

MARCH 11TH, 2024

SUBJECT

Changes to the Portuguese Citizenship Law

RELEVANT LEGISLATION

Organic Law 1/2024, of March 5th

CONTEXT

Amendments to the Portuguese Citizenship Law have recently been enacted, changing the legal framework in force regarding the acquisition of Portuguese citizenship by **(i) holders of residence permits** in Portugal, and **(ii) descendants of Sephardic Jews** of Portuguese origin.

HOLDERS OF RESIDENCE PERMITS IN PORTUGAL

The law stipulates that, when counting the 5-year period of residence for the purpose of acquiring Portuguese citizenship, **the time elapsed between the time the residence permit was applied for and the time it was actually issued will be taken into account.**

It should be noted that under the previous legal framework, residence time was only counted after the first residence permit was issued, which, as a result of the considerable delays in processing residence permit applications, can take up to 3 years after initiation of the immigration process.

This amendment thus ensures that the right to obtain Portuguese citizenship, by citizens who hold residence permits in Portugal, is not affected by delays not attributable to them.

DESCENDANTS OF SEPHARDIC JEWS

The right to citizenship for descendants of Portuguese Sephardic Jews has been constantly changed over the last decade, and a new amendment has now been approved.

According to the new law, these citizens' right to Portuguese citizenship shall only depend on **(i) evidence of *descendancy of a Sephardic community of Portuguese origin*** (an existing requirement), as well as **(ii) legal residence in Portuguese territory for a period of 3 years.**

In this way, the requirement of residence in national territory is introduced in an innovative way, contrary to the regime in force since March 2022 (widely criticized), according to which it was necessary to demonstrate, namely, "*regular trips to Portugal throughout the applicant's life*".

BIOMETRIC DATA COLLECTION

Finally, this law also establishes, for the first time, the possibility of the Portuguese authorities demanding the **collection of biometric data (facial image, fingerprints and height) as a condition to process and approve a citizenship application** (until now, the process could be conducted entirely remotely), creating a greater constraint for applicants, who may now have to go to a national or consular office if the collection of biometric data is required to them.

ENTRY INTO FORCE

The law comes into force on **April 1st, 2024**, and the government shall approve the necessary changes to the Portuguese Citizenship Regulation within 90 days.

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