

New Israeli Procedure on Entry of Foreigners to the West Bank

The Israeli Ministry of Defense has announced a draconian new procedure for the entry and residence of foreigners in the West Bank. This procedure, set to take effect on October 20 2022, would undermine the academic freedom of Palestinian universities and harm the local economy and society; it also infringes on Palestinians' basic right to family life – all of this for no legitimate reason and in violation of Israel's legal obligations.

Overview

The new "Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area [i.e. the West Bank]" is a 97-page document that replaces the previous four-page procedure. It governs all entry of foreigners solely to the West Bank (excluding "mixed visits" where visitors travel to both the West Bank and Israel).

The new procedure was first announced in February 2022. In response to HaMoked's petition to the High Court of Justice and concerns from the diplomatic community, in September the Defense Ministry released an amended version. However, the Procedure remains highly restrictive, setting invasive and extraneous criteria on any entry to the West Bank.

Short-term visits to the West Bank are limited to first degree relatives of Palestinians, businesspeople, investors and recognized journalists. The procedure does not allow for visits to extended family or friends in the West Bank, nor for tourists, pilgrims, or cultural visits.

The procedure also sets extreme restrictions on longer-term visas for people seeking to work, volunteer, teach or study in the West Bank, and for foreign spouses of Palestinians. For all of these categories, as a condition to enter the West Bank, the procedure sets prohibitively high security guarantees of up to NIS 70,000 (approx. US\$20,000).

Separating Families

The procedure would deny thousands of Palestinian families the ability to live together without interruption and lead a normal family life.

The procedure states that Israel has the authority, which under the Oslo Accords was given exclusively to the Palestinian Authority, to approve requests by foreign spouses for residency status in the oPt. The procedure explicitly states that these requests are subject to political considerations of the Israeli government. In fact, for over two decades Israel has refused to receive requests for Palestinian family unification (except as part of diplomatic-political measures). As a result, tens of thousands of people, foreign spouses of Palestinians, live in the West Bank without legal status, some for decades, "illegal aliens" in their own homes.

With no possibility of obtaining residency status in the West Bank, foreign spouses can only enter and stay in their West Bank homes with visas. The



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new procedure drastically restricts these visas; most foreign spouses will only be able to obtain 3 or 6-month visas, and then have to leave the West Bank for a period of several months before they can submit a new visa application.

Rather than facilitating work or student visas for spouses, marriage to a Palestinian makes a foreigner *ineligible* to apply for such visas. Furthermore, all visas under the procedure will be evaluated in light of “the risk of becoming entrenched” in the West Bank.

Interference with Palestinian Civil Society and Academic Freedom

In the new procedure, the Israeli Defense Ministry gives itself the prerogative to set academic qualifications for lecturers. Faculty and student visas can only be renewed for a maximum of 27 months, and then a person would have to leave the West Bank before applying for a new visa. There is no possibility to offer tenure to foreign faculty, as after a cumulative stay of five years, a foreign lecturer must remain abroad for nine months before they can re-enter the West Bank.

All Palestinian institutions will be severely restricted in their ability to benefit from foreign employees or volunteers. The Israeli Defense Ministry will determine the economic criteria for entrance of businesspeople and investors, and decide which professions and projects have “importance to the region”. Foreigners will only be able to volunteer with a Palestinian institution for one year, and then be required to remain abroad for a year before returning. Work visas at a Palestinian institution are for a maximum of 27 months. Students and volunteers will be subject to an interview in the Israeli consulate in their home country “if necessary”. Most of the visas are single entry only, preventing a person from leaving the West Bank and returning during the period of the visa.

Blatant Discrimination

The new procedure completely excludes nationals of Jordan, Egypt, Morocco, Bahrein and South Sudan – although they maintain diplomatic ties with Israel. Citizens of these countries can only enter the West Bank through a separate process restricted to exceptional and humanitarian cases. This draconian and discriminatory exclusion applies also to dual nationals; for example, a holder of both a U.S. and a Jordanian passport would be treated as a Jordanian for the purposes of this procedure, and would not be able to teach, work, study or volunteer in the West Bank. The latest version of the Procedure also excludes people who were born in one of those five countries, regardless of citizenship.

It should also be noted that this procedure would not apply to foreigners who wish to travel to Israeli settlements in the West Bank. For example, foreign lecturers and students at Ariel University in the Ariel settlement will continue to be governed by the much more lenient regulations set by Israel’s Ministry of Interior.

A Violation of Legal Obligations

As the occupying power, the Israeli military can act in the West Bank only for one of two reasons: to ensure its own security and for the benefit of the local population. The military may deny a specific individual entry to the West Bank for security reasons. However, there is no legitimate security reason for these draconian restrictions on the entry of foreigners to the West Bank, and they certainly do not advance the welfare of the local population.

The Israeli military must allow Palestinians to live with their spouses without fear of forced separation. Palestinian society must be able to benefit from international cooperation, and institutions be able to set their own policies and priorities regarding recruitment of volunteers, students, lecturers and other workers from foreign countries.