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Deprivation of Algerian Nationality under Law No. 26-01

التجريد من الجنسية الجزائرية في ظل القانون 26-01

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Abstract:

This article examines the deprivation of Algerian nationality in light of the amendments introduced by the Algerian legislature through Law No. 26-01. Under this amendment, the legislature expanded the grounds for deprivation of Algerian nationality, making it a discretionary measure applicable to both nationality by origin and acquired nationality alike. The law also establishes the substantive conditions under which nationality may be withdrawn, in addition to introducing the principal procedural requirements governing the implementation of this measure, notably through the creation of a Special Committee within the Ministry of Justice and the establishment of legal safeguards to regulate its application. The study demonstrates that the legislative amendment places particular emphasis on the principle of allegiance to the State as the foundation for the continuity of nationality, considering nationality to be a legal bond between the individual and the State. At the same time, it highlights the necessity of strengthening judicial oversight as an essential safeguard for maintaining a balance between the requirements of national security and the protection of fundamental rights.

key words: *Algerian nationality; deprivation of nationality; substantive and procedural conditions for deprivation; allegiance to the State.*

الملخص:

يتلخص موضوع هذا المقال حول التجريد من الجنسية الجزائرية وفق ما جاء به تعديل المشرع الجزائري بموجب القانون 26-01 حيث قام المشرع بتوسيع حالات التجريد من الجنسية الجزائرية واصبح جوازيا يطال الجنسية الأصلية والمكتسبة على السواء، حيث حدد المشرع الشروط الموضوعية التي يمكن فيها التجريد من الجنسية ، بالإضافة للتطرق لاهم الشروط الإجرائية لتطبيق التجريد عن طريق استحداث اللجنة الخاصة لدى وزارة العدل ووضع ضمانات قانونية لتطبيق هذا الاجراء، وتبين من خلال هذا المقال أن التعديل الذي جاء به المشرع الجزائري في هذا المجال قد ركز على مبدأ الولاء كأساس لاستمرار الجنسية باعتبارها رابطة قانونية بين الفرد ودولته ولكن بالتركيز على ضرورة تفعيل الرقابة القضائية باعتبارها ضمان لتحقيق التوازن بين مقتضيات الأمن القومي والحقوق الأساسية.

الكلمات المفتاحية:

الجنسية الجزائرية، التجريد من الجنسية، الشروط الموضوعية والاجرائية للتجريد، الولاء للدولة.

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Introduction:

The existence and continuity of a State within the international community are fundamentally dependent upon one of its essential constituent elements, namely its people, whose legal status is determined through the criterion of nationality. Nationality serves as the legal instrument by which individuals are allocated within the international community, while the State, through its nationality legislation, is responsible for regulating this allocation. By establishing the legal conditions governing the acquisition or conferral of its nationality, the State exercises its sovereign authority over its nationals, thereby creating a legal bond between itself and its citizens.

Within the Algerian legal system, Ordinance No. 70-86 concerning the Algerian Nationality Code constituted the principal legal framework governing the acquisition, loss, and recovery of Algerian nationality. At that time, the Algerian legislature adopted a protective approach toward nationality by origin, considering it an inherent personal right that could neither be infringed upon nor withdrawn except in exceptional cases affecting acquired nationality.[1] Through this approach, the legislature sought to preserve the stability of the legal status of Algerian citizens and to give practical effect to the principle of citizenship.

In light of recent developments, however, security threats have emerged that extend beyond the borders of the Algerian State. These developments prompted the Algerian legislature to revise the legal framework governing nationality in order to strike a balance between the requirements of national security and the right to nationality. This objective materialized through the amendment of the Nationality Code by the enactment of Law No. 26-01 of 17 February 2026,[2] whereby the legislature sought to prevent acts detrimental to the supreme interests of the State from being shielded by the protection afforded by nationality by origin. Consequently, the law authorizes the deprivation of Algerian nationality in respect of both nationality by origin and acquired nationality, treating it as an exceptional measure intended to address acts of treason, espionage, and terrorism. Furthermore, the law establishes a Special Committee under the authority of the Minister of Justice to ensure the institutional nature of sovereign decision-making and introduces a set of procedural conditions and legal guarantees designed to safeguard the individual's right to defend himself or herself before any deprivation measure is imposed and before the issuance of the presidential decree ordering deprivation of nationality.

The significance of this study lies in highlighting the fundamental shift in the legislature's approach toward deprivation of nationality. Whereas deprivation had previously been limited exclusively to acquired nationality, the amended law no longer distinguishes between nationality by origin and acquired nationality in the application of this exceptional measure. This development raises an important legal issue concerning allegiance to the State and whether such allegiance constitutes a perpetual obligation or is conditional upon refraining from acts that undermine the supreme interests of the State. Accordingly, this study aims to examine the substantive conditions and procedural

safeguards introduced by the Algerian legislature for the implementation of this exceptional measure and to identify the legal consequences arising from its application.

Law No. 26-01 introduced a fundamental transformation in the regulation of deprivation of Algerian nationality, seeking to reconcile the requirements of State sovereignty with the protection of individual rights. In light of the foregoing, the following research question arises:

What are the substantive and procedural conditions introduced by the Algerian legislature under Law No. 26-01 for the implementation of the deprivation of Algerian nationality?

To address this research question, the study adopts the analytical method by examining the provisions of Law No. 26-01, identifying the conditions established therein and the legal grounds upon which the legislature authorizes the deprivation of Algerian nationality.

To provide a comprehensive analysis of the subject, the study is divided into two main sections, The first section examines the substantive conditions governing the deprivation of Algerian nationality by analyzing the exhaustive list of acts specified in Law No. 26-01 that constitute legal grounds for deprivation. The second section is devoted to the procedural conditions and safeguards introduced by Law No. 26-01 for the implementation of deprivation measures. Particular emphasis is placed on the Special Committee and its role in the deprivation process, as well as on the principal procedural guarantees afforded to the person concerned, including prior notification and the time limits granted to enable him or her to present a defense before the deprivation measure is imposed.

Section I:
Substantive Conditions for Deprivation of Algerian Nationality

States seek to ensure that only eligible individuals are incorporated into the national community by establishing nationality rules consistent with the ideal principles affirmed in Article 15 of the Universal Declaration of Human Rights, which stipulates that no person shall be arbitrarily deprived of his or her nationality. Accordingly, a State may not withdraw its nationality from an individual through arbitrary measures except in cases where the individual has deviated from the expected and reasonable standards of conduct. Consequently, national legislations have been encouraged to ensure that provisions governing deprivation of nationality remain subject to the requirements imposed by United Nations conventions, international instruments, and the principles of international jurisprudence, particularly in order to avoid the serious consequence of statelessness resulting from such a measure.[3]

Deprivation of nationality is defined as a sanction imposed by the State on one of its nationals whose conduct demonstrates disloyalty or unfitness to remain a member of the national community.[4] Such conduct is considered unacceptable, prompting the State to resort to this measure whenever it determines that the individual is no longer worthy of

retaining its nationality. It is exclusively within the State's sovereign authority to determine the grounds and circumstances under which deprivation of nationality may occur through its domestic legislation. [5]

Whereas deprivation of nationality was previously limited to acquired nationality[6] under the former legislation,[7] the February 2026 amendment introduced a broader approach based on the concept of national affiliation as a political bond conditioned upon absolute loyalty to the State.[8] Under this amendment, nationality has come to be understood as both a legal and moral commitment that is indivisible, such that the absence of the element of loyalty results in the dissolution of the legal bond of nationality. [9]

Pursuant to Law No. 26-01, deprivation of nationality is no longer merely a sanction applicable to individuals who acquired Algerian nationality through naturalization; rather, it has become a sovereign and protective mechanism that may be invoked against any person who commits serious acts threatening the State's existence, sovereignty, or stability. [10]

The deprivation of Algerian nationality is effected only when a set of substantive conditions is fulfilled. These conditions will be examined in the following two sections. The first section addresses acts that undermine State sovereignty and national security, while the second examines terrorist and subversive crimes committed outside the national territory.

A) Acts Affecting Sovereignty and National Security:

By referring to Article 22 bis (as amended and supplemented) of the Algerian Nationality Law, it is evident that any Algerian national, whether holding original or acquired nationality, may be deprived of Algerian nationality if there is strong and consistent evidence establishing that he or she has committed, either within or outside the national territory, acts likely to undermine the country's vital interests, national unity, or State security, and has persisted in such activities despite having received a formal legal warning. Such deprivation shall be effected by a reasoned presidential decree based on a substantiated report submitted by the Minister of Justice.

From the wording of this provision, it is apparent that the Algerian legislator no longer considers deprivation of nationality merely as a criminal sanction; rather, it has become an effective legal mechanism for addressing conduct that fundamentally threatens national sovereignty and political allegiance to the State. The following sections examine the acts expressly identified by the legislator as being inherently incompatible with the essence of citizenship.

1- Committing Serious Harm to the Interests of the State, the Symbols of the Revolution, or National Unity :

Pursuant to Article 22 bis (1) mentioned above, the legislator authorizes the deprivation of nationality, by means of a presidential decree based on a reasoned report from the Minister of Justice, whether the nationality is original or acquired, in respect of any Algerian who commits, outside Algerian territory, acts causing serious harm to the interests of the State or infringing upon the symbols of the Revolution or national unity.

The legislator has adopted an objective criterion by linking the continuation of nationality to the citizen's conduct toward the State. Furthermore, the act must be established with certainty and free from ambiguity, requiring conclusive and material evidence demonstrating the perpetrator's intention to inflict serious harm upon the interests of the State. [11]

The Algerian legislator has further broadened the scope of serious harm to the interests of the State by including acts that undermine national unity, the unity of the people, and the stability of State institutions. This expansion reflects a broader conception of harm encompassing both political and legal injury, thereby reinforcing the protection of the political public order against any conduct originating abroad that threatens the State. [12]

The legislator has also referred to the public engagement in activities hostile to Algeria. The public nature of such conduct constitutes clear evidence that incitement and propaganda directed against the State may justify deprivation of Algerian nationality. Such overt hostility is deemed incompatible with the continued enjoyment of the legal and diplomatic protection afforded by Algerian nationality while abroad. [13]

It may therefore be concluded that the Algerian legislator has made the continued enjoyment of Algerian nationality contingent upon sustained loyalty to the State and respect for its interests and national symbols.

2- Allegiance to a Foreign State or Hostile Entity and Espionage Against Algeria :

Among the grounds relied upon by the legislator for depriving a national of Algerian nationality is the absence of loyalty to the homeland. Such disloyalty is inferred from acts performed on behalf of a foreign State or foreign entity where those acts conflict with Algeria's national interests. Such conduct is regarded as incompatible with the status of an Algerian citizen. [14]

Accordingly, the Algerian legislator penalizes any allegiance to a foreign State when accompanied by the intention to harm Algeria's interests, as well as the persistence in maintaining such foreign allegiance. This reflects the legislator's determination to safeguard the State against foreign political interference, considering nationality not merely as a legal bond but also as a legal and moral commitment that cannot be renounced, even in times of international crises and conflicts. [15]

Furthermore, the legislator has expanded the range of acts constituting treason to include rendering services to a foreign State, accepting money or other benefits from it with the intent to prejudice Algeria's interests, serving in foreign military or security forces, or providing assistance thereto in a manner detrimental to Algeria's national interests. Such acts are regarded as particularly serious, as they transform the citizen into an instrument employed by foreign powers against his or her own State. [16]

As for the phrase “cooperation with a hostile entity,” it refers to various forms of contemporary conspiracy, including intelligence activities, cybercrimes, and other acts that undermine the interests of the State. Such conduct renders deprivation of nationality a necessary sovereign measure aimed at protecting the State from individuals who have renounced their allegiance to it.

B) Transnational Crimes and Terrorist Acts:

Deprivation of nationality constitutes a sanction imposed on individuals involved in terrorist or subversive organizations. Under Article 22 bis (1) of the aforementioned Algerian Nationality Law, the Algerian legislature authorizes the prosecution of such individuals even when they are outside the national territory, provided that they engage in criminalized terrorist activities, whether through membership, financing, or other forms of participation. These acts also constitute sufficient legal grounds for the deprivation of Algerian nationality. [17]

The Algerian legislature established two cumulative conditions for the deprivation of Algerian nationality. The first is leadership of, financing, or membership in a terrorist organization, while the second is that the individual must have fled outside the national territory. These two conditions are discussed in the following below

1- Leadership, Financing, and Membership in Terrorist or Subversive Organizations:

Through Law No. 26-01, the Algerian legislature introduced a set of criteria for identifying terrorist and subversive acts that may justify deprivation of Algerian nationality. These acts are classified into three principal categories, as follows:

a- Leadership and Direction of a Terrorist or Subversive Organization:

This refers to assuming planning, leadership, or command responsibilities within a terrorist or subversive organization. The mere establishment of the individual's status as a leader is sufficient to regard him or her as the principal architect of activities that threaten the stability and security of the State from abroad.[18]

b- Providing Logistical Support and Financing:

Law No. 26-01 demonstrates the legislature's intention to strengthen oversight mechanisms, particularly those relating to suspicious financial transfers conducted abroad with the objective of undermining national unity. Accordingly, any person who provides financial support, collects funds, or supplies technical resources to terrorist organizations is subject to deprivation of nationality, thereby severing the legal bond of allegiance between the individual and the State.

c- Membership and Affiliation:

Where an individual is proven to have joined any organization classified by the State as a terrorist or subversive entity, even without occupying a leadership position, such affiliation constitutes conclusive evidence of renouncing the duty of allegiance to the Algerian State, thereby justifying deprivation of Algerian nationality.

It is evident that the Algerian legislature linked all of the aforementioned forms of conduct to the requirement that they cause serious harm to the interests of the State. This approach grants the Special Committee broad discretionary authority to assess the gravity of the alleged conduct before submitting a reasoned proposal for deprivation of nationality to the Presidency of the Republic.[19]

2- The Requirement of Fleeing Outside the National Territory:

A review of Law No. 26-01 indicates that the Algerian legislature subjected the deprivation of original nationality to a strict territorial and procedural requirement by stipulating that the individual must be located outside the national territory. This jurisdictional limitation prevents the administrative authority from interfering with powers vested in the criminal judiciary with respect to persons present within Algerian territory. The rationale is that individuals who remain within the national territory are fully subject to domestic judicial sovereignty and are therefore prosecuted in accordance with the provisions of the Penal Code and the Code of Criminal Procedure. Conversely, where an individual is located abroad or has fled the country, the enforcement of domestic criminal sanctions may become impossible. In such circumstances, deprivation of nationality serves as an alternative sovereign measure through which the State safeguards itself against individuals who cannot be effectively prosecuted under its internal criminal jurisdiction. [20]

Article 22 bis (1) of Law No. 26-01 employs the term “flight”, which implies that judicial proceedings have already been initiated against the individual and that he or she is aware of being sought by the Algerian authorities. Nevertheless, this requirement may also apply to individuals who permanently reside abroad and subsequently become affiliated with terrorist organizations. In such cases, their presence outside the national territory facilitates the continuation of terrorist or subversive activities while evading the enforcement of domestic criminal sanctions. [21]

The requirement that the individual be present outside the national territory constitutes a consequence of breaching the principle of territorial allegiance. Original nationality embodies a continuous bond of loyalty to the State. Accordingly, any person who leaves the national territory, places themselves under the protection of a foreign State or entities hostile to Algeria, and engages in acts that undermine the sovereignty of the State provides conclusive evidence of having severed their moral and spiritual allegiance to Algeria. This consequently justifies the State's decision to terminate the legal bond of nationality between itself and that individual. [22]

Section II:
Procedural Requirements and Legal Safeguards Provided for in Law No. 26-01

A review of Law No. 26-01 reveals that the Algerian legislator has surrounded the deprivation of nationality with procedural safeguards that differ significantly from those previously in force. These procedures relate to administrative aspects and sovereign oversight, with the objective of ensuring that deprivation decisions are subject to technical and legal guarantees capable of preventing abuse of power and ensuring the existence of serious and substantiated material evidence before such a measure is imposed. The most significant of these requirements and safeguards are discussed below.

A) The Special Committee as a Supervisory Mechanism:

The "Special Committee" was established under the authority of the Minister of Justice, Keeper of the Seals, pursuant to Article 22 bis, paragraph 2. This reform represents a qualitative development in the procedures governing deprivation of nationality. Whereas the decision was previously of a purely administrative nature, it is now examined through a specialized technical and legal body. Executive Decree No. 26-209 defines the composition, organization, and functioning of the Special Committee responsible for examining files relating to the deprivation of Algerian nationality. Accordingly, this section examines the Committee's composition and powers as follows:

1- Composition of the Committee :

The legislator established the Special Committee as a high-level body operating under the supervision of the Ministry of Justice, with the intention of conferring a quasi-judicial character upon its work rather than leaving such matters solely to administrative discretion. This approach reflects the sensitivity of the cases submitted to the Committee. Consequently, the Committee brings together legal, security, and diplomatic experts possessing the expertise necessary to assess and legally characterize all issues related to the deprivation of nationality.

The Committee is chaired by the Prime Minister or the Head of Government and is composed of the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Justice, Keeper of the Seals, a Presiding Judge of the Supreme Court nominated 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. [23]

The Committee may seek the assistance of any competent authority or qualified person capable of contributing to its work. Such persons shall be bound by an obligation of confidentiality and shall refrain from disclosing any information or the contents of any document to which they have had access during or in connection with the performance of the Committee's duties, or from communicating such information to third parties, under penalty of the sanctions prescribed by the legislation in force. [24]

By decision, the Minister of Justice, Keeper of the Seals, appoints a senior official from among the executives of the Ministry of Justice holding at least the rank of Director to serve as Secretary of the Committee. In this capacity, the Secretary is entrusted, in particular, with receiving, registering, and recording applications for deprivation of Algerian nationality; preparing the files submitted to the Committee; attending its meetings and drafting the corresponding reports; as well as preparing the Committee's rules of procedure and submitting them for approval. [25]

The Committee convenes at the headquarters of the Prime Minister's Office and may, where necessary, hold its meetings at any other location within the national territory upon the request of its Chairperson. [26]

It may be observed that the Special Committee operates under the supervision of the Ministry of Justice, thereby ensuring that nationality deprivation cases are examined on the basis of material evidence and conclusive proof. This approach is consistent with the requirements of a fair trial, preventing such decisions from being based solely on administrative reports, and underscores the Committee's role as a guardian of legality within the exercise of this sovereign power.[27]

2- Powers of the Special Committee :

The Special Committee enjoys broad powers in examining the files referred to it by the competent security and judicial authorities. Applications for the deprivation of Algerian nationality are submitted or transmitted by the referring authorities to the Secretary of the Committee, where they are registered in a special register according to the date of their receipt. [28]

The referring authority is required to prepare a reasoned report setting out the grounds for proposing the deprivation of the person concerned of Algerian nationality, accompanied by the relevant supporting documents. The report shall include, in particular, the precise identity of the person concerned, the nationality proposed to be withdrawn, the legal and factual evidence justifying the proposed measure and its legal basis, the place where the person is located, the place where the alleged acts were committed, and proof that the person was formally warned to cease such acts within the legally prescribed time limits, or a statement explaining why such a warning would have been ineffective. Furthermore, where the application concerns deprivation of nationality by origin, the file must also contain proof that the person concerned possesses another nationality, unless the case concerns the acts referred to in paragraph three of Article 22 bis of Ordinance No. 70-86 of 17 Shawwal 1390, corresponding to 15 December 1970. Where the prescribed conditions are not fulfilled, the file shall be returned to the referring authority for completion.[29]

The concerned person shall be notified, in accordance with the procedures and time limits prescribed by law, by the Prime Minister or the Head of Government, as the case may be, either automatically or upon a request submitted by the competent referral authorities. [30]

Pursuant to Article 12 of Executive Decree No. 26-209, the Chairperson of the Committee shall establish its agenda and attach copies of the files submitted for consideration by the members at least eight (8) days prior to the meeting, through the Committee's Secretary. After verifying that the request satisfies the legal requirements, the person concerned shall be formally notified of the procedures for deprivation of Algerian nationality and requested to submit written observations within the legally prescribed time limit.

The Committee may also request any information it deems necessary from the referring authority, any of its members, or any other person or competent authority concerned with the matter. [31]

Article 15 of the aforementioned Executive Decree provides that the representative of the referring authority shall present the report referred to in Article 10 before the Committee and shall participate, in the capacity of rapporteur, in the examination of the proposed requests for deprivation of nationality without having the right to vote. The Committee shall then issue a reasoned opinion, either approving or rejecting the request, within a maximum period of one month from the date on which the observations of the person concerned are communicated, or from the expiry of the prescribed time limit in the event that no observations are submitted.

The Committee's decisions shall be adopted by a two-thirds majority of the members present. In the event of a tie, the Chairperson shall have the casting vote. The Committee shall communicate its opinion, together with any appeal lodged against it, to the competent authority through its Chairperson.

Nevertheless, the procedures for the deprivation of original Algerian nationality may be suspended at any stage if the person concerned returns to the national territory and agrees to appear before the competent judicial authorities in respect of the acts attributed to him or her, or submits evidence proving that such acts have ceased. [32]

Documents and information relating to files concerning the deprivation of Algerian nationality shall be classified as confidential in accordance with the applicable legislation. The information and documents obtained by the Committee in the course of, or on the occasion of, the performance of its duties may not be used for purposes other than those provided for in Ordinance No. 70-86 of 15 December 1970 concerning the Algerian Nationality Code, as amended and supplemented, and in this Executive Decree.

It may be observed that the Committee exercises preliminary decision-making authority by determining whether the acts attributed to a person residing outside Algeria genuinely amount to serious harm to the interests of the State. Once the existence of tangible evidence and conclusive indications establishing such serious harm has been verified, the Committee submits a reasoned proposal to the Presidency of the Republic. This confirms that a decision depriving an individual of Algerian nationality is not adopted arbitrarily, but rather results from administrative and technical procedures supported by solid factual and legal grounds [33]

B) Legal Safeguards under Law No. 26-01:

Deprivation of nationality constitutes an exceptional measure. Consequently, procedural safeguards are essential to prevent abuses in the application of the law. Any decision to deprive an individual of nationality must therefore be surrounded by procedural guarantees capable of preventing arbitrariness. Accordingly, the State is required to comply with a number of procedural standards when exercising its power to deprive an individual of nationality. [34]

An examination of Law No. 26-01 reveals that these procedural safeguards may be summarized in three principal guarantees: first, the general principle of preventing statelessness; second, the guarantee of notification together with the determination of the

applicable time limits; and third, judicial review of the decree ordering deprivation of nationality. These safeguards will be examined in detail in the following below.

1- Prevention of Statelessness:

Reference to Article 22 bis of Law No. 26-01 reveals that it imposes both a legal and a moral obligation to prevent statelessness, given the serious consequences arising from the absence of nationality, which directly affects the enjoyment of rights whose exercise depends upon possession of a nationality. Accordingly, the Algerian legislature expressly requires that the original Algerian citizen concerned must actually or legally possess another foreign nationality before any procedures for the deprivation of Algerian nationality may be initiated.

It should be noted that, through this condition, the legislator sought, on the one hand, to protect the individual and, on the other hand, to legally sever the bond with a person who has pledged allegiance to another State or entity. In such cases, the deprivation of nationality reflects the individual's own choice, as it constitutes a sanction resulting from the absence of loyalty to Algeria.

Nevertheless, the Algerian legislator has made an exception for cases of high treason, granting the State the right to terminate the legal bond regardless of the legal difficulties that such a measure may create for the individual. This is because loyalty to the homeland is regarded as a fundamental element of an individual's legal affiliation with the State. While the Algerian legislator sought to embody its commitment to preventing statelessness at the international level, it nevertheless maintained an exception in cases of high treason, considering deprivation of nationality to be a strict legal and moral obligation incumbent upon the State.

2- The Safeguards of Notification and Time Limits:

Law No. 26-01, through Article 23, emphasizes that deprivation of nationality may only be carried out after the person concerned has been duly notified and given the opportunity to submit written observations through all legally recognized means. In this respect, the Algerian legislator introduced the mechanism of electronic notification, particularly where the person concerned resides abroad or is a fugitive. The individual is granted a period of thirty (30) days, commencing from the expiry of the warning period stipulated in Article 22 bis, which has remained without effect, to submit his or her defenses and justifications.

Where it is impossible to contact the person concerned, notification shall be effected through publication in two national newspapers, one of which must be published in a foreign language. The deprivation of nationality shall then be pronounced by Presidential Decree.

As for deprivation of acquired nationality, it applies where the person concerned commits any of the acts provided for in paragraphs (1) to (5) of Article 22 bis within Algerian territory. In such cases, the individual shall first receive a formal warning granting a compliance period of not less than fifteen (15) days and not more than sixty

(60) days. Furthermore, deprivation of nationality may not be declared after the expiry of five (5) years from the date on which those acts were committed.

By establishing these time limits, the legislator intended to provide the person concerned with a final opportunity to return to the homeland and demonstrate his or her innocence with respect to the alleged acts. These procedural deadlines also constitute an important safeguard against arbitrary use of the deprivation measure, while ensuring the individual's right to defend himself or herself remotely before the issuance of the Presidential Decree ordering deprivation of nationality.

As a general rule, deprivation of nationality produces only individual legal effects. However, where the deprivation applies to both parents, Article 24 of Law No. 26-01 provides that the measure shall not extend to the spouse or minor children of the person concerned. Nevertheless, deprivation of nationality may be extended to the children where it encompasses both parents.

3- Judicial Review of the Deprivation Decree:

A review of Law No. 26-01 reveals that the Algerian legislator has designated the Presidential Decree as the sole legal instrument for declaring the termination of the bond of Algerian nationality. However, a deprivation decree is not issued arbitrarily; rather, it is based on a reasoned proposal submitted by the Special Committee. [35]

It may be argued that the deprivation decree possesses a dual legal nature. On the one hand, it constitutes an act of sovereignty insofar as it aims to safeguard national security. On the other hand, it is an administrative act with respect to the procedures governing its preparation and the factual evidence upon which it is based. This dual character opens the door to judicial review by the Council of State concerning the accuracy and existence of the material facts underlying the decree.[36]

With regard to the Council of State's review of the legal characterization of acts giving rise to deprivation of nationality, such review should focus on the material element upon which the deprivation decision is founded. Since the administrative judiciary lacks jurisdiction to examine the political expediency of the decision, it remains competent to verify the material existence of the relevant facts. Accordingly, where the person concerned claims innocence or where the alleged act of desertion has not been established, the administrative judiciary (the Council of State) intervenes to maintain a balance between the authority of the State and the principle of legality enshrined in the Constitution. This principle guarantees the individual's right to challenge administrative decisions and ensures that the administration remains subject to the rule of law. Such judicial oversight constitutes an essential safeguard, affirming that although nationality is a privilege conditioned upon allegiance to the State, its deprivation remains subject to the rule of law and subsequent judicial review.

Furthermore, Executive Decree No. 26-209 emphasizes the confidential nature of documents and information relating to nationality deprivation files. It restricts the use of such documents to the legally prescribed purposes and requires that personal data be

processed in accordance with the applicable legislation. These provisions constitute an important safeguard for the individual concerned and reflect respect for his or her rights.

Conclusion:

Law No. 26-01, amending and supplementing the Algerian Nationality Code, introduced a significant development in regulating the rules governing deprivation of nationality. It broadened the circumstances under which this exceptional measure may be applied while simultaneously establishing numerous legal and procedural safeguards designed to prevent arbitrary implementation. Through these amendments, the Algerian legislator sought to strike a balance between the State's right to protect its national security and supreme interests, on the one hand, and the necessity of respecting individuals' fundamental rights and international obligations relating to the right to nationality and the prevention of statelessness, on the other.

Following an examination of the issue of deprivation of Algerian nationality under Law No. 26-01, the following findings and recommendations were reached:

First: Findings

1-Through the amendment introduced by Law No. 26-01, the Algerian legislator reaffirmed that nationality constitutes a relationship of reciprocal allegiance. While the State grants protection to its nationals, individuals are correspondingly obliged not to undermine its supreme interests. Consequently, a breach of this duty of allegiance constitutes a legitimate ground for the compulsory severance of the nationality bond through a sovereign decision.

2- By amending the Algerian Nationality Law, the legislator expanded the grounds for deprivation of Algerian nationality, particularly with respect to individuals who have acquired a foreign nationality and subsequently commit acts that prejudice the supreme interests of the State.

3- The legislator emphasized that deprivation of nationality is an exceptional measure that may be invoked only in specifically prescribed circumstances.

4-The law ensures that decisions concerning deprivation of nationality are subject to legal procedures that safeguard compliance with the principle of legality and guarantee the right to defence.

5- The establishment of a special committee within the Ministry of Justice to examine nationality deprivation files ensures that the deprivation procedure is transformed from a purely administrative decision into a reasoned institutional process. This enhances the objectivity and credibility of such decisions while minimizing the risk of arbitrary or malicious interpretations.

Second: Recommendations

1-Ensure the strict implementation of the provisions of Law No. 26-01 in a manner that prevents any infringement of individual rights except within the limits expressly authorized by law.

2- Clarify certain terms contained in the law, such as "acts prejudicial to the vital interests of the State," in order to prevent overly broad or ambiguous interpretations.

3- Strengthen judicial oversight of decisions concerning deprivation of nationality to ensure the effective protection of fundamental rights and freedoms.

4- Develop official electronic notification mechanisms and integrate them with consular platforms to ensure reliable notification of individuals residing abroad. This would facilitate the effective implementation of the thirty-day period granted for the person concerned to present a defence before the issuance of the presidential decree ordering deprivation of nationality.

In conclusion, despite the significance of the amendments introduced by the legislator in addressing acts that threaten the security and unity of the State, their effectiveness ultimately depends on their proper implementation within the framework of the rule of law and with full respect for judicial and procedural safeguards. This is essential to ensure that deprivation of nationality is not transformed into a measure that unjustifiably infringes upon fundamental rights and freedoms.

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[2] - *Law No. 26-01 of 17 February 2026 amending and supplementing Ordinance No. 70-86 of 15 December 1970 containing the Algerian Nationality Code, published in the Official Gazette of the People's Democratic Republic of Algeria, No. 14, 24 February 2026*

[3] - *Hisham Ali Sadiq & Hafiza Al-Sayyid Haddad, Private International Law, Book One: Nationality and the Legal Status of Foreigners, (Mansha'at Al-Ma'arif), Alexandria, 1998–1999, p. 158.*

[4] - *Ali Ali Suleiman, Lectures on Private International Law, 4th ed., Office of University Publications, Algeria, 1993, p. 215.*

[5] - *Izz al-Din Abdullah, Private International Law, Part One: Nationality and Domicile, 11th ed., 1986, p. 224.*

[6] - *As provided in the first paragraph of Article 22 bis (1) of Law No. 26-01 amending the Algerian Nationality Code.*

[7] - *A'rab Belkacem, "The Algerian Nationality Law: An Analytical Study in Light of the 2026 Legislative Developments," Journal of Legal Studies, University of Algiers 1, 2026, p. 13.*

[8] - *Babou Jamal Eddine, "The Newly Established Legal Framework for the Deprivation of Original Algerian Nationality: A Study under Law No. 26-01," Algerian Journal of Law and Political Science, Vol. 11, No. 1, 2026, p. 510.*

[9] - *Babu Jamal Eddine, Op. cit., p. 511.*

[10] - *Ammar Boudiaf, Al-Wajiz fi Al-Qanun Al-Idari wa Al-Nashat Al-Idari (Concise Administrative Law and Administrative Activity), Dar Al-Rayhana, Algeria, 2022 Edition, p. 205.*

[11] - *A'rab Belkacem, Op. cit., p. 75.*

[12] - *Paragraphs (2) and (5) of Article 22 bis (1) of Law No. 26-01 containing the Algerian Nationality Code, as amended and supplemented.*

[13] - *Ammar Boudiaf, Op. cit., p. 212; Babu Jamal Eddine, Op. cit., p. 512.*

[14] - *Ibid., p. 512.*

[15] - *Babou Jamal Eddine, op. cit., p. 512.*

[16] - *Ibid., p. 513.*

[17] - *Article 22 bis (2) of Law No. 26-01 provides: "A Special Committee shall be established under the authority of the Minister of Justice, Keeper of the Seals, to examine files relating to proposals for the deprivation of original and acquired Algerian nationality. The Committee shall verify the existence of objective justifications and material evidence supporting the acts attributed to the person concerned, as well as confirm the requirement that the individual is present outside the national territory, before submitting a reasoned proposal to the Presidency of the Republic for the issuance of a decree of deprivation."*

[18] - *Babou Jamal Eddine, op. cit., p. 514.*

[19] - *This is further confirmed by Article 22 bis (2), which requires that the person be located outside the national territory before a proposal for deprivation of nationality may be submitted to the Presidency of the Republic.*

[20] - *Babo, Jamal Eddine, op. cit., p. 514.*

[21] - *Article 4 of Executive Decree No. 26-209 of 26 May 2026 (9 Dhu al-Hijjah 1447 AH), determining the composition, organization, and functioning of the Special Committee responsible for examining cases relating to the deprivation of Algerian nationality.*

[22] - *Article 5 of the aforementioned Executive Decree No. 26-209.*

[23] - *Article 6 of the aforementioned Executive Decree No. 26-209.*

[24] - *Article 7 of the aforementioned Executive Decree No. 26-209.*

[25] - *Babou Jamal Eddine, op. cit., p. 315.*

[26] - *Article 9 of the aforementioned Executive Decree No. 26-209.*

[27] - *Article 10 of the aforementioned Executive Decree No. 26-209.*

[28] - *Article 11 of the aforementioned Executive Decree No. 26-209.*

[29] - *Article 15 of the aforementioned Executive Decree No. 26-209.*

[30] - *Article 19 of the aforementioned Executive Decree No. 26-209.*

[31] - *Mouloud Didane, The Algerian Nationality Law (Explanation of the Amendments), Dar Belqis, Algeria, 2026, p. 115.*

[32] - *Naima Bouakba, "Deprivation of Nationality in Light of International Standards: Between Prohibition and Exception," Journal of Judicial Ijtihad, Vol. 13, No. 1, March 2021, p. 272.*

[33] - *Article 10 of Executive Decree No. 26-209, cited above.*

[34] - *Ammar Boudiaf, Administrative Judiciary in Algeria, Jisr Publishing House, Algeria, 2024, p. 205.*

[35] - *Articles 169 and 171 of the 2020 Constitution of Algeria, as amended and supplemented.*

[36] - *Articles 169 and 171 of the 2020 Constitution of Algeria, as amended and supplemented*.