

## **Ministry of Justice**

**Decree-law n. ° 30 – A/2015**

**February 27<sup>th</sup>**

Sephardic Jews are hereby designated as Jews who descend from the ancient and traditional Jewish communities of the Iberian Peninsula.

The presence of those communities in the Iberian Peninsula is very old, even preceding the formation of the Christian Iberian kingdoms, as it happened with Portugal from the 12<sup>th</sup> century onwards.

From the end of the 15<sup>th</sup> century, and after the Alhambra Decree (1492), having those Jewish communities been subject to persecution from the Spanish Inquisition, many of their members then took refuge in Portugal.

However, King Manuel I of Portugal, who had initially enacted a law that would guarantee their protection, determined that, starting in 1496, all Sephardic Jews (also known as *marranos*) who would not subjected themselves to Catholic baptism would be expelled. Therefore, a number of Sephardic Jews were expelled from Portugal by late 15<sup>th</sup> century – early 16<sup>th</sup> century.

Generally, these peninsular Jews established themselves, with others, in countries like the Netherlands, the United Kingdom and Turkey, as well as in regions in North Africa and, later, in American territories, namely Brazil, Argentina, Mexico and the United States of America (USA).

Despite the persecutions and the departure from their ancestral territory, many Sephardic Jews of Portuguese origin and their descendants retained not only the Portuguese language, but also the traditional rites of the ancient Jewish cult in Portugal, conserving for generations their family names, objects and documents that comproved their Portuguese origins, paired with a strong memorial relationship that leads them to call themselves “*Portuguese Jews*” or “*Jews from the Portuguese nation*”.

With the “*conversão em pé*” (standing conversion), the name by which was known the forced conversion of Jews commanded by King Manuel, Jews officially stopped existing in Portugal, remaining only Old Christians and New Christians, the latter designation hiding the Jewish origins.

During the Inquisition Period, many of these New Christians and Portuguese Jews managed to escape and leave the Kingdom, for some regions of the Mediterranean (Gibraltar, Morocco, Southern France, Italy, Croatia, Greece, Turkey, Syria, Lebanon, Israel, Jordan, Egypt, Libya, Tunisia and Algeria), Northern Europe (London, Nantes, Paris, Antwerp, Brussels, Rotterdam and Amsterdam), Brazil, the Antilles and the USA, among others, creating there highly renowned communities and founding notable synagogues, such as the Portuguese Synagogue in Amsterdam, the Congregation Shearith Israel in New York, the Bevis Marks Synagogue in London, the Touro Synagogue in Newport (Rhode Island – USA), the Spanish and Portuguese Synagogue of Montreal and the Kahal Zur Israel Synagogue in Recife, Brazil.

In the beginning of the 19<sup>th</sup> century, some descendants of Sephardic Jews, who had taken refuge in Morocco and Gibraltar, returned to Portugal, the first modern Jewish cemetery having been created in 1801, next to the British cemetery in Lisbon. In 1868, by a charter from King Luís I, it was granted to “*the Jews of Lisbon the permission to install a cemetery for the burial of their coreligionists*”, the cemetery in Rua D. Afonso III, in Lisbon.

Even today, many Sephardic Jewish family names keep the Portuguese matrix, although, in some cases, it got mixed with the Spanish one.

In the Diaspora of the Netherlands and the United Kingdom, there subsist, between others, family names such as: *Abrantes, Aguilar, Andrade, Brandão, Brito, Bueno, Cardoso, Carvalho, Castro, Costa, Coutinho, Dourado, Fonseca, Furtado, Gomes, Gouveia, Granjo, Henriques, Lara, Marques, Melo e Prado, Mesquita, Mendes, Neto, Nunes, Pereira, Pinheiro, Rodrigues, Rosa, Sarmento, Silva, Soares, Teixeira* and *Teles*.

In the Diaspora of Latin America, there are kept, for example, among others, the following family names: *Almeida, Avelar, Bravo, Carvajal, Crespo, Duarte, Ferreira, Franco, Gato, Gonçalves, Guerreiro, Leão, Lopes, Leiria, Lobo, Lousada, Machorro, Martins, Montesino, Moreno, Mota, Macias, Miranda, Oliveira, Osório, Pardo, Pina, Pinto, Pimentel, Pizarro, Querido, Rei, Ribeiro, Salvador, Torres* and *Viana*.

In other regions of the world, there are also descendants of Sephardic Jews of Portuguese origins that maintain, besides the aforementioned names, among others, the following family names: *Amorim, Azevedo, Álvares, Barros, Basto, Belmonte, Cáceres, Caetano, Campos, Carneiro, Cruz, Dias, Duarte, Elias, Estrela, Gaiola, Josué, Lemos, Lombroso, Lopes, Machado, Mascarenhas, Mattos, Meira, Mello e Canto, Mendes da Costa, Miranda, Morão, Morões, Mota, Moucada, Negro, Oliveira, Osório (ou Ozório), Paiva, Pilão, Pinto, Pessoa, Preto, Souza, Vaz* and *Vargas*.

Besides the family names and the usage of the Portuguese language, namely in rites, even today, there are descendants of Portuguese Sephardic Jews that speak among each other the Ladino, a language used by the Sephardics expelled from Spain and Portugal in the 15<sup>th</sup> century, derived from Spanish and Portuguese, and currently spoken by around 150,000 people in communities in Israel, Turkey, the former Yugoslavia, Greece, Morocco and in America, among many other places.

The following Act will allow the descendants of Sephardic Jews of Portuguese origin who desire so, to claim their right to return, by acquiring Portuguese nationality by naturalization, and their integration in the national community being granted, with its co-relative rights and obligations.

The Lisbon Israeli Community, the Porto Israeli Community, the Superior Council of the Judiciary, the High Council of the Administrative and Fiscal Courts, the Superior Council for the Public Prosecution, the Bar Association, the Notary Public Association, the Chamber of Solicitors, the Union of Registrars, and the Council of Justice Officials were heard on an optional basis.

The Jewish Community of Belmonte, the Union of Portuguese Judges, the Union of the Public Prosecutors, the Union of the Registry and Notary Officers, the Union of the Registry and Notary Workers of the Northern Region, the Union of the Registry and Notary Workers of the Southern Region and the Islands, the Union of the Judicial Workers, the Union of the Justice Officials, and the Association of the Judicial Officers were heard on an optional basis.

Thus:

In accordance with Article 2 of Law No. 2013/01 of 29 July 2013, and under the terms of Article 198 (1) (a) of the Constitution, the Government enacts as follows:

#### Article 1

##### **Purpose**

This Act undertakes to the second change to the Regulation of Portuguese Nationality, approved by Decree-law No. 237-A/2006 of 14 December, modified by Decree-law No. 43/2013 of 1 April, providing for the concession of Portuguese citizenship to the descendants of Sephardic Jews.

#### Article 2

##### **Amendment to the Regulation of Portuguese Nationality**

The following paragraph is added to the Regulation of Portuguese Nationality, approved by Decree Law No. 237-A/2006 of 14 December, altered by Decree Law 43/2013 of 1 April, the Article 24-A:

“Article 24-A

Naturalization of foreigners that descend from Portuguese Sephardic Jews

1 -The Portuguese Government may concede Portuguese nationality, by naturalization, to the descendants of Sephardic Jews, when the following criteria are met::

- a) Being of majority age or emancipated, under Portuguese law;
- b) Having not been convicted, with a sentence transited in *rem judicatum*, for a crime liable to a prison sentence of three years or more, in accordance with Portuguese law.

2 -In the application presented by the interested party, the circumstances determining the tradition of belonging to a Sephardic community of Portuguese origin shall be indicated and demonstrated, namely, family names, native language, direct ancestry or family relationship in a collateral line of a common parent from the Sephardic community of Portuguese origin.

3 -The application shall be accompanied by the following documents, notwithstanding the obligations arising from article 37:

- a) Birth certificate;
- b) Certificate of criminal record issued by the competent authority in the country of the nationality of the applicant or of the country in which the applicant has resided, which must be authenticated, when issued by foreign authorities.
- c) Certificate from a Jewish community with collective religious person status, under Portuguese Law, at the date of entry into force of this Article, that certifies the tradition of belonging to a Sephardic community of Portuguese origin, materialised, namely, in the family name of the applicant, native language, ancestry, and family memory.

4 - The certificate referred to in line c) of the previous paragraph must contain the full name, date of birth, country of birth, parentage, nationality, and residence of the

applicant, as mention of direct ancestry or family relationship in a collateral line of a common parent from the Sephardic community of Portuguese origin, accompanied by every evidence of such.

5 - In the absence of the certificate mentioned in 3(c), and, in order to demonstrate direct ancestry or family relationship in a collateral line of a common parent from the Sephardic community of Portuguese origin or tradition of belonging to a Sephardic community of Portuguese origin, the following means of evidence are admitted:

- a) Certified document, issued by the Jewish community that their applicant belongs to, proving their usage of Portuguese expressions in Jewish rites, or as a language spoken by them in the heart of that community, the Ladino;
- b) Certified records, such as registers from synagogues and Jewish cemeteries, as well as residence permits, property titles, deeds of will, and other pieces of evidence of family connection from the applicant, through direct ancestry or family relationship in a collateral line of a common parent from the Sephardic community of Portuguese origin.

6 - In case of doubt over the authenticity of the contents of the documents issued abroad, the member of the Government responsible for Justice may request the Jewish community referred under line 3(c), a report over the evidence produced under the preceding paragraph.”

### Article 3

#### **Entry into force**

This Act shall enter into force on the first day after the date of its publishing.

Reviewed and approved in Council of Ministers on 29 January 2015.

Passed on 25 February 2015

Sanctioned on 26 February 2015

The Prime Minister

The Minister of Foreign Affairs

The Minister of Internal Administration

The Minister of Justice