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The Diversity of Citizenship of Palestinians and its Impact on their Mobility: Passport and Visa Issues

Abstract: This article explores the formal impact of various citizenships and travel documents held by Palestinians on their freedom to engage in international travel. Based on a theoretical analysis of passports and the global visa regime, it claims that international recognition is not only pre-requisite of statehood but also affects the scope of mobility in cases of citizens of de facto states, including the Palestinian Authority. The research is focused on the following themes: the status of the population holding a Palestinian Authority Passport in the West Bank and the Gaza Strip in comparison to Palestinians who are citizens of Israel and carry passports of this state, the exceptional situation of East Jerusalemites as well as the case of Palestinians with Jordanian passports. Visa availability and other formal barriers for international travel are also examined. The argumentation is supported by the analysis of visa restriction indexes referring to the Palestinian Authority and to Israel. The article concludes that the mobility of Palestinians varies to a large extent depending on travel documents held and the recognition of a citizenship and the passport that comes with it is strictly dependent of the recognition of state sovereignty. Although in some cases citizenship can be divorced from the international recognition, the scope of visa-free mobility related to passports is always impaired.

Keywords: *Palestinian Authority Passport; Israeli passport; Palestinian mobility; Palestinian citizenship; visa restrictions; State of Palestine recognition*

Introduction

The main aim of this paper is to compare the scope of freedom of movement of various groups of Palestinians as well as to analyse the scope of visa restrictions and other obstacles for this population. The key purpose is to outline the determinants of the visa restrictions operating in the globalizing world and assess the impact of these formal barriers on the mobility rights of selected categories of persons, mostly holding passports of Israel or the Palestinian Authority. These questions are addressed in a few steps.

Firstly, the theoretical references and the literature review of passports and global visa regime is provided in order to build a solid analytical framework. Based on a theoretical analysis of passports and the global visa regime, the paper proceeds to assess the general impact of international recognition as a pre-requisite of statehood on the scope of mobility in case of citizens of de facto states, including the Palestinian Authority. Secondly, the article investigates the status of those people holding a Palestinian Authority Passport in the West Bank and the Gaza Strip in comparison to Palestinians who are citizens of Israel and carry passports of this state, as well as the situation of East Jerusalemites and the case of Palestinians holing Jordanian passports. The third section is devoted to brief analysis of visa availability and other formal barriers for international travel encountered by Palestinians.

In the last section a conclusion is given. It is based on the findings of a field study carried out for the purposes of this paper. The main results of the research are listed in order to come up with a final answer to the main research questions. The article concludes that the mobility of Palestinians varies to large extent depending on travel documents held and recognition of citizenship and the passport that comes with it is strictly dependent on the recognition of state sovereignty. Although in some cases citizenship can be divorced from the international recognition, the scope of visa-free mobility related to passport is always impaired.

The methodology used for the purpose of this paper is deeply rooted in European studies, which adheres to an interdisciplinary approach. Hence, the article combines elements of legal analysis with comparative politics – the latter is particularly useful for comparing the scope of mobility and visa-free destinations for Palestinians holding different passports and citizenships. The main sources of information are official documents produced at the national level with the argumentation supported by the analysis of visa restriction indexes referring to the Palestinian Authority and Israel. The paper is also based on an extensive review of recent literature devoted to the status of Palestinians in terms of mobility and more general literature about the passport and visa regime.

Passports, visas and sovereignty in the globalizing world

In the contemporary world travellers need passports or other documents, which only nation-states have the right to issue, together with a valid visa depending on which passport they hold and where they want to travel to in order to enter foreign territories (Neumayer, 2006). States have always sought to monopolize and control the legitimate means of circulation inside their territories and at their borders, and this is a manifestation of the international system which was established in 1648 by the terms of the Peace of Westphalia (Caplan & Torpey 2001; Zampagni, 2012, p.8). The Westphalian order confirms the right to a state's exclusionary practices within territories defined by borders, where the unauthorized movement of individuals represents a challenge to the principle of sovereignty, which obviously requires a degree of territorial closure (Zampagni, 2012, p.8). As Anderson and Neumayer argue, the comprehensive passport and visa system used nowadays is inseparable from

the establishment of the modern nation-state, treated as an 'almost inevitable outcome' of the Westphalian order (Anderson, 2000; Neumayer, 2005,p.3). Over the centuries nation-states have successfully managed to monopolize and usurp the authority to determine who may enter their external borders, which came together with the victory of the principle of national sovereignty (Torpey, 2000). Similarly, Torpey and Zampagni consider the emergence of the passports an outcome of the process of institutionalization of the idea of the nation-state referred to as "prospectively homogeneous ethnocultural unit" (Torpey, 2000, p.1, Zampagni, 2012, p.9).

National territory is usually defined as a "space that is enclosed by the borders of other states, over which the state exercises its territorial sovereignty"; in the sense of international law, borders separate these territories and "demarcate the extent of the state's sovereignty" (Mau, 2009). Nowadays national passports for citizens and visa systems designed for non-residents manage the orderly movement of people between states on a temporary or permanent basis. The crucial role of passports is to identify citizens of a state for the benefit of foreign countries, and to guarantee their right of return; they also serve as an important tool for the protection and support of a State's citizens abroad (IOM).

In case of passports, sovereignty and citizenship referred to as international "mechanism for allocating persons to states" evidently imply each other (Brubaker, 1992; Wang, 2004, p.7). These travel documents constitute a kind of "institutional interface that links macro structures (the state) and micro actors (individuals) to each other" which bears dual significance: on the one hand, it confirms the sovereign power of the issuing state and on the other it indicates the legal status (citizenship) of the holder (Wang, 2004, p.7). Sovereignty, as a core concept of world politics, is dependent on mutual recognition, which requires states to exercise authority over their affairs, including control of territory. Thus, undermined sovereignty or problems with state recognition may lead to inconvenience in using the passports for individual citizens, which is the situation for Palestinians, Kosovaars or Taiwanese. Conversely, disrespects to the passport might well be considered harmful to state sovereignty or raise doubts as to an individual's citizenship.

Within the modernist view, the borderlines between countries are clearly defined and the sovereign state is rendered distinct from the international system and perceived as the highest political authority. Even though sovereignty as a key principle might have weakened in recent decades due mostly to globalization processes, the state's power to control and restrict entry into their territory is still commonly accepted and border controls and restrictions have 'historically been viewed as inherent in the very nature of sovereignty' (Collinson, 1996, p.77).

Globalization, understood as the 'widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life', is a broad process interlinking social, cultural and economic developments across spatial and political boundaries (Czaika & Neumayer, 2017, p.75). The spread of information technology, the global flow of goods, deregulation of financial markets, accompanied by an unprecedented rise in cross-border

mobility has arguably limited nation states' capability to enforce their right to control mobility, but it has not eliminated their prerogative to do so (Czaika & Neumayer, 2017, p.75).

Furthermore, mobility of people has become more rather than less restrictive and globalization has not diminished the importance of border control. Even though social, cultural, political and economic boundaries seems to be disappearing in the modern world, which is evolving into a system of global flows and networks, the free movement of persons remains limited. An increasing global flow of goods and services is accompanied by the emergence of a parallel 'immobility regime' exercising surveillance and control over migrants, refugees and other aliens (Turner, 2007, p.289). As Salter put it, this contemporary global mobility control is "made possible and structured through the object of the passport", which makes "certain kinds of identity interpretable and verifiable, rights claimable, border control examinations possible, and certain circuits of mobility more or less easy" (Salter, 2012).

Visas, together with passports are central to the facilitation or prevention of the mobility of certain populations, because they are specifically aimed at controlling admission at the stage of pre-departure and constitute one of the essential requirements for entry under domestic regulations of the states. Visas constitute the first layer of border management systems pursuing the dual objective of facilitating legal access to the national territory while in parallel counteracting illegal immigration' (Moreno-Lax, 2017, p.81). For the purpose of the examination of mobility restrictions for Palestinians, a visa is defined as "permission or authority granted to travel to a country of which the traveller is not a national" or "a document affixed to passports or travel documents which prima facie permits the holder to arrive at the border of the issuing state and, subject to further checks, to pass that border for a period of time" (Guild, 2001, p.31; Mau et al., 2012, p.54).

Visas are considered as being a key instrument practiced by states to maintain control over the level of openness (or closure) of their territories. Similarly to passports, they are institutional devices that links the states regime to individuals – but this time not its own nationals, but foreigners (Wang, 2004, p.5). Visa systems enhance the security-oriented conception of border controls, increasing the effectiveness of risk filtering tools of border management. Restrictive policies in the form of visa requirements are borne out of the securitization of foreigners, which also limits their mobility within the state's borders. Application of visa regime provides an efficient tool of policing, which divides potential travellers into two categories: the legitimate, trustworthy travellers and travellers with dubious intentions (Hobolth, 2014). Thus, selectivity is an inherent feature of modern border management, which must meet the challenge of impeding undesirable mobility without creating obstacles for desirable mobility (Lopez-Sala & Godenau, 2016, p.82). Increasing selectivity can be observed with regard to who faces which type of border control, where certain groups of people can pass borders easily, while others are increasingly confronted with barriers (Mau et al., 2009, p.9).

Threats such as terrorism, organized crime, and illegal immigration shape the modern system of the border and identity checks, which are organized in order to simultaneously

match the requirements of permeability on the one hand and selectivity and differentiation between different groups on the other hand (Mau et al., 2009, p.9). A current analysis demonstrates that barriers to freedom of movement and residence are imposed mostly on 'undesirable' individuals or groups, raising the question of how 'desirability' is determined. Smart visa systems are not only restrictive but also promote certain kinds of desired mobility and function selectively, distinguishing between legal and illegal arrivals (Bossong & Carrapico 2016). Consequently, differently defined groups (including Jews and Palestinians) are subject to different means of control and mobility restrictions.

Individual status determined by citizenship of a certain country together with ethnic origin or religious faith can make the access to a given territory easier or more difficult, or even impossible. According to Cuttitta, the core of the modern conception of international migration control is based on the "non-territorial borders of citizenship", insofar as the entry and stay into and within the territory of a certain state can be "denied or made dependent on specific conditions on the sole ground of state citizenship" (Cuttitta, 2015, p.245). The new migration policies are characterized by increasingly growing distinctions between various categories of foreign citizens, and the most striking example of this trend is the imposition of visa obligation on nationals from certain countries, while citizens from other countries are exempted and are only required a passport or identity document (Cuttitta, 2015). The identification of undesired, risky groups is usually based on nationality, where citizens holding passports of "suspect countries" are subjected to an extended level of border control. The trustworthy travellers enjoy visa-free travel of low control intensity, while "suspected" ones are subjected to more intense individual control measures intended to sort the "unwanted" from the "wanted".

Visa-free travel is an essential part of mobility rights, which allows foreigners to cross borders without going through the often long and costly visa application process. Visa policy is usually directly or indirectly influenced by political, cultural and economic relations between the two states, which manifests itself in visa agreements or even harmonized visa systems among various group of states, as it is in the case of the Schengen visa regime (Wang, 2004). States have established visa waivers for citizens of a number of countries, for whom access to the territory is eased and does not require a formal application before arrival. These groups of travellers benefit from visa waivers because of the citizenship/passports they hold. Hence, as Mau concludes, passports have "unequal power", which allows the holder of a particular passport to acquire a certain status within the global mobility regime (Mau et. al, 2015, p.1195). Free movement is far from being universalized: in the framework of global hierarchy of visa freedom the citizens of poor countries and those with dictatorial regimes or civil conflict face higher mobility barriers, with the strongest restrictions imposed upon countries producing potential illegal immigrants, refugees and visa-overstayers.

The asymmetrical visa relations present a clear pattern of the apparent mobility divide, with the West or North, rich and democratic OECD countries being privileged and the Global South being excluded (Finotelli & Sciortino, 2013, Mau, 2015, p.1196). Thus, unwanted travel

can be effectively restricted by national authorities, while visa-free travel stimulates the creation of a new globalized elite, which enjoys real freedom of movement without noticing the strict security and control measures others are subject to. Although several contemporary studies present a clear pattern of rich and powerful countries enjoying the most visa-free travel while exerting pressure on weaker states to allow open borders (Luedtke et. al, 2010, p.147) the real situation is more complex.

Since visa policy is state directed, it may be influenced by variety of factors, including globalization, state sovereignty and policy making. Luedtke, Byrd and Alexander analyzed several explanatory variables in order to explain reasons for the imposition of visa restrictions and their increasing role as a tool for the regulation of migration flows and their studies led them to the conclusion that main factors allowing for higher visa-free score are geographic region, colonial heritage, population, wealth, trade, freedom (democratic government), education, health, islam, terrorism and violence (Luedtke et.al, 2010, p.151–153). The modern tools, including The Passport Index, The Quality of Nationality Index and Visa Restriction Index enable the quantification of the quality of a particular citizenship and the passport related to it. The quality is dependent on factors such as the state's scale of economy, peace and stability, the passport's visa-free travel access and the ability to settle and work abroad; thus making make one citizenship better than another (Ganohariti, 2017). Using this methodology we may try to analyze the scope of mobility enjoyed by Palestinians and try to examine the main differences between the free movement of selected categories of this population.

Palestinian passport and international recognition

Within the modernist, state-based system, borders clearly demarcate what belongs to the "inside" and to the "outside", with little tolerance left toward overlapping spaces, including *de facto* States. Accession to uncontested statehood is a dynamic process where the status of the would-be State is shrouded in ambiguity: Kosovo and Palestine are cases of partial, incomplete recognition; hence their undefined status in international law (Finck, 2016 p.53). Consequently, the Palestinian passports as well as the Palestinian Authority, whose sovereignty is in question, put a question mark against the traditional Westphalian model of the homogeneous nation-state with continuous clear-cut borders. To date, 132 member States of the United Nations have recognized the "State of Palestine"; additionally it was granted "non-member observer State status in the United Nations" by the General Assembly (Finck, 2016, p.77).

The question for the legal basis for Palestinian statehood will not be examined here: instead the following section focuses on the Palestinian Authority passport and the mobility rights it offers to its holders. The world's population still faces visa restrictions based on their nationality and – as passports have unequal power – they grant differentiated travel freedom related to the country of citizenship, thus giving divergent status within the global mobility

regime. In accordance with the Oslo agreement signed in Washington on September 13, 1993, the Palestinian self-government was entitled to issue Palestinian Authority Passport/ Travel Documents for the purpose of international travel. The Palestinian Authority (PA) began to produce passports officially in April 1995, which had a "symbolic importance as a representation of Palestinian national aspirations" and was timed to allow Palestinians to travel to Mecca for the *haj* (holy pilgrimage) on their own national documents (UNHCR, 1998).

Even though for Palestinians the passport remains a 'crucial symbol of nationhood", its international recognition is definitely not obvious. For instance, the U.S. Department of State declared that while the Palestinian Authority Passport meets the requirements of a passport defined in Immigration and Nationality Act, and therefore is acceptable for visa issuing purposes and travel to the USA, the United States does not recognize Palestine as a country. Consequently – according to US authorities – the Palestinian Authority Passport/ Travel Document does not confer citizenship (UNHCR, 1998).

The holder of a Palestinian Authority passport is not regarded a citizen of Palestine - rather, such a person will generally not be considered by states to have citizenship of any country. Therefore, a Palestinian visiting or immigrating to the US (and other countries not recognizing the state of Palestine) even with a PA passport or travel document, will still be considered stateless (Cohen, 2017). Even though 136 of the 193 member states of the United Nations recognize the State of Palestine, a wide variety of views regarding the current legal status of this entity are observed among the members of the international community and scholars. Hence, the recognition of a Palestinian passport as document conferring citizenship remains a complex issue and still more than half of the eight million Palestinians are considered to be *de jure* stateless. The legal status of this population varies greatly and falls broadly into a few groups, depending on documents hold. (Ref, 2018).

International mobility of Palestinians in the West Bank and Gaza (Palestinian Authority)

The first group comprises persons remaining on the territories under the Palestinian Authority, who are progressively issued a Palestinian passport after the approval of the Israeli authorities. Since the Oslo Peace Accords, the passport issued to Palestinian residents of the West Bank and Gaza reads "Palestinian Authority" and features the Authority's seal on its cover. The provisions of Oslo Peace Agreements stipulating that the Palestinian Authority is officially in charge of issuing passports may be somewhat misleading – since the majority of Palestinians are *de jure* stateless, the issuing of valid travel documents is still dependent on the Israeli authorities. When referring to eligibility for PA passport it should be noted that the document is available to individuals who are able to present a birth certificate proving that he/she was born in Palestine. Which territories are covered by term "Palestine" for this purpose is not specified; however the applicant has to hold a valid Palestinian identity card.

Although identity cards are produced on the basis of the Palestinian population registry, which was handed over to the PA, Israeli authorities still maintain strict control over every new entry to the system, such as for registering children, spouses or even change of address. As del Sarto points out, for more than decade Israel has been "extremely reluctant" to process new applications in the PA territories, maintaining rather a constant policy of denying and revoking Palestinian residency in the West Bank, Gaza and East Jerusalem, thus "stripping approximately a quarter of a million Palestinians of their residency rights" (del Sarto, 2015, s.62).

At present, holders of PA passports suffer a strongly limited scope of international travel freedom due to numerous visa restrictions imposed by majority of states in the world, particularly Western countries including all EU member states. According to the latest report of Henley & Partners (a global consulting company analyzing visa regulations around the world and publishing a comprehensive list detailing the restrictions a holder of each passport faces), passports issued by the Palestinian Authority (together with Ethiopia and South Sudan) have been ranked in the 96th position in the world in terms of visa restrictions to access other countries. Although the Palestinian Authority in 2018 report scored better than Kosovo (97), Somalia (101) or Afghanistan, which came at the bottom of the list (105), as of 2018 the PA passport holders are able to access only 39 countries without a visa (Henley Visa Restrictions Index, 2017).

Graph 1. Area of visa-free movement for PA passport holders (in dark color)

Source: https://www.henleypassportindex.com

As mentioned, the Palestinian Authority passport is recognized by a relatively small number of states and considered mostly a travel document pending the formation of a fully-fledged Palestinian state (Shiblak, 2006, p.1). In 2015 Palestinian President Mahmoud Abbas declared that the Palestinian national authority proposed to change its name on the passports it issues to "State of Palestine" (replacing the name Palestinian Authority). The news was confirmed in 2016 by Hussein al-Sheikh, the Palestinian Minister of Civil Affairs, who stated that his government intends to issue passports stamped with the name and seal of the "State of Palestine" (MOFA, 2015).

It is more than probable that Israeli authorities would consider such act as a violation of Oslo Accords, which grant to the Palestinian Authority the right to issue passports in accordance with the agreed-upon provisions of the agreements (which means, that the PA cannot issue such documentation independently and not in accordance with the agreements). The case is regulated by the 1995 "Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip" and detailed in its Annex III (Protocol Concerning Civil Affairs, Appendix 1 – "Powers and Responsibilities for Civil Affairs"). In particular, article 28 par.7 of the protocol (titled "Population Registry and Documentation") stipulates, that "Israel recognizes the validity of the Palestinian passports/travel documents issued by the Palestinian side to Palestinian residents of the West Bank and the Gaza Strip in accordance with the Gaza-Jericho Agreement and this Agreement. Such passports/travel documents shall entitle their holders to exit abroad through the passages or through Israeli points of exit." In the light of these provisions it may be argued, that issuance of passports purporting to be formally in the name of a "State of Palestine," will have no validity and would not be accepted by Israel or other states advocating the continuation of the Oslo peace process (Baker, 2015).

International mobility of Palestinian citizens of Israel (Israeli Palestinians)

Obviously, obtaining a passport issued by the Palestinian Authorities does not translate into a recognition of citizenship equal to Israeli citizenship. In fact, the freedom of international travel enjoyed by Palestinians in that case seems to be limited in comparison to holders of an Israeli passport. The latter ranked 22nd in 2018, granting visa-free access to 152 destinations according to Henley & Partners and 21st according to Passport Index with the ability to visit 142 countries without the visa requirement (Henley & Partners 2018; Passport Index 2018). There is, however, a significant number of Palestinians living in Israel (often referred to as Arab citizens of Israel or Arab Israelis) holding Israeli citizenship. Most of them (1,658,000 citizens, representing approximately 20.7% of the state's population) identify themselves as Palestinian citizens of Israel (or Israeli Palestinians). In many cases they have family ties to Palestinians living in the West Bank And Gaza or Palestinian refugees remaining in neighboring states, particularly in Jordan, Syria and Lebanon.

Graph 2. Area of visa-free movement for Israeli passport holders (in dark color)

Source: https://www.henleypassportindex.com

Even though the group mentioned is classed as Israeli citizens, the unique citizenship policy of that state may seriously affect their situation. The Law of Return of 1950 provides a superior status in Israeli law to 'Jewish nationals' (which refers to any Jewish person, wherever they reside) who are granted privileges, namely to enter and live in Israel and to obtain Israeli citizenship. Therefore a Jewish Israeli citizen has both Jewish nationality and Israeli Citizenship, while a non-Jewish person (including Palestinian) can only be granted Israeli citizenship.

Furthermore, section 1 of Citizenship Law of 1952 stipulates that 'Israeli citizenship' is acquired by return (but Palestinians forced to flee during the 1948 war are deprived of this opportunity under the Prevention of Infiltration Law 1954), by residence in Israel, by birth and by naturalization. In turn, section 3(a) grants citizenship (but not nationality) to Palestinians who were present in the territory of Israel between 1948 and 1952 and their descendants. An aspect crucial to understanding Israeli nationality law is that "citizenship (Israeli) is distinguished from nationality (Jewish, Arab, Druze, etc.), where the last one can be viewed as rather "ethnic identification." In Israel, nationality takes on added significance because it can determine how one acquires citizenship – consequently a non-Jew may obtain Israeli citizenship but not through the Law of Return (Altschul, 2002, p.352).

It should be noted that approximately 50–60% of the Palestinian population (around 750,000 persons) was outside the territory between 1948 and 1952 as a result of the 1948 conflict which caused them to flee. They were thus prevented from returning and acquiring the citizenship of the new state (as required under the law of state succession) and were de facto 'de-nationalised' and consequently became stateless (Alqasis, 2012, p.6). On the basis

of the Citizenship Law mentioned, only 150,000 Palestinians who remained in the territory of Israel after 1948 were granted citizenship.

Although a significant number of Israeli Palestinians finally obtained Israeli citizenship, they may be deprived of it (and consequently lose their Israeli passport) on the basis of other provisions. Amendment 9 to the Citizenship Law of 2008 allows for Israeli citizenship to be revoked on grounds of 'breach of trust or disloyalty to the State'. The breach is defined as committing, assisting in, or enticing into the commitment of a terrorist act or an act that constitutes treason or aggravated espionage. Such provisions reflect a rather common global trend - after decades in disuse Britain resuscitated the citizenship-stripping practice as part of its counter-terrorism strategy in the wake of the 9/11 and 7/11 terrorist attacks in New York, Washington and London, while Canada followed suit with the 2014 Strengthening Canadian Citizenship Act. In the same year assorted legislators in Austria, Australia, Netherlands, and the United States expressed interest in enacting (or reviving) citizenship stripping laws (Macklin, 2015,p.1)

Most striking, however, is that acquiring citizenship or a right to permanent residence in an enemy country or an area specified as Iran, Afghanistan, Libya, Sudan, Syria, Iraq, Pakistan, Yemen, and the Gaza Strip (remaining since 2007 under the governance of Hamas administration) also constitutes such a breach of trust or disloyalty to the state of Israel. This may provide for an arbitrary decision to strip Palestinians of their Israeli citizenship under provisions of Citizenship Law. Similarly, an Israeli citizen may not visit the countries listed above without a special permit issued by the Israeli Interior Ministry (Alqasis, 2012, p.8).

The acquisition and – in the light of considerations above – maintaining of Israeli citizenship becomes a much more complex issue affecting the international movement of Palestinians. The passport obtained by Israeli Palestinian indicates the legal status (Israeli citizenship) of the holder and confirms the sovereign power of issuing state (Israel). One must remember, however, that Israel is currently the only country in the world to provide two different types of travel documents to its citizens without (formally) distinguishing between different classes of citizenship, but depending solely on their residence status. In principle, an international passport is guaranteed to Israeli natives and new repatriates who are Israel permanent residents. Individuals, who only recently received their Israeli citizenship or who do not constantly live in Israel are granted an international 'provisional passport', mistakenly referred to as named 'laissez-passer' (Gervits, 2016).

The documents are not equally valued: according to the Kochenov Quality of Nationality Index the passport of Israel is ranked 46th with a total value of 44.6% and is of High Quality while the Israeli Laissez-passer occupies the 100th place with 29.5% and is of Medium Quality. This guarantees Palestinian Israeli citizens visa-free or visa on arrival access to 150 countries and territories. There are only 58 countries, however, which officially allow visa-free travel or visa-on-arrival to Israeli citizens holding 'provisional passports', including all Schengen countries, the Russian Federation, New Zealand, Singapore, Hong Kong and Japan (Gervits, 2016).

Finally, the complex relations of Israel with Arab states directly affect international movement freedom of both Jews and Israeli Palestinians, mostly due to recognition issues. As was already mentioned, undermined sovereignty or problems with state recognition may lead to inconvenience in using the passports for individual citizens, which is partly the case of holders of Israeli documents. Currently, among a total of 32 United Nations member states that do not recognize or do not maintain diplomatic relations with the State of Israel, the vast majority belong to the Arab League (Algeria, Bahrain, Comoros, Djibouti, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen) and the only exceptions are bordering states: Egypt and Jordan. The next 10 countries are members of the Organization of Islamic Cooperation, including Afghanistan, Bangladesh, Brunei, Chad, Indonesia, Iran, Malaysia, Mali, Niger and Pakistan. Other states with problematic relations with Israel are Bhutan, Cuba, and North Korea.

In terms of travelling to the states mentioned above, the status of Israeli passport holders (including Palestinian Arabs) remains unclear, since some of these countries (Afghanistan) or autonomous parts of them (Iraqi Kurdistan) generally accept Israeli passports and seem to acknowledge other indications of Israeli sovereignty, or at least accept these documents for transit purposes (United Arab Emirates). According to data presented by the International Air Transport Association (IATA), admission is forbidden for Israeli passport holders in cases of Algeria, Bangladesh, Brunei, Iran, Iraq (except Iraqi Kurdistan), Kuwait, Lebanon, Libya, Malaysia, Oman, Pakistan, Saudi Arabia, Sudan, Syria, United Arab Emirates and Yemen (IATA, 2018). Paradoxically, travelling Palestinian Arabs holding Israeli passports may be refused entry to some Arab states listed above. The data provided by IATA should be, however, approached with caution due to the dynamics of Israeli diplomatic relations.

Special status of Palestinians in East Jerusalem

A discussion on the mobility of Palestinians would be incomplete without addressing the special case of the Palestinian population living in East Jerusalem – a territory annexed by Israel in 1967. Primarily, all Jerusalemites were allowed to apply for Israeli citizenship, provided they meet the necessary requirements for naturalization, including swearing allegiance to the State of Israel and renouncing all other citizenships they hold. In this sense, they were formally entitled to obtain the passport of the State of Israel. Although East Jerusalem Palestinians hold Israeli ID cards, very few decided to apply for an Israeli passport. The majority preferred to keep the status of permanent residents instead, thus refusing Israel's claim to sovereignty and its rule on occupied territories. Consequently, Palestinians living in East Jerusalem hold only *laissez-passer* – the travel document issued to "permanent residents" by Israel.

At present, the population of nearly 350,000 East Jerusalem Palestinians constitutes 37 percent of the capital's population. Since the vast majority of them have only city residency

documents, (allowing them to work and move about) they are in fact stateless and for travel abroad, they use temporary documents issued by Israel (Times of Israel, 2016). This may constitute an obstacle during journeys to several Arab states – due to many of these countries not recognizing Israel, they reject Israeli travel documents. As a result, many Palestinians residing in East Jerusalem apply for a Jordanian passport and use it for all their travel. Even though many Palestinians in East Jerusalem hold Jordanian passports, they are temporary and do not confer citizenship, leaving the status of Palestinians still unsettled. Additionally, these documents are generally irrelevant for East Jerusalem Palestinians leaving and entering the territory under Israeli rule, since Israeli border authorities only consider the *laissez-passer* Israel issues (Del Sarto, 2015, p. 62).

The "Times of Israel" reported, that in the last decade more Palestinians in East Jerusalem are applying for Israeli citizenship in order to exchange their "vulnerable status as mere city residents for the rights and ease of travel that come with an Israeli passport" but the Interior Ministry takes an average of three years to rule on applications. After a long time of maintaining its offer of citizenship to East Jerusalemites, Israel is now slowly withdrawing from granting it and making the Palestinian applicants wait months for an appointment with the Interior Ministry (Times of Israel, 2017).

Statistics confirm that between 2003 and 2013, Israeli citizenship was denied or delayed to about half of applicants and over the past years, the processing of citizenship applications for East Jerusalem Palestinians has come to an almost complete halt. Between 2014 and 2016 of 4,152 East Jerusalemites who applied for citizenship, only 84 were approved and 161 were rejected. The rest of the applications are pending – formally, still being processed. Considering that lengthy application process includes the requirement to have proficiency in Hebrew (even though Arabic is also an official language of the Israeli state) it seems that current official policy is evidently aimed at discouraging East Jerusalemites from requesting citizenship, even though the Population and Immigration Authority, who is in charge for processing the applications, strongly denies this accusation, blaming the rising number of requests for naturalization to process (Times of Israel, 2016)

Status of Palestinians living in Jordan

This refers mainly to Palestinians who have been issued temporary Jordanian passports. The Palestinians residing in Jordan mostly have a Jordanian passport, but their status is not equal to other nationals of this country as their passport is valid for a period shorter than that granted to those with full Jordanian citizenship (UNHCR, 2015).

Palestinians currently living in Jordan may be divided in several groups, including:
   a) Jordanians of Palestinian origin holding a five-year passport,
   b) "West Bankers" holding two-year passports (not connoting citizenship, which was eventually changed in 1996 to a five-year passport)

c) "Gazans" – holders of two-year passports (which is valid as a travel document that does not give them access to services as citizens (UNHCR, 2015).

d) It should be also noted, that another, separate group is formed by Palestinian refugees that remain outside the Palestinian territories, who are stateless and thus possibly given only travel documents by the host states. This refers to holders of the 'Refugee Travel Document' (RTD) issued mostly by Syria, Lebanon, Egypt, Iraq and some other Arab countries (Shiblak, 2006, p.1).

Other Palestinian mobility obstacles

An important aspect of Palestinian mobility is the ability of this group to apply for visas before international travel. Lodging a visa usually requires personal appearance in Jerusalem, where the majority of consulates are situated. As a result, many West Bank and Gaza Palestinians encounter problems during the visa application process, since Israel effectively prevents them from reaching Jerusalem. Furthermore, even if Palestinians hold a valid visa to the destination country, the Israeli security services still may deny them exit, mostly on security grounds. Finally, Israel decides on the point of departure of Palestinians travelling abroad, as well as the on point of entry upon their return (del Sarto, 2015, p.63). It was also mentioned, that a minority of West Bank Palestinians also hold Jordanian or other, including EU and US passports, but as in case of East Jerusalem residents, these documents are irrelevant for West Bank Palestinians wishing to enjoy international travel, because to leave the territory they have to go through Israeli border controls which only consider PA passports (del Sarto, 2015, s.63).

This paper is focused more on Palestinian freedom of international travel; however when dealing with obstacles to the mobility of this population, other means of controlling the movement of persons practiced by Israeli authorities should be also discussed, particularly the 'exit permit' and ID cards. The first – Issued by the Israeli Ministry of Interior – is demanded to leave the country. Generally, it is illegal for a Palestinian in the occupied West Bank to travel to Gaza and Jerusalem unless they have a special travel permit from Israeli authorities. Similarly, Palestinians in Gaza are forbidden from going to Jerusalem (and the West Bank) unless the Israeli military issues them a permit (Alsaafin, 2017).

More importantly, Israel's control over the Palestinians in the occupied territories is built on a system of colour-coded ID Cards (Palestinians in the West Bank and Gaza have green IDs, while those living in East Jerusalem and Israel have blue IDs). This «colorful" division affects for decades all the life activities of this population, including demographics and freedom of movement. Israel's power to decide over the residency status has become a relevant tool of control, since Palestinians must be included in the Palestinian population registry to obtain ID cards and eventually – passports. In the West Bank Palestinians must have their IDs even for internal travel purposes, due to the checkpoints interspersed within the territory (Alsaafin, 2017).

From the Palestinian point of view, the Israeli ID cards policy is perceived an introduction of internal passports, authorizing movement *per se* and used by the authorities to enforce intermittent checks on movement. Indeed - operating mostly as internal identification documents used by authorities to control movement Palestinians, they share a lot of the features of passports, enabling their bearers to obtain access to the benefits associated with citizenship of a particular state (Torpey, 2000, p.165).

Conclusion

The scope of mobility rights of Palestinians is strictly dependent on the place they reside, but also to a major extent on the documents they hold. Part of this population is equipped with a Palestinian Authority passport, which offers little international travel freedom and proves that recognition of a citizenship (and the passport that comes with it) is strictly related with the recognition of state sovereignty. As a result, passports of *de facto* states like Palestine, Kosovo or Taiwan have remained largely unrecognized by the international community. This may create a paradoxical situation, where individuals – due to their ambiguous legal status – are labelled as stateless persons by the international community, despite possessing the citizenship of the *de facto* state (Ganohariti, 2017).

Although the case of the PA passport proves citizenship can be divorced from the recognition of state sovereignty, the scope of mobility related to passports of concrete *de facto* states may vary: despite Taiwan's status of a "pariah state", with diplomatic relations limited to a short list of 20 countries, the Taiwanese passport is widely accepted, offering its citizens a medium level of visa-free travel opportunities, with a rank of 32 of a total 96 in the Global Passport Power Rank (Global Passport Index, 2018). This contrasts evidently with Kosovo and Palestinian Authority passports (accordingly – ranking at 85 and 86) while most *de facto* states, including Abkhazia, Northern Cyprus, South Ossetia, Somaliland or Transnistria are not even included in visa-free travel indexes, mostly due too very poor international recognition (Global Passport Index, 2018).

Because of the significant visa restrictions imposed on holders of PA passports, they are of little value in terms of the scope of mobility offered. Using the methodology of Luedtke, Byrd and Alexander, shared also by Mau, Czaika and Neumayer, it may be assumed that many (especially Western/OECD) countries are reluctant to issue visas to this category of travellers mostly because of terrorist threat, Islam, weak economy, and problems with peace and stability. Additionally the security theory predicts that travellers from poor or politically unstable countries will more likely face stringent visa restrictions when travelling to other destinations. It should be noted that Palestinians, living in a partly recognized state (PA), face typical restrictions imposed upon countries producing potential illegal immigrants, refugees and visa-overstayers. Due to these reasons it may be expected that improving recognition of the State of Palestine would increase travel opportunities for its citizens only to a small

extant - political, economic, demographic and security problems would cause it to remain on the "visa black lists" of the majority of countries of the Western world.

On the other hand, the existence of the State of Israel is also denied by several (mostly Arab) states; thus Palestinians holding Israeli citizenship and passport may be also affected, since their documents may be not recognized when travelling to these states. In this case restrictions based on international recognition have an impact on the mobility of all Israeli passport holders, no matter if they are Jewish or Palestinian Israelis. Nevertheless, the power of the Israeli passport is evidently higher in comparison to that issued by the Palestinian Authority. For instance, Palestinian Authority is included in the EU "black list", i.e. common list of countries whose citizens must have a visa when crossing the external borders, while Israel is listed among countries whose citizens are exempt from that requirement. Well-established diplomatic relations, wealth, a stable democracy and a generally accepted conviction of Israel's belonging to Western world constitute the main reasons for visa-waivers offered to this country. So far holders of Israeli passports are the most privileged category of Palestinians with regard to mobility opportunities, but obtaining this document may be difficult or even impossible for them because of various administrative reasons.

The situation of other categories of Palestinians, including holders of an Israeli provisional passport, temporary Jordanian passports or Palestinian refugees that remain outside the Palestinian territories, who are stateless and holding only a 'Refugee Travel Document' is even worse, due to numerous restrictions during international travel. Additionally, problems with lodging a visa application due to the consulates location in East Jerusalem and the Israeli ID Cards policy, which functions similarly to internal passports, completes the picture of the main obstacles to the mobility of Palestinians.

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