

LEGAL ALERT

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LAW ON THE LEGAL FRAMEWORK APPLICABLE TO FOREIGN NATIONALS IN THE REPUBLIC OF ANGOLA

This Legal Alert does not aim to be exhaustive and does only stress a few matters of the new legal framework that seem to be particularly relevant.

The New Law on the Legal Framework, applicable to Foreign Nationals in the Republic of Angola, was published on 23 May 2019 (the N-LFFN). The N-LFFN, that will enter into force on 23 July, revokes the current Legal Framework applicable to Foreign Nationals (the LFFN), approved by Law no. 2/07, 31 August.

In respect of the types of visa available in Angola, under the terms of the N-LFFN, it is worth stressing that the Privilege Visa is replaced by the Investor Visa and the Ordinary Visa suppressed.

Potential investors shall apply for a Tourism Visa, which does not appear to be a straightforward solution from a migratory standpoint, and inform the diplomatic missions in their countries of origin that they aim to travel to Angola for business prospection. The holder of a Tourism Visa may travel to Angola within 120 (one hundred and twenty) days from the date of issue and is allowed to stay in the Angolan territory for 30 (thirty) days. This corresponds to a multiple-entry visa that may be extended twice for the same period of time. The holder of this visa is not allowed to perform any remunerated professional activities.

Still under the foreign investor's perspective, foreign nationals investing in Angola (natural persons) and the representatives/proxies/attorneys of companies investing in Angola may apply for an Investor Visa. The holder of an Investor Visa may stay in the Angolan territory for 2 (two) years, which may be extended for equal periods of time in line with the cause underlying the issue of the visa (*i.e.*,

insofar as the presence of the applicant in Angola is required within the context of the implementation of the investment project registered in Angola).

Unlike the previous legal framework, there are no longer various types of visas for investors and the possibilities of establishing residence, under a migratory title for investment, have been significantly limited. A temporary residency permit may be granted to an investor who has uninterruptedly stayed in Angola for 3 (three) years, insofar as the entity monitoring the implementation of investment projects (the Agency for Investments and Promotion of Exportations in Angola - AIPEX) confirms that the project is still “valid”. However, this possibility becomes restricted to foreign natural persons aiming to invest in Angola (as opposed to the representatives / proxies of foreign companies).

Regarding the Work Visa, there are no significant modifications. The holder of a Work Visa is allowed to perform a remunerated professional activity in Angola for 365 (three hundred and sixty-five) days, which may be extended for an equal period of time, until the term of the employment contract. The N-LFFN foresees that the extension of the Work Visa is limited to the submission, by the employer, of evidence regarding the payment of taxes and social security contributions regarding the foreign employee.

There are certain doubts regarding the new legal framework that shall be overcome with the publication of the N-LFFN’s secondary legislation. For instance, in respect of the means of subsistence that are required to enter and stay in the national territory, the L-LFFN does no longer make an express reference to the daily amount of USD 200.00 (two hundred United States Dollars), but it refers to the secondary legislation for the determination of the adequate subsistence means.

For criminal infringements, the N-LFFN foresees the imprisonment between 5 (five) and 10 (ten) years and a fine of until 250 (two hundred and fifty) days for the use of foreign workforce without proper migratory permits or titles. Legal persons performing these actions may also face fines. The criminal attempt is also punishable but under specially attenuated terms.

In respect of administrative infringements, it is worth noting that the performance of a non-authorized professional activity is subject to a fine (to be determined in the N-LFFN’s secondary legislation), without prejudice to the deportation, whenever the foreign national performs:

- a) A professional activity without the proper migratory title; or
- b) A professional activity in a different company from the one that has applied for the work visa.

The employers that allow or promote any of the situations arising from the paragraphs above shall face a fine (to be determined in the secondary legislation), without prejudice to the charges associated to the deportation of the foreign national. Moreover, the employer committing these infringements may face an administrative sanction of prohibition of hiring non-resident foreign employees for 5 (five) years.

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