

Letter from International Spouses of Palestinians supported by the Right to Enter Campaign

July 14, 2021

We, the undersigned, are international passport holders married to Palestinians in the Occupied Palestinian Territory (OPT), including East Jerusalem. Some of us reside full-time in Palestine with no residency rights, and some of us reside abroad.

All of us have been subject to discriminatory, cruel, and arbitrary practices by Israeli authorities that have caused us to face immense humanitarian difficulties such as being forcibly separated from our families in Palestine. In some cases, we have even been separated from our spouses and children for months after leaving the country voluntarily or due to visa expiration. In March 2021, COGAT (Israel's "Coordinator of Government Activities in the Territories") decided not to continue to renew visas as they had earlier during the coronavirus pandemic. Instead, despite the continuation of the pandemic, COGAT enforced its own arbitrary "27-month rule" requiring departure from Palestine, with no communication from Israeli authorities as to when we, spouses of Palestinians, can re-enter.

Family unification is a human right enshrined under international law.

We seek to gain residency rights to remain with our families in the OPT with the same legal rights that spouses of Israeli citizens have. That is, we want the right to residency, the right to reside with our spouses and families, as well as the right to movement, the right to access public services, and also the right to work, without the imposition of arbitrary restrictions or regulations against us and our families.

Based on our collective and personal experiences over the past years, it is clear that COGAT, the Ministry of Defense, and other relevant Israeli authorities are currently using the uncertain conditions of the COVID-19 pandemic to make it nearly impossible for us to enter Palestine, let alone be able to communicate with the relevant authorities efficiently. They do not regularly respond to emails or answer phone calls.

Those who have needed to enter the country during the last year and a half have been asked to file written "applications" with COGAT to "permit" us entry. Unlike spouses of Israeli citizens, who are permitted to apply for a permit through their local Israeli embassy, with written procedures, policies and response times, we must apply to Israeli military authorities, and there is not a clear or equitable mechanism available.

Also unlike spouses of Israeli citizens, spouses of Palestinians living inside the occupied Palestinian territory have no opportunity to obtain family reunification and the associated residency rights (which are only acquired through having Palestinian IDs). This deprives us of certainty as to our ability to leave and re-enter the OPT at any given point in time.

Many of us have submitted applications along with the required documentation, and waited for months with no response from the authorities. We have suffered undue hardship because of these exclusionary practices -- such as significant travel and legal expenses, and the unspeakable pain of being separated from our families.

COGAT continues to refuse to provide any written regulations or guidelines, which has created additional hardship. There are only two or three of us who have been permitted to enter, and those instances were only possible because those individuals and their families, or others, have paid a large amount in legal expenses for attorneys to represent them and coordinate with COGAT.

Here are some of our stories:

Sarah Manasrah is a U.S. citizen married to a West Bank Palestinian ID holder who also has a U.S. green card. Their 2-year-old daughter holds U.S. citizenship. They are based in New York. Her husband has been separated from his entire family in Palestine for over two years. First, because of Covid-19, but then because of waiting for permission from COGAT for Sarah and their daughter to enter. After they got vaccinated, she first applied for permission in March for entry in April -- no response. She then re-applied for permission in April to enter in May -- no response. She has been emailing COGAT weekly to ask what else she can do to be admitted, and all they say is her application has been "received." She also calls daily, but they do not answer. Meanwhile, all of her requested travel dates have long passed. She cannot afford a lawyer, so her only option is for her to be separated from her family and for her husband and daughter to show up at the bridge and to hope they are admitted without her.

Carys Morgan is a British citizen married to a West Bank Palestinian. After paying a large security deposit to COGAT and being unable to travel during the COVID-19 pandemic due to Israel imposing a lockdown and total restrictions on travel in December 2020, whilst also pregnant, she was able to have her visa extended until the end of March, 2021 - three weeks after she was due to give birth. Three weeks postpartum, her attorney requested to do a one day trip to the border with Jordan in order to renew the visa, but it was denied whilst some other spouses were allowed to do so. Instead, she was told to leave the territories with no guarantee of re-entry in the near future, all whilst her child was still a newborn. Since then, she has paid a large amount in legal

fees to appeal and explain that she was forced to overstay her visa during this time, in order not to separate her child from either parent and not be stranded abroad with no communication or guarantee from COGAT as to when she could re-enter.

Rachael Alsalahat is a U.S Citizen, married to a West Bank Palestinian who holds both a Palestinian ID and an American passport. She currently lives in the UAE but was living in the West Bank for five years. In 2017, her husband had to travel due to his new job starting in the UAE, at the same time when Rachael needed to renew her then-yearly spousal visa. Because her husband was out of the country during the processing, Rachael was denied her renewal, which left her “illegal” for a very short period due to her not being able to travel alone anywhere with 7-month-old twins. She retained a lawyer. After her exit from the West Bank and her return eight months later for a visit, she was denied entry at Allenby Bridge. She coordinated with COGAT the next day and now has to pay a 30,000 shekel deposit to enter and was given a 90-day visa, without permit into Israel. She has entered twice this way and now always has to coordinate with COGAT and pay the large “deposit” or “bond” to the military, in order to enter with her husband. Her two young kids are also dual passport holders.

We urge you to require the Israeli authorities to implement clear, transparent, and just policies allowing the immediate entry of spouses and families of Palestinian ID holders from the West Bank and East Jerusalem -- just as for spouses and families of Israeli citizens.

Moreover, we implore you to require Israel to create PERMANENT solutions for international spouses of Palestinians to live and work permanently in Palestine, instead of living under the unjust category of temporary “visitor”/tourist.

This is an issue of human rights, justice, dignity, and international law. The health and wellbeing of our families depends on it.

Signatures

Sarah Manasrah - U.S. citizen

Carys Morgan - British citizen

SD - Australian citizen

Catherine Starkey - UK citizen

JH

GRS - British citizen

Iris Leong - Danish Citizen

Rachael Alsalahat - U.S. Citizen
Rosa Maria Palfrader - Italian citizen
TA. - U.S. citizen
D.K. - Canadian citizen
Elsa Lefort - French citizen
Nehayeh Rasoul - U.S citizen
A.M. - Polish citizen
Marian Houk - citizen of both U.S. + Ireland
Morgan Cooper - US citizen
Bettina Ezbidi - German citizen
Ana Morales - U.S citizen
Michele Karczewski - U.S citizen
S.O. - Belgian citizen
Matteo Capasso - Italian citizen
Annerieke Willemze - Dutch citizen
Layla Kaiksow - U.S Citizen
Alevtina Pestova - Russian Citizen

References:

Customary International Humanitarian Law, Respect for Family Life, by the ICRC:
"State practice establishes this rule as a norm of customary international law"..
https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule105

The Universal Declaration of Human Rights [UDHR]
Adopted by the UN General Assembly as GA Res 217 A on Dec 10, 1948:
Specifies right to have a family and family life, including family unification (Article 16);
"No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honour and reputation" (Article 12);
"Everyone has the right to freedom of movement and residence within the borders of each state" (Article 13);
"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State" (Article 16.3):
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

The International Covenant on Civil and Political Rights [ICCPR],
adopted in 1988 and ratified by Israel in 1991.
Article 12:
"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence"
Article 17:

“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Everyone has the right to the protection of the law against such interference or attacks.”

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

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The International Covenant on Economic, Social and Cultural Rights [ICESCR] adopted in 1988 and ratified by Israel in 1991.

Article 6:

“The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Article 10:

“The States Parties to the present Covenant recognize that:

The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society”...

<https://ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>

UN Convention on the Rights of the Child, entry into force 2 Sept 1990:

From the Preamble: “Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community; Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”...

Article 10: “In accordance with the obligations of States parties...applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.”<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

4th Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug 1949:

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument>