

SUBJECT

Citizenship Law, which establishes the conditions for the attribution, acquisition, loss and reacquisition of Angolan nationality. - Repeals Law no. 1/05, of 1st July.

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Diploma Content

The 2010 Constitution of the Republic of Angola enshrined a new system of Government and new ways of exercising the political and administrative function of the State.

The right to citizenship is one of the fundamental rights of the citizens, provided for in the Constitution and in the Law, whose rules and procedures regarding their attribution, acquisition, loss and reacquisition are extremely sensitive and, varying from State to State, constitute a source of potential Social and political conflicts.

Not only does the contemporary sovereign state have the obligation, but it must establish uniform criteria for cohesion and inclusion of citizens, otherwise it will be a source of factors of disintegration and socio-economic instability.

In view of the current juridical and legal framework regarding citizenship, which is not in line with the new juridical and constitutional context, it is necessary to amend the rules on the attribution, acquisition, loss and reacquisition of citizenship, approved by Law no. 1/05, of 1st July, in order to adapt them to the new political and social reality resulting from the ongoing transformations in the country.

By mandate of the People, under the terms of article 164, paragraph a), paragraph d) of nr. 2 of article 166, both of the Constitution of the Republic of Angola, the National Assembly approves the following:

LAW OF CITIZENSHIP

CHAPTER I GENERAL PROVISIONS

Article 1 (Subject)

This Law establishes the conditions for the attribution, acquisition, loss and reacquisition of Angolan nationality.

Article 2 (Modalities)

Angolan citizenship may native or be acquired.

Article 3 (Application in Time)

The conditions for the attribution, acquisition, loss and reacquisition of Angolan citizenship shall be governed by the law in force at the moment when the acts and facts that give rise to them, are verified.

Article 4 (Effects of Attribution of Citizenship)

The attribution of Angolan citizenship takes effect from birth and does not affect the validity of legal relationships previously established on the basis of another citizenship.

Article 5 (Effects of Loss of Nationality)

1. The effects of the loss of Angolan citizenship shall occur from the date of the verification of the acts or facts that, under the terms of the present Law, gave rise to it.
2. Except for what is provided in the preceding paragraph, the effects in relation to third parties, in the scope of relations between individuals, which only occur from the date of registration.

Article 6 (International Treaties)

The norms of international treaties to which the Angolan State is binding prevail over those of this Law.

Article 7 (Extraordinary Regularization of the Angolan Citizenship of the Citizens of the African Countries of Portuguese Official Language)

The President of the Republic may conclude bilateral agreements with the States of African Portuguese-speaking Countries, in order to make possible the extraordinary regularization of citizenship by naturalization, of the citizens of these countries, who have been usually resident in Angola for at least ten years.

Article 8 (Administrative Acts)

It is the responsibility of the President of the Republic to practice the administrative acts regarding the appraisal and decision of the requests regarding the acquisition, reacquisition and loss of the citizenship, except in cases where the competence is of the National Assembly.

CHAPTER II ATTRIBUTION OF CITIZENSHIP

Article 9 (Native Citizenship)

1. An Angolan native is the child of a father or mother Angolan citizen, born in Angola or abroad.
2. An Angolan native is presumed to be the newborn found in Angolan territory.

Article 10 (Definition)

For the purposes of the present Law enforcement, one is considered to be an Angolan father or mother and an Angolan citizen, the one to whom this citizenship was given by the Citizenship Law of November 11, 1975 and Law No. 2/84, of February 7.

CHAPTER III ACQUISITION OF CITIZENSHIP

Article 11 (Acquisition by Affiliation)

1. Incapable Children of a mother or father who acquires Angolan citizenship may request, through their respective legal representatives, Angolan citizenship.
2. The underage who, due to affiliation, has been granted Angolan citizenship may opt for another nationality upon coming of age.
3. The application must be instituted by the registration of the acquisition of the nationality of the mother or father.

Article 12 (Acquisition by Adoption)

1. The one adopted by Angolan nationals acquires Angolan citizenship, provided that the adopting, when the adoption is unique or the adopting, when the adoption is double, require that the adopted acquires Angolan nationality.
2. When the adopted is over 14 years old, he / she must express his / her desire to acquire Angolan citizenship.

Article 13 (Acquisition by Marriage)

1. A foreign citizen who has been married to an Angolan citizen for more than five years, under the acquired property regime, in the stability of marriage and having heard the husband and wife, can acquire Angolan citizenship, provided that he requests it.
2. The right granted in the previous number does not dispense the requirements established in paragraphs a), c) and h) of paragraph 1 of the following article.
3. The provisions of the previous numbers apply to foreign citizens living with an Angolan national in a legally recognized cohabitation.
4. Acquires also the Angolan nationality, the foreign citizen who, by virtue of marriage, loses his previous citizenship, being duly proven.
5. The declaration of nullity or defeasibility of the marriage does not affect the nationality acquired by the spouse who did it in good faith.

Article 14 (Acquisition of Citizenship by Naturalization)

1. The foreign citizen who satisfies all the following requirements can acquire Angolan Citizenship, by naturalization:
 - a) To come of age in accordance with Angolan law;
 - b) To be legally resident in Angolan territory for at least ten years;
 - c) To offer moral and civic guarantees of integration in the Angolan society;
 - d) To have the capacity to govern his person and to ensure his subsistence, provided that he/she has his/her own regular income and this can be proved, in the course of last three years;
 - e) To have sufficient knowledge of the Portuguese Language, measured by examination, under the terms to be regulated in a specific normative act;
 - f) To have an effective connection to the national community, proven by knowledge of the people and nation, verified through examination, under the terms to be regulated in a specific normative act;
 - g) To have an adequate knowledge of the rights and duties deriving from the Constitution of the Republic of Angola;
 - h) - Not having been convicted by executory sentence of a crime punishable with a penalty of imprisonment equal to or greater than three years, in accordance with Angolan Law.

2. The National Assembly may grant Angolan citizenship to a foreign citizen who has provided or is likely to provide relevant services to the Country, or who demonstrates exceptional professional, scientific or artistic qualities on a proposal submitted by at least fifteen members of Parliament while carrying out their functions.

3. The President of the Republic may grant, without delegation, Angolan citizenship by naturalization, with exemption from the requirements set forth in paragraph 1 (b), (d) and (e), to foreigners who have provided or are called upon to provide relevant services to the Angolan State.

4. The Angolan citizenship by naturalization provided for in paragraph 1 of this article is granted at the request of the interested party and through a process organized under the terms established by the regulation.

Article 15 (Other Acquisition Cases)

Also acquires Angolan citizenship upon request:

a) The individual born in Angolan territory when he or she has no other nationality;

b) - The individual born in Angolan territory born of unknown parents, of unknown nationality or stateless.

Article 16 (Public Pledge)

1. The attribution of Angolan nationality by naturalization is effected by public oath to the Republic of Angola, before Public Authority.

2. The public oath referred to in the preceding paragraph is pronounced in the following terms: "I swear to be faithful and respect the Constitution of the Republic, Angolan laws, obey and fulfill my obligations and duties as an Angolan citizen."

CHAPTER IV LOSS AND REACTION OF CITIZENSHIP

Article 17 (Loss of Citizenship)

1. Who loses the citizenship:

a) - Those who voluntarily acquire a foreign citizenship and express not pretend to be Angolan;

b) - Those who exercise sovereignty functions in favor of a foreign State, unless they have previously communicated to the National Assembly;

c) - The underage children of Angolan nationals born abroad and who, for this reason, also have another citizenship, if after coming of age, express their intention not to be Angolans;

d) - Those adopted by foreign citizens if, upon coming to age, they express their intention not to be Angolans.

2. The loss of acquired Angolan citizenship is also determined by :

a) – The conviction for an offense against the State security;

- b) - Provision of military service to a foreign State;
 - c) - Obtaining of the citizenship by forgery or any other fraudulent means or misleading the competent authorities;
 - d) Acquisition of the citizenship by means of a marriage or a cohabitation made in a fraudulent, simulated, illegal or bad faith manner;
 - e) - An Angolan citizen with more than one citizenships, who performs acts in national territory in the name of another nationality.
3. No Angolan native may be deprived of original citizenship.

Article 18 (Regain of Citizenship)

1. An individual who has acquired Angolan citizenship as a result of the Citizenship Law of November 11, 1975 and Law No. 2/84, of February 7, and has lost it by virtue of a declaration of will made by his parents or his legal representative, when he/she was underage, definitively loses Angolan citizenship, provided that he/she does not require the attribution of Angolan citizenship within three years after the resolution end of the incapacity.
2. The citizens referred to in the previous number must prove that they have been living in Angolan territory for at least one year.
3. When Angolan citizenship has been lost because of any of the reasons foreseen in paragraph 1 of article 17 of this law, it may be recovered, by decision of the National Assembly, provided that the person concerned has established residence in the national territory for at least, five years.
4. The provisions of paragraph 1 of this article shall apply, with the necessary adaptations, to the interdicted and disqualified, counting the term of three years from the becoming an executory sentence that has decreed the lifting of the interdiction or disqualification.
5. Anyone who has lost Angolan citizenship due to a declaration rendered during his / her incapacity may regain it upon application at the end of the incapacity.
6. The reacquisition of Angolan citizenship is only admissible once.

CHAPTER V OPPOSITION TO THE ACQUISITION OR REAQUISITION OF CITIZENSHIP

Article 19 (Grounds)

1. The following are grounds of opposition to the acquisition of Angolan citizenship:
 - a) The lack of effective linkage to the Angolan community;
 - b) - The conviction, by an executory sentence, for the practice of an offense punishable by a prison sentence of three years or more, according to Angolan law;
 - c) - The conviction, by an executory sentence, for the practice of an offense against the security of the Angolan State.

2. The following are grounds for opposition to the regain of Angolan citizenship, in addition to those established in the previous number:

- a) The exercise of functions of sovereignty in favor of a foreign State, unless it is previously communicated to the National Assembly;
- b) The provision of military service to a foreign State;
- c) - Violation of paragraph 6 of the previous article.

Article 20 (Legitimacy to Deduce Opposition)

1. The opposition shall be deduced by the Public Prosecutor's Office on appeal to the Court of Appeal within a period of six months from the date of entry of the lawsuit to the Registry, being applicable in general terms, the rules on administrative litigation.

2. The facts referred to in the preceding article are obligatory for all authorities and optional for all citizens to participate to the Public Prosecutor's Office, before the Civil and Administrative Chamber of the Court of Appeal.

CHAPTER VI REGISTRATION AND PROOF OF CITIZENSHIP

Article 21 (Facts Subject to Registration)

1. All acts and facts that determine the attribution, acquisition, loss or regain of Angolan citizenship shall be subject to compulsory registration, either in the proper book or by computer, at the Central Registry Office.

2. Except as provided in the previous number, the attribution of citizenship when made through registration of birth in the Angolan registry office and its acquisition by adoption.

3. The registration of acts referred to in paragraph 1 of this article shall be made at the request of the interested parties.

Article 22 (Declarations before Diplomatic or Consular Agents)

1. Declarations to obtain citizenship may be made to the Angolan diplomatic or consular agents and, in this case, shall be registered unofficially in the light of the necessary supporting documents to be sent to the Central Registry Office.

2. The simple registration or consular registration does not, by itself, constitute the attribution of Angolan citizenship.

3. The provisions of paragraph 1 of this article, does not apply to cases of acquisition of citizenship by naturalization.

Article 23 (Registration of Citizenship)

1. The registration of the act that implies attribution, acquisition, loss or regain of citizenship shall be drawn up by register or by record.
2. The registration of citizenship shall be recorded by transcription, without intervention of the interested parties and signed only by the Registrar.
3. The Registrar of Central Registries shall proceed with the birth registration of any citizen who acquires Angolan nationality, immediately after registration of citizenship.

Article 24 (Children of Foreign Citizens Entries of Birth)

1. Birth certificates of children of foreign nationals or of unknown citizenship, born in Angola, drawn up in Angolan Registries, shall be recorded in a proper book or computer in the model to be approved.
2. Foreign or unknown citizenship, for the purposes of the previous number, should be, whenever possible, proven by document proving that none of the parent is Angolan.

Article 2 (Establishment of Affiliation or Adoption after Registration of Birth)

When an affiliation is established subsequent to the birth registration of a foreigner born in Angola or is decreed to be adopted, the judicial decision or act that established or decreed it and its communication for record of the entry of birth must include the nationality of the parents or Angolan adopting.

Article 26 (Proof of Native Citizenship)

1. Angolan native citizenship from individuals born in Angolan territory, of Angolan father or mother, is evidenced by the entry of birth, which does not contain any mention to the contrary.
2. The Angolan citizenship of individual foreign-born persons is proven, as the case may be, by the registration of the declaration on which their attribution depends or by the references on the entry of birth drawn up by the Angolan civil registry.

Article 27 (Proof of Acquisition and Loss of Citizenship)

1. The acquisition and loss of citizenship shall be proved by the respective registrations or by the consequent records drawn up in the margin of the birth entry.
2. Proof of the acquisition of citizenship by adoption shall apply to paragraph 1 of the preceding article.

Article 28 (Legal Report of the Registrar of Central Registries)

It is incumbent on the Registrar of Central Registers to issue a Legal Report on all questions of citizenship, in particular on those that should be submitted to him by consular agents in case of doubt on the Angolan citizenship of the supplicant for registration or consular registration.

Article 29 (Certificates of Citizenship)

1. The issuance of certificates of Angolan citizenship at the request of the interested party by the Registrar of Central Registries always depends on the existence of registration.
2. The probative force of the certificate may be waived, by any means, whenever there is no record of the citizenship of the holder.

CHAPTER VII LITIGATION OF CITIZENSHIP

Article 30 (Legitimacy)

The interested parties and the Public Prosecutor have the right to appeal against any acts related to the attribution, acquisition, loss and regain of Angolan citizenship, within a period of five years from the date of knowledge of the fact on which the appeal is based.

Article 31 (Competent Court)

1. The appraisal of appeals referred to in the previous article falls within the jurisdiction of the Civil and Administrative Chamber of the Court of Appeal.
2. Once the petition is filed and the documents that have to be submitted, the respondent is requested to respond within fifteen days, if there is no ground for preliminary dismissal.
3. The applicant may reply within 15 (fifteen) days following the date on which the he/she is summoned to present the impugment.
4. The case must be referred to the Country Court whenever, in order to solve the citizenship problem, it is necessary to decide on any preliminary question about the state of persons.
5. In the case referred to in the preceding paragraph, the progress of the lawsuit shall be stopped until a certificate of the executor sentence has been added that decided the preliminary question.
6. The rapporteur of the lawsuit may order directly additional procedures that may prove necessary.
7. Once the pleadings have been concluded, the lawsuit stands trial, without delay, unless the rapporteur determines the execution of any diligences that he considers indispensable, in case the lawsuit is available, for statement, to the party and the Public Prosecutor Office, for ten days to each one.
8. The appeal follows the rules of the grievance.
9. The judgment that decides the appeal on the citizenship must be registered.
10. Everything that is not regulated in the previous numbers, the process is governed by the general terms of the rules on the administrative litigation process.

Article 32 (Conflict of Angolan and Foreign Citizenship)

Any other nationality attributed to Angolan citizens is not recognized and does not produce any effects in the Angolan national legal system.

Article 33 (Conflict of Foreign Citizenship)

In the positive conflicts of two or more foreign citizenships, the citizenship of the State in whose territory the person with several citizenships has its usual residence or, on its absence, that of the State with which he/she has a closer relationship prevails, shall prevail.

CHAPTER VIII FINAL PROVISIONS

Article 34 (Declaration of Option for Angolan Citizenship)

1. Foreign nationals born in Angolan territory up to November 10, 1975 and their respective descendants, holders of another citizenship, do not consider themselves Angolans with the entry into force of this law, without prejudice to those who have regularized their situation so far.
2. For the purposes of the previous paragraph, it is understood that only a citizen holding an Angolan identity card or passport issued from November 11, 1975 to date, based on a document or other legal document, is in a regular situation.
3. The rights produced under the Citizenship Law of November 11, 1975, of Law No. 2/84, of February 7 and of Law No. 13/91, of May 11, are safeguarded from the provisions of the previous paragraphs of this article, however, being considered as being precluded and expressly revoked by article 13 of Law no. 2/84 of 7 February, the option provided for in article 1, paragraph 2, of Law of Citizenship of November 11, 1975.

Article 35 (Pending Lawsuit)

The provisions of this Law shall not apply to cases pending on the date of its entry into force.

Article 36 (Revocation)

Law no. 1/05, of July 1, is revoked.

Article 37 (Regulation)

This Law shall be regulated within ninety days.

Article 38 (Doubts and omissions)

The doubts and omissions arising from the interpretation and application of this Law are resolved by the National Assembly.

Article 39 (Entry into Force)

This Law shall enter into force on the date of its publication.

Seen and approved by the National Assembly, in Luanda, on February 24, 2016.

The President of the National Assembly, Fernando da Piedade Dias dos Santos.

Promulgated on March 31, 2016.

To be issued.

The President of the Republic, José Eduardo dos Santos.