



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*

**DIPLOMATIC COMMUNITY BRIEFING 2**  
**7 FEBRUARY 2018**

# ABOUT THE RTE CAMPAIGN

- **Grassroots campaign for the protection of foreign passport holders visiting or residing in the oPt and to advocate for freedom of movement and access.**
- **Emerged in response to escalation of entry denials and restrictions in 2006**
- **Has maintained an active dialogue with third States and International Organisations over the past decade**

# OUR OVERALL OBJECTIVES

- ❑ Implementation of the right to family unity and family reunification
- ❑ Clear and consistent policies and mechanisms for entry into, movement within, and longer-term stay in the oPt, in keeping with international humanitarian law, administered without discrimination and according full dignity and respect
- ❑ Securing freedom of movement and access within the oPt

# **CURRENT OVERALL SITUATION**

- **Family unification frozen for nearly two decades – tens of thousands affected**
- **Palestinians in Gaza, now numbering nearly 1.9 million, in “lock down” for over a decade – closure tightened in 2017**
- **Entry and visa extension denials continue**
- **Recent denials include spouses of Palestinians, international NGO and human rights workers, individuals affiliated with religious institutions**
- **Foreign nationals banned from both the oPt and Israel for their political views**

# THE ISSUE

Information received through outreach to affected individuals, lawyers, and PA officials, indicates a clear escalation in restrictions on and denials of visas for foreign nationals wishing to maintain a presence in the oPt on the basis of close family ties or employment

# **RESTRICTIONS IMPOSED ON ENTRY AND PRESENCE**

- **Spouses informed not permitted to work; refused visas on grounds of continued employment**
- **Retroactively applied limitation on the number of years (5) individuals on work-related visas permitted to stay in oPt**

# RESTRICTIONS IMPOSED ON ENTRY AND PRESENCE

- **Continued use of the “Judea and Samaria” visa stamp**
  - restricting freedom of movement including access to East Jerusalem
  - consolidating jurisdictional and geographic fragmentation of oPt
- **Some foreigners with visas for the oPt have been told they are not permitted to access East Jerusalem using their own vehicle**

# RESTRICTIONS IMPOSED ON ENTRY AND PRESENCE

- Retroactively applied restrictions on ports of entry
- Demands for financial bonds of 20,000 to 80,000 NIS.



# **MALADMINISTRATION AFFECTING FOREIGN NATIONALS**

- **Retroactive application of restrictions, with alleged violations constituting grounds for visa denial**
- **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 durations of visas**

# **MALADMINISTRATION AFFECTING FOREIGN NATIONALS**

- **An escalation in Israeli demands for applicants to come for interviews with COGAT personnel, sometimes involving confusing and intimidating lines of questioning**
- **Many have reported being instructed to sign Hebrew-only documents as a condition for visa renewal**

# MEETING WITH PA CIVIL AFFAIRS

Israeli authorities believe they have “lost track”

Individuals working in the oPt

- Negotiations underway between PA Ministry of Civil Affairs and Israeli Ministry of Interior to develop new mechanism
- For students, volunteers and employees of Palestinian institutions
- Organizations to send names to Civil Affairs of foreign nationals to be employed
- Foreign nationals will be issued letter to present at Allenby Bridge permitting entry
- The “permit” will be multiple entry and valid for 1 year, renewable

# MEETING WITH PA CIVIL AFFAIRS

## Family reunification: separate issue

- Decision taken at the highest political levels in Israel
- On hold until further notice

# THE IMPACT: INDICATIVE NUMBERS

## Journalists inquiries to PA

- The Palestinian Interior Ministry, reported it had 247/2220 visa requests rejected (mainly spousal visas); the Palestinian Ministry of Civil Affairs reported it had 40/250 visas rejected (mainly employment-related)

## Town hall meeting in Al-Bireh

- Confirmed those affected by recent restrictions on visa renewals only tip of iceberg
- Most have never managed to secure extensions and have been forced to leave or stay without documentation

## Lawyers Meeting

- Case load numbers confirm escalation in obstacles to visa extensions for family and work reasons

# THE IMPACT

- **Policy reaches well beyond those persons directly affected by denials of entry or visa renewals**
- **Policy has broad socio-economic, political and humanitarian impacts on an entire society**
  - Separation of families – spouses and children, elderly left without care
  - Educational institutions particularly hard hit
  - Businesses and investment groups, NGOs and religious groups and institutions are also being negatively affected.
  - Essential services undermined & Palestinians' general welfare compromised

# THE LEGAL FRAMEWORK

- Israel's administration of entry and presence of foreign nationals in the oPt is derived from its status as an occupying power that is not sovereign over the occupied territories.
- As an occupying power Israel must ensure the welfare of the protected persons of the oPt, subject to considerations of military necessity and its duty to maintain security and public order.

# **THIRD STATES RIGHTS AND OBLIGATIONS**

**I. Diligent third States whose nationals are directly affected may wish to mitigate such harm and provide humanitarian protection to their nationals**

- Diligent third States can scrutinise and respond to cases of denied entry, denied visa renewals and denied residency in the oPt.

**II. Diligent third States may also wish to clarify the policy and acts of the occupying power on which its restrictions and maladministration harming their nationals is predicated**



# THIRD STATES RIGHTS AND OBLIGATIONS

**III. As fellow High Contracting parties (GCIV 1949) third States are under an obligation to object and demand rectification to any policies or acts on part of the occupying power that are brought to their attention and that harm the protected persons as a whole.**

- This duty is primarily owed to the protected persons and communities of the oPt
- This duty is also owed to the community of States

# THIRD STATES RIGHTS AND OBLIGATIONS

## III. A. Standing and duty to object.

Failure to object to *prima facie* unlawful acts and policies when notified of them may imply acquiescence

## III. B. Standing and duty to demand rectification

Third States may wish to use effective tools of persuasion and dissuasion, and take appropriate measures based on reciprocity, to promote Israel's compliance with IHL

# OUR SPECIFIC OBJECTIVES

- 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.
- 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.

# OUR SPECIFIC OBJECTIVES

- **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.
- **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.**
- **End the collective punishment of protected persons whose relatives may have overstayed their original visa duration.**

# PRESS UPDATE

## Press Coverage

- [1 February, 2018. Eman Eriqat, \*BBC Arabic\*.](#)
- [24 January, 2018: Karin Laub and Mohammed Daraghmeh, “Foreigners Linked to Palestinians Face Israeli Visa Troubles,” \*Associated Press\*.](#)
- [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\*.](#)
- [28 December, 2017: Dima Abumaria, “Don’t Marry Him, He’s Palestinian,” \*The Medialine\*.](#)