

PRESIDENT ENACTS CONTROVERSIAL REVISIONS TO NATIONALITY LAW



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“THE PRESIDENT OF THE REPUBLIC HIGHLIGHTED THE NEED TO PROTECT PENDING APPLICATIONS, STRESSING THAT PENDING CASES SHOULD NOT BE PREJUDICED BY THE LEGISLATIVE CHANGE, WARNING THAT THIS WOULD CONSTITUTE AN UNDESIRABLE BREACH OF TRUST IN THE STATE, BOTH NATIONALLY AND INTERNATIONALLY (...)”

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On May 3rd, 2026, the President of the Republic promulgated the new Nationality Law, concluding a legislative process marked by political debate and constitutional scrutiny. The new legislation changes the landscape for the acquisition of Portuguese nationality, particularly with regard to naturalization deadlines, eligibility criteria and processing of pending applications.

Presidential Reservations and Interpretive Guidance

The President of the Republic highlighted the need to protect pending applications, stressing that pending cases should not be prejudiced by the legislative change, warning that this would constitute an undesirable breach of trust in the State, both nationally and internationally; and that delays by the State cannot punish the applicant, stressing that the legally fixed deadlines for acquiring nationality should not be prejudiced by administrative delays attributable to the State.

Key Legislative Developments

The most important change introduced by the new Law extends the minimum period of residence required for naturalization. For most foreigners, the required residence time has doubled from five to ten years. Nationals of the Member States of the European Union and Portuguese-speaking countries in the Portuguese-speaking Community (CPLP) are subject to a reduced threshold of seven years.

Equally significant is the change in the way residence periods are calculated. Under the new regime, these periods only begin to count with the issuance of a residence permit by the Agency for Integration, Migration and Asylum (AIMA), and not from the date of submission of the initial application application. This reversal of previous legislative measures, designed to mitigate AIMA's administrative backlogs,

is expected to have a practical impact, given the current slowness of services.

Additional requirements for naturalization have also been strengthened. Candidates must now demonstrate not only knowledge of the Portuguese language, but also of national culture, history and the functioning of democratic institutions, although the exact scope and format of these assessments remains to be determined. Eligibility is also contingent on the absence of serious criminal convictions, demonstrable financial autonomy and a formal declaration of adherence to the fundamental principles of the democratic rule of law.



Nationality by Birth and Family Connections

Children born in Portugal to foreign parents can acquire Portuguese nationality, provided that at least one of the parents has maintained legal residence in the country for a minimum of five years at the time of birth.

Descendants of Portuguese nationals, including grandchildren, remain eligible, subject to enhanced requirements that demonstrate a genuine and lasting connection to Portugal. These include language proficiency, absence of serious criminal record, and absence of risks to national security.

Outstanding Issues: Loss of Nationality

It should be noted that the President did not promulgate the decree amending the Penal Code to allow the revocation of naturalized citizenship after conviction for serious crimes.

This decree remains suspended pending review by the Constitutional Court. It is important to note that it is currently illegal for Portuguese courts to revoke naturalized citizenship based on criminal convictions. Until the Court renders a decision, the legal position remains that naturalized citizenship cannot be revoked on criminal grounds.

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Practical implications

From a practical point of view, the new legislation will substantially extend the effective period for acquiring Portuguese nationality. Given the current administrative delays, the total period from legal residence to obtaining Portuguese citizenship can exceed a decade in many cases.

At the same time, the interpretative orientation of the President of the Republic is important, however, it is not yet possible to know the practical effects of it. Of course, this guidance can pave the way for legal action, especially when applicants face disproportionate delays or suffer adverse retroactive effects.

Finally, after the entry into force of the new Law, it will still be necessary to change/adapt procedures, update the platforms for submitting online applications and determine the scope of the new legislative requirements, namely with regard to proof of knowledge of the Portuguese language, national culture, history and the functioning of democratic institutions.