



# COUNTRY POLICY BULLETIN

## OCCUPIED PALESTINIAN TERRITORIES

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### Introduction

- 1.1** All asylum and human rights claims made by Palestinians from the West Bank and the Gaza Strip are – as with asylum claimants of all nationalities - considered on their individual merits in accordance with our obligations under the Refugee Convention and the European Convention on Human Rights. Those identified by the decision making process and the independent appeals process not to be in need of international protection are expected to leave the UK voluntarily. Failed asylum seekers can and do voluntarily return to the West Bank and the Gaza Strip. Those who do not leave voluntarily may have their return enforced.
- 1.2** This Bulletin has been produced by Country Policy Team, UK Border Agency to provide further guidance to decision makers on issues arising on route and method of return to the Occupied Palestinian Territories and it should therefore be used by anyone in the UK Border Agency who needs to address those issues. However, factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document or safety of route of return, should not generally be taken into account when considering the merits of an asylum or human rights claim. Caseowners should refer to the Palestine Operational Guidance Note for guidance on asylum claims. The OGN may be accessed via the following link:  
<http://www.ukba.homeoffice.gov.uk/policyandlaw/>

### Re-documentation

#### 2.1 Identity Cards

- 2.1.1** To re enter the Occupied Palestinian Territories the individual concerned must be in possession of a travel document issued by the Palestinian authorities. In order to obtain a travel document the individual must have an ID card or ID card number.<sup>1</sup>
- 2.1.2** In June 1967, the Government of Israel carried out a census of residents in the West Bank and Gaza and only those who were present in the territories at that time were registered in the Palestinian population registry, recognised as legal residents and provided with

<sup>1</sup> COI Service. COI response dated 27 April 2010

identification cards. This population registry has been used since that date for the purpose of issuing ID cards. From 1967 to 1994 the Israelis issued identity cards which gave the holder the right to reside in the Occupied Palestinian Territories. In 1994, the Palestinian authorities took over responsibility for the issuing of ID cards and travel documents.<sup>2</sup>

- 2.1.3** Children under 16 do not carry a separate ID card but are listed on their parents' cards. They are still however given their own unique identity number and this is included on the child's birth certificate. The Palestine General Delegates Office (PGDO) have advised that if a child is born to Palestinian parents but has never lived in Palestine and has not been registered there, they may not be issued with an ID Card.<sup>3</sup>
- 2.1.4** The PGDO has advised that every Palestinian should know their ID number or be able to confirm it via extended families/contacts in Palestine.<sup>4</sup>
- 2.1.5** Persons not listed in the population registry who wish to legally join their families and permanently reside in the West Bank can only do so through the approval of the Government of Israel for family unification. However, according to the Government of Israel, family unification in the West Bank is not a vested right based on fundamental rights to family, but instead is a 'special benevolent act of the Israeli authorities'. Following the start of the second intifada which began in September 2000, the Government of Israel stopped processing requests for family unification and stopped issuing visitor permits to non-resident family members.<sup>5</sup>
- 2.1.6** The Palestinian Authority Ministry of Civil Affairs estimates that there have been some 120,000 requests for family unification since the start of the second intifada. This is in addition to the thousands of cases which were pending when the freeze began. Since then, requests have only been granted to 'exceptional humanitarian cases' although criteria for this category has never been well defined and the wait for a substantive response from the Government of Israel concerning residency requests normally takes several years.<sup>6</sup>

## **2.2 Travel Documents**

- 2.2.1** Under the terms of the Oslo Agreement, the Palestine General Delegates Office (PGDO) London currently has no authority to issue Travel Documents in the United Kingdom or anywhere else outside the Occupied Palestinian Territories.<sup>7</sup>
- 2.2.2** A Palestinian living in the UK can apply for a Palestinian Passport by Power of Attorney, where the relevant nominee currently resides in the Occupied Palestinian Territories. The person concerned makes an application at the Palestine General Delegates Office (PGDO) London. Having confirmed that the person is Palestinian and has an ID card number they issue a Power of Attorney Form which must be signed by the applicant. Because the individual concerned has to sign the Power of Attorney form, UK Border Agency cannot make an application on their behalf.<sup>8</sup>
- 2.2.3** The Power of Attorney form is then sent by the PGDO to the nominated person in the Occupied Palestinian Territories. The person nominated in the Power of Attorney then applies on the applicant's behalf at the relevant office in the Occupied Palestinian Territories. The travel document once issued (we understand this may take only a couple of days) will be sent to the UK to the applicant, or if directed the PGDO.<sup>9</sup>

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<sup>2</sup> COI Service request "1967 Population Registry" 22 September 2009

<sup>3</sup> COI Service request "Information on identity cards, residence and documentation" 4 May 2010

<sup>4</sup> COI Service request "Information on identity cards, residence and documentation" 4 May 2010

<sup>5</sup> COI Service request "1967 Population Registry" 22 September 2009

<sup>6</sup> COI Service request "1967 Population Registry" 22 September 2009

<sup>7</sup> [http://www.palestiniangd.org.uk/index.php?option=com\\_content&view=frontpage&Itemid=1](http://www.palestiniangd.org.uk/index.php?option=com_content&view=frontpage&Itemid=1)

<sup>8</sup> COI Service request "Information on identity cards, residence and documentation" 4 May 2010

<sup>9</sup> COI Service request "Information on identity cards, residence and documentation" 4 May 2010

## **Routes of return**

### **3.1 West Bank (including East Jerusalem)**

- 3.1.1** There are no commercial air or sea services operating into the West Bank. The only route in is overland, via the King Hussein (also known as Allenby) Bridge into the West Bank from Jordan.<sup>10</sup> The King Hussein Bridge offers realistic and practical access to the West Bank (including East Jerusalem).
- 3.1.2** Holders of travel documents issued by the Palestinian Authority residing in the West Bank are allowed to enter Jordan without a visa provided they comply with passport and transit restrictions.<sup>11</sup>

### **3.2 Gaza**

- 3.2.1** There are no commercial air or sea services operating into Gaza. Entry to Gaza via Israel is very difficult, but not impossible. The Israeli government has made it increasingly difficult for people to enter via Israel. Generally, that route of entry could be categorised as "closed", although there are exceptional cases which are allowed through. Such exceptional entries are usually dependent on specific lobbying by foreign governments, which is usually reserved for the most deserving cases - e.g. students with scholarships and foreign government staff based in Gaza. Some other individuals also manage to lobby successfully by themselves to re-enter Gaza via Israel.<sup>12</sup>
- 3.2.2** The primary route into Gaza is overland from Egypt, via the Rafah Crossing. Although the Rafah Crossing is normally closed, Egypt opens the crossing every one to two months for two or three consecutive days. These openings are broadly for humanitarian reasons (Hajj pilgrims, health and education travel, family movements). According to Palestinian human rights monitor Al-Mezan, a couple of thousand people cross in and out of Gaza each time the crossing is open. This compares to the tens of thousands who traversed the crossing every month when it was operating regularly. The bottleneck in terms of numbers wishing to cross the border at Rafah is more on the Gaza side of the crossing with those wishing to exit rather than those within Egypt wishing to return.<sup>13</sup>
- 3.2.3** A Palestinian wishing to return to Gaza via the Rafah Crossing requires a visa from the Egyptian authorities. Visas for this purpose are generally easy for returning Gaza Palestinians to obtain and once inside Egypt they appear to be fairly readily extended.<sup>14</sup>
- 3.2.4** Those who may have to wait in Egypt to cross into Gaza through the Rafah crossing are not therefore compelled to stay or wait in Egypt illegally. Furthermore those waiting to return are able to live within the general Egyptian populace in broadly similar conditions.<sup>15</sup>
- 3.2.5** UK Border Agency's position is that it is not generally unreasonable for those returning to Gaza via Egypt to wait if necessary in Egypt until the Rafah crossing opens; nor do UKBA consider that the conditions an individual would face whilst waiting in Egypt are such that it would trigger the UK's obligations to grant some form of leave or protection in favour of the person concerned.

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<sup>10</sup> COI Service request "Information on identity cards, residence and documentation" 4 May 2010

<sup>11</sup> COI Service request "Information on identity cards, residence and documentation" 4 May 2010

<sup>12</sup> FCO letter dated 23 March 2010

<sup>13</sup> FCO letter dated 23 March 2010

<sup>14</sup> FCO letter dated 23 March 2010

<sup>15</sup> FCO letter dated 23 March 2010

**Country Analysis and Returns Strategy  
Directorate of Central Operations and Performance  
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