

Document #2093185

IRB – Immigration and Refugee Board of Canada (Author)

Angola and Democratic Republic of the Congo: The legal status of Congolese citizens in Angola, including access to nationality, procedures and requirements to obtain citizenship (2021–April 2023) [ZZZ201408.E]

For information on the situation and treatment of Congolese nationals and people of Congolese descent by society and state authorities in Angola, including their ability to access housing, employment, education, and health care, see Response to Information Request ZZZ201409 of March 2023.

1. Overview

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" completed by the Economist Intelligence Unit (EIU), the "research and analysis division of the Economist Group," the sister company of the *Economist* newspaper (EIU n.d.), Angola's immigration policy is "enacted" by the Migration and Foreigners Service (Serviço de Migração e Estrangeiros, SME), which promotes, coordinates, and implements "measures related to the transit, entry, stay, residence and exit of migrants, along with border surveillance" (IOM of UN with EIU 2021-07-09, 14). The same report states that visas issued through Angola's diplomatic missions abroad are handled by the Ministry of Foreign Affairs (Ministério das Relações Exteriores, MIREX) (IOM of UN with EIU 2021-07-09, 14).

In an interview with the Research Directorate, a migration researcher at the University of Bayreuth in Germany, whose work focuses on the dynamics of North-South migration, including cross-border migration between countries in Africa, notably in Angola, stated that the line between who is Angolan and who is Congolese in Angola is "very blurred" (Researcher 2023-03-07). The same source added that anyone in Angola who does not speak Portuguese "well" is perceived to be Congolese, whether they are Congolese or not (Researcher 2023-03-07). The migration researcher further indicated that since both countries share a border "defined by colonial boundaries," individuals living in the border regions who may have been born in one country and lived most of their lives in the other, and who do not have access to identity documents and do not speak the national language fluently, are perceived by both Angola and the Democratic Republic of the Congo (DRC) to "belong to the other" (2023-03-07). According to a comparative analysis on birth registration in Southern African states commissioned by

the UNHCR regional bureau in Southern Africa, Angola and Zambia "have the lowest birth registration rates, 25% and 14%, respectively, and are amongst the countries in the world with the lowest birth registration rates" (Bayer Forsingdal, et al. 2022-12-23, 10).

2. Legal Status of Congolese Nationals

2.1 Refugees

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).

According to the US Department of State's *Country Reports on Human Rights Practices for 2021*, Angola launched a "nationwide law enforcement campaign" in 2018, that "affected both legal and undocumented migrants, refugees, and stateless persons" who worked in the informal sector, "as job opportunities were limited and the law prohibits refugees from operating businesses" (US 2022-04-12, 17). Authorities are required to issue identity cards to refugees with a validity period of five years; however, citing the UNHCR, the same source notes in its *Country Reports 2022* that the government "had not issued or renewed refugee cards since 2015, and no refugee possessed an unexpired, government-issued refugee card" in 2022 (US 2023-03-20, 15). While addressing "UN officials" regarding the implementation of the law enforcement campaign, the Angolan Minister of Interior was cited in US *Country Reports 2021* as stating that "the government would begin to fully implement the law when COVID-19 restrictions were lifted" (US 2022-04-12, 17-18). However, the US Department of State indicates that refugee cards were not renewed once the restrictions were lifted and that according to refugees in the country, there is "a general lack of acceptance of the refugee card and lack of knowledge concerning the rights it was intended to safeguard" (US 2023-03-20, 15).

US *Country Reports 2022* indicates that Angolan law prohibits refugees from accessing employment and "restrict[s]" them from accessing business licences (US 2023-03-20, 16). The same source states that recognized refugees in Angola "could at times" access public services, as the government had yet to implement "key elements of the 2015 asylum law," including refugees and asylum seekers' "access to basic services" (US 2023-03-20, 16). The same source added that refugees who have "expired documents" were unable to obtain birth certificates for their Angolan-born children (US 2023-03-20, 16). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Other Migrants

Information on the number of Congolese nationals with Angolan temporary or permanent residency status could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Access to Angolan Citizenship

The information in the following paragraph was provided by a 2023 study of Angola's nationality law by Angola's Ministry of Justice and Human Rights (Ministério da Justiça e dos Direitos Humanos, MINJUSDH) and UNHCR.

Out of Angola's total population of 31 million, 0.001 percent, or 202 individuals, acquired Angolan citizenship through naturalization or marriage in [2019]; Angola's rate of naturalized citizens is similar to "most other African states." While information on "successful acquisitions of Angolan nationality through naturalization, marriage or parliamentary concession" is published in Angola's official gazette [*Diário da República*], the "number and reasons of rejections" of Angolan citizenship is not made available. According to data from Angola's official gazette, there were 937 successful acquisitions of Angolan citizenships between 2012 and April 2020, 536 of which were acquired through naturalization, 399 through marriage, and 2 through the National Assembly. In terms of Congolese nationals who obtained Angolan citizenship, 2 acquired it through marriage in 2017 and 3 by marriage in 2019, while none acquired it through naturalization (Angola & UN 2023-02-24, 31, 32).

Information on whether there were any Congolese nationals in recent years who gained Angolan citizenship through naturalization, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The 2023 nationality law study by Angola and UNHCR indicates that the "difficulty to regularize one's legal situation in the country" has led "people in irregular situations or at risk of statelessness" to seek alternative solutions, "including illegal ways to obtain Angolan ID documents" (Angola & UN 2023-02-24, 33). Similarly, the migration researcher indicated that following the end of the civil war in Angola in 2002, the Angolan government prioritized the regularization of the legal status of Angolan citizens; however, this "left many in limbo," including Angolans residing in border regions who are not perceived as citizens (2023-03-07). The same source added that some Angolans who have lived in Zambia for 20-30 years and could not speak Portuguese have also struggled to have their citizenship recognized by the state (Researcher 2023-03-07). The same source further noted that while migrants may try to regularize their status through formal application channels, certain migrants who have sufficient financial means may choose to regularize their status through bribery; as a result, if the individual is "Congolese and poor, then it becomes all the more difficult to regularize [their] status in that context" (Researcher 2023-03-07). The Angola and UNHCR study also indicates that "[c]orruption has negatively affected the work of the Civil Registry" in Angola, leading to foreign nationals being

able to register illegally and to receive Angolan ID cards and passports. According to interviews, this has been even easier during birth registration campaigns, organized to boost registration numbers, when less qualified personnel that reinforced the mobile teams used the occasion to make some extra money and less attention was paid to the accuracy of the documents in order to reach the target numbers. Traditional authorities sometimes also cooperate in search of personal gains, issuing documents attesting parentage with the local communities. (Angola & UN 2023-02-24, 33)

3.1 Eligibility

According to the IOM and EIU, "anyone born on [Angola's] territory automatically gains Angolan citizenship," while immigrants can apply for Angolan citizenship "after residing in the country for at least 10 years" (IOM of UN with EIU 2021-07-09, 12, 13). Regarding additional conditions for applying for citizenship, the applicant must

be of legal age in Angola; offer moral and civic guarantees of integration into Angolan society; have legal capacity and be able to support themselves financially; have a good level of Portuguese assessed by exam; show evidence of connection to the community; be aware of the rights and duties described in the Constitution; and prove to not have been convicted of a crime punishable with a prison sentence of more than three years. (IOM of UN with EIU 2021-07-09, 12)

Law No. 2 of 2016, Angola's Nationality Law (*Lei da Nacionalidade*), provides the following regarding citizenship by birth and the acquisition of citizenship through naturalization:

Article 9 (Native Citizenship)

1. An Angolan native is the child of a father or mother Angolan citizen, born in Angola or abroad.
2. An Angolan native is presumed to be the newborn found in Angolan territory.

...

Article 14 (Acquisition of Citizenship by Naturalization)

1. The foreign citizen who satisfies all the following requirements can acquire Angolan Citizenship, by naturalization:
 1. To come of age [2] in accordance with Angolan law;
 2. To be legally resident in Angolan territory for at least ten years;
 3. To offer moral and civic guarantees of integration in the Angolan society;
 4. To have the capacity to govern his person and to ensure his subsistence, provided that he/she has his/her own regular income and this can be proved, in the course of last three years;
 5. To have sufficient knowledge of the Portuguese Language, measured by examination, under the terms to be regulated in a specific normative act;
 6. To have an effective connection to the national community, proven by knowledge of the people and nation, verified through examination, under the terms to be regulated in a specific normative act;
 7. To have an adequate knowledge of the rights and duties deriving from the Constitution of the Republic of Angola;
 8. - Not having been convicted by executory sentence of a crime punishable with a penalty of imprisonment equal to or greater than three years, in accordance with Angolan Law.
2. The National Assembly may grant Angolan citizenship to a foreign citizen who has provided or is likely to provide relevant services to the Country, or who demonstrates exceptional professional, scientific or artistic qualities on a proposal submitted by at least fifteen members of Parliament while carrying out their functions.
3. The President of the Republic may grant, without delegation, Angolan citizenship by naturalization, with exemption from the requirements set forth in paragraph 1 (b), (d) and (e), to foreigners who have provided or are called upon to provide relevant services to the Angolan State.

4. The Angolan citizenship by naturalization provided for in paragraph 1 of this article is granted at the request of the interested party and through a process organized under the terms established by the regulation. (Angola 2016)

The same law, which is available online, includes provisions for other methods of acquiring citizenship, notably Article 11 (Acquisition by Affiliation), Article 12 (Acquisition by Adoption), Article 13 (Acquisition by Marriage), and Article 15 (Other Acquisition Cases) (Angola 2016).

Regarding proof of Angolan citizenship, Law No. 2 of 2016 provides the following:

Article 27 (Proof of Acquisition and Loss of Citizenship)

1. The acquisition and loss of citizenship shall be proved by the respective registrations or by the consequent records drawn up in the margin of the birth entry.
2. Proof of the acquisition of citizenship by adoption shall apply to paragraph 1 of the preceding article.

Article 28 (Legal Report of the Registrar of Central Registries)

It is incumbent on the Registrar of Central Registers to issue a Legal Report on all questions of citizenship, in particular on those that should be submitted to him by consular agents in case of doubt on the Angolan citizenship of the supplicant for registration or consular registration.

Article 29 (Certificates of Citizenship)

1. The issuance of certificates of Angolan citizenship at the request of the interested party by the Registrar of Central Registries always depends on the existence of registration.
2. The probative force of the certificate may be waived, by any means, whenever there is no record of the citizenship of the holder. (Angola 2016)

Information on eligibility requirements specific to Congolese nationals who apply for Angolan citizenship could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Requirements and Procedures

Presidential Decree No. 152 of the 4th of July 2017, Regulations of the Law on Nationality (*Regulamento da Lei da Nacionalidade - Decreto Presidencial n.º 152/17, de 4 de Julho*), provides the following requirements to apply for citizenship through naturalization:

[translation]

ARTICLE 9 (Acquiring nationality by naturalization)

1. Angolan nationality is granted to nationals who satisfy all the requirements set out in No. 1 of article 14 of the Law on Nationality. To this end, they must complete the application with the following documents:
 1. Full copy of the birth certificate recognized by the Ministerial Department of Foreign Affairs in the country of origin and validated by the Angolan diplomatic or consular services accredited therein;

2. Copy of passport authenticated by a notary;
3. Criminal record clearance recognized by the Ministerial Department of Foreign Affairs in the country of origin and validated by the Angolan diplomatic or consular services accredited therein;
4. Criminal record clearance issued by the Civil and Criminal Identification Services of Angola;
5. Copy of the foreign resident card authenticated by a notary and/or proof of up-to-date residency; and

j. Statement of service with documents from the institution or employer and evidence of payment of taxes.

2. To determine the time of what is set out in paragraph b) of article 14 of the Law on Nationality, 10 years begins effective the date permanent residency is authorized.
3. The document required under the terms of paragraph O of No. 1 may be substituted by submitting a suitable title that certifies that they have their own regular source of income to guarantee their subsistence, and evidence thereof from the previous three years.
4. If the interested party has minor children who wish to acquire Angolan nationality, the interested party can make a simultaneous application by only attaching a full copy of the minor children's birth certificate. (Angola 2017)

Information on the terms of paragraph O of no. 1 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The same regulations identify the following institutions, timelines, and other administrative considerations, to apply for Angolan citizenship:

[translation]

ARTICLE 19 (General competence for receipt)

1. The competent authority for receiving applications and declarations related to nationality processes that are not to be examined by the President of the Republic and the National Assembly shall be the Civil Registry Office in the area of residence of the interested party.
2. When the interested party resides abroad, the interested party must report to the Central Registry Office or the Diplomatic or Consular Services in the area of residence.

ARTICLE 20 (Timeframes)

1. Upon receipt of the application, the Public Registry Office in the area of residence must, within 15 days, post a public notice of the applicant's claim at the Central Registry Office and the Municipal Government, and publish it in the newspaper with the largest circulation so that interested parties may voice their objection.
2. Within the period referred to in the previous paragraph, the Registry must simultaneously refer the file to the Public Prosecutor's Office for the due ruling.
3. The Public Prosecutor's Office must decide on the viability or unfeasibility of the application within 30 days, after which it returns the case to the respective Registry Office for immediate

forwarding, within a period not exceeding 15 days, to the Secretariat of the Commission for the Accompaniment of the Process of Attribution of Nationality [Nationality Commission (Comissão de Acompanhamento do Processo de Atribuição da Nacionalidade, CAPAN)] [3].

ARTICLE 21 (Improvements)

1. If there are items missing in the application referred to in the previous article, the Public Prosecutor's Office will return it to the issuing Registry Office, which will ask the interested party to remedy them within 30 (thirty) days, renewable for an equal period.
2. If the missing items in the previous paragraph are uncovered by the registrar, the latter must ask the interested party to remedy them before the formal referral to the Public Prosecutor's Office.

ARTICLE 22 (Notifications)

The notifications referred to in this Statute may be made at the end of the file, by electronic communication. (Angola 2017)

The 2023 Angola and UNHCR study indicates that the Secretariat of the CAPAN has 90 days to "come to a decision" in accordance with article 29 of the 2017 regulations, and that based on CAPAN's opinion, the "Minister of Justice has 30 days to take a final decision" (Angola & UN 2023-02-24, 24).

The Angola and UNHCR study notes that, according to the 2017 regulations, a citizenship application should "normally" take "a period of approximately 6 months" to be processed (UN 2023-02-24, 25). The same study indicates that it had "not been possible to find out the costs of the naturalization procedure," and that this cost "could also be a limiting factor" for accessing Angolan citizenship, notably "for stateless persons with restricted revenue opportunities" (Angola & UN 2023-02-24, 24). The same source further notes that the law "provides however that on presentation of a poverty certificate," related "fees for documents and a legal council may be waived" (Angola & UN 2023-02-24, 24).

Information on and instances of Congolese nationals applying for Angolan citizenship benefitting from this provision could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Loss and Reacquisition of Angolan Citizenship

Law no. 2 of 2016 provides the following regarding the conditions for the loss of citizenship:

Article 17 (Loss of Citizenship)

1. Who loses the citizenship:
 1. - Those who voluntarily acquire a foreign citizenship and express not pretend to be Angolan;
 2. - Those who exercise sovereignty functions in favor of a foreign State, unless they have previously communicated to the National Assembly;
 3. - The underage children of Angolan nationals born abroad and who, for this reason, also have another citizenship, if after coming of age, express their intention not to be Angolans;
 4. - Those adopted by foreign citizens if, upon coming to age, they express their intention not to be Angolans.

2. The loss of acquired Angolan citizenship is also determined by :
 1. - The conviction for an offense against the State security;
 2. - Provision of military service to a foreign State;
 3. - Obtaining of the citizenship by forgery or any other fraudulent means or misleading the competent authorities;
 4. Acquisition of the citizenship by means of a marriage or a cohabitation made in a fraudulent, simulated, illegal or bad faith manner;
 5. - An Angolan citizen with more than one citizenships, who performs acts in national territory in the name of another nationality.
3. No Angolan native may be deprived of original citizenship. (Angola 2016)

The Angola and UNHCR study states that the conditions for the loss of citizenship under paragraph 2 of article 17 affect individuals who acquired their citizenship after birth; their citizenship cannot be reacquired, and they become "stateless if they do not possess another nationality" (Angola & UN 2023-02-24, 28, 29). Additionally, the same source indicates that individuals who lose their citizenship for "any of the reasons listed" under paragraph 1 of article 17 may apply to reacquire citizenship with the National Assembly "by sending a request to its President/Speaker," after residing in the national territory "for at least the last 5 years" (Angola & UN 2023-02-24, 29).

5. State Protection

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

The IOM and EIU report indicates that while the SME has developed the Angola Migration Policy (AMP), adopted by the Council of Ministers in 2018, which focuses on "the management of migration flows; the study of migration trends; the integration of migrants and reintegration of nationals; the collection, analysis and publication of migration data," among other areas, no particular government agency has been tasked with implementing the policy, and "[t]here is also no implementation action plan in place for the AMP" (IOM of UN with EIU 2021-07-09, 14).

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).

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] According to a 2023 study on statelessness and nationality by Angola and UNHCR, the age in question is "at least 18" (Angola & UN 2023-02-24, 23).

[3] The 2023 Angola and UNHCR study indicates that the "Nationality Commission ('CAPAN')" was created by the 2017 regulations and is "coordinated" by the ministry of justice, and that among other tasks, it is responsible for "assessing cases of acquisition, loss, or reacquisition of citizenship and delivering an opinion" (Angola & UN 2023-02-24, 24).

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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 (Vatican) – 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 Rights in Africa Initiative; *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*; Open Society Foundations; 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

Query response on Angola and the Democratic Republic of the Congo: Legal status of Congolese nationals in Angola (2021 - April 2023) (refugees; other migrants; access to Angolan citizenship; state protection)

[Angola et République démocratique du Congo : information sur le statut juridique des citoyens congolais en Angola, y compris l'accès à la nationalité ainsi que la marche à suivre et les exigences pour obtenir la citoyenneté \(2021-avril 2023\) \[ZZZ201408.EF\]](#) (Response, French)

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