President promulgates Law on Foreign Nationals and the Granting of Asylum

The President of the Republic promulgated the Law on Foreign Nationals and the Granting of Asylum on 31 August 2026, which he had previously referred to the Constitutional Court for preventive review.

The President made a request to the Constitutional Court on 7 August 2026 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.

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 Constitutional Court ruled that the provisions in question were not unconstitutional, whilst also clarifying points of interpretation by providing guidance to courts and administrative authorities, particularly regarding the concerns expressed by the President of the Republic concerning the removal of children born in Portugal, the possibility of separating parents from their children or the removal of refugees entitled to international protection.

Source(s)

- Presidency of the Portoguese Republic | Presidencia da República Portuguesa (31 August, 2026), Presidente da República promulga Lei de Estrangeiros e de Concessão de Asilo [President of the Republic promulgates Law on Foreign Nationals and the Granting of Asylum], https://www.presidencia.pt/atualidade/toda-a-atualidade/2026/08/presidente-da-republica-promulga-lei-de-estrangeiros-e-de-concessao-de-asilo/

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