

Ugandan Jews Not Eligible to Immigrate to Israel, State Informs High Court

Judy Maltz January 25, 2021



Members of the Abayudaya community during a visit to Israel, August 2018. Credit: Olivier Fitoussi

After years of deliberation, the Interior Ministry has determined that members of the Jewish community of Uganda are not eligible to immigrate to Israel. The Jewish Agency had ruled several years ago that they are, but the Interior Ministry has the upper hand in such matters.

The decision was revealed in the state's response on Tuesday to a petition filed in the High Court of Justice by a member of the community whose request to immigrate had been rejected. Minister of Interior Arye Dery and the Population and Immigration Authority are listed as respondents in the case.

A ruling in favor of the state could have serious repercussions for "emerging Jewish communities" around the world interested in connecting

to Israel. This would include “Bnei Anusim” – descendants of Jews forced to convert during the Spanish and Portuguese inquisitions – as well as communities that claim descent from the “Lost Israelite tribes” and entire communities of converts in South America. The High Court is scheduled to hold a hearing in the case on February 3.

The Abayudaya, who do not have Jewish roots, embraced Judaism about 100 years ago. Only about 20 years ago, however, did members of this community begin undergoing formal conversions. Most of these conversions were overseen by rabbis affiliated with the Conservative movement. Most of the 2,000-strong community reside today in several villages in eastern Uganda, with a tiny number in Kenya.

Two and a half years ago, the Interior Ministry rejected a request from Kibita Yosef – who was then participating in a study program in Israel run by the Conservative movement – to obtain immigrant status under the Law of Return. According to the Law of Return, any person who converts to Judaism is eligible to immigrate to Israel on condition that the conversion was conducted in a “recognized Jewish community” – regardless of denominational affiliation.

Kibita was the first member of the Ugandan community to apply to immigrate.

He was informed by the Interior Ministry that his request had been rejected because his conversion did not meet the required criteria. In response, Kibita, together with the Conservative movement in Israel, petitioned the High Court. They are being represented by the Israel Religious Action Center, the advocacy arm of the Reform movement in the country.

In its response to the petition, the state said explicitly for the first time that it does not regard the Abayudaya as a “recognized Jewish community,” and therefore, members are not eligible for immigration under the Law of Return.

Rabbi Andy Sacks, the director of the Rabbinical Assembly of the Conservative Movement in Israel, termed the decision "outrageous."

"Yosef has been a member of the Abayudaya Jewish community in Uganda for many years," he said. "This community is affiliated with our movement, it has a well-developed community infrastructure and is served by a recognized rabbi. The notion that Israel's Interior Minister should have the power to dismiss the legitimacy of Diaspora Jewish communities supported by the major denominations is both insulting and counter to the written criteria of his own ministry. This is a time for us to bring the Jewish communities in Israel and in the Diaspora together. The disrespect shown by the government toward this community of Jews, sadly, does just the opposite."

The Jewish Agency ruled several years ago that the Abayudaya are a "recognized Jewish community. Since then, it has been trying to convince the Interior Ministry to accept this position. Until this week, the ministry had never stated categorically what its position was on the Abayudaya. At times, it did approve visa requests from community members allowing them to participate in programs run by the Conservative movement in Israel. At other times, such applications were rejected. Two years ago, the first – and so far only – group of Ugandan Jews visited Israel on Birthright, the organization that provides free, 10-day trips to Israel for young Jewish adults from countries around the world.

Three years ago, Francis Kimani Njogu, a member of the Abayudaya, was arrested when he landed in Israel on a flight from Nairobi – even though he was in possession of a valid student visa allowing him to study at the Conservative Yeshiva in Jerusalem. After being detained overnight at Ben-Gurion International Airport, he was deported back to his home country.

A committee appointed by the Diaspora Affairs Ministry published a report several years ago recommending that Israel reach out to "emerging Jewish communities," and in some cases, even assist them in converting and immigrating. The report found that more than 60 million people around the

world have some ties Judaism or Israel. The cabinet has never discussed the report.