

Human Rights & Human Welfare

Volume 6 | Issue 1

Article 11

11-2006

J. Eric Dibbern on Forbidden Families: Family Unification and Child Registration in East Jerusalem by Yael Stein. HaMoked: Center for the Defense of the Individual, 2004. 41pp.

J. Eric Dibbern
University of Denver

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Human Rights Law Commons](#), [Immigration Law Commons](#), [International Humanitarian Law Commons](#), and the [International Law Commons](#)

Recommended Citation

Dibbern, J. Eric (2006) "J. Eric Dibbern on Forbidden Families: Family Unification and Child Registration in East Jerusalem by Yael Stein. HaMoked: Center for the Defense of the Individual, 2004. 41pp.," *Human Rights & Human Welfare*: Vol. 6 : Iss. 1 , Article 11.

Available at: <https://digitalcommons.du.edu/hrhw/vol6/iss1/11>

This Book Notes is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

Forbidden Families: Family Unification and Child Registration in East Jerusalem by Yael Stein. HaMoked: Center for the Defense of the Individual, 2004. 41pp.

In the post-9/11 world the issue of immigration in Western nations has become one of the most hotly debated within domestic politics. While much of the discussion in the United States has been about illegal immigration from Mexico, European nations have been faced with the more complex—and as a result explosive—issue of integrating illiberal minorities into their respective liberal societies. Of course while these are largely new issues to the “traditional” West, these concerns have been at the forefront of Israeli domestic politics since the 1967 War—in which Israel occupied the West Bank, Gaza, and the Golan Heights—if not since the creation of the Israeli state in 1948. As in the West, Israel’s security concerns over immigration have resulted in various new policies, both progressive and restrictive (e.g., withdrawal from Gaza and the construction of the security wall between Israel and the West Bank, respectively).

Addressing one of the more regressive policies, two human rights organizations, HaMoked (Center for the Defense of the Individual) and B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), have produced this report on the impact of new immigration policies on families that have members both in East Jerusalem and the Occupied Territories. Forbidden Families gives readers a general history of immigration policies, specifically those which deal directly with family unification. It explains the intricacies of the bureaucratic system in which families must operate in order to attempt unification. As well, he gives us a glimpse into the personal impact of this policy through first-hand testimonials. Finally, the piece attempts to analyze the reasoning behind the policies, looking at it from a “securitization” perspective.

The introduction discusses the residency status of Palestinians who live in East Jerusalem (permanent residents) and the immigration policies that define the right of family unification for those with relatives in the Occupied Territories. Specifically, it addresses the Entry into Israel Law (1952) which gives the Interior Ministry almost exclusive say in residency status for this group of Palestinians. It also examines how the Ministry has used rigid rules and revoked permanent resident status to maintain a demographic balance with a 70 percent Jewish majority. It also briefly discusses the law that is the main focus of the piece, the Nationality and Entry into Israel Law (2003), which prohibits Israelis who are married to residents of the Occupied Territories to live with them in Israel, and prohibits children born in the Occupied Territories—if one of the parents is a Occupied Territory resident and one is a resident of East Jerusalem—from living with a parent who resides in East Jerusalem.

The first section of the report, “Family Unification,” outlines the history of the family unification struggle, from the time when the Interior Ministry would only accept petitions from male Palestinian residents, to the implementation of a graduated procedure for achieving permanent resident status that extended the wait time from zero to 10 years. It explains the conditions set before petitioners under the Nationality and Entry into Israel Law and the state’s justification for enacting the law, which was a security based argument that was justified by only six cases of such unifications that led to terrorist activity (there were approximately 140,000 unifications during the time period of the cases). Ultimately, Stein claims, due to the shortage of documentation linking family unification to terrorist activity, the Israeli Interior Ministry is using

terrorism as a cover for what is really a demographic strategy to maintain an Israeli majority—and, as a result, their political control—in East Jerusalem.

The second section, “Registration of Children,” outlines the history of how child registration became entangled with family unification procedures. This shift followed the change in policy which allowed women to petition for spouses and children who reside in the Occupied Territories to join them in East Jerusalem. Since child registration has been combined with unification petitions, children have been denied access to their parents based upon a false premise of security. In Stein’s view, this policy reinforces his hypothesis that what is at issue is not security but demography.

The book also contains testimonials from individuals who have gone through and are (as of 2004) currently going through the petition process for family unification and child registration. All of the accounts are highly critical of the process and seem to indicate a rather one-sided view of the process and procedures put in place under the Nationality and Entry into Israel Law.

In the final two sections, “Human Rights Violations” and “Conclusions,” Stein forwards an argument about how this policy is discriminatory, based upon his demography thesis, contending that the state’s argument is a smokescreen against international scrutiny. He points out that the U.N. Human Rights Committee condemned the Nationality and Entry into Israel Law as a breach of the right to marriage, the right to family life and the principle of equality. Stein ends by stating that B’Tselem and HaMoked urge the Israeli government to change this unfair policy and begin treating residents and citizens equally.

As of the time that this Book Note was published, B’Tselem has not posted on its [website](#) further updates on progress to change or further challenge the Nationality and Entry into Israel Law. However, in April 2005, the East Jerusalem Population Bureau started using the term “Self Family Unification” to identify a procedure by which Palestinians whose permanent residency had been revoked could apply to have it reinstated. Confused by the terminology “family” used by the Bureau, in June 2005 HaMoked requested clarification and a description of the procedure. A year later, after not receiving a reply from the Bureau, HaMoked asked the Interior Ministry for clarification, to which they responded that “Self Family Unification” is simply internal terminology used to refer to the procedure for non-Israelis to apply for permanent residency (see the [International Middle East Media Center](#)).

While the efforts of B’Tselem and HaMoked are indeed admirable, it is difficult to get past the author’s bias against the Nationality and Entry into Israel Law. This is most prominent in the testimonials that follow each section of the report. The credibility of the report would be enhanced if it also addressed the ways in which this law may be beneficial. Perhaps there are no ways in which this law is beneficial to any of the parties involved, but it does not seem that this report is going to necessarily change any minds, as it is ultimately speaking to the “converted.”

Nevertheless, the report is illuminating and demonstrates the complexity of the dynamics between the Israeli government and the Palestinian population in East Jerusalem and the West Bank. I applaud the efforts of these two groups and hope that they continue to work to uncover and examine human rights issues in this war-torn area of the world. This report would serve any

student of human rights well to read, especially if interested in the Middle East, immigration, and the family.

J. Eric Dibbern, Ph.D. Candidate

Josef Korbel School of International Studies, University of Denver

November 2006