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Deprivation of Algerian Nationality

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***Abstract*—Deprivation of Algerian nationality is a highly significant subject in Algerian legislation, as it results in the loss of an individual's nationality and their subsequent status as a foreign national. Consequently, the individual no longer enjoys the rights previously granted to them as an Algerian citizen. Such deprivation may also produce legal effects extending beyond the individual to affect their family. Algerian Nationality Law No. 70-86 of 15 December 1970, as amended and supplemented, establishes the legal framework governing deprivation of Algerian nationality under Articles 22, 22 bis, 22 bis 1, 22 bis 2, 23 and 24.**

Given the importance of this subject, Algerian Nationality Law was amended pursuant to Law No. 26-01 of 17 February 2026. This amendment specifically addressed the issue of deprivation of nationality. Deprivation of Algerian nationality applies to individuals who have acquired Algerian nationality through naturalisation or marriage. Following the latest amendment, it may also apply to holders of original Algerian nationality, provided that the grounds justifying such deprivation, as stipulated by the Algerian legislator, are met.

***Keywords*—Algerian Nationality, Deprivation of Algerian Nationality, Involuntary Loss of Nationality.**

INTRODUCTION:

Nationality is defined as a legal and political bond between an individual and a State, whereby the individual enjoys certain rights and assumes certain obligations. It is a legal bond because the State establishes the rules governing nationality in accordance with its political, economic, and social circumstances. Accordingly, each State lays down, in its nationality legislation, the provisions governing original and acquired nationality, the loss of nationality, whether voluntary or involuntary, the procedures for recovering nationality in cases of voluntary renunciation, the means of proving nationality, and disputes relating thereto.

Furthermore, nationality constitutes a political bond insofar as the State establishes its governing provisions in the exercise of its sovereignty. This bond consists of three essential elements: the existence of an individual, the existence of a State, and the legal relationship between the individual and the State.

Nationality is divided into two categories: original nationality and acquired nationality. Original nationality is conferred upon an individual from the moment of birth, even if it is established at a later date. It is based on two principles: the principle of jus sanguinis (right of blood), which takes into account the blood relationship, whether through the father or the mother, and the principle of jus soli (right of soil), which is based on birth within the territory of the State, subject to certain conditions.

As for acquired nationality, it is granted to an individual after birth, and the methods of acquiring it vary from one State to another. Under Algerian legislation, the acquisition of nationality is limited to two methods: naturalisation[1] and marriage[2].

Having addressed the types of nationality, it should also be noted that the nationality laws of States around the world provide for the possibility of losing nationality, either voluntarily or involuntarily. Voluntary loss occurs at the individual's own initiative when they wish to renounce their nationality, subject to the conditions stipulated by the applicable nationality law. Algerian legislation regulates voluntary loss of nationality under Article 18 thereof. However, the loss of nationality is not necessarily voluntary; it may also occur involuntarily, meaning that an individual loses their nationality against their will. States adopt different approaches to this matter. Under Algerian nationality law, involuntary loss of nationality occurs through two mechanisms. The first is withdrawal of nationality (retrait de la nationalité), which constitutes an administrative measure imposed on individuals who have acquired Algerian nationality within a period of two years, provided that the relevant grounds are established[3]. The second mechanism is what is known as deprivation of nationality, which constitutes the subject matter of this study.

In light of the foregoing, this study aims to examine the grounds that may lead the Algerian State to deprive its citizens of their nationality and to identify the legal consequences arising from the deprivation of Algerian nationality.

To investigate this subject, we have adopted the analytical approach by examining and analysing the legal provisions governing deprivation of Algerian nationality.

Accordingly, in addressing this subject, we raise the following research question:

What is the legal framework governing deprivation of nationality under Algerian legislation?

To address this research question, we have adopted the following structure:

Chapter One: Definition of Deprivation of Nationality and Its Grounds

Chapter Two: The Legal Consequences of Deprivation of Algerian Nationality

Chapter One: Definition of Deprivation of Algerian Nationality and Its Grounds

Examining deprivation of Algerian nationality requires defining the concept of deprivation (Section One) and identifying the grounds provided for under the Algerian Nationality Code that may lead to deprivation of nationality.

Section One: Definition of Deprivation of Algerian Nationality

Deprivation of nationality, as provided for in most comparative legal systems, constitutes a penalty imposed on the person subjected to it[4]. It is imposed by the State on an individual whom it no longer considers, in its assessment, worthy of holding its nationality, on the basis of several grounds that vary from one State to another.

It is worth noting that the term deprivation used in Article 22 of the Algerian Nationality Code is referred to as forfeiture in the legislation of most Arab countries[5]. Both terms convey the same meaning under Algerian legislation, namely, a sanction imposed on an individual who has been proven unworthy of holding nationality, as a punishment for an act incompatible with the status of a citizen[6].

With regard to the scope of its application, the nationality laws of different States adopt varying approaches. Some States apply deprivation exclusively to individuals holding acquired nationality, whereas others extend it to holders of both original and acquired nationality. Algeria is among the latter, having extended the application of deprivation to individuals holding both acquired and original Algerian nationality following the amendment of the Nationality Code pursuant to Law No. 26-01 of 17 February 2026[7]. Prior to the latest amendment to the Nationality Code, deprivation applied only to individuals who had acquired Algerian nationality.

Based on this general understanding of deprivation, it may be argued that the loss of nationality through deprivation does not involve any role on the part of the individual's will; rather, it occurs against their will, since the State alone imposes this measure without consulting the individual concerned or obtaining their consent. The State determines that the individual is no longer entitled to enjoy its nationality and consequently deprives them of it as a sanction for their lack of allegiance to the State[8].

Nevertheless, most legal systems regard deprivation as a penalty ancillary to a previous criminal sanction. On what basis, therefore, is deprivation characterised as a penalty? In other words, what criterion is used to classify deprivation as a penalty? In this regard, reference should be made to Article 9, paragraph 2, of Law No. 06-23 of 20 December 2006 relating to the Penal Code, which stipulates that deprivation of the enjoyment of national, civil and family rights constitutes an ancillary penalty. Since deprivation of nationality results in the loss of the enjoyment of civil and political rights, it may therefore be legally characterised as an ancillary penalty[9].

Furthermore, legal systems around the world agree that deprivation of nationality constitutes a sanction. Accordingly, deprivation of nationality is a measure employed by the State against individuals holding its nationality whenever the relevant grounds are established. These grounds are determined by the State in its nationality legislation, in the exercise of its authority to exclude individuals who have come to pose a threat to the security and safety of the State.

Under the Algerian Nationality Code, deprivation of Algerian nationality was previously applicable only to individuals who had acquired nationality[10]. However, following the amendment of the Nationality Code pursuant to Law No. 26-01 of 17 February 2026, deprivation has also become applicable to holders of original Algerian nationality[11].

The penalty of deprivation is imposed when an individual commits an act or engages in conduct that undermines their status as an Algerian citizen or adversely affects Algeria's reputation[12]. In general, the grounds for deprivation are stipulated by the Algerian legislator in the Nationality Code, and deprivation is effected by presidential decree published in the Official Gazette[13].

The State's right to deprive individuals of its nationality is recognised as a principle of public international law. Accordingly, the Algerian legislator has incorporated this principle into the Nationality Code[14], while restricting its application to specific, exhaustively enumerated cases and requiring that the measure be imposed within a prescribed time limit[15].

Section Two: Grounds for Deprivation of Algerian Nationality

The Algerian legislator has enumerated the grounds on which the competent authority may impose deprivation of nationality as a punitive measure against individuals who commit acts or engage in conduct expressly designated by law as grounds for such deprivation. The commission of these acts or the engagement in such conduct constitutes evidence that these individuals are unworthy of holding Algerian nationality and enjoying the civil and political rights guaranteed under Algerian law to every person possessing Algerian nationality. Nevertheless, the competent authority may decide not to deprive an

individual of nationality despite the commission of such acts or conduct, since the exercise of this power is discretionary.

The Algerian legislator has specified the grounds on which the State is entitled to deprive an individual of Algerian nationality under Article 22 of the Nationality Code, prior to its amendment pursuant to Law No. 26-01, and has subsequently introduced additional grounds. This makes it necessary to examine the grounds for deprivation both before and after the amendment, in the following two subsections:

Subsection One: Grounds for Deprivation of Nationality Prior to the Amendment of the Nationality Code

The grounds for deprivation of Algerian nationality were enumerated in Article 22 of the Nationality Code as follows:

First: Where the individual has been convicted by a judicial decision of an act constituting a felony or misdemeanour that undermines Algeria's vital interests, national unity, or State security

Any individual who has acquired Algerian nationality may be deprived thereof if a final judicial judgment is rendered against them by the Algerian courts, rather than foreign courts[16], in respect of an act, rather than mere conduct, constituting a felony or misdemeanour within the meaning of the Algerian Penal Code and affecting Algeria's vital interests[17].

The Algerian legislator has not defined what is meant by Algeria's vital interests, but has left the assessment of whether an act affects those interests to the discretion of the Ministry of Justice. Examples of acts affecting the vital interests of the Algerian State include the establishment of an association directed against the security and existence of the State; collusion, whether from within or abroad, with foreign or suspicious entities with the aim of undermining the political or economic system of the Algerian State; as well as crimes of treason and espionage, and all offences that may undermine the authority of the Algerian State or threaten the integrity and unity of Algerian territory, among other offences[18].

Given that the wording of this paragraph is broad and includes the expression “Algeria's vital interests” without providing a specific definition, its intended meaning, in accordance with the context of the provision, encompasses all vital interests, whether in the economic, social, or security spheres[19].

In any event, deprivation of nationality may be imposed in this case even if the final judicial judgment against the individual is subsequently followed by a general amnesty, since such amnesty does not deprive the offence of its criminal character as a felony or misdemeanour warranting deprivation of nationality[20].

Second: Where the individual has been convicted by a judicial judgment in Algeria or abroad of a felony punishable by a term of imprisonment of five years or more

In this case, it is noteworthy that the Algerian legislator has made no distinction between judicial judgments handed down by Algerian courts and those issued by foreign courts[21]. Likewise, no distinction has been made between an act constituting a crime involving moral turpitude and an act that does not fall within this category, as both may justify deprivation of nationality. Accordingly, depriving an individual who has acquired Algerian nationality of their nationality on this ground is subject to the fulfilment of the following conditions:

A. The issuance of a final judicial judgment having the force of res judicata, regardless of whether it was rendered by a domestic or a foreign court.

B. The offence for which the individual is prosecuted must be legally classified as a felony. Consequently, misdemeanours and contraventions are excluded from the scope of this provision. As regards the determination of the law applicable to the classification of the committed act as a felony, such classification must be made in accordance with the Algerian Penal Code rather than the law of the country in which the

judgment was rendered[22]. Accordingly, if the committed act constitutes a misdemeanour under the Algerian Penal Code but is classified as a felony under the law of the country whose courts rendered the judgment, this does not justify deprivation of Algerian nationality. In such a case, the deprivation procedure may not be initiated against the individual, even if the sentence imposed exceeds five years.

C. The sentence imposed on the individual must be equal to or exceed five years of imprisonment. It is therefore insufficient for the committed act to be classified as a felony; in addition, the sentence imposed for that offence must involve deprivation of liberty for a period exceeding five years[23].

It should also be noted that the judicial judgment in this case differs from that in the preceding case in terms of its source. In the present case, the judgment may be issued by either Algerian or foreign courts, whereas in the preceding case, the judgment must be rendered exclusively by Algerian courts[24].

It is worth noting that the provision[25] setting out the grounds for deprivation of nationality was amended under the latest amendment to the Algerian Nationality Code[26]. Whereas it previously contained three grounds, following the amendment, it now provides for only two[27].

In any event, an individual who has acquired Algerian nationality may only be deprived thereof if the acts attributed to them were committed within ten (10) years from the date of acquisition of Algerian nationality. In addition to this condition, the deprivation measure must be pronounced within five (5) years from the date on which those acts were committed[28].

Subsection Two: Deprivation of Algerian Nationality Following the Amendment of the Nationality Code Pursuant to Ordinance No. 26-01 of 17 February 2026

Following the amendment of the Algerian Nationality Code pursuant to Ordinance No. 26-01 of 17 February 2026, deprivation of Algerian nationality is no longer limited to individuals who have acquired Algerian nationality; it may now also apply to individuals holding original Algerian nationality[29].

First: Grounds for Deprivation Introduced by the Amendment to the Nationality Code, Applicable to Both Holders of Acquired and Original Algerian Nationality

Any Algerian citizen, whether holding original or acquired Algerian nationality, may be deprived of their nationality where there is strong and consistent evidence that they have committed, outside the national territory, any of the following acts[30]:

1. Acting knowingly and unequivocally in a manner likely to cause serious harm to Algeria's interests, national unity, State security, the stability of its institutions, the unity of the people, or the symbols of the National Liberation Revolution, or openly engaging in activities hostile to Algeria.

2. Demonstrating allegiance to another State, or formally declaring such allegiance, with the intention of harming Algeria's interests, or unequivocally demonstrating a determination to renounce allegiance to Algeria.

3. Providing services to another State or accepting funds or benefits from it with the aim of harming Algeria's interests.

4. Working for, or providing assistance to, foreign military or security forces in a manner prejudicial to Algeria's interests.

5. Collaborating with a State or entity hostile to Algeria.

6. Assuming leadership of, or participating in, joining, financing, or conducting propaganda on behalf of, any terrorist or subversive group or organisation, regardless of its form or designation, by any means whatsoever, in a manner prejudicial to Algeria's interests.

Where the acts referred to above are committed within Algerian territory, deprivation of original Algerian nationality may also be imposed if the individual responsible for those acts is a fugitive outside Algeria.

Furthermore, any Algerian citizen holding another acquired nationality may also be deprived of original Algerian nationality if they have used that other nationality to undermine their original Algerian nationality, or if they hold another nationality, whether original or acquired, and have used it to harm Algeria. Deprivation of acquired Algerian nationality may also be imposed where the acts referred to above are committed within Algerian territory[31].

On the other hand, where an Algerian citizen, whether holding original or acquired nationality, commits any of the aforementioned acts[32], the Algerian Government must issue a formal warning to that individual before proceeding with deprivation of Algerian nationality. Following the notification of the warning, the individual must be granted a period of not less than fifteen (15) days and not more than two years to comply with its requirements.

The warning shall be served through various legally recognised means, including electronic means. Where such notification proves impossible, the warning shall be published in two national newspapers, one of which must be published in a foreign language[33].

Nevertheless, deprivation of Algerian nationality may only take place after the individual concerned has been notified and given the opportunity to submit their written observations through all legally recognised means, including electronic communication methods. The individual must be granted a period of thirty (30) days for this purpose, commencing from the date on which the warning period provided for under Article 22 bis[34] of this Law expires without any response or compliance. Where it is impossible to contact the individual concerned by the deprivation measure, notification shall be effected through publication in two (2) national newspapers, one of which must be published in a foreign language[35].

However, it is worth noting that Article 23 of the Algerian Nationality Code, as amended pursuant to Ordinance No. 26-01 of 17 February 2026, sets out provisions concerning Algerian citizens deprived of their nationality, whether original or acquired, pursuant to Article 22 bis, but does not address Algerian citizens who acquired Algerian nationality and in respect of whom the grounds for deprivation stipulated under Article 22 of the Nationality Code, as previously discussed, have been established.

Second: Safeguards Governing Deprivation of Original Algerian Nationality

1. Deprivation of original Algerian nationality constitutes an exceptional measure that may only be resorted to on the grounds exhaustively specified by law[36].

2. An individual may only be deprived of original Algerian nationality if they hold another nationality[37]. However, this provision shall not apply where the individual has committed acts of treason, colluded with a foreign State, taken up arms against Algeria, undermined national unity or the territorial integrity of Algeria, or affiliated, in any capacity whatsoever, with terrorist entities or organisations, or committed any acts targeting the security and stability of the State[38].

The proceedings for deprivation of original Algerian nationality may be suspended at any stage if the individual concerned returns to the national territory and agrees to appear before the courts in respect of the acts attributed to them, or provides evidence that they have ceased engaging in such acts[39].

Third: Procedures for Deprivation of Algerian Nationality

A special committee[40] shall be established and entrusted with examining files relating to the deprivation of original or acquired Algerian nationality. The Minister of Justice, Keeper of the Seals, shall appoint, by decision, an official from among the senior staff of the Ministry of Justice, holding at least the rank of Director, to serve as Secretary of the Committee. The Secretary shall be responsible for receiving, registering and cataloguing applications for deprivation of Algerian nationality, preparing the files to be submitted to the Committee, maintaining the Committee's registers, documents and archives, attending its meetings and preparing reports thereon. The Secretary shall also prepare the Committee's rules of procedure

and submit them for its approval[41].

The Committee shall meet at the premises of the Prime Minister's services. Where necessary, it may also meet at any other location within the national territory, pursuant to a decision issued by its Chairperson[42]. The Committee shall be notified exclusively by the Minister of National Defence, the Minister responsible for Foreign Affairs, the Minister responsible for the Interior, or the Minister of Justice, Keeper of the Seals[43].

In any event, applications for deprivation of Algerian nationality shall be submitted or sent by the notifying authorities to the Secretary of the Committee and entered in a dedicated register in chronological order according to their date of receipt[44].

Furthermore, the notifying authority must prepare a reasoned report setting out the grounds for proposing the deprivation of the individual concerned of Algerian nationality, accompanied by the relevant supporting documents. The report must specify the following:

- The precise identity of the individual concerned;
- The nationality proposed to be withdrawn;
- The strong and consistent evidence justifying the deprivation of the individual's Algerian nationality, together with its legal basis;
- The individual's place of residence and the location where the acts attributed to them were committed;
- Evidence that the individual was formally warned, within the legally prescribed time limits, to cease the acts attributed to them, in cases where such a warning is required, and that the warning remained without effect;
- Evidence that the individual holds another nationality, where the application concerns deprivation of original nationality, unless the case involves the acts stipulated in paragraph 3 of Article 22 bis 1 of Ordinance No. 70-86.

Where these requirements are not satisfied, the file shall be returned to the notifying authority for completion[45].

The Chairperson of the Committee shall establish its agenda and communicate it, together with copies of the files submitted for consideration by the Committee, to each member within the eight (8) days preceding the date of the meeting, through the Secretary of the Committee[46]. After verifying that the above-mentioned requirements have been met, the Committee shall notify the individual concerned that proceedings for their deprivation of nationality have been initiated against them and request that they submit their written observations[47].

Thereafter, the Committee shall issue a reasoned opinion either accepting or rejecting the application within a maximum period of one month from the date of receipt of the individual's written observations or from the expiry of the time limit prescribed for submitting them, where no response has been received. The opinion shall be adopted by a two-thirds (2/3) majority of the members present. In the event of a tie, the Chairperson shall have the casting vote. The Committee's opinions, as well as any appeals that may be lodged against them, shall be communicated to the competent authority by the Chairperson of the Committee[48].

In any event, the Committee's opinion shall be notified to the individual concerned by all legally prescribed means, including electronic means. Where such notification proves impossible, the individual shall be informed through publication in two national newspapers, one of which shall be published in a foreign language. The individual concerned or their legal representative may challenge the Committee's opinion before the Council of State[49].

Furthermore, where an individual is deprived of their nationality, the deprivation shall be formalised by a Presidential Decree[50].

Chapter Two: The Legal Consequences of Deprivation of Algerian Nationality

This Chapter examines the legal consequences arising from deprivation of Algerian nationality. It addresses, first, the individual consequences and, subsequently, the collective consequences, the latter referring to the spouse and minor children of the individual deprived of Algerian nationality.

Section One: Individual Legal Consequences of Deprivation of Algerian Nationality

Deprivation of Algerian nationality is an extremely severe penalty, as it entails individual legal consequences for the person concerned. These consequences are laid down in the Algerian legislation governing nationality.

First: As of the date of publication of the decree depriving the individual of Algerian nationality in the Official Gazette of the People's Democratic Republic of Algeria[51], the Algerian citizen becomes a foreign national[52], whether or not they hold another nationality. If they hold only Algerian nationality, they thereby become stateless[53]. In both cases, they are subject to Algerian legislation governing foreign nationals[54], particularly with regard to the legal conditions governing their entry into, residence in and movement within Algeria. Their name is also removed from the civil status registers.

Second: An individual deprived of Algerian nationality loses the rights they previously enjoyed by virtue of their status as an Algerian citizen. Accordingly, their Algerian passport is withdrawn, and they become subject to the conditions governing the employment of foreign nationals, whether as civil servants or salaried employees[55], as well as the requirements applicable to the exercise of professional or commercial activities. Furthermore, where they enter into relationships with foreign nationals, they cease to benefit from the application of Algerian law to family matters[56]. In the same vein, they lose the entitlement to have Algerian courts assume jurisdiction on the basis of nationality in private international law proceedings[57]. They also cease to enjoy diplomatic protection through the Algerian diplomatic corps when residing in a foreign country[58].

In any event, the deprivation of rights resulting from the loss of Algerian nationality is accompanied by exemption from the obligations imposed on holders of Algerian nationality.

Third: An Algerian national deprived of Algerian nationality remains bound by the obligations incurred while they held Algerian nationality, such as tax liabilities and private and public debts. Conversely, they retain the right to claim any entitlements that accrued to them during the period in which they were an Algerian citizen.

Fourth: Where an individual deprived of their nationality engages in conduct that constitutes a threat to public order or the security of the Algerian State, or where a judicial judgment or decision has been issued against them imposing a custodial sentence for the commission of a misdemeanour or felony, the Minister of the Interior may issue a decision ordering their removal from Algerian territory[59]. The individual must also have a means of subsistence in Algeria[60], so as not to become a financial burden on the Algerian State.

Section Two: Collective Legal Consequences of Deprivation of Algerian Nationality

The consequences of deprivation of Algerian nationality for the family of the individual deprived of that nationality are provided for by the Algerian legislator under Article 24 of the Nationality Code[61], which establishes a general rule and an exception thereto.

This Section examines the general rule (Subsection One) and the exception (Subsection Two).

Subsection One: The General Rule

Pursuant to Article 24 of the Algerian Nationality Code, the general rule is that the effects of deprivation of Algerian nationality do not extend to the spouse or minor children of the individual concerned. Rather, such effects remain confined to the individual deprived of their nationality. This is because deprivation constitutes a penalty, and penalties are personal in nature and cannot produce effects against other individuals who are not guilty of the offence[62].

The consequence of this general rule is that where the individual deprived of Algerian nationality is the head of a family and has a spouse and minor children, the latter are not affected by the deprivation and retain their Algerian nationality.

The purpose of this rule appears to be to combat the phenomenon of statelessness, since an individual may be deprived of Algerian nationality without holding the nationality of another State, thereby becoming stateless. It would therefore be inappropriate to subject their family members to the same outcome by depriving them of their nationality and rendering them stateless, a problem that Algerian legislation seeks to combat throughout its various legislative provisions[63].

Subsection Two: Exceptions to the General Rule

By way of exception, the Algerian legislator, under paragraph 2 of Article 24 of the Nationality Code, has authorised the extension of the effects of deprivation of Algerian nationality to the children where the deprivation applies to both their parents. It should be noted that the Algerian legislator's use of the term “may”[64] in the aforementioned Article means that the extension of deprivation to the children does not occur automatically by operation of law merely because both their parents have been deprived of their nationality. In other words, the legislator has not made the extension of deprivation of Algerian nationality to minor children mandatory; rather, the discretionary authority to decide on this matter rests with the Minister of Justice.

In any event, the purpose of this exception is to ensure that family members hold the same nationality in cases where both the father and the mother are deprived of Algerian nationality while holding the nationality of another State[65].

CONCLUSION:

Based on this legal study of the subject of deprivation of Algerian nationality, we have formulated a number of findings and proposed recommendations, which are set out below:

First: Findings

1. Deprivation of nationality is a means of excluding individuals deemed undesirable from Algerian society. Previously, it applied only to those who had acquired Algerian nationality through naturalisation or marriage. However, following the latest amendment to the Nationality Code under Ordinance No. 26/01 of 17 February 2026, its scope has also been extended to individuals holding original Algerian nationality.

2. The Algerian legislator has specified the grounds for deprivation of nationality in a restrictive and exhaustive manner, given that deprivation constitutes an exception to the principle of continuity of nationality.

3. Deprivation may be imposed on individuals who have acquired Algerian nationality, as well as those holding original Algerian nationality, by means of a Presidential Decree.

4. Deprivation is based on the principle of the State's right to determine and regulate the acquisition and loss of its nationality, a matter over which the State has exclusive authority.

5. The Algerian legislator has provided for deprivation of nationality while imposing temporal limitations on its application in order to restrict its scope.

6. The Algerian legislator has made deprivation discretionary and vested the relevant authority in the Minister of Justice.

7. The temporal limitation imposed on the power to deprive individuals of nationality guarantees stability in their legal and political status and prevents them from remaining under the threat of deprivation of Algerian nationality for an extended period.

8. Deprivation of Algerian nationality constitutes a severe penalty that affects the relationship between the individual and the State. If nationality expresses the legal, political and spiritual bond between an individual and the State, deprivation of nationality represents the converse: the severance of that bond, together with all the potentially harmful consequences that may affect the individual concerned.

9. Deprivation of nationality may result in the individual becoming stateless.

10. Deprivation of Algerian nationality constitutes an exercise of the State's right and freedom to regulate the legal framework governing its nationality. It also represents one aspect of the State's responsibility to protect its society and national security.

11. The general rule is that the effects of deprivation do not extend to the spouse or minor children, since deprivation is a personal penalty. Nevertheless, the legislator has permitted such effects to be extended to the children in an exceptional case, with a view to ensuring uniformity of nationality within the family.

Second: Recommendations

Deprivation of Algerian nationality should be mandatory rather than discretionary.

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3. Law No. 90/11 of 21 April 1990 concerning Labour Relations in Algeria, as amended and supplemented, Official Gazette, No. 17, dated 25 April 1990.
4. Law No. 08/09 of 25 February 2008, containing the Code of Civil and Administrative Procedure, as amended and supplemented, Official Gazette, No. 21, dated 13 April 2008.
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NOTES

[1] Article 10 of Ordinance No. 70-86 of 15 December 1970, containing the Nationality Code, Official Gazette of the People's Democratic Republic of Algeria, dated 18 December 1970, No. 105, as amended and supplemented by Ordinance No. 05-01 of 27 February 2005, Official Gazette dated 27 February 2005, No. 15, and subsequently amended by Ordinance No. 26-01 of 17 February 2026, Official Gazette dated 18 February 2026, No. 14

[2] Article 9 bis of the same Law

[3] This mechanism is provided for in Article 13 of the aforementioned Algerian Nationality Code, which states: “Algerian nationality may always be withdrawn from the beneficiary if, within two (2) years from the publication of the naturalisation decree in the Official Gazette of the People's Democratic Republic of Algeria, it is established that the beneficiary did not meet the conditions prescribed by law or used fraudulent means to obtain nationality.”

[4] Habbar Mohamed, Private International Law, Al-Rou'ya Publishing House, Algeria, 2013, p. 296

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[6] Ali Ali Slimane, Notes on Algerian Private International Law, 2nd ed., University Publications Office, Algeria, 2003, p. 20

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[8] Belaiour Abdelkrim, op. cit., p. 121

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[10] Article 22 of Law No. 70-86, previously cited, which provides: “Any person who has acquired Algerian nationality may be deprived thereof.”

[11] Article 22 bis 1 of Law No. 70-86, previously cited, which provides: “Deprivation of original Algerian nationality constitutes an exceptional measure that may only be resorted to on the grounds exhaustively specified in this Law.”

[12] Habbar Mohamed, op. cit., p. 296

[13] Article 23 of Law No. 70-86, previously cited

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[15] Djard Mohamed, Algerian Nationality Law between Theory and Practice, Legal Book Foundation, Algeria, 2023, p. 154

[16] Lagarde Mohamed, op. cit., p. 155

[17] In the latest amendment to the Nationality Code, the Algerian legislator added two expressions, namely “national unity” and “State security”, in relation to the first ground for deprivation

[18] Lagarde Mohamed, op. cit., p. 155

[19] Belaiour Abdelkrim, op. cit., p. 123

[20] Lagarde Mohamed, op. cit., p. 155

[21] Ali Ali Slimane, op. cit., p. 221

[22] A'arab Belkacem, Algerian Private International Law, Part Two: International Jurisdictional Conflicts and Nationality, Dar Houma, Algeria, 2011, p. 217

[23] Lagarde Mohamed, op. cit., p. 156

[24] Belaiour Abdelkrim, op. cit., p. 124

[25] Article 22 of the Algerian Nationality Code prior to its amendment pursuant to Ordinance No. 26-01, previously cited

[26] The latest amendment to the Algerian Nationality Code was enacted pursuant to Ordinance No. 26-01, previously cited

[27] The third ground, which was removed from Article 22 of the Nationality Code following the amendment introduced by Ordinance No. 26-01, previously cited, was as follows: “Where an individual, on behalf of a foreign entity, performs acts incompatible with their status as an Algerian citizen or prejudicial to the interests of the Algerian State.”

[28] Article 22 of Law No. 70-86, previously cited

[29] Article 22 bis, paragraph 1, of Law No. 70-86, previously cited

[30] Ibid

[31] Article 22 bis of Law No. 70-86, previously cited, paragraph 3

[32] See the aforementioned discussion of the grounds for deprivation introduced by the amendment to the Nationality Code pursuant to Ordinance No. 26-01

[33] Article 22 bis, paragraphs 4 and 5, of Law No. 70-86, previously cited

[34] Article 22 bis, paragraph 5, of Law No. 70-86, which provides: “The individual concerned shall be granted a period of not less than fifteen (15) days and not more than two years to comply with the warning issued under this Article.”

[35] Article 23 of the same Law

[36] Article 22 bis 1, paragraph 1, of Law No. 70-86, previously cited

[37] Paragraph 2 of the same Article

[38] Paragraph 3 of the same Article

[39] Article 19 of Executive Decree No. 26-209 of 26 May 2026, establishing the composition, organisation and functioning of the Special Committee responsible for examining cases concerning deprivation of Algerian nationality, Official Gazette No. 40 of 3 June 2026

[40] Article 4 of Executive Decree No. 26-209, previously cited, which provides: “The Committee shall be chaired by the Prime Minister or the Head of Government, as the case may be, and shall be composed of the Minister responsible for Foreign Affairs, the Minister responsible for the Interior, the Minister of Justice, Keeper of the Seals, a President of a Chamber of the Supreme Court, proposed by the First President of the Supreme Court, a representative of the Presidency of the Republic, a representative of the Ministry of National Defence, the Commander of the National Gendarmerie, the Director General of National Security, the Director General of Internal Security, the Director General of Documentation and External Security, and the Central Director of Army Security.” See also Article 5 of the same Executive Decree

[41] Article 6 of the same Executive Decree

[42] Article 7 of the same Executive Decree

[43] Article 8 of the same Executive Decree

[44] Article 9 of the same Executive Decree

[45] Article 10 of the same Executive Decree

[46] Article 12 of the same Executive Decree

[47] Article 13 of the same Executive Decree

[48] Article 16 of the same Executive Decree

[49] Article 18 of the same Executive Decree

[50] Article 23 of the aforementioned Law No. 70/86

[51] Article 35 of the aforementioned Law No. 70/86

[52] Article 3 of Law No. 08/11 of 25 June 2008, concerning the conditions for the entry, residence and movement of foreign nationals in Algeria, published in the Official Gazette of 2 July 2008, No. 36, provides as follows: “Any individual who holds a nationality other than Algerian nationality, or who holds no nationality whatsoever, shall be considered a foreign national.”

[53] Djard Mohamed, previously cited, p. 159

[54] The aforementioned Law No. 08/11

[55] Law No. 90/11 of 21 April 1990 concerning labour relations in Algeria, as amended and supplemented, Official Gazette, No. 17, dated 25 April 1990

[56] Articles 10 to 16 of Law No. 75/58 of 26 September 1975, containing the Algerian Civil Code, Official Gazette, No. 78, dated 30 September 1975, as amended and supplemented

[57] Articles 41 and 42 of Law No. 08/09 of 25 February 2008, containing the Code of Civil and Administrative Procedure, as amended and supplemented, Official Gazette, No. 21, dated 13 April 2008

[58] Zerrouki Tayeb, Al-Wassit fi al-Jinsiya al-Jaza'iriya: Dirasa Tahliliya Muqarana bi al-Qawanin al-Arabiya wa al-Qanun al-Faransi [The Compendium on Algerian Nationality: An Analytical Study Comparing Arab Legislation and French Law], Al-Kahina, Algeria, 2002, p. 500

[59] Article 30 of Law No. 08/11 of 25 June 2008, concerning the conditions for the entry, residence and movement of foreign nationals in Algeria, Official Gazette, No. 36, dated 2 July 2008

[60] Article 4 of the same Law

[61] Article 24 of the aforementioned Law No. 70/86, which provides as follows: “Deprivation of nationality shall not extend to the spouse of the individual concerned or to their minor children. However, deprivation of nationality may be extended to the children where it applies to both their parents.”

[62] Ben Obeida Abdelhafid, Nationality and the Legal Status of Foreign Nationals in Algerian Jurisprudence and Legislation, Dar Houma, Algeria, 2005, p. 171

[63] Belaiour Abdelkrim, previously cited, p. 126

[64] Paragraph 2 of Article 24 of the aforementioned Law No. 70/86 provides: “Deprivation of nationality may be extended to the children where it applies to both their parents.”

[65] Habbar Mohamed, previously cited, p. 298