

17 OF DECEMBER 2020

## AMENDMENTS TO THE NATIONALITY LAW

The Portuguese Parliament approved on October 2<sup>nd</sup>, 2020, the ninth amendment to Law 37/81 of 3<sup>rd</sup> October (the "Nationality Law"), which establishes the conditions and requirements for the granting and acquisition of Portuguese nationality to foreign citizens.

The amendments, which came into force on November 11<sup>th</sup>, 2020, substantially altered the regime for the attribution of Portuguese nationality to grandchildren of Portuguese citizens, as well as that for the acquisition of nationality on the basis of marriage to a Portuguese national, among others, which we seek to summarize below.

### GRANDCHILDREN OF PORTUGUESE CITIZENS

Under the version of the Nationality Law now in force, foreign citizens who are grandchildren of Portuguese nationals may now be granted Portuguese nationality provided that they prove only (i) sufficient knowledge of the Portuguese language (which is presumed to exist for nationals of Portuguese-speaking countries) and (ii) not to be sentenced to imprisonment of 3 years or more for a crime punishable under Portuguese law.

It should be remembered that, according to the previous wording of the law, grandchildren of citizens of Portuguese nationality were required, in addition to the above requirements, to prove regular contact with Portuguese territory (namely regular travel and/or actual residence in Portugal and participation in Portuguese cultural associations in the country of origin), which is now no longer necessary.

### SPOUSE OF PORTUGUESE CITIZENS

According to the Nationality Law in force until now, the Portuguese authorities could oppose the acquisition of Portuguese nationality by citizens married to Portuguese nationals without any effective connection to the national community.

Under the new wording of the law, such opposition to the acquisition of nationality is no longer possible when the marriage has been for at least 6 years, in which case the spouse of foreign nationality will only need to prove *(i)* the existence of a marriage to a Portuguese citizen, duly transcribed to the Portuguese legal system, and *(ii)* the absence of a prison sentence of 3 years or more.

## OTHER AMENDMENTS

Other amendments to the Nationality Law were also approved, in order to make it more comprehensive and inclusive:

- a) The original Portuguese nationality is automatically attributed to the children, born in Portugal, of foreign citizens if at least one of the parents lives in Portuguese territory;
- b) Minors, born in Portugal and children of foreigners, may now acquire Portuguese nationality, by naturalization, provided that at least one of their parents resides in Portugal at the time of the application;
- c) Portuguese nationality may now be granted, by naturalization, to citizens who were born in the former colonies and who resided in Portugal, on 25th April 1974, less than 5 years ago.

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**PARES | Advogados** is able, and willing to provide any information under the laws and regulations applicable to the attribution and acquisition of Portuguese nationality, in a more concrete and adequate way to the reality of each client, being able to provide all the necessary support to the instruction of the respective process.

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