



## Q&A on Acquisition of Portuguese Nationality

### **1. I was born in Macau in 1980. Do I qualify to be a Portuguese national?**

Yes. Anyone born in Macau before 21 November 1981 (date the present Portuguese Nationality Act became in force in Macau), is entitled to have Portuguese nationality. One must have the birth registered with the Portuguese authorities, but if that is not the case it will be possible in some circumstances to request a late registration.

### **2. Is there a way to be considered Portuguese national if one of the parents is Portuguese, although the child was born outside Portugal (for instance, in Hong Kong)?**

Yes. The children of Portuguese nationals are entitled to have the Portuguese nationality, provided that the birth is registered in Portugal.

### **3. I am a Portuguese national. Does my spouse qualify to acquire Portuguese nationality by marriage?**

Yes, if your marriage has lasted for over 3 years, as per provisions of the revised Portuguese Nationality Act (enacted in 2020) and the spouse complies with certain requirements. In order to benefit from the waiver of requirements such as knowledge of Portuguese language and community connection, the couple must have a child (or more) in common and the child/children must be registered as Portuguese national(s). If there are no children, the period required for such waiver is 6 years.

## Acquisition of Portuguese Nationality

*With the ninth amendment to Portuguese Nationality Act that came into force on 11 November 2020 (Law no. 37/81, of 3 October) a person who is married/common-law married with a Portuguese national and does not speak Portuguese or has an effective connection to the Portuguese community is allowed to apply for Portuguese nationality in cases where the marriage or de facto union has lasted at least 6 years.*

**4. I am the spouse of a Portuguese national and I live abroad. Do I need to be fluent in Portuguese or show a connection with the Portuguese community and culture in order to obtain Portuguese nationality by marriage?**

No. The recently promulgated amendments to the Portuguese Nationality Act state that there will be no opposition based on those requirements to the request for acquisition of Portuguese nationality made by the spouse of a national if (i) the marriage has lasted for at least 3 years and there are children in common who are Portuguese, or (ii) the marriage has lasted for over 6 years without children.

**5. What are the documents required to apply for birth registration in Portugal if one of my parents is Portuguese and I was born abroad?**

The following documents are requested by the authorities:

- (i) your birth certificate translated to Portuguese and Apostilled;
- (ii) copy of your Portuguese parent Citizen Card or Passport;
- (iii) copy of the Identification Document / Passport of the non-Portuguese parent;
- (iv) marriage certificate of the parents, translated to Portuguese and Apostilled.

Notes:

- a) documents issued in Macau (in Portuguese) do not require neither translation nor Apostille;
- b) depending on the specific case, there maybe other documents to be filed.

*if the marriage has lasted for over 3 years and the spouse complies with certain requirements the non-Portuguese spouse may qualify to obtain Portuguese nationality. In order to benefit from the waiver of requirements such as knowledge of Portuguese language and community connection, the couple must have a child (or more) in common and the child/children must be registered as Portuguese national(s). If there are no children, the period required for such waiver is 6 years.*

## **6. What are the documents needed to proceed with the application to acquire the Portuguese nationality by marriage?**

The following will be required:

- (i) birth certificate of the non-Portuguese spouse (“Applicant”), translated to Portuguese and Apostilled;
- (ii) birth certificate of the Portuguese spouse;
- (iii) copy of the Identification Document / Passport of the Applicant;
- (iv) copy of the Citizen Card / Passport of the Portuguese spouse;
- (v) declaration of the Portuguese spouse making a request for the granting of Portuguese nationality to the Applicant;
- (vi) certificate of non-criminal conviction given to the Applicant (to be requested in all places of residence since the age of 16);
- (vii) marriage certificate transcribed in Portugal.

Notes:

- a) if the marriage has not been transcribed in Portugal, it will be necessary to do so before the application is submitted;
- b) if the marriage has lasted for less than 6 years (and more than 3), and in order to benefit from the waiver of knowledge of language / connection with the community, the Applicant has to provide the Portuguese birth registration of the child or children in common;
- c) documents issued in Macau (in Portuguese) do not require neither translation nor Apostille.

For any clarification or information regarding the acquisition of Portuguese nationality please contact us by email ([info@mantonio.net](mailto:info@mantonio.net)) or by phone (+853 28591592). We will be happy to assist.

## **LegalAlert**

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