



Nº17/17

PORTUGUESE NATIONALITY REGULATION (RECENT AMENDMENTS)

INTRODUCTION

Decree-Law no. 71/2017, which was published June 21st, came into force on July 3rd of 2017 and introduces amendments to the Portuguese Nationality Regulations.

Organic Law no. 9/2015, dated July 29th, amended the Portuguese Nationality Law introducing the possibility for grandsons of Portuguese nationals, born outside Portugal, to apply for the Portuguese nationality. The entry into force of these amendments was, however, conditional to a future change of the Portuguese Nationality Regulations as it was needed to specify the way such attribution would take place, which only happened now, in



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2017, with the enactment of Decree-Law no. 71/2017.

The above-mentioned Decree-Law no. 71/2017, introduces several amendments to the Portuguese Nationality Regulation, which regulates, among other procedures, the procedure of attribution of “original” Portuguese nationality to grandsons of Portuguese nationals born outside the country, when the parents, when registering children, did not require the Portuguese nationality.

Until the publication of Decree-Law no. 71/2017, the acquisition of the Portuguese nationality by descendants of Portuguese nationals after reaching adulthood was only possible by a process based upon the naturalization system, which implied legal residence in Portuguese territory.

With these amendments, it is now possible for Portuguese nationals’ descendants (grandsons) to request Portuguese nationality with the prerequisite that the

applicant (descendant) has a real connection to the Portuguese community.

The following documents should accompany the request for Portuguese nationality:

- i) birth certificate of the applicant;
- ii) birth certificate of the parents of the applicant, as well as his/her parent (the parent who descends from the Portuguese national);
- iii) criminal certificates issued by the Portuguese services, in the country of birth and nationality, as well the country(ies) where the person had or has residence;
- iv) evidence that the person has a satisfactory knowledge of the Portuguese language; and
- v) documents providing evidence of the real connection of the applicant to the Portuguese community.

Regarding the last requirement, Decree-Law no. 71/2017 also establishes two scenarios where the real connection to the



Portuguese community should be recognized by the Central Registry Office:

- i) the applicant lived in Portuguese territory in the three years prior to the request, being registered in the Portuguese Tax Authorities and National Health Services, or in the Regional Health Services, or attends a school in a national teaching establishment, or demonstrates knowledge of the Portuguese language; and/or
- ii) the applicant lived in Portuguese territory in the five years prior to the request, being registered in the Portuguese Tax Authorities and National Health Services, or in the Regional Health Services.

The requirement of the real connection to the Portuguese community is mandatory in order to obtain the Portuguese nationality. According to Decree-Law no. 71/2017, the following scenarios, which must be proved by documentation submitted with the request, are indicative

of a real connection to the Portuguese community:

- i) legal residence in Portuguese territory;
- ii) regular visits to Portugal;
- iii) property owned for more than three years or lease agreement entered into for more than three years, regarding assets located in Portugal;
- iv) residence or connection to an historical Portuguese community outside Portugal; and/or
- v) involvement, over the five years prior to the request, in a Portuguese community located in the country of residence, namely in Portuguese arts and entertaining groups.

Another innovation in the Portuguese Nationality Regulations, which aims to simplify the process of attribution of Portuguese nationality, is related to the requirement of knowledge of Portuguese language. In this regard, Decree-Law no. 71/2017 states that the Registry offices should presume said knowledge, when the requesting person has his origin and/or



has been a national of a Portuguese speaking country for, at least, ten years, and lives in Portugal, no matter in which condition, for at least five years.

Finally, it is also worthy of note that according to the transitional regime foreseen in Decree-Law no. 71/2017, the amendments to the Portuguese Nationality Regulations are applicable to the processes currently in progress, that were initiated before the entry into force of Decree-Law no. 71/2017.

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