Portuguese Nationality Law: What Has Changed and What We Are Doing About It

This briefing sets out what changed, what it means for your situation, and the strategy we have been preparing on your behalf.

WHAT THE AMENDMENT DOES

10 yrs
instead of 5

Card date
not application date

The new law extends the residence period required for nationality from 5 to 10 years and changes the starting point of that count from the date of application submission to the date of card issuance. No transitional clause was included to protect those already in the process.

A NOTE ON SECONDARY LEGISLATION

The secondary legislation required to implement this law has not yet been published. A limited possibility remains that it may clarify some timing questions more favourably. We are monitoring this closely — but do not advise relying on that outcome. The legislative intent is clear, and we see no strong basis for optimism.

OUR POSITION

We consider these amendments, as applied to those already in the process, to be both unacceptable and unconstitutional. Affected residents had legitimate expectations, grounded in a settled legal regime, that must be protected. We have spent the past several weeks studying this in depth, coordinating with other leading law firms, and engaging three distinguished constitutional law professors who have agreed to issue supporting legal opinions. That work is nearly complete and we will share it with you shortly.

THE FOUNDATION WE HAVE BUILT

- **Academic backing**
  3 constitutional law professors engaged, with legal opinions in preparation supporting our position on unconstitutionality.
- **Peer coordination**
  Strategy coordinated with other leading Portuguese law firms.
- **Case documentation**
  Each client's situation will be carefully documented to anchor the legal strategy in concrete, verifiable facts.

THE STRATEGY

The strategy seeks to pursue, on several fronts and in parallel, the legal avenues available to protect the rights of those affected. The routes described below can and should advance simultaneously.

1 Complaint to the Ombudsman — Immediate

We will file a joint complaint to the Ombudsman (*Provedor de Justiça*), requesting constitutional review and a recommendation for a legislative or administrative safeguard. Filing collectively strengthens the position — it demonstrates the scale and shared nature of the impact.

2 Declaratory court action — Active

We will prepare court actions seeking judicial recognition that affected residents are entitled to benefit from the previous regime. In each case, we will raise the unconstitutionality of the amendment and seek to have it set aside. These actions may be brought individually or by joined claimants with similar circumstances.

3 Action following nationality application — At five-year mark

When you complete five years of residence under the previous framework, you should submit your nationality application. If it is rejected, ignored or unduly delayed, we will bring the appropriate judicial action — including an injunction for urgent cases where delay causes serious prejudice.

+ Additional routes — Under review

We are also evaluating a collective action mechanism and a State liability damages claim. These are not part of the immediate strategy but remain live options depending on how the situation evolves.

What happens next

We will be in touch shortly with a link to schedule a call with our team. We want to speak with you directly, understand your specific timeline, and walk you through what this means for your situation and what steps we recommend taking now.

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