



CAMPAIGN FOR THE RIGHT TO ENTER THE
OCCUPIED PALESTINIAN TERRITORY (OPT)

A grassroots campaign working for the right to freedom of movement and residency in the oPt

FOR IMMEDIATE RELEASE

26 March 2019

**Israel High Court hearing in PIVOTAL CASE on FAMILY UNITY for
Palestinians with foreign spouses in the oPt**

On 28 March 2019, the case of Josefin Herbach and Abed Salaymah v. the State of Israel will be heard in Israel's High Court of Justice. The appellants, a West Bank ID holder and a German citizen, are petitioning for their right to live together in the occupied Palestinian territory (oPt). The Herbach/Salaymah request for a Palestinian ID, which will enable Josefin to permanently reside in the West Bank, was denied on the grounds that being married wasn't "sufficiently humanitarian" to warrant residency. The hearing is scheduled for 11:30 am, in Hall 3 of the Supreme Court in Jerusalem. The ruling will potentially address the right of Palestinian residents of the oPt to maintain family life with their foreign spouses in the oPt, and the ability of those foreign spouses to obtain a Palestinian ID in the oPt through family unification.

Israel has essentially frozen the opportunity for a foreign spouse to obtain a Palestinian ID through family unification since 2000. Due to the freeze, families of Palestinian residents of the oPt and foreign nationals have had increasing difficulties over the past decade to live together in the oPt. Advocates Yotam Ben Hillel and Leora Bechor, who represent the petitioners, are challenging the state's family unification policy and demanding that the state recognize the right to family life in one's own country as the basic right of every Palestinian.

Under the Oslo Accords, the powers to administer the population registry in the oPt were officially transferred to the Palestinian Authority (PA), as well as the ability to grant permanent residency to foreign spouses of Palestinian residents of the oPt. In fact, however, in all but exceptional cases, Israel refuses to grant applicants' family unification requests. Israel's policy is based on the conception that residents of the oPt are not entitled to family unification, and that foreign spouses' residency requests are approved exclusively under "exceptional humanitarian circumstances". An estimated 25,000 family unification requests of Palestinian residents with foreign spouses are currently pending. In its response to the petition, Israel argues that the marriage of West Bank Palestinians and citizens of countries friendly to Israel is a "political issue" and thus grants itself full authority to prevent Palestinians from living a normal life with their spouses.

Attorney Yotam Ben-Hillel argues in Herbach and Salaymeh's petition: "The suspicion arises that the real reason behind the decision is a racist-demographic one. Namely, to prevent the inclusion of new people in the population registry in the territories and to encourage others, such as the plaintiff, to leave the West Bank. It's no secret that Israel is very concerned – almost obsessively so – with demographic issues. ... For obvious reasons, there is no transparency regarding the rationale behind denying family unification."

"In addition to the family unification freeze, the last two years have also seen an alarming escalation in denials of long-term visas to foreign spouses, and in the frequency and range of arbitrary demands and conditions imposed by the Israeli authorities on such long-term visas. Altogether, this has left Palestinian families with foreign spouses without the ability to reside in the oPt, with the intended purpose of forcing families to leave Palestine, " explained Ben Hillel. "All we're asking for is to live together as a family," explained Mrs. Herbach.



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The Right to Enter Campaign urges diplomatic representatives to attend the hearing as the outcomes of the hearing hold significant ramifications for their citizens as well as thousands of Palestinians whose applications for family unification have been pending, many for well over a decade. As Mr. Sam Bahour, a volunteer with the Right to Enter Campaign explained, "The concerted efforts of the diplomatic community are essential to achieving a fair and transparent policy for citizens of their respective countries seeking to live with their families and/or to work, study, volunteer in or visit the oPt."

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