Nationality Law Reform

Summary of the arguments in the complaint to the Ombudsman and the two expert legal opinions

What we are asking for

Main request: that the Ombudsman ask the Constitutional Court to strike down, with effect for everyone, (i) the end of the rule counting time spent waiting for the residence permit, (ii) the test protecting only those with a pending nationality application, and (iii) the immediate application of the new rules to Golden Visa holders and applicants and to people already partway through the residence period, while fully protecting applications pending on 19 May 2026.

Alternative request: that the Ombudsman recommend that Parliament urgently adopt transition rules that keep counting the waiting time for residence applications filed before 19 May 2026, protect Golden Visa applicants and holders, and take account of the time already completed (or allow an exception for clearly unfair cases).

No.	Issue	Expert Opinion A	Expert Opinion B	Our Complaint
1	**Losing the waiting time** *Repeal of the rule that counted time spent waiting for the residence permit*	The rule compensated for the State's own delays. It gave applicants a real right to a timely decision, not a mere hope. Removing it while delays continue is an unjustified step backwards.	The rule recreated what would have happened had the authorities worked normally. Repealing it breaks a promise made to those harmed by past backlogs. Time already built up simply "evaporates".	Delays were never fixed for Golden Visa applicants: about 20,000 files stood still for three to five years. The Ombudsman itself acknowledged that decisions were still taking a long time.
2	**Right to compensation**	The rule was a substitute for damages the State would otherwise owe. Without it, investors must go to court – more litigation and more compensation paid by the State.	—	Keeping the old rule avoids a wave of damages claims against the State, which would cost far more than fixing the law now.
3	**Broken trust and good faith**	Public bodies advertised easier access to nationality – the State itself created the trust. It "changed the rules mid-game", with immediate effect and no grace period.	All four legal tests for protecting legitimate expectations are met. No public interest justifies taking away accumulated time.	The State advertised the benefits of the Golden Visa for over a decade; our clients invested and planned their family lives on that basis.
4	**Unfair "pending application" test** *Old law applies only to those who had already applied for nationality*	The test is purely formal and ignores how long the person has requested a Visa permit. Even an improperly filed application before the cut-off may benefit.	What really matters is how much of the residence period a person has already completed. Under the current rule, someone just days away from five years who has not yet applied gets no protection, while someone who is still two years away who has already applied does. This is arbitrary.	Someone who applied for nationality before even holding a residence permit is protected, while someone with the same or longer residence who waited is not.
5	**Golden Visa holders as a special case**	Official information created a specific basis of trust for these investors.	The State officially promoted the chance to become Portuguese under the rules in force at the time. In effect, investors were promised that those rules would still apply to them. Golden Visas make up less than 1% of all residence permits, so protecting these investors would not undermine the reform.	Neither the Constitutional Court nor the Ombudsman's earlier decision ever looked at the specific situation of Golden Visa investors.
6	**No transition rules**	No transition regime was put in place.	There were simple, fair ways to handle the change, such as counting the time people had already completed under the old rules. By not using any of them, the law fails to protect people already in the process, as the Constitution requires.	We do not challenge the reform itself, only how it was applied: we ask for protection of situations already in progress, not a return to the old rules for the future.
7	**Why the earlier Court ruling does not settle it**	No court decision has ever confirmed the law is constitutional. The fundamental-rights angle was never considered.	The earlier ruling was a quick, preliminary review. It assumed the backlog was "resolved" – the evidence says otherwise. "A vote of confidence is not a blank cheque."	The complaint raises new issues and facts never reviewed and asks the Ombudsman to check the delay figures directly with AIMA.