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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2Xthk71 ; United Nations Treaty Collection: https://bit.ly/2JRpCOP .
IOB	1	b		If yes, when was ratification/accession?		Portugal acceded to the Convention on 01/10/2012 and it entered into force in the Portuguese legal order on 30/12/2012.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2Xthk71 ; United Nations Treaty Collection: https://bit.ly/2JRpCOP .
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	Yes. "Under paragraph 1 of Article 38 of the Convention, the Portuguese Republic declares that in all cases where the stateless persons are accorded the most favourable treatment accorded to nationals of a foreign country, this clause shall not be interpreted as covering the regime applicable to nationals of Brazil, nationals from the European Union countries or nationals from other countries with which Portugal has established or may establish community relations, namely the Portuguese speaking States."	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2Xthk71 ; United Nations Treaty Collection: https://bit.ly/2JRpCOP .
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes. The Portuguese Constitution provides for the automatic incorporation of treaty norms, following duly ratification or approval and official publication for as long as they bind the State internationally.	Constitution of the Portuguese Republic - art.8(2), available at https://bit.ly/2LEUx14 (in Portuguese); https://bit.ly/2RX9TPA (in English).
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/30cGi7G ; United Nations Treaty Collection: https://bit.ly/2MYMOZ8 .
IOB	2	b		If yes, when was ratification/accession?		Portugal acceded to the Convention on 01/10/2012 and it entered into force in the Portuguese legal order on 30/12/2012.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/30cGi7G ; United Nations Treaty Collection: https://bit.ly/2MYMOZ8 .
IOB	2	c		Are there reservations in place? Please list them.	As above	No.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/30cGi7G ; United Nations Treaty Collection: https://bit.ly/2MYMOZ8 .
IOB	2	d		Does the Convention have direct effect?	As above	Yes. The Portuguese Constitution provides for the automatic incorporation of treaty norms, following duly ratification or approval and official publication for as long as they bind the State internationally.	Constitution of the Portuguese Republic - art.8(2), available at https://bit.ly/2LEUx14 (in Portuguese); https://bit.ly/2RX9TPA (in English).
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes. No reservations.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2L2ibFj ; Council of Europe - <i>Chart of signatures and ratifications of Treaty 166</i> : https://bit.ly/2NJxk0a .
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. Reservations currently in force: 1. "Article 5 of the Convention will be applied subject to Articles 27 and 28 of the Military Discipline Regulations, which provide for the placing under arrest of members of the armed forces." 2. "Article 7 of the Convention will be applied subject to Article 309 of the Constitution of the Portuguese Republic, which provides for the indictment and trial of officers and personnel of the State Police Force (PIDE-DGS)." Other reservations concerning articles 4, 10 and 11 of the ECHR were made at the time of deposit of the instrument of ratification and withdrawn afterwards. None of these reservations had a specific focus on stateless persons or persons at risk of statelessness.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2LFqLsU ; Council of Europe - <i>Chart of signatures and ratifications of Treaty 005</i> : https://bit.ly/2GYQBmr .

IOB	3	c	State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	Council of Europe - <i>Chart of signatures and ratifications of Treaty 200</i> : https://bit.ly/2XMJiy2 .
IOB	3	d	Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes. No reservations.	EUR-Lex: https://bit.ly/2RxG9Yx National transposition through the Immigration Act (available, in Portuguese, at https://bit.ly/2WJshfB) and its implementing Regulation (available, in Portuguese, at https://bit.ly/32aFpyg).
IOB	3	e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes. No reservations.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2JiA4xn ; United Nations Treaty Collection: https://bit.ly/32dPric .
IOB	3	f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	Yes. No reservations.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2XPRARI ; United Nations Treaty Collection: https://bit.ly/2x034kD .
IOB	3	g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	Yes. No reservations.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2S6dueo ; United Nations Treaty Collection: https://bit.ly/2CC6Xih .
IOB	3	h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness .	Yes. No reservations.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/32aFWAg ; United Nations Treaty Collection: https://bit.ly/2jZa8Mc .
IOB	3	i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. No reservations. Portugal made a declaration at the time of deposit of the instrument of ratification recognising the competence of the Committee Against Torture.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2Jhu5J7 ; United Nations Treaty Collection: https://bit.ly/219Eo3R .
IOB	3	j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes. No reservations. Portugal made a declaration recognising the competence of the Committee on the Elimination of Racial Discrimination on 02/03/2000.	Documentation and Comparative Law Office (information in Portuguese): https://bit.ly/2JjH6Ck ; United Nations Treaty Collection: https://bit.ly/2Xy6Pj4 .
IOB	3	k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	United Nations Treaty Collection: https://bit.ly/29bcEt0 .

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>Yes.</p> <p>The results of the latest census (2011) indicate an overall population of 553 stateless persons (284 men, 269 women). The highest numbers of stateless persons can be encountered in the following age groups: 30 to 34 years old (76 persons), 35 to 39 years old (100 persons), and 40 to 44 years old (56 persons).</p> <p>Statistics Portugal data on resident population for 2017* indicates 31 stateless persons (19 men, 12 women) and 0 persons of unknown nationality.</p> <p>The <i>Immigration, Borders and Asylum Report</i> (RIFA), published yearly by the Immigration and Borders Service (SEF), includes information on the resident population (stock and flow) disaggregated by nationality and gender. According to its 2018 edition, 30 persons were recorded as stateless (19 men and 11 women), while 9 (6 men and 3 women) were recorded as having unknown nationality. The report does not provide clear information on the way these numbers are gathered. In previous contacts unrelated to this project, CPR was informed that the numbers correspond to the number of residence permits issued/valid in a certain year. This information seems to be confirmed by UNHCR's mapping (cfr. <i>Mapping Statelessness in Portugal</i>, p.52). Critically, the data contained in the report only covers non-nationals regularly present in Portugal.</p> <p>According to the Asylum Act (art.13), SEF must communicate all asylum applications filed in Portugal to the Portuguese Refugee Council (CPR). Within this context, in 2018, CPR recorded a total of 6 applicants for international protection registered as stateless.</p> <p>Statistics Portugal data on nationality acquisition by birth/descent and derivative acquisition for 2017 (most recent year available at time of writing) reveals that no stateless person or person of unknown nationality acquired Portuguese nationality during the year.</p> <p>According to the information provided by IOM, statelessness is not a frequent issue in the context of the voluntary return programme.</p> <p>UNHCR's 2018 Mapping includes an overview of other statistics that can include stateless persons.</p>	<p>Statistics Portugal (INE), Census 2011, <i>Data on resident population by place of residence, gender, age group and nationality</i>, available at: https://bit.ly/2XmL6uf;</p> <p>Statistics Portugal (INE), Data on nationality acquisition (by birth/descent), available at: https://bit.ly/2Ju0sTW; https://bit.ly/2G1dHur (printable);</p> <p>Statistics Portugal (INE), Data on derivative acquisition of nationality, available at: https://bit.ly/2LhgBiW, https://bit.ly/2XPnMof (printable);</p> <p>Statistics Portugal (INE), Data on resident population, available at: https://bit.ly/2XUXtNz, https://bit.ly/2YGpx4j (printable).</p> <p>Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i>, available at: https://bit.ly/2NFMu6Y;</p> <p>IOM, interview - 6 June 2019;</p> <p>UNHCR, <i>Mapping Statelessness in Portugal</i>, October 2018, available at: https://bit.ly/2wU7VFY;</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2IkedW4 (in Portuguese).</p>
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes.</p> <p>The Immigration, Borders and Asylum Report (RIFA), published yearly by the Immigration and Borders Service (SEF), includes a separate nationality category for "Palestinians". In its 2018 edition, 70 persons are counted within this group (36 men and 34 women).</p> <p>It is worth mentioning that, while according to UNHCR (<i>Mapping Statelessness in Portugal</i>) the Immigration and Borders Service "<i>clarified internally that all applicants from Palestine and Western Sahara are to be considered stateless</i>", CPR's experience in the field of international protection</p>	<p>Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i>, available at: https://bit.ly/2NFMu6Y;</p> <p>UNHCR, <i>Mapping Statelessness in Portugal</i>, October 2018, available at: https://bit.ly/2wU7VFY;</p> <p>Central Registry Office, interview - 4 June 2019.</p>

						reveals that applicants of Palestinian origin continue to be registered as such in many instances. Additionally, as mentioned, this continues to be listed as a distinct category in SEF's statistical reports. As mentioned above (POP1a), "unknown" nationality is also listed as a distinct category. According to the information provided by the Central Registry Office, within the context of naturalisation processes, previous nationality is registered according to the statement of the person concerned.	
POP	1	c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	In its 2018 mapping, UNHCR notes that quantitative data on stateless and at risk of stateless populations in Portugal is limited. The study does not include quantitative estimates for stateless or at risk of statelessness populations.	UNHCR, <i>Mapping Statelessness in Portugal</i> , October 2018, available at: https://bit.ly/2wU7VFY .
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	Yes. In 2018, UNHCR published a mapping study on statelessness in Portugal.	UNHCR, <i>Mapping Statelessness in Portugal</i> , October 2018, available at: https://bit.ly/2wU7VFY .
POP	1	e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	Not to our knowledge.	
POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	The absence of a statelessness determination procedure (and/or other mechanisms for formal identification) and inconsistencies in registration practices may hamper the reliability of data. Additionally, the knowledge gap on statelessness may have a negative impact on the reliability of data.	CPR's casework; UNHCR, <i>Mapping Statelessness in Portugal</i> , October 2018, available at: https://bit.ly/2wU7VFY .
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	According to EUROSTAT data, out of 1285 asylum applications filled in 2018, 5 applicants were stateless and 5 were Palestinians. The Immigration, Borders and Asylum Report (RIFA) does not include a nationality breakdown of the applicants and beneficiaries of international protection. For issues regarding the methodology of SEF's reporting, see question POP1a. As mentioned above, according to the Asylum Act (Article 13), SEF must communicate all asylum applications filed in Portugal to the Portuguese Refugee Council (CPR). Within this context, in 2018, CPR recorded a total of 6 applicants for international protection registered as stateless and 6 registered as Palestinians. According to CPR's experience, while there is not usually a significant number of stateless asylum seekers, there may be instances of underreporting as, at least in some instances, Palestinian applicants for/beneficiaries of international protection are identified as such and not as stateless. There are other instances where, given the applicant's statements, doubts exist regarding their nationality and the authorities register them as a national of a given country. For more information on the registration policy of applicants for international protection of Palestinian origin, see POP1b.	EUROSTAT - https://ec.europa.eu/eurostat ; Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i> , available at: https://bit.ly/2NFMu6Y ; CPR's casework.
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	The Immigration, Borders and Asylum Report (RIFA) , published by the Immigration and Borders Service, does not include figures on people held in detention.	Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i> , available at: https://bit.ly/2NFMu6Y (in Portuguese); IOM, interview - 6 June 2019;

						<p>IOM reported that the organisation does not have reliable data regarding stateless people held in detention.</p> <p>In its 2017 report on Temporary Installation Centres and spaces classified as such (report of the National Preventive Mechanism), the Ombudsperson includes a breakdown of persons detained during the second semester of 2016 by region of origin but not by nationality/statelessness. 35 persons were registered under the category "unknown nationality".</p>	<p>Ombudsperson - National Preventive Mechanism, <i>Tratamento dos cidadãos estrangeiros em situação irregular ou requerentes de asilo nos centros de instalação temporária ou espaços equiparados</i>, September 2017, available at: https://bit.ly/2S3CV05.</p>
POP	2	b	Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	<p>The Immigration, Borders and Asylum Report (RIFA), published by the Immigration and Borders Service, does not include figures on people released from immigration detention due to un-removability.</p> <p>IOM receives information regarding people released from detention at Unidade Habitacional de Santo António (UHSA)* daily. However, when people are released due to the expiry of the maximum detention period, it is not specified if it was due to un-removability.</p> <p>UNHCR's Mapping includes data on "<i>un-returnable persons in Portugal registered by UHSA</i>" for 2016 and 2017. According to the document, in 2016, out of 184 detainees, 50 were "un-returnable", while in 2017, out of 196 detainees, 66 were "un-returnable" (UNHCR, <i>Mapping Statelessness in Portugal</i>, p.62).</p> <p>*UHSA is the only temporary installation centre in Portugal. There are three other detention facilities (at Lisbon, Porto and Faro Airports) that have been classified as such by the Law for the purposes of detention following refusal of entry.</p>	<p>Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i>, available at: https://bit.ly/2NFMu6Y (in Portuguese);</p> <p>IOM, interview - 6 June 2019;</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>UNHCR, <i>Mapping Statelessness in Portugal</i>, October 2018, available at: https://bit.ly/2wU7VFY.</p>	

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2).	There is no definition of "stateless person" in ordinary legislation. Notwithstanding, the Portuguese Constitution establishes the automatic incorporation of general rules of international law in the Portuguese legal system (Art.8(1) of the Constitution). It also provides for the automatic incorporation of treaty norms, following duly ratification or approval and official publication for as long as they bind the State internationally (Art.8(2) of the Constitution).	Constitution of the Portuguese Republic - Art.8, available at https://bit.ly/2LEUx14 (in Portuguese); https://bit.ly/2RX9TPA (in English).
SDS	1	b	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure (proceed to Question 2a). 2. There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) (proceed to Question 10a). 3. There is a dedicated Stateless Status but no formal procedure for determining this (proceed to Question 15a). 4. None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined (proceed to Question 16a)?	UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR (2016) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	GROUP 4. Although stateless persons may be encountered in the context of administrative procedures, none of them amounts to formal identification, including a determination procedure and conducive to a protection status or relevant consequences for persons of concern.	
SDS	16	a	Other routes to regularisation (where no SDP or Stateless Status)	If none of the above applies , are there any other routes for stateless people to regularise their stay without their statelessness being determined? Please describe the rights granted to applicants and beneficiaries for each route.		In cases where a stateless person is simultaneously eligible for international protection , they will regularise their presence on the national territory through that route. Stateless applicants for international protection and stateless beneficiaries of international protection are entitled to the same rights as other applicants or beneficiaries of protection (for more information, see <i>AIDA Country Report - Portugal - 2018 Update</i>). According to CPR's experience, and while the number of applicants registered as stateless is usually low, there is no record of particular challenges faced by this group when compared to applicants with a nationality. Regularisation of stay of stateless persons may be possible through the general routes established by the Immigration Act . However, stateless	Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i> , April 2019, available at www.asylumineurope.org ; Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i> , available at: https://bit.ly/2NFMu6Y ; IOM, interview - 6 June 2019; UNHCR, <i>Mapping Statelessness in Portugal</i> , October 2018, available at: https://bit.ly/2wU7VFY ; Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);

					<p>persons who have not been previously identified as such (e.g. by a different State) will likely face significant obstacles in accessing such routes (for instance, due to the need to present a valid travel document).</p> <p>The Immigration Act includes an exceptional regularisation regime that may allow for some flexibility (Art.123). This regime is meant to address "extraordinary situations" not covered by other special provisions where there are reasons of national interest, humanitarian or public interest grounds. This is a discretionary regime that does not lead to a specific protection status.</p> <p>The <i>Immigration, Borders and Asylum Report</i> (RIFA), does not include disaggregated information on the ground of residence permit granted during the year. In its mapping study, UNHCR refers to data provided by SEF regarding the number of applications for and residence permits granted for humanitarian reasons within the context of this exceptional regime (e.g. in 2016, out of 388 applications, 267 residence permits were granted). There is no breakdown by nationality/statelessness of the beneficiaries (UNHCR, <i>Mapping Statelessness in Portugal</i>, p.41).</p> <p>In principle, stateless persons holding a residence permit under the Immigration Act will be broadly entitled to access to healthcare, education, work and vocational training, access to justice and to the courts and to family reunification, according to the Law.</p> <p>According to the information provided by IOM, which is confirmed by CPR, in the absence of a statelessness determination procedure, it is often difficult for entities providing legal assistance to refer persons of concern who have not been previously determined as stateless to adequate legal routes and assess their viability.</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Governmental Decree n.84/2007 of 5 November (Immigration Act Regulation - consolidated version), available at: https://bit.ly/2G2yxJS (in Portuguese);</p> <p>Immigration and Borders Service (SEF), <i>Rights and duties of a Residence Permit Holder</i>, available at: https://bit.ly/2XFAQII.</p> <p>CPR's casework.</p>
SDS	16	b	Do stateless people have access to citizenship? If yes, please describe the procedure and requirements.	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 32</p> <p>UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p>	<p>In theory, stateless persons have access to nationality. However, and notwithstanding the relative flexibility of the nationality regime, substantive (e.g. regular residence requirements in some instances) and procedural (e.g. documentary evidence of identity) requirements may hamper access to nationality in practice.</p> <p>The Nationality Act (Art.6(4)) includes a specific provision entitling people who lost Portuguese nationality and never acquired another nationality to facilitated naturalisation (exemption of legal residence and language requirements).</p>	<p>UNHCR, <i>Mapping Statelessness in Portugal</i>, October 2018, available at: https://bit.ly/2wU7VFY;</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeU59X (in Portuguese).</p>

Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	<p>ICCPR Article 9(1) ECHR Article 5 (1)</p>	<p>Yes.</p> <p>Article 27 of the Portuguese Constitution establishes the right to freedom and security. It also establishes exceptions to the principle, that must be implemented "for the period and under the conditions laid down by law". Among such exceptions, Art.27(3)(c) is: "<i>The imprisonment or detention of, or the imposition of any other coercive measure subject to judicial control on, a person who improperly entered or improperly remains in Portuguese territory, or who is currently the object of extradition or deportation proceedings</i>".</p> <p>The Immigration Act establishes the framework for administrative detention following refusal of entry into national territory (Art.32 <i>et seq</i>), and in case of removal procedures (Art.142 and 146).</p> <p>The Asylum Act establishes the circumstances in which applicants for international protection may be placed in administrative detention (Arts.26, 35-A and 35-B).</p>	<p>Constitution of the Portuguese Republic - art.27, available at https://bit.ly/2LEUx14 (in Portuguese); https://bit.ly/2RX9TPA (in English).</p> <p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org.</p>
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	<p>ECHR Article 5(1)(f)</p>	<p>The constitutional provision regarding immigration detention (cfr. supra) is in line with the relevant ECHR norm. Its implementation is operated by ordinary legislation.</p> <p>According to the Immigration Act, administrative detention can be determined following a refusal of entry into national territory. As such, when re-embarkation within 48 hours is not possible, that must be communicated to the competent court for it to determine that the person must be held in detention (Art.38 Immigration Act).</p> <p>The Immigration Act also establishes the framework for detention within the context of removal procedures (Art.142 Immigration Act). According to the law, persons undergoing a removal procedure can be subject to restrictive measures, among which permanence (detention) in a temporary installation centre or in another facility classified as such by law. The Criminal Court which has territorial jurisdiction over the place where the person was encountered is responsible for the application of such measures.</p> <p>The Asylum Act establishes the legal framework for detention of asylum seekers. An applicant for international protection cannot be placed in detention solely on the basis of such application. Notwithstanding, Article 35-A(1) provides that detention can occur for reasons of (i) national security, (ii) public order, (iii) public health or (iv) risk of abscondment. The analysis must be individual, and detention must be applied only if less severe alternative measures cannot be effectively implemented. Additionally, applicants for international protection can be detained (i) when applying for asylum at the border; (ii) when applying for</p>	<p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);</p> <p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>OLIVEIRA, A. Sofia Pinto, RUSSO, Anabela (coord.), <i>Lei do Asilo Anotada e Comentada</i>, Petrony, 2019;</p> <p>GIL, Ana Rita, "A detenção de imigrantes na jurisprudência nacional e internacional" , in <i>O Contencioso de Direito Administrativo relativo a cidadãos estrangeiros e ao regime de entrada, permanência, saída e afastamento do território português, bem como do estatuto do residente de longa duração</i>, Lisboa, Centro de Estudos Judiciários, 2017, available at: https://bit.ly/2RLadB7 (in Portuguese).</p>

						<p>asylum following a decision of removal from national territory; (iii) during Dublin procedures, if less burdensome alternative measures cannot be effectively implemented (Art.35-A(2) Asylum Act). Although Art.26(1) of the Asylum Act seems to provide for the general detention of asylum seekers within the context of border procedures, it must be applied with due regard for the rules established in Art.35-A (Art.35-A(6) Asylum Act). In practice, detention of asylum seekers is limited to applicants at the border, where it is routinely applied. Moreover, persons who apply for international protection while in detention due to a removal procedure, usually remain in detention at least until their application is admitted. For more information on the circumstances and periods of detention of asylum seekers in law and practice, see <i>AIDA Country Report - Portugal - 2018 Update</i>.</p>	
DET	1	c	Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p>ICCPR Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011): The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>The Immigration Act does not contain a specific obligation to identify a country of removal before detention. It was not possible to gather clear and conclusive information on the relevance of this element in practice.</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019.</p>	
DET	1	d	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>The Immigration Act does not contain a specific obligation to consider statelessness in decisions to detain. While it was not possible to gather clear and conclusive information on the relevance of this element in practice, according to IOM there is a knowledge gap regarding statelessness, its specificities and adequate solutions for stateless persons. Apparently, there is a tendency in practice to consider that no one is stateless until proven otherwise. There is no information available on identification of risk of statelessness by the authorities involved in decisions to detain. As there is no SDP, referral is not possible.</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019.</p>	
DET	1	e	Are stateless people detained in practice?		<p>While official data regarding the administrative detention of stateless persons is not available, the lack of a statelessness determination procedure or other formal identification mechanisms makes it at least likely that stateless/at risk of statelessness persons are detained in practice. This risk is likely heightened by the lack of knowledge about statelessness.</p>		
DET	1	f	Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	<p>UNHCR (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive: Article 15(1)</p>	<p>The provisions of the Immigration Act regarding refusal of entry bear no reference to the exhaustion of alternatives to detention (Art.38(4) Immigration Act). Within the context of removal procedures, provisions regarding restrictive measures establish that when there is a risk of abscondment, persons undergoing such a procedure can be subject to the restrictive measures included in the Criminal Procedure Code and to: (i) mandatory reporting to the Immigration and Borders Service; (ii) residential detention with electronic surveillance; (iii) permanence (detention) in a temporary installation centre or in another facility classified</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2ikedW4 (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p>	

						<p>as such (Art.142 Immigration Act). While the norm does not refer to detention as a measure of last resort, its structure seems to indicate that, the least restrictive effective measure should be applied.</p> <p>As noted by IOM, it must be mentioned that the Portuguese removal regime has a clear preference for the voluntary removal (provided for in Art.138 Immigration Act). This is also a conclusion that can be drawn from the analysis of statistical data regarding removal. According to the <i>Immigration, Borders and Asylum Report</i>, in 2018, the Immigration and Borders Service (SEF) opened 780 (coercive) removal procedures, while notifying 3,611 persons irregularly present in the national territory to (voluntary) leave the country. SEF also reports that, out of the 780 removal procedures opened in 2018, 672 were concluded, of which 308 resulted in removal decisions and 364 were dismissed. IOM also underlined that the Immigration Act does not include criteria to evaluate the risk of abscondment. According to the information gathered by the organisation, in practice judges consider the necessity and proportionality of detention, similarly to the process followed in Criminal Law. This requirement also arises from the constitutional provisions.</p> <p>While an analysis of judicial decisions determining restrictive measures is not available, IOM observed a residual but nonetheless relevant phenomenon: the existence of cases where the decision to detain seems to be based not on the risk of abscondment but on the lack of accommodation for the person concerned</p> <p>The Asylum Act establishes that detention must be applied only if less burdensome alternative measures cannot be effectively implemented (Art.35-A and 35-B). Within the scope of application of the Asylum Act, there are two alternatives to detention: (i) periodic reporting to the Immigration and Borders Service; (ii) residential detention with electronic surveillance (Art.35-A(4) Asylum Act). Although Art.26(1) of the Asylum Act seems to provide for the general detention of asylum seekers within the context of border procedures, it must be applied with due regard for the rules established in Art.35-A (Art.35-A(6) Asylum Act). In practice, detention of asylum seekers is limited to applicants at the border, where it is routinely applied. Moreover, persons who apply for international protection while in detention due to a removal procedure, usually remain in detention at least until their application is admitted.</p>	<p>Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i>, available at: https://bit.ly/2NFMu6Y;</p> <p>IOM, interview - 6 June 2019.</p>
DET	1	g	Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	<p>ENS (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Returns Directive: Article 16(3)</p> <p>EU Returns Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union (2013): European entities should assess the situation of LGBTI persons in detention.</p>	<p>References to vulnerability contained in the Immigration Act are mostly connected to the issue of detention conditions (Art.146-A(3) Immigration Act) and procedure of implementation of a removal decision (Art.160(4) Immigration Act). There is no specific reference to vulnerability assessments within the context of a decision to detain. CPR is not aware of the existence of internal guidance on</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);</p>	

						<p>vulnerability criteria to be considered in such decisions. IOM notes that the limited time limits applicable (the person subject to a removal procedure must be presented to a judge in 48 hours) are an element to consider in this regard as it can be difficult to conduct effective vulnerability assessments within such timeframe. Notwithstanding, IOM noted that there seems to exist an effort from the Courts in this realm. IOM also noted that, according to its experience in Unidade Habitacional de Santo António (UHSA), cases where children are detained are very limited. The Asylum Act contains the definition of an "applicant in need of special procedural guarantees". According to CPR's experience, within the context of asylum statelessness is not considered in practice as a factor increasing vulnerability. For more information on the detention of vulnerable applicants in this context, see <i>AIDA Country Report - Portugal - 2018 Update</i>.</p>	<p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>IOM, interview - 6 June 2019;</p> <p>CPR's casework.</p>
DET	2	a	<p>Alternatives to immigration detention</p>	<p>Are alternatives to detention established in law and considered prior to any decision to detain?</p>	<p>ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012) : The obligation to always consider alternatives before resorting to detention should be established by law. EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive. International Detention Coalition (2015) : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>With regards to refusal of entry when re-embarkation within 48 hours is not possible, the Immigration Act has no reference to alternatives to detention (Art.38(4) Immigration Act).</p> <p>Within the context of removal procedures, provisions regarding restrictive measures establish that when there is a risk of abscondment, persons undergoing such a procedure can be subject to the restrictive measures included in the Criminal Procedure Code and to: (i) mandatory reporting to the Immigration and Borders Service; (ii) residential detention with electronic surveillance; (iii) permanence (detention) in a temporary installation centre or in another facility classified as such (Art.142 Immigration Act). While the provision does not refer to detention as a measure of last resort, its structure seems to indicate that, the least restrictive effective measure should be applied.</p> <p>As noted by IOM, it must be mentioned that the Portuguese removal regime has a clear preference for voluntary removal (provided for in Art.138 Immigration Act). This conclusion that can also be drawn from the analysis of statistical data on removal. According to the <i>Immigration, Borders and Asylum Report</i>, in 2018, the Immigration and Borders Service (SEF) opened 780 (coercive) removal procedures, while notifying 3,611 persons irregularly present in the national territory to (voluntary) leave the country. SEF also reports that, out of the 780 removal procedures opened in 2018, 672 were concluded, of which 308 resulted in removal decisions and 364 were dismissed. IOM also underlined that the Immigration Act does not include criteria to evaluate the risk of abscondment. According to the information gathered by the organisation, in practice judges consider the necessity and proportionality of detention, similarly to the process followed in Criminal Law. This requirement also arises from the constitutional provisions.</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019;</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org.</p>

						<p>While an analysis of judicial decisions determining restrictive measures is not available, IOM observed a residual but nonetheless relevant phenomenon: the existence of cases where the decision to detain seems to be based not on the risk of abscondment but on the lack of accommodation for the person concerned.</p> <p>The Asylum Act establishes that detention must be applied only if less burdensome alternative measures cannot be effectively implemented (Art.35-A and 35-B). Within the scope of application of the Asylum Act, there are two alternatives to detention: (i) periodic reporting to the Immigration and Borders Service; (ii) residential detention with electronic surveillance (Art.35-A(4) Asylum Act). Although Art.26(1) of the Asylum Act seems to provide for the general detention of asylum seekers within the context of border procedures, it must be applied with due regard for the rules established in Art.35-A (Art.35-A(6) Asylum Act). In practice, detention of asylum seekers is limited to applicants at the border, where it is routinely applied. Moreover, persons who apply for international protection while in detention due to a removal procedure, usually remain in detention at least until their application is admitted. For more information on the circumstances and periods of detention of asylum seekers, see <i>AIDA Country Report - Portugal - 2018 Update</i>.</p>	
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	<p>Conclusive information is not available. Please see DET2a. According to information previously provided to IOM by the Immigration and Borders Service (SEF), mandatory reporting to SEF is the alternative measure applied more often.</p>	<p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>IOM, interview - 6 June 2019.</p>
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive: Article 15(5)</p> <p>Equal Rights Trust (2012) : Detention should always be for the shortest time possible.</p>	<p>According to Art.146(3) of the Immigration Act, if detention (placement in a temporary installation centre or in another facility classified as such) is applied, it can only be maintained for the time needed to execute the coercive removal decision. In any case, detention cannot exceed 60 days.</p> <p>Released persons can be subject to an additional detention period of 30 days (Art.160 Immigration Act). According to IOM's experience in Unidade Habitacional de Santo António (UHSA), the time limits established are respected in practice. According to a report of the National Preventive Mechanism published in 2017, while the 60 days limit are generally respected, some cases were identified where such limits were exceeded. Within the context of asylum, Art.35-B of the Asylum Act also establishes a maximum detention period of 60 days (Art.35-B(1)Immigration Act).</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019;</p> <p>Ombudsperson - National Preventive Mechanism, <i>Tratamento dos cidadãos estrangeiros em situação irregular ou requerentes de asilo nos centros de instalação temporária ou espaços equiparados</i>, September 2017, available at: https://bit.ly/2S3CV05.</p>
DET	3	b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (2014): The authorities shall ensure that</p>	<p>The Immigration Act does not contain specific provisions on the need to inform detainees of the reasons for their detention. Nonetheless, such obligation results from the Constitution which states that "Every person who is deprived of his freedom must immediately be informed in an understandable manner of the reasons for his arrest, imprisonment or detention and of his rights" (Art. 27(4)).</p>	<p>Constitution of the Portuguese Republic - art.27(4), available at https://bit.ly/2LEUx14 (in Portuguese); https://bit.ly/2RX9TPA (in English).</p> <p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p>

				<p>sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	<p>With regards to persons detained in airport facilities, in particular, in the facility at the Lisbon Airport, according to the Ombudsperson, several detainees report not having being informed of the status of their process in a language they understand. (for more, see National Preventive Mechanism, <i>Report to the Parliament</i>, 2019).</p> <p>According to IOM's experience in Unidade Habitacional de Santo António (UHSA), in practice, detainees are informed about the reasons for their detention and the notification contains all the relevant legal information. Despite this, detainees may not be able to fully understand the reasons for their detention due to: (i) the language used (detainees have stated that sometimes the notification is not written in a language they understand); or (ii) the fact that the information contained in the document is of a technical nature.</p> <p>Within the context of asylum, Art. 35-B of the Asylum Act establishes that a detained asylum seeker must be immediately informed, in writing and in a language they understand or are reasonably expected to understand, of the grounds of detention, possibility to appeal and the right to access legal aid in order to do so (Art.35-B(2) Asylum Act). Although the documents pertaining to the asylum application include a reference to the legal framework of detention of asylum seekers within border procedures, CPR is not aware of the specific provision of detailed information regarding detention (for more, see <i>AIDA Country Report - Portugal - 2018 Update</i>).</p>	<p>National Preventive Mechanism, <i>Report to the Parliament</i>, 2019, available at: https://bit.ly/2S7tdcW.</p> <p>IOM, interview - 6 June 2019;</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>CPR's casework. </p>
DET	3	c	<p>Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p>	<p>Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>Art.146-A(5) Immigration Act establishes that detainees must be provided with a document with the rules of the detention facility, as well as their rights and duties. According to IOM, persons detained in Unidade Habitacional de Santo António (UHSA) receive a summary of the facility's regulation upon admission. This document does not include information of individual rights and duties. In addition to the document, oral information is provided. IOM and JRS provide information on rights and duties and IOM prepared a brief leaflet with relevant information. Copies are available to the Immigration and Borders Service (SEF), which is responsible for distribution. Information provision by IOM can take place in group sessions and/or individual interviews. As mentioned above, there is no SDP in place in Portugal. For more on access to information in case of detention within the context of asylum procedures, see <i>AIDA Country Report - Portugal - 2018 Update</i>.</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019. </p>
DET	3	d	<p>Are there regular periodic reviews of detention before a court or independent body, which can order release?</p>	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>The detention is reviewed ex officio by the competent court every 8 days. </p>	<p>Act n.34/94 of 14 September, available at: https://bit.ly/2XEBvPM (in Portuguese);</p> <p>IOM, interview - 6 June 2019. </p>

DET	3	e	What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.	<p>ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<p>While detention is enforced by a police authority, a person detained for irregular entry/presence within national territory must be brought before a judge within 48 hours (Art.146(1) Immigration Act). The judge is competent to validate the detention and to apply restrictive measures according to the provisions of the Immigration Act. IOM is not aware of cases where this deadline has been exceeded. In general, the detainee is heard by the judge.</p> <p>The Immigration Act does not contain specific provisions on the revocation or replacement of coercive measures. Article 212(4) of the Criminal Procedure Code provides for the possibility of the person concerned to request the revocation/replacement of the coercive measure applied to the court.</p> <p>Within the context of Asylum, Art. 35-B of the Asylum Act establishes that a detained asylum seeker must be immediately informed, in written and in a language they understand or are reasonably expected to understand, of the grounds of detention, possibility to appeal and the right to access legal aid in order to do so (Art.35-B(2) Asylum Act). Although the documents pertaining to the asylum application include a reference to the legal framework of detention of asylum seekers within border procedures, CPR is not aware of the specific provision of this sort of detailed information (for more, see <i>AIDA Country Report - Portugal - 2018 Update</i>). CPR has no experience on judicial challenges to detention or of legal aid applications for the purpose thereof (for more, see <i>AIDA Country Report - Portugal - 2018 Update</i>).</p>	<p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lKedW4 (in Portuguese);</p> <p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org.</p>
DET	3	f	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<p>Information not available</p>	<p>CPR's casework;</p> <p>IOM, interview - 6 June 2019.</p>
DET	3	g	Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<p>UNHCR (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive: Article 13(3)</p>	<p>According to the Immigration Act, persons whose entry into national territory was refused have the right to legal aid (Art.40(2)). Also, those subject to a removal decision have the right to legal aid as provided in Art.150(3) Immigration Act. Access to legal aid is subject, with the necessary adaptations, to the same conditions as nationals, including a 'means test'.</p> <p>In principle, there is no barrier in using the legal aid provided within this context to challenge the detention. However, CPR has no direct practice in this regard, and it was not possible to gather additional conclusive information on the scope of the legal assistance provided by legal aid lawyers in such cases.</p> <p>With regards to persons detained at UHSA, IOM reported that access to legal aid within the context of removal procedures is generally fast and simple.</p> <p>Language barriers and difficulties in accessing funds to cover the cost of interpretation were flagged by IOM as potential obstacles to the quality of</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019;</p> <p>National Preventive Mechanism, <i>Report to the Parliament, 2019</i>, available at: https://bit.ly/2S7tdcW.</p> <p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lKedW4 (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org;</p> <p>CPR's casework.</p>

						<p>assistance. Art.150(4) establishes that upon request, translation and interpretation services can be provided for the purposes of appealing the removal decision but it was not possible to assess the practical implementation of this provision.</p> <p>IOM also noted that, while persons in an irregular situation are generally detained at UHSA (in Porto), the original files remain in the place where the person was intercepted, and the removal procedure was initiated. As the legal aid lawyer will be appointed within the area of residence of the applicant, there may be difficulties for the lawyer to access the complete files. According to information provided to IOM by the Immigration and Borders Service (SEF), the files can be consulted online upon request. IOM does not have additional information on the implementation of such measure.</p> <p>With regards to persons detained in the facility at Lisbon Airport, one additional hurdle is the fact that visitors (including legal aid lawyers) are charged an entrance fee in the airport's restricted area (for more, see <i>National Preventive Mechanism, Report to the Parliament, 2019</i>).</p> <p>With regards to detained asylum seekers, CPR has no experience of legal aid applications for the purposes of detention review. In practice, asylum seekers receive legal information and assistance provided by the organisation at the border. Such assistance includes assistance for the purposes of detention review in the case of vulnerable applicants.</p>	
DET	4	a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 27</p> <p>UNHCR (2014) : Being undocumented cannot be used as a general justification for detention.</p> <p>ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	Conclusive information is not available. According to IOM, persons released following the expiration of the maximum detention period are issued a document that proves that they have already been detained. It is not clear for what purposes such document can be used.	IOM, interview - 6 June 2019.
DET	4	b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<p>Saïd Shamilovich Kadzoev v Direksia Migratsia' pri Ministerstvo na vatrehnite raboti ECJ (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p>Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	Information not available. The law does not establish a legal status for persons released in such circumstances. In the case of applicants for international protection, status will depend on the outcome of the asylum procedure (see <i>AIDA Country Report - Portugal - 2018 Update</i>).	<p>Act n. 27/2008 of 30 of June, amended by Act n. 26/2014 (Asylum Act), available at: https://bit.ly/2lkedW4 (in Portuguese);</p> <p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org.</p>
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	Yes. See also DET3a.	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>IOM, interview - 6 June 2019.</p>
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	According to the information available on the web page of the Ministry of Home Affairs, Portugal has 7 readmission agreements (with	Ministry of Home Affairs, Bilateral Agreements, available at: https://bit.ly/2Ya8udW (in Portuguese);

				readmission and/or return agreements?		<p>Bulgaria, Spain, Estonia, France, Hungary, Lithuania, Romania) and protocols with Russia and Serbia within the context of the corresponding EU agreements.</p> <p>In general, the agreements provide for the readmission of nationals of a contracting party and persons regarding whom there are strong indications of being nationals/can be clearly presumed to be nationals.</p> <p>The agreement with Hungary clearly establishes that there is no obligation on the contracting parties to readmit stateless persons as defined in the 1954 Convention (Art.4(e)).</p> <p>The agreement with Lithuania establishes that upon request, a contracting party must readmit a stateless person who has entered the territory of the requesting party with a travel document issued by the requested State or that immediately before entry into the territory of the requesting State remained in the territory of the requested State (having arrived after the entry into force of the agreement) - Art.4(3).</p> <p>Art.163 <i>et seq</i> of the Immigration Act establish the legal framework for readmission.</p> <p>According to the Immigration and Borders Service, in 2018, there were 108 readmissions, of which 68 passive (requested by French and Spanish authorities) and 40 active.</p>	<p>Act n.23/2007 of 4 July, last amended by Act 28/2019, of 29 March (Immigration Act), available at: https://bit.ly/2WJshfB (in Portuguese);</p> <p>Immigration and Borders Service (SEF), <i>Relatório de Imigração, Fronteiras e Asilo 2018</i>, available at: https://bit.ly/2NFMu6Y.</p>
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		Data not available.	

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1</p> <p>European Convention on Nationality, 1997: Article 2</p> <p>Convention on the Rights of the Child 1989: Article 7</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p>European Parliament (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	Yes. According to Article 1(1)(g) of the Nationality Act, " <i>individuals born in Portuguese territory who do not have another nationality</i> " are Portuguese by birth (unofficial translation).	Art.1(1)(g) of the Nationality Act (Act no. 37/81 of 3 October, last amended by Organic Law no. 2/2018 of 5 July, available (in Portuguese) at https://bit.ly/2jukiBm .
PRS	1	b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p>ENS (2015): The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	<p>The law provides for the automatic acquisition of nationality by children born on the territory who do not have another nationality (Art.1(1)(g) Nationality Act).</p> <p>Article 3(c) of the Nationality Regulation establishes that acquisition of Portuguese nationality is automatic if a person is born on national territory and it is registered in their birth certificate that they do not hold another nationality.</p> <p>Such registration must be done, according to Art.6 of the Nationality Regulation, if it is proven that the person does not hold another nationality. Proof of statelessness and the individual's birth certificate are submitted by the registration official to the "Conservador dos Registos Centrais" (Registrar of the Central Registry Office), who is the competent entity to analyse it and decide if the above-mentioned registration is authorised. In practice, if the parents are not previously registered as stateless (i.e. hold a document identifying them as such), statelessness must be proved.</p> <p>Article 36 of the Nationality Regulation establishes the regime of proof of statelessness (applicable to all forms of acquisition/ withdrawal of nationality). It establishes that proof of statelessness must be adduced through the "<i>means outlined in international convention or, in the absence thereof, by documents issued by the authorities of countries with which the person has relevant links, namely countries of origin and former nationality or countries of nationality of his/her parents</i>" (non-official translation).</p> <p>This means that, in practice, parents are required to provide statements from relevant Embassies/Consulates ascertaining that the child does not hold the nationality of the corresponding State.</p> <p>While according to the information gathered, in certain circumstances, the Central Registry Office may conduct direct contacts with relevant Embassies/Consulates, the burden of proof lies solely on the applicant (or his/her representatives).</p>	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese).</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese);</p> <p>Central Registry Office, interview - 4 June 2019.</p>

PRS	1	c	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>ENS (2015): Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>	The law does not require the parents to be stateless for the child to acquire Portuguese nationality in case they would otherwise be stateless. Nevertheless, according to the information gathered, the application of the safeguard clause seems to be much more straightforward where the parents are already determined to be stateless, as they are not required to produce further proof.	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese);</p> <p>Central Registry Office, interview - 4 June 2019.</p>
PRS	1	d	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<p>UNHCR (2012): A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.</p>	When the parents are not already identified as stateless, proof of absence of another nationality must be presented. The burden of proof lies solely on the applicant or their representatives. According to the available information, in practice, the applicants must present documents issued by the Embassies/Consulates of the States with which there are relevant links, attesting that the child is not a national to that State.	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese);</p> <p>Central Registry Office, interview - 4 June 2019.</p>
PRS	1	e	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all.</p> <p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p> <p>Committee on the Rights of the Child (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6(2)(b)</p>	No.	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese).
PRS	1	f	Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>Committee on the Rights of the Child (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State.</p> <p>ENS (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	No.	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese).
PRS	1	g	What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21.</p> <p>ENS (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	The law does not establish an age limit for the acquisition of nationality by a stateless person born on the territory. According to information gathered, while in general the provision granting Portuguese nationality at birth to persons born stateless on the territory operates immediately after birth registration, there are no time limits for its application.	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese);</p> <p>Central Registry Office, interview - 4 June 2019.</p>

PRS	1	h		<p>Are there specific provisions to protect the right to a nationality of children born to refugees?</p>	<p>UNHCR (2012): Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.</p>	<p>There are no specific provisions on nationality acquisition by refugees or children born to refugees. Children born on the territory to foreigners who are not at the service of their State of nationality are Portuguese by birth if one of the parents has been legally residing in Portugal for at least 2 years at the time of birth (and as long as they or their representative do not state that they do not want to be Portuguese) (Art. 1 (1) (f) Nationality Act). This regime of acquisition at birth results from a 2018 amendment which led to a reduction of the residency period required (previously 5 years) and to a truly automatic form of acquisition (previously, acquisition was dependent upon a declaration of will from the person concerned or their representative).</p> <p>With regards to naturalisation procedures, Art.26 of the Nationality Regulation establishes that in special cases, and upon reasoned request, the Ministry of Justice may exempt an applicant of the obligation to present supporting evidence as long as there are no doubts about the requirements to be proved.</p> <p>While there is no special naturalisation regime for beneficiaries of international protection, according to CPR's experience, the authorities are generally flexible regarding the presentation of supporting evidence issued by Embassies/Consulates of the countries of origin of refugees/beneficiaries of international protection. CPR usually provides assistance in clarifying the international legal standards applicable to administrative assistance in such instances. For more on this, see <i>AIDA Country Report - Portugal - 2018 Update</i>.</p> <p>The above-mentioned regime of proof of statelessness likely imposes additional burdens and barriers on beneficiaries of international protection as they will be barred from requesting documents from the Embassies/Consulates of their country of origin. However, practice in this regard is limited and conclusive data is not available. </p>	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2juki8m (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2Le159X (in Portuguese);</p> <p>Asylum Information Database (AIDA) - <i>Country Report - Portugal - 2018 Update</i>, April 2019, available at www.asylumineurope.org. </p>
PRS	2	a	Foundlings	<p>Are foundlings granted citizenship automatically by law? If not automatic, please describe the procedure.</p>	<p>UN Convention on the Reduction of Statelessness, 1961: Article 2 European Convention on Nationality, 1997: Article 6(1)(b)</p>	<p>The Nationality Law establishes in Art.1(2) that new-born foundlings are presumed to have been born in Portugal, unless proven otherwise. While, apparently, this provision would need to be applied within the context of one of the grounds for acquisition of nationality contained in paragraph 1 of the same provision, according to the Central Registry Office, it is applied as a standalone provision for nationality acquisition - direct application of <i>ius soli</i>. As such, and according to the same source, in these cases, nationality is established at birth registration. </p>	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2juki8m (in Portuguese);</p> <p>Central Registry Office, interview - 4 June 2019. </p>

PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for citizenship?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	Article 1(2) of the Nationality Act only refers to new-born foundlings. According to the Central Registry Office, the same procedure is adopted in case of older children (not new-borns). This is done through the analogic application of the provision of the Civil Registration Code that regulates birth registration of foundlings (Art.105º Civil Registration Code): " <i>for the purposes of birth registration, new-born infants of unknown parentage as well as individuals whose apparent age is of under 14 years old or mentally ill persons whose parents, known or unknown, are absent and whose whereabouts are unknown, leaving them abandoned, are deemed to be foundlings</i> " (unofficial translation).	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese); Civil Registration Code, available at: https://bit.ly/2LS5xIw (in Portuguese).
PRS	2	c		Can citizenship be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	The Portuguese Nationality Regime only provides for the withdrawal of nationality in two cases: (i) Renunciation Art.8 Nationality Act) and (ii) Fraudulent acquisition (Art.12-A Nationality Act). As such, in principle nationality cannot be withdrawn from foundlings. This information was confirmed by the Central Registry Office	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese); Central Registry Office, interview - 4 June 2019.
PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No. The Portuguese Nationality regime only provides for the withdrawal of nationality in two cases: (i) Renunciation (Art.8 Nationality Act) and (ii) Fraudulent acquisition (Art.12-A Nationality Act). As such, adoption by foreign parents <i>per se</i> does not affect the Portuguese nationality of the child. This information was confirmed by the Central Registry Office	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese); Central Registry Office, interview - 4 June 2019.
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Acquisition of nationality by a child adopted by Portuguese parents is automatic (Art.5 Nationality Act). Persons adopted by nationals before the entry into force of the recast provision, may acquire nationality through a declaration of will (Art.29 Nationality Act). In the case of international adoptions under the provisions of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, the Institute of Social Security (ISS) as the designated Central Authority, is responsible for the communication for the purposes of nationality acquisition. If the adoption was otherwise determined by a foreign court, the final decision must be reviewed and confirmed by the competent national court. The process is regulated by the Civil Procedure Code (Art.978 <i>et seq.</i>). In order to be relevant for nationality acquisition, adoption must have the effects of a full adoption (i.e. ceasing all ties with the biological family). While Portuguese Law does not allow for restricted adoption since 2015, if the full effect of the adoption is not mentioned in the original (foreign) decision, additional judicial steps may be required. There is no age limit for acquisition of nationality through this avenue. The adoptee can acquire Portuguese nationality as an adult as long as the adoption decision was taken while they were under 18 years old.	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese); Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese); Documentation and Comparative Law Office- Information on accession to the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption and designation of the Central Authority (information in Portuguese): https://bit.ly/2XGCsHf ; Act no.143/2015 of 8 September (establishing the Legal Framework for Adoption): https://bit.ly/2XOa5Sr (in Portuguese); Civil Procedure Code, available at: https://bit.ly/2LSXmM5 (in Portuguese); Central Registry Office, interview - 4 June 2019.

PRS	4	a	lus sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 4</p> <p>UNHCR (2012): Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.</p>	<p>A child born to nationals abroad is Portuguese if the parents are abroad at the Service of the Portuguese Republic (Art.1(1)(b)).</p> <p>In other cases, the child is Portuguese if their birth is registered in the Portuguese Civil Registration or if they (or their representative) declare willingness to be Portuguese (Art.1(1)(c)).</p> <p>Acquisition in the former situation is regulated in detail by Articles 8 & 9 of the Nationality Regulation.</p> <p>According to Art.8(2) of the Nationality Regulation, the declaration of will/request for registration is filed with proof of Portuguese nationality of one of the parents. The registration must be made at the Central Registry Office or at the Consulate (Art.9(1) Nationality Regulation).</p> <p>In practice, within the context of application of Art.1(1)(c) of the Nationality Act, the most common situation is of registration through the competent Portuguese Consulate. In such cases, according to the information provided by the Central Registry Office, the Consulate registers the case in an electronic system and the process is automatically referred to the Central Registry Office for validation. According to the information shared by the Central Registration Service, such procedure usually takes a maximum of 1 month to be concluded (usually less). If the relevant Consulate cannot refer the case through the electronic system, the process is longer as correspondence will be processed through diplomatic pouch.</p> <p>The Nationality Regulation contains special rules regarding the processes of persons over 14 years old that do not provide an identification document and a foreign birth certificate (Art.9(2) Nationality Regulation).</p>	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese);</p> <p>Central Registry Office, interview - 4 June 2019.</p>
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>Genovese v. Malta ECtHR (2011): The state must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW Gen. rec. No. 32, 2014: Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR (2014): Action 4</p>	No.	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese).
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<p>Convention on the Rights of the Child, 1989: Article 7</p> <p>International Covenant on Civil and Political Rights, 1966: Article 24(2)</p> <p>Council of Europe (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.</p> <p>UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p>	<p>The Civil Registration Code establishes that birth registration is mandatory (Art.1(1)(a)).</p> <p>According to the Civil Registration Code, a birth occurred in Portuguese territory must be declared in a civil registry office within 20 days or, if it took place in a medical facility where declaration is possible, before medical discharge of the mother (Art.96).</p> <p>The duty to report the birth applies successively to: the parents or other legal representative of the child or person empowered to do so, to the closest relative who is aware of the birth, to the director/administrator or</p>	<p>Civil Registration Code, available at: https://bit.ly/2LS5xlw (in Portuguese).</p> <p>Central Registry Office, interview - 4 June 2019.</p> <p>Ministry of Justice, <i>Registar Nascimento</i>, available at: https://bit.ly/2XG6Rp0 (in Portuguese).</p>

					<p>other official of the medical facility where the birth took place/was declared (Art.97 Civil Registration Code).</p> <p>Currently, within the framework of the project <i>Nascer Cidadão</i> ("Born a Citizen"), it is possible to register the birth of a child in all public hospitals and maternities as well as in some private hospitals. When applicable, it is also possible to request the national identity document for the child immediately. The program is a joint action of the Ministry of Justice, the Ministry of Solidarity and Social Security and the Ministry of Health.</p> <p>If the birth occurred in a specific private hospital in Lisbon and the parents are Portuguese, birth registration may also be performed online.</p> <p>If birth registration was not performed at a medical facility, it can also be done at a civil registry office.</p> <p>The law provides for the application of fines in case of non-registration within the 20-day time limit (Art.98 & 295 Civil Registration Code). An individual that does not comply with the obligation to declare a birth can be fined between 50 and 150 EUR (Art.295(1)). A legal person that does not comply with the obligation to declare a birth can be fined between 150 and 400 EUR (Art.295(2)). If the declaration is voluntarily performed before the corresponding process begins, the fine is not applied. According to the information gathered, fines are not enforced in practice.</p> <p>The law does not establish any limitation to birth registration connected to the legal status/documentation of parents.</p>	
PRS	5	b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>UN Human Rights Council, Resolution A/HRC/RES/20/4: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	<p>Yes. Upon registration of birth, a free birth certificate (digital or paper) is provided.</p>	<p>Ministry of Justice, <i>Nascimento</i>, available at: https://bit.ly/2xQ3soq (in Portuguese).</p>
PRS	5	c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p>	<p>Nationality is not recorded in the birth certificate. The law does not provide for a nationality determination procedure. According to Art.4(1) Nationality Regulation, the birth registration of a child born to non-Portuguese parents must indicate the nationality of the parents or the fact that their nationality is unknown.</p>	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2LeI59X (in Portuguese).</p>

PRS	5	d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	Convention on the Rights of the Child, 1989: Articles 3 & 7	No.	
PRS	5	e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.	No instances of such situation were acknowledged during the research. It was not possible to obtain statistics on birth registration coverage in the country. CPR's experience in this regard (children of applicants and beneficiaries of international protection) does not reveal major issues in accessing birth registration. This information was confirmed by the Central Registry Office that explained that registering the birth is the priority, regardless of the legal status of parents. If the parents cannot provide an identification document, such requirement can be replaced by the testimony of two witnesses (Art.45 Civil Registration Code).	Central Registry Office, interview - 4 June 2019; CPR's casework; Civil Registration Code, available at: https://bit.ly/2LS5xIw (in Portuguese).
PRS	5	f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.	The Law does not establish such reporting requirements. This information was confirmed by the Central Registry Office. According to Art.101-A of the Civil Registration Code, the medical facility where the birth occurred must insert data concerning the birth in a software that can only be accessed by health facilities, the Institute of Registration and Notary Affairs and the Institute of Social Security. This information will be used as proof of birth. It is specifically provided in the law that the technical and security features of the above-mentioned system must be communicated to the National Commission on Data Protection (Art.101-C). Once the birth is registered, the relevant data of the child is communicated to the Social Security and Health Services for the purposes of registration in such services (Art.102-A Civil Registration Code). If requested by the child's representative, data may also be communicated to the tax office.	Civil Registration Code, available at: https://bit.ly/2LS5xIw (in Portuguese).
PRS	5	g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	According to the Civil Registration Code, a birth that occurred in Portuguese territory must be declared in a civil registry office within 20 days or, if it took place in a health facility where declaration is possible, before medical discharge of the mother (Art.96). Late birth registration is provided for in Article 99 of the Civil Registration Code. According to the available information, it is also possible in practice.	Civil Registration Code, available at: https://bit.ly/2LS5xIw (in Portuguese). Central Registry Office, interview - 4 June 2019.
PRS	5	h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Article 99 of the Civil Registration Code establishes that: -When the birth occurred more than a year ago, it can only be voluntarily reported by one of the parents, by the person responsible for the child or by the person concerned if they are over 14 years old. If possible, the parents must be heard even if they are not the ones reporting the birth. -If the birth occurred more than 14 years ago, two witness are required for late birth registration. If possible, a document confirming the truthfulness of the declaration must be presented.	Civil Registration Code, available at: https://bit.ly/2LS5xIw (in Portuguese). Central Registry Office, interview - 4 June 2019.

						The official performing the registration may require/perform additional inquiries.	
PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014): Action 7	Within the framework of the project <i>Nascer Cidadão</i> ("Born a Citizen"), it is possible to register the birth of a child in all public hospitals and maternities as well as in some private hospitals. When applicable, it is also possible to request the national identity document for the child immediately. The program is a joint endeavour of the Ministry of Justice, the Ministry of Solidarity and Social Security and the Ministry of Health.	Ministry of Justice, <i>Registar Nascimento</i> , available at: https://bit.ly/2XG6Rp0 (in Portuguese); Central Registry Office, interview - 4 June 2019.
PRS	6	b		Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961 : Article 9 UNHCR (2014): Action 4 UN Human Rights Council (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	UNHCR's 2018 Mapping identified 9 main types and causes of statelessness or potential statelessness in Portugal. Among them, the impacts of decolonisation in terms of nationality of persons born in the former colonies seem to be particularly relevant. Additionally, the nexus between forced displacement and statelessness may be particularly relevant in the near future.	UNHCR, <i>Mapping Statelessness in Portugal</i> , October 2018, available at: https://bit.ly/2wU7VFY ; CPR's casework.
PRS	6	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014): Actions 1 & 8 UNHCR (2015) : States parties to the 1954 Convention are required to help stateless persons become naturalised citizens.	Portugal acceded to the 1954 and to the 1961 Conventions on 01/10/2012. Overall, the successive amendments to the Nationality Act (initially enacted in 1981) have been generally positive in terms of avenues for acquisition of Portuguese nationality. The enactment of the new Nationality Regulation (following the 2018 amendment of the Nationality Act) will be an important element to determine the full extent of the new or recast provisions of the Nationality Act.	Information on accession to the 1954 Convention: Documentation and Comparative Law Office (information in Portuguese) - https://bit.ly/2Xthk71 ; United Nations Treaty Collection - https://bit.ly/2JRpCOP . Information on accession to the 1961 Convention: Documentation and Comparative Law Office (information in Portuguese) - https://bit.ly/30cGi7G ; United Nations Treaty Collection - https://bit.ly/2MYMOZ8 . Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese); GIL, Ana Rita, <i>Amendments to the Portuguese Nationality Law – towards an (even) more inclusive citizenship</i> , 1 August 2018, available at: https://bit.ly/2xOg7Ia (in English); Migration Policy Index (MIPEX) - Portugal, available at: https://bit.ly/30B49hI (2014 evaluation, the Nationality Act as been amended afterwards). Migration Policy Group, <i>Access to citizenship and its impact on immigrant integration: ACIT handbook for Portugal</i> , 2013, available at: https://bit.ly/2xN4G3A (in English; published in 2013, the Nationality Act as been amended afterwards)-
PRS	7	a	Withdrawal of nationality	Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard against statelessness in law and practice.	UN Convention on the Reduction of Statelessness, 1961 : Article 8 European Convention on Nationality, 1997 : Article 7(3) Universal Declaration of Human Rights : Article 15(2)	The Portuguese Nationality Regime only provides for withdrawal of nationality in two cases: (i) Renunciation (Art.8 Nationality Act) and (ii) Fraudulent acquisition (Art.12-A Nationality Act). Renunciation (Art.8 Nationality Act): The law requires that the person has another nationality in order to be able to renounce Portuguese nationality. Art. 30 (3) of the nationality regulation states that the declaration of the person must be accompanied by a document proving the foreign nationality. Fraudulent acquisition (Art.12-A Nationality Act): The Nationality Act establishes that an act determining acquisition or	Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese); Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2Lel59X (in Portuguese); Central Registry Office, interview - 4 June 2019; UNHCR, <i>Mapping Statelessness in Portugal</i> , October 2018, available at: https://bit.ly/2wU7VFY .

					<p>withdrawal of nationality is null and void if it was grounded (i) on false documents; (ii) on documents certifying false or non-existent facts; (iii) on false statements. (Art.12-A(1)). The previous is not applicable if it results on statelessness of the person concerned (Art.12-A(2)).</p> <p>The 2018 amendment of the Nationality Act led to the inclusion of a regime of corroboration of nationality. According to this regime (Art.12-B), the Portuguese nationality of a person who held it in good faith for at least 10 years is crystallised. The detailed implementation of this provision is still not clear as the corresponding Nationality Regulation has not been published at the time of writing.</p> <p>There is a special naturalisation regime applicable to persons who held Portuguese nationality in the past, lost it and never acquired another nationality (Art.6(4) Nationality Act). According to the available information, this provision may be of particular relevance to persons originally from the former colonies who lost Portuguese nationality due to the nationality regime put in place at the time. Persons falling within the scope of application of this provision are exempted from the requirements of legal residency and language knowledge applicable to general naturalisation procedures. According to UNHCR, there is not widespread awareness about this provision, and it is not frequently used (see <i>Mapping Statelessness in Portugal</i>).</p> <p>According to the information provided by the Central Registry Office, proof of non-acquisition of another nationality must be made by the person concerned by demonstrating that they do not hold the nationality of another country with which they have relevant links. In practice this can be done by providing statements from relevant Embassies/Consulates ascertaining that the he/she does not hold the nationality of the corresponding State.</p>	
PRS	7	b	Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 8(4) European Convention on Nationality, 1997: Article 11</p>	<p>With regards to renunciation, the person concerned or their representative must state their will not to be Portuguese in writing (to be submitted to the Central Registration Office or to a <i>Nationality Desk</i>) or through an oral statement in the Civil Registration Office or in other competent services, such as consulates (Art. 32 Nationality Regulation).</p> <p>The Central Registry Office is competent to analyse, make decisions and perform the registration of declarations for the effects of acquisition or withdrawal of nationality (Art.16 and 18 Nationality Act, Art.41 Nationality Regulation, Art.87-90 Civil Registration Code).</p> <p>The above-mentioned regime of Art.12-B of the Nationality Act applies to cases of withdrawal due to fraud (possession of nationality in good faith for ten years).</p> <p>According to Art.61 of the Nationality Regulation, both the Public Prosecutor (with limited exceptions) and a person who has a direct and personal interest can appeal of an action or inaction</p>	<p>Act n.37/81, of 3 October, last amended by Organic Law n.2/2018, of 5 July (Nationality Act), available at: https://bit.ly/2jukiBm (in Portuguese);</p> <p>Decree-Law n.237-A/2006, of 14 December, last amended by Decree-Law n.71/2017, of 21 June (Nationality Regulation), available at: https://bit.ly/2Lel59X (in Portuguese);</p> <p>Civil Registration Code, available at: https://bit.ly/2LS5xlw (in Portuguese).</p>

						within a procedure for the acquisition or withdrawal of nationality. It must be done within one year. Appeals must be filed in the territorially competent administrative court.	
PRS	7	c		Are withdrawal provisions applied in practice?		Yes.	Data and statistics on nationality acquisition by birth/descent and derivative acquisition, withdrawal and negative decisions, available at: https://bit.ly/2Z1YUua (in Portuguese)

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		<p>Until 2006, judicial appeals regarding nationality matters fell within the jurisdiction of the civil Courts of Appeal. Since then, it falls within the jurisdiction of the administrative courts.</p> <p>In Portugal, the rulings of first instance courts are not systematically published. Decisions from Appeal Courts, Supreme Courts and the Constitutional Court can be accessed through http://www.dgsi.pt/.</p> <p>A search on this database with the Portuguese words for "stateless" (apátrida) and "statelessness" (apatridia) leads to multiple results. At the time of research, most of them were connected to international protection procedures where such words were quoted without being directly relevant to the case.</p> <p>In other cases, the fact that the person concerned is not stateless is mentioned within the context of processes of opposition to their naturalisation by the Public Prosecutor.</p>	<p>Jurisprudence database: http://www.dgsi.pt/</p>
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		<p>While not addressing statelessness <i>per se</i>, the following judicial decisions were identified as particularly relevant for nationality matters:</p> <ul style="list-style-type: none"> - Constitutional Court, Ruling no.106/2016 of 24 February 2016 (on the interpretation of the Nationality Act provision regarding limits to naturalisation due to previous criminal conviction); - Constitutional Court, Ruling 225/2018, of 24 April 2018 (preventive control of constitutionality of the Law on Medically Assisted Reproduction); - Constitutional Court, Ruling no.497/2019 of 26 September 2019 (on the interpretation of the Nationality Act provision regarding limits to naturalisation due to previous criminal conviction - concrete sentencing vs. maximum jail time prescribed by law for the crime); - Supreme Administrative Court, Process 0201/16, of 16 June 2016 (on the burden of proof of "effective links to the national community" when the Public Prosecutor opposes to nationality acquisition). 	<p>Constitutional Court, Ruling no.106/2016 of 24 February 2016, available at: https://bit.ly/2xMYIJH (in Portuguese);</p> <p>Constitutional Court, Ruling 225/2018, of 24 April 2018, available at: https://bit.ly/2LUIsFl (in Portuguese);</p> <p>Constitutional Court, Ruling 497/2019, of 26 September 2019, available at: https://bit.ly/2pClfOl (in Portuguese);</p> <p>Supreme Administrative Court, Process 0201/16, of 16 June 2016, available at: https://bit.ly/32tXyY5 (in Portuguese).</p> <p>Central Registry Office, interview - 4 June 2019.</p>
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR (2016): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels.</p> <p>UNHCR (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p>	<p>Since the publication of <i>Mapping Statelessness in Portugal</i> in September 2018, UNHCR conducted trainings on statelessness targeting officers of the Immigration and Borders Service (SEF), Civil Registration officials, and judges/prosecutors of the administrative jurisdiction. The trainings had a duration of 2 to 3 hours (except the one for judges - 1 hour).</p> <p>According to the Annual Report on Migration and Asylum 2018, submitted by SEF to the European Migration Network, 43 of its officers participated in the above-mentioned trainings.</p>	<p>Information provided by UNHCR.</p> <p>SEF, <i>EMN Annual Report on Migration and Asylum 2018</i>, available at: https://bit.ly/2L66CwC (in English).</p>

LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<p>UNHCR (2014): Applicants must have access to legal counsel.</p>	<p>The Portuguese Refugee Council (CPR) provides legal assistance to applicants and beneficiaries of international protection. Within its mandate, CPR also develops statelessness activities, namely as an ENS member. As such, CPR may provide advice when approached by stateless persons or persons at risk of statelessness. In the absence of a statelessness determination procedure or formal referral mechanisms, advice usually focuses on guidance on the use of services that allow access to rights, and acquisition/recognition of Portuguese nationality.</p> <p>The High Commissioner for Migration provides legal assistance to migrants through its National Centres for Migrants' Integration (CNAI) and Local Support Centres for Migrants Integration (Centro Local de Apoio à Integração de Migrantes, CLAIM) spread throughout the country.</p> <p>Other NGOs are involved in the provision of assistance to migrants. To the extent of our knowledge, there is no specific specialisation on statelessness.</p>	<p>Portuguese Refugee Council - www.cpr.pt</p> <p>High Commissioner for Migration - www.acm.gov.pt</p>
LIT	4	a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<p>Statelessness is not a frequent topic within domestic literature. Notwithstanding, the following sources may be relevant (directly or not).</p> <ul style="list-style-type: none"> - GIL, Ana Rita, <i>Amendments to the Portuguese Nationality Law – towards an (even) more inclusive citizenship</i>, 1 August 2018, available at: https://bit.ly/2xOg7la (in English); - Multiple authors, <i>Contencioso da Nacionalidade</i>, Lisboa, 2nd Edition, Centro de Estudos Judiciários, November 2017, available at: https://bit.ly/2ZPA7WZ (in Portuguese); -Oliveira, C. R.; Gomes, N.; Santos, T., <i>Aquisição da nacionalidade portuguesa: 10 anos da Lei em Números, Caderno Estatístico Temático # 1</i>, 2017, Coleção Imigração em Números do Observatório das Migrações (coord. C. R. Oliveira), Lisboa: ACM, available at: https://bit.ly/2JFjh6M (in Portuguese). - Migration Policy Group, <i>Access to citizenship and its impact on immigrant integration: ACIT handbook for Portugal</i>, 2013, available at: https://bit.ly/2xN4G3A (in English; published in 2013, the Nationality Act as been amended afterwards). 	