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Responses to Information Requests

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8 March 2017

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Angola and Benin: The right to Angolan citizenship for a child born in Angola to an Angolan mother; recognition of dual nationality by Angola and Benin
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. The Right to Angolan Citizenship for a Child Born to an Angolan Mother

According to Angola's Official Gazette, a new Nationality Law (*Lei da Nacionalidade*) was published on 15 April 2016 (Angola 2016). A French translation of the full text is attached to this Response.

Article 39 of the Nationality Law states the following: [translation] “This law shall come into effect on its date of publication” (Angola 2016, Art. 39). Article 36 of the Nationality Law provides that [translation] “Law No. 1/05 of 1 July [2005] [the Nationality Law that had previously been in effect (LEX Africa 11 May 2016)] is repealed” (Angola 2016, Art. 36).

According to Article 2 of the Nationality Law, [translation] “Angolan nationality may be by birth or acquired” (Angola 2016, Art. 2). According to Article 9, para. 1 of the Nationality Law, [translation] “[t]he child of an Angolan father or mother, born in Angola or abroad, shall be an Angolan citizen by birth” (Angola 2016, Art. 9, para. 1). A minister-counsellor at the Embassy of Angola in Washington, DC, noted the following on this issue in correspondence with to the Research Directorate:

In accordance with Article 9 of the [Nationality Law], the Angolan citizen of origin is the son of a father or a mother of Angolan nationality, born in Angola or abroad.

In other words, the Republic of Angola applies the principle of nationality law by which citizenship is not determined by place of birth, but by having one or two parents who are Angolan, regardless of the place of birth. (Angola 10 Feb. 2017)

Similarly, *Gabinete Legal Angola Advogados*, a firm whose lawyers are members of the international network of A.M. Pereira, Sáragga Leal, Oliveira Martins, Júdice e Associados (PLMJ) [a law firm established in Portugal (PLMJ n.d.)] and who practise law in Angola in close collaboration with the network (GLA n.d.), reports, in a presentation on the new 2016 Nationality Law, that “Under the new law, nationals by origin are the children of a father or a mother who is an Angolan citizen, whether the children were born in Angola or abroad” (GLA May 2016).

The minister-counsellor specified the following on the Nationality Law:

[I]t is important to have in mind that, under the provisions of this law [on Nationality], the terms “Angolan father or mother” and “Angolan citizen” refer to those to whom this nationality has been granted under the Nationality Law of 11 November 1975 and Law No. 8/84 of 7 February [1984 (CRAI n.d.)]. (Angola 10 Feb. 2017)

With respect to the acquisition of Angolan nationality, the minister-counsellor noted the following: “In addition to nationality by birth, the Law permits the acquisition of nationality by filiation, adoption, marriage, naturalization or in the case of citizens born in Angola to unknown parents, to parents of unknown nationality or to stateless

parents” (Angola 10 Feb. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Dual Nationality in Angola

With regard to the recognition of dual nationality in Angola, the minister-counsellor referred to Article 4 of the new Nationality Law (Angola 10 Feb. 2017). That article provides that [translation] “[t]he granting of Angolan nationality shall take effect at birth without prejudice to the validity of any legal steps taken previously towards the acquisition of another nationality” (Angola 2016, Art. 4).

The Government of Canada’s website indicates, on the page “Travel Advice and Advisories,” that dual citizenship is legally recognized in Angola (Canada 26 Jan. 2017).

3. Dual Nationality in Benin

The Government of Canada’s website indicates, on the page “Travel Advice and Advisories,” that dual citizenship is legally recognized in Benin (Canada 23 Jan. 2017). Other sources also list Benin among the African countries that allow dual citizenship (African Commission on Human and Peoples’ Rights May 2014, 30 and 72; Open Society Foundations Oct. 2010, 63). The weekly newspaper *Jeune Afrique* reports, in an infographic published in 2015, that dual nationality is recognized in Benin [translation] “without any restrictions” (*Jeune Afrique* 29 Dec. 2015).

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.

References

African Commission on Human and Peoples’ Rights. May 2014. __ *The Right to Nationality in Africa*. [Accessed 6 Feb. 2017]

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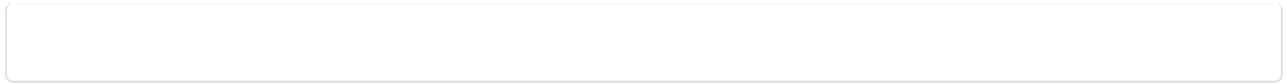
Additional Sources Consulted

Oral sources: Angola – Embassy of the Republic of Angola in Ottawa.

Internet sites, including: Angola – Portal Oficial do Governo de Angola; ecoinet; Factiva; Larousse; UN – Refworld; US – Department of State.

Attachment

Angola. 2016. *Lei no 2/16 de 15 de Abril - Lei da Nacionalidade* (Loi no 2/16 du 15 avril - Loi sur la nationalité). Translated by the Translation Bureau, Public Works and Government Services Canada.



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