



[Lawsuit Filed Over Lack of Transparency on Israel's Entry into the U.S. Visa Waiver Program](#)

Late last week, several rights and civil liberties groups filed a lawsuit asking that a U.S. district court in California compel the Department of State (DOS) and Department of Homeland Security (DHS) to respond to a Freedom of Information Act (FOIA) request which seeks information regarding the nature of Israel's entry into the U.S. Visa Waiver Program back in 2023. The program allows certain countries' citizens to come to the United States for tourism or business stays of up to 90 days, without a formal visa. To date, neither DOS nor DHS has produced any documentation in response to the FOIA request merely aimed at providing transparency about the recent move, which was initiated despite the Israeli government's violation of its terms through discrimination against Palestinian-Americans trying to enter Israel. Rights advocates and experts have consistently expressed concerns over Israel's noncompliance with the visa waiver program because of this. As a result, the aforementioned lawsuit was filed with the help of an array of prominent organizations including the Center for Constitutional Rights, the National Immigration Project, the American-Arab Anti-Discrimination Committee, and Muslim Advocates.

The criticism towards Israel's entry into the U.S. Visa Waiver Program is legitimate, as observers have outlined how Israel continues to discriminate against Americans of Palestinian descent and Palestinians holding U.S. citizenship at its entry ports, thus violating the commitments it makes as a condition for joining the program. Israel has also been known to make it difficult for Americans of Palestinian descent to rent cars at Ben Gurion International Airport, and imposes a two-tiered discriminatory system which treats Palestinian-Americans differently from other Americans. Back in November of last year, authorities in the United States themselves even warned that Israel is violating the program by not allowing entry into the country of Palestinian-Americans living in the West Bank since October 7th.

The recent lawsuit is not the first one related to Israel's controversial admittance into the U.S. Visa Waiver Program. In September of last year, the American-Arab Anti-Discrimination Committee (ADC) filed a lawsuit over the move due to longstanding complaints from Palestinian-Americans and other Arab-Americans about discrimination faced when traveling to illegally-occupied Palestinian territory. The lawsuit highlighted the ways in which Israel enforces limitations specifically against Palestinian-Americans, such as restricting their freedom of movement across checkpoints and subjecting them to harsh interrogation and detention at airports and land crossings. This runs counter to the requirements of the foreign countries participating in the visa waiver program, which is supposed to ensure that all Americans are treated equally by them. The lawsuit therefore sought an injunction preventing a decision on Israel's entry into the program until it provides guarantees of full and equal privileges for all Americans without any distinctions.

There have been many first-hand accounts of Palestinian-Americans being discriminated against at the hands of Israeli authorities while traveling in the West Bank. Those who are subjected to the unfair treatment detail the abusive and biased tactics that are used against them which include being arbitrarily detained, blindfolded, and handcuffed, denied entry to certain places, and intensively questioned without merit. Critics of Israel's entry into the U.S. Visa Waiver Program have drawn attention to the clearly calculated attempts to appease concerns about their discriminatory practices by recently easing restrictions against Palestinian-Americans – something that has obviously only been done now that the spotlight is on these policies. Other activists have also justifiably asked how

a country like Israel – which systematically abuses human rights – can be admitted into a program that is intended for American allies that share a commitment to democracy, human rights, and the rule of law. Ultimately, a foreign country's genuine adherence to the unwavering equal treatment of all Americans is an essential component of the U.S. Visa Waiver Program's integrity, and Israel's violation of that should disqualify its entry into it.