



NORWEGIAN
REFUGEE COUNCIL

Legal Memo

Revocation of Residency in the Occupied Palestinian Territories

OBJECTIVE:

This memo discusses the factual and legal aspects of Israel's policy concerning revocation of residency in the occupied Palestinian territories (oPt).¹ The fact sheet addresses the lack of solutions for tens of thousands of Palestinians whose residency was revoked and who, as a direct result, are permanently exiled from their homeland.

Israel's Control of the Population Registry

Israel began occupying the West Bank and the Gaza Strip in June 1967. Following the occupation, the Israeli military authorities declared the oPt a "closed area" and obliged the Palestinian residents to obtain permits for any and every entry or leave of the oPt. Throughout August and September 1967, the Israeli military conducted a census of the population physically present at the time. This census became the basis for the Israeli registry of the Palestinian population. According to Israeli calculations, the total population of the West Bank (including East Jerusalem) and Gaza Strip, was 954,898.² It is estimated that at least 270,000 Palestinians were not registered in the census for various reasons.³ Non-registered Palestinians had to obtain temporary visitor permits in order to enter the oPt and could not permanently reside there, unless a first-degree Palestinian relative applied for "family unification" for them.

Following the census, Israel issued ID cards to those Palestinians whom it registered in the population registry and were over 16 years of age. Children under 16 were registered in their parents' IDs.

Resident status entitled its holders to reside in the oPt, work, move about within the oPt and take trips abroad—subject to different restrictions imposed by Israel (see NRC Fact Sheet: 'Travelling abroad from West Bank and Gaza Strip').

Revocation of residency from the outset of the Occupation and until the Oslo Accords (1967- 1994)

Different from citizenship, residency status of the Palestinians residing in the oPt, was until 1994 not permanent in the sense that it was subject to frequently amended military orders and could be

¹ The term "occupied Palestinian territories" in this fact sheet refers to the West Bank and the Gaza Strip, which Israel occupied in 1967. The term does not relate to East Jerusalem since different rules applies to its residents.

² Joel Perlman, The 1967 Census of the West Bank and Gaza Strip: A Digitized Version, Levy Economics Institute of Bard College.

³ Human Rights Watch "Forget about him, He is not here -Israel's Control of Palestinian Residency in the West Bank and Gaza", February 2012.

revoked under certain conditions.⁴ Following 1967 the most frequent way to lose residency status was to overstay an exit permit. The Israeli authorities implemented a procedure regulating Palestinian residents' travels outside of the oPt.⁵ According to the procedure, Palestinians wishing to travel outside the oPt, had to obtain 'exit cards' upon departure. Modest changes to the procedure were implemented through the years, but on the whole the procedure, as detailed below, still applies today:

In order to travel, Palestinians were required to obtain exit cards upon their departure and pay a fee. Most West Bank residents travel through Allenby Bridge to Jordan. Due to Israeli restrictions, only few travel through Ben-Gurion Airport in Israel. Gaza Strip residents used to travel through Rafah Crossing to Egypt or through Allenby Bridge as well. At the border, the traveller received an exit permit valid for three years, written in Hebrew. The traveller was required to hand in his/her ID card, which he/she had to collect upon return. The exit permit could have been extended 3 times for one year each, by filing a request at least 30 days prior to its expiration date, meaning that an oPt resident could have stayed abroad for a maximum of six sequential years. If an extension was not obtained and the traveller did not return on time, his/her residency was revoked.

Grounds for revocation of residency of Palestinians in the oPt included: the fact that the Palestinian resident remained abroad for a period of more than six consecutive years, or acquired citizenship or residency abroad.

According to data obtained by the human rights NGO 'HaMoked', between 1967-1994 Israel revoked the residency of an estimated 250,000 Palestinians – approximately 140,000 from the West Bank and 108,000 from the Gaza Strip. Gaza Strip residency was not only revoked for the reasons mentioned above. An additional 54,603 Gaza Strip residents were stricken from the population registry for absence from the census conducted in 1981, and 7,249 Gaza Strip residents were similarly removed from the registry due to their absence from the 1988 census. Some of these individuals did not report for the census because they were abroad when it was conducted. Others were in the Gaza Strip, but did not report for various reasons, such as: concerns arising from having been previously classified as "wanted"; the cost of the tariff for renewing ID cards; and lack of awareness of the obligation to report for the census and renew their IDs. **It is estimated that for the various reasons discussed, between 30,000 and 50,000 residents of the Gaza Strip still live in Gaza Strip but have no official status.**⁶

In all cases, there were no notice requirements for revoking one's residency. Residency status was revoked without notice, in absence of a hearing or of individual reviews of one's case.

A Palestinian whose residency was revoked could apply, by way of a family member who was still a resident, to an Exemptions Committee within the Civil Administration. The procedure was confidential and the applicant could not appear in front of the committee and argue his/her case. Once the committee rejected an application, the applicant could only apply for family unification – a long process that has also undergone frequent and significant changes over the years (see NRC Fact Sheet: 'Family Unification in the oPt').

⁴ Order No. 314 – Procedure Regarding Exit of West Bank and East Jerusalem Residents to the East Bank, October 1977.

⁵ Order No. 312 – Procedure for residents of the oPt and East Jerusalem traveling for the East Bank, October 1977; Order 401- OPt and East Jerusalem residents traveling to Jordan and Egypt, October 1988; Procedure for Palestinian travelers through the bridge http://www.cogat.idf.il/Sip_Storage/FILES/8/3768.pdf (Hebrew Only).

⁶ Riyad Zaitounia, Director of Civil Affairs in the Interior Ministry in Gaza Strip - <http://www.haaretz.com/news/palestinian-interior-ministry-gives-ids-to-stateless-palestinians-1.211168>.

The consequences of status revocation were harsh. Palestinians who lost their residency status were permanently exiled from their homeland. Some remained stateless as they had no other nationality. In addition, many of these Palestinians had family ties to the oPt and as a result of the revocation, could not – for long periods of time, including today – even visit their family members who remained in the oPt.

Following the Second Oslo Accord

In 1993, Israeli and Palestinian representatives signed the first of the Oslo accord agreements. The Interim Agreement, commonly referred to as the second 'Oslo Accord', was signed in 1995. Under the Interim Agreement, "powers and responsibilities in the sphere of population registry and documentation in the West Bank and the Gaza Strip will be transferred from the military government and its Civil Administration to the Palestinian side."⁷ "The Palestinian side shall maintain and administer a population registry and issue certificates and documents of all types"⁸ and "inform Israel of every change in its population registry."⁹

Prima facie, the Interim Agreement provided the Palestinian side the authority to issue certificates and documents of all types, while Israel was to maintain only a copy of the population registry, which it would update with information provided to it by the relevant Palestinian authorities. However, Israel's version of the registry continued to function as the original, since Israeli soldiers manning all border crossings and checkpoints continued to act based on Israel's version of the registry. In practice, the Israeli military authorities retained control of the population registry after signing the Interim Agreement.

Following the agreement, Israel stopped revoking residency of oPt residents. Between 1995 and 2000, Israel restored residency to thousands of oPt Palestinians who left the West Bank, but had retained close links to the Palestinian Authority, even if they were outside of the oPt and did not return for years.¹⁰ The Exemptions Committee was disassembled, and all pending requests were frozen. It was decided by both sides that the matter would be discussed in a joint Palestinian-Israeli committee which operated only from early 2000 until the breakout of the second Intifada in September 2000. The final Oslo agreement was not signed and most of those who lost their status before the Interim Agreement in 1995 did not regain it. Over the years since 1967 Israel restored residency to approximately 10,000 Palestinians. As of 2011, approximately 130,000 Palestinians, whose residency was revoked, did not regain it. It should be noted that the registry is not updated with information about those who have lost their status, thus many have likely already passed away.

Currently, there is no procedure by which Palestinians can contest or overturn what the military refers to as "ceased residency" status.

⁷ Interim Agreement, Annex III, Appendix I, Article 28 (1).

⁸ *Ibid*, Article 28 (2).

⁹ *Ibid*, Article 28 (10) (a-b).

¹⁰ Letter from Lt. Omer Knobler, Population Registry Department, Office of the Legal Advisor, Israeli Civil Administration, Judea and Samaria Area, Hamoked, March 30, 2011; Akiva Eldar, "Israel admits it covertly cancelled residency status of 140,000 Palestinians," Haaretz, May 11, 2011.