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The Honorable Antony Blinken  
Secretary  
U.S. Department of State  
Washington, DC 20520

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

May 16, 2023

Dear Secretary Blinken and Secretary Mayorkas,

We write to you on behalf of thousands of Palestinian Americans, Arab Americans, and allied communities across the U.S. to express our deep concern regarding Israel's potential admission into the U.S. Visa Waiver Program as the Israeli government continues to discriminate against U.S. citizens and deny Palestinians their basic human rights.

The Visa Waiver Program (VWP) stipulates that participating countries must provide "reciprocal privileges to citizens and nationals of the United States," as per Section 217 of the Immigration and Nationality Act.<sup>1</sup> In the VWP, reciprocity is premised on the simple proposition that every American traveling with a U.S. passport – regardless of race, creed, ethnic background, or secondary nationality – is treated the same as each other and the same as the U.S. treats foreign nationals of the country participating in the VWP at all points of entry and transit. In practice, that means no discrimination against the individuals based on ethnic, national, religious, racial, etc. background/identity, and that access to that country is unrestricted, as it is for those foreign nationals coming to the United States, during the period covered by the VWP.

Israel's record of systematic discrimination against U.S. citizens due to their secondary nationalities, ethnicities, religions, and political viewpoints is a well-documented fact attested to by the State Department.<sup>2</sup> Many members of our community have experienced racial/ethnic profiling and dehumanizing treatment first-hand as part of discriminatory Israeli procedures, including hours-long detention and interrogation, invasive questioning, intrusive physical and electronic searches, confiscation of personal electronic devices, and outright denial of entry. Additionally, Israel refuses to recognize the primacy of U.S. passports of Palestinian Americans who are listed on the Palestinian Population Registry

<sup>1</sup> [8 U.S. Code § 1187](#)

<sup>2</sup> State Department Travel Advisory page for Israel, the West Bank, and Gaza under the "Entry, Exit, and Visa Requirements" section, accessible at: [Israel, the West Bank, and Gaza International Travel Information](#)



(which is controlled by Israel), subjecting them to enhanced and exclusionary travel restrictions.

Rather than work to rectify these blatant violations, the Israeli government codified them in the Ministry of Defense's Coordination of Government Activities in the Territories (COGAT) "Procedure for entry and residence of foreigners in the Judea and Samaria [*sic*] area"<sup>3</sup>, enacted last October. The provisions outlined within this procedure effectively bar the majority of U.S. citizens from entry into the Palestinian West Bank for short-term visits. In contrast, these restrictions do not apply to U.S. citizens visiting illegal Israeli settlements within the West Bank, clearly demonstrating their inherently discriminatory purpose. As long as the COGAT procedure remains in place, Israel is not extending reciprocal privileges for U.S. citizens for short-term visits and is not eligible for the VWP.

Despite these egregious violations, there have been indications that Israel's application for the VWP is advancing, and that reciprocity could be limited to U.S. citizens traveling through the Ben Gurion Airport in Tel Aviv only.<sup>4</sup> This narrow definition of reciprocity is in direct conflict with the core purpose of the VWP to facilitate freedom of travel and transit, and disregards Israel's existing treaty obligations to the United States to allow U.S. citizens unimpeded travel within Israel and the Occupied Palestinian Territory under Israeli military rule.<sup>5</sup> As many Palestinian Americans have family across Israel and the Occupied Territories, Palestinian Americans must be able to utilize the airport and all other points of entry to travel within Israel and to Gaza and the West Bank on the same trip without impediment. A complete and comprehensive reciprocity assessment must factor in all checkpoints and points of entry controlled by Israel, including the crossings from Israel into Gaza (known as the Erez Crossing), from the West Bank into Israel (there are at least 13 major checkpoints), and from Jordan into the West Bank (the primary one is the Allenby Bridge).

Restricting the application of the Visa Waiver Program to the Ben Gurion Airport seems designed to accommodate one of the fundamental problems with considering Israel for admission into the program: Israel does not have recognized international borders and maintains a military occupation over the West Bank, Gaza, and East Jerusalem. Despite official U.S. policy that these territories are occupied, the U.S. seems prepared to treat them differently depending on who the visitor is and cede to Israel internal control for access. U.S. citizens going to illegal settlements in occupied territory do not have to pass a checkpoint and will be able to access these spaces without hindrance. However, U.S. citizens seeking to go to the Palestinian areas of the West Bank or Gaza must cross Israeli checkpoints and therefore can be denied. Despite the U.S. considering the territory occupied, the apparent position being advanced is that Israel can discriminate access to territory it controls. From a reciprocity perspective, this would be akin to the U.S. preventing Israeli passport holders from visiting Florida. There is no other country that has been welcomed into the VWP that maintains this kind of ambiguous territorial situation. From a VWP standpoint, by limiting which ports of entry can be used and which geographic spaces can be accessed, the U.S. would not come to a reciprocal agreement and would be permitting Israel to extend its occupation of Palestinian land and its illegal practices into a U.S. statutorily defined program.

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<sup>3</sup> ["Procedure for entry and residence of foreigners in the Judea and Samaria \[\*sic\*\] area"](#)

<sup>4</sup> Times of Israel, "[Knesset okays passenger data law in final push for US visa waiver, but work remains.](#)"

<sup>5</sup> See Article II of the [Israel Friendship, Commerce and Navigation Treaty](#).



Additionally, there has been a lack of transparency regarding the testing period to determine Israel's compliance with the requirements of the VWP prior to admission. Due to Israel's exceptional position as an occupying power and its long track record of discrimination against U.S. citizens, a robust testing period must last a minimum of 3 months and ensure non-discriminatory policies and actions. During this period, the State Department must also urgently develop and implement a reporting system – including a 24/7 phone hotline – to track denials and mistreatment of U.S. citizens at all Israeli-controlled points of entry and checkpoints.

As key stakeholders in this process who will be particularly impacted by the terms established for Israel's admission into the VWP, we are requesting a joint meeting with senior representatives from both the State Department and the Department of Homeland Security prior to May 31 to discuss the concerns outlined above and receive a comprehensive update on the status of Israel's admission into the program, including the rubric for your assessment of reciprocity.

Thank you for your consideration. We look forward to your response.

Signed,

Adalah Justice Project

American-Arab Anti-Discrimination Committee (ADC)

American Federation of Ramallah, Palestine (AFRP)

Americans for Justice in Palestine Action (AJP Action)

Americans & Palestinians for Peace

American Palestinian Women's Association

Arab American Caucus of the California Democratic Party

Arab American Foundation

Arab American Institute

Beit Sahour USA

Birzeit Society USA

Coalition of Palestinian American Organizations



Council on American-Islamic Relations (CAIR)

Dallas Palestine Coalition

Deir Debwan Charity

Democracy for the Arab World Now (DAWN)

Engage Action

Global Youth for Peace and Justice

Jerusalem Center

Jewish Voice for Peace Action

Jewish Voice for Peace Boston

Know Thy Heritage (KTH)

Mukhmas Charity Fund, Inc.

Muslim Public Affairs Council (MPAC)

New Dominion PAC

Palestinian American Center in Arizona

Palestinian American Coalition - San Francisco

Palestinian American Community Center New Jersey

Palestinian American Council

Palestinian American Council of Chicago

Palestinian American Cultural Center - Houston (PACC)

Palestinian American Organizations Network

Palestinian Christian Alliance for Peace



Palestinian House of New England

Ramallah American Club of Jacksonville

Ramallah Club of Chicago

Ramallah Club of Houston

Ramallah Club of Los Angeles & Orange County

Ramallah Club of Metro Detroit

Ramallah Club of San Francisco

Ramallah Palestine Club of Knoxville

Rebuilding Alliance

Texas Arab American Democrats

The Alliance for Water Justice in Palestine

US Palestinian Community Network

US Palestinian Council

Virginia Coalition for Human Rights

Voices for Justice in Palestine