



February 14th, 2018

Dear Senators:

We understand you have signed or been requested to sign a letter to Homeland Security Secretary Kirstjen Nielsen in support of Israel's inclusion in the U.S. Customs and Border Protection's (CBP) Global Entry program. We respectfully request you oppose Israel's admission due to concern of its mistreatment of American citizens at its border.

As you may know, Arab Americans have been systematically targeted and subjected to unjust screening, harassment, detention, and deportation when attempting to enter Israel and/or Palestine for decades. Only three years ago, the U.S. Department of State expressed concern regarding the "unequal treatment that Palestinian-Americans and other Arab-Americans receive at Israel's borders and checkpoints."¹ The State Department has also noted that Israel has "continued to deny entry into the country some foreign nationals (including U.S. citizens) affiliated with certain organizations that the Israeli government viewed as anti-Israel."²

If the U.S. government is to secure benefits for citizens traveling abroad, it must do so impartially, and ensure an equal right to travel for all Americans, regardless of ethnicity, national origin, or political views. This is not only a central American value, but also a Constitutional requirement under the Fourteenth Amendment's Equal Protection Clause,³ requiring the U.S. government to protect the fundamental right of travel irrespective of race, ethnicity, or national origin.

Further, CBP should not abandon existing standards regarding adding participant countries to the Global Entry program. Specifically, we oppose gifting Israeli citizens expedited clearance for vetted, pre-approved travel into the U.S. without procuring reciprocal expedited processing for U.S. citizens, regardless of national origin or ethnicity hoping to travel to Israel and Israeli-controlled territories. Unfortunately, Israel has taken no action to address the targeting of U.S. citizens at the Israeli border, as our organization receives regular reports of discrimination attempting to entry Israeli-controlled ports.⁴

¹ U.S. *Citizens at Israeli Ports of Entry*, U.S. Department of State: <https://2009-2017.state.gov/r/pa/prs/ps/2015/08/246170.htm>

² *Israel, the West Bank and Gaza*, U.S. Department of State: <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/IsraeltheWestBankandGaza.html?wcmode=disabled>

³ *Bolling v. Sharpe*, 347 U.S. 497 (1954).

⁴ *Snapshots: American Citizens Discriminated Against at the Israeli Border*, Arab American Institute: <http://www.aaiusa.org/snapshots-american-citizens-discriminated-against-at-israeli-border>

Proponents of Israel's inclusion in the Global Entry program have focused on the benefits, specifically the possibility of increased travel and related financial rewards. This certainly presents this issue as one of simple tourism between allies. However, until Americans are treated fairly, rewarding Israel with this privilege while the country engages in discrimination against American citizens would send the wrong message about the values upon which our country is built.

Under 8 CFR 235.12(b)(ii), CBP may add countries to the Global Entry program only pursuant to a bilateral arrangement. In practice, these arrangements always required reciprocity for American travelers.⁵ As such, any reciprocal agreement with Israeli must be made before Israel gains the benefits of Global Entry, and must ensure that all U.S. citizens have the opportunity to participate, without categorical discrimination or denial to Arab Americans.

Until such major changes are made to Israeli policies and practices, Israel must not be admitted to Global Entry or the visa waiver program. As such, we urge you to reconsider your endorsement of Israel's inclusion into this program.

To move forward with the inclusion of Israel in Global Entry would mean accepting that American citizens will not be afforded Equal Protection under the law. That would be wrong, and we ask you to stand for the equal rights and privileges of all your constituents and all Americans.

Respectfully,



Maya Berry
Executive Director



Dr. James Zogby
President

⁵ *Eligibility for Global Entry*, U.S. Customs and Border Patrol:
<https://www.cbp.gov/travel/trusted-traveler-programs/global-entry/eligibility>