

**Right to Enter Campaign Update
29 November 2020**

Dear Madam/Sir,

We hope this finds you well and in good health.

Further to our correspondence of 17 August, the Right to Enter Campaign would like to update you on the current visa and family unification situation for foreign nationals in the occupied Palestinian territory (oPt). Through our continued outreach to affected foreign nationals and communications with lawyers and non-governmental organisations (NGOs) working on visa extension and residency issues involving foreign nationals in the oPt, we have received the updated information we are sharing here below.

We hope for your continued attention to, and objection to, any Israeli policies and practices that contravene its obligations under international and/or international humanitarian law, and that affect the rights of protected persons and your own nationals; and hope for your continued support and advocacy for reparative measures. We are available to discuss any further questions or concerns you may have.

1. Court cases and petitions

In Case HCJ 1273/19, a case requesting that the current "Policy on the Entry of Foreigners into the West Bank" be amended and brought in line with both Israeli and international law, **the State was granted a final extension by the Court and ordered to present its new "visa policy" to it on 30 November 2020** and a Court hearing was set for 24 December 2020. The State's response is expected to make publicly available the COGAT and the Israeli Ministry of Interior's new visa policy applicable to foreign nationals seeking entry into the West Bank. Various Israeli officials have since 2017 frequently referred to a new "visa policy" in the making in order to justify the absence of immediate remedies to the significant escalation in arbitrary visa denials and maladministration encountered by foreign nationals seeking entry to, or visa renewals in, the West Bank since mid 2017.

In Case HCJ 6103/17, family unification of "Josefin Herbach and Abed Salaymah v. the State of Israel", the State was granted another extension by the Court until 30 November 2020. The case challenges Israel's current freeze on family unification between oPt residents and foreign nationals, in place since 2000, with the exception of a "political gesture" in 2007, and with family unification being granted only in alleged "exceptional humanitarian circumstances".

The Right to Enter Campaign urges third States to assess the lawfulness, per international and international humanitarian law, of any proposed new visa policy by the State, and any response by the State on the matter of the freezing of family unification -- and to formally object to Israel's application of any policies and procedures at odds with its obligations as an occupying power.

2. Restriction on the entry of foreign nationals to the West Bank

There have been numerous reports since May 2020 of arbitrary restrictions on the entry into the West Bank of foreign nationals married to Palestinian residents of the West Bank, or working in the West Bank on B2 visas.

Foreign nationals have reported that Israeli authorities (COGAT, Israeli consulates and embassies abroad, etc.) have informed them that they do not permit any foreign nationals' entry into the West Bank through the King Hussein/Allenby bridge crossing, absent coordination with the Palestinian Authority (PA). The

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

Palestinian Ministry of Foreign and Expatriates Affairs has, however, communicated to affected foreign nationals that no prior Palestinian coordination or permission was required in order for foreign nationals to be permitted entry into the West Bank through the Israeli-controlled King Hussein/Allenby bridge border crossings. This position accurately reflects pre Covid-19 practice.

COGAT has also informed individuals that it cannot permit any foreign nationals entry through the King Hussein/Allenby bridge crossing into the West Bank absent coordination with the PA in light of Jordanian authorities' requirements. Jordanian border authorities have however confirmed with individual foreign nationals, subsequent to various inquiries, that guaranteed entry into Israel or the West Bank by Israeli authorities is sufficient to Jordanian authorities in order to permit foreign nationals to exit Jordan via the King Hussein/Allenby bridge crossing.

Israeli authorities also appear to have taken the position that foreign nationals with B2 visitor permits restricted to the West Bank (spouses/work) are not, as a matter of standard practice [during the pandemic], permitted to enter the West Bank via transit through Israel via Ben Gurion airport. Foreign nationals, in light of the difficulties encountered when seeking permission to enter the WB through the King Hussein/Allenby bridge, have tried to enter the West Bank via transit through Israel via Ben Gurion Airport and have had to enlist lawyers in order to obtain COGAT permission for such travel.

As a result, many foreign nationals married to West Bank residents have been unable to rejoin their spouses and families in the West Bank since the start of the pandemic, and foreign nationals currently present in the West Bank have had to avoid all travel in the absence of functioning means of re-entry.

It remains to be seen whether or not the recent resumption of co-ordination between Palestinian authorities and Israeli authorities will alleviate this situation.

The Right to Enter Campaign urges third States to request that Israeli authorities ensure functional, transparent and consistent policies and procedures -- lawful under international and international humanitarian law -- are indeed put in place, enabling the exit and entry of foreign nationals to the West Bank.

3. West Bank visa renewal mechanism

Visa renewals for foreign nationals residing in the oPt's West Bank have currently been pursued directly via the Civil Administration in Beit El in light of the end of Palestinian coordination. It is not clear yet if the visa procedures in place prior to the end of coordination will be resumed or not.

We are aware that a number of individuals previously denied visas were granted visas without being given any legitimate explanations for the previous denials, which often came at great personal and/or institutional costs. This highlights the arbitrary nature of such denials. Concerns have also continued as to arbitrary time limitations for the visas being issued (some valid for as little as 2 months) without specific justification.

Foreign nationals have also reported conditions that are currently difficult, if not impossible, to meet being attached to the issuance of visas – for example, requiring their exit from the country during the pandemic, without any guarantee of their re-entry.

The Right to Enter Campaign urges third States to advocate for their nationals and demand that Israel put into place a transparent, consistent and lawful policy -- and accompanying procedures -- governing the entry into and presence of foreign nationals in the oPt.