

Document #2092763

IRB – Immigration and Refugee Board of Canada (Author)

Angola and Democratic Republic of the Congo: Situation and treatment of Congolese nationals and people of Congolese descent by society and state authorities in Angola, including ability to access housing, employment, education, and health care (2021–March 2023) [ZZZ201409.E]

Research Directorate, Immigration and Refugee Board of Canada

For information on the legal status of Congolese citizens in Angola, including access to nationality, procedures and requirements to obtain citizenship, see Response to Information Request ZZZ201408 of April 2023.

1. Situation

According to the latest national census from 2014, cited in Angola's 2019 report to the UN Human Rights Council (HRC) Working Group on the Universal Periodic Review, 2.3 percent of the country's population is "of foreign nationality"; of these foreign nationals, 161,345 individuals, including 65,777 refugees and asylum seekers, hold "regular status" (Angola 2019-08-23, para. 75). The World Bank estimated Angola's population at 34,503,774 in 2021 (World Bank [2022]). Data reported for November 2022 by UNHCR and the government of Angola indicates that the total "population of concern" [1] in Angola is 55,994 (made up of 25,510 refugees, 30,282 asylum-seekers, and 202 "others of concern"), of which 41.9 percent, or 23,141 individuals, are from the Democratic Republic of the Congo (DRC) (UN 2022-12-05). Angola's 2019 report to the HRC notes, without providing further information, that it was "recently verified that more than 85 per cent of refugees intend to return voluntarily" to the DRC (Angola 2019-08-23, para. 81).

Sources report that following the conflict in Kasai region [of the DRC], 35,000 (UN 2022-12-30) or "more than 30,000" (Angola 2019-08-23, para. 76) people fled the region to seek refuge in Angola in 2017 (Angola 2019-08-23, para. 76; UN 2022-12-30).

According to Avelino Chico, the Regional Coordinator for Africa of the Migrants and Refugees Section of the Holy See [the Vatican] (Holy See 2022-11-22), in a chapter of *Migratory Flows at the Borders of Our World* published by the Pontifical Javerian University in Colombia, certain clans and ethnic groups are

bisected by the border between Angola and the DRC (Chico 2020, 218, 220). The same source adds that people continue to cross the border to visit their relatives, including for the purpose of "performing certain traditional ceremonies"; "most illegal immigration occurs within this social space, which does not coincide with national boundaries" (Chico 2020, 218, 220). The US Department of State's annual report on human trafficking in Angola notes that the Angolan-Congolese border has a "high prevalence of transnational trafficking" (US 2022-07-29, 86). According to a US Bureau of International Labor Affairs (ILAB) 2021 report on child labour in Angola, there are children who face "forced labor or commercial sexual exploitation," including girls "as young as age 12," who are "subjected to human trafficking" from the Kasai Occidental region of the DRC to Angola, and "[u]ndocumented" Congolese children who migrate to Angola to work in diamond mining (US 2022-09, 2).

Human Rights Watch (HRW) reports that "[t]housands" of refugees and asylum seekers have come to Angola "fleeing decades of conflicts in various countries," including the DRC; in October 2018 "over 400,000 refugees and asylum seekers were forcibly returned or fled the country, during an Angolan police operation targeting illegal diamond mining in its Lunda Norte province" (HRW 2022-11-09). According to Reuters, a DRC government spokesperson claimed in October 2018 that "about" 28,000 Congolese "had been 'brutally' expelled" from Angola, "in violation of an agreement between the two countries on freedom of movement" (Reuters 2018-10-16). The same source indicates that Angola's Police Commissioner "dismissed the [DRC government's] accusations of violence," stating that the Congolese migrants "were residing in the country illegally," had received "'assistance' despite their status, and had left of their own free will" (Reuters 2018-10-16). Another 2018 article from Reuters notes that "more than 20 Congolese migrants" crossing the border between 4 and 12 October 2018 reported facing "violence, looting and forced displacement by Angolan security forces as well as a local tribe called the Tshokwe" (Reuters 2018-10-14).

Sources note that since [July (UN 2022-12-30)] 2022, UNHCR has resumed "voluntary" repatriation operations for Congolese refugees (HRW 2022-11-09; UN 2022-12-30). Another UNHCR report, by its Regional Bureau for Southern Africa, indicates that in September 2022, 143 individuals were "repatriated" from Angola to regions in the DRC such as Kasai Province, Kinshasa, Kwilu Province, and Goma (UN 2022-09).

2. Treatment

According to a study on migration policies in Angola for 2021, published by the UN's International Organization for Migration (IOM) with "research and analysis" by the Economist Intelligence Unit (EIU), the "research and analysis division of The Economist Group," the "sister company" to the *Economist* newspaper (EIU n.d.), Angola "does not have a policy or strategy to combat hate crimes, violence, xenophobia or discrimination against migrants" (IOM of UN with EIU 2021-07-09, 13). Angola's 2010 constitution provides the following:

Article 23. (Principle of equality)

1. Everyone shall be equal under the Constitution and by law.
2. No-one may be discriminated against, privileged, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, ethnicity, colour, disability, language, place of birth, religion, political, ideological or philosophical beliefs, level of education or economic, social or professional status. (Angola 2010, emphasis in original)

The information in the following paragraph was provided by a migration researcher at the University of Bayreuth in Germany, whose work focuses on migration dynamics, notably in Angola, in an interview with the Research Directorate:

In Angola, the line between "who is Congolese and who is not," as well as "who is Angolan and who is not," is "very blurred." For example, an individual born in Angola with relatives in the DRC who does not hold a birth certificate "may be perceived" by the DRC government and society as being Angolan and by the Angolan government and society as being Congolese. Congolese migrants with low fluency in Portuguese more often experience "discrimination" and the inability to speak the national language can serve as justification for deportation. Moreover,

[s]peaking Portuguese with a Congolese accent can be associated with being Congolese, even [for] Angolans who come from provinces such as Uíge, Cabinda and Zaire, where they tend to pronounce certain words in Portuguese in a similar way as the Congolese migrants, due to linguistic and geographic proximity. In popular discourse, Angolans who speak Portuguese like Congolese are considered foreigners and are pejoratively called 'langa', which is a derogatory term for a Congolese immigrant. (Researcher 2023-03-09)

2.1 By Society

Information on the treatment of Congolese nationals by Angolan society was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the migration researcher, there is "discrimination" by society and the authorities in Angola against both "Congolese migrants and Angolans with Congolese backgrounds"; neither are seen as Angolans, due in part to the Portuguese language barrier (Researcher 2023-03-07).

2.2 By Authorities

According to Freedom House, Angolan security forces "allegedly harass and abuse immigrant communities, and the government has failed to adequately protect refugees and asylum seekers" (Freedom House 2022-02-24, Sec. F4). Regarding Congolese migrants in particular, the same source cites "UN representatives" concerned over the "forced expulsion of Congolese migrants in 2020, suggesting it violated international directives on the treatment of refugees" (Freedom House 2022-02-24, Sec. F4). The migration researcher indicated that Congolese nationals in Angola who do not speak Portuguese well experience a "difficult situation" when dealing with government authorities, and, in "many cases," face "discrimination" from both authorities and society (Researcher 2023-03-07).

According to the US Department of State's *Country Reports on Human Rights Practices for 2021*, provincial authorities in Lunda Norte "exerted pressure on irregular migrants to return" to the DRC (US 2022-04-12, 17). Citing IOM figures, the same source indicates that "more than 8,000 irregular migrants" returned to the DRC from Angola in August and September 2021 (US 2022-04-12, 17). The same source adds that "irregular migrants" leaving Angola "often did not have access to water or shelter during their journey on foot to the border" and faced the "risk of human rights abuses, including gender-based violence" (US 2022-04-12, 17).

3. Access to Rights and Services

Information on Congolese nationals accessing services in Angola, including employment, education, housing and health care, was scarce among the sources consulted by the Research Directorate within

the time constraints of this Response.

Regarding the rights of foreign citizens in Angola, Law No. 13 of 2019 on the Judicial Regime for Foreign Citizens in the Republic of Angola (*Lei sobre o regime jurídico dos cidadãos estrangeiros na República de Angola*) includes the following provision:

[translation]

ARTICLE 4

(General Principle)

The foreign citizen who resides or is legally in the Angolan territory enjoys the same rights, freedoms and guarantees, is subject to the same obligations as Angolan citizens, except for political rights and other rights and obligations that are expressly reserved by law for Angolan citizens. (Angola 2019, emphasis in original)

The same law provides the following on the freedom of movement and other rights conferred to foreign citizens:

[translation]

ARTICLE 6

(Freedom of movement and residence)

Foreign citizens enjoy the right of freedom of movement and choice of residence, except for the restrictions set out in the Constitution of the Republic of Angola, the law and those determined for public security reasons.

...

ARTICLE 12

(Guarantees)

1. In the Republic of Angola, the foreign citizen enjoys all the same recognized Constitutional and legal guarantees as Angolan nationals, specifically:
 1. To seek judicial remedy for acts that violate their rights.
 2. Not be subject to arrest or to any penalty, except in cases or the means set out in the law.
 3. To exercise and peacefully enjoy property rights and to not be subject to any arbitrary or discriminatory measures.
 4. To not be deported or extradited, other than in cases or means set out in the law.
2. In the case of deportation or legal absence or death, the foreign national and their family members are guaranteed that their ownership, property and other rights and legitimate expectations are recognized and protected by law. (Angola 2019, emphasis in original)

The information in the following paragraph was provided in the IOM and EIU study:

Social protection in Angola is divided into three categories: basic, compulsory and complementary. Migrants of any status can access basic protection, if they meet the criteria, while migrant workers with "regular status" can also access compulsory and complimentary protection. The eligibility requirements for each type of social protection are as follows:

Basic social protection is available to the entire resident population, regardless of migratory status, who lacks means of subsistence, such as those in extreme poverty or unemployed people at risk of marginalization. Compulsory and complementary protection are available only to workers, including regular migrant workers, as outlined by the Basic Law on Social Protection (2004). Complementary social protection is optional but requires enrolment in the compulsory scheme. Migrant workers are also entitled to old-age pensions, early retirement and old-age allowances pursuant to Law No. 40/08 (2008). (IOM of UN with EIU 2021-07-09, 12, footnote omitted).

3.1 Housing

Information on access to housing by Congolese nationals in Angola could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Employment

According to the IOM and EIU report, permanent and temporary residents, as well as "migrants with certain categories of temporary stay visas," have "equal" access to employment as Angolan citizens (IOM of UN with EIU 2021-07-09, 13). Law No. 13 of 2019 provides the following:

[translation]

ARTICLE 56

(Temporary Stay Visa)

...

6. The Temporary Stay Visa granted under provisions number b), c), d) and e) of No. 1 and No. 4 of this article permits the exercise of paid work.

...

ARTICLE 57

(Permanent Resident Visa)

...

3. The Permanent Resident Visa enables its holder to exercise a paid professional activity. (Angola 2019, emphasis in original)

IOM and EIU further indicate that for all other migrants, a work visa is required, "which do not allow holders to change jobs or undertake new employment"; non-resident migrant workers' employment contracts "can be extended on a rolling basis" for up to 36 months (IOM of UN with EIU 2021-07-09, 13).

3.3 Education

According to the IOM and EIU report, national regulations stipulate that "[m]igrants with regular status have equal access as nationals to [g]overnment-funded education" (IOM of UN with EIU 2021-07-09, 12). Law No. 13 of 2019 provides the following:

[translation]

ARTICLE 8

(Right to education and freedom of instruction)

The foreign citizen resident's right to education and freedom of instruction are recognized under the terms of the law. (Angola 2019, emphasis in original)

Without providing further details, the migration researcher indicated that the quality of both education and health care services in Angola is "not good" for either Angolans or Congolese nationals and that services are "mostly privatized" in both sectors (Researcher 2023-03-07).

3.4 Health Care

According to the IOM and EIU report, access to government-funded health care services depends on the individual's "migratory status and whether Angola has [an] agreemen[t] with their countr[y] of origin on the principle of reciprocity of health-care provision," in accordance with [Angola's] 1992 Basic Law of the National Health System (IOM of UN with EIU 2021-07-09, 12–13). The same source specifies that Law No. 13 of 2019 "establishes that foreign citizens can apply for a Medical Treatment Visa," with a validity period of 180 days, which gives them access to treatment in both public and private hospitals (IOM of UN with EIU 2021-07-09, 13). Information on how often Medical Treatment Visas are granted by Angola and the conditions under which they are granted, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. State Protection

Information on the state protection available to Congolese nationals in Angola was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the migration researcher, it is "very difficult" for migrants in Angola to "find or access" state protection mechanisms in cases of mistreatment by state authorities or to dispute a decision on their citizenship application (2023-03-07). The same source indicated that the ability to "bring up" a case and have it "resolved through extra-legal channels" depends on the financial means of the individual, whether they are Angolan citizens or not (Researcher 2023-03-07).

Angola's 2019 national report to the HRC states, without providing further information, that training on human rights has been conducted, in cooperation with "international partners," for "police officers, representatives of law enforcement bodies and members of traditional authorities working in border areas" (Angola 2019-08-23, para. 78). Without providing details, the same report further notes that any "minor incidents" related to the repatriation of "[i]mmigrants in an irregular situation" "were dealt with as soon as they were reported" (Angola 2019-08-23, para. 81).

According to ILAB, an Angolan citizen was convicted and sentenced to four years imprisonment in 2021 for a 2019 human trafficking charge that involved two children from the DRC (US 2022-09, 5). The

same source added that the Angolan and DRC governments worked together to "repatriat[e]" the children in question back to their families in the DRC (US 2022-09, 5).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to UNHCR, persons of concern to UNHCR is a "generic term used to describe all persons whose protection and assistance needs are of interest to UNHCR. These include refugees under the 1951 Convention, persons who have been forced to leave their countries as a result of conflict or events seriously disturbing public order, asylum seekers, returnees, stateless persons, and, in some situations, internally displaced persons" (UN 2006-06, 16).

[2] Law No. 13 of 2019 provides the following:

[translation]

ARTICLE 56

(Temporary Stay Visa)

1. The temporary stay visa is granted through diplomatic and consular missions and is intended for entry into the country on the basis of the following:
 1. Carrying out a mission at a religious institution or a non-governmental organization.
 2. Performing scientific research, mobility studies and university extension.
 3. Accompanying a family member who has a Student, Medical Treatment, Investor or Work Visa.
 4. Being a family member of the holder of a valid residency visa.
 5. Being a spouse of a national citizen. (Angola 2019, emphasis in original)

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Additional Sources Consulted

Oral sources: African Diaspora Association of Canada; Angola – Serviço de Migração e Estrangeiros; Democratic Republic of the Congo – Embassy in Luanda; Holy See – Migrants and Refugees Section, Africa Coordination Team; Human Rights Watch; The Nordic Africa Institute; postdoctoral researcher and consultant in the Netherlands, whose work focuses on international migration between Africa and Europe; professor at an American university whose research focuses on Central African history, including national identity and political issues in Angola and the Republic of the Congo; professor at an American university whose research focuses on the economics, governance, and provision of housing, health care, and other services in Angola; professor at a university in the UK, whose research focuses on the political economy of forced migration and refugee assistance in Africa.

Internet sites, including: ACAT-France; Agence France-Presse; Al Jazeera; Amnesty International; Angola – Ministry of Finance, Ministry of Foreign Affairs, Migration and Foreigners Service, National Statistics Institute; Angola Press Agency; Associated Press; *Citizenship Studies*; Democratic Republic of the Congo – Direction générale de migration; EU – European External Action Service; Factiva; France24; Germany – Federal Office for Migration and Refugees; *Global Governance*; *Jeune Afrique*; *Jornal de Angola*; Konrad-Adenauer-Stiftung; mediacongo.net; Migration Research Hub; Minority Rights Group International; *Le Monde*; Oxfam International; *Population, Space and Place*; Radio Okapi; Reporters Sans Frontières; Southern African Development Community; Transparency International; Voice of America; Université de Kinshasa.

Associated documents

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Angola, Congo, Democratic Republic

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[Angola et République démocratique du Congo : information sur la situation des ressortissants congolais et des personnes d'ascendance congolaise et le traitement qui leur est réservé par la société et les autorités de l'État en Angola, y compris la possibilité d'accéder au logement, à l'emploi, à l'éducation et aux soins de santé \(2021-mars 2023\) \[ZZZ201409.EF\]](#) (Response, French)

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