

Decree-Law No. 237-A/2006, of 14 December, Series I of 4 July 2007

Approves the Regulation on Portuguese Nationality and introduces amendments to the Regulation on Registration and Notary Fees

By Organic Law No. 2/2006, of 17 April, amendments were introduced to Law No. 37/81, of 3 October (Nationality Law), which substantially modified the regimes of assignment and acquisition of Portuguese nationality.

Among these changes, of particular importance is the reinforcement of the principle of *ius soli*, which is the concretisation of the objective, assumed in the Government's Programme, of the recognition of a citizenship status for those who have strong ties with Portugal.

In fact, demographic changes in recent years have meant that many descendants of immigrants, although foreigners, have never known any country other than Portugal, where they were born.

In this context, and reverting as an important factor in the fight against social exclusion, the new law grants Portuguese nationality of origin to those born in Portuguese territory, children of foreigners, if at least one of the parents was also born here and lives here, regardless of title, at the time of the child's birth, as well as to those born in Portuguese territory, children of foreigners that are not at the service of their respective State, if they declare they want to be Portuguese, if at least one of the parents had been legally residing here for at least five years at the time of the child's birth.

In turn, in the area of acquisition of nationality, a subjective right to naturalisation was consecrated for minors born in Portuguese territory, children of foreigners, if, at the time of the application, one of the parents has been legally residing here for five years or if the minor has concluded the first cycle of basic education here.

The limitation of discretionary powers, through the recognition of a subjective right to naturalisation in several situations, is another important innovation introduced by Organic Law No. 2/2006 of 17 April.

Furthermore, in general terms, requirements were simultaneously reduced and a new concept of legal residence in Portuguese territory was introduced for the purpose of assigning or acquiring nationality, which can be proved by any valid document and not only by a residence permit.

Such changes would in themselves determine the need to approve a new Regulation on Portuguese Nationality, adapted to the principles and norms of the recently revised Nationality Law.

However, the objective of the present decree-law was not limited to the regulation of the new law.

Thus, the opportunity was taken to simplify procedures relating to nationality applications and registration and to eliminate useless acts, adopting a set of measures that make it easier for citizens to exercise their rights.

In the area of simplification of procedures, it should be noted that the records of declarations for purposes of assignment, acquisition and loss of nationality, drawn up at civil registry offices or Portuguese consular services, will now become optional, and alternative means will be created so that interested parties can send their declarations directly to the Central Registry Office.

This is, without a doubt, a measure with great impact in terms of facilitating the daily life of many citizens, including Portuguese emigrants and their families, who now have the possibility of requesting acts of nationality without having to go to Portugal or to a consular post.

In addition, the creation of extensions to the Central Registry Office is envisaged, thus making new service desks available, with competency for the processing of nationality applications. It also establishes the possibility of designating public entities, associations or other private entities to provide information on the processing of applications for assignment, acquisition and loss of nationality and to forward the respective declarations and applications to the Central Registry Office.

With regard to the elimination of useless acts, it is noted that nationality registries, traditionally drawn up by a record, are, in most cases, transformed into registries by mere annotation and, likewise, the publication in the Official Gazette of the order granting Portuguese nationality by naturalisation is eliminated.

It should also be noted that interested parties are generally exempt from submitting certificates of national civil registry acts that must support applications for assignment, acquisition and loss of nationality, as well as from submitting other documents, namely the Portuguese criminal record certificate and documents proving legal residence in Portuguese territory, which refer to information that is already available to the administration and that can now be obtained automatically.

On the other hand, new competencies are assigned to the assistants and clerks of the Central Registry Office, thus promoting the decentralisation of competencies, which allows for an increased response capacity.

A number of provisions have also been adopted to enable applications for the assignment, acquisition and loss of nationality to be made electronically in the future.

Finally, since jurisdiction in nationality litigation has been transferred to the administrative and tax courts, new rules have also been introduced with regard to the conduct of proceedings and the challenging of the decisions of the registrar of Central Registries.

The necessary steps were taken to hear the Supreme Judicial Council, the Supreme Council of the Public Prosecutor's Office, the Bar Association, the Chamber of Solicitors and the Bailiffs Association.

The High Council of Administrative and Fiscal Courts, the National Association of Portuguese Municipalities and the National Commission for Data Protection were heard.

Thus:

Under the terms of Article 198(1)(a) of the Constitution, the Government decrees the following:

Article 1 (Object)

This decree-law approves the Regulation on Portuguese Nationality, annexed to this decree-law, which is an integral part thereof, and amends article 8 of Decree-Law no. 322-A/2001, of 14 December, and articles 10, 18 and 19 of the Regulation on Registration and Notary Fees, approved by the same decree-law, with the amendments introduced by Decree-Law No. 315/2002, of 27 December, by Law No. 32-B/2002, of 30 December, and by Decree-Laws no. 194/2003, of 23 August, 53/2004, of 18 March, 199/2004, of 18 August, 111/2005, of 8 July, 178-A/2005, of 28 October, 76-A/2006, of 29 March, 85/2006, of 23 May, and 125/2006, of 29 June.

Article 2 (Amendment to Decree-Law No. 322-A/2001, of 14 December)

1 - Article 8 of Decree-Law No. 322-A/2001, of 14 December, shall be amended to read as follows:

“Article 8

[...]

1 - ...

2 - ...

3 - In-person recognition of signatures in declarations or applications for the assignment, acquisition or loss of Portuguese nationality is free of charge.”

- 2 - Articles 10, 18 and 19 of the Regulation on Registration and Notary Fees, approved by Decree-Law No. 322-A/2001, of 14 December, shall be amended to read as follows:

"Article 10

[...]

1 - The following acts and proceedings are free of charge: a) ...

b) ...

c) ...

d) ...

e) ...

f) ...

g) ...

h) ...

i) ...

j) Registration of the declaration for the acquisition of nationality, under the terms of the articles referred to in the previous subparagraph, and unofficial registries drawn up under the terms of article 33 of Law No. 37/81, of 3 October, as well as the procedures and documents required for both;

l) ...

m) ...

n) ...

o) ...

p) ...

q) ...

r) ...

s) ...

t) Certificates, photocopies and communications arising from the fulfilment of obligations set out in the Civil Registry Code and the Portuguese Nationality Regulations and which do not come under the rule of costs, including the issue of the original birth, marriage, death or foetal death certificate;

u) ...

v) ...

x) ...

z) ...

aa) ...

ab) ...

2 - ...

3 - ...

a) ...

b) ...

4 - ...

Article 18

[...]

1 - ...

2 - ...

3 - Nationality:

3.1 - Assignment:

3.1.1- For each procedure of registration of births abroad or assignment of Portuguese nationality to adults, as well as for the minutes of the reduction to writing of the verbal declarations given for that purpose, for the respective registries and documents obtained ex-officio - (euro) 175.

3.2 - Acquisition:

3.2.1- For each procedure of acquisition of nationality by effect of will, by adoption or by naturalisation pertaining to an adult, as well as for the act of reduction to writing of the verbal declarations given for that purpose, for the respective registration and documents obtained ex-officio - (euro 175).

3.2.2- For each procedure of acquisition of nationality by effect of will or by naturalisation regarding an incapacitated person, as well as for the report of the reduction to writing of the verbal declarations made to that effect, for the respective registration and documents obtained ex-officio - (euro) 120.

3.3 - Loss:

3.3.1- For each procedure of loss of nationality, as well as for the reduction to writing of the verbal declaration made to that effect, the respective registration and documents obtained ex-officio - (euro) 120.

3.4 - In the event of a preliminary refusal, the fees provided for in the previous paragraphs shall be due in full.

4 - ...

5 - ...

6 - ...

7 - ...

8 - ...

9 - ...

10 - ...

11 - ...

12 - ...

Article 19

Destination of the fees

1 - The fee income of the Central Registry Office regarding the practice of the acts foreseen in the previous article, even if requested in other registration services, reverts to the Directorate-General of Registry and Notary Affairs.

2 - In each procedure of acquisition of nationality in which the Immigration and Borders Service provides information, (euro) 20 of the fees charged will belong to the Immigration and Borders Service and the remainder will revert to the Directorate-General of Registry and Notary Affairs.

Article 3 (Repealing rule)

The following are repealed:

- a) Decree-Law No. 322/82 of 12 August, as amended by Decree-Laws No. 117/93 of 13 April, 253/94 of 20 October and 37/97 of 31 January, and partially repealed by Law No. 33/99 of 18 May;
- b) Decree-Law No. 135/2005, of 17 August, without prejudice to its application to cases pending before the Ministry of Internal Administration.

Article 4 (Entry into force)

- 1 - This Decree-Law shall enter into force on 15 December 2006 and shall apply to pending cases, except with regard to the provisions of article 2 and to the rules concerning competence to decide upon applications for the acquisition of Portuguese nationality by naturalisation, as well as the regime relating to its processing, as set out in the Annex to this Decree-Law, which is an integral part thereof.
- 2 - For the registration of acquisition of nationality by naturalisation, which will be granted in a pending process on the date on which this decree-law enters into force, the provisions of the Regulation on Registration and Notary Fees, in the wording prior to that introduced by the present decree-law, shall apply.

Signature

Seen and approved by the Council of Ministers on 13 September 2006. - José Sócrates Carvalho Pinto de Sousa - António Luís Santos Costa - Luís Filipe Marques Amado - Manuel Pedro Cunha da Silva Pereira - Alberto Bernardes Costa - Maria de Lurdes Reis Rodrigues.

Promulgated on 12 December 2006. To be published.

The President of the Republic, ANÍBAL CAVACO SILVA Ratified on 13 December 2006.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.

Annex

REGULATION ON PORTUGUESE NATIONALITY

TITLE I

Portuguese Nationality

CHAPTER I

Assignment, acquisition, loss, nullity and consolidation of nationality

Article 1

(Assignment, acquisition and loss of nationality)

- 1 - Portuguese nationality may be assigned by law or by will, or acquired by will, adoption or naturalisation.
- 2 - Loss of Portuguese nationality can only occur through a declaration of will.

Section I

Assignment of nationality

Subsection I

Common provisions

Article 2

(Original nationality)

The assignment of Portuguese nationality may result from a mere effect of the law or from a declaration of will and, without prejudice to the validity of legal relationships previously established on the basis of another nationality, produces effect from birth.

Subsection II
Original nationality by effect of law

Article 3
(Assignment of nationality by effect of law)

The following are Portuguese by origin:

- a) Individuals born in Portuguese territory, children of Portuguese mother or Portuguese father, as well as those born in Portuguese territory, children of foreigners, if one of the parents was born here and lived here, at the time of the child's birth, regardless of title, whenever there is no mention in the birth certificate that contradicts these circumstances;
- b) Individuals born abroad which birth certificate states that the mother or father was at the service of the Portuguese State at the date of birth;
- c) Individuals born in Portuguese territory which birth certificate contains a special mention that they do not have any other nationality.

Article 4
(Special mentions in birth certificates of births that occurred in the Portuguese territory)

- 1 - In the certificates of births that take place in Portuguese territory, of children of non-Portuguese nationals only, the foreign nationality of the parents must be mentioned as identification element of the interested party, or the fact that he/she is not aware of it, except if one of the parents was born here and lived here, at the time of the birth of the child, regardless of title.
- 2 - Declarants should, whenever possible, submit a document proving the nationality of their parents, except when there is no doubt about the Portuguese nationality of at least one of them.
- 3 - When both parents are foreigners, but one of them was born here and lived here, regardless of title, at the time of the child's birth, the place of birth of that parent is proven by a birth certificate, and a document proving his/her residence in Portuguese territory must be presented.
- 4 - The document mentioned in the final part of the previous paragraph may be waived, provided that facts are invoked that justify the impossibility of its presentation.

Article 5
(Establishment of parentage of foreigners born in Portuguese territory)

- 1 - The act or process intended to establish the parentage of a foreigner born in Portuguese territory shall be instructed, depending on the case and without prejudice to the exemption of presentation of documents by the interested party under the terms of Article 37:
 - a) With a document proving the Portuguese nationality of the parent;
 - b) With the birth certificate of the foreign parent born in Portuguese territory and with a document proving the respective residence in this territory, at the time of the child's birth.
- 2 - The document provided for in the final part of subparagraph (b) of the previous paragraph may be waived, provided that facts are invoked that justify the impossibility of its presentation.
- 3 - The judicial decision or the act in which the parentage is established, as well as its communication for annotation to the birth certificate, must mention the nationality of the Portuguese parent or the nationality of the foreign parent, born in Portuguese territory, and the respective residence in this territory, at the time of the child's birth.
- 4 - The mentions referred to in the previous paragraph must also be included, as an element of identification of the interested party, in the record of establishment of parentage, to be drawn up after the respective birth certificate.

Article 6
(Statelessness)

- 1 - In the certificates of births in Portuguese territory of individuals who prove not to hold any other nationality, this circumstance shall be especially mentioned as an identification element of the interested party, by means of an endorsement authorised under the terms of the following paragraph.
- 2 - Once the proof of statelessness has been collected, the registrar or registry officer will forward it, with information on its merit and indicating the number, year and registry office of the respective birth certificate, to the Central Registry Office, which will authorise or deny the endorsement and may determine the complementary previous steps that it deems necessary.
- 3 - In the birth certificates of individuals born in Portuguese territory without established parentage, or with established parentage but where both parents are stateless, the circumstance referred to in paragraph 1 above shall not be mentioned since the Portuguese nationality of those registered derives from the birth certificate itself.

Article 7
(Parents at the service of the Portuguese State)

- 1 - In the certificates of births occurred abroad of children of Portuguese mother or Portuguese father who at the time were at the service of the Portuguese State, special mention is made of this circumstance as an element of identification of the interested party.
- 2 - The declarants must present a document proving the circumstance mentioned in the previous paragraph, issued by the department to which the parent was serving abroad.
- 3 - The presentation of the document referred to in the previous paragraph is waived whenever the officer has official knowledge that the parent was abroad at the service of the Portuguese State.

Subsection III
Original nationality by effect of will

Article 8
(Assignment of nationality by effect of will to those born abroad)

- 1 - The children of a Portuguese mother or Portuguese father born abroad who wish to be assigned Portuguese nationality must manifest their wish to be Portuguese by one of the following ways:
 - a) Declare that they want to be Portuguese;
 - b) Register the birth in the Portuguese civil registry by means of a declaration provided by the persons themselves or by their legal representatives, when they are minors or accompanied adults who need representation for the act.
- 2 - The declaration or application for registration shall be accompanied by proof of the Portuguese nationality of one of the parents.
- 3 - When the registrar or registry officer deems it necessary, the declaration or application for registration of an interested adult will be notified to the Portuguese parent, by registered letter sent to the address of the citizen card or identity card, so that he/she may, if so desired, issue an opinion within 30 days.
- 4 - The notification provided for in the previous paragraph shall not take place when the Portuguese parent is deceased, and this fact is recorded in the respective birth certificate in the Portuguese civil registry.
- 5 - For the purposes of paragraph 1(a), the declaration of a birth that occurred less than one year ago may be made electronically, under the terms to be defined by an ordinance of the Government member responsible for the area of justice.

Article 9
(Birth registration)

- 1 - Birth registration, under the conditions provided for in paragraph 1(b) of the previous article, shall be carried out at the Portuguese consular services or at the Central Registry Office.
- 2 - In cases where the interested party, older than 14 years of age, does not identify himself/herself with sufficient documentation and does not present a certificate of the foreign birth certificate, the intervention of two witnesses is required and, if possible, a document proving the accuracy of the declaration must be presented.
- 3 - The declarations necessary for birth registration may be made electronically or in person and verbally at the Portuguese consular services, at the Central Registry Office, at the extensions of this registry office or at the civil registry offices.

Article 10
(Assignment of nationality by effect of will to those born in Portuguese territory)

- 1 - 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 wish to be Portuguese, and provided that, at the moment of birth, one of the parents legally resides in Portuguese territory or has resided here, regardless of title, for at least one year, are granted Portuguese nationality.
- 2 - In the absence of the declaration provided for in the previous paragraph, nationality shall be assigned at the time of registration of the birth in the civil registry office, upon declaration that the parents are not in Portuguese territory at the service of the respective State and the exhibition of a document proving the residence in Portuguese territory of one of the parents under the terms of the following paragraphs.
- 3 - The legal residence in Portuguese territory is proved by the presentation of:
 - a) Residence title or authorisation foreseen in the regime of entry, stay, exit and removal of foreigners and in the regime of the right to asylum or under special regimes resulting from treaties or conventions to which Portugal is a party, namely within the scope of the European Union and the Community of Portuguese Speaking Countries;
 - b) Certificate proving the time of legal residence, issued by the Immigration and Borders Service; or
 - c) Documents proving the fulfilment of the conditions of the right of residence established in Articles 7 and 9 of Law No. 37/2006 of 9 August, or the right of permanent residence established in Articles 10 and 11 of the same law, in the case of parents who are nationals of Member States of the European Union.
- 4 - Residence in Portuguese territory, regardless of title, must be documented, namely through a certificate of residence issued by the parish council or documents proving the fulfilment of tax or social security obligations, or those of the Tax and Customs Authority, respectively.
- 5 - The birth certificate to be drawn up under the terms of paragraph 2 shall contain a special mention that the foreign parents are not at the service of their respective State.
- 6 - The Portuguese nationality of the registered person is proved by the birth certificate containing the mention referred to in the previous paragraph.
- 7 - The interested parties are exempt from presenting the documents proving residence in Portuguese territory when they can be obtained by the civil registry office, electronically, from the competent entities, under the terms to be established by protocol to be signed between the Instituto dos Registos e do Notariado, I.P. (Institute for Registration and Notary Affairs) (IRN, I. P.) and each of the entities.

Article 10-A

(Assignment of nationality by effect will to grandchildren of Portuguese nationals)

- 1 - Individuals with at least one ascendant of Portuguese nationality of second-degree origin in the direct line who has not lost this nationality, who wish to be assigned Portuguese nationality, must cumulatively satisfy the following requirements:
 - a) Declare that they want to be Portuguese;
 - b) Have an effective link to the national community;
 - c) (Repealed.)
- 2 - The effective connection to the national community is verified through sufficient knowledge of the Portuguese language, under the terms of article 25, and depends on not having been convicted, with a sentence that has become final and unappealable, of a prison sentence of three years or more for a crime punishable under Portuguese law, and on the non-existence of danger or threat to national security or defence, through involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 3 - The declaration is accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Birth certificates of the ascendant of the second degree in the direct line of Portuguese nationality and of the parent that descends from him/her;
 - c) Criminal record certificates issued by the competent Portuguese services, from the country of birth and nationality, as well as from the countries where they have had and still have residence;
 - d) Documentary evidence that he/she knows the Portuguese language sufficiently, in the terms of article 25;
 - e) (Repealed.)
- 4 - The Central Registry Office shall request the necessary information from the entities referred to in Article 27(5), and the provisions of paragraphs 6 to 8 of the same Article shall apply.
- 5 - (Repealed.)
- 6 - (Repealed.)
- 7 - (Repealed.)
- 8 - (Repealed.)
- 9 - (Repealed.)

Article 11

(Composition of the name)

- 1 - The legal rules in force concerning the composition of the name of individuals who are assigned Portuguese nationality shall apply, without prejudice to the provisions set forth in the following paragraph.
- 2 - Whenever they so wish, those who are assigned Portuguese nationality may maintain the original composition of their name.
- 3 - In case of assignment of nationality through a declaration or birth registration assigning nationality, the text of the birth certificate shall mention the new name when the interested party has indicated the composition that he/she intends to adopt, and record the original form, when demonstrated.
- 4 - (Repealed.)

Section II

Acquisition of nationality

Subsection I
Common provisions

Article 12
(Grounds for acquisition of nationality)

The acquisition of Portuguese nationality may be based on the declaration of will by the interested party, adoption or naturalisation, and is only effective from the date of registration.

Subsection II
Acquisition of nationality by effect of will

Article 13
(Acquisition by minor children or accompanied adults through a declaration of will)

- 1 - The children of parents who acquire Portuguese nationality, who are minors or accompanied adults who need representation for the act, if they also wish to acquire it, should declare, through their legal representatives, that they wish to be Portuguese.
- 2 - In the declaration the register of acquisition of nationality of the parent is identified.

Article 14
(Acquisition in case of marriage or civil partnership through a declaration of will)

- 1 - A foreigner married to a Portuguese national for more than three years, if during the course of the marriage he/she wishes to acquire the Portuguese nationality, must declare it.
- 2 - A foreigner who cohabits for more than three years with a Portuguese national in similar conditions to spouses, regardless of gender, if he/she wants to acquire Portuguese nationality must declare it, provided that he/she has previously obtained judicial recognition of the situation of the civil partnership.
- 3 - The declaration provided for in paragraph 1 shall be accompanied by a certificate of the marriage certificate and by a certificate of the birth certificate of the Portuguese spouse, without prejudice to the exemption of its presentation by the interested party under the terms of article 37.
- 4 - In the case provided for in paragraph 2, the declaration is accompanied with a certificate of the judicial decision, with a birth certificate of the Portuguese national, without prejudice of the exemption of its presentation by the interested party under the terms of article 37, and with a declaration of the interested party, made less than three months before, confirming the maintenance of the civil partnership.
- 5 - The declaration provided for in the final part of the preceding paragraph may:
 - a) Be delivered in person and verbally at the Central Registry Office, at the extensions of this registry office and also at the civil registry offices or at the Portuguese consular services, in which case it must be transcribed, whenever possible in electronic format; or
 - b) It must be signed by the Portuguese partner, and it must contain the number, date and issuing entity of the respective citizen card or identity card.

Article 15

(Acquisition through a declaration of will after loss of nationality during the minority or subjection to the regime of the accompanied adult)

- 1 - Those who have lost Portuguese nationality through a declaration made by their legal representatives during their childhood or when they were subjected to the regime of the accompanied adult and wish to acquire it, when they are no longer in need of representation, should declare it.
- 2 - In the declaration the registration of loss of nationality must be identified and proof of capacity must be provided.

Subsection III

Acquisition of nationality through adoption

Article 16

(Acquisition through adoption)

By mere effect of the law, those adopted by Portuguese nationals acquire Portuguese nationality.

Article 17

(Proof of the Portuguese nationality of the adopter)

- 1 - The petition for the adoption of a foreigner by a Portuguese national must be accompanied by evidence of the Portuguese nationality of the adopter, and mention of such nationality must be made in the decision or act whereby the adoptive parentage is established, as well as in the communication of such nationality for endorsement in the birth certificate.
- 2 - The mention referred to in the previous paragraph must also be included, as an element of identification of the interested party, in the adoption endorsement, to be made after the birth certificate.
- 3 - The provisions of the preceding paragraphs shall apply, with the necessary adaptations, to the conversion of restrictive adoption into adoption.

Subsection IV

Acquisition of nationality through naturalisation

Article 18

(Acquisition of nationality through naturalisation)

- 1 - Those who wish to acquire Portuguese nationality through naturalisation may present the respective application in person, addressed to the Government member responsible for the area of justice, at the Central Registry Office, at the extensions of this registry office, at the civil registry offices or at the Portuguese consular services.
- 2 - The application can also be sent electronically or by post to the Central Registry Office.
- 3 - The application for naturalisation shall be submitted by the interested party, by a proxy or by the legal representatives when the interested party is a minor or an adult accompanied by a person who does not need representation for the act.
- 4 - The application must be written in Portuguese and, in addition to the grounds for the application and other circumstances that the interested party considers relevant, it must contain the following elements:

- a) The full name, date of birth, sex, marital status, place of birth, nationality, parentage, profession and current residence of the person concerned, as well as an indication of the countries in which he/she has previously resided;
 - b) The full name and residence of the legal representatives, in case the interested party is a minor or an accompanied adult that needs representation for the act, or the proxy;
 - c) The mention of the number, date and entity that issued the title or residence permit, passport or equivalent identification document of the interested party, as well as of the legal representative or proxy, if any;
 - d) The signature of the interested party, the legal representatives or the proxy.
- 5 - Where the application is submitted electronically, under the terms of paragraph 2, the signature may be dispensed with under the terms of the ordinance of the Government member responsible for the area of justice referred to in Article 43-A.
- 6 - When the application is not submitted electronically, the signature of the interested party, the legal representatives or the proxy shall be recognised in person, except if done in the presence of an official of one of the services or service desks with competence to receive the application.

Article 19

(Naturalisation of foreigners residing in Portuguese territory)

- 1 - The Government member responsible for the area of justice grants Portuguese nationality, by naturalisation, to foreigners who meet the following requirements:
- a) Are of legal age or emancipated under Portuguese law;
 - b) Have legally resided in Portuguese territory for at least five years;
 - c) Have sufficient knowledge of the Portuguese language, in accordance with the provisions of Article 25;
 - d) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - e) Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
- a) Certificate of birth registration;
 - b) Document issued by the Immigration and Borders Service, proving that they have been residing legally in Portuguese territory for at least five years, under any of the titles, visas or authorisations foreseen in the regime of entry, stay, exit and removal of foreigners and in the regime of the right to asylum or under special regimes resulting from treaties or conventions to which Portugal is a party, namely within the framework of the European Union and the Community of Portuguese Speaking Countries;
 - c) Documentary evidence that he/she has sufficient knowledge of the Portuguese language, under the terms of article 25;
 - d) Criminal record certificates issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where he/she has resided after reaching the age of criminal responsibility.

Article 20

(Naturalisation of minors born in Portuguese territory)

- 1 - The Government member responsible for the area of justice grants Portuguese nationality, by naturalisation, to minors, under Portuguese law, born in Portuguese territory, children of foreigners, when at the time of the application they comply with one of the following conditions:

- a) One of the parents has resided in Portuguese territory, regardless of title, for at least five years immediately before the application;
 - b) One of the parents has legal residence in Portuguese territory;
 - c) The minor has attended, in Portuguese territory, at least one year of pre-school education or basic, secondary or vocational education.
- 2 - The minors referred to in the previous paragraph, who have already reached the age of criminal responsibility at the time of the application, must also satisfy the following requirements:
 - a) They must not have been sentenced to a prison sentence of three years or more for a crime punishable under Portuguese law;
 - b) They do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law;
 - c) (Repealed.)
 - d) (Repealed.)
- 3 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Criminal record certificates issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where the minor has resided and resides, whenever he/she has reached the age of criminal responsibility;
 - c) Documents proving that, during the five years immediately preceding the application, one of the parents has resided, independently of title, in Portuguese territory, namely residence certificate issued by the parish council or documents proving the fulfilment of tax or social security or tax obligations to the Tax and Customs Authority respectively, or document proving the legal residence of the parent, or document proving the attendance of at least one year of pre-school education or basic, secondary or vocational education by the minor.

Article 20-A

(Naturalisation of children and young people sheltered in State institutions or similar)

- 1 - The Government member responsible for the area of justice grants Portuguese nationality, by naturalisation, to children and young people under 18 years of age who are sheltered in a public, cooperative, social or private institution with a cooperation agreement with the State, following a definitive promotion and protection measure.
- 2 - Children and young people under 18 years of age referred to in the previous paragraph, who, at the time of the application, have already completed the age of criminal responsibility, must meet the following requirements:
 - a) They must not have been sentenced to a prison sentence of three years or more for a crime punishable under Portuguese law;
 - b) They do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 3 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Certificates of criminal record issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where the interested party has had residence after reaching the age of criminal responsibility;
 - c) Certificate of the judicial decision that applied the definitive measure of promotion and protection, res judicata.

- 4 - The application submitted by the Public Prosecutor's Office, indicating the court with which it performs its functions, shall contain the elements set out in Article 18(4)(a).
- 5 - Children and young people under 18 years of age sheltered in the institutions referred to in paragraph 1 above are considered to be resident in Portuguese territory for the purposes of naturalisation.

Article 21

(Naturalisation of individuals who have held Portuguese nationality)

- 1 - The Government member responsible for the area of justice grants Portuguese nationality, by naturalisation, to individuals who have had Portuguese nationality and having lost it, have never acquired another nationality, when they meet the following requirements:
 - a) Are of legal age or emancipated under Portuguese law;
 - b) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - c) Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Documents issued by the authorities of the countries with which they have relevant connections, namely the country of origin, the countries where they have had or are residing, and the country of nationality of their parents, proving that they have never acquired another nationality;
 - c) Criminal record certificates issued by the competent Portuguese services, from the country of nationality, except in the cases provided for under article 37(8), and from the countries where they have and are residing after reaching the age of criminal responsibility.
- 3 - The application must indicate the circumstances that led to the loss of the Portuguese nationality.

Article 22

(Naturalisation for foreigners who are descendants of Portuguese nationals)

- 1 - The Government grants Portuguese nationality, by naturalisation, to individuals born abroad with at least one ascendant of Portuguese nationality of the second degree in the direct line and who has not lost this nationality, when they meet the following requirements:
 - a) Are of legal age or emancipated under Portuguese law;
 - b) Have sufficient knowledge of the Portuguese language, in accordance with the provisions of article 25;
 - c) Have not been convicted of a crime punishable by a sentence of imprisonment of three years or more, in accordance with Portuguese law.
- 2 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Birth certificates of the ascendant of the second degree in the direct line of Portuguese nationality and of the parent that descends from him/her;
 - c) Documentary evidence that he/she has sufficient knowledge of the Portuguese language, under the terms of article 25;
 - d) Criminal record certificates issued by the competent Portuguese services, from the country of birth and nationality, as well as from the countries where they have had and still have residence.

Article 23

(Naturalisation of foreigners born in Portuguese territory)

- 1 - The Government member responsible for the area of justice grants Portuguese nationality, by naturalisation, to individuals born in Portuguese territory and residing here in the five years immediately prior to the application, children of a foreigner who resided here, regardless of title, at the time of birth, when they meet the following requirements:
 - a) Are of legal age or emancipated under Portuguese law;
 - b) Have sufficient knowledge of the Portuguese language, in accordance with the provisions of article 25;
 - c) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - d) Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Birth certificate stating the residence in Portuguese territory of one of the parents;
 - b) Documentary evidence that he/she has sufficient knowledge of the Portuguese language, under the terms of article 25;
 - c) Criminal record certificates issued by the competent Portuguese services, from the country of nationality, except in the cases provided for under article 37(8), as well as from the countries where they have had residence after reaching the age of criminal responsibility;
 - d) Documents proving residence in Portuguese territory in the five years immediately preceding the application, namely certificate of residence issued by the parish council or documents proving the fulfilment of social security or tax obligations, respectively, to the Social Security or Tax and Customs Authority, or school attendance.

Article 24

(Special cases in which naturalisation may be granted)

- 1 - The Government member responsible for the area of justice may grant Portuguese nationality, by naturalisation, to individuals who are not stateless and have held Portuguese nationality, to those who are considered to be descendants of original Portuguese nationals, to members of communities of Portuguese descent and to foreigners who have rendered or are called upon to render relevant services to the Portuguese State or to the national community, when they meet the following requirements:
 - a) Are of legal age or emancipated under Portuguese law;
 - b) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - c) Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Criminal record certificates issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where they have had and reside after reaching the age of criminal responsibility.
- 3 - In the case of individuals who are not stateless but once held Portuguese nationality, the circumstances that led to the loss of nationality must be indicated in the application.
- 4 - Proof of descending from Portuguese nationals or being a member of communities of Portuguese descent is made through certificates of the corresponding birth registries and, in their absence, can be made by other means that the Central Registry Office considers adequate.

- 5 - The circumstances related to the fact that the applicant has rendered or is called upon to render relevant services to the Portuguese State or to the national community shall be proved by a document issued by the competent department, according to the nature of those services.

Article 24-A

(Naturalisation for foreigners who are descendants of Portuguese Sephardic Jews)

- 1 - The Government member responsible for the area of justice can grant Portuguese nationality, by naturalisation, to descendants of Sephardic Jews, when they meet the following requirements:
- Are of legal age or emancipated under Portuguese law;
 - Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
 - Demonstrate a 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.
- 2 - (Repealed.)
- 3 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
- Certificate of birth registration;
 - Criminal record certificates issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where they have had and reside after reaching the age of criminal responsibility;
 - Certificate of a Jewish community with the status of a religious corporate body, settled in Portugal, in accordance with the law, attesting the tradition of belonging to a Sephardic community of Portuguese origin, based on proven objective requirements of connection to Portugal, namely in the applicant's surname, family language, genealogy and family memory;
 - Certificate or another supporting document:
 - Ownership, transferred mortis causa, of real rights over real estate located in Portugal, other personal rights of enjoyment or shareholdings in commercial or cooperative companies based in Portugal; or
 - Regular trips to Portugal throughout the applicant's life; when these facts demonstrate an effective and lasting connection to Portugal.
- 4 - The certificate referred to in subparagraph (c) of the previous paragraph, of a form to be approved by an order of the Government member responsible for the area of justice, shall contain:
- The applicant's full name, date of birth, place of birth, parentage, nationality and country of residence;
 - Express indication of direct descent or family relationship in the collateral line of a common parent from the Sephardic community of Portuguese origin, indicating the means of proof presented to that effect and identifying the elements considered relevant to attest the tradition of belonging to that community;
 - The applicant's family line comes from the common Sephardic parent of Portuguese origin.
- 5 - For the purposes of issuing the certificate referred to in paragraph 3(c) or, failing that, for demonstrating the direct descent or family relationship in the collateral line from the common Portuguese origin Sephardic parent, the applicant's family lineage from the common Portuguese origin Sephardic parent and the tradition of belonging to a Portuguese origin Sephardic community, the following documents shall be admitted as means of proof:
- Authenticated document issued by a traditional Jewish community to which the person concerned belongs, which certifies, in a substantiated way, the use of Portuguese expressions in Jewish rites or, as a language spoken by him/her within that community, the use of Ladin;

- b) Authenticated documentary records, such as registers of synagogues and Jewish cemeteries, as well as residence titles, property titles, wills, genealogical studies and other proof of the applicant's family connection, by way of direct descent or family relationship in the collateral line of a common parent from the Sephardic community of Portuguese origin.
- 6 - In the absence of the certificate referred to in paragraph 3(c) and where there are doubts as to the veracity of the content of the documents issued, the Government member responsible for the area of justice may request an opinion from one of the Jewish communities referred to in paragraph 3(c) on the means of proof presented under the provisions of the preceding paragraph.
- 7 - The Jewish community shall assume, for a period of 20 years, the quality of trustee of the documents intended for the issue of the certificate foreseen in paragraph 3(c), which shall be digitalised, together with the issued certificate, and sent by electronic means to the Central Registry Office when the application for acquisition of Portuguese nationality is presented.
- 8 - The documents referred to in the previous paragraph, which may be damaged by the digitalisation process, may not be digitalised, without prejudice to the provisions of the following paragraphs.
- 9 - The Central Registry Office may order the Jewish community to send the documents referred to in paragraph 6 for safekeeping and conservation.
- 10 - The registrar or registry officer may, where necessary, request the originals of the documents referred to in paragraphs 6 and 7 above to be shown.

Article 24-B

(Naturalisation of foreigners who are descendants of original Portuguese nationals)

- 1 - - The Government member responsible for the area of justice may grant Portuguese nationality, by naturalisation, to individuals who are ascendants of original Portuguese nationals and who have resided here, regardless of title, for at least five years immediately prior to the application, provided that the ascendancy was established at the time of the Portuguese national's birth, when they meet the following requirements:
 - a) Are of legal age or emancipated under Portuguese law;
 - b) Have sufficient knowledge of the Portuguese language, in accordance with the provisions of article 25;
 - c) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - d) Do not constitute a danger or threat to national security or defence by their involvement in activities related to the practice of terrorism;
- 2 - - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Birth certificate of the original Portuguese descendant where the parentage by the foreign parent is established at the moment of the birth;
 - c) Documentary evidence of sufficient knowledge of the Portuguese language, in accordance with the provisions of article 25;
 - d) Certificates of criminal record issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where the interested party has had residence after reaching the age of criminal responsibility;
 - e) Documents proving that, in the five years immediately preceding the application, the applicant habitually resided in Portuguese territory, namely certificate of residence issued by the parish council or documents proving the fulfilment of social security or tax obligations, respectively, to the Social Security or Tax and Customs Authority, or school attendance.

Article 24-C

(Naturalisation of foreigners who have not maintained Portuguese nationality and of their children born in Portuguese territory)

- 1 - The Government member responsible for the area of justice grants Portuguese nationality, by naturalisation, to individuals who did not maintain Portuguese nationality under article 2 of Decree-Law no. 308-A/75, of 24 June, provided that, after losing Portuguese nationality, they have not been at the service of the respective State and have remained and are still remaining, regardless of title, in Portugal, when they meet the following requirements:
 - a) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - b) Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Consular document certifying that the applicant was not at the service of the State of his/her nationality after the loss of the Portuguese nationality;
 - c) Documents proving the permanence in Portugal since before 25 April 1974;
 - d) Certificates of criminal record issued by the competent Portuguese services, from the country of birth and nationality, except in the cases provided for under article 37(8), as well as from the countries where the interested party has had residence after reaching the age of criminal responsibility.
- 3 - The Government member responsible for the area of justice also grants nationality to the children, born in Portuguese territory, of the individuals referred to in paragraph 1 above, who have not been granted original Portuguese nationality, and who meet the following requirements:
 - a) Have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - b) Do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 4 - The application shall be accompanied by the following documents, without prejudice to the exemption of its presentation by the interested party in accordance with article 37:
 - a) Certificate of birth registration;
 - b) Certificate of birth registration of the parent;
 - c) Criminal record certificates issued by the competent Portuguese services, from the country of nationality, except in the cases provided for under article 37(8), as well as from the countries where the interested party has had residence after reaching the age of criminal responsibility;
 - d) Consular document certifying that the parent was not at the service of the State of his/her nationality after the loss of the Portuguese nationality;
 - e) Documents proving the permanence of the parent in Portugal since before 25 April 1974.

Article 25

(Proof of residence and knowledge of the Portuguese language)

- 1 - The Immigration and Borders Service may issue the document proving legal residence in Portuguese territory based on the elements filed with it or on enquiries carried out for this purpose.
- 2 - Knowledge of the Portuguese language can be proven in one of the following ways:
 - a) Qualifications certificate or certificate issued by a public, private or cooperative teaching establishment recognised under the legal terms, provided that the holder has attended successfully the curricular unit/subject of Portuguese or of Portuguese as a non-native language, in at least two school years;

- b) Certificate of approval in a Portuguese language test carried out in public teaching establishments, when performed in national territory, or in places accredited by Camões - Instituto da Cooperação e da Língua, I.P., when performed abroad; the regulation of this test, as well as the respective control, should be included in a decree by the Government members responsible for the areas of foreign affairs, internal administration, justice, and education;
 - c) Certificate in Portuguese as a foreign language, issued through the completion of a test at an assessment centre for Portuguese as a foreign language, recognised by the Ministry of Science, Technology and Higher Education, through protocol;
 - d) Certificate attesting to the completion of level A2 or higher of the Common European Framework of Reference for Languages, issued by public educational establishments, employment and training centres and protocol centres of the Instituto do Emprego e da Formação Profissional, I.P. (Institute for Employment and Vocational Training) (IEFP, I. P.), under Ordinance No. 1262/2009, of 15 October, as amended;
 - e) Certificate of the Portuguese – Host language course attesting the A2 level or higher of the Common European Framework of Reference for Languages, issued by public teaching establishments, by establishments belonging to the network of centres directly managed by the IEFP, I. P., and by the Qualifica Centres, under Ordinance No. 183/2020, of 5 August;
 - f) Qualifications certificate attesting the conclusion of competence units/training units in Portuguese language that integrate the schooling training component of a qualification of the National Qualifications Catalogue, obtained through double certification training modalities of the National Qualifications System, according to article 9 of Decree-Law no. 396/2007, of 31 December, as amended, and that make up a minimum of 100 hours.
- 3 - For taking the Portuguese language test provided for in paragraph 2(b) above, a fee must be paid under the terms to be established by the decree-law referred to in the same subparagraph.
- 4 - Applicants taking the Portuguese language test provided for in paragraph 2(b) shall not be younger than the legal age required for completion of compulsory schooling on the date on which the test is held.
- 5 - In the case of minors who have not completed the 1st cycle of basic education in an educational establishment with Portuguese curriculum, the sufficient knowledge of the Portuguese language can be proved by means of a declaration issued by the Portuguese education or teaching establishment attended by the minor.
- 6 - In the case of persons with serious health problems or disabilities with a degree of incapacity duly proven by a multi-purpose medical certificate issued under the terms of the Portuguese legislation, or persons aged 60 or over who cannot read or write, the proof of knowledge of the Portuguese language shall be appropriate to their ability to demonstrate knowledge of this language.
- 7 - In the case of a person who has attended a public teaching establishment, or private or cooperative teaching establishment recognised under the legal terms in a Portuguese speaking country, the knowledge of the Portuguese language may be proved by a qualification certificate issued by that teaching establishment.
- 8 - If there is doubt about the sufficiency of the certificate presented to prove knowledge of the Portuguese language, the Central Registry Office may request the following entities to issue their opinion, otherwise, if it is not considered sufficient, the certificate cannot be valid as proof of knowledge:
- a) Directorate-General for Education, regarding the certificates or attestations issued in accordance with paragraph 2(a);
 - b) Directorate-General for Education or the Instituto de Avaliação Educativa, I. P. (Institute for Educational Assessment), in relation to the certificates issued in accordance with paragraph 2(b);
 - c) Directorate-General for Higher Education, in relation to the certificates issued in accordance with paragraph 2(c);
 - d) Agência Nacional para a Qualificação e o Ensino Profissional, I. P. (National Agency for Qualifications and Vocational Education) in respect of the certificates issued in accordance with paragraph 2(d) to (f);
 - e) IEFP, I. P., relative to the certificates issued under the terms of paragraph 2(d) and (e), in the cases in which the certificates are issued by establishments that integrate the IEFP, I. P.'s network

of directly managed or participated centres, and in the cases in which they are issued by other entities with which an homologation protocol has been established, when these are extinct.

- 9 - Knowledge of the Portuguese language is presumed to exist for applicants who are nationals of Portuguese-speaking countries.
- 10 - In the case of nationals of a member state of the European Union, the proof of legal residence can be made:
 - a) Through the transmission of information by the Immigration and Borders Service, under the terms of paragraph 1, in relation to the completion of the registration referred to in Article 14 of Law No. 37/2006, of 9 August; or
 - b) Upon presentation of documents proving compliance with the conditions of the right of residence established in Articles 7 and 9 of Law No. 37/2006, of 9 August, or the right of permanent residence established in Articles 10 and 11 of the same law.

Article 26

(Waiving of documents)

In special cases, the Government member responsible for the area of justice may waive, upon reasoned request by the interested party, the presentation of any document that must be attached to the naturalisation application.

Article 27

(Proceedings of the naturalisation procedure)

- 1 - Once the application is received in one of the services referred to in article 18(1), the process shall be sent to the Central Registry Office.
- 2 - Within 30 days counted from the date of reception, the Central Registry Office shall analyse the process summarily and shall proceed to refuse the application preliminarily in the following cases:
 - a) Where it does not contain the elements provided for in Article 18(4);
 - b) When it is not accompanied by the documents necessary to prove the facts that constitute the basis of the application, without prejudice to the provisions of article 37(4) to (8);
 - c) When the submission by electronic means under Article 18(2) does not take place under the terms defined in the ordinance referred to in Article 43-A
- 3 - If the registrar or registry officer concludes that the application should be rejected outright, the interested party shall be notified of the grounds for the rejection in order to give his/her opinion within 30 days.
- 4 - Upon receipt of the declaration from the interested party or after the expiration of the time limit provided for in the previous paragraph, the registrar or registry officer shall issue a substantiated decision.
- 5 - If there is no preliminary refusal, the Central Registry Office will request the necessary information from the Criminal Police and the Immigration and Borders Service, which may consult other entities, services, and security forces.
- 6 - The information referred to in the previous paragraph shall be provided by the Criminal Police and by the Immigration and Borders Service within 30 days, unless there are reasons that justify its extension for a period not exceeding 60 days, which shall be communicated to the Central Registry Office.
- 7 - Information on the existence of danger or threat to national security or defence, due to involvement in activities related to the practice of terrorism, under the terms of the respective law, shall be provided by the entities referred to in paragraph 5.
- 8 - The entities referred to in paragraph 5 shall update the information provided whenever changes occur that must be communicated to the Central Registry Office.
- 9 - In case the exemption from presenting any document has been requested, under the terms laid down in Article 26, the process shall be submitted to the Government member responsible for the area of justice for a decision.
- 10 - Once the diligences have been carried out, an opinion is issued, within 45 days, on the verification of the assumptions of the application, and the process is immediately submitted to the decision of the Government

member responsible for the area of justice, in case the opinion is favourable to the claim of the interested party.

- 11 - If the opinion is that the application should be rejected, the interested party shall be notified of its contents so that he/she may make known his/her views within 30 days, and the notification shall state how the file may be consulted.
- 12 - Once the time limit provided for in the previous paragraph has elapsed, and after any response from the interested party has been analysed, the process shall be submitted to the Government member responsible for the area of justice for a decision.
- 13 - The decision of the Government member responsible for the area of justice that grants naturalisation shall be registered at the Central Registry Office.
- 14 - If the application for naturalisation is rejected, the interested party shall be notified of the decision.
- 15 - Where notifications are made by registered letter, they shall be sent to the address chosen by the interested party and shall be deemed to have been made on the third working day following that of registration, or on the first working day thereafter, when that day is not a working day.
- 16 - The notifications referred to in the previous paragraph shall not cease to have effect by the fact that the letter is returned, provided that the remittance has been made to the domicile chosen by the interested party; in this case, or in the case where the letter has not been delivered due to the absence of the addressee, the envelope shall be attached to the procedure, and notification shall be presumed to have been made on the day referred to in the final part of the previous paragraph.

Article 28

(Delegation of powers)

The Government member responsible for the area of justice may delegate to the Chairperson of the Board of Directors of IRN, I. P., with the faculty of sub delegation, the competencies that are assigned to him/her regarding the acquisition of Portuguese nationality by naturalisation, under the terms of articles 19 to 23, 24-A and 24-C.

Section III

Loss of nationality

Article 29

(Loss of nationality)

Those who, being nationals of another State, declare that they do not wish to be Portuguese, shall lose their Portuguese nationality.

Article 30

(Declaration of loss of nationality)

- 1 - Whoever, being a national of another State, does not wish to be Portuguese may declare it.
- 2 - Portuguese nationality shall subsist in relation to those who acquire another nationality, unless they declare otherwise.
- 3 - The declaration is accompanied by a document proving the foreign nationality of the interested party.

Section IV

Nullity and consolidation of nationality

Article 30-A

(Nullity)

- 1 - The act that determines the assignment, acquisition or loss of Portuguese nationality based on false documents or documents evidencing untrue or non-existent facts, or false statements, is void.
- 2 - The provision in the previous paragraph is not applicable in cases where the declaration of nullity results in the statelessness of the person registered and evidence of that fact is provided by the interested party.
- 3 - The declaration of the nullity of the act determines the deprivation of the Portuguese nationality for the registered person.

Article 30-B

(Consolidation of nationality)

- 1 - The bona fide possession of Portuguese nationality that originated or was acquired for at least 10 years is cause for consolidation of nationality, even if the act or fact resulting in its assignment or acquisition is contested.
- 2 - The period referred to in the previous paragraph is 18 months for minors born in the Portuguese civil registry.
- 3 - Consolidation of nationality is declared by order of the registrar, following written application by the interested party, signed in accordance with article 35(3) and (4), accompanied by documentary evidence of the bona fide ownership, and submitted in the forms provided for in article 32(2).
- 4 - A person who is registered or identified as Portuguese by the administration is presumed to be bona fide due to an irregularity in the administrative activity itself.

Article 30-C

(Form of nullity and consolidation registrations)

Nullity of the act and consolidation of nationality shall be registered by annotation on the respective birth certificate.

TITLE II

Common procedural provisions

CHAPTER I

Procedures common to the assignment, acquisition and loss of nationality

Section I

Declarations for the purpose of nationality and service desks

Article 31

(Declarations for nationality purposes)

- 1 - Declarations for the purpose of assignment, acquisition and loss of Portuguese nationality are made by the individuals to whom they concern, by a proxy or by the legal representatives when they are minors or accompanied adults who need representation for the act.
- 2 - A power of attorney with special powers for the purpose of assignment, acquisition of nationality by effect of will, by adoption or by naturalisation, and loss of nationality, shall follow the form established in the Civil Registry Code, except if it is issued to a lawyer or a solicitor.
- 3 - When registering the birth of an individual born from the parents' marriage, either parent may be represented by the other, through a power of attorney drawn up in a private document, signed by the represented party and indicating the number, date and issuing entity of the respective citizen card, identity card, residence permit or title, passport or equivalent identification document.

Article 32

(Form of declarations)

- 1 - The declarations referred to in paragraph 1 of the previous article may be made in person and verbally at the Central Registry Office, at the extensions of this registry office and also at the civil registry offices or at the Portuguese consular services, being, in these cases, translated into minutes, whenever possible in electronic format.
- 2 - Except in the case of assignment of nationality through birth registration in the Portuguese Civil Registry, the declarations referred to in paragraph 1 of the previous article may also be presented electronically or on a form, of a model to be approved by order of the Chairperson of the Board of Directors of IRN, I. P., to be delivered in person at the Central Civil Registry Office, at the extensions of this registry office, at the civil registry offices or at the Portuguese consular services, or to be sent by mail to the Central Civil Registry Office.
- 3 - Declarations presented under the terms of the previous paragraphs are only considered to have been made on the date on which they are received at the Central Registry Office, and shall be preliminarily rejected, within 30 days, in the following cases:
- 4 - When they are not included in the model form approved for that purpose, or when the information or formalities provided for therein are omitted;
- 5 - When they are not accompanied by the documents necessary to prove the facts that constitute the basis of the applicant, without prejudice to the provisions of Article 37(4) to (8);
- 6 - When the documents provided for in Article 57(3) are not presented, if applicable.
- 7 - When the submission by electronic means referred to in the previous paragraph does not take place under the terms defined in the ordinance referred to in Article 43-A.
- 8 - If the registrar or registry officer concludes that the declaration must be preliminarily rejected, the interested party shall be notified of the grounds for the rejection in order for him/her to make a declaration within 30 days.
- 9 - In the case of a preliminary refusal, the declarations are not effective, and a reasoned decision will be issued by the registrar or registry officer.
- 10 - (Repealed.)

Article 33

(Contents of the records of declarations)

- 1 - The records of declarations of nationality other than for registration of birth shall contain:
 - a) The date and, when drawn up on paper, the place where they are drawn up;
 - b) The name of the registrar, registrar officer or consular agent and their capacity;

- c) The full name, date of birth, sex, marital status, place of birth, nationality, parentage and current residence of the interested party, as well as the indication of the profession in case of declarations for purposes of acquisition of nationality, and the indication of the countries where he/she has previously resided in case of declarations for purposes of acquisition and assignment referred to in article 10-A;
 - d) The number and year of the birth certificate of the interested party and the indication of the registry office where it was registered, when registered in the Portuguese Civil Registry;
 - e) The full name and residence of the legal representative, in case the interested party is a minor or an accompanied adult that needs representation for the act, or the proxy;
 - f) Mention of the way in which the identity of the declarant has been verified;
 - g) The facts stated, the purpose of the declaration and the application for its registration;
 - h) The signature of the declarant, if he/she is able and capable of signing, and that of the registrar, registry officer or consular agent.
- 2 - The act of declarations for birth registration shall contain the indications foreseen in the Civil Registry Code.

Article 34

(Verification of identity in the records of declarations)

- 1 - The identity of the declarant can be verified:
- a) By personal knowledge of the employee before whom the declarations are made;
 - b) By showing the citizen card, identity card, residence permit or authorisation, passport or equivalent identification document of the declarant;
 - c) Subsidiarily, by the endorsement of two suitable witnesses.
- 2 - If the identity is verified under the terms of subparagraph (b) of the previous paragraph, the record shall mention the number, date and issuer of the identification document.
- 3 - In the case of testimonial endorsement, the witnesses shall show one of the identification documents referred to in paragraph 1(b) and shall be identified in the report, which they shall sign after the declarant and before the official.
- 4 - In addition to persons authorised by the general law, the relatives or relations of the parties and of the official himself/herself may act as witnesses.

Article 35

(Contents of the declarations submitted electronically or on an approved form)

- 1 - Declarations for the purpose of assignment, acquisition and loss of Portuguese nationality submitted under the terms of article 32(2) must mandatorily contain:
- a) The elements set out in Article 33(1)(c), (e) and (g);
 - b) A declaration of the facts that may ground the opposition to the acquisition of Portuguese nationality;
 - c) The indication of the elements that allow identifying the birth register of the interested party, as well as the registers that prove the basis of the application, namely the place of birth or marriage, the respective date and, if known, the registry office where they are filed, as well as the respective number and year, whenever the presentation of certificates of those registers is waived;
 - d) The list of documents submitted;
 - e) The signature of the declarant, or of the lawyer or solicitor representing him.
- 2 - (Repealed.)
- 3 - Where the declaration is submitted electronically, in accordance with Article 32(2), the signature referred to in paragraph 1(e) shall be applied electronically.

- 4 - When the declarations are made on a form of an approved model, the signature of the declarant referred to in paragraph 1(e) shall be recognised in person, except if it is done in the presence of an official of the service or service desk with competence to receive the declaration.

Article 36

(Proof of statelessness)

- 1 - For the purposes of this Decree-Law, statelessness is proved by the means established in a convention and, in its absence, by documents issued by the authorities of the countries with which the interested party has relevant connections, namely the countries of origin and last nationality or the nationality of the parents.
- 2 - If, after the three-month time limit, information, requested ex officio, is not delivered on the acquisition of nationality of the countries with which the interested party has relevant connections, non-acquisition shall be presumed in relation to any of those countries.

Article 37

(Filing of declarations and applications)

- 1 - Declarations and applications for the purpose of obtaining nationality shall be accompanied by the documents necessary to prove the circumstances surrounding the assignment, acquisition or loss of Portuguese nationality and by all other documents necessary for the practice of the corresponding compulsory civil registration acts.
- 2 - When written in a foreign language, the documents submitted to support the declarations and applications shall be accompanied by a translation made or certified, under the terms of the law, except when they are written in English, French or Spanish and the registrar or registry officer does not order the submission of the respective translation.
- 3 - The certificates of civil registry acts, national or foreign, intended for the instruction of declarations and applications shall, if possible, be of integral copy and issued by photocopy of the certificate.
- 4 - The interested parties are exempt from presenting the certificates of registration that must support declarations for purposes of assignment, acquisition or loss of nationality, as well as the certificates of registration referred to in articles 4(3), 5(1) and 70(2) of the Nationality Code, provided that they contain information enabling the records to be identified, namely the place of birth or marriage, the respective date and, if known, the registry office where they are filed and the respective number and year, in which case such certificates shall be obtained ex-officio.
- 5 - The attachment of a certificate of registration or document existing in digital support shall be waived, when the civil registry bodies have access to them through a computer system.
- 6 - The presentation of certificates of records to support declarations or applications for the assignment, acquisition or loss of nationality is exempt if the corresponding registration acts are filed in the Central Registry Office.
- 7 - Interested parties are also exempt from presenting the following documents, which are obtained automatically from the competent entities, whenever possible, by electronic means:
 - a) Portuguese criminal record certificate;
 - b) Documents issued by the Immigration and Borders Service, intended to prove the legal residence in Portuguese territory.
- 8 - The presentation of the criminal record certificate from the country of birth and or the country of nationality is waived, whenever the interested party proves that, after reaching the age of criminal responsibility, he/she has resided in another country.
- 9 - Without prejudice to that which is established in international conventions and special laws, certificates of civil registry acts issued abroad shall be legalised under the terms foreseen in the Civil Procedure Code.

- 10 - In case of doubt about the authenticity of the content of documents issued abroad, the issuing authorities may be requested to confirm their authenticity, and the resulting costs shall be borne by the interested parties.

Article 38

(Transliteration)

- 1 - The names of individuals who are assigned Portuguese nationality or who acquire it, when written in non-Latin characters, are transliterated according to the Latin alphabet.
- 2 - In the absence of legal provision or convention on the matter, the transliteration referred to in the previous paragraph respects the rules generally observed in international relations, namely the recommendations of the International Organization for Standardization (ISO).

Article 39

(Composition of the name in case of acquisition)

- 1 - Whoever intends to acquire Portuguese nationality may request the adaptation to the Portuguese style of the elements that constitute his/her own name, the conformation of the full name with the Portuguese legal rules or, if he/she already has a birth certificate registered in the Portuguese Civil Registry with a name different from the one he/she uses, the adoption of that name.
- 2 - The adaptation to the Portuguese style, by translation or graphic and phonetic adaptation to the Portuguese language of proper names of foreign origin must obey the legal dispositions applicable to those born in Portuguese territory.
- 3 - If the adaptation to the Portuguese style is not possible through translation, or the adaptation is inadequate, the person concerned may opt for a Portuguese first name.
- 4 - If the person who intends to acquire Portuguese nationality uses several full names, he/she should choose one of them.
- 5 - Whenever the name is changed, the new composition shall be added to the birth certificate, if it has already been drawn up.
- 6 - In the case of a certificate to be prepared by transcription or by registration, the new name will be mentioned in the text and the original form will be registered.

Article 40

(Service desks)

- 1 - Service desks of the Central Registry Office may be created as extensions of the Central Registry Office by order of the Chairman of the Board of Directors of IRN, I. P., or by protocol when operating with other public entities.
- 2 - By protocol to be signed with the Directorate-General for Registry and Notary Affairs, public entities, associations or other private entities may be designated exclusively for the purpose of providing information regarding the processing and instruction of applications for assignment, acquisition and loss of nationality and forwarding of the respective declarations or applications to the Central Registry Office.

Section II

Conduct of procedures

Article 40-A
(Joining of processes)

- 1 - When declarations or applications that initiate processes for nationality purposes are presented on the same day by declarants or applicants connected to each other by marriage or civil partnership, by adoption or by kinship up to the third degree, in a direct or collateral line, the respective processes may be joined, at the request of any of the declarants or applicants, in order to enable the use of common acts, diligences and documents.
- 2 - The consolidation may be determined ex officio when the cases are pending before the same registrar and the relationship between the applicant or claimants may be known through the consultation of the documents that are part of the respective processes or through the information contained in the civil registry information system.
- 3 - The process shall be joined to the one initiated first, unless the processes are dependent on one another, in which case they shall be joined in the order of dependency.
- 4 - The analysis of the declarations or applications for nationality purposes is made in the order of dependency.
- 5 - Even if the conditions for joining of processes are not met, the applicant may indicate, for the purposes of consultation by the registrar, the number of the nationality process concerning his/her family member that he/she considers relevant for the decision of the process.
- 6 - The services or entities with competence for receiving declarations or applications shall inform the declarants and applicants of the possibility of requesting the joining of processes.
- 7 - Without prejudice to the provisions of the preceding paragraphs, the registrar, where he/she deems that there is a justified reason, may, ex officio or at the application of any claimant or petitioner, order the separation of any of the joined processes.

Article 41
(Procedure and decision on applications)

- 1 - The Central Registry Office, within 30 days counting from the date of reception of the declarations for purposes of assignment, acquisition or loss of nationality:
 - a) Summarily analyses the process and, in case the statement of claim contains deficiencies or is not duly completed with the necessary documents, notifies the interested party to correct the existing deficiencies within 30 days, and also promotes the diligences it considers necessary to issue the decision;
 - b) Briefly examines the declarations that have been submitted under the terms set forth in article 32(2) and, where there is no case of inadmissibility, proceeds in accordance with the provisions of the previous subparagraph.
- 2 - Once the instruction is concluded, the registrar will issue a decision, within 60 days, authorising the registration, if necessary.
- 3 - If, by examining the process, the registrar concludes that the registration will be refused, the interested party shall be notified of the grounds that lead to the refusal of the application to say what he/she wants within 30 days, and the notification shall state how the process can be consulted.
- 4 - Once the time period provided for in the previous paragraph has elapsed and after having analysed any response from the interested party, the registrar shall issue a grounded decision, authorising or refusing registration.
- 5 - (Repealed.)
- 6 - An uncertified copy of each nationality record shall be made available to the interested party free of charge, for information purposes only.
- 7 - Where notifications are made by registered letter, they shall be sent to the address chosen by the interested party, and shall be deemed to have been made on the third working day following that of registration, or on the first working day thereafter, when that day is not a working day.

- 8 - The notifications referred to in the previous paragraph shall not cease to have effect by the fact that the letter is returned, provided that the remittance has been made to the domicile chosen by the interested party; in this case, or in the case where the letter has not been delivered due to the absence of the addressee, the envelope shall be attached to the procedure, and notification shall be presumed to have been made on the day referred to in the final part of the previous paragraph.
- 9 - Without prejudice to the provisions of the previous paragraphs and to what is specifically provided for in the present regulation regarding electronic procedures, the provisions of the Civil Registry Code shall apply, with the necessary adaptations, to the processes of assignment of nationality, including the registration of birth in the Portuguese civil registry, as well as to the acquisition of nationality through effect of will and loss of nationality, except with regards to the counting of time limits and their extension, and to the hierarchical appeal against the decision of refusal of registration, in which cases the Administrative Procedure Code shall apply subsidiarily.

Article 42 (Unofficial formalities)

- 1 - Whenever the assignment, acquisition or loss of nationality has been requested, the registrar or registry officer shall determine the steps deemed necessary.
- 2 - In case the validity of the fact that serves as basis for the nationality to be registered is pending, the registration shall be suspended until a final judicial decision is issued.
- 3 - The procedure for assignment or acquisition of Portuguese nationality shall be suspended whenever there are reasonable doubts as to the authenticity of documents issued abroad or if any steps taken by the registrar or registry officer are pending, namely the one foreseen in article 57(7).
- 4 - The procedure for acquisition of Portuguese nationality by effect of will or by naturalisation shall be suspended for a period of five years from the date of the res judicata of the sentence convicting the interested party of a crime provided for under Portuguese law and of a penalty or penalties that, isolated or cumulatively, exceed one year of imprisonment; the acts performed while the suspension is maintained shall be null and void.
- 5 - With the suspensions provided for in paragraphs 3 and 4, the time limit for deducting the opposition to the acquisition of nationality shall also be suspended.
- 6 - The acquisition of nationality by foreigners who were fully adopted by Portuguese nationals before the entry into force of Law no. 37/81, of 3 October, and by those who lost such nationality under the previous law by virtue of marriage or voluntary acquisition of foreign nationality, shall be exempted from the provisions of paragraph 4.
- 7 - The procedure for acquisition of Portuguese nationality by effect of will or by naturalisation is governed by article 38 of the Administrative Procedure Code.
- 8 - The verification of the requirements for the acquisition of Portuguese nationality by effect of will or by naturalisation may be subject to diligent proceedings for its confirmation up to the moment of the final decision.

Article 43 (Communications)

The Central Registry Office communicates, whenever possible by electronic means:

- a) To the Immigration and Borders Service, the changes of nationality that it registers regarding individuals residing in Portuguese territory;
- b) To the consular representations or other foreign authorities to register changes of nationality of their respective nationals when there is an international agreement or convention that requires it;

- c) To the services competent in matters of civil identification and electoral process, the records of loss of nationality.

Article 43-A

(Electronic procedure and electronic consultation)

- 1 - The procedures for assignment, acquisition, loss, nullity and consolidation of nationality shall be carried out electronically, under the terms to be defined by an Executive Order of the Government member responsible for the area of justice, without prejudice to the provisions set out in paragraphs 2 to 4 above.
- 2 - The practice of acts by electronic means shall be optional for interested parties who are not represented by a lawyer or a solicitor, and the submission of original documents in paper format may be waived in the cases and under the terms specifically provided for in an ordinance issued by the Government member responsible for the area of justice.
- 3 - Documents submitted by lawyers and solicitors by electronic means, under the terms to be defined by the ordinance referred to in paragraph 1 above, shall have the same probatory force as the originals in paper format provided that they have been correctly digitalised and are fully apprehensible, exempting the submission of the originals in paper format, except in the case of documents intended for purposes of requesting the assignment of nationality issued by foreign entities.
- 4 - The provisions of the preceding paragraph do not prejudice the duty to exhibit the originals of paper documents sent by electronic means whenever determined by the registrar or registry officer, and they should be kept for a period of 10 years if their attachment to the respective process is not determined.
- 5 - The evidentiary value of documents submitted under the terms of paragraph 3 above may be invalidated or modified by comparison with the original.
- 6 - Notifications made by electronic means shall be deemed to have been made on the 5th working day after they are sent, or on the 1st working day following that when that day is not a working day, unless the addressee accesses them at an earlier time, in which case he/she shall be deemed to have been notified on that date.
- 7 - The communications with the Jewish communities referred to in Article 24-A shall be made electronically, under the terms to be defined by an Executive Order of the Government member responsible for the area of justice.
- 8 - The sending of documents by the services or entities with competence to receive applications and the communications with other entities shall be carried out whenever possible by electronic means, under the terms to be defined by an ordinance of the Government member responsible for the area of justice.
- 9 - Certificates may be requested electronically and made available in electronic form, under the terms to be defined by an ordinance of the Government member responsible for the area of justice, and shall be valid for all legal purposes and before any public authority or private entity, under the same terms as the corresponding paper version.
- 10 - The availability of the information contained in the certificate on a website, under the terms to be defined by an ordinance of the Government member responsible for the area of justice, shall be proof for all legal effects and before any public or private entity.
- 11 - The nationality processes may be consulted through electronic means, under the terms to be defined by the ordinance referred to in paragraph 1.
- 12 - The electronic processing of nationality procedures and the electronic consultation of the processes are carried out in the information system supporting the processing of procedures for assignment, acquisition, loss, nullity and consolidation of nationality, interoperable with the civil registry information system.
- 13 - For the purposes of this Regulation, the Central Registry Office may consult the civil identification database.
- 14 - The original paper documents are scanned and, when they cannot be returned to the interested parties, they are destroyed.
- 15 - The digitalised documents referred to in the previous paragraph shall be filed in an electronic format, under the terms to be defined by the ordinance referred to in paragraph 1, and shall have the same probatory force as the originals in paper format.

Article 43-B

(Processing of personal data)

- 1 - The information system supporting the processing of procedures for assignment, acquisition, loss, nullity and consolidation of nationality aims to enable the practice of the acts provided for in the present regulation by electronic means.
- 2 - The Chairman of the Board of Directors of IRN, I. P. is the entity responsible for the processing of personal data, under the terms and for the purposes defined in Law No. 58/2019, of 8 August, and in Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016.
- 3 - It is the responsibility of the Chairman of the Board of Directors of IRN, I. P. to ensure the rights of information, access, opposition or rectification of data by the respective holders, as well as to ensure the legality of consultation or communication of information.
- 4 - The information contained in the information system may be disclosed for scientific research or statistical purposes, provided that the persons to whom it relates cannot be identified.
- 5 - The entities authorised to directly access the data undertake to adopt all measures necessary for strict compliance with the security rules set out in Law No. 58/2019 of 8 August and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.
- 6 - The information system must be equipped with the necessary security guarantees to prevent consultation, modification, deletion, addition or communication of data by anyone who is not legally authorised to do so.

Section III

Charges for acts and nationality certificates

Article 44

(Fees)

- 1 - For acts related to the assignment, acquisition and loss of nationality, the fees provided for in the Fees Regulations of the Registry and Notary Services shall be charged.
- 2 - To the fees provided for in the previous paragraph shall be added the expenses provided for in Article 37(10).
- 3 - The naturalisation procedure for the interested parties covered by Article 6(2), (3), (5) and (9) of Law No. 37/81, of 3 October, is free of charge.

Article 45

(Nationality certificates)

- 1 - Nationality certificates are issued by the Central Registry Office upon request of the interested parties.
- 2 - If there is a nationality record, the certificate is issued based on the correspondent record.
- 3 - If there is no nationality record, the certificate shall be issued on the basis of the birth certificate of the person concerned.
- 4 - In the case foreseen in the previous paragraph, the application shall be accompanied by a birth certificate, and the provisions of article 37(4) to (6) shall apply.
- 5 - In the certificates, express reference is made to the nature of the record against which they are issued.
- 6 - Whenever birth or nationality registration is affected by an irregularity or deficiency, not yet remedied, which may affect proof of nationality, the certificate shall mention that circumstance.

CHAPTER II

Central register of nationality

Article 46

(Acts subject to mandatory registration)

The registration of declarations for assignment, acquisition and loss of nationality at the Central Registry Office is mandatory.

Article 47

(Registration of nationality)

Registrations of nationality shall be made in electronic format, and the provisions of the Civil Registry Code shall apply, with the necessary adaptations.

Article 48

(Form of record keeping)

- 1 - Registrations of assignment, acquisition and loss of nationality are carried out by means of an endorsement to the birth certificate simultaneously drawn up in the Central Registry Office or, if applicable, already filed in the civil registry database.
- 2 - (Repealed.)
- 3 - The provisions of paragraph 1 above shall not apply to the assignment of nationality through registration of birth in the Portuguese civil registry.

Article 48-A

(Direct declaration of birth in nationality applications)

After the decision that authorises the registration of nationality or grants Portuguese nationality, the declaration of birth assigning nationality or the declaration of birth in an application for acquisition of Portuguese nationality, whenever the registration is necessary, may be provided electronically under the terms to be defined by administrative ruling of the Government member responsible for the area of justice.

Article 49

(Nationality certificates)

REPEALED

Article 50

(Transcription and registry of birth registration)

- 1 Except in those cases where the birth of the interested party is already registered in the Portuguese civil registry, the certificate of the foreign birth registry is transcribed in order to subsequently register the nationality.
- 2 If the person acquiring nationality is unable to obtain the certificate referred to in the preceding paragraph, he/she may request registration of his/her birth by declaration.

- 3 In addition to birth registration, all civil status documents drawn up abroad pertaining to individuals who have been granted Portuguese nationality or have acquired it must be transcribed in the Portuguese Civil Registry.
- 4 An uncertified copy of the birth certificate shall be made available to the interested party free of charge, for information purposes only.

Article 51

(Certificates requirements)

REPEALED

Article 52

(Requirements for registration of nationality)

The nationality records contain:

- a) The fact recorded, its legal basis and its effects;
- b) The full name before or after the change of nationality, when different;
- c) The category and name of the registrar or registry officer drawing them up.

Article 53

(Particulars in records in the case of naturalisation)

In the records of acquisition of nationality by naturalisation, the decision granting nationality and the respective date shall be mentioned.

Article 54

(Annotations to the birth certificate)

REPEALED

Article 55

(Rectification, declaration of non-existence or nullity and cancellation of registrations)

- 1 - The provisions of the Civil Registry Code are subsidiarily applicable to nationality registrations, even if by birth registration in the Portuguese Civil Registry, to their rectification, declaration of inexistence or nullity, as well as to their cancellation.
- 2 - When the rectification, declaration of non-existence or nullity and cancellation of registrations raise doubts as to the identity of the holder, the administrative and tax courts shall be competent, whenever the nationality of the interested party is in question.
- 3 - The decision of the registrar, rendered in justification proceedings, is object of challenge before the administrative and tax courts, under the terms of the Administrative Court Procedure Code, whenever the nationality of the interested party is at stake.

TITLE III

Opposition to acquisition of nationality by effect of will and nationality litigation

CHAPTER I

Opposition to acquisition of nationality

Article 56

(Basis, legitimacy and time limit)

- 1 - The Public Prosecutor's Office shall initiate judicial proceedings in the administrative and tax courts for the purpose of opposing the acquisition of nationality by effect of will, within one year from the date of registration of the acquisition of nationality.
- 2 - The following constitute grounds for opposition to the acquisition of Portuguese nationality by effect of will:
 - a) The lack of effective connection to the national community;
 - b) A sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - c) The exercise of public functions without a predominantly technical nature or the rendering of non-compulsory military service to a foreign State.
 - d) The existence of danger or threat to national security or defence, due to their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 3 - The opposition to the acquisition of nationality based on subparagraph (a) of the previous paragraph does not apply to situations of acquisition of nationality in case of marriage or civil partnership which has lasted for at least six years, or when, irrespective of the duration of the marriage, the children of the couple have Portuguese nationality.
- 4 - The Central Registry Office presumes an effective connection to the national community when, at the time of the application, the interested party, who is a minor or an adult accompanied by a person who needs representation for the act, has legally resided in Portuguese territory for the 5 years immediately prior to the application and, if he/she is a minor at school age, proves that he/she has attended school in an educational establishment in Portuguese territory.
- 5 - The Central Registry Office presumes that there is an effective connection to the national community when, at the time of the request, the interested party, who is not a minor or accompanied adult requiring representation for the act, fulfils, namely, one of the following requisites:
 - a) Be a national of a Portuguese speaking country, married or living in a civil partnership for at least five years with a Portuguese national;
 - b) Have sufficient knowledge of the Portuguese language, provided they have been married or living in civil partnership with a Portuguese national for at least five years;
 - c) Reside legally in Portuguese territory in the three years immediately preceding the application and prove school attendance in an educational establishment in Portuguese territory or demonstrate knowledge of the Portuguese language;
 - d) Reside legally in Portuguese territory in the five years immediately preceding the application.
- 6 - Legal residence in Portuguese territory and knowledge of the Portuguese language are proven under the terms of article 25.

Article 57

(Declarations and documents relating to the facts on which the opposition is based)

- 1 - Those who apply for acquisition of Portuguese nationality by effect of will must declare the existence of an effective connection to the national community, except in the situations provided in paragraph 3 of the previous Article and in paragraph 2(b), (c) and (d) of the same Article.

- 2 - The acquisition of nationality by foreigners who have been fully adopted by a Portuguese national before the entry into force of Law No. 37/81, of 3 October, and by those who have lost such nationality, under the previous law, through marriage or through voluntary acquisition of foreign nationality, is exempt from the provisions of the preceding paragraph.
- 3 - For the purposes of paragraph 1, the interested party must:
 - a) Present criminal record certificates, issued by the competent services of the country of birth and nationality, without prejudice of the exemption of its presentation according to article 37(8), as well as of the countries where they had and have residence;
 - b) Present documents proving the nature of the public functions or military service rendered to a foreign State, if applicable.
- 4 - The declaration is also accompanied by a certificate of the Portuguese criminal record, without prejudice to the exemption of its presentation by the interested party, under the terms of article 37(7).
- 5 - The registrar may, upon request of the interested party, based on the practical impossibility of presenting the documents referred to in paragraph 3(a), waive their attachment, provided that there is no evidence of the verification of the ground for opposition to the acquisition of nationality that those documents were intended to prove.
- 6 - The Central Registry Office shall request the necessary information from the entities referred to in Article 27(5), and the provisions of paragraphs 6 to 8 of the same Article shall apply.
- 7 - Whenever the registrar considers that there may be facts susceptible of substantiating the opposition to the acquisition of nationality by effect of will, the applicant shall be notified to say what is offered within 30 days, with the indication that the lack of response determines the participation set forth in the following paragraph.
- 8 - Whenever the Central Registry Office or any other entity has knowledge of facts that may be grounds for the opposition to the acquisition of nationality by effect of will, it shall report them to the Public Prosecutor's Office, before the competent administrative and tax court, forwarding all the elements at its disposal.
- 9 - The Public Prosecutor's Office shall lodge an opposition in the administrative courts when it receives the participation provided for in the previous subsection.

Article 58
(Proceedings)

Once the Public Prosecutor's Office has presented the application, the defendant shall be summoned to answer, and no further pleadings or written allegations shall be entered.

Article 59
(Decision)

- 1 - When the pleadings have been concluded, the case shall be submitted to trial without further adjournment, unless the Judge or Rapporteur orders any further steps to be taken.
- 2 - Concluding that the opposition is well founded, the cancellation of the registration of nationality, if it has been drawn up, shall be ordered.

Article 60
(Procedural means)

For all matters not regulated in the preceding Articles, the opposition shall follow the terms of the administrative proceeding established in the Administrative Courts Procedure Code.

CHAPTER II

Nationality litigation

Article 61

(Legitimacy and time limit)

- 1 - Whoever claims to have a direct and personal interest and the Public Prosecutor's Office have legitimacy to judicially react against the acts and omissions practiced within the scope of the procedures for assignment, acquisition or loss of nationality, within a period of one year, except in what concerns the judicial challenge of the preliminary refusal.
- 2 - The preliminary refusal may be challenged in the administrative and tax courts, under the terms of the Administrative Court Procedure Code.

Article 62

(Procedural means)

Without prejudice to the provisions of the previous article, the judicial challenge of any acts related to the assignment, acquisition or loss of Portuguese nationality shall follow the terms of the administrative action, regulated by the Administrative Court Procedure Code.

Article 63

(Powers of the court)

Where the court decides otherwise as regards nationality resulting from birth registration or nationality, it shall order the cancellation or rectification of the registration, as the case may be.

Title IV

(Transitional provisions)

Article 64

(Births that occurred under the previous law)

The presumption that individuals born in Portuguese territory or under Portuguese administration before the entry into force of Law No. 37/81, of 3 October, in accordance with previous legislation, are Portuguese shall be maintained, provided that the respective birth registration does not contain any circumstance that, under the terms of the applicable law, contradicts this presumption.

Article 65

(Acquisition in case of loss through marriage)

- 1 - A woman who has lost Portuguese nationality through marriage, under the terms of Law No. 2098, of 29 July 1959, and preceding legislation, shall acquire it by declaration, when definitive registration of the loss has been drawn up.
- 2 - (Repealed.)

Article 66

(Acquisition in case of adoption under the previous law)

- 1 - A foreigner who was fully adopted by a Portuguese national before the entry into force of Law No. 37/81 of 3 October and who wishes to be Portuguese must declare this.
- 2 - The declaration must be accompanied by a birth certificate of the adopted person, a legal document confirming the adoption and proof of the Portuguese nationality of the adopter.

Article 67

(Acquisition of nationality in case of registration of loss through voluntary acquisition of foreign nationality)

Whoever, under the terms of Law No. 2098 of 29 July 1959 and preceding legislation, has lost Portuguese nationality through the voluntary acquisition of a foreign nationality, shall acquire it by declaration, when definitive registration of the loss has been drawn up.

Article 68

(Acquisition of nationality in case of naturalisation directly or indirectly imposed)

- 1 - A Portuguese national who, under the previous law, acquired another nationality through naturalisation directly or indirectly imposed on him/her and wishes to maintain Portuguese nationality, should apply to the South Administrative Central Court, in an application containing all the information available to him/her, which should be submitted to the Central Registry Office.
- 2 - Once the application has been received, together with the documents relating to it, the registrar shall request information from the Ministry of Foreign Affairs.
- 3 - Once the information referred to in the previous paragraph has been obtained and the necessary steps have been taken, the registrar shall forward the process, with his/her opinion, to the South Administrative Central Court.
- 4 - In the judicial phase, the provisions of Articles 59 and 60 shall apply to the proceedings, with the necessary adaptations.

Article 69

(Change of nationality as a result of previous law)

- 1 - In case of an application for registration of change of nationality due to marriage or acquisition of foreign nationality in accordance with the previous law, applicants must complete the application with the documents necessary for registration.
- 2 - When the registration is of loss of nationality and unofficial, the record is provisionally drawn up and the Central Registry Office must request the necessary documents.
- 3 - Once the provisional registration has been drawn up, the interested party shall be notified to lodge an opposition within a period of 30 days.
- 4 - If notification is not possible, the time limit for the opposition shall be counted from the date of the last step taken.
- 5 - Upon expiry of the time limit and if no opposition has been lodged, the registration shall be converted into definitive registration.
- 6 - If an opposition has been filed or if the conversion of the registration has been carried out without prior notification and the cancellation of the registration is requested, based on the inexistence of its legal basis, a certificate of the entire process, together with the opinion of the registrar, will be sent to the administrative and tax courts.

- 7 - In the judicial phase, the provisions of Articles 59 and 60 shall apply, with the necessary adaptations, to the proceedings.

Article 70

(Deletion or update of the mention of foreign nationality of parents in birth registration)

- 1 - Individuals born in Portuguese territory after the date of entry into force of Law No. 37/81 of 3 October, with a birth certificate drawn up on the date of entry into force of Organic Law No. 2/2006 of 17 April, children of foreigners may request, in the civil registry office, the removal of the reference to the foreign nationality of the parents or the lack of knowledge of it, if one of the parents was born in Portuguese territory and had residence here, independently of title, at the time of the birth, in order to obtain the Portuguese nationality of the person concerned, under the terms of the last part of article 3(a).
- 2 - For the effects of the previous paragraph, the place of birth of the parent born in Portuguese territory is proven by a birth certificate, and a document proving his/her residence on the date of the child's birth must be presented.
- 3 - - The document mentioned in the final part of the previous paragraph may be waived, provided that facts are invoked that justify the impossibility of its presentation.
- 4 - (Repealed.)
- 5 - (Repealed.)
- 6 - Individuals born in Portuguese territory after the date of entry into force of Law No. 37/81 of 3 October, with a birth certificate drawn up on the date of entry into force of Organic Law No. 2/2020 of 10 November, children of foreigners who were not at the service of their respective State, may request, in a civil registry office, the annotation of that circumstance, if one of the parents had legal residence in Portuguese territory, or resided here, independently of the title, for at least one year, at the time of the birth, by presenting a document attesting the fact, under the terms of article 10(3) and (4), in order to be granted Portuguese nationality under the terms of that article.

--/--

Supplementary Information

The consolidated legislation hereby presented contains amendments from the following legal acts:

- a) Decree-Law no. 43/2013, of 1 April;
- b) Decree-Law no. 30-A/2015, of 27 February;
- c) Decree-Law no. 71/2017, of 21 June;
- d) Decree Law no. 26/2022, of 18 March.

Decree-Law no. 237-A/2006 of 14 December (in Portuguese):

[Original Version](#)

[Consolidated Version](#)