



NEWS, LATEST, CURRENT TOPICS

ACQUISITION OF NATIONALITY BY NATURALIZATION BASED ON RESIDENCE

“(...) in cases where a foreigner has been legally resident in Portugal for at least 5 years (...)”

Portuguese nationality, a matter regulated by Law no. 37/81, of 3 October, can be acquired at birth or during an individual's lifetime. The attribution of Portuguese nationality may depend on various factors including the applicant's place of birth, how many years they have lived in Portugal, the nationality of their family members or spouse, as well their relationship with the Portuguese community. In this context, we will delve into the process of acquiring nationality through naturalization based on residence, in cases where a foreigner has been **legally resident in Portugal for at least 5 years** - article 6 of the abovementioned law.

What are the legal requirements?

The Portuguese government grants Portuguese nationality, by naturalization, to foreigners who cumulatively meet the following requirements (Article 6.1 of the Nationality Law):

- a) Be of legal age or emancipated under Portuguese law;
- b) Have been legally resident in Portuguese territory for at least five years;
- c) Have sufficient knowledge of the Portuguese language;
- d) Not having been convicted of a criminal offence punishable under Portuguese law, with a final and unappealable sentence of imprisonment of three years or more;

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e) Do not constitute a danger or threat to national security or defense, namely through involvement in activities related to terrorism, violent, especially violent or highly organized crime.

An individual who is legally resident in Portuguese territory is considered to have a regularized situation before the Portuguese authorities, under any of the permits, visas or authorizations provided for in the regime for the entry, stay, exit and departure of foreigners (including Golden Visa holders) and in the regime for the right to asylum.

What documents are required?

The applicant's **birth certificate** must be presented, duly legalized. If the birth certificate is foreign, it must be legalized with an apostille, or alternatively at the Portuguese consulate. If the certificate is not in Portuguese, it must be translated into Portuguese and duly certified.

It will also be necessary to attach to the application the applicant's **criminal record certificate(s)** issued by each country where they have resided since the age of 16, as well as by the country of their birth and nationality. As with the birth certificate, the criminal record must be duly translated into Portuguese and certified.

In addition, a document proving **sufficient knowledge of the Portuguese language** is also indispensable. A person is considered to have sufficient knowledge of the Portuguese language if they have an A2 level on the Council of Europe's Common European Framework of Reference for Languages. There are various ways of obtaining this document, such as taking a test in Portuguese as a foreign language, at a Portuguese assessment Center recognized by the Ministry of Education, or by taking the "Prova do Conhecimento da Língua Portuguesa para Aquisição da Nacionalidade" (PaN), run by the Instituto de Avaliação Educativa I.P. (IAVE).

If the applicant was born in a Portuguese-speaking country and is a national of that country, they will not need to present a document to prove their knowledge of Portuguese.

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Finally, and only in the case where no legal representative has been appointed, it is necessary to fill in the Application form for acquisition of Portuguese nationality by naturalization (Model 6.1), with various personal details of the applicant and written in Portuguese.

How to submit the application?

If you have a representative (lawyer or legal executive), the application to acquire Portuguese nationality can be submitted online via the Legal Portal for representatives registered with the Portuguese Bar Association and the Portuguese Bar Association of Legal Executives and Enforcement Agents.

The online service allows only professionals, in a completely dematerialized way, to submit applications for nationality along with the mandatory documentation, make payments, monitor the status of cases, complete and correct information without having to go to a Registry office, making the process more agile. It is also advisable to appoint a representative, since the documents required, if they are not in Portuguese, require translation and certification.

In a situation where there is no representative, the application must be made in person, at a civil registry office, at a Nationality Desk, or at the Central Registry Office, or at the Portuguese consulate in the area where the applicant resides, or at the National Support Centre for the Integration of Migrants (CNAIM).



Alternatively, applicants can send their application by post, with all the necessary documents, to a Nationality Counter or to the Central Registry Office in Lisbon.

How much does it cost?

The application fee for acquiring nationality amounts to 250 euros.

The process:

The Portuguese nationality process begins after the registry office receives the application. It is registered at the Institute of Registries and Notaries (IRN), which checks and validates the documents. If all the legal requirements are met, Portuguese citizenship is granted, and the new citizen is registered in the Portuguese Civil Registry.

