



THE ASSOCIATION FOR THE RIGHTS OF MIXED FAMILIES העמותה לזכויות משפחות מעורבות

ОБЩЕСТВЕННАЯ ОРГАНИЗАЦИЯ ЗА ПРАВА СМЕШАННЫХ СЕМЕЙ

The Challenges of Immigration: Naturalization and Integration in Israel

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Glossary of Hebraic Terms

Aliya - immigration to Israel under the Law of Return

Halakha - Orthodox Jewish law

Knesset - the Israeli Parliament

Ktubah - marriage contract symbolizes the covenant which is made between a husband and wife

Oleh (plural: Olim) - a person who made Aliya

Rabbi - a Jewish minister; someone who received rabbinic ordination, who may be a spiritual teacher, and who may serve as a leader of a Jewish congregation

Sochnut - The Jewish Agency for Israel was established under the terms of the British Mandate for Palestine to promote Jewish immigration and take part in the development of the country.

Zabarim - Israeli-born native Jewish citizens

Non-Hebraic Terms

AMF - The Association for the Rights of Mixed Families

Chief Rabbinate – a quasi-state institution of Rabbis with the authority to decide upon religious matters including kashrut, judiciary matters relating to halakha, etc.; the Israeli Chief Rabbinate is comprised only of Orthodox rabbis, and has a wider jurisdiction than those in Diaspora communities.

FSU - Former Soviet Union

Law of Return (Hok HaShvut) - an Israeli law legislated in 1950 and amended in 1970, which gives Jews and some of their non-Jewish relatives the right to immigrate to Israel and automatically get a citizenship.

MK - Member of the Knesset

MOI - Ministry of the Interior

NGO - Non-Governmental Organization

NIS - New Israeli Shekels (the Israeli currency)

Paraguayan Marriage- Because of the current restrictive marriage laws, a number of Israeli couples are getting married by proxy or "mail-in" marriage through the consulate of Paraguay in Tel Aviv. According to Israeli law, the Interior Ministry must recognize and register these marriages.

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INTRODUCTION

The Jewish aspiration of returning to Israel is so intense that it is called Aliya, literally "ascending," because it connotes redemption in ancient Jewish and modern Zionist traditions. Still overshadowed by existential challenges, Israel celebrates 60 years, since its miraculous rebirth as a modern state, where most non-Arab citizens are immigrants.

On the one hand, Israel's immigration policy resembles many other democratic countries by giving precedence to its own absent nationals. As in any other country, others - of any religion or original nationality, can become citizens. On the other hand, lack of codified laws and reluctance by the State to resolve immigration policy for non-Jews has resulted in the creation of an infamous bureaucracy.

The Association for the Rights of Mixed Families began as a grassroots movement to support the nearly 300,000 members of mixed families, most of whom immigrated in the recent and massive Aliya from the Former Soviet Union. Those members who are not classified as Jewish, according to Orthodox/State law do not have all of the same rights and privileges as Jewish citizens. While official discrimination does not terribly affect the majority of immigrants, State policy has created many heartbreaking personal tragedies among the immigrant community.

The AMF has sponsored this conference on Israeli immigration to bring leaders from every facet of Israeli society and foreign experts together to discuss how to correct the mistakes still being made in Israeli immigration. We call on Israeli lawmakers to improve legislation and immigration policies in accordance with Israel's Declaration of Independence, which assures "complete equality of social and political rights to all inhabitants, irrespective of religion, race or sex."

OPENING GREETINGS

Mr. Joern Boehme

Director of the Israeli Office, Heinrich
Boell Foundation

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Ladies and Gentlemen, dear friends,

It is an honour for me to have the opportunity to address this conference today. My name is Joern Boehme, and I am the director of the Israel office of the Heinrich-Boell-Foundation in Tel Aviv. I would like to say a few words about the Heinrich-Boell-Foundation and then about the conference.

The Heinrich-Boell-Foundation is the foundation that is affiliated with the Green party in Germany. It is named after the famous post-war German writer Heinrich Boell, who won the Nobel price for literature in 1972 and who died in 1985. "Meddling is the only way to stay relevant," he once said. And he did meddle, criticizing German society, which for many years was not willing to deal with the crimes against humanity, the Nazis, the Germans had perpetrated. He meddled against the remilitarization of Germany in the fifties and against the stationing of new nuclear missiles in the 80s. He was sympathetic to the student movement in the 60s and 70s, rejecting however anti-Israeli attitudes, which were very common there after 1967. Moreover, he never became uncritical of the communist regimes in the East and in China and campaigned time and again for persecuted writers. In the 80s Boell felt closer and closer to the newly established Green party, especially on the issues of environment and peace. The Heinrich-Boell-Foundation works in 25 countries worldwide. In the Middle East it has an office in Tel Aviv, and so called regional offices in Ramallah, serving the Palestinian territories, Jordan and Egypt and in Beirut, serving Lebanon and Syria.

The work in Israel is taking place in the complex and multidimensional context of German-Jewish relations, German-Israeli relations and the Israeli-Palestinian and Israeli-Arab conflict. The foundation supports non-governmental organizations in Israel to strengthen civil society and democratic participation and to enhance environmental justice. It promotes efforts to deepen relations between Germany and Israel and the EU and Israel. It supports groups working for women's rights and gender democracy.

Your conference deals with the many problems that members of mixed families encounter in Israel:

- Non-Jewish spouses of Israeli citizens
- Fourth generation descendents of Jewish males
- Non-Jewish children from previous marriages
- Non-Jewish elderly parents
- Non-Jewish spouses of Israeli citizens

In his book "Elvis in Jerusalem" Tom Segev writes about the case in 1957, when a boy died and was buried not in the main part of the local cemetery, but "outside the fence". The reason: his mother was not Jewish. Segev then writes: "A public scandal ensued, in the wake of which minister of interior, Yisrael Bar-Yehuda, ordered that new immigrants

should be registered as Jews upon their own declaration, unless it was able to prove otherwise. The minister's order produced an even stormier debate. The religious parties demanded that the official rabbinate be the sole judge of a person's Jewish status, in accordance with the general rule that 'the State of Israel will consider Jewish anyone who is considered Jewish according to the laws of the Thora.' The parties of the left demanded, in turn, that the state cease altogether to register the ethnic affiliation and religion of its inhabitants." This discussion lasts until today.

When I tell friends and visitors that several of the 21 young victims of the terrorist attack at the Dolphinarium in Tel Aviv in the year 2001 had been buried in a kibbutz, because they were not considered Jewish, I am met with a mixture of astonishment, disbelief and shock. Even though I am able to explain to my visitors the background and the context, at the same time I am time and again trying to understand this and other phenomena myself.

The naturalization procedure for non-Jewish members of mixed families often drags on for many years, because the criteria for this process remains legally undefined. The approximately 10,000 affected people have to live in a state of uncertainty. There are many cases in which people are not covered by any health insurance. There are cases, in which people are forced to live without any type of visa. There are many humanitarian cases. The Association for the Rights of Mixed Families has in its work been able to help many of the people, who have turned to you. You have done this with the help of media, of courts, of your contacts to the Knesset. That is a success for which you need to be congratulated. However if one looks at the situation, at all these cases that you list on your website – it is clear that this way is not the goal. You should have less work, not more.

My speaking here, the Heinrich Böll Foundations support of this conference should not be misunderstood as arrogant outsiders claiming to show the Israeli authorities how they should deal with immigration issues. I am very well aware, what kind of and how many problems Germany has with its immigration policy. I am aware of the countless cases of families, men, women and children suffering from that: case after case a kind of humanitarian disaster. I also remember well the great problems there were in the Red-Green coalition concerning this issue. You should have less work, not more.

Your conference wants to show new ways to solve the problems mixed families are facing in Israel. It wants to raise public awareness for these problems, as well as the need and the possibility to solve them. I wish you much success in reaching these goals. I think it would be a good and timely contribution to the activities marking the 60th anniversary of the founding of the state of Israel. Thank you very much.

Ms. Lena Bregman

Program Officer, New Israel Fund

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Israel – a Jewish and democratic state? A Jewish or democratic state? These questions have challenged Israel, since its rebirth.

Judaism has many faces and meanings. My Judaism is a religion unafraid to conduct a deep, internal discussion, and is able to include different, sometimes opposing, opinions. When I read the Torah, I interpret its commandments to correlate to principles of equality, without prejudice against any kind of group; remembering past sufferings of the Jewish People, in order to refrain from making others suffer.

Nowadays, major principles of Judaism are neglected in Israel. Although we built a prosperous state with achievements in fields like literature, science, economy and technology, our society has been constantly racist towards the Arab citizens of Israel, and to FSU and Ethiopian immigrants not recognized as Jews, according to the Orthodox establishment. Our society is deeply divided between rich and poor, and is unable to rise to the challenge of giving an equal place to all of its constituents: Arabs and Jews, women and men, Jews from the North Africa, Asia, Europe, FSU and Ethiopia.

I had the pleasure to participate recently in a conference, where Prof. Yossi Yona suggested that in a true multicultural society, there's no dominant culture that tolerates other cultures, but rather there are several equal cultures that society knows how to balance. While referring to the purpose of the Israeli education system, Prof. Yona suggested fostering a feeling of correlation between the things a child encounters at school, and the things he brings from home. This kind of feeling is created by everything the child sees, hears and learns in school, and it will create a sense of belonging between the future citizens and the State.

I have the honor to represent the New Israel Fund, which serves as a home for social entrepreneurship in Israel. We promote principles of liberty, equality and justice that strengthen Israeli democracy. Through Shatil, The New Israel Fund's Empowerment and Training Center for Social Change Organizations in Israel, we give professional training for social entrepreneurs, and help to make that vision into reality.

We had the privilege to be one of the first supporters of AMF, which has consistently promoted equal rights for all Israeli citizens. AMF's work is important not only for FSU immigrants, but to the general democratization processes in Israel. I wish that this important conference will make a meaningful contribution to these processes, and wish AMF success in its productive work.

# I DEMOGRAPHIC AND SOCIAL ASPECTS OF IMMIGRATION TO ISRAEL

Dr. Ludmilla Oigenblick

Session Moderator

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I am proud to open the first session of the AMF conference on "The Challenges of Immigration: Naturalization and Integration in Israel." The aim of the conference to raise the issues of mixed families to the national agenda. Eighteen years have passed since the beginning of the great immigration wave from the FSU. During this influx 100,000 mixed families immigrated to Israel. They comprise one-third of all immigrant families from the FSU, and came with the hope that they came to the only country surely devoid of Anti-Semitism.

Unfortunately, the ethnic, anti-Semitism they knew in the FSU was replaced by religious xenophobia in Israel. Despite the fact that they identify themselves as Jews and Israelis, their state of affairs worsens. The next generation of mixed families are Zabarim (native-born Israelis), whose capabilities, potentials and abilities will contribute to their society, but their state is not ready to grant them all of their basic rights .

The first panel of the conference is devoted to general aspects of immigration and the massive Russian Aliyah. We will investigate demographic and social aspects and the position of mixed families in Israeli society.

Ms. Marina Sheps, director of the immigration division at he Central Bureau of Statistics, will present demographic and other trends from 1990-2006.

Dr. Nelly Elias, from the Department of Communication Studies of Ben-Gurion University of the Negev, will present a comparative study on second-generation children, including those from the FSU and Ethiopia and foreign workers.

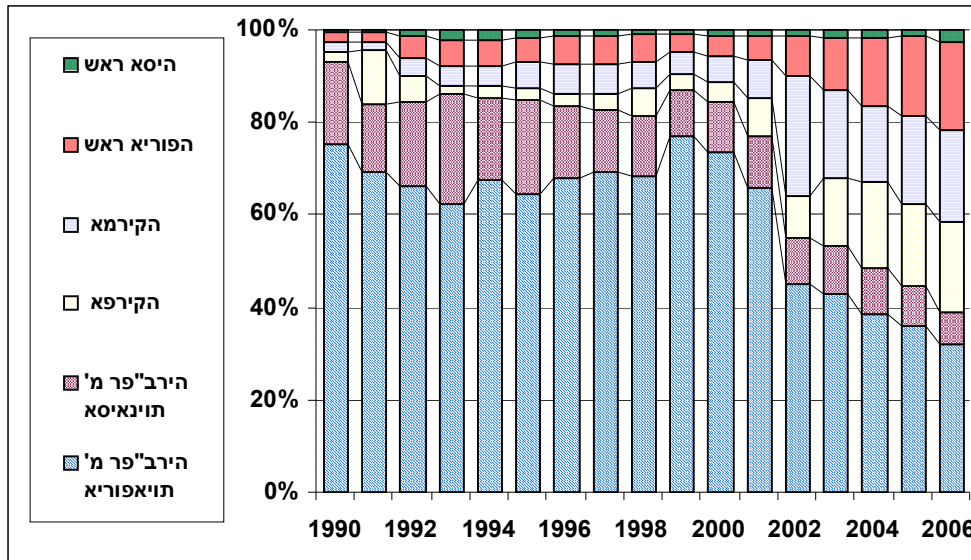
Dr. Asher Cohen, from the Department of Political Studies of Bar-Ilan University, is well-known in academic circles, and also to the general public for his important studies and his original position regarding the possibilities of integration of mixed families into the mainstream of the Israeli society. Dr. Cohen participated prominently at the recent major conference devoted to immigrant absorption in Ashdod. Although our conference isn't as prestigious as the Ashdod conference, and the prime minister's office hasn't agreed to participate in our conference – maybe the next year, we are very satisfied by the participation of our honorable speakers, who are helping the AMF to promote the issues of mixed families to the center of public discourse.

Ms. Marina Sheps

Director of Migration Division, Central Bureau of Statistics (Israel)

Demographic Aspects of the Immigration to Israel, 1990-2006

IMMIGRANTS (1990-2006), BY COUNTRY OF BIRTH

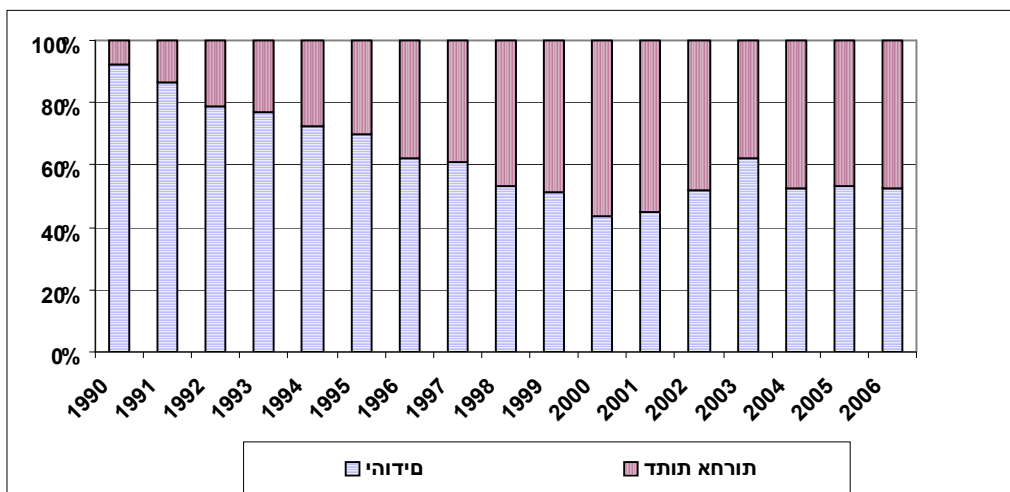


Legend:

- Asia
- Europe
- America
- Africa
- FSU (Asian Republics)
- FSU (European Republics)

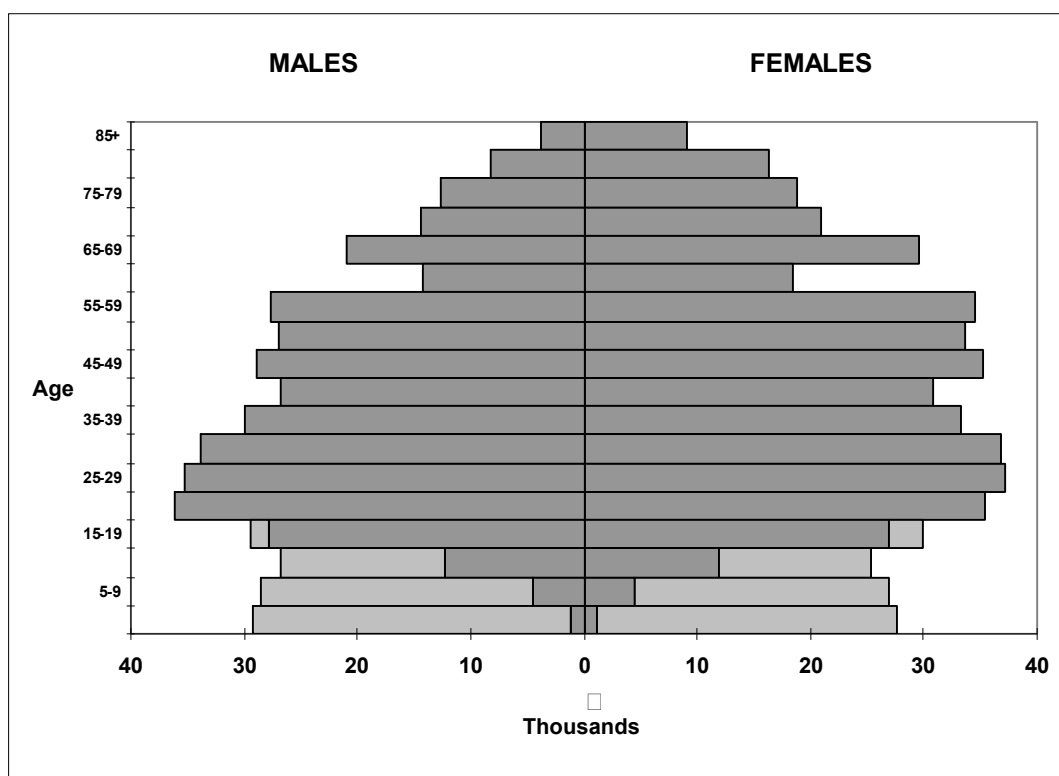
From 1990 and until 2001 most of the Immigrants who entered the country to take up permanent residence under the Law of Return were immigrants from the FSU. In 1991, there was the significant percentage of immigrants from Africa – the Ethiopian Immigrants. In 1992-1995, there was a relatively high percentage of immigrants from the Asian republics of the FSU. Until 2001, the percentage of the FSU immigrants was more than 80 percent, and after 2001, the percentage of immigrants from America, Africa and the rest of European countries consists more than 50 percent of entire immigration.

IMMIGRANTS, BY RELIGION 1990-2006



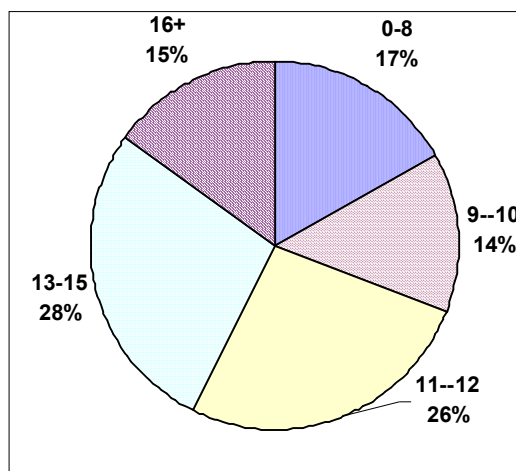
The diagram specifies the distribution of immigrants by dichotomous division of Jews and others, who are family members of Jews, including those "Not classified by religion" at the Ministry of Interior and " non-Arab Christians". We can see, that over the years, the percentage of Jews declines until 2001, where a slight increase can be observed. In 1990, Jews consist 90 percent of all immigrants. The Jewish immigrant population subsequently declined, reaching in 2001 only 44 percent. Since then, however, a share of Jews in immigration flows stabilized around 60 percent. Legend: Jews                      Other Religions

IMMIGRANTS FROM THE FSU SINCE THE 90s, 2006, INCLUDING ISRAELI BORN CHILDREN



We can observe a large number of elderly people and more women than men within the immigrant population. In addition, we observe a large number of young people and a small number of children.

### IMMIGRANTS FROM THE FSU AGED 15 AND OVER, YEARS OF SCHOOLING, 1990 +



Dr. Asher Cohen

Department of Political Studies at Bar-Ilan University

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#### Sociological Conversion and the Creation of "Non-Jewish Jews"

300,000 non-halachic Jews live in Israel, at the beginning of 2008, and are not registered as Jews by the legal definition of the Law of Return and the registry of population, although constituting 4% of the general population and 5% of the Jewish population. Examination of Aliya in recent years and the increase in assimilation in the Diaspora show that this phenomenon will stay constant in the close future. That is why coping with it seems to be so essential.

Out of potentially 250,000 people, only 1,000 convert to Judaism each year, and this rate has not grown. Since 3,000 children without religion are born each year in non-halachic Jewish families, the number of converts is far from keeping pace with their reproduction rate. Regarding the convert, the most potentially relevant age group is the more than 100,000 young people up to age 35.

Olim, including the Non-Halachic Jews, are going through a sociological conversion. They gradually acquire linguistic skills, their children study in Hebrew schools, life is organized and managed by the Hebrew calendar, they serve in the army with excellence, and finally, most of them already have the sense of belonging to the Israeli society. The term conversion is used to illustrate that joining Israeli society is not exclusively connected to religious conversion, because converts sociologically become part of Israel's Jewish society. That is how they become "Non-Jewish Jews." This process creates an ever-growing gap between feeling like a Jew, and not being able to formally be one. They are not considered Jews, because they haven't gone through religious conversion process, which was historically and still is a major religious condition of belonging to the Jewish collective.

### The importance of conversion as a way of dealing the national challenge

Describing Sociological conversion raises the question regarding the necessity of religious law in civil matters. Major parties of Israeli society believe that this standard is ineffective. Since we are at the beginning of an historical process, we can identify different, even opposing trends.

Here are three of the most common scenarios:

(1) As a result of the negative attitude of civil and religious society regarding their Non-Jewishness, they develop feelings of alienation from Israeli society, and become Non-Jews, not only by the Halakha, but also sociologically.

(2) They remain Non-Jewish Jews as described above. This seems to be the most reasonable and common trend. However, it is undesirable, since it perpetuates the vagueness of their civil position and results in severe self identity dilemmas.

(3) The most desirable possibility is letting the Non-Jewish Jews undergo Orthodox conversion, which would correlate the social process and the religious positions.

### Ways of coping – suggestions for a debate

(1) Constructing different types of conversion as a national challenge: Conversion will not be carried out in large numbers, unless the major parties of the society agree on new terms. It has to be perceived as a national challenge, first of all by state leaders, primarily by the prime minister, in a manner that will make the public realize the importance of the conversion as a national priority.

(2) Designing and planning immigration and Aliya policy: At first glance, one might be of the opinion that immigration policy is not necessarily connected with finding a solution to the conversion issue, but this assumption isn't correct. One of the main reasons of the religious suspicion and rejection of conversion of Olim derives from the immigration policy that brings not only non-Jews, but also "complete Goy'im", those who are practicing Christians, or even anti-Semites. Changing this attitude can be accomplished by amending the Law of Return to create better immigration guidelines.

(3) Reduction of required study hours for conversion: Demanding 400 hours of class time per person (or from all family members) is unreasonable. Immigrants are struggling to maintain their home jobs and studies as it is. This standard is not mandatory according to Halakha,( but rather the ultra-orthodox who control the conversion courts). Their interest in Jewish studies is wide, but teaching a few tens of thousands of converts on this basis is impossible.

(4) Replacing methods of teaching: considering new academic trends and ways of learning, the conversion system should adopt and manage some of its course content over the internet and other computerized means. This will help the young generation absorb the materials studied with better flexibility and efficiency.

(5) Focusing conversion efforts during military service: Before being recruited and after completing military service, young people either live in mixed families or are deeply involved in finding jobs and studying vocations. Thus, they cannot devote their time and scarce resources to the demanding conversion process. The period of military service holds a great advantage, as the state has full control over the soldiers' time, and the military operates in compliance with Halakha; maintaining Kosher facilities, providing synagogues and services, etc. Soldiers are single, which avoids the accusation that they are converting in order to get married.

(6) Promoting conversion– sponsoring Jewish rituals: In order to give convert a symbolic national and personal characteristic when joining the Jewish People, the State should finance a "bonus" for those who undergo conversion, such as a Bar Mitzvah ceremony for teenagers, or wedding ceremony for older adults. This measure would make an appropriate impression and be an important incentive.

(7) Reform of the conversion authorities (Chief Rabbinate): All the suggestions will be pointless, unless a major transformation of principles for conversion takes place in the Chief Rabbinate. The requirement and policing of converts to live orthodox lifestyles has made and will make all of the great efforts to promote conversion a tragic failure. The only way to encourage potential converts to go through the process is by accepting them, even if they do not maintain strict Orthodox standards.

#### Understanding the National Challenge

Presenting conversion as a national challenge is no small part in changing the current trends. When conversion is publicly perceived as a national priority, it might bring about the other measures mentioned. Persuading and recruiting the established leaders in Israeli society to this national mission will be the only way to increase the rates of conversion. At the beginning of the 21st century, this mission should be supported by everyone concerned with the survival of Israel as a Jewish and democratic state.

Ms. Tatiana Mankov

Non-Jewish Immigrant, A Personal  
Testimony

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My sister married an Israeli Jew. Ten years ago, I came to Israel to visit my sister with my children, today aged 14 and 16. We were supposed to return to Belarus, but my father got ill, and had to have an operation on the day we were supposed to travel. We paid \$20,000 for my father's operation, so we couldn't leave. My father recuperated from his heart operation, and he and my mother returned to Novosibirsk, where he is alive and well.

I started working here, in order to pay the debt, and during this period I met my husband. Because no Israeli authority would marry us, we had no choice but to marry in the Paraguayan consulate, where a marriage

may be registered, and later presented as fact to the Israeli authorities. Four years ago we applied to the MOI with all the required papers, and paid all the high fees. Two years later, I was told that I would have to pay an additional 20,000 NIS, and to submit more papers. What choice did I have?! Recently we got another letter from the MOI, saying that I have to pay a deposit of 15,000 NIS, in order to get a work permit, but nothing more! You cannot imagine what it's like to be a wife of a citizen, but to live without civil status, without health insurance or basic rights- and to have to pay money that the MOI doesn't even allow me to earn legally! I tried to register for a conversion class, but that authority told me that only residents with permanent residency status are eligible. They won't even let me become a Jew. No one deserves this. The MOI is the face of the country. I know you can't accept everyone, but you can't cage people for years and years – a person is not an animal. They should test me, and see that I'm a good person, have a good record, and should accept me.

My husband is wonderful: he helps me with everything, and he is my best friend. Even though he is a Jewish citizen, he is powerless against the MOI. My children and I are still living here, after ten years, without knowing how we can settle our status. My husband fought three wars, but the MOI doesn't even look at him. We can't live like this.

## II CITIZENSHIP AND INTEGRATION OF IMMIGRANTS – AN INTERNATIONAL PERSPECTIVE

Mr. Calev Ben-David

Columnist, The Jerusalem Post

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Let's Start Welcoming the Jews of Tomorrow

"Sometimes, numbers do matter," said Dennis Ross, speaking at a conference of Jewish leaders and thinkers held in Jerusalem recently by the Jewish People Policy Planning Institute.

The numbers he and everyone else there were talking about were these: There are today some 13 million Jews in the world — 5.4 million in Israel, 5.3 million in the United States and the rest scattered in smaller Diaspora communities. The only place where there is an increase due to natural growth is Israel; everywhere else the numbers are shrinking significantly.

And the overall total percentage of Jews in the world population has dropped dramatically: Jews today constitute only two out of every 1,000 people, compared to a ratio of 3.5 to 1,000 in 1970 and 4.7 to 1,000 in 1945.

Why do numbers matter? Because Jewish communities abroad must maintain a "critical mass" to perpetuate themselves, and Jews must remain a majority in Israel in the face of demographic pressures from both its Arab minority and the Palestinians who share the historic land.

So the question is: How are we to increase the number of Jews in the world, or even maintain the current level? My own expertise in this matter is that I've lived roughly half my life as an American Jew, and half as an Israeli Jew. Here's what I've concluded about the numbers game: The

notion that any steps can be taken to increase, or even maintain, the current population levels of American Jewry is, simply put, a delusion.

That doesn't mean that all that philanthropy now going into Jewish education, Jewish cultural enrichment and Israel programs for young American Jews, is a waste. Far from it.

It is important that, at least in the United States, a viable, successful, influential and self-perpetuating Jewish community remains. But it will take all the various programs cited, and probably many more, just to minimize the societal trends of assimilation, intermarriage and low birthrates that are shrinking the American Jewish population.

(This includes the Orthodox abroad, because despite their high birthrates, assimilation in the Diaspora also has whittled down Orthodox communities in the past two centuries — to the point that they are a minority within the Jewish community as a whole.)

So by all means the Diaspora should, with Israel's help, invest in its own future. That future, however, will have to be better educated and more committed Jewish communities — that also will be smaller and smaller as the years go by.

So before we get to the how of trying to increase the number of Jews, let's agree on the where. One thing is stunningly obvious from the figures noted above and the trends they indicate: The only place the Jewish population can grow larger, or even remain stable, over the long term is in Israel.

The Israeli Jewish birthrate (including that of non-haredi families) is higher than that of Jewish communities elsewhere, leading to a small but steady growth. Still, the remarkable jump in Israel's Jewish population since 1948, from 600,000 to nearly 6 million, is largely due to immigration, not birthrate. That migration has been hugely significant to the numbers game because it's not simply relocating the world's Jews — it's moving them from Diaspora communities where their numbers have been shrinking to a Jewish society in which they're growing.

That process may be coming to an end, though, unless there's a dramatic rise in aliyah from the U.S. in the coming century. Frankly, I just don't see that happening, no matter how much life in Israel improves or how much investment is poured into Jewish education and birthright programs.

Israel will need new immigration, for its own demographic needs and the simple fact that it is one of the world's most dynamic economies. And in that need lies the answer to the numbers game — assimilation.

Not the assimilation from Jewishness found in the Diaspora, but the assimilation toward Jewishness here in Israel. For even as Jewish leaders and thinkers debate the numbers issue and Israel's political and religious establishment remains stalemated, a remarkable process is already under way in this country.

Israel, in the past two decades, has absorbed hundreds of thousands of immigrants who are not Jewish. They are mostly from the former Soviet Union, but also include growing numbers from the developing world, including the thousands of Falash Mura of Ethiopia (nearly all who are expected to arrive here by the end of this year), the children of foreign workers (1,500 children born to foreign workers here were granted citizenship last month) and the growing number of "lost Jewish tribes," such as the Burmese Bnei Menashe, who mostly undergo conversion abroad.

This expanding trickle of new Israelis is increasingly being seen as the first drops of a potential flood of immigration here from developing nations, drawn here either by a first world economy and society (there's good reason why Sudanese refugees are traversing the entire length of Egypt to make their way here), a distant connection to Jewishness, or both.

The numbers are growing to the point that some officials, claiming these newcomers threaten to undermine the state's Jewish character, are calling for a tightening of the Law of Return, greater efforts to deport illegal aliens and, in reaction to the Sudanese refugee issue, fencing the entire length of the border with Egypt. But rather than seeing these newcomers as a threat, why not see them as an advantage?

Already most of the young generation of these immigrant groups, whether halachically Jewish or not, identify themselves with the Jewish majority. Over time, they will increasingly assimilate into the dominant Jewish culture. And despite the difficulties, some will even go through the official conversion process, which is way harder than it should be. Even those who don't will speak Hebrew, observe the Jewish calendar and receive a Jewish education far deeper than the majority of Diaspora Jews.

Rather than fight this trend, we should welcome it, encourage it and try to control and influence it for the better, both in the interests of those who want to join us here and those who already have.

Though these issues may not be on the agenda of conferences on the future of the Jewish people, these are realities of Israel today that will actually shape that future.

In creating a Jewish state, its founders created a laboratory in which unprecedented experiments will take place in the growing of the Jewish people, a society in which non-Jews will assimilate into Jewish culture, reversing the Diaspora process.

These Jews of tomorrow may look and sound different than those of yesterday and today — but they are our future, and they're growing in number before our very eyes every day. (The Jerusalem Post, 27.07.2007)

Dr. Marina Petronoti

National Centre for Social Research,  
Athens, Greece

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#### Significations of "Mixture" in Greece: A Note on Inter-religious Marriages

The investigation of Greeks' attitudes toward people of different confession becomes all the more important in an era when although Greece hosts increasing numbers of immigrants from Asia, Africa or Eastern Europe and is defined as a multicultural society, ethnocentric voices raise claims to the cultural and religious uniformity of the nation and successive governments subject religious minorities to rigid prohibitions. The key issue is that next to the institutional and ideological barriers set to non-Christian immigrants' religious activities, these are tolerated as a means with which Greeks prevent conflict and exhibit the liberal constituents of national identity.

Indeed, whereas immigration has become a matter of great concern for state authorities, relevant policies remain obscure and incomprehensive, are not adjusted to the country's role as a host society and are implemented ad hoc. Existing laws aim to resolve the high cost of production and local labour shortages through the exploitation of cheap manpower. Border control is enhanced, exclusion procedures are simplified, police and judicial authorities are granted considerable autonomy, undocumented foreigners are penalized and administrators are entrusted with the discretion to enforce legal provisions and regulate deportations.

As one might expect, strict impediments are also enforced on groups with different religion. Thus, adherents to Islam comprise the largest religious minority, but are altogether deprived of civic and religious rights - such as the right to build mosques and cemeteries or perform their rituals in officially acknowledged ways. Issues of this kind have aroused debates between politicians, academics and non-governmental organizations.

The extent to which the state apparatus applies hierarchical assessments based on descent, religion and culture is further conveyed by Greeks' classification to those who can and those who cannot be fully included into the national community. Consequently, ethnic Greeks who are born abroad, have limited ties to land, alternative dogma or language idioms.

Immigrants' educational level and rate of unemployment tend to be rather high, gender percentages vary according to the country of origin and the bulk of the people living in urban and rural regions are Albanians.

The association between nationalist doctrines and principles of exclusion, is moreover, made evident in asylum policies. Despite the fact that applying for refugee status has a constitutional basis, inconsistent application of international treaties, measures discouraging refugees' access to civic and political rights and inadequate reception centers, reproduce the state's rationale of obstructing immigration. It is however notable, that since Greek governments wish to be in good terms with the Turkish state, Turks represent 60.8% of the applicants who attained refugee status in the 80s and they still rank high compared to other ethnic groups.

Coming to the issue of religious 'mixture', the salience placed on Orthodoxy as a constituent of national identity, explains why data on the religious demography of Greece are almost negligible. The archives of the Orthodox Church do not convey the ethnic features of (converted) foreigners who marry Greeks. Only the registry books of Municipality centers where civil marriages take place, give relevant information. So, at the Municipality of Athens, where I conducted my research, out of 10,068 civil marriages between Greeks and foreigners in the period 1980-2000, 77 were with Turks.

Due to the ethno-cultural core of Greek nationhood, nationality law has only recently made provisions for children of Greek women in mixed unions: until the 90s, only those born by Greek fathers were assigned

Greek citizenship. At the same time, foreigners married to Greek men or women, are not conferred citizenship rights. The main presupposition for this process is that of blood and lineage. What is more, applicants must prove that they have been residents in Greece for eleven years and the Minister of Interior Affairs reserves the right to allocate nationality after considering each applicant's moral standing.

It is worth adding that 'mixed' couples resort to non-governmental organizations as a source of legal advice and psychological aid. By assigning part of its roles to organizations which are neither funded by the public sector nor are they bestowed independence of action, the state refines its humanitarian facade but replenishes racist infrastructures.

The material I elaborate consists of twenty narratives which I collected from Greek and Turkish spouses of intermarriage couples who live in the modern Athenian society. Despite their difference in confession (Greeks are Orthodox, while Turks are Muslim) and geographical origin (Greeks are born and raised in Athens, but most Turks come from small Turkish towns), these couples share certain important similarities. None of them considers him- or her-self as "truly religious", they belong to middle class families and have college or University education. Above all, they emphasize their progressive political ideals and open-minded spirit. Turkish partners are male who came to Greece as asylum seekers in the 80's. As I will show, disparity in confession does not necessarily render someone as unsuitable groom or bride nor are inter-religious marriages necessarily seen as 'mixed'.

Having crossed land or sea borders illegally, Turkish asylum seekers usually spend a year at a state reception centre in Athens and then receive political asylum by the Ministry of Public Order. Since they are not financially or otherwise supported by state agencies, my informants turn to non-governmental organizations and co-ethnics for accommodation, job or other types of aid. Most of them earn their living as wage labourers in constructions and the sector of services or undertake seasonal jobs in agriculture.

Of marked significance herein is the fact that the concept of 'refugee' remains residual in Greece. Public sentiment is sympathetic toward forcefully displaced people because of the sufferings connected with exile. So, Greek brides confess a deep admiration for refugees as 'heroes' who stood up against the Turkish junta much like Greek men who fought dictatorship and were self-exiled from the country.

Despite the efforts 'mixed' couples put to present themselves as open-minded, Greek families openly condemn marriage to 'infidels' or adopt indifferent behaviour. In one of the cases I examined, marriage took place only because the bride's father decided to overlook the social denial of Islam and give priority to the future of his grandson who was born out of wedlock and was already six years old. To deal with the groom's infidelity, the old man asked him to convert to Christianity. What is more, fearing exposure to gossip, the Greek family invited few people and asked a priest whom they knew well to officiate the ceremony in a remote church.

But what does conversion mean to Turkish husbands? Among the seventeen refugees I met, eleven have willingly accepted to be baptized. For them, this is not a religious act, but a political one. Precisely because given the social, economic and political insecurities they face, conversion to Christianity serves as an informal, albeit effective, strategy of integration into the family and the nation. Marrying a Greek woman allows them to cope with a series of problems, such as the renewal of their five-year residence permit or time consuming transactions with bureaucrats. After all, refugees define themselves as agnostics and are not expected to attend the Orthodox liturgy, replace their Muslim names with Christian ones or obey to specific dietary habits.

In speaking therefore, of inter-religious marriages we need to search how difference in confession is conceived by each partner and the immediate kinship group. As my data manifest, the process of conversion at once signals Greeks' intention to assimilate religiously diverse spouses and refugees' struggle to engineer at the individual level what asylum policies in Greece cannot solve.

A final point about the extent to which religious boundaries are simultaneously questioned and sustained in 'mixed' marriages, relates to children's upbringing. The pronounced role of kinship in Greek and Turkish society fosters refugees' paternal authority and they introduce their sons or daughters to Turkish traditions, dishes, music or stories and advise them to ignore racist ideas classifying religiously diverse people in opposing groups. On the other hand however, their children are Orthodox Christians, can hardly speak Turkish and although they are given both Greek and Turkish names and surnames, they are solely addressed with the former. On certain occasions, they even hide their Turkish origin from school teachers and other children. As one of my informants put it, "I am a Turkish father with Greek sons".

A second point is that Greek-Turkish couples' activities assess the predominant role of the family as a unit of social reproduction, continuity of name, transmission of property. Despite the apparently rebellious character of their marital choice, Greek wives tend to seek their parents' approval. As I was told, many mixed love affairs come to end, because parents threaten daughters or sons with disinheritance and suspension of family ties.

Last but not least, though the political regime in Greece advances the premise that essential rights are exclusively accorded to ethnic origin Greeks, the individuals and families involved in 'mixed' marriages, spell out voices that accommodate religious difference, maintain flexible lines of distinction and construct meaningful commonalities between the Self and the Other. Integration is not a one-sided process, designed by the state apparatus, but occurs if it proves beneficial for both sides. Thus, acts which designate Turkish refugees' subjugation to ethnocentric ideals also mirror the carefully selected steps these men take in order to adapt to the new environment.

Mr. Boris Nemirovski

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### Immigrants in Germany: Effects of Ethnic Origin and Assimilation

There are three ways to become a citizen of the Federal Republic of Germany: by birth, by naturalization and, for ethnic Germans from Eastern Europe and the Former Soviet Union, by claim under the "Right of Return." The Federal Republic of Germany has the largest number of native Russian speakers (3.5 million) in Europe. They form the second largest ethnic group after the Turks. However, compared to the Turks the group of Russian Speaking Immigrants is heterogeneous.

Spataussiedler (late out-settlers) are persons who, drawing upon German ancestry and coming from the former Soviet Union after 1992. These ethnic Germans enjoy the "right of return" under Germany's constitution and may take up residence in Germany. Germans have traditionally defined citizenship (Staatsangehörigkeit) in terms of Jus sanguinis, (Latin for "right of blood") that is based on descent from German ancestors. This status entitles them to German citizenship as well as to various integration assistance packages, including the payment of pensions, unemployment and welfare. They comprise the largest group.

Kontingentflüchtling (contingent refugees) a special status awarded to Jews from the former Soviet Union meaning they are not required to pass through the usual asylum procedure — and classified by the German authorities, following former Soviet and current German practice, as being "of Jewish nationality." Jewish immigrants are allocating persons admitted under international law, for humanitarian reasons and in the political interests of the Federal Republic of Germany. Their admission is essentially aimed at preserving and strengthening the viability of Jewish communities in Germany.

Unlike refugees from former Soviet lands presumed to be "of German nationality" (i.e., "ethnic Germans"), they are not given German citizenship. The estimated number is 200 thousands. Jewish immigrants from the former Soviet Union must apply for a long-term residence visa and in eight years may claim citizenship according to German Citizenship Law.

Volksdeutschen (ethnic Germans) living outside the borders of Germany. The Basic Law proclaims the continuation of one German nationality by defining a German as "a person who possesses German citizenship or who has been admitted to the territory of the German Reich within the frontiers of December 1937 as a refugee or expellee of German stock." The bulk of "repatriate" Germans is from Baltic States is therefore entitled to a German passport. Naturally, the Basic Law has always been a source of political unease and national ambiguity.

From a legal point of view, there are three major types of mixed families in Germany. They are a German Migrant (1), a Jewish migrant (2), or a native born German (3) who marries a partner of different ethnic origin or religion. Mixed marriages prevail by far among native Russian speakers in Germany. It does not matter whether we analyze the group of German or

Jewish migrants. Different sources quote that more than 52% of marriages are of inter-ethnic or inter-religious origin. The common denominator is the language shared by young migrants. Such marriages, however, tend to be less stable than either mono-ethnic or mono-religious ones.

Problems arising in Russian speaking mixed families in Germany are similar to all three groups in spite of their cultural and religious diversity. It does not matter if we discuss matrimonial problems, raising children or cohabitation. The influence of religion on personal life of spouses is much less in Germany than in Israel, and it does not play a large part. Unlike Israel, religion in Germany is separated from the state. However, Jewish or Christian orthodox believers tend to marry a person who shares the same faith.

There were a few official cases in the last five years when mixed Jewish families initiated divorce proceedings because the non-Jewish partner decided to convert to Judaism in the more liberal denominations or a German migrant married a foreigner, had a child and after some time broke up a marriage. A foreigner can stay in the country if he or she had been granted rights to raise the child. He could apply for a German passport after 7 years of residency, provided his communication abilities in German and proof of stable income. He is expected to decline, or declare the intention to decline his former nationality and give a formal oath of allegiance at his naturalization ceremony.

Spouses of Jewish migrants, like the migrants themselves could also apply for a long-term residence visa if they married before immigration. Otherwise, the spouses of Jewish migrants granted leave to remain in Germany. German officials have the right to observe this family for signs of sham marriage. If fraud is proved, both of them ought to leave the country. If the marital cohabitation terminates within two years, the spouse may obtain an independent residence permit in cases of particular hardship, such as domestic violence. This is actually also relevant to marriages of German migrants registered after a repatriate has already received an entry permit from Germany.

Family members eligible for reunification typically include spouses and minor children. The family members of a German migrant who resettle with them in Germany are naturalized as citizens of the Federal Republic of Germany with full rights and duties. Therefore, spouses of late out-settlers are also considered late out-settlers themselves, regardless of their former nationality. However, when the late out-settler brings along his or her adult sons or daughters (late out-settlers upon paragraph seven), their spouses have no right to apply for German passport upon arrival. Concerning the immediate family members that did not join a migrant upon moving to Germany, they have the right to join him later and resettle in Germany. In general, the granting of a residence permit for the purpose of family reunion requires proof of sufficient housing and income and a secure residence status of the sponsor.

The most important recent change in Germany's citizenship law is that the principle of *jus sanguinis* - of defining citizenship by inheritance - has been supplemented with the principle of the *jus soli* ("right of soil") - of defining citizenship by place of birth. If child is born in mixed family, he gets Germany permanent residency and at age 18 he decides himself whether he wants to be a German citizen or not. In the last case, he does

not lose his residency. Dual citizenship is not generally accepted by German law, and can be granted only in exceptional cases.

There are more similarities between mixed families in Germany and Israel on the personal level than on the "state" level. They have much in common due to the language and the "Russian" mentality; but according to State laws, regulating family life in two countries there is a great difference in their rights. German's experience in tackling immigration and naturalization issues may be useful for Israel only if religion will be separated from state and new citizenship legislation will be introduced.

Ms. Svetlana Woldt

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#### Managing Integration: Munich's Integration Concept

Munich is a city, which was influenced by immigration for decades. People from over 180 nations live in Munich, over 35% of the population possesses a foreign passport or have an immigrant background. In Germany, integration takes place primarily at the local level. The local policy is focused on the four areas: language (e.g. financing language courses in cooperation with immigrant organizations), education (e.g. intercultural concepts for kindergartens, remedial education at schools, intercultural trainings for teachers), economy and vocational training (e.g. support of ethnic entrepreneurship by municipal business promotion departments), and housing (e.g. upgrading housing). Furthermore, social work, health care, and culture are important fields of work. The Office for Intercultural Work manages the process of intercultural orientation. The orientation course is intended to give immigrants an understanding of the system of government and state administration in Germany, in particular the significance of the free and democratic order, the party system, Germany's federalist structure, the welfare system, equal rights, tolerance and religious freedom. The aim is to help immigrants find their way more easily within their new society and offer them something with which they can identify.

The Office for Complaints on Discrimination Cases specializes in discrimination and civil rights cases on the grounds of racial and ethnic origin and religion. The mission of the Office is to protect newcomers from discrimination and facilitate their inclusion in the economic and social fabric of German society. Recently Munich participated in an all-German competition called "Integration is Not a Coincidence", which was led by the Federal Ministry of the Interior together with the "Bertelsmannstiftung". The policy of Munich has gained recognition in various spheres, and serves as a role model for other cities. Munich is a city whose community takes on responsibility and shows solidarity towards all. Communication between the various social groups is the basis for integration. The policies and efforts of the city strengthen the abilities of all people living in Munich, regardless of their age, gender, skin color, and religion. The participation rights in the communal life, political decisions and the access to resources are equal to all.

Munich has a numerous number of nonprofit organizations serving immigrant populations; one of them is the Munich Center of Russian Culture "MIR" (Peace) which was founded by German and Russian artists and intellectuals in 1991. "MIR" helps to make Munich their home to a large number of artists, musicians, writers, scientists and athletes from Central and Eastern Europe. MIR also sees its main objective in bridging cultures and connecting. People to People in order to enhance international understanding and friendship through educational, cultural and humanitarian activities involving the exchange of ideas and experiences directly among peoples of Germany and Russia.

### III NATURALIZATION AND FAMILY REUNION PROCESSES IN ISRAEL

Dr. Ludmilla Oigenblick          Founder and Director, AMF

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#### Immigration Problems of Mixed Families in Israel

The Law of Return poses challenges to mixed families who make Aliya, where one or both spouses are not Jewish according to Halakha. Currently about 100,000 mixed families that came from the FSU reside in Israel,. In a survey of mixed families conducted by AMF in 2002, 10 percent of the respondents claimed that they left behind them close relatives in the FSU whose permanent residence status is denied by Israel.

Those ineligible are:

A Non-Jewish spouse of an Israeli citizen who enters separately from his Jewish spouse

A Non-Jewish spouse in divorce/widow of an Israeli citizen

A Non-Jewish parent of an Israeli minor or an Israeli soldier

A Non-Jewish elderly parent of an Israeli citizen

A Non-Jewish child from the previous marriage of a Non-Jewish spouse

A descendant of a Jewish great grandparent, in the male line, who enters Israel separately after his parents (who are eligible for Israeli citizenship).

Most of them enter Israel on a tourist visa and visitation permit (B/2) with the expectation to gain a residence permit during their visit, in order to be reunited with their families. The Interior Ministry delays for years settlement of their status, and as a rule refuses it. According to the six categories listed above, about 11,000 FSU immigrants live in Israel without civil status: 6,500 minors, 2,500 elderly parents and 2,000 spouses of Israeli citizens.

In 2007, about 1,000 people requested help from five AMF branches spread from Karmiel in the north to Beer Sheva in the south, 95% immigrants from the FSU. More than 50 percent of these claims concerned immediate family members staying in Israel without legal status, who wanted help in applying for residency. Some of the cases concerned immediate family members who were outside of Israel and wanted to reunite with their family (citizens) in Israel.

Here are sample cases:

There are three children in a family residing in Netanya. The younger children are of the Jewish mother and the senior child was born in the previous marriage to his Non-Jewish father. For 6 years the Ministry of Interior has refused to provide the younger with any legal status. The oldest child finished secondary school and wanted to serve in the army. However, instead of induction papers, they received deportation orders. The Court for Administrative Affairs in Jerusalem ruled to provide them with a temporary status, and after half a year will examine their case further.

Alena, a great granddaughter of a Jewish man, entered Israel when she was nearly 17 years old to reunite with her father and grandmother, who are both Israeli citizens. During 7 years, she has been trying to arrange her legal status without success. She received a B.A. in Political Science from Haifa University. Despite repeated AMF applications to the Interior Ministry, coordinated with the liberal Shinui Party, whose leader was the Interior Minister, no progress was made. Only some month ago she received a work permit. The only reason for her difficulty was that she entered Israel two months before the age 17, after the ministry's limitations for the fourth generation. To date the ministry has refused to provide her any legal status.

A non-Jewish mother from Kiryat Ata had two children from previous marriages; one of them qualified as an Israeli citizen and finished his army service. However the daughter lives in Israel illegally with her nine year-old child. Fortunately, children of illegal aliens can attend school. The parents of Alena can't imagine that one day she and her son will be forced to leave Israel. However there is no law or directive, which could help to arrange their status-they live in hiding from the deportation authorities.

A 92 year-old woman lives with the family of her daughter in Karmiel with grandchildren and great grandchildren. She arrived in Israel under a tourist visa, and the family tried to change her status, but got nowhere for a year. With the help of the AMF, the Ministry of Interior permitted her to start the naturalization process by providing a work permit (to a 92 year-old woman!).

Many of these tragic cases follow a similar pattern –family members who are eligible under the Law of Return arrive in Israel, and receive citizenship. Later their relatives come as tourists, but cannot change their status, and become illegal aliens. They stay in Israel without any status for many years, applying time after time to the Interior Ministry, but in many cases without success.

Children attend Israeli schools for years, speak Hebrew and identify themselves as Israelis. Despite this, at age 18 they receive a deportation order, and must leave Israel. Israel gives them education, identity and even employment, then throws them out. Thousands of children find themselves in the application process for many long and frustrating years. All this time they are restricted in their rights and commitments. For example, they are not be conscripted into the armed forces, and see this as damage to their rights of passage in Israeli society and to their self esteem.

Recently the Interior Ministry issued instructions to grant residency status to hundreds of cases: children from the previous marriages, elderly parents, widows of an Israeli citizen and spouses suffering from domestic

violence. However, the all-powerful ministry clerks at the local departments were "not aware of the instructions", and continued to complicate the bureaucratic process.

Denying civil status to immediate family members is outrageous. AMF proposes a radical solution – awarding civil status to family members on the basis of their loyalty to the state and the lack of criminal offenses. Resistance by Interior Ministry officials, many politicians and part of the Israeli society is based mainly on fear of assimilation. The main reason of the declining numbers of Jews in Western countries is inter-marriage, so attempts to prevent this assimilation process in Israel seem natural. However, in Israel we observe "reverse assimilation" – assimilation of non-Jews into the dominant Jewish ethno-cultural group.

There has been no significant change in the Israeli demographic profile, due to the influx of Non-Jewish citizens, remaining at 4 percent. The percentage remains the same, despite the increase in the percentage of non-Jewish immigrants, which has risen to 70 percent in the last six years. According to the findings of an AMF survey (2002), 80 percent of these non-Jewish immigrants, who receive the official classification as "not classified by religion," are descendants of Jews – children or grandchildren of a Jewish male, and the other 20 percent are spouses of Jews who identify themselves as Israelis and expatriates. When they faced sometimes violent anti-Semitism in their countries of origin, they shared the same destiny with their Jewish partners. The AMF survey measured feelings of engagement, responsibility and linkage to Israel among mixed families, and discovered the same results among immigrant Jewish families: 30% consider leaving Israel-, which is the same percentage among veteran Israelis! More than 90 percent of mixed families identify themselves as Jewish, and not as Christians, and don't regard themselves as a national minority. These essential statistics confirm that granting legal status to 11,000 immediate family members currently without civil status will not damage Israeli society, but rather strengthen it.

On the other hand, it is necessary to limit the immigration of those who are not eligible under the Law of Return. To accomplish this only requires sensible application of this law, requiring the Jewish Agency to desist from its irresponsible policy of actually cajoling those who had no interest in Israel to make Aliya. Politicians and representatives of Russian-speaking immigrants, such as Yuli Edelshtein and Ze'ev Elkin, accused the Jewish Agency of finding prospective immigrants according to their Jewish names in local phone books. The Jewish Agency responded that it works according to the Law of Return.

It's important to emphasize that those without civil status came to Israel, because the Law of Return allowed their families to immigrate, and they want to be together. Today in Europe and America and even in the FSU, Jews are not persecuted. So, it's reasonable to issue tourist visas to those eligible under the Law of Return, based on criteria which protect the interests of the State of Israel. More discretionary visa policies could help to reduce the influx of those who are not eligible to immigrate under the Law of Return. We recommend that the Jewish Agency not continue 'indiscriminate recruitment of olim', but rather provide help to Jewish and to mixed families with medical, economic and humanitarian aid in the FSU.

Furthermore, we recommend the codification of law or emergency directives, so that in times of anti-Semitic violence that endangers Jews and their family members, then the Law of Return provides immediate and comprehensive protection to those who need to immigrate or obtain safety in Israel. During peaceful times which exist now in Europe, America and in the FSU the Interior Ministry would publish selection criteria, and operate transparently under clear immigration guidelines. If families of olim/repatriates don't meet immigration criteria, then they won't be permitted to get Israeli citizenship, but they will not automatically and unknowingly lose their right to repatriate to Israel in the future under alternate criteria, as is the case now.

In addition to these two amendments, it's important to implement an additional one: development of a contingency based on the original laws which allow family reunification of Israeli citizens with immediate relatives. Israeli citizens must understand how and on what conditions they can arrange their citizenship in Israel for members of mixed families who reside currently abroad. It's an injustice to leave this fundamental state function up to the kindness of clerks in the MOI.

I hope to widen our discussion on the following subjects during the conference:

Firstly, those who identified themselves as Jews in the FSU are not classified today as Jews by the Israeli State, nor by the majority of Israeli society. To correct this, the head of the Meretz-Yachad party, Yossi Beilin, proposed a law that recognizes Jewish patrilineal descent only for civil jurisdiction (not religious).

Secondly, while Israel needs a civil marriage law, it would be pragmatic and sufficient to enact a civil marriage law applicable only to mixed families, proposed by Yisrael Beitenu (Israel Our Home, a right-wing political party of "Russian" immigrants), even if it is likely to be rejected again by religious parties. We have to remember that members of mixed families don't fly to get married in Cyprus by choice, as some secular Israelis do, but because they have no choice. It's a financial strain and a stigma that alienates them from mainstream society.

Thirdly, it's time to permit Reform and Conservative conversions in the State of Israel, and not just in Diaspora communities. The Ne'eman Commission allowed Conservative and Reform Rabbis to officially teach prospective converts in their preparatory studies, but the State left only Orthodox rabbis to continue their rejectionist hegemony over the Conversion Courts, which perpetuated the wholesale rejection of most members of mixed families, and discouraging most from even trying. Despite tremendous private and government investment into educating and integrating so-called "non-Jews" in the heritage of Israel, these efforts have been obstructed. Therefore, widening possibilities for conversion will give to Israel and to world Jewry new progress and openness, and make Judaism closer to the souls of mixed families.

I stressed the troubles and frustrations of only 10 percent of mixed families, but these kinds of troubles affect the entire population of mixed families. According to an AMF survey, 54 percent of mixed families pointed out that difficulty in family reunion is their most serious problem. In the Russian media in Israel almost every week there is a new case of a mixed family who couldn't reunite with relatives.

These are some of the most burning problems affecting immigrants to Israel. However, it is not only the problem of the immigrant population, but of the whole Israeli society, and we have to review it as a national problem, in order to resolve it.

Oded Feller, Adv. The Association for Civil Rights in Israel

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The MOI doesn't have accurate figures on the numbers of people living in Israel without civic status. This enables it to say that those numbers are "big." This was clear when the MOI recently accepted to relax certain restrictions after strong resistance, which resulted in only a small number of approvals.

While MOI policy may seem negligent, it is in fact deliberate, as are its bureaucracy and low professional standards, all aimed to exhaust applicants. Long lines, refusal to answer letters, giving answers without reasons. Worse still are the the high expenses associated with the application process. The exorbitant fees are constantly rising, and there's no way to get an exemption; requirements for legal documents and their translations, etc.

The MOI focuses on improving routine services to citizens, such passport control, but doesn't improve its services for those applying for civil status. While this situation is extremely difficult for mixed immigrant families ,it is even more difficult for Arabs.

The Supreme Court is a kind of solution for those who suffer from MOI policy, but it's flooded with immigration appeals, and doesn't want to decide on the immigration policy, instead of the government. That's why many cases are transferred from the Supreme Court to the district courts.

Media campaigns are less effective than a legal approach. In the recent years the MOI doesn't respond to media pressure, and its own public relations office has become aggressive, even so far as lying to defend its policies. The news story has to be really heartbreaking to have an impact, and it may help if the current Interior Minister is more sensitive to media pressure. While Avraham Poraz was the Interior Minister, media coverage sometimes helped – but not much since his departure in 2007.

Sawsan Zaher, Adv.

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Palestinian citizens of Israel suffer from discrimination, but their problems don't stem from immigration difficulties or integration processes. The aim in preventing the reunification of Palestinian families is different from the restrictions directed at FSU immigrants or other non-Jews. In spite of these different reasons, both populations suffer from severe violations of their basic rights for family life and human dignity.

The impetus for these discriminatory policies against Palestinian citizens of Israel was the outbreak of the "Second Intifada" in 2002, when Israeli officials began to define new spouses from the West Bank and Gaza

seeking to marry and reunify with citizens of Israel as a security risk. This decision resulted in two main exclusionary policies against those spouses: the first was halting all the family reunification processes at the MOI, and the second was the amendment to the Citizenship Law to prevent reunification with spouses from the West Bank and Gaza, passed formally into law in 2003. In 2007 the amendment was widened to include the prohibition on marrying spouses from some of Israel's neighboring Arab countries, and also includes an ability to widen this prohibition regarding other states as well.

The amendment to the Citizenship Law creates vast damage to the whole Palestinian population. This legislation is applied on a nationalist basis, and not on individual cases. Late amendments to the law, which allowed for reunification in exceptional cases doesn't change the big picture: The law undermines Palestinian's rights for family life, because they are Palestinians, and is therefore violates their human dignity, and is unjustified by any security reasons. It may be understood from the following figures: In 2002, 16,000 requests for family reunification of Palestinian couples were submitted to the MOI. Only 26 spouses were involved, according to the State, in terrorist activities (none of whom appealed their rejections)

The amendment to the Citizenship Law creates three paths for naturalization in Israel. The first, the direct and privileged one, is for Jews only, through the Law of Return. The second is for non-Jews who are not of Arab origin, and is sometimes a slow and complicated process, but many of these applications end in getting a permanent civic status in Israel. The third and most obstructed path is for Palestinian residents of the West Bank and Gaza, or Arabs from Foreign countries, who constitute the only group prevented by law from getting any kind of civic status in Israel. Ethnicity is the entrance criterion to one of those three paths, national, religious and origin, and is designed to demonstrate who is welcome in the State of Israel - and who isn't.

Mr. Shahar Ilan

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The Sharon/Olmert government's first discussion on issues of immigration was in spring 2005, with the establishment of a ministerial committee, whose aim was to define and elaborate an immigration policy. The committee was headed by Ofir Pines, the Interior Minister, and Tzipi Livni, the Minister of Justice. Livni and Pines couldn't agree on almost anything, and the result was that Pines appointed a committee of specialists, headed by the former Minister of Justice, Prof. Amnon Rubinstein. The committee's deep discussions were first of a kind in its field, and produced some thoughtful recommendations. However, the committee's recommendations weren't implemented by the government, and Rubinstein commented that the government's approach towards his committee's work was one of the most humiliating experiences.

The need for developing an immigration policy for Israel evolved during the 1990's,, when large-scale political, economic and social transformation presented new populations seeking civic status in Israel:

Palestinians from the West Bank and Gaza Strip, who became citizens of the Palestinian Authority, needed the Israeli MOI approval, in order to live in Israel together with their spouses; immigrant workers and their family members; non-Jewish members of mixed immigrant families from the FSU, who weren't eligible for Israeli citizenship under the Law of Return.

Despite the urgency for creating reform, Israeli immigration policy continued to be "the policy of lacking a policy," that is to leave the situation without a policy, without clear legislation or rules- except one undeclared rule: the state will do its best to prevent non-Jews from obtaining a civic status in Israel. However, when forced to award civic status by existing laws, the state does its best to turn the process into a miserable ordeal. Another aspect of this policy is employing the same number of workers in the Population Authority, the department of the MOI that grants visas and civic status, as it is for years, so the numbers of appeals submitted to its office climbed wildly. This backload of appeals was part of the state "non-policy" mentioned above.

As described in the report written by Adv. Oded Feller and published by the Association for Civil Rights in Israel, those who need the services of the Population Authority, are found in a 'twilight zone,' and outside the norms of a Western Democracy. An example of this outrageous phenomenon is the refusal of the Population Authority to publish the secondary legislative regulations which determine its activities and decisions. This is one of the characters of a dictatorial regime, and it served a strong argument in the appeal submitted by the Association for Civil Rights in Israel and other organizations to the Supreme Court, demanding that the Population Authority publish its legislative procedures.

Another example to the way the Population Authority acts is that approx. 4,000 from 12,000 appeals submitted this year to the Supreme Court were against the Population Authority - far more than against any other state authority. If we'll take into account that on the Population Authority there are only 640 officials, the figures show that against every official an average of 7 appeals per year were submitted. It means that the Population Authority has a policy of not deciding, which makes the Supreme Court its de facto employee, requiring it to make decisions that the Population Authority officials was supposed to make.

In the current political state of affairs, the parliamentary right-wing and religious political parties will make it impossible to reform immigration policy. The only valid option is a slow and partial change in the legislative procedures of the MOI, by working closely with the Interior Minister and some of the office staff. This option depends on the whims of the ministers who come and go frequently. The recent declarations of the new minister give little hope for improvement.

## IV TOWARDS A NEW ISRAELI IMMIGRATION POLICY

Ms. Shira Ben Sasson

Session moderator

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Religious Pluralism Project Coordinator, Shatil

This session will deal with citizenship and legislation from the point of view of the legislator and the NGOs. Speakers here constitute a true microcosm of the Israeli society: a variety of ages, countries of origin, politics etc. We'll hear from each of them, their own perspective on the obstacles in the law, or the lacunas in the law, which makes the life of mixed families difficult, especially concerning with the lack of immigration laws and official immigration policy. Such a policy is needed, and should be based on values.

The threat to the future of the Jewish people as a result of what's happening now is not less important than the Iranian threat. I hope this becomes a high priority for the representatives, and I would like to ask them to relate in this session to their legislative dreams - the most important, critical amendments to the law that should be made.

Reut Michaeli, Adv.

Director of the Legal Advocacy Center  
for Immigrants at the Israeli Religious  
Action Center

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Israel has no clear immigration policy. There are only 3 laws which deal with this issue. They were legislated in the 1950's, and were not updated to reflect the changes in Israeli society that occurred since 1990, such as the waves of immigration from Ethiopia and the FSU, or the phenomena of foreign migrant workers. New legislation was enacted only in order to restrict immigration, such as sanctions against people who reside here illegally, or the suggested amendment to Israel's entry law restricting the right to reunification with family members. The State preserves its advantage by carrying on in this way: it gives the political system the opportunity to prevent even focused public debate on the issues, even though they are so important to Israeli society.

The lack of immigration policy creates three main implications, beyond the obvious violations of human and civil rights. First, it means that there is no clear, orderly procedure to apply for citizenship or residency. The procedures that do exist are quite vague: they do not make clear, for example, which papers the applicant has to submit. There is also no clear schedule in procedures of this kind, and some people are stuck in the bureaucracy for many years without civil status.

Second, the lack of ordinary procedures to gain civil status facilitates applications for family reunification to be determined by the judgment of Interior Ministry workers, who may grant civil status in "humanitarian" cases. Both the criteria and the policy which lead to those decisions are not transparent, neither clear nor consistent. The last implication is that

the Interior Ministry chooses not to resolve many cases, which must be resolved by the courts.

The judicial system is overwhelmed with petitions for immigration. The court's willingness to intervene is lessening with time, as well as their effectiveness. They prefer that legislation deal with it. Even when we win cases, there is no compensation to the claimants for the expense and aggravation arising from the tortuous process.

NGO efforts concentrate on assisting individual cases, usually solving them through the courts. Although this way leads to changes, most of them are incremental, and take a lot of time. The pressure of the NGOs is not enough, in most cases. I suggest that our efforts will be more concentrated on some core issues. One of them is the legislation of an amendment that will restrict the minister's judgment, and will determine the procedures to resolve a civil status, including the rights for a due process. Another is to increase the pressure to conduct a structural reform in the Immigration Authority, which will require it to respond to applications in a reasonable period of time.

IRAC staff has been conducting during the last year an intensive work of discussing and writing a comprehensive proposal for a new immigration policy. The paper is distributed here at the AMF conference, and may be also read at our web site.

MK Robert Ilatov

Parliamentary Group Chairman,  
Yisrael Beitenu Party

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Excluding the Arab sector, there are an estimated 320,000 residents in Israel who are non-Jews, according to Halakha. These people are close to the Jewish people, and some were even persecuted in their homelands, because they married a Jewish spouse. They are a part of the Jewish People, despite what some ministers say about them.

Israel's immigration policy should be founded on the definition of Israel as a Jewish state, where we must negotiate with Orthodox powers, in order to find a common ground. I spoke with some rabbis and they've begun to understand our position. These issues will only be resolved by negotiations and consensus. Today, disputes are resolved in the courts, rather than in the Knesset, and that shouldn't be the case.

Our Party has handled many reunification issues of mixed families. One of our special interests is to assist minors who are not eligible for Israeli citizenship, even though their parents are citizens! These days we're promoting several legislative amendments regarding those issues.

Another issue that we are dealing with extensively is the parents of soldiers - about 5,000 soldiers whose parents are not eligible for Aliya. We think that a soldier who risks his life for his country has the right to bring his parents on Aliya. However, if the parent has divorced and remarried to a non-Jew, at present he or she can't make Aliya. There are also a few thousand cases of elderly parents in mixed families, who reside in Israel without any rights. They should be given the opportunity to a dignified life.

All the above recommendations won't change the demographic status-quo in Israel, since the groups we are trying to assist are altogether quite

small. Although Israel Beitenu is considered even an extreme right-wing party, we think that Israel must resolve these issues of human rights, and we cooperate on an apolitical basis to do so.

We are also working to promote other issues that trouble mixed immigrant families, especially an option for civil marriages and a more reasonable conversion process. We suggested an amendment that would enable municipal Rabbis to perform conversions, because they are usually less strict. Unfortunately, the political dynamic is complex. There are some 30 Orthodox MKs who refuse to reform conversion. We can't force these hardliners to accept our position, and must reach agreement only by consensus. Unfortunately, the Minister of Justice is cooperating with the Orthodox parties, but we'll submit our draft laws, anyway. As a small party, we know that we have to struggle.

MK Dr. Yossi Beilin

Chair, Meretz-Yachad Party

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I think that the essential question we are dealing with is, 'Does the State have an interest that non-Jews, who are relatives of Jews, immigrate to Israel, or is it doing its utmost to restrict this group?' This question has several answers, depending on the timeline of the state.

At the beginning, the policy was to accept as many Jews as possible, and therefore the definition of "a Jew" was very broad and liberal. This was the case during the early 1950's. People were accepted depending only in their declaration that they were Jews, and also if they were relatives of Jews. This situation changed in 1958, and got worse over the years.

Since 1989, as part of the large wave of immigration from the FSU, hundreds of thousands of non-Jews immigrated, because they were spouses, parents, parents' in-law or children of Jews, and they created the dilemma anew. Through their Jewish relatives (and their immigration) they have tied themselves to the fate of the State. They see themselves as part of the Israeli society, their children serve in the army. Some of them are Zionists, although not all, but many behave like secular Israelis – like me, for example.

People like me think it's great they're here, even though they came here because they love their relatives. I have no interest in checking how often they pray. However, there's a significant group within the Israeli leadership, which is exclusivist. They say this is a abuse of the Law of Return, whose aim is to give sanctuary to Jews, and that, if so many non-Jews would immigrate, they will change the Jewish character of Israel. They don't understand that this group assimilates into Israeli society. This is the real problem: a significant group of people in positions of power are exclusivist, and they create many obstacles for non-Jews, so that many give up on the idea of coming (or remaining) here.

This exclusivity has produced restrictive legislation. For instance, we tried to amend the law, so that a person whose father is Jewish shall be considered Jewish by the State – not for religious reasons. For instance, people who have undergone a Reform conversion (outside of Israel) are considered Jewish by the State. I tried to pass this amendment, but had no support in the Knesset. Even Israel Beitenu, which considers itself as the representative party of the FSU immigrants- and mixed families within

them- voted against this. It's a terrible thing to reject people whose father was Jewish, and there is no reason for this denial. It is essential in the 20th century.

The Law of Return clause regarding (Orthodox) conversions should be changed, and non-religious conversions should be accepted. The woman who spoke about her tragic ordeal as a non-Jew is not religious, but she considers herself as part of the Jewish People. She doesn't want to go to a rabbi to transform herself from one kind of Jew to another. If she were to study Jewish culture for a year, and then be granted a status of a Jew, I believe it might be harder than religious conversions – but worthier. This is a change I consider as critical: to grant the option of a secular conversion to the large population who wants to convert, but not in a religious procedure. Unfortunately, the current decision makers in our political system will not allow this kind of change.

As I demonstrated, although the Knesset has a secular majority, the ruling coalition is dependent on the minority block of Orthodox parties, who prevent any changes. Robert from Israel Beitenu is essentially right in saying the Knesset is the place to make policy changes, but we've been trying to negotiate with the Orthodox parties for many years, on many issues, but without success. Currently, if the minister is liberal, and is even familiar with individual cases, he might be lenient, but if he's strict, some crazy things can happen. This is unacceptable. It means that the way to a change will be through the courts.

All the progress we've made throughout the years was due to the Supreme Court, as the government always refrained from upsetting the Orthodox parties. The courts, though, were able to do this.

Another route for change is outside the official authorities: life, as we've seen throughout the years, is stronger than the law. The existence of so many people who need solutions to their problems will finally cause a change. The great example for this is that there are more Israelis who marry in Cyprus, than Cypriots! We developed "tricks" how to overcome our own laws, legally. It's a shame that the state does not allow people to marry here, but at least it should subsidize the journey to Cyprus for the couple and their parents. Many couples later have a marriage ceremony here, even if it's not recognized, and they should be given the rights of every other Jewish couple.

It's easy for me to accuse other parties for not doing enough. My party was the first to address these issues, but failed to make any change, although it brought the issues to the public arena. Another party, Shinui, was founded on the sole political program of separating Religion from State, but finally they voted against civil marriages, due to coalition considerations. My party promotes a wide range of issues in addition to this one, and we have represented secular interests better than other parties. I'll continue to struggle for such legislative change, despite it's similarities to the story of Sisyphus.

Rabbi Dr. Seth Farber

Founder and Director, Itim – The  
Jewish Life Information Center

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I'll begin with my personal story. When I made Aliya, I brought a certificate to prove that I'm Jewish, but this was not enough. A letter from my community in the US was not enough, nor my Ketubah – the traditional Jewish Marriage agreement. The certificate they wanted at the ministry was the picture of the Ketubah, the one that was hanging on my wall. Then the official was convinced that I'm Jewish. This story shows that state officials don't care about the essence of the immigrant, but only what's on identification papers.

Israel's immigration policy should address several issues: first, that the State of Israel is the Jewish state, not just an Israeli state, therefore connected to the whole of the Jewish world, and that it is also a democratic country. As an Orthodox Rabbi, I say that this world includes those who are married to Jews. Our immigration policy should reflect a Jewish approach that looks at the people as a whole. Second, it should also be careful not to give non-Jews who arrive here the feeling of alienation by both the Jewish and the Israeli aspects of the State. Third, we must make sure that any policy will be applied by people who know well the theory behind it. It's impossible that the officials in the MOI will say "my hands are tied, it's not my decision". It is indeed their decision. These issues have been ignored, because immigration is not perceived as a Jewish issue - not seriously anyway.

The Talmud, one of the most sacred texts of the Jewish people, says that there was a fundamental change in the balance of authority between the Jewish communities here and in Babylon, when Rav left Israel for Babylon. Today, the balance is changing again: before Jewish institutions were respected, today they are considered unimportant. The institutions related to conversions abroad and in Israel work in opposite directions. The Israeli Rabbinate wants to be like the Papacy, and have authority over all conversions across the globe, and is attempting to restrict the number of Orthodox conversions abroad. Furthermore, the MOI is also willing to approve conversions made abroad. They, too, presume that they have authority over the Jewish communities world-wide, as if the State of Israel can dictate how communities abroad lead their lives and institutions. They don't care about alienating people, and they don't understand what's happening in the rest of the Jewish world today.

Israel should reform its immigration policy, so it will be neither too exclusive nor too inclusive. It should take into consideration the Jewish People as a whole, and Jewish humanitarian values.

Regarding the conversion issue, I would like to note that the legislation promoted by Israel Beitenu won't be practicable. I know well many of the 42 rabbis in the local authorities: they are political appointees. Except for one or two they all belong to the same 4 families, and won't help to bring the needed change. The "secular conversion" discussed in this conference is a kind of individual metamorphosis through the immigration process in the Western countries. They require immigrants to pass rather strict tests regarding national language, culture, history and law, etc. There is no consensus about how to frame Israel's policy. So, I don't think that those

standards will be widely accepted by the Jewish people or the Israeli State.

## V CONSTITUTION FOR ISRAEL – CONSTITUTION FOR CONSENSUS?

Ms. Yana Briskman

Session Moderator

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In my work as a Russian journalist, I have heard many heart wrenching stories from immigrants; such as children who grew up here but are liable to be deported, only because their parents divorced; of elderly parents left alone in the Ukraine; a mother who could not see her son-a soldier- for years, and who was only allowed to immigrate because her son was killed in action. Such cases are dependent on the discretion of the Interior Ministry and its clerks. Now, with the drafting of a constitution, let's hope there is a chance for change.

Dr. Na'ama Carmi

Faculty of Law, University of Haifa

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Creating a constitution requires consensus on core values, but it's also clear that the wide use of the slogan created by the Israel Democracy Institute – "Constitution by Consensus" – tells us that there's lack of consent on core values. In fact, there's no consensus even on the mechanisms that should regulate disputes. This is evident on issues of religion and state, and leads us to wonder what kind of constitution may be drafted when our society suffers from deep disagreements? There are few researchers who think that it's better not to have a constitution, which will be nullified in one way or another: they reject a constitution that won't deal with issues of religion and state, leaving them outside the judicial authority of the courts, and claim that a constitution will eventually enable stricter legislation.

Regarding the question of immigration, we have to ask ourselves should issues of immigration appear in the constitution, or should they be addressed in regular legislation. The current proposal addresses only some immigration issues in a quite general manner, while details are left for regular legislation. There is a widespread consensus that the repatriation principle, expressed by the idea of free immigration to Israel for Jews, should appear in the constitution.

However, the Law of Return, in its current drafting, is problematic: the relations between the State and Jews, and the state and non-Jews – who are citizens. Of course on the issue of immigrants becoming citizens, there are further problems.

The Law of Return is problematic. As a researcher I have suggestions to amend it, but I admit that if I was a political advisor, I'd probably tell the

government to leave it as is, in order to avoid unnecessary turbulence in the political system. I also think that the law shouldn't be amended based on political contingencies, nor without a deep process of public discussion. Still, I would like to suggest here my views as a researcher regarding the existing law.

I suggest to change the fourth article of the law, which says that that the right of return extends to family members, including those born in Israel, whose status would be "the same as" someone who made Aliya under the right of return. This distinction among Jews isn't practical, because the citizenship law was amended to say that citizenship is granted by birth to anyone born here- if one of his or her parents is Israeli. I don't know if this article wasn't changed, due to an oversight, or because it gives political advantage to Jews in Israel.

Furthermore, I think that there's a big problem in granting automatically and immediately citizenship to those who make Aliya. These days, an immigrant under the Law of Return can get citizenship automatically, even if he doesn't speak the Hebrew language or know the local culture and laws. This is not true for non-Jewish partners of Israeli citizens, even if they are more eligible to integrate into the Israeli society. It's also problematic from the democratic point of view: unlike most democratic countries, where citizenship is granted to someone born in the country or to parents of citizens - the situation in Israel is unique, as citizenship is a matter of discretion and not a right.

My suggestion is that anyone who arrives here, Jewish or not, eligible or not eligible to come to Israel under the Law of Return - won't get an automatic citizenship, but will have to undergo a naturalization processes: residency, sufficient knowledge of Hebrew (or Arabic). I suggest that these standards be set in law, rather than subject to administrative discretion of political appointees. My suggestion does not solve all the problems in the law, but some of them. I believe it makes the process of granting an Israeli citizenship more universal, while it maintains Israel's doors opened for the Jewish people worldwide.

Mr. Yair Sheleg

Journalist, Senior Researcher at the  
Israel Democracy Institute

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In the recent years, I've researched and published on the issue of non-Jewish Olim, and I'll present here several recommendations based on my study. But first I would like to clarify three basic assumptions that I believe to be of high importance.

First, the State of Israel should not only be democratic, but also the State of the Jewish People. This has implications also for the issue of the Law of Return. It would be a mistake by those who support mixed families, to attack the identity of the state as a Jewish state. I also think that in our special situation in Israel, the affinity between the Jewish and democratic aspects of the country are necessary and reciprocal. If one attacks the Jewish character of the state, it's a threat to the existence of Israeli democracy: if the Jewish majority feels threatened, it will likely

sacrifice democratic institutions, in order to preserve Israel's Jewish character.

Furthermore, the Jewish State shouldn't be only a sanctuary for Jews, but also a Jewish cultural focal point. It should be a melting-pot which creates a Jewish cultural common ground. Third, I believe that in the tension between the national and religious aspects of Judaism, Zionism means nationality - not religion. Jews can be members of another faith, at least a monotheistic one, and even the Supreme Court gave a similar ruling.

Based on these assumptions, I think that the existing Law of Return should be amended. The revised version should include the right of Aliya for non-Jews who are relatives of Jews and who come here with them, including cases like non-Jewish spouses, children or elderly parents, who were discussed in this conference.

However, I accept Dr. Carmi's idea that the right to make Aliya and granting Israeli citizenship shouldn't be automatic. If we condition the acceptance of citizenship on some knowledge of Hebrew, Jewish culture, democratic principles etc., it will ensure a common cultural ground. The conditions won't include time of residency in Israel, but only requirements of knowledge. Many democratic countries, such as Switzerland, require passing knowledge tests on domestic norms, history and law to receive citizenship. Before passing these tests, people can be residents with full rights, except the right to vote, as recently immigrants who are not familiar with local issues are quite vulnerable to manipulation when voting.

Another important conclusion is that the definition of who is a Jew should be a broader one: conversion need not be conditional on becoming an Orthodox Jew, but should have a more liberal basis: not belonging to other religions, respecting the Jewish holidays etc. The state should accept as a Jew anyone who follows these standards (even if this is unacceptable according to Orthodox dogma).

Regarding the constitution now being discussed in the Knesset, my impression is that the consensus is only among those drafting it, and neither in the public nor its representatives. Even its leading proponent, The Israel Democracy Institute, suggests that a constitution will only be legislated on the basis of widespread consensus within the Knesset.

Those against the legislation of a constitution now determined their standpoint according to the degree of the liberal-democratic character of the constitution they expected. I'm not sure the constitution that may result from today's discussion will be so undemocratic, but I think that the alternative is even worse. Those who oppose the draft constitution hope that the Supreme Court will defend Israeli democracy, but the Supreme Court is getting weaker over time.

MK Ze'ev Elkin

Chairman of the Subcommittee for  
the Absorption of Immigrant Children  
and Youth and a member of the  
Constitution, Law and Justice  
Committee, Kadima Party

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First of all, I would like to comment on a semantic aspect which may be clearly recognized in the program of this conference: the word "Aliya" does not appear, while the term "immigration" is dominant. The assumption might be that those who prefer the term "immigration" will support the rights of mixed families, but this assumption is wrong. I believe that the arrival to Israel is not the same process as immigration to any other country, and that mixed families are making Aliya, not immigrating. On the other hand, I think that supporting the term "immigration" leads to support of restrictions on mixed families immigration.

I would also like to note that people usually talk of amendments and corrections that need to be made. What I want to talk about here is how to preserve existing norms, because current processes may lead to a great damage to Zionism.

Regarding the discussion on a constitution, we should lower our expectations. As a member of the Constitution, Law and Justice Committee of the Knesset, I don't believe that there's going to be real progress in the near future.

One of the questions raised during discussions on the constitution is: should it include articles on the relations between Aliya and citizenship? I think we should grant automatic citizenship for several reasons. The proposal to separate Aliya from citizenship is based on opposition to the Law of Return, making it flawed and discriminatory. It is also an attempt to decrease the number of non-Jewish Olim, or at least limit their civil rights. I think these kinds of proposals are derived from psychological or emotional influences, such as distrust of foreigners (not considered Jewish by Halakha).

This proposal is also dangerous, because it challenges one of the basic principles of Zionism. This principle says that Jews have a potential right not only to make Aliya, but also to immediately become an integral part of Israel. The Zionist historical enterprise was founded to establish a home for Jews, therefore preventing Jews from becoming citizens automatically means turning our back on Zionism. Ask yourselves what would have happened if this separation was made in 1948. How would our state look today?

We must also consider whether citizenship should be conditional on military service or paying taxes or any other condition. I think that this is illogical, because anyone who lives here is under common threats and shares our common reality.

The article in the Law of Return that grants citizenship for the grandchild of a Jew was a late addition, deriving from a compromise between the secular court's ruling and the Orthodox position of "who is a Jew". Changing this article now will reopen the dispute, again. In the Russian-speaking community, grandchildren who are Jewish according to Halakha

have a rather low level of Jewish identity. That is why amending this article won't result in an Aliya of more people with a high level of Jewish identity.

In my opinion canceling or restricting the grandchild article is a mistake. This won't help the Jewish demographic problem, but it will reopen the dispute on the question of "who is a Jew" between Israel and the Diaspora. We may find ourselves en route to separation from Jewish communities abroad. This is very dangerous. That's why I propose to look for the solution in the Jewish Agency, the institution responsible for promoting Aliya. The Law of Return is not the problem, but the policy of the Jewish Agency, which encourages Aliya of anyone with any historic association with Jews-live or dead, for budgetary reasons. If you put a stop to that, or work with large Jewish communities, we'll see resolution of many current social problems. Furthermore, the rate of intermarriage in the Diaspora is high, but children of mixed families generally marry within themselves, resulting in no actual intermarriage.

In my opinion, there should not be a separation between Aliya and citizenship. The solution should be defining Israel as Jewish and democratic in a constitution, in creating a normal life for mixed families, including civil marriage, normal mechanisms for resolving family issues, and providing conversion processes of various kinds, encouraging non-Jews to identify with the Zionist majority, at least culturally, and change the article in the Law of Return dealing with "member of another religion". The relationship between Jews and Moslems and Christians is complex. The proposal to exclude grandchildren from the Law of Return complicates relations further, making this religious restriction inappropriate.

MK Dr. Dov Khenin

Chairman, Civil Rights Lobby, Hadash  
Party

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We have before us a group of complex issues. First I'll try to define the issues separately, and later, we will look at them together. 1) Citizenship, 2) immigration policy, 3) residents' rights are interrelated, but they are not identical. Let's first discuss the existing situation, then the appropriate situation.

The existing situation has 3 parts. Part I concerns legislation. In relation to the three issues, there are two perspectives. One of these is based on territory, which applies laws to people based on their location. This approach is characteristic to Western countries. The other approach is based on blood relations: who belongs, by birth, to a specific group. This approach applies in Israel (and in other countries) to an extreme. It has lead to the problems mentioned by the previous speakers. There are 'natural' implications to this approach. Israel has legislated on these issues according to two opposing concepts: first is the idea of safe haven, whereby Diaspora Jews are offered refuge when threatened. The other concept concerns returning to their "Homeland": regardless of threats, every Halachic Jew is entitled to rights and privileges under the Law of Return. The idea of return in Israeli law went very far, when Dr. Carmi

suggested separating between return and citizenship, it's an attempt to bridge this gap. We can grant immigration rights but not citizenship.

Second is the political reality and the constitution: I'm glad to hear that a constitution is still far off. I'm not convinced that a constitution made in today's political reality would be democratic and appropriate. In the various disputes within society, you cannot create a true democratic constitution. That's why I see this constitutional project as worrisome. I know the people mean well, but I think that this faith is naïve; the power of the various political forces may lead Israel to disaster.

Third concerns the dramatic challenges facing immigrants and refugees. Many places on earth lack basic security, or are in extreme distress. There is the First World and other places are fourth or fifth world. In such conditions, the walls system around the first world does not answer the needs of people outside of it. There are waves of immigrants and refugees arriving to the First World, such as the Darfur refugees from genocide in the Sudan, which is based on tribal and climatic conditions (lack of water). This global warming trend is only becoming more dramatic, and we'll see more and more refugees in the future. This has serious implications on policies concerning immigration and citizenship.

I understand the suggestion to separate return and citizenship. I see the rationale behind it, but it should be clear that this is problematic: it creates a reality where a growing part of the residents in Israel don't have citizen's rights. This has serious implications on Israeli democracy. They have limited control of their lives. Selective citizenship will create a society such as in ancient Athens: a small cadre of citizens and a larger circle of secondary residents lacking equal rights.

Immigration policy: although one can find more justification for the principle of safe haven over return, this, too provokes questions: what, shelter only for Jews? Should Israel close its gates to other persecuted peoples? In the dominant worldview the question is different: why only shelter? Jews are not the only people persecuted. Here the nationalist, particular worldview of Zionism clashes with Western norms.

While I leave these questions open, some possible solutions can be found in the third issue: the rights of residents. Here too there are questions: should residents be granted rights? Who are these residents? These questions deserve a systematic solution. The state is not ready to provide such a solution. I think our immigration policy is that of hiding our heads in the sand, hoping refugees will disappear, but there's a need for a systematic policy for residents. This week we tried to promote a solution that will provide a level of protection for refugees. Our draft law related to an orderly mechanism for determining the rights of refugees. The draft was rejected, and the problem remains unresolved. The rights of the child are in the news as International Day of the Child approaches. We supported a draft law for rights of non-resident children, particularly rights to health care. Their rights are different concerning education, because every child residing in Israel is now eligible for State-sponsored education. We should grant health rights to every child who resides in Israel, regardless of his civil status or that of his parents. Through these partial solutions, I hope we'll be able to progress to a better place. This is the route that has a greater chance of success in the current political reality.

## CONFERENCE RESOLUTION

Mr. Itamar Shachar

Media and Lobbying Coordinator, AMF

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Israel is highly heterogeneous and multi-cultural. We tried to include representatives from the entire spectrum of opinion, in order to facilitate a broad discussion on immigration and absorption. The Association for the Rights of Mixed Families, founded in 2001, is the leading center for promoting the rights of about 110,000 immigrant mixed families, some of whom have encountered obstacles in their absorption, due to the struggle between democratic and religious influences.

AMF works to:

- increase public awareness to their problems,
- provide help and support in bureaucratic processes,
- empower mixed families to achieve their place in mainstream society,
- advocate for new legislation and policy changes to eliminate barriers which prevent their integration,
- provide professional and effective legal counseling concerning marriage, divorce, civil status, family reunion, burial and conversion,
- operate cultural and educational programs for mixed families, directed to help them cope with identity crises and absorption difficulties,
- influence public opinion to adopt just solutions to the problems of mixed families.

Of course, AMF identifies and cooperates in the struggle for equality for all minorities in Israel. The lack of clear and codified immigration policy has led to the casual and rampant violation of the rights of mixed families. This situation has put a burden on the judiciary, causing collateral damage to other sectors of government and society. The executive and legislative branches must decide to resolve these issues.

Our position is that a rational debate on the Law of Return should originate in the Knesset, and not result from Supreme Court rulings of extraordinary cases. One of our roles is to raise public awareness to problems of the Law of Return: while it has served the State for nearly 60 years, the law is flawed concerning mixed families. Our position is that the state of Israel must promote further naturalization mechanisms, which will allow non-Jewish partners or children to live here with their Jewish relatives. These arrangements will be set in law, resolving the existing injustices. A constitution should further clarify principles determining citizenship, the right to family life and humanitarian concerns.

Our recommendations following this conference are:

- Promote a law approving the civil status of children of Israeli citizens. Several parties across the political spectrum support this law. Until this law is passed, the State should provide health

services for children, and we will promote this initiative with the "Physicians for Human Rights" and other NGOs.

- Resolve the status of elderly immigrants without status: granting health insurance to elderly parents only at a late stage is another form of harassment by the MOI, and we demand the immediate provision of coverage to the elderly.
- Release MOI guidelines on citizenship application for those who are not eligible to enter Israel under Law of return

AMF supports the creation of a naturalization process that will require applicants to learn Hebrew, have ties to family in Israel (in the case of mixed families) and maintain other standards of citizenship. While a double standard between Jews and Non-Jews is undesirable, it is already an established reality that must be recognized.

Dr. Ludmilla Oigenblick (AMF Director): I think that we have succeeded in bringing the issue of mixed families to the national arena. Some MK's are trying to solve our problems, and others are at least now listening with sympathy. During the conference we agreed with MK's Illatov and Beilin, who will assist us to resolve individual cases. That's a very good result for us. We also hope that soon there will be laws that will allow relatives of mixed families to convert and join their family. We thank our speakers from abroad for the opportunity to learn from you.

Mr. Yona Triestman (AMF Development Officer): I'd like to thank the speakers and make two comments concerning political culture: There was nearly universal agreement regarding sociological conversion and de facto integration of mixed families into Jewish Israeli culture. This process doesn't mean that their problems will disappear. In fact, for those who do not succeed to integrate, this will make their problems and their solutions more urgent. I must emphasize that such "universal agreement" is very rare to achieve in Israel, even from people with similar points of view, how much more so from people at opposite ends of the political spectrum. It's very impressive to see them agree on the need for a new definition of "Who is an Israeli", which need not be confused with the question of "Who is a Jew". This is a good sign that Israeli political culture is moving toward a consensus on resolving immigration issues, thanks to the work of AMF and others. Those are good immediate results for our conference, and I believe that the long term effects will be even better.

Ms. Helen Barenboim (AMF Member): I am a guest here, and would like to say the level of the conference was very high, the speakers were very good, very impressive. I'd give you an A. I wish there was an easy solution, but I think that if every one present and others who care about this, would support the cause of mixed families, support individual families, this will help your immigrant community, and Aliya as a whole. I'd like to thank the association. On the other hand I'd like to tell you something about my own experience: I'm Jewish and several years ago my son got married. We went through unpleasant things. Having to prove I'm Jewish was very unpleasant for me, but for my child who grew up here and served in the army, and sees himself as Israeli, he had to prove he's Jewish. His wife, who was born here, didn't even understand what was going on. So, I think that there are serious problems for mixed

families and for Jewish families. I hope the government passes your proposals, and our children won't experience this. Thank you all.

Rabbi Gregory Kotler (Reform Movement): Well done, and I hope we continue this work. One bit of advice: hold the MK's accountable, follow up on their promises, make sure they do as they promised, otherwise they'd do nothing. If we want to resolve these issues we have to be consistent. If you convert and get married through the reform movement, you won't be dependent on the Chief Rabbinate. Although immigration was one of the debated issues, the main thing we have to discuss is integration, fostering co-existence of different groups. As I said earlier today, I believe geneticists will support mixed families (since Jews inter-married and stayed Jews for millenia). Thank you.

Swetlana Woldt (Germany): I would also like to thank the organization of this conference, it was very interesting for me, and I have heard many fascinating speakers. I wish you a lot of success and strength. I'm convinced that you are doing well, and if you could lobby outside Israel for the problems here, it might help. In Germany we also have a big Israeli community, and they don't face the problems here that were mentioned. If you will bring the issue to their attention, it might help you. You can find assistance in other countries. I wish you success.

Ms. Tatiana Mankov (Non-Jewish Immigrant): I'd like to thank all those who worked hard on making this conference. I think that this event was very successful. Without your help, no MK would help us. They don't really understand our problems, and legislation cannot make them understand. If a person does not receive citizenship, he cannot even study at an ulpan. It is very important that MK's come to understand our problems, and this conference helped them. Thank you all.

Ms. Liliya Itzkov (AMF Staff Member): As a person who works with mixed families, I want to continue our work. I would like to say that what Beilin said, that Judaism should be according to either parent – father, too – because people whose father is Jewish think they are Jewish, as well, and so it should be.

Dr. Marina Petronoti (Greece): I'd like to thank you too. I go to conferences often. This was very interesting. The association does important things. I hope that your country will treat all people as equal human beings.

Dr. Ludmilla Oigenblick (AMF Director): Before we close, I'd like to thank you all on behalf of the AMF the speakers, the session moderators, our distinguished guests from abroad who accompanied us throughout the conference and participated in the different debates. A special thanks to the Heinrich Boell foundation and the New Israel Fund, which sponsored the event.

Dr. Ludmilla Oigenblick

Received PhD in Sociology from Moscow State University. From 1992 to 2000, Dr. Oigenblick has worked as a fellow researcher at the Technion - the Israel Institute of Technology, and published a wide range of articles in European and American scientific journals on immigration issues.

In 1999, together with other members of mixed families who immigrated from the former Soviet Union, Dr. Oigenblick founded The Association for the Rights of Mixed Families, and since then serves as an executive director. She develops and runs a wide range of programs for mixed families on Jewish identity and human rights, and provides lobbying activities and campaigns directed at targeted immigrant population.

Mr. Yona Triestman

Made aliya from New York in 1996. After completing a BA in Political Science and an honors thesis at Rutgers University. Mr. Triestman became a social entrepreneur specializing in public relations and resource development for non-profit organizations, which focus on Zionism, immigration and interfaith issues. His professional experience enhances AMF's ability to provide solutions for interfaith families in Israel and the Diaspora.