

Gisha - Legal Center for Freedom of Movement

ג'ישה - מרכז לשמירה על הזכות לנוע (ע"ר)

مسلك - مركز للدفاع عن حرية الحركة

ג'ישה
gisha



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THE INDIVIDUAL

המוקד להגנת הפרט

مركز الدفاع عن الفرد

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Population and Immigration
Authority

شارع أبو عبيده ٤
القدس ٩٧٢٠٠
هاتف. ٠٢. ٦٢٨٣٥٥٥
فاكس. ٠٢. ٦٢٧٦٣١٧

Urgent!

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Dear Sir/Madam

Re: **Requirement that Israeli minors present travel documents at Erez Crossing as condition for entering the Gaza Strip**

Ours: letters dated May 20 and 27, 2014, June 12, 2014, September 17, 2014.

1. First, we welcome your decision not to require Israelis **over the age of 16** to present a travel document in order to enter the Gaza Strip via Erez Crossing and your willingness to return to accepting identification cards only, as clarified in the letter of the Coordinator of Government Activities in the Territories (COGAT) Public Liaison Officer dated June 30, 2014.

A copy of the letter is attached hereto and marked **A**.

2. We contact you once more on this same matter, as in response to a further communication we made to the COGAT, we were told that the directives

regarding travel and identification of Israelis at the crossing, including the requirement to present documentation or a travel document, are within the purview of the Population and Immigration Authority (PIA).

A copy of the response letter is attached hereto and marked **B**.

3. In the directives provided to us, it is stated that the PIA insists that minors under the age of 16 present a travel document for purposes of their identification at the crossing. This is contrary to past practice, whereby registration in the identification card of the Israeli parent with whom the minor enters Gaza was sufficient.
4. As we specified in earlier correspondence, this requirement causes many practical difficulties. We list these difficulties once more:
 - a. **Minors who are residents of East Jerusalem**, who account for a large part of the population that enters the Gaza Strip, have special status and most carry only a Jordanian passport. **They are not eligible for an Israeli passport**, and, as is known, they travel abroad via the Allenby Bridge border crossing using an exit card only. The demand for a travel document would require such minors to obtain a “laissez passer” for this purpose only.
 - b. Another sizeable population that uses the Erez Crossing regularly is **minors from divided families** (i.e. families in which one spouse is a resident of the Gaza Strip and the other a citizen or resident of Israel) who live in the Gaza Strip, along with their parents, by virtue of renewable stay permits, and who arrive at Erez Crossing to have these permits renewed. These minors are not in possession of an Israeli passport while in the Gaza Strip, but according to the new requirement, they would have to **leave the Gaza Strip and remain in Israel for an unknown period of time, until they receive an Israeli passport**, without which they will be unable to enter the Gaza Strip with their parents. This places a heavy burden on individuals (in most cases women who have minor children), whose center-of-life is in the Gaza Strip and cannot be expected to abandon their families and obligations in Gaza until the children’s re-entry into Gaza with an Israeli travel document is arranged.
 - c. Moreover, **obtaining travel documents involves a significant expense**. This means that, according to the new requirement, parents who wish to enter the Gaza Strip will have to incur heavy expenses as they would need to obtain travel documents (passports or laissez passers) for each child in the family.
 - d. Finally, it appears that the new requirement fails to respond to **urgent humanitarian cases**, where immediate entry into the Gaza Strip is required (such as medical emergencies, funerals etc.) In such circumstances, the family’s entry into the Gaza Strip cannot be expected to be delayed until the minors obtain Israeli travel documents. COGAT directives do require special consideration for such cases, but in practice, these directives are not implemented.

5. It is worth noting that if the insistence on travel documents for minors at Erez Crossing was meant as a means of verifying the identity of these minors, then it is doubtful that the means actually achieve the sought-after end. A passport issued to a minor is valid for five years. It is not clear how a toddler might be identified based on a passport photo that could have been taken when she was a baby. Identification can be more efficiently achieved without insisting on official travel documents that are issued for a lengthy period of time.
6. We further add, that you also do not view Erez Crossing as a strictly civilian crossing. Hence the Entry into Israel Order (Exemption for Gaza Strip Residents) 5765-2005 which was enacted as a temporary order and was later turned into a permanent order (see Knesset Internal Affairs and Environment Committee session transcripts, December 10, 2010 and May 1, 2013). Similarly to the exception made to border crossing arrangements for Palestinians crossing into Israel via Erez Crossing, a different arrangement can be put in place for Israeli minors who enter the Gaza Strip with their parents, which does not require use of travel documents. As stated, such an arrangement had been implemented at the crossing for many years, until July 2014.
7. In view of all the above, **we ask that you reconsider the requirement that minors seeking to enter the Gaza Strip present travel documents.** As stated, this requirement places a heavy burden on families wishing to enter the Gaza Strip, while it is neither the sole, nor the most efficient means of achieving the goal of identifying the minors.
8. We thank you for your prompt response.

Sincerely

Adv. Anat Gonen

Legal Department Coordinator

HaMoked: Center for the Defence of the Individual

Adv. Dr. (Middle East) Nomi Hager

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CC:

Mr. Amnon Ben Ami, Head of PIA

Colonel Fares 'Atallah, Head of Gaza DCO