

Raising Concerns About Israel's Eligibility for the Visa Waiver Program

Sending Office: Honorable Donald S. Beyer, Jr.

Sent By: ***@mail.house.gov

Dear Colleague,

Given that Israel is being evaluated for entry into the United States Visa Waiver Program (VWP), please join me in writing Secretary of State Blinken urging him to verify that all United States travelers are being treated equally at all ports of entry that Israel controls.

Israel's Coordinating Office for Government Affairs in the Territories issued new regulations this year that will come into effect on October 20th. They will codify onerous and discriminatory policies affecting U.S. citizens and nationals attempting to travel to and reside in the occupied Palestinian West Bank. Under these new policies, Americans would be subject restrictive screening processes designed to deny entry to those who expressed political positions deemed unacceptable by Israeli authorities, forced to deposit bonds of up to \$20,000 upon entry, and coerced into disclosing information on friends and relatives.

Reciprocal treatment of U.S. travelers is a requirement for countries to join the Visa Waiver Program. This is clearly laid out in Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) and reaffirmed in the United States-Israel Strategic Partnership Act that was enacted in 2014. Israel has refused to adhere to this principle, and the Department of Homeland Security, which has joint oversight with the State Department over the VWP, has stated that Israel is not in compliance with the requirements of the program.

It is critical that the State Department ensure that all Americans are treated fairly at Israeli controlled points of entry and establish a mechanism for U.S. travelers to report discriminatory treatment by Israeli authorities.

To co-sign this letter, please contact Dylan with Mr. Beyer at ***@mail.house.gov by **12:00 P.M. on Wednesday, October 19th.**

Sincerely,

Donald S. Beyer Jr.
Member of Congress

The Honorable Antony Blinken
Secretary of State
Washington, DC 20520

October 19, 2022

Dear Secretary Blinken,

We write to you to express our concerns over the reports of unfair treatment of U.S. citizens attempting to travel to Israel and the Occupied Palestinian Territories, by Israeli authorities, and ask that you address these discriminatory restrictions in your discussions with your Israeli counterparts regarding Israel's potential entry into the Visa Waiver Program.

It incumbent upon Israel as a key U.S. ally and beneficiary of significant aid to treat U.S. citizens with dignity and respect regardless of race, religion, and ethnicity, and it is especially pertinent at this time because Israel is currently being evaluated for entry into the United States Visa Waiver Program.

Israel's Coordinating Office for Government Affairs in the Territories (COGAT) issued new regulations this year that codify onerous and discriminatory restrictions. These restrictions impact the ability of Americans to travel to and reside in the Occupied Territories, and lead to many Americans being denied entry at Israel Controlled borders. Under these regulations:

- U.S. citizens with dual citizenship from five countries will not be allowed to visit the Occupied West Bank under any circumstances
- Palestinians with U.S. citizenship may be forced to provide the names and ID numbers of family and friends
- Foreign spouses of Palestinians are already being required to deposit a bond of up to \$20,000 upon entry
- Americans would be subject to an arbitrary and restrictive screening process that would deny entry to those who have political positions deemed unacceptable by Israeli authorities

While implementation of these strict measures has been delayed to October 20th, the Government of Israel's codification of discriminatory treatment of U.S. travelers still states that these regulations specifically apply to countries which have "accepted a visa waiver program with Israel." Therefore, their decision to escalate

discrimination by codifying regulations it is especially disconcerting given the desire of both the United States and Israel to admit Israel into the VWP.

The Visa Waiver Program rests on the principle of reciprocity, which is laid out in Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) and reaffirmed in the United States-Israel Strategic Partnership Act that was enacted in 2014. The law clearly states that to join the Visa Waiver Program, countries must offer “reciprocal privileges to citizens and nationals of the United States.” Unfortunately, Israel has consistently refused to extend fair treatment to U.S. visitors attempting to travel through Israeli controlled entry points. The State Department itself acknowledges in its travel advisory that U.S. citizens traveling to Israel have been unfairly denied entry, stating that “some U.S. citizens of Arab or Muslim heritage (including Palestinian-Americans) have experienced significant difficulties and unequal and occasionally hostile treatment at Israel’s borders and checkpoints.”^[1]

DHS, which has joint oversight over the VWP, has stated that Israel does not currently meet all VWP designation requirements, including extending reciprocal visa-free travel privileges to all U.S. citizens and nationals.^[2] In light of that position, it is clear that Israel cannot and should not be admitted into the VWP under the status quo. Considering DHS and DOS statements highlighting the discrimination faced by Americans at Israel’s borders, it is critical that the State Department act to mitigate the effects of these new discriminatory restrictions.

There is currently no real way to determine how significant a problem discrimination against U.S. citizens or nationals is, or to what extent Israel is not in compliance with VWP regulations extending reciprocal travel privileges to Americans. We request that the State Department develop a reporting mechanism, including a hotline, to tally the number of Americans who are impacted by Israel’s travel restrictions, including those turned away at Israel controlled ports of entry and those that are denied visas when applying in advance.

As a close ally and a recipient of generous aid from the United States, Israel remains a valued partner in the Middle East. Strengthening our bilateral relationship continues to be a top priority for the administration and facilitating travel between our two nations is an admirable goal, provided that Israel’s entry procedures conform with the Visa Waiver Program’s requirements. The strengthening of this critical relationship cannot be at the expense of American grandparents who simply wish to visit their grandchildren, or at the expense of those Americans who conduct business, attend school, teach, or conduct any other lawful activity in territories controlled by Israel.

We ask that you press Israel to withdraw any COGAT regulations for the West Bank that are discriminatory, to assure the reciprocity that America requires for our citizens, as a requirement for Israel’s entry into the Visa Waiver Program. Further, we ask that you open a hotline for Americans facing discrimination and publish monthly reports to assist future VWP evaluations. Thank you for your consideration of these matters. We look forward to your response.

Sincerely,

^[1] <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/IsraeltheWestBankandGaza.html>

^[2] Response from Alice Lugo, DHS Assistant Secretary for Legislative Affairs to a letter from Rep. Don Beyer regarding Israel’s eligibility for the VWP, dated September 26, 2022