

The “Center of Life” Policy: Institutionalizing Statelessness in East Jerusalem¹

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Since 1995, more than ten thousand Palestinian East Jerusalemites² have vanished from Israel’s population register. They have vanished not because of physical demise but as a result of disappearance by bureaucratic regulation – a legalized cleansing. Whether studying or working abroad or simply living in a nearby suburb outside Jerusalem’s municipal boundaries due to the housing squeeze in East Jerusalem, Israel has revoked the permanent residency rights of these Palestinians – 0.5% of the Arab population of the city – on the allegation that their “center of life” is no longer in Jerusalem. The arbitrary standard on which this policy is based exceeds the bounds of Israel’s written law and violates international law. The reality in Jerusalem – a result of the “center of life” policy – is the institutionalization of statelessness and forced displacement of thousands of Palestinian East Jerusalemites.

As analyzed below, the “center of life” policy emerged from a 1988 ruling of the Israel High Court but was not utilized by the Ministry of Interior until 1995. While I do not speculate on the reasons for the sudden implementation of the policy here, it is significant that the “quiet deportation”³ of Palestinians from Jerusalem escalated just after the Israeli-Palestinian agreements that made Jerusalem a subject for “final status” negotiations. Indeed, in the entire decade before 1995, the Jerusalem Center for Social and Economic Rights records “only” 327 revocations of Palestinian residency rights.⁴ In 1996, the year following the negotiations, the total jumped to 739; in 1997, the number skyrocketed to 1,067.⁵

Permanent Residency: The Right to ... Some Rights

At its core, nationality (or citizenship) is one's legal bond to a state, realized and exercised through the state's laws and legal institutions.⁶ Nationality is the gateway through which most national civil and political rights are realized; it enables an individual to vote, work, and travel freely. Nationality, in its essence, is the "right to have rights."⁷

If nationality is the gateway to one's civil and political rights, stateless persons are missing the key to that gate entirely. Stateless persons have no legal bond to a state;⁸ they exist outside the law while simultaneously at the mercy of the law, for it is by virtue of a state's laws that they lack the legal bond of nationality. Carol Batchelor explains the stateless person's paradox:

One could be born in a state to a national of that state, live there all one's life and never have set foot on a territory of another state, but still not be a national depending on what the law says. Likewise, a person could never have visited a state and have no family ties there, know nothing about the culture or language, but still be considered a national or citizen *if the law so declares*.⁹

Within the spectrum of nationality on one end and statelessness on the other end, Palestinian East Jerusalemites exist in a delicate limbo. Most East Jerusalemites, although they were born in Jerusalem, do not possess Israeli citizenship rights. Rather, since Israel's illegal annexation of East Jerusalem in the wake of the 1967 war, most Palestinian Jerusalemites are "permanent residents" under Israeli law,¹⁰ permitted to exercise a limited set of rights: they may live and work in Israel, travel to and from the West Bank, collect some social benefits, and vote in municipal elections. Permanent residents are permitted to pursue Israeli citizenship; however, in addition to meeting all of the naturalization requirements, the outcome of their applications are ultimately within the discretion of the Minister who may deny citizenship even where all of the express requirements are met.¹¹

Permanent residents' limited rights are disparaged in comparison to the substantial rights enjoyed by Israeli citizens. Permanent residents may not travel freely across Israeli borders (excluding in and out of the West Bank); instead, they must obtain permission from the Ministry of Interior via an entry/exit visa; approval or denial is subject to the discretion of the Minister.¹² Children born to Israeli nationals acquire Israeli citizenship immediately – whether born in Israel or not;¹³ permanent residents pass their status to their children only under very limited circumstances which are also within the complete discretion of the Minister of Interior. Non-citizens who marry Israeli nationals may obtain citizenship through naturalization, even where they do not meet the express conditions of naturalization;¹⁴ a temporary provision to the Nationality Law enacted in 2003 (and reaffirmed regularly since by the Israeli Supreme Court) prohibits Palestinians from the Occupied Territories who marry an

East Jerusalem permanent resident the right to live with their spouses in Jerusalem.¹⁵ And where revocation of Israeli citizenship acquired by birth is nearly impossible, excluding voluntary renunciation by the individual (and even then, citizenship renunciation requires the approval of the Minister of Interior),¹⁶ and citizenship acquired by naturalization is nearly as difficult to revoke, the risks of a permanent resident losing his or her residency rights are enormous and subject to the absolute discretion of the Minister of Interior. In short, Palestinian East Jerusalemites' permanent residency affords the right to ... *some* rights.

Center of Life Policy: *Awad* and *Shiqaqi* Cases

Notwithstanding their already inferior status on the land on which they were born, Palestinian East Jerusalemites risk falling to an even more vulnerable status – stateless – according to a number of policies imposed by Israeli authorities. Where, traditionally, stateless persons exist *outside* the law, these policies have institutionalized statelessness among the Palestinians in Jerusalem, thereby legalizing statelessness within Israel's own citizenship framework.¹⁷

The “center of life” policy, one of the most detrimental policies by which East Jerusalemites are rendered stateless, is a judicially created doctrine subject to the absolute discretion and manipulation of the Minister of Interior. Justice Aharon Barak, the heralded justice of constitutional equality and anti-discrimination, articulated the principle “center of life” for the first time in the 1988 case *‘Awad v. Prime Minister*. The phrase was applied again in the 1995 case *Shiqaqi v. Minister of Interior*, and thereafter, the Minister of Interior has stretched and manipulated the principle to revoke the residency rights of thousands of East Jerusalemites – many of whom have never left Jerusalem.

In 1970, Mubarak ‘Awad, a permanent resident born in Jerusalem in 1943, did what many Palestinian Jerusalemites sought to do: he requested permission from the Ministry of Interior to travel abroad to pursue an education.¹⁸ ‘Awad obtained travel documents to travel to the United States, and by 1982, he had received his Masters degree, completed his doctoral dissertation, and acquired American citizenship.¹⁹

‘Awad and many other similarly situated East Jerusalemites recognized the precariousness of their permanent residency, particularly when spending extended periods of time abroad. The Entry into Israel Regulations of 1974 established express conditions under which an individual's permanent residency “expired,” the most pertinent being Regulation 11(c), which states that permanent residency expires if an individual “leaves Israel and settles in another country.”²⁰ Regulation 11A defines “settling in another country” as: (1) living for more than seven years in a foreign country, (2) receiving permanent residency status of a foreign country, or (3) becoming a citizen of another country.²¹ Acutely aware of these requirements, most East Jerusalemites ensured that they returned to Jerusalem on a regular basis – at least annually – to renew their identity cards and permits and to show that they had not “settled abroad.”²² In short, that their

permanent residency status was not actually “permanent” was always clear, and East Jerusalemites took conscious measures to protect their statute.

‘Awad returned to Jerusalem at least three times between 1970 and 1983. Rather than entering Israel using his permanent residency documentation, ‘Awad entered with his U.S. passport.²³ After completing his education in 1982, ‘Awad increased the frequency of his trips to Jerusalem, visiting more than fifteen times during a five year period. He continued to enter and exit Israel using his U.S. passport.²⁴

While visiting Jerusalem in 1987, ‘Awad went to the Ministry of Interior to replace his worn-out identity card – a routine procedure.²⁵ The Ministry denied his request to replace the card, claiming that because he entered the country using his U.S. passport, ‘Awad was a tourist and thus no longer an Israeli resident.²⁶ The Ministry informed him that his final entry visa would expire in November 1987 and that he must leave Israel no later than that date. Despite the order, ‘Awad remained in Israel, and in May 1988, six months after his final tourist visa expired, the Minister of Interior ordered ‘Awad’s deportation from Israel.²⁷

‘Awad challenged the revocation of his permanent residency rights, which rendered him a tourist in his own city, and his deportation order in the Israeli High Court of Justice. In addressing his residency rights, the Court’s legal analysis focused on the nature of the “residency” status originally granted to East Jerusalemites two decades prior, in 1967, and the applicability of the Entry into Israel Law of 1952 to that status. ‘Awad argued primarily that Israel’s assertion of municipal and administrative jurisdiction over East Jerusalem in 1967 contained a commitment to a “quasi” or “constitutional” citizenship to the residents of East Jerusalem – a special status, ‘Awad argued, akin to actual citizenship that does not expire or may not be arbitrarily revoked.²⁸ The Prime Minister and Minister of Interior countered ‘Awad’s argument, claiming that despite Israel’s jurisdictional claim over East Jerusalem, permanent residents are subject to the Entry into Israel Law 1952 and the 1974 Regulations, under which the permanent residency status “automatically expires” upon the conditions outlined in section 11(c).²⁹ For ‘Awad, his permanent residency expired when he “settled” in the United States.³⁰

Justice Barak sided with the government, affirming the revocation of ‘Awad’s residency rights and his deportation from Israel.³¹ Barak rejected ‘Awad’s argument for interpreting East Jerusalemites’ permanent residency rights as “quasi” or “constitutional” citizenship because such a status is “not mentioned in the law,” and thus, its “rules are a mystery.”³² Instead, Barak found that East Jerusalemites’ permanent residency rights are regulated by the Entry into Israel Law and Regulations, just as the rights of tourists and other noncitizens are regulated, thereby creating “equality among all persons lawfully present in Israel (who are not citizens or [Jews exercising the right of return])” and consistency in “the practices used throughout the years.”³³ Barak also faulted ‘Awad and all East Jerusalemites who did not pursue Israeli citizenship in the aftermath of the Six Day War, claiming that it makes it “difficult to accept [‘Awad’s] claim regarding ‘quasi citizenship’ which bears only rights and no duties.”³⁴

To the specific question of the revocation of ‘Awad’s permanent residency, Barak first held that all three conditions of 11(c) of the Entry into Israel Regulations applied to

‘Awad.³⁵ At that point, he had sufficient grounds to hold for the government and affirm ‘Awad’s deportation order. Nonetheless, Barak went further, holding that permanent residency might also “automatically expire,” either because it had surpassed its period of validity or because the premise on which it rests – actual permanent residency in Israel – had expired.³⁶ Barak went beyond the written law – the provisions of the Regulations – to hold that there are other avenues for the “expiration” of permanent residency. He wrote, “A permit for permanent residency, when granted, is based on a reality of permanent residency. Once this reality no longer exists, the permit expires of itself.”³⁷

Barak realized that he had exceeded the bounds of the written law and thus had to articulate a standard by which to judge the “reality” of permanent residency. He stated that ‘Awad’s acquisition of American citizenship signified that his “center of life is no longer [Israel],” regardless of the fact that “in his heart of hearts he aspired to return to [Israel].”³⁸ Barak noted the difficulties in applying an amorphous standard, acknowledging that “it is often difficult to point to a specific point in time at which a person ceased from permanently residing in a country and that there is certainly a span of time in which a person’s center of life seemingly hovers between his previous place of residency and his new place of residence,” but he declined to address those difficulties or formulate a more precise standard.³⁹

Despite the open-endedness of the *‘Awad* ruling, East Jerusalemites felt little change in the policy regulating their permanent residencies until 1995. In June 1995, Fathiya Shiqaqi lost her permanent residency rights after living with her husband – also deported from Israel – and her children in Syria for six years.⁴⁰ The High Court of Justice solidified Barak’s holding in *‘Awad*, restating that an East Jerusalemite may lose his or her permanent residency *even if* none of the situations specified in Section 11A of the Entry into Israel Regulations pertain.⁴¹ Indeed, Shiqaqi satisfied none of the enumerated provisions: she had remained outside Israel for less than seven years, and she had not received citizenship or permanent residency in a foreign country.⁴² Again, the Court expressed no reservations in their sojourn beyond the written law and regulations; Justice Goldberg stated, “The appearance of a new reality, changing the reality of permanent residency in Israel, is clearly indicated by circumstances other than those mentioned in regulation 11A of the [Entry into Israel Regulations].”⁴³

Institutionalizing Statelessness: Center of Life Policy in Practice

After *Shiqaqi*, the Minister of Interior began revoking the permanent residency rights of hundreds of East Jerusalemites.⁴⁴ By December 1996, the rights of 739 East Jerusalemites were revoked.⁴⁵ By December 1997, the annual total jumped to 1,067.⁴⁶ In 2008, the total annual number skyrocketed to 4,577.⁴⁷

The Ministry of Interior now applies the “center of life” policy to nearly every Palestinian East Jerusalemite with permanent residency. Under this standard, the burden is on the individual to prove that he or she has lived and continues to live in Jerusalem.⁴⁸ When the Minister determines an individual’s “center of life” has

changed, residency rights automatically expire and the Ministry revokes them. There is no opportunity to present one's case or to appeal the decision.⁴⁹ In some cases, the Ministry delivers written notification of revocation, with no request of documentation from the individual proving residence and life in East Jerusalem.⁵⁰

Any reason to visit the Ministry of Interior poses a significant risk for East Jerusalemites because the visit often triggers the "procedure" or "investigation" into one's "center of life;" hence, they do all that they can to avoid it. However, avoiding all arms of the government is nearly impossible in Jerusalem. For instance, claiming national health benefits requires that an individual present residency documentation at the National Insurance Institute, where they are then often referred to the Ministry of Interior to obtain proof of residence.⁵¹ And where permanent military checkpoints might be avoided by traveling different routes, the Israeli army often installs temporary or "flying" checkpoints in East Jerusalem neighborhoods, requiring all those who pass to present their identity documentation. Soldiers often tell East Jerusalemites that they must go to the Ministry of Interior to replace a worn-out identity card, even where the card is still valid.⁵² When permanent residency is revoked, the individual is forced to attempt to continue to live without permission in Jerusalem, which carries enormous penalties if apprehended, or, if he has no other connection to another state, to flee to Gaza or the West Bank.

Even in numerous instances where none of the *'Awad* facts apply – where the individual has not spent any period of time abroad nor acquired legal status in another country – the Ministry of Interior has applied the standard to find that the individual's "center of life" is not Jerusalem and hence, he or she no longer entitled to permanent residency.⁵³ As Elodie Guego explains, "The standard of proof demanded [of the 'center of life' policy] is so rigorous that even persons *who have never left* Jerusalem have difficulties in meeting it."⁵⁴ Daily life for East Jerusalemites is a constant struggle to avoid detection and to hold on to the right to stay connected to their families and homes in the city.⁵⁵

Contravening Rights: Jerusalem's Reality

The "center of life" policy is premised on a false notion of absolute sovereign authority over citizenship and entry laws. Not only do international human rights norms govern the ultimate extent to which a state may deny entry to individuals born on its territory, the unique position of East Jerusalemites and the perpetual issuance of permanent residency to a discrete population *born on the territory* also necessitate the acknowledgement of the actual "reality" for East Jerusalemites. This reality requires the recognition of the distinction between, on the one hand, permanent residency issued to immigrants seeking a state's permission to reside on its territory and, on the other hand, permanent residency issued to a native population seeking to exercise its *right* to live on the territory on which generations preceding it were born.

To be sure, few matters sound more strongly in state sovereignty than domestic authority to regulate nationality.⁵⁶ Indeed, the control of a state's borders, including who

may and may not cross them, is by definition the fundamental exercise of sovereignty. The views of the Minister of Interior reflect this premise. He believes that Israel's grant of permanent residency rights is a favor – not a duty – extended to the recipient by the state: “[G]ranting a permit to reside in Israel is not to be taken lightly, as if it grants rights and creates a type of status, and it is known that in any case, foreigners have no inherent right to receive it.”⁵⁷

The notion of absolute sovereignty, however, is clearly erroneous. International norms shape and guide a sovereign's exercise of authority over citizenship and entry laws and restrain states from pursuing national policies that violate fundamental individual rights.⁵⁸ As early as 1923, twenty-five years before the establishment of Israel and forty-four years before Israel's unilateral annexation of East Jerusalem, the Permanent Court of Justice instructed that whether a matter is solely within a state's domestic jurisdiction “depends on the development of international relations.”⁵⁹ In other words, sovereign authority recedes as international law increasingly recognizes and protects fundamental individual rights.

Of particular importance to the issue of nationality are the prohibition on the arbitrary deprivation of rights and the principle of nondiscrimination. The International Covenant on Civil and Political Rights, ratified by Israel in 1991 and binding on state action *even* in the Occupied Territories,⁶⁰ requires that no individual is “arbitrarily deprived of the right to enter his own country”⁶¹ and prohibits discrimination on any ground, including race, language, religion, or national or social origin.⁶² The “center of life” policy directly contravenes both principles: the policy deprives individuals of the right to enter (and live) on the territory on which they were born, and it is arbitrary⁶³ because it is not prescribed by law – neither the court nor the legislature has attempted to define or draw the contours of Barak's amorphous “center of life” standard, instead leaving individual determinations subject to the complete discretion of the Minister of Interior. The policy imposes a disproportionate burden on Palestinian East Jerusalemites without the excuse of a legitimate state interest that might justify the mass deprivation of residency rights for individuals born on the territory and intending to remain on the territory. Finally, the policy affords no procedural due process: the government provides no specific reason for the revocation of residency, and the victim is afforded no opportunity for review or appeal.⁶⁴

Beyond the violations of well-settled international law, the international community and Israel must recognize the *actual reality* in which East Jerusalemites find themselves. Justice Barak in *'Awad* and Justice Goldberg in *Shiqaqi* purported to have found a new “reality” of permanent residency, presumably on the premise that some East Jerusalemites, like *'Awad*, had spent considerable periods of time abroad and had acquired permanent residency or citizenship in a foreign country. But the actual reality – or the “facts on the ground”⁶⁵ – is that many of the victims of the “center of life” policy have never left Jerusalem or do not intend to settle elsewhere, despite traveling abroad to pursue an education or career opportunity. Israel must acknowledge that systematically according permanent residency rights to a discrete population *born on the territory* is not a favor, as the Minister of Interior suggested – and the subsequent revocation of those rights based on an arbitrary standard is a clear violation of East Jerusalemites' right to live in their city

of birth. The international community, in evaluating Israel's exercise of sovereignty over its citizenship and immigration laws, must recognize the inherent distinction between the issuance of permanent residency to immigrants and the issuance of permanent residency to individuals born on the territory, as had been their forebears for many generations before them. The only alternative is the continued institutionalization of statelessness and forced displacement of Palestinian East Jerusalemites – a matter over which the entire international community should be acutely concerned.

Conclusion

Munther Fahmi, a Palestinian East Jerusalemite and owner of the American Colony Hotel's bookstore, lost his permanent residency rights in 1993.⁶⁶ The Minister of Interior ordered him deported from Jerusalem two and a half years ago. In February 2012, after petitioning the High Court of Justice, a special inter-ministerial committee reportedly granted Fahmi permission to remain in Israel for two years – despite his lack of residency – after which period he would be able to apply to regain his permanent residency status.⁶⁷ Fahmi's residency rights were indeed revoked pursuant to the written law – he lived in the United States for nearly two decades and acquired American citizenship⁶⁸ – but his case is simply another manifestation of the arbitrary standard and the enforcement of discriminatory laws that impinge on fundamental individual rights and freedoms. If Fahmi can enjoy a relaxed standard, despite clearly violating the 11(c) Regulations, and retain the chance to hold on to his permanent residency, what are the thousands of East Jerusalemites whose residency rights have been revoked pursuant to the “center of life” policy to think? Fahmi himself notes that his social standing and connections may be the only reason for his enviable position.⁶⁹

The international community must direct attention and scrutiny to the institutionalization and forced displacement of East Jerusalemites. “If something, perhaps some international pressure, does not stop [the revocation of residency rights],” urges Israeli attorney Michael Sfard, “we will witness Palestinian de facto deportation from East Jerusalem – not with guns and trucks, but by not allowing Palestinians to live decent normal lives in East Jerusalem.”⁷⁰

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Endnotes

- 1 Danielle C. Jefferis, “Institutionalizing Statelessness: The Revocation of Residency Rights of Palestinians in East Jerusalem,” *International Journal of Refugee Law*. (2012) doi:10.1093/ijrl/ees026 (First published online: May 9, 2012).
- 2 http://www.btselem.org/jerusalem/revocation_statistics (According to B’Tselem’s figures through 2010, Israel has revoked the permanent residency rights of 13,115 Palestinians from East Jerusalem.)
- 3 Although the practice is often referred to as “quiet deportation,” resulting from HaMoKed and B’Tselem’s 1997 publication of the same name, the term is a misnomer because the act of deportation connotes that there is a “receiving location”—another state to which the deported individual is sent (usually the individual’s native country). Deportation from one’s native land on the other hand, barring a severe act against the state, is rare.
- 4 See <http://www.jcser.org>
- 5 http://www.btselem.org/jerusalem/revocation_statistics.
- 6 C. Batchelor, “Transforming International Legal Principles into National Law: The Right to a Nationality and the Avoidance of Statelessness,” *Refugee Survey Quarterly* 25 (2006): 8.
- 7 Laura van Waas, *Nationality Matters: Statelessness Under International Law*, (Antwerp: Intersentia, 2008), 31.
- 8 Batchelor, “Transforming International Legal Principles,” 10.
- 9 Batchelor, “Transforming International Legal Principles,” 10
- 10 Under international law, East Jerusalem is occupied territory and East Jerusalemites are occupied persons, subject to the protections of the Fourth Geneva Convention.
- 11 See Nationality Law 1952, s. 5(b).
- 12 Entry into Israel Law 1952, s. 5 (“The Minister of the Interior may grant a return visa to a person who, being permitted to reside in Israel permanently (1) wishes to leave Israel with the intention of returning; or (2) is abroad and wishes to return to Israel.”) (emphasis added).
- 13 Nationality Law 1952, s. 4.
- 14 See “Israel: High Court Rulings Undermine Human Rights,” *Human Rights Watch* (Jan. 30, 2012), <http://www.hrw.org/news/2012/01/30/israel-high-court-rulings-undermine-human-rights> (noting Jewish foreigners may obtain Israeli citizenship automatically under the Law of Return and non-Jewish foreigners who marry Jewish citizens may obtain Israeli residency or citizenship over a four-year period).
- 15 The 2003 Amendments to the Nationality Law of 1952 prohibit most Palestinians from the West Bank and Gaza from applying for family unification and permanent residency (or naturalization) if married to a permanent resident or citizen. Notably, Israeli settlers from the West Bank are excluded from the provision. Originally passed as a temporary “security” measure, the law imposes a blanket ban on Palestinian spouses on the theory that “Palestinian spouses of Israeli citizens [are] potential security risks because some have carried out attacks on Israeli citizens.” See Human Rights Watch, *supra* note 9. No individualized assessment is required.
- 16 Nationality Law 1952, s. 10.
- 17 For a full analysis of three of these policies, see *Institutionalizing Statelessness*, *supra* note 1.
- 18 HCJ 282/88, ‘*Awad v. Minister of Interior*, 5 June 1988, par. 1.
- 19 HCJ 282/88, ‘*Awad* par. 1.
- 20 HaMoked & B’Tselem, “The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians, Jerusalem,” *HaMoked & B’Tselem*, (Apr. 1997), 6, http://www.hamoked.org/items/10200_eng.pdf, (quoting Entry into Israel Regulations 1974, s. 11(c)).
- 21 HaMoked & B’Tselem (quoting Entry into Israel Regulations 1974 s. 11A).
- 22 Overall, the practice of returning to Jerusalem at least annually was effective, as an average of only 110 residencies were revoked each year from 1967 through 1995. These revocations were likely premised on political reasons, rather than a violation of Regulation 11(c). See HaMoked, “Written Submission for Consideration Regarding Israel’s Third Periodic Report to the UN Human Rights Committee,” *HaMoked: Center for the Defence of the Individual*, Annex I, 7-8 (July 2010) (suggesting spikes in residency revocations in 1983 were tied to Israel’s 1982 war with Lebanon, during which the Israeli army conducted an offensive against alleged Palestinian Liberation Organization Supporters).
- 23 HCJ 282/88, ‘*Awad v. Minister of Interior*, 5 June 1988, par. 1.
- 24 HCJ 282/88, ‘*Awad*, par. 2.
- 25 HCJ 282/88, ‘*Awad*, par. 2..
- 26 HCJ 282/88, ‘*Awad*, par. 2..
- 27 HCJ 282/88, ‘*Awad*, par. 2..
- 28 HCJ 282/88, ‘*Awad*, par. 4.
- 29 HCJ 282/88, ‘*Awad*, par. 5.
- 30 HCJ 282/88, ‘*Awad*, par. 5..
- 31 HCJ 282/88, ‘*Awad*, par. 5..
- 32 HCJ 282/88, ‘*Awad*, par. 9.
- 33 HCJ 282/88, ‘*Awad*, par. 9.
- 34 HCJ 282/88, ‘*Awad*, par. 9..

- 35 HCJ 282/88, 'Awad, par. 9.
- 36 HCJ 282/88, 'Awad, par. 9.
- 37 HCJ 282/88, 'Awad, par. 9.
- 38 HCJ 282/88, 'Awad, par. 15.
- 39 HCJ 282/88, 'Awad, par. 15.
- 40 HCJ 7023/94, *Shiqaqi v. Minister of Interior*, 6 June 1995.
- 41 HCJ 7023/94, *Shiqaqi v. Minister of Interior*.
- 42 See "Quiet Deportation," 6.
- 43 *Shiqaqi*; "Quiet Deportation," 6.
- 44 "Quiet Deportation," 12.
- 45 Written Submission to UNHRC (2010): 7. For several years after 1995, the Ministry of Interior refused to provide an accurate count for the number of revocations during the new policy's first year, claiming that they could only estimate the around 600 East Jerusalemites were affected. See "Quiet Deportation," 12.
- 46 Written Submission to UNHRC (2010): 7.
- 47 Written Submission to UNHRC. And the practice continues: In 2009 and 2010 respectively, 717 and 191 Palestinians' East Jerusalem residency was revoked. See B'Tselem, "East Jerusalem: Statistics on Revocation of Residency in East Jerusalem," http://www.btselem.org/jerusalem/revocation_statistics (last visited 1 Feb. 2012).
- 48 "Quiet Deportation," 15.
- 49 "Quiet Deportation," 16.
- 50 "Quiet Deportation," 15.
- 51 "Quiet Deportation," 16.
- 52 "Quiet Deportation," 16..
- 53 "Quiet Deportation," 15.
- 54 E. Guego, "'Quiet transfer' in East Jerusalem nears completion," 26 *Forced Migration Review* (2006), 26—27 (emphasis added).
- 55 In April 2011, human rights groups HaMoKed and the Association for Civil Rights in Israel petitioned Israel's High Court of Justice to demand a cessation to the revocation of Palestinian East Jerusalemites' residency rights under the center of life policy. See "HaMoKed: Center for the Defence of the Individual and the Association for Civil Rights in Israel lodge a petition to the HCJ: end the policy of revoking the status of East Jerusalem residents due to prolonged residency abroad or the acquisition of status in a different country," *HaMoked*, April 7, 2011, available at <http://www.hamoked.org/Document.aspx?did=Updates1092> (last visited 1 Feb. 2012).
- 56 See Batchelor, "Transforming International Legal Principles," 9 (quoting 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, art. 1).
- 57 "Quiet Deportation," 7 (quoting Paragraph 3 of the State's answer in HCJ 7930/95, *Nariman Mahfuz and thirty-nine others v. Minister of Interior et. al.*).
- 58 See, e.g., Batchelor, "Transforming International Legal Principles," 10.
- 59 See Batchelor, "Transforming International Legal Principles," 10.. (quoting Permanent Court of International Justice, *Advisory Opinion on the Tunis and Morocco Nationality Decrees*, Ser. B.No.4, 1923, p. 23).
- 60 See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories*, *Advisory Opinion*, I.C.J. Reports 2004, p. 136, par. 111 ("In conclusion, the Court considers that the International Covenant on Civil and Political Rights is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory.").
- 61 International Convention on Civil and Political Rights, 16 Dec. 1966 (entry into force: 23 Mar. 1976), art. 12(4).
- 62 International Convention on Civil and Political Rights, art. 26.
- 63 See J. Goldston, 'Holes in the Rights Framework: Racial Discrimination, Citizenship, and the Rights of Noncitizens' (2006) 20(3) *Ethics and International Affairs*: 333 (For a policy not to be arbitrary, it must be "prescribed by law, nondiscriminatory, and accompanied by procedural due process, including review or appeal.").
- 64 "Quiet Deportation," 16 ("The procedure concludes when the Interior Ministry clerk notifies them that their permanent resident status has expired.").
- 65 Israel often argues that the "facts on the ground" demand a non-traditional application or altogether disregard of binding international legal principles, particularly in the context of illegal settlements in the Occupied Territories.
- 66 Nir Hasson, "Israel decides not to deport Palestinian bookshop owner," *Haaretz*, Feb. 2, 2012, <http://www.haaretz.com/print-edition/news/israel-decides-not-to-deport-palestinian-bookshop-owner-1.410500>.
- 67 Nir Hasson.
- 68 Nir Hasson.
- 69 Nir Hasson. ("Fahmi expressed delight over the committee's decision to allow him to say, but said it also made him think about the circumstances of others in his situation, who were not as well connected.").
- 70 Marian Houk, "Ethnic Cleansing Continues: Israeli Lawyers Tell UN Palestinian Jerusalemites Targeted," *Jerusalem Quarterly* 48 (2011): 94.