

Angola Immigration Detention Profile

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INTRODUCTION

Since the end of its three-decades-long civil war in the early 2000s, Angola has pursued a policy of expelling undocumented migrants for “national security” reasons. To assist this effort, the country has opened several dedicated immigration facilities, where thousands of non-nationals are detained every year to await removal, often in extremely degrading and violent conditions.¹ Authorities have also worked to ramp up fear of foreigners, claiming that there are more than half a million people in the country illegally who are part of a “silent invasion.”²

Many migrants living in Angola, especially Muslims from West Africa, have been subject to repeated attacks and arbitrary arrests linked to ethnic and religious discrimination. In 2012, Human Rights Watch reported on human rights violations by Angolan authorities against migrants in custody and during expulsion proceedings.³ Several sources have claimed that security forces abuse irregular migrants, mostly in the border region shared with the Democratic Republic of the Congo (DRC).⁴⁵

In 2013, the UN Human Rights Committee and the Committee on the Elimination of all Forms of Discrimination Against Women reported on abuses suffered by foreigners in Angola.⁶ In 2012, the Special Rapporteur on the human rights of migrants sent a communication concerning alleged mass deportations of migrants and serious violations of their human rights during expulsion. He also reported the deaths of four people who had been detained by Angolan authorities while awaiting

¹ FIDH, “Angola: Thousands of African nationals suffer serious human rights’ violation”, *Press Release* published on December, 26th 2014. <https://www.fidh.org/en/region/Africa/angola/angola-thousands-of-african-nationals-suffer-serious-human-rights>

² RedeAngola, “More than half a million illegal immigrants in the country”, *Independent Newspaper*, June 2015. <http://www.redeangola.info/mais-de-meio-milhao-de-imigrantes-ilegais-no-pais/>

³ Human Rights Watch, “Angola: Stop Rape, Abuse of Congolese Migrants”, May 21st, 2012. <https://www.hrw.org/news/2012/05/21/angola-stop-rape-abuse-congolese-migrants>

⁴ Human Rights Watch, “Sexual Violence and other Abuses against Congolese Migrants during Expulsions from Angola”. Published in May 2012. <https://www.hrw.org/report/2012/05/20/if-you-come-back-we-will-kill-you/sexual-violence-and-other-abuses-against>

⁵ United States Department of State, *2014 Country Reports on Human Rights Practices - Angola*, 25 June 2015, available at: <http://www.refworld.org/docid/559bd58612.html>

⁶ CEDAW, Concluding observations on the sixth periodic report of Angola adopted by the Committee at its fifty fourth session (11 February – 1 March 2013). Published in March 2013. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgcjdM0xgERNalXh22nhTUI1LBTO%2f%2bb9UTHVcAnsXxMeYhezGPw0XinE%2fRvZ7II%2fTyX%2f%2fc15yrlzSutPQOoRk2hKMD EVbGw6ROBOX5Ck%2f5RK>

deportation.⁷ In 2014, the UN High Commissioner for Human Rights stated that Angola “had a right to deport irregular migrants, but must do so humanely and in full compliance with international human rights laws and standards.”⁸

LAWS, POLICIES, PRACTICES

Angola adopted the Law Regulating the Legal Status of Foreigners in 2007, which was last amended in 2011.⁹ The Foreigners Law provides a legal framework for immigration control including grounds for immigration-related detention. The Angolan Constitution also contains relevant provisions—including on the freedom of internal movement, foreign travel, emigration, and repatriation—although the government has at times restricted these constitutional rights.¹⁰

Under the Foreigners Law, detention is compulsory when foreign nationals are denied entry (Art. 18-19) or when they are subject to judicial expulsion after being found to be undocumented or present illegally in national territory (Art.104).¹¹ In both cases, irregular migrants are detained prior to their removal from Angola to their country of origin or of habitual residence. This expulsion includes a period of not less than five years during which the foreign is banned from re- entering national territory.¹²

Alternatively, the Expatriate and Migration Services (SME), under the Interior Ministry’s authority, can notify foreign nationals in an irregular situation to leave Angolan territory within eight days.¹³ If they are found on the territory after this period has ended, they can be detained prior to removal.

⁷ Special Rapporteur on the human rights of migrants, Communications Report of Special Procedures: Communications sent, 16 March to 31 May 2012; Replies received, 16 May to 31 July 2012. Published in 2014 prior to the UPR 20th session in the Compilation prepared by the OHCHR. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/139/84/PDF/G1413984.pdf?OpenElement>

⁸OHCHR, High Commissioner’s statement, Universal Periodic Review: Angola, August 2014, http://www.upr-info.org/sites/default/files/document/angola/session_20_-_october_2014/a_hrc_wg.6_20_ago_2_e.pdf

⁹ Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

¹⁰ United States Department of State, *2015 Country Reports on Human Rights Practices - Angola*, 13 April 2016, available at: <http://www.refworld.org/docid/571612a715.html>

¹¹ Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

¹² Article 32 “*Expulsion Order*”, Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

¹³ Article 27, Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

The Foreigners Law contains provisions for the judicial review of expulsion decisions.¹⁴ Appeals against decisions of the SME are brought before the Ministry of the Interior. However, the possibility for judicial review is restricted as the administration of justice is concentrated in the Interior Ministry only and judges are not involved in verifying the lawfulness of detention. In 2013, the UN Human Rights Committee expressed concern that undocumented migrants may be subjected to detention without recourse to a court to pronounce on the legality of the detention. Consequently, migrants are often arrested arbitrarily and denied due process to challenge their deportation.¹⁵

The time limit for enforcement of an expulsion order is 15 days for resident foreigners and eight days for non-residents.¹⁶ This time limit must correspond to the maximum length of detention. However, thousand cases were reported by non-governmental sources in which authorities kept immigrants in detention for periods exceeding those provided by law without charges or trial.¹⁷

The Foreigners Law empowers the SME to enforce immigration law. The SME is the central executive body of the Interior Ministry responsible for promoting and coordinating the actions relating to access, control, transit, stay, detention and exit of foreigners. It operates all immigration detention facilities except Temporary Stay Centres managed by airport operators and run in accordance with regulations to be approved by the Ministers of the Interior and Transports.¹⁸ Border security and the expulsion procedures are under the responsibility of the Angolan Armed Forces (FAA).¹⁹

Angolan authorities launch massive crackdowns on immigrants several times a year, which lead to the arrest and expulsion of hundreds and sometimes thousands of people. According to press accounts, the SME has claimed that authorities expel more than a thousand migrants a week and that there are more than half a million undocumented migrants in the country.²⁰ According to the UN Department of

¹⁴ Article 38, Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

¹⁵ Human Rights Watch, "Sexual Violence and other Abuses against Congolese Migrants during Expulsions from Angola". Published in May 2012. <https://www.hrw.org/report/2012/05/20/if-you-come-back-we-will-kill-you/sexual-violence-and-other-abuses-against>

¹⁶ Article 32 "Expulsion Order", Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007.

<http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

¹⁷ France 24, "Immigrants run for cover as Angola rounds up hundreds", 12 December 2014.

<http://observers.france24.com/en/20141223-arrests-foreigners-angola-luanda-prison>

¹⁸ Articles 21 and 33, Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007.

<http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

¹⁹ United States Department of State, *2015 Country Reports on Human Rights Practices - Angola*, 13 April 2016, available at: <http://www.refworld.org/docid/571612a715.html>

²⁰ RedeAngola, "More than half a million illegal immigrants in the country", *Independent Newspaper*, June 2015. <http://www.redeangola.info/mais-de-meio-milhao-de-imigrantes-ilegais-no-pais/>

Economic and Social Affairs, there were only 106,800 international migrants in the country as of 2015, which represent 0.4 percent of its population.²¹

Non-governmental sources report that vulnerable migrants—including asylum-seekers, pregnant women and minors—are placed in administrative immigration detention.²² During a 2014 session of the UN Universal Periodic Review, the Committee on the Rights of the Child raised concerns about the deportation of more than 30,000 children from Angola.²³ Also, while the country is a party to the 1951 Convention on the Status of Refugees and the 1967 Protocol, the UN High Commissioner for Refugees (UNHCR) has reported the systematic detention of asylum-seekers without any consideration of alternatives measures.²⁴

A new law on Asylum and Refugee Status, which entered into force in June 2015, provides specific procedures for the submission of an asylum application and establishes the creation of reception centres for asylum-seekers.²⁵ The Foreigners Law also 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.”²⁶

Angolan authorities criminalise the entry or residence of any person who illegally on national territory. Irregular entry and stay can be punishable by fines of up to 1,500 USD.²⁷

DETENTION INFRASTRUCTURE

It is not clear how many or what types of facilities Angola operates for the purposes of immigration-related detention. Since 2012, the increased number of expulsions has encouraged Angolan security forces and the SME to use temporary detention

²¹ United Nations, Department of Economic and Social Affairs, Population Division (2015). Trends in International Migrant Stock: The 2015 Revision (United Nations database, POP/DB/MIG/Stock/ Rev.2015). See www.unmigration.org

²² UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Angola, March 2014, available at: <http://www.refworld.org/docid/5541d7954.html>

²³ Committee on the Rights of the Child, Submission by the CRC For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Angola, CRC/C/AGO/CO/2-4, para. 63., August 2014. http://www.upr-info.org/sites/default/files/document/angola/session_20_-_october_2014/a_hrc_wg.6_20_ago_2_e.pdf

²⁴ UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Angola, March 2014, available at: <http://www.refworld.org/docid/5541d7954.html>

²⁵ Angolan Parliament, Law 10/2015 on Asylum and Refugees Status. Entered into force on June 17th, 2015.

²⁶ Article 29, Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

²⁷ Article 104, Law Regulating the Legal Status of Foreigners in the Republic of Angola, Law No. 2/07 of 31 May, entered into force in November 2007. <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf>

facilities exclusively for migrants.²⁸ In 2015, non-governmental sources reported the presence of seven detention or transit centres dedicated to irregular migrants in various parts of the country.²⁹

The main detention centre dedicated for non-nationals found undocumented on national territory is the “Illegal Foreigners Detention Centre,” which opened in 2011 in Viana, not far from the Angolan capital Luanda. The facility has a reported capacity of 800 with separate facilities for men and women.

The Trinita Detention Centre is also dedicated for immigration-related detention. This facility was used in 2014 to detain hundreds of non-Angolan people who were arrested in the streets of Luanda in December 2014. Governmental sources reported that 2,161 people were stopped by the police in one week, and 884 who did not have proper documentation were arrested and detained at the Trinita Detention Centre. These massive crackdowns were condemned by human rights’ organizations who urged Angolan authorities to put an end to the repeated stigmatization and violations of human rights, especially against people from West Africa.³⁰

Foreigners who are denied entry can be “accommodated” at the Temporary Stay Centre at the Luanda airport as they await flights. These detainees face a high risk of *refoulement* as they are not guaranteed international protection procedures.³¹

The press has also reported the use of police stations to confine irregular migrants prior to removal.³²

Numerous concerns have been raised concerning detention conditions and the mistreatment of migrants while in custody. Detainees at the Illegal Foreigners Detention Centre in Viana have suffered from a lack of sufficient water supply as well as poor diet.³³ NGOs have also stated that foreigners have been denied contact with the outside world, including legal assistance. The same conditions were found in Trinita Detention Centre, where detainees are reportedly kept in cruel, inhumane and degrading conditions. Acts of torture and extortion of money have also been reported.³⁴

²⁸ Human Rights Watch, “Sexual Violence and other Abuses against Congolese Migrants during Expulsions from Angola”. Published in May 2012. <https://www.hrw.org/report/2012/05/20/if-you-come-back-we-will-kill-you/sexual-violence-and-other-abuses-against>

²⁹ United States Department of State, *2015 Country Reports on Human Rights Practices - Angola*, 13 April 2016, available at: <http://www.refworld.org/docid/571612a715.html>

³⁰ FIDH, “Angola: Thousands of African nationals suffer serious human rights’ violation”, *Press Release* published on December, 26th 2014. <https://www.fidh.org/en/region/Africa/angola/angola-thousands-of-african-nationals-suffer-serious-human-rights>

³¹ UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights’ Compilation Report – Universal Periodic Review: Angola, March 2014, available at: <http://www.refworld.org/docid/5541d7954.html>

³² Angola Press Agency, “Angola: Over 100 illegal immigrants detained in Lunda Norte Province”, July 1st 2015. <http://allafrica.com/stories/201507010642.html>

³³ UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights’ Compilation Report – Universal Periodic Review: Angola, March 2014, available at: <http://www.refworld.org/docid/5541d7954.html>

³⁴ FIDH, “Angola: Thousands of African nationals suffer serious human rights’ violation”, *Press Release* published on December, 26th 2014. <https://www.fidh.org/en/region/Africa/angola/angola-thousands-of-african-nationals-suffer-serious-human-rights>

Non-governmental sources reported improvements concerning the access to detention centres in Angola. The International Committee of the Red Cross is entitled to carry visits to migrants in detention to monitor their treatments and living conditions.³⁵ In 2013, the SME also agreed to allow UNHCR to have regular access to these facilities. Visits began in 2014, and UNHCR was able to meet with 26 detained asylum seekers during that year.³⁶

³⁵International Committee of the Red Cross (ICRC), *Annual Report 2014 - Yaounde (regional)*, 9 June 2015. <http://www.refworld.org/docid/558131b042.html>

³⁶ UN High Commissioner for Refugees (UNHCR), *Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Angola, March 2014*, available at: <http://www.refworld.org/docid/5541d7954.html>