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30 March 2011

To:

“HaMoked: Center for the Defence of the Individual”
Ido Bloom, Adv.

Dear Sir,

Re: **AdmPet 28741-02/11 HaMoked: Center for the Defence of the Individual v. Coordinator of Government Activities in the Territories et al. – Demand for Information regarding “Inactive” Status for Palestinian Residents**

1. The above petition concerns your request to receive information on the issue of “inactive” status in the population registry of residents of the Judea and Samaria Area. Your request for information on this issue, which you transmitted to the office of the spokesperson for the coordinator of government activities in the territories on August 8, 2010, reached the relevant administrative agency – the civil administration – for processing.
2. Due to the complexity of collecting the requisite information, many inquiries, clarifications, discussions and various examinations were held, upon termination of which we now seek to provide you with the information listed below. The information is presented in accordance to the questions you raised in your above inquiry which is annexed to the petition as exhibit P/1.

Policy and procedure

3. We shall first clarify that the status referred to as “inactive” in the petition does not exist. This incorrect phrase originates in textual errors in the responses to your inquiries. According to the cases mentioned in sections 3-4 of the petition, it seems that your intention is to receive information regarding the status of “ceased residency” with respect to Judea and Samaria Area residents. This status is assigned to residents who left the Judea and Samaria Area up to 1994 and did not return, as they transferred their center of life abroad.

4. Under the military commander's procedure in effect until 1994, a resident of the Judea and Samaria Area who wished to travel abroad via Jordan (the only country to issue passports to Judea and Samaria Area residents) deposited his identity card at the border crossing and left with an "exit card". Upon his return to the Area he was given back his identity card. The "exit card" was valid for three years and could be extended three times for a period of one year each time. Six months after the expiry of the "exit card", a border crossing controller would send the documents of a resident who was late to return to the interior division officer (the title of the person in charge of the population registry at the time) or the director of the local registry office. A resident who did not return was registered as having "ceased residency" status since he was viewed as a person who had transferred his center of life abroad.

However, a late resident had two options for returning even after the expiry of the "exit card". The first option was to return within six months after the first three years, in cases where the "exit card" had never been extended. This return was automatically allowed. The second option was to file an application to renew the "exit card", following which the resident's case would be reviewed by the "late returnee committee". The committee would review, *inter alia*, why the resident was returning late and where his center of life was.

I shall note that following a thorough examination conducted by civil administration staff and as far as we are aware, there are two orders from that period of time that relate to this issue. The orders, which regulated the procedure for travel to Jordan by way of an "exit card" and the late returnee procedure are attached to our response. We have no information regarding the relevant officials who were in charge of writing the procedures. However, we clarify that any policy on this issue was issued on behalf of and under the power of the military commander in the Area.

5. At the present time, there is no procedure relating to registering Palestinian residents as having "ceased residency" status. This, following the changes that occurred with respect to the Palestinian population registry after the Interim Agreement with the Palestinian Authority (hereinafter: the PA) in 1994. I stress that inasmuch as the PA submits an application to remove a Palestinian resident from the copy of the population registry in our possession – it is implemented.
6. There are four main ways to switch a Palestinian resident from ceased residency status to active status:
 - a. Immediately after the Interim Agreement and at the time the chairman of the PA entered the Area, thousands of individuals received status in the Judea and Samaria Area, on the basis of a quota given to people who were close to the chairman and members of the Palestinian agencies.
 - b. Within the context of Article 28 of the Protocol Concerning Civilian Affairs of the Interim Agreements (Annex III), a decision was made to establish a joint committee for returning Palestinian identity cards. This committee began its work in 2000, but was dismantled following the eruption of the second intifada. The PA has not requested to reinstate the committee since.
 - c. Foreign nationals were able to obtain residency in the Judea and Samaria Area through the family unification process. This channel became inactive after the eruption of the second intifada.
 - d. As part of a political gesture of "laundering aliens" extended to the PA, foreign nationals are able to receive status and residents who have ceased their residency are also able to regain their status subject to the consent of the Israeli side. In this context, we note that the gesture

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quota currently stands at 23,000 but to date only 21,000 individuals have been “laundered” by the Palestinian side.

- In addition to these options, technical errors which caused an active resident to be registered as having ceased residency status have been uncovered. The errors that have been revealed, such as the cases described in section 4 of the petition, have been rectified.

7. Since 1994, the military commander has had no policy on this issue, following the Interim Agreement. The only two measures taken by the military commander over these years have been the cancellation of the orders on this issue and the establishment of the joint committee in 2000.

Assigning ceased residency status

8. Some 140,000 residents of the Judea and Samaria Area have been assigned ceased residency status.
9. To the best of our knowledge, the status of a resident of the Judea and Samaria Area was not changed to ceased residency during any detention or imprisonment. We know of three residents who had ceased residency status whilst they were in some form of detention or imprisonment, and after discovering as such, the error was corrected and their status was changed back to active resident. It shall be noted that the recording of these residents as having ceased residency status was not the result of any sort of policy but of a technical error and had no connection to their confinement.
10. As stated, the only criteria for assigning ceased residency status was a resident’s transferring his center of life outside the Area. The last time a resident of the Judea and Samaria Area was assigned ceased residency status according to this criteria was 1994, before powers relating to the Palestinian population registry were handed over. However, since that time, there has been a small number of residents whose status was changed to ceased residency following requests by the PA or technical error corrections.

Correcting/changing ceased residency status to active status

11. Some 10,000 residents have been switched back from ceased residency status to active status. We note that this number reflects the number of residents who ceased their residency and returned to active residency with the same identity number. There is an unknown number of residents who had ceased their residency and returned to active residency with a new identity number.
12. In keeping with the fact that there were a number of routes whereby individuals who had ceased their residency could regain a Palestinian identity card, our database does not contain information regarding the reason for reinstating the identity card of each individual with ceased residency status who went back to active residency. There is only partial information, the processing of which requires going through tens of thousands of documents manually. This requires unreasonable resources and is impossible. The full information should be in the possession of the PA.

Current figures

13. There are currently 130,000 individuals recorded as having ceased residency status. However, some of them did receive a new identity card in the Area over the years and there is no way to ascertain whether they are concurrently recorded as having ceased residency status. Additionally, it would seem that many of them are no longer alive as deaths are not recorded with respect to individuals who ceased their residency (so, for example, some 30,000 of the individuals recorded as having ceased residency status are over 100 years old).

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14. As aforesaid, the only criteria for assigning ceased residency status is the transference of the resident's center of life outside the Area.
15. We are not aware of any individuals with ceased residency status who are currently in detention or in prison. It must be noted that there is no database which allows us to verify this.

Delay in responding

16. Not trivially, I would like to apologize for the delay in the response supplied by the civil administration. This delay is the result of the difficulty in finding information regarding a policy which has not been relevant for close to two decades and the desire to find the best possible response to all the questions included in your inquiry to the civil administration. It shall be clarified that the initial response to your inquiry was formulated as early as the end of 2010, but was not sent as it was deficient. Due to the reluctance to issue this deficient response, extensive staff work was carried out **prior to the submission of the above administrative petition**. Unfortunately, a final response was not formalized prior to submission of the petition.
17. We believe that this communication provides a sufficient response to the questions you posed in the petition and obviates review thereof.
18. Respectfully,

Omer Knobler [signed] Lieutenant
Consulting Officer,
Population Registry Department
on behalf of the Legal Advisor