STATELESSNESS AND ITS RISK IN ANGOLA

AND

FOR ANGOLANS LIVING ABROAD

GOVERNO DE ANGOLA

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Ministério da Justiça
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UNHCR
The UN Refugee Agency

STUDY ABOUT STATELESSNESS AND RISK OF STATELESSNESS IN ANGOLA AND FOR ANGOLANS ABROAD

In application of the legislation and practices
regarding nationality in Angola

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Ministério da Justiça e dos Direitos Humanos

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Map of Angola



https://www.ecoi.net/en/file/local/1329372/1006_1175002131_angola.pdf

Abbreviations

1.	1954 Convention	UN Convention relating to the Status of Stateless Persons
2.	1961 Convention	UN Convention on the Reduction of Statelessness
3.	ACHPR	African Charter on Human and Peoples' Rights
4.	ACHPR	African Commission on Human and Peoples' Rights
5.	ACRWC	African Charter on the Rights and Welfare of the Child
6.	APAI-CRVS	Africa Programme on Accelerated Improvement of Civil Registration and Vital statistics
7.	AU	African Union
8.	CAPAN	Comissão de Acompanhamento do Processo de Atribuição da Nacionalidade = Monitoring Commission for Nationality Attribution Processes (Nationality Commission)
9.	CARR	Centro de Acolhimento de Refugiados e Requerentes de Asilo = Reception Centres for Refugees and Asylum seekers
10.	CNR	Comissão Nacional para os Refugiados = National Commission for Refugees
11.	COREDA	Comité de Reconhecimento do Direito de Asilo = Committee for the Determination of Refugee Status
12.	CRA	Constitution of the Republic of Angola
13.	CRC	UN Convention of the Rights of the Child
14.	CSO	Civil Society Organization
15.	DEFA	Direcção de Emigração e Fronteiras de Angola
16.	DNAICC	Direcção Nacional do Arquivo de Identificação Civil e Criminal = National Directorate of the Civil and Criminal Identification Archive
17.	DNRN	Direcção Nacional dos Registos e Notariado = National Directorate of Registries and Notaries
18.	DRC	Democratic Republic of the Congo
19.	ECCAS	Economic Community of Central African States
20.	EU	European Union
21.	FNLA	Frente de Libertação Nacional de Angola = National Front for the Liberation of Angola
22.	FP	Focal Point
23.	GDP	Gross Domestic Product
24.	HLS	High-Level Segment on Statelessness
25.	HRC	Human Rights Council
26.	ICCPR	International Covenant on Civil and Political Rights
27.	ICESC	International Covenant on Economic, Social, and Cultural Rights
28.	ICGLR	International Conference on the Great Lakes Region
29.	ID Card	Identity Card
30.	IDP	Internally Displaced Persons
31.	INAC	Instituto Nacional da Criança
32.	INE	Instituto Nacional de Estatística = National Institute of Statistics
33.	IOM	International Organization for Migration
34.	JRS	Jesuit Refugee Service
35.	MASFAMU	Ministério da Acção Social, Família e Promoção da Mulher = Ministry of Social Action, Family, and Women's Promotion
36.	MinJusHR	Ministry of Justice and Human Rights
37.	MiRex	Ministério das Relações Exteriores = Ministry of Foreign Relations

38.	MPLA	Movimento Popular de Libertação de Angola = Popular Movement for the Liberation of Angola
39.	NDP	National Development Plan
40.	NGO	Non-Governmental Organization
41.	OCR	Office of Central Registers
42.	PALOPs	Países Africanos de Língua Oficial Portuguesa
43.	RoC	Republic of Congo
44.	SADC	Southern African Development Community
45.	SDB/VIS	Salesianos de Dom Bosco / Volontariato Internazionale per lo Sviluppo
46.	SDP	Statelessness determination procedure
47.	SEF	Serviço de Estrangeiros e Fronteiras (Portugal)
48.	SIAC	Serviço Integrado de Atendimento au Cidadão
49.	SME	Serviço de Migração e Estrangeiros = Service for Migration and Foreigners (“DEFA” = Direcção de Emigração e Fronteiras de Angola, until 1999)
50.	UNDP	United Nations Development Programme
51.	UNFPA	United Nations Population Fund
52.	UNHCR	UN High Commissioner for Refugees
53.	UNICEF	United Nations Children's Fund = Fonds des Nations Unies pour l'enfance
54.	UNITA	União Nacional para a Independência Total de Angola = Union for the Total Independence of Angola
55.	UNODC	United Nations Office on Drugs and Crime
56.	UNSG	United Nations Secretary General
57.	VRF	Voluntary Repatriation Form

Summary

Angola has actively embraced the 10-year #IBelong campaign do eradicate statelessness that UNHCR launched in 2014. The country participated in the 2017 Regional Conference of the Members States of the International Conference of the Great Lakes Region (ICGLR) and signed the Brazzaville Declaration on the Eradication of Statelessness, including its Action Plan. It took part in the High Level Segment on Statelessness on 7 October 2019, the mid-term review of the #IBelong Campaign. On the national level, Angola has appointed Focal Points on statelessness in the Ministry of Justice and Human Rights (MinJusHR) and the Ministry of Foreign Relations (MiREx) and ratified the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness on the Day of the High Level Segment.

The purpose of this study is to analyze the challenges that Angola faces on its way towards the eradication of the risks of statelessness in Angola and for Angolans abroad, as part of the Campaign.

Angola acceded to its independence in 1975 without a formal and organized handover, amid an armed conflict between the three liberation movements MPLA, FNLA and UNITA that was heavily fueled from outside. About 90% of the Portuguese inhabitants, who had rather exclusively organized the territory and its economy under a colonial perspective, returned to Portugal leaving the administration essentially in shatters. Interrupted by short periods of attempted peace accords, the conflict only ended in 2002. Most of the interior of the country was in ruins, 4 million people internally displaced and over have a million in exile. Reorganizing and rebuilding the country, its administration and infrastructures was a major endeavour.

Risks of statelessness in the nationality law

Under Portuguese law, with independence, most native inhabitants of Angola lost their Portuguese citizenship. The first Angolan nationality law of 1975 attributed Angolan citizenship to all persons born in Angola ("ius soli"), but the successive amendments of the law in 1984 and 1991 shifted to descent-based rules ("ius sanguinis"), widening the space for risks of statelessness. Abandoned newborn children found in Angola are presumed to be Angolan at birth. But older individuals born in Angola to unknown parents, parents of unknown nationality or stateless, have to apply for the citizenship and the Implementing Regulations of the 2016 Nationality Law limit the age of such individuals to 14. The 1961 Convention on the Reduction of Statelessness (Art.2) however does not require the birth of a foundling on the territory of a Contracting State, and does not specify an age limit but rather stipulates that, unless proven otherwise, the foundling shall be considered born there of parents possessing the nationality of that State. The corresponding articles of the Law (15) and the Regulations (14) therefore need to be revised and clarified in this area. Naturalization is permitted after at least 10 years of legal residence in Angola. Although new rules and procedures have been introduced in 2017, the annual number of naturalizations remains low. Children of persons whose parents acquired Angolan nationality and foreign children adopted by Angolan citizens can acquire Angolan nationality by application. Acquisition on the grounds of marriage to an Angolan citizen follows a simplified naturalization procedure. The nationality legislation does not discriminate between genders. Dual citizenship is allowed since 1991.

There is no provision for a simplified and accessible procedure for stateless persons as required by the 1954 Convention (Art.32). There is no formal status for stateless persons and consequently no statelessness determination procedure. The provisions regarding loss or deprivation of statelessness do not all contain safeguards against statelessness and are not compliant with the 1961 Convention.

Nationality administration in practice

The practical administration of nationality starts with birth registration which continues to face enormous challenges since nearly half of the Angola's population of 33 million in 2022 is not registered. The political commitment of the Government, various registration campaigns, the inclusion into the national development plans, a new law on the simplification of birth registration, huge modernization investments, the multiplication of civil registry offices and sites, and other measures such as the gratuity of birth registration have not been sufficient to fill the gap. Lack of facilities, infrastructures, equipment, staff, and public awareness are some of the reasons for this situation. One major obstacle is that parents who are not registered themselves cannot register their children.

In a major development to provide citizens with an Angolan ID card, which is also proof of Angolan nationality, a new law adopted in August 2020 allows the civil registration and issuance of ID cards to about 4 million unregistered individuals who hold a voter's card and appear in the electoral roll. Presently 13.640.000 Angolans have an ID card.

Groups at risk of statelessness in Angola

State institutions and CSOs active in the protection of street or abandoned children are committed to ensuring their birth registration and subsequently ID cards. In practice, this works relatively well in urban areas, even for children up to the age of 14 years and eventually abandoned or trafficked foreign children whose parents could not be identified. UNHCR however also reported cases of unaccompanied refugee children who had difficulties to be registered.

According to the Government, 140 cases of human trafficking were registered between 2015 and 2022. Trafficking can lead to statelessness when the origins of the trafficked person cannot be determined and may also be a consequence of statelessness.

The pastoralists of southern Angola are partially leading a semi-nomadic way of life, including across borders. Since the proportion of non-registered persons is relatively high in this part of Angola, in spite of some government efforts to have them included, risk of statelessness may exist for these groups. A coordination with the Namibian authorities could be useful to avoid statelessness.

Angola's borders with its neighbours are essentially clearly marked and agreed, apart from a few stretches of the borders with Zambia, Namibia and DRC where border marks are eroded. The issue of belonging to one State or the other might come up and must be resolved with the participation of the affected people and taking into account their interests so as to determine at least one nationality and avoid statelessness.

Returning Angolan refugees mostly came back with identifying Voluntary Repatriation Forms delivered by UNHCR. But many of those who came back after decades of exile on their own, oftentimes in the 2nd and 3rd refugee generation, had little or no proof of their Angolan nationality and were often eyed with suspicion as they had adopted the way of life, language and culture of the land of exile. This sometimes led the Angolan authorities to question their Angolan origins and nationality – a situation that has exposed many of them to the risk of statelessness. The Angolan authorities are all the more vigilant because of the frequent illegal attempts by migrants to present themselves as Angolans so as to be able to make a living in Angola, particularly in the diamond areas. Thus, the difficulty to clearly distinguish between a Congolese migrant and an Angolan returnee implies the risk of leaving some of the Angolan returnees stateless. A coordination with the governments of the DRC and Zambia, where most returnees come from, could be useful and necessary in order to solve cases of doubt.

The flourishing colonial economy of Angola had attracted important numbers of Portuguese settlers and then workforce from other Portuguese colonies, particularly Cabo Verde and São Tomé e Príncipe. Many stayed after independence, but some of them experienced difficulties to obtain documents proving their origins and nationality - with an ensuing risk of statelessness. Many however, born before 1984, were able to acquire Angolan nationality.

After independence, the rapidly developing economy, principally the oil and diamond sectors and the opportunities of import and internal trade, motivated crowds of migrants to seek a better life in Angola. Although Angola has systematically fought irregular immigration through mass repatriations, the number of irregular migrants remains important. As many came without ID documents and lead a life in the grey zone of hiding from the Angolan authorities, statelessness may become a realistic outcome for them the more their irregular stay in Angola lasts. With time going by, they may be unable to prove their nationality and obtain acknowledgement of the nationality of their countries of origin. The situation is more serious for their off-springs that they are unable to register due to their irregular status. Often migrants opt for seeking asylum and many of them received refugee status. But refugees and asylum-seekers have not received updated documentation, or no documentation at all, since the adoption of the new refugee law in 2015. A circular of May 2019 clarified the need to register the birth of all children of refugees and asylum-seekers, even with expired documents, but remained silent on irregular migrants. The lack of such registration can ultimately lead to statelessness.

Angola is still hosting Sierra Leonian, Liberian, and Rwandan long-term refugees, for all of whom the cessation clause has been invoked by UNHCR since 2012. Angola started to implement the clause for this group at the end of 2020 and announced that those who wanted would receive residence permits. Although this would not confer citizenship, they would at least enjoy basic citizenship rights. They might later apply for Angolan nationality.

A group of long-term refugees came to Angola in the early 1960s from the former Congolese province of Katanga after its failed secession attempt under Moïse Tshombé. More followed in consequence of the two failed “Shaba wars” of 1977 and 1978. Some of these later joined the anti-colonial fight and were fully integrated into the Angolan army and society and thereby became Angolans under the 1975 Nationality Law. But others remained in limbo, not recognized as Angolans nor as Congolese – stateless.

Cubans who overstayed their time abroad were not allowed to return to Cuba and had difficulties to register their children at Cuban Embassies. This legislation recently changed, but some gaps remain which may lead to statelessness. Angola attributed Angolan nationality to at least one adolescent of Cuban origin in that situation.

Angolans at risk of statelessness abroad

When host countries of Angolan refugees decided to apply the cessation clause, as recommended by UNHCR in 2012, these now former refugees needed national passports to regularize their residence situation, where legally possible. The Angolan Government sent out missions there with the task to register them and issue passports, but due to a lack of funds these missions were only partly able to complete their work. Talks with Zambia and the DRC have been ongoing. Botswana granted nationality to several hundred former Angolan refugees, but some remained stateless due to certain provisions of the Botswana legislation, which are however expected to change. The situation in South Africa is more precarious: many of those who could not or did not register for a special programme for former Angolan refugees faced expulsion or eventually statelessness. At the end of 2021, the special programme ended but was replaced by a new one that also announced the inclusion of all those former

Angolan refugees and asylum seekers that had been left out in the preceding programs and lived in precarious conditions since. If comprehensively applied that new program could be a welcome protection against statelessness for most of these Angolan ex-refugees.

Impact of statelessness

Statelessness can cause difficulties for the access to education, professional training, exams, formal jobs, possibly medical assistance, property, etc. – or more generally to enjoy basic civil, political, economic, social and cultural rights. Undocumented asylum-seekers and refugees have also been complaining about such barriers. The situation of irregular migrants is even worse.

Main recommendations

Priorities for further action to prevent and eradicate statelessness should be

- revising the nationality law so as to eliminate the risks of statelessness and create the status of statelessness and the procedure to determine statelessness;
- ensuring the birth registration of all children born in Angola, of Angolan or foreign parents, and completing the registration of unregistered adults, breaking the chain of unregistered adults and unregistered children;
- facilitate naturalization of stateless persons or persons at risk of statelessness;
- create mechanisms and procedures to solve complex cases of disputes regarding nationality, particularly for returning refugees who lack proof of links to Angola, possibly in coordination with the former hosting states;
- deliver ID cards and passports to refugees and asylum-seekers;
- consider regularizing the situation of long-term irregular migrants.

1 Introduction

1.1 Methodology and acknowledgements

This study is based on the desk review of Angolan legislation, UN documents, and quantitative and historic data and on research conducted in Angola between mid-November 2019 and late February 2020. The Ministry of Justice and Human Rights, the Service for Migration and Foreigners in the Interior Ministry, the Ministry of Foreign Affairs, and the Ministry of Social Action, Family and Women's Promotion shared valuable information about policies, situations, and numbers regarding statelessness in general and persons at risk of statelessness in particular. Several African Embassies in Luanda accepted to provide important details about regular and irregular migrants from their countries (but not all Embassies contacted, African and others, were available in the short timeframe of the study). Meetings with civil society organisations centred on birth registration, refugees, irregular migrants, and children living in or from the street. UNICEF, IOM, and UNHCR have also been helpful with details on groups at risks of statelessness.

Three missions to provinces of the interior were possible: to Cunene, to Malanje, and to Uíge. They were composed by UNHCR staff, a representative of the Ministry of Justice and Human Rights and one assistant consultant in the case of Cunene, and the author in the two other missions. The mission to Cunene aimed at finding out details regarding risks of statelessness among the semi-nomadic pastoralists of Southern Angola. The mission to Malanje sought details about the situation of the ethnic group of the Pende whose origins from Angola or the DR Congo were in doubt. The purpose of the

mission to Uíge was to find out the documentary situation of the former Angolan refugees who had returned home, in this case from the DRC, and in some cases face the risk of not being recognized neither as Angolans nor as Congolese. Similar situations, with local specificities, occurred in other border provinces (Moxico, Cuando Cubango, and the Lundas), but the constraints of this study suggested limiting the research to Uíge as one example.

After an introductory part on Angola's engagement in the endeavour to eradicate statelessness within UNHCR's #IBelong campaign, the study examines the Angolan nationality law, its application in practice, and its gaps in relation to the two conventions on statelessness. This is followed by a presentation and analysis of the legislation, procedures, and challenges regarding birth registration. The third part focuses on the risks of statelessness for Angolans and foreigners in Angola under a legal and a practical viewpoint and the fourth part on such risks for Angolans abroad.

Far from giving an exhausting picture of statelessness and risks of statelessness in Angola and for Angolans abroad, this study aims at providing an overview as a basis for further research.

Special thanks for comments and contributions are due to Bronwen Manby (Independent consultant and senior policy fellow, London School of Economics and Political Science, and author of several studies on African nationality legislations.), and Emmanuelle Mitte and Ana Scattone Ferreira (both UNHCR). Acknowledgements also go to the Angolan Ministry of Justice for its constructive cooperation and to the UNHCR Office in Angola for its engaged support throughout the implementation of the project.

N.B. This study was reviewed and updated in 2022 by the Ministry of Justice and Human Rights.

1.2 Short presentation of Angola

1.2.1 History

After Portuguese sailors reached the Angolan shores for the first time in 1482, a Portuguese commercial presence was gradually established along the coast which served as departure point for advances into the interior in the following centuries. Only in the mid-1920s the military and administrative occupation was complete. From the 17th into the middle of the 19th century, the slave trade emptied the interior of the territory of its people. Some Angolan kingdoms flourished supplying slaves to the European traders at the coast in exchange for weapons and other goods. In the middle of the 18th century, between 5.000 and 10.000 slaves departed annually. In the 19th century, rubber, honey, and agricultural products replaced the trade of slaves.

From the middle of the 20th century, the developing plantation economy, mainly coffee growing, and diamond mining attracted droves of Portuguese settler – up to nearly 350.000 in 1974 – and also work force from other colonial Portuguese territories, mainly from São Tomé and Cabo Verde.

Resistance against the foreign rule developed at several levels and led to the formation of essentially three movements: the MPLA which was formally formed on 10 December 1956; the FNLA which was born in 1962 out of fusion of the UPA, founded in 1954[1], and the PDA[2]; and UNITA which was set up in 1966. The MPLA had its main base in Angola's urban areas, particularly among educated Angolans, and

[1] Initially named UPNA (União dos Povos do Norte de Angola) then renamed in 1957 to UPA (União dos Povos de Angola)

[2] Partido Democrático de Angola

workers, and in the Mbundu-speaking areas (broad axis Luanda-Malanje), but also some areas of Southern and Eastern Angola as it tried to represent all regions and groups of Angola. Its principal foreign support came from the non-aligned and socialist countries. The FNLA was essentially rooted in the ethnical group of the Bakongo of Northern Angola and particularly the autonomous native coffee farmers there and received its initial support from the non-aligned block. UNITA represented above all the Ovimbundu people of central Angola, who had been particularly abused as forced labour and later contract workers in the coffee plantations (situated mostly in northern Angola) and additionally groups like the Nganguela of Eastern Angola. Its main support initially came from China, then later from conservative Western Governments and Apartheid South Africa.

The year 1961 was marked by an MPLA-backed popular revolt in Luanda in February and a general UPA/FNLA -backed uprising in Northern Angola (provinces of Zaire and Uíge). The subsequent colonial military campaign to recapture the north triggered the exodus of over half a million people into Congo/Kinshasa.

After the military coup of 25 April 1974 in Portugal, "the Carnation Revolution", Portugal gave up its fight against the nationalist forces in its African colonies. The attempt to form a transitional government composed of the three Independence movements and the Portuguese State in 1975 failed and ended in open war, marked by important foreign interventions[3]. Fleeing the violence, about 90% of the Portuguese settlers left. Many natives of the other colonial territories however remained.

The MPLA prevailed and proclaimed a socialist one-party State on Independence Day, 11 November 1975. Western support shifted from the FNLA, which consequently faded as military force, to UNITA which extended its guerilla warfare throughout Angola.

Various factors contributed to the conclusion of the Bicesse Accords[4] of 1 May 1991 between UNITA and the MPLA-Government which provided for a new Constitution, free general elections in 1992 and the fusion of the MPLA Army and UNITA's military forces: military South African/UNITA setbacks in Eastern Angola in 1987/88, the Tripartite Accords of 22 December 1988 determining the withdrawal of Cuban and South African forces from Angola (verified by UNAVEM[5]), the Independence of Namibia in 1990, and the collapse of the socialist regimes of the Soviet Union and Eastern Europe.

UNITA did not recognize the results of the 1992 elections, remobilized, and for the first time, occupied Angolan provincial[6] capitals. The Lusaka Protocol[7] of 1 October 1994 initiated another peace interim, specifying the integration of the UNITA guerilla fighters into the Angolan Army and UNITA's entry into Government and Administration. But military confrontations resumed in mid-1998. Having lost its most important international backings, UNITA was finally defeated and both sides signed a Memorandum of Understanding on 4 April 2002. Angola's long years of armed conflict which had resulted in the exile of over half a million of Angolan refugees and the internal displacement of 4 million more Angolans had ended.

Angola finally got the opportunity to organize and develop the country.

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[3] The MPLA's army was reinforced by Cuban troops and broad assistance from the Soviet Union and other East-European States, while the FNLA obtained notable help from the USA, other Western countries and Zaire. UNITA had massive South African support.

[4] https://peacemaker.un.org/node/143

[5] UN Angola Verification Mission

[6] Caxito, Huambo, Mbanza Congo, Ndalatando, and Uíge

[7] https://peacemaker.un.org/node/145

General elections took place in 2008 and, under the new Constitution of 2010, in 2012 and 2017. The President of the Republic is the head of party list with most seats in the National Assembly. In 2017, José Eduardo dos Santos, Angolan President since 1979, did not run for reelection, leaving that task to João Manuel Gonçalves Lourenço. His party, the MPLA, wan again and Lourenço became Angola's third President. He was reelected in 2022.

1.2.2 Social and economic situation

Angola extends over 1.246.700 km^2 and has common borders with the Republic of Congo, the Democratic Republic of Congo (DRC), Zambia and Namibia. Administratively it is divided into 18 provinces, 164 municipalities and 518 communes.

The population reached 33 million in 2020[8], with an annual growth of about 3,2%. 63% of the total population lived in towns, a quarter in the capital Luanda. Most spoken languages are Portuguese (71,15%), Umbundu (22,96%), Kikongo (8,24%), and Kimbundu (7,82%).[9]

On the 2019 Human Development Index, Angola occupies rank 149 out of 189 countries with a HD Index value of 0,574 – up from 0,394 in 2000. Life expectation at birth rose from 46,5 years in 2000 to 60,8 in 2018. Expected years of schooling went up from 5,1 years in 2000 to 11,8 in 2018[10].

But due to great income inequality, 29% of the population have been living below the national poverty line in 2019, down from 36,6% in 2017.[11]

Since oil production started in the early 1970s, Angola's economy has come to depend heavily on this sector which today accounts for one third of the GDP and 90% of exports.[12] The fall of the oil price in 2015 and again in 2019-2020[13] has severely impaired the economic and social development of the country, with the Covid-19 pandemic further aggravating the situation. The resulting hardship has led to a broad open political discussion about the enormous inequality in the distribution of wealth and income, the abuse of power to that purpose, and corruption in public services. The current President of the Republic made the fight against corruption a key issue of his 2017 and 2022 electoral campaigns.

[8] Instituto Nacional de Angola (https://www.ine.gov.ao/inicio/estatisticas)

[9] Followed by Chokwe (6,54%), Nhaneca (3,42%), Nganguela (3,11%), Fiote (2,39%), Kwanhama (2,26%), and Luvale (1,04%), and others 3,6% . INE, 2014 Population Census, pages 15, 16 and 51 -

[10] UNDP: "Human Development Report 2019 Inequalities in Human Development in the 21st Century. Briefing note for countries on the 2019 Human Development Report. Angola", p.3

[11] Lusa/Angonotícias, 24.10.2019: "Taxa de pobreza em Angola passou dos 36,6% em 2017 para 29%"; UNDP: "Human Development Indicators, Angola"

[12] World Bank: "Poverty & Equity Brief; Sub-Saharan Africa, Angola", October 2019

[13] Brent Crude Oil Prices - 10 Year Daily Chart

1.3 Angola's engagement in the eradication of statelessness

Article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as "a person who is not considered as a national by any State under the operation of its law". This definition is binding on all States parties to the Convention and applies to other States because the International Law Commission has concluded that it is part of international customary law.[14] The UN General Assembly conferred the mandate of identifying, preventing and reducing statelessness and protecting stateless persons to UNHCR.[15]

On this basis, UNHCR launched the 10-year Campaign to Eradicate Statelessness #IBELONG and a Global Action Plan 2014-2024. The Plan "sets out a guiding framework made up of 10 Actions that need to be taken to end statelessness within 10 years":

- Action 1: Resolve existing major situations of statelessness.
- Action 2: Ensure that no child is born stateless.
- Action 3: Remove gender discrimination from nationality laws.
- Action 4: Prevent denial, loss or deprivation of nationality on discriminatory grounds.
- Action 5: Prevent statelessness in cases of State succession.
- Action 6: Grant protection status to stateless migrants and facilitate their naturalization.
- Action 7: Ensure birth registration for the prevention of statelessness.
- Action 8: Issue nationality documentation to those with entitlement to it.
- Action 9: Accede to the UN Statelessness Conventions.
- Action 10: Improve quantitative and qualitative data on stateless populations.

Engaged in the implementation of the Global Action Plan, Angola participated in and contributed to various international initiatives. Several of its laws and policies cover different aspects of the Global Plan. Angola is State party to UN and AU Conventions that grant rights related to nationality and statelessness.

- As member of the International Conference on the Great Lakes Region (ICGRL)[16], Angola participated in a series of activities organized jointly by the ICGLR and UNHCR. Following the first Regional Conference on the Eradication of Statelessness in Kinshasa (27 to 28 June 2017), the ICGLR Foreign Ministers signed the Brazzaville Declaration on 16 October 2017[17] . In summary, the Declaration supports the objectives of the Global Action Plan, acknowledges the need for concrete information on the causes and numbers of statelessness in the ICGLR Member States, and encourages the AU to finalize the Draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa. The Ministers also adopted the ICGLR Action Plan 2017-2019 to end statelessness and, in line with that Plan, committed themselves to developing and implementing national action plans.

[14] UNHCR, Emergency Handbook: "Stateless Person Definition". See also: *International Law Commission, Articles on Diplomatic Protection with commentaries*, 2006, p.49

[15] UNHCR's mandate for refugees, stateless persons and IDPs; UNGA resolution A-RES-61-137 of 19 December 2006; and "UNHCR Action to Address Statelessness. A Strategy Note". March 2010, p.4; UNGA resolution A-RES-61-137 of 19 December 2006

[16] Members States are Angola, Burundi, the Central African Republic, the Republic of Congo, the DRC, Kenya, Rwanda, Sudan, South Sudan, Tanzania, Uganda, Zambia.

[17] Declaration of ICGLR Member States on the Eradication of statelessness, "Brazzaville Declaration"; The Campaign to End Statelessness, December 2017 Update, #IBelong Mobilizing governments and civil society

Each Member State was tasked with designating Focal Points on statelessness who would oversee the implementation of the ICGLR Action Plan[18].

During their first regional workshop on 24-28 April 2018 in Naivasha in Kenya, the Focal Points agreed on a road-map, including the drafting of national action plans by August 2018 and the conclusion of the ratification process of the two Statelessness Conventions by August 2019.[19]

From 16-18 April 2019, the ICGLR's Executive Secretariat and UNHCR organized the Ministerial Conference on the Eradication of Statelessness in the Great Lakes Region with the purpose of taking stock of the achievements reached by Member States under the ICGLR Action Plan and to prepare for the High-Level Segment on Stateless that took place on 7 October 2019 in Geneva. The broad range of participants included government, UN and AU officials, experts, members of national human rights commissions, and civil society representatives. The Conference decided to extend the Action Plan to 2024 and expand it with the additional objective of ensuring access to proof of legal identity, including birth certificates, and nationality documents.[20]

The updated "Consolidated Action Plan of the ICGLR on the Eradication of Statelessness 2017-2024"[21] was published on 17 January 2020:

Strategic objective 1: To ensure compliance with relevant legal, policy and institutional frameworks for eradicating statelessness

Objective 1.1: Accession to the international conventions on statelessness

Objective 1.2: Develop a Regional Protocol for the prevention and eradication of statelessness

Strategic objective 2: Strengthening data management systems for effective response to the challenges of statelessness

Objective 2.1: Research, analysis and dissemination of data

Objective 2.2: Institutionalize collection and dissemination of data on statelessness

Strategic objective 3: Establish strategic and operational monitoring and follow up mechanisms

Objective 3.1: Ensure that all states and key stakeholders have effective and operational focal points

Objective 3.2: Ensure that all States adopt and implement a plan of action on the eradication of statelessness based on harmonized methodologies

Objective 3.3: Institutionalize monitoring and evaluation mechanisms

Strategic objective 4: Guarantee access to proof of legal identity, including birth certificates and nationality documentation

Objective 4.1: Strengthen civil registration systems and ensure universal birth registration

Objective 4.2: Issue nationality documentation to those entitled to it

- Angola participated in a meeting of the Statelessness Focal Points of 10 SADC Member States on 30 August 2019 in Irene (Centurion, South Africa) the purpose of which was to prepare for the High-Level Segment on Statelessness (HLS).[22]

[18] Brazzaville Declaration. See also: Joint Press Release (ICGLR/UNHCR), 28.4.2018

[19] Joint Press Release, ICGLR Member States conclude first regional workshop on the eradication of Statelessness (April 2018)

[20] Outcome Document, Ministerial Conference on the Eradication of Statelessness in the Great Lakes Region, Nairobi, Kenya, 16-18.4.2019

[21] https://data2.unhcr.org/en/documents/download/82922

[22] UNHCR Regional Bureau for Southern Africa: "Southern African High-Level Segment on Statelessness Preparatory Meeting" - Centurion, 30 August 2019

- The HLS marked the half-way point of the 10-year #IBelong campaign and served to draw a balance of the achievements so far. Importantly, it gave States the opportunity to assume pledges for the remaining 5 years.
    - Angola thereby committed to:
        - broaden the basis of civil registration for citizens born in Angola, irrespective of their nationality, as well as for Angolans living abroad, by 2024 (Action 7 of the Global Action Plan);
        - establish a Task Force for the eradication of statelessness and a National Action Plan by 2020;
        - sensitize the local population and implement the two United Nations Conventions on statelessness of 1954 and 1961.[23]
- Angola formally adhered to the two Conventions on Statelessness on the day of the HLS, 7 October 2019, without reservations.[24]
- Angola is a State Party to several international and regional instruments that guarantee the right to registration immediately after birth and to a nationality:
    - Art.15 of the **Universal Declaration of Human Rights** of 1948 proclaims the right of everyone to a nationality and not to be deprived arbitrarily of his nationality. Art.26 of the Angolan Constitution determines that all constitutional and legal precepts regarding fundamental rights must be compliant with the UDHR.
    - The **International Covenant on Civil and Political Rights (ICCPR):** Art 24-2 and Art.24-3 (the ICCPR has more elements regarding statelessness[25])
    - The **UN Convention on the Rights of the Child (CRC)**: Article 7-1 and Art.7-2. Art.7-2 particularly refers to the importance of birth registration in order to prevent statelessness.
    - The right to a nationality is reaffirmed in **other core Human Rights Conventions** to which Angola is a State Party: CERD, CEDAW, CRPD[26]
    - The **Committee on the Rights of the Child** in its **2018 Concluding Observations on Angola's combined 5th to 7th periodic report** urges Angola to significantly extend and strengthen birth registration and makes several recommendations, including improved funding (paragraphs 18 and 19).
    - Art.6-2 of the **African Charter on the rights and welfare of the child**, ratified by Angola, states: "Every child shall be registered immediately after birth." Art.6-3 states: "Every child has the right to acquire a nationality."[27]

[23] Original in French: UNHCR: "Results of the High-Level Segment on Statelessness". See also UNHCR: "High-Level Segment on Statelessness: Results and Highlights"

[24] https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en; https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=_en

[25] See: ICCPR, Quick Reference Guide. Statelessness and Human Rights Treaties

[26] CERD (Art.5-d (iii); CEDAW (Art.9), CRPD (Art.18)

[27] The African Committee of Experts on the Rights and Welfare of the Child commented Article 6 in detail in a General Comment, adopted during its 23rd session (7-16 April 2014)

- The **Sustainable Development Goal 16.9** states: "By 2030, provide legal identity for all, including birth registration."
- Angola participates in the Africa Programme on Accelerated Improvement of Civil Registration and Vital statistics (APAI-CRVS), a regional programme developed to reform and improve CRVS systems on the continent. With solid support from the UN through UNECA, the AfDB, and the AU, the APAI-CRVS has been organizing regular meetings at the ministerial level since 2010.[28] While the two first conferences centered on development (statistics, health, good governance, administrative efficiency , etc.), the 3rd and following conferences also emphasized aspects of human rights and statelessness.
- Presenting its **candidature for the Human Rights Council** for the period 2018-2020, Angola made the following **voluntary pledge** (no.10h): "Maintain interaction with civil society so that it can better advocate for the rights of migrants and contribute to policies and practices affecting the human rights of migrants, in order to foster a healthy public debate on this issue, since a sustainable human rights environment requires a vibrant civil society, including independent unions and a strong NGO community."[29]

- Noting gaps in the African Human Rights framework, the African Commission on Human and Peoples' Rights, during a session held in Luanda in April-May 2014, decided to draft a Protocol to the ACHPR on the right to a nationality in Africa. The name has since been changed to "Draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa". But its adoption is still pending. The ICGLR's Brazzaville Declaration asks the AU to finalize this Protocol.
- Other highlights:
  - Art.25 of the **2010 Angolan Constitution** states that foreigners and stateless persons enjoy the fundamental rights, freedoms and guarantees as well as the protection of the State. Articles 21, 32, 35 and 80 state the right of the child to protection and integral development.
  - Under various other instruments Angola is committed to birth registration:
    - The **Law on the Protection and Integral Development of the Child[30],** Art.21-3
    - **Commitment 3** of the **11 Commitments with the Child**
    - **The National Development Plans 2013-2017 and 2018-2022**
  - On 6 June 2018, in Luanda, UNHCR organized a **workshop on statelessness** with Members of the Angolan National Assembly, Government representatives, the Service for Migration and Foreigners (SME), diplomats and students.
  - **Focal Points on Statelessness have been designated** in the Ministry of Justice and Human Rights and the Ministry of Foreign Affairs.

[28] 1st Addis Abeba (August 2010), 2nd Durban (2012), 3rd Yamoussoukro in February 2015, 4th Nouakchott in December 2017, 5th Lusaka in December 2019 - http://www.apai-crvs.org/

[29] Note Verbale dated 19 April 2017 from the Permanent Mission of Angola to the United Nations, Voluntary pledges and commitments pursuant to General Assembly resolution 60/251, A/72/79, 26 April 2017, para.10-h

[30] Lei n.º 25/12 de 22 de Agosto (2012), Lei sobre a Protecção e Desenvolvimento Integral da Criança

- Angola however has not yet created the legal **Status of a Stateless Person** and a respective **Statelessness Determination Procedure (SDP**).

2 The Nationality Law and the risks of statelessness

2.1 History of the nationality law in Angola

Inhabitants of the former Portuguese colonies[31] possessed Portuguese nationality.[32] Their origins were various: in Angola, apart from native Angolans, there was a strong immigration from Portugal (particularly in the 1950s and '60s) and from other Portuguese colonial territories, particularly from Cabo Verde and São Tomé. There were also immigrants from other countries (e.g. Germany[33]). The question of their nationality after independence had to be decided. Portugal adopted Law-Decree No. 308-A/75[34] on 24 June 1975 which determined that all persons born in the colonies lost the Portuguese nationality on Independence Day – except those citizens born in continental Portugal and the Portuguese islands of Madeira and the Azores and their descendants up to the 3rd generation (children, grandchildren, and great-grandchildren) and those born in the former colonies who had lived in continental Portugal or the aforementioned islands since at least 5 years on 25 April 1974[35].

The new nationality as citizen of the independent Angolan State came into existence on Angola's Independence Day, 11 November 1975. Since then, the nationality law has changed several times.

The first law, of only 8 articles, was adopted by the Central Committee of the MPLA one day before Independence. It attributed Angolan nationality *to all persons born in Angola* (except children of foreigners who worked in Angola in the service of their countries) or born to an Angolan mother or father abroad. It allowed those foreigners who resided in Angola for more than 10 years to apply for Angolan nationality. Persons born in Angola who did not want to become Angolans, could declare so within a year after the Declaration of Independence. Children of Angolans born abroad who had another nationality could opt for Angolan nationality when reaching the age of 18 (Art.1-2).[36] Art.6 attributed citizenship to foreign-born individuals for relevant services in the liberation fight.

The next Angolan nationality law published in **1984**[37] privileged the right to nationality based on descent ("ius sanguinis", or right of blood) but some elements of the "ius soli" remained. Its implementation regulations included an element of double "ius soli" [38]. The amendments otherwise

[31] Under Portuguese colonization, Angola was officially called "Estado da África Ocidental" (State of West Africa) until 1951, then "Província Ultramarina de Angola" (Overseas Province of Angola) from 1951 to 1972, then "Estado de Angola" (State of Angola) until 1975

[32] Law no. 2098 of 29 July 1959 and Implementing Regulations, Law-Decree no. 43090 of 27 July 1960

[33] German settlers arrived in Cuanza Sul province in the first half of the 20th century

[34] Decreto-Lei n.º 308-A/75, de 24 de Junho. Subsequent Portuguese nationality laws can be found here: https://dre.pt/legislacao-consolidada/-/lc/69738105/201708271544/diploma/1?rp=indice; and https://dre.pt/application/conteudo/650954

[35] Nacionalidade - Antigos Territórios Portugueses (Índia, Angola, Moçambique, Cabo Verde, Guiné-Bissau, São Tomé e Príncipe, Macau e Timor); Guia da nacionalidade

[36] The text does not clearly state whether this provision excluded dual nationality

[37] Lei n.º 2/84 de 7 de Fevereiro (1984), Lei da Nacionalidade.

[38] According to Art.1-1 of the Implementing Regulations of Law 2/84 (Decreto n.º 1/86 de 11 de Janeiro (1986)), is Angolan at birth any child born in Angola whose birth certificate states the Angolan nationality of the

limited the attribution of nationality at birth based on birth in the territory ("ius soli") to children born in Angolan of unknown or stateless parents, or of parents of unknown nationality or who could not transmit their nationality to their child (Art.1 and 2). But children of foreigners who were born in Angola and had their usual residence in Angola until the age of majority could acquire Angolan nationality if they abandoned their foreign nationality (Art.3). Naturalizations and reacquisitions of Angolan nationality had to be approved by the People's Assembly (Art.5 and 6), the predecessor of today's National Assembly. Dual nationality was not permitted: the new law withdrew Angolan nationality from all Angolan citizens who also held a foreign nationality and did not renounce it within a year (Art.9-2). The 1984 Law maintained the equal rights of men and women to transmit nationality to the children, as established in 1975.

As a corollary of the Bicesse Peace Accords signed on **31 May 1991** by the MPLA-led Angolan Government and UNITA, Angola adopted a new nationality law[39], which brought notable changes: Children of parents unknown, of unknown nationality or stateless or who could not transmit their nationality to their children, did not acquire Angolan nationality at birth any more. This right was thenceforth reserved to newborn foundlings. The law abolished the automatic right, enshrined in Art.3 of the 1984 law, for the children of foreigners who had resided all their life in Angola to acquire Angolan nationality at the age of 18, leaving them only with the much more cumbersome process of naturalization. The double "ius soli" granted by Art.1-2 of the Implementing Regulations of the 1984 Law was also eliminated. For the first time, the Law permitted dual or multiple nationality (implied in Art.15-1). The earlier loss of Angolan nationality due to the possession of another nationality under Art.9-2 of the 1984 law was considered void (Art.12). Furthermore, decisions on nationality were transferred from Parliament to the Minister of Justice (Art.8); the People's Assembly kept the right to concede Angolan Nationality to foreigners who had provided extraordinary services to the country (Art.13-2) and to decide on the reacquisition of nationality (Art.16-3).

The **2005** nationality law[40] confirmed the nationality of all who had acquired it under the 1975 and 1984 laws (Art.7). All decisions on applications for the acquisition, loss, or reacquisition[41] of Angolan nationality were now transferred to the Council of Ministers (Art.8). The National Assembly[42] kept the right to authorize the Government to concede the Angolan nationality for extraordinary services or for exceptional professional, scientific, or artistic qualities (Art.13) and to decide on the reacquisition of Angolan nationality after a loss under certain circumstances[43] (Art.16). A Presidential Order of May 2012[44] delegated all decisions on the acquisition, loss, and reacquisition of nationality to the Ministries of Justice and the Interior.

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mother or the father. Art.1-2 stated that the Angolan nationality of one of the parents was assumed when (s)he was born him-/herself in Angola (double "ius soli").

[39] Law n.º 13/91 of 11 May (1991)

[40] Lei n.º 1/05 de 1 de Julho (2005)

[41] According to Art.16, whereby the reacquisition in previous cases of loss listed under Art.15-1 needed the authorization of Parliament

[42] Which had replaced the People's Assembly on 26 November 1992 under the new 1992 Constitutional Law - "Síntese da evolução histórica do Parlamento angolano"

[43] Detailed in Art.15-1 – cases of voluntary loss or for service for a foreign state

[44] "Despacho Presidencial n.º 67/12 de 22 de Maio (2012) que delega poderes de decisão sobre todos os processos de aquisição, perda e reaquisição da nacionalidade nomeadamente para os Ministérios do Interior e da Justiça e Direitos Humanos"

All these previous laws kept the right of all individuals born in Angola to acquire the nationality at birth when they had no other nationality, whose parents were unknown, of unknown nationality or stateless.

2.2 Current legislation

The 2016 Nationality Law is more restrictive than previous ones, particularly with its Art.34. Its Implementing Regulations established new, detailed procedures for the acquisition of Angolan citizenship.

According to Art.8, decisions on applications for the acquisition, loss, and reacquisition of nationality are now transferred **from the Council of Ministers to the President of the Republic,** except for cases that continue to fall under the responsibility of the National Assembly (described in Art.14-2 - see below, p.24). The President has delegated this competence to the Minister of Justice – with the exception of Art.14-3 regarding foreigners who provided or are about to provide relevant services to the Angolan State (see p.25).[45]

2.2.1 Acquisition of nationality at birth

The **Constitution** of 5 February 2010[46] designates nationality as a fundamental right for all (Art.32-1). Its Art.9-1 states that the Angolan citizenship can be "original" (granted at birth by operation of law) or acquired later. Upholding gender equality in the transmission of nationality, Art.9-2 states that a child born to an Angolan mother or father, in Angola or abroad, is Angolan at birth. Art.9-3 provides that a newborn child found on Angolan territory is also presumed to be a national at birth. Possessing Angolan nationality at birth confers some privileges: Art. 9-4 stipulates that no Angolan who acquired nationality at birth (*cidadão de origem*) can be deprived of his/her nationality. Art.9-5 and Art 164-a leave the rules for other forms of acquisition, for the withdrawal or the reacquisition of nationality to the ordinary legislative competence of Parliament.

A new Nationality Law was adopted in 2016: Law n.º 2/16 of 15 April, completed by the Implementing Regulations of July 2017[47]. The new Law provides for continuity of nationality acquired under the laws of 1975 and 1984 (Art.3 and 10) and stipulates that the law is overruled by international treaties to which Angola is a State Party (Art.6). Art.9-1 restates the Constitutional norm: **a child born to an Angolan mother or father is Angolan at birth (of origin)[48]**.

[45] See Implementing Regulations of the Nationality Law 2/16, particularly Articles 19 - 32

[46] Constitution of the Republic of Angola / Constituição da República de Angola (CRA)

[47] Decreto Presidencial n.º 152/17 de 4 de Julho, Regulamento da Lei n.º 2/16 de 15 de Abril

[48] The implementing regulation states that any child born in Angola to a parent whose birth certificate certifies their Angola citizenship is Angolan. When a parent, who was not born in Angola, declares to be Angolan, this must be proven by his or her Angolan ID card or the birth certificate (Art.3). The child born of an Angolan parent must be registered by the competent Angola diplomatic or consular services or in the country of birth.

2.2.2 Children of unknown parents ("foundlings")

Newborn babies found on Angola soil are presumed to be Angolans at birth by operation of law according to the Constitution (Art.9-3) and to the Nationality Law (Art.9-2). But these provisions are problematic:

- They exclude foundlings *older* than newborns from acquiring nationality at birth. Art.2 of the *Convention on the Reduction of Statelessness (1961)* reads: "*A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State*." This Convention does not specify an age for foundlings[49]. By limiting the age of foundlings to newborns, the Angolan Constitution and the Nationality Law are not in conformity with this article of the 1961 Convention. Older foundlings are at risk of statelessness. Moreover, the ICCPR (Art.24-c) as well as the African Charter on the rights and welfare of the child (ACRWC, Art.6-3) stipulate that: "Every child has the right to acquire a nationality." Moreover, children should be able to acquire a nationality as soon as possible after birth.[50] That is, they should not wait until adulthood.
- The corresponding Art.5-1 of the Implementing Regulations of the Nationality Law contradicts the Constitution and the Nationality Law as it requires birth in Angola and refers to "citizens" (and not just newborns). Art.5-1 states that a citizen born in Angola and found on Angolan territory and whose parents are not identified on the birth certificate is Angolan at birth.
  Art.5-2/Implementing Regulations further states that any abandoned minor is considered to have been found on Angolan territory - a "minor" meaning a child up to the age of 18 according to Art. 24 of the Angolan Constitution. This provision also contradicts Art.9-2 of the Nationality Law which only refers to newborn". It is not clear whether Art.5-2 of the Implementing Regulations is intended to restrict the scope of the notion of "citizen" in Art.5-1/Implementing Regulations to "minors". Art.5 is rather confusing.
  Requiring birth in Angola, Art.5-1 of the Implementing Regulations is not compliant with Art.2 of the 1961 Convention which does not mention such a condition.

2.2.3 Acquisition of nationality on request or application

Underage children of persons who acquire Angolan nationality can acquire it too through an application presented by their legal representatives to the Civil Registry. If the child is foreign born, a transcription of the foreign birth certificate into the Angolan civil registry must be requested at the Office of Central Registers. At the age of 18 he or she might opt for another nationality (Art.11/Nationality Law and Art.6/Implementing Regulations).

A foreign child adopted by an Angolan citizen, or an Angolan couple, can acquire Angolan citizenship through a request presented by the adopting person, or the adopting couple, to the Civil Registry Office competent for their area of residence. When the adopted child has already reached the age of 14, he or she must confirm the desire to acquire the Angolan citizenship. If the adoption occurred abroad, an Angolan Court must reconfirm the foreign adoption decision (Art.12/Nationality Law and

[49] Cf. "Guidelines on statelessness, No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness", UNHCR, December 2012, p.12, para. 57-61

[50] As recalled in the 2013 report of the UN Secretary General "Human Rights and arbitrary deprivation of nationality", 19 December 2013, A/HRC/25/28, Para.43 and the UNHCR "Guidelines on statelessness, No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness", UNHCR, December 2012, p.3, para. 11

Art.7/Implementing Regulations). The Angolan nationality of the adopting person(s) must be added to the records of the adopted minor in the civil registry (Art.25).

A foreign person married to an Angolan citizen for at least 5 years under a regime of community of property [51], under the condition of an effective continuation of the wedlock, can acquire Angolan nationality through a facilitated naturalization procedure: the applicant must only meet the requirements a), c) and h) of Art.14-1 (naturalization – see below). The foreign partner must be an adult, present moral and civic guarantees of integration into Angolan society, and not have been sentenced to imprisonment of 3 years or more. The Angolan partner must agree to the acquisition. The application for the acquisition of the Angolan citizenship must be made at the Civil Registry Office competent for the area of residence of the applicant. As in the previous Nationality Law versions, there is no discrimination based on sex (Art.13/Nationality Law and Art.8/Implementing Regulations).

If the foreign spouse loses the foreign nationality due to that marriage, he or she acquires the Angolan nationality and will not be stateless. In case of annulment of the marriage, the Angolan nationality will not be lost if the marriage was entered into in good faith. Furthermore, it deserves highlighting that a legally recognized non-marital partnership between a man and a woman has the same legal force as a marriage[52]. Such a factual union can be registered by mutual agreement at the Civil Registry after at least 3 years of cohabitation, or by one interested party in the case of death or dissolution.[53]

2.2.4 Acquisition after birth through naturalization

For a **naturalization** (Art.14/Nationality Law), based on residence in Angola, the applicant must fulfil all the following requirements (the concrete details are described in Art.9 and 10 of the Implementing Regulations):

a. Aged at least 18
b. Reside legally in Angola for at least 10 years
c. Offer guarantees of moral and civic integration into Angolan society
d. Be able to lead his/her own life and ensure his own livelihood, with proven regular income during the last three years
e. Have a sufficient knowledge of the Portuguese language, proven by examination
f. Have an effective link to the national community, proven by an examination regarding knowledge about the people and the nation before the *Nationality Commission* ("CAPAN") created by the Implementing Regulations; this examination takes place every 3 months; [54]
g. Have an adequate knowledge of the rights and duties deriving from the Angolan Constitution.
h. Not have been sentenced for a crime to imprisonment of 3 years or more

[51] "Regime de comunhão de adquiridos ", detailed in Art.51 and 52 of the 1988 Family Code (all rights and property acquired during the marriage)

[52] "União de facto", Art.112-126 of the Family Code of 1988 (Lei n.º 1/88 de 20 de Fevereiro (1988), Código da Família) and its Implementing Regulations: "Decreto Presidencial 36/15 de 30 de Janeiro (2015), Regulamento do reconhecimento da união de facto por mútuo acordo e dissolução da união de facto reconhecida"

[53] Art.114, Family Code

[54] Art.10 of the regulations – CAPAN = Comissão de Acompanhamento do Processo de Atribuição da Nacionalidade ("Commission for the accompaniment of the process of attribution of nationality" / henceforth: Nationality Commission)

All procedures of acquisition of nationality which do not implicate the Parliament or the President must be initiated with an official request presented to the Civil Registration Office competent for the area of residence of the applicant. If the applicant resides abroad, the request must be addressed to the Office of Central Registers or to the Angolan diplomatic or consular services competent for the area of residence (Art.19/Implementing Regulations[55]). Within 15 days, the request must then be published, including in a newspaper of major circulation, to allow opposition by interested persons. The request is also submitted to the Office of the Prosecutor General who has 30 days to give his/her opinion on the admissibility. The dossier then goes to the CAPAN created by the Implementing Regulations (Art.20). The CAPAN is tasked with assessing cases of acquisition, loss, or reacquisition of citizenship and delivering an opinion. Coordinated by the Justice Ministry, it is composed of representatives of the Ministries of Justice, Interior, and Territorial Administration and the Intelligence and State Security Services (Art.23-25/Implementing Regulations). Meetings of the CAPAN shall normally take place monthly (Art.28/Implementing Regulations). The Commission has 90 days to come to a decision but may exceptionally be given another 90 days (Art.29/Implementing Regulations). Based on the opinion formulated by the CAPAN, the Minister of Justice has 30 days to take a final decision. The Minister may ask the Commission for additional information which the Commission must provide within 30 days. The final decision ("Despacho") is then published in Angola's Official Gazette, the "Diário da República" (Art.29, 31, and 32). A copy of the Despacho is transmitted to the Office of Central Registers for registration.

Some challenges remain:

- **Naturalization** shall be facilitated by Contracting States for stateless persons according to Art.32 of the 1954 Convention relating to the Status of Statelessness Persons, particularly by expediting naturalization proceedings and reducing the charges and costs of such proceedings. In the 2016 nationality law there is no provision of that kind. Stateless candidates have to pass through the normal naturalization process.
- However, the Implementing Regulations of the Nationality Law (Art.9/Implementing Regulations) do not allow a stateless person to start the process of naturalization as there is no State that could provide her/him with all the demanded documents, particularly a passport, a copy of the birth certificate certified by the State of origin, and a criminal record, also from the country of origin.
- In the framework of this study, it has not been possible to find out the costs of the naturalization procedure. Such costs could also be a limiting factor, particularly for stateless persons with restricted revenue opportunities. The law provides however that on presentation of a poverty certificate the fees for documents and a legal council may be waived.
- One positive point deserves attention: In its initial Report under Art.35 of the Convention on the Rights of Persons with Disabilities, the Angolan Government highlights that: **"Nationality is acquired without distinction as to the person's capacity**".[56] Indeed, the citizenship laws of many countries exclude persons with certain disabilities from naturalization.

The **National Assembly** keeps the right to grant Angolan nationality to a foreign citizen for providing relevant services to the country or for exceptional professional, scientific, or artistic qualities. This must be proposed by at least 15 Members of Parliament (**Art.14-2/Nationality Law and Art.11/Implementing Regulations)**. If adopted, the resolution is transmitted to the Office of Central

[55] Decreto Presidencial n.º 152/17 de 4 de Julho, Regulamento da Lei n.º 2/16 de 15 de Abril

[56] Committee on the Rights of Persons with Disabilities: "Initial report submitted by Angola under article 35 of the Convention, due in 2016" [received on 26 January 2017], 15 March 2019, CRPD/C/AGO/1

Registers through the Minister of Justice. The beneficiary must also present several civil documents before being officially registered as Angolan citizen.[57]

The **President of the Republic may grant Angolan nationality** through naturalization by Presidential Order without the aforementioned conditions b), d) and e) of Art.14/Nationality Law to a foreigner who has provided relevant services to the country or is called upon to do so (Art.14-3/Nationality Law and Art.12/Implementing Regulations). After publication of the order, which must specify the merits of the beneficiary and his/her identity, the file is transmitted to the Office of Central Registers through the Ministry of Justice, following then the same procedures as for citizenship granted by Parliament.[58]

The Implementing Regulations for the Nationality Law determine a period of approximately 6 months that an application for citizenship normally takes. That can be extended to nearly one year (Art.10, 20, 21, 28 29, and 31/Implementing Regulations).

In case of success, an accepted candidate for naturalization must take a public oath of fidelity to the Angolan Republic, the Angolan Constitution, and the Angolan laws (Art.16).

2.2.5 Acquisition of nationality based on application

Article 15/Nationality Law which opens the possibility to acquire Angolan citizenship to persons born in Angola a) who do not have any other nationality (Art.15a/Nationality Law) or b) whose parents are unknown, of unknown nationality, or stateless (Art.15b).

- Art.15/Nationality Law does not consider minors whose birth in Angola is not proven. Therefore, older foundlings whose birth in Angola is obviously not established cannot acquire Angolan nationality under this article either. They will be stateless.
- Moreover, Art.14/Implementing Regulations contradicts Art.15/Nationality Law: while Art.15/Nationality Law does not specify an age limit, Art.14/Implementing Regulations limits the range of persons concerned to the concept of "abandonado", which it defines as an abandoned child under the age of 14 and refers to the registration modalities stipulated by the 1967 Civil Registration Code (Art.133-138) regarding the registration of abandoned children. Art.14/Implementing Regulations details that the application for the Angolan nationality must be presented to the Civil Registry Office competent for the area of residence. The procedure is described in articles 19 to 33 of the Implementing Regulations and includes the verification by the Nationality Commission (Art.20 and 23/Implementing Regulations) - it can take several months. The article does not indicate who is responsible for engaging such procedure in favour of the minor.
- Art.25/Nationality Law determines that if a foreign descent is established after birth registration, this will be endorsed in the civil register. In such a case it is not stated anywhere whether the persons can maintain Angolan citizenship or not, and no temporal limit or age limit for an eventual loss is mentioned.[59]
- The difference in legal provisions for newborn infants and older children has two main effects: firstly, in one case the Angolan nationality is automatically attributed, while in the other it must be established on application; and secondly, the difference of status of the persons recognised as Angolan under these different provisions. Art.9-2 of the Nationality Law (newborn foundlings)

[57] The procedure is described in Art.11 of the implementing regulations

[58] Art.12 and 13 of the Implementing Regulations

[59] See Patrícia Jerónimo: "Report on Citizenship Law: Angola, 2019, p.24

attributes nationality at birth while Art.15 (persons older than newborns) makes the acquisition dependent on an application and a lengthy process. The quality of the nationality, the list of rights attached, is different in each case: only Angolans at birth (of origin) cannot be deprived of Angolan nationality in any case; they are able to be elected as President of the Republic or as members of Parliament (without the waiting time of 7 years for those who acquired it after birth)[60]. In contrast, loss and deprivation of nationality is possible in certain cases for persons who acquired Angolan nationality through other provisions than at birth. Thereby, the status of a newborn foundling and one of, for example, 6 or 12 months of age is completely different.

2.2.6 Otherwise stateless persons

Under Art.15, stateless individuals (e.g., because their parents cannot transmit their nationality to their children) and individuals of parents who are unknown, stateless or of unknown nationality can acquire Angolan nationality if they were born in Angola. This provision is an important safeguard against statelessness because it prevents that statelessness is transmitted in an endless chain from parents to children.

- This provision broadly protects against statelessness. But it puts the conditions of birth in Angola. We have seen that the Implementing Regulations (Art.14) limit this protection to minors of less than 14 years. It is questionable whether the Implementing Regulations, which have been published as a Presidential Decree can limit the scope of the law itself. This would mean a risk of statelessness for all persons in the situations described by Art.15 of the Law that are 14 years old and above.
- Art.15 states that the acquisition can be done by "solicitação" (request) which seems to suggest a somehow simplified procedure of nationality acquisition: The Implementing Regulations (Art.14) however simply provide that the application for citizenship must be presented at the Civil Registry Office competent for the area of residence, without further details. Art.23/Implementing Regulations however determines that applications for the acquisition of nationality must be analysed and processed by the Nationality Commission. This has also been confirmed at the Angolan Justice Ministry for such cases. Art.15/Nationality Law leaves open whether such "solicitação" can be refused or must be granted as a right. The risk of statelessness remains.

[60] Constitution of the Republic of Angola, Art.9-4, 110 and 145-2

2.2.7 Loss, deprivation, and renunciation of citizenship

Art.9-3 of the Constitution and Art.17-3 of the Nationality Law state that citizens who had acquired Angolan nationality at birth cannot lose it or be deprived of it.[61]

- *This is an effective protection against statelessness for Angolan nationals by origin.*

Points a), c) and d) of Art.17-1/Nationality Law describe cases of voluntary renunciation of citizenship while Point b) of Art.17-1 and all points of Art.17-2 specify cases of deprivation. Citizens who lost their Angolan citizenship under Art.17-1 (a-d) may have the possibility to reaquire it under certain conditions. There is no such possibility for those who lost it under Art.17-2.

On **renunciation** the law determines the following:[62]

Art.17-1 (a): An Angolan citizen who acquires a foreign nationality can renounce the Angolan nationality. *(The Law however permits dual or multiple citizenship).*

Art.17-1 (c): The child of Angolan citizens born abroad who acquired another nationality can opt out of the Angolan one at the age of 18.

Art.17-1 (d): An Angolan adopted by foreigners can renounce Angolan nationality at the age of 18.

- This provision does not require the proof of another citizenship. The adoption by a foreigner for example does not necessarily imply that the adoptee obtains the nationality of the adopter(s). Such renunciation could therefore lead to statelessness. The Implementing Regulations repeat this notable omission (Art.15/Implementing Regulations).[63]

Art. 17-1 (b) determines the **loss of Angolan citizenship.**

Art.17-1 (b): A citizen who accepts sovereign functions on behalf of another state without prior information of the National Assembly loses the Angolan nationality. Parliament deliberates the loss according to its internal rules upon information received from the Ministry of Foreign Affairs or the Prosecutor General's Office. The Justice Minister transmits the decision to the Office of Central Registers where the loss is registered (Art.16-1/Implementing Regulations).

- The loss of nationality leads to statelessness if the citizen concerned does not have another nationality. The withdrawal here does not depend on the possession of another nationality.

Deprivation of citizenship not acquired at birth is possible in the following cases (Art.17-2/Nationality Law):

a. Conviction for crimes against state security[64]. The Courts sends the conviction to the Office of Central Register which registers the loss (Art.16-2/Implementing Regulations).

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[61]The Angolan law only uses the term of "loss" ("perda") without the distinction between "loss" and "deprivation" made in the 1961 Convention (Art.5 - 7 regarding loss and Art.6, 8 and 9 regarding deprivation), whereby "loss" implies an automatic occurrence by operation of law and "deprivation" the decision of a competent authority

[62] Art. 17-1 does not mention the word "renunciation", but only refers to "loss" - whereby all paragraphs except 17-1(b) imply renunciation.

[63] See also: Patrícia Jerónimo, op.cit., p.30

[64] These are defined in Law no. 23/10 of 3 December 2010 - Patrícia Jerónimo: "Report on Citizenship Law: Angola", 2019

b. Military service in favour of a foreign state.
c. Citizenship obtained by falsification, fraudulent means, or deceit.
d. Acquisition of nationality through marriage or non-marital partnership engaged into through fraud or simulation, illegally, or out of bad faith.
e. An Angolan citizen with dual or multiple nationality who practices acts on Angolan territory pretending to be a citizen of another state.[65]

In the cases detailed under points b) to e), the Prosecutor General files a lawsuit. The Court sends the conviction to the competent Office of Central Register which registers the loss (Art.16-3/Implementing Regulations)

These provisions raise concerns:

- **Art.17-2/Nationality Law** affects only those citizens who acquired Angola citizenship after birth through the legal provisions listed under Art.11, 12, 13, 14, or 15 (see above p.22). It makes them stateless if they do not possess another nationality.

  Art.8-1 of the 1961 Convention stipulates that "A Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless." One among the few exceptions to this rule is made in Art.8-2 (b) "where the nationality has been obtained by misrepresentation or fraud".

  Points a)[66], c)[67] and d)[68] of **Art.17-1/Nationality Law** are in line with Art.8 of the 1961 Convention.

  Point e) of **Art.17-2** is also, as the offender would precisely have another nationality.

  In contrast, **point b) of Art.17-1/Nationality Law** and **point a) of Art.17-2/Nationality Law** are problematic. Art.8-3 of the 1961 Convention allows a Contracting State to retain the right to deprive a person of its citizenship in the cases mentioned in these two points, under one condition: The State must at the time of signature, ratification or accession specify its retention of such right. Angola has not made such declaration when it acceded to the 1961 Convention on 7 October 2019 and is therefore not supposed to withdraw citizenship in these cases. This observation does however not preclude criminal prosecution in those cases.

- Finally, the distinction, unlimited in time, between nationality at birth and acquisition of nationality at a later stage may be problematic: "This form of inequality between nationals may raise concerns under international law", especially as the law does not foresee a temporal limitation for the subjection of a nationality acquired by naturalization to loss or deprivation.[69]

[65] Patrícia Jerónimo, op.cit., p.33: "This new ground for loss of acquired citizenship, introduced by the 2016 Nationality Act, seems to have been motivated by the realization that there were many foreigners (mostly Portuguese citizens) who were naturalizing as Angolans to circumvent immigration restrictions but who were at the same time invoking their foreign citizenship when signing work contracts in order to benefit from the perks reserved to foreign workers in Angola, including higher salaries and fringe benefits"

[66] Voluntary renunciation when acquiring another nationality

[67] Angolan minor born abroad with dual nationality opting out of the Angolan one at the age of 18

[68] Angolan child adopted by foreigners

[69] UNGA: "Human rights and arbitrary deprivation of nationality", Report of the SG, 19.12.2013, A/HRC/25/28, Para.6

2.2.8 Reacquisition of citizenship

Citizens who had acquired Angolan nationality by virtue of the laws of 1975 or 1984 but lost it during their minority due to a voluntary declaration by their parents, can **reacquire** it within a period of 3 years after attaining adulthood, under the condition of proving their residence in Angola since at least one year (Art.18-1 and 18-2/Nationality Law). To this effect, the applicant must present a formal request to the Ministry of Justice (Art18/Implementing Regulations).

Individuals who lost their Angolan nationality for any of the reasons listed under Art.17-1/Nationality Law[70] and reside on Angolan territory for at least the last 5 years, can apply for the **reacquisition** of the Angolan citizenship with the National Assembly (Art.18-3/Nationality Law) by sending a request to its President/Speaker (Art.17/Implementing Regulations). Loss of nationality under Art.17-2 is however irreversible.

2.2.9 Opposition to the acquisition or reacquisition of nationality

The **acquisition** of Angolan nationality by application can be **opposed** by the Prosecutor at the Civil and Administrative Chamber of the Appeals Court[71] (Art.19-1 and Art.20/Nationality Law):

a. when there is no effective link to the Angolan community;
b. in case of conviction for a crime punishable with 3 years of imprisonment or more;
c. in case of conviction for a crime against state security.

The **reacquisition** of Angolan nationality can be opposed under the same circumstances and the following ones (Art.19-2/Nationality Law):

a. the exercise of sovereign functions on behalf of another state without prior communication to the National Assembly;
b. military service in favour of a foreign country;
c. Angolan nationality had already been reacquired once (Art.18-6/Nationality Law only allows one unique reacquisition of Angolan nationality).

Angolan authorities must mandatorily bring all such information to the attention of the Prosecutor's Office, but any citizens may also do so. The Prosecutor must lodge such opposition within 6 months after the reception of the case (Art.20/Nationality Law).

According to Art.30 of the Nationality Law**, appeals against any acts regarding "attribution, acquisition, loss, or reacquisition"** of Angolan citizenship can be lodged by directly concerned persons or the Prosecutor General within 5 years from the date on which the facts that substantiate the appeal are known. The court responsible is the Civil and Administrative Chamber of the Appeals Court (Art.31/Nationality Law).

It is not clear why there is a 6-months period for "oppositions" and a 5-year period for "appeals" and where the difference lies.

[70] Renunciation of citizenship or loss due to the unauthorized acceptance of sovereign functions on behalf of another State

[71] "Câmara do cível e administrativo do Tribunal de Relação" This Court was created in 2016 by Law No.1/16 of 10 February 2016

2.2.10 The status of those who acquired nationality under previous laws

The 1975 law had attributed Angolan nationality to all persons born in Angola and their descendants. This included children born in Angola to Portuguese or other foreign immigrants. **Art.34-1 and Art.34-2** of the 2016 Nationality Law, which entered into force on 16 April 2016, determine that the foreigners in this category who were holders of another nationality were no longer considered Angolan nationals when they had not regularized their situation as Angolan citizens before the entry into force of the law - which means that they had then to be in the possession of an Angolan ID card or passport. Indeed, such persons had legally been holders of Angolan nationality according to the 1975 Law (Art.1) and could therefore apply for Angolan ID documents. Art.34 simply says that if these persons never effectively claimed their nationality by applying for an ID card, they could no longer do so. Applications pending before that cut-off date were not affected (Art.35).

Art.34-3 reconfirms that the rights acquired under the nationality laws of 1975, 1984 and 1991 remained safeguarded. This provision seems to contradict, the paragraphs 1 and 2 of the same article: it is however valid for those who had applied for their ID cards before the entry into force of this law, but no longer for those who had not This paragraph reminds also that paragraph 2 of article 1 of the 1975 Nationality Law, which determined that children who were born to an Angolan parent abroad, had reached the age of 18 at the moment of the publication of the 1975 Nationality Law, and held another citizenship, had to opt for the Angolan citizenship, had been abolished by the 1984 law.

The intention of Art.34 apparently was to bar the rising number of Portuguese citizens, attracted by the blossoming Angolan economy, who had been born in colonial Angola, and their children, from taking up the Angolan citizenship to which they had been entitled under the 1975 nationality law[72], so as to bypass the strict immigration rules.

- Although questionable, as it retroactively withdraws the right to Angolan nationality acquired under previous laws, Art, 34 does not bear a risk of statelessness since it only applies to persons who are holders of another nationality. It is not clear how this works in practice because the Angolan State would need to prove that the individual who claims to be Angolan under the previous nationality laws holds another nationality, before negating the Angolan one.

[72] Lusa, 24.2.2016: "Nova lei trava atribuição da nacionalidade angolana ao tempo colonial".. See also: Patrícia Jerónimo, op.cit., p.20

2.3 Acquisition of Angolan nationality in practice

While the number of successful acquisitions of Angolan nationality through naturalization, marriage or parliamentary concession can be found in the Angolan official gazette, the "Diário da República", there is no information available about the number and reasons of rejections and the time the procedures took in the past.

Year	Total	Natura-lization	Marriage	National Assembly
2012	**39**	32	7	0
2013	**1**	0	1	0
2014	**167**	95	71	1
2015	**54**	4	49	1
2016	**108**	83	25	0
2017	**230**	137	93	0
2018	**0**	0	0	0
2019	**202**	69	133	0
→ 21.4.2020	**136**	116	20	0
Total	**937**	**536**	**399**	**2**

Source: Diários da República, in: LexLink Angola[73]

Between 1990 and 2011, very few cases of acquisition of Angolan nationality had been recorded: In 2001, the National Assembly conceded nationality to an individual for exceptional services rendered to Angola[74]. Three minors, one respectively in 2005, 2007, and 2010, became Angolans by "solicitação" (request) [75], a notion that appears in Art.10 and 14 of the 2005 nationality law respectively regarding the children of parents who acquire Angolan nationality and stateless persons born in Angola. Only three reacquisitions are listed: two in 2007 and one in 2009.[76] Two concessions by Parliament occurred in 2014 and 2015. There are no other details about the number of acquisitions by foreign children adopted by Angolans or children who acquired Angolan nationality in consequence of such acquisition by their parents.

With the end of the armed conflict in 2002, the number of applications for Angolan citizenship rose rapidly, particularly from Portuguese nationals.[77] Between 2002 and 2010 about 2.000 Portuguese nationals were reinstated in their Angolan nationality thanks to a 1999 decree of the Council of Ministers.[78]

Since 2012, acquisitions by naturalization or by marriage have significantly increased in numbers: over 200 in 2017 and in 2019. Between 2012 and April 2020, 43% of all acquisitions were based on marriage and 57% on naturalization procedures. The pause in 2018 is probably due to the Nationality Law's new Implementing Regulations adopted in July 2017 and the new institution that had to be put in place to manage the main part of the administrative procedure: the Nationality Commission (CAPAN).

[73] 2019- 2020: Diário da República, IIª Série and 2012-2017: Diário da República, Iª Série

[74] Resolution no.6/01, National Assembly (Diário da República, no. 16.2.2001) - https://www.lexlink.eu/legislacao/geral/14793/ia-serie/por-tipo-de-documentolegal/2001/000

[75] Resolution no. 89/05 Council of Ministers (Diário de República, 28.12.2005; Res.110/07 CM (DR, 31.12.07); Presidential Decree 54/10 (DR, 15.10.2010) - https://www.lexlink.eu/legislacao/geral/14793/ia-serie/por-tipo-de-documentolegal/2005/000

[76] Resolutions no. 26/07 and 33/07, National Assembly (DR, 27.8.2007 and 10.9.2007) - https://www.lexlink.eu/legislacao/geral/14793/ia-serie/por-tipo-de-documentolegal/2007/000

[77] Angonotícias/Novo Jornal, 12.12.2011: "Ministra da Justiça manda suspender Lei da Nacionalidade"

[78] Decree n.º 37/99 of 26 November (1999), which annulled a Portuguese rule that all those born in the colonies who had their birth registration transcribed into the Portuguese registry in Lisbon had their Angolan records cancelled, losing their proof of birth in Angola.

Formerly, decisions regarding nationality acquisition had to be signed as a joint order by the Interior and the Justice Ministers. That competence lies now with the Justice Minister alone.

Portuguese citizens were the largest group to obtain Angolan nationality in 2017 and 2019, about half of all, followed by nationals from São Tomé: 20% in 2017 and 15% in 2019.

Nationality acquisitions by former nationality

	2017			2019		
	Total	Natura-lization	Marriage	Total	Natura-lization	Marriage
Portugal	115	63	52	107	26	81
São Tomé	45	36	9	31	20	11
Cabo Verde	16	11	5	18	10	8
Brazil	3		3	9	4	5
Cuba	3	1	2	11	3	8
Guiné Bissau	4	2	2	2	1	1
Moçambique	8	6	2	6		6
DR Congo	2		2	3		3
Others	34	18	16	15	15	10
Total	**230**	**137**	**93**	**202**	**69**	**133**

The overall numbers of naturalized Angolan citizens are not impressing - as is the case in most other African states (although precise numbers are often difficult to find). The 202 acquisitions of Angolan nationality in 2017 correspond to 0,001% of the total population of 31 million.

> *South Africa made an exception with 14.108 naturalizations in 2001, plus 4.168 registrations of citizens by descent, and 37.552 naturalizations in 2009.[79] But from 2010/11 on, due to sweeping policy changes, these numbers fell considerably: 1.603 in 2011 and 732 in 2012[80]. In Latin America numbers are also low.[81] The situation in Western European Europe and North America is different. 707.000 acquisitions of nationality were registered in the USA in 2017, equivalent to 0,2% of its population of 325 million. Canada reached 106.373 acquisitions, equivalent to 0,3% of its total population of 37 million. In Europe, the number of acquisitions was around 0,2% of the total population: 146.605 out of 61 million in Italy, 123.106 out of 66 million in the UK, 114.274 out of 67 million in France, and 114.274 out of 82,5 million in Germany[82]. Sweden did most with 68.898, equivalent to 0,7% of its population of 10 million.*

- Acquisition of Angolan nationality through application (naturalization, marriage, facilitated procedures like for foreign adoptees or children of naturalized parents, attribution by Parliament or the President) remains rare. Moreover, there are no particular provisions targeted at stateless persons that facilitate their integration into Angolan citizenship as recommended by Art.32 of the 1954 Convention (cf. p.24).

[79] Department of Home, Annual Report 2001/2002, p.47; Dep. of Home Affairs Annual Report 2009/10, p.25

[80] Bronwen Manby: "Citizenship and Statelessness in the Member States of the Southern African Development Community", p.67

[81] "Why are there so few naturalizations in Latin America?", Diego Acosta, July 5, 2019, (University of Bristol), GLOBALCIT -

[82] https://ec.europa.eu/eurostat/databrowser/view/tps00001/default/table?lang=en; https://ec.europa.eu/eurostat/databrowser/view/tps00024/default/table?lang=en; https://www.worldometers.info/world-population/us-population/; https://www.migrationpolicy.org/article/naturalization-trends-united-states; https://www.worldometers.info/world-population/canada-population/

The number of applications to acquire Angolan citizenship has risen lately, reaching an annual average of about 350. Among these, 5 to 10 were rejected[83].

There is another aspect. Corruption has negatively affected the work of the Civil Registry. This has also affected the work of the Civil Registry.[84] On one hand that has helped many obtain their documents who were in principle entitled to them but hindered by bureaucratic and other obstacles. On the other, foreigners have thereby also been able to register illegally and to receive Angolan ID cards and passports. According to interviews, this has been even easier during birth registration campaigns, organized to boost registration numbers, when less qualified personnel that reinforced the mobile teams used the occasion to make some extra money and less attention was paid to the accuracy of the documents in order to reach the target numbers. Traditional authorities sometimes also cooperate in search of personal gains, issuing documents attesting parentage with the local communities. In a zone of Cambulo municipality in Lunda Norte for example, the local Registry Office and the local Soba (traditional leader) decided not to organize campaigns at all so as not to open a potential door to Angolan nationality to the many foreigners present there.[85] Bribes have in some cases eventually helped avoid statelessness when legal avenues were too cumbersome or inexistent.[86]

- The difficulty to regularize one's legal situation in the country definitely has motivated people in irregular situations or at risk of statelessness to look for other possible solutions, including illegal ways to obtain Angolan ID documents. Beyond normal law enforcement measures, that is repatriations, the State should also envisage adopting rules and mechanisms that facilitate the acquisition of nationality in determined cases, such as long-term irregular migrants and their children, and particularly for stateless persons.

3 Nationality administration in practice

3.1 Birth registration and proof of nationality

According to Art.26 of the Nationality Law, the original Angolan nationality of an individual born in Angola is proven by the birth certificate on which no information to the contrary is recorded. If the birth occurred abroad, the child must be registered locally or at an Angola diplomatic or consular representation. This registration must then be transcribed into the Angolan Civil Registry. According to Art.26-2, "the proof is the registration of the declaration on which depended the attribution of the Angolan nationality or the record on the birth certificate issued by the Angolan civil registry".

Art.3 of the Implementing Regulations of the Nationality Law specifies that the Angolan nationality of an individual born in Angola is confirmed if his/her birth certificate testifies that one of his/her parents is Angolan. If the progenitor was born abroad, he/she must prove the Angolan nationality by presenting an ID card or the birth certificate. Art.4/Implementing Regulations determines that the nationality of a child born abroad to an Angolan father or mother is confirmed if he/she is registered with the Angolan diplomatic or consular services competent for the area of birth or with the Civil Registry of the country of birth and if one of the parents presents an Angolan ID card.

[83] According to the Secretary of State for Human Rights and Citizenship

[84] Mosaiko, 2017, p. 15 and 18; Gray, Nell and Juliet Bedford, 2016, p. 5, 6, 8, 67-69, 75, 85, 94-98; Worldbank: "The State of Identification Systems in Africa. Country Briefs", 2017, p.1

[85] Mosaiko, 2017, p. 18

[86] See for instance Angop, 3.10.2018: "SME trabalha para atribuir novo cartão aos refugiados"

The acquisition or loss of nationality is proven by the respective records in the civil registry or the consequent endorsements on the birth certificate (Art.27). The Registrar of the Office of Central Registers is competent to issue any statement regarding the nationality of a person, particularly on request from diplomatic and consular services, in case of doubt (Art.28) and to deliver nationality certificates (Art.29).

The birth registration of children of foreign parents or of parents of unknown nationality must be done in a specific book and indicate such information. The foreign or unknown nationality must proven as far as possible by documents that indicate that none of the parents is Angolan (Art.24/Nationality Law). When the parentage of a foreigner is established only after birth registration or when this individual is adopted, the nationality of the parents must be mentioned in the civil registry (Art.25). Such mention of a foreign nationality or of statelessness on the birth certificate prevents the holder of receiving an Angolan ID card or passport.

All acts and fact that determine the attribution, acquisition, loss, or reacquisition of nationality must be registered in a specific book in the Office of Central Registers, upon demand from the person concerned – with the exception of an attribution directly recorded in the normal birth register[87] or an acquisition by adoption (Art.21/Nationality Law). The registration of the act that justified the attribution, acquisition, loss, or reacquisition of the Angolan nationality is recorded through register or endorsement (Art.23-1). The registration of the nationality is recorded by transcription, without the intervention of the person concerned and only signed by the Registrar (Art.23-2). The Registrar of the Office of Central Registers must record the birth of every citizen who acquires Angolan nationality (Art.23/Nationality Law). With this birth certificate, the new Angolan citizen can obtain an Angolan ID card and passport which serve both as proof of Angolan nationality.[88]

[87] It is not clear what type of attribution of nationality this provision refers to – probably the attribution to the child of foreign parents who acquired Angolan nationality, on request (according to Art. 11-1 of the Nationality Law). But the Implementing Regulations (Art.6) state that such attribution must also be requested at the Office of Central Registers. All other acquisitions must be registered mandatorily at the OCR.

[88] Art.6 of the 2009 Law on civil Identification and the issuance of ID cards (Lei n.º 4/09 de 30 de Junho, Lei sobre o regime jurídico da identificação civil e emissão do bilhete de identidade de cidadão nacional); Art.2, of the 2000 Decree on the issuance and use of passports (Decreto n.º 3/00 de 14 de Janeiro (2000) sobre o processo de emissão e utilização do passaporte nacional, assim como o regime de entrada e saída a que os cidadãos nacionais estão sujeitos) - http://www.consuladogeralangola-porto.pt/download/pt/3-emissao-e-utilizacao-do-passaporte.pdf

3.2 Birth registration

Birth registration is the first most important step to avoid statelessness.

> *"Civil registration provides the documentary evidence and permanent record for people to establish their legal identity, family relations and civil status, which in turn safeguards a variety of social, economic, cultural, political, and human rights that people are entitled to exercise. A legal record, such as a birth certificate, protects people from risks such as statelessness, early marriage and human trafficking, with the possibility of legal recourse."*[89]

The birth registration services are under the responsibility of the National Directorate of Identification, Civil Registry and Notary ("Direcção Nacional de Identificação, Registos e Notariado", DNIRN) which since 2020 is also in charge of delivering ID cards. [90] The Directorate is part of the MinJusHR.

The long years of post-independence conflict had led to the collapse of state administration in wide areas of Angola and destroyed many of the civil registration archives. With the return to peace, Angola restarted normalizing economic and social life and reorganizing state administration. Registration offices started to reopen in the municipalities from 2007 on.[91] The 3rd of the "11 Commitments for the Child" adopted in June 2007 by the Angolan Government during the 3rd National Forum on Children pursues the generalization of birth registration[92]. These commitments were integrated into the 2012 Law on the Protection and Integral Development of the Child .[93]

According to the 2014 Population Census, out of a total population of 25,8 million (including 0,59 million foreigners) only 13,8 million were registered (53,5%) - 67.7% in urban and 29,6% in rural areas. This left 12 million persons unregistered and consequently without ID card. Until May 2019, this number had risen to 14 million according to the MinJusHR.[94]

Extensive birth registration campaigns for children were carried out in in the past. Between August 2001 and December 2003, 3,8 million children had been registered - including 160.000 in the Cantonment Areas for UNITA-fighters and their families at the end of the armed conflict.[95]

Yet only 25% among under-5 children were registered in 2016 and only 13% had a birth certificate[96].

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[89] Statistical Commission: "Civil registration and vital statistics. Report of the Secretary-General", 5, 17.12.2014, E/CN.3/2015/22, para. 5

[90] Before 2020, the DNIRN was divided into two departments: Direcção Nacional dos Registos e Notariado (DNRN) and Direcção Nacional do Arquivo de Identificação Civil e Criminal (DNAICC), the latter being in charge of the issuing ID cards.

[91] Gray, Nell and Juliet Bedford: "Birth registration in Angola. Formative research", February 2016, *Anthrologica,* p. 22 – There are no registration offices at the communal level (interview with UNICEF/Luanda on 21.11.2019)

[92] "Angola. 11 compromissos com a Criança". At the same time, the National Children's Council (Conselho Nacional da Criança, CNAC) was set up (Decreto presidencial n.º 20/07, de 20 de Agosto). The "V Fórum Nacional sobre a Criança, organized by the CNAC from 2 to 24 June 2011 slightly revised the 11 Commitments.

[93] Lei n.º 25/12, de 22 de Agosto (2012), sobre a Protecção e Desenvolvimento Integral da Criança

[94] Observador, 23.5.2019: "Metade dos angolanos sem registo de nascimento ou bilhete de identidade"

[95] Viegas, Maria da Assunção António: "Registo Civil – O Estado Actual do Registo de Nascimento em Angola", Lisboa, 2014, p.47-48. - A National Strategy for Birth Registration had been adopted in 2001. See also: World Bank: "The State of Identification Systems in Africa. Country Briefs", 2017

[96] Multiple Health Indicator Survey, 2016, produced by the Ministry of Health and the National Institute of Statistics

Parents often only feel the need to register their children when they want to enroll their children at school where the presentation of a birth certificate is mandatory.[97] Some school directors are tolerant and let children provisionally accede without. But a birth certificate becomes a requirement for the delivery of the certificate of completion of the 6 years of primary education and for applying for an ID card which is required to enter the 7th class, the start of the secondary level.[98]

3.2.1 The legal and institutional framework for civil registration

Birth registration is governed by the 1967 Portuguese Civil Registry Code, which is still in force, although outdated in many places.[99] A draft of a new Code is currently being worked on.[100] In addition, in May 2015, a Law on the simplification of the registration process (Law 6/15) was adopted with the intention of boosting birth registration numbers.[101]

Law n.° 3/21 of 25 January 2021 on the amendment of the legal regime of civil identification and the issuance of national ID cards allows the obtention of an ID card at birth. [102]

The network of registration facilities has been extended. It comprises the traditional Civil Registry Offices ("Conservatória"), the Civil Registry "Shops" ("Loja dos Registos"), Registry Posts in maternity hospitals, the Integrated Citizen's Service (Serviço Integrado de Atendimento ao Cidadão, "SIAC") and municipal Registry Posts ("Posto de registo"). Mobile registration teams have been deployed during civil registration campaigns.

> The Lojas do Registo are modernized, computerized facilities that do not only offer the services of the Conservatórias (Registry Offices) but also a variety of other administrative and notary services that fall under the competence of the Justice Ministry: the delivery of ID cards; commercial, land and property registers; car register; document certification, etc.). The 1st one opened in Luanda in 2011[103].
>
> SIACSs deal speedily with birth registration, ID cards, passports, drivers licenses, insurance, and residence permits. Fees however are higher. The SIACs were created from 2007 on to modernize and

[97] 9 school years are mandatory: 6 years of primary education and 3 years of the first cycle of the Secondary Level; secondary education is divided into two cycles of 3 years (7th-9th class, 10th-12th class) - Lei nº 13/01 de 31 de Dezembro (2001), Lei de Base do Sistema de Educação, amended by Law n.º 16/17 de 7 de Outubro, Lei de Bases do Sistema de Educação e Ensino. See also: Educação em Angola (Wikipedia).

[98] Education Ministry and Mosaiko, 2016, p.22 – The ID is also necessary to ensure that there is only one way to spell a child's name as often the name is spelled differently on different documents.

An ID card is also needed to make sure that there is only one precise way of writing the name of the child, as often on other documents the names are written differently - which is also a recurrent problem.

[99] "Código do Registo Civil - Decreto-Lei n.º 47 678, de 5 de Maio de 1967" - amended several times, last by "Decreto executivo conjunto n.º 47/96, de 19 de Agosto" (1996). For more details on this, see: Viegas, Maria da Assunção António, op. cit. p.49-50, p.69 and following

[100] Information obtained from the Ministry of Justice and Human Rights

[101] Lei n.º 6/15 de 8 de Maio (2015), Lei da simplificação do registo de nascimento. The regulation for its application followed on 20 May: Presidential Decree n.º 105/16 of 20 May. The author has not been able to get hold of a copy of these regulations.

[102] Lei n.º 3/21, Lei sobre o Regime Jurídico da Identificação Civil e Emissão do Bilhete de Identidade de Cidadão Nacional que altera a Lei n.º 4/09 de 30 de Junho. Revoga toda a legislação que contrarie o disposto na presente Lei.

[103] Portal de Angola, 20.12.2011: "Primeira Loja de Registos em Luanda"; Jornal de Angola, 23.2.2020: "Loja dos Registos reabre depois das inundações"

simplify access to administrative and business services. There are 4 of them in Luanda and respectively one in Huambo, Cabinda, Bengo, Lunda Sul (Saurimo), Malanje, and in Uíge.[104]

Registry Posts operate in rural areas without modern technical equipment.

In 105 maternity hospitals registry posts are available and the intention is to establish these in more such places (2022). All other hospitals or clinics must transmit details about the birth to the Civil Registry Office competent for the area, as far as possible by electronic means (Art.4, Law 6/15). Midwives or obstetricians that assist births at residences or outside health facilities must also make sure that births are declared (Art.5, Law 6/15).

Differently from the 1967 Code (Art.127), birth registration can now be done at any civil registration site (Art.2, Law 6/15). Outside Angola, the birth of an Angolan child must be registered at diplomatic or consular representations, as far as possible by electronic means; otherwise, a copy of the birth certificate must be sent within 30 days to the "Conservatória dos Registos Centrais" (Central Civil Registry) in Luanda (Art.4 and 5, Law 5/16). Foreign birth certificates can also be transcribed at the Central Civil Registry (Art.12, 1967 Code).

Birth registration is mandatory for all children born on Angolan territory or to Angolan parents elsewhere, according to articles 1, 2, 13 and 120 of the 1967 Code.[105] It must be done within 30 days after birth. While transgressions to this rule were formerly met with penalties (Art.121/1967 Code) this is no longer the case today.

Birth registration and the first ID cards are free of charge since September 2013[106]. Parents must both bring their ID cards to register their child. If the couple is legally married, only one of them needs to be physically present, but must bring the ID card of the other parent. If the parents are not married, both must come to the registration site.

Only 14,1 % of the Angolan population from the age of 12 years onwards are formally married, while 33,7 % live in what is called "união de facto" which is legally[107] *defined in Angola as a couple that lives together for at least 3 years.*[108] *Legal marriage and "união de facto" are essentially equated.*

A single mother can register her child with her ID card. The father's name will not appear but may be added later if he accepts fatherhood.[109] If a mother disappears after birth, a single father may also register a child. According to the 1967 Code (Art.120), he is the 1st person responsible for ensuring the registration of a child. The Registrar may ask for further witnesses.

[104] See the recent leaflet of the Justice Ministry "Localização das repartições de identificação civil e criminal", without precise date. See also: http://www.siac.gv.ao; https://www.sitesdeangola.com/siac/

[105] Art.120 states the order of the persons responsible for registering a child, starting with the father (1), the mother (2), a close parent who stays next to the place of birth (3), the director of the establishment where the birth occurred or the head of the family in whose home it occurred (4), the doctor or the midwife who assisted the birth (5), etc.

[106] Despacho presidencial nº 80/13, de 5 de Setembro and Decreto Executivo n° 309/13 de 23 de Setembro. Initially the validity of this dispatch was until the end of 2016, but it has been extended since.

[107] Decreto Presidencial n° 30-15 de 30 de Janeiro, Regulamento do reconhecimento da união de facto por mútuo acordo e dissolução da união de facto reconhecida

[108] INE, Censo 2014, Resultados Definitivos do Recenseamento Geral da População e da Habitação, p.46

[109] Leaflet "Guia. Registo de nascimento ", Ministry of Justice (+UNICEF + EU)

Orphans can be registered by their legal guardian, even without the names of the parents.

The birth register must contain the nationality of the parents.[110]

The Law 5/16 on the simplification of birth registration also amended the rules for **late registration** (Art.11)[111], which refers to persons from the age of 14 up. Late registration can now be declared verbally, without a written request, at the registry site geographically competent for the area of residence of the applicant. The applicant must provide the ID cards of the parents or their birth certificates, a residence certificate and two suitable, duly identified Angolan witnesses[112]. The Registrar must apply due diligence and ask for other elements of proof to determine the veracity of the registration data in case of doubt. These include possibly a baptism certificate, the marriage certificate of the parents, a voter's card, a school ID card, or sworn declaration of traditional, administrative, or religious authorities. These documents of proof must be recorded in the register. If doubts cannot be clarified, the matter may be submitted to the Family Court. Often Registry Offices determine one particular day in the week to attend late registrations as these generally imply more work than immediate registrations after birth. Registrars also complain about cheating attempts. Often, quite extraordinary situations difficult to imagine may come up.[113]

After the effective registration, the administration has a maximum of 10 days to deliver the birth certificate. This may happen immediately, or nearly, in urban areas, but may take up to months in distant rural areas[114]. The 1967 law mentions as birth certificate the hand-written "cédula pessoal" (art.295) which still exists today but is delivered only in the rural municipalities where no electronic registration is available. A digitized birth certificate, the "boletim de nascimento", is delivered in the Registry Offices of the 18 provincial capitals and in some municipalities.[115] Only in Benguela province, all birth registration facilities in the municipalities are computerized and connected to the provincial database.[116] In theory the birth certificate can be delivered by the system within minutes after the registration. But depending on the workload of the registration personnel, it may take more time until all approvals are entered.[117]

[110] Art.6 of law n.º 6/15 on the simplification of birth registration. Basic entries are the personal name and family name of the person to be registered; the date and possibly the time of birth; the complete names, marital status, place of birth and address of the parents; and the complete name of the maternal and paternal grand-parents

[111] Law n.º 6/15, Art.11. - The 1967 Code stipulated that when more than a year has passed since birth, any of the two parents can register the minor but the presence of witnesses is necessary (Art.125). For a registration after the age of 14 an authorization must be requested at the Civil Registry. This request must explain the reasons for the late registration and provide proof of the filiation; the initiative can come from the person to be registered him/herself (Art.125 n.º 2 and Art.371). Late registration is now used for persons of 14 years and older. - http://www.servicos.minjusdh.gov.ao/outros-servicos-ao-cidadao/37/registo-civil?page=1

[112] Leaflet "Guia. Registo de Nascimento", MinJusHR (+UNICEF + EU, without date, but printed after September 2017); Law 6/15, Art.11 – Both texts do not state exactly the same, so that some doubts and hesitations may arise.

[113] Interviews with Registrars in Luanda

[114] Art.9 of the 2015 law; and Mosaiko, 2017, p.31

[115] According to UNICEF and the Ministry of Justice and Human Rights, during meetings

[116] Meeting at UNICEF, Luanda

[117] Gray, Nell and Juliet Bedford, p. 76

The 2015 law foresees a country-wide computer system with a central data base for birth registration which shall be interconnected with a second, parallel system for ID cards.[118] The system shall store biometric data like facial image, fingerprints, iris data, and signature. This will also help prevent double registration.[119] Ideally for any new registration act, the applicant would not need to provide copies of existing acts as they would all be available in the system (Art.21, Law 6/15). However, such a country-wide system does not yet exist. Electronic data bases so far only exist in the provincial capitals for the respective province.

For the cases of loss or decay of civil registry books, as it happened so frequently during the long years of conflict, the Civil Registration Code (Art.36-42) provides a reconstitution process (a 1981 decree also refers to this procedure[120]). For that process, several sources may be consulted: duplicates or certificates existing in other archives or private hands, church or school archives, and witnesses when no other source is available. This procedure is used frequently.[121]

The Angolan Government has taken a series of legal and practical initiatives to improve the levels of birth registration and the issuance of ID cards:

- In 2007, the Government adopted the "Program of the Modernization, Simplification and Digitization of the Registry and Notary"[122] which, among other aspects, brought the "Lojas dos Registos" (they were 8 in 2012[123] and 22 in 2018) and the SIACs[124] (the 1st in 2007 and 13 by March 2020)[125]. From 2012 on, this Program was extended to the provinces.[126]
- Noting that the previous two registration campaign had left out many children and that the 1st National Forum on the Care and Development of Early Childhood (14-16.9.2004) had recommended the free registration of all children from 0 to 5 years, Government Decree no. 31/07 of 14 May 2007 determined that the birth registration of all children in this group of age and the issuance of ID cards for all children between the age of 8 and 11 should be free of charge.
- In November 2012, in the framework of the Justice and Law Reform, President J.E. dos Santos tasked a new commission with reviewing the justice system and in particular all matters related to civil registration.[127] During an interview in March 2014, the Minister of Justice and Human Rights pointed to plans of his Ministry to ensure the registration of the approximately 8 million yet unregistered Angolan adult citizens by the end of December 2016. The Programme of Universal

[118] Art.12 to 19 of Law 6/15

[119] Art.16 of law 6/15. See also: "Cidadania à nascença "

[120] Decreto n.º 91/81 de 25 de Novembro – Viegas, 2014, p. 62-63 and 78-79

[121] Information received from the Secretary of State for Human Rights and Citizenship

[122] Maria da Assunção António Viegas: "Registo Civil – O Estado Actual do Registo de Nascimento em Angola", Universidade Autónoma de Lisboa, Departamento de Direito, Dissertação de mestrado para a obtenção do grau de Mestre em Direito, 2014, p.74-75

[123] g(NDP), 2013-2017, p. 136

[124] Viegas, Maria da Assunção António: "Registo Civil – O Estado Actual do Registo de Nascimento em Angola", Lisboa, 2014 - Universidade Autónoma de Lisboa, Dissertação de Mestrado em Direito, p.87-89

[125] Angop, 10.2.2020: "SIAC com 1.230 pedidos de Bilhete de Identidade/dia"; SIAC, Notícias: "Primeiro SIAC foi inaugurado há 10 anos". SIAC, Notícias March 2020: "Rede SIAC chega à cidade do Lubango".

See more details in Jornal de Angola: JA, 9.2.2020: "Mais de 1.200 Bilhetes de Identidade são solicitados todos os dias no SIAC". Jornal de Angola, 6.3.2020: "Siac do Lubango avaliado em oito milhões de dólares"

[126] Viegas, M.A.A., 2014, p. 102

[127] Despacho Presidencial nº 124/12, de 27 de Novembro (2012) – Viegas, M.A.A. , Lisbon 2014, p. 70; Government Portal , 3.3.2014: "Reforma da Justiça é o grande objectivo"

Birth Registration started on 1 January 2015.[128] In this context, several registration and ID card campaigns have taken place.

- Presidential Order n.º 80/13 of 5 September 2013 introduced the gratuity of birth registration and the delivery of the first ID card without any age limitation until the end of 2016. The implementation of this Order was detailed by the Justice Minister's Executive Decree n.º 309/13 of 23 September. Another presidential decree of October 2019, which listed the fees for the various civil registration acts, reconfirmed the gratuity of birth registrations, of the first copy of the birth certificate needed for the application for an ID card, and of the first ID card itself until October 2023 (Art.7). [129]
- In the Justice section, the two National Development Plans (NDP) 2013-2017[130] and 2018 -2022[131] dedicate several programs to the universalization and modernization of the civil registration and the ID card system. The NDP 2018-2022 acknowledges that the attribution of basic documents is a prerequisite for the effective exercise of social and economic rights and freedoms and promotes the universal access to such documents: birth certificates, ID cards, passports, and residence certificates. The stated aim is that the Angolan population possessing an ID card increases from 56% in 2017 to 77% in 2022.
    - The creation of registration facilities in maternity hospitals is a subprogram of the NDP 2013-2017 and continues in 2018-2022. Launched jointly in 2015 by the Justice and Health Ministries, "Nascer com Registo" ("Registration at birth") started in Luanda, Moxico, Bié, Benguela, and Malanje.[132] The NDP 2018-2022 aims at creating 180 more posts in clinics and hospitals.[133] By the end of October 2022, 105 maternity hospitals offered such a facility.[134]. In 2016 only 40% of births took place in hospitals, the remaining 60% were attended by traditional midwifes. The government included the latter in its birth registration programs.[135]

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[128] Government Portal , 3.3.2014: "Reforma da Justiça é o grande objectivo" and Government Portal, 24.12.2014: "Reunido no Bengo Conselho de Concertação social "

[129] Decreto Presidencial n.º 301/19 de 16 de Outubro (2019), Uniformização e simplificação das tabelas emolumentares – The fees are applicable to the services provided by the Civil Registry and Notary and the Civil and Criminal Identification. These fees may by increased depending on the complexity of the dossiers presented or when acts are done outside official office premises or normal working hours. Gratuity is also granted to confirmed indigent and war-disabled persons. Additional birth certificates cost 3.828 Kz. The renewal of an expired ID card costs 455 Kz, and the replacement of a lost one 3.828 Kz. – See also: Angola-online.net: August 2019: "Segunda via do BI custa mais de 3 mil kzs".

SIACs are functioning under another regime and add extra-fees for their services on top.

[130] Plano Nacional de Desenvolvimento 2013-2017, p.135-139

[131] Plano de Desenvolvimento Nacional 2018-2022, p. 193-194

[132] Angop, 8.2.2017: "Angola has more than 200 birth registration services"; UNICEF, 7.7.2016: "UNICEF e UE apoiam a abertura de 20 postos de Registo de Nascimento nas maternidades de Luanda". A pilot project had been implemented in 2012 in Luanda's maternity clinic "Augusto Ngangula", but then abandoned – Viegas, M.A.A., 2014, p. 87

[133] PDN/Plano de Desenvolvimento Nacional 2018-2022, p. 193-194

In this framework, UNICEF and the government are currently implementing a project in 8 provinces that plans to create 70 registry posts in maternity hospitals and pediatric clinics in areas of high natality numbers. - (Interview with UNICEF, 21.11.2019, Luanda); Angop, 20.8.2019: "Programa Nascer com registo abrange mais de 23 mil crianças"

[134] According to the Minister of Justice and Human Rights, Francisco M.M. de Queiroz, during the 5th Conference of African Ministers responsible for civil registration (14-18 October 2019, Lusaka). Government Portal, 20.10.2019: "All Angolans must be registered by 2022"

[135] Gray, Nell and Juliet Bedford, op.cit., p. 104

- Under the NDP 2013-2017, the Justice and Education Ministries agreed to cooperate in the issuing of ID cards in schools.[136]

- A birth registration program in elementary schools aims at registering children in school age.[137]
- In December 2018 was launched the sensitization campaign "*Responsible fatherhood. I support*" ("*Paternidade responsável: Eu apoio"*)[138]. Research into birth registration had designated the evasion of fatherhood as an important contributing factor to the low rate of birth registrations as mother shied away from registering their children without the presence of the fathers.[139]
- Law n.º 6/15 on the Simplification of Birth Registration was intended to frame and push forward the universal registration program devised in 2013/2014.
- A new registration campaign started in November 2019. The aim is to register 12 million Angolans by 2022.[140]

The efforts of the State to improve civil registrations has certainly born fruits. Increased knowledge and awareness among the citizens about the significance, usefulness, and necessity of birth registration (particularly for access to education) and the abolition of fees considerably helped widen the demand. The total number of registration offices increased to 247 by February 2017, 127 of which were computerized by 2018.[141]

An annual average of about 1 million to 1 ½ million citizens have been registered in recent years - from 2014 to 2019 approximately 8 million.[142] Under the new program of mass birth registration initiated in November 2019, nearly 1.9 million Angolans had been registered by December 2020[143].

At the same time, with a natality rate of 4 - 4,25% between 2015 and 2019 (tendency decreasing), over 1 million new citizens were born each year (with rising tendency). This small difference between the annual numbers of newborns and the number of birth registrations means that if all newborns were effectively registered each year there would only be a very limited capacity left, if any, to reduce the existing backlog of unregistered persons. **In May 2019, the Secretary of State for Justice estimated this number at about 14 million.**[144]

➢ To achieve the registration of the entire population and thereby to eliminate the backlog, a much greater investment is needed in terms of facilities, equipment, and staff.

Year	Population (millions)	Population growth %	Natality % of pop., estimate	Natality (millions), estimate	Sources: Worldbank, Worldometer (for 2020), Knoema (natality)[145]
2020	32,87	3,17			
2019	31,83	3,19	4,02%	1,28	
2015	27,88	3,38	4,25%	1,18	
2010	23,36	3,60	4,57%	1,07	

[136] UNICEF: "Orçamento Geral do Estado 2018. Registo de nascimento e Justiça para a criança", 2018, p.8

[137] Portal do Governo, 20.10.2019: "Todos os angolanos devem estar registados até 2022"

[138] Funded by the EU and with technical support from PIN Angola and UNICEF Angola

[139] Delegation of the European Union to Angola, 14.12.2018: "Lançada a campanha de Paternidade Responsável"

[145] https://data.worldbank.org/country/angola; https://www.worldometers.info/world-population/angola-population/ (for 2019 and 2020); https://knoema.de/atlas/Angola/Geburtenrate; see also:

3.2.2 Impediments to birth registration

It is clear that in spite of real improvements, efforts to attain universal coverage of birth registration have fallen short of the expected results[146]. Several reasons contributed to this which often combine and become insurmountable[147]:

1. **When parents themselves are not registered and consequently do not have ID cards, they cannot register their children**. In view of the important number of citizens without ID documents, this problem is a major one. Chains of unregistered generations continue to reproduce in a vicious circle.

   1.1. Registrars are cautious about registering children without the ID cards of their parents in order to avoid that children are registered under the names of other persons.

2. Illiteracy is a problem because parents have to personally write down the name of their child.

3. Some bring false documents in order to get their children registered. False documents are not sanctioned. They are just considered as non-existent[148].

4. Late registration, the registration of Angolan adults and adolescents from the age of 14 years up, demands more documentary proof and is therefore more cumbersome and time-consuming, because Angolan nationality of at least one of the parents must be proven.

5. Cultural traditions and norms may delay the birth registration. In several provinces, a child can only be registered when the father agrees. Or it can only be registered after the maternal uncle arrives. Or the name is only chosen later, according to the personal development of the child. Some parents

https://www.statista.com/statistics/976686/crude-birth-rate-in-angola/;
http://perspective.usherbrooke.ca/bilan/tend/AGO/fr/SP.DYN.CBRT.IN.html

[141] According to the then head of the DNRN, Claudino Salvador Filipe, on 8 February 2017 - Angop, 8.2.2017: "Angola has more than 200 birth registration services"; Angop, 28.8.2019: "Registo de nascimento ganha nova dinâmica"

UNICEF mentions 205 registration services in 2017 and a planned 269 for 2022; "Orçamento Geral do Estado 2018. Registo de nascimento e Justiça para a criança", p.8

[142] Info obtained from the MinJusHR. See also: Viegas, M.A.A., 2014, p. 97; Jornal de Angola, 3.3.2014: "Reforma da Justiça é o grande objectivo" ("Programa de Massificação do Registo de Nascimento e Atribuição do Bilhete de Identidade")

[143] Angop, 4.12.2020: "Ministro anuncia registo de dois milhões de imoveis até 2025"

[144] Observador, 23.5.2019: "Metade dos angolanos sem registo de nascimento ou bilhete de identidade"

[145] https://data.worldbank.org/country/angola; https://www.worldometers.info/world-population/angola-population/ (for 2019 and 2020); https://knoema.de/atlas/Angola/Geburtenrate; see also:
https://www.statista.com/statistics/976686/crude-birth-rate-in-angola/;
http://perspective.usherbrooke.ca/bilan/tend/AGO/fr/SP.DYN.CBRT.IN.html

[146] The mass registration program and campaigns did not achieve the hoped-for numbers. - Mosaiko, "Registo Civil. Estudo de Caso|2016", p.22

[147] These points are essentially a compilation of those presented in the studies mentioned in this chapter: Gray, Nell and Juliet Bedford, op.cit.; Mosaiko 2016 op.cit., Mosaiko 2017, op.cit.

[148] Conversation with the Registrar of a Conservatória in Luanda.

wait with the registration until their child needs the ID card in school. Thus, it may happen that the parents die without having registered their children[149].

5.1. In case of divorce or separation, the child is often the victim. One parent may refuse to cooperate or both register the child separately – an illegal double registration, sometimes with different names[150].

6. Many fathers try to evade fatherhood or do not care. Members of the armed or security forces may be transferred without having registered their children. The mothers are often not aware that they can and must register their children – or do not want to do so without the presence of the father. In the absence of the father, it sometimes occurs that another person who has the required documents accepts to register a child as father in order to facilitate the birth registration – with all the eventual unwanted legal consequences.[151]

7. The absence of the biological parents makes the registration more difficult. Affected children may grow up with other, distant family members – and sometimes even unrelated persons – and may never get registered.[152] The eventual death of parents must be certified by a death certificate which can only be delivered with an ID card (or at least a birth certificate) of the deceased. But if there is none, the Registrars cannot accept the registration of their children easily.

8. The protracted Angolan armed conflict, anti-colonial and particularly post-Independence, devastated great parts of the registration infrastructure and archives.

9. A 2016 study on birth registration revealed that general knowledge and awareness about the importance of birth registration had grown considerably, first of all because access to education depends on ID documents. However, details about the procedures, the documents required, and the gratuity are not so well known.[153] In rural areas, parents are less aware of the importance of birth registration or, worse, do not care about it; they often live off traditional activities and never felt a need to have civil registration documents or ID cards.

10. A series of aspects deter from registration, particularly in combination:

10.1. The waiting times at registration offices are often very long, from many hours to several days.

10.2. Registry offices or posts are sometimes very distant from the places of birth, particularly in provinces of large territorial extension, like Cuando-Cubango or Moxico. Bad roads turn travel often into major, expensive undertakings.

10.3. Costs for transport and eventually accommodation before finally obtaining the birth certificate are often out of reach for indigent parents. This also explains why in many registration offices the finalized birth certificates pile up: after several failed attempts to pick them up, the applicants are discouraged and abandon further efforts.[154]

10.4. In distant rural areas, the gratuity of the registration (and the first ID card) is often not well known. Furthermore, as demand is greater than the offer, those who are in a hurry or

[149] Meeting with the Registrar of a Conservatória in Luanda.

[150] A Registrar called this a great problem

[151] Gray, Nell and Juliet Bedford, op.cit., p. 73-74, and interview with a Registrar of in Luanda.

[152] Mosaiko: "Registo Civil. Estudo de Caso|2016", p.23

[153] Gray, Nell and Juliet Bedford, op. cit. p. 4

[154] UNICEF, 4.5.2016: "Explaining the importance of birth registration in Angola"-; Mosaiko, 2016, p. 22

are unable to bring all the required documents due to the many obstacles, often resort to bribes in order to be attended faster.[155] Social status and/or personal relationship with the registration staff often help to accelerate the registration process. These circumstances leave poorer, lower-status service users behind.[156] In some cases, it helped to be a member of the ruling party[157]

10.5. Supporting documents needed for the registration, particularly for late registration, do also have a cost.[158]

10.6. The combined costs for larger or polygamous families are easily prohibitive.

11. The quality of the registration services is often low due to the lack of materials, deficient or missing equipment, and interruptions in power supply.[159]

11.1. In the registration offices in the municipalities, registration books[160] or certificate forms may run for some time.

12. Registration staff is often not aware of all new laws, rules, and regulations. Refresher training is rarely done and information about new legal provisions often takes too much time to reach remote registration sites. Staff may not know that late registrations are now also free of charge, that children may be registered when only one of the parents is present, or that orphans can be registered.[161] Different registry offices, and eventually different staff in the same office, may apply different requirements[162]. Thus, a registration may be refused in one office or by one officer and accepted in another office or by another officer.

13. **Apparently on the basis of an earlier circular from the Justice Minister, dated 6 May 2011[163], Registry Officers often refused to register the children of foreigners, particularly of refugees and asylum seekers**[164]. This also resulted from a confusion between the birth registration and the attribution of Angolan nationality: While the ID card is a proof of Angolan nationality, the birth registration alone is not. However, the law clearly states that all children born in Angola must be

[155] Mosaiko, "Registo Civil. Estudo de Caso|2016", p.14-18; Gray, Nell and Juliet Bedford, op.cit., p.6

[156] Gray, Nell and Juliet Bedford, op.cit., p.7

[157] Mosaiko, 2017, p.21

[158] Nell Gray and Juliet Bedford mention costs of up to 20.000 Kz in 2016 (roughly 100 USD), without the collateral costs for supporting documents - p.68

[159] The Governor and the Delegate of Justice and Human Rights of Cunene and the Registrar in Ondjiva also mentioned this point during the joint mission of the 2nd Consultant and UNHCR staff to Cunene

[160] Each book can have a maximum of 200 entries

[161] Gray, Nell and Juliet Bedford, op.cit., p.73

[162] Type of documents required/accepted (such as declarations from the traditional leader, the neighborhood commission, or the administration), witnesses required/accepted, physical presence of the parents, etc. – See for instance: Mosaiko, "Registo Civil. Estudo de Caso|2016", p.11-12; Mosaiko, "Registo Civil. Estudo de Caso|2017"; Gray, Nell and Juliet Bedford, op.cit., p. 75

[163] "Furthermore, pursuant to an administrative instruction issued by the Ministry of Justice (Circular de Execução Permanente) issued in May 2011, issuance of birth certificates to children born of foreigners, including children of refugees and asylum seekers, has been suspended until the adoption of the new nationality law. "Report of the Special Rapporteur on the human rights of migrants on his mission to Angola. 3-10.5.2016", A/HRC/35/25/Add.1, 25.4.2017, para.49. Cf. Jornal de Angola: "Ministra da Justiça manda suspender Lei da Nacionalidade"

[164] This was also criticized by the Committee on the Rights of the Child: "Concluding observations on the combined fifth to seventh periodic reports of Angola", CRC/C/AGO/CO/5-7, 27 June 2018, paragraph 18 and 19

registered. This was only rectified with a circular, dated 25 May 2019, from the head of the DNRN which reminded the Civil Registries that the children of all refugees and asylum seekers must be registered. Normally, for that purpose, the parents must present the documents that confirm their own identity and status. But as such documents have not been issued since 2015[165], the circular stated that even expired documents shall be accepted, as long as models of new documents are not approved.

The Circular does not explain how refugees and asylum applicants can register their children when they do not have ID documents at all, for instance those who arrived in Angola after the adoption of the refugee law of 2015 or those who lost them[166]. While foreigners with a legal status may register their babies with their national identification papers, this is impossible for undocumented refugees and asylum seekers and particularly for irregular foreign migrants who systematically refrain from registering their children due to the risk of repatriation when discovered. In practice, not all Registrars seem to be aware of the 2019 Circular.[167]

In its concluding observations regarding Angola's 5th to 7th periodic report under the CRC[168], the Committee on the Rights of the Child noted in 2018 with serious concerns that "*practical obstacles to birth registration for children born to foreigners, including refugees and asylum seekers, are prevalent owing to a lack of clear guidance provided to birth registration officials, a situation that may render such children stateless*". The Human Rights Committee in 2019 expressed similar concerns.[169]

14. The registration of returning Angolan refugees has often been problematic as they have not always been able to prove their Angolan origins. Many foreigners also tried (and at occasions succeeded) to register as Angolans, which motivates Registrars to pay special attention and eventually refuse the registration. This will be analyzed more in detail further on.

15. The economic crisis which Angola has been going through in recent years has severely limited the capacities to extend further the registration and identification systems. The 2018 budget for the program of universalization of civil registration was cut by 85% in relation to the previous year, the one for the modernization of the ID Card system and the informatization of the criminal register by 47%, in real terms.[170] The UN Committee on the Rights of the Child expressed its serious concern regarding this reduction.[171]

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[165] Indeed, since the adoption of the new refugee law in 2015 (Lei 10/15, de 17 de Junho de 2015, Lei sobre o Direito de Asilo e Estatuto de Refugiado) no documents for refugees or asylum seekers have been delivered or extended, as no application decree for this law has been published so far.

[166] One West African married to an Angolan mother told the author that he had been unable to register his second child because he had lost his documents during an assault; his expired national passport was not accepted

[167] Accounts from refugee representatives and from JRS.

[168] Committee on the Rights of the Child: "Concluding observations on the combined fifth to seventh periodic reports of Angola", CRC/C/AGO/CO/5-7, 27 June 2018, para. 18(d)

[169] Human Rights Committee: "Concluding observations on the second periodic report of Angola", CCPR/C/AGO/CO/2, 8 May 2019, para. 39(d)

[170] UNICEF: "Orçamento Geral do Estado 2018. Registo de nascimento e Justiça para a criança", 2018, p.6

[171] CRC, Concluding Observations on the fifth to seventh periodic reports of Angola, CRC/C/AGO/CO/5-7, 27 June 2018, para. 18(b)

Speaking in Parliament, on 26 November 2019, the Justice and Human Rights Minister admitted the Government's disappointment with the results achieved in the area of civil registration and notary which, in his words, needed a "new dynamic", a new strategy, and not just money.[172]

- In principle, a **risk of statelessness** exists for every unregistered person. In Angola, it is considerable for the children of refugees and asylum-seekers and even more so for those of irregular migrants. Most of them do not have ID documents of their countries of origin anymore.

3.3 ID cards (and passports)

The Angolan ID card is proof of Angolan nationality.[173] Moreover, without it, a citizen is excluded from access to basic rights and services such as basic and academic education, formal professional training, driver's licence, a formal job, a bank account, a personnel SIM card, social security, insurance, credit, travel, buying a home or land, creating a business, registering a car or a motorbike, authenticating one's signature, access to other important documents, filing a lawsuit, being elected[174], inheritance, marriage, birth registration of children, being buried in an official public cemetery[175], and many more. The condition for the issuance of an ID card is the possession of a birth certificate on which no other nationality is recorded.

A well-functioning system of civil registration and issuance of personal identification documents is therefore not only a prerequisite for the access to civil, political, economic, social, and cultural rights, but also a basic safeguard against statelessness.

[172] Lusa, 26.11.2018: "Governo angolano admite insatisfação com serviços de registos e notariado"

[173] Art.6 of Law n.º 4/09 - Nationality certificates are generally not needed, except for naturalized citizens. They can be obtained at any Registry Office, in the Office of Central Registries (for naturalized foreigners), or in Angolan Consulates abroad.

[174] Citizens so far did not need ID cards for the voters' registration. Two witnesses were sufficient.

[175] As a consequence, there are many illegal cemeteries in Angola

3.3.1 The legal and institutional framework

The first Angolan ID card was issued with independence in 1975, replaced by another model in 1996.[176] The current law on the legal regime of civil identification and the issuance of ID cards for national citizens is Law n.º 4/09 of 30 June (2009)[177], slightly modified by Law n.º 20/17 of 31 August (2017)[178] which specifies a new ID card model with enhanced security features and the inclusion of a micro-processor. The card is thereby able to store all visible data and also some invisible ones such as the numbers of fiscal identification, social security, birth registration, voter's card, and eventually other elements allowed by law. This latest ID card model, the 4th since independence, is issued since November 2017 and gradually[179] replaces the model created by Law n.º 4/09 in 2009[180].

Differently from the civil registration system, the new ID system is electronic and linked to a central database in Luanda, accessible from all Angolan Identification Offices. Unlike the former system, the new ID cards are now produced centrally in Luanda. By law, delivery time shall be 2 days in Luanda, 7 days in the provincial capitals and 15 days elsewhere; the applicant receives an SMS when the ID card is ready.[181] The applicant can follow the successive steps of the production of his card on this website: https://bi.minjusdh.gov.ao/#/home.

Any Angolan citizen can request na ID card from birth on, according to Law 3/21 of 25 January 2021 on the amendment of the legal regime of civil identification and the issuance of national ID cards.

The electronic system allows that ID cards are delivered independently of the place of residence or birth. They are issued in all provincial capitals and in 119 out of Angola's 164 municipalities[182] - at 170 sites in total. [183] In the "Lojas dos Registos" and in SIACs, civil registration and ID delivery are both offered in parallel. Abroad, ID cards were initially issued only in the Angolan consulates in Lisbon and Porto (Portugal)[184], but in the meantime also in registration posts in other Angolan diplomatic and consular missions: 35 in 2022 (30 fixed posts and 5 mobile devices).[185]

According to the law, the application for an ID card must be accompanied by a certified copy of the birth registration drawn from the local e-registration system or a photocopy of the original page of

[176] Angop, 18.3.2020: "Emissão do novo bilhete de identidade inicia em Julho"

[177] Lei n.º 4/09 de 30 de Junho (2009), Lei sobre o Regime Jurídico da Identificação Civil e Emissão do Bilhete de Identidade que observa os princípios da legalidade, da autenticidade, da veracidade, da univocidade e de segurança dos dados identificadores

[178] Lei n.º 20/17, de 31 de Agosto (2017), altera a Lei n.º 4/09, de 30 de Junho sobre o Regime Jurídico da Identificação Civil e Emissão do Bilhete de Identidade de Cidadão Nacional

[179] ID cards delivered to citizen aged 55 years and more with life-long validity must be changed within 5 years.

[180] According to the Justice Minister in June 2017, 243 million USD had been budgeted for this renewal project. - Valor, 29.6.2017: "Alteração do BI vai custar 243 milhões USD ao Estado"

[181] O País, 20.11.2017: "Novo BI começa a ser emitido hoje"; O País, 21.11.2017: " BI integrado já é entregue à cidadãos de Luanda"

[182] Info obtained during a meeting at the Ministry of Justice/DNAICC on 26.12.2019

[183] Leaflet of the Ministry of Justice (without date). These sites can be an "Office" ("Repartição"), a "Loja dos Registos" (Registration shop) or a SIAC - 36 sites are located in the province of Luanda, 13 in Benguela province, 12 in Uíge province, but only 5 in Cuando-Cubango

[184] Meeting with the Secretary of State for Human Rights and Citizenship on 19 December 2020.

[185] Details provided by the MinJusHR

the registration book where the registration is still handwritten. For those baptized before 1 June 1963, a baptism certificate is also admitted.[186]

For the renewal of an ID card, the original one is sufficient, unless it was issued before 2002; in that case a copy of the birth certificate is required[187]. In case of loss, a copy of the ID card (if possible), a police declaration of loss, and a certified copy of the birth certificate are required.[188]

Art.23 of Law n.º 4/09 states that in case of doubt about the correctness of the information recorded or ownership of the birth certificate, complementary proof may be asked for. Unsatisfactory applications must be rejected. Indeed, the Identification Offices have the obligation to verify the truthfulness and credibility of the documents and other elements of proof eventually provided, because the issuance of an ID card confirms the Angolan nationality. This is particularly strict in the case of late birth registration.

The holder of an Angolan ID card can obtain an Angolan passport at the SME. The applicant needs to present a copy of the ID Card, a statement from the employer or the educational institution, and a recent residence attestation.[189] A receipt for military registration may also be required.

3.3.2 Obstacles to obtaining an ID card[190]

Important impediments remain and are similar to those for birth registration.

1. While an ID card can be requested at any identification office, the certified copy of the birth certificate must come from the place of the original registration. Where an internet-based central database exists, it can be taken from the system. For persons living far from their place of birth registration, this implies important travel and living expenses, increased by waiting times of sometimes several days. There is no mechanism to have these documents sent through internal administrative channels.
2. Although the copy of the birth certificate that serves for the issuance of the first ID card is officially free of charge, in practice this does not always happen, particularly when the free copy is not delivered at the same time as the free original birth certificate.
3. After having completed the application process for the ID card, it takes sometimes longer to receive the actual card due to shortcomings in the system. This may imply repeated and possibly unaffordable visits at the identification office, especially in distant municipalities.

[186] Art.20 of Law n.º 4/09, revised by Art.3 of Law n.º 20/17

[187] Art.21 of Law n.º 4/09

[188] Art.25 of Law n.º 4/09 and: https://bi.minjusdh.gov.ao/#/menu/1/reference/1 . Cf. também: SIAC: http://www.siac.gv.ao/pt/dnaicc

[189] Art.17 of Decree no. 3/00 of 14 January 2000 on the issuance and use of passports and the entry and exit regime for national citizens (Decreto n.º 3/00 de 14 de Janeiro [2000] sobre o processo de emissão e utilização do passaporte nacional, assim como o regime de entrada e saída a que os cidadãos nacionais estão sujeitos) - http://www.consuladogeralangola-porto.pt/download/pt/3-emissao-e-utilizacao-do-passaporte.pdf

[190] Mosaiko: "Por uma Angola Melhor. Registo Civil. Estudo de caso | 2017" p.13 and following

4. Lack of materials at the identification office or technical failures have often been cited as other major impediments in the course of the delivery process. [191]
5. Unofficial payments (bribes) are often used to accelerate or simply complete the delivery process. There are no homogenous bribe demands, but up to 18.000 Kz (95 USD) were reportedly paid in Lunda-Norte in 2017.[192]
6. According to the Ministry of Justice and Human Rights, appeals against refusals to deliver an ID card are dealt with in the Ministry. No case is known which has been submitted to a court.

3.3.3 Achievements, plans and useful measures

By the end of 2019, nearly 10 million ID cards had been issued altogether.[193] Over 1 million ID cards are now delivered per year (similar to the number of birth registrations, according to the MinJusHR.[194]

In the SIACs there is generally less waiting time, but the fees are higher. At the beginning of February 2020, the 13 existing SIACs of Angola delivered 1.230 IDs daily (new, extension and lost).[195] Medium time per attendance has been 7 minutes.[196]

The NDP 2018-2022 intends to open 17 new local civil and criminal identification facilities.[197]

The new central ID card production center was inaugurated by the President on 8 November 2019 in Luanda, capable of a daily out-put of 20.000 cards. According to the Justice and Human Rights Minister, this facility will allow to surpass the objective of the NDP 2018-2022, which is to provide ID cards to 77% of the population by 2022.[198]

On 20 December 2019, the Government took a courageous step to facilitate the access of millions of Angolan adults to birth certificates and ID cards: voters' cards issued before 1 April 2017 shall be accepted as sufficient documents for the delivery of both.[199] Parliament passed the law on 11 August 2020[200]. During the debate, the Secretary of State for Justice dismissed arguments that, according to

[191] E.g.: Angop, 10.4.2019: "Problemas técnicos dificultam emissão de BI" - https://m.portalangop.co.ao/angola/pt_pt/mobile/noticias/politica/2019/3/15/Problemas-tecnicos-dificultam-emissao,66d402a8-8fca-437b-9e42-2e0bef67a8b5.html?version=mobile; Jornal de Angola, 10.1.2019: "Emissão do bilhete de Identidade retoma dentro de duas semanas" - http://jornaldeangola.sapo.ao/provincias/emissao_do_bilhete_de_identidade_retoma_dentro_de_duas_semanas; Angola-online, 15.8.2019: "Moxico: Sem bilhete de identidade por falta de computadores" - https://angola-online.net/noticias/moxico-sem-bilhete-de-identidade-por-falta-de-computadores

[192] Mosaiko, 2017, p. 15-16

[193] According to the Deputy Director of the DNAICC during a meeting on 26 December 2019

[194] Information provided by the MinJusHR; Angop, 4.12.2020: "Ministro anuncia registo de dois milhões de imoveis até 2025"

[195] Angop, 10.2.2020: "SIAC com 1.230 pedidos de Bilhete de Identidade/dia"

[196] Jornal de Angola, 24.12.2019: "Sistema de atendimento do SIAC segue os padrões internacionais"

[197] PDN/Plano de Desenvolvimento Nacional 2018-2022, p. 193-194

[198] Portal do Governo, 9.11.2019: "Centro permite emissão mais rápida do Bilhete de Identidade" -; Menosfio, 25.6.2019: "Angola terá um novo centro de produção de Bilhete Identidade"; Angola24horas, 8.11.2019: "João Lourenço inaugura centro de produção de U$243 milhões e prevê emitir 20 mil BI por dia"

[199] The Law on the legal regime of civil identification and the issuance of ID cards (Law n. º 4/09 of 30 June) and the Law on the simplification of birth registration (Law n.º 6/15 of 8 May) shall be amended correspondingly

[200] Jornal de Angola, 11.8.2020: "Parlamento vota alteração do regime de emissão do BI"

recurrent allegations, many foreigners had fraudulently managed to receive voters' cards and would thereby illegally become Angolans: it would be disproportional and unjust to continue to exclude millions of Angolans from citizenship rights who had been living in a state of statelessness. 4 million adults would be able to benefit from the new law[201]. One condition must be met though: the name must figure in the central voters' list. On 31 March 2017, when the updating period of the voters' register ended (in view of the 2017 elections), this data base contained 9.217.294 names – many of them enrolled without ID card but by presenting just two witnesses.

Civil Society Organizations had questioned why voters' registration had been so much easier than the access to ID cards, when there was just one condition for both: to possess the Angolan nationality.[202]

- Conclusion: By allowing 4 million voters to register their birth and to receive ID cards, the number of roughly 14 million unregistered Angolans will be reduced substantially. This is big step forward in the endeavour to reduce the risks of statelessness. The procedure to register the 4 million will however need supplementary staff and extended facilities, as it represents a heavy extra workload. It is important to make sure that the normal, ongoing registrations will not be impaired. Providing millions of otherwise undocumented Angolan voters with ID documents certainly outweighs the risk of conferring the citizenship to a limited number of foreigners.

4 Groups at risk of statelessness

We will have a look first at risks of statelessness in Angola and then at such risks for Angolans abroad. The groups within Angola can be subdivided into:

a) those who have Angolan origins such as returning former refugees and exiles (who may not have officially registered as refugees), abandoned and street children, nomadic pastoralists of southern Angola, or persons living in border areas where the exact course of the border is controversial, and;

b) irregular foreign migrants and long-term refugees. Among the Angolans living abroad, statelessness may particularly threaten long-term Angolan refugees and exiles - most of whom live in the DRC and Zambia – who do not have Angolan identity documents.

4.1 Risks of statelessness in Angola

4.1.1 For persons of Angolan origin

4.1.1.1 Angolan returnees – the example of Uíge province

When the peace agreement between Government and UNITA was signed on 4 April 2002, over half a million Angolans led a refugee life abroad, mainly in Zambia and in the DRC. Most returned during the first organized UNHCR repatriation operation in 2003-2005, many also on their own initiative. A second

[201] Observador, 11.8.2020: "Parlamento aprova lei para angolanos com cartão eleitor terem bilhete de identidade"; Jornal de Angola: "Parlamento vota alteração do regime de emissão do BI"

[202] Mosaiko, 2017, p. 25; Gray, Nell and Juliet Bedford, op.cit., p.5; Handeka during a meeting on 29 November 2019; DW, 13.11.2019: "11 milhões de angolanos continuam sem registo oficial"

UNHCR operation in 2011-2012 brought back a further 23.000.[203] One of the immediate problems that came up was the issue of their Angolan identification documents.

Uíge province was probably the province of origin of most Angolan refugees in the DRC. For that reason, this province will serve here as example[204]. The inhabitants are mainly from the Bakongo ethnic group which covers large areas of the two Congos and northern Angola. Due to the very long years in exile, many of the children, grandchildren and great-grandchildren of the Angolan refugees had adapted to the local customs and culture and did not speak Portuguese, but rather French and Lingala, the main language of Western DRC. They did not live in refugee camps, but scattered over the Congolese neighbourhoods and villages, although generally well identified as Angolans.

Some of the more recent refugees still had their birth certificates or even ID cards. But among the long-term refugees many had lost them or never had had. Most of their children were not registered at Congolese civil registry offices.[205] The Angolan Embassy in Kinshasa would have accepted the testimony of an Angolan community leader in order to register them, but it would have meant travel with all inherent costs and some might have had reservations to contact the Embassy. As consequence, this possibility was rarely used.[206] How would they prove their Angolan origin and nationality? The majority of the returnees were identified by UNHCR Voluntary Repatriation Forms (VRFs[207]) which the Government had accepted to recognize as identification documents.[208] These were handed out to registered refugees who chose to go back to Angola within a UNHCR-organized program or spontaneously.

The arrivals were registered and then sent to their municipalities of origin. The local antenna of the Ministry of Social Assistance and Reintegration[209] would help to locate families through sobas[210] or local administrators.

But the whole process was not easy and prone to errors, difficulties, and failures. Many returnees came back without any identifying document whatsoever and without any clear memories or references of their origins in Angola, their villages, or relatives[211]. At the same time, Congolese and other foreigners tried to get into Angola in search of a better life. So, the Angolan authorities found themselves confronted with the problem of sorting out who was Angolan and who was not.[212] Precisely due to the long-time integration of the Angolans with the Congolese communities, this was difficult at times. "Here in Angola, they are called Congolese and in Congo they are called Angolans"[213]. Those of the 2nd, 3rd or even 4th generation refugees whose parents died without leaving any personal documents or

[203] UNHCR, 29.6.2012: "End of refugee status for Angolan and Liberian exiles this weekend"

[204] Missions to Lunda Norte and Sul and Moxico were not carried out due to time restraints

[205] The Congolese birth registration system functions rather badly. – Meeting with MASFAMU on 21.2.2020

[206] As stated during a meeting with the interim head of the DNAICC on 26 December 2019.

[207] Voluntary Repatriation Form

[208] As confirmed also by the Justice Ministry during a meeting on 19 December 2019

[209] Today: Ministério da Acção Social, Família e Promoção da Mulher (MASFAMU)

[210] Traditional chiefs

[211] According to the Catholic Bishop of Uíge, another wave of returnees arrived around 2012, most of whom did not have any ID documents.

[212] Discussed during meetings with the local authorities of Uíge.

[213] As the Acting Delegate of Justice in Uíge explained

references, who lost them or who did not know other members of their broader family in Angola are most at risk of statelessness[214].

Testimonies from traditional chiefs ("sobas"), local administrators, or local churches which managed to keep their baptism registers have been widely accepted as proof of identity and Angolan nationality but, due to abuses or presumed abuses, this was not automatic. Indeed, some sobas had accepted bribes for the issuance of documents testifying that the holder was a native of their area.[215]

For the cases of doubt about the nationality of a returnee, the Province had set up a commission composed of representatives of the Civil Registry, the Service for Migration and Foreigners (SME), the Police and the Criminal Investigation Service (SIC) and tasked with determining the identity and nationality of the person in question. If the commission approved, the individual could be registered and receive an ID card. Otherwise, the case was sent back to the SME for further investigation and possibly repatriation.

In no case, the refusal of delivery of personal documents has ever been brought to court.

The central government had instructed the Province to accept the returnees who did not speak Portuguese and did not look or behave like Angolans and to register them. But the Provincial Police Commander explained that irregular foreign migrants had managed to receive Angolan documents fraudulently, through bribes and local connivances[216], and that this had motivated the police and the SME to reinforce controls. Indeed, Uíge province regularly expels irregular foreigners - 30 to 90 per week (2019-2020). But local authorities and other local sources admitted the possibility that particularly during recent mass repatriations of foreigners, essentially Congolese citizens, Angolan citizens might also have been deported to Congo.

The conclusion is that returning refugees and exiles may be exposed to the risk of statelessness:

- When the Police or the SME suspect that Angolan ID documents had been issued unduly, they put into doubt the correct work of the Civil Registry. The difficulty to distinguish clearly between an Angolan returnee of Congolese appearance due to his/her long residence in the DRC and an irregular Congolese migrant may motivate such doubts. But it is highly problematic when such doubts become frequent and motivate regular controls. Genuine Angolans may be deprived of their documents and become stateless. If one section of the administration (Police, SME) questions the correct and diligent work of another section (Civil Registry) there must be a thorough investigation to determine responsibilities for fraudulent work at the source, followed by punitive sanctions. The Police and SME must be able to trust that ID documents were issued correctly and in good faith. Questioning such documents on a regular basis may lead to statelessness.
- Again, the low rate of birth registration in general contains risks of statelessness: The 2014 census showed that in Uíge 56,3% of the total population of 1.483.118 did not have their birth registered (835.425)[217]. Registration campaigns in 2017-2018 and again in 2019 only covered parts of the 16 municipalities of the province: 94.336 persons were reached. In 4 municipalities, the civil registration is computerized: in the provincial capital Uíge, in Songo, Kitexe, and Damba.

[214] Competition for access to scarce land was also named as a problem during a meeting at MASFAMU

[215] Various accounts (Catholic Church, Registrars, and others)

[216] According to the Police Commander, one or two employees of the Civil Registry had been detained for such fraud

[217] 2014 Census, p. 143

All 16 municipalities of Uíge province deliver ID cards (and are thereby linked to the central database in Luanda).[218] Uíge town has a SIAC. Access to many areas of the province remains a challenge due to degraded roads. Transport cost and bad roads have also been named as an impediment to registration – as much for the applicant as for the Registrar and the Registry staff. Some returnees who are not registered have voter's cards at least and may now obtain birth certificates and ID cards.

Many of the returnees came back with their Congolese spouses and their children.[219] For over 20 years, the DRC has not been delivering ID cards – voter's cards are accepted instead - and only about a quarter of the children in the DRC had their birth registered.[220] Most couples do not have marriage certificates. As result, the foreign spouses or partners face difficulties with the regularization of their marriage and residence situation in Angola. According to the law, these parents should have registered their marriage and children in the Angolan Embassy in the DRC. Otherwise, for the registration of marriages, Congolese documents are accepted at the Central Office of the Civil Registry in Luanda when translated and authenticated. Now, for most such couples[221], unemployed and with little revenues, these procedures are unaffordable and out of reach. Moreover, the renewal of Congolese passports, whenever they have one, can only be done in Congo or at the Congolese Embassy in Luanda, at a cost of 250 USD plus travel costs - unattainable for most. According to local sources, the SME issued free of charge 1-year visas to Congolese passport holders in this situation. Many of them, though, do not have passports, or only expired ones, and their situation remains precarious. The SME so far seems to refrain from expelling the Congolese partner/spouse. Their children can be registered, but the Angolan partner must have ID documents for that. There are cases that the residence situation of the foreign spouse is not regularized and his or her name is not registered. [222]

Conclusion:

- In the absence of legal identification documents, Congolese spouses may find themselves stateless at one point of their life. Particularly poverty can be an unsurmountable obstacle for the foreign spouse who needs to renew the Congolese passport in the DRC or at the Congolese Consulate in Luanda. Their children may be at risk of statelessness when the Angolan partner has difficulties to obtain Angolan ID documents him- or herself.

[218] Ambuíla , Bembe, Buengas, Bungo, Cangola, Damba, Makela do Zombo , Milunga , Mucaba, Negage , Puri, Kimbele, Kitexe , Sanza Pombo, Songo, Uíge

[219] Here only Congolese spouses are referred to. There may be other foreign spouses married to or living in an effective union with an Angolan partner, but no such case has been mentioned during the mission to Uíge.

[220] Documentation et archives, 15.8.2017 : "RDC, plus de 20 ans sans carte d'identité"; Pona Bana (&UNICEF), 18.3.2019 : « Les actes de naissances ne sont utiles qu'en temps ultimes en RDC ». In 2020, the RDC started to prepare a national registration in order to provide every citizen with an ID card, 7sur7.cd, 5.6.202: « RDC - Nouvelle carte d'identité : la BAD appelle les entreprises à manifester leur intérêt pour la réalisation d'une étude de faisabilité »

[221] Also mixed in terms of gender: both genders are found among the foreign partners

[222] Information obtained from Caritas/Uíge and at the Governor's Office

4.1.1.2 Disputed returnees in Malanje: the Pende

One particular group that came from the DRC and claims to be Angolan are the Pende which are presently living in areas of Malanje[223], Lunda Norte, Lunda Sul, and Moxico. The Angolan authorities have expressed some doubts about their Angolan origins and refused to register them – with however several exceptions. The question is therefore whether they are of Angolan origin or rather opportunistic Congolese immigrants.

The SME initially registered 1.802 Pende but sent back all who arrived later. This decision followed their assessment that nearly all were young persons headed to the diamond areas which have always attracted young Congolese diamond diggers. According to the Provincial Social Action of Malanje a huge influx of Pende began in 2005. Differently from most returning Angolan refugees, they came without UNHCR-VRFs and were unable to prove their Angolan descendance. The Social Action said to have registered about 5.000 of them by 2010 – more than the SME

Other sources in the local government explained that the Pende left Angola 400 years ago and only came back gradually since the 1960s and that many remained in the Congo. Their language is different from the Kimbundu spoken in Malanje, and they are said to live separately from other communities. They are therefore said to be easily distinguishable.

Leaders of the Pende community state that they are descendants of the former Ndongo kingdom, founded by King Ngola Kiluanje in the 16th century. Confronted by the Portuguese, the kingdom gradually withdrew from the coast to the Baixa de Cassanje during the 16th and early 17th century. The majority of the Pende fled to Congo as a result of the colonial repression that followed the insurrection of 4 January 1961 in the Baixa de Cassanje. More left in 1975/76 during the independence conflict and again after 1980 when the armed conflict intensified. Some of them came back during the 1991/92 peace. Most others came back after the 2002 peace accords. Some went through the formal border posts and were registered by MINARS (today MASFAMU) [224], others crossed informally. Some had UNHCR documents and some still knew the municipalities they had originated from and found family members there.

The Pende community leaders complained that they are not recognized as Congolese in the DRC and not as Angolans in Angola. But the situation seems to be more complex: when the author met 6 of the community leaders in Malanje, 5 presented Angolan ID cards; 4 had voter's cards and had voted in 2008, 2012 and 2017; and 3 had membership cards of one of the political parties (one dated 2001 and two dated 2008). That clearly showed that not all Pende are excluded from Angolan citizenship. But it was not possible to obtain more details about how many of the Pende held Angolan ID documents and how many did not.

The community leaders explained that initially they had been well received and given land. But the relationship with the authorities later soured over issues of traditional authorities and the rivalry with other local ethnic groups which allegedly enjoyed more influence in the provincial Government.

[223] Municipalities of Kela, Cunda-dia-base (a region called "Baixa de Cassanje"[223]), Kiwaba-Nzoji, Cacuso, Marimba, and Massango

[224] "Ministério da Assistência e Reinserção Social": former Ministry of Social Assistance and Reinsertion which today has become the MASFAMU, Ministry of Social Action, Family and Women's Promotion

The central Angolan Government is aware of the question of the nationality of the Pende. In 2017, the Government established a multisectoral research commission tasked with analyzing their situation. The commission included historians, anthropologist, ethnologists, and jurists.[225]

It is not clear how the DRC envisages the case of the Pende - that is, whether it recognizes them as Congolese citizens.

Conclusion:

- The Pende will be at risk of statelessness if indeed neither Angola nor Congo consider them as their nationals. The idea of the multisectoral inquiry commission is a constructive one. It should examine to what extent the origins of the Pende can be traced back to Angola and on that basis elaborate a list of criteria that would determine who is to be recognized as Angolan. Migrations that occurred centuries ago may not legitimate present citizenship. A joint commission with the Congo could be considered in order to settle this issue.

4.1.1.3 Abandoned children, street children

Due to various factors such as domestic violence, poverty, or accusations of witchcraft, children have often left their families preferring a life in the streets. A difference is generally made between those children that keep contacts with their families and often return home at night (children *in* the streets, or "crianças na rua")[226] and those who are living in the street on their own, with no contacts to any of their relatives (children *of* the streets, or "crianças da rua"). Until 2002, the armed conflict motivated many children from the interior of the country to go to the capital Luanda. Most street children are found in Luanda, but other provincial capitals also have. There are girls among them - and some of these even gave birth in the street.

Homeless persons - 2014	
Age group	Numbers
0-4	1.588
5-14	1.915
15-64	5.866
65 +	308
	9.677
Source: 2014 Population Census, p. 66	

> *The 2014 Population Census counted 9.677 homeless persons in Angola. According to information provided by the Direcção Nacional da Criança/MASFAMU there were 7.212 minors living in 104 reception centers all over Angola in 2015/2016. 415 were living with foster mothers.*[227]

The 1967 Civil Registry Code (still in force) includes all minors with an apparent age of less than 14 years in the category of children in the situation of abandonment whose parents, whether known or not, left for an unknown place (Art.133). Abandoned children must be registered in the Civil Registry competent for the area where the child was found if no other earlier registration can be found (Art.134 – Art.137). Minors from the age of 14 on can request their registration themselves (see "late registration", p.38).

[225] As stated during a meeting at the DNAICC (Direcção Nacional do Arquivo de Identificação Civil e Criminal = National Directorate of the Civil and Criminal Identification Archives) in December 2019

[226] In Malanje e.g., 95% of street children return in the evening, according to the local Social Action

[227] Ministério da Justiça e Direitos Humanos/UNICEF: "Relatório sobre o Sistema de Justiça para Crianças em Angola. Relatório Final. Bié, Huíla, Luanda, Moxico. Agosto de 2015 a Junho de 2016." 2018, p.26 - https://www.unicef.org/angola/media/1771/file/Relat%C3%B3rio%20sobre%20o%20Sistema%20de%20Justi%C3%A7a%20para%20Crian%C3%A7as%20em%20Angola.pdf

There are about 26 religious and civil organizations in Luanda that deal with street kids in Luanda; about 20 are running accommodation centers of different types and qualities[228]. Most accommodation centers do not accept adolescents over the age of 14, which leaves older minors vulnerable.

The total estimate of street children in Luanda is currently 1.000 to 1.500[229]. Overall concrete responsibility lies with the Social Action at the municipal level which also oversees the private institutions. The National Children's Institute (INAC) operates under the MASFAMU and is responsible for the implementation of advocacy, investigation and advocacy policies but does not deal directly with street children. It cooperates with the MinJusHR on issues of birth registration. An NGO Child protection network [230]supports the work of the MASFAMU.

Among the accommodation centers in Luanda, newborn foundlings are only accepted in the state-run "Lar Kuzola" which is home to more than 300 children. In other cases, they have been accepted by foster mothers in the communities. Possible adoptions are processed through the Minors' Courts.[231]

Children living in the street seldom have a birth certificate. Often, the parents are negligent or cannot register their children because they themselves do not have birth certificates. In the case of polygamy, it also occurs that the 1st wife refuses that a child with the 2nd wife be registered under her husband's name.[232] The situation is more difficult when the child is living in the street without any family reference.

Lar Kuzola,	
Age group / years	**Number**
0-3	46
4-6	53
7-13	149
14-19	58
Disabilities / 5-36	68
(February 2020)	**374**

According to various CSO's or institutions working with street children, birth registration is a central concern but not an unsolvable problem. First, they try to identify and locate the parents and get their help to register the children. If this is impossible, there are other ways, like for instance the help of neighbourhood commissions or the local church to find other confirming documents. CSOs report they met an overture with the MinJusDH to cooperate, and certain Registries have accepted to register such children: it depended often on the good will of the Registrar. Even when the parents are completely unknown, the CSOs have generally been able to have the children registered – and to receive ID cards for them.

From the age of 14 on, a minor can ask for the birth registration him/herself ("late registration" – cf. p.38). He/she needs two witnesses to confirm his/her identity, and CSO staff have accepted to serve for that.[233]

[228] In Luanda for example Lar Kuzola, Centro de Acolhimento de Crianças Arnaldo Janssen, Horizonte Azul, ACA, Casa Mamã Margarida, etc. The Catholic Salesians of Dom Bosco (SDB) are implementing, together with the Italian NGO VIS (Volontariato Internazionale per lo Sviluppo a broad program in favour of these children, mainly with EU funding, and are the most experienced ones in this field

[229] Estimate of SDB/VIS

[230] Rede de protecção e promoção dos direitos da criança in english Network for the protection and promotion of children's rights

[231] Meeting with the Acção Social office in Malanje on 20 January 2020

[232] As heard on 26.11.2019 at the Centro de Acolhimento de Crianças Arnaldo Janssen (CACAJ)

[233] Information obtained from SDB/VIS and CACAJ

Like other similar institutions, Lar Kuzola also gives priority to the reintegration of the minors into their families. In 2019, out of a total of 619 children that came to the Center, 272 children were reintegrated into their families and 34 were adopted. Only a few come from the provinces and are also reintegrated into their families, where possible, with the help of the respective municipal "Accão Social". **All children who do not have already birth certificates are registered after 3 years of stay in the center**, so as to let pass enough time to make sure they have not already been registered by their parents. They are then registered in the 3rd Conservatória in Luanda, without the names of their (unknown) parents. As place of birth ("naturalidade"), the birth certificate indicates the place where the child was found. They will receive two personal names and "Kuzola" as family name. At the age of 18 they may change their names, for instance if they find out their true family name and want to adopt it. With these registrations, the children can get their ID cards. They are considered Angolans and registered as such. The author saw a sample of birth certificates and ID cards of children hosted in the Lar.

Lar Kuzola also received 16 victims of trafficking from the DRC. Return and reintegration have been difficult in spite of joint efforts with the DRC Embassy in Luanda. After 3 years they are also registered as Angolans and attend school – like all other children.

Conclusion:

- As seen above, the Constitution of the Angolan Republic (Art-9-3) and the Nationality law (Art.9-2) grant original Angolan citizenship only to newborns found on Angolan territory. In practice however, at least the most important private and public institutions have been able to obtain birth certificates and ID cards for the abandoned children they care for - including for those older than newborns. This is certainly a good practice - although it is not compliant with the Constitution and the Nationality Law.
- The risk of statelessness is notably greater for children and adolescents living in and from the street that have not been taken care of in time by any of the dedicated public or private institutions, so that they missed their birth registration – particular all those over 14 years.[234]

One issue that has not been verified in the context of this study is about the Congolese children left behind during the repatriation operations, mainly in Lunda Norte, which according to various reports did not always ensure that families were kept together.[235]

4.1.1.4 Nomadic pastoralist of southern Angola

Southern Angola is characterized by a semi-nomadic and nomadic way of life.

The Kwanhama (Kwanyama), 2,26% of the Angolan population, live as semi-nomadic cattle herders and farmers in the province of Cunene and the south-eastern part of Cuando Cubango. They are part of a greater group called Ovambo in Namibia.[236] Another group, the Herero, mostly live in Namibia, but partly also in Botswana and Angola (provinces of Cunene, Namibe and Huíla) - about 0,5% of the Angolan population.

[234] They may still succeed in getting registered, but the process is much more complicated, as supporting documents and witnesses will be required – and that still might be considered insufficient by the Registrar.

[235] JRS in 2019 identified 105 street children in Dundo/Lunda Norte, of which 12 had come from the DRC.

[236] Ovambo/Wikipedia; Country studies: "Ovambo, Nyaneka-Humbe, Herero, and Others", Library of Congress/USA; and 2014 Population Census

Both groups belong to the Bantu group that migrated from Central into Southern Africa some 1000 to 2500 years ago[237], where they met older inhabitants: the Khoikhoi, the San[238], and the Vátua - people that lived and partially still live from gathering and hunting. The Khoikhoi and the San (both often called with one name: the Khoisan) are scattered today over South Africa, Botswana, Namibia, and Angola (provinces of Namibe, Huíla, Cunene, and Cuando Cubango) – about 100.000 in all.[239]

The Vátua are mainly found in and around the municipality of Curoca in Cunene Province. They make their living out of cattle raising, subsistence agriculture, and hunting.[240]

Approximately half of the border between Angola and Namibia is made of the Cunene and Cubango rivers which are difficult to pass through for cattle. But that leaves enough land borders for herdsman to cross, especially in times of drought as repeatedly occurred in recent years.

The 2014 Census has shown that birth registration in the rural areas of southern Angola is below 30%. Among nomads or semi-nomads, it is even lower.

While the SME in Cunene maintained that these pastoralists are sufficiently identified as Namibian or Angolan, other authorities there deemed that these semi-nomadic people could be at risk of statelessness as their families are often living on both sides of the border, which implies frequent transborder movements.[241]

Travel over the common border is officially visa-free for Angolans and Namibians for up to 30 days. But a crossing pass is required. Inhabitants of border areas (up to 60 km) can get special permits to pass the border for a short time[242]. However, it is not clear how this translates into reality and how this applies to nomads, especially those without birth registration.

There have been efforts by the Angolan Government, eventually in cooperation with NGOs, to encourage the Khoisan to settle down in less distant areas and provide them with basic social services, including birth registration. But in Cuando-Cubango for instance, the enormous distances combined with the lack of means and funds made the task difficult.[243]

- Conclusion: The fact that most nomadic and semi-nomadic people are not registered and that many of them are "at home" on both sides of the border implies risks of statelessness.

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[237] Afrika-junior.de: "Die Bantu und die Völkerwanderung in Afrika"

[238] Khoisan/&Wikipedia; Culture Trip, 20.2.2018: "What to Know About the Khoisan, South Africa's First People"

[239] 2018 estimate - Madiba.de, 6.11.2018: "Afrikanische Stämme: Ureinwohner und indigene Völker Afrikas"; Martin W. James: "Historical Dictionary of Angola"; Die Welt, 20.9.2012: "Die Khoi-San – Das älteste Volk der Welt"; BBC News, 7.1.2014: "Botswana Bushmen: Modern life is destroying us"

[240] Filipe Zau, Jornal de Angola, 9.3.2010: "O grupo pre-bantu Vátua"; Last Places, Angola DMC; De Gruyter, 10.12.2019: "Kuvale: A Bantu language of southwestern Angola", Journal of African Languages and Linguistics, vol.40, No.2 (Abstract); Ikuska.com: "CUROCAS (Kwepes - Kwissis)"

[241] During a meeting with the assistant consultant in early December 2019.

[242] Jornal de Angola, 2.8.2019: "Fome leva crianças a abandonar a escola no município do Cuangar"

[243] Jornal de Angola, 4.11.2018: "Comunidade Khoisan tem registo gratuito"; Portal de Angola,2.7.2017: "Cunene: Comunidade Khoisan beneficia de registo de nascimento"; Angop, 6.4.2010: "Delegado da Justiça preocupado com khoisans sem registo de nascimento"; Angop, 16.1.2010: "Reintegration of Khoisan people in Cuando Cubango highlighted"; Jornal de Angola, 11.4.2010: "Pessoas da comunidade khoisan estão sem registo de nascimento"; Angop, 9.3.2009: "Khoisans beneficiam de registo de nascimento"

Although local administration officials and traditional chiefs may have some ideas about the people of their zones of control, this does not completely eliminate such risks.

4.1.1.5 Populations living in disputed border regions

The OAU summit of July 2002 had decided that all African borders should be delimitated and demarcated by end-2012 in order to promote peace, security, integration and development on the continent. The African Union Border Programme of 2007 was designed to support this aim.[244] But due to considerable delays [245], the deadline has been pushed forward two times: to 2017, then to 2022.[246]

According to information obtained from the Ministry of Foreign Affairs, all borders of Angola are duly delimitated. There are no doubts about the nationality of the people living next to the borders. The borders were agreed among the colonial powers, recorded in maps, and accepted by the OAU/AU.

In January 2007, the DRC accused Angolan forces of having occupied 11 villages[247] in the Kahemba territory in Kwangu Province on the border with Lunda Norte. In July, the Presidents of both countries signed an agreement that the border should follow the colonial boundaries. The dispute was resolved during a meeting in Belgium in October 2007 on the basis of colonial documents which detailed the course of the border. The area in question was acknowledged as Angolan.[248]

During a visit of an Angolan delegation in Kinshasa in July 2013, it was agreed to verify and restore damaged boundary stones.

Boundary stones demarcating the border between Namibia and Angola are also partially eroded. In May 2018, both countries decided to set up a sub-commission tasked with verifying and restoring the landmarks. Among 34 landmarks verified, one was completely destroyed and 4 partially.[249]

It is not clear to what extent uncertainties about the exact location of the aforementioned boundary stones may affect the nationality of inhabitants of those zones. It is important to remind that the Convention on the Reduction of Statelessness determines (Art.10) that any "transfer of territory shall include provisions designed to secure that no person shall become stateless as a result of the transfer.

This principle has also been reconfirmed in the "Draft Articles on Nationality of Natural Persons in relation to the Succession of States" which the International Law Commission (ILC) recommended in 1999 to the UN General Assembly for adoption in the form of a declaration. These articles aim, in detail, at ensuring that, in the case of the succession of States, the inhabitants of affected territories have the

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[244] Union Africaine, Déclaration sur le Programme Frontière de l'Union Africaine et les modalités de sa mise en œuvre telle qu'adopté par la Conférence des Ministres Africains chargés des questions de frontière, tenue à Addis Abeba (Éthiopie), le 7 juin 2007

[245] Rapport de la Commission sur la mise en œuvre du programme frontière de l'Union Africaine (PFUA), 2009

[246] Communiqué de la 777e réunion du Conseil de Paix et de Sécurité de l'UA du 1er juin 2018

[247] Shakadiata, Shahono, Shahingi, Kabengele, Shamufuka, Kambangunzi, Tshakala, Shayimbwanda, Shahidi, Kalumbandi et Shashindingi . – Congo Vision, 12.3.2007 : « Les députés de Kahemba confirment l'occupation de leur territoire par l'Angola qui y fait flotter son drapeau »

[248] Angop, 25.7.2013: "Refugiados angolanos e fronteiras em análise"; Jornal de Angola, 27.7.2013: "Cidadãos na RDC fixam residência"; VoA, 20.7.2007: " Assembleia congolesa denuncia ocupação de território por forças angolanas, revela VOA"; Congo Vision : « De l'espace global au village de Kahemba : Les litiges sur les territoires frontaliers »

[249] Number 20 completely and number 26, 28, 29 and 34 partially. Angop, 26.5.2018: "Defendida requalificação dos marcos fronteiriços com a Namíbia"

right to the nationality of at least one of the respective States and that none becomes stateless as a consequence of the succession.[250]

In its study on the Right to Nationality in Africa, the African Commission on Human and People's rights recommends to the African States to follow the document of the ILC: "In case of State succession, persons having the nationality of the predecessor State should have the option of choosing citizenship in the successor State to which they have the strongest attachment, and where this option is not available, they should be granted citizenship in their country of habitual residence. In any case, they should, at the very least, have the right to citizenship in one of the successor States."[251]

- Conclusion: It has to be ascertained whether possible doubts about the exact position of colonial-time border marks affect the nationality of the people living on possibly controversial land so as to make sure that their right to a nationality and possibly the option for one of the (normally two) nationalities in question is guaranteed.

4.1.1.6 Human trafficking

Victims of human trafficking may face statelessness when their identity and nationality cannot be formally established. This risk is especially high for children who are unable to provide sufficient information about their origins or for persons with a low degree of education or speaking a little-known language. Persons trafficked into a foreign country may also experience difficulties on various grounds to receive provisional travel documents back to their country of origin or residence from their respective embassies - if ever such embassy exists in the country.

By July 2020, the Angolan MinJusHR had recorded just over 100 cases of human trafficking during the 5-year period 2015-2020. 20 of them had been dealt with by courts while the remainder was still under investigation.[252] Most cases were detected in the provinces of the borders with Namibia (Cunene) and the DRC (Zaire, Uíge, Lunda Norte, Cabinda), and Luanda. In three quarters of them, the victims were children and women. Trafficking extends to foreigners smuggled into Angola, Angolans channelled out of Angola, or persons trafficked inside Angola.[253] The purpose is generally sexual exploitation, forced labour, or trafficking in organs[254].

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[250] Resolution adopted by the UNGA: "Nationality of natural persons in relation to the succession of States", A/RES/55/153, 30.1.2001; Draft Articles on Nationality of Natural Persons in Relation to the Succession of States (with commentary)

[251] The Right to Nationality in Africa, para. V, page 52 (and para. 5.10.3, page 46) - https://www.refworld.org/pdfid/54cb3c8f4.pdf

[252] Angonotícias/Angop, 30.7.2020: "Luanda entre cidades mais afectadas pelo tráfico de pessoas"

[253] Jornal de Angola, 1.8.2020: "O tráfico de seres humanos"

[254] Trafficked Angolan women and children are exploited in domestic services or as sex workers in South Africa, Namibia, or European countries. Boys are abducted to Namibia for forced labour in cattle herding. Since children under the age of 12 cannot be prosecuted under Angolan law, they are used in the smuggle trade over the border between Angola and Namibia. Foreigners are trafficked into Angola for sex work or forced labour in construction works under inhumane conditions, with traffickers depriving them of their passports. Minors are exploited within Angola for forced labour in brickmaking, domestic service, construction, agriculture, and artisanal diamond mining. There are no concrete cases, but some suspicions regarding trafficking of persons into Namibia in order to harvest their organs. - US State Department: "2020 Trafficking in Persons Report", June 2020, p. 72-75; Observador/Lusa, 16.7.2020: "Angola forma técnicos contra tráfico de seres humanos com registo de mais de 100 casos"; Folha 8/Lusa, 1.7.2020: "Tráfico humano veio para ficar?"; Angop, 27.1.2020: "Angola registou 89 casos de tráfico de seres humanos desde 2017"

Angola has taken various measures to curb human trafficking. It adhered to the UN Convention against Transnational Organized Crime on 1 April 2013 and to its "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" (Palermo Protocol)" and its "Protocol Against Smuggling of Migrants by Land, Sea and Air" on 19 September 2014.

In late 2014, the President created the Interministerial Commission Against Human Trafficking [255] tasked with formulating a comprehensive, integrated programme to prevent and prosecute trafficking in persons[256]. The Commission drafted the 5-year "Action Plan to prevent and combat human trafficking" published in February 2020 by Presidential Decree[257]. The Action Plan aims at the prevention of human trafficking, the protection of victims, and the investigation and persecution of perpetrators.

The 2014 Law on the Criminalization of Offences Surrounding Money Laundering[258] contains various articles that sanction modern slavery, trafficking and commercial exploitation of persons and in particular of minors (Art. 18 – 23). This law was however revoked in 2020 by the new **Penal Code** which contains several provisions regarding the trafficking of persons. Aimed to protect the human person, it specifies various crimes, notably the trafficking in persons (Art.178), kidnapping (Art 175), the taking of hostages (Art.176), slavery (177), sexual aggression (Art.182), sexual abuse of unconscious persons or unable to resist (Art.184), pimping (Art.189), pimping of minors (Art.195), sexual trafficking of persons (Art.190), sexual abuse of minors up to the age of 14 (192), sexual trafficking of minors (Art. 196), child pornography (Art.198), illicit trafficking of migrants (Art.281), criminal association (Art.296) and others.

In July 2018, Angola adhered to the Blue Heart Campaign launched by the UN Office on Drugs and Crime (UNODC) in 2009 with the purpose of raising awareness about the scourge of human trafficking. In January 2020, the Angolan Parliament adopted a law on the protection of victims, witnesses, and collaborating defendants[259] which includes the right to legal residence and potential asylum for foreign trafficking victims and witnesses when necessary for their protection and the legal proceedings, and medical and subsistence assistance (Art.22 -29).

The Government has organized various training activities for law enforcement agencies (including SME officers, border guards, and police), magistrates, and civil society organizations on the identification of victims of trafficking and the appropriate follow-up. UNHCR and IOM have been supporting these endeavours. Angola also reinforced cooperation with other countries (mainly Portugal, Brazil, DRC, France, South Africa, Namibia, and Zambia) in the prevention of and combat against trafficking.[260]

So far, the number of detected cases seems rather low. Only a few cases of trafficking of children into Angola have been reported. Lar Kuzola mentioned the cases of 16 child victims of trafficking from the

[255] Despacho Presidencial n.º 235-14 de 2 de Dezembro de 2014, Criação da Comissão Interministerial contra o tráfico de seres humanos

[256] http://www.servicos.minjusdh.gov.ao/comissao-inter-ministerial-contra-o-trafico-de-seres-humanos

[257] Decreto Presidencial n.º 31/20 de 14 de Fevereiro de 2020)

[258] Lei n.º 3-14 de 10 de Fevereiro, Lei sobre a Criminalização das Infracções Subjacentes ao Branqueamento de Capitais

[259] Lei n.º 1/20. De Protecção das Vítimas, Testemunhas e Arguidos Colaboradores em Processo Penal

[260] US State Department: "2020 Trafficking in Persons Report", June 2020, p.72-75; Folha 8/Lusa, 1.7.2020: "Tráfico humano veio para ficar?"; Observador/Lusa, 16.7.2020: "Angola forma técnicos contra tráfico de seres humanos com registo de mais de 100 casos"; Angonotícias/Angop, 30.7.2020: "Luanda entre cidades mais afectadas pelo tráfico de pessoas"; Jornal de Angola, 26.10.2019: "Executivo comprometido com o combate ao tráfico"; Ministério da Justiça, 1.11.2019: "Tráfico De Seres Humanos Em Análise"

DRC that it received. The Catholic Centro de Acolhimento de Crianças Arnoldo Janssen reported one case. SDB/VIS[261] mentioned less than 10 Congolese children they met, most of whom had families in Luanda. As mentioned above, Lar Kuzola has been successful in registering the trafficked and abandoned children from the DRC in the Angolan civil registry (cf. p.57) which effectively made them Angolans.

- Conclusion: Trafficked persons, particularly children, are at risk of statelessness when their origins, identity, and nationality cannot be determined because they neither have ID documents or witnesses of their identity, nor sufficient remembrance of where they came from, or if the State of their origin or residence does not allow or even help them to return by providing the necessary travel documents. Lar Kuzola found a practical solution for trafficked children beyond the law in force, which helped them avoid statelessness. While this has been a fortunate solution, this should also be covered by a future amendment to the nationality law which so far only attributes nationality to newborn foundlings - as discussed above (cf.p.25)

[261] A cooperation of the Catholic Salesians of Dom Bosco (SDB) and the Italian NGO VIS (Volontariato Internazionale per lo Sviluppo)

4.1.2 Irregular foreign migrants and long-term refugees

After independence and particularly with the definitive end of the armed conflict in 2002, the mineral wealth of Angola and business opportunities became a strong magnet to regular and irregular foreign migrants and asylum seekers. From 33.517 in 1990, the foreign-born population increased to 669.479 in 2019 (regular migrants and refugees).[262]

The numbers provided by UNDESA[263] only indicate the national origins of about one quarter of the total. Therein in 2019, the Congolese (DRC) were the biggest group with 92.242 individuals, followed by 18.504 Guineans, 12.896 Ivoirians, and 9.400 Cape Verdeans.

The number of Chinese citizens who had come in considerable numbers in the framework of infrastructure projects is not specified in these statistics. They are said to have reached 260.000 in 2014.[264] Most of them left Angola with the economic downturn which started in 2015. Another reason could be the number of citizen with dual nationality.

The low number of Portuguese nationals, according to UNDESA, seems surprising: 5.711 in 2019. In 2014, the Portuguese Embassy in Angola had records of 115.595[265]. This may however be explained by the fact that Portuguese citizens born in Angola before 1984 and their descendants also had the right to Angolan citizenship under the 1975 nationality law. This possibility, as seen above, was abolished in 2016 with the new Nationality Law, for those who had not exercised their right to Angolan nationality before that date. Many Portuguese citizens then left due to the economic crisis.

Foreign-born population, including refugees

From	1990	2019
DRC	12.178	92.242
Guinea	131	18.504
Côte d'Ivoire	5	12.896
Cabo Verde	3.569	9.400
São Tomé	3.112	6.990
South Africa	2.437	6.421
Portugal	5.298	5.711
Chad	12	1.928
Rwanda	46	1.286
Rep. of Congo	410	1.081
Namibia	345	909
Zambia	119	314
Mozambique	97	254
Other South	2.953	383.658
Other North	2.805	127.885
	33.517	**669.479**

Source: UN DESA, Population Division

Law no.13/19 of 23 May (2019), the Law on the legal regime of foreign citizens in Angola[266] limits the range of persons allowed **to remain or reside in Angola** to investors, work permit holders, and family relationships – all conditions defined in detail. The respective visas must be obtained in diplomatic or consular representations of Angola abroad or in Angola. The Service for Migration and Foreigners (SME) oversees controlling the entrance, stay, residence, and departure of foreigners in Angola.

[262] UN Population Division, Department of Economic and Social Affairs - https://www.un.org/en/development/desa/population/migration/data/estimates2/data/UN_MigrantStockByOriginAndDestination_2019.xlsx

[263] UN Department of Economic and Social Affairs

[264] Quoted in "Migration Profile : Angola", October 2014, Scalabrini Institute for Human Mobility in Africa (SHIMA), Cape Town, South Africa, p.7

[265] SHIMA, op.cit: "Migration Profile: Angola", October 2014, p.7

[266] Lei n.º 13/19 Lei sobre o regime jurídico dos cidadãos estrangeiros na República de Angola

Law no. 13/19 distinguishes between judicial and administrative expulsions and establishes a precise time-frame for the subsequent steps (Art.34-38).[267] The deportee must immediately be confined to a temporary holding centre (Art.40). The most well-known is the "Centro de instalação temporária de estrangeiros irregulares"[268], also called "30" or "quilómetro 30" in Viana/Luanda, but there are others in Cabinda[269], Soyo, Uíge, Mbanza Congo, and Huambo too.[270] An appeal against a judicial expulsion decision regarding a foreign resident can be lodged according to the terms of the law. An appeal against an administrative expulsion is to be lodged with the Minister of the Interior, the SME being part of the Interior Ministry (Art.45).

Just like mineral rich Gabon and Equatorial Guinea, Angola has been attracting many foreign migrants, regular ones and irregular ones. Under the perspective of risks of statelessness, it is important to have a closer look at the latter – the great majority of them DRC-Congolese and West Africans.

There are no reliable estimates about the number of irregular migrants in Angola. One guess pointed to a million in 2013.[271] The borders are so extensive that they are difficult to control, particularly the border with the DRC with its dense commercial activities. Organized traffickers have been assisting irregular migrants to enter Angola illegally, often with the help of corrupt officials of the SME or the security forces.[272] The 2019 law on foreigners stipulates heavy sanctions for such practices.[273] Irregular migration is considered as a question of national security and a serious threat to the economy.[274]

The great majority of the irregular migrants have been (and many still are) working as artisanal diamond miners, traders, and businessmen in the diamond areas of the two Lunda provinces (and partially also in Malanje, Bié, and Huambo).

The situation is different in urban areas, particularly in Luanda, where many migrants have been engaging in commercial activities. Most of these sought refugee status and this allowed them to obtain a legal status in the country until the authorities decide over their asylum request. As asylum-seekers they are no longer considered as irregular migrants. Many of these will indeed have valid reasons to allow them to be formally recognized as refugees. But the majority is more likely to be categorized as "economic migrants", migrants attracted by the economic opportunities which Angola has been offering, all the more as many of them passed through various other countries before presenting their asylum-request in Angola.

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[267] Art.34 of Law n.° 13/19 specifies the different reasons that may lead to deportation. Most of these reasons however cannot be applied to persons born in Angola and who reside in Angola and to persons who live in Angola since the age of less than 10 (except for those listed under Art.34-1-a and 34-1-b).

[268] "Temporary Holding Center for Irregular Foreigners", until recently called "Centro de detenção de estrangeiros ilegais" (Detention Center for Illegal Foreigners). In January 2020, it hosted around 300 inmates.

[269] Opened in June 2012 for 300 inmates SME, 19.6.2012: "SME conta com Centro de Detenção de Estrangeiros Ilegais" Jornal de Angola, 21.4.2018: "

[270] Opened in 2018 - Novo centro de detenção para estrangeiros ilegais"

[271] "Migration Profile : Angola", October 2014, p.11, quoting MIDSA (Migration Dialogue for Southern Africa)

[272] Portal de Angola/ Jornal de Angola, 15.8.2019: "Imigração é um negócio milionário em Angola"; "Migration Profile : Angola", October 2014, p.28; also accounts received by the author in 1992, when residence permits were illegally sold for up to 10.000 USD: the price had increased with the 1991-1992 Bicesse peace process

[273] 7 to 12 years of imprisonment plus fines for gainful assistance and 3 to 7 years for non-profit help (Art.103)

[274] The Special Rapporteur on the human rights of migrant noted this "*is reflected in public statements and in the media, which influences citizens' perception of migration.*" - Human Rights Council: "Report of the Special Rapporteur on the human rights of migrants on his mission to Angola" (3-10.5.2016), A/HRC/35/25/Add.1, 25.4.2017, para.8

According to the "Union des Ressortissants Ouest-Africains en Angola", an officially registered association, the number of West Africans in Angola might reach 80.000. The number of Malians may be around 15-20.000, 85% of whom do not have valid ID document or stay permits. All had entered Angola illegally, making their regularization impossible. The Union has had regular contacts and meetings with the SME and the police in order to find a solution for its undocumented members – without tangible results so far. The Union suggested the one-time regularization of long-term irregular migrants as implemented for instance in Portugal or France. According to local sources, the idea has been raised by some government officials.

A representative of the Guinean community stated that the number of Guineans in Angola reached 15.000, of whom only about 2.000 had a legal status. The Embassy of Guinea does not deliver passports. In 2015, a special delegation had come from Conakry to deliver Guinean documents but had stayed only for one month.

With the purpose of combatting irregular immigration, the SME and the Police carry out frequent controls. Faced with the permanent danger of detention and repatriation, irregular migrants are regularly hiding from the authorities. Their major concern has always been to obtain residence permits. While this is normally next to impossible, bribes have often opened doors, but even so left the migrant in a situation of insecurity. Several high-profile cases of high-ranking officers of the SME detained and dismissed for corruption have been reported.[275] The illegally issued documents were cancelled and the beneficiaries deported.

Although the official time limit for detention in such holding centers is not more than two weeks, longer detention periods may also be caused by lack of funds. The deportee is supposed to pay for the expulsion. Sometimes, this has motivated the families abroad or the respective Embassies to help out with the payments. According to the Law on foreigners, when he or she cannot cover those costs, the State will pay (Art.44).

According to SME officials and also independent sources, irregular migrants who have children with an Angola partner are not deported when the Angolan partner asks for it - in accordance with Art.1 of the Family Law which protects the family[276]. A DNA test may be done.[277]

The SME cooperates with the respective Embassies of the countries of origin of the detainees in order to obtain a Laissez-Passer or Safe Conduct when they do not have passports (which is the case more often than not). The Embassies systematically proceed with verifications to confirm the nationality. Many detainees made wrong statements about their origins or carry false documents, which complicates or rules out their expulsion and may lead to indefinite terms of detention.

The risk of statelessness affects irregular migrants in several ways:

[275] VoA/Angonotícias, 5.1.2006: "Caso SME: DNIC emite mandatos de captura contra estrangeiros"; Angonotícias/ VoA, 28.12.2005: : "Responsáveis dos Serviços de Migração e Estrangeiros detidos na DNIC", Angonotícias/TPA, 29.4.2010: "Ditada sentença do caso SME: Quina da Silva condenada a 4 anos de prisão"; Angop/Angonotícias, 24.9.2010: "TC ordena libertação dos réus do caso SME"; Club-K, 11.1.2014: "Direcção do SME suspensa por praticas de corrupção"; Rafael Marques de Morais, 7.3.2014: "Vistos ilegais rendem mais de 90 milhões de dólares"; Jornal de Angola, 29.8.2019: "Antiga direcção do SME afastada devido a esquemas de corrupção"

[276] Lei n.º 1/88 de 20 de Fevereiro, Código da Família

[277] Information obtained at the Embassy of Côte d'Ivoire and from one refugee lawyer

- Irregular migrants may become stateless if their undefined status lasts for too long time and they did not keep documents or other proof of their origin. Embassies may refuse to cooperate to issue travel documents for their repatriation in case they are caught.
- Children of irregular migrants can be registered, unless their parents succeed in registering them in their respective consulates or embassies in Angola. A favourable interpretation of Art.15 of the Nationality Law could theoretically and lastly open a way for them to acquire Angolan nationality in order to avoid statelessness (see above p.25).
- Not all Embassies accept to register the children of their nationals who are irregular migrants. While the Embassy of Mali for instance registers the children born in Angola to Malian parents and issues ID documents, the Embassy of Guinea is not able to deliver Guinean ID documents.

  In December 2018, Angola published its Migration Policy[278] the purpose of which is to formulate common guidelines for all State institutions linked to migration. The Policy aims at regulating, controlling, and developing migration in a manner that benefits the Angolan state, economy, and society, and grants regular migrants the respect of their fundamental rights and freedoms. The quota of foreign citizens however shall not exceed 2,5% of the population, above which the State shall take measures to contain immigration (Ch. I, para. 1-9).The Policy reaffirms the right to asylum in cases of persecution for political reasons, including for engagements in favour of democracy, national independence, peace, freedom, and human rights (Chapter I, para.3). ***The State shall concede Angolan citizenship to stateless persons (Ch. III, paragraph 5-5).***

- Art.32 of the 1954 Convention relating to the Status of Stateless Persons, to which Angola acceded on 7 October 2019, also requires States to facilitate, as far as possible, the assimilation and naturalization of stateless persons, to expedite it, and reduce related charges and costs.

  Angola adhered to the Global Compact for Safe, Orderly and Regular Migration (GCM) which was adopted at an intergovernmental conference on international migration on 11 December 2018 in Marrakesh, Morocco.[279] The GCM is "a significant opportunity to improve the governance on migration, to address the challenges associated with today's migration, and to strengthen the contribution of migrants and migration to sustainable development."[280] Under Objective 4 of the GCM, "Ensure that all migrants have proof of legal identity and adequate documentation", States commit to strengthen measures to reduce statelessness "including by registering migrants' births, ensuring that women and men can equally confer their nationality on their children, and providing nationality to children born in another State 's territory, especially in situations where a child would otherwise be stateless, fully respecting the human right to a nationality and in accordance with national legislation" (Objective 4, point [e]).

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[278] Decreto Presidencial n.°318/18 de 31 de Dezembro, Política Migratória. See also: Lusa, 21.9.2018: "Conselho de Ministros angolano aprova nova política migratória"

[279] Global Compact for Safe, Orderly and Regular Migration, A/RES/73/195, 11.1.2019 - https://undocs.org/A/RES/73/195

[280] Website of OHCHR regarding the GCM (https://www.ohchr.org/EN/Issues/Migration/Pages/GlobalcompactforMigration.aspx)
" It is a non-binding document that respects states' sovereign right to determine who enters and stays in their territory and demonstrates commitment to international cooperation on migration. It presents a significant opportunity to improve the governance of migration, to address the challenges associated with today's migration, and to strengthen the contribution of migrants and migration to sustainable development. The Global Compact is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration." IOM: GCM (https://www.iom.int/global-compact-migration)

- Angola still has to harmonize its legislation with several of these commitments, particularly the birth registration of the children of migrants and the right of their children born on its territory to a nationality.

  Angola as not yet adhered to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). The CMW however does not apply to stateless persons (Art.3-d). It contains comprehensive human rights guarantees for migrant workers. It also includes basic rights for irregular migrant workers: e.g., the prohibition of collective expulsions (Art.22) and the right to access to school education for their children.[281]

4.1.2.1 Mass repatriations can cause statelessness

Mass repatriations carry notable risks of statelessness:

- Mass repatriations are prone to causing statelessness as they are general and unspecific. They do not take into account individual cases in terms of identity and nationality.
- Mass repatriation may only take place after previous notice and the Law offers possibilities of appeal. (Law nº 13/19 of March 23rd de 23 de Maio on the Legal Regime of Foreigners)

[281] The CMW explicitly states that it does not imply in any of its provisions the regularization of irregular migrants. The CMW calls on States to "collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation" and take "effective measures to eliminate employment in their territory of migrant workers in an irregular situation" (Art.68-2). Whenever a State Party considers regularizing the situation of irregular migrants, it shall take into account "the circumstances of their entry, the duration of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation." (Art.69-2).

4.1.2.2 Refugees in Angola

UNHCR indicated a figure of 26.068 recognized refugees and 30.291 asylum seekers in Angola on 31 January 2022.[282]

With the publication of the new Refugee Law on 17 June 2015 (Law no. 10/15[283]), the former "Committee for the Recognition of the Right to Asylum" (COREDA)[284] was dissolved and replaced by the "National Commission for Refugees" (CNR)[285] in charge of deciding on an applicant's request for refugee status. The Implementing Regulations for the CNR were published in late August 2018.[286] The CNR had not resumed refugee status determination, registration, or renewal of documentation by the end of 2021.

As a consequence, refugees and asylum-seekers were only left with their old and mostly expired documents: refugee cards with photographs delivered by COREDA or simple declarations without photo stating that the holder had applied for refugee status. More recent applicants do not bear any document at all.

On the other hand, some of these documents had been forged or issued illegally by SME officials.[287]

This situation which has been of great concern for UNHCR, NGOs defending refugee rights, and associations of refugees means that, during police or SME controls, refugees and asylum-seekers can be detained for months[288] and even deported in some cases. Moreover, it implies barriers to studies, to employment, and medical assistance – and to residence permits or naturalization[289].

Origin 30 June 2020	**Refugees**	**Asylum seekers**
	Total	**Total**
Guinea	128	9.146
Côte d'Ivoire	417	5.940
Mauritania	323	5.402
Eritrea	78	1.789
Somalia	270	1.731
Sudan	280	1.670
Sierra Leone	413	1.497
Chad	190	779
Western Sahara		596
DR Congo	22.666	501
Liberia	164	478
Guinea-Bissau		268
Rwanda	506	142
Burundi		99
CAR		77
Rep. of the Congo	65	58
Ethiopia		57
Others, Africa	57	14
Others, World	5	44
Total	**25.562**	**30.288**
Source: 2020 UNHCR Mid-year report statistics		

At the end of January 2020, a Migration Commissioner announced that following a recent decision, the SME would soon start a biometric registration of all asylum seekers and refugees[290].

[282] UNHCR: "Refugee situations. Angola" and https://data2.unhcr.org/en/dataviz/186?sv=0&geo=578#

[283] Lei n.º 10/15 de 17 de Junho (2015), Lei sobre o Direito de Asilo e o Estatuto de Refugiado

[284] Comité de Reconhecimento do Direito de Asilo = Committee for the Recognition of the Right to Asylum

[285] The CNR is presided over by the Director General of the SME and includes representatives of various other Ministries. It meets at least once a week (Art.5 of the CNR regulations)

[286] Decreto Presidencial n.º 200/18 de 27 de Agosto, Criação do Conselho Nacional de Refugiados

[287] As explained by the SME and confirmed by one West African with close contacts to the Coordination of Refugees.

[288] Until their status was eventually reverified at the SME

[289] Accounts received from NGOs and representatives of refugees. See also: HRC: "Report of the Special Rapporteur on the human rights of migrants on his mission to Angola" (3-10.5.2016), 25.4.2017, para.55

[290] Jornal de Angola, 27.1.2020: "SME realiza cadastro biométrico de refugiados"

- *Undocumented asylum-seekers and refugees may be at risk of statelessness when they lost or destroyed their national passports or other identifying documents and are unwilling or unable to receive relevant assistance from the embassies of their countries of origin or are not recognized as nationals of such countries by the respective embassies.*
- *Without any ID documentation they have been unable to register their children. These children could be at risk of statelessness.*

Law n.º 10/15 of 7 June established that new asylum-seeker must be lodged in Reception Centers which they are not allowed to leave.

Sometimes, refugees and asylum-seekers do not indicate their true origin and nationality, possibly choosing a nationality that might promise a higher probability of acceptance as a refugee. A verification of presumed Liberian refugees in 2014, with the aim of issuing Liberian ID documents or passports, found that an important number of "Liberians" were not Liberians.[291] The Embassy of a West-African country that had gone through armed conflict also complained that a considerable number of persons who claimed to be nationals of that country in Angola were in fact not, as the Embassy had the occasion to verify.[292]

- Rejected asylum-seekers who misled about and hid evidence of their nationality to the Angolan authorities put themselves at risk of statelessness. The authorities will normally try to find out their nationality by requesting the assistance of presumed countries of origin (generally, but not exclusively, through their diplomatic or consular representation in Angola) when possible but might not be successful. The person cannot be repatriated in that case. The same is true for refugees that fall under the cessation clause or irregular migrants.

4.1.2.2.1 Recent refugees

A recent influx of Congolese refugees caused by intercommunal conflict in the DRC's Kasaï region started in March 2017.[293] By 31 October 2019, UNHCR had registered 38.362 refugees in the province of Lunda Norte.[294] A tripartite agreement on the voluntary return was signed by the governments of the DRC and Angola and the UNHCR on 22 August 2019.[295] Organized repatriation started on 9 October and brought home 2.912 refugees by 17 February 2020.[296] Many more returned spontaneously.

- In the Tripartite Agreement, the Angolan Government agreed to issue birth certificates to all children born to Congolese refugees in Angola, which is an important step to prevent a future statelessness. It is not clear however to which extent this provision has been implemented in the field. While refugees repatriated under the UNHCR operations are provided with Voluntary Repatriation Forms which list all family members, the birth registration of children of the important number of spontaneously returning refugee is probably less certain.

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[291] UNHCR report, 2014, quoted in "Citizenship rights in Africa initiative"; UNHCR Liberia. Protection Situation Report Covering the period: April 01-30 2014. (However, UNHCR did not consider this vetting process to confirm the Liberian nationality of every former refugee as transparent or fair, all the more because Liberia did not have any records of its population.)

[292] Meeting on 6.12.2019

[293] UNHCR, Angola: "Year-End report. 2017"

[294] UNHCR: "Biometric Registration Update as of 31 October 2019"

[295] 1ère réunion tripartite, 22-23.8.2019

[296] UNHCR: "Angola > DR Congo: Repatriation Table"

- As stated above, the DRC has not issued ID cards for over 20 years. Voter's cards are generally accepted for identification instead. Birth registration there remains low. These facts may lead to statelessness in situations of refuge and exile.

4.1.2.2.2 Refugees affected by the cessation clause

When UNHCR declares the cessation of refugee status in regard to certain nationality groups of refugees under its mandate, because the circumstances in connexion with which they had obtained that status have ceased to exist, and in consequence the host country of these refugees also invokes this clause[297], the refugee status for these refugees ceases to exist in that country. The former refugees then have three choices: 1) leave the country, 2) regularize their residence status according to the Law on Foreigners, or 3) ask for an exemption justified by former personal persecutions.[298] For three countries, Liberia, Sierra Leone and Rwanda, Angola envisages to invoke the cessation clause[299] in 2020 and adopted a strategy to that aim which proposes the repatriation or "opportunities of local integration".[300]

On 18 December 2018, the Government and UNHCR formalized the implementation of the cessation clause and announced the corresponding registration of 918 Rwandans, 596 Liberians and 2.112 Sierra-Leonians. According to the president of the National Council for Refugees, the process would follow two models: local integration or voluntary repatriation. During the ceremony, 15 refugees received symbolic residence authorizations.[301]

- Statelessness may arise if their respective countries do not recognize them as their nationals due to their laws and practices. Sierra Leone and Liberia do not have Embassies/Consulates in Angola, which further complicates the issue. Legal residence and subsequent naturalization in Angolan could be a solution. Art.79-e of Law n.º 13/19 regarding the legal regime of foreigners explicitly grants the possibility for refugees affected by the Cessation Clause to obtain a temporary residence permit which is valid 2 years and renewable. It does not detail which ID documents are required, but one could argue that the way the article is formulated, it would not make sense to ask for documents that refugees are unlikely to have. Law n.º 13/19 authorizes the issuance of passports to foreign citizens who are unable to obtain travel documents from their country of origin (Art.94-96). These are meant for international travel and it is not clear whether they could also be accepted with the aim to start a naturalization procedure.

Rwandan refugees had arrived in Angola as a consequence of the 1994 genocide. In order to encourage their return to Rwanda, UNHCR and the Rwandan Government came up with a "Go and see" programme for 7 refugees in 2017 who were tasked to go to Rwanda and report back to their

[297] Cf. 1951 Convention Relating to the Status of Refugees, Art.1, para. C-5, and its 1967 Protocol; UNHCR Standing Committee: "Note on the Cessation Clauses", EC/47/SC/CRP.30, 30 May 1997, para.31

[298] Refugee Law 10/15, Art.47-55, in accordance with the UN Refugee Convention (Art.1-C)

[299] UNHCR recommended the cessation of the refugee status for Sierra Leonians on 31 December 2008, for Liberians on 30 June 2012 and for Rwandans on 30 June 2013 - UNHCR, 2.6.2008: "Applicability of Ceased Circumstances Cessation Clauses to Refugees from Sierra Leone"; UNHCR, 13.1.2012: "Mise en œuvre de la Stratégie globale relative à la situation des réfugiés libériens, y compris des recommandations du HCR sur l'applicabilité des clauses de cessation « pour circonstances ayant cessé d'exister »; UNHCR, 28.6.2013: "Ending of refugee status for Rwandans approaching"

[300] Angop, 10.12.2014: "Angola: Luanda acolhe seminário sobre cessação de estatuto de refugiados"; Jornal de Angola, 13.12.2014: "Ministério da Justiça realiza seminário"; Agência Lusa, 20.8.2016: "Refugiados da Serra Leoa, Libéria e Rwanda vão perder estatuto"

[301] Angop, 18.12.2020: "Governo formaliza cessação do estatuto do refugiado"

community in Angola what they had seen there.[302] But even so, Rwandan refugees (638 in January 2022[303]) do not appear to harbour intentions of going back[304].

- The Rwandan nationality law proclaims that the child of a Rwandan is Rwandan by origin.[305] Therefore the children of Rwandan refugees in Angola are not automatically stateless. But they risk the consequences of "de facto statelessness" if they are unwilling to return to Rwanda and avail themselves of the protection and rights which Rwandan nationality confers.[306] (The term "de facto statelessness" applies to "persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country" but is not defined in any international instrument.[307])
- The Angolan Government is considering a solution of local integration for those Rwandans who wish so, especially their children born and raised in Angola, and possible naturalization and does not envisage repatriation.[308]

At the beginning of December 2020, the Government announced that long-term refugees affected by the cessation clause would be able to receive residence permits[309].

[302] Diário de Notícias, 1.12.2017: "ACNUR leva refugiados ruandeses em Angola ao Ruanda pela primeira vez"

[303] UNHCR: "Operational Portal. Refugee situations. Angola"

[304] As confirmed by Rwandan refugees in Luanda and the Rwandan Embassy

[305] Art 5 of the Rwandan Nationality Law, Organic Law N° 29/2004 Of 03/12/2004 on Rwandan Nationality Code; although the meaning of Art.6 in this context has not been clear to the author in this context: ""Parental descent is effective in matters of granting nationality only where it has been provided for by laws in force in Rwanda."

[306] Political dissidents abroad may even face de jure statelessness. Cf. Lindsey N. Kingston: "Bringing Rwandan Refugees 'Home': The Cessation Clause, Statelessness, and Forced Repatriation", International Journal of Refugee Law, Volume 29, Issue 3, October 2017, Pages 417–437

[307] GUIDELINES ON STATELESSNESS NO. 1: The definition of "Stateless Person" in Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons, HCR/GS/12/01, 20 February 2012, p.8 and footnote no.8 which refers to: "The Concept of Stateless Persons under International Law Summary Conclusions", Expert meeting organized by the Office of the UNHCR, Prato, Italy, 27-28 May 2010, para. II-A-2

[308] As expressed by Government Official during meetings.

[309] TPA (Televisão Pública de Angola), 2.12.2020

4.1.2.2.3 Long-term refugees

One group of long-term refugees merits particular attention: the Katangese military forces (and their families), the "Katanga-Gendarmes", who fled to Angola at the end of the secession attempt of the Congolese Katanga province[310] under Moïse Tshombé (1960-1963) and subsequent resurgent conflicts there in 1977 and 1978.[311] First employed by the Portuguese colonial administration to combat the independence movements, a number of them joined the Angolan army at independence in 1975 and, according to various accounts, consequently obtained Angolan citizenship.[312] Their children born in Angola were Angolans under the 1975 law which applied the "*ius soli*". But others of that group had initially been living in camps in north-eastern Angola and later in a refugee camp near Luanda which, with the population growth, is completely integrated into the town today. According to the SME they are about 10.000. A coordinator of the group gave a number of 745 families with about 7 to 8 members each. Being 2nd, 3rd or even 4th generations descendants of the initial refugees, many of them do not have family references in Katanga or else in the DRC anymore and are not accepted as Congolese there. The group mentioned one characteristic which distinguishes natives of Congo/Zaïre/DRC from Angolans: Angola has always vaccinated on the upper arm, Congo on the lower arm. So, the older ones are easily identifiable as strangers. Some nevertheless had not been vaccinated at all, possibly due to distance and difficult accessibility.

- This group of long-term refugees is obviously at risk of statelessness, probably the most clearly defined group as such in Angola. In the DRC, these former Katangese and their descendants have little chances of being acknowledged as Congolese citizens without any proof or documentation after decades of absence. Their children born in Angola after 1984 do not benefit any more from the "*ius soli*" granted by the 1975 nationality law. This risk is even more evident for their non-registered children, the parents of some of whom do not even live anymore. The children of those married to Angolan spouses are automatically Angolan, and through the marriage the foreign spouse can become Angolan too, but this requires the existence of personal ID documents the lack of which is currently a major obstacle. The Angolan authorities are aware of these situations.

4.1.3 Persons of Cape Verdean and Santomean origin

A severe drought in the Portuguese Cape Verdeans islands in 1947 and new opportunities in the developing colonial economy in Angola motivated huge numbers of Cape Verdeans to emigrate there. Most of them found work as contract workers in the sugar industries in Caxito, Benguela, and Catumbela, and otherwise in agriculture. Due to better education levels, many Cape Verdeans were employed in the public administration, as intermediaries between the "indigenous people" and the Portuguese colonial administration.

Those born in Angola before 7 February 1984, the day of the entry into force of the new law on nationality that notably restricted the right to citizenship by birthplace ("ius soli"), were Angolans by

[310] From 1971 to 1997 renamed "Shaba", then again Katanga. Since 2015, Katanga has been divided into 4 provinces: Tanganyika, Haut-Lomami, Lualaba, and Haut-Katanga

[311] About 2.500 of the former "Katanga-Gendarmes" remained in Angola after 1967, organized in the "Congolese National Liberation Front" (FLNC). In 1977 and 1977 they unsuccessfully tried to reoccupy areas of the Congolese (then "Zairean") province of Katanga. Both invasions caused massive new refugee flows into Angola and Zambia. Angola and Zaïre ended up signing a non-aggression pact.

[312] Accounts received during local meetings

virtue of the 1975 Nationality Law. Others, not born in Angola, had joined the anticolonial fight (and later eventually the Angolan Armed Forces) and on the grounds of that engagement acquired Angolan nationality on the basis of Art.6 of the 1975 Nationality Law (Cf. p.19).

Presently, about 22.000 Cape Verdeans are registered at their Embassy in Luanda, but the Embassy reckons that many others never presented themselves. In an interview in May 2019, the Cape Verdean Ambassador estimated their number rather at 60.000-70.000, also counting those of 2nd and 3rd generation who by law have both nationalities.[313] The Population Division of the UN Department of Economic and Social Affairs only lists 9.400 Cape Verdeans in 2019. This difference could possibly be explained by dual nationality.[314]

The nationality law of Cabo Verde attributes citizenship to all descendants of Cape Verdean citizens according to the "ius sanguinis".[315] Today, birth registration in Cabo Verde is fully computerized and all Cape Verdean consulates abroad have access to that data base. Only in the case of very old registrations, the need may come up to verify in the registry books.

A new nationality law adopted by the Council of Ministers in December 2012 intends to simplify the acquisition of Cape Verdean nationality by the children of Cap-Verdeans born abroad.

Since 2017, 60 Cape Verdeans have acquired Angolan nationality through marriage or naturalization.[316]

- Many of the long-term Cape Verdean residents in Angola only kept expired documents, sometimes from colonial times; some do not have any at all. This leaves them potentially unable to prove their Cape Verdean origin. If they were/are also unable to acquire Angolan nationality, they may be stateless. Only a more detailed survey will give precise numbers of persons of Cape Verdeans origins in such situation.
- Those who were born in Angola before 8 February 1984, the day the 2nd Angolan nationality law put an end to the "ius soli", were entitled to Angolan nationality. Now, the 2016 Nationality Law states that those who had not applied for their ID card before the date of the entry into force of that law, 16 April 2016, would no longer be considered as Angolan citizens. Persons of Cape Verdeans origins born in Angola however faced the same difficulties to be registered and obtain ID cards as their Angolan fellow citizens. Particularly some of those who live in more distant parts of Angola and were unaware of the new law or did not have the material means to act in time, may have lost the opportunity to regularize their situation as Angolan citizens. They may be exposed to the risks of statelessness. Only a survey could provide more detailed data.
- During a visit to Angola in 2015, the Cape Verdean Prime Minister promised to give priority to the access to personal documentation for the Cape Verdeans living in Angola.[317]

The 2016 Angolan Nationality Law has a special provision for citizens of Portuguese-speaking African Countries (PALOPs): Art.7 states that the Angolan President can conclude bilateral agreements with PALOPs with the aim of facilitating the extraordinary acquisition of citizenship through naturalization

[313] Deutsche Welle, 4.5.2019: "Embaixador de Cabo Verde em Angola: comunidade cabo-verdiana é 'bastante respeitada'"

[314] Art.5-3 of the Cape Verdean Constitution admits dual nationality for Cape Verdeans

[315] "Nacionalidade Cabo-verdiana"

[316] Number provided by the Angolan Government

[317] Governo de Cabo Verde, 7.11.2015: "PM realça importância da Diáspora para Cabo Verde às comunidades em Angola"; Notícias do Norte: "Governo garante que cabo-verdianos em África terão nacionalidade cabo-verdiana"

for citizens of these states who reside usually in Angola for at least 10 years." This article has not yet seen an implementation in practice.

Many children of Santomean parents are also not registered – neither in the Angolan Registry nor in the Embassy. The Embassy of São Tome e Príncipe however only accepts birth registration or the transcription of Angolan birth certificate into the Santomean registers up to the age of 14 years. After that age, it can only be done in São Tome e Príncipe – a practically impossible undertaking without a Santomean travel document which precisely requires birth registration. The Embassy tried to find a solution by opening a list of potential Santomean nationals over the age of 14 in need of birth registration and called a special team from São Tome e Príncipe to register them and issue ID cards and passports. But only 10 candidates enrolled. The Santomean nationality law follows the principle of the "ius sanguinis". Furthermore, children born to a Santomean parent abroad must declare that they claim the nationality of São Tome e Príncipe.

- São Tomeans basically face similar risks of statelessness as Cape Verdeans.
- Children of São Tomean parents who have not been registered until the age of 14 at the Santomean Embassy are in danger of statelessness if São Tomé e Príncipe does not facilitate their civil registration and if they are unable to acquire Angolan nationality.

The number of São Tomeans who acquired Angolan citizenship is 125 (by 2022).

According to the UN Population Division, 6.990 São Tomeans were living in Angola in 2019. The Santomean Embassy, on the other hand, has an estimate of 20.000 to 30.000, many of whom still have birth certificates with the mention "born in São Tomé e Príncipe".

Speaking in the National Assembly on 1 December 2020 on the issue of statelessness, the Secretary of State for Justice also mentioned the case of former forced labourer in the cocoa plantations of São Tomé exported from Angola, the "Angolares", who are currently considered neither as Angolans nor as Santomeans.[318] In the context of this study, it was not possible to obtain more details on this issue.

4.1.4 Cuban emigrants

Since the 1970s, Cuba has not allowed citizens who left irregularly, overstayed, or abandoned authorized official missions back into the country. These were left in an effective situation of statelessness. Formally, they kept their Cuban nationality but without the rights attached to it.[319] Cuban citizens residing outside the island for more than 11 months lost their citizenship rights but could keep their Cuban passports[320]; this period was extended to 24 months with the reforms of January 2013[321]. A child born abroad to a Cuban mother or father could only acquire formal Cuban nationality after having resided in Cuba for at least 3 months[322], leaving the child at the risk of

[318] Lusa/Angonotícias, 1.12.2020: "Governo analisa situação de cidadãos apátridas principalmente no estrangeiro"

[319] FRANCO, Raquel Trabazo Carballal: "Cidadãos de lugar nenhum: o limbo jurídico e a apatridia de facto dos emigrados cubanos proibidos de retornar". 2014. 180 f. Dissertação (Mestrado em Direito) —Universidade de Brasília, Brasília, 2014.

[320] Nacla, 11.11.2018: "Cuban Migration under the New Constitutional Order"

[321] Cubadebate, 7.1.2013: "Cuba Ready to Implement New Migratory Reform"

[322] "El requisito de avecindamiento para que los hijos de cubanos nacidos en el exterior puedan obtener la ciudadanía cubana", DW, 28.10.2017: "Cuba facilita obtención de ciudadanía a hijos nacidos fuera"; Cibercuba,

statelessness otherwise. This has been criticized by the UN Committee on the Rights of the Child in 2011.[323] Cuba's new Constitution of 22 December 2018 determines that such a child is of Cuban nationality at birth (Title IV, Art.34-c). Children born abroad to parents of Cuban nationality at birth who lost their Cuban citizenship are of Cuban nationality at birth upon an application made according to the law.

Law-Decree no.352 of 30 December 2017 "On the Acquisition of Cuban Citizenship at birth for Children born abroad to a Cuban Father or Mother"[324] determines that for such children the mandatory residence of at least 3 months[325] in Cuba is abolished. However, the second of the Special Provisions of this Law-Decree establishes a reservation: "When the interested party, the Cuban father or mother or the legal representatives of the minors covered by this Decree-Law have committed acts or carried out actions against the political, social and economic foundations of the Cuban State, the case initiated is filed and the applicant is notified". Upon reaching the age of majority, the children of such persons may however apply for the acquisition of Cuban citizenship under certain restrictive conditions. They must prove permanent ties and stable relations with Cuba for a period of at least two years prior to submitting the application and pass the citizenship test.[326]

The new measures entered into force on 1 January 2018.

- The reservation mentioned in the 2nd Special Provision of Law-Decree no.352 maintains a risk of statelessness for children born to Cubans living abroad. The conditions to acquire Cuban nationality at adulthood are not automatic or easily met.
- Article 15-a of Angola's 2016 Nationality Law allows children born in Angola to parents who cannot transmit their nationality to acquire Angolan citizenship on request.

In 2010 there are about 5.300 Cubans in Angola with work, residence, or study permits. The Angolan Government is aware that not all of them might be able to return to Cuba and that their children might not acquire Cuban nationality and has been helpful by facilitating residence permits and naturalization.[327]

4.2 Angolan migrants and refugees abroad

The overall number of Angolan citizens living abroad has gone down since the end of the armed conflict. They were around 5% of the total population in 2000 and 2% in 2019. The armed conflict had led about half a million Angolans to seek refuge in neighbouring countries. When the peace accord was signed on 4 April 2002, most returned home but a considerable number did not.

31.12.2017: "Requisitos para la ciudadanía de los hijos de cubanos nacidos en el exterior: No todos aplican"; Juris Cuba, 22.2.2018: "Los hijos de cubanos nacidos en el extranjero pueden obtener la ciudadanía cubana"

[323] Committee on the Rights of the Child: "Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Cuba", CRC/C/CUB/CO/2, 3.8.2011, paragraphs 30-31

[324] Decreto Ley No. 352 "Sobre la adquisición de la ciudadanía cubana por nacimiento de los nacidos en el extranjero de padre o madre cubanos", publicado en la Gaceta Oficial No. 63 Extraordinaria de 30 de diciembre de 2017 -

[325] Directório cubano, 6.2.2019: "¿Quiénes pueden adquirir la ciudadanía cubana?"

[326] 3rd Special Provision – translation by the author

[327] Information obtained at the Justice Ministry

Those who traveled to foreign countries in a formal and regular way, for studies, work, or business, would normally not face risks of statelessness - unless in very exceptional circumstances. Their children could be registered in the diplomatic and consular representations abroad or locally with the possibility of transcribing the birth registration into the Angolan Registry later. In addition to passports, a growing number of Angolan Consulates even issue ID cards (35 in 2022).

But the situation has been different for many refugees. We already had a look at the efforts the Angolan Government deployed to welcome back those who returned and to regularize their documentary situation.

Thereby we also saw the difficulties encountered by many returnees who came back spontaneously, outside UNHCR-organized repatriation programs, to be formally recognized as Angolans and to receive their Angolan ID documents - and the risks of statelessness associated.

Angolan citizens abroad
(including former refugees)

	1990	2000	2010	2019
DR of the Congo	468.462	325.733	260.002	179.065
Portugal	141.573	173.193	137.826	158.958
South Africa	6.602	15.785	34.453	69.659
Republic of Congo	10.334	31.100	31.028	42.506
Namibia	24.028	49.790	38.119	39.580
Mozambique	14.337	22.937	35.921	39.224
Zambia	123.807	238.248	37.306	28.908
France	11.499	12.243	19.989	23.438
USA	2.252	4.475	10.411	15.192
United Kingdom	825	5.717	9.973	14.482
Brazil	4.868	6.355	6.389	8.665
Other countries	16.355	27.738	38.639	41.913
Total	**824.942**	**913.314**	**660.056**	**661.590**

Source: United Nations, Department of Economic and Social Affairs, Population Division

Regarding the ID documents of those who opted for staying in the countries of refuge, the Angolan Government also sought to regularize their documentary situation, in particular by organizing birth registration campaigns there.

Angolan Refugees – March 2003	
Zambia	211.000
DR Congo (DRC)	193.000
Namibia	24.500
Republic of Congo	16.000
South Africa	10.000
Botswana	2.000
Outside Africa	50.000
Total	**504.500**
Source : Reliefweb [328], MASFAMU	

[328] Reliefweb/Panapress, 12.3.2003: "UNHCR, Angola, Zambia discuss repatriation of 450,000 refugees" Numbers are however often differing even within UN sources. UNIC Pretoria for instance referred to 620.000 Angolan refugees (14.10.2013): "Former Angolan Refugees Return Home From Botswana". UNHCR also mentioned 600.000 in neighbouring countries (8.6.2012): "UNHCR repatriates almost 14,000 Angolans; steps up pace of return ahead of deadline"

UNHCR organized its first repatriation operations in 2003.[329] By the end of 2013, more than 100.000 Angolans still remained in exile.[330]

In January 2012, UNHCR formally recommended that the "cessation of circumstances" clause should come into effect on 30 June for Angolan refugees.[331] This would leave them with three options:

a) return to their country of origin, b) regularize their situation in the host country, or c) in particular cases, ask for an exemption on the grounds of personal persecution and keep their refugee status. On 26 October 2012, as first country outside Africa, Brazil's Ministry of Justice issued a decree opening permanent residency to 1.681 Angolan and 271 Liberians under certain conditions including integration into Brazilian society, which UNHCR believed most would meet.[332]

Other countries did not immediately follow the recommendation and UNHCR continued to assist voluntary returns on one hand and discussed possibilities for local integration and/or an alternative legal status with the host countries on the other.[333]

4.2.1 Zambia

The first Angolan refugees arrived in Zambia in 1966 when the liberation fight against Portuguese occupation expanded to eastern Angola. In 1967 opened the oldest refugee camp in western Zambia, the Mayukwayukwa camp.[334] With the end of the military operations in February 2002, 25.000 returned spontaneously during the rest of that year.[335] In March 2003, UNHCR reported a total of 211.000 refugees in Zambia.

On 28 November 2002, a tripartite commission Angola-Zambia-UNHRC was set up. Repatriation operations began in August/September 2003.[336] By 2010, the return of 76.500 refugees had been

[329] UNHCR, 29.6.2012: "End of refugee status for Angolan and Liberian exiles this weekend"

[330] UN News, 1.11.2013: "Final group of Angolans leaves Botswana for home, marking end of returns programme"

[331] UNHCR, 15.1.2012: "Implementation of the Comprehensive Strategy for the Angolan Refugee Situation, including UNHCR's recommendations on the applicability of the "ceased circumstances" cessation clauses". According to Article 1, para. C (5) of the Convention relating to the status of refugees, a refugee can no longer continue to refuse to avail himself of the protection of the country of his nationality, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist.

[332] UNHCR, 9.11.2012: "UNHCR welcomes Brazilian residency for Angolan and Liberian refugees"

[333] UNHCR, 29.6.2012: "End of refugee status for Angolan and Liberian exiles this weekend"

[334] Lweendo Kambela: "Angolan refugees in Zambia: Reflecting on local integration as a sustainable solution", Accord, 2016; Arthur Simuchoba, African Arguments, 17.6.2014: "How did Zambia become the continent-leader in refugee integration?"; UNHCR: "One of the oldest refugee settlements in Africa gets new banking services for the first time"

[335] U.S. Committee for Refugees World Refugee Survey 2003 - Zambia , 1.6.2003 -

[336] PANA Press/Reliefweb, 12.3.2003: "UNHCR, Angola, Zambia discuss repatriation of 450.000 refugees". By the end of 2005, UNHCR had assisted 63.324 Angolan refugees in Zambia with their repatriation - The new Humanitarian (TNH), 20.12.2005: "Refugee repatriation comes to an end",

assisted by UNHCR while many others returned on their own[337]. Zambia applied the cessation clause as of 30 June 2012.[338]

But many of the Angolan refugees did not want to return. They were born there, sometimes in 2nd or 3rd generation, did not know Angola, and did not speak Portuguese. Some had married locally or had developed their own livelihood or businesses.

In April 2014, the Zambian Government and UNHCR launched the Strategic Framework for the Local Integration of Former Refugees in Zambia, which made Zambia "a pioneer of 'durable solutions' in Southern Africa".[339] Under this program, due to last 3 years, 10.000 Angolan refugees (and 4.000 Rwandans) were estimated to qualify for residence permits under Zambian immigration laws. The first 3 Angolan refugees were effectively granted Zambian residence permits on 18 December 2014 by the Zambian President himself.[340] But a residence permit requires ID documents and in particular a valid Angolan passport.

Therefore in 2014 the Angolan Government sent a mission to Zambia in order to register the (former) refugees and providing them with ID cards and passports. But the program was not concluded at that time. The Angolan Consulate in Lusaka continued issuing Consular Cards and passports.[341]

> *Citizenship is determined in the 2016 Constitution of Zambia and detailed in the "Citizenship of Zambia Act No.33, 2016". "A person born in Zambia is a citizen at birth if, at the date of that person's birth, at least one parent of that person is or was a citizen." (Art.35-1/Constitution). Otherwise, after a continuous ordinarily residence of at least 10 years immediately preceding the application, a foreign national can acquire Zambian nationality. A person who is or was married to a Zambian citizen for a period of at least 5 years can be registered as a Zambian citizen[342]. Foreign children born in Zambia can acquire Zambian nationality after a continuous ordinarily residence of at least 5 years immediately preceding the application.[343] Minimum age for such acquisitions is 18 years. Dual citizenship is allowed.[344]*

[337] Arthur Simuchoba, African Arguments, 17.6.2014: "How did Zambia become the continent-leader in refugee integration?"

[338] According to Article 1, para. C (5) of the Convention relating to the status of refugees, a refugee can no longer continue to refuse to avail himself of the protection of the country of his nationality, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist.

[339] Lweendo Kambela: "Angolan refugees in Zambia: Reflecting on local integration as a sustainable solution", Accord, 2016

[340] UNHCR, 31.12.2012: "Zambia begins granting Angolan refugees permanent residency"; and Arthur Simuchoba: "How did Zambia become the continent-leader in refugee integration?", African Arguments, 17.6.2014

[341] According to information given by UNHCR-Zambia to UNHCR-Angola on 26 June 2018, also confirmed by an Angolan member of the mission met in Luanda in 2020

[342] Art.37-2 of the Constitution and Art.18 of Act.33/2016

[343] Art.37-1 (a) of the Constitution. In 2014, Zambia also developed the "National Strategic Action Plan for Reforming and improving Civil Registration and Vital Statistics", which dedicates chapter 4.3.4. (p.20) particularly to the birth registration of children of refugees and minorities.

[344] Art.40 of the Constitution

In contrast to Zambia's 1970 *Refugees Control Act* [345], the new refugee law of 2017[346] facilitates local integration.[347] Art.49 explicitly refers to the possibility to acquire citizenship.

At the end of February 2020, UNHCR still had records of 18.260 former Angolan refugees in Zambia.[348] During the 32nd meeting of the Permanent Joint Commission on Defense and Security Angola-Zambia, in November 2019, Zambia again requested Angola to help regularize the situation of the Angolan refugees. Zambia has so far shown good will and abstained from expulsions.[349]

- Several thousand former Angolan refugees in Zambia remain at the risk of statelessness as far as they are not able to obtain Angolan ID documents or are not naturalized locally, whereby naturalization also requires Angolan ID documents.

4.2.2 Democratic Republic of the Congo

Congo-Kinshasa[350] received a first mass movement of refugees when Portuguese troops started to crush the uprising of 15 March 1961 in northern Angola: about half a million refugees in all. More refugees came with the fighting between MPLA and FNLA forces between 1975 and 1978. During the subsequent years, the different phases of the armed conflict and the intermittent peace periods[351] caused refugee and return movements.

By March 2003, UNHCR had registered 193.000 refugees in what had become the Democratic Republic of Congo in 1997. Organized repatriation operations started the same year.

A verification conducted by UNHCR and the Congolese and Angolan Governments in 2014 established the number of Angolan refugees in the DRC at 56.263. Of this number, 18.638 opted for local integration and 37. 625 for a return to Angola. At the end of the repatriation exercise in 2016, 23.151 had gone back to Angola - under the UNHCR operation (16.467) or spontaneously (6.684). 14.474 of those who had initially chosen to return stayed, partly because their entry into Angola had been refused. By 30 June 2019, 490 Angolan refugees were exempted from the application of the cessation clause, for individual reasons, most of them natives of Cabinda. In principle, that left 33.112 former Angolan refugees in the DRC at the end of 2016.[352]

In the DRC also, the Angolan civil registration team that had come with the task of providing the former Angolan refugees with ID documents did not complete the task. In the meantime, the Congolese authorities agreed to deliver provisional residence permits which would be replaced by regular ones

[345] Not compliant with the 1951 UN Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; see: Bronwen Manby: "Citizenship Law in Africa. A Comparative Study", Open Society Justice Initiative, 2nd edition, October 2010, p.92

[346] Refugees Act, 2017

[347] Refugees Deeply, 12.6.2018: "What's behind Zambia's growing welcome to refugees"

[348] UNHCR, Zambia Fact sheet, 29.2.2020

[349] Meeting at MASFAMU, 31.1.2020

[350] Renamed "Zaïre" between 27 October 1971 and 16 May 1997 and "Democratic Republic of the Congo" since.

[351] Advance of UNITA forces into the north from the mid-80s on; peace accords of Bicesse of 31 May 1991; and the Lusaka Protocol of 31 October 1994

[352] UNHCR, 30.7.2019 : « Situation of Angolan refugees in the DRC (as of 30 June 2019)" and other information, both received from UNHCR-DRC by e-mail on 26.12.2019

once the former refugees had received their Angolan passports. By mid-May 2018, those 18.638 who had opted to stay had received such permits.[353]

The DRC's nationality law[354] attributes original Congolese nationality to all children born to a Congolese mother or father but this relationship must be determined before adulthood (Art.7). A foreigner who marries a Congolese citizen can accede to Congolese citizenship after 7 years of effective life as a couple, but this must be approved by the Council of Ministers and subsequently the National Assembly (Art.19). Art.5 of the Implementing Regulations[355] however limits this possibility to the foreign wives of Congolese men and mentions a reduced period of effective marriage of only 5 years (Art.19). Naturalization is only possible on the basis of distinguished services or a "real interest with a visible impact" for the DRC acknowledged by the Government and the National Assembly (Art.11). Other conditions such as speaking a Congolese language and a minimum of 7 years of legal residence must also be fulfilled. On the other hand, a child born in the DRC to foreign parents can apply for citizenship at the age of 18[356] if he or she has a permanent residence in the DRC (Art.21). Art.1 prohibits dual nationality. Art.9 confers DRC citizenship at birth to a child of stateless parents, or parents who cannot transmit their nationality to their child.

- Several thousand Angolans in the DRC remain at risk of statelessness:
  - those 18.638 Angolans who received the Congolese provisional stay permit, but not yet the Angolan ID documents,
  - and even more so those 14.474 who had initially opted for a return but then chose to stay. *(These numbers date from end-2016 and must be treated with caution. UNHCR planned a new verification in Central Congo in early 2020 aimed at establishing the exact documentary situation of the former Angolan refugees.)*[357]
- Due to its exceptionally selective requirements, the naturalization option is practically inaccessible for the refugees.
- It is not clear how many Angolans can benefit or already benefitted from the right to acquire Congolese citizenship reserved under Art.21 of the DRC's nationality law for adults born in the DRC to foreign parents and permanently residing there; whether this possibility does exist in practice; and which documents are needed for that.

[353] Info received on 25.6.2018 by UNHCR-Angola from UNHCR-DRC per e-mail

[354] Loi n° 04/024 du 12 novembre 2004 relative à la Nationalité Congolaise

[355] Arrêté ministériel n° 261/CAB/MIN/J/2006 du 04 juillet 2006 portant certaines mesures d'exécution de la Loi n° 04/024 du 12 novembre 2004 relative à la nationalité congolaise, published in the Official Gazette (Journal Officiel de la République Démocratique du Congo) No. 3 of 1 February 2007

[356] The age of majority in the DRC is 18 years

[357] Info received by e-mail on 26.12.2019 from UNHCR-DRC

4.2.3 Namibia

24.500 Angolan refugees had been registered at Osire, Namibia's sole refugee shelter, in 2002/2003. Namibia applied the cessation clause as of June 2012, while the UNHCR repatriation operation was still ongoing.[358] The UNHCR Country Office closed at the end of 2015 due to the low numbers of remaining refugees, relayed then by the UNHCR's Regional Office in Pretoria/South Africa.[359] By January 2015, 819 former refugees had received their Angolan passports and another 1.193 their ID cards.The Namibian Government had approved the local integration of 2.400 former Angolan refugees. By the end of 2015, 1.742 were still going through the corresponding administrative procedures.[360]

> *Art.4 of the Namibian Constitution grants citizenship at birth ("by descent") according to the principle of "ius sanguinis": one of the parents must be Namibian at the moment of birth. If neither is Namibian, but one of them resides ordinarily in Namibia at the moment of birth, a child also acquires Namibian citizenship (children of parents at the service of a foreign State in Namibia are excluded). Acquisitions by marriage and naturalization are possible after a legal residence of 10 years whereby a number of other requirements must be met. Refugee status does not grant ordinarily residence status (Art.4/Constitution). There is no provision that could facilitate acquisition of Namibian nationality for stateless persons or (former) refugees, except for children in determined circumstances.*

- The Angolan refuges in Namibia who receive permanent residence permits may apply for naturalization after 10 years, which is however a discretionary procedure and the application may be denied. The costs and conditions may also constitute a barrier. Therefore some risks that the Angolan refugees end up stateless continue to exist. No figures about successful or rejected naturalizations could be obtained in the context of this study.

4.2.4 South Africa

At the end of the armed conflict in 2002, UNHCR had registered 5.400 refugees and 7.879 asylum seekers in South Africa.[361] In December 2003, UNHCR and the governments of South Africa and Angola signed a tripartite agreement on the voluntary repatriation. 4.000 had left by August 2005.[362] When the South African Government declared in May 2013 that the cessation clause would take effect on 31 August, 6.000 refugees still remained, many of them well integrated into South African society and economy, with locally born children and often with South African partners. Of the three possibilities on offer (return, stay, or exemption), many accepted the first, no one the third. For those who opted to stay, the South African government offered a temporary residence permit under relaxed documentary requirements. 2.000 applied in time and received a non-extendable visa called an "Angolan Cessation Permit" (ACP) valid for 2 years[363]. But others missed the deadline because their Angolan passports were issued too late. They were told to go back to Angola and apply for immigration

[358] UNHCR, 18.5.2012: "Angolan refugees return home from Namibia ahead of June deadline"

[359] Namibian, 10.6.2015: "UNHCR to end its operations in Namibia"; Evaluation of UNHCR's country operations in Angola, Botswana and Namibia: Assessment of phasing down UNHCR presence during the period 2012-2016, UNHCR, June 2018, p.10 and 33

[360] UNHCR Operation in Namibia. Factsheet, January 2015; UNHCR Year-end report 2015

[361] UNHCR, 15.12.2003: "New agreement paves way for Angolans to return from South Africa"

[362] Pambazuka, 5.8.2005: "Angola/South Africa: Angolan refugees in South Africa urged to return home"

[363] New24, 15.2.2017: "The long road to SA citizenship for former Angolan refugees"

permits at the South African Embassy in Luanda. But since such visas are reserved for scarce specialized skills, most of them refused. As a consequence, many were left in a precarious, irregular state which exposed them to arrest and repatriation, without access to jobs and bank accounts.[364]

Following an application by the Scalabrini Centre of Cape Town, a court ruled on 17 November 2017 that the roughly 2.000 former Angolan refugees with expired ACPs could apply for an extension on special grounds under Section 31(2)(b) of the Immigration Act.[365]

In June 2017, the Minister of Home Affaires issued a decision to grant "Angolan Special Permits".[366] These were valid 4 years, until midnight of 31 December 2021, not renewable, and would not lead to permanent residence. The programme ended in mid-2018 with the delivery of 1.659 ASPs out of 1.757 applications.

As mass repatriation were looming at the end of 2021 a committee of former Angolan refugees approached the Department of Home Affairs with the concerns about their future: those with permits, as well as the undocumented ones (including the hundreds of spouses and children). The Department promised to work on a long-term solution.[367] On 5 August 2021, the Department announced the introduction of an "Angola Exemption Permit" (AEP) for which all Angolan refugees and asylum seekers registered by 31 August 2013 and all holders of ASPs or expired ACP could apply within 8 weeks from 16 August on. Their spouses and children of would be allowed to apply for mainstream visas or permits after the main member has obtained his/her exemption permit. The Department reckoned with about 5.000 applications, covering also many or most of those living in precarious situations until then, as far as they have Angolan passports and other documentary proof.[368]

> *The South African Citizenship Act[369] is based on descent (ius sanguinis). A registered stateless child born in South Africa and who has no right to another citizenship is also a South African citizen at birth (Section 2 [2]). Children born in South Africa to foreign parents and who lived there until their majority can obtain South African citizenship under section2 [3] or section 4 [3] [a]) (ius soli). Naturalization is admitted for person who hold ordinarily resident permits during*

[364] TNH, 10.9.2013: "Loss of refugee status leaves many Angolans undocumented in South Africa"; Daily Maverick, 6.2.2020: "Frozen futures: the uncertain and inhumane fate of Angolan refugees in SA"

[365] Ground-up, 17.1.2017: "Angolan refugees with expired permits in line for permanent residence"; New24, 15.2.2017: "The long road to SA citizenship for former Angolan refugees"

[366] "The former refugees were asked to fill out a questionnaire and provide bank statements, South Africa Revenue Service certificates, employment contracts, a certified copy of their passport, and a police clearance certificate. The department asked for 'any documents illustrating family, cultural, social and economic ties to South Africa'. Applicants have penned long letters detailing their ties to this country." News24, 15.2.2017: "The long road to SA citizenship for former Angolan refugees"; Scalabrini Centre of Cape Town, 13.5.2017: "Angola Special Permit Update"; Scalabrini Centre of Cape Town, 29.5.2017: "Press Release: Special Permits Issued To Angolan Former Refugees"

[367] GroundUp, 5.6.2018: "Former Angolan refugees face uncertain future"; Daily Maverick, 6.2.2020: "Frozen futures: the uncertain and inhumane fate of Angolan refugees in SA" – op.cit.; AllAfrica/New Frame, 21.10.2019: "South Africa: Legal Uncertainty for Former Angolan Refugees"; Bronwen Manby: "Citizenship and Statelessness in the Member States of the Southern African Development Community", p.87 (forthcoming)

[368] DHA, 5.8.21: "THE DEPARTMENT OF HOME AFFAIRS INVITES QUALIFYING HOLDERS OF ANGOLAN SPECIAL DISPENSATION PERMITS TO APPLY FOR THE ANGOLAN EXEMPTION PERMIT"; Zahida Ebrahim - ENSafrica, 12.8.2021: "Qualifying Angolan nationals will soon be able to apply for an exemption permit to live and work in South Africa"

[369] South African Citizenship Act, 1995 (No. 88), amended by Act 69 of 1997, Act 17 of 2004, and Act 17 of 2010. For a detailed analysis: Report on Citizenship Law: South Africa, Country Report 2018/01, Feb. 2018, Globalcit

at least 5 years preceding the application. For spouses or surviving spouses of South African citizens, the conditions are similar, but the required residence period is shortened (section 5 [5]); irregular migrants are excluded from this possibility. The ASP visa is also not counted as an ordinarily residence permit, making it difficult to follow that path.

- Those holding ASPs or expired ACPs are normally not at risk of statelessness as their Angolan nationality is established. However, the permits they hold so far do not allow applications for naturalization, as they are not counted as regular residence permits. There have also been reports that many Angolans had difficulties to renew their passports at the Angolan Embassy. and were asked to do so in Angola - which would make it difficult to return to South Africa afterwards and therefore eventually motivated many to stay illegally.[370]
- Particularly those who have been unable to regularize their situation, stayed illegally, possibly without ID documents, and hid from the authorities out of fear of deportation, are exposed to the risks of statelessness, particularly their children that cannot be registered. The overall number of undocumented migrants in South Africa is presumed "extremely large".[371]
- A child born and registered in South Africa to Angolan parents without permanent residence can acquire citizenship if he/she always lived there until attaining adulthood (Section 4[3]). The birth registration is however a condition - just as for stateless children – which unfulfilled leaves a risk of statelessness.

4.2.5 Botswana

In 2002-2003, there were about 2.000 Angolan refugees in Botswana's sole refugee camp of Dukwi (which they were only allowed to leave with a special permit). Most of them had been repatriated in UNHCR operations when Botswana declared the cessation of refugee status on 30 June 2013.[372] The last UNHCR-organized convoy of 194 people left Botswana in late October that year.[373]

Under Section 13 of Botswana's 1967 Refugees[374], the time spent as refugee on its territory is not considered as ordinary residence and thus cannot be counted for purposes of naturalization.[375] Moreover, when Botswana adhered to the 1951 Refugee Convention, it declared a reservation to several articles, including Art.34 which asks state parties to facilitate the assimilation and naturalization of refugees. In spite of these constraints, the tripartite agreement signed in 2004 by UNHCR and the governments of Botswana and Angola included that 850 of the recognized refugees who did not wish to return to Angola would be considered for residency and citizenship.[376] In 1997, Botswana had

[370] AllAfrica/New Frame, 21.10.2019: "South Africa: Legal Uncertainty for Former Angolan Refugees"

[371] Report on Citizenship Law: South Africa, Country Report 2018/01, Feb. 2018, Globalcit, p.1

[372] Angop, 30.9.2005: "Botswana, UNHCR deny `forced` return of Angolan family"; UNHCR, 1.11.2013: "UNHCR wraps up return programme for Angolan refugees in Botswana"; Reliefweb, 12.7.2005: "Angola-Botswana: UNHCR's voluntary repatriation programme resumes"; UNIC, 14.10.2013: "Former Angolan Refugees Return Home from Botswana"; New24 archives, 17.5.2015: "Botswana repatriates Namibian, Angolan refugees"

[373] UN News, 1.11.2013: "Final group of Angolans leaves Botswana for home, marking end of returns programme – UN"

[374] Refugees (Recognition and Control) Act of 1968

[375] Bronwen Manby: "Citizenship Law in Africa. A Comparative Study", op.cit., p.92

[376] Bronwen Manby: "Citizenship Law in Africa. A Comparative Study", op.cit., p.92-93

already granted citizenship to 277 Angolan long-term refugees in Etsha. In 2005, it conceded citizenship and land for cultivation to 155 long-term Angolan refugees[377] and again to 183 in 2006.[378]

According to the Citizenship Act of Botswana[379], a child born to a Botswanan citizen is a citizen of Botswana at birth (Art.4). A child adopted by a Botswanan citizen acquires Botswanan nationality automatically if adopted up to the age of 3 - or on application afterwards (Art.7 and 8). A person under the age of 21 may become a citizen of Botswana upon application if one of the foreign parents has acquired citizenship of Botswana (Art.9); but at the age of 21 he or she must renounce any other nationality in order to keep the Botswanan (Art.15). The main requirements for naturalization are a continuous period of residency in Botswana of 12 months immediately before the application and an accumulated period of 10 years during the preceding 12 years, a good character and a sufficient knowledge of Setswana or another tribal language (Art.13). In the case of a marriage to a Botswanan citizen, the required minimum period of residency is 5 years (Art.14). Dual citizenship is normally not allowed (Art.15).

- *Botswana has offered citizenship to Angolan long-term refugees. Some of their children born in Botswana however continued to have difficulties to be registered as citizens of Botswana although their mothers had already acquired that citizenship; they were told they had to reach the age of 21 years first and then to renounce Angolan nationality. Although the government had promised solutions, some cases had remained open by end-2011.[380] In 2013, the Government revoked scores of Botswana ID cards handed out to former Angolan refugees referring to article 15 of the nationality law, rendering them effectively stateless. In December 2019 Parliament adopted a motion recommending the revision of the immigration law. The revision is expected to allow children born in Botswana to automatically become citizens of Botswana.[381]*

[377] Daily News, 17.2.2013: "Refugee repatriation bears fruit"

[378] Reliefweb, 2.11.2006: "183 Angolan refugees get citizenship"; Bronwen Manby: "Citizenship and Statelessness in the Member States of the Southern African Development Community", p.87 (forthcoming)

[379] Citizenship Act 8 of 1998, amended by Act 9 of 2002 and Act 1 of 2004

[380] Mmegionline, 12.12.2011: "Etsha immigration still a headache"

[381] The Voice, 1.12.2020: "Lawmakers condemn unjust immigration law"

4.2.6 Republic of Congo

The Republic of Congo only shares a border with the province of Cabinda which is an Angolan enclave situated between the Atlantic Ocean, the Republic of Congo and the DRC. Most Angolan refugees in the Republic of Congo were from Cabinda.

In 2002, UNHCR had indicated a number of 17.700 refugees. On 11 December 2002, UNHCR and the Governments of Angola and the Republic of Congo concluded a tripartite agreement on the voluntary return of the Angolan refugees.[382] In 2011, 900 Angolan refugees were left in the Republic of Congo[383]. Congo applied the cessation clause on 30 June 2012.[384]

UNHCR carried out a last repatriation of 260 persons in September 2015.[385] Due to the specific situation in Cabinda however, not all refugees wished to return. In the context of this study, the exact current number of remaining Angolan refugees could not be ascertained.

According to the Congolese nationality law[386], a child born anywhere to a Congolese parent, or born in Congo to foreign parents also born in Congo, or born in Congo to unknown parents is Congolese at birth (Art.9). A newborn found on Congolese territory is presumed to be born there unless proven otherwise (Art.10). A foreign wife of a Congolese citizen acquires Congolese nationality after a common residency in Congo of 5 years, counted from the moment of civil registration of the marriage - unless she declines before the end of that period (Art.18 and 19) or the Government objects by decree (Art.22). An individual born in Congo to foreign parents acquires Congolese nationality at the age of majority (18)[387] if he or she had ordinary residence in Congo since the age of 16 – unless he or she declines during the year preceding the majority (Art.20 and 21) or the Government objects by decree (Art.22). Those individuals who intend to decline Congolese nationality must meet the conditions named in Art.15, particularly have another nationality (Art.23). Naturalization is possible after a regular residency of 10 years (Art.28 and 29) - among other conditions listed in Art.32. Immediate naturalization is admitted for the wife and minor or major children of a foreigner who acquires Congolese citizenship (Art.30). A naturalized person must renounce his or her previous nationality (Art.32). A Congolese who acquires voluntarily another nationality loses the Congolese one (Art.47). Art.48 details the conditions under which the Government must authorize such loss.

- *Congo's Citizenship Law is silent regarding a facilitated access to citizenship for refugees, particularly in case of the cessation of refugee status. The 2017 law amending the 1966 law on the conditions of entry, stay, and departure of foreigners in Congo dedicates just 2 articles to*

[382] Rapport Global 2002 de l'UNHCR, p.129 : 17.700 refugiés angolais; Rapport Global 2003 de l'UNHCR, p.148 : 3.900 réfugiés; Reliefweb, 2.11.2006: « Une mission tripartite pour sensibiliser les réfugiés angolais présents au Congo sur le rapatriement »; Angop, 29.10.2006: « Prochain retour des réfugiés angolais du Congo-Brazzaville »

[383] Rapport global 2011 du HCR, République du Congo, p.27

[384] Tropics Magazine, 25.11.2011 : « Congo-Brazzaville: Rapatriement des réfugiés angolais »; AfriqueInfos, 25.2.2012: "Congo : Début effectif du rapatriement des réfugiés angolais vivant en terre congolaise"

[385] Agence d'information d'Afrique Centrale, 30.9.2015 : « Pointe-Noire : 260 réfugiés angolais rapatriés volontairement au Cabinda par le HCR »

[386] Loi n° 35-1961 du 20 juin 1961 portant le Code de la nationalité congolaise; and Implementing Regulations: Décret 61-178, 29.7.1961

[387] 18 years according to the Law on the Protection of the Child - LOI N° 4-2010 DU 14 JUIN 2010 Portant protection de l'enfant en République du Congo

refugees and is silent regarding residence permits for refugees in the case of cessation.[388] *Towards the end of 2019, a new law on the right to asylum was being debated.*[389] *By June 2020 it had not yet been adopted in Parliament.*[390] *Children born in Congo to foreign parents of whom none was born there - this includes refugees - acquire Congolese citizenship at the age of 18 if he or she has the regular residence in Congo at that moment and since the age of 16. This provision constitutes a protection against statelessness at least at the age of majority for such children, although it is not compliant with the norm that every child has the right to acquire a nationality, granted by the ACRWC and the ICCPR.*[391] .

4.2.7 Portugal

The issue of nationality and statelessness arising from the independence of the former Portuguese colonies must also be highlighted here. As seen above, Portugal enacted Law-Decree n.º 308-A/75 on 24 June 1975 which determined that all persons born in the colonies lost the Portuguese nationality on the respective Independence Days - with the exception of a) the sons, grandsons and great-grandsons of persons born in continental Portugal and the Portuguese islands of Madeira and the Azores and b) those born in the former colonies who had lived in continental Portugal or the aforementioned islands since at least 5 years on 25 April 1974.[392]

Through its restrictive regime, this decree withdrew Portuguese nationality from most residents of the former colonies and other citizens born in these colonies and residing in third countries. In a significant number of cases this resulted in statelessness, for instance for natives of the colonies who had moved to Portugal less than 5 years before 25 April 1974, who were unaware of the loss of their Portuguese nationality, and who then had difficulties to obtain ID documents either from Portugal or the newly independent State and to register their children. While most such cases have been resolved in the mean-time by the 1981 nationality law, Law 31/81, and its subsequent amendments, some of them have remained unresolved.[393] Portugal has no Statelessness Determination Procedure (SDP), which makes it impossible to get a precise figure of the number of stateless persons or persons at risk of statelessness.

Portugal's latest population census, of 2011, indicated a number of 553 self-declared stateless persons[394]. The Foreigners and Border Service (SEF) stated a number of 273 stateless persons in 2000, 21 plus 35 of unknown nationality in 2010, 9 in 2015 and 30 in 2018[395] - but the criteria applied were

[388] Loi no 29-2217 du 7 août 2017 modifiant et complétant certaines dispositions de la loi n" 23-96 du 6 juin 1996 fixant les conditions d'entrée, de séjour et de sortie des étrangers en République du Congo

[389] Agence d'information d'Afrique Centrale, 9.10.2019 : « Droit d'asile : le projet de loi transmis au parlement ». No details regarding its content could be obtained in the context of this study

[390] List of the laws adopted by Congo's National Assembly: click here

[391] African Charter on the Rights and Welfare of the Child, Art.6-3; International Covenant on Civil and Political Rights, Art. 24-c

[392] Nacionalidade - Antigos Territórios Portugueses (Índia, Angola, Moçambique, Cabo Verde, Guiné Bissau, São Tomé e Príncipe, Macau e Timor); Guia da nacionalidade

[393] See for more details: UNHCR (Ana Sofia Barros), October 2018: "Mapping statelessness in Portugal 2018", p.21, 23-25, 29-30, 23-34, and p.49 and following

[394] 1.075 (2001), 19.698 (1991), 1.175 (1981) – Idem, p.48-49

[395] Serviço de Estrangeiros e Fronteiras (SEF): Relatórios de Imigração, Fronteiras e Asilo

not the same as in the census. In 2019, the SEF counted 22.691 Angolan residents, 3,84% of all foreign residents.[396]

30.478 foreign citizens acquired Portuguese citizenship in 2019, 28.856 in 2018, and 23.320 in 2017.[397]

A reform of the nationality law in in 2018 determined that all persons born in Portuguese territory acquire Portuguese citizenship, provided that at the time of birth one of the parents has been legally residing there for at least two years[398]. This reform further eased the access to Portuguese nationality for children of migrants. A new nationality law has been adopted in early October 2020 which facilitates the acquisition of Portuguese nationality inter alia for foreign spouses of Portuguese citizens.[399]

- Portugal has made notable advances in widening the access to nationality to natives of its former colonies and migrants in general, and also by adopting provisions to prevent and end statelessness - although more remains to be done like the introduction of a statelessness determination procedure. No precise figures about the number of stateless persons of Angolan origin is available; a 2018 UNHCR study mentions at least 3 such cases that the Angolan Consulate had dealt with in past years.[400]
- The new Portuguese nationality law did not change Art.14 which determines that only a descendance proven before the age of adulthood can have an effect on the citizenship. This excludes all those adults born to Portuguese parents but who were not registered for one reason or another, for instance because of too long distances in Africa or Latin America.[401]

[396] SEF: "Relatório de Imigração, Fronteiras e Asilo 2019"https://sefstat.sef.pt/Docs/Rifa2019.pdf

[397] Instituto Nacional de Estatística (Portugal)

[398] Gil, Ana Rita and Nuno Piçarra: "Report on Citizenship Law: Portugal", GLOBALCIT, Country Report. February 2020, p. 15 and 39

[399] Observador, 3.10.2020 – "Lei da Nacionalidade com exigências iguais para cônjuges de portugueses com ou sem filhos"; Rotunno, 24.7.2020: "Importante mudança na Lei da Nacionalidade portuguesa é aprovada"; DW, 22.12.2019: "Portugal prepara-se para mudar lei da nacionalidade e acabar com cidadãos 'apátrida'"

[400] "Mapping statelessness in Portugal 2018", op.cit. p.30, footnote 74

[401] Observador, 3.10.2020 – "Lei da Nacionalidade com exigências iguais para cônjuges de portugueses com ou sem filhos"

Recommendations

During the elaboration of this study and the interviews held, it became clear that the Government is aware of the challenges and of the risks of statelessness.[402] *On the other hand, there is no unanimity regarding the possible solutions or too much time has been going by without implementation when one was envisaged.*

4.3 To the Government of Angola

Amendments to legislation and regulations

(Harmonization of the Angolan legislation with the 1954 and the 1961 Conventions and the provisions on nationality and statelessness in the other UN and AU Conventions to which Angola is a State Party.)

1. Review the Nationality Legislation:

   1.1. Foundlings: Reformulate Art.9, paragraph 3 of the 2010 Constitution and Art.9, paragraph 2 of the 2016 Nationality Law in accordance with Art.2 of the 1961 Convention: Art.2 refers to a "foundling" ("menor abandonado" in Portuguese) without specifying an age limit, while the Constitution and the Nationality Law limit the age to a newborn ("recém nascido").

   1.2. Reformulate Art.5 of the Implementing Regulations which presently limits the scope of foundlings to those born in Angola which is not consistent with the Constitution (Art.9-3) nor the Nationality Law (Art.9-2) nor the 1961 Convention (Art.2). Art.2 of the Convention does not refer to the birth on the territory of a Contracting State, but to the fact that the foundling was found there. It states that in the absence of a proof to the contrary, this child is to be considered to have been born within that territory of parents possessing that nationality. Angola could reformulate paragraph 2 of article 9 of the Nationality Law taking Ghana or Zambia as example: Section 8 of the Ghanaian 2000 Citizenship Act (Act 591) states: "A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana at birth." Art.35 (2) of the Zambian Constitution says: "A child found in Zambia who is, or appears to be, of not more than eight years of age and whose nationality and parents are not known, shall be presumed to be a citizen at birth."

   1.3. Under the same perspective: Consider reviewing Art.15 of the Nationality Law (and Art.14 of the Implementing Regulations) which allows a stateless person or a person of unknown nationality born in Angola without age conditions to apply for citizenship. Art.14 of the Implementing Regulations limits the age to an apparent age of under 14 by reference to the Civil Registration Code (Articles 133 to 138). Foundlings older than newborns can acquire Angolan citizenship under this article. But here the birth in Angola is a condition which is not consistent with Art.2 of the 1961 Convention. Also, it is questionable why there should exist a discrimination between "newborns" and older foundlings by attributing the status of nationality at birth to newborns (Art.9) and the status of subsequent acquisition to even slightly older foundlings (Art.15). The rights attached are not the same: Art.17 states that no

[402] In this respect see also: Lusa/Angonotícias, 1.12.2020: "Governo analisa situação de cidadãos apátridas principalmente no estrangeiro"

Angolan at birth can be deprived of his/her nationality. This would not apply to foundlings older than newborns. Moreover, children shall have a nationality at birth as seen above (p.22). Art.14/Implementing Regulations does not specify the persons responsible for presenting such application for the acquisition of Angolan citizenship in favour of such a minor.

1.4. Review Art.17 paragraph 1 point b) and Art.17 paragraph 2 point a) (and Art.15 of the Implementing Regulations) on the loss of nationality so as to include the condition that the loss of the Angolan nationality does not lead to statelessness (see above p.28).

1.5. Bring the 2016 Nationality Law in accordance with Art.32 of the 1954 Convention by integrating provisions that facilitate naturalization of stateless persons, expediting the proceedings and reducing the charges and costs of such proceedings (see above p.24).

2. Create the status of a stateless person.

2.1. Establish a Statelessness Determination Procedure. The legal framework for these regulations should take into account:

- ✓ The UNHCR's Handbook on Protection of Stateless Persons. Under the 1954 Convention Relating to the Status of Stateless Persons", Geneva, 2014
- ✓ The UNHCR's "GUIDELINES ON STATELESSNESS NO. 2: Procedures for Determining whether an Individual is a Stateless Person", HCR/GS/12/02, 5 April 2012
- ✓ The UNHCR's Handbook "Ending statelessness within 10 years. Good Practices Paper. Action 6. Establishing statelessness determination procedures to protect stateless persons"

2.2. Establish a legal regime that spells out the rights and obligations of stateless persons, in line with the 1954 Convention.

2.3. Create an ID card for stateless persons living in Angola.

Institutional reforms

3. Create an inter-ministerial working group tasked with formulating and implementing a national Action Plan to eradicate statelessness (Ministries of Justice, Interior, and possibly Foreign Relations and MASFAMU).

4. Set up a board in charge of determining statelessness status so as to ensure that stateless persons are identified, protected, provided with documents, and able to enjoy their fundamental human rights. This could be a sub-group within the National Commission for Refugees. Alternatively, the CAPAN, the Monitoring Commission for Nationality Attribution Processes (Nationality Commission), could be tasked with the Statelessness Determination Procedure.

4.1. The board or sub-commission should have and follow rules that are conducive to creating trust and confidence among applicants and encourage them to seek State assistance.

5. Assign to CAPAN the responsibilities of analyzing cases of statelessness risks

6. Have the INE (Instituto Nacional de Estatística) include into their surveys and census questions that will allow inferences about the status and nationality of foreign migrants in Angola, particularly in

the next population census. This is also a proposal of Chapter IV of the "National Migratory Policy".[403] The expertise of UNHCR and IOM should be requested. This is doubtlessly a sensitive issue and should be handled with care and precaution due to the reservations and fear irregular migrants are likely to have of getting detained and expelled from Angola.

6.1. Publish statistics on the number of procedures of acquisition, loss, and deprivation of nationality and their results, including the reasons determining the decisions.

7. Create a mechanism and a procedure for disputes regarding nationality and statelessness capable of dealing with and resolving complex cases of confirmation of nationality or determination of statelessness for stateless persons *in situ* or in migratory contexts, taking into account the recommendation of the African Committee on Human and Peoples' Rights made in the context of Côte d'Ivoire, that in view of the deficiencies of the birth registration system and the issuing of respective documents, the responsibility of the proof of nationality shall be shared between the applicant and the administration. The Commission also suggests that considering realities linked to traditions, the lack of information, ignorance, and social and economic constraints, particularly among rural populations, the proof of birth and residence must also resort to alternative modes and not just depend on written documents.[404]

Birth/civil registration

8. Consider the recommendations made by the Human Rights Committee (2019)[405], the Committee on the Rights of the Child (2018)[406], and other reports. Some of the most salient recommendations are summarized here:

8.1. Improve the capacity of the civil registration system, make it more accessible and reduce waiting times by:

- ✓ adopting a state budget for civil registration and identification that satisfies the needs;
- ✓ prioritizing the completion of the registration of all Angolans and foreign children born in Angola through campaigns and temporary expansion of existing services in order to eliminate the backlog of unregistered citizens and breaking the vicious chain of unregistered grand-parents/parents/children;
- ✓ extending infrastructures and increasing staff in order to meet higher demand, particularly in consequence of wider information initiatives in favor of birth registration and in parallel to population growth, so as not to discourage service users;
- ✓ ensuring that all laws and regulations and their amendments regarding civil registration are well-known by the registry staffs;

[403] Presidential Decree n.° 318/18

[404] ACHPR: « Communication 318/06 – Open Society Justice Initiative c. Côte d'Ivoire » - http://www.achpr.org/files/sessions/17th-eo/comunications/318.06/communication_318.06_fre.pdf

[405] ICCPR, Human Rights Committee: "Concluding observations on the second periodic report of Angola", 8 May 2019, CCPR/C/AGO/CO/2, Paragraph 48

[406] Committee on the Rights of the Child: "Concluding observations on the combined fifth to seventh periodic reports of Angola", CRC/C/AGO/CO/5-7, 27 June 2018, Paragraph 19

- ✓ maintaining and recycling their professional quality by refresher training as needed;
- ✓ streamlining procedures so as to avoid multiple visits at registration and identification sites, with all the inherent transport and accommodation costs;
- ✓ ensuring the regular and sufficient provision of registration facilities with material (such as paper, forms and registration books), equipment (including maintenance and repair), electricity, and transport;
- ✓ decentralizing registration facilities, cooperating with maternity clinics, schools, churches, and communities;
- ✓ bringing services closer to the public: easier access, more posts at the communal level, mobile brigades, and continued campaigns;
- ✓ standardizing rules for registration so as to make them clearer and more homogenous; issuing clearer and less ambiguous rules for birth registration and the issuance of ID cards, as too often the success depends on the good will of the Registrar or the ID official;
- ✓ improving information about procedures and required documents and about gratuity;
- ✓ improving information so as to ensure the registration of children of single mothers and foreigners, of orphans, and abandoned children
- ✓ easing requirements for late registration and less common cases;
- ✓ promote effective cooperation between relevant Ministries, connecting birth registration with health, education and other social services;
- ✓ conceiving mechanisms that reduce undue payments or bribe-taking;
- ✓ considering removing the requirement that both parents be present for birth registration when the parents are married[407];
- ✓ extending and facilitating the free birth registration campaigns so as to cover all children born to foreigners in Angola, including undocumented migrants and refugees, in order to ensure that they are guaranteed access to all human rights without discrimination.[408]

9. Complete registration so as to normalize the situation of civil registration and get sufficient data on the population, thereby limiting the occasions of doubt and dispute about identity and nationality thenceforward.
10. Ensure that all minors living in or attending reception or day centers for street children, all orphans, and other vulnerable children are registered and that all institutions such as police, hospitals, schools contribute to this effect.
    10.1. Improve cooperation, coordination and information exchange between public institutions (MASFAMU, INAC, Municipal Social Action), local associations, and CSOs that work in favour of vulnerable children in order to increase effectivity of such work.

[407] Committee on the Elimination of Discrimination against Women: "Concluding observations on the seventh periodic report of Angola", 14 March 2019, CEDAW/C/AGO/CO/7, Paragraph 34

[408] Human Right Council, "Report of the Special Rapporteur on the human rights of migrants on his mission to Angola" (3-10.5.2016), A/HRC/35/25/Add.1

10.2. Envisage cooperation protocols with such associations and organizations.

10.3. Give a special attention to girls living in the street and to the children to whom they might give birth so as to break the chain of street children becoming street parents.

10.4. Keep a data base on street children.

10.5. Consider adopting minimum rules for accommodation centers.

11. Take appropriate measures so that Angolans refugees returning home after a very long absence, or even born abroad, have access to mechanisms to confirm their Angolan nationality, with special attention to the situation of those who have little left to identify themselves as Angolans. *In this context, the difficulty must be acknowledged to distinguish between Angolan returnees and irregular immigrants from the country of refuge trying to present themselves as Angolans. This will need special attention so as to ensure that no one remains without a nationality.*

11.1. Enhance the cooperation of State authorities so as to avoid that personnel documents issued by one service (the Civil Registry) are confiscated by other services (SME/Police) under the suspicion of fraud without appropriate investigations (as reported in Uíge). Ensure that criminal procedures are engaged against public servants who abuse their authority by illegally issuing birth certificates and ID cards.

12. Review and improve the legal and administrative framework related to the proof of nationality so as to ensure that adults who never had a birth registration or other identification documents proving their original link to Angola, or who lost them (e.g., during exile or internal displacement), have access to appeal mechanisms of redress and reconstitution of proof of their Angolan nationality.

12.1. Encourage the Justice and Human Rights Ministry and academics to engage in research and studies on obstacles in the establishment of the proof of nationality.

13. Give priority attention to vulnerable women such as displaced single mothers, women violated or abandoned by the fathers of the child or children and other women in precarious situation or at risk regarding the determination of their Angolan nationality.

14. Complete the civil registration of former Angolan refugees abroad, with priority for the DRC and Zambia where most former refugees are located. .

15. Set up a technical sub-group in the Joint Permanent Commissions on Defense and Security Angola-DRC, Angola-Zambia, tasked with determining the nationality of citizens when their nationality is in doubt between Angola and DRC or Angola and Zambia – particularly with respect to former refugees.

15.1. Check and follow up on the situation of regular and irregular former Angolan refugees or migrants in South Africa with the South African Government so as to prevent statelessness among these two groups.

16. Set up a technical sub-group in the Joint Commission Angola-Namibia tasked with determining the nationality of transhumant pastoralists living near to and/or on both sides of the border.

17. Analyze the situation of Congolese citizens (and possibly other nationalities) who have accompanied their Angolan spouses, former refugees, on their return to Angola, and who have

difficulties renewing their residence permits and eventually Congolese (or foreign) ID documents and/or passports - a situation which might end up exposing them to statelessness. Uíge province served as example in this study (see above p.53).

18. Definitively determine the nationality of the members of the ethnic Pende community, based on discussions and recommendations that have already taken place at the level of the Ministry of Justice and Human Rights and the Provincial Governments of Malanje, Lunda Sul and Lunda Norte, including the findings of the multisectoral research commission, and as far as necessary in collaboration with the DR Congolese authorities.

Migrants and refugees

19. Urgently resume registration and documentation of refugees and asylum-seekers of all nationalities - on a continuous basis.
20. Amend the Nationality Law with respect to Art.34 of the 1951 Convention relating to the Status of Refugees which states that Contracting States shall as far as possible facilitate the assimilation and naturalization of refugee, expedite such proceedings and reduce related charges and costs.
21. Regularize the situation of the long-term Katanga refugees by granting, as much as reasonable, regular residence or naturalization.
22. In view of the application of the cessation clause for Rwanda, Liberian and Sierra Leonian refugees: drop the requirement of a national passport for those who wish to apply for legal residence or naturalization in Angola and cannot or are unwilling to apply for such a document at the Embassies of their countries of origin. Their Angolan documents could be accepted (refugee ID card, refugee passport, etc.) as sufficient.
23. Envisage a limited one-off operation to regularize the situation of long-term irregular migrants and facilitate their integration (*as for instance Portugal, France and other countries have done in the past*) so as to eliminate the risk for them to become stateless.
24. Improve the administration of borders with the aim of ensuring a better control of migratory movements and reducing the negative effects of irregular migration which include the risks of statelessness. Improve coordination with the neighbouring States in this area.
25. Ensure that all persons of origin from other former colonial Portuguese territories, in particular Cape Verdeans and Santomeans, who spent all their life in Angola or were born there, see their nationality status secured and obtain identity and nationality documents from Angola or from the independent States born out of these territories – as far as necessary in cooperation with these States.
26. Engage exchange of information and cooperation with the main countries hosting former Angolan refugees or migrants in order to find solutions to their documentary and legal situations whenever these might find themselves at risk of statelessness there (and possibly vice-versa), with special attention for non-accompanied children and long-term migrants or refugees.

Public awareness, cooperation

27. Ensure the information and sensitization of the authorities, including the judicial ones, relevant CSOs, other stakeholders, and the public in general on the risks of statelessness, the modalities of obtaining identity and nationality documents, on existing solutions in case of difficulties and, eventually on the determination of statelessness and the conditions to obtain the status of a stateless person.

    27.1. Organize programs and information campaigns with the media, schools and universities and other social structures through seminars, conferences and other adequate means.

28. Organize partnerships and cooperation among CSOs and relevant State or private institutions in initiatives to identify stateless persons.

29. Train students of law faculties and law practitioners on the topic of statelessness, providing them with the juridical knowledge and tools necessary to identify and protect stateless persons and to prevent and reduce statelessness.

30. Establish partnerships with SADC, ICGLR, the AU, the ACHPR, and ECCAS[409], the EU, and other relevant stakeholders aimed at supporting and coordinating policies and measures to eradicate statelessness.

    30.1. Learn from/exchange information on the experiences and policies of other countries and organizations such as ECOWAS and the respective Action Plans, results, and challenges.

31. Support the drafting and the adoption of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa.

4.4 To SADC and ICGLR

32. Adopt and implement the SADC Action Plan to eradicate statelessness.[410]

33. Promote and support the elaboration of a regional convention regarding statelessness adapted to the region, in particular regarding the phenomenon of migrations (identification, protection, prevention, reduction of the number of cases of statelessness, cooperation between Member States).

34. Create a commission on statelessness that coordinates the identification and protection of stateless persons respectively throughout SADC and in the area of the ICGLR Member States, in close cooperation with the national institutions in charge of statelessness and those in charge of determining nationality so as to avoid statelessness and offer remedies.

    34.1. Encourage SADC and ICGLR respectively to establish, within their realms, a rapid and efficient system of exchange of information between States that enables them to determine the nationality of migrants.

[409] Economic Community of Central African States

[410] A draft plan was proposed at state expert level in December 2018. - B.Manby: "Citizenship and Statelessness in the Member States of the Southern African Development Community", UNHCR, December 2020, p.5

35. Coordinate action plans on the regional level. Achieving the targets of the UNHCR Action Plan set for 2024, the eradication of statelessness, demands an effective cooperation of States of the sub-region and political will and engagement to implement the Plan, starting with the gathering of precise data in order to know the real situation.

4.5 To UNHCR

36. Improve the cooperation of the UNHCR Office in Angola with those in States where former Angolan refugees remain, with priority for Zambia and the DRC where most of them are located, in order to ensure a follow-up on the obtention of Angolan ID documents and their legal situation in those countries with the aim of protecting them from a life in illegality and statelessness. UNHCR should encourage and support these States to make sure that the former refugees have at least one nationality.
37. Monitor the implementation of the latest provisions adopted by the South African Ministry of Home Affairs in August 2021, mentioned above, which aim to regularize the continued stay of the former Angolan refugees in South Africa and to regularize the situation of those still in precarious situations.
    37.1. Raise the issue of the limits to the renewal of Angolan passport at the Angolan Embassy in South Africa with the Angolan Government so that Angolans living in South Africa may not be forced to return to Angola for that purpose.
38. Assist/cooperate with the National Institute of Statistics in order to include the aspect of nationality and statelessness into the next population census.
39. Continue to support Angola with technical advice towards the eradication of statelessness.
40. Contribute to an improved coordination in the UN Country Team in Angola on the issues of birth registration, nationality and risks of statelessness, reinforcing cooperation with UNICEF, UNDP, IOM, WHO, and UNFPA.
41. Encourage and assist with the birth registration of children of refugees and asylum seekers in Angola.
42. Cooperate with, train, and assist the body that will be in charge of the Statelessness Determination Procedure.
43. Associate with the EU and other international organizations in projects related to birth registration and the protection against statelessness.
44. Deepen and complement this study by concrete surveys and field research with the purpose of obtaining better qualitative and quantitative details on stateless persons or persons at risk of statelessness.

Annex A – Brazzaville Declaration

ICGLR/RIMC/DEC/STA/15/10/2017

Declaration of International Conference on the Great Lakes Region (ICGLR) Member States on the Eradication of Statelessness

We, Member States of the International Conference on the Great Lakes Region (ICGLR), assembled in Kinshasa (DRC) from 27th to 28th June 2017, for the first Regional Conference on Statelessness in ICGLR Member States, facilitated by United Nations High Commissioner for Refugees (UNHCR) and ICGLR, in the framework of UNHCR #IBelong Campaign [411]to End Statelessness by 2024:

Noting that millions of people around the world, including many in the ICGLR Member States are stateless, of undetermined nationality or at risk of statelessness, which limits their enjoyment of the full range of human rights enumerated in, amongst other instruments, the African Charter on Human and People's Rights;

Recalling that the right to nationality is a fundamental human right, enshrined in the Universal Declaration of Human Rights and in other international and regional human rights instruments to which we ICGLR Member States are party, including the African Charter on the Rights and Welfare of the Child;

Underlining the importance of the principles of equality and non- discrimination, particularly as they relate to the transmission of nationality to a spouse or child;

Considering UNHCR's mandate from the UN General Assembly to prevent and reduce statelessness as well as to protect and identify stateless persons around the world;

Expressing our support for UNHCR's #IBelong Campaign to End Statelessness by 2024;

Noting the Draft Declaration of the Third Conference of African Ministers in charge of Civil Registration which affirms the commitment of States to improve civil registration and vital statistics;

Welcoming the accession to the 1954 Convention relating to the Status of Stateless Persons and/or the 1961 Convention on the Reduction of Statelessness by certain ICGLR Member States;

Welcoming the commitments made by a number of ICGLR Member States under the 2004 Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, to "adopt a common regional approach for the ratification and implementation of the UN Conventions on Statelessness, harmonize related national laws and standards, and provide refugees and displaced persons with identification documents enabling them to have access to basic services and exercise their rights";

[411] #IBelong Campaign to End Stateleslessness

Welcoming the initiative of the AU to adopt the draft protocol to the African Charter on Human and Peoples' Rights on the right to nationality and the eradication of statelessness in Africa;

Mindful of the need to satisfy the assistance and protection of stateless persons and to seek durable solutions in collaboration with ICGLR Member states and UNHCR support to address the root causes of statelessness and develop national laws that are in accordance with international law; and

Convinced that the enjoyment of the right to nationality contributes to the peace and security of the region as well as to social and economic development;

Declare the following:

1. **Reaffirm** the commitment of ICGLR Member States to end statelessness in our respective States in support of the UNHCR's #IBelong Campaign to End Statelessness by 2024;

2. **Encourage** ICGLR Member states that have not yet done so to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

3. **Call** upon all ICGLR Member states, with the support of UNHCR, to review their nationality laws and related legislation to bring them in line with the Conventions mentioned above;

4. **Reaffirm** our commitment to implement the relevant international and regional legal instruments on the rights of women to ensure that women and men have equal rights to acquire, change, and retain their nationality and to confer their nationality to their children and spouses ;

5. **Commit** to prevent and eradicate statelessness by reforming laws and policies related to nationality in order to include appropriate safeguards against statelessness, in particular to ensure that every child acquires a nationality at birth and that all foundlings are assisted by Member States to acquire the nationality of the State in which they are found;

6. **Recognize** the importance and urgency of obtaining concrete information on the causes of statelessness and the number and profile of stateless persons in ICGLR Member States in order to design and implement appropriate strategies to address the issue. In this effort, we encourage relevant institutions to actively participate and call upon the international community, in particular UNHCR, to support us;

7. **Reaffirm** our commitment to reduce risks of statelessness by reinforcing civil registration mechanisms, in particular to ensure that every child is registered immediately after birth, and that late birth registration procedures are accessible to all unregistered individuals born in the territory;

8. **Undertake** to ensure that all individuals entitled to nationality under domestic law are able to acquire documentary proof of their nationality;

9. **Support** and encourage the African Union to conclude the draft protocol to the African Charter on Human and Peoples' Rights on the right to nationality and the eradication of statelessness in Africa;

10. **Commit** to designating a Focal Point on statelessness in each ICGLR Member State to meet regularly under the auspices of the ICGLR, and in collaboration with UNHCR in order to assess progress in the implementation of the commitments outlined in this Declaration; and

11.**Commit** to develop and implement national action plans in line with the ICRGL regional plan of action to end statelessness in support of the UNHCR's #IBelong Campaign to End Statelessness by 2014.

Done in Brazzaville, 16th October 2017

(Signed by the Foreign Ministers of Angola, Burundi, Central African Republic, Republic of Congo, DRC, Kenya, Rwanda, Sudan, South Sudan, United Republic of Tanzania, Uganda, Zambia) [412]

[412] English original: Brazzaville Declaration, available here

Annex B – Angolan laws

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https://www.lexlink.eu/conteudo/angola/legislacao/82122/despacho-presidencial-no-8013/14601/por-tema

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Notice: *All indicated links to documents or articles on the World Wide Web (Internet) were working at the moment of the drafting of this study. It cannot be guarantee that they are still functioning at the moment of reading.*