

**The Chief Rabbinate of Israel (Amendment - Jurisdiction with respect to Conversions) Bill, 5770-2010**

**Amendment of Section 2**

1. In section 2 of the Chief Rabbinate of Israel Law 5740-1980<sup>1</sup> (hereinafter: the “Principal Law”), the following shall be inserted after paragraph (6):

“(6A) Responsibility for Conversion Issues in Israel. The provisions of this paragraph shall not derogate from the powers to conduct conversions in Israel granted to the special conversion courts by government decision, nor from the existing powers of the Rabbinical Courts under any law;”

**Addition of Sections 24A – 24D**

2. The following shall be inserted after section 24 of the Principal Law:

**“Qualifications of Members of Special Rabbinical Court**

- 24A. (a) A municipal rabbi or the rabbi of a local council, or a person who acted as a municipal rabbi or as a rabbi of a local council under the Jewish Religious Services Law [Consolidated Version], 5731-1971<sup>2</sup>, and whose office was not terminated under the provisions of section 12A of such law (in this section and in sections 24B and 24C, a municipal rabbi) may conduct

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<sup>1</sup> *Sefer Hachukim*, 5760, p. 90.  
<sup>2</sup> *Sefer Hachukim*, 5731, p. 130.

conversion together with two other municipal rabbis or with two members of a special conversion court set up by virtue of government decision, as set out in section 2(6A) (all three jointly - a Special Rabbinical Court), provided that the conversion is performed by the special court lawfully, following acceptance of the burden of the Torah and commandments as required by Jewish law.

(b) Should the Chief Rabbis of Israel find that a member of a Special Rabbinical Court has acted in a way unbecoming of his status or that a member of a Special Rabbinical Court is not conducting conversions in accordance with the provisions of sub-section (a), they shall be entitled to determine that such Special Rabbinical Court shall not be entitled to conduct conversions under this Law.

(c) Procedures for hearings and matters before the Chief Rabbis in proceedings under sub-section (b) shall be set out in regulations, with the consent of the Constitution, Law and Justice Committee of the Knesset.

### **Powers of Special Rabbinical Court**

24B. (a) A Special Rabbinical Court shall be authorized to discuss the conversion of an Israeli National or a holder of a permanent residence permit in Israel under the Entry in Israel Law, 5712-1952<sup>3</sup> (hereinafter: a “holder of a permanent residence permit”), wherever the

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<sup>3</sup> *Sefer Hachukim*, 5712, p. 353.

place of residence of the applicant may be, and to give certificates of such.

(b) Notwithstanding the provisions of subsection (a), a Special Rabbinical Court shall be authorized to discuss the conversion of a person who is not an Israeli National or a holder of a permanent residence permit if such person is given a certificate in accordance with the rules prescribed by the Chief Judge of the Supreme Rabbinical Court.

(c) The verdict of a Special Rabbinical Court allowing a conversion shall serve as evidence of the Jewishness of the bearer of the certificate; however, such conversion, if effected in contravention of the rules set out under subsection (b) shall have no force regarding the granting of visas, including an immigrant's visa, nor regarding the grant of Israeli citizenship.

(d) (1) Cancellation of a conversion conducted by a Special Rabbinical Court shall have no force unless the Court that conducted the conversion rules that it was conducted on the basis of misleading information or intentional concealment of information by the party seeking conversion prior to the conversion.

(2) Should the question of the validity of a conversion arise for any other reason, before a Rabbinical Court or before any other Court in Israel, or before the Registrar of Marriages, the ruling on the

question of conversion shall be brought before the Court in which the conversion took place or before a special panel of a Regional Rabbinical Court to be appointed by the Chief Judge of the Supreme Rabbinical Court.

(e) Should the Special Rabbinical Court that conducted the conversion have dispersed or should at least two of its members have ceased to serve as members of the Court, the ruling under sub-section (d) shall be submitted to a special panel to be appointed by the Chief Judge of the Supreme Rabbinical Court.

(f) A decision to cancel a conversion shall require the consent of the Chief Judge of the Supreme Rabbinical Court, and shall be of no force in the absence of such consent.

### **Appeal**

24C. An appeal against a ruling to cancel a conversion under section 24B(d) may be submitted to the Supreme Rabbinical Court in a panel headed by the Chief Judge of the Supreme Rabbinical Court, the judges on which panel shall be appointed by the Chief Judge of the Supreme Rabbinical Court.

### **Registration of Marriage**

24D. (a) A member of a Special Rabbinical Court serving as a Rabbinical Registrar of Marriages shall be authorized to handle registration of the marriage of a couple at least one of which has

converted in a Special Rabbinical Court, wherever the couple's place of residence may be.

(b) Should no member of the Special Rabbinical Court serve as a Rabbinical Registrar of Marriages, the Council shall, at the proposal of the Chief Judge of the Supreme Rabbinical Court, appoint one or more members of a Special Rabbinical Court for conversion who are qualified to act as a Rabbinical Registrar of Marriages to handle registration of the marriage of the couple as set out in sub-section (a).

### **Regulations under Sections 24A – 24C**

24E. Notwithstanding the provisions of section 31, regulations and rules under sections 24A to 24D shall be made by the Minister of Justice with the consent of the Chief Judge of the Supreme Rabbinical Court and with the approval of the Constitution, Law and Justice Committee of the Knesset only.”

### **Amendment of Nationality Law**

3. The following shall be inserted in section 2(c) of the Nationality Law, 5712-1952<sup>4</sup>, after paragraph (6):

“(7) to a person who, prior to entry into Israel, was not entitled to receive an *'oleh* visa or an *'oleh's* certificate”.

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<sup>4</sup> *Sefer Hachukim*, 5712, p. 14; 5768, p. 810.

## Ratification

4. The provisions of the Hearing of Conversion Applications Rules, 5766-2006<sup>5</sup> shall be deemed to have been made lawfully under the provisions of this Law.

Background info:

## Law of Return 5710-1950

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| <i>Right of aliyah**</i>                          | 1. Every Jew has the right to come to this country as an oleh**.   |
| <i>Oleh's visa</i>                                | 2. (a) Aliyah shall be by oleh's visa.<br>(b) An oleh's visa shall be granted to every Jew who has expressed his desire to settle in Israel, unless the Minister of Immigration is satisfied that the applicant<br>(1) is engaged in an activity directed against the Jewish people; or<br>(2) is likely to endanger public health or the security of the State.   |
| <i>Oleh's certificate</i>                         | 3. (a) A Jew who has come to Israel and subsequent to his arrival has expressed his desire to settle in Israel may, while still in Israel, receive an oleh's certificate.<br>(b) The restrictions specified in section 2(b) shall apply also to the grant of an oleh's certificate, but a person shall not be regarded as endangering public health on account of an illness contracted after his arrival in Israel. |
| <i>Residents and persons born in this country</i> | 4. Every Jew who has immigrated into this country before the coming into force of this Law, and every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an oleh under this Law.  |
| <i>Implementation and regulations</i>             | 5. The Minister of Immigration is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation and also as to the grant of oleh's visas and oleh's certificates to minors up to the age of 18 years.  |

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<sup>5</sup> *Yalkut Pirsumim*, 5765, p. 2062.

*DAVID BEN-GURION*  
Prime Minister

*MOSHE SHAPIRA*  
Minister of Immigration

*YOSEF SPRINZAK*  
Acting President of the State  
Chairman of the Knesset

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

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

### **Law of Return (Amendment 5714-1954)\***

*Amendment of section 2(b)*      1. In section 2 (b) of the Law of Return, 5710-1950\*\* -  
(1) the full stop at the end of paragraph (2) shall be replaced by a semi-colon, and the word "or" shall be inserted thereafter ;  
(2) the following paragraph shall be inserted after paragraph (2):  
"(3) is a person with a criminal past, likely to endanger public welfare."

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

*MOSHE SHARETT*  
Prime Minister

*YOSEF SERLIN*  
Minister of Health  
Acting Minister of the Interior

*YITZCHAK BEN-ZVI*  
President of the State

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

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

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

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

### *"Rights of members of family*

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

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

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

### *Definition*

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

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

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

### *"Power of registration and definition*

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

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

(c) This section shall not derogate from a registration effected

before its coming into force."

*GOLDA MEIR*

Prime Minister

Acting Minister of the Interior

*SHNEUR ZALMAN SHAZAR*

President of the State

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

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

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

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