

Israeli Control of the Palestinian Population Registry and its implications for Palestinians' basic right

The Israeli military maintains decisive control over the Palestinian population registry for the West Bank and Gaza Strip, although the day-to-day administration of the registry was transferred to the Palestinian Authority. Since the year 2000, Israel has effectively frozen all changes in the Registry. Two significant populations suffer from Israel's refusal to update the population registry:

1. Foreign spouses of Palestinians
2. Palestinians who live in the West Bank, but their registered address is the Gaza Strip

There are no precise figures on the size of these populations, but it is certainly tens of thousands of people. In both cases, these people are already present in the West Bank, where they have lived for years and even decades. Yet they are considered "illegal aliens" in their homes, forcing them to live under highly restrictive conditions, at constant risk of deportation.

Israel has a legal obligation to respect the rights of the population under its control, and to enable them to live with their families in safety and dignity.

Family Unification in the West Bank

Israel maintains complete control over the Palestinian population registry and restricts the ability of foreigners to obtain any status in the West Bank. The Oslo Accords between Israel and the Palestinian Authority transferred the administration of the population registry to the Palestinian Authority, and marriage was recognized as grounds for family unification. However, approval of family unification applications remains under Israeli authority.

In 2000, Israel froze the review of requests for family unification in the OPT. This policy has remained in effect, with the exception of a one-time "diplomatic gesture": in 2007, Israel announced that it was willing to examine 50,000 family unification applications. Ultimately some 23,000 family unification applications were approved. In 2009, the new Israeli government halted family-unification application approval, including those encompassed by the "gesture". Since that time, the complete freeze on family unification has been thoroughly entrenched.

Today, family unification is frozen in all but the most dire humanitarian circumstances. New requests for family unification are not reviewed by the military, or even received. Israel insists that requests for status in the oPt – i.e., family unification requests – be submitted to it via the Palestinian Authority and not directly by the applicants. For its part, the Palestinian Authority says Israel refuses to accept requests, and it therefore no longer submits them. Even in those cases where there is written confirmation from



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the Palestinian Authority that the request was transferred to the Israeli side, the military systematically claims it received no such request.

In the absence of family unification, foreign spouses must rely on short-term visas in order to live in the West Bank. Spouses from non-Arab countries receive visas directly from the Israeli military. These are issued for short periods of time with limited possibility to renew them without first leaving the West Bank. So these “mixed” Palestinian couples are forced to live in the greatest uncertainty about whether a sudden and arbitrary decision to exclude the foreign spouse will disrupt the entirety of the family's domestic arrangements, from work, school for the children, and most fundamentally, place of residence.

Spouses from Arab countries face an even more difficult situation. The Oslo Accord requires spouses from Jordan and other Arab countries to receive a visitor's permit submitted first to the Palestinian Authority and then transferred to the Israeli military. These visas cannot be renewed or extended, leaving Jordanian women (the largest group of people without status in the West Bank) with no viable option to live legally with their spouse and children in the West Bank.

The Coronavirus pandemic has further disrupted life for these families. Entry to the West Bank via the Allenby Bridge is restricted solely to Palestinians registered in the population registry. Foreign spouses who left the West Bank to renew their visa have since been stranded in Jordan with no way to return home.

Given this reality, many people remain in the West Bank after the expiration of their visa or visitor's permit. With no possibility to obtain a status in the West Bank, tens of thousands of people are considered "illegal aliens" in their own homes, with the threat of deportation constantly looming over them.

Family unification is not an act of benevolence on Israel's part; the right to family life is a fundamental right. Israel's freeze policy on family unification is driven by external political considerations, is in violation of the occupier's obligations under international law, and leads to a severe infringement of the rights of tens of thousands of Palestinians who wish to live with their families in the West Bank. The prolonged, indefinite nature of the Israeli Occupation makes the freeze on family unification all the more problematic.

Change of Address from the Gaza Strip to the West Bank

The Oslo Accord stated that “the two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.” Since the 2005 implementation of the disengagement plan and Israel's pronouncement of Gaza as a “hostile entity” in September 2007, following the Hamas take over, Israel has been implementing a policy aimed at isolating the Gaza Strip and cutting it off

completely from the West Bank. As part of this policy, Israel imposes severe restrictions on movement to and from the Gaza Strip, granting permits to travel between the two areas only in “exceptional humanitarian” cases according to narrow, stringent criteria.

The Oslo Accord transferred the authority to update changes of address in the Palestinian population registry to the Palestinian Authority. The Accord states that the Palestinian side must inform the Israelis of all changes it makes in the registry **retroactively**, with the authentic registry being the one managed by the Palestinian Authority. Furthermore, the Oslo Accord contains no special reference to changes of address between the Gaza Strip and West Bank.

However, in 2000, Israel halted all changes of address between the Gaza Strip and West Bank in its copy of the population registry. Israel now views registration in either the West Bank or Gaza as a type of national status, and relocating from one area to the other is construed in terms of immigration policy. In fact, it is a one-way policy: the military allows Palestinians to relocate from the West Bank to Gaza, on condition that they pledge to permanently “settle” in Gaza without any intention of returning to the West Bank. However, applications for relocation from Gaza to the West Bank are automatically rejected.

Over the years, thousands of Palestinians registered with a Gaza address have in fact relocated to the West Bank. Israel treats these people as illegal aliens in their own homes, unless they have a special one-year permit issued by the Israeli military allowing them to live in the West Bank. People who had moved years ago from Gaza to the West Bank, making their home there, often found themselves detained at checkpoints, thrown in jail and forcibly removed to Gaza.

Following a series of High Court petitions filed by HaMoked between 2008 and 2010, Israel undertook to no longer expel to Gaza people who moved from there to the West Bank before 2005. Israel, however, still persists in withholding approval for the change of address in the population registry that would reflect where these people actually live, and continues to consider them “illegal aliens” in the West Bank. Israel’s objection to correcting the registered addresses causes serious disruptions in the daily lives of these individuals, to the point of making them prisoners in their own homes.

Israel’s Gaza-West Bank separation policy seriously impacts basic human rights enshrined in international humanitarian law, international human rights law and Israeli constitutional law. Primarily affected is the right of every person to move freely within their country of residence and freely choose where to live there. The violation of this right often leads to violations of the rights to family life, health, education, a livelihood and freedom of occupation.