

NEWSLETTER

MARCH, 2024

CHANGES TO NATIONALITY LAW

Organic Law no. 1/2024, which introduced the tenth amendment to the Nationality Law (Law no. 37/81, of 3 October). Entry into force on 1 April 2024.

Impossibility in the case of violent criminal activities

This amendment excludes the possibility of having effective ties to the national community when the person concerned is involved in activities involving violent, especially violent or highly organised crime, thus going beyond the practice of terrorism as previously stipulated.

Sephardic Jews

With regard to the granting of nationality to descendants of Portuguese Sephardic Jews, the law has become more restrictive, now requiring that the Applicant has legally resided in Portuguese territory for a period of at least three years and that the tradition of belonging to a Sephardic community of Portuguese Sephardic origin is certified through final homologation by an evaluation commission appointed by the member of the government responsible for the area of justice. A transitional / exceptional regime has been established for applications submitted between 1 September 2022 and 1 April 2024.



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Extension to restrictive measures approved by the UN or EU

With the new law, the suspension of the procedure for acquiring nationality will no longer be limited to the Portuguese legal system, but will also be suspended when the person concerned is the recipient of restrictive measures approved by the United Nations or the European Union.

Affiliation after majority

With regard to filiation established at the age of majority, the wording introduced by Organic Law no. 1/2024 defines that original nationality can only be granted in cases where filiation is established following a judicial

process or by recognition in a judicial action after the judgement has become final and must be applied for within three years of the judgement becoming final. For cases in which parentage was established before the new law came into force, the time limit will only start to run from 1 April 2024.

Counting the time limit

One of the most eagerly awaited changes, which attempted to provide a response (albeit a precarious one) to the long waiting times for processing residence permits by AIMA and nationality processes, relates to the change in the counting of legal residence periods. With the changes introduced, the legal residence period now begins with the application for a temporary residence permit, provided it is granted, and no longer with the issue of the residence permit.

Biometric data

For the first time, the possibility of collecting biometric data during the nationality process has also been introduced, and if this data is accepted, it can be reused to issue a citizen's card. The Nationality Law is expected to be regulated within 90 days, so we will have to wait until then to see how some of these measures materialise.



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