



FCJE

PRESENTATION

LAW GRANTING SPANISH CITIZENSHIP TO SEPHARDIM


Luis Portero de la Torre
Attorney licensed in Spain

nacionalidad.sefarad@gmail.com

SEATTLE SEPHARDIC NETWORK
CENTER FOR WESTERN EUROPEAN STUDIES

Seattle (WA), September 1, 2015






1) **THANK YOU WORDS**

2) **FEDERATION OF JEWISH COMMUNITIES OF SPAIN (FCJE)**



<http://www.fcje.org>

- Organization which represents the vast majority of Jewish communities in Spain (98,5%): 20 communities spread out in Asturias, Catalonia, Valencia, Balearic Islands, Madrid, Ceuta and Melilla, Andalusia (Malaga and Seville) and the Canary Islands.
- Officially represents the Spanish Jewish communities before the Spanish, foreign and international institutions.

- 
- The only valid organization having official relations between the Spanish Administration and the Jewish communities established in Spain and registered with the Registry of Religious Entities (Act 25/1992 dated November 10, 1992).



- Jewish population in Spain of 40,000 people.
- Perfectly integrated: kinder garden, primary and secondary Hebrew schools in many Spanish territories. 30 synagogues in Spain (some have capacity for up to 800 people). Jewish cemeteries in Madrid, Barcelona, Seville, Malaga, Melilla, Ceuta, Palma de Mallorca, Benidorm and La Linea de la Concepcion.
- FCJE is an active member of the European Jewish Congress (EJC) and the World Jewish Congress (WJC).

3) RULES FOR ACQUISITION OF SPANISH NATIONALITY

► Persons of Spanish origin:

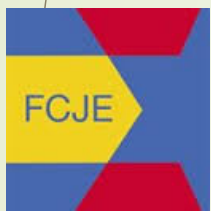
Those born in Spain to a Spanish father or mother

Minors under 18 adopted by a Spaniard

Those born in Spain to foreign parents, if at least one parent was born in Spain

Those born in Spain to foreign parents,, if both parents have no nationality (i.e. are stateless) or if the legislation of either parent's country does not grant their children nationality

► **Nationality via Possession of Status** (Persons who have possessed and used Spanish nationality for an uninterrupted period of 10 years, in good faith, based on a Civil Registry record, shall be entitled to Spanish nationality).





► **Nationality by option**



Persons whose birth in Spain or parentage is determined (determination of parentage means means establishing who a person's parents are) after they are 18 years old. Deadline for opting for Spanish nationality is 2 years after the parentage or birth has been determined.

Persons who are or have been subject to the parental authority of a Spaniard.

Persons whose adoption by Spaniards took place after the age of 18 (right to opt up to 2 years after the adoption has been formalized).

► **Residence**

Rule: 10 years

Exceptions:

2 years for nationals of Ibero American countries, Andorra, the Philippines, Portugal, Equatorian Guinea and Sephardim (since 1981).

1 year for those married to a Spaniard, widowers or widows of Spaniards, those born outside Spain to parents who were originally Spanish.





► Naturalization

This form of acquiring nationality is *ex gratia* and not subject to the general rules of administrative procedure. Naturalization shall be granted or not, discretionally, by the Spanish Government, through a Royal Decree, after examining the concurrence of exceptional circumstances (e.g. terrorist attacks, and Sephardim until date of entry into force of the new law).

► Two ways of acquiring nationality available to Sephardim

Continued legal residence for 2 years in Spain (article 22 Spanish Civil Code).

Naturalization (article 21 CC, DGRN Instructions 16.05.1983 and 02.10.2012).



4) HISTORICAL ARGUMENTS JUSTIFYING APPROVAL OF THE NEW LAW



- Massive expulsion of 50,000 to 180,000 Sephardic Jews between 1492 (Castile and Aragon) and 1498 (Navarra).
- Millennial presence in the Iberian peninsula from year 70 c.e., after the taking of Jerusalem by Titus and destruction of the Second Temple.
- In the Middle Ages the Jews moved from Muslim Spain to Christian Spain, where there was more tolerance, but also conflicts and many humiliations, persecutions, attacks, diseases, pain and suffering.

1013: Slaughter of Jews in Cordoba.

1066-1070: Massacres of Jews in the Kingdom of Granada.

1086: 40,000 Jews fight with King Alfonso VI against the Almoravids (Battle of Zalaca).

1126: The Toledo School of Translators is founded.

1132: Intellectual boom of a Jew called Abraham ibn Ezra

1196: Leon Jewry burned by order of Alfonso VIII of Castile and Pedro II of Aragon.

1200: Kabbalistic Studies and rise of Maimonides, a famous Doctor, philosopher and Jewish Rabbi (*The Guide for the Perplexed*, misnamed *Descarriados Guide*).



➤ History with lights and Shadows between years 633 and 1391:

1240: Jews take important positions in the Kingdom of Castile. First misgivings.


1247: Carta Puebla de Carmona (Seville) and privileges to Jews who moved to live there.

1281: Special tax of 12,000 *maravedíes* to the Jewish communities of Castile and Leon (Alfonso X).


1283: Pedro III of Aragon reduces presence of Jews in public offices and collection of royal income.

1286: Moisés de León finishes the *Séfer ha Zohar*, fundamental book of the Kabala.





1293: Restrictive laws against Jews approved by Parliament in Valladolid.



1294: First accusation against Jews for Jewish Ritual Murder in Zaragoza.

1308: Vexations to Jews in Estella.

1313: A Council in Zamora prevents Jews from practicing Medicine with Christians.

1327: Attacks on Navarra Jewries.

1355: Attacks on Toledo Jewry.

1360: Killings of Jews in Najera.



- ▶ **Black year of 1391:** several lootings, killings and attacks known as “*progromos*” in Jewish neighborhoods (Seville and then in Valencia, Barcelona, Lerida or Mallorca. First conversions to Christianity.
- ▶ **Rise of conversos or “New Christians” causes misgivings and resentments among “Old Christians”**
- ▶ **1408:** Jews from Castile and Aragon are forced to live in *Juderías* (Jewish Quarters) and to wear special badges.
- ▶ **Some Jewish conversos are active accomplices in persecutions to Jews:** Cases of Burgos Bishop Pablo de Santa María (formerly Salomón Ha Leví) or Jerónimo de Santa Fe (formerly Rabbi Josué Ha Lorquí).
- ▶ **1415:** Bull Law by Pope *Luna de Avignon* (Benedicto XIII) and massive conversions to Christianity.



➤ **1449:** Protests lead to *Estatutos de Limpieza de Sangre* (Blood Cleansing Statutes) and to exclusion of Jews from relevant positions in Toledo. The Catholic Monarchs entered the Court of Inquisition in Castile and then in Aragón in order to control conversos.

➤ **1480:** Coexistence between Jews and Christians is prohibited. Separated neighborhoods are mandatory. Jews in Castile and Aragon are forced to wear discriminatory clothing and to pay more taxes than Christians.


➤ **1481:** Edict of Grace converts 20,000 Jews to avoid the Spanish Inquisition.

➤ **1485:** Expulsion of Jews from Andalusia.



➤ 1486: Repression against Jews in Vitoria.

➤ **1490:** Implementation of Blood Cleansing Statutes throughout the entire Kingdom.



➤ **1491:** Campaign of the Catholic Monarchs to take Malaga and Granada, financed by the funds of two converted Jews: Abraham Seneor and Ishaq Abravanel.

➤ **1492:** The Catholic Monarchs yield to external pressure and order that Reconquest culminates by imposing religious uniformity throughout the Kingdom. Inquisitor Tomas de Torquemada is ordered to draft the Expulsion Decree.



➤ **March 31, 1492: *Alhambra Decree* orders the expulsion of Jews.**



➤ **The Expulsion Decree is comprised of two parts**

Grounds for expulsion (all Jewish population declared guilty of two criminal charges committed by some: *heretical depravity* –i.e. to encourage conversos to return to Judaism- and usury).

Terms and conditions of expulsion:



No exceptions



Deadline date: August 10, 1492 (4 months) to convert to Christianity or exile, subject to death penalty and confiscation of all property.

Jews are allowed to sell their personal belongings and assets, but they can't take gold or silver (just bills of exchange).

- ▶ **Only a minority accepted conversion. Majority exiled to Portugal (expulsion in 1497), Navarra (expulsion in 1498), France, Flanders, Italy, North Africa (Morocco and Turkey), the Balkans or America.**

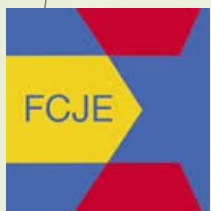


5) LAWMAKING PROCESS

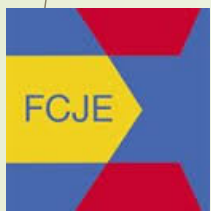
EVOLUTION



- **11/22/2012:** The Spanish Ministers of Foreign Affairs and Justice announce at Sefarad-Israel House in Madrid that Sephardim shall be able to recover their Spanish citizenship by law.
- **12/13/2013:** Proposal is submitted by Popular Political Group.
- **02/07/2014:** Council of Ministers informs the Draft Law.



- **06/06/2014:** Council of Ministers approve submission of Bill to the Spanish Parliament. The Bill amends Draft Law, making changes to it.
- **06/23/2014:** The BOCG publishes first version of the Bill. The amendment proceedings start in Spanish Congress.
- **04/01/2015:** The BOCG publishes the official text of the Bill approved by Spanish Congress on **03/25/2015**. The Bill is referred to Spanish Senate for presentation of amendments.



- **05/12/2015:** BOCG publishes the opinion of the Senate Judiciary Committee and text of the Bill. Some changes are made to the text of Bill sent by Congress.
- **06/03/2015:** BOCG publishes approval by Full Senate of opinion of the Senate Judiciary Committee.
- **06/11/2015:** Voting in Congress of the amended Bill is approved by the Senate and final approval of the Law.
- **06/25/2015:** Spanish Official Gazette publishes official text of the Law.

HIGHLIGHTS



- Approval of the Law is especially due to the efforts of Isaac Querub (President of FCJE) and former Minister of Justice, Alberto Ruiz-Gallardón.
- Significant work of the FCJE in addressing changes and amendments to make a better Law. Key role of Congress Representative Gabriel Elorriaga (Congress Draftsman of the Law) in seeking agreements with spokesmen of all political forces.
- Unanimous support to the Law by all political forces in Parliament, maybe the only one in this legislature. From the beginning, Political Groups Popular, CiU, PNV and UPyD were enthusiastic in backing the Law.
- Other left wing parties such as ERC, *Izquierda Plural* and PSOE made some objections, but they also backed the legislative initiative.



HIGHLIGHTS



- ▶ It is neither a perfect Law nor the Law that FCJE wanted: the Spanish Government sought to fairly balance the expectations of the worldwide Sephardic communities and the limited resources of the Spanish Administration to handle a very high number of applications.

6) LAW CONTENTS


Structure: Two articles, four additional provisions, one transitional provision and six final provisions.



PREAMBLE

- **Lyrical beautiful Preamble of high symbolic value.**
- **The Law seeks reconciliation and reunion**

It recognizes the enormous pain and suffering caused by humiliations, attacks, persecutions to Jews. It assumes that the expulsion decree in 1492 was cruel and unjust.



It intends to open a new era of coexistence and fruitful relations between Judaism and Spain.



- ▶ **Relevant role assigned to FCJE** (in accordance with the Cooperation Agreement with the Spanish State approved by Act 25/1992, dated November 10, 1992). The FCJE shall issue certificates to prove that one of the two requirements that applicants must meet in order to acquire the Spanish citizenship.
- ▶ **Law is open to Jews and Non-Jews**, provided that applicants show evidence that they descend from Jewish Spanish families expelled between 1492 and 1498.



TIME FRAME



- ▶ **Effective date: October 1, 2015.**
- ▶ **Time frame to submit applications:** 3 years, that is, until October 1, 2018, although this term may be extended an extra year if so agreed by the Spanish Council of Ministers.
- ▶ **Time frame to obtain Spanish citizenship:** 12 months from the date on which the Directorate General for Registries and Notaries receives the case file (16-18 months), pursuant to paragraph 2 of First Additional Provision. If this term elapses without an express resolution, the application will be considered rejected.



ARTICLE 1: REQUIREMENTS



- **Two requirements:** Applicants are required to prove their Sephardic origin and a special connection to Spain.
- **Broad, but non-exhaustive, list of evidence:** the more pieces of evidence an applicant submits, the better.
- **In all cases, applicants must provide his or her birth certificate, duly apostilled and translated into Spanish by a Sworn translator. For applicants of legal age: provision of a criminal record certificate from the applicant's home country and, if applicable, country of residence (articles 1.4 and 2.3).**



► **Requirement 1: How to prove the Sephardic origin**



Evidence applicable to Jews (certificates issued by the President of the applicant's Jewish congregation where he or she lives or was born, or from the competent Rabbinical Authority duly recognized as such in the applicant's country of residence, birth certificate, *ketubah* or marriage certificate that evidences its celebration according to the customs of Castile). FCJE may issue two certificates.

Evidence that may apply to non-Jews: a reasoned report issued by a recognized organization evidencing that the applicant's last name are of Sephardic lineage, evidence of the use of *Ladino* or *Haketía* as the home language).



► **Requirement 2: How to prove “special connection” with Spain**

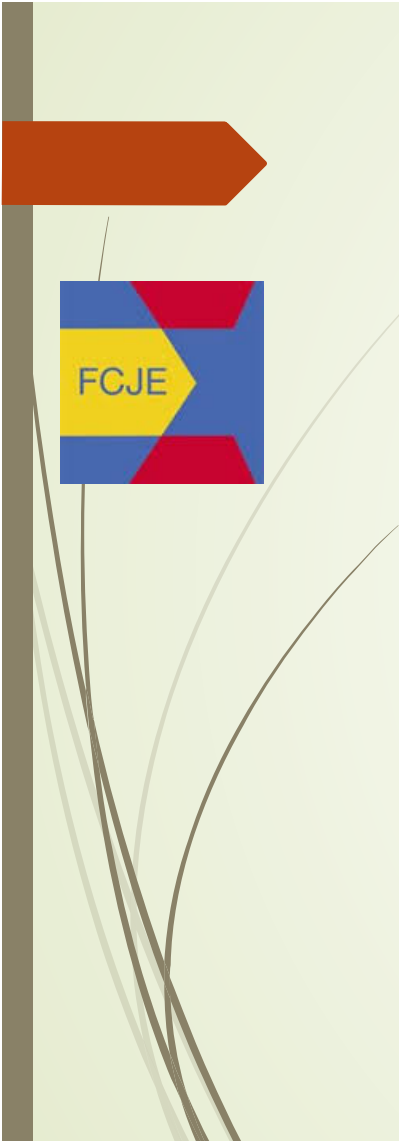


Study certificates of Spanish history and culture issued by official educational institutions.

Certificate of knowledge of *Ladino* or *Haketía*.

Development of any charitable, cultural or economic activities in favor of Spanish or Spain-based people or organizations, as well as any other activities aimed at promoting the study, preservation and spreading of the Sephardic culture.

The inclusion of the applicant, or his/her parents, in the lists of Sephardic families protected by Spain, by means of either the Royal Decree of 29 December 1948 regarding Greece and Egypt, or those who obtained naturalization by means of Royal Decree of 20 December 1924



Any other circumstance clearly evidencing a connection between the applicant and Spain (kinship to a Spanish parent or son, a property in Spain, having studied or lived in Spain for 6 months, etc).

► **The “special connection with Spain” requires the passing of two exams**

Passing of an exam to prove basic knowledge of Spanish (at least A2 level (not applicable to a Spanish-speaking applicant)).

Passing of an exam to prove basic knowledge about the Spanish Constitution and Spanish social and cultural life.

Instituto Cervantes to organize those exams.

Minors and those without full legal capacity are not required to complete the two exams.



ARTICLE 2: PROCEDURE

- **The Law simplifies, expedites and lowers the cost of the procedure originally foreseen in the Bill.**
- **4 steps or stages:**
- **Phase 1:** Filing online of application and attached documents. Applicants are suggested to indicate the preference of Notary Public and Spanish city where they would like to sign.
- **Phase 2:** Meeting btw the Notary and the applicant in Spain. Provision of original documents and signing of minutes of the meeting. Referral by the Notary to DGRN.



- **Phase 3:** Directorate General for Registers and Notaries (DGRN) requests from relevant bodies a report on the application. DGRN makes a decision or resolution granting or denying citizenship. Referral of said resolution to the Spanish Consulate in the country of residence of the applicant.
- **Phase 4:** Applicant shows up before the Consulate of Spain in his or her country of residence to apply for registration of citizenship title at the Civil Registry. Applicant provides a new clearance of no criminal record. Applicant swear or promises allegiance to the Spanish King and obedience to the Spanish Constitution and laws.


ADDITIONAL PROVISIONS


- **Additional Provision 3:** Exception to the rule. Applicants alleging special or humanitarian circumstances are allowed to apply at any time, even after October 1, 2019 (e.g. refugees, Jews of Sirian nationality or other nationals of countries in the middle of conflicts, inter alia).
- **Transitional Provision:** Any Sephardim who filed applications for naturalization prior to the date of entry into force of the Law *may* request that his or her case is processed and decided in accordance with the Law. The Spanish Government will make a decision on the old 4,300 naturalization cases on or about September 15, 2015.
- **Final Provision 1:** Amendment to article 23 of Spanish Civil Code, so that Sephardim do not have to give up their previous nationality.






7) CONCLUSIONS

- 
- ▶ **The Law is reasonable.** It fairly balances the expectations of the worldwide Sephardic communities and the concerns of the Spanish Government, which will need to handle a very high number of applications.
 - ▶ **The Law is unique because it recognizes a particular group of people access to Spanish nationality.** Same as other laws approved in the past, which granted the Spanish citizenship to foreigners who participated in the *Brigadas Internacionales*. The *Ley de Memoria Histórica* allowed descendants of Spaniards who went into exile to acquire the Spanish citizenship.



In the Journal of Sessions of the Spanish Congress dated 03/25/2015, Gabriel Elorriaga (Spokesman of Popular Party) noted that the approval of the Law does not mean that the Government is unaware or insensitive to other reasonable demands, such as those of Saharavis. The Government will address those matters when appropriate.

- 
- **The Spanish Government estimates that between 90,000 and 200,000 applications will be filed.** The FCJE estimates that no more than 70,000 applications will be filed.



- **The recent Portuguese Decree-Law 30A/2015, dated February 27, 2015** facilitates Sephardim access to Portuguese nationality as well. The Portuguese Law estimates that there are 150,000 Sephardic Jews in the world who speak fluent Ladino or *Judeo Spanish*, particularly in the Sephardic communities of Israel, Turkey, old Yugoslavia countries, Greece, Morocco and the Americas, among others.



➤ **Differences between the Spanish Law and the Portuguese Law:**



Portuguese Law effective as of March 1, 2015; Spanish Law will be effective as of October 1, 2015.


Portugal has an indefinite time frame for submission of applications, running from March 1, 2015. Original draft of Portuguese Law had a time frame of ten (10) years to file applications.

Portugal requires that applicant is of legal age or emancipated, provision of a clearance of criminal record and evidence that the applicant belongs to a Portuguese community of Sephardic origin.



Portuguese Law demands that the applicant provides a birth certificate, clearance of no criminal records in Portugal and, if applicable, clearance of no criminal record from the country of residence of the applicant. Additionally, the applicant must provide a certificate from a Portuguese Sephardic community attesting that his or her last name, family language, genealogy or family memory has a Sephardic origin.

Other pieces of evidence may be submitted to prove the Sephardic origin of the applicant.



8) ASSOCIATED BENEFITS OF HOLDING A SPANISH PASSPORT



- ▶ Spaniards are required no VISA to visit most of the countries in the world (e.g. Iran).
- ▶ The Law does not require residence in Spain or a renouncement of US citizenship.
- ▶ The Law does not require payment of taxes in Spain, provided that the recipient of the Spanish Passport does not reside more than 183 days in Spain, and that he or she does not have any assets or businesses in Spain.



BENEFITS (CONTINUED)



- ▶ You would have the right to live, study and work in Spain and any other country of the European Union.
- ▶ You would have the right of free access to emergency health care in Spain.



Luis Portero de la Torre Attorney licensed in Spain

nacionalidad.sefarad@gmail.com

Seattle (WA, USA), September 1, 2015