



**ICJP**  
International Centre of  
Justice for Palestinians



BAR HUMAN RIGHTS  
COMMITTEE OF  
ENGLAND & WALES

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# FENCED OFF:

## ISRAEL'S 2022 RULES ON ENTRY OF FOREIGN NATIONALS INTO THE WEST BANK

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*Fenced off: Israel's 2022 Rules on Entry of Foreign Nationals into the West Bank* is a report written by the International Centre of Justice for Palestinians (“**ICJP**”) in collaboration with the Bar Human Rights Committee of England and Wales (“**BHRC**”) and supported by members of the Right to Enter Campaign (“**RtE**”).

### **International Centre of Justice for Palestinians**

ICJP is an independent organisation of lawyers, academics and politicians that works to protect and support the rights of Palestinians. ICJP was established with the objective of seeking justice and accountability for Israel’s longstanding, systematic violations of the rights of Palestinians under international law, including those which amount to potential international crimes. ICJP believes that such accountability can only be achieved through a determined, sustained pursuit of justice and non-discriminatory application of the rule of law.

ICJP conducts international, regional and domestic legal work to protect Palestinian rights, as well as supporting and coordinating legal work with our partners in the UK, Palestine/Israel and worldwide.

### **Bar Human Rights Committee**

BHRC is the independent, international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges, and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is autonomous of the Bar Council.

BHRC members are primarily barristers called to the Bar of England and Wales, as well as pupil barristers, legal academics, and law students. BHRC members include some of the UK’s foremost human rights barristers, legal practitioners, and academics. The BHRC Executive Committee and members offer their services pro bono, alongside their independent legal practices, teaching commitments and legal studies. BHRC is also supported by two Project Officers and a Communication, Events, and Projects Assistant.

### **Right to Enter Campaign**

RtE is a volunteer-run campaign that emerged in response to an escalation of entry denials and restrictions of foreign nationals to the oPt in 2006. As a grassroots campaign, RtE has concentrated its efforts on challenging Israel’s wrongful policies and practices on entry to and residency in the oPt, including its unilateral control over borders and control over the population registry. The campaign monitors developments on these issues; documents their impact on directly affected persons, families, service institutions and businesses; clarifies their broader impacts on Palestinian social and economic rights; and assesses their lawfulness within international law.

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## EXECUTIVE SUMMARY

In October 2022, Israel's new rules on the entry and residence of foreign nationals in the occupied West Bank (excluding East Jerusalem), referred to as the "*Procedure for Entry and Residence for Foreigners in Judea and Samaria Area*", came into force (the "**2022 Procedure**"). The rules, which were first introduced in February 2022 by the Coordination of Government Activities in the Territories ("**COGAT**"), the Israeli army division which administers Israel's military rule over the West Bank (excluding East Jerusalem) and Gaza, are highly intrusive and restrictive. They impose arbitrary and draconian new restrictions on foreign nationals seeking entry to the West Bank, as well as complicating and entrenching existing restrictions. They have been viewed as a further attempt by Israel to solidify its military control and assert its sovereignty over the occupied Palestinian territory (the "**oPt**") in violation of international law.

This report by ICJP, in collaboration with BHRC and RtE, provides an overview and legal analysis of the 2022 Procedure against Israel's duties and obligations arising out of international humanitarian and human rights law. The report demonstrates how the 2022 Procedure contains provisions that: (1) severely infringe on family rights and the rights of the child; (2) curtail economic, social and cultural rights to the detriment of Palestinian self-determination; (3) discriminate against Palestinians and foreigners on the basis of race, religion or ethnicity; (4) further isolate the Palestinian population in the occupied West Bank; (5) strengthen Israel's already intensive surveillance of the Palestinian population; (6) limit the freedom of movement of foreign nationals without justification; and (7) may well amount to collective punishment.

Moreover, this report submits that the 2022 Procedure is one of the numerous discriminatory policies and practices implemented by Israel in the oPt, which, when taken together, amount to the crime of apartheid over the Palestinian people under international law.

### Summary of Conclusions:

The report concludes that the 2022 Procedure is one of countless policies designed by Israel to create a coercive environment aimed at transferring Palestinians out of the West Bank (so-called "silent transfer").

The 2022 Procedure is one of the many policies and practices which Israel uses to strengthen and entrench its occupation and assert its sovereignty over the West Bank in an ongoing process of incremental annexation.

The 2022 Procedure contributes to the longstanding situation of chronic uncertainty for Palestinian families, businesses, and cultural and academic institutions in the West Bank. It is likely to disrupt the functioning of Palestinian organisations and hinder Palestinian economic development and intellectual and cultural life.

The 2022 Procedure is one of many Israeli policies aimed at separating Palestinians in the West Bank from those in Gaza, Jerusalem and Israel, preventing them from meeting to exercise their collective rights, most importantly, the right of self-determination.

The 2022 Procedure also seeks to further isolate the West Bank from the outside world, severing its connections to global civil society. Such isolation serves the additional Israeli goal of preventing international visibility of apartheid and other international crimes arising out of Israel's increasingly brutal and repressive 56-year-old military occupation.

Furthermore, the 2022 Procedure contains new provisions designed to allow Israel to conduct surveillance and monitoring of Palestinians, in this case, foreign nationals and their families and connections in the West Bank.

#### Summary of Recommendations:

The report makes recommendations aimed at different stakeholders in line with its conclusions. The primary standpoint is that the 2022 Procedure should be repealed in full as it is contrary to Israel's obligations under international law, and should not be acknowledged to serve as valid legal basis for the rules of entry and residence in the oPt. We call on Israel to urgently review and amend or repeal the procedures and remove all arbitrary and discriminatory restrictions.

The report also makes specific recommendations to the international community and third states calling on them to publicly condemn and take concrete actions to pressure the Government of Israel to repeal and or amend the procedure.

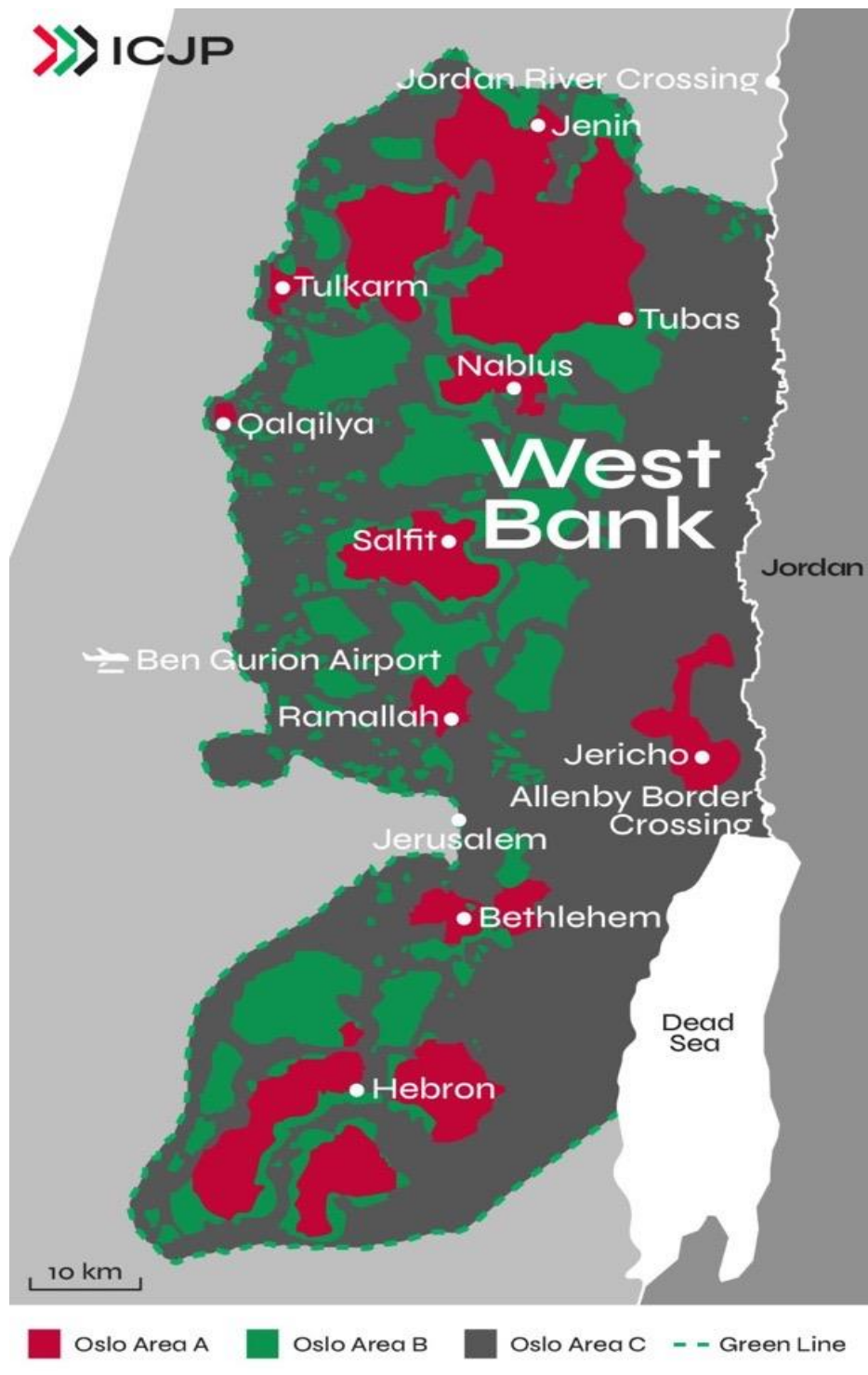
Further, the report urges governments of third states to monitor the effects of the 2022 Procedure on their citizens and make representations with the Israeli authorities for those denied entry on grounds that infringe fundamental human rights.

The report also makes specific recommendations to the UK government and parliamentarians to publicly condemn and oppose the 2022 Procedure, while calling for reciprocity of treatment for UK citizens regardless of their religious, ethnic or racial background.



Map 1: This map outlines all the main entry points into the occupied Palestinian territory and Israel. The point of entry relevant to this report is King Hussein Bridge known as Allenby Border Crossing.





Map 2: This map aims to outline fragmentation and lack of territorial contiguity in the West Bank due to the Israeli occupation's ongoing settlement expansion, portraying the difficulty of free movement of people within the West Bank and foreigners travelling to the West Bank.

## INTRODUCTION

1. In October 2022, Israel's 61-page military ordinance, the "*Procedure for Entry of Foreign Nationals into Judea and Samaria*" came into force, setting out the rules and procedures applicable to foreign nationals seeking entry or residence in the occupied West Bank, excluding East Jerusalem.<sup>1</sup> The 2022 Procedure was issued by COGAT, the division within Israel's Ministry of Defence responsible for administering Israel's military rule over the West Bank, excluding East Jerusalem, and Gaza.<sup>2</sup>
2. The 2022 Procedure replaced a four-page document of the same name, previously issued by Israel in 2006 ("**the 2006 Procedure**"), amended and reissued in 2016 ("**the 2016 Procedure**"). These earlier versions were less restrictive, and reports from civil society organisations monitoring entry into the West Bank suggest that they were not consistently enforced.<sup>3</sup> The 2022 Procedure, on the other hand, is a vast, complex and opaque set of regulations which codifies and entrenches many of the existing restrictions on foreign nationals seeking to visit or stay in the West Bank while introducing a raft of new restrictions.
3. The 2022 Procedure has been widely condemned by human rights groups, as well as the international community for: (1) codifying and tightening Israel's already severe restrictions on the ability of foreign nationals, including millions of Palestinian refugees and exiles, to visit or live with their families in the West Bank (so-called "family reunification"); and (2) further restricting the ability of foreign nationals to enter the West Bank to work, teach or study at Palestinian institutions, and of businesspeople and investors to operate there.<sup>4</sup>
4. Accordingly, the 2022 Procedure should be viewed as an attempt by Israel to further: (1) impose its sovereignty over the occupied West Bank, in breach of international law; (2) control and limit the Palestinian population in the West Bank, by preventing families where at least one member is a foreign national from living together in the West Bank, thereby incentivising entire families to leave; (3) isolate Palestinians in the West Bank from the outside world, thereby disrupting and hindering Palestinian social and cultural life and preventing economic development; and (4) separate Palestinians in the West Bank from Palestinians in East Jerusalem, Gaza, Israel and the diaspora, thereby preventing them from meeting to exercise their collective rights, particularly their right to self-determination.

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<sup>1</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the Territories, December 2022 (<https://www.gov.il/en/departments/policies/judeaentry2022>)

<sup>2</sup> COGAT's website states, "*The Coordination of Government Activities in the Territories (COGAT) implements the government's civilian policy within the territories of Judea and Samaria and towards the Gaza Strip... in coordination and cooperation with officials from defense and government offices in various fields.*" (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>3</sup> Procedure for Entry of Foreign Nationals to Judea and Samaria, Coordination of Government Activities in the territories, 2016 (<https://lawoffice.org.il/wp-content/uploads/2018/01/34-1.pdf?>)

<sup>4</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/HRC/53/22, 9 May 2023, para 35 (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/089/77/PDF/G2308977.pdf?OpenElement>); Briefing note: New COGAT Procedure for entry and residence of foreigners in the Judea and Samaria area, Right to Enter Campaign, April 2022 ([April2022 RTE briefing note 2022 new COGATprocedures.pdf - Google Drive](#)); New Israeli rules on foreigners visiting West Bank stir outrage, Al Shabaka Policy Network, 27 April 2022, (<https://al-shabaka.org/mentions/new-israeli-rules-on-foreigners-visiting-west-bank-stir-outrage/>); "West Bank: New Entry Rules Further Isolate Palestinians", Human Rights Watch, 23 January 2023, ([West Bank: New Entry Rules Further Isolate Palestinians | Human Rights Watch \(hrw.org\)](#)).



5. Notably, the 2022 Procedure does not apply to foreign nationals seeking to visit or reside in Israeli settlements in the West Bank, established in violation of international law. Such foreign nationals are subject to Israeli laws governing entry and residence which privilege Jewish Israelis and discriminate against Palestinians. Palestinians in the West Bank are subject to Israeli military law, while Israeli citizens living in settlements on occupied Palestinian territory – or traversing the West Bank on Israeli roads – benefit from the extraterritorial application of Israeli civil law and civilian institutions to them, with their full range of freedoms and protections.<sup>5</sup>
6. The 2022 Procedure does not apply to East Jerusalem. Israel illegally annexed East Jerusalem in 1967 – which it deems to be part of a Greater Jerusalem, within the State of Israel – and the Israeli government administers it as such.<sup>6</sup> Foreign nationals wishing to visit or reside in East Jerusalem are therefore subject to Israeli domestic law. However, as a matter of international law, East Jerusalem is part of the West Bank and remains under military occupation. While this report will refer to the territory to which the 2022 Procedure is applied as the “West Bank” for ease of reference, it is noted here that the West Bank includes East Jerusalem under international law.
7. The 2022 Procedure also does not apply to foreign nationals seeking to enter Gaza, which has been under Israeli military blockade since 2007. COGAT operates a separate, and extremely restrictive permit regime for foreign nationals seeking to enter Gaza.
8. The 2022 Procedure provides that foreign nationals have no vested rights<sup>7</sup> to enter the West Bank unless COGAT grants one of three permits available:
  - 1) B/2 Tourist Permits: three-month ‘tourist’ visas aimed at spouses, parents and children up to the age of 16 of Palestinians registered as residents in the West Bank (“**West Bank ID Holders**”) who wish to visit their family members; businesspeople and investors; and journalists or media employees;
  - 2) Specific Purpose Permits: visas and work permits aimed at academics, researchers, students, volunteers, employees of international organisations, doctors and businesspeople; and
  - 3) Spousal Permits: permits aimed at foreign nationals married to Palestinian West Bank ID holders who wish to reside with their spouses in the West Bank.

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<sup>5</sup> For a comparison of the types of visas required for foreign national spouses of Palestinian West Bank ID holders seeking to live with their spouses in the West Bank compared to foreign national spouses of Israelis seeking to live with their spouses in Israel and in illegal Israeli settlements in the West Bank, see Annex A, Table 1, page 37.

<sup>6</sup> From United to Greater Jerusalem: Annexation 1967-2020, A New Map and Analysis, Ir Amim, (<https://www.ir-amim.org.il/en/node/2524>).

<sup>7</sup> However, we note that foreign nationals can enter the West Bank if they have an Israeli B/2 tourist visa issued by Israel’s Population and Immigration Authority with no specific prohibition attached against visiting the West Bank.

9. Further analysis of these types of permits and their impact on Palestinians and foreign nationals is set out under Section 2 below; however, key issues of concern include the following:
- Foreign nationals seeking to visit or live with their family members in the West Bank are limited to applying for 3-month B/2 tourist permits, which can only be extended to a maximum of 27 months, making it almost impossible for them to relocate to, and live in the West Bank long term. Factors taken into consideration when deciding whether to extend a permit include “*the risk of becoming entrenched in the Area.*”
  - Only first-degree relatives of Palestinian West Bank ID holders may apply for such visas (parents, children up to the age of 16 and spouses). There are no provisions for children aged 16 and 17, grandparents, grandchildren, aunts and uncles and cousins of West Bank ID holders to visit or stay with them at all under these rules.
  - Foreign experts, academics, students and volunteers must apply in advance for a “*specific purpose permit*” and obtain approval before travel. The Israeli authorities previously required, at times, advance coordination for such permits, meaning that they could be obtained on arrival at the Allenby Bridge Crossing with Jordan or other crossings into the West Bank. The 2022 Procedure formalises the requirement for advance approval of such permits.
  - Foreign nationals who are granted B/2 tourist permits under this procedure will be permitted to enter the West Bank only, excluding East Jerusalem. Such permits are now stamped with “*Limited to the Judea and Samaria area only*” meaning that people with these permits can no longer visit East Jerusalem or Israel or travel via Ben Gurion airport.
  - Foreign nationals seeking to enter only the West Bank may now only enter via the Allenby Bridge Crossing. Moreover, even those granted advance permits may be denied entry at the discretion of a border official.
  - The 2022 Procedure authorises COGAT officials to require a cash guarantee of an unlimited amount from foreign nationals seeking to enter the West Bank as a security deposit to ensure their departure when their permits expire.
  - Foreign nationals are required to provide the names and West Bank ID numbers of first-degree relatives with whom they will stay on their visa application form, raising concerns that Israel is attempting to use the permit application process to map out the families and connections in the West Bank of Palestinians with foreign citizenship.
  - The 2022 Procedure is drafted in such a way as to make it unclear as to whether tourists are covered by the rules. While B/2 permits are referred to as ‘tourist’ permits, tourists are not one of the categories of people listed as being permitted to apply for permits under Part 2 of the rules. It is thus unclear whether tourists will be permitted to apply at all for permits to enter the West Bank, which is likely to mean they can only enter if they apply for an Israeli B/2 tourist permit and enter through Israel.
10. The 2022 Procedure is complex, restrictive, and severely curtails the rights of Palestinians and foreign nationals, with devastating impacts on nearly every aspect of life, from the right to live as a family unit, to the collective rights of the Palestinian people to economic, social

and cultural development. By restricting the ability of foreign nationals to work for Palestinian organisations in the West Bank, the 2022 Procedure will hinder the ability of Palestinian universities, hospitals, businesses and civil society organisations to recruit and retain foreign national staff, including doctors, academics and technical experts. Over time, this is likely to result in the shrinking of Palestinian academic and cultural life and to the continued de-development of the Palestinian economy.

11. Moreover, the 2022 Procedure, like the previous versions of these rules, is extremely vague and opaque, and drafted in such a way as to reserve the maximum possible discretion to COGAT officials. In practice, COGAT officials have applied previous versions of the rules in an arbitrary, inconsistent and non-transparent manner, creating extreme and chronic uncertainty among Palestinians in the West Bank regarding – inter alia- whether their family members and loved ones can remain with them in the West Bank. According to The Right to Enter Campaign, Israel’s implementation of these rules has been characterised by “*a high level of administrative ‘mistakes,’ ‘oversights’ and ‘Kafkaesque’ procedural tactics*” which it has deemed ‘*maladministration*’.”<sup>8</sup>
12. The 2022 Procedure serves to further already existing discriminatory policies against Palestinians, that, taken together, amount to an attempt to control, fragment and limit the Palestinian population and assert Israeli sovereignty over occupied territory in breach of international law. The United Nations Independent International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel (“**the Commission of Inquiry**”), determined in 2022 that there were reasonable grounds to conclude that Israel’s military control of the oPt, which it recognised as a “*belligerent occupation*”<sup>9</sup> was now unlawful under international humanitarian law, owing to “*its permanence and to actions undertaken by Israel to annex parts of the land de facto and de jure. Actions by Israel that are intended to create irreversible facts on the ground and expand its control over territory are reflections as well as drivers of its permanent occupation.*”<sup>10</sup> Israel’s use of the term “Judea and Samaria” to refer to the occupied West Bank (excluding East Jerusalem) would seem to support this view. Indeed, the enactment and enforcement of laws such as the 2022 Procedure form part of an emerging evidentiary standard that Israel’s actions in the oPt amount to the crime against humanity of apartheid.<sup>11</sup>

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<sup>8</sup> COGAT’s amended Procedure for entry and residence of foreigners in the Judea and Samaria area” (to go into effect October 20, 2022), Right to Enter Campaign, ([October 2022 RTE brief - new COGAT procedure.pdf - Google Drive](#)).

<sup>9</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, paras 7, 8, 25, 65, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/591/34/PDF/N2259134.pdf?OpenElement>).

<sup>10</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, para 75, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/591/34/PDF/N2259134.pdf?OpenElement>).

<sup>11</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/49/87, 12 August 2022, (<https://www.un.org/unispal/document/report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territories-occupied-since-1967-report-a-hrc-49-87-advance-unedited-version/>); This is apartheid; a regime of Jewish supremacy from the Jordan River to the Mediterranean Sea, B’Tselem, 12 January 2021, ([https://www.btselem.org/publications/fulltext/202101\\_this\\_is\\_apartheid](https://www.btselem.org/publications/fulltext/202101_this_is_apartheid)); A Threshold Crossed; Israeli Authorities and the Crimes of Apartheid and Persecution, Human Rights Watch, 27 April 2021; Amnesty International’s report, Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity, 1 February 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>; and The report of Al Haq and other leading Palestinian civil society organisations “Israeli Apartheid: Tool of Zionist Settler Colonialism, 29 November 2022, <https://www.alhaq.org/advocacy/20931.html>. <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>); Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity, Amnesty International, 1 February 2022 (<https://www.amnesty.org/en/documents/mde15/5141/2022/en/>); and Israeli Apartheid: Tool of Zionist Settler Colonialism, Al Haq and other leading Palestinian civil society organisations, 29 November 2022 (<https://www.alhaq.org/advocacy/20931.html>).

13. This report provides an analysis of the 2022 Procedure, its impact in practice and the severe manner in which it violates the fundamental rights of Palestinians and others. It sets out a number of recommendations directed at both Israel and the international community – including third states whose nationals are impacted by the 2022 Procedure. Notably, it demonstrates that an urgent repeal or review of the 2022 Procedure by Israel is required to render it compliant with Israeli’s obligations under international law. The report also calls on the international community to press for the 2022 Procedure’s urgent repeal or amendment. Third states are urged actively to monitor the manner in which the 2022 Procedure impacts their own citizens. These recommendations are set out in full below.

## 1. SUMMARY OF RELEVANT BACKGROUND

### 1.1 Israel’s belligerent occupation of the occupied Palestinian territory

14. Following the Nakba<sup>12</sup> in 1948 and the establishment of the State of Israel, Israel has enforced continuous military rule over the Palestinian population in different forms.<sup>13</sup>
15. Since 1967, Israel has occupied the West Bank, including East Jerusalem, and Gaza (the “**occupied Palestinian territory**” or “**oPt**”). Israel has deployed different legal regimes to strategically divide and exercise control over Palestinians across the oPt, fragmenting the Palestinian territory and population. Israel applies disparate laws, policies, and practices to Palestinians living in West Bank, East Jerusalem, and Gaza based on its demographic and political policy objectives in respect of each area.<sup>14</sup>
16. COGAT administers a range of government functions in the West Bank (excluding East Jerusalem) and Gaza.<sup>15</sup> A division within COGAT called the Israeli Civil Administration administers civilian matters affecting Palestinians in the West Bank, as well as Israeli settlers living in settlements in the West Bank. Another division within COGAT called the Coordination and Liaison Administration for the Gaza Strip (the “**CLA**”) administers Israel’s occupation of Gaza, including issuing entry and exit permits. It is important to emphasise that Palestinians in the West Bank have been living under military occupation for most, or all of their lives.<sup>16</sup> While a limited range of civil affairs affecting Palestinians in the oPt were transferred to the Palestinian Authority (the “**PA**”) under the Oslo Accords in the mid-1990s,

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<sup>12</sup> The Nakba, which means “catastrophe” in Arabic, refers to “the mass displacement and dispossession of Palestinians during the 1948 Arab-Israeli war.” To read more on the Nakba, see (<https://www.un.org/unispal/about-the-nakba/#:~:text=The%20Nakba%2C%20which%20means%20%E2%80%9Ccatastrophe,ethnic%20and%20multi%2Dcultural%20society>).

<sup>13</sup> Israel’s apartheid against Palestinians: Cruel system of domination and a crime against humanity, Amnesty International, February 2022, p. 105, (<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>).

<sup>14</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/49/87, 12 August 2022, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/448/72/PDF/G2244872.pdf?OpenElement>); see also “FACTSHEET Israel’s Apartheid Regime over the Palestinian people and the Denial of Palestinian Self Determination in Violation of the ICCPR” Al Haq, 3 March 2022, ([https://www.alhaq.org/cached\\_uploads/download/2022/03/02/final-human-rights-committee-factsheet-1646212241.pdf](https://www.alhaq.org/cached_uploads/download/2022/03/02/final-human-rights-committee-factsheet-1646212241.pdf)).

<sup>15</sup> The Head of COGAT is currently Major General Ghasan Alyan, the Head of the Civil Administration is currently Brigadier General Fares Atila and the Head of the CLA is Colonel Moshe Tetro. (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>). An organogram setting out COGAT’s structure is available at this link: (<https://www.gov.il/en/departments/about/aboutcogat>).

<sup>16</sup> See for example, “Military orders”, Military Court Watch, (<http://www.militarycourtwatch.org/page.php?id=SNHdhRow9Pa30432AKJqGwVetO9>), which states “Israeli military commanders... exercise full legislative, executive and judicial authority over the Palestinian civilian population.”

crucial aspects of their lives are controlled by military orders decreed from above by unelected army officials and enforced by a foreign occupying army.

17. Since 1967, COGAT has administered Israel's belligerent occupation of the oPt.<sup>17</sup> On 21 March 2023, the Israeli Minister of Defence signed an agreement transferring a wide range of governmental powers in the West Bank (excluding East Jerusalem) to a 'special minister' in the Ministry of Defence, Bezalel Smotrich.<sup>18</sup> This has been deemed a dramatic shift in the structure of governance over the West Bank since previously such powers were exercised solely by the Head of COGAT, who reported directly to the Minister of Defence. Human rights organisations have asserted that, by transferring these powers to a civilian minister within the Israeli government, Israel has quietly implemented *de jure* annexation of the West Bank. It is unclear how this will affect the day-to-day administration of Israel's military rule in the West Bank, including in relation to the entry and residence of foreign nationals. It is likely that COGAT will continue to administer the rules. As such, this report will refer to COGAT as the body responsible for administering the 2022 Procedure, while acknowledging that ultimate authority over some of COGAT's core activities, including the sole responsibility for formulating policy, have been transferred to a civilian branch of the Israeli government.
18. Since 1967, Israel has enforced and maintained a series of coercive measures and policies against Palestinians in the oPt including, but not limited to, "*the restriction or closure of civic society and spaces, the demolition of homes and the destruction of property, excessive use of force by security forces, mass incarceration, settler violence, restricted movement through checkpoints and roads, and limitations on access to livelihoods, basic necessities, services and humanitarian assistance.*"<sup>19</sup>
19. At the same time, Israel has taken decisive steps to settle Jewish Israeli citizens in the oPt, while displacing the Palestinian population, through the establishment and expansion of Israeli settlements.<sup>20</sup> In the West Bank, including East Jerusalem, Israel has established 292 Israeli settlements on appropriated Palestinian land.<sup>21</sup> This includes 146 outposts,<sup>22</sup> which are unauthorised settlements built without political approval but usually with the "*involvement, assistance and funding of various government bodies.*"<sup>23</sup> An extensive infrastructure network has been established to facilitate access to these settlements, including bypass roads, which in turn

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<sup>17</sup> Through the Lens of Israel's Interests: The Civil Administration in the West Bank, Yesh Din, Position paper, December 2017 (<https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Minhal+Ezrahi/YeshDin+-+Haminhal+-+English.pdf>); Briefing on COGAT's amended procedure for entry and residence of foreign nationals in the Judea and Samaria area, Right to Enter Campaign, October 2020, (<https://drive.google.com/file/d/1W7IHHwqsITzbKKwtKjT8P-j14EwvlCLs/view>).

<sup>18</sup> The agreement between Galant and Smotrich means legal annexation of the West Bank to Israel, Yesh Din, The Association for Civil Rights in Israel and Breaking the Silence, Press Release, 21 March 2023, (<https://www.english.acri.org.il/post/joint-statement-on-transfer-of-power>). Smotrich handed sweeping powers over West Bank, control over settlement planning, The Times of Israel, 23 February 2023, (<https://www.timesofisrael.com/smotrich-handed-sweeping-powers-over-west-bank-control-over-settlement-planning/>); Smotrich says there's no Palestinian people, declares his family 'real Palestinians', The Times of Israel, 20 March 2023, (<https://www.timesofisrael.com/far-right-lawmaker-bezalel-smotrich-declares-himself-his-family-real-palestinians/>).

<sup>19</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, para 49, (<https://daccess-ods.un.org/tmp/8684953.45115662.html>).

<sup>20</sup> A Threshold Crossed: Israeli Authorities and the Crime of Apartheid and Persecution, Human Rights Watch, April 2021, p.45, (<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>)

<sup>21</sup> Settlements, B'Tselem, 19 January 2019, (<https://www.btselem.org/settlements>).

<sup>22</sup> According to Peace Now, there are currently 132 settlements in the West Bank (excluding East Jerusalem) and 146 outposts, with a combined population of 465,400. In East Jerusalem, there were 14 settlements with a population of 229,377 at the end of 2020. This takes the total number of settlers living illegally in occupied Palestinian land to at least 694,777 (<https://peacenow.org.il/en/settlements-watch/settlements-data/population>).

<sup>23</sup> Glossary of Terms: Settlements and Outposts in the West Bank, Yesh Din, 20 June 2017, (<https://www.yesh-din.org/en/glossary-terms-settlements-outposts-west-bank/>).

compound the severe restrictions on Palestinian movement in the West Bank, and between the West Bank and East Jerusalem.<sup>24</sup>

20. To facilitate the transfer of Israeli citizens into the oPt, and as noted above, Israel has extended the application of its own laws to its citizens present in the West Bank temporarily or permanently. The approximately 465,400 Jewish Israeli settlers living illegally in the West Bank (excluding East Jerusalem, where a further 229,377 settlers live) benefit from the extraterritorial application of Israeli civil law to them, including in respect of criminal law, planning and building regulations, and entry and residence rules.<sup>25</sup> As such, Israel has established and maintains a discriminatory dual legal system favouring the rights and freedoms of Israeli settlers over Palestinians.<sup>26</sup>

## 1.2 Israel's establishment and control over the Palestinian Population Registry

21. Shortly after occupying the oPt in 1967, Israel declared the territory a closed military area, requiring Palestinians to obtain permits for entry and departure.<sup>27</sup> The Israeli military conducted a snap census of Palestinians physically present at the time in the West Bank and Gaza (amounting to around 954,898 people), which it used to create the Palestinian Population Registry.<sup>28</sup> Only people physically present at the time were granted residency rights in the West Bank. At least 270,000 Palestinians who were travelling, working or studying abroad immediately had their residency rights revoked, many becoming stateless as a result. While some of these exiles have since been granted temporary permits as visitors or tourists, and a small number permitted to return under the family reunification programme, the vast majority have been prevented by Israel from returning to the West Bank altogether.
22. Since 1967, Israel has used its control over the Palestinian Population Registry as a key tool in its demographic engineering of the oPt. Under the Oslo Accords, the day-to-day administration of the registry was transferred to the PA. However, Israel retained ultimate decision-making power over the registry and has the sole power to determine the residency and status of all Palestinians in the oPt.<sup>29</sup> It uses this power to prevent Palestinians from returning to the oPt in order to minimise the Palestinian population and make way for Israeli settlement expansion.
23. The only way in which Palestinians with foreign citizenship can obtain residency in the West Bank is through the family reunification process. This allows Palestinians registered as residents of the West Bank to apply for their overseas family members to come and live with

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<sup>24</sup> In the West Bank: Segregated Roads Displaced Palestinians, Ahmad Al-Bazz, Norwegian Refugee Council, 31 March 2022, (<https://www.nrc.no/shorthand/stories/in-the-west-bank-segregated-roads-displace-palestinians/index.html>).

<sup>25</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, paras 46-47, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/591/34/PDF/N2259134.pdf?OpenElement>).

<sup>26</sup> One Rule, Two Legal Systems, Limor Yehuda and others, October 2014, p. 6, (<https://law.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf>); The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion, Yesh Din, June 2020, pp. 40-42, (<https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/>).

<sup>27</sup> COGAT Procedure for Entry and Residence, Association of International Aid Agencies, 2023, p.3. (<https://aidajerusalem.org/download/cogat-procedure-for-entry-and-residence-of-foreigners-analysis/>).

<sup>28</sup> Forget about him, he's not here: Israel's control over Palestinian residency in the West Bank and Gaza, Human Rights Watch, February 2012, (<https://www.hrw.org/report/2012/02/05/forget-about-him-hes-not-here/israels-control-palestinian-residency-west-bank-and>).

<sup>29</sup> Identity and Movement Control in the OPT, Jennifer Loewenstein, Forced Migration Review, (<https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/palestine/loewenstein.pdf>).



them in the West Bank. COGAT continues to arrogate responsibilities over the approval of family reunification applications for Palestinians in the West Bank, giving it the final power to decide whether foreign nationals may return to the West Bank to live with their spouses, children, and relatives.<sup>30</sup>

24. In 2000, Israel effectively stopped processing family reunification requests.<sup>31</sup> Aside from a “diplomatic gesture” to the PA between 2007 and 2009, when Israel processed around 35,000 family reunification applications, and a further gesture in 2021-2022, when it processed several thousand applications, there has been an effective freeze on family reunification in the oPt since then.<sup>32</sup> Accordingly, to the extent that foreign national spouses and other relatives of Palestinian West Bank ID holders are even able to enter the West Bank, they are forced to live without regulated legal status. This means they must contend with a myriad of bureaucratic difficulties, such as the inability to open a bank account, apply for a passport or travel through a checkpoint. Many live in constant fear of arrest and deportation.
25. By contrast, Israeli citizens living on settlements in the West Bank seeking to reunite with foreign national spouses and relatives are not subject to the restrictive requirements set out in the 2022 Procedure. A Jewish foreign national married or co-habiting with a Jewish Israeli citizen is automatically entitled to Israeli nationality under the 1950 Law of Return, which entitles all Jewish people to immigrate to Israel and automatically become citizens of the state. The law also applies to their children, grandchildren, spouses and the spouses of their children and grandchildren.<sup>33</sup>
26. Israel also uses the Palestinian Population Registry to control Palestinians’ ability to enter, move within or leave the West Bank. Palestinians must be registered in the population registry in order to obtain identification cards and passports. ID cards are often required in order to travel to workplaces, schools or hospitals within the West Bank, since Palestinians may not pass through the numerous checkpoints maintained by the Israeli army in the West Bank without an ID. Moreover, Israel controls all the border crossings into and out of the West Bank and requires Palestinians to show passports or ID cards in order to travel outside the West Bank.<sup>34</sup>
27. West Bank ID holders seeking to travel internationally are only permitted to use one exit point from the oPt, namely the Allenby Bridge Crossing, between Jordan and the West

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<sup>30</sup> Perpetual Limbo: Israel’s freeze on the unification of Palestinian families in the Occupied Territories, B’Tselem and HaMoked, July 2006, ([https://www.btselem.org/publications/summaries/200607\\_perpetual\\_limbo](https://www.btselem.org/publications/summaries/200607_perpetual_limbo)); Israel: Family reunification ruling is discriminatory, Human Rights Watch, 17 May 2006, (<https://www.hrw.org/news/2006/05/17/israel-family-reunification-ruling-discriminatory>).

<sup>31</sup> The ongoing family reunification freeze in the oPt: while thousands of foreign spouses live in the West Bank with no legal status, the Israeli Defence Ministry reported no family unification applications in 2020-2021, HaMoked, 21 November 2021, (<https://hamoked.org/document.php?dID=Updates2269>).

<sup>32</sup> West Bank: New Entry Rules Further Isolate Palestinians, Human Rights Watch, 23 January 2023, (<https://www.hrw.org/news/2023/01/23/west-bank-new-entry-rules-further-isolate-palestinians>).

<sup>33</sup> Adalah, Law of Return, (<https://www.adalah.org/en/law/view/537#:~:text=Description%3A,of%20their%20children%20and%20grandchildren>), also see Annex A for a comparison of the types of visas required for foreign national spouses seeking to visit the West Bank, as compared to those seeking to reunite with Israeli Jews living in Israel and in Israeli settlements in the West Bank.

<sup>34</sup> Restriction on movement, B’Tselem, 11 November 2017, ([https://www.btselem.org/freedom\\_of\\_movement](https://www.btselem.org/freedom_of_movement))

Bank.<sup>35</sup> The Allenby Bridge Crossing is administered exclusively by Israel, which has extended the application of Israeli law to it and brought it under the purview of Israel's Airport Authority.<sup>36</sup> Palestinians registered in the West Bank and Gaza have no direct access to any airport.

### 1.3 Israel's blockade of Gaza and separation of Gaza from the West Bank

28. Since mid-2007, Israel has enforced a military blockade on Gaza. For almost 16 years, Israel has sealed the two million Palestinians living in Gaza off from the outside world and from Palestinians in the West Bank and Israel as part of its Separation Policy,<sup>37</sup> aimed at severing contact between different areas of the oPt and dividing and fragmenting Palestinians.<sup>38</sup> Palestinians are prohibited from exiting Gaza via Israel unless they obtain an exit permit from COGAT. Only those falling within certain categories, such as day labourers working in Israel, traders, patients and aid workers, may apply for such permits. Other Gazans are not even eligible to apply for permits.<sup>39</sup>
29. With regard to foreign nationals, only employees of international organisations and some journalists are allowed to enter Gaza through Israel and must apply to COGAT in advance for permits.<sup>40</sup> If a permit is granted, both Palestinians and foreign nationals may only enter and exit Gaza through the Israeli-controlled Erez Crossing. Separate rules are applied by

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<sup>35</sup> Israel's apartheid against Palestinians: Cruel system of domination and a crime against humanity, Amnesty International, February 2022, p. 95, (<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>)

<sup>36</sup> Israel's apartheid against Palestinians: Cruel system of domination and a crime against humanity, Amnesty International, February 2022, p. 95, (<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>); Also see: Allenby Bridge Crossing (King Hussein), The Ministry of Regional Cooperation, 05 October 2021, ([https://www.gov.il/en/departments/general/alenbi\\_morc](https://www.gov.il/en/departments/general/alenbi_morc))

<sup>37</sup> What is the Separation Policy? Gisha, June 2012, <https://www.gisha.org/UserFiles/File/publications/Bidul/bidul-infosheet-ENG.pdf>.

<sup>38</sup> Area G: From Separation to Annexation Israel's isolation of the Gaza Strip and how it serves annexationist goals in the West Bank", Gisha, June 2020, (see also Gisha, Gaza Up Close, 1 September 2021 (<https://features.gisha.org/gaza-up-close/>))[https://gisha.org/UserFiles/File/publications/Area\\_G/From Separation to Annexation 2020 EN.pdf](https://gisha.org/UserFiles/File/publications/Area_G/From_Separation_to_Annexation_2020_EN.pdf)); Gaza Up Close, Gisha, 1 September 2021 (<https://features.gisha.org/gaza-up-close/>).

<sup>39</sup> For a recent update of Israeli restrictions on entry and exit from Gaza, see Movement in and out of Gaza: update covering April 2023, UN Office for the Coordination of Humanitarian Affairs, 23 May 2023, ([https://www.ochaopt.org/content/movement-and-out-gaza-update-covering-april-2023?\\_gl=1\\*141em53\\*\\_ga\\*MTc4NzEzNDcwOS4xNjgzOTc2NTUz\\*\\_ga\\_E60ZNX2F68\\*MTY4NTE4ODEwNy43LjAuMTY4NTE4ODEwNy42MC4wLjA](https://www.ochaopt.org/content/movement-and-out-gaza-update-covering-april-2023?_gl=1*141em53*_ga*MTc4NzEzNDcwOS4xNjgzOTc2NTUz*_ga_E60ZNX2F68*MTY4NTE4ODEwNy43LjAuMTY4NTE4ODEwNy42MC4wLjA)),

which states that "Around 90% of exit permits are issued to Palestinian day labourers who benefit the Israeli economy, and around 5% are issued to urgent medical cases"; For rules governing the entry of foreign nationals to Gaza, see COGAT Operations Directorate Standing Orders, Regulation: Entry of foreigners into the Gaza Strip via the Erez Crossing, September 2013, ([https://www.gisha.org/UserFiles/File/LegalDocuments/procedures/foreign\\_nationals/54en.pdf](https://www.gisha.org/UserFiles/File/LegalDocuments/procedures/foreign_nationals/54en.pdf)); Policies and Directives, GISHA, for a full list of the Israeli procedures and policies applicable to Gaza, (<https://gisha.org/en/procedures-and-protocols/>).

<sup>40</sup> For a recent update of Israeli restrictions on entry and exit from Gaza, see Movement in and out of Gaza: update covering April 2023, UN Office for the Coordination of Humanitarian Affairs, 23 May 2023, ([https://www.ochaopt.org/content/movement-and-out-gaza-update-covering-april-2023?\\_gl=1\\*141em53\\*\\_ga\\*MTc4NzEzNDcwOS4xNjgzOTc2NTUz\\*\\_ga\\_E60ZNX2F68\\*MTY4NTE4ODEwNy43LjAuMTY4NTE4ODEwNy42MC4wLjA](https://www.ochaopt.org/content/movement-and-out-gaza-update-covering-april-2023?_gl=1*141em53*_ga*MTc4NzEzNDcwOS4xNjgzOTc2NTUz*_ga_E60ZNX2F68*MTY4NTE4ODEwNy43LjAuMTY4NTE4ODEwNy42MC4wLjA)); For rules governing the entry of foreign nationals to Gaza, see COGAT Operations Directorate Standing Orders, Regulation: Entry of foreigners into the Gaza Strip via the Erez Crossing, September 2013, ([https://www.gisha.org/UserFiles/File/LegalDocuments/procedures/foreign\\_nationals/54en.pdf](https://www.gisha.org/UserFiles/File/LegalDocuments/procedures/foreign_nationals/54en.pdf)); Policies and Directives, GISHA, for a full list of the Israeli procedures and policies applicable to Gaza, (<https://gisha.org/en/procedures-and-protocols/>).

Egypt in respect of the Rafah crossing between Gaza and Egypt; these are also highly restrictive and the criteria for entry and exit remains uncertain.<sup>41</sup>

30. Despite Israel's claim that it has disengaged from Gaza, it is widely accepted under international law that Gaza remains under occupation by virtue of its control over, inter alia, Gaza's airspace and territorial waters, borders and land crossings, telecommunications, water and electricity supply, currency, the flow of people and goods into and out of the territory, and control of the Palestinian Population Registry.<sup>42</sup>

#### 1.4 Changes to the Procedure for Entry of Foreigners to the West Bank over time

31. As noted above, the first ordinance issued by COGAT regarding the entry of foreign nationals in the West Bank was the four-page 2006 Procedure, which was amended and reissued in 2016.<sup>43</sup> In February 2022, in response to requests from third states for clarity on the rules, COGAT published a 97-page document, the "*Procedure for Entry of Foreign Nationals into Judea and Samaria*", which was due to come into force in May 2022.<sup>44</sup>
32. Following a petition by Hamoked, an Israeli NGO, to Israel's High Court, alongside diplomatic censure and public condemnation,<sup>45</sup> Israel published a further, amended version of the procedure in September 2022. This version removed some of the most egregious provisions, such as the requirement for foreign nationals to notify the Israeli authorities within 30 days if they "formed a couple" with a Palestinian with West Bank ID.<sup>46</sup> Additionally, previous versions of the rules had required some foreign nationals to disclose information relating to land or property they owned or stood to inherit on their visa application forms. These provisions were removed as a result of diplomatic pressure from the United States and from human rights groups. The latter viewed them as new procedures of intelligence gathering designed by Israeli officials which would be used to appropriate the land and property of Palestinians with foreign citizenship.<sup>47</sup>

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<sup>41</sup> Gaza Strip, The humanitarian impact of 15 years of the blockade - June 2022, 30 June 2022, (<https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022>).

<sup>42</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/HRC/50/21, 9 May 2022, para 16, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/337/18/PDF/G2233718.pdf?OpenElement>).

<sup>43</sup> Instructions for Entry of Foreign Nationals from those Countries that Maintain Diplomatic Relations with Israel into the West Bank, Coordination of Government Activities in the territories, December 2006, (<https://drive.google.com/file/d/15j7PO4CLiMtS9jHTKjOqRWZdcVSFsOFJ/view>); Procedure for Entry of Foreign Nationals to Judea and Samaria, Coordination of Government Activities in the territories, 2016, (<https://lawoffice.org.il/wp-content/uploads/2018/01/34-1.pdf>).

<sup>44</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, The Coordinator of Government Activities in the Territories (COGAT), February 2022, ([https://hamoked.org/files/2022/1665642\\_eng.pdf](https://hamoked.org/files/2022/1665642_eng.pdf)).

<sup>45</sup> High Court petition to halt the Israeli military's discriminatory and draconian restrictions on the entry of foreigners to the West Bank, HaMoked, 23 June 2022, (<https://hamoked.org/document.php?dID=updates2313>).

<sup>46</sup> HaMoked to the Minister of Defense: The revised procedure for the entry of foreigners to the oPt is still fundamentally flawed and must be frozen until it is amended, HaMoked, 14 September 2022, (<https://hamoked.org/document.php?dID=Updates2327>); West Bank: New entry rules further isolate Palestinians, Human Rights Watch, 23 January 2023, (<https://www.hrw.org/news/2023/01/23/west-bank-new-entry-rules-further-isolate-palestinians>); West Bank visitors ordered to register romances as Israel brings in strict rules, Bethan McKernan, The Guardian, 20 October 2022 (<https://www.theguardian.com/world/2022/oct/20/israel-imposes-strict-rules-on-travel-to-west-bank>).

<sup>47</sup> Apartheid in action: The danger of Israel's new West Bank travel restrictions, Mondoweiss, 3 June 2022, (<https://mondoweiss.net/2022/06/apartheid-in-action-the-danger-of-israels-new-west-bank-travel-restrictions/>).

33. In December 2022, Israel published a revised and amended 61-page version of the *Procedure for Entry of Foreign Nationals into Judea and Samaria*, which is the version currently in force.<sup>48</sup> While a few of the most egregious provisions, particularly those attracting international media and diplomatic attention, have been removed, many of the provisions remain unchanged from the February 2022 version, and raise the same concerns.
34. The 2016 Procedure set out the process for foreign nationals from countries maintaining diplomatic relations with Israel to apply for entry to the West Bank, which required the consent of a COGAT official and grant of a permit from Israel's Ministry of Interior.<sup>49</sup>
35. It is noted that while diplomats were included in the 2016 Procedure, diplomats are not covered by the 2022 Procedure.
36. The 2016 Procedure stated that foreign nationals could enter the West Bank via Ben Gurion Airport or the Allenby Bridge Crossing between the West Bank and Jordan. However, foreign nationals who were Palestinians registered in the West Bank population registry were only permitted to enter via Allenby Bridge.

## 2. OVERVIEW OF THE 2022 PROCEDURE

### 2.1 *Scope of the 2022 Procedure and type of permits*

37. As noted above, the 2022 Procedure only applies to foreign nationals seeking to enter the occupied West Bank (excluding East Jerusalem). It does not apply to foreign nationals seeking to visit Israeli settlements or outposts in the occupied West Bank. Neither does it apply to foreign nationals seeking to visit both Israel and the West Bank, who are required to apply to the Israeli Population and Immigration Authority for entry visas.<sup>50</sup>
38. Clause 10(A) in Part 1 of the 2022 Procedure restates Israel's longstanding position that foreign nationals have no automatic right to enter the occupied West Bank.<sup>51</sup> Entry is discretionary and based on COGAT's evaluation of the foreign national's application for one of the three categories of permits available under the 2022 Procedure.
39. Foreign nationals seeking to enter the West Bank (excluding East Jerusalem) under these rules may now only enter via the Allenby Bridge Crossing with Jordan. Moreover, a border official may refuse entry at the crossing even to those granted advance permits.<sup>52</sup> Those seeking to enter the West Bank through Ben Gurion airport must apply in advance and will

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<sup>48</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the Territories, December 2022, (<https://www.gov.il/en/departments/policies/judeaentry2022>).

<sup>49</sup> Procedure for Entry of Foreign Nationals to Judea and Samaria, Coordination of Government Activities in the territories, 2016, original PDF version in Hebrew available here :(<https://lawoffice.org.il/wp-content/uploads/2018/01/34-1.pdf>).

<sup>50</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 2, Clause 1 (C) provides: "This procedure does not apply to foreigners asking to visit the Area and Israel in parallel. Such foreigners shall be handled in accordance with the procedures of the Population and Immigration Authority."

<sup>51</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 2(D), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>52</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Clause 2 (G) provides: "The granting of an advance permit, under this procedure, refers to a permit for a foreigner to arrive at the Allenby Bridge Crossing and does not guarantee actual entry into the Area. Only after the foreigner has arrived at the border crossing and been questioned will the final decision be made regarding the foreigner's entry into the Area."

only be permitted to do so under “exceptional circumstances.”<sup>53</sup> This contrasts with visitors applying to enter both Israel and the oPt, who may use any crossing point.

40. Strikingly, the 2022 Procedure provides that COGAT officials may require a bank guarantee or a guarantee in cash from foreign nationals seeking to enter the West Bank (excluding East Jerusalem) as a security deposit to ensure the person’s departure. The amounts that they can require range from NIS 25,000 (around GBP 5,435) to NIS 70,000 (approx. GBP 15,218). Moreover, the Head of the Operations Department of COGAT can require a guarantee of an unlimited amount at his/her discretion.<sup>54</sup> This places an onerous financial burden on people wishing to visit or stay in the West Bank, which many may not be able to afford.
41. The three types of permits available to foreign nationals seeking to enter the West Bank are:
  - B/2 Tourist Permits (Part 2 of the 2022 Procedure);
  - Specific Purpose Permits (Part 3 of the 2022 Procedure); and
  - Spousal Permits (Part 4 of the 2022 Procedure).
42. The application process and requirements for each type of permit is different. This report reviews and analyses below the language of the 2022 Procedure in order to best understand how these rules will practically impact different groups when applied. However, it is noted that these rules are relatively new with limited information about the manner in which the rules are being applied in practice. In addition, this report raises concerns that due to the vague language used in the text of the 2022 Procedure, and apparent disparate application of the rules, it is difficult to fully understand or anticipate the manner in which the Israeli authorities will interpret and implement the rules, and the impact it will have on individuals and communities.
43. Therefore, while this report attempts to analyse the rules, raise concerns on their impact and provide recommendations in order to preserve individuals’ rights with the information currently available, it is acknowledged that continued observation of the application of the rules will be required to fully understand the 2022 Procedure’s full impact.

#### 2.1.1 B/2 “Tourist Permits”

44. Permits under Part 2 of the 2022 Procedure are stated to be intended for short visits to the occupied West Bank (excluding East Jerusalem), lasting no more than three months.<sup>55</sup> The rules state: “*A visit permit under this part of the procedure shall be granted only to foreigners requesting to enter the Area for a visit, or for another purpose defined in this procedure, that requires a short stay in the*

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<sup>53</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Clause 7 (F) in respect of “multi-use” permits states: “It bears noting that a multi-use permit covers entry into the Area through the Allenby Bridge Crossing only. Entry through Ben Gurion Airport always requires advance submission of an application that will be evaluated individually and that will be approved in exceptional circumstances only.”

<sup>54</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 1, Clause 5 (B).

<sup>55</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 2(D), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

*Area, other than for purposes of paid or unpaid work. Eligible visitors may include*<sup>56</sup> The following categories are listed under this section

- Spouses and first-degree relatives of West Bank residents;
- Children up to the age of 16 of Palestinians registered as residents in the West Bank;
- Businesspeople and investors; and
- Journalists or media employees.<sup>57</sup>

45. This section appears to be aimed at foreign national spouses, children and first-degree relatives of Palestinians registered as residents in the West Bank, as well as businesspeople and journalists wishing to visit the West Bank. While foreign nationals who are parents, children or siblings of Palestinian West Bank residents are eligible for a three-month permit on arrival to visit their families, they are unable to stay long-term (permits for spouses wishing to regulate their status in the West Bank are dealt with in Part 4, as to which, see further section 2.1.7 below).
46. It is not clear from the drafting of the provision whether the permits are intended to include *only* those people listed in the categories above, or whether it *also* covers others. This lack of clarity is exacerbated by Section 1(E) of Part 2 of the rules, which provides: “*The authorized COGAT official is entitled to approve a permit under this part of the procedure for foreigners who do not belong to the categories mentioned above, in exceptional circumstances and for special humanitarian reasons that are to be specified.*”<sup>58</sup> This wording suggests that anyone not falling within one of the listed categories would have to apply in advance for a permit on the basis of *exceptional circumstances or special humanitarian reasons*. There is no definition of these terms or guidance on how they should be interpreted.
47. While these permits are referred to as ‘tourist’ permits, it is not actually clear if tourists are eligible for entry, as they are not one of the categories listed in the rules. The relevant provision, as set out in paragraph 47 above, is vague and widely constructed, and could be construed to mean that tourists are included by the inclusion of the words “*for a visit.*” The lack of clarity may mean that tourists wishing to visit the West Bank will choose to apply for a visa to enter both Israel and the West Bank to avoid any problems at the border. Such visas must either be applied for in advance, through the Israeli Population and Immigration Authority, or upon arrival at an Israeli airport or border crossing.
48. Further, this section of the rules provides: “*In general, entry to the Area under this part of the procedure shall be through the Allenby Bridge Crossing.*” Thus, it appears that foreign nationals

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<sup>56</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 2(D), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>57</sup> For journalists, separate rules might apply depending on whether their organisation is registered with the press union in Israel, or whether they have an international press pass. Those are not covered in the 2022 Procedure. For journalists with ties to the West Bank and of Palestinian origin with ties to the West Bank, the restrictions of the 2022 Procedure would require entry at Allenby Bridge unless circumvented by entry via Israel.

<sup>58</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 2, Clause 1 (E), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).



granted B/2 permits under this procedure may now only enter through the Allenby Bridge Crossing. However, again, this is not entirely clear due to the words “*in general*”.

49. Part 1 Clause 6 (D) of the procedure provides that permits issued under Part 2 may be extended, for exceptional reasons, for a maximum of three more months (i.e., six months in total). A permit extension for more than 180 days requires approval from “*the authorized COGAT official on the grounds of special considerations*”, and in any case cannot exceed 27 months in total. Factors taken into consideration when deciding whether to extend a permit include “*the risk of becoming entrenched in the Area.*”<sup>59</sup>
50. Moreover, the rules reduce the age of majority for Palestinian children to 16 rather than 18, meaning that there are no explicit provisions for foreign national children with Palestinian heritage aged 16 and 17 seeking to visit their families in the West Bank. Accordingly, it is unclear how these children can obtain permits to visit their families – it is possible that they could apply under the general “*exceptional circumstances*” category, but the rules remain unclear on this point. This gives COGAT officials extremely broad discretion to determine whether such children will be permitted to enter and creates great uncertainty for Palestinian families in this situation.
51. Foreign nationals from a country with a visa exemption agreement with Israel requesting a B2 permit are not required to apply in advance. The rules state that they will be permitted to submit an application on arrival at the Allenby Bridge Crossing, except in cases where the procedure explicitly prevents them from doing so.<sup>60</sup>
52. Foreign nationals from countries which have diplomatic relations with Israel but do not have a visa waiver programme must apply for a B2 permit at an Israeli representative office in their home country at least 45 days in advance of travel, except in exceptional humanitarian cases, and in any event not less than 48 hours before entry.<sup>61</sup> However, even those granted an advance permit may be refused entry at the border.
53. Permits approved for entry under Part 2 of the 2022 Procedure entitle the foreign national entry to the West Bank only, excluding East Jerusalem. The permit is stamped with “*Limited to the Judea and Samaria area only.*”<sup>62</sup> This means that people with permits under Part 2 can no longer visit East Jerusalem.

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<sup>59</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 1 Clause 6 (D)(2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>60</sup> A list of countries with visa exemption agreements with Israel can be found at **Annex A, Table 2**.

<sup>61</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 2, Clause 2(C), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>62</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 2, Clause 2(C), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

54. COGAT must inform the applicant in writing if their permit has been denied with information regarding the right of appeal.<sup>63</sup> There are no provisions within the 2022 Procedure which require COGAT to explain the reasons for denying a permit to the applicant. The obligation to state reasons for the denial of an entry permit exists separately under Israeli administrative law. Although COGAT officials are aware of this obligation under Israeli law, in practice, they often fail to give reasons for permit denials. Individuals who can afford it may challenge such decisions in Israeli courts. However, applicants who remain in the West Bank during the process of appealing these decisions are at risk of overstaying their visas. This means that COGAT can then cite that fact as an “*attempt to settle illegally in the area,*” thus finding an actual reason for denial.

### 2.1.2 Specific Purpose Permits

55. Part 3 of the Procedure establishes the requirements for foreign nationals seeking to enter the West Bank for what COGAT defines as ‘specific purposes’ (“**Specific Purpose Permits**”). They apply, inter alia, to academics, researchers, students, volunteers, employees of international organisations, doctors and businesspeople. Specific Purpose Permits, except for those issued to volunteers, are considered by COGAT as work permits.<sup>64</sup>

56. The Procedure expressly states: “*Permits under this section ... are not intended for foreigners who are married to a resident of the Area, whether wed before arriving at the Area or whether wed afterward... foreigners who are married to a resident of the Area must take action to formalize matters according to Part 4 of this procedure before arriving at the Area. If a foreigner weds a resident of the Area while staying in the area, the foreigner must report the fact as part of the request for renewal/extension of his/her permit.*”<sup>65</sup> It is noteworthy that this section amended previous versions of the rules published in 2022 which required foreign nationals to inform COGAT within 30 days if they formed a relationship with a Palestinian resident of the West Bank. This was subsequently amended, after international pressure, to those married to, or intending to marry a Palestinian West Bank ID holder.<sup>66</sup> Note that in all cases, foreign nationals who marry a Palestinian while staying in the West Bank are required to report this to COGAT if they make any visa renewal requests.

57. The Procedure states: “*All permits under this section of the procedure must be requested in advance through the COGAT centre for inquiries from foreigners, through the Palestinian Authority, or through the Israeli representative office in the foreigner's country of origin. This holds even if the foreigner's country of origin has signed a visa exemption agreement with the State of Israel.*”<sup>67</sup> This means that foreign nationals

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<sup>63</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 2, Clause 2(C), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>64</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3(B), Clause 4(D-1), Clause 6(B) (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>65</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 2 (B) and (C). (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>66</sup> Israel delays, amends new restrictions on foreigners in West Bank, Al Jazeera, 5 September 2022 (<https://www.aljazeera.com/news/2022/9/5/israel-amends-controversial-west-bank-travel-rules>).

<sup>67</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 2(A), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

wishing to work, study or volunteer in the West Bank must obtain a “Specific Purpose Permit” in advance.

58. Nothing in Part 3 of the 2022 Procedure provides clarity on whether foreign nationals who have entered Israel already (for example as a citizen of a country with a visa waiver programme with Israel) can apply for a Part 3 permit when there, or if they must only apply from abroad.
59. As noted above, all categories of people entering under this Part (academics, businesspeople, employees of international organisations, doctors, etc.) can now only enter through the Allenby Bridge Crossing, except under (undefined) “exceptional circumstances.”
60. Special Purpose Permits cannot be extended for longer than 27 months, except in certain circumstances, as set out below.<sup>68</sup>
61. Foreign nationals eligible to apply for a Specific Purpose Permit are divided into disparate and convoluted categories according to the purpose of their visit, which in turn determines the length of time a foreign national is entitled to stay in the occupied West Bank.
62. For ease of reference, those eligible for Specific Purpose Permits can be grouped accordingly:
  1. **Group 1** includes two types of professionals:
    - a. Lecturers and researchers in Palestinian academia; or
    - b. Academics and researchers steadily employed in a “*necessary profession*”.
  2. **Group 2** includes students.
  3. **Group 3** includes volunteers.
  4. **Group 4** includes experts and consultants in “*unique disciplines*” or “*senior employees*” from the following professions:
    - a. Employees from international organisations;
    - b. Other employees in a “*proven exceptional field*;”
    - c. Teachers;
    - d. Physicians; and
    - e. Businesspeople and investors.

### 2.1.3 Lecturers, academics and researchers

63. Lecturers and researchers seeking to work in Palestinian higher education must be over 25 years old to apply for a Specific Purpose Permit and possess a doctorate.<sup>69</sup> Those without a doctorate may apply, subject only to COGAT being “*convinced that they have special expertise in*

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<sup>68</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 2(D), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>69</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3(F-1) and Clause D (2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

*the field.*<sup>70</sup> The 2022 Procedure does not provide any guidance as to the meaning of “*special expertise in the field*,” leaving a wide range of discretion to COGAT officials to take such decisions. In practice, this is likely to mean that they will be able to exclude a greater number of lecturers seeking to work at Palestinian universities, particularly those deemed to be potentially critical of Israel and its policies towards the Palestinians. Moreover, it will enable Israeli officials to determine who may teach or carry out research at Palestinian universities based on Israeli political and economic interests. This constitutes arbitrary interference in Palestinian internal matters.

64. Lecturers and researchers are required to disclose any spousal or familial ties to Palestinians registered in the West Bank population registry with their application for a Special Purpose Permit.<sup>71</sup>
65. The rules state: “*A permit request under this part of the procedure shall be granted if the lecturer meets the criteria and requirements detailed later in this part and if no security block and no other relevant consideration precludes the lecturer's entry into the Area.*”<sup>72</sup> The previous versions of the rules did not include the reference to a “*security block*” in respect of lecturers. This is a new provision which raises concerns as to what kind of “*security*” issue a lecturer may present, particularly in light of Israel’s ongoing crackdown on civil society groups and defenders of Palestinian rights, including academics.<sup>73</sup> Moreover, the reference to “*no other relevant consideration*” leaves a wide scope of discretion to COGAT officials to refuse entry.
66. The rules provide that work permits for lecturers will be issued for a period of up to one year and can only be renewed for a period not exceeding 27 months (i.e., 2 years and 3 months). Where a lecturer wishes to stay longer than 27 months, they must leave the West Bank and apply for a new work permit from overseas. The maximum period of time a lecturer can live and work in the West Bank is five years. If they wish to return after that, they must wait nine months before applying for a new work permit.<sup>74</sup>
67. The Specific Purpose Permit may only be extended for a maximum cumulative period of five years. After this period, the applicant must spend a minimum of nine months outside of the occupied West Bank before being eligible to return.<sup>75</sup>
68. Subject to a COGAT official’s discretion, a further extension of up to five years may be granted for a period of no more than 10 years on an exceptional basis, on “*grounds of special*

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<sup>70</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 2(D), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>71</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3 (F)(2-A), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>72</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3 (D) (1). (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>73</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/HRC/53/22, 9 May 2023, paras 10, 35, 37, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/089/77/PDF/G2308977.pdf?OpenElement>).

<sup>74</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3 (D)(3-A), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>75</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3 (D)(3-A), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

considerations.”<sup>76</sup> There is no clear definition of what constitutes special considerations, but they may include “*unique projects and contributions to the [West Bank’s] education and economic welfare.*”<sup>77</sup> This provision gives COGAT officials wide discretion to decide what constitutes worthwhile projects and contributions to the economy and education sector in the West Bank, allowing Israel to arbitrarily interfere in Palestinian internal matters.

#### 2.1.4 Students

69. Students wishing to study in a Palestinian academic institution may only do so if the institution is listed in Appendix C of the 2022 Procedure. They must be 18 years old to apply and must, as part of their application, disclose any familial or spousal ties to Palestinians registered in the West Bank population registry.<sup>78</sup>
70. Special Purpose Permits for students are only valid for one academic year.<sup>79</sup> Extension applications made in the West Bank may be granted for study on the same degree for a period not exceeding 27 months.<sup>80</sup> A new application from abroad must be made if the student intends to study at a Palestinian institution for a period exceeding 27 months.<sup>81</sup> A student permit may not exceed four years in total, or five years for a doctorate or post-doctorate degree.<sup>82</sup> Since many undergraduate degrees last for three years or more, in effect this means that foreign students wishing to study at Palestinian universities will be unable to complete a full course of studies, unless they leave after the second year and apply from abroad. There is no guarantee that an extension will be granted, resulting in disruption and uncertainty for students wishing to study at Palestinian universities.
71. COGAT may direct, upon reviewing a student’s application, that the applicant attends an interview at an Israeli representative office in their home country if they consider the permit sought may be “*malignly exploited.*”<sup>83</sup> There is no indication of what “*malign exploitation*” means.

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<sup>76</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3 (D) (3-B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>77</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 3 (D) (3-B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>78</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 4 (C)(1) and (C)(2-B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>79</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 4 (B)(4), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>80</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 4 (B)(4), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>81</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 4 (B)(4), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>82</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 4 (B)(4), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>83</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 4 (B)(3), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

### 2.1.5 *Volunteers*

72. Volunteers with welfare and health organisations, non-profit organisations, religious institutions and philanthropic bodies must have their organisation apply on their behalf for a Special Purpose Permit, at least 60 days in advance.<sup>84</sup>
73. Volunteers must disclose any familial or spousal ties to Palestinians registered in the West Bank population registry.<sup>85</sup>
74. A volunteer will only be granted a Specific Purpose Permit for a maximum period of 12 months. If they wish to return to the West Bank as a volunteer, they must wait a minimum of one year before applying for a new permit, the granting of which is subject entirely to the discretion of COGAT.<sup>86</sup> By restricting the period of time that volunteers can work in the West Bank in this way, these rules disrupt the functioning of NGOs and other civil society organisations, many of whom rely on volunteers to carry out key aspects of their day-to-day work.
75. This report also notes that the complicated mechanism for both the entry of foreign aid volunteers and NGO employees within the 2022 Procedure has the effect of limiting or seeking to limit access to humanitarian aid and relief.
76. Article 59(1) of the Fourth Geneva Convention requires the occupying power to agree to relief schemes offered by other states and international organisations on behalf of the occupied population and to facilitate such operations.<sup>87</sup> Concern is raised that the effect of limiting foreign national access providing humanitarian relief further serves to impede international scrutiny and documentation of alleged violations of international humanitarian and human rights law, preventing accountability.
77. Limiting foreign national access providing humanitarian relief further serves to impede international scrutiny and documentation of alleged violations of international humanitarian and human rights law, preventing accountability.

### 2.1.6 *Experts and consultants in unique disciplines and senior employees*

78. The following categories of foreign nationals may apply for a Specific Purpose Permit as experts or consultants if they are:<sup>88</sup>

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<sup>84</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 5 (A), (B-1) and (B-4), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>85</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 5 (C)(1), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>86</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 5 (B-2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>87</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 59 (1),(<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>88</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 4 (B)(4), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).



- Employees of an international organisation from a particular profession required for a short period of time or a company carrying out development work in the West Bank;
  - Experts employed by the PA who have proven, to COGAT's satisfaction, that they are employed in an "*exceptional field*";
  - Teachers;
  - Physicians;
  - Businesspeople and investors, subject to meeting COGAT's economic criteria.
79. This part applies to employees of international organisations and NGOs carrying out humanitarian and development work in the West Bank, including experts hired by the PA. It also applies to teachers, doctors, businesspeople and investors.
80. Since 1967, Israel has formally prohibited foreign nationals from working in the West Bank (excluding East Jerusalem) or operating commercial businesses there without an Israeli-issued permit. The 2022 Procedure restates this rule as follows: "*In keeping with the Order regarding prohibition of employment (West Bank area) (No. 65), 5727/1967, foreigners are forbidden to operate commercial business in the Area and forbidden to work there except under a permit from a COGAT unit.*"<sup>89</sup>
81. Businesspeople and investors will only be granted a specific purpose permit subject to criteria defined by a COGAT official.<sup>90</sup> The criteria are not defined within the 2022 Procedure and do not appear to be publicly available.
82. The grant of special purpose permits to 'other employees' is subject entirely to the applicant proving, to a COGAT official's satisfaction, that they are employed in an "*exceptional field*."<sup>91</sup> There is no definition within the 2022 Procedure of what constitutes an "*exceptional field*."
83. The Specific Purpose Permit may only be extended for a maximum cumulative period of five years. After this period, the applicant must spend a minimum of nine months outside of the occupied West Bank before being eligible to return.<sup>92</sup>
84. Subject to a COGAT official's discretion, a further extension of up to five years may be granted, for a period of no more than 10 years on an exceptional basis on "*grounds of special considerations*."<sup>93</sup> There is no definition of what constitutes a special consideration but may

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<sup>89</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 6 (A), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>90</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 6 (D) (5), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>91</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3, Clause 6 (A-2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>92</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 3 (D)(3-A), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>93</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 3 (D) (3-B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

include “*unique projects and contributions to the [West Bank]’s education and economic welfare.*”<sup>94</sup>

85. All foreign nationals within this category must disclose any familial or spousal ties to Palestinians registered in the West Bank population registry as part of their application.
86. Although it has been reported publicly that the 2022 Procedure removed the previous requirement for foreign nationals to declare a ‘love interest’ with a Palestinian registered in the West Bank population registry, Clause 2 (D) requires foreign nationals who are granted Specific Purpose Permits to notify COGAT if they have married a Palestinian registered in the West Bank population registry on renewal of their visa.<sup>95</sup>

#### 2.1.7 Spousal Permits

87. Part 4 of the Procedure sets out the rules and requirements for foreign nationals married to a Palestinian registered in the West Bank population registry. A spousal permit will usually only apply to married couples.<sup>96</sup>
88. Even where the minimum requirements set out for an application for a Spousal Permit are met, COGAT maintains full discretion in deciding whether to approve the application.<sup>97</sup> Factors COGAT may take into consideration include, but are not limited to:
  - “*The policy of the political echelon*” (including in relation to quotas);
  - “*Marriage, and sincerity of the bond – The authorized COGAT official must be convinced by proof that the marriage of the spouses is sincere and genuine;*”
  - “*Danger to security;*” and
  - “*Personal circumstances and humanitarian considerations.*”<sup>98</sup>
89. Part 4 - Clause 3B provides that the Head of COGAT may, at his discretion, consider applications from common law and same sex spouses, as well as children of West Bank residents not within the population registry.<sup>99</sup> These are deemed “exceptional applications” and the Head of COGAT will take into account “various factors.”<sup>100</sup> These factors are not listed in the 2022 Procedure.

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<sup>94</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 3 (D) (3-B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>95</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 3 – Clause 2(D), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>96</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4 – Clause 2(A)(1), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>97</sup> Part 4 – Clause 1 (B), COGAT Procedure for Entry of Foreign Nationals into Judea and Samaria (December 2022).

<sup>98</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause D (2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>99</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>100</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3(B)(3), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

90. The 2022 Procedure suggests that the purpose of the Spousal Permits is to “regularise the procedure for assessing applications for formalizing the status of spouses or for receiving resident permits.”<sup>101</sup>
91. However, as noted above, the formalisation process (i.e., family reunification) is a separate process intended to confer legal status as a resident to a foreign national spouse of a Palestinian in the West Bank.<sup>102</sup>
92. The 2022 Procedure provides information, nonetheless, on the formalisation process. A foreign national married to a Palestinian in the West Bank population registry may only be granted legal status “if the Israeli side has approved in advance.”<sup>103</sup> Under the formalisation process, the PA must send all applications to Israeli authorities for consideration.<sup>104</sup>
93. The family reunification process is lengthy, and as noted above, has been subject to an indefinite freeze by Israel since 2000, preventing tens of thousands of Palestinians with foreign national spouses from living together with legal status.<sup>105</sup>
94. Successful applicants for Spousal Permits are not automatically entitled to the permit and will first be issued with a three-month visa under Part 2 of the 2022 Procedure (B/2 Permit).<sup>106</sup> Part 4 of the 2022 Procedure expressly provides that spouses entering under a B/2 Permit are prevented from any act:

*“Tending to establish a center of living in the Area [i.e., the occupied West Bank, excluding East Jerusalem], such as registering for studies of any kind, working in the Area, leasing or purchasing or renting real estate in the Area for longer than the term of the visit permit, etc.”<sup>107</sup>*

95. Spousal Permits will be issued for a maximum of one year each time and may be extended for an overall period not exceeding 27 months.<sup>108</sup> An application for renewal must be made two months before the permit’s expiration.

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<sup>101</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 2(A)(1), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>102</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (F)(G), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>103</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>104</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (B), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>105</sup> Perpetual Limbo: Israel’s freeze on the unification of Palestinian families in the Occupied Territories, B’Tselem and HaMoked, July 2006, ([https://www.btselem.org/publications/summaries/200607\\_perpetual\\_limbo](https://www.btselem.org/publications/summaries/200607_perpetual_limbo)); Israel: Family reunification ruling is discriminatory, Human Rights Watch, 17 May 2006, (<https://www.hrw.org/news/2006/05/17/israel-family-reunification-ruling-discriminatory>).

<sup>106</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (A-2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>107</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3(B)(3), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>108</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (F – 3), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

96. Those in receipt of a Spousal Permit are not allowed to enter Israel and must apply for a separate permit to enter. They may only enter and return through the Allenby Bridge Crossing.<sup>109</sup>

97. Spousal Permits are subject to quotas, which are not publicly available.<sup>110</sup>

## 2.2 Foreign nationals prevented from entry

98. The 2022 Procedure prevents foreign nationals falling under the following two categories from applying to enter the West Bank:

- a) citizens from countries that do not maintain diplomatic relations with Israel; and
- b) citizens from the countries listed in Appendix E, as well as people born in any of those countries or holding documents from any of those countries. Those countries are:
  - Jordan;
  - Egypt;
  - Morocco;
  - Bahrain; and
  - South Sudan.

99. Foreign national applicants from these two groups are instead required to apply to the PA for entry permits to the West Bank. In practice, however, all applications made through the PA must be approved by COGAT in all circumstances. In practice, such applications are not granted.

100. The 2022 Procedure prevents persons who are citizens of any of the five countries listed above, or who were born in, or who “hold papers from” any of those countries, from applying for visitor’s visas, spousal visas or special entry visas to enter the West Bank. While this section of the rules does not specifically mention people of Palestinian ethnicity or heritage, the inclusion of Jordan in this list, a country which maintains diplomatic relations with Israel, is of huge significance. Around half of Jordan’s population of around 11 million people<sup>111</sup> are estimated to be of Palestinian heritage. According to UNRWA, there are currently over 2 million Palestine Refugees<sup>112</sup> living in Jordan, most of whom hold Jordanian citizenship.<sup>113</sup> This provision of the rules will explicitly prevent them from applying to enter the West Bank to visit or stay with family, to work, study or volunteer. As such, Israel is using

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<sup>109</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (F) (G-2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>110</sup> Procedure for Entry and Residence of Foreigners in the Judea and Samaria Area, Coordination of Government Activities in the territories, December 2022, Part 4, Clause 3 (F) (G-2), (<https://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page>).

<sup>111</sup> According to the World Bank, as of 2021, Jordan had a population of 11,148,278. World Bank, Data, Population, total, Jordan, (<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=JO>).

<sup>112</sup> Palestine Refugees are defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.” Palestine Refugees, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (<https://www.unrwa.org/palestine-refugees>).

<sup>113</sup> UNRWA, Where We Work, (<https://www.unrwa.org/where-we-work/jordan>).

a single policy measure to prevent the entry of millions of Palestinians living in the diaspora into the West Bank, furthering its policy of reducing the Palestinian population of the West Bank.

### 3. APPLICABLE LAW AND DUTIES OF OCCUPYING FORCES

101. As noted above, the West Bank (including East Jerusalem) and Gaza have been under military occupation by Israel since 1967.<sup>114</sup> Accordingly, Israel is bound throughout the oPt by the obligations of an occupying power set out in the Fourth Geneva Convention and customary international law, including the Fourth Hague Convention respecting the Laws and Customs of War on Land (the “**Hague Regulations**”).<sup>115</sup>
102. While Israel has not ratified the Hague Regulations, the International Court of Justice (“**ICJ**”) has held that its provisions amount to customary international law, and therefore Israel remains bound by it.<sup>116</sup> Israel’s position is that the provisions contained in the Fourth Geneva Convention do not apply to the West Bank and Gaza. Israel does not view itself as an occupying power in the West Bank and Gaza, rather it views them as disputed territories to which the application of the Convention does not extend. This position was upheld by the Israeli Supreme Court which has ruled on the inapplicability of the Fourth Geneva Convention on the basis that the convention, though signed by Israel, was never ratified by the Knesset, and was therefore never incorporated into Israeli domestic law. Notably, the Israeli government, in an official declaration, stated that it will apply the humanitarian provisions of the convention, regardless of the legal issues surrounding the applicability of the convention to the oPt.<sup>117</sup> In addition, it is noted that the Jerusalem District Court Sitting as the Court for Administrative Affairs has confirmed the applicability of the Hague Convention to the West Bank.<sup>118</sup>

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<sup>114</sup> UN Human Rights Council, Human rights situation in Palestine and other occupied Arab territories: Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, A/HRC/22/63, 7 February 2013, para. 13 (<https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session19/israeli-settlements-in-the-opt>); UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/591/34/PDF/N2259134.pdf?OpenElement>).

<sup>115</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/591/34/PDF/N2259134.pdf?OpenElement>).

<sup>116</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136, (<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>).

<sup>117</sup> Israel’s Supreme Court Issues Regressive Judgment on West Bank Deportations, Law Fare, May 19, 2022, ([https://www.lawfareblog.com/israels-supreme-court-issues-regressive-judgment-west-bank-deportations#google\\_vignette](https://www.lawfareblog.com/israels-supreme-court-issues-regressive-judgment-west-bank-deportations#google_vignette)); Israel’s arguments for the legality of settlements under international law, Arab Centre Washington DC, November 21, 2019, (<https://arabcenterdc.org/resource/israels-arguments-for-the-legality-of-settlements-under-international-law/>); Enforcement of International law in the Israeli-occupied territory, Al Haq, Occasional paper no. 7, p. 1, ([https://www.alhaq.org/cached\\_uploads/download/alhaq\\_files/publications/Enforcement-of-international-law-in-the-Israeli.pdf](https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Enforcement-of-international-law-in-the-Israeli.pdf)); The Application of International Law in the Occupied Territories as Reflected in the Judgements of the High Court of Justice in Israel, Qupty, Mazen and others, 1992.

<sup>118</sup> See, Omar Shakir v. Coordinator of Government Activities in the Territories, At the Jerusalem District Court Sitting as the Court for Administrative Affairs Before Honorable Vice President Moshe Sobel AP 10413-04-22, 20 July 2022, ([https://www.hrw.org/sites/default/files/media\\_2023/01/Dismissal%2010413\\_04\\_22%20full%20decision.pdf](https://www.hrw.org/sites/default/files/media_2023/01/Dismissal%2010413_04_22%20full%20decision.pdf)).

103. Israel is also under an obligation to protect and uphold the rights and freedoms enshrined in international human rights conventions, both to which it is party and to which the State of Palestine is party, as has been determined by the ICJ and numerous other bodies.<sup>119</sup>
104. Notably and in any event, international humanitarian law does not displace or override the duty of the occupying force from ensuring that all persons under their effective control or jurisdiction receive the full benefit and protection of their human rights under international human rights treaties.<sup>120</sup>
105. Israel is party to several core human rights treaties, including but not limited to:
- The International Covenant on Civil and Political Rights (“**ICCPR**”),<sup>121</sup>
  - The International Convention on the Elimination of all forms of Racial Discrimination,<sup>122</sup>
  - The Convention on the Rights of the Child (“**UNCRC**”),<sup>123</sup> and
  - The International Covenant on Economic, Social and Cultural Rights.<sup>124</sup>
106. The State of Palestine is party to the following international human rights treaties and key optional protocols, in addition to those set out above:<sup>125</sup>
- The Convention on the Elimination of All Forms of Discrimination against Women;
  - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;<sup>126</sup> and
  - The Convention on the Rights of Persons with Disabilities.<sup>127</sup>
107. In line with international humanitarian law, the occupying force does not acquire sovereignty over territory occupied. The law of belligerent occupation makes clear that occupation is deemed a temporary situation and the rights of the occupying power are limited in a number of ways. The duties owed by an occupying power include but are not limited to:

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<sup>119</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136, (<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>); UN General Assembly, report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/591/34/PDF/N2259134.pdf?OpenElement>).

<sup>120</sup> See, for example, UN Human Rights Committee, General comment no.36 on the right to life, 3 September 2019, CCPR/C/GC/36, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>).

<sup>121</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, (<https://www.refworld.org/docid/3ae6b3aa0.html>).

<sup>122</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, (<https://www.refworld.org/docid/3ae6b3940.html>).

<sup>123</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, (<https://www.refworld.org/docid/3ae6b38f0.html>).

<sup>124</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, (<https://www.refworld.org/docid/3ae6b36c0.html>).

<sup>125</sup> The State of Palestine’s Accession to the International Human Rights Treaties, United Nations, 28 November 2019, (<https://palestine.un.org/en/160809-state-palestine%E2%80%99s-accession-international-human-rights-treaties>).

<sup>126</sup> UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, (<https://www.refworld.org/docid/3ae6b3a94.html>).

<sup>127</sup> UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution/ adopted by the General Assembly, 24 January 2007, A/RES/61/106, (<https://www.refworld.org/docid/45f973632.html>).

- The occupying power must take measures to restore and ensure, as far as possible, public order and safety;<sup>128</sup>
- To the fullest extent of the means available to it, the occupying power must ensure sufficient hygiene and public health standards,<sup>129</sup> as well as the provision of food and medical care to the population under occupation;<sup>130</sup> and
- Transfers of the civilian population of the occupying power into the occupied territory, regardless of whether forcible or voluntary, are prohibited.<sup>131</sup>

108. Article 64(4) of the Fourth Geneva Convention recognises that an occupying power may only adopt legislative provisions which are deemed “*essential*” to fulfil its obligations as an occupying power.<sup>132</sup> Those obligations are set out in Article 43 of the Hague Regulations.<sup>133</sup>
109. Those limited powers exist to recognise the intended transitional nature of occupation and to ensure that no changes are made that give the occupying power sovereignty over the occupied territory, as “*an occupant is not the sovereign of territory it occupies but only its temporary administrator.*”<sup>134</sup> Israel is therefore bound to limit any changes to legislation to those that are required to fulfil the duty to protect the Palestinian population and to ensure that such changes do not assert its sovereignty over the occupied land or its people.
110. Annexation is prohibited under Article 47 of the Fourth Geneva Convention. It is a breach of international humanitarian law for an occupying force to attempt to assert, in part or in full, its sovereignty over protected persons in occupied territory.<sup>135</sup>
111. At all times, the occupying power must not carry out acts that amount to war crimes or crimes against humanity.

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<sup>128</sup> International Conferences (The Hague), Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, Article 43, (<https://www.refworld.org/docid/4374cae64.html>).

<sup>129</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 56, (<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>130</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 55, (<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>131</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 49, (<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>132</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 64 (4), (<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>133</sup> International Conferences (The Hague), Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, Article 43, (<https://www.refworld.org/docid/4374cae64.html>).

<sup>134</sup> Colonialism under International Law and Economic Aspects of Israeli Colonialism in the OPT, Professor Iain Scobbie, 16 August 2009, ([www.alhaq.org/cached\\_uploads/download/alhaq\\_files/images/stories/PDF/IainScobbie.pdf](http://www.alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/IainScobbie.pdf)).

<sup>135</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 47, (<https://www.refworld.org/docid/3ae6b36d2.html>).

#### 4. BREACHES OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW

112. The 2022 Procedure does not meet Israel's obligations as an occupying force under international humanitarian law, nor its duties arising out of international human rights law.

##### 4.1 Unlawful interference with family rights and acts amounting to control of the Palestinian population

113. Article 27 of the Fourth Geneva Convention provides that "*Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs.*"<sup>136</sup>

114. Articles 17 and 23 of the ICCPR protect the right to family life from unlawful interference, and confirm the family unit is fundamental to society entitling it to protection by society and the State.<sup>137</sup> Article 8 of the UNCRC protects the right of children to live in a family unit without unlawful interference from the State.<sup>138</sup>

115. The right to live as a family unit has been interpreted as placing a procedural requirement on the State to adopt "*appropriate measures, both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons.*"<sup>139</sup>

116. The 2022 Procedure places unnecessary restrictions on the right of Palestinians in the West Bank to a family life by creating, in both policy and practice, a *de facto* bar on family reunification where a spouse is a foreign national. Human rights organisations have concluded that Israel's rules on family reunification are one of many policies designed to incentivise Palestinians to leave the West Bank.<sup>140</sup> Israel does so by preventing families where at least one person is a foreign national from being able to live together. Where choices are constrained in this way, many families may resort to leaving the West Bank altogether in order to keep the family together. Al-Haq, a prominent human rights organisation based in the West Bank city of Ramallah, has argued that such policies may well amount to indirect forcible transfer since they create a coercive environment for Palestinian families, depriving them of any real choice.<sup>141</sup>

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<sup>136</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 27, (<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>137</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Articles 17 & 23, (<https://www.refworld.org/docid/3ae6b3aa0.html>).

<sup>138</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 8, (<https://www.refworld.org/docid/3ae6b38f0.html>).

<sup>139</sup> UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, (art. 3, para. 1), CRC/C/GC/14, 29 May 2013, para 5, ([https://www2.ohchr.org/english/bodies/crc/docs/gc/crc\\_c\\_gc\\_14\\_eng.pdf](https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf)).

<sup>140</sup> Engineering Community: Family Unification, Entry Restrictions and other Israeli Policies of Fragmenting Palestinians, Al-Haq, February 2019, p. 25, ([https://www.alhaq.org/cached\\_uploads/download/alhaq\\_files/images/stories/PDF/Family Unification 14%20February%20\(1\).pdf](https://www.alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/Family%20Unification%20(1).pdf)); Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities, Badil, 2013, (<https://reliefweb.int/report/occupied-palestinian-territory/israeli-land-grab-and-forced-population-transfer-palestinians>).

<sup>141</sup> Engineering Community: Family Unification, Entry Restrictions and other Israeli Policies of Fragmenting Palestinians, Al-Haq, February 2019, P.25,



117. Similarly, Israel uses numerous policy measures and informal practices to revoke the residency status of Palestinians from East Jerusalem, such as the onerous requirement to continuously prove a “centre of life” in Jerusalem, and discriminatory family reunification laws. Israel’s residency laws treat indigenous Palestinians living in East Jerusalem as foreign nationals. Since 1967 Palestinians in East Jerusalem have been classified as “permanent residents,” under Israel’s 1952 Law of Entry, rather than citizens, even if they were born in Jerusalem and their families had lived there for generations. Permanent residency confers fewer rights than citizenship, derives its status from continuous presence in Israel, does not automatically pass to spouses and children, and can be revoked if the resident leaves or settles outside Israel.<sup>142</sup> Israel enforces a residency regime in East Jerusalem that human rights organisations have said “amounts to forcible transfers, a serious violation of international law.”<sup>143</sup> Between 1967 and 2022, Israel revoked the residency status of 14,808 Palestinians from East Jerusalem.<sup>144</sup>
118. The freeze on Palestinian family reunification with foreign national spouses, as well as other policies limiting Palestinians in the West Bank from living with or reuniting with their family in East Jerusalem, Gaza and Israel must therefore be viewed in the overall context of Israel’s demographic policies in the oPt. While a detailed account of such policies is beyond the scope of this report, it has been widely recognised that Israel’s overarching goal is to seek “maximal land with minimal Palestinians” in the West Bank and East Jerusalem, areas of the oPt where Israel wishes to expand its illegal settlements, as well as within Israel itself.<sup>145</sup>
119. The 2022 Procedure also has the impact of preventing or severely curtailing Palestinians in the diaspora, including millions of refugees, as well as Palestinians with dual nationality, from returning to the West Bank. It also prevents them from effectively exercising family rights.

[https://www.alhaq.org/cached\\_uploads/download/alhaq\\_files/images/stories/PDF/Family\\_Unification\\_14%20February%20\(1\).pdf](https://www.alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/Family_Unification_14%20February%20(1).pdf).

<sup>142</sup> See further Israel: Jerusalem Palestinians Stripped of Status: Discriminatory Residency Revocations, Human Rights Watch, 8 August 2017 (<https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>).

<sup>143</sup> Revocation of permanent residency in 2022: 81 East Jerusalem Palestinians were stripped of their permanent residency status as part of Israel’s “quiet deportation” policy, the highest number of revocations since 2016, 12 March 2023, (<https://hamoked.org/document.php?dID=Updates2344>); Israel: Jerusalem Palestinians stripped of status, Human Rights Watch, 8 August 2017, (<https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>); The Legal Status of Palestinians in Jerusalem, Grassroots AlQuds, ([https://64d2b920-2cb4-439e-88ef-0e686c650022.usrfiles.com/ugd/64d2b9\\_2241677277264fb4b3e8b182a8dd5742.pdf](https://64d2b920-2cb4-439e-88ef-0e686c650022.usrfiles.com/ugd/64d2b9_2241677277264fb4b3e8b182a8dd5742.pdf)); The Occupation and Annexation of Jerusalem through Israeli Bills and Laws, Al Haq, 5 March 2018 (<https://www.alhaq.org/advocacy/6263.html>); The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Palestinians, B’Tselem and HaMoked, April 1997, ([https://www.btselem.org/publications/summaries/199704\\_quiet\\_deportation](https://www.btselem.org/publications/summaries/199704_quiet_deportation)); Revocation of Residency in the Occupied Palestinian Territories, Norwegian Refugee Council, December 2016, ([https://www.nrc.no/globalassets/pdf/legal-opinions/legal\\_memo\\_residency\\_revocation.pdf](https://www.nrc.no/globalassets/pdf/legal-opinions/legal_memo_residency_revocation.pdf)).

<sup>144</sup> Revocation of permanent residency in 2022: 81 East Jerusalem Palestinians were stripped of their permanent residency status as part of Israel’s “quiet deportation” policy, the highest number of revocations since 2016, 12 March 2023, (<https://hamoked.org/document.php?dID=Updates2344>); Israel: Jerusalem Palestinians stripped of status, Human Rights Watch, 8 August 2017, (<https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>); The Legal Status of Palestinians in Jerusalem, Grassroots AlQuds, ([https://64d2b920-2cb4-439e-88ef-0e686c650022.usrfiles.com/ugd/64d2b9\\_2241677277264fb4b3e8b182a8dd5742.pdf](https://64d2b920-2cb4-439e-88ef-0e686c650022.usrfiles.com/ugd/64d2b9_2241677277264fb4b3e8b182a8dd5742.pdf)); The Occupation and Annexation of Jerusalem through Israeli Bills and Laws, Al Haq, 5 March 2018 (<https://www.alhaq.org/advocacy/6263.html>); The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Palestinians, B’Tselem and HaMoked, April 1997, ([https://www.btselem.org/publications/summaries/199704\\_quiet\\_deportation](https://www.btselem.org/publications/summaries/199704_quiet_deportation)); Revocation of Residency in the Occupied Palestinian Territories, Norwegian Refugee Council, December 2016, ([https://www.nrc.no/globalassets/pdf/legal-opinions/legal\\_memo\\_residency\\_revocation.pdf](https://www.nrc.no/globalassets/pdf/legal-opinions/legal_memo_residency_revocation.pdf)).

<sup>145</sup> A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution, Human Rights Watch, April 2021, page 10, ([https://www.hrw.org/sites/default/files/media\\_2021/04/israel\\_palestine0421\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf)); See also, Israel’s Apartheid against Palestinians: Cruel System of Domination and Crime Against Humanity, 1 February 2022, Amnesty International, page 29, (<https://www.amnesty.ie/wp-content/uploads/2022/02/Israels-Apartheid-against-Palestinians-Cruel-System-of-Domination-and-Crime-against-Humanity.pdf>).

120. By contrast, this report has noted that the 2022 Procedure does not apply to Israelis living on illegal settlements and outposts in the occupied West Bank,<sup>146</sup> who are subject to significantly less onerous requirements to achieve family reunification.

#### 4.2 Failure to ensure and safeguard the best interests of the child

121. The UNCRC requires all States Parties to uphold the best interests of the child in all circumstances, aimed at ensuring the full and effective development of the child and their enjoyment of their rights under the Convention.<sup>147</sup> The Committee on the Rights of the Child has confirmed that the best interest test applies to all persons under 18, in line with the UNCRC's definition of a child.<sup>148</sup>

122. The best interest of the child is interlinked with the right to be free from discrimination, to have their views heard, and to family life. States must ensure that strict procedural safeguards are in place to uphold these rights.<sup>149</sup>

123. The 2022 Procedure breaches Israel's duty towards children affected by the policy, by placing their parents in the precarious position of not having formalised status, and through increasing the risk that children may not be granted entry alongside their parents.

124. The 2022 Procedure defines a child as a person up to the age of 16 under Part 2 for the purpose of a B/2 Permit for short stays with first degree relatives. This violates Israel's obligations under the UNCRC by reducing the age of majority for Palestinian children from 18 years old to 16 years old.<sup>150</sup> As such, it places foreign national children of Palestinians with West Bank residence aged 16 and 17 outside the eligibility criteria for short family visits, preventing their full enjoyment of family rights. By contrast, the age of majority for children under Israeli law is 18 years old. Moreover, children born overseas to at least Israeli parent are entitled to automatic Israeli citizenship under Israel's 1952 Nationality Law.

125. The 2022 Procedure also makes clear that COGAT intends B/2 Permits for short stays for relatives to be the starting point for foreign national spouses and their children to make applications to formalise their status in the West Bank, with a view to eventually applying for a Spousal Permit while the formalisation process is underway.

126. The Spousal Permit system is not intended to confer legal status on foreign national spouses and their children in the West Bank. The endless loop of renewal of Spousal Permits without prospect of formalised status places unnecessary strain on the family unit and children,

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<sup>146</sup> New Israeli procedure on Entry of Foreigners to the West Bank, Hamoked, 2022, (<https://hamoked.org/files/2022/1665645.pdf>).

<sup>147</sup> UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14, 29 May 2013, paras 1-4, ([https://www2.ohchr.org/english/bodies/crc/docs/gc/crc\\_c\\_gc\\_14\\_eng.pdf](https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf)).

<sup>148</sup> UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14, 29 May 2013, para 21, ([https://www2.ohchr.org/english/bodies/crc/docs/gc/crc\\_c\\_gc\\_14\\_eng.pdf](https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf)).

<sup>149</sup> UN Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14, 29 May 2013, para 41, ([https://www2.ohchr.org/english/bodies/crc/docs/gc/crc\\_c\\_gc\\_14\\_eng.pdf](https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf)).

<sup>150</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 1. (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>).

whether they are foreign national children or Palestinian registered children, and is contrary to the best interests of the child.

127. In particular, the risk that Spousal Permits could be arbitrarily denied at any stage of the renewal process places both foreign national children and Palestinian registered children at an unnecessary risk of separation of the family unit without the prospect of appeal and is therefore contrary to the principles of the UNCRC.<sup>151</sup>
128. Further, COGAT has failed to provide any information on how it has determined that the 2022 Procedure is able to meet the strict safeguards required to assess the best interests of the child or provide any transparent and objective process for assessing decisions involving or impacting children, contrary to the substantive requirements of the UNCRC.<sup>152</sup> No reference, throughout the 2022 Procedure, is made to assessing either B/2 Permits or Spousal Permits in line with the best interest test.

#### **4.3 Curtailment of economic, social, and cultural rights to the detriment of Palestinian self-determination**

129. The 2022 Procedure severely curtails Palestinian rights to economic development, the enjoyment of cultural rights, the right to freedom of expression, opinion and association, and the right to education.
130. With regard to Specific Purpose Permits for employees of international organisations, and foreign consultants and experts, the 2022 Procedure provides no guidance on the criteria for a “necessary profession” or “unique discipline.” As such, it intentionally reserves wide discretion to COGAT officials to permit experts working in sectors that align with Israeli interests to enter the West Bank, while barring those who do not meet Israeli policy priorities. Accordingly, such discretion may be used to prevent international experts from accessing the West Bank to provide technical expertise on state building programmes or assistance in documenting alleged human rights abuses and war crimes.
131. The restrictions on businesspeople operating in, and foreign investors investing in, the West Bank will exacerbate existing restrictions preventing foreign investment and economic development in the West Bank, in line with Israel’s de-development agenda for the oPt. Since the beginning of Israel’s occupation of the oPt in 1967, it has implemented a matrix of policies and practices designed to undermine and de-develop the Palestinian economy, including through controlling its borders and restricting the movement of people and goods into and out of the oPt. This takes its most extreme form in the blockade of Gaza, where, according to the UN, Israel’s illegal 16-year-old blockade has created a humanitarian crisis. Gaza has one of the highest unemployment levels in the world (46.6%, in Q1 2022), 31% of households in Gaza have difficulties meeting essential education needs, and 62% of Gazans require food assistance.<sup>153</sup> According to UN ESCWA, Israel has eviscerated the Palestinian

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<sup>151</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>).

<sup>152</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>).

<sup>153</sup> Gaza Strip: The humanitarian impact of 15 years of the blockade, UN OCHA, 30 June 2022, (<https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022>).

economy, causing deterioration in the living standards of the Palestinians, high levels of unemployment, widespread poverty and dependence on foreign aid.<sup>154</sup>

132. The onerous restrictions on academics, researchers and lecturers seeking to enter the West Bank to work, study and conduct research at Palestinian universities severely curtails the right to share information under the ICCPR,<sup>155</sup> as well as to freedom of association, and opinion. They also infringe on the right to education of students at Palestinian universities, who will be unable to benefit from their teaching and who are likely to have their education disrupted by these rules.
133. While the 2022 Procedure refers to B/2 permit as “*tourist visas*”, it is not clear whether tourists are actually permitted to enter the West Bank under this procedure, due to the vague wording of the relevant provision, as outlined above. This is likely to result in tourists (including pilgrims) seeking dual visas for entry to both Israel and the West Bank in order to access the West Bank. Moreover, there is no guarantee that they will be able to enter. This will affect the ability of Palestine to develop a tourism industry independently of Israel, effectively incorporating and subsuming Palestine’s tourism industry into that of Israel. It will also reduce the ability of Palestinians in the West Bank to forge connections with the outside world.
134. The 2022 Procedure will prohibit people from Bahrain, Egypt, South Sudan and Jordan from exercising their rights to make pilgrimages to holy sites in the West Bank which are sacred in Christianity and Islam.

#### **4.4 Prohibited discrimination against foreign nationals**

135. The principles of non-discrimination are present throughout nearly every provision of international humanitarian and international human rights law. The prohibition against discrimination based on race, ethnicity, national or other origin is customary international law, from which no state can derogate.
136. Several provisions in the 2022 Procedure violate Israel’s obligations arising out of international human rights law and international humanitarian law to prohibit discrimination. For example, the blanket prohibition under Appendix E of the 2022 Procedure against individuals born in Jordan, Bahrain, Egypt, Morocco and South Sudan, or with a passport or travel document issued from these countries, from entering the West Bank amounts to direct discrimination in breach of Israel’s obligations based on racial and ethnic identity.
137. Additionally, the requirement that foreign nationals applying for a Specific Purpose Permit disclose any familial or spousal ties to Palestinians in the West Bank as part of the application process may also constitute discrimination based on ethnic origins.
138. COGAT has provided no explanation for its policy prohibiting persons from Appendix E countries from entering the occupied West Bank based solely on their race or ethnicity, or place of birth. As such, the provisions amount to discrimination in breach of Israel’s duties

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<sup>154</sup> Countering economic dependence and de-development in the occupied Palestinian territory, United Nations Economic and Social Commission for Western Asia, February 2023, p.7, (<https://www.unescwa.org/sites/default/files/pubs/pdf/palestine-economic-dependency-development-english.pdf>).

<sup>155</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, (<https://www.refworld.org/docid/3ae6b3aa0.html>).

under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>156</sup>

#### 4.5 Limits on the freedom of movement of foreign nationals without justification

139. Article 12 of the ICCPR provides that States Parties cannot limit the freedom of movement of persons, except under exceptional circumstances. These include the need to protect national security, public order, public health and the rights and freedoms of others.<sup>157</sup>
140. While reference is made throughout the 2022 Procedure to considerations of security in the determination of an application for a permit, no explanation has been provided for limiting entry to the West Bank solely to the Allenby Bridge Crossing.
141. Moreover, foreign nationals seeking to enter East Jerusalem or Israel from the West Bank are unable to do so under the 2022 Procedure. There is no administrative mechanism in place for requesting additional permits without more formal requests made through the instruction and assistance of a lawyer. Therefore, there is concern that this effectively means that for foreign nationals there is no accessible and efficient mechanism for gaining these additional permits, and rather, an individual might be required to seek the assistance of a lawyer, the intervention of their consulate or take steps to exit and re-enter.
142. The UN Human Rights Committee has held that a state will be in breach of Article 12 of the ICCPR where it seeks to prevent entry or a stay of persons to part of a territory.<sup>158</sup>

#### 4.6 Prohibition against collective punishment

143. Collective punishment is expressly forbidden in international humanitarian law, as it is punishment which has been rendered without regard to due process of law and imposed on persons who have not committed any punishable acts themselves. The prohibition against collective punishment can be traced back to Article 50 of the Hague Regulations 1907, which states that “*No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.*”<sup>159</sup>
144. The International Committee of the Red Cross has affirmed that the prohibition against collective punishment is an accepted norm of customary international humanitarian law, applicable to all states and combatants and in all situations. Rule 103 of Customary IHL establishes the absolute prohibition against collective punishment and provides that the

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<sup>156</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, (<https://www.refworld.org/docid/3ae6b3940.html>).

<sup>157</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Article 12, (<https://www.refworld.org/docid/3ae6b3aa0.html>).

<sup>158</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999, CCPR/C/21/Rev.1/Add.9, (<https://www.refworld.org/pdfid/45139c394.pdf>), which stated that “*Subject to the provisions of article 12, paragraph 3, the right to reside in a place of one’s choice within the territory includes protection against all forms of forced internal displacement. It also precludes preventing the entry or stay of persons in a defined part of the territory. Lawful detention, however, affects more specifically the right to personal liberty and is covered by article 9 of the Covenant. In some circumstances, articles 12 and 9 may come into play together.*”

<sup>159</sup> International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907 (<https://www.refworld.org/docid/4374cae64.html>).

prohibition's scope does not only include criminal sanctions but extends to cover sanctions and harassment of any sort, administrative, by police action or otherwise.<sup>160</sup>

145. The prohibition of collective punishment is also found in Article 33 of the Fourth Geneva Convention: *“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”*<sup>161</sup>
146. The prohibition of collective punishment is also provided under Article 75 of the First Additional Protocol of the Geneva Conventions 1949, which provides fundamental guarantees in respect of the treatment of protected people under occupation. This includes the prohibition of collective punishment *“at any time and in any place whatsoever, whether committed by civilian or by military agents.”*<sup>162</sup>
147. In 1991, the International Law Commission stated that imposing collective punishment, regardless of its prohibition, should be designated as an *“exceptionally serious war crime.”*<sup>163</sup>
148. This report submits that the 2022 Procedure imposes extensive and arbitrary controls and restrictions on the protected Palestinian population, violating many of their individual and collective rights under international law; it may therefore amount to a form of collective punishment. Specifically, provisions that aim to prevent Palestinian families from living together and which interfere in Palestinian family life and privacy can be seen as a form of collective punishment.

## 5. CONCLUSIONS AND RECOMMENDATIONS

### 5.1 Conclusions

This report has reviewed the provisions of the 2022 Procedure, provided an analysis and raised concerns about its likely impact in practice. In setting out Israel's obligations under international law, this report has highlighted the manner in which the 2022 Procedure is in violation of these obligations and infringes on the fundamental rights of Palestinians and other nationals under international humanitarian and human rights law. By conducting this review, this report aims to call critical attention to the reach and impact of the 2022 Procedure; including, but not limited to the following:

- A. **The creation of a coercive environment aimed at transferring Palestinians out of the West Bank:** The 2022 Procedure constitutes one of the numerous direct and indirect policies employed by Israel to further its control over, and alter the demographic composition of, the West Bank. Based on the analysis provided within this report, it is assessed that the cumulative

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<sup>160</sup> (<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule103#:~:text=international%20armed%20conflicts-,Rule,Collective%20punishments%20are%20prohibited>).

<sup>161</sup> International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, (<https://www.refworld.org/docid/3ae6b36d2.html>).

<sup>162</sup> International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, (<https://www.refworld.org/docid/3ae6b36b4.html>).

<sup>163</sup> Yearbook of the International Law Commission 1991, A/CN.4/SER.A/1991/Add.1 (Part 2), Article 22, pp. 104-5, ([https://legal.un.org/ilc/publications/yearbooks/english/ilc\\_1991\\_v2\\_p2.pdf](https://legal.un.org/ilc/publications/yearbooks/english/ilc_1991_v2_p2.pdf)).

effect of such policies is to obstruct the natural growth and development of Palestinian communal life and diminish Palestinian presence in the West Bank.

Israel's laws and policies on entry and residence are key tools of its demographic engineering, which it uses to incentivise and, in many cases, coerce Palestinians into permanently leaving areas that it covets for settlement construction or expansion, particularly in East Jerusalem and the West Bank. In respect of family reunification, for example, the 2022 Procedure further codifies Israel's draconian rules already governing this area, preventing Palestinians with foreign citizenship from living together in the West Bank with their families and thereby incentivising entire families to leave.

This Report submits that the 2022 Procedure should not be viewed in isolation. It interacts with a matrix of Israeli laws, policies and practices that is designed to reduce the presence of Palestinians in the oPt through administrative means. These include, but are not limited to, Israel's policies relating to land confiscation, mass forcible transfer of entire Palestinian communities, discriminatory planning regimes in East Jerusalem and the West Bank, the squeezing of Palestinians into densely populated enclaves, or bantustans, and the practice of revoking the residency status of Palestinians from East Jerusalem in order to maintain a Jewish majority in the city.

- B. The further entrenchment of Israel's illegal and oppressive occupation of the West Bank:** the 2022 Procedure further codifies, enforces and entrenches Israel's longstanding occupation of the oPt, which, at 56 years, is now the longest military occupation in modern history. The 2022 Procedure is enforced by COGAT over an area which Israel refers to as "Judea and Samaria," namely, the West Bank, excluding East Jerusalem. Israel has no sovereignty over any part of the oPt, and therefore no legitimate authority to administer the entry and residence of foreign nationals in the West Bank. The 2022 Procedure is one further measure implemented by Israel to cement its military occupation of the West Bank and impose its authority over the Palestinian people and their land in an ongoing process of creeping annexation. The 2022 Procedure should therefore be seen in the broader context of Israel's longstanding goal to annex territories it occupied in 1967, including the West Bank, to create a Greater Israel.<sup>164</sup>
- C. The prevention of Palestinian refugees and other Palestinians living in the diaspora from returning to the West Bank, and the increased separation of Palestinians in the oPt from their friends and relatives overseas:** The 2022 Procedure is one of many measures used by Israel to prevent Palestinians in the diaspora, including millions of refugees, from returning to the oPt. Seventy-five years after its establishment, Israel continues to deny Palestinian refugees who were forced out of their homes and dispossessed of their land their right to return, a right which is guaranteed under international law. Further, the 2022 Procedure severely infringes on the rights of diaspora Palestinians to enter the oPt, restricting the category of those who may visit to only first-degree family members, and requiring them to provide extensive personal data and in some cases, significant financial guarantees.<sup>165</sup>

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<sup>164</sup> Judicial reform, boosting Jewish identity: the new coalition's policy guidelines, The Times of Israel, 28 December 2022, (<https://www.timesofisrael.com/judicial-reform-boosting-jewish-identity-the-new-coalitions-policy-guidelines/>), which states that the new far-right Israeli government coalition published its guiding principles and overarching agenda. Its first principle was: "*the Jewish people have an exclusive and unquestionable right over all areas of the land of Israel. The government will develop the settlement of all parts of the Land of Israel – in the Galilee, the Negev, the Golan and Judea and Samaria.*"

<sup>165</sup> Israeli Border Policies Track, Trace and Restrict Palestinian Visitors to the West Bank, Jewish Currents, 3 May 2022, (<https://jewishcurrents.org/new-israeli-border-policies-track-trace-and-restrict-palestinian-visitors-to-the-west-bank/>).

- D. Separation of Palestinians in the West Bank from Palestinians in Gaza, Jerusalem and Israel:** The 2022 Procedure forms one of the many policies used by Israel to implement its Separation Policy, that is, its physical, political and economic segregation of Palestinians in the West Bank from those living East Jerusalem, Gaza and Israel respectively. Such policies of divide and rule are aimed at ensuring that Palestinians cannot meet or group together and exercise their collective rights, particularly their right to self-determination and permanent sovereignty over their land and resources.
- E. The further isolation of the Palestinian population in the West Bank from the outside world:** The 2022 Procedure seeks to isolate Palestinians living in the West Bank from the rest of the world by severing the oPt's international connections and imposing severe restrictions on the ability of foreign nationals to access the West Bank. They will complicate and entrench existing restrictions for entry and discourage foreign nationals wishing to visit, do business, work or volunteer in the West Bank from doing so, as well as those who wish to study or teach at Palestinian academic institutions.
- F. Preventing Palestinian development, international trade and relations, as part of Israel's broader agenda of de-development in the oPt:** The 2022 Procedure is one of the many policies which will result in further economic evisceration and isolation of the West Bank, in line with Israel's de-development agenda for the oPt, by restricting the entry of foreign experts working in the development sector and preventing foreign businesses from trading with, or investing in, the oPt.
- G. The creation of a situation of chronic uncertainty for Palestinian families, businesses, cultural and academic institutions in the oPt:** the 2022 Procedure is unnecessarily long, complex and opaque, and, as noted above, has been described as an exemplar of Israeli "maladministration" in the oPt.<sup>166</sup> It reserves a wide range of discretion to unelected military officials within COGAT to make decisions affecting some of the most important and intimate aspects of the lives of Palestinians, such as the ability to live together as a family. In many cases, there is no requirement to provide reasons for refusal of entry or residence. As such, the 2022 Procedure will exacerbate a situation of already chronic uncertainty for thousands of Palestinian families, businesses, cultural and academic institutions in the oPt.
- H. Increased surveillance of Palestinians living under occupation:** The 2022 Procedure requires some visitors, for example those seeking a visa using the 'pre-approval application process', to provide the names and West Bank ID numbers of any first-degree relatives in the West Bank, as well as names of family members they will visit. Digital rights experts have stated that in their view, such information is likely to be used in Israel's mass surveillance and data collection efforts to map out the families and connections of Palestinians with foreign citizenship.<sup>167</sup> There is concern that this will increase its already intensive and pervasive surveillance of Palestinians in the West Bank. Today, Israel's surveillance methods include the extensive use of informant and collaborator systems, social media surveillance and advanced facial recognition technologies.<sup>168</sup>

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<sup>166</sup> COGAT's amended "Procedure for entry and residence of foreigners in the Judea and Samaria area, Campaign for the Right to Enter the oPt, October 2022, ([October 2022 RTE brief - new COGAT procedure \(2\) \(2\).pdf](#)).

<sup>167</sup> New Israeli rules on foreigners visiting West Bank stir outrage, Al Shabaka Policy Network, 27 April 2022, (<https://al-shabaka.org/mentions/new-israeli-rules-on-foreigners-visiting-west-bank-stir-outrage/>).

<sup>168</sup> Automated Apartheid: How facial recognition fragments, segregates and controls Palestinians in the OPT, Amnesty International, May 2, 2023, (<https://www.amnesty.org/en/documents/mde15/6701/2023/en/>).



- I. **Restricting international visibility of the situation of apartheid, military occupation and repression of Palestinians living under Israeli military control:** the 2022 Procedure will reduce international scrutiny of Israel’s activities in the oPt, by restricting the ability of journalists and human rights investigators from being able to access the West Bank and report on what they see. This aspect of the impact of these rules should be viewed in the light of the systematic targeting of Palestinian journalists by Israel and its attacks on civil society organisations documenting Israel’s human rights violations in the oPt, such as Israel’s designation of six eminent Palestinian civil society organisations as ‘terrorist organisations’ in 2021.<sup>169</sup> The Commission of Inquiry recently concluded that this designation was aimed at delegitimising and isolating these organisations, undermining their activity, and harming their international funding and support. It also found that “*Palestinian journalists are particularly targeted and subjected to frequent harassment, attacks, arrests, detention and accusations of incitement to violence, seemingly as part of an effort to deter them from continuing their work*”.<sup>170</sup>
- J. **The strengthening of Israel’s apartheid regime over the Palestinian population it controls;** as discussed in paragraph 12 above, since 2017, the UN and leading international, Palestinian and Israeli human rights organisations have concluded that Israel has established an apartheid regime over the Palestinian people as a whole, implemented and enforced through a wide range of physical, bureaucratic and digital measures. While a full analysis of these measures is outside the scope of this report, this report has raised concern that the 2022 Procedure is one of many policy measures which cumulatively amount to this system of institutionalised oppression and discrimination, a crime against humanity under the Rome Statute.

## 5.2 Recommendations

In accordance with the analysis undertaken throughout this report, and the conclusions set out above, this report provides a number of recommendations to address the concerns raised which are impacting the rights of Palestinians. As a starting point, ICJP, BHRC and RtE submit that the primary position should be recognition that the 2022 Procedure is wholly in contradiction with Israel’s obligations under international law. This reports looks to, and supports, the position of the Commission of Inquiry which concludes that Israel’s occupation over the oPt is now unlawful under international law due to its permanence and the Israeli Government’s *de facto* annexation policies.<sup>171</sup> As a natural extension, this report finds that the restrictions set out by COGAT in the 2022 Procedure within the context of Israel’s occupation cannot be recognised as lawful, and should be repealed.

<sup>169</sup> Israel/Palestine: UN experts call on governments to resume funding for six Palestinian CSOs designated by Israel as ‘terrorist organisations’, Press release, The Office of the High Commissioner for Human Rights, 25 April 2022 ([Israel/Palestine: UN experts call on governments to resume funding for six Palestinian CSOs designated by Israel as ‘terrorist organisations’ | OHCHR](https://www.ohchr.org/en/press-releases/2022/04/israel-palestine-un-experts-call-on-governments-to-resume-funding-for-six-palestinian-csos-designated-by-israel-as-terrorist-organisations)).

<sup>170</sup> The report further provides: “The Commission concludes on reasonable grounds that the designations by Israeli authorities of six Palestinian NGOs as terrorist organizations and a seventh Palestinian NGO as unlawful were unjustified, undertaken to silence civil society voices, and violate human rights, including freedom of association, freedom of expression and opinion, and the rights to peaceful assembly, to privacy and to fair trial”. Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/HRC/53/22, 9 May 2023, paras 70, 72, (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/089/77/PDF/G2308977.pdf?OpenElement>).

<sup>171</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 September 2022, (<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/2022-10-19/Report-COI-OPT-14Sept2022-EN.pdf>).

However, this report acknowledges the reality on the ground and in practice of the ongoing occupation, and therefore in lieu of complete repeal, and as a stop gap to ensure that the rights of those impacted are reserved, recommends urgent review and reforms of the 2022 Procedure, as a temporary measure, and in order to address critical concerns and bring Israel closer to its obligations under international law.

As an alternative to the primary position set out above, ICJP, BHRC and RtE recommends that Israel, as the primary duty bearer:

- Conduct a genuine and urgent review to address the non-compliance of the 2022 Procedure with Israel's obligations under international law as set out in this report;
- Transparently identify and acknowledge the provisions which are contrary to its international obligations and violate the rights of Palestinians, and immediately amend or repeal the 2022 Procedure; and
- Affirm the rights of Palestinians to family life, freedom of movement, economic development, education and the enjoyment of cultural rights and remove all arbitrary and discriminatory restrictions on the exercise of such rights.

In addition, ICJP, BHRC and RtE recommend that the international community, including third States:

- Publicly condemn the 2022 Procedure and raise concern about the 2022 Procedure's non-compliance with international law, and the rights of Palestinians and other foreign nationals exercising their fundamental rights;
- Call for a review of the 2022 Procedure under Israel's international obligations, and immediate amendment or repeal to ensure the 2022 Procedure respects all individuals' fundamental rights;
- Monitor the entry and residence applications of their own citizens into the West Bank and make prompt representations with the Israeli authorities where individuals are denied entry or residence on arbitrary grounds which infringe their fundamental rights, as raised in this report; and
- Take no steps and make no admissions which agree or acquiesce to any of the provisions in the 2022 Procedure which detrimentally impact the rights of Palestinians and other foreign nationals.

In addition to the above, the ICJP, BHRC and RtE call on the UK Government to:

- Publicly condemn and strongly oppose the 2022 Procedure and take immediate and decisive steps to oppose the discrimination, harassment, and the arbitrary denial of entry of British citizens visiting the oPt;
- Raise its concerns regarding the 2022 Procedure directly with Israel including through diplomatic channels; and
- Demand reciprocity and non-discrimination from Israel with regard to UK citizens visiting the oPt.

ICJP, BHRC and RtE call on Members of the UK Parliament to:

- Publicly condemn the 2022 Procedure in the strongest possible terms;
- Call upon the UK Government to make formal representations to the Israeli government to abandon these discriminatory, invasive, and punitive procedures that impact British citizens and contribute to the ongoing oppression of Palestinians, through further entrenchment of occupation, annexation, and measures which amount to apartheid.

**ANNEX A - TYPES OF VISAS FOR FOREIGN NATIONAL SPOUSES IN THE WEST BANK COMPARED TO ISRAEL AND ILLEGAL ISRAELI SETTLEMENTS**

Table 1 provides a comparison of visa requirements for foreign national spouses with Palestinian spouses in the West Bank, compared to foreign national spouses of Jewish Israeli citizens in Israel, as well as in illegal settlements in the West Bank.

<b>TABLE 1: TYPES OF VISAS FOR FOREIGN NATIONAL SPOUSES IN THE WEST BANK COMPARED TO ISRAEL AND ILLEGAL ISRAELI SETTLEMENTS</b>			
<b>TYPE OF VISA</b>	<b>Foreign nationals married to Palestinians in the West Bank (co-habituating couples are not eligible)</b>	<b>Jewish foreign national married or co-habiting with a Jewish Israeli</b>	<b>Non-Jewish foreign national married or co-habiting with a Jewish Israeli</b>
<b>B/2 SHORT STAY PERMIT/TOURIST VISA</b>	Unless from a visa waiver country, must apply for a B/2 Visa in advance	Entitled to Israeli nationality under the Law of Return (if eligible) OR an A/1 Temporary Residence Permit valid up to 5 years.	Entitled to B/2 visa on arrival if from a visa exempt country
<b>A/1 TEMPORARY RESIDENCE PERMIT</b>	Ineligible	May apply for A/1 Temporary Residence Permit if not seeking to apply for citizenship.	Ineligible
<b>B/1 6-MONTH WORK PERMIT</b>	Ineligible	Not required	After 3 months, entitled to a 6-month B/1 Permit allowing the foreign national spouse to work
<b>A/5 TEMPORARY RESIDENT</b>	Ineligible	Not required	After 6-months, entitled to an A/5 Temporary Resident, renewal each year for a 4-year period.
<b>SPOUSAL PERMIT</b>	Available when seeking to apply for a residency permit as part of family reunification process.	Not required	Not required; after 4 years, entitled to Israeli citizenship.
<b>RESIDENCY PERMIT</b>	Applications frozen by Israel since 2000.	Not required	Not required.

***ANNEX B - TABLE OF VISA EXEMPTIONS AND REQUIREMENTS FOR ENTRY INTO ISRAEL***

Table 2 below provides a list of countries which have visa waiver agreements with Israel. Nationals from the countries below are therefore not required to apply for visas to enter Israel and will be granted a B/2 tourist visa on arrival. Under the 2022 Procedure, foreign nationals from these countries seeking entry to the West Bank will only be granted a B/2 visa on arrival if they meet the criteria set out in Part 2 of the 2022 Procedure, and then only on discretion on arrival at Allenby Bridge.

Albania	Dominican Republic	Lithuania	Poland
Andorra	Ecuador	Luxembourg	Portugal
Argentina	El Salvador	Macau	Romania
Australia	Estonia	Malawi	Russian Federation
Austria	Fiji	Malta	San Marino
Bahamas	Finland	Man & Channel Islands	Serbia
Barbados	France	Mauritius	Singapore
Belarus	Georgia	Mexico	Slovakia
Belgium	Germany	Micronesia	Solomon Islands
Benin	Greece	Moldova	South Africa
Botswana	Grenada	Monaco	Spain
Brazil	Guatemala	Mongolia	St Kitts and Nevis
Bulgaria	Haiti	Montenegro	St Lucia
Canada	Hong Kong	Nauru	St Vincent and the Grenadines
Central African Republic	Hungary	Netherlands	Suriname
Chile	Iceland	New Zealand	Swaziland
Colombia	Ireland	North Macedonia	Sweden
Cook Island	Italy	Niue	Switzerland
Costa Rica	Jamaica	Norway	Taiwan
Croatia	Japan	Palau	Tonga
Cyprus	South Korea	Panama	Trinidad and Tobago
Czech Republic	Latvia	Papua New Guinea	Ukraine
Denmark	Lesotho	Paraguay	United Arab Emirates
Dominica	Liechtenstein	Peru	United Kingdom
		Philippines	United States of America

Table 3 provides a list of countries without visa waiver agreements with Israel, and for which a prior application is required for a B/2 Tourist Visa. Under the 2022 Procedure, foreign nationals from these countries seeking entry to the West Bank must also apply in advance for a B/2 visa,

which will only be granted if they meet the criteria set out in Part 2 of the 2022 Procedure, and then only on discretion on arrival at Allenby Bridge. Appendix E countries are marked with (\*). Persons with Appendix E nationalities, documents issued from those countries or born in those countries are not eligible to apply to enter the West Bank under the 2022 Procedure.

<b>TABLE 3: COUNTRIES WITHOUT VISA WAIVER AGREEMENTS WITH ISRAEL REQUIRING APPLICATIONS FOR A TOURIST VISA</b>	
Algeria	India
Angola	Kazakhstan
Antigua and Barbuda	Kenya
Armenia	Kosovo
Azerbaijan	Kyrgyzstan
Bahrain*	Laos
Bangladesh	Liberia
Benin	Madagascar
Bermuda	Maldives
Bhutan	Mali
Bolivia	Marshall Islands
Bosnia and Herzegovina	Morocco*
Brunei	Mozambique
Burkina Faso	Myanmar
Burundi	Namibia
Cambodia	Nepal
Cameroon	Nicaragua
Cape Verde	Niger
Chad	Nigeria
China	Rwanda
Comoros Islands	Samoa
Republic of Congo	Sao Tome & Principe
Zaire	Senegal
Cote d'Ivoire	Seychelles Islands
Cuba	Sierra Leone
Djibouti	South Sudan*
East Timor	Sri Lanka
Equatorial Guinea	Tajikistan
Ethiopia	Tanzania
Gabon	Thailand
Gambia	Togo
Ghana	Turkey
Guinea	Turkmenistan
Guinea Bissau	Tuvalu
Guyana	Uganda
Holy See	Uzbekistan

Table 4 provides a list of countries where an application for a visa for entry to Israel is required as well as approval from Israel's Ministry of Foreign Affairs. There is no guidance in the 2022 Procedure on whether foreign nationals from the countries below can apply for entry to the West Bank, with the exception of Jordan and Egypt, which are Appendix E countries marked with (\*). Persons with Appendix E nationalities, documents issued from those countries or born in those countries are not eligible to apply to enter the West Bank under the 2022 Procedure.

<b>TABLE 4: COUNTRIES WHOSE NATIONALS REQUIRE PRIOR APPROVAL FOR ENTRY BY ISRAEL'S MINISTRY OF FOREIGN AFFAIRS</b>	
<b>Country</b>	<b>Status of Diplomatic Relations or Visa Agreements with Israel</b>
Afghanistan	No diplomatic relations.
Egypt*	Full diplomatic relations with Israel. Requires confirmation from Israel's Ministry of Foreign Affairs before approval is granted. A 14-day exemption exists for Egyptian nationals entering through Taba to Be'er Sheva (Bir Al-Sabi').
Indonesia	No diplomatic relations.
Iran	No diplomatic relations; designated as an enemy state.
Iraq	No diplomatic relations; designated as an enemy state.
Jordan*	Full diplomatic relations with Israel.
Kuwait	No diplomatic relations
Lebanon	No diplomatic relations
Libya	No diplomatic relations
Malaysia	No visa agreement with Israel. Israeli citizens who wish to enter Malaysia are required to request a visa and approval from Malaysia's Ministry of Home Affairs.
Mauritania	Severed diplomatic relations with Israel on 21 March 2010
North Korea	No diplomatic relations established
Oman	
Pakistan	No diplomatic relations established
Qatar	Qatar severed diplomatic relations with Israel in 2009.
Saudi Arabia	No diplomatic relations established
Somalia	No diplomatic relations established
Sudan	No diplomatic relations established. Sudan formed part of three countries agreeing to normalise relations with Israel under the Abraham Accords.
Syria	No diplomatic relations; designated as an enemy state by Israel.
Tunisia	Suspended diplomatic relations with Israel in October 2000.



For more information, please visit [www.icjpalestine.com](http://www.icjpalestine.com)  
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