



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*

## **Right to Enter Campaign Update for 3<sup>rd</sup> States, 12 August, 2020**

Dear Madam/Sir,

We hope this finds you well and in good health.

Further to our correspondence of 22 June, 2020,<sup>1</sup> the Right to Enter Campaign would like to update you on the visa situation for foreign nationals currently in the occupied Palestinian territory (oPt) in light of the covid-19 crisis and the end of coordination between the Palestinian Authority (PA) and the occupying power. 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 following updated information:

*1. Subsequent to repeated inquiries from third State representatives on behalf of their nationals, and lawyers and NGOs working on visa renewal and family unification cases for foreign nationals, Israel's Coordinator for Government Activities in the Territories (COGAT) informed third State representatives and lawyers that it had issued an additional automatic extension of visas until 31 August 2020. On 28 June 2020 the NGO HaMoked obtained the following communication from COGAT in writing (unofficial translation):*

- That for anyone who received an extension until 30 June 2020 another extension was made for two months.*
- That at the moment, they are trying to find a solution to the issue of extensions in light of the lack of coordination with the Palestinian Authority, and this is the last extension in this format.*

*COGAT has also suggested to lawyers that no automatic extensions will be granted for the period after 31 August 2020 and that, in the event non-coordination continues, it will create a mechanism through which visa extension applications are submitted directly to COGAT.*

*2. Regarding the matter of Gol's long-stated intent to provide a new policy for the entry and presence of foreign nationals in the oPt and the two cases<sup>2</sup> under review in the High Court mentioned in our 22 June 2020 correspondence, the Gol was expected to submit its position to the Court on 31 July 2020. However, it was granted another extension until 15 October by the Court.*

*3. While COGAT has communicated to various parties 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 COGAT has made any written commitment that an alternative visa application mechanism will be up and functioning prior to the end of the current automatic extension period, that its existence will be widely published, and that it will be fully accessible to foreign nationals*

<sup>1</sup> <http://www.righttoenter.ps/wp-content/uploads/2020/08/2020.06.22-RTE-letter-States-re-visa-situation-update.pdf>

<sup>2</sup> The two cases are: 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; and 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."

*residing in various parts of the West Bank in a timely manner. Furthermore, COGAT has not provided any written guarantees that foreign nationals will not be penalized for any presence in the oPt without valid visas immediately after 31 August 2020 that results from the absence of the timely availability of any such alternative mechanism. At the same time, the Campaign is keenly aware of manifold cases occurring over the past years where periods of over-staying valid visas resulting from maladministration and errors by the 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 that the only way for foreign nationals to currently rest assured that they can stay with their families in the oPt or remain in active employment with their relevant institutions and organisations in the oPt, for the period after 31 August 2020, without penalty for any absence of valid visas due to the lack of coordination, is COGAT's issuance of reliable guarantees to that effect. Alternatively, COGAT can also ensure the timely establishment, publication of, and accessibility of an alternative mechanism as a remedial measure. COGAT's issuance of such guarantees and the timely establishment of such a mechanism are especially critical in order to protect affected foreign nationals from considering hazardous travel with no guarantee of an ability to coordinate return at any time in the reasonable future in the context of the Covid-19 pandemic. It would also appear that such guarantees would only be reliable if they do not in any way depend on a foreign national's ability to obtain any documentation from the PA in relation to application submissions.

**We therefore respectfully encourage third States to continue engaging COGAT and any other relevant Israeli authority on this matter in order to obtain such reliable guarantees for foreign nationals, and obtain written confirmation that timely remedial measures will be put in place.**

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.

We therefore urge third States to scrutinise the international lawfulness, the clarity and transparency, and the consistent application of any new policy and accompanying procedures, as well as any temporary measures issued and applied by the 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 continued 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,

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(on behalf of the Right to Enter Campaign)

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