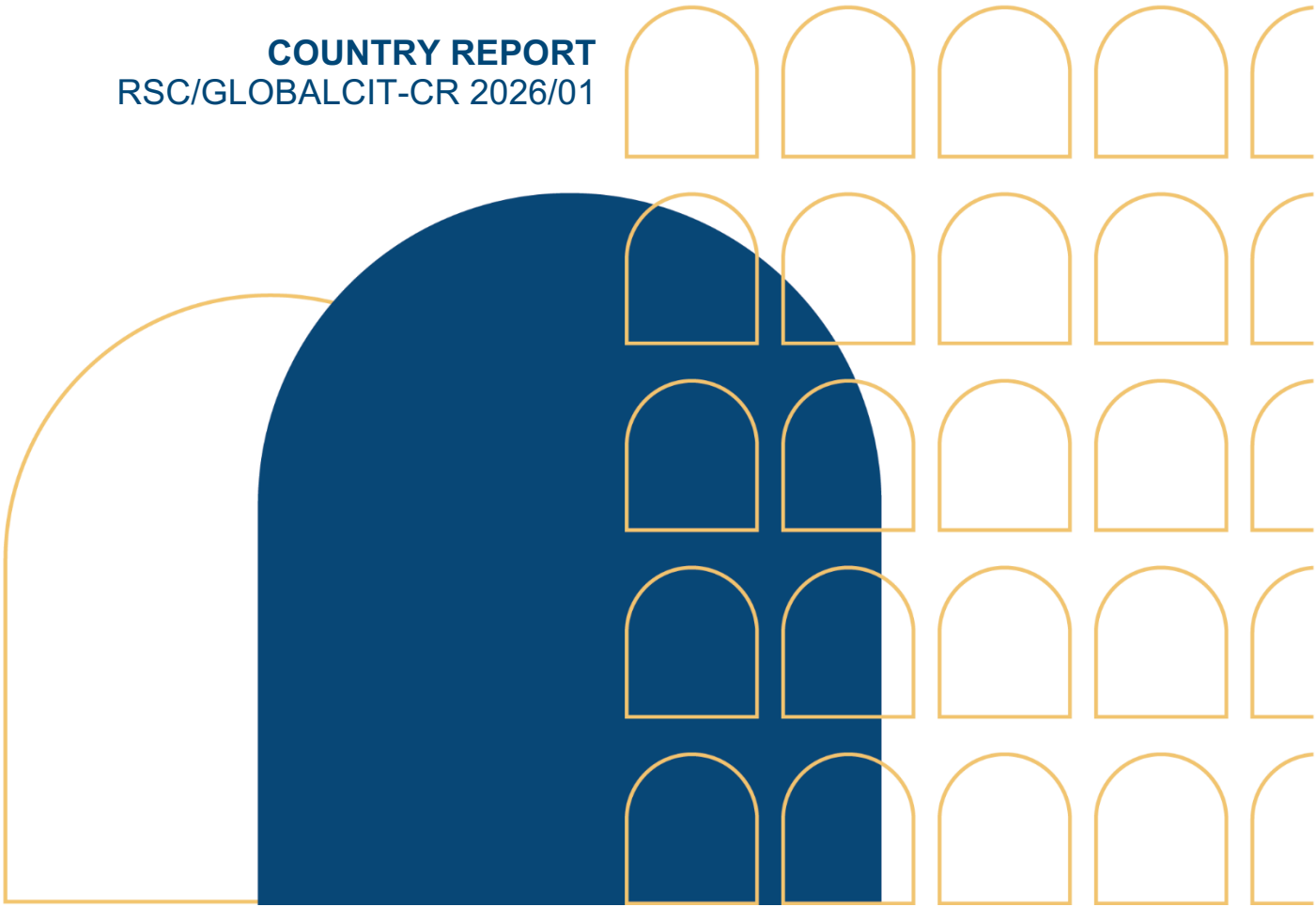
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Report on Citizenship Law: Cape Verde

Patrícia Jerónimo and José Pina-Delgado

COUNTRY REPORT
RSC/GLOBALCIT-CR 2026/01



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Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with Edinburgh University Law School

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Patrícia Jerónimo and José Pina-Delgado

1. Introduction

Cape Verde is a small island-state with a long history of migration and an oversized diaspora. Its citizenship regime stands out for extending ius sanguinis up to the fourth generation of children born abroad as part of the country's "global nation" policy, affirmed in the preamble to the 2023 Nationality Act.[1] Cape Verde has long been one of the few African countries which attributes citizenship of origin by birth (*nacionalidade de origem por nascimento*) if one grandparent is a citizen[2] and has now extended this rule to children born abroad who have a great or a great-great-grandparent who is/was a Cape Verdean citizen of origin. The attribution to grandchildren, great-grandchildren and great-great-grandchildren born abroad takes effect by operation of law and only requires a declaration (*declaração*) of the wish to be Cape Verdean, and proof of the family ties, with no time limit.

There are more Cape Verdeans living abroad (usually with dual or triple citizenship) than Cape Verdeans resident in Cape Verde,[3] and their strong ties to the homeland – translated, most notably, through their remittances[4] – are rewarded/nurtured with the entitlement to vote in Cape Verdean presidential and parliamentary elections, with six seats allocated for the diaspora in the National Assembly (two for the Americas, two for Africa, and two for Europe and the rest

[1] Law No. 33/X/2023 of 22 August 2023. A brief note on terminology is warranted here. First, in Cape Verde, citizenship and nationality are taken as synonimous and used interchangeably. Editorial guidelines require the use of the term citizenship in this report even when nationality (*nacionalidade*) is the term used in the primary sources. The only exception will be the reference to Nationality Acts or Regulations. Secondly, with regard to terms used when referencing legal instruments, Nationality Act and Nationality Regulation are used for brevity to designate the relevant rules adopted by the parliament or by the executive, respectively, while the complete identification with reference number and date of publication are provided with a literal translation from the Portuguese, i.e., Law No. or Decree-Law No., respectively.

[2] Bronwen Manby, *Citizenship Law in Africa: A Comparative Study* (New York: Open Society Foundations, 3rd edn, 2016), 53.

[3] According to the 2021 population census, Cape Verde's resident population was of 491 233 individuals, 10 875 of whom were foreigners. There are no statistical data on the total number of Cape Verdean emigrants, but the common refrain – voiced by Cape Verde's National Institute of Statistics – is that there are more Cape Verdeans abroad than in the archipelago. Instituto Nacional de Estatística, *V Recenseamento Geral da População e Habitação – Migrações* (Praia: Instituto Nacional de Estatística, 2022), 7, 13, and 23.

[4] Nancy Tolentino et al., "Migração, remessas e desenvolvimento em África: O caso dos países de língua portuguesa," *Revista Internacional em Língua Portuguesa* 24 (2011): 36; Bruce Baker, "Cape Verde: The most democratic nation in Africa?," *Journal of Modern African Studies* 44, no. 4 (2006): 506-507; João Resende-Santos, "Cape Verde and its diaspora: Economic transnationalism and homeland development," *Journal of Cape Verdean Studies* 2, n.º 1 (2015): 69-107.

of the world).[5] Although the diaspora turnout is usually low, the diaspora vote has proven pivotal, as was reportedly the case in the 2001 and 2006 elections.[6] Concern for the protection of Cape Verdean emigrants has been a constant over the years and was on full display during the 2009 debates about the possibility of extraditing Cape Verdean citizens.[7] Cape Verde's emigration policies have traditionally incentivised emigrants' integration in their host countries, including through the acquisition of these countries' citizenships. Cape Verde was an early proponent of the acceptance of dual citizenship in Africa, with explicit safeguards for emigrants naturalised abroad since 1990.[8]

Cape Verde's exceptionality in the African context is grounded in several other features besides the relative size of its diaspora, including its ethnic cohesiveness (despite disparities among the islands),[9] its "democratic maturity" and political stability,[10] the social embeddedness

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[5] Introduced by the 1992 Constitution (Constitutional Law No. 1/IV/92 of 25 September 1992) in Articles 117 and 153(2).

[6] Bruce Baker, "Cape Verde: The most democratic nation in Africa?," *Journal of Modern African Studies* 44, no. 4 (2006): 496-497 and 509; Jørgen Carling and Luís Batalha, "Cape Verdean migration and diaspora", in *Transnational Archipelago: Perspectives on Cape Verdean Migration and Diaspora*, ed. Luís Batalha and Jørgen Carling (Amsterdam: Amsterdam University Press, 2008), 23; João Resende-Santos, "Cape Verde and its diaspora: Economic transnationalism and homeland development," *Journal of Cape Verdean Studies* 2, n.º 1 (2015): 98-99.

[7] José Pina-Delgado, "Extradição de nacional (cabo-verdiano): Acto indigno, abandono de uma relíquia do passado ou possibilidade razoável?," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 111-116.

[8] José Pina-Delgado, "O dogma da não-extradição de nacional: O debate constitucional cabo-verdiano," *Revista do Ministério Público* 119 (July-September 2009): 110-113. As a side note, it is worth mentioning that the 2014 Immigration Act (Law No. 66/VIII/2014 of 17 July 2014, last amended by Law No. 27/X/2023 of 8 May 2023) exempts from the need to acquire a residence permit the foreigners born in Cape Verde who prove that they renounced their Cape Verdean citizenship to defend their rights in their country of immigration [Article 44(1)(a)].

[9] Cape Verde was one of the "earliest 'creole' formations," since the islands were deserted at the time of the arrival of the Portuguese in 1460. It was a key transit point in the Atlantic slave trade for around 150 years and its population was the result of the miscigenation of Africans from the Guinea Coast (brought in as slaves), Europeans (Portuguese, Spaniards, and Italians), and people of Sephardi extraction. Differences between the islands, mostly due to colonisation and patterns of emigration, are said to not stand in the way of Cape Verde's "national identity" as a Creole society. Derek Pardue, "The role of Creole history and space in Cape Verdean migration to Lisbon, Portugal," *Urban Anthropology* 42, no. 1-2 (2013): 100-101; José da Silva Horta, "Evidence for a Luso-African identity in 'Portuguese' accounts on 'Guinea of Cape Verde' (sixteeth-seventeenth centuries)," *History in Africa* 27 (2000): 101; Elisa Silva Andrade, "Cape Verde," in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 264-265; Patrick Chabal, "Lusophone Africa in historical and comparative perspective", in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 47-48; Jørgen Carling and Luís Batalha, "Cape Verdean migration and diaspora", in *Transnational Archipelago: Perspectives on Cape Verdean Migration and Diaspora*, ed. Luís Batalha and Jørgen Carling (Amsterdam: Amsterdam University Press, 2008), 13-14; Bruce Baker, "Cape Verde: The most democratic nation in Africa?," *Journal of Modern African Studies* 44, no. 4 (2006): 504; Michael Bogdan, "The law of the Republic of Cape Verde after 25 years of independence," *Journal of African Law* 44, no. 1 (2000): 86; Toby Green, *Masters of Difference: Creolisation and the Jewish Presence in Cabo Verde, 1497-1672* (Birmingham: Centre of West African Studies University of Birmingham, 2006).

[10] Elisa Silva Andrade, "Cape Verde," in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 271; Patrick Chabal, "Lusophone Africa in historical and comparative perspective", in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 123; Lisa Åkesson, "Making migrants responsible for development: Cape Verdean returnees and Northern migration policies," *Africa Spectrum* 41, no. 1 (2011): 67; Bruce Baker, "Cape Verde: The most democratic nation in Africa?," *Journal of Modern African Studies* 44, no. 4 (2006): 495; Peter Meyns, "Cape Verde: An African exception," *Journal of Democracy* 13, no. 3 (2002): 153-165; José Pina-Delgado, "Rooting constitutional identity in African countries without pre-colonial institutional traditions but with national values: The Cape Verdean experience and the role of the Constitutional Court", in *Constitutional Identity*

of the official legal system,[11] a 90%+ birth registration rate,[12] and its proximity to Europe, particularly via strong postcolonial ties with Portugal.[13] Cape Verde is simultaneously a recipient and a source of legal transplants in the Lusophone (i.e. Portuguese-speaking) world. Its citizenship regime reflects the influence of Portuguese nationality law while also being influential over the nationality laws of countries such as Guinea-Bissau and Timor-Leste.[14] It nevertheless has some specificities among the citizenship regimes of the Lusophone world, namely that it is the only Lusophone country that does not require language proficiency for ordinary naturalisation, having only recently introduced a language requirement restricted to citizenship acquisition by investment under Article 14 of the 2023 Nationality Act. Cape Verde was actually among the first states to introduce citizenship by investment (initially known as "economic citizenship"), although the status established in 1992 fell short of full citizenship, since it did not include access to political rights,[15] which raised doubts about its constitutionality.[16] Also noteworthy is the fact that, until 2023, the residence requirement for naturalisation was merely habitual (not legal) residence, which made it one of the most generous naturalisation regimes in the whole of Africa and drew domestic criticism.[17] Until 2024, Cape Verde was one of the few African countries which attributed citizenship of origin by birth to children born in the territory who would otherwise be stateless.[18] However, the provision was deleted in the 2024 amendment to the 2023 Nationality Act[19] for no explicitly stated reason.

Cape Verde has consistently nurtured close ties with other Lusophone countries,[20] and was at the forefront of efforts to promote a "Lusophone citizenship" within the Community of Portuguese Language Countries (*Comunidade dos Países de Língua Portuguesa*, CPLP),[21]

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and Constitutionalism in Africa, eds. Charles M. Fombad and Nico Steytler (Oxford: Oxford University Press, 2024), 192-213.

[11] Michael Bogdan, "The law of the Republic of Cape Verde after 25 years of independence," *Journal of African Law* 44, no. 1 (2000): 95.

[12] Bronwen Manby, "The nationality laws of the Lusophone states in Africa," *E-Boletim Lei & Justiça* 3 (December 2019): 21.

[13] Jørgen Carling and Luís Batalha, "Cape Verdean migration and diaspora", in *Transnational Archipelago: Perspectives on Cape Verdean Migration and Diaspora*, ed. Luís Batalha and Jørgen Carling (Amsterdam: Amsterdam University Press, 2008), 15.

[14] Patrícia Jerónimo, *Report on Citizenship Law: Guinea-Bissau*, Country Report RSC/GLOBALCIT-CR 2021/17: 17; Patrícia Jerónimo, *Report on Citizenship Law: East Timor (Timor-Leste)*, Country Report RSCAS/GLOBALCIT-CR 2017/7: 21.

[15] Article 12(3) and (4) of the 1990 Nationality Act as amended by Law No. 41/IV/92 of 6 April 1992.

[16] Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 185.

[17] Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 184-185.

[18] Article 7(1)(c) of the 1990 Nationality Act (Law No. 80/III/90 of 29 June 1990), and Article 8(1)(c) of the 2023 Nationality Act. Bronwen Manby, *Citizenship Law in Africa: A Comparative Study* (New York: Open Society Foundations, 2016), 49.

[19] Law No. 37/X/2024 of 22 March 2024.

[20] Patrick Chabal, "Lusophone Africa in historical and comparative perspective", in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 78-80.

[21] Patrícia Jerónimo, "Mobility and rights in the Portuguese-speaking world: A Lusophone citizenship in bits and pieces," in *The Art of Moving Borders:* Liber Amicorum *Hildegard Schneider*, ed. Pauline Melin et al. (The Hague: Eleven, 2022), 194-197.

going so far as to introduce a "Lusophone citizen status" into its domestic legislation in 1997,[22] despite not having yet adopted the decree required to implement it nor integrated its relevant provisions into the Nationality Act. Following in Cape Verde's footsteps, Guinea-Bissau would similarly adopt a "Lusophone citizen status" in 2008 and leave it in the books without further action.[23]

2. Historical background

Cape Verde became independent on 5 July 1975 pursuant to the decolonisation agreement entered into by the Portuguese government and the African Party for the Independence of Guinea and Cape Verde (*Partido Africano para a Independência da Guiné e Cabo Verde*, PAIGC) on 19 December 1974,[24] and to the transitional regime set by Portuguese lawmakers to govern the exercise of political power in the territory in the interim (Article 31 of Law No. 13/74 of 17 December 1974). Neither the agreement nor the transitional regime included provisions on the repercussions of independence for the citizenship status of Cape Verde's inhabitants.

The Cape Verdean Act on the Political Organisation of the State (*Lei sobre a Organização Política do Estado*, LOPE), adopted by the newly inaugurated National Assembly on the day of independence, prescribed that Portuguese legislation was to be kept temporarily in force in everything that did not contradict Cape Verdean national sovereignty, the LOPE, other laws of the Republic, and the PAIGC's principles and goals (Article 22).[25] One would argue that, since the determination of who is a citizen is a key tenet of national sovereignty, the 1959 Portuguese Nationality Act[26] would not be kept in force under Article 22 of the LOPE. However, that does not seem to have been the prevailing understanding, as the 1959 Portuguese Nationality Act is said to have been kept temporarily in force until the adoption of the first Cape Verdean citizenship regime by Decree-Law No. 71/76 of 24 July 1976.[27] In practice, this likely meant that ius soli was used as the main criterion for attribution/recognition of citizenship by birth. However, former Cape-Verdean Attorney-General Júlio Martins Tavares points out other aspects of the 1959 regime as having been applied in newly independent Cape Verde, namely ius sanguinis a patre (attribution at birth to those born in wedlock outside of the country if the father was a citizen); the distinction between children born in or out of wedlock; the automatic acquisition of Cape Verdean citizenship by foreign women married to Cape Verdean men, unless they made a declaration to the contrary, and the absence of a similar right to foreign men married to Cape Verdean women; the loss of Cape Verdean citizenship by Cape Verdean

[22] Law No. 36/V/97 of 25 August 1997.

[23] Patrícia Jerónimo, *Report on Citizenship Law: Guinea-Bissau*, Country Report RSC/GLOBALCIT-CR 2021/17: 17 and 20.

[24] The Cape Verdean people's right to self-determination had been officially acknowledged in the Algiers Agreement between the Portuguese government and the PAIGC regarding the independence of Guinea-Bissau, signed on 26 August 1974. Unlike Guinea-Bissau, however, Cape Verde's access to independence was placed under the general framework of the decolonisation of the African territories and was appointed a transitional executive to prepare the elections for the Cape Verdean People's National Assembly which would proclaim the country's independence at the designated time. Patrícia Jerónimo, *Report on Citizenship Law: Guinea-Bissau*, Country Report RSC/GLOBALCIT-CR 2021/17: 9.

[25] A similar provision was later included in the 1980 Cape-Verdean Constitution (Article 99).

[26] Law No. 2098 of 29 July 1959.

[27] Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 169-170.

women who married foreign men; the grounds for withdrawal of Cape-Verdean citizenship; and the restrictions to the rights enjoyed by naturalised citizens.[28] It should be noted that the transitional application of the 1959 Portuguese Nationality Act was very brief (little more than one year) and that Decree-Law No. 71/76 was applied retroactively to the date of Cape Verdean independence, even if it safeguarded situations or effects produced under the previous law.[29]

Decree-Law No. 71/76 eliminated gender discrimination, reflecting the international socialist ideology that inspired the PAIGC and other liberation movements in Lusophone Africa.[30] Unlike its Lusophone African counterparts, such as Guinea-Bissau, Cape Verde's Decree-Law No. 71/76 did not include explicit provisions rewarding those who had fought against the Portuguese or penalising those who had collaborated with the colonial regime.[31] The only provision that hinted at such a reward was Article 6, which allowed for the grant of Cape Verdean citizenship by naturalisation to foreigners who had rendered relevant services to the PAIGC, a wording much less explicit than that which we found in Articles 1(1)(c) and 7(3)(b) of Guinea-Bissau's 1976 Nationality Act.[32] In fact, despite the political union between Cape Verde and Guinea-Bissau envisioned by the PAIGC's founder, Amílcar Cabral and pursued until 1981,[33] the two countries adopted separate and distinct citizenship laws in 1976.[34] Even the reciprocal provisions facilitating access to their respective citizenships were phrased differently. While Guinea-Bissau's 1976 Nationality Act reserved the prerogative to acquire Bissau-Guinean citizenship of origin to Cape-Verdean citizens of origin who had their habitual residence in Guinea-Bissau,[35] Cape Verde's Decree-Law No. 71/76 extended the prerogative to other categories of foreigners who had been resident or domiciled in Cape Verde on the date of independence (Article 4).[36] Following the break with Guinea-Bissau, Article 4(1)(a) and Article 6 of Decree-Law No. 71/76 were repealed by Decree-Law No. 31/87 of 28 March 1987.

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[28] Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 170-171.

[29] Article 20 of Decree-Law No. 71/76.

[30] Bronwen Manby, "The nationality laws of the Lusophone states in Africa," *e-Boletim Lei & Justiça* 3 (2019): 18; Patrick Chabal, "Lusophone Africa in historical and comparative perspective", in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 26.

[31] Bronwen Manby, "The nationality laws of the Lusophone states in Africa," *e-Boletim Lei & Justiça* 3 (2019): 17; Bronwen Manby, "Naturalization in African states: its past and potential future," *Citizenship Studies* (May 2021): 4.

[32] Law No. 1/76 of 4 May 1976.

[33] Political union with Guinea-Bissau was never uncontroversial in Cape Verde but was enshrined in the 1975 LOPE [Article 2(2)] and in the 1980 Constitution (Article 22). Article 22 of the 1980 Constitution was repealed by Law No. 2/81 of 14 February 1981. On the dream of unity and its demise, see Patrícia Jerónimo, *Report on Citizenship Law: Guinea-Bissau*, Country Report RSC/GLOBALCIT-CR 2021/17: 7-15.

[34] Patrícia Jerónimo, *Report on Citizenship Law: Guinea-Bissau*, Country Report RSC/GLOBALCIT-CR 2021/17: 11.

[35] Article 5 of Guinea-Bissau's 1976 Nationality Act, according to which Cape Verdeans of origin who had their habitual residence in Guinea-Bissau could acquire Bissau-Guinean citizenship at any time on the basis of a declaration.

[36] Under Article 4 of Cape Verde's Decree-Law No. 71/76, acquisition of Cape Verdean citizenship of origin was open to Bissau-Guinean citizens of origin, in terms similar to those set by Guinea-Bissau's Nationality Act for Cape Verdean citizens of origin [Article 4 (1) (a)], but also to persons who, having been born in Cape Verde and resident there at the time of independence, did not acquire Cape Verdean citizenship due to a declaration made by their legal representatives, if they declared their wish to be Cape Verdeans within one year after the end of their incapacity [Article 4 (1) (b)], and to persons born abroad but domiciled in Cape Verde at the time of independence, provided that they had at least 20 years of residence in Cape Verde and declared their wish to

Decree-Law No. 71/76 followed the Portuguese nationality law model in terms of structure, terminology (i.e., the distinction between citizenship attribution and acquisition, albeit with some inconsistencies), and modes of citizenship attribution, acquisition, loss, and reacquisition.[37] However, it did not include grounds for opposition to attribution, acquisition or reacquisition, nor provisions on registration, proof, litigation, and conflicts of laws.[38] Besides gender equality, substantive differences vis-à-vis the Portuguese model as set by the 1959 Nationality Act were *(i)* the addition of double ius soli and the combination of ius soli and ius domicilii for attribution of Cape Verdean citizenship of origin under Article 1(1) of Decree-Law No. 71/76,[39] despite the maintenance of the single ius soli rule under Article 2;[40] *(ii)* the expansion of ius sanguinis by making the attribution of citizenship to children born abroad to a Cape Verdean parent automatic absent a declaration to the contrary of the interested party within a given time period (Article 3);[41] *(iii)* the introduction of requirements for citizenship acquisition based on marriage, i.e., minimum of three-years of marriage, domicile in Cape Verde, renunciation of previous citizenship, and political and moral guarantees of integration into Cape Verdean society (Article 5); and *(iv)* the lowering of the naturalisation requirements, despite the increase of the residence requirement from three to five years habitual and regular residence (Article 7).[42]

Coinciding with the change of regime in 1990,[43] the National Assembly adopted a Nationality Act – Law No. 80/III/90 of 29 June 1990 (1990 Nationality Act) – which brought the rules on

be Cape Verdean within one year of the publication of Decree-Law no. 71/76. This residence requirement was lowered to 15 years, when the person was married to a Cape Verdean citizen of origin, and to 10 years, when the person had children born in Cape Verde [Article 4 (2) and (3)]. Patrícia Jerónimo, *Report on Citizenship Law: Guinea-Bissau*, Country Report RSC/GLOBALCIT-CR 2021/17: 11.

[37] The similarities with the Portuguese model are also evident when we consider the decree which implemented Decree-Law No. 71/76, i.e. Decree No. 102/76 of 20 November 1976 (1976 Nationality Regulation), which closely resembled the structure and wording of its Portuguese counterpart, i.e. Decree No. 43090 of 27 July 1960.

[38] The 1976 Nationality Regulation included provisions on proof (Article 20), registration (Articles 24 to 33, and 38 to 40), opposition to attribution, acquisition and reacquisition (Articles 34 and 35), and litigation (Articles 36 and 37).

[39] Per Article 1(1) Cape Verdean citizens of origin were individuals born in Cape Verde who either: (a) were born to a father or a mother born in Cape Verde; (b) were born to stateless parents or parents of unknown citizenship and were domiliced in Cape Verde; (c) were domiciled in Cape Verde on the day of independence; or (d) established domicile in Cape Verde within one year after 24 July 1976. Those who were covered by any of these provisions and who did not wish to have Cape Verdean citizenship were required to declare it within one year after 24 July 1976 and provide proof of having another citizenship [Article 1(2)].

[40] Individuals born in Cape Verde to foreign parents not in the service of their respective state were Cape Verdean citizens of origin unless they declared their wish not to be Cape-Verdean.

[41] Individuals born abroad to a Cape Verdean father or mother were Cape Verdean citizens of origin if either: (a) the Cape Verdean parent was abroad in the service of Cape Verde; (b) they did not declare otherwise within one year after the birth or after majority; or (c) they did not declare otherwise within one year after 24 July 1976.

[42] The other naturalisation requirements were only to be of age under Cape Verdean law and under the law of the applicant's state of origin, and political and moral guarantees of integration into Cape Verdean society. Among the documents required with the application were criminal records issued in Cape Verde and in the applicant's country of origin [Article 7(2)(c) of the 1976 Nationality Regulation]. The decision to grant or not was entirely discretionary. Under Article 8 of Decree-Law No. 71/76, Cape Verdean citizenship could be extended in the act of naturalisation to the applicant's minor and single children, upon request.

[43] I.e. from a single party to a multi-party system, with the opening to multi-party elections decided by the National Council of the African Party for the Independence of Cape Verde (PAICV) on 19 February 1990. The regime change also meant a distancing from Africa (including through a "decabralisation" of national symbols) and a turn to Europe. Miguel Cardina and Inês Nascimento Rodrigues, *Remembering the Liberation Struggles in Cape Verde: A Mnemohistory* (London and New York: Routledge, 2022), 61 and 105.

attribution, acquisition, loss and reacquisition of Cape Verdean citizenship even closer to the Portuguese model that the 1981 Nationality Act had in the meantime updated.[44] The Portuguese influence was clearly sought by the Cape Verdean executive, as attested inter alia by the fact that the Justice Minister asked Portuguese legal scholar José de Oliveira Ascensão to issue an opinion on the draft of the Nationality Act bill.[45] Oliveira Ascensão recommended, for example, that the Cape Verdean Nationality Act should include a provision similar to the one in the Portuguese 1981 Nationality Act prescribing that only parental ties established while the child is a minor are relevant for citizenship purposes,[46] which the Cape Verdean lawmakers replicated in Article 6 of the 1990 Nationality Act. Not all recommendations were accepted, however, since, for example, the distinction between full and restricted adoption was not incorporated into Article 11, and the domicile in Cape Verde was kept as one of the requirements for acquisition based on marriage in Article 9 of the 1990 Nationality Act.[47]

The main substantive changes brought by the 1990 Nationality Act vis-à-vis Decree-Law No. 71/76 consisted in *(i)* a significant restriction of ius soli, through the elimination of double ius soli and the introduction of a five-year residence requirement for the attribution of citizenship of origin by option for children of foreign parents under Article 8(b);[48] *(ii)* the introduction of a wide safeguard against statelessness, by attributing Cape Verdean citizenship to individuals born in Cape Verde who do not have another citizenship [Article 7(1)(c)][49] and adding in Article 7(2) a legal assumption that newly-born found in Cape Verde were born in Cape Verde; *(iii)* the restriction of ius sanguinis by requiring a declaration for the attribution of citizenship of origin by option to individuals born abroad to a Cape Verdean father or mother by birth under Article 8(a), even though ius sanguinis was now the main mode of attribution of citizenship of origin;[50] *(iv)* the introduction of adoption as grounds for acquisition (Article 11);[51] *(v)* the establishment of parental ties as a separate ground for acquisition by the minor or incapacitated child of a father or mother who acquires Cape Verdean citizenship (Article 10); *(vi)* the lowering of the residence requirement for naturalisation, which no longer had to be "regular," but the addition of an economic self-sufficiency requirement [Article 12(1)(a) and (d)];[52] *(vii)* the introduction of an emigration-related exception to the loss based on acquisition

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[44] Portugal's Law No. 37/81 of 3 October 1981.

[45] José de Oliveira Ascensão, "O anteprojecto de Lei da Nacionalidade de Cabo Verde," *Revista da Faculdade de Direito de Lisboa* 32 (1991): 465.

[46] José de Oliveira Ascensão, "O anteprojecto de Lei da Nacionalidade de Cabo Verde," *Revista da Faculdade de Direito de Lisboa* 32 (1991): 484.

[47] José de Oliveira Ascensão, "O anteprojecto de Lei da Nacionalidade de Cabo Verde," *Revista da Faculdade de Direito de Lisboa* 32 (1991): 489-491.

[48] Under Article 8(b), individuals born in Cape Verde to foreign parents could opt for Cape Verdean citizenship by means of a declaration if the parents were habitual residents in Cape Verde for at least five years and none of them was in the service of their respective state.

[49] Somewhat redundantly as the situation would already be covered by paragraph (c), Article 7(1)(d) attributes Cape Verdean citizenship of origin to individuals born in Cape Verde to stateless parents or parents of unknown citizenship who reside in Cape Verde. It should also be noted that loss by mere effect of the law, under Article 16, only applied to those who held the citizenship of another state.

[50] As pointed out by Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 174.

[51] With automatic acquisition for stateless adoptees [Article 11(1)] and discretionary acquisition for foreign adoptees and adoptees of unknown citizenship [Article 11(2)].

[52] The residence and integration requirements could be waived for foreigners who had rendered relevant services to the country or when the interests of the state so advised [Article 12(2)]. Decree No. 114/90 of 8 December

of a foreign citizenship (Article 14);[53] *(viii)* the introduction of grounds for opposition to acquisition based on marriage, parental ties or adoption, and to reacquisition (Article 19);[54] and *(ix)* the narrowing of the paths to reacquisition (Articles 17 and 18).[55] The formal innovations consisted in the addition of an introductory section on succession of laws, the effects of citizenship attribution and loss, and the effects of parental ties (Articles 2 to 6), the distinction between attribution by birth and by option (Articles 7 and 8), and the addition of a section on registration, proof, and litigation, including provisions on conflicts of laws (Articles 21 to 33).

The 1990 Nationality Act was soon amended, in the run-up to the enactment of the 1992 Constitution, which would explicitly allow dual citizenship [Article 5(3)][56] and protect Cape Verdean citizens of origin against deprivation of their citizenship or of their prerogatives as citizens (Article 37). Law No. 41/IV/92 of 6 April 1992 repealed Articles 14 and 16 of the 1990 Nationality Act, making renunciation the sole grounds for loss; facilitated acquisition based on marriage by removing all previous requirements;[57] facilitated naturalisation by removing the requirement of renunciation of a previous citizenship and allowing the waiver of the residence requirement to those who had previously had Cape Verdean citizenship, to descendants of Cape Verdeans, and to foreigners who rendered relevant services to the state [Article 12(1) and (2)]; introduced a quasi-citizenship by investment status in Article 12(3) and (4);[58] and

1990, which implemented the 1990 Nationality Act (1990 Nationality Regulation), added to the documents required with the application proof of compliance with conscription laws [Article 12(2)(f)].

[53] Article 14 read: "Loses Cape Verdean citizenship the person who voluntarily acquires another citizenship, unless proven that the acquisition was due to emigration." Also Article 35(1)(a) allowed for the reacquisition of Cape Verdean citizenship by those who had lost if after acquiring a foreign citizenship due to emigration reasons. Article 17 of the 1990 Nationality Regulation clarified that "emigrant" for the purposes of Article 14 of the 1990 Nationality Act was the Cape Verdean who rendered or had rendered service, exercised or had exercised any other activity abroad and met the following requirements: (a) was registered in a Cape Verde consular post in the host country; (b) met the legal residence requirements of the host country; and (c) kept effective solidarity ties with Cape Verde (evidenced e.g. by remittances, bank deposits in Cape Verdean banks, trips to Cape Verde, or close family ties with residents in Cape Verde).

[54] The grounds for opposition were: (a) lack of civic and moral guarantees of integration into Cape Verdean society; (b) practice of crime against the external security of the state of Cape Verde; and (c) practice of crime potentially punishable of major penalty under Cape Verdean law. The opposition was exercised by the Public Prosecutor in proceedings initiated in the Praia Regional Court within six months of the declaration on which the (re)acquisition was premised (Article 20).

[55] Now restricted to cases of loss resulting from declaration made when the person was incapacitated and from voluntary loss. In both cases, a period of residence in Cape Verde was required.

[56] Under the heading "Citizenship", Article 5 of the 1992 Constitution further prescribed that Cape Verdean citizens are all those considered as such by law or international convention (para 1), and that the state could conclude dual citizenship treaties (para 2). The wording of para 3 was: "Cape Verdeans may acquire a foreign citizenship without loosing their citizenship of origin."

[57] Foreigners married to Cape Verdean citizens could now acquire Cape Verdean citizenship simply by declaring their wish to be Cape Verdean at any point during the marriage [Article 9(1)]. This legislative development puzzled some Cape Verdean scholars considering the opening it offered to sham marriages. See e.g. Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 182 and 184.

[58] Article 12(3) allowed for the attribution of all rights inherent to the condition of Cape Verdean citizen to foreigners who took part in investment programmes, made investments or offered strong guarantees of being able to make investments which unequivocally increased employment opportunities and significantly contribute to the country's development. Para 4 however excepted the rights of an essentially political nature, namely the right to vote and be elected to sovereign and municipal bodies, and the exercise of public functions on a permanent basis. The 1993 Nationality Regulation – Decree-Law No. 53/93 of 30 August 1993 – detailed the documents required with the application, including e.g. a summary description of the investment project, a document

amended the grounds for opposition by the authorities to the acquisition of Cape Verdean citizenship "by an act of will" (*por efeito da vontade*),[59] replicating a similar provision in the Portuguese 1981 Nationality Act.

A further amendment to the 1990 Nationality Act would come by the end of 1992 with Law No. 64/IV/92 of 30 December 1992. This second amendment essentially extended ius sanguinis to cover children born abroad with a grandfather or a grandmother who was Cape Verdean citizen by birth [Article 8(a)], and rephrased paras 3 and 4 of Article 12 replacing the "attribution of all rights inherent to the condition of Cape Verdean citizen" by the "attribution of Cape Verdean citizenship," which was of course a mistaken use of the term "attribution," since what was at stake in Article 12 was *acquisition* of citizenship by naturalisation and not attribution of citizenship of origin. Article 2 of Law No. 64/IV/92 allowed furthermore the reacquisition of Cape Verdean citizenship, by means of a declaration by those who had lost their citizenship under the previous legislation as a result of having acquired a foreign citizenship.

Overall, the citizenship regime set by the 1990 Nationality Act as amended in 1992 was characterized by a prevalence of ius sanguinis over ius soli, an extremely generous regime for acquisition based on marriage, a fairly generous naturalisation regime based on habitual (not legal) residence, complete acceptance of dual citizenship,[60] strong safeguards against statelessness, renunciation as sole grounds for loss, and an arguably unconstitutional quasi-citizenship status for naturalised investors. The regime's "excessive generosity" and openness to fraud were criticised in the Cape Verdean literature,[61] most notably during the 2009 debates about the possibility of extraditing Cape Verdean citizens, which the 1992 Constitution explicitly forbade and led to its amendment in 2010.[62] These concerns were addressed in the 2023 Nationality Act, which reintroduced the requirement of a minimum duration of the marriage before the application, and added the qualifier "legally" to the residence required for naturalisation and for attribution of citizenship of origin by option to children born in Cape Verde to foreign parents. It also put an end to the quasi-citizenship of naturalised investors by setting new rules for citizenship by investment, as detailed in the next section. Of course, the main impulse behind the 2023 Nationality Act was to implement Cape Verde's "Global Nation" policy by widening ties with the diaspora, something that was not entirely achieved due to inconsistencies in drafting, which prompted the 2024 amendment.

Migration has unsurprisingly been a key factor in the evolution of Cape Verde's citizenship regime. Cape Verde's emigration history spans more than two centuries, dating back to the early 1800s, when the first seamen from the islands arrived in the United States as crew

attesting the applicant's financial credibility, and a document attesting authorization for foreign investment (Article 13).

[59] Grounds for opposition were changed to be the manifest absence of any effective ties to the national community, the practice of a crime potentially punishable by a major penalty under Cape Verdean law, and the exercise of political functions or the rendering of non-mandatory military service to a foreign state (Article 19).

[60] It should be noted, however, that suspicion vis-à-vis dual citizens remained and was on full display in the 1999 constitutional amendment, which added the requirement that presidential candidates do not possess another citizenship (Article 109 of the 1992 Constitution as amended by Constitutional Law No. 1/V/99 of 23 November 1999).

[61] Júlio Martins Tavares, "A nacionalidade, o princípio constitucional da proibição de extradição de nacionais, a proibição constitucional da extradição em função da pena aplicável e a política criminal," in *Aspectos Polémicos da Extradição em Cabo Verde e no Espaço Lusófono*, eds. José Pina-Delgado et al. (Praia: ISCJS, 2009), 184-185.

[62] Constitutional Law No. 1/VII/2010 of 3 May 2010 amended Article 37 of the 1992 Constitution to allow for the extradition of Cape Verdean citizens in certain circumstances, namely in case of terrorism and organised crime, and when the extraditee acquired or reacquired Cape Verdean citizenship after committing the crime warranting extradition.

members on New England whaling ships.[63] Over time, sizeable and heterogeneous diaspora communities emerged in the United States, Portugal, the Netherlands, France, Italy, Spain, Argentina, Brazil, Senegal, São Tomé and Príncipe, among other European and African countries. As mentioned earlier, the wish to keep ties with the diaspora was already present in Cape Verde's Decree-Law No. 71/76 (with its automatic ius sanguinis provision for children born abroad to a Cape Verdean parent) and was significantly expanded in 1992 and 2023. With immigration laws and policies in traditional destination countries becoming increasingly restrictive since the mid-1990s, irregular Cape Verdean migrants have been expelled and deported to Cape Verde in steady numbers,[64] which has brought social integration issues to the fore but has not prompted amendments to the citizenship regime.

Concern with the diaspora has also been visible in special civil registration and identity document rules adopted to assist undocumented Cape Verdeans and their descendants residing abroad and/or returning to Cape Verde, particularly those forced to migrate to other Portuguese colonies in Africa and South-East Asia between 1900 and 1970. While Cape Verdeans enjoyed a comparatively privileged status under Portugal's colonial rule, which allowed them some intra-empire mobility (including to Europe), it did not protect them from being forcibly moved as indentured labourers to other colonies, most notably São Tomé and Príncipe.[65] Some of the earliest citizenship-related post-independence measures concerned proof of citizenship by Cape Verdeans and their descendants returning from former Portuguese colonies.

In 1976, as thousands of undocumented Cape Verdeans were arriving in Cape Verde from Angola and Timor, the Ministry of Justice adopted Ordinance No. 5/76 of 28 February 1976 whereby it created a special civil registry for those arriving from Angola and Timor who could be entered into the registry based on summary evidence of their full name, civil status, habitual residence, and other mentions required by Article 128 of the Civil Registration Code (i.e., date and place of birth, sex, full name of parents and grandparents).[66] This solution was presented as exceptional, and the Ordinance ruled that evidence based on birth certificates issued by this special registry was to cede if contradicted by evidence based on birth certificates issued by the original registry from the individuals' country of birth (Article 5 of Ordinance No. 5/76). The uncertainty as to these individuals' citizenship status was only brought to an end in 2004, when Law No. 51/VI/2004 of 13 September 2004 attributed Cape Verdean citizenship to those

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[63] Marilyn Halter, *Between Race and Ethnicity: Cape Verdean American Immigrants, 1860-1965* (Urbana/Chicago: University of Illinois Press, 1993); Jørgen Carling and Lisa Åkesson, "Mobility at the Heart of a Nation: Patterns and Meanings of Cape Verdean Migration," *International Migration* 47, no. 3 (2009): 126-127; Gene A. Fisher and Suzanne Model, "Cape Verdean Identity in a Land of Black and White," *Ethnicities* 12, no. 3 (2012): 356-357; Patrick Chabal, "Lusophone Africa in historical and comparative perspective", in *A History of Postcolonial Lusophone Africa*, ed. Patrick Chabal (Bloomington: Indiana University Press, 2002), 74; Gina E. Sanchez, "The Politics of Cape-Verdean American Identity," *Transforming Anthropology* 6, nos. 1-2 (1997): 56-57.

[64] Jørgen Carling, "Migration in the Age of Involuntary Immobility: Theoretical Reflections and Cape Verdean Experiences," *Journal of Ethnic and Migration Studies* 28, no. 1 (2002): 29; Jørgen Carling and Lisa Åkesson, "Mobility at the Heart of a Nation: Patterns and Meanings of Cape Verdean Migration," *International Migration* 47, no. 3 (2009): 145-146; Heike Drotbohm, "On the Durability and the Decomposition of Citizenship: The Social Logics of Forced Return Migration in Cape Verde," *Citizenship Studies* 15, nos. 3-4 (2011): 381-382, 384, 389.

[65] Jørgen Carling and Lisa Åkesson, "Mobility at the Heart of a Nation: Patterns and Meanings of Cape Verdean Migration," *International Migration* 47, no. 3 (2009): 127-132; Rui Cidra, "Politics of Memory, Ethics of Survival: The Songs and Narratives of the Cape Verdean Diaspora in São Tomé," *Ethnomusicology Forum* 24, no. 3 (2015): 309-310.

[66] Portuguese Code of Civil Registry approved by Decree-Law No. 47678 of 5 May 1967, kept in force after Cape Verde's independence pursuant to Article 22 of the LOPE.

holding birth certificates issued pursuant to Ordinance No. 5/76 who declared their wish to be granted Cape Verdean citizenship, as well as to their children and grandchildren.[67]

In 1978, to address the problems face by undocumented Cape Verdeans resident in Angola in proving their identity as citizens of Cape Verde, the Ministry of Foreign Affairs adopted Ordinance No. 29/78 of 1 April 1978 whereby it authorized the Cape Verdean Embassy in Luanda to issue, during a maximum period of ten years, identity documents to Cape Verdean citizens residing in Angola who so requested. In 2000, noting that there were Cape Verdean descendants in Cape Verde and in the diaspora who could not prove their ancestry,[68] the executive introduced the possibility of issuing a birth certificate based on presumed facts (*certificado de notoriedade de nascimento*) for cases where applicants were unable to provide the birth certificates required by Article 5(2) of the 1993 Nationality Regulation, i.e. their own and their parents' or their grandparents' birth certificates. The paragraphs added to Article 5 of the 1993 Nationality Regulation by Decree-Law No. 19/2000 of 24 April 2000 introduced the possibility to present three reliable witnesses to attest to the Cape Verdean ancestry of persons born abroad to a Cape Verdean parent or grandparent. In 2015, following the announcement by the executive of São Tomé and Príncipe of an extraordinary naturalisation procedure for the Cape Verdeans residing in São Tomé and Príncipe, the Cape-Verdean executive decreed that all fees due for the issuance of birth certificates and other documents required to apply for the citizenship of São Tomé and Príncipe would be exempted for the duration of the extraordinary naturalisation procedure, considering in particular the harsh socioeconomic conditions under which many Cape-Verdeans were known to live in São Tomé and Príncipe, and the interest in facilitating their integration into their host society.[69] In 2016 and again in 2021, noting that many Cape Verdean descendants residing in African countries (namely Mozambique, Guinea-Bissau, Angola, and São Tomé and Príncipe) found themselves stateless for lack of resources to pay the fees due for the citizenship attribution procedures and the certificates attesting Cape Verdean ancestry, the executive exempted them from all costs associated with citizenship attribution procedures, procedures to correct registration omissions, and the issuance of the first identity document.[70]

Immigration and immigrant integration do not appear to have been major factors in changes to the citizenship regime over the years, considering that the general naturalisation requirements remained constant, were relatively few, and never included a cultural integration requirement (i.e., language proficiency), unlike what happens in other Lusophone countries. Cape Verde started to attract transit migrants and immigrants from mainland Africa and China in the late 1990s,[71] and the number of foreign residents has almost tripled since then. Despite public

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[67] Article 4 of Law No. 51/VI/2004 ruled that, upon the acquisition of Cape Verdean citizenship *or of another citizenship*, the registration made pursuant to Ordinance No. 5/76 was to be immediately cancelled ex officio.

[68] For different reasons, among which the fact that they had returned from São Tomé and Príncipe, Angola, Timor or other countries under exceptional circumstances related to decolonisation and war, or the fact that they were descendants of Cape Verdean emigrants who had long lost contact with family (or no longer had family) in Cape Verde, as indicated in the preamble to Decree-Law No. 19/2000 of 24 April 2000.

[69] Decree-Law No. 28/2015 of 6 May 2015.

[70] Decree-Law No. 2/2016 of 11 January 2016 granted the exemption for the period of six months, while Decree-Law No. 81/2021 of 28 September 2021 granted the exemption for one year and limited the entitlement to Cape-Verdean descendants residing in African countries who proved lack of economic means. Decree-Law No. 48/2022 of 24 November 2022 amended Decree-Law No. 81/2021 deleting the requirement of proof of lack of economic means and extending the exemption until 31 December 2023. Decree-Law No. 5/2024 of 24 January 2024 further extended the exemption until 31 July 2024.

[71] Jørgen Carling, "Migration in the Age of Involuntary Immobility: Theoretical Reflections and Cape Verdean Experiences," *Journal of Ethnic and Migration Studies* 28, no. 1 (2002): 28; Jørgen Carling and Lisa Åkesson, "Mobility at the Heart of a Nation: Patterns and Meanings of Cape Verdean Migration," *International Migration* 47, no. 3 (2009): 146-150; Jørgen Carling and Heidi Østbø Haugen, "Mixed Fates of a Popular Minority: Chinese

statements suggesting that Cape Verdeans may be at risk of being outnumbered by foreigners in Cape Verde,[72] immigration is not heavily politicised.[73]

While Cape Verde has tried to suspend or limit the provisions on free movement within the Economic Community of West African States (ECOWAS),[74] its response to the presence of foreigners illegally living and working in the territory has been to regularise their stay, with several extraordinary regularisation procedures primarily directed at citizens of CPLP and ECOWAS Member States.[75] The first National Immigration Strategy, adopted in 2012,[76] included a section on citizenship where it stated that it was in the national interest to offer immigrants the opportunity to acquire Cape Verdean citizenship, and listed among the political measures in this field the adoption of clear rules and fair naturalisation procedures, and the study of a possible need to establish procedures and criteria for the naturalisation of long-term immigrants.[77] The introduction, in 2023, of the requirement that the residence be legal instead of merely habitual (for the attribution of citizenship of origin by option to children born in Cape Verde to foreign parents, and for ordinary naturalisation) may be viewed as a reaction to immigration pressure but the preamble to the 2023 Nationality Act does not make a direct connection with immigration concerns, explaining the change as a matter of clarification and to avoid that the time of irregular permanence in Cape Verde be counted as valid for naturalisation purposes. In any case, the requirement of the parents' legal residence for the attribution of citizenship to children born in Cape Verde was not a clear-cut restriction vis-à-vis the previous regime, since the number of years was reduced from five to three, which the

Migrants in Cape Verde," in *China Returns to Africa: A Rising Power and a Continent Embrace*, ed. Chris Alden et al. (London: Hurst, 2008): 319-338.

[72] As was the case with Cape Verde's Minister of Interior, Júlio Correia, in 2006. Jørgen Carling and Lisa Åkesson, "Mobility at the Heart of a Nation: Patterns and Meanings of Cape Verdean Migration," *International Migration* 47, no. 3 (2009): 148.

[73] Which does not mean of course that there are no tensions or points of concern. For example, in 2011, the UN Human Rights Committee remarked that ten West African immigrants had been killed in Cape Verde in the span of four years (2002-2005) and demonstrations by foreigners from Guinea-Bissau, Sierra Leone, Senegal, Ghana, and Nigeria following the death of the tenth victim had ended in clashes with the police and the military. Human Rights Committee, *List of issues prepared in the absence of the initial report of Cape Verde due in 1994*, 29 November 2011, CCPR/C/CPV/Q/1.

[74] Mostly because West Africans have been using Cape Verde as a steppingstone to travel illegally to Europe and often end up stranded in the archipelago for months and years when their plans fail. Jørgen Carling and Lisa Åkesson, "Mobility at the Heart of a Nation: Patterns and Meanings of Cape Verdean Migration," *International Migration* 47, no. 3 (2009): 147-148. See also José Pina-Delgado, "O cruzamento entre a política migratória cabo-verdiana para a Europa e a política migratória cabo-verdiana para a África Ocidental: Racionalidade, incoerência ou inevitabilidade de uma democracia em consolidação?", in *Entre a África e a Europa: Nação, Estado e Democracia em Cabo Verde*, eds. Cristina Montalvão Sarmento and Suzano Costa (Coimbra: Almedina, 2013), 550-559.

[75] Decree-Law No. 13/2010 of 26 April 2010 instituted a special regularisation procedure for Bissau-Guinean citizens with continued and habitual residence in Cape Verde who had entered legally in Cape Verde before 31 December 2008 and had payed employment. More recently, Decree-Law No. 72/2021 of 18 October 2021 instituted a special regularisation procedure for citizens of ECOWAS or CPLP Member States who had entered Cape Verde before 15 December 2020, had continuously resided in the country, and proved sufficient means of subsistence; the procedure was explicitly also open to other foreigners in an irregular situation. The initial deadline for applications (five months counted from 15 December 2021) was subsequently extended by Executive Resolution No. 114/2021 of 14 December 2021 to five months counted from 15 January 2022.

[76] For background, see José Pina-Delgado, "Posfácio: Confrontando o novo paradigma migratório de Cabo Verde com políticas e com o Direito: Depois do diagnóstico, a gestão de contingentes", in *O Novo Paradigma dos Espaços de Trânsito Africanos: Inclusão, Exclusão, Vidas Precárias e Competição por Recursos Escassos em Países Tampão: O Caso de Cabo Verde*, ed. Pedro Marcelino (Mindelo/Lisbon: Ilhéu/Corubal, 2013), 123-137.

[77] Council of Ministers Resolution No. 3/2012 of 23 January 2012.

executive pointed out as a measure favouring access to citizenship in the III Action Plan for Immigration 2023-2025.[78]

Cape Verde has long maintained bilateral relations with some of the major countries of destination of its emigrants through general cooperation agreements and migration-specific agreements covering visa waivers, social security, and the status of persons and assets – as is notably the case with Portugal, the Netherlands, Italy, Luxembourg, Spain, Senegal, São Tomé and Príncipe, Guinea-Bissau, and Angola.[79] Cape Verde also entered a visa waiver agreement with its fellow PALOP (*Países Africanos de Língua Oficial Portuguesa*, i.e., African countries where Portuguese is an official language) in 1985,[80] and is a party to all mobility agreements adopted under the CPLP umbrella since 2000.[81] As a member of ECOWAS, Cape Verde is a party to several mobility agreements, namely the 1979 Protocol on Free Movement of Persons and the Right to Residence and Establishment,[82] and the 1982 Protocol Relating to the Definition of Community Citizens.[83] In 2008, Cape Verde entered a Mobility Partnership with the European Union, which resulted inter alia in a 2012 Agreement on Facilitating the Issue of Short-Stay Visas to Cape Verdean Citizens and to EU Citizens (meanwhile amended in 2021), and in a 2013 Agreement on the Readmission of Persons Residing without Authorisation.[84] These international commitments, as well as Cape Verde's international

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[78] Approved by Council of Ministers Resolution No. 48/2024 of 28 May 2024.

[79] Consider inter alia the 1976 General Agreement on Migration between Cape Verde and Portugal (ratified by Decision with Force of Law No. 15/76 of 6 July 1976); the 1976 Convention between Cape Verde and Senegal on Movement of Persons (ratified by Decision with Force of Law No. 20/76 of 6 November 1976); the 1978 Agreement on the Status of Persons and Assets between Cape Verde and Angola (ratified by Decision with Force of Law No. 4/78 of 27 May 1978); the 1978 General Agreement on Migration between Cape Verde and São Tomé and Príncipe (ratified by Decision with Force of Law No. 20/79 of 1 September 1979); the 1980 Social Security Convention between Cape Verde and Italy (approved by Decree No. 43/82 of 3 May 1982); the 1981 Social Security Convention between Cape Verde and the Netherlands (approved by Decree No. 98/84 of 10 October 1984); the 2002 Agreement on the Status of Persons and Assets between Cape Verde and Guinea Bissau (approved by Parliament Resolution No. 72/VI/2003 of 21 April 2003); the 2007 Framework Cooperation Agreement on Migration between Cape Verde and Spain (approved by Decree No. 9/2007 of 20 August 2007); and the 2015 Agreement on the Concerted Management of Migration between Cape Verde and Luxembourg (approved by Parliament Resolution No. 96/IX/2018 of 23 November 2018). See also José Pina-Delgado, "La regulación internacional de flujos migratórios entre Cabo Verde y la Unión Europea (en especial hacia España)," *Revista de Derecho Migratório y Estranjería* 28 (2011): 136-141.

[80] Agreement on the Suppression of Visas for Diplomatic and Service Passports, approved by Decree No. 106/85 of 11 September 1985 and later amended in 1992 (amendment approved by Decree No. 7/95 of 28 August 1995).

[81] 2000 Agreement on the Supression of Visas for Diplomatic, Special, and Service Passports (approved by Decree No. 3/2001 of 30 July 2001); 2002 Agreement on the Exemption of Fees Due for the Issuance and Renovation of Residence Permits for CPLP Citizens (approved by Decree No. 16/2003 of 22 December 2003); 2002 Agreement on Temporary Visas for Medical Treatment for CPLP Citizens (approved by Decree No. 15/2003 of 22 December 2003); 2002 Agreement on the Establishment of Common Maximum Requirements for the Issuance of Short-Term Visas (approved by Decree No. 13/2003 of 22 December 2003); 2002 Agreement on Multiple-Entre Visas for Certain Categories of Persons (approved by Decree No. 12/2003 of 22 December 2003); 2002 Agreement on the Establishment of Specific Passport-Control Gates for CPLP Citizens at Points of Entry and Exit (approved by Decree No. 14/2003 of 22 December 2003); 2007 Agreement on the Issuance of Visas for Students National of CPLP Member States (approved by Decree No. 3/2015 of 11 May 2015); and 2021 Agreement on Mobility among the CPLP Member States (approved by Parliament Resolution No. 14/X/2021 of 6 August 2021).

[82] Ratified by Law No. 18/II/82 of 30 March 1982.

[83] Ratified by Law No. 60/II/85 of 22 June 1985.

[84] Approved by Parliament Resolutions Nos. 106/VIII/2014 and 107/VIII/2014 of 23 May 2014, respectively. The amendment to the 2012 Agreement was approved by Parliament Resolution No. 24/X/2021 of 28 December 2021. On the EU Mobility Partnership see José Pina-Delgado, "The Current Scheme to Manage Migration between Europe and Cape Verde: Promoter of Development or Tool for Border Closure?," *Population, Space*

human rights' obligations,[85] do not seem to have played a significant role in the reforms of its citizenship policies, which have been mainly driven by domestic political factors, including the socialist ideology of the First Republic (for gender equality), and the interest in courting the diaspora (for the expansion of ius sanguinis and acceptance of dual citizenship) and foreign investment (for citizenship by investment). As mentioned earlier, legal developments were largely inspired by Portuguese law. Interestingly, the 2024 amendment to the 2023 Nationality Act was explained by reference not only to the Portuguese example, but also to the Brazilian and Italian examples as countries of emigration with strong ius sanguinis provisions,[86] even though the Cape Verdean regime ultimately goes further in this regard.

3. The current citizenship regime

Cape Verde's current citizenship regime is governed by the 1992 Constitution, as amended in 2010, by the 2023 Nationality Act, as amended in 2024, and by the 2024 Nationality Regulation, approved by Decree-Law No. 29/2024 of 13 June 2024, which, however, does not yet fully regulate acquisition based on investment.

The 1992 Constitution constitutionalised citizenship by introducing a specific provision on the subject and by affirming a fundamental right to citizenship (albeit restricted to citizens of origin). Under the heading "Citizenship", Article 5 establishes that Cape Verdean citizens are all those who are considered as such by law or international convention (para 1);[87] that the state may conclude dual citizenship treaties (para 2); that Cape Verdeans may acquire a foreign citizenship without losing their citizenship of origin (para 3); and that ordinary legislation regulates the acquisition, loss, and reacquisition of citizenship, as well as its registration and proof (para 4). Under the heading "Right to citizenship", Article 40 prescribes that no Cape Verdean citizen of origin may be deprived of his or her citizenship nor of his or her prerogatives as a citizen.

Following the Portuguese example, the 1992 Constitution prescribes that Cape Verdean citizens residing or travelling abroad enjoy the civil and political rights (*direitos, liberdades e garantias*) and are subject to the obligations enshrined in the Constitution that are not incompatible with their absence from national territory [Article 23(2)]. Unlike the Portuguese Constitution, however, Cape Verde's 1992 Constitution allows lawmakers to restrict the exercise of political rights and the access to certain public offices and functions by Cape Verdeans with acquired citizenship, i.e., citizenship granted on the basis of marriage, parental ties, adoption, naturalisation, investment, and other relevant motives [Article 23(3)], which helps explain how the quasi-citizenship status afforded naturalised investors under the 1990 Nationality Act was able to pass constitutional muster despite criticism in the literature. Only Cape Verdean citizens of origin who do not hold another citizenship are entitled to run for the office of President of the Republic, per Article 110 of the 1992 Constitution, which furthermore requires that the candidate must be over 35 years of age and have had his or her permanent residence in Cape Verde in the three years immediately prior to the candidacy[88].

and Place 19 (2013): 404-414; Fanny Tittel-Mosser, *Implementing EU Mobility Partnerships: Putting Soft Law into Practice* (New York: Routledge, 2020).

[85] It is worth noting that Cape Verde is not a party to the 1954 and 1961 UN conventions on stateless nor to the 2024 Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa.

[86] Preamble to Law No. 37/X/2024 of 22 March 2024.

[87] A replica of Article 4 of the Portuguese 1976 Constitution.

[88] The former President of Cape Verde's Constitutional Court, Justice Pinto Semedo, enforced the inelegibility requirement in the 2021 election, when he rejected the candidacy of a dual citizen, Mr Péricles Tavares, on the

Interestingly, while explicitly allowing that Cape Verdean citizens with acquired citizenship can have their political rights and access to certain public offices and functions limited by ordinary legislation, the 1992 Constitution – again following the Portuguese example – establishes a general principle of equivalency between Cape Verdeans and foreigners and stateless persons residing or simply present in Cape Verde. Except for political rights and rights and obligations reserved by the Constitution and ordinary legislation to Cape Verdean citizens, foreigners and stateless persons in Cape Verde enjoy the same fundamental rights (*direitos, liberdades e garantias*) and are subject to the same obligations as Cape Verdean citizens [Article 25(1)].[89] Foreigners and stateless persons in Cape Verde are explicitly entitled to exercise public functions of a predominantly technical nature, and ordinary legislation may recognise them the right to vote and be elected in local elections [Article 25(2) and (4)]. Lusophone foreigners may furthermore be granted other rights not recognised to foreigners and stateless persons, except eligibility for sovereign bodies, the service in the Armed Forces, and the diplomatic career [Article 25(3)].

The 2023 Nationality Act's main purpose – fumbled at first – was to embody the idea of a "global Cape Verdean nation" by widening the scope of ius sanguinis to the children born abroad to a Cape Verdean parent, grandparent, great-grandparent, or great-great-grandparent who so wish, and doing away with the requirement that the children of Cape Verdean parents declare their wish to be Cape Verdean before they can be considered Cape Verdean citizens. Further innovative aspects were the introduction of a requirement of legal residence for the attribution based on birth in Cape Verde to foreign parents and for naturalisation; the strengthening of ius soli by making the attribution automatic (in the absence of any expression of will to the contrary) for children whose foreign parents meet the residence requirement; the widening of acquisition based on marriage to acquisition based on de facto unions (*uniões de facto*), which was long overdue, considering the sociological prevalence of de facto unions in the country[90]; the "rephrasing of the concept of economic citizenship" as citizenship by investment with a detailed set of provisions and the requirement of effective ties to the national community; and the addition of new grounds for loss. It is not entirely clear whether the elimination in 2024 of the safeguard against statelessness previously enshrined in Article 8(1)(c), which attributed Cape Verdean citizenship of origin by birth to those born in Cape

grounds that the constitutional requirement was clear. Constitutional Court Order of 23 August 2021 on candidacy proceedings Nos. 8, 9, 10, 11, 12, 13, 14 and 15/2021, available at https://www.tribunalconstitucional.cv/index.php/decisoes/ [01.12.2025].

[89] As pointed out by the Constitutional Court in *Uchechukwu Vitus Ezeonwu and Chijioke Duru v STJ* (judgment No. 20/2018 of 16 October 2018), which concerned the application of the principle in dubio pro reo to foreign defendants, "essentially, all rights, freedoms, and individual guarantees, with the exceptions of those related to right of citizenship guarantees – such as the prohibition of extradition (except in limited situations), the proscription of expulsion from from the country, and protection from citizenship deprivation – should be extended as much as possible to foreigners and stateless persons within the territory. Therefore, any rights aimed primarily at protecting the individual as a human being, rather than solely as a citizen of this Republic, must also be recognised to non-citizens among us." The Constitutional Court has, however, also stressed that the constitutional legislator has some leeway to establish differences between citizens and non-citizens. For example, in *Alex Saab v STJ* (judgment No. 39/2021 of 30 August 2021), the Constitutional Court rejected the claim that the provision prohibiting the extradition of Cape Verdean citizens was unconstitutional for not extending the same protection to non-citizens. Judgments available at https://www.tribunalconstitucional.cv/index.php/acordaos/ [01.12.2025].

[90] De facto unions have long been recognised in Cape Verde's legal system, having been introduced by Decree-Law No. 69/76 of 3 July 1976. This should not come as a surprise, given the "low frequency of formal marriage in Cape Verde," pointed out e.g. by Lisa Åkesson, Jørgen Carling, and Heike Drotbohm, "Mobility, Moralities and Motherhood: Navigating the Contingencies of Cape Verdean Lives," *Journal of Ethnic and Migration Studies* 38, no. 2 (2012): 242. What is surprising is how much time it took Cape Verdean lawmakers to acknowledge de facto unions for citizenship acquisition purposes.

Verde who would otherwise be stateless, was deliberate or just an unintended consequence of the reshuffling of text in the different paragraphs of Article 8(1).

As mentioned earlier, Cape Verde's citizenship regime has long followed the Portuguese model of distinguishing between citizenship *attribution* (which applies to citizenship of origin and takes effect by operation of law, even if it may be premised on birth registration or declaration) and citizenship *acquisition* (which is premised on an act of will on the part of the interested party and involves different degrees of executive discretion). Although the use of the two terms in media coverage, political discourse, and even legal acts is not always precise, the difference is not merely conceptual or terminological, since citizenship attribution (unlike citizenship acquisition) has retroactive effects to the date of birth, per Article 4 of the Nationality Act. Additionally, despite the general rule on the succession of laws over time, the provisions on citizenship attribution apply to children born before the entry into force of the new law, provided they did not reach the majority age (i.e., 18 years of age) before that date, as per Article 3 of the Nationality Act. Also, citizenship acquisition may be opposed by the Public Prosecutor, while citizenship attribution may not. A terminological specificity of the Cape Verdean regime is the distinction of two sub-categories within the category of citizenship of origin (which is generally referred to as citizenship "by birth" in the common law countries): a citizenship of origin by birth (Article 8) and a citizenship of origin by option (Article 9).

3.1. The main modes of acquisition and loss of citizenship

Attribution based on birth to a Cape Verdean parent, either in Cape Verde or abroad, if the parent is in the service of the state

Persons born in Cape Verde to a father or a mother who is a Cape Verdean citizen are Cape Verdean citizens of origin by birth, under Article 8(1)(a) of the Nationality Act. As clarified by Article 11 of the Nationality Regulation, the attribution results directly from the law and is not dependent on any other condition. Proof of Cape Verdean citizenship attributed under Article 8(1)(a) of the Nationality Act is established by the birth registration provided there is no mention to the contrary therein [Article 30(1) of the Nationality Act]. Article 12 of the Nationality Regulation further clarifies that no citizenship declaration (*declaração da nacionalidade*) is required for the purpose of proving Cape Verdean citizenship in these cases. The registration of Cape Verdean citizenship is done by the competent civil registry official, as an annotation to the birth registration, when the birth is registered (Article 13 of the Nationality Regulation).

Persons born abroad to a Cape Verdean parent who is abroad in the service of the Cape Verdean state are Cape Verdean citizens of origin by birth, under Article 8(1)(b) of the Nationality Act. As clarified by Article 14 of the Nationality Regulation, the attribution results directly from the law and is not dependent on any other condition. Proof of Cape Verdean citizenship attributed under Article 8(1)(b) of the Nationality Act is established by the birth registration, provided it includes an explicit special mention of the fact that the birth took place abroad and that the Cape Verdean parent was in the service of the state.[91] No citizenship declaration is required, as indicated in Article 15(1) of the Nationality Regulation. At the time of the birth registration, the person requesting the registration must present a document attesting that one of the parents was in the service of the state when the birth occurred [Article

[91] Para 2 of Article 15 of the Nationality Regulation adds that this mention is one of the mandatory identification elements of the registered person.

15(3) of the Nationality Regulation],[92] unless the Cape Verdean parent is identified as a diplomatic or consular officer or a civil servant posted at a Cape Verdean embassy or consular post, or if the person in charge of the birth registration has official knowledge that the parent is abroad in the service of the state [Article 15(5) of the Nationality Regulation]. The registration of Cape Verdean citizenship is carried out by an annotation to the birth registration, at any civil registry office or by any competent Cape Verdean diplomatic or consular official where the birth is registered, irrespective of place of birth (Article 16 of the Nationality Regulation). It is noteworthy that, contrary to the hypothesis of Article 8(1)(c) of the Nationality Act, the Regulation does not require that the Cape-Verdean parent be a citizen of origin.

Parental ties may be established at a later date if this is not done within the deadlines for timely registration of birth. In fact, the failure on the part of Cape Verdean fathers to recognise their children has long been a point of concern for international human rights monitoring bodies and a key factor in delaying birth registrations in Cape Verde.[93] However, only parental ties established while the child is a minor are relevant for citizenship attribution purposes, per Article 6 of the Nationality Act.

Attribution based on birth abroad to a parent who is a Cape Verdean citizen of origin

Persons born abroad to a Cape Verdean parent who is a Cape Verdean citizen of origin are Cape Verdean citizens of origin by birth, under Article 8(1)(c) of the Nationality Act, provided their birth is registered in Cape Verde's Civil Registry, either by inscription or transcription (from a foreign birth certificate). The attribution results directly from the law and is not dependent on any other condition (Article 17 of the Nationality Regulation). Proof of Cape Verdean citizenship attributed under Article 8(1)(c) of the Nationality Act is established by the birth registration entered into Cape Verde's Civil Registry by direct inscription or transcription, without need for a citizenship declaration [Articles 30(2) of the Nationality Act and 18(1) of the Nationality Regulation].[94] Proof of the Cape Verdean parent's citizenship of origin is established by his or her respective birth registration, which must be checked electronically, thereby dispensing the presentation of a birth certificate [Article 18(3) of the Nationality Regulation].

The registration of Cape Verdean citizenship is done as an annotation to the birth registration, at any civil registry office or by any competent Cape Verdean diplomatic or consular official where the birth is registered, irrespective of place of birth [Article 19(1) of the Nationality Regulation]. The registration may also be done at the central offices of the executive department responsible for the diaspora or at the Central Registry Office [Article 19(2) of the Nationality Regulation].

Only parental ties established while the child is a minor are relevant for citizenship attribution purposes, per Article 6 of the Nationality Act.

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[92] The document is issued by the foreign body or service where the Cape Verdean parent was deployed in the service of Cape Verde on the date of the birth or by the Cape Verdean authority or institution which authorised or ordered the service abroad [Article 15(4)

[93] Consider e.g. the UN Committee on the Rights of the Child 2001 Summary Record (CRC/C/SR.746 of 7 November 2001, § 7, and 2019 Concluding Observations on the second periodic report of Cape Verde (CRC/C/CPV/CO/2 of 27 June 2019, § 33).

[94] Para 2 of Article 18 of the Nationality Regulation adds that the mention to the fact that the birth took place abroad and that one parent is a Cape Verdean citizen by origin is a mandatory identification element of the registered person.

Attribution based on birth abroad with a grandparent, great-grandparent or great-great-grandparent who is/was a Cape Verdean citizen of origin

Persons born abroad who have a grandparent, great-grandparent or great-great-grandparent who is/was a Cape Verdean citizen of origin are Cape Verdean citizens of origin by birth, under Article 8(1)(e) of the Nationality Act, provided they declare their wish to be Cape Verdean. The attribution takes effect by operation of law and depends solely on a declaration by the interested party and on proof of the family ties (Article 23 of the Nationality Regulation). Proof of the attribution of Cape Verdean citizenship under Article 8(1)(e) of the Nationality Act is established by presenting the citizenship declaration (*declaração de nacionalidade*) and the birth certificates attesting to the alleged family ties [Article 24(1) of the Nationality Regulation].[95] A *certificado de notoriedade de nascimento* may be requested if the applicants are unable to produce the required birth certificates (Article 97 of the Nationality Regulation). The citizenship declaration is made before any civil registry office, any competent Cape Verdean diplomatic or consular official, or the Central Registry Office [Article 25(1) of the Nationality Regulation]. The registration of Cape Verdean citizenship is conducted by the registry official or the diplomatic or consular official who receives the citizenship declaration and records it in the register as an annotation to the birth registration of the interested party [Article 25(2) of the Nationality Regulation].

Attribution based on birth in Cape Verde to foreign parents who are legal residents

Persons born in Cape Verde to foreign parents who have been legally resident in Cape Verde for at least three years at the time of birth and who are not in the service of their respective state "acquire" (*adquirem*) Cape Verdean citizenship of origin by option, under Article 9 of the Nationality Act, if they do not declare their wish not to be Cape Verdean. The use of the term "acquire" is unfortunate, as this is a clear case of attribution by effect of the law, since no action is required for the citizenship to be granted. The systematic inclusion of Article 9 in the section entitled "Citizenship attribution" furthermore proves that this is a case of attribution and not acquisition.

Proof of Cape Verdean citizenship attributed under Article 9 of the Nationality Act is established by the birth registration, provided there is no mention of the wish not to be Cape Verdean. Article 27(1) of the Nationality Regulation further clarifies that no citizenship declaration is required for the purposes of proving Cape Verdean citizenship in these cases. The documents required for the registration of the birth are: (a) the parents' birth certificates; (b) the parents' declaration that they are not in Cape Verde in the service of their state, signed in the presence of a notary; (c) copy of the parents' valid residence permits; and (d) declaration issued by the competent border services attesting that the parents are legally resident in Cape Verde for over three years [Article 27(2) of the Nationality Regulation].[96] The registration of Cape Verdean citizenship is done by the competent civil registry official, as an annotation to the birth registration, when the birth is registered [Article 28(1) of the Nationality Regulation].

[95] Para 2 of Article 24 of the Nationality Regulation adds that the circumstance that the birth took place abroad and the family ties are mandatory identification elements of the registered person.

[96] Para 3 of Article 27 of the Nationality Regulation adds that the circumstance that the birth took place in Cape Verde and that the parents are legally resident in the country are mandatory identification elements of the registered person.

Attribution based on birth in Cape Verde to stateless parents or parents of unknown citizenship who reside in Cape Verde

Persons born in Cape Verde to a father and a mother who are stateless or of unknown citizenship and who reside in Cape Verde are Cape Verdean citizens of origin by birth, under Article 8(1)(d) of the Nationality Act. The attribution results directly from the law and is not dependent on any other condition (Article 20 of the Nationality Regulation). Proof of Cape Verdean citizenship attributed under Article 8(1)(d) of the Nationality Act is established by the birth registration if no mention is made to the parents' citizenship. Article 21(1) of the Nationality Regulation further clarifies that no citizenship declaration is required for the purposes of proving Cape Verdean citizenship in these cases.[97] At the time of the registration of the birth, it is necessary to present a declaration issued by the health facility where the delivery took place or by the person who assisted in the delivery, and a copy of both parents' valid identification documents, unless one of the parents is deceased or is nowhere to be found at the time of the birth or of the registration [Article 21(3) of the Nationality Regulation].

The registration of Cape Verdean citizenship is carried out by the competent civil registry official, as an annotation to the birth registration, when the birth is registered [Article 22(1) of the Nationality Regulation]. In cases of reasonable doubt regarding the parents' statelessness or unknown citizenship, the registration of Cape Verdean citizenship attribution is made on a provisional basis, with a six-month validity. The Central Registry official must request the documents pertaining to the proof of statelessness from the competent authorities of the countries with which the parents have relevant ties (their countries of origin, of last citizenship, or of last residence). If, after six months, there are no reasons to amend or cancel the registration, it becomes definitive [Article 22(3)(4) and (5) of the Nationality Regulation].

There is no longer a provision for the attribution of Cape Verdean citizenship by birth to persons born in Cape Verde who would otherwise be stateless, since the 2024 amendment to the Nationality Act replaced the text in Article 8(1)(c) where that was provided (a good practice going back to the 1990 Nationality Act). With the elimination of such a provision, the legal assumption established in Article 8(3) of the Nationality Act, according to which the newly-born found in Cape Verde are assumed to have been born in Cape Verde, serves no purpose.[98] Children born in Cape Verde to unknown parents – i.e. the foundlings referred to in Article 8(3) – or to foreign parents whose countries of origin do not allow the transmission of their citizenship to children born abroad are not covered by any provision in the Nationality Act and are therefore at risk of statelessness.

Acquisition based on marriage or de facto union to/with a Cape Verdean citizen

A person married to or in a "legally recognised de facto union" (*união de facto legalmente reconhecida*) with a Cape Verdean citizen for at least four years may acquire Cape Verdean citizenship based on a declaration to that effect made during the marriage or the de facto union [Article 10(1) and (2) of the Nationality Act]. The declaration of legal inexistence, the annulment of the marriage, the annulment of the de facto union or its end do not hinder the citizenship acquired by the spouse or partner who entered the marriage/de facto union in good faith [Article 10(5) of the Nationality Act].

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[97] Para 2 of Article 21 of the Nationality Regulation adds that the circumstance that the birth took place in Cape Verde and that the parents are stateless or of unknown citizenship are mandatory identification elements of the registered person.

[98] Article 21(4) of the Nationality Regulation replicates the provision in Article 8(3) in the context of proof of attribution based on birth in Cape Verde to stateless parents or parents with unknown citizenship, which makes no sense since foundlings (*expostos*) are by definition children whose parents are unknown.

The citizenship declaration by the foreign spouse of a Cape Verdean citizen is made at any civil registry office, before any competent Cape Verdean diplomatic or consular official, or at the Central Registry Office, with the presentation of the foreign spouse's birth certificate and of the marriage certificate (Article 30 of the Nationality Regulation). The same applies to the foreign partner in a de facto union with a Cape Verdean citizen, with the difference that here the author of the citizenship declaration is required to present birth certificates for him/herself and his/her Cape Verdean partner,[99] and a civil registration certificate, a certificate of the judicial ruling recognising the de facto union or a certificate of ongoing judicial proceedings for the recognition (Article 35 of the Nationality Regulation).[100]

For foreigners in a de facto union with a Cape Verdean citizen, Article 34 of the Nationality Regulation prescribes that the proceedings for the legal recognition of the de facto union and for the citizenship acquisition are attached whenever they are conducted at the Central Registry Office, at the same civil registry office or before the same diplomatic or consular official. When the two proceedings are conducted in parallel, the process for citizenship acquisition will be suspended until the legal recognition of the de facto union is completed. Since the proceedings can be simultaneous, Article 10(2) of the Nationality Act must be interpreted as meaning that, while the de facto union is required to have lasted at least four years before the foreign partner's declaration of his or her wish to be Cape Verdean, it is not required to have been legally recognised four years prior to the citizenship declaration.

In both the acquisition based on marriage and the acquisition based on a legally recognised de facto union, the registration of Cape Verdean citizenship is carried out by the civil registry official, the competent diplomatic or consular official, or the Central Registry official who receives the citizenship declaration and is entered in the record as an annotation to the birth registration of the author of the declaration [Articles 31(1) and 36(1) of the Nationality Regulation].

The Public Prosecutor may oppose the acquisition in these cases on the following grounds: (a) inexistence of any effective ties to the national community; (b) conviction in final instance for a crime potentially punishable under Cape Verdean law with a prison sentence of three years or more; (c) exercise of public functions or non-mandatory military service for a foreign state; (d) entering the marriage or de facto union with the sole purpose of obtaining a residence permit or of defrauding the nationality law; or (e) existence of danger or threat to national security or defence due to the involvement in activities tied to the practice of terrorism, cybercrime, drug trafficking, human trafficking and people smuggling, under applicable legislation (Article 20 of the Nationality Act).[101] However, the Public Prosecutor may not invoke

[99] Which suggests that the lawmakers may have misspoken when requiring only the birth certificate of the author of the citizenship declaration under Article 30 of the Nationality Regulation.

[100] The legal recognition of de facto unions is governed by Decree-Law No. 13/98 of 13 April 1998 (amended by Legislative Decree No. 1/2015 of 12 January 2015) and by the Civil Code (approved by Decree-Law No. 47344 of 25 November 1966, kept in force after independence pursuant to Article 22 of the LOPE, and last amended by Law No. 57/X/2025 of 5 August 2025). Per Article 1712 of the Civil Code, only couples in de facto unions for more than three years are entitled to legal recognition, unless they have children together, in which case the three-year requirement does not apply.

[101] Information on possible grounds for opposition must be reported to the Public Prosecutor by the entity with competence to decide on the acquisition of Cape Verdean citizenship or any other entity or authority with knowledge of facts that might be relevant for an opposition. When the entity with competence to decide on the acquisition considers that there may be facts susceptible of being grounds for an opposition, it must notify the author of the citizenship declaration to provide explanations within 20 workdays, failing which the facts will be reported to the Public Prosecutor. Upon receiving information on possible grounds for opposition, the Public

the inexistence of any effective ties to the national community when the marriage or de facto union has lasted longer than six years, nor when, irrespective of the duration of the marriage or de facto union, the couple has children who are Cape Verdean citizens (Article 73 of the Nationality Regulation).

The Public Prosecutor's right of opposition must be exercised within 12 months of the declaration by the interested party of the wish to acquire Cape Verdean citizenship through judicial proceedings initiated at the Judicial Court of Praia, the capital city [Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified of the right to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act), in the city of Assomada. With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

Proof of citizenship acquisition under Article 10 of the Nationality Act is established by the birth certificate where the acquisition is mentioned or with a citizenship certificate issued by any civil registry office, competent Cape Verdean diplomatic or consular official, or by the Central Registry Office (Articles 32 and 37 of the Nationality Regulation). Acquisitions based on marriage may furthermore be proven with the marriage certificate, where the acquisition is mentioned (Article 32 of the Nationality Regulation).

Acquisition based on parental ties to a person who acquires Cape Verdean citizenship

The minor or incapacitated children of a person who acquires Cape Verdean citizenship may acquire Cape Verdean citizenship by means of a declaration (Article 11 of the Nationality Act). The citizenship declaration is submitted by the child's legal representative before a civil registry office, a competent Cape Verdean diplomatic or consular official, or the Central Registry Office together with the following documents: (a) the child's birth certificate; (b) the certificate of the judicial ruling that has determined in final instance the incapacity of the person seeking to acquire citizenship by declaration, where applicable; and (c) the birth certificate of the parent who acquired Cape Verdean citizenship (Article 39 of the Nationality Regulation). The registration of Cape Verdean citizenship is carried out by the civil registry official, the competent diplomatic or consular official, or the Central Registry official who receives the citizenship declaration and is entered in the record as an annotation to the child's birth registration [Article 40(1) of the Nationality Regulation].

The Public Prosecutor may oppose the acquisition on one of the grounds listed in Article 20 of the Nationality Act. Considering that only minor and incapacitated children are eligible for acquisition based on parental ties, only para (a) seems applicable here, i.e., the inexistence of any effective ties to the national community.[102] The Public Prosecutor's right of opposition must be exercised within 12 months of the declaration by the interested party of the wish to acquire Cape Verdean citizenship through judicial proceedings initiated at the Praia Judicial Court

Prosecutor may conduct or order the conduction of preliminary enquiries, namely to obtain a certificate of judicial conviction in final instance, criminal records, or documents attesting the nature of the political functions or the non-mandatory military service rendered to a foreign state (Articles 75, 74, and 77 of the Nationality Regulation).

[102] Information on possible grounds for opposition must be reported to the Public Prosecutor by the entity with competence to decide on the acquisition of Cape Verdean citizenship or any other entity or authority with knowledge of facts that might be relevant for an opposition. When the entity with competence to decide on the acquisition considers that there may be facts susceptible of being grounds for an opposition, it must notify the author of the citizenship declaration to provide explanations within 20 workdays, failing which the facts will be reported to the Public Prosecutor (Articles 75 and 74 of the Nationality Regulation).

[Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act). With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

Proof of citizenship acquisition under Article 11 of the Nationality Act is established by the birth certificate where the acquisition is mentioned, or by a citizenship certificate issued by any civil registry office, competent Cape Verdean diplomatic or consular official, or by the Central Registry Office (Article 41 of the Nationality Regulation).

Acquisition based on adoption by a Cape Verdean citizen

Foreign or stateless children who are fully adopted (*adotados plenamente*) by a Cape Verdean citizen may acquire Cape Verdean citizenship by declaration (Article 12 of the Nationality Act). The declaration is submitted by the child's legal representative before a civil registry office, a competent Cape Verdean diplomatic or consular official, or the Central Registry Office, together with the following documents: (a) the adopting person's birth certificate; (b) the adoptee's birth certificate; and (c) the certificate of the judicial ruling in final instance establishing the adoption [Article 43(1) of the Nationality Regulation].[103]

The legal regime for adoption is set by Articles 1917 to 1934 of the Civil Code and by Law No. 57/VIII/2014 of 3 February 2014, which incorporated the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption into domestic law following Cape Verde's accession in 2009.[104] The law on adoption does not, in fact, distinguish between full adoption (*adoção plena*) and restricted adoption (*adoção restrita*), which renders the references to *full* adoption[105] in Article 12 of the Nationality Act and Articles 42 and 44 of the Nationality Regulation entirely pointless. Only persons under 18 years of age who are not emancipated[106] can be adopted (Article 1921 of the Civil Code). The adoption is annotated in the adoptee's birth registration (Article 1934 of the Civil Code).

It is worth noting that Article 24 of Law No. 57/VIII/2014 stands in direct contradiction with Article 12 of the Nationality Act, since it prescribes that the children legally adopted by a Cape Verdean citizen acquire Cape Verdean citizenship as a direct consequence of the adoption (para 1),[107] and that children adopted by a foreigner with legal residence in Cape Verde acquire

[103] Para 2 of Article 43 of the Nationality Regulation adds, confusingly, that the proof of the adopting person's Cape Verdean citizenship is made by means of his or her birth certificate [which is redundant vis-à-vis para 1, subpara (a)] indicating that the birth certificate should not have any mention to another citizenship or to statelessness. The phrasing is further complicated by the use of the expression "mention to the contrary" (*menção contrária*), which makes no sense in the sequence. It is likely that, instead of adopting person (*adotante*), lawmakers meant adoptee (*adotado*).

[104] Approved by Parliament Resolution No. 105/VII/2009 of 29 June 2009.

[105] Clearly inspired by the wording in the Portuguese 1981 Nationality Act.

[106] Minors over the age of 16 are allowed to marry and become emancipated as a result of the marriage (Arts. 141 and 1564 of the Civil Code). Emancipated minors are treated as adults and therefore ineligible for adoption under 1921 of the Civil Code.

[107] Adding that the adoption ruling must be transcribed in the competent civil registry services [Article 24(1) of Law No. 57/VIII/2014].

Cape Verdean citizenship if the adopting parents express that wish in writing (para 2).[108] Cape Verde's lawmakers should have incorporated a similar set of provisions in the 2023 Nationality Act, particularly considering that Law No. 57/VIII/2014 was explicitly adopted to align Cape Verdean law with international standards on adoption. As it stands, given the civil law principle that a later law supersedes a previous law (*lex posterior derogate legi priori*), Article 12 of the Nationality Law is the governing standard, which means that adoption by a Cape Verdean citizen does not automatically result in acquisition of Cape Verdean citizenship, and that the Public Prosecutor may oppose the acquisition on one of the grounds listed in Article 20 of the Nationality Act. Considering that only non-emancipated children are eligible for adoption, only para (a) seems applicable here, i.e., the inexistence of any effective ties to the national community.[109]

The Public Prosecutor's right of opposition must be exercised within 12 months of the declaration of the wish to acquire Cape Verdean citizenship through judicial proceedings initiated at the Praia Judicial Court [Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act). With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

The registration of Cape Verdean citizenship is carried out by the civil registry official, the competent diplomatic or consular official, or the Central Registry official who receives the citizenship declaration and is entered in the record as an annotation to the child's birth registration [Article 44(1) of the Nationality Regulation].[110] Proof of citizenship acquisition under Article 12 of the Nationality Act is established by the birth certificate where the acquisition is mentioned or by a citizenship certificate issued by any civil registry office, competent Cape Verdean diplomatic or consular official, or by the Central Registry Office [Article 45(1) of the Nationality Regulation].

Acquisition based on naturalisation

Cape Verdean citizenship may be granted to foreigners who meet the following cumulative requirements: (a) have legally resided in Cape Verde for at least five years; (b) are adults or emancipated under Cape Verdean law; (c) have not been convicted in final instance for a crime potentially punishable under Cape Verdean law with a prison sentence of three years or more; and (d) are capable of governing themselves, even if subject to supervision decreed by court ruling [Article 13(1) of the Nationality Act]. The residence requirement may be waived for former Cape-Verdean citizens, for persons "believed to be" (*havidos como*) Cape Verdean descendants, and for foreigners who have rendered or are called to render relevant services

[108] In which case the adoption ruling is transcribed in the competent civil registry services [Article 24(2) of Law No. 57/VIII/2014].

[109] Information on possible grounds for opposition must be reported to the Public Prosecutor by the entity with competence to decide on the acquisition of Cape Verdean citizenship or any other entity or authority with knowledge of facts that might be relevant for an opposition. When the entity with competence to decide on the acquisition considers that there may be facts susceptible of being grounds for an opposition, it must notify the author of the citizenship declaration to provide explanations within 20 workdays, failing which the facts will be reported to the Public Prosecutor (Articles 75 and 74 of the Nationality Regulation).

[110] Mention to the adopting person's Cape Verdean citizenship must be included, as an identification element of the adopted child, in the annotation concerning the adoption made to the child's birth registration. The child's foreign citizenship or statelessness should be mentioned in his or her birth registration and is to be assumed when there is no mention to the contrary therein [Article 45(2)-(4) of the Nationality Regulation].

to the state [Article 13(2) of the Nationality Act]. Para 3 of Article 13 opens the possibility of granting Cape Verdean citizenship to foreign athletes who have rendered or are called to render relevant services to national sports, presumably with exemption of all naturalisation requirements.

The foreigner wishing to acquire Cape Verdean citizenship must present a citizenship declaration (*declaração de nacionalidade*) at a civil registry office, before a competent Cape Verdean diplomatic or consular official, or at the Central Registry Office, together with the following documents: (a) birth certificate; (b) certificate of the judicial ruling ordering the person's emancipation, if applicable; (c) copy of the valid residence permit; (d) declaration issued by the competent border services attesting to the minimum period of legal residence required; (e) criminal record checks issued within the previous three months in Cape Verde and within the previous six months in the applicant's country of citizenship or of last habitual residence, if different; (f) certificate of the judicial ruling ordering the supervision of an incapacitated adult, if applicable; and (g) document attesting the applicant's sources of income (Article 47 of the Nationality Regulation). Applicants benefiting from the waiver introduced in Article 13(2) of the Nationality Act are required to submit all the documents listed above (except for the residence permit and the border services' declaration) and, depending on their circumstances, a certificate or another document attesting the former Cape Verdean citizenship according to the law then in force; a document attesting the Cape Verdean ancestry; or a document attesting relevant services to the state [Article 52(1) of the Nationality Regulation].[111] Foreign athletes covered by Article 13(3) of the Nationality Act are only required to enclose with their citizenship declaration: their birth certificate; the certificate of the judicial ruling ordering the emancipation, if applicable; their criminal record; and a document issued by the competent Cape Verdean national sports authority attesting their quality of athletes and their relevant services to national sports (Article 57 of the Nationality Regulation).

The citizenship declaration is registered by the relevant official and immediately forwarded to the justice minister, with the documents submitted by the author of the declaration and an opinion by the person in charge of the office where the citizenship declaration was made. The justice minister may order additional enquiries into the author of the declaration's moral and civil suitability, and into possible disadvantages that granting the naturalisation may have for Cape Verde's relations with the author of the declaration's state of citizenship or with other states. A decision must be rendered within 90 days after the presentation of the citizenship declaration. If the decision is positive, the justice minister orders the registration of the citizenship acquisition (Articles 48, 53, and 58 of the Nationality Regulation). The registration is done by the civil registry official, the competent diplomatic or consular official, or the Central Registry official who received the citizenship declaration, on the basis of the justice minister's order, and is entered in the record as an annotation to the applicant's birth registration [Articles 49(1), 54, and 58 of the Nationality Regulation].

The Public Prosecutor may oppose the acquisition on the following grounds: (a) inexistence of any effective ties to the national community; (b) conviction in final instance for a crime potentially punishable under Cape Verdean law with a prison sentence of three years or more; (c) exercise of public functions or rendering of non-mandatory military service to a foreign state; (d) entering a marriage or de facto union with the sole purpose of obtaining a residence permit

[111] Proof of Cape Verdean ancestry is made by certificates of civil status acts or, in their absence, by document issued by the Cape Verdean consular services of the current or prior residence of the author of the declaration, failing which other evidentiary means may be authorised by the justice minister. Proof of relevant services to the state is made by Presidential Decree or Council of Ministers Resolution. Documents attesting former Cape Verdean citizenship or Cape Verdean ancestry are waived whenever it is possible to access them directly through the civil registry database [Article 52(2)-(4) of the Nationality Regulation].

or of defrauding the nationality law; or (e) existence of danger or threat to national security or defence due to the involvement in activities tied to the practice of terrorism, cybercrime, drug trafficking, human trafficking and people smuggling, under applicable legislation (Article 20 of the Nationality Act).[112] However, the Public Prosecutor may not invoke the inexistence of any effective ties to the national community when the applicant is married or in a de facto union with a Cape Verdean citizen for more than six years, nor when, irrespective of the duration of the marriage or de facto union, the couple has children who are Cape Verdean citizens (Article 73 of the Nationality Regulation). The Public Prosecutor's right of opposition must be exercised within 12 months of the declaration by the interested party of the wish to acquire Cape Verdean citizenship through judicial proceedings initiated at the Praia Judicial Court [Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act). With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

Proof of citizenship acquisition under Article 13 of the Nationality Act is established by the birth certificate where the acquisition is mentioned or with a citizenship certificate issued by any civil registry office, competent Cape Verdean diplomatic or consular official, or by the Central Registry Office (Articles 50, 55, and 58 of the Nationality Regulation).

Acquisition based on investment

Cape Verdean citizenship may be granted to foreigners who, either personally or through their participation in corporations, make or promise to make investments of interest for Cape Verde, which would create employment opportunities and contribute in a significant way to the country's development. The person seeking citizenship must also have effective ties to the national community, assessed based on their reasonable knowledge of Portuguese or of Cape Verdean languages,[113] or by the number of entries and stays in national territory [Article 14(1) and (4) of the Nationality Act].

The examples of investments of relevant interest for Cape Verde listed in Article 14(2) of the Nationality Act include: (a) the implementation of investment projects which increase or contribute to an increase in employment opportunities, and significantly contribute to the country's development or to increase exports or workforce qualifications, or to introduce and develop new technologies; (b) the acquisition of real estate for tourism development, with a minimum price and number of job posts to be set by law; (c) the creation or participation in the creation of regional development companies; and (d) the transfer to Cape Verde of foreign capital put in investment funds or capital funds of a minimum amount set by law; among others.

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[112] Information on possible grounds for opposition must be reported to the Public Prosecutor by the entity with competence to decide on the acquisition of Cape Verdean citizenship or any other entity or authority with knowledge of facts that might be relevant for an opposition. When the entity with competence to decide on the acquisition considers that there may be facts susceptible of being grounds for an opposition, it must notify the author of the citizenship declaration to provide explanations within 20 workdays, failing which the facts will be reported to the Public Prosecutor. Upon receiving information on possible grounds for opposition, the Public Prosecutor may conduct or order the conduction of preliminary enquiries, namely to obtain a certificate of judicial conviction in final instance, criminal records, or documents attesting the nature of the political functions or the non-mandatory military service rendered to a foreign state (Articles 75, 74, and 77 of the Nationality Regulation).

[113] Article 9 of the Constitution identifies Portuguese as the official language (para 1), while requiring that the state promote the conditions for the officialisation of Cape Verde's mother tongue (aka Cape Verdean Creole) on the same level as Portuguese (para 3).

A special regulation is foreseen to detail the conditions and procedure for acquisition based on investment under Article 14 of the Nationality Act. The current Nationality Regulation only covers proof of the existence of effective ties to the national community for the purposes of citizenship acquisition by investment and other relevant grounds.

Proof of reasonable language knowledge of either Portuguese or Cape Verdean is established by one of the following means: (a) written or oral conversation with the foreigner before the service which receives the citizenship declaration;[114] (b) a certificate issued by a public or private educational institution legally recognised in Cape Verde or abroad where there is mention to the successful attendance of language course of Portuguese or Cape Verdean as foreign language; or (c) a certificate of a Portuguese or Cape Verdean language exam taken at a public or a private educational institution in Cape Verde [Article 60(2) of the Nationality Regulation].[115] Although citizenship by investment presupposes high-achieving applicants, para 4 of Article 60 prescribes that the assessment of the applicants' language knowledge must be adapted whenever the applicants have serious health issues or impairments and when they are 60 years old or older and are illiterate. A reasonable knowledge of Portuguese or of Cape Verdean is assumed whenever, at the time of the citizenship declaration, the author of the declaration: (a) is a natural and a citizen of a country where Portuguese is an official language; or (b) is married or in a de facto union with a Cape Verdean citizen by origin for at least two years; or (c) has attended an education institution in Cape Verde [Article 60(5) of the Nationality Regulation].

Alternatively, the existence of effective ties to the national community is assumed when, at the time of the citizenship declaration, the author of the declaration meets one of two requirements: (a) has entered Cape Verde at least twice a year in the three years prior to the citizenship declaration for stays of at least 15 days for each entry; or (b) legally resides in Cape Verde for at least two years with a permanence in the territory of at least six months in each year [Article 60(6) of the Nationality Regulation].

Since acquisition based on investment is a form of acquisition by an act of will, Article 20 of the Nationality Act applies, meaning that the Public Prosecutor may oppose the acquisition within 12 months of the declaration by the interested party of his or her wish to acquire Cape Verdean citizenship through judicial proceedings initiated at the Praia Judicial Court [Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act). With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

Acquisition based on other relevant grounds

Cape Verdean citizenship may be granted to foreigners who, having effective ties to the national community (measured by language knowledge or stays in the country), distinguished themselves in one of the following ways: (a) the practice of heroic or exceptionally selfless acts

[114] In this case, the service which receives the citizenship declaration is required to annex to it the written conversation or information about the oral exchange [Article 60(3) of the Nationality Regulation].

[115] The exam is specifically designed for the purposes of citizenship acquisition and approved by the education ministry [Article 60(2)(c) of the Nationality Regulation].

for Cape Verde or humankind, in defence of human life[116] or in the fight against poverty and social inequality and exclusion in the country; (b) significant promotion of knowledge and technological development in Cape Verde; (c) exceptional promotion of the Cape Verdeans' culture, art, sports, and spiritual development; or (d) exceptionally relevant services to Cape Verde which contributed to strengthen the friendship, cooperation, and solidarity relationships with other peoples and countries (Article 15 of the Nationality Act).

Foreigners interested in acquiring Cape-Verdean citizenship under Article 15 of the Nationality Act must present a citizenship declaration before a civil registry office, a competent Cape Verdean diplomatic or consular official, or the Central Registry Office, together with the following documents: (a) birth certificate; (b) criminal record; and (c) copy of the official journal (*Boletim Oficial*) which published the Presidential Decree or the Council of Ministers Resolution recognising the facts or acts practiced or services rendered that led to their distinction with high merit (Article 63 of the Nationality Regulation).

Proof of effective ties to the national community is established in accordance with Article 60 of the Nationality Regulation, while the procedure, registration, and proof of citizenship acquisition are governed by the rules applicable to naturalisation (Articles 48 to 50 by reference from Article 64 of the Nationality Regulation).

Again, Article 20 of the Nationality Act applies, meaning that the Public Prosecutor may oppose the acquisition within 12 months of the declaration by the interested party of his or her wish to acquire Cape Verdean citizenship through judicial proceedings initiated at the Praia Judicial Court [Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act). With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

Reacquisition of Cape Verdean citizenship

Under Article 19 of the Nationality Act, reacquisition of Cape Verdean citizenship is only available to those who lost their Cape Verdean citizenship of origin as an effect of declaration made on their behalf while they were minors or otherwise incapacitated (para 1), and to those who lost their Cape Verdean citizenship (here, without the requirement that it be citizenship of origin) as an effect of law or by act of will such as the voluntary acquisition of a foreign citizenship (para 2). Those interested in reacquiring Cape Verdean citizenship only have to declare it. The declaration can be made at any time[117] before any civil registry office, any competent Cape Verdean diplomatic or consular official, or the Central Registry Office (Article 70 of the Nationality Regulation).

Article 71 of the Nationality Regulation prescribes that the reacquisition procedure follows the rules applicable for citizenship attribution or acquisition, depending on the grounds for reacquisition, which is not entirely clear, among other reasons, because there are different procedural rules for different modes of acquisition. It may be interpreted as meaning that the hypothesis in para 1 of Article 19 of the Nationality Act, which refers to citizenship of origin, is a case of attribution and therefore the declaration of the wish to reacquire Cape Verdean

[116] The Nationality Regulation adds the mention "or in climate or environmental action" [Article 62(a)].

[117] Article 19(1) of the Nationality Act specifies that the declaration by those who lost their Cape Verdean citizenship while they were minors or otherwise incapacitated can be made at any time after the end of the incapacity.

citizenship is immediately effective and entered into the civil registry, while the hypothesis in para 2 of Article 19 is a case of acquisition which must follow the rules set for naturalisation with a margin of executive discretion. Crucially, if the hypothesis in Article 19(1) is to be treated as a case of attribution, then the Public Prosecutor will not be entitled to oppose it under Article 20 of the Nationality Act.

At least for the cases of citizenship reacquisition under Article 19(2) of the Nationality Act, the Public Prosecutor may oppose the reacquisition on the following grounds: (a) inexistence of any effective ties to the national community; (b) conviction in final instance for a crime potentially punishable under Cape Verdean law with a prison sentence of three years or more; (c) exercise of public functions or rendering of non-mandatory military service to a foreign state; (d) entering a marriage or de facto union with the sole purpose of obtaining a residence permit or of defrauding the nationality law; or (e) existence of danger or threat to national security or defence due to the involvement in activities tied to the practice of terrorism, cybercrime, drug trafficking, human trafficking and people smuggling, under applicable legislation (Article 20 of the Nationality Act).[118] However, the Public Prosecutor may not invoke the inexistence of any effective ties to the national community when the former citizen is married to or in a de facto union with a Cape Verdean citizen for more than six years, nor when, irrespective of the duration of the marriage or de facto union, the couple has children who are Cape Verdean citizens (Article 73 of the Nationality Regulation). The Public Prosecutor's right of opposition must be exercised within 12 months of the declaration by the interested party of the wish to reacquire Cape Verdean citizenship through judicial proceedings initiated at the Praia Judicial Court [Article 21(1) of the Nationality Act]. The defendant in the proceedings is notified to reply within ten days, after which the court rules on the matter, unless additional evidentiary measures are deemed necessary (Article 78 of the Nationality Regulation). If the court grants the opposition, the defendant is entitled to appeal to the Sotavento Court of Appeal (Article 22 of the Nationality Act). With the granting of the opposition, the court orders the archiving of the citizenship declaration and the cancellation of the citizenship registration if already made (Article 79 of the Nationality Regulation).

Consolidation of attributed, acquired or reacquired Cape Verdean citizenship

The 2024 Nationality Regulation introduced "consolidation" (*consolidação*) as a way to provide legal certainty in situations where the act or fact on which the attribution, acquisition or reacquisition of Cape Verdean citizenship was based is contested but the interested party has held Cape Verdean citizenship in good faith for at least ten years [Article 7(1)]. In the case of children whose birth is registered in Cape Verde's civil registry, the required time is only 18 months. The consolidation must be requested by the interested party, who is required to submit documentary evidence of his or her good faith. Good faith is assumed whenever the person was registered or identified as Cape Verdean due to an irregularity attributable to the Administration. The consolidation is decided by the Central Registry Office director and is registered as an annotation in the birth registration of the interested party [Article 7(2)-(5) of the Nationality Regulation].

[118] Information on possible grounds for opposition must be reported to the Public Prosecutor by the entity with competence to decide on the reacquisition of Cape Verdean citizenship or any other entity or authority with knowledge of facts that might be relevant for an opposition. When the entity with competence to decide on the acquisition considers that there may be facts susceptible of being grounds for an opposition, it must notify the author of the citizenship declaration to provide explanations within 20 workdays, failing which the facts will be reported to the Public Prosecutor. Upon receiving information on possible grounds for opposition, the Public Prosecutor may conduct or order the conduction of preliminary enquiries, namely to obtain a certificate of judicial conviction in final instance, criminal records, or documents attesting the nature of the political functions or the non-mandatory military service rendered to a foreign state (Articles 75, 74, and 77 of the Nationality Regulation).

Voluntary loss of Cape Verdean citizenship

A Cape Verdean – either of origin or with acquired citizenship – who is also a citizen of another state loses his or her Cape Verdean citizenship if he or she declares the wish not to be Cape Verdean [Article 18(1) of the Nationality Act]. The loss of Cape Verdean citizenship may only be requested by the citizenship holder him/herself. The request can be made at any time by means of a declaration at a civil registry office, before a competent Cape Verdean diplomatic or consular official, or at the Central Registry Office [Article 66(1) of the Nationality Regulation]. The procedure is governed by the rules applicable to citizenship acquisition, with the necessary adaptations, as per Article 67(1) of the Nationality Regulation. However, this provision is not entirely clear, given that different procedural rules apply to different modes of acquisition.

Either way, it is to be assumed, based on Articles 23, 25, and 31 of the Nationality Act, that the loss of Cape Verdean citizenship under Article 18(1) of the Nationality Act is registered by the civil registry official, the competent diplomatic or consular official, or the Central Registry official who receives the declaration of renunciation and is entered in the record as an annotation to the birth registration of the author of the declaration.

Involuntary loss of Cape Verdean citizenship

Cape Verdean citizenship may be withdrawn in one of three situations: (a) it was obtained through fraud, either by falsifying documents or misleading the competent authorities in any way; (b) it was obtained based on marriage or de facto union with the sole purpose of carrying out a crime potentially punishable with imprisonment of three years or more or of avoiding expulsion or extradition from Cape Verde; and (c) it was acquired by a foreigner or stateless person who, after acquiring it, was convicted in final instance for a crime of terrorism [Article 18(2) of the Nationality Act]. Considering that Article 40 of the 1992 Constitution protects Cape Verdean citizens of origin from being deprived of their citizenship, these modes of involuntary loss only apply to individuals with acquired Cape Verdean citizenship. However, Cape Verdean citizenship of origin may be withdrawn in case of fraud, since fraud is grounds for nullifying the attribution of Cape Verdean citizenship under Article 8(1) of the Nationality Regulation. Crucially, para 4 of Article 8 of the Nationality Regulation protects against loss based on fraud those with citizenship of origin or with acquired citizenship who would be rendered stateless as a result of the nullification.

The withdrawal of Cape Verdean citizenship is ordered by the competent authority (presumably the justice ministry),[119] at the request of the Public Prosecutor, the Central Registry Office official or any civil registry official or Cape Verdean diplomatic or consular official. The request can be made at any time and is based on an administrative decision or a judicial ruling where one of the grounds in Article 18(2) of the Nationality Act is established [Articles 65(3) and 66(2) of the Nationality Regulation]. The procedure follows the Code of Administrative Procedure, and the decision by the competent authority can be appealed hierarchically [Articles 67(2) and 68 of the Nationality Regulation]. Recourse to the courts is, in any case, also open, per Article 34 of the Nationality Act. Once the withdrawal is final, it is to be assumed, based on Articles 23, 25, and 31 of the Nationality Act, that mention of the loss will be entered into the civil registry as an annotation to the former citizen's birth registration.

[119] According to para 3 of Article 66 of the Nationality Regulation, the competence to decide on the withdrawal rests with the entity which is competent to decide on the citizenship attribution or acquisition, depending on the grounds.

3.2. Specific rules and status for certain (numerically and politically important) groups

Cape Verde's citizenship regime does not include special rules for ethnic kin minorities in neighbouring countries. Historically, the closest it got to such special rules was the grant, during the period of political union with Guinea-Bissau (1975-1981), of the right to acquire Cape Verdean citizenship of origin to Bissau-Guinean citizens of origin who had their habitual residence in Cape Verde and declared their wish to be Cape Verdean [Article 4(1) of Decree-Law No. 71/76]. However, this prerogative was not reserved for Bissau-Guineans, as it was also offered to other categories of foreigners who had been resident or domiciled in Cape Verde on the date of independence, contrary to the mirror provision in Guinea-Bissau's 1976 Nationality Act, which singled out Cape Verdean citizens as sole beneficiaries.

Cultural affinities are nevertheless given some relevance. Following the creation of the CPLP in 1996 and amidst excitement about a possible Lusophone citizenship in the making, Cape Verdean lawmakers adopted the Lusophone Citizen Status Act – Law No. 36/V/97 of 25 August 1997 –, which inter alia granted the right to Cape Verdean citizenship to children born in Cape Verde to a Lusophone father or mother (Article 4), i.e., a citizen of any of the other CPLP Member States (Article 2).[120] As noted earlier, Cape Verdean lawmakers have yet to adopt the implementing decree foreseen in Article 17 of Law No. 36/V/97, and no provision was added to the 1990 Nationality Act or included in the 2023 Nationality Act to reflect the entitlement enshrined in Article 4 of the Lusophone Citizen Status Act, i.e. the right to be attributed Cape Verdean citizenship of origin immediately as an effect of birth in Cape Verde to a Lusophone parent not in the service of his or her state and irrespective of the parents' time of residence in Cape Verde. There is no indication that this provision has ever been used in administrative or judicial litigation to expedite access to Cape Verdean citizenship based on birth in Cape Verde.

The relevance of cultural affinities can also be said to underlie Article 13(2)(b) of the Nationality Act, which allows for the facilitated naturalisation (with waiver of the residence requirement) of persons believed to be Cape Verdean descendants.

Persons who have previously held Cape Verdean citizenship are entitled to reacquire it, under the conditions set by Article 19 of the Nationality Act, depending on the circumstances in which they lost their Cape Verdean citizenship, or may otherwise be exempted from meeting the residence requirement for naturalisation under Article 13(2)(a) of the Nationality Act. The residence requirement may furthermore be dispensed with in case of persons who are considered to have Cape Verdean ancestry [Article 13(2)(b) of the Nationality Act].

The 1992 Constitution draws a clear distinction between Cape Verdeans who are citizens of origin and those who have acquired citizenship. Only citizens of origin are protected by Article 40 of the Constitution, which prescribes that no Cape Verdean citizen of origin may be deprived of his or her citizenship nor of his or her prerogatives as a citizen. Also, only Cape Verdean citizens of origin are entitled to run for the office of President of the Republic (Article 110). Furthermore, Article 23(3) of the Constitution allows lawmakers to restrict the exercise of political rights and the access to certain public offices and functions by Cape Verdeans with acquired citizenship, although such restrictions must abide by the requirements set by Article 17(5) of the Constitution, including proportionality and non-retroactive effect.

[120] Article 5 further allowed for the acquisition by Lusophone citizens of Cape Verdean citizenship without having to renounce their previous citizenship, which was pointless as the renunciation requirement for naturalisation or acquisition based on marriage had already been deleted from the 1990 Nationality Act in 1992.

3.3. Special institutional arrangements

Under Article 176(a) of the 1992 Constitution, as amended in 2010, the exclusive competence to adopt laws governing the acquisition, loss, and reacquisition of citizenship lies with the National Assembly. The fact that this provision does not explicitly mention the attribution of citizenship is merely a sign of terminological inconsistency and should not be interpreted as meaning that the executive is free to set the modes of attribution by means of a decree-law. The executive's role in these matters is confined to the adoption of secondary legislation to implement the Nationality Act, even though it is arguable that it sometimes goes beyond the mere implementation, as was the case with the introduction of rules on "citizenship consolidation" by the 2024 Nationality Regulation. The Nationality Act and the Nationality Regulation have general applicability throughout the territory of Cape Verde.

The competence to decide on applications for acquisition or reacquisition of Cape Verdean citizenship generally lies with the member of the executive responsible for the area of justice (Articles 16 and 17 of the Nationality Act), who is also responsible for withdrawing Cape Verdean citizenship based on an administrative decision or a judicial ruling [Article 66(3) of the Nationality Regulation]. The Public Prosecutor is entitled to oppose the acquisition or reacquisition of Cape Verdean citizenship by initiating opposition proceedings at the Praia Judicial Court (Articles 20 and 21 of the Nationality Act). The court with competence to review appeals granting the opposition is the Sotavento Court of Appeal (Article 22 of the Nationality Act). For all other judicial disputes concerning the attribution, acquisition, loss or reacquisition of Cape Verdean citizenship, Article 34 of the Nationality Act prescribes that the appellate courts can be either the Sotavento Court of Appeal or the Barlavento Court of Appeal (this one located in the city of Mindelo), depending on the interested party's place of residence (for those residing in Cape Verde) or on the interested party's preference (for those residing abroad).

Civil registry services (e.g., birth registration, citizenship registration) are provided at the Central Civil Registry in Praia, at civil registry offices around the country, and at Cape Verdean embassies and consular posts. Civil registration is governed by the Civil Registration Code, approved by Law No. 75/VIII/2014 of 9 December 2014. Cape Verde prides itself of its high birth registration rates, which are above 90%, even though it is still reported that many births are registered after the 15-day deadline set by Article 76(2) of the Civil Registration Code.

4. Current political debates and reform plans

Following the adoption of the new Nationality Act in 2023 and its speedy amendment in 2024, there has been little attention to the rules on attribution, acquisition, loss, and reacquisition of Cape Verdean citizenship in political debates or in the media. The adoption of the regulation on the acquisition of Cape Verdean citizenship based on investment is still pending. There are arguably other aspects of the nationality law deserving of attention or in which the current regime could be significantly improved.

The elimination in 2024 of the Nationality Act provision, which attributed Cape Verdean citizenship of origin to those born in Cape Verde who would otherwise be stateless, should be reversed, as the provision has a long tradition in Cape Verdean nationality law and is internationally recommended as best practice in the fight against statelessness.

Also, it would be advisable to introduce a pathway to speedy naturalisation for migrant children who arrived in Cape Verde at an early age and who are stateless. Calls for the Cape Verdean authorities to pay attention and provide protection to the stateless migrant children in its

territory have been made by the UN Committee on the Rights of the Child[121] and, during the debates on the 2023 Nationality Act, by NGOs such as the Platform of African Communities Residing in Cape Verde (*Plataforma das Comunidades Africanas Residentes em Cabo Verde*).[122]

The right arising from Article 4 of the Lusophone Citizen Status Act should be explicitly incorporated in the Nationality Act so that children born in Cape Verde to a parent who is a citizen of a CPLP member state are granted the right to be attributed Cape Verdean citizenship at the time of birth, irrespective of the duration and legality of the parents' residence in the country.

It is also necessary to address the contradiction between Article 12 of the Nationality Act (i.e. acquisition based on adoption) and Article 24 of Law No. 57/VIII/2014, which was enacted with the explicit purpose of aligning domestic law with the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. As the regime set by Article 24 is more favourable to acquisition, Article 12 of the Nationality Act should be amended to replicate the content of Article 24, i.e., to provide that the children legally adopted by a Cape Verdean citizen acquire Cape Verdean citizenship as a direct consequence of the adoption (para 1), and that the children adopted by a foreigner with legal residence in Cape Verde acquire Cape Verdean citizenship if that is the wish expressed in writing by the adopting parents (para 2). Any future amendment to Article 12 of the Nationality Act should furthermore eliminate the qualifier "full" (as in full adoption), since Cape Verdean law does not distinguish between full adoption (*adoção plena*) and restricted adoption (*adoção restrita*).

There are also some inconsistencies and points in need of clarification in the Nationality Regulation, such as Article 43(2) regarding the mentions that should not appear in the adopting person's birth certificate, and the references in Articles 67 and 71 to the rules of procedure applicable for citizenship attribution or acquisition. The distinction between attribution and acquisition, while legally consequential and generally observed, is not always made in a clear and consistent way in the terminology used, which is a source of confusion.

Finally, while the constitutional differentiation between Cape Verdeans who are citizens of origin and those who have acquired citizenship may be seen as problematic in light of the constitutional principles of equality and non-discrimination, and arguably inconsistent with the generous treatment afforded to foreigners and stateless persons present in Cape Verde, there is no indication of debates about (or contestation of) the arguably less protected status reserved by the Constitution to Cape Verdeans with acquired citizenship. The aspect of the citizenship regime in the Constitution that seems to draw more controversy is the requirement in Article 110 that candidates for the office of President of the Republic do not hold another citizenship, as there have been proposals by prospective candidates to amend the Constitution to delete this requirement.[123]

[121] Committee on the Rights of the Child Concluding observations on the second periodic report of Cabo Verde, 27 June 2019, CRC/C/CPV/CO/2, §§ 31-32 and 83-84.

[122] Adriana Miranda, "Cabo Verde: Lei de nacionalidade ainda com lacunas," *DW*, 10 September 2023, available at https://www.dw.com/pt-002/cabo-verde-lei-de-nacionalidade-ainda-com-lacunas/a-66766694 [18.06.2025].

[123] José Pina-Delgado, "Cape Verde," *The International Review of Constitutional Reform* (2021): 52.

5. Conclusions

Cape Verde's "Global Nation" approach to citizenship – while historically rooted – is still relatively new in its current expansiveness, so it is still to be seen how much the extension of ius sanguinis up to the fourth generation will translate into a rise in the number of Cape Verdean citizens of origin worldwide, and how it will impact domestic politics in Cape Verde, and the country's national identity dynamics more broadly. Gender equality and the acceptance of dual citizenship, on the other hand, have long been established features of Cape Verde's citizenship regime and do not seem to be up for discussion anytime soon.

Immigration has become an issue in recent years, although it does not seem to have been a driving force behind the changes made by the 2023 Nationality Act, which arguably strengthened ius soli, even though a key safeguard against statelessness at birth was dropped amid the 2024 amendment to the Act, and acquisition based on marriage and on naturalisation was made less accessible by comparison with the quite liberal regime set by the 1990 Nationality Act. Under the Constitution, foreigners and stateless persons enjoy the right to be treated on a par with Cape Verdean citizens, with the usual exceptions for political rights and access to public functions. However, even in these areas, there is an explicit openness to extend some rights and access to foreign residents. This inclusiveness towards foreigners and stateless persons is very positive and in line with international human rights standards.

While Cape Verde can boast of its democratic maturity and political stability, as well as the social embeddedness of the official legal system and a 90%+ birth registration rate, there are still gaps between the nationality law on the books and the law in practice, and much that is not known about citizenship statistics and litigation. Further empirical research into administrative and judicial practices on the ground is still necessary to make a proper assessment of the extension of those gaps and to put forward recommendations on how to overcome them.

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