

# Key Changes to the Nationality Law

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The Portuguese Parliament has approved changes to the Nationality Law, and changes to the Penal Code regarding loss of nationality.

Below is a simplified summary highlighting the main changes and next steps.

### **Nationality by birth:**

- Children born in Portugal to foreign parents may acquire nationality if at least one parent has legally resided in Portugal for 5+ years at the time of birth.
- Provided they also meet additional requirements (including Portuguese language knowledge, no criminal convictions of 2 or more years, and no threat to national security).
- Foundlings (abandoned newborns) are presumed Portuguese unless proven otherwise.

### **Nationality through marriage / civil partnership:**

- The granting of citizenship is subject to these additional requirements:
  - No serious criminal convictions ( $\geq 2$  years)
  - Not a threat to public security
  - Not subject to EU or UN restrictive measures

### **Nationality by naturalization (legal residence):**

- Residence period: 7 years for EU/CPLP citizens; 10 years for all others
- Additional requirements:
  - Knowledge of Portuguese language, culture, history, and national symbols
  - Sufficient knowledge of fundamental rights and duties of Portuguese citizenship and the political organisation of the Portuguese State
  - Solemn declaration of adherence to the fundamental principles of the democratic rule of law
  - No serious criminal convictions ( $\geq 2$  years)
  - Not a threat to national security or defence
  - Not subject to EU or UN restrictive measures
  - Ability to support oneself financially



## Special rules:

- Stateless persons may apply after 4 years of residence
- Children born in Portugal with one parent legally resident for 5+ years may qualify
- Descendants up to 3rd degree (great-grandchildren) may qualify after 5 years of residence
- Individuals who have provided relevant services to Portugal may have both the residence requirement and the Portuguese language requirement waived

## State objections:

- Nationality may be denied if there is no real connection to Portugal
- Public order or security concerns, including serious crime or terrorism, may block approval

## Important change:

- Residence time will only count from the date legal residence is effectively established (i.e., once the residence permit is granted), and will no longer include the period from the date of application.
- Additionally, non-consecutive periods of legal residence may only be added together if they fall within a maximum window of 6 years (stateless persons), 9 years (EU/CPLP nationals) or 12 years (all others). This is a reduction from the current 15-year window and may affect individuals with gaps in their residence history.

## Penal Code – Loss of Nationality

- Loss of nationality may apply only if all of the following are met:
  - Conviction for a serious crime with at least 4 years of imprisonment
  - Crime committed within 10 years of acquiring nationality
  - The individual also holds another nationality
- The penalty applies to serious crimes including:
  - Crimes against life, bodily harm, or personal liberty
  - Sexual crimes, domestic violence, criminal association
  - Crimes against state security, terrorism, illegal immigration, weapons or drug trafficking
- Reacquisition is possible after clearing the criminal record, except for terrorism-related crimes (requires an additional 10-year wait)

## Next Steps

- Decrees will be sent to the President of the Republic, who has 20 days to:
  - Promulgate the law
  - Issue a political veto (returning to Parliament, which may override by absolute majority)
  - Refer to the Constitutional Court for preventive review (decision within 25 days)
- Once approved, the decrees will be countersigned by the Government and published in the Official Gazette (Diário da República)
- The new rules enter into force the day after publication



Thinking about tomorrow? Let's talk today.



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