

NEWSLETTER

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Acquisition of Portuguese Nationality

The Portuguese Government has recently enacted a revised Regulation of the Portuguese Nationality (“Regulation”), which further amended the original one (published in December 2006) in order to contemplate the changes operated by Law 2/2020 (amendments to the 1981 Portuguese Nationality Law).

For the record, it is recalled that the main changes relate to the following particular aspects of the Nationality Law:

- citizenship of origin is granted to those born in Portugal who are children of foreigners, provided that both parents are not officials of foreign governments and reside legally in Portugal for at least one year;
- grand children of Portuguese nationals (who have kept the nationality), provided that they have effective connection with the Portuguese community, are granted as well citizenship of origin;
- spouses and common law spouses of Portuguese nationals, having children in common who are also Portuguese nationals, are no longer required to have any knowledge of Portuguese language in order to acquire citizenship, provided that the marriage has lasted for at least 3 years;
- the same applies to spouses and common law spouses of Portuguese nationals who do not have children in common, provided that the marriage has lasted for at least 6 years;
- foreigners who reside legally in Portugal for at least 5 years, with sufficient knowledge of the language, can be granted citizenship by naturalization;
- foreigners who reside in Portugal (even without a legal permit) for at least 5 years, with sufficient knowledge of the language, can be granted citizenship by naturalization if they have children or grandchildren who are Portuguese citizens of origin;

Portuguese Nationality

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- citizenship by naturalization is granted to the underage children of foreigners who are born in Portugal, if: (i) one of the parents has resided in Portugal for at least five years even without a legal permit; or (ii) one of the parents has resided legally in Portugal for at least one year; or (iii) the minor has attended school classes in Portugal for at least one year.

The Regulation also establishes the required procedural steps in the application for Portuguese nationality (namely in the case of acquisition and naturalization), and elaborates on the different legal requirements, namely and amongst others on the way to prove knowledge in the Portuguese language in the cases where such knowledge is required.

Finally, it is also important to note that the requirement for non-criminal conviction of applicants has been amended in line with the provisions of the Nationality Law. It is now required that there has been definitive conviction in a prison term of 3 or more years, for offense indictable under Portuguese law (the previous provision referred to any punishable offense).

For any questions concerning the legal framework applicable to Portuguese Nationality, please contact us by email (info@mantonio.net) or phone (+853 28591592). We will be happy to assist.

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