

Palestinian entry restrictions

*Feature commentary by Hege Hermansen,
Rett til innreise/Right to Enter, Norway*

Sitting on a flight from Amman to Tel Aviv in the early morning of 2 May 2007, Nadia Hassan, a Chilean citizen of Palestinian descent, thought that she was finally returning to the West Bank. Instead, she was in for a nine hour interrogation at the hands of a security official who claimed he had been 'specially selected' for the task.

“If you blow yourself up in Tel Aviv, I will be responsible”

Within a few minutes of her arrival, three men approached Nadia and said that they had been waiting for her. They took her to a large room, where about twenty people started searching her luggage as well as her body, inspecting her hair, eyes, and nails. She was then escorted to a different room, where someone photographed her and took copies of her ID cards, driving license, and bank cards.

As the interrogation continued, an official went through all 163 phone numbers stored in her mobile phone, asking who each of them belonged to and what her relationship to these people were. Every single name was subsequently checked against a computer system, which generated a picture of the person. Nadia then had to confirm whether the person in the picture was, in fact, the person whose phone number she had saved in her phone. They also went through all the text messages stored in her phone, and all her incoming and outgoing calls.

The person who led her interrogation, kept emphasising that he wanted her to tell him ‘what she knew’, and that this would determine whether she would be allowed to enter the Palestinian territories or not. As the officer put it, “I will not let you enter if I don’t know everything, because I will be responsible when you blow yourself up in Tel Aviv”.

The entire interrogation lasted from 7.20am to 4.15pm, and ended in Nadia being denied entry and told that if she went to court, “I will be happy to go there personally and make sure that you will never enter here again”. During all this time, the Chilean Consul had been waiting at the airport, requesting to see Nadia, based on a promise he had received from Israeli authorities that he would be allowed to be present during Nadia’s interrogation. Contrary to previous assurances, he was only allowed to see her after the decision to deport her had been made. At 7pm the same day, Nadia was put on a plane back to Amman.

This was the fifth time that Nadia had been deported in less than two years, in

spite of the fact that no evidence has been presented or charges pressed to show that Nadia represents a ‘security threat’, as the Israeli authorities claim that she is.

The unofficial policy of entry denials

Nadia’s is just one example of a large number of entry denials into the Occupied Palestinian Territories (OPT) by the State of Israel. Entry denials have intensified since the early spring of 2006, leaving thousands of people cut off from their families, studies, homes or work – and often also their homeland. Unofficial eye witness accounts from the Allenby Bridge border crossing between Jordan and the West Bank tell of dozens of entry denials every day. It is difficult to pinpoint the exact number, as the majority of cases go unreported, frequently because victims fear that their chances of re-entering are even lower if they make their case public. This is what many suspect was the case with Nadia. Provoked by her multiple entry denials, Nadia has launched a successful and highly publicized campaign to demand action on the part of the Chilean government in response to her case and, more generally, to highlight the issue of entry denials of Chilean citizens.

Residency revoked

Nadia’s problem is rooted in the fact that Palestinians are not in control of their borders or their own population registry. After the West Bank and Gaza were occupied during the Six Day War in 1967, the Israeli administration established a Palestinian national register based on who were *de facto* present in the occupied territories. This had the consequence that Palestinians who were outside the occupied territories at the time, e.g. for purposes of work, studies, medical treatment or family visits, were automatically stripped of their residency rights in their birthplace.

According to the Israeli human rights organisation B’Tselem, about 100.000 Palestinians lost their residency in this way²². Since then, borders into the West Bank and Gaza have been controlled by Israeli authorities, and no transparent and accountable immigration

²² B’Tselem (June 2006): *Perpetual Limbo: Israel’s Freeze on Unification of Palestinian Families in the Occupied Territories*, p. 6.

law has ever been implemented. Up until 1995, Israeli authorities also revoked the residency of Palestinians who had lived outside of the OPT for more than six consecutive years.

Some of the people who lost their residency rights, later returned and lived in their homeland as ‘tourists’ on three month tourist visas. While some work and family reunification permits were granted, the procedures were non-transparent and the outcome of applications unpredictable.

Since the outbreak of the current *intifada* (“uprising”) in September 2000, tourist visas have been the *only* means of entering the West Bank. There are no work permits, no study permits, and no residency based on family reunification. This has resulted in a situation where thousands of people who are actually staying long term in the OPT enter the West Bank on a tourist visa, stay as long as the visa allows, and then travel to Jordan in order to re-enter the West Bank on another tourist visa. While this type of visa may be valid for a period of three months, it is not uncommon that it is granted for only one month or even just a week, and entry may be denied altogether without any explanation.

Following the victory of Hamas in the January 2006 parliamentary elections, there was a marked increase in the number of people who were denied entry to the West Bank, affecting a cross section of the population and with grave consequences for several areas of Palestinian society. The educational sector has lost students, lecturers and researchers. The private sector is losing investments, in turn reinforcing the already discouraging unemployment and poverty statistics.

In a recent World Bank report, entry restrictions are cited as one of five main factors contributing to the catastrophic situation for Palestinian businesses as “this has forced many of the most important investors out of the WBG and prevents Palestinian firms from obtaining needed technical expertise”²³.

The health sector is also suffering. After being detained at Ben Gurion airport for a whole day, Dirgham Abu Ramadan, the only professional open heart surgeon in the West

Bank, was threatened with deportation and given a one week visa in January 2007. At that point, Dr. Abu Dirghan had 270 surgeries scheduled over the following months – his entry was quite literally a matter of life and death.

Finally, the entry denials severely affect societal cohesion, as thousands of families are split apart – spouses from each other, children from a parent, and elderly in need of care from their younger family members.

Education denied

Before she was first denied entry, Nadia Hassan had been working as a volunteer at al-Najah University in Nablus in the northern West Bank, where she was teaching, setting up a Spanish language web site about al-Najah University and the broader political and social situation in Palestine, and developing initiatives for cooperation between al-Najah University and universities in Latin America. With her entry denial, al Najah University lost a valuable resource they could not afford to replace through own means. Similar situations abound in all Palestinian universities, diverting both human and financial resources away from the Palestinian educational sector.

A case in point is Birzeit University just outside Ramallah, which has a large number of foreign staff and students. Between May and September 2006, Birzeit University lost half of its faculty who did not possess Israeli issued ID cards, and one department was in danger of losing up to 70 per cent of its staff. Just prior to the spring semester of 2007, 383 students were at risk of not being able to complete their studies.

The university’s Palestine and Arabic Studies Programme (PAS) is particularly vulnerable to the policy of entry denials, since their target group is exactly foreign students who do not normally reside in the occupied territories. Since its inception, the PAS programme has been vital to introducing foreigners to Palestinian culture, history and society as well as Arabic language, creating links of solidarity with the outside world that many Palestinian feel are crucial in order to

²³ World Bank (March 2007): *West Bank and Gaza Investment Climate Assessment*

develop awareness of their national struggle abroad.

In the fall semester of 2006, four students who had enrolled in the programme were unable to complete it, as they were all denied entry halfway through their studies. Due to the widely publicised rise in entry denials into the West Bank, the programme saw a drop of 50% in applications for the spring of 2007, resulting in the loss of a vital source of financial income at a time when the university was struggling to survive on an extremely reduced budget due to the economic sanctions placed on the Palestinian Authority.

Dismantling the framework of Palestinian society

Another institution severely affected by entry denials is the Palestinian family structure, which constitutes the very backbone of Palestinian society. In the absence of a state, it is the extended family and the informal social networks that take responsibility for social welfare, conflict resolution mechanisms and the daily running of community affairs.

Several human rights institutions, such as Amnesty International²⁴, Al Haq and Btselem²⁵, as well as the UN Special Rapporteur on the situation of human rights in the OPT, John Dugard²⁶, have pointed out the grave consequences of Israel's refusal to process applications for family unification with residents of the Palestinian territories.

In September 2000 the Israelis put a freeze on the processing of family unification permits, and a total of 120,000 applications were placed on hold. It is unclear how many new applications have been submitted since then, but none of these have been processed. While this concerns family unification for persons who do not possess any form of ID card for the OPT, it is also impossible to obtain unification permits if one spouse resides in Gaza and the other in the West Bank, if one resides in the West Bank and the other in East Jerusalem, or if one resides in the OPT and the other inside the State of Israel.

Even when Israel *did* issue family unification permits, this could take several years to process. However, it used to be somewhat easier for spouses to stay in the OPT on a tourist visa, which was 'renewed' at best every three months through the ritual 'visa run' to Jordan. Over the past years, such people have increasingly been denied entry back into the OPT, in turn becoming separated from their wives, husbands or children.

It is estimated that thousands of 'illegal' spouses remain in the West Bank. These are people who decided to overstay their visas, rather than run the risk of being denied entry when leaving and attempting to re-enter the OPT. They live in constant fear of arrest and expulsion, and face extreme limitations on their freedom of movement due to the high propensity of Israeli military checkpoints throughout the West Bank. For obvious reasons, no accurate numbers exist for this category of people, but the international Right to Enter Campaign uses the phrase 'tens of thousands'²⁷.

The security regime

As with many other measures taken against the Palestinian population, entry denials are usually justified by Israeli authorities with reference to 'security considerations'. However, looking at documented cases of entry denial, it is difficult to find substantive evidence for this claim. Examples of entry denial include a wide variety of men, woman and children in the age range of two to seventy years, of a wide range of backgrounds.

One example is that of Enayeh Samara, who was stripped of her residency in 1967 and subsequently lived for more than thirty years in her village of birth as a 'tourist'. After having conducted more than 120 'visa runs' to Jordan, and having gone through several unsuccessful attempts at applying for family unification, Enayeh was denied entry twice in May 2006. She remained separated from her family until February 2007, when she was again allowed to re-enter.

²⁴ Amnesty International (March 2007): *Right to Family Life Denied*

²⁵ B'Tselem (June 2006): *Perpetual Limbo: Israel's Freeze on Unification of Palestinian Families in the Occupied Territories* (

²⁶ Report of the Special Rapporteur to the Human Rights Council

²⁷ www.righttoenter.ps – 02 July 2007

Stories such as these, of people who are denied entry after having lived in the OPT for years, or who are denied entry and then allowed entry several months later, are very common and make it difficult to believe that the people in question actually present a real security threat to the State of Israel.

Denied entry = *de facto* deportation

If 'security' does not explain the rationale for entry denials, alternative theories abound. A commonly used explanation is the so called 'demographic threat', referring to the disproportionate birth rates of Palestinian and Jewish communities, which in the long run threaten Jewish control over both Israel and the OPT.

The issue of demography has been considered critical since the establishment of the State of Israel, and several historians, such as Benny Morris²⁸ and Ilan Pappé²⁹, have documented Israel's desire to empty the Palestinian territories of their original population. In this perspective, entry denials become one measure to achieve this objective, especially in the case of families being split apart – after being separated many families choose to relocate outside of the Palestinian territories. Secondly, the policy strongly undermines the attempt at building a viable Palestinian state and civil society. Many of those who are denied entry, are of middle class background and well educated, and are returning to the OPT in order to contribute to the Palestinian state building project with financial investments or technical expertise. A failing state building project can be seen to be in Israel's interest, in the sense that it makes it easier to both avoid substantive peace negotiations and dismiss the establishment of a Palestinian state as unrealistic. Finally, the policy can be seen as an attempt to further isolate the Palestinian population from the outside world, barring entry to solidarity

workers, activists and others who come to bear witness to the human rights violations in the OPT. The presence of international activists places some restrictions on the behaviour of Israeli soldiers towards Palestinian civilians, and after return to their home countries these activists do their best to publicise the brutality of the Israeli armed forces in the OPT - not the kind of media attention that goes well with the same army's self proclaimed value of *the purity of arms*³⁰.

In the footsteps of Joseph K.

In spite of much international attention and the involvement of several third party states, the Israeli response remains muted. Although Israeli authorities paid lip service to the problem by announcing new and enhanced routines for entry into the West Bank, the core issue of the lack of accountable and transparent processes remains unresolved, creating a situation which deprives all those who wish to enter Palestine of a fundamental access to justice. For example,

- people who are supposed to be covered by the new guidelines continue to be denied entry on a near daily basis,
- some people who have asked for an explanation for their entry denial, have been physically abused by Israeli officials at the Allenby Bridge³¹,
- individuals who were denied entry in 2006 and were subsequently allowed to re-enter, have again been denied entry in 2007,
- Israeli assurances to third party government officials have in several cases not been honoured (as in the case of Nadia),
- individuals who have contacted Israeli embassies abroad have been informed that the new procedures announced by the Israeli MoD are not being implemented,
- Israeli government representatives both inside and outside of Israel routinely give contradictory information about entry

²⁸ Morris, B. (2001): *Righteous Victims: A History of the Zionist-Arab Conflict*, Cambridge University Press.

²⁹ Pappé, I. (2006): *The Ethnic Cleansing of Palestine*, Oneworld Publications

³⁰ "The IDF servicemen and women will use their weapons and force only for the purpose of their mission, only to the necessary extent and will maintain their humanity even during combat. IDF soldiers will not use their weapons and force to harm human beings who are not combatants or prisoners of war, and will do all in their power to avoid causing harm to their lives, bodies, dignity and property". IDF's home page, <http://www1.idf.il/DOVER/site/mainpage.asp?sl=EN&id=32> – 2 July 2007

³¹ http://www.righttoenter.ps/images/RTE_Position_Statement_MAY312007_FINAL.pdf

procedures, and ask people to follow bureaucratic procedures that are not in place (a very common example of this is an Israeli border official telling you to secure a work permit, when no work permits are granted by the Israeli authorities).

The waiting room

In the meantime, Nadia and others are waiting for the day when they can return, unwilling to let go of their lives in the OPT. While the policy of entry denials may be designed to deter people from entering the OPT, the effect, according to Nadia, is the opposite:

I am stronger, they made me feel this way. They don't understand that every time they refuse a Palestinian entry, they must use guns to keep something that they know doesn't belong to them. They are afraid to see us. Yet they know that we are here, that we are near, and always will be near – waiting, until the day that we shall return.