President submits Law on Foreigners and Granting of Asylum to the Constitutional Court for review

The President decided to request the Constitutional Court to carry out a preventive review of the Decree of the Assembly of the Republic amending the rules governing the reception of foreign nationals and stateless persons, their entry, stay, departure and removal from national territory and the granting of asylum.

In an official statement on 7 August 2026, the President reaffirmed the need to combat illegal immigration, effectively control legal immigration and guarantee the defense of the borders, within a framework of cooperation between countries of the Schengen Area, but he also reiterated that the security of the borders is not incompatible with human dignity.

The President considered that some legislative proposals in the decree raise well-founded doubts, for example if the best interests of the child are being safeguarded. The President also observed longer periods of administrative detention and rules that could potentially remove asylum seekers before courts have ruled on their appeals.

The President reiterated that it is the responsibility of the Constitutional Court to assess whether the specific provisions adopted by the national legislature respect the structuring principles of the Constitution, namely the principles of human dignity, proportionality, effective judicial protection and the protection of personal liberty.

Source(s)

- Government of Portugal | Governo de Portugal (7 August, 2026), Presidente da República submete Lei de Estrangeiros e de Concessão de Asilo ao Tribunal Constitucional [The President of the Republic submits the Law on Foreigners and Granting of Asylum to the Constitutional Court], https://www.presidencia.pt/atualidade/toda-a-atualidade/2026/08/presidente-da-republica-submete-lei-de-estrangeiros-e-de-concessao-de-asilo-ao-tribunal-constitucional/

Date of development
07.08.2026

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.
Document generated on 25-11-2026

Country

Portugal

Thematic area(s)

General asylum and migration development, Access to procedures and non-refoulement, First instance determination, Applicants with special needs, Pact on Migration and Asylum

Development type

Jurisprudence

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.