

To: Diplomatic Missions, Representative Offices to the PA, Consulates in Jerusalem

Subject: Update on efforts involving Israeli restrictions on movement, access and residency

March 2013

Dear Sirs,

As you may recall, from time to time our Campaign has met with members of the diplomatic community to exchange information and evaluate Israel's restrictions on movement and access in the occupied Palestinian territory (oPt), including Jerusalem, and Israel's restriction and denials of residency status.

As a grassroots campaign we have concentrated our efforts on monitoring developments on these issues; documenting their impacts on directly affected persons, families, service institutions and businesses; clarifying their broader impacts on Palestinian social and economic rights; and assessing their lawfulness in international law. Our concerns are focused on Israel's restrictions of movement and access to and within the oPt, which, in fact and law, must be distinguished from Israel's restrictions on foreign nationals' entry into Israel.

In light of recent developments we would like to renew our dialogue on these matters, giving particular attention to several practices that have been brought to our attention by affected persons.

1. **Judea and Samaria stamp** –A number of foreign nationals have recently been granted visa extensions by Israel's Ministry of Interior with an additional stamp that restricts their movement to "Judea and Samaria". From our own observation of the treatment accorded holders of foreign passports bearing the "Judea and Samaria" stamp at Qalandia check point, it is clear that the Israeli authorities intend to exclude such persons from entering east Jerusalem. These facts warrant a careful assessment of the rights and the resulting responsibilities of third states in whose passports such stamps are placed.

In this regard, we would suggest that third states also promptly assess whether the procedure resulting in the placement of such stamps in their passports constitutes an explicit assertion of the territorial jurisdiction of Israel's MoI over the West Bank, exercised via MoI officials placed in the Military Government's Civil Administration. Does the stamp in fact assert the MoI's competence to permit the presence of foreign nationals in the West Bank (subject *also* to Ministry of Defense approval) while excluding those same foreign nationals from Israel proper? Alternately, is the MoI simply issuing the equivalent of a 'transit pass' that only permits holders traveling to a foreign destination to traverse territory under its jurisdiction and pass through external border control points under its authority?

It would also be helpful to clarify the intended practice of Israel's authorities in the following respects:

Are “Judea and Samaria” stamps intended to permit entry into Israeli settlements? Will persons issued a “Judea and Samaria” stamp allowing them to depart via Ben Gurion Airport be permitted to subsequently re-enter via Ben Gurion Airport, and under what conditions?

2. **Forced signature of Hebrew statement** – A number of foreign visitors have recently reported being asked to sign a Hebrew statement in order to gain an entry visa. The content of this statement remains unclear to us. Several visitors have been refused a copy of the statement after signing it.
3. **Issuance of a digitally coded card in which a visa is encoded upon entry to Israel or Israel-controlled ports of entry** – Recently, Israeli entry procedures have been changed. Persons permitted to enter are issued a printed “certificate of Border Control approval” with data fields referencing inter alia the entrant’s foreign travel document number, the expiry and conditions of the entry permit, and a photo of the entrant. Visa, entry and exit stamps are no longer placed in the entrant’s passport. Other data is encoded digitally and is unreadable by the entrant.
4. **No processing of family unifications requests** – To our knowledge the processing of family unification applications remains frozen by Israeli officials. We are approached regularly with family hardship cases in which married couples suffer prolonged physical separation. In several such cases one or both partners also suffer prolonged physical separation from their children.
5. **Refusal to allow Palestinian students residing in Gaza to attend Palestinian universities in the West Bank and vice versa; and extensive denial of Palestinian students’ access to Palestinian higher educational institutions in Jerusalem.** We are unaware of any movement to redress the harm being caused by these educationally and socially destructive restrictive measures.

We would appreciate the opportunity to discuss these matters with you at your earliest convenience.

On behalf of the Campaign, I will be pleased to follow up this letter with you.

Sincerely,

Ghassan Abdullah, Coordinator, Campaign for the Right to Enter the oPt