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**The State of Israel**

**Ministry of Defense**

**Coordinator of Activities in the Territories**

**Procedure for handling Applications by Gaza Strip Residents for settlement in the Judea and Samaria Area**

General

1. Against the backdrop of the security/political situation in the Gaza Strip it has been decided on State level to limit the movement of residents between the Gaza Strip and the Judea and Samaria Area to the necessary minimum, so that for all practical purposes entry of residents of Gaza into the Judea and Samaria Area shall only be allowed in the most exceptional humanitarian cases.
2. Within the framework of a number of fundamental petitions to the HCJ the court requested that the state present its policy as to the settlement of Gaza residents in the Judea and Samaria Area.
3. The question of principle was brought before the Deputy Minister of Defence, who established that in every case involving the settlement of Gaza residents in the Judea and Samaria Area, a most restrictive policy, derived a-fortiori from the general policy of restricting movement between the two Areas, must be adopted. The Deputy Minister clarified that family relations, in and of themselves, do not qualify as a humanitarian reason that would justify settlement in the Judea and Samaria Area.

4. Pursuant to the guidelines of the Deputy Minister of Defence, working procedures and criteria for examining applications for settlement by Gaza residents in the Judea and Samaria Area have been put in place. The criteria, detailed below, were established after balancing the humanitarian needs of residents of Gaza against security needs.
5. According to security/political situation assessments carried out from time to time, a quota for the maximum number of applications processed in a year may be put in place, and processing of existing applications may ceased or altered.

### **Applications by Gaza Strip Residents for Settlement in the Judea and Samaria Area**

#### **The Administrative Track for Transferring Applications**

6. The Coordinator of Government Activities in the Territories shall examine applications by residents of Gaza (that is – individuals registered in the Palestinian population registry as a resident of Gaza) who wish to settle in the Judea and Samaria Area (hereinafter: the “**application**”) which shall be transferred by the Palestinian Authority via the Director General of the Office for Civilian Affairs directly to the Coordinator of Government Activities in the Territories. Applications that are not transferred through this administrative track will not be examined on their merits.
7. Only reasoned applications which relate in detail to the humanitarian justifications that underlie them, and to which all the relevant documentation supporting the application and verifying its contents has been attached, shall be examined by the Coordinator for Government Activities in the Territories. Unreasoned and unsubstantiated applications shall not be examined on their merits and shall be returned to the Palestinian Authority for the purpose of supplementing the details.

#### **Criteria for Examining Applications**

8. The prerequisite for initiating a proceeding for granting the permit requested in the application is the absence of a security preclusion, determined by a security screening (conducted by the Israel Police and the Israel Security Agency) of both the Gaza resident and the resident of the Judea and Samaria Area.
9. Initiating a proceeding for granting the permit requested in the application will only be facilitated when it involves cases of family members of the first degree (spouses, parents to minor children, minor children, elderly parents above the age of 65 (hereinafter: “**relatives**”) of residents of the Judea and Samaria Area (resident of the Judea and Samaria Area – a person registered in the Palestinian population registry as a resident of the Judea and Samaria Area and who lives there permanently) whose cases present objective humanitarian circumstances, as a consequence of which they are unable to continue living in Gaza, and the solution to their humanitarian needs lies exclusively in the Judea and Samaria Area.
10. Once these prerequisites have been met, the application must fall within the following **alternate** criteria:

- A. A resident of Gaza who is suffering from an ongoing (chronic) medical condition which necessitates care by a family member who is a resident of the Judea and Samaria Area, and who has no other family member (of the first or second degree) who is a resident of Gaza who is able to care for the patient. Where needed, the nature and scope of the existing relationship with the relative who is a resident of the Judea and Samaria Area shall be examined in relation to the nature and scope of the relationship with other relatives in the Gaza Strip. For purposes of this procedure, second degree relatives are: grandfather, grandmother, grandson or granddaughter.
  - B. A minor resident of Gaza who is under 16 years of age, where one of his parents, who was a resident of Gaza, passed away and the other parent is a resident of the Judea and Samaria Area. On this matter the nature and scope of the relationship with other relatives in the Gaza Strip will be examined.
  - C. An elderly person (above the age of 65) who is a resident of Gaza and who requires nursing care and supervision by a relative who is a resident of the Judea and Samaria Area, and there is no other relative, of the first degree, who is a resident of Gaza who is able to provide such care. In the event that it is necessary, the nature and scope of the existing relationship with the relative who is a resident of the Judea and Samaria Area shall be examined in relation to the nature and scope of the relationship with other relatives in Gaza.
11. The Coordinator of Government Activities in the Territories has discretion to review an application for settlement on its merits, according to the circumstances of the specific application, even if it does not fall within any of the three alternatives cited in section 10 above, provided that there is no security preclusion as stipulated in section 8 above; that the applicant is a first or second degree relative of the West Bank resident and that the application presents exceptional humanitarian circumstances due to which the applicant is no longer able to continue living in the Gaza Strip. It is clarified that marriage or parenthood of shared children will not, as the sole grounds, be considered exceptional humanitarian circumstances warranting settlement in the Judea and Samaria Area.
12. In the event that it is necessary, the applicants shall be summoned for an interview with the Coordinator of Government Activities in the Territories for the purpose of further examining the humanitarian need underlying the application.

### **Multi Stage Proceeding**

13. Status in the Judea and Samaria Area will not be granted automatically.
- A. Gaza residents, whose passage to the Judea and Samaria Area has been approved pursuant to the aforesaid, shall, at the first stage, be granted a six-month stay-permit. Thereafter, subject to meeting the prerequisites with the conditions stipulated in Chapter 2 [*sic*] above, the permit will be extended, by application, for six additional months.

- B. At the second stage, after a term of one year from the issuance of the first permit and subject to meeting the prerequisites stipulated in Chapter 2 [*sic*] above, the permit shall be renewed, by application, annually.
- C. Stay permits shall be revoked in the following cases:
  - 1) Should there be a security based objection to the continued presence of the applicant in the Judea and Samaria Area, the permit shall be revoked and a notice to that effect shall be delivered to the permit holder.
  - 2) Should the humanitarian need which justified the granting of the permit expire, the permit shall be revoked as of the date that has been determined by the Coordinator of Government Activities in the Territories, which shall not exceed 30 days from the date a decision has been made to revoke the permit. A notice to that effect shall be delivered to the permit holder.
- D. Should the permit holder return to the Gaza Strip, or, alternatively, leave the Judea and Samaria Area for an extended period of time, the permit shall be revoked and a notice to that effect shall be delivered to the permit holder.

In this regard, a short term visit to the Gaza Strip, for exceptional humanitarian reasons, shall not be considered a return to the Gaza Strip.

- 14. After a term of 7 years from the date of issuance of the first temporary stay-permit, an examination will be conducted, pursuant to an appropriate application and subject to the prerequisites stipulated in Chapter 2 [*sic*] above, as to whether to grant a permit for settlement in the Judea and Samaria Area and change the registered address in the copy of the Palestinian population registry held by the Israeli side.
- 15. It is noted that residents of the Gaza Strip who are presently in the Judea and Samaria Area and entered the Area prior to September 12, 2005, and to whom the non-removal policy has been applied pursuant to the State's notice in HCJ 4019/10 shall be given the opportunity to request that the period stipulated in this section for obtaining a permit for settlement in the Judea and Samaria Area be reduced, provided that 3 years have passed from the date on which the first permit of stay for the Judea and Samaria Area was issued under this procedure.