

## MONTHLY SITUATION UPDATE ON THE ISSUE OF ENTRY / RE-ENTRY OF FOREIGN PASSPORT HOLDERS TO THE OPT (28 MARCH 2007)

### **I. STATUS OF ENTRY DENIALS SINCE COGAT ANNOUNCEMENT IN DECEMBER 2006**

*In December 2006, the Coordinator for Government Activities in the Territories (CoGAT) sent out an announcement<sup>1</sup> outlining new procedures for entry into the occupied Palestinian territory (oPt). This month a similar statement was issued by the Israeli Ministry of Foreign Affairs and addressed to third state missions.<sup>2</sup> However, despite reported assurances from Israeli officials that under new procedures entry denials would be based on legitimate security considerations, documented cases of denied entry indicate that the practice resulting from the implementation of CoGAT procedures remains arbitrary, abusive and internationally unlawful.<sup>3</sup>*

- 1. To date, individuals continue to be denied entry at all major ports of entry -- Allenby Bridge, Sheikh Hussein Bridge and Ben Gurion Airport.**
- 2. The overwhelming majority of documented cases since January 2007 involve US citizens.** Denial of entry cases also include citizens from Australia, Canada and EU member countries as well as countries in Latin America, East Asia, the Middle East and Eastern Europe. **Documented cases include men, women and children, ranging from 2 to over 70 years in age.**
- 3. Procedures set out in the announcements are not being implemented in a clear, consistent and transparent manner.**
  - \* Individuals who have previously traveled to the region on a regular basis have been denied entry for the first time. Others who have never visited the country have also been denied.<sup>4</sup>
  - \* Individuals who were denied entry in 2006 and were then able to obtain some form of clearance to enter have again been denied entry in 2007.<sup>5</sup>
  - \* Israeli assurances to third state representatives regarding granting entry for particular foreign nationals have failed to materialize in several instances. In March, an official guest of the US Consulate was denied entry.<sup>6</sup>

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<sup>1</sup> On December 28, a letter announcing new procedures for foreign nationals wishing to visit, live or work in the oPt was sent by CoGAT to Dr. Sa'eb Erakat and several diplomatic missions in Tel Aviv, including the German (currently representing the EU-presidency) and US Embassies.

<sup>2</sup> On 5 March, the Israeli Ministry of Foreign Affairs issued a statement entitled "Transit Policy to the West Bank via Israel." The letter was distributed to a number of embassies in Tel Aviv, including the German and US embassies.

<sup>3</sup> See, for example, B'Tselem, Israeli Information Center for Human Rights in the Occupied Territories. (February 2007) "Response to COGAT presentation: Key measures for easing the daily lives of the Palestinian population."

<sup>4</sup> Omar Ennab, a US citizen, who has never before visited the country, was twice denied entry in March, once at Ben Gurion and the second time at Allenby Bridge.

A British citizen and an expert on restoration of historical buildings, has traveled regularly to Jerusalem for years but was denied entry at the Allenby Bridge for the first time in late February, 2007.

In another case, a journalist who regularly visits the oPt was granted a 3-month visa but was unable to cross that day because the border authorities suddenly demanded - for the first time - a large cash sum for customs fees on professional equipment. Not having the cash with her, the applicant was obliged to return the next day with the requested money only to be denied entry even though her husband was allowed to enter.

<sup>5</sup> US businessman, Abdel Hakim Itayem -- who after being denied entry for months was finally given security clearance and subsequently entered, exited and re-entered the country several times on business since January 2007 -- was again denied entry on March 13. An Australian citizen working for a development agency, denied entry in September 2007, was eventually able to receive clearance and traveled to Jerusalem several times for short consultations. He was then again denied entry on 19 February, 2007.

- \* Individuals seeking to apply for permits to enter the West Bank from Israeli embassies / consulates in their home countries (the procedure "recommended" in CoGAT announcement) have been informed upon inquiry that this procedure is not in effect.
- \* Individuals have been denied entry without access to a CoGAT representative contrary to stipulations in the CoGAT announcement.
- \* Many of the individuals permitted to enter have been able to do so only through exclusive arrangements – often for fees including sometimes exorbitant fees to lawyers. Some individuals are being required to provide monetary deposits (between NIS20,000 and 30,000) to guarantee their departure before the expiration of their visas.<sup>7</sup>
- \* Moreover, the duration of visas issued to a number of individuals granted entry varies widely and is issued without clear reason or explanation. Documentation includes cases of individuals granted visas for as little as one week.<sup>8</sup>
- \* Despite a reactivation of visa extension processes, documented cases suggest that Israel's granting of visa extensions remains arbitrary, clearly harming Palestinian family life, educational and social service institutions and businesses.<sup>9</sup>

#### **4. The welfare and integrity of countless Palestinian families continue to be affected by separation or the imminent threat of separation.**

- \* Spouses remain separated despite provisions in the CoGAT announcement for visa entry and renewal of spouses.<sup>10</sup>
- \* Young children continue to be separated from their parents and the elderly are denied visits and essential care from their immediate family.<sup>11</sup>

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<sup>6</sup> According to Ma'an News Agency, on March 16, Dr Ihsan Al-Khatib, a US citizen and prominent moderate Islamic preacher of Lebanese origin, was denied entry at the Allenby Bridge. Dr Al-Khatib was an official invitee of the US Consulate General in Jerusalem. The consulate reportedly apologized to Dr. Al-Khatib, while also assuring that it exerted great efforts to coordinate his entry with the Israeli side but without success.

<sup>7</sup> One US citizen, for example, paid \$7,000 to a lawyer who secured a 3-month B2 visa for his client. The individual in question had been denied entry three times after the CoGAT announcement despite the fact that his wife and 4 children have Palestinian IDs and reside in the West Bank. The decision to hire this particular lawyer was made after comparing offers and advice from several lawyers and finding him to be the *cheapest* option. What happens to this individual in another three months remains an unknown.

In January, 50-year-old US citizen Riad Sharma secured a two-week visa at Ben Gurion airport after having paid \$4,000 in lawyer and court fees and an additional deposit of some \$6,000 to guarantee his departure. One day before his two-week visa expired, a second lawyer was able to obtain a last-minute visa extension for two-and-a-half months; this lawyer charged him an additional \$6,000. Mr Sharma is married and has two daughters living in the West Bank and runs a business in the US. He was denied entry three times in the course of the past year.

In yet another case, a US citizen, married to a West Bank resident and denied entry at Ben Gurion Airport in February 2007, paid \$2,000 to her lawyer and posted a NIS20,000 bond; she was given a two-week entry visa in return.

<sup>8</sup> See, for example, latter two cases in Note #5.

<sup>9</sup> 84-year-old Emily Giacaman, a US citizen originally from Bethlehem, entered the country legally and applied for a visa extension according to Israeli-issued procedures. Her application was denied although she is a widow and her children, grandchildren and great-grandchildren hold Palestinian IDs and reside in the oPt. Ms Giacaman's Palestinian ID was confiscated by the Israeli authorities.

Another US citizen in her mid-40s entered the country in November 2006 to visit and care for her elderly parents in the West Bank. In order to stay in the country legally she applied for an extension of her visa in February 2007 but was rejected. A second application accompanied by medical documentation of her father's poor health condition and his need for home care was also refused.

<sup>10</sup> On 20 January, 2007, a 70-year-old retiree and US citizen born in the West Bank, was denied entry at Allenby Bridge. His wife, also in her seventies, is ill; he has been unable to see her since he was first denied entry nearly a year ago. At that time, Israeli authorities had informed him that he would not be permitted to return for a year.

<sup>11</sup> US citizen Amjaad Ghassan 'Abed, along with her 2-year-old daughter, was turned back from Allenby Bridge six times since the start of 2007, before, in mid-March, she and her child were finally able to return home to her husband and other children who hold Palestinian IDs.

On 9 January 2007, a 52-year-old woman and her husband (67), both US citizens, arrived at Ben Gurion Airport from the US in hope of visiting her 80-year-old mother, who had fallen ill. When they were denied entry, the couple attempted to

5. The functioning of Palestinian health,<sup>12</sup> educational and social services<sup>13</sup> and businesses<sup>14</sup> continue to be affected.
6. Members of the international press have been denied entry to Israel and the oPt.<sup>15</sup>

#### Types of denial of entry cases documented post-CoGAT announcement

Cases of denial documented:	Dec 2006*	Jan 2007	Feb 2007	Mar 2007
<b>Ports of entry</b>				
Allenby Bridge (King Hussein)	X	X	X	X
Ben Gurion Airport	X	X	X	X
Sheikh Hussein Bridge	X		X	
<b>Nationals</b>				
Arab World**			X	
Europe	X	X	X	
Latin American	X		X	
North America	X	X	X	X
Other			X	
<b>Types of visitors</b>				
Business persons		X	X	X
Development & humanitarian workers			X	
Family	X	X	X	X
Health professionals, educators & social service providers	X	X		
Media & filmmakers		X	X	
Students & researchers	X	X	X	
Tourists & visitors	X	X	X	X
Other				

\*from 13 December 2006 when Israeli Major General Mishlav, Coordinator of Government Activities in the Territories (COGAT), first informed the EU of its revised policy on entry and visa renewals for the oPt.

\*\*According to shared experience, citizens of Arab countries are particularly reluctant to report entry denial.

appeal the denial through a lawyer but, after being held in detention at the airport for seven days, were ultimately deported to Jordan. The couple's children, as well as the woman's siblings and parents hold Palestinian IDs and reside in the oPt. Their court case is pending. See also cases in Note #6.

<sup>12</sup> A German cardiologist of Palestinian origin, one of the few open-heart surgeons working in the occupied West Bank was denied entry at Ben Gurion Airport on 26 January with eight open heart surgeries scheduled for the following day. He was put in detention pending deportation. His lawyer filed an appeal and was able to secure a freeze on his deportation. Considerable media attention was given to his case and after being held for more than 24 hours, he was released and given a one-week visa.

<sup>13</sup> Two consultants to a Swiss-registered development organization were denied entry within one week at the end of February.

<sup>14</sup> US businessman Abdel Hakim Itayem was denied entry on 13 March at Allenby Bridge. (See note #3 for details.) A French citizen working with a leading Palestinian investment company was denied entry at Allenby Bridge on 14 February. It was his second denial. A second French national, Mr Joel Mohammed Amrah, who runs a hotel with his father and brother in Ramallah, was denied entry at Ben Gurion on 1 February, detained overnight and then deported. It was his second entry denial. His brother has also been denied entry.

<sup>15</sup> A Canadian writer and journalist was denied entry in February at Sheikh Hussein.

## **II. CRITICAL ISSUES STILL TO BE ADDRESSED**

*Moreover, critical shortcomings in CoGAT announcement have yet to be addressed:*

### **1. The right to family unification and long-term residence**

The CoGAT notice addresses only the issue of temporary admissions (typically for short-term family visits, tourism and humanitarian, business, educational or other professional activities). Israel has yet to provide any indication regarding a change in policy regarding its refusal to process family unification applications since late 2000. The PA's Ministry for Civil Affairs estimates that it has received more than 120,000 requests for unification since that time. Israel's continued refusal to process family reunification applications directly affects as many as 500,000 to 750,000 people who may be forced to leave the occupied Palestinian territory to keep their families intact. Together with the many foreign nationals who have established their primary business, investment or professional activities in the oPt, or otherwise aspire to build their lives in the oPt, the new procedures place them, at best, in a state of continuous uncertainty, under constant threat of expulsion and exclusion.<sup>16</sup>

### **2. Provisions for entry East Jerusalem and the Gaza Strip**

The notice omits any indication that foreign nationals seeking entry into occupied East Jerusalem or the Gaza Strip will be eligible to apply for temporary admission or visa extensions.

### **3. Lack of accountability**

All aspects of Israel's policies with regard to the Palestinian civilian population have been characterized by arbitrariness and a complete lack of transparency. No indication of mechanisms that will be established to ensure that even the limited procedures outlined in the CoGAT announcement will be implemented let alone that Israeli will comply with its obligations as an occupying power.

*In short, Israeli authorities have failed to provide a transparent policy on which foreign nationals wishing to enter or maintain their presence in the occupied Palestinian territory can rely and instead have continued to pursue both policies and practices that fail to comply with International Humanitarian Law.*

## **III. WHAT SHOULD BE DONE?**

*Third states maintaining friendly relations with Israel, command the standing to challenge the arbitrary exclusion of their nationals from the oPt. They also have an obligation to scrutinize Israel's exercise of authority as an occupying power and to oppose arbitrary denials of entry and residency that harm Palestinian family life, educational and social service institutions and businesses.*

### **Third states are urged to:**

- Focus their efforts on obtaining proper resolutions of these outstanding issues, giving particular attention to the implementation of the right to family reunion.
- Apply vigorous scrutiny to cases of denied entry and denied residency in the oPt with a view to promoting Israel's adoption and transparent application of principles consistent with the internationally accepted rights and obligations of an occupying power.

**Concerned individuals and organizations are called on** to intensify their efforts to hold the governments of Israel, third states and the Palestinian National Authority to their respective obligations under international humanitarian law and international human rights law.

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<sup>16</sup> See: Amnesty International (21 March 2007) *Israel/Occupied Territory: Right to Family Life Denied, Foreign Spouses of Palestinians Barred*. AI index MDE, 15/018, 2007.