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THE PERMIT MAZE: Palestinians need permits to move, to live, for everything

This Bulletin aims to provide a brief overview of issues related to Palestinian Refugee Rights

There is only one thing straightforward about the maze of permit regulations for Palestinians in the West Bank and Gaza. Despite the Oslo accords and other interim agreements, all applications for documents end up being approved or rejected by some Israeli authority.

And this web of permits regularly becomes more tangled. In addition to all of the other permits Palestinians need even to live in their own homes let alone travel a few kilometers to work or see family, the Israeli authorities have introduced another kind of permit. Now some Palestinians have to have a permit to farm their own land.

This new permit is for people caught between the "security fence" and the West Bank-Israel border, an area being called the "seam zone". More than 12,000 Palestinians so far are in this trap and more may follow as the "fence" snakes its way around and through towns. Palestinians living within these areas are required to obtain permits to enter the area and live there. Conditions for leaving will be determined by the Israeli authorities.

And another group of people living east of the "fence" need permits to enter or leave the area to work on the land that they own and have farmed for generations.

This new permit system is only the tip of the iceberg says BADIL Resource Center for Palestinian Residency and Refugee Rights. While freedom of movement may be restricted under international law for security reasons, it has become the norm that Palestinians' movements are continuously restricted endangering their access to essential medical care, education and even food supplies and water.

Getting to work

Going to school, shopping or to work may require some sort of permit which can be hard to come by. Even a large organization like UNRWA, employing 3,700 teachers, doctors, nurses, social workers, engineers, garbage collectors, etc. throughout the West Bank, has permit problems. In late October 2003, half of UNRWA's West Bank staff didn't have permits to get to work even from Ramallah or Bethlehem, both less than 20 kilometers from the Agency's West Bank headquarters in Eastern Jerusalem.

At least they have some backing from a major international organization that usually keeps some money coming in but tens of thousands of others don't.

On top of permits, Palestinians face curfews and internal closures frequently imposed on cities, towns, villages and refugee camps. In the West Bank there are more than 180 checkpoints and roadblocks. Passage through them usually depends on the security situation. Since March 2002, permits have been required to travel from one district to another. At one point in October, the Gaza Strip, some 30 km. long, was divided into four and has been divided into three parts for much of the past three years. Some who had jobs in Gaza city but lived in Rafah uprooted their families and moved closer to work so they wouldn't have to go through the daily grind of checkpoints and hours getting to work.

Checkpoints may be closed completely for all Palestinians, open for some Palestinians or open for all Palestinians. At some checkpoints, special permits are needed to cross.

Palestinians are the residents of Gaza and West Bank. Checkpoints are imposed by the Israeli occupation authorities.

What's a checkpoint?

The UN Special Rapporteur on violations of human rights in the Occupied Territories said in his September 2003 report that there were some 300 checkpoints or roadblocks, including about 140 checkpoints manned by the military. They include permanent and mobile checkpoints, unmanned roadblocks, dirt walls, earth mounds, concrete blocks, iron gates and trenches dug around villages and towns, he reported.

Each district, said the Rapporteur, has one official commercial entrance. Goods must be unloaded and transferred to another vehicle on the other side of a checkpoint. This same practice is used for transporting goods and agricultural produce into and out of Gaza. Such handling does not improve the quality of fragile products such as oranges or strawberries, etc. that some Gazans grow and sell for their livelihood.

Even foreign nationals who have the right to enter and leave the Gaza Strip must unload their personal effects, including furniture, at the Eretz checkpoint in the north of Gaza, carry them to a large X-Ray machine, put them on a conveyor belt, collect them at the end of the belt and load them onto another truck before entering Israel.

Every day, thousands of Palestinians waste hours passing through checkpoints on the way to school, work or to hospitals

Jerusalem, a special case

Palestinians living in the West Bank and holding West Bank identification cards face a number of restrictions if they want to travel outside the West Bank or if they want to enter or cross East Jerusalem and/or Israel. There is a general ban on West Bank card holders entering Jerusalem or Israel. The authorities demand that they apply for and pay for a magnetic card proving that the person has had security clearance before qualifying for an entry permit.

It is currently impossible for West Bankers to obtain such permits except when needing urgent medical treatment only available in Jerusalem. These permits are only valid for short periods (e.g. 24 hours). Few work permits have been granted to Palestinians working in Israel, including Eastern Jerusalem, through their Israeli employers.

Since Israel has annexed East Jerusalem, Palestinians are subject to Israeli law and regulations but to military orders governing residency, entry and exit to the rest of West Bank and Gaza. However they are not Israeli citizens. Legal status is that of "permanent resident".

They carry Israeli-issued identity cards but to travel abroad, they need a special "laissez passer" from the Israeli Ministry of the Interior, valid for a year and renewable. But the catch is that they cannot return if the document has expired and they can only renew it in Israel. To go to Jordan, Palestinian Jerusalemites need both the "laissez passer" and a valid Jordanian passport. Since Jordan administered West Bank from 1948 until the early 1990s, many residents of West Bank and Eastern Jerusalem have Jordanian documents.

Working in Israel

From the time Israel occupied the West Bank and Gaza Strip in 1967 until the late 1990s, thousands of Palestinians went to Israel every day for work in fields or on construction sites. The number rose and fell depending on the security situation. Most have been replaced by several hundred thousand workers from Eastern Europe and Southeast Asia and has created another type of problem for Israel.

A recent report in the Israeli daily newspaper Haaretz described how to get a permit to work in Israel: "It is quite complicated for a Palestinian to get legal permission to work in Israel. The employer must apply to the authorities, providing the name of the worker to be employed. The security services check the worker's history—and there are criteria that anyway must be met: they must be over 35, have at least five children; and no security history, which means

never having been arrested and preferably none of his relatives having such a record. If the license is granted, it goes to the Palestinian Authority Labor Affairs Ministry offices in the district where the worker lives, and the PA Employment Bureau hands over the license..." (Haaretz, 7 October 2003)

Getting out of West Bank

As the Israeli authorities control all of the crossing points into Jordan, they can deny passage on security grounds. In principle, however, Palestinians with West Bank identification cards can go to Jordan without crossing through Israel. Since the Cairo Agreement of May 1994 between the PLO and Israel, Israel no longer requires West Bankers to obtain special permits to go to Jordan. They must leave on a valid Palestinian Authority travel document issued by the PA after clearance by Israel.

Until September 2000, these West Bankers could travel from Ben Gurion airport (Tel Aviv) after obtaining a special Israeli "airport permit". Since the outbreak of the current conflict (Intifada), such one-time permits are only issued in exceptional cases, usually on humanitarian grounds. Very few ever had access to the now-closed Palestinian airport in Gaza mainly because Israeli permits to enter Gaza are rarely issued to West Bankers, even to visit close family.

Getting back to West Bank

Return can also be denied on security grounds. But since 1994, Israel does not demand a special re-entry permit from Palestinians with valid PA travel documents if they are returning by land after they have been temporarily in Jordan or abroad. However, if they left West Bank or Gaza before 1994, they may be stopped from re-entering if their Israeli re-entry permit has expired and was not renewed. Between 1967 and 1994, such permits had to be renewed in Israel after each three-year period abroad.

If they return by air via Ben Gurion airport and had been able to obtain a special airport permit before leaving, West Bankers don't need a special permit to return.

Getting out of Gaza

If there are no curfews or closures in Gaza, Palestinians with Gaza identification cards who have already obtained a magnetic card and an entry permit into Israel, can probably leave the Gaza Strip for Jordan or abroad through Ben Gurion airport. Airport departure requires the same permit procedure as described above for West Bankers although it is more difficult to obtain airport permits from Gaza than from West Bank. Until the Palestinian airport was closed and the runway destroyed three years ago, Gazans could leave that way.

Israel controls the only crossing point into Egypt (Rafah) and may deny passage on security grounds. At some times the Rafah crossing is closed and on other days is only open for limited hours. To successfully cross, however, Palestinians must have a valid but difficult to obtain Egyptian visa even if an individual can get to an Egyptian embassy. (From 1948-1967, Gaza was under Egyptian administration which issued a travel document for Palestinians in Gaza but this Egyptian document required its holder to have a visa to enter or even transit Egypt.)

Getting back to Gaza

Neither Israel nor Egypt requires Palestinian residents of Gaza to have re-entry permits if they hold valid PA travel documents. But if they left Gaza before May 1994, they could be prevented from returning if their Israeli permit has expired and was not renewed. If they left by air from Ben Gurion, they would have an airport permit and could return.

Jordan also in the picture

In 1983, Jordan created a card system to distinguish between Palestinians living in Jordan and those living in West Bank at that time. Yellow for those who had left the West Bank before 1 June 1983 and green for those living in the West Bank but with Jordanian passports. The green card indicates that its holder is from West Bank and can only stay in Jordan temporarily. The cards are issued by the Jordanian Interior Ministry at border crossings to West Bank.

When traveling to Jordan by land, West Bankers need a valid PA travel document or a Jordanian passport, a valid green or yellow card and, since 2001, a “statement of nonobjection” from the Jordanian Ministry of the Interior. This statement has to be requested by an inviting relative or institution in Jordan and guarantees that the visitor will not overstay a permitted period in Jordan. No additional documents are needed to leave Jordan by air.

Role of the Palestinian Authority

After the 1994-95 interim agreement between Israel and the PLO, Israel gave the PA a copy of its registry of West Bank and Gaza Strip Palestinian residents. Both Israel and the PA maintain and update this register. The PA was authorized to issue new identification cards and “passports” to all Palestinians and their descendents living in West Bank, excluding East Jerusalem, and the Gaza Strip who were listed in the Israeli registry as lawful residents. Serial numbers on the identification cards are the same as those on the original Israeli population register.

The PA-issued “passports” are simply travel documents and do not imply citizenship. They are for travel abroad only. To obtain one, a Palestinian applies to the Palestinian Interior Ministry which gives the application to the Israeli population registrar for clearance. The document is valid for three years.

Israel must give final approval

Under the 1993 Oslo Accords and follow-up agreements, Palestinians from both Gaza and West Bank have to submit their applications for any kind of permit to the local Palestinian Liaison Office. It then submits the application to the regional Israeli Liaison Office for transfer to and approval by the center Israeli Civil Administration. Since September 2000, Palestinians have to submit their applications directly to the regional offices of Israel’s Civil Administration/Liaison Office.

As noted at the beginning of this report, all personal documents for Palestinians from the West Bank or Gaza Strip are issued only with approval from Israel, either directly by the Israeli authorities or by the Palestinian Authority after clearance by Israel.

Some countries are debating whether or not to have a national identity card as a form of identification. Many don’t like the idea. What would they think if they had to carry two or three types of permit plus an identity card issued by an occupying authority just to visit their mother in a neighboring town?