

Law No. 37/81 – Official Gazette No. 228/1981, Series I of 3 October 1981.

Nationality Law

The Assembly of the Republic decrees the following pursuant to Article 167(a) and Article 169(2) of the Constitution:

TITLE I

Attribution, acquisition and loss of nationality

CHAPTER I

Attribution of nationality

Article 1

(Original nationality)

- 1 - The following are Portuguese by origin:
 - a) The children of Portuguese mothers or Portuguese fathers born in Portuguese territory;
 - b) The children of Portuguese mothers or Portuguese fathers born abroad if the Portuguese parent is there in the service of the Portuguese State;
 - c) The children of Portuguese mothers or Portuguese fathers born abroad if they have their birth registered in the Portuguese Civil Registry or if they declare that they want to be Portuguese;
 - d) Individuals with at least one ascendant of Portuguese nationality of the 2nd degree in the straight line who has not lost that nationality, if they declare that they want to be Portuguese and have effective ties to the national community;
 - e) Individuals born in Portuguese territory, children of foreigners, if at least one of the parents was also born here and has residence here, regardless of title, at the time of birth;
 - f) Individuals born in Portuguese territory, children of foreigners who are not in the service of the respective State, who do not declare that they do not wish to be Portuguese, provided that, at the moment of birth, one of the parents legally resides in Portuguese territory, or has resided here, regardless of title, for at least one year;
 - g) Individuals born in Portuguese territory and who do not hold any other nationality.
- 2 - New-born children who have been exposed in Portuguese territory shall be presumed to have been born in Portuguese territory, unless there is proof to the contrary.
- 3 - The existence of ties of effective connection to the national community, for the purposes set out in paragraph 1(d), shall be verified by sufficient knowledge of the Portuguese language and shall depend on not having been sentenced to a prison sentence of three years or more, with the sentence having become final and conclusive, for a crime punishable under Portuguese law, and on the non-existence of danger or threat to national security or defence, through involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 4 - The proof of legal residence referred to in paragraph 1(f) shall be done by showing the competent identification document of the father or mother at the time of registration.

CHAPTER II

Acquisition of nationality

Section I

Acquisition of nationality through effect of will

Article 2

(Acquisition by minor or disabled children)

The minor or disabled children of a father or mother who acquires Portuguese nationality can also acquire it by declaration.

Article 3

(Acquisition in case of marriage or civil partnership)

- 1 - A foreigner married to a Portuguese national for more than three years may acquire Portuguese nationality by declaration made during the course of the marriage.
- 2 - A declaration of nullity or annulment of marriage shall not prejudice the nationality acquired by the spouse who contracted the marriage in good faith.
- 3 - The foreigner who, at the date of the declaration, lives in a long-term civil partnership for more than three years with a Portuguese national may acquire Portuguese nationality, after an action for recognition of that situation to be filed in the civil court.

Article 4

(Declaration after acquisition of capacity)

- 1 - Those who have lost Portuguese nationality as a result of a declaration made during their incapacity may acquire it, when capable, by declaration.

Section II

Acquisition of nationality through adoption

Article 5

(Acquisition through adoption)

The person adopted by a Portuguese national acquires Portuguese nationality.

Section III

Acquisition of nationality through naturalisation

Article 6

(Requirements)

- 1 - The Government grants Portuguese nationality, by naturalisation, to foreigners who cumulatively meet the following requirements:
 - a) They are of age or emancipated under Portuguese law;
 - b) They have lived legally in Portugal for at least five years;

- c) They have sufficient knowledge of the Portuguese language;
 - d) They have not been convicted of a sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - e) They do not constitute a danger or threat to national security or defence, by their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The Government shall grant nationality, by naturalisation, to minors born in Portuguese territory, children of foreigners, who, if they have reached the age of criminal responsibility, fulfil the requirements of subparagraphs d) and e) of the preceding paragraph, provided that, at the time of the application, they fulfil one of the following conditions:
 - a) One of the parents has been resident here, regardless of title, for at least the five years immediately preceding the application;
 - b) One of the parents has legal residence in Portugal;
 - c) The minor has attended here at least one year of pre-school or basic, secondary or vocational education.
- 3 - In the case of a child or young person under 18 years of age, admitted into a public, cooperative, social or private institution with a cooperation agreement with the State, following a definitive promotion and protection measure applied in a promotion and protection proceeding, under the terms of the provisions of article 72(3) of the Law for the Protection of Children and Young People in Danger, approved in annex to the Law no. 147/99, of 1 September, the Public Prosecutor's Office is responsible for promoting the respective naturalisation proceeding with exemption from the conditions referred to in the previous paragraph.
- 4 - The Government shall grant naturalisation, with exemption from the requirements prescribed in paragraph 1(b) and (c), to individuals who have held Portuguese nationality and, having lost such nationality, have never acquired another nationality.
- 5 - The Government shall grant nationality by naturalisation, with exemption from the requirement established in paragraph 1(b) to individuals who satisfy cumulatively the following requirements:
 - a) They have been born in Portuguese territory;
 - b) They are children of a foreigner who was resident here, regardless of title, at the time of their birth;
 - c) They have resided here, regardless of title, for at least five years.
- 6 - The Government may grant naturalisation, with exemption from the requirements prescribed in paragraphs 1(b) and (c), to individuals who are not stateless but who have held Portuguese nationality, to those who are considered to be descendants of original Portuguese citizens, to members of communities of Portuguese descent and to foreigners who have rendered or are called upon to render relevant services to the Portuguese State or to the national community.
- 7 - The Government may grant nationality by naturalisation, with exemption from the requirements set out in paragraph 1(b) and (c), to descendants of Portuguese Sephardic Jews, through demonstration of their tradition of belonging to a Sephardic community of Portuguese origin, based on proven objective requirements of connection to Portugal, namely surnames, family language, direct or collateral descent.
- 8 - The Government may grant nationality by naturalisation, with exemption from the requirement established in paragraph 1(b), to individuals who are ascendants of original Portuguese citizens, have resided here, regardless of title, for at least five years immediately prior to the application and provided that the ascendancy was established at the time of birth of the Portuguese citizen.
- 9 - The Government shall grant nationality by naturalisation, with exemption from the requirements established in paragraph 1(a), (b) and (c), to individuals who have not retained Portuguese nationality under article 2 of Decree-Law no. 308-A/75, of 24 June, for having resided in Portugal for less than five years on 25 April 1974, provided that, after the loss of the Portuguese nationality, they have not been in the service of the respective State and have remained and are still remaining in Portugal, regardless of the title, as well as to their children, born in national territory, to whom the original nationality has not been granted.
- 10 - The knowledge of the Portuguese language referred to in paragraph 1(c) shall be presumed to exist for applicants who are nationals of Portuguese-speaking countries.
- 11 - The proof of the non-existence of conviction, with a sentence of imprisonment of three years or more referred to in paragraph 1(d), shall be made by showing the criminal record certificates issued:

- a) By the competent Portuguese services;
- b) By the competent services of the country of birth, the country of nationality and the countries where he/she has resided, provided that he/she has resided in them after reaching the age of criminal responsibility.

12 - The naturalisation procedure for persons covered by paragraphs 2, 3, 5 and 9 shall be free of charge

Article 7
(Proceeding)

- 1 - Naturalisation shall be granted, upon request by the interested party, by decision of the Minister of Justice.
- 2 - The naturalisation proceeding and the documents intended for its instruction are not subject to the provisions of the Stamp Duty Code.

CHAPTER III
Loss of nationality

Article 8
(Declaration concerning loss of nationality)

Those who, being nationals of another State, declare that they do not wish to be Portuguese, lose their Portuguese nationality.

CHAPTER IV
Opposition to acquisition of nationality by effect of will

Article 9
(Grounds)

- 1 - The following constitute grounds for opposition to the acquisition of Portuguese nationality by effect of will:
 - a) The lack of effective connection to the national community;
 - b) A sentence of imprisonment of three years or more for a crime punishable under Portuguese law;
 - c) The exercise of public functions without a predominantly technical nature or the rendering of non-mandatory military service to a foreign State.
 - d) The existence of danger or threat to national security or defence, due to their involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - The opposition to the acquisition of nationality based on subparagraph a) of the preceding paragraph does not apply to situations of acquisition of nationality in case of marriage or civil partnership when there are children of the couple with Portuguese nationality.
- 3 - The opposition to the acquisition of nationality on the basis of paragraph 1(a) shall not apply to situations of acquisition of nationality when the marriage or partnership has lasted at least six years.
- 4 - The provisions of Article 6(11) shall apply to the proof of the absence of conviction referred to in paragraph 1(b).

Article 10
(Proceeding)

- 1 - The opposition shall be presented by the Public Prosecutor's Office within one year counting from the date of the fact on which the acquisition of nationality depends, in proceedings to be instituted under the terms of article 26.
- 2 - It is mandatory for all authorities to inform the Public Prosecutor's Office of the facts referred to in the previous article.

CHAPTER V
Effects of the attribution, acquisition and loss of nationality

Article 11
(Effects of the attribution)

The attribution of Portuguese nationality produces effect from birth, without prejudice to the validity of legal relationships previously established on the basis of another nationality.

Article 12
(Effects of changes in nationality)

The effects of changes in nationality shall only be effective from the date of registration of the acts or facts on which they depend.

Article 12-A
(Nullity)

- 1 - The act that determines the attribution, acquisition or loss of Portuguese nationality based on false documents or documents evidencing untrue or non-existent facts, or false statements, is void.
- 2 - The provision in the previous paragraph is not applicable in cases where the declaration of nullity results in the statelessness of the interested party.

Article 12-B
(Consolidation of nationality)

- 1 - The bona fide possession of Portuguese nationality that originated or was acquired for at least 10 years is cause for consolidation of nationality, even if the act or fact resulting in its attribution or acquisition is contested.
- 2 - The period referred to in the preceding paragraph is 18 months for minors whose birth was registered Portuguese civil registry.
- 3 - In cases of attribution of nationality, the time limit mentioned in paragraph 1 above shall be counted from the date of birth registration if the identification as Portuguese citizen originates from the respective registration, or from the date of issue of the first identification document as national citizen if the identification as Portuguese citizen originates from the issued document.
- 4 - In cases of acquisition of nationality, the time limit mentioned in paragraph 1 above shall be counted from:
 - a) The date of registration of nationality, in cases of acquisition by effect of will, adoption or naturalisation;

- b) The date of the fact on which the acquisition depends, in cases of acquisition by effect of law;
- c) From the date of issue of the first identification document, in all other cases.

CHAPTER VI

General provisions

Article 13

(Suspension of procedures)

- 1 - The procedure for acquisition of Portuguese nationality through effect of will, adoption or naturalisation is suspended during the five-year period starting on the date of the res judicata of the sentence that convicts the interested party of a crime foreseen in Portuguese law and of a penalty or penalties that, isolated or cumulatively, exceed 1 year of imprisonment.
- 2 - With the suspension provided for in the preceding paragraph, the counting of the time limit provided for in Article 10(1) shall also be suspended.
- 3 - The acts practised in breach of paragraph 1 are null.

Article 14

(Effects of establishing parentage)

Only parentage established during childhood produces effects in relation to nationality.

Article 15

(Residence)

- 1 - For the effects of the provisions of the preceding articles, it is understood that legally residing in Portuguese territory are those individuals who are here, with their situation regularized before the Portuguese authorities, under any of the titles, visas or authorisations foreseen in the regime of entry, stay, exit and removal of foreigners and in the regime of the right to asylum.
- 2 - The provisions of the preceding paragraph are without prejudice to the special legal residence regimes resulting from treaties or conventions to which Portugal is a party, namely within the scope of the European Union and the Community of Portuguese Speaking Countries.
- 3 - For the purposes of counting the periods of legal residence provided for in this law, the sum of all periods of legal residence in the national territory, consecutive or interpolated, shall be considered, provided that they have elapsed within a maximum interval of 15 years.
- 4 - Children and young people who are children of foreigners and are taken into care in a public, cooperative, social or private institution with a cooperation agreement with the State, as a result of a promotion and protection process, are also considered to be legally residing in Portuguese territory.

TITLE II
Nationality registration, proof and disputes

CHAPTER I
Central nationality registry

Article 16
(Central Nationality Registry)

Declarations on which the attribution, acquisition or loss of Portuguese nationality depends must be registered in the Central Nationality Registry, under the responsibility of the Central Registry Office.

Article 17
(Declarations to diplomatic or consular agents)

Declarations of nationality may be made before Portuguese diplomatic or consular agents and, in this case, they are registered ex officio with the necessary supporting documents, to be sent for the effect to the Central Registry Office.

Article 18
(Acts subject to mandatory registration)

- 1 - Registration is mandatory:
 - a) Of declarations for attribution of nationality;
 - b) Of declarations for acquisition or loss of nationality;
 - c) On the naturalisation of foreigners.
- 2 - (Repealed.).

Article 19
(Registration of nationality)

The registration of the act resulting in the attribution, acquisition or loss of nationality shall be registered by registration or endorsement.

Article 20
(Free registrations)

REPEALED

CHAPTER II

Proof of nationality

Article 21

(Proof of original nationality)

- 1 - The Portuguese original nationality of the individuals specified in article 1(1)(a), (b), (f) and (g) is proven by their birth certificate.
- 2 - An individual whose birth certificate does not mention or is unaware of the foreign nationality of the parents shall be considered a Portuguese national.
- 3 - An individual whose birth certificate states that the foreign parents are not in the service of the respective State will also be considered a Portuguese national.
- 4 - The original nationality of individuals covered by article 1(1)(c) and (d) shall be proved, depending on the case, by the entries in the birth certificate drawn up by registration in the Portuguese civil registry or by the registration of the declaration on which the attribution depends.
- 5 - The original nationality of individuals covered by article 1(1)(e) 1 is proved by birth certificates that mention the Portuguese nationality of one of the parents and their residence in national territory.

Article 22

(Proof of acquisition and loss of nationality)

- 1 - The acquisition and loss of nationality shall be proved by the respective registrations or the consequent annotations made in the margin of the birth certificate.
- 2 - Paragraph 1 of the previous article shall apply to the proof of acquisition of nationality by adoption.

Article 23

(Opinion of the registrar of the Central Registry)

It is the duty of the registrar of Central Registry to issue an opinion on any nationality issues, namely on those that must be submitted to him/her by consular agents in case of doubt as to the Portuguese nationality of the applicant for consular registration or enrolment.

Article 24

(Nationality Certificates)

- 1 - Independently of the existence of the registration, certificates of Portuguese nationality can be issued by the Central Registry Office, upon request by the interested party.
- 2 - The probatory force of the certificate may be rebutted by any means whenever there is no record of the nationality of the respective holder.

CHAPTER III

Nationality disputes

Article 25

(Legitimacy)

The interested parties and the Public Prosecutor's Office have legitimacy to appeal against any acts related to the attribution, acquisition or loss of Portuguese nationality.

Article 26

(Applicable legislation)

The Statute of Administrative and Fiscal Courts, the Code of Procedure of Administrative Courts and other complementary legislation shall apply, in general terms, to disputes concerning nationality.

TITLE III

Conflict of laws on nationality

Article 27

(Conflicts of Portuguese and foreign nationality)

If someone has two or more nationalities and one of them is Portuguese, only the Portuguese nationality is relevant under Portuguese law.

Article 28

(Conflicts of foreign nationalities)

In positive conflicts of two or more foreign nationalities, only the nationality of the State in which territory the plurinational has its habitual residence or, in the absence of such residence, the State with which it has the closest connection, shall be relevant.

TITLE IV

Transitional and final provisions

Article 29

(Acquisition of nationality by adoptees)

Those adopted by Portuguese nationals before the entry into force of this law may acquire Portuguese nationality by declaration..

Article 30

(Acquisition of nationality by a woman married to a foreigner)

- 1 - A woman who, under the terms of Law no. 2098 of 29 July 1959 and preceding legislation, has lost Portuguese nationality through marriage shall acquire it:
 - a) As long as the definitive registration of loss of nationality has not been registered, except if she declares that she does not want to acquire Portuguese nationality;
 - b) Through a declaration, when the definitive registration of loss of nationality has been drawn up.
- 2 - In the cases referred to in the previous paragraph the provisions of articles 9 and 10 are not applicable.
- 3 - Without prejudice to the validity of legal relationships previously established on the basis of another nationality, the acquisition of Portuguese nationality under the terms of paragraph 1 above produces effect from the date of the marriage, irrespective of the date on which the fact was entered in the Portuguese civil registry.

Article 31

(Previous voluntary acquisition of foreign nationality)

- 1 - Whoever, under the terms of Law no. 2098 of 29 July 1959 and preceding legislation, lost Portuguese nationality through the voluntary acquisition of a foreign nationality, shall acquire it:
 - a) As long as the definitive registration of loss of nationality has not been registered, except if he/she declares that he/she does not want to acquire Portuguese nationality;
 - b) Through a declaration, when the definitive registration of loss of nationality has been drawn up.
- 2 - In the cases referred to in the previous paragraph the provisions of articles 9 and 10 are not applicable.
- 3 - Without prejudice to the validity of legal relationships previously established on the basis of another nationality, the acquisition of Portuguese nationality under the terms of paragraph 1 above produces effect from the date on which the foreign nationality was acquired.

Article 32

(Naturalisation imposed by a foreign State)

The decision on the loss or maintenance of Portuguese nationality in cases of naturalisation directly or indirectly imposed by a foreign State on residents in its territory falls under the jurisdiction of the Southern Administrative Central Court.

Article 33

(Registry of changes in nationality)

The registration of changes in nationality due to marriage or to voluntary acquisition of foreign nationality, in accordance with the previous law, shall be drawn up ex officio or at the request of the interested parties, and shall be mandatory for identification purposes.

Article 34

(Acts which registration was not mandatory under the previous law)

- 1 - The acquisition and loss of nationality resulting from acts which registration was not mandatory under the previous law shall continue to be proved by registration or by documentary evidence of the acts on which they depend.
- 2 - For identification purposes, the proof of these acts is made by the respective registration or consequent annotations to the birth certificate.

Article 35

(Effectiveness of acts previously not subject to registration)

- 1 - The effects of changes in nationality arising from acts or facts not mandatorily subject to registration under the previous law shall be deemed to have been produced from the date of verification of the acts or facts that determined them.
- 2 - The loss of nationality founded on the voluntary acquisition of a foreign nationality shall be exempt from the provisions of paragraph 1 above, which shall continue to produce effects only in relation to third parties in the area of private law relationships, provided that it is registered and from the date on which the registration is carried out.

Article 36

(Pending proceedings)

REPEALED

Article 37

(Birth certificates for children of non-Portuguese nationals only)

- 1 - In the certificates of births occurring in Portuguese territory, after the entry into force of the present law, of children of non-Portuguese nationals only, the foreign nationality of the parents or the fact that they do not know it must be mentioned as an element of the registrant's identity, except if one of the parents was born in Portuguese territory and resides there.
- 2 - Whenever possible, the informants should submit a document proving the mention that should be made under the terms of the previous paragraph, in order to demonstrate that none of the parents is of Portuguese nationality.

Article 38

(Birth certificates of Portuguese parents or adopters subsequent to the birth registration of foreigners)

- 1 - When parentage is established after the birth of a foreigner born on Portuguese territory or under Portuguese administration or when adoption is decreed, the judicial decision or act that established or decreed it and its communication for annotation to the birth certificate shall mention the nationality of the Portuguese parents or adopters.
- 2 - The mention referred to in the previous paragraph shall also be included, as an element of identification of the registrant, in the record of establishment of parentage or adoption to be inserted in the margin of the birth certificate.

- 3 - When the parentage of a foreigner born in national territory is established after birth registration, the judicial decision or the act that has established it, as well as its communication for annotation to the birth registration, must mention the nationality of the foreign parent, born in Portuguese territory, as well as his/her residence at the time of the birth.

Article 39

(Transitional regulation)

REPEALED

Article 40

(Repealing provision)

Law No. 2098 of 29 July 1959 is repealed.

Signature

Approved on 30 June 1981.

The President of the Assembly of the Republic, Leonardo Eugénio Ramos Ribeiro de Almeida.

Ratified on 19 August 1981.

To be published.

The President of the Republic, ANTÓNIO RAMALHO EANES. - The Prime Minister, Francisco José Pereira Pinto Balsemão.

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Supplementary Information

The consolidated legislation hereby presented contains amendments from the following legal acts:

- a) Law no. 25/94, of 19 August;
- b) Decree Law no. 194/2003, of 23 August;
- c) Organic Law no. 1/2004, of 15 January;
- d) Organic Law no. 2/2006, of 17 April;
- e) Organic Law no. 1/2013, of 29 July;
- f) Organic Law no. 8/2015, of 22 June;
- g) Organic Law no. 9/2015, of 29 July;
- h) Organic Law no. 2/2018, of 5 July;
- i) Organic Law no. 2/2020, of 10 November.

Law no. 37/81, of 3 October (in Portuguese):

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