

Legislative Amendment to the Portuguese Nationality Law

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A working group of the Portuguese Socialist Party (PS) decided to draft a legislative amendment to the Portuguese Nationality Law. This will be done by adding a requirement for a mandatory legal residence in Portugal for a period of 2 years for all descendants of Portuguese Sephardic Jews who intend to apply for the Portuguese nationality.

This new requirement will be applicable only to nationality processes delivered to the Competent Portuguese Civil Authorities on January 1, 2022 and thereafter. It will in no way affect processes currently under analysis or which are delivered until December 31, 2021.

It is also important to note that the abovementioned requirement will be applicable only for those applicants who will be granted a “favorable decision” by the Portuguese Justice Ministry. Hence, applicants whose processes will be delivered in the year 2022 and onward will be required for a legal residence in Portugal only if their processes are “preliminary approved”.

So far, what we have here is merely a proposal for a legislative change. It was not yet discussed in the Portuguese Parliament, much less approved. For it to be approved it must undergo a process and it might take a different form entirely.

However, the disclosure of the very existence of such a draft for a legislative amendment immediately prompted opposition by other Portuguese political parties, namely the Social Democratic Party (PSD), the second largest party in Parliament, as well as a set of renowned Portuguese individuals who were revolted by this proposal, which completely distorts the *raison d'être* of the legislative original intent of correcting a historical injustice and granting Portuguese nationality to the descendants of Portuguese Sephardic Jews.

After several accusations of anti-Semitism, injustice, discrimination and racism, the Socialist Party was forced to drop their original proposal demanding a two-year residency in Portugal and, instead, demanded merely “that they should have an effective connection to the national Portuguese community”. It is a bit of an abstract expression which sounds quite melodious, but can still be used as an obstacle or a trap, blocking the path for nationality.

As José Ribeiro e Castro, one of the deputies who fought for the drafting and approval of the initial law, said in an opinion article, *“The idea is absurd and the total denial of the current regime. A regime established for the naturalization of members of communities of Portuguese descent, who, by the nature of things, live and work abroad, cannot have as requirements the requirement of residency in Portugal (perhaps even only in Lisbon and, even better, only Rua do Ouro...), nor sufficient knowledge of the Portuguese language. That is precisely the *raison d'être* of paragraph 6 of article 6 of the law (since 1981) and of paragraph 7. To say that these requirements are dispensed with, in the end, restore them heavily, under the hat from the “effective connection to the national community”, it is to act like the Spanish: announce that a door is opening and effectively lock it with key.”*

“Spain, by the way, can never be cited as an example and inspiration in the matter of Sephardic Jews. The previous time we followed the Castilian example was when we expelled them by the thousands. After, during the time of D. João II, we received the expelled from Spain, we ended up expelling them all, years later, reigning D. Manuel. It is not a good idea to look at the neighborhood. We update the saying: “From Spain, neither good wind nor good argument.”

Reinforcing the aforementioned, it should be emphasized again that so far it is only a proposal for a legislative change and even in its current, more softened version, was not yet discussed in the Portuguese Parliament, nor approved.

There is a long way to go for it to be approved and even if it is eventually approved it may take quite a different form.

The continued widespread outrage, both nationally and internationally will make this legislative endeavor more and more difficult. Especially given the fact that the case made by the Socialist Party for this legislative change was devastated by the release of official data released to the public.

The main two reason for the proposed changes are, as the Socialist Party puts it:

One, to restore the prestige of the Portuguese nationality which was disrespected by many “non-law” commercial companies that turned the “Portuguese passport” into a commodity in a shameful manner.

Second reason is, of-course, the immense exponential growth in the numbers of applications submitted— over 60,000 requests for the Portuguese citizenship so far.

This only reinforces the everyone’s awe in the light of this legislative project.

As José Ribeiro e Castro also points out, “The current law came into force in 2015. In practice, it has only five years old. It resulted from an initiative of the PS, on the impulse of Maria de Belém, and another of the CDS, on my impulse. It consisted of bills with this single object. Was not delivered in the 25th hour, hanging in disguise as a prop for other issues. Nothing was hidden, everything was clear and stated. The law was passed unanimously, a very rare fact in our parliament, as in democratic parliaments. If the PS now wanted to change this law, it had to face the issue in the same terms, entering the parliamentary debate through the big door, instead of jumping through the back wall or a side window, as it did. It would present its own project, instead of being linked to others, which deal with totally different issues. It would present a bill, not a tentative amendment proposal. It would take its arguments to the big stage of the debate in general, instead of going quietly. The treacherous attack on a successful and unanimously approved law creates suspicion: why, in such an important law, want to change furtively? There really had to be controversy.”

And in Israel and Turkey?

Well, news travel fast... and so is the reaction.

The reaction to the proposed changes in Turkey was somewhat unruffled as most eligible Sephardic Turkish Jews that which to exercise their historical right to become Portuguese citizens have already done it.

Contrary to that, in Israel it’s a whole different story, as there are many Israeli citizens that are entitled to the nationality but did not yet begin the process or are merely at the first round collecting the required documents.

The average educated Israeli appreciates the Portuguese culture and have respect to European values in general.

Most of these Israelis are interested in becoming Portuguese citizens and in joining the great European community.

For many of them, the uncertainties this proposal creates metastasized into unrest or even panic.

There are two different common scenarios:

- One involves people who already initiated a process, regardless of being absolutely at no risk territory, they are still worried that these changes might affect them and therefor they keep checking the status of their process zealously. To these we say: “you have nothing to worry about, if the process is submitted before the 1/1/2022 proposed deadline”.
- The other is with people who were sitting on the fence, still swinging both ways undecided if to submit a process or not. These now ask themself whether it's time to start the process. To these we now must say: “the sooner the better”.

Since we already deciphered the code and understand well the current criteria we know that it works. Many applicants are already citizens – more than 15,000 over the last five years, and this number grows daily as the process are being approved.

So, it's better to apply now because who knows what the future holds? As it is accustomed to say: better to strike while the iron is still hot.

Thus, our recommendation to all Sephardic Jew who wishes to become a Portuguese citizen and be a member of the European Community: act soon!