# **Israeli Immigration Policy at Odds: Emerging Jewish Communities and the “Return” of the Converts from Latin-America**

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# **Israeli Immigration Policy at Odds: Emerging Jewish Communities and the “Return” of the Converts from Latin-America**

This article demonstrates how the current Israeli return policy is becoming increasingly exclusive in face of the emergence of convert communities in developing countries. While retaining the traditional objective to secure Jewish dominancy, the return policy actively favors Western and Orthodox ethno-religious affiliation. Critical policy analysis illustrates how the policy is currently implemented not only to limit and regulate the potential mass immigration of new converts from emerging Jewish communities in Latin America, but also to ensure their Orthodox affiliation.

“The Law of Return must be changed so as to include only those who are Jewish according to the Halacha. Israel may decide if it wishes to become the welfare state of the third world, but so long as it has not chosen to do so – it should stop the immigration of non-Jews.”

Chief Rabbi of Israel, Rabbi David Lau, November 2014.

The above-quoted statement by Rabbi David Lau, the Chief Rabbi of Israel, aptly represents some of the most pressing current concerns of Israel’s religious establishment. As reflected in his statement, the perceived need to preserve the Jewish character of the State of Israel exceeds in its urgency even such dangers as the Arab threat. Rabbi Lau’s statement communicates not only the ongoing concern for Israel’s Jewish identity, but also a fear, common to many Western nation-states, of growing immigration from developing countries. It attests to the fact that, unique as Israel’s immigration policy may be in its exclusive pertinence to Jews, Israel faces many of the same challenges that globalization poses to any other developed country.

This article aims to explore the ways in which longstanding, as well as newly emerging threats have profoundly impacted the Israeli ethnic immigration policy (otherwise known as *Aliyah*, or return immigration policy). I argue that the ethnonational identity of the Jewish majority in Israel now faces a tremendous challenge, resulting in the incorporation of exclusionary principles into the Israeli return policy. More broadly, the struggle over Israel’s ethnonational Jewish identity does not merely pertain to how that identity is defined, but is part of a wider internal dispute surrounding the overall national and demographic objectives of the State of Israel.

Since its enactment, the Israeli Law of Return has formed the basis for a singularly Jewish ethnonational immigration policy aimed, initially, at expanding the Jewish population as a means of mitigating the Arab threat. The policy was exclusionary in its implementation, which favored Western Jewish migrants, but inclusive in its extension to non-Halachic Jews (as prescribed by the Orthodox Jewish definition), allowing for their immigration and naturalization. These two contradictory elements lead to divergent outcomes, undermining the myth of a homogenous, unified Jewish people on the one hand, and marginalizing groups that do not fall under the “most favored nationality” – Western Orthodox – on the other.

In recent years, the State of Israel is facing a further, unforeseen complication, as Judaism’s newfound appeal leads to thousands wishing to officially convert. This global phenomenon, best known as “emerging Jewish communities,” is a mass movement of people who have converted to Judaism either with or without the recognition of world Jewry. While taking place on a global scale, it is particularly prominent in developing countries, and especially in Latin America. As a result, various ideological groups in Israel have raised new demands to tighten the criteria for immigration. Indeed, the above-quoted statement by Rabbi Lau articulates the need to curb inclusive elements of the Law of Return in anticipation of new converts from developing countries, who are perceived as a threat to the ethnonational identity of the Jewish political community.

The Israeli return policy has been relatively static thus far, governed by the overarching objective to secure a Jewish majority. As noted by Jopkke and Rosenhek, the guiding principles of the Israeli immigration policy remain unchanged since the enactment of the Law of Return.[[1]](#endnote-2) Nevertheless, a critical analysis of the current implementation and outcomes of the Israeli ethnic immigration policy finds that it is undergoing profound transformations. By focusing on emerging Jewish communities in Latin America, I wish to demonstrate how trends of privatization, the involvement of nongovernmental organizations (NGOs), and institutional religious conversion are reshaping the Israeli ethnic immigration policy. Moreover, I will present new evidence indicating that the criteria for eligibility to immigrate have *de facto* been tightened, suggesting that the Israeli ethnic immigration policy is becoming increasingly exclusive. The perceived need to safeguard the boundaries of the Jewish political community has yet to produce legislative changes, but it has demonstrably impacted the implementation of the Law of Return through the institutional discrimination against Jews and converts who do not conform to the most favored nationality, Western Orthodox Jewry.

# ***Ethnic Immigration Policy and Changing Threats***

Ethnic immigration policy, or return policy, is a legislative manifestation of the myth of homogeneity that underlies any ethnonational community. Ethnic immigration policies are implemented only in ethnic nation-states, where the state grants certain immigrants legal naturalization, as well as an exclusive pathway to their assimilation. The justification for any ethnic immigration policy is the desire to unify the ethnonational community. In many cases, such as in post-Soviet countries, Germany, and Israel, the return policy is also framed as a means of rectifying past persecutions and injustices that pushed community members into forced exile.[[2]](#endnote-3)

The State of Israel is a “return country” in the sense that it has proclaimed itself the homeland and sanctuary of world Jewry. Since its establishment, the State of Israel has implemented an ethnic immigration policy, subject to Israeli laws (Law of Return 1950; Nationality Law 1952), which entitles Jews to immigrate to Israel and become citizens according to the stipulated criteria. Furthermore, Israel distinguishes itself by being the only country in the world where religious affiliation can form the basis for naturalization.[[3]](#endnote-4) Despite the diversity of traditions, beliefs, and ethnicities within the Jewish world, Israeli policy notably favors Western Orthodox Zionism. This introduces further complexities to the already unique case of Israel, derived from its particular ethno-religious character.

In addition to upholding the myth of homogeneity, ethnic immigration policy is designed to address pragmatic and demographic needs. It is an institutional mechanism that serves to preserve the boundaries of ethnonational communities, enforced by institutional categorization processes. In effect, the categorization process is an examination procedure for individuals that serves to stratify certain groups within the political community and also defines *the most favored nationality* of the political community. By creating a most favored nationality, the state defines whom it finds desirable, who is likely to be easily assimilated and included, and who will receive generous assistance from the welfare system and other state resources.[[4]](#endnote-5)

Israel’s ethnic immigration policy is primarily designed to hold back the Arab minority’s expansion and sustain the hegemony of the Jewish majority. Israel’s demography is framed as a security issue and as a constant threat to the political community’s existence.[[5]](#endnote-6) Whereas the quantitative-external threat concerns enemies from without, the qualitative-internal “threat” concerns the desire to preserve Israel’s most favored nationality as Western and Orthodox.

While the Law of Return is founded on the national myth of the Gathering of Israel (*Kibbutz Galuyot*), Hacohen has argued that this very element has served to conceal the ways in which the immigration policy’s implementation restricted or limited the immigration of certain groups.[[6]](#endnote-8) For example, the influx of immigrants from North Africa in the 1950s and 1960s raised deep concerns regarding their “primitive” culture and the possible “Levantinization” of Israeli society as a result of their inclusion. The negative image of North-African Jews led to restrictive criteria of eligibility, limiting entry to young, healthy, and rural immigrants. Although a great number of North-African Jews wished to immigrate between 1954-1956 due to spreading persecution and hostility against Jews in their regions, their Aliyah was restricted tenaciously.[[7]](#endnote-9) Further research indicates that the perception of a qualitative threat posed by North-African immigrants was incorporated into various policies throughout their assimilation process. Melamed[[8]](#endnote-10) and Yonah[[9]](#endnote-11) found that Israeli pro-childbirth policies attempted to discourage procreation amongst North-Africans; other scholars discussed how, upon arrival, North-African immigrants were forced to inhabit development towns that eventually transformed into enclaves of poverty and deprivation.[[10]](#endnote-12)

The categorization process has further implications beyond its stratifying role. In its very attempt to safeguard a certain ethnonational identity, categorization is liable to produce a disparity between purpose and actual outcome. For example, validation of ethnonational affiliation for the purpose of immigration may be required in the form of appropriate documentation. While making for a more rigorous process, in some cases this procedure incentivizes the fabrication or alteration of ethnic identity so as to suit the prescribed criteria. Moreover, because ethnicity coincides with various secondary characteristics, such as language, dress and phenotypic appearance, potential immigrants often possess only a partial, quasi-ethnic configuration of the most favored nationality. Thus, if ethnic immigration policy is aimed at increasing the homogeneity of the ethnonational community, it might conversely generate growing heterogeneity and damage its own objectives. This is the greatest paradox of ethnic immigration policy: by pursuing homogeneity through inclusive policies, the “purity” of the ethnonational community can be further compromised.[[11]](#endnote-13) This is the main reason why ethnic immigration policy is susceptible to changes and adaptations according to the changing demographic needs of the national state.

In the case of Israel, qualitative demographic needs changed in response to new challenges. Today, the internal-qualitative demographic need is no longer confined to an imagined ethnic hierarchy prioritizing Western Jewry, but also involves Halachic (the body of Orthodox Jewish laws) considerations. The Law of Return adheres to the Orthodox definition of Jewishness, which prescribes maternal Jewish ancestry. Nevertheless, a provision was added under Section 4a to allow Jews’ non-Jewish partners, children, and grandchildren to immigrate. The inclusive amendment (1970) enabled the immigration of nearly one million people from the USSR during the 1990s. It was impossible, however, to anticipate that the number of non-Jewish immigrants would at some point exceed that of Jewish immigrants.[[12]](#endnote-14)

Further complicating the issue, the criteria for immigration on the basis of religious conversion are only vaguely stipulated in the Law of Return. A Supreme Court ruling attempted to fill this gap by authorizing Orthodox and non-Orthodox conversion courts outside of Israel to determine eligibility for immigration. This laid the ground for non-Orthodox conversion programs outside of Israel that grant eligibility to immigrate but are denied official recognition by the Israeli Ministry of the Interior. Consequently, many immigrants approved under the Law of Return are not considered Jewish according to the prevailing Halacha interpretation in Israel. Hence, they and their children are not recognized by official religious institutions for the purpose of, for example, marriage or burial.[[13]](#endnote-15)

A thorough examination of the eligible parties under the Law of Return under Section 3a (eligible Jews) or Section 4a (eligible immigrants who are non-Jewish according to the Halacha) made it possible to assess the number of non-Halachic Jews in Israel. The findings were published in the 2003 Central Bureau of Statistics reports, revealing the precise scope of this demographic phenomenon: approximately 26% of all immigrants in the 1990s were non-Jewish, comprising two-thirds of all immigrants in 2002.[[14]](#endnote-16) In fact, for almost two decades, annual data show that approximately 50% of all immigrants under the Law of Return are not considered Jewish according to the Halacha.[[15]](#endnote-17) Hence, the influx of non-Halachic Jewish immigrants who do not meet the Orthodox definition undermine the myth of a natural, homogenous political community in Israel.

The case of non-Halachic Jewish immigrants illustrates how demographic needs can change over time. When new threats emerge, jeopardizing the “purity” of the community, the ethnonational identity is reshaped vis- à -vis its “Other,” redefining itself as the opposite version of its nemesis. As termed by Yadgar, each political community has its own “significant Other,” an ethnic or national group that lives among, or in close proximity to it. The “significant Other” may shift in response to changing existential threats facing the political community. That is, contemporary and local events can transform the ways in which an ethnonational community perceives itself, its unique characteristics, and its demographic objectives. Yadgar notes that contemporary threats do not necessarily arise externally but may emerge from within the political community. The “internal-Other” may even come to replace the “external-Other” if it poses immediate risk to the ethnonational identity. [[16]](#endnote-19)

As national identity changes in response to new challenges, ethnic immigration policy may be reformulated to accommodate new demographic needs. But what happens in cases where the internal threat does not diminish or replace the external threat? Or when there is no single significant “Other,” but multiple “Others?” How do double or even multiple threats, internal and external, reshape the formulation and implementation of ethnic immigration policy?

These questions are highly pertinent to examining the contemporary Israeli return policy. Alongside the growing internal demographic threat of non-Halachic Jews, a new global challenge has emerged. Whereas Mizrahi immigrants imperiled Western Jewish hegemony, and former USSR immigrants did not conform to the Orthodox definition of Jewishness – the current challenge undermines both components of Israel’s ethno-religiously conceived most favored nationality. The expanding phenomenon of non-Western Jewish converts wishing to be recognized as Jews reevokes the exclusionary nature of the Israeli ethnic immigration policy, which now faces masses of potential immigrants. Emerging Jewish communities in developing countries thus create great confusion among the traditional Jewish leadership regarding the boundaries of the global Jewish community, and, consequently, the Israeli ethnic immigration policy.

# ***Research Methods and Critical Policy Analysis***

As a case study, emerging Jewish communities in Latin America adequately reflect the recent shift in objectives and implementation of the Israeli return policy. Specifically, this case reveals an internal differentiation between “veteran” Jews and converts in Latin America, demonstrating how the emergence of a new group can generate policy changes. Indeed, such changes constituted a turning point in the overall history of Jewish immigration from Latin America to Israel, allowing for a comparison between current and previous practices.

However, this case also transcends beyond the particularities of Latin American Jewry and can be taken as part of a larger trend of new convert communities throughout Africa and Asia. As I will shortly describe in detail, most of the organizations that partake in converting and recruiting new immigrants in Latin America are highly active within other communities as well, particularly in developing countries such as India and Nigeria. This points to a prominent trend of privatization, eminent in the involvement of NGOs in the implementation of the Israeli return policy and in the ideological competition between them. In this respect, the following case sheds light on the increasingly exclusionary nature of Israel’s ethnic immigration policy more broadly, by serving as an example of how the state finds new ways to withhold the entry of undesirable groups.

The data for this article were collected from interviews and policy documents. Policy documents include government decisions, state comptroller reports, state comptroller commission reports, Knesset (Israel parliament) committee protocols, and academic articles. In addition, I have conducted a preliminary charting of emerging Jewish communities in Latin America based on online resources and consulted a database kindly supplied by the world Jewry organization Kulanu.

The main data for this research were collected from 34 interviews with policymakers and delegates of prominent organizations that are active on issues of immigration and conversion policy implementation – namely the Jewish Agency, NGOs such as Shavei Israel and the Itim Institute, and world Jewry organizations such as the Masorati Movement, Kulanu, and Seminario Rabbinico Latinoamericano.

This research relies on critical policy analysis, which aims to identify linguistic strategies and stereotype usage in order to explain how certain semantics serve the interests of different ideological groups.[[17]](#endnote-20) Statements and policy documents by policymakers and representatives of prominent organizations reflect local power relations, illustrating how policy can serve as an arena for competing meanings and ideological objectives.[[18]](#endnote-21) Therefore, the analysis will focus on immigration and religious conversion procedures, the reciprocal relationship and competitive dynamic between the different organizations involved, as well as their criticism toward each other and toward the Israeli policy.

The analysis will focus on different policy levels in order to illustrate how policy is a circular and ongoing process of formulation, implementation, and reformulation. The policy in question is not restricted to its formulation, meaning the Law of Return, as specified in its criteria for eligibility and respective amendments. This case study demonstrates how policy is an amalgamate sphere, shaped by varied ideological interpretations of the law and its implementation, public discourses, and internal divisions within the political community. These divisions are highlighted in the involvement of various NGOs that are filling the void left in the absence of direct institutional involvement. I will therefore elaborate on each of the prominent organizations that is *de facto* implementing the Israeli ethnic immigration policy in Latin America vis-à-vis emerging Jewish communities.

Critical policy analysis also considers policy outcomes, so as to explore the possibility of significant gaps between a policy’s formulation and its actual results. Policy formulation produces the semblance of national unity, while policy outcomes may bring to light disparities and antagonisms between different ideological and ethnic groups.[[19]](#endnote-22) Internal ideological disputes over meaning and power continually shape and reshape policy formulation and implementation in tandem with specific events and other external forces, affecting the ongoing circular process of policy change. Therefore, policy outcomes are not a predestination, nor are they in any way static or permanent. Moreover, seemingly unfavorable policy outcomes are not necessarily the result of failure or honest mistakes, but are often the conscious decision of state institutions.[[20]](#endnote-23) The following analysis will highlight these arguments by focusing on the ongoing process of reformulating restrictive criteria by the Ministry of the Interior, and its outcome of institutional discrimination against non-Orthodox organizations.

# ***Traditional and Emerging Jewish Communities in Latin America***

In the beginning of the 19th century, Jewish communities in Latin America were small and compact. Most of their members arrived in sporadic waves of immigration, primarily from the Balkan countries, the Middle East, North Africa, and a miniscule portion from northwestern Europe. The vast majority of Latin American Jewry consolidated over the second half of the 19th century and the first half of the 20th, following mass European immigration. A large portion of the European immigrants were Eastern European Jews who settled throughout Latin America in countries such as Brazil, Uruguay, Chile, Mexico, Venezuela, and Costa Rica. The main destination was Argentina, which received approximately 80% of the European immigrants, many of whom settled in Buenos Aires.[[21]](#endnote-24)

To this day, most of the Jewish communities maintain close relations with Israel. Their support for the Zionist effort has manifested itself through fundraising and the continued involvement of their leaders to promote and protect Israel’s interests vis-à-vis their home country’s establishment.[[22]](#endnote-25) Moreover, Uruguayan and Argentinian Jews in particular were considered, until the late 1960s, to be the descendants of lost European Jewry. Their special status among Israeli policymakers was due to their involvement in the Zionist effort and their “Euro-American” ethnic and cultural heritage.[[23]](#endnote-26) Up to the late 1990s, between 60% and 80% of Latin American immigrants to Israel were Argentinian.[[24]](#endnote-27)

The demographic character of Latin American immigrants has significantly changed since 1999. Up until now, the leading countries of origin have been Argentina, Uruguay, and urban regions of Brazil, while countries such as Peru, Colombia, Cuba, Ecuador, and Central American countries have comprised less than 3% of all immigrants. These countries were negligible enough to be lumped together as “Others” by the Israeli Central Bureau of Statistics. Nevertheless, during the early 2000s, Argentina comprised only 50% of all immigrants, while the “Others” category grew to more than 30%. For example, before 1999 there were no more than a few hundred immigrants from Peru and Colombia per decade, as compared with over 2,000 and 1,500 immigrants since the early 2000s. Meanwhile, immigration from Central America, which used to number in the dozens per decade, has exploded to over 1,300 immigrants per decade since 1999.[[25]](#endnote-28)

According to Jewish Agency officials, the established Jewish communities of “Mestizo-American countries”[[26]](#footnote-1) do not account for increased immigration from these regions. Those communities are well assimilated and are part of the middle and upper class of their respective countries. While some members did emigrate, they usually chose a destination other than Israel, such as the United States. Due to a lack of data, it is difficult to determine the cause of this profound demographic shift. Despite missing data, Jewish Agency officials claim that most of the immigrants are new converts who were not recognized as Jews until a few years ago. Thus, it appears that members of emerging Jewish communities throughout Latin America have been immigrating to Israel since the late 1990s.

## ***Emerging Jewish Communities in Latin America***

There are tens of thousands of Judaizers living in autonomous communities. These communities continue to grow, effectively creating an alternative Jewish people. This is a second Jewish people that is growing, especially in Latin America, and in other regions as well, that lives a Jewish life and sees itself as Jewish, with a Jewish consciousness, that supports the State of Israel, but the Jewish people do not consider all these tens of thousands of people to be part of it. The question is: can the Jewish people and the State of Israel afford to ignore these people?[[27]](#endnote-30)

One of the most important and influential phenomena for the Jewish people, and particularly for Israel’s national immigration and conversion project, is taking place largely outside the Jewish world. In recent years the Israeli public has become increasingly exposed to news stories and reports of “lost” Jewish communities, communities consisting either of purported descendants of the “ten lost tribes” that were dispersed, according to the Bible, following the Assyrian conquest, or of alleged descendants of “anusim,” the forced converts of the Spanish and Portuguese Inquisitions now seeking to return to the fold. This phenomenon is best known as “emerging Jewish communities,” a grassroots movement which has many manifestations across the globe, from Poland and Russia in Eastern Europe, to Italy, Spain, and Portugal Southern Europe, as well as in places as remote from Israel as China, Nigeria, and North and South-America.[[28]](#endnote-31)

Keeping track of this phenomenon and its scope is incredibly complex, since it requires tracing and consolidating information from all the different communities claiming to be Jewish. The phenomenon seems to be particularly dominant in Latin America, and especially in Mestizo-American countries, where the majority of the population is of mixed ethnicity, in contrast to the predominantly Southern European populations of Argentina and Uruguay. Thus far, a non-academic, aggregate database has been compiled thanks to continuous documentation by private organizations and individual researchers. For example, the international Jewish organization Kulanu generously shared its data on 52 emerging communities in Latin America, ranging in size from mere dozens, to tens of thousands of members. Prominent Argentinian journalist Graciela Mochkofsky published several articles on this phenomenon and its characteristics. Mochkofsky identified sixty emerging communities, but focused on the emerging community in Bello, Colombia, whose leaders were trained by representatives of the Lithuanian Haredi Diaspora Yeshiva in Jerusalem. Moreover, Mochkofsky was one of the first to identify the competitive element in this widespread conversion project, whereby different Jewish organizations offer sponsorship and leadership to emerging Jewish communities within a competitive “conversion market.”[[29]](#endnote-32)

The “Judaism conversion market” is part of the Latin American “free market of faith,” and would not have taken place but for a shift toward religious pluralism, characterized by the Catholic Church’s eroding influence and the spread of the Evangelical and Pentecostal Churches.[[30]](#endnote-33) Representatives of the Jewish Agency and various conversion organizations testified that many of the new Jewish converts have Evangelist backgrounds.

The phenomenon of emerging communities is global in that it relies on digital media and a global information network. Over half of the communities have an online presence in the form of YouTube videos, Facebook groups, stories and reports on news websites and magazines, and even official websites in the case of larger, better established communities. Various other websites provide online information and lessons on Judaism to anyone interested, such as the Lithuanian Diaspora Yeshiva’s Aish.Latino, the Hassidic Haredi Toiras Jesed, or Reform Rabbi Cukierkorn’s website, considered controversial by many in the Orthodox and Conservative denominations. During interviews I conducted, many claimed that online conversion services are fraudulent and extortionist. In effect, within a vibrant online conversion market abounding with knowledge and variety, many services, some of which are honest and some dishonest, compete over new target audiences.

The sheer breadth of the “emerging Jewish communities” phenomenon is transforming Latin America Jewry and seeing the emergence of a competitive arena with many diverse actors. As of today, the Israeli government has not expressed any willingness to examine whether or how the emerging communities might come to be recognized by the official Jewish world, at least not explicitly. Therefore, the competitive conversion market remains unregulated and functions independently, justifiably raising suspicions toward those who wish to convert for the purpose of immigration:

There is a black market of conversion services. There are honest and dishonest people, Messianic and forged conversions […] During the last decade I have converted over eighty people, but only four of them made Aliya. I have told those who asked to convert for the purpose of Aliya that I am not a travel agency.[[31]](#endnote-34)

If they wish to come here, they say ‘we want to convert.’ It is very amenable, because after the conversion you are naturalized and receive all of the benefits.[[32]](#endnote-35)

These are people that have no connection to Judaism […] It happens throughout different regions, such as Latin America, Russia, Ethiopia […] They have converted but have never lived in a Jewish community; it is a green card, nothing more.[[33]](#endnote-36)

## ***Israeli Immigration Policy and Conversion Organizations***

### *The Jewish Agency*

The Jewish Agency is an NGO whose stated mandate is to maintain the relationship between the Jewish diaspora and the State of Israel.[[34]](#footnote-2) One of its fundamental roles is fundraising to promote and implement the assimilation of new immigrants. Since the foundation of the State of Israel, the Jewish Agency has been the leading institution responsible for implementing the ethnic immigration policy, including examining each potential immigrant’s eligibility.[[35]](#endnote-38) Nevertheless, over the past two decades, the traditional roles of the Jewish Agency have shifted significantly, following the ongoing privatization of Israeli social services, including the immigration apparatus. Leshem and Speizman found that privatization reforms gained traction as the Jewish Agency began to be seen as a centralized, obsolete, and cumbersome institution in the early 1990s.[[36]](#endnote-39) Since then, the Jewish Agency has gradually been losing its traditional authority as the main immigration institution in a long process spanning two decades, resulting in a total revocation of its authority in certain areas, such as the promotion of immigration from North America. The privatization of the immigration apparatus has two main manifestations: the government now awards immigrants a one-time grant rather than providing accommodation at the Jewish Agency’s absorption centers; NGO funding is used to promote immigration from specific regions.

The Jewish Agency’s difficulty to preserve its traditional authority is becoming ever greater in light of the spreading phenomenon of emerging Jewish communities. Though the Law of Return stipulates that religious conversion grants eligibility to immigrate, the Israeli Ministry of the Interior has independent criteria that dictate the proper procedure for approval. For example, one must live in an official Jewish community and present an official letter from its rabbis. Though most emerging Jewish communities lead a communal Jewish life, the official, established Jewish communities refuse to accept them or recognize them as Jewish. This means that even if a community as a whole converts to Judaism and maintains a Jewish lifestyle and Jewish customs, it will not be accepted as Jewish, and as a direct result will not be entitled to immigrate. Indeed, Latin American Jewry keeps raising the bar for recognition in order to prevent a mass influx of new members. For instance, the Brazilian Rabbinical Committee has issued a warning threatening all rabbis who collaborate with anusim descendants, meaning emerging Jewish communities, with ostracism. This warning was mainly directed toward the non-Zionist Ultra-Orthodox organization Chabad. In effect, the refusal of the established community to welcome newcomers prevents the Jewish Agency from recruiting emerging Jewish communities for the purpose of immigration, as explained by most of the interviewees:

It is an issue of Lima Jewry, a racial issue between whites and Indians, not Ashkenazim against Sephardim. The Jewish community does not care how many conversions they will pass – they will always remain Indians. They do not wish to see or to recognize them, and first and foremost, they do not wish to fund them. They will give their money to their children and not to Indians.[[37]](#endnote-40)

The Jewish community of Lima refused to accept them. The established Jewry is well situated, and it has a clear socio-economic and Jewish affiliation. Suddenly, many people claim they are Jewish as well, but these people are physically, geographically, economically, and culturally different. They are local, native and look like Indians, and they breach the traditional balance between the established Jewish community and its surroundings. These people demand recognition and the Jewish community refuses to accept them. Even though these people have converted to Judaism, the established Jewish community will not include them.[[38]](#endnote-41)

In Colombia, some people truly want to become Jewish. They possess a vast knowledge of Jewish life and they have kept the Mitzvot. They have an evangelistic background and a profound spiritual perception. They are genuinely righteous converts. Many of them underwent an Orthodox conversion, but the Jewish community still does not accept them. There are no religious considerations; it is because they look like Indians. The Jewish community does not wish to compete with the new converts for resources, and it does not want to grow, nor that its children will share the same space with Indians.[[39]](#endnote-42)

It is complicated to convert and become a part of the local Jewish communities in countries such as Brazil, Colombia, Peru […] The average man who wants to convert will never be accepted. I would not necessarily call it a racist consideration, but it is like Marxism: they are the noble and the rich […] I am just saying they do not wish that their house cleaners will be members of their synagogue, and people defiantly refer to them as ‘Indians.’[[40]](#endnote-43)

Though the Jewish Agency is unable to promote immigration among emerging Jewish communities due to their rejection by established communities, it may bypass this barrier by collaborating with international Jewish Conservative organizations. In parallel, the Jewish Agency is trying to regain its position by establishing an independent conversion court and thus expand its reach into emerging Jewish communities.[[41]](#endnote-44) While its authority is constantly eroding, it appears that the Jewish Agency is searching for ways to remain a prominent competitor in the Judaism conversion market of Latin America.

### *Shavei Israel*

“Shavei Israel” is an Orthodox-Zionist NGO with a liberal, humanist, and pragmatic approach to conversions, particularly in comparison to Israel’s religious establishment. The NGO’s objective is to locate “lost Jews” and bring them back into the fold and to Israel. The organization was founded by Michael Freund, and its most prominent representatives are the Birnbaums: Rabbi Eliyahu and Rabbanit Renana Birnbaum. Rabbanit Birnbaum is director of the Miriam Institute in Jerusalem and at the West Bank settlement Kibbutz Migdal Oz, which offers official conversion lessons in Spanish. Rabbi Birnbaum travels the world, fostering relationships with emerging Jewish communities and helping them obtain appropriate religious guidance. In some cases, he has even been able to get the Israeli national conversion establishment to convene a formal conversion court for these communities.

Shavei Israel effectively fills the void left by the Israeli government. It is the only organization to date that has received explicit permission to run a conversion institute and courts abroad, and serves as an institution responsible for immigration in emerging communities. It is important to mention that before it became an official contractor of the Israeli government, Shavei Israel consistently pressured and even confronted Israeli religious authorities about accepting emerging Jewish communities.

Shavei Israel has positioned itself as the leading provider of religious support for emerging communities thanks to a number of comparative advantages: linguistic and cultural familiarity with Latin American countries; its capacity to provide lessons and services in Spanish – an option seldom offered by the Jewish Agency’s facilities and conversion institutes; individual support and guidance on employment and residence; and a supportive community. A short visit to the Miriam Institute Ulpan in the Givat Shaul Jerusalem neighborhood reveals a warm, intimate atmosphere where immigrants find an inclusive environment that meets their needs.

The best-known case of an emerging community immigrating to Israel under the NGO’s auspices is the “Inca Jews” from Peru. The NGO finally received the blessing of Israel’s Chief Rabbis, after constant petitions and efforts to prepare the Inca Jews for their conversion courts and immigration. After the entire community converted, its members immigrated to Israel and settled in West Bank settlements, among them Tapuach and Elon Moreh. Comprising several hundred members, the Inca Jews’ immigration was completed in 2005. Their presence attracted the attention of the Israeli public, with the media referring to them as “Indians” who had returned to the fold.[[42]](#endnote-45)

Shavei Israel is not found among the organizations funded by the Ministry of Immigration to promote immigration. However, it receives considerable sums from the ministry, apparently in its capacity as a subcontractor in various government-initiated projects, such as the Bnei Menashe conversion and immigration program in India. The NGO received approximately 2.3 million NIS from the ministry in 2015, and approximately 4.6 million NIS in 2014.[[43]](#endnote-46) The NGO’s growing influence and position as a conversion and immigration institution became clear in 2016, when an Israeli news agency revealed that the organization was exempt from tender and received over 8 million NIS to promote the immigration of Bnei Menashe.[[44]](#endnote-47) Furthermore, the Israeli Ministry of Immigration’s 2016 list of suppliers reveals that, in effect, Shavei Israel is funded to the sum of 14 million NIS, in addition to 1.8 million since 2015. According to the list, a substantial amount of this funding was allocated to promote the immigration of Bnei Menashe.

Shavei Israel functions as a “Judaizer,” specializing in anusim and “righteous converts.” It effectively serves as a gatekeeper, determining who is worthy of undergoing conversion and ultimately immigrating to Israel. One of the organization’s most notable projects was the publication of a Spanish and Portuguese manual in 2015 for people who suspect they may be descended from the anusim and wish to return to the fold. The “Do You Have Jewish Roots?”[[45]](#footnote-3) manual details the various characteristics of anusim descendants in Latin America, naming the regions in which the Crypto-Jews were concentrated during the colonial era and listing well-known anusim surnames and customs that have been passed down from generation to generation. The manual’s publication demonstrates that Shavei Israel serves a well-defined target audience and considers itself a professional institution, expert in detecting the descendants of Crypto-Jews. Shavei Israel not only identifies and assists informal Jewish communities, it also determines the discourse and sets the criteria for those who wish to be recognized as converts eligible for immigration.

Senior rabbis of leading Conservative organizations claim that the discourse of anusim descendants is designed to appease the Israeli religious establishment and thus facilitate the acceptance of emerging Jewish communities:

Shavei Israel started to frame their communities in Peru and Colombia as anusim descendents, and they put a lot of effort and resources into advancing this image […] some of the people under Shavei Israel are genuine believers, good Jews indeed, but they are not, or at least cannot prove, that they are anusim descendents […] In my opinion, Shavei Israel have to promote this discourse – they will never admit it – because they need to persuade the religious establishment and the settlement movement to accept their conversion… It is much easier to claim a genetic connection, and that they are a part of this ethnic myth of the Jewish people.[[46]](#endnote-49)

Notwithstanding Shavei Israel’s undeniable prominence, it is but one organization providing services to a veritable sea of communities. According to Shavei Israel’s data, there are over ten communities in Colombia alone, some of which consist of only a few dozen members, but most of which boast hundreds and even thousands of members. In Guatemala, established Jewry consists of about 1,000 people, compared with between 1,500 and 1,800 members of emerging communities that are currently in touch with Shavei Israel. There are similar cases in Ecuador, Peru, and Nicaragua. This indicates that in some countries, emerging communities outnumber established Jewry. Other senior rabbis of leading Conservative organizations have similar estimations.

Despite the difficulty of obtaining precise data regarding the scope of this phenomenon, testimonies and preliminary data reveal that there are at least tens of thousands of emerging Jews throughout Latin America. However, Shavei Israel’s resources are limited and allocated primarily for the benefit of the Asian emerging Jewish community of Bnei Menashe. In cases where Shavei Israel’s support is unavailable, alternatives depend on the involvement of international non-Orthodox Jewish organizations, including Conservative organizations.

### *The Conservative Organizations*

As mentioned above, conversion to Judaism in a non-Orthodox court outside of Israel grants eligibility to immigrate under the Law of Return. Nevertheless, non-Orthodox conversion does not ensure recognition as a Halachic Jew by the Israeli Ministry of the Interior. The somewhat unregulated issue of conversions that permit immigration but are not necessarily officially recognized has laid the ground for Conservative conversion outside of Israel, and especially in Latin America. The result is that many converts who are considered eligible for immigration under the Law of Return, after undergoing a years-long conversion process abroad, are not considered Halachically Jewish by the State of Israel. Hence, they and their children are considered “non-Jewish Jews,” and are not entitled to be married or buried as Jews under state-recognized frameworks.[[47]](#endnote-50)

Conservative organizations are increasingly faced with this problem, especially in Latin America. In addition, many claim that Ministry of the Interior bureaucrats impose excessive red tape, requiring potential immigrants to take a test at the conversion court, or subjecting their eligibility to approval in accordance with the Law of Return. For example, well-known Rabbis affiliated with Kulanu or the Israeli Masorati Movement led a media protest after the Ministry of the Interior adamantly and continuously refused to recognize conversions by prominent rabbis in Maracay, Venezuela. According to a number of representatives of Conservative organizations, the Israeli Ministry of the Interior has rejected conversions that had been held by well-known, mainstream rabbis. Concurrently, the internal criteria for conversion approval are rapidly changing and becoming stricter.[[48]](#endnote-51)

In addition to the Israeli Masorati Movement and Kulanu, representatives of the Conservative “Seminario” (Seminario Rabínico Latinoamericano) organization (named after Rabbi Meyer) also take issue with the difficulties imposed by the Ministry of the Interior, which further hinder immigration. The organization offers a program providing guidance for people who have decided to join the Jewish people, which also integrates them into existing communities. Although the word “conversion” does not appear on the organization’s official website, in Halachic and national terms, the main condition for conversion is living within a Jewish community for about a year. Therefore, the organization’s activity amounts to more than teaching Judaism, and effectively includes conversion processes that may grant eligibility to immigrate.

The most prominent example of Conservative involvement in the renewal community in Peru took place in the city of Iquitos in the Amazon basin. The emerging community in Iquitos has clear Jewish roots. The community was founded during the 19th century by a young Jewish Moroccan man who sought to enter the then-thriving rubber industry.[[49]](#endnote-52) Following successful cooperation between Seminario and the Jewish Agency, the Iquitos community finally received the recognition it had yearned for. Two immigration waves arrived in Israel from Iquitos in 2003–2006, each consisting of between one and three hundred people.

Descendants of Jewish immigrants from Morocco who had settled in other communities throughout the Amazon basin, including Belém and Manaus in Brazil, contacted the established Jewish community in Lima in the 1990s, bearing surnames like Edri, Abutbul, Levi, Cohen, and Ben-Simon. Despite their obviously Jewish names and notable familiarity with and observance of Torah commandments, the Lima Jewish community rejected their inclusion. According to Seminaro, following the Iquitos conversion, individuals, families, and other Jewish communities from towns large and small in the Amazon basin in Peru and Brazil began to seek recognition and to convert in Lima.

However, as mentioned, immigrants who undergo a Conservative conversion discover upon arrival in Israel that if they or their children wish to be officially married or buried in Israel as Jews, they must undergo an Orthodox conversion as well. Many consider this insulting or abusive, as they face a prolonged process, effectively a double conversion, that includes a Conservative conversion abroad, followed by a second Orthodox conversion after immigration.

In summary, those ultimately entitled to immigrate to Israel under the Law of Return had to overcome three obstacles: first, the local Jewish community’s refusal to include new members; second, obtaining the support of a religious authority; and third, the barriers put up by the Ministry of the Interior. In addition to these three obstacles, the immigrants are likely to be considered “non-Jewish Jews,” unless the religious authority in charge of their conversion was Orthodox (Shavei Israel). Hence, they are likely to undergo a double conversion, in all probability under the guidance of Shavei Israel, which operates a conversion school in Jerusalem.

Rabbis and officials of the Jewish Agency described the long and exhausting process behind the Iquito Jews’ immigration:

What is holding the Peruvian immigration back is the Ministry of the Interior that keeps coming up with new requirements. Not the Jewish Agency. This is a Halachic dispute. In the end, they get to immigrate, but they make it deliberately difficult. Some people in Lima moved here a long time ago and left their home to immigrate, and now they should be immigrating to Israel, let’s say, in a couple of weeks, right? However, they have been stuck here for 18 months after converting. This is due to the government’s policy and all the problems it comes up with […] During their conversion, we have explained to the converts in Peru that this is what would happen if they did not undergo Orthodox conversion in Israel. But it’s hard to explain it, the absurdity of having to convert twice to be considered a Jew.[[50]](#endnote-53)

Two women are responsible for most of the red tape from the Ministry of the Interior. They are the real gatekeepers of the State of Israel […] They are suspicious toward non-white people, and they are furious each time I accuse them of racism […] There is no doubt about it. In the case of Latin Americans or Africans, we have to make unique efforts to get approval for their conversions.[[51]](#endnote-54)

Officials of the Jewish Agency similarly criticize the attitude of the Israeli Ministry of the Interior:

The Iquitos immigrants came here, and their children serve in the IDF. They were well assimilated. It is true they had problems with their conversions, but they did convert, and they went through endless investigation and hardships. The State of Israel cannot ‘play’ with our geopolitical threats. If we do not understand that we must accept authentic Jews, we will not maintain our dominance. If we remain only six million Jews, we will be in great peril. We must grow our numbers, here and throughout the diaspora. We must include them among us, but unfortunately, not everyone in Israel realizes how vital it is.[[52]](#endnote-55)

Though the Israeli Law of Return officially entitles non-Orthodox converts to immigrate, the Ministry of the Interior obstructs and limits their eligibility. Some of the interviewees indicate that this is the outcome of racism and fear of the developing world, while others claim it is part of the institutional discrimination against those who are not part of Western Orthodox Zionism. Apparently, the two are bound together: while the allegedly racist and elitist established Jewry constitutes the first hurdle to immigration, the Israeli Ministry of the Interior functions as the final gatekeeper of the ethnonational Jewish community, seeking to protect its Western and Orthodox character.

# ***Conclusion: The Israeli Immigration Policy and Practice***

Though the Israeli ethnic immigration policy was originally intended to address an external demographic threat, due to growing immigration rates of non-Halachic Jews, its implementation has shifted in recent years towards sustaining a predominantly Western-Orthodox ethnonational identity. At the same time, the Israeli immigration policy is now facing additional and unexpected challenges following the new target audience of emerging Jewish communities from developing countries. These changes indicate that multiple, coexisting threats jeopardize the Israeli-Jewish ethnonational identity, reshaping the implementation of the ethnic immigration policy and particularly its exclusionary practices.

While Yadgar claims that internal threats may supersede external threats as the “significant Other,” Israel appears to be affected by both type of threats simultaneously. In Israel, different challenges have led to different and even contradictory national objectives: while some ideological groups wish to increase the immigration rate of emerging Jewish communities, others are actively involved in erecting new barriers to their inclusion. In contrast to Joppke and Rosenhek, who claim that the Israeli immigration policy has largely remained stable since its enactment, we now observe how exclusionary elements were introduced in response to changing realities, transforming the policy’s implementation.

The first feature of the policy’s adaptation is the curtailment of the Jewish Agency’s authority. This curtailment is the result of an ongoing trend of privatization, which saw the transfer of authority for policy implementation and delivery to different NGOs. While the Jewish Agency is now less able to fulfill its original purpose of increasing immigration, it has found new ways to reach emerging Jewish communities through collaboration with Conservative organizations. By doing so, it increases the rate of immigration of non-Halachic Jews. Unable to fulfill the multiple objectives of the Israeli government, the Jewish Agency has been pushed aside and replaced by a sub-contractor – an Orthodox Zionist NGO with the authority to operate a conversion court for the purpose of naturalization. By privatizing the immigration apparatus, the state protects and expands its most favored nationality. The privatization creates a strong link between the institutional procedure of religious conversion and the return policy, thus limiting the immigration of non-Halachic Jews.

Policy changes are also manifested in the categorization process of the immigration policy, tailored to prevent mass immigration from developing countries. As mentioned by many Conservative rabbis and officials of the Jewish Agency, the Israeli Ministry of the Interior functions as the gatekeeper of the Israeli-Jewish community by constantly erecting barriers and imposing red tape throughout the process of conversion approval. Adaptations to the return policy in Latin America are designated not only to limit and regulate the potential mass immigration of new converts, but also to ensure their Orthodox affiliation. Thus, the Israeli Ministry of the Interior functions as the gatekeeper and protector of the two pillars, Western and Orthodox, of Jewish ethnonational identity.

Numerous obstacles and red tape result in institutional discrimination against non-Orthodox Zionist organizations. This policy outcome leads to an ongoing rupture between the Jewish diaspora and the Israeli Orthodox institutions, as well as between different groups within the Jewish majority in Israel. While the Law of Return and the Israeli ethnonational myth maintain the semblance of Jewish unity with the State of Israel as a safe haven for all Jews, institutional discrimination and the resulting power struggles indicate growing internal conflict.

There seems to be a consensus among the interviewees that the prominent role of established Jewry in Latin America lies at the heart of this false unity. The authority of the established communities to determine whether or not someone is Jewish is part and parcel of the implementation criteria of the Law of Return. The problem lies not with the policy formulation but with the implementation criteria, determined by the Israeli government and the Ministry of the Interior. The established communities’ objection to including emerging Jewish communities is firm and resolute, and they are likely remain the first gatekeepers of the Jewish world. Nevertheless, critical policy analysis focuses on policy outcomes, and its central assumption is that policy is a circular, constantly evolving process. Rapid policy changes, such as new red tape imposed by the Ministry of the Interior, serves as primary evidence that policy is dynamic and subject to government whims. For this reason, the established communities should not be understood as the primary barrier to the inclusion of emerging Jewish communities. If the Israeli government ever chooses to increase the rate of immigration, the categorization process criteria can be loosened. In the event that the established communities will no longer possess the authority to confirm Jewish affiliation, the conversion approval process will become easier and more efficient. The established communities, accused of racist and elitist attitudes, serve as a scapegoat, while the real barrier is, in fact, the Israeli government. It seems Israel is not yet willing to include the masses of potential immigrants originating from emerging Jewish communities.

# **Notes**

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