

PORTUGUESE NATIONALITY – Do I really wish to apply for it?

On these past recent months, we have been hearing more and more about applying for Portuguese Nationality, how difficult it can be, how long it can take, what documents are necessary to provide, costs, etc, especially now with Brexit approaching. However, no one seems to balance the benefits against the disadvantages. Let's go through them ...

Advantages

- 1) Not need visas or to renew visas;
- 2) To have dual nationality, as Portuguese law allows to keep your other nationality;
- 3) To be able to compete in any national competitions, as a Portuguese athlete;
- 4) To be an European citizen and freely move and live in any of the European countries;
- 5) To vote in Portugal and on the European elections;
- 6) According to the *The Henley & Partners Visa Restrictions Index of 2016*, and as well of 2017, the Portuguese Passport ranks the 6th worldwide position (together with countries as Canada, Ireland, Luxembourg, Norway, Switzerland and South Korea) and offers visa-free or visa-on-arrival travel to 172 countries.

Disadvantages

- 1) To apply for passport and ID citizen's card (two different ID documents) , which have to be renewed in a period of 5 years each;
- 2) To know Portuguese enough to pass in a language test;
- 3) To not dispose freely of my assets, on my death. Becoming a Portuguese national and living in Portugal, your estate will be subject to the national inheritance law, which is very strict on the way you can distribute your estate. Under 'forced heirship', legitimate heirs including the spouse, biological and adopted descendants, and ascendants of the deceased are entitled to a minimum percentage of the whole estate. So leaving the entire estate, to the surviving spouse, being permitted by other jurisdictions, will not be allowed anymore, by Portuguese law.

Actual ways to acquire Portuguese Nationality

1) Through origin

On this way are included: children with Portuguese parents or grandparents, individuals born in Portugal, if their parents lived in Portugal, on the last two years before the birth or if one of the parents born in Portugal, and lived here on the time of the birth, and those who born in Portugal and do not have any

other nationality . It is of extreme importance to prove the existence of a strong connection to the Portuguese community.

2) Through naturalisation (for those living in Portugal)

Any individual aged 18 or over may be naturalised as a Portuguese citizen after 5 years of legal residence, if they know the Portuguese language enough, never been condemned of committing a crime, which sentence is equal or superior to 3 years of prison and not being considered as threat for national security and defence.

3) Through marriage or partnership

Foreigners married or living together in partnership (in this case after court's legal action to confirm), with a Portuguese national, for more than 3 years, can apply for Portuguese nationality.

4) Through adoption

A child under 18 years (only) if adopted by a Portuguese citizen acquires Portuguese nationality.

5) Sephardic Jew ancestry

Individuals descendants of Portuguese Sephardic Jews have easy access to the Portuguese nationality, even if they don't live in Portugal, if they are able to prove Sephardic surnames in their family tree, the language spoken at home, as well as show an "emotional and traditional connection with the former Portuguese Sephardic Community," usually proven through a letter from an orthodox rabbi confirming Jewish heritage.

How to apply?

The Portuguese Nationality process can be delivered in any local civil registry department, which will forward it to the competent department in Lisbon. Or directly sent or delivered at Conservatória dos Registos Centrais, Rua Rodrigo da Fonseca, 200 1099-003 Lisboa.

What documents are needed?

Each case is a case. So, the documents to be provided will depend on each applicant. However, there are basic documents, such as:

1. Criminal Record, from the countries of previous residence and of Portugal, not older than 3 months;
2. Birth Certificate;

3. Marriage Certificate;
4. Portuguese language test;
5. Passport or ID.

The foreign documents will need to be legalised and dully translated.

Costs

The fee to pay will depend on each individual case, but the minimum is 175€ and the maximum is €250, which must be paid when the process is delivered. The payment maybe done by cheque (“cheque visado” or “cheque bancário) in Euros and must be verified by your Portuguese bank, if you are sending it by post. If you are delivering it in person, the fee can be paid by “multibanco”. But in this last case, prepare yourself to wait hours and hours on the desk of Conservatória dos RegistosCentrais in Lisbon, if you wish to go there yourself.

Conclusion

It’s extremely essential to balance the pros and contras of asking Portuguese nationality, since it may affect you on the long term, especially on an inheritance point a view. It will affect the validity of any wills signed, independently of the country where they were executed. And I have not seen anyone thinking on this aspect when talking about getting Portuguese nationality. So, be careful and think wisely.

Please feel free to contact, in case you would like to know more.

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