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West Bank: New Entry Rules Further Isolate Palestinians

Israel's Guidelines Impede Visiting, Studying, Working
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(Jerusalem) – New Israeli guidelines on access to the West Bank for foreigners threaten to further isolate Palestinians from loved ones and global civil society, Human Rights Watch said today. The guidelines, which came into force in October 2022 and were amended in December 2022, set out detailed procedures for West Bank entry and residency for foreigners, a process distinct from the procedure for entry to Israel.



A road sign points to the Allenby/King Hussein Bridge crossing to Jordan, in the city of Jericho in the Israel-occupied West Bank.

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Israeli authorities have long made it difficult for foreigners to teach, study, volunteer, work, or live in the West Bank. The new guidelines codify and tighten longstanding restrictions, threatening to make it even harder for Palestinians in the West Bank, who already face severe Israeli-imposed movement restrictions, to be with family members who lack a West Bank ID and to engage with foreign students, academics, experts, and others.

“By making it harder for people to spend time in the West Bank, Israel is taking yet another step toward turning the West Bank into another Gaza, where two million Palestinians have lived virtually sealed off from the outside world for over 15 years,” said Eric Goldstein, deputy Middle East director at Human Rights Watch. “This policy is designed to weaken the social, cultural, and intellectual ties that Palestinians have tried to maintain with the outside world.”

Between July and December 2022, Human Rights Watch interviewed 13 people who detailed difficulties they have faced for years entering or remaining in the West Bank and their concerns about how the new guidelines will affect them. Human Rights Watch also interviewed Israeli lawyers who have represented those challenging the restrictions. Those interviewed include an American psychologist teaching at a

Palestinian university, a British mother of two trying to remain with her Palestinian husband and family, and a Palestinian who has lived most of his life in the West Bank but does not have an ID.

In addition, Israeli authorities in July 2022 denied Omar Shakir, Human Rights Watch's Israel and Palestine director, a permit to enter the West Bank for one week to conduct research and advocacy, citing the army's broad authority over entry. The Jerusalem District Court upheld the denial in November, following a challenge filed by Shakir and Human Rights Watch.

The 61-page "Procedure for entrance and residence of foreigners in the Judea and Samaria Area [a reference to the West Bank]" replaced a three-page document of procedures first implemented in December 2006. It sets out the Israeli army's policy and procedures with regard to foreigners who seek to enter solely the West Bank, excluding East Jerusalem, or to extend a stay for a visit or for a "specific purpose", for example, to study, teach, volunteer, or work there. The guidelines are distinct from those for entering Israel, which are normally applied at Ben Gurion Airport and other ports of entry. A West Bank permit holder without an Israeli entry visa has no legal authorization to enter Israel, nor occupied East Jerusalem.

While people often visit the West Bank on normal Israeli tourist visas, foreigners on these visas are not permitted to teach, study, volunteer, work, or live in the West Bank. Israeli authorities often deny normal Israel entry visas for these reasons, as well as others known or suspected to engage in pro-Palestinian advocacy. The permit is the only option for many seeking to spend time in the West Bank.

The West Bank guidelines only allow permits to be granted to limited categories of visitors. Some of those eligible for permits, such as the immediate relatives of Palestinians, are eligible to obtain a permit of up to three months upon arrival at the Allenby/King Hussein Crossing between Jordan and the West Bank, pending approval by Israeli authorities there. Others, including academics, students, volunteers, and experts, must apply for a West Bank permit, valid for up to one year, from abroad and obtain approval before travel. The previous guidelines recommended, but did not require, pre-coordination, though Israeli authorities often in practice required approval in advance. Other visitors, such as tourists or those seeking to visit extended family or friends or attend a conference, are not eligible for a West Bank permit.

Citing "the risk" of foreigners "becoming entrenched," the guidelines also foreclose all paths to remain long-term in the West Bank for all foreigners except Palestinians' spouses.

The guidelines give Israeli military authorities wide discretion, allowing "general policy considerations" to guide decision-making and noting that "implementation of this procedure shall be contingent on the security situation and the prevailing Israeli policy, which is reviewed and amended from time to time."

The Israeli army told *The Jerusalem Post* in May 2022 that the guidelines will make entry to the West Bank "smoother," presumably by spelling out the procedure in detail, and thereby "benefit all residents of the area."

However, everyone Human Rights Watch interviewed described major bureaucratic obstacles to remain legally in the West Bank and the impact of the restrictions on their lives. An American businesswoman married to a Palestinian, who has lived in the West Bank for over a decade and asked that her name be withheld for fear of retaliation, said she had to leave her young children behind and stay abroad for several weeks in 2019 after her visa was denied. She said the stress and hardship led her to “break down in sobs in front of my son’s school as I dropped him off not knowing whether I would see him again.” Her visa was reinstated only after diplomats intervened.

While countries have wide discretion over entry into their sovereign territory, international humanitarian law requires occupying powers to act in the best interest of the occupied population or to maintain security or public order. There are no apparent justifications based on security, public order, or the best interests of Palestinians for how significantly Israeli authorities restrict volunteers, academics, or students from entering the West Bank or Palestinians’ loved ones from remaining on a long-term basis, Human Rights Watch said.

By excessively restricting Palestinian families’ ability to spend time together, and blocking the entry of academics, students, and nongovernmental workers who would contribute to social, cultural, political, and intellectual life in the West Bank, Israel’s restrictions fall afoul of its duty, which increases in a prolonged occupation, to facilitate normal civil life for the occupied population.

This necessarily entails living with one’s family. International humanitarian and human rights law both emphasize the importance of the right to family life and unity, including the right to live together. It also means facilitating the work and activities of Palestinian universities, civil society organizations and businesses, and maintaining regular interaction with the rest of the world.

Israel’s duties as an occupying power require it to facilitate foreigners’ entry to the West Bank in an orderly manner. Subject to an individualized security assessment and absent compelling reason of law, Israeli authorities should at minimum grant permits of reasonable duration to foreigners who would contribute to life of the West Bank, including the family members of Palestinians and those working with Palestinian civil society, and residency to immediate relatives.

Israel’s restrictions exacerbate the hardship already imposed on Palestinians in the West Bank by the widespread denial of residency rights, the sweeping movement restrictions, and the attacks on Palestinian civil society. The policy deepens the way that Palestinians are fragmented across different areas and furthers Israeli control over Palestinian life. Israeli authorities’ severe repression of Palestinians, committed pursuant to a policy to maintain the domination by Jewish Israelis over Palestinians, amounts to the crimes against humanity of apartheid and persecution, as Human Rights Watch and major Israeli, Palestinian, and other international human rights groups have found.

“An occupying army has no business determining which professors are qualified to teach at Palestinian universities, blocking human rights defenders from interacting with the occupied population, or cruelly

separating families,” Goldstein said. “The US and European states should press Israeli authorities to make it easier, not harder, for people, including their own citizens, to build meaningful connections with West Bank communities.”

Applying for West Bank Permits and Extensions

The West Bank entry guidelines were originally published in February 2022 and amended in September 2022 and again in December 2022. They identify several categories of people, including academics, students, volunteers, and “experts and consultants in unique disciplines and senior employees,” who are all required to apply to Israel in advance, directly to the army, at an Israeli embassy abroad or via the Palestinian Authority, for “permits [to enter the West Bank] for specific purposes.”

The procedure to obtain a permit requires providing significant personal information to Israeli authorities. Several people who spent time in the West Bank said this process could discourage people from applying altogether, given Israeli authorities’ record of denying entry to those engaged in pro-Palestine advocacy. As a result, and in light of the difficulty of obtaining West Bank permits, some West Bank programs have long advised international participants to seek an Israeli tourist visa, instead of a West Bank permit, and to refrain from disclosing the main purpose of their visit in order to maximize their chance of entry.

Foreigners eligible for a West Bank visitors permit on arrival include the spouse, child or first-degree relative of a Palestinian in the West Bank, a businessperson or investor, a journalist accredited by Israeli authorities or those presenting “exceptional circumstances” and with “special humanitarian circumstances” who have not had any prior visa-related complications.

The guidelines limit short-term visitors permits obtained at the Allenby Crossing to three months. Permits can be renewed “for exceptional reasons, for a maximum of 3 more months.” Any further extension “requires approval from the authorized COGAT official on the grounds of special considerations, which must be documented.”

“Permits for specific purposes” obtained in advance of arrival last up to one year and extensions are capped at 27 months, with anyone who wants to stay longer required to leave the West Bank and reapply from abroad. The guidelines restrict academics and foreign experts to a maximum of five years cumulatively in the West Bank, a restriction not written into the prior guidelines. Those wanting to stay longer can apply to enter again after nine months away, but the guidelines authorize additional extensions of up to five more years only “in exceptional cases and for special reasons.”

Palestinians in the West Bank can apply to Israel through a separate family reunification process via the Palestinian Authority to get Palestinian IDs issued for their spouses and other relatives in “exceptional circumstances,” which would allow them to stay on a long-term basis. Israeli authorities processed 35,000 applications in the late 2000s and several thousands in 2021 and 2022 as a gesture to the Palestinian Authority, but otherwise have effectively frozen the process.

The guidelines set out a process for issuing renewable one-year permits for the foreign spouses of Palestinians who have a pending family reunification application that the Palestinian Authority has sent to Israel. However, the guidelines state that no applications will be approved that are inconsistent with the overall “policy of the political echelon.”

The guidelines empower authorities to review the academic qualifications of lecturers or researchers at Palestinian universities, including whether those without a PhD have “special expertise,” and which professions are sufficiently “required or necessary” to warrant allowing foreigners to work in them.

An administrator at Bethlehem University said that 70 percent of the faculty in one of the school’s programs come from abroad and the administration worries that the regulations will make it even harder for them to recruit and maintain professors. A spokesman for Birzeit University said that they lost eight faculty members between 2017 and 2022 due to West Bank entry restrictions, which they said caused them to lose unique expertise and affected the quality of the education the school provides.

One professor, Roger Heacock, left the West Bank with his family in 2018 after 35 years, 33 of them teaching European history at Birzeit when Israeli authorities did not reply in time to his permit renewal request, leaving behind graduate students he supervised. He said the experience “broke our hearts. I haven’t gotten over it.”

The guidelines do not apply to foreigners seeking to visit Israeli-occupied East Jerusalem or to Israeli settlements in the West Bank, which are unlawful under international humanitarian law. They must obtain an Israeli entry visa to enter these areas.

The guidelines also do not apply to those who are nationals of, were born in or “hold[] documents” from Jordan, Egypt, Morocco, Bahrain, and South Sudan, as well as to nationals of countries that do not have diplomatic relations with Israel. These individuals must apply to Israel via the Palestinian Authority under a separate “Procedure for Issuance of Permits for Foreign Visits to the Palestinian Authority,” which sets out that permits are only to be issued in “exceptional and humanitarian cases.” An Israeli lawyer, Leora Bechor, described these permits as “almost impossible” to obtain. There is no apparent justification for making it more difficult in particular for nationals of Jordan, most of whom are Palestinian, as compared to nationals of other countries, to enter the West Bank, Human Rights Watch said.

Individual Cases

“Ayman”

Born in Europe in the mid-1990s to a Palestinian father from the West Bank and a European mother, “Ayman” has lived in the West Bank most of his life. He asked that his real name be withheld for fear of retaliation. His father left the West Bank in the 1970s, he said to avoid arrest over his political activities, and was forced to leave behind his identification documents. He returned in 1997 when Ayman was a toddler, along with others permitted to return in the aftermath of the Oslo Accords, but Israeli authorities

did not immediately return his ID. Each member of Ayman's family applied for Palestinian ID cards, but only his father received one in early 2022, following a family reunification application filed by Ayman's grandfather in 2009.

Without a Palestinian ID, Ayman relies on visas issued on his European passport for legal status in the West Bank, even though his family has lived there for generations and he has lived there most of his life. He said that "Palestine for me is home," as "my childhood, schools, classmates, friends, extended family, relatives, and all the memories I have are all here" and yet "I am in Palestine as a tourist, as a European citizen."

As a child, Ayman said, he received visas through his mother's work at a program affiliated with a foreign embassy. In 2015, though, he said Israeli authorities refused to renew his visa, on the grounds that he, as a 20-year-old, could no longer claim dependency on his mother. Shortly thereafter, he left to study abroad for a semester. He returned in December 2015 and said he managed to obtain several short-term visas that allowed him to remain in the West Bank in 2016 and much of 2017 to complete his university studies.

Since September 2017, he has been pursuing graduate degrees in Europe, visiting the West Bank three times as a tourist. He said that, primarily as a result of an Israeli policy to restrict entry to the West Bank for foreigners between March 2020 and February 2022, in light of the Covid-19 pandemic, he was unable to visit his family for two years.

Ayman expressed concern that the new entry guidelines make it effectively impossible for him to live in the West Bank and even complicate his ability to visit, including by limiting him to three-month visits absent exceptional circumstances and imposing required periods during which he must leave and stay away from the West Bank. While the guidelines allow entry to those who, like Ayman, are visiting first-degree relatives, he worries about what might happen when his father, the only member of his immediate family with a Palestinian ID, passes away. "I may lose the right to visit, since I won't have a first-degree relative anymore, I won't be able to visit as a tourist either according to these regulations," Ayman said.

"Margaret"

"Margaret," a 46-year-old UK national who asked that her name be withheld for fear of retaliation, lives in Ramallah with her Palestinian husband, who has a West Bank ID, and their two children, ages 9 and 6. She said that she has lived in the West Bank since 1998 and married her husband in 2005. Shortly thereafter, Margaret said, Israeli authorities denied her entry, as part of a blanket policy at the time that, according to the Israeli newspaper *Haaretz*, affected thousands of foreign spouses.

Margaret managed to return nine months later and has mostly remained in the West Bank since. She said she applied for a Palestinian ID under the family reunification process in 2006, but has not received an ID. Instead, she has remained on short-term, originally one-year but more recently six-month visas, periodically having to leave the West Bank to maintain her status. Work is not permitted under such visas, but Margaret worked nonetheless, never disclosing it to the Israeli authorities.

When Israeli authorities informed Margaret in August 2021 that she had to leave by January 2022 and re-enter the West Bank to maintain her status, she worried that the extra procedures imposed by Israeli authorities amid the Covid-19 pandemic could block her ability to return to her family. In particular, Israeli authorities required foreigners entering the West Bank to coordinate their plans with them, a process Margaret heard took three or four months for others. Margaret said she felt she could not afford to be away from her young children for that long during the school year.

The Palestinian Authority had announced in late 2021 that Israeli authorities green-lit issuing thousands of IDs for people stuck in situations like hers. In hopes that she would be among those to receive an ID or otherwise would be able to resolve matters with the help of a lawyer, she made the difficult decision to overstay her visa.

Margaret never received an ID and thus lacks legal status. As a result, she says that, since January 2022, she does not “leave Ramallah. I can’t take any risks.”

Susan Power

Susan Power, a 43-year-old Irish national, heads legal research and advocacy for al-Haq, a leading Palestinian human rights organization. Power joined al-Haq, whose headquarters are in Ramallah in the West Bank, in 2013. With a PhD focused on the law of occupation, Power has a unique expertise well-suited to the work of al-Haq, which has for more than 40 years focused on documenting human rights abuses stemming from Israel’s prolonged occupation.

Power said that she has relied on visitor visas to enter the West Bank, which she has been able to extend. She said she had to show a work contract to obtain the visa, even though the visa does not permit her to work. She described the onerous process she regularly has to go through to enter, including at times having to post bonds of up to NIS 30,000 (\$8,467) to guarantee that she will leave when the visa expires. She said she worries each time that she will not be permitted entry and, when she is in the West Bank on an active visa, generally declines to travel to visit families, attend meetings, or for any other purpose outside of emergencies.

The new guidelines will make things even more difficult, Power said, requiring her to coordinate her plans and obtain a visa in advance from the Israeli embassy in her home country. She worries that she will not be granted a visa under this process, given the lack of explicit provisions regarding the work of human rights organizations in the guidelines and the five-year cap on foreigners living in the West Bank. Israeli authorities also have outlawed al-Haq, declaring it in 2021 an “unlawful association” under military law applicable in the West Bank and a “terrorist organization” under Israeli law.

These restrictions make it harder for Palestinian civil society organizations to attract and hire foreign experts like Power. Even if the experts are able to enter the West Bank, “an organization can’t function or operate not knowing if their workers will be able to come back” each time they leave, Power said.

Power left the West Bank in December, ahead of her visa expiring at the end of the year. She said she fears she will not be allowed to return.

“Laura”

“Laura,” a 57-year-old US citizen who asked that her name be withheld for fear of retaliation, first visited the West Bank in 2012. She is a clinical psychologist and said that for two years she would periodically visit to attend conferences and work as a short-term consultant, obtaining visitor visas on arrival at Ben Gurion Airport. In the summer of 2014, she decided to move with her 10-year-old son to the West Bank to work full-time with at-risk children and teach at a university. She obtained a visa, based on her contract with the university, though the visa formally prohibits her from working, and lived in the West Bank, renewing the visa annually, for the next four years.

She said that maintaining her status had been stressful, including needing to wait for her or her son’s documents for months. “The uncertainty, nothing is clear, the bureaucracy and the feeling that you are not secure during the time of waiting, after doing all the paperwork, going through everything,” she said.

In the fall of 2017, Laura applied to extend her visa, but Israeli authorities did not respond for months, and, in April 2018, returned her passport without a decision or a new visa. Without legal status, she decided in May 2018, when her son’s school year ended, to leave the West Bank. She said that Israeli forces at the Allenby Crossing told her she could not return and publicly berated her for overstaying her visa. “They told me that I had ruined my son’s chances to come back here and ruined his life,” she said.

She returned to the US and hired an Israeli lawyer to help her obtain permission to live again in the West Bank. She said she “chose to fight for my visa because the West Bank is our home and life. It’s where we lived for years, where my son grew up and made friends. He was crying the whole time after we were told we won’t be able to go back. He was there since he was 10 years old. I left behind my career and all our belongings there in our house, his PlayStation, his bicycle, and our clothes.”

Through the lawyer’s efforts, Laura and her son managed to return in late 2018, after posting a bond only to be returned when she left the West Bank, and to teach for a few months. But, given their continued inability to extend their visas and the mounting costs, including for lawyers, Laura felt she had no choice but to sell everything and move back to the US in December 2019. She has only visited once since, on a 30-day visa that Israeli authorities granted her on condition she post a NIS 30,000 (\$8,467) bond also to be returned only when she left the West Bank.

Given that the new guidelines limit foreigners from staying in the West Bank for more than five years outside of exceptional circumstances, she said the guidelines effectively block her from remaining longer in the West Bank. She continues to teach virtually for the university, as she says that no one else there has the requisite background to teach her classes.

Omar Shakir

In July 2021, Omar Shakir, the Human Rights Watch Israel and Palestine director, applied to the Israeli army for a permit to enter the West Bank for one week to meet with Human Rights Watch staff there, brief European Union diplomats in response to their invitation, and carry out research, including on abuses by the Palestinian Authority. Shakir sought to carry out in-person work that he had been unable to do since Israeli authorities deported him from Israel in November 2019, asserting that his advocacy violated a 2017 law that bars entry to Israel to people who advocate a boycott of Israel or its settlements in the occupied West Bank. Neither Human Rights Watch nor Shakir as its representative has ever called for a boycott of Israel.

After months of not receiving an affirmative or negative response, Shakir and Human Rights Watch filed suit in the Jerusalem District Court against the Israel Defense Forces in April 2022. In July 2022, the army denied the request, citing the Unit for Coordination of Government Activities in the Territories' "broad discretion" with respect to entry to the West Bank of foreign nationals and a stipulation in the West Bank entry guidelines that "all provisions thereof are subject to government policy."

The army's letter to Shakir notes that "government policy in this matter (which has been entrenched in primary legislation in Israel) is to prohibit the granting of any type of visa or stay permit to persons who knowingly issue a public call to boycott the State of Israel or any of its institutions or any area under its control" and cites concerns that Shakir would use his visit "to promote a boycott of Israel and entities operating in Israel and in the Judea and Samaria Area." The decision, in effect, extends the ban on entry to Israel for alleged support of boycotts to entry to the occupied West Bank.

In August, Shakir and Human Rights Watch filed an amended petition contending that the Israeli army exceeded its authority under international humanitarian law, which restricts occupiers to actions that maintain security or public order and safety or are in the best interest of the occupied population. Citing the narrower discretion an occupying army has over entry to occupied territory than a country has over its sovereign territory, the petition said that international humanitarian law does not permit the Israeli army to deny entry to the West Bank over alleged support for boycotts. It said that denying entry to human rights defenders undermines the public interest of West Bank residents, who should have the right to engage representatives of international human rights organizations.

In November, the Jerusalem District Court upheld the government's denial, ruling that denial of entry based on alleged boycott support falls within the broad authority the army has to maintain "public order and safety" for residents of the occupied territory. The ruling cites the supposed harm that boycott activities pose to Israeli settlers, which it considers part of the local population despite the international humanitarian law prohibition on transferring the occupier's own population to occupied territory, and to Palestinian laborers working in settlements. It further points to provisions in the West Bank entry guidelines that permit the army to make decisions based on policy and other considerations and that deny any "vested right" to foreign nationals to enter the West Bank, which the army has declared a closed military zone in its entirety.

Although Israel's refusal to permit Shakir's visit did not cause as much hardship as the refusal to allow extended permits to a Palestinian family member or a long-term foreign professor, it illustrates how Israel abuses its authority to control entry by foreigners to territory where it is not sovereign.

Region / Country

- Middle East/North Africa
- Israel/Palestine

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