

## 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 July 5 2022, would undermine the academic freedom of Palestinian universities and harm the local economy and society; it also infringes on Palestinians' 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 is highly restrictive, setting invasive and extraneous criteria on entry and stay of foreign-passport holders seeking to work, volunteer or study in the occupied Palestinian territories (oPt). Among other things, the procedure sets extreme limitations on the duration of visas and visa extensions, preventing people from working or volunteering for a Palestinian institution for longer than a few months. Most of the visas are single entry only, preventing a person from leaving the West Bank and returning during the period of the visa. Visa extensions are highly restricted; in most cases a person must exit the oPt, in some cases remaining abroad for a year before they can apply for a new visa. The procedure also sets prohibitively high security guarantees for entry into the oPt, up to NIS 70,000 (approx. US\$20,000).

Whole categories of visits are excluded from the procedure. There is no provision for the entry of foreign journalists working for Palestinian media outlets, for example, nor for foreign teachers in elementary or high schools. The procedure also does not address, and so effectively does not enable cultural visits or tourism, nor family visits by siblings, grandparents or grandchildren.

### 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. According to the procedure, no request for residency status request is to be approved "unless it is consistent with the guidelines from the [Israeli] political echelon...". Currently, tens of thousands of people live in the West Bank without legal status, some for decades, due to Israel's longstanding ban on granting status to foreign spouses.



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Spouses without residency status can only enter and stay in their West Bank homes with visas. The new procedure drastically restricts visas for foreign spouses, most of whom 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.

### **Restricting Academic Freedom**

The procedure will severely infringe the academic freedom of Palestinian universities, denying them the right to set academic priorities and recruit foreign faculty and students. In the new procedure, COGAT (a unit of the Israeli Defense Ministry) sets academic qualifications for lecturers, and prohibits foreign lecturers from teaching two semesters in the same year. Only people whom COGAT determines are “distinguished researchers” may receive a special 27-month-long permit, if they “contribute significantly to academic learning, to the Area’s economy, or to advancing regional cooperation peace”. Even for these people, the cumulative period of stay would be limited to a maximum of five years.

Applications to teach or study in Palestinian universities would have to be submitted to the Israeli consulate in the country of origin, and potential students would need to undergo consular interviews before COGAT decides which students to approve. The new procedure, for the first time, sets a quota of 150 student visas and 100 foreign lecturers in Palestinian universities. This is far below current levels: from Europe alone, in 2020, 366 Europeans were teaching or studying in Palestinian universities through the Erasmus+ program. (1,671 Europeans were teaching or studying in Israeli universities through this same program.)

### **Blatant Discrimination**

The new procedure completely excludes nationals of Jordan, Egypt, Morocco, Bahrein and South Sudan – all of whom maintain diplomatic ties with Israel. Holders of passports from these countries can only enter the West Bank if they obtain a “visit permit from the Palestinian Authority” issued only in 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 considered solely as a Jordanian for the purposes of this procedure, and would not be able to teach, work, study or volunteer in the West Bank. This is the case even if the person actually holds only a temporary Jordanian passport (as many Palestinians do), which does not afford Jordanian 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.