

Notes for Facilitator – The Law of Return

- a. After one has been approved for Aliyah, he will receive an Aliyah visa. The visa is used only once in your life. After you use the visa to enter Israel as an Oleh, the next time you enter is as an Israeli. It will take one year to get your Israeli passport, since the state of Israel wants to see that you are really living in Israel.
- b. The Shaliach from the Jewish Agency who assisted you with the Aliyah process has to see that you really want to settle in Israel (and that you are not doing it only for tax reasons or something like that). The Oleh needs to sign a declaration that he/she is planning to settle in Israel.
- c. What do you think about AIDS? If one has AIDS, is he or she allowed to make Aliyah? (Yes. Since it is not contagious). If one has a sickness that can endanger the public, then you are not allowed to make Aliyah. When you heal, you can make Aliyah.
- d. The office that is in charge of approving Olim and implementing this law was the Ministry of Immigration. (Later on, in 1954, it changed to the Ministry of Interior).
- e. First amendment in 1954 is that the Ministry can also prevent a Jew from making Aliyah if he has a criminal record.
- f. Now we are getting into the interesting stuff. The second amendment questions “Who is a Jew and who is eligible by the Law of Return. Also a child of a Jewish father is eligible by the Law of Return, and also a grandson of a Jew is eligible of the Law of Return, even though traditional Halacha rejects these notions. This expands the definition of "Jew" to much wider than traditional Halacha.
- g. Looking at the word “voluntarily:” According to Jewish Law, if one is Jewish he is always Jewish. Even if he converted to Christianity, he is still by Jewish Law considered a Jew. However, according to the Law of Return, the law will only accept Jews that do not belong to another religion. The case about "Brother Daniel" is an example of this: http://en.wikipedia.org/wiki/Oswald_Rufeisen. This was the case that instigated the amendment.
- h. On the Aliyah visa that the Oleh receives, which allows him to make Aliyah, is a note saying if he got the visa according to 4A or 4B.



Laws

Laws of Special Interest

Special thanks to the Ministry of Foreign Affairs for the translation

*Right of aliyah***
Oleh's visa

Oleh's certificate

Residents and persons born in this country

Implementation and regulations

DAVID BEN-GURION
Prime Minister

MOSHE SHAPIRA
Minister of Immigration

YOSEF SPRINZAK
Acting President of the State
Chairman of the Knesset

* Passed by the Knesset on the 20th Tammuz, 5710 (5th July, 1950) and published in Sefer Ha-Chukkim No. 51 of the 21st Tammuz, 5710 (5th July, 1950), p. 159; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 48 of the 12th Tammuz, 5710 (27th June, 1950), p. 189.

** Translator's Note: Aliyah means immigration of Jews, and oleh (plural: olim) means a Jew immigrating, into Israel.

Law of Return (Amendment 5714-1954)*

Amendment of section 2(b)

Amendment of sections 2 and 5

MOSHE SHARETT
Prime Minister

YOSEF SERLIN
Minister of Health
Acting Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 24th Av, 5714 (23rd August, 1954) and published in Sefer Ha-Chukkim No. 163 of the 3rd Elul, 5714 (1st September, 1954) p. 174; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 192 of 5714, p. 88.

** Sefer Ha-Chukkim No. 51 of 5710, p. 159, LSI vol. IV, 114.

The Law of Return 5710 (1950)*

1. Every Jew has the right to come to this country as an oleh**.

2. (a) Aliyah shall be by oleh's visa. a

(b) An oleh's visa shall be granted to every Jew who has expressed his desire to settle in Israel, unless the Minister of Immigration is satisfied that the applicant b

(1) is engaged in an activity directed against the Jewish people; or

(2) is likely to endanger public health or the security of the State. c

3. (a) A Jew who has come to Israel and subsequent to his arrival has expressed his desire to settle in Israel may, while still in Israel, receive an oleh's certificate.

(b) The restrictions specified in section 2(b) shall apply also to the grant of an oleh's certificate, but a person shall not be regarded as endangering public health on account of an illness contracted after his arrival in Israel.

4. Every Jew who has immigrated into this country before the coming into force of this Law, and every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an oleh under this Law.

5. The Minister of Immigration is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation and also as to the grant of oleh's visas and oleh's certificates to minors up to the age of 18 years. d

1. In section 2 (b) of the Law of Return, 5710-1950** -

(1) the full stop at the end of paragraph (2) shall be replaced by a semi-colon, and the word "or" shall be inserted thereafter ;

(2) the following paragraph shall be inserted after paragraph (2):

"(3) is a person with a criminal past, likely to endanger public welfare." e

2. In sections 2 and 5 of the Law, the words "the Minister of Immigration" shall be replaced by the words "the Minister of the Interior".

Law of Return (Amendment No. 2) 5730-1970*

Addition of sections 4A
and 4B

1. In the Law of Return, 5710-1950**, the following sections shall be inserted after section 4:

"Rights of members of family

4

4A. (a) The rights of a Jew under this Law and the rights of an oleh under the Nationality Law, 5712-1952***, as well as the rights of an oleh under any other enactment, are also vested in a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion.

3

(b) It shall be immaterial whether or not a Jew by whose right a right under subsection (a) is claimed is still alive and whether or not he has immigrated to Israel.

(c) The restrictions and conditions prescribed in respect of a Jew or an oleh by or under this Law or by the enactments referred to in subsection (a) shall also apply to a person who claims a right under subsection (a).

Definition

h

4B. For the purposes of this Law, "Jew" means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."

Amendment of section 5

2. In section 5 of the Law of Return, 5710-1950, the following shall be added at the end: "Regulations for the purposes of sections 4A and 4B require the approval of the Constitution, Legislation and Juridical Committee of the Knesset."

Amendment of the Population
Registry Law, 5725-1965

3. In the Population Registry Law, 5725-1965****, the following section shall be inserted after section 3:

"Power of registration and definition

3A. (a) A person shall not be registered as a Jew by ethnic affiliation or religion if a notification under this Law or another entry in the Registry or a public document indicates that he is not a Jew, so long as the said notification, entry or document has not been controverted to the satisfaction of the Chief Registration Officer or so long as declaratory judgment of a competent court or tribunal has not otherwise determined.

(b) For the purposes of this Law and of any registration or document thereunder, "Jew" has the same meaning as in section 4B of the Law of Return, 5710-1950.

(c) This section shall not derogate from a registration effected before its coming into force."

GOLDA MEIR
Prime Minister
Acting Minister of the Interior

SHNEUR ZALMAN SHAZAR
President of the State

* Passed by the Knesset on 2nd Adar Bet, 5730 (10th March, 1970) and published in Sefer Ha-Chukkim No. 586 of the 11th Adar Bet, 5730 (19th March, 1970), p. 34; the Bill and an Explanatory Note were published in Hatzat'ot Chok No. 866 of 5730, p. 36.

** Sefer Ha-Chukkim of 5710 p. 159 - LSI vol. IV, p. 114; Sefer Ha-Chukkim No. 5714, p. 174 - LSI vol. VIII, p. 144.

*** Sefer Ha-Chukkim of 5712, p. 146 ; LSI vol. VI, p. 50.

**** Sefer Ha-Chukkim of 5725, p. 270 ; LSI vol. XIX, p. 288.



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It's Your Right! Aliyah and the Law of Return

Created by Naomi Freedman, Shlichat Aliyah for the Conservative Movement and Amy Dorsch, Education Coordinator, USY

Goals:

- Chanichim will understand the Law of Return as the Israeli declaration for Jewish Aliyah.
- Chanichim will understand that the Law of Return is enacted to fulfill one of the goals of Zionism as the Jewish right to settle in the Land of Israel as the Jewish homeland, by granting all Jews automatic citizenship.
- Chanichim will examine the original Law of Return from 1950, study an example of its affect today, and discuss their opinions on it whether it is still relevant today.

Duration: 60-90 min

Materials:

- Law of Return article from Israel Government website (included in this packet)
- Law of Return notes for facilitator
- Copies of ONE of the following stories of Olim and Orthodox conversion issues (choose one and print):

<http://www.ipost.com/JewishWorld/JewishNews/Article.aspx?id=207794>

<http://www.ipost.com/JewishWorld/JewishNews/Article.aspx?id=225019>

<http://www.forward.com/articles/136245/>

<http://www.ipost.com/NationalNews/Article.aspx?id=209296>

- Case studies on Conversion (choose a few examples from this site (choose one and print) <http://eng.itim.org.il/?CategoryID=244>)

Introduction: Defining Zionism

Ask Chanichim what they think the term *Zionism* means, what are the goals or ideas of Zionism?

Explain that one of the key ideas or goals of Zionism was to establish a Jewish state in the Land of Israel (Medinat Yisrael b'erezt Yisrael) and for all Jews to settle this land as citizens.

Zionism was a response to this idea that all Jews, regardless of point of origin or birthplace, could settle the land as citizens, all Jews have a right to settle the land of Israel. This goal of Zionism (or central idea) is enacted through the LAW of RETURN, first drafted in 1950, shortly after the birth of the State.

Brief background:

- First drafted in 1950



- In response to the Nuremberg Laws of 1935 where Jews of Germany were stripped of their rights as citizens, followed by their eventual segregation, deportation and annihilation in the Shoah.
- Gives Jews around the world the opportunity for automatic citizenship solely based on the fact that they're Jewish.
- The Law of return defines who is eligible and we will see that those who qualify as Jews under this law do not necessarily qualify as Jews according to Halacha.

Body of activity:

1. Text study – Text of Law of Return from 1950.

Give each Chanich the text of the Law of Return, let them go over it in pairs. Each pair should have a different assigned task to look out for while reading (double up on assignments if there are more than 5 pairs):

- What
- Why
- Who
- Issues? (the “so what?” Question)
- Implications (Now what? What problems or dilemmas could emerge from this, what needed to be addressed?)

After each pair has had time to discuss, re-group in a to the circle and go over it together by asking each group to explain their findings. Also use the Notes or guideline for the facilitator to help frame your discussion.

Part II: Articles about Orthodox conversion.

Choose one example to examine:

<http://www.ipost.com/JewishWorld/JewishNews/Article.aspx?id=207794>

<http://www.ipost.com/JewishWorld/JewishNews/Article.aspx?id=225019>

<http://www.forward.com/articles/136245/>

<http://www.ipost.com/NationalNews/Article.aspx?id=209296>

Before you go into details about the issues and implications of the Law of Return, make sure chanichim are aware of the issue of “who is a Jew,” which they may not have mentioned.

Explain: According to this law, all Jews can be granted citizenship automatically. What do we mean by “all Jews?” There are many definitions to “who is a Jew,” so how is this determined?



Background on the Aliyah process you may want to share for better understanding:

- Olim meet with a representative from the Jewish Agency for Israel and must submit all proper documentation, including proof of Jewish identity
- All denominations are considered and the Agency checks that the rabbi who wrote the letter of proof is a recognized rabbi by its denomination.
- Jewishness can be by birth OR conversion. A Jew by choice (convert) may have to bring a few more documents about the conversion process but he is eligible like any other Jew. For example if a Conservative rabbi would write a letter that is confirming that this Oleh is Jewish, the Jewish Agency would check that the rabbi's synagogue is part of USCJ and that the rabbi is a member of the Rabbinical Assembly. It is very important to understand and to emphasize that the doors to the State of Israel are open to all Jews, from all denominations.
- Changes in 2010- The Ministry of Interior, who is in charge of population registration, decided to check Orthodox conversions with the Israeli Rabbanut who makes all legal decisions pertaining to Jewish Law in Israel. The issue is that they only know how to check on Orthodox conversions, and just rely on the Jewish Agency for Israel for all others In 2010 there were a few cases of people who were converted by known and recognized Orthodox rabbis in the U.S. and Canada, but the conversion was not recognized by the Rabbanut in Israel, therefore, the Ministry of Interior did not approve these candidates for Aliyah.

Distribute one of the four articles you chose to share on this issue and have chanichim read them (in pairs) in order to understand what has recently come of the Law of Return issue.

Come back into one circle and share your thoughts.

Discussion:

- What was bothersome about this story?
- What bothered you as a Jew? As a Conservative Jew?

Explain: What is interesting mostly in this case is that the Conservative Movement (In Israel, called *Masorti Judaism*), usually is not recognized, and now it seems that it is easier to be approved for Aliyah after a Conservative Conversion, then an Orthodox one.

Here is the place to share some thoughts about the Rabbanut, and its power in Israel. Should the Rabbanut have the power that it has?!

- How can we change the Law of Return?
- Could we, as Conservative Jews living in the Diaspora, (outside of Israel) change the law?
- Should we even have a say?



- After studying the Law of Return in part 1, and then examining a recent case, in part 2, is the Law of Return still relevant?
- Is the law that is in place for Jews to know they are accepted in Israel, just another example of rejection Jews have always faced?

(Remember, according to the Law of Return many people who are not Halachekly Jewish-Jewish by mother- can enter Israel.)

- Why does this law even matter?
- What will happen to our Jewish state if more and more of its citizens aren't Jewish?!
- If you had to update this law so that stories such as the one discussed doesn't happen, what would you do?

If time permits - Cases/ scenarios:

Bring a current case to the discussion. They can examine it as "Lawyers in training" or North American Jews who were asked by the State of Israel to have their say on the issue (Yah right!) OR have chanichim present the issue in First Person as if they were telling their personal story. This will help them "feel" the frustration of the situation.

Distribute the article you chose from the selection of interesting stories on different cases of the Conversion issue in Israel and surrounding Aliyah. <http://eng.itim.org.il/?CategoryID=244>

The purpose of discussing these "real life" cases is to see that these are real situations, affecting real people, stories that may sound familiar to some of the chanichim. By discussing these stories, chanichim will recognize that the issue is not black or white and the "who is a Jew" debate, driven by the Law of Return is ongoing.

If you don't have time to examine cases in these articles, pose the following examples to discuss the same issues and ask them how they would respond given the current immigration laws in Israel and imagine they were in charge of examining and approving these cases.

- A man grows up in South Africa, totally secular and then one day finds out that his father is Jewish, therefore, he is eligible by the Law of Return, he can become an Israeli citizen.
- A girl grows up in Minnesota, active member in the Reform temple, very involved in NFTY and the Reform movement, the father is Jewish but the Mother is not halachikly Jewish.

Sikkum:

The Law of Return is a foundation stone in the history of the Jewish state. It was enacted so that all Jews could find their place in the Jewish state, without question. However, the question



that arose was what exactly is meant by “all Jews.” Different personal cases emerged that allows the debate to continue today. We should understand the Law, but also keep questioning it to see that it is still relevant to us today. As Diaspora Jews, we are affected by this law and should have a say. We should be sure that the authorities that are in charge of the law will make sure that it is kept and interpreted properly so that one of the main goals of Zionism- that all Jews find home in the State of Israel- is maintained.

Bring it home:

Consider the people close to you who could possibly encounter an issue with this law. What advice would you give them if they wanted to make Aliyah? Do you stay current on other issues in Israel? As a Jew, you see that issues in Israel DO affect you- stay current!

Attachments:

The Law of Return from the Knesset Web-site:

<http://www.knesset.gov.il/laws/special/eng/return.htm>

Notes for the facilitator– The law of Return and the Law with the marks.

For facilitator to print: Article choices on Orthodox Conversion issues and one person story of issues with the Law of Return.