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The State of Israel

Ministry of Defense

**Coordinator of Government Activities in
the Territories**

July 2013

**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 main issue was placed before the door of the Deputy Minister of Defense, who in turn established that in every case involving the settlement of Gaza residents in the Judea and Samaria Area one should adopt the most restrictive policy, which is derived from an a fortiori from the general policy of restricting movement between the two Areas. The Deputy Minister clarified that a family relationship, in and of itself, does not qualify as a humanitarian reason that would justify settlement by Gaza residents in the Judea and Samaria Area.
4. Pursuant to the guidelines of the Deputy Minister of Defense, working procedures and criteria were established for examining applications for settlement by Gaza residents in the Judea and Samaria Area. The criteria, which shall be detailed below were established after balancing the humanitarian needs of residents of Gaza against the general security needs.
5. Pursuant to a security/political survey of the situation which shall be carried out from time to time it is possible that it shall be determined that there shall be a quota on the maximum amount of applications that may be handled per year, and it is also possible that the manner of handling current applications shall be modified or shall cease altogether.

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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 – someone who is 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 for Government Activities. 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.

The criteria for examining applications

8. The preconditions for initiating a proceeding for granting a permit under this application is the absence of a security impediment, pursuant to a security check (by the Israel Police and the GSS) both of the Gaza resident and of the resident of the Judea and Samaria Area.
9. Initiating a proceeding for granting a permit under this application will only be facilitated when it involves cases of first degree family members (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 – someone who has been registered in the Palestinian population registry as a resident of the Judea and Samaria Area and who lives there permanently) whose cases are concerned with 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. After these preconditions have been met, the application must fall within the following alternative 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 old, 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. In the event that it is necessary, the nature and scope of the existing relationship with the parent who is a resident of the Judea and Samaria Area shall be examined in relation to the degree, nature and scope of the relationship with other relatives in Gaza.
 - C. An elderly person (above the age of 65) who is a resident of Gaza and who is in need of care, which requires the handling and supervision of relative who is a resident of the Judea and Samaria Area and there is no first degree relative in Gaza who can assist him. 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 paragraph 10 above, provided that there is no security impediment as stipulated in paragraph 8 above; that the applicant is a first or second degree relative of the West Bank resident and that the application raises exceptional humanitarian circumstances due to which the applicants are 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 invited for an interview with the coordinator of Government activities in the territories for the purpose of further examining the humanitarian need that underlay the application.

C. Multi phased proceeding

13. Granting status in the Judea and Samaria Area shall not be done automatically.
 - a. Gaza residents, whose passage to the Judea and Samaria Area shall be approved, pursuant to the aforesaid, shall, at the first stage, be given a three-month permit of stay and thereafter, subject to the compliance with the conditions established in Chapter 2 above, shall have their permit extended in accordance with an application, for six more months.
 - b. At the second stage, after a year has passed from granting the first permit, subject to the compliance with the conditions established in Chapter 2 above, their permit shall be renewed in accordance with an application, once a year.
 - c. The revoking of permits of stay shall be done under the

following circumstances:

- 1) Should there be a security based objection to the continued stay 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, and a notice to that effect shall be delivered to the permit holder.
- d. Should the permit holder return to the Gaza Strip or alternately should he leave the Judea and Samaria Area for an extended period, the permit shall be revoked and a notice to that effect shall be delivered to the permit holder.

For our purposes a short term visit to the Gaza Strip, for exceptional humanitarian reasons, shall not be considered a return to the Gaza Strip.

14. After 7 years have passed from the day the first temporary permit of stay was granted, there shall be an examination pursuant to an appropriate application and subject to the conditions established in Chapter 2 above, as to whether to grant a permit of settlement in the Judea and Samaria Area and a change of the registered address in the copy of the file of the Palestinian population registry, which is in the possession of 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 paragraph for obtaining a permit for settlement in the Judea and Samaria Area be shortened, provided that 3 years have passed from the date on which the first stay permit for the Judea and Samaria Area was issued under this procedure.