

# Angola: Law No. 8 of 1990: Law on Refugee Status

## Chapter I - REFUGEE STATUS

### Article 1

1. Refugee status shall be granted to any person who: (a) Being persecuted or fearing persecution in his country of origin or where he is domiciled, by virtue of his race, religion, nationality, parentage, membership of a certain social group or political opinion, does not wish to seek the protection of that country, or not having the nationality of, and being outside, the country in which he has his habitual place of residence is unable or unwilling, because of that fear, to return to it; or (b) As a result of aggression, external occupation or foreign domination, or events which to a large extent disrupt public order in part or all of his country of origin or the country of his nationality, or not having the nationality of the country in which he has his habitual place of residence, is obliged to leave it in order to seek refuge in a place other than his country of origin, the country of his nationality or where he has his habitual place of residence.

2. In the case of a person who has more than one nationality, the expression "the country of his nationality" shall be understood to mean any country whose nationality he possesses; and any

person who without valid reason deriving from well-founded fear has not placed himself under the protection of one of the countries whose nationality he possesses shall not be considered to be lacking protection by the country of his nationality.

## **Article 2**

Refugee status shall not be granted to aliens who: (a) Have committed serious acts against the independence and sovereignty of the People's Republic of Angola; (b) Have committed crimes against peace, war crimes or crimes against humanity as defined in the international instruments relating to these crimes; (c) Have committed an ordinary offence outside the People's Republic of Angola before being admitted as refugees; or (d) Have committed acts contrary to the objectives and principles of the United Nations.

## **Article 3**

1. Refugee status shall terminate: (a) When the causes which gave rise to it, in conformity with article 1 of the present Act, have ceased to exist; (b) By reason of renunciation of refugee status; (c) By reason of voluntary repatriation; (d) By judicial decision, in the case of expulsion on the basis of criminal law; (e) By reason of the choice of another receiving country; (f) If acts contrary to the provisions of articles 6 and 20 of the present Act occur; or (g) If the refugee changes his nationality to that of the country of asylum.

2. In cases covered by subparagraphs (b), (d), (e), (f) and (g), the Committee on Recognition of the Right of Asylum shall notify the Office of the United Nations High Commissioner for Refugees for such purposes as may be necessary.

## **Article 4**

1. An alien in the conditions specified in article 1 who applies for protection at the frontier may not be turned back, returned, expelled or subjected to other measures which oblige him to remain in or return to the territory where the threat to his security has occurred.
2. The term "frontier" shall apply to land frontiers, seaports or airports and to the limits of territorial waters, as defined by the legislation in force in the People's Republic of Angola.

## **Article 5**

1. A refugee who is unlawfully present in the country shall not be punished for the act of unlawful entry or presence provided that he presents himself to the authorities and justifies his situation.
2. Unlawful entry or sojourn in the country shall not constitute grounds for rejecting an application for asylum.

## **Article 6**

1. Any person who is in the situation of a refugee shall respect the Angolan Constitution and laws, not interfere in Angolan politics and not engage in activities that may endanger or jeopardize national security or Angola's relations with other States.
2. Failure to comply with the law shall not absolve the refugee from the responsibility deriving from the obligations set forth in the preceding paragraph; non fulfilment of these obligations may constitute grounds for expulsion, in conformity with article 20.

## **Article 7**

1. Juvenile members and mentally handicapped members of full age of the refugee's family who are accompanying him or members who join him subsequently shall be recognized as refugees, unless they possess another nationality and enjoy the protection of the country of that nationality.
2. They shall nevertheless be granted permanent residence in order to safeguard family unity.
3. If, after recognition of refugee status, the family's unity is broken through divorce, separation or death, the family members referred to in the preceding paragraph who have been granted refugee status shall retain that status.

### **Article 8**

Refugees shall be entitled to engage in gainful activities and shall have the right to education and health assistance.

### **Article 9**

1. A person who has previously been granted refugee status in the People's Republic of Angola may reacquire such status when the causes referred to in article 1 of the present Act recur.
2. If, in the event of massive voluntary repatriation, a refugee expresses a desire to remain in the People's Republic of Angola for reasons of fear concerning his personal security in the country of origin due to his political opinions, for the reasons covered by article 1 of this Act, or for other reasons such as preserving the principle of family unity or simply a desire not to return to his country of origin, he shall enjoy the right to remain in the People's Republic of Angola.
3. Persons in situations provided in paragraphs 1 and 2 of this article shall communicate their decision in writing to the

Committee on Recognition of the Right of Asylum.

## **Chapter II - ORGANS AND PROCEDURE**

### **Article 10**

1. The competent authority for recognizing the right of asylum shall be the Committee on Recognition of the Right of Asylum (COREDA), which shall be composed of one representative of the Ministries of Foreign Affairs, Justice and the Interior, the State Secretariat for Social Affairs, and the Emigration and Frontier Services.
2. The chairmanship of the Committee on Recognition of the Right of Asylum shall be the responsibility of the Ministry of Justice and the secretariat that of the State Secretariat for Social Affairs.
3. A representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) may attend and participate in meetings of the Committee on Recognition of the Right of Asylum without the right to vote.

### **Article 11**

1. The authority competent to receive applications for asylum shall be the Delegation of the Ministry of the Interior in the place where the applicant presents himself.
2. The competent services of the Ministry of the Interior in that place shall take the actions provided for in articles 7 and 9 of this Act.
3. When these actions have been taken, the case shall be transmitted to the Committee on Recognition of the Right of Asylum.

## **Article 12**

1. Specialized officials of the Ministry of the Interior shall be responsible for receiving applications for asylum, which shall be registered on forms prepared by the Committee on Recognition of the Right of Asylum, and shall hold confidential interviews with applicants. These interviews shall relate to the reasons which led to departure from the country in which persecution occurred and shall be intended to ensure that applicants explain their cases as fully as possible and adduce the evidence at their disposal. This shall be duly examined by the administration, together with such evidence as the official examining the case may deem appropriate.
2. The interviews, of which records shall be prepared, shall be officially supplemented by the official concerned or at the request of the applicant on as many occasions as may be necessary, before the case is submitted for consideration to the Committee on Recognition of the Right of Asylum.
3. The time-limit for examination of applications for asylum shall be 60 days.

## **Article 13**

While the procedures relating to the application or any appeals are under way, the applicant and juvenile members of his family may remain in the country enjoying the rights and obligations of temporary residents, including the right to engage in gainful activities. The applicant shall inform one of the organs referred to in article 12 of any gainful activities in which they are engaged.

## **Article 14**

1. Upon conclusion of the interview provided for in article 12, the

delegation of the Ministry of the Interior in the place where the application was made shall issue a temporary residence permit to the applicant, to juvenile members of his family and to mentally handicapped members of full age.

2. The permit shall be valid for six months and shall be renewed on as many occasions as may be necessary until a final decision is taken on it.

### **Article 15**

All evidence shall be admissible in the procedure. Priority shall be given to the following principles: (a) Evidence shall be evaluated in a flexible manner; (b) Applicants shall be granted the benefit of the doubt.

### **Article 16**

All decisions of the Committee on Recognition of the Right of Asylum shall be notified to applicants for refugee status through the delegation of the Ministry of the Interior in their place of residence.

### **Article 17**

1. When an application for refugee status is rejected in a final decision and the person concerned has to leave the country, he shall, for humanitarian reasons, be allowed to remain in the country for a period not exceeding six months, with the aim of ensuring that he is admitted to another country.

2. After this period has elapsed, the person whose application for refugee status has been rejected shall be subject to the laws in force relating to aliens and shall forfeit the rights referred to in articles 2 and 14 of this Act.

## **Article 18**

A person recognized as a refugee shall be granted resident alien status.

## **Article 19**

1. Identity documents legally accrediting their status as permanent residents shall be issued to all refugees.
2. They shall also be entitled to receive the travel document referred to in article 28 of the 1951 Convention.
3. The travel document shall have wide geographical validity, shall be valid for two years and may be extended for up to one year by the organ which issued it or by an Angolan consulate.

## **Article 20**

1. A person who has been granted asylum or refugee status may not be expelled, except for reasons of public order; in this case, the restriction established in article 4 of this Act shall be observed.
2. The expulsion order shall also be notified to the Office of the United Nations High Commissioner for Refugees.

## **Chapter III - FINAL PROVISIONS**

### **Article 21**

The 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and the 1969 OAU Convention governing the specific aspects of refugee problems in Africa shall be applied to all situations not provided for in this Act.

### **Article 22**



Any doubts relating to the interpretation and execution of the present Act shall be resolved by the Council of Ministers.

## **Chapter II - ORGANS AND PROCEDURE**

### **Article 23**

The present Act shall enter into force immediately.