



Barriers to Love, Life, and Residency Rights: A Case Study on Kufr Aqab

**An Exploratory Research Study by the Palestinian Working Woman Society
for Development (PWWSD)**

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“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.” -The Universal Declaration of Human Rights; Article 16 (1)

Abstract

Women in occupied Palestine face social, political, and physical obstacles to marriage and family life. These include Israeli-imposed restrictions on family reunification, residency rights, and freedom of mobility. This case study, based on women of Kufr Aqab in Jerusalem, attempts to touch upon some of these obstacles, namely focusing on family reunification and the subsequent restriction upon a woman's right to choose a spouse, live as a family unit with her husband and children, and free mobility in her home country. A total of ten women, former and current Kufr Aqab residents, took part in open-ended interviews for the study.

The study examines the issues women in Palestine may experience in marriage with a life partner of her choice and having a family life. It addresses the physical barriers imposed by the Israeli occupation and ongoing apartheid policies, which prove to be most salient. It examines the ways in which this socio-political environment may ultimately affect a woman's freedom to choose a spouse. This paper will therefore outline a major problem that Palestinian women face in their daily lives: physical barriers to free mobility resulting from Israeli apartheid policies.

Introduction

Physical barriers in occupied Palestine are present in the form of military checkpoints, demarcations of lands by entry only to Israeli-citizens, and Israeli-only roads. These restrictions are everyday realities in the lives of Palestinian women. It is therefore difficult to assess the “routines of life” without considering the overarching political conditions in Palestine (Taraki, 2006). As put by Johnson,

“One may posit with some confidence that daily life and practices in the Palestinian context — who men and women marry; how parents exercise their responsibilities and care for children; how adolescent girls and boys dream, plan, and work for the future — are deeply marked by the struggles between a colonial regime of control and dispossession and an unfulfilled national project of independence and sovereignty” (Johnson, 2006, p. 53).

The restrictions placed on women by the Israeli government are largely social and political, but they also have far-reaching economic impacts. The lack of access to residency for a spouse often causes social and economic problems for Palestinian women and their families. Palestinians with different

Identification Cards or *Hawiyas* have difficulty in registering their marriages, and further hardships in relocating to live together. Israeli policies of apartheid have made this matter a difficult one, seeking to separate Palestinians from the sphere of citizenship and civic rights of Israelis. A Supreme Court decision (91/449) stated that family reunification of Palestinians in the occupied territories is not a right, but rather, an act of charity when it is granted (Abdel Majeed & Abu Fasha, 2010). This study therefore seeks to explore the obstacles that Palestinian women, particularly women of Kufr Aqab, face in the way of marriage and family life.

The Human Rights to Marriage and Family Life

The right to marry beyond restrictions due to identity is recognized in the Universal Declaration of Human Rights, which states that:

“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution

...

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State” (The Universal Declaration of Human Rights; Article 16, 1948).

This article addresses important aspects of marriage and family rights applicable in the Palestinian context. Adults are permitted to marry and start a family “without any limitation due to race, nationality or religion” (10 December 1948). Obstacles to family reunification are an infringement upon this right. Palestinians are not able to easily marry from outside of their designated region (Gaza, the West Bank, Jerusalem, historic Palestine), due to restrictions on mobility and family reunification policies which discourage such marriages.

Methodology

This study has carried out qualitative interviews with women residents of Kufr Aqab. The interviews explored the obstacles to marriage to their preferred life partner and subsequent family life. It utilized the method of “snowballing” in order to solicit more interviewees. The qualitative interview was chosen over quantitative methods such as surveying due to the importance of exploring the experiences of women, and enabling interview participants to elaborate further on relevant topics. The open-ended questions allowed for this type of elaboration with greater flexibility than quantified coding would. In total, ten women took part in the open-ended interviews.

The interview questions asked were generally guided by those in Appendix B. When an opportunity was presented to further discuss an issue or to have the interviewee elaborate, the researchers allowed her to discuss further. No names were taken to protect the identities of the interviews, in compliance with research ethics.

Research Limitations

The study does not claim to present a representative sample of Kufr Aqab residents or of Palestinian women through the ten women interviewed. It only seeks to bring light to issues that these women and other Palestinian women face. For the safety and security of the women, interviews were taken without disclosure of identification of names of the interviewees.

While in the field, the researchers found that there was reluctance by many women to speak about their experiences. This is believed to be as a result of Israeli Insurance Institute; many of the women who did agree to be interviewed expressed that they felt that these insurance services were actively trying to catch them out of residence in order to annul their IDs or their social services. One woman stated: “Ever since the Aqsa Intifada... some have even had their IDs taken away. If they find someone living in an area that is not considered Jerusalem, it is an opportunity for them to revoke their ID” (November 4, 2014).

It is important to note that this study does not claim to be comprehensive or inclusive of *all* the obstacles Palestinian women face in choosing a life partner. It is also important to note that Israeli apartheid policies as socio-political barriers may make way to new social barriers, with categories of what is considered social and political becoming as much in interplay as they are separate categories. For example, a 2010 study found that women were sometimes discouraged by their families to marry an identification card holder of a different type due to the difficulties it would entail for her future marriage and family life (Abdel Majeed & Abu Fasha, 2010). This signifies familial pressure resulting from the existing socio-political obstacles to freely choosing a spouse.

Justifications: Why Kufr Aqab?

Kufr Aqab in East Jerusalem was chosen as a theme of this study because it has a high number of residents who are subjected to family reunification and mobility issues. Many of the residents of Kufr Aqab live in the neighborhood because it is considered within the Municipality of Jerusalem by the Israeli state and is located, at the same time, before checkpoint outside the West Bank. While Kufr Aqab was annexed by Israel, it is in practical terms part of the West Bank by separation of Israeli West Bank border. Therefore, both West Bank ID holders and Jerusalem ID holders may live in the neighborhood. The geographic location and status provides a solution for families and spouses with mixed residency statuses (for example, West Bank ID holders and Jerusalem ID holders within the same family), albeit a difficult one. The area lacks in municipal services including sanitation and water, despite its being considered a Jerusalem zone.

Research Findings

The interviews found that women generally had negative feelings towards living in Kufr Aqab. Generally, these involved feelings of being compelled to live in Kufr Aqab, difficulty in travelling as a family, lack of proper sanitation and water systems, lack of authority, bureaucratic obstacles in registration, regret in choosing a spouse due to their bureaucratic struggles, and fear for the future

of their children. They expressed the presence of many infringements upon their rights to marry a spouse without restrictions and to live in a family unit protected by the state. However, many of these women expressed these issues not in terms of rights, but in terms of the actual realities that take place.

Being “compelled” to live in Kufr Aqab

Several women expressed feelings of being compelled to live in Kufr Aqab and having no alternative choices for residency. A 44 year old woman who has lived in Kufr Aqab for 6 years, who is a Jerusalem ID holder and whose husband is a West Bank ID holder said: “It’s not a life, but a person has no other options” (October 20, 2014). A 45 year old woman also said, “I want to live where I want. I don’t want to live in Kufr Aqab because I am forced to. If I wanted to live in Kufr Aqab, that’s fine, but not to live in it because I am compelled” (October 30, 2014). The woman explained that she would love to live in the old city of Jerusalem, but cannot because she has been denied residency there although her husband is a Jerusalem ID holder. She explained that she had applied around 10 times for residency applications, and that she has even been denied a travel permit to Jerusalem. Women generally expressed that they felt they had no other options. Two women expressed that living in Kufr Aqab caused strain on their marital and family relationships. One woman said that living in Kufr Aqab strained her marriage. She stated, regarding living in Kufr Aqab, “This caused tension between my husband and myself. Because he did not want to live there. It caused problems for us... He doesn’t want it. And the children are the ultimate victims” (November 4th, 2014).

Travelling as a Family and Mobility Rights

Women expressed hardships in travelling as a family and visiting relatives together on special occasions. A 60 year old woman, who has lived in Kufr Aqab for 10 years, said she came to Kufr Aqab 10 years ago to hold the family together. She and her husband both have Jerusalem IDs, as do their two sons and daughters. However, their son’s wife and their husband’s daughter are West Bank ID holders. She says, “For me, my daughter is Jerusalem and I love it... but my daughter and son are both married to West Bank ID holders, so they need to prove that they are living in Jerusalem. And their spouses need to be able to live with them” (October 20, 2014). The woman also spoke of the hardship in travel as a family, “We cannot visit relatives on *Eid* together”. (October 20, 2014). Another woman, whose husband has a Jerusalem ID, said, “I can only travel to Jerusalem through the Qalandia checkpoint. If I go through any other checkpoint, I am not allowed in.” (November 4, 2014).

One woman, a Jerusalem ID holder, married to a West Bank ID holder stated, “My daughter reached a point where she said, ‘*Mama*, how come we go to the mall and *Baba* is not with us?’” (November 5th, 2014). Referring to her son and daughter who are married to spouses with West Bank ID holders, a woman said: “Now if we want to go to the [Israeli Allenby] Bridge, each one goes by himself or herself. It affects the wellbeing of a person” (October 20, 2014). A 38 year old woman who is a West

Bank ID holder and whose husband is a Jerusalem ID holder also expressed difficulty in visiting relatives, even on special occasions. She recalled: "On Saturday was the wedding of his relatives, his sister's child... and we couldn't go" (October 20, 2014). A 45 year old woman also expressed her inability to travel to Jerusalem for visiting relatives, "They do not give me a permit for any reason, not for treatment, not for visiting relatives, not for anything" (October 30, 2014). One woman expressed that she avoids travelling with her daughter due to the difficulties they face. She explained:

"When I go with my daughter, who has a Jerusalem ID, and I have a West Bank ID... I go from the permit side and my daughter goes from the side for the Jerusalem ID holders. Jerusalem ID holders are allowed much quicker. My daughter comes out and waits for me, 2 hours, until I can pass through the permit holders side. And we are more than 300 people and the treatment is degrading, as if we are cattle... And because of this I don't like going with my daughter." (November 4, 2014).

In cases of emergencies, women expressed that they find themselves unable to travel with their spouses. One woman said, "When my father died, we went to go to Jerusalem, and they denied my husband entry" (November 5th, 2014). She also explained that this has been a reality for her ever since she got married to her husband. She explains the difficulty that this has on family life altogether:

"Since I got married, when there are family occasions, my husband cannot be with me. And even when I had my children, others would be with their children but not mine... all except for mine and my sister's. She has the same problem... For my children, their father was not with them and this used to cause them stress. They would like for their father to be there but he couldn't. And other occasions he couldn't be there for... engagement parties, for instance, are not recognized [as a legitimate reason for issuing a permit], only weddings, and you have to bring the wedding invitation to get a permit. When I used to get sick, I would have to go to the hospital alone, and it isn't easy to go to from Kufr Aqab from the checkpoint to the hospital alone..."(November 5th, 2014).

The woman explained that she must have her children born in a hospital in Jerusalem because if they are born in a Ramallah-based hospital, they would not receive a birth certificate enabling them to a Jerusalem ID. They would not be entitled a West Bank ID either, so they would be left without an ID. She explained that this meant that her husband could not be there for the birth of his child:

"During my childbirth, he was unable to be there. For the birth of my first daughter, he stayed at the checkpoint waiting to get a permit and he was not able to get a permit until the following day... after her birth" (November 5th, 2014).

Lack of Government Authority, Security and Social Services

Several women complained of a general negligence by Israeli Authorities of the area and an inability of the Palestinian Authority to exercise any power in the area. A 45 year old woman who was interviewed described the lack of authority in the area, stating that both the Israeli government and the Palestinian Authority neglect the area. She explained “It [Kufr Aqab] has collected all the bad that was created. And no one has authority. There is no safety, government, police, or law. Whoever wants to sell drugs, whoever wants to deal in cars, and whoever wants to steal can do so. Nobody holds them accountable” (October 30, 2014). A 60 year old woman also stated, “There are drugs, lots of bad things. It is chaos” (October 20, 2014). Another woman affirmed “Not the Palestinian government, not Israel, recognizes this area for building licenses. You could say it’s an area by itself” (November 4, 2014). One woman stated that the Israeli government, through its negligence, encourages the poor conditions in the neighborhood. She added, “The Palestinian Authority has no authority over itself in the end. How can it have authority over areas it does not control?” (October 30, 2014). One woman indicated that in cases of emergencies, services such as access to police and ambulance is not readily available in Kufr Aqab. (November 4th, 2014).

The lack of authority affects the social aspect of living; some women expressed that they do not allow their children out of the home. One woman who had lived in Kufr Aqab for one year, stated, “It’s a bad environment. My children were exposed to danger more than once. My girls are not allowed to go outside” (November 4th, 2014). Researchers witnessed some women walking their children from school. When asked why, they indicated that they did not feel that it was safe to have their children walking alone in the neighborhood.

This lack of protection, emergency, and police services come alongside a lack of adequate basic water and waste management services. Women generally expressed difficulties in living in Kufr Aqab due to the absence of adequate water systems, sanitation, and trash collection. A 45 year old Kufr Aqab resident described, “Far be it from you, it is garbage in the streets. It is sewage in the streets... and there are no services” (October 30, 2014). Another woman described the lack of adequate water systems. She explained, “When the rain comes... there is no water system to support this, so outside my house becomes like a pool (November 4th, 2014).

Registration and Bureaucratic Processes

“If a woman’s husband has a brother that’s been arrested, be it for one year, she won’t be able to get a permit.”

-Palestinian woman living in Kufr Aqab, November 4, 2014

Women spoke of negative experiences involving the registration of their family members and other bureaucratic processes imposed by the Israeli government. Several women expressed that they felt that the Israeli government, namely through the Insurance Institute, was actively trying to find something

wrong in their applications for an opportunity to withhold or deny their applications. One woman shared:

“When I took the papers to the Ministry of Interior, they said that the National Insurance needs to come. They came and everything stopped for one reason—that there were 2 months in which the electricity was not being used. They stopped the whole process. And now it has stopped... and now I have to start over” (November 5th, 2014).

Another woman explained:

“You have to prove to them every year... when I go I have to take them electricity bills for the whole year, contract of rent for the apartment, school papers of registration... If I have my children in a non-Israeli school and I bring them these papers, I won’t get a permit. It has to be an Israeli school.” (November 4, 2014)

One woman expressed the ongoing nature of this bureaucratic experience for many women. She said, “What can I tell you? Throughout the year, you are taking care of these papers and arranging these papers, so that you can take them to them [to the Ministry of Interior]” (November 4, 2014).

Another woman explained:

“And every year I have to take all my papers. They ask for me to bring reports on my parents, all my sisters, their husbands, and all my brothers and their wives. If they find a problem with any of these people, then that affects my permit application. If one of them was arrested, they won’t give me a permit” (November 4, 2014).

One woman explained the effect of numerous attempts at registration of her children has caused fatigue at the familial level. She explained:

“We are tired. I have been living for 15 years in this situation, trying to get something for my children. I have 4 children, 3 of them have ID numbers and the little girl has no residency status. All she has is a birth certificate from the hospital” (November 4th, 2014).

Women expressed negative feelings and disconcerting experiences associated with visiting the Ministry of Interior to conduct registration processes. Generally, it was found that women did not express that they have rights to family reunification. One woman explained:

“When I go to the Ministry of Interior, I feel like I am begging or asking for something that I am not entitled to. I don’t like to go. And when I go once a year, to apply for my permit, I get very irritated. And I go in the morning and I won’t be home to my children until after the sun sets” (November 4, 2014).

One woman expressed that the bureaucratic processes can persist in the lives of Palestinians while they live and even after the passing of a loved one. She said:

“I have older children and younger children. And we feel these difficulties very much. I also have a son who has died, God rest his soul, and he has a Jerusalem ID, and all of us are facing difficulties from this ID issue, even the dead. We bury the dead in Bab Al-Asbat, near the Aqsa mosque. And there are even problems with burying the dead. They don’t let us until we prove and undergo a process, and then after all of this my son is buried there... But after that, when I don’t get a permit, I cannot even visit my son’s grave.” (November 4, 2014)

Regret in Choosing a Spouse and Fear for the Experiences of Children

Some women expressed that they regretted marrying their spouses due to residency issues and the problems they faced in living as a family. Among these, some also expressed that they would not want their children to marry someone holding a different ID type for fear that they may have a similar experience. Some women articulated regret in marriage to their spouses due to the severe difficulties they faced. A woman who has been living in Kufr Aqab for 21 years since her marriage life began, expressed, “It’s suffering to the point where I am regretful that I married someone with a Jerusalem ID” (November 4, 2014). Another woman, Jerusalem ID holder, said if she could turn back time she would reconsider marrying her husband (November 4th, 2014).

One woman added, “I would not allow my children to marry West Bank ID holders... I don’t want my children to go through the suffering that I did”. She explained, “It is so irritating that I find myself willing to give up this right [to live with spouse]. I would not let my daughter marry a West Bank ID holder because I don’t want her to suffer the way I did.” (November 4th, 2014). Another woman from Jerusalem stated: “If I had expected this, I would not have taken this step [in marriage], to be honest” (November 5th, 2014). She elaborated on her experience:

“... We used to hear that Jerusalem residents don’t like their children to marry from West Bank ID holders. And I used to be irritated by this and I used to think it was a form of discrimination, and that it causes a separation between Palestinians living in Jerusalem and Palestinians living in the West Bank. I wasn’t able to understand, like I do now, that the reason for this is the suffering of those and the experiences. When I got married, for example, some of my family members could not attend because the wedding was in Ramallah. And it was during the second Intifada. It was very unstable and the checkpoints were very bad... The wedding party was in my sister’s house in Ramallah because my husband’s family was unable to go to Jerusalem... So you live a life that is not natural socially. For example, the party with the groom’s family coming to the bride’s house, as is tradition, is not possible. This is something I missed out on... And such social circumstances are things I considered very minor, but it does not stop there... For example, when I was pregnant and crossing the checkpoint... I went through a very difficult

pregnancy and was not able to walk on my legs easily. I always needed someone to walk with me... and they would prevent my husband from coming with me” (November 5th, 2014).

One woman, however, expressed that she did not regret marrying her spouse who is a West Bank ID holder. She said that God had willed it to for her to meet and marry her husband. When being asked by a civil servant why she married a West Bank ID holder, her reply was, “You do not do God’s work. In the end, it was willed by God for me to marry this man” (November 5th, 2014).

Hopes of Women of Kufr Aqab

During the closing of interviews, women expressed longing for freedom in mobility and live content with the happiness of their families. A 60 year old woman, who is a Jerusalem ID holder and living in Kufr Aqab, said: “I wish I can go back to Jerusalem, but living in Jerusalem today is difficult.” She added that she wished “to go pray in Jerusalem... It’s a nice life” (October 20, 2014). Another 45 year old woman said she wished “to have freedom” (October 30, 2014). With regards to the future, one woman said that her hopes are for the contentment of her children. She said: “I hope that they will live a good life, and can live with their families as they want, and with their husbands” (November 4, 2014).

Kufr Aqab in Context

“We don’t have freedom even within our homes. You can see the settlements right outside. How would it be to go to Jerusalem? Is Ramallah not for me as a Palestinian? Is Jerusalem and Yaffa or Haifa not for me? ... It is one country.”

-Kufr Aqab Resident, October 30, 2014

The difficulties faced by women in their rights to family life and to mobility are only a part of a larger context of the suffering of the Palestinian people. The Israeli occupation places restrictions on the lives of Palestinians, regardless of gender and geographic location within occupied Palestine. These are not restricted to these particular rights-violations, to women, or to the neighborhood of Kufr Aqab. One woman stated, “All parts of Palestine are under siege” (October 30, 2014). Another woman explained, “The occupation is placed upon women and men. This is suffering of occupation is not specific to men or to women, but all of us” (November 4, 2014). The restrictions placed upon Palestinians continue to attack the social fabric of families, and disrupt the natural flow of everyday life. A 45 year old woman explained:

“I am confined. I am in a prison. They’ve made each area a prison. We’re not able to reach the Aqsa mosque in Jerusalem, but not only there... even our own villages. In Al-Janiya, we are not able to pick olives from our own olive trees. Patrol has to be in front of us and behind us. And the patrol has to allow us to enter... We have trees in the area, and they gave us an area and

told us we can pick the olives but not the lemons or the oranges. If we sit down to relax and take a break, they tell us we are here to work, and that we have to finish and leave” (October 30, 2014).

Discussion

Palestinian women who were interviewed for the study indicated several difficulties associated with living in Kufr Aqab. Despite these difficulties, women generally felt compelled to live there. In general, women expressed difficulties in travelling as a family, hardship in travel, mistreatment by Israeli occupation apparatus and civil servants, lack of safety and security in the neighborhood, and complications in registration of their family members. For some, these hardships led them to regret marriage to their spouses. Some women even expressed that they would restrict the marriage of their children due to these issues, to save them from similar life experiences. This suggests the socio-political restrictions being placed by the Israeli occupation may bring rise to new restrictions by family members—namely to bring rise to pressures in marrying a person holding the same ID type.

Altogether, the issues faced by women indicate a violation of their rights to marry and start a family with no limitations due to their nationalities. The problems these women face are largely due to discrimination against these women as Palestinians, and they are denied equal rights to marriage and family life. Furthermore, the residency restrictions placed upon these women and their family members go against the recognition of the family as a fundamental unit that is “entitled to protection” by the state (The Universal Declaration of Human Rights; Article 16, 1948).

Conclusion

The experiences that women of Kufr Aqab face signify that within the context of the Israeli occupation, Palestinians continue to suffer even the most basic of rights. They are unable to freely choose a life partner and live a normal family life. Ultimately they are restricted in their ability to love, live as a family, and travel as a family unit. The study also indicates that such politically enforced restrictions may give rise to familial and societal restrictions. Ultimately, these experiences are not restricted to women of the Kufr Aqab neighborhood, but manifestations of a greater setting of Palestinians under occupation and ongoing attempts to erase their presence. The bureaucratic obstacles that the women of Kufr Aqab face are largely part of a policy that persistently violates the fundamental human rights of Palestinians.

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Appendix A: Interviews Conducted

- Interview 1: October 20, 2014. *Personal Interview with PWWSD.*
- Interview 2: October 20, 2014. *Personal Interview with PWWSD.*
- Interview 3: October 20, 2014. *Personal Interview with PWWSD.*
- Interview 4: October 30, 2014. *Personal Interview with PWWSD.*
- Interview 5: November 4, 2014. *Personal Interview with PWWSD.*
- Interview 6: November 4, 2014. *Personal Interview with PWWSD.*
- Interview 7: November 4th, 2014. *Personal Interview with PWWSD.*
- Interview 8: November 4th, 2014. *Personal Interview with PWWSD.*
- Interview 9: November 5th, 2014. *Personal Interview with PWWSD.*
- Interview 10: November 5th, 2014. *Personal Interview with PWWSD.*

Appendix B: Basic Questions

- 1- Where are you from originally?
- 2- What ID type do you have?
- 3- How did you meet your spouse?
- 4- Did you think you would have a residency issue when you first married your spouse?
- 5- Describe any strains living in Kufr Aqab has brought to you or your family.
- 6- What is your age? How old are your children?
- 7- What is the greatest issue you face with regards to Kufr Aqab?
- 8- Do you believe in a right to reunification with your spouse?
- 9- Have you ever considered other options? Are there other options?
- 10- What do you hope for?