

LAW N.º 1/05 OF JULY 1st <sup>1</sup>

*National Assembly*

## **NATIONALITY LAW**

Becoming necessary to proceed to alterations of the main rules on the attribution, acquisition and loss of the nationality approved by the Law N.º 13/91, of 11 of May - Nationality Law, in a manner to make it correspond to the situation of that institute the new, political and social conditions that arise from the transformations in course in the Country;

On these terms, under paragraph b) of Article 88.º of the Constitutional Law, the National Assembly approves the following:

Nationality Law

### **CHAPTER I**

#### **GENERAL PROVISIONS**

##### ARTICLE 1.º

(Object)

The present law establishes the conditions for attribution, acquisition, loss and reacquisition of the Angolan nationality.

##### ARTICLE 2.º

(Detailed Rules)

Under the terms set in the present law, the Angolan nationality can be:

- a) by birth;
- b) Acquired.

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<sup>1</sup> Law n.º 1/05 of 1 of July (National Assembly)  
Nationality Law.  
Official publication: "Diário da Republic 1ª Série", n.º 78 of July 1st. of 2005.  
Legislative Corrections:  
Legislative Summary: Of the Nationality  
Revocatory Dispositions: Revokes Law N.º 13/91, May, 11 th

ARTICLE 3.º  
(Application in the time)

The conditions for attribution, acquisition, loss and reacquisition of the Angolan nationality are ruled by the law in force at the moment when the acts and facts that give origin to it are verified.

ARTICLE 4.º  
(Effect of the attribution of nationality)

The attribution of the Angolan nationality produces effect since birth and shall not affect the validity of the legal relationships previously established with ground in another nationality.

ARTICLE 5. º  
(Effect of the loss of the nationality)

1. The effects of the loss of the Angolan nationality are produced from the date of verification of the acts or facts that, in the terms of the present law, gave origin to it.
2. Are excluded from disposition on the above number, the effects in relation to third parties in the domain of the relations between particular, which are only produced from the date of the register.

ARTICLE 6.º  
(International Treaties)

The norms of International treaties to which the Angolan State bind itself prevail to the ones in the present law.

ARTICLE 7.º  
(Definition)

For the purpose of application of the present law, are considered Angolan father or mother and Angolan citizen, those to whom that nationality was attributed by the Nationality Law, of November 11, 1975 and by the Law n.º 8/84, of February 7.

ARTICLE 8.º  
(Competence of the Council of Ministers)

It is competence of the Council of Ministers to appreciate and decide all questions concerning the acquisition, reacquisition and loss of the nationality when this competence is from the National Assembly.

**CHAPTER II**  
**NATIONALITY THROUGH BIRTH**

ARTICLE 9.º  
(Nationality by birth)

1. It is Angolan citizen by birth,
  - a) The son of Angolan father or mother born in Angola;
  - b) The son of Angolan father or mother born in a foreign country.
2. It is presumed Angolan citizen by birth, unless proof in contrary, the just-born exposed in Angolan Territory.

**CHAPTER III**  
**ACQUIRED NATIONALITY**

ARTICLE 10.º  
(Acquisition by filial relationship)

The Angolan nationality can be granted to under age or incapable children of father or mother who acquires the Angolan nationality and request it, being minors able to opt by another nationality when they become of age.

ARTICLE 11.º  
(Acquisition through adoption)

1. The fully adopted by an Angolan national acquires the Angolan nationality.

2. For the purpose of the present law, it is understood by full adoption the one that extinguishes completely previous bonds with the natural family, except for the effect in which constitute impediment for marriage or recognition of common-law union.

#### ARTICLE 12.º

##### (Acquisition through marriage)

1. The foreigner married to a national for more than five years can, when requesting it, in the constancy of the marriage and heard the spouse, acquire the Angolan nationality.

2. Acquires the Angolan nationality the foreigner married to an Angolan national if by the fact of the marriage loses its previous nationality.

3. The declaration of nullity or cancellation of the marriage does not affect the nationality acquired by the spouse or common-law partner who contracted the marriage in good faith.

#### ARTICLE 13.º

##### (Acquisition of the nationality through naturalization)

1. The Council of Ministers can grant the Angolan nationality to the foreigner who requires it and at the date of the request satisfies the following conditions cumulatively:

a) Be of age according to the Angolan law and the law of the State of origin;

b) To live habitual and regularly in Angola for at least 10 years;

c) To offer moral and civic guarantees of integration in the Angolan society;

d) To possess capacity to govern its own person and to assure its own subsistence.

2. The National Assembly can grant the Angolan nationality to foreign citizen who has render or can come to render relevant services to the

country or still that demonstrates exceptional professional, scientific or artistic qualities.

3. The Government can, through the authorization of the National Assembly, grant the Angolan nationality to foreign citizen who has render or can come to render relevant services to the country or still that demonstrates exceptional professional, scientific or artistic qualities.

4. The Angolan nationality through naturalization foreseen in n.º1 is granted on petition of the interested party and through process organized in the terms established in regulation.

**ARTICLE 14.º**  
(Other cases of acquisition)

Still acquires the Angolan nationality by request:

- a) The individual born in Angolan territory when does not hold another nationality.
- b) The individual born in Angolan territory son of unknown parents, unknown nationality or stateless.

**CHAPTER IV**  
**LOSS AND REAQUISITION OF THE NATIONALITY**

**ARTICLE 15.º**  
(Loss of the nationality)

1. Lose the nationality:

- a) The ones that voluntarily acquire a foreign nationality and reveal the pretension not to be Angolan;
- b) The ones that, without authorization of the National Assembly exercise functions of sovereignty in favor of foreign State;
- c) The under age children of Angolan nationals born in a foreign country and, for such fact, have equally another nationality, if when becoming of age reveal the pretension not to be Angolan;

d) The fully adopted by foreign citizens if, when becoming of age, reveal the pretension not to be Angolan.

2. Determines, equally, the loss of the Angolan nationality to the individuals that have obtained it through naturalization:

a) The conviction for crime against the security of the State;

b) The rendering of military services to a foreign State;

c) The obtaining of the nationality through forgery or any another fraudulent means or by inducing in error the competent authorities

f) The acquisition of the nationality through marriage that was carried through in fraudulent, illegal or bad faith way.

ARTICLE 16.º  
(Reacquisition of the nationality)

When the Angolan nationality acquired by effect of the Law of 11 of November 1975 and of the Law n.º 8/84, of February, 7, has been lost by declaration of will from the parents during the minority, the citizens can reacquire it by option, after the term of the incapacity.

2. The citizens mentioned in the previous number must prove that they have the residence established in Angolan territory for, at least, one year.

3. When the Angolan nationality has been lost for any of reasons foreseen in n.º1 of the Article 15.º, can be reacquired, by deliberation of the National Assembly, as long as the interested party has established residence in the domestic territory for at least, five years.

CHAPTER V

**OPPOSITION TO THE ACQUISITION OR REACQUISITION OF  
NATIONALITY**

ARTICLE 17.º  
(Grounds)

Are grounds of opposition to the acquisition or reacquisition of the Angolan nationality:

- a) the manifest inexistence of any effective connection to the Angolan society;
- b) the conviction for punishable crime with sentence of prison over eight years, in the terms of the Angolan law;
- c) the conviction for crime against the security of the Angolan State;
- d) the exercise without authorization of the National Assembly of functions of sovereignty in favor of foreign State;
- e) The rendering of military services in favor of foreign State.

**ARTICLE 18<sup>o</sup>**  
(Legitimacy)

1. The opposition is exercised by the Public Prosecutor in appeal to the Supreme Court, in the six months following the declaration of will on which the acquisition or reacquisition of nationality depends.

2. It is mandatory for all the authorities and optional for all the citizens the participation to the Public Prosecutor of the facts that refers the previous the Article.

**CHAPTER VI**

**REGISTER AND PROOF OF NATIONALITY**

**ARTICLE 19.<sup>o</sup>**  
(Facts subjects to register)

1. Are subject to mandatory register, in proper book, at Central Register Officer "Conservatória dos Registos Centrais", all the acts and facts that determine the attribution, acquisition, loss and reacquisition of nationality.

2. Are excluded of the mentioned in the previous number, the attribution of the nationality when made through registration of the birth in the Angolan civil register and its acquisition through adoption by mere effect of the law.

3. The register of the acts that refers n.º 1 of this Article is made by petition of the interested parties.

ARTICLE 20.º  
(Declaration of nationality)

1. The declarations of nationality that are consubstantiate in a manifestation of will tending to the obtaining of the Angolan nationality can be given before the Angolan diplomatic or consular agents and are officiously registered, with basis in the necessary documents, that, for the effect, are sent to the Register Officer "Conservatória dos Registos Centrais",

2. The simple enrollment or consular registration does not constitute, only by itself, attributive title of the Angolan nationality.

ARTICLE 21.º  
(Registering of the nationality)

Any register that relates with attribution, acquisition loss or reacquisition of the nationality is always registered to the birth register of the interested party.

ARTICLE 22.º  
(Birth Register of foreign citizen's children)

1. In the births registers done at Angolan Register Officers ("Conservatórias") of children from foreign or unknown nationality citizens, born in Angola, that quality is noted.

2. The foreign or unknown nationality, for the purpose of the previous number, must be, whenever possible, proven by document that demonstrates that none of the parents is Angolan.

ARTICLE 23.º  
(Establishment of filial relationship or adoption subsequent to the birth register)

When filial relationship is established later to the register of birth of foreigner born in Angola or his adoption is decree, of the judicial sentence or act that will have established or decreed them and from its communication for registering, is mention the nationality of the Angolan parents or the adopting ones.

**ARTICLE 24.º**  
(Proof of nationality by birth)

1. The Angolan nationality by birth of individuals born in Angolan territory, from Angolan father or mother, is proven by the birth register, on which nothing opposing to it is mentioned.
2. The Angolan nationality of individuals born in the foreign country is proved, according with the cases, by the register of the declaration on which its attribution depends or by the references in the birth register written by registration in the Angolan civil register.

**ARTICLE 25.º**  
(Proof of acquisition and loss of the nationality)

1. The acquisition and the loss of the nationality is proven by the respective registers or by the consequent registering at the margin of the birth register.
2. To the proof of the acquisition of the nationality through adoption is applicable and, n.º 1 of the previous Article.

**ARTICLE 26.º**  
(Opinion of the Registrar of the Central Register Office)

It is competency of the Registrar of the Central Register Office to emit opinion on all the nationality questions, appointedly, on the ones that must be submitted to him by the consular officers when in case of doubt about the Angolan nationality required from consular registration.

ARTICLE 27.º  
(Certificates of nationality)

1. Independently of the existence of register, Angolan nationality certificates can be issued by the Registrar of the Central Register Office, on petition of the interested party.
2. The probatory force of the certificate can be eliminated, by any way, whenever the register of the nationality of the respective bearer does not exist.

**CHAPTER VII**  
**LITIGATION OF THE NATIONALITY**

ARTICLE 28.º  
(Legitimacy)

Have legitimacy to present appeal of any acts regarding the attribution, acquisition, loss and reacquisition of Angolan nationality the parties directly interested and the Public Prosecutor.

ARTICLE 29.º  
(Competent Court)

The appreciation of the appeals to which refers the previous Article is the competency of the Civil and Administrative Chamber of the Supreme Court ("Câmara Civil e Administrativo do Tribunal Supremo").

ARTICLE 30.º  
(Conflict of Angolan and foreign nationality)

It is not recognized nor produces effect in the Angolan internal juridical order any another nationality attributed to Angolan citizens.

ARTICLE 31.º  
(Conflict of foreign nationality)

In the positive conflicts of two or more foreign nationalities, prevails the nationality of the State in whose territory, the person with multi nationalities has his habitual residence or lacking this, of the State with which he keeps a narrower bond.

## **CHAPTER VIII**

### **FINAL DISPOSITIONS**

#### **ARTICLE 32.º**

(Reacquisition of the nationality by effect of the law)

1. It is void the effect of nationality lost resulting of the application of the nº2 of article 9.º of the Law nº 8/84, except for those that declare not wanting to beneficiate of this measure.
2. To the children of Angolan citizens mentioned in the previous number, born before the entry into force of the present law, it is attributed the Angolan nationality by birth through declaration.

#### **ARTICLE 33.º**

(Revoked Legislation)

It is revoked the law N.º 13/91, of May 11th.

#### **ARTICLE 34.º**

(Doubts and omissions)

The doubts that appear in the interpretation and application of the present law are decided by National Assembly.

Seen and approved by the National Assembly, in Luanda, on April 20th, 2005.

Publish It.

The President of the National Assembly, ROBERTO ANTÓNIO VICTOR FRANCISCO DE'ALMEIDA

Promulgated on June 6th, 2005.

The President of the Republic, JOSÉ EDUARDO DOS SANTOS