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## **‘SEPARATED FAMILIES’**

**A report by Anna Seifert,  
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### **Ecumenical Accompaniment Programme in Palestine and Israel**

The EAPPI recruits volunteers to accompany Palestinians and Israelis in their nonviolent actions and concerted advocacy efforts to end the occupation. The EAPPI is responding to a call made to the World Council of Churches by the Heads of Churches in Jerusalem.

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## **INTRODUCTION**

What do you understand when you hear of ‘separated families?’ The immediate association might be that a husband and wife are divorced or choose not to live together any longer. In Israel-Palestine though what lies behind this term is a harsh reality of hundreds of Palestinian families whose lives are overshadowed by a policy of discrimination, which violates the right of citizens and residents of a state to live with their spouses in their own country. The Nationality and Entry into Israel Law (Temporary Order), which was passed in 2003, prohibits Israelis who are married to, or marry in the future, residents of the Occupied Territories to live in Israel with their spouses. East Jerusalem is part of the Occupied Territories according to international law, but because it was annexed by Israel after the 1967 war - whereas the rest of the West Bank was not - Palestinian residents of East Jerusalem, are treated by the Israeli government as residents of Israel. However, these Palestinians are not allowed to live in Jerusalem with their spouses, if their spouses are not residents of East Jerusalem but live in other parts of the West Bank. If a couple decides to live in the Occupied Territories so that they can be together, the spouse who is a resident of East Jerusalem violates the military order prohibiting Israelis from entering the Occupied Territories.

*‘Which other country forbids a husband and wife and their children to live together?’*  
This is the question Moussa, my Palestinian neighbour, asked me one evening. I did not really know how to answer the question, but it took me on a trail to find out what it really means to many Palestinian families who live in and around Jerusalem to be ‘separated.’

This report uncovers the painful reality of ‘separated families’ by relating the stories of a few families and individuals whom I met during the autumn of 2004 while I was based in Sawahreh, in the outskirts of East Jerusalem, serving on the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI).<sup>i</sup>

## **BACKGROUND**

Every day life in Israel/Palestine is affected by the history and politics of this conflict. Following the annexation of East Jerusalem in 1967, some 240,000 of its Palestinian residents were issued with Israeli (blue colour) identity cards by the Israeli government. Those who were not present in East Jerusalem when the Israeli cards were issued and those living in other parts of the West Bank were issued with green identity (ID) cards. For a long time, holding different colour ID cards did not pose any problems since people could move freely between annexed East Jerusalem and the rest of the West Bank. In 1991, however, Israel began to require Palestinians who wanted to enter Israel to obtain permits and in March 1993, Israel imposed a general closure on the Occupied Territories and set up checkpoints in response to Palestinian knifings of Israeli civilians. These restrictions on movement between Israel and East Jerusalem on one side and the rest of the Occupied Territories on the other, made it difficult for Palestinians, with Israeli (blue) ID cards married to Palestinians without blue ID cards to live together and many of these couples decided to apply to the Israeli Ministry of the Interior for family unification.

Until 1996, if the application were approved, the spouse without blue ID card would be granted permanent resident status in Israel and East Jerusalem. Obtaining permanent resident status in Israel became much harder for Palestinians after 1996.<sup>ii</sup> The procedure was frozen after the suicide bombing by a Palestinian with Israeli nationality – which had been obtained at birth and had nothing to do with family unification - at a restaurant in the Israeli city of

Haifa in March 2002.<sup>iii</sup> Finally, in 2003, family unification was prohibited by the new Nationality and Entry into Israel Law (Temporary Order). According to the Israeli daily *Ha'aretz*, **this law affects anything between 16,000 - 21,000 Palestinian families.**<sup>iv</sup>

**Whereas Israelis married to non-Israelis, who are not residents of the Occupied Territories, continue to be allowed to apply for family unification, those who marry residents of the Occupied Territories can no longer apply, nor can they live together in Israel or East Jerusalem.**<sup>v</sup> Couples who had married *before* this law took effect and the spouse from the Occupied Territories had not obtained permanent status in Israel by that time, can now live together in Israel and East Jerusalem only if the spouse from the Occupied Territories obtains a temporary permit from the Israeli authorities. However, it is very hard to obtain such permits and they are cancelled frequently.

The law makes two exceptions to allow the entry of Palestinians into Israel: for work, medical and other temporary purposes for a fixed period of time and to prevent the separation of a child under 12 from its parent who is living in Israel. However, the Israeli Ministry of the Interior has a policy of refusing to register in the Population Registry Israeli residents' children born in the Occupied Territories.<sup>vi</sup>

When the law was enacted in July 2003 seven petitions by two Israeli non-governmental organisations, Members of the Israeli Knesset and couples who would be harmed by the law were filed in the Israeli High Court calling for the law to be nullified. Two Israeli human rights organisations, B'Tselem and Hamoked: Centre for the Defence of the Individual, amongst others have criticised this law as denying rights on the basis of national origin and discriminating against the Palestinian residents and citizens of Israel who are married to residents of the Occupied Territories by prohibiting them from living together inside Israel and annexed East Jerusalem, while it allows other Israelis to live with the person of their choice in Israel.

The law is a temporary order, which applied initially for one year. After the first year, it was renewed in July 2004 for another six months. The Israeli government also agreed to set up a ministerial committee to produce a revision of the law, which would facilitate the unification of Palestinian families who are considered a low security risk.<sup>vii</sup> This revision has not been approved yet as a new Interior minister has been installed in government and he wants to review it. Meanwhile, the law has been extended for another four months (to the end of May 2005) and the Israeli High Court has yet to rule on the law.

## **ISRAELI PERSPECTIVES**

History and the meaning of events are fought over and interpreted differently by Israelis and Palestinians. Seen from the Israeli side, it would seem that the Nationality and Entry into Israel Law (Temporary Order) is necessary for two reasons: security and demographics. Until the law was challenged at the High Court in Israel, the state had given reasons for the policy other than security, which included the danger to the Jewish character of the state resulting from family unification.<sup>viii</sup> The Interior minister who had initiated the change in the policy, Eli Yishai, had spoken on a number of occasions to the press about the need to reduce the number of non-Jews who obtain Israeli citizenship. After his ministry published figures showing that between 1993 and 2002 some 140,000 Palestinians had come to Israel through family unification he said that this proved that '*the right of return was being realized through the back door of the State of Israel*'.<sup>ix</sup> Another two ministers later also gave the same reasons.<sup>x</sup>

However, once challenged at the High Court the Israeli government justified the law solely on security and denied that demographic concerns were the reason behind the law. The state argued that in the current armed conflict, the Palestinian side has used every means available against Israelis and in certain cases has used and been assisted by Arab citizens of Israel, primarily by those who were residents of the Occupied Territories and have received legal status in Israel as part of the various family unification procedures.<sup>xi</sup> The state presented six out of 23 cases of individuals about whom the security services had information indicating that since 2001 Palestinians who received legal status in Israel through family unification were involved in providing meaningful assistance in hostile activity against state security.<sup>xii</sup>

B'Tselem and Hamoked have argued that the state does not provide any details regarding these 23 cases (how many attacks were carried out, where, the nature of the involvement of the Palestinians holding a status in Israel or how their Israeli ID benefited them in carrying out the attacks). The six examples of these 23 cases which are presented in more detail show that the acts committed by Palestinians were grave, but it is not clear whether these acts resulted in actual attacks and how many of these individuals were tried or convicted. The two Israeli human rights organisations in fact state that *'in none of the six sample cases does the state contend that the individual was directly involved in attacks against Israelis.'*<sup>xiii</sup> They maintain that the policy is driven by fear of the 'demographic danger,' which would be difficult to defend in court, while the defence of the law on security grounds cannot be easily challenged by a legal procedure.

## PALESTINIAN EXPERIENCE

Palestinian experience during the last 38 years has been shaped by the ongoing Israeli occupation, detention without trial of thousands and more recently by restrictions of movement with numerous checkpoints and roadblocks and the building of the separation barrier. It is estimated that 210,000 Palestinians (or 9.1% of the West Bank Palestinian population) who live within the Israeli-defined municipal boundaries of Jerusalem (West and East) are affected by the barrier and another 402,400 Palestinians (17.5% of the West Bank population) east of the barrier are also affected.<sup>xiv</sup>

The 2003 nationality law adds to these hardships as it disrupts and hinders community and family relationships severely. A Palestinian woman with a blue ID legally married, can be living with her husband in East Jerusalem 'illegally' because he has a green ID and he is not allowed to live with her in East Jerusalem. Even putting aside the fact that Israelis are forbidden by military order to enter the Occupied Territories, the majority of Palestinian women in 'separated families' are reluctant to take the risk to live in the West Bank with their husbands, because of fear of possible loss of their residency rights in East Jerusalem, which entitle them to better educational and medical facilities and because there are more opportunities to work in Jerusalem. Women often earn the only income for their family due to high unemployment in areas on the other side of the barrier. Jerusalem has been the main labour market for Palestinians living in the surrounding area and barring them from entry into Jerusalem has made unemployment worse.

How do families experience the politically enforced separation of family life on the west and east side of the barrier? Among the families I met there is anger and frustration. They question the interference by the Israeli government in their private lives. Many families remember good neighbourhood and work relationships with Israeli people. The men I have

met during this study feel isolated with a loss of identity in their role as partners, fathers and breadwinners. Many seem to live their 'wasted years' in an emotional vacuum with mood swings between anger and helplessness. They also daydream of a world beyond their 'prison'. Women are often the main carers for the children and struggle to earn the only family income.

### **Moussa and Safa**

Moussa, whose earlier question led me on the trail of 'separated families' is a father of two young children. He has a West Bank (green) identity card (ID) and his wife, Safa, has a Jerusalem (blue) ID. They married in 1995 and until 2000, before the beginning of the second Intifada, Moussa could work and live in Jerusalem. Today this is no longer possible. With his green ID he is not allowed to enter Jerusalem or obtain a day permit. Safa lives with their two children at her parent's home in Jerusalem. She can visit her husband on the west side of the barrier, but if she chose to live in Abu Dis, which is in the outskirts of Jerusalem in the West Bank, she would lose all family benefits for herself and the children.

Since 1995 the couple has been applying to the Israeli Ministry of Interior for residency status under the graduated process whereby documents are checked and the security profile of all family members recorded over a period of five years. The family also engaged a lawyer at great expense only to have letters to the Ministry unanswered and decisions postponed. Moussa's legal file is 142 pages thick with copies from papers submitted and required to resubmit at different periods such as birth and marriage certificates, a print out of a health fund, wage slips and letters from an employer, domestic bills, proof of ownership of a house in Jerusalem and a letter from a Muslim cleric describing Moussa's good character and local elder and one from an Israeli Court that shows no criminal record. Many papers are written in Hebrew script, which the family cannot read.

The legal process is weighted against Palestinians with hardship at every stage. The standard of services and the physical conditions at the Ministry of the Interior's bureau, which deals with these applications, has been characterised as 'deplorable' by Hamoked.<sup>xv</sup> Moussa does not understand why his applications have been rejected. He says that he followed all the rules and is not considered a security risk. He lives in a village with his brothers but most of the time without his wife and children and without a job. He looks sad and weary with little hope for change. Occasionally he is offered a day's work for which he is prepared to walk two hours each way along country paths to avoid the barrier and checkpoints where Israeli Border Police would not allow him to pass through. Moussa ponders why so many Jews from far away countries are invited to come and settle in Israel when Palestinians who have lived here for many generations are not allowed to live there, even to visit occasionally.

### **Ali and Wafa**

Ali and Wafa's family are another one of the 800 'separated families' in Abu Dis<sup>xvi</sup>. They struggle with an ID confusion within three family generations. Wafa and her mother have blue Jerusalem IDs, while Wafa's husband Ali and their son, Mohammed, have green West Bank IDs. Wafa's mother now aged 80 used to visit when the bus or car ride took 10 minutes from East Jerusalem to Abu Dis. Now a road around an Israeli settlement and a taxi ride prove too lengthy and expensive. Wafa chooses to live with her husband and children in the West Bank and is resigned about seeing her mother and sisters less often since the building of the wall across and through the middle of their community. Even during and after Ramadan this year, when it is Muslim custom and tradition to visit all the family, there were severe restrictions and chaos at the various checkpoints and crossings especially in the direction of Jerusalem.

Wafa thinks that Israeli law belongs only to the Jewish people and not to the Palestinian population in Israel. She reflects on how all decisions regarding their lives are arbitrary and recalls the beginning of the first Gulf war when her son Mohammed was born. Jerusalem ID holders like herself were given gas masks and babies in the hospital were supplied with incubators. Wafa applied for one and was refused because Mohammed had been registered on his father's green ID. Following a few anxious days and the intervention of a Swedish relative an incubator was provided. Wafa is proud of her children's educational achievements at high school and at university, but she feels that she cannot offer them activities and outings beyond the barrier. The family's second home which was to provide the family with an income has been confiscated by the Israeli military, who offered to pay rent. 'We refused the rent,' says Wafa 'in order not to accept the occupation'.

### **Nervene Dwaik and Abdul Wahab Sabbah**

Nervene and Abdul Wahab met when they were students in Jerusalem. Two months after their wedding the second Intifada erupted. At first the couple was able to move freely between Jerusalem and Abu Dis where Abdul's father had built a house for them. Travelling and crossing the barrier between the city and the suburb was more difficult when Nervene became pregnant. 'I used to jump down a low wall but could do it no longer' says Nervene. Reluctantly she decided to live with her parents in Jerusalem in order not to lose her residency rights there.

Nervene likes her full-time job and her earnings provide the family's only income. Despite better services and greater freedom of movement, Nervene finds life in East Jerusalem under occupation not easy. The arbitrary presence of military police in the streets during day and night time creates a sense of insecurity and disturbs the neighbourhood through intrusive interference and noise. Abdul Wahab is unemployed like most of his friends despite their university studies and professional qualifications. They cannot find work in the West Bank and they cannot work in Jerusalem, because they have West Bank IDs. He works as a volunteer at a human rights organisation where he is trying to assist local people who seek advice and help for various problems, most of which are directly related to the occupation.

Abdul Wahab is one of many very frustrated young men. He talks of 'wasted years' since leaving university. As a teenager he used to throw stones at Israeli soldiers and vehicles for which he had three spells in prison. Now he feels like a caged-in lion unable to work and deprived of opportunities to develop a professional career. Abdul Wahab says, even his four year old son knows about the situation when he says to his father: 'You cannot come to Jerusalem with us'. Abdul Wahab also finds it difficult that his children are not allowed to carry his name once they have crossed the barrier to the other side because Israel only recognizes the name entered on the birth certificate. His own name was not recorded. Instead his son's birth certificate has his maternal grandfather's name on it because he is a resident of East Jerusalem. He calls this a distortion and humiliation, all in the name of 'Israeli security'.

During the recent Ramadan period the Bawabe checkpoint, the nearest crossing point between Jerusalem and the Sawahreh family home, was frequently closed or more heavily controlled to restrict numbers of Palestinian Muslims travelling to Jerusalem for prayers at the Dome of the Rock and the Al Aqsa Mosque. I met with Nervene at the barrier. She was very anxious about the recent unannounced closures. 'How will I continue being with my husband?' she asked.

## **Khaled**

Khaled works in a hotel in the Old City. He says he is fortunate to have a job and earn an income for his young family. But with his West Bank ID he is here illegally, or, as he calls it, 'under voluntary house arrest'. If Khaled left the hotel and was stopped by the police and asked to present his ID he would be sent back to the West Bank, or asked to pay a fine, or worse, face detention and an entry into the data base of the Israeli security police. The gates into the Old City and the streets of East Jerusalem are regularly controlled by Israeli soldiers and police. It would be too risky for Khaled to leave the hotel and go home to his wife and three young children. They come and visit him twice a week for a few hours in the hotel corridor. His frustration and feelings of helplessness of having to live separately from his wife and children do not make international headlines, yet it is an unrecognised harsh reality for many young Palestinian couples and families.

## **Baby Mohammed – a story with a happy ending**

In the midst of the frustration and pain for Palestinian couples caught up in the political and frozen process of family unification, Physicians for Human Rights – Israel have recently been able to tell a dramatic story with a happy ending. A baby was born with a severe heart defect that required immediate life-saving surgery. Both parents are Palestinians, the father has a Jerusalem blue ID while the mother holds the green ID from the Occupied Territories, and for this reason the baby was refused registration by the Israeli Interior Ministry. The father contacted Physicians for Human Rights-Israel who recognized that the Ministry's decision was equal to a death sentence for the baby. The organisation has criticised the state's refusal to register to the Israeli Population Registry a child born in Israel to a couple where one spouse is resident of the West Bank and not Jerusalem. They argue that it violates international conventions signed by Israel.<sup>xvii</sup> The happy ending was helped by the offer by an Israeli medical centre to treat the baby even before national and international pressure led the Interior Ministry to recognize the baby as a resident.

## **CONCLUSION**

The Nationality and Entry into Israel Law of 2003 separates thousands of Palestinian families and causes great suffering and disruption to family life. Family life is normally considered private and protected by law and the unity of the family recognized as an essential part of a healthy society. The law is discriminatory because the rules are different for Palestinian residents and citizens of Israel with spouses from the Occupied Territories. This law forces couples to live either apart or illegally together.

Since the beginning of the second Palestinian uprising in September 2000 more than 730 Israeli civilians<sup>xviii</sup> have been killed in attacks by Palestinians – attacks, which violate any principle of humanity and law. Like any government, there is no denying that the Israeli government has a duty to protect its citizens and prevent such attacks. However, the Israeli state has introduced legislation, which discriminates against any Israeli citizen or resident who marries someone from the Occupied Territories, on the basis of 'vague assessments of the Israeli security forces' and of 23 cases about which the state does not provide details. In any case, this 'sweeping violation of human rights' was justified on security grounds only after the state had to defend the law in the Israeli High Court, whereas previously it had been argued that the law intended to prevent a 'creeping right of return' of Palestinians into Israel.<sup>xix</sup>

B'Tselem, Hamoked and other organisations have called for this law to be repealed, family unification to be reinstated and requests for unification to be dealt with efficiently and fairly in future. Israel 'must recognize the rights of residents of East Jerusalem to marry whomever they choose and live with their spouse and children wherever they wish'<sup>xx</sup>.

Palestinian families forced to live under occupation are crying out for their experiences and suffering to be noticed and for people around the world to offer help towards ending human rights abuses and creating a new dialogue on equal terms for Israel and the Palestinian people to end the occupation.

### About the author of this report

Anna Seifert is a retired occupational therapist and psychotherapist who lives in Surrey, England. As part of a small international team of Ecumenical Accompaniers, Anna watched the conduct of Israeli soldiers at two checkpoints on the separation barrier - a wall, which cuts through two suburbs of East Jerusalem, Sawahreh and Abu Dis. Anna can be invited to speak about her work as an Ecumenical Accompanier in a public meeting through [eappi@quaker.org.uk](mailto:eappi@quaker.org.uk).

<sup>i</sup> All names mentioned in the case studies below have been changed with the exception of those of Nerveine Dwaik and Abdul Wahab Sabbah who have given permission.

<sup>ii</sup> The Israeli Ministry of the Interior revoked permanently the residency of hundreds of Palestinians in East Jerusalem if they lived outside Israel and in the Occupied Territories for prolonged periods of time. A report by two Israeli human rights organisations, B'Tselem and Hamoked: Centre for the Defence of the Individual called this policy the 'quiet deportation'. See B'Tselem & Hamoked, *The Quiet Deportation Continues: Revocation of Residence and Social Rights of East Jerusalem Palestinians*, September 1998.

<sup>iii</sup> See B'Tselem & Hamoked, *Forbidden Families: Family Unification and Child Registration in East Jerusalem*, January 2004, p.16. The report can be ordered from B'Tselem or Hamoked and it can be viewed and downloaded from <http://www.btselem.org/English/Publications/index.asp>

<sup>iv</sup> Ha'aretz (English edition), *Cabinet extends 'unsoftened' Citizenship Law by six months*, 19 July, 2004.

<sup>v</sup> See *Forbidden Families*, p.11. This law does not apply to Jewish settlers of the Occupied Territories. It allows Israeli nationality or permanent residency to Palestinian collaborators and their families who live in the Occupied Territories.

<sup>vi</sup> More information on the issue of child registration can be found in *Forbidden Families*, pp. 26-35 and on Hamoked's website: [http://www.hamoked.org.il/next\\_en.asp?cat\\_id=11&sub\\_cat\\_id=41](http://www.hamoked.org.il/next_en.asp?cat_id=11&sub_cat_id=41)

<sup>vii</sup> Ha'aretz, *Cabinet extends 'unsoftened' Citizenship Law by six months*.

<sup>viii</sup> *Forbidden Families*, p.17.

<sup>ix</sup> *Forbidden Families*, pp.17-18 quoting articles in Ha'aretz of January 2002.

<sup>x</sup> *Forbidden Families*, pp.17-18 quoting Knesset minutes of March and May 2002.

<sup>xi</sup> *Forbidden Families*, p.13 and p. 20.

<sup>xii</sup> *Forbidden Families*, p.14.

<sup>xiii</sup> *Forbidden Families*, p.15.

<sup>xiv</sup> B'tselem bulletin, *Palestinian Population Affected by the Barrier*, March 2004.

<sup>xv</sup> Hamoked, as above.

<sup>xvi</sup> Jerusalem Office for Democracy and Human Rights, Abu Dis.

<sup>xvii</sup> Physicians for Human Rights-Israel press release, *Following Physicians for Human Rights-Israel's intervention, a month old baby received urgent medical care denied to him by the Israeli authorities*, November 2004. The Convention of the Rights of the Child defines the state's responsibility to care for the child's right to live, to ensure, as much as possible, the child's survival and development and his right to be registered, immediately after birth, and to receive citizenship.

<sup>xviii</sup> <http://www.btselem.org>, Fatalities in the al-Aqsa Intifada: 29 Sept. 2000 - 30 November 2004.

<sup>xix</sup> *Forbidden Families*, pp.39-40.

<sup>xx</sup> *Forbidden Families*, p.40.