

10.02.14

Spanish citizenship for the descendants of "Spanish Exiles"

Following the announcement in the press in November 2012 by the Spanish Justice Minister Alberto Ruiz Gallardon, regarding the intention to grant "automatic" citizenship to anyone who can prove that they are of " Spanish " descent, a draft legislation was submitted, on behalf of the cabinet, to the legislature that would grant citizenship to anyone who could prove Sephardic Jewish identity or a "special link" to Spain. (Spanish Civil Code section 23 – 7/2/2014).

The proposed amendment to section 23 of the bill in the Spanish Legal Code was submitted against the background of two existing legal provisions: First, in Article 21, which enables applications for citizenship by virtue of NATURALIZATION. This provision allows the granting of Spanish nationality in special interest or extraordinary circumstances. The second is the provision of Article 22 of the law, permitting the descendants of "the Jews expelled from Spain", having proven their family's past, to apply for Spanish citizenship after having lived legally in Spain for two years and the renunciation of any other citizenship.

The draft proposal above refers to the legislation that would permit "Sepharadi" Jews and their descendants to apply for Spanish citizenship, without having to give up any other citizenship and without having to live legally for two years in Spain.

Under the proposed bill, it is contingent on the applicant, to submit the evidence of a historic family link to Spain, partly on the basis of Sephardic surnames and other relevant data. A further requirement is a certificate from the Federation of Spanish Jewish Communities and other documentation.

According to reports, Mr. Isaac Kirov, President of the Federation, expressed his satisfaction about the progress in the process of the proposed bill. However, there have been no practical comments, from the Federation of Spanish Jewish Communities, regarding the conditions required to be eligible for a certificate, and it is not being issued by the Federation at present

It must be emphasized that until the full criteria for application for citizenship will be announced by the Federation of Spanish Jewish Communities, the chances of a successful application are almost impossible to assess, and the date of the announcement is still unknown

In light of the above amendment and according to the provisions in the proposed legislation there will be a deadline for submission of applications. Therefore, we propose to conduct all the necessary inquiries and locate all the relevant documents in readiness, such as immigration papers to Israel and birth and marriage certificates.

Regards

Maya Weiss-Tamir
Advocate