

BILL GRANTING THE SPANISH CITIZENSHIP TO SEPHARDIC JEWS WITH SPANISH ORIGINS

On June 11th 2015 the Spanish Parliament approved an Act concerning the granting of the Spanish citizenship to Sephardic Jews with Spanish origins. The Law enables Sephardic Jews who are descendents of those expelled from Spain in the 15th century to obtain the Spanish citizenship without renouncing their current citizenship and without requiring residency in Spain.

The law will come into effect on October 1st, 2015.

Should you have any doubts related to this Law, please contact the General Consulate in Jerusalem through e-mail: jerusaes-cg-info@maec.es

REQUIREMENTS

The granting of citizenship requires proof of the fulfillment of two requirements:

1. Proof of Sephardic status

Proof can be confirmed by the following possible evidentiary means, assessed as a whole:

- a) Certificate of the Federation of Jewish Communities of Spain.
- b) Certificate by the President of the Jewish community of the zone of residence or birth.
- c) Certificate from the rabbinical authority, recognized legally in the country of residence.

In the case of the certificates in parts b) and c) the applicant may include a certificate by the President of the Permanent Commission of the Federation of Jewish Communities of Spain that endorses the authority status of the Rabbi or the Jewish Community Leader.

Alternatively, to prove the suitability of such documents, the applicant must provide:

- 1) Copy of the original statutes of the foreign religious organization.
 - 2) Certificate of the foreign entity that contains the names of those who have been designated legal representatives.
 - 3) Certificate or document that proves that the foreign entity is legally recognized in its country of origin.
 - 4) Certificate issued by the legal representative of the entity that proves that the Rabbi holds operative and current status according to the requirements established in their statutes.
- d) Proof of the use of ladino or "haketia".
 - e) Birth certificate or marriage "ketubah" that proves celebration in the Castilian tradition.
 - f) Report produced by the appropriate entity that proves the membership of the family names of the applicant to the Sephardic lineage of Spanish origin.
 - g) Any other circumstance that clearly demonstrates his or her status as a Sephardic Jew of Spanish origin.

2. Proof of special connection to Spain

Proof can be confirmed by the following possible evidentiary means, assessed as a whole:

- a) Certificates of the study of Spanish history and culture issued by an accredited public or private institution.
- b) Proof of knowledge of the ladino or “haketía” language.
- c) Inclusion of the applicant or his or her direct ancestry on the lists of Sephardic families protected by Spain, that, concerning Egypt and Greece, refer to the Decree of December 29, 1948, or of others naturalized by special way of the Royal Decree of December 20, 1924.
- d) Blood relationship of the applicant with a person that meets qualification c).
- e) Fulfillment of charitable, cultural, or economic activities to the benefit of Spanish persons or institutions or in Spanish territory, as well as those taking place in support of institutions aimed at the study, preservation, and dissemination of Sephardic culture.
- f) Any other circumstance that clearly demonstrates his or her special connection to Spain.

All foreign documents should be translated by an official translator –“traductor jurado”-, and legalized or notarized (apostille).

3. Other requirements

Applicants will have to present a legalized (apostille) and translated, birth certificate.

Furthermore, the accreditation of the special connection with Spain will require passing two tests:

- First test: basic knowledge of the Spanish language (DELE level A2, or higher)
- Second test, the knowledge of the Spanish Constitution and the social and cultural reality of Spain.

These tests will be created and administered by the Cervantes Institute. There are exceptions for applicants from countries or territories of which Spanish is the official language, for those under 18 and for those with a legal capacity modified by court.

PROCEDURE

1. Beginning

It is an online process. Applicants have to fill out an application form in Spanish that will be available to the public when the law comes into effect. Application fee is 100 euros for the administrative processing of the application regardless of the results.

The system will provide the applicant with an application ID number. The application will be transmitted electronically to the General Notary Council in Spain. The Council will assign a notary in Spain that is capable of assessing the documents presented by the applicant to each case.

2. Notary Act

Once the designated notary has reviewed documents, and once it is deemed that the requirements previously mentioned have been fulfilled, the notary in Spain will make an appointment with the interested party for the performance of a notary act.

Thus, until there is a concrete and reasonable expectation that the granting of citizenship is feasible, the notary will not make an appointment with the interested party in order to prevent unproductive trips.

The act will include the original documents used as proof submitted by the interested party, and for adults, this act will also include a criminal background check for each country in which the applicant resides or has resided in the last five years immediately prior to the application. All documents have to be translated into Spanish, when necessary, as well as authorized, legalized or notarized (apostille).

3. Resolution by the General Directorate of Registries and Notary Services

When the notary act, which confirms the accreditation of the qualifications, has been received, the General Directorate of Registries and Notary Services will officially request reports of the corresponding agencies. Once reports have been received, the General Directorate of Registries and Notary Services will resolve the case, judging the validity of the application.

Upon a positive resolution, and within one year's time starting the day following the notification of the resolution, the applicant will have to swear and promise his or her fidelity to the King and obedience to the Spanish Constitution and laws before the Civil Registry of his residence (Embassy or Consulate).

The non-compliance by the interested party of the previous conditions within the established timeframe will result in the expiration of the proceeding.

4. Times

Interested parties should formalize their application within three years after the law comes into effect (October 1, 2015). This deadline may be extended for an additional year if approved by the Council of Ministries.

However, the Law will remain in effect indefinitely for extraordinary cases or when there are humanitarian reasons.

Applications will be resolved within a period of up to 12 months from the date the application and corresponding documents are registered in the General Directorate of registries and Notary Services. If after 12 months there is no resolution, the application will be deemed invalid by means of administrative silence.