

LEGAL ALERT

AMENDMENTS TO THE PORTUGUESE CITIZENSHIP REGULATION

April 13, 2022



Decree-Law no. 26/2022 was published on 18 March 2022, which amends the Portuguese Citizenship Regulation originally approved by Decree-Law no. 237-A/2006, of 14 December 2006 (hereinafter the "DL 26/2022" or "Regulation").

This legal alert summarises the key amendments introduced by DL 26/2022, as follows:

I. Grant of citizenship to individuals born in Portugal as children of foreigners

DL 26/2022 updates that the Portuguese citizenship is granted to children of foreigners who were born in Portugal, when they are not in the service of their respective country, and provided that, at the time of birth, one of the parents resides legally in Portugal, or has resided in Portugal, regardless of title, for at least one year.

II. Grant of citizenship to grandchildren of Portuguese

This Regulation provides that for individuals, who intend to obtain Portuguese citizenship, with at least one Portuguese ascendant who has not lost his/her citizenship, evidence of sufficient knowledge of the Portuguese language will be accepted as effective connection to the Portuguese community, eliminating other requirements previously stipulated.

III. Acquisition of citizenship by naturalization of foreigners residing in Portugal

DL 26/2022 on the one hand updates the general minimum requirement of residency from seis to five years, on the other hand, it regulates the following possibilities of acquisition of citizenship by naturalization:

- (i) children or youngsters under 18 years old who are sheltered in a public, cooperative, social or private institution with a cooperation agreement with the State;
- (ii) individuals who are ascendants of original Portuguese citizens, and who have resided in Portugal, regardless of title, for at least five years prior to the application; and
- (iii) individuals who have not retained Portuguese citizenship under article 2 of Decree-Law no. 308-A/75, of June 24, provided that, after losing Portuguese citizenship, they have not been in the service of the respective State and have remained in Portugal.

IV. Opposition to the acquisition of citizenship

The ground of opposition related to criminal record is now defined as a sentence of imprisonment of three years or more for a crime punishable under Portuguese law (instead of an abstract punishability foreseen in the previous version); Moreover, this diploma also establishes that opposition to citizenship will not take place when the marriage or de facto union has been in place for six years, nor when there are children with Portuguese citizenship, this amendment gives more certainty since in the previous version the same situation was merely a presumption of existence of effective connection.

V. Requirement of document translation

DL 26/2022 introduces a waiver of translation in case the documents are written in English, French or Spanish, which may save cost and time for the preparation of documents.

VI. Electronic procedure

DL 26/2022 also establishes some improvements to the processing of citizenship applications, namely a more extensive electronic framework under which lawyers and solicitors are required to proceed by electronic means.

Overall, the amendments introduced to the Portuguese Citizenship Regulation this Regulation have established a more friendly framework for those who intend to become a Portuguese citizenship, by enabling a less time consuming and more transparent application process.

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