

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	419
Land:	Gaza-Vestbredden
Kilde:	EASO – European Asylum Support Office
Titel:	Background Information on the Rafah border crossing and its control
Udgivet:	26. november 2019
Optaget på baggrundsmaterialet:	6. maj 2020

**COI QUERY**

Country of Origin	Palestine
Question(s)	1. Background information on the Rafah border crossing and its control 2. Procedures at the Rafah border crossing 3. Overview of numbers of persons allowed to travel through the Rafah border crossing in 2017, 2018 and 2019
Date of completion	26 November 2019
Query Code	Q30
Contributing EU+ COI units (if applicable)	

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 26 November 2019. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Background information on the Rafah border crossing and its control

At times, conflicting information on the control and operation of the Rafah border crossing has been found.

Gaza remains under an Israeli air, sea and land blockade since 2007.¹ The only two legal crossings for people from Gaza are the Erez crossing into Israel and the Rafah crossing into Egypt.²

The Rafah crossing is the only border crossing to and from Gaza which is not controlled by Israel, but by Egypt.³ However, only persons with registered residency⁴ in Gaza can use the Rafah crossing to exit for Egypt, according to a May 2019 report by the Danish Immigration Service (DIS).⁵ Sources indicate that Israel effectively decides who will be registered as a resident in Gaza.⁶

About the possibilities to travel for Palestinians, Gisha, an Israeli organisation that aims to protect freedom of movement of Palestinians, especially in case of Gaza residents, wrote in September 2019 that:

‘To travel, or to coordinate movement of goods, Palestinians must submit permit applications to Israeli authorities and receive their approval. Israel's control over and restriction of Palestinians’ freedom of movement violates their fundamental rights to family life, health, education, religious worship, and more. The procedures issued by the authorities shape the lives of Palestinians both in the West Bank and in the Gaza Strip.’⁷

¹ AI, Human rights in the Middle East and North Africa: Review of 2018 -Palestine (State of), 26 February 2019, [url](#), p. 1; UNOCHA, Gaza Blockade, n.d., [url](#); UNRWA, Update on UNRWA operations in Gaza, April 2019, [url](#)

² WHO, Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan, 1 May 2019, [url](#), p. 9; UNHCR, Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return, 23 February 2018, [url](#), p. 22

³ CRS, Egypt: Background and U.S. Relations, 12 March 2019, [url](#), p. 13; HRW, Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers, 2 April 2017, [url](#), p. 37; UNOCHA, Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, 8 October 2018, [url](#)

⁴ The DIS notes that, with some exceptions, a Palestinian ID is in practice equal to a Palestinian residence permit. See: DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), pp. 8, 12, 28, 52, 69

⁵ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 18

⁶ HRW, Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers, 2 April 2017, [url](#), p. 37; DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 12; NRC, Undocumented and Stateless: The Palestinian Population Registry and Access to Residency and Identity Documents in the Gaza Strip, January 2012, [url](#), p. 67

⁷ Gisha, Status of Authorizations: Changes to Israel's criteria on movement of people to and from the Gaza Strip, September 2019, [url](#)

In November 2017, at the Palestinian side, the Palestinian Authority (PA) took control of the Rafah crossing from Hamas, which was in charge of it since 2007⁸ and kept it under its control until the beginning of January 2019.⁹ Regarding this handover of control, Middle East Eye (MEE) wrote that '[o]n 1 November [2017], Hamas, under an Egypt-brokered reconciliation accord signed last month with the Palestinian Authority (PA), handed over control of the crossing to the PA, which is due to take full control of Gaza by 1 December [2017].'¹⁰

About the aforementioned deal, Haaretz noted that '[t]he PA announced they'd abide by the agreement struck in 2005 between Israel and the PA,¹¹ giving them, along with the Egyptians, the right to deny entry/departure for people crossing through Gaza's only gate to the world, the Rafah border crossing.'¹²

Other sources indicate that in 2018, Egypt remained in control of the crossing, without specifically mentioning a role of the PA.¹³

The Palestinian Centre for Human Rights (PCHR) reported, that at the end of 2018, Hamas and the PA 'returned to exchange accusations', including an argument about Hamas allegedly taking the revenues from fees and taxes in the Gaza Strip for themselves which made the PA to prevent its staff from working at the crossing at the end of the year.¹⁴

In January 2019, the PA removed its staff from the Rafah border crossing after alleged abuses by Hamas towards the PA staff.¹⁵ According to Al Jazeera, '[t]he PA accused Hamas, which governs the Gaza Strip, of "arresting and abusing" its employees'.¹⁶ After the incident, Egypt closed the crossing for departures from Gaza.¹⁷ Sources indicate that Hamas took control of the Rafah crossing shortly afterwards.¹⁸

⁸ Mada Masr, Hamas hands control of 3 crossings to Palestinian Authority, 2 November 2017, [url](#)

⁹ Al Jazeera, Gaza: Hamas says Rafah crossing with Egypt to briefly reopen, 28 January 2019, [url](#); BBC News, Palestinian Authority removes staff from Gaza-Egypt crossing, 7 January 2019, [url](#); France 24, Palestinian Authority pulls staff from Rafah border crossing, 6 January 2019, [url](#); Xinhuanet, Egypt closes Rafah border crossing for Palestinians, 9 January 2019, [url](#)

¹⁰ MEE, Rafah crossing and the impossibility of leaving Gaza, 28 November 2017, [url](#)

¹¹ Available at: Israel, Ministry of Foreign Affairs, Agreed documents on movement and access from and to Gaza, 15 November 2005, [url](#)

¹² Haaretz, Endless Waiting, Suffocating Heat, Filthy Prison Cells and Blackmail: What Palestinians Face When They Leave Gaza, 11 November 2017, [url](#)

¹³ Freedom House, Freedom in the World 2019 - Gaza Strip, 4 February 2019, [url](#); HRW, World Report 2019 - Israel and Palestine, 17 January 2019, [url](#)

¹⁴ PCHR, Annual report 2018, 1 July 2019, [url](#), p. 112

¹⁵ Al Monitor, For Hamas, Reconciliation with Egypt worth more than Qatari Cash, 31 January 2019, [url](#); BBC News, Palestinian Authority removes staff from Gaza-Egypt crossing, 7 January 2019, [url](#); France 24, Palestinian Authority pulls staff from Rafah border crossing, 6 January 2019, [url](#); Wafa (Palestine News Agency), Fatah says Hamas is holding over 1000 of its members in Gaza, 7 January 2019, [url](#)

¹⁶ Al Jazeera, PA pulls staff from Rafah crossing after 'abuse' of its members, 7 January 2019, [url](#)

¹⁷ Times of Israel (The), Israel said urging Egypt to reopen Gaza crossing over fears of fresh violence, 10 January 2019, [url](#); Xinhuanet, Egypt closes Rafah border crossing for Palestinians, 9 January 2019, [url](#)

¹⁸ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 18; Gatestone Institute, Why Egypt Does Not Want to Help Gaza, 11 September 2019, [url](#); Xinhuanet, Egypt closes Rafah border crossing for Palestinians, 9 January 2019, [url](#)

2. Procedures at the Rafah border crossing

In January 2019, Gisha reported that exit of the Gaza residents through the Rafah border crossing is subject to strict Egypt's criteria. Persons who are allowed to travel are those 'who hold Egyptian or foreign passports, people with referrals for medical treatment, students, or residents who have entry visas to third countries'.¹⁹ The source indicates that in the end, Egypt decides who will be allowed to travel through the crossing.²⁰

According to a United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) report dated October 2018, there were two lists of 'permitted travelers' via Rafah, one kept by Ministry of Interior run by Hamas and the other managed by the Egyptian authorities.²¹ In third quarter of 2018, some 23,000-30,000 Palestinians were reportedly registered to leave through Rafah.²²

World Health Organisation (WHO) indicates that one of the category of persons allowed to travel to Egypt through the Rafah crossing are people in need of the health care. For example, in 2018, out of totally recorded 59,849 crossings by Palestinians, 1,510 crossings were for patients and 1,464 for their companions. According to the same source, 11 % of all attempted crossings were unsuccessful, with persons returned to Gaza by the Egyptian authorities.²³ Other category of persons allowed to leave reported by the source were pilgrims.²⁴ PCHR referred to 'humanitarian cases' when talking about those traveling to and from the Gaza Strip.²⁵

However, according to Freedom House, individuals wishing to travel through Rafah needed a 'Hamass government clearance' to be able to do so, which was 'still extremely difficult' to receive in 2018.²⁶ The US Department of State (USDOS) report for the year 2018 indicated that Palestinians needed permissions from both Hamas and the Egyptian authorities to travel through Rafah.²⁷ According to the same source, Hamas authorities were sometimes able to restrict such movements.²⁸

¹⁹ Gisha, Rafah Crossing opened for travel to and from Gaza for three days only. Salah A-Din Gate closed to movement of goods, 29 January 2019, [url](#)

²⁰ Gisha, Gaza in Numbers, 31 August 2017, [url](#), p. 5.

²¹ UNOCHA, Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, 8 October 2018, [url](#)

²² Gisha, Erez Crossing closed again; Tens of thousands on waiting list to exit Gaza through Rafah, 5 September 2018, [url](#); UNOCHA, Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, 8 October 2018, [url](#)

²³ WHO, Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan, 1 May 2019, [url](#), p. 9

²⁴ WHO, Monthly Report: Health Access - Barriers for patients in the occupied Palestinian territory, August 2019, 29 September 2019, [url](#)

²⁵ PCHR, Annual report 2018, 1 July 2019, [url](#), pp. 47-48

²⁶ Freedom House, Freedom in the World 2019 - Gaza Strip, 4 February 2019, [url](#)

²⁷ USDOS, Country Report on Human Rights Practices 2018 - Israel, Golan Heights, West Bank, and Gaza - West Bank and Gaza, 13 March 2019, [url](#)

²⁸ USDOS, Country Report on Human Rights Practices 2018 -Israel, Golan Heights, West Bank, and Gaza - West Bank and Gaza, 13 March 2019, [url](#)



WHO described the process for leaving Gaza through the Rafah crossing as 'confusing and obscure', adding that 'the journey across the Sinai is long, arduous with many checkpoints, and complicated by a night curfew imposed by Egyptian authorities.'²⁹

Reports dated 2016 - 2018 indicated that travels could be facilitated by bribes. Reportedly, Egyptian authorities let those able to pay a fee between \$2,000 - \$10,000 to put their name on a 'coordinated passages' list and to leave Gaza with priority.³⁰ UNOCHA reported on cases when persons who were on a waiting list to exit Gaza for a month were allowed to travel before persons who were registered for 8 months already.³¹ A more recent article dated July 2019 indicated that the practice with the 'coordination' payments continued and the bribes were reportedly received by the 'authorities on both sides of the border'.³²

Mada Masr, an Egyptian news website, wrote the following about the traveling through the Rafah crossing into Egypt in June 2018:

'Palestinians must board special busses [sic] and pay large sums of money to register through travel agencies in Gaza. These agencies then submit applications to officers on the Egyptian side, according to several people who attempted the trip. Once officials in Palestine receive a select list of names approved by the Egyptians, they notify those selected to prepare to cross. The list, however, is always handwritten and never bears the official mark of Egypt's Interior Ministry or any other government agency.'³³

About the administration of the Rafah crossing, the DIS report found that '[t]he procedures in place at the border crossings to the Gaza Strip are not transparently implemented. They are not bound by strict rules; including on the Israeli side. In particular, the situation at the Rafah Border Crossing is subject to changing procedures.'³⁴

Based on the interviews with the Palestinian Ministry of Interior in Ramallah in April 2019, DIS informed that the Palestinians from Gaza need to submit their passports and IDs in order to be able to travel. In addition, Palestinians younger than 40 need to obtain a visa if they want to enter and leave Egypt.³⁵

²⁹ WHO, WHO Right to Health in the occupied Palestinian territory, 2018, October 2019, [url](#), p. 37

³⁰ Al Jazeera, Palestinians paying thousands in bribes to leave Gaza, 5 September 2016, [url](#); Haaretz, Endless Waiting, Suffocating Heat, Filthy Prison Cells and Blackmail: What Palestinians Face When They Leave Gaza, 11 November 2017, [url](#); Mada Masr, At the Terminal: Stories from the Rafah Border Crossing, 12 June 2018, [url](#); MEE, Rafah crossing and the impossibility of leaving Gaza, 28 November 2017, [url](#)

³¹ UNOCHA, Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, 8 October 2018, [url](#), accessed 31 October 2019

³² NPR, 'I Want To Get The Hell Out Of Here': Thousands Of Palestinians Are Leaving Gaza, 4 July 2019, [url](#)

³³ Mada Masr, At the Terminal: Stories from the Rafah Border Crossing, 12 June 2018, [url](#)

³⁴ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 19

³⁵ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 81

Regarding the entry into Gaza from Egypt, the same source noted that:

‘Entry procedures are not transparent. Entering the Gaza Strip requires coordination with the Egyptian authorities. Palestinians travelling through the Rafah Border Crossing could travel using a valid Palestinian passport or an ID card. In principle, Palestinians who reach the Egyptian side of the Rafah Border Crossing will be allowed to enter the Gaza Strip. However, security blocked Palestinians will be rejected entry.’³⁶

An older document on the border procedure regarding the passage of Palestinian dating December 2012 states that in order to travel, and if they are ‘active Palestinian residents over the age of 16’, they would need to present either ‘valid Palestinian passport which is updated in the “rolling stone” Computer’ or ‘departure card and a valid ID card’.³⁷

According to a humanitarian organisation interviewed by DIS, ‘the daily working hours [at the Rafah crossing] are as follows: from 10 AM – 12 PM noon for departures and from 12 PM - 7 PM or 8 PM for arrivals.’³⁸

3. Overview of numbers of persons allowed to travel through the Rafah border crossing in 2017, 2018 and 2019

Current information on whether the Rafah crossing is open on a given day can be accessed at the internet page of the Hamas interior ministry, available at: <https://moi.gov.ps/>

Regularly updated information on movement of people and goods from Gaza, including through the Rafah crossing, provided by the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), can be accessed at: <https://www.ochaopt.org/data/crossings>

Below is a brief overview of the situation at the Rafah border crossing in 2017, 2018 and 2019 (until 31 October) based mostly on the figures provided by the UNOCHA and Gisha.

Sources indicate that the movement through the crossing was ‘mostly closed’ since mid-2013³⁹ until 2017, when it was open only for 20 days during the whole year.⁴⁰ UNOCHA noted that the movement was ‘severely’ restricted by Egypt in the period due to ‘political uncertainty and military operations in

³⁶ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 8

³⁷ Gisha, Procedure of Palestinian residents’ passage at the border crossings, December 2012, [url](#)

³⁸ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem, May 2019, [url](#), p. 19

³⁹ Gisha, Graphing 10 Years of Closure, September 2017, [url](#), p. 2; Human Rights Watch, Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers, 2 April 2017, [url](#), p. 12

⁴⁰ ICHR, ICHR 23rd Annual Report, 14 November 2018, [url](#), p. 23

northern Sinai'.⁴¹ Since May 2018, the crossing has been open except for 'holidays and special occasions'.⁴² Other sources note that the crossing is open except for Fridays and Saturdays'.⁴³

2017

Statistical data provided by the UNOCHA indicate that in 2017, the Rafah crossing was opened for 36 days (closed for 329 days), with 18,436 recorded entries to Gaza and 16,723 recorded exits from Gaza.⁴⁴

Human Rights Watch (HRW) noted that for a variety of reasons, traveling via the Erez crossing was the main route for Palestinians wishing to leave Gaza.⁴⁵

According to the Independent Commission for Human Rights (ICHR), 'Rafah Crossing was open for 20 non-consecutive days and it was closed for 341 days' in 2017.⁴⁶

Gisha indicates that a monthly average of Palestinians crossing Rafah was some 1,600 persons.⁴⁷

For comparison, in 2016, the border was opened for 41 days, while in 2015 it was opened for 32 days.⁴⁸

2018

Statistical data provided by the UNOCHA indicates that in 2018, the Rafah crossing was opened for 198 days (closed for 167 days), with 37,075 recorded entries to Gaza and 60,907 recorded exits from Gaza.⁴⁹

Gisha notes that between May 2018 and 8 January 2019, the crossing was open on average 5 days per week, which made it the 'longest consecutive opening of Rafah in five years'.⁵⁰

According to the same source, travel via Rafah 'improved significantly' in 2018, but still hadn't reached 2013 figures, with a monthly average of some 8,000 crossings in 2018 compared to some 40,000 in the first half of 2013.⁵¹ The source adds that in 2018, Rafah Crossing between Gaza and Egypt operated

⁴¹ UNOCHA, Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, 8 October 2018, [url](#)

⁴² UNOCHA, Recent trends in Palestinian access from Gaza: Erez and Rafah crossings, 8 October 2018, [url](#)

⁴³ DIS, Palestinians - Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem; Report based on interviews conducted from 31 March to 4 April 2019 in Jerusalem, Ramallah and Tel Aviv, May 2019, [url](#), p. 19; MEMO, Egypt closes Rafah crossing for Labour Day, 1 May 2019, [url](#)

⁴⁴ UNOCHA, Rafah crossing: exits and entries of people, n.d., [url](#)

⁴⁵ HRW, Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers, 2 April 2017, [url](#), p. 13

⁴⁶ ICHR, ICHR 23rd Annual Report, 14 November 2018, [url](#), p. 23

⁴⁷ Gisha, Gaza Access and Movement: 2018 Summary, n.d., [url](#), p. 3

⁴⁸ Gatestone Institute, Why Egypt Does Not Want to Help Gaza, 11 September 2019, [url](#)

⁴⁹ UNOCHA, Rafah crossing: exits and entries of people, n.d., [url](#)

⁵⁰ Gisha, Gaza in Numbers, 31 August 2017, [url](#), p. 5.

⁵¹ Gisha, Gaza Access and Movement: 2018 Summary, n.d., [url](#)



on 180 days for the exit of people from Gaza to Egypt and on 203 days for entry from Egypt into the Gaza Strip.⁵²

PCHR reported that 55,824 Gaza residents left Gaza through the crossing in the period, while 35,373 returned to Gaza through it. Additionally, 6,909 Palestinians were returned by the Egyptian authorities and banned from further travelling in 2018.⁵³

2019

Statistical data provided by the UNOCHA indicates that in 2019 (until the end of September), the Rafah crossing was opened for 178 days (closed for 95 days), with 53,799 recorded entries to Gaza and 57,339 recorded exits from Gaza.⁵⁴

Comparing the period of 1 April - 31 August 2019 to the same period in 2018, the UN Special Coordinator for the Middle East Peace Process (UNSCO) noted that the number of people entering Gaza almost doubled to 18,061, while the number of those leaving equaling 34,265 was almost the same.⁵⁵

In May 2019, Hamas⁵⁶ and Israel reportedly agreed on an informal ceasefire mediated by Egypt and the UN.⁵⁷ In light of this development, the number of entries and exits to and from Gaza via the Rafah Crossing in July 2019 was over 18,000, the highest since 2014, as reported by UNOCHA.⁵⁸

⁵² Gisha, Gaza Access and Movement: 2018 Summary, n.d., [url](#)

⁵³ PCHR, Annual report 2018, 1 July 2019, [url](#), pp. 47-48

⁵⁴ UNOCHA, Rafah crossing: exits and entries of people, n.d., [url](#)

⁵⁵ UNSCO, Report to the Ad Hoc Liaison Committee, 26 September 2019, [url](#)

⁵⁶ As mentioned in the first part of this query response, Hamas reportedly took over the control of the crossing from the PA in January 2019.

⁵⁷ Al Jazeera, Israel and Gaza reach ceasefire agreement amid tense calm, 6 May 2019 [url](#); Times of Israel (The), Israel, Hamas said to agree to six-month ceasefire in Gaza, 20 May 2019, [url](#); DW, Israel reopens Gaza crossings after Hamas escalation, 12 May 2019, [url](#)

⁵⁸ UNOCHA, Humanitarian Bulletin - occupied Palestinian territory - August 2019, 6 September 2019, [url](#)



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