

# Marriage, Split Residency, and the Separation Wall in Jerusalem

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Israeli policies deny Palestinian Jerusalemites with blue identification cards, who live in either J1 (the part of East Jerusalem annexed and incorporated into the Israeli municipality of Jerusalem after the 1967 War) or J2 (populous Palestinian localities in eastern and northern Jerusalem that were excluded from the Israeli municipality of Jerusalem), their fundamental residency rights to adequate housing and freedom of movement and their rights to health, work, education, and family life. These policies include the plethora of (Israeli) legislative measures aimed at displacing Palestinians from within Jerusalem municipality boundaries by revoking these Palestinians' residency rights in the city.<sup>1</sup>

Furthermore, the apartheid wall<sup>2</sup> or separation wall was constructed not on the pre-1967 borders, but on the Palestinian territories and isolates 43 percent of the Jerusalem governorate, including the route of the wall around East Jerusalem following the municipal boundaries in places around settlements and Palestinian villages, towns and neighborhoods. Jewish settlement blocs are included, integrating Jewish settlers with other Israelis, while at the same time ignoring the fabric of Palestinian life. Instead, the wall fragmented East Jerusalem, dividing families and whole communities, and isolating East Jerusalem from the rest of the West Bank. Some neighborhoods within the municipal borders (Kufr 'Aqab and Semiramis in the north; Ras Khamis, Shu'fat refugee camp, and Dahyat al-Salam in the east) are relegated to the West Bank side of the wall. Nearly fifty-five thousand Palestinian Jerusalemites reside in these neighborhoods. In addition, an unknown number of Palestinian Jerusalemites (estimates range from forty thousand to sixty thousand) continue to live outside Jerusalem's municipal borders.<sup>3</sup>

The impact on women in these communities

is particularly profound; the separation wall has hastened a process of economic and social decline that is imposing severe hardship on Palestinian Jerusalemites. This research examines the impact of the separation wall on the lives of married Jerusalemite women who live in what we will refer to as “Area D”: the areas within the Israeli municipality of Jerusalem, but located on the West Bank side of the separation wall.<sup>4</sup> These women have been facing many challenges and have been trapped within constrained places, and spouses, who own different identification cards have been separated from their families by the separation wall and various checkpoints.

This paper investigates the difficulties that Jerusalemite women and their families face as the result of having different types of IDs. It looks into the extent of changes in women’s everyday lives, and the sense of their connections to a particular place when they move out of their homes to new homes after the construction of the separation wall. As Victoria Redclift has noted, “the loss of physical place is all too often associated with loss of state protection.”<sup>5</sup> In this case, much of Jerusalem’s Palestinian population has been left no choice but to move out of their homes have no actual state protection. We examine women’s feeling of security and safety in their homes, as they daily cross military checkpoints and interact with Israeli soldiers in “militarized spaces.”<sup>6</sup> We also examined women’s fear of deprivation of their rights, and being separated from their families and communities.

## **Methodology**

To investigate the residency rights of Jerusalemite women living in the “border area” of East Jerusalem, we used multiple research methods, both qualitative and quantitative. Mainly we adopted a qualitative research methodology to explore complexities of the research target place and population. This methodology includes participant observations, in-depth interviews, focus groups, and unstructured interviews. We view the latter as particularly important, given that “one of the primary tools of oppression of women in the maintenance of silence about their experiences and perspectives.”<sup>7</sup> Finally, we carried out a sample survey to get statistical results that aim to describe the characteristics and experiences of a population.<sup>8</sup>

The sample population consists of 154 married Jerusalemite women with spouses holding different residency statuses, and thus different identity cards. These women were recruited from places that are easily accessible to women. A variation of convenience sampling was used including “snowball sampling,” in which participants invite others in the same social group to join the sample. The research population live in three border zones: first, zone D, including the neighborhoods of Kufr ‘Aqab in the north, and Ras Khamis and Shu‘fat refugee camp in the northeast of Jerusalem; second, Areas B and C; third, the J1 area, where the majority of the residents hold a blue (Jerusalem) identification card, while some hold a green (Palestinian) identification card and residence permits.

Conceptualizing and analyzing the notions of space, place, and displacement, the researchers address two themes. The first is Jerusalem’s boundaries, and in particular

sovereignty in East Jerusalem, including the separation wall and the Israel's aims to expand Jerusalem's boundaries and maintains its illegal colonial control over East Jerusalem. It must be noted that Israel applies its strategy to control the boundaries of greater Jerusalem by intensifying Jewish settlements and displacing the Palestinian population, which is seen through the Israeli lens as a "demographic threats" to the Zionist project.<sup>9</sup> We argue that the whole process of expansion, land confiscation, depopulation, and segregation has a minimal impact on women and gender relations.

The second theme is that of "stateless indigeneity," which includes the displacement and relocation of indigenous populations, the disruption of their lives, and the loss of their humanity, nationality, and citizenship rights. We claim that "stateless indigenous people," who live on their own land, are unacknowledged, neglected, and marginalized; meanwhile, a "settler colonial" population lives on the appropriated land and enjoys full human and citizenship rights.

## **The Separation Wall and Residency Rights of Jerusalemite Women**

Israeli laws allow the revocation of the residency right of any Palestinian Jerusalemite whose "center of life" has not been in Jerusalem for seven consecutive years.<sup>10</sup> Palestinian residents of East Jerusalem who have moved out to live with their spouses in the West Bank or elsewhere, for example, run the risk of having their residency rights permanently revoked. The rate of revocation has escalated since 2008, after the separation wall was completed, providing evidence that one of the wall's goals was to further Jewish demographic domination over the city. Thus, Palestinians are effectively deprived of the basic right to reside in their homeland, hometown, and home-space.<sup>11</sup>

The research data shows the segmentation, ghettoization, segregation, and fragmentation of the Palestinian Jerusalemite population. The research sample falls into three main groups, whose experience of this regime is shaped by their place of residency and the residency status and identity documents held within their family. The first group, making up 48.7 percent of the research sample, live in Area D. The family members of those women hold different IDs (blue and green). In this community with mixed IDs, the effects of racial categorization and segregation are obvious. Indeed, the wall clearly serves an apartheid function, acting like a racial filter. It permits Israeli settlers to pass freely through its checkpoints, while blocking access to the majority of Palestinians, including those who are originally Jerusalemites but do not carry the Israeli (blue) identification or residency permits. This includes Palestinians Jerusalemites who live in Area D. Whereas some Palestinians – those with blue IDs – are able to pass back and forth with a minimum of difficulty, the impact is racially skewed in that it separates Palestinians from their families and puts restrictions and conditions on them that are never imposed on Jews, no matter where they reside.

Another segment of the research sample is made up of those living in neighborhoods within the municipality border. These comprise 27.9 percent of the research sample. Nearly four in nine (44.12 percent) of this group hold the green Palestinian ID and have

obtained permits in order to join their husbands who hold blue Jerusalem IDs and live within the municipality borders. This permit is renewed every six months, until they are approved for family unification. If at any time the application for renewal is rejected or family unification is not approved, these women are not allowed to stay within the municipality boundaries and are obliged to move outside the separation wall; they usually move to Area D.

Those women in this category with green Palestinian IDs have a unique experience with crossing the separation wall: because their ID color is different from those of their husbands, they do not go through the same checkpoint. Manar is a Jerusalemite in her late forties and a mother of five children. Her entire family holds blue Jerusalem identity cards, but she does not.

The wall is a racial tool and restricts our freedom of movement, making us susceptible to ridicule, humiliation, and degradation. When I go with my husband and children to visit my family on the other side of the wall, we all leave together by car. But during our journey back home, ironically, I could not go with them in the same car and cross from the same checkpoint, due to my green ID. I had to cross through the checkpoint alone by foot. I have become an object of mockery and ridicule by my kids.<sup>12</sup>

The third component of the research sample – comprising 23.4 percent of the entire sample – are those who live in Areas B and C. Most of these women have a blue ID, but they follow their husbands who have green IDs and live with them in their hometowns. The Jerusalemite women face many challenges and difficulties especially when crossing the checkpoint with their children who have green IDs. Children and spouses are not allowed to pass if they do not have permits, said Nadia, angrily, expressing hatred and bitterness when speaking about what she and her family go through when crossing the separation wall.

They are killing us every day, dismantling the families, and making us strangers in the same house. My husband cannot visit my family who live on the other side of the wall, because he is listed on the blacklist and is never allowed to receive a permit. . . . Once I had to take my sick eleven-year-old daughter to the doctor in Jerusalem city center, and after a long time waiting in the long line, they did not allow her to pass because she does not have a permit. I had to go back to Kufr ‘Aqab and then to Ramallah.<sup>13</sup>

The last portion of our sample consists of those holding a Jordanian or another foreign passport, accounting for 3.9 percent of the sample. These women are allowed to live in all zones, but they must obtain an Israeli visa, which is renewed every three months. The visa renewal process is another sort of humiliation and suffering. Women must leave the territory borders, cross the bridge to Jordan and on their way back home, before crossing the bridge; the Israelis check their passport and renew the visa. This procedure continues

for two years and sometimes longer, depending on the time until family unification.

To get family unification and permanent residence, whether for Palestinian women or for their children, applicants must prove that Jerusalem constitutes their “center of life.” Until this time, they do not receive social services, do not have the right to work, and cannot cross the separation wall freely.

## **Space, Place, and Displacement**

The above women’s stories show how “these voices are constructed, produced, and reproduced through the gendered political geography of the space that the voices inhabit and arise out of.”<sup>14</sup> By considering East Jerusalem neighborhoods through the voices of suffering women, “stateless in their homeland,” we explore displacement, political identity, citizenship, and legal status – and what degree of “permanent residency” is granted in general to the Palestinian Jerusalemites in the J1 area, and the specific status of Jerusalemite women with spouses holding a different ID, whether married, divorced or widowed. Considering “territory as a bounded portion of relational space, and boundaries as a tool to organize these relations,”<sup>15</sup> we see space reflecting a rationale embedded in the relationship between colonial power and its sovereignty in territory. Perhaps nowhere is this reflected more clearly than through the separation wall.

The separation wall places restrictions on movement and forced displacement of Palestinian Jerusalemites. According to the Badil Center, 32.9 percent of all Palestinians in Jerusalem have changed their previous place of residence as a result of the wall. Additionally, 83.3 percent of these were forcibly displaced once in their lives, 9.3 percent twice, and 7.4 percent three times or more.<sup>16</sup> Approximately, this study indicates that the majority of those holding either types of IDs – 72.9 percent of women holding green IDs and 70.87 percent of women who hold blue IDs – have moved in the last ten years, after the wall’s construction. Others moved at the beginning of its construction or even before in order to maintain their permanent residency in East Jerusalem. Our data also shows that 61 percent used to live in areas to the east of the wall, mainly in the neighborhoods outside the municipality borders. Consequently, due to the Israeli policy of revoking the residency rights of Palestinian Jerusalemites, women decided to live within the municipality borders or in zone D. However, those women who were forced to move now live in limbo as regards their new place and political sovereignty. They are not considered Israeli citizens, nor are they citizens in the West Bank or Gaza, leaving them with no state services or state protection. The unique Palestine phenomenon of “wall-based displacement” is of increasing political interest in the occupied territories, in which political borders are imposed by the colonial Israeli state, persistent in its right to decide who is allowed to enter its sovereign space and who is not. The status of stateless women in their homeland, living in the “border neighborhoods” of East Jerusalem on both sides of the wall, is defined by their status of “permanent residency” as a “fractioned citizenship.”

## Nationality and Citizenship Laws

Historically, the legal status of Palestinian nationality has gone through many different permutations reflecting the reality of the Palestinian people, for whom nationality and citizenship laws do not exist.<sup>17</sup> However, after the Oslo accord in 1993, the Palestinian Authority (PA) had the power to establish its own an independent nationality and citizenship laws in order to harmonize the concept of citizenship. In its early draft, Article 9 of the Palestinian Basic Law defines Palestinian nationality through either parent: “Palestinians are Arab citizens who were residing normally in Palestine until 1947. Every son [and daughter] to a Palestinian Arab father is considered a Palestinian.” Later the legislative council adopted a formulation that limited Palestinian citizenship to residents of the West Bank and Gaza Strip (Jerusalem was not mentioned).<sup>18</sup>

The PA has partial sovereignty on the territory of the West Bank and Gaza Strip. The fact that Israel controls Palestinian borders makes it the absolute authority of exception, empowering it to decide who can be excluded or included as a resident in his or her Palestinian homeland. According to the Oslo accords, the PA has the right to issue “permanent residency” identity documents and Palestinian passports (as a travel document) only for Palestinian residents in the West Bank and Gaza, as well as some (limited portion) Palestinians that are returning to these territories. However, these two documents are individually inspected by Israel before being issued, and are not considered documents that accord nationality or citizenship. In fact, Palestinian citizenship legally remains subject to an Israeli identity card, since neither document can be issued without Israeli approval.<sup>19</sup> Furthermore, neither document is allowed to be issued to Jerusalemites, who are granted Israeli “permanent residency,” or to Palestinians in the diaspora. This, however, is increasingly threatened by Israeli restrictions and restricts the return of the Palestinians in general and Palestinian refugees in particular to their homeland.<sup>20</sup>

Jerusalemite families who live on the other side of the wall (J2 area) generally fall into three groups, determined by residency status: families in which all members were granted “permanent residency” and hold blue IDs; “mixed ID” families, in which some members have blue (Jerusalem) IDs and others hold green (PA) IDs; and families who have no residency rights in Jerusalem. Since the beginning of the separation wall’s construction, the number of people in the first group going back to Jerusalem (J1) has increased, as they risk of losing their residency rights and property in the city because they live outside the municipality borders.<sup>21</sup> In addition, they face difficulties crossing the checkpoints and barriers, as they have to wait for a long time in order to cross from one side to the other.

In the focus group meeting in Abu Dis, two women shared their stories of moving to Jerusalem (J1). Amal said:

I was born in Abu Dis, and my mother is from the city of Jerusalem and she applied for the family unification for my father [this was before the 2003 law was enacted]. Half of my family carries a Jerusalem ID, and the other half holds a

Palestinian ID, or lately, they have received residency permits. In order to maintain residency rights, we decided to move to J1 area, despite the fact we own a house in Abu Dis.<sup>22</sup>

Another woman said, “I used to live in Bethlehem and after applying to family unification we had to move to Jerusalem. Some of us still have a West Bank ID; we had to leave our house and rent another one in Jerusalem.”<sup>23</sup> These two stories show how Palestinian Jerusalemite families have no right to decide where to live; they are obliged to move into rented houses, as they fear of losing their residency in Jerusalem. Their places and spaces are decided and controlled by the colonizer.

For those in the second group, where family members hold different ID cards, many have moved to zone D with hopes of getting residency permits for the family members who hold green IDs. Nearly half of this component of the research sample – 48.7 percent – lives in Zone D; 23.4 percent live in Areas B and C, while 27.9 percent live within the municipality boundaries (J1). Thus, the majority of the research population has to face everyday difficulties of crossing the various Israeli checkpoints and barriers. Those who have applied for family unification or residency permits are the most affected by the Israeli policies and the citizenship laws. Women participating in a Kufr ‘Aqab focus group described this impact on their daily lives, including one woman who said, “I am now busy preparing for permanent residencies and registering my children through my ID. The [Israeli] authorities terminated my health insurance, and I was faced with the threat of losing my ID.” Another woman shared her daily suffering of living in the other side of the wall: “I spend ages following up with the *arnona* [property tax], and go to West Jerusalem only to pay *arnona*. As we live outside the wall, we have to cross the wall when we want to go to the city center. However, the wall stops me from going to the city of Jerusalem.”<sup>24</sup>

Different reasons forced women to move from one place to another. Our data shows 5 percent of the sample moved because their spouses held a different ID/residency status. Commonly, women are obliged to move wherever the husband lives; if the husband has a green ID and owns a house in his home town, his wife is compelled to move in with him even if she risks losing her Jerusalem permanent residency. On the other hand, women holding Palestinian IDs and married to spouses holding a blue ID (22.7 percent of the sample) have to apply for a residency permit and move to J1 or Area D, proving that they live in the same house with their husbands in the hopes that they may later be approved for reunification status. Relatively few women (3.9 percent of the sample) holding blue IDs and married to husbands who hold green IDs have moved to Area D. The patriarchal society restricts women’s space of movement, when women always have to move to follow their husbands, but not the other way around.

In these cases we examine the fragmented citizenship status of Palestinian Jerusalemites who live in J1 and were granted “permanent residency” in Israel. First, Israeli law does not integrate Palestinian individuals into juridical and political space, as they are not fully citizens in Israel and they are excluded from the national community. At the same time, they are included in terms of “citizens obligations,” namely paying

taxes. However, their spouses and children, who are non-Israeli “permanent residents,” are entirely excluded. And those who have permanent residency and live abroad or in the West Bank or Gaza are threatened with the loss of their permanent residency in Jerusalem and other citizenship rights.

## Family Unification

Historically, culturally, politically, and geographically, Palestinians who live in the West Bank and Gaza or in Israel belong to the same national community that was arbitrarily separated by the Green Line in 1949. This became the de facto border, later modified by the “border” represented by the separation wall since 2002. This resulted in further separation of Palestinians in those areas, particularly those in East Jerusalem, with many neighborhoods divided into two segments. Nevertheless, this did not prevent marriages across the Green Line, which continued after the construction of the separation wall. However, the increase in marriages across the borderline<sup>25</sup> makes the family unification process an essential channel for many Palestinians who are citizens or “permanent residents” in Jerusalem to unite with their spouses from the occupied Palestinian territories.<sup>26</sup>

Family unification schemes took place, not only between Palestinians who live in the occupied territories and Palestinians behind the Israeli separation wall, but also between Palestinians in the occupied territories and those in the diaspora. Family reunification in the West Bank and Gaza as well as in East Jerusalem remains subject to the traditional system of Israeli control, with the overwhelming majority of applications rejected. In family reunification cases it has long been the actual policy that women married to men without Palestinian identity cards (“foreign spouses”) had virtually no chance of being considered.<sup>27</sup> These women are deprived of their right to unite with their husbands and children and to live with their families in the West Bank or Gaza.

The family unification procedure consists of four complicated phases. First, couples need to prove the sincerity of their marriage, the “center of life” of the citizen or resident, and a clean criminal record for the applicant spouse. (On average, this phase lasts five years.) Second, if the application is approved, the applicant receives a B1 permit for fifteen months, renewable for an additional twelve months, without obtaining any social and civil rights. Third, the applicant receives an A5 visa (temporary permit) for three years, renewable each year. Fourth and finally, the applicant receives the same status obtained by the requestor.<sup>28</sup> To embark upon this process, applicants must meet certain age requirements and undergo meticulous examinations that often take several years. It was designed to span a period of more than five years, but in practice it requires an average of ten years.<sup>29</sup> These procedures reflect the colonial view of space and time as it relates to indigenous people. As Linda Tuhiwai Smith notes, Western colonial concepts of both time and space are connected to the belief that indigenous people cannot value work or have a sense of time, which “is part of colonial discourse that continues to this day.”<sup>30</sup>

To get the unification process approved faster, people often appoint a lawyer or go through human rights organizations. However, whether the application is presented by



individuals or through lawyers or human rights centers, it usually takes the same amount of time. For instance, in a focus group meeting, a woman declared: “we apply through the lawyers, but the procedures may take years, and need many follow-ups.” Another woman explained, “I just [applied] through the lawyers, and there is no other way. That is difficult, and takes a year or two and more.” Other women believe that if they apply through the state’s lawyer, the procedures are quicker and cost less. As one participant explained, “I used the state’s lawyer, [which] only costs four thousand shekels [about 1,100 U.S. dollars], but he does not do everything I want.”<sup>31</sup>

Israeli authorities consider the process of family unification a demographic and security threat, and for this reason the FUL was frozen in 2002 and remains so until the present.<sup>32</sup> Since the Oslo accords, families in which one spouse is a Jerusalemite and the other is from the West Bank or Gaza face an impossible situation, in which they cannot live as one family, either in the West Bank/Gaza or in East Jerusalem.<sup>33</sup> The FUL acts “as an instrument of displacement” in the case of Jerusalemite women.<sup>34</sup> The Women’s Center for Legal Aid and Counseling has archived many cases of applications for family unification applications that were that rejected. For example, Ghadeer holds a Palestinian ID, her husband holds a Jerusalem ID, and they applied for a family reunion for her to live with him in Jerusalem. The Israeli Ministry of Interior rejected the application in 1995 and again in 1998. “The authorities told my husband that I cannot live with him in Jerusalem but they did not give any reason.”<sup>35</sup>

In 2003, the Knesset enacted the Citizenship and Entry into Israel Law (Temporary Provision), or CEIL.<sup>36</sup> It imposed prohibition on family unification between Palestinian Israeli citizens or “permanent residents” and their spouses who are originally residents of the West Bank or Gaza. This prohibition did not include the Israeli settlers in the West Bank or (until 2005) Gaza, and was justified based on security concerns.<sup>37</sup> This law functions as an ethnic cleansing instrument used against Palestinian Jerusalemites, shredding the social fabric of Palestinian Jerusalemite families and displacing Palestinians from Jerusalem.

## **Violation of the Right to Family Life**

Israel’s policy seriously violates the right to family life. This violation is embodied by two types of displaced families. In the first type, when one spouse holds a blue ID and the other holds a green ID, they cannot live together in the J1 area. If the couple decides to live together in J1, the spouse without a blue Jerusalem ID fears deportation from the city. He or she hides himself or herself, not moving outside the home, living illegally in J1 with no rights and no legal possibility of work. Alternatively, if the couple decides to live apart, they will have to endure an enforced separation for many years and, if the couple has children, one spouse will be separated from them.

There are many stories of couples in this situation. One interviewee shared the story of her daughter, who has a green ID and married a Jerusalemite who has a blue ID. In her words:

I agreed to my daughter's choice to marry the man that she loves, even though he has a [blue] ID, during *al-khutuba* [engagement period]. She used to apply for a permit to be able to enter Jerusalem to meet her fiancé. Once her application was rejected, but she insisted on entering Jerusalem illegally. I also joined her, and we were both captured by the Israeli border guards. Since then, we were both prohibited from getting a permit. Even when she applied for the wedding party, which took place in the city, her application was rejected, but she entered Jerusalem illegally. To avoid being captured again by the Israeli police, she has been hiding in her house, not going out. Now six months have passed since I have seen her, as I am prohibited from getting a permit to visit Jerusalem.<sup>38</sup>

A second type of violation relates to situations where one spouse is a blue Jerusalem ID holder and the couple lives together in the J2 area or another town in the West Bank. In this case the spouse holding the blue ID risks losing residency status in Jerusalem, which will then temporarily disqualify him or her from submitting an application for family unification, as such applications can only be submitted after two years of consecutive residence in J1.<sup>39</sup> The rationale of this provision, made clear in statements made by senior Israeli officials, is demographic, consistent with Israel's racial policy to depopulate Jerusalem of Palestinians and Judaizing the city.<sup>40</sup>

## **Identity Determined by Patriarchy**

When a Palestinian woman marries a partner of a different nationality, she immediately acquires her husband's nationality and loses her own, even though a "married woman should have the same right to retain or change her nationality as a man."<sup>41</sup> In Israel, this is the case for Jewish women, but is not applicable for non-Jewish women citizens. For instance, Palestinian women who are citizens in Israel cannot pass their citizenship to their husbands. Under the Israeli FUL until 1994, "the Ministry of Interior did not accept requests from wives holding the Jerusalem ID in order to unite with their husbands [who held West Bank or Gaza residency] in Jerusalem. The assumption behind it was that a woman in Arab society would always follow her husband and not vice versa."<sup>42</sup>

Citing Verena Stolcke, Betty de Hart notes the similar role played by kinship and citizenship in patriarchal societies: "Citizenship has a binding function, similar to that of kinship systems in society in the pre-industrial era. Both determine the personal borders of the social-political community."<sup>43</sup> Patriarchy draws the boundary in a gender-specific way and limits the space and place of women. It functions in the same way that citizenship laws do, and both can come together deprive a woman from her right to marry with spouse of her choice. Samar's story serves as an example: Samar is a Jerusalemite who holds a blue ID, and the man she loves holds a green ID. Her marriage was broken due to the division of East Jerusalem, the FUL, and patriarchal society. As Samar narrated her story:

For the past five years, my family rejected my engagement to the man I love, because he was from the West Bank, and I was not allowed to live with him in the West Bank area unless he obtained a residence permit in Jerusalem. This, however, was impossible for two reasons. On the one hand, he has to be married in order to apply for the residency permit, and on the other hand he was less than thirty-five, the legal age that is defined in the CEIL. So we had to wait until he reaches this “legal age,” which took us five years, in order to apply for the permit, though we still did not have a marriage contract. I faced many difficulties to get my family to agree. They approved the engagement with only the marriage contract that helps us to apply for permit, but they did not allow us to live together until he gets the residency permit. Unfortunately, his application was rejected for security reasons and my family forced us to split up and call off the marriage.<sup>44</sup>

This case is exactly what Mazen Masri has described as “love suspended.”<sup>45</sup> The decision on the constitutionality of the CEIL 2003 and its amendments imposes a sweeping prohibition on the family unification process between Palestinians “permanent residents” and “citizens” in Israel and Palestinian residents of the West Bank and Gaza. The decision directly affects the lives of more than fifteen thousand couples that will have to separate or to live uncertain lives. This ethnic law along with the patriarchy affects other Palestinians men and women who now have laws that in effect delineate who they can marry. This is one of the ways in which the state genders citizenship; through the control of marriage, the state intervenes in the private space and uses marriage for very public and political purposes, especially in the case of “intermarriage” such as those between Palestinian residents of J1 and non-residents from the West Bank or Gaza, as we have seen above.<sup>46</sup>

Palestinian Jerusalemite women holding green PA-issued IDs and married to spouses who carry blue Jerusalem IDs have no legal status in Israel and are therefore ineligible to receive the usual services that are offered to citizens.<sup>47</sup> However, even if approved, spouses from the West Bank or Gaza would only be able to stay in J1 under temporary permits.<sup>48</sup> The Ministry of Interior may grant permits to stay in J1 to spouses from the West Bank or Gaza if the husband is over the age of 35 or if the wife is over the age of 25. These permits can be renewed but do not provide legal status and social benefits, nor do they serve as permits to work in Israel.<sup>49</sup>

Since 2003, the Ministry of Interior has halted all status updates for residents of the West Bank or Gaza whose applications for family unification in Israel had been approved. Since then, those women have been living in J1 with temporary permits, never knowing what will happen tomorrow. They have to prove their “center of life” is still in Jerusalem and undergo security checks, with no end in sight.<sup>50</sup> This situation produces a constant state of instability, insecurity, and uncertainty over potential non-renewal of residence permits.

This law also applies to foreign women (for example, Jordanians or other nationalities) whose spouses are Palestinian Jerusalemites also living in the J1 area, and who face many challenges and restrictions. In an example from our research sample, a woman who has

Jordanian nationality, whose husband is a Palestinian Jerusalemite holding a blue ID and lives in J2, shared the following narrative with us:

I have a visa in my passport, which is renewed annually. However, we must apply for renewal three months prior to the expiration of the visa. I applied for family unification, which was refused as the authorities considered my husband residing outside Jerusalem, although he used to live in al-Ram [which is located in J2, Area B, and thus considered outside the municipality border]. They asked him to live in Jerusalem for two years and then reapply as we should wait for eight months and I am still waiting.<sup>51</sup>

The process of applying for residency permits entails a bureaucratic procedure that the Israeli authorities may refuse to initiate or may not be put in motion for several months. Consequently, during the waiting period, which may take years, women and their children are unable to benefit from public services, particularly health services. Furthermore, in case of a husband's death or divorce, if the application procedure has not reached the halfway point, the woman automatically loses the right to maintain her status in Jerusalem.<sup>52</sup> One woman shared her experience: "I got the residency permit [as a second phase in which she can live with her husband in Jerusalem], but for three years I did not renew it, so I lost it. Now I want to apply again, but now it is impossible to get it, because my ex-husband got married to another woman."<sup>53</sup> These women are denied their right to make their own decisions regarding where to live and when to move. Their domains of time, emotion, family ties, and decision-making have all been attacked and usurped by the spatial policies of the colonizer.

As Palestinian Jerusalemite women change their place of residency, they may face revocation of their residency status and termination of their unification applications. In practice, as well as by law, it is the Israeli state that decides for Palestinians where and how to live.<sup>54</sup> Thus, a woman may struggle for a long time to be able to live with her husband in Jerusalem, but her residency permit may still be postponed if the couple decided to live outside the municipality borders. One interviewee, Abeer, received her residency permit five years after her husband applied for family unification. Her permit was halted because the family moved out of J1, as they grew tired of crossing the separation wall and military checkpoints on a daily basis to reach their workplaces. Abeer describes the experience of crossing a checkpoint and the hardship she faced:

I got the residency permit to live with my husband in Jerusalem after five years of our marriage, and I renewed it many times during the last three years. But I got tired of waiting to get the permanent residency, and I was suffering from daily crossing the checkpoint through the wall with my two children (who are only seven and five years old). I have to put them in school near my work. I have to leave home early in the morning, at least two hours earlier than usual, and I return home late in the evening. My husband and I are working in Ramallah. I lost my first job because I always arrived

late. So we decided to live in Ramallah. The Israelis knew that we are not living in Jerusalem any more: they halted my permit, and now I cannot go to Jerusalem and I am not allowed to apply for the unification again.<sup>55</sup>

The above story shows how women's space and time were invaded and controlled by various mechanisms of the hegemonic power: in this case spending time every day, to be two hours earlier in the morning and another two hours late on her way back home.

Considering the women's stories above, we included an open question in the survey to explore their opinion about "mixed-ID" marriages (i.e., marriages across the legal divide). The question was: "Would you allow or do you agree for your daughter to marry someone who has a different ID?" Women's opinions and responses ranged between rejection and acceptance of such a marriage. Our data shows that more than half of the research sample (55 percent) would be opposed to their daughters marrying someone with a different ID. Their rationalization was based on the problems presented by the Israeli occupation, when applying for family reunification, crossing checkpoints and barriers, or looking for a place to live. The women who rejected this marriage have experienced the everyday humiliation and oppression by the Israelis and feel their whole life controlled by Israel's colonizing power. Slightly less than one-third (around 28.6 percent) of women would accept their children's choice to marry a spouse with a different ID, given that the couple loves each other. These women expressed a belief that marriage should not be decided by the kind of ID the man carries. Some women also believed that marriages between those who carry different IDs enhances the common fate and unity of the Palestinian people and opposes Israeli colonialism.

## **Conclusion**

The division of East Jerusalem by the separation wall and Israeli policies and citizenship laws created division and discrimination among Jerusalem's Palestinian natives, and gender relations were not unaffected. The result has been the scattering of families, the shredding of Arab Jerusalem's social fabric, and changing the family formation and de-standardization. Family and kinship relations are very important among Palestinians. More than two-thirds of the families living behind the wall have at least one kin living within the borders of the wall. However, under the Citizenship and Entry into Israel Law, mutual visits are usually impossible. In particular, Jerusalemites who hold green IDs are not permitted to enter Jerusalem (J1) freely; they must apply for an entry permit to visit family for different occasions, including births, marriages, sickness, and death. Though requests for a permit can be approved for these reasons, such permits are never approved for those who were in prison (including political prisoners) or if any member of the applicant's close kin (parents, siblings, and children) were in prison, were killed in fighting with Israeli forces, or is wanted by the Israeli secret police. Married women are the most affected by this situation because they have to follow their husbands and their movement is always controlled by the military colonizing power, which prohibits

them from having ordinary relationships with their families.

Displacement and statelessness is often associated with the loss of state protection, and experiences of statelessness illuminate our understanding of citizenship. Here, Israel fails to protect Palestinian Jerusalemites. The 2003 Citizenship and Entry into Israel Law represents a further violation of the residency and nationality rights of Palestinian in the occupied Palestinian territories, including East Jerusalem. Most applications for family unification are not approved by the Israeli Ministry of Interior; instead, it revokes the residency rights of Palestinian Jerusalemites. Since 1967, around fourteen thousand Palestinian Jerusalemites have had their residency rights revoked by the Israeli Ministry of Interior based on a discriminatory system enforced against the indigenous Palestinians.<sup>56</sup> Israeli laws allow the revocation of the residency right of any Palestinian Jerusalemite whose center of life has not been in Jerusalem for seven consecutive years. This includes Palestinian residents of East Jerusalem who moved to live with their spouses in the West Bank or elsewhere, and who thus run the risk of having their residency rights permanently revoked.<sup>57</sup> After the separation wall was completed in 2008, the rate of revocation escalated, evidence that its purpose was, at least in part, to ensure Jewish demographic domination over the city. Palestinians are effectively deprived of the basic right to reside in their homeland, hometown, and home-space.<sup>58</sup>

Palestinian Arab patriarchy is being interpreted and reinforced by Israeli patriarchal military power, with catastrophic administrative consequences on matters of residency, movement, and daily life of Palestinian men and women. In this regime, the patriarchal armed occupying power strips Palestinian men of their power in the public domain and, in return, Palestinian men seek to assert their power in the domestic sphere, which is reflected in intensified relations of dominance toward women. Militarization and patriarchy systems join together to oppress women and determine their places and spaces of movement, love, work, and choice, as when Palestinian men, under political pretext, refuse the registration of their children in their wives' blue IDs, and demand that their wives live with them, even though they will consequently lose residency rights in Jerusalem. As is often the case with societies experiencing conflict, dislocation and insecurity affect women disproportionately. While subject to some of the same forms of oppression as men, they are frequently the ones who are left to care for the family, often without the men.<sup>59</sup> Finally, the suffering imposed by "mixed ID families" falls not only on individual women or married couples in the present, but also effects the lives of the successive generations, whose social life are devastated.

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#### Endnotes

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- 2 Apartheid, an Afrikaans word meaning "the state of being apart" (literally "apart-hood"), was a system of racial segregation and political and economic discrimination against non-European groups in the Republic of South Africa enforced through legislation by the National Party, the governing party from 1948 to 1994. In this paper, apartheid is used to define the Israeli separation wall, as a part of Israeli policy of racial segregation.
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- 4 The Oslo accords divided the West Bank into three administrative divisions: Areas A, B, and C. Area A was accorded full civil and security control to the Palestinian Authority. Area B was designated as under Palestinian civil administration while Israel retained exclusive security control with limited cooperation from the Palestinian police. Area C remained under full Israeli civil administration and security control.
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- 15 Elena dell'Agnese, "The Political Challenge of Relational Territory," in *Spatial Politics: Essays for Doreen Massey*, ed. David Featherstone and Joe Painter (Chichester, UK: Wiley-Blackwell, 2013), 124.
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  - 19 Jad, Johnson, and Giacaman, “Transit Citizenship,” 137.
  - 20 Nadia Hijab, *Women Are Citizens Too: The Laws of the State, the Lives of Women* (New York: United Nations Development Programme Regional Bureau for Arab States, 2002), 14–16.
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  - 23 Focus group meeting in Abu Dis, February 2015.
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  - 27 Hijab, *Women Are Citizens Too*.
  - 28 The four phases include: 1) the couples need to approve the sincerity of marriage, center life of the citizen or resident, and to have a clean criminal record for the applicant spouse. (the average of this phase 5 years); 2) if the application approved, the applicant received B1 permit for 15 months, renewal for additional 12 months, without obtaining any social and civil rights; 3) the applicant receives an A5 visa (temporary permit) for three years, renewal each year; 4) the applicant receives the same status obtained by the requestor. See Society of St. Yves, *Palestinian Families under Threat: 10 years of Family Unification Freeze in Jerusalem* (Jerusalem: Society of St. Yves and Konrad Adenauer Stiftung, 2013).
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