

Law No. 1970-86, 15 December 1970, Nationality Law

Republic of Algeria

Chapter I. General Provisions

Article 1

The necessary conditions for the exercise of Algerian nationality are defined by law and, eventually, by ratified and published agreements and treaties.

Article 2

The provision on the application of Algerian nationality as a nationality by birth is applicable to persons, who were born before the entry into force of the present rule. However, this provision on application does not affect the validity of the acts made by the applicant on the basis of the previous law and does not affect acts made by third parties on the same basis.

The conditions for the acquisition or loss of Algerian nationality are regulated by the law that was in force at the time an act resulting in the acquisition or loss of the nationality was planned or occurred.

Article 3

The acquisition of Algerian nationality is subject to a declaration of termination of the original nationality.

The declaration comes into effect at the time of acquisition of Algerian nationality.

Article 4

Under this statutory instrument, a person who has come of age is one who, notwithstanding his or her sex, has reached the age of twenty-one. The age and time-period shall be calculated according to the Gregorian calendar.

Article 5

The term "in Algeria" is applicable to the entire "Algerian territory", Algerian territorial waters, and Algerian ships and aeroplanes.

Chapter II. Nationality by origin

Article 6

The following are of Algerian nationality by descent:

- (1) the child born to an Algerian father;
- (2) the child born to an Algerian mother and of unknown father;
- (3) the child born to an Algerian mother and a stateless father.

Article 7

The following are of Algerian nationality by birth in Algeria:

- (1) the child born in Algeria of unknown parents;

However, the child born in Algeria of unknown parents shall not be considered to have ever been Algerian if, before he comes of age, it is established that he is also of foreign descent and if he possesses the nationality of his foreign parent in accordance with the law of that country.

Any foundling found in Algeria is considered to be born in Algeria until the contrary has been proved.

- (2) the child born in Algeria to an Algerian mother and a foreign father who was born in Algeria, unless the child renounces Algerian nationality within one year preceding his becoming of age.

Article 8

The child who is of Algerian nationality by virtue of Articles 6 and 7 above is considered to be Algerian by birth even if the conditions required by the law for the granting of Algerian nationality are fulfilled later.

The granting of the status of Algerian national by birth as well as the deprivation or renunciation of this status, by virtue of Article 6 (3) and Article 7 (1) and (2) above, do not affect either the validity of acts passed by the concerned person or the rights acquired by third persons on the basis of the apparent nationality that the child possessed at that time.

Chapter III. Acquisition of Algerian Nationality by Law

Article 9

Algerian nationality by birth and residence in Algeria is acquired as follows:

The child of an Algerian mother and a foreign father, who was born abroad, acquires Algerian nationality, with the exception of an opposition from the Minister of Justice, if within twelve months preceding his coming of age, he declares his intention to obtain this nationality and if, at the time of the declaration, he has his habitual and regular residence in Algeria.

Silence from the Minister of Justice, at the end of a twelve months term starting from the completion of the application shall be considered an approval.

Article 10

The alien who applies for Algerian nationality may acquire it provided that:

- (1) he has had his residence in Algeria for at least seven years on the day of his application;
- (2) he has his residence in Algeria on the day of the signing of the decree of naturalisation;
- (3) he has come of age;
- (4) he is of good morals and has not been condemned to any sentence that involves the loss of civil rights;
- (5) he can justify that he can provide for his needs;
- (6) he is sound in body and mind;
- (7) he can justify his assimilation to the Algerian community.

The application is directed at the Minister of Justice who may reject it under the conditions of Article 26 hereafter.

Article 11

The Government may not take into consideration a sentence resulting in loss of civil rights which was taken abroad.

The seven year term provided for in Article 10(1) above is reduced to eighteen months for a child born abroad to an Algerian mother and an alien father.

Notwithstanding the provisions of Article 10(6) above, the alien whose infirmity or illness has been contracted as a result of service to or in the interest of Algeria, may be naturalised.

Notwithstanding the provisions of the preceding Article, the alien who has rendered exceptional service to Algeria or whose naturalisation is of exceptional interest for Algeria, may be naturalised.

The wife and children of a deceased alien who, but for his death, would have come under the category mentioned in this Article, can apply for his posthumous naturalisation while applying for their own naturalisation.

Article 12

Naturalisation is granted by decree.

The act of naturalisation may, upon request from the concerned person, modify his first name and surname.

On presentation of the act of naturalisation, the registration officer modifies in the registers every note relating to naturalisation and, eventually to first name and surname.

Article 13

The benefit of naturalisation may be withdrawn from the beneficiary if it appears, within two years after the publication of the decree of naturalisation in the Official Gazette of the Democratic People's Republic of Algeria, that the beneficiary did not fulfill the conditions required by the law or, that nationalisation has been obtained by fraudulent means.

The deprivation takes place in the same form as the granting of naturalisation. However, the concerned person, who has been duly informed may, within two months after having been informed, present documents and memos.

When the validity of acts passed before the publication of the decision of deprivation is subject to the possession by the concerned person of the status of an Algerian national, this validity cannot be denied on the grounds that the concerned person has not acquired Algerian nationality.

Re-establishment

Article 14

Re-establishment of Algerian nationality may be granted by decree to any person who, having possessed this nationality by origin and having lost it, applies for re-establishment after at least eighteen months of habitual and regular residence in Algeria.

Effect of the acquisition

Article 15

Individual effect: The person who acquires Algerian nationality enjoys, from the day of his acquisition, all rights attached to the status of an Algerian national.

Article 16

However, during a five year period the naturalised Algerian cannot be invested with elective mandates. Nevertheless, the decree of naturalisation can relieve the person from this restriction.

Article 17

Collective effect: Minor children of persons who acquire Algerian nationality by virtue of Article 10 of the present Code become Algerian at the same time as their parents.

Minor unmarried children of a person whose nationality has been re-established acquire Algerian nationality, or have it re-established by full right, if they actually reside with that person.

The act of naturalisation may grant Algerian nationality to minor children of a naturalised alien. However they may renounce Algerian nationality between their seventeenth and their twenty-first birthday.

Chapter IV. Loss and Deprivation

Loss

Article 18

Loss of Algerian nationality applies to:

- (1) the alien, who while abroad, voluntarily applied for another nationality and who has been allowed by decree to renounce his Algerian nationality;

(2) the alien, even if a minor, who possesses a foreign nationality by birth and is allowed, by decree, to renounce his Algerian nationality;

(3) an Algerian woman, who marries an alien and who thereby acquires her husband's nationality, and who is allowed, by decree, to renounce her Algerian nationality;

(4) an Algerian, who declares, according to Article 17(3), that he renounces Algerian nationality.

Article 19

Loss of Algerian nationality applies to: an Algerian, who works for an international organisation abroad of which Algeria is not a member, or to which the individual offers his assistance and who does not renounce this office or his participation in it, despite the fact that such a request has been made by the Algerian Government. The request may involve a time limit of no less than two weeks and no more than two months.

Article 20

Loss of Nationality takes effect:

(1) In the cases provided for under sub-articles 1, 2 and 3 of Article 18, starting from the date of the publication of the decree in the Official Gazette of the Algerian Democratic People's Republic, through which the applicant is allowed to renounce Algerian nationality;

(2) In the case provided for under sub article 4, commencing on the day that the application of the person concerned was signed and sent to the Ministry of Justice;

(3) In the case provided for under Article 19, starting from the publication of the decree in the Official Gazette of the Algerian Democratic People's Republic, if the decree declares that the person concerned has lost Algerian nationality, and provided that he has been given the opportunity to make objections.

The decree may be abrogated, if it is proven that the person concerned was not able to resign or to give up his assistance to his post within the time limit.

Article 21

The loss of Algerian nationality is extended to the minors and unmarried children of the person concerned, who live with him, as indicated under sub-articles 1, 2 and 4 of Article 18.

Deprivation

Article 22

Every person who has applied for Algerian nationality may have it revoked if:

- (1) he was convicted of an act that amounts to a crime or an act against Algerian national security, and if the crime demands a term of imprisonment that exceeds five years;
- (2) he was convicted either in Algeria or abroad, of a crime that entails a term of imprisonment that exceeds five years;
- (3) he willingly evades military service;
- (4) he has performed services abroad that are incompatible with his status as an Algerian or are damaging to the Algerian State;

The deprivation is only forfeited if the acts of which the person concerned is accused have occurred within a time period of ten years beginning with the date of application.

The deprivation may only be pronounced within a time limit of five years beginning at the time the act occurred.

Article 23

The deprivation is pronounced by decree, once the person concerned has had the opportunity to make objections.

For this he shall have a delay of two months.

Article 24

The deprivation can also be extended to the wife and the minor children of the person concerned.

However, it cannot be extended to the children if it is not also extended to their mother.

Chapter V. Administrative Procedures

Article 25

Applications and declarations that are given in order to acquire, renounce, refuse or re-acquire Algerian nationality are to be addressed to the Ministry of Justice.

Title, official papers and legal documents that are relevant are to be enclosed:

- (a) to establish that the application or the declaration of the conditions set out by the court are sufficient;
- (b) to permit the making of a decision, on whether the applicant's legal benefit is justified from a national point of view.

If the applicant, or the person who makes the declaration, resides abroad, he may address the application or declaration to the diplomatic or consular representative of Algeria. The applications and declarations are dated on the same day that the authority gives acknowledgement of receipt, or the day noted on the postal receipt.

Article 26

If the legal conditions are not fulfilled, the Minister of Justice will declare the application or declaration as inadmissible. This decision must be motivated and shall be addressed to the person concerned.

If the legal conditions are fulfilled, then the Minister of Justice may, through one of the decisions addressed to the person concerned, indicate to him that the application will be rejected, or he may make an objection to the declaration in so far as this last option is available to the Minister of Justice.

Article 27

If a declaration or an application is submitted to the Minister of Justice then he must make a decision within twelve months, starting from the completion of the full treatment of the case. Except for naturalisation matters, the silence of the Minister of Justice after the completion of this time limit indicates his consent. The declaration or application that has not been rendered inadmissible by a decision or was not affected by an objection, is effective on the day on which it is dated. Upon the request of the person concerned, his surname and first name may be changed by the decision through the declaration opting for Algerian nationality, as provided for under Article 9 of this Law.

Upon presentation of the decision, the civil registrar makes all entries in the register on nationality and, where applicable, the changes in first and last names.

Article 28

The validity of a declaration or an application that has been explicitly or implicitly agreed to, may be challenged by the public prosecutor before the local competent

court in the district in which the person makes the declaration or the applicant resides. The public prosecutor may be approached by any interested person.

The action to rescind is statute-barred in two years, counting from the publication in the Official Gazette of the Algerian Democratic Republic.

Article 29

The Decrees in matters of nationality are published in the Official Gazette of the Algerian Democratic Republic.

They are enforceable against third parties on the day of their publication.

Article 30

The administrative court is responsible for deciding on a right to appeal, that is directed against administrative decisions in matters of nationality for the purpose of the repeal due to an abuse of discretion.

Chapter VI. Proof and Litigation in Contentious Proceedings.

Proof

Article 31

The onus of proof in matters of nationality lies on the individual who, by an action or by raising an objection, claims that he or another individual possesses or does not possess Algerian nationality.

Article 32

If Algerian nationality is claimed on grounds of birth, then it may be proven through the descent of two ancestors, on the paternal side, who were born in Algeria, and who lived there under the status of Muslims.

The nationality may be proven by any means and especially by possession of status.

The possession of the status of an Algerian national results from combination of public, widely renown and unequivocal facts, that prove that the person concerned and his parents have acted as Algerians and that they have been regarded as such by the public authorities as well as by private individuals.

The previous provisions do not affect the rights, which result from the acquisition of Algerian nationality on a legal basis.

Article 33

If the acquisition of Algerian nationality results from a decree, then proof of this will be furnished through presentation of an official copy of the decree or a simple copy, which the Minister of Justice handed out.

If Algerian nationality is deduced from an agreement, then the proof must be in accordance with this agreement.

Article 34

The proof of Algerian nationality may be furnished by the presentation of a nationality certificate from the Minister of Justice or the competent authorities.

Article 35

The loss of Algerian nationality, in cases provided for under sub-articles 1, 2 and 3 of Article 18 occurs upon the presentation of the document or its official copy which causes this to occur.

If the loss results from a declaration of renunciation, as provided for under Article 17 sub-article 3, then the proof shall be furnished by a certificate from the Minister of Justice, which will certify the validity of the declaration of renunciation.

The deprivation of Algerian nationality is proven by the presentation of a document, or its official copy, which pronounces the deprivation.

Article 36

In case of litigation, the proof of whether or not a person possesses Algerian nationality may be given by way of an authenticated copy made by the court of law which last handled the case.

Contentious Proceedings

Article 37

The courts are exclusively competent to make decisions in the case of contention of Algerian nationality.

If such contention arises by objection in front of other courts, then these courts should suspend the proceedings, until a decision has been reached by the local competent court, which meets in the month in which the decision regarding the

suspension was made, and the party who objects to Algerian nationality should be informed; otherwise the objection shall be ignored.

The judgements of the courts on rescission of Algerian nationality may be appealed against.

If, in certain cases, the interpretation of international agreements is needed, then the interpretation by the Department of Public Prosecution is to be requested at the Ministry of Foreign Affairs

The interpretation hereby given is binding in the courts.

Article 38

A civil action may be brought by anyone who is mainly and directly interested in a judgement on whether the individual concerned possesses Algerian nationality or not. The civil suit is to be directed at the Department of Public Prosecution, notwithstanding the right to intervention by third parties.

The Department of Public Prosecution is exclusively competent to raise a civil action against someone, whose sole and direct purpose is to discover if the defendant possesses Algerian nationality or not. It must raise a civil action if this was requested by an administrative body.

Article 39

Rescissions in matters of nationality are pleaded and decided upon according to the rules of ordinary procedure.

The Department of Public Prosecution must always be present and must make written proposals.

If the proposal refers to a single person then it will be issued in two copies by the Minister of Justice

The Department of Public Prosecution is required to hand in its proposals within the time limit of two months beginning on the date of their issuance. After the submission of the proposals or after the expiration of the two month period a decision shall be made on the basis of the defendant's written documents.

Article 40

The legal judgements and conclusions on matters of nationality which fulfill the conditions provided under Articles 34 to 39, are made bona fide and are enforceable against anyone since they are legally binding.

Chapter VII. Special Provisions

Article 41

The Law n°63-96 of the 27/03/1963, containing the Law on Algerian Nationality, is abrogated.

Article 42

This statutory instrument will be published in the Official Gazette of the Democratic People's Republic of Algeria.