an international travel point for the Gaza Strip, however, it is also a crossing border between Gaza and Egypt. The Palestinians from the Gaza Strip must reveal their Palestinian passports and their IDs. Palestinians who are under the age of 40, needs to obtain a visa in order to enter and leave Egypt. Moreover, every entry to the Gaza Strip must be coordinated with the Egyptian authorities.	
	6. Yes, Erez crossing is not considered as an international travel point.	
247	7. Palestinians from the West Bank cannot go to Gaza. Also, Palestinians from Gaza cannot go to the West Bank except and only through having a permit from the Israeli authorities, However, obtaining such a permit is very difficult and complicated, and it is given in very few numbers.	
248		
249	8. If a Palestinian from the Gaza Strip leaves illegally, it is difficult for him/her to return. he/she must coordinate with the Egyptian authorities in order to return to the Gaza Strip. In some cases, coordination with the Palestinian Embassy in Cairo is considered necessary. The Palestinian passport and ID are the official documents which are required to enter the Gaza Strip. these documents are required also, for any person would like to travel through Cairo airport and from Cairo airport through Sinai until reaching Rafah crossing.	
250	9. 1. The Palestinian ID is granted to each Palestinian who holds a national number and the Palestinian nationality. 2. The Palestinian refugees who were migrated by force after 1948 and 1967, we cannot grant them the Palestinian ID according to the law of the Israeli occupation, despite the	

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وزارة الداخلية

fact that they are registered in the birth records which prove that they were born in Palestine, and therefore their children and grandchildren are Palestinians.

3. A large number of the Palestinians who had the ID and lost their citizenship and their ID according to the law of the Israeli occupation, because they left through using a travel permit, and they didn't renew the permit after its expiry date which was 3 years.
4. The Palestinian ID is issued for each Palestinian in the West Bank from from the directorates of the Ministry of Interior in the cities, and it is issued for each Palestinian in the Gaza Strip from the directorates of the Ministry of Interior in the cities in the Gaza Strip.
5. If a Palestinian citizen, who is originally from Gaza / and his/her address is Gaza, lives in a city located in the West Bank and he/she needs to issue an identity card, he/she can get it from the Ministry of Interior, the headquarter in Ramallah.
6. The ID cannot be issued to any Palestinian who is outside the country. first, he/she must return and enter the country, and then issue an ID.
7. IDs cannot be issued in the Palestinian embassies or abroad.
8. Applications are submitted to the directorates of the Interior in the governorates. Applications are not sent to the Israeli authorities. The identity card is issued in these departments and at the Ministry of the Interior head quarter.
9. A form of data is sent to the Israeli authorities for each identity card issued, and in turn they enter the new identity data and the date of issuance of the new identity in their computer. According to their law, the identity is not considered effective and formal until their data is entered into their computer.
10. No identity card shall be issued to any Palestinian through an agent or agency.
11. Procedures in the West Bank and in Gaza are the same.
12. Citizens of the Gaza Strip are not permitted to enter the West Bank without obtaining a permit from the Israeli authorities and numbers are very few, and vice versa.

251 10. In order to obtain the Palestinian passport, the applicant must have the Palestinian ID approved by the Israeli authorities. The Palestinian passport may be issued from abroad. To obtain a Palestinian passport from abroad, the applicant must go to the Palestinian embassy in the country where he resides; In addition, the Palestinian Embassy will facilitate the process of checking and examining the applicant in order to verify his personal data registered with the Israeli authorities. The Embassy then sends the request to the Palestinian Ministry of Interior to issue the passport, and then sends it to the Embassy.

252 11. Palestinians who were displaced in 1948 and 1967 outside Palestine cannot return to Palestine or obtain a Palestinian identity card under the Israeli occupation law.

- Those who were included in statistics of the years 1967 and 1968 in their cities and villages by the Israeli occupation are the only ones whom the occupation considered citizens and gave them "national" identity numbers for themselves and their children.

- A very large number of Palestinians lost their citizenship after 1967 until the signing of the Oslo Accords, where the Israeli Occupation Law was revoked, which deprived any Palestinian of

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his citizenship whenever he traveled abroad via a travel permit, and did not renew his three-year travel permit.

253 2. Every newborn in Palestine to a father or a mother, who is a citizen, is given a national number and thus the Palestinian citizenship, provided that either the father or mother must report on their child birth before he/she turns 16 of age.

- Every newborn outside Palestine to a father or mother of Palestinian citizenship is given a national number and Palestinian citizenship, provided that either father or mother accompanies the baby to come into Palestine and reports his/her birth before reaching the age of 16 years.

- Any newborn inside or outside of Palestine to a father or a mother who is a Palestinian citizen and is not reported at birth before the age of 16 years, can not be registered and given a national number and citizenship because of the occupation procedures, and then must be treated as a reunion case.

- Entry of children to Palestine from outside the country to the father or a mother of citizenship before the age of 14 years is carried out through the escort of a parent and the original birth certificate issued from the place of birth and be granted a visa "blue slip" or visa on the foreign passport of the child.

- After the age of 14 years and under the age of 16, the entry of children into Palestine shall be by special permit through the Israeli Ministry of Civil Affairs.

254 3. Since 2009, the Israeli side has not given any consent for a reunion.

- As for the Oslo agreement on family reunification, according to deputy of the Palestinian Ministry of Civil Affairs, Mr. Ayman Qandil, he said that there is no provision in the Oslo agreements on the subject of consents for family unification, but based on understandings between the Palestinian and Israeli sides, on accepting a number of 2000 cases annually.

Appendix 2: Terms of Reference (ToR)

Access to the West Bank, East Jerusalem and the Gaza Strip for Palestinians

I. ENTRY

1. Palestinians who resided abroad; including Palestinians born abroad by officially registered Palestinian parents
 - 1.1. Official entry procedures:
 - 1.1.1. The West Bank through Jordan via the Allenby Crossing/ the King Hussein Bridge crossing;
 - 1.1.2. The West Bank or East Jerusalem through Israel via Ben Gurion Airport;
 - 1.1.3. The Gaza Strip via the Rafah Border Crossing;
 - 1.1.4. The Gaza Strip via the Erez Border Crossing.
 - 1.2. Consequences of illegal exit.
 - 1.3. Israeli authorities' decision parameters when processing entry permit applications.
 - 1.4. Frequency of entry permits granted.

II. RESIDENCY

2. Palestinians who resided abroad; including Palestinians born abroad by officially registered Palestinian parents
 - 2.1. Application procedures:
 - 2.1.1. Permanent residency on the West Bank;
 - 2.1.2. Permanent residency in the Gaza Strip;
 - 2.1.3. Permanent residency in East Jerusalem; Family reunification from the West Bank to the Gaza Strip and vice versa;
 - 2.1.4. Family reunification from the West Bank and the Gaza Strip to East Jerusalem and vice versa;
 - 2.1.5. Family reunification for a Palestinian living abroad to East Jerusalem, the West Bank and the Gaza Strip.
 - 2.2. Authorities' decision parameters when processing applications.
 - 2.3. Frequency of residency permits granted.

III. PALESTINIAN POPULATION REGISTRY

3. Procedures:
 - 3.1. Registration of a child of registered parents born abroad;
 - 3.2. Verification of ID-number or name of a person in the registry via the Israeli/Palestinian authorities.

Appendix 3: Exit permit from East Jerusalem (anonymised copy)

מספר: [redacted]
رقم: [redacted]

מדינת ישראל - משרד הפנים
היתר כניסה לישראל - تصريح دخول إلى إسرائيل

מכוח הסמכות שהוענקה לי על ידי שר הפנים, הריני מאשר כניסה לישראל עבור:
פרטי התושב: تفاصيل المواطن:

נשא ת.ז.: [redacted] שם פרטי: [redacted]
حامل الهوية: [redacted] الاسم: [redacted]

שם המשפחה: [redacted] שם האב: [redacted] שם האם: [redacted]
إسم العائلة: [redacted] إسم الأب: [redacted] إسم الأم: [redacted]

המתגורר ב: [redacted] רשאי לצאת ל: [redacted] למטרת: [redacted]
الساكن في: [redacted] يسمح له بالخروج إلى: [redacted] لغرض: [redacted]

תוקף ההיתר מ: [redacted] עד שעה: [redacted] ימים בשבוע: [redacted]
سريان التصريح من: [redacted] إلى: [redacted] من الساعة: [redacted] وحتى الساعة: [redacted] في أيام الأسبوع التالية:

הרשות ומגבלות נוספות. أذون وقيود إضافية.
בתוקף למרות מניעה
רשאי לנוע ללא כרטיס מגנטי
سازي المفعول رغم الحظر
مخول بالحركة بدون بطاقه مغنطه

صفحة المنسق [redacted]

תאריך: [redacted] שעה: [redacted]

חתימה ופרטי המאשר: [redacted]

