



RIGHT TO CITIZENSHIP

PORTUGUESE CITIZENSHIP FOR DESCENDANTS OF SEPHARDIC JEWS

Decree-Law 30-A/2015 was approved on 27 February. This Decree-Law amends the Portuguese Regulation on Citizenship (Regulamento da Nacionalidade Portuguesa). It establishes the requirements for the descendants Sephardic Jews of Portuguese origin to obtain Portuguese citizenship and lists the documents that must be submitted together with the Portuguese citizenship application.

Decree-Law 30-A/2015 was approved on 27 February. This Decree-Law amends the Portuguese Regulation on Citizenship (*Regulamento da Nacionalidade Portuguesa*). It establishes the requirements for the descendants of Sephardic Jews of Portuguese origin to obtain Portuguese citizenship and lists the documents that must be submitted together with the Portuguese citizenship application.

During the 15th and 16th centuries a large number of Sephardic Jews were expelled from the Portugal. However, many of the Sephardic Jews of Portuguese origin kept the language, the rites of the oldest Jewish cult in Portugal, the family names, objects and documents which demonstrate their Portuguese origin and a strong historic relationship with Portugal.

Against this historical background, on 3 July 2013, the Portuguese Citizenship Act (*Lei da Nacionalidade*) was amended in order to facilitate the acquisition of Portuguese citizenship by the descendants of Portugal's Sephardic Jews.

In general, a foreign citizen must fulfil four requirements to acquire Portuguese nationality: (i) be of age or emancipated under Portuguese law, (ii) have resided lawfully in Portugal for a minimum of six years, (iii) have sufficient knowledge of the Portuguese language, (iv) not have been convicted of a crime punishable under Portuguese law with imprisonment of three years or more.

With the amendment made to the Citizenship Act in 2013, a foreign citizen descended from Sephardic Jews that intended to obtain Portuguese citizenship by naturalisation no longer had to fulfil the above mentioned requirements (ii) and (iii). Nevertheless, he had to demonstrate the tradition of belonging to a Sephardic community of Portuguese origin, based on objective requirements of a connection to Portugal.

However, in order to apply this amendment to the Citizenship Act, it was also necessary to amend the Portuguese Regulation on Citizenship. This amendment, which should have been made in 2013, only occurred on 27 February 2015 with the approval of the above mentioned Decree-Law 30-A/2015, which came into force on 1 March 2013.

A foreign citizen descended from Sephardic Jews wishing to obtain Portuguese citizenship by naturalisation must demonstrate a tradition of belonging to a Sephardic community of Portuguese origin.

Therefore, the rules on the acquisition of Portuguese citizenship by descendants of Sephardic Jews are finally in force.

Decree-Law 30-A/2015 adds Article 24-A to the Portuguese Regulation on Citizenship. This Article establishes the requirements for the acquisition of citizenship by naturalisation and lists the documents that must be presented with the application for Portuguese nationality.

1. Requirements that must be fulfilled to acquire Portuguese nationality

The Decree-Law repeats, partially, the requirements of the Citizenship Act. It determines that the applicant must:

- a) Be of age or emancipated under Portuguese law;
- b) Not have been convicted of a crime punishable under Portuguese law with imprisonment of three years or more;
- c) State and demonstrate in the application the circumstances that establish the tradition of belonging to a Sephardic community of Portuguese origin.

2. Documents that must be filed with the application

The application must be presented with the following documents:

- a) Birth certificate;
- b) Criminal records issued by the competent Portuguese services, as well as by the authorities of the country of birth, country of nationality and country of residence;
- c) Documents that prove the direct progeny or family relationship in the collateral line of a common parent from a Sephardic community of Portuguese origin and a tradition of belonging to a Sephardic community of Portuguese origin.
 - i) This document, as a rule, must be a certificate from a Jewish community with the status of a religious legal person, legally based in Portugal, certifying the tradition of belonging to a Sephardic community of Portuguese origin, based on the surname, genealogy and family memory.

ii) In the absence of this certificate, the proof can be given by (a) an authenticated document, issued by the Jewish community to which the applicant belongs, certifying that the applicant uses Portuguese expressions in spoken rites or that he/she speaks Ladino in the community, or (b) documentary records that prove the ties of the applicant's family to a Sephardic community of Portuguese origin, such as synagogue and Jewish cemeteries records, residency certificates, property deeds and wills.

Therefore, a foreign Jewish citizen who descends from Sephardic Jews that proves the tradition of belonging to a Sephardic community of Portuguese origin by any of the above means may now obtain Portuguese citizenship without necessarily having to reside in Portugal or speak the Portuguese language.

The rules on the acquisition of Portuguese citizenship by descendants of Sephardic Jews are finally in force.

This Informative Note is intended for general distribution to clients and colleagues and the information contained herein is provided as a general and abstract overview. It should not be used as a basis on which to make decisions and professional legal advice should be sought for specific cases. The contents of this Informative Note may not be reproduced, in whole or in part, without the express consent of the author. If you should require further information on this topic, please contact **Sara Estima Martins** (sara.estimamartins@plmj.pt) or **Marta Costa** (marta.costa@plmj.pt).

 Portuguese Law Firm of the Year
Chambers European Excellence Awards, 2009, 2012, 2014

 Iberian Law Firm of the Year
The Lawyer European Awards, 2012

 Top 50 - Most Innovative Law Firms in Continental Europe
Financial Times - Innovative Lawyers Awards, 2011-2014