PROPOSED LAW AMENDING THE PORTUGUESE NATIONALITY LAW

On 23rd June 2025, the XXV Government of the Portuguese Republic announced that a Proposal for a Law to amend the Nationality Law, Proposal for a Law no. 1/XVII/1.ª (hereinafter referred to as the 'Proposal for a Law'), had been approved.
This proposal comes in the course of talks on restrictions on immigration and the stay of immigrants.

The XXV Government's first Proposal is thus prompted by fears that those who do not have a close connection to Portugal will acquire nationality and consequently acquire the political rights inherent in citizenship, combined with the overload that the Public Administration has been suffering given the scale of the flow of immigration to Portugal.

Although it is still only a draft law, with a high probability of being amended when it is discussed by the Portuguese Parliament, several questions have already been raised, some of which we propose to clarify for now.

With regard to the granting of original nationality, according to Article 1(1)(f) of the Proposal, it is proposed that the period of residence of the foreign parents of the child applying for nationality be increased from 1 (one) year to 3 (three) years, in order to grant original nationality to their children who were born in Portuguese territory.

With regard to nationality acquired due to a familial relationship with a Portuguese citizen, it is proposed to narrow down the descendants who qualify to acquire nationality, proposing that this only occur for descendants up to the 3rd degree in the straight line, which will, in practice, be great-grandchildren, as per article 6, number 8 of the Proposal.

With regard to cases of adoption, it is proposed that when a foreigner is adopted by a Portuguese citizen, the acquisition of nationality is no longer presumed. A declaration of will must be made in order to obtain it.

With regard to the naturalisation of citizens, we would like to point out that the Proposal intends to significantly tighten its criteria compared to the previous period of legal residence. It is now proposed that the period of legal residence be increased from 5 (five) years to 7 (seven) years for citizens of the Community of Portuguese Speaking Countries, and increased from 5 (five) years to 10 (ten) years in all other cases. In addition to the above-mentioned requirements of legal residence and knowledge of the Portuguese language, it is also proposed to add knowledge of fundamental rights and duties and the political organisation of the State.

We would also like to point out that it is proposed to completely repeal the naturalisation regime for Sephardic Jewish descendants, who will no longer be able to apply for Portuguese nationality on this basis alone.

We would also like to emphasise the new criminality requirements now proposed. Previously, Article 6(1)(f) excluded from eligibility for naturalisation as a Portuguese citizen anyone who had been sentenced to imprisonment for more than three (3) years; now it is proposed to exclude from the possibility of becoming a Portuguese citizen any individual who has been sentenced effective prison sentence. Furthermore, it is now possible to lose nationality, not only by renouncing it, but also if the naturalised individual, having another nationality, is sentenced to an effective prison sentence of 5 (five) years or more, for acts committed within 10 (ten) years of acquiring Portuguese nationality, for serious crimes listed in article 8, number 2.

Contrary to the general 15 (fifteen) years required by the version of the Nationality Law currently in force, it is now proposed that the definition of legal residence in Article 15(3) be restricted to intervals of 6 (six), 9 (nine) or 12 (twelve) years, consecutive or interpolated, for the purposes of counting the time limits, depending on whether the person concerned is a stateless person, a citizen or national of Portuguese-speaking countries, or a citizen of other countries, respectively.
It is also proposed to repeal paragraph 4 of the aforementioned article, which states that the counting of legal residence periods begins with the date of the application for a residence permit, and is now made not from the moment the application for a residence permit is made, but only from the moment it is granted, i.e. from the moment the residence permit is actually issued.

Finally, we would like to emphasise the proposal's application in time. Under the terms of article 5 of the draft law, applications to acquire nationality by naturalisation made now will

be subject to the new regime if the draft law is approved as it stands at the moment. This means that all applications submitted after 19 June 2025 will be subject to the new regime.

We would therefore like to point out that in the near future, depending on how the discussion of this Proposal develops, and the analysis of its constitutionality, changes may be made to the Portuguese Nationality Law, Regulation, and related legislation.

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