

## RTE Situation Update - January 2018

*Israel's arbitrary and abusive exercise of discretion over entry into and stay within the occupied Palestinian territory (oPt) continues to cause serious, unjustified harm to Palestinian families; educational, religious and social service institutions; and businesses and investments in the oPt. The Right to Enter Campaign notes with alarm recent developments related to access to and movement within the oPt and the resulting escalation in negative repercussions for families, essential services, and the productive sectors of Palestinian society.*

### Family unification frozen for nearly two decades

Israeli authorities have frozen family unification procedures, with rare exception, since 2000. Tens of thousands of applications have accumulated since that time, forcing families to live apart or face the constant threat of deportation from the oPt.

### 1.9 million Gazan Palestinians in “lock down”

As the blockade on Gaza moved into a second decade, **Palestinians’ ability to exit from Gaza, already restricted to less than 1% of the Strip’s population, declined sharply in 2017.** Access for medical purposes was restricted for most of 2017.<sup>1</sup>

Israel has imposed movement restrictions on the Gaza Strip since the early 1990’s.<sup>2</sup> Intensified restrictions have been in place since mid-2007, when Israel imposed a land, sea and air blockade on Gaza. Denied free access to the remainder of the oPt and the outside world, the now nearly 1.9 million Palestinians in Gaza have been in “lock down” for over a decade. Restrictions imposed by the Egyptian authorities at Rafah have further cemented Gaza’s isolation. The devastating economic, political, social and humanitarian consequences of the closure have been extensively documented. However, despite repeated calls by the international community, Israel has given no serious indication of its intention to lift the illegal blockade. In fact, in its 2017 report “Tightening the Closure,” the Israeli human rights organization Gisha reported **ten new or intensified obstacles to Gazans seeking to exit Gaza through the Israeli-controlled Erez checkpoint.**<sup>3</sup>

### Mal-administration blocks visa extensions for spouses and employees

Foreign nationals wishing to maintain a presence in the oPt, whether for reasons of family unity or work, are now facing **an alarming escalation in the rejection of visa extension requests and in the frequency and range of arbitrary demands and conditions imposed by the Israeli authorities.** Procedures for entry and visa renewals have always been opaque at best. Without functioning procedures for realizing the right to family unification or securing work and residence permits for the oPt, family members and those working in the oPt have been obliged to rely on extending B2 visitor visas by exiting and re-entering the country or applying to COGAT, generally submitting applications via the PA. This process has been used by foreign national spouses, occasionally by parents of Palestinians registered with the Israeli-controlled Palestinian registry, and by workers affiliated with institutions based in the West Bank. Applicants have experienced varying degrees of success since

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<sup>1</sup> <https://www.ochaopt.org/theme/gaza-blockade>

<sup>2</sup> <http://gisha.org/UserFiles/File/publications/Graphs/Graphing-10-years-of-closure.EN.pdf>

<sup>3</sup> [http://www.gisha.org/UserFiles/File/2017Tightening\\_of\\_the\\_closure.pdf](http://www.gisha.org/UserFiles/File/2017Tightening_of_the_closure.pdf)

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about 2006.<sup>4</sup> However, over the past year, even these procedures have become increasingly dysfunctional.

PA officials report that Israeli authorities have confirmed that new policies have been introduced over the past year. Third state representatives, aware that many of their citizens have already been affected by changing practices, have been in communication with Israeli officials and expressed their concern. However, **no official communication regarding changes in policies or practices has been issued to date.**

Among the worrying developments reported by applicants applying for renewal are shifting documentation requirements without prior or official notification; lengthy processing periods that force applicants to overstay valid visas or leave the country; shortened and arbitrary duration of visas; issuance of the “Judea and Samaria” only stamp; restrictions on ports of entry/exit; and demands for financial bonds of 20,000 to 80,000 NIS. There is also an escalation in Israeli demands for applicants to come to interviews with COGAT personnel, during which some applicants have been subjected to shouting as well as confusing and intimidating lines of questioning. Many have reported being told to sign Hebrew-only documents as a condition for visa renewal.

Of particular concern is the increasing number of cases in which Israeli authorities have told **spouses that they are not permitted to work**; a number of spouses have reported that they were refused visa extensions on grounds that they work. Some were warned that they would not receive an extension again unless they attach a letter of resignation verifying they are no longer working. Likewise concerning is an apparent decision by COGAT to **restrict the number of years those on work-granted visas are permitted to stay in the oPt**, including teachers, professors, NGO workers and others.

*“I think the entire policy is to empty Palestine of its brains, of its capacities, in a voluntary manner. One family at a time has to take the decision that it’s too costly or too volatile of an environment from an administrative point of view to be worth staying here.”*

*– RTE Campaigner, Sam Bahour*

[\(http://mondoweiss.net/2017/11/families-pressures-palestinians/\)](http://mondoweiss.net/2017/11/families-pressures-palestinians/)

The effects of these restrictive practices undermine family unity, disrupt the provision of essential services, most notably education, and otherwise weaken the social fabric and productive sectors of society.

The fact that they, and the harms they cause to the affected persons, families and communities, lack any ground in military necessity, ensuring safety and public order, ensuring the welfare of the protected civilian population, or Israel’s performance of any of its other international obligations **renders them internationally wrongful, attracting not only Israel’s responsibility but also responsibilities of other states.**

The Campaign also notes that the egregious use of the **“Judea and Samaria” and “PA only” stamps**<sup>5</sup> has become largely normalized; “violating” this geographic limitation, (for example, by traveling through Ben Gurion airport, visiting consulates in Jerusalem or driving cars licensed in Jerusalem or Israel) is now being used as grounds for refusing visa renewals.

<sup>4</sup> In 2006, Israel denied hundreds of foreign nationals destined for the oPt to visit, work or join family from entering the country. Following diplomatic pressure from EU member states, the US and others, Israeli authorities issued a statement regarding transit to the West Bank via Israel for foreign nationals. The announcement (issued by the Ministry of Interior in December 2006 and then again by the Ministry of Foreign Affairs in March 2007) specified categories of people who would be eligible for entry permits and visa extensions but fell short of providing clear, transparent policies and procedures regarding the grounds for their issuance. While the number of entry denials was greatly reduced, arbitrary entry denials never disappeared and the past decade has seen several waves of escalation.

<sup>5</sup> See <http://www.righttoenter.ps/rte-documents/rte-on-pa-only-visas/take-action-now-on-new-pa-only-visas/>

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The atmosphere of uncertainty, increased entry and visa renewal denials, and the unclear and shifting conditions and demands, have left an even larger number of Palestinian and foreign nationals feeling threatened by the prospect of separation from their families and/or the disruption of their professional lives.

While the scope of the crisis is difficult to verify, the Palestinian Authority recently reported that several hundred visa extension applications were rejected last year. The Campaign is aware of dozens more cases involving individuals and sometimes whole families where visa extensions have been continuously delayed or issued only on a conditional basis. Just one EU member state, for example, estimates that around 50 of its citizen could be directly affected by changes in visa renewal practices and over a dozen have already contacted them to report difficulties. Many foreign nationals are obliged to seek legal counsel at considerable expense in order to remain with their families or continue working. Several lawyers' offices contacted by the Campaign report currently handling two to three dozen cases involving visa renewals for the oPt.

### **Essential services undermined & Palestinians' general welfare compromised**

The effects of Israel's undeclared policy of restricting access to the oPt reach well beyond those persons actually denied entry or visa renewals and those persons threatened with such denials. The policy has broad socio-economic, political and humanitarian impacts on an entire society. Institutions of higher education, schools, NGOs, human rights organizations, cultural centers, local enterprises, and religious institutions are among those that report being affected by recent developments.

**Educational institutions appear to be particularly hard hit.** For example, at least 15 faculty members at Birzeit University alone are currently at risk; midway through the academic year over half of them have now been refused visa renewals and have been forced to seek legal counsel in hopes of continuing their academic responsibilities for the remainder of the year. These faculty members have full-time status, work in all the various colleges, and include senior faculty and department chairpersons. Threatened faculty teach in the BA, MA, and PhD programs, are members on university committees, and serve the larger Palestinian community through workshops and lectures they give at various educational, research, and cultural institutions. A number have been teaching at Birzeit University for a decade or more. They play a critical role, not only in the ongoing provision of quality education at Birzeit University, but in the long-term development of Palestinian higher education.

Additionally, international students have been denied entry at Israeli border crossings and are thus prevented from enrolling or continuing their studies in the oPt. One West Bank university, for example, reported that six international students were denied entry into the country by Israel over the past year alone and several others received visas too short in duration to permit completion of the programs in which they enrolled.

**Businesses and investment groups, NGOs and religious groups and institutions are also being negatively affected.**

"This situation manifests a pattern of **unlawful mal-administration** and needs to be addressed as such", explains an expert in IHL.

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### Selections from the Media

- 24 January, 2018: Karin Laub and Mohammed Daraghmeh, "Foreigners Linked to Palestinians Face Israeli Visa Troubles," AP, <https://uk.news.yahoo.com/foreigners-linked-palestinians-face-israeli-061356687.html>
- 7 January, 2018: Noa Landau and Allison Kaplan Sommer, "Israel Says Jewish Voice for Peace on BDS Blacklist, Activists Will Not Be Allowed Entry," *Haaretz*. <https://www.haaretz.com/israel-news/1.833385>
- 23 November, 2017: Raed Jarrar, "Why Won't Israel Let Me Mourn My Father," *The New York Times*. <https://www.nytimes.com/2017/11/23/opinion/why-wont-israel-let-me-mourn-my-father.html>
- 17 November, 2017: Chloé Benoist, "Families as Pawns: Israel Pressures Palestinians into Exile through Foreign Spouse Visas," *Mondoweiss*. <http://mondoweiss.net/2017/11/families-pressures-palestinians/>
- 17 October, 2017: Amira Hass, "Breaking Up West Bank Families: An Unseen Israeli Policy," *Haaretz*. <https://www.haaretz.com/.premium-1.817811>
- 13 September, 2017: Amira Hass, "Israel Makes It Increasingly Difficult For Palestinians' Foreign Spouses to Stay in West Bank," *Haaretz*. <https://www.haaretz.com/middle-east-news/palestinians/.premium-1.811301>

### Entry denials continue

**Arbitrary denials of foreign nationals destined for the oPt for short-term visits or longer-term stays continue at Israeli ports of entry.** These include foreign nationals of both Palestinian and non-Palestinian descent; among them are relatives, brides and grooms, and also students, teachers, human rights workers, business people, NGO staff, clergy and others who are vital parts of the productive sectors of society.

**Foreign nationals are also being banned from both the oPt and Israel for their political views.** In November 2017, for example, US citizen Raed Jarrar was refused entry when he tried to visit the West Bank to attend a memorial service for his father. Jarrar was held for hours at the border and questioned about his work with Amnesty International USA where he serves as the Middle East and North Africa advocacy director.<sup>6</sup>

A joint team from the Israeli Strategic Affairs and Interior ministries has established parameters for **barring political activists from entry.** Israel's Strategic Affairs Ministry confirmed that members of 20 organizations have been placed on a blacklist and will not be allowed to enter Israel due to their support for the boycott, divestment and sanctions movement. Also targeted are mayors and establishment figures who "actively and continually promote boycotts" along with "activists who arrive to Israel on behalf of or as part of a delegation initiated by one of blacklisted groups." Executive Director Rebecca Vilkomerson of Jewish Voice for Peace, one of the banned organizations, responded to the ban: "Israel's decision to specifically ban JVP leaders from entry is disconcerting but not surprising, given the consistent erosion of democratic norms as well as increasing fear of the BDS movement in Israel. JVP members are now **joining Palestinians, Muslims from around the world, people of color and other activists who are often barred from entry.**"<sup>7</sup>

<sup>6</sup> <https://www.nytimes.com/2017/11/23/opinion/why-wont-israel-let-me-mourn-my-father.html>

<sup>7</sup> <https://www.haaretz.com/israel-news/1.833385>

## **Denials of the right to family unity**

### **Indicative cases**

- Ms. Tina Annette Al-Qaisi, from Memphis, Tennessee, has been living in Bethlehem since May 2009 with her Palestinian-American husband and their three children. In November 2016, when she applied for a visa extension, she was given a three-month visa rather than the previously customary one-year visa. Her inquiries at the Palestinian Ministry of Interior (MOI) regarding the shortened extension went unanswered and she had to apply again in February 2017. This time she received a six-month visa. Then in August 2017, her request for a visa extension was refused. During an interview with Ms. Diana Ben Heim at Beit El on 29 August, 2017, when Ms. Qaisi attempted to inquire about her case, she was asked numerous questions about her personal and professional life. She was informed that her visa was denied because she had used Ben Gurion airport. This despite the fact that she was never informed by anyone that she should not use the airport and Israeli authorities had always facilitated her exit and entry through the airport without issue. She was also told that she could not go to Jerusalem, even to her Consulate, and was obliged to sign a paper with a copy of the "Judea & Samaria" stamp, on it stating in English and Hebrew that she understood that she is to remain in this area only. Only after signing this paper was she issued a six-month visa, valid until 21 February 2018.

Ms. Al-Qaisi would like to remain in Bethlehem with her husband and children but is plagued by the constant uncertainty and the possibility of being separated from them. She applied for family unification in June of 2009 but, like tens of thousands of others, has received no response.

- In August, a newly married Russian national, who sought to enter the country to join her Palestinian husband in the West Bank, was held and interrogated at Ben Gurion airport for twelve hours, thereafter refused entry and sent back to Moscow. Her husband contacted the Palestinian Authority and was told she should enter through the Allenby Bridge. Accordingly, she sought entry through Allenby Bridge but was again denied entry by the Israeli authorities and returned to Jordan. After further inquiry, COGAT agreed to allow her to enter if a 20,000 NIS bond was deposited. In September,

she was permitted entry through Allenby Bridge and given a one-month B2 visitor's visa. She left before the visa expired and stayed in Jordan about two weeks. The deposit was not returned. Instead, COGAT requested an additional 40,000 NIS bond deposit if she wished to re-enter. After interventions by a lawyer, an agreement was reached that she be permitted to enter with a three-month B2 visa issued at the border and with a promise that a 27-month extended B2 visa would be issued internally at the end of the first three months. A letter was drafted in Hebrew with the details of the agreement and in October she was permitted to enter the West Bank via Allenby Bridge. In January 2018 she received a three-month extension; the deposit remains with the Israeli authorities.

- In October 2017, a US citizen married to a Palestinian ID holder, also with US citizenship, was held at Ben Gurion for over an hour with her one-year-old baby asleep in a front pack. She was informed that she was being denied entry on grounds that she could not stay on a B2 visitor's visa for more than six months per year. She begged for a three-day visa to allow her to go home to the West Bank and apply for a visa extension from there but authorities insisted she was denied entry. After over an hour of interrogation and negotiation in which she was subjected to screaming and intimidation, she was issued a one-month visa and instructed to apply for a visa extension at Beit El. She was told that if she traveled again, she would be denied entry. Ten days later she submitted an application for visa extension to the MOI. After waiting several weeks, she received a two-month visa extension and a letter informing her to report for an interview at Beit El six weeks later with a new, fully paid visa application.

Married in 2011, she had been staying on B2 visas issued at Israeli ports of entry or extended internally via the PA as a spouse. Generally, she received single entry extensions up to one-year duration with the "Judea and Samaria" stamp. The first time she received such a stamp, she followed instructions received by email from the US Consulate informing all citizens to go to Beit El and

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have it removed. However, when she went, authorities at Beit El refused to remove the geographic restrictions on grounds that she was married to a West Bank ID-holding Palestinian and that only foreign nationals working for INGOs would have the restriction removed. When she argued that she worked for an INGO, she was told that as a spouse of a Palestinian she would always be subject to movement restrictions. When she asked about reaching her Consulate in Jerusalem or renewing her car registration in Jerusalem, she was told that if she wanted to do these things, she should divorce her husband.

- Kate Hamad, a US national, has been waiting since September 2017 for a response to a legal appeal to an initial denial of her visa extension request. She is married to a Palestinian and has four children, aged 2, 4, 8 and 12 years; the three older ones are all enrolled in school in Ramallah. The

two middle children are registered on their father's Palestinian identity card. In September 2017, she left the country through Allenby Bridge with the two of her children not registered on their father's identity card and thus also requiring visa renewals. She was given a one-month B2 visitor's visa with a Palestinian Authority only stamp on her return. The two children were given three months. About two weeks before her visa expired, she applied for an extension in Ramallah through the Palestinian MoI. Her request was denied a week later. Ms. Hamad had no idea what she should do and the PA could provide her with no information. Her husband was traveling on business and she knew no one who could advise her. It was not possible to leave the country because she would have had to leave the two children registered on her husband's ID behind as they could only travel on their father's travel documents. Eventually, she hired a lawyer to appeal the decision.

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## **Who Are We? - The Right to Enter Campaign**

The Right to Enter Campaign emerged in response to escalation of entry denials and restrictions in 2006. As a grassroots campaign we have concentrated our efforts on monitoring developments on these issues; documenting their impact on directly affected persons, families, service institutions and businesses; clarifying their broader impacts on Palestinian social and economic rights; and assessing their lawfulness within international law.

For over ten years we have called for the implementation of the right to family unity and family reunification and the establishment of clear and transparent procedures for foreign nationals seeking to maintain a presence in the oPt, in keeping with international law. We have emphasized that Israel's restrictions on movement and access to and within the oPt, in fact and law, must be distinguished from Israel's restrictions on foreign nationals' entry into Israel. We have also raised repeated concerns about the treatment to which those trying to enter or reside in the oPt have been subjected, asking third States to ensure that Israel grant safe and secure passage into the oPt to its citizens and that its citizens be treated with dignity and respect and without discrimination. Most of the foreign nationals affected by access restrictions are of Palestinian or Arab origin and have close family and historical ties to the country.

Over the years, concerted efforts by concerned individuals and organizations, as well as diplomatic interventions by various third States, have occasionally prompted Israel's authorities to make partial and temporary adjustments to particular egregiously unlawful elements of the policies and procedures they apply to govern the entry and presence of foreign nationals in the oPt. Nevertheless, almost a decade later, those policies and procedures remain substantively unlawful and opaque and continue to be erratically and non-transparently implemented.

Foreign nationals who want to visit, live, or work in the oPt continue to be arbitrarily turned away at Israeli ports of entry, which are the only way to reach the oPt, or arbitrarily refused visa renewal applications. Families are being separated; investors are exiting the country; educators are unable to reach their schools and universities; students' education is being disrupted; and the elderly are being left without caretakers, to state but some of the extensive ramifications.

## **RTE Call to Action by Third States**

The Campaign calls on the US, EU Member States, and other third States to redouble our shared efforts to address critical humanitarian issues regarding movement, access, and residency in the oPt. Third States have a clear 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, religious and social service institutions; and businesses and socio-economic development more broadly. Third States maintaining friendly relations with Israel have a special standing, legal basis and obligation to challenge the arbitrary exclusion of their nationals from the oPt when the acts of exclusion cause or contribute directly to such harms. In such situations, failures to object and demand rectification in conformity with international law imply acquiescence to the Occupying Powers' violation of its obligations to the protected civilian population under its control. This obligation to object and demand rectification is not primarily owed by third States to their nationals. It is primarily owed to the protected persons and communities of the oPt, and to the community of States.

The Campaign urges third States to make a fresh assessment of their own relevant rights and responsibilities. The current conditions are unlawful and unsustainable. Diligent third State scrutiny and responses to the wrongful administrative treatment of their dependents as they seek to enter or maintain their presence in the oPt is necessary and appropriate as a first level of harm mitigation and humanitarian protection. This diligence must also open the way to addressing the persistent mal-administration that continues to give rise to serious harms. It is time to secure Israel's **articulation and implementation of a clear and consistent regime governing entry into, movement within, and longer-term stay in the oPt** in keeping with international humanitarian law, applied without discrimination, and according all affected persons full dignity and respect.

### **Objectives:**

1. End the illegal closure imposed on Gaza and all other unlawful restrictive measures that violate Palestinians' fundamental right to freedom of movement within the oPt.
2. Implement the rights to family unity and family reunification and the establishment of clear, transparent and internationally lawful procedures for foreign nationals seeking to reside in the oPt.
  - Cancel the stipulation by Israel's Coordinator of Government Activities in the Territories (COGAT) that restricts foreigners to a 27-month, single entry, maximum stay.
  - Adopt and implement a clear and transparent policy for issuing multiple entry residency permits to foreign nationals.
3. Halt arbitrary and abusive denials of entry to foreign nationals travelling to the oPt.
  - Obtain Israel's adoption and implementation of a clear, transparent policy that places no unlawful barriers on access to the oPt by foreign nationals.
  - Obtain explicit assurances that people who have previously been unlawfully denied entry will be permitted to re-enter the oPt.
4. Abolish "PA only," "Judea and Samaria only," and other geographic restrictions that arbitrarily restrict freedom of movement within the oPt and undermine its territorial integrity.
5. End the collective punishment of protected persons whose relatives may have overstayed their original visa duration.

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### **Measures by Third States:**

1. Vigorously scrutinize cases of denied entry, denied visa renewals and denied residency in the oPt.
  - Set up clear mechanisms for citizens to report and appeal cases of denied entry and visa renewals.
  - Set up effective mechanisms for liaising with Israeli authorities to ensure the safe transit of their nationals into the oPt in conformity with international law and the prompt and proper resolution of cases where such transit has been hindered.
  - Insist on receiving an official explanation of each decision taken by Israel to bar any of their citizens from the oPt and/or refuse residency.
  - Object to all arbitrary denials of entry and residency that harm Palestinian family life, educational, health and social service institutions, and businesses and act to resolve all such cases of exclusion.
2. Reinvigorate the implementation of third State duties to object to *prima facie* unlawful acts and policies when notified of them, lest failures to object imply acquiescence to them.
3. Promote Israel's compliance with international humanitarian law with appropriate and effective tools of persuasion and dissuasion.
4. Take appropriate measures based on reciprocity to ensure that the correct treatment accorded to Israel nationals seeking to enter third countries is reciprocated by correct treatment of their nationals seeking to enter Israel or the oPt.

### **RTE Call to Action by Individuals and Global Civil Society**

**Concerned individuals and organizations are called on** to intensify their efforts to advocate for the fundamental right to freedom of movement for Palestinians and 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.

1. **Send a letter to the Quartet Representative's Office as well as Israeli, UN and your government representatives**, documenting your case and emphasizing the need to obtain clear assurances from Israel that persons carrying foreign passports will not be arbitrarily denied safe and secure passage into the oPt and that all foreign citizens seeking to enter or maintain a presence in the oPt will be treated with dignity and respect.
2. **Write your local press** protesting Israel's unlawful policy of entry denials and residency restrictions to the oPt by telling your personal story and the impact it has had on you, your loved ones, your business, your organization, etc.
4. **Update the Campaign on your experience.** Updated and reliable information about how entry and visa extension denials (whether recent or past) continue to affect individuals, families and the general welfare of the Palestinian people in the oPt is essential to effectively challenge Israel's policies. Even if you wish to keep your information confidential, it helps the Campaign to have documentation and statistics to establish trends and report impact. If you've attempted / been successful in returning, let us know. If you haven't tried, let us know why and under what conditions you might try to return. (Report here: [http://www.righttoenter.ps/wp-content/uploads/2013/11/RTE\\_case\\_report\\_form.pdf](http://www.righttoenter.ps/wp-content/uploads/2013/11/RTE_case_report_form.pdf)).
5. **Encourage friends and family members affected by the policies to take action.** The successful return of individuals previously denied entry and the unhindered entry of others was made possible by **organized civic action involving a broad alliance of concerned individuals and organizations** within the Palestinian, Israeli and international communities.