

Amendments to the Nationality Law approved on April 1, 2026



On April 1, 2026, the Assembly of the Republic approved **Decree No. 48/XVII**, which substantially amends the Nationality Law (Law No. 37/81, of October 3).

This newsletter summarizes the main points for holders or applicants for residence authorization in Portugal who intend to pursue Portuguese nationality through naturalization, and identifies possible courses of action, always subject to case-by-case analysis.

1. Minimum Residence Period for Naturalization

The approved decree **extends the current 5-year period** of residence required for naturalization:

CPLP Nationals and EU Citizens

7 years of legal residence are now required.

Nationals of Other Countries

10 years of legal residence will now be required.

📌 The previous period was **5 years** for all cases. This change represents a significant increase for most applicants.

2. Portuguese Language Exams and General Knowledge

Strengthening the requirements, linking naturalization to a broader set of knowledge.

i. Language, Culture, History and National Symbols

The applicant must demonstrate, through a test or certificate, that they know Portuguese sufficiently, as well as Portuguese culture, Portuguese history, and the national symbols.

ii. Fundamental Rights and Duties and Political Organization

The requirement for sufficient knowledge of the fundamental rights and duties inherent to Portuguese nationality and of the political organization of the State now appears as a standalone requirement.

iii. Adherence to the Principles of the Democratic Rule of Law

The obligation to solemnly declare adherence to those principles remains, gaining greater relevance in a context of increased security scrutiny.

- ❏ The specific details (type of exam, content, accepted certifications, exemptions in certain cases) will depend on the amendment to the **Nationality Regulations**, which the Government will have **90 days** to adapt after the publication of the new nationality law.

3. Method for Counting the Period of Residence

Crucial change – **redefinition of how legal residence periods are counted** for the purposes of the Nationality Law.

Revoked Rule

Revocation of the current rule that allowed the time from the residence permit application to be counted, if it was ultimately approved – this means that the residence period begins when the **1st residence card is issued**.

New Rule – Aggregation of Legal Periods

The new wording establishes that all periods of legal residence in Portugal count, whether consecutive or intermittent, provided they occur within a maximum interval of:

- **6 years** for stateless persons
- **9 years** for nationals of CPLP countries and EU citizens
- **12 years** for nationals of other countries

📄 In practice, what becomes decisive is the **date on which the foreign national obtains a valid legal residence permit**, and not the date on which the application was submitted or other prior situations.

4. Application of the New Nationality Law Over Time

1

Entry into Force

The law will take effect from the **day after its publication in the Official Gazette.**

2

Pending Procedures

Pending nationality administrative procedures on the date of entry into force **will continue to be governed by the previous version** of Law No. 37/81.

This solution expressly responds to the issue highlighted by the Constitutional Court in **Ruling No. 1133/2025**, where it criticized the potentially retroactive change to the rules for submitting applications and the linking of requirements to the date of the decision rather than the date the application was submitted.

Thus, the moment when the application is submitted gains **greater significance** in the strategy to be defined with each Client.

5. Next Steps in the Legislative Process

Despite approval on 1 April, the law is **not yet in force** and may still undergo changes during the legislative and political process. In simplified terms, the next steps will be:

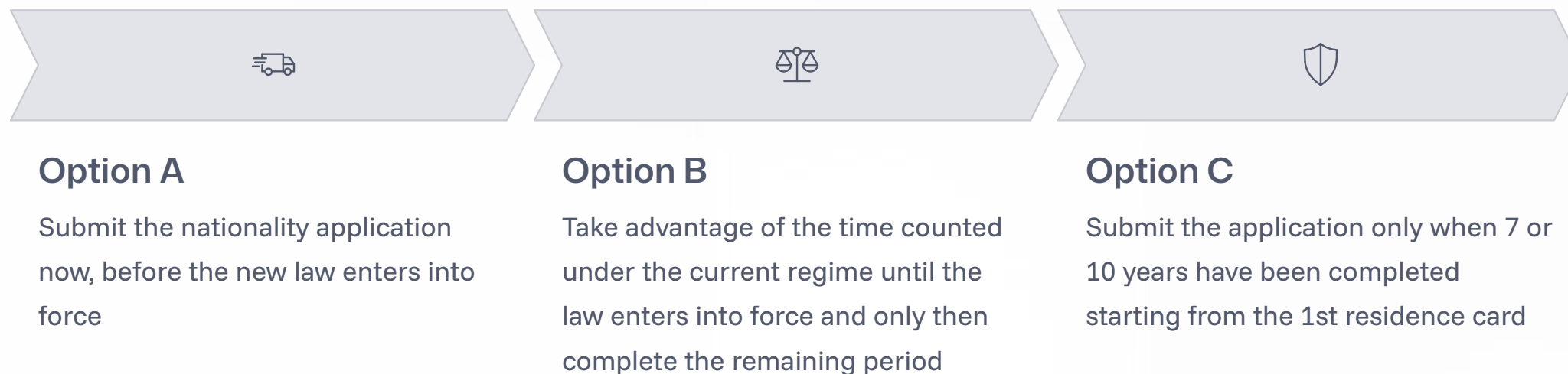
01	02	03
<h2>Submission to the President of the Republic</h2> <p>After approval by the Assembly of the Republic, the decree is sent to the President (which should occur by 13 April).</p>	<h2>Options of the President of the Republic</h2> <p>i. Promulgation and subsequent publication in the Official Gazette (20 days after receiving the decree); ii. Request for preventive review by the Constitutional Court (deadline of 8 days after receiving the decree); iii. Political veto, with return to the Assembly of the Republic for possible confirmation, amendment, or archiving – in order to be confirmed again, the Decree must be approved by a 2/3 majority of the Assembly, which may happen if the Liberal Initiative Party joins the Government and the Chega Party. If approved by that majority, the President of the Republic is obliged to promulgate it.</p>	<h2>Constitutional Review</h2> <p>The Constitutional Court has already ruled on a previous revision of the Nationality Law (Ruling No. 1133/2025), identifying issues regarding deadlines, retroactivity, and <i>vacatio legis</i>, which increases the likelihood of a new preventive or subsequent review – as far as is generally known, the Socialist Party has already communicated that it will not request preventive constitutional review of the Decree.</p>

☐ Until publication and entry into force, the law currently in force remains applicable, but with a **high degree of uncertainty** regarding the timing of the changes.

6. Possible Courses of Action – Overview

If you have already completed **5 years of legal residence** in Portugal, and if you wish to do so, you can and should move forward immediately with the submission of the Portuguese nationality application (provided that all other requirements are met).

Given the still fluid framework, there are, in abstract, **three major strategies** that can be discussed for each Client. None is free of risk, and the option should always result from an individualized assessment of the Client's profile, their residence history, and their risk tolerance.



- Using as a starting point a foreign citizen with a residence permit in Portugal who has **not yet completed 5 years of legal residence**, the 3 scenarios that have been put forward are the following.

Option A – Submit the Nationality Application Now

This consists of submitting the nationality application as early as possible, based on the law still in force, benefiting from the delay of the **IRN – Institute of Registries and Notaries**, responsible for the nationality process, in concluding nationality cases.

This thesis, which is being defended by many law firms in Portugal, is based on the Constitutional Court's understanding that the requirements for granting Portuguese nationality must be assessed up to the moment of the decision, and therefore, at the time of the decision (which currently takes between **24 and 36 months**, a period that is expected to increase due to the numerous applications filed every day) the Applicant will already have completed the 5 years of legal residence required.

Potential Advantages

- Freezes, in principle, the application of the requirements in the current wording, benefiting from the rule that pending cases are governed by the old law.
- In line with the Constitutional Court's criticism, which pointed out the unfairness of tying the requirements to the date of the decision when the Administration takes, on average, several years to assess applications.

Risks

- Possibility of a new legislative revision or a Constitutional Court decision that retroactively changes the solution, even if the approved decree tries to mitigate this.
- Situations in which, after review, it is concluded that the Applicant still does not clearly meet the current requirements, creating room for refusals and litigation.

- ☐ This course of action requires a **rigorous analysis of the available evidence** (residence, criminal records, etc.) to minimize the risk of refusal.

Options B and C – Waiting Strategies

Option B – Take Advantage of the Current Count and Complete the Remaining Period

The strategy is to maximize the time counted under the current rules until the new law enters into force, and then complete the remaining residence period and submit the application based on a combination of "old time" and "new time".

Potential advantages:

- Allows you to continue accumulating residence time under the rules currently in force while the new law has not yet entered into force.
- Room to monitor possible constitutional or political developments (veto, preventive review, parliamentary changes).

Risks:

- If the decree is promulgated quickly and enters into force immediately after publication, part of the expectation built around the current counting method may be lost.
- The Client may end up subject to the new 7- or 10-year deadlines, despite having begun the migration project under the 5-year regime.

This option is generally more prudent for those who are still far from reaching either of the deadlines (5, 7, or 10 years), but it still involves significant uncertainty.

Option C – Submit the Application Only After 7 or 10 Years from the 1st Card

A more conservative approach that consists of accepting the new 7- or 10-year deadlines, counting them from the first legal residence permit (first residence card), and only then submitting the application.

Potential advantages:

- Reduces the risk of subsequent changes to the residence-counting rules, by aligning directly with the new legislative framework.
- May be the most stable option for profiles with less urgency and a greater aversion to litigation or legal uncertainty scenarios.

Risks:

- Relevant rights that could, in theory, be exercised earlier are postponed for several years.
- There is always the possibility of future legislative changes.

Even in this "conservative" option, it is important to monitor the regulations and any decisions of the Constitutional Court, which may open specific windows of opportunity or impose new requirements.

7. TFRA Suggests

Given the complexity of the changes and the recent experience of the Constitutional Court's intervention in nationality matters, the **strategy should be defined on a case-by-case basis**.

In practical terms, we suggest:



Immediate Review of the Residence History

In light of the current rules and those set out in Decree No. 48/XVII.



Risk-Benefit Assessment

Of each of the three courses of action (A, B or C) depending on each Client's personal and professional situation.



Close Monitoring of the Legislative Process

Promulgation, veto, preventive review, and any new decisions by the Constitutional Court.

We emphasize that **none of the above options is risk-free**; therefore, we recommend that, before making any decision, you schedule a meeting with **TFRA** to analyze in detail which path is most appropriate for your specific case.