

Angola Labour Migration Review

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November 2024

FOREWORD

The Southern Africa Migration Management (SAMM) project represents a collaborative effort embodying the ONE-UN approach, uniting the expertise and resources of four prominent UN development and/or humanitarian agencies: the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the United Nations High Commissioner for Refugees (UNHCR).

The SAMM project is dedicated to improve labour and mixed migration management in the Southern Africa and Indian Ocean region. By focusing on South-South migration flows, the project aims to uncover and enhance the positive spillover effects of international migration on regional integration and economic development (e.g. recognising the positive contribution of migrant workers to economic growth).

The SAMM project first produced a Labour Migration Stocktaking Report for the SADC region. Labour Migration Reviews (LMRs) are complementary tools aimed to enhance the capacity of Ministries of Labour, Employers' and Workers' Organizations to engage in tripartite dialogue and influence evidence-based policy formulation and implementation for fair labour migration governance. LMRs include information on at least, seven key labour migration thematic areas:

1. Gender-responsive labour migration policies and/or strategies;
2. International labour standards and national legislation on the protection of migrant workers, as well as advocacy on the contribution of migrant workers to development;
3. Bilateral labour migration agreements (BLMAs) across the region and with third countries;
4. Fair recruitment and decent employment for migrant workers including regulatory legislation on Private Employment Agencies (PEAs), and strengthening of Public Employment Services (PES);
5. Social Security Portability of Benefits for migrant workers through the SADC Guidelines on the Portability of Social Security Benefits;
6. Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and recognition of qualifications of migrant workers), as well as support to the SADC Qualifications Framework;
7. Labour migration statistics (indicators, module, inclusion in labour market information systems, etc).

The ILO believes that this publication will provide valuable insights and contribute significantly to the ongoing efforts to improve labour migration governance effectively in the SADC and IOC region. We extend our gratitude to all partners and stakeholders for their unwavering support and commitment to this crucial endeavour.

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ACKNOWLEDGEMENTS

The authors would like to thank colleagues at the ILO (International Labour Organization), particularly Ms. Gloria Moreno-Fontes, Mr. Theo Sparreboom, Mr. Jesse Mertens, and Ms. Hareeta Cunniah for their review and critical feedback during each stage of the research project.

We would also like to express our gratitude to Ms. Makungu Baloyi, SAMM Communications Officer for assisting with the production process and the dissemination of the report.

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1 INTRODUCTION

Since 2002, Angola's economic boom has resulted in the transformation of the country from a primarily migrant origin country to a major migrant destination, for both return migrants and migrant workers from other countries. Neighbouring DRC is the major SADC origin country, while Portugal, Brazil and China are the major source countries of migrant workers outside the continent. Although the exact number of migrant workers in Angola is unknown, due to sizable irregular migration, the major destination within the country is the capital city, Luanda, where migrants work in both the formal (mainly construction) sector and informal economy. Irregular migration is primarily focused on the country's diamond mining areas, as well as Luanda, and large numbers have been arrested and deported. Chinese and other Asian migrants are imported by foreign-owned companies to work on their infrastructure projects. The local proportion of the workforce of these companies has increased over time, many of whom are recruited internal migrants. While employment statistics of migrant workers by sector are not available, there is a large research literature on migrant employment which informs this report.

2 MIGRATION DATA SOURCES, TRENDS AND DYNAMICS

2.1 Migration Data Sources

The main open access data sources for migration to Angola include the following:

- UN DESA Migrant Stock Country Profile (UN DESA, 2019a)
- UN DESA Migrant Stock by Origin and Destination 2019 Update (UN DESA, 2019b).
- Angola 2014 Census (INE, nd)

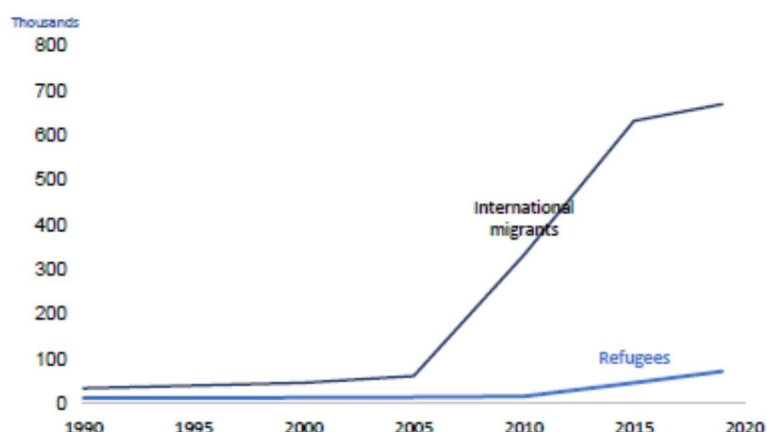
2.2 Migrant Stock Trends

UN DESA migrant stock data suggests that there has been a dramatic increase in the migrant population of Angola, following the end of the civil war in the 1990s. Table 1 and Figure 1 suggest that the total number of migrants in Angola increased by 15,100 between 2005 and 2010, by 270,800 between 2005 and 2010, by 300,100 between 2010 and 2015, before falling again to 37,300 between 2015 and 2020. In 2019, there were 71,300 refugees and nearly 600,000 other migrants, including labour migrants. Female migrants have consistently made up around half of the migrant population, reaching a high of 52% in 2015. The proportion of child and youth migrants has declined over time but is still around 22% of the total. On the other hand, the proportion of working age adults has grown to 73% and the median age of migrants to nearly 34 years old.

Table 1 - Migrant Stock of Angola, 1990-2019

	1990	1995	2000	2005	2010	2015	2019
Total migrants	33,500	39,800	46,100	61,300	332,100	632,200	669,500
Share of total population (%)	0.3	0.3	0.3	0.3	1.4	2.3	2.1
Refugees	12,000	11,400	12,600	13,900	15,200	45,700	71,300
Other migrants	21,500	28,400	33,500	48,600	316,900	586,500	598,200
Females % of total migrants	45.9	47.9	49.3	50.7	51.7	51.8	49.0
Median Age	26.3	26.8	27.4	26.7	32.7	32.4	33.6
Age Group (%)							
0-19	34.9	32.7	30.9	33.3	22.2	21.7	22.0
20-64	61.4	63.0	63.0	60.7	73.0	73.9	73.0
65+	3.7	4.2	6.2	5.9	4.8	4.4	5.1

Source: UN DESA (2019a)

Figure 1 - Number of International Migrants and Refugees in Angola, 1990-2019

2.3 Countries of Migrant Origin

According to UN-DESA, migrants to Angola from within SADC come from five main countries: the DRC, South Africa, Namibia, Mozambique and Zambia (Table 2). Of these, the DRC is the dominant source with 94% of intra-SADC migrants in Angola. The numbers from all five source countries have increased since 1990 with the DRC and South Africa experiencing the greatest proportional increase. Overall the number of migrants increased from 15,000 in 1990 to 30,000 in 2005 to 100,000 in 2019. Of the 13 source countries listed by UN-DESA, the DRC is still dominant (at 58% of migrants) followed by three West African countries, South Africa and then Portugal (the former colonial power).

UN-DESA also claims that there are an additional 512,000 migrants in Angola whose national origins are unknown (Table 4). If correct, this would boost the total number of migrants in Angola to 670,000 (of whom three-quarters are of unknown origin). UN-DESA maintains that of the 512,000 migrants, 384,000 originate from the South and 128,000 from the North. Tracking this data over time, it appears that the massive increase in unknown migrants occurred between 2005 and 2010 (from 12,000 to 272,000) and between 2015 and 2015 (from 272,000 to 523,000) before falling again in the last five years. This dramatic rise is also reflected in Figure 1. The readjustment in numbers is a result of the 2014 Census (the first in Angola for 40 years). Other sources estimate that there may be as many as 150,000 Portuguese and 250,000 Chinese migrants living in contemporary Angola which would account for a significant proportion of UN-DESA's 'other' category. In addition, the UN-DESA figure for migrants from DRC is generally considered to be an underestimate, with some suggesting the number may be as high as 500,000 if irregular migration is included in the count.

Table 2 - Intra-SADC Migration to Angola, 1990-2019

	DRC	South Africa	Namibia	Mozambique	Zambia	Total
2019	92,242	6,421	909	254	314	100,140
2015	77,548	6,064	859	240	297	85,008
2010	30,944	5,118	725	203	251	37,241
2005	24,340	4,172	591	166	205	29,474
2000	17,735	3,226	457	128	158	21,704
1995	14,957	2,832	401	113	139	18,442
1990	12,178	2,437	345	97	119	15,176

Table 3 - Main African Source Countries, 2019

	No.	%
DRC	92,242	58.4
Guinea	18,504	11.7
Cote D'Ivoire	12,896	9.6
Cabo Verde	9,400	6.0
Sao Tome	6,990	4.4
South Africa	6,421	4.1
Portugal	5,711	3.6
Chad	1,928	1.2
Rwanda	1,286	0.8
Congo	1,081	0.7

Namibia	909	0.6
Zambia	314	0.2
Mozambique	254	0.2
TOTAL	157,936	

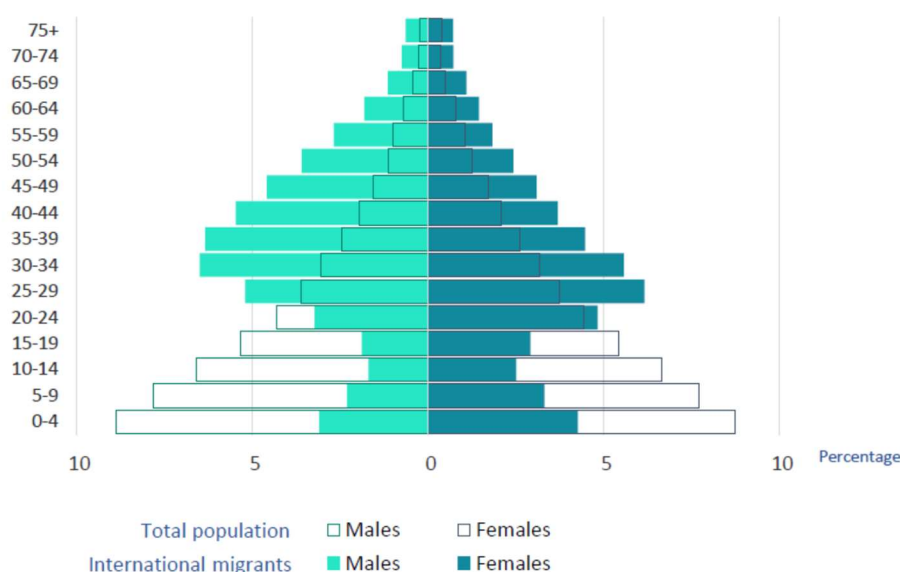
Table 4 - Migrants in Angola of Unknown Origin, 1990-2019

	South	North	Total	Total Migrants
1990	2,953	2,805	5,758	33,517
1995	3,427	3,260	6,687	39,813
2000	3,909	3,714	7,623	46,108
2005	9,195	3,064	12,259	61,329
2010	204,346	68,115	272,461	332,126
2015	392,283	130,760	523,043	632,178
2019	383,658	127,885	511,543	669,479

2.4 Age, Sex and Spatial Distribution of Migrant Population

As Table 1 shows, approximately half of all migrants in Angola are female. Figure 2 from UN DESA (2019a) shows that most migrants in Angola in 2019 were of working age with a particular concentration of both male and female migrants aged between 25 and 45. In general, the female migrant population is younger than the male with the highest proportion of females in the 25-29 age group. The age structure of the migrant population is also very different from the pyramid-shaped age structure of the Angolan population as a whole.

Figure 2 - Age and sex distribution of international migrants and of the total population in Angola, 2019 (percentage)



Statistics Angola data on work and residence permits provide an indication of the diversification of migrant source countries as the country's economy underwent rapid growth after the end of the civil war in 2002. In the three year period 2008 to 2011, for example, the numbers of work/residence permit holders tripled from 109,000 to 339,000 (Table 5). Key features include (a) a massive increase in Chinese migration to Angola; (b) the diversification of Asian sources to include India, the Philippines and Vietnam; (c) increased migration from Brazil, Cuba, Portugal and South Africa to Angola; and (d) the absence of the DRC from the list of official work/residence permit holders. This suggests that the majority of DRC migrants (with the exception of refugees) were irregular.

Table 5 - Work/Residence Permits in Angola by Country of Origin

	2008	2011	Increase
Africa			
South Africa	3,747	15,694	11,947
Cape Verde Islands	3,449	3,623	174
Gabon	916	1,032	116
Mauritania	714	1,778	1,064
São Tomé and Príncipe	6,185	7,209	1,024
Other Africa	2,752	2,645	-107
South & North America			
Brazil	12,513	36,317	23,804
Cuba	2,879	10,285	7,406
USA	3,599	7,141	3,542
Other	260	265	5
Asia			
China	45,036	160,262	115,226
India	1,914	9,813	7,899
Philippines	2,214	9,696	7,482
Vietnam	2,126	8,979	6,853
Europe			
Portugal	12,051	44,761	32,710
France	4,157	9,989	5,832
Total	108,882	339,035	230,153

Source: Candeias et al. (2019)

INE data from the 2014 Census captures the number of non-citizens in Angola who entered the country in the previous five years (2009-2014). The total number of these

recent migrants captured by the Census was 586,000, of whom 44% were female and 56% male (Table 6). Additionally, 68% of the non-citizen population was urban-based and 32% was in rural areas. The greatest number of migrants (177,000 and 30% of the total) were in Luanda Province where the capital Luanda is located. The proportion of female migrants varies from 31% in Luanda Norte to 49% in Uíge. In Luanda, 43% of migrants were female.

Table 6 - Distribution of Recent Migrants in Angola by Province and Sex

Province	No.	% of Total	Male No.	Female No.	% Female
Luanda	176,765	30.1	100,373	76,392	43.2
Huila	47,566	8.1	24,733	22,834	48.0
Luanda Norte	39,831	6.7	27,149	12,683	31.8
Cuanza Sul	36,471	6.2	19,119	17,352	47.6
Benguela	34,014	5.8	17,682	16,332	48.0
Huambo	30,438	5.2	16,266	14,173	46.6
Uíge	29,847	5.1	15,150	14,696	49.2
Cabinda	29,139	5.0	18,238	10,901	37.4
Malanje	23,840	4.1	12,770	11,070	46.4
Zaire	23,012	3.9	14,717	8,295	36.0
Cunene	21,001	3.6	10,722	10,279	48.9
Bie	18,420	3.1	9,599	8,821	47.9
Cuanza Norte	13,804	2.4	7,830	5,974	43.3
Namibe	13,265	2.3	6,876	6,390	48.2
Bengo	12,728	2.2	7,697	5,031	39.5
Moxico	12,697	2.2	7,122	5,576	43.9
Cuando Cubango	11,919	2.0	6,585	5,334	44.8
Luanda Sul	11,719	2.0	6,268	5,451	46.5
Total	586,478	100.0	328,895	257,583	43.9
Total Urban	401,306	68.4	225,619	175,688	43.8
Total Rural	185,172	31.6	103,277	81,895	44.2

Source: INE (nd: 44)



2.5 Employment of Migrants

The country's rapid growth as a migration destination since the end of the civil war in 2002 s has drawn increasing numbers of migrants from the DRC, West Africa, Asia and Portugal to work in expanding sectors of the economy. There is no comprehensive database available on migrant worker employment in Angola but the major employment sectors include: (a) the oil and gas sector; (b) diamond mining; (c) urban construction and transportation infrastructure and (d) urban informal sector trade. By 2015, the number of foreign companies included 1,500 from China, 1,217 from Portugal and 200 from Brazil (Corkin, 2016). Studies of the role of Chinese companies in (re)building and expanding the infrastructure of post-war Angola include Corkin

(2012), Croese (2012, 2017), Oya and Wanda (2019), Schmitz (2021), and Wolf and Cheng (2018).

Major investment in Angolan infrastructure by China has facilitated the flow of Chinese, Vietnamese and other Asian labour migrants to construction sites in Angola. Private and state-owned Chinese construction companies have built numerous large-scale construction and upgrading projects including the massive [Kilamba Kiayi housing project](#) near Luanda and the new Luanda International Airport (Croese, 2012; Ye, 2020). The companies have imported large numbers of Chinese migrants to work on the projects, often in sub-optimal conditions (Schmitz, 2017, 2018, 2020, 2021). Chinese construction projects have an official quota of only 30% foreign labour but many have exceeded this number (Tang, 2020). The Kilamba Project had as many as 10,000 Chinese labour migrants at peak construction. Vietnamese sub-contractors to large Chinese firms recruit and employ Vietnamese migrant workers through a network of brokers and intermediaries based in Vietnam (Gröger and Klump, 2017).

A recent labour force survey by an independent project provides additional insights into migrant workers in the construction sector specifically (Oya and Wanda, 2019). The research identified a highly segmented workforce with three main segments: (a) semi-skilled workforce with more work experience and better qualifications in the relevant sectors, much more concentrated in the Angolan companies and in the main non-Chinese foreign companies; (b) low-skilled workforce but with formal employment relationships, with more work experience and longer job tenure in companies, mainly Angolan and most foreign non-Chinese firms; and (c) an internal migrant workforce from the Centre and South of Angola, low-skilled with a very low educational level and a lower socio-economic status strongly concentrated in Chinese companies, both in construction and in manufacturing. This suggests that as the Chinese companies have reduced their reliance on imported migrants from China, they have replaced them with internal migrants.

Other findings included that (a) the localization rate was lower in Chinese firms, in both construction and construction manufacturing materials; (b) Chinese and non-Chinese firms depend on expatriate personnel for some technical and management positions; (c) the number of Angolan workers in Chinese firms has been growing over the last 10 years as a result of (i) as the companies consolidate their presence they find a higher number of more qualified workers; (ii) the costs with Chinese workers has increased significantly; and (iii) new requirements from the Angolan government for companies to hire more local workers.

Chinese enterprises pay lower nominal wages for some categories of workers and offer less “formality” in employment, but they also employ poorer migrants from the Centre-South region. Both imported and local workers have accommodation and food provided by the company. These workers therefore do not usually incur in housing,

food or transportation expenses. There was no significant difference between Chinese, Angolan and other foreign companies' working schedules, but the 6-day week was more prevalent in Chinese companies. In general, trade union presence is weak in the construction sector.

Chinese migrants are also employed and self-employed in the large urban informal sector as petty-traders. A recent survey of over 700 Chinese and other Asian migrants in Angola in three provinces found that construction or machine operation was the most common occupation (39%), followed by retail or wholesale (33%) (Martins et al., 2020). Most participants had been in Angola for several years, with a median 5 years. Major home provinces in their place of origin included Jiangsu in China, Ha Tinh in Vietnam, and Cavite in the Philippines. West African migrants are also "ubiquitous" in commercial retailing and informal business in formal and informal markets in Luanda and other cities (Gaibazzi, 2017, 2018).

Portuguese migrants include highly skilled and lesser skilled employees of large Portuguese companies that opened branches in Angola after 2002 in such sectors as banking, the construction industry, and telecommunications. A 2015 survey of the socio-demographic profile of Portuguese migrants in Angola found that they are predominantly adult over the age of 30, male and with higher-education qualifications (Candeias et al., 2019; see also Åkesson 2016, 2018; Augusto and King, 2020).

The 2,500 km long border between Angola and the DRC is a gateway for both regular and irregular labour migration from the DRC and for migrants from West Africa. Migration across the border is complex, diverse, and dynamic (Chico, 2020). Irregular migrants cross the border to work in the Angolan diamond mining areas and boom towns of Lunda Norte, Lunda Sul, and Bié (Rodrigues, 2017; Rodrigues et al., 2021). Others head for work in Luanda's large informal sector, which employs 70% of all employees in Angola (ILO, 2021; World Bank, 2020).

Between 2003 and 2009, the Angolan government arrested and deported between 200,000 and 300,000 irregular migrants engaged in artisanal alluvial diamond mining and the informal sector (Betts, 2013). In late 2018, mass deportations resumed: Operação Transparência was designed to arrest and deport migrants in the Angolan Provinces of Malanje, Lunda Norte, Lunda Sul, Bengo, Luanda, Cuanza Sul, Cuanza Norte, Cuando Cubango, Bié, Moxico, Zaire, and Uíge (Chico, 2020). The associated Operação Resgate closed shops and business owned by irregular migrants and deported them. More than 400,000 migrants, mostly from DRC, were either deported or left voluntarily in response to the operation.

3 LABOUR MARKET POLICIES AND LEGISLATION

3.1 National Migration Policy (NMP)

The NMP was developed by the Migration and Foreigners Service (SME) in the Ministry of Interior, adopted by the Council of Ministers in 2018 and published as Presidential Decree N°318/18 of December 31, 2018 (in Portuguese). The Introduction to the NMP notes that it “is an orientation platform for all of the bodies involved in the management of migratory flows, designed to influence the performance of various state bodies, both in terms of defining strategies, as well as in the scope of the implementation of policies and concrete measures about migration.” The NMP further notes that “the phenomenon of migration constitutes an opportunity, from which it is important to extract with the correct measures, the maximum economic demographic, cultural and social benefits for the agents involved: migrants, countries of origin and destination.”

NMP objectives relevant to labour migration include:

- To improve the management of migratory flows, through the creation of a system which combines the efforts of all sectors and entities that interact with migration;
- Provide immigrants with services with great quality and efficiency in accordance with international required standards;
- Create an institutional framework that engages the sectors directly or indirectly dealing with the management of migratory flows;
- Enable the identification and the adoption of strategies that encourage the education of the population and the entire civil society in terms of migration;

The NMP Principles “are based on the universal declaration of Human Rights, on the recognition of the dignity of the human person and their fundamental and inalienable rights, with the objective of serving as a guiding basis for the migratory process.”

NMP Principles relevant to labour migration include:

- Principle of Equality: foreign citizens residing in the Republic of Angola and recognized with the same general rights and privileges that are recognized by nationals, with the exception of the rights and privileges specifically granted to national citizens under the terms of the constitution of the Republic and the law;
- Principle of Universality: the principles and international rules on migratory matters, contained in international agreements which the Republic of Angola is a part, are recognized and applied in the Angolan legal system;
- Principle of reciprocity: the state applies to foreign citizens the same rights and benefits that their own country grant too Angolan citizens who are in equal

circumstances, without prejudice to the special rights and privileges enshrined in the benefit of foreign citizens with special status;

- Principle of Legality: according to the order, to enter and remain in national territory, all foreign citizens must respect the CRA and other legislation in force in the Angolan territory;
- Principle of Sovereignty: As a sovereign state, the Republic of Angola has full power and dominion in the management of migratory issues.
- Principle of Integration: the state should promote and motivate integration of the foreign citizens, within the society, through integration programmes, thus guaranteeing equal opportunities, social stability, social security or nationality;
- Principle of Information: to the foreign citizens, it is guaranteed that together with the borderline of SME the access to information about their rights and obligations, as well as their entry and permanent stay in the national territory.
- Principle of the Promotion of Human Rights: The Angolan state defend life, therefore, no foreign citizen, regardless of their migratory status, should be deported, repatriated or extradited to a country where their life or freedom is threatened.

Chapter 1.2 of the NMP deals with labour migration noting that “the need to rebuild and develop the country allied to low population density and the insufficiency of adequate skills in the national labour market, and to take on the new challenges, constitute established grounds for the importation of skilled labour and foreign know-how.” To achieve this outcome, the NMP promotes:

- The entry of foreign skilled labour, which is lacking in the Angolan labour market;
- Simplifying the granting of visas, attracting investment, and improving the work environment;
- Easing movement throughout all of the national territory;
- Observing international principles and international rules related to labour immigration, as well as cooperation with international labour organizations.

The Angolan government is required to do the following:

- Promote practices that encourage fair competition in the labour market between the national labour force and expatriates.
- Formulate rules that ensure entry visas are granted to expatriate labour, and establish specific limits on the requested activity.
- Formulate laws and adopt measures to achieve balance and coherence in migratory matters.
- Create mechanisms regarding the transmission of expatriate “know how” to Angolan workers.

- Establish legal sanctions to discourage the employment of workers in illegal and/or irregular situations.
- Periodically establish quotas for expatriate labour by carrying out annual consultations with the main participants across the country to determine sectoral quotas for the admission of specialized foreign labour .
- Adopt measures to promote the increase of labour immigration in training, research and scientific innovation, preparation, and scientific training of national staff.
- Simplify and facilitate the entry of foreigners with proven technical capacity in the areas of engineering, exact sciences, and medicine.
- Promote periodic and constant inspections at companies that hire migrant labour, as well as prepare reports with the results of inspections.
- Adopt measures to combat labour exploitation and trafficking for forced/heavy labour by periodically inspecting companies with foreign labour.
- Promote tripartite dialogue between agencies, unions, and the Ministerial Department responsible for labour in order to safeguard national interest and human rights.
- Promote actions that facilitate the access of immigrants to the national labor market.
- Promote the ratification of multilateral labour migration agreements aimed at exploiting natural resources and wealth, economic or scientific development and State security.

Chapter IV on Migration Statistics notes that:

- Existing and available statistics have been insufficient, unreliable, generated by various sources without proper coordination or consolidation.
- There is an urgent need to create a coordination platform between the bodies involved in the migratory process and the training of their agents by the competent body on the matter (National Statistics Institute).
- Migration Phenomenon has not been sufficiently studied or monitored in Angola, which has resulted in a deficient of knowledge.

As Policy Measures, the Angolan State should:

- Guide the National Statistics Institute in creating a database on the demographics of immigrant populations,
- Create statistical records on the well-being of the migrant population and its contribution to national development and GDP
- Elaborate a Policy on Statistics of Foreigners, as well as determine a quota for the migrant population in different provinces, that does not exceed 15.5% of the population in each province

- Promote national and international research on migration, as an important tool in migration management,
- Strengthen coordination and cooperation between the various regional, subregional and international agencies dealing with data collection and analysis in migration management:
- Establish national networks capable of collecting data, analyzing and disseminating information on migration in order to facilitate and identify the profile of immigrants in Angola
- Map national and international data sources for the different categories of migrants and their characteristics fa good balance within the framework of the National Population Policy,

The governance of migration will be undertaken by a Platform called the National Migratory Observatory OMIGRAN), leading to a high level of coordination and multisectoral partnership between the different Departments Ministerial, services and relevant sectors of civil society.¹

3.2 Constitution of Republic of Angola²

The Angolan General Labor Law (Article 7) notes that the conditions governing the provision of work are regulated by: a) Constitutional Law; b) International labor conventions duly ratified; c) Laws and regulations; d) Collective work; e) Employment contracts; f) Uses and local customs, and business professionals. The following extracts from the Constitution are relevant to labour relations and migrant workers since, unless specified otherwise to the contrary below, all rights apply to non-Angolans:

Article 22: (Principle of Universality)

1. Everyone shall enjoy the rights, freedoms and guarantees enshrined in the Constitution and shall be subject to the duties established in the Constitution and the law.

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.

¹ OMIGRAN has not yet been established (IOM, 2021).

² https://constituteproject.org/constitution/Angola_2010?lang=en

Article 25: (Foreigners and Stateless Persons)

Foreigners and stateless persons shall enjoy fundamental rights, freedoms and guarantees and the protection of the state. Article 25 also provides a list of (mainly political) rights that are denied to Foreigners and Stateless Persons.

Article 29: (Access to Law and Effective Judicial Protection)

Article 30: (Right to Life)

Article 31: (Right to Personal Integrity)

Article 32: (Right to Identity and Privacy)

Article 36: (Right to Physical Freedom and Personal Security)

Article 38: (Right to Free Economic Initiative)

Article 49: (Freedom of Professional and Business Association)

Article 50: (Trade Union Freedoms)

Article 51: (Right to Strike and Prohibition of Lock-Outs)

Article 57: (Restriction of Rights, Freedoms and Guarantees)

3.3 Labour Legislation

There are three main legislative and regulatory instruments pertaining to migrant workers

3.3.1 General Labour Law

Labour law in Angola is regulated mainly by the General Labour Law of 1981. The most recent amendments are contained in General Labour Law (No. 7/15 of 15 June 2015).³ The General Labour Law is the main statute that governs all aspects of employment relationships and applies to:

1. All workers providing services paid on behalf of an employer within the organization and under its supervision and direction.
2. Apprentices and trainees under the authority of an employer;
3. Work performed abroad by nationals or foreigners resident in the country engaged in the service of national employers, subject to the provisions most favourable to the employees and the public policy provisions in the workplace.
4. Non-resident foreign workers.

³ <http://www.parliament.am/library/ashxatanqayinorensGREGER/ANGOLA.pdf>

The General Labour Law contains over 320 Articles governing a wide range of issues and is available (in English) at:

The recruitment and hiring of foreign non-resident employees is subject to the following specific legislation.

3.3.2 Law on the Legal Regime of Foreign Citizens (Law No. 02/07) entered into force on 31 August 2007 and guarantees foreign nationals in Angola the same rights and duties enjoyed by Angolan citizens, with the exception of some specific rights, such as political rights and the exercise of public functions or the leadership of trade unions or professional associations.⁴ The law allows for expulsions of foreign citizens without prejudice to agreements or international conventions to which Angola is a party. Presidential Decree No. 108/11 of 25 May 2011 regulates the implementation of Law No. 02/07.

3.3.3 Amended Regulations on the Hiring of Foreign Non-Resident Employees (Presidential Decrees 43/17 and 79/17). The aim of the 2017 amendments is to:

- facilitate the entry of foreign non-resident employees into the country;
- prevent the outflow of foreign investment; and
- favour the training of national employees.

Employment contracts can be extended for a maximum duration of 36 months. Residence permits can be:

- Temporary (issued for one or three years, depending on whether the employee is living for at least five consecutive years in Angola or less).
- Permanent, in which case the foreign citizen must have lived for ten consecutive years in Angola.

Foreign employees working in Angola must hold a working visa and are typically only eligible for a residence permit after living in Angola for five or ten consecutive years.

Investors have access to a privileged visa throughout the duration of the investment project. No automatic quota of work permit for key positions exists, but companies can recruit non-resident workers up to 30% of their workforce. Companies can request sectoral ministries to increase above the 30% ceiling.

3.3.4 Law on the Judicial Regime for Foreign Citizens in the Republic of Angola (Law No. 13/19) replaces Law No. 02/07 and regulates entry, exit, stays, and residence of foreign citizens in Angola.⁵

⁴ <https://www.refworld.org/pdfid/476275ac2.pdf>

⁵ <https://www.refworld.org/docid/5d4ab9a74.html>

Key articles affecting regular and irregular labour migrants include:

ARTICLE 4 (General principle) Foreign citizens⁶ who reside in Angola legally enjoy the same rights, freedom, and guarantees, and is subject to the same obligations as Angolan citizens, with the exception of political rights and other rights and obligations expressly reserved by law for Angolan citizens.

ARTICLE 5 (Exercise of public functions) Foreign citizens, in the absence of any legal term, agreement, or international convention to the contrary, cannot perform public functions which imply the exercise of power of the public authority, with the exception of those who perform a predominantly technical, teaching, or scientific research function.

ARTICLE 6 (Freedom of movement and residence) Foreign citizens have the right to move about freely and to choose where to live, within the limitations in the Constitution, the law, and established for public security reasons.

ARTICLE 7 (Right to assemble and to demonstrate) Foreign citizens who reside in the country may exercise their right to assemble and to demonstrate in accordance with applicable legislation.

ARTICLE 8 (Right to education and freedom of instruction) Foreign citizens who reside in the country possesses the right to education and to freedom of instruction in accordance with the law.

ARTICLE 9 (Freedom to join trade unions and professional associations) (1) Foreign workers who reside in the country have the right to join Angolan trade unions and professional associations under the same terms as Angolan workers in accordance with the law. (2) They may not lead any of the organizations mentioned.

ARTICLE 12 (Rights) (1) Foreign citizens enjoy all the constitutional and legal rights possessed by national citizens of the Republic of Angola, namely: (a) to seek judicial remedy for acts that violate their rights; (b) to not be subject to any penalty other than as set forth in the law; (c) to exercise and peacefully enjoy their property rights and to not be subject to any arbitrary or discriminatory measures; (d) to not be deported or extradited, except in accordance with the law. (2) In the case of deportation, legal absence or death, the ownership rights, properties, and other rights and legitimate legal expectations of the foreign citizen and family members will be respected and protected.

ARTICLE 19 (Assurance of financial self-sufficiency) (1) In order to enter and remain in national territory, foreign citizens must have access to sufficient funds to support themselves in accordance with the relevant regulations. (2) This requirement can be

⁶ Note: the text of the legislation is gendered, referring to all foreign citizens as “him/his.” This summary adopts more inclusive language.

waived for citizens who can demonstrate that they have secured food and housing for their stay.

ARTICLE 47 (Types of visas) The types of entry visas are as follows: (a) Diplomatic, official and courtesy visa;(b) Consular visa; (c) Territorial visa.

ARTICLE 49 (Consular visa) The consular visa is granted by diplomatic and consular missions and falls into the following categories: (a) Transit. (b) Tourism; (c) Short duration; (d) Study; (e) Medical Treatment; (f) Investor; (g) Work; (h) Temporary stay; (i) For establishing a residence.

ARTICLE 55 (Work Visa) The Work Visa is granted by the diplomatic and consular missions for the purpose of allowing the holder to enter Angola to exercise a paid professional activity. The Work Visa is valid for multiple entries, allows a stay of up to 365 days, and can be extended for the same duration until the end of the contract. The contracting entity must inform the Migratory Authority of any change in the duration of the contract. The Work Visa only allows its holder to exercise the professional activity which justified its grant and enables him to work exclusively at the service of the employer that requested it. The extension of a Work Visa requires proof of compliance with the fiscal obligations by the employer and with social security regarding the foreign worker in question. The Work Visa does not enable its holder to establish a residence in national territory.

In matters of public interest, the responsible person in the Ministry Department who handles migratory issues, may authorize the grant of a Work Visa in national territory under a proposal by the Migratory Authority.

ARTICLE 68 (Issuance of Work Visa) (1) For issuance of a Work Visa, the following specific requirements must be met: (a) Possess an employment contract or promise of employment;(b) Possess a certificate of literacy and professional skills; (c) Possess a Curriculum Vitae; (d) Possess a certificate of Criminal Background Check issued by the authorities of the country of residence; (e) Possess proof of deposit of repatriation fee; (f) Possess a medical certificate from the country of origin; (g) Possess a favourable report from the Ministry Department which oversees the sector of activity in which the work is to be performed. (2) The department which oversees the sector of activity must issue a negative report whenever one of the following situations is verified: (a) non-compliance on the part of the sponsoring entity with its tax obligations; (b) the existence of national citizens who are qualified and available to do the work; (c) the lack of a published announcement in a newspaper.

The general category of work visa includes the following visa sub-categories:

- Work in a public institution or entity
- Self-employed workers
- Work in mining, construction or the oil sector

- Work in commerce, industry, fishery or sea and air transport sectors
- Work in activities under cooperation agreements
- Any other sector

ARTICLE 99 (Illegal entry and residence) (1) The entry of foreign citizens into Angolan territory is illegal when it is done in violation of the terms of Articles 13, 14 and 18 of this Law. (2) The residence of foreign citizens in Angolan territory is considered illegal when it has not been authorized according to the terms of this Law or the Law Regulating the Right to Asylum

ARTICLE 103 (Assisting illegal immigration) (1) Any person who assists a foreign citizen in entering Angolan territory illegally for profit is subject to a prison term of 7 to 12 years. (2) Punishable by a prison term of 3 to 7 years and corresponding fine: (a) any person who assists a foreign citizen in entering Angolan territory illegally without profit; b) any person who shelters or conceals in any way the presence of a foreign citizen in an illegal situation.

ARTICLE 105 (Solicitation of illegal labour) Anyone who seeks or solicits, for the purpose of introducing foreign citizens who do not have authorization for residence into the labour market or enables the same to perform a professional function, whether for themselves or a third party, will be subject to a prison term of 5 to 10 years.

ARTICLE 106 (Illegal employment of foreigners) (1) Anyone who uses the labour of a foreign citizen who does not have authorization for residence or enables the same to perform a professional function in Angola will be punished with a prison term of 5 to 10 years and a fine of up to 250 days. (2) If the behaviour described in the preceding section occurs under working conditions that are particularly abusive or degrading, the agent will be punished with a prison term of 8 to 12 years, if a more severe punishment is not provided for under another legal statute. (3) The employer or user of the work or services of a foreign citizen in an illegal situation, with knowledge that the same is a victim of crime linked to human trafficking, will be punished with a prison term of 12 to 16 years. (4) If the crimes described in the preceding sections are committed by a legal person, the same will be punished with a fine (5) An attempt is punishable with the same penalty applicable to the crime itself.

ARTICLE 111 (Marriage or domestic partnership of convenience) (1) Anyone who enters into a marriage or lives in a domestic partnership with the sole objective of allowing the partner to obtain a visa, an authorization for residence, or defrauding the current legislation on the acquisition of citizenship will be punished with a prison term of 5 to 10 years. (2) Anyone who organizes, promotes or creates conditions for the practice of acts provided for in the previous number is punishable with imprisonment from 5 to 8 years. (3) An attempt is punishable with the same penalty applicable to the crime itself

According to UNCTAD (2019), the recruitment of non-resident workers in the oil and gas sector follows a different regime. Under Decree 20/82, the hiring of foreigners by companies in the oil sector requires authorization from the Ministry of Mineral Resources and Petroleum. Additionally, Decree-Law 17/09 introduced rules for majority foreign-owned companies in the sector. According to Article 4, companies must first open a call for application for the job offer with a description of the function and provide a proof of the recruitment process, attaching documents such as curricula or any evidence submitted by national and foreign candidates. If no resident worker with the required skills can be found, the company can request an authorization from the Ministry of Mineral Resources and Petroleum to recruit an expatriate worker.

4 LABOUR MIGRATION INSTITUTIONS

4.1 Ministry of the Interior. The Migration and Foreigners Service (SME) in the Ministry promotes the formulation, coordination and implementation of law, order and internal security and controls the entry, stay, exit and residence of foreign citizens, the implementation of custodial measures, and the guarantee of the exercise of fundamental rights and freedoms. The Foreigners Department in the SME is responsible for registering, monitoring and approving entry and residence visas. The Borders Department is responsible for integrated border control and security to manage entry and exit of people.

4.2 Ministry of Public Administration, Employment and Social Security (MAPESS) is the leading authority for labor issues. The General Inspectorate of Labour (IGT) responsible for labour inspection is structured into two departments, one responsible for Inspection, the other a new Department of Health and Safety at Work.

4.3 Ministry of Foreign Affairs (MIREX) issues visas through the Angolan diplomatic and consular network in countries of migrant origin.

5 RATIFICATION OF INTERNATIONAL INSTRUMENTS

Angola has ratified 35 ILO Conventions, of which 29 are in force. With regard to labour migration, Table 7 lists the Conventions that have been ratified and are of particular relevance.

Table 7 - Ratification of ILO Conventions

Convention No	Title	Date of Ratification
C029	Forced Labour Convention, 1930 (No. 29)	04 Jun 1976
C081	Labour Inspection Convention, 1947 (No. 81)	04 Jun 1976

C087	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	13 Jun 2001
C098	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	04 Jun 1976
C100	Equal Remuneration Convention, 1951 (No. 100)	04 Jun 1976
C105	Abolition of Forced Labour Convention, 1957 (No. 105)	04 Jun 1976
C111	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	04 Jun 1976
C138	Minimum Age Convention, 1973 (No. 138)	13 Jun 2001
C144	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	24 Apr 202
C182	Worst Forms of Child Labour Convention, 1999 (No. 182)	13 Jun 2001

A full list of ILO conventions ratified by Angola is available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102999

Angola has not ratified the two ILO conventions that are specifically related to labour migration; namely the Migration for Employment Convention (revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143). Angola has also not ratified the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 2017).

6 BILATERAL LABOUR MIGRATION AGREEMENTS (BLMAS)

Angola is a signatory to the Community of Portuguese Language Countries (CPLP) and implements several mobility agreements with other members (IOM, 2021). These include the Agreement on the Granting of Visas to Students who are CPLP Nationals (2007) and the Agreement on Granting Multiple Entry Visas for Specific Categories of Persons (2002).

Angola has bilateral trade agreements (with mobility components) with Equatorial Guinea (2007), South Africa (2009), Turkey (2009), the United States (2009), the Central African Republic (2010), Benin (2012) and the Philippines (2013). According to IOM (2021), Angola has also signed bilateral agreements regarding mobility with 38 other countries.

7 FAIR RECRUITMENT OF MIGRANT WORKERS

Angola does not have measures in place to promote the fair or ethical recruitment of migrant workers (IOM, 2021).

8 SKILLS RECOGNITION OF MIGRANT WORKERS

The Basic Law on the Education System (2001) states that education certificates obtained in other countries are valid in Angola if they are recognized by the National Institute for Evaluation, Accreditation and Recognition of Higher Education Studies (INAAREES) (IOM, 2021). For foreign qualifications to be recognized, individuals must submit a certificate to INAAREES outlining the curricular units and their content, the duration of study, and the grade obtained from a legal and accredited university. International students have equal access as nationals to university education in Angola, provided that they obtain a student visa, as outlined by the General Regulations on Access to Higher Education (2019). International students are also not required to take the general university admission exam that nationals are required to take. Public universities reserve 5 per cent of their admissions for international students.

9 SOCIAL PROTECTION OF MIGRANT WORKERS

There are three types of social protection in Angola: Basic, Compulsory and Complementary.

- Basic is available to the entire resident population that lacks means of subsistence e.g. those in extreme poverty or the unemployed at risk.
- Compulsory is available only to workers, including regular migrant workers, as per the Basic Law on Social Protection (2004).⁷
- Complementary is available only to workers, including regular migrant workers, as per the Law and is optional but requires enrollment in the compulsory scheme. Migrant workers are entitled to old-age pensions, early retirement and old-age allowances under Law 40/08.

Migrant access to government-funded health care depends on migratory status and whether Angola has reciprocal agreements with countries of migrant origin on health care provision (as per the Basic Law of the National Health System (1992)).

⁷ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC200829/>

Angola has social security convention with Portugal (2004) and Cabo Verde (2010) to ensure reciprocity on social protection. Angola also has a protocol with Portugal (2020) focusing on the portability of social protection entitlements and implementation of the 2004 convention.

In September 2020, Government approved the legal regime of mandatory social protection of hired workers in economic activities that generate low income. The legal regime covers workers who, under the authority of a single or collective employer, provide services on farms organised in agricultural, fisheries and commercial companies. Government has also extended the social protection scheme to informal economy workers who are not registered and do not have a work contract (Rodrigues, 2021).

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