

## **PROCEDURE FOR SETTLEMENT IN THE GAZA STRIP**

### **BY JUDEA AND SAMARIA AREA RESIDENTS**

#### **1. General:**

- A. In 2006, a decision was made to introduce a policy of separation between the Judea and Samaria Area and the Gaza Strip in light of Hamas' rise to power in the Gaza Strip. The policy currently in effect is aimed at reducing travel between the areas. Therefore, residents of the Gaza Strip and the Judea and Samaria Area are not permitted to travel between the areas in the absence of a permit designated for this purpose. Applications which receive approval despite the separation are applications for travel by senior officials, medical humanitarian applications and applications for settlement by members of split families.
- B. The premise is that a resident of the Judea and Samaria Area may file an application for permanent settlement in the Gaza Strip for any purpose that is considered humanitarian (usually family unification). Generally, one-time travel may not be denied in the absence of concrete security reasons.
- C. As settlement of Gaza residents in the Judea and Samaria Area is possible only in the rarest cases (under the Procedure for Settlement in the Judea and Samaria Area by Residents of the Gaza Strip), there is a need to allow the family unit to be maintained in the Gaza Strip.

#### **2. Purpose:**

- A. The formulation of a procedure that establishes the requirements and authorities for approving passage to the Gaza Strip by residents of the [Judea and Samaria] Area for the purpose of permanent settlement.
- B. Providing clarification on how to operate in the case of a resident who breaches his or her declaration for permanent settlement in the Gaza Strip and wishes to travel between the areas frequently.

#### **3. Method:**

- A. A resident of the area who wishes to settle in the Gaza Strip shall file an application via the Palestinian coordination office in his or her area of residence or via the civilian affairs ministry. The application will be transferred to the relevant DCO and forwarded as unclassified to the civil administration.
- B. At the time the application is filed, the DCO representative will make sure that the resident has signed the declaration which details the possible implications of the approval of his or her application to settle in Gaza. The declaration clarifies, inter alia, that the applicant will not be able to return to the West Bank from Gaza other than in exceptionally rare cases.
- C. The application, including the reason justifying the resident's settlement in the Strip, shall be transferred for examination by the civil administration. The declaration shall be transferred unclassified as a scanned document.
- D. In order to make a reasonable decision, the position of the following officials shall be obtained: the military legal advisor for the West Bank, the Gaza DCO. A decision regarding settlement is under the purview of the West Bank operations division branch head/civilian department head/Coordinator of Government Activities in the Territories.
- E. Approval of an application shall be recorded on the Intelligence Branch system via routine data entry by civil administration soldiers.

“The application made by the above named person to move to the Gaza Strip for the purpose of settlement was approved on ZZ/XX/YY. The resident has signed a civil administration declaration in which it was made clear to him that his or her application was approved in this context and that his or her return to the West Bank would not be possible other than in extremely rare cases; subject to the policy in effect at the time”

- F. Approval for travel by a resident to the Gaza Strip for the purpose of settlement shall be individually coordinated with the Gaza DCO via operations rooms.

#### **4. Highlights:**

- A. The return of the resident to the Judea and Samaria Area in future shall be examined in view of the policy in effect at the time. It should be noted that currently travel to the Judea and Samaria Area by a resident who has chosen to settle in the Strip is not possible.

- B. It should be noted that preventing the first return trip to the Judea and Samaria Area by a resident who has declared his or her wish to settle in the Gaza Strip presents some legal difficulty. However, every application to return to the Judea and Samaria Area must be examined on its merits in coordination with the military legal advisor for the West Bank and the legal advisor of the Gaza DCO.
- C. The aforesaid declaration shall be filed by the DCO in a file designated for “settlement declarations”. The declaration shall remain valid for such time as the policy on travel between the areas with respect to separation remains in effect.

**5. Appendices:**

- A. Declaration form;

## **Declaration**

I hereby inform you that your application for a permit to travel from the Judea and Samaria Area to the Gaza Strip has been approved in light of your declaration that you intend to permanently relocate your center-of-life to the Gaza Strip.

We wish to inform you that according to the policy currently in effect, residents whose center-of-life is in the Gaza Strip are permitted to enter the Judea and Samaria Area only in humanitarian and exceptional cases.

We emphasize that inasmuch as you wish to return to the Judea and Samaria Area via the territory of the State of Israel, you will be obliged to file a detailed application with the Palestinian Civil Affairs Committee. Inasmuch as the application is transferred to the Israeli side, it will be examined in accordance with the policy in effect at the time.

Resident name:

ID No.: