



## **State Department: No ‘Jerusalem, Israel’ on US passports**

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Despite the United States recognizing Jerusalem as Israel’s capital in December and relocating its embassy from Tel Aviv in May, Americans born in Jerusalem are still unable to list “Jerusalem, Israel” on U.S. passports.

“The president has made clear that the specific boundaries of Israeli sovereignty in Jerusalem remain subject to final-status negotiations between the [Israelis and the Palestinians],” a State Department spokesperson told JNS. “We have not changed our practice regarding place of birth on passports or Consular Reports of Birth Abroad at this time.”

A group of 55 House Republicans sent a letter to U.S. President Donald Trump several weeks ago, urging him to instruct the State Department to permit American citizens born in Jerusalem to list Israel as their birth country on their passport.

“Despite the progress in moving the embassy, the State Department has not yet fully implemented the administration’s policy of recognizing Jerusalem as Israel’s capital for purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem,” the letter stated.

Jewish and pro-Israel groups expressed concern to JNS over this development.

“We strongly supported legislation that would enable U.S. citizens to declare Israel to be their place of birth should they so desire,” said AIPAC spokesperson Marshall Wittmann. “We encourage the administration to adopt this approach.”

“It is deeply frustrating that the State Department ignores the fact that Jerusalem is never mentioned in the Koran; Arabs face Mecca when they pray, Jews face Jerusalem,” said Zionist Organization of America president Mort Klein. “It has never been the capital of any country except Israel. Jerusalem became a slum when under Arab control from 1948-67, and no Arab leader except King Hussein visited Jerusalem during that time.”

“It has been Jerusalem, Israel, for thousands of years according to God, U.S. law and history, but not according to the State Department,” he continued. “Where is [Secretary of State Mike] Pompeo on this? Shameful appeasement.”

Sarah Stern, founder and president of the Endowment for Middle East Truth, said “this is inconsistent with his previous message, declaring that ‘Israel, like any other sovereign nation, should have their right to determine its own capital.’ Why should Jewish babies born in Jerusalem continue to remain stateless?”

Daniel Mariaschin, CEO and executive vice president of B’nai B’rith International, remarked that the State Department needs to change its policy in accordance with Trump’s. “The president has made clear that Jerusalem is the capital of Israel,” he said. “So any U.S. citizen born in Jerusalem is therefore, de facto, born in Israel, and their U.S. passport should reflect that reality.”

Executive vice chairman of the Conference of Presidents of Major American Jewish Organizations Malcolm Hoenlein stated that hopefully, this is just bureaucratic resistance that can be pushed aside to right any wrong. “It is disappointing that apparent bureaucratic, or worse, biased judgements are impeding the correction of this historic wrong,” he said. “It does prejudice anything regarding borders or boundaries to acknowledge the place of birth correctly. I hope higher authorities will intervene.”

Apparently, it is advertent bureaucratic resistance inside the State Department, according to Daniel Pipes, president of the Middle East Forum.

“Even before President Trump made his announcement recognizing Jerusalem as Israel’s capital, in a White House backgrounder for analysts, a ranking State Department official made clear that the recognition had no geographic definition, that the complex U.S. position on the city going back to the Corpus Separatum concept in the 1947 United Nations Partition Plan for Palestine, remains entirely in place,” explained Pipes. “Thus did the bureaucracy manage to salvage something from what it considers the wreckage of Trump’s recognition.”

On hold due to upcoming Mideast peace plan

Although Trump recognized Jerusalem as Israel’s capital, he has the authority to not have “Jerusalem, Israel” listed on U.S. passports in accordance with *Zivotofsky v. Kerry*, where the Supreme Court ruled it is solely the president who has the power to recognize foreign entities in accordance with the U.S. Constitution’s Reception Clause.

“Zivotofsky ruled in favor of the executive; he was not required to comply with the federal law,” said constitutional scholar Ilya Shapiro. “Trump, like Obama, can decline to stamp ‘Israel’ on the passport of a citizen born in Jerusalem.”

Washington-based geopolitical strategist and diplomacy consultant John Sitalides told JNS that the administration may be withholding putting “Jerusalem, Israel” on passports due to its much-anticipated Mideast peace plan.

“President Trump has recognized Jerusalem as the capital of Israel, but is now emphasizing his support for a two-state solution, and is withholding on the passport issue to maximize U.S. leverage as his diplomatic negotiating team finalizes its proposals,” said Sitalides. “He has publicly stated that Israel must be more flexible now that Jerusalem has been recognized, even as

he declares that the Palestinian team has nowhere else to go to secure an enduring solution to its perennial issues.”

“Both sides, and all interested parties,” he said, “are holding their breath as the Trump administration prepares to unveil its long-awaited proposals.”