

COGAT 2022 PROCEDURES: RIGHT TO ENTRY TO THE OCCUPIED WEST BANK

Overview

- The 2022 Procedure restricts foreign nationals traveling to and entering the occupied West Bank, in contravention with Israel's duties and obligations as an occupying power under international humanitarian law and international human rights law.
- The procedures contain provisions that aim to severely infringe on family rights and the rights of the child, further isolate the Palestinian population in the occupied West Bank and further entrench Israel's surveillance tactics, military grip and control.
- MPs should urgently call on the UK Government to condemn Israel, to protect British citizens' right to entry and to call for Israel to repeal the procedures.

Background and implementation of 2022 Procedure

In 1967, Israel extended its control over all borders of the occupied Palestinian territories (oPt) and declared the West Bank a closed military zone. Since 2006, Israel has escalated arbitrary entry denials and restrictions on individuals seeking entry into the oPt. Following diplomatic criticism, the Israeli Defence Ministry's 'Coordinating Office for Government Affairs in the Territories' (COGAT) issued a four-page set of written procedures on the entry of foreign nationals into the Occupied West Bank.¹ These procedures were interpreted broadly by officials, resulting in inconsistent and opaque application.

In October 2022, this practice was formalised and further exacerbated when COGAT brought into force a criticised and legally challenged ninety-page document 'Procedure for Entry and Residence for Foreigners in Judea and Samaria Area' (the Occupied West Bank) referred to here as '2022 Procedure', which imposes restrictions on foreign nationals' entry in the occupied West Bank.² The procedures came into force in October 2022 and were amended in December 2022. The regulations are inconsistent with Israel's obligations arising out of international humanitarian law (IHL) and international human rights law (IHRL).

Implications of 2022 Procedure

The 2022 Procedure allows broad discretion for the officer responsible for deciding on entry applications. The procedures contain clauses that might allow for the arbitrary profiling and discrimination against individuals on the basis of race, religion or ethnicity. Additionally, no clear routes for appealing entry denials are provided.

The new Procedure further solidify Israel's surveillance and infringe on privacy rights of those seeking entry. Visa applicants may be forced to disclose the names and West Bank ID numbers of any first-degree relatives in the West Bank and the names of family members they intend to visit. This will further strengthen Israel's surveillance architecture of Palestinians and the Palestinian diaspora, which already includes the extensive use of informant and collaborator systems, social media surveillance and advanced facial recognition technologies.

The 2022 Procedure discriminates against nationals of, or people born in, Jordan, Egypt, Morocco, Bahrain and South Sudan, who are excluded from applying for visas that would allow them to enter the Occupied West Bank, unless there are exceptional and humanitarian circumstances. The restrictions extend to British citizens who

¹ COGAT (2006) [2006 Procedure](#). State of Israel. Ministry of Defence. Coordination of Government Activities in the Territories.

² COGAT (2022) [2022 Procedure](#). State of Israel. Ministry of Defence. Coordination of Government Activities in the Territories.

are dual nationals with one of the above listed countries, or who were born in those countries. Visas applicants may also be charged extortionate charges of tens of thousands of pounds, effectively preventing entry.

Families with at least one member who is a dual citizen or foreign national are severely restricted from visiting relatives or living together. This amounts to a *de facto* bar on family reunification and it will force many families to move or stay abroad to maintain their family unity, amounting to a 'silent transfer' of people.

By complicating and entrenching existing restrictions for entry, these entry procedures both strengthen apartheid rule and obscure international visibility of apartheid. They will severely curtail Palestinian development, economic activity, international relations, and freedom of movement. They will also inhibit British citizens wanting to visit, work, volunteer, study, or teach in Palestine, as well as those wishing to reunite or reside with their Palestinian families.

ICJP report and legal position

On 15th May 2023, ICJP released a full report³ detailing the effects that the 2022 Procedure would have on Palestinians and foreign nationals seeking to enter the West Bank. The report provides a legal analysis of the regulations, demonstrating Israel's non-compliance with international law and *de facto* annexation policies. The report calls on Israel to urgently review and amend or repeal the procedures and remove all arbitrary and discriminatory restrictions.

The report also demonstrates how both previous restrictions and new regulations are fundamentally illegal under international law given Israel's status as an occupying power in the oPt, and breach numerous UN resolutions including United Nations Security Council Resolution 2334 that condemns all measures that allows for changes in the demographic composition of Palestinian territory,⁴ a process that is furthered by the 2022 Procedure.

Other breaches of international law include unlawful interference with family rights, failure to ensure best interests of children, restrictions against humanitarian relief, discrimination against foreign nationals and curtailment of Palestinian rights including self-determination.

Role of Third States including the UK

This procedure aggravates critical humanitarian issues regarding movement, access, entry and residency in the oPt. Third States should publicly condemn the procedures and raise concerns directly with Israel about the procedure's non-compliance with international law, including through diplomatic channels. Third States should also ensure the implementation of proper reporting and monitoring mechanisms to assess the harm caused to their own citizens by Israel's restrictive procedures.

The US State Department is currently reviewing Israel's discriminatory treatment of US citizens and nationals attempting to enter Israel or the oPt. Under US law, Israel's failure to treat US citizens equal to the way Israeli citizens and nationals are treated at US ports of entry is a disqualifier for Israel's admission to the US Visa Waiver Program. The United Kingdom should follow suit and take immediate and decisive steps to strongly oppose the discrimination, harassment and denial of entry of British citizens visiting the occupied West Bank and call for a review and repeal or amendments to the procedures, in order to make them clear, consistent and transparent policy.

³ Abul Haj, D and Choudhury, I (2023) [Fenced Off: New ICJP report on Israel's 2022 rules on entry of foreign nationals into the West Bank](#). International Centre of Justice for Palestinians.

⁴ UNSCR. (2016) UNSC 7853rd meeting. [Resolution 2334. S/RES/2334](#).