

Love lost and found on opposite sides of border

by [Bethany Firnhaber](#)

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BARTA'A, Israel (RNS) Fatmeh Kabaha spent most of her life surrounded by her brothers and sisters, nieces and nephews in a small Palestinian village just minutes from the border that separates the Palestinian territories from Israel.

Six years ago, she married a fellow Palestinian widower who lived on the Israeli side of the "green line" that slices through town. But finding love on one side of the wall, she found, meant leaving behind her family on the other.

In 2002 at the height of the second Palestinian uprising, Israel passed an amendment to its Citizenship Law that effectively banned all citizens -- Arabs and Jews alike -- from marrying Palestinians living in the West Bank or Gaza if they intended to live inside Israel.

For people like Kabaha, it means applying for a temporary resident permit to live with her husband in Israel. The permit must be renewed every year -- a lengthy process that often leaves her living illegally for weeks at a time.

The Israeli Supreme Court upheld the law in 2006, saying it did not violate rights guaranteed by the country's Basic Laws. Today, because the "green line" snakes its way through (rather than around) many Arab villages, the law separates thousands of families.

"You can marry Palestinians in Gaza (and the West Bank), but if you want to live with your spouse you would have to leave Israel because there is no way to get the permission for her or for him to enter Israel," said Yousef Jabareen, general director of the Dirasat Arab

Center for Law and Policy.

The 2002 law not only puts people like Kabaha in precarious legal status on the Israeli side of the "green line," but also quarantines her from her extended family on the other side, and makes even quick visits home unpredictable and unwieldy.

In traditional Muslim families, it's not uncommon to find three or more generations living under one roof. The Palestinian idea of "family" typically extends to a large network of aunts, uncles, brothers, sisters, nieces, nephews, cousins and even second cousins.

Justification for the law is grounded in two Israeli priorities: preserving the Jewish nature of the state and preventing possible terror attacks.

"Israel was and still is the safe haven for Jewish refugees from around the world, including from Arab states," said Gil Artzyeli, Israel's deputy consul general in Los Angeles. "But no other country faces the challenges we face (of those) trying to undermine the State of Israel and trying to exterminate it. We have the right, the prerogative, to decide who will become a citizen."

Before the 2002 amendment, a Palestinian in Israel could marry someone from the Palestinian territories and the couple could live in Israel. But they needed formal permission, which often took four to five years to secure. Now, with the amendment in place, there is no legal basis for permission.

The 2002 law is also retroactive, meaning that a married couple whose formal application for citizenship was still in the process when the amendment was passed is no longer eligible.

Many Palestinians argue that a blanket law is inherently unfair.

"If there's a security problem, that's an individual one," said Jabareen. "You can't banish all the people."

Kabaha, 56, met Yousef, 70, through a mutual friend after both had lost their first spouse. In keeping with Muslim custom, she moved out of

her family home and into the household of her new husband after they married. She applied for a temporary resident permit to live with him in Israel.

While the couple is sometimes allowed to visit the West Bank, their family can never cross over into Israel. So events must be coordinated to take place on the Palestinian side, and the couple only visits for special occasions such as weddings, funerals, or religious holidays.

Crossing the border requires a valid temporary resident permit -- which Kabaha sometimes doesn't have -- and a trip that should take 30 minutes often takes more than four hours.

For reasons she's never understood, the couple aren't allowed to access a checkpoint near their home. Once they make it to a checkpoint further away, guards take the woman into a room for a full body search.

"It's inhumane the way they body search you," she said. "It's not a pleasant experience."

Once she makes it to the West Bank, she tries to stay for two or three days at a time. She missed her brother's wedding because she hadn't been granted a new temporary permit, and another time she missed seeing her sister who lives abroad.

"My brothers and my sisters, I miss them a lot," she said, choking up as she thought of how she can never host them for Ramadan or Mawlid an-Nabi, Muhammad's birthday.

Artzyeli, the Israeli official in Los Angeles, has sympathy -- to a point.

"It might be a hardship here and there, but they may very well unite their families in Palestine, just not in the State of Israel," said Artzyeli. "By and large, we, like any other country, we have the right to decide who will be citizens."

Yet for Kabaha, the restrictions on her movement and lack of citizenship leave her feeling paralyzed.

"Freedom? We don't know what's freedom," said Fatmeh. "I want to be like anybody else, no restrictions."