

## Angola Detention Profile

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### Introduction

Angola's migratory situation has been dramatically effected by its three-decades-long civil war, which came to an end in 2002. The war forced hundreds of thousands of Angolans to flee the country. The fates of many of these people, especially those located in neighbouring countries, remain uncertain, especially as they face termination of their refugee status with the impending application of a cessation clause in 2012. At the same time, the Angolan government has taken steps to crack down in irregular migrants on its territory, reportedly deporting some 70,000 Congolese during 2010 (UNHCR 2011b).

There is very little available information about immigration detention issues in Angola, in part because of limitations placed on civil society groups in the country. Human rights groups have noted growing restrictions in the country on freedom of expression and government obstruction of non-governmental organizing initiatives (AI 2011). The government has also restricted the ability of international bodies to visit some detention sites (WGAD 2008).

According to media reports, Angola inaugurated a new dedicated immigration detention facility in Luanda in August 2011 (Agencia AngolaPress August 2011). Earlier, in 2008, the UN [Working Group on Arbitrary Detention](#) (WGAD) reported that Angola had one dedicated immigration detention facility as well as two migrant transit centres. Additionally, the WGAD reported that irregular migrants were detained at police stations and transit centres. The human rights body also criticized the then newly adopted Foreigners Law for imposing mandatory detention on many irregular non-citizens (WGAD 2008).

There have been numerous reports of mistreatment of migrants while in official custody. In late 2010, the UN Secretary-General's Special Representative for Sexual Violence in Conflict called for an investigation into allegations that Congolese women in deportation proceedings had been serially raped by Angolan agents. "Local non-governmental organizations (NGOs) reported that they were told that two men had been killed and that 30 women were raped multiple times in the course of the expulsion, added the Office for the Coordination of Humanitarian Affairs" (UN News Service 2010). The expulsion of unaccompanied minors has been particularly marked in the borders areas with the Democratic Republic of Congo, especially in Lunda Norte (UNHCR-Angola 2011).

### Detention Policy

The 2007 *Law Regulating the Legal Status of Foreigners in the Republic of Angola* (*Lei sobre o Regime Juridico dos Estrangeiros na Republica de Angola*) states, "The current situation of the world, characterized by the convergence of immigration procedures obliges each State to formulate instruments for the prevention, detection, and combat of illegal immigration practices. ... This law aims to provide a robust framework for combating and controlling illegal immigration, whilst still being a framework that is flexible enough for the situation of peace, development and opening up of the Republic of Angola to the world."

In its assessment of this law, which replaced an earlier Foreigners Law from 1994, the UN Working Group on Arbitrary Detention argued that it proposed excessive responses for irregular presence in Angola. In particular, the WGAD noted that the law "makes the detention of foreign citizens at the Immigration Detention Centre compulsory, if they are subject to judicial expulsion, according to a non-exhaustive catalogue of grounds. ... Detention prior to administrative expulsion from the country is mandatory, if foreign citizens do not have the necessary stay or residence permit for their designated

areas of stay” (WGAD 2008).

**Grounds for denial of entry, detention, and deportation.** According to the Foreigners Law, non-citizens denied entry to Angolan territory can be “accommodated” at a Temporary Stay Center (CIT) until re-embarked for removal from the country (Article 21, para. 5). The law stipulates that the Temporary Stay Centers “shall be” set up by the airport operators and shall be run in accordance with specific regulations to be approved by the Ministers of the Interior and Transport (Art. 21, para. 6).

Foreign nationals can be denied entry or barred from remaining in the country if they fail to comply with visa requirements, or if they have insufficient means of subsistence (Articles 18-19). Foreign nationals included on the national list of *persona non grata* can also be prohibited from entering Angola by the Immigration Service if they have been deported from Angola within the last five years; have been definitively sentenced to an accessory penalty of expulsion; or if there are “strong signs that they constitute a threat to internal order or national security” (Arts 15 & 22).

Foreign nationals found to be in Angola irregularly can be subject to one of two forms of “compulsory departure” (Art. 26). The Immigration Service can notify foreign nationals in an irregular situation to leave Angolan territory within eight days (Art 27). Alternatively, judicial authorities have the power to expel foreign nationals from the country when they, *inter alia*, have entered or stayed in the country by fraudulent means; undermine national security or internal order; breach the administrative requirements specified in Article 9 of the Foreigners’ Law; “seriously or repeatedly” breach Angolan laws; or have been sentenced to a major prison term (Art. 28, para. 1 & Art. 30).

Article 33 stipulates that foreign nationals issued an expulsion “shall be held at the Detention Centre for Illegal Aliens until enforcement of the expulsion order under the terms of Article 32(1b).” According to this article, “The Illegal Aliens Detention Center shall be set up by the Ministry of the Interior and shall be operated in accordance with specific regulations to be approved by the Minister of the Interior.”

The Immigration Service can make administrative decisions of expulsion for foreign nationals who have committed acts which, had they been known to the Angolan authorities, would have prevented them from entering the country; do not work and have no means of subsistence; engage in employment without the prior authorization of the relevant authority; have been fined and failed to pay the fine within the respective deadline; have been sentenced to the accessory penalty of expulsion and have re-entered the country unlawfully; or if they fail to comply with notification to quit the national territory voluntarily (Art. 28, para. 3 & Art. 30). In these cases, the Immigration Service is required to compile evidence of grounds for expulsion and must make a decision on the case within eight days (Art. 31).

Expelled foreign nationals are returned to their country of origin or to the country of their “normal residence” (Art. 29). Article 29 provides safeguards against the expulsion of non-citizens to countries where they may be persecuted for political, racial, or religious reasons, or where their lives may be in danger (Art. 29). The same article guarantees refugees “the most favorable treatment under the law or international agreements to which Angola is party” (Art. 29(3)).

The expulsion order should contain the grounds for expulsion; a time limit for enforcement of the decision, which should be no greater than fifteen days for foreign nationals who are residents in Angola, and eight days for non-residents; prohibition to re-enter the country for at least five years; and specify the country to which the foreign national will be expelled (Art. 32). The Immigration Service is responsible for enforcing judicial expulsion orders in coordination with the police authorities (Art. 34). Expelled persons are then included in the national list of *persona non grata* (Art. 32).

**Length of detention.** Article 33 of the Foreigners Law provides that foreign nationals issued an expulsion order are to be detained for no more than fifteen days if they are residents and no more than eight days if they are non-residents.

However, there are reports that authorities routinely keep people in immigration detention for periods exceeding those provided in the law. In its 2008 report about detention practices in Angola, the WGAD stated: “Although it appears from the Immigration Act that the expulsion of foreign citizens must be enforced within 8 days for non-resident citizens and within 15 days for residents ... the Working Group observed that illegal immigrants are being detained for much longer periods of time, sometimes for months, even years, hence for potentially indefinite periods. It has to be recalled that detention of illegal immigrants must be the exception, not the rule, and indefinite detention is clearly in violation of applicable international human rights instruments governing deprivation of liberty” (WGAD 2008).

**Immigration authorities and procedural guarantees.** The Foreigners Law empowers the Immigration Service, part of the Ministry of the Interior, to enforce immigration law. Additionally, it provides that the attorney general and the Ministry

of the Interior have the power to ban foreign nationals from entering the country (Art. 23). The **Service for Migration and Foreigners** (SME) operates immigration detention facilities (WGAD 2008).

Article 38 of the Foreigners Law contains provisions for appeals. It states that “Appeals may be made in accordance with the law against judicial decisions ordering the expulsion of foreign citizens.” “Appeals against decisions of the Immigration Service may be brought before the Minister of Interior.”

In its 2008 report, the WGAD highlighted the concentration of authority under the Minister of Interior, reporting: “The Angolan National Police, including the Rapid Intervention Police, the Gendarmerie, the National Directorate of Prison Services, as well as the Service for Migration and Foreigners (SME), are subject to the authority of the Ministry of the Interior. That means that all civilian detention facilities are under the overall supervision of this Ministry” (WGAD 2008).

It expressed concern that this consolidation posed problems because it restricted judicial review of detention orders: “In this system, where basically all powers related to the administration of justice are concentrated in a single Ministry, judges play a weak role, since they are not involved in verifying the lawfulness of detention” (WGAD 2008).

**Criminalisation.** Chapter VIII of the Foreigners’ Law contains grounds for the imposition of sanctions on persons who violate the Foreigners’ Law. Article 101 stipulates that foreign nationals who overstay their visa, without justification, can be subject to a daily fine in Kwanzas, equivalent to 150 USD, including when the transgression is detected on departure from the national territory at the border post. These foreign nationals are also issued with a notification to leave the country (Art. 27). A fine equivalent to 1,000 USD is incurred by foreign nationals who work without the required authorisation and they are subject to expulsion (Art. 102).

Undocumented foreign nationals found to be in Angola can be fined the equivalent of 1,000 USD, and if they are found to be undocumented and irregularly in the country, they can be fined the equivalent of 1,500 USD, and can be held at an Illegal Aliens Detention Center, pending expulsion (Art. 104). Foreign nationals who fail to renew their residence permit within the required legal time or who fail to notify changes of identification and address can also be fined (Arts. 105-108).

In addition, prison sentences and fines can be imposed on foreign nationals who use fraudulent means for the purpose of illegal immigration (Art. 116); and on persons who, *inter alia*, promote or assist foreign nationals to enter Angolan territory unlawfully; or who employs illegal aliens to carry out paid work shall be subject to a fine (Arts 114-115).

**Refugees and asylum seekers.** Angola adopted the **UN Refugee Convention** and its 1967 Protocol in 1981. According to Article 13 of the Foreigners’ Law, asylum seekers are permitted to enter Angola, under the terms of the law. Additionally, Paragraph 4 of Article 29 of the law provides safeguards against the expulsion of refugees to countries where they may be persecuted for political, racial or religious reasons, or where their lives may be in danger (Art. 29). The same article guarantees refugees “the most favorable treatment under the law or international agreements to which Angola is party” (Art. 29(3)).

Despite these protections, UNHCR reported in 2011 that refugees and asylum seekers remain vulnerable in Angola. “A national [refugee status determination] system has been established in Angola with UNHCR’s help, but [it] lacks the capacity to deal efficiently with asylum claims. There is a considerable backlog of cases, with access and protection problems. ... According to the Government’s estimates, some 70 percent of refugees in Angola are vulnerable to protection risks, and many do not have valid refugee cards. The nationwide participatory assessment underlined the necessity of reaching out to the most vulnerable, especially in the remote border areas of Angola. The need for a comprehensive registration exercise of people of concern in Angola is vital. Plans were made during 2010 to conduct a joint exercise with the Government in the near future” (UNHCR 2011b).

**Carrier Sanctions.** Companies or individuals that transport undocumented migrants or crew members into Angola are responsible for their removal. Carriers must also cover any expenses required to accommodate unauthorised migrants, in addition to the expulsion costs (Art. 22).

## **Detention Infrastructure**

It is unclear how many or what types of facilities Angola operates for the purposes of immigration-related detention. However, reports indicate that since 2007, the country has had a dedicated immigration detention facility in operation in the Luanda district of Viana called the Viana Immigration Detention Facility (WGAD 2008, Agencia AngolaPress

2011). UNHCR-Angola informed the **Global Detention Project** that this facility had been in operation since 2006 but that according to the Service for Migration and Foreigners, it was closed as of 2011 to undergo rehab work (UNHCR-Angola 2011).

In 2011, the Agencia AngolaPress reported that Angola's Service for Migration and Foreigners inaugurated a new dedicated detention centre in August 2011 in Viana. The facility has a reported capacity of 800 (400 women and 400 men). The press report indicated that the government intends to expand the facility at a later date (Agencia AngolaPress 2011). UNHCR-Angola confirmed that as of October 2011 this new facility was the only one currently operating in Viana (UNHCR-Angola 2011).

Additionally, the WGAD reported in 2008 that Angola used police stations to confine irregular migrants as well as two transit facilities operated by the Service for Migration and Foreigners—one located in Cabinda, the other in Dundo (WGAD 2008). These transit centres appear to correspond with the "Temporary Stay Centers" provided for in Article 21 of the Foreigners Law. According to that law, these temporary stay facilities were to be set up by airport operators and operated in accordance with specific regulations approved by the Ministers of Interior and Transport (Art. 21, para. 6). Both Cabinda and Dundo have airports. The Global Detention Project has been unable to verify whether these facilities remain in operation, how long people are detained at them, or the conditions that prevail at these facilities.

## Facts & Figures

At the end of 2010, UNHCR reported that there were 4,241 people in Angola whose applications for asylum were pending (UNHCR 2011). This is the same figure reported at the end of 2009 (UNHCR 2010). As of 2010, the nationalities of asylum seekers in Angola included the Democratic Republic of Congo (1,500 asylum seekers), Cote d'Ivoire (1,200), Sierra Leone (460), Sudan (210), Congo (160), and Liberia (160) (UNHCR 2011b).

UNCHR reported that in 2010, Angola deported some 70,000 Congolese (UNHCR 2011b). The media reported in 2011 that immigration officials claim that the annual costs for deporting irregular migrants was is million Kwnazas (or roughly \$3 million) (Agencia AngolaPress August 2011).

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## Angola Detention Profile

### List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Detention Timeframe	Security	Authority	Management	Capacity	Reported Population	Demographics and Segregation
Cabinda Transit Centre for Migrants	In use (2008)	Cabinda				Service for Migration and Foreigners	Service for Migration and Foreigners (2008)			
Detention Centre for Illegal Aliens	In use (2011)	Luana (District of Viana)	Migrant Detention Centre		Secure	Service for Migration and Foreigners	Service for Migration and Foreigners (2011)	800 (2011)		Adult males and females. Gender segregation (2011)
Dundo Transit Centre for Migrants	In use (2008)	Dundo				Service for Migration and Foreigners	Service for Migration and Foreigners (2008)			
Viana Immigration Detention Centre	Closed (2011)	Luana (District of Viana)	Migrant Detention Centre		Secure	Service for Migration and Foreigners	Service for Migration and Foreigners (2011)			

### Sources

(This is only a partial list. More detailed information is available upon request.)

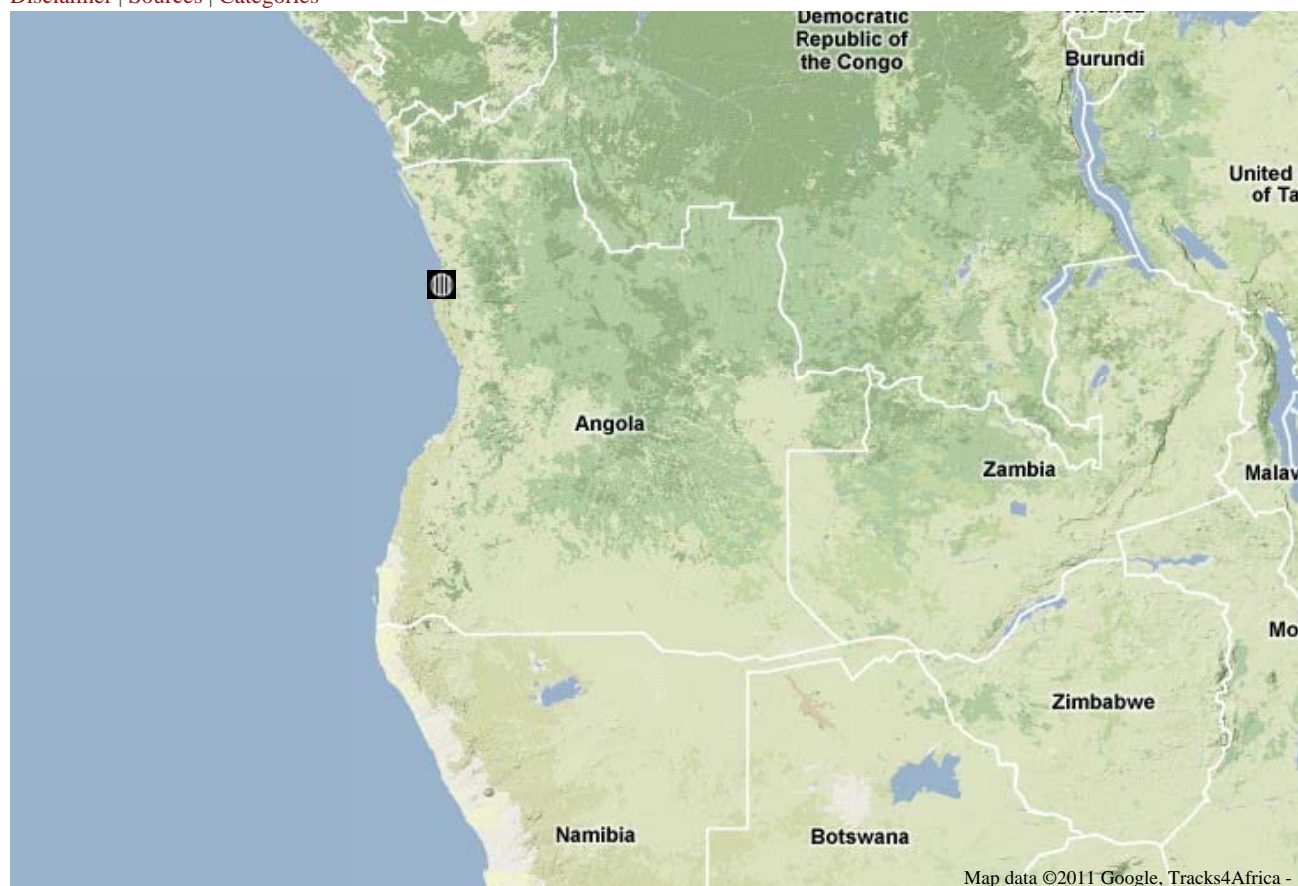
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### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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#### Country View

1. [Detention Centre for Illegal Aliens](#)

#### Sources

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- Agencia AngolaPress. 2011. "Illegal foreigner detention centre unveiled soon." Agencia AngolaPress. 1 August 2011. [http://www.portalangop.co.ao/motix/en\\_us/noticias/politica/2011/7/31/Illegal-foreigner-detention-centre-unveiled-soon,04209e4c-e036-4326-aecb-7b6a8cfeabc3.html](http://www.portalangop.co.ao/motix/en_us/noticias/politica/2011/7/31/Illegal-foreigner-detention-centre-unveiled-soon,04209e4c-e036-4326-aecb-7b6a8cfeabc3.html) (accessed 5 August 2011).
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## Angola Country Links

### Government links

Service for Migration and Foreigners (SME)

<http://www.sme.ao/>

### Regional and International Organizations

UNHCR – Angola country information

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=4a03e30d6&submit=GO>

IOM – Angola country information

<http://www.iom.int/jahia/Jahia/activities/africa-and-middle-east/southern-africa/angola>

### Media

Agencia AngolaPress

[http://www.portalangop.co.ao/motix/pt\\_pt/portal/capa/index.html](http://www.portalangop.co.ao/motix/pt_pt/portal/capa/index.html)

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