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I. GENERAL PROVISIONS

STATE GOVERNMENT

7045 Act 12/2015 of 24th June, *On the Obtainment of Spanish Citizenship by Sephardic Jews of Spanish origin*

FELIPE VI

KING OF SPAIN

Let all who are to see and understand this text

know that: the Cortes has passed and I have endorsed the following Act:

PREAMBLE

I

Sephardim is the name by which the Jews who resided in the Iberian Peninsula, in particular their descendants, are known, those Jews who after the Edicts of 1492 on their forcible baptizing or banishment had chosen the drastic roads of exile. The name originates from the word Sepharad by which Spain is known in both classical and modern Hebrew language. In fact, the Jewish settlement in the Iberian land has been solid and millennial, which is visible even today in both their language and monuments. Back in the past, under the historic imperative, the Jews had taken on the roads of diaspora, where they coalesced or established new communities, mostly in North Africa, the Balkans and the Ottoman Empire.

The sons of Sephardim have preserved a deep homesickness, impervious to the changes of languages and generations. As a core language they have retained the so called Ladino or Haketia, a primary Spanish language enriched with loan words from the host languages. The language of their predecessors has kept alive their prayers, their home recipes, their games and songs. They have preserved their traditions and their names that as a matrix remind over and over again of their origin, and they have accepted without reproach the silence of Spain, in deep oblivion.

The memory and the fidelity of a numerous community have stayed alive throughout the ages and that community earned the honour of getting recognition through the award for Principede Asturias dela Concordia in 1990. This decision was necessitated, after almost five centuries of alienation, by the desire to contribute to a process of concord inviting the Sephardic communities to return to their roots by opening widely the doors to their ancient homeland. The conferment of that award was preceded shortly before it by a historic event: the first visit of the King of Spain in a synagogue. This happened on October 1st 1987 in the Sephardic temple Tifereth Israel in Los Angeles, California.

In the dawn of XXI century, the Sephardic communities around the world face new challenges: some are mistreated by the insanity of totalitarian regimes, others choose to go to the yearned Jerusalem; and all of them foresee a pragmatic and global identity in the new generations. But the awareness of a love for Spain will always be vibrant in the emotional and the historic baggage of the Sephardic Jews. It is only fair that this recognition was backed by adequate legal instruments for granting statute of Spaniards to the people who resisted zealously and miraculously did not lose it despite the persecution and the afflictions suffered by their ancestors until finally banished from Castilla and Aragon in 1492, and a little later, in 1498, from the Kingdom of Navarre. By the present act, contemporary Spain is willing to make a resolute step towards a final reconciliation with the Sephardic communities.

II

The formation of a benevolent attitude to Sephardim dates back to the epoch of Isabel II, when the Jewish communities obtained permission to have their own graveyards, as for instance in Seville, and later to open their synagogues.

Fernando de los Rios as a Government Minister investigated the possibility of granting general Spanish citizenship to the Sephardic Jews from Morocco, but the idea was abandoned because of the resistance coming from some Maghreb circles. It is also fair to admit that in 1886 under the pressure of Praxedes Mateo Sagasta, and also in 1900 during term of senator Angel Pulido, started a rapprochement with the Sephardim, which resulted in a Government permission for opening synagogues in Spain, establishment of Spanish-Hebrew Alliance in Madrid in 1910, and the foundation of the Universal House of Sephardim in 1920. All these have strengthened the links between Sephardim and Spain.

Historically, Sephardim have acquired Spanish citizenship in special circumstances. An example is the King's Decree of December 20th 1924, whereby in expounding the motives it is mentioned that «the ancient Spanish subjects and their descendants, and generally the persons belonging to families of Spanish roots, who in certain cases have been entered into the Spanish registries, and those Spaniards with ingrained feelings of love for Spain, who have not obtained our citizenship due to unfamiliarity with the law or for some other reasons alien to their will to be Spaniards». Thus the beginnings were laid of a naturalization process that allowed the Sephardim to acquire Spanish citizenship over a period that lasted until 1930. Only three thousand Sephardim exerted that right. But even after this term expired, a number of them obtained protection by the Spanish consuls without having explicitly acquired Spanish citizenship.

During World War II nearly two hundred thousand Sephardim were under German administration. Flourishing communities in Western Europe and particularly in the Balkans and Greece suffered from the Nazi barbarity – over fifty thousand dead in Thessaloniki is a striking number. Thessaloniki is a city with deep Sephardic roots. The brutal slaughter of thousands Sephardim is the irrecoverable link connecting Spain with the Holocaust memory.

The King's Decree of December 20th 1924 acquired an unexpected usefulness that was not envisaged by its authors: it was the legal frame that allowed the Spanish diplomatic missions during World War II to give consular protection to Sephardim having acquired Spanish citizenship by virtue of that Decree. The humanitarian spirit of those diplomats spread the consular protection over non-naturalized Sephardim as well, and eventually over many other Jews. Such is the case of Angel Sanz Briz in Budapest, of Sebastian de Romero Radigales in Athens, of Bernardo Rolland de Miotta in Paris, Julio Palencia in Sofia, Jose de Rojas y Moreno in Bucharest, Javier Martinez de Bedoya in Lisbon, or Eduardo Propper de Callejon in Bordeaux. Thus thousands of Jews were saved from the Holocaust and managed to build their life anew.

III

Today there are two ways in which the Sephardic Jews can acquire Spanish citizenship. First, by proving their legal residence in Spain for at least two years, these cases being the same as with other nationalities from countries having special relationship with Spain – the Iberoamericans. And second, by citizenship according to origin, granted at discretion to concerned persons being in exclusive circumstances. Now the law specifies that the said exclusive circumstances, provided for in Art.21 of the Civil Code, are present for the Sephardim with roots from Spain, who can prove this quality of theirs and their special relationship with Spain. Moreover, the law specifies the requirements and the conditions to be taken into account for proving the said quality. In this way the legitimate claim of the Sephardic diaspora communities whose predecessors have been forcibly expatriated, shall be satisfied.

Among the required documents there is a certificate of special significance, issued by the Federation of the Jewish Communities in Spain, being in harmony with the contents of the Agreement for Cooperation with the State, accepted by Act 25/1992 of November 10th.

Moreover, in addition to the foregoing, steps should be taken for the amendment of Art.23 of the Civil Code, so that by acquiring Spanish citizenship the relevant persons shall not lose the citizenship they already have. So far, the Sephardim were the only persons obliged to make such a refusal upon acquiring citizenship for a two-year residence.

In the long run, the present Act is aimed to make the connection between the present Spaniards and the descendants of those who were unjustly banished after 1492, with arguments for the common decisiveness to build jointly, and contrary to the absence of tolerance in the past, a new space for coexistence and understanding, that opens widely and forever the doors to the communities banished from the old homeland.

IV

The legal act is structured within two articles, four additional regulations, one transient regulation and six conclusive regulations.

Article 1. Granting Spanish citizenship to Sephardic Jews originating from Spain, by a certificate of origin.

1. For the purposes provided in Article 21, Paragraph 1, of the Civil Code, with respect to the exclusive circumstances required for the obtainment of Spanish citizenship according to origin based on a certificate of origin, it shall be understood that such circumstances are present for the Sephardim from Spain who can prove that, as well as the special relationship with Spain, even if they do not reside legally in our country.

2. The quality of a Sephardi from Spain shall be proved by the following evidential documents that shall be evaluated in aggregation:

- a) Certificate issued by the President of the Permanent Commission of the Federation of the Jewish Communities in Spain.
- b) Certificate issued by the President or the counterpart body at the place of residence of the concerned person or at his/her place of birth.
- c) Certificate by the competent Rabbinate that is legally recognized in the country of permanent residence.

The concerned person may also apply a certificate issued by the President of the Permanent Commission of the Federation of the Jewish Communities in Spain, confirming the competence of the issuing body. Alternatively, in order to prove the authenticity of the above mentioned documents under items b) and c), the applicant shall have to submit:

1. ° Copy of the original Statute of the foreign religious community.
2. ° Certificate by the foreign person containing the names of the person's legal representatives.
3. ° Certificate or document confirming that the foreign competent body is legally recognized in the person's country of origin.
4. ° Certificate issued by the legal representative of the body, certifying that the Rabbi having signed the document is actually and presently in that capacity, according to the Statute requirements.

Moreover, the documents indicated in the preceding paragraphs, except the certificate issued by the President of the Permanent Commission of the Federation of the Jewish Communities in Spain, shall be duly signed, translated from Spanish language by a sworn translator, and affixed by an Apostille according to the Hague Convention, or by a relevant seal for legalization.

d) Proving the use of Ladino or «Haketia» languages, or other signs showing tradition of affiliation with that community.

e) Birth certificate or «ketubah», or certificate of marriage evidencing that the marriage was concluded according to the traditions of Castilla.

f) Motivated report issued by a body with sufficient competence to accredit the applicant's family names as belonging to the Sephardic ancestry of Spanish origin.

g) Any other circumstance proving definitely the person's quality of a Sephardic Jew with origin from Spain.

3. The special relationship with Spain shall be proved by the following evidencing instruments that shall be evaluated in aggregation:

a) Certificates for education in Spanish history and culture issued by official institutions, or by legally recognized private institutions.

b) Accrediting the knowledge of Ladino or «Haketia» languages.

c) Inclusion of the applicant or his/her direct ancestry in the lists of Sephardic families under the protection of Spain, or with respect to Egypt or Greece, those mentioned in the Decree-Act of December 29th 1948 or having obtained naturalization under the special terms and conditions of the King's Decree of December 20th 1924.

d) Blood kinship of the applicant with a person from the list in the preceding item c).

e) Performance of charitable, cultural or economic activities in favour of Spanish persons or institutions or in the territory of Spain, as well as activities performed in support of institutions that research, preserve and spread the Sephardic culture.

f) Any other circumstance proving definitely the person's special relationship with Spain.

4. The applicant shall obligatorily submit a birth certificate duly legalized or affixed by apostille and if necessary, translated.

5. Moreover, the proving of the special relationship with Spain shall require sitting for two examinations.

The first examination shall prove basic knowledge of Spanish language - level A2, or higher, according to the European reference frame of languages of the European Council, by taking examination for obtainment of diploma for Spanish language as a foreign language DELE - level A2, or higher.

The second examination shall evaluate the knowledge of the Spanish constitution and the social and cultural reality in Spain.

These examinations shall be prepared and conducted by Cervantes Institute, under legally provided conditions.

Applicants from countries or territories where Spanish is the official language, shall be released from the examination for knowledge of Spanish language, but not from the examination for knowledge of the Spanish constitution and social and cultural issues.

The examinations DELE and in knowledge of the Spanish constitution and the social and cultural reality in Spain shall be attended only by persons over 18 years of age or by persons without legally changed capability. The underage persons and the personas with legally changed capability shall be released and they must submit certificates by their educational centers, homes, foster families, centers for special care and education, at which they are enrolled, as the case may be.

Article 2. Procedure

1. The procedure for granting Spanish citizenship regulated by the present Act is electronic. The application shall be made out in Spanish language and shall be filed with the General Directorate of Registries and Notaries. The applicant shall receive immediately an identification number of the application.

2. The application shall be electronically referred to the General Council of Spanish Notaries Public. The latter shall further convey the application along channels of its decision, by taking into account the preferences expressed by the applicant, and shall determine the notary public competent to evaluate the submitted documentation.

3. After the documents examination and estimation of primarily proved quality of a Separdi originating from Spain, the notary public shall appoint a meeting with the applicant and the meeting shall be recorded in a protocol. The protocol shall be attached to the original evidential documents described in the preceding article and submitted by the applicant, duly translated if necessary, as well as a conviction status certificate for the adult applicants issued by their country of origin or by the country of their residence over the past five years immediately before filing the application. All these documents shall be submitted after being duly affixed by apostil or legalized, and duly translated by a sworn translator. Upon appearing in person or through his/her legitimate proxy, the applicant shall declare at his/her responsibility before the certifying notary public the truthfulness of the facts on which the application for citizenship is grounded.

After the applicant's appearance and the examination of all the submitted evidencing documents, the notary public shall decide if he/she considers the quality of a Sephardi from Spanish origin, as well as of the special relationship with Spain of the applicant as proved or not, and shall express his/her opinion on meeting the requirements provided for in Article 1, and then shall write it down in the relevant notary act.

This notary act is subject to the provisions of the Rules of the Notaries Public, with the following specificities:

a) The requirements for investigations under this act and the declaration of the notary public on met requirements provided for in Article 1, shall be effected by a single instrument that shall be attached to the protocol with date and number corresponding to the initial application.

b) The notary public shall estimate the necessary evidential documents provided for in Article 1, and based on the submitted documents and the applicant's declaration shall certify whether in his/her judgment the legal requirements have been met.

c) After the certification, the notary public shall send an electronic copy of the notary act in a standard form determined by decision of the General Directorate of Registries and Notaries, and the electronic copy shall reach directly the General Directorate of Registries and Notaries.

4. After receiving the notary act certifying the checked facts, the General Directorate of Registries and Notaries shall ask for a perceptive report by the relevant bodies of the Ministry of Interior and the Prime Minister Office, for taking a justified decision and if necessary declaring the evaluation of the application.

5. The ruled decision shall be sufficient for the practical performance of entry in the Civil Registry, provided the requirement for an oath or promise of loyalty to the King and observance of the Constitution and the laws in the meaning of item a) of Art.23 of the Civil Code, have been met, along with the other requirements provided for in the next paragraph. The General Directorate of Registries and Notaries shall send officially a copy of the resolution to the head of the Civil Registry by competence for entry of the Birth Act.

6. The effect of the resolution for granting citizenship shall be bound by the condition that within a one-year term as from the next day following the notification of the applicant about the resolution, the latter must fulfill the following conditions before the competent Civil Registry according to place of residence:

a) To require the entry.

b) To submit a new conviction status certificate with legalization and apostil, and if necessary translated.

c) To make the relevant legally required declarations before the head of the Civil Registry about the oath or promise of loyalty to the King and observance of the Constitution and the laws.

The non-fulfillment of the above conditions by the concerned person within the indicated term shall result in the procedure termination.

First Additional Clause: *Terms*

1. The interested persons shall prepare their application within a three-year term as of the present Act coming into force. This term can be extended by another year by decision of the Council of Ministers.

2. The applications for obtainment of Spanish citizenship regulated in the present Act shall be decided within a maximum term of twelve months as from filing the dossier along with the reports provided for in Art.2, paragraph 4, with the General Directorate of Registries and Notaries.

3. After expiry of the above term without ruling an explicit decision, the applications shall be considered as administratively rejected by a tacit refusal.

Second Additional Clause

Electronic procedure and fee for the dossier processing

1. The Ministry of Justice shall regulate the electronic procedure for processing the applications for obtainment of Spanish citizenship according to place of residence, origin or in exclusive circumstances.

2. The procedure for granting Spanish citizenship according to origin, which is the subject of the present Act, shall entail a fee of 100.00 (one hundred) Euro for the administrative processing of each dossier. That fee shall be charged on the application for starting the procedure for obtainment of Spanish citizenship and it shall be paid by the applicant regardless of what the result of the procedure would be.

The fee administration is an engagement of the Ministry of Justice that shall regulate the way of its payment.

Third Additional Clause: *Extraordinary circumstances and humanitarian reasons.*

After expiry of the term under paragraph 1 of First Additional Clause, within which the extraordinary circumstances or humanitarian reasons have been proved, the Sephardim who meet the requirements of this Act, and following the regulated procedure, may ask for obtainment of Spanish citizenship, the decision for which shall be taken by the Council of Ministers at the proposal of the Ministry of Justice.

Fourth Additional Regulation: *Entries in Civil Registry*

The competent body for entries that have to be made in the Civil Registry after granting Spanish citizenship according to origin to Sephardim from Spanish origin who have proved their special relationship with Spain as provided in this Act, shall be the head of the Civil Registry in charge of birth entries.

Single Transient Regulation: *Merging of procedures.*

1. The persons who meet the requirements of this Act and therefore fall within its subjective field of application, and who have requested Spanish citizenship according to origin through an ordinary personalized procedure prior to the Act's coming into force, but still have not received notification as to a respective decision, may choose whether to continue with their dossier processing according to the procedure regulated by this Act, in which case they have to request this explicitly and to submit the documentation required under Art.2, if they have not already submitted it.

2. The exertion of this right of choice shall be performed through the electronic platform mentioned in Second Additional Clause, within the term indicated in its paragraph 1.

Should they make this choice, the processing of the respective dossier for citizenship according to origin that was already started, shall continue in conformity with the substantial procedures provided under this Act, and the concerned person may request of the General Directorate of Registries and Notaries personally or through a proxy to separate the previously filed documents from the dossier in order to attach them now to the notary act, and that person may complete the dossier personally or through a proxy with the documents required under paragraph 2 that were not submitted before, and to receive a new notary act if necessary. All applications, including those of choice, shall be processed in the order of the documents receipt and the required reports.

First Conclusive Regulation: *Amendment in the Civil Code.*

Article 23. The Civil Code shall get the following redaction:

«Article 23.

General requirements to validity of acquired Spanish citizenship according to choice, origin or place of residence:

a) The person shall be over fourteen years of age and shall be able to make an affidavit and promise loyalty to the King and observance of the Constitution and the laws.

b) The same person shall declare that he/she gives up his/her former citizenship. This requirement excludes the persons who originate from the countries enlisted in paragraph 1 of Article 24 and the Sephardic Jews originating from Spain.

c) The obtainment of citizenship shall be entered in the Spanish Civil Registry.»

Second Conclusive Regulation: *Amendment of the updated text of the General Act on the rights of disabled persons and their social integration, enacted by legislative Decree of the King 1/2013, of November 29th, 2013.*

A new, twelfth additional provision shall be added to the updated text of the General Act on the rights of disabled persons and their social integration, enacted by legislative Decree of the King 1/2013, of November 29th, 2013, with the following redaction:

«Twelfth additional provision: *Access to Spanish citizenship at equal conditions*


The disabled persons shall have access to Spanish citizenship at equal conditions. Each legal norm causing discrimination directly or indirectly, for access to citizenship of persons according to place of residence due to their disability, shall be invalid. In the procedure for obtainment of Spanish citizenship, the disabled persons who need that shall rely on the support and the reasonable updating allowing the actual exertion of this guarantee of equality.»

Third Conclusive Regulation: *Supplementarity*

For all matters not provided for in this Act, the supplementary principle shall be applied as stipulated in Act 20/2011 of June 21st (Civil Registry Act), or Act 30/1992 of November 26th (Legal Regime of the Public Administrations and General Administrative Process Act), and Act 11/2007 of June 22nd (Electronic Access of Citizens to Public Services Act).

Fourth Conclusive Regulation: *Habilitation.*

The Minister of Justice shall be habilitated (qualified) to give the necessary instructions on the execution of the provisions of this Act.



Fifth Conclusive Regulation: *Competences*.

The present Act shall be accepted in the context of Article 149.1.2.³ of the Spanish constitution related to citizenship.

Sixth Conclusive Regulation: *Coming into force*.

The present Act shall come into force on October 1st, 2015.

In witness whereof,

I do order all Spaniards, private persons and institutions to observe and abide by this Act.

Madrid, June 24th, 2015

King Felipe

Prime Minister,
MARIANO RAJOY BREY