

BETWEEN RIGHTS AND BORDERS: A NEW PARADIGM OF THE CITIZENSHIP LAW ENTERS INTO FORCE

This document analyzes the previous law for the acquisition, attribution and loss of Portuguese citizenship and the new law published on May 18th, after the promulgation of the President of Portuguese Republic.

The analysis compares the previous legal regime with the new law (Organic Law no. 1/2026, of May 18th) , highlighting the impacts on the procedures, requirements and legal effects of the acquisition, attribution and loss of citizenship.

We would also like to highlight in this introduction that the Constitutional Court's pronouncement of December 15, 2025, made the Parliament correct some unconstitutional parts of the proposal. Still, Parliament decided to force the maintenance of the clause foreseeing the potential loss of citizenship by naturalization for committing certain types of crimes and the consequent change to the Portuguese Criminal Code foreseeing such ancillary penalty. When subjected to the Constitutional Court's revision (by initiative of the Socialist Party), this change to the Criminal Code was deemed as unconstitutional, leading this specific clause of new citizenship law to be void.



CURRENT SCENARIO VS PROPOSAL APPROVED BY PARLIAMENT

I. Attribution of Citizenship

ARTICLE 1 PORTUGUESE OF ORIGIN

PREVIOUS LAW:

(1) (f) - Individuals born in Portuguese territory, children of foreigners who are not at the service of the respective State, who do not declare that they do not want to be Portuguese, provided that, at the time of birth, one of the parents legally resides in Portuguese territory, or has resided here, regardless of title, for at least one year;

NEW LAW:

(1) (f) - Individuals born in Portuguese territory to foreign parents who are not serving their respective State, if they declare that they wish to be Portuguese, provided that, at the time of birth, one of the parents has legally resided in Portuguese territory for at least five years;

The Previous law foresaw that individuals born in Portugal, children of foreigners, could be Portuguese if one of the parents legally resided in Portuguese Territory OR had resided for at least one year regardless of the title.

In the New Law, one of the parents must have legally resided in Portugal for at least five years, at the time of birth.

The possibility of a child obtaining citizenship by origin if the parents reside in Portugal, regardless of the title, "for at least one year" will therefore be terminated in the New Law.

**ARTICLE 1
PORTUGUESE OF ORIGIN**

PREVIOUS LAW:

3 - The existence of ties of effective connection to the national community, for the purposes established in paragraph d) of number 1, is verified by sufficient knowledge of the Portuguese language and depends on the non-conviction to a prison sentence equal to or greater than 3 years, with the sentence becoming final, for a crime punishable under Portuguese law, and on the absence of danger or threat to national security or defense, namely by involvement in activities related to the practice of terrorism, violent crime, especially violent or highly organized.

NEW LAW:

3 - The granting of Portuguese citizenship under number 1(d) presupposes the fulfilment of the requirements set out in number 1, paragraphs (c) to (h) of article 6.

With this change, affecting grandchildren of Portuguese citizens, the concept of "effective ties with the national community" is replaced by the requirements of article 6, number 1, paragraphs (c) to (h), that we will analyze further below in this memorandum.

The attribution of Portuguese citizenship through this route is now further conditioned, being required that the ascendant has not lost the citizenship, the demonstration of effective ties of connection to Portugal and to prove, by means of a suitable test or certificate, knowledge of the Portuguese language, culture, history and national symbols.

The granting of citizenship is furthermore conditional on the absence of restrictive measures imposed to the applicant by the United Nations or the European Union.

ARTICLE 1
PORTUGUESE OF ORIGIN

PREVIOUS LAW:

4 - Proof of legal residence referred to in number 1(f) shall be provided by showing the relevant identification document of the father or mother at the time of registration.

NEW LAW:

4 - Proof of legal residence referred to in number 1 (f) shall be provided, at the time of the declaration, by showing the identification document of the father or mother and one of the documents attesting to valid titles or statute referred to in Article 15 (1) or (2).

According to the Previous Law, proof of the parent's legal residence was provided at the time of registration of the birth. In the New Law, such evidence will be now required at the time of declaration of birth.

It is not sufficient anymore to simply present the identification document of the father or mother, as the New Law requires, cumulatively, the presentation of the parent's residence title or status of legal residence, with express reference to Article 15(1) or (2).

This article densifies the concept of "legal residence", considering, on the one hand, individuals with a regularized situation before the Portuguese authorities, entitled by valid visas, permits or other residence cards, under the terms of the legal regime for foreigners and asylum (no. 1), and, on the other hand, those covered by special regimes arising from international instruments, namely within the scope of the European Union or the CPLP (no. 2).

Therefore, the New Law imposes more demanding evidentiary requirements regarding the legal residence of the parents before a newborn can be registered as a Portuguese citizen.

II. Acquisition of Citizenship

ARTICLE 3 VIA MARRIAGE/CIVIL UNION

PREVIOUS LAW:

3 - A foreigner who, on the date of the declaration, has been living in a civil union for more than three years with a Portuguese national, may acquire Portuguese citizenship, after a claim for recognition of such situation to be filed at the civil court.

NEW LAW:

3 - A foreigner who, on the date of the declaration, has been living in a civil union for more than three years with a Portuguese national may acquire Portuguese citizenship, after the issuance of the judicial decision of recognition by the competent court.

In the Previous Law it was sufficient to evidence the submission of a legal claim before the competent civil court to recognize the civil union, to submit the application to citizenship. In contrast, within the New Law, the acquisition of citizenship can only proceed through the existence of a final court decision recognizing the civil union, issued by the competent court.



II. Acquisition of Citizenship

ARTICLE 3 VIA MARRIAGE/CIVIL UNION

PREVIOUS LAW:

4 - Doesn't Exist

NEW LAW:

4 - The acquisition of citizenship on the basis of number 1 and 3 depends on the non-verification of the situations described in paragraphs f) to h) of number 1 of article 6.

In the New Law, a number 4 is added to the article, under which the acquisition of Portuguese citizenship on the basis of marriage or civil union with a Portuguese citizen, now depends, additionally, on the non-verification of any of the situations listed in paragraphs f) to h) of number 1 of article 6.

Therefore, in addition to compliance with the specific requirements relating to the union, the acquisition of citizenship shall be subject to the absence of a relevant criminal conviction, the absence of risk or threat to national security or defense and the non-subjection to restrictive measures adopted by the United Nations or the European Union.

ARTICLE 5 VIA ADOPTION

PREVIOUS LAW:

The person adopted as a Portuguese national acquires Portuguese citizenship.

NEW LAW:

The person adopted by a Portuguese national acquires Portuguese citizenship by means of a declaration.

The new wording imposes an additional and merely formal requirement: a declaration.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

1 - The Government grants Portuguese citizenship, by naturalization, to foreigners who cumulatively meet the following requirements:

- 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) Have not been convicted, with a final and unappealable sentence, with a prison sentence equal to or greater than 3 years, for a crime punishable under Portuguese law;
- e) Do not constitute a danger or threat to national security or defense, namely by involvement in activities related to the practice of terrorism, violent crime, especially violent or highly organized.

NEW LAW:

1 - The Government grants Portuguese citizenship to individuals who, at the time of the application, cumulatively meet the following requirements:

- a) Be of legal age, according to Portuguese law;
- b) Have been legally residing in Portuguese territory for at least 7 years, in the case of nationals of Portuguese-speaking countries and citizens of Member States of the European Union, or 10 years, in the case of nationals of other countries;
- c) Proven, through a test or certificate, to have sufficient knowledge of the Portuguese language and culture, history and national symbols;
- d) Have sufficient knowledge of the fundamental rights and duties inherent to Portuguese citizenship and the political organization of the Portuguese State;
- e) Solemnly declare their adherence to the fundamental principles of the Democratic Rule of Law;

ARTICLE 6

VIA NATURALIZATION (cont.)

- f) Have not been convicted, with a final and unappealable judicial decision, to an effective prison sentence exceeding 3 years, for crimes of terrorism, violent and especially violent crime, highly organized crime, crimes against the security of the States or for aiding illegal immigration, punishable under Portuguese law;
- g) Do not constitute a danger or threat to national security or defense, namely by involvement in activities related to the practice of terrorism, violent crime, especially violent or highly organized;
- h) Are not the recipients of restrictive measures approved by the United Nations or the European Union, within the meaning of Law No. 97/2017 of 23 August;
- i) Have the capacity to ensure their own subsistence.

The changes to Article 6 of the Portuguese Citizenship Law substantially reform the conditions for the acquisition of Portuguese citizenship, making the access to citizenship through this route far more demanding and detailed. Below is an explanation of the changes, following the structure of the new wording and its respective paragraphs.

- **Paragraph a) – Age and Emancipation**

The new wording expressly removes emancipation as a relevant legal element.

In practical terms, this means that when the applicant is not of legal age, the authorities will not analyze the case.

- **Paragraph b) – Length of Legal Residence**

This is one of the most significant changes, as the New Law increases the minimum period of legal residence in Portugal required to apply for citizenship by naturalization to:

- 7 years for nationals of EU Member States and Portuguese-speaking countries;
- 10 years for nationals of all other countries.

This replaces the previous rule, which allowed all applicants to apply after 5 years of legal residence, regardless of country of citizenship.

Quite importantly in any case, this requirement refers strictly to legal residence and not to effective residence, meaning that the criteria of residence of the Previous Law is maintained.

- **Paragraphs c) and d) - Proof of sufficient knowledge of Portuguese language and culture, history and national symbols, fundamental rights and political organization of the State:**

It is now required to applicants to show to have been examined or to have attended classes not only for Portuguese language knowledge, but also for Portuguese culture, history, national symbols, fundamental rights and political organization. The nature of these exams and classes is not known to this date and shall be in the future regulated in the regulations to the law. With the intention of the law entering into force the day after publication, this criteria will be impossible to meet until these regulations are published.

- **Paragraph e) – Knowledge about fundamental rights, political organization of the State and declaration of adherence to democratic principles**

Another new requirement is the obligation to submit an express declaration confirming adherence to the fundamental principles of the Democratic Rule of Law. This introduces a formal political-constitutional commitment that did not previously exist in citizenship applications.

- **Paragraph f) – Criminal Record**

This provision corresponds to the current requirement of providing a criminal record to apply to citizenship, as mentioned in paragraph (d) of the Previous Law, but with an important modification. The New Law now states that applicants must not have been convicted for serious crimes to an effective prison sentence exceeding 3 years, and specifies the types of crimes, namely crimes of terrorism, violent and especially violent crime, highly organized crime, crimes against the security of the States or aiding illegal immigration.

- **Paragraph g) – Continuity of the Existing Rule**

This provision corresponds to the current paragraph (e) of the previous law and remains unchanged. It does not introduce any new substantive requirements.

- **Paragraph h) – International Sanctions**

A new exclusion ground is introduced. Applicants who are subject to restrictive or sanctioning measures adopted by the United Nations or the European Union, will be excluded from acquiring Portuguese citizenship.

- **Paragraph i) – Means of Subsistence**

Another new requirement is the obligation to demonstrate financial capacity to ensure one's own subsistence. The criteria for measuring means of subsistence is based on the Portuguese minimum wage. Under the previous law, this was not a formal requirement for citizenship applications. Its introduction represents a further tightening of the eligibility criteria.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

2 - The Government shall grant citizenship, by naturalization, to minors born in Portuguese territory, children of foreigners, and who, in the event that they have reached the age of criminal responsibility, meet the requirements of subparagraphs d) and e) of the preceding paragraph, provided that, at the time of the application, they meet one of the following conditions:

- a) One of the parents resides here, regardless of title, at least during the five years immediately preceding the application;
- b) One of the parents has legal residence in national territory;
- c) The minor has attended at least one year of pre-school education or primary, secondary or vocational education.

NEW LAW:

2 - The Government shall grant citizenship to minors born in Portuguese territory, children of foreigners, provided that, at the time of the application, the following requirements are cumulatively met:

- a) One of the parents has been legally resident in national territory for at least five years;
- b) The minor is enrolled and regularly attending compulsory education, when applicable;
- c) If the minor has reached the age of criminal responsibility, he or she must comply with the requirements of paragraphs e) to h) of the preceding paragraph.

Number 2 of the new version of article 6 removes the exclusive reference to naturalization and extends its scope to all forms of acquisition of citizenship.

The paragraphs have been revised accordingly:

- Paragraph (a) requires a minimum of five years of legal residence in Portugal by one of the parents, regardless of the type of residence permit.
- Paragraph (b) replaces the previous requirement of one year of schooling with an obligation, where applicable, for minors to be enrolled and attend compulsory education.
- A new paragraph (c) is introduced, with a criminal-law related criteria, requiring applicants aged over 16 to demonstrate knowledge of fundamental rights and duties and to declare adherence to the principles of the Democratic Rule of Law.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

3 - In the case of a child or young person under the age of 18, sheltered in a public, cooperative, social or private institution with a cooperation agreement with the State, following a definitive promotion and protection measure applied in a promotion and protection process, under the provisions of number 3 of article 72 of the Law for the Protection of Children and Young People in Danger, approved in annex to Law no. 147/99, of 1 September, it is incumbent upon the Public Prosecutor's Office to promote the respective naturalization process with exemption from the conditions referred to in the previous paragraph.

NEW LAW:

3 - The Government shall grant Portuguese citizenship to stateless persons who have been legally resident in Portugal for at least four years, who cumulatively meet the requirements set out in number 1(c) to (h).

Number 3 of article 6 is entirely reformulated to allow acquisition of citizenship by stateless persons, subject to compliance with the requirements set out in paragraphs (c) to (h) of number 1 of this same article. These include, in particular, criteria relating to knowledge of the Portuguese language, history and culture, the absence of relevant criminal convictions, and the applicant not being subject to international restrictive measures.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

4 - The Government shall grant naturalization, with exemption from the requirements set out in number 1(b) and (c), to individuals who have had Portuguese citizenship and who, having lost it, have never acquired another citizenship.

NEW LAW:

4 - The Government may grant citizenship, in particular by weighing the best interests of the child, to minors taken in a public, cooperative, social or private institution with a cooperation agreement with the State, following a definitive judicial or administrative promotion and protection measure applied under the Law for the Protection of Children and Young People in Danger, approved in annex to Law No. 147/99, of 1 September, and the Public Prosecutor's Office is responsible for promoting the respective naturalization procedure.

Number 4 of article 6 expressly foresees for the acquisition of citizenship by institutionalized minors, upon initiative of the Public Prosecutor's Office, through the promotion of the relevant legal proceedings.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

5 - The Government shall grant citizenship, by naturalization, with exemption from the requirement set out in number 1(b), to individuals who cumulatively meet the following requirements:

- a) Have been born in Portuguese territory;
- b) Are the children of a foreigner who was resident here, regardless of title, at the time of their birth;
- c) They have resided here, regardless of title, for at least five years.

NEW LAW:

5 - REPEALED

The repeal of paragraph 5 will eliminate the exemption previously provided therein, with the consequence that all applicants must henceforth fully comply with the requirements laid down in number 1.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

6 - The Government may grant naturalization, with exemption from the requirements set out in number 1(b) and (c), to individuals who, not being stateless, have had Portuguese citizenship, to those who are considered to be descendants of original Portuguese, to members of communities of Portuguese descent and to foreigners who have provided or are called upon to provide relevant services to the Portuguese State or to the national community.

NEW LAW:

6 - The Government may grant citizenship, with exemption from the requirement provided for in number 1(b), to individuals who, while maintaining effective links to the national community, and having lost Portuguese citizenship, have never acquired another.

Number 6 introduces an exceptional mechanism to grant citizenship to individuals who, despite not meeting the newly established residence requirements, demonstrate, cumulatively, an effective connection to Portugal, have previously lost Portuguese citizenship and have not subsequently acquired another citizenship.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

7 - The Government may grant citizenship by naturalization, with exemption from the requirements set out in number 1(b) and (c), to descendants of Portuguese Sephardic Jews who cumulatively meet the following requirements:

- a) Demonstrate the tradition of belonging to a Sephardic community of Portuguese origin, based on proven objective requirements of connection to Portugal, namely surnames, family language, direct or collateral descent;
- b) Have legally resided in Portuguese territory for a period of at least three years, consecutive or interpolated.

NEW LAW:

7 - REPEALED

Number 7 is repealed, thereby eliminating the possibility for descendants of Sephardic Jews to acquire Portuguese citizenship.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

8 - The Government may grant citizenship, by naturalization, with exemption from the requirement set out in number 1(b), to individuals who are ascendants of original Portuguese citizens, who have resided here, regardless of title, for at least five years immediately prior to the application and provided that the ancestry has been established at the time of the Portuguese citizen's birth.

NEW LAW:

8 - The Government may grant citizenship, waiving the requirement set out in number 1(b) to individuals who are third-degree descendants in the direct line of original Portuguese citizens and who have been legally resident in the national territory for at least five years.

Number 8 has been substantially amended. Under the previous law, citizenship could be granted to ascendants of original Portuguese citizens who had resided in Portugal for at least five years, regardless of their legal status. Under the new law, the benefit is now restricted to third-degree descendants in the direct line of original Portuguese citizens who have legally resided in Portugal for at least five years.

Furthermore, the New Law removes the possibility for foreign parents to acquire Portuguese nationality through their minor children who are Portuguese by origin.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

9 - The Government grants citizenship, by naturalization, with exemption from the requirements set out in number 1(a), (b) and (c), to individuals who have not retained Portuguese citizenship under the terms of article 2 of Decree-Law no. 308-A/75, of 24 June, because they have resided in Portugal for less than five years on 25 April 1974, provided that, after the loss of Portuguese citizenship, they have not been in the service of the respective State and have remained and remain in Portugal, regardless of the title, as well as their children, born in national territory, to whom the original citizenship has not been attributed.

NEW LAW:

9 - The Government may grant citizenship, with exemption from the requirements set out in number 1(b) and (c), to foreigners who have provided or are called upon to provide relevant services to the Portuguese State.

Number 9 shall significantly restrict the current regime of broad exemptions, retaining only the exemption of legal residence and proof of linguistic, cultural and historical knowledge, for foreign nationals who have been called upon to render service to the Portuguese State.

ARTICLE 6
VIA NATURALIZATION

PREVIOUS LAW:

10 - The knowledge of the Portuguese language referred to in number 1(c) shall be presumed to exist for applicants who are nationals of Portuguese-speaking countries.

NEW LAW:

10 - Nationals of Portuguese-speaking countries shall be presumed to meet the requirement of the first part of number 1(c), except in cases where the applicant's lack of knowledge of the Portuguese language is manifest, as evidence by the applicant before the competent services.

Number 10 establishes a presumption of proficiency in the Portuguese language for nationals of Portuguese-speaking countries, without prejudice to the requirement to demonstrate knowledge of Portugal's history, culture, and national symbols. Applicant may have to in any case demonstrate knowledge of the Portuguese language in case the registrar demands it.



**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

11 - Proof of the absence of a conviction, with the final and unappealable sentence, with a prison sentence equal to or greater than 3 years. referred to in number 1(d) shall be provided by showing criminal record certificates issued:

- a) by the competent Portuguese services;
- b) by the competent services of the country of birth, the country of citizenship and the countries in which he or she has resided, provided that he or she has resided there after reaching the age of criminal responsibility.

12 - The naturalization procedure for persons covered by numbers 2, 3, 5 and 9 shall be free of charge.

NEW LAW:

11 - Proof of the non-existence of a conviction, with the judicial decision becoming final, with a prison sentence equal to or greater than three years, referred to in number 1(f), shall be made by showing criminal record certificates issued:

- a) Same wording
- b) Same wording

12 - The naturalization procedure for persons covered by numbers 2, 3 and 4 shall be free of charge.

Finally, Number 11 of the New Law foresees an amendment to reflect the revised wording of number 1, requiring the absence of any conviction carrying a prison sentence of three years or more, while retaining the obligation to submit criminal record certificates.

With the Constitutional Court's decision this number is non-applicable.

**ARTICLE 6
VIA NATURALIZATION**

PREVIOUS LAW:

13 - The certification of the demonstration of tradition of belonging to a Sephardic community of Portuguese origin, based on proven objective requirements of connection to Portugal, referred to in number 7(a), shall be subject to final approval by an evaluation committee appointed by the member of the government responsible for the area of justice, including representatives of the competent services for the matter, researchers or teachers in higher education institutions in Sephardic studies and representatives of Jewish communities with the status of religious legal persons, based in Portugal.

NEW LAW:

13 - REPEALED

III. Loss of Citizenship

ARTICLE 8

PREVIOUS LAW:

Those who, being nationals of another State, declare that they do not want to be Portuguese lose their Portuguese citizenship.

NEW LAW:

Without prejudice to the provisions of the law, those who, being nationals of another State, declare that they do not want to be Portuguese, lose their Portuguese citizenship.

The amendment introduces circumstances in which citizenship may be lost, moving beyond the previous provision, which was limited to a simple declaration of the desire not to retain Portuguese citizenship.



IV. Opposition to the Acquisition of Citizenship by will

ARTICLE 9

PREVIOUS LAW:

1 - The following shall constitute grounds for opposition to the acquisition of Portuguese citizenship by will:

- a) The lack of effective connection to the national community;
- b) The conviction, with the final and unappealable sentence, with a prison sentence equal to or greater than 3 years, for a crime punishable under Portuguese law;
- c) The exercise of public position of a predominantly technical nature or the provision of non-compulsory military service to a foreign State;
- d) The existence of danger or threat to national security or defense, namely by involvement in activities related to the practice of terrorism, violent crime, especially violent or highly organized.

NEW LAW:

The following are grounds for opposition to the acquisition of Portuguese citizenship by will:

- a) The absence of effective ties to the national community, taking into account the material parameters set out in Article 6(1)(c) and (i), including consideration of conviction for the crime of insulting national symbols;
- b) Repealed;
- c) The exercise of public position of a predominantly technical nature or the provision of non-compulsory military service to a foreign State;
- d) Repealed.

In Article 9(1)(a), the New Law describes the reasons for opposition to the acquisition of Portuguese citizenship taking into account the material criteria set out in Article 6(1)(c) and (i), including consideration of convictions for the offence of insulting national symbols. In its final wording, the reference to broader behavioral criteria relating to the rejection of membership of the national community, its representative institutions, and national symbols has been removed, resulting in a more narrowly defined and objectively framed legal standard.

FROM IMPACT TO THE FUTURE

Although the provisions examined in this Legal Notice are, at first sight, those likely to produce the most immediate and significant impact on the Portuguese citizenship framework, it is essential to recognize that the reform introduced by the new Citizenship Law extends well beyond the amendments specifically addressed herein. In particular, attention must be drawn to the absence of any grandfathering mechanism, meaning that the new legal regime may apply directly to ongoing legal situations, without fully preserving expectations established under the previous framework. This legislative choice inevitably heightens the need for a careful and case-specific assessment of pending and future applications alike.

Equally noteworthy are the amendments introduced to Article 15, concerning the concept of legal residence, whose reformulation may substantially affect the calculation and recognition of residence periods for citizenship purposes. The revised criteria governing the assessment and proof of residence are expected to have a direct impact on the eligibility of a considerable number of applicants, requiring a reassessment of legal assumptions previously regarded as consolidated. Against this backdrop, the practical implementation of the new Citizenship Law will depend not only on its statutory wording, but also on the interpretative guidance that will emerge through future regulation, administrative practice, and judicial interpretation.

This legal notice provides general information.

For detailed guidance on the implications of these amendments, please contact the Immigration Department of Ana Bruno & Associados.



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