

DEPRIVATION CITIZENS OF THEIR ALGERIAN NATIONALITY IN ACCORDANCE WITH LEGAL AMANDMENT No. 26-01



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Abstract:

This research examines the shift in the Algerian legislator's approach to the concept of deprivation of Algerian nationality, based on the latest amendment to the Nationality Law, Law No. 26-01 dated Sha'ban 29, 1447 AH, corresponding to February 17, 2026, which amends and supplements Nationality Law No. 70-86. This approach has become fundamentally different from its previous form, as harm to the Algerian State, its foundations, and its interests is now considered superior to an individual's affiliation with Algeria through nationality, whether original or acquired. Accordingly, if an individual uses this nationality in an attempt to undermine the foundations upon which the state is based and its stability, he is considered unworthy of Algerian nationality and must consequently be sanctioned through deprivation thereof. On the other hand, in order to prevent the State's authority in imposing deprivation from becoming arbitrary or discretionary, the Algerian legislator has established a set of substantive and procedural mechanisms to safeguard individuals' rights and prevent harm to them.

Key Words: nationality; deprivation; Algeria's interests; arbitrariness; individual's rights.

تجريد المواطنين من جنسيتهم الجزائرية وفقا للتعديل القانوني رقم 26-01

ملخص: تناول هذا البحث تغيير نظرة المشرع الجزائري لفكرة التجريد من الجنسية الجزائرية استنادا إلى آخر تعديل لقانون الجنسية 01-26 المؤرخ في 29 شعبان عام 1447 الموافق لـ 17 فبراير 2026 المعدل والمتمم لقانون الجنسية 70-86 و التي أصبحت اليوم تختلف عن سابقتها، فالاعتداء على الدولة الجزائرية، مقوماتها و مصالحها أسمى من انتماء الفرد للجزائر من خلال جنسيته سواء كانت أصلية او مكتسبة على حد سواء. فإذا استخدمها الفرد من أجل ضرب تلك المقومات واستقرارها اعتبر غير مستحق لهذه الصفة الجزائرية، ومن تمّ يستوجب الأمر عقابه من خلال تجريده منها هذا من جهة. من جهة اخرى، وحتى لا تكون سلطة الدولة في

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توقيع التجريد تعسفية وتحكّمية وضع المشرع الجزائري مجموعة من الآليات الموضوعية و الإجرائية لضمان حقوق الأفراد وعدم الإضرار بهم.

الكلمات المفتاحية: الجنسية، التجريد، مصالح الجزائر، التعسف، حقوق الأفراد.

Priver les Citoyens de leur Nationalité Algérienne Conformément à l'Amendement Législatif Apporté par la Loi n° 26-01

Résumé:

Cette étude examine l'évolution de la conception qu'a le législateur Algérien de la notion de déchéance de la nationalité Algérienne, en se référant sur le nouvel amendement apporté par la loi n° 26-01 du 29 shaaban1447, correspondant au 17 février 2026 relative à la nationalité, modifiant et complétant la loi 70-86, qui diffère aujourd'hui de la précédente. En effet, l'atteinte à l'Etat Algérien, à ses fondements et à ses intérêts prime sur l'appartenance de l'individu par sa nationalité, qu'elle soit d'origine ou acquise. Si cet individu l'utilise pour porter atteinte à ces fondements il est considéré comme indigne de cette qualité d'Algérien, ce qui justifie d'une part sa sanction par la déchéance. D'autre part, afin que le pouvoir de l'Etat ne soit pas arbitraire, le législateur Algérien a mis en place un ensemble de mécanismes objectifs et procéduraux visant à garantir les droits des individus et à leur éviter tout préjudice.

Mots Clés: nationalité, déchéance, intérêts de l'Algérie, arbitraire, droit des individus.

Introduction:

The various definitions of nationality converge on the understanding that it constitutes the legal and political bond between the individual and the State, through which the individual enjoys rights and assumes obligations¹; it thus determines the population element of the State. Therefore, nationality represents a manifestation of the state's full sovereign will in determining one of its basic components.

Regulation nationality provisions and formulating its rules is a national issue that falls within the core of each country's local legislation. Although nationality is classified within the domain of private international law, as it constitutes a cornerstone for various related issues, particularly conflict of laws, it remains intrinsically linked to the authority and sovereignty of the State. It is the State that determines the modalities for granting nationality, renouncing it, its loss, and its reinstatement.

With regard to loss, Algerian nationality may cease in relation to an individual through two methods: the first is voluntary, through renunciation at the individual's own will; the second is involuntary, through withdrawal or deprivation. However, this study is confined exclusively to deprivation of Algerian nationality, particularly in light of recent developments represented by the amendment of Nationality Law No. 70-86, which generated significant debate prior to its enactment, more so than after its adoption.

After more than twenty years since the amendment of the Nationality Law pursuant to Ordinance No. 05-01, the Algerian legislator introduced new provisions under Law No. 26-01 amending and supplementing Nationality Law No. 70-86, primarily concerning the subject of this study, namely deprivation, to the extent that it has metaphorically been referred to as the "Law of Deprivation." This is due to the fact that the issue raises numerous profound questions, particularly in relation to human rights, especially in the absence of a unified international rule prohibiting deprivation of nationality. Accordingly, the central research question arises as follows: What developments prompted the Algerian legislator to resort to the mechanism of withdrawing Algerian nationality following the amendment introduced by Law No. 26-01? And to what is compatible with modern legislation and the requirements of international law?

This study adopts a descriptive and analytical methodology, through an examination of the various provisions of the new amendment, alongside a comparative analysis, in certain aspects, with the provisions of the law prior to amendment. This is achieved by addressing the newly introduced grounds for

¹ ABDALLAH Azzedine, *Private International Law, Part One: Nationality, Domicile, and the Enjoyment of Rights by Foreigners*, 11th ed., Egyptian General Book Organization Press, 1986, p. 18.

deprivation (First topic), as well as the various provisions governing it, including safeguards and resulting effects (Second topic).

THE FIRST TOPIC:

Grounds for Deprivation of Nationality

Deprivation constitutes a penalty imposed on an individual holding a particular nationality when he commits an offense stipulated in the law². Accordingly, deprivation represents the loss of nationality when the conditions for deprivation stipulated by law are met, whether they relate to the individual's original nationality (First requirement) or acquired nationality (Second requirement).

First requirement: Grounds for Deprivation of Original Nationality under Law No. 26-01

As previously indicated, it was inconceivable to deprive an Algerian of their original nationality. However, the substantive amendment introduced by Law No. 26-01 departed from this principle and, by way of exception, permits deprivation of original Algerian nationality where the acts set forth in Article 3 of this law, supplementing Nationality Law No. 70-86 through Article 22 bis, are fulfilled (First section), particularly in cases where the perpetrator evades accountability by committing such acts either outside Algeria or within its territory and subsequently fleeing (Second section).

First section: Commission of Acts Intended to Harm the Interests of Algeria

Pursuant to the new Article 22 bis, an individual possessing original Algerian nationality may be deprived thereof if they engage in the following acts:

1. Acting knowingly and unequivocally in a manner likely to cause serious harm to the interests of Algeria, national unity³, State security⁴, the stability of its institutions, the unity of the people, or the symbols of the National Liberation Revolution, or publicly engaging in activities hostile to Algeria.
2. Demonstrating, with the intent to harm the interests of Algeria, allegiance to another State, formally declaring such allegiance, or clearly expressing a determination to renounce allegiance to Algeria.

² Belkacem ARAB, *Algerian Private International Law: Conflict of International Jurisdiction "Nationality"*, Part Two, Dar Houma, Algeria, 6th ed., 2011, p. 76.

³ This may refer to offenses involving attacks, conspiracies, and other crimes against State authority and territorial integrity as set out in Articles 77 to 83 of the Penal Code.

⁴ The Penal Code provides, in Articles 61 to 64, for felonies and misdemeanors against State security, primarily consisting of crimes of treason and espionage.

3. Rendering services to a foreign State or accepting funds or benefits therefrom, with the aim of harming the interests of Algeria.
4. Acting on behalf of foreign military or security forces, or providing assistance thereto, in a manner detrimental to the interests of Algeria.
5. Cooperating with a State or entity hostile to Algeria.
6. Assuming leadership of a terrorist or subversive group or organization, regardless of its form or designation, or engaging, participating, financing, or promoting it by any means, in a manner harmful to the interests of Algeria⁵.

In addition to these six cases, the legislator introduced, within the same provision, a seventh case under paragraph three, namely any Algerian who possesses another acquired nationality and uses it to weaken or insult his original Algerian nationality, or who holds another nationality, whether original or acquired, and uses it to harm Algeria.

It is noteworthy that these cases share a common element, namely “harm to the interests of Algeria”⁶, as this expression is repeated across all the acts enumerated in Article 22 bis. It is also evident that these grounds are serious in nature and not arbitrary or discretionary bases for deprivation.

However, the legislator did not associate these acts with a specific criminal qualification. An act may be deemed harmful to the interests of the State without necessarily constituting a criminal offense punishable by law. Indeed, the legislator confined itself, in paragraph one of Article 22 bis, to the expression “...there exist strong and consistent indications against him...,” without requiring any criminal judicial ruling.

Consequently, numerous voices have argued that deprivation of original nationality constitutes a blatant infringement of individual rights, that it is susceptible to political interpretation, and that it may be subject to misuse, particularly against political opponents. The Algerian legislator responded to these concerns through Article 22 bis (1), which provides: “Deprivation of original Algerian nationality constitutes an exceptional measure, resorted to only for the exhaustively enumerated grounds set forth in this law and in accordance with the safeguards contained therein”⁷.

⁵ See Articles 87 bis to 87 bis 18 of the Penal Code.

⁶ No offenses explicitly designated as “harm to the interests of Algeria” are provided for in the Penal Code or its supplementary criminal legislation.

⁷ See the presentation by the Minister of Justice, Keeper of the Seals, Mr. BOUDJEMAA Lotfi, concerning the amendment to the Nationality Law on January 20, 2026 before the Council of the Nation, in which it was stated that this text was introduced “to protect the sovereignty of the nation, its stability, and its territorial unity, through the expansion of deprivation measures to include even original nationality, under precisely defined conditions...”.

Thus, the legislator affirms the exceptional nature of such deprivation, underscoring the sensitivity of the issue and its potentially serious consequences in cases of misuse, while simultaneously emphasizing the safeguards established by the same law to prevent any abuse.

Furthermore, Law No. 26-01 established a specialized body to adjudicate deprivation cases, in contrast to applications for naturalization, renunciation, and reinstatement, which fall within the competence of the Minister of Justice. Article 22 bis (2), as newly introduced, provides for the creation, under the authority of the Minister of Justice, of a special committee tasked with examining and deciding upon cases of deprivation of Algerian nationality. The composition, organization, and functioning of this committee are to be determined subsequently by regulation.

This provision clearly demonstrates that deprivation is a specific and exceptional measure subject to a serious examination of its grounds by qualified individuals designated for this purpose, in accordance with the safeguards provided under the Nationality Law, which will be addressed subsequently.

Thus, the legislator affirms the exceptional nature of such deprivation in order to emphasize the sensitivity of the matter and its serious implications in cases of misuse. At the same time, the law itself provides safeguards intended to prevent any deviation or abuse in its application.

Second section: Commission of Acts Outside the National Territory or in Cases of Flight

The acts referred to above must, as stated in paragraph one of Article 22 bis, be “committed outside the national territory.” At first glance, and by way of interpretation a contrario, one might assume that such acts must not be committed within Algeria for deprivation to apply.

However, paragraph two of the same provision states: “In the event that the acts set out in this Article are committed within Algeria, deprivation of original Algerian nationality may be applied if the perpetrator is in a state of flight outside the Algerian territory.” From the analysis of these two paragraphs, it may be inferred that the legislator has made deprivation of original Algerian nationality a sanction applicable to individuals who cannot be reached and held accountable as Algerian nationals within Algeria.

With regard to the first scenario, involving acts committed abroad, it is likely that the individual will not return to Algeria and may, in most cases, benefit from the protection of the State in which they reside, either by virtue of holding its nationality or as a refugee therein. As for the second scenario, where the same acts are

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committed within Algeria but the perpetrator has fled the country, this confirms the inability to apprehend and prosecute the individual within Algerian territory.

Accordingly, the determining factor in the deprivation of original Algerian nationality lies in the inability to reach the perpetrator of acts harmful to Algeria due to their presence outside the national territory, whether such acts were committed inside or outside Algeria. This reinforces the seriousness of the grounds for deprivation and excludes any element of arbitrariness. The mere commission of acts detrimental to the interests of Algeria is not, in itself, sufficient to justify deprivation; rather, the absence of the perpetrator from Algeria is required, which, in our view, constitutes an indication of the individual's intent to harm Algeria, as evidenced by their flight from its territory.

Second requirement: Grounds for Deprivation of Acquired Nationality

Since Algeria's independence, deprivation has been primarily associated with acquired nationality rather than original nationality⁸. However, Law No. 26-01, amending the provisions of the Nationality Law, introduced a significant development in the field of deprivation by extending its application to original nationality. At the same time, it amended certain provisions of Law No. 70-86 (First section) and introduced new cases following the enactment of Law No. 26-01 (Second section).

First section: Prior to the New Amendment under Law No. 26-01

Article 22 of the Nationality Law previously provided for three cases of deprivation of acquired nationality:

1. The issuance of a judicial ruling for an act constituting a felony or misdemeanor affecting the vital interests of Algeria.

This refers exclusively to final judgments issued by Algerian courts, without regard to whether the act is classified as a felony or a misdemeanor, nor to the severity of the penalty imposed.

As for the concept of the vital interests of Algeria, the Penal Code does not define offenses falling under this designation, thereby leaving its interpretation to the discretion of the Minister of Justice.

2. The issuance of a judicial ruling, whether in Algeria or abroad, imposing a sentence exceeding five years' imprisonment for a felony.

Unlike the first case, the legislator equated judgments issued by Algerian judicial authorities with those rendered by foreign courts. The essential requirement is

⁸ ZEROUTI Tayeb, *The Mediator in Algerian Nationality: comparative analytical study with Arab laws and French law*, no edition, Al-Kahina Press, Algeria 2002, p. 97.

that the judgment be final, meaning that the perpetrator has been definitively convicted.

Furthermore, in contrast to the first case, the legislator specified both the legal classification and the penalty. The act must constitute a felony, as defined under Algerian law rather than foreign law, and the penalty must exceed five years' imprisonment.

3. Performing acts for the benefit of a foreign entity that are incompatible with the individual's status as an Algerian or detrimental to the interests of the Algerian State.

This case lacks precise definition. It remains unclear what constitutes incompatibility with Algerian status or harm to the interests of the State. These concepts are not subject to a clear legal definition, thereby requiring interpretation by the granting State, which may open the door to infringements on individual rights and freedoms and render deprivation arbitrary. Moreover, the legislator did not associate this case with a criminal classification, meaning that the act may not constitute a punishable offense under the law, yet may still be considered harmful to the interests of Algeria and incompatible with Algerian status⁹.

It should be noted that, prior to the 2005 amendment introduced by Ordinance No. 05-01, Article 22 included a fourth case, namely deliberate evasion of national service. An individual who had acquired Algerian nationality and deliberately evaded this obligation was subject to deprivation.

Second section: After the Amendment under Law No. 26-01

Article 22 of the Nationality Law now currently stipulates two main grounds for the withdrawal of acquired Algerian nationality, in addition to the grounds similar to those applicable to the withdrawal of original nationality as previously stipulated in Article 22 bis. These grounds are as follows:

- 1/ The issuance of a judicial ruling for an act constituting a felony or misdemeanor affecting the vital interests of Algeria, national unity, or State security.

- 2/ The issuance of a judicial ruling, whether in Algeria or abroad, for a felony punishable by a term of imprisonment equal to or exceeding five years.

- 3/ The commission of the first five acts previously mentioned in relation to original nationality, which primarily concern harm to the interests of Algeria. These include: acting knowingly and unequivocally in a manner likely to cause serious harm to the interests of Algeria, national unity, State security, the stability of its

⁹ Ali Ali Souleimen, *Notes of Private International Law*, 2nd ed., University press, 2003, p. 202.

institutions, the unity of the people, or the symbols of the National Liberation Revolution, or publicly engaging in activities hostile to Algeria; demonstrating allegiance to another State, formally declaring such allegiance, or clearly expressing a determination to renounce allegiance to Algeria; rendering services to a foreign State or accepting funds or benefits therefrom; acting on behalf of foreign military or security forces or providing assistance thereto; and cooperating with a State or entity hostile to Algeria.

Through analysis of these cases, it appears that the first and second cases largely correspond to the previous provisions of Article 22 prior to amendment, with the addition, in the first case, of harm to national unity or State security. Both cases require a judicial ruling establishing such conduct.

As for the other cases introduced under Article 22 bis, the legislator has placed naturalized and original nationals on an equal footing. The commission of acts harmful to the interests of Algeria warrants the penalty of deprivation regardless of the status of the perpetrator, and no judicial ruling is required for such cases, as previously indicated.

THE SECOND TOPIC:

Provisions Governing Deprivation of Algerian Nationality

In this part of the research paper, the various provisions governing deprivation will be examined, beginning with its conditions, some of which have been modified following the latest amendment introduced by Law No. 26-01 (First requirement), followed by its procedural safeguards and resulting effects (Second requirement).

First requirement: Conditions for Deprivation of Algerian Nationality

It is not enough for one of the circumstances under which an individual may be subject to withdrawal of nationality to exist, rather, specific conditions stipulated in the new Nationality law must be met. The first condition relates to the status of the person subject to withdrawal of nationality (First section), and the second condition relates to the time period within which withdrawal of nationality must be announced (Second section).

First section: Status of the Person Subject to Deprivation

Prior to the latest amendment, Article 22 provided that “any person who has acquired Algerian nationality may be deprived thereof...,” meaning that deprivation did not apply to original nationality but was limited to individuals who had acquired it. It thus constituted a penalty imposed on such individuals as a result of committing the acts enumerated in the Nationality Law.

However, Law No. 26-01, for the first time, departed from the principle restricting deprivation to naturalized persons and extended it to include individuals of original Algerian nationality, as previously discussed. Deprivation is no longer confined to naturalized individuals but now also applies to Algerians possessing original nationality. According to Article 22 bis (1), paragraph two, such an individual must hold dual or multiple nationalities, that is, they must possess another nationality in addition to their original Algerian nationality as a preliminary condition for deprivation. The provision states: “The person concerned may not be deprived of original Algerian nationality unless they possess another nationality.”

This indicates that the individual subject to deprivation must hold one or more additional nationalities, whether original or acquired. The provision is framed in mandatory terms rather than discretionary ones, as evidenced by the use of the phrase “may not.”

However, paragraph three of the same Article establishes an exception to this rule. An Algerian of original nationality may be subject to deprivation even if they do not possess another nationality where they have committed acts of treason, espionage in favor of a foreign State, taken up arms against Algeria, undermined national unity or the territorial integrity of Algeria, or affiliated, in any capacity, with terrorist entities or organizations, as well as any acts targeting State security and stability in accordance with the applicable legislation.

This raises a significant question: in such cases, would deprivation result in statelessness, given that the individual does not hold another nationality?

From this exception, it appears that the Algerian legislator prefers that an individual become stateless rather than commit acts such as espionage, bearing arms against the State, or undermining national unity. The analysis of this new provision suggests that the gravity of such acts against the State justifies the deprivation of original Algerian nationality even in the absence of any other nationality. Original nationality thus no longer constitutes a barrier to this measure, a development that generated considerable debate and opened extensive discussion prior to the adoption of the latest amendment.

Second section: Temporal Conditions

Article 22, prior to amendment, provided for two cumulative temporal conditions, applied jointly rather than separately, such that deprivation could not be declared unless:

- The acts attributed to the individual occurred within ten years from the date of acquisition of Algerian nationality;
- The declaration of deprivation was issued within five years from the date of commission of the act.

These two conditions have been retained in Article 22 following its amendment by Law No. 26-01. The first condition applies exclusively to naturalized individuals, whereas the second temporal condition applies to both original and acquired nationality. An individual cannot remain indefinitely under the threat of deprivation; once the time limits set forth in Article 22 have expired, the measure lapses.

In our view, this temporal framework limits the potential for abuse arising from the unrestricted application of deprivation, which should not constitute a perpetual threat to the individual concerned. It therefore constitutes one of the safeguards governing its implementation.

Second requirement: Procedural Safeguards and Effects of Deprivation

As previously stated, although the Algerian legislator considers deprivation of nationality to fall within the core of its sovereign authority¹⁰, it has nevertheless established a set of procedures designed to prevent arbitrary deprivation of individuals who have committed the aforementioned acts. These include prior formal notice and the opportunity to submit observations (First section), as well as the regulation of the effects arising from deprivation, both with respect to the individual concerned and those associated with them (Second section).

First section: Procedural Safeguards for Deprivation

Prior to the amendment, Article 23 of the Nationality Law provided that deprivation could only be effected after enabling the person concerned to submit their observations, granting them a period of two months to do so.

However, this provision was amended by Law No. 26-01, and an additional procedure was introduced under the newly established Article 22 bis, namely the requirement of formal notice, as set out in paragraphs five and six of the Article. Accordingly, deprivation of an individual who has committed the aforementioned acts may only take place after issuing a formal notice and upon the individual's failure to cease such acts. The individual is granted a period ranging from fifteen days to no more than sixty days to comply with the notice.

As for the methods of notification, paragraph six of Article 22 bis specifies multiple means, including all legally recognized methods, as well as electronic communication. In cases where notification is not possible through these means, it shall be effected by publication in two national newspapers, one of which must be in a foreign language.

This indicates that deprivation is not an arbitrary or discretionary measure. Rather, it allows the individual concerned the opportunity to cease the conduct for

¹⁰ TIBA Mohamed, *Developments in Algerian Nationality Law and the Legal Status of Multiple Nationals*, Dar Houma, 4th ed., 2010, p.115.

which they have been warned. If they comply, they are no longer subject to deprivation; however, if they refuse and persist in such conduct, deprivation becomes a justified penalty.

Moreover, the legislator did not abandon the time limit for submitting observations but reaffirmed it through the amendment of Article 23 by Law No. 26-01, with certain modifications, namely:

- The observations submitted by the person concerned must be in writing, although their nature had not been specified prior to the amendment;
- Submission may be effected through all legal means, including electronic communication;
- The period for submitting observations has been reduced to thirty days, instead of two months prior to the amendment, calculated from the expiry of the aforementioned formal notice period, which has remained without effect;
- Where communication through the aforementioned means is not possible, notification shall be made through publication in two national newspapers, one of which must be in a foreign language.

Our analysis of these new provisions indicates that the Algerian legislator has strengthened the procedural safeguards governing deprivation. Although the period for submitting observations has been reduced, the introduction of prior formal notice serves to invite the individual concerned to cease their actions. Even in the absence of compliance, the legislator has preserved the individual's right to defend themselves by submitting written observations, while ensuring multiple channels of communication.

Furthermore, the establishment, under Article 22 bis (2), of a special committee responsible for examining deprivation cases, as previously discussed, constitutes an additional procedural safeguard, reinforcing the exceptional nature of the measure. In addition, to avoid any ambiguity regarding the form of the deprivation decision, the Algerian legislator abandoned the previous notion of an unspecified decree and clarified the matter through the amendment of Article 23, stipulating that the decree of deprivation shall be exclusively presidential in nature. All of these elements reflect the seriousness of the provisions of the Nationality Law, particularly with regard to one of its most sensitive and complex issues, namely deprivation of nationality.

Second section: Effects of Deprivation of Algerian Nationality

The effects of deprivation are divided into those relating to the individual concerned, referred to as individual effects, and those of a collective nature.

Individual Effects:

Pursuant to Article 29, as amended, of the Nationality Law, decrees relating to nationality are published in the Official Gazette of the People's Democratic Republic

of Algeria and take effect vis-à-vis third parties from the date of publication. The amendment to this clause aims to correct the previous text, which was limited to decrees concerning the acquisition of citizenship, thus excluding decrees concerning the granting, withdrawal, or restoration of citizenship. In doing so, the legislator has rectified the deficiency that previously existed in this clause.

Accordingly, upon publication of the presidential decree concerning deprivation, the individual is deemed to have lost Algerian nationality, ceases to enjoy the rights associated therewith, and is no longer bound by the obligations arising from such status as from the date of publication, becoming subject to the legal regime applicable to foreigners.

Collective Effects:

As deprivation constitutes a penalty, the general principle is that it does not extend to persons other than the offender¹¹. However, Article 24 of the Nationality Law provides for certain effects that may extend to persons other than the individual deprived, and these provisions have not been modified by the latest amendment, as follows:

- **With respect to the spouse:**

Article 24, paragraph one, under Ordinance No. 70-86, provided for the possibility of extending the effect of deprivation to the spouse: “Deprivation of nationality may be extended to the spouse of the person concerned”¹². However, following the amendment introduced by Ordinance No. 05-01, the legislator abandoned this approach, such that deprivation no longer has any effect on the spouse, who retains their Algerian nationality.

- **With respect to minor children:**

Similarly, under Ordinance No. 70-86, there was a possibility of extending the effect of deprivation to minor children. This was subsequently abandoned by Ordinance No. 05-01, with the result that minor children retain their Algerian nationality despite the deprivation of one of their parents.

However, paragraph two of Article 24 provides for a single case in which minor children may lose Algerian nationality, namely where deprivation applies to both parents. This provision is formulated in discretionary terms, using the expression “however, it may...,” indicating that the deprivation of both parents’ nationality does

¹¹ BENABIDA Abdelhafid, *Nationality and the Status of Foreigners in Algerian Jurisprudence and Legislation*, Dar Houma for Printing, Publishing and Distribution, Algeria, 2005, p. 171.

¹² The reference to “wife” is erroneous; the intended meaning is the spouse, whether male or female.

not necessarily entail the deprivation of the minor children's nationality, but rather remains subject to the discretion of the State granting nationality.

As for adult children, the Nationality Law does not address their situation, which indicates that no effect applies to them, and they retain their Algerian nationality.

A potential issue raised by this provision concerns its application to individuals deprived of original nationality rather than acquired nationality. Prior to Law No. 26-01, the provision applied exclusively to naturalized individuals, whereas it now extends to Algerians of original nationality who have been deprived thereof. In cases where minor children possess only a single nationality and both parents are deprived, they may consequently find themselves stateless.

This is the same issue previously raised in relation to deprivation of original nationality in cases involving acts of treason or espionage, even where the individual does not possess another nationality. The matter of deprivation is thus closely linked to the rules of international law. Although the State enjoys full discretion in establishing its internal rules concerning nationality, particularly deprivation, it remains guided by certain principles derived primarily from the Preamble of the Hague Convention on Nationality of 1930 and the Universal Declaration of Human Rights of 1948¹³, which affirm that every individual has the right to at least one nationality and that no person shall be arbitrarily deprived of their nationality or of the right to change it, with the aim of eliminating cases of statelessness.

In contrast, no international rule exists that prohibits deprivation of nationality¹⁴. Rather, it is considered a matter falling within the core of State sovereignty, subject to the condition of granting a minimum set of rights to stateless persons. This principle has been affirmed by Algeria through its accession to the Convention relating to the Status of Stateless Persons, signed in New York on September 28, 1954, which Algeria joined pursuant to Decree No. 64-173 dated Muharram 27, 1384 AH, corresponding to June 8, 1964.

Accordingly, through the amendment of the Nationality Law by Ordinance No. 05-01, which established equality between the father and the mother in conferring nationality upon their children, as well as through the most recent amendment under Law No. 26-01, Algeria seeks to reduce cases of statelessness and align itself with progressive legislative developments in this field, rather than increase such cases. Although there exists one situation in which deprivation may result in an individual becoming stateless, the legislator has considered that the interest of the individual does not prevail over the stability and unity of Algeria, while at the same time establishing a set of safeguards to prevent arbitrary use of the State's power of deprivation.

¹³ Article 15 provides: "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

¹⁴ Bouakba Naima, *Deprivation of Nationality in the Light of International Standards: Between the Norm and the Exception*, Journal of Judicial Precedent, Vol. 13, No. 1, March 2021, pp. 257–280.

Conclusion:

It may be concluded that deprivation of nationality constitutes a manifestation of State sovereignty and authority, representing, alongside the granting of nationality, two aspects of the same legal mechanism. Nationality law is a matter of public interest, granting the State broad discretionary authority to establish serious grounds for sanctioning individuals whose conduct undermines the interests and unity of the State.

The most recent amendment to the Nationality Law, introduced by Law No. 26-01, reinforces this sovereign and authoritative character of nationality. Despite the numerous questions raised prior to its adoption, particularly regarding the introduction, for the first time, of deprivation of original Algerian nationality after it had previously been limited to acquired nationality, the present study leads to the following conclusions:

- Law No. 26-01 forms part of the normal legislative evolution of legal texts, particularly given that the previous amendment to the Nationality Law dates back more than two decades under Ordinance No. 05-01.
- Deprivation constitutes a mechanism for the loss of nationality that affirms State authority and, therefore, cannot be prohibited, especially in the absence of any international rule banning deprivation of nationality, which, if it existed, would undermine the rights of the State rather than those of individuals.
- Most States refrain from ratifying the United Nations Convention on the Reduction of Statelessness of 1961, including Algeria, in order to preserve their sovereign authority to apply deprivation in accordance with legal controls.
- The seriousness of the acts committed by individuals subject to deprivation of nationality and the gravity of the grounds for such deprivation, particularly where they involve harm to the supreme interests of Algeria.
- The reaffirmation of the exceptional nature of deprivation of original Algerian nationality under Law No. 26-01.
- The establishment of a set of substantive and procedural safeguards aimed at preventing misuse of deprivation and avoiding deviations in its application.

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3. Legal texts:

A- International Conventions and Covenants:

- The 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality.
- The Universal Declaration of Human Rights of 1948.
- The Convention relating to the status of stateless Persons, New York, 28 September 1954, to which Algeria acceded by Decree No. 64-173 dated 27 Muharram 1384, corresponding to 8 June 1964.

B- Algerian texts:

- Ordinance No. 66-156 of July 1966 containing the Algerian Penal Code, as amended and supplemented.
- Ordinance No. 70-86 of 17 Shawwal 1390, corresponding to 15 December 1970, containing the Nationality Code, as amended and supplemented.
- Ordinance No. 05-01 of 27 February 2005 amending the Nationality Code.
- Law No. 26-01 of 29 Sha'ban 1447, corresponding to 17 February 2026, amending and supplementing the Nationality Code, O.J N°14.