

NATIONAL ASSEMBLY

Law nº 10/15

Law on the Right of Asylum and the Refugee Status - Revokes Law no. 8- / 90 of 26 May. Law on the Status of Refugees and other legislation that contradicts the provision in the present Law.

Law nº 10/15

June 17th

The Constitution of the Republic of Angola guarantees the right of Asylum to any foreign citizen or stateless person in case of persecution for political reasons, namely of serious risk or threat of persecution as a consequence of their activity in favor of democracy, national independence, peace between peoples, freedom and the human rights, in accordance with the laws in force and the international instruments.

Due to factors resulting from indiscriminate violence in situations of international or internal armed conflict, or widespread and indiscriminate violation of human rights, a foreigner or stateless person may be required to leave his or her Country of origin, of his/her citizenship, or of his/her residence, for being in danger of suffering serious offense, coming to seek refuge in Angolan territory.

Being necessary to regulate the right of asylum foreseen in paragraph 1 of Article 71 of the Constitution of the Angolan Republic and to transpose into the internal legal order for compliance with international obligations, the precepts of the international legal instruments, to which Angola has adopted, in particular to the Geneva Convention " of 28 July 1951, the" New York Protocol "of 31 January 1967 and the "Convention of the Organization of African Unity" 1969, on the specific aspects of refugees protection in Africa;

Convinced of the urgent need for a clear definition of the conditions and procedures for the granting and forfeiture of the Refugee Status in the Republic of Angola, in compliance with the international obligations assumed by acceding to the international conventions on refugees and also of inhibiting the misuse of the Asylum to those who fraudulently intend to enter the Country not fulfilling any of the conditions defined by the conventions to benefit from Refugee status.

Being necessary to establish an efficient mechanism of articulation between the national organs that intervene in the process of granting or refusing asylum and loss of refugee status by cessation, cancellation or revocation according to the economic and social political changes that have occurred in the Country with the advent of Peace, factors that increased the migratory flow and made Law no. 8/90 of 26 May on the Refugee Status to be not in line with the current economic and social reality;

The National Assembly, by people mandate, under the combined provisions of paragraph b of Article 161 and paragraph 4 of Article 167, both of the Constitution of the Republic of Angola, approves the following:

**LAW ON THE RIGHT OF ASYLUM
AND THE STATUS OF THE REFUGEE**

CHAPTER I
General Provisions

ARTICLE 1
(OBJECT)

This Law establishes the legal regime on the right of asylum and defines the status of refugee, fulfilling the provisions of paragraph 1 of article 71 of the Constitution of the Republic of Angola and the provisions of the Geneva Convention of 28 July 1951 the "Protocol of New York" of 31 January 1967 and the "Convention of the Organization of African Unity" on the specific aspects in Africa of 1969, relating to the protection of refugees.

ARTICLE 2
(Scope of application)

The provisions of the present Law shall apply to foreign nationals or stateless persons who apply for asylum and to refugees, without distinction of race, religion, nationality, affiliation in a certain social group or political opinion, in accordance with the provisions of the legal instruments of refugees to which the Republic of Angola has adopted or will adopt.

ARTICLE 3
(Definitions, Initials and Acronyms)

For the purposes of this Law, the following definitions shall apply:

- a) UNHCR - United Nations High Commissioner for Refugees;
- b) Stateless - person who is not considered as a national by any State under its law;
- c) Asylum - Protection granted by the Angolan State to a person, within its territory or in another place dependent on some of its organs, in default of the jurisdiction of the country of origin, under the conventions and protocols, based on the "non-refoulement" and which is characterized by the enjoyment of the rights of refugees recognized by international asylum law;
- d) Authorization of residence - Authorization issued by the Angolan authorities, which allows a foreigner or stateless person to reside in the national territory, in accordance with the law;
- e) Migration Authority - Ministerial Department of the Republic of Angola responsible for implementing the migration policy;
- f) Refugee Reception Center and Asylum Requesters, abbreviated CARRA - institution created by the State where asylum seekers are accommodated collectively, from the moment of their entry into

national territory until the final decision on the application, as well as for the Refugees who do not meet the conditions for free movement within the national territory;

g) National Council for Refugees, abbreviated CNR – Multi-sectorial body of advisory nature, competent to assess the cases and to pronounce on the application for asylum and the loss of refugee status, as well as on complaints concerning refusal of asylum and the loss of refugee status;

h) Child - Person under eighteen (18) years old;

i) Discrimination - Any differentiation, exclusion, restriction or preference based on race, color, descent or national or ethnic origin which has the purpose or effect of nullifying or preventing the recognition, enjoyment or exercise, on an equal basis, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life;

j) Evidence elements - Documentary evidence, material or from other nature, supporting the asylum seeker's statements;

k) Refugee Status – It is a set of rights, duties and procedures defined in this Law and other domestic or international legislation in force in the Republic of Angola, applicable to the foreign citizen or stateless person who was granted asylum;

l) Special Social Group - a group of people who share common characteristics besides the risk of persecution or who are considered as a group by the society. The characteristic will often be a characteristic that is innate, immutable or otherwise fundamental to the identity, conscience or to the exercise of human rights of the person;

m) Family members- For the purposes of family reunification, family members, are members of the family, namely the spouse or partner of the cohabitation, the parents, children under age and of age disabled or handicapped children, under refugee dependency;

n) Unaccompanied minor - A foreigner or a stateless person who is under the age of eighteen (18) years old and who arrives or is in the Republic of Angola, alone or separated from his parents or usual legal representatives;

o) Citizenship - Legal link of public law between a person and the State that is a group unified by language, cultural, ethnic or linguistic identity, tradition, common interests and aspirations, conditions to which are associated the exercise of rights and compliance with Inherent duties;

p) Serious offense – It is considered serious offense, namely: penalty or execution, torture punishment or inhuman or degrading treatment in his country of origin or serious threat against life or physical integrity of the applicant, resulting from indiscriminate violence in situations of international or internal armed conflict or of widespread and indiscriminate violation of human rights;

q) Political opinion - Any opinion regarding matters related to State, Government and its organs, holders of public organs or civil society that is interpreted as oppositional, of annoyance or insult to the Governing Political Party;

r) Country of origin- Country or Countries of nationality or, in the case of stateless persons, the country in which they had their usual residence;

s) Safe Country - Country where it can be safely established that in an objective and verifiable way that it gives no origin to any refugee based on the following elements: respect for human rights, existence and normal functioning of democratic institutions, political stability ;

t) Third country of residence - Country where the asylum seeker is not known to be a threat to his or her life and liberty, or subjected to torture or inhuman or degrading treatment, has obtained protection or enjoyed the opportunity at the border or inland of that Country, to seek protection or has been proven to be accepted, and is benefiting effective protection against expulsion;

u) Application for asylum - Written or oral act by which a foreign citizen or stateless person requests to Angolan State, through the migratory authority, its protection under the 1951 Geneva Convention related to the Status of Refugees, of its 1967 Protocol and the 1969 OAU Convention, which regulates the specific aspects of refugee problems in Africa;

v) Fraudulent or abusive use of the asylum process - A request based on evidence that are originated from false or falsified documents, when asked about them, has declared its authenticity; and with bad faith provided intentionally false declarations relating to the subject of the application or destroyed documents proving his identity, or intentionally omits the fact that he has already presented an application for asylum in one or more countries with a possible false identity;

w) Unfounded request - a request which does not present any substantive issues, lack of grounds for the alleged fear of persecution in the applicant's country of origin, because the request is clearly based on deliberate fraud or constitutes an abusive use of the right of asylum;

x) Persecution - threat to life or liberty, or other serious human rights violations, by virtue of race, religion, nationality, political opinion or membership of a particular social group;

y) Frontier Post - Location of the national territory authorized for entry and exit of persons, where there is inspection by the competent organs;

z) Principle of «non-refoulement» or non-devolution – Principle according to which, nobody shall be subjected to measures such as rejection at the border, return or expulsion which would compel her to return or to remain in a territory where her life, physical integrity or freedom would be threatened;

aa) Principle of benefit of the doubt - Benefit to be granted by the migration officer to the asylum seeker, if he cannot support some of his statements because of lack of evidence, when they are coherent, plausible and not contradictory to the generality of the facts presented;

bb) Principle of proportionality - Principle according to which agents of the police or immigration authority must direct their conduct or action in order to bring their procedures into line with the objectives of the action;

cc) Race - Physical appearance of a person including, in particular, considerations associated with skin color, descent or belonging to an ethnic or social group:

dd) Founded fear of persecution - State of mind of the applicant for asylum which must be based on an objective situation prevailing in the Country of origin and of the subjective element immanent from the persecution;

ee) Appeal - The means by which the foreign citizen or stateless person appeals against the decision given by the Angolan authorities on the application for asylum with which he / she does not comply, under the terms of the impugnation law of administrative acts;

ff) Refugee - Person granted refugee status under this Law and the International Conventions on refugee protection;

gg) Religion - Religious creeds or doctrines based on the belief of the existence of a higher power, theistic convictions or worship ceremonies practiced in private public, individually or collectively;

hh) Asylum seeker - A foreign citizen or stateless person seeking asylum, either verbally or in writing, in the Republic of Angola whose application has not yet been finally decided.

CHAPTER II

Right of Asylum

SECTION I

Overviews

ARTICLE 4

(Guarantee of the right of asylum)

Foreign citizens or stateless persons are guaranteed the right of asylum in accordance with this law and international legal instruments relating to refugees under the terms that Angola has acceded to or will accede to.

ARTICLE 5

(Beneficiaries of the right of asylum)

1. The right of asylum may be granted to a foreign national or a stateless person who:

a) Is pursued or threatened with persecution as a result of the activity carried out in the State of his nationality or of his usual residence in favor of democracy, peace between peoples of freedom and the human rights;

b) Due to a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a special social group or political opinion, that person is outside the Country of her nationality and cannot, or because of such fear, is not able to take advantage of the protection of that Country, or that, having no nationality and being outside her country of residence, as a result of such events may or, due to such fear, may not be willing to return to it;

c) For reasons of aggression, occupation, foreign domination or events which greatly disturb public order in part or in her entire country of origin, nationality or habitual residence, has to leave it to seek Refuge outside her country of origin, or of her nationality or usual residence;

d) Because of indiscriminate violence in situations of international or internal armed conflict or a widespread and indiscriminate violation of human rights has to leave his or her country of origin, nationality or residence because of the risk of suffering a serious offense.

2. The right of asylum may only be granted to a foreign citizen who has more than one nationality when the reasons referred to in the preceding paragraph take place, concerning all the States of which he is a national.

ARTICLE 6

(Factors impeding the right of asylum)

Foreign citizens or stateless persons who is proven to be in the following situations can't benefit from the right of asylum:

a) Has committed serious acts against the independence and sovereignty of the Republic of Angola;

b) Has committed crimes against peace and democracy, war crimes, crimes against humanity as those defined in the international instruments relating to such crimes;

c) Has committed common crimes outside the Republic of Angola;

d) Has committed acts contrary to the aims and principles of the United Nations or the African Union.

SECTION II

Procedure for the Granting of Asylum

ARTICLE 7

(Submission and receipt of the application for asylum)

1. A foreign citizen or stateless person who wishes to obtain asylum may submit his application at the border post to the migration authority within the Country to any police or migration officer or outside the national territory, to an accredited Angolan diplomatic representation, and may do so in writing or verbally, in which case the respective order shall be drawn up.

2. In the interior of Angola, resident f or with temporary residence foreign citizen or stateless person who wants, must submit the application for asylum to the migration authority or to any police authority in the following cases:

a) If there are valid reasons for its presentation or when the facts that are based on are verified, within a period of eight (8) days maximum;

b) When the facts provided for in article 5 occur, as soon as the interested party becomes aware of them, within a maximum period of (8) days.

3. Any police authority that receives the asylum application shall, within forty-eight (48) hours, forward it to the local representative of the migration authority, who shall immediately notify the asylum seeker to testify within eight (8) days.

ARTICLE 8
(Content of request)

The applicant for asylum must provide all the information necessary to justify the application for asylum, in particular:

- a) Identification of the applicant and the members of his / her household;
- b) Indication of his/her nationality, country or countries and previous place or places of residence;
- c) Indication of previous applications for asylum, if any;
- d) Statement of the circumstances or facts that support the application for asylum and indication of evidence elements considered necessary.

ARTICLE 9
**(Effects of the submission of the asylum application
on infractions related to entry into the country)**

1. The presentation of the application for asylum shall prevent any administrative or criminal procedure from entering illegally into national territory against the applicant and accompanying family members.
2. The administrative or criminal procedure for irregular entry is closed if asylum is granted and it is demonstrated that the corresponding offense was determined by the same facts that justified its grant.
3. For the purposes of the preceding paragraphs, the application for asylum and the decision thereon shall be communicated by the migration authority to the entity in which the administrative procedure or criminal procedure goes through, within forty-eight (48) after receipt of the request.

ARTICLE 10
(Interview with asylum seeker)

1. The migration authority shall notify the asylum seeker to make statements indicating the date, time and place of the interview and shall inform him/her rights, particularly the right to an interpreter and legal aid, as well as his or her duties.
2. The official of the migration authority shall complete the asylum application form, interview the applicant and draw up in the records confirmed by him/her, the reasons for which he/she left the country of persecution, seeking to make his/her case with more objectivity and offer the evidence he/she has, which are attached to the file.
3. The interview, in order to declare for the records and to substantiate the application for asylum, from which the minutes or report is to be drawn up, shall be taken by the migration authority or at the request of the asylum seeker, as often as necessary, within the period established in paragraph 2 of article 15 of this Law.

4. The asylum seeker is given the benefit of the doubt, which, for lack of sufficient evidence, can not substantiate some of his statements when they are coherent, plausible and not contradictory in accordance to the generality of the presented facts.

5. The model form referred to in paragraph 2 shall be approved by its own rules.

ARTICLE 11

(Proof of submission of the application for asylum)

After the interview, the migration authority collects the biometric data, take photographs and issue to the asylum seeker a statement certifying the submission of the application for asylum in accordance with the model approved by its own rules.

ARTICLE 12

(Temporary stay)

1. The declaration proving the submission of the asylum application, referred to in the previous article, certifies that the applicant for asylum is authorized to remain temporarily in national territory for a period of sixty (60) days from the date of the presentation, renewable for a period of thirty (30) days until the final decision of the request.

2. The right of temporary residence does not entitle the asylum applicant to a residence permit, or to exercise a remunerable activity or free movement outside CARRA, without prejudice to the provisions of the following articles.

3. The provisions of the preceding paragraphs do not apply to asylum seekers who already reside in or are authorized to stay temporarily in the national territory under the Judicial Regime of Foreigners in force in the Republic of Angola.

ARTICLE 13

(Center for the reception of refugees and asylum seekers 'CARRA')

1. CARRA accommodates the asylum-seekers in accordance with the provisions of the following article and the refugees who have no means of subsistence, being its establishment, management and administration under the responsibility of the ministerial departments responsible for the implementation of migration policy and for the Assistance and Social Reinsertion, through power's delegation of the Holder of the Executive Power.

2. CARRA is installed in the Provinces which have land, sea or river border posts, and whose admission volume for asylum seekers and refugees so justifies.

3. CARRA Internal Rules are approved by Legal diploma.

ARTICLE 14

(Entry of asylum seeker into CARRA)

1. The immigration authority shall, after interviewing and issuing the declaration certifying the asylum application, forward the applicant to the nearest CARRA, and shall not be absent without prior

authorization from the Administrator of the Center, in accordance with the respective rules on pain of holding responsible under the terms of the present Law and other legislation in force.

2. The asylum applicant who has means of subsistence may not join CARRA, with prior authorization of the holder of the ministerial department responsible for the implementation of migration policy.

3. The applicant for asylum referred to in the preceding paragraph shall be bound by the rights and obligations inherent to his condition and shall be submitted periodically to the immigration authority at the date and time appointed to him, in accordance with the requirements of need and proportionality, and as well as keep it informed of his/her current address, on pain of holding responsible under the terms of the present Law and other legislation in force.

ARTICLE 15

(Instruction of the asylum process)

1. The immigration authority shall carry out the steps leading to the investigation of facts whose knowledge is relevant for a fair and rapid decision.

2. The term of instruction of the process is thirty (30) days from the date of the interview, which may be extended, for duly justified reasons.

ARTICLE 16

(Process with expedited legal procedure)

The process must be instructed within a maximum period of fifteen (15) days in the following situations;

a) It should be clear that it does not satisfy any of the conditions to benefit from the refugee status foreseen in article 5 of this Law, since the allegations of the applicant, who fears persecution in his country are groundless because they are fraudulent or constitute an abusive use of the process of asylum;

b) Whenever its concession results in a danger or a founded threat to internal or external security or public order;

c) Be formulated by an applicant who is a national or usual resident in a Country qualified as a Safe Country or a third host Country;

d) Complies with the situations provided for in article 6 of this Law;

e) If the application is submitted after the deadline set forth in paragraph 2 of article 7 of this Law, without justification;

f) If the applicant has already been the subject of a decision of expel from the national territory.

ARTICLE 17

(Referral of the process to National Refugee Council 'CNR')

Once the instruction of the process has been completed, the competent body of the immigration authority prepares the final report with a founded proposal for the granting or refusal of asylum and sends it to the CNR.

ARTICLE 18

(Appraisal of the process by CNR)

The CNR, within a maximum of fifteen (15) days from the date of receipt of the process sent by the competent organ of the migratory authority, analyses the request and submits a reasoned proposal for granting or refusing asylum to the holder of the ministerial department responsible for the implementation of migration policy, for decision, by delegation of powers of the Holder of the Executive Power.

ARTICLE 19

(Decision on the application for asylum)

The holder of the ministerial department responsible for implementing the migration policy by delegation of powers of the Holder of the Executive Power shall grant or refuse the application for asylum within fifteen (15) days from the date of receipt of the case.

ARTICLE 20

(Effects of the decision)

1. If asylum is granted, foreign citizen or stateless person benefits from the refugee status under the provisions of this Law, and will receive the identification document and the authorization to remain temporarily from the migration authority in accordance with the provisions of articles 35 and 36, paragraph 1 of this Law.

2. When the application is refused, the applicant shall be notified within 72 hours by the migration authority, of the decision rejecting the application, informing him/her that must leave the Country within thirty (30) days, on pain of immediate expulsion, once this period has expired, with the mention his rights under the terms of the Law.

3. If the asylum seeker does not lodge an appeal and does not comply with the provisions of the previous number, the immigration authority reserves the right to continue the process in order to his/her immediate expulsion, under the terms established in the Law on the Legal Regime of Foreigners in force, in the Republic of Angola.

ARTICLE 21

(Appeal)

1. When the request for asylum is rejected by decision of the holder of the ministerial department responsible for the implementation of migration policy, through the delegation of powers of the

Holder of the Executive Power, the requester can lodge a litigation appeal, preceded by a complaint, with suspensive effect, under the terms of the Law.

2. For the decision on the complaint to the rejection of the request, the holder of the department responsible for the execution of the migration policy shall call the CNR for consultation.

3. In case the petition is refused, the holder of the ministerial department responsible for carrying out migration policy, through the competent body, notifies the asylum seeker, to leave the the national territory within fifteen (15) days.

4. The applicant for asylum is subject to the Law applicable to foreigners as of the end of the period provided for in the previous number and the immigration authority shall continue the process with a view to his/her immediate expulsion.

SECTION III

Rights of Asylum Seeker

ARTICLE 22

(Right to information)

When presenting the application, the applicant for asylum is informed, by the immigration authority, of his/her rights and duties in a language which he/she understands.

ARTICLE 23

(Temporary stay in national territory)

The applicant for asylum has the right to remain temporarily on national territory as soon as the application has been presented, at which point the immigration authority issues the declaration certifying the asylum application, until the final decision on his application is made.

ARTICLE 24

(Right to an interpreter and legal aid)

1. The applicant for asylum shall, where necessary, benefit from interpreting services to assist him in formalizing the application and during subsequent procedural and subsequent social assistance procedures until the final decision on the application.

2. The applicant for asylum shall receive legal assistance in accordance with the legislation in force.

3. UNHCR may provide legal and/or social assistance to asylum seekers at all stages of the investigation by the immigration authority.

ARTICLE 25

(Right to the preservation of family unity)

The applicant for asylum shall have the right to preserve the family unit with the members of his/ her family, namely the spouse or partner of cohabitation, the parents, the under age children and the

disabled or incapacitated children of age that accompany him/her and who are under his/her dependence, inside or outside CARRA.

ARTICLE 26
(Right to health)

Applicants for asylum and their families in the household shall be granted the right to medical care and medicines under the same conditions as nationals.

ARTICLE 27
(Right to housing and food)

The applicant for asylum has the right to accommodation and food in CARRA.

ARTICLE 28
(Adequate care for vulnerable people)

Particularly vulnerable people, including children, the elderly, pregnant women, people with disabilities, malnourished persons, people suffering from severe psychological problems and survivors of violence and torture, including survivors of sexual and domestic violence, benefit from adequate care, both outside and within CARRA, having priority access to basic services such as food, housing and health.

SECTION IV

Duties of the Asylum Seeker

ARTICLE 29
(Respect to the law and to the Angolan authorities)

1. The asylum seeker has the must respect the Constitution, laws and regulations as well as the measures that are taken to maintain the public order and do not interfere in the Angolan political life nor to carry out activities that could jeopardize or damage the national security or the relations of Angola with other States, on pain of being held accountable under the terms of the present Law and other legislation in force.

2. Lack of knowledge of the Law does not exempt the applicant for asylum from liability arising from the obligations set out in the preceding paragraph.

ARTICLE 30
(Address information)

The asylum seeker, who, with the authorization of the immigration authority, does not reside in CARRA, has the obligation to inform about his/her current address, on pain of being held accountable under the terms of the present Law and other legislation in force.

ARTICLE 31
(Restrictions on movement)

The applicant for asylum who resides in CARRA must not be absent without authorization from the center administrator and must strictly comply with its regulations, on pain of being held accountable under the terms of this Law and other legislation in force.

CHAPTER III
Refugee Status

SECTION I
Overview

ARTICLE 32
(Large-Scale Refugees)

1. The Angolan State may grant refugee status to group of persons who leave the Country of origin or of usual residence, of common border with the Republic of Angola, as a consequence of serious armed conflict, occupation or foreign domination of his/her national territory or natural disasters, leading to large-scale refugee flows.

2. The criteria on the basis of which the temporary protection provided for in the previous number may be granted shall be defined by the Holder of the Executive Power in each specific situation.

3. Refugees on a large scale are accommodated in Shelters for Refugees and Asylum Seekers, far from the common border and providing them with security.

ARTICLE 33
(Subsidiary application of international standards for the protection of refugees)

The granting of refugee status subjects the beneficiary to the provisions of this Law, without prejudice to the provisions of the 1951 Convention relating to the Status of Refugees, to the Protocol relating to the 1967 Refugee Statute, to the Convention of the Organization of African Unity governing the Specific t Aspects of the Problems of Refugees in Africa of 1969, as well as to the treaties, protocols, bilateral or multilateral agreements that the Republic of Angola is a part of.

ARTICLE 34
(Reinstallation requests)

1. Requests for the resettlement of refugees under UNHCR's responsibility are communicated by its representative to the head of the ministerial department responsible for the implementation of migration policy.

2. The holder of the ministerial department responsible for the implementation of migration policy, by delegation of powers of the Holder of the Executive Power, may request the cooperation of the UNHCR for the resettlement of the refugee, at his/her request, in a third country that wishes to receive him/her.

SECTION II **Refugee Rights**

ARTICLE 35 **(Right to identification)**

The refugee is entitled, under the 1951 Geneva Convention, to an identity document attesting his/her status, with high security requirements, to be granted by the immigration authority, according to the model approved by appropriate regulation.

ARTICLE 36 **(Temporary residence permit)**

1. After the attribution of the identification document referred to in the previous article, the migration authority issues a temporary residence permit in favor of the refugee, renewable in accordance with the Law on the Legal Regime of Foreigners in force in the Republic of Angola.

2. The temporary residence permit is annulled by the immigration authority if the refugee remains unjustifiably outside the national territory for a period exceeding six months under the Law on the Legal Regime of Foreigners in force in the Republic of Angola, subject to loss of the Refugee status under the provisions of article 47 of this Law.

ARTICLE 37 **(Travel document)**

The immigration authority may issue travel document to the refugee in accordance with the provisions of the 1951 Convention relating to the Status of Refugee in accordance with the parameters established by the International Civil Aviation Organization in respect of electronic reading travel documents.

ARTICLE 38 **(Right to education)**

The beneficiary of refugee status shall be guaranteed access to the education system under the same conditions as nationals.

ARTICLE 39
(Right to work)

The exercise of paid employment and access to the social security system to the beneficiary of the Refugee Statute, is permitted under the same conditions as the foreign citizens legally residing in Angola.

ARTICLE 40
(Accommodation)

The refugee is allowed to access housing, under conditions equivalent to those of the foreigners legally residing in Angola.

ARTICLE 41
(Freedom of movement)

The beneficiary of refugee status is guaranteed freedom of movement in the national territory, with the limitations set forth in the Law and in CARRA Regulations and those determined for reasons of public safety, in accordance with the Law on the Legal Regime of Foreigners in force in Republic of Angola.

ARTICLE 42
(Access to justice)

Access to justice is guaranteed to refugees under the same conditions as nationals.

ARTICLE 43
(Extension of rights)

1. Without prejudice to the limitations imposed by law, refugee rights including refugee status are applicable to the spouse, parents, under age children, disabled or incapable children of age, whenever the refugee so requests, unless they have another nationality and enjoy protection of the country of referred nationality.

2. The breaking of the family unit by divorce, separation or death does not eliminate the family members referred to in the preceding number the quality of refugee.

SECTION III
Refugee Duties

ARTICLE 44

(Observance of the laws and respect for the Angolan authorities)

1. The refugee has the duty to respect the Constitution, laws and regulations, as well as the administrative and police guidelines issued by the competent authorities taken for the maintenance of public order and not to interfere in Angolan political life or to carry out activities that may endanger or prejudice national security or Angola's relations with other States, on pain of being held accountable under the terms of this Law and other legislation in force.

2. The lack of knowledge of the law does not exempt the refugee from the responsibilities arising from the obligations set forth in the previous number.

ARTICLE 45

(Information on the address and social situation)

1. A refugee who, with the permission of the migratory authority, does not reside in CARRA, has the obligation to inform the migration authority about:

- a) His/her current address;
- b) Exercise of professional or commercial activity;
- c) Constitution or composition of the household,
- d) Means of subsistence;
- e) Other information requested.

2. He/she must also present himself/herself periodically to the migratory authority at the date and time fixed for him/her, according to the requirements of necessity and proportionality, on pain of being held accountable under the terms of this Law and other legislation in force.

ARTICLE 46

(Restrictions on movement)

The refugee residing in CARRA should not be absent without the authorization of the administrator and the Center must scrupulously comply with its regulation, on pain of being held accountable under the terms the present Law, and other legislation in force.

SECTION IV

Suspension and loss of Refugee Status

ARTICLE 47
(Eligibility of Refugee Status)

1. Refugee status shall cease when the refugee:
 - a) Has committed a crime outside Angola after having been granted refugee status;
 - b) Voluntarily reused the protection of his country of nationality;
 - c) Having lost his nationality, he voluntarily regained it;
 - d) Has acquired a new nationality and enjoys protection of the country of his/her new nationality;
 - e) Voluntarily reestablished himself/herself in the country that he/she left or outside of which he remained due to fear of persecution;
 - f) May no longer deny the protection of the country of his nationality since the circumstances in which he/she was recognized as a refugee no longer exist;
 - g) Being a person who does not have nationality, he/she is able to return to the country of previous usual residence because the reasons why he was recognized as a refugee no longer exist;
 - h) Stays unjustifiably outside the national territory for a period exceeding six (6) months;
 - i) Violates the duties of the refugee established in article 45, paragraph 1.
2. The provisions of subparagraphs (f) and (g) of the preceding paragraph shall not apply to a refugee who is in a position to invoke compelling reasons derived from previous persecution to refuse to avail himself of the protection of his country of nationality or previous habitual residence.

ARTICLE 48
(Loss of refugee status)

1. Loses the refugee status the foreign or stateless person who has been granted it on the basis of an asylum application with incorrect or false information, or has obtained, misrepresented or omitted facts, including the use of false, decisive documents to qualify for the refugee status .
2. The foreign or stateless person who practices act or commits a crime provided for in article 6 of this Law loses the refugee status.

SECTION V

Procedures for the cessation and loss of the Refugee Status

ARTICLE 49

(Process for the cessation and loss of the status)

1. The migration authority shall examine all the relevant facts for the provisions of articles 47 and 48 of this Law and instruct the procedures for the cessation and loss of refugee status, within thirty (30) days, from the date of knowledge of the facts.
2. The period of investigation of the process referred to in the preceding paragraph may be extended by dispatch of the ministerial department responsible for carrying out the migration policy, by delegation of powers of the Holder of the Executive Power, when he considers this justified.
3. The process for the cessation and loss of refugee status shall follow the procedures established in articles 17 and 18 of this Law, with due adaptations.

ARTICLE 50

(Decisions on cessation and loss of refugee status)

It is incumbent on the ministerial department responsible for the implementation of migration policy, upon a duly substantiated proposal from the CNR, to declare the cessation and loss of refugee status on the grounds of articles 47 and 48 of this Law, within a maximum period of thirty (30) days, from the date of receipt of the file.

ARTICLE 51

(Effects of declaration of cessation and loss of refugee status)

1. The cessation and loss of refugee status based on Articles 47 and 48 of this Law subjects the beneficiary to the provisions of the Law on the Judicial Regime of the Foreigner in force in the Republic of Angola, without prejudice to the provisions of the following paragraphs.
2. The loss of refugee status based on Article 48 of this Law is a sufficient cause for expulsion of the beneficiary from the national territory.
3. The termination of refugee status does not constitute a reason for expulsion from the national territory, and the person concerned may apply to the immigration authority for a residence permit exempt from presenting the respective visa, in accordance with the terms of the Law on the Legal Regime of Foreigners in force in the Republic of Angola.
4. When the loss of refugee status constitutes a cause of expulsion, the beneficiary is notified by the migration authority within seventy-two (72) hours, stating that he must leave the country within thirty (30) days, on pain of expulsion once this period has expired, as well as of the right which he is entitled to, in accordance with the following article.

ARTICLE 52

(Appeal)

1. The decision of the loss of refugee status under the terms of number 4 of the previous article is susceptible to a litigation appeal, preceded by a complaint, with suspensive effect, according to the Law.
2. For the decision on the claim to the loss of the refugee status, the holder of the department responsible for the execution of the migration policy summons the CNR for consultation.

ARTICLE 53

(Order of judicial expulsion)

If there is a judicial decision of expulsion, a copy of the sentence or judgment is sent by the holder of the ministerial department responsible for the implementation of migration policy, to the competent organ of the immigration authority, which shall carry out the expulsion order, without prejudice to the provisions of the following article, informing the UNHCR representative.

ARTICLE 54

(Prohibition of expulsion or repelling)

1. The beneficiary of the refugee status shall not be expelled from the national territory, except for reasons of national security or public order or by the reasons set forth in article 48, subject to the provisions of the following paragraphs.
2. The expulsion of the beneficiary from refugee status under the terms of the previous number, cannot result in its placement in the territory of a country where his/her freedom is at risk for any of the causes that, according to article 5 of this Law, may constitute grounds for granting asylum or in any way violate the prohibition of expulsion and repelling (principle of non-refoulement) in accordance with the international obligations of the Republic of Angola.
3. No foreign citizen or stateless person is returned, moved away, extradited or expelled to a Country where he is subjected to torture or cruel or degrading treatment.

ARTICLE 55

(Voluntary repatriation)

1. Assistance may be provided to asylum seekers or refugees who show a willingness to return or to be repatriate.
2. In the event of massive voluntary repatriation following the collective termination of refugee status, the ministerial department responsible for external relations may, at the initiative of the migration authority, conclude agreements with the former refugees' country of origin and with UNHCR, aiming the preparation and implementation of an organized voluntary repatriation program.

CHAPTER IV

FINAL AND TRANSITIONAL PROVISIONS

ARTICLE 56
(Transitional provisions)

1. The provisions of this Law shall also apply to pending asylum applications, except for their entry into CARRA.
2. The creation, composition, organization and operation of the CNR shall be defined by its own rules.

ARTICLE 57
(Effects of the application for asylum and of the refugee status on extradition)

1. The pending asylum application and the granting of refugee status shall preclude the pursuit of any request for extradition of the refugee based on the facts on the basis of which the request is assessed or the status granted.
2. The final decision on any pending extradition process of the asylum seeker shall be suspended while the application for asylum is under appraisal, both at the administrative and judicial stages.
3. For the purpose of complying with the provisions of the preceding paragraph, the migration authority shall inform the entity where the extradition process goes through the procedure within five working days from the date of entry of the application or of the knowledge of the extradition process.

ARTICLE 58
(Registration and confidentiality)

1. The immigration authority, the NRC and the social assistance institutions for asylum seekers and refugees shall keep up-to-date records containing all the facts relating to the processes for recognition and loss of refugee status.
2. The records shall be organized in the form of a computerized and manual file and it is the responsibility of the ministerial department responsible for the implementation of migration policy, by delegation of powers of the Holder of the Executive Power, to organize and administer the integrated database for asylum seekers and Refugees in the Republic of Angola.
3. The individually identifiable information contained in the recognition process for loss of refugee status under the legislation in force is confidential.

ARTICLE 59
(Gratuitousness and urgency of the processes)

The processes for the recognition of the right of asylum, for the granting of refugee status and of expulsion are free of charge and are of urgent nature, either at the investigation stage or at the decision or appeal stage.

ARTICLE 60
(Publication in the Official Gazette)

Decisions to grant asylum and loss of refugee status are published in the II Series of the Official Gazette.

ARTICLE 61
(Revocation)

Law no. 8/90, of May 26, Law on the Status of Refugees is revoked, as well as other legislation that contravenes the provisions of the present Law.

ARTICLE 62
(Doubts and omissions)

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

ARTICLE 63
(Entry in Force)

The present Law enters into force on the date of its publication.

Seen and approved by the National Assembly, in Luanda, on April 21, 2015.

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

Promulgated on 4 July 2015,

To be issued.

The President of the Republic, JOSÉ EDUARDO DOS SANTOS.

