

Claiming Portuguese Citizenship

By & copyright of Steve Robinson

6th December 2022

When we first came to live in Portugal in late 2011, I was often puzzled why so many bureaucrats rolled their eyes at me & told me this, that or the other process was 'muito complicado' & I've since realised they were invariably right & this is mostly due to the Acute Variable Bureaucracy Syndrome (aka AVBS) that often exists in Portugal & no process I've come across seems to have more AVBS than the process of claiming citizenship.

There are 5 usual ways a person can apply for Portuguese Citizenship & these are through:

Marriage or De-Facto/cohabitation relationship.

Descent.

Ascent.

Sephardic Jewish Descent.

Naturalisation.

In the first three of those, the first step is to register all relevant marriages, births & deaths with the Portuguese Government & to do that you will need the appropriate documents from the country they happened in & of course, the bureaucratic processes & document type of each is totally different from the other & the AVBS in both Portugal & Portuguese Embassies & High Commissions around the world means you can never be sure of what will be required before you start the process but as a rule of thumb all processes seem to be significantly easier & faster when done from inside Portugal in a Conservatoria or a Loja de Cidadao than from a Portuguese Embassy or Consulate etc outside of Portugal. That last comment is a simple observation of fact not a criticism of Embassy or Consulate etc staff.

I have to say that a lot of people seem to misunderstand the primary role of Embassies & Consulates etc but their primary role is to represent the interests of their citizens in the host country NOT to deal with migration issues so they are often out of date and/or misinformed on migration issues & citizenship claims etc & pretty much all such bureaucratic processes are usually achieved much faster & easier from inside PT than outside it.

Proving citizenship through descent (especially) with births in Africa is very often a very time consuming process as obtaining even a full birth certificate can take years & that's assuming that such births were ever registered with the Portuguese authorities & if not then it can take several more years to prove the line(s) of descent however, a group member recently put me on the trail of another possibility & the info immediately below will (at least) give you a start on what appears to be an unusual & perhaps much easier option IF (note the big IF) you have or can obtain the relevant Baptism Certificate(s) which could very possibly be a lot easier & faster to obtain than any document from African Governments.

The Vatican is in effect a Sovereign State & it appears that Baptismal Certificates from the Roman Catholic Church in Portugal can possibly under some circumstances be used as proof of birth and registration where the actual Birth Certificates cannot be obtained for whatever reason.

Whilst I'm unsure of the finer details it appears that there is a Convention between the States of The Vatican and Portugal with each recognising each other's documentation.

People with births registered in what was previously Portuguese territories that are no longer controlled by the Portuguese Republic.

As regards persons born in Portuguese territory meanwhile become independent [1] or placed under other sovereignty [2] they should transcribe their birth registrations to the Portuguese civil registry in accordance with the provisions of the provisions conjugates of Art. 6 and 99, 2 of the CRC.[3]

In some cases, there are simply no birth records. However, there are baptismal seats and the law gives them probative value.

In Angola, Macau and Timor, civil registration was never mandatory, so in cases where there is no civil registration, the evidence provided by parish seats has civil effectiveness.

ALVARO SAMPAIO stresses that the civil effects of Catholic marriages need to be reserved, the effectiveness of which has become subject to civil registration as follows:

In Angola from Provincial Concierge No 12570 of 26/1/1963;

In Timor, from Decree-Law No 35461 of 22/1/1946 for marriages between non-indigenous and for all from Decree No 45063 of 6/6/1963;

In Macau from 1/1/1963 (Ordinance No 7135 of 31/12/1962).[4]

It appears from this text that Civil Registration in Portuguese Angola, Timor and Macau was not obligatory. So for probatory effect they will use the Paroquial Registry.

In Angola these circumstances were governed by a Provincial Law no 12570, dated 26 Jan 1963.

Therefore the applicant needs to transcribe their birth to the Portuguese civil registry via Portuguese consular service in their area of residence.

[Prova da nacionalidade portuguesa e processamento do registo - Nacionalidade Portuguesa \(google.com\)](#)

If you need to trace lines of descent & registrations of births, deaths & marriages as part of your research then the link below will help you & you might find it helpful to try slightly different spellings of names & also dates as it is not uncommon for the older records to have slight errors in such issues.

https://www.familysearch.org/en/wiki/Portugal_Online_Genealogy_Records?fbclid=IwAR1Vvu9Xktzaa1li6vdT310UN8qE8WtONbZvq_YAwiz8XYVQ6Z9-nYH-3v8

There is also more than one way to skin a cat & if it looks like a wait of several years to process a citizenship claim outside of Portugal then it might sometimes be worth

considering other options such as going for residency under something like a Type D visa variant (see 'How To Obtain Residency In Portugal With A Non EU Member State Passport' in the files) & then pursuing the citizenship claim from within Portugal & if you struggle to get it through ascent or descent etc then you also have the option of claiming citizenship through naturalisation & in most cases, you can do that after 3-6 years of living in Portugal, dependent on exact personal circumstances & those things are all covered in the relevant files of this group & for those who struggle with the maze of the files section, they become a LOT easier if you first read 'An Introduction To How The Files Section Works', 'Info Piece Index' & if you still struggle then you should perhaps consider 'Operation Payback Or How To Navigate The Immigration Minefield' & details of that are to be found in the files section of this group.

So your first step must be to contact either the Portuguese Embassy or Consulate in your country of residence or a Conservatoria or Loja de Cidadao or the Central Registry Office in Portugal & ask them for a list of required documents & then using that as a template, create as comprehensive a paper trail of all relevant documents from all countries involved as you possibly can & these might very well include abridged, unabridged and/or vault birth certificates, marriage & death certificates & any other official documents such as old ID cards & passports as you can lay your hands on & always try to work on the principal that it's ALWAYS better to have a document & not need it than to need it & not have it.

To find the most appropriate path to residency for your particular situation then the link below will be your guide & note carefully the exact wording of what is required as it is not uncommon for the criteria to state 'where possible' & in some cases if it is not possible to obtain one document then another might often be considered an appropriate substitute.

<https://justica.gov.pt/Guias/como-obter-nacionalidade-portuguesa>

Also be aware that you will almost certainly need to provide a Police Criminal Report for each applicant & it's far from impossible that some or all documents will need to be apostilled and/or translated & just to make life interesting, most if not all documents/Apostilles will need to be less than 3 or (in some cases) 6 months old when submitted. So be sure to ask the time criteria for the required documents.

As the subject of date expiration of documents & Apostilles regularly comes up on the groups, I thought I'd consult my Embassy contacts on the issue & their reply is below..... and yes. I do appreciate that might make life difficult for some & I also find myself questioning the logic of requiring documents such as birth & marriage certificates that could easily/often relate to an event that happened many years ago needing to be no older than 3/6 months old?

"Official documents in Portugal generally have limited validity – some 3 months, others 6 months. This is because they are subject to change over time – for example, birth certificates, criminal records, property registrations, etc. therefore, the validity rule applies to the actual document and not the apostille. That said, the validity of both the document and the apostille should go hand-in-hand in that the document should be issued first, followed by the apostille."

This from SEF on the same subject: "They are not too strict when it comes to the birth certificates but not too old either. Their argument is, you cannot change you birth details BUT you can get divorced"

So I suggest you aim to work on the principle that it's better to have a document & not need it than to need it & not have it so if you can get both document & Apostille within the relevant date expiration criteria & if you can only get the Apostille within that date expiration criteria & if necessary, explain to the issuing officer why it might not be possible to get a document such as an unabridged birth certificate within 3/6 months because the authorities take several years to issue such a document. Logically (to me at least) the actual issuance date on such a document is irrelevant as the important date on that document is the date of birth not the date it was printed & the only other important date is the one on the Apostille that states it's a genuine document & legal in it's country of issuance..... but I'm not the issuing officer so my opinion doesn't count for anything at all.

The criteria for citizenship through marriage (or long term relationship) is to have been married (or a provable long term relationship) for at least 3 years & in the case of a long term de-facto relationship you will need to collect as much proof of the relationship as you can & that should include things like property leases or deeds that show both names to the same address & bank statements, utility bills and/or phone contracts that show either or both names to the same addresses & sworn affidavits etc.

If you have at least one child together then no language test or proof of links to Portuguese culture/community is required & it should be noted that Portugal does not discriminate against married, unmarried or same sex marriages/relationships etc.

For minors who are born in Portugal, the right to access to the Portuguese derived citizenship remains dependent on the Portuguese citizenship of one of the parents or when proving that:

- a) One of the parents has in Portugal his residency, regardless the title, for at least 5 years; or
- b) One of the parents has his legal residency in Portugal; or
- c) The minor has attended in Portugal at least one year of pre-school education or basic, secondary, or professional education; or
- d) The child declares he/she wishes to be a Portuguese citizen.

The case of claiming citizenship through Sephardic Jewish descent is another complicated though interesting piece of legislation but if you can prove such links then the Govt does allow some claims to be made even after multiple generations so start your research on the links immediately below & go from there.

https://en.wikipedia.org/wiki/Portuguese_nationality_law

<https://www.telavive.embaixadaportugal.mne.pt/en/the-embassy/news/steps-for-applying-for-the-portuguese-citizenship-through-the-sephardic-law>

Criteria for Citizenship through naturalisation is considerably easier & usually available to anyone who has been a resident of Portugal for at least 5/6 years (dependent on what type of residency they have) & the language test & proof of links to Portuguese culture/community is currently still a requirement but might not be so in the future.

Also note that citizenship through descent is now available to those going back 2 generations.

So now we must look at what can (in theory at least) most commonly disbar you from being granted Citizenship of this very fine country & these are:

Has not practiced any crime punished with prison to a maximum equal or higher than three years according to the Portuguese law (ex. Homicide, offence to the physical integrity, robbery, burglary, drug traffic).

Has performed non mandatory military service for a foreign power. **Note:** That statement on military service is a quote from the legislation but reading between the lines, it seems to only refer to those who have served in a mercenary operation or unit and does not disbar some who for example might be a South African & served with the British Armed Services or indeed a Brit who has served as such or served with the French Foreign Legion.

Is or may be a threat to the state due to involvement in terrorism related activities.

The current Citizenship act & criteria etc are in the links below & should be studied CAREFULLY as there are several variables & paths that might affect your claim especially if children are involved in your claim & the first link (immediately below) gives you all options, criteria & required documents but if you don't read Portuguese then you'll need to use or install a translator app and/or switch to Chrome or Edge as your browser.

[Como obter a nacionalidade portuguesa \(justica.gov.pt\)](https://justica.gov.pt/como-obter-a-nacionalidade-portuguesa)

https://dre.pt/web/guest/legislacao-consolidada/-/lc/34536975/view?q=37%2F81&fbclid=IwAR0G4KI1sXm0u7n_e39qjMQM7PRreeDPsfbRGIB9sb5FszQK68FSziDrmIw

<https://ec.europa.eu/migrant-integration/librarydoc/portuguese-nationality-act-law-37/81-of-3-october-consolidated-version-as-amended-by-organic-law-2/2006-of-17-april>

The links below might help you with building your paper trail.

<https://imigrante.sef.pt/en/>

https://ec.europa.eu/commission/index_en

<https://www.simplex.gov.pt/>

<https://iefponline.iefp.pt/IEFP/veRegressoPortugal.jsp?fbclid=IwAR3IYH2DWO-Q6NvwH3su0cZyOentaGkrJIemSI-8Gc0ukCNyHr5uCzdATYA>

https://www.familysearch.org/wiki/en/Portugal_Genealogy

<https://eportugal.gov.pt/en/inicio>

Note:

If the applicant is outside of Portugal & wants to complete the process from the country of current residence then in at least some cases the actual passport is (surprisingly but very conveniently) issued by the Portuguese Consulate not the Embassy & once a person is registered as a Portuguese citizen then the process is as follows & note the time durations will vary dependent on whether the Consulates in question has the benefit of biometric machines & similar or not.

Apply to the Consulate for a Cartao de Cidadao.

Apply to the Consulate for a Portuguese passport.

This piece would not be complete without this final warning that you need to be super careful of using any 'Immigration assistance' company or individual, especially if you or they are in a country outside of Portugal as whilst I'm sure some are open, honest & ethical, a GREAT many are not & will simply take your money & run & I hear of such cons quite literally on a daily basis & sometimes, the same names come up several times an hour & unfortunately, I am unable to name & shame them for legal reasons. So with that, might I suggest you visit the files & now read 'The Perils Of Using An Immigration Assistance Agent' & 'Operation Payback Or How To Navigate The Immigration Minefield' for your own good & to protect yourself from such unscrupulous vermin.

Good luck/boa sorte & welcome to/bem vindo Portugal!