

**Prof. Dr. Patrícia Jerónimo, Associate Professor at the Law School of the University of Minho, Braga, and Jean Monnet Fellow at the Robert Schuman Centre of the European University Institute, Florence, Italy – Written evidence (LTN00010)**

The submission is made in my personal capacity as a Portuguese academic with research experience in the fields of citizenship, migration, and human rights.

1. In Portugal, prospective citizens are not expected to demonstrate “civic knowledge”. The Portuguese Nationality Act (adopted in 1981 and last amended in 2020) initially required that applicants have “moral and civic integrity” [Article 6(1)(d)], but this was interpreted as synonymous with absence of a criminal record and was replaced in 2006 by the requirement that applicants have no prior conviction for crime punishable under Portuguese law with a minimum of three years’ imprisonment. Integration into Portuguese society is assessed on the basis of residence (five years of legal residence) and of sufficient knowledge of Portuguese (i.e., level A2 of the Common European Framework of Reference), which can be attested by different means. Both requirements are (or can be) waived for certain categories of applicants. The lack of “effective ties with the national community” is listed as grounds for the Public Prosecutor to oppose naturalisation and the existence of such ties was initially treated by the Portuguese courts as a naturalisation requirement, with the consequence that the burden of proof fell on the applicants. This has in the meantime been reversed by the Supreme Administrative Court, which established that it is for the Public Prosecutor to prove that the applicant has no effective ties with the national community. Since 2017, the Nationality Regulation prescribes that the Central Registry Office is to infer the existence of such ties from one of the following set of circumstances: (a) the applicant was born and is a citizen of a country where Portuguese is an official language, and is married to or in a de facto union with a Portuguese citizen of origin for at least five years; (b) the applicant has sufficient knowledge of Portuguese and is married to or in a de facto union with a Portuguese citizen of origin for at least five years; (c) the applicant has legally resided in Portugal in the three years immediately prior to the application and proves enrolment in an education institution based in Portugal or proves knowledge of Portuguese; (d) the applicant has legally resided in Portugal in the five years immediately prior to the application. Over the years, and particularly with the 2006 amendment to the Nationality Act, Portugal’s nationality law has increasingly limited the government’s discretion when adjudicating naturalisation requests, with many categories of applicants currently enjoying a subjective right to naturalisation provided they meet the objective criteria set by law.
2. In Portugal, there are no regional variations in the way naturalisation language testing is administered. The Nationality Regulation (adopted in 2006 and last amended in 2022) allows for different means to attest the knowledge of Portuguese and different institutions are involved in administering tests and issuing certificates, including educational

institutions of the public-school network, centres accredited by the Camões Institute, and centres specialised in the evaluation of Portuguese as a Foreign Language accredited by the Ministry of Education. There is little to no public awareness about the way the naturalisation language testing is administered.

3. In Portugal, prospective citizens who are not exempted from the language requirement can attest their knowledge of Portuguese by several means, including exams administered by different institutions, as noted earlier. If the language test is the means used by the applicants to prove that they meet the language requirement, they will have to take the test as many times as necessary until they pass it. Success rates in the tests administered by centres specialised in the evaluation of Portuguese as a Foreign Language are high (around 90%), but there are cases of applicants who take the test as many as four times before they pass. As the law allows for several different ways to prove knowledge of Portuguese and the level of proficiency required is relatively low (A2), the overall system does not seem to be excessively cumbersome to prospective citizens.
4. In Portugal, prospective permanent residents are required to prove that they have a knowledge of “basic Portuguese”, which also means a level A2 of the Common European Framework of Reference. The language tests administered by centres specialised in the evaluation of Portuguese as a Foreign Language are the same for prospective citizens and for prospective permanent residents. Similarly to the Nationality Regulation, the Immigration Regulation (adopted in 2007 and last amended in 2018) prescribes that the knowledge of basic Portuguese can be attested by different means, and even allows for the possibility of dispensing with language certificates altogether if the Border Agency official has no doubt that the applicant meets the language requirement. The 2018 amendment to the Nationality Act lowered the residence requirement for naturalisation from six to five years, making it the same as that which applies for a permanent residence permit. All other things being equal, it is now preferable to apply for citizenship than to apply for permanent residence status, which has resulted in a significant increase in naturalisation applications since 2018. For those with a permanent residence permit who wish to apply for naturalisation, the language certificate used to obtain the former can be re-used in the application for the latter.
5. Several categories of prospective citizens are (or may be) exempted from the language requirement: (a) children born in Portugal to foreign parents, under some circumstances related to the parents’ residence status and the children’s enrolment in school; (b) applicants who had Portuguese citizenship but lost it; (c) applicants who are considered to be descendants of Portuguese citizens of origin or members of communities of Portuguese descent; (d) foreigners who have rendered or may come to render relevant services to Portugal; and (e) descendants of Portuguese Sephardic Jews. Since the 2018 amendment to the Nationality Act, the knowledge of Portuguese is inferred for applicants who were born in and are citizens of a country where Portuguese is an official language. This means that Lusophone applicants (i.e., citizens of Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, São Tomé and Príncipe, and Timor-Leste), who

continue to represent the largest share of foreign residents in Portugal, are no longer required to take the language test or submit a school or training certificate to prove that they meet the language requirement for naturalisation.

6. Immigration and access to Portuguese citizenship are not as heavily politicised in Portugal as they are in other European countries. Recent amendments to the Nationality Act have made access to Portuguese citizenship increasingly easy, while retaining the original safeguard that loss can only occur by means of renunciation. The special naturalisation track for descendants of Portuguese Sephardic Jews, introduced in 2013, has been criticised due to reports of fraud, but the lawmakers' response was to tighten the Nationality Regulation, to prevent irregularities, and not to remove or restrict the relevant provision in the Nationality Act. A proposal to amend the Nationality Act in a restrictive direction was advanced in 2021 by an extreme-right party but was quashed in Parliament. The failed proposal consisted mostly of the addition of new grounds for loss of citizenship. It did not touch upon the naturalisation requirements. While the increase in the number of naturalisations is reported in the media, there seems to be no social panic around the topic. There are as yet no public demands to restrict access to Portuguese citizenship by means of higher language requirements or the introduction of "civic knowledge" tests.
7. Seen from abroad, what is noteworthy about the Life in the UK test is how extensive it is, the range of subjects covered and the level of knowledge and detail about UK history and constitutional law that is demanded from prospective citizens. The online resources are helpful in training for the test, the test itself is relatively short (24 multiple-choice questions to complete in 45 minutes), the result is handed out immediately, and the passmark (75%) is high but not unreasonable. The test fee (£50) is reasonable by comparison with the language test fee in Portugal (€72) and, contrary to what happens in Portugal (where the language tests are only available at specific times in the year), the Life in the UK test is available throughout the year and applicants can retake the test soon after their failed attempt(s). Having done a practice test on the [lifeintheuktests.co.uk](http://lifeintheuktests.co.uk) website, it seems to me that the exercise is not exceedingly hard for someone who follows UK politics and society in the media and prepares for the test by studying the materials available online. It nevertheless requires preparation and resources that may be hard to come by for prospective citizens depending on their countries of origin. More importantly, I find that the quiz format and the type of subjects covered – names of landmarks, historical events, personalities, etc. – are not particularly useful in ascertaining whether or not the applicants have the "civic knowledge" required to become British citizens. I would add that to administer a citizenship test at all is hardly conducive to that determination and only works to unduly restrict access to citizenship.
8. Citizenship tests were introduced in several Western European countries in the early 2000s mostly as a response to social panics about the perceived threat of Islamic terrorism and Muslim immigrants' "unwillingness" to integrate in their host societies. In the Netherlands, for example, the citizenship tests were deliberately designed to underline the distance

between Dutch liberal values and the (Muslim) immigrants' illiberal traditions. As illustrated by the study guide for Life in the UK test, in its chapter entitled "A long and illustrious history", citizenship tests are also used to reaffirm conservative versions of the national history and identity. They are symbolic markers of the idea of the nation that is to be preserved and protected from newcomers. Wherever they are adopted, citizenship tests' main effect is to restrict access to citizenship by making it harder for applicants to meet the naturalisation requirements. It is highly doubtful that citizenship tests in any way help prospective citizens to internalise the fundamental values of the host society or that applicants who pass the test are necessarily better integrated than those who fail it.

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