

euroFINESCO

e-Book n° 23

Moving to Portugal

**ACQUIRING
PORTUGUESE
CITIZENSHIP**

by
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Portugal

Ficha Técnica:

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ACQUIRING PORTUGUESE CITIZENSHIP

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Note from the author

This eBook is an extract of the complete work
“Relocating to Portugal - Useful Information”

Other chapters include:

- Visas and Legal Framework
- Marriage and Cohabitation
- Your Rights to Medical Care
- Access to Education
- Recognition of Qualifications
- Social Security Entitlements
- Acquiring Portuguese Citizenship
- Portuguese Tax Codes
- Golden Residence Permit

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I. INTRODUCTION

The Citizenship Law (*Lei da Nacionalidade*) deals with the granting, acquisition and loss of Portuguese citizenship, as well as the registering, proving and contesting of citizenship. The aim of this chapter is to explain the ways in which Portuguese citizenship can be granted, acquired and lost and to clarify where the corresponding applications should be lodged and which documents should accompany these applications.

When did the current Portuguese citizenship law come into force?

The new Citizenship Law and the respective statutory regulations came into force on 15 December 2006.

How can I obtain Portuguese citizenship?

The Citizenship Law contains several possible ways of being granted/acquiring Portuguese citizenship. These ways are:

1. Being granted citizenship (original citizenship) – this is the case of those who are native-born Portuguese;
2. Acquiring citizenship (derived citizenship)
 - a) through intent (conscious decision):
 - children who are minors or incapacitated of a mother or father who has acquired Portuguese citizenship;
 - in the case of marriage or cohabitation partnership with a Portuguese national;
 - through loss of Portuguese citizenship during incapacity;
 - b) through adoption.
 - c) through naturalisation.



II. ACQUISITION OF ORIGINAL CITIZENSHIP

Who has “Original” Citizenship? (native-born Portuguese)

Those who are native-born Portuguese are:

- a) The children of a Portuguese mother or Portuguese father born in Portuguese territory;
- b) The children of a Portuguese mother or Portuguese father born abroad, if the Portuguese parent is working the service of the Portuguese State;
- c) The children of a Portuguese mother or Portuguese father born abroad, if they register their birth with the Portuguese Registry Office or if they affirm their wish to be Portuguese;
- d) Persons born in Portuguese territory, who are the children of foreign nationals, if at least one of the parents was also born and has resided in Portugal, independent of being a holder of Portuguese citizenship at the time of the birth;
- e) Persons born in Portuguese territory, who are the children of foreign nationals not in the service of their respective State, who have expressed their wish to be Portuguese and provided that, at the moment of birth, one of the parents has legally resided here for at least 5 years;
- f) Persons born in Portuguese territory, when they do not possess any other citizenship.

All of these situations are applicable retroactively, and they also apply to persons born before 15 December 2006.

In these cases, what do I need to do to register the Portuguese citizenship of my child?

Children born in Portugal who are children of a Portuguese mother or Portuguese father:

- Portuguese citizenship is automatically registered upon recording a birth at the Portuguese Civil Register office.
- Whenever possible, parents should always produce a document proving citizenship, except in cases where there are no doubts concerning Portuguese citizenship of at least one of the parents. Children born abroad to a Portuguese mother or Portuguese father, if the Portuguese parent is working in the service of the Portuguese State, are automatically registered as Portuguese when their birth is registered.

In other cases, the parents will have to submit a statement to register the birth in a Portuguese register office for the purposes of awarding Portuguese citizenship to child, with the following documents:

- Birth Certificate of the Portuguese father / mother.
If the parents are married to each other, this marriage should be annotated on the birth certificate, or documentary evidence supplied. In the case of children over 18, the birth certificate should show that the relationship with the Portuguese parent was formed when still a minor.
- Birth Certificate for the child, formally legalised by the Portuguese Consulate in the country of origin, along with an official translation, if the document is not in Portuguese.
- If the child is 14 years or over, include:
Valid identification document (Passport or Residence Visa or other valid document issued by a competent authority in one of the countries within the European Union);
- Children born in Portugal, if children of foreign nationals, if at least one of the parents was also born and has resided here, independently of being a holder of Portuguese citizenship at the time of the birth: Portuguese citizenship is automatically registered upon registering the birth of the child at the Portuguese civil register office.

However, the following documents must be shown when registering the birth:

- Birth certificate of this parent, or the Birth Record (*Boletim de Nascimento*)

Note: Parents do not have to show this document if they can provide information about the parent born in Portugal which enables the corresponding document to be identified: specifically, the place and corresponding date of birth and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding year and number.

- A document proving residence in Portugal.

Note: Submission of this document can be waived if facts are presented to justify that it would be impossible to do so. This request may be made at any Civil Register Office, preferably at the Office where the child was registered. Children born in Portugal who are the children of foreign nationals where, at the moment of birth, one of the parents has legally resided here for at least five years and where neither of the parents is in the service of their respective country:

- Registering the Portuguese citizenship of this child is dependent upon a statement indicating the wish to do so, made by the child's legal representatives.

Where should these statements of intent be made?

Statements of intent to register a birth that has taken place abroad or for the purposes of being granted citizenship may be made:

- At any Civil Register Office
- At a Portuguese Consulate (consular fees may be payable)

Requests for granting citizenship may also be made in person at the extension to the Central Registry Office, at the National Centre for Assistance to Immigrants (CNAI) or at the annex in Alto dos Moinhos, in Rua Augusto Pina, nº 21 r/c loja A, both located in Lisbon, by filling out the correct form. Documents and the application form may also be sent by post to the Central Registry Office at Rua Rodrigo da Fonseca, no. 200 1093-003 Lisbon.

If you are sending documents by post and payment is required, you should include a cheque or postal order payable in Portugal made out to the “*Conservatória dos Registos Centrais*” (the Central Registry Office) in order to carry out this payment.

Which documents should accompany this statement?

- The child’s Birth Certificate, or the corresponding Birth Record (*Boletim de Nascimento*).

Note: This document does not need to be shown if information can be provided which enables the corresponding document to be identified – specifically, a) place of birth, b) corresponding date of birth and, if known, c) Portuguese Civil Register Office with a record of this document on file and the corresponding number and year.

- A document issued by “SEF” proving that prior to the birth of the child, one of the parents had legally resided in Portuguese territory for a period of at least five years.
- A Document issued by the “SEF” proving that neither of the parents was present in Portuguese territory in the service of their respective country.

Note: The new law does not require the submission of these statements, given that the Registry Office itself can officially obtain them through SEF services.

What are the major features of the Citizenship Law with regard to original citizenship?

Firstly, the law has granted original citizenship to those usually categorised as “third-generation immigrants”: persons born in Portugal with no actual ties to another country, with at least one parent (father or mother) born in Portugal, and resident here since their birth.

The law also reduces the requirements for the granting of original citizenship to descendants of immigrants, since all that is necessary is that at the time of the birth one of the parents has been legally

resident in Portugal for only five years. The required residence period has decreased, and with it discrimination based on the country of origin. Also legal residence is based on residence through holding any valid documentation, with the exception of short-stay visas.

Secondly, the current law no longer requires the applicants to submit a series of documents, which may now be obtained directly from the relevant authorities by the Registry Office.



III. ACQUISITION OF DERIVED CITIZENSHIP

A. Acquisition through Intent

Children who are minors or incapacitated of a mother or father who has acquired Portuguese citizenship

If I acquire Portuguese citizenship, can my children who are minors also become Portuguese?

As was the case with the previous law, children who are minors or incapacitated of a mother or father who has been granted Portuguese citizenship may also be granted citizenship, through a statement of intent for this purpose made by their legal representatives.

Which other requirements need to be confirmed?

Your minor child must:

- Have firm ties to the Portuguese community;
- Not have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable by a maximum prison sentence up to three years under Portuguese law.

Where are these statements of intent made?

These statements may be made:

- At any Civil Register Office;
- At a Portuguese Consulate (consular fees may be payable).

Request for granting citizenship may also be made in person at the extension to the Central Registry Office, at the National Centre for Assistance to Immigrants (CNAI) or at the annex in Alto dos Moinhos, in Rua Augusto Pina, nº 21 r/c loja A, both located in Lisbon, by filling out the correct form. Documents and the application form may also be sent by post to the Central Registry

Office at Rua Rodrigo da Fonseca, n 200 1093-003 Lisbon. If you are sending your documents by post and payment is required, you should include a cheque or postal order payable in Portugal made out to the “*Conservatória dos Registos Centrais*” (the Central Registry Office) in order to carry out this payment.

And which documents should accompany this statement?

- A certified copy of the birth certificate (full birth certificate, if possible) and a translation, if the document is not in Portuguese;
- Documentation proving registration of the acquisition of Portuguese citizenship by one of the parents;
- Document proving the foreign citizenship of the minor or incapacitated child, along with an official translation, if the document is not in Portuguese (or the presentation of the passport stating the citizenship of the applicant);
- If the minor or incapacitated person is 16 years of age or over, criminal record certificates issued by the competent authorities should be submitted, from the country of origin and citizenship, as well as the countries where the person has resided since the age of 16.

Note: Criminal records issued outside Portugal do not need to be legalised at the Portuguese Consulate.

- If the minor is older than 16 years of age and has decided to join the armed forces of the foreign state or has carried out public administrative functions in the foreign state, the person should submit documentation to identify the nature of those functions.

Note: The status of minor is in accordance with the law of the country of citizenship of the applicant, which means that although adulthood is reached in Portugal at the age of 18, if adulthood in the country of the applicant is attained, for example, at the age of 21, the request can be made before the child turns 21 years of age.

Acquisition through marriage or cohabitational partnership with a Portuguese national

Can I acquire Portuguese citizenship through marriage to a Portuguese national?

A foreign national married to a Portuguese national may acquire Portuguese citizenship, through making a statement to the effect, provided the following conditions are met:

- 1) To have been married for more than three years;
- 2) To have firm ties to the Portuguese community;
- 3) Not to have perpetrated a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking);
- 4) Not to have carried out public administrative duties of a non-technical nature for a foreign state;
- 5) Not to have served voluntary military service in a foreign state.

What do I need to do?

Once you are married you need to make a statement of intent to acquire Portuguese citizenship.

Where are these statements of intent made?

These statements may be made:

- At any Civil Register Office
- At a Portuguese Consulate

Requests for granting citizenship may also be made in person at the extension to the Central Registry Office, at the National Immigrant Support Centre or at the annex in Alto dos Moinhos, in Rua Augusto Pina, nº 21 r/c loja A, both located in Lisbon, by filling out the correct form. Documents and the application form may also be sent by post to the Central Registry Office at Rua Rodrigo da Fonseca, nº 200, 1093-003, Lisbon.

If you are sending your documents by post and payment is required, you should include a cheque or postal order payable in Portugal made out to the “*Conservatória dos Registos Centrais*” (the Central Registry Office) in order to carry out this payment.

Which documents should I submit along with the request for acquiring citizenship through marriage?

- 1) A certified copy of the birth and a translation, if the document is not in Portuguese;
- 2) A marriage certificate transcribed for the Portuguese Civil Register Office (if carried out abroad);
- 3) The birth certificate of the Portuguese spouse annotated with the marriage.

Note: The birth or marriage certificate do not have to be shown if information can be provided enabling the corresponding document to be identified – specifically, the place of birth/of marriage, the corresponding date and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding number and year.

- 4) Criminal Record certificates issued by the competent authorities should be submitted, from the country of origin and citizenship, as well as the countries where the person has resided since the age of 16.

Note: The law does not require the submission of a Portuguese criminal record certificate. Criminal records issued outside Portugal do not need to be authenticated at the Portuguese Consulate.

- 5) Document proving the foreign citizenship of the applicant, along with an official translation, if the document is not in Portuguese (or the presentation of the passport stating the citizenship of the applicant)

Note: Where relevant, documentation proving the nature of the administrative duties or the military service in the Foreign State should be provided.

Note: It is advisable to provide evidence of firm ties to the Portuguese community, such as IRS tax returns, payments made to Social Security, Health Centre User Card, Taxpayer Card, birth certificate of children born in Portugal, etc.

Besides this documentation, what else is needed?

The applicant should also declare that:

- 1) There are firm ties to the Portuguese community;
- 2) Not to have been found guilty, under a final and binding decision (res judicata), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking);
- 3) Not to have carried out public administrative duties of a non-technical nature for a Foreign State;
- 4) Not to have served voluntary military service in a Foreign State.

Can I acquire Portuguese citizenship through non-marital partnership with a Portuguese national?

Yes, the citizenship law enables a foreign national co-habiting in a non-marital partnership with a Portuguese national to acquire Portuguese citizenship as long as:

- 1) There has been a legally recognised non-marital partnership for more than three years;
- 2) There are firm ties to the Portuguese community;
- 3) He/she has not perpetrated a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking);
- 4) He/she has not carried out public administrative duties of a non-technical nature for a Foreign State;
- 5) He/she has not voluntarily served in the armed forces of a Foreign State.

What do I need to do?

The first step that should be taken is to initiate a legal action in a civil court in the area of residence of the couple in order to recognise their union (a legal action to establish a non-marital

partnership). After obtaining the Court’s ruling, which establishes the non-marital partnership, it is necessary to make a statement of intent to acquire Portuguese citizenship.

Note: Nationals with major financial hardship have the right to be represented by a Lawyer in legal actions free of charge, through recourse to Legal Aid. The request for legal aid should be made at the Social Security office in the national’s area of residence.

Where are these statements of intent made?

These statements may be made:

- At any Civil Register Office
- At a Portuguese Consulate (consular fees may be payable)

Requests for granting citizenship may also be made in person at the extension to the Central Registry Office, at the National Immigrant Support Centre or at the annex in Alto dos Moinhos, in Rua Augusto Pina, nº 21 r/c loja A, both located in Lisbon, by filling out the correct form. Documents and the application form may also be sent by post to the Central Registry Office at Rua Rodrigo da Fonseca, nº 200 1093-003 Lisbon. If you are sending your documents by post and payment is required, you should include a cheque or postal order payable in Portugal made out to the “*Conservatória dos Registos Centrais*” (the Central Registry Office) in order to carry out this payment.

Which documents should I submit with the request for acquiring citizenship through non-marital partnership?

- 1) A certified copy of the birth certificates.
- 2) A copy of the legal ruling recognising the existence of a non-marital partnership.
- 3) Birth certificate of the Portuguese national.

Note: The birth certificate does not have to be shown if information can be provided which enables the corresponding document to be identified – specifically, the place of birth, the corresponding date of birth and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding number and year.

- 4) A statement made by the Portuguese national within the last three months that confirms that the non-marital partnership still exists. This statement may be made to a civil servant at one of the services where statements of intent can be made or through a document signed by the Portuguese member of the non-marital partnership, along with the number, date and issuing body of the person's identity card.
- 5) Document proving the foreign citizenship of the applicant, along with an official translation, if the document is not in Portuguese, or the presentation of the passport stating the citizenship of the applicant;
- 6) Criminal record certificates issued by the competent authorities should be submitted, from the country of origin and citizenship, as well as the countries where the person has resided since the age of 16.

Note: The law does not require the submission of a Portuguese criminal record certificate. Criminal records issued outside Portugal do not need to be legalised at the Portuguese Consulate.

Note: Where relevant, documentation proving the nature of the administrative duties or the military service in the Foreign State should be provided.

Besides this documentation, what else is needed?

The applicant should also declare that:

- 1) There are firm ties to the Portuguese community;
- 2) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking);
- 3) Not to have carried out public administrative duties of a non-technical nature for a Foreign State;
- 4) Not to have served voluntary military service in a Foreign State.

When will I acquire Portuguese citizenship through marriage or through non-marital partnership, that is, when does this start?

The acquisition of citizenship through marriage or non-marital partnership is subject to compulsory registration and this takes effect from the date on which this registration is recorded.

What stages are there in the process of acquiring citizenship through intent?

The process starts with the issuing of a statement of intent to be Portuguese and the submission of the documentation. This statement may be made by the person to whom it refers (in person or by proxy) or, in the case of a minor or incapacitated person, by the parents or legal representatives.

These statements may be made:

- At any Civil Register Office
- At the Portuguese Consulate (consular fees may be payable)

Request for granting citizenship may also be made in person at the extension to the Central Registry Office, at the National Immigrant Support Centre or at the annex in Alto dos Moinhos, in Rua Augusto Pina, nº 21 r/c loja A, both located in Lisbon, by filling out the correct form. Documents and the application form may also be sent by post to the Central Registry Office at Rua Rodrigo da Fonseca, nº 200 1093-003 Lisbon. If you are sending your documents by post and payment is required, you should include a cheque or postal order payable in Portugal made out to the “*Conservatória dos Registos Centrais*” (the Central Registry Office) in order to carry out this payment.

Once the statement has been made and all the information and documentation has been received, the body that has received it sends the application to the Central Registry Office.

The Central Registry Office will analyse the application within a period of 30 days and, if it concludes that there are problems with it, or necessary documentation is missing, it will notify the applicant of the need to add these missing elements, within a period of 20 days.

Having finished the examination, the Central Registrar will have 60 days to determine if all the conditions have been met for the granting of Portuguese citizenship and to assess whether a ruling should be issued.

If, after analysing all elements, the Registrar rejects the request, the applicant will be notified and have 30 days to reply to the reasons given by the Registrar for refusing the application. After 30 days, and after having considered the response made by the applicant, the Registrar makes a final decision to grant the registration of citizenship, or not.

Acquisition of Citizenship through Adoption

If a Portuguese person adopts a foreign child, does this child acquire Portuguese citizenship?

A child that is full adopted by a Portuguese national acquires Portuguese citizenship. In such cases, however, there may be oppositions to the acquisition of Portuguese citizenship.

Note: Full adoption (adopção plena) is a type of adoption that is characterised as having more extensive effects than the other type of adoption, restricted adoption (adopção restrita). In full adoption the adopted child acquires the status of the child of the person who is adopting and becomes fully integrated with the other offspring, and the family ties between the adopted child and his biological family are extinguished.

Citizenship acquisition through Naturalisation

How can I acquire Portuguese citizenship through naturalisation?

Under the terms of the current Citizenship Law, Portuguese citizenship acquired through naturalisation is approved by the Minister for Justice following a request by the applicant.

What conditions do I have to satisfy in order to acquire Portuguese citizenship through naturalisation?

The citizenship law specifies the following situations in relation to the acquisition of Portuguese citizenship through naturalisation:

1. The Government grants Portuguese citizenship through naturalisation to foreign nationals who meet all of the following requirements:
 - a) To have reached adulthood or being of age under Portuguese law;
 - b) To have legally resided in Portuguese territory for at least six years with any type of resident permit except a short-stay visa;
 - c) To have sufficient knowledge of the Portuguese language;
 - d) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking).
2. The Government grants Portuguese citizenship through naturalisation to minors of 18 years of age, who have been born in Portuguese territory and who are the children of foreign nationals, provided that they meet all of the following requirements:
 - a) To have sufficient knowledge of the Portuguese language;
 - b) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking). And provided that one of the following situations is the case when the request is made.
 - c) One parent has legally resided in Portuguese territory for at least 5 years with any type of resident permit except a short-stay visa; or

- d) Irrespective of the residential status of the parents, the minor has concluded the first cycle of elementary education in Portugal.
3. The Government grants Portuguese citizenship through naturalisation to those who have had Portuguese citizenship and who, having lost it, have never acquired other citizenship, as long as they meet the following requirements:
 - a) To have reached adulthood or be of age under Portuguese law;
 - b) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking).
 4. The Government grants Portuguese citizenship through naturalisation to persons born abroad, who have at least one Portuguese grandfather or grandmother who have not lost this citizenship, as long as they meet all of the following requirements:
 - a) To have reached adulthood or be of age under Portuguese law;
 - b) To have sufficient knowledge of the Portuguese language;
 - c) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking).
 5. The Government may grant Portuguese citizenship through naturalisation to persons born in Portugal as children of foreign nationals, who have had Portugal as their usual place of residence in the 10 years immediately prior to the request, as long as they satisfy all of the following requirements:
 - a) To have reached adulthood or be of age under Portuguese law;

- b) To have sufficient knowledge of the Portuguese language;
 - c) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking)
6. The Government may grant Portuguese citizenship through naturalisation to persons who, whilst not stateless, have had Portuguese citizenship, to those considered descendants of Portuguese nationals, to members of communities with Portuguese ancestry and to foreign nationals who have carried out or have been asked to carry out pertinent services for the Portuguese State or the Portuguese community, as long as they cumulatively satisfy the following conditions:
- a) To have reached adulthood or be of age under Portuguese law;
 - b) Not to have been found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking).

What are the major features of the citizenship law with regard to naturalisation?

The current law has reduced the requirements for naturalisation and also covers a number of new situations that the previous law did not cover. As regards nationals who have reached adulthood, it has ended discrimination with regard to the country of origin by establishing an equal period of residence for all (six years), and has also standardised the concept of resident with regard to holding any valid permit, with the exception of a short-stay visa.

As regards minors who are the descendants of immigrants, the law gives them the right to citizenship through naturalisation if one of their parents has been a legally resident for five years (at the date of the request) or, if the minors were born in Portugal and have finished the 1st cycle of elementary education.

The law equally enables acquiring citizenship through naturalisation to nationals who are descendants of immigrants, born in Portugal and who have reached adulthood, and who have resided here in the last 10 years (even if they are residing without authorisation).

To whom should I make my request for acquisition of Portuguese citizenship through naturalisation?

To the Minister for Justice.

Where should I submit my request to acquire Portuguese citizenship through naturalisation?

Those wishing to acquire Portuguese citizenship through naturalisation can submit their request at the following services:

- At the extension to the Central Registry Office, at the National Immigrant Support Centre or at the annex in Alto dos Moinhos, in Rua Augusto Pina, nº 21 r/c Loja A, both in Lisbon, through filling in the appropriate application form. Documents and the application form may also be send by post to the Central Registry Office at Rua Rodrigo da Fonseca, nº 200, 1093-003 Lisbon.

If you are sending your documents by post and payment is required, you should include a cheque or postal order payable in Portugal made out to the “*Conservatória dos Registos Centrais*” (the Central Registry Office) in order to carry out this payment.

- At any Civil Register Office
- At a Portuguese Consulate (consular fees may be payable)

The application can also be made by completing the relevant application form and posting it to the Central Registry Office or by lodging it in person at the CNAI.

What should I include in my request for acquisition of Portuguese citizenship through naturalisation?

- a) Full name, date of birth, marital status, place of origin, citizenship, parental details, profession, current residence, details of countries previously resided in;
- b) Full name and residence of the legal representative (if the applicant is incapacitated) or the holder of the power of attorney.
- c) Details of the number, date and issuing body of the person's Residence Visa or similar document, passport or equivalent identification document of the applicant, their legal representative or the holder of the power of attorney;
- d) Applicant's signature, witnessed by a notary, except when written in the presence of a civil servant at one of the services or at an attendance centre with power to receive such requests. The form to apply for naturalisation may be obtained from the following website: <http://www.dgrn.mj.pt>

Which documents should I attach to my request for acquisition of citizenship through naturalisation?

Foreign nationals who are 18 years or older who have been resident in Portuguese territory for at least six years:

- a) A certified copy of the birth certificate (full birth certificate, if possible) and a translation, if not in Portuguese;
- b) Document proving sufficient knowledge of the Portuguese language (see the list of documents below which are taken as such proof);
- c) Criminal record certificates issued by the competent bodies should be submitted, from the country of origin and citizenship, as well as the countries where the person has resided since the age of 16.

Note: The current law does not require the submission of the Portuguese criminal record certificate. Criminal records issued outside Portugal need not be legalised at a Portuguese Consulate.

Minors Born in Portuguese Territory

1. Birth certificate, or the Birth Record (*Boletim de Nascimento*);
Note: The birth certificate does not have to be submitted as long as information is provided which enables the corresponding document to be identified – specifically, the place of birth, date of birth and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding number and year.
2. Document proving sufficient knowledge of the Portuguese language (see the list of documents below which are taken as such proof).
Note: Children up to age 12 do not have to submit this document.
3. If the child is 16 years or over: Criminal record certificates issued by the competent bodies should be submitted, from the country of origin and citizenship, as well as the countries where the person has resided since the age of 16.
Note: The new law does not require the submission of a Portuguese criminal record certificate. Criminal records issued outside Portugal do not need to be legalised at the Portuguese Consulate.
4. A document issued by the Foreign Nationals and Border Control Service (“SEF”) proving that one of the parents has legally resided in Portuguese territory for at least five years;
Note: The new law does not require the submission of this document. The Register Office itself can officially obtain the document from “SEF”. or:
5. A document proving that the minor has completed the first cycle of primary school in Portugal.

Former Portuguese citizens with no current citizenship

1. Birth registration certificate.
Note: If this document was issued in Portugal, it does not have to be submitted as long as information can be provided which enables the

corresponding document to be identified – specifically, the place of birth, the corresponding date of birth and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding number and year.

If the birth certificate was issued abroad then, if possible, it should be a full birth certificate issued as a suitably legalised photocopy along with an official translation, if not in Portuguese.

2. Documents issued by the relevant authorities in the countries with which the national has meaningful contacts, specifically the country of origin, the countries where the person has resided or resides and the country of the parents' citizenship, proving that the national has never been granted any other citizenship.
3. Criminal record certificates issued by the competent authorities in Portugal, and from the country of origin as well as the countries where the person has resided since the age of 16.

Note: The law does not require the submission of a Portuguese criminal record certificate. Criminal records issued outside Portugal do not need to be legalised at the Portuguese Consulate.

Foreign nationals descendants of a Portuguese national

1. A certified copy of the birth certificate and a translation, if the document is not in Portuguese;
2. Birth registration certificate of the Portuguese grandfather / mother who has Portuguese citizenship and the parent (father or mother) who is their descendant;

Note: The new law does not require the submission of this birth registration certificate when the civil registry has access to this through their IT system.

3. Document proving sufficient knowledge of the Portuguese language (see the list of documents below);
4. Criminal record certificates issued by the competent Portuguese bodies, from the country of origin, as well as the

countries where the person has resided since the age of 16.

Note: The new law does not require the submission of a Portuguese criminal record certificate.

Foreign nationals aged 18 years of age or over born in Portuguese territory

1. Birth certificate (*Boletim de Nascimento*);

Note: The birth certificate does not have to be submitted as long as information is provided which enables the corresponding document to be identified – specifically, the place of birth, the corresponding date of birth and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding number and year.

2. Document proving sufficient knowledge of the Portuguese language (see the list of documents below).
3. Criminal record certificates issued by the competent Portuguese bodies, from the country of citizenship, as well as the countries where the person has resided since the age of 16.

Note: The new law does not require the submission of a Portuguese criminal record certificate.

4. Documents proving that in the 10 years immediately prior to the request, the person usually resided in Portuguese territory – documents which show deductions made for Social Security payments, to the fiscal authorities, attendance at school, housing situation or a valid travel document (Passport).

Special Cases

1. Birth Certificate registration:

Note: If this certificate was issued in Portugal, it does not have to be submitted as long as information can be provided which enables the corresponding document to be identified, specifically: place of birth, corresponding date of birth and, if known, the Portuguese Civil Register Office which will have a record of this document on file and the corresponding number and year.

If the birth certificate was issued abroad then, if possible, it should be a full birth certificate issued as a suitably legalised photocopy along with an official translation, if the document is not in Portuguese.

2. Criminal record certificates issued by the competent Portuguese bodies, from the country of origin and citizenship, as well as the countries where the person has resided since the age of 16.

Note: The new law does not require the submission of a Portuguese criminal record certificate.

In addition to the 2 documents mentioned above, the person should also include other documentation in accordance with his specific situation:

- I) Persons (not stateless) who have had Portuguese citizenship.
 - o The request should include details of the circumstances that led to the loss of citizenship.
- ii) Descendants of Portuguese nationals and members of a community with Portuguese ancestry:
 - o Birth certificates for all the ascendants up to the 1st degree of Portuguese citizenship and other details which the Minister for Justice may consider necessary.
- iii) Foreign nationals who have carried out pertinent services for the Portuguese State: documentation issued by the relevant Department, in accordance with the nature of those services.

Which documents do I need to show that I have sufficient knowledge of the Portuguese language?

In accordance with Decree-Law n° 43/2013, of 1 April, proof of knowledge of the Portuguese language may be established in one of the following ways:

- 1) An educational certificate issued by a recognised official proving the successful completion of the level of education;
- 2) A pass certificate in a diagnostic test held in any of the aforementioned educational institutions;
- 3) A certificate of Portuguese as a foreign language, issued following a test at a Portuguese as a Foreign Language evaluation centre recognised by the Ministry of Education.

And what about children or persons who do not know how to write or cannot talk or write, how do they prove that they have sufficient knowledge of the Portuguese language?

It is only necessary to prove knowledge of the Portuguese language from 1 year of age. For children and infants older than 1 and less than 10 years of age, or for people who do not know how to read or write, the Portuguese language test should be adapted to their ability to acquire or show knowledge of the language.

What stages are involved in the naturalisation process?

All bodies receiving such requests should forward them to the Central Registry Office within 48 hours. The Central Registry Office must, within a period of 30 days, duly analyse the application.

If the request does not contain the necessary elements or does not include the necessary documentation to prove the facts forming the basis of the request, the Central Registry Office may reject the request. In this event the applicant has 20 days to respond. After receiving the applicant's reply, or after a period of 20 days without a response, the Central Registry Office will issue its decision.

If the request contains all the necessary elements and includes all the necessary documents, the Central Registry Office will ask the

Foreign Nationals and Border Control Service (“SEF”) and the Portuguese Criminal Police (*Polícia Judiciária*) for information within a period of 30 days, which can be extended to 90 days when there is sufficient cause.

After 45 days the Central Registry Office will issue its decision concerning the feasibility of the request. If the decision is positive, the application will be sent to the Minister for Justice for the final decision. If the decision is negative, the applicant will be notified in order to be able to respond to this within a period of 20 days. After that period and after analysing the applicant’s reply (if there is a reply) the application is then sent to the Minister for Justice for the final decision.

Note: In special cases and when requested and substantiated by the applicant, the Minister for Justice may dispense with the submission of any document normally required in relation to an application for naturalisation, provided that there is no dispute concerning any factual elements that such documentation would have established.



IV. OPPOSITION TO CITIZENSHIP ACQUISITION

Can there be opposition to the acquisition of Portuguese citizenship?

Yes, there may be opposition to the acquisition of Portuguese citizenship in cases involving acquisition through intent or adoption.

How does this opposition take place?

The State, through the Public Prosecution Service (*Ministério Público*), may oppose the acquisition of citizenship through the expression of intent or through adoption, provided it has knowledge of any grounds for such opposition.

On what grounds can the state be opposed to the acquisition of Portuguese citizenship?

The following are grounds to oppose acquiring Portuguese citizenship:

1. The lack of firm ties to the Portuguese community;
2. Being found guilty, under a final and binding decision (*res judicata*), of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law (e.g. murder, assault, theft, robbery; drug trafficking).
3. Having carried out public administrative duties of a non-technical nature or voluntary military service in a Foreign State.

Can the Portuguese state simply appeal the acquisition of Portuguese citizenship by invoking one of those grounds?

No, the Public Prosecutor has to prove the existence of one of the situations providing grounds for this opposition. This proof is required to successfully oppose the application.

If I acquire Portuguese citizenship do I lose my original citizenship or can I keep both?

Portuguese legislation allows for multiple nationalities, that is, a Portuguese national may also have other nationalities. However, acquiring Portuguese citizenship may or not imply the loss of original citizenship, according to whether the laws of the country of origin of the person allow for dual or multiple nationalities, since there may be laws that require that the person give up their former citizenship in order to obtain the citizenship of the country of immigration. For example, the legal systems of the Ukraine and Guinea-Bissau do not accept dual citizenship.

In the event of having two or more nationalities, which of these is taken into consideration?

If you have two or more nationalities and one of them is Portuguese, it is this that is taken into consideration when considering Portuguese law.

Can I give up my Portuguese citizenship?

No. The Portuguese national can only give up his citizenship if he has acquired another one. If not, Portuguese law does not allow a person to renounce Portuguese citizenship to become stateless (without any citizenship).

Can an immigrant be forced to give up their only citizenship?

According to article 15 of the Universal Declaration of Human Rights, nobody can be arbitrarily deprived of their citizenship or the right to change citizenship.



All persons who are 14 years of age or older must show a valid identification document: Passport or Residence Visa. Consular registration is not a substitute for presenting an identity document.

A. Granting of Citizenship (Persons born in Portugal)

My child was born in Portugal, as a child of immigrants. Does he have Portuguese citizenship?

The child may have if they satisfy certain requirements. It is important to make a distinction between three situations:

1. Child of a foreign national, born in Portugal, when the father or mother was also born here. The child may have original Portuguese citizenship as long as the father or mother born in Portugal was residing in Portugal (irrespective of the form of documentation enabling this) upon the birth of the child.
2. Child of a foreign national, born in Portugal, when neither the father nor the mother were born here. In this case, Portuguese citizenship may be acquired as long as:
 - a) The parents are not here in the service of their respective State;
 - b) A statement of intent to become Portuguese is made (registering the birth within Portugal is not sufficient);
 - c) Upon the birth of the child, either the father or the mother has legally resided in Portuguese territory (holding any type of residence permit except a short stay visa) for at least five years.
3. If at the moment of birth of the child neither the father nor the mother has legally resided here for at least five years, they can request naturalisation for their child:
 - when one parent completes five years of legal residence, or

- when the minor finishes the first cycle of elementary education in Portugal.

It is also necessary that the minor:

- Has knowledge of the Portuguese language;
- In the event of being 16 years of age or older;
- Not to have been found guilty of a crime punishable with a maximum prison sentence equal to or greater than three years, under Portuguese law.

I was born abroad and came to Portugal and now reside without authorisation – can my child, a minor, who was born here, acquire Portuguese citizenship under the conditions previously outlined?

If the parent is residing without authorisation, the child born in Portugal can only acquire Portuguese citizenship through naturalisation if the child has completed the 1st cycle of elementary education and is still under 18 years of age.

B. Acquisition of Citizenship (born abroad)

I am an immigrant and have a child who was not born in Portugal. Can the child obtain Portuguese citizenship?

If at least one of the parents of the child acquires Portuguese citizenship while the child is still a minor, the child can also acquire it, through a statement of intent by the parents expressing the wish that Portuguese citizenship be granted to their child.

If neither of the parents has or acquires Portuguese citizenship, the child cannot acquire Portuguese citizenship while still a minor.

The child will have to wait until reaching adulthood and submit a request for naturalisation.

Which names are allowed the child of an immigrant who acquires Portuguese citizenship?

The names that may be given to a person granted Portuguese citizenship are those in accord with legislation in force regarding the formulation of names. Whenever those who have been granted Portuguese citizenship wish to, they may keep their original name.



VI. GOLDEN RESIDENCE PERMIT

The Golden Residence Permit Programme is a fast-track residence permit programme leading to eligibility for Portuguese citizenship to applicants and other reunified family members. The scheme is specifically designed to attract foreign investment into Portugal. The plan is only available to non-EU citizens who make qualifying five year investments. These investments may be completed directly or through a company, meeting one of the following requirements:

- Purchase of real estate costing at least €500,000;
- Capital of at least €1,000,000 to be invested in a business;
- Creation of at least 10 permanent jobs.

The investment activity must be maintained for a minimum period of five years after granting of the residence permit. The Permit is first issued for one year and then subsequently renewed for successive periods of two years, provided that the requirements of the investment activity continue as well as the following minimum periods of stay in Portugal are maintained: 7 days during the first year; 14 days in the following two-year periods.

The bearer of the Permit may apply for family reunification. Applicants convicted of a crime are excluded from consideration. Authorities have 60 days to decide to grant the Golden Residence Permit once the application has been presented as long as proof has been submitted that the investment has been completed.

The following documents are required for application:

- Valid Passport & proof of legal entry;
- Proof of health insurance;
- Absence of Debts Declaration;
- Criminal Record Certificate;
- Signed Application & Service Contract.

For more information, see eBook n°29 - Golden Residence Permit



VII. USEFUL CONTACTS

National Centre for Assistance to Immigrants, Lisboa

Rua Álvaro Coutinho, 14

1150-025 Lisboa

Tel. +351 218 106 100

Fax: +351 218 106 117

SOS Immigrant Line: 808 257 257, +351 218 106 191

duvidasnacionalidade@acidi.gov.pt

Central Registry Office, Lisboa

Rua Rodrigo da Fonseca, 200

1093-003 Lisboa

Tel.: +351 213 817 610 / +351 213 817 670

crcentrais@dgrn.mj.pt

<http://www.dgrn.mj.pt>

Extension to the Central Registry Office,

Alto dos Moinhos

Rua Augusto Pina, 21 – R/C – Loja A (Benfica)

Tel.: +351 217 709 030

Fax: +351 217 709 044

Foreign Nationals and Border Control Service (“SEF”)

Rua Conselheiro José Silvestre de Ribeiro, no. 4

1649-007 Lisboa

Tel.: +351 217 115 000

Internet:

<http://www.sef.pt>

e-mail: sef@sef.pt



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eBooks from euroFINESCO

- 1) Offshore Companies: *Moving Onshore*
- 2) Self-Employed in Portugal
- 3) Requirements of the Common Reporting Standard
- 4) Setting Up Fiscal Residence
- 5) Capital Gains Tax on Portuguese Property
- 6) Portuguese Tax Code Summaries
- 7) “VPT” Unveiled
- 8) Tax-Efficient Investing in Portuguese Property
- 9) Income from Portuguese Property
- 10) Taxation on Portuguese Property
- 11) “S.C.I.”: *Sociedade Civil Imobiliária*
- 12) Property Companies: *White-List or Portugal*
- 13) Nominee Companies for Portuguese Property
- 14) Fiscal Representation in Portugal
- 15) “Permutas” or Property Swaps
- 16) Estate Planning & Nominee Companies
- 17) “I.H.T.” – Residence Rules & Determining Domicile
- 18) Moving to Portugal – *before, during & after*
- 19) Taxation of Pensions in Portugal
- 20) “I.R.S.” Tax Credits
- 21) CGT Mitigation: *14 Arrows in the Quiver*
- 22) Residence Rules: *in the EU, Portugal and the UK*
 - Extracts from *Relocating to Portugal - Useful Information*
 - 23) Acquiring Portuguese Citizenship
 - 24) Visas and Legal Framework
 - 25) Your Rights to Health Care
 - 26) Access to Education
 - 27) Recognition of Qualifications
 - 28) Social Security Entitlements
 - 29) Golden Residence Visa
- 30) Leaving Portugal - *Moving Back*
- 31) Non-Habitual Residence Status and the Alternatives
- 32) Trusts, Foundations and Fiduciary Structures