

DECREES

Decree No. 05-01 of 18 Moharram 1426 corresponding to February 27, 2005 revising and supplementing Decree No. 70-86 of December 15, 1970, pertaining to the Code of Algerian Nationality.

The President of the Republic,

In view of the Constitution, specifically its Articles 122-4 and 124;

In view of Decree No. 66-154 of June 8, 1966 revised and supplemented, stating the Code of Civil Procedure;

In view of Decree No. 70-20 of February 19, 1970 concerning civil status;

In view of Decree No. 70-86 of December 15, 1970 stating the Code of Algerian Nationality;

In view of Decree No. 75-58 of December 26, 1975 revised and supplemented, stating the Civil Code;

Having heard the Council of Ministers;

Issues the Decree whose contents are as follows:

Article 1 – The purpose of this Decree is to amend and to supplement Decree No. 70-86 of December 15, 1970 stating the Algerian Nationality Code.

Article 2 – *Articles 4, 5, 7 and 8* of the aforementioned Decree No. 70-86 of December 15, 1970 are amended and drafted as follows:

“*Art. 4* - The term “majority” according to the present law means “legal age.”

“*Art. 5* - The phrase “in Algeria” is understood as the entire territory of Algeria, Algerian territorial waters, and Algerian ships and aircraft.”

“*Art. 6* – A child born to an Algerian father or mother is considered Algerian.”

“*Art. 7* – Is of Algerian nationality by birth in Algeria:

1) A child born in Algeria of unknown parents.

However, a child born in Algeria of unknown parents shall be deemed never to have been Algerian if, during his years as a minor, his relationship is legally established with regards to a foreign man or woman, and if, pursuant to the laws of such foreign man or woman’s nation, the child has the nationality of that person.

The newborn child found in Algeria is considered to have been born in Algeria until proven otherwise.

2) A child born in Algeria to an unknown father and to a mother whose name solely appears on his birth certificate without any other reference that could prove the nationality of the mother.”

“*Art. 8* - A child who acquired Algerian nationality pursuant to Article 7 hereinabove is considered to have been Algerian since his birth, even if the conditions required by law are only established subsequent to his birth.

The attribution of the capacity of an Algerian national since birth, as well as the withdrawal or the relinquishment of this status, pursuant to the provisions of Article 7 hereinabove, does not affect the validity of deeds drawn up by the interested party, or the rights acquired by third parties taking into account the nationality previously acquired by the child.”

Art. 3. - The heading of Chapter III of the aforementioned Decree No. 70-86 of December 15, 1970 is amended and drafted as follows:

CHAPTER III

“AS TO THE ACQUISITION OF ALGERIAN NATIONALITY AS TO THE ACQUISITION OF NATIONALITY THROUGH MARRIAGE”

Art. 4 – Decree No. 70-86 of December 15, 1970 mentioned above, is supplemented by *Article 9 bis* drafted as follows:

Art. 9bis – Algerian nationality can be acquired through marriage to an Algerian man or woman by decree under the following conditions:

- proving that the marriage is legal and effectively established for at least three (3) years as of when the naturalization request is submitted.

- having a usual and legitimate residence in Algeria for at least two (2) years.

- having good behavior and being of good character.

- demonstrating sufficient means of support.

A conviction that occurred abroad may not be taken into account.”

Art. 5. – *Articles 11, 12 and 13* of the aforementioned Decree No. 70-86 of December 15, 1970, are amended and drafted as follows:

“*Art. 11*. - Notwithstanding the provisions of Article 10 mentioned above, a foreigner may be naturalized who has provided exceptional services to Algeria, or whose disability or illness was contracted in the service or in the interests of Algeria.

A foreigner can also be naturalized, notwithstanding the provisions of Article 10 mentioned above, whose naturalization is of exceptional interest to Algeria.