

## Sao Tome and Principe (STP)

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### **Sao Tome and Principe: Summary of Asylee and Refugee Protections**

<b>Is there a refugee protection program? Please describe it.</b>	<p>Sao Tome and Principe (“STP”) does not have “national legislation governing specific issues relating to asylum-seekers and refugees or stateless persons.”<sup>1</sup> However, STP has agreed “to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.”<sup>2</sup></p> <p>It does not appear that anyone has sought refugee status in STP since at least 2017 (see below), which may be the cause for, or the result of, the lack of a clear refugee program.</p>
<b>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</b>	<p>In general, “[t]he Ministry of Defense and Internal Affairs . . . is responsible for . . . immigration service[s].”<sup>3</sup> However, the Migration and Borders Service also has certain authority related to foreign nationals in STP.<sup>4</sup></p> <p>However, due to STP’s lack of a legal framework addressing asylees and refugees (see above), and the lack of individuals seeking protection in STP (see below), it is unclear who manages the program and who makes decisions about individual cases.</p> <p>However, if an individual manages to “obtain[] a residence permit, [expulsion] only may be</p>

<sup>1</sup> HUMAN RIGHTS LIAISON UNIT, DIVISION OF INTERNATIONAL PROTECTION, UNHCR, SAO TOME AND PRINCIPE 1 (2015), <https://www.refworld.org/country,...STP..56370d974,0.html>

<sup>2</sup> *Id.* (emphasis removed).

<sup>3</sup> BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2018 HUMAN RIGHTS REPORT 3 <https://www.state.gov/wp-content/uploads/2019/03/Sao-Tome-2018.pdf>

<sup>4</sup> Law on the Legal Regime of Foreign Citizens in Sao Tome and Principe, No. 5/2008, art. 4 (2008). <https://www.oadi-lawyers.com/wp-content/uploads/2018/03/Lei-no-5-2008-Lei-d-os-cidada%CC%83os-estrangeiros-em-STP.pdf>

Sao Tome and Principe (STP)

	determined by judicial authority.” <sup>5</sup>
<p><b>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</b></p>	<p>STP does not appear to be a popular destination for refugees. The U.S. State Department noted that in 2020 “there were no reports of refugee or asylum status requests.”<sup>6</sup> There were not any requests identified in 2019, 2018 or 2017 either.<sup>7</sup></p> <p>As a result, there isn’t public information about the average amount of time before STP makes an asylum claim decision. Nor is there information about the percentage of successful asylum claims.</p> <p>Whether STP would implement a functional refugee protection program upon the arrival of refugees and asylum seekers in the future is unknown.</p>
<p><b>Do refugees have a right to work? A right to education? A right to medical care? Please describe.</b></p>	<p>There’s no legal framework specifically addressing refugees in STP, so the question of if refugees have the right to work, attend school or obtain medical services is difficult to answer at the statutory level.</p> <p>However, it’s worth noting that Article 17 of STP’s constitution provides that “foreigners and displaced persons who reside or find themselves in São Tomé and Príncipe enjoy the same rights and are subject to the same obligations as the Sao Tomean citizen, except insofar as are concerned political rights, . . . and other rights and obligations expressly reserved by law for the national citizen.”</p>

<sup>5</sup> SAO TOME AND PRINCIPE’S CONSTITUTION OF 1975 WITH AMENDMENTS THROUGH 2003, art. 41, [https://constituteproject.org/constitution/Sao\\_Tome\\_and\\_Principe\\_2003.pdf?lang=en](https://constituteproject.org/constitution/Sao_Tome_and_Principe_2003.pdf?lang=en)

<sup>6</sup> BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2020 HUMAN RIGHTS REPORT 6, <https://www.state.gov/wp-content/uploads/2021/03/SAO-TOME-AND-PRINCIPE-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>7</sup> BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2019 HUMAN RIGHTS REPORT 6, <https://www.state.gov/wp-content/uploads/2020/02/SAO-TOME-AND-PRINCIPE-2019-HUMAN-RIGHTS-REPORT.pdf>; BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2018 HUMAN RIGHTS REPORT 7, <https://www.state.gov/wp-content/uploads/2019/03/Sao-Tome-2018.pdf>; BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2017 HUMAN RIGHTS REPORT 6, <https://www.state.gov/wp-content/uploads/2019/01/Sao-Tome-and-Principe.pdf>

## Sao Tome and Principe (STP)

	<p>Foreigners may thus be able to invoke constitutional rights not limited specifically to citizens, such as, for example, “[t]he right to learn and the freedom to teach [which] are guaranteed”<sup>8</sup> and the provision stating that “[a]ll have the right to work.”<sup>9</sup> Likewise, the constitution says “[a]ll have the right to health care and the duty to defend it.”<sup>10</sup></p> <p>In terms of international agreements, STP has ratified five of six “of the main international treaties guaranteeing the right to education of migrants.”<sup>11</sup></p> <p>However, not all news is positive. Regarding the right to work, the government of Brazil cautions visitors to STP that “[i]n order to exercise a paid activity, it is necessary to obtain a residence card.”<sup>12</sup> And regarding healthcare, should refugees somehow end up in detention due to undocumented status, STP’s prison offered “[m]edical care that was poor, . . . the prison lacked basic medicines.”<sup>13</sup></p>
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<sup>8</sup> SAO TOME AND PRINCIPE’S CONSTITUTION OF 1975 WITH AMENDMENTS THROUGH 2003, art. 31, [https://constituteproject.org/constitution/Sao\\_Tome\\_and\\_Principe\\_2003.pdf?lang=en](https://constituteproject.org/constitution/Sao_Tome_and_Principe_2003.pdf?lang=en). *But see id.* at art. 55 (referring to “[e]ducation, as a right recognized to all the citizens” (emphasis added)).

<sup>9</sup> *Id.* at art. 42. *See also id.* at art. 43 (“All the workers have rights . . . [t]o recompense for work, according to quantity, nature and quality, . . . [.]”).

<sup>10</sup> *Id.* at art. 50.

<sup>11</sup> DELPHINE DORSI & FANNY PETIT, THE STATUS OF THE RIGHT TO EDUCATION OF MIGRANTS: INTERNATIONAL LEGAL FRAMEWORK, REMAINING BARRIERS AT NATIONAL LEVEL AND GOOD EXAMPLES OF STATES’ IMPLEMENTATION 70, 76 (2018), [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE\\_UNESCO\\_Background\\_Paper\\_Migrants\\_2018\\_En.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_UNESCO_Background_Paper_Migrants_2018_En.pdf)

<sup>12</sup> Government of Brazil, *São Tomé e Príncipe*, PORTAL CONSULAR: MINISTÉRIO DAS RELAÇÕES EXTERIORES, <http://antigoportalconsular.itaraty.gov.br/seu-destino/sao-tome-e-principe#recomendacoes-de-viagem> (last visited July 16, 2021). Here and in subsequent instances, quotations from Portuguese-language sources have been translated into English through DeepL. *See generally* BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2018 HUMAN RIGHTS REPORT 14, <https://www.state.gov/wp-content/uploads/2019/03/Sao-Tome-2018.pdf> (explaining that in STP “[t]he law does not distinguish between migrant workers and citizens in terms of protections, wages, and working conditions” but leaving unaddressed the issue of whether a migrant or refugee has automatic work authorization.)

<sup>13</sup> BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP’T OF STATE, SAO TOME AND PRINCIPE 2020 HUMAN RIGHTS REPORT 2, <https://www.state.gov/wp-content/uploads/2021/03/SAO-TOME-AND-PRINCIPE-2020-HUMAN-RIGHTS-REPORT.pdf>. *See generally* *Health Insurance in*

Sao Tome and Principe (STP)

<p><b>Are those seeking refugee protection free to live freely or forced to reside in camps?</b></p>	<p>As of 2019, there was no information about migrants being detained in STP.<sup>14</sup></p> <p>In practice, it’s unclear where asylees and refugees would be permitted to reside, because so few people have applied for these protections in recent years.</p> <p>STP’s constitution does provide that “[a]ll have the right to housing and to an environment of human life and the duty to defend it.”<sup>15</sup> The constitution also states “[t]o all citizens the right is guaranteed to freely relocate and establish themselves in any part of the national territory.”<sup>16</sup> But the specification of the latter right for citizens of STP likely means it does not apply to foreign nationals.</p>
<p><b>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal permanent status available for people with refugee status?</b></p>	<p>STP does not have laws specifically addressing asylees and refugees, so it’s unclear if there’s a way for refugees to obtain either citizenship or another permanent status.</p> <p>STP does offer citizenship to those born in the country,<sup>17</sup> without specifically requiring that the parents’ presence in the country be legal, although the parents’ presence may need to at least be “long-term.”<sup>18</sup></p>
<p><b>Does the country offer temporary</b></p>	<p>Article 41 of STP’s constitution provides that “[a]sylum is granted to foreigners persecuted</p>

*Sao Tome and Principe*, PACIFIC PRIME, <https://www.pacificprime.com/country/africa/sao-tome-and-principe-health-insurance/> (last visited July 18, 2021) (explaining that STP’s “public sector provides free healthcare to all citizens of the country” which implies that foreign nationals do not receive such a benefit).

<sup>14</sup> GLOBAL DETENTION PROJECT, SAO TOME AND PRINCIPE IMMIGRATION DETENTION DATA PROFILE 1 (2020), <https://www.globaldetentionproject.org/wp-content/uploads/2020/11/Sao-Tome-and-Principe-Detention-Data-Profile-2019.pdf>

<sup>15</sup> SAO TOME AND PRINCIPE’S CONSTITUTION OF 1975 WITH AMENDMENTS THROUGH 2003, art. 49, [https://constituteproject.org/constitution/Sao\\_Tome\\_and\\_Principe\\_2003.pdf?lang=en](https://constituteproject.org/constitution/Sao_Tome_and_Principe_2003.pdf?lang=en)

<sup>16</sup> *Id.* at art. 33.

<sup>17</sup> *São Tomé & Príncipe*, CITIZENSHIP RIGHTS IN AFRICA INITIATIVE, <https://citizenshiprightsafrika.org/region/sao-tome-and-principe/> (last visited July 16, 2021).

<sup>18</sup> BRONWEN MANBY, CITIZENSHIP LAW IN AFRICA: A COMPARATIVE STUDY 47 (3d ed. 2016), <https://www.opensocietyfoundations.org/uploads/d5d1d086-1a0d-4088-b679-003e09e9c125/citizenship-law-africa-third-edition-20160129.pdf>

Sao Tome and Principe (STP)

<p><b>protections available other than refugee status? If so, what are they?</b></p>	<p>or gravely threatened with persecution, in virtue of their activity in favor of democratic rights.”<sup>19</sup> However, the lack of a national legal framework addressing these sorts of issues (see above) means that this protection’s practical scope is unclear.</p> <p>Although not specific to refugees, a 2008 law stipulates that “under no circumstances shall . . . deportation be carried out to a country where the foreign national may be persecuted for political, religious or racial reasons.”<sup>20</sup></p>
<p><b>What, if any, penalties are there for people without status or people who are denied refugee protection?</b></p>	<p>The legal penalties for those denied refugee protection, or those “without status” more generally, are not addressed directly in the country’s penal code. Although the 2012 version of STP’s Penal Code permits the expulsion of foreign nationals who have been convicted of committing a crime,<sup>21</sup> the code does not appear to address the presumably unlawful action of entering or remaining in STP without the legal right to do.<sup>22</sup> (It would be helpful if a Portuguese speaker could review the penal code to confirm this finding.)</p> <p>However, a separate law from 2008 explains it is unlawful for a foreign national to be present in STP without proper authorization, and outlines certain consequences.<sup>23</sup> Namely, the law establishes a schedule of fines for “foreign national[s] [who] exceed[] the period of</p>

<sup>19</sup> SAO TOME AND PRINCIPE’S CONSTITUTION OF 1975 WITH AMENDMENTS THROUGH 2003, art. 41, [https://constituteproject.org/constitution/Sao\\_Tome\\_and\\_Principe\\_2003.pdf?lang=en](https://constituteproject.org/constitution/Sao_Tome_and_Principe_2003.pdf?lang=en)

<sup>20</sup> Law on the Legal Regime of Foreign Citizens in Sao Tome and Principe, No. 5/2008, art. 80 (2008).

<sup>21</sup> SÃO TOMÉ E PRÍNCIPE, CÓDIGO PENAL, art. 70, [https://www.africa-laws.org/Saotome/criminal%20law/Criminal%20and%20penal%20law%206-2012%20\(in%20Portuguese\).pdf](https://www.africa-laws.org/Saotome/criminal%20law/Criminal%20and%20penal%20law%206-2012%20(in%20Portuguese).pdf); *id.* at art. 293. *See generally* Sao Tome and Principe [sic], AFRICA LAWS, <https://www.africa-laws.org/Saotome.php> (last visited July 16, 2021) (providing links to numerous legal codes for Sao Tome, primarily in Portuguese).

<sup>22</sup> The 2012 version of STP’s Penal Code does not contain the Portuguese words for refugee, immigrant, emigrant, border, visa, undocumented, or deport. The sections of the code using the Portuguese words for migrant, alien/foreigner, expulsion, deportation, or document do not provide additional insight, beyond what is included in the chart above. *See id.*

<sup>23</sup> Law on the Legal Regime of Foreign Citizens in Sao Tome and Principe, No. 5/2008, art. 91 (2008).

## Sao Tome and Principe (STP)

	<p>stay authorized in the São Tomense territory.”<sup>24</sup> The fines are larger for those who have been in the territory for longer periods of time without authorization.<sup>25</sup> In addition, those who enter STP illegally or overstay a visa “shall be arrested by any police authority.”<sup>26</sup> The Migration and Borders Service would then issue an administrative ruling on the person’s case in less than three weeks.<sup>27</sup></p> <p>Alternatively, STP may use “judicial expulsion” to deport a foreign national in cases where that individual has violated another law.<sup>28</sup></p> <p>If STP rules that an individual must leave the country, the person must generally remain at his/her/their residence until leaving the country, or alternatively, may be taken into custody.<sup>29</sup></p>
<b>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able to help</b>	<p>Unfortunately, one prominent website has “not yet identified any NGO or law firm that is offering refugees legal assistance in Sao Tome.”<sup>30</sup></p> <p>The International Federation of Red Cross and Red Crescent Societies does have a chapter in STP (T: 239 222 24 69, E: cvstp@cstome.net), although its website is not currently</p>

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<sup>24</sup> *Id.* at art. 97.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at arts. 74–75. However, STP may instead choose to inform individuals who are in the country illegally that they must leave in short order, without detaining the individuals prior to their departure. *See id.* at art. 73.

<sup>27</sup> *Id.* at art. 76.

<sup>28</sup> *Id.* at art. 78.

<sup>29</sup> *Id.* at art. 87.

<sup>30</sup> *Sao Tome and Principe Pro Bono Directory*, RIGHTS IN EXILE PROGRAMME, <https://www.refugeelaidinformation.org/sao-tome-and-principe-pro-bono-directory> (last visited July 16, 2021).

Sao Tome and Principe (STP)

<p><b>displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</b></p>	<p>accessible.<sup>31</sup></p> <p>PLMJ is an international corporate law firm. Although most of its offices are located in Portugal, it does maintain an office in STP. Further, its website notes that “[p]roviding pro bono services is a long-standing tradition in the history of the firm.”<sup>32</sup> Thus, it may be worth contacting them for assistance.</p> <p>OADL &amp; Associados is another law firm that is based in STP; their website indicates that “[i]mmigration and nationality law” is one of their practice areas.<sup>33</sup> So they may be worth contacting.</p>
<p><b>Is there other information that might be valuable for displaced people arriving in that country to know?</b></p>	<p>Politically, STP is described as having “a commitment to democracy and good governance.”<sup>34</sup> One NGO categorized STP as “free,” and noted that “[c]ivil liberties are generally respected, [although] poverty and corruption have weakened some institutions.”<sup>35</sup></p> <p>Economically, the country depends “mainly on agricultural production, and, . . . [is] increasingly dependent on the export of cocoa beans.”<sup>36</sup> STP had a relatively high level of unemployment as of 2017 (12.2%).<sup>37</sup> In addition, 66.7% of the country lived beneath the</p>

<sup>31</sup> *Sao Tome and Principe Red Cross*, IFRC, <https://www.ifrc.org/en/what-we-do/where-we-work/africa/sao-tome-and-principe-red-cross/> (last visited July 16, 2021).

<sup>32</sup> *Pro Bono Legal Assistance*, PLMJ, <https://www.plmj.com/en/impact/Pro-bonobr-legal-assistance/30061/> (last visited July 16, 2021).

<sup>33</sup> *Immigration and Nationality Law*, OADL & ASSOCIADOS, <https://www.oadl-lawyers.com/en/areas/immigration-and-nationality-law/> (last visited July 22, 2021).

<sup>34</sup> *São Tomé and Príncipe*, U.S. DEP’T OF STATE, <https://www.state.gov/countries-areas/sao-tome-and-principe/> (last visited July 16, 2021).

<sup>35</sup> Freedom House, *São Tomé and Príncipe*, FREEDOM IN THE WORLD 2020, <https://freedomhouse.org/country/sao-tome-and-principe> (last visited July 16, 2021).

<sup>36</sup> CIA, *Sao Tome and Principe*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/sao-tome-and-principe/> (last updated June 29, 2021).

<sup>37</sup> *Id.*

## Sao Tome and Principe (STP)

	<p>poverty line.<sup>38</sup></p> <p>Socially, the primary language in STP is Portuguese (spoken by more than 98% of people).<sup>39</sup> The most popular religion is Catholicism (55.7%), although a significant portion of the population does not adhere to any religion (21.2%).<sup>40</sup></p> <p>Demographically, the population totals 213,948 (compared to more than 37 million in Afghanistan).<sup>41</sup> In 2019, “international migrants” constituted roughly one percent of the population.<sup>42</sup></p> <p>Geographically, the country is quite small. It covers only 964 square kilometers, and consists of two “mountainous” islands (Afghanistan totals 652,230 km<sup>2</sup>).<sup>43</sup></p>
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<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> CIA, *Country Comparisons — Population*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/field/population/country-comparison/> (last visited July 16, 2021).

<sup>42</sup> See *Sao Tome and Principe*, GLOBAL DETENTION PROJECT, <https://www.globaldetentionproject.org/countries/africa/sao-tome-and-principe> (last visited July 16, 2021).

<sup>43</sup> CIA, *Sao Tome and Principe*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/sao-tome-and-principe/> (last updated June 29, 2021); CIA, *Country Comparisons — Area*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/field/area/country-comparison/> (last visited July 16, 2021).



## **Appendix I: Additional Information on Sao Tome and Principe**

### **Traveling to STP (Visa Requirements Generally)**

- All of the countries that IRAP selected for research are supposed to allow Afghan nationals to travel to them without a visa.
- However, I found conflicting information about STP’s visa policy for Afghan nationals.
  - o One website lists the nationalities for which a visa is *not* required for travel to STP, and Afghanistan is not on the list.<sup>44</sup>
  - o Another website lists those with Afghanistan nationality as needing an “Embassy or Consular Visa” (as opposed to an “e-Visa”) for travel to STP.<sup>45</sup>
  - o In contrast, Wikipedia indicates that those traveling from Afghanistan to Sao Tome may need to only obtain an “eVisa.”<sup>46</sup>
- Unfortunately, what appears to be the STP’s official electronic visa website is not currently accessible.<sup>47</sup> In early 2021, one website reported that STP’s electronic visa system was not functioning properly and that visa applicants would need to submit the required materials by email instead.<sup>48</sup>

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<sup>44</sup> *Do I need a visa for the São Tomé and Príncipe?*, EVISA.ST, <https://evisa.st/do-i-need-a-visa-for-the-sao-tome-and-principe.html> (last visited July 17, 2021).

<sup>45</sup> *São Tomé and Príncipe Visa Policy*, ONLINEVISA, <https://www.onlinevisa.com/visa-policy/sao-tome/> (last visited July 17, 2021).

<sup>46</sup> *Visa Policy of São Tomé and Príncipe*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Visa\\_policy\\_of\\_S%C3%A3o\\_Tom%C3%A9\\_and\\_Pr%C3%ADncipe](https://en.wikipedia.org/wiki/Visa_policy_of_S%C3%A3o_Tom%C3%A9_and_Pr%C3%ADncipe) (last modified Feb. 2, 2021).

<sup>47</sup> *See Frequently Asked Questions (FAQ)*, EVISA.ST, <https://evisa.st/faq.html> (last visited July 17, 2021) (listing what appears to be the government website as www.smf.st).

<sup>48</sup> *Weekly Immigration Update: July 29–February 4, 2021*, FRAGOMEN (Feb. 4, 2021), <https://www.fragomen.com/insights/alerts/weekly-immigration-update-january-29%E2%80%93february-4-2021> (“Sao Tome Migration and Border Services . . . announced that foreign nationals . . . cannot currently use the eVisa system due to a system outage. Instead, they must e-mail the following information for travel authorization to [direccaosmf@gmail.com](mailto:direccaosmf@gmail.com): passport biographic data, full names and surname, reason for visa request, duration (date of arrival and departure) and mode of transport. After consideration of the request, the authorities will send the travel authorization and the traveler will pay for the service upon entry.”).

## Sao Tome and Principe (STP)

- STP appears to offer several types of visas, including transit visas, temporary visas (i.e. for tourists) and diplomatic visas.<sup>49</sup> However, those seeking to stay in STP for the long-term will likely be most interested in a residence visa. See below for more details.

### Traveling to STP (Residence Visas and Residence Certificates)

- First, it is important to note that obtaining a residence visa only permits a person to reside in STP for two months.<sup>50</sup> However, once obtained, the residence visa allows a foreign national in STP to apply for a residence certificate.<sup>51</sup>
- Logistically, there may be several ways to initiate an application for a residence visa. One source listed above suggests emailing visa request information directly to a Gmail address.<sup>52</sup> However, this may not be advisable from a data privacy standpoint. In contrast, the United Kingdom suggests that “[f]or longer stays, you should apply for a visa from the nearest São Tomé and Príncipe Consulate before travelling.”<sup>53</sup> As a third option, various travel websites provide one-page visa application forms that include the option to request a residence visa.<sup>54</sup>
- In any case, after a person submits a residence visa application to STP, it “can be granted for the purposes of dependent work, [independent] work . . . , family reunification, study, volunteering, professional training, research activity or highly qualified professional [activity].”<sup>55</sup>

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<sup>49</sup> *Visa Policy of Sao Tome and Principe*, EVISA.ST, <https://evisa.st/visa-policy.htm> l (last visited July 22, 2021).

<sup>50</sup> Law on the Legal Regime of Foreign Citizens in Sao Tome and Principe, No. 5/2008, art. 33 (2008).

<sup>51</sup> *Id.*

<sup>52</sup> *See supra* note 48.

<sup>53</sup> *Foreign Travel Advice: São Tomé and Príncipe*, GOVERNMENT OF UNITED KINGDOM, <https://www.gov.uk/foreign-travel-advice/sao-tome-and-principe/entry-requirements> (last visited July 22, 2021).

<sup>54</sup> *See e.g., Visa Sao Tome et Principe Application*, VISA SOURIRE INTERNATIONAL, <http://www.vsi-visa.com/en/sao-tome/visa/visa-sao-tome-principe> (last visited July 22, 2021); *São Tomé und Príncipe*, AVS ALLVISUMSERVICE GMBH, <http://www.allvisumservice.ch/en/countries/c/73-sao-tome-and-principe/> (last visited July 22, 2021).

<sup>55</sup> Law on the Legal Regime of Foreign Citizens in Sao Tome and Principe, No. 5/2008, art. 33 (2008).

## Sao Tome and Principe (STP)

- In considering the application, STP will take into account both the “[i]ntended purpose of the stay and its feasibility” and “[m]eans of subsistence that the interested party has for living in the country.”<sup>56</sup> The Migration and Borders Service will then issue a decision in no more than sixty days.<sup>57</sup>
- A person holding a residence visa may then apply for a residence certificate, provided that the person is physically in STP and possesses “[a]dequate accommodation.”<sup>58</sup> Not applying for the residence certificate may actually lead to a fine.<sup>59</sup>
- A foreign national will first apply for a “temporary residence certificate,” which lasts for one year and may be renewed.<sup>60</sup> Those seeking this certificate may need to provide additional verification and obtain additional approval regarding the reason for which their residence visa was granted in the first place.<sup>61</sup>
- After having a temporary residence certificate for five years, a foreign national may apply for a “permanent residence certificate,” which is valid for five years and renewable.<sup>62</sup> Applicants for this long-term certificate must also “[p]rove knowledge of the Portuguese language.”<sup>63</sup>
- As an aside, the law outlining these procedures also notes that the requirements for entry to, and residence in, STP may be excused in “[e]xceptional [c]ases”<sup>64</sup> such as for “humanitarian reasons.”<sup>65</sup> This may be worth looking into for citizens of Afghanistan.

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<sup>56</sup> *Id.* at art. 34.

<sup>57</sup> *Id.* at art. 40.

<sup>58</sup> *Id.* at art. 46.

<sup>59</sup> *Id.* at art. 100.

<sup>60</sup> *Id.* at arts. 47–49.

<sup>61</sup> *See e.g., id.* at arts. 57–60.

<sup>62</sup> *Id.* at arts. 52–53.

<sup>63</sup> *Id.* at art. 53.

<sup>64</sup> *Id.* at art. 16.

<sup>65</sup> *Id.* at arts. 16, 71.

## Sao Tome and Principe (STP)

### Traveling to STP (Other)

- There appear to be Covid-19 specific restrictions in place for travelers to STP.
  - o The Government of Portugal notes that “[t]he requirements for entry into São Tomé and Príncipe (STP) require passengers over the age of five to present a negative Covid-19 PCR test performed within 72 hours prior to boarding and to wear a mask in the airport and during the flight. Upon arrival in São Tomé, passengers will be subject to thermal screening and will be required to submit printed proof of a negative Covid-19 test result to the São Toméan authorities for verification of the test's authenticity.”<sup>66</sup>
- The Government of Brazil identifies other requirements for trips to STP, involving travelers’ departure flights and financial means, although it is unclear if those only apply to travelers from Brazil specifically.<sup>67</sup>
- People who are not citizens of STP “must carry identification documents” with them and “[p]olice authorities may request proof of identification at any time.”<sup>68</sup>

### Additional Insights on Life in STP

- The CIA FactBook provides further details on STP’s history, economy, and demographic situation.
- STP gained its independence in 1975 but still maintains important economic and cultural ties with Portugal.<sup>69</sup>

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<sup>66</sup> Ministério dos Negócios Estrangeiros, *África: São Tomé e Príncipe*, PORTAL DAS COMUNIDADES PORTUGUESAS, <https://portaldascomunidades.mne.gov.pt/pt/vai-viajar/conselhos-aos-viajantes/afrika/sao-tome-e-principe> (last updated July 15, 2021).

<sup>67</sup> Government of Brazil, *São Tomé e Príncipe*, PORTAL CONSULAR: MINISTÉRIO DAS RELAÇÕES EXTERIORES, <http://antigoportalconsular.itamaraty.gov.br/seu-destino/sao-tome-e-principe#recomendacoes-de-viagem> (last visited July 16, 2021) (“The rules of the Migration and Border Service require, for entry into the country, a round-trip ticket, presentation of means of subsistence (100 euros/day), and a passport valid for at least three months longer than the period of stay indicated on the visa.”). *See also* Law on the Legal Regime of Foreign Citizens in Sao Tome and Principe, No. 5/2008, art. 13 (2008) (discussing “[l]ivelihood [g]uarantees” required “[f]or the purposes of entry and stay on São Toméan territory”).

<sup>68</sup> Government of Brazil, *São Tomé e Príncipe*, PORTAL CONSULAR: MINISTÉRIO DAS RELAÇÕES EXTERIORES, <http://antigoportalconsular.itamaraty.gov.br/seu-destino/sao-tome-e-principe#recomendacoes-de-viagem> (last visited July 17, 2021).

<sup>69</sup> CIA, *Sao Tome and Principe*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/sao-tome-and-principe/> (last updated June 29, 2021) (noting that STP has a “mixed legal system of civil law based on the Portuguese model and customary law”).

## Sao Tome and Principe (STP)

- The country's economic situation is not especially strong. The CIA notes that “[d]espite some improvements in education and access to healthcare, Sao Tome and Principe has much to do to decrease its high poverty rate, create jobs, and increase its economic growth.”<sup>70</sup> In addition, “[v]olatile aid and investment inflows have limited growth, and poverty remains high. Restricted capacity at the main port increases the periodic risk of shortages of consumer goods.”<sup>71</sup>
  - o STP's real GDP was roughly \$3,970 per capita in 2019 (Afghanistan's real GDP was roughly \$2,065 per capita).<sup>72</sup>
- Demographically, more people move out of STP than vice versa, but this does not necessarily mean that there are plentiful opportunities for newcomers. The CIA explains that “Although Sao Tome has a net negative international migration rate, emigration is not a sufficient safety valve to reduce already high levels of unemployment and poverty.”<sup>73</sup>
- Climate change may impact STP in the future. In 2015, UNHCR projected that “[i]n a worst-case scenario, rising sea levels will expose populations to the gradual loss of territory and potable water scarcity, and will have serious impacts on traditional livelihood activities. . . . However, there have been so far no reports of any displacement of persons which could have been caused by climate change in Sao Tome and Principe.”<sup>74</sup>

## Women in STP

- The World Bank Group provides country-specific analyses of the economic and legal situation for women who work. The Group's report on STP describes some positive details. Specifically, “[w]hen it comes to constraints on freedom of movement, laws affecting women's decisions to work, gender differences in property and inheritance, and laws affecting the size of a

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<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> CIA, *Country Comparisons — Real GDP Per Capita*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/field/real-gdp-per-capita/country-comparison> (last visited July 17, 2021).

<sup>73</sup> CIA, *Sao Tome and Principe*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/sao-tome-and-principe/> (last updated June 29, 2021).

<sup>74</sup> HUMAN RIGHTS LIAISON UNIT, DIVISION OF INTERNATIONAL PROTECTION, UNHCR, SAO TOME AND PRINCIPE 2–3 (2015), <https://www.refworld.org/country,...STP,,56370d974,0.html>

## Sao Tome and Principe (STP)

woman's pension, São Tomé and Príncipe gets a perfect score.”<sup>75</sup> Yet the news is not all positive. The same report advises that “when it comes to laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, and constraints on women's starting and running a business, São Tomé and Príncipe could consider reforms to improve legal equality for women.”<sup>76</sup>

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<sup>75</sup> WORLD BANK GROUP, WOMEN, BUSINESS AND THE LAW 2020: SÃO TOMÉ AND PRÍNCIPE 1, <https://wbl.worldbank.org/content/dam/documents/wbl/2020/sep/Sao-tome-and-principe.pdf>

<sup>76</sup> *Id.*