

# NEWSLETTER

Manuela António - 安文娜 大律師及公證員 | *Lawyers and Notaries*

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## Acquisition of Portuguese citizenship through marriage and common-law marriage

The Portuguese government, through recent changes in the Portuguese Nationality Act (“PNA”) – Law no. 31/81 of 3 October – has lessened the requirements for the acquisition of Portuguese citizenship.

Over the years, the PNA has undergone several changes, sometimes making it more accessible for individuals to successfully meet the requirements stipulated for the acquisition of the Portuguese nationality, but on other occasions making it much more difficult, mainly due to legal and bureaucratic encumbrances.

However, a substantial amendment was made recently to the PNA through approval of Organic Law no. 2/2018 of 3 July, making matters much more comfortable for cases where married couples (including those under common-law marriage) with one of them being a Portuguese national, have children in common.

One of the changes in the PNA that made things easier in case of acquisition by marriage, is the barring of the possibility of opposition by the Portuguese Attorney General with the argument that the foreign spouse has no effective connection with the national community, whenever the couple has children in common.

Although the procedure may take its time for completion, this change in the PNA represents a tremendous fostering of the mechanism for acquisition of the Portuguese nationality, as it relinquishes the element of connection to the Portuguese community, which was in the past an essential burden of proof for eligible candidates.

To put it plainly, as long as the couples mentioned above provide the right documentation – which includes, among others, a declaration expressing the will to become Portuguese and a clean criminal record certificate –, the application for Portuguese nationality for the spouses and their underage children would not be subject to opposition from the Attorney General.

## IMMIGRATION

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As visible throughout our website, our office has the necessary know-how in dealing with these complex matters with expediency and proficiency, and shall be more than happy to assist not only in cases involving acquisition of Portuguese nationality, namely through marriage, but also in those cases of acquisition of Portuguese residency through application of the *Golden visa*, which is also a popular gateway process for attaining the Portuguese citizenship on a long-term basis.

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