



CAMPAIGN FOR THE RIGHT TO ENTER THE
OCCUPIED PALESTINIAN TERRITORY (OPT)

A grassroots campaign working for the right to freedom of movement and residency in the oPt

22 June 2020

Dear Madam/Sir,

We hope this finds you well and in good health.

The Right to Enter Campaign would like to avail itself of this opportunity to update you on the visa situation for foreign nationals currently in the oPt (occupied Palestinian territory). Over the course of the past weeks, through our outreach with affected foreign nationals and lawyers working on visa extension and residency cases of foreign nationals in the oPt, we have received the following information:

1. Israel's Coordinator of Government Activities in the Territories (COGAT) provided an automatic extension until 30 June 2020 of "visas" and "visitor permits" of foreigners residing legally in the "Area" [West Bank in the oPt] up until 12 March 2020, as part of the "leniencies in place exclusively during the state of emergency." This policy was communicated to lawyers in writing.

2. Confusing and possibly contradictory information on the scope of the automatic extension was subsequently communicated by the American Citizen Services (ACS) in a letter to US Citizens on 30 April 2020. ACS' letter appeared to suggest that the extension did not apply to B2 visa holders in the West Bank. According to correspondence received by the Campaign from the ACS on 14 May 2020, the Government of Israel (GoI) later provided the ACS with the following clarification: "All the West Bank Visas (Visas that are signed and clearly are for the West Bank territory) were also extended until June 30."¹

3. Barring any new decisions to the contrary, foreign passport holders in the West Bank whose visa has expired in the period between 12 March 2020 and 30 June 2020, or whose visa will expire in the period shortly after June 30, could previously seek visa extensions via the PA from Israel's COGAT in order to remain in the West Bank.

4. Travel into and out of the oPt remains difficult in light of the general Covid-19 pandemic risks and associated emergency measures both locally and internationally. According to written communications from COGAT to lawyers representing affected individuals, travel to the oPt is currently not possible "except in exceptional circumstances which will be examined scrupulously by way of an application to Israeli representations abroad. If entry into Israel is approved, entry into the Region will also be allowed, so long as there is no restriction from the side of the Palestinian Authority."

¹[As consistently noted by the Campaign](#), Israel's egregious use of geographically restricted visas (e.g. "Palestinian Authority Only," "Judea and Samaria only," or "West Bank Only") serves to entrench the unlawful fragmentation and annexation of parts of the occupied territory, is in violation of international law, and threatens to undermine the prospects for peace and a just resolution to the Israeli-Palestinian conflict. Since their introduction over a decade ago, third states have successfully secured the temporary halt to Israel's use of such visas but they have perniciously and repeatedly reappeared; in recent years, in the absence of diplomatic objections, such unlawful restrictions, have, in practice, become normalized.

5. In light of the GoI's threat of de jure annexation of parts of the oPt, [the President of the State of Palestine stated, on 19 May 2020](#), that "The Palestine Liberation Organization and the State of Palestine are absolved, as of today, of all the agreements and understandings with the US and Israeli governments and of all the commitments based on these understanding and agreements", and stressed that Israel must "shoulder all its responsibilities and obligations before the international community as an occupying Power in the territory of the occupied State of Palestine, with all that it entails, based on international law and international humanitarian law, particularly the Fourth Geneva Convention of 1949, which holds the occupying power responsible for the protection of the civilian population (...)."

6. We have received numerous reports from foreign nationals that, as of 27 May 2020 the Palestinian Authority's Ministry of Interior and The General Authority of Civil Affairs have informed those seeking to renew their visas that the PA has formally ended all coordination with Israeli authorities and would thus no longer facilitate visa extensions. This information was confirmed by multiple PA Ministry of Interior and General Authority of Civil Affairs clerks and officials. As such there currently is no available process through which foreign nationals can regulate their presence in the oPt vis-à-vis the Israeli authorities for the period after 30 June 2020.

7. While COGAT has orally communicated to some lawyers that it is aware that it needs to find a solution to the present situation, we so far have not been able to obtain confirmation from any sources that reliable written guarantees to this effect have been provided. Moreover, COGAT has also orally suggested to some lawyers that applicants retain documentation of their application process. However, given there are no current working procedures, there is currently no consistent and readily apparent means for establishing such a paper trail. At the same time, the Campaign is keenly aware of manifold cases occurring over the past years where periods of over-staying valid visas, due to maladministration and errors on part of Israeli authorities, have been used to justify denials of future visas and requests for bonds of up to 60,000 NIS in order to obtain further visa renewals, and even to issue 10-year entry bans upon exit from the oPt.

It would appear, in light of the above facts, that reliable written guarantees are needed from the competent Israeli authorities that, in the absence of coordination and functioning mechanisms for visa extensions, foreign nationals overstaying valid visas will not be penalised. This would be the only way for foreign nationals to currently rest assured that they can stay with their families in the oPt, remain in active employment with their relevant institutions and organisations in the oPt, and /or avoid hazardous travel with no guarantee of an ability to coordinate return at any time in the reasonable future. It would also appear that guarantees would only be reliable if they do not in any way depend on an applicant's ability to obtain any documentation from the PA in relation to application submissions.

We therefore respectfully urge third States to urgently, in their own dialogue with the GoI and COGAT, seek such reliable guarantees.

We further stress that these latest problems occur in the context of Israel's continued freeze on family unification for families with foreign nationals, and Israel's on-going failure to provide a transparent, internationally lawful and consistently applied policy and accompanying procedures for foreign nationals seeking to enter or extend visas in the oPt. This situation

continues to cause harm to local institutions, including institutions of higher education, as well as the break-up or coerced emigration of families.

On this matter, it has also come to our attention that the successful formation of a new Israeli government could provide impetus for the GoI to finally deliver on its long-stated intent to provide a new policy for the entry and presence of foreign nationals to the oPt.

Two cases are currently under review in the High Court that may be of relevance to these matters:

- 1) *HCJ 1273/19, a case requesting the current "Policy on the Entry of Foreigners into the West Bank" is amended and brought in line with both Israeli and international law;*
- 2) *HCJ 6103/17, Josefin Herbach and Abed Salaymah v. the State of Israel, a case challenging the current freeze on family unification, with family unification being granted only in "exceptional humanitarian circumstances".*

Absent the Court's granting of further extension to the State, the GoI will be expected to submit its position to the Court on 31 July 2020.

The current difficulties once again underscore the Campaign's longstanding position that nothing short of a transparent, consistent, and internationally lawful policy and accompanying procedures must be adopted by the GoI. We therefore urge third States to scrutinise the international lawfulness of any new policy and accompanying procedures, as well as of any temporary measures issued and applied by Israel's GoI/COGAT for the purpose of regulating entry and presence in the oPt, and to formally object to any attempts by the occupying power to regulate entry and presence of foreign nationals in the oPt in a manner contrary to its international obligations.

We thank you for your consideration and attention to this matter, and remain available to discuss any further questions or concerns you may have over the phone or in person.

Sincerely,

Ghassan Abdullah
(on behalf of the Right to Enter Campaign)