

Angola: Law No. 13/1991 of 11 May 1991, Nationality Law

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Comments This is an unofficial translation. The Law, dated 6 May 1991, was published in the Official Gazette, *Diário da República*, I Série, No. 20, dated 11 May 1991. It repeals Law No. 8/84 of 7 February, without prejudice of the effects which were produced as a result of its application and the Law of 11 November 1975.

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[Summary: repeal Law No. 8/84 of 7 February, without prejudice of the effects which were produced as a result of its application and the Law of 11 November 1975.]

CHAPTER I - General Provisions

Article 1 (Objective)

This legal instrument sets out the conditions governing the granting, acquisition, loss and reacquisition of Angolan nationality.

Article 2 (Modalities)

Under the provisions of this legal instruments, Angolan nationality can be:

- a) by birth
- b) acquired

Article 3 (Application in due course)

The conditions for granting, acquisition, loss as well as reacquisition of Angolan nationality shall be governed by the legal instrument in force at the moment of verification of the acts and facts leading to them.

Article 4 (Implications of the granting of nationality)

The granting of Angolan nationality shall take effect at birth without prejudice to the validity of any legal steps taken previously towards the acquisition of another nationality.

Article 5 (Consequences of the loss of nationality)

1. The consequences of the loss of Angolan nationality take effect from the date of verification of the acts and facts which, under the provisions of this law, have led to it.
2. Excluding the provision in the previous paragraph, the consequences with respect to third parties in relation between individuals shall only take effect from the date of registration.

Article 6 (International treaties)

Provisions of international treaties to which the Angolan State is a signatory shall take precedence over the provisions of this legal instrument.

Article 7 (Definition)

For the purpose of application of this legal instrument, Angolan father or mother and Angolan citizen refer to those to whom this nationality has been granted by the Nationality Law of 11th November 1975 and by Legal Instrument No. 8/84 of 7th February.

Article 8 (Jurisdiction of the Minister of Justice)

It shall be the jurisdiction of the Ministry of Justice to assess and take decisions on all matters regarding the acquisition, reacquisition and loss of nationality with the provision that this jurisdiction is not at variance with the People's Assembly.

CHAPTER II - Nationality by birth

Article 9 (Nationality by right)

1. The following shall be considered Angolan citizens by birth:
 - a) children born in Angola of Angolan father and mother.
 - b) children born abroad of Angolan father and mother.
2. A newborn baby on Angolan soil shall be considered an Angolan citizen, unless otherwise stated.

CHAPTER III - Acquired nationality

Article 10 (Acquisition on account of filiation)

Angolan nationality can be granted to minors or children, who cannot fend for themselves, of parents who not only acquire Angolan nationality but also apply for it on behalf of the children. The latter, however, can opt for another nationality on attaining adulthood.

Article 11 (Acquisition by adoption)

1. Anyone who is fully adopted by an Angolan national shall acquire Angolan nationality.
2. For the purposes of this legal instrument, it is understood by "full adoption" that which cuts off all links with the natural family, except for the purposes of preventing a marriage or recognizing a de facto union.

Article 12 - (Acquisition by marriage)

1. A foreigner married to an Angolan national can acquire Angolan nationality if he/she so desires.
2. A foreigner who loses his/her nationality because of his/her marriage to an Angolan national can acquire Angolan nationality.
3. The nullification or annulment of marriage shall be without prejudice to the nationality acquired by the spouse or partner who got married in good faith.

Article 13 - (Acquisition of nationality by naturalization)

1. It is within the power of the Ministry of Justice to grant Angolan nationality to foreigners who want it and who, at the time of application, satisfy in toto the following requirements:
 - a) be of age in accordance with Angolan law as well as with the "State law of origin".
 - b) must have been living continuously in Angola for at least ten years.
 - c) demonstrate that one is morally and civically integrated into Angolan society.
 - d) be in a position to look after themselves and ensure their livelihood.
2. The People's Assembly can grant nationality to a foreigner who has rendered invaluable services to the Country.
3. The Angolan nationality by naturalization envisaged in paragraph No.1, shall be granted at the request of the one concerned through procedures based on established regulations.

Article 14 - (Other forms of acquisition)

The following categories of people can acquire Angolan nationality on request:

- a) individuals born on Angolan soil who do not have any nationality;
- b) individuals born on Angolan soil of unknown parents, unknown nationality or who are stateless.

CHAPTER IV - Loss and reacquisition of nationality

Article 15 (Loss of nationality)

1. The following shall lose their nationality:
 - a) those who out of their own volition acquire a foreign nationality and express their desire not to continue being Angolan citizens.
 - b) those who without authorization from the People's Assembly, hold public office in a foreign State.
 - c) children who are minors born abroad of Angolan nationals and who, ipso facto, have acquired another nationality, if on coming of age express a desire to be Angolan citizens.
2. Those who have obtained Angolan nationality by naturalization shall lose same if:
 - a) they are convicted of crime against external statesecurity.
 - b) they do military service in a foreign State.
 - c) they obtained the nationality through misrepresentation or any other fraudulent means, or misleading the authorities concerned.

Article 16 (Reacquisition of nationality)

1. When an Angolan nationality acquired in accordance with Legal Instrument of 11th November 1975 and that of 7th February, No.8/84 has been lost as a result of wilful declaration by the parents on behalf of minors, the latter can reacquire the nationality, if they so desire, on coming of age.
2. The citizens referred to in the previous paragraph have to prove that they have been living in Angola for at least a year.
3. When an Angolan nationality has been lost for any of the reasons stated in paragraph No.1 of Article No. 15, it can be lacquered, by decision of the People's Assembly, once the person concerned has been living in Angola for at least five years.

CHAPTER V - Opposition to acquisition or reacquisition of nationality

Article 17 (Basis)

The bases to opposition to acquisition or reacquisition of Angolan nationality are as follows:

- a) complete lack of any effective link with Angolan society.
- b) conviction for crime punishable by the maximum prison sentence of more than 8 years, in accordance with Angolan law.
- c) conviction for crime against internal or external Angolan State security.
- d) holding public office in a foreign State without authorization from the People's Assembly.

e) doing military service in a foreign State.

Article 18 (Legitimacy)

1. The opposition is carried out by the Prosecuting Counsel by having recourse to the People's Supreme Court, within a period of six months counting from the date of expression of desire to acquire or reacquire the nationality.
2. It shall be obligatory for all the authorities and optional for all citizens to notify the Prosecuting Counsel of the facts referred to in the previous article.

CHAPTER VI - Registration and proof of the nationality

Article 19 (Facts subject to registration)

1. All the facts and acts which determine the granting, acquisition, loss and reacquisition of nationality, are subject to compulsory registration, in the appropriate book, at the Central Registry.
2. Excluded from the previous paragraph are the granting of nationality when it is done through birth registration at the Angolan registry office and its acquisition through adoption simply because it is in accordance with the law.
3. The registration of the acts referred to in paragraph No.1 of this article is done at the behest of those concerned.

Article 20 (Declaration of Nationality)

1. The declarations of nationality expressing a desire to obtain Angolan citizenship can be made at Angolan diplomatic or consular missions. The registration is of an unofficial nature, based on the relevant documents which are then submitted to the Central Registry.
2. Registration at an Angolan consulate does not mean, ipso facto, that an Angolan nationality has been granted.

Article 21 (Annotation of nationality)

Every registration regarding the granting, acquisition, loss or reacquisition of nationality shall always be annotated to the birth record of the person concerned.

Article 22 (Birth records of children of foreign citizens)

1. In the birth records of children of foreign citizens or children of unknown nationality, born in Angola, the Angolan Registry offices shall be furnished with information on such children.
2. A foreign or unknown nationality, for the purpose of the previous paragraph, has to be corroborated, whenever it is possible, by a document indicating that none of the forebears is Angolan.

Article 23 (Establishment of filiation or adoption after registration of birth)

When filiation is established after the registration of birth of a foreigner born in Angola or when his/her adoption is ordered, by judicial decision or act which has established or ordered the filiation and adoption, mention shall be made in the annotation to the birth record of the nationality of the forebears or the adoptive Angolans.

Article 24 (Proof of nationality by birth)

1. Angolan nationality by birth of individuals born on Angolan soil, of Angolan parents, is indicated by the birth record which should not state anything to the contrary.
2. Angolan nationality of individuals born abroad is indicated, as the case may be, by "the declaration registration" on which the granting of nationality depends or by the things mentioned in the birth record at the Angolan Registry office.

Article 25 (Proof of acquisition or loss of nationality)

1. The acquisition or loss of nationality is evinced by the respective registration or the consequent annotations on the margin of the birth record.
2. The proof of acquisition of nationality by adoption is applicable in paragraph No.1 of the previous article.

Article 26 (Option of the Registrar of the Central Registry Offices)

It is the responsibility of the Registrar to express an opinion on all matters on nationality, namely on the questions which have to be submitted to him by the consular officers in case of doubt about the Angolan nationality of anyone who wants to register his/her name at an Angolan Consulate.

Article 27 (Certificate of nationality)

1. Besides the existence of registration, certificates of Angolan nationality can be issued by the Registrar, at the behest of the person concerned.
2. The "probational force" of the certificate can be eliminated, by any means, whenever there is no registration of nationality of the holder concerned.

CHAPTER VII (Contention over nationality)

Article 28 (Legitimacy)

Those directly concerned as well as the Prosecuting Counsel have the right of appeal in any matters relating to the granting, acquisition, loss as well as the reacquisition of Angolan nationality.

Article 29 (Competent Court)

The assessment of the appeals referred to in the previous article is the jurisdiction of the civil law section of the People's Supreme Court.

Article 30 (Conflict between Angolan and foreign nationalities)

Any other nationality granted to Angolan citizens shall not be recognized and shall be deemed null and void.

Article 31 (Conflict of foreign nationalities)

In case of conflicts arising from the possession of two nationalities, the nationality of the State where the person concerned has his/her permanent residence shall hold sway, failing which the nationality of the State with which he/she has the closest link shall prevail.

CHAPTER VIII (Final provisions)

Article 32 (Reacquisition of nationality in accordance with the law)

1. Nationality shall not be lost by virtue of the application of paragraph 2 of article 9 of Legal Instrument No. 8/84 except in the case of those who do not take advantage of this measure.
2. The children of Angolan citizens referred to in the previous paragraph, born before the coming into force of this law, shall be granted Angolan nationality in accordance with their declaration.

Article 33 (Revoked Legislation)

Legal Instrument No. 8/84 of 7th February is hereby revoked without prejudice to any future consequences it may have as well as the Law of 11th November 1975.

Article 34 (Regulation)

The Council of Ministers shall regulate this law within 180 days counting from the day of its publication.

Article 35 (Resolution of doubts)

Any doubts arising from the interpretation and application of this law shall be resolved by the Council of Ministers.

Article 36 (Coming into force)

1. This law comes into force on the day of its publication in the "Diário da República".
 2. Until law is published, the regulation referred to in Article 34, shall apply to the provisions of the regulation approved by Decree No.1/86, of 11th January which tallies with this law.
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