

I. GENERAL PROVISIONS

STATE LEADERSHIP

7045Law 12/2015, of June 24, on the granting of Spanish nationality to Sephardic people originating in Spain.

PHILIP VI

KING OF SPAIN

To all who will see it and understand it.

You know: That the General Courts have approved and I come to sanction the following law:

PREAMBLE I

The Sephardic are the Jews who lived in the Iberian Peninsula and, in particular, their descendants, those who after the Edicts of 1492 that forced conversion or expulsion took this drastic path. This name comes from the word

"Sefarad", the word with which Spain is known in the Hebrew language, both classic and contemporary. In truth, the Jewish presence in Iberian lands was firm and millenary, palpable even today in vestiges of the verb and of stone. Nevertheless, and by imperative of history, the Jews returned to the paths of the Diaspora, adding or founding new communities especially in North Africa, in the Balkans and in the Ottoman Empire.

The children of Sepharad maintained a wealth of nostalgia that was immune to the evolution of languages and generations. As a support they kept the Ladino or Haketia, primitive Spanish enriched with the loans of the host languages. In the language of their ancestors they imitated prayers and recipes, games and romances. They kept the customs, respected the names that so many times invoked the last of their origin, and accepted without rancor the silence of the forgotten Spain.

Memory and loyalty have remained throughout the years in a large community that deserved the honour of receiving its recognition with the Prince of Asturias Award for Concord in 1990. It was a decision motivated by the desire to contribute, after almost five centuries of separation, to a process of concord that summons the Sephardic communities to a reunion with their origins, opening the doors of their ancient homeland to them forever. The awarding of this prize had been preceded, shortly before, by a historical event: the first visit of a King of Spain to a synagogue. It was on October 1st 1987 in the Sephardic temple Tifereth Israel in Los Angeles, California.

At the dawn of the 21st century, the world's Sephardic communities are facing new challenges: some have been battered by the fury of totalitarianism, others have chosen the paths of return to their longed-for Jerusalem; all of them are glimpsing a pragmatic and global identity in the emerging generations. In any case, love for a Spain that is conscious of the end of the historical and sentimental baggage of the Sephardim is palpable. It seems only fair that such recognition should be nourished by the appropriate legal resources to facilitate the condition of Spaniards for those who jealously and prodigiously resisted being so despite the persecutions and sufferings that their ancestors unjustly suffered until their expulsion in 1492 from Castile and Aragon and, shortly afterwards, in 1498, from the kingdom of Navarre. Today's Spain, with the present Law, wants to take a firm step to achieve the reunion of the definitive reconciliation with the Sephardic communities.

II

The formation in Spain of a current of opinion favourable to the Sephardim comes from the time of Elizabeth II, when the Jewish communities obtained licences to own cemeteries, for example, in Seville and, later, the authorisation to open some synagogues.

When Fernando de los Ríos was Minister of State, the Presidency of the Government studied the possibility of granting, in a generalised way, Spanish nationality to the Sephardic Jews of Morocco, but the idea was abandoned because of the opposition found in some Maghrebi media. It is also fair to recognise that in 1886, at the instigation of Praxedes Mateo Sagasta, and in 1900 under the promotion of Senator Ángel Pulido, a rapprochement towards the Sephardim began, as a result of which the Government authorised the opening of synagogues in Spain, the foundation of the Spanish-Hebrew Alliance in Madrid in 1910 and the constitution of the Universal House of the Sephardim in 1920. All this reinforced the links between the Sephardim and Spain.

Historically, Spanish nationality was also acquired by the Sephardim in exceptional circumstances. An example of this was the Royal Decree of December 20, 1924, in which the explanatory memorandum refers to "former Spanish protégés or their descendants and, in general, to individuals belonging to families of Spanish origin who have at some time been entered in Spanish registers and these Hispanic elements, with deep-rooted feelings of love for Spain, due to ignorance of the law and for other reasons unconnected with their desire to be Spanish, have not succeeded in obtaining our nationality". A process of naturalization was thus opened, allowing the Sephardim to obtain Spanish nationality within a period of time that lasted until 1930. Only three thousand Sephardim exercised this right. However, after the deadline, many received the protection of the Spanish Consuls even without having obtained Spanish nationality properly.

The course of the Second World War placed approximately two hundred thousand Sephardim under German administration. Flourishing communities in Western Europe and, above all, in the Balkans and Greece suffered from Nazi barbarism with overwhelming figures such as the more than fifty thousand dead in Thessaloniki, a city with deep Sephardic roots. The brutal sacrifice of thousands of Sephardic people is the everlasting link between Spain and the memory of the Holocaust.

The Royal Decree of 20 December 1924 had an unexpected usefulness that its drafters probably did not think of: it was the legal framework that allowed Spanish diplomatic legations, during the Second World War, to give consular protection to those Sephardic nationals who had obtained Spanish nationality under that Decree. The humanitarian spirit of these diplomats extended consular protection to unnaturalized Sephardim and, ultimately, to many other Jews. This is the case, among others, of Ángel Sanz Briz in Budapest, of Sebastián de Romero Radigales in Athens, of Bernardo Rolland de Miotta in Paris, of Julio Palencia in Sofia, of José de Rojas y Moreno in Bucharest, of Javier Martínez de Bedoya in Lisbon, or of Eduardo Propper de Callejón in Bordeaux. Thousands of Jews thus escaped the Holocaust and were able to rebuild their lives.

III

At present there are two channels for Sephardic people to obtain Spanish nationality. First, by proving their legal residence in Spain for at least two years, assimilating themselves in these cases to the nationals of other countries with a special link with Spain, such as the Latin American nations. And, secondly, by letter of nature, granted at the discretion of the interested party, when exceptional circumstances arise. As a corollary, the Law now specifies those exceptional circumstances referred to in Article 21 of the Civil Code, in the Sephardics originating in Spain, that prove said condition and their special link with Spain. It also determines the requirements and conditions to be taken into account for the justification of that condition. This satisfies

a legitimate claim of the Sephardic diaspora communities whose ancestors were forced into exile.

Among the requested documentation, the certificate issued by the Federation of Jewish Communities of Spain, in coherence with the content of the Agreement of Cooperation with the State approved by the Law 25/1992, of November 10th, acquires singular relevance. Likewise, it is necessary to proceed, as a complement to the above, to the reform of Article 23 of the Civil Code to avoid having to renounce the previously held Spanish nationality when acquiring it. Until the moment, the Sephardic are the only ones who, being granted the nationality with two years of residence, are

forces this waiver.

In short, the present Law is intended to be the meeting point between the Spaniards of today and the descendants of those who were unjustly expelled from 1492, and is justified by the common determination to build together, in the face of the intolerance of past times, a new space of coexistence and concord, which will forever reopen the doors of their former country to the communities expelled from Spain.

IV

The rule is structured in two articles, four additional provisions, one transitional provision and six final provisions.

Article 1. Granting of the Spanish nationality by letter of nature to the Sephardim originating in Spain.

1. For the purposes of Article 21(1) of the Civil Code, as regards the exceptional circumstances required to acquire Spanish nationality by letter of nature, it is understood that such circumstances apply to Sephardics originating in Spain who prove this condition and a special link with Spain, even if they do not have legal residence in our country.

2. The status of Sephardic origin from Spain will be accredited by the following means of evidence, assessed as a whole:

- a) Certificate issued by the President of the Permanent Commission of the Federation of Jewish Communities of Spain.
- b) Certificate issued by the president or similar position of the Jewish community in the area of residence or home town of the person concerned.
- c) Certificate from the competent rabbinical authority, legally recognized in the country of the applicant's habitual residence.

The interested party may accompany a certificate issued by the President of the Permanent Commission of the Federation of Jewish Communities of Spain, which guarantees the status of the issuing authority. Alternatively, in order to prove the suitability of the documents referred to in (b) and (c), the applicant must provide

- 1.º Copy of the original Statutes of the foreign religious entity.
- 2.º Certificate from the foreign entity containing the names of those who have been appointed legal representatives.
- 3.º Certificate or document proving that the foreign entity is legally recognized in its country of origin.
- 4.º Certificate issued by the legal representative of the entity that certifies that the signatory Rabbi holds, effectively and currently, such condition in accordance with the requirements established in its statutory rules.

In addition, the documents referred to in the previous paragraphs, with the exception of the certificate issued by the President of the Permanent Commission of the Federation of Jewish Communities of Spain, will be duly authorized, translated into Spanish by a sworn translator and must bear the Apostille of The Hague or the stamp of the corresponding legalization.

d) Accreditation of the use of Ladino or "Haketía" as a family language, or for other signs that demonstrate the tradition of belonging to such a community.

e) Birth certificate or "ketubah" or marriage certificate stating that the marriage was celebrated according to the traditions of Castile.

f) Reasoned report, issued by an entity of sufficient competence, which accredits the belonging of the applicant's surnames to the Sephardic lineage of Spanish origin.

g) Any other circumstance which reliably proves their condition of Sephardic origin in Spain.

3. The special link with Spain will be accredited by the following means of evidence, assessed as a whole:

a) Certificates of study of Spanish history and culture issued by official or private institutions with official recognition.

b) Accreditation of knowledge of the Ladino or "Haketía" language.

c) Inclusion of the petitioner or his direct descendants in the lists of Sephardic families protected by Spain, to which, in relation to Egypt and Greece, the Decree-Law of December 29, 1948 refers, or those others who obtained their naturalization by the special route of the Royal Decree of December 20, 1924.

d) Blood relationship of the applicant to a person referred to in point (c) above

e) Carrying out charitable, cultural or economic activities in favour of persons or institutions in Spain or in Spanish territory, as well as those that are developed in support of institutions oriented to the study, conservation and diffusion of the Sephardic culture.

f) Any other circumstance that clearly demonstrates its special link with Spain.

4. In any case, a birth certificate must be provided, duly legalized or apostilled and, if necessary, translated.

5. Likewise, accreditation of the special link with Spain will require the passing of two tests.

The first test will accredit a basic knowledge of the Spanish language, level A2, or higher, of the Common European Framework of Reference for Languages of the Council of Europe, by passing an exam to obtain a DELE diploma in Spanish as a foreign language, level A2 or higher.

In the second test, knowledge of the Spanish Constitution and the Spanish social and cultural reality will be evaluated.

These tests will be designed and administered by the Instituto Cervantes under the conditions established by regulation.

Applicants who are nationals of countries or territories where Spanish is an official language are exempt from the Spanish proficiency test but not from the constitutional and socio-cultural knowledge test.

Only those over 18 years old and people who do not have judicially modified capacity should take the DELE exam and the test of knowledge of the Spanish Constitution and the Spanish social and cultural reality. Minors and persons with judicially modified capacity are exempt and must provide certificates from their training, residence, reception, care or special education centres in which, where appropriate, they have been registered.

Article 2. *Procedure.*

1. The procedure for granting nationality regulated by this Law shall be electronic. The application shall be made in Spanish and shall be addressed to the Directorate General of Registers and Notaries. The applicant will be given an identification number for his application.

2. The request will be sent telematically to the General Council of Notaries. This Council, through the channels it establishes, will process it, taking into account the preferences expressed by the interested party, and will determine the competent notary to evaluate the documentation provided.

3. Once the documents have been examined, when the condition of Sephardic origin from Spain is considered to be justified, as well as the special link with Spain of the applicant, the notary will arrange with the applicant to appear, from which the minutes will be taken. This will include the original documents provided by the interested party referred to in the previous article, duly translated if necessary, and, for applicants who are of legal age, the certificate or certificates of criminal records corresponding to their country of origin and those where they have resided in the last five years immediately prior to the application. All these documents must be duly authorised and apostilled or legalised and, where appropriate, translated, and the translation must be certified. In the personal appearance or through his legal representative, the applicant must assert under his responsibility before the authorizing notary the certainty of the facts on which his application for nationalization is based. Once the appearance of the interested party has taken place, and all the evidentiary documents provided have been examined, the notary shall consider whether or not he considers the condition of Sephardic origin from Spain and the special link with Spain of the applicant to be justified, expressing his opinion regarding the fulfilment of the requirements provided for in Article 1, and shall state by way of a record.

Such minutes shall be subject to the provisions of the Notary Regulations with the following particularities:

a) The request for the instruction of the minutes and the declaration by the notary that the requirements of Article 1 have been met shall be made in the same instrument, which shall be incorporated in the protocol on the date and under the number corresponding to the initial request.

b) The notary shall assess the relevant documentary evidence from among those provided for in Article 1 and, in the light of the documents submitted and the applicant's declaration, shall state whether or not, in his opinion, the legal requirements have been met.

c) Once authorised, the notary shall send an electronic copy of the minutes, in the uniform format to be determined by resolution of the Directorate General for Registers and Notaries, which shall be sent electronically to the Directorate General for Registers and Notaries.

4. Once the notary's certificate has been received, which will certify the accredited facts, the General Directorate of Registers and Notaries will request reports from the corresponding bodies of the Ministry of the Interior and the Ministry of the Presidency, resolving the request with reasons and declaring, where appropriate, that the request has been accepted.

5. The resolution issued shall be sufficient for the practice of the corresponding inscription in the Civil Registry, after compliance with the requirement of the oath or promise of fidelity to the King and obedience to the Constitution and the laws required in Article 23(a) of the Civil Code, together with the others established in the following paragraph. The Directorate General of Registers and Notaries shall send a copy of the resolution ex officio to the Registrar General of the Civil Registry competent to register the birth.

6. The effectiveness of the decision to grant the concession is subject to the following conditions being met by the interested party before the competent Civil Registry office, within one year of the day following notification of the decision to the interested party, by reason of his or her domicile:

- a) Apply for registration.
- b) To provide a new certificate in force certifying the absence of a criminal record, legalized or apostilled and, if necessary, translated.
- c) To make legally appropriate declarations to the Registrar General regarding the oath or promise of loyalty to the King and obedience to the Constitution and the law.

Failure by the person concerned to comply with the above conditions within the prescribed time limit will result in the procedure being terminated.

First additional provision. *Deadlines.*

1. Interested parties must formalize their application within three years of the entry into force of this Act. This period may be extended by agreement of the Council of Ministers for a further year.

2. Applications for the acquisition of Spanish nationality governed by this Law must be resolved within a maximum period of twelve months from the date on which the file was received by the Directorate General for Registers and Notaries together with the reports provided for in Article 2.4.

3. Once the previous period has elapsed without an express resolution, the requests will be understood to have been rejected due to administrative silence.

Second additional provision. *Electronic procedure and fee for processing cases.*

1. The Ministry of Justice will regulate the electronic procedure for processing procedures for obtaining Spanish nationality by residence, letter of nature or dispensation.

2. The procedure for granting Spanish nationality by letter of nature referred to in this law will accrue a fee of 100 euros for the administrative processing of each application. The chargeable event is the application to initiate the procedure for obtaining Spanish nationality and shall be payable by the applicant, irrespective of the outcome of the procedure.

The fee will be managed by the Ministry of Justice, which will regulate how the fee is to be paid.

Third additional provision. *Exceptional circumstances and humanitarian reasons*

Once the period referred to in paragraph 1 of the first additional provision has elapsed, when exceptional circumstances or humanitarian reasons are accredited, the Sephardim who comply with the requirements of this Law, and taking advantage of its procedure, may apply to obtain Spanish nationality, the granting of which will correspond to the Council of Ministers at the proposal of the Ministry of Justice.

Additional provision four. *Entries in the Civil Registry.*

For the inscriptions that must be carried out in the Civil Registry as a result of the concession of Spanish nationality by letter of nature to the Sephardim of Spanish origin that accredit special bond with Spain, in accordance with the provisions of the present Law, the person in charge of the Civil Registry that was responsible for the inscription of the birth will be competent.

Unique transitional provision. *Concurrence of procedures.*

1. Those who, because they meet the requirements laid down in this Law, are included in its subjective scope of application and, prior to its entry into force, have requested the granting of Spanish nationality by letter of nature through the ordinary and individualised procedure without having received notification of the corresponding decision, may opt to continue the processing of their file in accordance with the procedure regulated by this Law and to this end shall expressly request it and provide the documentation required in accordance with the provisions of Article 2 that they have not already provided.

2. The option must be exercised via the electronic platform set out in the second additional provision during the period referred to in paragraph 1

of the first additional provision. Once the option has been taken, the processing of the corresponding nationality file by letter of nature, already initiated, will continue according to the substantive and procedural provisions contained in this Law, although the interested party, personally or through an authorized person, may request from the Directorate General of the Registries and Notaries Public a breakdown of the documents submitted at the time to be included in the file for the notarial act and may also, either personally or through an authorised person, complete the file with the documentation required under Article 2 that has not been previously submitted or issue a new notarial act if necessary. All applications, including option applications, shall be processed in the order in which the required documents and reports are received.

Final disposition first. *Modification of the Civil Code.*

Article 23 of the Civil Code shall read as follows

"Article 23.

These are common requirements for the validity of the acquisition of Spanish nationality by option, letter of nature or residence:

- a) That the eldest of fourteen years of age and capable of giving a declaration by himself swear or promise fidelity to the King and obedience to the Constitution and the laws.
- b) That the same person declares that he or she renounces his or her previous nationality. This requirement does not apply to nationals of the countries mentioned in Article 24(1) and to Sephardics from Spain.
- c) That the acquisition be registered in the Spanish Civil Registry."

Second final provision. *Amendment of the revised text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, approved by Royal Legislative Decree 1/2013, of 29 November.*

A new twelfth additional provision is added to the Revised Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, approved by Royal Legislative Decree 1/2013 of 29 November, with the following wording

"Additional Provision Twelve. *Access to Spanish nationality under equal conditions.*

People with disabilities will have equal access to Spanish nationality. Any rule that causes direct or indirect discrimination in the access of persons to nationality by residence due to their disability will be null and void. In the procedures for acquiring Spanish nationality, persons with disabilities who so require shall have the support and reasonable adjustments that allow for the effective exercise of this guarantee of equality".

Final disposition third. *Supplementary.*

In all matters not provided for in this Law, the provisions of Law 20/2011, of 21 July, on the Civil Registry shall apply in addition to the provisions of Law 30/1992, of 26 November, on the Legal System for the Public Administrations and Common Administrative Procedure and Law 11/2007, of 22 June, on electronic access to public services by citizens.

Final provision four. *Habilitation.*

The Minister of Justice is empowered to issue such provisions as may be necessary for the implementation of the provisions of this Act.

Final provision five. *Title of competence.*

This Act is issued under Article 149.1.2 of the Spanish Constitution with regard to nationality.

Sixth final provision. *Entry into force.*

This Act shall enter into force on 1 October 2015.

Therefore,
I command all Spaniards, individuals and authorities, to keep and enforce this law.

Madrid, June 24, 2015.

FELIPE R.

The President of the
Government, MARIANO
RAJOY BREY